

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 AFIS. 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 Feng-Long, is No. 38; Ching Shim-Ming is No. 2. Chiang Hung-Chieh is No. 33.

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 ATIS had translated in Chinese and Japanese and the defense apparently prefers to translate it in Fukien Chinese rather than in the Chinese which ATIS 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 Ryoze Ueda.

Ryoze 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 Ryoze Ueda who has testified previously in



- 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 Mei, Sai Ritsu To, Ryo Jun Kei, Lo Shu Ken. 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 home 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 home in front of the Shibuya Police Station.
- Q Did Gan Rai Mei tell you where he was during the incident?
- A He was on the same last truck.
- Q Did Ryo Jun Kei tell you where he was during this police incident?
- A He said that he was on the last truck which collided with the home in front of the Shibuya Police Station.
- Q Did Lo Shu Ken 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-n-g, third, F-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 Ritsu 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 Mei?

A The one on the right on the second row.

DEFENSE: The defendant just identified is No. 30; Chinese spelling, Y-e-n, L-a-i, H-i-n-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, Ryu I Ko.

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 Ryu I Ko 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, Hwang Chia Pao, spelled, "H-w-a-n-g, C-h-i-a, P-a-o.

A The second one on this row.



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

DEFENSE: If it please the court, Ryu I Ko 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.

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 Giamitsu, 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 Run, Cho Bi Ritsu, Ryo Sho Kei, Ri Bun Chi.

Q Did Sha Sai Run 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 Bun 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 Bi 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 Run?

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, Che Bi Ritsu.

DEFENSE: The person just identified was No. 6, spelled C-h-a-n-g J-u-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 Che Bi Ritsu -- correction, referred to by the witness as Rye 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 Kun.

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 Formosans 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 Kun I took a record. However, from the



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

Q Did they sign these 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 these 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 these 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 Kun, 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 Kun 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 these statements?  
A No.
- Q State if you can the names of the six people you interviewed.  
A Kaku Shu Ko, Han Un Kaku, So Bun Sho, Kan Boku Sho, Rin U Sho, Yo Shu Tei. These are the six persons.
- Q Did Kaku Shu Ko 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 home 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 home 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 home.
- 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 home.
- 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 Ko?  
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 Kaku?  
A The one on the left on the fourth row of tables.

DEFENSE: The person just identified is No. 42, 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 Kan Boku 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 Soeng, spelled C-h-i-e-n M-u-s S-o-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 Soeng, spelled L-i-n Y-o-u S-o-o-n-g.

Q Will you now point out to the Commission Ye 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 Bun Sho 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 Bun Sho 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. That 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 Kin 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.

PRESIDENT: 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 truck.

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 38, Chinese name, Weng Tien Lang, spelled W-e-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 Ho, No. 38, 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 Kin 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 these 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 Taramoto 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?  
Ben 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.

PRESIDENT: 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 convoy 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 1330 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.

PRESIDENT: 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 19th 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



stepped 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 these 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 policeman 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 convoy 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



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 these 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.

#### REGROSS 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, Seiichi.

Seiichi 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, Seiichi.

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 these three pistol so this fellow Shu Toku Fu he took up one of the particular pistol, that 14 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 these 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 Teh 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 recross?

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 1946?

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 Ebisu 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. 21, 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 house 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 1550 hours on 21 October 1946.

*Richard R. Elliott*  
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 Suzuki, one of my subordinates, a pistol.

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

A After I gave Suzuki 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 these 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 Formosans 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 home 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 home so I went outside to the streetcar line.
- Q Then what?  
A I saw the truck collided with the home 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 Suzuki 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 Formosans 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 19th you believed the Formosans 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 Formosans 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 soon 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 Takizawa'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 held 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 Takizawa 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 street-car 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, Nishio, Narumi.



This witness has already testified in this case and has been sworn previously and he is reminded that he is still under oath.

Narumi 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 Narumi 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 1946 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 1620 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 uniform were your men dressed?  
A There were some with white uniform and some with black uniform.

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 Ryodo.

Q What time did you and your men go to your post?

A About 1650.

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 Formosans 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 those 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.



- Q After the first truck what passed?  
A The next was also a truck.
- Q Did you see any firing from it?  
A I saw the flashes from the next truck.
- Q What did you do?  
A I put the lock in a firing position and started firing.
- Q How many shots did you fire at the second truck?  
A Two shots.
- Q Behind that truck did any more vehicles pass you?  
A Another truck passed.
- Q Did you see any firing from it?  
A Yes.
- Q Did you fire at it?  
A I did not.
- Q Did any more trucks pass by you at that time?  
A None came immediately afterwards.
- Q After this third truck passed you what did you do?  
A As the firing ceased and the truck had already passed I went out on the road.
- Q Did you give any orders to your men?  
A Since the trucks had already passed and had proceeded toward the Shibuya Railroad Station and everything was quiet I thought that they might reattack, counterattack, from the Shibuya Railroad Station direction so I told my subordinates to be on guard.
- Q As you placed your men on guard again did you hear any shooting?  
A Then soon afterwards I heard more shooting from the Shibuya Police Station direction.
- Q What did you do then?  
A Then I faced toward the police station and I saw a jeep pass and behind that I saw the truck swerve toward the river side right in front of the Shibuya Police Station.
- Q When you say you saw a jeep pass do you mean pass you and your line of policemen and the police station?  
A In front of me.
- Q Was there any shooting from that jeep?  
A No.
- Q How long was it from the time that you stepped out of the alley after the third truck had passed you before you turned and faced Ebisu direction and saw the jeep and the truck?  
A I do not recall exactly but I believe about twenty seconds elapsed.



- Q As you turned at the sound of shooting you stated that the truck was already turning off the road, is that correct?
- A I saw the truck swerve toward the river.
- Q Toward the river side of the street?
- A Yes.
- Q Do you know what happened to that truck or where it went?
- A I do not know because there was a warehouse and it cut my sight of vision.
- Q Did you see that truck any time that evening?
- A No.
- Q What did you next do?
- A Then Police Inspector Hyodo ordered the Kineshita platoon and Nishio platoon to reinforce the police box in front of the Shibuya Railroad Station as it was being attacked.
- Q Did you then leave the Shibuya Police Station area?
- A Then I immediately departed for the Shibuya Railroad Station direction.
- Q You have testified that you had seventeen men under you, that there were fourteen pistols in your group. Do you know how many shots you and your group fired that evening?
- A Eighteen shots.
- Q Were you wounded that evening?
- A Then I went to the police box in front of the Shibuya Railroad Station but no incident had occurred so I went to the police box and was resting when I felt pain in my shoulder. I looked at my uniform and saw a hole in it. I took off my uniform and saw a wound on my shoulder and I realized for the first time that I was wounded.
- Q Did you have your wound treated by a doctor?
- A I returned to the police station about 2300 and at about 2350 I went to the Kaneko Hospital which is near the station and received treatment.
- Q Do you know when you were wounded?
- A As I recall I was wounded by the bullet that ricocheted in front of me when I stumbled.

PRESIDENT: At this time the Commission will recess until 1330 this afternoon.

The Commission then took a recess until 1330 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.

PROSECUTION: Is there any cross examination of this witness?

CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q At the time you came out of the police station on the night of the 19th of July approximately 2100 hours you went to your station, is that correct?

A Yes.

Q At that time you testified that you encouraged your men to do their best because they had come, is that correct?

A I did not.

Q What did you tell your men?

A I said, "First, if they should attack, to hit the ground and protect yourself; second, not to fire unless they start firing; third, not to act cowardly such as hiding and running away."

Q At that time the vehicles were stopped about 80 to 100 meters from you, is that correct?

A Yes.

Q Were you facing in the direction of these stopped vehicles?

A Yes.

Q Could you see any policemen between your station and the stopped vehicles?

A I saw some in front of the police station.

Q Did you see some on the river side of the street?

A It was dark and I could not see.

Q Were the headlights of the jeep shining in your direction?

A Yes.

Q You just testified that you could see some policemen. Approximately how many could you see?

A I do not know how many there were.

Q Between your station and the police station was there another check point?

A No.

Q Was there any check point between your station and the first vehicle when it was stopped?

A I believe not.



Q Do you know how many check points there were on the street along in front of the Shibuya Police Station?

PROSECUTION: Will counsel state to the witness what he means by "check point"?

Q Do you understand what I mean by "check point"?

A Yes.

Q What is a check point?

A By "check point" I mean it's a place where a vehicle is stopped and investigation made of the vehicle.

Q How many check points were there on the street that runs in front of the police station?

A I do not know.

Q Do you know whether your station was the only check point?

A Between the Shibuya Police Station and the Shibuya Railroad Station there was only one check point.

Q That was your check point, is that correct?

A Yes.

Q And looking in the direction of Ebisu the only policemen you could see were the ones in front of the police station, is that right?

A Yes.

Q While you were watching the vehicles you testified you saw the vehicles stopped, is that correct?

A Yes.

Q The vehicles were approaching your position, is that correct?

A Yes.

Q At that time did you or any of your men take out your pistols?

A No.

Q Did you get excited at that time?

A Not as the vehicles approached.

Q As the vehicles came close to your station you tried to get out of the way -- didn't you -- is that correct?

A Yes.

Q And at that time you fell over the streetcar tracks, is that right?

A Yes.

Q Did you fall flat on your face?

A Yes.

Q Were you excited at that time?

A Yes, when I stumbled.



- Q You were lying approximately in the middle of the road, is that right?  
A Not in the center.
- Q Close to the center, is that correct?  
A I fell nearer to the police station side of the road.
- Q How long did you remain on the street?  
A As I fell I turned toward the Hbisu direction.
- Q Where were your men at that time?  
A They withdrew between the Tanaka Hospital and the street association office.
- Q Is that on the police station side of the street?  
A Yes.
- Q Did all of your men go over to that side?  
A Four policemen were on the other side, on the river side.
- Q How long did you remain on the street after you fell down?  
A I do not recall exactly but I believe it was about five seconds.
- Q Were you still lying on the street when the jeep passed?  
A Yes, when the jeep passed.
- Q You were lying on the street, is that correct?  
A Yes.
- Q Were you still lying on the street when the sedan passed?  
A I was already standing then.
- Q When did you hear the first pistol shots?  
A When I was still on the ground.
- Q Did you hear any more pistol shots while you were still on the ground?  
A I heard the three shots as I stumbled and when I was still on the ground I saw a flash from the first truck.
- Q Did you see the flashes of the first three shots?  
A No.
- Q Did you see the flash of the fourth shot?  
A Yes.
- Q You testified that you saw a flash caused by a bullet striking the ground in front of you, is that correct?  
A Yes.
- Q Was that the first flash you saw after the first three reports?  
A Yes.
- Q Was that flash the fourth shot?  
A Yes.



Q Yesterday a policeman by the name of Higuchi, Toshio testified as follows: "Do you know whether you were the first person to fire after the first three shots were fired?" And Higuchi, Toshio said, "Yes, I believe so."

PROSECUTION: If the court please, unless defense is able to verify that in the record, I object to it. It is my recollection that the witness yesterday said that he was the first policeman to fire.

DEFENSE: If it please the court, as best as I can tell from my notes which I have been taking as accurately as I can, he said he was the first person to fire. I will try to verify it by the reporter.

LAW MEMBER: Do you intend to verify it in the record at this time?

DEFENSE: Yes, it was the very last question in the morning session.

LAW MEMBER: My notes show that he was the first policeman to fire. Rather than waste the time of the Commission, I believe you can change the question.

PRESIDENT: Another, he believed he was the first person to fire back, another note made here.

LAW MEMBER: Do you wish to withdraw your question or your quotation from yesterday's record and change it? It will save time rather than try to find it in the record.

DEFENSE: I will withdraw the question. I will withdraw the quotation. It wasn't any question.

Q After the first three vehicles passed you, passed your station, did the shooting stop?

A Yes.

Q Did you see any shooting from any place except the truck that passed you?

A No.

Q After the first three trucks passed you, what order did you give your men?

A I ordered my subordinates to face toward the Shibuya Railroad Station and guard as they might counter from that direction.

Q At that time could you see any headlights coming from the direction of Ebisu?

A No.

Q But you did see a jeep and a truck approach about twenty seconds later, is that correct?



- A About twenty seconds later I heard reports from the direction of the Shibuya Police Station so I turned around and saw these vehicles.
- Q Was the jeep stopped at that time?  
A It was moving.
- Q Was it moving very fast?  
A Yes.
- Q It was moving very fast when it approached your position, is that correct?  
A Yes.
- Q Where were you at that time?  
A I was on the road but toward the police station side.
- Q Did you fire at the jeep as it approached?  
A No.
- Q Did any of your subordinates fire at that jeep as it approached?  
A No.
- Q Did you see anybody fire at that jeep?  
A No, at that time everybody had their pistol in their holster.
- Q But just before that you said you heard reports in the direction of the police station, is that correct?  
A Yes, I said I heard the reports, then I turned toward the police station direction and I saw the jeep approaching.
- Q Did your men turn toward the police station or did they still look toward the Shibuya Railroad Station?  
A Yes, after they heard the reports.
- Q They turned toward the police station, is that correct?  
A Yes.
- Q Did you continue to watch the jeep as it approached your position?  
A Yes.
- Q Where did the jeep go?  
A It passed my position and proceeded on.
- Q Was it moving very fast when it passed your position?  
A Yes.
- Q Did you turn around and watch to see where it went?  
A I did not.
- Q When it passed your position did you see how many people were in the jeep?  
A I could not see clearly.



- Q Was there more than one person in that jeep?  
A I could not see clearly.
- Q How close were you to that jeep when it passed your position?  
A About seven or eight meters away.
- Q And you could not see clearly how many persons were in the jeep, is that correct?  
A That is correct.
- Q After the jeep passed you did you watch the truck that was in back of it?  
A I saw the truck turn to the left in front of the Shibuya Police Station.
- Q Approximately how far was the police station from your position at that time?  
A About forty meters.
- Q Could you see the occupants of that truck?  
A I could not tell as the truck was at a distance.
- Q Could you see any flashes from that truck?  
A No.
- Q You testified this morning that you did not see any shooting from the jeep, is that correct?  
A I did not see any firing from the jeep.
- Q And just now you testified you did not see any flashes from the truck in back of the jeep, is that correct?  
A When I saw the truck the shooting had already stopped.
- Q But you did not see any flashes from that truck at any time did you?  
A The shooting had already ceased so I did not see any flashes.
- Q After the first three trucks passed you did you see any flashes from any place?  
A I did not.
- Q After you learned that you had been wounded you testified that you went for medical treatment, is that correct?  
A Yes.
- Q Was a bullet removed from your shoulder?  
A It was a graze so there was no bullet.
- Q You testified this morning that as you recall you were wounded by a bullet that ricocheted in front of you when you stumbled, is that correct?  
A Yes.
- Q You are referring to the time when you tripped over the streetcar tracks and fell on your face, is that correct?  
A Yes.







Q How many trucks?

A Three trucks.

Q What were the trucks carrying?

A There were many people on the truck.

Q Do you know what nationality these people were?

A I thought that they were Formosans.

Q Can you describe the conduct of the occupants of these trucks?

A Yes.

Q What was it?

A When the first truck was in front of the corner of the police station nearest Ebisu I heard three reports. At that time I could not tell whether they were pistol reports. But I thought they were the sound of the motor. When the first truck was in front of us there were several shots from the second truck.

Q What happened after you heard these first three reports?

A After a slight interval they started firing.

Q Who started firing?

A The occupants of the truck.

Q One truck or all the trucks?

A From the second truck.

Q Did you see firing from the second truck?

A Yes.

Q How did you see this firing?

A I saw flashes on the second truck.

Q Gun flashes?

A Yes.

Q Did you see few or many flashes from it?

A I saw about ten flashes.

Q What happened then?

A Then the policemen began firing.

Q Did you begin firing?

A Because they started shooting I hid behind a telegraph pole on the river side of the street and got into position to fire. Then I went into a crouching position and got ready to fire. I took out my pistol and unlocked the safety lock and was about ready to fire when all the trucks passed.

Q Did you fire?

A Not at that time.



Q At that time did you know whether you were hit by a bullet?  
A At that time I could not tell.

Q Is it possible that you received your wound when you fell on the street on the car tracks?  
A Yes.

DEFENSE: No further questions.

PRESIDENT: Redirect?

PROSECUTION: A few questions, if it please the court.

REDIRECT EXAMINATION

Questions by prosecution:

Answers through the interpreter:

Q Do you know <sup>where</sup> ~~whether~~ Matsunaga's squad was on this night?  
A I do not know. *AB*

Q You stated as you fell you saw a flash of a bullet from a pistol. From where did this flash come?  
A From the first truck.

Q You saw the flash from the truck?  
A Yes.

Q You say right after that flash you saw a flash on the ground in front of you as you fell, is that correct?  
A Yes.

Q I will ask you if that was a flash of fire the same as you saw from the truck or was it merely sparks?  
A It was sparks. It differed from the flash from the truck.

Q You said that you thought that that was the bullet that ricocheted from the street and hit you in the shoulder, is that correct?  
A Yes.

Q Did that bullet penetrate your flesh or did it merely graze it?  
A It was a scratch, a graze.

Q Was there a hole in your uniform?  
A Yes.

Q Did the doctor make a report when he examined you and dressed your wound?  
A Yes.

Q Do you know where that report is?  
A I have the diagnosis sheet with me.

Q Who wrote that diagnosis sheet?  
A Doctor Kaneko.



- Q Will you read that diagnosis sheet?  
A (Reading)

There was a brief discussion had off the record.

- A "Diagnosis Sheet. Employed at the Shibuya Police Station. Assistant Police Inspector, Harumi Nishio, Age, 37 years.  
1. Name of illness: Serious graze on the chest, a scratch on palm of left hand. The above wounded about 2055 July 19, 1946. Little to the outside of the left collar bone. Length of scratch, four centimeters. Width, 1.5 centimeters. Depth, depth of skin. At the base of the left thumb, a scratch three centimeters long. Depth, skin deep. Left cheek, a scratch 1.5 centimeters long, skin deep. Will recuperate within ten days. I certify the above diagnosis, July 19, 1946, Shibuya-ku, Konno-cho 59, Dr. Hoteichiro Kaneko."

PROSECUTION: No further questions.

#### RECROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

- Q You testified that you saw a gunflash from the first truck and then sparks on the ground in front of you, is that correct?  
A Yes.
- Q Approximately how far was the truck from your position at that time?  
A I believe about twenty-five meters.
- Q Were the occupants of the truck standing up at that time?  
A I could not tell exactly but I believe those in the front were standing.
- Q Was the truck moving at that time?  
A Yes.
- Q And you could clearly see that that flash was from that truck, is that right?  
A Yes, I saw this with my own eyes.
- Q At the time you saw it with your own eyes you had just fallen flat on your face, is that correct?  
A I had my face up. I was about to stand.

DEFENSE: That's all.

PRESIDENT: Any questions by the Commission?

#### EXAMINATION BY THE COMMISSION

Questions by members:

Answers through the interpreter:



Q What connection, if any, is there between the flash you saw on the truck and the spark from the bullet that hit the ground in front of you?

A As I distinctly remember, the bullet from the truck hit the ground in front of me and caused sparks.

Q Was that the only shot fired at the time you saw this flash on the truck and the spark in front of you immediately afterwards?

A Soon afterwards the shooting started and I sensed danger so I ran towards the side between the Tanaka Hospital and the street association office.

Q Your answer is not responsive to the question. I will frame the question another way. Is it possible that the spark from the bullet striking the ground in front of you could have been caused by any other shot fired than the one you saw from the truck?

A No.

PRESIDENT: Any other 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, Kobayashi, Seiichi.

Seiichi Kobayashi, 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 Seiichi Kobayashi.

Q What is your occupation?

A Assistant police inspector.

Q At what station?

A At the Meguro Police Station.

Q How long have you been a policeman?

A Approximately thirty years.

Q On the 19th of July of this year where was your station of duty?

A At the Meguro Police Station.

Q Were you at the Meguro Police Station in the afternoon and evening?



A I stayed at the Meguro Police Station and at about five-thirty p.m. I went to the Shibuya Police Station as reinforcement.

Q What time did you arrive at the Shibuya Police Station?  
A About five-thirty.

Q What was your particular duty?  
A I was a platoon leader and I was assigned the duty of guarding the road opposite the Shibuya Police Station.

Q How many men did you have in your squad?  
A Twenty-six besides me.

Q When you arrived at the Shibuya Police Station were you given any particular orders?  
A Yes.

Q Who gave you these orders?  
A Police Inspector Ryodo.

Q What orders did he give you?  
A First was that the Formosans will attack the Shibuya Police Station; second, do not use pistols unless they shoot first; third, to guard the road opposite the Shibuya Police Station.

Q Will you step to the map and point out just where you and your men were stationed?  
A Right here.

Q For the sake of the record, you have pointed out you are guarding the Hachiman-Bashi road bridge, is that correct?  
A Yes.

PROSECUTION: All right. You may return to your seat.

Q What was your mission there?  
A To defend against those trucks coming from the opposite side of the bridge, that is, toward the elevated lines.

Q What time were you posted at this place?  
A About 1750.

Q Did you leave that position?  
A Not at first.

Q At about eight-thirty did you leave it?  
A Yes.

Q At whose orders did you leave it?  
A Orders from the Shibuya Police Chief.

Q Where did you go?  
A To the police chief's office.



- Q What occurred there?  
A He said that the Formosans have not come but they may come, so be on the alert.
- Q What, if anything, out of the ordinary occurred while you were in there?  
A I heard a police whistle outside.
- Q What did you do when you heard this police whistle?  
A As soon as I heard the whistle I went outside.
- Q Why did you rush out when you heard the whistle?  
A As I thought that the whistle was the signal that the Formosans approached I went outside.
- Q Is the whistle usually an alert signal?  
A Yes.
- Q Where did you rush to when you rushed outside?  
A To the place I was stationed.
- Q You mean to your station at the bridge?  
A It was that place but we moved nearer to the road.
- Q Nearer to which road?  
A The road in front of the police station.
- Q By that do you mean the road or street that the police station is located?  
A The road right in front of the police station.
- Q Is that the road leading to the Hachiman Bridge?  
A Yes.
- Q What did you see as you ran out of the police station?  
A As I rushed outside I did not look toward the side and went to my position.
- Q Did you see anybody else rush outside?  
A Yes.
- Q Who were they?  
A Police Inspector Nagata who was with me and others I do not know.
- Q When you got to your post in what position were your men?  
A They were to the rear of me.
- Q What was their position in relation with the road, that is, the road leading to the Hachiman Bridge?  
A About the middle of the road that leads to the Hachiman Bridge.

PROSECUTION: Ask him that question again.

The last question was read by the reporter and interpreted for the witness.



A On the road this side of the bridge, that is, towards the Shibuya Police Station side.

Q Were they lined up across the road?

A You mean the guards?

Q Yes.

A Yes.

Q What did you do when you got to your post?

A I looked toward the right.

Q Toward the Ebisu Station?

A Yes.

Q What did you see?

A I saw a truck stop and I saw somebody talking.

Q Do you know who it was?

A I do not know.

Q How far from you was this truck stopped?

A I believe over fifty meters away.

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

The Commission then took a recess until 1515 hours, at which hour the personnel of the Commission, the prosecution and defense, the interpreters and the accused, 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.

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

DIRECT EXAMINATION  
(cont'd)

Questions by prosecution:

Answers through the interpreter:

Q Do you know what type of vehicle this was?

A It was a truck.

Q How many vehicles did you see?

A Three.

Q I will ask you again what type vehicles they were?

A Truck.



Q What type trucks?

A There was no roof and the trucks had four wheels.

Q When was this?

A After I heard the whistle and went out.

Q Did you see anybody around these trucks?

A I saw some policemen talking with the Formosans vaguely.

Q Did you hear anything?

A No, I did not hear the voices.

Q Did you hear any shouting?

A Yes.

Q Were there many voices shouting?

A Yes.

Q Could you hear what they were shouting?

A They were shouting but I could not tell what they were saying.

Q Could you tell whether they were shouting angrily or otherwise?

DEFENSE: If the court please, I think it comes rather late to object to leading questions but it seems to me the District Attorney has put this angrily in the mouths of most of the witnesses in this case and I should at this time, if the court would permit me to do so, object to the leading nature of that question.

LAW MEMBER: A ruling was made at the early start of this trial prior to your arrival that leading questions would be allowed of non-speaking English witnesses. That was to expedite the testimony and to elicit correct answers. I hope you will understand that ruling.

DEFENSE: Yes, sir.

A They were shouting abusively or using abusive language.

Q Could you distinguish what that abusive language was?

A I heard the word "bakayaro."

Q What happened then?

A When the trucks began moving I heard a pistol report.

PROSECUTION: I ask the interpreter if the witness said anything else in that reply.

PRESIDENT: There seems to be some difficulty. Will the monitors have a conference and decide on it.

A short conference was then had by the monitors and court interpreters.



- A The truck had stopped and this conversation was for about two or three minutes and then the truck started and as the truck started I heard a pistol report.
- Q How soon after the truck started did you hear these pistol reports?
- A About five seconds.
- Q How many pistol reports did you hear?
- A Three.
- Q Did you see any flashes?
- A No.
- Q You were on the river side of the street were you not?
- A Yes, I was on the river side.
- Q What happened then?
- A I saw the two trucks approach and from the second truck, as I looked toward the right front, I saw flashes.
- Q When was this?
- A When I went to my post and was standing.
- Q Did this convey pass your position?
- A Yes.
- Q What vehicles did you see as they passed your position?
- A A jeep, a passenger car, and two trucks.
- Q Did you hear any other firing?
- A Yes.
- Q Did you see any shooting, any flashes from the first truck your way?

The last question was read by the reporter.

INTERPRETER: You mean toward his direction?

PROSECUTION: Yes, towards.

- A I did not see from the first truck but I did from the second one.
- Q How many men were on the first truck, if you know?
- A It was dark and I could not tell but it was packed.
- Q Packed with men?
- A Yes, it was packed with men.
- Q What was their position in the truck?
- A They were in a crouched position.
- Q How soon after the first truck passed did the second truck



- come along?
- A The second truck followed closely behind, about five meters behind.
- Q About how many men were in this truck?
- A I do not know the number of persons but it was packed.
- Q How many flashes did you see from this truck?
- A Two.
- Q What did you do?
- A After I saw the flashes from the truck I drew my pistol and fired three shots at the second truck.
- Q Did you fire at the first truck?
- A No.
- Q When did you draw your pistol?
- A After I saw the flashes.
- Q How many of your men had firearms?
- A Including myself, nineteen.
- Q Did they also fire at this truck?
- A There are some that fired and others that did not.
- Q What happened then?
- A After the trucks passed about thirty seconds later another truck came.
- Q What happened then?
- A I saw flashes from this truck.
- Q Did you fire at this truck?
- A Yes, one shot.
- Q Did your men also fire at this truck?
- A Yes.
- Q What happened then?
- A Then police officer Kawakami said, "I'm shot," and fell down.
- Q Was Kawakami in your squad?
- A Yes.
- Q What happened then?
- A Sergeant Nakagawa said that Kawakami got shot; then Washiyama came to the aid.
- Q What happened to the truck?
- A Then as it passed in front of my platoon the truck turned, swerved to the left.
- Q What happened then?



A Then it cut across a vegetable patch and struck a home, collided with a home.

Q Was firing going on at this time?

A It had stopped.

Q When did the firing stop?

A When I saw police officer Kawakami shot -- Washiyama, Sergeant Nakagawa and myself were carrying him to the police station to treat him -- and when we were on our way the firing ceased.

Q You took Kawakami to the police station?

A Yes, to the office of the Shibuya Police Station.

Q Did you see anything after that?

A I brought him to the police station and as it was necessary to treat him I looked around and was trying to get a doctor but I did not know how to get in touch with the doctor. At that time there was a vehicle which had brought food from the Meguro Police Station and so I used this vehicle and took Kawakami to the hospital.

Q Do you know how many of your men fired their pistols?

A About twelve.

Q How many shots did you yourself fire?

A Four rounds.

Q Do you know how many shots were fired by your men?

A You mean in all or individually?

Q In all?

A I do not know.

PROSECUTION: That's all. No further questions.

PRESIDENT: Cross examination by the defense?

#### CROSS EXAMINATION

Questions by defense:

Answers through the interpreter:

Q At the time you came out of the police station after you heard the whistle did you rush directly across the street to the Hachiman Bridge?

A Yes, straight to the Hachiman Bridge.

Q At that time were your subordinates lined up across the roadway?

A I would like to explain this on the map. They were lined up in this manner.

DEFENSE: With the permission of the court, I would like to



have the record show that he indicated his men were posted across the street on both sides of the street and in the center of the street.

PROSECUTION: If the Commission please, I don't believe that he showed they were lined up on both sides of the street. He indicated they were extended across the street in two lines. That's how I interpreted it.

DEFENSE: Have the record state that they were lined up across the street in two lines.

LAW MEMBER: One line on the bridge and one line on the approach to the bridge.

Q At that time were your men lined up almost shoulder to shoulder?

A No, they were about one foot apart.

Q You testified that eighteen of your men besides yourself had pistols, is that correct?

A Yes.

Q What type of pistol did you have?

A 14 Year Model.

Q What type did your men have?

A 14 Year Model pistol. They had Browning and a 14 Year Model pistol.

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

A I do not know.

Q What is the caliber of the Browning pistol?

A I do not know.

Q After you reached your station on the Hachiman Bridge did you look to your right towards Ebisu?

A Yes.

Q Did you testify that you saw some vehicles stopped on the street in front of the police station at that time?

A I did not say that the vehicles had stopped in front of the Shibuya Police Station.

Q I mean they were stopped on that street that runs in front of the Shibuya Police Station.

A Yes.

Q Did you testify that you saw three trucks stopped?

A Yes.

Q Is that all the vehicles you saw at that time?

A Besides those there was a jeep and a passenger car.

Q Could you see them at that time?

A Yes.



- Q Were they in front of the three trucks or back of the three trucks?  
A You mean the jeep?
- Q That's right.  
A The jeep was at the head of the column, then followed by a passenger car, then three trucks, then another jeep and a truck came later.
- Q In addition to the policemen in your platoon could you see any other policemen at that time?  
A You mean policemen from the other station?
- Q Any other policeman.  
A Yes.
- Q Did you see any policemen on the river side of the street in the direction of Ebisu?  
A Not on the river side of the street but on the opposite side of the street.
- Q On which side of the street were the vehicles stopped?  
A About the middle of the street.
- Q You could not see any policemen on the river side of the street between the vehicles and the river, is that correct?  
A I did not see any.
- Q Did you see any policeman around the jeep?  
A You mean the first jeep?
- Q Yes, the jeep at the head of the vehicles that stopped.  
A Yes.
- Q Did you see the police chief of the Shibuya Police Station there?  
A It was dark and I knew that some policemen were there but I could not tell whom.
- Q Could you hear any commands being given by any policeman at that time?  
A I did not.
- Q Just before the vehicles started did you hear any police orders being given?  
A Do you mean when the vehicles started moving or after they had started moving?
- Q Just before they started moving.  
A I did not hear any. The vehicles were quite a distance away.
- Q Could you hear anything at that time?  
A Soon after the trucks began moving I heard three shots.
- Q Did you hear anything before the trucks began moving?



- A Nothing besides the police whistle.
- Q When you heard the first three reports did you see three flashes at the same time?
- A I did not.
- Q In which direction were you looking at that time?
- A To my right front, toward the Ebisu Railroad Station.
- Q In the direction of the vehicles, is that correct?
- A Yes.
- Q Did any of the trucks pass in front of your station?
- A Yes.
- Q At the time the first truck passed in front of your station was there any shooting going on anywhere?
- A The shooting had already started.
- Q Did you see any flashes at that time?
- A I saw on the second truck.
- Q At that time the first truck was in front of your position, is that correct?
- A The first truck had passed my position and I saw the flash on the second truck.
- Q As the first truck passed your position were the occupants of that truck standing up?
- A They were in a crouched position.
- Q At that time did you see any flashes from any place except the second truck?
- A After a while the third truck came and I saw flashes from that truck.
- Q Did you see any flashes from any place except from the second and third trucks?
- A I did not.
- Q When the second truck passed your position were the occupants standing?
- A They were in a crouched position.
- Q You testified you fired three shots at that second truck, is that correct?
- A Yes.
- Q How many flashes did you see on that second truck?
- A Two flashes.
- Q Approximately where in relation to your position was the second truck when you fired at it?
- A To the right.
- Q To the right means in the direction of Ebisu?
- A Yes.



Q When you fired in that direction is that in approximately the same direction as where the first jeep was stopped originally?

PROSECUTION: If the court please, my monitors inform me that he's answered the question. I object to any interrogation by the interpreters.

INTERPRETER: We are trying to get the answer correct. It has not been answered. He says he doesn't know.

DEFENSE: If it please the court, I will try to rephrase the question a little more simply and maybe we can get the answer that way.

Q Do you recall the approximate position of the first jeep when it was stopped?

A Yes, in general.

Q At the time you fired at the second truck was the second truck in about that same position?

INTERPRETER: Would it be easier if he drew on the map?

DEFENSE: Can he answer it at all?

INTERPRETER: I don't think he understands the question.

Q Do you recall the position of the second truck when you fired at it?

A Yes.

Q Will it assist you if you point it out on the map?

A Yes.

Q Will you indicate first the position you saw the jeep when it was stopped?

A The truck was in this position. The jeep had stopped at this position.

DEFENSE: The position indicated is close to the point marked A on the map.

Q Where was the second truck when you fired at it?

A In this position. It was a little toward the Shibuya Station side of the telegraph pole.

DEFENSE: The witness has indicated a position on the street car tracks approximately opposite the side of the police station nearest Ebisu Station.

Q Where were you when you fired at that truck?

A In this area.

DEFENSE: Approximately in the center of the line marked W, is that correct?

A Yes, Kawakami fell at this spot.



PROSECUTION: Just a moment. Let the record show that he indicated when he said Kawakami fell at this point, it was the point marked B on the map.

Q When you fired at that truck did you see any policeman standing along the police station side of the street?

A You mean over here? It was dark and I could not tell. I believe they were but it was dark and I could not tell.

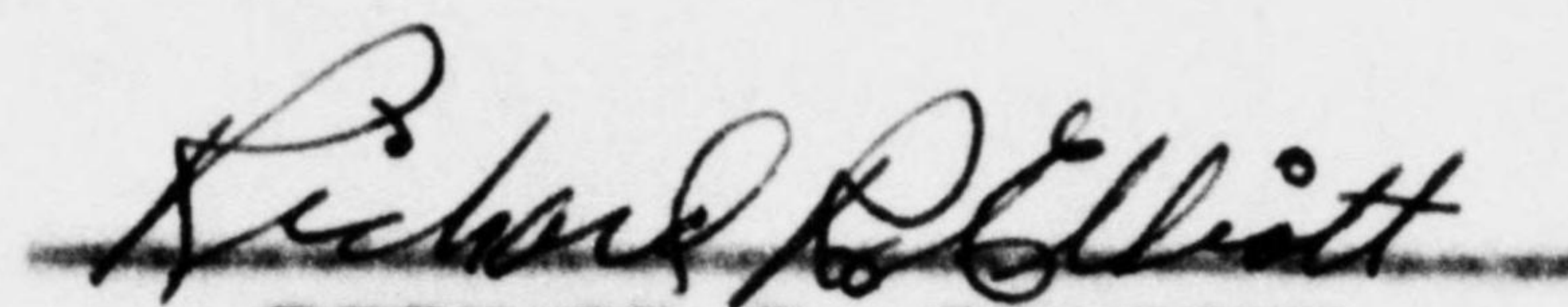
Q That is approximately the direction in which you fired three shots, is that correct?

A When I shot at the truck the truck was at about this position.

DEFENSE: You may resume your seat.

PRESIDENT: At this time the court will adjourn to meet tomorrow at 0900.

The Commission then adjourned at 1605 hours on 22 October 1946.

  
RICHARD R. ELLIOTT  
Major  
Chief Prosecutor



Metropolitan Police Station  
Tokyo, Japan  
23 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 court is in session. Please proceed.

The witness Seiichi Kobayashi resumed the witness stand and was reminded by the prosecution that he was still under the oath he had previously taken.

CROSS EXAMINATION  
Cont'd

Questions by defense:  
Answers through the interpreter:

Q At approximately 2100 hours on the night of the 19th of July you testified that you saw some vehicles stopped in front of the Shibuya Police Station, is that correct?

A Yes.

PROSECUTION: If the court please, that's the second time counsel has misquoted the witness. He didn't say that they were stopped in front of the police station. I object to that. It is the second time he is asking that question, the second time he has directly misquoted him.

DEFENSE: If it please the court, the witness just said he did testify to that effect. The answer to that question was "Yes." I was asking him that question in order to direct his attention to the time and place.

LAW MEMBER: At what time do you have reference to?

DEFENSE: Approximately 2100 hours on the night of 19 July, the time that the vehicles were stopped.

LAW MEMBER: The objection is sustained. That last answer will be stricken.

Q At approximately 2100 hours on the night of 19 July did you see any vehicles stopped near the Shibuya Police Station?

A Yes.

Q Were they stopped on the road which passes in front of the Shibuya Police Station?

A That is correct.



Q After those vehicles began to move did you hear any pistol reports?

A Yes.

Q Did you or your men fire at any of those vehicles?

A Two vehicles approached and I fired at the second vehicle.

Q When did you fire at that vehicle?

A When the vehicle approached to a point about fifteen meters away to my right front I saw two flashes so I fired at it.

Q Was that before or after you heard the pistol reports?

A Yes.

Q Was it before you heard the pistol report?

INTERPRETER: Just a moment.

A Yes, it was after I heard the pistol reports.

Q How soon after you heard the pistol reports?

A Do you mean the reports that I heard soon after the vehicle started or the reports of the two flashes that I saw?

Q How soon after the first reports you heard did you fire?

A About one minute after I heard the first reports.

Q After you heard the first reports did you give your subordinates any orders?

A I did not issue any reports. However, they have been instructed to shoot only after they start shooting.

Q When did your subordinates begin shooting?

A When the second truck was passing in front of my platoon.

Q You testified yesterday that you saw no flashes from the first truck, is that correct?

A Yes.

Q And you saw two flashes from the second truck?

A Yes, I did.

Q How many more trucks did you see go by?

A About twenty or thirty seconds later another truck came.

Q How many flashes did you see on that truck?

A Two flashes.

Q On the second truck were both flashes from the same place on that truck?

A As the truck was moving the flashes seemed to come from different places. I could not tell clearly.

Q On the third truck could you tell whether both flashes came from the same place?

A Yes, it was the same place.



- Q Could you see any guns on either of those trucks?  
A I did not.
- Q You testified yesterday that the occupants of those trucks were in a crouched position, is that correct?  
A They were crouching, not standing.
- Q When you saw the flashes did anybody stand up on the truck?  
A They were all crouching.
- Q When you saw the flashes on those trucks the flashes came from a low position, is that correct?  
A As I was crouching I looked up and saw the flashes.
- Q Altogether you saw four flashes, is that correct?  
A Yes.
- Q In return you yourself fired four shots, is that correct?  
A I fired three rounds at the second truck and another round at the truck that went through the vegetable patch and collided with the home.
- Q And twelve of your subordinates also fired shots, is that correct?  
A There are some that shot and others that did not.
- Q But twelve did fire, is that correct?  
A All twelve persons did not fire. I don't know how many of them fired. There are some that fired and others that did not. However, I can check that and make that point clear.
- Q Did you see two jeeps pass your position that night?  
A Yes.
- Q Did you fire at the second jeep?  
A I did not.
- Q Did any of your men fire at that second jeep?  
A I believe they did not.
- Q Was policeman Kawakami in your platoon?  
A Yes.
- Q Did he fire any shots?  
A I believe so.
- Q Do you know how many shots he fired?  
A I do not know.
- Q Do you know how he was wounded?  
A As soon as I saw the two flashes from the third truck then I fired at it and then Kawakami said, "I'm shot." He was standing next to me and I saw him fall.
- Q Where on his body was he shot?



- A Through his right buttocks to the front. It penetrated through his hips. It went through his right buttocks and the bullet went out through the left of his groin.
- Q Did Kawakami tell you that he shot himself accidentally while he was trying to get his pistol out of his holster?
- A He did not.
- Q Did any one tell you that?
- A I did not hear such a thing.
- Q When Kawakami said he was shot was the firing over?
- A It was not.
- Q How soon after Kawakami said he was shot did the firing end?
- A About three or five seconds, just as the truck turned into the vegetable patch.
- Q When the truck turned into the vegetable patch how many men did you have in your platoon?
- A As the situation got dangerous they were in the rear to me and they were not in the position I assigned them. It was dark and I do not know how many were there.
- Q But you know they were not in the positions you assigned them, is that correct?
- A They were not. Because of the firing from the trucks they concealed themselves behind some objects like railing on a bridge.
- Q Approximately how far is the railing on the bridge from the street which passed in front of the Shibuya Police Station?
- A I do not recall.
- Q At the time the truck turned into the vegetable garden approximately how many policemen were close to the garden?
- A I do not know.
- Q At that time did you see any policemen near on the road to Nishinan Bridge?
- A Do you mean my subordinates?
- Q Any policemen.
- A It was dark and I could not tell.
- Q Could you tell whether there were any policemen in the vegetable garden?
- A I believe no policeman was in the vegetable patch, because it would be dangerous to stay in the place where the truck came.
- Q As soon as Kawakami said he was shot did you, policeman Washiyama, and policeman Nakagawa go to the police station?