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Tokyo, 23 December 1942

M. le Ministre,

In connection with the instructions of my Government, I have the honor to communicate to Your Excellency a protest from the Government of the United States enumerating cases in which, according to declarations of American citizens repatriated from Japan, they have been subjected to ill treatment by officials or junior Japanese employees.

The Government of the United States has repeated to my Government that it is ready under conditions of reciprocity on the part of Japan to conform with all the provisions of the Geneva Convention concerning prisoners of war and civilian internees, and that it has already demonstrated its intention in asking the cooperation of the Power which represents Japanese interests in the United States, as well as that of the International Red Cross Committee, all of whose representatives have access on American territory to places where Japanese subjects are detained.

It adds that it has always been, and still is, fully disposed to open inquiries on every complaint emanating from the Imperial Government, and that it has always appreciated, and still appreciates, the cooperation which it gets from the power representing the Japanese interests in the United States.

My Government, in taking notice of this last observation, informs me that there is no doubt that the cooperation given by the Government of the United States to the Power protecting Japanese interests in the United States will be accorded in the same measure by the Imperial Government to my country insofar as representing American interests in Japan. This cooperation has already been manifested many times since the Swiss assumed the task of representing in Japan interests of enemy Powers. There is then every reason to admit that insofar as complaints made by the United States Government on the subject of a certain number of its nationals in Japan or the territories occupied by Japan are concerned, the cooperation between the Imperial Government and my country has been shown to be useful, and it is hoped that it will be the same in other regions. After these preliminary observations, I desire to send to Your Excellency the following text of the American protest:

"From American citizens repatriated from Japan and Japanese controlled territories the Government of the United States has learned of instances of gross mistreatment suffered by American civilians and prisoners of war in the power of the Japanese Government in violation of the undertaking of that Government to apply the provisions of the Geneva Convention to prisoners of war taken by Japanese forces and insofar as they may be adaptable to civilians, to American civilian internees in Japan and Japanese controlled territories.

"It is evident that the Japanese Government has failed to fulfill its undertaking in this regard and that some officers and agencies of that Government have violated the principles of the Geneva Convention in their treatment of certain American nationals not only by positive mistreatment but by failure to provide for these American nationals necessities of life that should, in accordance with the provisions of the Convention be furnished by the holding authorities.

The Government of the United States therefore lodges with the Japanese Government a most emphatic protest and expects that the inhuman and uncivilized treatment accorded American nationals both civilians and prisoners of war will be made a matter of immediate investigation and that the Japanese Government will give assurances that treatment inconsistent with the provisions and spirit of the Geneva Convention is not now and will not in the future be inflicted upon American nationals detained, interned or held prisoners of war in Japan or Japanese controlled territory. The American Government also expects the Japanese Government to take necessary disciplinary action with regard to agents or officers of that Government who have inflicted mistreatment upon American nationals or who have neglected their obligations to supply to American nationals in their care necessities of life which the Geneva Convention provides shall be supplied.

There follows a statement citing cases of mistreatment of American nationals in Japanese hands:

Paragraph A. - CIVILIANS.

a) Conditions in prisons and internment camps.

Americans incarcerated in jails were furnished unhealthful and inadequate rations of common criminals. Those interned were supplied a meager diet for which they were sometimes compelled to pay or they were given no food and had to provide their sustenance under difficulties. This situation apparently still exists in certain areas. It is direct contrast to the treatment accorded Japanese subjects in United States who are provided hygienic quarters with adequate space for individual needs, sufficient wholesome food in preparation of which allowance is made for national differences in taste and in addition allowances of money for tobacco, sweets and toiletries.

I. Bridge House Shanghai.

More than fifty-three Americans have been imprisoned for varying periods up to over six months in gendarmerie prison Bridge House where they were crowded into vermin infested cells with common criminals some of whom suffered from loathsome contagious diseases. Sanitary facilities were primitive and inadequate; food was far below standard necessary to maintain health; no heat was supplied from December to June and medical care was virtually nonexistent. Americans were compelled to sit by day and to sleep by night provided only with filthy and inadequate blankets on cold floor. They were not allowed to converse with each other or smoke at any time. An outstanding example of effects of incarceration at this prison is the condition of Mr. J. B. Powell who through lack of medical attention developed gangrene and lost the front half of both feet.

II. Army prison Peiping.

Floyd F. Spielman, R. E. McCam, C. J. Eskeline, J. E. Sherwood, E. X. Mills and P. H. Benedict were taken in handcuffs from Tientsin on March 2 to Army prison at Peiping where conditions were as bad as those at Bridge House. During 89 days of imprisonment their first exercise was for five minutes after 37 days in cells. At one time they went without bathing for 23 days and as a result of unhealthful food and harsh treatment they lost an average of forty pounds in weight.

III. Tsingtao.

Frank G. Keefe, Grady Cooper, Frank R. Halling, Charles Liebgold, C. J. Meyer, N. E. Mills and H. J. Zimmerman were confined in an unheated common jail in Tsingtao for a period of three weeks. They were forced to sleep on floors or benches without covering in coldest winter months.

IV. Fort Santiago Manila.

Roy Bennett, Robert Abbott and other Americans are reported to be imprisoned under barbarous conditions in Fort Santiago. They were reported practically unrecognizable in June as a result of hardships and mistreatment suffered. The American Government insists that they be released immediately and receive medical care.

V. Camp Stanley Hongkong.

Americans in Hongkong were taken on January 4th and received no food and very little water during first forty-eight hours. On January 21 they were placed in Fort Stanley where they were forced to provide most of their bedding and other necessities. Food given them was insufficient, amounting to nine hundred calories daily per person. They were subjected to indignities and insults by gendarmes and their faces were frequently slapped. Result of malnutrition: average loss of weight among these internees was thirty pounds.

VI. Santo Tomas Manila.

Americans at Santo Tomas because of lack of preparation were forced to sleep on floors without mosquito nets or covering for at least three nights before they were permitted to obtain necessities from their houses. They were offered choice of being fed by holding Authorities at cost of twenty-five centavos per day or of feeding themselves with funds the American Red Cross had in the Philippine National Bank. They were refused permission to use Red Cross funds for supplementing food which holding Authorities should have supplied and not being able to exist on twenty-five centavos were obliged to depend entirely on Red Cross funds to feed themselves. These funds may be exhausted and the American Government is gravely concerned regarding the welfare of these internees.

VII. Davao and other internment camps in the Philippines.

In Davao interned Americans were forced to perform hard labor during the first six weeks of their internment. They were at first provided with an inadequate ration of cornmeal and fish. In April they were informed that they would have to provide for their own sustenance and would have to reimburse the Japanese Authorities for the food previously furnished. From information received, conditions in other internment camps in the Philippines appear equally bad. The American Government expects that the Japanese Government will take immediate steps to fulfill its undertaking to furnish American nationals held by it with suitable and adequate housing and sustenance under humane and hygienic conditions.

b) Mistreatment and torture.

I. Torture and physical violence.

Japanese Authorities have resorted to physical torture of American nationals and numerous of them were subjected to great mental torture by being constantly threatened with treatment far worse than that they were already suffering.

(A.) Three American missionaries in Korea were subjected to "water cure" and brutal beatings. In Keijo, R. O. Reiner, aged fifty-nine, suffered this torture six times during the period from May 1 to May 16. In one instance he collapsed from effect of blows and while lying unconscious on the floor, was kicked by gendarmerie employee named Syo with such force that his rib was broken. When he requested medical attention and pointed to broken rib, gendarmerie employee named Kim, struck him vicious blow directly over broken rib. On one occasion Reiner was given fifty or sixty lashes with rubber hose and pulley belting making half inch deep cuts on his arms and legs. Edwin W. Koons, aged sixty-two suffered the same torture at the Ryuzan police station.

(B.) In Ichang, Elsie W. Riebe and Walter P. Morse were taken without explanation to the Japanese headquarters where she was struck many times with a bamboo pole and he was beaten for two hours with an iron rod, one-half inch thick. These acts of cruelty were committed in the presence of the commanding officer of the Japanese police in Ichang.

(C.) Joseph L. Macaparan was arrested on December 8th at Yokohama, bound with a rope and taken to Yokohama prison. During his imprisonment in dark unfurnished cell he had three hemorrhages from duodenal ulcers but was denied medical attention despite numerous requests. While undergoing questioning, he collapsed from internal hemorrhage and was unable to stand or walk without assistance, yet he was handcuffed as usual when returned to his cell.

II. Solitary confinement.

Many American citizens were kept in solitary confinement for periods

ranging from a few days to many weeks in cells, unheated rooms or other equally unhealthful places, in some cases deprived of all reading matter and subjected to indignities from their guards. The following are typical cases:

1) H. W. Meyers, aged 70, missionary in Japan since 1897, after harsh treatment during nearly five months in prison at Kobe was deprived of all books and on May 1 put in solitary confinement at Osaka until his release for repatriation on June 7.

2) William Mackesy, solitary confinement in one room of his house at Tsu Micken Japan from December 10 to March 30th, 1942.

3) Mrs. Alice C. Grube, solitary confinement from December 25th, 1941 to 9 April 1942 in unheated room of Osaka prison.

4) J.B.N. Talmadge, aged 57, solitary confinement in common jail Koshu from 8 December 1941 to 9 April 1942.

5) Edward Adams, in a common jail at Taikyū, from December 8 to 28.

III. Deaths due to mistreatment and neglect.

1) Arthur Duhamel, missionary priest on Guadalcanal is reliably reported to have been bayoneted through the throat by Japanese soldiers after being held prisoner for three weeks.

2) Leo Poliquin, aged fifty, requested hospitalization at the Christian Hospital Heijo because of serious heart ailment but Japanese Authorities refused permission and forced his return to Kangai without treatment. He died at Kobe as the result of this neglect.

3) Charles Liebgold, aged sixty-seven, imprisoned in an unheated jail at Tsingtao, contracted a cold which developed into a fatal attack of pneumonia.

4) George E. MacFarland, aged seventy, at Bangkok, Thailand succumbed after an operation at the Chulalongkorn Hospital in May, 1942. Orders issued by Japanese military Authorities in Bangkok to the police guards at his residence fatally delayed emergency operation necessary to save this life.

The American Government expects that the Japanese Government will take immediate steps to punish the persons guilty of these crimes against American nationals.

IV. Violation of exchange agreement.

1) Transportation.

American nationals in Tsingtao and Chefoo were required to pay for their passage to Shanghai. Internees who were forced to pay their fare to

Yokohama from Nagasaki were reimbursed only part of the sum expended. Accommodations provided on local vessels were in some cases worse than those furnished deck passengers.

2) Baggage limitation and search.

Japanese Authorities in some areas ruled that Americans being repatriated might take only as much baggage as they could carry themselves forcing many in Korea, Manchuria, Hongkong and Thailand to leave behind necessary clothing and effects. Americans were forced in some cases to carry their own baggage even where there were available porters whom they were prevented from employing. This treatment is in contrast to that accorded Japanese subjects repatriated from the United States who were permitted to take almost unlimited amounts of baggage with them. Baggage was often searched three or four times and different officials made inconsistent decisions as to what Americans could take. The effects of American officials from Korea were searched in violation of the agreement.

Paragraph B. - PRISONERS OF WAR

Reports have been received of inhuman treatment accorded prisoners of war by the Japanese Authorities which is completely inconsistent with the provisions and spirit of the Geneva Convention.

I. Philippines.

American and Filipino troops taken at Bataan were forced to march ninety miles despite fatigue, sickness and wounds to camp O'Donnell near Tarlac. During the march, sick and wounded dropped by the roadside and were left without medical care and when those who survived reached the camp O'Donnell, they were without food for thirty-six hours and without shelter for three days, sick and well equally exposed to the elements. The Japanese Authorities made no effort to give medical care to sick and wounded and American and Filipino nurses and doctors who volunteered their services were refused permission to enter the camp. A death rate estimated at twenty-five percent was the result of this neglect.

Seven American commissioned officers were brought from Zamboanga to Davao where Japanese Authorities forced them to work stripped to the waist in a river bed as a result of which they were severely sunburned. They were given no medical attention and only after lapse of several days was a Filipino doctor permitted to visit them. Their food was entirely insufficient and the Japanese would not allow Filipinos to supplement meager diet with gifts of food. These officers and Filipino officers who were later confined with them were subjected to harsh treatment and indignities from their Japanese guards.

The American Government must insist that the treatment of these prisoners be in accordance with the provisions of the Geneva Convention, that their names be reported and that representatives of the protecting Power be permitted access to them.

II. Shanghai.

The American Government again most emphatically protests the illegal sentences imposed by a military court at Shanghai on Commander W. S. Cunningham, U.S.N., Lieutenant-Commander D. Smith, U.S.N.R., and/or N. J. Tetter for an attempted escape from Woosung camp. The American Government also protests the mistreatment of four United States Marines, Corporals Stewart, Gerald Story, Brimmer and Battles who, after an unsuccessful attempt to escape from the Woosung war prisoner camp, were imprisoned in the Bridge House at Shanghai and later transferred to Gendarmerie western district substation prison, 94 Jessfield Road, where they were subjected to the so-called "Electric Treatment" in violation of the provisions of the Geneva Convention regarding admissible punishments. The American Government insists that the sentences imposed on these prisoners be cancelled, that their punishment be in accordance with the prisoners of war Convention and that their treatment be in accordance with their rank."

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

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CC.2.1.2.

Tokyo, 5 February 1944

M. le Ministre,

By letter of 23 December 1942 I had the honor to transmit to His Excellency M. Masayuki TANI, a protest from the Government of the United States of America on the subject of ill-treatment inflicted by Japanese officials and junior officials on certain American citizens in the Far East.

On 26 May last, Your Excellency communicated to me the first reply of the Imperial Government, adding that the result of the inquiries undertaken on the various matters set out in the above mentioned letter would be communicated to me later on.

I have already, by my letter of 16 July, informed you of the views of the United States Government on this reply of the Imperial Government.

The Washington Government requests my Government to send to the Japanese Government the following new communication:

"The Government of the United States refers to its communication delivered to the Japanese Government on 23rd December 1942 (see above-mentioned letter of 23rd December) by the Swiss Legation in Tokyo in charge of American interests in Japan and Japanese occupied territory concerning reports that the Government of the United States had received of the mistreatment of American nationals in Japanese hands. The Swiss Legation in Tokyo on 28th May 1943 (see the above mentioned response of the Imperial Government) forwarded to the Government of the United States a preliminary reply from the Japanese Government to this communication, in which that Government stated that it would communicate in due course the results of investigations concerning each instance referred to in the note of the Government of the United States. No reports of investigations regarding these instances have yet been received.

The Government of the United States has taken due note of the statement of the Japanese Government "concerning the special circumstances prevailing in areas which have until recently been fields of battle" and concerning "the manifold difficulties which exist in areas occupied by the Japanese Forces or where military operations are still being carried on." The Government of the United States points out, however, that the regions in which Americans have been taken prisoner or interned have long ceased to be scenes of active military operations, and that the Japanese holding Authorities have therefore had ample opportunity to establish an orderly and humane internment program in accordance with their Government's undertaking. Despite this fact, the Government of the United States continues to receive reports that the great proportion of American nationals are the victims either of inhuman cruelty or of callous failure to provide the necessities of life on the part of the Japanese holding Authorities in violation of the common laws of civilization and of the Japanese Government undertaking to apply to American nationals the humane provisions of the Geneva Prisoners of War Convention.

There follows a statement of the principal categories of the deprivation of rights, cruelties, wanton neglect, mistreatment and hardship to which according to information received by the Government of the United States from many sources Americans in Japanese custody have been subjected:

1. The representatives of the Swiss Government entrusted with the protection of American interests in Japan and Japanese occupied territory have not been permitted to go to every place without exception where prisoners of war and civilian internees are interned, have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners (Article 86 of the Geneva Prisoners of War Convention).
2. Representatives of the International Red Cross Committee have been refused permission to visit most of the places where American nationals are held by the Japanese Authorities (Articles 79 and 88).
3. American nationals have not been permitted to forward complaints to the Japanese holding Authorities or to representatives of the protecting Power (Article 42).
4. The Japanese Authorities have punished and have threatened to punish American nationals for complaining concerning the conditions of captivity (Article 42).
5. The Japanese Government has failed to furnish needed clothing to American nationals (Article 12).
6. The Japanese Authorities have confiscated personal effects from American civilian internees and prisoners of war (Article 6).
7. American prisoners of war and civilian internees have been subjected to insults and public curiosity (Article 2).
8. Civilians and prisoners of war interned by Japan are suffering from malnutrition and deficiency diseases because of the failure and refusal of the detaining Authorities to provide health sustaining food for their charges or to permit the United States to make regular shipments on a continuing basis under appropriate neutral guarantees of supplemental food and medical supplies (Article 11 and the specific reciprocal undertaking of Japan to take into account national differences in diet).
9. The Japanese Authorities have devoted to improper and forbidden uses the profits of the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps (Article 12).
10. Contrary to the specific undertaking of the Japanese Government, the detaining Authorities have compelled civilians to perform labor other than that connected with the administration, maintenance and management of internment camps. Officer prisoners of war have been forced to labor and non-commissioned officers to do other than supervisory labor (Article 27).

11. Prisoners of war have been required to perform labor that has a direct relation with war operations (Article 31).
12. Medical care has in many instances been denied to prisoners of war and civilian internees and when given has been generally so poor as to cause unnecessary suffering and unnecessary deaths (Article 14).
13. The Japanese Government has reported the names of only a part of the American prisoners of war and civilian internees in its hands (Article 77) and of American combatants found dead by Japanese Forces (Article 4 of the Convention for the amelioration of the condition of the sick and wounded of armies in the field, to which Japan is a contracting party).
14. The Japanese Government has not permitted internees and prisoners of war freely to exercise their religion (Article 10).
15. The Japanese Government has not posted the Convention in camps in English translation, thus depriving American prisoners of war and civilian internees of knowledge of their rights thereunder (Article 84).
16. The Japanese Government has failed to provide adequate equipment and accommodations in prisoner of war and civilian internment camps and transports but on the contrary forced them to subsist in inhumane conditions (Article 10).
17. The Japanese Government has completely failed to apply the provisions of the Geneva Prisoners of War Convention (Title III, Section V, Chapter 3), with regard to trial and punishment of prisoners of war despite the fact that violations of its undertaking in this respect have repeatedly been called to its attention, but on the contrary has imposed cruel and inhuman punishments without trial.
18. The Japanese Authorities have inflicted corporal punishment and torture upon American nationals (Article 46).

The Government of the United States emphasizes that it has based the foregoing charges only on information obtained from reliable sources. Many well authenticated cases can be cited in support of each of the charges.

The Government of the United States also desires to state most emphatically that as the Japanese Government can assure itself from an objective examination of the reports submitted to it by the Spanish, Swedish and International Red Cross representatives who have repeatedly visited all places where Japanese are held by the United States, the United States has consistently and fully applied the provisions of the Geneva Prisoners of War Convention in the treatment of all Japanese nationals held by it as prisoners, as prisoners of war or (so far as they are adaptable), as civilian internees, detainees or evacuees in relocation centers. Japanese nationals have enjoyed high standards of housing, food, clothing and medical care. The American Authorities have furthermore freely and willingly accepted from the representatives of the protecting Powers and the International Red Cross Committee

suggestions for the improvement of conditions under which Japanese nationals live in American camps and centers and have given effect to many of these suggestions most of which, in view of the high standards normally maintained, are directed toward the obtaining of extraordinary benefits and privileges of a recreational, educational or spiritual nature.

The Government of the United States demands that the Japanese Government immediately take note of the charges made above and take immediate steps to raise the treatment accorded American nationals held by Japan to the standard provided by the Geneva Prisoners of War Convention which the United States and the Japanese Government have mutually undertaken to apply. The Government of the United States also expects the Japanese Government to take proper disciplinary or penal action with regard to those of its officials, employees and agents who have violated its undertakings with respect to the Geneva Convention and the international common laws of decency.

The Government of the United States again directs the attention of the Japanese Government to the system of neutral supervision provided in Article 86 of the Geneva Convention. The Government of the United States again reminds the Japanese Government of the complete fulfillment of the provision of this article as respects the activities of the Government of Spain acting as protecting Power for Japanese interests in the Continental United States and of the Government of Sweden as protecting Power for Japanese interests in Hawaii.

The Government of the United States therefore expects the Japanese Government in accordance with recognized practice of civilized states fully to implement the provisions of the Geneva Prisoners of War Convention. The United States Government demands that the Japanese Government will, among other things, promptly implement the provisions of Article 85 in respect to the activities of the Government of Switzerland as protecting Power for American interests in Japan and Japanese controlled territory and will make it possible for the Government of Switzerland to give to the Government of the United States assurances to the effect that Swiss representatives have been able to convince themselves by the full exercise of the rights granted under Article 85 that the abuses set forth in the foregoing statement have been completely rectified or that steps have been taken in that direction that are considered by Switzerland to be adequate.

The United States Government until the present has refrained from publishing in this country the facts known to it regarding outrages perpetrated upon its nationals, both prisoners of war and civilian internees, by the Japanese. The United States Government hopes that as these facts are now again officially called to the Japanese Government's attention that Government will adopt a policy of according to United States nationals in its hands the treatment to which they are entitled and will permit representatives of the protecting Power to make such investigations and inspections as are necessary in order to give assurances to this Government that improved treatment is in fact being accorded to American nationals. In such case this Government would be in a position to assure the American people that the treatment of American nationals by the Japanese Authorities had been brought into conformity with the standards recognized by civilized nations."

The Government of the United States has requested at the same time to communicate to the Imperial Government the following facts, upon which it bases the accusations, stating that they constitute only a small number of all those which have come to its attention from a reliable source:

"Ad. charges 1 and 2: Prisoner of war and civilian internment camps in Thailand, Manchuria, Burma, Malaya and the Dutch East Indies in the Philippines, French Indo-China, and prisoner of war camp No. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama and the prisoner of war camps in and near Hong Kong although the Swiss representatives have requested permission to make such visits.

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

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

Ad charge 3: Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash camp and Chapel camp, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio and in most if not all of the camps where American prisoners of war are held. Persons held at Baguio, Chefoo, Saigon and at times in the Philippines prisoner of war camps were denied permission to address the camp commander.

Ad charge 4: On one occasion during the summer of 1943 all of the persons held at the Columbia Country Club, Shanghai were punished by cancellation of dental appointments because complaints were made to representatives of the Swiss Consulate General. During the same period at camp "B" Yangchow the entire camp was deprived of a meal by the camp commander because complaints had been made concerning the delivery of spoiled food.

There are cited under Section XVIII below cases of prisoners of war being struck because they asked for food or water.

Ad charge 5: Civilian internees at Hong Kong have gone without footwear and civilian internees at Kobe have suffered from lack of warm clothing. In 1942 and 1943 American and Filipino prisoners of war in the Philippines and civilian internees at Baguio were forced to labor without shoes and clad only in loin cloths.

Ad charge 6: This is reported to have been the case at the following camps: prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, Philippine Islands, civilian internment camps at Baguio, Carton, Chefoo, Peking, Manila, Tsingtao, Weihsien and Yangchow, and at the Ash camp, Chapel camp, Lungwa camp and Pootung camp in or near Shanghai. The articles most needed by the prisoners and internees have been taken. For example Japanese soldiers took the shoes from an American officer prisoner of war who was forced to walk unshod from Bataan to San Fernando during the march which began about April 10th 1942. Although the prisoners constantly suffered from lack of drinking water, canteens were taken from prisoners during this march; one of these victims was Lieutenant-Colonel William B. Dyess.

At Corregidor a Japanese soldier was seen by Lieutenant-Commander Melvyn M. McCoy with one arm covered from elbow to wrist and the other arm half covered with wrist watches taken from American and Filipino prisoners of war.

Ad charge 7: American prisoners of war in Manila were forced by Japanese soldiers to allow themselves to be photographed operating captured American military equipment in connection with the production of the Japanese propaganda film "Rip down the stars and stripes."

Prisoners of war from Corregidor being taken to Manila were not landed at the port of Manila but were unloaded outside the city and were forced to march through the entire city to Filibid prison about May 23rd 1942.

Japanese school children, soldiers and civilians have been admitted to internment camps and encouraged to satisfy curiosity regarding the persons held. Such tours were conducted at Baguio, Hong Kong and Tsingtao.

Ad charge 8: Deficiency diseases such as beri-beri, pellagra, scurvy, sprue, etc. are common throughout Japanese internment camps. These diseases are least common in the civilian internment camps (called assembly centers) at Shanghai and in some other camps where the persons held have but recently been taken into custody or where trade by the internees themselves with outside private suppliers is allowed. It appears therefore that the great prevalence of deficiency disease in prisoner of war camps where internees have been solely dependent upon the Japanese Authorities for their food supply over an extended period is directly due to the callous failure of these Authorities to utilize the possibilities for a health sustaining diet afforded by available local products. The responsibility for much of the suffering and many of the deaths from these diseases of American and Filipino prisoners of war rests directly upon the Japanese Authorities. As a specific example prisoners of war at Davao penal colony suffering from

...ve vitamin deficiencies could see from their camp trees bearing citrus fruit that they were not allowed to pluck. They were not even allowed to retrieve lemons seen floating by on a stream that runs through the camp.

Ad charge 9: For example, in the prisoner of war camps at Hong Kong the profits of the canteens have not been used by the holding Authorities for the benefit of the prisoners.

Ad charge 10: At Baguio, civilian internees have been forced to repair sawmill machinery without remuneration. Officers prisoners of war have been compelled by Major Mida, the camp commandant at Davao colony, to perform all kinds of labor including menial tasks such as scrubbing floors, cleaning latrines used by Japanese troops and working in the kitchens of Japanese officers.

Ad charge 11: Ten American engineers were required to go to Corregidor in July 1942 to assist in rebuilding the military installations on that island and prisoners of war have been worked in a machine tool shop in the arsenal at Mukden.

Ad charge 12: The condition of health of prisoners of war in the Philippine Islands is deplorable. At San Fernando in April 1942 American and Filipino prisoners were held in a barbed wire enclosure so overcrowded that sleep and rest were impossible. So many of them were sick and so little care was given to the sick that human excrement covered the whole area. The enclosure at San Fernando was more than 100 kilometers from Bataan and the abominable treatment given to the prisoners there cannot be explained by battle conditions. The prisoners were forced to walk this distance in seven days under merciless driving. Many who were unable to keep up with the march were shot or bayoneted by the guards. During this journey as well as at other times when prisoners of war were moved in the Philippine Islands they were assembled in the open sun even when the detaining Authorities could have allowed them to assemble in the shade. American and Filipino prisoners are known to have been buried alive along the roadside and persistent reports have been received of men who tried to rise from their graves but were beaten down with shovels and buried alive.

At camp O'Donnel conditions were so bad that 2,200 Americans and more than 20,000 Filipinos are reliably reported to have died in the first few months of their detention. There is no doubt that a large number of these deaths could have been prevented had the Japanese Authorities provided minimum medical care for the prisoners. The so-called hospital there was absolutely inadequate to meet the situation. Prisoners of war lay sick and naked on the floor receiving no attention and too sick to move from their own excrement. The hospital was so overcrowded that Americans were laid on the ground outside in the heat of the blazing sun. The American doctors in the camp were given no medicine and even had no water to wash the human waste from the bodies of the patients. Eventually when quinine was issued there was only enough properly to take care of ten cases of malaria while thousands of prisoners were suffering from the disease. Over two hundred out of three hundred prisoners from camp O'Donnel died while they were on a work detail in Batangas.

At Cabanatuan, there was no medicine for the treatment of malaria until after the prisoners had been in the camp for five months. The first shipment of medicines from the Philippine Red Cross was held up by the camp Authorities on the pretext that they must make an inventory of the shipment. This they were so dilatory in doing that many deaths occurred before the medicine was released. Because of lack of medicines and food, scurvy broke out in the camp in the fall of 1942. Since the prisoners had been at the camp for some months before this disease became prevalent, the responsibility for it rests upon the detaining Authorities.

It is reported that in the autumn of 1943 fifty percent of the American prisoners of war at Davao had a poor chance to live and that the detaining Authorities had again cut the prisoners' food ration and had withdrawn all medical attention.

Though the medical care provided for civilian internees by the Japanese camp Authorities appears to have been better than that provided for prisoners of war, it still does not meet the obligations placed on the holding Authorities by their Government's own free undertaking and by the laws of humanity. At the civilian internment camp, camp John Hay, childbirth took place on the floor of a small storeroom. At the same camp a female internee who was insane and whose presence was a danger to the other internees was not removed from the camp. A dentist who was interned at the camp was not permitted to bring in his own equipment. The Los Banos camp was established at a recognized endemic center of malaria, yet quinine was not provided and the internees were not allowed to go outside of the fence to take anti-malarial measures.

The Japanese Authorities have not provided sufficient medical care for the American civilians held in camps in and near Shanghai and the internees have themselves had to pay for hospitalization and medical treatment. Deaths directly traceable to inadequate care have occurred.

Even in metropolitan Japan, the Japanese Authorities have failed to provide medical treatment for civilian internees and it has been necessary for Americans held at Myceni, Yanakita and Sumire to pay for their own medical and dental care.

Ad charge 14: For example, the internees at camp John Hay were not allowed to hold religious services during the first several months of the camp's operation and priests have not been allowed to minister to prisoners held by the Japanese in French Indo-China.

Ad charge 15: No copy of an English translation of the text of the Geneva Prisoners of War Convention has been available to civilian internees or prisoners of war nor have the Japanese Authorities taken other steps to inform the persons held of their rights under the terms of the Convention. Reports have been received of the Japanese Authorities informing prisoners of war that they were captives having no rights under international law or treaty.

Ad charge 16: At Camp O'Donnell, many of the men had to live without shelter during 1942. In one case, twenty-three officers were assigned to a shack fourteen by twenty feet in size. Drinking water was extremely scarce, it being necessary to stand in line six to ten hours to get a drink. Officers had no bath for the first thirty-five days in the camp and had but one gallon of water each in which to have their first baths after that delay. The kitchen equipment consisted of cauldrons and a fifty-five gallon drum. Potatoes (?) were cooked in the cauldrons, washed with a piece of timber, and each man was served one spoonful as his ration.

In late October 1942, approximately 370 prisoners of war were transferred from the Manila area to the Davao penal colony on a transport vessel providing only twenty inches per man of sleeping space. Conditions on the vessel were so bad that two deaths occurred and subsequently because of weakness some fifty percent of the prisoners fell by the roadside on the march from the water front at Lasang, Davao to the penal colony (?).

The places used by the Japanese Authorities for the internment of American civilians in the Philippine Islands were inadequate for the number of persons interned at the Brent School at Baguio. Twenty to thirty civilians were assigned sleeping accommodations in a room which had been intended for the use of one person.

At the Columbia Country Club at Shanghai, the internees were obliged to spend 10,000 CRB dollars of their own funds to have a building de-leused so that they might use it for a needed dormitory. At Weihsien, no refrigeration equipment was furnished by the Japanese Authorities and some of the few household refrigerators of the internees were taken from them and were used by the Japanese guards with the result that food was spoiled during the summer of 1943. The lack of sanitary facilities is reported from all of these camps.

Ad charge 17: American prisoners have suffered death and imprisonment for participation in military operations. Death and long term imprisonment have been imposed for attempts to escape for which the maximum penalty under the Geneva Convention is thirty days arrest. Neither the American Government nor its protecting Power has been informed in the manner provided by the Convention of these cases or of many other instances when Americans were subjected to illegal punishment. Specific instances are cited under the next charge.

Ad charge 18: Prisoners of war who were marched from Bataan to San Fernando in April 1942 were brutally treated by Japanese guards. The guards clubbed prisoners who tried to get water and one prisoner was hit on the head with a club for helping a fellow prisoner who had been knocked down by a Japanese army truck. A colonel who pointed to a can of salmon by the side of the road and asked for food for the prisoners was struck on the side of his head with the can by a Japanese officer. The colonel's face was cut open. Another colonel who had found a sympathetic Filipino with a cart was horsewhipped in the face for trying to give transportation to persons unable to walk. At Lubao, a Filipino who had been

run through and gutted by the Japanese was hung over a barbed wire fence. An American lieutenant-colonel was killed by a Japanese as he broke ranks to get a drink at the stream.

Japanese sentries used rifle butts and bayonets indiscriminately in forcing exhausted prisoners of war to keep moving on the march from the Cabanatuan railroad station to camp No. 2 in late May 1942.

At Cabanatuan, Lieutenant-Colonels Lloyd Biggs and Howard Breitung and Lieutenant R.(?) Gilbert attempting to escape during September 1942, were severely beaten about the legs and feet and then taken out of the camp and tied to posts, were stripped and were kept tied up for two days. Their hands were tied behind their backs to the posts so that they could not sit down. Passing Filipinos were forced to beat them in the face with clubs. No food or water was given to them. After two days of torture they were taken away and according to the statements of Japanese guards they were killed, one of them by decapitation. Other Americans were similarly tortured and shot without trial at Cabanatuan in June and July 1942 because they endeavored to bring food into the camp. After being tied to a fence post inside the camp for two days, they were shot.

At Cabanatuan, during the summer of 1942, the following incidents occurred: a Japanese sentry beat a private so brutally with a shovel across the back and the thigh that it was necessary to send him to the hospital. Another American was crippled for months after his ankle was struck by a stone thrown by a Japanese. One Japanese sentry used the shaft of a golf club to beat American prisoners and two Americans caught while obtaining food from Filipinos were beaten unmercifully on the face and body. An officer was struck behind the ear with a riding crop by a Japanese interpreter. The same officer was again beaten at Davao penal colony and is now suffering from partial paralysis of the left side as the result of these beatings. Enlisted men who attempted to escape were beaten and put to hard labor in chains.

At the Davao penal colony, about April 1st, 1943, Sergeant McFee was shot and killed by a Japanese guard after catching a canteen full of water which had been thrown to him by another prisoner on the opposite side of a fence. The Japanese Authorities attempted to explain this shooting as an effort to prevent escape. However, the guard shot the Sergeant several times and in addition shot into the barrack on the opposite side of the fence toward the prisoner who had thrown the canteen. At about the same time and place, an officer returning from a work detail tried to bring back some sugar cane for the men in the hospital. For this, he was tied to a stake for twenty-four hours and severely beaten.

In the internment camp at Baguio, a boy of sixteen was knocked down by a Japanese guard for talking to an internee girl and an elderly internee was struck with a whip when he failed to rise rapidly from his chair at the approach of a Japanese officer. Mr. R. Gray died at Baguio on March 15th, 1942 after being beaten and given the water cure by Police Authorities.

At Santo Tomas, Mr. Krogstadt died in a military prison after being corporally punished for his attempted escape."

As you well understand, certain words of this communication have been mutilated in the telegraphic transmission. Some of the words will be found in lines 11, 14 and 24 on page 17, and at line 15 of page 19. I have requested the repetition from the postal authorities, and will not fail to inform you of their response as soon as it reaches me.

The Government of the United States requests that the Imperial Government take immediate steps to remedy these matters and take all measures to prevent their recurrence. It desires further that I be enabled to visit, or cause to be visited, all the places without exception where American citizens are detained, in conformity with Article 86 of the Geneva Convention of 27 July 1929, relative to the treatment of prisoners of war.

In asking Your Excellency to let me know the response of the Imperial Government to the communication above mentioned, and to the requests of the United States Government, I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SEIGEMITSU
Minister of Foreign Affairs
Tokyo.

THE GAIMUSHO
TOKYO

Translation

No. 98/C.R.

24 April 1944

M. le Ministre,

To follow my letter of 26 May 1943 replying to Your Excellency's letter of 23 December 1942, relative to a protest of the Government of the United States of America on the subject of the treatment of American citizens in the power of Japan, I have the honor to communicate in the annexed statement the result of the inquiries which have been carefully as well as minutely made on each of the cases enumerated in the said protest.

I will be obliged if Your Excellency will transmit this reply to the Government of the United States of America.

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

(L. S.) Minister of Foreign Affairs

Attachment

Reply on the Individual Cases cited in the
Protest of the American Government.

As was stated in the Japanese Government's reply dated on the 26, May, 1943 addressed to the Swiss Minister in Tokyo the individual cases cited in the protest of the U.S. Government as examples of the treatment accorded American civilians in detention, all relate, with one or two exceptions, to persons charged with criminal offences, including those who after having been duly tried and convicted, are now actually serving their prison terms.

It is unnecessary to explain the impropriety of expecting the application of the stipulations of the Convention of 1929 relative to the treatment of prisoners of war to those criminally accused persons who under the laws of Japan are treated alike regardless of whether they are Japanese subjects or foreigners. Nevertheless, the Japanese authorities concerned have accorded to the American accused, nationals of an enemy country, a treatment as generous as permitted by law, by taking into consideration the mode of their daily life, and their respective social positions and ages, for which they have often expressed their gratitude, as is described hereunder.

That the American Government's protest has been made by distorting and exaggerating the facts which are contradictory for instance, by complaining at one place of the placing of Americans in common jail and remonstrating, at another, against their solitary confinement.

In the following pages are given the description of the actual conditions as regards the individual cases, excepting those to which answers have already been given.

A. CIVILIANS

(a.) Conditions in Prisons and Internment Camps.

I. The Bridge House, Shanghai.

All the cases in Shanghai cited by the American Government are concerned with the violators of military regulations. Such criminals in detention are subject to restrictions as provided for by law, which are applied to all without discrimination between Japanese subjects and foreigners. Needless to say, they are not be considered as being on the same footing with those civilians interned under civil procedure.

The Military Police Detention House in Shanghai is used for prisoners of all nationalities, Japanese nationals, nationals of enemy countries and those of third countries.

As regards health, all the inmates, being allowed to take proper exercise, and given proper medical attention by army doctors, there is nothing to be considered unsatisfactory. Food is rationed alike to all, no distinction being made. However, in consideration of their mode of living, Europeans and Americans are permitted to eat such articles of food as they may receive from outside or they may choose to purchase at their own expense. As to wearing apparels they are allowed to use those of their own, beside those supplied by the institution, including blankets.

As is indicated above, the American inmates of the House, were accorded an unusually good treatment through the special considerations by the authorities. There existed no impropriety nor negligence in the manner or method of their detention. Nor did there occur any case of diseases due to detention, such as are mentioned in the American note.

II. Army Prison, Peking.

The six persons, Floyd F. Spielman, R.E. McCann, C.J. Eskeline, J.B. Sherwood, E.X. Mills and F.H. Benedict, mentioned in the American note, were arrested under the warrant issued on March 7, 1942, by the Procurator of the Military Court of the Japanese Army in North China on account of their violation of military regulations. They were taken into the North China Army Prison in Peking on March 11, at 6:30 o'clock p.m. On the following day at 4:30 o'clock p.m. they were ordered to detention in accordance with the warrant issued on the same day by the Military Procurator.

The agreement for the exchange of diplomatic officials and residents between Japan and the United States was concluded while their cases were being investigated. Accordingly, the proceedings were dropped, and by order of the Military Procurator they were released on June 8, 1942, at 8 o'clock, a.m.

(1.) Conditions of health during detention.

Eskeline was ordered to rest for twenty-three days because of an internal malady and a sprain of the left leg, and Benedict for three days because of inflammation of the bladder, but both recovered, owing to a timely treatment. McCann was examined by an army doctor, and was allowed to wear glasses. The remaining three men maintained good health throughout the period of their detention.

(2.) Food

All those in detention -- Japanese and foreigners -- are alike given the soldier's rations. But in view of their mode of daily life and their ages, and as a special caution against any adverse effect a sudden change of diet might have upon their health, mental as well as physical, these men were served Western meals with bread for breakfast and dinner, and the soldier's food only for lunch, during the first

month. It was then discovered that they became gradually accustomed to, and began to prefer the soldier's food. In fact, one of the six men, Sherwood indicated his preference for the soldier's food from the outset, while after the lapse of about two months all the men were asking for it.

The daily ration per capita consisted of for main food 600 grammes of cleaned rice, and 187 grammes of cleaned barley; or 900 grammes of wheat (bread); and for subsidiary food 21 grammes of beef, or 42 grammes of fish, with 480 grammes of vegetables, having in all 3,500 calories of nutritive value. All meals were served warm.

(3.) Bathing

A hot bath was regularly provided for all twice a week, on Sundays and Wednesdays, while a shower bath was substituted on occasion during the summer months. Eskeline on account of his malady was ordered to refrain from bathing for twenty-three days from the day of his incarceration until April 2. To the rest of the men bathing was neither prohibited nor suspended at any time throughout the entire period.

(4.) Physical Exercise.

The men were ordered to take outdoor exercises for half an hour to one hour, and to do free exercises indoors in bad weather. Save that for some twenty days Eskeline was ordered to stop exercising upon the doctor's advice, the others were never prohibited for any reason from taking physical exercises for any extended period as is alleged in the American note.

(5.) Detention Cells

Each detention cell has a floor space 15.75 square metres, being 3.34 metres high. It is provided with one window and equipped with ventilation, electric lights, and toilet facilities. The walls being plastered, and the floor and ceiling covered with wooden boards, the cell is of permanent construction. All cells are always kept clean. While two to five persons are usually put in one cell, the Americans in question were allotted one cell for two persons, so that they might have more room. Moreover, their cells were selected from among the best situated and most quiet in the entire prison.

(6.) Clothing and beddings.

The six men were all too big and tall for the regular prison clothes. Accordingly, for the sake of their comfort, they were allowed to use their own clothes which they were wearing, or had brought with them, or those which were presented to them by friends.

As to beddings, the articles in general use were supplied. Although the rule prescribes one cotton quilt, one woolen blanket and one pillow for each person and two mats for three persons, the Americans were provided each with 2 quilts, 2 blankets, a pillow and a mat. And all these articles were regularly laundered and always kept clean.

It may be added that because at the time they were brought to the prison, the weather was still cold, they were permitted to wear their overcoats they had with them.

(7.) Gains and losses in weight.

The six men were weighed when they were taken into the prison, and when they were released. The figures for their respective weights in grammes are as follows:

Names	When taken in	When released	
Spielman	71.900	71.800	-100
McCann	83.100	83.000	-100
Lskeline	78.800	78.500	-300
Sherwood	83.500	82.300	-1.200
Mills	62.800	62.850	± 50
Benedict	70.000	70.100	±100

The American note alleges that these men lost an average of about 18 kilogrammes in weight, but their actual loss, as shown above, amounts to no more than to 258 grammes. It should be noted, moreover, that the men were incarcerated in March, while they were released in summer when all persons generally lose in weight, in view of which an average loss of 258 grammes is of no significance.

(8.) Special considerations.

The Army prison had no one who could speak English fluently, and the Americans did not know the Japanese language. Accordingly, a Japanese, who had long resided in America, was employed on April, 1942, and was assigned exclusively to the duty as interpreter for the Americans. They all greatly appreciated the devoted service of this man and thanked the prison authorities for the special considerations in this regard. Especially at the time of their departure from Peking for Tientsin the said interpreter proved so helpful in every respect that the Americans were profuse in expressing their gratitude. The alleged maltreatment of these prisoners, mentioned in the American note is utterly groundless.

III. Tsingtao

The seven persons mentioned in the American note, namely, Frank G. Keefe, Cady Cooper, Frank B. Halling, Charles Liebgold C.J. Meyer, N.H. Mills, and H.J. Zimmerman -- were all suspected of espionage and taken to the Military Police headquarters on December 8, 1941 and placed in detention in the Assembly Hall of the Tsingtao Municipal Police Bureau for the purpose of examination until the 27th of the same month, on which date Meyer and Mills were released while the others were transferred on the following day to the residence of the Manager of the E No Company. Here the five men were held while on the basis of the preliminary investigations the authorities were proceeding

with the examination of the evidences on hand. In the meantime with the operation of the Exchange Agreement they were set free. The conditions under which they lived during the period of their detention are as follows: The conditions of the detention quarters.

The Assembly Hall of the Tsingtao Municipal Police Bureau in which the Americans were first detained, is a large room, about 250 square meters in size, which is used as a classroom and for holding ceremonial functions. Here two large stoves were installed, and the temperature of the hall was maintained at 15 - 20 degrees, Centigrade. The detainees were provided with improvised beds, while they were allowed to use, as they wished, their own clothing and beddings. As to food, they were allowed, according to their wish, to have it sent from their respective homes, and no restriction of any kind was imposed. Daily outdoor exercises for an hour were also permitted, and everything was done to look after their health.

The Manager's residence of the EWO Company to which the five men were transferred is one of the best houses to be found in the City of Tsingtao with complete equipments and facilities. They were allowed to use their own beds, beddings, clothes, and to have their meals sent from their homes, and to use freely the piano and the ping-pong on the premises. Besides, they were permitted to meet friends and the members of their families in the presence of an official.

All in all, these Americans were accorded as generous a treatment as possible. All allegations made in the American note, such as that "they were confined in an unheated common jail for a period of three weeks" have no foundation on facts.

IV. Fort Santiago, Manila.

Of the two men, Roy Bennett and Robert Abbott, who are mentioned in the American note as having been imprisoned in Fort Santiago, Manila, Roy Bennett was placed in the Internment Camp at Santo Thomas on April 20, 1943, where he has been since and is well. As for Robert Abbott, although he had participated in the battles of Bataan and was later captured, he concealed the fact on being admitted in the Philippine National Hospital toward the end of May, 1942; and by pretending to be an engineer so as to evade the treatment as a prisoner of war he entered the Santo Thomas Internment Camp following his discharge from hospital on November 23 of the same year and continued to remain there until January 12, 1943. On the discovery of his fraudulent act, he was sentenced to minor imprisonment for three months, and upon the expiration of the term he was put in the Prisoners of War Camp, where he has since been and is well. In the light of these facts the protest of the American Government is irrelevant, and its insistence upon Abbott's release from Prison is wide of mark.

V. Camp Stanley, Hongkong.

All the nationals of the enemy countries interned at Fort Stanley are being well-treated, for which they are grateful. There has never existed, nor exist, such a situation as is described in the American note. The internees are all doing well, being given special permission to use their own things and to purchase whatever articles of food they prefer.

VI. Santo Thomas, Manila.

The Japanese army entered the city of Manila on January 2, 1942, and opened the Internment Camp at Santo Thomas on the 4th of the same month, and let the internees to take charge of management of the camp. The internees were notified in advance to bring with them their personal effects and daily necessities, so as to render their life in the camp as comfortable as possible. In spite of this advance notice given, there were some who failed to bring mosquito nets, clothes, and beddings. In the face of the disruption of communication immediately following the Japanese occupation of the city and the immense number of the internees to be dealt with, which reached 3,000 at the end of January, the military authorities speedily granted them permission and facilities to send for their personal belongings. That the Japanese army, while pursuing the retreating enemy on the one hand, went about earnestly on the other hand to take American civilians under protection and placed at their disposal the transportation facilities and men they could ill-afford to spare, was source of general gratitude on the part of all Americans on the spot. It should be noted that the actual situation was totally different from what is alleged to have been in the American note.

The protest regarding food is also in contradiction with facts. At the beginning, in compliance with the wishes of the internees and with a view to avoiding a sudden change of diet and respecting personal preferences, each internee was allowed to obtain his meals at his own expense. But as time passed, it was feared this arrangement might prove unfair to those who did not have much money. Therefore beginning with the last day of February, 1942, in accordance with the general desire of the internees, a ration system was adopted, the Philippine Red Cross Society, which was then in the process of organization, being authorized to pay the cost, while those who so wished, were permitted to purchase supplementary food at their own expense. This system proved satisfactory and convenient to the internees. The Red Cross responsible only for the distribution of the daily rations at the camp as a whole, did not, of course, undertake to loan money to individuals separately. The purchase and preparation of the food was left entirely to the self-governing body of the camp, and the army helped to obtain such commodities as were difficult to find on the market. Never on any occasion, the cost of the ration was limited to 25 centavos. The Philippine Red Cross which was formally established in April, 1942, continued to distribute rations until June. Since then the Japanese Military authorities have borne all the cost of

the rations and all other expenditures for the maintenance of the camp, while the management of the camp is left as before in the hands of the self-governing body organized by the internees themselves. The food served at the camp has been ever since its opening quite satisfactory both in quality and quantity -- so much so, in fact, that it is even criticized as being too good as compared with the food available to the people of the city in general. Within the camp, order is maintained and various activities are carried on by the abovementioned self-governing body in accordance with the Code of Regulations formulated by itself and through the respective officials appointed by itself. For this magnanimous treatment the internees are all grateful.

VII. Davao and other internment camps in the Philippines.

The "first six weeks" mentioned in the American note refer to the period during which American residents in the city were housed for protection in the American Club without being required to do absolutely no work. Later some persons for the sake of their health requested to be allowed to do some light outdoor work, and they were assigned the work of removing objects which were lying on the streets and obstructing traffic. On the other hand, the Santa Ana area where the warehouses of Davao for provisions were situated had been set on fire and reduced to ashes by the fleeing American soldiers, and the provisions in the shops within the city had been carried away and secreted also by American soldiers, so that the people of the city were faced with an extreme scarcity of food. They had practically nothing to eat but corn and millet, and even these were difficult to obtain. That at such a time those Americans at the club were provided with meals containing with certain amounts of corn was due entirely to the generous efforts of the Japanese army, who moreover supplied them with cleaned rice, fish, and canned foods out of their own ample stock. Indeed, those Americans were being fed far better than the average Japanese residents and the Philippines at that time.

By April 1942 the situation at Davao had gradually improved, and supplementary articles of food such as vegetables began to appear on the market. Accordingly, in compliance with the wishes of the internees, they were permitted to purchase their food on their own account, while rice, sugar, salt, condiments, etc., that were not easily obtainable were distributed by the military authorities.

At first all Americans were interned for protection in view of the situation which rendered it impossible for them to secure food if they had lived by themselves, and the military authorities used

their good offices in enabling them to procure the provisions, for which they were required to pay. But since September 1942, when the persons to be interned were decided upon, the cost of provisions for these internees has been borne by the Military authorities, while the matters of purchase, cooking, etc., have been left to the self-governing body organized by the internees themselves.

Americans at other camps in the Philippines have been given a treatment similar to that accorded the American internees at Davao as described above.

B. Maltreatment and Torture.

I. Torture and physical violence.

(1.) R.A. Reiner and Edwin W. Koons

Beginning with February 8, 1942 Edward Hughes Mills, an American, was being examined at the Ryuzan Police Station, Keijo as a suspect for espionage. In the course of the said examination it was established from his statements and as the result of the search of his house that Reiner was involved in the crime. He was therefore taken to the Ryuzan Police Station and an examination of his case was commenced. It was found that Reiner beside being charged with the aforesaid crime, was also guilty of an infringement upon the Foreign Exchange Control Ordinance. During the examination, though he appeared to be in good health, he was segregated from other criminals and allowed to occupy a solitary cell in view of his rather advanced age. Moreover, he was asked several times to state his wishes, which were taken into consideration in order to afford him the best possible treatment. Whereas his crime was clearly established, the case was dropped with the coming into force of the Exchange Agreement, and he was set free on May 25, 1942. On the occasion of his release, Reiner while thanking the police authorities on behalf of the Americans who had been similarly held at the police station, stated to the effect that as he was being examined as an enemy national suspected of acts of benefitting the enemy, he had anticipated a most severe and rigorous examination, but he had been dealt by police authorities always in the kindest manner; that he deeply admired the Japanese spirit thus manifested.

In the American note of protest it is stated that Reiner was tortured six times between May 1 and May 6, and that he was kicked by a gendarmerie employee named Syo in such a manner that his rib was broken, and that a vicious blow was struck over his broken rib by another gendarmerie employee named Kim. As a matter of fact no gendarmes, to say nothing of their employees, were ever permitted to frequent the premises of the Ryuzan Police Station, while the station itself has no employee named either Syo or Kim. It must be concluded the story is a fabrication. Furthermore, the records of the

medical examination made on Reiner at the time of his release established the fact that he was sound and healthy and nothing unusual was to be noted on his person. That a man, 59 years of age, who had his rib broken and received "half-inch deep cuts" on his arms and legs should have so quickly and so completely recovered within several days as to retain no trace thereof, is unbelievable. It only proves the careless and groundless character of the American protest.

From the statement of Mills and as the result of the search of his house it was established that Koons was also an accomplice, and he was taken to the Ryuzan Police Station on May 11, 1942. He was examined and treated like Reiner. His case was also dropped, and he was released for repatriation. Here the note of the American Government is equally perfunctory and careless. Koons has left a record of his "Impressions" (see Annex A) which proves further how unwarranted is the American protest.

(2.) Beating at Ichang

The allegation that Elsie W. Riebe and Walter F. Morse in Ichang were beaten is entirely unfounded. It is plain to common sense whether or not any man can remain alive after having been "beaten for two hours with an iron rod, one-half inch thick."

The above-mentioned two persons were allowed to remain in their respective houses, the only restriction they were subjected to being that they were required to obtain permission for going out to town - excepting to the portion of the city between Ma-lu and Kang Chiang-lu. The Japanese authorities prohibited Chinese connected with church to visit the residences of Riebe and Morse, but the two were afforded special facilities for obtaining food and daily necessities. Neither of them, except on errands of their own regarding the matters of housekeeping, did ever visit the authorities. Nor did the latter ever take them out anywhere. The atrocities cited in the American note have no foundation on fact.

(3.) Joseph F. MacSparran

Joseph F. MacSparran was arrested on December 8, 1941 as a suspected violator of the National Defense and Security Ordinance in accordance with the criminal procedure as provided for under the same ordinance. He was placed in the Yokohama Penitentiary for examination. On February 21, 1942 he was indicted on charge of violation of the National Defense and Security Ordinance and the Foreign Exchange Control Ordinance. He was accused on April 21, with an additional offense of violating the Police Peace Regulations. It was while the examination by a preliminary judge was in progress that with the conclusion of the Exchange Agreement the prosecution was cancelled and he was set free.

At the penitentiary MacSparran was accorded a specially favorable treatment, being placed in the best western-style cell, well-lighted and well ventilated and provided with desk and chair, a bed, a washroom with flush toilet.

Immediately upon his incarceration he was given a medical examination, and thereafter was visited daily by a physician. On December 20, 1941, he said he had a stomach trouble and requested medical examination. It was found he was suffering from no particular malady, but he was given a medicine. He returned the medicine saying that it was ineffective. Since then special attention was paid to the state of his health. However, he ate, exercised, and bathed as usual, and appeared entirely normal in every respect. Never once did he request medical attention for hemorrhages from duodenal ulcers." Altogether twenty-one times during his incarceration he was questioned by the procurator and the preliminary judge, and on every occasion he seemed to be in high spirits and cheerfully answered the questions put to him. The procurator came to the penitentiary for the questioning, but whenever it was necessary to take him to the court for preliminary examination light handcuffs were used in conformance with the law of Japan. It was the proper measure to take in the handling of any criminally accused person. That while undergoing questioning he was unable, on account of internal hemorrhages, even to stand up is an allegation without a vestige of truth.

II. Solitary Confinement.

(1.) H.W. Lavers.

Suspected of violating the National Defense and Security Ordinance, H.W. Lavers was arrested on December 8, 1941 according to the criminal procedure as prescribed by the said Ordinance. He was taken to the Kobe Detention House where as the result of examination he was acquitted. On the other hand, it was established that he was guilty of violating the Army Criminal Code and the Foreign Exchange Control Ordinance. Accordingly, while released on March 5, 1942, as a suspected violator of the National Defense and Security Ordinance, he was indicted afresh on the same day before the Kobe District court on the charge of violations of the Army Criminal Code and the Foreign Exchange Control Ordinance, and remanded to the Kobe Detention House under the warrant issued by the judge of that court. On April 5 he was sentenced to imprisonment for 7 months counting the 20 days pending the trial. While he was serving his sentence, he was removed to the Osaka Prison on May 1st, and was granted a ticket of leave on June 7. During that period he was for a time, January 4 - February 5, 1942, transferred to the temporary jail belonging to the Kikusui-bashi Police Station of Kobe.

At the Kobe Detention House, in consideration of his advance age and with a view to avoiding any adverse effect that confinement in common jail might have upon his health and especially to enabling him to sleep well, the best and newly furnished cell in the institution was assigned to Lavers for his exclusive occupancy. During his

detention pending the trial he was permitted to use the private beddings and clothes of his own choice. He was provided with a chair, which is not a part of the regular furniture for ordinary cells. As regards meals, he was permitted in compliance with his wishes to obtain them from outside. During his penal servitude after conviction he was furnished with the regular prison bed, clothing and meals, but at the same time he was given special permission to wear shoes, and special care was taken in the preparation of his meals. As for books, he was allowed to read those sent to him after they had been duly censored.

During his incarceration in the Osaka Prison, he was shown similar consideration, and given a single cell for solitary confinement. He was permitted to receive the Bible, the Japanese National Reader, etc. from outside. His wife, Grace visited him in the middle of May, under the prison regulations which permit the visit of a relative once a month. He was grateful especially as he was not put in common jail but given a single cell, it is strange that the American Government should make that very fact an object of protest.

(2.) William Mackesy

William Mackesy was given special permission to remain in his own house until he was interned in the civilian camp in Kobe. He appreciated fully the good will of the authorities concerned, and by avoiding contact with outsiders as much as possible, he endeavored not to give any cause for misunderstanding on the part of the authorities to whom he frequently expressed his sense of gratitude. He lived in a room he had rent in a building attached to his church. With the privilege of remaining in his own residence, he was free to regulate his daily life as he liked and enjoyed special comforts and conveniences.

(3.) Alice C. Grube

Suspected of violation of the National Defense and Security Ordinance, Alice C. Grube was arrested on December 8, 1941, and taken to the temporary jail belonging to the Tamatsukuri Police Station in Osaka where she was first examined. On the 25th of the same month she was transferred to the Osaka Detention House for further questionings by the Procurator, as the result of which she was cleared of the suspicion, and set free on April 9, 1942.

The authorities of the Osaka Detention House, in deference to her position and prestige, did not confine her in common jail. Instead, she was allowed to occupy exclusively a sunny and healthy cell in the women's section of the institution. Under the house regulations the cells are not equipped with stoves, and the use of fire for any purpose is prohibited. Special permission was granted Grube to use a hot-water bottle, which she declined, saying it was unnecessary, as she had a good sunny room.

Accordingly, she was allowed to wear an overcoat in her cell. The rule prohibiting a detainee to bring in any personal effects of other articles, was waived in her case, and she was allowed to bring with her a large number of articles including 23 books, a bed, 3 cotton quilts, 2 blankets, a complete wardrobe, and toilet requisites. She was always given the first turn for bathing, and provided with such food as she desired, besides tea and coffee, cakes and fruits which she was allowed to purchase as she pleased. Generosity to the maximum degree was shown in her treatment.

(4.) J.B.K. Talmadge.

A search of the house of J.B.K. Talmadge, conducted according to criminal procedure, brought forth articles of evidence for violations of the Military Secrets Preservation Ordinance, the Wireless Telegraphy Ordinance and the Regulations for the Control of fire arms. Accordingly he was taken into custody in the Detention cell of the Koshu Police Station. As the result of investigations he was set for prosecution, which however, was stayed as the consequence of the conclusion of the Exchange Agreement. He was released on April 3, 1942.

During his detention, in view of his age and position Talmadge was given a single cell for solitary confinement. He was permitted to have, clothing, bedding, and books sent from outside, and to take indoor exercises for health. Grateful for the kind treatment accorded, he dispatched at the time of his departure a letter of thanks to the provincial Governor of Zenze Mando (see Annex B.).

(5.) Edward Adams

As a suspect for violation of the National Defense and Security Ordinance Edward Adams was arrested on December 8, 1941, and taken to the Taikyū Police Station where he was detained and examined. He was released on the 20th of the same month. The police authorities with due respect to his person did not lock him up in common jail, but confined him in a single cell. He was allowed to bring in his own bedding, and accorded special facilities regarding meals, physical exercise, and other matters. On his departure Adams left behind him a note thanking for the special favors shown to him.

III. Deaths due to mistreatment and neglect.

The American Government protests against the deaths of several Americans, by ascribing them to mistreatment and neglect on the part of Japanese authorities. For instance, it is alleged in the American note that Leo Relequin was refused to enter a hospital in Keijo and forced to return to Kansai. As a matter of fact, it was in compliance with Relequin's express wish that he was sent back from Chosen. Again, it is alleged that Charles Liebgold imprisoned in an unheated jail at Tsingtao, contracted a cold, which developed into pneumonia. As is told elsewhere under the head of Tsingtao, Liebgold together with other

American suspects were detained for a period, December 3 - 7, 1941 in the Assembly Hall of the Tsingtao Municipal Police Bureau. The said Assembly Hall, equipped with two large-size stoves, was always kept warm with a temperature at 15 - 20 degrees Centigrade. There he and his fellow detainees were accorded a specially good treatment. In view of such facts, the American protest is utterly unwarrantable.

Investigations into other instances, have disclosed that the various allegations in the American note are equally unfounded. It appears that the protest of the United States Government is motivated by a desire to attribute to the responsibility of Japanese authorities the deaths of American Nationals regardless of their actual causes. Such a protest which, ignoring the generous treatment of Americans by Japanese authorities, deals upon baseless allegations, cannot be tolerated by the Japanese Government.

IV. Violation of the Exchange Agreement.

(1.) Transportation.

As regards the transportation fee of the American citizens evacuating from Tsingtao and Chefoo, requested by the Consul General of Switzerland in Shanghai the Japanese Government are prepared to pay such fee at any time, provided, however, that the Government of the United States shall agree to bear the expenses, incurred by the Japanese Consular members in Brazil in their assembling to the City of Rio de Janeiro, which was already requested by the Japanese Government in their communication dated under March 4, 1943 and which will be communicated in detail.

The train fare between Nagasaki and Yokohama (Yen 17.90) has been paid to each one of the three non-official Americans, Francis Henry Carls, Alfred William Harding, and William Frederick Campbell, on board the exchange vessel, "Asama Maru". Later it was found that Campbell was already provided with a train ticket at the time of his departure from Nagasaki.

Besides these aforementioned items, it is desired to be informed whether there is any other item still left unpaid. The Japanese Government desire to be notified as to the names of all those persons who have paid their own expenses, as well as to their items and amount thereof in detail, in addition to those already demanded by the Government of the United States under the date of March 25, 1943.

(2.) Baggage limitation and search.

The baggage of American Government officials was permitted to be shipped without limitation and without inspection. As regards non-official Americans, facilities were afforded those in Japan Proper, such as special permission to return to their houses in order to

attend to their baggage and baggage inspection by custom officers at their own residences. Moreover, they were allowed to take out their baggage without restriction on the amounts as long as it did not contain objectionable articles. Japanese authorities in Chosen, Manchukyo, Hongkong and Thailand were instructed to handle the matter of baggage in a similar manner. Consequently, Americans were allowed to take not only what they could carry themselves but other pieces of their baggage.

In contrast to this treatment, American authorities, as stated in the protest lodged with the American Government by the ~~Japanese~~ Government in its communication of October 27, 1942, addressed to the Spanish Ambassador in Washington, searched the persons of non-official Japanese evacuees in a most outrageous manner, by stripping stark naked practically all persons, subjecting them to intolerable indignities and inhumane treatment. The baggage inspection was extremely harsh and rigorous, and the evacuees had part of their belongings confiscated, so that not a few were obliged to board the ship, leaving everything behind them, save one or two suitcases. To the above-mentioned protest of the Japanese Government, the American Government in its intermediate reply dated December 24, 1942, promised that it would make a report on the completion of investigations. No report has yet been received, and the Japanese Government requests that the said report be transmitted without further delays.

As regards porters, it is true that a certain number of them were assigned to duties at each place, but in order to avoid disorder and confusion the evacuees were prohibited to employ them on their own account. A similar situation was observed also in the United States.

Regarding the baggage of non-officials the U.S. Government protests against the reinspection of their baggage at the port of embarkation after it had been inspected at the place of departure. But in the United States, the baggage of non-official Japanese nationals was inspected at the place of departure and subjected without exception to a second and most rigid inspection at the port of embarkation.

Japanese customs authorities were instructed not to inspect the baggage of American officials. A case is cited by the American note in which, the effects of American officials in Chosen were said to have been searched, but investigations made into the case, failed to produce nothing to substantiate that allegation.

On the contrary, when Japanese Vice Consul, Mr. Masaru Sano, stationed in Houston, Texas, and his wife were leaving that city on January 10, 1942, the American officials in charge at the time had taken away five cases of Mr. Sano's personal belongings on the ground that these cases were wooden boxes. Upon arrival at the Homestead Hotel in Virginia, Mr. and Mrs. Sano finally succeeded in obtaining those boxes after negotiations made through the Spanish

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Embassy in Washington, D.C., and they were requested to pay the amount of \$50.00 for the transportation. The boxes arrived but every one of them was opened and inspected, and moreover, several articles contained in the boxes were missing.

This action on the part the American officials clearly constitutes a violation of the agreement, and accordingly, the Japanese Government renew the protest against the Government of the United States.

B. PRISONERS OF WAR

The American Government states that it has received reports of inhuman treatment accorded American prisoners of war by the Japanese authorities, which is inconsistent with the provisions and spirit of the Geneva Convention, and proceeds to cite instances alleged to have occurred in the Philippines and the punishment of Americans for an attempted escape at Shanghai.

1. The Philippines

The American Government is reminded of the situation in the Philippines during those days immediately following the Japanese occupation of the Bataan Peninsula. Order had not yet been restored; traffic facilities had been destroyed; the American soldiers prior to their retreat and surrender had burned food and medical supplies in accordance with their "Scorched-earth" tactics; the Japanese armies themselves were finding it difficult to replenish their stock of provisions and medical supplies; and furthermore, the number of American prisoners of war were far greater than anticipated. It was inevitable that under these circumstances the American war prisoners should have suffered temporarily from scarcity of food and inadequate medical attention. Nevertheless, the Japanese military authorities, in the face of insuperable difficulties, did their best to feed the Americans and to care for the sick and wounded. The Americans captured in Bataan were obliged to go on foot when they were being taken to Camp O' Donnell, because owing to the destruction of the means of conveyances it was impossible to send them in automobiles.

However, as regards the alleged instances of mistreatment of the prisoners on their way to and after their arrival at the Camp, cited in the American note, are groundless according to the investigations that have been made under the difficult circumstances.

2. Shanghai

Relating to the punishment of W.S. Cunningham and D. Smith, the views of the Japanese Government are clearly set forth in its communication of March 5, 1943, to the Swiss legation in Tokyo, and they need not be repeated here. It should be added that the report of alleged mistreatment of American marines, also cited in the American note, is unfounded.

Annex 4.

Thoughts on Leaving Chosen - May, 1942. E. W. Koons.

On August, 1939, my wife and I came for the fifth time to Chosen, leaving our six children and four grandchildren. We expected to spend the rest of our working lives serving the inhabitants of this peninsula of whatever race and nation.

On less than three years we are returning to our native land. We leave in our house at No. 1 Ranchicho our household goods, most of our clothing, and many precious personal possessions, hoping to return and resume our life here with its various missionary activities. But at a time like this one is bound to think deeply as to try to reach definite conclusions.

Among the many kindnesses received by the group of foreigners detained in the Theological Seminary since Dec. 8, 1941, has been my being allowed to receive my copy of the Japan Times and Advertiser. Through it we have been able to follow the course of events.

It is with great satisfaction that I read again and again in the J.T. & A. reports of the good treatment of American and other war prisoners. Certainly the group to which I belong has received every kindness possible under present conditions and will always be grateful for many favors.

When I reach the U.S.A. I shall seek an opportunity of serving Japanese internees in a friendly way if the Government and the Board of Foreign Missions will permit this. As always, I shall earnestly pray for good relation between the nationals of these two great countries, and the countries themselves. I am sure there is a bright future for both nations, and I hope that my wife and I can have a part in bringing it about.

E. W. Koons

May 27, 1942.

Annex B.

Koshu, Chosen.
May 30, 1947.

To the Governor of South Zenro Province,
Koshu, Chosen.

Honored Sir:

After many pleasant years during which the Southern Presbyterian Mission has labored in Korea under the protection of the Japanese Government, we regret the changed international situation which necessitates the complete evacuation of the Mission.

Having received many kindnesses from various officials of the Japanese Government since the outbreak of war between Japan and our country, and much help in enabling us to leave Koshu, I wish to convey herewith my appreciation, and trust that you will express our thanks to the officials concerned, as I can not meet them all.

We trust that when peace is restored we shall be able to return and meet again.

Yours very respectfully,
(Signed) Eliza E. Telmage

THE GAIMUSHO
TOKYO

Translation

No. 97/C.R.

28 April 1944

M. le Ministre,

In acknowledging receipt of Your Excellency's letter of 5 February last, relative to the treatment of dependent Americans in the power of Japan, I have the honor to ask that the following response of the Imperial Government be communicated to the Government of the United States of America. As to the protest of the Government of the United States against the treatment of dependent Americans by Japanese authorities, communicated 23 December 1942, and to which the said letter made reference, the response has been made by my letter of 24 April 1944 addressed to Your Excellency on the basis of the result of the inquiries.

"The Japanese Government have carefully studied the communication of the United States Government transmitted under date of the 5th February by the Swiss Minister in Tokyo in charge of American interests in Japan regarding the treatment of United States citizens in areas under Japanese administration.

It is considered that the United States communication under review is, as also are their previous communications, based upon a serious misunderstanding as to the position of Japan in respect of the application of the 1929 Convention relating to the Treatment of Prisoners of War. This point will be dealt with in the section headed I below.

The Japanese Government have taken note of the eighteen complaints enumerated in the United States communication, and have caused detailed investigations to be made into the instances given of alleged maltreatment of United States citizens. The results of these investigations are given in the section headed II below.

It is stated in the United States Government's communication that in the treatment of all Japanese subjects within areas under United States administration, the United States has consistently and fully applied the provisions of the 1929 Convention relating to the Treatment of Prisoners of War. But according to information received from perfectly

reliable sources, the United States Government are not always applying the provisions of the said Convention as fully as they have expressed themselves bound to do. This is stated in detail in the section headed III below. The Japanese Government enter the most emphatic protest on this point, and demand of the United States Government an immediate investigation into each instance given, the rectification of the maltreatment, and the punishment of the persons responsible or the adoption of measures for the improvement of discipline over them.

Those facts which are mentioned in the section headed IV below are based upon information from the most reliable sources. While the instances cited in this section are not specifically contemplated by the 1929 Convention relating to the Treatment of Prisoners of War, they are not only contrary to the spirit of the Convention but also are contrary to the principle of international law and to humane feeling. A protest concerning these matters has already been lodged, but no satisfactory reply has yet been received. The Japanese Government therefore take this opportunity once again to enter an emphatic protest, and they demand that the United States Government take adequate measures to improve the state of affairs.

I The position of Japan in respect of the Convention of 1929 relating to the Treatment of Prisoners of War.

As regards the treatment of prisoners of war, Japan has ratified the 1907 Convention relating to the Law and Custom of Land Warfare, and the 1929 Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field, but the Japanese Government have not ratified the Convention of 1929 relating to the Treatment of Prisoners of War. Consequently Japan is under no obligation to be bound by that Convention. However, the Japanese Government have notified the United States Government of their intention on purely humanitarian grounds to apply mutatis mutandis in the present war the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war within areas under Japanese administration.

As regards the treatment of civilian internees, no international agreement exists, except that an expression of desire is contained in the final protocol to the 1929 Convention relating to the Treatment of Prisoners of War. In the present war, the Japanese Government have notified the United States Government of their intention to apply as far as possible under the condition of reciprocity the provisions of the 1929 Convention relating to the Treatment of Prisoners of War (provided that no labour is imposed upon the internees against their will by the country detaining them).

By the above-mentioned intention of the Japanese Government to apply *mutatis mutandis* the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war, it is meant that the provisions of the Convention will be applied with the modifications necessary in order to conform with the provisions of the existing laws and regulations of the country and with the requirements of the actual situation as it develops. In the same manner the provisions of that Convention are also applied to American civilian internees.

In the present war in Greater East Asia the field of operations extends over an expansive area including many remote, undeveloped and pest-ridden regions with innumerable islands scattered over the ocean, involving considerable difficulties in the way of communication and transport. The change introduced by the system of aerial fighting has also made it difficult to distinguish zones of combat from other areas. The Japanese Forces, which have taken under their control an unexpectedly large number of enemy nationals in these areas far distant from Japan, are making the utmost efforts to accord them fair and just treatment. Such a situation was certainly not contemplated at the time when the 1929 Convention relating to the Treatment of Prisoners of War was concluded. That Convention has not been ratified by Japan because there are provisions in it which are not acceptable to this country. The Japanese Government are, however, dealing, from a humanitarian point of view, with matters relating to prisoners of war and civilian internees, on the basis of the 1907 Convention relating to the Law and Custom of Land Warfare and the 1929 Convention for the Amelioration of the Conditions of the Wounded and Sick of Armies in the Field, taking moreover into consideration the provisions of the 1929 Convention relating to the Treatment of Prisoners of War. These intentions of the Japanese Government have already been made known to the United States Government.

In these circumstances, the Japanese Government are unable to understand how the United States Government have seen fit to enumerate certain articles of the Convention and to demand their absolute application as if the Japanese Government by the above-mentioned expression of intention had admitted an obligation to observe the provisions of the Convention as a party thereto.

II. Reply of the Japanese Government to the protest of the United States Government dated the 5th February, 1944.

(1) With reference to 1 and 2 of the American protest the United States Government state, whereas the Japanese Government are permitting the representatives in charge of American interests and representatives of the International Committee of the Red Cross to visit Prisoner of War Camps, Civilian Internee Camps and Civilian Centres in Japan proper, Taiwan, Chosen, China, Manchoukuo and Hong Kong; the United States Government protest to the effect that the representatives of the Swiss Government in charge of American interests in Japan and in Japanese occupied territories have not been permitted to go to every place without exception where prisoners of war and civilians were interned; they have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners.

The United States Government state that the representatives of the Swiss government in Japan are entrusted with the protection of American interests in Japanese occupied territories, whereas, as already communicated to the United States Government through the intermediary of the Swiss Government, the policy of the Japanese Government is not to recognize representation of enemy interests in Japanese occupied territories and, therefore, is not permitting visits to the War Prisoner Camps and Civilian Internee Camps in those territories. Furthermore in view of the needs of military operations, visits of the representatives of relief societies and others also are not permitted for the time being.

For interviewing prisoners of war, the presence of witnesses is required by Japanese regulations enacted in accordance with the Regulations concerning the law and custom of land warfare, annexed to the Convention of 1907 ratified by Japan.

The United States Government protest to the effect that Swiss representatives at Shanghai, during their visits to the camps, were closely escorted by representatives of the Japanese Consulate General and were not able to see all parts of camps. According to the investigation, however, the Consul General of Switzerland walked at the head of the visiting party and inspected the camps freely, and though staff members of the Consulate General did accompany him they did so as a matter of courtesy.

(2) With reference to 3 and 4 of the American protest the United States Government alleged that American nationals were not permitted to forward complaints to the competent Japanese authorities or to representatives of the protecting power, or that the Japanese authorities had punished or had threatened to punish those who made complaints. But, in the prisoner of war camps and civil internment camps in areas under Japanese administration, communications addressed by the prisoners of war and internees to the detaining authorities of the camps are not rejected. Communications addressed to the representatives of the protecting power are being forwarded in exactly the same way as in the case of the mail sent by the prisoners of war, although there might have been some difficulties at the time of opening the camps. Thus, the forwarding of complaints has not been prevented and in no case was a punishment inflicted merely on account of complaints. The protest of the United States Government to the effect that dental appointments at the Columbia Country Club at Shanghai were cancelled in the summer of 1943 for punishment must be due to some misunderstanding. According to investigations carried out by the authorities of the Japanese Government there was no such incident. Neither was there a case of punishment inflicted on the internees at the Civilian Centre at Yangchow.

(3) With reference to 5 of the American protest the United States Government state to the effect that the Japanese Government failed to furnish needed clothing to American nationals and cite the suffering of the internees at Hong Kong, Kobe and in the Philippines, whereas the Japanese Government are giving specially thorough consideration to the matter and proper measures are being taken, with the view to furnishing clothing at the expense of the Japanese Government to the extent that is necessary.

As regards the difficulty of furnishing shoes to the internees at Hong Kong, owing to the fact that there was no stock of boots or shoes in the city at the time they were interned, the authorities could not avoid supplying "sandals" as substitutes and this measure was not taken expressly to cause difficulty or inconvenience in their daily life. As for the internees transferred from the Island of Guam to Kobe, since they possessed no winter clothes, the authorities concerned of the Japanese Government immediately set about procuring the material and preparing the necessary clothing for them. In the meantime, as the Swiss Consulate at Kobe was ready to offer to the internees the heavy clothing, the Japanese authorities helped in securing the materials.

The question of providing winter clothing was then satisfactorily disposed of, thanks to the efforts of the Swiss Consulate. As regards the statement to the effect that the prisoners of war in the Philippines were forced to labour without shoes and clad only in loin cloths, exactly the same as in the case of Hong Kong, when no boots or shoes are provided, their substitutes are given and clothing for use while at work is also provided. It is possible, however, that the prisoners in question, while at work in the tropical climate, chose to remove their clothes on account of heat.

(4) With reference to 6 of the American protest the United States Government protest to the effect that the Japanese authorities confiscated personal effects from American civilian internees and prisoners of war. According to the regulations concerning the treatment of prisoners of war in Japan, when the persons liable to treatment as prisoners of war are captured, their personal effects are examined at once; arms, munitions and any other article liable to military use are confiscated; other articles are either held in custody; (in which case a receipt for the articles issued to the owner), or handed back to the owner, allowing him to carry them. The troop concerned then must prepare an inventory of the articles confiscated or held in custody; the inventory in question must be handed over to the camp authorities along with the articles which had been held in custody when the prisoners of war are transferred to the prisoner of war camp. The articles thus handed over must be held in custody by the government authorities and returned to the owners when the latter are freed. These regulations are strictly observed in Japan.

The United States Government state that at the prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien and Yangchow, and at Civilian Centres of the Ash camp, Chapei camp, Lunghwa camp and Pootung camp in or near Shanghai, the articles most needed by the prisoners and internees have been taken. Since the statement is mere enumeration of various camps, and centres, it was difficult to investigate the matter. According to enquiries, however, made by the Japanese authorities, no such incident, as is complained of, occurred anywhere. At Tsingtao, neither a prisoner of war camp, nor a civil internment camp, nor a civilian centre has ever been set up. As regards the statement that the personal effects of an American prisoner of war were taken, when he was captured in the Philippine Islands in April

1942, so far no such occurrence is found by the investigation carried out by the Japanese Government.

(5) With reference to 7 of the American protest the United States Government state that whereas the Japanese Government are enforcing strict regulations with a view to according fair treatment under all circumstances, American prisoners of war and civilian internees have been subjected to insults and public curiosity. The allegation is at variance with the treatment actually accorded to prisoners of war and civilian internees.

The United States Government protest by citing the case of a march through Manila city by American prisoners of war, but as a matter of fact, the latter took the road which was necessary in going to the camp. It entailed neither insult nor public curiosity. As for the statement to the effect that at Baguio, Hong Kong and Tsingtao, the public was allowed to visit the internment camps and encouraged to satisfy curiosity regarding the persons held; at Tsingtao, to begin with, neither a prisoner of war camp nor a civil internment camp has been set up, as already pointed out. At all camps and centres in areas under Japanese administration, the entrance of the public (including visits and interviews) to the camps and centres is strictly under official control and no one is allowed to enter without the permission of the commander of the garrison or of the supervising authorities. At Hong Kong, permission of the Governor General is required. A foreigner wishing to enter a prisoner of war camp or internment camp must obtain the permission of the War Minister, or of the supervising authorities in case of civilian internment camp. Even a soldier is not allowed to enter without due cause. Such being the case at the prisoner of war camps and civil internment camps under the supervision of the Japanese authorities, no such incidents as are complained about by the United States Government have ever occurred.

(6) With reference to 8 of the American protest the United States Government state to the effect that the Japanese Government refused to provide health sustaining food to the prisoners of war held by them or did not permit the United States to make regular shipments in a continuing basis under appropriate arrangements of supplemental food and medical supplies and, because of this, the prisoners of war are suffering from diseases resulting from malnutrition and deficiency. On the contrary, the Japanese Government are providing the prisoners of war with food, which is exactly the same as the food for their own reserve army troops in respect of both quantity and quality. Moreover, the authorities

are giving specially considerate treatment to the prisoners of war, by supplying them for example with European meals and thus taking the national or racial customs of prisoners into special consideration. The conditions of health of the prisoners and the labour performed by them are watched with special care and measures which are considered best are being taken in supplying food to them.

The United States Government regard the deficiency diseases as common throughout Japanese internment camps, and comparing the health conditions of internees at Shanghai and in the Philippines, state that these diseases are relatively less common among the internees at Shanghai on account of presents sent in for them from the outside whereas deficiency diseases prevail among the majority of American prisoners of war in the Philippines. As regards the protest of the United States Government relating to the conditions in the Philippine Islands, as mentioned at length in the reply of the Japanese Government dated April 24th 1944 sent in response to the protest of the United States Government which was forwarded by the Swiss Minister in Tokyo on December 23rd, 1942, the best efforts were made to procure and furnish food at the internment camps at Santo Tomas in the Philippines, Davao and elsewhere, despite the difficulties encountered by the Japanese Army.

That the food supply of the American army was inferior and general sanitary and health conditions had already reached a precarious state at the time the Japanese army occupied the Philippine Islands is evident by the reports of enemy army-surgeons which have come into the possession of the Japanese army. The following is a resume of the said record relating to health conditions that prevailed:

Condition of illness of American soldiers in Bataan Front due to malnutrition after the ration was reduced to two meals a day toward the end of January, 1942.

(a) Field Artillery Corps

Due to vitamin deficiency diseases a certain number of the soldiers has shown the symptoms of paralysis and dropsy of the legs. Their eyes and eyelids were swollen up. The soldiers began to eat covetously various wild plants; some have eaten by mistake noxious plants. Their daily ration was estimated at less than 1500 calories and the soldiers who performed heavy labour lost gradually their vitality.

(b) The Second Field-Artillery Regiment

Many men's faces turned pale and haggard, suffering beri-beri. Their legs were swollen up due to under-nourishment.

(c) The Flying Corps

Among the soldiers some had the legs swollen up and the haemorrhage of the gums. Generally the body-weight decreased. Two-third of the soldiers became ill because of malnutrition. Toward the end of March some had eaten coupong-nut and bataan-nut. Those who have eaten the first were subject to attacks of vertigo while those who have taken the latter suffered from diarrhoea. Even though they realised the dangerous consequences they have not ceased to eat them as the result of lack of provisions.

(d) Field-Hospital

Soldiers who were admitted to the hospital were suffering from malaria or looked pale and haggard while many of them had their lower thighs swollen up due to the lack of proper nutritions.

Furthermore according to the investigation by the Japanese authorities it was found that in the Field Hospital of American Army near Cap Carben there were about 6000 patients of American and Filipino soldiers on the day of their surrender. The American Army authorities forcibly ejected from the hospital the Filipino soldiers who were dangerously wounded and seriously ill with Malaria by reason of food shortage. Many Filipino soldiers suffered death soon after.

From these facts, it is clear that prior to their capitulation, the health conditions of the American army had already reached a precarious state owing to malnutrition and general decline of health, prevalence of beri-beri, malaria, etc. The situation was made worse still by the tactics adopted by the American army of burning, destroying and reducing to ashes all the food and medical supplies that had been stored. Under the war-conditions at that time, the Japanese army itself was short of reserve food; the number of American prisoners of war exceeded by far the original expectation; civilian people in general were also short of food supply so that food could not be obtained from them. In these circumstances, it was inevitable that food supply for the prisoners of war captured by the Japanese Army would be insufficient and medical treatment for them could hardly

as satisfactory as would be desired. In spite of all these difficulties, the authorities of the Japanese Government did their utmost to provide for the prisoners of war. The remarkable improvement made in health conditions of the prisoners of war in the Philippine Islands thereafter is clearly traceable by the reduction of death cases among the prisoners of war during 1943. Of approximately 10,000 American prisoners of war in all of the Philippine Islands in 1943, the number of deaths was 168. In November of that year, there was only one case of death.

The United States Government compare the situation in the Philippine Islands with the health conditions of the internees at Shanghai. At Shanghai even enemy-aliens are living peacefully under the protection of the Japanese authorities, but on the other hand, in the Philippine Islands they were subject to the atrocious tactics adopted by the American Army of reducing all to ashes. The Japanese Government cannot but express utter astonishment when the United States Government close their eyes to these facts and venture to censure the Japanese Government, ignoring all the efforts made by the authorities of the Japanese Government and holding Japan responsible for all.

As regards the relief supplies mentioned in the protest of the United States Government, the Japanese Government gave permission to the international Committee of the Red Cross for the reception of the relief articles of approximately 10,000 tons forwarded by the American Red Cross Society on two occasions by the Japan-America exchange vessels. Permission was also given for delivery of these articles to every prisoner of war camp and civil internment camp.

The difficulty of granting further permission for transportation of relief supplies by vessels of neutral powers through the maritime areas of war operation under present conditions of war has already been communicated to the United States Government. At the same time the Japanese Government are at present seriously studying to solve the question, and the Japanese Government have not at all refused the shipment of relief supplies, as has been alleged by the American authorities.

(7) With reference to 9 of the American protest the United States Government state to the effect that the Japanese authorities turned to improper and prohibited uses the profits from the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps. On the contrary the following is the actual handling of profits from the sale of goods in camp canteens according to the investigations carried out:

(a) The profits from the sale of goods in camp canteens at each prisoner of war camp are being used for the welfare of the interned prisoners of war by their representatives at each camp.

(b) At civil internment camps in Japan Proper, no camp canteen has been set up, because, the number of internees being small, it is more convenient to allow them to purchase from the outside whatever they desire than to store materials in the canteens; hence no question of profits arises.

(c) The protest of the United States Government is irrelevant to the prisoner of war camp at Hong Kong because there the articles sold to the war prisoners are sold at cost price and no profits accrue. According to the report of Mr. Egle representative of the International Committee of the Red Cross at Shanghai who visited the prisoner of war camp at Hong Kong in July 1942, "Conditions of living quarters, of food and clothing, camp canteen, sanitary corps, dental treatment, amusements, provisions, library, observance of religious rites, etc., have been found to be quite satisfactory. The interned prisoners expressed gratitude to the authorities for their kind treatment". The Japanese Government regret that the United States Government have raised a protest distorting the measures taken by the Japanese authorities in favour of the prisoners interned and ignoring such facts as are mentioned above.

(8) With reference to 10 and 11 of the American protest the United States Government protest to the effect that contrary to the specific undertaking of the Japanese Government, the detaining authorities compelled civilians to perform labour other than that connected with the administration, maintenance and management of internment camps; and officers in prisoner of war camps were forced to labour, and non-commissioned officers to do other than supervisory labour. There is also a statement to the effect that prisoners of war were required to perform labour that had a direct relation with war operations. As already communicated to the Swiss Legation in Tokyo by the verbal notes of January 28 and February 4, 1943, regarding intentions with respect to the performance of labour by prisoners of war, the Japanese Government are having prisoners of war perform labour which involves no danger in industry, civil engineering, mining and transportation, they are also performing labour which has no direct relation with war operations. Civilian internees are not required to perform labour other than that connected with the administration, maintenance and management of internment camps.

As regards the incident alluded to, by the United States Government, of civilian internees forced to repair machinery without remuneration in the Philippines, no such incident occurred according to the investigation carried out by the Japanese authorities. The information must be due to some misunderstanding. At prisoner of war camps, needless to say, no officer prisoner is forced to perform neither labour nor menial labour, since there are always soldiers on duty who perform the personal errands of the officers to whom they are detailed.

Though it is claimed that ten American engineers were required to assist in rebuilding the military installations in Corregidor Island in 1942, an investigation has clearly brought out the facts that the work of cleaning away and putting in order in the locality such as Corregidor, did require the assistance of expert engineers who are familiar with the locality. It was not, however, in the least in the sense to assist in rebuilding any military installations. Their service was required in directing the work of cleaning away or putting in order damaged or destroyed buildings and roads, only to such an extent that it could be regarded as ordinary labour and this cannot be claimed to have a direct relation with war operations. It is also protested that American prisoners of war were made to work in a machine tool shop in the arsenal at Makden, but this is due to some misinformation. The plant where prisoners of war worked was an ordinary factory with no relation whatever to the arsenal.

(9) With reference to 12 of American protest the United States Government charge that medical care has in many instances been denied to prisoners of war and civilian internees, and when given has been generally so poor as to cause unnecessary sufferings and deaths, adding that conditions of health of prisoners of war in the Philippines Islands is deplorable. As has been explained above under the section (6) relating to rations for prisoners of war, the inadequacy of food and medical supplies for the prisoners of war captured by the Japanese forces in the Philippines was absolutely unavoidable owing largely to the action of the American forces who in pursuance of their "scorched-earth" tactics had burned vital commodities, to the war situation which rendered difficult for procuring food and medical supplies even for the use of Japanese armies, and also to the unexpectedly large numbers of American soldiers surrendered which caused further drain on the provisions on hand. In any case, the general state of health of these prisoners of war at the time of their capture, had been already extremely poor as shown by the reports left by American army surgeons.

The Japanese authorities are paying proper attention to the health of all prisoners of war and taking appropriate measures including monthly health medical examinations and vaccinations and preventive injections, and recesses for those engaged in labor. As regards food, the daily rations provided war prisoners by the authorities concerned are being criticized as being far too good both in quality and quantity as compared with the food generally available. In the Philippines, Epidemic Squads were organized in 1942, to which was assigned the task of preventing contagious diseases, resulting in a notable improvement in the general conditions of health among the prisoners and in the reductions of deaths as is pointed out under the above mentioned paragraph (6). All these are entirely due to the devoted services of the medical corps of the Japanese armies. The American Government charge that certain internees in the civilian camps at Shanghai and in Japan Proper were made to pay for their own medical care and hospital expenses. At all the internment camps the authorities have taken measures for proper medical care, and for hospitalization free of charge. However, in case any internee requests for a physician and hospital of his own choice, the request is granted on the condition he pays the costs on his own account. Accordingly, it is quite proper that those at Shanghai and in Japan proper, who chose their own hospitals and doctors, should have paid the costs on their own accounts.

(10) With reference to 13 of the American protest the United States Government state that the Japanese Government have reported names of only a part of the American prisoners of war and civilian internees and of the American Combatants found dead by Japanese forces. Immediately upon the outbreak of the War of Greater East Asia the Japanese Government established the War Prisoners Information Bureau, to which has been assigned the task of exchanging information regarding prisoners of war, conducting investigations, compiling individual cards, and transmitting names. The Japanese Government are attaching great importance to the reporting of the names of the war prisoners and internees in their hands, and have been exerting special efforts in that direction. As fast as individual cards are filed, the names entered thereon are being cabled regardless of nationality to the Central Agency of the War Prisoners' Informations at Geneva. By the end of March, 1944, the number of the names so reported exceeded 145,000, including more than 25,660 of American nationality. Further reports will continue to be made hereafter.

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(11) With reference to 14 of the American protest the United States Government charge that the Japanese Government have not permitted internees and prisoners of war freely to exercise their religion. Religious freedom is recognized by the Japanese Government at all the War Prisoner Camps and internment camps.

While it may be true that at some camps during the first few weeks the incompleteness of the necessary facilities, the absence of ministers or priests and other circumstances rendered it difficult to hold religious exercises, the Japanese authorities nowhere ever prevented intentionally the free exercise of religion by prisoners of war and internees. In fact, they are being afforded special facilities in this respect, as for instance, in the Tokyo War prisoner camp and internment camp where wine and bread for holy communion are allowed to be sent in and priests from outside are admitted in compliance with the request of the Vatican delegate, for administering the last rites to those of the Roman Catholic faith. In the Philippines, the Japanese Camp authorities are according the inmates such treatment as is suitable to their habits and manners beside respecting their persons and recognizing their complete religious freedom. Those instances alleged by the American Government to having taken place at Camp John Hay and in French Indo-China appear to be based upon erroneous reports.

(12) With reference to 15 of the American protest the United States Government protest against the non-posting of an English text of the Geneva Convention at the camps. The Japanese Government, as they are not applying the 1929 convention exactly as it stands, have not posted the text of the said convention. But they will be prepared to post the rules and regulations concerning the treatment of war prisoners which they have promulgated in accordance with the 1907 Convention relating to law and custom of land warfare at all the camps for war prisoners and for civilian internees.

(13) With reference to 16 of the American protest the United States Government allege that Japanese Government have failed to provide adequate equipment and accommodations in prisoner of war and internment camps and transports, and forced them to subsist in inhuman conditions. The allegation is utterly unfounded.

It is the policy of the Japanese Government to provide prisoners of war with such shelter as will ensure health and sanitation as far as possible. American prisoners of war

are being housed in buildings free from damp, properly lighted and heated, with sleeping quarters which are in respect of space, ventilation and other accommodations, entirely the same as those for Japanese army. The report by the representative of the International Committee of the Red Cross who have inspected these places, points out that these American prisoners of war are being placed in proper buildings fully adequate for the purposes of health preservation.

The American note cites instances in the Philippines Islands. The conditions in the Philippines during the early days of Japanese occupation have already been described under (6) and (9). According to the investigations conducted by the Japanese Government into the matter of transportation of prisoners of war, all the American War prisoners, about 200 in number, who were captured in the vicinity of Limay during the days, May 10-20, 1942, were, after being given food, transported in automobiles and under the supervision of Japanese Officers to the temporary prisoners of war camp. Again some two hundred Americans, who surrendered during May 12-20, in the same year, were all sent to the temporary camp at Jalanga in motor trucks for munitions after they had been duly provided with food. American civilian internees in internment camps at Baguio and elsewhere in the islands are all grateful to the treatment accorded by the Japanese authorities.

As regards the alleged confiscation by Japanese guards at Weiheisen Internment Camp of the refrigerators belonging to American internees, the fact of the case as have been brought to light as the result of official investigation is merely that the household refrigerators some internees brought with them were used for the benefit of the entire camp.

(14) With reference to 17 of the American protest the United States Government protest against the non-application by the Japanese Government of the provisions of the 1929 Geneva Convention with regards to trial and punishment of prisoners of war. The views of the Japanese Government relating to the punishment of war prisoners have been communicated and fully explained in their notes of February 17, and of March 3, 1943, addressed to the Swiss Minister in Tokyo.

(15) With reference to 18 of the American protest the American Note Charges the Japanese authorities with inflicting corporal punishment and torture upon American nationals, citing a number of instances alleged to have occurred in the Philippines. As has been repeatedly stated, it is the policy of the Japanese Government to accord a fair and equitable treatment to all prisoners of war, and in pursuance of that

policy the Japanese authorities concerned are devoting their best efforts to the handling of the war prisoners, and paying the most careful attention to every detail so as to ensure the disposition of all matters under strict military discipline.

The instances cited in the American note all go back to the early days of Japanese occupation of the Philippines. The investigations which have been conducted under difficult circumstances owing to the lapse of time since the alleged events occurred, have not so far brought out any result which substantiate those allegations.

III. Protest of the Japanese Government against cases of ill-treatment by the American authorities of Japanese held by the authorities of the United States Government.

(1) The United States Government stated that when the representatives of the protecting powers for Japanese interests in the United States visited the internment camps and Relocation Centers where Japanese nationals were held, the representatives have spoken at length without witnesses with the Japanese internees and evacuees and fully inspected the places; but such was not the case. At a large number of Internment Camps and Relocation Centers the interview of the representatives of protecting powers for Japanese interests took place in presence of camp authorities and officials of the State Department, etc. and the representatives were able to inspect only such places as would raise no question and could not visit all parts of the camp. When visiting the Internment Camp at Sand Island in Hawaii, for instance, the representatives were generally not allowed to converse with the internees at all, but could only interview their representatives. Moreover, the said interview took place in the presence of the authorities of the internment camp, the army authorities, etc., and the questions raised by the internees were severely restricted.

(2) The authorities of the United States have not improved the treatment despite the fact that complaints have been made by Japanese internees and have not permitted to forward their complaints when they wished to appeal to the representatives of the protecting powers. There are numerous instances of punishment, or threats thereof, inflicted on those who have complaints.

At the temporary camp at Ellis Island, the person who made complaints concerning food on behalf of all inmates was punished, being designated as "detainee for the

duration of war" and he was sent subsequently to Fort Missoula. In July, 1942, when the Japanese internees at the Lordsburg Internment Camp had their delegates complain about labour, other than that connected with the internment camp, which they had been forced to perform, the delegates were either placed under confinement or forbidden thereafter to leave the building of the internment camp. And not only that, they were forbidden to buy things at the camp canteen. The authorities of the Livingston Internment Camp decreased the amount of food of those who raised complaints about labour. At the Fort Missoula Internment Camp also the authorities placed under confinement those who made complaints.

(3) As regards the supply of clothing, the authorities of the United States did not supply enough winter clothing to the Japanese nationals transferred from Hawaii to the snow-covered McCoy Internment Camp, and thereby exposed the interned Japanese to the severe cold.

(4) The United States authorities confiscated from every internee Japanese books, printed matter, metals (including camera, fountain pens, cigarette lighter, watches, cuff-buttons, badges, travelling knife and fork, coins, etc.), rubber wares (including the eraser attached to pencils), diapers for infants, drugs, canned food (including vegetables in tin boxes intended for children and canned milk for feeding infants) etc.

In confiscating personal effects, strict inspection was enforced. For instance, at the temporary camp at Ellis Island, for a period of three days from June 7, 1942, the officials of Federal Bureau of Investigation and customs officers inspected the personal effects of the passengers of the exchange vessel without the least concern about the damage caused thereby, thus forcibly opening watches and damaging them; cutting the lapel of coats and undoing the seams; cutting or tearing belts, etc. Not only they completely undressed the repatriates but also carried on a thorough search even inside their hair. Adhesive plaster applied to cuts or wounds were ripped off. Women were also subjected to severe physical examination, and confiscation was carried out but not on a few occasions no receipt was issued for articles confiscated.

(5) The Japanese civilian internees and evacuees have been subjected to insults and public curiosity.

Immediately after the outbreak of the war, one of approximately two hundred Japanese interned at Sand Island having happened to carry a small knife made by himself, the authorities of the camp made a thorough search of all the internees. In carrying out the search, the Japanese were lined up and left stark naked for two whole hours.

The wife (of British extraction) of Mr. Taoka, Manager of San Francisco branch of the Nippon Yusen Kaisha and their daughter were forced to remove all their clothes and were examined at the temporary camp at Ellis Island in 1943.

A staff member of the Japanese Consulate at Los Angeles, while being transferred from Fort Missoula to White Sulphur Springs in April 1942, was forced to ride an ordinary coach despite the fact that he was suffering from illness and moreover, was handcuffed by the immigration officer who accompanied him, and chained to the bed even while sleeping and thus was treated like a criminal before the eyes of other passengers.

(6) Japanese nationals interned in the United States are not often receiving food either in quality or quantity necessary for the maintenance of health.

The food for the internees at the Fort Missoula Internment Camp was being provided at 30 cents per head per day. At the Kennedy Internment Camp, food was to be provided at 51 cents per head per day, but the authorities of the said camp, as the Director of the camp admitted, kept back 10 cents and food was actually provided at 41 cents. The Japanese residing in Virginia were imprisoned, when the war broke out, in a negro prison and were subjected to the same treatment as negro prisoners in respect of food and other matters. Not only was contact with the outside forbidden, but nothing was permitted to be sent in from the outside. At the Fort Missoula Internment Camp, the authorities refused to transmit to the internees the drugs sent in by their families, with the excuse of prevention of the use of poison, and the result was that those suffering from chronic illness had difficulty in recovery. Japanese nationals interned at the internment camps at Upton, Ellis Island, Livingston, and Sand Island suffered from weakening eyesight, their weight decreased, and the number of people requiring eye glasses increased on account of malnutrition.

(7) At the Livingston Internment Camp, a large portion of the profits made by sales at the canteen was spent for purchasing second hand car for the use of the officers guarding the camp and also for repainting it.

(8) The Japanese interned at the internment camps in the United States have been forced to perform labour other than that connected with the administration, management and maintenance of the camps.

At the Lordsburg Internment Camp, the United States authorities forced Japanese nationals to engage in the transport of gravel and road repairing outside the camp, transport of empty cans and scrap iron to the railway station, cleaning of toilets in the guards' barracks and in the recreation hall. One of the soldiers forced the Japanese to perform labour under the blazing sun at the point of the gun, threatening to kill if they dared to take a rest.

At the Livingston Internment Camp, the Japanese were forced to cut grass outside the camp and also to engage in the work of leveling the ground adjacent to the camp for the construction of an aviation field. At Fort Missoula, the authorities, claiming that the Japanese were duty-bound to work without compensation, obliged the Japanese to engage in laundry work for approximately one thousand persons interned in the camp including Italians. Furthermore, they obliged the Japanese to clear the stable of the camp authorities and to engage in the construction of a Japanese garden and swimming pool for Americans not connected with the camp, threatening the Japanese internees that disagreeable consequences would ensue if they should refuse to work.

The authorities of the Santa Fe Internment Camp forced the Japanese over their protest to engage in building work that had been delayed on account of a strike.

The Japanese internees at Sand Island were forced to engage without compensation in the work of putting up tents for the interned Germans and Italians, building fences, planting vegetables and performing laundry work for American officers and men.

The Japanese who were handed over to the United States army by the authorities of Panama at the outbreak of the war were subjected to cruel treatment, being obliged to perform the work of transporting square timber, sharpening and repairing saws, digging holes in the ground for water closets, mixing gravel with cement and so forth. The internment authorities let the Japanese dig a hole and then fill it again immediately, or let them load a truck with mud with their bare hands using no tools. Neither drinking water nor any rest was allowed. The Japanese who were exhausted and worn were beaten or kicked and all this lasted over a month.

(9) The United States authorities subjected the interned Japanese to engage in work directly connected with war operations.

The authorities of the Livingston Internment Camp subjected the Japanese to the work of removing stumps in the military aviation field, infested with poisonous snakes adjacent to the United States military barracks.

The authorities of the Lordsburg Internment Camps forced the Japanese to engage in the digging of trenches and transport of the cases containing rifles and cannon shells.

In May, 1942, the Director of the Manzanar Relocation Center put the Japanese to the work of manufacturing camouflage nets for military use and threatened them with decreased food allowances or worse of treatment in the event that production is not increased.

At the Sand Island Internment Camp, the Japanese were forced to engage in the dangerous work of digging out from the ground unexploded shells of anti-air craft guns beside digging trenches. In enforcing the performance of the dangerous work, the United States authorities took no proper measures to forestall possible injury or to minimize the risk.

(10) The United States authorities have provided no medical treatment to the interned Japanese. Not only are the medical provisions at internment camps and relocation centers generally imperfect, but the medical staff and pharmaceutical provisions are so defective and deficient that they have caused unnecessary suffering to the patients and have even resulted in deaths as a consequence.

The United States authorities permitted Sasaichi Kato in Los Angeles who has received an injury in his right eye no time for treatment. They interned him first at Tuhunga, transferring him next to the internment camp at Santa Fe but not allowing him to receive treatment in the meantime, with the result that the man eventually lost his eyesight completely.

One Cuchi was gravely ill when he was handed over to the American authorities in Panama, but the authorities gave him neither medical treatment, nor liquid nourishment which was all he could take. His wife requested that he be taken into the Panama Hospital but the request was not heeded, and he was sent on to Fort Sill in April 1942 together with other Japanese internees. As no nurse was

provided at the new camp, his fellow internees looked after him, but no medical treatment having been given, he finally died on May 1.

(11) The United States Government have sent neither a list of names nor any detailed official communication concerning the interned Japanese who have been shot to death or died of accidents; nor have they forwarded any precise and complete list regarding all of the interned Japanese. Whereas the total number of evacuees held at relocation centers in the United States amounts to approximately one hundred thousand, the names communicated only recently to Japan are no more than six thousand.

(12) As regards free exercise of religious rites, in July 1942, while Japanese nationals interned at the Lordsburg Internment Camp were observing ceremonial rites in the dining hall, several guards with bayonets in their hands broke into the hall before the ceremony was over and drove out all the participants.

(13) At the Internment Camps in the United States, neither the text, nor Japanese translation, of the International Convention of 1929 relative to the treatment of Prisoners of War is posted. In spite of repeated requests of the interned Japanese to the holding authorities for access to the text of the Convention, they were not able to receive the text for a period of from half a year to a whole year after their internment.

(14) At the Internment Camps, temporary camps, and Relocation Centers, and for transport facilities etc. in the United States, there is no adequate equipment or accommodation and the Japanese have been subjected to inhuman treatment. At the detention place of University Station in Los Angeles, thirteen Japanese were jammed into a room which could admit only two persons. Only prisoners' clothes could be had and they spent a whole day and night there without bedding and without food. The Japanese in that city were interned in the Lincoln Heights Jail and were left there under confinement in cells for a period of two weeks.

At the Internment Camp at Sand Island, meals were always served outdoors on the lawn regardless of weather, rain or shine, but the internees on being transferred thence to the American mainland were herded into the bottom of the boat which was severely guarded with iron nets on all sides and locked. No water was given even for washing one's face.

The Japanese who were transported from Panama to the United States were also jammed in the bottom of the boat filled with offensive smells. The women's toilets at the Manzanar Relocation Center were so imperfectly constructed, having no partitions between one toilet and another. The American Catholic nuns who visited the camp noticed this and protested..

(15) The authorities of the United States maltreated Japanese nationals and inflicted punishment on them without trial or contravention of the principles of humanity.

(a) At the Internment Camp at Fort George Mead, Japanese nationals are forced on masse to salute the American flag day after day, but in March 1943, one Akechi was placed in solitary confinement on the charge that he failed to attend the saluting ceremony and was given only water and bread for three days and nights. In May 1942, a guard at Fort Sill, seeing Kenzaburo Oshira who had become insane as a result of insomnia, approaching the barbed wire fence, was on the point of firing at the man, when a Japanese who saw this cried out: "Don't fire! He is insane." Despite this warning, the guard shot Oshira to death.

In April 1943 at the Topaz Relocation Center, one Wakasa was shot to death on pretext of not responding to the guard questioning him.

In July 1942, Shiro Obata (53 years), a patient of pulmonary tuberculosis and Firota Iserura (56 years) suffering from spinal disease while being transferred from the Bismarck Internment Camp to Lordsburg Camp with other internees, parted company from the group on account of their illness and inability to walk and were later shot to death by the guards who had escorted them, on the pretext that they had attempted escape. An American soldier who had witnessed the incident and rejoined the company immediately afterwards remarked to the Japanese internees: "Had I been the guard escorting the two men, I could not have shot them to death."

A Japanese in Los Angeles who had received an operation for cancer in the stomach and was still in such a condition that excretion had to be effected by means of a rubber tube run into the abdomen was interned by the United States authorities who permitted him no opportunity for receiving treatment with the result that the man finally died.

Shigeichi Hazama had received an operation for cancer in the rectum and was in a grave condition but he was transported from his bed to Fort Missoula for internment. During the train trip of three days and nights, the man was treated indiscriminately like an ordinary healthy person and as a result finally died.

One Nakamura was assaulted by policemen at a police station in Los Angeles and several of his front teeth were broken. He was subsequently interned in the Internment Camp at Fort Missoula. The authorities of the camp attempted for force the man to sign a document stating that the assault was the result of his own fault, but when he declined to write his signature, he was again assaulted and then placed under confinement.

At the Internment Camp at Fort Lincoln likewise, a Japanese was beaten and kicked by the inspecting officers and two of his front teeth were broken. Many similar incidents occurred at other internment camps in the United States.

(b) In the Philippine Islands, the United States authorities resorted to extreme violence and maltreated all Japanese Nationals as described below:

In Manila, at the outbreak of the war, the United States authorities carried out a wholesale arrest of Japanese nationals, broke into their private residences and shops and plundered money and various other articles. Arrests were made indiscriminately irrespective of whether the person was old, young or invalid. People were all bound with rope and taken to places for internment. Countless numbers of persons were beaten and kicked. Those who were arrested at other than their own homes were prevented from having sent from their homes daily necessities, such as changes of clothing. The internment quarters consisted of only three rooms of approximately each four hundred square metres and no less than three thousand five hundred persons were confined therein. The rooms were not only overcrowded, but there were neither chairs to sit on nor bedding to sleep in, the internees sleeping on the bare floor. Neither food nor even a drop of water was provided for them. Later they were transferred to houses provided by Japanese commercial establishments for their employees, but congestion was by no means eased. Finally provisions were brought from Japanese owned warehouses and consumed. Of these internees two hundred seventy people were interned in the Montaluba Prison. For two whole days, these people were subjected, at the point of machine guns to the meaningless labour of digging holes in the ground and then filling them up again and of carrying water up steep hills after having willfully stopped the city water supply. Any one daring to take a rest was struck on the head with oak clubs. The same people were forced also to clean the kitchen and toilet of the

guards' office and to repair the road outside the prison compounds. For nearly a fortnight, no vegetables were supplied, and though thereby cases of sickness occurred no medicine was to be had. Neither treatment by one of the interned Japanese doctors nor by hospital physicians was permitted and finally deaths ensued.

On the night of December 23, 1941, as the electric wire in front of the Japanese Consul General's official residence in Manila caught fire, the American forces watching the area commenced to fire at the house, claiming that it was the work of the staff members of the Consulate General. They were obliged to escape from the danger.

The Japanese residing at Davao, numbering eighteen thousand were placed under confinement en masse at the outbreak of the war and subjected to excessive labour by the American military forces, digging air-raid shelters and trenches day in and day out. The accommodation at the internment camp was totally inadequate. Particularly lacking in facilities was the Central Primary School where one thousand two hundred Japanese were interned in the outdoor playground. There they were left in mud and wire under a heavy downpour of rain for four long days. During those four days, no food was given during the first two days. From the third day, a handful of uncooked rice and a meager amount of salt were handed out as the day's ration but the recipients had to pay for all he received. The camp was surrounded with iron fences and machine guns. The latter were manipulated to intimidate the internees and in the course of their intimidating manipulation, no less than three Japanese were shot to death. Of the two thousand four hundred Japanese women interned in the Japanese Primary School, a large number suffered outrageous acts and violence perpetrated by the American soldiers. On December 20, American soldiers commanded by American officers bound up ten Japanese nationals who had been interned at the Davao Internment Camp, poured boiling water on the victims, cut their ears off, gouged out their eyeballs, sliced off the tips of their noses, amputated their arms, mutilated their legs and escaped after committing this orgy of inhuman savagery. The number of Japanese victims tortured and shot to death by the American soldiers during the period of internment rose to as many as fifty six.

IV. The unjust actions taken by the American Government toward Japanese subjects.

(1) Unjust actions toward Japanese nationals in internment camps and relocation centres.

(a) The American Government forced the hundred thousand Japanese subjects and American citizens of Japanese origin to move into the interior from the Pacific coast States upon an extremely short notice, causing them thereby to lose at one stroke livelihood, property and positions they had won through years of labor, and to suffer immense losses. More recently it is reported that the American military authorities have been empowered to remove Japanese nationals to the interior 300 miles from the Atlantic coast, and that already Japanese residents of Virginia have been ordered to move to Philadelphia, so that these Japanese are also faced with the same fate as those on the Pacific coast. The Japanese Government protest to the American Government against these unjust actions, and at the same time reserves all their rights to make such demands as they may see fit to make upon the American Government.

(b) Since February, 1943, the American authorities subjected Japanese nationals in the various relocation centers to inhuman questionings asking them whether or not they would renounce their allegiance to Japan, or they would take part in the American national defense in case the United States was attacked by an external enemy. Moreover, the American authorities intimidated the Japanese nationals, threatening that those professing allegiance to Japan or desiring to return to Japan would be considered as being disloyal to America and as such they would be segregated, as a measure of punishment, in the special relocation centre at Tule Lake where they would be given a treatment worse than at other centres. Moreover, armed soldiers intervened in connection with declarations of Japanese evacuees whether they would swear allegiance to the United States. Thus, the American authorities exerted undue pressure upon Japanese nationals in their expression of conscience, and likewise in their free choice of the decision as to their repatriation under the Exchange Agreement. At Tule Lake where these "disloyals to America" had been segregated, a disturbance broke out owing to negligence on the part of the American authorities, in regard to provisions for evacuees whereupon the American authorities used tanks and machine guns to intimidate the evacuees. According to later reports, it still appears to be the intention of the American Authorities to cause Japanese subjects to renounce their allegiance to their home country. The Japanese Government solemnly request the American Government to cease such inhuman actions and to make no discriminations in treatment on account of the attitude of the evacuees regarding the question of conscience.

(c) The internment camps and relocation centers in the United States are surrounded with barbed-wire fences, equipped with watch towers, and posted with armed soldiers, which is not the case with those maintained by the Japanese Government. The above-mentioned American guard system is a source of considerable apprehension and alarm to the Japanese internees and evacuees. In fact, as stated under III in the present note, there have been victims of illegal shooting by these soldier-guards namely, two at Lordsburg, two at Fort Sill and one at Topaz. Unfortunately, such incidents continue to occur despite the repeated protests by the Japanese Government. On December 1, 1943 one evacuee at Hila River relocation center, was shot and wounded, and at the same place and during the same month three more men were fired at. According to certain information, the Japanese Government understand that there is no basis in the American law for the posting, as it is actually done, of armed guards at relocation centers and the firing at internees or evacuees. Moreover, those Japanese inmates had not been warned of the risk of being fired at in going near the barbed-wire fence. And in all cases, there was no evidence to prove that any of the victims had intended to escape, and the firing by the soldier guards was clearly illegal. Nevertheless, they have been all unpunished. The Japanese Government demand that the American Government properly punish the culprits, and take such measures as will remove the apprehensions on the part of the Japanese nationals in internment camps and relocation centers and ensure the safety of their lives, and thereby forestall the reoccurrence of similar incidents. Furthermore, the Japanese Government reserve all their rights to make such demands as they may see fit to make regarding each of the above-mentioned cases.

(d) Unjust treatment of Japanese subjects in central and South Americas.

The American Government exerted pressure on the Government of Panama and caused to send to America all the Japanese nationals residing in the republic, and moreover these Japanese are being mistreated by American authorities, as has already been stated. The Peruvian Government also at the instigation of the American Government resorted to the inhuman act of removing to America some 1,000 Japanese nationals engaged in peaceful pursuits in Peru, and causing them to lose their property and to break up their families. As a matter of fact, the Peruvian authorities let it be known that the initiative for the measure

was taken by the American Government. Accordingly, the Japanese Government has protested against the inhuman action of the American Government. Nevertheless, in view of the fact that the deportation of Japanese nationals from Peru to the United States is still being continued, the Japanese Government are constrained to demand the immediate suspension of such action even from the humanitarian point of view."

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

(L.S.) Minister of Foreign Affairs

"KYO" - "HI" /CONFIDENTIAL/No. 224.

To His Excellency,
CAMILLE GORGES,
ENVOY EXTRAORDINARY and MINISTER PLENIPOTENTIARY for SWITZERLAND.

Excellency:-

I hereby have the honour of addressing you in writing.

Following my letter No. 97/O.R. dated April 28th whereby, in reply to the protest of the UNITED STATES Government in regard to the treatment of U. S. POWs and Internees within the jurisdiction of the Empire (the Imperial Government duly replied to you in detail on the basis of the results of their investigations) we are now in receipt of the following additional data regarding conditions at the POW and Internment Camps at SHANGHAI, CANTON, HONGKONG, JAVA, and the PHILIPPINES, and beg to send same to you herewith with the request that same be kindly transmitted to the UNITED STATES Government.

I beg to take this opportunity of reassuring Your Excellency of my respects.

Dated the 16th day of August 1944.

(Official)
(seal of)
(FOREIGN)
(MINISTER)

/s/ MAJORU SHIGEMITSU,
MINISTER FOR FOREIGN AFFAIRS

In regard to the treatment of the American prisoners of war and civilian internees within areas under Japanese administration, the Japanese Government replied in detail to the United States Government under date of the 28th April last. As further information has since been received from the Prisoners of War Camps and Internment Camps in Shanghai, Canton, Hongkong, Java, and the Philippines concerning the manner of treatment accorded, some particulars thereof which it is considered will supplement the above-mentioned reply of the Japanese Government are given below:

CHAPTER I. The Treatment of Prisoners of War at the Camps in Shanghai.

(1) Petitions of Prisoners of War.

It is provided that prisoners of war may make petitions to the camp authorities in accordance with the regulation which is in force.

(2) Clothing for Prisoners of War.

Prisoners of war are provided with clothing of the same quality as that of Japanese soldiers, and are also permitted to use clothing owned by them. All the clothing received from outside as relief supplies is handed over to them.

(3) Permission to retain Personal Effects.

Prisoners of war are permitted to retain and use such personal effects of daily necessity as toilet articles, etc. Other articles which are unnecessary or require control are kept in custody by the Camp authorities, though some of such articles, too, are permitted to be used when necessary.

(4) Food and Nutrition.

The same rate of food supplies which are provided for Japanese soldiers, as to sufficiently maintaining health, is supplied for prisoners of war. Their rations are further supplemented by relief supplies from outside.

The Camp authorities are striving to ensure the supply of variety of provisions for prisoners of war by raising cattle and cultivating vegetables on the Camp premises. They raise swine, rabbits, sheep, plough-oxen, and plough-horses, etc.

Among the prisoners of war in Shanghai, there is at present no one taken with pellagra, scorbutus, or sprue. There are only a few slight cases of beriberi, whose percentage, however, is considerably lower than among Japanese soldiers.

The weights of the prisoners of war show an average increase of approximately four kilogrammes over those at the time of their commitment to the camp. Among them there is not a single patient suffering from a disease due to malnutrition or undernourishment.

(5) Camp Canteens.

At the prisoners of war camps in Shanghai, the management of Canteens is entrusted to prisoners of war, and the profits realized by sales are permitted to be spent for the comfort and welfare of the prisoners.

(6) Labour.

At the prisoners of war camps in Shanghai, no prisoner has ever been subjected to any labour directly related to war operations.

(7) Medical Facilities.

The prisoners of war camps in Shanghai are adequately provided with medical facilities.

(8) Observance of Religious Rites.

The prisoners of war are permitted to observe religious rites at the camp once a week, in accordance with their respective sects, and a minister of religion is invited from outside once a month. On special occasions like Easter, a Catholic father is permitted to visit the camp to conduct services in prayer and Holy Communion.

(9) Permission for Possession of the text of Treaties.

A certain number of officers are permitted to keep in their possession their own text of treaties.

(10) Letter written by a Prisoner of War.

A copy of a letter written by an American prisoner of war is attached hereto for the information of the United States Government [Annex (No.) 1].

CHAPTER II. The Treatment of Civilian Internees at the Camps in Shanghai.

(1) Visits of the Representative of the United States.
Interests to the Internment Camps.

The Swiss Consul-General at Shanghai, in charge of United States interests, visited and inspected all parts of the Internment Camps in Shanghai. He expressed his satisfaction with the accommodations of the camps.

The Delegate in Shanghai of the International Red Cross Committee has also visited the camps since they were set up.

Both the Swiss Consul-general and the Red Cross Delegate, during their visits of inspection, spoke to the leader of each compartment and to their acquaintances among the internees.

(2) Petitions of Internees.

The internees have through their representatives sometimes made petitions to the camp authorities, but none in the nature of complaint is known to have ever been made.

(3) Clothing.

As the internees brought with them plenty of clothing at the time of their commitment to the camp, it has not been found necessary to make any further supply by the camp authorities.

(4) Provisions.

In addition to the fixed rations supplied by the camp authorities, the International Red Cross Delegation is allowed to send in gifts, and authorized purveyors supply them with supplementary provisions, if desired. Moreover, the camp authorities permit the internees who volunteer for their health and recreation to cultivate vegetables and cereals on a part of the camp premises specially assigned for the purpose, and the yield so obtained is appropriated as food for the internees.

(5) Camp Canteens.

The internment camps in Shanghai being placed under the self-management by the internees, the canteens are also left to their management, and accordingly the camp authorities do not interfere in the disposal of the profits realized by sales.

(6) Labour and Comforts.

At the internment camps in Shanghai, the internees have never been forced to be engaged in any sort of labour.

The internees can enjoy reading, indoor games, open-air exercises, etc., and naturally their health condition is excellent in spite of their average age of forty-seven. Stage equipments are provided in the hall of the camp, where concerts and dramatic performances are often given. Adequate and sufficient comforts are thus secured for the internees.

(7) Medical and Other Facilities.

At the internment camps in Shanghai there are well-equipped medical offices, and sufficient attention is given to the sanitation and

medical treatment of the internees under the supervision of a Japanese surgeon-captain and with the assistance of soldier nurses and interned physicians. Patients, when found necessary, are temporarily released from internment and sent to specially appointed hospitals outside for treatment.

The internment camps are perfectly equipped with sitting-rooms, bath-rooms, showers, kitchens, lavatories, and heating apparatus. The buildings are spacious, and gardens and play-grounds are attached thereto.

(8) The Observance of Religious Rites.

Perfect freedom is granted to the internees for their observance of religious rites.

In May, 1943, seven marriages among British, American and Greek nationals were permitted and their ceremonies were performed in accordance with their respective religions.

Among the internees there are several ministers of religion, who conduct services every Sunday.

(9) Conclusion.

At the internment camps in Shanghai, the camp authorities pay due regard to the personality of the internees and let them lead their daily life regularly. Consequently, everything is in good order, and no dispute has ever happened there. The internees act in concert with the wishes of the camp authorities, endeavoring always to cooperate in making the life of the internees happy.

A copy of a letter from Mr. Egle, the Delegate in Shanghai of the International Red Cross Committee, is attached hereto (Annex No. 2).

CHAPTER III. The Treatment of Civilian Internees at the Camp at Canton.

(1) The Internment of Enemy Nationals at Canton.

Upon the outbreak of the War of Greater East Asia, the enemy nationals resident in Canton were prohibited from going out of their respective premises, except for the purchase of necessaries of life, bank business, medical treatment, religious service, and such other purposes as the authorities deemed necessary, and for open-air exercises necessary for the preservation of health. Apart from the above, no restriction whatever was imposed upon them.

On the 5th November, 1942, nine of them, four American and five British, were moved to an internment camp for the civilian internees, but that camp was closed on the 25th May, 1943, and they were transferred to a civil centre newly set up.

(2) The details of Treatment of the Internees.

At the internment camp, the internees were not only free from all restraint or restriction bearing on their daily life, but the cooking of their meals, the cleaning of their living rooms and the laundry of their clothes were all done for them by three Chinese women employed by the Japanese Army. Therefore the internees had so much of leisure hour, and some of them volunteered to gardening or ploughing on the camp premises, and there was absolutely no instance of labour being forced upon any internee.

If any internees became ill, they were permitted at once to consult a doctor and receive treatment. The camp authorities never refused them medical treatment, nor did any internee ever make complaint due to illness.

The internees were permitted to observe religious rites not only on every Sunday but also on other occasions demanded.

Since their transference to the civil centre, the internees have continued to receive a fair and just treatment, and the civil centre has been visited from time to time by the Swiss consul.

Due to the very generous treatment accorded to the inmates of the civil centre and also to their own cooperative efforts, none of them have ever been subjected to any punishment up to the present.

CHAPTER IV. The details of the Treatment of Prisoners of War at the Camp at Hongkong.

Goods had been sold at prime cost at the canteens attached to the prisoners of war camp at Hongkong, but since the 1st April, 1944, they are permitted to be sold at a uniform rate of 5 per cent profit, and the profits thus realized are spent under the supervision and permission of the Japanese authorities for the promotion of welfare of the internees. (Annex No. 3).

At the prisoner of war camp at Hongkong, since its establishment never have any school children, soldiers or civilians been permitted to visit there, except those whose visit was specially permitted by the government-general there. Nor has the curiosity of the public in regard to the prisoners of war at the camp ever been allowed to be satisfied.

CHAPTER V. The details of the Treatment of American Prisoners of War and Civilian Internees at the Camps in Java.

The American prisoners of war (one hundred and seventeen, out of whom nine are officers and one hundred and eight are non-commissioned officers or privates) and civilian internees (thirty-nine) in Java are all receiving a fair and just treatment, as stated below.

(1) Petitions of Prisoners of War.

The senior officer among the prisoners of war and the chairman of the self-government committee of the civilian internees enjoy the privilege of making petitions and stating complaints to the camp authorities, and no punishment has ever been inflicted or threatened to be inflicted upon complainants.

(2) Clothing.

The prisoners of war was supplied with necessary clothing, and the civilian internees are permitted to use clothing of their own. The question of clothing is comparatively simple in this tropical region where there is no seasonal change.

Those of the prisoners of war who are engaged in bodily labour are always supplied with straw hats and sporting shoes.

(3) Personal effects.

The prisoners of war and civilian internees are allowed to retain and use their personal effects for daily use as far as circumstances permit. They are permitted to possess personally certain amounts out of their own money, the remainder being deposited with banks on their respective accounts.

(4) Provisions.

As the American prisoners of war and civilian internees are unaccustomed to rice, they are supplied with bread. Fruits are plentifully rationed to ensure the sufficient vitamin, and the camp stalls are specially ordered to sell papayas, bananas, and oranges. Further, as a preventive measure against the decline of physical strength due to the tropical heat, the prisoners of war and civilian internees are supplied with yeast, prepared from Indian corn by physicians among the prisoners of war.

For the health preservation of those prisoners of war who are engaged in labour, special attention is given by utilizing the nutritious value of vitaminous food such as bovine blood, intestines, etc. To secure the abundance of rations, the prisoners of war are made to attend to cow-milking, the raising of swine, ducks and fish, and the cultivation of vegetables.

(5) Camp Canteens.

The profits accruing from sales at the stalls of the camps at Java, which correspond to canteens in other regions, are spent in purchasing sporting and amusement articles, newspapers and magazines, for the welfare of the prisoners of war.

(6) Labour.

The officer prisoners of war have attendants appointed to look after their personal demands. They are not engaged in any labour except gardening and the like which they do of their own accord.

The civilian internees employ themselves in labour connected with the operation, maintenance and management of the camps, and they have never been forced to do any bodily toil at all.

(7) Medical Treatment.

The prisoners of war camps are each provided with a medical office and sick-rooms, and physicians and nurses among the prisoners of war examine and treat patients.

The civilian internees too are looked after by physicians who are appointed from amongst them, and when necessary, patients are permitted to enter and receive medical treatment at the Government or public hospitals outside.

(8) The Observance of Religious Rites.

At the prisoners of war and internment camps, chapels are provided, where the observance of religious rites is permitted, and freedom of faith is granted.

(9) The Accommodations of the Prisoners of War and Internment Camps.

In Java, the prisoners of war are confined in the former Dutch Indian army barracks, and the civilian internees in ordinary dwelling-houses. Electric lighting and water supply is abundant and nothing is wanting to make the places comfortable to live in. Moreover, to prevent the infection of malaria, the prisoners of war and civilian internees are each furnished with a mosquito net.

CHARTER VI. The details of the Treatment of Prisoners of War at the Camps in the Philippines.

As regards the details of treatment accorded to the prisoners of war at the camps in the Philippines, the following are attached hereto for the information of the United States Government:

(1) A radio broadcast speech on the medical treatment in the prisoners of war hospitals made by Commander L.B. Sartin, Medical Corps, U.S. Navy (Annex No. 4).

(2) A radio broadcast speech concerning the observance of religious rites, etc., at the prisoner of war camps made by Chaplain Perry O. Wilcox, Lieutenant Colonel, U.S. Regular Army (Annex No. 5).

(3) A radio broadcast speech on the athletic games played by the prisoners of war at their camps made by Dr. James L. Wanger of the U.S. Navy (Annex No. 6).

CC.1.5.1. - FGe.
CC.2.1.2.

Tokio, 1 March 1945

M. le Ministre,

By letter No. 98/C.R. of 24th April last Your Excellency made known to me the response of the Imperial Government to the protest of the Government of the United States of America on the subject of treatment of American citizens within the power of Japan.

As I informed you by letter of 5th May, I communicated this response to my Government for the attention of the Washington Government.

The Government of the United States has asked to have the following communication addressed to the Japanese Government:

"The Japanese Government's reply of 24th April 1944 to the United States Government's protest of 23rd December 1942 states that the United States Government's protest was "made by distorting and exaggerating the facts." The United States Government cannot accept a statement by the Japanese Government impugning its veracity. The United States Government's protest concerning treatment accorded by Japanese authorities to American nationals in Japan and Japanese occupied territory is based on documentary evidence which cannot be refuted in such an arbitrary fashion by the Japanese Government. The statements contained in the Japanese Government's reply of 24th April 1944 are so far removed from the facts as known to the United States Government that it can only conclude that the Japanese Government has permitted itself to be misled by fabricated reports of local officials and has not made an independent investigation of the matters protested in the United States Government's note of 23rd December 1942. The United States Government therefore considers the reply unsatisfactory and will continue to hold the Japanese Government answerable. The Japanese Government has referred to section IV of the United States Government's protest of 23rd December 1942 making certain charges against the United States Government. The reply to this reference will be the subject of a separate communication from the United States Government."

Minister of Switzerland

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

C E R T I F I C A T E

Exh 2024.

I.P.S. No. 2751-A-1-5

Page 1

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 six 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 6th day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: /s/ Max R. Joss

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. 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 6th day of December, 1946.

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

Witness: /s/ Hiram S. Hill

Investigator, IPS
Official Capacity

FILE COPY
RETURN TO ROOM 361

Exhibit A

<u>Document No.</u>	<u>Description</u>
2751-A-1	Letter and attachments, Tokyo, 23 December 1942, from Swiss Minister to Masayuki TANI (CC.2.1.2.-ca. 1.5.1.)
2751-A-2	Letter dated Tokyo, 5 February 1944 from Swiss Minister to SHIGEMITSU (CC.1.5.1.-EDGc.CC.2.1.2.)
2751-A-3	Letter dated 24 April 1944, from SHIGEMITSU to Swiss Minister (No. 98/C.R.)
2751-A-4	Letter dated 28 April 1944 from Japanese Foreign Ministry to Swiss Minister (No. 97/C.R.)
2751-A-5	Letter dated 10 August 1944 from SHIGEMITSU to the Swiss Minister (No. 224/C.R.)
2751-A-6	Letter dated 1 March 1945 from Swiss Minister to SHIGEMITSU (CC.1.5.1.-FGc. CC.2.1.2.)

2751

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Correspondence between Swiss Legation, Tokyo, and Japanese Foreign Ministry on Treatment of Allied POWs and Internees, Including Protest from American Government

Date: Dec 42 - Mar 45 Original () Copy (x) Language: English and 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, SHIGEMITSU, Mamoru (Insofar as Foreign Ministers at time)

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation Geneva POW Convention

SUMMARY OF RELEVANT POINTS

Doc. No. 2751-A-1 Letter and attachments, Tokyo, 23 Dec 42 (CC.2.1.2.-ca. 1.5.1.) from Swiss Minister to TANI, Masayuki, conveying American protest on treatment, asking Japanese Govt to take immediate steps to discipline prison officials guilty of mistreatment.

Doc. No. 2751-A-2 Letter dated Tokyo, 5 Dec 1944, from Swiss Minister to SHIGEMITSU and attachments, letter being protest from American Govt on PW and internee treatment, stating position that areas where PWs held no longer are areas of battle, and that neutral representatives denied permission to visit camps, in violation of Article 86 of Geneva Convention.

Doc. No. 2751-A-3 Reply dated 24 Apr 1944, from SHIGEMITSU, in answer to first protest above (23 Dec 42), stating that appropriate treatment accorded, and denying item by item the protest. (30 pages)

Doc. No. 2751-A-4 Reply dated 28 Apr 1944, from Japanese Foreign Ministry in answer to protest of 5 Feb 44 (See 2751-A-2), stating position, among other things, that certain provisions of 1907 Convention are not acceptable to Japan, but is dealing with PWs on humanitarian basis, and generally observing the Convention. (p.6) (53 pp.)

Doc. No. 2751-A-5 Reply dated 10 ^{Apr} ~~Apr~~ 1944, from SHIGEMITSU, giving additional data on PW camps at SHANGHAI, CANTON, HONGKONG, JAVA and the Philippines. Details of treatment, privileges, food, etc., given.

Doc. No. 2751-A-6 Letter of 1 Mar 1945, from Swiss Minister in Tokyo and accompanying transmitted response to Japanese Govt from American Govt, stating that Japanese Govts reply of 24 April is "so far removed from the facts.....that it can only conclude the Japanese Govt has permitted itself to be misled by fabricated reports of local officials, and has not made an independent investigation".

CHARGE OUT SLIP

DATE 5 Dec

EVIDENTIARY DOC. NO. 2951
TRIAL BRIEF _____
EXHIBIT NO. _____
BACKGROUND DOC. NO. _____
FILE NO. _____
PRESS TRANS. _____
U.S.S.D.S. _____

Signature [Signature]
Room # _____

Returned by
Wheeler #2024 Col Woolworth

Doc. 2751 Evid

Folder 6

(90)

證明書

國際檢察部オニ七五一-A-1-6

典據及び公正ニ関スル證明

余ウオルターボシーハ余ガ下記ノ資格ニ於テ、即チ、瑞西外交代表トシテ、瑞西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下記記載、即チ、瑞西公使ヨリ日本外務省宛ノ佛文書翰及び通牒ト具正ナル寫シ、並ニ瑞西公使宛、日本外務省ノ右ニ對スル回答原文ノ證據書類ヲ表トシテ、載セラレタル、六通一書翰及び通牒ヨリ成ル文書ノ保存官ニ任ジ居ルコトヲ茲ニ證明ス。余ハ更ニ添附ノ書翰及び通牒ガ、駐日瑞西公使館ノ公式記録ナルコト、並ニ右ガ、ソノ公式書類及び綴ノ一部ナルコトヲ證明ス。

千九百四十六年 本月 十六日 東京ニ於テ署名

當該官吏署名欄ノ署名ノ ダブリューボシー

右ノ者ノ公的資格 瑞西外交代表

證 人署名 マックス・パール・ジヨス

公式ノ入ニ関スル證明

余少尉「エリック・ダブリュー・フライシャー」ハ余ガ聯合國最古

指揮官、司令部ニ關係アルモノナルコト、並ニ上記證明書ハ、

余ガ公務上、瑞西政府ノ上記ノ姓名官吏ノハ、

千九百四十六年 十一月 十六日 東京ニ於テ署名

氏名欄ノ署名 DRUM TO ROOM 米軍情報部、陸軍少尉

右ノ者ノ公的資格 國際檢察部 調査員

證 人署名 ハイラム・ニール

EXHIBIT NO. 2024

2751A1-6

證明書

證據書類 A

書類番號

種別

二七五一A一

瑞西公使ヨリ谷正之宛 東京一九四三年十月三十一日

附書翰及心添附物 (CC. 二. 二. i. ca. 五. 一.)

二七五一A二

瑞西公使ヨリ重光宛 東京一九四三年二月五日附

書翰 (CC. 一. 五. 一. i. EDG. CC. 二. 一. 二.)

二七五一A三

重光ヨリ瑞西公使宛 一九四四年四月二十四日附

書翰 (オ九八/C.R.)

二七五一A四

日本外務省ヨリ瑞西公使宛 一九四四年四月二十八日

附書翰 (オ九七/C.R.)

二七五一A五

重光ヨリ瑞西公使宛 一九四四年八月十日附

書翰 (オ二二四/C.R.)

二七五一A六

瑞西公使ヨリ重光宛 一九四五年三月一日

附書翰 (CC. 一. 五. 一. F. G. CC. 二. 一. 二.)

No. 2.

一九四二年十二月二十三日 東京ニテ

大臣閣下

Evidentiary Document # 2751A-1

日本ヨリ帰還セル米国民ノ言明ニ依リバ、彼等が日本人官
憲又ハ下級ノ雇員ヨリ受ケタ虐待事件ヲ列擧セル米國
政府ノ抗議ヲ我カ本國政府ノ訓令ニ依リ閣下ニ以下ノ通り通
知スルノ先采ヲ有スルモノデアアル。

米國政府ハ日本側ノ互惠ヲ條件トシテ、俘虜並ニ非戦員
抑留者ニ関スル「セネバ」條約ノ條項ヲアラユル莫ニ於テ守ル
ベク努力セル旨並ニ米國內ニ於ケル日本權益ノ代表國及赤
十字國際委員會トノ協力ヲ宣言セントスル意圖ヲ明示セリ
而シテ、右代表者ハ米國領土内ニ於テ、日本人ノ抑留セラル
一切ノ場所へ出入レ得ルコトヲ我カ政府ニ重テ傳達シタノデアアル
同政府ハ帝國政府ヨリ發スルアラユル苦情ニ對シ、調査ヲ開始
スル完全ナル意向ヲ常ニ有シテ、未タコト並ニ現在モ有シテ居ルコ
ト及ヒ同政府が米國內ニ於ケル日本 權益ノ代表國ノ与フル協
力ヲ常ニ感謝スルコト、並ニ今後モ尚感謝スベキコトヲ附言シタノデアアル。
我カ政府ハ、コノ最後ニ述ベタ言ヲ了知シテ、米國ニアル日本ノ權
益保護國ニ對スル米國ノ協力ハ、帝國政府ヨリ同程度ニ日本
ニアル米國ノ權益ヲ代表スル範圍ニ於テ、我カ國ニ与ヘルベキコト
ハ疑ナシト余ニ通告シタノデアアル。更ニコノ協力ハ、瑞西ガ日本
ニ於テ敵國權益ヲ代表スル仕事ヲ引受ケテ、以來既ニ屢々明
ニセラシタノデアアル。サレバ、日本又ハ日本ノ占領地域内ノ若干ノ
米國人ニ関シ、米國政府ノ為シタ苦情ニ関スル限り、帝國政
府ト我カ國トノ間、協力ハ他ノ領域ニ於テアツタト同様ニ有用

EX 2029

No. 1

FILE COPY
RETURN TO ROOM 361

且信義的デアロコトヲ假定スベキ充分ノ理由アリ。以上ノ前置
的ノ後、余ハ閣下ニ次ノ米國ノ抗議ノ原文ヲ送付申上ゲニトス
ル次デアアル。

日本及日本ノ管理スル領土ヨリ帰還セル米國市民ヨリ米國政
府ハ日本政府ノ掌中ニアル米國人非戦闘員並ニ俘虜カ右
政府ノ日本軍ノ捕ヘタ俘虜及ビ一般人ニ準用シ得ラルル範圍内
ニ於テ、日本及ビ日本管理諸領土内ノ米國人一般抑留者ニ對ス
ル「セネヴァ」條約ノ條項ノ適用ノ違背ニ依リ、受ケタ甚ダシイ
虐待事件ヲ知ツタデアアル。

日本政府カ此ノ莫ニ就キ義務ヲ履行シナカッタコト並ビニ同
政府ノ或ル官吏及機關カ或ル米國民ノ取扱ニ於テ當ニ積
極的ナ虐待ノミナラズ「ジェネバ」條約ノ規定ニ從ツテ、当然其
ノ關係当局ニ依ツテ供給サルベキ生活必需品ヲ之等米國民
ニ供給シナカッタコトニ依ツテ、同條約ノ原則ニ違及シタコトハ明カ
デアアル。

No. 2
ソレ故米國政府ハ日本政府ニ對シ最モ強硬ナ抗議ヲ申込ミ且
米國民ノ一般人及ビ捕虜ニ對シ為サレタ殘虐ナ非文明的取扱
カ直チニ調査セラレ、又日本政府カ「ジェネバ」條約ノ規定及ビ精神
ニ反スル取扱ヲ現在モ將來モ、日本若クハ日本占領地域ニ於テ
捕虜トシテ、抑留、留置サテ居ル米國民ニ對シテ為サイト云
フ保証ヲ為スコトヲ期待スル。米國政府ハ亦日本政府カ米
國民ニ對シ、虐待ヲ加ヘ若クハ其ノ保護スル米國民ニ對シ、「ジェ
ネバ」條約ニ規定サル生活必需品ヲ供給スル義務ヲ怠ツタ
同政府ノ機關又ハ官憲ニ對シ必要ナ懲戒ヲ為スコトヲ期待スル。

275/A-1

日本側ニアル米国民虐待ノ例ヲ左ノ通り與テ述ベル

第一節 一般人

a) 監獄及ニ收容計ノ狀況

監獄ニ監禁サレタ米国人ハ一般犯罪人ト同様不健康且
不充分ナ給与ヲ受ケタ。之等ノ抑留者ハ僅カナ食事を給
サレ其ニ対シ時々代價ヲ支拂ハサレ、或ハ全然食事を与ヘラズ
困難ナ狀況下ニ自分達ノ生命ヲ保タネバナラナカッタ。斯ル狀況
ハ今尚或ル地方テ明カニ存在スル。之ハ米國ニ於テ日本人ニ対シ
為サレル取扱ト直截ニ対照ヲ為シテ居リ彼等ハ個人々々ニ必
要ナ充分ナ場所ノアル衛生的ナ宿舎、充分且健康的ナ食
物ヲ給サレ調理ニハ国民ノ嗜好ノ違ヒモ斟酌サレ其ノ外煙草
菓子、化粧品ヲ買ッ金モ給与サレテ居ル

一上海ノブリック・ハウス
五十三人以上ノ米國人ガ期間ハマケ
ニ永クハ六月以上モ、憲兵隊監獄ノブリック・ハウスニ監禁サレ
タ。彼等ハ其処テ虫ノ居ル部屋ニ一般犯罪人ト一緒ニ詰込マレ其ノ
犯罪人ノ中ニハ急ハレイ傳染病ニ罹ツテ居ル者モ居タ。衛生施設
ハ原始的テ不充分デアッタ。食物ハ健康ヲ維持スルニ必要ナ標準
ヨリ遙ニ少イモノデアッタ。暖モ十二月ヨリ六月迄與ヘラズ医療
ノ用意ハ事實上無イノモ同ジデアッタ。米国人ハ唯不潔ナ不充
分ナ毛布丈ケヲ給サレ冷イ床ノ上ニ晝ハ坐リ夜ハ寝サセラタ
ドンナ時テモオ互ニ話スルコトモ煙草ヲノクコトモ許サレナカッタ
此ノ監獄ニ監禁サレタ結果ノ一ツノ顯著ナ例ハ「ジェー、ビー、ボラ
エル」氏ノ状態ニテ彼ハ医療手當ヲ缺イタ為壞疽ガ悪化シ
兩足ノ前半カナリナツテ了ッタ。

No. 3

二「北平」陸軍收容所

「フロイド、エフ、スピールマン」
 「アール、イー、マックラム」
 「レイ、ジェー、エスカリン」
 「ジェー、ビー、シャーウッド」
 「イー、エクス、ミルス」
 「ビー、エッチ、ベンディクト」
 ハ三月二日「天津」カラ「北平」陸軍收容所へ手錠ヲハメラレテ連行サレタ。其処、状態ハ「ブリッヂ」ハラ「ス」於ケルト同じ様ニ悪カッタ。十九日間ノ八監中彼等ハ三日間、監房生活、後始メテ五分間、運動カ許サレタ。或時ハ彼等ハ二十三日間モ入浴セズニ過シタ。又不衛生ナ食物ト苛酷ナ待遇ノ結果体重カ平均四〇封反減ッタ。

三「青島」

「フランク、ジー、キープ」
 「グレイ、ダイ、クーパー」
 「フランク、アル、ホーリング」
 「チャールス、サー、ゴルト」
 「ジェー、ジェー、メイヤー」
 「エヌ、エチ、ミルス」
 「エッチ、ジェー、ズイメルマン」
 ハ三週間、間「青島」ノ暖房、ナイ一般監獄ニ監禁サレタ。彼等ハ冬ノ最モ寒イ時期ニ掛ケル物モ無しニ床ノ上ヤ長椅子ノ上ニ寝セラレタ。

四「マニラ」サンチャゴ要塞

「ロイ、ベネット」
 「ロバート、アベット」
 竝ニ他ノ亜米利加人カ残酷ナ條件ノ下ニ「サンチャゴ」要塞ニ投獄サレテ「キルト」傳ヘラレテ「キル」彼等ハソノ受ケタ困苦ト虐待ノタメニ、六月ニハ事實上識別シ得ナクナッタト傳ヘラレタ。米國政府ハ彼等カ直チニ釋放セラレ治療ヲ受ケルコトヲ主張スル。

五 香港「スタンレー」收容所

香港、米人ハ一月四日捕ヘラレ最初、四八時間食物ハ全然
与ヘラズ極メテ少量、水ヲ与ヘラレタ。一月二十日彼等ハ「スタ
ンレー」要塞ニ置カレタ。其處デ彼等ハ自分達ノ寢具ヤ他ノ
必需品、殆ントヲ用意セラレタ。彼等ニ与ヘラレタ食物ハ不
十分ナモ、デー一人一日九〇〇「カロリー」ニ当ルモ、デアッタ。彼等ハ
憲兵隊、輕蔑侮辱ヲ受ケ、屢々顔ニ平手打ヲ
喰フタ。栄養不良ノ結果是等抑留者ノ間、体重、平
均低下ハ三〇封ニデアッタ。

六 「マニラ」サント・トーマス

サント・トーマス、米人達ハ準備不足、タメニ彼等カソノ家
カラ必需品ヲ取寄セルヲ許サレル前カフトモ三晩、間ハ蚊帳
モ掛ケルモ、モシモニ床ニ寝カセラレタ。彼等ハ抑留當局ニ依
リ一日ニ五「セント」ウオ、費用デ養ハレル方ガヨイカ、ソレトモ
米國赤十字會ガ「フリーウィング」国立銀行ニ持ツテキル資金デ
自分達ヲ養フ方ガヨイカ、撰擇スルヤウ提案サレタ。彼等
ハ赤十字會資金ヲ抑留當局ガ給与スベキ食物ヲ補足スル
ノニ使用スル許可ヲ拒否セラレタガニ五「セント」ウオハ生キル
コトガ出来ナカッタ、テ自分達ヲ養フ為ニ全面的ニ赤十字會
資金ニ依存セバ、ナナイコトヲ意味シタ。右資金ハ其キ
ルカモ知レナイ、テ米國政府ハ抑留者ノ福祉ヲ考ヘ非
常ニ憂慮シテキル。

七 比律賓群島ニ於ケル「タバオ」及其他、抑留所

「タバオ」ニ於テハ抑留米利加人ハ抑留サレタ最初六週

向ハ重労働ヲ強要サレタ。彼等ハ最初ハ穀粉及ビ魚、不充分ナ食事を給与ヲ受ケタ。四月ニハ彼等ハ自身ノ食糧ノ用意ヲシナケレバナラヌ事及ビ日本軍当局ニ前ニ支給サレタ食物ノ辨済ヲシナケレバナラヌ事ヲ知ラサレタ。入手シタ情報ニ依ルト比律賓群島、他ノ抑留所ニ於ケル状態モ一樣ニ悪イ様子デアル。從ツテ亜米利加政府ハ日本政府が人道的衛生的諸條件ノ下ニ亜米利加人俘虜ニ對シ適当ニシテ充分ナル家屋及ビ食糧ヲ支給スル約束実行ノ措置ヲ即刻執ラルニ事ヲ囑望スルモデアル。

b) 虐待及ビ拷問

一拷問及ビ暴行
日本軍当局ハ亜米利加人俘虜ニ肉体的拷問ヲ加ヘ居リ彼等ノ大多数ハ今迄ヨリ遙カニ虐待サレルト當カテ自カサレ大ナル精神的拷問ヲ受ケタリデアル。

(A) 朝鮮ニ於ケル三名ノ亜米利加人宣教師ハ「水療法」ト殘忍ナ殴打ヲ受ケタ。京城ニ於テ「アルオー・レイナー」氏五十九才ハ五月一日カラ同月十六日ニ亘ル期間此拷問ヲ六回受ケタ。或ル時ナド彼ハ殴ラレテ倒レ意識ヲ失フテ床上ニ伏シテナルトシヨリト云フ憲兵隊ノ雇員ノタメ肋骨折レル程足蹴ニサレタ。デアル。彼ハ医療ヲ乞ヒ折レタ肋骨部ヲ指シテ「キムト云フ憲兵隊ノ雇員ハ彼折レタ肋骨部ニ直接ニ列シイ殴打ヲ加ヘタリデアル。又或ル時ハ「レイナー」氏ハ「ゴムホース」ト伸縮帶テ五六十回鞭打サレタ。ニ兩腕兩脚ニ深サ半吋ノ裂傷ヲ受ケタリデアル。

「エドウィン・タブリュー・フリンズ」氏はソビエトハ龍山警察署署長
 様、拷問ヲ受ケタリテアル。

(B) 「イチヤン」デハ「エルシー・タブリュー・リー」及ビ「ウォルター・ピーモス」
 ノ兩名カ何等ノ説明ナシニ日本軍占領部ニ引キ立テラレ其処
 デ前者ハ竹棒デ何回モ殴打サレ後者ハ厚サ一吋半ノ鉄棒
 デ二時間ニ亘ツテ殴打サレタリテアル。此ノ殘虐行為ハ「イチヤン」日
 本軍憲兵隊指揮官ノ面前デ行ハレタリテアル。

(C) 「ジョゼフ・エレマクス・パラシ」氏ハ十二月八日横濱デ捕ヘラレ
 「ロー」デ縛ラレ横濱刑務所ニ連行セタ。暗イ何ツツ
 設備ノナイ小房ニ監禁サレテセル間彼ハ十二指腸潰瘍
 ノタナニ出血シ、何カモ請フタニモ拘ラズ医療ヲ拒絶
 サレタリテアル。訊問中彼ハ内出血カラ昏倒シ助けカナケレ
 バ立ツ事モキナリ事モ出来ナカツタガソレデモ小房へ歸ルト
 何時モノ様ニ手錠ヲハナラレタリテアル。

ニ獨房監禁

多クノ米國市民ハ二三日間カラ長クハ數週間ニ亘ツテ獨リ
 監房ノ煖房設備ノ無い部屋或ハ其他ノ同ジ様ニ非
 衛生的ナ所ニ監禁サレタ。或ル場合ナド讀ムモノヲ奪ハレ
 彼等ノ監視人ヨリ侮辱ヲ受ケタ。以下ハ其ノ典型的ナル
 例デアル。

(一) 一九四七年以來日本ニ於テ傳送シテアツタ七十オノ「エイチ」
 タケリユー・マイヤーズ」ハ神戸ノ監獄ニ於テ殆ント五月
 間酷ク取り扱ハレテ後一齊書物ヲ取り上げラレ。五月一日ヨ
 リ送還、為六月七日ニ釋放サルマデ大阪ニテ獨房ニ監

林ホサレタ。

(一) ウィリアム・マッケジーハ十二月十日ヨリ一九四二年三月三十日迄日本三重縣津、彼、家、一室ニ独リ監禁ホサレタ。

(二) アリス・シール・グレイ夫人、一九四一年十二月二十五日ヨリ一九四二年四月九日迄大阪監獄、煖房設備無キ部室ニ独リ監禁ホサレタ。

(三) ジェイ・ビー・エヌ・タルマツジュ、五十七才、一九四一年十二月八日ヨリ一九四二年四月九日迄甲州、毎日通監獄、獨房ニ監禁ホサレタ。

(四) エドワード・アタムス、十二月八日ヨリ二十八日迄大丘毎日通監獄ニ監禁ホサレタ。

三、虐待並ニ台心慢ニ依ル死

(一) アタルカナル島、侍道牧師「アサートウアナル」ハ三週間前後廣トシテ監禁ホサレタ後日本兵ニ依リ、咽喉ヲ銃劍ヲ突き刺サレタト云フ確實ナ報告ガアッタ。

(二) 五十才、ロオ・ペロクインハ心臓病重態、為平壤、「キリ」スル教病院ニ入院セシ事ヲ要請シタガ日本側当局ハ其レヲ許可セズ治療ヲ受ケスニカガイニ戻ル事ヲ強ヒタ。此、疎略、為ニ彼ハ神戸テ死去シタ。

(三) 六十才、チャールズ・スリッパケルトハ青島ニテ煖房設備ナキ監獄ニ監禁ホサレ、風邪ヲ引キ、ソレヨリ致命的ナル肺炎ヲ若キ起シタ。

(四) 七十才、ジョージ・ビー・マクアラントハ泰國「バンコック」ニテ一九四二年五月、「ケラロングケルン」ニ病院ニ於ケル手術、後死去シタ。

No. 9

2751A-1

バンコック、日本軍当局が彼、住宅、警官監視人ニ對シテ
命令ハ彼、生命ヲ救フニ必要ナル緊要ニ手術ヲ致命的ニ
瀕ラセタリテアル。
米國政府ハ日本國政府ガ米國人ニ對シ行ハレタ之等犯行
ノ罪アル者ヲ早速罰スル様方策ヲ講ズル事ヲ期待スルモ
テアル。

Doc 2751-4-1

IV 交換協定違反

(一) 輸送

青島及芝罘在住アメリカ国籍者ハ上海至ル運賃ヲ要求セタム。長崎ヨリ横浜マデノ船賃ノ支払ヲ餘儀ナクセタム被抑留者等ハ支払額ノ僅カ一部ヲ拂戻サレタニ過ジナカッタ地方船舶ノ設備ハ或ル場合ニハ下等船客ノ設備ヨリモ劣ツテキタ。

(二) 荷物ノ制限ト検査

地方ニ依ツテ日本官憲ハ本国ニ送還セラルル米国人ハ自身ニテ運搬シ得ル程度ノ荷物ノミヲ持参スルトコトヲ許スルト言フ規定ヲ設ケタム。レテ朝鮮滿洲香港泰国在住ノ多ク者ハ必要ナル衣類及動産ヲ後ニ残シ置カザルヲ得ナカッタ。米国人ハ利用シ得ル赤帽ハ居ル場合デモソノ雇傭ヲ禁メ止サレ或ル場合ニハ自ら自己ノ荷物ヲ運搬シナケレバナラナカッタ。

此ノ待遇ハ米国カラ送還サレタ日本人ガ殆ンド無制限ニ自己ノ荷物ヲ持参スルトコトヲ許サレタ其待遇トハ大差ナシナル。荷物ハ往々ニシテ三四回検査サレソノ時ノ役人が米国人ノ所持スベキ荷物ニ就イテマケマケノ決定ヲナシタ。朝鮮ヨリ引上ケタ米国官吏ノ動産ハ協定ニ違背ニテ検査サレタ。

B 項 — 俘虜

書面協定ノ條項及精神トハ全ク相容シナイ非人道的ナ待遇ガ日本官憲ニ依ツテ俘虜ニ與ヘラレタコトノ報告ガ受領サレタ。

(一) 比律賓

四ターニニテ捕ヘラレタ米比軍ハタルラック附近ノ「ブデネル」ノ收容所マデ疲勞、病氣、負傷等ヲ無視シテ九十哩ノ行軍ヲ強制サレタ。

No 10

此ノ行軍中病者負傷者ハ路傍ニ落伍シ醫治療ヲ加ヘラレズニホツテ置カレタノシテ残存者ガ「オデス」收容所ニ到着シタ時ハ三十六時ハ食物モチク又三日間屋舎ニモ入ラズ病者モ健康者モ等シク風雨ニ曝ラサレタ日本官憲ハ病者負傷者等ニ治療ヲ加ヘル爲メ何等ノ盡力モチカッタ然モ自祭的ニ奉仕ヲ申出タ米国人及比律賓人看護婦医師等ニ收容所ニ入ル許のヲ拒ガ、ニ割五分ト推定セル死亡率ハ此ノ過合ノ結果デアッタ

七名ノ米国將校等ハ「ガボア」ヨリ「バオ」ニ移サレ其所テ日本官憲ハ彼等ニ腰マテ肌ヲ現ハシテ川床テ働クコトヲ強要シタソノ結果酷ク日焼ケタ彼等ハ何れモ手當モ與ヘラレカッタ數日過ギテ漸ク比律賓人醫師ガ彼等ヲ尋ネルコトヲ許のサレタ彼等ノ食物ハ全ク不充分デ日本人ハ比島人が食物ヲ贈與品テ食弱テ食物ノ補充ヲスルコトヲ許サントハシカッタ是等ノ將校及後ニ續^キ並禁サレタ比島人將校等ハソノ日本ノ看守兵達カラ乱暴ヲ待過ヤ侮辱ヲ甘度シナケレバエラナカッタ米国政府ハソレ等僥倖ノ待遇ハ條約ノ條項ニ準據サルベキコト僥倖ノ氏名ガ報告サルベキコト及ビ保護國代表者等ガ僥倖ニ接スルコトヲ許客サルベキコト等ヲ主張シナケレバエラナイ

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II 上海

米國政府ハ上海軍事裁判所ニ依ル米國海軍中佐「ガブリウ・エスカ
 ミンガム」米海軍予備少佐「アイ・スミス」或ハ「エヌ・ジェ・ター」吳淞收
 容所逃亡未遂ニ對スル不法判決ニ對シ再度強硬抗議スル、
 米國政府ハ又「ステューワート」、「ケエラド・ストーリ」、「アリマー・コトル」
 各伍長四名ノ米國海兵隊員ニ對スル虐待ニツキ抗議スルモテアル、
 彼等ハ吳淞收容所カラ逃亡企圖シテ失敗シ上海ノ「ブリッヂ
 ハウス」ニ監禁サレ後「ゲスフォールド」街九二、憲兵隊司令部遣隊拘
 留所ニ移サレ其處デ刑罰許容範圍ニ属スル毒符協約ノ條項ニ
 違背シテ所謂「電氣處理」ナルモノヲ受ケタテアル米國政府ハ之等
 俘虜ニ與ヘラレタル判決ノ取消ソノ刑罰ハ俘虜協約ニ依ルベキト及ビ
 ソノ取扱ヒハソノ階級ニヨリテナサルベキトヲ主張スル

大臣閣下ニ余ノ最上ノ敬意ヲ捧グ

スミス大臣 署名

東京 外務大臣

谷 正之 閣下

大臣閣下

一九四四年二月五日 東京ニテ

一九四二年十二月二十三日附、書面ニテ私ハ極東ニ於テ、或ル亞米利加市民ニ日本、官吏及雇員ガ加ヘテ虐待ニ関スル亞米利加合衆國政府、抗議ヲ谷正之閣下ニ傳達シタ。

昨年五月二十六日附、閣下ハ日本政府、最初、回答ヲ御渡シニテリ。前記ノ書面ニ指摘サレタル諸事項ニ関シテ行ハレテ居ル調査、結果ハ追ッテ私ニ傳ヘルト附言サレタ。

七月十六日、私書面ヲ私ハ過ニ日本政府、此ノ回答ニ付スル合衆國政府、見解ヲ閣下ニ御知ラマ致シタ。

「ワシントン」政府ハ新シイ通告ヲ日本政府ニ傳達スル様ニ私、國、政府ニ要不シテ来タソ、本文ハ次ノ通りテマル。

「合衆國政府ハ日本人ニ依ル米國人ニ虐待ニ関シテ入手シタ報告ニ基キ、日本及日本、占領地域ニ在ル米國人、權益保護ニ

出ワテタル

東京駐在、端西公使館、ヲ經テ一九四二年十二月二十三日(十二月二十三日附、前述)書面参照)日本政府ニ渡シタ合衆國政府、通告ニ就イテ今問合ヤリスル。東京駐在、端西公使館ハ一九四三年五月二十八日ニ日本政府、前述、回答参照)合衆國政府ニ此ノ通告ニ付スル日本政府、豫備的ニ回答ヲ轉送シテ来タ。其、書面中ニ日本政府ハ合衆國政府、通告中、問合ヤ、件ハ何シモ調査、上正キナ手續ヲ經テ通知スルト書イテアワタ。此等ノ件ニ因スル調査、報告ハ未ダ受ケ取ワテ居ヤ。

合衆国政府へ、最近迄戰場デアワタ地ニ彌漫シテ居ル特殊事情ト、日本軍ガ占領シタ地ニ亦ハ戦闘ガ現在モ猶行ハシテ居ル地ニ存在スル種々困難ニ就テ述ベテ日本政府、陳述ニ然ルベク留意シタ。然シ合衆国政府ハ米国人ガ捕虜トナルカハ收容サシタ地ニハスト前ニ戦闘ガ止ニケル處テアル事及甚シ故ニ当局者達ハ政府、計畫ニ從ヒ整理シタ人情味アル收容計画ヲ設定スル機会ハ十分在ワタト云フ事ヲ指摘ス。

此、事實ニ拘ラス、合衆国政府ハ米国人、大部分ハ日本監禁當局ヨリ文明共通ノ法則ニ及シホ、シユネバ、ハ俘虏取扱條約、人情アル規定ヲ米国人ニ適用スルト日本政府、保証ニ及シテ非人道ノ残忍行爲受テ居リ亦ハ生計付需品、支給、無情ニモ履行サシテナイ犠牲者トナワテ居ルトノ報告ヲ引續キ受取ワテ居ル。

次ギニ各方面ヨリ米國政府ニ傳ヘラレタル情報ニ依ル日本、監禁下ニアル米国人ガ受ケタル權利剝奪、残忍法外ノ輕視、虐待、酷遇等、重要部類ノ声明アリ。

1. 日本並ニ日本占領地或下、米國權益保護ヲ委ネラレタルスイス政府代表ハ戦争捕虜並非戦闘員抑留者、抑留サレテナル如何ナル場所ヘモ行クコトヲ許サレテナイ又之等被抑留者ニ立会人無シニ面會スルコトヲ許サレテ居ラズ又之等捕虜ノ居ル凡ユル場所ニ近接シテナイ(シユネバ戦争捕虜協約第八六條)

又赤十字國際委員代表ハ米國民ガ日本當局ニ依リ抑留サシタ多ク、場所、訪問許可ヲ拒絶セラレタ(七九八八條)

3. 米国民ハ日本、抑留当局又ハ保護国代表者ニ対シ苦情ヲ発スルコトヲ許サレテキタイ(四十一條)
4. 日本当局ハ監禁状態ニ関シ苦情ヲ発スルコトニ対シ米国民ヲ四割之又四割スルト勸告セリ。(四十二條)
5. 日本政府ハ米国民ニ対シ所要衣類ヲ順調ニ配給セザリ(一二條)
6. 日本当局ハ米國非戦闘員抑留者並戦争捕虜ヨリ個人財産ヲ没收シタ(八條)
7. 米國戦争捕虜並非戦闘員抑留者ハ凌辱ヲ受ケ一般ノ見世物ニキリタ(二條)
8. 日本ニ抑留サレタ一般人並戦争捕虜ハ抑留当局ガ彼等ノ責任ノモトニナル者達、健康維持ニ付要ナル食糧、供給ヲ拒絶シ実行セザル爲又適當ナル中立国ニキリテ食糧並ニ医療品ノ正規、輸貨ヲ繼續的ニ行フコトヲ米國ニ許可セザル爲榮養不良又ハ不足病ニ罹ラセラル(一二條並食事ニ関スル国民的違ヲ考慮カスルト日本ノ指定セラル互惠的ノ請合セ)
9. 日本当局ハ收容所酒保内、物品販賣利益ヲ收容所内ノ抑留者ノ福利ノ爲ニ用ヒズニ不當ナル禁カラシタル用途ニ用ヒタ(十二條)
10. 日本政府ノ明確ナル保証ニ及ビ抑留当局ハ一般人ヲ強制シテ收容所ノ管理維持經營以外ノ労働ヲ行ハシメタ。捕虜士官ガ労働ヲ強制セラレ下士官ガ監督以外ノ労働ヲ強要セラレタ。(二七條)

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11. 捕虜ノ戦闘ニ直接関係アル勞働ヲナス事ヲ西セホサシタ。
(第三十一條)
12. 医療ハ多ク、場合捕虜々非戦闘員抑留者ニ爲サレ
下カワタ、爲サシタ時ト虽モ通常貧弱トモイデ無用ト痛
ミヲ起ス原動力トナワリ不死亡ノ原因トモナワタモイデ
マワタ(第十四條)
13. 日本政府ハ、一掌中ニアル米國人ノ捕虜々非戦闘
員抑留者ノ一部分カケリ、姓名(第七十七條)及日本軍
ガ死体ヲ発見シタ米國ノ戦闘員ノ一部分カケリ、姓名
(戰場ニ於ル病兵及員傷兵ノ取扱改善ニ関スル條約
中ノ第四條其條約ニモ日本ハ契約國トナリ居シリ)ヲ
報告シタリテアル。

以下次頁

- (十四) 日本政府ハ抑留者ヤ捕虜ニ自由ニ宗教上ノ儀式ヲ行フ事ヲ許サセタ
- (第十五) 日本政府ハ該條約ノ英譯ヲ物ヲ收容所ニ揭示シテカ
ツク此ノ様ニシテ米國人ノ捕虜カヤ非戦闘員抑留者ニ
彼等ノ權利ノ知識ヲ與ヘナカッタ(第八十四條)
- (十六) 日本政府ハ捕虜カヤ非戦闘員抑留者ノ收容所及運
送船内ニ適當ヲ施設ヤ備品ヲ設置シナカッタ 反対ニ
彼等ヲ非人道的ノ状態ノ下ニ無理ニ置イタ(第十條)
- (十七) 日本政府ハ捕虜ノ審問及處罰法ニ因スル「ジュネバ」
ノ捕虜取扱條約ノ規定(表題第三ノ第五節第三章)
ヲコレ南キ政府ノナレタ約束ニ違反シテイルト何度モ注意
ヲ喚起セタニモ拘ラズ全ク適用シナカッタ ソレトコロカ
反対ニ審問モセズ殘酷ナ非人道的ノ處罰ヲシタ
- (十八) 日本ノ當局者違ハ米國人ニ體刑ヤ肉体ノ苦痛ヲ
加ヘタ(第四十六條)

合衆國政府ハ前述ノ諸事項ハ確實ナル助ヨリ得ル
報道ヲノミ基礎トシタルモノナル事ヲ強調スルモノナル多
數ノ充分確証ノアル实例カ各件ヲ辯護スルタメニ引用
スル事加出スル