

P. I - Atrocity

JUAN P. JUAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Hill) Please state your name.

A My name is Juan P. Juan.

Q Where do you reside, Mr. Juan?

A I reside at 1312 General Luna Street.

Q Where is that with reference to the former Philippine Red Cross Headquarters Building?

A It is just next door, back of the former Philippine Red Cross Building.

Q The building that was used for that purpose on 10 February 1945?

A (No response.)

Q You are next door to the building that was used as the Philippine Red Cross Headquarters in early February of this year?

A Yes, sir.

Q How old are you?

A I am 47 years old.

Q What is your business or profession?

A I am not in any profession, but I have been engaged in business, in the Educational Alliance, since 1935.

Q On 10 February, 1945, did you have occasion to go to the Red Cross building adjacent to your home?

A Yes. I was practically there the whole day on February 10th.

Q Tell the Commission the occasion for your going to that building that day.

A As my house was just beside the Red Cross building, and the other house of mine was just 50 meters away from the place, on February 9th, in the evening, we had no other place to go than the house that belongs to me at the back of the Philippine Red Cross. So we slept there on the night of February 9th. On February 10th intense shelling was going on. Shells were dropping around my yard and my building was already hit. So we were in commotion, and my wife and I decided to go to the Philippine Red Cross Building, especially when we accepted an invitation from Mr. Farolan, then in charge of the Philippine Red Cross. So after breakfast on February 10th I brought my whole family inside the Philippine Red Cross, because it was being used as an emergency hospital. My daughter then needed the doctor's assistance, so I took the opportunity to bring the family inside the Red Cross Building, especially when my daughter had just delivered and needed doctor's assistance because she was weak due to hemorrhage and exhaustion while running away from the other building that I have which was burned the night before.

Q Now, just a minute. Let me interrupt you. Tell the Commission how many members of your family went to the Red Cross Building that day.

A Fifteen altogether.

Q Fifteen?

A Yes.

Q And did all of the 15 remain in the building throughout the day and evening?

A A few of us happened to step outside late in the evening of that day, when it was almost dinner time, before dark, because our food was prepared outside of the Red Cross, inside my yard.

Q And how many members of your family remained in the building when the few of you went back to your yard?

A Ten of them remained inside the Red Cross Building.

Q Give the Commission the names of those ten members of your family that remained there in the building.

A There were my wife, Lucia Santos de Juan; my daughter, Paulina Juan Zabala, who had the baby; my older daughter, Juanita Juan Marcelo, with four children; and my daughter-in-law, Nenita Recio de Santos, with two children.

Q After you returned to your yard to prepare the food did you hear any noise or anything unusual from the direction of the Red Cross Building?

A Yes. About almost less than an hour after I left the Red Cross Building I was standing at the back yard supervising the cooking. Suddenly I heard shots from inside the Red Cross and simultaneously with the screaming of women. Then more shots followed and more screaming was heard.

My reaction was that the Japanese were killing the German refugees -- German-Jew refugees -- whom I saw inside the building when I left. My reaction was that the German-Jews were being killed, because I remember a statement of one of the Japanese officers that the Orient should be for the Orientals, and that there should be no mixed blood.

Q Now, just a minute. Did you know the name of that Japanese who made that statement to you?

A The second name is Captain Watasaki.

Q And when did he make that statement to you?

A That was more or less two or three months before the massacre.

Q Did you know this Japanese captain personally?

A I happened to know him several months before that when he was introduced to me by a certain friend of mine in Paranaque.

Q Just what were the circumstances under which you had the conversation with this Japanese captain?

A As he used to visit me in the house time and again, we happened to mention about the last war, the war that was going on then, and in the course of our conversation he said that eventually the war will soon end; that the Japanese --

COLONEL HENDRIX: If it please the Commission, at this time we would like to interpose an objection to this particular answer, and any line of questioning, on the ground of hearsay, as to what this particular witness heard another witness state; and further, that it is violative, and not in accordance with Article of War 38 in the Manual for Courts Martial and the rules of evidence in criminal cases in the District Courts of the United States. This witness is attempting to state what a captain in the Japanese Army has told him. That is hearsay. The captain should be here before this commission to testify as to whatever he did say.

MAJOR KERR: If the Commission please, this is a very important question. During the course of this trial the Commission will receive, or at least we will offer to the Commission, a considerable quantity of hearsay evidence. I advert once again to the regulations which provide that this Commission shall receive such evidence as it believes to have probative value.

The Commission is not a jury to be insulated mentally against every possible suggestion. You gentlemen are certainly in a position to evaluate hearsay, or any other type of evidence that may be of value to you. The closest analogy on this question to an executive body such as this, a military commission, is afforded by an administrative tribunal. I believe counsel will grant that under American practice the administrative tribunals have been held by our courts to have a very broad leeway as to the receipt of evidence of this sort, and that they may receive hearsay evidence if they believe it will help them in the determination of the issues before them.

If that is true as to an American administrative tribunal under the statutes applicable to those tribunals, certainly it is true as to this Commission. And I most earnestly submit, sir, that the Commission will deny itself some extremely illuminating, trustworthy, and helpful evidence, which certainly would have probative value, I am sure, in the mind of any reasonable man.

I certainly object to any effort by counsel to prevent the introduction of so-called hearsay evidence in this proceeding. Furthermore, there are about 57 different varieties of exceptions to the so-called hearsay rule, and if the Commission has to get into that maze of legal technicalities as to what is and what is not admissible as hearsay, we will be here for months.

COLONEL HENDRIX: If it please the Commission, it is not the purpose of the Defense to delay the case or to drag it out, but we do want the case to be tried along the rules of evidence as have been approved by the District Courts of the United States. We base that on this:

Article of War 38 states: "The President may, by regulations which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions and other military tribunals, which regulation shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the District Courts of the United States, provided that nothing contrary to or inconsistent with these Articles shall be so prescribed; provided, further, that all rules made in pursuance of this Article, shall be laid before the Congress annually."

I do not concur with the Prosecution as to his contentions of administrative practice and procedure in the United States. In one breath the Prosecutor states, "We do not have any rules and regulations". Then in another breath he attempts to write in the Massachusetts law, and certain rules and regulations of administrative procedure.

We take this position: Congress, by virtue of the Constitution of the United States, passed certain laws called the Articles of War. Article 38 is one of the statutes that is a part of the Articles of War. That particular Article of War gave the President of the United States the power to do two things: One was to prescribe rules of procedure and make rules of evidence for courts-martial; and the other for military commissions.

This Manual pertains largely to courts martial. The President of the United States has so acted, so far as courts martial are concerned, but from the record in this case, from what has been brought before this Military Commission, there is nothing on this subject as to the actions of the President of the United States for prescribing rules and regulations as to evidence.

In the absence of action from the President of the United States it surely was the intent of Congress that if the President did not do anything about prescribing such rules, the rules of evidence generally recognized in the trial of criminal cases in the District Courts of the United States must apply. Let us assume that the President did act on this subject. If he had, he would have to go by the rules in the Federal Court, so far as possible.

There has been presented to this Commission a letter that the Prosecution has mentioned on numerous instances and no doubt will, throughout this trial, which letter is dated the 24th of September, 1945, concerning the regulations governing the trial of war criminals, and so forth. We contend that this particular letter setting out the procedure such as evidence, bringing in hearsay, bringing in affidavits, bringing in what witnesses heard from other people, is absolutely null and void; that this entire letter is null and void; that General MacArthur, in preparing this letter, did not have authority from Congress to make any rules or procedures of a military commission. The only man in the world that has such power from Congress is the President, and he has not done anything about prescribing any rules, as far as the record in this case shows.

We insist that any hearsay as to this witness, or any other witnesses, must be ruled out and should not be allowed in evidence. Furthermore, we contend that as far as the rules are concerned, they should not go by this letter issued by General MacArthur, but by the rules of procedure of the Congress of the United States.

It comes down to this: Congress has made Article 38. Apparently the Commission will have to decide whether we are going to decide the evidence on what Congress has passed, or whether we will go by a letter that has been prepared by General MacArthur and which has directed General Styer to carry on this trial. We contend that the hearsay should be stricken and not allowed.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the objection of counsel for the Defense is not sustained.

COLONEL HENDRIX: We except to that, sir.

GENERAL REYNOLDS: As to the stating of exceptions, the proceedings of this Commission, unlike that of civil courts, are automatically subject to review. All rulings and decisions and findings are subject to review of the appointing authority. Accordingly, the statement of exceptions from counsel is not in order and will not be recognized by this Commission.

COLONEL CLARKE: If the Court please, that is new to me. If that is the contention of the Prosecution, if he can show us the authority, we are willing to abide thereby.

GENERAL REYNOLDS: The Prosecution will continue.

Q (By Captain Hill) Mr. Juan, I believe my last question was that I asked you to tell the Commission the circumstances under which you had the conversation with the Japanese captain which you related to the Commission.

A On several occasions the Japanese captain which I mentioned used to visit my family. I don't remember exactly what particular visit was that when he mentioned to me that the Orient should be for the Orientals, and that there should be no mixed blood. But we happened to talk about what would be the outcome of the war, and he said that it is not far when the war will end and people in the Orient will live in peace without being disturbed.

Q And what position, if you know, did this Japanese captain hold in your particular neighborhood with the Japanese Imperial Army?

A The last time that I know of his outpost was in Santa Mesa, and I think he was connected with the construction of railroads.

Q Did he say anything to you about where he had gotten his authority for the making of such a statement?

A He didn't say anything about it.

Q Continue with your story of what happened there at the Red Cross Building and in your yard after you heard the shots and screams about which you have testified.

A As I heard more shots and more screaming of people I told the rest of my children who were outside the building with me to get inside the building and not to come out. A few of us men outside posted ourselves around the building so we could see whether the Japanese were coming or not. One by the name of Romano Abad, who is a brother to Patrocinio Abad, one of the victims in the Red Cross, he stayed near the Red Cross Building, and when he saw a certain Japanese with fixed bayonet climb up the fence he ran to us and told us what he saw.

Q Did this Japanese come on over into your yard over the wall?

A He did not continue to get into my yard because he didn't see anything there. We were all hiding.

Q When did you first learn what had actually happened over in the Red Cross Building?

A At about dark time that evening one of our maids, Leticia by name, came into the air raid shelter, and she was pale and looked very much afraid and could hardly talk. And so we ask her, "What happen?"

Q Just let me interrupt you. Where had she come to the shelter from?

A From inside the Red Cross Building.

Q Go ahead.

A And then she burst, cried, and could hardly get her words, and told us that the Japanese killed everybody inside the Red Cross Building, including my wife and all my grandchildren. That was the first time I learned about the tragedy that happened to my family.

Q Did you go to the Red Cross Building later?

A I attempted to go that evening, February 10th, about midnight, but the rest of my children who were with me inside the air raid shelter prevented me from getting out of the air raid shelter, especially when one of the survivors told us that there were still Japanese soldiers in front of the Red Cross Building. So I did not go any more and waited the following day.

Q Did you go there the following day?

A On the following day the shelling was very intense. We could hardly get out of the air raid shelter, and besides, the buildings all around us were on fire.

Q Did you go to the building later?

A On the following day, on the evening of the 12th, I, with my son-in-law, Jose Zabala, whose wife was killed, went inside the Red Cross Building then, after two days, after the massacre.

Q Was it light or dark when you went to the building?

A It was not exactly dark yet. There was still plenty of light. But it was getting dark.

Q When you went into the building did you see any dead bodies there?

A I saw plenty of dead bodies on the corridor as I proceeded to the room where I thought my wife and children were.

Q Can you give the Commission an estimate of how many dead bodies you think you saw in the corridor and in the room where you thought your wife's body would be?

A My approximate estimate is about 20 bodies.

Q In those two places?

A Yes.

Q Were you able to identify and recover the body of your wife or any other members of your family?

A On that evening of February 10th I only saw the bodies of my daughter, Paulina. I tried to look in the same room where my daughter was for the rest of my family, but I could not find them.

Q Were you able to recover any bodies there and take them out of the building?

A We were able to recover the 10-day baby of my daughter.

Q Any other bodies?

A I could not recover any more excepting the bones of the rest of the family.

Q Do you know whether any other bodies were identified and recovered from the building?

A The daughter, the 10-month daughter of Corazon Noble was also recovered and brought into my yard.

Q Mr. Juan, how long did you remain at your home adjacent to the Red Cross Building after the 10th?

A Four days, as we left the premises on the 14th -- February 14th.

Q Were you present in your home when the Red Cross Building was destroyed?

A Yes, I was.

Q Will you tell the Commission how that building was destroyed?

A On the early morning of February 14th, or when I was at the back yard of my building, I saw flickering lights inside the room where the manager, or Mr. Faralon, was, as I was actually in that room there. I had been observing what was going on, whether there was somebody inside the building, but I didn't notice anybody. And for several minutes, approximately less than half an hour, I noticed that very suddenly the flickering light burst into flames, and that part of the building where my daughter was then enveloping in flames.

Q Were any members of the Japanese forces in your neighborhood at the time the building burned?

A I did not notice any, but I noticed several soldiers on that street in front of the Red Cross Building.

Q On that day?

A On that day.

Q Do you know whether or not the Red Cross Building was hit by any shells prior to the time that you saw it burn?

A I didn't notice any.

CAPTAIN HILL: I will ask that this be marked Prosecution's Exhibit No. 15 for Identification.

(The photograph of the Philippine Red Cross Building was marked Prosecution's Exhibit No. 15 for Identification).

Q (By Captain Hill) I will hand you Prosecution's Exhibit 15 and ask you to state to the Commission what it is, if you know?

A This is the former Philippine Red Cross Building as it stands now, after it had been burned.

CAPTAIN HILL: We offer Exhibit 15 in Evidence.

GENERAL REYNOLDS: Is there any objection by the Defense?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: There being no objection, it is accepted as evidence.

(Prosecution's Exhibit No. 15 for Identification was received in evidence and so marked).

Q (By Captain Hill) On the 14th, the day that you saw the building burned, were those persons that you saw in front of the headquarters building Japanese soldiers?

A They were Japanese soldiers, because they had the uniform of the Japanese, and no other civilians could roam around that building there.

Q They wore the uniform of a Japanese soldier?

A Soldier.

CAPTAIN HILL: I ask that this be marked Prosecution's Exhibit No. 16.

(The photograph of ruins inside Philippine Red Cross Building was marked Prosecution's Exhibit No. 16 for identification).

Q (By Captain Hill) I will hand you Prosecution's Exhibit No. 16 and ask you to state what it is, if you know?

A This is part of the ruins of the Philippine Red Cross inside the building. I think this must be a portion of the toilet.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 16, sir.

GENERAL REYNOLDS: Is there objection by the Defense?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution's Exhibit No. 16 for Identification was received in evidence and so marked.)

CAPTAIN HILL: I ask that this be marked Prosecution Exhibit No. 17 for Identification.

(The photograph of grave of 10-day baby was marked Prosecution's Exhibit No. 17 for Identification.)

Q (By Captain Hill) I hand you Prosecution's Exhibit No. 17 for Identification and ask you to state what it is, if you know, Mr. Juan?

A This is the photograph of the grave of the 10-day baby of my daughter, including the 10-month baby of Corazon Noble, inside my yard at the back of my house.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 17, sir.

GENERAL REYNOLDS: Is there objection by the Defense?

COLONEL CLARKE: If the Court please, on these various exhibits, unless we state an objection, if the Court is satisfied, it will be admitted without any objection.

GENERAL REYNOLDS: I didn't clearly understand.

COLONEL CLARKE: On these exhibits that are now read, unless we state an objection, will the Court understand that we have no objection, without having to go through it each time?

GENERAL REYNOLDS: Very well.

(Prosecution's Exhibit No. 17 for Identification was received in evidence and so marked.)

Q (By Captain Hill) Mr. Juan, you were in your home adjacent to the Philippine Red Cross Headquarters Building from the time the fighting in Manila between the Americans and the Japanese began, until February 14th, is that correct?



A Yes, sir.

Q And during that time, and up until the 10th of February, the night of 10 February 1945, was the Red Cross Headquarters Building used for any military purpose by the Filipinos or by the Americans?

A It was not used for military purpose because it was then used as an emergency hospital.

Q Did you observe, on the 10th of February, whether or not the Red Cross insignia or conventional sign appeared upon the outside of the Red Cross Building there?

A Yes. I noticed that even at the back of the building there was the Red Cross sign.

Q Did that sign appear on other sides of the building?

A Yes, that appeared.

Q When you went into the Red Cross Building on the 10th were any of the people in the building that you saw armed in any way?

A No. There was no arm whatsoever.

Q Were all of the people in the building non-combatant civilians?

A Yes. They were all non-combatant; mostly children, refugees, and patients, who were then being treated by nurses and doctors.

Q From your knowledge and observation, after the murders had taken place, can you give the Commission an estimate of how many persons lost their lives there in the Red Cross Building at the hands of the Japanese on the 10th of February, 1945?

A I cannot exactly tell the number, because I didn't get inside the other rooms.

Q Can you make an estimate?

A I figure it to be approximately around 30 to 40.

CAPTAIN HILL: Cross Examine.

#### CROSS EXAMINATION

Q (By Captain Reel) When did the fighting in Manila begin?

A Only in our place I can state when, because we couldn't go outside of our yard.

Q Well, you told us a moment ago that you were at home from the beginning of the fighting until the 14th of February. All I want to know is what you mean by "beginning of fighting." When did it begin?

A I only learned that the American forces were already on the north side of the River on the 3rd.

Q Yes. Did you see any American soldiers between February 3rd and February 10th?

A The first time I saw the American soldier was on February 13th, when they came around my yard.

Q Were there any Filipino soldiers in your neighborhood at that time?

A I didn't see any Filipino soldiers.

Q Was there aerial bombardment going on after the 3rd of February?

A I didn't notice. Mostly artillery shells.

Q Artillery shells. And when you say you went to the air raid shelter, that was for protection against artillery shells?

A Yes.

Q And when did this artillery shelling begin, approximately?

A In our neighborhood the shelling began on February 9th, in the morning.

Q In other words, the day before this incident at the Red Cross Building the shelling began?

A Yes.

Q And your home building, I believe you said, was hit by a shell that day?

A No. The first building where I used to live before was burned by the Japanese on that same night.

Q That was the 9th of February?

A That was the 9th of February.

Q Didn't you say that the building was hit by shells?

A The other building at the back of the Red Cross was hit by shells on February 10th.

Q February 10th. I see. At the time you saw the flames in the Red Cross Building -- I think you said a "flicker" -- did you see any persons in that room where the light was flickering?

A I didn't see any.

Q Did you see anyone in the Red Cross Building at all after the flames started coming out of it?

A I didn't see any.

Q You told us that you saw some Japanese soldiers in front of the building. Just when, with relation to the fire, did you see them in front of the building?

A I saw the Japanese soldiers before the fire took place.

Q How long before the fire took place?

A On February 12th, when I went inside the building, I looked at some soldiers in front of the building.

Q And what day did the fire occur?

A The fire occurred in the early morning of February 14th.

Q So that it was two days before the fire that you saw the Japanese soldiers in front of the building?

A Yes. But we notice continuous movement of Japanese soldiers on the street just in front of the building continuously after the fire.

Q Did you see Japanese soldiers in front of the building after the 12th of February?

A Not exactly in front of the building.

Q You mean they were active in the City?

A Yes.

Q They were active in the area?

A Yes.

Q All right. Will you describe for us the Japanese soldier's uniform?

A I only noticed that the soldiers were dressed in olive green.

Q Any insignia that you remember?

A I didn't notice any more.

Q Will you describe for us the uniform of the Japanese sailor?

A Japanese?

Q Sailor. One who is on a boat; a sailor.

A I didn't see any Japanese sailor.

Q Let me ask you this: Do you know what the uniform of a Japanese sailor looks like?

A I am not familiar with the uniform of the Japanese sailor.

Q If I told you that the Japanese sailors wore the same colored green as the Japanese soldiers, would you then express some doubt as to whether or not those persons you saw were soldiers or sailors?

A I could only identify they are sailors when they show their cap with the anchor sign on it.

Q Ah, fine! So that you do know that a Japanese sailor has an anchor on his cap?

A That is my identification.

Q And what does a Japanese soldier have on his cap?

A Star.

Q And did you see the caps of these men who were in front of the Red Cross Building on the 12th of February?

A I didn't notice any more the caps.

CAPTAIN REEL: That's all.

CAPTAIN HILL: That's all.

(Witness excused.)

C E R T I F I C A T E

I, Alva C. Carpenter, Chief, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2869 is a true and correct copy of the transcript of the testimony offered by JUAN P. JUAN in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ Alva C. Carpenter  
Alva C. Carpenter  
Chief, Legal Section

Witness: /s/ John R. Pritchard

Sworn to before me this 21st day  
of November 1946, Tokyo, Japan.

/s/ John R. Pritchard

Capt. Inf.  
Summary Court.