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VOLUME II of IV

RECORD OF TRIAL  
(6th Original Carbon)

in the case of

UNITED STATES

vs

CHENG SHUNG, ET AL

Case Docket No. 6

MILITARY COMMISSION

Appointed by

Commanding General, Eighth Army

Tried at  
Tokyo Japan  
30 Sept - 10 Dec 1946

Q. How many men did you talk with?

A. Six at the Metropolitan Police Board and one at the Nakano Eighth Army Stockade.

Q. Can you now state the names of the six men you talked with at the Metropolitan Police Board?

A. Yes.

Q. Will you state those names?

A. At the Metropolitan Police Board I talked with Shu Toka Fu, Han Ho Gi, Ri So Jyo, Rin Ka Bun, Kyo Nyaku Fuku, Ri Bai To.

Q. About what time of the day was it you had these interviews?

A. It was between July 20th and July 26th.

Q. Did Ri So Jyo make any statements to you?

A. Yes.

Q. Did he state where he was during the incident of the 19th of July at the Shibuya Police Station?

DEFENSE: If it please the court, I object to that type of question. I've never heard one as leading as that question. He's never testified as to where he was and he's just asked him did he make a statement as to where he was. I object to the form of that question.

LAW MEMBER: Objection overruled.

A. Yes.

Q. Where did he say he was?

A. At the Public Charity Association in Showa Primary School.

PROSECUTION: If the Commission please, I'd like for the reporter to reread that. I don't think he understood the question.

LAW MEMBER: Ask the question again.

Q. Where did he state he was during the Shibuya Police Station incident?

A. He was in the truck that had collided with the house.

Q. I ask you now if you can identify him from this group of people in the courtroom?

A. Yes.

Q. Will you pick him out of the group?

A. Second from the left in the third row of seats.

PROSECUTION: If the Commission please, at this time I would like to ask the Commission to instruct him to stand.

PRESIDENT: The accused pointed out will rise.

PROSECUTION: And at this time, if the Commission please, I'd like for the defense to give his Chinese name and his number.

DEFENSE: If it please the court, the defendant just identified is No. 22 on

the court's list, Li Mo Ru. That is the spelling on the charge as it is now.

Q. Did you interrogate Shu Toku Fu?

A. Yes.

Q. Did Shu Toku Fu state where he was during the incident at the Shibuya Police Station?

A. Yes.

Q. Where did he state that he was?

A. He was in the vehicle that had collided with the house opposite the Shibuya Police Station.

Q. Will you now stand and, if you can, identify Shu Toku Fu?

A. The last one in this row of seats.

DEFENSE: If the court please, the defendant just identified is No. 21 on the court's list, Chu To Fu.

Q. Did Shu Toku Fu make any statement to you at that time relative to possessing a weapon?

A. Yes.

Q. What did he state?

DEFENSE: If it please the court, we object at this time to the admission of any statement made by the defendants. There has been no evidence offered as to how the statements were made, whether they were voluntarily made. I object to the statement being introduced at this time without that prior evidence.

PROSECUTION: If the court please, we maintain it is not necessary, admission against interest. I think it is competent.

LAW MEMBER: Objection is sustained. Ascertain that first.

PROSECUTION: If the Commission please, under the SCAP Rules it is not required to be voluntary.

LAW MEMBER: Well, whether it's voluntary or involuntary, there's no harm in the Commission knowing how the statement was obtained.

Q. Will you describe for the Commission what if anything was said to these men prior to the time they were questioned?

A. We said something to the effect that it is regrettable that such an incident had to occur, and please tell us the truth.

Q. Were any threats made to these men if they did not make a statement?

A. No.

Q. Were any promises made to these men to the effect that if a statement was made, leniency would be shown them?

A. No.

Q. Were the statements you have referred to freely and voluntarily made?

A. Yes.

PROSECUTION: Is the court satisfied?

LAW MEMBER: That will be sufficient.

Q. Did Shu Toku Fu make a statement to you relative to possessing a weapon during the Shibuya Police Station incident?

A. Yes.

Q. Did Chu To Fu, known to you as Shu Toka Fu, make a statement relative to possessing a weapon during the Shibuya Police Station incident?

A. Yes.

Q. What did he state?

A. He told me that he had a 1 1/2 year model pistol loaded with eight rounds.

Q. Did Han Hogi, known to you as Han Ho Gi, No. 20, make a statement to you at the Metropolitan Police Board?

A. Yes.

Q. Did he state where he was during the Shibuya Police Station incident?

A. He told me that he too was in the truck that had collided with the house in front of the police station.

Q. Did he make any statement to you relative to weapons?

A. Yes.

Q. What did he state?

A. He told me that there were four or five with pistols at the Showa Primary School.

Q. Did he state to you--

DEFENSE: If it please the court, I object to that answer as being purely hearsay. That is not an admission against the interests of the man making the statement, but purely hearsay statement having very little probative value. I object to it being admitted at this time.

PROSECUTION: If the Commission please, I'd like to be heard on that just for a moment. Prosecution is going on to show that the men who did not have weapons had knowledge that weapons were aboard. Therefore, we feel at this time that the Commission ought to have that information.

LAW MEMBER: The answer was not responsive to the question. Objection sustained.

Q. Did he state to you whether or not he had knowledge of weapons being aboard the truck which ran into the building?

A. Yes.

Q. State if you know who he said had weapons.

DEFENSE: If it please the court, I object again to that question. The answer will be a purely hearsay statement and having very little probative value of the issues in this case. I object to the question being asked at this time.

PROSECUTION: If the Commission please, prosecution's theory of this case, we think it's important that if knowledge was had by members that were present that weapons were there, that the Commission ought to know about it, as well as how many.

DEFENSE: If it please the court, if I may answer that very briefly, defense agrees upon the theory of the prosecution in the fact if there were weapons there, the court should know about it, but we insist that that knowledge should be brought to the attention of the court by proper evidence and not by purely hearsay statements over which we have no chance of cross examining the witness, the person who made the statement.

PROSECUTION: If the court please, the question was, "State if you know."

LAW MEMBER: Objection is overruled. However, fix the time.

PROSECUTION: Strike that last question.

Q. Did he state who had weapons in the truck which he was on board during the Shibuya Police Station incident?

A. Yes.

Q. State who aboard the truck he said had weapons?

DEFENSE: If it please the court, we object to that question again on the same grounds as being a hearsay statement.

LAW MEMBER: Objection is overruled.

A. Who do you mean by "he"?

Q. Sam Hogi, known to you as Han Ho Gi, No. 20.

A. He did not tell me who had the weapons on the truck. He told me who had the weapons at Showa Primary School.

Q. If you can, pick out from this group Han Hogi, known to you as Han Ho Gi, No. 20.

A. Second from front in this column, the first column.

PRESIDENT: Have the accused stand. What is the name of the defendant picked out by the witness?

DEFENSE: It is correct, Han Hogi, No. 20.

Q. Who did Han Hogi, known to you as Han Ho gi, state possessed weapons at the Showa School?

DEFENSE: If it please the court, I don't believe the question of who had weapons at the Showa School is in issue in this case. The only charge is possession of weapons around Shibuya, the 19th of July. We object to that question as being immaterial.

PROSECUTION: If the court please, it is immaterial to the issue at bar. However, we do think it has probative value in determining who had these weapons.

LAW MEMBER: Objection is overruled.

A. He said that it seems as if somebody at the Showa Primary School had weapons.

Q. Did he state the names of the parties who had weapons?

A. He mentioned the names that he thought had weapons.

Q. What were their names?

DEFENSE: If the court please, we object to the witness reading the names from a memorandum. It's been called to our attention that most of his testimony has been given from the paper that he has in his hands.

PROSECUTION: If the Commission please, I'd like to lay a foundation for that. I didn't notice it myself.

LAW MEMBER: Will you withdraw the last question?

PROSECUTION: Yes, sir.

Q. At the time this interrogation was made, was a written statement made?

A. Yes.

Q. Was that statement signed by Hsu Hagi, known to you as Han Ho Gi, No. 20?

A. Yes.

Q. Was that statement taken in the regular course of police business?

A. Yes.

Q. I ask you now to refer to that memorandum to refresh your memory and state the names which Hsu Hagi stated possessed weapons.

DEFENSE: If the court please, defense asks permission to see the statement that the witness is referring to.

PROSECUTION: We have no objections. If the court please, I believe the defense asked to see the part that he was refreshing his memory from.

DEFENSE: If the court please, if the defendant Hsu Hagi made a statement, it would seem to us that the statement itself ought to be introduced and not the witness's interpretation of that statement. We would like to have the whole of the statement that was made at that time under these circumstances that have been related by this witness introduced into the evidence. We don't offer it, probably will object to the admission of it, but we are of the opinion that the prosecution ought to offer the statement rather than offer secondary evidence of it.

PROSECUTION: If the Commission please, the reason the statement was not offered originally, we wanted to save as much time as possible. There are many things contained in it, according to our theory at any rate, are immaterial to the issues involved. It will make the record much more voluminous. I think, as a matter of fact, this witness can testify about anything he's testified from his own memory anyway. Had I known he was using it--

LAW MEMBER: Was he using this statement merely to refresh his memory as to the correct names?



PROSECUTION: Correct names, that's my understanding, sir.

LAW MEMBER: Well, that is permissible. However, caution the witness not to read from the document, but merely to refresh his memory as to the correct names. In view of that, the objection is overruled.

Q. To refresh your memory, will you check your record for the sole purpose of determining the correct names of the parties which Han Ho Gi stated to you had weapons at the Showa School.

DEFENSE: If it please the court, I believe that the witness previously testified that Han Hogi said he thought certain persons had weapons and did not state as a fact that certain persons had weapons at the school.

PROSECUTION: If the Commission please, I admit that that's true. That was my fault. I apologize for framing the question improperly. I'd like to request permission to withdraw that question.

LAW MEMBER: Well, perhaps there was some misunderstanding in language difficulties. Ask that question again, whether he thought or whether he actually knew. As we know, the Japanese will never state a fact as such. They always say they think or they believe, and it may be that that is the trouble in this particular case.

Q. Did Han Hogi, known to you as Han Ho Gi, state whether he thought these parties had weapons, or did he state that he knew they had weapons?  
A. According to the conversation, he told me that he thought they had the weapons.

LAW MEMBER: Include that in your last question, the question that was not answered.

Q. Who did Han Hogi, known to you as Han Ho Gi, court's No. 20, state he thought had weapons at the Showa School?

DEFENSE: If the court please, may I interpose another objection at this time? It has appeared to me that according to the testimony of this witness, that a confession was taken from the accused Han Hogi and reduced to writing and signed by that accused. Now I think it is objectionable to receive secondary evidence of that confession when the prosecution has the confession made by this man in writing. That confession in writing speaks for itself and more certainly than any interpretation of it which might be given by the witness on the stand. We therefore object to any further evidence being given by this witness as to any confessions that have been made by the accused, including the one that has just been referred to.

PROSECUTION: If the court please, we submit that if the defense counsel wants to attack the testimony now being given, that he can do so with the defendant himself, representing the defense.

DEFENSE: This is merely a matter, if the court please, of getting the best evidence before the court. The writing is the best evidence of the confession, and secondary evidence should not be evidence so long as the prosecution has the best means of producing the best evidence.

LAW MEMBER: Objection is overruled.

A. Shu Toku Fu, No. 21 Chu To Fu, Kyo Ko Kai, Ryu something, and Mori something. This Mori is a Japanese name.

PROSECUTION: If the Commission please, at this time I would like to request just for my own information, when I laid the foundation a while ago for the voluntariness of these statements, did I include all of them or did I just confine it to that one?

LAW MEMBER: All of them, as to the method of obtaining the statements. It pertained to all of them.

Q. At the time you interviewed these other men, did you have an interview with Lin Ka Sun?

A. Yes.

Q. If you can, identify him from the group of men in this courtroom.

A. Yes, I can.

Q. Will you do that?

A. Second from the end on the second row of tables, second from the other end.

PRESIDENT: Will the accused please stand, the one pointed out?

PROSECUTION: If the Commission please, I believe that is No. 25 on the court's list.

PRESIDENT: Ask the defense to identify the accused just pointed out.

DEFENSE: That is correct, sir, it is number 25, Lin Ka Sun.

Q. Did Lin Ka Sun, known to you as Lin Ka Sun, No. 25 on the court's list, make a statement to you relative to where he was on the 19th of July during the Shibuya Police Station incident?

A. Yes.

Q. Where did he state that he was?

A. He told me that he was in the truck that had collided with the house in front of the Shibuya Police Station.

Q. Did you at the same time have a conversation with Kyo Shaku Fuku?

DEFENSE: To save the time of the court, I believe the person just referred to is No. 24 on the court's list, Ko Shaku. The Kyo Shaku Fuku is the Japanese pronunciation of his name.

A. Yes.

Q. Did Ko Shaku, known to you as Kyo Shaku Fuku, make a statement relative to where he was on the night of the 19th of July during the Shibuya Police Station incident?

A. He also told me that he was in the vehicle that had collided with the house in front of the Shibuya Police Station.

Q. If you can, identify Ko Shaku, known to you as Kyo Shaku Fuku, in the court's list 24, from this group of men.

A. The second one in the third row of desks.

PRESIDENT: Will the defense state whether or not that is the accused.

DEFENSE: That is the person named, Ko Shaku, No. 2b.

Q. Did you interview Ri Bai To on the same day at the Metropolitan Police Station?

A. Yes.

Q. Did he make a statement to you relative to where he was during the Shibuya Police Station incident on the 19th of July?

A. Yes.

Q. Where did he state that he was?

A. He told me that he also was in the vehicle that had collided with the house in front of the Shibuya Police Station.

Q. If you can, point out Ri Bai To amongst the men present in this room.

A. The extreme end on the front row.

DEFENSE: The person identified is No. 23, Li Te Tun.

PRESIDENT: At this time the Commission will recess to meet again at 1:30 this afternoon.

The Commission then took a recess until 1:30, at which hour the personnel of the Commission, prosecution and defense, and the accused, interpreters and the reporter resumed their seats.

PROSECUTION: The witness is reminded that he is still under oath. If the court please, one of the official interpreters, Mr. Ochi, asks to be excused starting Monday due to the fact that he has been assigned to another trial.

PRESIDENT: Let the record show that he is relieved at the conclusion of the day's session.

Q. You are the same Shisaku who was testifying before recess?

A. Yes.

Q. Did you somewhere about the middle of September interview some people at the Eighth Army Stockade?

A. Yes.

Q. Did you interview the same six men you have identified here today?

A. Yes.

Q. Will you state who was present at this interview?

A. The one who is questioning me right now, and a Chinese person whose name I do not know.

Q. At that time did these same six people all admit that they were present in the Shibuya Police Station incident?

A. Yes.

Q. Did they all admit they were aboard the truck which struck the building at that time?

A. Yes.

Q. On the same date did you interview anyone else at the Eighth Army Stockade?  
A. Yes.

Q. Who else did you interview?  
A. Kyo Ko Kai.

Q. I will ask you if you can, to point out that man in the courtroom.  
A. The third person in the center row.

DEFENSE: If it please the court, I believe the person identified is No. 33, Chiang Hung Kai.

PRESIDENT: You said you believe it to be.

DEFENSE: Well, that's what I am advised.

PRESIDENT: I want it for a fact.

DEFENSE: It is a fact that he is No. 33.

PROSECUTION: If the Commission please, I would like the defense to let us have his Chinese name.

DEFENSE: The name is Chiang Hung Kai.

Q. Did Chiang Hung Kai, known to you as Kyo Ko Kai, make a statement relative to where he was during the Shibuya Police Station incident on the 19th of July?

A. Yes, he did.

Q. State where he said he was.

A. He was on the truck that collided with the building in front of the Shibuya Police Station.

Q. At the time you talked with him, were any threats made to him if he did not make a statement?

A. I did not.

Q. Was any intimidation or coercion used in order to secure this statement?

A. No.

Q. Did he make a statement to you relative to possession of a weapon on the 19th of July?

A. He did not say anything. He did not say that he had a weapon.

Q. Did he make a statement to you regarding weapons?

A. He did.

Q. What did he say?

A. He said that the treasurer of Branch No. 3 of the Public Charity Association, Ryu Sai Yo, obtained a pistol about lunchtime on July 19th and handed it over to Shu Toku Fu at about 3:00 p.m.

PROSECUTION: At this time, if the Commission please, I would like to have the record show the Chinese names corresponding to that testimony which we have just put in.

PRESIDENT: The question is a stipulation between the prosecution and defense as to who the individual is he is testifying to.

DEFENSE: If it please the court, the last name, Shu Toku Fu, is No. 21 on the court's list, Chu To Fu. If it please the court, the first named individual, Hye Sai To, is not one of the defendants. We do not know his Chinese name.

PRESIDENT: Will you read that last answer over again, please?

The reporter read back the last answer.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:

Q. At the time you had your interview at the Eighth Army Stockade, were there any other Japanese policemen present?

A. There were.

Q. How many were present?

A. Five others besides me.

Q. In what language were the statements taken from the defendants?

A. In Japanese.

Q. Were the statements explained to the persons making the statements?

A. Yes.

Q. Were they written statements or oral statements?

A. Oral.

Q. At the time you interrogated persons at the Metropolitan Police Board in connection with this incident, were the statements written or oral?

A. I recorded the statements they said orally and got their thumb mark and their signature.

Q. Were those statements read to the men before you got their signature or their thumb print?

A. Yes.

Q. Did they make any corrections or changes in those statements before they put on their thumb print?

A. No. In those places where I made some errors in the words, I corrected and put my seal on.

Q. Are those the statements you have in your hand now?

A. Yes.

DEFENSE: No further questions.

PRESIDENT: Any redirect?

## REDIRECT EXAMINATION

## Questions by prosecution:

- Q. How many Japanese policemen were present in the room when these men made the statements at the Eighth Army Stockade?  
A. I was the only one.
- Q. Was there a Chinese man present?  
A. Yes.
- Q. State if you know whether or not this Chinese man who was present spoke Japanese.  
A. Yes.
- Q. Did he also speak English?  
A. He did not speak in English.
- Q. State if you know whether or not he was an official of the Chinese Mission.  
A. I believe so.
- Q. Did he make any objections to any of the questions or answers which were presented to these men?  
A. No.

PROSECUTION: No further questions.

PRESIDENT: Any recross?

## RECROSS EXAMINATION

## Questions by defense:

- Q. Who was this Chinese person?  
A. I do not remember his face.
- Q. Do you know who he was?  
A. I do not know.

DEFENSE: That's all.

PRESIDENT: Any questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: If the court please, we offer to stipulate who this person present was when we were out there at the Eighth Army Stockade, if defense is willing to do so. He was an official from the Chinese Mission sent out there by the Secretary of the Chinese Mission.

DEFENSE: If it please the court, the person was--I'm not sure of the spelling of his name--I believe it's Mr. Lu who is the Secretary to the Chief of the Consular Affairs Office of the Chinese Mission, but I don't know what part he took in the proceedings at the stockade. I do know that he went out there. I can ascertain the correct spelling of his name and submit it to the reporter later.

PROSECUTION: I thought we might save time in future witnesses if we would stipulate who it was.

PRESIDENT: Is the defense satisfied that the Chinese individual present would and did protect the interests of the accused at that time?

DEFENSE: No, I am not satisfied of that.

PRESIDENT: Then you'll have the opportunity to introduce that individual when you present your side of the argument.

PROSECUTION: If the Commission please, at this time I'd like to get the rest of the evidence in. This morning the witness was not here who we did not anticipate would not be present, but I understand he is in the courtroom now and we'd like to pick up that one loose end, with the Commission's permission. Prosecution calls as its next witness Hiroshi Minakawa. If the Commission please, for the purpose of the record, what I mean is he is now available for the court, not in the courtroom. If the Commission please, I am just advised that the witness has not arrived at this time, so I would like to have Mr. Hagan here pick up the loose ends of some evidence we have offered for translation, with the Commission's permission.

PRESIDENT: All right.

PROSECUTION: If it please the court, at a previous session I asked defense for permission to withdraw from this case Prosecution's Exhibit No. 3 which was a list in Japanese of the defendants who were arrested at the police station on the 19th of December, 1946. The same has been returned from ATIS, The Allied Translation and Interpreter Service, and at this time I would like to present it to the court, allow the defense time to examine same, make any objections thereto, and if there are none I will then later move to withdraw the original and to substitute therefor the English translation. At this time I present the original exhibit and one translation. I have copies here for each member of the court as well as for the defense. Rather than have any further delay, if they wish additional time we could offer the others, and Monday morning make the formal motion for the substitution.

DEFENSE: Defense would prefer that last method, and let us examine all these papers over the weekend, and admit them all Monday morning.

PROSECUTION: No objection to that, with the exception of the policeman's book, because only a portion thereof is in evidence and I would like that that portion be examined during court hours. For the other exhibit there is no objection whatsoever, but the policeman's book contains all the proceedings of the policemen for a several months period not in evidence, and I don't think I'm at liberty to accede to such a request.

DEFENSE: If it please the court, we can do it I believe during the recess this afternoon, at least as far as the policeman's book is concerned.

PRESIDENT: If you confine the comparison to the statements contained therein.

PROSECUTION: At a former session I was granted permission to withdraw temporarily Prosecution's Exhibit No. 4 which was a portion of Policeman Miyachi's police book, that portion pertaining to certain wounded defendants. It was

withdrawn, and at this time I have copies from the ATIS, Allied Translator and Interpreter Service, in English. At this time I would like to make a further offer. We also asked the Allied Translator and Interpreter Service if they would translate the charge sheet of the charges, pending in this court giving the characters both the Chinese and Japanese reading in columns which make it much easier to follow the trend of the proceedings, and that is the official translation service. I'd like to have that marked --it's been certified by ATIS--Prosecution's Exhibit No. 24, and this I think will facilitate the proceedings. I have it marked now. I will give copies to the defense and to the court, and make a formal offer of it on Monday. I would like to suggest that if the defense has any changes to make in the spelling of the characters in Chinese or Japanese, that they do so at that time and that then it will give the prosecution and defense a chance to stipulate as to the correctness of the various spellings, and at the same time we can number them so that hereafter it will facilitate all reference to defendants.

Prosecution calls as its next witness Tasaburo Suzuki.

Tasaburo Suzuki, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: The witness will be sworn. In accordance with my conscience I swear to tell the truth, withholding nothing and concealing nothing.

A. (Through interpreter) I do.

PROSECUTION: Do you understand if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. Yes.

#### DIRECT EXAMINATION

Questions by prosecution:

Q. State your name to the Commission.

A. Tasaburo Suzuki.

Q. What is your official title with the Japanese police department?

A. Assistant Police Inspector.

Q. Are you attached to the Metropolitan Police Board?

A. Yes.

Q. Were you so serving on the 19th and 20th of July, 1946?

A. Yes.

Q. Did you have occasion to interrogate some people relative to an incident which had happened at the Shibuya Police Station?

A. Yes.

Q. When did you interrogate these people?

A. From July 20th to the 26th of July.

Q. How many men did you interrogate?

A. Six.



Q. State if you can the names of these six men.

A. Is it all right to refer to my memo?

PROSECUTION: I withdraw the question.

Q. Did you make notes during the course of this interview?

A. Yes.

Q. Were these notes made in the ordinary course of police business?

A. Yes.

Q. To refresh your memory, refer to those notes and advise the Commission the names of the men you questioned.

A. O Sei Sen, Cho Mo, Ryu Sho Ko, Ryo Kin Ei, O Ei Ho, Tei A Hei. The last is Chinese.

Q. At the time you talked with O Sei Sen, did he make a statement to you relative to where he was the 19th of July during the Shibuya Police Station incident?

A. He did.

Q. Where did he say he was?

A. He told me that he was on a truck which collided in front of the Shibuya Police Station.

Q. Did you interview Cho Mo?

A. I did.

Q. Did he make a statement to you relative to where he was on the 19th of July during the Shibuya Police Station incident?

A. He did.

Q. Where did he say he was?

A. He also said that he was on the truck which collided with a civilian home in front of the Shibuya Police Station.

Q. Did you talk with Ryu Sho Ko?

A. I did.

Q. Did he make a statement to you relative to where he was during the Shibuya Police Station incident on the 19th of July?

A. He said that he was on the truck which collided with the civilian home.

Q. Did you interview Ryo Kin Ei?

A. Yes.

Q. Did he make a statement to you relative to where he was on the 19th of July during the Shibuya Police Station incident?

A. He said that he was on the truck which collided with the civilian home.

Q. Did you interview O Ei Ho?

A. I did.

Q. Did he make a statement to you relative to where he was during the Shibuya Police Station incident?

A. He said that he was on the truck which collided with the civilian home in front of the Shibuya Police Station.

Q. Did you interview Tei A Hei?

A. I did.

Q. Did he make a statement relative to where he was during the Shibuya Police Station incident?

A. He did.

Q. Where did he state that he was?

A. He mentioned that he was on the truck as the others.

Q. If you can, identify for the Commission O Sei Sen.

A. He is the one.

DEFENSE: If it please the court, the defendant just identified is No. 14 in the court's list. His Chinese name is Yung Ching Tsui. If it please the court, the Chinese names that I'm giving are the names on the charge sheet. They will be subject to correction.

Q. If you can, identify Cho No.

A. I do not remember exactly.

PROSECUTION: If the Commission please, I'd like to request permission to permit this witness to walk down the isles so he can examine a little more closely.

PRESIDENT: If necessary, yes.

A. (Continued) He is the third person on the second row of seats from the rear.

PRESIDENT: Will the individual pointed out please rise?

DEFENSE: If it please the court, the person identified is No. 15, Chung No.

Q. If you can, identify for the Commission Ryo Sho No.

A. I do not remember him exactly because the interview time was short.

Q. Would it assist you if you walked through the group of men again as you did before you identified the last party?

A. I do not have confidence.

Q. If you can, identify for the Commission Ryo Kin Ei.

A. The one who is sitting left of Cho No.

DEFENSE: If it please the court, the person just identified is No. 18, Lieu Jin Yung.

Q. If you can, identify for the Commission O Ei Ho.

A. The one on the extreme right on the second row.

DEFENSE: If it please the court, that person is No. 17, Ong Eng Hong.

Q. If you can, identify for the Commission Tei A Hei.

A. The last one on this row.

DEFENSE: If it please the court, the person just identified is No. 19, Chang Ah Ting.

PROSECUTION: If the Commission please, I would like to request the Commission to ask the counsel for the defense to give the Japanese names for corresponding with the ones that have been just identified, for the purposes of clearing the record with the court.

DEFENSE: If it please the court, the Japanese names were the ones originally listed by the witness. I can read them back.

LAW MEMBER: Give the correct spellings for the record.

DEFENSE: These are the Japanese names of the persons just referred to. I believe I have the same order as used by the prosecution. The first was O S-e-i S-e-n. That first person, O Sei Sen, was No. 14. The second one is C-h-o M-o. That was No. 15 on the court's list. The third person is R-y-u S-h-o K-o. That person was not identified in court. The fourth person is R-y-o K-i-n E-i. He was identified as No. 18 on the court's list. The fifth name was O E-i M-o. He was identified as No. 17. The last name was T-e-i A M-s-i. He was identified as No. 19.

PROSECUTION: No further questions.

PRESIDENT: Questions by the defense?

DEFENSE: There are no questions. *No Cross -*

PRESIDENT: Questions by the Commission? There appear to be none. The witness is excused.

PROSECUTION: Prosecution recalls as its next witness Neda Ryozo.

PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1455, at which hour the personnel of the Commission, prosecution and defense, with the exception of Mr. George T. Hagan, excused by the President, and the accused, interpreters and the reporter resumed their seats.

PROSECUTION: If the court please, at this time we would like to call this witness we called earlier in the afternoon who wasn't here, Hiroshi Minakawa.

DEFENSE: If it please the court, before we proceed with the witness, I have the translation of Prosecution's Exhibit No. 4. At the time the original notes were offered in evidence, the witness Miyauchi testified that he went to the hospital and there took the names, age and address from four of the wounded men. He had a total of seven men named. He said he received other information concerning the wounds of the men from the nurse. I believe that the court admitted into evidence only the names, age and address of the four men who gave the information directly to the witness. This translation includes statements as to the wounds of all seven men which I believe the witness from a nurse. I object to the admission of that part of the exhibit as evidence. I believe it has no probative value as to the exact nature of the wounds of those men. I believe that the

hospital records would be the best evidence, and certainly available to indicate the wounds of the men. In other respects the translation is correct.

PROSECUTION: If the Commission please, as I understood it they were not to be offered until Monday, and Mr. Hagan isn't here right now and I would like to ask the Commission to hold it up until Monday or at least until such time as Mr. Hagan can be here to answer that, because he has handled that phase of the case.

LAW MEMBER: You renew your objection Monday.

DEFENSE: I mention it at this time because we returned the book before the close of court today. That was the only reason for making it at this time.

PRESIDENT: Monday we'll take up the argument.

Hiroshi Minakawa, a witness for the prosecution, was sworn and testified as follows:

PROSECUTION: In accordance with your conscience do you swear to tell the truth, withholding nothing and concealing nothing?

A. (Through interpreter) I do.

PROSECUTION: You understand that if you do not tell the truth as you have just sworn to do, you are liable to punishment by this Commission or any other American court or commission?

A. Yes.

#### DIRECT EXAMINATION

##### Questions by prosecution:

Q. State your name to the court.

A. Hiroshi Minakawa.

Q. Are you a member of the Japanese police force?

A. Yes, I am.

Q. And are you attached to the Shibuya Police Department?

A. Yes.

Q. What section or division of that department are you assigned to?

A. The Investigation Department.

Q. Did you make an investigation on the 20th of July after an incident had occurred at the Shibuya Police Department?

A. Yes.

Q. What investigation did you make?

A. I was told by Assistant Police Inspector Nomura to take charge of the gasoline, as it might be stolen.

Q. What gasoline are you referring to?

A. The gasoline in the drum can and fuel tank.

- Q. You referred to a drum can. Where was the drum can?  
A. Behind the cab.
- Q. Behind the cab of what?  
A. Behind the cab of a truck.
- Q. Where was the truck?  
A. It is next to Yamaguchi at 3 Chome 15 Banchi across from the police station.
- Q. State if you know whether or not the truck you refer to was involved in the Shibuya Police Station incident?  
A. I did not witness this, so I do not know for sure.
- Q. What was the date that you made this investigation?  
A. About 7:00 a.m. on the 20th.
- Q. The 20th of July, 1946?  
A. Yes.
- Q. Tell what you did in connection with that drum you have just referred to.  
A. I took the gasoline out of the drum can and put them in two five-gallon cans, and we took the fuel from the car in another can to the garage, and we found that the two fuels were different, so I reported this to Chief Investigator and Assistant Police Inspector Nomura, who told me to examine this.
- Q. Did you make an examination of the fuel of the liquid contained in the drum?  
A. Yes.
- Q. What kind of test did you run?  
A. We burned some fuel in a 1931 model Ford. We did this two times, and the third time we mixed some gasoline with this, but it would not light with electricity, so we put a match to it and it burst into flame. The flame was very strong.
- Q. State if you know whether or not the fuel contained in the drum would operate an automobile.  
A. Yes, I know.
- Q. By that answer do you mean you know whether or not it can be used?  
A. It cannot be used to run an automobile. It has not enough power.
- Q. Did you try to run the 1931 Ford you have just referred to with this liquid?  
A. Yes.
- Q. Would it start the engine?  
A. No.
- Q. What other tests did you make of this fluid?  
A. No other tests. We did this four times.
- Q. Did you try this fluid on rage?  
A. Yes, and we lit it with a match.

- Q. Did you try to light it on rags with an electric spark?  
A. Yes, but it would not light.
- Q. Did you try this fluid on paper?  
A. No.
- Q. What did you do with the fluid which was contained in the drum?  
A. We tested this in a 1931 model Ford.
- Q. Did you pour any of this fluid that was in the drum into a bottle?  
A. Yes.
- Q. What did you do with that bottle?  
A. I was told to save some, so I put it in a bottle.
- Q. What did you do with the bottle?  
A. I did not do anything with the bottle.
- Q. Did you turn it into the police department?  
A. I gave it to Assistant Police Inspector Nomara.
- Q. State if you know what he did with it.  
A. I do not know what he did with it.
- Q. Were these bottles tagged for identification in your presence?  
A. I do not know.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:

- Q. You testified that you removed some gasoline or fuel from a drum on the truck, do you recall that testimony?  
A. Yes.
- Q. How large was that drum?  
A. It is a regular 200 liter container, or fifty gallons.
- Q. Approximately how much liquid was in that drum?  
A. There was about ten gallons in it.
- Q. How did you get that liquid out of the drum?  
A. There is an apparatus at the police station which is used to fill the automobile tanks. I used that and took out, filled two five-gallon cans.
- Q. Did you try lifting the drum?  
A. When I was emptying it, I lifted it up myself.
- Q. Where was the opening on the drum to get the liquid out?  
A. On the top.
- Q. Was the drum light or was it heavy when you picked it up to pour the liquid out?  
A. It was not too heavy.

- Q. Do you know whether it is customary at the present time in Japan to mix different types of fuel oil in order to provide fuel for a vehicle?  
A. I do not know.

DEFENSE: No further questions.

PRESIDENT: Any redirect?

PROSECUTION: No redirect, sir.

EXAMINATION BY THE COMMISSION

Questions by members:

- Q. Do you know who owns the truck from which you removed the fluid for your test?  
A. I do not know.  
Q. Were there any identification marks on the outside of the truck?  
A. I do not know.

PRESIDENT: Any questions by the Commission?

DEFENSE: If it please the court, may I ask the witness one more question?

PRESIDENT: The court will accept it.

Questions by defense:

- Q. Where is the drum from which you took the liquid?  
A. Right now?  
Q. What happened to it after you removed the liquid from it?  
A. We placed it in custody in the garage.

DEFENSE: No other questions.

PRESIDENT: Are there questions by the Commission? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PROSECUTION: Prosecution calls as its next witness Seijiro Nishiyama.

Seijiro Nishiyama, a witness for the prosecution, was sworn and testified as follows:

- PROSECUTION: The witness will be sworn. Do you solemnly swear to tell the truth, hiding nothing and concealing nothing?  
A. (Through interpreter) I do.

PROSECUTION: Do you understand that if you do not tell the truth as you have just sworn to do, you will be punished by this Commission or any other American court or Commission?  
A. Yes.

## DIRECT EXAMINATION

## Questions by prosecution:

Q. State your name to the court.

A. Seihiro Nishiyama.

Q. Are you a member of the Japanese police department?

A. I am a technician with the Metropolitan Police Board.

Q. Did you run a laboratory test on certain fluid which was furnished you in August, 1946?

A. I tested some oil.

Q. From where did you receive the fluid from which you ran your test?

A. From Police Inspector Ueda of the Second Detective Section.

Q. What did the test which you ran show?

A. There were two kinds of oil, and in the two kinds there is quite some difference. One type was unsuitable as a fuel, and the other one was suitable.

Q. Did you at that time label which was suitable and which was not suitable?

A. At that time I did not label them, but there was marking there saying one was bad fuel and one was good.

Q. I ask you to come to this table and, if you can, identify the good fuel and the bad fuel.

A. This is the bad gasoline. This side is the good gasoline.

Q. How did you determine that?

A. We distilled these gasolines and examined them under violet ray and we gave them a saponifying test, and then we diluted this with ethyl and tested it with sulphuric and formalin acid. That is the way we determined it.

Q. How do you now determine which bottle contains the good gasoline and which bottle contains the bad gasoline?

A. Upon looking at this one now it has a reddish brown color.

Q. Are there any tags on the bottle which you have just picked up which assist you in determining which bottle contains the good gasoline and which one contains the bad gasoline?

A. Yes.

Q. Did you make these tags?

A. No, I did not.

Q. State if you know who did.

A. I do not know.

PROSECUTION: At this time, if the Commission please, I'd like for this to be labeled for purposes of identification, Prosecution's Exhibit 25.

Q. Examine the label on the other bottle. What does that label state?

A. On it it says, "Name: One gallon good quality gasoline taken from a fuel tank. The place of discovery: Taken from a confiscated truck. Date of discovery: July 20th, 7:00 a.m. Name of finder: Shibuya Police Station, Hiroshi Minakawa.



PROSECUTION: If the Commission please, I'd like to have this labeled Prosecution's Exhibit 26 for purposes of identification.

Q. Will you examine what is marked Prosecution's Exhibit No. 26 for purposes of identification, and read what is contained on that label?

DEFENSE: If it please the court, the defense would like to object to that evidence as hearsay.

LAW MEMBER: Objection overruled.

A. "Base: Ten gallons poor quality gasoline. Place of discovery: Drum can on confiscated truck. Time of discovery: 20th of July, 7:00 a.m. Base of finder: Shibuya Police Station, Hiroshi Minakawa."

Q. How long have you been a technician with the police department?

A. Approximately twelve years.

Q. How long have you been engaged in doing laboratory work?

A. The same, twelve years.

Q. Are you a chemist by profession?

A. Yes.

PROSECUTION: No further questions except at this time, if the Commission please, I would like to offer in evidence Prosecution's Exhibits No. 25 and 26.

LAW MEMBER: Any objection?

DEFENSE: If it please the court, may I cross examine the witness before we have that evidence admitted?

LAW MEMBER: Do you wish to withdraw the offer until after cross examination?

PROSECUTION: Yes.

#### CROSS EXAMINATION

Questions by defense:

Q. You testified that after you made certain tests on liquid which was furnished you, it was your opinion that one liquid was suitable and another liquid was not suitable as fuel, is that correct?

A. Yes.

Q. What do you mean by "suitable or unsuitable as a fuel?"

A. I mean as gasoline it is unsuitable as automobile fuel.

Q. Will you explain what you mean by unsuitable as automobile fuel?

A. When petroleum is distilled, gasoline is distilled off at 150 degrees, and kerosene between 150 and 300 degrees, and anything over that is used as machine oil. Good gasoline is obtained when the petroleum is distilled off at about 150 degrees, and anything above that cannot be used as fuel oil. The bad quality gasoline did not have any liquid that was distilled off below 150 degrees, and the good quality gasoline was distilled off at about 150 degrees.

Q. Is it true that it is possible to mix various types of fuel, fuels which have been distilled at different temperatures, and obtain a fuel which can be used in a vehicle?

A. If it can be classified as gasoline, then it can be used.

Q. Did the liquid which you said was unsuitable have the same color as ordinary gasoline used in vehicles?

A. It was a different color.

Q. You based your opinion on that liquid on chemical tests which you performed, is that correct?

A. Yes.

Mr. George T. Hagan returned to the courtroom.

Q. In your opinion is it possible that an ordinary person without making those tests could mistake that liquid for gasoline?

A. If it was of the same degree as the ones I saw, then there would be no mistake. There can be no mistake.

Q. In your opinion is it possible to operate a vehicle with poorer quality fuel after the vehicle has been warmed up and in motion?

A. I do not know that much.

Q. Did you testify that you have had twelve years' experience as a laboratory technician and that you are a chemist by trade?

A. Yes.

Q. In your opinion what was the liquid which you described as unsuitable?

A. It is the one which is labeled poor quality gasoline.

Q. What is that liquid?

A. In my opinion it is a mixture of mineral oil and kerosene.

Q. In your opinion is it possible to operate an engine with kerosene after the engine has been warmed up and revolving?

PROSECUTION: If the Commission please, I object to that. He didn't say anything about kerosene alone. He said kerosene and a mixture of mineral oil.

DEFENSE: If it please the court, I am asking him as an expert witness whether you can operate a vehicle with kerosene. I'll ask him in addition if they can use it with--

PROSECUTION: I say that's immaterial, if the court please. Nothing's been said about kerosene alone.

LAW MEMBER: The witness testified it was a mixture of mineral oil and kerosene. Objection is sustained.

Q. In your opinion is it possible to operate a motor engine with a mixture of kerosene and mineral oil after the engine has been warmed up and revolving?

A. Through common sense I believe it cannot be used.

Q. When you performed your tests on these liquids, how much liquid did you use?

A. Approximately 200 CC's.

Q. 200 CC of each liquid?

A. Yes.

Q. In what type of container was the liquid when it was given to you for the tests?

A. When I received it it was in a comparatively large bottle like a beer bottle.

Q. Was it in the bottles which have been marked for identification 25 and 26?

A. Yes.

Q. Do you mean that you can take out 200 CC from any one of those bottles and still have that much liquid left in it? I ask you to examine the bottle and the amount of liquid in the bottle at the present time.

A. Yes.

DEFENSE: I ask the court to take judicial notice of the fact that the size of those two bottles I believe a fair estimate is about a quarter size. A quarter size would be approximately--I withdraw that statement. I believe I've made an error in size.

Q. Did you put the tags on those two bottles?

A. I did not.

Q. You testified previously that one of the bottles said poor quality gasoline, is that correct?

A. Yes.

Q. Do you agree with that opinion?

A. Yes.

DEFENSE: No further questions of the witness. I object to the evidence being admitted, for these reasons. I believe the liquid taken from the fuel tank, evidence concerning that is immaterial in this case. As to the liquid taken from the fuel drum, I believe there has been no evidence shown connecting that liquid with the liquid in Prosecution's Exhibit 25 or 26, whichever one has been labeled as unsuitable.

LAW MEMBER: What's your reply to that?

PROSECUTION: If the Commission please, in an effort to save time, we can't lay a foundation except that the tags are here and I think for this Military Commission here we don't have to go through all of the technicalities, I believe. If the Commission would like to hear it, why we'd be glad to present it.

LAW MEMBER: Anything further?

DEFENSE: Nothing further.

LAW MEMBER: Objection is overruled. They will be admitted into evidence as Prosecution's Exhibits 25 and 26.

PRESIDENT: Any further questions by the prosecution?

PROSECUTION: No further questions.

PRESIDENT: Questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Q. Can the fluids in question that were tested by you both properly be called gasoline?  
A. The bottle that is labeled good quality gasoline can be called gasoline, but the other one labeled poor quality gasoline cannot be called gasoline.

Q. What is the proper name of that fluid?  
A. I believe it can be called mineral machine oil.

Q. What would be the utility purpose of such fluid?

PROSECUTION: If the Commission please, there's some question on that last answer.

DEFENSE: Defense believes the translation was correct.

PROSECUTION: We have come to that conclusion too.

PRESIDENT: Read the last question back to the witness, please.

The reporter read back the last question.

A. I believe it is something of the type which is usually used in a factory as machine oil.

Q. For lubrication purposes?  
A. I believe that is its use.

Q. Are you qualified to testify as to what fuel will operate any combustion engine?  
A. I do not know very much about that sort of thing.

Q. Can this fluid you have referred to as mineral machine oil be doctored or fixed in any way for use in a gasoline motor?  
A. I do not know how it would be used or what can be done with it.

Q. With reference to making a test on the quality of gasoline, did you make any other test prior to that, I mean separate from that which you testified to?  
A. Yes.


Q. Did you have any occasion to find the quality more or less the same as that you testified to in this case?  
A. Yes.

PRESIDENT: Any further questions? There appear to be none. The witness is excused.

There being no further questions, the witness was excused and withdrew.

PRESIDENT: At this time the Commission will adjourn to meet at 0900 Monday.

The Commission then, at 1610 on 18 October 1946, adjourned to meet at 0900 on 21 October 1946.

  
RICHARD R. ELLIOTT  
Major, Chief Prosecutor

Metropolitan Police  
Station, Tokyo, Japan  
21 October 1946

The Commission met, pursuant to adjournment, at 0900 hours, all the members of the Commission, the prosecution and defense, the accused and the interpreters resumed their seats.

PRESIDENT: The Commission is in session.

PROSECUTION: Let the record show that the reporter has been officially relieved by Mr. Curtis Sampson.

At this time, if it please the court, I would like to move to withdraw Prosecution's Exhibit No. 3 and to substitute therefor the English translation made by ATIS. The copies were furnished to the defense at the close of the session last week and I believe that we are in agreement as to the various spellings of the names. I believe I furnished each member of the court copies at the close of the session and the copy which I ask to remove is the Chinese and Japanese copy which was attached to the original.

A brief discussion was then had off the record.

PROSECUTION: At this time I also --- Is the motion granted?

PRESIDENT: For what?

PROSECUTION: The motion to withdraw the original and substitute the English copy which has been compared by the defense and there was no objection.

PRESIDENT: The motion is granted.

PROSECUTION: At this time I also move to withdraw Prosecution's Exhibit No. 4 which was a portion of the policeman Miyauchi's police book and to substitute therefor the English translation thereof. At the close of the last session each member of the Commission was furnished a copy as well as the defense.

PRESIDENT: Any objection by the defense?

DEFENSE: If it please the court, on Exhibit No. 4 the only portion thereof which is being admitted in evidence is the four names and not the evidence as to the wounds suffered by those individuals. The names were taken directly from the persons in the hospital whereas the description of the wounds were taken from a nurse. I believe only the names are being offered in evidence.

PROSECUTION: No, the offer in evidence, all reference to those four defendants excepting the portion describing the wounds which was taken from the nurse. The name and address was taken from the defendant.

DEFENSE: That's correct.

PROSECUTION: So if we will agree about the four names so the court can strike it ---

PRESIDENT: Any further objections by the defense?

PROSECUTION: Do we agree on the four names?

DEFENSE: Yes.

PRESIDENT: By substituting or amending?

PROSECUTION: We are substituting the English and then in order that it may agree the translation was made of the entire portion thereof so that only the part that is actually in evidence may be considered. After substitution we would like to ask the court to strike those portions which do not pertain, which will not be in evidence.

A brief discussion was then had off the record.

DEFENSE: If it please the court, to save time, I can furnish the court with the numbers of the four defendants in connection with Exhibit No. 4. The first name, Chiang Hung-Chieh; the second name, Chiu Yu-Chong, is No. 36; the third name, Wang Yang-Lang, is No. 38; Ching Chin-Ming is No. 8. Chiang Hung-Chieh is No. 35.

PROSECUTION: Those four referred to are the only persons who are defendants and that description matter after their names, the portion pertaining to the wounds, which was secured from the nurse should be stricken therefrom. With that amendment the defense and prosecution, I believe, are in accord that this is a true copy of the portion which was admitted and at this time I ask that the original exhibit be withdrawn and this English copy substituted therefor.

PRESIDENT: The motion is granted and it is so ordered.

DEFENSE: If it please the court, I have prepared a list indicating the English names of the defendants as listed on the charge sheet, their official Chinese spelling and also the Japanese spelling, but unfortunately I don't have enough copies for each member of the court and prosecution and the defense, and the prosecution has agreed to furnish enough copies. I can supply the court with one copy at this time and additional copies will be furnished later.

PRESIDENT: In what way is that different from our Exhibit 24?

PROSECUTION: If it please the court, it is based on Exhibit 24. 24 at the end of the week was introduced -- I mean it was not formally introduced; it was merely marked and the defense given an opportunity over the weekend to examine the same -- and the difference being that AFIS had translated in Chinese and Japanese and the defense apparently prefers to translate it in Fukien Chinese rather than in the Chinese which AFIS used, which would not make any difference in the matter of identification. Our reference in almost every case is to the Japanese name so far as the prosecution is concerned. We are perfectly willing to stipulate with the defense when it is completed that that is the correct Chinese name.

DEFENSE: Just one correction in that. I believe it is the prosecution that has used the Fukien spelling and I have a list of their official Chinese spelling which I thought the court may wish to use in describing these defendants.

PRESIDENT: You make a motion we accept your version rather than the list furnished and marked Exhibit 24 as of the last session?

DEFENSE: I do not have enough copies to furnish the court at this time.

PRESIDENT: It is your motion to substitute that for that Exhibit marked 24 as of the last session was my question.

DEFENSE: Yes.

PROSECUTION: There is no objection.

PRESIDENT: Do you wish to withdraw Exhibit 24?

PROSECUTION: Until he has sufficient copies I believe we can leave 24 in and at that time we will withdraw and substitute for it a list prepared by the defense.

PRESIDENT: The motion is granted and it is so ordered.

PROSECUTION: The prosecution recalls as its first witness this morning Ryozo Ueda.

Ryozo Ueda, a witness for the prosecution, was recalled, reminded that he was under the oath he had previously taken, and testified as follows:

DIRECT EXAMINATION

Questions by prosecution  
and Answers by the witness  
Interpreted:

Q You are the same Ryozo Ueda who has testified previously in



- Q this case?  
A Yes.
- Q You are connected with the second protective section as assistant inspector of the Metropolitan Police Board?  
A I am the inspector.
- Q State whether you questioned any people in connection with the Shibuya Police Station incident?  
A Yes.
- Q Did you question any people at the Metropolitan Police Board?  
A Yes.
- Q How many people did you interview at that time?  
A Six persons.
- Q Will you now state their names?  
A Sai Ryu To, Cho Ju Shi, Gan Rai Hoi, Sai Ritsu To, Ryo Jun Hoi, Lo Shu Hon. These are the six persons.
- Q Did Sai Ryu To tell you where he was during the incident at the Shibuya Police Station?  
A Yes.
- Q Where did he say he was?  
A He told me that he was on the jeep that came later.
- Q Did Cho Ju Shi tell you where he was during the incident at the Shibuya Police Station?  
A He did.
- Q Where did he say he was?  
A He said that he was on the last truck which collided with the horse in front of the Shibuya Police Station.
- Q Did Sai Ritsu To tell you where he was during the incident?  
A He also said that he was on the last truck which collided with the horse in front of the Shibuya Police Station.
- Q Did Gan Rai Hoi tell you where he was during the incident?  
A He was on the same last truck.
- Q Did Ryo Jun Hoi tell you where he was during this police incident?  
A He said that he was on the last truck which collided with the horse in front of the Shibuya Police Station.
- Q Did Lo Shu Hon tell you where he was during this same incident?  
A He also mentioned that he was on the last truck.
- Q Can you now identify these six men?  
A Yes, I can.
- Q Will you point out of the group for the Commission Sai Ryu To?

A The second from the last on the right row.

DEFENSE: If it please the court, the defendant identified is 26.

PROSECUTION: His Chinese name is what?

DEFENSE: His official Chinese name is T-s-a-i, second, L-u-u-g, third, T-u.

Q Will you now identify for the Commission if you can Cho Ju Shi?

A The one on the last row, second from the left.

DEFENSE: The defendant identified is No. 27; the official Chinese spelling, C-h-a-n-g, S-h-u, C-h-i.

Q Will you identify if you can for the Commission Sai Hitan To?

A The second from the rear on this row.

DEFENSE: The defendant just identified is No. 28; the Chinese spelling, T-s-a-i, L-i, T-s-a.

Q If you can, will you identify for the Commission Gan Rai Kei?

A The one on the right on the second row.

DEFENSE: The defendant just identified is No. 30; Chinese spelling, Y-e-n, L-i, H-i-u-g.

Q If you can, will you identify for the Commission Ryo Jun Kei?

A The third one on this row.

DEFENSE: The defendant just identified is No. 29; official Chinese spelling, L-i-a-o, S-h-u-n, C-h-i-n-g.

Q If you can, will you identify for the Commission Lo Shu Kon?

A The last one on this row.

DEFENSE: If it please the court, the defendant just identified is 31; his official Chinese spelling, L-o, S-h-i-u, K-u-n-g.

Q State whether or not you interviewed Formosans at the Eighth Army Stockade?

A I interrogated four persons.

Q Approximately when did you do that?

A As I remember, about September the 16th.

Q Was any one else with you at the time you went to the Eighth Army Stockade?

A Five members of the Metropolitan Police besides me.

Q Was any one else present?

A There were three Americans and one Chinese.

Q State if you know whether or not the Chinese present was a representative of the Chinese Mission?

A I believe so but I do not know his name.

Q What were the names of the four men you interviewed at the Eighth Army Stockade?

A The four persons were So Tei Hyo, Ho Kin Po, Jo U Sho, Hyu I Ho.

Q Was any force used or was any force threatened these men in order to secure their statements?

A Absolutely not.

Q Were these statements voluntarily made?

A Yes.

Q Where did So Tei Hyo say he was during the Shibuya Police Station incident?

A He said that he was on the second truck and was wounded in front of the Shibuya Police Station and he was hospitalized.

Q Where did Ho Kin Po state he was during the Shibuya Police Station incident?

A He said that he was on the second truck and was wounded and in front of the Shibuya Police Station and was hospitalized.

Q Where did Jo U Sho say he was during the Shibuya Police Station incident?

A He said that he was on the last truck and was wounded in front of the Shibuya Police Station. He was then arrested and hospitalized.

Q Where did Hyu I Ho state he was during the Shibuya Police Station incident?

A He said that he was on the last truck which collided with the home in front of the Shibuya Police Station. He was wounded at that time and was hospitalized.

Q Will you if you can identify any of these four people for the Commission?

A I do not know the names of the persons but I recall about two or three persons.

Q Can you identify them by face?

A Yes.

Q Will you at this time pick out of this group for the Commission any of the men that you can now identify?

A The second from the left in the first row.

DEFENSE: The defendant just identified is No. 34. His Chinese name, Kwang Chia Pao, spelled, "K-u-a-n-g, C-h-i-n, P-a-o.

A The second one on this row.

DEFENSE: The defendant just identified is No. 33, the official Chinese name, Chuang, Ting, Piao. If it please the court, the first defendant just identified when I numbered as 34 was called by the witness Ho Kin Po. He testified that he was on the second truck and wounded in front of the police station. The last defendant when I numbered 32 was referred to by the witness as So Tai Hyo. He testified that he was on the second truck and was wounded in front of the police station.

WITNESS: I have a vague recollection that he was one of them.

DEFENSE: The defendant just pointed out is No. 36, the Chinese name, Liu Wei Chiang, spelled L-i-u, W-e-i, C-h-i-a-n-g. He was referred to by the witness as Ryu I Ho. He testified that he was on the last truck that collided with the building.

WITNESS: I do not recall the last person.

Q Would it assist you any if you could walk among the group?  
A As it was just a short time I forgot.

PROSECUTION: If the Commission please, at this time the Prosecution would like to request the Commission to have the defense identify for the Commission Ryu I Ho.

DEFENSE: If it please the court, Ryu I Ho was just identified as No. 36.

PROSECUTION: If the Commission please, I will apologize. It was an error on my part. I would like the defense to identify Jo U Sho.

PRESIDENT: Will the defense ask the accused who answers to that name to arise?

DEFENSE: If it please the court, that person is No. 35. His Chinese name is Hsu Yu Chang.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

DEFENSE: No questions. *No Cross*

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: The prosecution calls as its next witness Okamitsu, Takuro.

Takuro Okamitsu, a witness for the prosecution, was sworn and testified as follows:

## DIRECT EXAMINATION

Questions by prosecution:  
Answers through the interpreter:

- Q State your name to the Commission.  
A Kazutsu, Takuro.
- Q What is your official title in the Japanese police force?  
A Assistant Police Inspector of the Metropolitan Police.
- Q Did you conduct an investigation of the Shibuya Police Station incident?  
A Yes.
- Q How many Formosans did you talk to concerning this incident?  
A Four persons.
- Q Can you now state the names of these persons?  
A I can.
- Q Will you so state?  
A Sha Sai Kun, Cho Ei Ritsu, Ryo Sho Kei, Ri Sun Chi.
- Q Did Sha Sai Kun state to you where he was during the Shibuya Police Station incident?  
A He did. He said that he was on the first truck.
- Q Did Ri Sun Chi state where he was during the Shibuya Police Station incident?  
A He said that he was on the last truck.
- Q State if you know whether or not the last truck to which you have just referred to was a truck that collided with the warehouse building in front of the Shibuya Police Station?  
A At that interrogation they did not mention the fact that it collided with a warehouse but they said they collided with a building in front of the Shibuya Police Station.
- Q Did Cho Ei Ritsu state where he was during the Shibuya Police Station incident?  
A He said that he was on the last truck.
- Q Did Ryo Sho Kei state where he was during the Shibuya Police Station incident?  
A He said that he also was on the last truck.
- Q If you can, will you point out to the Commission Sha Sai Kun?  
A I believe he is not in the court room.
- Q Will you pick out of the group of men any of the parties which you interviewed at the Metropolitan Police Board?  
A The third from the left in the third row.

DEFENSE: The first person identified by the witness is

No. 8, Li Wen Chih, spelled L-i W-e-n C-h-i-h. He was referred to by the witness as Ri Bun Chi.

A Fourth from the left in the third row, Cho Si Ritsu.

DEFENSE: The person just identified was No. 6, spelled C-h-a-n-g J-a-n-g L-i.

A The third from the right on the fourth row of tables.

DEFENSE: The person just identified is No. 7, referred to by the witness as Cho Si Ritsu -- correction, referred to by the witness as Kyo Sho Kei, Chinese name, Liao Tsiang Chin, L-i-a-o T-s-i-a-n-g C-h-i-n.

Q Would it assist you any if you walked into the group of men in order to help pick them out?

A Yes, it would.

PROSECUTION: If it please the Commission, I would like to request permission for the witness to walk among the group of men present.

PRESIDENT: Permission granted.

A I found him.

Q Will you indicate which person he is.

A The third from the right on the second row of tables.

DEFENSE: The person just identified is No. 5, Chinese name, Hsieh Tsai Hsun, spelled H-s-i-e-h T-s-a-i H-s-u-n, and referred to by the witness as Sha Sai Hun.

Q Did you with others go to the Eighth Army Stockade for the purpose of conducting an investigation relative to the Shibuya Police Station incident?

A Yes.

Q At that time did you interview any Peruvians which you hadn't previously interviewed?

A I did not.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q At the time you conducted your investigation did you take any written statements from any of the men?

A Concerning Sha Sai Hun I took a record. However, from the

others they made voluntary statements. The three persons, aside from Sha Sai Sun, made voluntary written statements.

Q Did they sign those statements or affix their thumb prints?  
A A statement from Ri Bun Chi is signed. However, the others do not have any thumb prints or signatures.

Q At the time you went to the Eighth Army Stockade did you interview any persons there?

A I interrogated those four persons I mentioned at the Eighth Army Stockade.

Q Are those the persons who made the written statements previously?

A Yes.

Q Do you know where those written statements are at the present time?

PROSECUTION: If the court please, I object to that as being immaterial.

DEFENSE: If it please the court, the witness has testified as to the contents of those statements. I believe it is proper to ask him what happened to the original statements. That would be the best evidence as to the statements made by the defendants.

LAW MEMBER: The objection is overruled.

A I have it with me.

DEFENSE: No further questions.

PRESIDENT: Any questions by the prosecution?

#### REDIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q At the Eighth Army Stockade when you interviewed these same four defendants did they at that time tell you whether or not they were present at the Shibuya Police Station incident?

A Yes.

Q Did they place themselves at that time in the same position which you have previously testified that they stated they were?

A Yes.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

DEFENSE: No further questions.

PRESIDENT: Any questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Answers through the interpreter:

- Q Did all four of these defendants state that they were on the truck that collided with the building?
- A The three persons, outside of Sha Sai Run, stated they were on the truck which collided with the building in front of the police station.

PRESIDENT: Any further questions? (None) Apparently none.  
The witness is excused.

PROSECUTION: If the Commission please, I would like to clarify this with just one question more.

REDIRECT EXAMINATION

Question by prosecution:

Answer through the interpreter:

- Q Did Sha Sai Run state where he was?
- A He said that he was on the first truck and after it passed the police station about fifty to sixty meters the truck stopped and he got off the truck and ran toward the river. When he was running away from the river again he was arrested by the policeman.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

DEFENSE: No questions.

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: The prosecution calls as its next witness, Okamoto, Tsunetaro.

Tsunetaro Okamoto, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

- Q State your name to the Commission.
- A Tsunetaro Okamoto.



- Q What is your official title with the Japanese police department?  
A Assistant Police Inspector.
- Q Did you make an investigation of the Shibuya Police Station incident?  
A Yes, I did.
- Q Did you interview any people relative to that incident?  
A Yes, I did.
- Q Where was that interview conducted?  
A At the Tsukiji Police Station and also the Metropolitan Police Station.
- Q How many men did you talk with?  
A Six persons.
- Q At the time you interviewed the six persons you have just referred to was any force or threat of force or violence used to secure those statements?  
A No.
- Q State if you can the names of the six people you interviewed.  
A Kaku Shu Ho, Han Un Kaku, So Bun Sho, Kan Boku Sho, Rin U Sho, Yo Shu Tei.  
These are the six persons.
- Q Did Kaku Shu Ho state to you where he was during the Shibuya Police Station incident?  
A He said he was on the last truck which collided with the horse in front of the Shibuya Police Station.
- Q Did Han Un Kaku state to you where he was during the Shibuya Police Station incident?  
A Yes, he did. He said that he was on the last truck which collided with the horse in front of the Shibuya Police Station.
- Q Did So Bun Sho state to you where he was during the police station incident?  
A He did. He said that he was on the truck which collided with the horse.
- Q Did Kan Boku Sho state to you where he was during the incident?  
A Yes, he said that he was on the last truck.
- Q Did Rin U Sho state to you where he was during the incident?  
A He did. He was also on the last truck.
- Q Did Yo Shu Tei state to you where he was during this incident?  
A He did. On the last truck which collided with the horse.
- Q Can you now identify these six men you have just referred to?  
A Yes.
- Q Will you point out to the Commission Kaku Shu Ho?  
A The third from the right on the second row of tables. The man on the second row of tables.

DEFENSE: If it please the court, the person just identified is No. 9, official Chinese name, Kuo Chu Hou, spelled K-u-o C-h-u H-o-u.

Q Will you now point out to the Commission Han Un Haku?  
A The one on the left on the fourth row of tables.

DEFENSE: The person just identified is No. 43, official Chinese name, Fang Yun Ho, spelled F-a-n-g Y-u-n H-o.

Q Will you now point out to the Commission So Bun Sho?  
A This one here.

DEFENSE: The person just identified is No. 10, official Chinese name, Sung Wen Hsiang, spelled S-u-n-g W-e-n H-s-i-a-n-g.

Q Will you now indicate to the Commission Han Bozu Sho?  
A The third on the left on the third row of tables.

DEFENSE: The person just identified is No. 11, his official Chinese name, Chien Mus Seong, spelled C-h-i-e-n M-u-s S-o-n-g.

Q Will you now point out to the Commission Rin U Sho?  
A The one on the extreme right on the second row of tables.

DEFENSE: The person just identified is No. 12, his official Chinese name, Lin You Seong, spelled L-i-n Y-o-u S-o-n-g.

Q Will you now point out to the Commission Yo Shu Tei?  
A He is not in this court room.

Q Would it assist you any if you could walk amongst the group of men to help pick him out?  
A Yes, it would.

PROSECUTION: If the Commission please, at this time I would like to request permission for the witness to walk among the defendants to assist him to see if he can identify him.

PRESIDENT: That is granted, but what does your record show the individual he's testified to at this time?

PROSECUTION: He is one of the defendants nolle prossed.

PRESIDENT: I mean you are taking up the time of the court trying to show it. Your record should show he is not here.

PROSECUTION: I beg your pardon. That was my error.

PRESIDENT: All right. Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:  
Answers through the interpreter:

Q At the time you obtained statements from the six persons you just referred to were any of those statements written statements?

A I just have the memo that I took.

Q Did any of the six men sign any written statements?

A No.

Q When did you interview those six persons?

A From July 20th to July 26th.

Q At that time were any of those six persons wounded?

PROSECUTION: I request that question be made a little more clearly. He said "at that time", at the time he interviewed them, were the men wounded.

DEFENSE: I will withdraw that question.

Q What was the physical condition of the men at the time you interviewed them?

A So Sun She was in poor health so he was examined twice.

Q What do you mean by poor health?

A He had chest trouble.

Q Were any of those six men wounded on the night of the 19th of July as far as you know?

A No.

Q Yo Shu Tei, the person identified as No. 13, what was his physical condition?

PROSECUTION: If the Commission please, I believe it's been nolle prossed as to that particular defendant and I would like to enter an objection at this time.

DEFENSE: If it please the court, I am asking that question for the purpose of impeaching the credibility of the witness. He has just testified that So Sun She was not in good physical condition. I believe the person Yo Shu Tei is in the hospital at the present time, yet the witness said nothing about his physical condition. What was the purpose of asking him that question.

PROSECUTION: The person referred to is not on trial and I think it is immaterial where he is.

LAW MEMBER: The objection is overruled.

A He was not in poor health.

DEFENSE: No further questions.

## EXAMINATION BY THE COMMISSION

Question by member:

Answer through the interpreter:

Q What was the physical condition of Yo Shu Tei?

A During the investigation there was nothing that was wrong with him.

PRESIDENT: Any questions by the prosecution?

PROSECUTION: No, sir.

PRESIDENT: Any further questions by the defense?

DEFENSE: No further questions.

PRESIDENT: Any further questions by the Commission? (None)  
Apparently none. The witness is excused. At this time the Commission will take a ten minute recess.

There being no further questions, the witness was excused and withdrew from the court room.

The Commission then took a recess until 1030 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The Commission is in session.

PROSECUTION: The prosecution calls as its next witness, Fumio Sato.

Fumio Sato, a witness for the prosecution, was sworn and testified as follows:

## DIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q State your name to the Commission.

A Fumio Sato.

DEFENSE: If it please the court, I am informed by other defense counsel that this witness has been present in the court room during the testimony of previous witnesses.

PROSECUTION: Which witnesses?

DEFENSE: They don't recall which witnesses were testifying at the time but it was during sessions of the court.

PRESIDENT: Is that in the form of a motion? For what purpose?

DEFENSE: I wish to bring that fact to the attention of the court in connection with the ruling made at the outset of the trial that witnesses would not be permitted in the court during the testimony of other witnesses.

PRESIDENT: Can the defense determine what witness this present witness overheard?

DEFENSE: I will ask them again.

If it please the court, they do not recall which witnesses but they say it was during the first two weeks of the trial.

PROSECUTION: If the court please, during the first two weeks of the trial we were -- I don't know whether the witness was in the court room during that part of the testimony or not. However, I maintain that that makes no difference. During the first two weeks of the trial we were establishing the incident. This witness was not present at the incident and is not going to testify as to the incident. He merely investigated the case and is going to testify as to the results of his investigation.

PRESIDENT: Subject to objection by any member of the Commission, the ruling is the witness will take the stand and his testimony will be obtained.

Questioning cont'd by prosecution:  
Answers through the interpreter:

Q State your name to the Commission.

A Fumio Sato.

Q What is your official capacity with the Japanese police department?

A Police sergeant.

Q Did you conduct an investigation of the Shibuya Police Station incident?

A Yes.

Q Did you question any men relative to this incident?

A Yes.

Q Who did you question?

A Tei Toku Man, Chin Rin Ryu.

Q Did Tei Toku Man tell you where he was during this Shibuya Police Station incident?

A Yes.

Q Where did he state that he was?

A He was on the first truck.

Q Where was this questioning done?

A At the Eighth Army Stockade.

Q Can you now identify Tei Toku Man?

A The interrogation was just for a short time so I do not recall him.

PROSECUTION: At this time, if the Commission please, I would like for the Commission to have the defense point out Tei Toku Man.

DEFENSE: If it please the court, the person who just arose is No. 37, his Chinese name, Cheng Teh Wan, spelled C-h-e-n-g T-e-h W-a-n.

Q Where did you question Chin Kin Ryu?

A At the Yodobashi Police Station.

Q Do you remember approximately what the date was?

A On the 8th and 9th of August.

Q Will you state to the Commission how you happened to be questioning him at that time?

A At that time he was arrested for burglary, with a pistol and there was a report that he was connected with the Shibuya incident and so I questioned him.

Q Where did he state that he was during the Shibuya Police Station incident?

A He said that he was on the second truck.

Q If you can, will you point out to the Commission Chin Kin Ryu?

A The one in the last row with civilian clothes.

DEFENSE: If it please the court, the person identified is 43, his Chinese name, Chen Ching Lung, spelled C-h-e-n C-h-i-n-g L-u-n-g.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q At the time you interviewed these two men did either of them give you any written statements?

A From Chin Kin Ryu.

Q Did he sign that statement?

A Yes.

Q Where is that statement now?

A I have it with me.

Q At what time was Chin Kin Ryu, No. 43, arrested?

A I do not recall the date that he was arrested.

DEFENSE: No further questions.

PROSECUTOR: Any redirect?

PROSECUTION: No redirect, sir.

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: The prosecution calls as its next witness, Morita, Choji.

Choji Morita, a witness for the prosecution, was sworn and testified as follows:

#### DIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q State your name to the Commission?

A Choji Morita.

Q What is your official capacity with the Japanese police department?

A Police sergeant.

Q Did you conduct an investigation relative to the Shibuya Police Station incident? Did you question any parties relative to the Shibuya Police Station incident?

A I questioned O Ten Ro.

Q Where did you question him?

A At the Eighth Army Stockade at Nakano.

Q Did he make a statement to you relative to where he was during the Shibuya Police Station incident?

A Yes.

Q Where did he say he was?

A He said that he was on the second track.

Q Can you now identify O Ten Ro?

A I do not remember his face.

Q Did you notice any characteristics about him at that time that might assist you in identifying him?

A I believe he had a scar on the middle finger on his left hand.

PROSECUTION: If the Commission please, the prosecution would like to ask the Commission to request the defense to identify this particular party.

DEFENSE: If it please the court, the person referred to is SO, Chinese name, Wong Tien Lang, spelled W-o-n-g T-i-e-n L-a-n-g.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q At the time you interviewed O Ten No. No. 39, did you obtain a written statement from him?

A When I interrogated him I just took down the name.

Q Did he sign that memo?

A No.

Q Did he put his thumb print on that memo?

A No.

Q Where is that statement now?

A I have it here.

DEFENSE: No further questions.

PRESIDENT: Redirect?

PROSECUTION: No redirect, sir.

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: If the court please, at this time I would like to introduce a sworn statement by the defendant Chin Hin Ryu, listed as No. 43, Chinese name, Chen Ching Lung. I might add that this is a true copy. The Eighth Army has the original and I am unable to get it.

LAW MEMBER: Is this a prosecution's Exhibit?



PROSECUTION: Yes, sir, subject to objection by the defense.

DEFENSE: If it please the court, the defense would like to examine the original and compare the translation. Prior to the trial I was supposed to see the written evidence in the hands of the prosecution but I haven't seen any of those statements or this particular statement. As the prosecution referred to previously in the trial, the reports I did see were summaries and the prosecution has also described some of them incorrectly translated. I would like a little time to compare this statement and compare the statement and the translation.

PROSECUTION: If the court please, what counsel is referring to are statements or reports or summaries of translations by the Japanese police department. This is a sworn statement taken by Agent Robert Yasunote of the CID. We would have him here now but he has since gone home. However, I am willing to give counsel a chance to look it over.

LAW MEMBER: Does the defense now have a copy of this statement?

DEFENSE: We have just been given the English translation. We would like to examine the original statement.

PRESIDENT: His question is there an original Japanese original.

PROSECUTION: I don't believe there is, if the court please.

LAW MEMBER: This is the original you have?

PROSECUTION: That is the only one I have in my possession right now. The Eighth Army Judge Advocate Office has a copy of the original but they had to turn it back to the agency from where they got it so they made this true copy for me.

LAW MEMBER: Who certified this a true copy? Who is he?  
Bon L. Jones?

PROSECUTION: He is in the Judge Advocate Office of the Eighth Army, I believe. Maybe the defense could verify that.

LAW MEMBER: Is he an officer or who is he?

PROSECUTION: That I couldn't tell.

LAW MEMBER: Before introducing this certified copy have the signature corrected as being an officer as that should be so indicated. I take it you will not introduce this statement at this time?

PROSECUTION: I will withdraw it at this time.

PRESIDENT: Did the defense hear the ruling made by the Law Member?

DEFENSE: I believe it was to the effect that we could examine the original before it was offered in evidence.

PROSECUTOR: And that will be withdrawn at this time.

PROSECUTION: The prosecution calls as its next witness, Toshio Higuchi.

Toshio Higuchi, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:  
Answers through the interpreter:

Q State your name to the court.

A Toshio Higuchi.

Q What is your present occupation?

A Policeman.

Q How long have you been a policeman?

A Three years and four months.

Q Where are you stationed?

A At the Shibuya Police Station.

Q Directing your attention to the 19th of July 1946 in and about 1800 of that day were you on duty?

A Yes.

Q Were you given a particular assignment on that evening?

A You mean as an individual?

Q Well, as a policeman were you given any duty?

A Yes.

Q What were they?

A I was assigned the duty of checking the vehicles that came from the Ebisu direction about forty meters away from the Shibuya Police Station.

Q In what color uniform were you dressed?

A A white uniform.

Q Were you armed?

A Yes.

Q With what?

A A 14 Year Model pistol.

Q Directing your attention to about 2100 that evening did you see any vehicles approaching from the direction of Ebisu?

A Yes.

- Q What did you see?  
A I saw the headlights of about five or six vehicles that were approaching.
- Q Did you know where the first check point was on the road leading towards Ebisu?  
A Yes.
- Q Did the convey stop at that check point?  
A No.
- Q When it did not stop what did you do?  
A I was on the side of the road when the vehicles did not stop at the first check point.
- Q In whose squad were you located?  
A Kojima's squad.
- Q Did any members of Kojima's squad have police lanterns?  
A Yes.
- Q What type of a lantern was it?  
A A lantern similar to that over there.
- Q By that do you mean this lantern which is tagged Prosecution's Exhibit No. 5?  
A Yes.
- Q How many such lanterns did you have in that squad?  
A Three.
- Q Were they lit?  
A Yes.
- Q What did you do with them?  
A When the vehicles did not stop at the first check point the squad leader ordered us to stop the vehicles. I held the police lantern and put up my hand and signaled the vehicles to stop.
- Q Then what happened?  
A I signaled them to stop but the vehicles did not stop. As the trucks approached we stepped about seven or eight steps backward and the trucks stopped in front of us.
- Q When the vehicles stopped near which vehicle were you standing?  
A On the side of the jeep.
- Q How many vehicles did you notice at that time?  
A Two vehicles when they stopped.
- Q When the vehicles stopped did you talk to any of the occupants?  
A Yes.

Q Tell us what conversation you had.

A The trucks stopped behind the jeep and a young man came down from the truck and approached me. He said to me, "Why are you standing around here?" I told him, "We are guarding the place." He asked me, "What are you guarding?" I did not answer. Then he went over to police officer Takahashi and he asked Takahashi, "What are you doing over here?" Takahashi answered, "We are guarding this place." Then the young man said, "Bakayaro. We don't need any guard." Then Takahashi answered, "What do you mean by 'Bakayaro'?" and then in order to avoid a scuffle I intervened. However the young man did not listen and the young man told me, "Get out of our way," and I pulled Takahashi back about two or three steps.

Q Then what happened?

A Then the young man went back to the vehicle. Then I heard the voice of the police chief say, "Pass on." Then the squad leader ordered us to withdraw. I withdrew to the side of the road, then some one in the jeep gave a signal, and the convoy began moving. I watched the truck from which the young man came down. As the convoy began moving the ones on the truck were insulting the policemen with such words as "Bakayaro," "We'll get you." I thought something would happen and was watching the truck intently.

Q As the truck moved by did you see anything? Did you notice what the occupants on it were doing?

A As the trucks passed in front of me I saw some of them holding clubs and pounding the sides of the truck and I saw others spitting.

Q What did you next see?

A As I thought that something would happen I watched the trucks pass in front of me. Then some one on the right, a little forward of the center, stood up. Then as he stood up he shouted, "Bakayaro," and shot his pistol toward the left side of the road.

Q To make it more clear in giving directions, refer to the two sides of the street as the police station side and the river side. I think that will make it more clear.

A He shot toward the police station side of the road.

Q Did you see the man who shot?

A Yes.

Q Do you think you could recognize him if you saw him again?

A No.

Q How far from this truck were you when this shot was fired?

A About five or six meters.

Q What happened next?

A Then I heard shooting from the rear of the truck and I saw further shooting from the third truck.

Q Going back to the time that you stated you saw this man in the first truck shoot, how long was it after that shot before you heard another shot or more shots?

A I do not recall the exact time.

Q Tell us as best you can what shots you first heard?

A I heard the first shot and then a slight interval and then heard the next shot.

Q What did you hear after the next shot?

A You mean the noise?

Q Well, the noise of a shot, yes.

A Do you mean the reports after the first three?

Q I mean tell me what shots you first heard. Tell us, tell the Commission, the order in which you heard shooting.

A Would you explain that?

Q Were you illustrating the interval between the shots at that time?

A Yes, the order in which the shots came.

Q Now, illustrate in order that there may be no misunderstanding. Illustrate the interval of time and the spacing of the first three shots you heard.

DEFENSE: If the court please, I don't believe this witness has indicated how many shots he heard and if I understood counsel for the prosecution he said what was the interval between the first shot -- what were the intervals between the first three shots, indicating that the witness testified that he heard three shots. My recollection of the evidence is that the witness has testified he heard two shots.

PROSECUTION: If it please the Commission, he just got through illustrating "pon - pon" and a third one, but it wasn't directly in response to the question and in order that the interval may be illustrated properly I ask -- it is less in the form of repetition. I think the members of the court do recall he illustrated three shots.

The last question was read by the reporter.

LAW MEMBER: Objection overruled.

A "Pon -- pon-pon"

PROSECUTION: Unfortunately the response will not show for the record and I presume there's no way we can get it in other than to ask the witness to make an approximation of the spacing, although I am satisfied that the Commission sitting here is well aware of the interval of time.

Q Then what happened?

A As the third truck passed in front of me I saw five or six flashes and I heard a sound/a bullet pass near my ear so I hit the ground.

of

Q Did you draw your weapon at any time that evening?

A Yes.

Q At what point did you draw it, or when did you draw it?

A When I heard the second shot I held my pistol and when I heard the third shot I had my pistol out.

Q By "out" do you mean out of your holster?

A Yes.

Q Was your pistol in your holster when the first shot was fired?

A Yes.

Q When you took your pistol out what did you do?

A The one who fired the first shot continued shooting so I aimed at him and shot.

Q Do you know whether or not you were the first person to fire after those three shots which you testified to?

A Yes, I believe so.

PRESIDENT: At this time the Commission will take a recess to meet at one-thirty this afternoon.

The Commission then took a recess until 1:30 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

The witness was reminded by the prosecution that he was still under the oath he had previously taken.

The last question and answer were then read by the reporter.

Questions by prosecution cont'd:  
Answers through the interpreter:

Q Do you know if you were the first policeman to fire a shot that evening?

A Yes.

Q Were you?

A I'm not sure.

Q How many shots did you fire at the first truck?

A One.

Q What next happened?  
A As the last truck passed before me it fired two or three shots.

Q Where were you at this time?  
A On the river side of the road.

Q How many trucks were there after what you called the first truck at which you shot and which you now describe as the last truck?  
A You mean at that time?

Q Yes.  
A I saw two trucks.

Q Where were you at the time the second truck passed you?  
A On the right side of the road facing Ebisu, the river side of the street.

Q In what position were you?  
A I was standing.

Q Did you remain standing while the trucks passed you?  
A Yes.

Q How many vehicles passed you in all that evening?  
A I do not recall exactly.

Q How many shots did you fire?  
A Two shots.

Q By that do you mean two shots in all or shooting at two times?  
A Two shots in all.

Q You have testified you fired once at the first truck. At which truck did you fire the second time?  
A At the last truck.

Q Do you know what happened to this last truck?  
A You mean after it passed in front of me?

Q Yes.  
A After it passed me I did not watch it.

Q Why did you fire at this last truck?  
A Because they shot at us.

PROSECUTION: That's all.

DEFENSE: Examination by the defense?

CROSS EXAMINATION

Questions by defense:  
Answers through the interpreter:

Q On the night of the 19th of July 1946 were you wearing a

white uniform?

A Yes.

Q On what occasions does a Japanese policeman wear a white uniform?

A The white uniform is a uniform for the policemen during the summer.

Q Do all policemen wear white uniforms in the summer?

A That is not one of the regulations.

Q You testified you were armed with a 14 Year Model pistol, is that correct?

A Yes.

Q Do you know what the caliber of that pistol is?

A I do not know exactly.

Q What caliber do you think it is?

A I do not know.

Q You testified that on the night of the 10th of July you were in Kojima's squad, is that correct?

A Yes.

Q Beginning with the first check point nearest Ebisu Station at which check point was Kojima's squad stationed?

A Next to the check point nearest the Ebisu Station.

Q Is that the platoon under the leadership of Assistant Police Inspector Kinoshita?

A Yes.

Q Approximately how many policemen were with you at that station?

A About fifteen in all of the squad.

Q At the time you saw the vehicles pass the first check point on which side of the road were you standing?

A The river side of the street.

Q Were you alone on that side of the street?

A There were three or four.

Q At the time the vehicles approached your position did you signal to them with your lantern?

A Yes.

Q Did any of the vehicles pass you?

A You mean the vehicles that were stopped?

Q Yes.

A No.

Q Do you recall testifying that as the trucks approached we



stopped about seven or eight steps backward and the trucks stopped in front of me?"

A Yes.

Q When the vehicles came to a stop will you describe the position of those vehicles?

A The jeep stopped beside me.

Q What other vehicle did you see at that time?

A I saw a truck.

Q Did you see a passenger car?

A I do not recall exactly.

Q How many trucks did you see at that time?

A I saw just one when the trucks had stopped.

Q Will you describe the lighting or the visability in that area?

A What light do you mean?

Q Was it light or was it dark at that time?

A It was dark.

Q Were any of the lights of the vehicles burning?

A Yes.

Q At the time the vehicles stopped and you were next on the side of the jeep were you on the river side of the street or on the police station side?

A On the river side of the street.

Q Do you recall testifying about an incident with policeman Takahashi?

A I do not recall exactly.

Q Was policeman Takahashi with you at that time?

A Yes.

Q Was policeman Takahashi armed with a pistol?

A I believe he had.

Q Do you recall testifying about a young man who came off the truck and who spoke to you and policeman Takahashi?

A Yes, I do.

Q Do you recall testifying that in order to avoid a scuffle you intervened and pulled Takahashi back two or three steps?

A Yes.

Q At that time was Takahashi angry?

A No, he was not.

Q Did you think that policeman Takahashi was going to strike the young man?

A No.

- Q But at that time you thought it was necessary to pull Takahashi back two or three steps, is that correct?  
A Yes.
- Q How at that time were you still on the side of the jeep?  
A Yes.
- Q You were still on the river side, is that correct?  
A Yes.
- Q Were there any other policemen besides you and policeman Takahashi?  
A On which side of the street?
- Q On the river side.  
A I did not see.
- Q Approximately how far were you from the police chief at that time?  
A I do not recall exactly.
- Q Do you recall whether the police chief was on the river side of the street at that time?  
A No.
- Q Do you know where squad leader Kojima was at that time?  
A He was on the left side of me.
- Q Do you mean he was on the police station side or the river side?  
A Whom do you mean by "he"?
- Q I mean Kojima.  
A A little toward the river side of the street.
- Q At that time could you hear whether the police chief was talking to any one?  
A Do you mean the voices or whether I heard from somebody?
- Q Could you hear the voice of the police chief?  
A No, not clearly.
- Q Could you hear him at all?  
A I heard his voice but I could not make out what he was saying.
- Q Did you testify this morning that you heard the voice of the police chief say, "Pass on."  
A Yes.
- Q Could you hear that clearly?  
A Yes.
- Q When the police chief said, "Pass on," was he talking to you or was he talking to somebody else?  
A I could not see.

- Q At the time the vehicles began to move did you notice how many vehicles there were?  
A I do not recall exactly.
- Q Do you recall at what you were looking at that time?  
A Yes.
- Q What were you looking at?  
A I was watching the truck on which the young person returned.
- Q Was that the first truck after the jeep?  
A It was not directly behind the jeep; it was a little to the right of the jeep.
- Q Did you watch that young man walk back and get on that truck?  
A I did not see.
- Q When the trucks began to move what did you watch?  
A I was watching the truck.
- Q By that you mean the first truck, is that correct?  
A I do not recall whether it was the first truck or the second truck.
- Q Approximately how many persons were on that truck?  
A I do not recall exactly.
- Q Was the truck crowded?  
A I do not recall exactly.
- Q Do you recall testifying that you watched the truck intently?  
A Yes.
- Q Did you notice whether the occupants were standing or sitting?  
A Do you mean when the truck was moving or stopped?  
Q When the truck was stopped.  
A I could not see when the truck stopped.
- Q When the trucks were moving?  
A There were some that were sitting and some half-standing.
- Q From which truck did you see any shots fired?  
A The truck on which the young man returned.
- Q As the trucks passed you was that the first truck that passed you?  
A I do not recall exactly.
- Q Did you testify previously that you did not watch the young man get back on the truck?  
A Yes.
- Q Then how do you know the shots came from the truck on which the young man returned?  
A I just saw the young man return to the truck. I did not see him get on the truck.

Q Did you see any one on that truck fire any shots?

A Yes.

Q Can you describe that man?

A I can describe his features.

Q Describe his features.

A He was tall but slim. He had long hair and had no oil so the hair stood up. He had a shirt on and his sleeves were rolled up to his elbow.

Q At the time that shot was fired was the truck standing still or was it moving?

A It was moving.

Q At that time were you standing on the river side of the street?

A Yes.

Q In which direction was the first shot fired?

A On the police station side.

Q Approximately how far were you from the first truck when the first shot was fired?

A As I recall about five or six meters.

Q At that time could you tell whether the truck was crowded?

A Not clearly.

Q But you can give a description of the man who fired the first shot?

INTERPRETER: Will you rephrase the question?

DEFENSE: I'll withdraw that question.

Q Approximately how long after you heard the first shot did you fire your first shot?

A I do not recall the time that elapsed.

Q After you fired your first shot did you hear anybody else fire shots?

A You mean after I fired the first shot?

Q Yes.

A After I fired I heard some shots from the truck on the right of me.

Q Did you see any policeman firing any shots at that time?

A I had no time to watch this.

Q Beginning with your position at that time, were there any other policemen between you and Shibuya Police Station?

A On which side of the road?

Q On the river side of the road.

A I did not see any.

- Q Did you see any other police stationed on the police station side of the road?  
A Yes.
- Q Did you see them firing?  
A Do you mean soon afterwards, immediately afterwards, or after some time?
- Q At any time afterwards.  
A I did not see any.
- Q At the time you fired your shot were you standing?  
A Yes, I was standing.
- Q Did you fire in the direction of the passing trucks?  
A What do you mean by trucks that were passing?
- Q In which direction did you fire?  
A Toward the police station.
- Q Were there policemen stationed in that direction?  
A I believe so.
- Q Did you see the first three shots or did you just hear the first three shots?  
A I saw the first two shots.
- Q Did you see the third shot?  
A I heard the report.
- Q Do you know whether the first two shots came from the same gun?  
A I believe not.
- Q What were you looking at when you heard the third shot?  
A I saw the trucks from which the first shots were fired.
- Q But you did not see the third shot, is not that correct?  
A I just heard the report.
- Q You testified this morning that you heard the sound of a bullet pass your ear so you hit the ground, is that correct?  
A Yes.
- Q Was that after you fired your shot or before you fired your shot?  
A After I fired my shot.
- Q After you hit the ground what were you watching, if anything?  
A Do you mean the time I was on the ground?
- Q That's right.  
A I was watching the truck that was passing in front of me.
- Q Do you know which truck that was? Was it the first, second, or third, or which truck?

- A It was the last truck of the convey that had stopped.
- Q Did you continue to watch it while you were on the ground?
- A No.
- Q After you stopped watching that truck what did you watch?
- A I do not recall.
- Q Do you recall testifying this afternoon "as the last truck passed before me they fired two or three shots," is that correct?
- A Yes.
- Q Did you see those shots?
- A Yes.
- Q You are now referring to the last truck that was stopped, is that correct?
- A I believe not.
- Q Which truck are you referring to?
- A It's the last truck which is connected with this incident.
- Q When you were on the ground you watched the last truck that was stopped go past you, is that correct?
- A I hit the ground because the shots were fired from the last truck which had stopped.
- Q Did you see any other vehicles in back of that truck?
- A You mean soon afterwards or after a while?
- Q Soon afterwards.
- A After a little while a truck came. I do not recall the exact time.
- Q One truck alone?
- A Yes.
- Q Did you watch that truck?
- A Yes.
- Q Were you still on the pavement at that time? Were you still lying on the pavement?
- A I was standing at that time.
- Q Where were the other vehicles at that time?
- A I do not recall.
- Q Do you recall whether they had passed completely out of sight at that time?
- A I do not know.
- Q Do you recall whether the Japanese policemen were still firing at that time?
- A I do not know.

Q Did you watch this single truck as it approached you?

A Yes.

Q Did you watch it after it passed you?

A When it passed in front of me I was watching it but not afterwards.

Q Did you fire at that truck?

A Yes.

Q Did you fire at that truck before it passed you or while it was passing you?

A After it passed me.

Q Is that the time when you were not watching it?

A I can not fire at it if I was not looking at it.

Q Then after it passed you you did watch it, is that correct?

A You mean for a long time or just for a while?

Q How long after it did pass you.

A After the truck passed me I fired at it and I watched it until it went in front of the police station, then I looked toward the other way.

Q Did you see anything in the other direction?

A No.

Q Did you continue looking in that direction?

A Which direction do you mean?

PRESIDENT: At this time the Commission wants to warn the witness that he will answer the questions to the best of his ability and not spend his time and effort to counter a question with a question.

Repeat the last question.

The last question was then read by the reporter.

A Yes.

Q At that time was there any shooting going on?

A I did not hear any reports.

Q At the time that truck passed you did you hear any shooting?

A Yes.

Q How soon after it passed you did that firing stop?

A Soon after I looked in the other direction.

Q Did you ever look back in the direction of the police station?

A No.

Q At the time you fired at that last truck were you standing

- Q or were you on the sidewalk or were you lying on the pavement?  
A I was on my knees.
- Q Were you in the street or were you off the street?  
A On the side of the street.
- Q Were you hiding behind anything to protect you from the firing?  
A No.
- Q Were there any other policemen with you or near you at that time?  
A There weren't any.
- Q At the time the vehicles passed in front of you did you see any persons on any of the trucks firing?  
A I do not recall exactly.
- Q Do you recall whether any of the persons on any of the trucks were standing up or lying down?  
A I do not recall exactly.
- Q Do you recall approximately how many shots the occupants of any of the vehicles fired?  
A No.

DEFENSE: No other questions.

PRESIDENT: Any redirect?

PROSECUTION: Yes, sir.

#### REDIRECT EXAMINATION

Questions by prosecution:  
Answers through the interpreter:

- Q You have testified that you fired at the last truck. Why did you do so?  
A Because they fired at me.
- Q You have previously testified that you saw firing from the first truck. You now testify that you saw firing from the last truck. Did you see firing from any other truck?  
A Yes.
- Q From what trucks did you see flashes of fire?  
A I saw from the first truck and the next truck and the truck that followed a little while later.

PROSECUTION: That's all.

PRESIDENT: Recross?

DEFENSE: No further questions.



PRESIDENT: Any questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by members:

Answers through the interpreter:

Q Before there was any firing you saw a Formosan with a pistol in his hand, is that right?

A No, I did not see any.

Q Didn't you testify you saw a Formosan holding a pistol at some time during the incident?

A No.

PROSECUTION: If it please the court, I think there's some confusion. He testified that he saw this man firing and I think the question is misleading in that you asked if he saw a pistol. He said he saw a man in the first truck get up and fire and I think if the court will bear that in mind I think the witness will understand.

Q When you heard those first three shots could you tell from the sound whether it was a large pistol or a small pistol, or could you tell what the caliber might be?

A I could not distinguish between the two.

PRESIDENT: I want the reporter to go back to the first part of the witness's testimony and find the statement made by the witness with reference to the first shot.

The fourth question and answer on Page 370 of this record were then read by the reporter.

Q You witnessed the firing of a pistol from a truck. Where was the pistol when he fired it?

A In this position.

Q If you could see the position from which the shot was fired, why don't you recall the size and shape of the pistol that he used?

A It was dark and I could not see that.

Q Did you at any time hear a police whistle blown during this incident?

A Yes.

Q Was it more than one police blast?

A There were many.

Q When did you hear the first police whistle?

A I heard the police whistle when the trucks were passing in front of the No. 1 check point.

Q What was the meaning of this police whistle at this time?

A I do not know.

- Q Why do you blow a police whistle in the Japanese police force?  
A In case of emergency.
- Q What does it mean?  
A For example, in cases when police try to stop a truck and the truck did not stop or in case when policemen try to arrest a robber and he got away.
- Q Then this signal is used to alert all other police is it not?  
A Yes.
- Q What did you do at the time you heard this police whistle?  
A I was standing.
- Q What did the other police near you do when they heard that signal?  
A They were also standing.
- Q What had they been doing prior to that?  
A They were standing.
- Q So then the police whistle meant nothing to your men did it?  
A Soon after we heard the police whistle there was an order from the squad leader.
- Q To what effect?  
A An order to stop the truck.
- Q Was there sufficient time between the police whistle and the arrival of the truck itself to issue such orders?  
A Yes.
- Q Did this signal cause you or any man near you to pull out his pistol?  
A No.
- Q But this signal had the meaning that there was trouble for you, did it not?  
A It was a signal that the truck did not stop.
- Q If the vehicle failed to stop at the first check point what were you supposed to do at the second check point?  
A To stop the truck which did not stop?
- Q How?  
A To signal with a lantern and hand.
- Q Isn't that what the first check point did?  
A Yes.
- Q If they failed to stop on your signals what were you to do?  
A We act according to the orders given by the squad leader.
- Q What were those orders?  
A We were to follow the orders given by the squad leader.

Q What orders was he supposed to give?

A I am not a squad leader so I do not know.

PRESIDENT: Any other questions by prosecution? (None) By defense?

DEFENSE: One question, if it please the court.

#### RECESS EXAMINATION

Question by defense:

Answer through the interpreter:

Q Did you hear any police fire any pistols to stop the vehicles?

A No.

DEFENSE: That's all.

PRESIDENT: Any questions by the prosecution? (None) Any questions by the Commission? (None) Apparently none. The witness is excused. At this time we will take a ten minute recess.

There being no further questions, the witness was excused and withdrew from the court room.

The Commission then took a recess until 1445 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The Commission is in session.

PROSECUTION: The prosecution calls as its next witness, Akama, Seichi.

Seichi Akama, a witness for the prosecution, was sworn and testified as follows:

#### DIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q State your name to the Commission.

A Akama, Seichi.

Q Where are you employed at the present time?

A ATIS.

PROSECUTION: I would like to request the Commission's instruction. Does it have to go through the interpreter this time or can it be taken direct from the witness?

PRESIDENT: Taken direct, if the witness can testify in English, and it will be up to the monitors for the defense to translate if necessary.

PROSECUTION: Yes, sir.

DIRECT EXAMINATION  
Cont'd

Questions by prosecution:  
Answers by the witness in English:

A ATIS, APO 500.

Q You are a civilian employee of the army?

A Yes, sir.

Q Did you some time in September go as an interpreter out to the Eighth Army Stockade?

A Yes, sir.

Q Do you recall what the date of that was approximately?

A September some time.

Q At that time did you see a weapon?

A Would you mind repeat that?

Q Did you see a weapon on that occasion?

A Yes, I saw three pistol, that is, they found at Shibuya they said.

Q Did you handle the interpretation between a Formosan and myself relative to a pistol?

A Yes, sir.

Q Will you tell the Commission the substance of that conversation?

A Well, prosecutor Mr. Robert Scott and I went to see a man Shu Toku Fu. Mr. Prosecutor told me that whether he could identify any of those three pistol so this fellow Shu Toku Fu he took up one of the particular pistol, that is type Japanese pistol. He said that he had that pistol that night and then we told him to put his name down with small type paper. We didn't have sufficient material to write down so we just let him signature his name in Chinese character. His name is -- he claimed Shu Toku Fu.

Q I hand you Prosecution's Exhibit No. 11 and ask you to state what that is?

A This is, he said, is written on here, Shu Toku Fu, and the letter more like you said protection -- or property of possession or property of Shu Toku Fu is written on there.

Q Could you at the present time identify Shu Toku Fu?

A Yes -- I'm not 100%, just 90% -- I think I could identify the man. If the court permit me to look around those boys I think

I know the person which I interpreted with Mr. Robert Scott.

PROSECUTION: If the Commission please, I would like to request permission for this witness to walk among the group and see if he can identify the man.

PRESIDENT: Your request is granted, if it is necessary to walk among them he may do so.

A This is the boy here. I think this boy we talked to.

Q Which one is this?

A This boy right here.

PRESIDENT: Have the accused arise please. Please identify the individual.

PROSECUTION: He is No. 21 on the court's list, sir.

DEFENSE: 21 is correct, sir.

PROSECUTION: His Chinese name, if the Commission please, is Chu Toh Fu.

Q Where were these weapons at the time Shu Toku Fu identified this one?

A We took up three weapons. I am not sure, one of the smaller type, one is an old U. S. Army 45 caliber, and this new type Japanese pistol, but among three we picked up 14 type Japanese pistol. He told me that that's the one he carried during that time that particular incident night.

Q Who wrote the name, "Chu To Fu, property of" which you just referred to on the tag attached to Prosecution's Exhibit No. 11.

A I don't get the question, so would you mind repeat that?

Q Yes. Who wrote the name "Shu Toku Fu, property of" which you testified just appears on this exhibit?

A Of course he wrote it himself. I couldn't write his name.

Q That's the point. Was any one else present?

A I don't think so.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the defense?

#### CROSS EXAMINATION

Questions by defense:

Answers by the witness in English:

Q During that interview did the person you just identified say anything else about the incident?

A Well, he said that the pistol itself, particular pistol, there's numbers in their pistols so he said he sure that he had that pistol, but there are many same type pistol but he don't know ---

PRESIDENT: Finish your answer.

A (continuing) He told me that's the pistol he carried that Shibuya night incident.

Q Did he tell you whether he fired that pistol that night?

A He say he didn't fire that evening single shot, and come to find out that in the clip there is a full round there so I don't see no evidence that he fired that pistol.

DEFENSE: That's all.

PRESIDENT: Redirect?

PROSECUTION: If the Commission please, I would like to ask -- it's not proper redirect really, but I would like to ask him if it isn't true that a representative of the Chinese Mission was present at the time of this conversation.

WITNESS: Yes.

DEFENSE: Nothing further.

PRESIDENT: Any objection to that?

DEFENSE: No.

WITNESS: The Chinese Mission, Mr. Lee, I guess he knows about it too.

PROSECUTION: No further questions.

PRESIDENT: Any recess?

DEFENSE: No, nothing further.

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: The prosecution calls as its next witness Yamagata, Taiji.

Taiji Yamagata, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:  
Answers through the interpreter:

Q State your name to the Commission.  
A Taiji Yamagata.

PROSECUTION: At this time, if it please the court, I would like to advise that in order to attempt to shorten proceedings on subsequent witnesses we are going to try to begin the testimony with what they saw and heard of the incident itself and be as brief as possible. In fact if it would expedite matters we would even be willing to submit the testimony by affidavit and produce the affiant for cross examination. However, due to the extent of the incident there are so many witnesses who saw only one phase of it, depending on whether they were on the river side or police station side, or whether on one side of the station or the other. We are not going to call every one. However, we would like to state if the Commission during the proceedings, if there is any police officer or any person mentioned that they would like to have called we will do so, but you realize we have over four hundred witnesses to the incident, and the attempt to limit it to a reasonable number is rather difficult and if the court will -- I know it will be a leading question to place them on the scene, but if the court will bear with me I think we can shorten the proceedings. We are making no attempt to limit defense to cross examination only on the portion we bring out. We are doing it merely for the purpose of trying to expedite matters.

PRESIDENT: You make that in the form of a motion or request, or merely as an explanation?

PROSECUTION: A mere explanation now. If the court feels we are taking undue time at that time we can consider the matter whether we should submit it by affidavit. Our position is not enviable, having four hundred witnesses, and to attempt to produce our evidence by using only forty or thirty, or whatever the number may be.

LAW MEMBER: Which do you consider the more expeditious? Submitting it in affidavit form or having the witness?

PROSECUTION: If we submit it in affidavit form we would follow the same practice. I would say probably the bulk of the witness's testimony would be ten typewritten lines, or twenty at the most, leaving out all preliminaries, but submitting them for examination and cross examination and, of course, the privilege of the Commission and defense of asking any questions on cross. Our attempt is not to hide any evidence but merely to expedite. I believe it would be more expeditious if we can submit it in affidavit form, with the exception -- I would say there are probably some exceptions we should make. I believe the Commission would like to hear the testimony of the men themselves who were actually wounded. There might be some exceptions, however, we are willing to submit all the additional evidence in affidavit form. It's just a means of trying to expedite it.

PRESIDENT: It is the opinion of the Commission, subject to objection of any member thereof, that witnesses testifying to various phases of the incident should be heard in person. Mere repetition or weight of numbers testifying to exactly the same point is neither desirable nor worthwhile. The quality rather than volume of testimony is the desire of the Commission. I believe it is only fair to the Commission and to the defense to have the witness present to get the manner of giving testimony as well as the mere words which might have been prepared with considerable assistance from outside sources. Therefore we prefer to hear witnesses in person on any pertinent points with reference to the incident.

I think you understand what I desire on that?

PROSECUTION: Yes, sir.

DIRECT EXAMINATION  
Cont'd

Questions by prosecution;  
Answers through the interpreter:

Q What is your occupation?

A Police officer.

Q For how long have you been a police officer?

A Eleven years.

Q Where are you located?

A At present the Setagaya Police Station.

Q Were you at the Shibuya Police Station on the 19th of July 1948?

A I went to the Shibuya Police Station at about 1900 in order to reinforce the guards.

Q Did you have an assignment at the station?

A As the platoon leader I was given the assignment to guard the police station.

Q You were in the police station with your men at approximately 2100 hours that evening?

A Yes.

Q At about that time did you hear any shooting?

A Yes.

Q Were you in the building when you heard the first shooting?

A Yes.

Q When you heard that shooting what did you do?

A I received a pistol and went out to the entrance immediately.

Q From whom did you receive that pistol?

A The person in charge of the police affairs at the Shibuya Police Station.



Q Were you armed? Did you have a weapon, a pistol, prior to the time you heard the first shooting?

A No.

Q After you received the weapon what did you do?

A I went outside and saw one truck approaching from the Ebiu direction and I saw firing from two places on the truck.

Q What did you do then?

A I fired two rounds at the truck.

Q Do you know what happened to that truck?

A After it passed me there was a loud sound and I learned afterwards that it had collided with a home.

Q Did you help arrest any people that evening?

A I was standing nearby and watched the occupants of the trucks being arrested.

Q Could you see the occupants of the truck as they were arrested?

A Yes.

Q Would you be able to recognize any of those persons arrested?

A I remember just one person.

Q Would you be able to pick him out if he were in the court room?

A Yes.

Q Will you try to do so?

A The last one in this row.

PROSECUTION: I ask the court to have him stand up.

PRESIDENT: Have the individual pointed out arise and be identified.

DEFENSE: The person identified is No. 22, Chinese name, Chu Teh Fu, spelled C-h-u T-e-h F-u.

Q Where was that person when you first saw him that night?

A I saw him get down from the truck.

Q And where was that truck located when you saw him get down from it?

A The place where it had collided.

Q That place is what?

A The truck had collided with a home in front of the Shibuya Police Station.

Q By in front of the station do you mean on the same side of the street or across the street from it?

A On the opposite side.

PROSECUTION: That is all the questioning by the prosecution.

PRESIDENT: Cross examination by the defense?

DEFENSE: Yes, sir.

CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

- Q Approximately at 2100 on the night of the 19th of July where were you in the police station building?  
A In the office.
- Q Approximately how many subordinates did you have in the building with you?  
A Twenty-three.
- Q At approximately 2100 did you hear any police whistles?  
A Yes.
- Q At the time you heard those police whistles did you hear any firing at the same time?  
A Soon afterwards I heard two or three shots.
- Q Did you hear any firing after that?  
A Yes.
- Q Approximately how much later did you hear the other firing?  
A About thirty or forty seconds after the first two or three shots.
- Q Approximately how long after you heard the whistles did you hear any shots?  
A About two minutes afterwards.
- Q When you heard the whistles what did you do?  
A When I heard the whistle I thought that something happened and I got the pistol and went outside.
- Q Where did you go outside?  
A In front of the entrance.
- Q Did you leave your men inside the station or did they come out with you?  
A Before that the first squad leader received a pistol and went outside with his subordinates.
- Q Did any of those subordinates receive any pistols when they went outside?  
A Yes.
- Q Was the person who was distributing the pistols distributing them to other persons at that time?  
A Yes.

Q What type of weapon did you take?

A 14 Year Model pistol.

Q What is the caliber of a 14 Year Model pistol?

A At present I do not remember the exact caliber.

Q When you went outside of the police station how many vehicles did you see pass?

A One.

Q At that time did you see any Japanese policemen firing?

A I saw my subordinates fire at the same time that I did.

Q At what were your subordinates firing?

A At the truck which was approaching.

Q At what did you fire?

A I saw the truck which was approaching and I saw fire from the truck so I fired at this truck.

Q Approximately how far were you from the truck when you fired at it?

A To the left front about thirty meters.

Q Did you watch that truck after you fired at it?

A No.

Q Did you look at the truck when you fired at it?

A Yes.

Q Could you see the persons on the truck?

A I do not know the number but I saw the occupants of the truck.

Q At the time you fired at the truck were they standing up in the truck?

A It seems as if several in the front of the truck were standing but the ones in the rear were low.

Q At that time were many Japanese police firing at that truck?

A I do not know.

Q After you fired at the truck when was the next time you looked at it?

A Then afterwards I heard that the truck had collided with a home and I saw this with headlights of another vehicle.

Q What other vehicle?

A By stopping a vehicle which was passing and shining the headlights on the truck and also from another jeep that came from the Shibuya direction.

Q You testified previously that after that truck passed you there was a loud sound, is that correct?

A Yes.

- Q When you heard that sound did you look at the truck?  
A No.
- Q Do you recall what you were looking at at that time?  
A I thought that more trucks were coming so I was looking in that direction.
- Q After you heard the loud sound when was the next time you looked at the truck?  
A I believe about fifteen minutes after I heard the sound.
- Q Did you cross the street over to where the truck was stopped?  
A Yes, I went nearby when the occupants of the truck were being arrested.
- Q The first time you looked over to that truck after it passed you were the occupants still on the truck or were they off the truck?  
A They were still on the truck.
- Q Describe their position on the truck.  
A Do you mean on the truck?
- Q Were they standing on the truck or were they still lying down on the truck?  
A Every one was in a low position.
- Q Approximately how many policemen were near the truck at that time?  
A There were about ten around me but it was dark and I could not tell exactly.
- Q Do you know whether there were other persons around the truck in addition to policemen?  
A I did not see.
- Q At that time could you hear what the policemen were saying?  
A They told the occupants to stand one by one and come down from the truck.
- Q At that time were the policemen using any secret language among themselves?  
A No.
- Q Did you see the men come off the truck that night?  
A Yes.
- Q How many of them were carrying weapons when they got off the truck?  
A I did not see anybody carrying weapons when they came down from the truck.
- Q Did you see any weapons on the truck at that time?  
A I saw afterwards. I saw a policeman get on the truck and pick up a 14 Year Model pistol.

Q Is that all you saw at that time?  
A I also saw iron bars and sticks.

DEFENSE: That's all.

PRESIDENT: Any redirect?

#### REDIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q You testified that you received arms at the station during the incident. Do you know from where those arms were located just before you received them?  
A I saw the weapons on the table in the police affairs office.

Q You testified on direct examination that you received the pistol after you heard the first pistol shots. Then you testified in response to a question that the time you received them was after you heard the whistle. Both answers could be correct, but I ask you now to tell us at just what time you received the pistol.  
A I received the pistol after I heard the whistle and while I was in the process of receiving the pistol I heard two or three pistol reports.

Q Then the pistols were being distributed immediately after you heard the whistle, is that correct?  
A A little while afterwards.

PROSECUTION: No further questions. That is all.

PRESIDENT: Recross?

#### RECROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q You testified just now you saw the weapons on the table in the police affairs office. Are you referring to the exhibits on the table in front of us?  
A No.

Q What weapons are you referring to?  
A The pistols with which the Shibuya Police Station is being equipped with.


DEFENSE: No other questions.

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

**PRESIDENT:** At this time the Commission will recess and meet again tomorrow morning at 0900.

The Commission then adjourned at 1530 hours on 21 October 1946.

  
\_\_\_\_\_  
RICHARD R. ELLIOTT  
Major  
Chief Prosecutor

Metropolitan Police Station  
Tokyo, Japan  
22 October 1946

The Commission met, pursuant to adjournment, at 0900 hours, all the members of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

**PRESIDENT:** The Commission is in session. Proceed.

**PROSECUTION:** The prosecution calls as its first witness this morning Takizawa, Kiichi.

Kiichi Takizawa, a witness for the prosecution, was sworn and testified as follows:

**DIRECT EXAMINATION**

Questions by prosecution:

Answers through the interpreter:

Q State your name to the Commission.

A Kiichi Takizawa.

Q What is your occupation?

A Policeman.

Q What rank on the police force do you hold?

A Police sergeant.

Q How long have you been on the police force?

A Eight years.

Q At what station are you assigned?

A Setagaya Police Station.

Q I direct your attention to the night of the 19th of July of this year. What were your duties on that evening?

A To guard the Shibuya Police Station building.

Q What was the purpose of your being called to the Shibuya Police Station building to guard it?

A There was a request from the Metropolitan police to reinforce the Shibuya police force so I went over under the platoon leader.

Q What was your particular duty?

A Squad leader.

Q The hour of about 2100 where were you located?

A In the office of the Shibuya Police Station.

Q You were located in the office at 2100, is that correct?

A Yes.

Q At about 2100 what, if anything, happened out of the ordinary?

A I heard a whistle. At that time I was taking down number of the pistol which I was to distribute to my squad.

Q How many members were in your squad?

A Eight persons. However, there were only two near me at that time.

Q Before this whistle was sounded were any of them armed with firearms?

A No.

Q What did you do when you heard this whistle?

A I continued taking down the number of the pistol.

Q Did you pass the pistols out then?

A I continued taking down the numbers of the pistols for a while and after I got through with that I gave Susaki, one of my subordinates, a pistol.

Q How many of your subordinates did you ultimately give pistols to?

A After I gave Susaki a pistol and was going to take one for myself I heard a report to the left on the streetcar line.

Q What kind of a report?

A I believe it was a pistol report.

Q How long after this or how long was this after you first heard the whistle?

A About three or four minutes.

Q When you first heard this report how many reports was it? How many pistol shots did you hear?

A I believe three.

Q Can you demonstrate to the Commission how they were spaced?

A (Demonstrating)

PROSECUTION: If there is no objection, let the record show that there were two and then one.

DEFENSE: May I suggest, if the court please, that the record also show that there were two and then one, and that those three shots were fired within a less interval than one second.

LAW MEMBER: All three?

DEFENSE: Yes, sir, I think that is correct.



LAW MEMBER: For the purpose of the record all these shots required about one second or two seconds at the most.

Q What did you do then?

A Then I thought that the Formosans attacked so I gave a pistol to Sakuma who stood behind me and ran outside.

Q What did you see as you ran outside?

A When I ran outside near the pillar at the entrance I saw a truck to my left front.

Q That's at the entrance of the police station you are speaking of?

A Yes.

Q What, if anything, did you see on this truck?

A I saw a lot of people standing on the truck and saw several flashes.

Q What kind of flashes? Were they flashes of fire?

A Flashes from pistols.

Q Did you also hear reports from pistols?

A Yes.

Q Was the truck moving?

A Yes.

Q What did you do then?

A Then I went to the right side of the porch and hit the ground.

Q Did you notice any trucks in front of this truck or behind it?

A No.

Q Did you draw your pistol?

A I pulled out my pistol from my holster but the safety lock was on and I could not manipulate that with my one hand so I remained in that position.

Q You say you "hit the ground." Just what do you mean by you "hit the ground"?

A I saw the truck to my left front and I hit the ground in this position.

PROSECUTION: Will the record show that he went down to his right knee ---

LAW MEMBER: Left elbow.

PROSECUTION: (continuing) with his left elbow in a crouching position.

Q What kind of uniform did you have on that night?

A Black blouse and white trousers.

Q More or less formal?

A Yes.

Q What did you do then?

A Then after the truck passed I thought it would be dangerous so I hid behind a low stone wall.

Q Where was this stone wall?

A About three meters behind me.

Q Was it to the left or to the right of the entrance of the police station?

A On the right.

Q How far to the right of the entrance?

A About three meters from the porch.

Q On the same side of the street?

A Just in front of the police station.

Q How long did you stay back there?

A From about fifteen to sixteen minutes.

Q Why did you say you took cover behind this stone fence?

A I thought there would be trucks following this one.

Q Were there trucks following that one?

A One came.

Q Was there any firing from that truck?

A I saw two flashes.

Q Who was on this truck?

A Since I saw flashes from this truck I thought that For-  
mosans were also on this truck.

Q Did you later ascertain who was on this truck?

A Yes.

Q Did you fire at this truck?

A Yes.

Q How many shots?

A Two.

Q Did you fire at the cab or fire at the bed of the truck?

A Since it was coming from the side I fired at the box of  
the truck.

Q What do you mean by "the box of the truck"? The driver's  
cab or the back end of it?

A I would like to clarify that. The part where the freight  
is carried.

Q What happened then?

A It seemed to swerve to the left from the streetcar line and  
soon afterwards I heard a loud sound.

- Q Do you know what that sound was?  
A Later I saw the truck had collided with a horse and I thought the sound was the sound of the collision.
- Q Where were you at this time?  
A At the same position behind the stone wall.
- Q How long did you remain in that position?  
A About fifteen to sixteen minutes.
- Q Then what did you do?  
A I stayed there for about fifteen minutes and thought that there would be some trucks following. However, no truck came so I went out. Then I overheard some one saying that a truck had collided with a horse so I went outside to the streetcar line.
- Q Then what?  
A I saw the truck collided with the horse and the headlights were still burning.
- Q Is that the same truck that you saw firing from?  
A Then I thought that from the noise I thought it was the same truck at which I fired.
- Q How do you know it was the same truck?  
A Because the truck I fired at swerved to the left of the streetcar line and soon afterwards I heard a loud sound.
- Q Were the occupants still on the truck when you walked over there?  
A It was dark and I could not see clearly but I saw the backs of some that were lying on the rear body and there were some at a half-standing position.
- Q How long did they remain there, if you know?  
A I believe they stayed in that position for about thirty minutes.
- Q Did you see them when they got off?  
A Yes.
- Q Under whose direction did they alight from the truck?  
A I believe he was a policeman from the Shibuya police force and he ordered them to come down one by one and I saw them come down one by one.
- Q Were their hands raised as they came down?  
A On the truck they said they will come down and then I saw them raise their hands and come down.
- Q Did you personally make any arrests this night?  
A I was just guarding the area and I did not arrest anybody.
- Q Did you identify any of those arrested?  
A As I was at a little distance I do not know their faces.

Q Going back when you first came out and you saw this first truck passing, how many shots did you see fired from that truck?

INTERPRETER: Is that the first truck?

Q When you first came out of the police station you stated that a truck was passing the police station. How many shots did you see fired from that truck?

A I saw about seven or eight flashes and I believe four or five came in my direction. I heard one go over my head.

Q Did you hear any shouting on the trucks?

A Yes.

Q Did you understand what the occupants of the truck were shouting?

A I do not know.

Q Could you distinguish whether they were <sup>shouts</sup> angry or otherwise?

A I do not know whether they were angry or not.

Q Did you hear any shouting from the second truck that you saw?

A I was a little to the rear from my first position when the second truck came so I did not hear any shouting.

Q Where were the men of your squad during this time you have just described?

A Susaki was on the right of the entrance behind a stone post and Sakuma was to the right of me behind the same type of stone fence that I was behind.

Q What type pistol did you have?

A 14 Year Model pistol.

PROSECUTION: That's all.

PRESIDENT: Any cross examination by the defense?

#### CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q What type of pistols did you distribute to your men?

A 14 Year Model pistol.

Q What is the caliber of the 14 Year Model pistol?

A I believe 3.5 millimeters.

Q When you distributed the pistols were they in holsters?

A Yes.

Q Was the pistol that you took in a holster?

A Yes.

- Q Did you leave it in the holster? Did you leave it in the holster when you went out of the building?
- A As I recall, I had it in my holster when I ran out and after I got out I pulled it out from my holster.
- Q Was the holster on your belt or were you carrying it in your hand?
- A From my shoulder.
- Q What is the meaning of the police whistle you heard that night?
- A I thought that the Fornosans attacked.
- Q Did that whistle have any special meaning to you as a policeman?
- A Do you mean when a whistle is blown?
- Q Yes.
- A We have this whistle to get reinforcements in case of emergency.
- Q At the time you heard the whistle on the night of the 18th you believed the Fornosans were attacking, is that correct?
- A Yes.
- Q At that time did you think you had time to put the holster on your shoulder and then go out of the building?
- A At the time that I heard the whistle I was taking down the number of the pistol and I had not distributed this to my subordinates.
- Q Then after you heard the whistle and you thought the Fornosans were attacking you remained inside the building, is that correct?
- A Since I had the responsibility of taking down the numbers of the pistols and distributing this to my subordinates I continued this work.
- Q Shortly thereafter you heard three pistol shots, is that correct?
- A It was not seen afterwards.
- Q Well, about three or four minutes afterwards did you hear three pistol shots?
- A As I recall, I heard the reports about three or four minutes afterwards.
- Q How soon after that did you hear any other shooting?
- A About three seconds.
- Q Were the three shots you heard a police signal to open fire?

PROSECUTION: If the court please, I object to that question.

He states that he was on the inside of the building when he heard the shots.

DEFENSE: If it please the court, he's just testified that the whistle was a police signal. I am asking him whether the three shots were also a signal. I believe it is a proper question.

LAW MEMBER: The objection is overruled.

- A There is no such foolish thing. We're instructed time and again that we were not supposed to fire anything until the opponent fires.
- Q At the time you ran out of the police station and you saw a truck passing by, were the occupants of that truck standing up?
- A At the time I went out of the building and saw the truck passing the occupants of the truck were half standing and shooting at me.
- Q Was anybody else shooting?
- A I do not know the meaning.
- Q Did you see anybody else in that area outside the police station at that time?
- A As I was looking only at the truck I only saw my subordinates, Suzuki, behind a stone post. He went out of the building before me.
- Q Could you see any other policemen in the area in front of the police station at that time?
- A I did not notice.
- Q Was the only shooting that you could see or hear at that time coming from that one truck?
- A Yes.
- Q Did you know that there were any other policemen in that entire area in front of the police station?
- A I knew that there were some policemen outside the building guarding outside the building.
- Q But at the time you ran out of the police station and you saw that truck come by you could see only one policeman, is that right?
- A As I was only looking at the truck I saw only one.
- Q And you could hear no other shooting except the shooting from that truck, is that right?
- A You mean the reports when I came out of the building?
- Q That's right.
- A I thought that they were exchanging shots.

Q Who was exchanging shots?  
A Formosans from the truck and policemen from the ground.

Q You mean your subordinate, the one you could see behind the stone wall, is that right?

A Yes.

DEFENSE: That's all.

PRESIDENT: Any redirect by the prosecution?

PROSECUTION: Nothing further.

PRESIDENT: Any questions by the Commission? (None) Apparently none. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: The prosecution calls as its next witness, Suzuki, Shirokichi.

Shirokichi Suzuki, a witness for the prosecution, was sworn and testified as follows:

#### DIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q State your name to the Commission.

A Shirokichi Suzuki.

Q What is your occupation?

A Policeman.

Q How long have you been a policeman?

A One year and one month.

Q Where are you stationed?

A At the Setagaya Police Station.

Q What was your particular station on the 19th of July of this year?

A At the Shibuya Police Station.

Q Why were you stationed there?

A I went to the Shibuya Police Station to reinforce the police there because the Formosans were going to attack the police station.

Q Where at the Shibuya Police Station were you stationed?

A I was in the police station waiting to get my pistol.

Q In whose squad were you?

A Takisawa's squad.

- Q What time was this when you were in the police station waiting to get your pistol?  
A About 2100.
- Q Who was issuing pistols at that time?  
A Squad leader Takisawa.
- Q State if anything out of the ordinary happened while you were waiting to have your pistol issued you?  
A I heard a police whistle.
- Q When you heard this police whistle did you have your pistol at that time?  
A No.
- Q How soon after you heard this whistle did you receive your pistol?  
A I do not recall the exact time but I believe it was about three minutes.
- Q What happened after you received your pistol?  
A After I received the pistol I heard two or three reports.
- Q What kind of reports?  
A A pistol report.
- Q Where were you at this time?  
A In the police station.
- Q You stated you heard two or three reports. Do you know whether you heard two or three reports?  
A I do not know exactly but I believe it was three shots.
- Q What did you do when you heard these shots?  
A I then hurriedly went outside.
- Q Where was your pistol at this time?  
A I hold the pistol in my hand and stood on the right of the entrance.
- Q Was your pistol in your hand as you went out of the police station?  
A I was taking the pistol out of the holster as I went out of the police station.
- Q What did you see as you stepped outside?  
A I learned this afterwards, but I saw the second truck pass in front of the police station.
- Q Then you saw a truck as you stepped outside, is that correct?  
A Yes.
- Q What did you see on that truck?  
A I saw several flashes from the truck.



- Q Do you know how many?  
A No.
- Q Do you know how many occupants were on the truck?  
A I do not know.
- Q Were there few or many occupants on the truck?  
A There were many on the truck.
- Q Did you see few or many flashes from the truck?  
A A comparatively large number.
- Q What did you do as you stepped outside and saw this truck with gunflashes coming from it?  
A There were so many bullets flying that I hit the ground.
- Q Where did you hit the ground?  
A To the right of the main entrance near a pillar.
- Q Did you take cover behind that pillar?  
A I hit the ground in front of the pillar.
- Q Did you fire your pistol?  
A Yes.
- Q How many shots did you fire?  
A I fired three shots at the third truck.
- Q Did you fire your pistol at the truck you saw passing the police station when you first came out?  
A No.
- Q Why didn't you fire?  
A The safety lock was on and I did not have time to unlock the pistol.
- Q Were the occupants of the truck shouting as it passed?  
A I could not tell because I was excited.
- Q What happened after this first truck that you saw passed?  
A There was quite a bit of firing from the third truck and I was afraid so I hid behind a stone monument.
- Q By "third truck" do you mean the truck following the truck you saw as you came out of the police station?  
A Yes.
- Q How long was it after the first truck passed that this other truck came up?  
A About five or ten meters behind the first truck.
- Q How many flashes did you see from this truck?  
A From five to seven flashes.
- Q Did you take any shots at this truck?  
A Yes.

- Q How many?  
A Three shots.
- Q What happened as this truck passed?  
A After this truck passed about 150 meters from the police station another truck which collided with a home came.
- Q What happened as that came up?  
A Because they fired at us I shot back.
- Q How many shots did you fire at this truck?  
A Two shots.
- Q How long a period intervened between the time this truck came up and the other truck passed?  
A I do not recall the time but it followed about 150 meters behind.
- Q How many occupants were on this truck?  
A I do not know.
- Q Were there few or many?  
A There were two or three standing in front and the rest were in a low position so I do not know.
- Q What happened as this truck passed?  
A Then I heard a screeching sound and a sound that seemed like a collision. Then I did not hear anything.
- Q Did you see this truck swerve to the right or to the left?  
A I saw this truck swerve to the left.
- Q Did you see it leave the road?  
A No.
- Q What happened then?  
A No trucks came after this one.
- Q How long did you remain in your position?  
A About fifteen minutes.
- Q What did you do then?  
A Then I learned that a truck had collided with a home and so I went to guard this truck.
- Q While you were on guard what was your position?  
A Near the streetcar tracks.
- Q Did you see the occupants of the truck that had collided with the building alight from the truck?  
A Yes.
- Q When was this?  
A About ten minutes after I started guarding.
- Q How far from the truck were you when you saw the occupants

- of the truck alight from it?
- A About twenty meters.
- Q Did you hear the police command the occupants to alight from the truck?
- A I did not hear clearly.
- Q But you did see the occupants as they alighted from the truck?
- A Yes, from a distance.
- Q Could you describe how they alighted from the truck?
- A They came down with their hands up.
- Q Did you personally make any arrests?
- A No.
- Q Can you identify any of the defendants?
- A No.
- Q These trucks that you saw passing they were coming from the direction of Ebisu toward the Shibuya Police Station, is that correct?
- A Yes.
- Q Did you see any jeeps pass?
- A No.

PROSECUTION: That's all.

PRESIDENT: At this time the Commission will take a ten minute recess.

The Commission then took a recess until 1040 hours, at which hour the personnel of the Commission, the prosecution and defense, the accused and the interpreters, and the reporter resumed their seats.

PRESIDENT: The court is in session.

The witness resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

#### CROSS EXAMINATION

Questions by the defense:  
Answers through the interpreter:

- Q When you came out of the police station on the night of the 19th of July around 2100 did you see a truck passing in front of the station?
- A Yes.
- Q You testified you saw several flashes from that truck, is

- that right?
- A I said that I saw some flashes.
- Q Did you testify that you saw a comparatively large number of flashes from that truck?
- A Yes.
- Q Did you testify there were so many bullets flying that "I hit the ground"?
- A Yes.
- Q Do you mean that those bullets were coming from that truck?
- A Yes.
- Q Could you see any other gunflashes from any place else at that time?
- A No.
- Q At that time was Sergeant Takisawa there?
- A He came after me so I do not know.
- Q Could you see any other policemen out in front of the station in that area at that time?
- A Yes.
- Q Where were they?
- A They were to the right and left of me.
- Q Were any of those policemen firing?
- A I just looked at them for a moment and was watching the truck afterward so I do not know.
- Q Then at the time that truck was passing by you were watching it. Could you tell whether the occupants were standing up or lying down?
- A They were standing.
- Q About how far were you from the truck at that time?
- A Since the truck was passing in the middle of the road I believe it was about five to six meters away.
- Q And you could see the occupants standing up, is that right?
- A Yes.
- Q Did you testify that you couldn't tell whether the occupants were shouting because you were excited?
- A Yes.
- Q But you were sure that the flashes that you saw came from that moving truck, is that right?
- A Yes.
- Q You are sure that they could not have come from somebody on the other side of the truck, outside of the truck?
- A That is correct.

- Q After that truck passed you how many trucks followed?  
A Two trucks, one after this and another one that collided with the home.
- Q Did you watch those trucks as they passed you?  
A Yes.
- Q When the last truck came down the street did you watch it closely?  
A You mean the truck that collided with the home?
- Q That's right?  
A Yes.
- Q You fired at that truck, is that right?  
A Yes.
- Q Were the occupants of that truck standing when you fired at it?  
A They were in the low position.
- Q Were there any trucks in back of that truck?  
A I do not know.
- Q Do you know whether there were any vehicles in back of that truck?  
A No.
- Q For how long did you watch that truck?  
A You mean the truck that collided?
- Q That's right.  
A Until it began swerving.
- Q And then what did you watch?  
A I thought that there would be some trucks following so I was watching in that direction.
- Q Did you see any headlights coming from that direction?  
A No.
- Q But you continued looking there, is that right?  
A Yes.
- Q And you did not watch this truck after it began swerving, is that right?  
A No, I did not watch the truck.
- Q When you heard the loud noise did you continue looking in the direction of Ebisu Station?  
A Yes.
- Q For about ten or fifteen minutes?  
A Yes.
- Q And you never looked across the street to see where that

- truck went, is that right?
- A About fifteen minutes later the policeman that was near the home started a confusion so I knew of this.
- Q Will you explain what the confusion was about?
- A He said that they were shouting the vehicle had collided with the home.
- Q That is about fifteen minutes after you heard the sound, is that right?
- A Yes.
- Q And that's when you looked over there, is that right?
- A Yes.
- Q Could you see any policeman over in the vegetable garden near the truck at that time?
- A It was dark and I could not see.
- Q Did you approach that truck at that time?
- A No.
- Q What did you do?
- A I guarded the area.
- Q Did you testify that you went over to guard the truck?
- A Yes.
- Q What position did you take up to guard that truck?
- A Near the streetcar tracks.
- Q At that time was the truck on the street near the streetcar tracks?
- A Do you mean the truck that collided?
- Q That's right.
- A At that time it had already collided with the home.
- Q It was not on the street, is that right?
- A No.
- Q At that time did you know that that was one of the trucks that had come down the street shooting at the police station?
- A Yes.
- Q And did you think that maybe there were some Formosans on that truck?
- A Yes.
- Q And when you decided to guard that truck you took up a position in the middle of the street, is that right?
- A Yes.
- Q I ask you for your opinion as a policeman; do you think that

was a good position to guard the truck with Formosans on it?

A Yes.

DEFENSE: That's all.

PRESIDENT: Any redirect?

PROSECUTION: Yes, if the court please.

REDIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q Who ordered you to guard the truck?

A Assistant Police Inspector Yamagata.

Q Did he station you by the car tracks?

A Yes.

Q And when you took up your post you were following orders from your superior, is that correct?

A Yes.

PROSECUTION: That's all.

PRESIDENT: Any recess?

DEFENSE: No other questions.

EXAMINATION BY THE COMMISSION

Questions by members:

Answers through the interpreter:

Q What became of the persons that were removed from the truck that had collided with the building?

A They were assembled in the police station.

Q What part did you play in that?

A As I was guarding the truck I do not know.

PRESIDENT: Any further questions by the Commission? (None)  
Any questions by the prosecution? (None)

DEFENSE: No other questions.

PRESIDENT: Apparently no other questions. The witness is excused.

There being no further questions, the witness was excused and withdrew from the court room.

PROSECUTION: The prosecution calls as its next witness, Hishio, Haruki.

This witness has already testified in this case and has been sworn previously and he is reminded that he is still under oath.

Harumi Nishio, a witness for the prosecution, was recalled and testified further as follows:

DIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q Give the Commission your name and your occupation?  
A Harumi Nishio, policeman.

Q How long have you been a policeman?  
A Nine years.

Q What is your rank?  
A Assistant police inspector.

Q Where are you stationed?  
A At the Shibuya Police Station.

Q On the 19th of July 1948 were you on duty at the Shibuya Police Station?  
A Yes.

Q What was your duty that day?  
A I was the duty officer and I made inspection.

Q Did you return to the Shibuya Police Station at any time late in the day or late in the afternoon?  
A About 1000 I returned to the police station.

Q When you returned to the station did you receive any orders?  
A I received an order to guard the place as there is a possibility that the Formosans might attack.

Q Were you given any special post or assignment?  
A I was assigned the duty of checking the vehicles that approached from the Shibuya Railroad Station direction.

Q Were you in charge of any policemen?  
A Yes.

Q How many?  
A Seventeen.

Q In what color uniforms were your men dressed?  
A There were some with white uniforms and some with black uniforms.

Q Were your men armed?  
A Fourteen of my subordinates had weapons, plus myself.



- Q Were there any other policemen stationed closer to the Shibuya Railroad Station than the group of which you had charge?
- A There were no other post toward the Shibuya Railroad Station other than my post.
- Q Who was your superior officer? Who was your next superior officer?
- A Police Inspector Hyodo.
- Q What time did you and your men go to your post?
- A About 1850.
- Q Will you step to this map and examine the same and indicate to the court where you and your men were posted at that time?
- A In this position.
- Q You are pointing to a blue line across the street adjoining which is the letter I, is that correct?
- A Yes.

PROSECUTION: You may resume your seat.

- Q How long did you remain at that post after you were posted there before you left it?
- A I remained in that position until about 2030.
- Q Where did you go then?
- A I was called to the police chief's office.
- Q Was there any one in the office besides the chief of police when you arrived there?
- A The platoon leaders were all assembled.
- Q How long did you and the other men remain there?
- A As I recall about fifteen minutes.
- Q Then what happened?
- A Then I heard a police whistle.
- Q What did you do when you heard the police whistle?
- A After I heard the whistle I immediately started toward my position.
- Q Do you know what the other policemen who were in the police chief's office did?
- A They all went outside.
- Q Do you know if the chief went out?
- A As I went out before him I do not know whether he followed or not.
- Q Why did you go out?
- A Because I heard the whistle and thought that the Fernosans had attacked I went outside.

- Q As a policeman, what does the blowing of a police whistle mean to you?
- A The police whistle is to be sounded when an incident occurs or in order to get reinforcement, or in cases of emergencies.
- Q As you rushed out of the police station what did you see?
- A As I went out of the station I glanced toward the left and then I saw headlights of vehicles.
- Q As you went out of the station did you hear anything?
- A I heard confusion from the direction from where the vehicles had stopped.
- Q What do you mean by "confusion"?
- A Voices of people shouting.
- Q When you went out of the station where did you go?
- A I went to my position, the check point.
- Q What did you do there?
- A I was watching in the direction where the vehicles had stopped.
- Q Did you give any orders to your men at that time?
- A I encouraged them to do their best because they had come.
- Q Where were your men standing at this time?
- A They formed a line across the road.
- Q In what direction were they facing?
- A In the direction of the vehicles.
- Q Prior to that time do you know in what direction they had been facing?
- A Before that they were watching the Shibuya Railroad Station direction and were watching for approaching vehicles from that direction.
- Q As your men formed the line across the street and you were looking in the Ebisu direction what did you see?
- A I saw the vehicles start.
- Q As your men formed that line across the street approximately how far away from you was the first vehicle that you noticed?
- A It was night and dark so I could not know exactly but I believe it was about 80 to 100 meters away.
- Q Could you tell how many vehicles there were?
- A I do not recall how many but I believe there were four or five vehicles.
- Q How long when you arrived at your post had these vehicles stopped?
- A Yes.

- Q How long after you arrived at your post was it before any of the vehicles began to move?  
A I believe about from four to five minutes afterwards.
- Q When the vehicles began to move what did you do?  
A As I recall, the first vehicle was a jeep because of the strong headlights. Japanese vehicles do not have such strong headlights.
- Q As the jeep approached you what did you do?  
A When I saw the jeep there was a policeman with a white uniform and he was waving his hand and I thought that was a signal to open the road.
- Q What did you do when you saw that policeman on the jeep?  
A Then I told the men to move toward the side.
- Q Did they do so?  
A I was standing in the center of the road and as I was hurrying toward the side of the road I put my feet in the tracks and fell down.
- Q When your men retreated to the side of the road did the jeep pass by you?  
A Yes, just beside me.
- Q Was there another vehicle behind the jeep?  
A Yes.
- Q Do you know what type of vehicle that was?  
A It was a sedan passenger car.
- Q About how far behind the jeep was it?  
A As I remember about ten meters or fifteen meters away.
- Q Was there any vehicle behind the sedan?  
A Yes.
- Q About how far behind the sedan was it?  
A About five to eight meters.
- Q Do you know what type of vehicle it was?  
A It was a truck.
- Q As you stumbled and fell on the street in what direction were you facing?  
A I fell towards the Tanaka Hospital.
- Q Is that on the same side of the street as the Shibuya Police Station or is it on the same side as the river?  
A On the same side as the police station.
- Q Did you hear any shooting about that time?  
A When I fell I heard three shots.

Q When you heard those three shots had the jeep passed you?  
A Yes.

Q Had the sedan passed you?  
A No.

Q How close to you was it?  
A About ten meters toward the police station.

Q What did you do when you heard these shots?  
A I stood up and looked toward the police station direction.

Q After those first shots did you hear any more shooting?  
A As I faced the police station directly I saw a flash from the first truck.

Q How long was it after the first three shots which you have told us about before you heard more shooting?  
A I do not know the exact time but I think about three or four seconds elapsed.

Q What did you do when you heard this shooting?  
A I saw a flash just in front of me, a flash caused by a bullet striking the ground.

Q In what position were you at that time?  
A (Indicating) I was about to stand up in this position.

PROSECUTION: If it please the court, I would like to have the record show that the witness assumed a low crouching position.

Q As you were in that position were you watching the first approaching truck?  
A And as I watched the first truck I saw a flash, then I saw another flash in front of me, the flash of a bullet striking the ground, and I felt as though the bullet just passed near my shoulder.

Q What did you do then?  
A Then I heard shooting near the police station so I ran toward the side street between the Tanaka Hospital and the street association office.

Q Then what did you do?  
A Then I remained in a low position and put out my pistol.

Q Up to this time had your pistol been in the holster?  
A Yes.

Q After you drew your pistol what did you do?  
A The first truck was just going by me.

Q Did you shoot at the first truck?  
A As I was too late to shoot at the first truck I did not.