

Doc. 2765 Evid.

Folder 11

(31)

C E R T I F I C A T E

P. A. W.
Japan - Foreign Relations -
Swiss
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I.P.S. No. 2765-1-1-22

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of twenty-two letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
10th day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: Max A. Joss /s/

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric H. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
10th day of Dec. 1946.

/s/ Eric H. Fleisher, 2nd Lt.
US A I

Witness: /s/ Henry Shimojima

Investigator, IPS
Official Capacity

<u>Document No.</u>	<u>EXHIBIT</u>	<u>Description</u>
2765-A-1		Letter dated 8 July 1942 from the Swiss Minister to TOGO (CC.1.2.8.-ca.)
2765-A-2		Letter dated 1 August 1942 from the Swiss Minister to TOGO (CC.1.2.8.-ca.)
2765-A-3		Letter dated 15 September 1942 from the Swiss Minister to General TOJO (CC.1.2.8.-cc.)
2765-A-4		Letter dated 9 December 1942 from the Swiss Minister to TMI (CC.1.3.8.-cr.)
2765-A-5		Letter dated 9 February 1943 from Japanese Minister of Foreign Affairs to the Swiss Minister (No. 33/C.R.)
2765-A-6		Letter dated 12 February from the Swiss Minister to TMI (CC.1.d.8.-deu.)
2765-A-7		Letter dated 28 February 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs. (CC.1.3.6.-EGc, CC.1.3.8.)
2765-A-8		Letter dated 25 April 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-EGc, CC.1.3.8.)
2765-A-9		Letter dated 10 June 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-EGc, CC.1.3.8.)
2765-A-10		Letter dated 4 July from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-EGf.)
2765-A-11		Memorandum dated 9 August 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.1.-EGi, CC.1.3.6. CC.1.3.8.)
2765-A-12		Note Verbale dated 26 August from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 246/C.R.)
2765-A-13		Memorandum dated 3 October 1944 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 295/C.R.)
2765-A-14		Letter dated 18 November 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-EGc, CC.1.7.57.-CC.1.7.60.)
2765-A-15		Letter dated 4 December 1944 from the Swiss Minister to SHIGEMITSU (CC.1.7.63-EGc, CC.1.3.6.- CC.1.3.8.)
2765-A-16		Letter dated 5 December 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-EGc.)

<u>Document No.</u>	<u>Description</u>
2765-A-17	Letter dated 23 January 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-FGd. CC.1.7.57. CC.1.7.60.)
2765-A-18	Letter dated 19 March 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-FGc. CC.1.7.57. CC.1.7.60.)
2765-A-19	Letter dated 23 April 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.7.63-FGd. CC.1.3.6./1.3.8.)
2765-A-20	Note Verbale dated 15 May 1945 from the Japanese Ministry of Foreign Affairs to the Swiss Minister. (No. 116/C.R.)
2765-A-21	Letter dated 2 July 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.7.63.-FGc. CC.1.3.6./1.3.8.)
2765-A-22	Letter dated 5 July 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-FFg.)

CC. 1. 2. 8-ca.-

Tokyo, 1 August 1942

M. le Ministre,

To follow my letter of 9 July I have the honor to inform your Excellency, following the express instructions of my Government, that the British Government does not admit that prisoners of war should be compelled to work belittling their dignity. It has requested the Swiss Government to make every representation on this subject, and attaches the greatest importance to these matters as they were shown in the photograph published by the "Japan Times and Advertiser". The principle announced by Article 2 of the Prisoner of War Code of 27 July 1929 seems to it the main point and it trusts that the Imperial Government will see to it that on this point the Geneva Convention is fully applied.

As I said in my preceding letter, I do not doubt that this principle, so important to the authors of the Convention, will be applied by Japanese officials and other belligerents.

Please accept, M. le Ministre, the assurances of my highest consideration.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokyo.

Tokyo, 15 September 1942
CC. 1.3.8.

M. le prime Minister,

I have the honor to bring to the notice of Your Excellency the fact that the British Government has requested that the following protest be sent to the Imperial Government:

"Information from most reliable sources is that prisoners of war imprisoned in Rangoon foal are subjected to the following treatment:

- (a) Rations are confined to bread, salt and water twice daily with occasional issue of vegetables.
- (b) Prisoners of War sleep on floor on sacking or boards only.
- (c) No cigarettes or tobacco are issued.
- (d) Their boots have been confiscated and they are compelled to do heavy work while barefooted.

In consequence of this inhumane treatment, prisoners are work, thin and dejected.

British Government assumes that Japanese Government is unaware of brutalities committed by Military Authorities in a distant theater of operations. Whatever excuse may be offered for (a), (b) and (c) above there can be no excuse for confiscation of prisoners' boots. British Government protests most strongly against these breaches of Convention and demand immediate redress."

I will be greatly obliged to Your Excellency if you will inform me of the response of the Japanese Government, and take this occasion to show, M. le prime Minister, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. General Hideki TOJO
Prime Minister and Minister of Foreign Affairs
Tokyo.

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CC. 1.3.8. -cr

Tokyo, 9 December 1942

M. le Ministre.

By my letter of 15th September addressed to His Excellency, General TOGO, then Minister of Foreign Affairs, I had the honor to advise the Imperial Government that the Government of the United Kingdom was disturbed on the subject of bad treatment accorded the prisoners of war detained in the Rangoon prison.

I take this occasion to recall this matter to the kind attention of Your Excellency and would be very appreciative if you would agree to take steps to appease the fears of the British Government.

In thanking you in advance for your kind reply, I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the said Minister

To His Excellency
M. Masuyuki TANI
Minister of Foreign Affairs
Tokyo

Document No. 2765-A-5

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THE GAIMUSHO
TOKYO

Translation

No. 33/c.r.

9 February 1943

M. le Ministre.

I have the honor to acknowledge receipt of Your Excellency's two letters, No. CC. 1.2.8.-cc, and CC. 1.3.8.-cr., dated 15 September and 9 December last, relative to the treatment of British prisoners of war at Rangoon.

I desire to inform Your Excellency that the competent authorities have stated that after having made full inquiry, the facts stated in the said letters never occurred.

Please accept, M. le Ministre, the renewed assurances of my esteem.

(L.S.) Minister of Foreign Affairs

CC.1.3.8.-dou

Tokyo 12 February 1943

M. le Ministre,

By letter of 15 September addressed to TGJO, then Minister for Foreign Affairs, and by letter of 9 December addressed to Your Excellency, I had the honor to make known to the Imperial Government the doubts which His Britannic Majesty's Government had on the subject of the bad treatment of prisoners of war in Rangoon.

In the meantime the Government of the United Kingdom has requested my Government to communicate to the Imperial Government additional information on the conditions prevailing at the same time in the said prison. According to information from the Foreign Office, superior officers, European and Indian, were slapped until they lost consciousness; they have also been beaten on the head by Japanese soldiers. The injuries to their cars and evers suffered by the prisoners following the punching have been aggravated by the lack of medical supplies. All medical supplies are insufficient and the sanitary conditions bad. Twenty or thirty men died. Many men died from dysentery during the first months of captivity caused by insufficient water. In addition, Europeans have been forced to carry out degrading work. Severe punishments were inflicted on prisoners; it is also clear that some of them have been deprived of all food for two days for having committed minor offenses and that Indian prisoners of war have been deprived of food for having refused to enroll in the Indian National Army. It seems also that all prisoners are in need of proper clothing and are in rags.

The British Government is most concerned that this state of things should exist. It insists strongly once more that the representatives of the protecting powers and the delegates of the International Committee of the Red Cross be enabled to visit prisoners of war and civil internees at Rangoon, also these in other camps in Burma, Malaya and the Netherlands Indies.

It expresses the hope that the Imperial Government will not refuse to accede to this request: if it should do so it will be obliged to conclude that not only the reports which have been received are correct, but also that at present the conditions are such that the Japanese authorities do not desire to admit neutral delegates to the above mentioned places.

By the above mentioned letter have not been replied to and I recall this matter to the attention of Your Excellency and would be obliged if you would consent to intervene with the competent authority to give, as soon as possible, permission to visit to my delegates or the delegates of the International Committee of the Red Cross the prisoners of Rangoon, prisoners and internee camps in Burma and Malaya, and also in the southern island.

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Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokyo.

CC.1.3.6.-EGe.
CC.1.3.8.-

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that according to information recently brought to the attention of the British Government, the condition of the prisoners of war in Thailand and Buram leaves much to be desired.

There are in particular, many cases of beri-beri, and the medical supplies to treat this disease are non-existent.

The Government of the United Kingdom has drawn the attention of the Swiss Government to these matters and insists that the Imperial authorities take all necessary measures to send essential medical supplies as soon as possible to the camps in Thailand and Buram.

The Legation will be greatly obliged to the Imperial Ministry if it will bring these matters to the attention of competent authorities, and takes this occasion to renew assurances of its esteem.

Tokyo, 28 February 1944

To the Imperial Ministry
of Foreign Affairs, Tokyo

CC. 1.3.6.-EGe
CC.1.3.8.-

By note of 28 February the Swiss Legation had the honor to inform the Imperial Ministry of Foreign Affairs that the British Government was apprized that prisoners of war in Thailand and Burma lacked medical supplies. It asked then that the Imperial authorities take necessary measures to send them as soon as possible.

In a new communication, the London Government expressed its desire to know if the above mentioned prisoners now have at their disposition the essential medical supplies.

The Legation would be greatly obliged to the Ministry if it would furnish the information in this regard; and takes this occasion to renew assurances of its high esteem.

Tokyo 25 April 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo

CC. 1.316.-EGe
CC. 1.3.8.-

By notes of 28 February and 25 April the Swiss Legation had the honor to inform the Imperial Ministry of Foreign Affairs that the British Government had been apprized that the prisoners of war in Thailand and Burma lacked medical supplies. It requested then that the competent authorities take the necessary measures to send them as soon as possible.

Since there has been no response to this date, the Legation desires to recall this matter to the kind attention of the Ministry; it attached the greatest importance to knowing if the surviving prisoners have now at their disposal the essential medical supplies.

The Legation takes this occasion to renew to the Imperial Ministry assurances of its high esteem.

Tokyo, 10 June 1944

To the Imperial Ministry
of Foreign Affairs

Tokyo

[Handwritten signature]

CC.1.3.8.EGr.

By letter of 15 September 1942 addressed to TOHO, then Minister for Foreign Affairs and by letter of 9 December to TANI, the Swiss Minister had the honor to make known the anxiety of the British Government on the subject of the bad treatment of prisoners of war in Rangoon Prison. The London Government furnished at the same time a number of particulars relative to this treatment.

By letter No. 33/C. R. of 9 February 1943, the Minister for Foreign Affairs replied to the Swiss Minister that the facts mentioned in the above mentioned letters did not happen.

The Swiss Minister transmitted the contents of that letter to his Government for the attention of the Government of the United Kingdom.

The Swiss Legation has the honor to inform the Imperial Minister for Foreign Affairs that the British Government has in a recent communication requested that the following matters concerning the treatment of prisoners of war in Burma be brought to the notice of the Imperial Government:

- "1 First Complaint concerns area of Moulmein and falls under these headings;
 - a. Notifications; According to postcards printed by the Japanese Authorities, about 20,000 British and Allied prisoners of war are detained in or near Moulmein. Transfer of ~~any~~ prisoners of war to this camp has never been notified; and it is believed that capture of many prisoners of war now in this and other Burmese camps has also never been notified. Nor has any notification been received of numerous deaths that are known to have occurred there.
 - b. Conditions; Conditions under which prisoners of war in Moulmein camp are detained are known to His Majesty's Government to be at least as bad as, if not worse, than those which existed in Thailand. During October and November 1942, prisoners of war in Moulmein itself are known to have died at the rate of approximately 10 per diem, the principal cause of death being dysentery. In other camps administered by the Japanese Authorities in or near Moulmein an even more appalling rate of mortality has occurred amongst prisoners of war working on that Burmese railway. These deaths are the direct and inevitable result of conditions in camps and in particular of the wholly inadequate rations provided by the Japanese Authorities, of the latter's failure to provide medicines or equipment in hospitals, if almost complete lack of adequate clothing or even footwear and of severity of labor exacted from prisoners of war.
 - c. Exhibition of prisoners; In February of 1944, 25 prisoners of war were paraded through the town of Moulmein. They were in an emaciated condition and were forced to carry notices in Burmese stating that they had recently been captured on the Arakan front

- (which was not the case). They were further held up to ridicule and contempt by a Japanese officer who accompanied the parade. Such proceedings are clearly contrary to honorable standards of warfare and unworthy of a nation calling itself civilized, apart from being a breach of Article 2 of the prisoners of War Convention.
2. Second complaint concerns conduct of Japan's troops in forward areas in Burma. In the course of the first two Burma campaigns these troops committed a number of atrocities on prisoners of war (instances can be supplied if required). The present Burma campaign has been marked by the massacre and ill-treatment of British and Indian Prisoners of war, including wounded soldiers and medical personnel, captured near Ngakyedauk on February 7, 1944.

The Medical personnel were tortured by tight binding of their hands for long periods and deprivation of food and water for two days. No medical attention whatever was given to wounded prisoners of war and those patients who were granted from pain were shot or bayoneted. Other patients were deliberately put in line of fire which resulted in at least one death and many ~~inj~~ injuries. No attempt was made to evacuate prisoners of war.

On February 14th, Japanese forces evacuated the area. Before doing so they deliberately massacred the remaining prisoners (at least) 20 British and Indians, many of whom were wearing Red Cross arm letterings) by shooting. These facts are known from testimony of eye witnesses. Further instances of brutality of Japanese forward troops during the present campaign are:

- A. Execution or beheading of wounded West African lance corporal at Phoengyi Ky sung at the end of January 1944.
- B. Bayonetting of four Indian soldiers who had attempted to escape from a prisoners of war camp about 5 miles East of Kalawain in January 1944.
- C. Massacre with swords of about 50 wounded Britains and Indian prisoners of war in Manipur in March 1944.
- D. Outrage committed on March 26, 1944. at Khandok when a West African prisoners of war was tied to a tree, his finger nails were cut off and his heart cut out by a Japanese medical officer."

His Britannic Majesty's Government considers it of great importance that the Imperial authorities make a complete inquiry into the above mentioned facts and take all proper measures to prevent their repetition.

In thanking in advance the Imperial Minister for its kind response, the Legation takes this occasion to renew the assurances of its high esteem.

Tokyo, 4 July 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo

CC.1.5.1.-EG1.

CC

CC.1.3.6.

CC.1.3.8.

MEMORANDUM

During his recent visits to prisoner of war camps in Japan, the Swiss delegate learned that there were still several cases of beri-beri among the prisoners. It appears, moreover, that they are of long standing.

The British Government inclines to the belief that beri-beri is always rampant in other camps in the Far East and it requests the Swiss Legation to intervene to obtain an assurance that the necessary steps have been taken to combat this disease.

In the Legation's letters of 28 February, 25 April and 10 June, to the Imperial Ministry for Foreign Affairs, the London Government has already requested that medical supplies be sent to camps in Thailand and Burma where there is beri-beri.

The Legation would be very much obliged to the Imperial Ministry of Foreign Affairs if it would make known its views on this subject.

Tokyo, 9 August 1944

Document No. 2765-A-12

THE GAIMUSHO
TOKYO

Translation

No. 246/C.R.

N O T E V E R B A L E

The Imperial Ministry for Foreign Affairs has the honor to acknowledge receipt of the Swiss Legation's letter No. CC.1.3.8.-EGf. of 4 July last relative to the treatment of British prisoners of war in Burma.

The Ministry desires to inform the Legation of the following matters after having had a reply from the Competent Authorities to whom it had made inquiry on this subject:

1. In protest No. 1-A, the British Government alleged that the transfer to Burma of allied prisoners of war had not been made known to it. But in reality the majority of British and allied prisoners of war who were then in Burma had been prisoners of war attached to camps in Thailand and Malaya and had been provisionally transferred to Burma. The Imperial Government which specially concerns itself with the communication of names of prisoners of war has already notified the International Committee of the Red Cross of the names of more than 10,000 prisoners of war attached to camps in Thailand and Malaya. The names of deceased prisoners in these regions are actually in the course of communication.
2. The reply to other questions recently submitted will be communicated after an examination of the ~~xxx~~ alleged facts.

26 August 1944

THE GAIMISHO
TOKYO

Translation

No. 295/C. R.

M E M O R A N D U M

BY Memorandum No. CC. 1.5.1-EG1. dated 9 August last, the Swiss Legation sent to the Imperial Ministry of Foreign Affairs a request from the British Government relative to the matter of beri-beri among prisoners of war.

The Imperial Government, by exercising great vigilance as to the health and hygiene of prisoners of war, takes added measures, such as onthly medical examination in each prisoners of war camp, to enable sickness to be treated in its first stage. As a preventive measure against beri-beri, the competent authorities give them, as the minister has informed the Legation by Note Verbale No. 215/C.R. dated 29 July last, relying to that of the Legation No. CC1.5.1.-deu of 9 December 1943, unpolished rice in place of polished rice, also rice bran, concentrated vitamins, etc., and in consequence, they do not lack vitamins. The number of prisoners suffering from beri-beri is less than 1 in Japan, and the same in Thailand, and in Buram only a rate of under 2%. And these figures are actually diminishing on account of proper treatment being given. All of which goes to show that there is not need for any anxiety on this subject.

As far ~~xxxxx~~ as the food in general of the prisoners in concerned, the competent authorities are giving them, in spite of different obstacles arising in the supply situation, the same food in quality and quantity as that of Japanese base troops. It is said that it is much superior to that of the Japanese generally.

Concerning prisoners in the camps of Thailand and Burma, to which the Legation made reference in the last part of its said Memorandum, the same measures are taken for their health, and the necessary remedies are provided for them.

3 October 1944

CC.1.3.8.-EGc.

CC.1.7.57.-

CC.1.7.60.-

By note of 4th July the Swiss Legation had the honor to send to the Imperial Ministry for Foreign Affairs a communication from His Britannic Majesty's Government on the subject of ill-treatment of prisoners of war in Burma. The London Government cited several cases of torturing of prisoners. It complained also that the names of prisoners in Burma had not been notified.

On 26th August the Minister informed the Legation that many prisoners of war in Burma had been temporarily transferred there, and that they were attached to camps in Thailand and Malaya. The Imperial Government, which was trying to accelerate the transmission of names of prisoners of war in its power, had already notified the International Committee of the Red Cross of more than 10,000 names of prisoners in the said camps. The Minister added that he would reply to the other points set out in the British communication after an examination of the alleged facts.

The Legation has informed its Government of the preceding matters, to be forwarded to the Government of the United Kingdom.

It is set out in a recent communication from London that the British Government considers it of great importance to know, as soon as possible, the result of the inquiry made by the Imperial authorities on the subject of the treatment of prisoners in Burma and of the tortures which they suffered. The competent authorities have had more than three months - since the Legation's note of 4th July - to make the necessary investigations in this matter.

Also, the London Government has requested that the attention of the Japanese Government be drawn to the case of a further atrocity in Burma. It states that it has learned of the following case from an eye-witness:-

"About a year after British withdrawal from Tavoy (sometime in 1943), I witnessed execution of six British soldiers who I was told were officers.

"On the morning previous to the execution, a town crier went around the town of Tavoy beating a gong and inviting townspeople to be present on an open field near the post office. Many went to witness the execution. I saw the six British soldiers each tied to a cross and opposite them were three Japanese soldiers and three Burmese civil policemen. When the order was given, the three Japanese soldiers charged at three of the British soldiers with fixed bayonets and killed them. A few minutes later, the three Burmese civil policemen bayoneted the remaining three British soldiers with fixed bayonets and killed them. A few minutes later, the three Burmese civil policemen bayoneted the remaining three British soldiers. The six English soldiers were barefooted, they were Khaki shorts and vests. They were not blindfolded."

The Government of the United Kingdom desires to know the names of the six British soldiers and has demanded that an inquiry be opened and that the culprits be punished. It refers to the letter of the Swiss Minister to SHANGLIANG dated 21st October in which it was stated that the British Government had learned of the putting to death of four Indians in the camp at Moteik (Gurma) and raises a very strong protest against the manner in which they were treated. It further demands that an inquiry be made and that the culprits be punished.

Finally, the Government of the United Kingdom has requested that the Imperial Government be notified that it has received reports that conditions in Renden Central Ghol are extremely bad. This prison is used as a camp and in it are about 700 British, Americans and Indians. These prisoners are ill-treated and measures must be taken immediately for proper medical supplies to be sent to them.

The Legation would be very much obliged to the Imperial Ministry if it would inform it as soon as possible as to the attention which has been given for its kind response, it takes this occasion to renew assurances of its high esteem.

Tokyo, 18 November 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo.

Document No. 2765-A-15
CC.1.7.63-EGc.
CC.1.3.6.-
CC.1.3.8.-
M. le Ministre.

Tokyo, 4 December 1944

I have the honor to inform Your Excellency that the British and Australian Governments have requested my Government to send the following communication to the Japanese Government:-

"Some 100 Australian and United Kingdom survivors from the Japanese transport S.S. "Rakuyo Maru" torpedoed in South China Sea on September 12th have reached Australia and Great Britain. Following is a brief summary of the knowledge which has consequently come into the possession of His Majesty's Government in the United Kingdom and Australia regarding treatment of British and Australian prisoners of war by Japanese military authorities; all available prisoners of war in Singapore and Java were moved early in 1942 to Burma or Thailand. Australians were sent by sea to Burma crowded into ships' holds which had been horizontally sub-divided so that ceilings were no more than 4 feet high. Prisoners from the United Kingdom were sent by rail to Thailand so crowded into steel cattle trucks that they could not even lie down during the journey. They were then marched some 80 miles. All were sent to work on the construction of a railway through primitive disease-infected jungle in Thailand and Burma. Conditions under which all these men lived and worked were inhuman; such accommodation as was provided gave little or no protection against tropical rains or blazing sun. Worn out clothing was not replaced and soon many lacked clothing, boots and head covering. The only food provided was a penniking of rice and a small quantity of watery stew three times a day, but work had to go on without respite whatever cost in human suffering or life. The inevitable result was a dreadful death rate, the lowest estimate being 20 percent. These conditions continued until the railway was finished about October 1943 when these not needed for maintenance work were moved to camps in Thailand and later to Singapore on route to Japan.

"The rescued men were on a ship which left Singapore early in September 1944. There were probably 1300 United Kingdom and Australian prisoners of war on board. After she was sunk, the Japanese deliberately picked up all Japanese survivors but left the prisoners to their fate. Statements of our men constitute direct and unimpeachable evidence of the outrageous treatment by the Japanese of defenceless prisoners of war."

The Governments of the United Kingdom and Australia make a strong protest against the inhuman treatment inflicted on those prisoners.

I add that I have informed His Excellency M. le Ministre SUZUKI in a personal letter of 18th November that the survivors of the "Rakuyo Maru" have, according to British information arrived in England and Australia and that a public statement will be made in these two countries following the statement of the above mentioned on the ill-treatment inflicted upon prisoners of war in Thailand and Burma.

Please accept, M. le Ministre, the assurances of my highest esteem.

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs, Tokyo

Signed by the Swiss Minister

CC.1.3.8.-EGc.

The Swiss Legation has the honor to inform the Imperial Ministry for Foreign Affairs that according to a communication from the British Government there has been found in Burma a mimeographed booklet entitled: "Notes for the interrogation of prisoners of war," and marked "Very secret." It was put out on 6th August 1943 by the "Hayashi Division Staff" and bore the signature of FUJIHARA. This booklet was to be used as a guide to interrogate British, American and Dutch prisoners and contains the following passages:-

- "L. Care must be exercised when making use of rebukes, invectives or torture (gomon) as it will result in his telling falsehoods and making a fool of you.
- 11 The following are the methods normally to be adopted;
- a. Torture (gomon) which includes kicking, beating and anything connected with physical suffering. The method to be used only when everything else fails as it is the most clumsy one. (Note: In the text, the passage is specially marked.) Change the interrogating officer when using violent torture, and good results can be had if the new officer questions in a sympathetic manner.
 - b. Threats:
 1. Hints of future physical discomforts, for instance: torture, murder, starving, solitary confinement, deprivation of sleep.
 2. Hints of future mental discomforts, for instance; he will not be allowed to send letters, to inform his home he is a war prisoner, he will not be given the same treatment as the other prisoners of war, he will be kept till the last in the event of an exchange of prisoners, etc."

The Government of the United Kingdom has requested that the attention of the Japanese Government be drawn to the foregoing. It recalls that the Japanese Government has recently strongly denied that Imperial authorities make use of torture (see letter No. 183/C.R. from SHIGEMITSU to the Swiss Minister of 1st July last).

The London Government presumes that the above mentioned instructions have been given unknown to the Imperial Government and it requires not only that the Japanese Government revoke these instructions, but that it will punish the persons who gave them.

In asking the Ministry to make known as soon as possible the response of the Imperial Government to the present communication, the Legation takes this occasion to renew its assurances of high esteem.

To the Imperial Ministry
of Foreign Affairs, Tokyo

Tokyo, 5 December 1944

CC.1.3.8.-EGd.

CC.1.7.57.

CC.1.7.60.

By notes of 4th July and 18th November, the Swiss Legation had the honor to inform the Imperial Ministry of Foreign Affairs that the Government of His Britannic Majesty had complained of the ill-treatment to which the prisoners of war in Burma had been subjected. It cited many cases of torture which had been inflicted upon these prisoners. Also it advised that the conditions in the "Rangoon Central Jail," where 700 prisoners of war were confined, were very bad, and that medical attention ought to be dispensed quickly to those above named prisoners.

The Ministry will remember that on 26th August it had particularly notified the Legation that it would respond, after examination of the alleged facts, to the points listed in the British communication transmitted by the above mentioned note of 4th July.

No response having been received to this date, the Legation desires to recall this matter to the kind attention of the Imperial Ministry. The Government of the United Kingdom was in effect very desirous to know as soon as possible the results of the inquiries undertaken by the Imperial authorities on the subject of the matters referred to in the above mentioned notes.

In asking the Ministry if it will kindly attend to this so that the London Government may be informed as soon as possible, the Legation takes this occasion to renew assurances of its high esteem.

To the Imperial Ministry
of Foreign Affairs
Tokyo.

Tokyo , 23 January 1945

CC.1.7.63.-FGd.

CC.1.3.6./3.8

By letter of 4 December the Swiss Minister had the honor to bring to the attention of His Excellency M. Mamoru SHIGEMITSU a protest of the British and Australian Governments against the ill-treatment inflicted on prisoners of war in Thailand and Burma, as well as against the conditions under which a certain number of prisoners had been transported from Singapore on the "Rakuyo Maru." The Swiss Legation would be very much obliged to the Imperial Ministry of Foreign Affairs if it would communicate the reply of the Japanese Government to this protest, and it takes this occasion to renew to the Ministry the assurances of its high esteem.

Tokyo, 23 April 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo

THE GAIMUSHO
TOKYO

Translation
No.116/C.R

N O T E V E R B A L E

Referring to Notes Nos. CC.1.3.8.-EGf. and CC.1.3.8.-EGc./CC.1.7.57/CC.1.7.60., of the Swiss Legation under dates of 4th July and 18th November, 1944, and following the Note No. 246/C. R. of 26th August, 1944, the Imperial Ministry of Foreign Affairs has the honor to inform the Legation as follows, based on the report of competent authorities:

1. As regards notification of transfer of prisoners of war (paragraph 1-A of the British Government's protest transmitted by note No. CC.1.3.8. EGf of 4th July 1944), it was replied to by letter No. 246/C. R. of 26th August, 1944.
2. As regards the treatment of prisoners of war (paragraph 1-B of the British protest), the authorities concerned regret that the situation of prisoners of war in Moulmein camps and in the outskirts of that city are such that the concentrated efforts of all the sanitary services of the Japanese troops cannot prevent the spread of diseases of the digestive system, etc., cases of which have increased, caused not only by the very bad conditions due to the climate, but also by the frequent interruption, in the rainy season of 1943, of communications with these localities. The prisoners are not the only ones who suffer from this difficult situation; the Japanese troops stationed in the same region were themselves obliged to face the same situation. But by the extraordinary efforts of the troops in these places, in the autumn of the same year, necessary sanitary installations were completed, and in consequence the number of sick and deaths was considerably lessened.
3. The inquiry made into the subject of the exhibition of prisoners of war (paragraph 1-C of the British protest) discloses that no such thing ever occurred.
4. The full inquiry made by competent authorities has shown that it is impossible to accept the allegation of the British Government that atrocities were committed by Japanese troops in Burma (paragraph 2 of the British protest and the last part of the letter of 18th November, 1944.)

The competent authorities, who are just as concerned about the treatment of prisoners of war now as they have been in the past, continue to guide the Japanese troops accordingly at these places.

15 May 1945

CC.1.7.63.-FGc.
(CC.1.3.6./1.3.8.)

By letter of 4th December the Swiss Minister had the honor to bring to the attention of His Excellency M. Mamoru SHIGEMITSU, a protest from the British and Australian Governments against the ill-treatment inflicted on prisoners of war in Thailand and Burma, as well as against the conditions under which a certain number of prisoners had been transported from Singapore aboard the "Rakuyo Maru."

By note of 23rd April the Swiss Legation expressed to the Imperial Ministry of Foreign Affairs its desire to be acquainted with the point of view of the Japanese Government on this protest.

~~xxx~~ Without response to this date, the Legation desires to recall this matter to the kind attention of the Ministry.

It takes this occasion to renew the assurances of its high esteem.

Karizawa, 2 July 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that His Britannic Majesty's Government has requested the Federal authorities to address in its name the following note to the Imperial Government:

- "1. The following signed statement has been made by a British soldier captured by Japanese Forces near Undaw, Burma on the 24th January 1945. This soldier had been wounded during the night by a bullet which had entered the left side of his back and emerged through his right buttock. At daybreak the Japanese appeared (about 15 of them) and the first one took off my cap comforter and hit me across the head with the flat of his bayonet. Another Japanese took my wrist watch and others went through my pockets taking a purse, cigarette case, fountain pen, pencils and my parti and 11 army pay book, also my identity disk. Two Japanese then took hold of me to try and stand on my feet, but I collapsed to the ground. They then took hold of my wrists and dragged me approximately 200 yards to a temple in Undaw where a Burmese was tied up, and taking me inside, they wired my ankles and attached the wire to a bolt on a door, leaving me hanging with my shoulders resting on the ground. One Japanese officer and two other ranks then proceeded to question me reference tanks, artillery, planes and the disposition of our battalion. (I asked to see the medical officer about my wounds. He was brought in. My shirt and trousers were cut with scissors. He looked at the wound but no dressings were applied.) I replied that I did not know anything and only told them my name, number and rank. They then left me, but were in and out asking the same questions. I asked for water but was refused. They then brought in Fusilier Dodd who was in my section into the temple. His hands were tied behind his back. He did not appear to be wounded. He remarked to me, "I don't half feel dry." As soon as he spoke they took him away and the last I saw him he was being taken round a small hill. They appeared again and asked me some questions as before, throwing my AE 64 down by the side of me. Next thing recollected was them cutting me down and placing me on an improvised stretcher. A bottle of water was placed outside my reach and on trying to get hold of it I knocked it over; I just managed to get a mouthful. During the night our artillery started a bombardment and an officer took my rifle and rounds and went out. That is the last I saw of the Japanese. The following morning I saw two men passing the door and on calling out to them found they were Royal Scots. They gave me some water and sent for a stretcher. I was taken back to the field ambulance. (Signed) J. E. Thomas Fus."
2. The British officers who were present when Fusilier Thomas (and the body of the Burmese civilian) were recovered state that outside the temple they discovered the body of another prisoner who had been buried with only his head out of the ground."

The Government of His Britannic Majesty demands that the Imperial Government take the necessary measures to prevent a recurrence of like things, and desires also to be informed of the punishment inflicted on the official and the Japanese soldiers responsible for the ill-treatment inflicted on these British prisoners of war.

In asking the Ministry to kindly communicate the response of the Imperial Government to the present notification, the Legation takes this opportunity to renew the assurances of its high esteem. Karuizawa, 5 July 1945
To the Imperial Ministry of Foreign Affairs, Tokyo.

INTERNATIONAL PROSECUTION SECTION

Doc. No. 2765

EX 2022

9 Dec 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Twenty-two Notes Exchanged between the Japanese Government and the Swiss Legation in Tokyo on Representations Re Ill-treatment of Prisoners of War made by British Government through Swiss Government

Date: 8 Jul 42- Original () Copy (x) Language: English
5 Jul 45 French

Has it been translated? Yes () No (x)

Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL

Swiss Legation, Tokyo

SOURCE OF ORIGINAL: Swiss Legation, Tokyo

PERSONS IMPLICATED: TANI, Masayuki; TOGO, Shigenori; TOJO, Hideki; SHIGEMITSU, Mamoru (All only insofar as Foreign Minister Minister at time)

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation Geneva POW Convention

SUMMARY OF RELEVANT POINTS

Doc. No.

- 2765-A-1 Note of 8 Jul 1942, Swiss Minister to TOGO
- 2765-A-2 Note of 1 Aug 1942, Swiss Minister to TOGO
- 2765-A-3 Note of 15 Sep 1942, Swiss Minister to TOJO
- 2765-A-4 Note of 9 Dec 1942, Swiss Minister to TANI
- 2765-A-5 Note of 9 Feb 1943, Gaimusho to Swiss Minister
- 2765-A-6 Note of 12 Feb 1943, Swiss Minister to TANI

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- 2765-A-7 Note of 28 Feb 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-8 Note of 25 Apr 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-9 Note of 10 June 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-10 Note of 4 Jul 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-11 Memorandum of 9 Aug 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-12 Note Verbale of 26 Aug 1944, Gaimusho to Swiss Minister
- 2765-A-13 Memorandum of 3 Oct 1944, Gaimusho to Swiss Minister
- 2765-A-14 Note of 18 Nov 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-15 Note of 4 Dec 1944, Swiss Minister to SHIGEMITSU
- 2765-A-16 Note of 5 Dec 1944, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-17 Note of 23 Jan 1945, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-18 Note of 19 Mar 1945, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-19 Note of 23 Apr 1945, Swiss Legation to Ministry of Foreign Affairs, Tokyo
- 2765-A-20 Note Verbale of 15 May 1945, Gaimusho to Swiss Legation

Doc. No. 2765 - Page 3 - SUMMARY Cont'd

Doc. No.

2765-A-21 Note of 2 July 1945, Swiss Legation to Ministry
of Foreign Affairs, Tokyo

2765-A-22 Note of 5 Jul 1945, Swiss Legation to Ministry
of Foreign Affairs, Tokyo

Analyst: W.H.WAGNER

Doc. No. 2765
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REQUEST FOR DOCUMENT NUMBER

FROM: G. S. WOOLWORTH

Room No. 378

TO : Document Division

Request a document number be assigned the following item:

(Give description to enable you to identify document. Use separate sheet for each item to be handled as a separate document.)

Correspondence between Swiss Legation and Japanese Foreign Ministry re ill-treatment of POW. (22 letters dated from 8 July 1942 to 5 July 1945).

Request one document number be assigned - with each letter designated as A-1, A-2, etc.

Deadline date on my final brief is:

FROM: Document Division

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EX 2022

2765-A-1 thru A-22

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DEFENSE DOC. NO. _____

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