

CHARGE OUT SLIP

OCT 1 0 1946

DATE \_\_\_\_\_

EVIDENTIARY DOC. NO. 1793

TRIAL BRIEF \_\_\_\_\_

EXHIBIT NO. \_\_\_\_\_

BACKGROUND DOC. NO. \_\_\_\_\_

SIGNATURE SGW

ROOM NO. 376



*Original retained by*

*Original in Court!*

Mr Parkerson

GENERAL HEADQUARTERS, SUPREME COMMAND ALLIED POWERS  
INTERNATIONAL PROSECUTION SECTION

Document No. \_\_\_\_\_ 30 May 1946

CERTIFICATE

I, \_\_\_\_\_, hereby certify  
th  
that I am associated with the International Prosecution  
Section, General Headquarters, Supreme Command Allied Powers,  
and that the attached document, consisting of 25 pages  
and described as follows: Carbon-copied typewritten  
documents Relating to Handling of POW's.

and dated variously, was obtained by me on the  
date above set forth in my above capacity and in the conduct  
of my official business and in the following manner, to wit:  
(place and from whom obtained, including specific Japanese  
archives, records and files involved, if any) from

Lt. Gen O YAMA A, Chief of Justice Bureau,  
War Ministry, (Now of Demobilization Ministry).

Herbert N. Parkerson  
NAME

Civ.  
RANK OR CAPACITY

ASN

Proj. No. 273

Item No. 8

## ABOUT HOW TO TREAT THE AIRPLANE CREWS OF THE ENEMY

an order issued by Vice Minister of Army of  
Hyo<sup>o</sup>ta<sup>o</sup> KIMURA

This order makes it clear how to treat the crews of the airplanes which trespassed the air of Japan proper, Manchukuo, Japanese occupied territories.

# FULL TRANSLATION

Doc<sup>no</sup> 17<sup>93</sup>

Proj. No. 273  
Item No. 9

10<sup>20</sup>  
17<sup>43</sup>

## HOW TO TREAT THE AIRLANE CREWS OF THE ENEMY

addressed to Chief of Staff of Japanese Dispatched  
Army JUN USHIROKU July 28 1942.

Sent By Assistant Chief of Staff  
MORITAKE TANABE

P. 1. This file refers to further directives that will be issued  
by the Army Office regarding the date of punishing  
these crews.

P. 3-4 There is attached a reference of military laws, <sup>draft</sup> in which  
detailed items; in regard to the kind of illegal conducts  
of the probable enemy planes and nature of punishment,  
are stated.

P. 5. The list of the POW of the shot-down airplanes by  
the Japanese <sup>eastern</sup> coastwise defence fires; disposal of the  
POWs are the subjects here.

## Full Summary

Proj. No. 273  
Item No. 10

This file is devoted to who, how, when a airplane crew member was disposed on charge of indiscriminate bombing.

Full Summary

Proj. No. 273

Item No. 11

Here is mentioned a request by the Army Office that hereafter those accused of having broken military criminal laws and regulations should not be disposed addressed to all the Japanese detached forces and others.

Aug 15 1945.

from Vice Minister of the Army Office

O.K.

Proj. No. 273  
Item No. 12

This document reveals that the Army office has ordered all the district chiefs of staff to suspend punishment, to cancel detention and to release those imprisoned.

Addressed to the district chiefs of staff.

Ordered by Vice Army Minister.

Aug 23 1945

OK

5 June - 0915  
List brought in  
by Mr. Parkinson  
CWGP

This is accurate  
list apparently of  
those airmen



INTERNATIONAL PROSECUTION SECTION

DOC NO. 1793

5 June, 1946.

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Trial and Punishment of Allied Airman; Shooting of 11 Airmen in 1945; Orders at end of war releasing P.W.'s.

Date: 1942-1945 Original (x) Copy ( ) Language: Japanese

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

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

LOCATION OF ORIGINAL (also WITNESS if applicable): Document Division.

SOURCE OF ORIGINAL: War Ministry, Gen. OYAMA.

PERSONS IMPLICATED: KIMURA, Heitaro; TANABE, Moritake; USHIROKU, Jun.

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation, POW Convention.

SUMMARY OF RELEVANT POINTS (with page references):

Following items are series of carbon copies secured from Lt. Gen. OYAMA of Judicial Dept., War Ministry:

1. Order of KIMURA, Heitaro on treatment of Allied airplane crews 28 July, '42: 1. Enemy crews will be treated as P.W.'s unless they violate wartime international law, in which case they will be punished as wartime criminals. 2. Army commanders in Japan and occupied territories will give into the custody of the Military Discipline Council enemy plane crews suspected of being wartime criminals. The MDC will apply regulations of military court martial law. (Duplicate of our Doc. #1681).

2. Directive on treatment of Enemy Aircrews sent by Ass't C of S TANABE, Moritake to C of S Jap Dispatched Army USHIROKU, Jun, 28 July, 1942.

Wait for further instructions regarding execution of punishment for those American flyer prisoners, the date should be the middle of Aug. Send your report of the judgment as soon as possible, since the Imperial Hdq. will determine the punishment.

Attached draft: Persons who are guilty of the following will be punished under martial law---1. Bombing or strafing civilians with intent to threaten, kill or injure them. 2. Bombing, strafing etc. with intent to destroy non-military private property. 3. Bombing, strafing etc. of objectives other than those of military nature, except when done by accident. 4. Cruel conduct against humanity. A person flying over Japan or Manchukuo or any other area of military operations with intent

to perpetrate any of the above crimes will be punished correspondingly.

Punishment will be death by shooting, life sentence, or as little as ten years depending on the circumstances.

Here follows an account of the shooting of 11 American airmen who bombed NAGOYA, 14 May, 1945. They were tried by the Military Discipline Council. (Translation in scanners sheets attached to Doc.)

3. Record of treatment of two American airmen who were captured around March 1945 and tried by the Military Discipline Council. Death sentence was delivered 18 July, 1945 and the bodies were cremated after execution. (See scanning sheets for further information).

4. A directive from the Army Office dated 15 Aug. 1945 stating that from that date those accused of violating military laws and regulations should not be tried.

5. Directive from the Army Office dated 23 Aug. 1945 ordering suspension of punishment and release from prison for all P.W.'s.

Analyst: Lieutenant Wilds

Doc. No. 1793.

陸密第二九〇號

空襲、敵航空機搭乗員ニ関スル件

昭和十七年七月二十一日

陸軍次官 木村兵太郎

殿

帝國領土、滿洲國又ハ我カ作戰地域ヲ空襲セシ我カ權  
内ニ入りテ敵航空機搭乗員ハ左記ノ如ク取扱フニトニ定メ  
之先ニ付承知相成度依命通牒ス

左記

一 戰時國際法ノ規ニ違反セサル者ハ何等カトシテ取扱ヒ  
之ニ違反スル所爲アリタル者ハ戰時重罪犯トシテ處断ス

二 防衛總司令官、軍司令官 内地、外地各軍中各階級

ハ當該權限ニ入りテ敵航空機搭乗員ニシテ戰時重  
罪犯トシテ處断スル者ハ軍律會議ニ送致ス

前項ノ軍律會議ニ關シテ陸軍軍法會議法中特  
設軍法會議ニ關スル規定ヲ準用ス

證  
明  
書  
ワシントン 文書局 第一七九三A 號

國際檢察部

典據及び公正ニ関スル證明

余、大山文雄ハ余カ下記ノ資格ニ於テ、即チ第一職員局法務調査部長トシテ日本政府ト公的関係ニ在ルモノトシテ、此ニ該官吏トシテ余カ添付セラルル千頁書成心、千九百四十五年（昭和十七年）七月廿八日附、下記題名、即チ、空襲ノ敵航空機搭乗員ニ関スル一ノ文書ノ寫ノ保管ニ任ジ居ルコトヲ茲ニ證明ス  
余ハ更ニ添付ノ記録及ヒ文書カ日本政府ノ公式文書ノ寫ノ口トシテ存カ下記名稱ノ者又ハ部局ノ公式書類及ヒ綴ノ一部トシテ證明ス（若シアラハ綴番號又ハ引用、其他公式書類又ハ綴ニ於テ該文書ノ成規所在ノ公式名稱ヲモ特記スベシ）

千九百四十六年（昭和二十一年）十一月六日

東京第一職員局ニ於テ署名

當該官吏署名欄

大山文雄 (大山)

右ノ者ノ公的資格 第一職員局法務調査部長

證人 中村寅吉 (中村)

公式入手ニ由スル證明

余ハ余カ此ノ證明書、聯合國最高指揮官總司令部ニ關係スルモノトシテ、此ニ上記題名ノ文書ハ余カ公務上、日本政府ノ上記署名官吏ヨリ入手シタルモノトシテ、茲ニ證明ス

千九百四十五年（昭和二十年）十一月六日ニ於テ署名

氏名欄 Eric W. Plunkett

右ノ者ノ公的資格 國際檢察部調査官

證人 Henry Shingpin

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_  
I.P.S. No. 1793-A

Statement of Source and Authenticity

I, Ayao OYAMA, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of Legal Research Division of the 1st Demobilization Bureau and that as such official I have custody of a copy of the document hereto attached consisting of 2 pages, dated 28 July, 1942, and described as follows: Concerning the crews of enemy aircraft at the time of air raids

I further certify that the attached record and document is a copy of an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files: War Ministry (1st Demobilization Bureau))

Signed at Tokyo on this

6th day of Nov. 1946.

/s/ Ayao OYAMA  
Signature of Official  
SEAL

Witness: /s/ Terakichi Nakamura

Chief of Legal Research Division  
of the 1st Demobilization Bureau

Statement of Official Procurement  
Statement of Source and Authenticity

I, 2nd Lt. Eric W. Fleisher, O-935000, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this

6th day of November, 1946.

/s/ Eric W. Fleisher, 2nd Lt. AUSMI  
NAME

Investigator IPS  
Official Capacity

Witness: /s/ Henry Shimajima

Imperial Headquarters, Army Section  
Staff, Secret, No. 1 of No. 383

Notification of Matters Pertaining to the Treatment of  
Crew Members of Raiding Enemy Planes

July 28, 1942

Seimu TANABE  
Deputy Chief of Staff

TO: Mr. Jun ATOMIYA  
Chief of Staff, China Expeditionary Force

Directions in regard to the treatment of crew members of raiding enemy planes have already been given by Army Secret No. 2190 of July, 1942, but in regard to the proclamation and publication of the articles of war and the date of execution of punishment against the crew members of the recent raiding American planes, it is desired that they be deferred until a date to be specified later. (Expected to be during the middle of August.)

Furthermore, since the announcement pertaining to the execution of the offense of the crew members of the recent raiding American planes will be made by the Imperial Headquarters, I have been ordered to notify you that the decision for the aforementioned be reported to the Chief of General Staff as soon as possible.

In closing, please refer to the annexed draft in regard to the Articles of War and the text of the proclamation of the Articles of War.

EXHIBIT 1993

FILE COPY  
RETURN TO ROOM 361

Annexed Reference Sheet

Articles of War of OO Army (Draft)

Article 1. These articles of war shall be applicable to the crew members of enemy planes raiding our Imperial Domain, Manchoukuo, or our zone of operations and falling into the powers of OO Army.

Article 2. Those having committed the acts listed below shall be subjected to military punishment:

1. To bomb, strafe and conduct other types of attacks for the purpose of threatening and wounding or killing the ordinary populace.
2. To bomb, strafe and conduct other types of attacks for the purpose of destroying or ruining private properties possessing no military characteristics.
3. To bomb, strafe and conduct other types of attacks against targets other than military targets unless inevitable.
4. To conduct outrageous and inhuman acts ignoring humanity, besides the aforementioned three paragraphs.

This is also applicable to those coming to attack our Imperial Domain, Manchoukuo, or our zone of operations with the purpose of committing the acts mentioned in the above paragraphs, but having fallen into the powers of OO Army prior to having accomplished them.

Article 3. The military punishment shall be death. However, depending on the situation, it may be changed to life or imprisonment of over ten years.

Article 4. Death shall be by a firing squad. Imprisonment shall be at a place to be designated later, and they shall be subjected to proscribed labor.

Article 5. When specific reasons exist, the execution of military punishment shall be suspended.

Article 6. In regard to imprisonment, regulations pertaining to penal servitude of the criminal law shall be applicable, besides those stipulated in these articles of war.

Supplementary Provisions

These articles of war shall become effective as of \_\_\_\_\_ day  
of \_\_\_\_\_ month of \_\_\_\_\_ year.

These articles of war shall be applicable against de post facto  
acts.



C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_

I.P.S. No. 1793-B

Statement of Source and Authenticity

I, Ayao CYAMA, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of Legal Research Division of the 1st Demobilization Bureau and that as such official I have custody of a copy of the document hereto attached consisting of 4 pages, dated 28 July, 1942, and described as follows: Concerning the treatment of the crews of enemy aircraft that participated in air raid

I further certify that the attached record and document is a copy of an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files:) War Ministry (1st Demobilization Bureau)

Signed at Tokyo on this

6th day of Nov., 1946.

Witness: /s/ Torakichi Nakamura

/s/ Ayao CYAMA  
Signature of Official

SEAL  
Chief of Legal Research Division  
of the 1st Demobilization Bureau

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, O-935000, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this

6th day of Nov., 1946.

Witness: /s/ Henry Shimajima

/s/ Eric W. Fleisher, 2nd Lt. AUSMI  
NAME

Investigator IPS  
Official Capacity

Doc 1793B

大本營  
陸軍部  
參密第三八三号才一

空襲、敵航機搭乗員取扱ニ関スル件通牒  
昭和十七年七月二十八日

支那派遣軍總參謀長 後宮 淳殿  
參謀次長 田辺 盛武

昭和十七年七月陸密才二一九〇号ヲ以テ空襲、敵航空機搭乗員ノ取扱ニ関シ示達セラレタル處軍律ノ布告及其ノ發表並今次米國空襲機搭乗員ニ對スル罰ノ執行ノ時期ニ関シテハ別ニ示サルル 時期迄(八月中旬ト豫定ス)保留セラレ度

尚今次米國空襲機搭乗員ノ罪ノ執行ニ関スル發表ハ大本營ニ於テ行ハルルニ付右判決ヲナルヘク速カニ參謀總長ニ報告セラレ 度依命通牒ス

追テ軍律及軍律布告ノ内容ニ関シテハ別紙資料ヲ參考トセラレ度

EXHIBIT 1993

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No 1

参考別紙

〇〇軍軍律(案)

才一條 本軍律ハ帝國領土滿洲国又ハ我カ作戰地域ヲ空襲シ〇〇軍ノ内ニ入りタル敵航空機搭乗員ニテ適用ス

才二條 左ニ記載シタル行為ヲ爲シタル者ハ軍罰ニ處ス

一 普通人民ヲ威嚇スハ殺傷スルコトヲ目的トシテ爆撃射撃其ノ他ノ攻撃ヲ加フルコト

二 軍事的性質ヲ有セサル私有財産ヲ破壊又毀損スルコトヲ目的トシテ爆撃射撃其ノ他ノ攻撃ヲ加フルコト

三 已ムヲ得サル場合ノ外軍事的目標以外ノ目標ニ付シテ爆撃射撃其ノ他ノ攻撃ヲ加フルコト

四 前三号ノ外特ニ人道ヲ無視シタル暴虐非道ナル行為ヲナスコト

又前号ノ行為ヲ爲ス目的ヲ以テ帝國領土滿洲国又ハ我カ作戰地域ニ未襲シ其ノ未々之ヲ遂ケサル前〇〇軍ノ權内ニ入りタル者亦同シ

才三條 軍罰ハ死トス但シ情狀ニ依リ無期又ハ十年以上監禁ヲ以テ之ニ代フルコトヲ得

才四條 死ハ銃殺ス

監禁ハ別ニ定ムル場所ニ拘置シ定役ニ服ス

才五條 特別ノ事由アルトキハ軍罰ノ執行ニ免除ス

No 3

Doc 1793B

才六條 監禁ニ付テハ本軍律ニ定ルモノノ外刑法ノ  
懲役ニ處スル規定ヲ準用ス

附 則

本軍律ハ昭和〇〇年〇月〇〇日ヨリ之ヲ施行ス  
本軍律ハ施行前ノ行為ニ対シテモ之ヲ適用ス

「フミニト」文書局  
国際檢察部

證據及ビ公正ニ関スル証明

余、大山文雄ハ余ガ下記ノ資格ニ於テ、即チ一復員局  
法務調査部長トシテ、日本政府ト公的関係ニ在ルモノナ  
ルコト、並ニ該官吏トシテ余ガ茲ニ添附セラレタル、四頁ヨ  
リ成ル、千九百四十二年/昭和十七年/七月廿八日附、下記  
題名、即チ空襲ノ敵航空機塔架買取扱ニ関スル件  
通牒、文書ノ寫シノ保管ニ任シ居ルコトヲ茲ニ証明ス。  
余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文書ノ寫ナ  
ルコト、並ニ右ガ下記名稱ノ省又ハ部局ノ公文書類及  
ビ綴一部ナルコトヲ証明ス。(若シテ綴番号又ハ引用  
其他ノ公文書類又ハ綴ニ於ケル該文書ノ成規所在ノ  
公文名稱ヲ特記スベシ)

千九百四十六年/昭和二十一年/十月六日

東京一復員局ニ於テ署名  
当該官吏署名欄  
右ノ者ノ公的資格  
才復員局法務調査部長  
大山 文雄 (印)

公式入手ニ関スル調明  
中村 寅吉 (印)

余、Euse W. Fleischerハ余ガ联合国最高指揮官總司令  
部ニ関係アルモノナルコト、並ニ上記題名ノ文書ハ余ガ公務上、  
日本政府ト上記署名官吏ヨリ入手ニケルモノナルコトヲ茲ニ証明ス。

千九百四十六年/昭和二十一年/十月六日

ニ於テ署名  
氏名欄  
Euse W. Fleischer  
右ノ者ノ公的資格  
証人  
國際檢察部調査官  
Hansy Shumoyama

REPORT ON THE COURT MARTIAL FOR ALLIED AIRCRAFT CREWS  
CAPTURED IN THE TOKAI DISTRICT ARMY AREA

I. This report was prepared according to a report made by the Tokai Demobilization Bureau.

II. Substance:

There were eleven men captured in a raid on Nagoya on the 14th of May, 1945 who were executed after trial by court martial.

III. Facts of the Court Martial:

1. The accused:

	<u>Rank</u>	<u>Name</u>	<u>Identification No.</u>
(1)	2nd Lt.	Hyme	Unknown
(2)	2nd Lt.	Carrier	Unknown
(3)	Corporal	Classety	12240110
(4)	Corporal	Shelton	Unknown
(5)	Corporal	Fritchard	23540378
(6)	Lieutenant	Sherman	O-737484
(7)	2nd Lt.	Solomon	O-708948
(8)	Corporal	Howell	Unknown
(9)	Corporal	Manson	Unknown
(10)	Corporal	Gentry	14071549
(11)	Corporal	Johnson	14135602

2. Date of taking in charge:

Taken in charge from the Kempei Tai Hq. at Tokai at the end of May, and imprisoned on the same day.

3. Place of imprisonment:

District Army Headquarters

4. Investigation:

After investigation at the Tokai Kempei Tai Hq., these men were committed for court martial at the end of May on suspicion of having violated the Articles of War. Investigation by the prosecutor at the court martial produced enough evidence to prove that they had violated the Articles of War.

5. Place and date of judgment:

Court of the Tokai District Army Headquarters, 11 July 1945.

**FILE COPY**  
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EXHIBIT NO. 1994

6. Date of Execution:

July 12, 1945.

7. Place of Execution:

At the Obatagahara rifle range (in the suburbs of Nagoya.)

8. Disposal of the corpses:

Originally buried in the Obatagahara rifle range, they were disinterred later and cremated, and the remains have been enshrined at the Koseiji Temple at Yagoto, Showa Ward, Nagoya.

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_

I.P.S. No. 1793-C

Statement of Source and Authenticity

I, Ayae OYAMA, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Research-  
search Division of the 1st Demobilization Bureau  
and that as such official I have custody of the document hereto attached consisting of 3 pages, and described as follows: The Report of the Military Discipline Council in regard to the Captured Allied Warplane Crews in the Military Controlled Area of Tokai (East Coast of Japan)

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Legal Research Division of the 1st Demobilization Bureau

Signed at Tokyo on this  
12th day of Nov., 1946.

/s/ Ayae OYAMA  
Signature of Official

SEAL

Witness: /s/ Keishi Hashimoto

Chief Legal Research Division  
1st Demobilization Bureau  
Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this  
14th day of Nov., 1946.

/s/ J. A. Curtis, 2nd Lt.  
NAME

Witness: /s/ R. H. Larsh

Investigator IPS  
Official Capacity



1793C

No 1

東海軍管区内に於ける聯合軍捕獲飛行機  
搭乗員に対する軍律會議に關する調書

一、本調書は東海復員監部の報告に基き記述せるものなり  
二、要旨

軍律會議に於て審判の上處断せるものは昭和二十年五月十四日名古屋  
を空龍衣して捕へられたる十一名なり

三、軍律會議の狀況

1. 被告(階級、氏名、認識番号)

(一) 少尉、カイク、不明

(二) 少尉、キナリヤ、不明

(三) 伍長、クラサテイ、一三二四〇二〇

(四) 伍長、シエルトン、不明

(五) 伍長、フリチャード、二三五四〇三七八

(六) 中尉、キーマン、〇一七三七四八四

(七) 少尉、ソロモン、〇一七〇八九四八

(八) 伍長、ハウエル、不明

(九) 伍長、マンソン、不明

(十) 伍長、~~シエルトン~~

(十一) 伍長、~~シエルトン~~

(十二) 伍長、~~シエルトン~~

2. 受理年月日  
五月下旬東海憲兵隊司令部より受理し拘留す

3. 拘留場所

軍管区司令部

4. 捜査

EXHIBIT NO. 1994

FOR ROOM 361 COPY

1793C

No. 2

東海憲兵隊司令部に於て捜査し其の結果軍律違反の嫌疑ありとして五月下旬之を軍律會議に送致す

軍律會議に於ては檢察官之を捜査し其の結果軍律違反の證據十分とされり

5 審判場所及年月日

東海軍管区司令部 陸廷

昭和二十年七月十一日

6 死の執行年月日

昭和二十年七月十二日

7 執行場所

小幡ヶ原射場（名古屋市近郊）

8 死体の處置

小幡ヶ原射場に埋葬しありたるも後之を発掘火葬に附し遺骨は名古屋市昭和区八事<sup>ヤット</sup>正寺に安置せり

No. 1

Evidentiary Doc. # 1793C

證明書

ワシントン文書局

第 号

國際檢察部

一七九三C 號

典據及ヒ公正ニ関スル證明

余大山文雄ハ余ガ下記ノ資格ニ於テ即チ一復員者法務部長トシテ、日本政府ト公的関係ニ在ルモノナルコト並ニ該官吏トシテ余ガ茲ニ添附セラレタル三頁ヨリ成ル下記題名即チ東海軍管区(日本東海岸)ニ於テ停滯トナリタル聯合軍軍用飛行機搭乗員ニ関スル軍法會議記録ノ文書ノ保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文書ナルコト並ニ右ガ下記名稱ノ省又ハ郵局ノ公文書類及ビ綴一部ナルコトヲ證明ス。(若シアラハ綴番號又ハ引用其他公文書類又ハ綴ニ於ケル該文書ノ成規所在ノ公文名稱ヲモ特記スベシ)

記

一復員者法務部

一九四六年十一月十一日東京ニ於テ署名ス該

官吏署名欄 署名 大山文雄

右ノ者ノ公的資格 一復員者法務部長

證人 署名 橋本啓四 (五頁)

No. 2

Doc. # 1793C

公取入手ニ関スル證明

余、ジェーエーカーティスハ余が聯合國最高指揮官總司令部ニ關係アルモナルコト茲ニ上記之載ノ文書ハ余が公務上、日本政府上記署名官吏ヨリ入手シタルモノナルコトヲ茲ニ證明ス。

一九四五年本月十四日 東京ニ於テ署名

氏名欄一署名一ジェーエーカーティスナ尉

右ノ者ノ公的次男

國際檢察部調査官

證人

署名一アルエツチラーシユ

證明書

ワシントン文書局  
国際検査部  
第一七九三〇號

典據及公正關スル證明

余天山文雄ハ余が下記ノ資格ニ於テ

即チ第一復員省法務部長トシテ日本政府

ト公的関係在ルモノナルコト、竝ニ該官吏トシテ

余ガ茲ニ添附セラレタル三頁ヨリ成ル下記題名

即チ「東海軍管区（日本列島東海岸）ニ於テ  
~~備補~~

タル聯合軍機搭乗員ニ関スル軍法會議記

録ノ文書ノ保管ニ在ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文

S. Igarashi  
Checked by  
H. YOSHIDA

17930

書ナルコト、並ニ右が下記名稱ノ省又ハ部局ノ公  
 式書類及ハ綴ノ一部ナルコトヲ證明ス。(若シアラ  
 バ綴ラ番號又ハ引用、其ノ他公式書類又ハ綴ニ於  
 ケル該文書ノ成規所在ノ公式名稱ヲモ特記スベシ)  
 証 一復員省法務部

本 千九百四十六年十一月十二日、東京ニ於テ署名

當該官吏署名欄 署名 大山文雄

右ノ者ノ公的資格 一復員省法務部長

證 人 署名 橋本啓四(音訊)

公式入手ニ関スル證明

余 署名 エーカーティスハ、余が聯合國最高指揮官

總司令部ニ關係アルモノナルコト、並ニ上記題<sup>記載</sup>

ノ文書ハ余ガ公務上、日本政府ノ上記署名官吏

ヨリ入手シタルモノナルコトヲ茲ニ證明ス。

千九百四十六年十一月十四日、東京ニ於テ署名

氏名欄 <sup>署名</sup> ジェー・イー・カーティス 少尉

右者公的資格 國際檢察部調査官

證人 <sup>署名</sup> アール・エツチ・ラーシュ

證明書

ワシントン文書局  
国際検査部  
ネー七九三〇號

典據及び公正に關スル證明

余余天山文雄  
ハ余が下記ノ資格

ニ於テ即チ第一復員省法務部長

トシテ日本政府ト公的關係ニ在ルモノナルコト

竝ニ該官吏トシテ余が茲ニ添附セラレタルニ

頁ヨリ成ル下記標題即チ中部軍管區ニ於

テ<sup>停務トナリ</sup>拿捕セラルタル聯合軍航空機搭乗員ニ關スル

軍法會議記録ノ文書ノ保管ニ任ジ居ルコト

ヲ茲ニ證明ス。

S. ISHURAWA  
Checked by  
H. YOSHIDA

17930



余ハ更ニ添附ノ記録及ビ文書カ日本政府  
ノ公文書ナルコト、竝ニ右カ下記名稱ノ省又ハ  
部局ノ公式書日類及ビ綴ノ一部ナルコトヲ證明ス。

(若シアラバ綴番號又ハ引用、其他公式書類

又ハ綴ニ於ケル該文書ノ成規所在ノ公式名稱ヲ

モ特記スベシ) 記  
才一復員省法務部

有 千九百四十六年十一月十二日、東京ニ於テ署名

當該官吏署名欄署名 天山文雄 捺印

右ノ者ノ公的資格 才一復員省法務部長

證 人署名 橋本啓四 (音譯)

公式入手ニ関スル證明

余、ジョー・エー・カーチスハ、余ガ聯合國最高指揮

官總司令部ニ關係アルモノナルコト、並ニ上記記題載

者ノ文書ハ、余ガ公務上、日本政府ノ上記署名

官吏ヨリ入手シタルモノナルコトヲ、茲ニ證明ス。

千九百四十六年年十一月十四日、東京ニ於テ署名

氏名欄 署名 ジョー・エー・カーチス 少尉

右ノ者ノ公的資格 國際検査部 調査官

證 人署名アルエッチ・ラーシュ

中部軍管区内に於ける聯合軍捕獲飛行機搭乗員に対する軍律會議に因する調書

一本調書は中部復員監部の報告に基きたるものなり  
二、要旨

軍律會議に於て審判の上處断せるものは昭和二十年三月九日夜東京市街三月十四日大阪市街及三月十七日夜神戸市街を焼夷彈爆撃後捕獲せられたる「ネルソン」及「アウグナス」の二名なり

三、軍律會議の狀況

1. 被告

米國陸軍少尉「ロバートワシントン」  
米國陸軍軍曹「アルジースタシレーアウグナス」

2. 受理年月日

昭和二十年五月上旬中部憲兵隊司令部より受理拘留す

3. 拘留場所

楠第一二四九〇部隊牧草所(大阪陸軍刑務所) 檢察官「日」憲兵隊司令部の報告を基き

4. 捜査

捜査終了後、詳細な捜査し五月三十一日に事實を陳述せり

5. 審判場所及年月日

中部軍管區司令部法廷

昭和二十年七月十八日 裁判死刑宣告

6. 死刑執行年月日

昭和二十年七月十八日午後四時

7. 執行の場所

大阪府泉北郡横山村所在 陸軍演習場

8. 死体処理

同日土葬(假埋葬)

八月二十四日同所に於て火葬

同月二十五日真田山陸軍墓地に本葬す

ROD

A REPORT ON THE COURT MARTIAL FOR ALLIED AIRCRAFT CREWS  
CAPTURED IN THE CENTRAL JAPAN DISTRICT ARMY AREA

- I. This report is based on reports from the Central Japan Demobilization Bureau.
- II. Substance:

The men who were executed after trial by court martial were Nelson and Augnus, who were both captured after incendiary raids on Tokyo on the night of March 9th, 1945, Osaka on the night of March 14th, 1945, and Kobe on the night of March 19th, 1945, respectively.
- III. Facts of the Court Martial:
  1. The Accused:

Second Lieutenant Robert Warson Nelson, U.S.S., Sergeant.  
Sergeant Algy Stanley Augnus, U.S.S.
  2. Date of taking in charge:

Taken in charge from the Central Japan Kempei Tai HQ the first part of May, 1945, and imprisoned on the same day.
  3. Place of imprisonment:

Detention ward of the Kusunoki 12490 Butai (inside Osaka Military Prison).
  4. Investigation:

The investigation ended May 31st, after detailed investigation by the prosecutor for two days on the basis of the reports from the Kempei Tai HQ. Under investigation, the accused frankly stated the facts.
  5. Place and Date of Judgment:

Court of the Central Japan District Army Headquarters. Sentenced to death on July 18th, 1945.
  6. Date of Execution:

4:00 p.m., July 18th, 1945.
  7. Place of Execution:

At the Army Manoeuver Grounds in Yokoyama-Mura, Senhoku-Gun, Osaka Prefecture.

8. Disposal of Corpses.

Buried on the same day (temporary burial). Cremated at the same place on August 24th. The formal funeral took place at the Sanadayama Army Cemetery on the 25th of the same month.

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_

I.P.S. No. 1793-D

Statement of Source and Authenticity

I, Avae OYAMA, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Legal Research Division of the 1st Demobilization Bureau and that as such official I have custody of the document hereto attached consisting of 2 pages, and described as follows: Record of the Military Discipline Council in regard to the crews of the captured Allied aircraft in the Central Military Jurisdiction Area.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Legal Research Division of the 1st Demobilization Bureau

Signed at Tekye on this

12th day of Nov., 1946.

/s/ Avae OYAMA  
Signature of Official

SEAL

Witness: /s/ Keishi Hashimoto

Chief, Legal Research Division  
1st Demobilization Bureau  
Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tekye on this

14th day of Nov., 1946.

/s/ J. A. Curtis, 2nd Lt.  
NAME

Witness: /s/ R. H. Larsh

Investigator IPS  
Official Capacity

證明書

ワシントン文書局 第

第

國際檢察部第一九三〇號

典據及公正之證明

余大山文雄、余如下記資在於、即、不復員者法務部長トシテ日本政府ト  
 公的関係在於此トシテ、此該官吏トシテ余、茲添付シテ、二頁ヲ成下記標題  
 即、中、部、章、文、書、三、於、此、係、屬、ト、リ、且、該、會、軍、航、空、機、械、部、員、三、三、三、軍、法、會、議  
 記録、文、書、保、管、任、の、所、ア、ト、テ、茲、ニ、證、明、ス。

余、更、添、付、記、録、及、文、書、の、且、本、政、府、云、文、書、三、ニ、對、右、カ、下、記、名、稱、者、又、公、部、局  
 公、式、書、類、及、綴、一、部、ト、シ、テ、證、明、ス、若、シ、公、綴、者、辨、又、引、用、其、他、公、式、書、類、又  
 綴、於、此、該、文、書、成、規、所、在、云、云、名、稱、之、特、記、ス、(シ)

記

不復員者法務部

一九四二年十一月十一日東京ニ於テ署名者

當該官吏署名欄 署名 大山 文雄 捺印

右、者、之、的、資、格 不復員者法務部長

證 人 署名 橋本 敬四 (音譯)

公文書ニ對スル證明

余、三、ノ、キ、カ、カ、ス、ハ、余、該、會、國、最、高、指、揮、官、總、司、令、部、長、係、レ、レ、三、

上記記載文書、余、公、務、上、且、本、政、府、上、記、署名、者、官、吏、ト、シ、テ、茲、ニ、證、明、ス。

一九四二年十一月十日 東京ニ於テ署名者

氏名欄 署名 三ノキ、カ、カ、ス、尉

右、者、之、的、資、格 國際檢察部調査官

証 人 署名 三ノキ、カ、カ、ス

中部軍管区内に於て、聯合軍捕獲飛行機搭乗員に対する軍律會議に因る調査報告

一 本調査の中部復員監部の報告に基き、そのものなり  
二 要旨

軍律會議に於て審判の上處断せられたる昭和三十二年三月九日夜東京市街三月十四日大阪市街及三月十七日夜神戸市街に燒夷彈爆撃後捕獲せられたる「ネルソン」及「アラゲナス」の二名なり

三 軍律會議の状況

1. 被告 米國陸軍少尉「ロバートワソンネルソン」  
米國陸軍軍曹「アルジースタントアラゲナス」  
昭和三十二年五月上旬中部憲兵隊司令部より受理拘留す

2. 受理年月日  
3. 拘留場所 楠第一二四九部隊收禁所(大阪陸軍刑務所)  
4. 捜査 檢察官二日に亘り憲兵隊司令部の報告も基礎とし詳細に捜査し五月三十一日捜査終了(捜査に方り被告は素直に事實を陳述せり)

5. 審判場所及年月日  
中部軍管区司令部法廷  
昭和三十二年七月十八日 裁判死刑宣告  
昭和三十年七月十八日 午後四時

6. 死刑の執行年月日  
7. 執行の場所 大阪府泉北郡横山村所在陸軍演習場  
同日 土葬(假埋葬)

8. 死体の仕末  
八月二十四日 同所に於て火葬す  
同日二十五日 真田山陸軍墓地に本葬す



Army Secret No. 1437  
(Army, Secret Wire No. 5715)

15 August 1945<sup>5</sup>

Matters Pertaining to Cases of Defendants Against the  
Articles of War

Vice Minister

TO: The 1st, the Entire Army (2nd), the respective area Army  
(5th), (17th), (10th)  
Respective Chiefs of Staff (Kwantung Army) (China Expedition-  
ary Force) (The entire Southern Army)

Hereafter defer dealing with cases of violators of the Articles  
of War under your Army's command. By order.

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_

I.P.S. No. 1793-B

Statement of Source and Authenticity

I, Ayae OYAMA, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of Legal Research Division of the 1st Demobilization Bureau and that as such official I have custody of a copy of the document hereto attached consisting of 1 page, dated 15 Aug., 1945 and described as follows: Pertaining to the defendant's of Military Court Martial

I further certify that the attached record and document is a copy of an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): 1st Demobilization Bureau

Signed at Tokyo on this

6th day of Nov., 1946.

/s/ Ayae OYAMA

Signature of Official

SEAL

Witness: /s/ Terakichi Nakamura

Chief of Legal Research Division  
of the 1st Demobilization Bureau  
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, O-935000, 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 Japanese Government in the conduct of my official business.

Signed at Tokyo on this

6th day of November, 1946.

/s/ Eric W. Fleisher, 2nd Lt. AUSMI  
NAME

Investigator, IPS  
Official Capacity

Witness: /s/ Henry Shimajima

Doc 1793E

陸軍第一四三七號

(陸軍電 第五七五號)

昭和三十年八月十五日

軍律被告事件ニ関スル件

次官

- 第一 (第二) 總軍 (第五) (第十七) (第十)
- 各方面軍 (關東軍) (支那派遣軍) (南方總軍)
- 各參謀長宛

貴軍隸下ノ軍律違反被告事件、是處斷ハ自  
今見合ヒテ度依命

Ex 1996

No. 1

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Doc 1793E

No. 2

ワシントン文書局  
國際檢察部

第 第 書  
第 第 號

證明  
余大山文雄ハ余カ下記ノ資格ニ於テ、即チ第一復員局法  
務調査部長トシテ、日本政府ト公的関係ニ在ルモノナルコトヲ  
ニ該官吏トシテ余カ茲ニ添附セラレタル「頁ヨリ成ル」千九百四十五  
年昭如廿年八月十五日附、下記題名、即チ軍律被告  
事件ニ関スル律ノ文書ノ寫ノ保管ニ任シ居ルコトヲ茲ニ  
證明ス。

余ハ更ニ添附ノ記録及ヒ文書カ日本政府ノ公文書ノ寫ナルコト  
茲ニ右カ下記名稱ノ者又ハ部局ノ公式書類及ヒ綴ノ一部ヲ  
トシ證明ス (若シアハ綴番號又ハ引用、其他公式書  
類又ハ綴ニ於テ該文書ノ成規所在ノ公式名稱ヲ特記スルシ)  
千九百四十六年昭如二十一年十一月六日  
東京第一復員局ニ於テ署名

當該官吏署名欄

大山文雄

(大山)

右ノ者ノ公的資格

第一復員局 法務調査部長

證明

中村

寅吉

(中村)

公式入手ニ関スル證明

余 Eric W. Fleisher 余カ聯合國最高指揮官總司令  
部ニ関係アルモノトシテ、茲ニ上記題名ノ文書ハ余カ公務  
上、日本政府ノ上記署名官吏ヲ入手シタルモノナルコトヲ  
茲ニ證明ス

千九百四十六年昭如二十一年十一月六日

ニ於テ署名

氏名欄

Eric W. Fleisher, Major AMH

右ノ者ノ公的資格 國際檢察部調査官

證明

人

Henry SHIMOTIMA

No. 1

Doe 1793F

陸密第五七七六號  
陸密電第一四八四號

俘虜ノ釋放ニ関スル件

昭和三年八月二十三日

次官

各軍官區參謀長宛

監獄ニ在監中ノ既未決囚俘虜ハ假釋放ノ刑ノ執行  
停止又ハ拘留取消等ヲ實施スル様指導セラレ度依命

FILE COPY  
RETURN TO ROOM 361

EXHIBIT 1997

證明書

ワシントン文書局

第

号

國際檢察部

第一七九三下号

典據及び公正ニ関スル證明

余、大山文雄ハ余ガ下記ノ資格ニ於テ、即チ第一復員局法務調査部長トシテ、日本政府ト公的関係ニ在ルモノナルコト、並ニ該官吏トシテ余ガ茲ニ添附セラレタル、一頁ヨリ成ル、千九百四十五年ノ昭和二十年ノ八月三十日附、下記題名、即チ俘虜ノ釋放ニ関スル件、ノ文書ノ寫ノ保管ニ任ジ居ルコトヲ茲ニ證明ス

余ハ更ニ添附ノ記録及び文書ガ日本政府ノ公文書ノ寫ナルコト、並ニ右ガ下記名稱ノ省又ハ部局ノ公式書類及び綴ノ一部ナルコトヲ證明ス。(若シアズニ綴番号又ハ引用、其他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名稱ヲモ特記スベシ)

一、第一復員局

千九百四十六年ノ昭和二十一年ノ十一月六日

東京ニ於テ署名

當該官吏署名欄

大山文雄 (大山)

右ノ者ノ公的資格

第一復員局法務調査部長

證人

中村寅吉

(中村)

公式入キニ関スル證明

余、Eric W. Fleisherハ余ガ聯合國最高指揮官總司令部ニ関係アルモノナルコト、並ニ上記題名ノ文書ハ余ガ公務上、日本政府ノ上記署名ノ官吏ヨリ入キタルモノナルコトヲ茲ニ證明ス

千九百四十六年ノ昭和二十一年ノ十一月六日

東京ニ於テ署名

氏名欄

Eric W. Fleisher

右ノ者ノ公的資格

國際檢察部調査官

證人

Henry Shimoyama

Original

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_

I.F.S. No. 1793 - A

Statement of Source and Authenticity

I, Ayao Oyama hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of Legal Research Division of the 1st Demobilization Bureau

and that as such official I have custody of <sup>a copy of</sup> the document hereto attached consisting of 2 pages, dated 28 July, 1942, and described as follows: Concerning the crews of enemy aircraft at the time of air raid

I further certify that the attached record and document is <sup>a copy of</sup> an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): War Ministry (1st Demobilization Bureau)

Signed at Tokyo on this 6th day of Nov., 1946.

Ayao Oyama  
Signature of Official  
Chief of Legal Research Division  
of the 1st Demobilization Bureau  
Official Capacity



Witness: Torakichi Nakamura

Statement of Official Procurement

I, Lt. Col. Eric W. Hensler B-935700, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this 6th day of Nov, 1946

Eric W. Hensler  
Investigator I.P.S.  
Official Capacity

Witness: Harvey Shimogima

Doc no 1793-A

陸密第二一九〇號

空襲ノ敵航空機搭乗員ニ關スル件

昭和十七年七月二十八日

陸軍次官

木村 兵太郎

殿

帝國領土、滿洲國又ハ我カ作戰地域ヲ空襲シ我カ權内ニ入リタル敵

航空機搭乗員ハ左記ノ如ク取扱フコトニ定メラレタルニ付承知相成

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左記

一 戰時國際法規ニ違反セサル者ハ俘虜トシテ取扱フ之ヲ違反シ新爲

二 超藩縣同合官ハ戰時重罪犯トシテ處斷ス以テ不文ニ同シハ普通罰内ニ

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陸軍



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防衛總司令官、軍司令官内地、外地各軍、香港占領ハ當該權内ニ  
 入りタル敵航空機搭乗員ニシテ戦時重罪犯トシテ處断スヘキ疑  
 アル者ハ軍律會議ニ送致ス  
 前項ノ軍律會議ニ關シテハ陸軍軍法會議法中特設軍法會議ニ關ス  
 ル規定ヲ準用ス  
 陸軍軍法會議ニ關シテハ陸軍軍法會議法中特設軍法會議ニ關ス

昭和二十六年一月二十八日

空襲ノ類ニ對シテ空襲搭乗員ニ關スル事

陸軍大臣

*out*

International Military Tribunal for the Far East	
EXHIBIT NO. <u>2245</u>	
Pros. <input checked="" type="checkbox"/>	Defense <input type="checkbox"/>
Offered for	Identification <u>24 JAN 1947</u>
Received in Evidence <u>24 JAN 1947</u>	Rejected _____
Received Conditionally _____	
<i>Charles M. Winter</i> Clerk of the Court	