

Yamashita, Tomoyuki, 1885-1946, defendant.  
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BEFORE THE  
MILITARY COMMISSION  
convened by the  
COMMANDING GENERAL  
United States Army Forces  
Western Pacific

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )  
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PUBLIC TRIAL

High Commissioner's Residence,  
Manila, P. I.  
13 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer  
and Law Member  
MAJOR GENERAL LEON DONOVAN  
MAJOR GENERAL JAMES A. LESTER  
BRIGADIER GENERAL MORRIS C. HANDWERK  
BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted)

REPORTED BY:

E. D. CONKLIN  
L. H. WINTER  
M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Paul Hennesen	1929	1941	1950	1950
Clyde A. de Witt	1952	1967		
Paul Hennesen	1972	1973		
Jose Habana	1975	1983		
Ponciano Librojo	1984	1989		
Valeriano Ang	1990	1995		
Mario Lantaion	1996	2002		
Fausta Barrera	2003			
Victoriana Duenos	2007			
Narcisa Karanasan	2011			
Bislumino Romero	2014	2021		
Leonardo C. Palicte	2029			
Reynaldo Burdios	2033	2036		
Rosa Calalong	2043	2049	2049	
Francisca Cruz	2050	2055		
William C. Fite	2057	2060	2061	
Avelino de Guzman	2063	2066		
Gaw An	2068	2073		
Mariano Dy Kheng	2081			
Dy Kay	2088			
Matias Guia	2089			
Lieutenant Commander S. C. Bartlett, Jr.	2092	2093		

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EXHIBITS

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
305	1956	1959
306	1960	1966
307	2037	2043
308	2049	2050
309	2049	2050
COMMISSION'S EXHIBIT "A"		2094
" " "B"		2094

Law

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**PROCEEDINGS**

**GENERAL REYNOLDS:** The Commission is in session.  
The Prosecution may proceed.

**MAJOR KERR:** Sir, all the members of the Commission are present, the Accused and Defense Counsel are present. We will proceed.

**CAPTAIN CALYER:** Paul Hennesen.

**PAUL HENNESEN**

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

**DIRECT EXAMINATION**

**Q** (By Captain Calyer) Will you state your name, please?

**A** Paul Hennesen.

**Q** How old are you, Mr. Hennesen?

**A** 42 years.

**Q** What is your nationality?

**A** American.

**Q** Where do you live?

**A** 21 Sierra Madre, Quezon City.

**Q** Were you confined in Los Banos Internment Camp?

**A** Yes, sir.

**Q** From what date until what date?

**A** From May 14, 1943 to February 23, 1945.

**Q** During the period beginning in October, 1944 will you tell the Commission what food you received?

**A** From October, or in October, 1944 we received or were supposed to receive 225 grams of rice or corn.

**Q** Per day?

**A** Per day, per person.

Q What did you receive?

A Well, our committee believed that we did receive the first ration, but after we weighed it out we found that the six days' ration only lasted four days. When we received the second ration we weighed the sacks and found out a deficiency of from 20 to 40 pounds per sack. Our committee complained to the Japanese authorities and the commandant said he would check up by the next ration and reimburse us for the deficiency. But he never did.

Q Who was the commandant of that camp?

A Lt. Col. Iwanaka.

Q Do you know the names of any other Japanese who were in control there?

A Sgt. Major Konichi.

Q In November, 1944 was the ration cut?

A In November the ration was cut from 225 grams to 175 grams.

Q And subsequently was it again cut?

A We received 175 grams until about the early part of January and then for several days we didn't get anything and then again we had one or two meals just like the Japanese felt what they were going to give us.

Q What food were you receiving in February, 1945?

A We received in February '45 -- We received about food to average not more than 125 grams a day.

Q What was the last date that you received any food from the Japanese?

A The last palatable food we received on the 15th of February and on the 16th of February we received a can of

supposedly 500 grams of palay.

Q What is that?

A It is what you feed the chickens: unhulled rice.

Q How long was that supposed to last?

A That was supposed to last us for four days or otherwise until February 20th, but when the 20th came the Japanese made a statement that they did not have any additional food, and on the evening of the 22nd, on George Washington's Birthday, 17 men were sent out to get 30 or 40 sacks of additional palay, which was never distributed to us -- to the internees.

Q When were you liberated?

A February 23rd.

Q During this period from October '44 until February '45 how many people were interned in that camp?

A Well, the last roll call we had was 2,243.

Q When was that?

A That was in January -- in February.

Q Did you have a garden at that camp?

A We had a garden in Los Banos. We started our own garden as soon as we came there and altogether we had about ten acres, and in, I think, September or October the Japanese decided that they needed half the camp for military purposes, and half of this camp included about six acres of our garden which was just ripe for harvesting. We never got the harvest of the garden.

Q And was that thereafter placed out of bounds to the internees?

A Yes, sir. A sawale fence was put around there.

Q Did you have any other source of food?

A Well, sir, we had. In, I believe it was, June or July we bought from canteen money, or, I should say, from canteen surplus money, one hundred small pigs on the strength of the Japanese promise that they would give us food for those pigs. Well, sir, I was construction man at the camp and I constructed the pigpens and the housing for the people to watch the pigs. And 32 of those pigs died and later it was so bad that we couldn't have any more food, the committee decided to kill the pigs as intelligently and as economically as possible as we could.

Q As to those 32 that you said died, do you know why they died?

A Well, I guess they died of starvation. We didn't have any food.

Q Did there come a time when you had occasion to weigh the pigs that you still had?

A Carl Warner, who was in charge of the pigpen, and Ralph Custo, who was a civilian employee of Nichols Field, and myself -- we weighed twenty pigs one week during November, I think, and the following week we weighed those pigs again and they lost an average of 400 pounds in about one week.

Q What did you do with those that were left?

A We killed them, I think three or four per week, and the heaviest we had left was 21 kilos.

Q About how much meat did they provide for the people interned in the camp?

A Well, sir, if you multiply 21 x 3 or 4 you got about

85 kilos for 2,200 people.

Q Was that the only meat that you had?

A Yes, sir.

Q Will you tell the Commission about the housing conditions there?

A The barracks were built by Filipino laborers. The stumps were 4 x 2 and the whole thing was 2 x 6. Our committee, or, I should say, our chairman, Mr. Calhoun, of our committee, complained of the insecurity of the barracks. But the Japs knew. They told him that they knew that the barracks were sufficient and strong enough to hold us, although on August 26, 1943 we had a small typhoon and seven of the barracks collapsed.

Q How many people were quartered in each of these buildings?

A An average of about between 102 and 108.

Q What sanitary facilities were provided?

A According to the Japanese contractor, he told our committee that it was out of his power to build sanitary toilets. The only thing we had in the barracks when we moved into the barracks was one tap for a hundred people, and we had those, as we call, Philippine "midden sheds", with buckets underneath.

Our committee refused to move in under such conditions and the Japanese commandant told us "All right. You build your own toilets", which we did.

Q Getting back to the food situation for a moment, was there a time when the Japanese attempted to sell things to the internees?

A Yes, sir.

Q Will you tell about that, please?

A They started late in December around Christmas time.  
The Japanese --

Q Of what year?

A 1944. The Japanese soldiers came around to the barracks bartering for wrist watches, diamond bracelets, pearls; anything they could get a hold of.

Q And what did they offer in return for those articles?

A Rice, mungo beans, and sugar. If I may be so bold, this wristwatch here (indicating), Lieutenant Ito of the camp offered me five kilos of sugar and five kilos of mungo beans for it.

Q Had there been any statement by the Japanese about that time with reference to the food supplies available in the vicinity?

A There had. Yes, sir.

Q What did they say?

A According to the bulletin which was given us by our committee, it read "The world is short on food. The American Army is starving in the Pacific. The British and the English are starving in Australia. Even the Japanese Imperial Army hasn't got enough food".

Q And yet about the same time they were offering to sell food?

A Yes, sir. We paid -- I remember my wife was sick and I paid 36 Filipino pesos, 18 dollars, for one cocoanut.

Q Did you ever see a man at the Los Banos camp by

the name of General Ko?

A Yes, sir.

Q When?

A He was there twice: once late in '44 and once early in January, 1945.

Q What happened when he was there?

A We were advised by the commandant that General Ko would inspect the camp, and our committee prepared a complaint about the inadequacy of food, sanitation and general living conditions. And I saw our committee personally lined up in front of the commandant's office, and when General Ko came out with two trucks of, I would call them, "protectors" he refused even to say "Hello!" to our committee. Everything was going to the Japanese.

Later I asked Calhoun, our chairman, -- I asked "How did you make out?" He said "We never had a chance to talk to Ko" -- to General Ko.

Q Was there any change in the camp conditions after that?

A The food got consistently worse, or less, I should say.

Q Do you remember an incident that occurred in the camp on the 20th of January, 1945?

A Yes, sir; I do.

Q Will you tell the Commission about that incident?

A I was in front of the hospital -- the camp hospital -- which is facing the main road and I saw a commotion going on in the north end of the camp. My wife was at the time working at the north end of the camp in the garden. I got

kind of worried and I ran over there. Then all of a sudden I saw Japanese coming down the field. Two of them had wooden guns which they used for exercising. Then they called the guard and they blocked the road, so I could not get to my wife. But I ran around the back of the hospital and looked right into the gulley, and I saw one of the internees sliding down the gulley facing the camp. When I just looked at them a shot was fired and a man fell face down into the gulley.

Q Who was that man?

A Howard Held.

Q Was he also known as "Pat" Held?

A Yes, sir. We knew him as "Pat" Held.

Q All right. Will you tell what happened after that?

A After the body was laying still, the Japanese opened fire from the gymnasium, which is facing the gulley, and fired five more shots at "Pat" Held. After this Konichi, the Sgt. Major, and some of the Japanese went down there and Konichi came back and told our chairman, Mr. Heichert, and Father McCarthy, a Catholic priest, and two more internees to get a stretcher and get "Pat" Held into the camp.

They went out, got "Pat" Held, brought him to the hospital, and I was just coming back from the back of the hospital and I saw the face of "Pat" Held. The blanket had slipped a little off and I could see his face and his beard.

Q There is no question about the identity of that man?

A No, sir.

Q Which way was he proceeding at the time of the shot?

A When I saw him he was sliding down the gulley and the only way you can slide down this gulley is facing the camp.

Q Do you mean to say that he was coming back to the camp?

A He tried to come back into the camp. Yes, sir.

Q Do you know the purpose for which he had been out?

A Well, after he was found there was a native bag was found with some greens in it and two cocoanuts. The man was apparently out there to get some food somewhere.

Q Had that been a common practice?

A No, it had not. But, you see, when the Japs went away on January 6th, or, I should say, the night of January 6th, they turned the camp over to our committee and we felt that we are no longer responsible to the Japanese.

Q When the Japanese left on this occasion of which you speak, was there any food left in the camp?

A Yes, sir.

Q What became of it?

A Well, our committee told us "Since the Japanese have abandoned camp we feel that it is our right and privilege to take that food, what is left by the Japanese in their bodega.

Q And was some of it taken by the internees?

A That I do not know, sir. It was all taken. It was turned over to the kitchen.

Q Do you know whether there was any of it still there

when the Japanese returned?

A There was some pigs left, but not all of them. When the Japanese returned on February 13th they started --

Q Just a minute, please. Is that January or February?

A February 13th.

Q When they came back?

A January 13th, I should say. January 13th.

Q Yes. What happened then?

A They came back about 2:00 o'clock in the morning and the first thing they did, go in the kitchen and lock the bodega. Then they proceeded systematically the following day and the days after to keep on searching for lost property. They insisted that we were responsible for property left by them, although it was all abandoned and it was just one big mess laying there. I admit that some internees took some stuff, but since they had abandoned it they might as well have taken it.

Q All right. After the Japanese returned was there an occasion when they demanded that food be returned to the bodega?

A Yes, sir; there was.

Q Will you explain that?

A Our committee felt that we should have some additional food and they started to distribute five kilos of rice per person to each internee. Konichi got hold of this information and insisted that all the rice taken from the Japanese bodega be returned. And he made Frank Bennett, our kitchen director, personally responsible and threatened to shoot him if the rice was not returned the same day. We

of course returned all the rice that day.

Q Mr. Hennesen, do you also recall an incident that happened on the 28th of January, 1945?

A Yes, sir; I do.

Q Will you explain that incident?

A It was about 7:00 o'clock in the morning on February twentieth -- January 28th. I was just ready to start my fire, and looking up the road I saw two Japanese soldiers standing in Barracks 12. I thought it was kind of funny, with guns pointed. And just when I was looking one soldier fired a shot and I saw a man, who was too far distant, falling down between the two fences. We had fences there -- barbed wire fences about eight feet apart.

Q Do you know who that man was?

A The man was George Lewis.

Q What happened to him?

A I tried to get over the main road to see what really happened, but the Japanese blocked the main road. So I ran away around their own barracks in the back and I saw two soldiers dragging George Lewis to the inside fence of the camp and placing him on a board about eight feet -- 12 x 8 feet, 1 x 8 feet. Then they called two more Japanese from the guard house and they dragged George Lewis to the guard house on the southeast corner of the camp.

Q Just a minute, please. Do you know where he was shot that first time?

A He was shot in the shoulder.

Q And as he was carried from the spot where he was shot to this place near the guardhouse did you see him?

A Yes, sir; I did.

Q Do you know whether he was alive?

A He must have been alive because he tried to raise his right arm and tried to put it over his abdomen.

Q You saw that?

A Yes, sir; I did.

Q What happened after he was taken to the guardhouse?

A Our committee started immediately a protest of such brutal shooting and tried to get medical and church aid to the man. The commandant refused both of them. And later on I read the statement later on that, No matter how lightly the man had been wounded, he would have to kill him anyhow since he had "orders to do so from the Imperial headquarters of Manila".

Q Where did you read that statement?

A On the bulletin board in Barracks 15.

Q Did you see any Japanese in the vicinity of Lewis at the time he was lying near the guardhouse?

A There were seven Japanese soldiers right in front of Lewis.

Q And who else?

A Later on, after our committee argued with them, Konichi and the commandant came also over there.

Q What happened at that time?

A Konichi was talking to the commandant in Japanese, which I could not understand, and then he called Japanese soldiers to attention, lined them up -- seven of them -- and then he pulled out h's own pistol. I remember the pistol very well. It was a pearl-handled white pistol.

He gave it to one of the soldiers, the second from the right. He stepped forward, put the pistol right against Lewis' head and pulled the trigger.

Q Was Lewis alive at the time that shot was fired?

A Yes, sir.

Q Where were you standing?

A I sneaked out through the church, which is the last barrack in the camp, and we could see from the church window over the fence into the guardhouse.

Q Did you actually see what happened at that time?

A Yes, sir; I did.

Q What happened to Lewis?

A We buried him the following morning.

Q Going back to the incident with relation to "Pat" Held, were you present when he was buried?

A Yes, sir.

Q When was that?

A That was on January 21st.

Q The day following the shooting?

A That's right.

CAPTAIN CALYER: You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Now, can you tell us the ration of food that you had in September 1944?

A We had about 250 grams of rice or corn and greens included.

Q And was that the actual amount that you received in September 1944?

A Yes, sir.

Q Now, I think you told us about November but not about October. What was the ration in October, 1944?

A They started to cut down the rations in October of '44.

Q Well, what was the ration?

A Well, sometimes we had 200 grams, sometimes we had 190 grams. It was never a definite amount. The best thing I can explain it was that we had a small billet can that are supposed to have 100 grams of rice which we had twice a day.

Q This palay that you told us about, that is unpolished rice?

A No, sir. It is unhulled rice.

Q Unhulled rice?

A That's right.

Q And that is a food that is used here in the Philippine Islands considerably?

A Yes, sir -- but not for human consumption.

Q You mean human beings in the Philippine Islands do not eat palay?

A No, sir. They couldn't.

Q You are sure of that?

A Yes, sir.

Q All right. Now, relative to these pigs about which you told -- Incidentally, Mr. Hennesen, are you a veterinarian?

A No, sir; I am not.

Q And are you a physician?

A No, sir. I am a mechanical engineer.

Q You are a mechanical engineer. So that when you told us that (and I am now quoting) "I guess the pigs died of starvation", that "guess" is not based on any scientific personal knowledge that you have?

A Well, since I was the one feeding the pigs I know we didn't have any chow for them.

Q You didn't have any what?

A We didn't have any food for them.

Q You fed the pigs?

A Yes, sir.

Q What did you feed them?

A Well, when we got the pigs we fed them the leftovers of corn and rice and some potato peelings and greens; whatever we could get.

Q Yes?

A And at one time we thought the Japanese were sincere in helping us feeding those pigs.

Q No. The question was, What did you feed the pigs? Now, you have told us some of the things. Was there anything else you fed the pigs?

A Well, we fed them potato peelings, camote food, concong, leftovers from the kitchen. That is about all.

Q So that they were fed on leftovers from the kitchen?

A That's right.

Q And if there were no leftovers from the kitchen I suppose there would be nothing left to feed the pigs?

A No, sir.

Q All right. Did you get money from the camp authorities?

A Yes, sir; we did.

Q How much money did you get from the camp authorities?

A We got 50 pesos of "Mickey Mouse" money a month.

Q 50 per month?

A Yes, sir.

Q And that was all through the internment?

A No, sir. That started in -- That started in July or June 1944.

Q And continued until the end?

A And continued until December.

Q December of '44?

A That's right.

Q Now, I think you told about moving into the barracks and building your own toilets. When was that done?

A In 1943.

Q That was considerably before the period covered by this case?

A Yes, sir.

Q Now, when General Ko came to the camp, which you described, -- Do you know General Ko?

A Yes, sir; I do.

Q I think you said that a Mr. Calhoun told you that he never had a chance to talk to General Ko.

A That's right.

Q Do you know whether he gave the complaint that was prepared to anyone else?

A Pardon, sir?

Q Do you know whether or not he gave the complaint that was prepared by the Committee to anyone other than

General Ko?

A No, sir; I do not.

Q You didn't ask him about that?

A No, sir.

Q Now, this case of Held, you said that Held was fired at while he was "sliding down the gulley".

A That's right.

Q Was that gulley outside of the camp enclosure?

A It was outside of the camp enclosure, sir.

Q And, as I understand it, you had two sets of fences around this camp?

A That's right.

Q And this gulley was outside both of them?

A That's right.

Q And he had with him a bag with some food in it; is that correct?

A That's right.

Q Prior to the 7th of January had anyone gone out of that enclosure without permission of the Japanese?

A To the best of my knowledge, I don't think so, sir.

Q And the Japanese came back to the camp on about the 14th of January?

A 13th of January.

Q 17th of January?

A 13th of January.

Q 13th of January?

A That's right.

Q This happened on what day? The 20th of January?

A That's right.

Q Now, when the Japanese left on the 7th of January they left some food in the bodega?

A That's right.

Q When the Japs returned there was still some food left in the bodega; is that right?

A I should say that there was some livestock left, sir.

Q Pigs?

A Pigs. That's all. Belonging to the Japanese.

Q Pigs belonging to the Japanese?

A That's right.

Q Any other food at all left?

A Not that I know of, sir.

Q But the various internees had rice that had been taken from the bodega?

A Pardon?

Q The various internees personally had rice that had been taken from the bodega; is that right?

A Yes, sir.

Q And that was the rice given back when the Japanese demanded it?

A That's right.

Q So that when the Japs came back after the 13th of January there were still left pigs in the bodega and the rice in the hands of the internees; is that correct?

A No, sir; not after the Japs came back.

Q But before they had returned on the 13th of January?

A That's right.

Q O. K. On the 28th of January, this matter of George

Lewis: Where was he when you first saw him shot by one soldier?

A He was between the two wire fences, sir.

Q In other words, he was outside of the first fence but had not yet gotten outside of the second?

A That's right.

Q Do you know what he was doing?

A No, sir; I do not. May I correct this question, sir. There was a fence, they called, of "camino" weeds. It was all grown along the fence. And our Professor Kearns, who is the professor at the university there, -- he told us that these weeds are edible, and I myself sneaked on to the fence -- never through the fence -- and got some of these weeds. Now, I don't know whether Lewis had the same intention.

Q You were able to get the weeds without going outside the fence?

A At the time, yes. But later on every internee wanted some of them and we had to reach quite into the fence to get some of them.

Q Was it the habit of the internees to get outside of the inside fence?

A No, sir.

Q I think you said you saw some sort of an order on a bulletin board.

A Yes, sir.

Q When did you see that order?

A After Lewis was executed.

Q What day?

A I think it was the day after.

Q The 29th of January?

A The 29th of January.

Q And will you tell us as near as you can recollect exactly what that order said?

A As near as I can recollect it says in the first paragraph the complaint -- It stated in the first paragraph the complaint of our committee to the Japanese. In fact, they called this a "brutal and savage murder which should never have been done in any civilized country". Later on we got the answer from the commandant in which he says that it was out of his power to save George Lewis.

Q Let's get this straight now. Is this on the order that you saw posted?

A Yes, sir.

Q And this is all in the first paragraph?

A No, sir. I said the first paragraph was our complaint to the commandant.

Q All right. Now, what is the second paragraph?

A I wouldn't say for sure that it was the second or third paragraph, but the answer of the commandant I read definitely and it said, amongst others, that it was out of his power to save George Lewis since he had "orders from the Imperial headquarters of Manila" to kill anyone attempting or escaping from the camp.

Q "To kill anyone attempting to escape from the camp"; is that right?

A Yes, sir.

Q As near as you can recollect, that was the language

used?

A Yes, sir.

Q And you are sure that the order said that the orders came from "the Imperial headquarters in Manila"?

A Definitely, sir.

Q Did it say the "prison headquarters in Manila"?

A No, sir.

Q Or the "commissary headquarters in Manila"?

A No, sir.

Q And you are sure it said the "Imperial headquarters in Manila"?

A That's right.

Q And you are as sure of that as you are of everything you have told us about this order?

A That's right.

Q And is it fair to say that this paper that you have called an "order" was a statement from the commandant of the Los Banos camp?

A It was a statement from the commandant of the Los Banos camp put out by our committee.

Q Put out by your committee?

A That's right.

Q In other words, the thing was written by your committee?

A That's right.

Q Who signed it?

A Our chairman, Mr. Heichert.

Q Mr. who?

A Heichert; H-e-i-c-h-e-r-t.

Q It wasn't signed by anybody connected with the Los Banos camp?

A I don't recall, sir.

CAPTAIN REEL: That's all.

REDIRECT EXAMINATION

Q (By Captain Calyer) Mr. Hennesen, with relation to George Lewis, do you know which way he was proceeding at the time he was shot?

A He was shot through his chest, which means he had to face the Japanese inside the camp. He was trying to come into the camp. Otherwise he would have been shot through the back.

Q Do you know whether at any time immediately before or following that shooting George Lewis was given a trial?

A I do not know, sir. The only thing I saw was that George Lewis was laying from the time he was dragged to the guardhouse -- he was laying on the bench of the guardhouse until he was killed.

Q He lay there all that time?

A Yes, sir.

CAPTAIN CALYER: Any other questions?

CAPTAIN REEL: Yes.

RECROSS EXAMINATION

Q (By Captain Reel) You weren't with him all the time between the time he was shot first and the time he was killed, were you?

A I was not with him but I was within seeing distance of him, sir.

Q Were you watching him all that time?

A Yes, sir.

Q How much time elapsed?

A About three-quarters of an hour, sir.

Q You watched every minute of that time?

A Yes, sir. We couldn't get out because the Japanese were patrolling the road.

Q You don't know whether he had a trial or not?

A No, sir.

Q When you say he was coming back to the camp you base that entirely on the fact that he was shot through the chest?

A He was facing the camp, sir.

Q Didn't you tell us before on your first examination that you didn't see where he was going when he was shot?

A I said in my examination that he was between the two fences.

Q Did you see him walking back towards the camp when he was shot?

A There was only eight feet between us. When the shot was fired he was coming to the second or inside fence.

Q And you base that on the fact that he was shot through the chest?

A That's all. Yes.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you, Mr. Hennesen. That's all.

(Witness excused)

CAPTAIN CALYER: We will call Mr. DeWitt.

CLYDE A. DEWITT

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Clyde A. DeWitt.

Q How old are you, Mr. DeWitt?

A 66 years.

Q What is your nationality?

A American.

Q What is your occupation?

A I am a lawyer.

Q Where do you reside, Mr. DeWitt?

A Manila.

Q Were you confined in the Los Banos internment camp?

A Yes, sir.

Q During what period?

A From the 14th of October, 1944, until the 23rd of February, 1945.

Q During a part of that period were you a member of the camp committee?

A Yes, sir.

Q During what period were you a member of that committee?

A I don't remember the date; from January, however, until the liberation of the camp. From sometime in January until the liberation of the camp.

Q Do you recall the time in January of 1945, when the Japanese left the camp?

A Yes, sir.

Q Do you know whether any food was left in the camp at that time?

A Yes, sir.

Q Was there anything said by the Japanese to the camp committee with reference to that food?

A I do not know.

Q Was there a meeting between the Japanese and certain members of the committee prior to the Japanese leaving?

A So I understand.

CAPTAIN REEL: Pardon me, sir, but for the purpose of clarifying this could we have the Prosecution establish whether the witness was on the camp committee on the 7th of January?

GENERAL REYNOLDS: Very well.

Q (By Captain Calyer) Were you a member of the committee at that time, sir?

A It seems to me that I was; I am not sure.

Q Whether you were a member of the committee or not, as I understand it, you were not present at the meeting?

A That is right.

Q Did you receive a report of the meeting?

A I don't remember if we did or not.

Q Well, do you have any information as to what occurred as a result of that meeting?

A Well, I always understood that when the Japanese

left they left for good and that abandonment of the camp was a hasty abandonment, and as a result everything they left behind was seized and distributed, and part of it was distributed, I know that. I know that during that week of freedom we got, each of us, five kilos of rice.

Q Was there still rice left at the time the Japanese returned?

A I don't know.

Q Was there any rice distributed by the committee after the Japanese returned?

A A distribution was begun. It was passed around among the barracks and I believe actual distribution in some of the barracks among the internees of the barracks had begun. We received word that Konichi had ordered the return of the rice, of that rice, and had threatened that Frank Bennett would be shot unless the rice was returned.

Q Who was Frank Bennett?

A Frank Bennett was in charge of the kitchen, I think, the kitchen or the ration distribution.

Q Was that rice returned?

A Yes, sir, that rice of that second distribution was returned. We had kept, we kept the other rice; in fact, we ate part of it.

Q Now, Mr. DeWitt, were you a member of the camp committee on the 28th of January, 1945?

A Yes, sir; I was.

Q What was your official position on the committee

at that time?

A Let's see. I was a work assignment member of the committee.

Q Were you also the secretary to the committee?

A I don't think so. I think George Gray was the secretary of the committee.

Q Do you recall an incident that happened on the 28th of January, 1945?

A The shooting of George Lewis, the murder of George Lewis.

Q Did you see that?

A No, sir.

Q How did you know of the shooting of George Lewis on that day?

A Well, I was in my shack between barracks 24 and 23 on the hillside having my breakfast when I heard the shot, and shortly thereafter Mr. Watty, who was vice-chairman of the committee, came by and reported that George Lewis had been wounded. He had been refused medical attention, that they had been arguing with the commandant to let it go at that, but that the commandant said that he was seriously wounded, but even if he died he would have to be shot again. That is what Mr. Watty said to me.

Q Was there a meeting of the camp committee thereafter?

A There was that morning.

Q You say there was a meeting?

A Yes, that was after he was killed.

Q Well, before the second shooting, was there a pro-

test prepared?

A No, there wasn't time.

Q During the morning was there a protest prepared?

A Yes, sir.

Q Who prepared that protest?

A I did.

CAPTAIN CALYER: We will ask to have this marked as Prosecution's Exhibit 305 for identification.

(A document was marked  
Prosecution Exhibit No.  
305 for identification.)

Q (By Captain Calyer) I show you a document marked for identification Prosecution's Exhibit No. 305, and I will ask you if you can identify that?

A Yes, sir, this is the protest that I prepared, a copy of the protest which I prepared that day, a carbon copy of it.

Q Calling your attention to the second page, do you recognize the signatures appearing thereon?

A Yes, sir, I do. We all signed that together.

Q And are those signatures in the handwriting of the individuals whose names there appear?

A They are.

Q Is one of those signatures your signature?

A Yes, sir.

Q Do you know what was done with the original of that protest?

A It was given to the commandant.

Q Who was he?

A Major Iwanaka.

Q Was there ever any denial of the allegations contained in that protest?

A None whatever.

CAPTAIN CALYER: If the Commission please, I offer in evidence this letter of protest, this being the original, which I request permission to withdraw and substitute therefor a certified copy.

GENERAL REYNOLDS: The Commission desires that this statement be read so we may all hear it at the same time.

CAPTAIN CALYER: Would you care to rule on it after it is read?

GENERAL REYNOLDS: Yes.

CAPTAIN CALYER: "Los Banos Internment Camp, Administration Committee.

January 28, 1945

Major Y. Iwanaka, Commandant  
Los Banos Internment Camp

Re: Death of George Lewis

Sir:

"This letter is addressed to you for the purpose of protesting the execution of George Lewis, which took place on your order at about 8:25 this morning. The facts are:

"That about 6:55 a. m. Mr. Lewis was shot and wounded by a Japanese sentry, while passing into the Camp under a sawali fence which marks the boundary of the Camp. Your sentry refused to permit him medical attention, and at 8:25 a. m. you ordered him shot, and this was done notwithstanding the earnest protests of this Committee. Your staff also refused to permit him to receive the last rites of the Catholic Church before the execution.

"This protest is predicated upon the following grounds:

"1. You, as Commandant of this Camp, have no power to order the imposition of the death penalty upon any internee hereof, for any offense whatever.

"We call your attention to Articles 60-67 of the Geneva Convention of 1929 which, soon after the outbreak of the present war, your Government agreed, with the Government of the United States, to follow in its treatment of civilian internees. Under those Articles only a Court may order the death penalty. The procedure is prescribed. In such cases notification must be given to the protecting power of the institution of the case; the right of the prisoner to defend himself is safeguarded, as well as his right to have counsel and to appeal; and these Articles expressly provide that no death penalty may be executed until three months after the protecting power is notified of the imposition thereof. You have disregarded all these provisions in ordering the execution of Mr. George Lewis this morning.

"2. From no point of view was Mr. Lewis guilty of any offense involving the death penalty. At the worst, he could only be considered as in the act of escaping when first shot. The facts are to the contrary. He was actually returning to the Camp and hence was not an escaping prisoner. In any case, under Articles 47, 50, 51, and 52 of the Geneva Convention of 1929, an attempted escape is only an offense against discipline, and the punishment therefor may not exceed thirty days' arrest.

To impose the death penalty for such a trivial offense, as you did upon Mr. Lewis this morning, constitutes a flagrant disregard of these provisions of the Convention, by which your Government has agreed with the Government of the United States to be bound in dealing with civilian internees.

"There can be no doubt that the refusal to permit medical attention to be given Mr. Lewis after he was first shot, the order for his execution with an hour and a half thereafter without any court action whatever (in complete disregard of the International law applicable to the situation) and the consummation of that order constitute a record unlawful, inhumane and shocking.

"Respectfully,

"THE ADMINISTRATION COMMITTEE"

Now, this document is signed by the following members --

GENERAL REYNOLDS: Those signatures may be omitted.

Are there any comments by the Defense?

CAPTAIN REEL: None, sir.

GENERAL REYNOLDS: The document is accepted into evidence.

CAPTAIN CALYER: May the original be withdrawn and a certified copy substituted?

GENERAL REYNOLDS: The original may be withdrawn.

(Prosecution Exhibit No. 305 for identification was received in evidence.)

Q (By Captain Calyer) Mr. de Witt, do you know whether on that same day another document was prepared

by the committee?

A Yes, sir.

Q And what was that document?

A A report of the circumstances surrounding the murder of George Lewis.

Q Did you see the document on that day?

A I did. It was made a part of the committee's record.

CAPTAIN CALYER: Will you please mark this Prosecution's Exhibit No. 306 for identification?

(A document was marked  
Prosecution Exhibit No.  
306 for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution's Exhibit No. 306, and I will ask you if you can identify it?

A Yes, sir, this is a copy, a carbon copy of the report that was submitted to the committee that morning after the murder.

Q Calling your attention to the third page of that document, do you recognize the signature that appears on the left side of the page?

A Yes, sir, Mr. M. B. Heichert, the chairman of the committee.

Q Is that his own signature?

A Yes, sir.

CAPTAIN CALYER: If the Commission please, I offer this document into evidence and again request that the original be withdrawn and a certified copy submitted therefor.

GENERAL REYNOLDS: The document may be read so we

may all hear it.

CAPTAIN CALYER: "Los Banos Internment Camp, January 28, 1945.

"RECORD OF EVENTS IN CONNECTION WITH THE SHOOTING AND EXECUTION OF GEORGE J. LOUIS.

"At 6:55 a.m. today, January 28, 1945, George J. Louis, American, age 27, while attempting to return to the Camp near the Animal Husbandry Building, was shot by a Japanese sentry. The sentry was one of a number of guards who had been on an all-night watch of the Animal Husbandry Building, since it was apparently evident to the Japanese that a number of persons had left the Camp on the preceding night through the sawali fence which bounds the Camp. At the time of the shooting the moon was still up, though shadows were cast over the area of the guards' patrol by the barracks building. It was not yet daylight. The guard on duty had heard a noise from the sawali fence some 15 feet from where he was standing. Uttering a short ejaculation, he raised his gun and fired immediately.

"Mr. Gray, Secretary of the Committee, was a witness to the shooting but was refused permission to remain near the scene or to have the man removed to the Camp Hospital, though the movement of the victim indicated that he was still alive.

"Messrs. Heichert, Watty, and Downs were summoned to the Commandant's Office at about 7:10 a.m. and were told by the Commandant, with no hesitation in arriving at such a decision, that the victim must be executed on the spot,

since his condition appeared to be such that he could not be moved from the spot without expiring. All internees, including members of the Committee, were ordered to their quarters.

"Messrs. Heichert, Watty, Gray, Calhoun, and Cecil, with Mr. Downs, proceeded to the Commandant's Office to protest the Commandant's order, calling attention to the fact that the action contemplated was contrary to International Law and to all humane standards, and that the Commandant would be held personally responsible. The Commandant at first refused to see any members of the Committee, but after numerous requests, finally appeared in his office.

"Mr. Heichert made the following request of the Commandant: 'We would like to make this statement from the Committee. The committee protests the action of the sentry in shooting this man. If the man was trading at the fence, he should not be executed, and if he was returning to the camp, he should not be executed. According to International law, he could only be shot if in the act of escaping. It is thought that you might not have made a full investigation of the case and we feel that you should do so before any hasty step is taken.' The Commandant replied that the matter was being investigated, and continued: 'However, as to whether or not he was trading, returning to the Camp or attempting to escape, it is evident from the position of his body between the boundary fences that he has disregarded my order that the boundary fences should not be

violated by internees.

"There is no question about the facts in that respect. The original shooting was in accordance with my order to shoot on sight any person violating the boundaries. Dr. Yoshimura was at the scene, and there is no hope for the man's recovery. The orders to the soldiers are to shoot until they kill. Since the man fell immediately and made no sound it was thought that he was dead; since it is evident that he was not dead but has died since, the original sentence of execution must be carried out. The Commandant a number of times repeated his allegation that the wound was fatal, that Dr. Yoshimura had confirmed this supposition, and the Commandant asserted, supporting his words with motions, that the man had been shot in a vital spot through the center of the chest.

"Mr. Heichert stated that the Committee would submit a formal protest of the shooting, and asked for a reconsideration of the Commandant's decision to have the man executed. Mr. Heichert added that if the Commandant persisted in his decision to have this execution carried out, regardless of whether the man was alive or dead, the Committee and the Camp consider it an act contrary to mankind, to rules of war, and to all standards of humanity. Mr. Heichert added that the Committee also wished to protest the action of the guard in shooting without a challenge, especially in view of the fact that there are a number of people in the Camp who are mentally unbalanced. The Commandant replied that as a normal practice the guards would challenge a person found near the boundaries,

but where there is danger of escape the sentry can do nothing to shoot.

"The Commandant stated that the execution must be gone through with, although he stated that the 'dead man' would be removed to a clump of bamboo outside the Camp grounds. Mr. Heichert asked if the Committee could have the body, and if we should receive the body at the scene of the second shooting or if it would be taken to the Hospital. The Commandant stated that the body should be given to the Camp.

"Meantime the man had been placed on an improvised stretcher by members of the Japanese garrison. Although all persons were ordered away from the scene, internees from nearby shanties and barracks reported that the wounded man was still moving and it was evident that he was still alive. He was taken outside the Camp and at exactly 8:25 a.m. a single shot was heard. The Chairman was notified that he could pick up the body at the scene of the execution. The Chairman, with four stretcher bearers, found the body in a clump of bamboo, still on the improvised stretcher. The victim had been shot through the forehead, apparently as he lay on the stretcher. The body was placed on a hospital stretcher and taken to the Hospital. The statement of Dr. Nance, Camp Medical Director, regarding the condition of the body is as follows:

"I have examined the body of George J. Louis who was shot this morning by the Japanese. The body was picked up by our stretcher bearers about 100 yards south

of the fence along barracks 16. The body had been pierced by two bullets. One bullet had a wound of entrance above the outer border of the right clavicle (collar bone) and an exit wound along the upper border of the corresponding scapula. This missile grazed the scapula but struck no vital organs -- did not even enter the chest cavity -- and was in no sense a mortal wound. The other bullet entered the skull in the right frontal region and blew his brains out in the left occipital region. It would appear that this man was executed or given the coup de grace after having sustained a minor injury.'

"George J. Louis was buried in the Camp burial ground at 11:00 a.m. today. This afternoon the Committee filed a formal protest, copy of which is attached hereto and made a part of this official record.

"(SGD) M. B. Heichert, Chairman."

If the Commission please, this document is offered into evidence.

GENERAL REYNOLDS: Are there any comments by the Defense?

CAPTAIN REEL: There are one or two portions of this document which we wish to call specifically to the Commission's attention.

One is the first complete sentence on the second page, and I quote: "The original shooting was in accordance with my order to shoot on sight any person violating the boundaries."

I wish to call that specifically to the Commission's

attention and, also, sir, in the last paragraph on that page, the third sentence:

"He was taken outside the Camp and at exactly 8:25 a.m. a single shot was heard."

That sentence is called to the Commission's attention in view of the testimony of the previous witness to the effect that this man was shot in the guard house; that he saw him shot there; that he watched him stay in the guard house continually for 45 minutes until he saw his execution.

GENERAL REYNOLDS: The comment of Defense are noted by the Commission. The document is accepted into evidence.

(Prosecution Exhibit No.  
306 for identification  
was received in evidence.)

Q (By Captain Calyer) Mr. de Witt, will you explain where this so-called guard house was with relation to the camp?

A We didn't call it a guard house. There was a guard gate up there at the entrance to the camp from the road, that is the only guard house that I knew about.

Q And that is the place to which Lewis was taken after he was first shot, is it not?

A I don't know.

Q That place which you described is outside the fence proper, is that correct?

A Well, as I remember it, it was part of the fence proper. The fence continued into that building where the Japanese guards used -- they used that building as an office to control entrance into and exit from the camp.

Q Now, Mr. de Witt, the statement introduced into evidence, the last exhibit, refers to a Dr. Nance. Who was he?

A He was in charge of the health camp. He was the health director, I think we called him that.

Q Was he one of the internees?

A Yes, sir.

Q Do you know the nationality of George Lewis?

A American, I think. I didn't know him personally, but he was an employee of Pan-American.

Q Was he a civilian internee?

A A civilian internee, yes.

Q Did you know Pat Held?

A I didn't know him personally, no.

Q Do you know his status?

A He was civilian internee.

Q Do you know his nationality?

A American.

CAPTAIN CALYER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This guard gate that you described was attached to a building used as an office by the guards, is that correct?

A That is as I remember it. I didn't hang around there very much. I have a vague recollection that there was a building there where they took shelter in the case of rain. It was just at the entrance to the camp.

Q Was that also a building that was used for the confinement of internees who had violated some law?

A I don't know. I never knew of that.

Q At any rate, at that building or gate there wasn't a clump of bamboo, was there?

A I don't remember.

Q And that building or gate was at the entrance to the camp, was it?

A Yes, sir.

Q Part of the camp enclosure?

A If that is the one I have in mind, I think that is the one that was referred to as the guard house.

Q Do you know of any other place that might have been referred to as the guard house other than that?

A I do not.

Q Now, Exhibits 305 and 306, were those exhibits posted on your bulletin board at your camp?

A 305 was, that is the protest, that is the protest, is it, the first exhibit that I have identified?

Q That is right.

A That was posted. As to the second one, I don't know, but I think it was.

Q Was anything else posted on that bulletin board in connection with this case?

A I don't think so; I don't remember anything else.

Q Now, this investigation, sir, that is summarized in Exhibit 306, it is fair, is it not, to say that that is the summary of the investigation, a report of the events and so forth?

A Investigation by whom?

Q That is going to be my next question. Is it fair to

say that this Exhibit 306 is a summary of the investigation by persons at the camp into this incident?

A If you mean to say that the Japanese made any investigation or had any part in that I would say no.

Q No. I don't mean the Japanese, I mean the internees.

A That is a fair statement that was referred to the committee for action.

Q Did the members of the committee individually investigate this matter?

A It was reported by Mr. Heichert and Mr. Gray, I think; I see that Mr. Gray's signature does not appear on that copy. But, too, it was investigated by Mr. Watty, and he assisted in that investigation. I think also Mr. Calhoun assisted.

Q Do you know whether those gentlemen took statements from witnesses?

A Probably did; verbal statements, not written statements. They just asked questions and then their findings are in that statement. They did not make that up out of their own heads. Those statements were given to them, if that is what you mean.

Q That is not what I meant nor what I asked. Now, one more question, Mr. de Witt. I believe you drew up the protest, which is Exhibit 305, yourself, is that right?

A Yes, sir.

Q And you are versed, therefore, in the rules of international law governing the treatment of internees, prisoners of war?

A Well, I don't know. When I first came into Santo

Tomas we smuggled in a copy of the Geneva Convention of 1929. I knew of the provisions of that convention. I had not been through an experience like this before, so I cannot say that I am an expert on the treatment of prisoners of war. I knew the contents of the Geneva Convention, and I worked from that and from a series of protests filed by the Japanese Government through the Swiss Government with the United States Government as to the treatment of civilian internees in the United States, which appeared as an appendix to a volume of a magazine called, I think, "Contemporary Japan," a Japanese magazine which is published in English, a rather serious magazine. It is something like our "Foreign Affairs." This protest was published as an appendix to that magazine and we worked from them a good deal and used their own arguments back against them.

Q At any rate, back to our question, sir, you are familiar, are you not with the articles of the Geneva Convention to which reference is made by number in Exhibit No. 305?

A Well, now, I wrote that protest with the Convention in front of me. If you ask me to remember what the contents of the articles are now, I wouldn't know.

Q I am not asking that.

GENERAL REYNOLDS: The Commission interrupts to say that apparently further cross examination will be sterile, and we wish it to be discontinued unless Counsel can give cogent reasons why further questions should be asked.

CAPTAIN REEL: I have only one further question that I have, sir, that I was leading up to and trying to furnish a foundation for asking the question which I will now ask.

GENERAL REYNOLDS: If Counsel has one more question, the Commission will hear it.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Reel) Is it your understanding, Mr. de Witt, that under the Geneva Convention to prevent an attempted escape, the escapee or would be escapee may be shot?

A I don't know that. I don't remember that the Convention touched on that point. We had the feeling about this case of George Lewis that it was outrageous because George Lewis was coming back into the camp. That there was no question of escape involved.

Q So far as you know, international law does not rule out the shooting of a prisoner who is attempted to escape?

A I think if you want my opinion on it, without posing as an international lawyer and an expert on the rules of war, that you have a right to use the necessary force to prevent an attempted escape, and if shooting becomes necessary to prevent it, you can shoot him to prevent it.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: That is all.

(Witness excused.)

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The Prosecution may proceed.

CAPTAIN CALYER: If the Commission please, I would like to recall Mr. Hennesen, briefly.

GENERAL REYNOLDS: Very well.

PAUL HENNESEN

recalled as a witness on behalf of the Prosecution, having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Mr. Hennesen, you have previously testified here, and you are reminded that you are still under oath.

A Yes, sir.

Q In your previous testimony you referred to a place called a "guardhouse." Will you explain where that building is with relation to the gate at which there was an office used by the Japanese?

A The guardhouse where George Lewis was brought to was outside of the southeast corner of the camp. The north wall of the gate house or guardhouse was the boundary of our camp, but the actual quarters of the guardhouse was outside the camp.

Q Do I understand, then, that these buildings to which you refer as the "guardhouse," and the building near the gate, are two different buildings?

A Yes, sir.

Q Now, where was Lewis placed with relation to the building which you call the "guardhouse"?

A George Lewis was placed in the gate house, southeast, outside the camp.

Q The "gate house," or the "guardhouse"?

A The guardhouse; we call it the "gate house."

Q Was that a different one from this office building near the gate?

A Yes, sir.

Q Now, was he in or outside of that building?

A He was outside the camp -- outside the building.

Q Is there anything in the vicinity of that building?

A Well, sir, the guardhouse is facing a bridge, or culvert, I should say, and about 20 feet from the guardhouse was a clump of bamboo, and the execution of Lewis took place between the bamboo and the guardhouse, outside the camp, because I had to look over the fence to see Lewis.

Q And is that the spot where he was lying during the period that you described earlier, when you watched him?

A Yes, sir.

CAPTAIN CALYER: That is all.

You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Do you know Mr. de Witt?

A Yes, sir.

Q Do you know Mr. Heichert?

A Yes, sir.

Q Do you know Mr. Watty?

A Yes, sir.

Q Do you know Mr. Downs?

A Yes, sir.

Q Do you know Mr. Calhoun?

A Yes, sir.

Q Mr. Gray?

A Yes, sir.

Q Mr. Harris?

A Yes, s ir.

Q Mr. Cecil?

A Yes, sir.

Q Did you tell any of those men that you saw Lewis shot?

A Pardon?

Q Did you tell any of those men that you saw Lewis shot the second time?

A I don't think so. I talked with several in our barracks, after the execution.

Q Did any of those men ask you about seeing Lewis shot?

A No, sir.

Q Why didn't you tell any of those men that you saw Lewis shot the second time?

A Well, I ran back to my barrack and was talking in general there to my neighbors in the barracks, and we hardly saw the committee that day at all. They were always in conference with the commandant or amongst themselves.

Q Do you know of anyone else who saw Lewis shot the second time?

A Yes; there was a Dutch padre and a Filipino mestizo child -- we knew him by the name of "Hanky" -- I don't remember his name -- but the Dutch Father had very blond hair, almost white hair. He was a young fellow, with

almost white hair. And he was one of the witnesses. He was standing right next to me.

Q Did you know there was an investigation going on of this incident, on the part of the camp committee?

A You mean during the execution or after?

Q Immediately afterwards.

A No, sir.

Q You didn't know it?

A No, sir.

CAPTAIN REEL: I think that is all.

CAPTAIN CALYER: Thank you. That is all.

That completes the testimony, sir, with relation to this incident.

Thank you, Mr. Hennesen,

(Witness excused.)

CAPTAIN HILL: May it please the Commission, the next item in the Bill of Particulars the Prosecution will present is Item 55.

The first witness is Jose Habana.

JOSE HABANA

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) Will you state your name?

A Jose Habana.

Q Where do you reside?

A Calamba, Laguna.

Q What is your nationality?

A Filipino.

Q How old are you?

A Thirty-five years.

Q Were you residing in Calamba, Laguna Province, during February of this year?

A Yes, sir.

Q Do you recall going to the Catholic Church in Calamba on 12 February 1945?

A Yes, sir.

Q Will you tell the Commission the occasion for you going to that place?

A Well, it was in the morning of February 12,--

Q Speak a little louder.

A (Continuing) -- 1945, when a Japanese, four of them, went to our place -- our house, I mean. They talked with my father and say that there will be a meeting in the church. And we were around six that were taken --

Q Did this Japanese speak Tagalog?

A Well, they speak a little.

Q Enough so that you could understand what he wanted you to do?

A Yes.

Q Did he tell you why?

A They say there will be a meeting, and the captain wants to meet us there.

Q Did they take both the men and women of your household?

A No.

Q To the church?

A No; it is only the men that they have taken.

Q And what time did you arrive at the church?

A That is around, I think, eight o'clock in the morning.

Q And when you arrived there did you find other people gathered at the church?

A Yes, sir.

Q How long did you remain at the church that day?

A Until around 5:00, five to six o'clock in the afternoon.

Q And during the time that you were there at the church, can you give the Commission an estimate of how many people were gathered there?

A Well, to my estimation, sir, around 2,000.

Q Can you give the approximate dimensions of the church, or the space in the church where these people, these 2,000 persons, were gathered?

A Well, this is only an estimate: Well, the length of the church, I think, is around about 50 to 70 meters in length, and the width is around, I think, around 20. But it is better -- I think they have taken the picture, and it is better.

Q We don't have the picture here. It is a very large church, in comparison with the churches here in the Philippines?

A Yes, it is a very large church.

Q Now, did the Japanese hold any kind of a meeting there at the church that day?

A No, but we expected that.

Q Did they tell the persons gathered there anything more about what they were going to do with you after you arrived?

A No. It is only -- our presumption was only --

Q Well, did they tell you anything?

A Nothing.

Q Then you say you left there about four or five o'clock in the afternoon?

A Well, in our bunch.

Q Had other persons left the church before that during the day?

A Yes, sir.

Q And tell the Commission about the people leaving the church during the afternoon.

A Well, it is after lunch time; there were trucks outside the church.

Q Were these Japanese trucks?

A Yes, sir. They take around about 30 to 40 persons, and have them brought in the truck.

Q Taking them away from the church?

A Yes, away from the church.

Q Did they all go in the same direction?

A Yes, sir.

Q And did this continue during the afternoon, that is, the taking of persons away in the truck?

A Yes.

Q Were all the persons gathered there in the church men?

A Yes, men.

Q And when they took you away at four or five o'clock in the afternoon, where did they take you to?

A We were taken to the Barrio of Real.

Q How far is that from the town of Calamba?

A It is around one and a half miles.

Q And can you tell the Commission about how many was on the truck that you were on?

A I think we were around 30 to 40.

Q Go ahead and tell the Commission just where the Japanese took you and what they did to you after you arrived at your destination.

A When we arrived in Real where the truck stopped, it is not far from the house where we were being taken, and we, each of us, were required to bow when the truck stopped, so that each of us were ordered to go down, one by one. In my case, when it was my turn, when I went down the truck --

Q You mean when you jumped off the truck?

A Yes.

(Continuing) -- a Japanese took my arms and had me tied in my back.

Q Tied your hands behind your back?

A Yes, behind my back. And then blindfolded me with a cloth.

Q Had you seen the Japanese do the same thing with other persons that had jumped off the truck ahead of you?

A No, because we were taken one by one, and we can't see what is going on.

Q And where did they take you to then?

A Then I was taken in the house, farther from the place we were; we stopped. I was brought out by a Japanese to the stairs of the house, and then from the stairs there are Japanese that meet me there.

Q Were you taken upstairs to the house?

A Yes, I was taken upstairs of the house.

Q What did they do to you upstairs?

A When I was taken upstairs, then they let me seated in a bench, and that is what I feel: it is a bench. And there they began to stab me, bayonet me.

Q How many times did they bayonet you?

A Several times.

Q How many?

A Well, after I have been massacred, about seven wounds.

Q And tell the Commission where those wounds are on your body.

A The principal thing is in the chest, near the heart.

Q How many?

A Here is about two (indicating), then one here in the -- what you call "hips" (indicating), and one here near to my sexual (indicating), and one in the shoulder (indicating), two here.

Q Well, after you were bayoneted did you retain your consciousness?

A Yes.

Q Did you fall to the floor?

A I fall on some bodies.

Q On some bodies?

A Yes.

Q Well, after that were you able to get the blindfold off your eyes and remove the rope from your arms?

A Yes, it was after.

Q How long afterwards?

A It is about a half-hour.

Q And when you removed the blindfold, tell the Commission what you saw there in this room.

A When I removed my hands and the cloth that had blindfolded me, I saw five feet, around five feet of bodies. Some were still alive.

Q You mean bodies stacked five feet high in the room?

A Five feet high in the room.

Q How large a room was this?

A It is around about 15 meters long, about three to four meters wide.

Q A very large room?

A It is a house; there is no room, what they call. It is the whole from the sala up to the kitchen is one room.

Q Can you give the Commission an estimate of about how many bodies you think were in that room?

A Well, to my estimate it is around 500, because of the heaps of the bodies that are there.

Q What did you do then, after you were able to free your hands and remove your blindfold?

A I have to -- when I stood up somebody called me, and it is my brother, my youngest brother, and he is already loosing his tie, and I told him to keep low, because there is still Japanese around the house.

Q How long did you remain there in that house then?

A Well, we have to remain around about 15 minutes.

Q What did you do then?

A I have to wait for the fire to be big enough so that we will not be detected in jumping from the house.

Q You mean the house was on fire when you left?

A Yes.

Q Do you know how the house caught fire?

A Well, what I have heard is only the shot, and then the fire started.

Q You didn't see the house set afire?

A Yes.

Q Well, then, you were able to escape from the house?

A Yes. The fire was around about one and a half meters from where I jumped, when my brother and me jumped from the house.

Q Did you jump out of the upstairs window, you mean?

A No, in the back. We have to turn down the walls of the kitchen so that we could pass there undetected.

Q How many of your relatives were killed by the Japanese there at Calamba that day, if you know?

A There were four.

Q What are their names?

A There is my father, Doctor Habana; my brother, Mariano Escueta; Balbino Alejar; my younger brother, Horacio.

Q Now, of those 2,000 people, or about 2,000 people that you saw there in the church, were they civilians?

A Yes.

Q Were they armed in any way?

A Not even a single bolo.

Q Were they offering any resistance to the Japanese?

A No.

Q And the Japanese that you saw there in Calamba that

day, and those that took you out to the Barrio Real, to which branch of the Japanese armed forces did they belong?

A Well, that is what I don't know, but they are with the regular stars.

Q Stars?

A Yes, with stars.

CAPTAIN HILL: Take the witness.

CROSS EXAMINATION

Q (By Captain Reel) These 2,000 civilians -- do you know whether any of them were guerrillas?

A No.

Q You don't know?

A I don't know.

Q Do you know whether any of them helped the guerrillas?

A Help?

Q You don't know whether any of them helped the guerrillas?

A I don't know.

Q So you don't know that they were noncombatant civilians?

A I don't know.

CAPTAIN REEL: That is all.

CAPTAIN HILL: That is all.

(Witness excused.)

CAPTAIN HILL: Mr. Libroja.

PONCIANO LIBROJO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Villa-Real acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Hill) State your name, please.

A Ponciano Librojo.

Q Speak to the Commission and speak loudly.

A I am Ponciano Librojo.

Q Where do you reside?

A (No response)

Q Where do you live?

A I live in San Peruhan; Barrio San Peruhan.

Q Is that in the Municipality of Calamba, Laguna Province?

THE WITNESS: What is that?

(Translated by Interpreter Rodas.)

A (Through Interpreter Rodas) It is a barrio in Calamba.

Q (By Captain Hill) And where did you reside during the first part of February of this year?

A (Through Interpreter Rodas) I was in that barrio.

Q Were you one of the males taken by the Japanese on 12 February 1945 to the church in Calamba?

A No, sir.

(Translated by Interpreter Rodas.)

A (Through Interpreter Rodas) No, sir; I was not the

one.

Q (By Captain Hill) On that day did you see any Japanese in your barrio?

A (Through Interpreter Rodas) Yes.

Q How many Japanese did you see there in your barrio that day?

A I cannot tell because I was far from them. They were in the fields.

Q Did any of these Japanese take you into custody on that day?

A Yes.

Q Go ahead and tell the Commission about them taking you into custody and where they took you to.

THE WITNESS: In Tagalog?

CAPTAIN HILL: Yes, you had better speak Tagalog.

A (Through Interpreter Rodas) On very early in the morning of February 12 I saw the Japanese. There were about 300 -- They were about 300 yards.

THE WITNESS: Far from me.

A (Through Interpreter Rodas) Far from me. When I saw them I went home. While I was at home I prepared so that we could eat, but we have not yet finished eating when I heard explosions, and while the explosions were going on I gathered my family and we went to the dugout -- and went into the dugout with my family. After the explosions, we prepared to get out of that place, but we have not gone out when we met -- We have not gone far when we met many Japanese because there were already Japanese around the place -- around that place. And we were arrested. We were

brought to the place of the Lieutenant of the Barrio and there we found out many people: men, women and children.

Q About how many people were at the house of the Lieutenant of the Barrio?

A Around 75 people.

Q Go ahead and tell the Commission what happened there at the house of the Lieutenant of the Barrio.

A After that we were hand-tied one by one. Four of us first were brought down and we were brought to the house of Mr. Marcelo Vergara. When we arrived there we were asked to line up and then we were blindfolded and we were bayoneted.

Q Were these people who were taken to the second house when you were tied men, women or children?

A There were no people in that house except us.

Q I mean in the Vergara house where you were taken, were the people there men, women or children?

A They were in the house of the Lieutenant of the Barrio. They were gathered there.

Q In which house were you bayoneted?

A In the house of Vergara.

Q And in that house how many people did you see, if any?

A There were no people there.

Q Were you the only one taken to that house?

THE WITNESS: We are four men, sir.

Q (By Captain Pace) You and three others?

THE WITNESS: Yes, sir.

(Translated by Interpreter Rodas.)

A (Through Interpreter Rodas) We were four.

Q (By Captain Hill) And how many times were you bayoneted by the Japanese there?

A (Through Interpreter Rodas) I cannot tell how many times because after the first thrust I lost consciousness.

Q How many bayonet wounds did you have on your body after you regained consciousness?

A Seven.

Q And tell the Commission on what parts of the body you have bayonet wounds that you received that day?

A On two breasts; on the left side under my armpit.

Q Did you see any of these other three persons with you bayoneted in that house?

A Yes. When I regained consciousness I found out that they were all dead.

Q Were you the only survivor of the four people taken to that house?

A Yes.

Q And were these other three people men, women or children?

A All people.

Q Were they men, women or children?

A Men.

Q Do you know the names of any of these three?

A Yes.

Q What were their names?

A Remegio Cansanay; Sinforsoso Rivera; Dionisio Rivera.

Q Of the persons that were left in the first house, the house of the Barrio Lieutenant where you were, do you know what happened to them?

A I knew after I was taken away from that house already.

Q Did you ever see the dead bodies of any of those persons who were in the Barrio Lieutenant's house?

A I did not see that anymore.

Q Were your wife and sister and a son in the Barrio Lieutenant's house?

A Yes.

Q And are they alive today?

A Only one: my son, whose age is 3 years.

Q Did you see the body of your wife or sister or one of your sons either on that day or later?

A The only one I saw was the dead body of my sister, who was not burned -- the only one that was not burned.

Q And where did you see her dead body?

A In the house where we were first given first-aid.

Q And when did you see her dead body?

A On the afternoon of February 12th.

Q Did you see any other dead bodies there besides your sister's?

A No.

Q Do you know what happened to the group of people that you had left there in the Barrio Lieutenant's house?

A Yes. According to what I was informed they were all bayoneted and killed.

Q Do you know what happened to that house?

A No, I don't know.

Q When you went back that afternoon and saw your sister's dead body was that house still standing?

A No.

Q What had happened to the house?

A It was burned.

Q And did you see any burned bodies around the house that afternoon?

A I did not see those anymore because I left the place.

THE WITNESS: After it is burned I left the place.

A (Through Interpreter Rodas) After it was burned I left the place.

CAPTAIN HILL: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Mr. Librojo, I understand that the first thing you heard on the 12th of February was an explosion?

A Yes.

Q Do you know what exploded?

A It can be machine gun fire because there were many shots.

Q Were there guerrillas active in that area at that time?

A None. There is none.

Q This Lieutenant of the Barrio's house you went to, is he a Filipino?

A Yes.

Q And was he there when you went there?

A He was not there.

CAPTAIN REEL: That's all.

(Witness excused)

GENERAL REYNOLDS: The Commission will recess for approximately 10 minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

CAPTAIN HILL: We will call Valeriano Ang as our next witness.

VALERIANO ANG

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) State your name, please.

A My name, sir, is Valeriano Ang.

Q Where do you reside?

A Poblacion, Calamba, Laguna.

Q What is your nationality?

A Filipino citizen, sir.

Q How old are you, Mr. Ang?

A 27 years old, sir.

Q Where did you reside during the first part of February of this year?

A I was in Calamba, Laguna, sir.

Q Were you one of the group taken by the Japanese to the church in Calamba?

A Yes, sir, I am the one.

Q And that was on 12 February 1945, was it not?

A Yes, sir.

Q What time of the day were you taken there to the church?

A About 6 o'clock in the morning, sir, when I am eating my breakfast.

Q Were other members of your family taken there also?

A No, sir, I am the only one.

Q How long did you remain there in the church that day?

A I remained there after I finished my lunch.

Q In the church?

A Yes, sir, in the church.

Q What time was that?

A About 3 to 4 that I stayed there.

Q And at that time, about 3 or 4 o'clock in the afternoon, can you tell the Commission approximately how many persons had been gathered into the church there by the Japanese?

A Well, I estimate about 2000.

Q Were they men, women or children?

A Some are gentlemen, but they have no womens; they are all gentlemen there.

Q They are all men?

A Yes, sir.

Q And when you left the church at about 3 or 4 o'clock in the afternoon, where did you go?

A To the Barrio Real.

Q And how did you happen to go to the Barrio Real?

A They picked me up in the church.

Q Who picked you up in the church?

A The Japanese, sir.

Q Were these members of the Japanese armed forces that picked you up?

A Maybe, sir.

Q Well, did they wear a uniform?

A Just I see a star, sir.

Q A star as their insignia?

A Yes, sir.

Q And how many Japanese took you to the Barrio of Real?

A In the truck they are six, sir.

Q Six Japanese?

A Yes.

Q Were there other people in the truck, other civilians besides you?

A Yes.

Q About how many?

A About 30 or more than 30, sir.

Q Now, during the afternoon and before you were taken to the Barrio of Real, had you seen the Japanese take any other persons away from the church by truck?

A Some are in the house --

Q Did you see them taken away from the church by truck?

A Yes, sir.

Q Can you tell the Commission how many times during the afternoon that you saw the Japanese take people away from the church in the truck?

A I beg your pardon, sir?

Q How many times during the afternoon had you seen the Japanese take people away from the church in trucks?

A I can't still remember; there are about four trucks coming and going.

Q Coming and going all the time?

A Yes, sir.

Q And when you got to the Barrio of Real, do you know to whose house you were taken?

A Yes, sir, I still know it, sir, because I always go there.

Q Whose house was it?

A Parducho's house, sir.

Q And what part of the house were you taken to?

A Downstairs, sir.

Q And can you tell the Commission how large a room that you were placed there in that house?

A About 15 meters long.

Q 15 or 50?

A 15 meters long; maybe I can't now tell you exactly, sir, maybe it is more than 15 and wide about 5 meters; 3 to 5 meters wide.

Q And did they take only the men that were in the truck with you to that part of the house?

A Yes, sir.

Q And after they took you inside the house, what did the Japanese do, if anything?

A When we stopped in Real about 25 meters away from the house of Parducho's, we bend our head, and if we don't bend our head they kick me. When we bend my head they put my hand in the back and tied me. After they have tied me they put a blindfold on my eyes.

Q Then did they take you into the house?

A Yes, sir.

Q And what did they do with you after they got you into the house?

A When I am there by the house I just receive a  
struck; they struck me with a bayonet, sir.

Q Where did they bayonet you?

A Down my nipple, sir.

Q How many times did they bayonet you?

A They bayoneted me only once there, but three more  
on my back.

Q After you had fallen to the floor?

A When I had fallen to the floor some other guys hold  
me at my back; they are shouting, they are struck, that  
they are being killed, that is why I see it.

Q Then you were bayoneted by the Japanese four times?

A About four times, yes. Three or four times.

Q Did you retain your consciousness after you were  
bayoneted?

A No, I did not return to consciousness, sir.

Q Then when you did regain your consciousness, what  
did you do, if anything?

A I heard it was about 5 o'clock, and they are clean-  
ing up the stairs and they are going to put some other  
guys up the stairs, and I take off my tied in my hands,  
and I take off my blindfolded and I pushed my body back-  
wards and then I plan to walk near the fence, and after  
a while when I am by the fence I stumbled with the blood,  
and I am trying to go down near the river, sir.

Q Were you able to get away from there at that time?

A Yes, sir, when I heard a shot, I heard a shot, I  
pretend to lay on my body and I go to the bamboo tree.

Q After you regained your consciousness and when you

started to leave the house there, did you observe any other bodies in the room where you were?

A Yes, there are many bodies there, sir.

Q Can you tell the Commission about how many bodies you saw there in that room?

A In there, sir?

Q In the room where you were?

A About 300, sir.

Q You think there were at least 300 bodies?

A Yes, sir.

Q Tell the Commission whether these bodies were stacked on top of one another or not.

A Yes, I can't tell the height of the bodies; maybe about three feet high.

Q And were all of these bodies that you saw there bodies of civilians?

A Yes, sir, civilians, sir, because we are inside the church and we have been together. We are all civilians.

CAPTAIN HILL: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Now, I think you told us in the beginning of your testimony that you were the only member of your family that was taken by the Japanese, is that correct?

A Yes, sir.

Q And were the other members of your family home when you were taken away?

A No, sir, they are not there, sir.

Q You were the only one there?

A Yes, sir.

Q Did you see the lieutenant at the barrio at the time?

A I beg your pardon, sir?

Q Did you see the lieutenant of the barrio?

A No, I am not from the barrio; I am from the Poblacion, Calamba, Laguna, sir.

Q Were you a guerrilla, a Teniente?

A No, sir.

Q Were you helping the guerrillas?

A No, sir, I am peaceful citizen, sir.

Q Were there any people in that town who were not peaceful citizens?

A I cannot tell of them.

Q Do you know if there were any guerrillas there?

A What do you say? I cannot understand what you are saying.

CAPTAIN REEL: Will the reporter read the question?

(Question read.)

THE WITNESS: I cannot tell, sir.

CAPTAIN REEL: That is all.

CAPTAIN HILL: No further questions.

(Witness excused.)

MARIO LANTAION

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

(Interpreter Villa-Real was also present.)

CAPTAIN HILL: Do you speak English?

THE WITNESS: Yes, sir.

DIRECT EXAMINATION

- Q (By Captain Hill) State your name, please.
- A My name is Mario Lantaion.
- Q Where do you reside?
- A In the Barrio Linga, Calamba, Laguna.
- Q How old are you?
- A I am 20 -- I am 23 years old.
- Q What is your nationality?
- A What, sir?
- Q What is your nationality?
- A I am a Filipino.
- Q Where did you reside during the first part of February, this year?
- A I reside in my own barrio, which is Linga.
- Q How far is that barrio from Calamba?
- A It is two kilometers.
- Q Did you see any Japanese on the 12th day of February, 1945, in your barrio?
- A I have seen some, which is along the beach.
- Q And did those Japanese or any of them come to your house in the barrio that day?
- A No Japanese come to my house.
- Q Did Japanese take you to the church in Calamba on that day?
- A I was not taken from the school, but I presented myself.
- Q You presented yourself? Why did you do that?
- A Due to the reason of the Japanese that anybody who will be seen on the streets will be shot, and they are

telling that is forced labor.

Q Speak to the Commission. What time of the day did you go to the church?

A It is about 11 o'clock.

Q In the morning?

A In the morning.

Q And when you arrived at the church, were there other people there?

A I have seen plenty; the church is full.

Q Were the people there in the church men, women or children, that you saw?

A Only men.

Q How long did you stay there at the church?

A About one hour.

Q And then where did you go?

A We are taken by the trucks to Barrio Real.

Q Who took you in the trucks?

A The Japanese soldiers.

Q And how many were taken in the truck with you?

A We are 35 in the first trip, 35 civilians.

Q Were you in the first group taken away from the church that day by the Japanese?

A We were the first trip.

Q And where were you taken to?

A We were taken to the house, the place, Pakil.

Q To which barrio?

A That is Barrio Real.

Q And to whose house were you taken there in the barrio?

A That is the house of Victorio Jilasin.

Q After you arrived at the barrio and were taken to this house, what, if anything, happened to your group?

A We are placed in a tall house and the door is closed by the Japanese soldier.

Q Were all 35 of you put in the same room?

A We are 35 in a truck, but 20 of us were left in Real, but the other 15 continued.

Q Then they took 20 of you off at this place, and took you into the house, is that right?

A What, sir?

Q They took 20 off of the truck, including yourself, and took you into a house there in the barrio?

A Yes, sir.

Q And what did they do with you after they got you into the house?

A They closed the door, closed the door of our place.

Q Then what did they do?

A Then the Japanese, about 30 minutes later, half an hour, the Japanese soldiers climb up the stairs and got two civilians.

Q Did they take those civilians out?

A Yes, sir.

Q Do you know what happened to those two civilians?

A I just heard their shoutings and cries.

Q You heard their shoutings and cries, you say?

A Yes, sir.

Q Then what did you do after you heard the shoutings and cries?

A We were in that room, we planned to fight the Japan-

ese that would come upstairs.

Q Did you do that?

A Our companions planned to fight.

Q What did you do?

A We gathered all the necessary things to defense ourselves, and we get some bolos without blades, some bar woods to defend ourselves.

CAPTAIN REEL: Sir, could we have the reporter read the answer back?

CAPTAIN HILL: I can have the interpreter interpret, if the Court is having difficulty understanding the witness.

CAPTAIN REEL: Will the reporter read the last answer, please? We can't understand the witness.

(Answer read.)

CAPTAIN REEL: "Bar woods"?

THE REPORTER: I think he means "bars of wood."

GENERAL DONOVAN: A stick.

THE WITNESS: That is not a stick, sir.

CAPTAIN REEL: Thank you.

GENERAL REYNOLDS: We believe if the witness will talk a little more slowly and a little louder, we will get better results if he speaks in English.

CAPTAIN HILL: Yes, sir.

Speak slowly and speak louder and in the direction of the Commission, please.

Q (By Captain Hill) How long did you stay in this room?

A About 30 minutes.

Q And then what did you do?

A When we hear the cries of our companions, brought downstairs -- when we heard their cries, our companions and I, myself, planned to fight.

Q Did you leave the building?

A I leave the building.

Q Did anyone leave with you?

A I don't know; it is my companions.

Q Where did you go when you left the building?

A I ran as fast as I could, passing the street and jumped to the canal.

Q And did anyone go with you?

A No, sir, I don't know. I have not seen anything.

Q Did the Japanese see you leave the building?

A Yes, sir.

Q What did they do, if anything?

A He shoot me.

Q Did they hit you?

A Yes, sir.

Q Where did they hit you?

A My left shoulder.

Q Did that stop you, or did you keep on running?

A I keep on running.

Q Were you able to make your escape?

A Yes, sir.

Q And do you know how many persons of the 20<sup>th</sup> that were taken there to the house with you, survived that day?

A We are only six that survived, but I am the only one who is being shot, who is wounded.

Q Out of the 20, then, only 6 survived?

A Yes, sir.

Q Do you know what happened to the rest of them?

A I don't know.

Q Were they shot or bayoneted?

A I have not seen them.

CAPTAIN HILL: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Were there any bolo groups operating in the vicinity at that time?

A What, sir?

Q Were there any bolo groups operating in that area?

A Bolos?

Q Bolo groups of guerrillas?

A What is that?

(The question was asked the witness by Interpreter Rodas)

INTERPRETER RODAS: "I don't know, sir."

CAPTAIN REEL: You don't know.

That is all.

(Witness excused.)

CAPTAIN HILL: Mrs. Barrera.

FAUSTA BARRERA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Villa-Real acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Hill) State your name, please.

A Fausta Barrera.

Q Where do you reside?

A San Peruhan, Calamba; in the Barrio of San Peruhan, Calamba.

Q What is your nationality?

A Tagalog, Filipino.

Q How old are you?

A 40.

Q Where did you reside during the first part of February of this year?

A I was in our home.

Q Did you see any Japanese in your barrio on the 12th day of February, 1945?

A Yes. I saw six.

Q And what time of the day did you see these Japanese in your barrio?

A Maybe around 6 o'clock.

Q In the morning or evening?

A In the morning.

Q And what did these six Japanese do there in your barrio, if anything?

A We were taken from our house.

Q Who was taken from your house with you?

A Many, and also from the different houses.

Q What members of your family were taken from your house with you?

A Six of my children.

Q And yourself?

A Myself, yes.

Q And to where were you taken?

A In the house of Ingracio Barrera.

Q How old were your six children?

A One was 21 years; 18 years; 14 years; 4 year; 3 years, maybe, and the other one is 9 months.

Q When they took you to the house of Ingracio Barrera what did these Japanese do with you, if anything?

A We were hand-tied.

Q How many were in that house at the same time you were?

A There were many, many of us there, and they tied us one by one.

Q Well, can you give approximately how many people were there with you?

A Maybe around eighty.

Q And were they men, women or children?

A First the men were tied and then us women.

Q Well, were there men, women and children in this house?

A Yes. Yes. The men were tied first.

Q After they tied the people there in the house, then

what, if anything, did the Japanese do?

A We were bayoneted.

Q Were you bayoneted?

A Yes.

Q How many times?

A Here (indicating), here (indicating), two thrusts in -- in one thrust three wounds were inflicted because it pierced through my arm and my left side.

Q Did you see any other persons bayoneted there by the Japanese?

A Yes; five of my children died.

Q Did you see others besides your children bayoneted by the Japanese?

A Yes.

Q After you were bayoneted what, if anything, did you do?

A I pretended to faint and then the house was burned.

Q What did you do when the house caught afire?

A I fell down on the floor. I rolled and rolled and I found myself fainting or sinking into unconsciousness because of my wound.

Q Were you able to take your children out of the house with you?

A Four of my children were burned in that house and I was carrying with me one of my children with his intestines out. The nine-months'-old baby with his intestines out was the one that I carried with me.

Q Did that nine-months'-old baby die as a result of those bayonet wounds?

A Yes, died.

Q And all of your six children with the exception of one were killed there at that place?

A One of my children was saved and he is here with me now.

Q Do you know how many people survived out of the group that the Japanese had taken to that house?

A I cannot tell how many because I was already sinking into unconsciousness.

Q Before you became unconscious and before you left the house did you see other dead bodies there in the house?

A I saw them burn.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

(Witness excused)

VICTORIANA DUENOS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Villa-Real acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Hill) State your name, please.

A Victoriana Duenos.

Q Where do you reside?

A San Peruhan, Calamba.

Q What is your nationality?

A Filipino.

Q How old are you?

A 32 years old.

Q Did you live in the same barrio during the first part of February, 1945?

A Yes, sir.

Q Do you recall seeing any Japanese come to your barrio on the day of 12 February 1945?

A Yes, I saw when we were arrested.

Q How many Japanese did you see in your barrio that day?

A Six.

Q And what did these Japanese do there in your barrio, if anything?

A I saw, what I saw is that the Japanese called us and then I saw them.

Q Did these Japanese take you to a house there in the barrio?

A Yes, sir.

Q And to whose house did they take you?

A In the house of the Lieutenant of the Barrio.

Q Was that Mr. Alcoran?

A No, Mr. Barrera, Mr. Barrera's house.

Q How many people did they take to that house from your barrio?

A Very many; all of us there.

Q About how many?

A I cannot count them.

Q Were there more than ten?

A Yes, very many more than ten.

Q Were there 25?

A Maybe we were around 60.

Q And were they men, women or children?

A Yes.

Q What other members of the family accompanied you to this house?

A My husband, my four children, and my father and mother and my sister.

Q And after the Japanese had taken you to this house what did they do to you, if anything?

A After they had taken the men downstairs because they were the first ones tied and we women were tied next. Then we were divided into different houses. We were divided and taken into different houses.

Q And then what took place?

A And we were taken to the house of Alcoran.

Q And you were taken to the house of Alcoran?

A Yes.

Q And what did the Japanese do to you, if anything, at the house of Alcoran?

A We were bayoneted there.

Q How many members of your family were with you in the house of Alcoran?

A My mother, my four children and my sisters and brother.

Q How many other people besides your family were in the house of Alcoran?

A I cannot tell and I cannot remember.

Q Were there very many?

A I can not really remember the figure but maybe around 15.

Q And were you bayoneted by the Japanese?

A Yes, right here (indicating).

Q Were any of the other members of your family bayoneted by the Japanese?

A My two children who died and my two children who is alive now.

Q All four of your children were bayoneted there?

A Yes.

Q What were the names and ages of the two children that were bayoneted and died?

A Lucina Entena, 5 years old, and the one who died, 3 years old, Angela Entena, and my two children who survived, one is 7 years old, Juanita Entena, and the other one is 1 year and 1 month, Dorothea Entena.

Q Did you see the Japanese bayonet any of the other civilians there in Alcoran's house?

A I did not see those because all I saw was my family.

Q Do you know how many people were killed by the Japanese that day in the Alcoran house?

A No, I cannot tell. The only thing I had in mind was to escape.

Q Did you make your escape without the Japanese further molesting you?

A When we left that place we didn't see any Japanese.

Q Do you know what, if anything, happened to the house?

A When we left the house was already burning.

Q Do you know who set fire to the house?

A No, I do not know.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

(Witness excused)

NARCISA KARANASAN,

called as a witness on behalf of the Prosecution, being first duly sworn, through Interpreter Rodas, was examined and testified as follows through Interpreter Rodas, with Interpreter Villa-Real acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please?

A Narcisa Karanasan.

Q Where do you live?

A In Pansol.

Q Is that a barrio of Calamba?

A Yes, barrio.

Q What is your nationality?

A Filipino.

Q How old are you?

A Forty-five years.

Q Did you see any Japanese in the Barrio of Pansol on February 14th of this year?

A Yes, I saw.

Q Were they members of the Japanese armed forces?

A Yes, soldiers.

Q What did these Japanese do, if anything, in your barrio on that date?

A At about five o'clock in the morning the Japanese came into our barrio and arrested the people, the other people.

Q How many people did they gather?

A Around 45.

Q Were they men, women, or children?

A Men, women and children.

Q What did they do with these 45 people?

A They were killed.

Q Where did they take them to kill them?

A In the big house.

Q Whose big house?

A Mrs. Fernanda Sulueta.

Q And were you taken to that house?

A Yes.

Q Were any other members of your family taken to that house?

A Yes, my husband.

Q Any others?

A Nobody else except my husband, in my family.

Q And after you and your husband arrived at this house what did the Japanese do with you, if anything?

A As soon as we arrive there, they were first blindfolded, and then I found out one blindfolds, another one takes the blindfolded men to another, who kills the blindfolded men.

Q How did the Japanese kill the people there at that house?

A They were bayoneted, like this (demonstrating).

Q Do you know how many persons out of the 45 survived?

A We were only two.

Q Were you bayoneted or injured in any way there?

A No.

Q How were you able to escape from being bayoneted?

A Because I hid behind the door.

Q Did you see what the Japanese did to the house after killing the people?

A After they killed the people, the Japanese left.

Q Did they do anything to the house?

A They killed the people. After they have killed the people they set fire to the house.

Q Did you see them set fire to the house?

A Yes.

Q Did you see them do anything just before they set fire to the house?

A What I saw is after they killed the people, they got gasoline and set the house on fire.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

GENERAL REYNOLDS: The Commission will be in recess until 1:30 this afternoon.

(Whereupon a recess was taken until 1330 o'clock,  
13 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session. The Prosecution may proceed.

MAJOR KERR: Sir, all the members of the Commission are present; the Accused and Defense Counsel are present.

As I understand it, sir, the Defense at this time desires to put on a witness who may leave the Islands shortly and, with the permission of the Commission, will put this witness in out of order.

GENERAL REYNOLDS: That is correct. You may proceed.

BISLUMINO ROMERO

called as a witness on behalf of the Defense, being first duly sworn through Commander Bartlett, was examined and testified as follows through Commander Bartlett:

DIRECT EXAMINATION

Q (By Captain Sandberg) What is your name?

A Bislumino Romero.

Q Will you spell that, please?

A I can write it but I cannot spell it.

Q Is it Bislumino Romero?

A Yes.

Q What is your present address?

A 646a Legarda.

Q What is your nationality?

A Filipino.

Q And what is your religion?

A Catholic.

Q What languages do you speak?

A I can speak, read and write Japanese; I can speak Tagalog but I cannot read and write it yet.

Q Now, how old are you?

A 14.

Q And how long have you lived in the Philippine Islands?

A I came to the Philippines on the 6th day of December, 1943.

Q 1943?

A That's 1942.

Q Who brought you to the Philippine Islands?

A My grandfather's interpreter, a man by the name of Ota, brought me to the Philippines.

Q And was your grandmother with you, too?

COMMANDER BARTLETT: Will you repeat the question?

(Question read by the reporter)

A (Through Commander Bartlett) Yes, she did.

Q (By Captain Sandberg) And were you brought to the home of your grandfather?

A Yes, that is so.

Q What is the name of your grandfather?

A Artemio Ricarte.

Q Is that General Artemio Ricarte?

A Yes.

Q Have you lived with your grandfather, General Ricarte, all your life?

A Yes.

Q And did you continue to live with him in Manila after you arrived here?

A Yes.

Q Where did you live with him in Manila?

A Pasay, Linguyan, house at No. 55. And I lived there until about New Year's of 1943.

THE WITNESS: '44.

COMMANDER BARTLETT: '44. All right.

Q (By Captain Sandberg) Where was that house located in Manila?

COMMANDER BARTLETT: Will you repeat that, please?

(Question read by the reporter)

A (Through Commander Bartlett) It was in Manila, the City of Manila; Pasay, and Luringa No. 55.

Q 55 Ruline?

A Yes.

Q Will you tell us all of the people who lived in this house?

A Myself, my grandfather, my grandmother, and the maid. That was all.

Q Did your grandfather speak Japanese?

A He does not know Japanese.

Q And did you sometimes act as an interpreter for him because of your knowledge of Japanese?

A There are such occasions.

Q Do you know Narciso Lopus?

A I know him.

Q What was his relation to your grandfather?

A He was my grandfather's secretary.

Q And do you know Joaquin Galang?

A I know him.

Q And what was his relation to your grandfather?

A He was my grandfather's friend. In effect, Lopus' secretary.

Q He was secretary to Lopus?

A He was like a helper or assistant to Mr. Lopus.

Q Did you ever hear your grandmother say anything about Lopus and Galang?

A My grandmother was angry because she said that Lopus and Galang were making a business, making money out of my grandfather.

Q Did she say that they were using General Ricarte's name for their own benefit?

A I have heard her say that.

Q When was that?

A 1944.

Q Do you know who General Yamashita is?

A I know him by photograph, but I do not know him personally. I saw him on the platform. It was at a parade.

Q Will you tell us the circumstances of your seeing General Yamashita?

A Starting at the beginning, on one occasion a certain woman came to my grandfather's place and she told my grandfather that Japanese soldiers had taken a carriage, horse-drawn carriage, away from her without paying any money for it. She came to complain to my grandfather and demand a return of the carriage. And my grandfather said to her "Go back to the unit and get them to give you back your carriage".

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And so I took this woman and went over to the unit

with her. I went there and I inquired whether or not there was a carriage there with a certain number on it, and while I was there at the reception desk inquiring about this carriage I heard someone shout "Attention!", and just then General Yamashita came by. And then one of the soldiers told me "That is General Yamashita", and I said to myself "Ah! That looks just like his photograph".

Q Did you speak to General Yamashita?

A I did not say anything to him.

Q Is that the only time in your life that you have ever seen General Yamashita?

A Aside from that I have never seen him.

Q Did you ever see General Yamashita at your grandfather's house?

A I have never seen such a thing.

Q Did you ever interpret anything that General Yamashita said?

A There is no such occasion.

Q Now, did you ever act as an interpreter for your grandfather for any Japanese General?

A There have been such occasions.

Q How many times?

A Three or four times.

Q Who were the Generals for whom you interpreted?

A The first one was Major General Nishimura; then there was Major General Nakamira.

Q Was there another general?

A Then there was Major General Saito.

Q Were these occasions when there was a party at your

grandfather's house?

A Yes.

Q And there were a lot of people present in the room when you did your interpreting?

A There were.

Q Can you remember what it was that you interpreted?

A Yes.

Q Will you tell us what the matter was that you interpreted?

A When General Nishimura came to the house he came with either a soldier or an officer, but he did not bring any interpreter. General Nishimura asked "Is there any interpreter here?" and I said "I can interpret for you". At that time my grandfather and the General and another grandson and I sat by a table where the maid had put some cakes. Then General Nishimura said "There are so many people here that it is not convenient, so let's talk next time". With that General Nishimura left.

Q And what was it you interpreted for General Nakamira?

A When General Nakamira came it was a celebration of my grandfather and at that time the General told my grandfather that the Americans will not return to the Philippines a second time. Then a great many people standing around my grandfather said "If the Americans come back again we will fight them". That was all.

Q When was that conversation?

A Towards the end of -- Towards the beginning of 1944.

Q What was the conversation you interpreted for General Saito?

A That was only when General Saito was going back to Japan. He came to say goodbye to my grandfather.

Q And was that the total conversation? Simply saying "goodbye"?

A He also said that when the war was over that I could come and live in his house and study and go to military school.

Q Are those the only conversations of Japanese Generals that you have ever interpreted to your grandfather?

A Just once. That was not a home, but that was at the General's house.

Q Those are the only conversations in your house?

A Yes. That was all in my grandfather's house.

Q Joaquin Galang has told this Commission that you interpreted a conversation with General Yamashita at your grandfather's house. Is that statement true or false?

A That is a lie.

Q Joaquin Galang has told this Commission that you quoted General Yamashita as having said "All Filipinos are guerrillas and even the people who are supposed to be under Ricarte".

A I have never had occasion to translate anything like that, even once.

Q Did your grandfather ever say in your presence to General Yamashita "I would like to take this occasion to ask again for you to revoke your order to kill all the Filipinos and to destroy all the city"?

A I have never heard anything like that.

Q Did your grandfather ever tell you that General

Yamashita had ordered the massacre of the Filipino people?

A Nothing like that was said. And if anybody had said that, my grandfather has been working for the freedom of the Philippines ever since the Spanish regime and if right here on Philippine soil my grandfather was told that all of the Filipinos, with the same-colored skin as his own, he could not have agreed to it. And I believe that if my grandfather knew that all the Filipinos were going to be killed that it would not be reasonable for him to leave me living in the City, in Pasay.

Q Did he leave you and your grandmother in Manila when he went to Baguio in December, 1944?

A He left us here.

Q And from your knowledge of your grandfather you state that he would not have left you here if he knew of any such order?

A That's the way I think.

Q Are you very fond of your grandfather?

A I love him very much.

Q And what is your reason for telling this story to the Commission?

A I know that any talk that my grandfather and General Yamashita talked together is a lie, and I came here today hoping to prove that.

CAPTAIN SANDBERG: Your witness.

CROSS EXAMINATION

Q (By Captain Pace) When did you go to Japan?

A When I was two years old.

Q Did you live there until you came here in December

of 1942? Is that right?

A Yes.

Q With your grandfather?

A Yes.

Q What did your grandfather do in Japan?

A In Japan my grandfather was teaching Spanish.

Q Was he a prominent man there among influential Japanese officials?

A Yes.

Q Did your grandfather then come to the Philippines ahead of you?

A Yes.

Q Did he tell you why he was coming?

A He told me before he came that Japan had conquered the Philippines and that is why he was coming to the Philippines.

Q Did he say what he was going to do here?

A Nothing excepting that he was going to help educate the Japanese Army.

CAPTAIN PACE: Will you repeat the answer, please? I didn't hear it.

COMMANDER BARTLETT: "Nothing excepting that he was going to help educate the Japanese Army".

CAPTAIN SANDBERG: Please, sir, our interpretation is that he was going to "cooperate" with the Japanese Army.

GENERAL REYNOLDS: Will you check that, please?

COMMANDER BARTLETT: It could be that, too.

(Whereupon Commander Bartlett questioned the witness.)

COMMANDER BARTLETT: That means "cooperate".

Q (By Captain Pace) When did your grandfather talk to Major General Nishimura?

A I have forgotten.

Q Can you estimate when it was?

A I think it was 1944.

Q Who was Nishimura?

A He was a very tall, well-built man.

Q What did he do in the Japanese Army?

A He was a staff officer.

Q Who is Major General Nakamira?

A He was in charge of a communications unit.

Q Who was Major General Saito?

A I never saw him excepting when he called at my grandfather's house, and I don't know very much about him.

Q When did Saito call at your grandfather's house?

A It is my opinion that it was about January, 1943. My grandfather also went with General Saito to Japan on some kind of business.

Q Was Saito the one who was going to send you to military school?

A Yes.

Q Did you want to be a soldier at that time?

A I thought I wanted to be a soldier.

Q In the Japanese Army?

A My grandfather told me to go to military school, become a General. So I felt that way about it.

Q Did you ever tell anybody that you wanted to fight on the side of the Japanese when you got old enough?

A Yes, I have said that.

Q Your grandfather always fought against the United States, didn't he?

A This is not what my grandfather said, but my grandmother told me that if the United States and Japan ever got into a war, that Japan could not hold out very long.

Q Well, did your grandfather devote his life to fighting the United States?

A I have heard that he talked against the United States.

Q And did you believe and agree with his teachings?

A I felt a little that way, but my playmates taught me that when the American Army came there would be plenty of bread, lots of sweet things to eat and things would become cheaper. At that time I did not know anything about the way the Americans did things and because all the Japanese told me the Americans were bad, I believed that they were bad.

Q Did you ever say that you wanted Japan to win the war against the United States?

A I have said.

Q Did your grandfather know General Yamashita?

A I don't know whether they were friends or not, but because he said he met him at meetings frequently I wonder whether he may not have been an acquaintance.

Q Did you know then who Yamashita was?

A I just knew his name. I also knew that he had conquered Singapore.

Q What did you know about what he had done in Singapore?

A All I heard was that he was very strong.

Q Describe what you mean by "strong"?

A He said that he took Singapore quickly and was a good soldier.

Q Do you know anything else about him?

A I have heard nothing more about him.

Q After your grandfather went to Baguio, did you stay on in his house in Pasay?

A Yes, sir.

Q Who was left there with you?

A Myself, my grandmother and the maid.

Q Did your grandmother ever rejoin your grandfather in the mountains?

A No.

GENERAL REYNOLDS: The Commission will interrupt the Prosecution at this time and ask what you have in mind by this line of questioning.

CAPTAIN PACE: I have information, which I am not convinced of the truth of, but my understanding is that his grandmother went to the mountains with the grandfather and died there. I was attempting to clarify that point.

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: Will you read the last question, please?

(Question read)

Q (By Captain Pace) Where is your grandmother now?

A She died in the mountains.

Q Who was with her when she died?

A The maid and somebody; I don't know exactly who, but somebody very close to my grandmother.

Q Who was the maid who lived in your house?

A Concha.

Q Where is she now?

A She also died in the mountains.

Q When did she go to the mountains?

A She went with us.

Q When did you go to the mountains?

GENERAL REYNOLDS: Will you read that question?

(Question read)

THE WITNESS: It was about six months ago.

Q (By Captain Pace) Did you go before the Americans had seized Manila?

A I went before I realized that the American troops were coming into Manila.

Q Then you were not here during the period immediately preceding the American occupation of Manila, is that right?

A That is right. All I heard from the doctor was, the military doctor was, that they were going to take the sick people to Antipolo.

Q Give me the best you can the date on which you left Manila for the mountains.

A The Americans came in in February, did they not?

CAPTAIN PACE: May I state for the record a matter of which I am sure the Commission may take judicial notice of, the date upon which the Americans did come to Manila, sir.

GENERAL REYNOLDS: Yes.

CAPTAIN PACE: Will the Defense stipulate that on or about February 3rd the Americans entered Manila?

CAPTAIN SANDBERG: January the 3rd the Americans were at the outposts; February 3rd they entered the outposts, is that it?

CAPTAIN PACE: They reached the Pasig River on February 6th.

CAPTAIN SANDBERG: It has been called to my attention that there has been testimony here that on the 7th and 8th of February buildings were being blown up north of the Pasig by the Japanese, and that testimony came from witnesses who did not see any Japanese soldiers.

CAPTAIN PACE: My recollection is it was the 6th that they testified to.

May I state for the record that the Americans reached, were well into Manila, by February 6th?

THE WITNESS: I am a little deaf, so please speak louder. I went to Antipolo one week before the enemy, that is to say, the American Army entered Manila and I was there -- from there I went with my grandmother to a place called Panta. I don't know exactly where it was and from there we went up into the mountains.

Q Who decided that you should go to the mountains? Was that your grandmother that decided that?

A Nobody decided it. I was in the hospital because I hurt my leg and when they told my grandmother that the hospital was moving to Antipolo she said she would go, too, because she wanted to stay with me.

Q (By Captain Pace) Was this a Japanese army hospital you were in?

A It was in the Japanese army hospital; I don't know

the name of the hospital.

Q When did you go to the hospital?

A I was driving a car and got hit by a truck and I do not remember anything after that.

Q Do you remember when it happened?

A It was about ten days between the time I had the accident and the time we were moved to Antipolo.

Q Did you go to the hospital before your grandfather left for Baguio?

A It was after my grandfather had started.

CAPTAIN PACE: No further questions.

GENERAL REYNOLDS: There will be a question by the Commission.

Did you see your grandfather after you left Manila, just before the Americans came into the city?

COMMANDER BARTLETT: Will you please read the question?

(Question read)

THE WITNESS: I did not see him; I have not seen him since he went to Baguio.

GENERAL REYNOLDS: Is your grandfather still living?

THE WITNESS: According to the newspapers he is dead.

GENERAL REYNOLDS: Do you know where he died?

THE WITNESS: I don't know.

GENERAL REYNOLDS: Do you know the circumstances of his death?

THE WITNESS: I don't know.

GENERAL REYNOLDS: The Commission will recess for approximately 10 minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

Is there further cross-examination by Defense?

CAPTAIN SANDBERG: Sir, we have no further questions.

GENERAL REYNOLDS: The Prosecution may proceed.

(Witness excused)

CAPTAIN HILL: The next item, sir, that the Prosecution desires to present, is Bill of Particular Item No. 112.

LEONARDO C. PALICTE

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) Will you state your name to the Commission, please?

A Leonardo C. Palicte, Jr.

Q Where do you reside, Mr. Palicte?

A Guadalupe, 340 Columbus Street.

Q What is your nationality?

A Filipino.

Q How old are you?

A 22 years old.

Q Where did you reside during the first part of this year?

A Cebu Breeding Station, Guadalupe, Cebu.

Q With whom did you reside there?

A With my parents, brother and sisters, and members of the family.

Q Will you give the names of your parents and brothers and sisters that resided there with you?

A My father, Dr. Leonardo J. Palicte; my mother,

Louisa Castaneda Palicte; my sister next to me, Fe C. Palicte; second sister, Esperanza C. Palicte; then Jesus C. Palicte; Caridad C. Palicte; Manuel C. Palicte; Benjamin C. Palicte; Isabelo C. Palicte; Roy Emanuel Palicte; Abdias Palicte; and Germinio Hortillosa.

Q On what date did the American troops come into that vicinity?

A They began their landing operations on March 26, 1945, but they were able to enter the city the following day, March 27, 1945.

Q On or about that time, did you have occasion to leave your home and go to the city of Cebu for some cause or other?

A Yes, sir.

Q On what date was that?

A About 9 o'clock in the morning on March 26, when we could hear the cannonading of Talisa, Cebu; it was 40 kilometers from the city. My mother sent me on an errand to procure rice, because we had no dinner during that time, as food was so scarce in the city; and me being the eldest son of the family, my mother told me, "You, my son, being the eldest, go to the city and procure rice, because there might be street fighting and we won't have food while we are hiding. You brave the dangers, even though that the landing operations are beginning." And I went to the city around 9 o'clock in the morning.

Q And when did you return to your home, Mr. Palicte?

A I returned the following day, March 27; that was Tuesday.

Q What time of the day?

A 7 o'clock in the morning.

Q And when you returned, did you go directly to your home?

A I went directly to my home, but I saw that it was completely burned up, and I went directly to the air raid shelter to call the members of my family, but no one answered me.

Q Did you at that time or later on that day have occasion to examine the ruins of your home?

A Upon arriving at the ruins of my home, I went directly to the air raid shelter where we usually hid during air raids, and the first thing that struck me was that if my parents ran away because of fear that the Japanese would kill them, they might have the youngest brother, because my youngest brother was barely 3 months' old and was artificially fed, and if they run away because of fear they must take along the feeding bottle and the milk; but the first thing that struck my sight was the feeding bottle and all things in shambles, and I thought that something bad has happened to them.

Q Did you then make a search of any kind of the ruins of the home, to discover whether or not the bodies of your family were there?

A I made a search, the whole day, but --

Q Tell the Commission what you were able to find there in the ruins of your home.

A I found in the ruins of my home, when I peeped into everything, all things had been burned, and I couldn't find

anything.

Q Did you that evening find anything?

A I didn't find anything that evening.

Q Did you later on?

A The following day a boy informed the family that the charred remains of the members of my family was in the cemented cellar of our room, which I forgot to look into.

Q Did you look there at that time?

A I went directly, when the boy came to notify us in the other house, and I went directly to the cellar of the house, and there I found the remains of my family.

Q Were you able to count the number of skulls that you found there in the burned rooms?

A I was able to count eleven skulls, and the remains of my kid brother who was barely three months old.

Q Were all of the bodies burned?

A All of the bodies were completely burned except three which were still intact. My father -- there was still a pool of blood at his lower extremity, and my cousin was still also intact, and the friend who was boarding with us in the house.

Q Could you tell whether or not their bodies, that is, the bodies of those three, bore any wounds of any kind?

A My father, I saw the wound in the neck. The other two, I saw the wound in the abdomen.

Q Both of them had wounds in their abdomen?

A Yes, sir.

Q Could you tell what had caused those wounds?

A As to my own conclusions, sir, it was caused by a

bayonet.

CAPTAIN HILL: Take the witness.

CAPTAIN REEL: No questions.

CAPTAIN HILL: That is all.

(Witness excused)

MAJOR KERR: Sir, we have two Visayan interpreters who have not previously been sworn.

GENERAL REYNOLDS: Very well.

(Whereupon Interpreters Filomena Zosa and Loreto Asturias were sworn.)

REYNALDO BURDIOS

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Zosa, was examined and testified through Interpreter Zosa as follows, with Interpreter Asturias acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please?

A Reynaldo Burdios.

Q Where do you reside?

A Guadalupe, Cebu.

Q How old are you?

A 15 years old.

Q What is your nationality?

A Filipino.

Q Did you reside at that same place during the early part of this year?

A Yes.

Q Where was your home at that time with reference to the home of Doctor Palicte?

A Still in Guadalupe, Cebu.

Q How far from Doctor Palicte's home?

A About 50 yards.

Q And during that time were you employed by anyone?

A Yes.

Q By whom?

A The Japanese.

Q What kind of work did you do for the Japanese?

A The work of the Japanese as water carrier.

Q On or about the 26th of March of this year, did you overhear any conversations between members of the Japanese army there where you worked, relative to the burning of houses or killing of civilians?

A Yes, sir.

Q Between which Japanese did you hear this conversation take place?

A I overheard Captain Hancho instructing Private Tanaka, Miyagi, Kubayashi, and Kato.

Q What kind of instructions did the Captain give to the Japanese privates?

CAPTAIN REEL: We object to that question, sir, as hearsay.

GENERAL REYNOLDS: The Defense has objected to the question, and the objection is not sustained.

Proceed.

CAPTAIN HILL: Will you read the question?

(Question read)

A (Through the Interpreter) Captain Hancho ordered all civilians to be killed, and burn all houses.

Q Did you hear any other conversation between these Japanese at that time?

A No, sir.

Q Now, on that day, after you arrived at your home, did you see the Palicte home on fire?

A Burned. The house was burned.

Q And did you go to the ruins of the Palicte home?

A No.

Q What was Mr. Palicte commonly called in the neighborhood there?

A Doctor Palicte.

Q Was he a doctor of any kind?

A He was the doctor of the breeding station.

Q And was the Palicte home located in what was referred to as the Cebu Breeding Area?

A Yes.

Q At the time when you saw the Palicte house burning, did you hear any noises coming from the direction of the Palicte home?

A I heard a woman screamed.

Q Could you hear what the woman said when she screamed?

A She only shouted.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

GENERAL REYNOLDS: A question by the Commission.

GENERAL DONOVAN: Do you speak Japanese?

THE WITNESS: No, sir.

Q (By Captain Hill) How did you know what these Japanese were saying when you heard them talking?

A Because Japanese Captain Hanchō ordered these privates saying, "Civilian, patain; uchi sigi sigi," which means, "Civilians kill", "uchi", means fire, "sigi sigi", means "Hurry, hurry."

Q Are those Japanese words that you have just recited?

A Well, I know a little, some other Japanese terms.

Q Where did you learn those terms?

A Some other Japanese.

CAPTAIN HILL: That is all.

#### CROSS-EXAMINATION

Q (By Captain Reel) Were those words that you have just spoken Japanese or Visayan?

A He spoke only Japanese. "Uchi" means "house."

Q Are we to understand that the instructions were simply those four words, "Civilians kill, house burn"? Is that right?

A Yes.

CAPTAIN REEL: That is all.

(Witness excused)

(A document was marked  
Prosecution Exhibit No.  
307 for identification.)

CAPTAIN HILL: If the Commission please, we want to offer into evidence Prosecution's Exhibit No. 307, which is the sworn statement of Seichi Akita, a Japanese prisoner of war, taken in the Prisoner of War Stockade down at Tabunok, Talisay, Cebu, Philippines, on 18 October 1945. It was taken in the presence of an investigating officer of the War Crimes Investigating Detachment, taken under oath.

GENERAL REYNOLDS: You may read the document to the Commission, at least the essential parts thereof.

CAPTAIN HILL: "Q Did you know a Filipino family named Palicte living at Cebu Breeding Area, Cebu City, Cebu, P. I., in March, 1945?

A I do not know them by name, but the man was called 'Doctor'.

Q Do you have any information which you wish to tell us concerning the death of this Filipino family who lived in a house on the Breeding Area grounds just northwest of where you had been living, and the burning of their house on 26 March 1945 just before the Americans came to Cebu City?

A Yes, I will voluntarily tell you what I know about the death of a Filipino family who lived just northwest of the house where I was living at that time.

Q What time of the day was it when these people were mistreated?

A It was on the 26th March 1945 but I do not know what time it was. But I believe it was at night because the men

"who did it had been ordered to return to our headquarters at noon but they did not come back until about 9:00 or 10:00 o'clock that night.

Q Where were you while this family was mistreated?

A I was in a fox-hole at the foot of the hills just behind the Guadalupe church about 4 kilometers away.

Q Could you see the house where it took place from your fox-hole?

A I could not see it from where I was.

Q Then where did you get your information about this mistreatment?

A That same evening when the four men who did it came back to our unit I was in the same tent with them about 9:00 or 10:00 o'clock that night. They were proudly telling what had happened.

Q Do you know if anyone else overheard their conversation or was present?

A I do not know.

Q Did all four of them admit having taken part?

A I am not certain whether they all admitted taking part in the killing of this family but I do remember that all four of them admitted that they raped some of the girls in the family.

Q Did they admit having burned their home?

A Yes, they admitted having burned the house but they said that this was by order of T/Sgt. Yasokichi Koroda or else an order received from the Mitsui Corps who was in charge of the defense of this area.

Q Did these four men say that when they burned the

"house of this particular Filipino family, the people in the family were inside the house?"

A I do not know if they were in the house when the house was burned but these four Japanese soldiers in talking among themselves said they had raped some girls in that house and that they had left no witness so I understood that there was no one else living who might have seen them do it. I also understood from what they said that they had burned the bodies because they said they left no evidence.

Q Did you ever hear anyone other than these four men admit having taken part in this particular rape and killing of the people and burning of the house?

A No other man was concerned in this matter because all the rest of our troop had gone to our fortification in the mountains by Guadalupe. At noon of the 26th March our unit left for this nearby mountain position leaving behind in Cebu City Tanaka and Kato. After we reached our new position, Kbayashi, Miyage and Yasutake were sent back to assist Tanaka. All five of them returned to our position that night but Kato told me that he had not found Tanaka in Cebu City until just before they returned to the hills so I do not believe that Kato had anything to do with this matter. He took no part in the conversation.

Q Where was this tent in which you overheard the conversation on the night of 26 March 1945 located?

A Just in front of our trench near the mountain in Guadalupe.

"Q About how many kilometers is this from the house in which the family was living in Cebu City?

A About four kilometers.

Q Did these four men in the tent that night mention the name of the girls raped and killed?

A According to my memory, they mentioned their names but I do not remember what they said it was.

Q Do you remember any remarks they made about the girls?

A According to my memory, they mentioned that one was beautiful and they also mentioned that there were several girls between thirteen and nineteen years old and they said that they each had raped all of them, it was at least two or more girls they raped.

Q Did they describe the rape of these girls in so far as the use of force was concerned?

A They said that the girls of 13 years old wept and was very pitiful so I assume that they used force.

Q Did they use the word 'rape' in referring to what they had done to these girls?

A I did not hear the Japanese word for 'rape' spoken.

Q Did they say whether the girls screamed?

A They said that the girl 13 years old screamed.

Q Did they say whether they had threatened the girls with weapons?

A I did not hear that they threatened them with weapons; what I did hear was they were carrying their weapons with them at that time.

Q Did you hear them say whether the girls were held by members of the group while others raped them?

"A I did not hear them say that they employed force to hold the girls down but they did say that Miyagi stood as sentinel outside or inside the house while the others raped the girls and then Miyagi came in and was the last one to rape the girls. I do not remember how many girls there were but I do remember that each of these four men admitted having raped each girl.

Q What were the names of these four soldiers whose conversation you overheard?

A Pvt. Yasutake, Pfc or Leading Corporal (I don't know which) Ichiru Tanaka, Pfc or Leading Corporal Miyagi, and Pfc Shoichi Kobayashi. I don't know the ranks for sure because they mean almost the same thing.

Q Where is Yasutake?

A He died about one week after we left Cebu City in March, 1945, because of burns received in combat.

Q Are these four men the same persons you described in your original statement of 16 October 1945?

A Yes, sir."

I think that is the pertinent part of the statement, sir.

GENERAL REYNOLDS: Any objection by the Defense?

CAPTAIN REEL: There is, yes, sir. The Defense objects to the admission of this statement, first, on the ground that it purports entirely to be the results of conversations of other persons. Secondly, on the grounds that it is completely immaterial to the issue, and the specification number 112. Nowhere in this document is there any identification of this family as the Palicite

family.

The witness, as a matter of fact, specifically says that the name was unknown to him. They mention their names, but he says, "I do not know them by name."

On the further grounds, sir, the statement largely has to do with rape. All throughout the statement there is the story of rape, yet on the second page it is admitted that the Japanese word for rape was never used.

We object to the admission of this document.

CAPTAIN HILL: Sir, as to the identification of the family, I think the identification of the family is sufficient. The evidence shows the family lived at the Cebu Breeding Area, that the family was referred to and that he was referred to in the vicinity as "Doctor," and that they lived there.

This affidavit or statement identifies the family and the man in that manner.

CAPTAIN REEL: Sir, if Counsel for the Prosecution refers to the first two questions and answers, may I point out that the second answer says as follows:

"A Yes, I will voluntarily tell you what I know about the death of a Filipino family who lived just northwest of the house where I was living at that time."

That is the only identification.

I submit that there is no identification of the family known as Palicte as named in specification number 112.

GENERAL REYNOLDS: The objection of the Defense is not sustained, and the document will be accepted for such probative value as the Commission decides it possesses.

CAPTAIN REEL: Since the document is admitted, may I make the additional request that the questions and answers dealing with rape be stricken, because the questions of rape were never used by the witness who made the statement, and I refer to the question number 20 on the second page.

GENERAL REYNOLDS: Well, the comments of Defense Counsel are noted, but as an objection it is not sustained.

(Prosecution Exhibit No.  
307 for identification  
was received in evidence.)

CAPTAIN HILL: That concludes that item, sir.

The next item that the Prosecution desires to present is the Bill of Particular item number 97, and the first witness is Rosa Calalong.

ROSA CALALONG

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) Will you state your name, please?

A My name is Rosa Calalong.

Q Can you speak a little louder?

A Rosa Calalong.

Q Where do you reside?

A 2462 Tinaldo, Manila.

Q Where were you residing the first part of February of this year?

A In Intramuros.

Q Where in Intramuros?

A Anda Street.

Q Were you residing there with the other members of your family?

A Yes, sir.

Q What were their names?

A Jesus Carugtos, my husband; Victorina Alban, my mother; my children, who are Aurora Carugtos, Angelita Carugtos and Basilio Carugtos.

Q On the 5th of February of this year did you, together with the other members of your family, have occasion to leave your home and seek refuge?

A Yes, sir.

Q And where did you go at that time?

A In the Cathedral Church.

Q To the Manila Cathedral Church?

A Yes.

Q Where was the Manila Cathedral located?

A Located at Calbildo and Postiago.

Q Was that at Intramuros?

A Yes, that is inside of Intramuros.

Q At what time of the day or night did you and the other members of your family go to the Manila Cathedral?

A At about 5:30 in the afternoon of February 5th.

Q When you arrived there did you find any other people in the cathedral?

A There were plenty there.

Q Can you state to the Commission the approximate number of persons that you saw there in the cathedral?

A There was lots of people; it is a very big church,

and it was very, very crowded.

Q Would you say that there were 500 or 1000 or 1500 people there?

A Maybe around 4000 or 5000; it is plenty. There are very many.

Q Did you and the members of your family remain there in the cathedral that night?

A Yes, sir.

Q All night?

A Yes.

Q Now, during the night did you see any Japanese come into the cathedral building?

A Yes, sir.

Q And for what purpose did they come into the building?

A I don't know, sir, but they went inside the cathedral and they were going around, and then afterwards they have been pulling girls outside of the cathedral, and I saw two Japanese raping those women right there in the cathedral, and one by my side she is pregnant five months.

Q What part of the cathedral were you and your family located in that evening?

A We are in the middle of the cathedral. Suppose this is the church; we are there at that place (indicating), and this is the door.

Q Were you in the rear, to the rear of the cathedral?

A Yes, sir.

Q And how many Japanese did you see take women out of the cathedral during the night?

A There are many, but I have seen two, they are very,

very near me, in front of me, in front of our place those Japanese are raping her, and I have seen plenty of girls that they are taking outside of the cathedral, those Matista girls, they are very young. They are telling, "No, don't; mama, don't let them take me." Those girls are shouting like that.

Q Did the Japanese take these girls by force?

A Yes, by force.

Q Did you see any girls killed there that night by the Japanese?

A No, those girls were taken outside and I never saw them inside any more.

Q You mean those girls that were taken outside you never saw return to the cathedral that night?

A I never saw them any more.

Q Did you see any girls killed by the Japanese in attempting to escape?

A No, I did not see them.

Q The next day did you see any girls killed by the Japanese when they attempted to escape?

A I have seen, yes, in front of that well. There were girls there that were shot by the Japanese.

Q When they attempted to escape?

A Yes.

Q How many did you see shot by the Japanese?

A I don't know; there are many there.

Q Several?

A Yes, several.

Q How long did you remain in the Manila Cathedral?

A We stayed there for two days.

Q Did all the members of your family stay there during that time?

A My mother and my niece were there in the St. Augustine Church. We were separated because the very afternoon they told us to leave the house, you see I told my mother I would be going to St. Augustine, and he told me, he said, "You can't go into St. Augustine, because there are already plenty there." He told me that I go to the Cathedral. So I and my two children and my husband were separated, and my mother and niece were separated.

They told me I couldn't go there. There was plenty there, that I better go to the Cathedral Church.

Q Were you and your husband separated after you got to the Cathedral?

A The next morning they took all our men; they took my husband.

Q You mean the Japanese took all the men?

A Yes, the next morning.

Q Do you know what they did with them?

A No, but I seen them.

Q Have you seen your husband or heard from him since he was taken from you at the Manila Cathedral?

A That is the last time I have seen my husband.

Q How many men did you see the Japanese take from the Manila Cathedral on that day?

A There are many; there are two very long lines.

Q Well, when you say "many" can you give the Commission a little more definite answer on that? Would it be

50 or 100 or more than that?

A It would be more than two or one thousand, something like that.

Q Do you know if any of those men ever returned or not?

A Yes.

Q Did they return?

A Mr. Sanchez Andriguez, he returned.

Q Did any of the others that you saw taken away from the Cathedral ever return?

A No, I have not seen them.

Q And you have never heard of them since that time?

A I have not heard of them, no.

Q Now, after you left the Cathedral, what did you see, if anything, relative to the destruction of the Manila Cathedral?

A I see the Cathedral; I see it burning.

Q You saw it burning?

A Yes.

Q Do you know what caused the fire that burned the Manila Cathedral?

A There is some explosion, plenty of explosion inside the Cathedral.

Q Are you sure those explosions were coming from the inside of the Cathedral?

A They are inside the Cathedral, yes. We are here and the Cathedral is only on the next street.

Q Were there any American bombings or shells hitting in that area at that time?

A There was no shelling yet.

Q And no bombing yet?

A No bombing yet.

Q When you were in the cathedral did you see any signs of explosives being placed around inside the building?

A I just see those drums there, and supposing this is the church here, the convent, there are plenty of gasoline drums there.

Q Around the church?

A Yes.

CAPTAIN HILL: You may have the witness.

#### CROSS EXAMINATION

Q (By Captain Reel) These Japanese soldiers you saw, were they army or navy or marines?

A They are wearing green suits.

Q Did you see any insignia on their green suit?

A No, I don't. I don't look at the Japanese.

Q You could not tell whether they had little anchors on their green suits or not?

A No, I don't pay any attention to that.

Q You did not pay any attention to that?

A No, I don't pay attention to that.

CAPTAIN REEL: That is all.

CAPTAIN HILL: I will ask to have these two photographs marked for identification.

(Two photographs were marked Prosecution Exhibits No. 308 and 309 for identification respectively.)

#### REDIRECT EXAMINATION

Q (By Captain Hill) I will hand you Prosecution's

Exhibit No. 308, and ask you to state what it is, if you know.

A Yes, this place here, this is the Cathedral Church.

Q Is that the ruins of the church as it looks today?

A It is not like this today.

Q I will hand you Prosecution's Exhibit No. 309, and ask you to state what it is, if you know.

A Yes, this is the Cathedral Church.

Q And is that as the church looks today after it was destroyed?

A Yes.

CAPTAIN HILL: We will offer into evidence Prosecution's Exhibits 308 and 309, sir.

GENERAL REYNOLDS: There being no objection, they are accepted into evidence.

(Prosecution Exhibits No. 308 and 309 for identification were received in evidence.)

CAPTAIN HILL: That is all we have.

CAPTAIN REEL: No further questions.

(Witness excused.)

CAPTAIN HILL: We will call Francisca Cruz.

FRANCISCA CRUZ

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) Will you state your name to the Commission?

A My name is Francisca Cruz.

Q And where do you reside?

A I live at 106 Anda Street in the Walled City.

Q How old are you?

A 32 years old.

Q What is your nationality?

A Filipina.

Q Where did you reside during the month of February of this year, the first part of February?

A The first part of February we lived at 106 Anda, and February 5th we are taken to the Cathedral Church.

Q Did you live in Intramuros at that time?

A Yes, sir.

Q And you are one of the persons in that locality that went to the Manila Cathedral for refuge on February the 5th?

A Yes, sir.

Q And did you remain there in the Cathedral the night of the 5th?

A Yes, sir.

Q And who was with you in the Cathedral?

A I was with my husband and my seven children.

Q Can you tell the Commission or give them some idea as to the number of persons that you think were in the Cathedral on that night?

A At that night I think there are thousands of people in the Cathedral.

Q And you say "thousands of people"?

A Yes, sir.

Q How many thousands?

A I think more than 2000.

Q Were they men, women and children?

A Men, women and children; we are crowded.

Q In what part of the Cathedral did you spend the night with your family?

A At the right door of the Manila Cathedral.

Q In the front and at the right of the door, is that right?

A Yes, sir.

Q During the night did you see any members of the Japanese armed forces come into the Manila Cathedral?

A Yes, sir.

Q How many times would you say that you saw Japanese come into the Cathedral during the night?

A They often visited us there.

Q Many times?

A Yes, many times.

Q What would they come to the Cathedral for?

A I don't know; they just come, and if they see women they like they take them.

Q Did you see any of them take women?

A Yes, sir.

Q How many times during the night in the part of the cathedral that you were in did you see the Japanese take women?

A Once I see one of the Japanese, I saw a woman pregnant assaulted by a Japanese.

Q Inside the Cathedral, you mean?

A Yes.

Q Did you see any women taken outside of the Cathedral by the Japanese?

A Yes, they were screaming.

Q Were they taken by force?

A Yes, sir.

Q Did you ever see those women again?

A No, I have not seen them again.

Q The next morning, did your husband leave the Cathedral?

A Yes, sir.

Q Did he leave there with the other men that the Japanese took out?

A The next morning the Japanese take all the men.

Q What time in the morning was that?

A About 10:30, I think like that.

Q Did you see where they took your husband and these other men to?

A Yes, sir, they were taken to Fort Santiago.

Q Could you tell or did you see about how many men the Japanese took from the Cathedral at that time?

A There were very many, because they are put into two big rooms. They were crowded there, and formed two lines.

Q Do you think there was 100 or 200 or more than that?

A More than 200, I think 1000; more than 1000.

Q Men?

A Yes, men.

Q Have you seen your husband since he was taken from the Cathedral that day by the Japanese?

A Yes, sir, because I was at the door and he told me

good-bye.

Q Have you seen him since that time?

A I have not seen him any more.

Q Have you seen any of the others in that group of men that you were acquainted with since that time?

A I have not seen them any more.

Q How long did you remain in the Cathedral after your husband was taken out?

A The next morning the Japanese told us to go home and cook some food because our husbands would come home.

Q Did you go home then?

A Yes, sir.

Q Did you see the Manila Cathedral building when it was burning?

A Yes, sir.

Q And what day was that?

A February the 7th.

Q Where were you when you saw the building burning?

A We were in the Santa Rosa College.

Q How far is that from the Manila Cathedral?

A Very near, in front of the Santa Rosa Cathedral.

Q Could you tell how the fire was started inside the Manila Cathedral?

A We just saw the Manila Cathedral burning, and we saw some flames.

Q Did you see it when it first started, when the fire first started?

A Yes, sir.

Q Did you see or hear any explosions at the Manila

Cathedral at that time?

A Yes, sir, I saw some explosions.

Q How many explosions did you see?

A Very many.

Q Did those explosions appear to you to be on the inside or the outside of the Cathedral?

A I think it was in the inside, because in the Manila Cathedral we see many drums inside of gasoline.

Q Drums of what?

A Of gasoline.

Q Gasoline?

A Yes, sir.

CAPTAIN HILL: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Is the only reason why you say the explosions came from inside due to the fact that you saw drums inside?

A Yes, sir.

Q That is the only reason?

A I think in the St. Paul Hospital where the nuns live, in the St. Paul Hospital, the Japanese lived there, and they take many ammunitions inside and they leave it there on last February 5th. We saw them because we often passed there.

CAPTAIN REEL: Will the reporter please read the answer? I couldn't make out what the witness said.

(Record read.)

Q (By Captain Reel) Because you saw ammunition inside the St. Paul's Hospital, you think the Manila Cathedral

blew up from the inside?

A No, sir, when the fire begins, of course, when the fire is big and it gets near the St. Paul there, it burns, and in the Manila Cathedral there were many drums at the back door. Of course, the flames would grow big and we had many explosions from that.

Q Did you see any holes in the building?

A Holes?

Q Yes.

A We have not seen any holes in the building.

Q No holes in the building?

A No.

Q Can you tell us whether these Japanese soldiers were army, navy or marines?

A I don't know.

CAPTAIN REEL: That is all. (Witness excused)

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.  
You may proceed.

CAPTAIN WEBSTER: Colonel Fite.

WILLIAM C. FITE

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

CAPTAIN WEBSTER: Sir, this is part of the proof under Bill of Particulars Paragraph 72.

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A William C. Fite.

Q Your rank?

A Lieutenant Colonel.

Q Your organization?

A 129th Infantry.

Q Nationality?

A American.

Q What position do you hold in the 37th Division?

A I am regimental commander of 129th Infantry.

Q Were you with your regiment on or about the 1st of July in the northern part of Luzon?

A I was battalion commander of the 1st Battalion. I was with 129th Infantry at Aparri at that time.

Q Will you state in your own words and clearly to the Commission what you observed and know concerning any mistreatment or killing of civilians in or around Aparri?

A On the 30th of June we received reports from so-called "Bolo" men, Filipino citizens in barrios that were secretly organized, that Japanese had -- that members of the Japanese

Army had taken charge of a barrio named Tapel. This was approximately 30 miles east of the town of Aparri. They estimated approximately 500 Japanese were in the party, but we sent a platoon that day, followed it the next day with a company. I went with the company and at the Buguey River a fishing boat pulled into the river mouth. In the boat were five Filipinos. One was dead, another was shot once through the shoulder, and another was shot twice in the legs. They reported being fired on by two machine guns from the vicinity of Tapel. At the time they were sailing west about a hundred meters offshore.

I sent the two men to the aid station. This is on the 1st of July. About 30 minutes later another boat came in. There was a woman and a child that were creased by small arms fire. I checked both of the boats and it was apparently 25 calibre bullets that had pierced the hull. They told conflicting stories. They were very hysterical. And by the 3rd of July we reached this barrio of Tapel.

There were a few inhabitants there. Most of them apparently had escaped to the hills. I asked them to show me any bodies that were -- Filipino bodies that were in the area. They pointed to two pits in the ground and said that they were full of Filipino civilians. They were actually wells and I had one of the Filipinos crawl down in the well, and he uncovered one body. And I looked in the neighborhood. I saw another Filipino who had been dead approximately four days. He had been shot in the back. Then about a kilometer or two from there this Filipino took me to a tree, and there were three men and one woman that

had been tied to the tree and they had been killed by bayonets, judging from the wounds on the body. The natives told me that this force was commanded by a Major Saito. On the surrender of the Japanese forces in the area there was a Lt. Col. Saito who said that he had since been promoted. He spoke quite freely to our Nisei interpreter and corroborated some of the atrocities that were told us by the civilians, one of which was taking women from the barrios up there into his command post and none returned. And he gave as his reason that they would disclose the location of his C.P.

I have forgotten one incident. Five men came in on the 4th of July. They claimed to have been wounded approximately on the 30th of June. A battalion surgeon came in to us at Aparri. Our battalion surgeon believed that to be correct, the time interval, due to the condition of the wounds. Two of these Filipinos were blind, had been blinded by grenade fragments, and the others suffered cuts presumably from sabers and bayonets.

Q Were these civilians that were in the boat that you have described armed in any way?

A They were not.

Q Were the civilians that came to what you have last described as some being wounded and suffering blindness from grenades armed in any way?

A They were not.

Q This Japanese force that was in that area, was that Army or Navy?

A That was -- The force that surrendered was Army

with the exception of about 15 men that were Navy personnel.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Colonel, will you tell us something about these "Bolo" men that you described? Who are they?

A They are mostly men who work with -- not necessarily with the guerrillas, I understand, but they advise the civilians when to evacuate an area.

Q Do they --

A They --

Q Were you through?

A I was through, yes.

Q Did they carry bolo knives?

A When they came into our C.P. they didn't have any. They were just ordinary-looking native Filipinos.

Q And were there a number of guerrilla bands operating in the area in which you were?

A Not east of Highway 5. There were none. They operated west of Highway 5. That is the highway that runs south from Aparri.

Q So that west of Highway 5 there were some guerrilla bands operating?

A Yes, sir. Colonel Volckman's guerrilla forces were in there.

Q Yes. And were they armed?

A They were armed, yes.

Q And did they occasionally arm themselves with captured Japanese arms?

A I believe they did, only from talking to a few of

the officers. They were short of equipment.

Q Were there any guerrilla groups up there that were working with the Japanese?

A We had reports of some, but not that far north. Makapilis were alleged to have worked with the Japanese, but that was near Balete Pass farther up.

Q You had no reports of any other guerrilla outfits that were working against Volckman's guerrillas in that area?

A I never heard of any.

Q Do I understand you were told that there was a well there that was full of dead bodies?

A That's correct.

Q And how many did you find in the well?

A I only found -- I only saw one. He had to go down about 12 feet and I didn't make him dig any others up. The odor nearly made him lose consciousness.

Q Was there more than one dead body in there?

A They said there were three or four in there, and they had another well. They alleged, I believe, ten or twelve in the well.

Q But you didn't actually see more than the one well?

A I just made him go down into the one well.

CAPTAIN REEL: That's all.

#### REDIRECT EXAMINATION

Q (By Captain Webster) Sir, I believe you said that there were no guerrillas east of Highway 5.

A There were none.

Q Did these atrocities which you have described take

place east of Highway 5?

A Approximately 30 miles east along the Coast.

Q And was Major Saito or Lt. Col. Saito, whom you have described, in the Japanese Army?

A He was.

CAPTAIN WEBSTER: That's all.

CAPTAIN REEL: May I have the last question and answer read back?

(Question and answer read)

CAPTAIN REEL: No further questions.

(Witness excused)

CAPTAIN WEBSTER: That is all the evidence on that paragraph. The next paragraph is 105.

AVELINO DE GUZMAN

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Avelino de Guzman.

Q Your age?

A 52 years.

Q Your nationality?

A Filipino.

Q Where do you live?

A Residing in the City of San Pablo, Philippines.

Q What official position, if any, do you hold in San Pablo?

A My position, sir? I am the Chief of Police during -- before and during the Japanese occupation.

Q Were you the Chief of Police on or about the 24th of February of this year?

A Yes, sir.

Q Did you on that date have occasion to be called to the headquarters of any Japanese forces in San Pablo?

A I remember, sir. On the morning of February 24, 1945, I was ordered to call to the office of the Japanese garrison commander.

Q Who was the Japanese garrison commander?

A His name is -- there were two: Major Ono and Captain Okubu.

Q Did you go to the headquarters?

A Yes, sir.

Q Did you see either of those Japanese officers there?

A They were both together in the office.

Q Do you know whether they were in the Japanese army or navy?

A They were Japanese army, sir.

Q What did either of those officers tell you to do on that morning?

A I was ordered by threat to comply properly the order that they are going to issue that morning, and through the interpreter they showed me a piece of paper written in Tagalog language; that means that is the order, ordering that all male citizens of the City of San Pablo from 15 to 50 years of age, including all nationalities, Chinese, to assemble at the Roman Catholic Church by 10:30 A.M. of that date, February 24, 1945. I told them that it is very difficult for me to carry that order properly, because the City of San Pablo is very big. They required me to notify all the people of San Pablo to assemble at the Roman Catholic Church at 10:30 A.M. of that date. While we are talking it is about 9 o'clock. I select two of my policemen who have a loud voice, and take a big drum and go around the city and notify the people verbally. If I shall not comply that order, I am the very first one to be punished by death.

Q Now, did the Japanese at that time tell you what would happen to the people if they did not assemble where they were ordered to?

A They told me, and besides they told me I read the order, it was written in Tagalog language, that non-compliance of that order shall be shot to death in the street or in

their own houses.

Q Now, you did have members of your force go around the city and notify people to assemble in the church?

A Yes, sir.

Q And when did they assemble in the church? What time?

A They are immediately, when my people heard, but before I issued that order to my soldiers, permit me to inform this Honorable Court that I am very doubtful to that order, because two weeks previous before February 24, 1945, the chief of the Japanese Information Bureau in San Pablo issued warning through pamphlet to the people, saying "To avoid what happened to the people of Tanawan, to the people of Santo Tomas, Batangas, and to the people of Bay in Calawan, Province of Laguna, the people of San Pablo must obey any order issued by the Japanese military authorities."

Q Now, did you go to the church that morning?

A Yes, sir.

Q How many people assembled at the church pursuant to the order which the Japanese commander gave?

A More or less 8,000 persons; 8,000 persons, people.

Q Did they include men only?

A All men, all male, including Chinese.

Q Filipino and Chinese?

A Filipino and Chinese, sir.

Q How long did you stay at the church?

A I just enter and go, enter and go, but I did not stay there longer.

Q Now, the following morning did you return to the

office of Colonel Ono, or Major Ono, which you have described?

A On the following day, sir, I was called again to proceed to this office for a conference. What I did was to go there, but they did not permit me to return to my office and notify my family, because I was brought to the mountain.

Q Well, while you were in the office of Colonel Ono that following morning, did you see a letter written by the head of the hospital to Colonel Ono?

A A piece of communication from the director of the San Pablo Hospital, and as far as I know, because I got a copy of that communication, reporting to that office or to Major Ono's office that there are some wounded persons in the hospital.

Q Do you know the date of that letter?

A The date was February 25, sir.

CAPTAIN WEBSTER: You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) Did the Japanese tell you why they wanted everyone to assemble?

A I do remember through the interpreter that the people of San Pablo will be assembled in the church for labor purpose. They were going to be dig canal, big canal, so that the American tanks may have some obstacle to pass through.

Q Now, you speak about a warning that if the people did not comply, the same thing would happen to them as happened at Tanawan and Santo Tomas?

A Yes, sir.

Q Was it general knowledge in San Pablo that the people

in those towns had refused to work for the Japanese?

A No, sir, but I don't know what that chief of the Japanese military -- of the Japanese information, by the name of Nakada, meant that warning to the people of San Pablo.

Q Well, what was it that the people in Tanawan and Santo Tomas had done, that the Japanese had punished?

A According to him, because the people of Tanawan and Santo Tomas did not obey the order and they would be punished.

Q Do I understand that they had disobeyed the order to assemble at the church?

A I do not know, sir, but according to him those people in the Municipality of Tanawan, in the Municipality of Santo Tomas, in the Municipality of Calawan and the Municipality of Bay, were issued the order to the people for work; maybe if not all of them, part of them; they would be punished, killed, tortured.

Q Now, as Chief of Police in San Pablo, both before and during the Japanese occupation, would you say that you are well-informed on local affairs in San Pablo?

A Not generally; partly, sir.

CAPTAIN SANDBERG: Will you read that answer?

(Answer read)

Q (By Captain Sandberg) Did you have occasion, as Chief of Police during that time, to ever arrest any persons for guerrilla activities in San Pablo?

A They ordered me, but there is no guerrilla activity in the town of San Pablo. That is why there is no arrest has been made.

Q Do I understand that you are testifying that you

never made an arrest?

A No, sir.

Q For guerrilla activities?

A No, sir.

Q And never made any report to the Japanese military police?

A No, sir.

Q Of guerrilla activities?

A No, sir.

Q Are you stating that you do not know that San Pablo was the headquarters of the guerrillas?

A No, sir; that is no headquarters in San Pablo, regarding guerrilla.

CAPTAIN SANDBERG: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused)

GAW AN

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Gaw An.

Q Your age?

A (Through the Interpreter) 37.

Q Nationality?

A Chinese.

Q What is your occupation?

A I am a Chinese newspaperman.

Q Where is your home?

A San Pablo.

Q Were you among those people who went to the church in San Pablo on the 24th of February, 1945?

A Yes.

Q Why did you go there?

A Because on that day the military police came to order that everybody from the age of 15 to 50 should assemble in the church; if not, they would be dealt with.

Q How many people assembled in the church?

A Chinese and Filipinos included were about six or seven thousand.

Q What did the Japanese first do when you went to the church?

A A Japanese officer, through a Tagalog Interpreter, said that, "Today we are gathered here for a good purpose, and since you are so many we will have to deal with the Chinese first." The Chinese were to be taken 50 by 50, and finally the Chinese were taken, 50 by 50 out of the church.

Q Did they separate the Filipinos from the Chinese?

A Yes.

Q What did they do with the Filipinos?

A When we left the church, the Filipinos were still kept in the church.

Q What did they do with the Chinese?

A The Chinese were taken about half a kilometer away from this church, and they were told to dig trenches.

Q Did you dig trenches?

A Yes.

Q How long did you dig?

A From 10 in the morning until 1 in the afternoon.

Q Can you state how many Chinese were taken out of the church by the Japanese?

A About 700.

Q What did the Japanese do with you after you got through digging the trenches?

A The Japanese said, "Today we are very glad to see you all here, and since it is a day of rejoicing you should all come with us." So the Chinese were taken by the Japanese.

Q Well, what did they do with them after they got through digging?

A After digging I was taken to a three-story building.

Q How many were taken with you?

A About 300 persons.

Q How long did the 300 stay in the building?

A I stayed about five hours in the building.

Q What happened after that?

A While I was in the building, we Chinese were taken five by five out of the building. I saw that the situation was rather difficult so I took a package of cigarettes and gave it to a Japanese and he told me, "Thank you," in Japanese. I saw that the Japanese was quite grateful for the cigarettes so I took my pencil and wrote four Chinese words, asking the Japanese what was happening downstairs. The Japanese answered, "I shouldn't tell what is happening, but from higher authority I can tell what is happening below." Then he said that it is the order of the high

authorities that the things happened on the lower floor.

CAPTAIN WEBSTER: Will you read the last answer?

(Answer read)

Q (By Captain Webster) What did he mean when he said, "things happening on the lower floor"?

CAPTAIN REEL: We object. We don't suppose this witness could possibly tell what somebody else meant.

GENERAL REYNOLDS: Not sustained. Proceed.

(Question translated to the witness by Interpreter Uy)

A (Through the Interpreter) The Japanese didn't tell anything except that it is not our business, and just wrote four words referring to the fact that the authority came from higher headquarters.

Q What did the Japanese thereafter do with you?

A They just looked at us.

Q Did they take you anyplace?

A After five hours upstairs I was taken down, and the Japanese -- there were three or four Japanese sitting downstairs and one Japanese pulled my watch.

Q And where did they take you?

A Then two Japanese tied my hands at the back.

Q How many people were tied with you?

A At that time my brother and another Chinese friend and myself were tied.

Q Where were you taken?

A The three of us were taken to a house about 500 meters away.

Q What happened at the house?

A I saw two big holes dug in that locality; from the distance I could see dead bodies in those holes.

Q How many dead bodies did you see at that place?

A On the left hole I saw about 300 persons.

Q Did you see any bodies in any other holes in any other place?

A There were also some dead bodies in the right side, but I couldn't distinguish very well.

Q Now, what did the Japanese do to you and your other companions at that place?

A The Japanese took me and my brother to the left side, and the other Chinese was taken to the right side. As we came near the hole in the left side, we saw about 15 Japanese officers standing there -- they were seated. There was one standing. I saw one whom I could recognize. He was the propaganda officer of the Southern Army -- of the Army of the Southern Section of Luzon, and I saw him right there in the yard a little while ago.

Q Do you know his name?

A His name is Nakara.

Q What happened after you saw these Japanese officers?

A When I saw them they were all talking and smiling to each other. My brother was with me, and my brother was about two meters apart from me. We were heading towards the hole. One of the Japanese soldiers guarded my brother, and another one took his bayonet and bayoneted my brother, and another Japanese slapped him in the head. As my brother fell I was also stabbed, and I fell.

Q What were you stabbed with?

A With a bayonet.

Q How many times?

A I was stabbed once, but the other Chinese above me was also stabbed, and I was hit.

Q How long did you lie in that hole?

A About one hour. The Chinese that was stabbed above me was stabbed so many times that when he shouted "Long live Chiang Kai Chek," and again the Japanese stabbed him, and I was hit as I lay there.

Q Did that man fall on you?

A Yes.

Q How many other bodies do you know that came into that hole after you were there?

A I felt about one or two persons fell on me.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Do you speak Japanese?

A No.

Q Is the Japanese written language the same as the Chinese writing?

A The Kanji of the Japanese is the same as the Chinese characters.

Q And these four words that you wrote were Chinese words, or Japanese words?

A Chinese words; Japanese Kanji.

Q And the answer that you say you got, were those Japanese words or Chinese words?

A Also Chinese.

Q Will you write down here the four words that you said the Japanese soldier wrote down?

A (Writing characters.) How about the words I wrote to the Japanese?

CAPTAIN REEL: That's next. Have him do this first.

Q (By Captain Reel) These are the words the Japanese wrote to you?

A Yes, sir.

(Through the Interpreter) Yes.

CAPTAIN REEL: Over here in this column will you write the four words that you wrote to the Japanese?

(Witness writing characters.)

CAPTAIN REEL: Thank you.

Q (By Captain Reel) Do you know who this Japanese soldier was who wrote these words that you just wrote down?

A If I see him I can recognize him.

Q You don't know his name?

A I don't.

Q Or his rank?

A I don't, either.

Q Was he an officer?

A I don't think so, but he had a bayonet.

Q This Tagalog interpreter that was in the church, was he a Filipino?

A He is also a Japanese.

Q What was the name of the propaganda chief of the Army of the southern section of Luzon?

A Nakara.

Q And how did you know him?

A Because he was very well known in the San Pablo municipality, and he also went to the Catholic Church to give instructions to the people.

Q Did you ever meet him personally?

A Yes.

CAPTAIN REEL: That's all.

CAPTAIN WEBSTER: That's all.

GENERAL REYNOLDS: The Defense went to some trouble to have the witness write those messages down. Since that was done the Commission would like to be informed about it.

CAPTAIN REEL: Yes, sir; gladly.

GENERAL REYNOLDS: We would like to have it through the Official Interpreter.

CAPTAIN REEL: First I should like to ask the Official Interpreter whether those are Chinese or Japanese characters.

COMMANDER BARTLETT: Both.

GENERAL REYNOLDS: The answer is "both."

CAPTAIN REEL: In other words, these characters on the left side are used in the Japanese language.

COMMANDER BARTLETT: Yes, sir.

CAPTAIN REEL: All right. Let me ask you this question: Is this a combination of characters that is used by the Japanese?

INTERPRETER HIROSHI ITO: These last two, here, this side (indicating), is apparently Japanese. I have seen -- . I have seen those characters in that order, especially this "meirei," which means "order."

CAPTAIN REEL: No. I am now speaking of the second one. Is that a character that is normally used by the Japanese?

INTERPRETER HIROSHI ITO: I am not familiar with that.

GENERAL REYNOLDS: The Commission will take over.

If you can tell us what it says, read it to us.

INTERPRETER HIROSHI ITO: No, I can't read the second character here (indicating).

CAPTAIN REEL: That is the one I just asked about, whether it is a Japanese character; normally used by the Japanese, rather.

INTERPRETER HIROSHI ITO: I couldn't say; that I don't know.

GENERAL REYNOLDS: Will you read for the Commission as much of it as you can?

INTERPRETER HIROSHI ITO: The first character is "jo," which means "higher up."

GENERAL REYNOLDS: A little louder, please.

INTERPRETER HIROSHI ITO: The first character is "jo," which means "high." The second I am not familiar with. The third one is "mei." The combination of these

two is "meirei," which means "order." I presume that this would be the "higher authority," that the Interpreter over here referred to, being the "higher," here. I am not sure about that character there (indicating), but this would be the "order," "meirei."

CAPTAIN REEL: Might I suggest, sir, that we ask the Chinese Interpreter if she can read the character that is in question?

INTERPRETER KUY: These are the Chinese characters. It refers to "higher authority." The second word refers to "authority."

CAPTAIN REEL: That is a Chinese character?

INTERPRETER KUY: That is a Chinese character. I don't know whether it is used in the Japanese characters, too.

GENERAL REYNOLDS: Will you tell us about it?

COMMANDER BARTLETT: I am not versed in the reading of these characters, but for some 44 years I have known, and I think it is well known, that all Chinese characters are used by the Japanese, or are available for use among the Japanese, and that all Japanese characters excepting the phonetics are available for use by the Chinese. And for that reason it is quite common for Chinese and Japanese who cannot speak to each other to talk to each other by means of characters similar to, perhaps, scientists who cannot speak to each other talking to each other by marking down chemical or scientific formulae.

GENERAL REYNOLDS: In your opinion, therefore, there is nothing unusual about this exchange of information

between this witness?

COMMANDER BARTLETT: It is something that I have known of happening on numerous occasions between Chinese and Japanese, or between Chinese who do not speak the same dialect.

GENERAL REYNOLDS: But you are unable to translate that statement?

COMMANDER BARTLETT: I happen to be an interpreter, and not a translator, and this sergeant here (indicating Interpreter Hiroshi Ito), was picked as a translator; I mean, as an interpreter and not a translator. Now, with a dictionary we undoubtedly could find what this word means and what it probably means to both. In other words, the top character, I happen to know, means "above," and these other two mean "commands."

Now, quite a lot of reading of both languages is done by filling in between what must be the meaning. And if I had access to a dictionary I could very quickly say what this character means.

GENERAL REYNOLDS: Then the Commission will ask that you give that paper further study, and if you are able to make a definite statement as to its meaning, whether in your judgment as a student of the Japanese language it would be possible for this witness, who speaks Chinese, to have exchanged information with the Japanese person in the manner he described.

COMMANDER BARTLETT: I can have that for you when the court opens in the morning, sir.

GENERAL REYNOLDS: Very good.

CAPTAIN REEL: Might I suggest, sir, since the question has been asked of the interpreter, that he tell us whether or not, in his opinion, there are not certain idioms that are used by the Japanese that are not used by the Chinese, and vice-versa?

COMMANDER BARTLETT: Undoubtedly that is so, although Japanese who have been in China, or Chinese who have been in Japan, would tend to very quickly pick up each other's idioms.

CAPTAIN REEL: And one further question: Is there not a Japanese symbol for "superior officer" that is ordinarily used by the Japanese?

COMMANDER BARTLETT: I presume there is.

CAPTAIN REEL: And it differs from the symbol that appears on that sheet?

GENERAL REYNOLDS: Well, we are quibbling now. We will ask the Interpreter to come in tomorrow morning and, to the best of his ability inform us about the possibility of exchange of information in the manner described between this witness, speaking in Chinese, and the Japanese whom he described.

CAPTAIN REEL: May I say, then, in conclusion, sir, our position is that we do not question the possibility of any such exchange. What we do question is the probability of the exchange having taken place as the witness described, wherein the Japanese soldier used this particular character.

GENERAL REYNOLDS: The matter is closed.

Further questioning of this witness?

CAPTAIN WEBSTER: Any further cross examination?

CAPTAIN REEL: No, sir.

(Witness excused.)

GENERAL REYNOLDS: Does the Prosecution have other witnesses ready to bring before the Commission?

CAPTAIN WEBSTER: We have other witnesses in this particular case, sir.

GENERAL REYNOLDS: Ready to come before the Commission?

CAPTAIN WEBSTER: Yes, sir.

GENERAL REYNOLDS: The Commission will be in recess approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The Prosecution may proceed.

MARIANO DY KHENG

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Mariano Dy Kheng.

Q And your age?

A 24.

Q Your residence?

A San Pablo, Laguna.

Q Your nationality?

A I beg your pardon, sir?

Q Your nationality?

A Chinese.

Q Were you living at San Pablo on or about the 24th of February of this year?

A Yes, sir.

Q Were you one of the first who was assembled in the church?

A Yes, sir.

Q Were you there after one of those who were segregated among the Chinese?

A Yes, sir.

Q And were you one of those who went out and helped dig the ditches pursuant to the request of the Japanese?

A Yes, sir.

Q After you were through digging the ditches, what

did the Japanese do with you?

A After they are digging the ditches, I mean to say the canal, it is a small canal and the Japanese said that we must be very tired and for the work we have done they are going to give us food and, therefore, they take us into three houses.

Q How long did you stay in the three houses?

A I stayed in the house until about 5:00 to 6:00 o'clock.

Q How many other Chinese were in those houses?

A In the house there was more than 300 Chinese.

Q Did you receive anything to eat at that time?

A No, sir, we did not receive anything.

Q What did the Japanese do with you after you left the house?

A When we went down -- when I went down the stairs the Japanese tied me up with two other Chinese.

Q Do you know their names?

A No, sir.

Q What did they then do with you?

A Then they forced us, the three of us, down the road until we reached two ditches, one alongside of the road, there was one along each side of the road.

Q Can you state about how large those ditches were?

A The ditches were about two to three meters wide and more than two meters deep, the top being wider than the bottom and about 20 to 40 meters long. The one at the right side of the road extending to more than 50 meters, I believe.

Q Did you see what was in those ditches?

A Yes, sir, I see piles of dead.

Q Did you recognize any of those dead bodies?

A I do not recognize any of the dead bodies but most of them were shouting and crying.

Q How many dead bodies would you estimate there were?

A I would estimate the dead bodies on the left side to be more than 300 and the right side just this much also, about 300 also.

Q Can you state whether they were Filipino or Chinese bodies?

A I beg your pardon?

CAPTAIN WEBSTER: Will you read the question?

(Question read)

THE WITNESS: They were Chinese bodies but while I was already in the ditch I could hear Filipinos shouting so, therefore, there were also Filipinos in the ditch.

Q What did the Japanese do when they got you to the ditch?

A First, when we got to the ditch the Japanese told us to kneel down and to wait for our turn. He did not say to wait, but he just told us to kneel down and right in front of us I could see three Chinese kneeling down facing the ditch and three Japanese officers at the back -- I mean to say three Japanese soldiers with fixed bayonets at the back.

Now from the group of officers that was nearby one of them give an order, shouted an order. Then the three Japanese with the fixed bayonets advanced and thrust their bayonets into the bodies of the three kneeling Chinese.

When the bayonets was pushed through the bodies the same three soldiers kicked the bodies into the ditch. That was around ten yards away from me. Around five yards away from us I saw a Japanese officer with this big saber in his hands. He went forward and he lift his sword and cut off the head of a Chinese. Now, the Chinese fell down in the ditch. When the Japanese returned to the group, he made a look at us, he seemed to be very happy. He seemed to be saying that it is now your day. I was able to recognize him as the chief of the board of information.

Q What was his name?

A Nakara was his name.

Q Had he been stationed in and around San Pablo?

A Yes, sir.

Q For how long?

A About six months.

Q I believe that they had you then right about ten yards from the ditch, is that right?

A Yes.

Q What did they do to you then?

A After the Japs, the Jap officers returned to the group, he shouted to the Japanese behind us and then I was taken forward and told to kneel down facing the graves.

Q Did you kneel down?

A Yes, sir.

Q What did they do after you kneeled down?

A The next moment I was already struck in the back and when I was struck I fell down into the ditch upon the dead bodies.

Q What happened after you fell into the ditch?

A When I fell down into the ditch I happened to open up my eyes and I saw one of the Japanese, one of the Japanese soldiers had bayoneted me and he was going to give me another thrust at the stomach. When I saw him I put up my feet to prevent the body thrust but it went through my legs and my breast. Then I pretended to be dead.

Afterwards the dead bodies got over my body and covered me. The Japanese killed others right in the place where I kneeled and they came over my body.

Q How many others did they kill at that place after you were in the ditch?

A Around five or six.

Q Did you see them kill those?

A I didn't actually see them but I could hear them and feel them falling over me.

Q How long did you stay in that ditch?

A I stayed about -- I don't know how long I stayed there but when I opened up my eyes it was already dark.

Q Then you left?

A Then I run away. I mean to say -- I saw a Chinese fellow by the name of Lim Yu, he was at my side and then persuaded him to untie me. After he untied me we both got up off the ground and we begin to run. After running around ten yards away we got into a canal where he fell down and he said he could go no more because he is going to die. Later on when I was already in the mountains I heard that Lim Yu got into the hospital and he was again taken out by the Japanese and beheaded.

Q That is what you heard?

A Yes, sir.

Q You did not see that?

A No, because I was already in the mountains.

Q As you left this ditch did you hear any noises or shots coming from the direction of the ditch?

A When I was going down the lake, that is after I got out from the ditch I heard machine gun shots coming from the ditch. I heard the shots coming from around the dead bodies, the direction of the ditch where the dead were lying.

Q How many members of your family were taken by the Japanese that day?

A Fourteen. Fourteen members of our family got into the trucks and twelve were massacred; two of us got away with wounds.

Q Did you say 40?

A 14 members of my family.

Q 14?

A 10 and 4.

Q And two of those escaped?

A Yes, sir.

Q Have you seen the other twelve members of your family since that time?

A No more.

Q Did you recognize any of the Japanese other than the Japanese officer that you mentioned?

A I could not recognize any other.

Q Do you know the names of any of the others?

A By the names I do not know them.

Q Did you know the name of the officer who gave the speech or made a speech in the church?

A He was Colonel or Major Ono.

Q How long had he been in and around San Pablo?

A Pardon sir?

CAPTAIN WEBSTER: Will you please read the question?

(Question read)

THE WITNESS: He was there in San Pablo about more than seven to eight months.

Q (By Captain Webster) Can you state whether he was in the Japanese Army or Navy?

A He was in the Army, sir.

CAPTAIN WEBSTER: You may cross examine.

GENERAL REYNOLDS: The Commission interrupts at this point to ask the witness to show us the wound on his breast.

THE WITNESS: Yes, sir. The first bayonet wound went through this place (indicating); it went through here and it came out right there (indicating); it was just a few inches from my heart and the other thrust went through my thigh, it went through this place and also this place here (indicating). I lifted up my legs and the bayonet went through and struck this place (indicating).

GENERAL REYNOLDS: Very well.

CAPTAIN WEBSTER: No questions.

CAPTAIN REEL: No questions.

(Witness excused)

DY KAY

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A (Through the Interpreter) Dy Kay.

Q Your age.

A Thirty-four.

Q Your nationality?

A Chinese.

Q Were you living in San Pablo on or about the 24th of February of this year?

A Yes, sir.

Q Were you one of the persons who assembled at the San Pablo Church, pursuant to a call by the Japanese?

A Yes.

Q Were you one of the persons who assisted in digging ditches for the Japanese that day?

A Yes.

Q Did the Japanese thereafter tie you and take you to a ditch near San Pablo?

A Yes.

Q Will you please state what the Japanese did to you at that ditch?

A Three of us were tied together, and Japanese thrust their bayonets on us. Then a Japanese officer came and sliced me here on the neck (indicating).

Q Do you know the names of the other Chinese who were

tied with you?

A I don't know their names.

Q Did you see the Japanese kill anyone else while you were there at the ditch?

A I saw the Japanese kill them.

Q How many?

A I saw about ten to twenty, but there are more than 100 bodies in the ditch.

Q Is the scar that is on your neck a result of the Japanese striking you on that day?

A Yes.

Q Will you turn around so that the Commission may see that scar?

(The witness exhibited the back of his neck to the Commission)

CAPTAIN WEBSTER: You may cross-examine.

GENERAL REYNOLDS: If he has other wounds, have him show the Commission.

Q (By Captain Webster) Do you have any other wounds?

A (Through the Interpreter) No.

Q You may cross-examine.

CAPTAIN SANDBERG: No questions.

CAPTAIN WEBSTER: Call the next witness, please.

(Witness excused)

MATIAS GUIA

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Matias Guia.

Q Your age?

A Thirty-two.

Q Your nationality?

A Filipino.

Q Were you living in San Pablo on or about the 24th of February of this year?

A Yes.

Q Were you at your home on the 25th of February?

A Yes, sir.

Q Will you state to the Commission what you saw at that time?

A Yes, sir. It was 1:30 P.M., February 25, when the children have a commotion, that they were running in different directions. I just walked slowly, pretending myself that I didn't see anything as to the action of these children. As I go by the street, I saw the Japanese soldier carrying five stretchers with patients that pass by our house. I don't know where it come from.

Q Now, those were five people lying on a stretcher?

A Yes, in the stretcher; they were lying on the stretcher.

Q From what direction were the Japanese bringing them?

A They came from the hospital.

Q What did the Japanese do to those five people on the stretcher?

A They take the patient to the street.

Q And what did they do with them there?

A I go and climb up the avacado tree to see what should they do with this patient, and I see that they pulled out

the blanket, and other soldier hold the patient, and one holding a sword with his two hands, and strike the head like this (demonstrating), holding it in the hair.

Q Did they do that to all five of those people?

A Yes, sir.

Q Did they cut their heads off?

A Yes, sir.

Q Then what did they do with their bodies?

A They put it in the air raid shelter.

Q Did you recognize any of those people who were on the stretchers?

A Yes, sir.

Q Who were they?

A They were a Chinese, Lim Yo, and the other a Filipino, Ferena Biliplo.

Q Were the Japanese who you say killed those five people members of the army or navy?

A They are members of the army.

Q Had you seen them before?

A No, sir.

CAPTAIN WEBSTER: You may cross-examine.

CAPTAIN REEL: No questions.

(Witness excused)

CAPTAIN WEBSTER: Sir, that completes all the witnesses on that paragraph in the Bill of Particulars.

GENERAL REYNOLDS: Does the Prosecution have additional witnesses to introduce?

MAJOR KERR: No, sir, not at this time.

GENERAL REYNOLDS: Is the official interpreter ready

to testify?

You are already sworn and you are giving an opinion as part of your official duties.

LIEUTENANT COMMANDER S. C. BARTLETT, JR., called as a witness on behalf of the Commission, having been previously duly sworn as an Interpreter, was examined and testified as follows:

DIRECT EXAMINATION

THE WITNESS: The four characters written on the lefthand side of the sheet by the Chinese witness, are four characters which mean "Upper Mountain Command" or "Order". There was no question about the last two being a very familiar Japanese way of giving the word of "Command" as used in army orders. The character for "upper" or "above" is common. In looking in the dictionary, Japanese dictionary, we do not find this combination of "Upper mountain" as an idiom used by the Japanese, although the meaning is quite clear, and it shows as a Chinese euphonism. I have been told that it is a common expression in Chinese newspaper jargon, meaning "from higher headquarters" or "from above."

Q (By General Reynolds) Commander, is that the reply the Japanese officer is said to have given, or is that the question?

A This is the reply, written from memory by the Chinese witness.

Q Now, what about the question?

A The question is four characters meaning "lower floor" or "room", "what matter". In other words, it would be understood in Japanese -- I don't know what it would be under-

stood as in Chinese -- but in Japanese it would mean, "What is going on downstairs?"

Q And you stated as your opinion there would be no difficulty for the Chinese witness and the Japanese officer to have exchanged that information with those characters and each of them understand?

A I do. I would like to say that it is perfectly correct that this idiom is not a normal Japanese idiom. It can be accounted for in two ways: either that the soldier had been where he would read Chinese newspapers for some length of time, which was the case of many soldiers here in the Philippines, or it might be that the soldier used one of two other idioms, both beginning with the same character and meaning "higher authority" and the witness's memory was at fault. I cannot advise as to which was the most likely.

#### CROSS-EXAMINATION

Q (By Captain Reel) Commander Bartlett, you would agree, I suppose, that there is a third possibility, namely, that that wasn't actually written at all by a Japanese soldier?

A Well, I presume that any testimony given in any court has a possibility of being false.

CAPTAIN REEL: Now, I want to ask the Commission if we may have that paper marked as a "chalk". I believe that is the proper use, since it isn't offered as an exhibit.

GENERAL REYNOLDS: The Commission will require that it be suitably marked as an exhibit and incorporated in the record.

(The drawing of Japanese and Chinese characters herein-above referred to was marked as Commission's Exhibit A and received in evidence.)

CAPTAIN REEL: We will want to use that in examination. I would like to ask Commander Bartlett further questions.

Q (By Captain Reel) I show you this paper and ask you if that is a normal Japanese method that a Japanese soldier would use to write down "superior officer"?

A The first character is the same one that has been under discussion. As you will notice, the one means "Up" and the other means "Down"; it is very easy to see why that would be. The other one I will have to look up in my dictionary to make sure.

(After referring to dictionary) The dictionary gives that as one of the two expressions that I said might have been used, "jo kan", meaning "superior officers".

Q And you found that without any difficulty, didn't you, in the dictionary?

A Yes, sir.

CAPTAIN REEL: May we have this marked, sir, as a "chalk" or exhibit, also, for our direct use in the case when the time comes?

GENERAL REYNOLDS: Very well.

(The drawing of Japanese and Chinese characters herein-above to was marked Commission's Exhibit B and received in evidence.)

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: The Prosecution has no further witnesses?

MAJOR KERR: No, sir; none for the evening.

GENERAL REYNOLDS: And are we on schedule?

MAJOR KERR: Well, approximately, sir.

GENERAL REYNOLDS: Very well. We will recess until 8:30 tomorrow morning.

(Whereupon, at 1710 hours, 13 November 1945, the trial was adjourned until 0830 hours, 14 November 1945.)



I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Sister Angelica Teruel	2097			
Sister Paz San Buenaventura	2098	2102	2103	
Cucufate Adlawan	2104	2109		
Teodoro Sanchez	2112	2123		
Teodoro Sanchez (recalled)			2125	
1st Lt. Simeon J. Larkins	2129	2136		
Miguel Ocampo	2138	2149		
Fermin Miyasaki	2151	2153	2155	
Vicente T. Ardenio	2157	2161		
Jose Lacson	2165	2169	2170	
Ricardo San Juan	2171	2174		
Justina Manlisik	2184	2186		
Joaquin Mendoza	2186			
Isidoro Magnaye	2189	2191	2194	2195
Juan Zamosa	2196	2198		
Jose M. Corona	2198	2201	2202	
Ricardo Trinidad	2204	2207		
Beato Vitan	2208			
Paz B. Ramirez	2209			
Sister Mary Trinita	2212	2218	2219	
Ko King Hun	2221	2229		

E X H I B I T S

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
310	2126	2129
311	2133	2134
312	2134	2135
313	2135	2136
314	2174	2174
315	2199	
316 (omitted in numbering)		
317	2234	
318	2235	2240

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session and the Prosecution may proceed.

MAJOR KERR: Sir, all members of the Commission are present, the Accused and Defense Counsel are present. We will proceed.

CAPTAIN CALYER: If the Commission please, the first item to be presented this morning concerns the murder of two American flyers and five Filipinos at Cebu City, and is covered in the Bill of Particulars Item No. 109.

GENERAL REYNOLDS: The Commission will interrupt briefly to hear a statement by the senior interpreter.

COMMANDER BARTLETT: In the testimony of Reynaldo Burdios, on page 2034 of the record for 13 November, there is a name given as Captain Hancho -- H-a-n-c-h-o.

The Commission's attention is invited to the fact that the word "hancho" is the commonly used word for squad leader. Also that the word "Hancho" does not appear in the dictionary of Japanese proper names.

GENERAL REYNOLDS: All right. The Prosecution may proceed.

CAPTAIN CALYER: We will call Sister Angelica Teruel.

SISTER ANGELICA TERUEL

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Sister Angelica Teruel.

Q Where do you reside, Sister?

A Concordia Convent.

Q Will you repeat that?

A I live in the Concordia Convent.

Q On the 21st day of March, 1945, where were you living?

A I was living at Mandaue, Cebu.

Q On that day did you have an occasion to see an American?

A Yes, sir.

Q Will you explain to the Commission the circumstances under which you saw him?

A On March 21st I saw an American flyer dressed in khaki with burned arms and legs in our convent in Mandaue, Cebu.

Q Did you have a conversation with him?

A My interview with him was about him telling me that he was an American flyer of Italian descent by the name of Paul Mansella. He was a machine gunner.

Q Was that the complete conversation that you had with him?

A Yes, sir.

CAPTAIN CALYER: You may cross examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

SISTER PAZ SAN BUENAVENTURA

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name,

please?

A I am Sister Paz San Buenaventura.

Q On the 21st of March where were you living?

A I was in our summer house at Mandaue, Cebu.

Q On that day did you have an occasion to see an American?

A Yes.

Q Will you explain the circumstances under which you saw him?

A At about 8:00 o'clock in the morning after the first air raid I was called to give first aid. I rushed for some medicine and some bandages, and when I came down I saw a young American soldier sitting in a chair surrounded by three or four Sisters of Charity, -- many of them were from our camp, and a good number of men and children were there that came from the shore.

Q Will you explain the condition of the American as you saw him?

A He was breathing with difficulty, evidently had pain on his breast and both arms and legs were burned.

Q Do you recall how he was dressed?

A Yes.

Q How?

A He was wearing short white pants and a khaki shirt.

Q Do you know who he was?

A I know it from the conversation which I overheard between a Sister and he. He said he was Paul Mansella.

Q Did you treat him?

A I did. I rubbed his arms with picric acid, though

I found from the Sisters who went first that he had been given, already, an application of water and olive oil.

Q Sometime later that day did you see some Japanese at your compound?

A Yes. The first Japanese I saw was accompanied by another fellow by the name of David Rosal, a Makapili.

Q Who was the Japanese with the Makapali?

A I don't know the name, but I think he should be an M. P. officer because of his arm band.

Q What was the arm band?

A It said "M. P."

Q Now, what happened at that time between the Japanese and the American?

A The Japanese officer accompanied by the under-cover immediately asked for an American flyer, and they threatened the Mother Superior and all the Sister with violence, and a pistol. We had -- we were forced to show where he was, and they found him along under the house.

Q What happened after they found him?

A They immediately bound his arms behind him, his hands, I mean, and asked him to tell where he had placed his uniform. Then he could not recall because he was dazed and he was unconscious when he came to the camp.

By the way, more Japanese came, and they brought him out of our camp.

Q Did they later bring him back to your camp?

A Sometime later he left the camp and more groups of Japanese, by twos and by threes and by fours came, and more came all the time, searching for his uniform and

weapons, and any traces whatsoever.

Q Were those other Japanese who came there also M. P.'s?

A There were a good number of under-covers, and some constabulary men.

Q Were some of them M. P.'s?

A I beg your pardon?

Q Were some of them M. P.'s?

A Most of them were M. P.'s, as I could see from the arm band.

Q Did there come a time when the American was taken away from your compound?

A I remember at around 10:30 or 11:00 a group of M. P.'s, Japanese M. P.'s and under-covers came back with the American flyer, who was still tied up. His hands were still tied up behind him. He was walking with more difficulty, and they had to push him and force him to retrace his steps, because they wanted at all costs to find his uniforms, and he did retrace his steps until almost to the beach he came from, or rather, where he was brought from by the fishermen. But failing to do that, they brought him out of our camp, failing to get the uniform, I think. That should be around 12:00 or 12:30, I suppose.

Q Who was with him when he left your camp the last time?

A Both M. P.'s, M. P. officers, and under-covers.

Q Where did they go at that time?

A I just saw them leave the camp.

Q And in what direction were they going?

A To a direction of the Provincial road, but I knew

from the same under-cover who accompanied the first Japanese M. P. officer who came, that he was probably brought to the Kempei Tai.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) When was it that the American took off his uniform?

A Evidently it was just before I came, because I still saw the bundle, a bundle of his uniforms.

Q And where did he hide the uniforms?

A He did not hide the uniform, but there was a Filipino who offered to bring not only his uniform, but to bring him to the mountains. I overheard the conversation. The American flyer was smiling and thanking him, and he said that he was too weak to be moved out, and so the Filipino just brought his uniform, thinking and expecting to be able to see him back. He was going to wash the uniforms for him.

Q Did the Filipino take the uniform away to the mountains? Do I understand that the Filipino took the uniform away from your place and to the mountains?

A Away from our place, but I learned a little after lunch time he came back with the uniform already laundered and ironed, and thinking he could give them back to the flyer, but the flyer had already gone away.

Q When the Japanese first saw the flyer then, he was wearing civilian clothes?

A He was, yes.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Captain Calyer) Were they civilian clothes, or was it just that his uniform was removed?

A The one who was wearing it?

Q The American, was he wearing other clothes that had been put on, or was it just that his outer garments were removed?

A It was not his outer garments. They put -- I learned later that the short white pants and the khaki shirt I saw him wearing belonged to a friend; I don't know the name of the friend, but he was one of the many evacuees from our camp.

CAPTAIN CALYER: That is all.

(Witness excused)

CUCUFATE ADLAWAN

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name?

A Yes, I speak English.

Q Will you state your name?

A Cucufate Adlawan.

Q Where do you reside?

A Mandaue, Cebu.

Q Are you now in custody?

A Yes, I am in custody.

Q Where?

A The North Harbor Stockade.

Q Are you being held as a collaborator?

A Yes, as a collaborator.

Q Have you discussed this situation with me previous to today?

THE WITNESS: I beg your pardon, sir?

(Question read)

A I have discussed this to a certain man, but it is not you.

Q Didn't you talk with me one day last week in the T & C Building?

A I talked with a certain man, but I forget his face.

Q All right. In any conversations that you have had with anybody with reference to this case, has any promise been made to you with regard to treatment that you may expect to receive as a result of your testifying?

A Yes, it was discussed there that we are not promise of something. We are here to state what we know, and not -- without any good to be -- without any benefit for the future.

Q Do you understand that you do not have to testify unless you wish to do so?

THE WITNESS: I beg your pardon?

(Question read)

A I testify because I wish to do so.

Q Do you understand that you do not have to testify to anything which would show that you were guilty of any wrongful act?

A I don't understand the question; I beg pardon.

Q Do you understand that you do not have to say anything which would show that you had done anything wrong?

THE WITNESS: I beg your pardon again?

GENERAL REYNOLDS: The Commission feels that we would get better results through an interpreter.

CAPTAIN CALYER: I think, sir, after we have passed these preliminary questions -- I didn't anticipate it at this point either.

(The following answers of the witness were given through Interpreter Zosa, unless otherwise indicated.)

CAPTAIN CALYER: Will the reporter please read the last question for the interpreter?

(The question referred to was read by the reporter as follows:

"Do you understand that you do not have to say anything which would show that you had done any-

thing wrong?"

(Question translated to the witness by the interpreter)

A (Through the interpreter) I understand, that I haven't done anything wrong.

Q (By Captain Calyer) Are you still willing to testify in the matters that you know about in this case?

(Translated to the witness through the interpreter.)

A (Through the interpreter) I am very willing to testify, as they say "without reservation".

Q In 1945, in March, were you working for the Japanese?

(Translated to the witness through the interpreter.)

A (Through the interpreter) Yes, I worked for the Japanese.

Q What did you do for them?

(Translated to the witness through the interpreter.)

A (Through the interpreter) I always wait for their order. Sometimes I am used to go out patrolling areas outside and inside the City of Cebu.

CAPTAIN SANDBERG: May we have the answer read?

(Answer read)

CAPTAIN CALYER: Is that the end of the answer?

INTERPRETER ZOSA: Yes, sir.

Q (By Captain Calyer) On the 25th of March 1945, did you see an American in Cebu City?

THE WITNESS: Yes, I have seen.

Q Where?

THE WITNESS: In the house -- in our former office where Tsuruyama was residing, the chief of the Japanese

military police of Cebu.

Q What was Tsuruyama's rank, do you know?

THE WITNESS: He is a captain and -- he is a captain.

Q Where did you see this American at Tsuruyama's house?

THE WITNESS: Under the building.

Q And will you describe his condition at that time?

THE WITNESS: He was standing tied -- his hands were tied -- his one hand was tied up to a chair, and he was guarded by one Japanese which was armed with rifle and fixed bayonet.

Q Do you know the name of that guard?

THE WITNESS: Yes, I know him.

Q Who was it?

THE WITNESS: Kaji.

Q How was the American dressed?

THE WITNESS: He was dressed in faded khaki.

Q What was that?

THE WITNESS: He was dressed in a uniform, faded khaki.

Q A complete uniform, shirt and trousers?

THE WITNESS: It was a shirt and pants without any insignia.

Q Did you have a conversation with that American?

THE WITNESS: Yes, I have a short time to interview with him.

Q What was that conversation?

THE WITNESS: I ask his name and where he came from.

Q What answer did you receive?

THE WITNESS: He told me his name. His name was

Scott, and his rank was Sergeant. He told me that he was a machine-gunner of a twin engine, and his landing base was in San Jose, Mindoro.

Q Will you describe his appearance?

THE WITNESS: He was tall, about five feet and eleven inches, and his hair is -- was light color. His face was red.

Q Do you know when he was captured?

THE WITNESS: I was only informed by the commander of our detachment that he was arrested about two days prior to my conversation. That was on or about March 23, 1945.

Q Have you ever seen that American since that date --

THE WITNESS: No, I have not seen him.

Q Do you know where they took him?

THE WITNESS: I beg pardon?

Q Do you know where the Japanese took him?

THE WITNESS: I only -- I was only informed by Sergeant Yoshida, the commander of our detachment, that he was arrested by the Japanese garrison in Talisay, and he was brought to the Kempei Tai headquarters, Japanese military police headquarters.

Q Where?

A In Figueroa Street, where Tsuruyama was living.

Q That is Tsuruyama's house?

THE WITNESS: His house.

Q Do you know where he was taken from that house?

THE WITNESS: I don't know where it was.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Do you know whether there was any prisoner-of-war camp in Cebu City?

THE WITNESS: I beg your pardon?

Q Do you know whether there was any prisoner-of-war camp in Cebu City?

(Translated to the witness by the interpreter)

A (Through the interpreter) Yes, I know there are several camps.

Q Are there any prisoner-of-war camps, that is, camps where large numbers of prisoners-of-war are held?

(Translated to the witness by the interpreter)

A (Through the interpreter) The biggest headquarter camp was at the normal school.

Q That wasn't a prisoner-of-war camp, was it; that was simply a Japanese garrison?

(Translated to the witness by the interpreter.)

A (Through the interpreter) There were prisoners and also Japanese guards.

Q Were there large numbers of American soldiers held as prisoners of war in Cebu City?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I am not so sure whether there were many or not, but I only saw one American prisoner

Q That is this Sergeant Scott that you just testified about?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I only saw that American

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(Translated to the witness by the interpreter.)

A (Through the interpreter) I am not so sure whether there were many or not, but I only saw one American prisoner

Q That is this Sergeant Scott that you just testified about?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I only saw that American

Sergeant.

Q That is the only American prisoner of war you have ever seen in Cebu City?

(Translated to the witness by the interpreter.)

A (Through the interpreter) Yes, the only one prisoner, American.

Q Now, do you happen to know under what circumstances Sergeant Scott was captured?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I was only informed by that chief in charge of that prisoner, that he was -- I saw him, the prisoner, and under guard.

Q Do you know the circumstances under which he was captured?

(Translated to the witness through the interpreter.)

THE WITNESS: Certainly I know, because it is sure he is an American.

Q Do you know whether he was hiding when he was captured?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I am not so sure whether he hid somewhere, but he was captured by the Japanese in the town of Talisay, Province of Cebu.

THE WITNESS: That was according to Yoshida.

INTERPRETER ZOSA: "That was according to Yoshida".

Q (By Captain Sandberg) Do you know whether he was wearing a full American uniform when he was captured?

(Translated to the witness by the interpreter.)

A (Through the interpreter) He was in uniform without

insignia.

CAPTAIN SANDBERG: That is all.

CAPTAIN CALYER: That is all.

(Witness excused)

CAPTAIN CALYER: Teodoro Sanchez.

TEODORO SANCHEZ

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Zosa, with Interpreter Ajero acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name?

A (Through Interpreter Zosa) Teodoro Sanchez.

Q Where do you reside?

A Consolacion, Cebu.

Q Are you now held in custody?

INTERPRETER ZOSA: I beg your pardon?

CAPTAIN CALYER: Will you read it, please?

(Question read)

A (Through Interpreter Zosa) Yes. I am in custody.

Q (By Captain Calyer) Where?

A With the Japanese prisoners.

Q Have you discussed this situation with me before today?

A Yes.

Q Has any promise been made to you of any treatment that you might expect as a result of your testifying?

A I have to tell the truth of what I had seen.

Q Have you been told that if you do testify you could expect any different treatment than if you do not testify?

A I was not told. I do not know.

Q Do you expect any different treatment if you testify than you might expect if you did not?

A I don't expect.

Q Were you not told that the testimony that you might give would have no bearing upon whatever treatment might be given to you?

A Yes, I know that if I have to tell something wrong I would have to be punished. I have to tell the truth and verify it. I have to be given consideration.

CAPTAIN CALYER: Will you repeat that, please?

THE WITNESS: (Without aid of the Interpreter) I did not say that I would be "given consideration".

INTERPRETER ZOSA: Yes, but to tell the truth and to know that if we tell the truth we will be given justice in what you tell.

CAPTAIN CALYER: May I examine this witness directly? I think he can understand English sufficiently well.

GENERAL REYNOLDS: The Commission wishes to ask the witness a question. Were you promised clemency if you would testify in this case?

THE WITNESS: What?

INTERPRETER ZOSA: I beg your pardon?

If you can speak in English, you testify in English.

THE WITNESS: I could speak in English, but the way they talk to me I cannot understand.

INTERPRETER ZOSA: I can speak in English, but the way the Americans talk I cannot understand. They talk too fast.

GENERAL REYNOLDS: Ask the witness this question:  
Were you promised clemency if you testified in this case?

(Translated by Interpreter Zosa).

THE WITNESS: (Through Interpreter Zosa) Yes, I can.

GENERAL REYNOLDS: The Prosecution may try it again.

CAPTAIN CALYER: Thank you, sir.

Q (By Captain Calyer) Sanchez, when I talked with you before was any promise made to you that you would be given any consideration, any better treatment if you testified than if you did not testify?

A (Without aid of Interpreter) No, sir.

Q No promise was made to you at all; is that correct?

A No.

Q You understand that you do not have to testify unless you wish to do so?

A Yes, sir.

Q Do you also understand that you do not have to testify to anything that would show that you have done anything wrong?

A Yes, sir.

Q With that understanding are you willing to tell your story?

A Yes, sir.

Q And that is voluntary?

A Yes.

Q Nobody has threatened you?

A Yes.

REPORTER CONKLIN: The answer was "yes."

Q (By Captain Calyer) Well, has anyone threatened you?

A No.

Q In March, 1945 were you working for the Japanese?

A Yes, sir; I was working for the Japanese.

Q Where?

A In Cebu City.

Q Had you previously been arrested by the Japanese?

A Early in 1943 I was captured by the Japanese Military Police for suspicion that I was a guerrilla because my cousin being a Lieutenant Colonel of guerrillas in Province of Cebu.

Q Were you a guerrilla?

A I am not a guerrilla, but they suspect me as a member of the guerrillas.

Q How did it happen that you were released from the Japanese?

A I was released on the condition that I would have to work for the Japanese.

Q For whom did you work?

A I worked for Captain Tsuruyama of Military Police in Cebu City.

Q In what capacity?

A What?

Q What did you do for him?

A I drove the car.

Q Were you still driving the car for him in March of 1945?

A Yes, sir.

Q Who was in charge of the Military Police on the Island of Cebu?

A Lieutenant Colonel Morimoto.

Q Did you ever see him at the Cebu Normal School?

A Yes, I have seen him, sir.

Q Many times?

A Many times.

Q On the 21st of March, 1945, did you have occasion to drive Captain Tsuruyama's car someplace?

A I beg your pardon?

CAPTAIN CALYER: Will you read it?

(Question read)

A On about March 21st at one o'clock I drove Captain Tsuruyama toward Mandaue. I stopped the car at Carrieta.

Q Just a minute, please. Was there anyone else in the car besides Captain Tsuruyama and yourself?

A Yes, sir.

Q Who?

A There was one interpreter -- Japanese interpreter.

Q Do you remember his name?

A Yes.

Q What was it?

A Moisi.

Q You drove toward Mandaue, you say?

A Yes.

Q You stopped where?

A In Carrieta.

Q What happened at that point?

A He told me to wait for him.

Q Who did?

A Captain Tsuruyama.

Q How long --

A To wait for him until he came back.

Q How long was he gone?

A I had been waiting for him about three hours.

Q When he came back who was with him?

A When he came back, I saw that he was walking up the road with one American prisoner and Interpreter Moisi.

Q Will you describe that American?

A The American was wearing short pants and a faded shirt, khaki.

Q Did you notice anything about his physical condition?

A I beg your pardon, sir?

Q Did you notice anything about the American's physical condition?

A He was burned. He got a burned leg, I don't remember which one.

Q Was he having difficulty walking?

A He was burned legs.

Q Was it hard for him to walk?

A Yes. He walked lamely.

Q What happened to that American?

A When they got in the car I drove the car to Cebu Normal School and when we arrived at the Cebu Normal School they bring the American inside the building while I stay outside.

Q Now, on the 25th of March, 1945 did you see another American?

A On 25th of March I was required to drive a different American.

Q Where?

A To B. Aranas Street Station.

Q And what happened?

A When I drove that American to B. Aranas I came back to Cebu Normal School.

Q Was the American brought back to Cebu Normal School?

A On the same day I was required again to go back and take that American to B. Aranas and bring him back to Cebu Normal School.

Q Do you know the name of that American?

A I don't know the name.

Q Will you describe him?

A He wear a complete United States Army uniform -- khaki uniform.

Q How tall was he?

A About six feet.

Q What color hair?

A I could not describe the color very well, sir.

Q All right. Now, on the following day, the 26th of March 1945, did you see something that happened with reference to some Filipinos?

A Yes, sir.

Q Will you tell the Commission what you saw?

A On March 26, on about 9:00 or 10:00, I was sitting at a table in the air raid shelter.

Q Where?

A In the Cebu Normal School.

Q And what did you see?

A And I saw two Japanese guards, Corporal Wada and Sergeant Saito, bring five Filipinos from the building.

Q What was the condition of those Filipinos?

A They were tied up by their hands in one straight line and they go outside in the ground.

Q Did you know any of those Filipinos?

A I know three of these Filipinos.

Q Who were they?

A They were -- The last name Lucente.

Q Yes.

A And Castillo, and the other one Roberto Tan.

Q What happened to those Filipinos?

A I saw these Filipinos was brought into a foxhole and they were cut by their necks.

Q Will you describe in a little more detail what was done to them?

A Sergeant Saito brought one Filipino to the foxhole and there were two Japanese, Lieutenant Sakai and Sergeant Higashi, who were waiting in the foxhole, and Sergeant Higashi was holding a large Japanese sword.

Q When the Filipinos were taken to the foxhole what became of Wada?

A Wada was staying with the Filipino prisoners as a guard.

Q What became of Saito?

A Saito brought that Filipino to the next foxhole and afterward he came back.

Q And did both Wada and Saito remain in the vicinity?

A Yes. They were in the building.

Q "In" the building?

A Outside the building.

Q Both of them?

A Yes.

Q And the two who were near the foxhole, you say, were Sergeant Higashi and Sakai?

A Yes, sir.

Q What happened to the Filipinos?

A They put them in the foxhole in the kneeling position and they cut their head.

Q By whom?

A By that Sergeant Higashi.

Q Where was Sakai?

A Sakai was also in the foxhole.

Q You mean alongside the foxhole?

A Alongside, yes.

Q Was there anybody else there?

A There was a Japanese Kempei Tai around the school building.

Q I am talking now about the area around this foxhole. Was there anyone else who saw what happened there?

A Yes, sir.

Q Who?

A It was Captain Tsuruyama, Lieutenant Sakai, Sergeant Higashi, Corporal Wada, Sergeant Saito, Sergeant Kawai, Sergeant Mori.

Q Now, you have said that they took one Filipino to the foxhole and you have described what happened to him. What happened to the other Filipinos?

A They brought all Filipinos one after the other and they kill all of these five Filipinos.

Q After they had been struck what happened to them?

A They fall down to the foxhole.

Q Do you know whether any of those Filipinos had been given a trial?

A They were not given any trial.

Q Later that same morning did you see something else happen with reference to an American?

A Ten minutes after they killed the five Filipinos I saw this American which has burned legs carried by Japanese whose name is Corporal Wada.

Q Was this American with the burned legs the same one that you had picked up on the 21st?

A Yes, sir.

Q What happened to him?

A He was brought to the foxhole by Japanese over the shoulders and placed the American into a foxhole, and the Sergeant Higashi hold shoulders of this American and place him in a kneeling position, and when that American was in kneeling position I saw the Sergeant Higashi hold the Japanese sword over his head and swung it down hard back on the neck of the American.

Q What happened after that?

A It was I saw that this American who was cut by the neck fall down into the foxhole.

Q Who else was in the vicinity at the time?

A I beg your pardon, sir?

Q Who else was around there when that happened?

A It was Sergeant Higashi and Lieutenant Sakai and Captain Tsuruyama.

Q Where was Tsuruyama?

A Captain Tsuruyama was standing at the door of the air raid shelter.

Q Were there any other Japanese there who saw what happened?

A There were other Japanese who saw this.

Q Who were they?

A They were seven: Lieutenant Sakai, Sergeant Higashi, Captain Tsuruyama, Corporal Wada, Saito, Mori, and Kawai.

Q After the American was struck and fell into the foxhole did you see anything else?

THE WITNESS: I beg your pardon, sir?

CAPTAIN CALYER: Will you read it?

(Question read)

A When they finished killing this American I drove Captain Tsuruyama to B. Aranas Station.

Q Before you left there, after Higashi struck the American and the American fell into the foxhole, did you see anything else done?

A I saw one American flier.

Q Did you see Sakai do anything?

A Yes, I saw Sakai. After Sergeant Higashi cut the head of the American flier I saw Lieutenant Sakai drew his revolver and shot three rounds.

Q Where were those shots fired?

A It was in the foxhole where the American was fall down.

Q Then after that you saw you drove Tsuruyama's car away?

A Yes, sir.

Q At the time you drove Tsuruyama's car away did you see any other American there?

A The last time when we left Cebu Normal School I saw one American.

Q Where was he?

A He was standing in the main gate of the Cebu Normal School.

Q Was there anyone with him?

A There was a guard, a Japanese guard.

Q Was he tied at the time?

A No, but he was in position -- his hand was at the back.

Q Was that the American that you had seen on the 25th?

A Yes, sir. That is the American I drove.

Q Do you know what happened to him?

A When I arrived at Provincial Jail on May 6th I was told by several Filipinos who were with the Philippine Constabulary that this American was also killed.

Q On the same day?

A On the same day.

CAPTAIN CALYER: You may examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) You say that your brother or brother-in-law was a Lieutenant Colonel in the guerrillas. Was he working with Harry Fenton?

A Yes, sir.

Q And were these five Filipinos whom you saw killed also working with the Harry Fenton guerrilla organization?

A I did not remember the five Filipinos, sir, but I

have seen them sometime in the city;

CAPTAIN SANDBERG: Will you read that, please?

(Answer read)

Q (By Captain Sandberg) You don't know whether they were guerrillas or not?

A I beg your pardon?

Q Do you know whether they were guerrillas?

A (No response)

Q Were they guerrillas?

A This is what the Interpreter told me: that the Americans in Pasay, sir, and they contacted the guerrillas.

Q That the Americans contacted the guerrillas?

A No. The Filipinos were being prisoners as being Americans because Lucente say that the Americans were coming now.

Q Did they say that they were killed because they were guerrillas?

A They were not guerrillas. They were civilians.

Q Now, you say that there was no trial. How do you know that?

A I happen to know that there will be no trial because I had been working for two years in the Military Police and I did not see that there would be a trial in Japanese in Cebu.

CAPTAIN SANDBERG: That's all.

GENERAL REYNOLDS: The Commission will be in recess for approximately 10 minutes.

(Witness excused)

(Short recess)

GENERAL REYNOLDS: The Commission is in session, and will make an announcement before proceeding.

During the session on Monday of this week the Commission distributed to both the Prosecution and the Defense a paper prepared by the senior interpreter on the art of questioning witnesses through an interpreter, as well as witnesses who expressed themselves with difficulty in English. Unnecessary delay is being caused because the principles furnished by the Commission are not being followed. A careful re-study of this paper is directed. Short simple sentences are necessary. The Commission again directs interrogators to go swiftly to the essentials.

The Prosecution may proceed.

CAPTAIN CALYER: We will call back Teodoro Sanchez.

TEODORO SANCHEZ

recalled as a witness on behalf of the Prosecution, having been previously sworn, was further examined and testified as follows:

REDIRECT EXAMINATION

Q (By Captain Calyer) With reference to the American flyers about whom you have testified, were either of them given a trial?

A No, they were not given a trial.

CAPTAIN CALYER: You may cross examine.

CAPTAIN SANDBERG: No questions.

CAPTAIN CALYER: Thank you. That is all.

We will call Lieutenant Larkins.

FIRST LIEUTENANT SIMEON J. LARKINS

called as a witness on behalf of the Prosecution, being

first duly sworn, was examined and testified as follows:

CAPTAIN CALYER: At this time I would like to have Prosecution's Exhibit No. 310 marked for identification.

(A document was marked Prosecution Exhibit No. 310 for identification.)

CAPTAIN CALYER: If the Commission please, I offer into evidence an affidavit of Francisco Narrido, dated 31 March 1945, and sworn to before the investigating officers.

GENERAL REYNOLDS: Read the essentials of the affidavit so that we may all hear it at the same time.

CAPTAIN CALYER: The affidavit refers in the third paragraph to certain testimony of the witness, saying that he saw the execution of one of these Americans and one Filipino on the 26th of March.

Then beginning with the last paragraph on the first page numbered 17:

"I returned to the Normal Building about 1 o'clock P. M. of the same day at the instructions of the Japanese as they needed me to help load other things to be carried away. When I had reached a point some 75 yards from the foxhole where I had seen the one American killed, I saw one of the American soldiers sitting on the ground near the foxhole looking at the planes in the sky. I hollered to him to crawl down in the foxhole as if he were dead because the Japanese would be returning. He appeared to be very weak and unable to turn his head in my direction but with his hands and feet turned his entire body around so as to be facing me. He motioned something to me as if wanting me to bring him water but I told him I was afraid the Japanese would see me. I did not go closer than 75 yards to him but am con-

fidient that he was the American that had been wounded in the leg. In addition to having seen him on the porch with his arms around the Filipino, I had carried food three times to the two Americans. Fearing that the Japanese might see me talking to the American, I ran home.

"The following morning around 11 o'clock on the 27th, I returned to the Normal for the purpose of trying to get rice that might have been left by the Japanese. I again saw the American at the same location but he was attempting to wave at the planes overhead and did not seem to hear me when I again hollered for him to lie in the foxhole so that the Japs wouldn't see him. I did not see any Japanese around at the time but buildings and gas dumps were burning all around nearby and I was still afraid I might be seen by the Japanese if I helped him. I then went into the main building and found that there was rice in a room and then went on to the front gate where I met two Japanese, one of which was Higasi who had executed the other American on the previous morning. Being given permission by them to get the rice, I went to get two companions one of which was Marcus Arpon. Upon returning to the Normal and getting the rice, we went to a point near the kitchen to get a cart with which to move the rice to our home and, while getting the cart, I noticed Higasi and the other Japanese carrying wood over toward the foxhole where the American had been sitting and pile it into the foxhole. They even took chairs over there and broke them up and placed them in the foxhole. The American was not seen by me at this time so I believe

Higasi and the other Japanese had found him and thrown him either dead or alive into the foxhole.

"Instead of accompanying my companions to our home with the rice, I went around the road to a point where I could see the location of the foxhole and saw the two Japanese pour gasoline into the foxhole and light it. A huge fire then burned in the foxhole. I then went home and knew nothing else about what happened to the bodies of the Americans."

Those are the essential points.

GENERAL REYNOLDS: Are there additional comments or statements by the Defense?

CAPTAIN SANDBERG: Yes, we ask that the last sentence of the paragraph which was just read be stricken as not being within the knowledge of the affiant and as being pure speculation.

GENERAL REYNOLDS: You refer to the sentence which reads: "I then went home and knew nothing else about what happened to the bodies of the Americans."

CAPTAIN SANDBERG: No, the first paragraph on the second page, the last sentence, reading as follows:

"The American was not seen by me at this time" -- which is objectionable, and then: "-- so I believe Higasi and the other Japanese had found him and thrown him either dead or alive into the foxhole."

We ask that portion of the sentence be stricken.

GENERAL REYNOLDS: The sentence to which the Defense objects is stricken from the record.

CAPTAIN SANDBERG: We ask also that the first sen-

tence of the third paragraph be stricken, which reads as follows:

"The two Americans had been prisoners about a week before they were executed and I understand that they were flyers that had been shot down."

In view of the striking of the previous sentence there is proof only of one execution, and we ask that that sentence be stricken.

GENERAL REYNOLDS: The sentence is left in the document for such probative value as the Commission may choose to award it.

CAPTAIN CALYER: Is the statement otherwise accepted?

GENERAL REYNOLDS: The statement is otherwise accepted into evidence.

(Prosecution Exhibit No.  
310 for identification  
was received in evidence.)

#### DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Simeon J. Larkins.

Q Your rank?

A First Lieutenant, QMC.

Q Your organization?

A 110th QM Grave Registration Platoon.

Q In March of 1945, where were you stationed?

A At the Island of Cebu.

Q On the 26th, or rather the 28th of March, 1945, did you have occasion to go to the Cebu Normal School?

A I did.

Q Did you see a boy by the name of Adelberto

Capanjpanjan?

A I did.

Q Did you have a conversation with him?

A I did.

Q What was that conversation?

A He told me that he was an internee there at the Cebu Normal School, which was the Jap M. P. headquarters, and that he and five companions were working for the Japs there, and the five companions were taken out and killed and he escaped.

He hid over there in some bushes, which is about 100 yards from the Normal School. While he was hiding in the bushes, he saw two Americans brought out and they were forced to kneel by a foxhole and they were struck in the back of the neck with swords, and they both fell in the foxhole. Later one of the Americans got out of the foxhole and he sat on the edge of it and asked for water or cried for water, but he was afraid to go over and give the American water. Some time later the Japanese soldiers came back and put this other American back into the foxhole and this was right near about ten yards from a gasoline dump there. They got some gas out of this dump and poured it into the foxhole and lit the gasoline that burned them up.

Q That was after they put the Americans back in the foxhole?

A That is right, sir.

Q Now, on the 28th of March, did you have occasion to examine certain foxholes in the premise and vicinity of

the Cebu Normal School?

A I did.

Q Will you tell the Commission what you found?

A Well, about 30 feet from the southeast corner of the Normal School I came upon two foxholes. The first foxhole, there was two Filipinos, and the other foxhole there was three Filipinos. Their hands were tied behind their back, and from their appearance they died from some manner of wound on their back. I did not investigate them, because at that particular time I was not interested in civilians.

Q They were civilians?

A Yes, they were dressed in civilian clothing.

Q You saw wounds on their backs?

A Well, I didn't closely examine them, but from the appearance of the blood and so forth around it looked like the wounds were in the back.

Q Had those bodies been burned?

A No, sir, they had not been burned.

Q Did you remove those bodies?

A No, I didn't touch them. I didn't bury them or anything.

Q Did you see anything else there?

A Yes, we went over to a third foxhole then and we saw two horribly charred bodies in the bottom of the foxhole, and I wanted to make sure that they were Americans, and that is when I had this conversation with this Adelberto.

Q What did you do with reference to those bodies?

A Well, we removed them from the foxhole and carried

them back to the Cebu cemetery No. 1.

Q Before you removed them will you explain the position of the bodies as you first saw them?

A One body was laying on its back down in the bottom of the foxhole, and the other body was laying over the top of the first body.

Q And in what condition were they?

A Well, they were charred. There wasn't a whole lot left to the top body. It was about three or four feet long, possibly, weighing 30 or 40 pounds.

Q Were you able to observe any wounds?

A On both bodies you could see the wounds in the back of the neck.

Q Had their hands been tied?

A Yes, their hands had been tied behind them. The body underneath had pieces of rope on the hands.

Q Was there anything by which you were able to identify the bodies?

A No, there was no articles of identification on the bodies, other than the bottom body had a belt buckle on and he had parts of cotton khaki clothing on, and it looked like he had a pair of navy blue dungarees over the khaki pants.

Q Will you describe the belt buckle?

A Well, it looked like a buckle possibly from a military school that had the date 1942 on it.

Q And did it have anything on it that would indicate whether it was American?

A Other than this American looking insignia I couldn't

say definitely whether it was American.

Q What sort of insignia was it?

A It looked like an eagle.

Q Now, what did you do with the bodies?

A Well, we removed them from the foxhole and loaded them on a truck, and on the way back to the cemetery I stopped at the CIC Detachment, Americal Division, and informed them that I thought I had an atrocity. They told me to take the bodies to the cemetery and they would send the photographer to take pictures of it.

Q Was that done?

A It was.

Q Were you there when the pictures were taken?

A I was, yes.

CAPTAIN CALYER: I would like to have this photograph marked.

(A photograph was marked  
Prosecution Exhibit No.  
311 for identification.)

Q (By Captain Calyer) I will show you a photograph marked for identification as Prosecution's Exhibit No. 311, and ask you if you can state what that is.

A That is a photograph of the neck and the head and shoulders of the body that was uppermost in the foxhole.

Q Does that show the condition of the body as it was when you found it?

A It does.

Q What does the white piece in the center of the photograph purport to show?

A That is a piece of paper that I placed there so that

the notch of the wound could be distinguished on the photograph because the grass underneath would have photographed black.

Q Where does the wound appear?

A Right in this upper right-hand corner.

Q At the edge of the paper to the right?

A Right.

Q What is this part of the body that is lying on the paper?

A That is what remained of the skull and the scalp.

CAPTAIN CALYER: If the Commission please, I offer the photograph into evidence.

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

(Prosecution Exhibit No.  
311 for identification  
was received in evidence.)

CAPTAIN CALYER: I will ask to have this photograph marked as Prosecution's Exhibit No. 312.

(A photograph was marked  
Prosecution Exhibit No.  
312 for identification.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit No. 312 for identification, and I will ask you if you can state what that is.

A That is a picture of the body that was on the bottom of the foxhole.

Q Does that represent the condition of the body as it was when you found it?

A It does, yes.

Q Calling your attention to what appears to be clothing

on the back of the body, was that there when you found it?

A It was, yes.

Q What sort of clothing was that?

A Well, as I mentioned before, it was pieces of cotton khaki clothing and parts of what appeared to be blue dungarees.

Q Does that picture also show the wound that you found on that body?

A It does, yes.

Q Where?

A On the back of the neck.

Q Would you indicate to the Commission the position of the wounds?

A Right there (indicating).

Q Indicating a spot right below the skull?

A Yes.

CAPTAIN CALYER: If the Commission please, I offer the photograph into evidence.

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

(Prosecution Exhibit No. 312 for identification was received in evidence.)

CAPTAIN CALYER: Will the reporter mark this photograph the next exhibit?

(A photograph was marked Prosecution Exhibit No. 313 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit 313, and ask you if you can state what that is?

A That is a photograph of the body that was at the bottom of the foxhole.

Q Is that the same body that appeared in the previous exhibit numbered 312?

A It is.

Q A close-up picture of the same body?

A Yes.

Q Calling your attention to the hands seen in that picture, does that show the condition of the hands as they were when you found the body?

A It does, yes.

Q What is that around the hands?

A That is rope.

CAPTAIN CALYER: If the Commission please, I offer the photograph into evidence.

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

(Prosecution Exhibit No.  
313 for identification  
was received in evidence.)

CAPTAIN CALYER: You may cross examine. Just one other question, please.

Q (By Captain Calyer) What was done with the bodies after they were photographed?

A They were buried in the cemetery No. 1; we have the cemetery unknown No. 1, and unknown No. 2.

CAPTAIN CALYER: You may cross examine now.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Did Aldelberto tell you he had worked with the guerrillas?

---

A He said he was interned by the Japanese because they suspicioned him; he didn't say definitely.

Q Did he say the five men who were executed worked with the guerrillas?

A Yes, sir, he said they were his companions.

CAPTAIN SANDBERG: That is all.

(Witness excused)

CAPTAIN CALYER: If the Commission please, that concludes the testimony in this case.

MAJOR OPINION: If the Commission please, we will present the murders in the Province of Cavite described in General Charge Paragraph 72 of the Supplemental Bill of Particulars.

GENERAL REYNOLDS: The Commission wishes to verify the item number, which we understood to be 72 but which was presented to the Commission yesterday. Is this further evidence on No. 72, or did we misunderstand the item number?

MAJOR OPINION: Further evidence, sir.

GENERAL REYNOLDS: Proceed.

MIGUEL OCAMPO

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Lavengco, was examined and testified through Interpreter Lavengco as follows, with Interpreter Dionisio acting as "check" interpreter:

Q (By Major Opinion) Please state your name.

A Miguel Ocampo.

Q Age?

A 35.

Q Address?

A Mendoz, Cavite.

CAPTAIN SANDBERG: If the Commission please, we understand that this testimony that is about to be given is under paragraph 72. 72 is simply a general specification that between the 9th of October of '44 and the 1st of September 1945, a period of almost entirely a year, in the Philippine Islands generally without specification

of locality, general acts of "terrorization and brutalization," and so forth, took place. Now, if the purpose is to bring this in under that specification, the Defense must object as not having had notice of the charge that is to be made. It is much too vague to give any indication of what the specification is, unless it is the Prosecution's intention to bring this in under some specific charge in addition.

MAJOR KERR: If the Commission please, I don't know how else we would establish that general charge unless we did so by bringing in individual emphasis. The general plan and purpose and execution of that plan and purpose in the Philippine Islands certainly can be established only by showing what occurred in various parts of the Island.

Now, so far as notice is concerned, may I cite to the Commission the practice as approved and applied by the four principle powers of the world: United States, Great Britain, France and Russia, with respect to war criminal trials in Europe. And I submit, sir, that the requirements under the official regulations here are certainly no less broad in this particular than they are under the agreement which covers the European trials.

For instance, in the indictment of the Germans now being tried in Europe, they have as one of their charges, "Throughout the period of their occupation of territories overrun by their armed forces, defendants for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians and ill treated

them and imprisoned them without legal processes". That is certainly a very general charge.

And furthermore, they say that --

GENERAL REYNOLDS: The Commission interrupts. The motion of Defense is not sustained.

Proceed.

Q (By Major Opinion) What is your nationality?

A (Through the interpreter) Filipino.

Q What is your occupation?

A Farmer.

Q In the morning about 9:00 o'clock of January 29, 1945, where were you?

A I was at Tagatay.

Q What part of Tagatay were you?

A East.

Q What did you do at that time?

A I was walking.

Q To what place?

A Going to the work of my nephew.

Q Where was your cousin -- Was it nephew?

INTERPRETER LAVENGCO: "Nephew".

Q (By Major Opinion) Where was your nephew working there?

A Eastern part of the crossing.

Q Was he working in the field?

A Yes.

Q Were you able to arrive at the place where your nephew was working?

A Yes, sir.

Q While you were in the place where your nephew was working, were you visited by any Japanese?

A The Japanese came near me.

Q Was the Japanese alone or accompanied?

A He was alone when he caught me.

Q How was that Japanese dressed?

A He wears long pants.

Q Did he make himself known to you who he was?

A I did not recognize who he was.

Q Did he tell you what he was going to do?

A He told me to go with him to the house.

Q Did he tell you whether he was an M.P. or Army soldier or marine?

A Seems he was an M.P.

Q Did he tell you that or not?

A I look at him; I saw "M.P.", because he has a pistol.

Q What did he do with you, if he did anything?

A I was brought to the house, and there I was tied by his companions.

Q Whose house was that?

A The surname of the owner is Padilla.

Q How far was that house from the place where you were taken by the Japanese?

A More or less around 100 meters.

Q When you arrived at the house of Padilla were there other persons inside the house?

A There is.

Q How many persons were there?

A About 15.

Q How long have you stayed in the house of Padilla?

A From nine o'clock in the morning to four o'clock in the afternoon.

Q You would say that you arrived at the house of Padilla at nine o'clock in the morning?

A About 9:10.

Q And during the time which you were in the house of Padilla, were there other persons brought, or did other persons come to that place?

A There is.

Q How many persons in all were found inside the house of Padilla during the time that you were there?

A Between 50 to 60.

Q While you were in the house of Padilla, how many Japanese were there?

A There were four who we saw there, and one more who brought me.

Q How were these other four dressed?

A They were in khaki.

Q Civilians, or Army dress?

A Two were in white dress, the other two were in khaki.

Q Those two dressed in khaki, were they soldiers?

A Soldiers, sir.

Q Now, what did the Japanese do with the people in the house of Padilla?

A Nothing but tie them tightly.

Q Who were these people? Were they all men, or women and children?

A They were women, men, children.

Q Were they all civilians?

A Yes, sir.

Q Now, you say that the people were tied. Who tied them?

A The Japanese who were in khaki.

Q How were the people tied?

A Tied behind the back.

Q How about the children's hands, were they tied, too?

A They were also tied behind the backs.

Q You mean to say that every one of that group of about 55 to 60 were tied?

A Yes, sir.

Q And they were all tied while you were inside the house of Padilla?

A Yes, sir.

Q Now, what did the Japanese do after they had tied everyone who --

A One by one was called.

Q By whom was he called?

A Japanese who was in black.

Q What was done with one called?

A I do not know what is done with them, because we could not see.

Q But you mean to say that one of the group was called and taken out of the house?

A Yes, sir.

Q Now, you did not know where the one called was taken to?

A No, sir.

Q You were called out and taken out of the house, too?

A Yes, sir.

Q What was your number?

A 46.

Q Please repeat. What number? What was your number?

A 43.

Q Now, where were you taken?

A At the cellar of the house I was investigated.

Q What was the investigation?

A I was asked if I was a guerrilla.

Q What did you say?

A I answered "No."

Q What happened afterwards?

A I was taken out down to the stairs.

Q Where were you taken after you came out of the stairs?

A I was taken by the edge of a ravine, and I was met by two more.

Q Now, where were you taken afterward?

A Beside the ravine, or the cliff; ravine or cliff.

Q How far was that border of the ravine where you were taken from the house of Padilla?

A About 20 meters, sir.

Q When you arrived at the ravine what was done with you?

A I was undressed, asked to lay down, and pounded by a club three times.

Q You say that you were undressed. Who undressed you?

A They.

Q How were they able to undress you when you had your

hands tied?

A They pulled away my dress.

Q Did the Japanese succeed in taking off your shirt?

A Yes, sir.

Q Now, how were you able to lay flat on the ground when you had your hands tied?

A They held me and lay me flat.

Q You mean to say that it was the Japanese who laid you down on the ground?

A Yes, sir.

Q And you were face downward?

A Yes, sir; and there is an object under my forehead.

Q Now, you say that you were pounded in the back. With what did the Japanese pound on your back?

A They have something that is used for pounding, but I don't know exactly what it was, because I was lying flat on my stomach, head down.

Q Was it made of wood or iron?

A Seems to be wood.

Q Was it a thick wood?

A Seems so, because it was very heavy.

Q Now, while you were laying flat on the ground with face downward they pounded, you said, three times. What did you feel as a result of the pounding?

A I felt that my chest was pressed and seemed it was crushed.

Q Now, what did the Japanese do after they had pounded you in the way you described?

A I was boloed.

Q How many times were you boloed?

A Two.

Q What was your position when you were boloed?

A I was lying down on my stomach, flat.

Q Now, why do you say that you were boloed? Was it a bolo that was used, or a sword?

A A bolo.

Q Was it a sharp bolo?

A Sharp, sir.

Q Can you show to the Commission the scar of the bolo wound that you sustained?

MAJOR OPINION: If the Commission please, I would like to request that I be allowed to order the witness to take off his shirt.

(The witness removed his shirt and exhibited his back to the Commission.)

Q (By Major Opinion) Now, you say that you were boloed. Where were you boloed? Just right at the base of your neck?

A (Witness indicates base of neck.)

(Through the Interpreter) Yes; there.

Q Now, you say that you were pounded with a wooden piece -- what did you call it?

INTERPRETER LAVENGCO: Wood.

Q (By Major Opinion) How about this scar, here (indicating), was it produced by that pounding?

A (Through the Interpreter) Because of the pounding, sir.

Q Now, after you had been boloed, what did the Japanese

do with you?

A Three Japanese lifted me up. After swinging me three times, threw me in the depth.

Q You mean to say "precipice"?

A Precipice.

Q How deep was that precipice?

A I reach a level of about 30 meters deep.

Q You mean to say that you did not reach the depth of the precipice?

A No, sir.

Q How did it happen that you fell only a depth of about 30 meters?

A I happen to fell on a level where there are many dead persons.

Q Now, what happened to you when you were just in that place?

A I was able to rise.

Q Had anybody approached you while you were in that position?

A There was one.

Q What was his name?

A Elicero Nuestro.

Q What was the condition of Elicero Nuestro when he approached you?

A He was undressed, with wounds, bolo wounds, and spattered with mud.

Q What did he do when he approached you?

A He pitied me; he untied me.

Q After having untied you, what did he do?

A We walked going up.

Q You mean to say that you climbed?

A We climbed on the side.

Q You say that there were bodies -- that there was a pile of bodies there. How many bodies, dead bodies, more or less, that you found?

A I don't feel very normal that time, but more or less from 43 to 45.

Q Now, you say that you climbed up, and were you able to reach on the plane of the border of the precipice?

A Yes, sir.

Q At what time, more or less?

A About two o'clock, early in the morning.

Q Of the following day?

A Yes, sir.

Q Now, you say that you were about 55 to 60 persons inside the house of Padilla. How many of these persons were able to survive?

A About nine.

Q Do you know Vicente Landicho?

A Yes, sir.

Q Was she the same woman who was here yesterday?

A Yes, sir.

Q Where is she now?

A She went home and -- she told the major -- because she cannot sleep here.

Q Repeat your answer.

A She went home to Mendoz because her child was sick and nobody can take care of her.

Q Was she one of those in the group, who was also tied up and wounded and thrown to a precipice?

A Yes, sir.

MAJOR OPINION: That is all, sir.

CROSS EXAMINATION

Q (By Captain Sandberg) Now, you say these men had bolo knives, is that correct?

A (Through the Interpreter) Yes, sir.

Q They had no bayonets?

A No, sir.

Q They had no pistols?

A Yes, sir, there is.

Q They had pistols?

A There is.

Q And you are sure they were Japanese soldiers?

A Yes, sir.

Q Did you ever see guerrillas in that area carrying bolo knives?

A No, sir.

Q Did you ever see Japanese soldiers before that time, carrying bolo knives?

A I did not see, but the Japanese who caught me had bolo.

Q But you never saw a Japanese before that time with bolo knives, is that correct?

A Not yet, but only that time.

CAPTAIN SANDBERG: That is all.

MAJOR OPINION: That is all the evidence we have, sir.

(Witness excused.)

GENERAL REYNOLDS: The Commission will be in recess  
for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. The Prosecution will proceed.

CAPTAIN WEBSTER: Sir, the next case is contained in Paragraph 80 of the Bill of Particulars.

Mr. Miyasaki.

FERMIN MIYASAKI

recalled as a witness on behalf of the Prosecution, being again duly sworn, was further examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Fermin Miyasaki.

Q Are you the same Fermin Miyasaki who previously testified in this case?

A Yes.

Q And your testimony at that time related to the Cortabitarte garrison?

A Yes.

Q Do you know anything concerning the execution of persons at the North Cemetery?

A Yes. I went there once with the execution party.

Q When was that?

A It was around the middle of November.

Q How many people were executed?

A There were 27.

Q Where did those people come from?

A They came from the Cortabitarte garrison.

Q How long had they been at the Cortabitarte garrison?

A A little more than a week.

Q What treatment was accorded them at that place?

A They were questioned and tortured.

Q Do you know the names of any of those 26 people?

A No.

Q Where did the execution take place?

A At the North Cemetery.

Q Will you describe to the Commission what took place at the North Cemetery?

A One afternoon in the middle of November between four and five o'clock the 27 prisoners were all tied together and they were loaded into a truck. I was asked to go with the execution party. When we arrived at the cemetery there were three Filipinos who were digging a big hole. They hadn't finished digging, so we waited about a quarter of an hour. When the hole was finished, which was about five feet in depth, all the prisoners were unloaded from the truck. They were made to kneel before the hole one by one, and I knew I couldn't stand the sight. So I went back to the truck, which was parked about 50 meters away. From there I saw that each of them had their heads cut off. It took about 40 minutes.

Q How many Japanese accompanied those 26 people?

A I don't exactly remember, but I think there were seven or eight of them.

Q Do you know the names of any of those Japanese?

A I remember the names of three of them.

Q Will you please state their names?

A They were 3rd Lieutenant Tachibana, Sergeant Kataoka, and Private 1st Class Akiyama.

Q Were those three men you have named part of the Cortabitarte garrison?

A Yes.

Q And was that the same garrison which was later commended by General Yamashita for its good work?

A Yes, sir.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Now, how long did you work at the Military Police garrison?

A I worked from August, 1944, to January 6, 1945.

Q And would you say that you are thoroughly familiar with the general affairs of the garrison?

A I am not thoroughly informed, but I know what was going on in the garrison, except those that were going on in the officers' room.

Q In your capacity as an interpreter did you have occasion to become generally acquainted with the procedures and methods of the Military Police garrison?

A Yes.

Q Will you describe for us what was the procedure in the case of a court-martial of a prisoner?

A When a prisoner is sent to the court-martial a paper with the result of his investigation and the recommendation of punishment was written in, and it was sent, together with the prisoner.

Q This recommendation was made by the Military Police?

A Yes, sir.

Q And to whom was that recommendation made?

A To the presiding officer of the court-martial.

Q Was it made to the Judge Advocate of the Japanese Army?

A Yes, sir.

Q Am I correct in stating that thereafter a trial would be had by officers of the Judge Advocate's Department?

A I don't know what method they used in the court-martial, because I had never been there myself.

Q It is your statement, then, that the courts-martial were not held in the Military Police --

A No, sir.

Q (Continuing) -- but by another department?

Now, after the court-martial had reached its verdict did the Military Police then receive notification?

A I don't know about that.

Q Well now, in your capacity as an interpreter, did you have occasion to know that the Military Police was charged with the duty of executing the sentences of the court-martial?

A Only those people who were to be given prison sentence were sent to the court-martial. Those who were released, being found innocent, or those who are going to be executed, were never sent to the court-martial.

Q Well now, after a court-martial reached a verdict for an execution, who executed that sentence?

A I think the court-martial did.

Q The Military Police did not execute that sentence?

A Those prisoners who are going to be executed were never sent to the court-martial.

Q Are you telling us that no court-martial ever sentenced a prisoner to death?

A As far as I know, during the time I worked with the Military Police I never saw any prisoners with the recommendation of death sentence sent to the court-martial.

Q Now, just to clear up that point, you say that you do not know whether the Military Police was charged with the duty of executing sentences of death by court-martial?

A I don't know about that.

Q All right. In your capacity in the Cortabitarte garrison did you ever see a man by the name of Narciso Lopus?

A No, I never saw him.

Q Did you ever see a man by the name of Joaquin Galang?

A Will you please repeat the name?

Q Joaquin Galang.

A No, sir.

Q This commendation that you spoke of, was that commendation addressed to the Military Police command of the Japanese Army?

A It was addressed to the South Division of the Southern Manila Division of the Military Police.

Q And the Cortabitarte garrison was part of that command?

A It was the command itself.

CAPTAIN SANDBERG: That's all.

CAPTAIN WEBSTER: One other question, please.

REDIRECT EXAMINATION

Q (By Captain Webster) Were these 27 who were

executed Americans or Filipinos?

A: They were all Filipinos; one woman.

CAPTAIN WEBSTER: That's all.

(Witness excused.)

CAPTAIN WEBSTER: Sir, that completes the evidence on that particular paragraph. The next paragraph is 123.

VICENTE T. ARDENIO

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Vicente T. Ardenio.

Q Your age?

A 42 years old.

Q Nationality?

A Filipino.

Q Where were you living in January of 1945?

A In Barrio Anilao, Pavia, Iloilo.

Q On what Island is that?

A The Island of Panay.

Q Do you know a Filipino civilian by the name of Juan or nicknamed Goling?

A Yes, I know Juan Goling.

Q Will you state what happened to him?

A Yes. Last January 8, 1945, at 3 o'clock in the afternoon some Japanese soldiers arrested Juan Goling, the 50-year-old man.

Q What did the Japanese do with him?

A The Japanese soldiers tied his hands to his back and talked to him. Then the Japanese soldiers tossed him up and as he landed on the earth they kicked Juan Goling and he yelled and hollered, "Have mercy, save me." Then these

Japanese soldiers took Juan Goling the distance of 50 yards away from the place where he was mistreated. These Japanese soldiers bayoneted Juan Goling brutally then they pushed him into a hole where they buried him there.

Q How many times was that man bayoneted?

A We saw him bayoneted many times and we saw also Juan Goling fall to the ground dead.

Q Do you know why the Japanese did that?

A Yes, I saw it with my very own eyes.

Q Can you state what the Japanese were questioning Juan Goling about?

THE INTERPRETER: Will you repeat the question?

CAPTAIN WEBSTER: Read the question.

(Question read)

THE WITNESS: They talked Japanese to Juan Goling and I cannot understand Japanese.

Q (By Captain Webster) Do you know a man by the name of Crispino Umadhay?

A Yes, sir.

Q Will you state what the Japanese did to him?

A Last January 10th, 1945, at 11 o'clock near noon some Japanese soldiers took him to the place where we worked, they took Crispino Umadhay where we worked.

Q What did they do with that man?

A When he was brought there he was asked to work repairing roads and piling stones.

Q Please describe what happened there?

A At about 11:30 we went with Crispino to a house where we used to eat our lunch every day. When we reached near

the place where we used to eat Crispino stopped at a Japanese Captain's house but I and the other laborers proceeded to the house where we ate our lunch. We had no sugar and nothing else for our lunch so we went to the Captain's house to ask for some sugar. At the Japanese Captain's house I saw Crispino and he asked for some sugar for me. Then this Japanese Captain saw me and he angrily stared at me. Then I went to the house where I ate my lunch. After lunch we sat on a bench under the house.

Q Well let me interrupt right there. Is Crispino Umadhay living now?

A He is dead.

Q When was he killed?

A He was killed last January 10th, 1945.

Q Who killed him?

A It was the Japanese.

Q How was he killed?

A Then these Japanese soldiers took Crispino into the back of the house where he was brutally bayoneted. There he died.

Q Do you know a man by the name of Masiiong?

A Yes.

Q Is he living?

A No, he is dead.

Q When was he killed?

A Last January 13th.

Q How was he killed?

A He was also bayoneted.

Q By whom?

A Those Japanese soldiers.

Q Did you know a man by the name of Imay?

A Yes, he works together with me.

Q Is that man living now?

A He is dead.

Q When was he killed?

A He died together with Masiiong.

Q Was he killed in the same way as Masiiong was killed?

A Yes, they were killed the same time and the same way.

Q Did all those killings take place in and around Iloilo?

A Yes, in the place called Iloilo.

Q Did you know a person who was a son of a certain other Crispino?

A I beg your pardon?

CAPTAIN WEBSTER: Will you please read the question?

(Question read)

THE WITNESSES: Yes.

Q (By Captain Webster) Did you see that person killed?

A Yes.

Q When was he killed?

A March 21st, 1945, at 7 o'clock in the morning.

Q Who killed him?

A Japanese soldiers.

Q How did they kill him?

A Last March 21st in the morning when the Americans entered Iloilo City some Japanese soldiers escaped from the city. When they reached the city, when they came out from the city, we shouted "Victory Parade". Not knowing that

the man, that man thought they were guerrilla men and he ran out of his house into the street. The Japanese soldiers saw him and shot him through the stomach. The Japanese soldiers shot him and when he came to consciousness he found that part of his intestines came out. He supported his intestines coming out with both hands and he walked slowly home. He died at 6 o'clock in the morning the same day.

Q Do you know the names of any of the Japanese who killed any of those people?

A I know their faces but I do not know their names.

Q Were they in the army or navy?

A Army men.

CAPTAIN WEBSTER: You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) When was Masiang killed?

A January 13th, 1945.

Q And where?

A Barrio Tacas in the Town of Iloilo.

Q Barrio Tacas, Town of Iloilo?

A Yes.

Q Did you see him killed?

A Yes, I saw him killed.

Q Do you live in the Barrio of Tacas?

A No, but I lived near that place.

Q How did you happen to be there at that time?

A Last January 2nd, 1945, some Japanese soldiers came out from Iloilo City and went to Barrio Tacas to confiscate the rice which the people had harvested. Then I was selling two bottles of Filipino beverages and then I was arrested.

Q Were you arrested on January 2nd? Were you arrested on January 2nd?

A Yes.

Q And were you still under arrest on the 13th of January?

A He held me until January the 15th.

Q Where were you being held?

A Yes.

Q Where were you being held?

A We were kept in a house, all civilians.

Q And was Masiiong killed in that house?

A He was killed in another place.

Q Another place?

A Yes.

Q If you were in that house under arrest how did you see him killed in another place?

A We slept in the house where civilians are kept but we are working and we are taken to another place and then I saw Masiiong killed.

Q You saw him killed while you were being taken from the house to the place where you worked?

A Yes, sir, I saw him.

Q Were you under guard when you were being taken?

A No, but we are laborers and we can see because it is very near.

Q But you were under arrest at that time?

A Yes, since January 2nd, 1945 to January 15th.

Q Now, where was Crispino Umadhay killed?

A Just near the place where we stayed.

Q In the Barrio of Tacas?

A Yes.

Q What was the date?

A January 10th.

Q And you saw him killed, too?

A Yes, we saw him tied, both hands tied to his back and taken to the house near our place.

Q And were you also on your way to work when you saw that happen?

A We were at the house because we had just finished our lunch under the house.

Q Was he killed in the house?

A He was killed in the other house, in the back of the other house.

Q And how could you see it from the house you were in?

A Because the house where he was taken can be seen from the place where we stayed.

Q Where was Juan Goling killed?

A I beg your pardon?

Q Where was Juan Goling killed?

A He was killed in the same Barrio, Tacas.

Q And what date?

A January 8, 1945.

Q And where was he killed with relation to the house where you were being held by the Japanese?

A He was taken to the place where we worked and then taken to the place about 50 yards away where he was killed, bayoneted.

Q And you saw that?

A He was bayoneted.

Q And you saw that? Did you see that?

A Yes.

Q And where was I may killed?

A He was killed together with Masiiong.

Q At the same time and place?

A Yes, sir, the same time and place.

Q And on the 15th of January were you released by the Japanese?

A Yes, they released us.

Q Do you know a man by the name of Tomas Confessor?

A Yes.

Q Do you know a man by the name of Colonel Peralta?

A Yes.

Q And are they both the leaders of the guerrilla movement on the Island of Panay?

A Yes, sir.

CAPTAIN SANDBERG: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused)

CAPTAIN WEBSTER: Sir, that completes the evidence under that paragraph.

The next is paragraph 93.

GENERAL REYNOLDS: Before the Prosecution starts, is this not the item which was linked with number 16 and number 25? As I recall, Defense objected to proceeding with item number 93, which was linked with 16 and 25. The Commission directed the Prosecution to proceed with 16 and 25, and defer taking the testimony on item number 93; is that correct?

CAPTAIN WEBSTER: That is correct, sir.

GENERAL REYNOLDS: In other words, we should study the record here in conjunction with the former testimony?

CAPTAIN WEBSTER: That is correct, sir.

GENERAL REYNOLDS: Proceed.

JOSE LACSON

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Jose Lacson.

Q Your age?

A 27, sir.

Q Nationality?

A Filipino, sir.

Q Where were you living in the first part of February of this year?

A I am in 28 Zarágosa.

Q City of Manila?

A Yes, sir.

Q How far was that from the Dy-Pac Lumber Company?

A I can estimate about half a mile, sir.

GENERAL REYNOLDS: A little louder, please.

THE WITNESS: It is about half a mile from the Dy-Pac to the place where we are living.

Q (By Captain Webster) Will you speak towards the Commission, so that they might hear you clearly, please.

A It is half a mile away from the house where I am living to the Dy-Pac Lumber, sir.

Q On or about the 2nd day of February were you taken from your home?

A Yes, sir, by the Japanese.

Q How many people did they take from your home?

A We are two, sir.

Q Where did the Japanese take you?

A We are taking to the Isabelo de los Reyes school.

Q What was the Reyes school used for?

A Beg pardon, sir?

(Question read.)

A They used it for -- they used it for camps.

Q Were there Japanese in that school?

A Yes, sir.

Q Do you know what branch of the service those Japs were in?

A Yes, sir.

Q What was it?

A Army, sir.

Q How long did they keep you at the school?

A A whole day, sir.

Q Were there other civilians at the school?

A Yes, sir.

Q How many?

A We had about 17 or 18 women and childrens and men.

Q What did the Japanese do with you when you left the school?

A They bring us to the Barcelona Building, where it is an M. P. building, sir; Japanese M. P. building.

Q What did they do with you there?

A They tied us there.

Q How many did they tie?

A We are about 21 men.

Q And what did they then do with you?

A They bring us to the Dy-Pac Lumber, sir.

Q All 21?

A Yes, sir.

Q Were all 21 tied?

A Yes, sir.

Q When did you reach the lumber company?

A It is about 8 o'clock in the evening, sir.

Q Of February --

A Third.

Q Third?

A Yes, sir.

Q What did they do to the 21 when they reached the lumber company?

A They pick us one by one and take to the place of the killing.

Q Who did they take first?

A I don't know, sir, because I cannot recognize that place because it is too dark, sir.

Q Well, how far down the line were you?

A We were separated, we are put in the middle of the lumber yard and taken one by one, sir.

Q Well, how many did they take before you?

A I was in the middle, sir.

Q What did they do with you when they took you?

A They just -- one of the Japanese took me out with -- there are two, sir; one is officer and one is the killer. They took me up and just told me to stand up, and then I just heard a hit of the handle of the rifle on my back, and I fell down on the ground and they struck me two times at my back with the bayonet, sir.

Q Did the bayonet go all the way through you?

A No, sir.

Q What did you then do?

A I lost my mind, sir, when they struck me with bayonet.

Q How long did you lie there on the ground?

A It is about three hours more.

Q How long did you stay in the lumber company yard?

A Until the 4th of February, sir.

Q What time on the 4th?

A It is about sometime 5 o'clock or 6 o'clock, sir, that day.

Q In the evening?

A Yes, sir, in the evening.

Q When you awakened what did you see at the lumber

company?

A I see lots of womans, men and childrens in the lumber yard.

Q About how many?

A About 20 or 30 womans and children.

Q Did you observe any wounds on their bodies?

A They are covered with bodies -- they are covered with blood, sir, and I can't recognize them, but one of my nephew and one of my father-in-law.

Q What is the name of your neighbor and the name of your father?

A The name of my father-in-law is Hilario Quia; and the name of my nephew, sir, is Florencio Cudala.

Q You saw those bodies there?

A Yes, sir.

Q On the next day?

A Yes, sir.

Q What did the Japanese accuse you of?

A They get me as suspect of guerrilla, sir.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Do you know for sure what branch of the armed forces the Japanese in the lumber yard were?

A It is army, sir.

Q How do you know that?

A Because they have a star in the cap, sir.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Captain Webster) Did they give you any trial  
of any kind?

A No questions, sir.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

CAPTAIN WEBSTER: Ricardo San Juan.

RICARDO SAN JUAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Lavengco, with Interpreter Dionisio acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Webster) What is your name?

A Ricardo San Juan.

Q Your age?

A 25.

Q Your nationality?

A Filipino.

Q Were you taken by the Japanese to the Dy-Pac Lumber Company in February?

A Yes.

Q What time were you taken there?

A 11 o'clock at night.

Q Who else was taken with you?

A Many.

Q How many?

A We were 67 in all.

Q Were any of those members of your family?

A Only four.

Q What relation were they to you?

A The three were my children.

Q And the other?

A My wife.

Q How old were your children?

A One five years, the other is three years, and the third is only five months.

Q What did the Japanese do to you when you got to the lumber yard?

A They took us there, and as we entered, as we were inside, we were lined up.

Q Were you tied?

A Yes, sir.

Q How many were tied with you?

A All of us, 21 men, were tied together.

Q What did they do with you?

A I was asked to kneel down.

Q And then what happened?

A I was boloed.

Q What with?

INTERPRETER LAVENGCO: I beg your pardon?

CAPTAIN WEBSTER: What with?

INTERPRETER LAVENGCO: Will you read that, please?

(Question read.)

A Bayonet.

Q (By Captain Webster) Where were you bayoneted?

A At the neck.

Q What happened after you were bayoneted?

A I fell down and was thrown flat on the ground.

Q How long did you lie on the ground?

A About ten minutes. About ten minutes.

Q Did you see anyone else killed by the Japanese at the lumber yard?

A I saw my wife.

Q How was she killed?

A She was stabbed.

Q Did you see any of your children killed?

A Yes, sir.

Q How were they killed?

A My child who was five months old was tossed up and caught by a bayonet.

Q Did you see any other persons killed besides those you have mentioned?

A There are some more.

Q Will you please name the others you saw killed at that time?

A Fructuoso Viri; Faustino Fajardo; Dominador Antonio. Those only.

Q How long did you stay at the lumber yard?

A Three nights, two days.

Q Did you see any bodies the following day in the yard of the lumber company?

A When I crawled I stepped on so many dead bodies.

Q About how many dead bodies did you see?

A I could not number them.

Q Do you know why the Japanese tried to kill you?

A I know. They suspected us as members of the guerrillas.

Q Did they give you a trial of any kind?

A We were given a chance of fresh trial, but the captain told us that "the real judgment must come from above."

Q Do you know of any "judgment coming from above"?

A That was the only thing he could do. According to

the captain, if his wish be followed, he would set us all free because we had no faults; there was no basis. But because there was an "order from above" they had to follow.

Q Did they suspect your wife and three children as being guerrillas?

A I do not know if they suspected my children and my wife as guerrilla members, but when they arrested me they arrested also my wife and my children.

CAPTAIN WEBSTER: Mark this for identification, please.

(Photograph of witness was marked Prosecution Exhibit No. 314 for identification.)

Q (By Captain Webster) I hand you what has been marked Prosecution's Exhibit 314 for identification. Will you state what that is?

A This is my picture.

Q Does that show the wound which was inflicted upon your neck by the Japanese?

A Yes, sir.

CAPTAIN WEBSTER: Sir, we shall offer at this time this Exhibit 314 in evidence.

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

(Prosecution Exhibit No. 314 for identification was received in evidence.)

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Do you know whether the Japanese soldiers were members of the army, the navy or

the marines?

A Army.

Q And how do you know that?

A They were in khaki.

Q And is that the only basis upon which you have come to the conclusion that they were members of the army?

A They have a star insignia on their pockets.

Q On their pockets?

A On their pockets.

CAPTAIN SANDBERG: That's all.

CAPTAIN WEBSTER: That's all.

(Witness excused.)

CAPTAIN WEBSTER: Does the Commission wish to hear another witness?

GENERAL REYNOLDS: The Commission will be in recess until 1:30 this afternoon.

MAJOR KERR: Sir, it has just come to my attention that two witnesses we had intended to put on today decline to testify in open court because of the nature of their testimony. It relates to the raping of women in the Tanquan-Batangas case. I, therefore, make request that we have a closed session, and I would suggest that it be from 1330 to 1345 this afternoon. That would afford ample opportunity for us to get in the testimony of those two women.

GENERAL REYNOLDS: In view of the statement by the Prosecution, the Commission will open in closed session at 1:30 this afternoon, and continue for such brief period as it is necessary to complete the testimony of the two

witnesses in question.

MAJOR KERR: Thank you, sir.

GENERAL REYNOLDS: The Commission is in recess.

(Whereupon, at 1140 hours, 14 November 1945, a recess was taken until 1330 hours, 14 November 1945.)



I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Fausta N. Espiritu	2178	2180		
Corazon A. Burgos	2181			

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is open in closed session.

MAJOR KERR: Sir, all members of the Commission are present, the Accused and his Defense Counsel are present.

At this time we would like to put on the case of the Tanauan massacre in Batangas Province, which is Item No. 54 in the Bill of Particulars. The first two witnesses are testifying in closed session.

The record, I am informed, does not show that this interpreter was sworn as a Tagalog interpreter, so at this time I would like to swear him.

(Whereupon Interpreter Dionisio was sworn.)

CAPTAIN PACE: This testimony will also be offered in proof of Bill of Particular No. 1, the Batangas case.

Mrs. Espiritu.

FAUSTA N. ESPIRITU

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Dionisio acting as "check" interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A (Through the interpreter) Fausta N. Espiritu.

Q Where do you live?

A Tanauan, Batangas.

Q What barrio?

A Bongkalot, Tanauan, Batangas.

Q What happened on the morning of February 28, 1945?

A On the morning of February 28, 1945, four Japanese came from the fields. These four Japanese arrested us in the fields. After we were arrested, my husband was hog-tied. After he had been tied, the Japanese asked where the other people are, and my husband answered "There are no more, no more people". Because of the way he answered, because of this answer of my husband, his tongue was cut off.

Q What did they do after they cut your husband's tongue off?

A After his tongue was cut off, he was bayoneted.

Q What did they do to you then?

A After they have killed my husband, they got my child from me, wrested my child from me, and placed the baby on the ground.

Q What happened then?

A After the child was placed on the ground, I was assaulted by one -- by the Japanese.

Q What kind of an assault was it?

A He raped me.

Q Did he have any weapon while he raped you?

A He had his bayonet pointed at my breast; that is why I consented, even if I did not like to.

Q How many men did the Japanese kill in the fields besides your husband?

A Two more men besides my husband.

Q Did you see them rape any other woman?

A I saw one more.

Q What was her name?

A Damiana.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Did he hold the bayonet while he was raping you?

A (Through the interpreter) Yes.

Q During the entire time?

A Yes, right on top of my breast, near my heart.

Q Will you show us how he was holding the bayonet while he raped you?

THE WITNESS: Like this (demonstrating).

Q (By Captain Sandberg) And what did he do with his other hand?

A (Through the interpreter) He was holding my hand, pinning it down, and forcefully, with great strength.

Q Did he hold both your hands?

A Yes.

Q Did he lift your dress while he was raping you?

A Yes, he lifted it.

Q How?

A Up.

Q I mean, did he use his hand?

A Yes.

Q Well, did he use the hand with which he was holding the bayonet?

A No, the other hand which did not hold the bayonet.

Q Then he let go of your two hands, then?

A He was holding my two hands tightly.

Q Now, you say that he used that hand to raise your

dress; didn't he then have to let go of your hands?

A When he lifted my dress, he held my hand with the hand that held the bayonet.

Q So that he held the bayonet and both of your hands and your dress at the same time?

A Yes.

Q Did he hold your hands behind your back?

A No, he held my hand right here on my breast, because his bayonet is also in his hand.

Q And with the same hand he held the bayonet and two of your hands?

A Yes.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you very much, Mrs. Espiritu.

(Witness excused)

CAPTAIN PACE: Miss Burgos.

CORAZON A. BURGOS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified through Interpreter Rodas as follows, with Interpreter Dionisio acting as "check" interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Corazon A. Burgos.

CAPTAIN PACE: Testify in Tagalog to the interpreter.

Q (By Captain Pace) Where do you live?

THE WITNESS: I speak English.

(The question was translated to the witness by the interpreter.)

A (Through the interpreter) I live in the town of Tanauan, Batangas.

Q How old are you?

A I am 17 years old.

Q How old were you on February 10, 1945?

A 16 years.

Q Will you tell what happened on the morning of February 10, 1945?

A On the morning of February 10, 1945, eleven Japanese accompanied by a Japanese officer went up our house.

Q What did they do in your house?

A They knocked at our door, and they forced us to open the door and they all went in.

Q Did they take your mother and sister out of the house?

A No, they were taken to our yard.

Q What happened to you after your mother and sister were taken to the yard?

A Before they took my sister and my mother into our yard, first they slapped and kicked my sick sister.

Q What happened to you?

A When they were already down, one officer was left inside the house. He began to slap me, and then pointed his bayonet on my stomach.

Q What did he do then?

A After they have slapped me, I was raped.

Q By the Japanese officer?

A Yes.

Q Now, did you see your mother and sister after that?

A No more.

Q Did you see their bodies?

A After I came from the hideout, from the dugout, I saw their bones.

Q What had happened to them?

A When I saw them, my mother had got a hole in her skull, but my sister -- I don't know what happened to her.

CAPTAIN PACE: You may cross examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

CAPTAIN PACE: That concludes the women witnesses who were raped, sir.

GENERAL REYNOLDS: The Commission will be in recess for a time sufficient to permit the public and press to re-enter the court room, and we will thereupon reopen in open session.

(Whereupon at 1345 the closed session was concluded.)

(The trial was resumed in open session at 1350 hours, following closed session.)

GENERAL REYNOLDS: The Commission is in session. The Prosecution may proceed.

CAPTAIN PACE: We will call Justina Manlisik.

JUSTINA MANLISIK

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Dionisio, with Interpreter Rodas acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) State your name.

A Justina Manlisik.

GENERAL REYNOLDS: Is this still Item No. 93?

CAPTAIN PACE: 54, sir, and 1.

Q (By Captain Pace) Give your name, please.

A Justine Manlisik.

Q Where do you live?

A I live in Tanauan, Batangas.

Q Were you living in Tanauan, Batangas, on February 10, 1945?

A Yes, sir.

Q Were you living in Tanauan, Batangas, on February 10th, 1945?

A Yes, sir.

Q On that morning at about 5 o'clock did the Japanese come to your house?

A Yes, the Japanese come to our house about 5 o'clock in the morning.

Q Tell the Commission what happened.

A They bring with them a piece of rope to tie the hands of my parents; tie the hands of all of us. When I see that the Japanese are going upstairs I went down and I hid inside the toilet. Well, I am already hidden in the toilet and I saw my parents were already tied, especially the small children, too.

Q How many people were tied by the Japanese?

A 34.

Q Are they all in your family?

A Yes, all our family.

Q What did they do with the 34 members of your family?

A They strike with their bayonets in their chest.

Q Did they take them out of the house?

A Yes.

Q When did you next see the members of your family?

A At about 4 o'clock I went out and I saw that my parents are already dead; all of them are dead.

Q All of them dead?

A Yes.

Q What happened? How had they been killed?

A They strike with their bayonets.

Q All of your family had been bayoneted?

A Yes.

Q When you say all of your family, do you mean that all 34 of them died?

A Yes, 19 children and 15 older people.

Q 19 children?

A Yes.

Q What were their ages?

A Their ages, the youngest is 2 years, and the oldest is 10 years old.

Q What else did you see?

A One of my sisters is pregnant and they slashed her stomach open and when the baby come out they cut its head off. (Weeping)

CAPTAIN PACE: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Sandberg) Do I understand --

GENERAL REYNOLDS: Is cross-examination of this witness considered essential?

CAPTAIN SANDBERG: We will waive the cross-examination.

CAPTAIN PACE: Thank you very much.

(Witness excused)

JOAQUIN MENDOZA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Dionisio, with Interpreter Rodas acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Joaquin Mendoza.

Q Where do you live?

A In the Barrio of Bilogbilog, Tanauan, Batangas.

Q Were you living there on the 21st of February, 1945?

A Yes, sir.

Q What happened on that morning?

A In the early part of the morning it was very dark;

suddenly there were Japanese that came around.

Q What did the Japanese do with you?

A All of us were arrested.

Q How many of you were arrested?

A We were 38.

Q What did they do with you then?

A They ordered us to carry the rice.

Q They ordered you to carry the rice?

A Yes, they ordered us to carry the rice.

Q Where did you carry the rice to?

A In the mountains, to Mt. Gonzali.

Q After you had carried the rice to Mt. Gonzali what happened to you?

A After reaching that mountain they took the rice from us and placed it in their granary.

Q What happened then?

A They took us and we went back to where we came from.

Q What happened to you?

A After walking about two kilometers they told us to rest for a while.

Q What happened when you were resting?

A We were sitting down resting there with three or four soldiers that surrounded us.

Q What did they do to you?

A One of them shouted and ordered and the very instant they killed almost all of us.

Q How many people did they kill?

A 36. 36 were killed.

Q How many survived?

A There were only six of us left alive.

CAPTAIN PACE: You may inquire.

CAPTAIN SANDBERG: No cross-examination.

(Witness excused)

CAPTAIN PACE: Mr. Magnaye.

ISIDORO MAGNAYE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Dionisio, with Interpreter Rodas acting as "check" interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Isidoro Magnaye.

Q Where do you live?

A In Tanauan, Batangas.

Q What barrio?

A In the Poblacion.

Q Where did you live on the 21st of February, 1945?

A In the barrio of Bilogbilog, Tanauan, Batangas.

Q Did you see the Japanese come on the 21st of February and take Joaquin Mendoza and 37 other men away from the town?

A Yes, sir.

Q Is he the man who just testified before you?

A Yes, sir. He is Joaquin Mendoza.

Q Will you tell what happened on the following day, the 22nd of February?

A On that morning of February 22nd that guy Mendoza went to the town and told us that the Japanese were rounding the men.

Q Did you see the Japanese come to the town on February 22nd?

A In that morning of February 22nd I can see by the

far distance the Japanese ordering the people, telling them something.

Q What did the Japanese do in your barrio on the 22nd?

INTERPRETER DIONISIO: Will you repeat, please, sir?

CAPTAIN PACE: What did the Japanese do in your barrio on the 22nd?

A After the Japanese gave the order, suddenly two shots were fired and at the very instance the Japanese soldiers began raping -- began doing havoc to the town.

Q What did the Japanese do?

A They began shooting people and burning houses until they went to the house of Sixto Mercado.

Q How many people were in the house of Sixto Mercado?

A There were about 40 persons. Most of them are women.

Q Did they kill those 40 persons?

A Yes, sir.

Q How?

A The four Japanese, with ready bayonets, went around the house, two of them staying before the window and two went upstairs and began bayoneting the people inside the house.

Q How many other people did they bayonet in the houses other than that of Sixto Mercado?

A All the people inside the house of Mercado were bayoneted and killed and the houses burned afterwards.

Q Did they kill any other people in other houses?

A They kill in the house of Mercado. They also kill people in the other houses.

Q How many?

A I think there were around 15 of them.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Sandberg) Did you see them bayonet people in the house of Sixto Mercado?

A Yes, sir.

Q Were you in the house?

A I wasn't there, but I can see by through a distance of 100 meters away in my hiding place what the Japanese were doing.

Q You were a hundred meters away. Where did the bayoneting take place?

INTERPRETER DIONISIO: Will you repeat that, please?

CAPTAIN SANDBERG: Where in the house of Sixto Mercado did the bayoneting take place?

A Inside the house of Sixto Mercado the people were bayoneted.

Q (By Captain Sandberg) And did you see it through the window?

A The house was open. The windows were open, so I can see it.

Q How many Japanese did you see?

A There were four Japanese soldiers that went to the house and killed people, but there were plenty of Japanese soldiers in that place.

Q Were there any Filipinos with the Japanese?

A There were none.

Q Were there any Makapili operating that day?

A There was none.

Q Did you give assistance to the guerrillas?

INTERPRETER DIONISIO: What is that?

CAPTAIN SANDBERG: Did you give assistance to the guerrillas?

A Yes, sir.

Q (By Captain Sandberg) What guerrilla organization were you a member of?

A I am not an official member of any guerrilla unit, but I go with them any time they want me to.

Q And did this guerrilla organization have its headquarters in the town of Tanauan?

INTERPRETER DIONISIO: Will you repeat that?

CAPTAIN SANDBERG: Did this guerrilla organization have its headquarters in the town of Tanauan?

A There is no headquarters in the town of Batangas, but there is some there in the remote barrios because the Japanese are shooting the guerrillas.

Q In what activities did you help the guerrillas?

A There was about four Japanese soldiers that were ambushed by guerrillas, of which I was one of them.

Q You were one of the four who ambushed the Japanese soldiers?

A Yes, sir.

Q What method did you use to kill the Japanese soldiers?

CAPTAIN PACE: If it please the Commission, this witness hasn't testified that the Japanese injured him and I don't see how his guerrilla activities could bear on his testimony, and certainly membership in the guerrillas doesn't go to your credibility.

CAPTAIN SANDBERG: If the Commission please, these questions are not directed to credibility. It is the position of the Defense that there was open warfare in Batangas and that these deaths occurred as the result of open combat operations. And that is the purpose of these questions.

GENERAL REYNOLDS: You may proceed.

CAPTAIN SANDBERG: Will you read back the question?

(Question read)

A Rifle.

Q (By Captain Sandberg) Were all of the members of the guerrilla organization armed?

A Most of them they have no weapons, but because there were only a few of us who have them.

Q Did most of them carry bolos?

A Yes, sir.

Q Do you know whether any of the people who were killed in the house of Sixto Mercado were also guerrillas?

A I know nothing.

Q Do you know of your own knowledge that other Japanese soldiers than those four you mentioned were killed by the guerrilla organization?

A The only four I have said.

Q Did you wear a uniform?

A I have none.

Q Can you tell us what the name of the guerrilla organization of which you were a member was?

A It is known as the Markings organization.

Q And would you describe yourself as engaged in the war against the Japanese?

INTERPRETER DIONISIO: Will you please, sir, repeat the last question?

CAPTAIN SANDBERG: Did you regard yourself as having been engaged in war against the Japanese?

INTERPRETER DIONISIO: Repeat that again, please.

CAPTAIN SANDBERG: Did you regard yourself as having been engaged in war against the Japanese?

A I cannot regard myself as a member, only I was one of them during this time.

CAPTAIN SANDBERG: That's all.

#### REDIRECT EXAMINATION

Q (By Captain Pace) Were some of the 55 people who were killed women and children?

INTERPRETER DIONISIO: What?

CAPTAIN PACE: Were some of the 55 people who were killed women and children?

A There were men, women and children, too.

Q Were the women and children guerrillas?

A No, sir.

Q Did they give these men and women and children a trial before they bayoneted them to death?

A No, sir.

CAPTAIN PACE: Thank you very much.

CAPTAIN SANDBERG: Just one more question.

GENERAL REYNOLDS: One more question for the Defense.

RE CROSS EXAMINATION

Q (By Captain Sandberg) Do you know of any cases where children over the age of 10 carried hand grenades?

A I don't know nothing, sir.

Q Do you know of any cases where women were guerrillas?

A There were no one in our town.

CAPTAIN SANDBERG: That's all.

CAPTAIN PACE: Thank you.

(Witness excused)

JUAN ZAMOSA

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Dionisio, was examined and testified through Interpreter Dionisio as follows, with Interpreter Rodas acting as "check" interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A (Through the Interpreter) Juan Zamosa.

Q Where do you live?

A In the Barrio of Tunauan, in the Town of Tanauan.

Q Did you live there in Tanauan on February 10, 1945?

A Yes, sir.

Q Tell what happened on the morning of February 10th.

A In the morning of that day, there were two soldiers that came. After the two soldiers came to our house, they took me and brought me to the house of the mayor.

Q How many people did they take?

A There were many, around 50 persons.

Q What happened then?

A When we arrived there, we saw 50 other persons tied together.

Q Where did you go then?

A We were all hog tied, and the men were separated from the women, who were placed under the house.

Q Were the women tied?

A The women were tied, but the children were not, and the men were also tied.

Q What did they do with the men?

A After they were tied they asked us if we were all

Filipinos.

Q What did they do to you?

A We answered that we were Filipinos.

Q What did the Japanese do to you?

A After we were questioned we were released one by one, and we were bayoneted one by one.

Q How many men were bayoneted before your turn came?

A I think there were around 25 who were already bayoneted.

Q How did you escape?

A When my turn came, which was -- I am number 26 -- I ran away with the hope that I won't really be killed.

Q How many men were in the group?

A There were around 100, including men and women.

Q How many men?

A There were around 50.

Q Have you ever seen any of those men alive since that date?

A I saw no one survive, even until now I have seen no one.

Q What did you see, if anything, happen to the women?

A I saw a pregnant woman who was assaulted by a Japanese officer, and I saw also the child inside that came out of the stomach and was thrown away.

Q What made the child come out of the woman's stomach?

A Perhaps it was due to the slashing of her stomach.

Q Who slashed her stomach?

A A Japanese officer, if I am not mistaken.

Q What did he slash it with?

A A sword.

Q Have you ever seen any of those women or children alive since that date?

A I have seen no one survive, even until now.

Q These Japanese that you have spoken of, are they soldiers or sailors?

A I am not quite sure, sir, whether they are members of the navy or army, but what I know they are soldiers.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Did you give any assistance to the guerrillas?

A I did not give any.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you.

(Witness excused.)

#### JOSE M. CORONA

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

#### DIRECT EXAMINATION

Q (By Captain Pace) What is your name, please?

A My name is Jose M. Corona.

Q Where do you live?

A Tanauan, Batangas.

Q What is your position there?

A My position now is mayor of Tanauan, Batangas.

Q How long have you been mayor of Tanauan?

A Since April 10, 1945.

Q What is your occupation?

A Now I am mayor and a business man at the same time.

Q Now, as mayor of Tanauan, Batangas, did you receive an order from the Governor of Batangas Province to investigate and report the number of persons killed by the Japanese and the number of houses burned by the Japanese in your municipality?

A Yes, sir, soon after the reorganization of our municipality I received such an order from the government.

Q After receiving that order did you conduct an investigation?

A Yes, through the police department and the barrio lieutenants.

Q Did you compile the information which was requested by the Governor of Batangas?

A Yes, sir, I did.

CAPTAIN PACE: We would like to have this book marked as the next exhibit.

(A book or ledger was marked  
Prosecution Exhibit No.  
315 for identification.)

Q (By Captain Pace) Can you tell me what Prosecution's Exhibit 315 is?

A That is the book where we keep the records of all the members massacred by the Japanese and the houses burned.

Q Is this an official record of the municipality of Tanauan, Batangas?

A Yes.

Q Are you responsible for the custody and keeping of this record?

A Yes, directly responsible.

Q How many names appear in this record?

A The number of persons massacred by the Japanese is 826.

Q How many houses burned?

A 1602.

CAPTAIN PACE: If the Commission please, at this time I offer Exhibit 315 into evidence. It is the official record, and, therefore, I request permission to reproduce and withdraw the original record and substitute in the record a duplication of what is in that.

GENERAL REYNOLDS: In view of the size of this document the Commission feels that the Prosecution should prepare the extract and submit the extract itself as an exhibit.

CAPTAIN PACE: Yes, sir. That does mean the record is received in evidence, but you would desire an extract prepared as we have in the case of other records of that sort?

GENERAL REYNOLDS: That is correct.

CAPTAIN SANDBERG: May we see it, sir, before there is a ruling made on it?

GENERAL REYNOLDS: You may. It is the intention of the Commission to state that no ruling would be announced until we receive the extract.

CAPTAIN PACE: Yes.

CAPTAIN SANDBERG: In that event we will wait until the extract is prepared.

Q (By Captain Pace) When did these deaths occur which

you have listed in your record?

A Well, a few of them, those who were killed by the Japanese occurred sometime before February 10th, 1945. Some of them occurred after February 10th, 1945, but most of them were massacred on February 10th, 1945.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) How long have you lived in Tanauan?

A I beg your pardon?

Q How long have you lived in Tanauan, Batangas?

A Since my birth.

Q Do you consider yourself well acquainted with public affairs in that city?

A Yes, sir, I do.

Q We have had evidence this morning - this afternoon, rather - of a case in which members of the Markings guerrillas ambushed four Japanese soldiers. Are you familiar with that incident?

A No, sir.

Q Do you, as a man familiar with the affairs of Tanauan, know about the activities of the Markings guerrillas in and around Tanauan?

A I have often heard of guerrillas, but I don't know if they are Markings guerrillas or not.

Q Were you yourself a guerrilla?

A No, sir, I was not.

Q Did you ever give any assistance to the guerrillas?

A I beg your pardon?

Q Did you ever give assistance to any guerrillas?

A In some cases; at that time I was keeping a radio with a short wave, and I was giving information to guerrillas, some information with regard to the development of work in some areas of the Pacific.

Q Now, did you, as a man familiar with public affairs in Tanauan, ever hear of an incident in which a Japanese medical officer was ambushed by guerrillas and his head cut off?

A In Tanauan?

Q Yes.

A No, I did not hear anything about that, sir.

Q Was Tanauan subjected to an artillery barrage?

A When?

Q Before the arrival of the American forces?

A I did not know, because we were no longer in Tanauan after the massacre of February 10th.

Q When did you leave Tanauan?

A On February 9th, a day before the massacre.

Q Did you get advance information that the Japanese were coming to the town?

A No, sir, I did not. Otherwise I would have taken my family, but my wife was also massacred by the Japanese, and also my 15 year old boy.

CAPTAIN SANDBERG: That is all.

#### REDIRECT EXAMINATION

Q (By Captain Pace) When were those houses burned?

A When we were in the barrio that day already, that was on February 10th. After that time we see in the barrio

the burning of our houses in the town.

Q What day was that?

A After February 10th.

Q Do you remember the date?

A I don't remember the date, but on several occasions we see houses burning in the town, and in some places in the barrio we see the big fires.

CAPTAIN PACE: That is all, thank you very much.

(Witness excused)

GENERAL REYNOLDS: The Commission will be in recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

CAPTAIN PACE: That completes the evidence on Case No. 54, sir.

CAPTAIN WEBSTER: Sir, I should like to complete Paragraph 93, which was interrupted this morning.

GENERAL REYNOLDS: Very well.

RICARDO TRINIDAD

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Ricardo Trinidad, sir.

Q Your age?

A Twenty-three.

Q Your nationality?

A Filipino.

Q Were you among those who were taken by the Japanese about the 3rd of February of this year?

A Yes, sir.

Q Where were you when you were taken?

A I was sleeping at home.

Q Who was taken with you?

A My nephew, Florencio Cudala, and my uncle, Faustino Reyes.

Q And did the Japanese take you to the Reyes Elementary School?

A Yes, sir.

Q How long did they keep you there?

A They keep us until the night of -- until Saturday, the 4th -- no, the 3rd, sir.

Q February?

A We were taken from our house February 3rd, two o'clock midnight.

Q Where did the Japanese take you from that place?

A About four o'clock in the afternoon we were taken to Barcelona Building, just opposite the Dy-Pac Lumber Company.

Q Will you talk to the Commission, and a little louder, please? How long did they keep you at that building?

A We were kept there about two hours.

Q And where did the Japanese then take you?

A After that place we were taken to the Dy-Pac Lumber.

Q Will you describe in your own words what the Japanese did to you at the Dy-Pac Lumber Company?

A I was the sixth from the line when the Japanese took me away from my companions. The first was Dominador Antonio and one of our neighbors, Maximino, which I don't know the last name, and my nephew, Rudolph Antonio, and Mauro Salvacion. I was the sixth from the line. When they have killed the five I was taken away from my companions, five meters away from them. Then one officer -- one officer bring me near the tall grasses, and one Japanese soldier was right behind my back. The Japanese right at my back stabbed with the bayonet. Then I fell down. To make sure that I was dead they strike me again. They strike me in my right arm. Thinking that I was dead the Japanese went away and go back to where they left my companions.

Well, I thought that they were far away from me. I

began to creep away from the place and go about ten meters away where I was -- where I lay down.

Q Just a moment, please. Were there 21 of you, or about 20, in the line?

A About 21 men in the line.

Q And you were the sixth one taken?

A Yes, sir.

Q Were the 21 tied together?

A Yes, sir.

Q How many times were you struck with a bayonet?

A I was struck two times: one which passed from my back night out through my chest, and the other one entered my right arm.

Q Did you see the Japanese kill anyone else at that time?

A I don't see any Japanese kill any of my companions at that time because it was so dark in the lumber yard.

Q Did you hear any people screaming or groaning in the lumber yard at that time?

A We heard some women scream, and my nephew scream.

Q How long did you stay in the lumber yard after they bayoneted you?

A I stayed there until the next day.

Q What did you see in the lumber yard the next day?

A I didn't see anything, but I heard some of the Japanese going in the lumber yard with some of the Filipino civilians, which I heard them scream when they are being shot.

Q Were those Filipinos being taken there by Japanese?

A Yes, sir.

Q Can you state whether the Japanese that took you there were in the Army or Navy?

A They were in the Army, sir.

CAPTAIN WEBSTER: You may cross examine.

GENERAL REYNOLDS: The Commission will interrupt and ask the witness if he will show his wounds.

(The witness removed his shirt and displayed wounds on his back, chest, and upper right arm.)

#### CROSS EXAMINATION

Q (By Captain Sandberg) Did any of the Japanese have sabers?

A They don't have, sir.

Q None?

A None.

Q Did any of them wear Sam Browne belts, that is, a belt that comes down across the chest?

A One did wear such a belt.

Q One did wear such a belt?

A Yes.

Q And did you notice an anchor on his cap?

A No, sir.

CAPTAIN SANDBERG: That's all.

CAPTAIN WEBSTER: That's all.

(Witness excused.)

BEATO VITAN

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Beato Vitan.

Q Your age?

A 41 years.

Q Your nationality?

A Filipino.

Q Did you go to the Dy-Pac Lumber Company shortly after February 3 of this year?

A Yes, sir.

Q Do you know the date that you went there?

A Yes, sir; February 5.

Q What did you see when you went to the Lumber Company?

A When I entered the Dy-Pac Lumber Company I saw many dead bodies lying on the ground, and on my way out that leads to the railroad station I found four bodies lying in the bushes.

Q About how many bodies did you see there?

A I didn't know just exactly, but according to my calculation there were 30 of them lying dead on the ground and 5 of them in the bushes.

Q Did you recognize any of those bodies?

A Yes, sir, I could recognize some of them, but some of them I couldn't recognize.

Q Can you give the names of those you did recognize?

A I beg pardon?

(Question read)

A They are Danilo Fajardo, Faustino Fajardo, Venancio Pamintin, Fructuoso Viri, Maximo Maniti -- that is all I can recognize.

Q Were those bodies, bodies of civilians?

A Yes, sir, they are civilians.

Q How many of them were men?

A Well, according to my calculation there are about 10 men.

Q How many women?

A About 10 of them.

Q About how many children?

A About 15.

CAPTAIN WEBSTER: You may cross-examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

CAPTAIN WEBSTER: Sir, that completes the evidence on the Dy-Pac Lumber Company.

CAPTAIN CALYER: If the Commission please, the next matter to be presented is the continuation of the testimony with reference to Fort Santiago, begun last week under Bill of Particular Item No. 52, and now being continued including Item No. 68.

Mrs. Ramirez.

PAZ B. RAMIREZ

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

DIRECT EXAMINATION

Q (By Captain Calyer) State your name, please.

A Paz B. Ramirez.

Q Where do you live?

A I live in Santa Mesa.

Q What was your husband's name?

A Alfredo Ramirez.

Q Was he confined by the Japanese in Fort Santiago?

A Yes, sir.

Q When?

A That was October 6.

Q Of what year?

A 1944.

Q Had he been confined there previously?

A Yes, sir.

Q In other words, this was the second time that he was there?

A I am telling of the second time.

Q What happened to him on this second occasion that he was in Fort Santiago?

A Last October 6 my husband was sent to Fort Santiago; we were both prisoners. Last October 6 my husband, in the morning, my husband was sent to Fort Santiago as a prisoner.

Q Did you ever see him again after he was taken to Fort Santiago on October 6?

A No, sir.

Q Did you see his body?

A Yes, sir.

Q When?

A That was November 27th.

Q Where did you see it?

A A man came to me and told me that my husband was killed.

Q Did he say where he had been killed?

A Yes, sir.

Q Where?

A He said that he was killed in Fort Santiago and brought him to the San Lazaro Hospital to register him.

Q Where did you see the body?

A The next morning I saw the body in the Luzon Funeral Parlor; I went out to find out if he is the one.

Q Were you able to recognize the body?

A Sure, it is my husband. I can recognize it right away.

Q Will you describe the condition of the body when you saw it?

A Yes, sir, I found out that they burned the eyes.

Q Were there other marks on the body?

A One of the eyes was broken and it was different than the other one; one of his eyebrows was burned and they burned another part of the head and also the other side and beat him also in his face and also in his neck. I did not see the body any more after that.

CAPTAIN CALYER: That is all. You may examine.

THE WITNESS: I could not stand to see it. He was burned by them. They burned him and beat him (weeping).

CAPTAIN SANDBERG: No cross examination.

(Witness excused)

SISTER MARY TRINITA

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Sister Mary Trinita.

Q And where do you reside, Sister?

A Espana Extension and Sixth Street, Quezon City.

Q Of what order do you belong?

A Mary Knoll; Foreign Mission Sisters of St. Dominic.

Q Were you confined by the Japanese at Fort Santiago?

A I was from April 11th, 1944 to December 1st, 1944.

Q During that period were you confined at several different places in Fort Santiago?

A Do you mean different cells?

Q Yes.

A Yes, I was.

Q During the period beginning in October of 1944, where were you confined?

A In October of 1944, the beginning of October, I was in Cell No. 14.

Q And after that?

A The first week of November I was transferred to Cell No. 16.

Q Was that in the same building as the cell that you had been in before?

A Yes, it was in the same row of cells.

Q I will show you a diagram previously marked Prosecution's Exhibit 208 and ask you to point out on that diagram the building in which you were confined.

A (Indicating).

CAPTAIN CALYER: The witness is indicating Building No. 12.

The Commission may recall this diagram.

Q (By Captain Calyer) Now, will you explain, Sister, the type of cell in which you were confined?

A You mean the last cell?

Q Yes.

A The last cell was one of the small cells. It measured about 6 feet by 15 or 16 feet deep. There was a door and a small window through which food was passed.

Q How many people were confined in that cell?

A The largest number was 14. At other times there were less, but there were 14.

Q Now, during the period from October on, in Cell 14 and Cell 16, will you describe the sanitary facilities available?

A In Cell No. 14 we had a water faucet that was below the floor level and on the other side of the cell was a latrine. In Cell 16 we had the same accommodations, that is in 16, we did not get water during the day. They said it was on account of it being at the end of the line and the pressure was low. We only got water in the evening after we were supposed to be in bed.

Q What time were you supposed to be in bed?

A 7 P.M.

Q Were you able to get water then in the evening?

A Sometimes the guards would permit us to stay up later; others would not.

Q When they would not did you get any water?

A No, we did not. We did without it.

Q With reference to the latrine that you mentioned, will you describe that, please?

A Well, it was a native Japanese latrine sunk into the floor. It was supposed to be emptied after each meal, three times a day, but towards the end there were two or three days that elapsed before it was emptied.

Q Now, will you describe the people who guarded those cells?

A Well, they changed. When I first went to Fort Santiago we had, I believe, regular army men. They worked in groups, I think of four, and they took turns at one hour at a time guarding the cells.

Q Were there also Military Policemen there?

A One Military Policeman was in charge of what they called the office.

Q And during the latter part of your time there what was the circumstances or what were the circumstances there?

A Then the guards, those guards, those particular guards and regular men from the Military Police guarded the sections. After that another group of soldiers came in.

Q When you say "soldiers" do you mean men from the army?

A I mean men from the army, yes; as far as I could determine they were from the army.

Q How could you tell they were army men?

A Well, the army men, as I distinguished them from the Military Police, wore the regular army uniform with the brown cloth legging. The military police, I think, in all

cases wore leather puttees or leather boots and each of the Military Policemen carried his own revolver. The other men, there was one gun or revolver to each group and as they changed each hour they would pass the revolver over to the next one relieving him.

Q How were those men whom you have described as army men dressed when they came to Fort Santiago?

A Well, they were in what I recall to be the army uniform. Towards the end we could see them coming in with packs on their backs, regular soldiers, tin hats and rolls and rifles with fixed bayonets.

Q Do you know the names of any of the Japanese who were at Fort Santiago while you were confined there?

A Do you mean the guards or the Military Police?

Q Either.

A Well, we knew the name of some of the guards, yes.

Q Who were they?

A Wada; in fact, there were two by the name of Wada, Big Wada and Little Wada they were called.

Q Any others whose names you knew?

A Nishiwaki.

Q How about the Military Police?

A Well, my investigator was named Mori. He had as an interpreter a man by the name of Kim. The man in charge of the Espionage Section to which I was committed was named Nomiki.

Q Sister, will you describe the food that you were given while you were there?

A You mean from October on?

Q Yes, please.

A Well, beginning the last three months the conditions changed to the worse. Previous to that we had three meals a day. When I say "meals" I mean rice with a little vegetable. After that we came down to two meals a day and finally to camotes twice a day.

Q Did you always get two meals a day during that period?

A No, we didn't. When we had the two meals a day the first was served between 9 and 10 and the second between 4 and 5. If the air raid signal sounded before the first meal we only got one that day.

Q Now, during the period you were in Fort Santiago, this latter period in October of 1944, did you ever see men brought into Fort Santiago who showed evidence of having been beaten?

A I saw them being beaten. In addition to seeing men who had been beaten outside I saw them.

Q Now, will you describe the beatings which you actually observed?

A Right outside the cell there is an open court and the men would be brought in there and beaten with any kind of a stick or a bar that seemed to be available.

Q Were they tied at that time?

A Usually their hands were tied behind their backs. Sometimes they were beaten so they couldn't stand and had to be dragged back to the cells.

Q At the time that you observed those beatings did you see any others being mistreated?

A I saw them also administering the water treatment to

two other men right outside my cell.

Q How was that performed?

A The men's hands were tied behind their backs. They were stretched on the floor and water from a rubber hose, about an inch in diameter, was put over their face and they were supposed to consume as much water as possible.

Q This would continue for some time, would it?

A This would continue for about two minutes when the prisoner would be again questioned. If the answer was not to the liking of the investigators, the treatment would be resumed and this lasted, I would say, for about 15 or 20 minutes in each case.

Q How many times did you see that done?

A Twice.

Q Did you see evidence of any other sort of mistreatment?

A Well, I also saw a man tied in the corridor, tied by the wrists to a grill, as if in the sign of the cross. When we woke up in the morning he was tied there; he was tied there all day. He was tied there when we went to sleep at night but in the morning he had disappeared. During that time he had no food or water.

Q Did you ever see any Japanese administering jujitsu treatment?

A Yes, I did, to some Chinese prisoners.

Q What treatment had they been given prior to that?

A Beatings with bars or wooden -- we call them four by fours or two by twos. Then after that they would be just tossed in the air and thrown to the ground.

Q What would happen to them after that treatment was

completed?

A Then the Filipino orderlies usually would be asked to take them back to their cells.

Q Was there also an occasion on which you saw a group of men brought into the corridor in front of your cell?

A Yes, there was.

Q What happened to that group?

A That group was kept in the corridor for two days without any sanitary conveniences at all.

Q Were they given food during that period?

A No, they were not.

Q That occurred immediately in front of your cell, is that right?

A That is right.

Q Now, Sister, will you tell us how much weight you lost while you were at Fort Santiago?

A Between 50 and 60 pounds.

CAPTAIN CALYER: Thank you, Sister. You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) What was the charge against you, Sister?

A The charges against me were espionage, guerrilla activities, and keeping up the spirit of the Filipinos.

Q And which, if any, of these charges were you guilty of?

A I denied the first two.

Q You admitted the third?

A I said nothing.

Q You say you denied the first two? You admitted the third?

A I said nothing.

Q You say you denied the first two. My question was, were you guilty?

A I was not guilty.

Q Will you tell us the circumstances of your release from Fort Santiago?

A Well, they just opened the door and told me to come with them. That was on December 21st and they took me to Cortabitarte. I thought then I was going to be released. Instead of that, they put me into a cell where there were already four or five women and there was another woman companion with me and 13 boys all put in the same cell at Cortabitarte.

Q When were you finally released from the prison?

A December 31st, 1944.

Q Do you know why you were released?

A I do not, except that I was innocent of any charges.

CAPTAIN SANDBERG: That is all.

#### REDIRECT EXAMINATION

Q (By Captain Calyer) While you were at Fort Santiago or at any other time were you given a trial?

A No, not like this. I was simply investigated and they didn't think I was telling the truth so they told me to go back to the cell and sit. The persons to whom I had or rather the persons whom I had been working with would tell what I was doing. They evidently could find no such person.

Q Did you have a conversation with any Japanese with

reference to a trial?

A Yes, I asked one of the investigators toward the end, that was about the beginning of December, why I was being kept there. I asked if they would kindly notify Nomiki to have my case reopened so I could find out why they were holding me there. He said that I would be given an opportunity in three days to do so. Nothing happened until I was taken out on the 21st of December, taken to Cortabitarte, and on the 31st of December, I was released by Nomiki without any further questioning.

CAPTAIN CALYER: That is all. You may examine.

CAPTAIN SANDBERG: No further questions.

CAPTAIN CALYER: Thank you, Sister, that is all.

(Witness excused)

CAPTAIN CALYER: Mr. Ko King Hun.

KO KING HUN

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Ko King Hun.

Q Where do you live?

A 407 Rizal Avenue.

Q How old are you?

A 34.

Q Were you confined by the Japanese in Fort Santiago?

A Yes.

Q When?

A From August 24, 1943 to December, 1944.

Q During the period beginning in October, 1944 did you witness any tortures in Fort Santiago?

A Yes.

Q Will you describe what you saw?

A Previous to October, 1944 the atrocities committed in Fort Santiago were terrible, but after October 1944 they were worse.

Q Will you explain what you saw?

A I was a faculty member of the Chiang Kai-shek School and I was also an editor of the Chiang Kai-shek Press. So what I say now is the truth and I am going to proceed.

Q Will you tell us, please, what you saw at Fort Santiago?

A On October 6, 1944 a Chinese by the name of Lim Chiu Pho was taken into Fort Santiago and placed inside a big tank. On the walls of these tanks were nails and this fellow was put inside covered up. Because of the hard situation inside the tank the victim moved about and he was hurt by the nails of the wall sticking out inside the tank.

Three days afterwards this victim died.

Also a Filipino was taken to Fort Santiago and he was placed on two tables put together lengthwise. On the four corners of this space were set up four poles and the legs of this victim were tied and also his hands were tied on the other end and two little posts set up from the location where the head was placed which thrust under the chin, and as the man was placed on these two tables the two tables were sprung aside in order to cause pain to the victim.

Q Did you ever see any Americans tortured at Fort Santiago?

A Yes.

Q Will you explain that?

A Towards the end of October three American pilots were taken to Fort Santiago. When these three pilots were taken in they were safe and sound. One was enclosed in No. 12 room and the other two were enclosed in No. 15 room.

Q What was done to them?

A One of them was brought out for interrogation and after he was interrogated he was brought in again. He

had no more clothes on except his underclothes and his head was covered with a bandage. His body was bruised by burns.

Q What kind of burns were they?

A I can't exactly tell how he was burned, but I heard from a Formosan in Fort Santiago that the victim was burned by the use of gasoline.

Q What else did you see?

A Another victim was also tortured. By what means I can't tell, but I saw his body black and couldn't move as he lay on the floor.

Q Did you ever see any persons hanged in Fort Santiago?

A I haven't seen.

Q Did you ever see any people whose hands were tied and whose bodies were then strung up by the hands?

A No.

Q Did you ever see a Chinese hanged by the feet?

A Yes.

Q What happened to him?

A This Chinese had his hands and feet tied and with a piece of strong wire it was stuck into the anus of the body.

Q What happened to the Chinaman?

A This man died.

Q How did you happen to see all of these things?

A Because I was an orderly in that place. I had to sweep the floor, the yard, and sweep around the place. I had to bring food to the prisoners and I had to clean the place after the prisoners had been tortured.

Q Did you ever see any other types of torture being

inflicted at Fort Santiago after October 9, 1944?

A I saw 11 persons were brought out and executed.

Q How was that done?

A As to how they were killed I can't tell, but I saw them brought out with their hands tied at the back.

Q And did you later see their dead bodies?

A No, I didn't see.

Q Did you ever see any people burned?

A No.

Q Did you ever see people who were made to stand with candles under them?

A Yes.

Q Will you describe that?

A I saw two persons, a Filipino and a Chinese, tied on a staircase, their legs on one end and their hands on the other end, and as they lay there on the staircase they were burned with candles under their knee, the joint of their leg.

Q Did you ever see any other forms of torture inflicted upon people at Fort Santiago by the Japanese?

A I also saw 575 persons killed in the fourth house in Fort Santiago.

Q When was that?

A That was within the month of December.

Q 1944?

A 1944.

Q Will you explain what happened on that instance?

A Since I was the orderly there I had to bring the food to all these prisoners, but on that morning as I was

bringing the food to these prisoners the Japanese forbade me to go forward.

Q And what did you do?

A Then I returned.

Q What did you do with the food that you were carrying?

A I don't know what happened to the food, but the next morning I saw six trucks standing outside.

Q Outside of where?

A In front of House No. 4 in the street.

Q And what happened?

A I saw the bodies placed on these trucks and banana leaves were used to cover up these bodies together with some canvas cloths. At noontime I was about to bring food again to these prisoners but I was told not to go. From that time I suspected that something must have happened.

Then I asked the Formosan there what happened to these men and he told me that they were dead. There were about 700 of them.

The next day I went into House No. 2. I recognized some persons from House No. 4 present in House No. 2. I asked them, when were they moved to House No. 2, and they answered "last night". I asked them "How many of you were transferred to House No. 2?" The answer: "125. All the rest were in House No. 4". Then I concluded that since there was nobody any more present in House No. 4 that there must have been 575 killed, because out of the 700 only 125 were left.

Q Did you see those bodies taken away in trucks?

A Yes.

Q How many truckloads?

A Six of them.

Q Were those trucks filled?

A All filled.

Q Do you know where they were taken?

A I don't know.

Q When were you released from Fort Santiago?

A 6th of December, 1944.

Q Will you describe the circumstances of your release?

A On that day at 2:00 o'clock a Japanese military police called me and told me that I was to be interrogated again. They told me to tell the truth and if I had any complaints, to ask.

I told them that all that I shall have said is the truth and what I ask only is to be released. They answered that I could not be released. And aside from my petition to be released they asked me if I had any other petition to ask of them. I asked them that if I could not be released I should at least be given a chance to see my family, because I have not seen them for over a year. They answered that my petition could not be granted; neither could I be released, nor would I be given a chance to see my family; I will be tortured again, they told me.

Q What happened after that?

A Then I told them "If I could not be released, I should then be given a chance to work outside". And they answered, It was all right; I should wait outside.

Q Then after 15 minutes the Japanese officer returned

and asked me if I had any clothes to be given away. Then I went in to take my clothes to give them away and brought out a pair of pants for myself, and I asked them if they wanted to release me or do otherwise. He said "I can't tell. The order comes from higher power".

Then afterwards a truck with two Japanese soldiers came and took me with them. At first I was made to sit down. Then after a while I was made to lie in the truck, not to be seen by the bystanders.

Q Where were you taken?

A I was taken to General Luna Street.

Q And what happened there?

A I was kept in a steel cage.

Q How long?

A From 5:00 to 9:00 o'clock.

Q This is on the 6th of December?

A In the afternoon of December 6th.

Q What happened after that?

A After 9:00 o'clock somebody came to take me out from the cage and took me into the garden. He told me to tell the truth and to explain everything. And I answered that "I have already told the truth and there is nothing else I need to explain".

Q Did there come a time when they brought your wife there?

INTERPRETER UY: Repeat that.

CAPTAIN CALYER: Will you read it?

(Question read)

INTERPRETER UY: I am sorry. I didn't get you

either.

(Question read again)

A The Japanese told me that since I asked to see my wife I would be given the opportunity just once to talk to my wife. I saw my wife and my wife hugged me. The Japanese told me that I could do what I wanted and tell everything to my wife and that in the meantime they would leave the two of us together.

Q Did they leave you alone?

A After a few minutes I was taken back to the room.

Q Were you and your wife left alone for a time?

A The two of us were left in the room.

Q Where were the Japanese?

A The Japanese went outside.

Q When you came out of the room what did the Japanese say to you?

A The Japanese told me that I had to tell everything I wanted to my wife because that was the only chance given me.

Q After you came out of the room what did the Japanese say to you?

A After I left the room I was released.

Q Did they say anything to you before you were released?

A They told me to inform them about guerrilla elements or any anti-Japanese elements present in Manila.

Q And what did you do?

A I did nothing.

CAPTAIN CALYER: You may examine.

GENERAL REYNOLDS: The Commission will be in recess for approximately ten minutes. (Short recess)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

CROSS EXAMINATION

Q (By Captain Sandberg) You testified to having seen a considerable amount of torture at Fort Santiago. Are you sure you have told us everything?

A (Through the Interpreter) Yes.

Q And there was no torturing activities carried on at Fort Santiago that you know about that you haven't told us about?

A There are still a few minor ones I didn't tell.

Q Well, will you tell us about those?

A There was a Chinese who was taken in and put on the electric current, and with two feet of a pig stuck through the nostrils, water was put into his mouth. This was previous to October, 1944.

Q And any others?

A Another kind of torture was the tying of the toes and the hands, and by use of a pulley the victim was strung upwards and left to fall down on a board stuck up with nails.

Q Now, have we got it all now?

A Another torture was the use of soapy water given to the victim, and when the victim was overfed with water the Japanese stepped on the stomach of the victim. Another torture was the use of iron bars to roll over the toes of the victim. I was one of these victims.

GENERAL REYNOLDS: The Commission interrupts to say that the witness has been rather well drained. Proceed, please, to other subjects.

Q (By Captain Sandberg) And you saw all this because you were an orderly there, is that right?

A (Through the Interpreter) Yes.

Q And you were permitted to walk all around the prison?

A Yes.

Q And nobody questioned your movements around the prison?

A In the first days of my imprisonment I was usually accompanied by a Japanese M. P., but later it was only a Formosan that accompanied me around.

Q And after you had been there a while, the Japanese came to trust you?

A I can't tell whether they had confidence in me or not, but they let me go around on my honor, as to my likes and dislikes.

Q And you went wherever you wanted to go?

A Whenever I was ordered, I always follow the order.

Q Now, did you become an orderly immediately after coming to the prison?

A No.

Q How long after?

A I was taken in August, 1943, but I was not given this work as an orderly until in 1944, June.

Q Now, on cross examination you did not describe any of this torture as having been used on you.

A I underwent only the torture of the iron bars rolled over my toes and the pinching of my fingernails, and some wounds on my body. But the others were seen by me.

Q Now, what offenses were you charged with?

A The Japanese accused me of having joined the Chinese

guerrillas.

Q And did the Japanese try to get you to describe the activities of the Chinese guerrillas?

A I didn't tell them anything, even if I had known them.

Q And it was after you had refused to tell them anything that they made you an orderly?

A Not because of that.

Q Well, it was afterwards, wasn't it?

A The practice of the Japanese was to make a prisoner the orderly after some time of imprisonment.

Q Now, that orderly job was a pretty good job, wasn't it?

A With reference to the prison conditions, the work of the orderly was the best in that place.

Q Now, the orderly got plenty to eat, didn't he?

A Yes.

Q You didn't lose any weight in Fort Santiago, did you?

A Yes, I lost a few pounds.

Q And the Japanese didn't torture you after you became orderly?

A No.

Q Your relations with the Japanese were pretty good, then?

A While I was inside, I did all that they asked me to do, because if I didn't do it I would be tortured.

Q Did you do any spying for them while you were there?

A No, and you can inquire the Chinese community in Manila.

Q Now, in December when you asked them to let you go,

you said you would like to work on the outside, is that correct?

A No, I didn't say that.

Q Well, didn't you testify here on direct examination that if the Japanese wouldn't let you go, they should at least let you work on the outside?

A When I asked to let me go, the Japanese would not, and I told them I should be given the right to do the work there -- excuse me. I said I should be given a chance to work in the garden.

Q Now, after you became orderly, did the Japanese make any more attempts to get information from you about the guerrillas?

A No.

Q And how long were you an orderly?

A From June to December.

Q And in December, you say they put you in an iron cage?

A Yes.

Q Now, how do you account for the fact that during the entire time you were an orderly you had the complete run of the prison, and then they put you in an iron cage?

A It was because on that day they intended to release me, so they brought me to the cage.

Q And do you know why they wanted to release you?

A I don't know.

Q And you never told them anything about the guerrillas?

A No.

Q And they released you without harming you, at that

time?

A No.

Q Well, tell us how you came to be released.

A On that afternoon, I asked to be released, the Japanese answered that I could not be released. Then I ask that I should be given a chance to see my family. They answer that it was not possible. Then I told them that -- then they brought me to a room, and I asked them if they could not release me, I should be given a chance to work in the prison.

Q Tell the witness we have already had this story, and I want to know whether they did release him then.

A After having kept me for five hours in that cage, and after giving me the chance to talk to my wife, I was released.

CAPTAIN SANDBERG: That is all.

CAPTAIN CALYER: Thank you. That is all.

(Witness excused.)

CAPTAIN CALYER: Can we have this marked as the next exhibit?

(Affidavit of David V. Binkley was marked Prosecution Exhibit No. 317 for identification.)

CAPTAIN CALYER: I offer into evidence as Prosecution's Exhibit 317 an affidavit of Major David V. Binkley, Division Surgeon of the 37th Division, which relates to a number of incidents, all of which have been testified to by witnesses before this Commission, and particularly that section at the bottom of the last paragraph of page 2 relating to Fort Santiago, which reads:

"At Fort Santiago, within the Walled City, approximately six hundred Filipinos were discovered in three dungeons. One hundred bodies of men and women were found within one thick-walled dungeon-like building, and a closely estimated five hundred bodies were found within a nearby dungeon having inner doors of massive iron bars, and outer doors of iron plate on wood. The appearance of the bodies suggested starvation and possible suffocation."

The other items contained in this affidavit are related to various items in the Bill of Particulars which have been previously discussed.

GENERAL REYNOLDS: Are there any comments by counsel?

COLONEL CLARKE: This is introduced in its entirety, is it?

CAPTAIN CALYER: Yes, sir.

GENERAL REYNOLDS: The Commission inquires whether

Prosecution is able to identify by item number each of the statements in this affidavit.

CAPTAIN CALYER: I believe we can, sir.

The Dy-Pac Lumber case referred to in Paragraph 2 is the one that was presented this afternoon, No. 93, I believe. In the last paragraph on that page there is reference to the Tabacalera Shell Service station, which was presented earlier.

GENERAL REYNOLDS: Unless you have them immediately available you may identify them and present the document tomorrow morning, at which time we will hear comments from the Defense.

CAPTAIN CALYER: 101 was the Shell Service station. De LaSalle College was the one presented on the second day of the trial; I believe I presented that one myself. That was the one in which Father Cosgrave testified.

GENERAL REYNOLDS: We would like to have them by number.

CAPTAIN CALYER: We may be able to give that to you before we leave this afternoon. That one was 17, sir.

And we would like to have this marked for identification.

(Report of Investigation of Atrocities was marked Prosecution Exhibit No. 318 for identification.)

CAPTAIN CALYER: If the Commission please, I offer into evidence at this time Prosecution's Exhibit 318, a report of investigation of atrocities committed by Japanese Imperial forces in Intramuros (Walled City),

Manila, P. I., during February, 1945.

This report has been compiled by James T. Walsh, Colonel, Adjutant General's Department, Headquarters XIVth Corps, APO 453.

I call your attention to a letter of transmittal accompanying the report dated 6 April 1945, addressed to The Commanding General, USAFFE, APO 501, Thru: Commanding General, Sixth Army, APO 442. This transmits the report made by the XIVth Corps.

I wish to call the Commission's attention to the fact that in the reading and in the photostating of this document that letter of transmittal was inadvertently placed after the first page. It should not be in that position. It actually accompanied the complete report. What appears here as page 3, having two pictures on it, was actually the back page of the original report, which is the copy I have in my hand, and is marked in evidence.

Those matters simply go to the arrangement of the thing, which was rebound at the time of its being photostated.

I would like to call particular attention of the Commission in this report to a section dealing with Fort Santiago, to page No. 4, specifically Paragraph 18:

"1. The Americans who have penetrated into Manila have about 1,000 Artillery troops, and there are several thousand Filipino guerrillas. Even women and children have become guerrillas.

"2. All people on the battlefield with

the exception of Japanese military personnel, Japanese civilians and Special constructions (Ganaps in the Filipino language) will be put to death. Houses (TN order breaks off here.)"

"19. The foregoing official translation of an extract from an order of the Kobayashi group (Heidan) dated 13 February 1945 (Exhibit A-2a) seems as good a place as any to begin the discussion of the wholesale atrocities committed against civilians in Intramuros. It was not the beginning. . . ."

Then the story continues with reference to specific incidents occurring in Fort Santiago.

I wish also to call attention to Exhibit A-2a, which is found further along in the document, and is an extract headed:

"HEADQUARTERS XIV CORPS

"XIV Corps ATIS Advanced Echelon

"4 March 1945",

being a translation of that same order referred to in Paragraph 18, and that here is certified as a true and correct translation of that document.

GENERAL REYNOLDS: Will you hold up a minute until we can find it? I have one that bears "Exhibit 'K'".

CAPTAIN CALYER: That is the one; it is marked on the bottom "A-2-a" and certified by Major Fisher.

I would like also to call attention to the next page.

GENERAL REYNOLDS: Will you read that, please?

CAPTAIN CALYER: "HEADQUARTERS XIV CORPS

"XIV Corps ATIS Advanced Echelon

"2 March 45

"Batch #719. CAPTURED MANILA, LUZON I, BY 37th DIV.

28 Feb 45. Recd XIVCAE 2 Mar 45.

Extracts:

"ITEM 13. Notebook-diary presumably belonging to a member of AKATSUKI 16709 Force, covering period 31

Jul 44 - 21 Feb 45. Extracts:

"7 Feb 45 - 150 guerrillas were disposed of tonight.

I personally stabbed and killed 10.

"8 Feb 45 - Guarded over 1,164 guerrillas which were newly brought in today.

"9 Feb 45 - Burned 1,000 guerrillas to death tonight.

"10 Feb 45 - Guarded approx 1,000 guerrillas.

"13 Feb 45 - Enemy tanks are lurking in the vicinity of BANZAI BRIDGE. Our attack preparation has been completed. I am now on guard duty at Guerrilla Internment Camp. While I was on duty, approx 10 guerrillas tried to escape. They were stabbed to death. At 1600 all guerrillas were burned to death.

"I certify that the above translation is true and correct, to the best of my knowledge and belief.

"William H. Fisher

"Major, Cavalry."

There are many other items to which I might call attention, but let me close with just one more.

Somewhere toward the middle of the document there

is a report marked "Exhibit B-4" in the lower left-hand corner and entitled "Report of Atrocities at Fort Santiago, Luzon, Philippine Islands."

That is a report made to the commanding general of the Sixth Army, through the commanding general, 37th Infantry Division, and it has the name of "J. D. Frederick, Colonel, 129th Infantry, Commanding," on it.

It is a report consisting of several pages.

Have you been able to find that one?

GENERAL BULLENE: What is the page number?

CAPTAIN CALYER: Not all of them are marked by page number.

Yes, there is in the lower right-hand corner a penciled page number, marked 35. 34 is the one where the letter of transmittal appears, and 35 the beginning of the report. That report continues with a series of affidavits made by members of the 37th Division, some of whom have already testified in this case, and ends with a page of pictures, pictures which have already been introduced as exhibits.

Those items referred to cover specifically incidents with relation to Fort Santiago.

The Prosecution offers the entire document as relating to incidents occurring in Intramuros, which have previously been described by other witnesses, into evidence.

GENERAL REYNOLDS: This document is an official investigation, Headquarters XIVth Corps.

CAPTAIN CALYER: If I may interrupt, sir, this copy which has been marked in evidence is the original copy

from which those photostats were made.

GENERAL REYNOLDS: It is accepted in evidence.

(Prosecution Exhibit No. 318 for identification was received in evidence and so marked.)

GENERAL REYNOLDS: When the Defense completes its study of the document the Commission will be glad to hear any comments, or to consider any specific statements to which the Defense wishes to invite our attention.

CAPTAIN CALYER: If the Commission please, that concludes the testimony with reference to this item.

GENERAL REYNOLDS: Does the Prosecution have additional witnesses?

MAJOR KERR: No, sir. That concludes our presentation for this day, sir.

GENERAL REYNOLDS: Are we on schedule?

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: The Prosecution mentioned the possibility of a night session tomorrow night. Is that correct?

MAJOR KERR: We had under consideration, sir, asking the Commission to view some motion pictures tomorrow night. However, we have some additional pictures which we have just received today, and which have been called to my attention today, and we have not as yet previewed them, which we intend to do tonight. So I cannot tell definitely at this time whether or not it would be feasible to have a session tomorrow night for that purpose. Tomorrow morning I can inform the Commission definitely.

GENERAL REYNOLDS: The Commission is in recess

until 8:30 tomorrow morning.

(Whereupon, at 1630 hours, 14 November 1945, the trial was adjourned until 0830 hours, 15 November 1945.)

18 781  
Yamashita, Tomoyuki, 1885-1946, defendant.

BEFORE THE  
MILITARY COMMISSION  
convened by the  
United States Army Forces  
Western Pacific

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )  
----- )

PUBLIC TRIAL

High Commissioner's Residence,  
Manila, P. I.  
15 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer  
and Law Member

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted.)

REPORTED BY:

E. D. CONKLIN

L. H. WINTER

M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Richard M. Sakakida (Exam. by Commission)	2253 2300	2279	2296	2299 2302
Edwin L. Booth	2303			
Angelina Aquino	2313	2322		
Francisco Realique	2326	2330		
Flora Lozano	2332	2335	2337	
Feliza Hufana	2338			
Jose Evangelista	2341	2342		
Mauricio Jacolon	2343	2344		
Felicidad Manuel	2352	2356	2360	2360
Genaro Jacinto	2361	2367		
Juan Etuijera	2369			
Primitivo Reyes	2374	2376		
Gavina Banasihan	2377			
Felicisimo Orilla	2381			
Loreta Montecillo	2384			
Fernando Silva	2386	2391		
Aurillio Almasan	2395	2397		
Eulogio Guzman	2404	2409		
Antonio Vasquez	2410			
Daniel Santiago	2413	2418		

EXHIBITS

<u>PROSECUTION'S EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
317		2244
319		2292
320	2274	2292
321	2276	2292
322	2278	2292
323	2344	2348
324		2348
325	2348	2350
326	2350	2351
	2421	

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session and the Prosecution may proceed.

MAJOR KERR: Sir, all members of the Commission are present. The Accused and Defense Counsel are present. We will proceed.

CAPTAIN CALYER: If the Commission please, at the conclusion of yesterday's session there was offered into evidence an affidavit of Major David V. Binkley, as Prosecution's Exhibit 317.

At that time the Commission requested the Item numbers from the Bill of Particulars as to the various paragraphs in that affidavit.

On the first page the paragraph beginning: "On 7 February 1945," that being the third paragraph and the two paragraphs immediately following refer to Item No. 93.

The last paragraph on that page beginning: "On 15 February 1945," refers to Item No. 101. On page 2, the paragraph beginning: "On 13 February 1945," refers to Item No. 17.

The next paragraph refers to Item No. 25.

The third paragraph on that page beginning: "At Fort Santiago," refers to Item No. 52.

On the third page the first paragraph refers to Item No. 60 and the next paragraph refers to Item No. 31.

Those are all of the paragraphs in which evidence of these various atrocities have been given.

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: Sir, relative to the exhibit marked

317, the second full paragraph on page 2 is objected to by the Defense. The rest of the statement seems to be a statement as to what the deponent saw. But the second paragraph on page 2 is a statement as to what was told to him by some other person.

We object to the second paragraph on page 2 as being a statement that is incompetent and irrelevant.

GENERAL REYNOLDS: What words does the paragraph open with?

CAPTAIN REEL: The paragraph opens with:

"Accompanied by Francisco Del Rosario, Funeral Director of the City of -- " and so forth.

The first sentence is not objectionable, it merely tells of a visit. From there on there is a statement of a third party.

GENERAL REYNOLDS: The comments of counsel are noted. The statement will be permitted to remain in the record for such probative value as the Commission may award to it.

(Prosecution Exhibit No. 317 for identification was received in evidence.)

GENERAL REYNOLDS: Are there other comments?

CAPTAIN REEL: Do I understand that at this time we are to raise any question we may have relative to the report of investigation of the Intramuros atrocities, which was offered, I believe, in an exhibit yesterday afternoon?

GENERAL REYNOLDS: If you wish you may do so at this time.

CAPTAIN REEL: First, sir, I have a comment to make about the full substance of this exhibit. I might say that

the Defense objects to its admission. The exhibit consists in its body of a number of statements, some of those statements are of persons who have been on the stand in this hearing. The statements in some respects, although we have not had time to point out exactly the paragraph and page number, differ from the statements given on the stand which were subject to cross-examination. We feel that it is highly improper for the Commission to receive statements of persons who have been on the stand.

Secondly, we object in particular to the conclusions which are drawn in the document and in particular to the eight-page letter which, I believe, is the first thing in the document; the copy I have here is not the original. That is the letter: "Headquarters XIV Corps, Office of the Adjutant General, APO 453," dated 5 April 1945. No. AG 383.5.

This letter, sir, includes conclusions which are not supported by the testimony and which have not been supported by any testimony on the stand and which, I submit, is the function of the Commission to draw those conclusions.

It is not the function of any investigator. This letter is not in any sense a dispassionate report.

Now, the report of the War Crimes Commission, which has come in in the proof of a number of particulars, which we also objected to, nevertheless did have merit, appearing to be in some respects a dispassionate report.

It will be noted that this letter was written on 5 April, while the war was still on. It was written more than a month before VE Day. It will also be noted, as

typifying the spirit of the letter, that paragraph 34 speaks of the kind of a war that the Japanese High Command intends to fight and the entire spirit of the letter and purpose of it, I suppose, would come under the heading of I and E, Intelligence and Education, it would be propaganda, but not a dispassionate report.

Now, specifically, conclusions are drawn, for example, in paragraph 15 of the letter which is on page 3 and paragraph 15 says in part: "\* \* \* But the facts documented in this report are amply convincing to the investigating officer that the destruction of Intramuros, the slaughter of most of its male inhabitants over 14 years of age and the fiendish abuse of its women was not only countenanced by the Japanese command, but planned in advance and diabolically carried out under supervision of officers."

That is a conclusion which goes to the very essence of this case. It is a conclusion that the Commission is to draw and I submit that not only is it out of place here, but it is preposterous. There is nothing here to back up the rather astounding declaration that "fiendish abuse of its women was not only countenanced by the Japanese, but planned in advance and diabolically carried out under supervision of officers." There is nothing here to show that that actually was a part of a plan. It would seem to be, to put it mildly, physiologically difficult.

I might also point out, sir, that throughout the course of this report there is the tale of at least one Japanese soldier who was either drunk or crazy and who ran around waving his sword and even cutting himself up. To

say that is contemplated by the high command is a conclusion not supported by the evidence. Basically all the conclusions here are the functions of the Commission and not of any investigator.

Again, paragraphs 19, 20, 25, 31 and 34 contain not only in some cases conclusions, but in some cases conjecture as to the fact involved.

May I summarize it simply, sir, by saying this: We object, first, to the entire document on the grounds that it contains statements of witnesses who have been on the stand. If that objection is overruled, we object more strenuously to the inclusion in the document of the letter dated 5 April 1945, as stating conclusions and conjecture and opinion.

MAJOR KERR: If the Commission please, the Prosecution believes that this document is of special significance because as far as we know it is the first, the earliest authentic and rather thorough-going report on the atrocities which were committed in this city.

It must be borne in mind, sir, that is, the men who made this investigation and this report were men who were here on the ground when this area was liberated. Their conclusions are based not only upon the statements which are included in the investigation report, statements of others whom they interviewed, but also obviously upon their own observations, their own personal knowledge.

I submit, sir, this should be very helpful to the Commission and that the conclusions, as Counsel refers to them, of the Adjutant General who is making this official report

through the Commanding General of the XIV Corps, may be deemed conclusions of an expert witness because his men were here.

The XIV Corps was in this area and it appears affirmatively on the face of this document that it is based very largely upon the personal observations and experiences of the men who were making the investigation, the men who were here in the city.

GENERAL REYNOLDS: The document under discussion is a letter forwarded: "Headquarters, XIV Corps, Office of the Adjutant General, APO 453," which was signed by Colonel James T. Walsh, Adjutant General's Department, and approved by Lieutenant General O. W. Griswold, the Corps Commander.

It is an official report. The objections of Counsel are not sustained. The document is accepted into evidence for such probative value as the Commission may award to it.

CAPTAIN REEL: Sir, inasmuch as the document is now accepted into evidence we now have the prerogative of requesting that certain paragraphs of the letter be stricken or not considered by the Commission. We ask that paragraph 15 on page 3 be stricken from the evidence. It is apparently on the document as offered, it is page 4, it is a typewritten No. 3 but a pencilled written 4 in the right-hand corner.

MAJOR KERR: Sir, as I said a moment ago, the Prosecution believes that the conclusions stated by the investigating officer are of material value and they do have the weight of being the conclusions of men who saw the results firsthand on the scene of this diabolical butchery.

CAPTAIN REEL: Sir, there is no pretense on the part

of the signer of this letter to be any kind of an expert witness. It is purely a report of an investigation. It is the conclusion that should be drawn or should not be drawn, as the case might be, by this Commission.

Certainly there is nothing competent about it and it is prejudicial.

GENERAL REYNOLDS: The comments of counsel are noted. The paragraph in question, like all other evidence, must be weighed by the Commission for such probative value as it may deem to possess. The objection to this paragraph No. 15 is not sustained.

CAPTAIN REEL: Sir, may we call your attention to paragraph -- may I have the Commission's indulgence for a moment?

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: Paragraph 19, pencilled number page 5, typewritten page 4, speaks of the foregoing official translations from an extract from an order of the Kobayashi group, dated 13 February 1945.

We wish to call the Commission's attention to the fact that in another place in this document, at least I am so informed; what I have here, sir, is a copy of the same document so far as I know, and under date of 10 March 1945, Lieutenant Colonel Fred D. Crowther, Signal Corps Officer, Headquarters, XIV Corps, certifies as follows:

"I certify that the message included in the attached text of broadcast Headquarters XIV Corps ATIS Advance Echelon, 6 March 1945, was transmitted on a radio circuit to the Japanese forces. The

transmission was on the frequency of the Japanese radio circuit and before transmission the XIV Corps radio operator exchanged operator's procedure with the Japanese station. Through this interchange of transmission and the fact that the message was sent in clear text there is reasonable assurance that the message was received."

Now, it is apparent, sir, that there is no clear evidence that this particular order came from the Kobayashi group (Heidan).

It is a well known fact that there has been or will be evidence that guerrilla units were using short-wave radios and other radios and were tuned in on the Japanese wave lengths. The paragraph 19 goes far beyond the exhibit which is on page 19 and is a conclusion entirely unsupported by the evidence.

We will ask that paragraph 19 on page 5 or on page 4 be deleted.

CAPTAIN CALYER: If the Commission please, may I point out that paragraph 19 on page 4 and page 19 referred to by Defense Counsel have absolutely no connection.

Paragraph 19 and paragraph 18 on page 4 typewritten, and page 5 pencilled, are supported by an extract which appears on page 17 and is a certified translation of a captured document referred to in paragraph 18 of page 5 pencilled.

It is a message referred to on page 19, referred to by Defense Counsel and is the message shown on page 16 of the document.

CAPTAIN REEL: I don't so understand it, sir, because page 19 says -- pardon me. Paragraph 19 says:

"The foregoing official translation," and the foregoing is quite obviously paragraph 18, which is simply a quote of the document which is on page 17 and which is referred to on page 19; I don't see any question about that.

CAPTAIN CALYER: Defense Counsel is correct, sir, in stating that paragraph 18 is the same as the document on page 17, but page 19 does not refer to page 17 but rather to page 16. The radio broadcast is what I am referring to .

GENERAL REYNOLDS: So it seems. It seems that it is a question of fact, as far as the Commission is concerned, and it is clearly established by a reading of paragraphs 18 and 19 and the document to which they refer, which appears later in this volume, that seems obvious from a reading of it.

The Commission interrupts to say that since this is a long document there is no need to settle all of it at this time. It seems wiser to suggest that counsel make a study of the entire document and provide the Commission a statement in writing of the specific comments they wish to have considered, which may be done at anytime.

CAPTAIN REEL: We will be glad to do so, sir.

CAPTAIN WEBSTER: Sir, at this time I would like to take up three items in the Bill of Particulars, paragraphs 77, 88 and 89; the reason for requesting those three items to be submitted at one time is that they will be established

by one witness. They are connected and I feel it would be quicker and more orderly to present them together.

GENERAL REYNOLDS: Very well.

RICHARD M. SAKAKIDA

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Richard Sakakida.

Q Your age?

A 25.

Q Your nationality?

A American.

Q Where were you born?

A Hawaii.

Q Were your parents of Japanese birth?

A Yes, sir.

Q Are you what is commonly known as a "Nisei"?

A Yes, sir.

Q Are you now in the United States Army?

A Yes, sir.

Q When did you join the United States Army?

A 13th of March, 1941.

Q Where did you serve in the United States Army at the time the Japanese invaded the Philippine Islands?

A In the Philippines.

Q Whereabouts in the Philippines?

A Corregidor.

Q What was your rank in the American Army at that time?

A Technical sergeant.

Q Were you captured by the Japanese forces?

A Yes, sir.

Q When you were captured by the Japanese forces, did you inform them that you were in the United States Army?

A No, sir.

Q Why didn't you inform them?

A My superior officers told me that they understood that all Nisei boys of Japanese ancestry caught in the United States Army will be executed.

Q And what did you tell the Japanese that you were?

A Civilian interpreter.

Q And was your name submitted to the Japanese by our forces in that capacity?

A Yes, sir.

Q What did the Japanese then do with you?

A They confined me at Corregidor for six months after surrender.

Q And then where did they take you?

A I was taken to Old Bilibid Prison.

Q Did they lodge any charges of any kind against you?

A Yes, sir.

Q What was that?

A They tried to put me through court martial for treason against the Japanese Government.

Q And why didn't they try you for treason?

A They found out that my citizenship was of an American citizen.

Q What did the Japanese thereafter do with you?

A They took me to the general headquarters and put me to work as interpreter.

Q When did they first put you to work as an interpreter?

A In February, 1943.

Q How long did you work as an interpreter for the Japanese?

A Until the surrender in September '45.

Q And in what headquarters were you working as an interpreter?

A The headquarters of General Yamashita.

Q In what section of the headquarters of General Yamashita?

A Judge Advocate's office.

Q Does that section correspond with what we call the Judge Advocate General's department of the American army?

A Yes, sir.

Q What was General Yamashita's headquarters known as?

A The 14th area headquarters.

Q Was it army headquarters?

A Yes, sir.

Q When did General Yamashita come to the Philippine Islands?

A In October, 1945.

Q Was it in the first part of October or the latter part?

THE WITNESS: I beg your pardon; October, 1944.

CAPTAIN WEBSTER: Will you read the question, please?

(QUESTION READ.)

A I can't remember the date exactly, but it was sometime before the 10th of October.

Q (By Captain Webster) How did you know that General Yamashita came to the Philippines at that time?

A Well, they had everyone of the general headquarters out

to welcome the general alongside the road.

Q Well, why did they gather everyone alongside the road?

A Well, it was the general's arrival, and they wanted the entire staff of the general headquarters to welcome the general.

Q Were you there?

A Yes, sir.

Q Did you see General Yamashita at that time?

A Yes, sir.

Q Now, as to your capacity with the Japanese, were you in their army?

A No, sir.

Q Were you a civilian?

A I was civilian attached.

Q How long did General Yamashita remain in Manila?

A Until December of 1945.

Q Do you recall the -- is that 1945 or 1944?

A '44; pardon me.

Q Do you recall the date in December?

A It was on the 28th of December.

Q How long did you remain in Manila at his headquarters?

A Until the same date, sir.

Q Where did you go?

A Up to Baguio.

Q Was the headquarters removed to Baguio at that time?

A The main section of the headquarters was removed to Baguio.

Q How long did the headquarters remain in Baguio?

A We were there until April of '45.

Q And then where did you go?

A From there we headed for Kiangan.

Q Did you remain there until the surrender in September of 1945?

A Yes, sir.

Q Now, with reference to your duties in the Judge Advocate's section of General Yamashita's headquarters, what were they?

A To interpret in various court martials.

Q Did you assist in and around the office in any other capacity?

A Well, I assisted them in mimeographing, mimeograph work and other ordinary jobs.

Q And what type of mimeographing was it?

A It was verdicts concerned in all cases, were mimeographed.

Q That is, court martial cases?

A Yes, sir.

Q Now, will you describe to the Court the procedure the Japanese used in court martial cases against American and Filipino civilians?

A Well, usually at first the investigation will be taken care of by the military police, which is called the kempei tai, up at Fort Santiago, and all the cases would be recorded, and a written record, together with the accused, would be sent over to the courts martial department, and there he is confined at Old Bilibid Prison until his trial is taken up. Before his trial is up, the Chief Judge Advocate and the Judge Advocate who is particularly assigned

to that particular case, go into conference and decide the verdict; and after this verdict is all settled, the trial will be taken up, the charges read to the accused, and the verdict will be given to him, except if the verdict is to be of capital punishment, which is execution or something of that sort, it won't be related to him until he is taken out to the cemetery.

Q Now, do I understand you to say that the investigation is first made by the military police?

A Yes, sir.

Q And then that investigation goes to the office of the Judge Advocate?

A Yes, sir.

Q And at the Judge Advocate's, they go over that record and determine on that investigation whether the man is guilty or innocent?

A Yes, sir.

Q And they then determine what the verdict shall be?

A Yes, sir.

Q Well, after they had done that, then they had the trial; is that right?

A Yes, sir.

Q Where did they have the trials?

A The trials were usually held either at the Judge Advocate's office located in general headquarters, or at the Old Bilibid Prisons.

Q Now, where was the Judge Advocate's office?

A In Fort McKinley, sir.

Q And do you know where General Yamashita's office was?

A In the same locality.

Q Fort McKinley?

A Yes, sir.

Q How far was it from the office of the Judge Advocate?

A We were two houses away from the general's office, sir.

Q Now, was there any difference in the procedure which was used against American and Filipino civilians, and the procedure which was used against members of the Japanese armed forces?

A Well, usually in the Japanese army, soldiers' cases, if they have any witness to stand for them the witness will be called in and will be asked several questions concerning the case.

Q In other words, they permitted witnesses to appear in the court on behalf of Japanese army men, is that correct?

A Well, it is not in a court, sir; it is before the trial is up, and before the court tries to take up the soldier; he calls in the witness to the office, and the Judge Advocate who works on that particular case will have a talk with him and will go over the case and how much he can give out for the good of the accused.

Q Did they permit the same thing to Filipino or American civilians?

A Not to my knowledge, sir.

Q Now, when these cases went to trial, will you describe what they did at the trial?

CAPTAIN REEL: Sir, could we have that made definite as to what is meant by "these cases"? The questions up to now have apparently divided two types of cases.

Q (By Captain Webster) With reference to that question, I am referring to the cases against American and Filipino civilians.

GENERAL REYNOLDS: Before the question is answered, will you read aloud the question on which it is based?

(Question referred to was read by the reporter as follows:)

"Q Now, when those cases went to trial, will you describe what they did at the trial? With reference to that question, I am referring to the cases against American and Filipino civilians."

A Well, whenever Filipinos and Americans should be brought up to trial, first his charges would be read to him, and in some cases the prosecutor will ask the accused if he has anything to say for himself. Well, it doesn't make great -- much difference even if he should deny it, as not knowing anything of it, because the verdict is already set when the trial is taken up; and even if he doesn't answer, which means that he is not sure about all these charges read against him, he is dismissed from court.

CAPTAIN REEL: Sir, we will ask that that latter part of the answer -- I believe it started with the words "it doesn't make any difference," and so forth, be stricken as not responsive and not within the witness' knowledge. The question was answered in the first part of the answer. The last part is not responsive, and he knows nothing about the subject matter and cannot possibly.

CAPTAIN WEBSTER: Sir, this witness attended these trials.

GENERAL REYNOLDS: The objection is not sustained.

Q (By Captain Webster) Will you proceed, please?

A And they usually call a recess after the trial, just for procedure in the court's procedure, but they actually -- the judge does not come up with a verdict that shall be imposed to the accused; the recess is merely a recess where they take a cup of coffee or tea, and when the recess is over and the accused is sentenced to so many years of imprisonment, the verdict will be read to him. But if it is of capital punishment, he would not be called back to court after the recess, and the accused merely does not know about his verdict.

Q Well, what would they do with those that were cases that were to be executed?

A Well, usually about two or three days later, after the trial, they are taken out to the cemetery and will be executed.

Q Now, was there any method of appeal or any review in the Japanese court martial procedure which you have described?

A I don't understand your question.

Q Did the accused in these cases have the right to take the case to any higher authority?

A No, sir.

Q Did the accused have the right to have persons appear in his behalf?

A No, sir.

Q Did he have the right to be defended by counsel?

A No, sir.

Q Now, with reference to the month of December, 1944, can you state about how many court martial cases was held by General Yamashita's headquarters?

A They had a court martial open for about a week, sir.

Q Can you state how many cases that court martial handled?

A That covered about approximately 2000 Filipinos.

Q Were those persons accused of being guerrillas?

A Yes, sir.

Q Were those particular cases tried at Bilibid Prison?

A Yes, sir.

Q Were you present during the time that court was in session?

A Yes, sir.

Q Did you act as an interpreter for that court?

A Yes, sir.

Q Now, did the procedure that was used against those 2000 civilians differ in any way than the procedure which was used ordinarily against American and Filipinos?

A Well, in December the trial was taken up in a very hasty manner.

Q How did it differ from the other trials?

A Well, in the December trial they were brought in by groups and the charges would be read to them, and they would say "Yes" or "No"; ask the accuseds if they had any knowledge of all the charges read against them; and upon getting their answer they asked them to sign their name and give the thumb print, and that ended the trial.

Q Well, did the cases in December go through the Judge

Advocate's office, as you have previously described?

A Yes, sir, but the only difference is that in the ordinary trials, up to December, they had prosecutors, judges, clerks and everything, composing a complete court martial; but in December just the prosecutor and one interpreter assigned to that particular prosecutor will finish up the case.

Q Did they take, in December, the decision of the military police as being the verdict of the court?

A Yes, sir.

Q Now, about how long would that court spend with each individual?

A Not more than five minutes, sir.

Q They will bring these people before the court; is that right?

A Yes, sir.

Q They would ask them whether they were guilty or not guilty?

A First they will ask the name, the address, age, and read the charges.

Q Would they ask them to explain the case?

A To some they did, but to some they just read the charges and said "O. K. Sign here". That's all.

Q Of those two thousand people that were tried in December how many would you say pled not guilty?

A A good half of them, sir.

Q On those cases that pled not guilty what did the Japanese do with them?

A It didn't make any difference, sir.

Q Did they have any evidence in those cases?

A No, sir.

Q Introduce any witnesses?

A No, sir.

Q Did they have any lawyer?

A No, sir.

Q Did they have any counsel?

A No, sir.

Q Well, as soon as the person was brought in and this five or ten minutes elapsed, where would they take those

people?

A In December right after the trial they were just packed on trucks covered up with canvas and we drove out to the cemetery.

Q What cemetery?

A To the North Cemetery.

Q About how many people received the death sentence in December, 1944?

A I would judge about 1800, sir.

Q Were those 1800 taken out to the North Cemetery?

A Yes, sir.

Q Did you learn what the Japanese did with those people at the North Cemetery?

A Well, I heard from the guards of the Old Bilibid prison that they were all beheaded.

CAPTAIN REEL: I will ask, sir, that that go out. The question was, Did you hear? The proper answer would be "yes". But as to what was said, the Defense objects.

GENERAL REYNOLDS: The answer will be permitted to stay in the record for such probative value as the Commission will award to it. Accordingly the objection is not sustained.

Q (By Captain Webster) Who told you that?

A The guards of the Bilibid prison who actually took part in the execution, sir.

Q Those are the guards that went out in the trucks with the people?

A Yes, sir.

Q What notice, if any, was given to any government

by General Yamashita's Judge Advocates' Section concerning the execution of these people?

A None whatsoever, sir.

Q Was there any notice of any kind given to anyone?

A No, sir.

Q Did you have an occasion to act as interpreter for any American prisoners of war?

A Yes, sir.

Q Do you know who they were?

A I remember a few names, sir.

Q Will you state their names?

A It was Colonel Noble, Colonel Moses, Colonel Hugh Straughn, Colonel Nakarr.

Q May I interrupt a moment?

A Yes, sir.

Q Those were all before Yamashita's time?

A Yes, sir.

Q I am referring to after he came to the Philippines, not before.

A Well, I don't remember these Americans' names, sir.

Q Were they American flyers?

A American pilots.

Q Do you know where they were shot down?

A I understand that they were shot down here in the waterfront, sir.

Q Did you see them shortly after they were shot down?

A Well, I saw them when they were brought into the general headquarters.

Q Did you act as interpreter?

A Yes, sir.

Q That was in August of '44 when they were shot down?

A Yes, sir.

Q In what condition were those American flyers when you first saw them?

A The one I have talked to was in perfect condition except all of his clothings were taken away.

Q Did you thereafter see those American flyers?

A Yes, sir.

Q Where did you see them?

A The next I seen them was in Old Bilibid prison.

Q When did you see them?

A That was in November and December, sir.

Q What was their condition when you saw them at that time?

A Well, I could hardly recognize them.

Q Why couldn't you recognize them?

A Well, they were so thin and frail.

Q Did you have any conversations with them?

A Yes, sir.

Q What did they tell you?

A Well, they were always asking me if ever the Japanese were going to turn them over to the prisoners-of-war camp.

Q Did they have any trial for those Navy pilots?

A No, sir.

Q When did you last see them?

A I last saw them after the 15th of December, '44.

Q And were they still in Bilibid Prison at that time?

A Yes, sir.

Q Did you thereafter hear what happened to those American aviators?

A When I was out in Baguio about --

CAPTAIN REEL: Sir, if the witness is going to give any conversation we object to it. If he merely answers in the affirmative we shall not object. We will object to the conversation coming in.

GENERAL REYNOLDS: The objection is not sustained. Proceed.

CAPTAIN WEBSTER: Proceed.

A (continuing) When I was out in Baguio in about February of '45 I met the guards of the Old Bilibid Prison and I asked them about the two American pilots and they told me that they were executed.

Q (By Captain Webster) Did you attend any executions during the time General Yamashita was in the Philippines?

A Yes, sir.

Q Where did those executions take place?

A In North Cemetery, sir.

Q How many were executed?

A I will say about a good fifty.

Q How many of those people were women?

A Five women, sir.

Q Do you know the names of any of those women?

A Yes, sir; a couple of them.

Q Will you give their names, please?

A Blanche Jurika and Mary B. Stagg.

Q Do you know the names of any of the men that were executed at that time?

A Juan Elizaldi.

Q Where were these people taken from before they went to the cemetery?

THE WITNESS: Pardon, sir?

CAPTAIN WEBSTER: Will you read it, please?

(Question read.)

A They were brought out from the Old Bilibid Prison.

Q (By Captain Webster) Did they have a trial?

A Yes, sir.

Q In the manner which you have previously described for trials?

A Yes, sir.

Q Did any of those people plead not guilty?

A Well, half of them didn't say a word.

Q You attended that trial?

A Yes, sir.

Q Were any of them afforded the opportunity to have any witnesses appear?

A No, sir.

Q Were any of them afforded the opportunity of having any defense counsel of any kind?

A No, sir.

Q Will you describe to the Court the execution?

A You mean the manner, sir?

Q Yes. Just what they did at the cemetery.

A Well, the prisoners would be loaded up in trucks or in buses --

Q I am speaking of those particular people that you saw executed.

A Yes, sir. They were taken out to the cemetery on the bus. All the windows were closed up so they won't be able to see the outside. They were driven up to the North Cemetery and there they were blindfolded and were unloaded from the truck and their hands tied in the back with rope. Then the verdict will be given or will be read to the accused by one of the judge advocate officers.

Well, after the verdict is given they are led to a hole which is about four feet deep and will be put to a sitting position with their knees bent and the head sticking out. Then either the -- Rather, the guards of the military prison, which is of the Old Bilibid Prison, will behead them with their swords.

Q Can you state how many of those people that you saw executed were Americans?

A You mean on General Yamashita's staff, sir?

Q No. The people as you have just described as having seen executed at the cemetery.

A I would say a good six or seven of them, sir.

Q Do you know whether Jurita or Jurika was an American?

A She was an American citizen.

Q I believe her son is a major in the United States Army.

A Yes, sir.

Q Who was the chief judge advocate of General Yamashita's headquarters during the entire time that he was here?

A It was Colonel Nishihara.

Q Do you know his first name?

A Yes. Hideo.

Q I believe you stated that you were at Baguio with that headquarters.

A Yes, sir.

Q Do you know anything concerning civilians in and around Baguio?

A Yes, sir.

Q What about those civilians?

A Well, most of the civilians evacuated to Baguio from the lowlands because Baguio was the only place where they didn't receive any bombings. Later when the general headquarters of the Japanese Army moved up to Baguio the civilians became afraid of bombings and they wanted to get back to the lowlands, but they were all stopped from being issued any passes to leave Baguio by the military police, but later in about February of '45 I heard from the men in the general headquarters as the general thought that the military police were issuing passes to the civilians who were eager to leave Baguio for the lowlands, but if they should take the route down to Rosario, which is at the foot of Baguio, they will be killed there by the Japanese Army.

Q Was that general --

CAPTAIN REEL: We will ask that the last part of that statement having to do with general conversation be stricken.

GENERAL REYNOLDS: Will the reporter please read the last question and the last answer?

(Question and answer read)

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Webster) Was that talk common talk in and around the headquarters at that time?

A Yes, sir.

Q Who was the head of the old Bilibid Prison?

A It was Lieutenant Tachikawa.

Q Do you know who was the head of the Military Police during General Yamashita's time, or part of his time?

A Colonel Nagahama.

Q Was he stationed in Fort Santiago?

A Yes, sir.

Q Was that part of General Yamashita's headquarters?

A I am quite sure the Military Police was under the command of General Yamashita.

Q Now, at the time you heard this common talk in and around Baguio was General Yamashita at Baguio at that time?

A Yes, sir.

Q Have you seen the Chief of General Yamashita's Judge Advocate Section recently?

A Yes, sir.

Q When did you see him?

A Last week Saturday.

Q Where did you see him?

A At P. W. Camp No. 1.

Q Did he stop you while you were there?

A Yes, sir.

Q What did he say to you?

CAPTAIN REEL: We object to that, sir, as being third

person hearsay.

GENERAL REYNOLDS: The objection is not sustained.

You may proceed.

Q (By Captain Webster) What did the Judge Advocate say to you?

A He asked me if I testified against General Yamashita or if I was going to try to. So I told him, "Frankly, not that I know of at present, because no one has asked me."

Then he told me, "Why, you better not, because the general" -- pardon, he said, "I have seen the general a few days ago and we had a conversation about you saying that the general was pretty much worried if you should testify against him at the trial," since I knew the activities of the Japanese Army during the occupation in the Philippines.

CAPTAIN REEL: Sir, we will ask that last be stricken as being hearsay. It is not only testimony of what was said to this man by another man, but what a third man told another man who told this man.

MAJOR KERR: This is evidence that parties close to the Accused were endeavoring to influence the Prosecution's witnesses not to appear in the case.

CAPTAIN REEL: If that is a statement of fact, we deny it. As far as our knowledge is concerned there has been no such an attempt made. General Yamashita has been in this building and the person referred to has not been here.

MAJOR KERR: The statement of this witness bears out my remark.

GENERAL REYNOLDS: The Commission will withdraw for deliberation and recess for ten or more minutes.

(Recess.)

GENERAL REYNOLDS: The Commission is in session.

The question under consideration is, substantially, as follows: "What did the Judge Advocate say to you?"

The answer is substantially as follows: "He asked me if I testified against General Yamashita, or if I was going to testify, so I told him, 'Frankly, not that I know of at present, because no one has asked me.'"

The remainder of that answer is stricken from the record, and the objection of counsel is sustained.

CAPTAIN WEBSTER: Sir, for the purpose of the record, I would like to state that the Prosecution is prepared to show that there was an American Army officer with the witness, Mr. Sakakida, at the time that conversation took place; that the conversation took place in Japanese at the time that the witness specified; and that immediately after that conversation this witness told the American Army officer the substance of that conversation, which is as related by the witness on the stand.

GENERAL REYNOLDS: The Commission will hear such witnesses as the Prosecution desires to present, but adheres to its ruling that the statement in question as presented by this witness at this time be stricken from the record.

(A document was marked Prosecution Exhibit No. 319 for identification.)

Q (By Captain Webster) I am handing you what has been

marked for identification as Prosecution's Exhibit No. 319, and I will ask you to state what that is.

A This is the case record of the accuseds, and also the verdict.

Q What is the name of the first person stated in that record?

A Estorito Alquino.

Q Is that the original Japanese court-martial record of that case?

A Yes, sir.

Q Was that one of the cases which was heard by the court-martial under General Yamashita's Headquarters in December of 1944?

A Yes, sir.

Q Referring to that same exhibit, I notice on the first page writing in Japanese. Can you state whether that writing on the first page is in handwriting or in mimeograph?

A Well, the address, name and age here, is written by longhand.

Q And the remainder is mimeographed?

A The remainder has all been mimeographed.

Q Is there any part of that, the remainder, which is not mimeographed?

A Yes, there is a blank here which is filled out with ink, the date and the organization to which the accused belonged to -- rather, the guerrilla organization.

CAPTAIN WEBSTER: Sir, at this time we would like to offer in evidence Prosecution's Exhibit No. 319.

GENERAL REYNOLDS: Read the part of the document

starting "This court-martial" --

CAPTAIN WEBSTER: Sir, if I may add, this exhibit is the original Japanese document, and we have a proposed translation of it. We would like to attach this to the original record and have the official interpreter check this to see that it is correct, and then read it to the Court.

GENERAL REYNOLDS: When do you propose to do that?

CAPTAIN WEBSTER: We would like to attach this at the present time and submit it to the interpreter at this time, sir.

GENERAL REYNOLDS: And then read the document to the Commission? Very well; you may do so.

CAPTAIN WEBSTER: At this time, sir?

GENERAL REYNOLDS: At this or a later time, as you like.

CAPTAIN WEBSTER: Then I submit these (handing documents to Lieutenant Commander Bartlett).

(A document was marked Prosecution Exhibit No. 320 for identification.)

GENERAL REYNOLDS: The Commission wishes to be informed how this document came into possession of the Prosecution.

CAPTAIN WEBSTER: Sir, these documents came to our office from some records from an investigation detachment, and we didn't know what they were. I showed them to this witness, and he stated that they were court-martial records in cases held in Bilibid Prison. I do not know where these records were originally found.

Sir, Major Kerr just informed me that we received these from ATIS. That was not within my personal knowledge.

MAJOR KERR: Sir, to my personal knowledge they were obtained from the Allied Translator and Interrogation Service in Manila by the Investigation Section of the War Crimes office.

Q (By Captain Webster) I hand you what has been marked for identification as Prosecution's Exhibit 320. Will you state what that is?

A It is the same thing.

Q Who is the first name appearing on that record?

A Herario Cruz.

Q And is that a record of a court-martial case held by General Yamashita's Headquarters at Bilibid Prison in December, '44?

A Yes, sir.

Q I hand you that exhibit again and ask you to state how much of that is in handwriting and how much mimeograph.

A The same as the previous one, sir.

Q That is, the names and addresses are in handwriting?

A Yes, sir; and the guerrilla organization and the date when they were taken in as members, also written in handwriting.

CAPTAIN WEBSTER: Sir, at this time we offer Prosecution's Exhibit 320, together with an attached proposed translation, to be submitted to the official interpreter.

GENERAL REYNOLDS: The Commission feels that verification of the translator will require time. Therefore, these documents should be presented to the Commission and

be accepted or rejected in evidence when we are informed by the chief translator as to his conclusion.

CAPTAIN WEBSTER: Sir, may I identify another exhibit and then submit it together with this?

GENERAL REYNOLDS: You may.

(A document was marked Prosecution Exhibit No. 321 for identification.)

Q (By Captain Webster) I hand you what has been marked for identification as Prosecution's Exhibit 321, and ask you what that is.

A The same thing, sir.

Q That is a court-martial record?

A Yes, sir.

Q And who are the defendants in that record?

A An American by the name of Macknal Hoover, and Henry Guy Lindobloom.

Q What is the date of that court-martial proceeding?

A December 13, 1944.

Q Is that one of the cases handled by the Court-Martial Section of General Yamashita's Headquarters at that time?

A Yes, sir.

Q I will hand you that again and ask you if that record is entirely mimeographed.

A Yes, sir.

CAPTAIN WEBSTER: Sir, at this time we offer Prosecution's Exhibit 321 in evidence, subject to the translation by the Court Interpreter.

GENERAL REYNOLDS: The decision of the Commission will be announced after receipt of the official translation.

Q (By Captain Webster) Mr. Sakakida, are you still in the United States Army?

A Yes, sir.

Q What is your rank?

A Master sergeant.

Q What is your serial number?

A 1010022.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) You, Mr. Sakakida, were never a prisoner of war, then, were you? I mean, of the American Army?

A Well, I was treated as a prisoner of war, sir.

Q By the American Army?

A By the American Army?

Q Yes.

A No, sir.

Q You were treated as a prisoner of war first by the Japanese Army?

A Yes, sir.

Q But I am now referring to the time since the Japanese surrender. You have never been treated as a prisoner of war by the United States Army?

A Well, I gave them my identity, sir.

Q Well, I am not asking about that; I don't want any details as to your present work, or anything of that nature. I merely want to know whether you were treated as a prisoner of war at any time by the United States Army.

A No, sir.

Q And you never were interned in New Bilibid as a prisoner of war?

A No, sir.

Q Nor in any other prisoner of war camp?

A No, sir.

Q Now, this judge advocate, can you tell me his name?

Colonel Nishimura?

A Yes, sir.

Q The first time you saw him since the surrender was a week ago?

A Yes, sir.

Q Can you give us the exact date?

A It is the 10th of November, 1945.

Q So that between the surrender and the 10th of November, 1945 you never saw this man?

A Yes, sir.

Q So far as you know has he been a prisoner of war all this time?

A Yes, sir.

Q Now, I think you said that you were in the judge advocate office that was attached to General Yamashita's headquarters.

A Yes, sir.

Q And was that at Fort McKinley?

A Yes, sir.

Q While General Yamashita was in Manila?

A Yes, sir.

Q Were you in any other headquarters in Manila after General Yamashita got here?

A No, sir.

Q So far as you know was Fort McKinley his only headquarters in Manila?

A Yes, sir.

Q Have you ever been in General Yamashita's rooms

in the headquarters?

A No, sir.

Q You didn't see very much of General Yamashita yourself?

A Not in the office, sir.

Q Did you see him outside on the parade ground?

A Yes, sir.

Q Did you have much conversation with him?

A Not so intimately, sir.

Q Now, you are sure he had no office in the City of Manila?

A I doubt about it.

CAPTAIN REEL: What was the answer?

(Answer read.)

Q (By Captain Reel) So far as you know there was no office in the City of Manila?

A (Nodding negatively).

Q Instead of shaking your head, say the word so the reporter can get it.

A Oh.

Q Now, I think you said that in December you went direct to Baguio; is that right?

A I went to Baguio on the road to Ipo Dam, sir.

Q Did you stop at Ipo Dam?

A Yes, sir.

Q How long?

A Three days.

Q And then went right up to Baguio?

A Yes, sir.

Q Do you know whether General Yamashita stayed at Ipo Dam longer than three days?

A I presume he stayed about a week.

Q And you stayed in Baguio until April, 1945?

A Yes, sir.

Q You had been doing this interpretation work since when? When did you start doing it?

A February, 1943.

Q And the work was pretty much the same right out through to the time of surrender?

A Well, toward the end it wasn't as regular as the first part when I joined them, sir.

Q It wasn't as "regular." You mean there wasn't as much of it or --

A There was lots of it, but the procedure wasn't so quite the same as at the very beginning.

Q At the time you started this work was Colonel Nishimura the Judge Advocate? Nishimura, was he the Judge Advocate when you started your work?

A I think you have got the name wrong, sir.

Q What was the name?

A Nishihara.

Q Oh, Colonel Nishihara. I am sorry. Was Colonel Nishihara the Judge Advocate when you started your work?

A Yes, sir.

Q And he remained Judge Advocate right on through the whole time that you did the interpreting?

A Yes, sir.

Q He wasn't brought there by General Yamashita?

A No, sir.

Q Now, prior to the time General Yamashita came were there any trials of Filipinos for guerrilla activities?

A Yes, sir.

Q And were there trials of some Americans for guerrilla activities?

A Yes, sir.

Q And did the procedure and practice remain approximately the same during that period until December, 1945?

A Yes, sir.

Q Or '44. And in December '44 I think you testified that there were a good deal more trials during the month of December than there had been in the months before; is that right?

A Yes, sir.

Q Do you know whether guerrilla activity increased during the month of December?

A I don't know about it, sir.

Q You didn't know anything about that?

A No, sir.

Q All right. Now, as I understand the procedure of these courts martial, in the beginning there is an investigation by the military police; is that correct?

A Yes, sir.

Q And then the cases are recorded and sent to the court-martial department or the Judge Advocate General; is that right?

A Yes, sir.

Q Up to this point the procedure is precisely the

same whether the accused is a Filipino or a Jap; is that correct?

A Yes, sir.

Q And then after the Judge Advocate gets the matter he goes into conference; is that correct?

A Yes, sir.

Q Would he hear witnesses in his conference?

A No, sir.

Q So that right through that point the procedure is the same?

A Yes, sir.

Q I think you said that at the time of the trial there are no witnesses; is that correct?

A Yes, sir.

Q No matter whether the accused is a Filipino or a Japanese?

A Yes, sir.

Q So that up to this stage the procedure is the same?

A Yes, sir.

Q And then the verdict is read to the accused if it is less than capital punishment, but if it is capital punishment he is not yet told; is that right?

A That is correct.

Q And that is the same as if the accused is a Japanese, Filipino or American?

A No, sir.

Q What is the difference there?

A If he is a Japanese and the penalty is supposed to be imposed upon him, the verdict will be read to him.

Q So that the only difference between the treatment of the Japanese, the American and the Filipino is that if the verdict is capital punishment it is read at the time to the accused in the case of the Japanese, whereas in the case of Americans and Filipinos that information is withheld?

A Yes, sir.

Q And that is the only difference?

A Yes, sir.

Q During the time that you acted as interpreter do you know of any cases where Japanese soldiers or civilians were tried for mistreating prisoners of war?

A Not that I know of, sir.

Q Do you know of cases where they were tried for mistreating internees?

A No, sir.

Q Are you sure of that?

A Yes, sir.

Q Could there have been such cases and records of such cases among Japanese documents that you would not have seen?

A Yes, sir.

Q Do you remember the case where a Japanese civilian was tried and convicted of getting materials or jewelry from prisoners of war for which he did not pay? Do you remember of any such case?

A Not during my stay in the court-martial office, sir.

Q I think you told us that there is no right of counsel in the Japanese courts; is that correct?

A Yes, sir.

Q That applies to Japanese as well as to Americans.

and Filipinos?

A Yes, sir.

Q And there is no right, as we understand it in America, to have witnesses appear in the Japanese court martial?

A That is true.

Q And that is true for Japanese as well as for Filipinos and Americans?

A Yes, sir.

Q And you say there is no appeal; is that true?

A To a higher court, sir?

Q Yes.

A Yes, sir.

Q And that is true for Japanese as well as for Filipinos and Americans?

A Yes, sir.

Q Well, you say there is no appeal to a higher court. Let's find out. Is there an appeal to any group as far as you know?

A Well, I heard from the court-martial members that in Japan they could appeal it to a higher court.

Q As far as you know, there is no appeal in the field or in the Philippine Islands?

A Yes, sir.

Q To any higher court?

A Yes, sir.

Q Was there any appeal in the Philippine Islands as to Japanese, Americans or Filipinos to anyone above that court-martial sentence?

A No, sir.

Q In other words, the word of that judge was absolutely final here in the Islands?

A Final; yes, sir.

Q Now, among these persons who were tried for guerilla activities, were you present at the trials of those persons whose names are listed on Exhibits 319, 320 and 321 for identification, those last three exhibits? Do you remember offhand? If not, I will read the names to you.

A Yes. I don't remember the names.

Q Were you present at the trial of Estorito Alquino?

A I could tell definitely if I should see the Japanese-written documents, sir.

CAPTAIN REEL: May we show those to the witness?

(Originals of exhibits above referred to were handed to the witness.)

Q (By Captain Reel) You will find them in there. I don't know in just what order.

A Yes, sir. I remember.

Q And did Estorito Alquino plead guilty?

A Well, to tell you the fact, none of these fellows said a word.

Q They didn't plead guilty, nor did they plead not guilty?

A Yes, sir.

Q In other words, they stood mute?

A Yes, sir.

Q When you say "none of these fellows", you are referring to this list of nine names on that page of

Exhibit 319?

A Yes, sir.

Q Were you present when those persons were interrogated in the investigation?

A You mean -- Pardon me. Does that concern this particular case?

Q Yes, sir. Exhibit 319.

A Well, these fellows were not interrogated by the Judge Advocate's office.

Q I see. So whatever interrogation there was was by the M.P.'s, and you were not present?

A Yes, sir.

Q You were never present at the interrogation by the military police?

A Yes, sir.

Q So that you don't know whether when interrogated by the military police these persons voluntarily made statements stating that they had enlisted in the R.O.T.C. guerrilla organization?

A I don't know about that, sir.

Q Now I will ask you the same questions on Exhibit 320. Were you present at the trials of any of those ten persons?

A May I have the name?

Q What is that?

A May I have the first name, please?

Q Oh. Herario Cruz, the first name on the list.

A No. I don't remember this case, sir.

Q You don't remember of being present at the trials

of any of those people?

A No, sir.

Q And of course you weren't present at the military police examination?

A I wasn't.

Q So that you could not tell us whether or not those persons pled guilty or whether they gave voluntarily statements admitting that they had joined the R.O.T.C. guerrillas?

A That's right.

Q I show you the original of Exhibit 321 for identification. Were you present at the trials of either of the two men mentioned there?

A Yes, sir.

Q And do you know whether they pleaded guilty or not guilty?

A I am pretty sure they were mute, sir.

Q They pleaded guilty?

A No, sir.

Q They pleaded not guilty?

A No, sir. They didn't say a word.

Q They stood mute. You were not present at the time they were interviewed by the military police?

A I wasn't.

Q So that the sentence on the second page, which is translated at the present time, reads: "The court recognizes the statements of the defendants". You cannot say whether that refers to statements admitting that they worked as charged for Major Holland's guerrilla organization?

THE WITNESS: Will you please --

CAPTAIN REEL: Will you read the question, please?

(Question read)

A Although it states here that they have consented to the charges, these accused said nothing; either they knew or they did not know about it.

Q (By Captain Reel) That is, at the trial?

A No, sir; at the interrogation, sir.

Q Were you present at the interrogation?

A Yes, sir.

Q By the military police?

A No, sir. By one of the Judge Advocates, sir.

Q But they had previously been interrogated by the military police?

A Yes, sir.

Q But you were not present at that interrogation?

A Not at the military police.

Q At any interrogation at which you were present nothing was said?

A Yes, sir.

Q And of course you don't know what was said at the military police investigation?

A Yes, sir.

CAPTAIN REEL: I think I had better take those back (referring to originals of Exhibits 319, 320 and 321.)

GENERAL REYNOLDS: Has the Chief Interpreter a statement to make at this time about the translation?

COMMANDER BARTLETT: On cursory examination of the documents marked for identification as Prosecution's Exhibits Nos. 319, 320, and 321, they appear to have been translated into English with substantial accuracy. It is respectfully suggested that the English translation be accepted into evidence as accurate, subject to later full verification and necessary correction.

GENERAL REYNOLDS: The recommendation of the Chief Interpreter is accepted. The documents are accepted into evidence.

(Prosecution Exhibits Nos. 319, 320, and 321, for identification, were received in evidence and so marked.)

CAPTAIN REEL: Do we understand, sir, that there will be latitude reserved for later objection pending correction of the exhibits?

GENERAL REYNOLDS: That was the intent of the rule.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Reel) Now, you told us about some pilots whom you talked to at the Old Bilibid Prison. Do you remember that?

A Yes, sir.

Q And I think you said you last saw them in December sometime?

A Yes, sir.

Q What date was that? Do you remember the date?

A I don't know the exact date, but it was after the

15th, sir.

Q You heard some conversation relative to what happened to them in February, 1945?

A Yes, sir.

Q You don't know whether or not, of your personal knowledge, these men were tried after the 15th of December, 1944?

A Well, I am definite about the 28th of December, that there were no trials for these pilots.

Q Prior to the 28th of December?

A Yes, sir.

Q You do not know if they might have been tried after the 28th of December?

A I do not think there was any trial, because the court-martial moved out from Manila.

Q You mean the 14th Army courts-martial?

A Yes, sir.

Q There were other groups in Manila, weren't there?

A But they were under the jurisdiction of the 14th Area Army Headquarters, sir.

Q Well, wasn't there a Shimbu Army?

A Yes, sir; I later found out they were organized here in Manila.

Q Do you know if they had their own court-martial system?

A I found that out in the latter part of January.

Q They were in charge of what Army men remained in this area, were they not?

A I don't know about that, sir.

Q They were organized at approximately the time you

left Manila, were they not?

A Not to my knowledge, sir.

Q Do you know when they were organized, the Shimbu Army?

A I think it was after the headquarters of General Yamashita moved out from Manila, sir.

Q Yes. Now, -- and you did say so far as -- strike that. You did say the Shimbu Army did have its own court-martial jurisdiction, is that correct?

A Yes.

Q You do not know whether these men might not have been, therefore, tried by the Shimbu Army?

A I was definitely told by the guard that they were executed, sir.

Q Yes. But you do not know of your own personal knowledge that they were not tried before their execution by the Shimbu Army?

A The guards told me when they evacuated Manila they took all the military prisoners out to the cemetery and executed them.

Q When did they evacuate Manila?

A In the early part of January.

Q The early part of January or February?

A January of 1945.

Q Did the guards tell you these men had had no trial?

A Yes, sir.

Q Do you remember the names of the men?

A Yes, sir.

Q What were they?

A A guard by the name of --

Q I don't mean the name of the guards. I mean the two pilots.

A I don't remember the names, sir.

Q Now, you told us about attending executions in the cemetery. Was that the first execution you had attended at the cemetery?

A I beg your pardon?

Q You told us about attending an execution where 50 persons were killed. Was that the first execution you had attended?

A I attended my first one in March of 1943, sir.

Q You attended others between March, '43, and this other you told us about?

A Yes, sir.

Q Now, I think you said of the 50 persons killed, one-half of them didn't plead guilty or not guilty, is that right?

A Yes, sir.

Q And did the other half plead guilty or not guilty?

A Some denied it, sir.

Q How many of them pleaded guilty?

A Very few.

Q Approximately how many?

A Oh, I would say only about ten, sir.

Q Ten pleaded guilty and approximately half said nothing, is that right?

A Yes, sir.

Q I think you told us a Colonel Nagahama was head of the Military Police, is that right?

A Yes.

Q Do you remember when he became head of the Military Police?

A I don't remember the exact date.

Q Do you remember when he stopped being head of the Military Police?

A I think it was sometime in January of 1945, sir.

Q And was his place taken by somebody else?

A Yes, sir.

Q Do you know whether he was removed from his position?

A Who, sir?

Q Colonel Nagahama.

A He was transferred, sir.

Q Do you know why?

A I don't know the reason, sir.

Q Now, these three exhibits that we saw just a moment ago, Prosecution's Exhibits 319, 320, and 321, those are all dated in December, 1944, as I recollect. Were there similar records prior to December, 1944?

A Yes, sir.

Q When did you see such a type of record?

A In February of 1943, sir.

Q And you saw them right along in February of '43 on?

A Yes, sir.

CAPTAIN REEL: That is all.

#### REDIRECT EXAMINATION

Q (By Captain Webster) With reference to the court-martial records which counsel for the Accused referred to, that portion of it relating to the statements of the

Accused are noted. Does that refer to the statement of the Accused made at the trial, or at any other previous investigation?

A Previous investigation, sir.

CAPTAIN REEL: We object to the witness' answering such a question. I don't suppose he could read what was in the mind of the person who wrote it. I don't think he is competent to testify as to the meaning of it.

GENERAL REYNOLDS: Will you read the question, please?

(Question read.)

GENERAL REYNOLDS: The Prosecution may develop how the witness obtained that information, and then we will decide.

Q (By Captain Webster) How did you obtain that information?

A Well, I saw this mimeographed sheet written up, by taking all this information which was contained in the Military Police investigation, sir. That is how I obtained that.

Q This record, that portion of the court-martial record was mimeographed ahead of trial, is that correct?

A Yes, sir.

Q And had that statement in it, is that correct?

A Yes, sir.

Q Now, was any notice of any kind given to any government on the trial of American prisoners of war?

A Not to my knowledge, sir.

GENERAL REYNOLDS: The Commission interrupts at this point.

Does the Defense still wish to object to the question and answer that we were discussing?

CAPTAIN REEL: Sir, there was no answer. We objected to the question. The question has never been put again, nor answered, and we have no objection standing. We do not object to it going in on that basis.

CAPTAIN WEBSTER: To clear the record, sir, I will withdraw the question.

Q (By Captain Webster) I believe you stated that there was a difference between the trial of Japanese and American or Filipino civilians. What was that difference?

A Well, if a Japanese soldier is convicted, either his company commander or the G-1 officer in charge of personnel will be called upon by the Judge Advocate and will study the problems of the particular one accused, and if there be any witness for that particular case he will be called upon and will be interrogated by the Judge Advocate.

Q Now, that took place at the Judge Advocate's office before trial, is that right?

A Yes, sir.

Q Was there any difference at the trial?

A In the trial we had no witnesses, sir.

Q No witnesses?

A No, sir.

Q They took their investigation that was held beforehand, is that right?

A Yes.

Q Now, did they have such investigations against American prisoners of war, or American or Filipino civilians?

A No, sir.

CAPTAIN WEBSTER: That is all.

RE-CROSS EXAMINATION

Q (By Captain Reel) You don't mean that there were no Military Police investigations of Americans or Filipinos, do you?

A Well, naturally it came from them, sir.

Q Yes. What you mean is simply, the only difference now, as I understand it, is where the Japanese is convicted, or to be convicted, that his company commander or G-1 officer is called in to study the problem of the Accused with the Judge Advocate, and to present any witnesses that may have to do with that problem, is that correct?

A Yes, sir.

Q That goes to the severity of the sentence, does it not?

A Yes, sir.

Q In other words, in both cases the sentence is already passed. Strike that out; that may be difficult to get.

In that case the sentence is already passed, is it not?

A I don't know about that, sir.

Q You have testified already as to the system used in both of these sets of trials. You don't wish to change that testimony in any way, do you?

A I don't exactly get you, sir.

Q You have just testified, both on direct and then again on cross, without going into it all as to the systems used in these trials. You don't now wish to change

any of that testimony, do you?

A No, sir.

Q One more thing. You have testified that no notice was given to foreign governments so far as you know. Do you know who would give such notice to the foreign governments involved?

A Well, I think that is taken care of by the personnel section of the Courts-Martial Department.

Q The actual notice to the protecting power is given by the personnel section of the courts-martial?

A Yes, sir.

Q And you have never known any such notice to be given, have you?

A No, sir.

Q Do you know whether or not the Government of Tokyo gave any such notice to the protecting power?

A I don't know about that, sir.

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: The Commission has questions to ask this witness, which will be presented by General Lester.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) While you served with the Japanese Army as an interpreter from October until the time of your liberation, did you receive ample food?

A Not as much as I am fed by the American Army, sir.

Q Did you lose weight during that time?

A Yes, sir.

Q Do you happen to know the value in calories of the food ration that you received while in the Manila area?

A No, sir.

Q What was the nature of your ration as to its balance?  
Did you have vegetables and fruits?

A It consisted of rice, soup, meat, fish, and a little green vegetables, sir.

Q Any fruits?

A Very seldom, sir.

Q Was the ration better or worse as you went to Baguio from Manila?

A It became worse.

Q It became worse?

A Yes, sir.

Q Did you see, while you were in the Judge Advocate General's office, the records of trial of any Japanese soldiers?

A Yes, sir, I have read several of them, sir.

Q Do you recall any cases where Japanese soldiers were tried or convicted of rape?

A Yes, sir.

Q Against Filipino women?

A Yes, sir.

Q What was a sentence in such case of rape?

A Well, as far as I know, if it is an enlisted man, a plain soldier, he will get about two and one-half years. If he is a non-com, about five years.

Q Were any capital cases, any executions of Japanese soldiers, brought to your attention while you were in the office of the Judge Advocate General?

A Only two, sir.

Q What were they charged with?

A For striking a superior officer, sir.

Q Do you recall the dates in which these convictions of rape took place, the dates when the offense was committed, or when the court passed the sentence?

A That was in '43, sir.

Q Do you recall whether there were any such convictions after October, 1944?

A Not to my knowledge, sir.

GENERAL REYNOLDS: Is there any further cross examination by the Defense on the Commission's questions?

CAPTAIN REEL: Yes.

RE CROSS EXAMINATION

Q (By Captain Reel) Do you know of any robbery cases by Japanese soldiers that were tried?

A Yes, sir.

Q And were they quite frequent?

A On an average of about one a month, sir.

Q And that was all during the occupation?

A Yes, sir.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

EDWIN L. BOOTH

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Edwin L. Booth.

Q Your rank?

A First Lieutenant.

Q Your organization?

A Corps of Military Police, assigned to War Crimes investigation.

Q Were you at Prisoner of War Camp 1, on or about the 10th of November, with a person named Sergeant Sakakida?

A Yes, sir.

Q Were you present when a conversation was held between him and another Japanese at that camp?

A Yes, sir.

Q In what language did that conversation take place?

A Japanese.

Q Did you thereafter talk to Sergeant Sakakida concerning it?

A Yes, sir, immediately after.

Q What did he say that conversation was?

CAPTAIN REEL: We object, sir.

GENERAL REYNOLDS: Not sustained. You may proceed.

CAPTAIN REEL: Sir, may I have the indulgence of the Court to state the reasons for my objection?

GENERAL REYNOLDS: You may.

CAPTAIN REEL: Thank you, sir.

In the first place, the original question of the witness who had the conversation was ruled out, on the basis, apparently, because that was the only objection made, that it was hearsay twice removed. Now we have it attempted to be brought in as hearsay three times removed: The witness, who does not understand what was said, is told by a second party what a third party told him that a fourth party said.

In addition, I want to point this out, sir: On cross examination of the previous witness, it appeared first that he was not treated as a prisoner of war, was never at a prisoner of war camp, that he never saw this particular colonel until the 10th day of November, that it was at camp 1 since the 10th day of November; and the person who the original statement is supposed to come from has been right here, confined, as the accused. There has been no feasible or possible opportunity of a connection. And may I add this, sir: That neither Colonel Nishihara, or anyone else, could have known that the previous witness was an American soldier; otherwise he probably would have been executed as a spy, and certainly wouldn't have continued as an interpreter. Therefore, we feel that any statement made by this Nishihara to the previous witness in the presence of this witness, relative to what the accused may have said, is completely incompetent, meaningless, and highly prejudicial.

For both of those reasons, we object to testimony of this sort.

GENERAL REYNOLDS: The commission feels the Defense is asking the Commission to rule on the answer to a question before we know the answer. Therefore, the Commission does not sustain the objection of Counsel, but upon hearing the answer to the question you are free to object.

CAPTAIN WEBSTER: Will you read the question, please?

(The question was read by the reporter as follows:)

"Q What did he say that conversation was?"

A You want me to start from the beginning?

Q (By Captain Webster) Just state what the conversation was.

A This conversation carried on between Colonel Nishihara and Sergeant Sakakida was related to me by Sergeant Sakakida, that Colonel Nishihara was rather worried concerning Sergeant Skakida testifying against General Yamashita; and he said that inasmuch as Sergeant Sakakida had not testified that Colonel Nishihara preferred that he wouldn't testify against General Yamashita, as it would, in his own words, "put him in a tough spot."

Q When was that conversation?

CAPTAIN REEL: Pardon me. We will ask now that the answer be stricken, sir, for the reasons stated before.

GENERAL REYNOLDS: The objection of Defense Counsel is sustained. The answer will be stricken from the record.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

CAPTAIN WEBSTER: Does the Commission at this time desire the reading of the interpretation of the court martial record?

GENERAL REYNOLDS: In order to maintain the continuity of the record, and since the chief interpreter has already stated that his cursory examination indicated the translation to be reasonably correct, we will hear the reading of the documents at this time. However, we will also hear from the chief interpreter later as to his final study and conclusions.

CAPTAIN WEBSTER: Reading from Exhibit 319:

"VERDICT

"ESTORITO ALQUINO 31, Farmer 152 Levelside St., San Juan, Manila.

Edwardo Christobal 24, Unemployed 24 Carriedo St., Manila.

Gonzalo Cruz 21, Laborere 46 Bonifacio St., Manila.

Godofredo Luna 18, Laborer 6 Rizal St., Barrio Onse, Manila.

Gomel Manuel 23, Watchman 26 Carriedo St., San Juan, Manila.

Edwardo Avilido 44, Farmer Barrio Balanca, Diliman, Manila.

Ernesto Perez 27, Buy and Sell 4 Rizal St., Barrio Onse, San Juan, Manila.

Pulaviano Alcantara 25, Clerk 4 San Fabian St., Manila.

Justado Mendoza 36, Laborer, Barrio Balala, Deliman, Manila.

"This Courts-Martial will carry out the decision of Acting Prosecutor Shigehiko Mera, Candidate J. A., for the above defendants' Guerrilla Membership.

"TEXT

"Each defendant is sentenced to death.

"REASON

"Defendants were all pro-Americans and held very

strong feeling of hatred to Japan and always believed and desired for the return of Americans to the Philippines. Thus when each of the defendants were approached and requested by others to enlist in guerrilla organization and to resist the Japanese Army by taking up guerrilla warfare, immediately agreed. From about January 1943 to about June 1944 enlisted in the R.O.T.C. Guerrilla Organization, planning for the annihilation of the Japanese Army as a unit of the American Forces in time of landing in the Philippines and was waiting for the opportunity.

"The above mentioned facts are recognized by this court on the statements given by the defendants voluntarily and also from the Army Judicial Policeman's statement.

"Trying the defendants on Provost Law, defendants actions falls under No. 1 of Section 1, Paragraph 2 of the Southern Army Provost Law and death penalties be imposed to defendants as of Paragraph 4 of the same Provost Martial Law.

"Thus the sentence is of the Text.

"22nd December 1944.

Sho Bu Unit Courts-Martial

"Presiding Judge:

Judge :

Judge : Shigemi, Yoshikatsu 1st Lt., J. A.

"No signatures of Presiding Judge Major Suzuki, or Judge Captain Uokoi, Kagio was obtained because of being absent.

"Shigemi, Yoshikatsu  
Judge  
1st Lt., J.A."

GENERAL REYNOLDS: In reading the first sentence under the names, I believe you stated "Candidate J. A.", which should be "Cadet J. A.", should it not?

CAPTAIN WEBSTER: I am sorry, sir.

Prosecution's Exhibit No. 320:

"Herario Cruz 35 Barber --"

GENERAL REYNOLDS: You may omit the names and addresses, since you have identified the list by stating the first name.

CAPTAIN WEBSTER: (Reading) "From August 1943 to September 1944.

Ramsay or R.O.T.C. Guerrilla Organization.

Date of trial: December 16th, 1944.

"This Courts-Martial will carry out the decision of Acting Prosecutor Shigehiko Mera, Cadet J.A., for the above defendants' Guerrilla Membership.

"TEXT

"Each defendant is sentenced to death.

"REASON

"Defendants were all pro-Americans and held very strong feeling of hatred to Japan and always believed and desired for the return of Americans to the Philippines. Thus when each of the defendants were approached and requested by others to enlist in guerrilla organization and to resist the Japanese Army by taking up guerrilla warfare, immediately agreed. From about January 1943 to about June 1944 enlisted in the R.O.T.C. Guerrilla Organization, planning for the annihilation of the Japanese Army as a unit of the American Forces in time of landing in the

Philippines and was waiting for the opportunity.

"The above mentioned facts are recognized by this court on the statements given by the defendants voluntarily and also from the Army Judicial Policeman's statement.

"Trying the defendants on Provost Law, defendants actions falls under No. 1 of Section 1, Paragraph 2 of the Southern Army Provost Law and death penalties be imposed to defendants as of Paragraph 4 of the same Provost Martial Law.

"Thus the sentence is of the Text.

"22nd December 1944.

Sho Bu Unit Courts-Martial

"Presiding Judge:

Judge

:

Judge

: Shigemi, Yoshikatsu 1st Lt., J.A.

"No signatures of Presiding Judge Major Suzuki, or Judge Captain Uokoi, Kagio was obtained because of being absent.

"Shigemi, Yoshikatsu  
Judge  
1st Lt., J.A."

Prosecution Exhibit 321:

"VERDICT

"Citizenship --- United States

Address --- Artegas St., Pasay, Manila.

"Mining Engineer Macknal Hoover 39

Citizenship --- United States

Address --- #6 Carrington St., Mondaluyong, Manila.

"Mining Engineer Henry Guy Lindobloom

"This Courts-Martial will carry out the decisions of

Prosecutor Yoshikatsu Shigemi, 1st Lt. J. A., for the above mentioned defendants' Guerrilla Membership.

"TEXT

"Both defendants are sentenced to death.

"REASON

"Both defendants came to the Philippine Islands as mining engineers in about 1933 from the United States and was connected with various mining companies and in Mindanao at the outbreak of the Greater East Asia War. Being unable to return to their families in Manila, defendants since January 1942 was working at American airfield, San Jose, on Mindoro as civilian employees. But as the Imperial Army advanced, in June 1942, defendants retreated to Tablas Island.

- Thus:
1. In about June 1942 defendant Mackno Hoover presented himself to Major Holland's guerrilla organization which was connected to Peralta, in Odjungan Town, Tablas Island and worked until Nov. of 1942 coding and decoding secret wireless messages.
  2. Defendant Henry Gai Lindobloom also about the same time entered the same organization at Barrio Lohock and until about the end of Nov. 1942 produced about 150 gallons of alcohol from coconut trees and presented it to the same guerrilla organization.

"The Court recognizes the statements of the defendants.

"The acts of both defendants falls under Par. 2 Sec.

No. 1 of the Southern Provost Martial Law and death penal-

ties be imposed to both defendants as of Par. 4 of the same Provost Martial law.

"Thus the verdict has been given as in the text.

"13th December 1944.

Sho Bu Unit Courts-Martial.

"Presiding Judge: Suzuki, Major.  
Judge : Katsuo, Katsuo Major, J. A.  
Judge : Yokoi, Kagio Captain."

Sir, that completes the evidence on those paragraphs in the Bill of Particulars.

GENERAL REYNOLDS: The Commission affirms its acceptance of these documents under the conditions stated.

MAJOR KERR: Sir, prior to going on with the next episode of our case I should like to request that the Commission permit the Prosecution to show a film this evening. We suggest a starting hour of 1930 or 7:30 this evening. The film which we should like to show at this time is entitled "Orders from Tokyo." It is a documentary film which is owned by, and I am informed constitutes a part of the documentary records of, the Commonwealth Government of the Philippines. The scenes which are portrayed there are those which were filmed immediately during and following the liberation of Manila by the American forces last February.

We believe that the Commission will be interested in the film and the photographic evidence which it constitutes. I would suggest that the Commission see the film; then, if the Defense desires to object to the film in whole or in part, such objection could be stated tomorrow morning when the Commission reconvenes and the decision could be made at that time. It would not be feasible at this time, of course, to go into the question of the admissibility of the film. We believe it is admissible and would have probative value to the Commission.

GENERAL REYNOLDS: The Commission will view the picture starting at 8:00 o'clock tonight unless otherwise directed at the close of the afternoon session, instead of the hour of 7:30 as recommended by the Prosecutor. The session will be open to the press and to the public.

CAPTAIN WEBSTER: Sir, the next case is an item offered in the proof of Paragraph 72 of the Bill of

Particulars.

GENERAL REYNOLDS: The Commission wishes to verify the item number in the Bill of Particulars and asks whether this is additional evidence submitted on No. 72.

CAPTAIN WEBSTER: It is, sir.

ANGELINA AQUINO

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

DIRECT EXAMINATION

Q (By Captain Webster) Will you please state your name?

A Angelina Aquino.

Q Your age?

A 15.

Q Your nationality?

A Filipina.

Q Did you say "Filipina"?

A Yes, Filipina.

Q Will you speak a little louder and to the Commission so that they might hear you?

A Yes, sir.

Q Do you go to school?

A Yes, sir. I go to school in the Baguio City High School; sophomore.

Q You are a sophomore?

A Yes.

GENERAL REYNOLDS: The Commission interrupts to ask the witness to verify the name of the high school that she attends.

Q (By Captain Webster) Will you repeat the name of

the high school which you attend?

A Baguio City High School.

Q Baguio City High School?

A Yes.

GENERAL REYNOLDS: Baguio City High School.

Q (By Captain Webster) Were you living in Baguio in April of this year?

A No, sir; we were in Balatoc.

Q And why did you go to Balatoc?

A We evacuated because of the bombing in Baguio.

Q Because of the bombing in Baguio?

A Yes, sir.

Q Who went to Balatoc with you?

A My mother, my father, my six brothers and sisters, my grandmother and my aunty.

Q Do you remember how long you stayed in Balatoc?

A Yes, sir. We stayed there about three to four months.

Q And then where did you go from Balatoc?

A We were intending to go to Dolores, and it was April 10th when we started from Balatoc.

Q You say April the 10th when you left Balatoc?

A Yes, sir.

Q And where did you go?

A We went to Samuyao.

Q You went to Samuyao?

A Yes, sir.

Q And how long did you stay there?

A We stayed there for one day.

Q And how many people left Samuyao with you?

A We were about 315.

Q How do you know there were 315?

A One person counted us and then I heard him say that we were 315 in all.

Q Were there men and women and children in the group?

A Yes, sir.

Q Did the group have any means of transportation?

A No, sir; we were just walking.

Q Now, where did you go after you left Samuyao?

A We started our journey to the lowlands.

Q All 315?

A Yes, sir.

Q And will you tell the Commission what happened on the journey to the lowlands?

A Yes, sir. At 4:00 o'clock in the morning we started our journey. We were all 315 in all. And then about 12:00 o'clock we passed through a sentry of the Japanese. They stopped us and then took all of our bolos and knives and weapons, jewelries and food, especially foodstuffs. They let us go. Then when everybody was searched one Japanese met us on the road and told us to go back.

Q Now, how long was that after you were searched?

A After we were all finished searched?

Q That's right.

A Then they told us to hide ourselves in the grasses because there were airplanes above us. After the airplanes stopped flying above us they told the men to go and they said that they would just investigate them.

Q At that time did they separate the men from the other people?

A Yes, sir. They separated the men from the women and small boys.

Q Where did they take the men?

A They took the men to the side of the mountain.

Q How far away, do you know?

A I do not know because they were hidden.

Q Did you hear any noises coming from where they took the men?

A None, sir, but a few minutes we heard shots of guns.

Q You heard guns being fired?

A Yes, sir.

Q What did they do after they took the men up to that place?

A They just told us to sit down and then they said that they were going to investigate the men. After that we heard shots, firing of guns, and one of the Japanese who knew how to speak English said that it was "the Americans; our enemies", he said. Then they went to the place where they were staying and they said that they were already killing.

After that, when maybe the men were through, they told us to go family by family.

Q Up the mountain?

A Yes, sir.

Q Did you go with your family?

A Yes, sir.

Q Did your father go with you?

A No, sir. My father was ahead because he went with the men.

Q He went with the men?

A Yes, sir.

Q And your family all went together; is that right?

A Yes, sir.

Q And will you tell what members of your family went together?

A My mother, my two brothers and four sisters and myself.

Q Were any of those children young?

A Yes, sir. I am the oldest.

Q You are the oldest of the children?

A Yes, sir.

Q Now, what did they do to your family when they took you up the mountain?

A They searched us first. While we were waiting for our turn, because the other group was not yet through, we asked the Japanese to set us free and then we were pleading and crying. But one of the Japanese who knew how to speak English said that "It was Yamashita's (pronounced Ya-ma-shee-to's) order to kill -- "

Q Said what?

A Said "It was Yamashita's (pronounced Ya-ma-shee-to's) order to kill all civilians".

Q Who said that?

CAPTAIN REEL: Just a minute. I ask that that last part of that last answer go out. What this witness said that another man said that a third man said is not evidence.

GENERAL REYNOLDS: The objection of counsel is not sustained. You may proceed.

Q (By Captain Webster) Who told you that?

A The Japanese who knew how to speak English.

Q Was he a Japanese soldier?

A Yes, a Japanese soldier.

Q Did he have a uniform on?

A Yes, sir.

Q Was he one of the ones that was executing people?

A No, sir.

Q He was one of them standing there?

A The one who was leading the persons to go to the place where they executed.

Q Did he have a gun or a saber?

A He had a gun with a fixed bayonet.

Q I see. What did he do with your family?

A When we were not yet executed one of my brothers told the Japanese that if they kill him they had better shoot him than to be bayoneted. So after a few minutes they called me and I went there. While I was going I saw one Japanese bayoneting a woman.

Q Bayoneting a woman?

A Yes, sir.

Q Did you know the woman?

A I do not, sir. I don't know the name.

GENERAL REYNOLDS: The Commission interrupts and asks the reporter to read the last long answer given by the witness.

(Question and answer read)

GENERAL REYNOLDS: Very well. Proceed.

Q (By Captain Webster) Will you describe what kind of a place this was on the mountain?

A It was in the mountain. It was a sloping --

Q It was a steep slope?

A Not so --

Q But downhill?

A Yes, sir.

Q Did they take you to the edge of that downhill slope?

A Yes, sir.

Q What did they do with you when they took you there?

A They searched me first and then they took a piece of cloth from the ground and blindfolded me and they told me to sit down on the edge. Then I felt that they pushed down my head and something struck my neck and I fell down.

Q Something struck you in the back of the neck?

A Yes, sir.

Q Did you roll down the hill?

A I fell down.

Q You fell down?

A Yes, sir.

Q How long did you stay there?

A I stayed there until the execution was through, because there were Japanese and if they see you moving they will shoot you.

Q Were you the first one or the second one in your family to go to the edge of the mountain?

A I was the first one, sir.

Q Do you know what happened to the other members of

your family?

A Yes, sir. While I was down in the slope of the mountain I heard one of my brothers shouting, and I think it is my brother who was asking the Japanese to shoot him, because I could recognize his voice.

Q Do you know what happened to any of the other members of the family?

A No, sir; I do not.

Q Have you seen them since?

A No, sir; I have never seen them any more.

Q Did anyone ever tell you what they did with your baby sister?

A When we were through executed we were about 30 who did not die immediately, and one of the girls -- one of the women told me that she saw my seven-months' baby sister executed. She told that they grabbed her from my mother, tossed her up and caught her with a bayonet.

Q How long did you stay in that place?

A In the mountains, sir? In the mountains?

Q How long did you stay in the place where they executed the people? Will you talk to the Commission, please, and a little louder?

A I stayed there I don't know how many hours, but it was almost dark when we began walking, when the Japanese left us.

Q How many people walked away with you?

A We were about 30, sir.

Q How many?

A 30.

Q "13"?

A 30.

Q 30?

A Yes, sir.

Q How many survived of those 30?

A We are only four, sir.

Q What happened to the others?

A They died on the way.

Q Why did they die?

A Lack of food and of the wounds.

Q And the wounds that they had suffered?

A Yes. And some fell from the precipice.

Q Do you know whether or not those Japanese that stopped you and tried to execute you were in the Army or Navy?

A I think they are in the Army because their cap had a "star" on the top.

Q Was it a cloth cap or a steel helmet?

A It was a cloth cap.

Q Cloth cap?

A Yes, sir.

Q How many Japanese stopped you there?

A I don't know. I don't know approximately how many are they, but when they stopped us they were just a few and when they told us to go back I saw that there were many Japanese who surrounded the mountain with fixed bayonets already.

Q That is around the whole area where you were?

A Yes.

Q Could you tell about how many you saw?

A I do not know, sir, because I was too frightened and then I did not mind those things.

Q Did you suffer a wound on your neck as a result of being hit?

A Yes, sir; I have.

Q And will you show that wound to the Commission?

A (Witness displays wound on back of neck.)

Q You mentioned a conversation which you had with a soldier?

A Yes, sir.

Q About who ordered those people killed?

A Yes, sir.

Q Was that man in the Army?

A Yes, sir.

Q And he was right there at the time where they were killing the people?

A No, sir. We were a little bit farther.

Q That is before the execution?

A Yes, sir.

Q But it was on the way to the execution?

A Yes, sir.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Were you in Baguio while the bombing took place?

A Yes, sir.

Q And do you remember the cathedral being bombed?

A I remember, but we were already in Balatoc during that time.

Q You had already left Baguio?

A Yes, sir.

Q Do you remember being given food and clothing by the Japanese authorities while you were still in Baguio?

A Yes, sir.

Q You did get rice?

A Yes, sir.

Q When you went out here to the mountains you saw a Japanese soldier who could speak English; is that right?

A Yes, sir.

Q How many Japanese soldiers did you see who could speak English?

A I saw only one: that one who was guiding us to the place where they were executing.

Q And I think you said he had a gun and a bayonet?

A Yes, sir.

Q And no saber?

A None, sir.

Q And he said to you in English after you heard these shots that the Americans did that; is that right?

A Yes, sir.

Q Can you tell us exactly what he said as near as you can remember?

A He said when we were shouting -- He said "No. Do not shoot. American enemy", he said.

CAPTAIN REEL: Will you read that answer, please?

(Answer read)

Q (By Captain Reel) Is that all he said at that time?

A Yes, sir.

Q Did he say that the Americans were shooting those men?

A No, sir. He just said that the enemy is coming to them.

Q "The enemy is coming"?

A Yes, sir.

Q Now, sometime after that he said something about "executing everybody"; is that right?

A Yes, sir.

Q And was that the only other thing in English that he said?

A Yes, sir. That's the only thing.

Q So all he said in English were two things: (1) "Don't shoot! The enemy is coming!". And the other had to do with General Yamashita ordering execution; is that right?

A Yes, sir.

Q And he said nothing else in English?

A No more said because they called for us already. They called for me, you see.

Q Did he talk in Japanese?

A He talked also in Japanese with his companions.

Q Yes. Now, did he tell you when General Yamashita had told him this?

A No, sir. That's the only thing he said. "It was Yamashita's (pronounced Ya-ma-shee-to's) order to kill all civilians".

Q Did he say when there was such an order made?

A No, sir.

Q He didn't say anything except that?

A No; nothing, sir, because we were asking him "Why (they) are going to kill us" and "We don't have any fault", and that was his answer.

Q And did he say "Yamashita"(pronounced Ya-ma-shee-to), just like that?

A Yes, sir.

Q And nothing else was said in English except those two things that you have told us?

A Yes, sir.

Q You were pretty excited at the time, weren't you?

A Of course.

Q And you were frightened?

A Yes.

CAPTAIN REEL: No further questions.

CAPTAIN WEBSTER: May I ask one question?

GENERAL REYNOLDS: The Commission will recess until 1:30 this afternoon. (Witness excused)

(Whereupon at 1130 hours a recess was taken until 1330 hours 15 November 1945.)

- - -

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session. The Prosecution may proceed.

MAJOR KERR: Sir, all members of the Commission are present. The Accused and Defense Counsel are present. We will proceed.

CAPTAIN WEBSTER: This is a continuation of the case which was last being heard by the Commission this morning.

FRANCISCO REALIQUE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Angelo R. Celis, with Narciso E. Albano acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name?

A Francisco Realique.

Q Your age?

A 32.

Q Your nationality?

A I am a Filipino.

Q Where is your home?

A Barnotan, La Union.

GENERAL REYNOLDS: Will the Prosecution also identify the location of that spot on the map?

Q (By Captain Webster) What town or place is your home near?

A The 5th Battalion, Concor.

Q How far is that from Baguio?

A I cannot deunt correctly how far it is from Baguio.

Q Is it near San Fernando, La Union?

A Yes, sir.

CAPTAIN WEBSTER: It is my understanding that San Fernando, La Union, is approximately in this area (indicating on map.)

Q (By Captain Webster) Where were you living on the 10th of April of this year?

A Samuyao.

Q How far is that from Baguio?

A I cannot calculate it, sir.

Q Do you know the direction from Baguio?

A I know it if I follow it from the street.

CAPTAIN WEBSTER: Will you read that, please?

(Answer read)

Q (By Captain Webster) Is it between Baguio and a place called Rosario?

A Yes, sir.

Q Where did you go from Samuyao?

A We went to the lowland.

Q With whom did you go?

A There were many civilians with me who were going to the lowlands.

Q How many?

A About 300.

Q Why were you going to the lowlands?

A Just because we have nothing more to eat in that place and besides the Japanese used to get our foodstuffs

if we stay there.

Q Did the Japanese stop you on the way to the lowlands?

A While we were a little bit away from Samuyao, a Japanese soldier halted us.

Q What did the Japanese do?

A They searched our pockets and they took our cigarettes, our money, belongings, clothes and rice.

Q Did the Japanese separate the men from the women and the children?

A Yes, sir.

Q What did they do with the men?

A They grouped us together by tens.

Q Which group of ten were you in?

A The second group, sir.

Q Were you tied with your hands behind your back?

A No, sir, but the Japanese was aiming his bayonet at me.

Q Where did they take your group?

A They brought us to a certain precipice far away from the women.

Q You say you were in the second group taken there?

A Yes, sir.

Q Did you see what the Japanese did with the first group?

A I saw it, sir.

Q What did you see?

A The first thing I saw was -- the first thing I know was that one from my group told me that the Japanese were killing those from the first group and then I took a look

at them and I saw that they were really starting to kill those from the group No. 1.

Q How many did you see killed?

A I saw only one while in the act of being killed.

Q How did they kill that one?

A They struck him by the neck.

Q Did you stay in that place?

A We were there and when we were brought to that place we stayed there.

Q How long did you stay there?

A Maybe about two hours, sir.

Q What did you do then? What did you do after that?

A I told my companions when I saw them that they were killing those from group No. 1, that we had better run away.

Q Did you run away?

A Yes, sir.

Q Were you shot at?

A Yes, sir.

Q Do you know how many times?

A Many bullets were aimed at me, but only one landed on my body.

Q Where did it hit you?

A In the right shoulder and the bullet went through .

Q Did you go back to the place of execution at a later time?

A No, sir, but we went near that place only where we were looking for our way; when we are looking for our way we go by that place.

Q What did you see near that place?

A On the river near that place I saw bodies, I saw dead bodies strewn by the river.

Q Did you recognize any of those bodies?

A Yes, sir.

Q Who were they?

A One is the grandmother of Angelina Aquino.

Q Is that the only one that you identified?

A There was one more by the name of Luis but I don't know his family name.

Q Now, who were the Japanese that stopped you and tried to kill those people?

A I don't know them, sir.

Q Were they in the army or navy?

A They are soldiers because they have rifles and uniforms.

Q Do they have stars on their uniforms?

A Yes, he had a star on his hat, on his cap.

Q Of the 315 people who left the town in that group, do you know how many survived?

A Only two, sir.

Q That is besides yourself?

A Yes, sir.

CAPTAIN WEBSTER: You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Reel) When you left Samuyao had there been some bombing from American airplanes?

A There were, sir, but I don't know the place where they were bombing.

Q Was there bombing in the place that you left?

A No, sir.

Q Was there shelling anywhere in that neighborhood?  
Was there shelling in the neighborhood of Samuyao.

A We could hear some, sir, but from a far distance.

Q And didn't you leave Samuyao to escape the bombing  
and shelling?

A Because we had no more provisions in that place,  
that is why we left.

Q And was it also to escape the bombing and shelling?

A No, sir.

Q Well, after you left did you see some airplanes?

A Yes, sir, we saw airplanes flying while we were on  
our way.

Q And did the airplanes shoot at the Japanese?

A We don't know, sir, because we don't know the place  
of the Japanese.

Q Well, did they shoot at the people, at the Japanese  
who stopped you?

A I don't know, sir.

Q Was there some guerrilla fighting going on at that  
time near Samuyao?

A I don't know of any, sir.

Q Was there any near Rosario?

A We don't know, sir.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused)

FLORA LOZANO

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Narcisco E. Albano, was examined and testified through Interpreter Albano as follows, with Interpreter Angelo P. Celis acting as "check" Interpreter:

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.
- A (Through the Interpreter) Flora Lozano.
- Q Your age?
- A 30.
- Q Nationality?
- A Filipino.
- Q Were you in or around Samuyao on the 10th day of April of this year?
- A I was in Balatoc.
- Q Were you with a group of people who went from the mountains to the lowlands around that date?
- A I was, sir. I was one of them.
- Q Where did you join that group?
- A Balatoc, sir; I joined them at Balatoc.
- Q And you went with that group to Samuyao?
- A Yes, sir.
- Q And you left Samuyao with that group to go to the lowlands?
- A Yes, sir.
- Q How many were in that group?
- A We were more than 300, sir.
- Q How many of your family were in that group?

A We were more than 30.

Q Were any of your children in that group?

A There were, sir.

Q How many?

A There were three children, sir.

Q Were you in that group when they were stopped by the Japanese?

A I was one of them, sir.

Q Were you and your family tied by the Japanese?

A No, sir, but they bound our eyes, they blindfolded us.

Q Did they blindfold you near a slope on the mountain?

A Yes, sir.

Q What did they do to you and your family at that place?

A They began killing, killing the other civilians.

Q Who did they kill first?

A In my group, I was the first.

Q What did they do to you?

A They strike me.

Q Whereabouts?

A At my neck, sir.

Q What with?

A At the back.

Q Did you see them kill anyone else?

A Yes, sir.

Q Who else?

A My relatives, sir.

Q How many of them?

A Four of them, sir.

Q How did they kill those relatives?

A They cut their necks, sir.

Q What happened to you after they hit you in the neck?

A We rolled down from the precipice.

Q How long did you stay at the foot of that precipice?

A About one hour, sir.

Q And then what did you do?

A When it was already dark, we ran away.

Q Did you go back to the place where they tried to kill you?

A No, sir.

Q Did you ever try to find your children?

A I tried to.

Q Where did you try to find them?

A I went over those persons who have been killed.

Q When did you do that?

A After one hour, when we were about to leave.

Q And you went back then to try to find your children?

A Yes, sir.

Q Did you find your children?

A I was able to find only one.

Q Was that child living or dead?

A Dead, sir.

Q How many bodies were there at the place where you found your child?

A There were many, sir, but I didn't count.

Q Can you tell us about how many?

A Might be more than 200, sir.

Q Have you seen any of the members of your family since that day of execution?

A No, sir, only my sister-in-law.

Q Who was it that tried to kill you?

A The Japanese, sir.

Q Japanese soldiers?

A Soldiers, sir.

Q Were there many Japanese around there?

A There were many, sir.

Q Did you see any Japanese officers?

A I didn't see, but only those that were having arms.

Q How were they armed?

A Sabers.

Q Do you have a scar as a result of being struck by the Japanese on that day?

A I have, sir.

Q Will you show that scar to the Court?

A Yes, sir.

CAPTAIN WEBSTER: Just stand up.

(The witness rose and exhibited the back of her neck to the Commission.)

CAPTAIN WEBSTER: That is all, thank you; you may sit down.

You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Did all of those Japanese soldiers have sabers?

A Not all of them, sir.

Q About how many of them?

A There were only four of them who have sabers.

Q And how many soldiers were there altogether?

A Might be there were more than 300.

Q More than 300 soldiers? Do I understand that means soldiers?

THE INTERPRETER ALBANO: She doesn't know whether they are soldiers or not.

Q (By Captain Reel) 300 soldiers and 4 with sabers; ask her if that is correct?

A (Through the Interpreter) Yes, sir.

Q Now, this town of Balatoc that you lived in, where is that with relation to Baguio; north, south, east or west?

A In the south of Baguio.

Q And approximately how many miles or kilometers south of Baguio is it?

A About 100 kilometers, sir.

Q Now, the place called Samuyao, was that south of Balatoc?

A Well, it is south of Balatoc.

Q And how many miles or kilometers south of Balatoc is Samuyao?

A I don't know, sir.

Q Is it as far from Balatoc as Balatoc is from Baguio?

A It is about that, sir.

Q Now, after you left Samuyao with the other group did you keep on going farther south?

A We continued south, sir.

Q Now, why did you leave Balatoc?

A Because we don't have anything to eat.

Q And was there also, besides the food shortage, some bombing and shelling?

A There were, sir; there were shellings.

CAPTAIN REEL: What was that?

INTERPRETER ALBANO: "There were shellings and bombings."

Q (By Captain Reel) And in your travels south, did you come across any guerrilla soldiers?

A None, sir.

Q Any American soldiers?

A None, sir.

Q And you left Balatoc the 10th day of April, is that right?

A Yes, sir.

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: There is a question by the Commission.

GENERAL DONOVAN: Did the Japanese tell you why they were going to kill the civilians:

THE WITNESS: (Through the Interpreter) No, sir.

GENERAL DONOVAN: Why were you out of food? What happened to your food?

THE WITNESS: (Through the Interpreter) They were confiscated by the Japanese.

GENERAL REYNOLDS: No further questions.

CAPTAIN WEBSTER: One other question.

GENERAL REYNOLDS: Very well.

#### REDIRECT EXAMINATION

Q (By Captain Webster) Can you tell approximately where this place of execution was?

A Between Samuyao and Labayog, sir.

Q Do you know what province that is in?

A I don't know, sir.

CAPTAIN REEL: Can we have the spelling of that last name? We didn't get the spelling.

INTERPRETER ALBANO: L-a-b-a-y-o-g.

Q (By Captain Webster) Is that a barrio of some other town?

A (Through the Interpreter) It might be, sir; I don't know.

Q Can you tell me where it is with reference to Rosario?

A I cannot, sir.

CAPTAIN WEBSTER: That is all.

Sir, that completes the evidence on that paragraph.

(Witness excused.)

CAPTAIN PACE: Mrs. Hufana.

FELIZA HUFANA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Celis, with Interpreter Albano acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A (Through Interpreter Celis) Feliza Hufana.

CAPTAIN PACE: This is evidence on Supplemental Bill of Particulars No. 90: the killing of civilians and the destruction of property in San Juan and San Fernando, La Union Province.

Q (By Captain Pace) Where do you live?

A In the town of San Fernando, La Union.

Q Where did you live on January 18, 1945?

A In the barrio of Negros.

Q Is Negros also in San Fernando?

A Yes, sir.

Q What happened in Barrio Negros on the morning of January 18, 1945?

A The Japanese came and gathered people about the number of 135. When they gathered us 135 persons they brought them to our yard.

Q How do you know there were 135 people there?

A They counted them at our place and there were 135, plus the 17 of us whom they reach in that place.

Q Does that mean that there were 152 people in the group then?

A Yes, sir.

Q What were the ages and sexes of these people?

A Some of them were old men, old women, young ladies and children.

Q Where did they take the 152 men, women and children?

A In the same place but under the bamboo trees.

CAPTAIN PACE: Will you repeat her answer?

(Interpreter Celis about to translate to the witness.)

CAPTAIN PACE: No, yours. I didn't understand you.

INTERPRETER CELIS: "Under the bamboo trees," sir.

Q (By Captain Pace) What did they do to you after you got to the bamboo trees?

A They started killing and bayoneting some of us and by hitting others on their heads.

Q What did they hit you on the head with?

A Only the sabers and the bayonets were the ones they used.

Q You mean they hit some of the people on the necks with sabers?

A Yes, sir.

Q What happened to you?

A I also suffered from their bayonet thrusts by the left side of my body.

Q How many bayonet wounds did you receive altogether?

A There were seven wounds, sir.

Q Were your husband and your son killed there?

A Yes, sir.

Q Out of 152 people that you state were taken there, how many of them survived?

A Only three, sir.

Q Were all but three of the 152 persons killed by the Japanese soldiers?

A Yes, sir.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

JOSE EVANGELISTA

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Narciso E. Albano, was examined and testified as follows, through Interpreter Albano and "check" Interpreter Angelo R. Celis:

DIRECT EXAMINATION

- Q (By Captain Pace) Give your name, please.
- A Jose Evangelista.
- Q Where do you live?
- A I live in the poblacion of San Fernando.
- Q What province?
- A La Union.
- Q Now, on January 6, 1945, where did you go?
- A I went to the barrio of Dalayap.
- Q Is that also in La Union Province?
- A It is a barrio in the Province of La Union.
- Q What did you see when you went to that barrio?
- A I saw some dead bodies of about 600 persons.
- Q Can you tell what happened to those 600 persons?
- A Some of them have been beheaded, including my uncle, and those children have been bayoneted.
- Q Did you notice anything else about the bodies?
- A They were tied in the back; their hands were tied in the back.
- Q What about the houses in the town when you went there?
- A The houses were burned, sir.
- Q Did these 600 bodies, or can you tell us whether they were men, women, and children?
- A They were old men, old women, and children.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Were these bodies all in one place?

A Yes, sir.

Q Was there considerable guerrilla activity in the region at that time?

A There was not, sir.

Q Do you know of the Volckmann guerrilla activities at that time?

A They were not there, sir.

Q Do you know of any guerrillas that were there at that time?

A I didn't know of any, sir.

Q What day was this that you went to Dalayap?

A The 26th of January.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

GENERAL REYNOLDS: There will be a recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

MAURICIO JACOLON

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Angelo R. Celis, was examined and testified as follows, through Interpreter Celis and "check" Interpreter Narciso E. Albano:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Mauricio Jacolon.

Q Where do you live?

A I live in the town of San Juan, barrio Casilogan.

Q Did you live in the barrio Casilogan, San Juan, on January 18, 1945?

INTERPRETER CELIS: Will you please read the question?

(Question read.)

A (Through Interpreter Celis) I was there, sir.

Q (By Captain Pace) Did the Japanese come there on that morning?

A They came, sir.

Q What did they do?

A They killed many persons, sir.

Q Did you help bury those persons that they killed?

A Yes, sir.

Q How many dead bodies did you count?

A Fifty, sir.

Q Were they men, women, and children?

A Yes, sir.

Q How had they been killed?

A They were killed by the Japanese, sir, by bayonet.

CAPTAIN PACE: Will you please read the answer?

(Answer read.)

Q (By Captain Pace) Did the Japanese do anything to the houses in your barrio?

A They burned the houses.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Do you know of any guerrilla activities in the vicinity of San Juan during January of 1945?

A There was none, sir.

CAPTAIN REEL: That is all.

(Witness excused.)

CAPTAIN PACE: If it please the Commission, that completes the testimony on Paragraph 90 of the Supplemental Bill.

At this time I would like to offer the evidence in Bill of Particulars Paragraph No. 40, the murder of Candido Jabson, and the attempted murder of his wife and sister.

(Statement of Mrs. Candido Jabson was marked Prosecution Exhibit No. 322 for identification.)

CAPTAIN PACE: At this time I offer in evidence Prosecution's Exhibit 322 for identification, the statement of Mrs. Candido Jabson, taken by investigators of the War Crimes Office.

GENERAL REYNOLDS: The Commission desires that you read the most significant parts of this document.

CAPTAIN PACE: Yes, sir.

"Q Please state your name, age and address.

"A Raymunda Lati Jabson, 27 years old, Calle M. H. del Pilar, Pulo, Pasig, Rizal.

"Q What is your occupation and nationality?

"A Housekeeper, Filipino.

"Q Where did you live on February 20, this year?

"A At Iloguin District, Pasig, Rizal.

"Q Did the Japs come to your house on that day?

"A Yes, sir, on 20 February 1945, in the morning.

"Q How many Japs came?

"A Thirteen.

"Q Were any officers with them?

"A Yes, sir; one. I knew that he was an officer because he had a sword.

"Q What branch of the service did they represent?

"A They were land soldiers, not marines.

"Q Did the Japs take hold of you?

"A Yes, sir. They held me by the hand, and my husband interposed, saying that I was his wife and that we had a child.

"Q How many of them held you?

"A Only one, sir.

"Q Was the officer present?

"A Yes, sir. In fact, he was the one who held me.

"Q And then what happened?

"A The Japs tried to force the women, but the women cried, and so the Japs left them without accomplishing their purpose.

"Q Did anything happen later that day?

"A Yes, sir. As night approached, the Japs tied my husband and me.

"Q How did they tie you?

"A Our hands were tied behind our backs.

"Q Then what did they do to you?

"A They separated us, and the Japs stabbed me

with a bayonet. My husband was also stabbed with a bayonet, although I did not see the stabbing.

"Q How many Japs stabbed you?

"A Only one, sir.

"Q Was the Japanese officer present?

"A Yes, sir.

"Q How many times were you bayoneted?

"A Three times.

"Q Did they say anything at that time?

"A No, sir. I was nervous."

GENERAL REYNOLDS: There are other significant pages on page three.

CAPTAIN PACE: Shall I start at the top, sir?

GENERAL REYNOLDS: Very well.

CAPTAIN PACE (reading): "Did you see the others bayoneted?

"I did not see, but that is what they say. My mother-in-law can tell you about it.

"Did any of the Japs fire their guns at any of the civilians?

"No, sir.

"When you were stabbed with a bayonet, what happened?

"They thought I was dead, and they covered me with grass. Then they left.

"Had the other people been taken away at that time?

"Yes, sir, but we were separated; that is why I can't give details about it. But my sister-

in-law, Delfina Jabson, was taken away. She was stabbed seven times. My husband was found dead after being stabbed, and my mother-in-law was left in the house.

"Have you ever seen your husband dead or alive from that day?

"No, sir, I have not seen him.

"Was your sister-in-law present when you were bayoneted?

"I was very far from her. I learned only about it later.

"What happened after they covered you with grass?

"My brother-in-law, Francisco Jabson, looked for me and found me. He then brought me to the evacuation hut of a doctor whose name I don't know.

"How long was this after you were covered with grass?

"Maybe about an hour.

"Were you conscious all that time?

"Yes, sir, but I could not move because I was wounded.

"Were you bleeding?

"Yes, sir, in my breast. I did not move because I might lose blood, which would make matters worse."

Is that sufficient, sir?

GENERAL REYNOLDS: Read the statement about the

brother-in-law being a guerrilla: "What is your brother-in-law's name?"

CAPTAIN PACE: Yes, sir (reading):

"What is your brother-in-law's name?"

"Francisco Jabson.

"Where does he live?"

"In Bambang, with my mother-in-law.

"Do you expect him to come home soon?"

"I am not sure. I don't know where he can be found at present, because he was a guerrilla."

GENERAL REYNOLDS: Are there any other statements to which the Defense wishes to invite our attention?

(No response.)

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 322 for identification was received in evidence and so marked.)

(Statement of Delfina Jabson was marked Prosecution Exhibit No. 324 for identification.)

CAPTAIN PACE: At this time I offer Prosecution's Exhibit 323 in evidence, the picture of the woman whose statement was just read.

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

(Photograph of Mrs. Candido Jabson was marked Prosecution Exhibit No. 323 in evidence.)

CAPTAIN PACE: That picture, by the way, is identified by the first question and answer on page 6 of the statement which was just received in evidence.

At this time I offer in evidence Prosecution's Exhibit No. 324 for identification, the statement of Delfina Jabson, the sister of the woman whose statement was just received.

GENERAL REYNOLDS: You may read significant parts of the statement.

CAPTAIN PACE: The only parts, sir, that are not cumulative, is the statement concerning when she was stabbed, starting at the bottom of page 8:

"What did they do?

"They brought us, Raymunda, Candido and I, downstairs.

"What did they do afterwards?

"They brought us to the fields.

"What did they do when you reached the fields?

"They separated us. Then the Japs bayoneted me and covered me with grass.

"Did you see what the Japs did to your brother Candido and your sister-in-law Raymunda?

"No, sir.

"How many times did they stab you?

"Seven times.

"Who found you?

"My brother, Francisco Jabson.

"Were you taken to a doctor?

"I was brought to a hut and the next day I was brought to a doctor.

"What position were you in when you were

bayoneted?

"I was lying down."

"Was any one holding you on the ground?"

"A Jap pushed me to the ground and stabbed me."

"Was the Jap officer there?"

"No, sir."

GENERAL REYNOLDS: Are there any other statements to which the Defense wishes to invite our attention?

(No response.)

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 324 for identification was received in evidence and so marked.)

(Statement of Francisco Jabson was marked Prosecution Exhibit No. 325 for identification.)

CAPTAIN PACE: At this time I offer as Prosecution's Exhibit No. 325 for identification in evidence, the statement of Francisco Jabson.

GENERAL REYNOLDS: You may read significant parts of the affidavit.

CAPTAIN PACE: Sir, I believe the Commission has all the evidence before it now. This statement simply corroborates what the other witnesses have said, and it tells of the finding of the body of Candido Jabson and the two girls wounded in the field.

GENERAL REYNOLDS: Does the Defense wish to invite the attention of the Commission to any particular statement?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 325 for identification was received in evidence and so marked.)

CAPTAIN PACE: That completes the Prosecution's evidence on Paragraph 40 of the Bill of Particulars, sir.

CAPTAIN CALYER: If the Commission please, the next item to be presented is concerned with murders in Polo and Obando, Bulacan Province, covered in Bill of Particulars Nos. 72 and 82.

Mrs. Manuel.

FELICIDAD MANUEL

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Felicidad Manuel.

Q What is your residence?

A No. 10 Kangkong, Manila.

Q Will you speak a little louder, please, and toward the Commission?

A No. 10 Kangkong, Manila.

Q What is your occupation?

A City Councilor, Manila.

Q Where were you living on September 10, 1944?

A Polo.

Q Did you see some Japanese coming on that day?

A Yes, sir.

Q About how many?

A Maybe 20 riding trucks.

Q How were they dressed?

A In khaki uniform.

Q Were there any marks on the uniform?

A "Stars" and --

Q Where?

A Sometimes here (indicating above right breast) and there (indicating head).

Q And on the cap?

A Yes, sir.

Q Now will you tell the Commission what you saw and heard on that day?

A I saw them getting out from the trucks and gather themselves in all these cross-sections of the streets surrounding all the barrios, and the whole municipality was surrounded. Then at 3:00 o'clock they were picking already the men from Polo. There was a man near my house, about three houses from me. I heard the moaning. It was Captain Aurelio Ramos.

Q This was at 3:00 o'clock in the morning?

A Yes, sir.

Q What happened at 6:00 o'clock in the morning?

A At 6:00 o'clock they began machine-gun the whole barrio, different barrios.

Q Did they round up the men in your barrio?

A Yes, sir. They round up all the men including my two sons-in-law.

Q About how many were gathered altogether?

A More than 500 men were gathered in the church of Polo, in the municipal building.

Q What weapons, if any, did the Japanese have with them?

A Machine guns; guns; I saw them with two tanks -- two tanks.

Q Did they have anything else with them?

A Many dogs; bloodhound dogs.

Q What happened?

A Well, after all men were rounded the city mayor and the chief of police were walking and shouting to the people and said that "Those who are hiding must go to the municipal building, because if you are found in your house you will be killed on the spot". So that those that are already hiding went and found the municipal mayor and the police.

Q Did you go to the municipal building that day?

A Yes, sir. We were bringing food. About a hundred women go with me, try to bring food in the municipality, but we could not go near the municipality.

Q Why?

A Because they were already weeping. I heard already the moaning, the weeping and the shouting of the Japanese. I heard "Oh God!" "Mother!" like that, and I know very well from the sound of the voice that something terrible was going on in the municipality.

Q What did you do with the food?

A About 10:00 o'clock we came back home to bring other hot food at noon.

Q Were you allowed to take that food to the men?

A No, sir.

Q What else did you see at the municipal building?

A I saw men coming out bleeding, with swollen faces, and the "magic eye" doing like this and doing like that (nodding).

Q What do you mean by "magic eye"?

A A man wrapped around the body with nothing but eyes.

Q What happened to those men whom the "magic eye" selected?

A They go to the church.

Q What did you see or hear there?

A The same thing, sir: the same MUCKING, shouting and clubbing of people by the Japanese.

Q How long did the men stay at the church?

A From 6:00 o'clock to about 8:00 o'clock at night; about 7:00 to 8:00.

Q You mean from 6:00 o'clock in the morning until 7:00 or 8:00 at night?

A Yes, sir.

Q And what happened in the evening?

A In the evening a handful of those were selected to be sent out and all the rest were tied up, brought in the truck. Some were brought to the cemetery and some we do not know where.

Q Did you hear anything after that in the direction of the cemetery?

A About 8:00 or 9:00 we heard shots in the cemetery -- continuous shots in the cemetery.

Q Did you see any of the men who were taken to the cemetery after they had left?

A Not until the next day, sir.

Q Then what did you see?

A I went to look for my two sons, the ones that were in the cemetery, but unfortunately I saw about a hundred of them piled. I could not count them because they were

all packed in one big graveyard there.

Q Did you see one man who escaped?

A Yes. Somebody told me that one of my sons-in-law was the one that was machine-gunned in the cemetery. He escaped when it was very dark and he crawl over.

Q Did that person tell you what happened?

A Yes, sir. The boys were allowed to dig and when it was very big and deep, then they were machine-gunned and they fell dead.

Q About how many bodies did you see at the cemetery?

A Well, I could not exactly count, but it is about a hundred according to the piles that we have seen.

Q Do you know how many who were in Polo on that day are now missing?

A About five or six hundred men.

CAPTAIN CALYER: You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Let us go back to the beginning for a minute. I think you said that twenty truckloads of Japanese came to town on the 10th of December, 1944. Is that right?

A Yes, sir.

Q And something happened at 3:00 o'clock in the morning. What was that?

A They were picking the men.

Q Yes. But something else happened, didn't it?

A Yes, sir.

Q What was that?

A They were trying to round up all the places and put

themselves in the strategic points, shouting.

Q Who was Captain Aurelio Ramos?

A That was an ex-USAFFE man, surrendered already.

Q Yes. And what was his connection with this?

A I don't know. He was just taken.

Q On your direct examination you started to tell us something about him. Was he a guerrilla?

A I don't know if he was a guerrilla, but I know that he was an ex-USAFFE member from Bataan.

Q Was he taken by the Japanese?

A Yes, sir.

Q Did he tell the Japanese about other people in the town?

A I don't know, sir.

Q Was he the first one taken?

A Yes, sir.

Q First they took him before they took anybody else; is that right?

A No. I did not say, sir.

Q Why did you mention him in particular before you were cut off on your direct examination?

A Because he was the first victim that was taken from Polo.

Q How do you know he was the first?

A Because of the fact that until now, sir, no sign of him.

Q And that's the only reason why you know he was the first one?

A Yes, sir. Because the next -- I met the family

the next day. They were crying. They said that he was clubbed and beaten by the Japanese.

Q You told us that at 3:00 o'clock in the morning they first took this Captain Aurelio Ramos and that he was the first one. Now, I want to know how you know that he was the first one that was taken at 3:00 o'clock in the morning.

A As far as I know, sir. That is only as far as I know.

Q I know it is as far as you know, but how do you know? Did you see it?

A I heard it because he was only three houses from my house.

Q And nobody else was taken for three hours, until 6:00 o'clock in the morning; is that right?

THE WITNESS: I beg your pardon?

CAPTAIN REEL: Will you read the question?

(Question read.)

A I cannot tell anything, sir, except what I know.

Q (By Captain Reel) Well, isn't that what you know?

A I could easily tell you, sir, because I heard it. I don't want to say anything that I haven't seen.

Q Is it true or is it not true that aside from this Captain nobody was taken from that town until 6:00 o'clock in the morning?

A Many more were told that they were taken, but I do not want to give hearsay, sir.

Q You don't want to change any testimony that you gave for Captain Calyer?

CAPTAIN CALYER: I object to that characterization,

if the Commission please.

CAPTAIN REEL: I am not "characterizing" it, sir. I am merely asking the question.

GENERAL REYNOLDS: The Defense is entirely out of order and will phrase the question in a dignified manner and refrain from implied charges.

CAPTAIN REEL: I won't press the question, sir, if you overrule it; but I wish to explain that there was nothing to be implied. I merely wanted to know in light of the witness' present answers as to whether she did desire to make a change. I will not press that line of questioning.

Q (By Captain Reel) Now, there were many guerrillas in Polo, were there not?

A Yes, sir.

Q And they had been very active prior to this time, had they not?

A That's what I have heard, sir.

Q This "magic eye" that you tell about, was he a Filipino?

A Nobody could tell because of the eyes, but I know it is a Filipino.

Q You heard him talk?

A I did not hear him because we are -- the distance is from here to there (indicating width of courtroom), only he does not talk, only in that nodding and like that.

Q And you saw 100 bodies; is that right?

A Yes, sir.

Q Some of the people have moved away or evacuated

from Polo, have they not?

A Yes, sir. Some of them are evacuees; some are residents of Polo.

CAPTAIN REEL: No further questions.

REDIRECT EXAMINATION

Q (By Captain Calyer) Mrs. Manuel, did you hear that there were other people taken about 3:00 o'clock in the morning?

A I have heard only, but I have not seen.

CAPTAIN CALYER: That's all.

CAPTAIN REEL: Well, I have another question in light of that testimony.

RE CROSS EXAMINATION

Q (By Captain Reel) Although you heard other people taken at 3:00 o'clock in the morning, before you heard anything else you heard about this Captain being taken; is that right?

A Yes, sir.

Q Now, how much time elapsed after the Captain was taken before you heard about anyone else being taken?

A The next day, sir.

CAPTAIN REEL: Thank you.

REDIRECT EXAMINATION

Q (By Captain Calyer) Mrs. Manuel, you don't mean that no one else was taken until the next day, do you?

A No. I mean that I have heard it the next day.

CAPTAIN REEL: Well, --

GENERAL REYNOLDS: The Commission will interrupt to say that cross examination of this witness is terminated.

CAPTAIN CALYER: Thank you, Mrs. Manuel. That's all.

(Witness excused.)

GENARO JACINTO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Gojunco acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Genaro Jacinto.

Q Where do you reside?

A Obando.

Q Are you the Mayor of Obando?

A Yes.

Q Did you see some Japanese come to the Barrio of Paco, Town of Obando, on the 10th of December, 1944?

A Yes, there were some Japanese.

Q Will you explain to the Commission what happened that day?

A Yes. On the 10th of December, 1944, at 3 o'clock in the morning the Japanese came to the Barrio of Paco, riding in trucks and some of them in tanks. As soon as they arrived there they looked for me and they asked the people for me. They did not have to wait long before they arrested me. When they arrested me they hog-tied me right away. I was brought to the schoolhouse in Paco.

Q Do you know what branch of the service these Japanese belonged to?

A I think they were both from the navy and the army.

Q What was that?

A I think they were both from the navy and the army.

INTERPRETER RODAS: According to the witness, they were mixed, some from the army and some from the navy.

CAPTAIN CALYER: Wasn't there something else he said?

INTERPRETER RODAS: And they also were accompanied by some Filipinos who pointed to the people, whose eyes were blindfolded.

Q (By Captain Calyer) Were there some who were military police?

A Yes, I think they were military police because they brought me to the Airport Studio.

Q What happened to you at the time they took you to the school?

A In the schoolhouse I was mistreated very much. I was beaten very much. My whole body was beaten by rod, an iron rod as big as my thumb and they made a good job of beating my legs and my knees.

Q What else did they do to you?

A They were not content with that but they tied me and hanged me. They asked me to stand on a chair and hanged me to the ceiling. When they hanged me they removed the chair and then took hold of my feet and they struck and with their force they struck me against the wall.

Q Did they do anything else?

A That is all they did and after that they asked me since when I became a guerrilla. And even if I were not a guerrilla because of my -- because of the pain -- I had to admit I was a Major in the Guerrillas of Obando, Bulacan Province.

Q Was that true?

A No, it is not true.

Q Did you see any other people mistreated?

A There were many who were mistreated inside the schoolhouse.

Q What was done to those other people?

A They also did always exactly what they did to me; they were beaten.

Q Anything else?

A They were beaten, some were hanged and then others were asked to lay flat on benches and were given the water cure.

Q How long did you stay at the school?

A From about 3 o'clock when I was brought to the schoolhouse until about 8 o'clock at night.

Q Did you have any food during that time?

A We went there without having taken any food and until 8 o'clock we were not given any food.

Q What else happened at the school?

A After I had admitted that I was the Major of the guerrillas in Obando I was removed from being hanged and they told me I was going to be shot. When I knew that they were going to shoot me, I, on my bended knees pleaded with them to spare my life because I had many children.

Q What did they do?

A They decided not to shoot me.

Q Did you see the men lined up and made to pass before someone?

A Yes.

Q Will you tell about that?

A I think he is the spy who points to people who are suspected of being guerrillas.

Q Were there some men pointed out?

A Many; he pointed to many.

Q Do you know whether those men were guerrillas?

A No, sir, I do not know.

Q What happened to those men?

A I think they were killed because I did not see any one of them anymore after that.

Q What did you see done to them while you were still there?

A They were mistreated and they were beaten.

Q Were they taken away from Paco?

A They were loaded into a truck about midnight.

Q Where were you taken?

A I was taken to the Airport Studio.

Q Is that in Manila?

A Yes, in Manila, Azcarraga Street.

Q Was that the MP headquarters?

A Yes, that is what I know of.

Q How long were you kept there?

A Nine days.

Q After you returned did you make an official investigation in the town?

A Yes.

Q And as a result of that investigation, how many men did you find had been killed?

A According to my official investigations, about 200 men were killed.

Q Now, in February of 1945, did the Japanese come again?

A Yes, sir.

Q And did they visit several barrios in the town during the month of February?

A Yes, February 25th they went to the barrio near the river in the Town of Paco, but they did not go to the town itself.

Q Do you know what happened on that day?

A Those Japanese who escaped from Intramuros found themselves or ran to that part of Obando, and that is where they caught my family.

Q What happened to your family?

A They were killed by the Japanese.

Q What members of your family were killed?

A My wife Pacita Payawal; my niece, Encarnita Payawal; my daughter, nine-years-old, Luz P. Jacinto; my daughter, three-years-old, Rosario P. Jacinto, and my maid servant. The only one who escaped in the family of mine is Tiburcia Reyes, who is now here with me, and who has a big cut across his back.

Q Do you know anything about what happened at the other barrios?

A Yes, in the Town of Panghulo.

Q What happened there?

CAPTAIN REEL: We will object to the question unless the basis of the witness' information is laid. It is purely rumor and hearsay and we object to it.

GENERAL REYNOLDS: The Prosecution may develop the

approach more fully.

Q (By Captain Calyer) When was this incident in Panghulo that you speak about?

A On February 7th, 1945.

Q How do you know about what happened there?

A From the reports of people who were able to escape from there.

Q Was that an official report made to you as the Mayor of the town?

A Yes.

Q Will you tell what happened?

CAPTAIN REEL: Sir, we object; this is taken from reports of other people and making them official reports just because he was Mayor and that does not make them official.

GENERAL REYNOLDS: The objection is not sustained. Proceed.

Q (By Captain Calyer) Will you tell what happened?

A On February 7th, in one part of the Barrio of Panghulo there is a small house that contained many people and the Japanese went to this house and the moment they arrived there they hog-tied the people and they killed them.

According to reports, the women were separated from the men and the women were raped and later on killed.

Q Do you know anyone who escaped in that barrio?

A Yes.

Q Who?

A Juan Etuijera and he was with me.

Q Do you know what happened in any of the other barrios?

GENERAL REYNOLDS: The Commission interrupts to say that further questioning of this witness along that line would be redundant and prefers discontinuing it.

CAPTAIN CALYER: All right, sir, we are finished with the witness.

CROSS-EXAMINATION

Q (By Captain Reel) Between what dates were you Mayor?

A 1938 until the present time.

Q Were you Mayor all during the Japanese occupation?

A Yes.

Q When Japanese came on the 10th of December didn't you tell them that you were the Mayor?

A I told them, yes.

Q And did you tell them you had been the Mayor all during their occupation?

A Yes.

Q And did they say anything about that?

A They were accusing me to be a guerrilla, head of the guerrillas in Obando.

Q Now, when these military personnel came, I think you said they were navy and army and MP's, the people who accompanied them and pointed out the others, were they Filipinos?

A I think they were Filipinos.

Q Do you know who any of them were?

A They were covered, their faces were covered. I cannot tell.

Q I see. About how many of these men were navy men?

A I did not count them.

Q How many men were there altogether?

A There were many; they go back and forth from one town to another. I cannot count them.

Q Were approximately half of them navy men?

A I cannot tell if they are, if one-half of them belong to the navy or not.

Q Can you give us some idea of how many of them were MP's?

A I cannot tell because they do not stay in one place; they go back and forth.

Q All right.

CAPTAIN REEL: Will you ask the witness if he knows that I am referring to the men who came on 10 December, 1944?

INTERPRETER RODAS: Yes.

A Yes.

Q (By Captain Reel) Now, this official information that you got from other persons relative to occurrences in other barrios, was it part of your official information that the soldiers or sailors, whoever they were that came there, were escapees from Intramuros?

A Yes.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: That is all.

GENERAL REYNOLDS: There will be a recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

CAPTAIN CALYER: Juan Etuijera.

JUAN ETUIJERA

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Rodas, was examined and testified through Interpreter Rodas as follows, with Interpreter Gojunco acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Juan Etuijera.

Q Where do you live?

A Obando, Katangalan.

Q How old are you?

A 60 years.

Q On the 7th of February, 1945, did you see some Japanese at Panghulo?

A Yes, in the place where we were.

Q How many did you see?

A Eight.

Q Do you know what branch of service they were from?

A According to what I know, they are army men.

Q How do you know that?

A Because of the uniform that they wore, khaki shirt and khaki pants.

Q Did you see any marks on the uniform?

A I know there is an officer, because he brings with him a sword.

Q Did you see any stars on the uniform?

A Yes, on the caps.

Q What happened on that day?

A On February 7, at about 4 o'clock in the afternoon, an officer came, and then later was followed by three soldiers.

Q What did they do to you?

A After the three soldiers came, four more followed, bringing with them ropes.

Q What did they do to you?

A Before February 7 we evacuated to that house, and on February 7 these Japanese came and they were looking around in the place, about the place.

Q What did they do to you?

A They asked us why we were there, and we answered that we were hiding in that hut, or cottage.

Q Did they round up the people of the barrio?

A We were not taken; we were driven away from the homes where we live.

Q On the 7th of December, did the Japanese collect the people?

A On what I remember, at Obando, the people were zoned on December 10.

Q We are now talking about February, 1945.

A I know; you said "December."

Q If I did that, that is my mistake. What happened to you on the 7th of February, 1945?

A On February 7, when these Japanese came to our house with ropes, they went up and maybe by the order of their commanding officer, they search our bundles and the places

where we kept our things.

Q Did they take the men, women and children from the town?

A No, we were there in that hut, 40 of us altogether.

Q Was that men, women and children?

A Yes.

Q Now, what did the Japanese do to the people in that hut?

A They tied all of us, all men and the old women were tied together. The children and the young girls were not tied, and they were separated from our group.

Q Now, what happened to the men?

A After men and the old women were tied, one by one were taken downstairs and were killed, and bayoneted. I saw one who was bayoneted and was thrown into the ditch.

Q Did you see more than one killed?

A I did not see, because as soon as they were taken down the doors were closed, but afterwards I found all my companions in that ditch, because I was the last one that was killed -- that was supposed to be killed.

Q Now, what did they do to you?

A I was taken downstairs, my hands were tied at my back, and I was asked -- I was pushed to the fish pond.

Q What happened there?

A He held the gun, and with full strength he hit me right here on my neck.

Q What part of the gun did he hit you with?

A The handle, the point.

Q Will you show the Commission the mark of that blow?

A Yes, sir.

(The witness exhibited the back of his neck to the commission.)

Q Now, what happened to you after that?

A They threw me into the fish pond, face down.

Q Were you struck again?

A I cannot tell whether they hurt me again. All that I felt was they stepped on me to see whether I was dead or alive.

Q Weren't you struck on the shoulder also?

A Yes, I was struck once more on my shoulder with the butt of the gun. And I will show the Commission.

Q Will you show it?

(The witness exhibited his shoulder to the Commission.)

Q While you were lying in the fish pond did you see anyone else?

A Yes.

Q Who?

A My niece, who is single, who happened to have fallen beside me on my right side.

Q What was her condition when you saw her there?

A She called to me. She did not have any -- she was not tied, and then I told her to untie me and that we are going to leave.

Q Had she been wounded?

A Yes, she has a wound in her abdomen.

Q Describe it.

A Yes, she was bayoneted in the abdomen and her intestines came out.

Q Did you and your niece get out of the fish pond and

go to a hut?

A Not in our hut, but into another place. We got away far from that place.

Q And did you have a conversation with your niece at that time?

A Yes. She was able to talk to me, and she was asking for water because she was already dying at that time.

Q Did she say what had happened?

A It is a sad story to tell, but she said that she was raped and then was bayoneted in the abdomen, and then thrown into the fish pond.

Q Did she say anything about other people who were with her?

A She told me that all -- she and all her companions there were raped.

Q How many were there?

A I know of nine, and two of them were married.

Q Do you know how many people were killed in the group that you were in?

A There were 29 killed.

Q Did that include women and children?

A Yes. One of them is a baby 19 days old.

THE WITNESS: 15 days.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you, sir. That is all.

(Witness excused.)

CAPTAIN CALYER: Primitivo Reyes.

PRIMITIVO REYES

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Roda, with Interpreter Gojunco acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Primitivo Reyes, sir.

Q How old are you?

A 14 years old.

Q Do you remember seeing some Japanese last February?

A Yes, I remember.

Q Were you coming down a river in a boat?

A Yes.

Q How many people were with you?

A Around 50.

Q Do you know who some of those people were?

A Yes; I know some of them.

Q Who were they?

A Laurie; Carnita.

Q Were they girls?

A Yes.

Q How old were they?

A I do not know how old they are.

Q Were they big girls or little girls?

A Some of them were small.

GENERAL REYNOLDS: Encourage the witness to speak louder.

CAPTAIN CALYER: All right, sir.

(Translated by Interpreter Rodas to the witness.)

Q (By Captain Calyer) Were there any other people you knew?

A No more.

Q What did the Japanese do to you and the other people in the boat?

A We were passing by and they fired shots at us.

Q What happened to the people?

A Those who were fired at died.

Q And then what happened after that?

A After they fired at us one of the Japanese -- one of the Japanese came near us.

Q And what did he do?

A Those who were still living were bayoneted farther.

Q What did they do to the boat?

A They turned the banco over, upside down.

Q And what happened to you?

A When the Japanese saw me he told me to come out of the water, and then I was slashed here (indicating back of neck) by a bayonet.

Q Was it a bayonet or a sword?

A Sword.

Q Will you show the Commission the scar on your back?  
(Indicating scar on back at base of neck.)

Q How many of the people who were in the boat are still alive?

A Nobody else except myself.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Reel) When in February did this occur?

A 25th of February.

Q And where is this river?

A In Obando, near the canal.

CAPTAIN REEL: In Obando?

INTERPRETER RODAS: In Obando.

CAPTAIN REEL: That's all.

CAPTAIN CALYER: That's all.

(Witness excused.)

CAPTAIN HILL: If it please the Commission, the next incident which we will present under the Bill of Particulars is Item No. 72.

CAPTAIN REEL: If the Commission please, on two different occasions we have been told that Item 72 had been completed.

GENERAL REYNOLDS: Are you sure of the number?

CAPTAIN HILL: Sir, 72 is the paragraph reciting generally the terrorizing, brutalizing, massacring and exterminating non-combatant civilians, men, women and children in the Philippine Islands. Under that several incidents have already been presented. This is just another one of them.

GENERAL REYNOLDS: This coming incident will not relate to another item in the Bill of Particulars, will it?

CAPTAIN HILL: That is true, sir.

GENERAL REYNOLDS: According to my recollection, we have had evidence on this particular item on Nos. 13, 14, and 15. Is that correct?

MAJOR KERR: We have covered 13 and 15, sir.

GENERAL REYNOLDS: Proceed.

GAVINA BANASIHAN

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) State your name.

A Gavina Banasihan.

CAPTAIN REEL: May we have some indication as to when Item 72 will be completed so we may know for the purposes

of our preparation? It leaves us somewhat at a loss.

MAJOR KERR: When our case is completed, then 72 will be completed. Every case in the Philippines also relates to 72; I cannot give any particular time when we will be through with 72.

CAPTAIN REEL: We presume that everything has to do with 72; nevertheless there are 122 other particulars. There must have been some purpose in filing them. They might just have well only filed one.

GENERAL REYNOLDS: The point does not seem important. You may proceed.

Q (By Captain Hill) Will you state your name again?

A Gavina Banasihan.

Q Where do you reside?

A Los Banos, Laguna.

Q How old are you?

A 27.

Q What is your nationality? Are you a Filipina?

A Yes.

Q Where did you reside during February of this year?

A Los Banos.

Q In what barrio of Los Banos?

A San Antonio.

Q In which direction is that from Los Banos?

A North.

Q And that is in the neighborhood of the Agricultural College, is it not?

A Yes.

Q I will ask you if you recall the day of February 25th,

1945, when Japanese soldiers came to your barrio?

A Yes.

Q Will you tell the Commission briefly exactly what happened there on that occasion?

A Yes. That happened about February 25th, Sunday morning about 4:30 and we were awakened and we found that we are already surrounded by about 60 Japanese that were well-armed.

Q Were these members of the Japanese armed forces?

A Yes.

Q Japanese soldiers?

A Yes.

Q Go ahead.

A After that they told us to stand up quickly. We stand up and they tied all of us, each of the small children. After they had tied us they spanked us, all of us.

Q You mean they slapped you?

A Yes.

Q And after that what happened?

A After that they told us to walk and cross the river and after we are across the river the officer shouted and we found that other soldiers got pieces of wood and after that the officer shouted again. He told us to stay around and they separated the boys from us. After we have stayed around the children are separated also and this officer shouted again and they begin to bayonet us. After they bayoneted us, one of the soldiers pulled my hair and turned me around and looking to see whether I am alive. I just laid there and after a few minutes I just opened my eyes

slowly and looked where these Japanese soldiers are, whether they are still there and I found that I am alone, the lone survivor.

Q How many civilians were taken into custody that day in your barrio by the Japanese?

A We are about 37.

Q And were they men, women and children?

A Yes, sir.

Q How many times were you bayoneted?

A Two times.

Q Indicate to the Commission what part of your body.

A Through and through here and here (indicating).

Q Did you see the other members of your group bayoneted, also?

A Yes, sir.

Q Can you tell the Commission how many members or how many persons survived that occasion?

A About five wounded in my family and I am alone who survived; the lone survivor.

Q You are the only survivor in your family?

A Yes.

Q But in the group of 37 there were five?

A Five wounded.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

THE WITNESS: Tandaan mo! Yamashita!

(Witness excused)

FELICISIMA ORILLO

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) State your name to the Commission, please. Will you state your name, please?

A Felicisima Orillo.

Q Where do you reside?

A Los Banos, Laguna.

Q How old are you?

A 25 years old.

Q What is your nationality?

A Filipina.

Q Where did you reside during the first part of March, 1945?

A Los Banos, Laguna.

Q In what barrio of Los Banos did you reside?

A The Barrio of Malinta.

Q Where is that from the Town of Los Banos?

A Between the college and the town.

Q About how far from the town?

A One kilometer.

Q Do you recall any members of the Japanese armed forces coming to your barrio on the 6th day of March, 1945?

A No, sir.

Q Did any Japanese come to your barrio that day?

A March 6th?

Q Yes.

A Yes, sir.

Q Will you tell the Commission just what happened when these Japanese came to your barrio?

A March 6th, Tuesday, about 2 o'clock in the afternoon 15 Japanese came and then -↓

Q Pardon me just a minute. Were they Japanese soldiers or sailors?

A Soldiers.

Q They told us to come down from our houses and then form a line. We were brought to the Barrio of Anos. When we reached there the men were separated from the women and then they were tied two by two and was bayoneted.

So to tell you the rest, the first two who was bayoneted was my brothers.

Q How many people were taken into custody that day? How many civilians were taken into custody by the Japanese in your barrio?

A More or less we are 49.

Q And were you bayoneted?

A I was bayoneted once.

Q Will you indicate to the Commission where on your body you were bayoneted?

A I beg your pardon?

Q Will you indicate by pointing to your body where you were bayoneted?

A In the back.

Q Did you see any of the other civilians bayoneted that day?

A Yes, sir.

Q Do you know how many persons survived that particular

incident?

A Eight persons.

Q Does that include yourself?

A Yes, sir.

Q And then there were 41 civilians killed there at the Barrio of Anos?

A Yes.

Q How many of your relatives were killed there?

A Five. My mother, and my four brothers and that is all.

GENERAL REYNOLDS: What was the age of your brothers?

Find out from the witness the age of her brothers.

Q (By Captain Hill) State to the Commission the age of your brothers that were killed there.

A One is 18 and then the other 20; the younger one is 6 years old.

GENERAL REYNOLDS: There is one other brother that you haven't given the Commission his age. Will you do that, please?

THE WITNESS: 12 years old; I forget.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

(Witness excused)

LORETA MONTECILLO

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) Will you state your name, please, to the Commission?

A My name, sir? Loreta Montecillo.

Q And where do you reside?

A Los Banos, Laguna.

Q How old are you?

A Thirty.

Q Where did you reside during the month of February of this year?

A Barrio Tadalac, Los Banos, Laguna.

Q How far is your barrio from the town of Los Banos?

A One kilometer from Los Banos to that barrio.

Q Which direction from Los Banos?

A Direction?

Q Yes. Is it north, east, south, or west?

A North, sir.

Q North?

A Yes.

Q Do you recall the date of 21 February 1945, when a group of Japanese came to your barrio?

A Yes, sir.

Q How many Japanese came to your barrio on that occasion?

A The 21st of February, six o'clock in the morning, eight Japanese went to our homes, and they pick up the

mens and bring them in another house. They say they will give them a meeting. After that, at one o'clock in the afternoon, they go to our homes again, the Japanese, and tell to the wives of these mens to follow their husband so that they will be given by-pass. Then all the womens and kids follow. After that, one hour we stay in that place, and we are sent home. But we are so crowded; all womens and kids are all together in a house. We stay there from 1:30 until 5:30, with closed window and guarded by three Japanese. After that, around six o'clock, we were transferred in a big house; we are also crowded. One lady who is there three days show her kids to the Japanese and tell to pity her small baby, but the Japanese begin to bayonet us.

Q Did they bayonet you?

A Yes, sir.

Q How many times?

A Three times, sir.

Q Did you see any other civilians bayoneted there?

A Yes, sir, I have seen plenty.

Q How many civilians were rounded up and taken to this house in your barrio by the Japanese that day, if you know?

A Mens -- maybe mens is around 80. Womens, in the place where we are bayonet, we are more than 40, children and womens.

Q And do you know how many persons in your barrio of those two groups that you have told us about survived or are living now?

A Yes, sir. In the mens I don't know, because I have

not seen until now. But in womens, we are three; two womens and one small kids.

Q Were any of your relatives killed there by the Japanese that day?

A Yes, sir. I got three kids and one husband.

Q How old were your children that were killed?

A One is eight years old, one is four, and my small baby four months -- she got five strike.

Q Have you seen or heard of any of the men that were taken away by the Japanese that day, since then?

A No, sir.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

(Witness excused.)

FERNANDO SILVA

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) Will you state your name to the Commission, please?

A Fernando Silva.

Q Speak louder, please.

A Fernando Silva.

Q And where do you live?

A Los Banos, Laguna.

Q What official position, if any, did you hold in the municipality of Los Banos, Laguna?

A Chief of Police.

Q And during April of this year did you hold that same

position?

A Yes, sir.

Q Did you have occasion on or about the 3rd day of April to go to the College Church?

A Yes, sir.

Q Near Los Banos?

A Yes, sir.

Q Will you tell the Commission what you saw there on the College grounds in the ruins of the church?

A On the 3rd of February I went to the College of Agriculture, to the chapel there. When I reached the chapel I see more or less 300 bodies who were burned, and I see only the skeletons and bones of the people who was massacred in that place.

Q Now, how did you estimate 300 bodies?

A Because I see the skull.

Q And tell the Commission where these skulls and charred bones were.

A They were scattered inside the church there, inside the church.

Q Inside the church itself?

A Yes, sir.

Q Now, did you reside down in Los Banos in February of this year?

A Yes, sir.

Q Do you recall on the 28th of February a group of Japanese coming to your home?

A Yes, sir.

Q Tell the Commission about that.

A It was on February 28th, at about 11:30 in the evening. Thirty Japanese come to my house, and then open the door by force --

Q Were there any other people gathered in your house at that time?

A Yes, sir; we are about 50 people in that house, sir.

Q Were they all civilians?

A Yes, sir.

Q Were they men, women, or children?

A Yes, sir.

Q Go ahead.

A Then the Japanese forced the door, and then one of my companions by the name of Sebero Seguerra tried to stand, and then the Japanese just stab him, bayoneted him, and he was killed. Then he bayoneted me three times, but I was not killed, because I jumped to the window, and then after three minutes I went back to the house and tell the Japanese that I was a "ganap", because there was a Kempei Tai who understood how to speak English, at that time. Then after that he told me if the people were "ganaps," all the people living there were "ganaps," and I said they were all "ganaps," and then he told me that nobody will come down, and they leave us and take the body who was killed.

After that they went to the house near my house, and then the Kempei Tai called the men inside, because he knows how to speak English, and he said, "I want all the men outside," and when the men come out -- there was a small child who come out first, and they run near my place, and then two Japanese followed that small child and then

bayoneted him, and I saw him bayoneted three times.

After that they went back -- at the back of my house, and there they again called the men inside the house, and when the women and men are coming out they started bayoneting the men without any question at all.

Q How many civilians were killed there at your house that night?

A In my house one civilian was killed.

Q How many were killed there in your yard?

A In our yard there are about 50 men.

Q About 50 men?

A Yes, sir.

Q Were there any women or children killed there that night?

A Yes, sir; that is including women and children.

Q Go ahead, if there is anything else that you want to tell the Commission about.

A The next morning the Japanese picked all the men in that nearby house, and then told us to bury all the men that was massacred. The first body we buried was the body of David Gardner, the son of an American oficionado. He has also a son who is still alive on that morning. A Japanese captain -- I am not sure if he was a captain, but he was often called a captain -- Captain Konishi -- who assigned us a Japanese to get the bayonet and then stab the boy who was still alive in the morning, that was the survivor of the massacre during the night time.

Q Were you bayoneted, yourself?

A Yes, sir, but I was not killed.

Q How many times were you bayoneted?

A Three times, sir.

Q Indicate to the Commission, by pointing on your body, the places where you were bayoneted.

A The first time I was bayoneted right in that place (indicating), and I jumped in the corner of the house, and then another Japanese bayoneted me, and when I was standing at the window another Japanese bayoneted me right here (indicating), and I jumped to the window.

Q Now, your house was located right in the town of Los Banos, was it not?

A Yes, sir.

CAPTAIN HILL: You may cross examine.

GENERAL REYNOLDS: Show the Commission the wounds.

CAPTAIN HILL: The Commission would like to see your wounds.

THE WITNESS: I was not killed, sir.

Q (By Captain Hill) I thought you said you were bayoneted three times.

A I was bayoneted three times, but I was not hit.

Q You mean you don't have any wounds from it?

A Yes, sir; I was bayoneted, but I was not hit.

GENERAL REYNOLDS: He may have meant that the Japanese attempted to bayonet him and he jumped away, and one member of the Commission understood it that way in direct testimony.

CAPTAIN HILL: I understood he was wounded, and he told me last night that he was, three times.

THE WITNESS: Bayoneted three times, but not hit.

Q (By Captain Hill) They didn't actually jab the bayonet into you?

A Yes, sir.

Q But they attempted to?

A They attempted to bayonet me three times.

Q Did you see any of these other civilians bayoneted there, killed?

A Yes, sir.

Q How many of them did you actually see bayoneted and killed?

A About 15 of them.

Q About 15?

A Yes, sir.

Q And did you see, besides those 15 -- did you see other bodies the next morning that had been bayoneted and that were dead?

A Yes, sir; there were about 50, sir.

Q Altogether?

A All together.

CAPTAIN HILL: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) You told the Japanese that you were a member of the "ganap"?

A Yes, sir; that was after I was bayoneted.

Q Well, was that true? Had you been a member of the ganap?

A No, sir.

Q Were there many ganaps in that area?

A None, sir.

Q None at all? What made you tell the Japanese that you were a member of the ganap?

A Again, sir?

Q What caused you to tell the Japanese that you were a member of the ganap?

A Because during that day, sir, the day before that day, Aurelio Almazan told the people to get an armband for the ganap.

CAPTAIN REEL: Will the reporter give me that name he mentioned?

THE REPORTER: Aurelio Almazan.

Q (By Captain Reel) Who was he?

A He was former Mayor of Los Banos, Laguna.

Q Now, did you know what the ganap was?

A Yes, sir.

Q Were there guerrillas active in that town?

A I beg pardon.

Q Were there guerrillas active in or near Los Banos?

A I don't understand.

(The question was translated to the witness by Interpreter Gojunco.)

THE WITNESS: There was no guerrilla in the town, sir.

Q (By Captain Reel) Were there some nearby?

A From the mountains, I hear there are guerrillas in the mountains.

Q Do you know of any guerrilla attacks that occurred near Los Banos?

A I just hear, sir, but I don't know anything.

Q You did hear of some?

A Yes, sir.

Q You didn't see any dead Japanese soldiers?

A I beg pardon?

Q You didn't see any dead Japanese soldiers?

A No, sir, I didn't see.

Q Did you hear of any?

A No, sir.

Q When you went back there on the 3rd of April you found some bodies in the church, is that right?

A Yes, sir.

Q And was the church damaged?

A It was burned, sir.

Q Were there holes in it?

A What is that?

Q Were there holes in the wall?

A Holes?

Q Yes.

A It was -- the windows are all burned, sir, and it was open during that day.

Q And were there big holes in the walls of that church?

A I beg your pardon?

CAPTAIN REEL: Will you read the question?

(Question read.)

A The window itself, sir, is open.

Q (By Captain Reel) Was the roof damaged?

GENERAL REYNOLDS: Try it through the Interpreter.

CAPTAIN REEL: Will you read my question to the Interpreter?

(The question referred to was read by the reporter

as follows:

"Q And were there big holes in the walls of that church?"

(The question was translated to the witness by Interpreter Rodas.)

A (Through Interpreter Rodas) There were no holes in the walls; only the holes were the windows itself.

Q (By Captain Reel) And was the roof damaged?

(The question was translated to the witness by Interpreter Rodas.)

A (Through Interpreter Rodas) Yes.

Q (By Captain Reel) And is it true that there had been considerable shelling of Los Banos before the 3rd of April?

(The question was translated to the witness by Interpreter Rodas.)

A (Through Interpreter Rodas) Yes, right in the town.

CAPTAIN REEL: That is all.

(Witness excused.)

GENERAL REYNOLDS: How many more witnesses does the Prosecution have?

CAPTAIN HILL: I have one more in this incident, sir, and I have two witnesses each in two other incidents, which will be very brief.

GENERAL REYNOLDS: Are you through with this witness?

CAPTAIN HILL: Yes, sir.

GENERAL REYNOLDS: The Commission will recess briefly, and continue.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

CAPTAIN HILL: Mr. Almasan.

AURILLIO ALMASAN

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

DIRECT EXAMINATION

CAPTAIN HILL: Speak loudly, Mr. Almasan, and in the direction of the Commission, please.

THE WITNESS: Yes, sir.

Q (By Captain Hill) State your name to the Commission.

A Aurillio Almasan is my name.

Q And you reside at Los Banos, Laguna, P.I.?

A Yes, sir.

Q You are a Filipino by nationality. And how old are you?

A I am 47 years old.

Q During the month of February of this year did you hold any official position in the municipality of Los Banos?

A I was mayor of that municipality.

Q Do you recall on 19 February 1945 having a conversation at Los Banos with an officer of the Japanese Army?

A Yes, sir.

Q Will you relate that conversation to the Commission, please?

CAPTAIN REEL: We object, sir.

GENERAL REYNOLDS: Not sustained. Proceed.

CAPTAIN HILL: Go ahead. Relate the conversation,

please.

A I was at the residence of the garrison commander.

Q (By Captain Hill) The Japanese garrison commander?

A The Japanese garrison commander. And there was a Japanese gentleman there who was in civilian clothes.

Q How old a man was he?

A He was pretty near my age: about 40 or 47, something like that. And he told me that the --

Q Did he identify himself to you in any way?

A At that time he did not, but I am going to that.

Q Go ahead.

A He told me that the Filipinos were doublecrossers; that they did not have any stated belief; that they were doublefaced, because when they are in the presence of Japanese they were pro-Japanese, they say, and when they are in the presence of Americans they say they are pro-Americans. "And so you deserve to be killed. All of you Filipinos will be killed anyway. You prepare a list", they told me -- he told me, "of about fifty persons in the municipality of Los Banos that is good Filipino citizens, that is pro-Japanese elements, and all the rest, all those people who are not in the list, will be killed".

Q Did you have any further conversation with him?

A Then two days later I was called to a house -- a Japanese house, too -- a Japanese property -- by the same gentleman, and told me that, in his words as far as I can remember -- he say "I am a member of the general staff".

Q Was this the same man who told you to prepare the list?

A The same man.

Q Go ahead.

A "I am a member of the general staff. I have important duty here. I am going to stay here until victory. You are not to reveal this to anyone".

I say "Yes, sir".

Q Did he tell you on whose general staff he was?

A He did not, sir.

Q Did you learn anything more about his identity?

A I did not, sir.

Q And how long did he stay there in Los Banos that you know of?

A He was off and on until about -- I saw him on February 19th and about two weeks later. I did not see him any more.

CAPTAIN REEL: Sir, the testimony of the conversation is now completed. We at this time move to have it stricken. Hearsay from an unidentified source.

GENERAL REYNOLDS: The objection is not sustained. You may proceed.

Q (By Captain Hill) Did you have any other further conversation with this general staff officer?

A No more, sir.

CAPTAIN HILL: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This man was a civilian?

A He wore civilian clothes, sir.

Q So he was not an officer. Is that right?

A Whether he was or he was not I do not know, but he

told me that he was a member of the general staff.

Q And when the Prosecution asked you just now about conversations with an "officer" of the general staff you don't mean to tell us that, so far as your personal knowledge is concerned, that this man was an officer, do you?

A As far as I am concerned I do not know whether he was an officer. He told me he was an officer.

Q He said he was an officer?

A He was a member of the general staff.

Q Now, which was it? Did he say that "I am a member of the general staff" or that "I am an officer".

A He told me that he was a member of the general staff.

Q Now, when were you mayor of the municipality of Los Banos? Between what dates?

A That was February 12th when I was placed in there by the people themselves, not by the puppet government.

Q February 12th?

A 1945, sir.

Q And where are you living now?

A In Los Banos, sir.

Q Are you out on bail?

A I am not the mayor any more.

Q What is that?

A I am not the mayor any longer.

CAPTAIN REEL: Will the reporter read that answer, please? I did not get it.

(Answer read)

Q (By Captain Reel) My question was, Are you now out on bail?

A No, sir.

Q After you were told this statement, that everybody except the fifty persons that you would list were going to be killed, what did you do?

A Well, certainly I did not know first -- At first I did not know what to do. And then the second day I told them -- I went to the commander of the garrison and told him that I could not give the list because everybody was a cooperator in that place --

Q Yes.

A -- in an effort to save the people of Los Banos.

Q Yes. Did you do anything else?

A Yes, sir.

Q What else did you do?

A We told them that we were going to -- I gathered all the leaders of the town and told them that we were ready to cooperate with them.

Q Told whom?

A The garrison commander, sir.

Q Told the garrison commander that you and the leaders of the town were ready to cooperate?

A Yes, sir.

Q What else did you do?

A Well, you mean -- you mean day after day, sir?

Q Well, I will rephrase the question. Outside of talking to the garrison commander twice, once telling him that you couldn't prepare a list and once telling him that you had the leaders of the town all ready to cooperate, did you have any other conversation with the garrison commander?

A With the garrison commander no more.

Q Did you tell any of the people of the town about this?

A Yes, sir.

Q Did you tell them that they were all going to be killed?

A I did not, sir.

Q Did you warn anybody to get out of town?

A I warn -- I told the -- I wrote a letter already -- On that day, the 19th of February, I wrote a letter to some guerrilla unit in Pila asking them to help me, because I thought we would be killed.

Q You wrote a letter to whom?

A To a guerrilla unit under the command of General Avancena.

Q And where was that unit?

A In Pila, sir.

Q Was it a very large unit?

A I don't know, sir.

Q What did you do about it?

A Well, I knew him to be a guerrilla all the time. That is why I asked help from him.

Q Did you send anybody out of town?

A Yes, sir.

Q Whom did you send out of town?

A One --

CAPTAIN HILL: I object to that as not proper cross examination. I think he has been permitted to go at great length in the examination of this witness.

GENERAL REYNOLDS: Not sustained. You may proceed.

CAPTAIN REEL: Thank you, sir.

Will the reporter please read the last question?

(Question read)

THE WITNESS: Shall I answer?

CAPTAIN HILL: Yes.

A (continuing) A man by the name of -- He was called "Rencio" in my place. Florencio de Borja.

Q (By Captain Reel) "Barnjo"?

A "Borja".

Q "Bordjo"?

A "Borja".

CAPTAIN REEL: Do you know what that is, Mr. Reporter?

REPORTER CONKLIN: B-o-r-j-a.

THE WITNESS: B-o-r-j-a.

Q (By Captain Reel) Yes. Anybody else?

A And Melencio Lapus.

Q Anybody else?

A I don't know his real name, but Melencio. We call him "Malen". Melencio Lantiga.

Q Anybody else?

A Those are about all, those two.

Q And you didn't give any list at all to the Japanese garrison?

A I beg your pardon?

Q You didn't give any list at all to the Japanese garrison?

A No, sir.

Q Did you tell them that you were cooperating?

A Yes, sir.

Q Do you speak Japanese?

A I don't, sir.

Q Did this man speak in English?

A He spoke in English well, sir.

Q With no interpreter there?

A No interpreter that time.

Q Was anybody there besides this civilian who said he was a member of the general staff and yourself at the time of that conversation?

A The garrison commander, sir, and some petty officers -- Japanese petty officers.

Q Anybody else?

A No more, sir.

Q He didn't tell you with what general staff he was connected?

A He did not, sir.

Q Now, you were mayor of the entire municipality of Los Banos?

A Yes, sir.

Q What is the population of the entire municipality of Los Banos?

A About normally, in normal times we were about from twelve to thirteen thousand, but at that time I think it dwindled to about ten thousand.

Q So there were about ten thousand people in Los Banos at that time?

A Yes, sir; about ten thousand.

Q And you were told to prepare a list of fifty?

A Yes, sir.

GENERAL REYNOLDS: The Commission interrupts to say that the cross examination does not appear to be productive and to inquire of counsel the purpose of continuing.

CAPTAIN REEL: Well, sir, the cross examination goes to the credibility of the witness. The purpose of the cross examination is to aid the Commission to enable it to decide the credibility of this witness. The witness has testified that he was told to make a list of fifty persons. That leaves 9,950 who were going to be wiped out. And he has testified that he told two, Florencio de Borja and Melencio Lantiga, to leave town.

GENERAL REYNOLDS: The Commission understands it and permits you to continue. It is pointed out that he has mentioned at least four times that he was ordered to make a list of fifty people. The Commission is willing to accept that without further questions along the same line, but you may continue.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Reel) Do we understand that you don't know the name of this civilian who talked to you?

A I don't, sir.

Q Had you ever seen him before?

A Before that time? No, sir.

CAPTAIN REEL: That's all.

CAPTAIN HILL: That's all.

(Witness excused)

EULOGIO GUZMAN

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

CAPTAIN HILL: Sir, this is a new incident, covered by item 111 of the Supplemental Bill of Particulars.

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please?

A Eulogio Guzman.

Q Where do you reside, Mr. Guzman?

A Bayombong, Nueva, Vizcaya.

Q How old are you?

A I am 29 years of age.

Q What is your nationality?

A Filipino.

Q During the month of December, 1944, where did you reside?

A Bayombong, Vizcaya.

Q During the month of December, '44, were you a prisoner of the Japanese army at Bayombong Garrison?

A Yes, sir.

Q Do you recall being sent on a detail during that month by the Japanese to dig some graves?

A Yes.

Q Will you relate to the Commission what occurred at that time?

A On that part of December, 1944, I was detailed to dig holes for those prisoners to be executed.

Q How many besides yourself were detailed to dig these holes or graves?

A We were around six.

Q And did you dig these holes or graves?

A Yes, sir.

Q Where did you dig them?

A Just back of the municipal government of Bayombong.

Q And after you had completed this detail, then what, if anything, took place?

A Yes, sir. Before the victims are to be executed one of those in charge of the Japanese soldiers said a few words to the Filipinos to be executed. He say they were Filipinos and they are no good, "You Batay"; you "Campi, Americano. No good." Then one of the soldiers thrust his bayonet through the victim and pushed him to his grave.

Q Where did they take him to execute him?

A I beg your pardon?

Q Where did the Japanese take these victims to be executed?

A From the garrison.

Q Did they take them to these graves that your detail had dug?

A I beg your pardon?

Q Did they take these prisoners to the graves where you had dug these holes?

A No, sir.

Q When they killed them where were they killed?

A Just back of the government.

Q Where you had dug these holes?

A Yes, sir.

Q And tell the Commission just how they proceeded to

kill each one of these victims?

A Before the killing took place they were questioned. Then after the questions they are tortured.

Q Did you see them tortured?

A I have seen others so tortured.

Q You did not see these tortured?

A No, sir.

Q Tell what they did to these men that they killed.

A They undressed the fellow and then tied him around his body to a table and got a whip and whipped him.

Q You are testifying about the torture. I want you to tell how they killed these people there behind the municipal building.

A Yes. They had to line up. Then they had to go one by one to face their graves, but before the killing took place the one in charge had to say a few words to them, to the men executed. He said, "You Patay; no good Filipino; you Campi, Americano." He said, "No good."

Q After that did they kill him?

A Yes.

Q How did they kill him?

A They thrust a bayonet.

Q Did you see them killed?

A I was only about three meters away.

Q How many did you see killed there that day?

A During that execution I have witnessed 30 of them.

Q Were they all killed the same day?

A Yes, sir.

Q And did you know any of the people that were killed?

A Yes, sir.

Q How many of them did you know?

A I know only one.

Q What was his name?

A Leoncio de Leon.

Q Was he from Bayombong?

A No, sir.

Q Where was he from?

A I think he is from Isabela.

Q All of those that were killed had they been in the garrison as prisoners like yourself?

A Yes, sir.

Q Now, during the time that you were in that garrison as a prisoner did you see anyone tortured?

A Yes, sir.

Q Well, I want you to tell the Commission briefly just how you saw the Japanese torture prisoners there at the garrison.

A You know, sir, at the same time I was detailed as a cook, and the boiling water for boiling purposes is used for the officers. In that building there is a room for torture. Of course I can peep. There is a small hole where you can peep and see the victim being tortured. I have seen one being tortured, all dressed out, a rope tied around his body, and they poured a can of water; first of all they placed a wet blanket on his face, cover his mouth and nose, and they pour a can of water on his face until he say, "Yes," to answer the questions.

If he says, "No," they pour again another can of water.

Q You mean they poured it in his mouth?

A Yes, sir.

Q Go ahead.

A Because the victim could not endure the torture he died. I have seen him drug out of the torture room.

Q Did you see them do anything else to them besides pour water down their mouths?

A By using clubs, beating any part of the body whether it is face or any part.

Q Did you see them kill any persons that way by torturing them?

A That fellow only; one person while I was there.

Q Only one person while you were there?

A Yes, sir.

Q Did you know his name?

A Yes, sir.

Q What was his name?

A Vivencio de Leon, the brother of the other one.

Q Among the 30 that you have testified you saw killed at one time, were they all men?

A Yes, sir.

Q And was this garrison a Japanese army garrison?

A Yes, sir.

Q And were the Japanese that killed these 30 in the Japanese army?

A Yes, sir.

Q Were there any officers around that garrison?

A Yes, sir.

Q How many officers did you see or know around there?

A I know only one of them.

Q What was his name?

A Captain Nosino.

Q Did he have charge of these killings there?

A He was the one responsible for the killings.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: May we inquire as to what specification this witness is testifying under?

CAPTAIN HILL: Specification 111.

CAPTAIN REEL: There seems to be some discrepancy. The testimony had to do with the date of December, 1944. The specifications which have been prepared are for March of 1945.

CAPTAIN HILL: Apparently there is an error in dates, sir. That is the incident referred to, however.

CAPTAIN REEL: The opinion of the defense is that the entire matter is irrelevant as to the charge before the Commission.

CAPTAIN HILL: If there is any argument about that, we would like permission of the Commission to present it under item number 72, the general paragraph.

GENERAL REYNOLDS: The Commission will take this matter under advisement and render an opinion on it tomorrow morning.

CAPTAIN HILL: Yes, sir.

CAPTAIN REEL: I have one question of the witness only, and I might as well ask him now, since he is here.

#### CROSS EXAMINATION

Q (By Captain Reel) Was this an M. P. garrison, a

a military police garrison?

A No, sir.

CAPTAIN REEL: That is all.

(Witness excused.)

ANTONIO VASQUEZ

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified through Interpreter Celis as follows, with Interpreter Albano acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name?

What is your name?

A Antonio Vasquez.

Q Where do you live?

A Bayombong, Vizcaya.

Q What is your nationality?

A Filipino.

Q How old are you?

A 58 years old.

Q During the month of December of 1944, were you a prisoner in the Japanese garrison at Bayombong?

A Yes, sir.

Q Were you on the detail during December, I believe on the 11th or shortly thereafter, that dug some graves there behind the municipal building?

A I was, sir.

Q Did you see the 30 persons killed there by these graves?

A Yes, sir, because we were the ones who dug up the

hole.

Q Did you know any of the 30 men that were killed there?

A I don't know them. I could not recognize any of them, sir, because it was getting late and dark.

Q Were any of the other members of your family held as prisoners in the Japanese garrison at the same time you were?

A There was, sir.

Q What member of your family?

A Fortunata Vasques, my daughter.

Q How old was your daughter?

A 17.

Q Did you see the Japanese abuse or mistreat your daughter while she was held as a prisoner there in the garrison?

A I saw, sir, they took her by force inside the garrison and then they bring her out.

Q Do you know what they did to your daughter there?

INTERPRETER CELIS: According to the witness he says that he cannot say because women are by nature weak, and then she is taken by night and I don't know what they do to her.

Q (By Captain Hill) How many times did he see the Japanese take his daughter at night out of the garrison?

A Three times, sir.

Q And did they always take her by force?

A Yes, sir, they always take her by force.

Q Did your daughter ever tell you what the Japanese did to her when they took her out?

A She used to tell me when she comes home.

Q What did she tell you?

A She told me that they try to abuse her chastity.

Q Did they abuse her chastity?

A She was really abused, because she told me so, and besides she cannot refuse the Japanese because she was afraid of them.

Q Now, when the Japanese abandoned this garrison at Bayombong, did they take any of the civilians with them?  
Withdraw the question.

When the Japanese left Bayombong, did they force any civilians to go with them?

A They transferred the women prisoners to Caoayan Isabela.

Q Did they take your daughter with them?

A Yes, sir.

Q And did they take any other women besides your daughter?

A There were five others.

Q And do you know what happened to those five women?

A I don't know, sir, because I was also confined to the garrison.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions. That is all.

(Witness excused.)

CAPTAIN HILL: I have one witness, sir, that I wish to present, another matter in Item No. 72.

DANIEL SANTIAGO

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

Q (By Captain Hill) Will you state your name, please?

A My name is Daniel Santiago.

Q Where do you reside?

A I reside in the barrio of Duau, municipality of Bayombong.

Q How old are you?

A I am 32 years old now.

Q What is your nationality?

A Filipino.

Q Were you living in that same barrio in December of 1944?

A No, sir.

Q Where were you living then?

A We live in the barrio of Baretbet; that is what we call Bagabag Ferry.

CAPTAIN REEL: Could we have that identified?

CAPTAIN HILL: B-a-g-a-b-a-g; Bagabag.

CAPTAIN REEL: Where is that?

CAPTAIN HILL: It is up near Bayombong, in that neighborhood.

Q (By Captain Hill) Do you recall on 17 December 1944 being taken by the Japanese to Bagabag Ferry?

A Yes, sir, I remember that date. That was Sunday.

Q You go ahead, now, and briefly tell the Commission

just what transpired at that time.

A It was early in the morning of December 17th, it was Sunday, 1944, when we were advised by the garrison in charge of Bagabag, or Bagabag Ferry, that there will be a meeting held at Bagabag Bridge, and at that time for a few minutes. The garrison in charge advise us that we shall wait for the garrison commander from Bayombong, because he is going to deliver some speech to the people. But afterward when we arrived in the place where we were supposed to held the meeting, here comes the garrison commander with his companion, Jose Rumbawa.

Q Who was he?

A One of the collaborationists.

Q Go ahead and tell what they did.

A And upon arriving at our place, they just point anybody they want to massacre.

Q Now, how many people had gathered there at the ferry, do you remember?

A All mens at the age of 15 and above.

Q All men in the barrio over the age of 15 were gathered there?

A Yes, sir.

Q All right. Go ahead and tell what this officer from Bayombong and the collaborationist did.

A They just selected the men they want to kill, sir.

Q And how many did they select?

A We were 25 in all, but only four of us were left.

Q Go ahead and tell the Commission what they did, if anything, toward the killing of these civilians.

A After tying the 25 men, they brought us to the bank of the river, and that is the place where they made the killing.

Q How did they kill these people?

A They use their bayonet and gun.

Q And how many people were killed there at that time?

A There were 21 people killed.

Q Were all of these 21 persons civilians?

A Yes, sir, all of them were civilians.

Q And were these Japanese in the Army or the Navy?

A They are Army, sir.

Q Were they Military Police, do you know?

A No, sir.

Q They were regular Japanese Army?

A Yes, sir.

Q Do you have a list of those people that were killed in your barrio that day, by the Japanese?

A Yes, sir, I have a list.

Q Do you have it with you?

A It is with my companion.

Q I wish you would read the list of names into the record, of those persons killed. Give the reporter the names of those you can think of, then you can read from the list the balance. Can you tell the reporter those you remember?

CAPTAIN REEL: Well, sir, if the Commission please, we wish the witness would tell those that he can remember. We object to his reading from a list, unless it refreshes his recollection.

CAPTAIN HILL: I will have him identify that list.

Q (By Captain Hill) Tell the Commission what the list is that you hold in your hand and propose to read from.

A This list is the names of those people who were killed. No. 1 is Crispin Dumlao --

Q Wait just a minute. Did you help prepare that list?

A I prepared this list, sir, but --

Q You prepared the list?

A Yes, sir.

Q And you may read from it, with the permission of the Commission, to refresh your recollection, the names of those that were killed.

GENERAL REYNOLDS: We will want more information about it.

THE WITNESS: All of these 21, sir, were killed.

Q (By Captain Hill) When did you prepare that list?

A Before we came here, sir.

Q Just before you came down here to testify, you mean?

A Yes, sir.

Q And you prepared the list yourself?

A Yes, sir, I prepared myself.

Q From your memory of those persons that you knew were killed?

A Yes, sir. I know them very well.

GENERAL REYNOLDS: The list contains names of people who, from your own knowledge, were killed at the time in question, is that correct?

THE WITNESS: I beg your pardon?

GENERAL REYNOLDS: Is this a list prepared from your

own knowledge of events, or a list prepared by later investigation?

THE WITNESS: I prepared this myself, sir.

Q (By Captain Hill) Did you prepare it from your own knowledge?

A Yes, sir.

GENERAL REYNOLDS: Is he using that list only to refresh his memory?

CAPTAIN HILL: That is right, sir.

CAPTAIN REEL: If the list is used to refresh his recollection, we do not object to it, but it will have to be taken away from him, and he can't read from it. I would suggest, sir, if just before this witness came down here his memory was sound enough to make out the list, certainly it is sound enough now to state the names without having access to the list.

GENERAL REYNOLDS: The Commission would, itself, feel happier about it, in view of the circumstances, if you would ask him to name some people from memory, and let us see whether he can do so.

Q (By Captain Hill) Without using the list, will you give the reporter the names of all those that you can remember who were killed there that day by the Japanese?

A Yes, sir.

Q Go ahead.

A No. 1 is Cerilo Rico; second is Crispin Dumlao; Juen Soriano; Esteban Soriano; Catarina Soriano; Amelio Nollada; Pablo Domingo; Toribeo Manuel -- (pause) --

CAPTAIN HILL: I thought, sir, that this list would

possibly save time, with him stopping to think of these names. I think if we give him time he can think of it. He told them to me last night after considerable thought.

Q (By Captain Hill) Can you think of any others?

A I could not quite remember the names, sir.

CAPTAIN HILL: For the purpose of refreshing his recollection, may he use the list now?

GENERAL REYNOLDS: Ask the witness how many more individuals are involved whose names he cannot now recall, and see what he says.

Q (By Captain Hill) In addition to those persons that you have named, how many others were killed there that day, do you know?

A I remember only the 21 men, sir.

Q And did you at that time know all of these 21 men personally? Were they people that lived there in the barrio where you lived?

A Yes, sir.

Q And people that you saw and knew there every day in the barrio?

A Yes, sir.

CAPTAIN HILL: We would request again that he be permitted to use his list to refresh his recollection.

GENERAL REYNOLDS: The Commission feels that is sufficient. Defense may cross examine, unless you have more testimony other than names that you wish to bring out.

CAPTAIN HILL: No, I don't have.

#### CROSS EXAMINATION

Q (By Captain Reel) Will you give us the name of the

collaborator who came with the garrison commander?

A Beg pardon?

(Question read.)

THE WITNESS: Jose Rumbawa.

Q (By Captain Reel) R-u-m-b-a-w-a?

A Yes, sir.

Q Oh, the way it sounds. And did this collaborator, Jose Rumbawa, point out all of the persons who were to be taken?

A Yes, sir.

Q And the only ones who were taken were the ones that he pointed out?

A Beg pardon, sir?

Q The only persons who were taken were ones that were pointed out by this collaborator; nobody else?

THE WITNESS: I don't get him.

Q (By Captain Reel) I will ask you again. The collaborator pointed out certain persons. All I wanted to know is if any persons were taken who were not pointed out by the collaborator. Did they take any persons whom the collaborator said to let go?

A I can't get you, sir.

Q I will try again. The collaborator, Jose Rumbawa, --

A Yes, sir.

Q (Continuing) -- pointed to certain people, is that right? He pointed out people in the crowd to the Japanese?

A The garrison in charge -- the garrison commander in Bayombong, with his technician, or what we call the interpreter, together with Rumbawa -- three of them.

Q Yes. What did Rumbawa do?

A He pointed some.

Q Yes. And those that he pointed to were taken by the Japanese?

A Yes, sir.

Q Now, were any people taken by the Japanese that he did not point to?

A Some; some people, sir, were taken also that was not pointed by Rumbawa.

CAPTAIN REEL: Will you read that answer?

(Answer read.)

CAPTAIN REEL: That is all I wanted to know. No other questions.

CAPTAIN HILL: That is all.

(Witness excused.)

GENERAL REYNOLDS: Does the Prosecution have further witnesses ready for this afternoon?

CAPTAIN HILL: I have a case that I will present by statements, sir, if the Commission is ready to adjourn.

GENERAL REYNOLDS: But there are no witnesses?

CAPTAIN HILL: No others.

GENERAL REYNOLDS: In that event we will recess until approximately eight o'clock this evening to see the motion pictures, and ask that you be ready to go ahead at eight o'clock.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: And our announcement has already been made as to this evening's session being open to the public and, of course, to the press.

(Whereupon a recess was taken until 2000 o'clock, 15 November 1945.)

EVENING SESSION

(The trial was resumed, pursuant to recess, at 2005 hours.)

CAPTAIN CALYER: If the Commission please, all members of the Commission are present; the Accused and the Defense Counsel are also present.

Mark this for identification, please.

(Certification by Office of the President, Commonwealth of the Philippines, of "Orders from Tokyo" was marked Prosecution Exhibit No. 326 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence Exhibit No. 326 reading as follows:

OFFICE OF THE PRESIDENT  
OF THE PHILIPPINES

"Manila, November 15, 1945

"I hereby certify in my official capacity as Administrative Assistant, Office of the President, Commonwealth of the Philippines, that the film entitled, 'Orders from Tokyo' and identified by the markings, 'Reel 1 A Prod. No. 2852, Title-Orders from Tokyo-Version Domestic' was produced under official license of the Commonwealth of the Philippines and for it; that the film is itself further identified by the introductory wording: The Philippine Commonwealth in Cooperation with the Office of Strategic Services presents, Orders from Tokyo. A Prologue by Brig. Gen. Carlos P. Romulo, Resident Commissioner of the Philippines to the United States; 'that the film was photographed and narrated by James C. Griffin, Captain U. S. Marine Corps; that this film so identified is a copy from the

16 mm original; and is an official document of the Commonwealth of the Philippines, consisting of 2 reels of 35 mm technicolor sound film with English dialogue.

(signed) "Amador Buenaseda  
AMADOR BUENASEDA  
Administrative Assistant

"This is to certify that Mr. Amador Buenaseda is the Administrative Assistant in the Office of the President, Commonwealth of the Philippines, and that his signature appearing on the foregoing certificate is genuine.

(signed) "Jose S. Reyes  
JOSE S. REYES  
Secretary to the President

"Manila, November 15, 1945 "

(Here followed exhibition of film entitled "Orders from Tokyo" hereinabove described more particularly).

GENERAL REYNOLDS: Recess until 8:30 in the morning.

(Whereupon, at 2030 hours, 15 November 1945, the trial was adjourned until 0830 hours, 16 November 1945.)

- - -

BEFORE THE  
MILITARY COMMISSION  
convened by the  
United States Army Forces  
Western Pacific

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )  
----- )

PUBLIC TRIAL

High Commissioner's Residence,  
Manila, P. I.  
16 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer  
and Law Member

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted.)

REPORTED BY:

E. D. CONKLIN

L. H. WINTER

M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Zosimo C. Ella	2429	2434		
Luis Gaerlan	2436	2440		
Dominador Camerino	2442			
Teodoro P. Nadres	2445	2450		
Beatriz C. Sapinoso	2452			
Jacinto del Rosario	2463	2469	2472	2472
Natividad Lopez Borinaga	2474			
Fabiana Morelos	2495			
Juanito Alimes	2501	2508		
John Gillies	2510	2513		
Fortunato Borbon	2516	2521	2530	
Denhichi Okoochi	2532	2544		
(Exam. by Commission)	2541			
" "	2554		2554	

EXHIBITS

<u>PROSECUTION'S EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
326		2424
327	2459	2462
328	2466	2467
329	2467	2469
330	2489	2489
331	2490	2490
332	2491	2491
333	2491	2492
334	2492	2493
335	2493	2493
336	2493	2494
337	2494	2494
338	2500	
339	2500	
340	2501	
341	2514	
342	2517	2518
343	2518	
344	2519	

## P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session. The Prosecution may proceed.

MAJOR KERR: Sir, all the members of the Commission are present, the Accused and Defense counsel are present. The Prosecution will proceed.

At this time, sir, I should like to point out that, according to information given to me by the reporter, the exhibit, Prosecution Exhibit No. 326 for identification, which was offered at last night's session, was not expressly admitted into evidence by the Commission. That is the certificate of the Administrative Assistant to the President of the Philippines concerning the film that was shown last night.

GENERAL REYNOLDS: Prosecution's Exhibit No. 326, which is a statement from the office of the President of the Philippines, dated November 15, 1945, is accepted as part of the record in this case.

(Prosecution Exhibit No. 326 for identification was received in evidence and so marked.)

CAPTAIN SANDBERG: If the Commission please, the Defense realizes very keenly that no objection it can now make to the motion pictures shown last night will alter the fact that the Commission has already seen and heard them. That is a fact which cannot be undone. But we must protest very strongly that the showing of this film, with its highly inflammatory commentary, was highly prejudicial to the Accused, and is not at all conducive to the calm, dispassionate sifting of the facts which has always been

the cornerstone of American justice.

This film is of the type generally described as a "propaganda" film. At one time the commentator refers to the film as "evidence which will convict," and the Accused is specifically mentioned by name.

Despite all this, which we feel is gravely and unreasonably prejudicial, neither General Romulo nor David Griffin is even sworn or under oath.

We have objected throughout this hearing to the introduction of affidavits where no opportunity is given to cross examining, but we feel that this situation, where the persons whose testimony is accepted before this Court are not even sworn or under oath, is indeed a new departure.

In one scene an American soldier is shown looking at a piece of paper, and the commentary is "American soldier finds the 'order from Tokyo' for the destruction of Manila!"

The Prosecution has introduced in evidence no such "order."

And we make this statement: If the United States forces have such an order as the film says they have, it is the duty of the Prosecution to introduce the order into evidence, and if the United States forces do not have such an order it is most improper for the Prosecution to introduce into evidence a film whose sound track says they do.

The very title and theme of this film prove its irrelevancy. If there were in fact an "Order from Tokyo," its materiality would lie not in the trial of this Accused but of the Emperor of Japan.

The Defense moves at this time that in order that the

various reviewing authorities and the courts may have the full picture, the full text of the commentary which accompanied the film be read into the record.

MAJOR KERR: If the Commission please, in the first place there is no requirement in the regulations governing the proceedings of this Commission that any testimony be sworn. Secondly, the Commission is expressly authorized to accept into evidence such documentary evidence or other evidence as it may deem to have probative value in the mind of a reasonable man, or which, in the Commission's opinion, would serve the Commission in determining the issues of this case. Therefore, on technical grounds the documentary evidence which was produced last night and offered to the Commission is admissible.

Now, sir, the Prosecution knows of no possible evidence short of the Commission itself having been present when those films were taken, present when the victims of the Japanese, themselves were being removed from or being liberated from the scenes of the atrocities, no evidence short of the Commission's presence at that time and at those places, that could have as strong probative value as that film.

There is no question that the film shows scenes of the crimes which are covered by the charge in this case. And I ask the Defense how the Prosecution could possibly present evidence of stronger probative value than the scenic representation of the situs of the crime and of the victims themselves coming out from the ruins of the churches, homes, and the buildings where the crimes were committed.

So far as "Orders from Tokyo" are concerned, the Prosecution, of course, is not out of order in introducing evidence on one subject merely because it was not previously introduced into evidence on the same subject. If that were the rule, of course you never could start a trial. However, we do not contend that our case rests upon "Orders from Tokyo," or orders from any other source.

The charge is clear in and of itself, namely, that the Accused permitted these widespread, continuing atrocities to be committed.

With reference to the Emperor, the mere fact that an order from the Emperor, if it were the fact, or if we should establish it as a fact, did come down to the commanding officer here, and that he acted pursuant to that order, would not in any way absolve the person who acted under that order from the responsibility for the crimes which he thereby committed. That is well settled, I believe: that orders of the superior officer to commit an illegal act, either under the laws of the area where the act is committed or under international laws of the laws of war, is no defense.

We submit, sir, in all earnestness that that film is a documentary record pertaining to many of the atrocities which are in the Bill of Particulars, and that it should be accepted by the Commission as having probative value.

This Commission, I say again, is not a jury, and we feel sure it is fully competent to weigh that evidence, to give it such probative value as a reasonable man would

give it, to exclude therefrom those portions which it believes are not of probative value, and to take into consideration those portions which it believes to be helpful in determining the issues in this case.

CAPTAIN SANDBERG: If the Commission please, just one more word.

Our objection was not to the film. Our objection was to the commentary, the sound track which accompanied it. We feel that the same documentary effect could have been had if the sound track had been omitted, especially since the statements made were not made under oath. And it is for that reason that we ask that the sound track which accompanied it be made a part of the record.

As to the second point, the Defense urges again that if it is true, as stated in that picture, that the United States Army seized an "Order from Tokyo" for the destruction of Manila, it is the duty of the Prosecution, who is charged with the duty of bringing all facts before this Court, to produce that order in open court.

GENERAL REYNOLDS: The Commission will withdraw for deliberation.

(Whereupon the members of the Commission retired for executive session.)

GENERAL REYNOLDS: The Commission is in session. The Commission notes the comments of counsel. The Commission directs that the entire film, including the sound track, be placed in the record of this trial for such probative value, if any, as the Commission may decide to award to it.

CAPTAIN CALYER: If the Commission please, the first

item to be presented today has to do with the murder of people in Imus and Dasmariñas, towns in the Province of Cavite, as covered in Bill of Particulars by Items 66, 84, and 85.

ZOSIMO C. ELLA

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

DIRECT EXAMINATION

Q (By Captain Calyer) State your name, please.

A Zosimo C. Ella.

Q Where do you live?

A Residing in Imus, Cavite.

Q How old are you?

A Thirty-eight.

Q What is your occupation?

A Before the war?

Q Now.

A I was a teacher.

Q What is your occupation now?

A Now, a business man, sir.

Q On the 16th of December, 1944, were you residing in Imus?

A Yes, sir.

Q Did you see some Japanese in Imus on that day?

A Yes, sir.

Q How many?

A Many; I could not count the number.

Q Do you know what branch of the service they belonged to?

A From the speech they made inside the church they were M. P.'s from Manila.

Q Now, will you explain to the Commission what you saw in Imus on that day?

A Early on December 16, 1944, we saw Japanese soldiers in Imus at about seven o'clock. At about seven o'clock in the morning I reported to my office. At that time I was the manager in charge of the distribution of prime commodities given by the Japanese Government to be distributed to the people of the whole Province of Cavite.

At half-past seven that day an officer, a Japanese, and two soldiers, came up to my office on the first floor with Doctor Lazaro Ilano blindfolded. The Japanese officer asked me if I was in charge of the building. I told him yes, and I told him that I was the manager. He asked me for permission if he could use the building for purposes that they have in mind. I said, "Yes, sir." I said, "You may use the whole building," but he said they wanted to use the second floor.

Q Now, without going further into detail about the arrangements, what did you see done that day in Imus?

A After awhile Doctor Ilano was transferred to another building in the Imus Institute about 30 meters across from my building.

Shortly afterwards I saw passing in front of my building Doctor Modesto Mascardo, with blood dripping from his head, and he is worn out, and together with him is Mrs. Sapinoso. They were brought also to the Imus Institute.

Q During the day did you see a group of men from the

town gathered together?

A Yes, sir, shortly after that we were all ushered inside the Roman Catholic Church until about nine o'clock in the evening.

Q How many men were gathered there?

A I think about between one and two thousand was there.

Q What happened in the church?

A In the church, as soon as we were all gathered, we were asked to fall into line, single file, and pass through a person behind a temporary partition with a hood, or with his head covered, but with holes that he can see through, the person passing by.

We were required to stand in front of him one by one and there make a salute in Japanese, in a Japanese way, until we are commanded to proceed.

Q What happened as you passed before that person?

A As we passed before that person he makes a sign, and then the Japanese in charge tells us to go through to the other direction of the church, and inside the church that day there were persons that were picked up by this identifier.

Q What happened to those persons?

A They were brought out of the church as soon as they are identified and their names called.

Q Where were they taken?

A They were taken to the Imus Institute.

Q Do you know what happened to them there?

A I have no knowledge of it, but I know that they were taken there, because I had a chance to ask permission to

urinate outside, and I saw one of them going into the other building.

Q Do you know the names of any of the men who were taken from the church to the institute?

A Yes.

Q Who were they?

A They were Reynaldo Buenaventura, Alfredo Reyes, Mauricio Reyes, Benigno Manela, Jose Ramirez, and Doctor Jose Sapinoso.

Q Do you know why they pointed out these people who were taken into the institute?

A Yes, sir.

Q Why?

A According to the speech in the evening they were picked up because they were guerrillas.

Q Do you know whether any of those men were, in fact, guerrillas?

A I don't think so. I have no knowledge of guerrillas or a gun station in our town.

Q Now, you speak of a speech being delivered. When was that?

A That was about nine o'clock in the evening after we were confined inside the church from about eight o'clock in the morning.

Q Who made that speech?

A A certain superior officer who spoke in Japanese, translated by another officer to English, and then I translated from English to Tagalog.

Q Will you tell the Commission the substance of that

speech?

CAPTAIN REEL: We will object to that.

GENERAL REYNOLDS: The objection is not sustained.

Proceed.

Q (By Captain Calyer) You may go ahead.

A In brief, the speech, as I translated it, and as it was said in English by the Japanese officers, run thus: "You very well know that in this town there is a Japanese garrison. You also know in Cavite City there is a Japanese M. P. garrison. But we all come a long way from the Manila M. P. office because we received reports that there were guerrillas in this town. We have picked up the men we wanted and I assure you that they will be punished severely and this is a warning to all of you here that if you do not stop this guerrilla business we will come back to you and give you more severe punishment.

"Now, you will be released, and you will have to go straight to your homes."

Then after that it was finished; we were all released.

Q Now, do you know of any guerrilla organization activities in Imus?

A No, I don't know anything about guerrilla organizations in my town.

Q And you have been there a long time?

A I have been there since the beginning of this war.

Q On the 18th of December, 1944, did you see the bodies of any of those persons who were taken from the church at Imus?

A Yes, sir; and I saw them in the cemetery.

Q At Imus?

A Yes, sir.

Q Will you describe the condition of the bodies when you saw them?

A Some of the bodies had contusions. One of them had a very swollen face. I saw bayonet wounds in their bodies as they were being undressed, because the dress was changed by the families. I saw also marks of heavy blows, possibly a piece of wood or bamboo. I saw also contusions in the head of one of two of them.

Q Whose bodies did you see on that day?

A Alfredo Reyes, Mauricio Reyes; only those two, I think.

Q Did you see those bodies buried?

A Yes, sir; right in Imus.

CAPTAIN CALYER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This person with the hood and holes in the hood so that he could see through it, was he a Filipino?

A I beg your pardon, sir?

CAPTAIN REEL: Read the question.

(Question read.)

A He has a somewhat white complexion. I could not positively say whether he is a Mestizo, a Filipino, or a Japanese, because the complexion is generally light.

Q Did you hear him say anything?

A Just the voice, but I could not distinguish the word, when I passed by through him.

Q You don't know what language he was speaking in?

A No, sir, I could not distinguish.

Q I think you said there was no guerrilla organization in Imus. Do you know of any guerrilla organizations in the hills of Cavite?

A Well, I came to know them from the newspapers or from news after the Americans have liberated our town, Imus.

Q You did not know anything about it until you read it in the newspapers?

A I beg your pardon?

CAPTAIN REEL: Read the question.

(Question read.)

A And until they came together with the liberators on February 4, 1945, Sunday.

Q (By Captain Reel) Before that you never heard of any guerrilla activities in Cavite?

A No, sir.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: That is all. Thank you.

(Witness excused.)

LUIS GAERLAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Lavengco acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Luis Gaerlan.

Q Where do you live?

A Imus, Cavite.

Q How old are you?

A 53 years of age.

Q What is your occupation?

A Agriculturist.

Q On the 16th of December, 1944, were you living in Imus?

A Yes, sir.

INTERPRETER RODAS: "Yes."

(The following answers were given by the witness through Interpreter Rodas.)

Q (By Captain Calyer) Did you see some Japanese in Imus on that day?

A Yes.

Q Will you explain to the Commission what you saw happen in Imus on the 16th of December?

A In the very early morning of the 16th of December, the people of Imus were zoned by the Japanese forces.

Q What do you mean by "zoned"?

A By "zoned" we mean that all the men of the town were taken and were placed inside the church of Imus.

Q What happened after that?

A After they were all gathered, arrested and placed in the church, at about 8 o'clock in the evening they were all released and asked to go home.

Q All of them?

A There were twelve who were detained, and these twelve were the twelve people who were brought to Dasmarinas in the truck, and I was the thirteenth -- I was one included -- rather, I was one in addition to the twelve.

Q Now, who were the twelve that were taken to Dasmarinas?

A They were Doctor Sapinoso, Doctor Dominguez, Doctor Mascardo, Doctor Ilano, Major Aguila, Reynaldo Buenaventura, Alfredo Reyes, Mauricio Reyes, Jose Ramirez, Gregorio Rodriguez, Modesto Virata; that is all.

Q There is one more. Can you recall the twelfth?

A I know all of them by heart a while ago, but this last one I cannot seem to remember.

Q I show you this paper and ask you if that will refresh your recollection, as to the twelfth man?

A The last one is Benigno Manela.

Q Now, what Japanese had you seen in Imus on that 16th of December?

A They were Military Police from Fort Santiago.

Q And was it that same group of Japanese who took the men to Dasmarinas?

A They are the same.

Q When you arrived in Dasmarinas, what happened?

A The twelve were placed in jail in the Provincial Jail of Dasmaringas, and because I was used as a guide, as a privilege I was jailed in front of the jail, in the house in front of the jail.

Q Were there other men brought to the same area at that time?

A They were. They were from Dasmaringas and were brought inside the church.

Q How many men from Dasmaringas did you see?

A There were many. All the men were placed inside the church.

Q Did you later see a man from Dasmaringas, and some of the men from Imus, taken away?

A When I was set free, I did not see anyone of them any more. They set me free at 5 o'clock in the afternoon.

Q Well, did you see what happened to the men from Imus and the men from Dasmaringas?

A Yes. Men from Dasmaringas I saw coming out of the church, hog-tied, and then later brought to the schoolhouse where they were tortured, beaten.

Q Did you see that yourself?

A Yes, I saw them, because where I was I could see the Domestic Science Building of the school where the people were hanged.

Q Now, will you explain what was done to those men?

A Yes. They were tied. Their hands were tied at the back, and then they were hanged to the ceiling, and when they are already dangling they are pushed back and forth and a piece of wood or club is taken to beat them. And the others

were placed under a fountain where the water is allowed to flow into their mouths and nostrils.

Q Now, did you subsequently see men from Imus and Dasmarinas taken away from the village?

A The ones that I saw were the people of Dasmarinas, and the people from Imus -- because the people from Imus were in jail at the time, and seven of them were taken out and were brought to church at 2 o'clock in the afternoon, and they were tied.

Q You mean seven of the men from Imus?

A Yes.

Q Do you know what happened to the other five from Imus?

A According to what they say, these five people were brought to Fort Santiago.

Q Who were those five?

A They were the four doctors and Major Aguila.

Q Will you name the doctors, please?

A Doctor Dominguez, Doctor Sepinoso, Doctor Ilano, Doctor Mascardo, and Major Aguila.

Q Have you ever seen any of those men since that time?

A Those five have never been seen, and nobody has seen them; neither have they gone home.

Q Do you know where the other seven from Imus and the men from Dasmarinas were taken?

A They were taken to the cemetery of Dasmarinas, and there they were killed, all of them.

Q On the 18th of December, 1944, did you see the bodies of some of those people?

A Yes. Six of them were taken to Imus and there they

were interred.

Q Who were those six?

A They were Reynaldo Buenaventura, Jose Ramirez, Alfredo Reyes, Mauricio Reyes, Modesto Virata, and Gregorio Rodriguez.

Q What was the condition of the bodies when you saw them?

A Their bodies were mutilated. Some of them bore marks of bayonet wounds, some had black eyes, and some had no teeth.

Q At any time while you were with the men from Imus or Dasmaringas, were they given a trial?

A No, they were not given a trial. They were all killed.

CAPTAIN CALYER: You may examine.

CROSS-EXAMINATION

Q (By Captain Reel) Did you see an informer pointing these persons out?

A When I saw that, they were already going out of the church; he was covered completely with his eyes only visible.

Q Was he a Filipino?

A I cannot tell, because there was a sack over his head.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: For purposes of the record, if the Commission please, I would like to ask one other question.

(The following answers were given by the witness in English.)

Q (By Captain Calyer) Do you understand English?

A Yes, sir.

Q And you speak English?

A A little.

Q But you speak Tagalog better than English?

A Better than English.

CAPTAIN CALYER: That is all.

(Witness excused)

CAPTAIN CALYER: Mr. Camerino.

DOMINADOR CAMERINO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Lavengco, with Interpreter Rodas acting as "check" interpreter:

DIRECT EXAMINATION:

Q (By Captain Calyer) Will you state your name?

A Dominador Camerino.

Q Where do you live?

A Imus, Cavite.

Q How old are you?

A 45.

Q What is your occupation?

A During that time I was a member of the provincial board.

CAPTAIN CALYER: Of what?

INTERPRETER LAVENGCO: Member of the provincial board.

Q (By Captain Calyer) Are you now holding any official position in Imus?

A I am also employed at the provincial board.

Q Will you speak a little louder, please, Mr. Camerino. On the 16th of December, 1944 were you in Imus?

A Yes, sir.

Q Did you see men of Imus rounded up and taken to the church on that day?

A Yes, sir. I was also inside the church.

Q Did you also see men taken from the church to the

institute?

A Yes, sir; I saw.

Q How many?

A I counted six there in the church.

Q Were there other men taken from other places to the institute?

A From the houses.

Q How many?

A Six also.

Q Did you see or hear anything after those men were taken to the institute?

A When they were taken to the institute from the church we could hear only the shrieks, showing that they were being tortured.

Q Who took them to the church and from the church to the institute?

A The Japanese.

Q Do you know to what branch of service those Japanese belonged?

A There were some officers and there were some soldiers.

Q Do you know to what branch of service they belonged?

A The Army and M.P. together.

Q Did you see those men taken away from Imus later in the day?

A When we were taken it was about past 7:00 at night.

Q I am talking about the men whom you said were taken to the institute.

A They were taken in a truck and taken to Dasmarinas.

Q On the 18th of December 1944 did you go to Dasmarinas?

A On the 18th of December in the morning we heard that the people there in Dasmarinas were killed. We went there to investigate.

Q What did you find?

A We saw 28 dead people tied together in a hole.

Q Who were those people?

A Those from Imus were seven, while those from Dasmarinas were 21.

Q Did you also find some other people from Dasmarinas nearby?

A Yes, sir; also there.

Q How many?

A 28 in all: 7 from Imus and 21 from Dasmarinas.

Q Did you find some other people from Dasmarinas who were not in that same hole?

A I didn't see the others except those inside the hole.

Q Who were the seven from Imus?

A Jose Ramirez, Reynaldo Buenaventura, Gregorio Rodriguez, Modesto Virata, Boniguo Mancla. There was also Mauricio Reyes and also another Reyes -- I couldn't identify his first name.

Q Seven altogether?

A Yes, sir.

Q Were those people alive?

A Dead, sir.

Q What did you do with the bodies?

A We took the six and left the seventh because we could not put him in any space, and the one left is

Bonigno Mancla.

Q Where did you take them?

A We took them to the cemetery in Imus.

Q Were they buried?

A Yes, sir.

Q Did the bodies show signs of mistreatment when you saw them?

A I saw them all because I was around and took charge for the burial, and the bodies bear marks of bayonet wounds; some two, some three. There were bruises and broken teeth.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you. That is all, Mr.

Camerino.

(Witness excused)

CAPTAIN CALYER: Teodoro Nadres.

TEODORO P. NADRES

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Teodoro P. Nadres.

Q Do you understand English, Doctor?

A I understand but I prefer to declare in Spanish.

Q Well, Doctor, will you allow the interpreter to translate the questions also in Spanish, and we will get along better. Where do you live?

A Imus, Cavite.

Q How old are you?

A 44 years old.

Q What is your official position?

A The provincial doctor of Cavite.

THE WITNESS: District Health Officer.

INTERPRETER RILEY: District Health Officer.

Q- (By Captain Calyer) In December 1944 were you occupying that same position?

A (Without aid of interpreter) Yes, sir.

CAPTAIN CALYER: Will you ask him the question in Spanish.

Will you read it, please?

(Question read)

A (Through Interpreter Riley) Yes, sir.

Q On the 16th of December 1944 did you have occasion to go to the emergency hospital in Imus?

A Yes, sir.

Q What was the occasion of your going there?

A I had received a message from Dr. Gopez of the Emergency Hospital of Imus, Cavite.

Q And did you go to the hospital?

A Yes, sir.

Q When you got there what did you find?

A I found some Japanese officer and Japanese soldiers.

Q What was going on when you arrived?

A Dr. Gopez told me that the official had told him that he wanted to take all of the food supplies of the

hospital, including some personal effects and towels of his own.

Q Were there patients in the hospital at the time?

A Yes, sir.

Q Did you have a conversation with a Japanese officer?

A After having the conversation with Dr. Gomez I spoke to the Japanese official and asked him if it were not possible that he would not take the things mentioned.

Q And what reply did you receive?

A In very bad humor, he almost did not answer at all.

Q Did they take the things?

A He answered that "In times of war the Army comes first".

Q Did you have occasion on the 16th of December 1944 to see people taken from the church at Imus to the Imus Institute?

A Yes, sir.

Q Explain what you saw.

A The person who was chosen to pick out those people who were to go with him was Dr. Sapinoso.

Q Will you explain that, please?

A The Japanese called names. Among them was Mr. Ramirez, Mr. Buenaventura, Mr. Manela, Dr. Sapinoso. Afterwards these men were taken to the institute.

Q When you mentioned Dr. Sapinoso before, did you mean that he was taken to the institute by the Japanese?

A Yes, sir.

Q He did not point out any other Filipinos, did he?

A Dr. Sapinoso?

Q That's the man.

A No, sir. I don't remember that.

Q What did you see at the Imus Institute?

A The Japanese official told me that I did not need to be with the others, that I could be with my family as I was a doctor.

Q Will you please tell the Commission what you saw at the Imus Institute?

A I am going to explain why I did not go to the Imus Institute, because it was not allowed that I go there.

Q Will you please tell me only what you saw at the Imus Institute?

A What I saw at the Imus Institute was that they tortured a woman.

Q Anyone else?

A Also Dr. Ilano.

Q Do you know who the woman was?

A I can't say exactly who she was.

Q What did you see done to those people?

A They struck her; they slapped her face; they burned her with cigarette ends.

Q Where?

A In Imus Institute.

Q What parts of her body?

A In different parts of the body: in the arms and legs.

Q What did you see being done to Dr. Ilano?

A I saw that they struck him in the face, and after that I left. I didn't want to see any more. I was full of pity.

Q Do you know whether any of those people whom you

saw taken to the institute were given a trial?

A I could not say.

Q On the 18th of December 1944 did you go to Dasmarrinas?

A Yes, sir.

CAPTAIN CALYER: What was the last part?

INTERPRETER RILEY: "I went there".

Q (By Captain Calyer) Did you see some bodies exhumed there?

A Yes, sir. They called me to exhume seven bodies.

Q Were there more than seven?

A No, sir. I saw no more than seven.

Q You did not see bodies of people from Dasmarrinas?

A I have seen only those seven.

Q Were they all people from Imus?

A Yes, sir.

Q Were they alive?

A No, they were dead.

Q In what condition were the bodies?

A I saw Mauricio Reyes, who had his face swollen, his eyes out of their sockets, and his nose broken, and different contusions of the body and a deep wound in his chest that appeared in his back, apparently caused by a bayonet.

Q Did you see other bodies?

A Yes, sir. The body of Reynaldo Bucnaventura, Alfredo Reyes, Modesto Virata, Gregoria Rodriguez, Benigno Mancla, and Jose Ramirez.

Q Did those bodies also show signs of mistreatment?

A Yes, sir; all of them.

Q Did you on the 16th see some other men taken away from Imus?

A Yes, sir. I saw Dr. Mascardo and Dr. Ilano.

Q Were there other doctors taken that same day?

A I could not say exactly. I saw only those two.

Q Have you ever seen them since?

A I have never seen them again.

Q Who took them away from Imus?

A The Japanese.

Q Do you know anything about Dr. Dominguez and Dr. Sapinoso?

INTERPRETER RILEY: I didn't get the names, sir.

CAPTAIN CALYER: Dr. Dominguez and Dr. Sapinoso.

A Yes, sir. They were taken also.

Q (By Captain Calyer) The same day?

A I cannot say if they were taken the same day. I saw only Dr. Mascardo and Dr. Ilano.

Q Have you ever seen Dr. Sapinoso and Dr. Dominguez since that time?

A From that day I have never seen them again.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION.

Q (By Captain Reel) Was this person whom you said picked out people to go with him a Filipino?

A No, sir. They were Japanese.

Q I am referring to the single person who told the Japanese whom to take. Was that person a Filipino?

A I did not know of one person who chose.

Q You didn't see the man with the hood over his head?

A I saw someone with a sack over his head, with two holes for eyes.

Q And was that person a Filipino?

A I cannot say exactly but I believe he was.

CAPTAIN REEL: That's all.

(Witness excused)

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

BEATRIZ C. SAPINOSO

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Beatriz Sapinoso.

Q Where do you live, Mrs. Sapinoso?

A Imus, Cavite.

Q How old are you?

A 34.

GENERAL REYNOLDS: The witness will have to speak louder.

Q (By Captain Calyer) What is your profession?

A Dentist.

Q What was your husband's name?

A Jose Ramirez Sapinoso.

Q When did you last see him?

A Before he went to church, last December 16th, 1944.

Q Now, on that day did you see some Japanese at your home?

A I beg your pardon?

CAPTAIN CALYER: Read the question.

(Question read.)

THE WITNESS: Yes, sir.

A (By Captain Calyer) How many?

A I cannot count them, but there are two squads, about 50 or 100.

Q Did you know what branch of the service they belonged to?

A They told us that they came from the Manila M. P.

Q Did some of those Japanese have a conversation with you?

A Yes, they had a long conversation with me.

Q What did they ask you?

A They asked me some questions. One is where my husband was and the next was the activities of the Provincial Governor and the District Commander.

Q Were you able to give them the information that they asked?

A I was not able to give them any information, not even a bit, so that is why they tortured me.

Q What did they do to you?

A The first thing they did to me was when they saw me they took me to the house of my father-in-law, which is three or four yards away from my house. They took me to the cellar. One of the Japanese officers and the other is an officer, but he acted as the interpreter who speaks English fluently. They took me to the cellar and asked me, began asking me questions. The first question they asked me was where was my husband. I told them that my husband happened to be in Manila.

Q Just a minute, please. What did they do to you there?

A They asked me if my husband was a guerrilla, and when I told them, "I don't know," they called the soldiers in the back and they began to torture me.

Q Will you explain in detail just what they did?

A The first thing they did to me was that they told me, "Stand up," that was in front of the two officers. One of the soldiers tied my hands at the back and then they began to ask me questions. When I didn't answer them, as I told them I don't know anything, they tied my two hands in the back first and then pulled it up, and I was kept with my knee on the floor and my forehead touching the floor, because they are pulling it up.

Q Did they do anything else before that?

A After that they asked me again if I won't say anything, and I told them I don't know anything; as I don't know anything.

Q Now, before that had they done anything?

A Yes, they stripped all my clothes off, everything; I was left bare, and they have their mockery laugh on me and say that if I won't tell anything they will do many things yet.

Q What did they do after that?

A The two officers, they are having their cigarettes and they were burning all my body, even burned the vital parts of my body. It was the two officers themselves that did it, and the rest of the soldiers were kicking and slapping me.

Q With what did they burn you?

A They burned all my parts of my body with the cigarettes, the vital parts of my body, too.

Q With anything other than cigarettes?

A Yes. Then after doing that they told me to lie flat on my back on the floor. They covered my face with

a towel and then poured water on me. At first I was resisting, and then I found out, I found when I was drowning they stopped it, and they asked me again. I told them I don't know anything. Then they poured again another basin of water, in which I collapsed the second time, and they stopped pouring water on me.

Q How long did that treatment last?

A The treatment, I think, it lasted around 30 to 40 minutes.

Q After that was completed what did they do?

A After that another soldier came with a bar, a big bar. He placed the big bar on my neck and two of these soldiers stepped on it.

Q What happened after that?

A After that they keep on asking me again, I don't know how I was able to survive the punishment, but after doing that they told me again to lay flat on the floor with my face upside down. Another soldier came, and with about half a meter of black rubber, about three or four inches wide, and they keep on beating my whole body and my back.

Q What happened after that?

A And after that they put me up and he says, "Are you really sure that you won't say anything?" I told them that I have nothing to say as I am very innocent and can't say even a word. After that they told me to stand in the corner of the room, and then one of the soldiers had his gun pointed me and said that he is going to kill me. I said, "Yes, I am ready."

Q Then what happened?

A Then after doing that, after they are ransacking the whole house with everything and they have gotten everything in the house, my brother-in-law, Dr. Mascardo, and myself were taken to the Imus Institute.

Q Did they say anything to you after they took you to the Imus Institute?

A They told me I will be brought to Fort Santiago,

Q But instead they took you to the institute, is that correct?

A I was brought to the Imus Institute.

Q Now, at any time that day were you given a trial of any kind?

A Nothing. They did not ask me anything, nor they have not given me anything.

Q At the Imus Institute what did you see?

A At first when I was in the institute I was brought to the third story with my brother-in-law. I could see my brother-in-law is sprawled on the floor because a Japanese is beating him very severely.

Q Is that Dr. Mascardo?

A Yes.

Q What else did you see?

A I was kept in the other room. Then at 4 o'clock, around 4 o'clock, I was brought down together with the rest of the prisoners they have taken. When I was there on the first floor I saw the rest of my companions, which were found dead the next morning. I saw them, I saw how they were tortured.

Q Who were those people?

A I saw Dr. Ilano, Dr. Dominguez, Buenaventura, Reyes, Manola, Virata, and the rest I do not know.

Q What did you see done to those people?

A What I saw is Japanese without coats or without anything, and they have big bars beating them. Some of them are beaten and they are already sprawling on the floor.

I saw some with their heads down. They are pouring water on them. Some were hanging on the ceiling with their feet not touching the floor and the soldiers have a fire, a big fire, in which they are burning those being hung.

Q Sometime later that day did the Japanese tell you anything about your husband?

A Around 6 o'clock in the afternoon another interpreter, who speaks fluent English, approached me. He called me in the other room and told me that, he told me, "Your husband came in and he came" -- (weeping)

Q Had they told you that your husband had come in?

A Yes, they told me my husband come in, but I did not see him.

Q Now, were your husband and these other people that you have mentioned Filipino civilians?

A I beg your pardon?

A Were they all Filipino civilians?

A I think most of them are ex-USAFFE men, because they collected all the ex-USAFFE men first.

Q They were civilians at the time they were taken?

A They were civilians when they were taken.

Q After that did the Japanese release you?

A I was released around 12 o'clock the night before they went to the other towns to massacre the rest.

Q While you had been in the custody of the Japanese that day had you been given any food?

A From the time they took me very early in the morning until 12 o'clock at night they did not give me not even a bite. I was asking them, and they won't give me anything.

Q Have you ever seen your husband since that time?

A I have never seen my husband but before he came in the interpreter told me that he surrendered himself in exchange for me so I can stay with my children.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

(Witness excused.)

(Statement of Elias Camutin  
was marked Prosecution Exhibit  
No. 327 for identification.)

CAPTAIN CALYER: If the Commission please, I offer in evidence Prosecution's Exhibit 327, a sworn statement of Elias Camutin, taken by investigating officers of the War Crimes Branch. We had hoped to have this witness in person, but he is confined with a serious illness and is unable to be present.

GENERAL REYNOLDS: You may read the significant parts of this affidavit.

CAPTAIN CALYER: It is fairly short. With your indulgence, I would like to read all of it.

GENERAL REYNOLDS: Very well.

CAPTAIN CALYER: (Reading)

"Q Please state your name, age, address and nationality.

"A Elias Camutin, 57 years old, Dasmariñas, Cavite Province, P. I., Filipino.

"Q How long have you lived at your present address?

"A Since birth.

"Q Do you expect to continue living at the same address?

"A Yes.

"Q On or about 17 December 1944, did any Japanese troops come near your house?

"A Yes.

"Q Was it daylight when the Japanese arrived there?

"A It was two o'clock in the afternoon when the Japanese passed by my house.

"Q About how many Japanese did you see?

"A About fifteen.

"Q Can you tell what branch of service those Japanese came from?

"A I was told that they came from the Military Police.

"Q Did you see any Japanese officers among this group?

"A There were two Japanese who carried sabers and I believe they were officers.

"Q Can you describe those two Japanese officers?

"A I did not observe them well enough to give any description.

"Q What did the Japanese soldiers carry?

"A Bayonets fixed to their rifles and spades.

"Q Will you describe in your own words what you saw on 17 December 1944 beginning from the time you first saw the Japanese soldiers pass by your house?

"A At about two o'clock in the afternoon, Japanese soldiers numbering about fifteen passed by my house and proceeded towards the municipal cemetery. They carried fixed bayonets and spades. Half an hour later, the same Japanese came back and not until about five o'clock in the afternoon did I see them again. At that time when they passed by my house, they escorted Filipino civilians whose hands were tied together in groups of four. They all stopped under the mango tree which was only about seven or eight yards from my house. They ordered the Filipino civilians to kneel down under the mango tree. The Filipino civilians

were blindfolded at this time. A few minutes after the arrival of the Japanese, they ordered me and my family to leave my house. While we were preparing to go, the Japanese threatened to kill me by pointing a gun at me and threw a stone at my wife. I believe they wanted us to go out of the house immediately. My son, my daughter-in-law, my wife and I, carrying my dead grandchild, ran out of the house as fast as our legs could carry us. In about fifteen minutes, I was back. I saw to it that the Japanese could not see me hiding behind the fence surrounding the place where my house was located. I came back because I wanted to know what they were going to do with my chickens. I saw, however, from my hiding place that the blindfolded Filipino civilians were being brought by the Japanese to a place about twenty yards away where there were bushes and small plants. I am sure that those Filipino civilians were brought to the place where the Japanese had dug a sort of a grave. I did not see the actual bayoneting of the Filipino civilians but I heard cries and screams coming from the very spot where the Japanese had dug the ground when they passed by my house the first time. I observed this procedure for about half an hour during which time all the Filipino civilians were killed. After that the Japanese soldiers returned to the municipal building. After the Japanese had left, I immediately went over to the spot where the shouts, screams and groans came from and I saw that the place which the Japanese had dug up was already covered with earth. In fact, I and two other people tried to dig up the bodies in order to secure the body of my brother-in-law, Conrado

Ferrer, who was one of the victims. However, I failed to identify the body of my brother-in-law because I could not recognize him in the dark. It was only the next morning, 18 December 1944, that I was able to get his body. I saw all the dead bodies of the victims, still blindfolded, with their hands still tied behind them and with about four to seven bayonet thrusts on each body. Most of them received three bayonet wounds.

"Q Can you identify any of the victims aside from your brother-in-law?

"A Yes. Faustino Moya, 40 years old; Zosimo Gille, 35 years old; Felicisimo Lara, 22 years old; Sinforoso Candado, 35 years old; Cayetano Aledia, 30 years old. They were all Filipinos and residents of Dasmariñas. I know of others whose names I cannot recall.

"Q Do you have any other witnesses to this atrocity?

"A Yes. Mrs. Rosario Evangelista and Teodosia Puspos.

"Q Do you have any other information that you can add to your statement?

"A No more."

Signed "Elias Camutin."

GENERAL REYNOLDS: Are there any comments by Defense on any portions of this statement?

CAPTAIN REEL: No comments.

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 327  
for identification was  
received in evidence.)

CAPTAIN CALYER: Mr. del Rosario.

JACINTO del ROSARIO

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Lavengco, was examined and testified through Interpreter Lavengco as follows, with Interpreter Rodas acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) Please state your name.

A Jacinto del Rosario.

Q Where do you live?

A Dasmarinas, Cavite.

Q How old are you?

A 42 years old.

Q You occupy some official position in Dasmarinas?

A Yes, sir.

Q What?

A Municipal Treasurer.

Q On the 17th of December, 1944, did you see some Japanese in Dasmarinas?

A Yes, sir.

Q About how many did you see?

A Very many. There were about one thousand.

Q Do you know what branch of service they belonged to?

A They told me they came from Fort Santiago.

Q Did they tell you whether they were Military Police?

INTERPRETER LAVENGCO: Will you repeat the question?  
(Question read)

A They only told me that they came from Fort Santiago.

Q (By Captain Calyer) Did you have occasion to go to

the Home Economics Building in Dasmarinas that day?

A Yes, sir.

Q Will you tell the Commission what you saw there?

A When I went inside the Home Economics Building, I saw people sitting on the floor, and some hanging who were subjected to beating.

Q Who were those people?

A They were Barzaga, Teodorico Sarosario, Ricardo Sarosario, Jose Bautista, Ruperto Espiritu, Faustino Moya, Felicisino Lara, Buenaventura Lumagui, Agapito Mangubat.

Q About how many did you see there altogether?

A We were there about twelve.

Q Were those people tied?

A Yes, sir.

Q In addition to the beatings that you have mentioned, did you see any other mistreatment?

A They were there hanging, and they were continually beating, and their faces were all swollen.

Q Later on, did you observe a Japanese talking with the former mayor, Barzaga?

A That was inside the church.

Q From your observation, were you able to determine what was being discussed?

A According to signs, notions, made by Francisco Barzaga, he was pointing to the cemetery where there will be burial.

Q Did you see any people taken to that place later?

A I did not see they were taken there, but the following day some told me that many people were killed there, so I

went there.

Q When you went to the cemetery the next day, what did you find there?

A I found many people digging dead bodies in the cemetery. I helped, and we separated the dead from Imus from the dead from Dasmarinas.

Q How many from Imus did you find?

A Seven.

Q How many from Dasmarinas?

A Twenty-three, but the two were not taken from the hole.

Q How many were taken from the hole?

A Twenty-eight.

Q And is that seven from Imus and twenty-one from Dasmarinas?

A Yes, sir.

Q Where were the other two found?

A The two were killed. One was near the church and the other was near the river.

Q How far was that from the spot where the twenty-eight bodies were found?

A The other two were reported to me that they were killed, and they were buried at the cemetery, and the distance of the cemetery from the hole is about 100 meters.

Q Did you observe the condition of the bodies, including the two that you have just mentioned?

A Only the twenty-eight I saw.

Q Did you make a list of the people whose bodies you saw that day?

A Yes, sir.

(List of names was marked  
Prosecution Exhibit No. 328  
for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution's Exhibit 328, and ask you if you can tell what that is?

A These are those who were killed in Dasmarinas.

Q And you actually saw those bodies on the 18th of December, 1944?

A Yes, sir.

Q And you prepared this list yourself?

A Yes, sir.

CAPTAIN CALYER: I offer the list in evidence.

CAPTAIN REEL: I don't think there is any testimony by the witness as to the cause of death, and we ask that that be stricken from the list.

CAPTAIN CALYER: Well, may I ask one other question then?

Q (By Captain Calyer) Do you know how these people were killed?

A Yes, sir.

Q How and by whom?

A These people were killed by means of bayonet, beating and torture.

Q And by whom?

A The Japanese soldiers.

CAPTAIN REEL: Could we ascertain if the witness saw this, or if this is something he is basing on what he has heard?

CAPTAIN CALYER: I will offer the document in evidence. Defense may cross-examine.

CAPTAIN REEL: We object to the document on the basis of the evidence that has been offered in support of it. That is, we object to the statement as to the cause of death.

CAPTAIN CALYER: If the Commission please, I submit that the witness has testified that he knew how these people were killed and by whom they were killed; that he saw the bodies and prepared the list himself.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the document is accepted in evidence.

(Prosecution Exhibit No. 328 for identification was received in evidence.)

(A list of names was marked Prosecution Exhibit No. 329 for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution's Exhibit 329, and ask you if you can state what that is?

A These are the people from Imus who were killed.

Q And do you know how and by whom those people were killed?

A Yes, sir.

Q Will you explain?

A The Japanese soldiers were the ones who killed these, by means of bayonet thrusts and beatings and by means of pouring boiling water on the knees.

Q Did you see those bodies?

A Yes, sir. One of those I cleaned, because one of those I took home and cleaned him; he was my first cousin.

Q Did you prepare this list yourself?

A Yes, sir.

CAPTAIN CALYER: I offer the list in evidence.

CAPTAIN REEL: Sir, we object to it on the same grounds as stated before, and also on the additional grounds that we did not press before, that this is a highly irregular way of bringing in these names. If the witness has any recollection, let him state what they are.

GENERAL REYNOLDS: The Commission will be in recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The exhibit is accepted by the Commission for such probative value as may be awarded to it.

(Prosecution Exhibit No. 329 for identification was received in evidence.)

CAPTAIN CALYER: You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Mr. del Rosario, you have just testified that the persons listed in Exhibit 328 and Exhibit 329 were killed by the Japanese. I shall now ask you whether you saw any of those persons killed?

A I did not see when they were killed.

Q And the statement that you gave in answer to question by Prosecution relative to the killing of these people was based entirely on information you received from some outside sources; is that correct?

A I and those people in that list when they were taken, all of my family saw them when they passed by in front of my house. I was one of them in the Domestic Science place when they were subjected to beatings.

Q But you did not see any of them killed?

A No, sir.

Q Did you know all of these 30 people personally by name?

A I know a few of them, and I had to ask information about the rest.

CAPTAIN REEL: Sir, I shall now ask that on the present state of the record, it appearing that the lists were not made up from the witness' personal knowledge,

either as to cause of death or as to personnel, except in a few cases, Exhibits 328 and 329 be stricken.

GENERAL REYNOLDS: The motion of counsel is not sustained. The document will remain in the record for such probative value as the Commission may elect to award.

Q (By Captain Reel) Between what dates were you the municipal treasurer of Dasmaringas?

A Since March 1, 1938.

Q And you retained that position all through the Japanese occupation?

A Until now, sir, still I am.

Q Do you understand English?

INTERPRETER LAVENGCO: Question, please?

(Question read.)

A A little, sir.

Q (By Captain Reel) Do you understand Japanese?

A No, sir.

Q These Japanese who told you they came from Santiago, what language did they speak?

A Tagalog, sir.

Q The Japanese spoke in Tagalog?

A Yes, sir. They have with them interpreters.

Q So that the person who told you that they came from Santiago was an interpreter who came with them; is that right?

A Yes, sir.

Q Where were you when you were told that?

A On the stairs of the schoolhouse.

Q Was there some guerrilla activity in Dasmaringas?

A Yes, sir.

Q And were the Hunters guerrillas there?

A I don't know, sir. Before I was not related to the Fil-Americans until I was transferred to Colonel Castaneda.

Q Were the Fil-Americans active in the vicinity of Dasmarinas?

A At first they were active, but in November, 1943, we were told to surrender and I was caught in my home.

Q After November, '43, was there further guerrilla activity in Dasmarinas?

A Continuous.

Q Yes. And were there cases where Japanese soldiers were ambushed and killed by guerrillas?

A Yes; when the Americans were about to come -- when the Americans were about to come.

Q And were some of these guerrillas bolo groups?

A They had guns.

Q Were there cases where Japanese soldiers had their heads cut off by bolo knives?

MAJOR KERR: That, sir, is objected to as being immaterial and irrelevant; has nothing to do with the direct examination of this witness, and it is not material to the issues.

GENERAL REYNOLDS: The objection of Prosecution is not sustained. You may proceed.

CAPTAIN REEL: Will you read the question?

(Question read.)

A No, sir.

CAPTAIN REEL: That's all.

REDIRECT EXAMINATION

Q (By Captain Calyer) You have been asked about guerilla activity and about occasions when Japanese were ambushed and killed. Was that before or after the time that these people from Imus and Dasmarinas were killed?

A After the people were killed.

Q While you and the other people were in the school building in Dasmarinas did you see anyone given a trial?

A No, sir. Their trial was to kill and beat.

CAPTAIN CALYER: That's all.

RECROSS EXAMINATION

Q (By Captain Reel) Before the incident in December were there some cases where Japanese soldiers had been ambushed and killed in the Cavite region?

A I do not know of any happening.

Q Were these guerrillas about whom you have told us armed?

A Some of them; others do not have.

CAPTAIN REEL: That's all.

CAPTAIN CALYER: Thank you. That's all.

(Witness excused.)

CAPTAIN CALYER: If the Commission please, that completes the testimony on this incident.

GENERAL REYNOLDS: Prior to the introduction of testimony on a new item, the Commission will make an announcement.

During the presentation of evidence on 15 November 1945, pertaining to Item 111 of the Bill of Particulars, Counsel pointed to the obvious fact that the date of

March, 1945, is far at variance from the dates mentioned in the evidence. The Commission cannot accept as proof of Item 111 the evidence under discussion. However, the Commission will consider the evidence to determine its probative value, if any, in connection with Item 72 of the Bill of Particulars, which is a general item covering in time the period 9 October 1944 to about 1 September 1945, and covering in area the Philippine Islands generally.

MAJOR OPINION: If the Commission please, the Dapdap Massacre is recited in the Bill of Particulars No. 11.

MAJOR KERR: If the Commission please, this Interpreter has not been previously sworn. I would like to swear her at this time.

(Interpreter Consolada Milan Lumontad was sworn as an Interpreter.)

NATIVIDAD LOPEZ BORINAGA

called as a witness on behalf of the Prosecution, being first duly sworn was examined and testified as follows, through Interpreter Lumontad, with Interpreter Zosa acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Natividad Lopez Borinaga.

Q Your age?

A 24 years old.

Q Your address?

A It is San Juan, Pilar, Ponson Island.

GENERAL REYNOLDS: The Interpreter must talk louder.

Q (By Major Opinion) Where did you live on 29 December, 1944?

A In the Barrio of Dapdap.

Q The barrio of what municipality?

A In the Municipality of Pilar.

Q What town?

A In the Province of Cebu.

Q Where is the Municipality of Pilar located?

A In the Province of Cebu.

Q Is it located on an island?

A It is an island.

Q What is the name of the island?

A Ponson Island.

Q Does it belong to any group of islands?

A Yes.

Q What is the name of that group of islands?

A Camotes Islands.

Q You say you were living in Dapdap on 29 December 1944.

In the morning of that day about 9 o'clock where were you?

A I was in Dapdap on that very date. At around 9 o'clock in the morning the Japanese arrived.

Q Where were you when the Japanese arrived?

A I was in my home.

Q Now, how many Japanese arrived at Dapdap that morning?

A They must be around one hundred.

Q What did the Japanese do when they arrived that morning?

A When they arrived in Dapdap they asked for coconuts.

Q To whom did they ask for coconuts?

A From Emilio Angus and Sofio Itaas, they asked from them.

Q Were they given the coconuts they are asking for?

A They were given coconuts.

Q After awhile what happened?

A After they have eaten the coconuts we were told to go to the Plaza and to be asked where the three Americans were.

Q Who told you to assemble at the Plaza?

A The Japanese ordered, they told Emilio Angus and Sofio Itaas to let the civilians assemble in the Plaza because they will be given a pass.

Q Did you go to the Plaza?

A I was forced to go there because if we won't we will be killed, shot to death.

Q Who told you you will be killed if you don't?

A It was through the order of the Japanese given to Sofio Itaas and Emilio Angus.

CAPTAIN REEL: Will you read the answer?

(Answer read)

Q (By Major Opinion) Did you go to the Plaza as ordered?

A Yes, I went.

Q How many of the members of your family went to the Plaza?

A We were seven in the family.

Q Who were they?

A Hilarion Borinaga, Francisco Borinaga, Florencio Borinaga, Salustiano Borinaga, Romualdo Borinaga, and Natividad Borinaga.

Q When you arrived at the Plaza were there people assembled?

A There were so many people.

Q How many people were there, more or less?

A We must be around two hundred people.

Q Did anything happen while you were in the Plaza?

A From the Plaza we were ordered to march to the church.

Q What church?

A Dapdap Church.

Q Why were you ordered to go into the church?

A We were ordered to go to the church because we will be given pass in order that the Japanese will not molest us.

Q Was there any planes flying overhead while you were at the Plaza?

A There were airplanes, American airplanes.

Q Was that the reason why you were ordered to assemble in the church?

A Yes.

Q Now, how many people entered the church?

A According to my own calculation, the people there must be around three hundred.

Q Now, where were the Japanese when you were ordered inside the church?

A The two Japanese were stationed in front of the church while the others went around the church.

Q How many doors were there in the church?

A There are four doors.

Q Were these doors guarded?

A There were guards at each door.

Q Who were they, Japanese?

A They were all Japanese soldiers.

Q Were there machine guns there?

A They have machine guns.

Q Did they have an officer with them?

A There was one officer who sat near the altar of the church; he was on the altar near the center of the church.

Q That Japanese officer who was sitting on the altar near the center, did he address the people assembled in the church?

A Yes.

Q What did he say?

A It was spoken in the English and translated by Sofio Itaas in our language.

Q What was that translation made?

A We were asked the whereabouts of the three Americans who arrived in Dapdap.

Q What else?

A We are searching, they said, for them, but we have not seen those three Americans.

Q Any further questions made by the Japanese which was translated by Sofio Itaas?

A No more.

Q How long did you stay at the church?

A We were almost three hours.

Q Were you allowed to go out from the church?

A We were allowed to go out.

Q Who asked for the permission of the Japanese to go out?

A It was Sofio Itaas who asked for the permission to go out.

Q Who is this Sofio Itaas anyway?

A My neighbor.

Q Does he speak English?

A He knows English language.

Q And at that time was he acting as an interpreter

for the Japanese officer?

A On that very day he was just an interpreter for the Japanese to the civilians.

Q By whom was he employed?

A He asked to be the interpreter. He already asked to be the interpreter.

Q When Sofio Itaas asked the permission of the Japanese to go out, were you allowed to go out all at once?

A We were allowed but we were told to line up one by one.

Q Where were you lined up? Inside the church?

A We were told to line up outside the church and because there were so many people I was inside the church.

Q Now, did anything happen while you were going out?

A There was something happened.

Q Were these people allowed to go out by groups or altogether at once?

A One family from the rest. One family at a time.

Q Do you know the families that were allowed to go out?

A I do not know because I was there inside the church.

Q Now, do you know what happened to those people who were allowed to go out by families?

A The first family that went out I did not know yet what happened to them because they were so far from me.

Q Please proceed.

A When there were so many families who went out already that was the very time that I know what happened to them.

Q What did you know?

A I saw a person bleeding.

Q Where was that person bleeding?

A I saw already blood bleeding through the floor.

Q Where did that blood come from?

A It came from the house of Angus.

Q How far was the house of Angus from the place where you were?

A It must be around 20 meters from the church.

Q Where did you see that blood flow?

A From the floor because it was just in front of me.

Q Did you see any person bleeding?

A No, because the house was closed.

Q When you say there was blood on the floor, what did you suspect?

CAPTAIN REEL: Just a minute. Could we have the question read back?

(Question read)

CAPTAIN REEL: We will object to that.

GENERAL REYNOLDS: The objection is sustained.

Q (By Major Opinion) What happened after you saw the blood?

A The people were all machine-gunned and those who were not able to stand up immediately were bayoneted.

Q Just a minute, please. You said the people were allowed to go out of the church. How many people more or less were to go to the church or went out of the church?

A If the people inside would be divided into three parts, two-thirds is going out already.

Q And how many people were left inside the church when

two-thirds of these people had already gone out?

MAJOR OPINION: Will you read the question?

(Question read)

THE WITNESS: It must be around three hundred left.

Q (By Major Opinion) You said before that there were three hundred persons assembled in the church who were ordered, some of them were allowed to go out. Now, how would you explain that if two-thirds of these people, or two hundred of them had gone out, still there would remain inside the church three hundred?

A I asked -- those left were around, maybe, one hundred people.

Q Where were you? Were you with the people that were left inside the church or with the people that had already gone out of the church?

A I was with the people who were left in the church.

Q Now, please tell the Commission what happened with the people inside the church.

A We were all bayoneted.

Q By whom?

A By two Japanese soldiers.

Q You yourself, did you receive any bayonet wounds?

A I was bayoneted on my left back to my breast, reaching the child which I was holding.

Q Would you say the bayonet went through your body?

A Yes.

Q You have shown that the bayonet came out of your right chest and the bayonet having pierced on the back of your body. You say your baby was also touched by the

bayonet?

A Yes. I placed the child down and then I covered the child with my body.

Q What did you do in addition to covering the child?

A I laid down to cover the child which I was covering.

Q Would you say you covered the body of your small child?

A I covered my child with my body.

Q While you were at the church did you receive any wounds or any bayonet wounds?

A It was the only one I received.

Q And did the Japanese approach you while you were in that position, lying down?

A The Japanese approached me but because they believed I was already dead they went away.

Q How long did you stay in that church?

A I could not remember how I stayed, how long I stayed inside the church, providing that I went out around 5 o'clock in the afternoon.

Q Where was your husband when you went out of the church?

A While the Japanese were machine-gunning those people from out of the church my husband was able to escape with my eldest son.

Q After you had gone out of the church where did you go?

A I crawled, I went to the swamps.

Q How far was it from the church?

A It must be around a half a kilometer.

Q How about your daughter?

A I was taking her with me.

Q Now, what did you do in the swamp?

A I am resting because of the pain I am suffering in my back.

Q Now, how long did you stay in the swamp?

A It was not only hours I stayed there; I stayed about two days because I went out Monday morning already when the bodies of the dead was laying there.

Q You say you went to the swamp about 5 o'clock that afternoon. Do you remember what day that was?

A It was Friday afternoon, five o'clock.

Q And you came out or left the swamp on Monday morning. Now, when you went out of the church did you see any dead bodies around the church?

A I saw many.

Q Where were these bodies found?

A Outside of the church; some were tied up in the coconut trees.

Q Were there any dead bodies inside the church?

A There were also many dead bodies inside the church when I left.

Q How many dead bodies were there, more or less?

A I could not count them but more or less they must be around sixty.

Q And outside of the church or near the doors of the church was there dead bodies, too?

A There were some dead bodies outside of the church near the door.

Q Would you be able to state the number, more or less?

A I could not count them but there were many.

Q Where did you go when you left the swamp on Monday morning?

A I went to the Barrio of San Juan.

Q How far was it?

A It must be around four kilometers.

Q About what time did you arrive at San Juan?

A The night of Monday.

Q Is that Barrio of San Juan within the jurisdiction of Pilar, also?

A Yes, it is the Barrio of Pilar.

Q On your way from the Barrio to the swamp, did you see dead bodies?

A I saw many bodies.

Q Where were these bodies found?

A I saw these bodies in the swamps with their eyes blindfolded.

Q About the houses, were there any bodies there?

A Yes, I saw a houseful of dead bodies.

Q Could you identify and name, if you are able to identify the dead bodies you found?

A Yes, I can tell you.

Q Will you please name them?

A It was one by the name of Daniel Lambot.

Q Who else?

A It was only one house whom I saw that was full of dead bodies; the other houses was closed.

Q Who else? Can you remember some more?

A I could mention those people whom I saw dead. Antonio Jayo; Rosario Baninago and Anselma Baninago. Those are the only ones whom I know are dead, among the dead.

Q Please tell the Commission as to how many dead bodies, more or less, you were able to find inside the church, outside the church, and on your way to the Barrio of San Juan; more or less, how many dead bodies?

A From the church to my way to the swamp the dead bodies whom I saw, according to my own calculations, must be around three hundred bodies.

Q From the swamp to San Juan there must be around one hundred?

A Yes.

Q You say that you are from Pilar. Can you state to the Commission how many barrios are comprised within the Pilar jurisdiction?

A Yes, I know.

Q Will you please tell what these barrios are?

A Esperanza, Dapdap, Lanao, Cawit, San Isidro, and San Juan.

Q Now, from the Barrio of San Juan, where were you taken to?

GENERAL REYNOLDS: The Commission interrupts at this point. There will be a recess until 1:30 this afternoon.

(Whereupon a recess was taken until 1330 hours, 16 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session. Proceed with the next order of business.

MAJOR KERR: All members of the Commission are present. The Accused and his Defense Counsel are present. At this time the Chief Interpreter desires to address the Commission.

COMMANDER BARTLETT: Further examination of Prosecution's Exhibit 319, 320 and 321 have disclosed certain subtle variations in meaning, of which 319 contains five; 320, seven; 321, four.

It is recommended that a list of these amendments or corrections be given to the Prosecution with instructions to prepare new copies of said translations incorporating the above changes and to substitute the new copies for those now in evidence.

The Defense has been apprized of said proposed changes and has expressed no objection.

GENERAL REYNOLDS: The recommendations of the Chief Interpreter will be carried into effect.

MAJOR KERR: Sir, at this time I would like the Commission's permission to have Mr. Banuvar to sit at the counsel table. He is our technical adviser on Japanese language matters. We will have a Japanese witness this afternoon and perhaps quite a few later on and his appearance here will be essential.

GENERAL REYNOLDS: The Commission grants the request

of the Prosecution.

MAJOR OPINION: We will continue the examination of the witness we had on this morning.

NATIVIDAD LOPEZ BORINAGA

the witness on the stand at the time of recess, resumed the stand and further testified as follows:

DIRECT EXAMINATION (Resumed)

Q (By Major Opinion) Do you remember the last question?

MAJOR OPINION: Will you read the last question?

(The question was read as follows: "Q Now, from the Barrio of San Juan, where were you taken to?")

THE WITNESS: I went to Hilapnetan, of a place belonging to Baybay.

Q Were you taken to the Baybay Hospital?

A Yes, sir.

Q Were you confined in the hospital?

A I stayed there for around five months.

Q Under medical treatment?

A I was treated by a doctor in the Baybay Hospital.

Q During that five months --

A During the five months' stay I was treated by the same doctor.

Q While in the hospital has anyone shown you any photographs?

(Question read)

THE WITNESS: There was, yes.

Q (By Major Opinion) Would you be able to identify the Japanese that went to Dapdap?

A I know but one because by his clothing.

Q What was his clothing?

A The pants were black and the shirt was brown and the cap was also brown.

Q You mean to say khaki shirt?

A Yes, it was khaki shirt.

Q Was he an officer or not?

A He was not an officer; according to the people he was army man.

Q Was he carrying a saber?

A He was carrying with him the saber.

Q Did he have any revolver with him?

A There was also a revolver.

Q Was he wearing boots?

A He was wearing also boots.

Q How about the other Japanese, were they soldiers of the Army or of the Navy?

A They belonged to the Army.

Q Well, specifically, this Barrio of Hilapnetan, who did it belong to?

A Yes, it belongs to the municipality of Pilar.

Q How about the Barrio of Reynaldo?

A That belongs to Pilar.

Q How about the Barrio of San Isidro?

A The same.

Q How about the Barrio Esperanza?

A The same.

Q How about the Barrio of San Juan?

A Yes.

Q How about the Barrio of Lanao?

A Yes.

Q How about Cawit?

A Yes, it belongs to Pilar.

Q And Hilapnetan, how about that?

A Well, I am not sure.

MAJOR OPINION: I will have this marked Prosecution's Exhibit 330.

(A map was marked Prosecution Exhibit No. 330 for identification.)

Q (By Major Opinion) Showing you this Prosecution's Exhibit 330, please state to the Commission if you know it?

A Yes, I can tell.

Q This Exhibit No. 330 purports to be an over-lay of the original map and there are certain islands called Camotes Islands. Will you please tell the Commission what part is Ponson Island, where is that found?

A I can tell, yes.

Q Will you do so?

A This is Ponson Island (indicating.)

MAJOR OPINION: Sir, I offer this as Prosecution's Exhibit No. 330.

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

(Prosecution Exhibit No. 330 was received in evidence.)

Q (By Major Opinion) You say while you were in the hospital you were shown some photographs?

A Yes.

(A photograph was marked  
Prosecution Exhibit No. 331  
for identification.)

Q (By Major Opinion) Will you please state if you know this photograph which is marked as Prosecution's Exhibit 331?

A Yes, I can tell.

Q What does that place indicate?

A This is the inside of the church.

Q Of Dapdap?

A Of Dapdap, yes.

Q There are certain dead bodies shown in this Exhibit 331, would you be able to identify any of them?

A I can tell two bodies.

Q Can you name them?

A This one is Picong.

Q The one that is nearest to you is called Pincong?

A The body far from the door.

Q How about the other one which you said you knew, what is that?

A The body which is found by the door is Itaas.

MAJOR OPINION: We will offer this as our next exhibit.

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

(Prosecution Exhibit No. 331  
for identification was  
received in evidence.)

MAJOR OPINION: We will mark this as Prosecution's Exhibit No. 332.

(A photograph was marked  
Prosecution Exhibit No. 332  
for identification.)

Q (By Major Opinion) Showing you Prosecution's Exhibit 332, will you please tell us if you know the place indicated there?

A Yes, I know.

Q What is that?

A That is a place at the back of the church where I passed when I was going to the swamps.

Q Is that in the Barrio of Dapdap?

A Yes, it is in the Barrio of Dapdap.

MAJOR OPINION: Sir, I offer this photograph into evidence.

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

(Prosecution Exhibit No. 332  
for identification was  
received in evidence.)

MAJOR OPINION: Will you mark this 333 for identification?

(A photograph was marked  
Prosecution Exhibit No. 333  
for identification.)

Q (By Major Opinion) Please see this Prosecution's Exhibit 333 and tell the Commission if you know it.

A Yes, I can tell.

Q What is it?

A The place called Borinaza.

Q Is that one of the shacks which you saw as you went out of the church going towards Barrio San Juan?

A Yes.

MAJOR OPINION: We will offer this into evidence.

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

(Prosecution Exhibit No. 333 for identification was received in evidence.)

MAJOR OPINION: Will you mark this Prosecution's Exhibit 334?

(A photograph was marked Prosecution Exhibit No. 334 for identification.)

Q (By Major Opinion) Showing you Prosecution's Exhibit 334, will you please state to the Commission if you know that house?

A Yes, I know it.

Q Whose house is that?

A That is the house of Albino.

Q Have you passed in front of that?

A Yes, I passed this house when I was going to San Juan.

Q This Exhibit 334 purports to show a big pile of bodies. Did you see the bodies when you went towards your barrio?

A I saw all these persons. That is why I am crying now.

MAJOR OPINION: Sir, we offer this as part of our evidence.

GENERAL REYNOLDS: Will the reporter please read the last answer?

(Answer read)

GENERAL REYNOLDS: There being no objection, the document or the photograph is accepted into evidence.

(Prosecution Exhibit No. 334 for identification was received in evidence.)

MAJOR OPINION: Will you mark this Prosecution's Exhibit 335 for identification?

(A photograph was marked Prosecution Exhibit No. 335 for identification.)

Q (By Major Opinion) Showing you this Prosecution's Exhibit 335, will you please state to the Commission if you know it?

A I know it.

Q What is that door there?

A This is the door of the church at the back of which I was there.

Q There is a body lying just in front of that door, do you know whose body was that?

A I know this body to be the body of Itaas. I have given him a cup of water.

MAJOR OPINION: We offer this as part of our evidence.

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

(Prosecution Exhibit No. 335 for identification was received in evidence.)

MAJOR OPINION: Will you mark this Prosecution's Exhibit No. 336 for identification?

(A photograph was marked Prosecution Exhibit No. 336 for identification.)

Q (By Major Opinion) Showing you this Exhibit 336, will you please state if you know it?

A Yes, I know it.

Q What is that?

A I passed this place when I was going to San Juan.

MAJOR OPINION: I offer it, sir, as part of our evidence.

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

(Prosecution Exhibit No. 336 for identification was received in evidence.)

MAJOR OPINION: Will you mark this as the next exhibit?

(A photograph was marked Prosecution Exhibit No. 337 for identification.)

Q (By Major Opinion) Showing you this Prosecution's Exhibit 337, will you please state to the Commission if you know that place?

A Yes, I know it.

Q There appears in this photograph to be a man tied to a tree. Did you happen to learn who that man was?

A Yes, I fully know him by the name of Morelos.

MAJOR OPINION: We offer this as part of our evidence.

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

(Prosecution Exhibit No. 337 for identification was received in evidence.)

MAJOR OPINION: That is all.

CAPT/ IN REEL: No questions. (Witness excused)

FABIANA MORELOS

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Lunontad, was examined and testified through Interpreter Lunontad as follows, with Interpreter Zosa acting as "check" Interpreter:

DIRECT EXAMINATION

- Q (By Major Opinion) State your name and age.
- A Fabiana Morelos. 36. Married. San Juan, Pilar.
- Q At the present time where do you reside?
- A San Juan, Pilar.
- Q Were you living in the Barrio of Dapdap on December 29, 1943?
- A Yes, I live in Dapdap.
- Q Did you see Japanese soldiers in that place?
- A There were Japanese soldiers.
- Q Were you taken to the plaza?
- A I was brought to the plaza.
- Q While you were in the plaza, did you hear a plane?
- A There was.
- Q Were you taken afterward to the Dapdap Church?
- A I was brought to the Church of Dapdap.
- Q How many were you at the church?
- A There were many.
- Q What did you do inside the church?
- A We were kept in the church. We did nothing.
- Q By whom were you kept?
- A The Japanese.
- Q Who ordered you to go inside the church?
- A The Japanese soldiers.

Q While you were inside the church has any Japanese addressed to the people?

A There was.

Q Were you allowed to get out from the church?

A We were allowed to go out.

Q Will you please state to the Commission, in your own language and very briefly, as to what happened afterward?

A I can tell; yes, I can tell.

Q Please state.

A We were brought to the swamps. When we arrived in the swamps we were tied up. We were tied up in the swamps. I was struck by the saber, then I was thrown to the river. I was there in the river. I thought I was dead. All my children were all dead and killed.

Q You mean to say they were all killed?

A All killed.

Q By whom?

A The Japanese soldiers.

Q How many members of your family were killed?

A Seven.

Q Who were they?

A Marcelina.

Q What was he to you?

A A girl.

Q Was she related to you?

A My daughter.

Q How old was she?

A 22 years old.

Q Who else?

A Anastacio Morelos.

Q What was he to you?

A My son.

Q Who else?

A Epifanio Morelos, my son.

Q How old was he?

A 16 years old. Epifanio, 15 years old.

Q Was he related to you?

A My son Gregorio Morelos, my son.

Q How old was he?

A 5 years old.

Q Who else?

A Aurea.

Q What was he to you?

A My daughter.

Q How old was she?

A 3 years old.

Q Who else?

A Mario.

Q What was he to you?

A My son.

Q How old was he?

A 2 years old.

Q Who else?

A My father.

Q What name?

A Quintin.

Q Morelos?

A Quintin Morelos.

Q Now, were all of those persons you have just mentioned members of your family?

A These are all.

Q Were they all killed?

A They were all killed.

Q How about you? Were you wounded?

A I am wounded, I have been wounded.

Q How many wounds did you sustain?

A Seven wounds.

Q Where did you receive these wounds?

(The witness indicated various portions of her body.)

INTERPRETER LUMONTAD: Left and right breast of left front, right breast, three wounds at the back.

Q (By Major Opinion) Where were you when you were wounded?

A I was in the swamp.

Q Were you with these members of your family who were killed?

A I was with them.

Q Did you see how they were killed?

A I saw.

Q Who was wounded first?

A I was the first to be wounded.

Q Where were you when your youngest son was wounded?

A I was holding the baby when the baby was wounded.

Q And when you were wounded what happened to the baby?

A He was killed.

Q Why? Was he also struck by the bayonet?

A He was bayoneted.

Q Now, do you know what was done with your father,  
Quintin Morelos?

A I know.

Q What was done with him?

A He was bayoneted.

Q By whom?

A The Japanese.

Q Showing you this Prosecution Exhibit 337, in which  
there appears a man tied to a tree, do you know that man?

A Yes, I do.

Q Who was he?

A My father.

MAJOR OPINION: That is all, sir.

CAPTAIN REEL: No questions.

(Witness excused.)

MAJOR OPINION: Mark this for identification, please.

(Statement of Teofila Gorola  
was marked Prosecution  
Exhibit No. 338 for identi-  
fication.)

MAJOR OPINION: Sir, we offer as a part of our evi-  
dence as Prosecution Exhibit No. 338 a sworn statement  
of Teofila Gorola.

GENERAL REYNOLDS: The copy given to the Commission  
has no evidence that it is an affidavit. There are two  
pages. How many pages have you?

MAJOR OPINION: There are two pages here, sir.

GENERAL REYNOLDS: Let me see the original.

The document is not properly authenticated and cannot  
be accepted.

MAJOR OPINION: We may explain that, sir, if you  
please.

If the Commission please, I will explain, sir. This  
part of our record, sir, was the first case taken up for  
investigation by the War Crimes Branch and they were just  
all made by pages chronologically without separating one  
statement from another statement. But, however, at the  
end of the last page of the investigation record they have  
been properly certified, sir.

GENERAL REYNOLDS: In its present form the Commission  
declines to receive the exhibit in evidence.

MAJOR OPINION: Mark this for identification, please.

(Copy of investigation of  
civilian massacre at Dapdap,  
Ponson Island, Camotes Islands,  
Cebu Province, 29 December  
1944 was marked Prosecution  
Exhibit No. 339 for identi-  
fication.)

MAJOR OPINION: We offer as part of our evidence this Prosecution Exhibit No. 339.

GENERAL REYNOLDS: In view of the length of the document the Defense is accorded time sufficient to complete a study of it, and the matter will be considered tomorrow morning.

MAJOR OPINION: Mark this for identification, please.

(Copy of report of War Crimes Branch on investigation of alleged murder of Filipino civilians at Dapdap, Ponson Island, Canotes Islands, Cebu Province, 29 December 1944 was marked Prosecution Exhibit No. 340 for identification.)

MAJOR OPINION: We offer this as part of our evidence, namely, Prosecution Exhibit 340.

GENERAL REYNOLDS: In view of the length of the document the Defense is accorded sufficient time to make a study of it. It will be considered tomorrow morning.

MAJOR OPINION: For the record, sir, we would like to state that Exhibit 339 is the investigation conducted by the investigating officer of USAFFE on orders received 6 March 1945.

That's all, sir. That concludes our evidence, if the Commission please.

Juanito Alines.

JUANITO ALINES

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Lumontad, with Interpreter Zosa acting as "check" interpreter:

DIRECT EXAMINATION

MAJOR OPINION: This case, sir, relates to the burning of Barrio Nanipil in Mountain Province and the murder of eight civilians and the wounding of others at Titig Mountain, Supplemental Bill of Particulars Nos. 114 and 115.

Q (By Major Opinion) If the Commission please, please state your name, age and other personal circumstances.

A Juanito --

GENERAL REYNOLDS: The witness must talk louder.

A (continuing) Juanito Alimes. 29 years old. My residence, Luneta Hill, Baguio, Mountain Province.

Q (By Major Opinion) Early in the morning of 15 April 1945 where were you?

A I was in Pacda.

Q What is that "Pacda"?

A It is the barrio of Mankayan, Mountain Province.

Q Did you leave Pacda that morning?

A Yes. I started from Pacda.

Q Were you alone or accompanied?

A I had companions. We were seven in all.

Q Where did you go from Pacda?

A We are going to Nanipil.

Q What is that "Nanipil"?

A It is the barrio of Mankayan, Mountain Province.

Q At what time was that, more or less, when you left Pacda for Nanipil?

A It was very early in the morning.

Q Did you arrive at Nanipil?

A No. We did not reach Nanipil on that date.

Q Why?

A No, because we reached the mountain of Gadagad and we met Japanese soldiers.

Q How many Japanese soldiers did you meet?

A In my own calculation they must be around one thousand Japanese soldiers.

Q What did the Japanese soldiers do with you?

A We were tied up by the Japanese soldiers.

Q All of you seven?

A We seven.

Q What happened after that?

A We were asked to tell where the guerrillas are. That was the only question by the question to ask.

Q What answer did you give to that question?

A I said "I do not know".

Q What did the Japanese do with you?

A I was boxed and slapped many times.

Q How about your companions? Were they boxed and slapped, too?

A Yes. My companions were also slapped.

Q What happened after a while?

A From there we were brought to the trees and tied.

Q By whom?

A The Japanese soldiers.

Q What happened after a while?

Please tell him to speak a little bit louder.

A We were -- Again we were asked by the same question to tell them where the guerrillas are.

Q How long did you remain tied to the trees?

A In my own calculation it must be around one hour we were tied.

Q You say that you were released from the trees?

A After they slapped and boxed us we were untied.

Q Completely untied?

A We were just untied from the tree but our hands were still tied.

Q Now, please proceed. Tell in your own language, in your own way of telling, what happened.

A We started for Nanipil with our carloads. Our hands -- One of our hands -- One of our hands was tied with the hands of the other. And then when we were near the barrio of Nanipil we were ordered to stop. We spent the night on that same Sitio.

GENERAL REYNOLDS: The Commission interrupts to ask the Prosecution to adjust the microphone so the interpreter has some chance of hearing the witness' statements.

Q (By Major Opinion) You say that you were marched by the Japanese. Were the Japanese with you when you were marched toward Nanipil?

A (No response)

Q How many Japanese were there?

CAPTAIN REEL: I think that counsel asked the question before the witness could answer the prior question.

GENERAL REYNOLDS: Obtain an answer to the question.

MAJOR OPINION: Please read the question.

(Question read)

A The Japanese were with us.

Q (By Major Opinion) Now, the other question: How many

Japanese were there?

A All of them.

Q Did you arrive at Nanipil?

A We arrived at Nanipil April 16, 1945.

Q In the morning or in the afternoon?

A In the morning.

Q All right. Please state to the Commission what happened.

A They machine-gunned the houses.

Q Who machine-gunned the houses?

A The Japanese soldiers.

Q Where were those houses machine-gunned by the Japanese?

A From the mountain.

Q Were there houses in the jurisdiction of Nanipil?

A There were many houses.

Q And what happened after a while? After they had machine-gunned the houses what happened?

A They put all the houses on fire.

Q How many houses were set afire?

A In my own calculation there were around 30 houses.

Q Where were you when the Japanese set fire to those houses?

A I was behind.

Q Could you see them?

A I saw them.

Q What did the Japanese do with you after they have set afire those houses?

A We were brought to the Titig Mountain.

Q Where is that Titig Mountain? Within what jurisdiction?

A Very near to Nanipil.

Q Now, what happened after a while?

A We were told to take off our clothes.

Q How were you able to take off your coats when you were tied?

A Our hands were untied.

Q After they have untied you did they tie you again?

A We were tied up again one by one.

Q What happened after a while?

A We were brought to the cliff and we were told to kneel. I let the Japanese soldiers hold my back and my shoulder. The Japanese soldier who was with saber sword was at my back. Then I was struck by the sword.

Q With what?

INTERPRETER LUMONTAD: With the sword.

MAJOR OPINION: Ask the witness.

(Translated by Interpreter Lumontad)

A Upon my neck. I was struck on my neck and then I fell on the precipice. I heard the voices of my companions who were dying.

Q (By Major Opinion) Were you able to identify the persons whose voices you heard?

A They were nixed up.

Q Was there any woman with you?

A There was one woman.

Q What was her name?

A Soledad Ramos.

Q Did you hear her voice while you were on the place where you have fallen down?

A I heard her voice.

Q Please proceed.

A I tried to untie my hands and then it was at last untied up.

Q Who untied you?

A I alone.

Q All right. Proceed.

A I crawled down to the lowland. There I stayed three days in the lowland. Then I tried to crawl up to the camp of the natives.

Q Proceed.

A I stayed there three days in the camp of the natives without eating.

Q Proceed.

A On the third day I climb up to the precipice where I fell. Then I saw the bodies of my companions.

Q Proceed.

A Then I tried to locate the members of my family.

Q You say that you saw the bodies of your companions. Where were the bodies that you found?

A On the precipice.

Q Do you know who were those Japanese whose numbers were about one thousand? Were they Army soldiers or Navy soldiers or Marines?

A I believe they were Army men.

Q Do you know about Tiger Unit of the Japanese Army?

A While I was recovering there I was told by my people that those soldiers who tied us, who massacred us, belong to the Tiger Unit.

Q Do you know who was the commander of that Tiger Unit?

A I heard from one of the Japanese soldiers calling "Major Saito".

MAJOR OPINION: You may cross examine.

GENERAL REYNOLDS: Does the Defense have any questions?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: You may proceed.

#### CROSS EXAMINATION

Q (By Captain Reel) Where is the Barrio Pacda with relation to Baguio? North, south, east or west?

A It is in the north of Baguio.

Q And how far from Baguio is it?

A 96 kilometers from Baguio.

Q And when you left Pacda did you go north, south, east or west?

A To the south.

Q And is Nanipil south of Pacda?

A Yes.

Q How far from Pacda is Nanipil?

A Ten kilometers.

Q Why did you leave Pacda?

A Because I was taking with me food to Nanipil.

Q Were there air-raids going on at that time?

A There was none.

Q No shelling or bombing on the 16th of April?

A None.

Q Were there guerrilla raids practically every day at that time?

A None.

Q Do you know of any guerrilla activity in that area in April?

A There were none except when we left Pacda. On our way we met the Japanese.

Q Do you know of any activities in that area in April, 1945 by the Volckman guerrillas?

A No.

Q How long after the 16th of April did you first meet the American troops?

A It was very long time before we see Americans.

Q More than a week?

A More than one week.

Q And where were you when the Americans first arrived, when you first saw them?

A I was in the hospital of San Gabriel.

CAPTAIN REEL: That's all.

MAJOR OPINION: That's all.

(Witness excused)

JOHN GILLIES

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A John Gillies.

Q Your age?

A Nineteen.

Q Where do you live?

A Suyoc, Mankayan.

Q Have you lived in Manipil on April 15 and 16, 1945?

A 16th. Yes, sir.

Q (Through Interpreter Albano) While you were in Manipil has anything happened?

A (Through Interpreter Albano) Early in the morning at five o'clock the Japanese raided Manipil.

Q What date was that?

A (Without aid of the Interpreter) In the 16th.

Q What did you mean to say, the Japanese raided Manipil? What do you mean by saying the Japanese raided Manipil?

A (Through Interpreter Albano) The Japanese raided Manipil and burned the houses there.

Q How many houses were burned?

A (Through the Interpreter) About 30 houses were burned.

Q How do you know that?

A (Without aid of the Interpreter) About 40 or 50 houses were burned.

Q When did you leave Manipil?

A The 16th of April.

Q The morning or the afternoon?

A In the morning.

Q And when did this burning of Manipil take place?

A When?

INTERPRETER ALBANO: He says on the 16th of April.

Q (By Major Opinion) At what time?

A (Through Interpreter Albano) Five o'clock in the morning.

Q And at what time did you leave Manipil?

A (Through the Interpreter) At the same time.

Q You said that the burning of the 30 houses at Manipil took place at five o'clock in the morning. At what time did you leave Manipil on the same day?

A On the same day we leave Manipil.

Q At what time?

A (Through Interpreter Albano) At the very hour we left Manipil.

Q You mean to say that while the houses of Manipil were burning you left Manipil?

A (Without aid of the Interpreter) We left Manipil..

Q Where did you go?

A We went to the creek, one kilometer away, to see a place where we can hide ourselves.

Q Did you have any companion?

A I have a companion, yes.

Q What was his name?

A Macario Sapino and family.

Q How long did you stay in that hiding place of yours?

A Two days.

Q Did you go back after awhile to Manipil?

A We proceeded to the other place.

Q Did you go back to Manipil afterwards?

A One week after the raid we went back to Manipil.

Q Were you alone, or were you accompanied?

A I was accompanied by Macario Sapino.

Q What did you do at Manipil?

A We went to see if our things are there, and we found three persons are killed by the Japanese in the field.

Q Did you know these persons?

A I know only one person.

Q Who was he?

A Alejo Pablonot.

Q Did you see any other body?

A The other body was the finger cut off of the person who was laying there.

Q Do you know this Alfonso Sunga?

A Yes, I know him.

Q Did you see him also that day when you came back to Manipil?

A Yes, I saw Alfonso.

Q And was he dead or alive when you saw him?

A He was dead; his head was cut off.

Q Do you know this man that I am talking about?

A Yes, I know him.

Q Did you see him when you came back to Manipil?

A Yes. His head was entirely cut off.

Q Did you know Jose Banez?

A Yes, I know Jose Banez.

Q How was he when you saw him?

A His head was entirely cut off.

Q Do you know Lino Gablad?

A I know him.

Q Did you see him when you came back to Manipil?

A Yes. His head was entirely cut off.

MAJOR OPINION: That is all.

CROSS EXAMINATION

Q (By Captain Reel) Did you say there was an air raid at Manipil?

A (Through Interpreter Albano) No; no, sir.

Q Were there any air raids at Manipil?

A None, sir.

Q Was there any shelling at Manipil?

MAJOR OPINION: I will object, sir. We object to this series of questions about shelling, sir, because we believe that it is absolutely irrelevant to the case. The mere fact that there may be shelling would not justify the killing nor the burning of houses.

GENERAL REYNOLDS: The objection is not sustained.

You may continue.

CAPTAIN REEL: Read the question.

(Question read.)

A (Through the Interpreter) None, sir.

Q (By Captain Reel) Was there any guerrilla raid at Manipil?

A None, sir.

Q Did you ever hear of any guerrilla activities in the vicinity of Manipil?

A None, sir.

Q Did you ever hear of the Volokman guerrillas?

A No, sir.

CAPTAIN REEL: That is all.

MAJOR OPINION: The Prosecution rests its evidence at this particular time.

(Witness excused.)

MAJOR OPINION: Sir, we would like to request that I be allowed to introduce one document in connection with the previous case, the Dapdap case, that I overlooked among the other documents we have here.

GENERAL REYNOLDS: Very well.

MAJOR OPINION: Will you mark this exhibit as the next Prosecution's exhibit?

(Copy of Report of John K. Blanche, Lt. Col., JAGD, was marked Prosecution Exhibit No. 341 for identification.)

MAJOR OPINION: This exhibit, Prosecution's Exhibit 341, is a copy of the report of Lieutenant Colonel Blanche, acting inspector general, which purports to show that he had received verbal orders from the commanding officer of the American forces detailing him to conduct an investigation of all the facts that have taken place in connection with the massacre of the civilians of Dapdap.

Particular attention, sir, is called, respectfully, to Paragraph 9 of said Exhibit 341, on this page here (indicating), to which there is attached a translation by the language officer of a captured Japanese document. These documents attached here are very illuminating.

GENERAL REYNOLDS: You may read the pertinent parts of the document.

CAPTAIN REEL: The Defense has not been given a copy of this document. We would like to see it before it is read.

GENERAL REYNOLDS: In view of the length of the document it will be considered after Defense has had an opportunity to study it, and it may be taken up at the beginning of the session tomorrow morning.

MAJOR OPINION: Yes, sir.

CAPTAIN PACE: If the Commission please, the Prosecution is prepared to offer additional evidence on Bill of Particulars paragraph number one.

Colonel Borbon.

FORTUNATO BORBON

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

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Fortunato Borbon.

Q Are you a member of the Philippine Army?

A Yes, sir.

Q What is your rank, sir?

A Colonel of the Philippine Army.

Q What is your present assignment?

A I am the Acting Provincial Governor of Batangas Province.

Q Now, prior to that, when the Japanese came to the Philippines, where were you then?

A I was in Cebu City, in 1941 and 1942.

Q What was your assignment then?

A I was commanding the 83rd Infantry of the USAFFE.

Q Were you captured by the Japanese on Cebu?

A Yes, sir.

Q How long were you held as a prisoner of war?

A Five months.

Q Then did you return to Batangas?

A No, sir, I remained in Cebu a year, for almost -- I was captured after I had stayed in the mountains for

six months, in the mountains of Cebu and Bohol Island.

Q After you were captured, you were held a prisoner of war for five months; is that right, sir?

A Yes, sir.

Q And when did you return to Batangas?

A In 1943.

Q When were you appointed Governor of the Province of Batangas?

A I was appointed Governor on February 1, 1945, in Nasugbu, when the 11th Airborne arrived in Nasugbu Batangas Province, January 31, 1945.

(A document was marked Prosecution Exhibit No. 342 for identification.)

Q After you became Governor of Batangas, did you set about to organize the provincial government and the municipal governments there?

A Yes, sir.

Q Will you look at Exhibit 342 for identification and tell what that is?

A This is my memorandum to all municipal mayors and chiefs of police at Batangas Province to conduct a complete investigation of deaths and number of houses burned by the Japanese.

Q This is an official record of the Province of Batangas which was issued by you, sir?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No.  
342 for identification  
was received in evidence.)

Q (By Captain Pace) In addition to instructing the mayors of Batangas to conduct investigations into the fatalities resulting from Japanese activity, did you personally go around the province, investigating?

A Yes, sir. I went around the province for the purpose of investigation of the conditions of the province.

Q Did you spend a great deal of time doing that?

A Yes, sir.

(A document was marked  
Prosecution Exhibit No.  
343 for identification.)

Q And as a result of the investigations conducted by you personally, and those conducted by subordinates who reported to you, did you gain a wide knowledge of the affairs of the people in Batangas, with particular relation to the crimes committed by the Japanese?

A Yes, sir.

Q Will you look at Exhibit 343 for identification and state what that is?

A This is my report to the Honorable Secretary of the Interior in Manila, about the conditions of the Province of Batangas.

Q Does that truly represent what you found to exist in your province?

A Yes, sir.

Q Is that an official report to the Secretary of the Interior of this Commonwealth?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

GENERAL REYNOLDS: In view of the length of the document, it will be considered tomorrow morning after Defense has had an opportunity to study it.

(A document was marked  
Prosecution Exhibit No.  
344 for identification.)

Q (By Captain Pace) Now, since you submitted those two reports to the Secretary of the Interior of the Commonwealth, have you compiled additional information and received additional reports from your mayors?

A Yes, sir, I received additional reports from the mayors.

Q Will you look at Exhibit 344 for identification and tell what that is.

A This is the consolidated report by municipalities of all the atrocities committed by the Japanese in the Province of Batangas.

Q Is that based on the records which you have in your office?

A Yes, sir.

Q And on the reports which you have received?

A Yes, sir.

Q And to the best of your knowledge is that a correct report of the number of people killed in Batangas?

A Yes, sir.

Q Is the figure two thousand --

A 25,709.

Q That is, in your opinion, the correct number of people killed by the Japanese in your province?

A Yes, sir.

CAPTAIN PACE: I offer Exhibit 344 for identification in evidence, sir.

GENERAL REYNOLDS: Is this a separate exhibit, or is it a part of the official report which was the last one considered?

CAPTAIN PACE: It is a separate one, sir. This is the most current information on that subject. The other report is more general and not as recent.

GENERAL REYNOLDS: Is this an amendment or an addition to some other exhibit which has been considered in this case?

CAPTAIN PACE: It represents figures which are similar to those testified to by others. It also contains new information, of which there is no evidence before the Commission.

CAPTAIN REEL: Sir, the Defense objects to this exhibit. Our objection will be on the same grounds as the objection that we will undoubtedly have to the prior exhibit. We haven't had a chance to read it yet, but from a cursory glance it is quite apparent that the two are related. Now, if it is the desire of the Commission, we can state the grounds of our objection to this paper at this time; otherwise, we can state the whole thing tomorrow morning.

GENERAL REYNOLDS: It is the desire of the Commission that the two documents be considered at the same time, and consideration on the exhibit in question is deferred until tomorrow morning.

CAPTAIN REEL: May I request, sir, that the reporter mark the questions and answers that precede the introduction of these two statements, because it may well be that tomorrow morning we will ask to have these stricken, and we will want to refer to them.

GENERAL REYNOLDS: Very well.

Q (By Captain Pace) Are you able to state how many people were killed in your province by the Japanese?

A More or less around 25,709, according to my records.

CAPTAIN PACE: Thank you, sir.

CAPTAIN REEL: Now, sir, we will ask that that be stricken. We haven't any foundation of this witness' statement. We don't know on what he bases his information. That again is a restatement of these two exhibits. If this is to be considered tomorrow, we ask that the entire matter be referred until tomorrow.

GENERAL REYNOLDS: The objection of counsel is sustained. The last question and the last answer are stricken from the record.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This investigation that was conducted, I think you said you personally went around investigating conditions of the province, is that correct?

A Yes, sir.

Q And between what dates did you personally go around and investigate?

A The dates?

Q Yes.

A I began investigations since the months of March and April; since the month of March I began going around inspecting the province and studying the condition of the province.

Q When did you finish your tour of investigation of conditions in the province?

A I have already finished the report, the submission of my report in the month of April.

Q In the month of April?

A Yes, sir.

Q So the whole investigation covered one month, March to April?

A Two months; March and April.

Q It started in the beginning of March?

A About the beginning of March. I am not very sure about the dates, exact dates.

Q Can you give us some approximation of the date when you finished?

A In the month of April. I was not very sure of the exact date when I was finished, but the entire month of April.

Q Well now, your report that you have offered as Exhibit 343 for identification, the first letter is dated 27 March 1945. Does that refresh your recollection as to when you completed your investigation?

A That was not completed yet, because I went around yet by the months of April, in the following month.

Q I see. All right. The second letter, supplementing the report of the 27th of March, is dated the 21st of

April, 1945. Does that refresh your recollection as to when you finished your investigation?

A Well, that is more or less the time when I finished my investigation.

Q You finished before you wrote that letter, is that right?

A Yes, sir.

Q And the order that you got out for the mayors and chiefs of police is dated April 2, 1945. Does that refresh your recollection as to when you started the investigation?

A Well, I issued that order in order to amplify more the reports of my mayors.

Q I see. Now, in your investigation, did you go to all of the barrios in Batangas?

A Only the barrios that I could reach; not all the barrios.

Q And how many did you go to?

A I went to one barrio in Lipa, Batangas.

Q One barrio in Lipa?

A Yes, in the month -- about in March, and I found about 300 or 400 Filipinos dead with their arms tied behind, at the back of the town of Lipa.

Q All right. Now, what other barrios, without going into details as to what you found in each one; I just want now to know the barrios that you went to. You went to one barrio in Lipa, is that right?

A Well, there are so many barrios there that I could not remember very well the name of the barrio, but the

only barrio that I remember very well was very significant for my inspection, is the one in Lipa.

Q Is that the only barrio in Lipa that you went to?

A The only place that I have been there.

Q Now, did you go to barrios in any other municipality in Batangas?

A I went around.

Q Well, can you tell us, without telling us the details of what you found, just which barrios you, personally, went to?

A Well, I simply passed through the barrios. I did not conduct more investigation, because the mayors themselves had done the other investigation.

Q Yes. Now, which barrios, if any, did you yourself conduct the investigation in, besides the one in Lipa?

A I could not remember very well now.

Q Well, were there any besides the one in Lipa, in which you personally conducted the investigation?

A I cannot remember now exactly all the barrios, because most of those other barrios are not passable by automobile or jeep.

Q And the information that you put into your report is based on what was told to you by the barrio lieutenants?

A That is the report that they rendered to me, so I took it for granted that that is the official report.

Q Yes. It is not anything you know of your own personal knowledge; it is what they told you, is that right?

A That is right.

Q Now, is it true that the entire Province of Batangas

was the center of warfare during the months of January, February and March of 1945; is that true?

A That is true.

Q And there was considerable bombing and shelling and combat destruction?

A There were, between the Americans and the Japanese.

Q Yes, and there were also some guerilla bands operating, were there not?

A Also the guerrillas.

Q And many buildings were destroyed in the course of the warfare?

A The Japanese burned the houses of many towns.

Q Didn't the Americans bomb some buildings, too, in Batangas?

A Not that I know.

Q No buildings at all were bombed by the American airplanes in the whole Province of Batangas?

A Maybe a few houses, but not much.

Q And there was some artillery shelling by both sides in Batangas, wasn't there?

A There were, but it did not destroy exactly the town; maybe one or two houses.

Q One or two houses; all right. And some people were killed in that warfare, were they not?

A I have not received any report to that effect.

Q You haven't any report on that at all. The only report you got is the report that is here as Exhibit 343 and Exhibit 344, is that right?

A That is the only report I got.

Q Now, about these guerrilla bands, were there some guerrilla raids in Batangas during this period?

A There were guerrilla raids against the Japanese.

Q And were you a member of the guerrillas?

A Guerrillas, against the Japanese -- (pause)

Q Were you a member?

A I was a member of the guerrilla myself.

Q And what organization were you a member of?

MAJOR KERR: If the Commission please, this is wholly beyond the scope of the direct examination of this gentleman.

CAPTAIN REEL: Sir, I know of no rule that limits cross examination to matters brought out on direct. Major Kerr may have reference to a rule that exists in a few of the states in the United States, but, as I think we pointed out early in the proceedings, he was the man who took the position that even the ordinary rules of evidence didn't apply, much less peculiar rules peculiar to certain states.

GENERAL REYNOLDS: The Commission desires to be liberal, both to the Prosecution and the Defense, in the examination of witnesses. It does not see why cross examination of this witness as to his guerrilla connections would serve any useful purpose. Could counsel explain?

CAPTAIN REEL: Yes, sir. We do not maintain that any examination of this witness as to his own guerrilla activities serves any useful purpose on the question of his direct testimony on these exhibits that have been

offered; we have covered that. It has to do only with the general picture of the case, and we feel it would be helpful to the Commission in deciding matters that have to do with other aspects of the case. This witness, incidentally, is on under specification number 1, which certainly covers the entire picture.

MAJOR KERR: Sir, if the Defense is to be permitted to use the Prosecution's witnesses for its own purposes, entirely without connection to the testimony which we adduce upon direct examination, certainly the Prosecution cannot be responsible for the time it takes to put before the Commission its case. Now, conceivably, according to Defense Counsel's own statement, he may now proceed to ask him any one of the questions which they might want to bring out on their own defense case.

GENERAL REYNOLDS: Well, the Commission well understands that. Let us exclude the details of this witness' connection with guerrilla activities. If he has any real knowledge of guerrilla activities in the area under question at this time, it should be presented quickly, and the Commission will hear it.

CAPTAIN REEL: Yes, sir. I will just ask the witness a few questions.

Q (By Captain Reel) Are you familiar with the guerrilla activities that were carried on in the Province of Batangas in the latter part of 1944 and the early part of 1945?

A I am.

Q Can you give us in brief the areas, the municipali-

ties in Batangas, where the guerrillas were especially active? Can you give us the list of those?

A Practically in all the province, the entire Province of Batangas, the guerrilla activities -- they were all active in the Province of Batangas.

Q Were they especially active in the neighborhood of Lipa?

A Also.

Q Santo Tomas?

A All parts of the Batangas Province.

Q All through the province. And did those activities consist of frequent raids upon the Japanese supply lines? Was that part of the activity?

A Part of the activity of the guerrillas.

Q And especially on the military roads, the roads that were used by the military?

A Yes.

Q Did it also consist, in part, of raids upon civilians who were friendly to the Japanese?

A Not that I know.

Q Do you know of any civilian homes that were burned by the guerrillas because the occupants were friendly to the Japanese?

A I do not know anything about that.

Q You don't know of any?

(The witness shook his head negatively.)

Q And in addition to the actual guerrilla activities, were the guerrillas supported in large part by the help of civilians in various barrios?

A Will you please clarify that question?

(Question read.)

A No.

Q Wasn't money donated by civilians in Batangas Province to the guerrillas?

A (Pause.)

CAPTAIN REEL: Will you read the question?

(Question read.)

A I do not know that now.

CAPTAIN REEL: Sir, I should like to ask the witness relative to the armor.

Q (By Captain Reel) Were the guerrillas armed?

A They were armed, some of them were armed.

Q And with what?

A Different kinds of arms, rifles, shotguns.

Q And many of them carried bolos?

A Bolos; all kinds of arms.

Q And were there persons in the barrios, civilians, who acted as intelligence units for the guerrillas, would inform the guerrillas as to where the Japanese were?

A Not necessarily, because the guerrillas themselves had their own intelligence sections in every unit.

Q That is right, but in addition to that, weren't they aided by civilians in the various towns?

A No, not necessarily.

Q They never got any aid?

(The witness hook his head negatively.)

CAPTAIN REEL: One more question, if I may.

Q (By Captain Reel) Did the guerrillas of which you

speaking wear uniforms?

A Not uniforms.

Q Did they wear any armbands?

A Some, in khaki uniforms like this (indicating); some wearing semi-military uniform, some in disguise, civilian uniform.

Q Did they wear armbands?

A No.

Q Any armbands?

A No.

CAPTAIN REEL: That is all.

CAPTAIN PACE: One more question, sir.

REDIRECT EXAMINATION

Q (By Captain Pace) You testified that a great number of people were killed in Batangas by the Japanese; is that right?

A Yes.

Q Were those people guerrillas?

A They were not guerrillas.

Q Could you estimate how many guerrillas were killed by the Japanese in Batangas?

A Maybe a few, three or four or five guerrillas that happened to be captured.

GENERAL REYNOLDS: The Commission interrupts and terminates the questioning of this witness, and we shall recess for ten minutes.

(Witness excused)

(Short recess)

GENERAL REYNOLDS: The Commission is in session and desires information from the Prosecution.

We had expected to complete the hearing in the case of the Prosecution today and the Commission inquires as to the status.

MAJOR KERR: Sir, on the basis of our present estimate of the situation we expect to complete our case tomorrow afternoon.

GENERAL REYNOLDS: There can be no doubt that you will complete tomorrow afternoon?

MAJOR KERR: Well, sir, I wouldn't want to bind myself by a definite promise, but that is our present intention. So much depends, sir, on the extent to which Defense uses our own witnesses for their purposes and the extent of cross-examination and the language difficulties, and so on. To the best of our knowledge now, we shall complete tomorrow.

GENERAL REYNOLDS: Well, on behalf of the Defense I don't think their cross-examination has consumed an undue amount of time today. Let us be sure to proceed swiftly to the meat of the situation and move as fast as we can.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: If the Commission please, the next witness will testify in relation to matters covered in Bill of Particulars Nos. 15 and 25.

Mr. Okoochi.

DENHICHI OKOOCHI

called as a witness on behalf of the Prosecution, having been first duly sworn, was examined and testified as follows through Interpreter Staff Sergeant Tad Yajima.

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Denhichi Okoochi.

Q What is your nationality?

A Japanese.

Q Are you a member of the Japanese military forces?

A I am a Japanese soldier.

Q In what branch of the Japanese Imperial Forces are you?

A Navy.

Q What is your rank in the Imperial Navy?

A Vice-Admiral, Imperial Japanese Navy.

Q How long have you been in the Japanese Navy?

A 43rd year of Meiji. (Reporter's note: 1910).

Q When did you become a vice admiral?

A November of the fifteenth year of Showa (Reporter's note: 1940).

Q Are you willing to tell this Military Commission the truth about what you know of the case now in hearing?

A I do swear.

Q You are at present a prisoner of war of the American forces; is that right?

A Yes, sir.

Q When did you come to the Philippine Islands?

A 22nd of November, 1944.

Q What was your command when you came here?

A I was in command of the Southwestern <sup>SEA FLEET.</sup> Pacific Area. *S. L.*

Q What land bodies did that command cover?

A Java, Sumatra, Malay, French-Indo, Burma Area.

Q Did that include Singapore?

A Yes, sir.

Q You have named land bodies in that area. Did that include the adjacent waters?

A Yes, sir.

Q Where was your headquarters after you came to the Philippines?

A Chiefly at the Army and Navy Club.

Q In Manila?

A Yes, sir.

Q Do you know General Tomoyuki Yamashita?

A I know him well.

Q Was he here when you came?

A He was here.

Q What was his job here?

A He is the Commanding General of the Area Army.

Q What area did his command comprise?

A I think it is the Philippine Area.

Q Philippine Islands?

A Philippine Islands.

Q Prior to January 6, 1945 did you have command of all the navy troops in the Philippine Islands?

A Yes, I was in command.

Q Up until January 6, 1945 were you the supreme commander in the Philippine Islands when it came to naval

forces?

A Yes, sir.

Q Did you receive an order or instructions from the Imperial Headquarters concerning turning over certain naval forces to Yamashita?

A That is the case of army-navy combined operations, and where navy personnel were required to join the ground forces, that's how it used to be. They would serve under the army.

Q Under what circumstances --

GENERAL REYNOLDS: The answer to that question isn't clear and the Commission desires the last question to be read and, if necessary, broken down into simpler statements.

(Question read)

CAPTAIN PACE: Do you want the answer?

GENERAL REYNOLDS: Read the answer.

COLONEL CLARKE: May we have the witness answer that question again? We are not sure of the interpretation.

GENERAL REYNOLDS: The question will be reread and the Interpreter will reask the question of the witness.

(Question read)

THE WITNESS: I did not receive any special orders.

Q (By Captain Pace) Did you turn certain naval forces over to Yamashita in January, 1945?

A I did.

Q What authority did you have for doing that?

A In accordance with the policy from Tokyo I have carried on the responsibility of turning over certain

elements of the navy to General Yamashita.

Q Did your command include the shore-based navy troops as well as those afloat?

INTERPRETER YAJIMA: What is it?

CAPTAIN PACE: "Did your command include the land-based navy troops as well as those afloat?"

A Yes.

Q (By Captain Pace) What were the first troops which you turned over to Yamashita?

A Ground forces; only the ground forces.

Q Where were they located?

A Those who were under the command of the Manila area were sent to Manila.

Q You turned over your navy troops in Manila to Yamashita?

A Yes, sir; just for the ground operations.

Q When did these troops go to Yamashita's command?

A From the 6th of January, 1945.

Q What time on the 6th of January?

A Zero hours.

Q Did you notify Yamashita that you were transferring these elements to his command?

A After giving my orders to my subordinates I so notified to Yamashita's headquarters.

Q How did you notify his headquarters?

A By wireless.

Q When did you notify Yamashita's headquarters?

INTERPRETER YAJIMA: "Where" did you notify them?

CAPTAIN PACE: "When did you notify Yamashita's

headquarters?"

A 5th of January, 1945.

Q (By Captain Pace) How many naval troops did you turn over to him?

A Approximately 20,000 in the Manila area.

Q Were those all the navy troops who were located in the Manila area?

A That's right.

Q After zero hours, January 6, 1945, did you have command of any land-based naval personnel in Manila?

A I was not in command so far as the land operations goes.

Q Did you have command of any naval personnel operating in the Manila area after zero hours January 6, 1945?

A I was in command as far as naval administration went.

Q What do you mean by that?

A Regarding the administration outside of naval operations -- military operations.

Q What kind of administration?

A For instance, supply or personnel.

Q Of naval troops in Manila?

INTERPRETER YAJIM: What is that again?

Q (By Captain Pace) Did you take care of the administration of navy ground troops in Manila?

A I was in charge of the administration.

Q Who was in tactical command of those troops?

A The orders came from the army.

Q What orders?

A All the operational orders came from the army.

Q What did your message to Yamashita concerning these troops say?

A I do not remember the wording.

Q Tell me as closely as you can what it said.

A "I am putting herewith the Navy personnel for combat operations under the command of the Army," the Navy personnel in the Manila area.

Q When was that effective?

A Effective 6th of January.

Q Who wrote that message?

A My chief of staff wrote it and signed it.

Q Did you send it to anyone else except Yamashita?

A I am sure I sent one to General Yokoyama.

Q Who was Yokoyama.

A Lieutenant general.

Q What was his position here?

A He was in command of the military personnel in Manila, I believe.

Q When did you leave Manila, then?

A I left on the 5th of January.

Q Who did you leave in command of these naval troops?

A Rear Admiral Iwabuchi; that is for the Navy ground personnel in the Manila area were under the command of Iwabuchi.

Q Did you issue any orders to Iwabuchi before you left?

A Just those same orders.

Q Did you tell him who his new commander was?

A I did not say.

Q Did you tell him you were leaving?

A I said so to Iwabuchi, yes.

Q Did you tell him who to report to?

A I did not.

Q Did he already know?

CAPTAIN REEL: We object. We do not think this witness can testify to what is in someone else's mind.

GENERAL REYNOLDS: The objection is not sustained.

You may proceed.

Read the question.

(Question read.)

A He knew that I was leaving Manila.

Q (By Captain Pace) You testified that you issued orders to him, is that right?

A Yes.

Q What did those orders say?

A Regarding naval land operations to be under the command of the Army.

Q You told him Navy land operations from then on were to be under the command of the Army, is that correct?

A Yes, sir.

Q Who was in command of the Japanese Army here at that time?

A I think it is Lieutenant General Yokoyama.

Q You mean in the Philippine area?

A Yes.

Q Who was in command of the Japanese Army on that date in the Philippines?

A General Yamashita.

Q Where did you go when you left Manila?

A I went to Baguio.

Q On what day did you get there?

A The 6th of January.

Q Did Yamashita go to Baguio?

A He was there.

Q Do you know when he went?

A I don't know for sure. Maybe during the first part of January; I am not sure.

Q Did you talk to Yamashita after you got to Baguio?

A I did, yes.

Q How many times?

A I think it was about five or six times.

Q Now, how long did the Manila naval troops remain under Yamashita?

A Until the 24th of August, 1945.

Q Now, after you left Manila and went to Baguio, were you able to communicate with Iwabuchi in Manila?

A Yes.

Q Now, at any time during that period did the command of the Manila naval troops revert to you?

A Not concerning land operations.

Q When did you lose contact with Iwabuchi?

A I am not so sure, but it is about the 20th of February.

Q What happened to Iwabuchi, do you know?

A I understand that he had been killed in action.

Q Where?

A In Manila.

CAPTAIN PACE: You may cross examine.

GENERAL REYNOLDS: There will be questions by the Commission.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) In your testimony you stated that on about January 6, 1945, you turned over certain land troops in your command in the Manila area to General Yamashita?

A That is right.

Q And you so informed General Yamashita by wireless?

A Yes.

Q Did you receive acknowledgment of this information from General Yamashita's Headquarters?

A I did not receive any acknowledgment.

Q Did you discuss this question of the turnover of troops to General Yamashita orally?

A I never talked about it.

Q Did any members of your staff discuss this matter with the staff of General Yamashita?

A They may have, but I am not sure.

Q You stated --

A I believe there was, but I am not sure.

Q You spoke of having five or six interviews with General Yamashita after you had arrived in the region of Baguio.

A Yes.

Q At any of these conferences did the question come up as to the control of the naval land forces in the Manila area?

A I believe there were times that I talked about it.

Q What did you say when you talked about it?

A I do not remember the details.

Q Did you subsequently to January 6th issue any operational orders to the naval land forces in the Manila area?

A Not as far as the military operations goes.

Q What type of orders did you issue?

A I didn't issue any orders.

Q Did you receive any reports from these naval land forces in the Manila area that had been turned over to General Yamashita by wireless subsequent to January 6, 1945?

A There were times when I received notice regarding the military situation.

Q From what commander did you receive notice?

A From Iwabuchi.

Q That is, the naval admiral in Manila?

A Yes.

Q What was the nature of this information?

A I do not remember the details, but since there was no change of command, I occasionally received information regarding the military situation direct.

Q Did Admiral Iwabuchi ask you for any instructions relative to the conduct of the operations in the Manila area?

A There were no such requests for instructions.

Q How far was your command post in the Baguio area from that of General Yamashita?

A Approximately 50 meters -- 500 meters.

Q Did you receive any instructions from General Yamashita while you were in the Baguio area?

A I did not receive any direct orders. It is because I am not subordinate to General Yamashita.

Q What was your relationship to General Yamashita?

A There is no relation, sir.

Q You spoke of some five or six conferences that you had with General Yamashita subsequently to January 6, 1945. Please tell the Commission what subjects were discussed in each one of those conferences.

A Everything in general. We discussed everything in general, but we did not go into detail about military operations.

Q I want some subject matter specifically that was discussed.

A There is no specific topic that I can tell you about.

Q Is the admiral's memory so faulty that he cannot recall discussing the tactical situation in Manila?

A There are times when we talked about the military situation.

Q Then the admiral does not desire to discuss the details of these conferences, is that his attitude?

A It is not that I don't want to tell the story, but we talked about so many things, but I can't remember.

GENERAL LESTER: That is all.

Q (By General Donovan) Who commanded the Marines in the Manila area?

A Rear Admiral Iwabuchi.

Q They also were under the command of the Army?

A Yes, since the 5th of January.

(The witness made a statement in his own language.)

MAJOR KERR: I believe the witness said something just now. Will you interpret it?

INTERPRETER YAJIMA: "I just remembered something. I do not remember the date, but since I had no authority to command the land operation, I requested to Yamashita's headquarters to -- I asked Yamashita's headquarters the advisability of evacuating the navy land forces from Manila immediately. However, it was that the army has already given orders to evacuate Manila. That is all."

GENERAL REYNOLDS: Does the chief interpreter believe there would be a good purpose served by having a check interpreter, as we use in the case of Tagalog witnesses?

COMMANDER BARTLETT: I feel that I am doing it, and I am satisfied that the Commission is getting an accurate account of what the witness has said.

GENERAL REYNOLDS: Very well. Proceed.

#### CROSS EXAMINATION

Q (By Captain Sandberg) You have stated, Admiral, that you continued to have administrative supervision over the Manila navy forces after January 6th?

A (Through the Interpreter) Yes.

Q Will you tell us what that administrative control included?

A I had no occasion to give orders directly, but my administration consisted of such things as personnel, supply, supplies and so forth, and I had no control, no responsibility, over the land operation.

Q Now, after January 5, could General Yamashita have promoted a navy officer in Manila?

A No.

Q Could he have promoted a navy officer or non-commissioned officer in Manila?

A No such authority.

Q Could he have changed the assignment of any navy officer in Manila? I will rephrase the question.

Suppose General Yamashita had been dissatisfied with Admiral Iwabuchi; could he have removed him from command?

A Of course, in case I was dissatisfied with certain land operations, he could have done that through me. However, that is in fact impossible.

Q That is, he could have recommended to you a change in Admiral Iwabuchi's assignment?

A Well, as a matter of fact it is impossible, because during that time there were no other commander who could lead the navy land forces in Manila.

Q Now, could General Yamashita have court martialed navy personnel in Manila?

A I don't think so.

Q That power remained with you?

A If there were such occasions, I was to be notified, and I will punish them, and I would take necessary action.

Q Now, after January 5, could General Yamashita supersede any of your orders?

THE INTERPRETER: Will you repeat the question?

(Question read.)

CAPTAIN SANDBERG: You might make that "overrule."

A (Through the Interpreter) I have no authority to give orders for land operations.

CAPTAIN SANDBERG: Well, let me rephrase that.

Q (By Captain Sandberg) Could General Yamashita supersede any order of yours as to other than land operations?

A No. No, except those of land operations.

Q Now, would it be a correct statement that General Yamashita's jurisdiction was limited to the actual employment of troops in actual combat operations on land?

A Yes.

Q Now, is it correct that there was in existence, prior to the Lingayan landing, a comprehensive plan for the protection of the harbor and naval facilities of Manila?

A Yes.

Q Now, when was this plan or order issued?

A I don't remember the exact date, but it must be during the latter part of December.

Q Now, did this plan include the destruction of the harbor facilities of Manila, and the harbor and dock facilities?

A The destruction of those harbors, the destruction of naval piers, and destruction of harbors, harbor facilities.

CAPTAIN SANDBERG: Could we have the last answer read, please?

GENERAL REYNOLDS: Then please read the question

from which it developed.

(Question and answer read.)

Q (By Captain Sandberg) Now, did the plan include provision for disposition of naval supplies?

A I think so, but I don't remember the wording.

Q Now, who issued this order or plan?

A I did.

Q Was this order ever fully carried out?

A I think so, but because the majority have been killed in action I am not sure.

Q Do you know whether it had been fully carried out by January 6, 1945?

A No -- I didn't do such a thing prior to the 6th of January.

Q Now, the order was never revoked, was it?

A No.

Q In your opinion, on January 6th, 1945, when the naval troops came under General Yamashita, did the execution of this plan pass to the army?

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. Defense may proceed with cross examination.

(The following answers of the witness were given through Interpreter Suco Ito.)

CAPTAIN SANDBERG: I will withdraw the last question.

Q (By Captain Sandberg) Now, is it true, then, that whatever destruction of harbor facilities or docks or

supply depots was done, was done in accordance with this navy order of December?

THE INTERPRETER: Will you repeat the question, please?

(Question read.)

A (Through the Interpreter) Yes, sir.

Q (By Captain Sandberg) Now, will you tell us why the destruction of the harbor facilities of Manila was important?

A It was important according to operations.

Q Was Manila one of the most important harbors in the Far East?

A Yes, sir.

Q And was it important to deny the use of that harbor to the American forces?

A Yes, sir. It was important for American forces to use the harbor and important -- convenient for the Japanese forces if the harbor was destroyed.

Q Now, the matters covered by this December order were all naval, rather than land operations, weren't they?

A Yes, sir.

Q Now, were you familiar with the general plan of strategy of General Yamashita for the defense of Luzon?

THE INTERPRETER: Will you repeat the question, please?

(Question read.)

A (Through the Interpreter) I did not know the details.

Q (By Captain Sandberg) Well, can you tell us in a

general way?

A I know the general plan.

Q Well, what was the general plan as to the City of Manila?

A The plan was to evacuate Manila as fast as possible and make a stand on the outskirts of Manila.

Q Now, do you happen to know how many army troops participated in the battle of Manila?

A I do not know the number.

Q Do you happen to know how many navy troops participated in that battle?

A Approximately 20,000.

Q Now, have you any explanation as to why those 20,000 navy troops did not evacuate Manila in accordance with General Yamashita's plan?

A The plan was to evacuate the navy troops as fast as possible, but due to bombings by planes the transportation facilities were destroyed, and we could not follow this plan.

CAPTAIN SANDBERG: If the Commission please, on the question before the last our translation differs from that of the official interpreter; and in view of the importance of it -- (pause)

Would you read back the question and answer?

(Question and answer read by the reporter as follows:)

"Q Well, what was the general plan as to the City of Manila?

"A The plan was to evacuate Manila as fast as

possible and make a stand on the outskirts of Manila."

THE INTERPRETER: Will you repeat the question now, please?

(Question read by the reporter as follows:)

"Q Well, what was the general plan as to the City of Manila?"

A (Through the Interpreter) Since the army did not have a policy to defend Manila, I heard that the army desired to avoid conflict in Manila, I made a plan to evacuate the majority of the naval troops that were in Manila as soon as possible, but because of bombings by plane the transportation facilities weren't as I expected. A considerable number of troops was left in Manila.

Q (By Captain Sandberg) And was it General Yamashita's plan that the fighting be in the mountain terrain?

A I heard that; that is what I heard.

Q And it was his intention that there be no street fighting in Manila?

A That is what I believe.

Q When you said "the outskirts" before, did you mean the mountain terrain around Manila?

A I believe so.

Q Now, do you know of your own knowledge that General Yamashita was very much concerned about the failure of the naval troops to evacuate Manila?

A I believe that the -- my staff, through the chief of staff, made a plan to evacuate Manila, and the army issued the plan for the evacuation.

CAPTAIN SANDBERG: May we have your indulgence for

a moment, sir?

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: Will you read back the last answer?

(Question and answer read.)

CAPTAIN SANDBERG: If the Commission please, we have this interpretation: "My chief of staff went to the army chief of staff to suggest the evacuation of Manila, and was told that the order for withdrawal had already been issued."

MAJOR KERR: Our interpreter has it the same way, sir.

GENERAL REYNOLDS: The statements in question are so similar -- does the official interpreter think there is any difference of opinion?

COMMANDER BARTLETT: I fail to see the difference between what the reporter read, in substance, and what the other parties are saying. My understanding is that they are all about almost exactly what the witness said: That his chief of staff, or his staff, went to the army staff and suggested the early evacuation of Manila and was told that such orders had been issued. I think that is what the reporter read, and I think that is what we have here, and I think that is what he said.

CAPTAIN SANDBERG: As stated by the reporter, it doesn't give the element of already having been issued. The implication is that it was issued after the navy chief of staff --

GENERAL REYNOLDS: Will the reporter read the answer

again?

(The answer referred to was read by the reporter as follows:)

"A I believe that the -- my staff, through the chief of staff, made a plan to evacuate Manila, and the army issued the plan for the evacuation."

COMMANDER BARTLETT: We stand corrected.

GENERAL REYNOLDS: Then we will wish to get it in the record in accordance with your present view as to the proper translation.

CAPTAIN SANDBERG: That is, the translation as read by me is accepted by the interpreter and by the Commission?

COMMANDER BARTLETT: Well, I would suggest you use the one that I made, sir.

Will you read the one I made?

(The portion of the record referred to was read by the reporter as follows:)

"That his chief of staff, or his staff, went to the army staff and suggested the early evacuation of Manila and was told that such orders had been issued."

CAPTAIN SANDBERG: That is agreeable.

CAPTAIN REEL: That is all right.

Q (By Captain Sandberg) Do you recall a radio message from Rear Admiral Arima, your chief of staff, to Rear Admiral Iwabuchi, concerning the evacuation of Manila?

THE INTERPRETER: Will you read the question, please?

(Question read.)

A (Through the Interpreter) I remember.

Q (By Captain Sandberg) Will you tell us what the gist of that message was?

A I don't know the details, but the message was -- well, the gist of the message was, "How about evacuating as soon as possible, and to execute a strong delayed action outside of Manila?"

Q Do you believe that Admiral Iwabuchi may have delayed his withdrawal because he had not yet completed the destruction of the harbors, docks and supplies?

A Maybe there was something to that. That is my opinion.

Q These five meetings you had with General Yamashita were mostly social, weren't they?

A Principally that.

Q And that is why you do not remember specific topics of conversation?

A I think that is unreasonable. What do you think about it?

Q You mean unreasonable to expect you to remember?

A It is a little difficult to remember things that were said among friends while eating, in these several meetings.

CAPTAIN SANDBERG: Your witness.

(The witness made a statement in his own language.)

INTERPRETER ITO: "I do not remember the contents of those meetings at all."

GENERAL REYNOLDS: There will be questions by the Commission.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) Admiral, to return to the turning over of the land troops of your command in the Manila area to General Yamashita, why did you turn these troops over to General Yamashita? I will rephrase the question.

Why did you turn over your land troops to General Yamashita on or about January 6th, 1945?

A (Through the Interpreter) Because I believed that battle would start in Manila.

Q Did you have full authority to take such action in a situation of this kind?

A It was not the authority, but the belief that battle will start in Manila presently; my estimation and belief.

Q Did you notify the Navy Department in Tokio of your action?

A Yes, I notified them.

GENERAL REYNOLDS: You may continue.

CAPTAIN PACE: While we are looking for something, sir, I will ask another question.

REDIRECT EXAMINATION

Q (By Captain Pace) Did you have authority to promote or denote any navy officer in Manila?

A To promote or denote officer is not my authority, but it is the authority of naval department. However, I have the authority to express my opinion to that naval administration.

Q Now, after January 6th, 1945, did you have authority to issue orders to the navy commanders in Manila?

A I did not have authority concerning land operations.

Q Did you ever regain that authority to issue orders over troops in Manila?

A I did not have.

Q Did you have authority to order the navy troops to evacuate Manila after January 6th?

A I did not have.

Q At any time did Yamashita request that you exercise disciplinary powers over any of the troops in Manila?

COMMANDER BARTLETT: Will you please rephrase the question?

Q (By Captain Pace) Did Yamashita have authority to exercise -- withdraw that, too.

Did Yamashita have the power to discipline troops in Manila after January 6th?

CAPTAIN SANDBERG: Sir, we object to that question as being very vague. What troops?

GENERAL REYNOLDS: The objection is sustained.

CAPTAIN PACE: In what respect, sir, is it vague?

GENERAL REYNOLDS: Let the Commission ask the question.

Who was responsible for the discipline of Japanese troops in Manila after January 6th, 1945?

THE WITNESS: (Through the Interpreter) It was General Yamashita's authority to, in matters pertaining to operation; but in matters not pertaining to operation it was my responsibility.

GENERAL REYNOLDS: One more question: Was the witness responsible for the control and discipline of Japan-

ese troops in Manila after January 6th, 1945?

THE WITNESS: (Through the Interpreter) I had the responsibility not pertaining to operations.

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: No further questions, sir.

CAPTAIN SANDBERG: We have one further question.

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: We will withdraw it.

GENERAL REYNOLDS: The witness may be excused.

(Witness excused.)

GENERAL REYNOLDS: What is your situation as to time at the moment, Major Kerr?

MAJOR KERR: Well, sir, so far as I can tell now, we can still finish tomorrow. We have no further witnesses for today.

Now, sir, in connection with the Palawan massacre, on Palawan Island, which we intend to put on tomorrow, we will have some motion pictures. These motion pictures are in the nature of a photographic interview, with sound track, of the survivors of that massacre; and we should like to show those photographs, that film, after the testimony on Palawan. I would suggest tomorrow evening, or, if the Commission prefers, it could be Monday evening, taking it out of order.

GENERAL REYNOLDS: The Commission will view the pictures Monday evening.

MAJOR KERR: At what time, sir?

GENERAL REYNOLDS: 8 o'clock.

MAJOR KERR: We have nothing further for today, sir.

GENERAL REYNOLDS: In that event, the Commission will recess until 8:30 tomorrow morning.

(Whereupon, at 1725 hours, 16 November 1945, the trial was adjourned until 0830 hours, 17 November 1945.)

Yamashita, Tomoyuki, 1885-1946, defendant  
"

BEFORE THE  
MILITARY COMMISSION  
convened by the  
United States Army Forces  
Western Pacific

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )  
----- )

PUBLIC TRIAL

High Commissioner's Residence,  
Manila, P.I.  
17 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer  
and Law Member

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted.)

REPORTED BY:

E. D. CONKLIN

L. H. WINTER

M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Rafael Puno	2587			
Masaki Kawachi	2592	2602	2604	2605
Filemon Castillejos	2606	2613		
Rafael Barsana	2628	2631	2633	
Mariano Bayaras	2634	2636		
Clarence V. Hartwell	2638	2646		
Shizuo Yokoyama	2662	2680	2698	2701

EXHIBITS

<u>PROSECUTION'S EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
341		2569
342		2560
344		2562
345	2569	2576
346	2577	2580
347	2580	2584
348	2651	2653
349	2653	2655
350	2655	2661
351	2666	
352 (omitted in numbering)		
353	2699	

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session.

The first order of business will be consideration of certain documents which were presented yesterday and on which decision was withheld until this morning to provide opportunity for the Commission and the Defense to analyze and study them.

MAJOR KERR: Sir, may I state for the record at this time that all the members of the Commission are present and that the Accused and Defense Counsel are present.

GENERAL REYNOLDS: Very well.

The Commission does not have the exhibit numbers in all cases under which they were offered and desires to take them up in proper sequence. The Prosecution will inform the Commission of the numbering.

The Commission will first take up Prosecution Exhibits 342 and 344. 342 appears to be a Memorandum for All Municipal Mayors and Chiefs of Police, Province of Batangas, dated April 2, 1945 and signed by Fortunato Borbon, Colonel, A.G.D., Philippine Army, Provincial Governor.

First the Commission notes that the document is not certified as a true copy; that is to say, it is not signed. The Commission wishes to inquire whether Prosecution has a signed copy.

MAJOR KERR: As I recall it, sir, that was identified by the witness as being a true copy. If in checking the record we find that the record did not identify it as a true copy, then we should like to have leave to substitute a duly certified copy of it. But I believe that the record

will show that the witness on the stand identified it.

GENERAL REYNOLDS: Under the assumption that the witness has so testified on the stand, this memorandum is accepted by the Commission for such probative value as may be attached to it.

(Prosecution Exhibit No. 342  
for identification was received  
in evidence.)

GENERAL REYNOLDS: The Commission will consider next Prosecution's Exhibit No. 344, which is a consolidated report, by municipalities, on deaths which were alleged to have been caused by the Japanese in Batangas, totaling 25709.

The Commission notes with respect to this exhibit that it, too, bears no signature.

MAJOR KERR: The record will show, I am sure, that that was identified when the provincial secretary of Batangas was on the stand yesterday.

GENERAL REYNOLDS: The Defense will be heard with reference to this last exhibit.

CAPTAIN REEL: Sir, may the Defense be heard with reference to 343 as well as 344? I believe they were put in together as related exhibits. We might save some time in that way.

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: First of all, sir, 343 --

GENERAL REYNOLDS: Let me interrupt. We can save time.

With respect to Prosecution Exhibit 343 the Commission affirms its authority to receive and consider official reports prepared by officials of the Commonwealth of the

Philippines. In the case of the official document under consideration the Commission declines to accept it in view of its large content of extraneous and irrelevant material and its lack of probative value.

Now you may proceed with your discussion of 344.

CAPTAIN REEL: As I understand it, sir, that applies to 343 in its entirety?

GENERAL REYNOLDS: 343 in its entirety.

CAPTAIN REEL: Then we shall consider 344. We have no objection to 342.

X In Exhibit 344 we have two objections to the exhibit which we shall put in the form of requests to cure it.

1. In the title we ask that the words "caused by Japanese atrocities" be stricken. That is in line with the Commission's previous ruling on the very documents from which this one is apparently made up.

2. Also we wish to point out that the witness who testified showed by his testimony that there is no basis for that statement in any report of his.

GENERAL REYNOLDS: The Commission notes that the consolidated report signed by Jose Calingasan, dated 14 November 1945, is different in form in certification than other similar documents submitted by the Prosecution. The Commission directs that the Prosecution establish the inclusive dates of the period within which the deaths are alleged to have occurred.

The words "caused by Japanese atrocities" are stricken.

Subject to receipt of additional information which

the Prosecution has been directed to supply, the document is accepted by the Commission for such probative value, if any, that it shall be held to possess.

CAPTAIN REEL: May I point out one further matter that we wish to bring to the Commission's attention in connection with Exhibit 344.

The towns of Bauan, Cuenca, Lipa and Taal, or I should say the municipalities, show figures there which are quite obviously round-number figures not based on any exact count: 800, 1000, 18,000, 4,000. We wish to point out those figures to the Commission so that they may bear in mind in ascertaining the probative value of this document just what is the situation.

GENERAL REYNOLDS: The Commission notes the comments of counsel.

The Commission will next announce its ruling on Prosecution Exhibit 339, which is an official report dated 5 April 1945 and signed by Charles H. Fletcher, Major, JAGD, Investigating Officer. The Commission notes that the document under consideration refers throughout to statements of witnesses, which statements are not incorporated in the document itself. While the Commission affirms its right to receive and consider official reports, this document is rejected by the Commission.

We next consider the Prosecution's Exhibit No. 340, which is an official report dated 9 April 1945, which is signed by C. M. Ollivetti, Colonel, JAGD, Staff Judge Advocate, United States Army Forces in the Far East.

The Commission notes that the document under con-

sideration refers throughout to statements of witnesses, which statements are not incorporated in the document itself. While the Commission affirms its right to receive and consider official reports, this document is rejected by the Commission.

The Commission will next consider Prosecution's Exhibit No. 341, which is a report of Lieutenant Colonel Blanche and which has been approved by the Commanding General, 24th Corps.

Before considering the document further the Commission desires the Prosecution to read the translation of captured enemy document which appears as Headquarters, 7th Infantry Division, and is dated 23 January 1945.

CAPTAIN SANDBERG: Do you wish to hear the Defense?

GENERAL REYNOLDS: The Prosecution.

MAJOR OPINION: If the Commission please, these captured documents, sir, were for the first time attached to the report, Exhibit 341. As the Commission knows, the Commission will see that they are just inclosures. They have been brought for the first time to the attention of the Investigating Officers when this report was submitted by Colonel Blanche. I desire, sir, to lay stress on this point: that this report was the result of the investigation conducted personally by Colonel Blanche as ordered. He was given verbal orders, sir, by the Commanding Officer to proceed with investigation. Consequently, in Paragraph 9, sir, of this exhibit it is stated here that "Attached hereto as 'Exhibit 1' is a translation by the Language Officer, of a captured Japanese Company Field Order and

a personal diary. In light of the attached evidence and the occurrences which took place at Ponson Island, the field order and diary become illuminating".

If the Commission please, I should like to read this undated company order of the Japanese which was captured from Japanese possession.

GENERAL REYNOLDS: You may read paragraphs 2 and 3 of the order.

MAJOR OPINION: Yes, sir.

"II. The Company will exterminate the town of PILAR at 2400.

"III. The platoons and squads will gather as follows at 1930

"1. 1st Platoon (minus 1/12 (TN: one squad)).

2nd Platoon

3rd Platoon

MG Platoon

Rapid fire gun

1 Squad of 1st Platoon (reserve).

"2. Loading Unit will gather at Hqtrs Platoon bivouac area

"3. Uniform - Pack and gas mask will be left out. Regular uniform with split toe shoe.

"4. Individual rations, class B. One meal carried on person. Ration for the following morning will be carried in mess gear."

GENERAL REYNOLDS: The Defense will now be heard with respect to this document.

CAPTAIN SANDBERG: If the Commission please, we have

made the point a number of times in the course of this proceeding that where Japanese documents are involved the original and not a translation should be put into evidence. We have felt very strongly that that is necessary because of the difficulties of translation of the Japanese language.

This particular order illustrates in a very vivid sense exactly why that is important. We are informed by our interpreter that the term which is translated here as "exterminate" is possibly or probably a translation of the Japanese word "soto".

Now, this is pure speculation on our part as we do not have the original document, but the Japanese word "soto" may be translated when used by laymen in an ordinary civil sense as "exterminate", but as a military term it is in common parlance and means to "sweep a town" or to "clear it for military operations". And the word "soto" will be found in many Japanese military documents and military orders, and when so used has no reference whatsoever to the civilian population except in so far as the "clearing of the area for military operations" is involved.

If we had the original document that point could be cleared up and this translation, which may be very inaccurate and very prejudicial, would not be admitted.

GENERAL REYNOLDS: While the Commission affirms its right to receive and consider official translations without seeing the original, the Commission inquires whether the original of this particular document can be provided.

MAJOR KERR: No, sir. So far as I know, that is not available. It is the Prosecution's policy to produce

the original of the Japanese document wherever it is available. We have made earnest effort to obtain the originals. We are advised in some cases that the originals are lost, that they have been destroyed or that they have been shipped to Washington or otherwise are not available. This is one of the instances where the original is not available at this time. If during the course of the trial it does reach us, we shall put it in evidence at that time.

With respect to the point made by counsel as to interpretation, in the first place these interpretations are those obviously which the American Army has based its own intelligence and its strategy and its own tactics upon.

Furthermore, I submit, sir, that when you have evidence of the occurrence of an atrocity such as the massacre of civilians in a certain town and then you also have in addition to the evidence of the actual atrocity a translation of a captured order relating to that town, it is entirely in support of the translation to the effect that the town shall be "wiped out", "swept" or that a "massacre shall occur", that the massacre actually did occur. In other words, the fact that the massacre occurred supports the translation.

Furthermore, in this particular instance the exhibit offered in evidence shows that it is a language officer who made the translation. No, I beg your pardon. There is merely the certificate of the language officer that the documents were captured at a certain place.

GENERAL REYNOLDS: Has the chief interpreter any comment to make?

COMMANDER BARTLETT: This same word "exterminate" has been used in translations in connection with all orders, such as the enemy will be "exterminated on the beachhead". In my opinion, anyone reading the original order would have to decide for himself whether it meant to "exterminate", to "mop up", to "fight against" or to "attack".

GENERAL REYNOLDS: Very well. The Commission also notes that the copy presented to the Commission bears no signature as a true copy and inquires whether there is another copy to become an official part of the record which is signed.

MAJOR KERR: May I ask the reporter whether or not the original of that that is the signed original is in his possession. I understand the Commission was handed a copy and the signed original was handed to the reporter.

REPORTER CONKLIN: We have only a carbon copy, sir, of the original which was handed to the Commission.

GENERAL REYNOLDS: Does the Defense have further comment?

CAPTAIN SANDBERG: We have, sir. We should like to add this:

As we understand it, the only official United States translations of captured documents are those which are made by the Allied Translator and Intelligence Service, namely, ATIS. This document has apparently not been translated by ATIS. This is not an ATIS translation. As a matter of fact, on the face of the document it does not appear who translated it. The letterhead refers to the "Language Team of the 7th Infantry Division", but there

is nowhere on the document a certificate by any person certifying that this is a correct translation.

MAJOR KERR: May I point out, sir, that the document itself in the letterhead specifies in Exhibit 1 "Headquarters Seventh Infantry Division, Language Team", and the subject is "Document Translations". I submit, sir, that that in itself would indicate that the translations were by, or at least were concurred in by, the language team of the 7th Infantry Division, which of course would be a field unit and its translations would be those upon which the unit would rely in its field operations.

GENERAL REYNOLDS: The comments of Defense are noted. Subject to the Prosecution providing a copy which is duly signed or certified, the exhibit in question is accepted by the Commission for such probative value, if any, as it shall be held to possess.

The Prosecution may proceed.

(Prosecution Exhibit No. 341  
for identification was received in evidence.)

CAPTAIN CALYER: If the Commission please, the first new item to be presented this morning has to do with the execution of an American prisoner of war and is covered by Item 4 of the Bill of Particulars.

Mark this for identification, please.

(Copy of sworn statement of  
Virgil E. Brown was marked  
Prosecution Exhibit No. 345  
for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence as Exhibit No. 345 a statement

made by Virgil E. Brown on 30 May 1945, signed by him and sworn to before the Investigating Officer, Fred M. Black, 1st Lieutenant, JAGD.

The statement reads as follows:

"Q Will you give your name, rank, serial number and present organization?

"A Virgil E. Brown, Captain, O-1700185, Medical Corps, Second Squadron Surgeon, 7th Cavalry.

"Q What is your age?

"A I am 39 years old.

"Q Please state your professional qualifications . . ."

Those are stated. I shall skip them unless the Commission wishes them read.

GENERAL REYNOLDS: The Commission notes that he is a Doctor of Medicine. Proceed.

CAPTAIN CALYER: "Q How long have you been on active service in the Medical Corps of the United States Army?

"A 3 years next July.

"Q Where is your station at present?

"A Just outside of the Municipality of Siniloan, Province of Laguna, Luzon, Philippines.

"Q On or about 2 November 1944 what was your rank, organization and where were you?

"A I was a Captain, Squadron Surgeon, First Squadron, 7th Cavalry. I was on duty in the Municipality of Carigara, Leyte Province, Philippines.

"Q We are investigating the alleged mutilation and murder by the members of the Japanese Army of an American soldier, Private Wade E. Gensemer,

35607676, Troop 'C', 7th Cavalry, whose body was found in the northeast section of Carigara, Leyte, Philippines. Do you have any information on this matter?

"A Yes.

"Q Will you state in your own words your knowledge of the atrocity, fixing all times and places?

"A About 3 or 4 days prior to 2 November 1944, 'C' Troop of the 1st Squadron, 7th Cavalry, went out on patrol to Carigara from Barugo, Leyte, Philippines. This patrol proceeded along the sea wall at the northeast edge of Carigara and encountered Japanese resistance. In the course of the encounter we had several casualties. According to the aid men with the patrol Gensemer was wounded, but because of the enemy fire they were unable to reach him.

"Q What happened then?

"A All killed and wounded of the patrol were returned to the Municipality of Barugo, Loyte, Philippines, except this one man. On 2 November 1944 advance elements of the 1st Squadron, 7th Cavalry, entered Carigara and found Private Gensemer's mutilated body beneath a building.

"Q Do you know the street and number?

"A No, but it was in the northeast section of Carigara.

"Q Did you examine Private Gensemer's body and if so, what was its condition?

"A I examined his body. He was dressed in his

United States Army uniform. His shoes and socks had been removed. The body showed much evidence of decomposition and I believe he had been dead for two days or more.

"Q Was he wearing his identification tag?

"A Yes. It bore his name and serial number.

"Q What day was it when you examined him and what time?

"A It was about 1700 of 2 November 1944. He was lying on his back under a two-story Filipino house. He was lying with his arms extended above his head and his legs stretched out and spread. The upper part of his head and naso-pharynx region showed considerable decomposition and magot infestation. . . . " That should be, I think, "infestation".

" . . . Just above the forehead was a large irregular skull wound about three inches in diameter. In each of the upper arms was a large irregular wound. These wounds appeared to be bayonet wounds. Each of the finger nails of the left hand had been twisted out of the nail beds. The bony ends of the fingers were visible. The index finger of the right hand had been twisted and broken. It was impossible to determine the injury which was responsible for his capture. There was obvious evidence of torture. Because of the decomposed skin and swollen condition of the body, it was impossible to verify other attempts of torture.

"Q Can you give a further description of the position of the body?

"A He was lying on his back on the ground floor of a two-story house beneath a large rafter. It appeared probable that before his death he had been tied to the rafter by his hands. The rafter helped support the floor of the house.

"Q Was there any evidence of blood around the vicinity of the body?

"A Yes, there was dried blood on the clothing about the wounds in the upper-arms.

"Q Could you determine which of these injuries had been inflicted before death?

"A I think the upper arm wounds had been inflicted before death because of the dry blood around them. Further it is not reasonable to believe that a dead man's fingernails would be twisted off.

"Q From your observation, do you have a professional opinion as to whether the mutilation described resulted from torture?

"A Definitely yes.

"Q Do you have an opinion as to whether the mutilation was subsequent to the removal of the body to the location of the examination?

"A I think that the wounds were inflicted subsequent to the removal of the body to the location of the examination.

"Q From your examination which of these wounds, in your opinion, was the cause of death?

"A I believe the penetrating wound of the skull.

"Q Had you known Private Geneser prior to your examination?

"A Yes. He was in my squadron and had been in my dispensary for some type of examination.

"Q About how old was he?

"A He must have been in the middle twenties.

"Q Who was with you at the time of the examination?

"A Colonel Walter E. Finnegan, then and now Commanding Officer of the 7th Cavalry, and Lieutenant Colonel Francis S. Crane, who was then the Commanding Officer of the 1st Medical Squadron.

"Q Do you know of anyone else who viewed the remains?

"A No, they are all I remember.

"Q About how long after the news of the discovery of the body did you make the examination?

"A About 15 or 20 minutes.

"Q Do you know what disposal was made of the body?

"A Yes, I know exactly. A shallow grave was dug beside the body and it was buried temporarily there beneath the building. Two days later it was exhumed by the Graves Registration Unit attached to the 7th Cavalry, for burial.

"Q Did you make any official report on this death?

"A Yes. The regular Emergency Medical Tag was completed and forwarded to the Division. I believe it read, 'Died from wounds inflicted after capture.'

"Q Was a Sergeant 'Tiny' Bryant with you at the

time of the examination?

"A I do not recall.

"Q Do you have any knowledge of what military unit was responsible for this atrocity?

"A No.

"Q Do you know anything else about this matter?

"A No."

This is signed by Virgil E. Brown, Captain, Medical Corps, 7th Cavalry Division.

GENERAL REYNOLDS: The Commission notes that one sentence was omitted in reading the document. That sentence appears on page 2 in the answer to the third question and reads as follows:

"The skull had been pierced by some blunt instrument."

CAPTAIN CALYER: I beg your pardon, sir. That was overlooked in the reading.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: Yes, sir.

Objection is not made to the findings of the witness' own personal knowledge, that which he saw. However, we object and ask to have stricken from this document on the first page thereof the eighth and ninth question-and-answer sets. That is, the second and third from the end, as having no basis, no foundation laid in this statement for the witness' knowledge of these facts. It is quite apparent that he was not present on the occasions that he describes.

CAPTAIN CALYER: If the Commission please, I submit

that on the dates in question by the answer shown previously this Captain Brown was the Squadron Surgeon of the Squadron which went on this patrol. Certainly he should be in a position to state whether the killed and wounded of his squadron had been brought back and what had been done with them.

GENERAL REYNOLDS: The comments of Defense are noted. The questions and answers referred to will be allowed to remain in the statement for such probative value as they may be held to possess.

Anything further? (No response)

Subject to the statements already made, the document is accepted in evidence.

(Prosecution Exhibit No. 345  
for identification was re-  
ceived in evidence and so  
marked.)

GENERAL REYNOLDS: You may proceed.

(Statement of Sergeant Amos Bryant was marked Prosecution's Exhibit No. 346 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence, as Exhibit 346, a statement of Sergeant Amos Bryant, made 31 May 1945 and sworn to before Alf C. Watson, Investigating Officer, 2nd Lieutenant, JAGD, reading as follows:

"Q What is your rank, serial number and present organization?

"A I am a buck Sergeant. My serial number is 35115704. I am a member of the 1st Medical Squadron, Headquarters Detachment, 1st Cavalry Division.

"Q Where are you located now?

"A On the beach in the Infanta area, Tayabas Province, Luzon, Philippines.

"Q How old are you?

"A 34 years.

"Q How long have you been in the United States Army?

"A 4 years and 6 months.

"Q Do you recall where were you serving on or about 2 November 1944?

"A Yes. I was stationed at the town called Barugo, about 10 miles from the town of Carigara, Leyte, Philippines. I was in the same unit I am in now.

"Q Do you recall seeing the dead body of a mutilated American soldier in Carigara on or about 2 November 1944?

"A Yes. Around noon 2 November 1944 I was in Carigara with Colonel Francis S. Crane. We met Colonel Walter E. Finnegan, the Commanding Officer of the 7th

Cavalry. He said he had seen a mutilated American soldier and asked Colonel Crane to come along and make an examination.

"Q Did you go with them?

"A Yes.

"Q What did you find?

"A We found Private Gensemer lying on his back under a Filipino house. It was a two-story house. He was dead, swollen up and covered with maggots in some places. He was lying beneath a large rafter that supported the floor of the house.

"Q Did you know this dead man personally?

"A I had never met him, but I had heard of him. He belonged to 'C' Troop of the 7th Cavalry and I knew he had been missing.

"Q Were his dog tags on him when you saw him?

"A No. I understood some of our boys had taken them off before we got there.

"Q Will you describe the position of his body and tell us what he was wearing?

"A He was lying on his back, stiff, with his legs and arms spread apart. There were rope burns on both of his wrists and another, I believe, up toward the shoulder on his left arm. He had on his 'G.I' fatigue uniform. The left side of his blouse was covered with blood.

"Q Do you remember seeing his wounds?

"A Yes. We pulled back his blouse and found three wounds in his chest. They had been made with a bayonet or a heavy knife. I noticed three of his front teeth were

missing. His teeth were big. I looked close at his teeth. It looked like they had taken away his plate.

"Q Any other wounds?

"A Well, two of his left hand fingers were pulled completely off. The bones stuck up through the skin. The rest of his fingers looked like they had been burned. Three of his finger nails had been torn out by the roots. His right hand was black and blue and swollen up. His wrists were swollen up from the ropes. Then there was a big hole in his forehead like he had been bashed by a rifle butt. I think he had been tied to the rafter.

"Q Can you describe the soldier?

"A He was a big man, around 200 pounds. He was about 28 years old. I remember he was wearing his pistol belt because he was swelled up against it.

"Q How long did your examination last?

"A About 30 minutes.

"Q Did he have shoes on?

"A No, his shoes and socks were gone and his toes were blackened as though they had been burned.

"Q Who was with you while you examined the body?

"A Just Colonel Crane and Colonel Finnegan.

"Q Do you know of any one else who ever saw the body?

"A Some others did, but I don't know their names.

"Q Have you any idea what Japanese military units mutilated this soldier or if you don't, what Japanese units were around Carigara at that time?

"A No, I don't, but I heard it was a Manchurian Divi-

sion, one that had raped China.

"Q Can you give us the number of the house under which the soldier was lying or the name of the street?

"A No, but the house stood about two-thirds of the way through the town as you go toward the coast.

"Q Do you have any other knowledge of this matter?

"A No."

Signed "Amos Bryant, Sergeant, 1st Medical Squadron, Headquarters Detachment, 1st Cavalry Division."

GENERAL REYNOLDS: On the second page of the document, which is No. 6, in the third answer from the bottom of the page, the words "but I heard it was a Manchurian Division, one that had raped China", is stricken from the answer. The answer would then be, "No, I don't."

Are there other comments by Defense?

(No response)

The document is accepted by the Commission.

(Prosecution Exhibit No. 346 for identification was received in evidence.)

(A report was marked Prosecution Exhibit No. 347 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence as Exhibit 347 an official report of the War Crimes Branch relating to this incident, duly signed by Major Kenneth C. Schwartz, Major E. D. Fulcher, Lieutenant Colonel H. F. Mattoon, Lieutenant Colonel S. F. Cohn, and approved and concurred in by Colonel C. M. Ollivetti, JAGD, Staff Judge Advocate United States Army Forces, Pacific.

I wish to call particular attention of the Commission to certain portions of this report. On page 2 thereof, the first full paragraph on that page, relating to the location of the body of this soldier, "A shallow grave was dug beneath the building and the body was temporarily placed therein; two days later it was exhumed by the Graves Registration Unit attached to the 7th Cavalry, and it is now interred at Grave #243, US/F Cemetery, Tacloban No. 1, Tacloban, Leyte, Philippine Islands," with reference to statements supporting that have previously been introduced in evidence.

At the top of page 3, the first full paragraph on that page, the statement reading as follows: "In completing this investigation approximately 200 miles was covered by automobile, 30 miles by boat and 100 miles by plane and the testimony of witnesses obtained in an area where active combat operations were in progress."

Then in the middle of that page, under Item IV, the first paragraph reading as follows: "The Japanese unit or individuals perpetrating this torture and murder, is unknown, but a check of the records of G-2, Headquarters, 1st Cavalry Division, discloses that on or about 2 November 1944 the following Japanese military units were in, near, and about the municipality of Carigara, Leyte, Philippine Islands:

"1. Elms, 33rd Infantry Regiment, 16th Infantry Division (Possibly 1st Company.)

"2. Elms, 16th Tpt. Regiment, 16th Infantry Division. (Possibly 2nd Company.)

"3. Elms, 1st Battalion, 22nd Field Artillery Regiment, 16th Infantry Division.

"4. 169th Ind. Infantry Battalion, 102nd Division.

"5. Elms, 41st Infantry Regiment, 30th Division."

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: We are of the opinion, sir, that we have a standing objection to the reports of the War Crimes Commission. Is that correct?

GENERAL REYNOLDS: The objection of Defense to the acceptance of the reports of the War Crimes Commission has long been overruled by the Commission.

CAPTAIN REEL: That is correct, sir.

GENERAL REYNOLDS: And any further objections have no standing before the Commission.

CAPTAIN REEL: May we add, in respect to this document, sir, that the document refers to statements which are not attached, and the document contains conclusions that have not been supported by any statements produced before this Commission.

In particular, the final page, page 4, the fifth paragraph, "The Imperial Japanese Army, whose unit and personnel are unknown, tortured and murdered and mutilated Private Wade E. Gensemer" -- the only evidence before this Commission, or even referred to in this document, does not support any finding that elements of the Japanese Army committed this act. There is no testimony by anybody to that effect.

For that reason, we object to the document, or ask that the first paragraph lettered "b", page 4, be stricken

from the record.

CAPTAIN CALYER: May I be heard before the Commission rules?

GENERAL REYNOLDS: Very well.

CAPTAIN CALYER: If the Commission please, I would like to point out that in the statements submitted of those who were on the scene, it appears that this man had been wounded in combat, that his body was removed from the place where it was wounded, and it was later found in an area which had been in the control of Japanese forces. The report now before the Commission sets forth, in the paragraph read, the units of the Japanese army shown to have been in that area at the time that this alleged atrocity was committed.

It is submitted, therefore, that the conclusion to which Defense Counsel now refers, is supported by evidence of official G-2 records.

GENERAL REYNOLDS: The comments of both the Defense and Prosecution are noted. The ruling of the Commission is that the top sub-paragraph on page 4 of the document, which starts: "b. The Imperial Japanese Army --" and so forth, is stricken from the record.

CAPTAIN REEL: May we point out one further matter in the document, sir? Not for the purpose of striking or objection, but because we wish to bring it particularly to the Commission's attention.

The final paragraph of the document is headed: "Recommendations", and it reads as follows: "It is therefore recommended that:

"a. The perpetrators of this offense, if and when ascertained and apprehended, be tried; and,

"b. The Imperial Japanese Government be held responsible."

We wish to point out that nowhere is there a recommendation of the War Crimes Branch that this has anything to do with the Accused or that he in any way be held responsible for this.

GENERAL REYNOLDS: The comments of Defense are noted. The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No. 347  
for identification was  
received in evidence.)

CAPTAIN CALYER: Thank you, sir. That completes the testimony on this item.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

MAJOR KERR: The chief interpreter desires to address the Commission.

COMMANDER BARTLETT: In the record of the afternoon session, 16 November, page 2553, line 2, now appears the phrase "Southwestern Pacific area."

It has been agreed by the interpreter and both parties that this should have been translated as "Southwestern Sea Fleet," and a correction of the record to that effect is respectfully suggested.

GENERAL REYNOLDS: The recommendation of the chief interpreter is accepted by the Commission.

CAPTAIN WEBSTER: The next case is contained in paragraph 7 of the Bill of Particulars.

MAJOR KERR: At this time, the Prosecution desires to amend item 7 of the Bill of Particulars, which now reads:

"7. On about 20 October 1944, at Batan Island, Batanes Province" -- and so on. We desire to amend that portion of paragraph 7 so it will read as follows:

"During the month of November, 1944, at Batan Island, Batanes, Province" -- and so on.

The date which is there specified, namely, 20 October 1944, we found to be in error after the original Bill of Particulars had been filed.

The amendment, which we desire to make, is accordance with the proof and the facts which will be presented to the Commission at this time.

I called this error to the attention of Defense Counsel some time ago, and at that time indicated we would ask it be changed. I again called it to their attention yesterday.

I submit, sir, that no substantial right or privilege of the Defense would in any way be jeopardized or interfered with or denied by the granting of this amendment, nor should they be prejudiced in any way.

In the event the Defense had occasion to make an investigation of this particular incident in this very remote portion of the Philippine Islands, they must of necessity have found, just as we did, immediately, that the incident occurred in November rather than in October.

It will be noted that the names of the victims are specified, and, therefore, if any investigation were made in the area it must have developed that the correct date would have been in November.

Now, I am frank to say that the information which the Bill of Particulars was based on included in the original bill, that item, came to our office shortly before the bill was filed. It was a preliminary report by a field investigator, and his report inadvertently, apparently by the way of error, specified October.

As soon as his complete report came in, we noted the correct date was November.

We ask that the amendment be permitted at this time.

COLONEL CLARKE: We have no objections, sir.

GENERAL REYNOLDS: The amendment recommended by the Prosecution is accepted by the Commission.

You may proceed.

RAFAEL PUNO

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

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.  
Your name is Rafael Puno, is it?
- A Rafael Puno, yes.
- Q Your age?
- A My name is Rafael Puno.
- Q How old are you?
- A 29 years old.
- Q And your nationality?
- A Filipino.
- Q Where were you living during November of 1944?
- A I was living in Basco, Batanes.
- Q And where is Basco, Batanes?
- A Basco is an island of the Philippines.
- Q Batanes is an island of the Philippines?
- A Yes.
- Q And will you state where Batanes is? That is on Batan Island, is it?
- A Yes, I mean Batan Island.
- Q And will you state where Batan Island is with reference to Aparri?
- A I think it is about seven miles.
- Q North of Aparri?
- A Yes, sir.
- Q While you were living in Basco, did you see any

American aviators?

A Yes, sir.

Q Where did you first see them?

A I first saw them in the government building.

Q What were they doing in the government building?

A They were guarded there, sir.

Q Who were they guarded by?

A They were guarded by Japanese soldiers.

Q How many Americans did you see?

A American aviators, I saw three.

Q Did you learn how they got to Batan Island?

A They were stranded there in Batan Island, sir.

They rode in a rubber boat.

Q Did you see them arrive in a rubber boat?

A No, sir. I have heard it from some friends of mine.

Q Did you hear that from any of the Japanese soldiers?

A Yes, sir.

Q Do you know the names of any of those Americans?

A The captain was a Mr. William Burgh.

Q Do you know the names of any of the others?

A No, sir.

Q Will you describe how the captain was dressed?

A He was dressed with a one-piece suit, and the color is khaki.

Q Did that suit button at the front?

A Yes, sir.

Q Did he have any insignia of any kind?

A He got an insignia on his back.

Q What kind of an insignia?

A A wing.

Q On the back of this one-piece suit?

A Yes.

Q Can you state how the other two were dressed?

A The other one was dressed with blue trousers and light blue shirt, and the other one with one-piece suit of khaki.

Q How many times did you see those three Americans?

A Many times, sir.

Q And about how many times?

A I don't know how many, sir.

Q What date was it that you first saw them?

A I cannot remember the date, but about the first week of November, 1945.

Q Now, each time --

GENERAL REYNOLDS: The Commission interrupts.

Does the witness mean 1944 or 1945?

THE WITNESS: 1944, I should say.

Q (By Captain Webster) Were these Americans in the custody of Japanese soldiers each time you saw them?

A Yes, sir.

Q When was the last time you saw the American which you have described as a captain?

A That was November 23rd, 1944.

Q Where did you see him on that day?

A I saw him at the execution place.

Q Will you describe to the Commission what took place when you saw him?

A Yes, sir. On my way home to the mountains, because we were living in the mountains at that time, I saw plenty of Japanese soldiers. Then as I got nearer I saw plenty Japanese officers and in the farther distance the American aviator was tied to a tree, blindfolded with a black handkerchief and his hands tied behind his back.

While I was standing the Japanese guard ran after me with a fixed bayonet, and then I ran as fast as I could and then I went to a hiding place, hiding at the foot of a tree. While I was there two Japanese soldiers thrust the bayonet through his stomach and the neck. And the second and third thrust, they thrust the bayonet through his breast and he fell half dead.

Then the two Japanese soldiers cut immediately the rope and he fell down. After that he pulled him by the feet with his face on the ground and dragged him to his grave. He was still moving when they covered him.

I was about to go, and I was about to go, and the officers and the guards were still there. If I would have gone they would have killed me, because they were looking for me. After that I went home, because it was getting to look dark. I went home with a heavy heart, as if I had lost my father.

The following morning I went to the place of the killing, and I seen the place where they killed him, and it was full of blood, and I was trembling at the place where he was killed.

On his grave I put a piece of a stick as a mark of

the grave.

Q Now, will you state how far that place of execution was from Basoc?

A About 200 meters away from Basco.

Q Do you mean from the town of Basco or from the place where the Japanese held that American? Do you understand the question?

A No, sir.

Q Was the place of execution 200 meters or 300 meters from the town of Basco?

A It is 200 meters from Basco.

Q Do you know anything concerning the killing of the other two Americans?

A No more, sir.

Q Did you see them killed?

A No, sir.

Q Did you later go back at the time the body of the one American whom you saw killed was recovered?

A I cannot understand you.

Q Did you go with the American party who dug up the body of the one American?

A No, sir.

Q Did you see that body at a later time?

A Yes, sir.

Q Where did you see it?

A In the house.

Q Where did you see it?

A In the house of Mr. Agagan.

Q Was the American who the Japanese killed the same

American whom you saw in the town of Basco?

A Repeat it again, please; I can't hear you.

Q Was the American whom you saw killed the same American you saw in Basco?

A Yes, sir.

CAPTAIN WEBSTER: You may cross examine.

CAPTAIN REEL: No questions.

GENERAL REYNOLDS: Before the witness is excused, it is desired that the reporter read the narrative answer that this witness gave in his testimony.

The witness answered a certain question in narrative form, and the Commission would like to have the reporter read that narrative back.

(Answer referred to read by the reporter.)

(Witness excused.)

GENERAL REYNOLDS: Very well; you may proceed.

MASAKI KAWACHI

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Masaki Kawachi.

Q Your age?

A 32.

Q Your nationality?

A Japanese.

Q Are you now held as a prisoner of war by the American Army?

A Yes, sir.

Q Do you understand that anything you might say here can be used against you?

A I do, sir.

Q You understand that you do not have to say anything that would incriminate you?

A I do, sir.

Q Where were you born?

A I was born in Japan.

Q And you came to Manila when you were eight years old, is that correct?

A Yes, sir.

Q You have lived there ever since?

A I went back to Japan twice taking a vacation. I stayed only about one and one-half months.

Q When did you become an interpreter for the Japanese army?

A It was September of last year, when I was an interpreter for the Japanese army, and I was sent to Batan Island.

Q When did you arrive at Batan Island?

A I don't exactly recall the date, but it was during the latter part of November, that is to say, around the 20th of November of last year.

Q Of 1944?

A Yes, 1944.

Q To what unit of the Japanese army were you attached?

A I was attached to the Tajima Brigade.

Q What do you mean by the Tajima Brigade?

A That is to say, a brigade that was under the command

of General Yamashita.

Q Was that also known as the 61st Independent Mixed Brigade?

A Yes, sir.

Q Was that in the Japanese army?

A Yes, sir.

Q Can you state who was the immediate superior officer of General Tajima in November of 1944?

A I understand, to my knowledge, it to be General Yamashita.

Q Can you state what army the 61st Independent Mixed Brigade was in?

A I think it was under the 14th army.

Q By "14th army" do you mean the 14th area army?

A I mean to say by the 14th army that army which was in command of the zone force.

Q When you arrived on Batan Island did you see any American prisoners of war there?

A I saw, sir.

Q How many?

A Three.

Q Did you have an occasion to talk to them?

A I was ordered once to interview the three of them. I met them once, these three American flyers.

Q Do you know the names of any of those Americans?

A What I can remember now is the name Martin and Samuel.

Q Will you repeat the last name?

A Samuel.

GENERAL DONOVAN: Will you spell that name?

THE WITNESS: S-a-m-u-e-l.

Q (By Captain Webster) Did you learn how those three Americans got to Batan Island?

A I learned through hearing that they were dropped somewhere in the northern part of Luzon, and they were on a mission to bomb the Japanese fleet. They rode in a rubber boat, drifted 14 days on the sea and finally arrived at Batan Island, and the natives took them and brought them to the Japanese garrison.

Q Now, you said that they were dropped. Do you mean they were shot down?

A As far as I heard they were shot down.

Q Did any of those aviators tell you where they were from?

A No, sir.

Q Or where they were educated?

A Well, during my interview I vaguely recall that he, the captain, was a graduate of either Chicago or Boston University, which I cannot definitely recall now.

Q Do you know how those Americans were dressed?

A The captain, during the time I was together with a Japanese captain, to interview him, he was dressed in fatigues; a one-piece uniform.

Q Do you know how the others were dressed?

A Martin, the youngest, during our interview also, he was dressed in blue pants, and the shirt, I don't recall it. I only remember vaguely that he was dressed in somewhat white or yellowish shirt.

Q Do you recall how the other one was dressed?

A The other one I cannot recall.

Q Now, were those three Americans held by different battalions of the 61st Independent Mixed Brigade?

A During my arrival on the island they were held separately by different garrisons or battalions.

Q Were all of those garrisons under General Tajima?

A Yes, sir.

Q Which garrison held the one you have described as a captain?

A He was held by the General's guard.

Q By "General" you mean General Tajima?

A Yes, sir.

Q Do you recall when the youngest man named Martin was killed?

A I know only after the captain was killed, about three or four days later, that he was killed prior to the captain. I found that out.

Q What date was the captain killed?

A It must have been during the latter part or during the end of November or the early part of December.

Q 1944?

A Yes, sir.

Q Did you attend the execution of the youngest flyer?

A No, sir.

Q Did you attend the execution of the one you have called a captain?

A I did, as an interpreter.

Q Will you start at the beginning and tell the Commis-

You may proceed.

RAFAEL PUNO

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

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.  
Your name is Rafael Puno, is it?
- A Rafael Puno, yes.
- Q Your age?
- A My name is Rafael Puno.
- Q How old are you?
- A 29 years old.
- Q And your nationality?
- A Filipino.
- Q Where were you living during November of 1944?
- A I was living in Basco, Batanes.
- Q And where is Basco, Batanes?
- A Basco is an island of the Philippines.
- Q Batanes is an island of the Philippines?
- A Yes.
- Q And will you state where Batanes is? That is on Batan Island, is it?
- A Yes, I mean Batan Island.
- Q And will you state where Batan Island is with reference to Aparri?
- A I think it is about seventy-five miles.
- Q North of Aparri?
- A Yes, sir.
- Q While you were living in Basco, did you see any

the captain asked what they are going to do with him.

The answer of Lieutenant Goto was that he must know by this time what was going to happen to him.

Then the captain didn't understand what Lieutenant Goto said. Finally the captain told him, rather Lieutenant Goto told the captain that he is going to be killed. He also told that the Japanese, whenever they became captives, they would commit suicide rather than to be seen alive. In reply to that, the captain answered Goto that he had seen in his time many Japanese soldiers, which I understand what the captain wished to say, was that he had seen Japanese soldiers alive and they did not commit suicide.

At that time Lieutenant Goto told him that whether the captain has something more to say. In reply to that, the captain told Lieutenant Goto that he wishes to be brought to the prisoners camp where the other American prisoners were, which in my memory Lieutenant Goto did not answer to that demand.

He also, and the captain also inquired who is ordering his being killed. He wanted to know who ordered his going to be killed, and Lieutenant Goto answered that it was by order of the commander of that island.

By that time the captain definitely became to know that he is going to be killed, and he was a little bit uneasy, he became a little uneasy and demanded a cigarette be given to him. Lieutenant Goto searched for cigarettes among those soldiers and finally we got a cigarette for him and we let the captain puff.

He puffed about twice, and then he regained his easiness. He appeared as being regular then, and then he said that it was against the international law and it is also against the human law to kill the captive prisoners.

To that answer, to that statement, Lieutenant Goto didn't say anything. He said that the time was getting short and he wants the captain to be prepared. He ordered the soldiers to blindfold the captain, but the captain refused. He said that he can face death without blinding him. He said that he can look at anybody and die.

Finally the time was getting dark, so Lieutenant Goto asked, lastly, the captain whether he has anything to say more or whether he wants to write a letter to his family. To that the captain replied that he wishes to write to his family, and he had tried in doing it, but he said it was useless for him to write because he knows that that letter won't arrive at all to his family.

That made the conversation stop, and finally then Lieutenant Goto ordered the soldiers to be prepared for the execution, and there was three soldiers who got the bayonets, fixed the bayonets, and awaited the order of Lieutenant Goto, and by that time the captain was tied to the tree.

Of course, he was blindfolded and with the order of Lieutenant Goto to strike, these three soldiers in one row, about 500 or 600 yards apart from the captain, one by one began to pierce through, but they were not

able to strike the captain very well because the fold that the captain had on, he was quite tall and by bending his head back he can see through the fold when the soldiers are advancing to him. So the soldiers tried twice, I think, and they were not successful in hitting the captain, and finally Lieutenant Goto ordered the three soldiers, those three soldiers, to surround the captain and then strike at once, at the same time, which the soldiers did.

I cannot recall exactly now which was the **first**, but I remember that the captain was struck once on the side, and also at the neck, and that ended, and by that time the captain dropped his head and he didn't say anything, or he didn't move.

Well, I couldn't stand to see the scene, and from that moment on I left the place, and I don't know what happened to the captain, or rather to the body of the captain later on, but I come to know that he was buried somewhere near the place of the execution.

Q You have testified to certain conversations that took place, and you mentioned a Lieutenant Goto. Is he the one that talked to the captain?

A He was the one.

Q Could he speak English?

A No, sir.

Q And did you act as the interpreter between Lieutenant Goto and the captain who was killed?

A I did, sir.

Q Was Lieutenant Goto a member of General Tajima's

command?

A Yes, sir.

Q Did you see the Japanese soldiers cut the captain down from the tree?

A Well, I think up to that part I was still there.

Q Did you actually see them bury him?

A Well, I cannot quite remember now, but what I -- it is in my mind that the body of the captain was dropped to the ground.

Q Did this American captain know he was going to be killed while you were walking out there with him?

A No, he didn't know it.

Q As far as you know, was there any trial of any kind held against that captain? Was a trial held for that captain?

A This execution took place about one week after I arrived on that island, and I came to know that those three flyers were confined one month or one and one-half months prior to my arrival, so I didn't know exactly whether they have been tried. So far as my knowledge is concerned, I don't know.

Q Do you know why the Japanese killed those flyers?

A I can't see the reason why the Japanese killed those captives.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Was there a prisoner of war camp on Batanas Island?

A There was, I think, not exactly a prisoner of war camp over there.

Q Well, were there any other prisoners on the island, other than these three?

A No, sir.

Q Now, do you know, or did you hear about a Captain Valones?

A I do, sir.

Q You do know him?

A I don't know him personally, nor have I seen him, but I heard his name.

Q And who was he?

A He was, according to my knowledge, -- he was one of the officers of the USAFFE in Batan Island, and after the fall of Bataan he fled into Batan Island; he returned to his island.

Q And what was he doing at Batan Island?

A Well, after the incident of Batan Island, I didn't know what he was doing, nor I knew him.

GENERAL REYNOLDS: The Commission interrupts to inquire if this line of questioning bears any connection with the Bill of Particulars under consideration.

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: In what way?

CAPTAIN REEL: We have information, sir, that Captain Valones and another person about whom I am going to ask,

were engaged in guerrilla activities on the island; and it may be -- we are not sure, but will seek to develop -- that the reasons for the charges and execution of the prisoners was that they were in contact with Captain Valones and cooperated with him in guerrilla activities.

CAPTAIN WEBSTER: Sir, may we have the witness establish the time of this so-called guerrilla activity?

GENERAL REYNOLDS: The Commission will permit Defense to explore this subject very briefly.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Reel) Did you hear of Lieutenant Habel?

A No, sir.

Q Had you heard that Captain Valones had been engaged in guerrilla activities in Batan Island?

A No, sir.

Q Did you hear, or have you any information to the effect that after their capture the American prisoners had been in touch with Captain Valones?

A I don't know, sir.

Q Now, who was Lieutenant Shojiro Nakamura?

A I don't know also him.

Q You never heard of him?

A Well, I might have heard, but his name is not -- he is not close to me.

Q All right. Now, I think you said that you were ordered to interview the American prisoners. Who gave you that order?

A It was Captain Sakasegawa.

Q Did you get any orders from General Tajima relative to

interviewing these prisoners?

A No, sir.

Q Did you get any orders from General Tajima relative to witnessing the execution?

A No, sir.

Q Did you ever have any orders at all from General Tajima with regard to this incident?

A So far I don't recall.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: May I ask another question, sir?

REDIRECT EXAMINATION

Q (By Captain Webster) In the interviews which you had with those American captives, did they discuss or question them as to being guerrillas?

A I beg pardon, sir?

(Question read.)

Q (By Captain Webster) Do you understand the question?

A I don't get it.

Q Did you say "No"?

A No, sir.

CAPTAIN WEBSTER: Was his answer "No," to the question, or that he didn't understand the question?

(The record was read by the reporter as follows:

"Q (By Captain Webster) Do you understand the question?

"A I don't get it.

"Q Did you say 'No'?

"A No, sir.")

Q (By Captain Webster) Were the Americans accused of

being guerrillas?

A I don't know about that matter.

CAPTAIN WEBSTER: That is all.

CAPTAIN REEL: One further question.

RECROSS EXAMINATION

Q (By Captain Reel) Were you the only interpreter on the island?

A Not exactly. There was one who went together with me from Manila, and also there were three or four who could speak English.

CAPTAIN REEL: Will the reporter read just the last few words of that answer, after "three or four"?

THE REPORTER: ". . . there were three or four who could speak English."

Q (By Captain Reel) They were there before you got there?

A They were there before.

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: The witness is dismissed.

(Witness excused.)

GENERAL REYNOLDS: The Commission will be in recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

CAPTAIN WEBSTER: The next witness, please.

FILEMON CASTILLEJOS

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

DIRECT EXAMINATION

Q (By Captain Webster) What is your name?

A Filemon Castillejos.

Q Your age?

A Forty-three years old.

Q Your nationality?

A I beg your pardon, sir?

Q Are you a Filipino?

A Yes, sir.

Q Where do you live?

A I live in Basco, Batanes.

Q That is on Batan Island?

A Yes, sir. Batanes Island.

Q And is that part of the Philippine Islands?

A The last northern part of the Philippine Islands.

Q Were you living in Basco, Batan, in November of 1944?

A Yes, sir.

Q Did you see at that time any American aviators held as prisoners of war by the Japanese?

A Yes, sir.

Q How many did you see?

A Three of them.

Q Do you know when they came to Batan Island?

A I beg your pardon, sir?

Q When did those three Americans come to Batan Island?

A It was in the early part of November. November 4th.

Q Of 1944?

A 1944.

Q How do you know they came to Batan at that time?

A According to what they said, to what I heard, they were -- they rowed in a rubber boat.

Q How do you know they came there in a rubber boat?

A Because I saw the rubber boat in the Provincial Building of Batanes Island.

Q What kind of a rubber boat was it?

A It was a small rubber boat.

Q How large was it?

A Two and a half by width and about three or four meters in length.

Q Did it have any markings on it?

A Yes, sir. It was on the side of the rubber boat.

Q What were the markings?

A "U.S.A."

Q Did you see that rubber boat?

A I saw it personally.

Q Did you see it in the early part of November, 1944?

A I saw it about fifteen days after the execution of the American fliers.

Q Did you learn the names of any of those three American fliers?

A I knew two of them.

Q Will you state their names?

A The one prisoner who was held in front of the Elementary Building in Basco, his name was Maurice and the supposed Captain is Burghs.

Q Do you spell that B-u-r-g-h-s?

A B-u-r-g- in some, because some letters are invisible. But I pronounce it "Burghs".

Q Do you know the rank of any of those Americans?

A According to the Japanese soldiers, Burghs was the Captain.

Q Did you have any conversations with any Japanese officer?

A Yes, sir.

Q About the time those three Americans came there?

A Yes, sir.

Q What did he tell you?

A When I went to look for my children I found them just in front of the window where the American was held prisoner. When I saw them I went to see my children and I was able to see and meet and talk to the Captain. And I asked him whether he likes hamburger. He said, "Thank you very much. I appreciate".

Q Well, I mean, Did you talk to any Japanese officer about those Americans?

A Yes, sir.

Q What was the name of the Japanese officer?

A He is Captain Sakasagawa of the General Tajima Garrison.

Q You mean the garrison of General Tajima?

A Yes, sir.

Q What did that Japanese Captain tell you?

A Before the -- the third night when the Americans arrived there I met Captain Sakasegawa in my sister's house and I asked him, "What are they going to do with the American fliers?" He told me that Colonel Yokoyama say that they may be sent to Manila as war prisoners.

Q Did you know or hear the time that the first American was killed?

A The first American was killed -- I don't know the time, but I heard it.

Q Which one was the first killed?

A The youngest one who was stationed in the house of Corse Sabana in Basco.

Q Was he also held by soldiers of General Tajima?

A Yes, sir.

Q Who was the second man killed?

A The second man killed was the Captain.

Q Did you see the Captain on the day he was killed?

A The night before he was killed I saw Captain Sakasegawa and I asked him, "Why is it that the American fliers killed?" Captain Sakasegawa say "There is a telegram by General Yamashita (pronounced Ya-ma-SHEE-ta) to General Tajima to kill all the American prisoners in the Philippine Islands."

CAPTAIN REEL: Sir, I will ask that that go out as hearsay three times removed.

CAPTAIN WEBSTER: Sir, I believe that it is important to this case. I further believe that this witness will

state that another officer told him the same thing.

CAPTAIN REEL: We will ask that that go out, if that is so. It is hearsay three times removed. We feel that it is entirely incompetent and prejudicial.

GENERAL REYNOLDS: The objection of Counsel is not sustained.

Q (By Captain Webster) Was the Japanese officer that told you that a member of General Tajima's command?

A It was the command of General Yamashita (pronounced Ya-ra-SHEE-ta) to General Tajima.

Q What was the name of the Japanese officer that told you that?

A Captain Sakasegawa, Lieutenant Goto, and two enlisted Japanese soldiers.

Q The first man that told you that was just before the American Captain was killed?

A It was before the day of the execution, and Lieutenant Goto -- I asked him after the execution already; also the two enlisted Japanese soldiers.

Q Well, the first time you were told that was the day before the Captain was killed?

A Yes, sir.

Q And was that --

A That is --

Q Was that after the first American was killed?

A Yes, sir.

Q Now, did you see the American Captain being taken to the place of execution?

A No, sir.

Q Did you see any of the Americans being taken by the Japanese?

A Yes, sir.

Q Who was the first one you saw?

A Captain Burghs of the United States Army.

Q And who took him?

A The Japanese soldiers accompanied by Interpreter -- Interpreter Otani and followed by Lieutenant Goto with Interpreter Kawachi.

Q Where did you see them?

A I saw them from the cell going northeast to -- to the town.

Q Did you see any of them when they returned?

A Yes, sir.

Q Whom did you see?

A One of the enlisted men who execute him -- who killed him.

Q How do you know that enlisted man killed the Captain?

A I called him and I saw blood stains on his left shoulder and I asked him "What is this blood stain?" He say that he was the one -- he was one of the soldiers who execute or killed the Captain of the United States Army.

Q Did you talk to Lieutenant Goto after that execution?

A Yes, sir.

Q And what did Lieutenant Goto tell you?

A He told me that "It is the order of General Yamashita (pronounced Ya-ma-SHEE-ta) to General Tajima."

CAPTAIN REEL: Sir, we object. We have here a witness telling of the statement of a second man who tells

of the order of a third man to a fourth man. We think that is highly incompetent.

GENERAL REYNOLDS: The objection of Counsel is not sustained. Proceed.

Q (By Captain Webster) Was the order which you just mentioned an order to execute American prisoners of war?

THE WITNESS: I beg your pardon, sir?

CAPTAIN WEBSTER: Will you read it?

(Question read)

THE WITNESS: Will you please repeat it again?

(Question read again)

A Yes, sir.

Q (By Captain Webster) Now, did you talk to the two enlisted men about the same thing?

A Yes, sir.

Q Do you recall their names?

A I do not know their names but I can point out if they are here.

Q Did they tell you the same thing?

A Yes, sir.

CAPTAIN REEL: Object and ask that the answer now in be stricken.

GENERAL REYNOLDS: The objection is not sustained.

Q (By Captain Webster) What did the two enlisted men tell you?

A They told me that "All prisoners" -- "American prisoners of war in the Philippine Islands will be killed."

CAPTAIN WEBSTER: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Where do you live, Mr. Castillojos?

THE WITNESS: Will you please repeat it again?

(Question read)

A In Basco, Batanes.

Q (By Captain Reel) Were you there all during the occupation by the Japanese?

A Yes, sir.

Q And did you collaborate and work with the Japanese while they were there?

A I was told to run the -- The Japanese told my wife to run a private restaurant.

Q Private what?

REPORTER CONKLIN: "Restaurant".

Q (By Captain Reel) And did you?

A Yes, sir.

Q And have any charges been made against you for collaboration?

A No, sir.

Q Are you out on bail at the present time?

THE WITNESS: I beg your pardon?

(Question read)

A Yes, sir.

Q (By Captain Reel) Were you interned at New Bilibid Prison?

THE WITNESS: I beg your pardon?

CAPTAIN REEL: Will you read it, please?

(Question read)

A No, sir.

Q (By Captain Reel) Were you interned at all prior to being let out on bail?

THE WITNESS: I can't understand the question.

(Question read)

THE WITNESS: Excuse me again. I cannot understand very well.

CAPTAIN WEBSTER: Sir, I don't believe this witness knows the meaning of "bail". If that will be clarified, I think it might help in answering it.

GENERAL REYNOLDS: Very well. Develop it a little more.

Q (By Captain Reel) Do you know what I mean when I say "Are you out on bail?"

A "Bail?"

Q Yes.

A I was not -- I was never bailed.

Q You were not out on bail. Were you ever interned after the Japanese left?

A I was always in Basco, Batanos.

Q Now, what was your business in Basco? Running this restaurant?

A I run the restaurant about three months only.

Q How often did you see Captain Sakasogawa?

A I know Captain Sakasogawa well because I always meet him.

Q Do you know him pretty well?

A I always meet him in Basco, in the house of my sister.

Q And how often did you meet him?

A I meet him sometimes once a day.

Q And did he live in your sister's house?

A No, sir.

Q Just a friend; is that right?

A He is a friend of my sister's.

Q And does Captain Sakasogawa speak English?

A Little.

Q A little?

A Little.

Q And did you talk to him in his "little" English?

A I talked to him in Batan dialect or sometimes  
Nippon-go.

Q Batan and Nippon-go?

A (No response)

CAPTAIN REEL: What were those names, please?

(Answer read)

Q (By Captain Reel) What is "Nippon-go"? Is that  
the Japanese language?

A Japanese language.

Q And can you speak Japanese?

A I can understand a little.

Q You can understand a little?

A Yes, sir.

Q Can you speak Japanese?

A I speak little.

Q Have you ever been in Japan?

A I have not been in Japan.

Q Where did you learn the little Japanese that you  
speak and understand?

A In Basco, Batanes among the Japanese soldiers.

Q So that all you learned was what you learned from the Japanese soldiers about the Japanese language; is that right? Strike that out.

All the Japanese language you know you learned from the Japanese soldiers; is that correct?

A Yes, sir.

Q How long were the Japanese soldiers in Batanes Island?

A The first of the last month of the year 1942 Japanese navy soldiers came to Batanes to occupy the island, and then by 1944, in February -- in the month of February -- Japanese army soldiers arrived.

Q Now, where were you when Captain Sakasogawa told you about this telegram that supposedly came from General Yamashita (pronounced Ya-M/SHI-ta) to General Tajima?

A I was in the house of my sister.

Q And did you have a long talk with Captain Sakasegawa that night?

A No, sir.

Q Just tell us what you said and what he said.

THE WITNESS: Pardon?

(Question read)

THE WITNESS: In the English?

CAPTAIN REEL: Well, surely.

A I asked him "Why is it that the American soldiers killed?" And he told us that -- He told me that it is -- General Tajima received a telegram from General Yamashita (pronounced Ya-ma-SHEE-ta) that all American soldiers in the Philippine Islands will be killed.

Q And is that exactly what was said as near as you can recollect it?

A Yes, sir.

Q And was that said in English or Batan dialect or Japanese?

A He spoke it two times; in Batan dialect and in Nippon-go.

Q He spoke it twice? Once in Batan dialect and once in Japanese; is that right?

A Yes, sir.

Q Did you ask your question twice, too?

A No, sir.

Q You just asked the question and he gave you two answers?

A Yes, sir. Because my sister -- my niece asked her in Nippon-go.

Q Was your niece there at the time?

A Yes, sir.

Q And what is her name?

A By the name of Purita Barsana.

Q Will you spell that for the reporter?

A P-u-r-i-t-a B-a-r-s-a-n-a.

Q That is her last name?

A Yes, sir.

Q Or is that both names?

A Purita Barsana.

Q Is that both names?

A Yes, sir.

Q Where is she now?

A She is in Basco, Batanes.

Q How old is she?

A She is nineteen years old in February.

Q Was anybody else there at the time?

A My sister. My elder sister.

Q What is her name?

A Maravilla Castillejos; M-a-r-a-v-i-l-l-a

C-a-s-t-i-l-l-e-j-o-s.

Q All right. Maravilla Castillejos. Anybody else there at the time?

A Some of my relatives.

Q How many?

A Two more.

Q Give us their names.

A Mariano Barsana, the husband; --

GENERAL REYNOLDS: The Commission interrupts. What is the purpose of all this?

CAPTAIN REEL: The purpose, sir, is to find out who was present.

GENERAL REYNOLDS: And once you have that information what value would it have?

CAPTAIN REEL: Well, we have had one experience in this case, sir, where a witness testified to a somewhat similar conversation and mentioned one other person who was present whom he thought was dead. We found that he was alive and we brought him in and showed the Commission that that testimony was not true.

MAJOR KERR: Sir, I object to that comment. That is a question for the Commission to determine what it showed.

Merely obtaining testimony contrary to that of the previous witness does not show that what somebody else said was not true.

GENERAL REYNOLDS: That comment is somewhat out of order. You propose to bring those witnesses here? Is that the purpose?

CAPTAIN REEL: We may, sir. We may request subpoenas for all of them. It is something that we would wish to consider.

GENERAL REYNOLDS: There was one name in process of presentation and that one name may be included.

CAPTAIN REEL: I beg your pardon, sir.

GENERAL REYNOLDS: You may finish the one name that the witness was giving at the time we interrupted him.

CAPTAIN REEL: Sir, I believe he said that there were two relatives and I was asking him the names of the two of them.

GENERAL REYNOLDS: You may finish the one name.

CAPTAIN REEL: All right, sir.

Q (By Captain Reel) Will you give us the name of one of the two relatives who was present?

A Mariano Barsana.

Q How do you spell that first name?

A M-a-r-i-a-n-o B-a-r-s-a-n-a.

Q How old is he?

A About **sixty-one** years old.

Q All right. Now, Captain Sakasegawa, as I understand it, made this statement twice: once in Batan dialect and once in Japanese in answer to your question. Is that correct?

A Yes, sir.

Q And those two statements were made in front of the witnesses whose names you have given us; is that correct?

THE WITNESS: I beg your pardon?

CAPTAIN REEL: Will you read it?

(Question read)

A Yes, sir.

Q (By Captain Reel) Where did you see Lieutenant Goto?

A I met Lieutenant Goto in my house.

Q In your house. Did you know him pretty well?

A Yes, sir.

Q Was he a frequent visitor to your house?

THE WITNESS: Pardon?

(Question read)

A No, sir.

Q (By Captain Reel) How did he happen to be at your house?

A Because he wants -- he wants -- he wanted to see whether he has something to eat.

Q Had he ever been there before?

A Yes, sir.

Q The same reason?

A Yes, sir.

Q You always gave him something to eat?

A Sometimes no.

Q And tell us as near as you can recollect it just what you said and what he said on that occasion?

A I asked him in Nippon-go, "Why is it that the

American fliers killed?" And he told me in Nippon-go that "It is ordered by General Yamashita (pronounced Ya-ma-SHEE-ta) to General Tajima that all American prisoners will be killed in the Philippine Islands".

Q He said "All American prisoners in the Philippine Islands will be killed"; is that correct?

A Yes, sir.

Q You are sure that that was his statement in Japanese?

A Yes, sir. He said.

Q Will you tell us at this time, in Japanese, just what Lieutenant Goto said, as near as you can recollect it?

A I asked him like this: "Dare hanashi American heitai patay."

Q And that is what you asked?

A Yes, sir.

Q And what did he answer?

A He answered, "Yamashita" -- (pronounced Yama-SHEE-ta) "taisho kore" -- that means, I believe, "by wire," and "Tajima mina American heitai patay, Philippines."

Q Is that all?

A Yes, sir.

CAPTAIN REEL: Will the Interpreter tell us what his interpretation of those two statements is?

COMMANDER BARTLETT: Will you have him repeat it again, slowly?

CAPTAIN REEL: At the request of the Interpreter, will you please repeat both of those statements very slowly, so the Interpreter can get it?

THE WITNESS: I ask him like this: "Dare hanashi American heitai patay," and he answer me, "Taisho Yamashita" (pronounced Yama-SHEE-ta) "kore; hanashi taisho Tajima mina American heitai, Philippines, patay."

COMMANDER BARTLETT: Now, see if this is right: "Dare hanashi American heitai batai."

THE WITNESS: Yes, sir.

COMMANDER BARTLETT: Is that correct?

THE WITNESS: Yes, sir.

COMMANDER BARTLETT: That last word?

THE WITNESS: Yes, sir.

COMMANDER BARTLETT: "Batai"?

THE WITNESS: "Patay."

COMMANDER BARTLETT: He answered, "Taisho Yamashita (pronounced Yama-SHEE-ta) kore hanashi taisho Tajima mina America heitai batai"?

THE WITNESS: Yes, sir -- "Philippines."

COMMANDER BARTLETT: "Philippines batai"?

THE WITNESS: "American heitai;mina American heitai Philippines."

CAPTAIN REEL: Sir, before this is translated I would like to ask the witness whether the time that he heard Captain Sakesegawa speak, whether he said the same thing.

Q (By Captain Reel) Did Captain Sakesegawa, when he spoke Japanese, say the same thing that Lieutenant Goto said?

A I -- yes, sir.

Q No changes that you can think of?

A He spoke in Japanese; he answered my nieco in Japanese language.

Q And it was the same words --

A The same words.

CAPTAIN REEL: All right.

COMMANDER BARTLETT: "Dare hanashi American heitai batai" means -- the words, not idiomatic -- they mean, "Who talks American soldier," and "batai" is not a word I recognize as Japanese. It may be, but I haven't had time to look it up.

The answer, "Taisho Yamashita (pronounced Ya-MASH-ita)

means "General Yamashita (pronounced Ya-MASH-ita) kore, 'this' -- hanashi, 'talk' -- Taisho, 'General', Tajima -- nina, 'all' -- American heitai, 'American soldiers', -- Philippines batai." It should be noted that the order of words in both sentences is not idiomatic, and that I have never heard a Japanese put the word "General," or any other title before the name, rather than after the name.

CAPTAIN REEL: Was the word "soldier" in there, rather than "prisoners"?

COMMANDER BARTLETT: The word was "heitai," which means "soldier," or "soldiers," and is not confined to any branch of the service.

CAPTAIN REEL: May I ask at this time, sir, in addition to the statement of the Interpreter, that the record show that the witness pronounced the Accused's name with the accent on the second to the last syllable -- "Yama-SHEE-ta," as having come from both of the officers to whom he talked.

MAJOR KERR: If I recall correctly, sir, one time he called it "Ya-MASH-ita," and another time "Yama-SHEE-ta."

Am I correct in that? That is my recollection.

CAPTAIN REEL: I do not believe so. I listened to it carefully; it has been "Yama-SHEE-ta" every time. The Interpreter correctly pronounced it "Ya-MASH-ita."

MAJOR KERR: Sir, may the record also show, that the first time this witness stated that conversation in the so-called "Nippon-go," he put the "General" after the "Yamashita" (pronounced Ya-MASH-ita), or "Yamashita" (pronounced Yama-SHEE-ta), whatever it was. The second

time he reversed the order, so that he has stated it both ways.

CAPTAIN REEL: I think the record is clear, sir, what the witness has spoken in Japanese; the Interpreter has written it down to translate it. We will let that part of the record complete itself.

GENERAL REYNOLDS: The Commission attaches no great significance to the discussion. We will proceed.

CAPTAIN REEL: Can we at this time, sir, have the Interpreter give us the Japanese expression for "prisoner of war"?

COMMANDER BARTLETT: The most commonly used word for "prisoner of war" is "horyo."

Q (By Captain Reel) Now, when you talked to the two enlisted men, do you know who they were?

A Yes, sir.

Q Do you know their names?

A I do not know their names.

Q Now, are you sure they were enlisted men?

A Beg pardon?

Q Are you sure they were enlisted men, not officers?

A Yes, sir.

Q And did they tell you exactly the same thing that Captain Sakasegawa and Lieutenant Goto told you?

A Yes, sir.

Q Exactly the same?

A Exactly the same.

Q And they spoke Japanese, too?

A They spoke in Japanese, too.

Q And they spoke in the same kind of Japanese that the others, that Captain Sakasegawa and Lieutenant Goto spoke?

A They spoke -- I believe that is the "bamboo" Japanese.

Q Did the enlisted men tell you how they knew of a telegram from General Yamashita to General Tajima?

A They told me only that it is ordered by General Yamashita (pronounced Yama-SHEE-ta) to General Tajima by telegram.

Q They didn't tell you whether they saw the telegram?

A No, sir.

Q One more thing: Was there a prisoner of war garrison on Batanes Island?

A Beg pardon?

Q Was there a prisoner of war camp or garrison on Batanes Island? Strike that out; I will try to phrase it so you can understand it.

Aside from these three prisoners of war, were there any others, any other prisoners of war, on Batanes Island?

A During that time --

Q Yes.

A There was none.

Q There was no prison camp on Batanes Island, was there?

A There is none.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: May I ask the Interpreter if there is any other Japanese word meaning "prisoner of war"?

COMMANDER BARTLETT: There is. I am now looking it up. The other word listed in Creswell's Military Dictionary is "furyo."

CAPTAIN WEBSTER: Are there any other words?

COMMANDER BARTLETT: There may be; I do not know of them. I have not learned one in three years of talking with them.

CAPTAIN WEBSTER: Do you know anything about the word for "prisoner of war" in what they call "bamboo" Japanese?

COMMANDER BARTLETT: I do not know "bamboo" Japanese.

GENERAL REYNOLDS: The Commission interrupts.

In view of the circumstances attending the arrival of these prisoners of war on the island in question, the Commission considers the discussion of details, language, location of other prisoner of war camps, to be irrelevant; and directs that the questioning of this witness on those subjects be terminated.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

CAPTAIN WEBSTER: That concludes the evidence on that paragraph 7 of the Bill of Particulars, and the next that we would like to submit is paragraphs 117, 119 and 121.

RAFAEL BARSANA

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

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.
- A Rafael Barsana.
- Q Your age?
- A 42.
- Q Your nationality?
- A Filipino.
- Q Where do you live?
- A Ivana.
- Q I-v-a-n-a, Batanes?
- A Yes.
- Q It is on Batan Island?
- A Yes, sir.
- Q Do you have any knowledge concerning the mistreatment of civilians on Batan Island?
- A I do.
- Q When did you first see any civilians mistreated?
- A I am not very definite about the date, but it was the early part of May, 1945.
- Q What did you see at that time?
- A On my way home from my country house I saw some human shouts, I heard some human shouts, as if in pain.

Q Will you speak a little louder?

A As if in pain. I knew then that there were prisoners, civilian prisoners, being mistreated. In my curiosity to find out what was going on in that house I studied the house first, and I found one of the doors was open. I went to that house where the door was opened and tried to hide myself. When I was already inside of the house I found out the door of the house was all galvanized iron. I bore a hole in the galvanized iron and peeped through it. I found out that two prisoners were tied, hands behind their back, hanging from the rafters of the house. Besides these two prisoners, I saw two Japanese, one sitting down and the other was standing.

The one standing seemed to be asking questions from the prisoner, but the prisoner was not answering. I say that he was not answering, because I saw his mouth was closed every time. The Japanese took a small bottle, the contents of which I don't know, and he poured the contents of the bottle on the back of the prisoner and kindled the fire.

Q Then what happened?

A In about four or five seconds the Japanese took a piece of cloth and covered the back, and the fire was extinguished. The Japanese seemed to ask also some questions yet of the prisoner. The prisoner closed his mouth.

The other Japanese, who was sitting down, stood and clubbed the prisoner at the back of his head by a

piece of wood. The prisoner dropped his head as if fainting. That is all I saw. That is all that I saw, sir.

Q Did they pour any more fluid on those civilians other than the one time?

A I don't know.

Q You did not see then?

A No, I didn't see anything.

Q Did you know the names of those civilians?

A I do.

Q Will you give their names, please?

A One is Januario Valones, and the other is Salvador Valones.

Q Now, where were those prisoners when you saw them?

A They were inside a house.

Q In what town?

A In Ivana.

Q Batan Island?

A Yes, sir.

Q Did you see any other civilians mistreated after that?

A No, sir.

Q That is all you saw?

A That is all I saw.

Q Do you know what happened to those two civilians you have named?

A They were killed by the Japanese army.

Q How do you know they were killed?

A Because there was a time when the Japanese army

convened all the people of my town to proclaim the names and why those prisoners were killed.

Q Who read that proclamation?

A The proclamation was read by a Japanese soldier by the name of Kawachi.

Q What did he say?

A He read, first, the names of those prisoners who were killed, and later he told us that we must not be afraid any more because all those pro-Americans were killed.

Q How many names did he read?

A I am not sure about the number of the men who were killed or whose names were read, but they were not less than 80.

Q Were the names of the two civilians which you saw tortured contained in that list?

A Yes, sir.

Q Did you see any of those 80 killed?

A I beg your pardon?

CAPTAIN WEBSTER: Read the question.

(Question read.)

THE WITNESS: No, sir.

Q (By Captain Webster) And in what town was that list read?

A In Ivana, Batan Island.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Was this Januarico Valones an ex-USAFFE officer?

A No, sir.

Q Do you know a Captain Valones who was an ex-USAFFE officer?

A Yes, I do.

Q What is his relation to Januario Valones?

A He is a brother.

Q Was Captain Valones the leader of the guerrillas on Batan Island?

A I beg your pardon?

Q Was Captain Valones the leader of the guerrillas on Batan Island?

A Yes, sir.

Q And was his brother associated with him in the guerrilla movement on Batan Island?

A I do not know exactly; the exact evidence I do not know, but they were telling that this Januario Valones gave food to his brother, Captain Valones.

Q Now, were you a member of the guerrilla organization of Batan Island?

A I am not, no.

Q Were these other 80 people whose names were mentioned, weren't they members of the guerrilla organization?

A I beg your pardon?

Q Weren't these 80 people whose names were read off members of the guerrilla organization?

A I do not know if those persons were members of the guerrillas, because I don't have any knowledge about the guerrillas in Batanes.

Q Is Captain Valones still alive?

A Yes, sir.

CAPTAIN SANDBERG: That is all.

CAPTAIN WEBSTER: May I ask one more question?

GENERAL REYNOLDS: Yes.

REDIRECT EXAMINATION

Q (By Captain Webster) Did you see any of those other  
80 people while they were in custody of the Japanese?

A I do.

Q Where?

A In Ivana, Batanes.

Q Were they tied up when you saw them?

A They are always tied up.

Q Did you see them eating?

A I saw them eating.

Q Will you describe how they were eating?

A Their hands were tied up like this (indicating)  
behind their back and sitting on the floor, and the food  
just placed in front of them on the floor, and they are  
told to get their food with their mouth from the floor.

Q Were they being held by the Japanese at that time?

A No, sir.

Q Who was holding them?

A They were tied from the rafter of a house.

Q Were there Japanese soldiers there?

A Yes, guards.

CAPTAIN WEBSTER: That is all.

CAPTAIN SANDBERG: That is all.

(Witness excused.)

MARIANO BAYARAS

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

DIRECT EXAMINATION

- Q (By Captain Webster) What is your name?
- A Mariano Bayaras.
- Q Your age?
- A 39.
- Q Your nationality?
- A Filipino.
- Q Are you from Basco, Batanes Island?
- A Yes, sir.
- Q Are you the Mayor of Basco, Batan Island?
- A Yes, sir.
- Q How long have you been mayor?
- A Since January of 1941.
- Q Were you given a list by the Japanese of persons killed by them at Basco?
- A Yes, sir.
- Q How many were on that list?
- A 84.
- Q Were all of those people killed?
- A No, all of them were not.
- Q How many were killed?
- A 74.
- Q How do you know they were killed?
- A Because it was pronounced, the proclamation was given to me and the list of those persons were in that proclamation.

Q Have you seen those persons whom are listed as killed since that time?

A Pardon me?

CAPTAIN WEBSTER: Will you read the question, please?  
(Question read.)

THE WITNESS: Yes, sir.

Q (By Captain Webster) Where did you see them?

A I saw them in the house where they were kept prisoners.

Q That is before the proclamation was made, is that right?

A Yes, sir.

Q And were they held by the Japanese at that time?

A Yes, sir.

Q Did you see any of them mistreated?

A I did not see whether they were mistreated, but I saw they were suffering from bad treatment.

Q What makes you think that?

A Because I saw them with their hands tied behind, eating their food on the floor without using their hands because they could not use their hands. Some of them had broken hands, with bruises on their faces and some of them, one of them, had no more eye.

Q Was his eye out?

A Yes, sir.

Q Did the proclamation state which of those people were killed?

A According to the proclamation it stated that some of them were killed and some of them were imprisoned

because of non-cooperation with the Japanese army.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Was that proclamation written in English?

A Beg your pardon?

Q Was that proclamation you refer to written in English?

A Yes.

Q Were those the exact words that were used?

A No, sir.

Q Can you give us the exact words?

A I did not memorize the exact words of the proclamation.

Q Did the proclamation refer to guerrillas?

A What?

Q Did the proclamation refer to guerrillas?

A No, sir.

Q Do you know a Captain Valones?

A After -- long after the execution that I heard the name of Valones, it was long after.

Q And is Captain Valones the leader of the guerrillas on Batan Island?

A That is what they said, but I don't know in reality.

CAPTAIN SANDBERG: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

GENERAL REYNOLDS: The Commission will be in recess until 1:30 P. M. this afternoon.

(Whereupon, at 1130 hours, a recess was taken  
until 1330 hours, 17 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

MAJOR KERR: Sir, all the members of the Commission are present; the Accused and Defense Counsel are present. We will proceed.

CAPTAIN WEBSTER: Sir, the evidence has been completed on Paragraphs 117, 119 and 121 of the Bill of Particulars and we should now like to present the matters contains in Paragraphs 87, 94 and 95.

The first witness.

CLARENCE V. HARTWELL

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

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.
- A Clarence V. Hartwell.
- Q Are you a member of the United States armed forces?
- A I am a member of the United States Navy.
- Q And what is your rank?
- A Chief Pharmacist's Mate.
- Q Were you at any time captured by the Japanese forces?
- A I was captured January 2, 1942 in Manila.
- Q Were you thereafter imprisoned by the Japanese?
- A Yes; in Bilibid Prison.
- Q Were you held as a prisoner of war?
- A As a prisoner of war.

Q How long were you confined in Bilibid Prison as a prisoner of war?

A From May 29, 1942 until February 4, 1945.

Q During the time that you were so confined what were your duties?

A As a medical man in the hospital staff.

Q In what department did you work?

A In the hospital.

Q Will you describe what different areas were in Bilibid Prison?

A In Bilibid Prison there was the hospital area, the military police area, one small area occupied by Filipino laborers, and an area occupied by the press.

Q What areas did you as a member of the hospital staff have the right to visit?

A Only the hospital area.

Q Did you at any time go into the area known as the "M. P. Garrison"?

A No, I didn't. I was not allowed in there.

Q Will you please describe the living conditions in the hospital area?

A The living conditions in the hospital area were very poor. Sanitation was poor, grass and weeds growing all over the camp. There were holes and dugouts dug for the Japanese to use as craters and protection against air-raids all throughout the area. These would fill up with water and allow mosquitos to breed within the area.

Q During the period from October 1944 until the

time you were liberated about how many prisoners of war were confined to Bilibid Prison?

A About three thousand prisoners of war.

Q Was that the average number?

A The average number was about 1800.

Q What were the sleeping conditions in Bilibid Prison during December of 1944 and January of 1945?

A In December of 1944, when we had close to 3000 men in camp, there were actually two different areas to the hospital compound. One was the actual wards and hospital area; the other was the transit camp where men from various other camps in the Islands would come in on their way to Japan. In the hospital area the men had bunks and mattresses to sleep on, but in the transit camp the men were sleeping on the floor without mattresses and very few had blankets. They were sleeping so close together that at night when they had to get up to wait on themselves they would have to crawl over quite a few fellows before they could find a spot to stand up in to walk on outside.

Q What medical supplies, if any, were furnished by the Japanese to the hospital from October '44 until the time of liberation?

A There were none furnished by the Japanese during that time.

Q What medical supplies were available to the hospital?

A The supplies that we had had been furnished by the American Red Cross in 1943.

Q Were those supplies adequate?

A No, they were not.

Q What were the deficiencies?

A We lacked barbiturates, quinine and drugs used for operations.

Q Did you perform any operations in the hospital?

A Yes. We had many operations at the hospital.

Q Were there sufficient drugs to perform those operations?

A Not as far as the anaesthesia was concerned. We did not have enough to knock everyone out.

Q What food did the Japanese furnish the Bilibid Prison from October '44 until the time of liberation?

A They furnished rice, greens, and fish; very few vegetables.

Q What was the type of rice furnished?

A The type of rice furnished seemed to be the sweepings from the floor. It was cracked rice, hulled, and it just seemed to be what they had picked up from the floors of different warehouses.

Q What type of fruit was furnished?

THE WITNESS: Pardon?

CAPTAIN WEBSTER: Will you read the question?

(Question read)

A There was no fruit at all furnished to the prisoners of war.

Q (By Captain Webster) Were there any camotes furnished?

A There were camotes furnished to the prisoners of war but most of them were rotten.

Q How about greens?

A Greens were the tops of different vegetables and various tubers throughout the Islands.

Q Was there any meat furnished at all from October of '44 until the time of the liberation?

A There was no meat furnished at all.

Q How often did you have fish during that period?

A Actual fish we had about two or three times a week; fish powder we had about five or six times a week.

Q How many meals were furnished the prisoners at Bilibid per day?

A Two meals per day -- if you could call them "meals".

Q Were they adequate for the prisoners?

A No, they were not. It was watery rice, mostly starch consistency.

Q During December '44 and January '45 did the Japanese furnish any garbage for the prisoners to eat?

A Yes, they did. They furnished their own garbage and food that they had thrown away and did not eat.

Q Will you describe how they furnished that garbage?

A After the Japanese had finished their meals they would put all their leavings into a large can and they would carry this can within the compound inside the gate and set it down, and then let the Americans come and get the garbage.

Q Was there any "chow line" at the garbage pail?

A At first there was no "chow line". The men just rushed cans and grabbed whatever they could get a hold

of. Then there was a little system made whereby the men would stand in line to receive the garbage.

Q Would the Japanese stand around and watch?

A Sometimes they did. They stood around and laughed and made jokes about it.

Q Back to the meat line, did the prisoners at Bilibid eat any pigeons?

A Yes. They captured quite a few pigeons that used to fly into the camp.

Q Was that a practice of the prisoners to do that?

A It wasn't a practice of all the prisoners because some of them couldn't get out to capture them.

Q How about cats?

A Cats were eaten whenever they could be caught and cooked up.

Q Were those cooked by the prisoners by their own fire?

A Yes. They were cooked by the prisoners with their own fires.

Q How about rats?

A We found some men that had been eating rats.

Q What was the condition of the men in Bilibid Prison at the time of liberation as a result of this diet?

A The men were all very weak. They had been run down to such an extent, most of the men weighed under a hundred pounds. I myself weighed 98 pounds when the Americans come in. I lost most of that from November on.

Q Were there any protests made to the Japanese on these conditions, to your knowledge?

A Yes, there was.

Q When were those protests made?

A They were made many times by the American Commanding Officer of the camp to the Japanese sergeant in charge.

Q Were there any protests made between October of 1944 and the time of liberation?

A Yes.

Q What if anything was done on those protests?

A There was not a thing done in regards to protests.

Q Did the conditions at the prison improve after the protests were made?

A They became worse after the protests were made.

Q Were there any inspections, to your knowledge, made by the Japanese at Bilibid Prison from October 1944 until the time of liberation?

A There were no inspections whatsoever during that time.

Q Were there any inspections made, to your knowledge, previous to October of 1944?

A Yes, there had been.

Q Do you know when they were made?

A Each different commanding general that took over command of the Islands came in and made an inspection of the camp, more or less as a matter of routine.

Q Do you remember the names of any of those commanding generals?

A The only one I remember is General Tanaka.

Q During the last days of your stay at Bilibid did you observe any guns or machine-guns being emplaced in

or around the prison?

A A machine gun was brought through the prison compound on February 3, 1945 and set up on the building just beside our compound. This building was a section of the prison and was used to fire on our forces.

Q Did the Japanese set that machine gun up at that place?

A Yes, they did; the Japanese soldiers.

Q Was it used by the Japanese?

A It was used by the Japanese.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Now, these holes and dugouts in the area, when were they dug?

A They were dug in November, 1944.

Q And was the first air raid in the Manila area on or about the 21st of September, 1944?

A The first air raid came at 9:10, September 21, 1944.

Q And starting September 21st were there frequent air raids?

A Frequent air raids, yes.

Q So that within a week or two thereafter the dugouts and holes were dug?

A There had been some dug beforehand, but the majority of them had been dug and fixed up after.

Q Yes. Now, how often were the air raids after September 21, 1944?

A There was only one lull of about three weeks; outside of that we had more or less continuous air raids.

Q I think you said the average population of old Bilibid was 1,800?

A That is right.

Q And in the latter part of October, the latter part of 1944, that number increased, is that correct?

A It increased the last week of October to about 3,000 men.

Q And that was in the transient area?

A That was in the transient area, and that area was so overrun that we had to take men into the hospital compound and put them in the wards.

Q And that increase in the transient area came about after the start of the air raids, is that correct?

A That is correct.

Q Now, I think you told us there were no medical supplies furnished. Were there any medical supplies furnished at any time while you were at old Bilibid?

A Yes, there were.

Q When?

A A Japanese, in 1942, used to bring supplies in once a month, and in 1943 they cut it down to whenever we put in the request for them, and finally they just stopped bringing them in.

Q When were the last supplies delivered by the Japanese?

A The last supplies were delivered about July of 1944.

Q Now, the food situation: When did the food situation start seriously to deteriorate?

A In June of 1944.

Q June, 1944?

A It started to deteriorate then, yes, sir.

Q Back a moment to the question of the population there: In December, 1944, were a large group of civilian internees brought to the old Bilibid Prison?

A Yes; from Baguio.

Q About 407 of them?

A I have no idea of how many there were.

Q And was that part of the population you have described?

A No, sir, it wasn't.

Q That was in addition?

A That was in addition.

Q And do you know why they were brought to old Bilibid?

A We had no idea why they were brought down.

Q Now, back to the food for a moment: You said the food started to deteriorate in June, 1944?

A Yes.

Q And the deterioration was a steady worsening of the situation from then on?

A In June they cut our meals from three meals a day to two meals a day, but in and about October the meals were cut to two watery, starchy meals a day.

Q And did the situation deteriorate steadily through that period?

A Yes, it did.

Q And did it deteriorate materially after the start of the air raids on the 21st of September, 1944?

A Yes.

Q Now, did the Japanese pay you any money while you were there?

A They paid us once a month.

Q And did that continue right on through the time of your imprisonment?

A No, it didn't.

Q When did that start and when did that stop?

A They started paying us in November of 1942, and they stopped paying us about September, 1944.

Q Now, I think you have testified that there were some protests made after October, 1944. Were there any protests made before October, 1944?

A There were protests being made all the time we were

in the prison camp.

Q And the result of the protests was the same?

A No, sir, it wasn't.

Q Well, tell us what happened.

A Before October, 1944, we would receive some sort of compensation for the protests that were put in, but after that time we didn't even get more or less an answer to our protests.

Q How often, on the average, would the protests go in?

A About once a week we would send in protests.

Q Now, I want you to think back to September, 1944.

Did you get answers to your protests in the weeks during September, 1944?

A I couldn't say exactly whether we did or not.

Q So that you don't mean that you remember that distinctly in the month of October there was a sudden change in policy regarding protests?

A I remember that toward the end of the year the protests were not even recognized.

Q My question was, you were not telling us that, to your recollection, at the beginning of October, a sharp time at that point, there was a change in the treatment of protests?

A I really don't know how to answer that, because I can't place that question in my mind.

Q Were protests answered in November, 1944?

A No, they weren't.

Q And you have stated you don't remember whether or not they were answered in September, 1944, is that right?

A That is right.

Q Or August?

A From July on protests were put in and most of them were not answered.

Q I see. So that the change was in July, 1944, so far as you can recollect?

A As far as I can recollect.

Q Do you understand Japanese?

A Very little.

Q Now, you say a machine gun was brought to the prison compound on the 3rd of February, 1945. Prior to that had you ever seen any arms set up in the prison compound?

A Not within the prison compound.

Q And did you see that machine gun being set up there?

A I saw it being set up. I saw it carried up onto the wall.

Q And who set it up?

A Japanese soldiers.

Q And do you know whether they were Army, Navy, or Marines?

A They were wearing green uniforms.

Q Did you see any insignia?

A We were locked in one of our buildings, and all we could do was look out between wooden slats to see.

Q So you couldn't see --

A I couldn't see the insignias.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

CAPTAIN WEBSTER: Will you mark this for identification?

(A statement was marked Prosecution Exhibit No. 348 for identification.)

CAPTAIN WEBSTER: Sir, at this time I would like to offer into evidence Prosecution's Exhibit 348, which is a sworn statement of Edward W. Heintzleman, taken pursuant to an investigation by Harlan F. Hagen, Agent, SIC, District 6, 7th Service Command, for the purpose of perpetuation of his testimony.

GENERAL REYNOLDS: You may read the significant portions of this statement.

CAPTAIN WEBSTER: Referring to the last sentence on the first page, beginning with the words:

"From September 2, 1944 through February 4, 1945, when I was liberated, I was continuously a prisoner of war of the Japanese at Bilibid Prison Camp, Manila.

"Q You have stated that you were a prisoner of war continuously at Bilibid Prison Camp, Manila, from September 2, 1944 through February 4, 1945. Did you witness any mistreatment of United States citizens by agents of the Japanese government at such camp during such period?

"A Yes. At Bilibid during such period I was a hospital patient, ill with pneumonia and meningitis. For the bulk of my residence there we received only two meals per day, which consisted of one half canteen cup of rice soup for breakfast and three-fourths of a U. S. Army canteen cup full of rice at three o'clock in the afternoon. In addition, the three o'clock meal sometimes included one-

fourth of a U. S. Army canteen cup of soup, but the items mentioned here were the only ones which were provided, with the exception of vitamin tablets, which were given to the prisoners by the Japanese and were reported to have been received through the Red Cross. I am certain that the inadequacy of the diet was not a matter of military necessity, because during the period of use of the diet, which I have mentioned I observed much waste of food by Japanese Army personnel. I had an idea that it might be advantageous to get outside of the prison camp proper and on the pretext of cleaning up areas outside of the camp proper, I gained access to a Japanese personnel mess area and observed huge quantities of food being discarded. I persuaded some Japanese guards to permit me to collect such discarded food before it was mixed up with the garbage and I took such salvaged food into the prison camp for distribution to the prisoners. A Doctor Alfred Smith, U. S. Navy, assisted me in the reparation and boiling of such food and Lieutenant H. S. Goodall of 412 McLimore Avenue, Memphis, Tennessee, assisted me in the distribution of such food. Approximately two weeks before the liberation, on February 4, 1945, the Japanese ceased permitting me to collect such food and they again began to mix it with the garbage and I have observed them bring it into the camp mixed with garbage and dump it in front of the prisoners. I have seen the prisoners eat it although it was contaminated and decaying. I was reported to me that United States Army officers at the camp had protested against this dumping practice; however, the Japanese persisted in such practice almost to the day of

liberation and I assume that it was for the purpose of humiliating the prisoners."

That is the pertinent part of that which we wish to call the court's attention to.

GENERAL REYNOLDS: Are there any statements to which the Defense wishes to invite our attention?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted into evidence. You may proceed.

(Prosecution Exhibit No. 348 for identification was received in evidence.)

CAPTAIN WEBSTER: May we have permission to withdraw the original signed statement and substitute a copy therefor?

GENERAL REYNOLDS: Yes.

CAPTAIN WEBSTER: Will you mark this?

(Statement of Theodore Winship was marked Prosecution Exhibit No. 349 for identification.)

CAPTAIN WEBSTER: At this time the Prosecution wishes to offer into evidence Prosecution's Exhibit 349, being a statement of Theodore Winship, Major, Medical Corps, and taken by George G. Barker, Agent, SIC.

GENERAL REYNOLDS: You may read the significant parts of the statement.

CAPTAIN WEBSTER: Sir, on page 1, the fourth question and answer:

"Q In what places were you held? State approximate dates.

"A I was a prisoner of war from 9 April 1942 to

19 June 1942 at Little Baguio, Bataan; from 19 June 1942 to 3 October 1943 at Bilibid Prison, Manila; from 3 October 1943 to 19 October 1944 at Cabanatuan; and from 19 October 1944 to 4 February 1945 at Bilibid Prison, Manila, all in the Philippine Islands.

"Q Did you witness or have you been told of any atrocities or mistreatment of American prisoners of war?

"A Yes.

"Q Are you familiar with the circumstances of the American prisoners of war being upheld to ridicule and insults at Bilibid Prison, Manila, Philippine Islands, in January 1945?

"A Yes.

"Q State what you know of your own knowledge concerning this matter.

"A Garbage was brought from the Japanese kitchens and delivered to the American prisoners of war who were to take it to feed the pigs belonging to the Japanese, which the Americans were required to care for.

"Unless prevented by American guards, the garbage was often eaten by the American prisoners of war, and on these occasions Japanese officers and enlisted men would stand at a distance and laugh at the American officers and men who fought over pieces of garbage spilled on the ground. On one occasion, in January, 1945, I heard a Japanese officer order a Japanese guard to bring more garbage out so they might 'see the American dogs fight'."

The last question and answer on page 2:

"Q Do you have anything you wish to add in connection

with this particular matter?

"A I recall that about the same time as the above described incident occurred, an unknown American enlisted man was observed in one of the pig pens, holding off the pigs with a stick while he ate the garbage from the pig trough."

That is all, sir.

GENERAL REYNOLDS: Are there other statements to which the Defense wishes to invite our attention?

CAPTAIN SANDBERG: There are none, sir.

GENERAL REYNOLDS: The document is accepted into evidence.

(Prosecution Exhibit No. 349  
for identification was  
received in evidence.)

CAPTAIN WEBSTER: May the Prosecution withdraw the original statement and substitute a certified copy thereof?

GENERAL REYNOLDS: You may.

CAPTAIN WEBSTER: That completes the evidence on Paragraphs 87, 94 and 95 of the Bill of Particulars.

Sir, at this time the Prosecution wishes to submit Paragraph 116.

Will you mark this, please?

(Statement of Marcelo Arrieta  
was marked Prosecution Ex-  
hibit No. 350 for identifi-  
cation.)

CAPTAIN WEBSTER: In support of that paragraph, sir, we would like to offer into evidence Prosecution's Exhibit 350, being the sworn statement of Marcelo Arrieta, taken before Thomas A. Cannon, 1st Lieutenant, J/AGD,

barring the investigation of this atrocity.

GENERAL REYNOLDS: You may read the significant parts of the statement.

CAPTAIN WEBSTER: On page 1 thereof beginning with the ninth question:

"Q Were you living in Baguio during the occupation by the Japanese forces?

"A Yes, I lived here until March, 1945, when I went to the mountains because of the bombings.

"Q Did you suffer some mistreatment at the hands of the Japanese military forces?

"A Yes, sir.

"Q On what date and where did this take place?

"A It happened on April 18, 1945, and it happened close to Camp No. 4, which is along Highway No. 11. The place is about twenty-two kilometers south of Baguio.

"Q Will you tell exactly what happened?

"A After I left Baguio because of the bombings I went to Virak Mines. I stayed there for a while and then because of the scarcity of food because we were starving there at the time, I and a group of about eighty-three persons including women and children, I think maybe there were sixteen men and the rest were women and children, maybe about forty children. We started to go to the lowlands to find more food. We left Virak on the morning of April 17, 1945, and traveled south. At about ten o'clock in the morning we were stopped by three Japanese soldiers. They were just ordinary Japanese soldiers and I don't remember anything about them now. They were armed with rifles and bayonets

and at the point of their bayonets they took most of our rice. After they took our rice they let us go on. We spent the night of April 17, 1945, on the mountains near Camp No. 4. We just slept on the ground. The next morning we started out again. We had gone about six kilometers when we were met by a large group of Japanese. I calculated there were about thirty Japanese soldiers at first who surrounded us. They were armed with rifles and bayonets and had a machine-gun. There were two officers in charge of the Japanese who surrounded us. One of the officers was a first lieutenant and the other was a second lieutenant. I know this because I am acquainted with the Japanese insignia. After they surrounded us the first thing they did was to examine all over our belongings and they took everything of value or what they like from us. Then the Japanese Lieutenant told us we would have to return to Baguio and be turned over to the Military Police. This Japanese did not speak English but one of our companions could understand a little Japanese. Her name was Straus. She is now dead. The Japanese then took four of my companions and made them carry our luggage a short distance away from where we were surrounded. Then the four men were tied up, their arms were tied in back of them. Then the Japanese picked out four more men and have them carry some more luggage to the place where the first luggage was taken. Then they tied these men up the same as the first ones. They did the same thing to another group of four men and I was in this group. We carried the luggage a short distance and just put it down then they tied our hands behind our backs. My group was

put with the first two groups and we were guarded by seven Japanese soldiers. Then the last group of four men came and they tied them up. Then the Japanese took some cloth from our luggage which I discovered later was to be used as blindfolds. We were now separated from the women and children and we were all surrounded by Japanese soldiers. Then the Japanese took four of my companions about fifty yards and begun bayoneting. I know the men were being killed because they were screaming and begging for mercy. There were seven Japanese soldiers who took the first four men away. Then when they came back in a few minutes, I saw them wiping their bayonets which were bloody and none of the four of my companions were with them. Then they took four men at about the same place again. I heard them scream and again the Japanese returned. I saw again that their bayonets were bloody. Then they selected four men and I was with this group. We were taken at about fifty yards and made to stop. There were four Japanese that had us there and then another three were acting as guards on us. When we reached a certain spot which I calculated was eighty or one hundred yards from Highway No. 11 on the west side, and about twenty-two kilometers south of Baguio, we were stopped and a blindfold was put over my eyes and they blindfold my companions too. They stopped us near a ditch where they blindfolded us. There were four Japanese soldiers, one for each one of us who did the blindfolding. After the blindfold was put on me and I was standing on the edge of the ditch I suddenly felt a bayonet pushed into my ribs in front of me on my right side. I felt it in my

body and I fell down into the ditch. Then I was lying face down and a bayonet was stuck into my back. I laid very still and pretended to be dead. My three companions were also bayoneted and pushed into the ditch with me. I heard them move and the Japanese soldiers bayoneted them some more until they laid still. The Japanese then took banana leaves and some grasses and other stuff to cover us up, then they left. I was not unconscious then although I was bleeding very much as I could feel the blood. I could hear the Japanese take the other four men because I heard them screaming and begging for mercy. They brought them very near to where we were bayoneted. I did not see this but I could hear plainly and after the last four men were bayoneted I could hear the Japanese go to the place where the women and children were gathered. I believe I must have laid in the ditch for about thirty minutes when I was able to get my hands untied and then I took off my blindfold. I called to my other three companions in the ditch to learn if they were still alive and touched them and they were very cold and none of them answered me and I am sure they were all dead. I just know the first name of two of the three men in the ditch with me. One was Luis, who was about 18 years old and the other was named Straus, who was about 22 years old. They were all Filipinos. When I got up from the ditch I ran back up into the mountains. I had only gone a short distance when I could not go any further because of my wounds and I laid down. After a while I heard women and children screaming. I peeped and I saw four women and two children bayoneted by the Japanese. There were four

Japanese who did the bayoneting. Then I saw two more women and one child bayoneted. The women and children were not blindfolded and they were taken to about the same place they executed us. I saw four Japanese bayoneted these women and children. They were screaming and begging for pity but the Japanese had no mercy for them. I saw these four Japanese put their bayonets into these women and children many times even if they have fallen down. The sight was too much for me and I lost my senses again. I believe I was unconscious for several hours because it was maybe around six o'clock when I woke up. I heard the Japanese shouting and I was awoken. I could not understand what they were saying but I believe they were calling for all the Japanese to prepare to leave. I then began climbing up the mountains by myself."

And on page 4 the first question and answer:

"Q Do you know what happened to the fifteen other men forty children and about twenty-eight women that were originally captured with you by the Japanese?

"A They were all dead, because I have never seen any of them since the 18th day of April, 1945, when the Japanese executed us."

And the third question and answer from the bottom of the page:

"Q Do you know anyone else now living in your group who also escaped from the Japanese on the 18th of April, 1945?

"A No, sir, I know no one else who escaped.

"Q Do you know the names of either of the two

Japanese Lieutenants who you said were in charge of the thirty Japanese?

"A. No, sir, I do not know.

"Q. Can you give a personal description of the Japanese first lieutenant?"

Now, sir, starting with the sentence beginning at the bottom of the page:

"He was dressed in regular green Japanese army uniform and carried a saber and a revolver. He wore the Japanese officer's boots. He had on a insignia of a first lieutenant which is a red patch with gold stripes along the top and the bottom and a yellow stripe run through the middle with two silver stars on the middle stripe. I do not believe he could speak English. He was a neat dresser. That is about all I can remember of him."

And then that answer ends with:

"This first lieutenant was in charge of the group because he was the one that seemed to give commands."

That is all.

GENERAL REYNOLDS: Are there other statements to which the Defense wishes to invite our attention?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission.

(Prosecution Exhibit No. 350  
for identification was  
received in evidence.)

CAPTAIN WEBSTER: That completes the evidence on Paragraph 116.

CAPTAIN PACE: If it please the Commission, the Prosecution is prepared to present additional evidence on Bill of Particulars 15 and 25 and the testimony will also relate to Paragraph 1 and indirectly to many of the other paragraphs.

GENERAL REYNOLDS: The Commission will inquire whether this new testimony is purely cumulative.

CAPTAIN PACE: No, sir; it is all new.

SHIZUO YOKOYAMA

called as a witness on behalf of the Prosecution, being first duly sworn through Commander Bartlett, was examined and testified as follows through Interpreter Staff Sergeant Hiroshi Ohira:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Shizuo Yokoyama.

Q Are you an officer of the Imperial Japanese Army?

A Yes, sir.

Q What is your rank?

A Lieutenant general.

Q How long have you been a lieutenant general?

A Approximately four years.

Q Are you now an American prisoner of war?

A Yes, sir.

Q Do you want to tell this Military Commission the truth about what you know concerning operations in the Philippine Islands?

A Yes, sir.

Q When did you come to the Philippines?

A August 22nd of last year, I believe.

Q What did you command at that time?

A It was the 8th Division.

Q Where was your division stationed in the Philippines?

A My division was en route to the Philippines from Japan.

Q Where were they stationed in the Philippines?

A From mid-October we were at Batangas.

Q Who was your commanding officer?

A My commander was General Yamashita.

Q Who was your commander when you first came here?

A Upon my arrival here in August my commanding officer was Lieutenant General Kuroda.

Q When did General Yamashita become your commander?

A It was about the first of -- the beginning of October.

Q What year?

A The beginning of October, 1944.

Q Was he your commander from that time right up until the surrender?

A Yes, sir.

Q When did you leave Batangas?

A It was on the night of December 31, 1944.

Q Where did you go?

A On January 1, 1945, early morning, I arrived at Fort McKinley.

Q Why did you go there?

A I went there on the order of General Yamashita and to meet him there.

Q What happened then?

A On the night of January 2nd I received instructions from General Yamashita.

Q What were the instructions?

A It was as follows: First, I -- this is what he said: "You are to be Shimbu Group commander."

No. 2. This Shimbu Group was to be the group that would get together, built from various sources. It was a mixed group. Since this is a composite unit, it was to coordinate in the following operation: In case of an attack this Shimbu Group was a group that worked best in operation and they were to offer token resistance and make a quick withdrawal.

Q How many men --

CAPTAIN REEL: Pardon me. We have been informed that during the course of this exchange the witness described the condition of the Shimbu Army as having to do with southern Luzon. I think the whole facts should be brought before the Commission.

CAPTAIN PACE. If it please the Commission, I was intending to bring those out, whether or not the witness has mentioned them yet or not.

GENERAL REYNOLDS: Very well; proceed.

Q (By Captain Pace) What was the strength of the Shimbu Army?

A The strength of the Shimbu Army was approximately 45,000.

Q What area did your command cover?

A First it was the strong point of --. It was the northern strong point --. I commanded the forces in the northern part of Manila, which was the key point and the strong point east of Manila to Batangas and Infanta.

GENERAL REYNOLDS: The Commission interrupts. We understand that the witness has established the command responsibility between himself and General Yamashita. The Commission fails to see any reason to go completely into the command setup of the Shinbu Group, or to hear in detail the technical plans which were under consideration. The Commission also feels that the information being obtained from the witness could be greatly facilitated if he were provided with a map so that he could point out these locations and save these long, involved descriptions.

The Commission will recess for approximately ten minutes and ask the Prosecution to re-evaluate the information sought from this witness as to its direct application to the purpose for which we are assembled, and also to analyze the possibility of using maps to facilitate the examination.

(Short recess.)

(The following answers of the witness were given through Interpreter Masao Ochi, with Interpreter Hiroshi Ohira acting as "check" Interpreter:)

GENERAL REYNOLDS: The Commission is in session.

It is the desire of the Commission that the Prosecution state the substance of the testimony expected to be developed from this witness, which they consider essential to their case.

CAPTAIN PACE: The purpose of calling this witness, sir, is to establish the command that Yamashita had over the Manila area, the date when it started, the naval troops which he commanded, the chain of command between Yamashita and the naval commander in Manila, the fact that Yamashita exercised that command, the fact that there was communication between Yamashita and that command up to a certain date, and the fact that Yamashita exercised command over the prisoner of war camps in the Philippines and over the air force in the Philippines.

GENERAL REYNOLDS: You may proceed.

(  
(A map was marked Prosecution Exhibit No. 351 for identification.)

Q (By Captain Pace) Will you look at Exhibit 351 for identification and state the northern boundary of your command?

(The witness indicated on Prosecution Exhibit No. 351 for identification and spoke in his own language.)

CAPTAIN REEL: (To the Interpreter) Can you hear that?

Have him speak louder.

CAPTAIN PACE: Speak louder.

COMMANDER BARTLETT: Do you want him to give the names of the units there, or merely point out the location of the boundary?

GENERAL REYNOLDS: The geographical limits of the line.

(Translated to the witness through the Interpreter.)

CAPTAIN PACE: Will the record show that the witness has indicated the towns of Ipo and Wawa and Antipolo.

Q (By Captain Pace) Will you point out the western boundary of your command?

(The question being asked the witness through the Interpreter, the witness indicated on Prosecution Exhibit No. 351 for identification.)

CAPTAIN PACE: Let the record show that the witness has indicated a line generally along the Angata River, through Manila Bay, touching the southern tip of the Bataan Peninsula.

Q (By Captain Pace) Will you indicate the southern boundary of your command?

(The question being asked the witness by the Interpreter, the witness indicated on Prosecution Exhibit No. 351 for identification.)

CAPTAIN PACE: Let the record show that the witness has indicated the Province of Batangas.

(The witness indicated further on Prosecution Exhibit No. 351 for identification.)

CAPTAIN PACE: Let the record also show that he has indicated something just south of there.

CAPTAIN REEL: South of there?

THE WITNESS (Without aid of Interpreter): Mindoro --  
(continuing in the Japanese language, which was not interpreted).

Q (By Captain Pace) Will you indicate the western boundary of your command?

CAPTAIN REEL: He has given the western boundary.

Q (By Captain Pace) The eastern boundary. I beg your pardon.

(The question being asked the witness by the Interpreter, the witness indicated on Prosecution Exhibit No. 351 for identification.)

CAPTAIN PACE: The witness has indicated Lanon Bay.

Q (By Captain Pace) Did your command include the City of Manila?

A (Through the Interpreter) Yes, it was included.

Q Who was your immediate commanding officer?

A General Yamashita.

Q Where was your headquarters?

A About 10 kilometers east of Wawa in the mountains.

Q Where was Yamashita's headquarters?

A Up to the 3rd of January his headquarters was up at Fort McKinley.

Q Where did he go from Fort McKinley?

A Finally, I think he was down at Ipo for a couple of days, four or five days.

Q Where did he go from Ipo?

A I believe he moved down to Baguio.

Q When did General Yamashita take over command of the Japanese naval forces in Manila?

A I believe it was about the first part of January

that he controlled the various units through the group commanders.

Q How do you know --

CAPTAIN REEL: Sir, we should like to have that interpretation checked. We understand there is a sound recording. It is our information that the witness added that General Yamashita did not take charge directly of these certain types of groups. I don't know what it was precisely, but I understand the statement was that General Yamashita did not take charge directly, but took charge through the divisions.

GENERAL REYNOLDS: Will you read the answer to the question?

(The answer referred to was read by the reporter as follows:)

"I believe it was about the first part of January that he controlled the various units through the group commanders."

CAPTAIN REEL: I didn't understand the last part of the answer. We will withdraw our objection.

Q (By Captain Pace) How do you know General Yamashita took control in the first part of January, 1945?

A (Through the Interpreter) It is because I received an order from General Yamashita at about the first part of January, myself.

Q What did this order say?

A Concerning land operation and land-based navy, various group commanders will command the naval forces.

CAPTAIN REEL: Will the reporter read that last part of the answer?

(Answer read.)

Q (By Captain Pace) Did General Yamashita receive an order from Grand Imperial Headquarters in Japan?

A (Through the Interpreter) I believe that the order came from the Grand Imperial Headquarters of Japan.

CAPTAIN PACE: Will you read the answer?

(Answer read.)

Q (By Captain Pace) What did the orders say?

A That I do not know, but I believe the contents is not much different from the order that I received from General Yamashita.

Q What did the order which you received say?

A As I said previously.

Q Will you repeat that, please?

A Concerning land operation and land-based navy, each group commander will command the navy forces.

CAPTAIN REEL: Will the reporter read that answer?

(Answer read.)

THE WITNESS: (Through the Interpreter) I have something to add to that.

Q (By Captain Pace) Yes?

A (Through the Interpreter) The message contained, I believe, something to the effect that matters --  
(pause)

COMMANDER BARTLETT: "The message contained, I believe, something to the effect that matters concerning sea operations and preparations therefor will remain

the responsibility of the navy."

Q (By Captain Pace) And land operations would be Yamashita's responsibility, is that right?

A (Through the Interpreter) The land operation was to be the responsibility to Yamashita through the various group commanders, and not sea operations.

Q When did you receive command of the naval land forces in Manila?

A The order that I received from General Yamashita, I believe it was about 10th of January.

Q When did you take actual control over the naval forces?

A Actual command I took over navy troops at the beginning of combat to the end.

CAPTAIN PACE: Will you read that answer?

(Answer read.)

Q (By Captain Pace) What was the date that you took over?

A I guess it was about 10th of January.

Q What day did you actually take over?

(The following answers were given through Interpreter Lieutenant Commander S. C. Bartlett.)

A When I actually assumed command with the receipt of these orders, because of certain anticipated inconveniences I did not take over actual control but did issue some preparatory orders.

Q (By Captain Pace) Did you take over actual control on February 3, 1945?

A Yes.

Q Did you issue a preparatory order on January 19, 1945?

A I did.

Q What did it say?

A "With respect to the coming U. S. advance towards Manila you will halt advance in prepared positions."

COMMANDER BARTLETT: May I have permission to ask a few questions of this witness? It is more or less beyond my comprehension.

GENERAL REYNOLDS: Yes.

(Whereupon ensued a short colloquy in the Japanese language between Commander Bartlett and the witness.)

COMMANDER BARTLETT: Part of the Army forces are -- strike that all out, please.

The meaning or the object of this order was as follows: "Part of the Army forces had been put in the Iwabuchi unit. Those forces were guarding about 20 kilos on the northern part of Manila and four or five -- and three or four kilos on the southern part of Manila."

Q (By Captain Pace) Who was the Navy commander under

you?

COMMANDER BARTLETT: I don't think he is through yet.

A (Through Interpreter Bartlett) -- making a stand against the United States forces on those two islands, it was my desire to withdraw all other troops in the City of Manila to the hills. However, with respect to those naval forces who were along the shore line, who were placed there for purely naval duties, my orders did not include them.

Q (By Captain Pace) Did you notify Yamashita that you had ordered the troops in Manila, including -- withdraw that.

Did you notify Yamashita that you had issued this order?

A I notified him without any delay, immediately upon the issuance of these orders.

Q Who was the commander in the Manila area? Who was the commander in the Manila area?

COMMANDER BARTLETT: Read the question, please.

(Question read.)

A (Through Interpreter Bartlett) Rear Admiral Iwabuchi was in command of the City of Manila and its environs.

Q (By Captain Pace) Was Iwabuchi immediately under you?

A Yes.

Q Did Iwabuchi command Army troops who were in Manila?

A I put them in.

Q What Army troops were in Manila in February of 1945?

A The Noguchi detached unit, that was all. I do not know what other troops were here.

Q What was the Noguchi unit?

A They were troops taken from the Kobayashi group.

Q How long did Iwabuchi remain under you in the Manila area?

A Until the end of the battle.

Q When was that?

A I considered that about the end of February.

Q Between February 23rd -- after that time did you keep in contact with Iwabuchi at all times?

A There were times when I had liaison and there were times when I did not have liaison with him.

Q Were you able to get all of your important orders to him during that period?

A Until about the 10th of February I was able to get them through comparatively successfully. From then until the 20th I was able to receive messages on several occasions. On the other hand, the important messages which I sent out did arrive regularly.

Q Did you have communication with Yamashita from December, 1944, until the end of hostilities? Did you have communication with Yamashita from December, 1944, until the surrender?

A To be specific, until the early or middle part of April I can say that there was no interruption in communications between us. From then on communications deteriorated until about the middle of June and they were completely severed. Since then I have had no communication.

Q Between February 3rd and February 20th, 1945, did you send reports to Yamashita?

A I sent them every day, as much as I could.

Q Did you receive reports from Iwabuchi during that period?

COMMANDER BARTLETT: There were two answers to that. The first one was: "I sent all reports that I received on to General Yamashita."

I put the question again, and the second answer was: "I received them up until the 10th of February regularly, and from then to the 20th occasionally."

Q (By Captain Pace) How did Iwabuchi receive his orders?

A Are these orders from myself that you refer to?

Q From yourself or from Yamashita.

A All orders from General Yamashita for Iwabuchi came to me and I transmitted them direct to Iwabuchi.

Q How many naval troops did you have in Manila?

A Under Iwabuchi's command at Corregidor about five or six thousand, and in the vicinity of Manila fifteen or sixteen thousand.

Q How many Army troops were there here in February?

A Approximately 1,800, I believe.

Q Who was in command of the prisoner of war camps in the Philippine Islands?

A I believe the first commander was Lieutenant General Ko.

Q Who was his commanding officer?

A According to my memory it was the prisoner of war commander, Lieutenant General Shimono Ikaku.

Q Was he under Yamashita?

A Yes.

CAPTAIN REEL: Sir, in the previous answer, we would like to ask the Interpreter if the position of General Shinono Ikaku was described by the witness as chief of the commissariat or the supply.

COMMANDER BARTLETT: I will have to ask the witness that later. Can that wait until the cross examination?

GENERAL REYNOLDS: The Commission will interrupt and say we would get a more workmanlike procedure if counsel does not interrupt on matters of interpretation of words and will wait until cross examination.

CAPTAIN REEL: Yes, sir.

COMMANDER BARTLETT: That translation can be amended to "as commander of the line of communications."

Q (By Captain Pace) When did Yanashita assume command of the air force units?

A I have no accurate knowledge, but am of the opinion that it was early in January.

Q 1945?

A Yes.

CAPTAIN PACE: You may cross examine.

GENERAL REYNOLDS: There will be questions by the Commission.

#### EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Reynolds) What orders were received by you for the killing of Filipino citizens?

A I have never received such orders. I received -- I had previously received instructions from General Yanashita to handle -- I have been previously cautioned by General Yanashita to be fair in all my dealings with the Filipino

people.

Q What orders were received by you for the burning or demolition of property in Manila?

A I did not receive any such orders, but aside from certain demolitions essential to military operations I received no such orders as you have described.

Q What orders were issued by you for the killing of Filipino citizens in Manila, Batangas, and other parts of your area of command?

A I have never issued orders for killing.

Q What orders were issued by you for the burning or demolition of property in Manila?

A I never issued any orders.

Q By whose orders were Filipino citizens killed in large numbers in Manila, Batangas, and other parts of your area of command?

A I have never received news of, nor can I consider that any unit commander would have issued orders to kill large numbers of people.

Q Does the witness know of the killing of large numbers of civilians in Manila, Batangas, and other parts of his area command?

A I first learned of this situation after having come out of the mountains and arriving at new Bilibid Prison.

Q For what reason were Filipino citizens held within the City of Manila during the American attack, and particularly within the Intramuros?

A I do not know either of the fact nor any reason for such a situation. If I were to guess, it may be that there

were people who had come in as refugees, but that they were gathered together by military units is something I never heard or even guessed before.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: There will be more questions by the Commission.

CAPTAIN REEL: I beg your pardon, sir?

GENERAL REYNOLDS: I say, There will be more questions by the Commission.

After United States troops reached the Pasig River in the attack on Manila did you as commanding general visit your own troops in contact?

THE WITNESS: I have not.

GENERAL REYNOLDS: During the same period were the Japanese units in contact visited by members of your general staff?

THE WITNESS: The attack came at such a totally unexpected time that no staff member from the group command made such a visit. However, Staff Officer Hashimoto of the Kobayashi Unit Group which came from the Noguchi Unit was there.

GENERAL REYNOLDS: Tell the witness that the Commission understands from his statement that during the defense of Manila neither he nor any member of his general staff visited the Japanese troops in contact during the entire month of February, and ask him if that statement is correct.

(Translated by Commander Bartlett)

THE WITNESS: There is no mistake about that.

GENERAL REYNOLDS: Is this a normal procedure in the Japanese Army by which generals and general staff officers avoid the area of combat?

(Translated by Commander Bartlett)

THE WITNESS: That is by no means the unusual custom.

COMMANDER BARTLETT: I am going to get him to repeat the answer.

THE WITNESS: For the purpose of preparing the eastern defenses and preparations with respect to munitions and provisions, training of emergency-created military units for defense purposes and for using a certain portion of the troops for offensive action with respect to airfields; for these reasons I was distressed with a lack of sufficient staff officers. I had no other recourse excepting to be satisfied with the messages that came to me from Iwabuchi by radio and later by ground telephone and buzzer and runners.

GENERAL REYNOLDS: Tell the witness that the Commission understands from his statement that during all the month of February the press of other duties prevented him from joining and contacting his own troops in contact with United States Forces, and ask him if that is correct.

(Translated by Commander Bartlett)

THE WITNESS: There is no mistake.

GENERAL REYNOLDS: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Was it ever contemplated by you that there should be a battle in Manila?

A (Through Commander Bartlett) I felt that while there might be a battle there I hoped -- it was my hope that there would be no such battle.

Q What were General Yamashita's orders with respect to the defense of Manila?

A Do you refer to the general locality of Manila?

Q No; to the City of Manila as distinct from the whole sector; the city itself.

A I received no orders with particular respect to the City of Manila.

Q What orders did you receive with respect to the out-lying sections?

A The orders which I received were to establish a line on east of the City and contact as many American troops as possible for as long as possible and inflict as many casualties as possible.

Q And how far east of the city was that line to be?

A From 22 to 24 or 25 --

COMMANDER BARTLETT: Will you strike out that answer, please?

A (Through Commander Bartlett) Between 22 meters and 14 or 15 meters.

CAPTAIN REEL: Is that "meters" or "kilometers"?

COMMANDER BARTLETT: Kilometers.

Q (By Captain Reel) Were there any orders you received relative to the evacuation of the City of Manila?

A There were orders to evacuate the city. I believe that was the 12th or 13th of February.

Q Were there any orders before that to evacuate the city?

A There were none before that.

Q Well now, did you see General Yamashita at Fort McKinley on the 3rd of January, 1945?

A I met him.

Q And was anything said relative to evacuation of the City of Manila?

A There was no such talk. At that time the Naval forces were not in command and such a problem did not exist.

Q Did you receive any plans from Major General Konuma at Fort McKinloy on the 3rd of January?

COMMANDER BARTLETT: Read the question, please.

(Question read)

A I can now remember that I did.

Q (By Captain Reel) And what were those plans that you received on the 3rd of January from General Konuma?

A As I said before, to establish a line east of the City and engage as many troops for as long as possible and also, with respect to the withdrawal from the present position, to do it as quickly and as positively as possible.

Q And by "withdrawal of present position", did that refer to positions within the City as distinct from the sector?

A About the west bank of the Marikina River, a line from that place.

CAPTAIN REEL: Will you read the answer of the witness, please?

(Answer read)

COMMANDER BARTLETT: Will you strike that out and say "a line drawn approximately at the west bank of the Marikina River".

Q (By Captain Reel) And all troops that were west of that line were to be withdrawn from the City; is that right?

A It was the plan to withdraw all troops in my command as you said, and the plan was being gradually carried out.

Q And the order you received on the 13th of February, was that an order for compliance with this plan?

A The order that I received on the 12th or 13th of February was to withdraw Naval forces.

Q Now, by the 12th or 13th of February were all of the Army forces except the Noguchi units already withdrawn from the City?

A Those troops who were destined to go to Baguio had practically all been withdrawn by the time the battle was engaged. Those troops which were to remain in my command had been successively withdrawn prior to this. Moreover, in addition there were some troops not in my command who, before the early part of March, had drifted out of the city.

Q Was the Noguchi unit left in the City?

A They were.

Q How many men were in that unit?

A When they were at their highest number it was approximately 1800.

Q Now, I asked you about a General Konuma. Will you tell us who he was?

A He was a staff officer of the Shobu unit.

Q Was that the 14th Army Group?

A 14th Area Group -- Area Army.

Q Now, what was the mission or the duty of the Noguchi unit in Manila?

A First, to establish lines approximately 20 meters north and -- of 20 kilometers north and 3 to 4 kilometers south of the City and to engage such American forces as attack the City from those two directions. And, another mission, to complete the unfinished defense preparations which had been the mission of such members of the Kobayashi group as remain in the City of Manila. Of those unfinished preparations it is my belief that the principal one was to make known to the population of Manila the ideas of General Yamashita.

Q And what ideas were those?

A These are things which I have heard afterwards, however. That it was General Yamashita's desire that there be no fighting in the City of Manila and for that reason he wished to have the citizens of Manila remain calm and continue in their business.

GENERAL REYNOLDS: The Commission interrupts.

The witness has stated that one group under his command remained within the City of Manila to complete defense preparations. Ask him if that is correct.

(Translated by Commander Bartlett)

THE WITNESS: If you refer to the Noguchi group, yes. At the same time it was not known at what time the American troops would attack and when they did it would be necessary to withdraw the provisions immediately. While it was not desired to have combat within the City, it was considered essential that preparations for a stand outside of the City should be completed and it was to see that these preparations in the way of munitions and supplies

were made without fail that this group was left in the City.

GENERAL REYNOLDS: Go ahead.

Q (By Captain Reel) To clear this up, was it one of the duties of the Noguchi unit to remove the supplies from the City?

A The Noguchi group's duty was to protect the withdrawal of these supplies.

Q Now, when you got this order of the 13th of February, did you order the naval forces to evacuate Manila?

A I did.

Q And had you ordered them before that to get out of the city?

A I had extended to Iwabuchi and his staff my plan and desire to have them evacuate the city, but had not given an actual order for the evacuation prior to that date.

Q And why had not Admiral Iwabuchi and his troops evacuated the city?

A The main force was already in process of evacuation. I would like to explain that if I may.

(The witness left the stand and proceeded toward a map of the City of Manila and vicinity.)

COMMANDER BARTLETT: "This map here", he says, "will be satisfactory."

GENERAL REYNOLDS: Let him go.

COMMANDER BARTLETT: He wants to know if these are units.

CAPTAIN REEL: No.

GENERAL DONOVAN: No.

THE WITNESS: (Through Commander Bartlett) Knowing in advance that the naval forces would come into my command, I once came down here (indicating) to inspect the terrain, early in January. At that time, Iwabuchi told me that the navy is holding the terrain that I am indicating with my finger.

CAPTAIN PACE: Let the record show that he was

indicating the mouth of the Pasig River, sir.

CAPTAIN REEL: Oh, I think it was a little more than that. Have him show us again.

THE WITNESS: (Through Commander Bartlett) The navy was holding the shoreline to about this locality (indicating), indicating from the mouth of the Pasig River to Manila Road. I believe the headquarters were about here (indicating). I do not know exactly how to describe it.

CAPTAIN REEL: Pardon me a moment. May the record show, as well, as correctly stated by the Interpreter, the line went down to Manila Road, and then a sweep of the hand was made that went in about as far as a railroad track. Is that a correct statement?

THE WITNESS: (Through Commander Bartlett) I believe it is as I am now indicating. What I have indicated was what the navy proposed to take over. This was neither in accordance with my ideas nor with the ideas of General Yamashita. My suggestion was as follows --

GENERAL REYNOLDS: The Commission will interrupt. Since the witness has acknowledged his command responsibility for the entire area, the Commission is not greatly interested in the breakdown of responsibility between his subordinate commands; and unless the Defense can state some reason for exploring the details, the Commission will ask it to pass on to other matters.

CAPTAIN REEL: The Defense wishes to state, sir, that this exploration of the map came about at the witness's request, and it was not in answer to any question asked by Counsel for Defense.

GENERAL REYNOLDS: You are correct. Let us proceed to other matters.

Q (By Captain Reel) In other words, General, do we understand it was General Yamashita's desire that the navy troops withdraw from Manila?

A (Through Commander Bartlett) While it was necessary to leave in the city those naval forces necessary for purely naval duties, it was my idea -- and I am confident it was General Yamashita's idea -- that all other naval forces should be withdrawn from the city before engaging.

Q Now, I may have to break this question up. Admiral Okoochi testified here to the effect that in his opinion the naval troops stayed in Manila because they had not completed the previous navy order for destruction of harbor, docks, and naval stores. Do you agree with that opinion?

COMMANDER BARTLETT: Will the reporter read the question?

(Question read)

GENERAL REYNOLDS: The Commission interrupts to say that since the navy forces were under this witness's command, it is immaterial what his opinion may be; and directs Defense to proceed to other matters.

CAPTAIN REEL: Well, sir, the testimony has been, I believe, that the naval forces were under the General's command for land operations only. Now, this question had to do with what was a naval operation; the question was so phrased, and it was the testimony given yesterday. This does not have to do with land operations; this is a question

of whether or not the navy didn't stay to complete a naval operation: The destruction of harbors and docks and naval stores, the previous naval order. We have had testimony to that effect yesterday.

GENERAL REYNOLDS: Still the navy forces had passed from General Yamashita's control to under this witness's control.

CAPTAIN REEL: Only, sir, for purposes of land operations; the testimony has been clear on that.

MAJOR KERR: Is it the contention of Counsel that you are now referring to demolitions at sea?

CAPTAIN REEL: No, sir. Harbors, docks, and naval stores, as part of a naval order to destroy the harbor. It includes the ships and the adjacent territories, piers, docks, and so forth.

MAJOR KERR: It would appear to us, sir, that that would be a land operation.

GENERAL REYNOLDS: Defense is splitting hairs. These docks and other buildings are ashore.

The Defense will proceed to other subjects.

We will recess for ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session, and extends an opportunity to the Defense to state what else they desire to bring out from this witness.

CAPTAIN REEL: Sir, before asking questions of the witness, the Defense would respectfully request a hearing on the question of whether or not the ruling on the previous question might be reversed. We have the record here which we wish to call to the Commission's attention. As I understand it, there is a ruling, but the record will clear it up for us.

GENERAL REYNOLDS: Read back the last question and the last answer.

REPORTER WINTER: "Admiral Okoochi testified here to the effect that in his opinion the naval troops stayed in Manila because they had not completed the previous navy order for the destruction of the harbor, docks and naval stores. Do you agree with that opinion?"

GENERAL REYNOLDS: There is no answer yet.

CAPTAIN REEL: I understood the Court to indicate that the question should not be asked. We wish to press that question, sir.

GENERAL REYNOLDS: You may read the Commission's statement.

REPORTER WINTER: "The Commission interrupts to say since the navy forces were under this witness' command it is immaterial what his opinion may be, and directs Defense to proceed to other matters."

GENERAL REYNOLDS: In what way is the answer to that question material?

CAPTAIN REEL: Sir, when Admiral Okoochi was on the stand yesterday, the following testimony appeared; and I am now reading from Volume XVIII of the record, starting on page 2546:

"Q Now, is it correct that there was in existence, prior to the Lingayan landing, a comprehensive plan for the protection of the harbor and naval facilities of Manila?

"A Yes.

"Q Now, when was this plan or order issued?

"A I don't remember the exact date, but it must be during the latter part of December."

Then there was some more questions and answers relative to it, and finally this follows:

"Q Now, is it true, then, that whatever destruction of harbor facilities or docks or supply depots was done, was done in accordance with this navy order of December?

" Yes, sir."

Now, in our opinion, sir, it is clear that the order for destruction of harbors, the harbor and the naval facilities was part of a naval plan. The witness yesterday testified to the importance of the harbor of Manila. It goes to the very essence of the Defense's position on this whole Manila situation, that the naval forces in Manila were under the Accused's command for land operations only. That they stayed here to conduct not what they consider a land operation, but in accordance with the orders of Admiral Okoochi and Admiral Iwabuchi, they

stayed here to consider a naval order, that is, the destruction of the most important port in the Orient.

GENERAL REYNOLDS: The Commission also notes that the witness has testified that important duties also prevented him from visiting elsewhere throughout this time, and wonders what his opinion would be worth if he were permitted to answer the question.

CAPTAIN REEL: He has testified that he was in command of the Shimbun army, and I think the Commission might well hear his opinion for whatever it is worth.

MAJOR KERR: Might I remark, as we recall the testimony of Admiral Okoochi, he further stated that when the army took over in January they took over the performance of that order.

CAPTAIN REEL: There was no testimony that the army took over any naval orders. The testimony I just read does not bear that out.

MAJOR KERR: As we recall it, the previous naval order was taken over by the army. However, we would like to check the record if it is a material issue.

GENERAL REYNOLDS: Since the Admiral who testified yesterday was in Baguio, and the General now on the witness stand was unable to visit in Manila throughout all that period, the Commission is unable to see what value there would be attached to that answer. But just to put it into the record, the question may be answered.

CAPTAIN REEL: Will the reporter read the question again?

REPORTER WINTER: "Q Admiral Okoochi testified

here to the effect that in his opinion the naval troops stayed in Manila because they had not completed the previous navy order for the destruction of the harbor, docks and naval stores. Do you agree with that opinion?"

A (Through Interpreter Bartlett) I agree with that testimony. I also have an opinion that there were other naval duties, to-wit, there were two other duties, one to guard the mouth of the Manila harbor from and around the Island of Corregidor, and the other in the event American naval craft entered the harbor to attack them and repel them with torpedo boats based on the shore.

Q (By Captain Reel) And would those be naval operations, as distinct from land operations?

A I received word from Iwabuchi that it was essential that for such naval operations certain naval troops must be left along the shoreline of Manila.

Q And according to Iwabuchi, did that operation take precedence over any order you gave him?

A It was an order which took precedence over any order that I could give him.

GENERAL REYNOLDS: The Commission will now ask for the statement, what further material matters do you expect to get from this witness?

CAPTAIN REEL: May I have a moment to collect my notes on that, sir?

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: Sir, there are three matters which we wish to inquire about. The first is to find out

precisely what control the General had over land operations. That is, the question of discipline, court martials and so forth.

Secondly, the witness testified relative to the control and chain of command of prisoner of war camps. We wish to straighten out some questions that have arisen there due to the fact that dates were not brought out in the original examination and there was a different chain of command at different times.

Sir, we wish to ask questions about a certain incident, which we believe was brought to this witness' attention by General Yamashita, relative to some mistreatment of civilians.

GENERAL REYNOLDS: The Commission does not care to hear further examination on the first point, which deals with the court martial jurisdiction and the other matters mentioned.

As to your second point, the Commission will hear brief questions.

CAPTAIN REEL: Sir, may I add that since the questions are overruled or not permitted, may I simply say that the Defense makes an offer to prove through this witness that this witness had no disciplinary control over the naval troops, even when engaged in land operations, and no court martial powers. He had no power to promote, demote or remove the naval land forces.

GENERAL REYNOLDS: The Commission accepts the statement of counsel, and you may proceed.

CAPTAIN REEL: Thank you.

Q (By Captain Reel) Now, General, you testified that the prisoner of war camps were under Lieutenant General Ko. Can you tell us between what dates -- strike that out.

Can you tell us when General Ko was no longer in command of prisoner of war camps?

A I am not familiar with the movements of General Ko. However, it is my impression that he left Manila before General Yamashita went to Baguio.

Q Now, before November 17th, 1944, was General Ko -- strike that out. I had better start from the beginning. I think you told us that General Ko was under General Shimono, is that correct?

A He was the superior officer to General Ko.

Q Was General Shimono in charge of the commissariat?

A Yes.

COMMANDER BARTLETT: He started to say something about a transfer in January, and I said that this was November 17th.

Q (By Captain Reel) Now, isn't it true that prior to November 17th, 1944, General Shimono, the commissariat, was directly under Count Terauchi, head of the Supreme Southern Command?

A That is what I wanted to tell you just now.

Q And General Yamashita was also under the Supreme Southern Command, Count Terauchi, was he not?

A Yes.

Q So that before the 17th of November, 1944, the prisons were not under General Yamashita at all, but

were directly under the Supreme Southern Command, is that correct?

A While it is my belief that that is true, I have not information to give any more than this surmise.

Q Now, one more subject --

GENERAL REYNOLDS: The Commission interrupts. What does the Defense mean by "commissariat"?

CAPTAIN REEL: It is similar to our services of supply, as I understand it.

COMMANDER BARTLETT: The dictionary gives it as, "line of communications," and that is the way we translated it earlier in the testimony.

CAPTAIN REEL: As we understand it, the so-called commissariat, using the word in the English sense, means supply. The commissariat was directly under the Supreme Southern Command until Count Terauchi moved out of here in the middle of November.

GENERAL REYNOLDS: Does that complete the questioning on that point?

CAPTAIN REEL: Yes.

GENERAL REYNOLDS: What is your third point?

CAPTAIN REEL: It has to do -- I am not sure what the information is -- but our information is that General Yokoyama was notified by the Spanish Government of mistreatment of Spanish civilians. We want to know if he was notified, and if so, what he did.

GENERAL REYNOLDS: We will permit you a very few questions on the subject.

Q (By Captain Reel) When you were in charge of the

Shimbu army, were you at any time notified by General Yamashita of a protest relative to Spanish civilians?

A There was such an occasion.

Q When was that?

A I believe that was the early part of April of this year.

Q And what was the substance of the message that you got from General Yamashita?

A It was an order to the effect that a complaint or inquiry from Tokio with regard to alleged mistreatment of Spanish persons had been received, and for me to instigate a thorough investigation.

Q And did the message say where the mistreatment took place?

A I cannot remember the place.

Q Did you answer that message?

A I did.

Q And what was your answer?

A About a week later I sent a message somewhat as follows: It was to the effect that while I have tried to investigate the matter I have not been able to find any of the facts and will continue to hunt for the facts.

Q What did you do about investigating the matter?

A Although at that time we were, the American attacks on all groups -- all groups were under severe attack from the United States troops, I instructed my chief of staff to carefully inquire from and instruct any persons coming from Manila or who had been visiting Manila with respect to this matter. I also told them that if in the future you have any opportunity keep your mind on this, be careful about this matter.

Q Did the message indicate that the mistreatment took place in Manila?

A I understood it to be so.

Q Did you send any scouting parties into Manila to find out about this?

A I did not send any scouting party into the city personally. However, all of my groups were sending scouting parties into the city to scout the American troops, and it is my belief that they were instructed to keep their eyes open with respect to this incident.

Q Did you get any information relative to this incident?

A I never received any information.

Q Did you communicate with General Yamashita about it after that?

A Not since that time.

Q Why not?

A I did not have time, and because of the heavy attack from United States troops I was too busy. The situation was so grave that I was unable to send such a message and my communications had broken down.

CAPTAIN REEL: That's all.

GENERAL REYNOLDS: Does Prosecution have any genuinely important points to bring up?

CAPTAIN PACE: Yes, sir. I have about two, if I may.

GENERAL REYNOLDS: We will let you bring up two.

REDIRECT EXAMINATION

Q (By Captain Pace) Who was in command of the

regiment in Batangas Province?

A Fujishige, a Colonel who might have been promoted to a Major General, although I am not sure.

Q What was the name of Fujishige's headquarters?  
(Translated by Commander Bartlett)

COMMANDER BARTLETT: It will have to be shown on the map, sir. I cannot put proper nouns back and forth. He can point it out on that first map that was shown him.

CAPTAIN PACE: If I may ask him the question differently I am sure that he will give a different answer.

Q (By Captain Pace) Was Fujishige's headquarters known as Fuji Heidan?

A Yes, sir.

CAPTAIN PACE: Mark this for identification, please.

(Original Japanese communication hereinafter referred to was marked Prosecution Exhibit No. 353.)

Q (By Captain Pace) Will you look at Exhibit 353 for identification and see if this was issued by Fujishige's Fuji Heidan's headquarters?

A (Examining exhibit).

CAPTAIN PACE: Will you ask the witness to look at the heading and see what headquarters issued that?

THE WITNESS (Through Commander Bartlett): I think if I read it all the way through I can find out where it came from.

This was issued by a Marine or Sea Service --

(Whereupon the witness interrupted, speaking in own language.)

COMMANDER BARTLETT: Strike out the first part.

THE WITNESS: (Through Commander Bartlett) From examination of this it appears to have been issued by a Marine or sea communication unit, one perhaps having to do with small boats, which was located in that vicinity, although I cannot say whether this particular paper was actually issued from there or not.

Q (By Captain Pace) Was that unit under --

COMMANDER BARTLETT: "Reconnaissance unit" might be a better term.

Q (By Captain Pace) Was that unit under Fujishige?

A It was not part of his command at the start. It was to have come into this command when the sea operations should have come to an end.

Q Was that prior to January, 1945?

A It is my impression that the entire unit came under Fuji Heidan command about the end of February of this year.

Q You are sure of that, are you?

A That is my guess. I cannot say that I am sure about it.

Q What is the date on this, Exhibit 353?

A I believe that is the 8th day of March. The unit was in the vicinity of Fujishige all along that time.

CAPTAIN PACE: I offer Exhibit 353 for identification in evidence, sir.

CAPTAIN BARTLETT: Will you strike out that last answer of mine and change it to "The head of that unit was established close to Fujishige's quarters all during that time".

CAPTAIN REEL: Sir, relative to the proffered exhibit, Defense objects to its admission on the ground that it has never been properly identified. This witness did not identify it. It is not his exhibit; it is not his order; it is not his writing, whatever it may be. It is not identified.

MAJOR KERR: Sir, we shall identify it Monday.

CAPTAIN REEL: Then let it be offered when it is identified.

MAJOR KERR: We shall withdraw the offer now and re-offer it Monday.

GENERAL REYNOLDS: Very well. Any further questions?

CAPTAIN PACE: One more, sir.

Q (By Captain Pace) Did the Americans attack Manila from the sea?

A There was always the chance or expectation that they would do so.

CAPTAIN PACE: That is all we have, sir.

CAPTAIN REEL: I have just two questions, sir, on the matter brought out on redirect for the first time, namely, the proffered exhibit.

#### RE-CROSS EXAMINATION

Q (By Captain Reel) The paper which you identified as a message, had you ever seen that or anything like it before?

A I have never seen anything like that and I have never received any message similar to that.

CAPTAIN REEL: That's all.

GENERAL REYNOLDS: One question by the Commission. Were the Naval forces under your control restricted to the Manila area from the time they came under your control until the evacuation of Manila?

COMMANDER BARTLETT: Will you read that, please?

(Question read)

THE WITNESS: No. They were not restricted. No. They were given as a line of communication a line from McKinley cast.

GENERAL REYNOLDS: We will ask this question: --

COMMANDER BARTLETT: I would like to clarify that last answer, if I may, sir.

GENERAL REYNOLDS: All right.

(Inquiry made of witness by Commander Bartlett)

THE WITNESS: The main force was used or employed outside of the City of Manila, that is, of the Naval forces.

CAPTAIN REEL: Could we have that read back, please?

(Answer read)

GENERAL REYNOLDS: During the period of October through to the Japanese surrender were there Naval units operating in Lipa?

THE WITNESS: I believe that there were none in Lipa.

GENERAL REYNOLDS: What about San Pablo?

THE WITNESS: There were none there.

GENERAL REYNOLDS: What about Batangas?

THE WITNESS: At Batangas Bay and at the Bay west of Batangas, Balayan --

COMMANDER BARTLETT: I think we had better check

that with the map afterward.

THE WITNESS: -- and east of Batangas in the Bay of Tayabas there were small Naval units.

GENERAL REYNOLDS: The Commission will recess until 8:30 Monday morning.

(Whereupon at 1720 hours, 17 November 1945, the trial was adjourned until 0830 hours, 19 November 1945.)

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I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Norman James Sparnon	2726	2745		
John D. Ridge	2759	2773	2781	
Masatoshi Fujishige	2810	2818		
Lovick P. Miles, Jr.	2871			
Norman James Sparnon	2877 2902			

EXHIBITS

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
353		2833
354	2708	2712
355	2713	2716
356	2716	2719
357	2720	2724
358	2725	2726
359	2727	2729
360	2729	2732
361	2733	2737
362	2738	2739
363	2739	
364	2744	2748
365	2748	2748
366	2748	2749
367	2749	2749
368	2750	2755
369	2756	2758
370	2760	
371	2781	2784
372	2784	2787

EXHIBITS (Cont'd)

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
373	2788	2792
374	2792	2797
375	2797	2805
376	2806	2807
377	2808	2809
378	2814	
379	2836	2857
380	2857	
381	2868	2871
382	2873	
383	2877	
384	2878	2880
385	2880	2883
386	2883	2889
387	2885	
388	2890	2904
389		2901
390		2899
391		2901
392	2904	2907
393	2907	2910
394	2910	2912
395	2912	2914
396	2914	2919
397		2920
398	2917	
399	2914	2927
400	2927	2928

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

MAJOR KERR: Sir, all the members of the Commission are present; the Accused and Defense Counsel are present. We will proceed.

At this time, sir, I should like to offer in evidence in lieu of the document which was marked for identification as Exhibit 341 the original of the report of which the Exhibit 341 for identification was merely a copy uncertified. We should like to substitute the original for the previously-offered uncertified copy.

GENERAL REYNOLDS: Let me see the one you have.

MAJOR KERR: With permission later to substitute for the original a properly-certified copy.

The Commission at the time Exhibit 341 was originally offered pointed out that it was not the original.

GENERAL REYNOLDS: Very well. The original copy may be substituted for the copy in question.

MAJOR KERR: And later may be substituted with a certified copy, sir?

GENERAL REYNOLDS: That is correct.

CAPTAIN CALYER: If the Commission please, the first item to be presented this morning --

CAPTAIN REEL: Sir, relative to this document which has just been put in, as I understand it this was one that was offered the other day and because of the fact that it was not yet certified it was accepted subject to substitution of a certified copy.

MAJOR KERR: That is correct. It was offered in connection with the Dapdap case, which is Bill of Particulars No. 11.

GENERAL REYNOLDS: Does the record show that the document was accepted in evidence with the understanding that the duly-signed copy would be substituted?

MAJOR KERR: The original has been offered in evidence, sir, and with the permission of the Commission we will later substitute for the original a duly-certified copy thereof.

GENERAL REYNOLDS: The question is, Has there been discussion of this exhibit?

MAJOR KERR: No, sir.

GENERAL REYNOLDS: Let me have it back.

Does the Defense have comments on this exhibit?

CAPTAIN REEL: I have just been inquiring, sir, whether we made comments previously. I believe we had. I don't know whether it was specifically acted on because of the lack of certification. If my recollection serves me, sir, we did object to the translated document as not being the official ATIS document, not having the original, as having been translated by a language team of the Division. I believe that objection was made, sir. I am not certain.

MAJOR KERR: I am informed, sir, that that objection was made and was not sustained and the document was admitted in evidence subject to the substitution therefor of the signed original.

GENERAL REYNOLDS: In order that there may be no doubt about it we shall ask the Prosecution to check the record and inform us exactly of what was done.

MAJOR KERR: Yes, sir.

Here it is, sir. We have it here.

This is on page 2568 of the record of the proceedings on 17 November:

"General Reynolds: Does the Defense have further comment?

"Captain Sandberg: We have, sir. We should like to add this:

"As we understand it, the only official United States translations of captured documents are those which are made by the Allied Translator and Intelligence Service, namely, ATIS. This document has apparently not been translated by ATIS. This is not an ATIS translation. . . ." and so on.

"Major Kerr: May I point out, sir, that the document itself in the letterhead specifies in Exhibit 1 'Headquarters Seventh Infantry Division, Language Team', and the subject is 'Document Translations'." and so on.

"General Reynolds: The comments of Defense are noted. Subject to the Prosecution providing a copy which is duly signed or certified, the exhibit in question is accepted by the Commission for such probative value, if any, as it shall be held to possess."

Then, the note: "(Prosecution Exhibit No. 341 for identification was received in evidence.)"

GENERAL REYNOLDS: That would appear to make the matter final, but are there additional comments by Defense?

CAPTAIN REEL: No further comments, sir.

GENERAL REYNOLDS: You may proceed.

CAPTAIN CALYER: If the Commission please, the first new item to be presented this morning concerns the massacre of American prisoners of war at a prisoner-of-war camp on Palawan Island. This item is covered in Bill of Particulars Item No. 9.

I should like to point out at this time that all of the survivors of this incident are in the United States and at some time several weeks ago the Prosecution requested that certain of these survivors be sent to Manila to testify in this trial, but that that request has not been complied with. Consequently, the only proof that we have to submit is documentary evidence, statements of those survivors and other allied matters.

GENERAL REYNOLDS: Very well.

CAPTAIN CALYER: Mark this for identification, please.

(Joint statement of four survivors of Palawan Island massacre was marked Prosecution Exhibit No. 354 for identification.)

CAPTAIN CALYER: At this time I wish to offer in evidence as Prosecution's Exhibit No. 354 a joint statement made at Washington, D. C., by Sergeant William J. Balchus, Staff Sergeant Edwin A. Petry, Corporal Eugene Nielsen, and Sergeant Alberto D. Pacheco, sworn to on the 17th day of March, 1945 before Phillip L. Smith, 1st Lieutenant, J.A.G.D, the statement reading as follows:

"We, William J. Balchus, Sergeant, 60th Coast Artillery, Serial Number 7021049, of Washington Valley Road, Martindale, New Jersey, Edwin A. Petry, Staff Sergeant, 7th Materiel Squadron, Serial Number 39226323, of 490 Santa Clara Avenue, Venice, California, Eugene Nielsen, Corporal,

Serial Number 19010856, of 274 East 1st South Street, Logan, Utah, and Alberto D. Pacheco, Sergeant, 200th Coast Artillery, Serial Number 20842523, of 215 South Ruby Street, Deming, New Mexico, hereby make, under oath the following statement concerning the facts of the massacre of American prisoners of war by the Japanese at Puerto Princesa, Palawan, P. I.

"We were all four prisoners at the Japanese prisoner of war camp at that place and at the time of the massacre in December 1944 there were 150 prisoners in the camp. All were American soldiers, sailors or marines. We were used by the Japanese in building a military airfield.

"On the morning of 14 December 1944 we were sent out early as usual to work on the airfield but all work details were called in about noon and returned to the compound. Two P-28's came over and there was an air-raid alert. Lunch was not quite through when there was another alert. We saw a B-24. We sat around for about an hour when we saw a Japanese plane overhead and another alarm was sounded. All that was seen was this Japanese plane. Some of the boys wanted to stay out of the shelters. A Japanese officer named Sato, whom we called 'The Buzzard', ordered everyone to get into the shelters, and to show he meant it he hit C. C. Smith, a Navy man over the head.

"The air-raid shelters had been built after the air-raids had started. The first American plane had come over in October 1944. There were three large shelters about 75' long, 4' deep and 3' wide, and several foxholes holding two or three men near them. The shelters were

roofed over and had openings at each end. They were supposed to hold 50 men each.

"Shortly after we were inside the Japanese attacked the shelters and foxholes. They fired into the openings and threw in gasoline which they set on fire with burning torches and paper. The men tried to escape by running out, some on fire, and tried to get through the barbed wire fence surrounding the area. The Japs shot the men down with rifles and machine guns and bayoneted and clubbed others. Quite a number of the men succeeded in escaping down to the beach over a fairly high cliff, after having gotten through the fence. We were among these. We hid among holes and caves along the shore. The Japs came down to the beach to search for us and found and shot most of the boys. We, along with the few others who escaped, succeeded in keeping hidden, and eventually got away. We had to keep hidden until dark when we succeeded in swimming the bay which was four to five miles wide. We were then found and cared for by the Filipinos who brought us to a guerrilla camp, from which we were evacuated by plane to Morotai. We did not swim the bay together but after each was picked up by the Filipinos, were all taken to Brooks Point, the guerrilla camp. Besides the three of us, others who escaped were Sergeant Bogue and Pfc. McDole, both of the Marine Corps, Fern Barta, USN, Ernest Koblos, Pfc., CAC, Rufus Smith, Cpl., USMC and Elmoye V. Deal, Cpl., 59th CA. All the others at the camp were either burned in the shelters or shot down and killed by the Japs so far as we know.

"The Japanese commander was a captain, whom the

Americans nicknamed 'Weasel'. We do not know his name. Second in command was a 1st Lieutenant named Sato, whom we called the 'buzzard'. He led the attack on the shelters. There was also a 2nd Lt. named Chino, whom we called 'Robert Young'. A master Sergeant named Ogawa was in charge of a landing barge that patrolled along the shore searching for Americans. There were three interpreters at the camp, also concerned in the massacre, Shubaki, a three star Pvt. named Tanaka and one other. Pfc. Haiaka was a cook in charge of the rice kitchen. Three star Pvt. Yamada was another Jap whose name we remember. He told us what was going to happen about two weeks before, but we didn't believe it.

"The Japanese unit at the camp looked like recruits, having all new equipment with new style bayonets. Shubaki told us he had left Japan about a year before. The unit was called the Ogawa Tai and was a construction corps. It replaced a former unit under a Captain Kinoshita about the end of August 1944. Kinoshita's unit left at that time, taking with them 150 prisoners. The Ogawa Tai Unit had been in Manchuria and then went to Formosa. It had come to Manila about July 10, 1944, and then was sent to Palawan. Its strength was about 1500 men. There were also Navy men, marines and air corps personnel at Puerto Princesa in addition to this construction corps, about 3000 men in all. The construction corps had charge of us.

(signed) William J. Balchus, Sgt.  
WILLIAM J. BALCHUS, Sgt.  
7021049

(signed) Edwin A. Petry, S/Sgt.  
EDWIN A. PETRY, S/Sgt.  
39226323

(signed) Eugene Nielsen  
EUGENE NIELSEN, Cpl., 19010856

(signed) Albert D. Pacheco  
ALBERT D. PACHECO, Sgt.,  
20842523

"Subscribed and sworn to this 17th day of March, 1945."

GENERAL REYNOLDS: Are there comments by the Defense?

COLONEL CLARKE: If the Court please, we should like to call the attention of the Court to the last paragraph beginning with the words "The unit".

"The unit was called the Ogawa Tai and was a construction corps. It replaced a former unit under a Captain Kinoshita about the end of August 1944. Kinoshita's unit left at that time, taking with them 150 prisoners. The Ogawa Tai Unit had been in Manchuria and then went to Formosa. It had come to Manila about July 10, 1944, and then was sent to Palawan. Its strength was about 1500 men. There were also Navy men, marines and air corps personnel at Puerto Princesa in addition to this construction corps, about 3000 men in all. The construction corps had charge of us."

This matter will appear in the Defense and I wanted to call it to the attention of the Court.

GENERAL REYNOLDS: Very well. The comments of the Defense are noted. The document is admitted in evidence for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 354  
for identification was received in evidence.)



working parties. We noticed the Jap troops fully equipped and armed going toward the beach and out the road toward a road junction outside the town, but we did not know what was up. About noon all hands were called in from the airfield and also the other small working parties. We had an air raid alarm and all hands were ordered into the shelters. There were then only the customary number of guards around. At first we stayed out of the shelters since there were no planes around. At about two p.m. I saw two P-38's overhead. It created some comment. A few minutes later all hands were ordered under cover by the Japs. There was a Jap first lieutenant whose name I do not know in charge. Fern Barta stuck his head out of the shelter and this lieutenant threatened him with a sword and made him pull his head in. The Jap first lieutenant then left. I noticed the guards outside the compound had now been reinforced and had machine guns. The Japs were saying that hundreds of planes were coming and made us get under cover as some of us were still outside the shelters. This was the first time that they ever forced us under cover so we thought it might be the real thing, though in air raids before they never bothered about us but let us worry about ourselves. Just about this time the First Lieutenant came back with sixty or so soldiers armed with light machine guns and rifles, and some were carrying buckets of gasoline and torches. They attacked the A Company air raid shelter first, threw in buckets of gasoline and torches and the gasoline exploded. As the men ran out screaming, the Japs mowed them down with light machine guns. Everyone in the

other shelters had heard the dull explosion of the gasoline. I looked out the opening of my foxhole and saw men running out of the A company shelter, some of them on fire, and the Japs shooting and bayoneting them, and then the Japs outside the compound opened up on us with their guns. There were two men, Private Gabriel Sierra, Jr., USA, and Private First Class Steven Kozuch, USMC, with me in my foxhole, which was close to the fence, and I told them our only chance was to get through the fence. I made a hole, told them to follow me. I went to the rocks below and I saw others coming through small openings under the fence from the other air raid shelters. When I got to the rocks on the shore I met Seaman First Class Hale, USN, and Private Ayers, USA. They started to swim and were shot, as did others. There were several Japs by the fence shooting at men among the rocks. I concealed myself in the rocks and was overlooked by the Japs looking for us. I lay there until nine p.m. The Japs passed up and down the shore in a land barge and had patrols on the shore. The only way to escape was to swim, so as everything by this time was pretty quiet we tried it. While swimming the bay we could see the Japs burning the bodies in fires. While I was lying among the rocks I heard explosions of dynamite which the Japs used to blast the Americans out of the air raid shelters. The shelters were large and strong and apparently the Japs thought the fire might not have killed them all. After we got ashore on the other side of the bay we were eventually taken care of by Filipino guerrillas. We later learned that the Japs informed the Filipinos that the

Americans had been killed by bombing by American planes. We also heard that the Japs killed whatever Filipinos were working in Puerto Princesa at the time.

"Captain Fred T. Brunie, Lieutenant Carl Mango, U.S. Army Medical Corps, Warrant Officer Glen C. Turner and Lieutenant Commander Henry Carlisle Knight, Dental Corps, USN, had their own foxhole near the A Company air raid shelter, and when the Japs attacked that shelter I saw them pour gasoline in this foxhole and burn the four officers, who were hopelessly trapped.

"I was interviewed with others at Honolulu on our way to the United States and we made out a list of all those in the camp who did not escape."

Signed, "Douglas W. Bogue, Sergeant, USMC," dated the 17th of February 1945.

GENERAL REYNOLDS: Are there any comments by the Defense?

COLONEL CLARKE: None.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No. 355 for identification was received in evidence.)

(Statement of Pfc. Glen W. McDole was marked Prosecution Exhibit No. 356 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence as Exhibit 356 a sworn statement made in Washington, D.C. by Glen W. McDole, Private

First Class, USMC, sworn to on the 17th day of February 1945 before Philip L. Smith, 1st Lieutenant, JAGD, reading as follows:

"CITY OF WASHINGTON )  
 ) SS:  
"DISTRICT OF COLUMBIA )

"My name is Glen W. McDole and I am a Private First Class in the United States Marine Corps. My home address is 1515-11th Street, Des Moines, Iowa.

"I was on Corregidor at Fort Hughes at the time of the surrender and was concentrated with the other men in the 92nd Regiment Garage Area, and on 23 May 1942 we were taken to Manila and marched in the Jap parade down Dewey Boulevard on the 24th and taken to Bilibid Prison. We were there for a day or two and then were taken to Cabanatuan, arriving at prison camp No. 3 on 27 May. This camp was located about twenty kilometers from Cabanatuan.

"At the end of July I was one of a group of 350 men all from Camp No. 3 who were sent to Puerto Princesa, Palawan Island, to work on a Jap airfield. We arrived at Puerto Princesa on the first of August and I remained there until the time of the massacre on 14 December 1944. On that day the Japs called in all the working parties about noon and later called an air raid alarm and forced us all into the air raid shelters. I was in the Headquarters shelter, the one nearest and parallel to the rear fence. This was the same shelter Barta was in. Shortly thereafter the Japs attacked the shelters, pouring in gasoline which they set on fire by throwing in lighted torches.

"Immediately after the Japs began pouring gasoline

and throwing the blazing torches into the air raid shelters, the men began pouring out, some of them on fire. They were being shot at with rifles and machine guns by the Japs and many were bayoneted. Numbers of them attempted to scramble through the small holes in the fence. I with about 17 to 20 others escaped through a concealed escape hatch that lead outside from our shelter. About thirty to forty men succeeded in getting down the embankment for the purpose of hiding among the rocks. Others plunged into the water in an effort to swim away. I saw a number of these men shot and killed in the water by the Japs. I hid in a hole under some rocks near the beach. While hiding in this hole I could see parties of Japs searching for prisoners up and down the beach. There was a Jap landing barge off the beach, cruising up and down, shooting at Americans in the water. This boat was under the command of Ogawa, whose grade was equivalent to that of Master Sergeant, who apparently was second in command of the massacre. Later in the evening while lying there I saw, about 75 feet down the beach, a party of five or six Japs with an American who had been wounded, poking him along with bayonets. I could see the bayonets draw blood when they poked him. Another Jap came up with some gasoline and a torch and I heard the American beg them to shoot him and not burn him. The Jap threw some gasoline on his foot and lit it and the other Japs laughed and poked him with their bayonets. Then they did the same thing to his other foot. They poured gasoline on his hands and lit that and at this point the man collapsed. The Japs then threw the

whole bucket of gasoline over him and it burst into flames. I was unable to recognize who this man was because he was all covered with mud. He had apparently been shot in the water and dragged out through the mud."

Signed, "Glen W. McDole, Pfc, USMC," and sworn to on the 17th day of February 1945.

GENERAL REYNOLDS: Are there any comments by the Defense?

COLONEL CLARKE: Again we wish to call the Commission's attention to paragraph 3, the first sentence:

"At the end of July I was one of a group of 350 men all from Camp No. 3 who were sent to Puerto Princesa, Palawan Island, to work on a Jap airfield."

GENERAL REYNOLDS: The comments of Defense are noted. The document is accepted by the Commission for such probative value as it shall be held to possess.

(Prosecution Exhibit No. 356  
for identification was  
received in evidence.)

CAPTAIN CALYER: Will you mark this as the next exhibit?

(Statement of Fern Joseph Barta  
was marked Prosecution Exhibit  
No. 357 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers into evidence Prosecution's Exhibit 357, being a sworn statement of Fern Joseph Barta, made at Washington, D. C. The statement is sworn to the 13th day of February, 1945, before Philip L. Smith, First Lieutenant, J. A. G. D.

This statement contains certain matters which are not pertinent to the matter now under consideration, and with the Commission's permission I will read such parts as are relevant:

"CITY OF WASHINGTON        )  
                                  (    SS.  
"DISTRICT OF COLUMBIA    )

"My name is Fern Joseph Barta and I am a Radioman First Class, USN. My home address is 312 South 4th East Street, Salt Lake City, Utah.

"At the outbreak of the war I was at Corregidor and was on Corregidor at the time of the surrender. We were concentrated in the garage area for some time and then sent to Manila. I was in the Jap parade down Dewey Avenue when they marched us to Bilibid. After three or four days I was sent to Cabanatuan and was in Camp No. 3 about twenty kilometers from Cabanatuan. At this camp the Army personnel was separated from the Navy and Marines. At the end of July, 1942, I was one of 350 prisoners of war sent from Cabanatuan to Puerto Princesa, Palawan, to work

on a Jap airfield, arriving there on 1 August. I was at this camp until 14 December 1944.

"About noon of 14 December the Japs called in all the men who were out working on the airfield. The Japs had spotted a convoy headed for Mindoro. At about 2 p. m. the Japs called an air raid, although I saw no planes either then or later. They said a lot of planes were coming. They compelled all of us to get into the air raid shelters they had had us dig previously. Shortly thereafter I heard a lot of fireworks going on outside and looked out. I saw several men running around on fire and being shot at by the Japs with machine guns. One of these I recognized as Robert L. Hubbard, a soldier. When we saw what was happening some crawled through a concealed 'escape hatch' we had constructed unknown to the Japs. We had also enlarged a drain which led out of the camp underground through which I escaped. The outer end of this led out at the top of a forty- or fifty-foot cliff, dropping to the beach. After I got outside the fence I looked back and saw Japs throwing gasoline from cans into the shelter and saw torches thrown in. About forty men got into the rocks along the shore and some started to swim the bay and were shot by the Japs who came down to the beach to hunt out and shoot us. When I first got to the beach I saw a man named

Hamric shot in the arm. I put a tourniquet on for him and he kept going. I hid among the rocks until eight or nine o'clock and then swam across the bay.

"There were 150 men in the camp at this time and so far as I know only nine men escaped. A tenth man, named Martin, a Marine, started the five-mile swim across the bay with me. I passed out on the way and later came to and got ashore. I do not know whether Martin got away or not as I never heard from him. He was a strong swimmer, however, and I think he must have gotten ashore. I had some narrow escapes after I reached shore but was finally picked up by a PBY along with D. W. Bogue and G. W. McDale, both Marines, who also returned to the United States with me. The names of others who escaped that I know of are Nielson, Balchus, Pacheco, Koblos, Petry, and Rufus Smith. I know of four officers who were killed: Lieutenant Mango, Medical Corps; Warrant Officer Glen C. Turner; Lieutenant Commander Knight, Dental Corps, USN; and Captain Fred T. Brunie, the Camp Commander, among the total of 140 who didn't escape.

"The largest number of prisoners at Puerto Princesa at one time was 470. Those who became sick were sent back to Manila and in September, 1944, there were 309 left. At that time 150 were sent away and nine sick men were sent to Manila.

By December only 150 men were left of which 12 were sailors, 33 marines, and the rest soldiers."

A supplemental statement made by the same man on the same day:

"I have this day signed a statement of my experiences as a prisoner of war at Puerto Princesa, Palawan. In addition thereto I was told the following story by Glen A. McDole, who escaped at the same time I did and returned to the United States with me.

"After he got out of the camp on 14 December 1944, I think the following morning, he saw one of our men who had been shot being held up by the Japs with their bayonets. He was shot apparently in the leg and could not stand by himself. McDole was not near enough to recognize the man, but he did see the Japs pour gasoline on one foot and light it and on the other foot and on his hands. The man begged to be shot and not burned. Finally the man passed out and then the Japs poured gasoline all over him and burned him.

"Fern Joseph Barta

"Sworn to before me and subscribed in my presence this 13th day of February, 1945."

GENERAL REYNOLDS: Any comments by the Defense?

COLONEL CLARKE: If the Court please, we would like to ask the Prosecution if this exhibit is presented as a whole, or just the parts read by the Prosecution.

CAPTAIN CALYER: The parts read by the Prosecution are the parts to which the Prosecution particularly calls the Commission's attention, and the whole document is offered so that the Commission may see that the parts read are those relevant to this matter.

COLONEL CLARKE: The Defense moves that the parts not read by the Prosecution be stricken on the ground that they are not relevant to the specification or the charge as alleged.

In the specification it alleges on a certain date, and it alleges the names of the men who had been killed. The parts not read by the Prosecution contain other incidents not connected with this particular specification.

CAPTAIN CALYER: I have no objection, sir, to that being deleted.

GENERAL REYNOLDS: The motion of Defense is accepted by the Commission; subject to deletions mentioned the document is accepted for such probative value as it may have.

(Prosecution Exhibit No. 357 for identification was received in evidence and so marked.)

COLONEL CLARKE: May we call the Commission's attention again to the next to last sentence in the second paragraph:

" . . . At the end of July, 1942, I was one of 350 prisoners of war sent from Cabanatuan to Puerto Princesa, Palawan, to work on a Jap airfield, arriving there on 1 August. . . ."

GENERAL REYNOLDS: The comments of counsel will be

noted.

CAPTAIN CALYER: Will you mark this as the next exhibit?

(Statement of Pedro S. Paje was marked Prosecution Exhibit No. 358 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence as Exhibit 358, an affidavit of Pedro S. Paje, signed and sworn to the 4th day of March, 1945, before William T. Sandalls, Captain, CAC.

The statement reads as follows:

"IWAHIG Penal Colony

"Province of PALAWAN, P. I.

"I, Pedro S. PAJE, residing at the IWAHIG Penal Colony, Palawan, P. I., having been first duly sworn, do affirm and declare:

"The American Prisoner of War Camp, located at Puerto Princesa, was under the supervision of the KOZIMA TAY, a Japanese Army construction unit. I have personal knowledge that the following Japanese officers were connected with this organization at the time of the massacre of the American Prisoners of War on December 14, 1944, and were responsible for the execution of this act:

"Captain Kozima, Commanding Officer

"Lieutenant Ogawa, Land Transportation Officer

"Lieutenant Zuzuki, Land Transportation Officer

"Lieutenant Nogotchi, Land Transportation Officer

"Lieutenant Homma, Communications Officer

"Lieutenant Nakayama, Observation Officer

"Lieutenant Yunimura, Corps of Construction  
Engineers

"Doctor Odda, Medical Corps

"Lieutenant Sato, Supply

"Lieutenant Yusiwara, Corps of Engineers

"Lieutenant Chino, Construction Corps, Landing

"Lieutenant Osawa, Staff Officer.

"Following the massacre, the KOZIMA TAI held a celebration to which KEMPEI TAI officials were invited. To my knowledge, there were no civilian witnesses to the atrocity, as Puerto Princesa was cleared of all civilians at the time. Officially, to cover up the incident, the Japanese claimed the Americans had been transferred to another location. However, Japanese soldiers often discussed the massacre later on in front of civilians.

"FURTHER AFFIANT SAYETH NOT: . . ."

GENERAL REYNOLDS: Any comments by the Defense?

COLONEL CLARKE: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, that it may be held to possess.

(Prosecution Exhibit No. 358 for  
identification was received  
in evidence.)

CAPTAIN CALYER: Captain Sparnon.

NORMAN JAMES SPARNON

recalled as a witness on behalf of the Prosecution, having been previously duly sworn, was further examined and

testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, rank, and organization, please?

A Norman James Sparnon; Captain; Allied Translator and Interpreter Section.

Q Captain, I show you this document and ask you if you can state --

Pardon me; let me have it marked.

(Copy of Bulletin of Allied Translator and Interpreter Section, South West Pacific Area, Dated 6 April 45 was marked Prosecution Exhibit No. 359 for identification.)

Q (By Captain Calyer) I show you this document marked for identification Prosecution Exhibit 359 and ask you if you can state what that is.

A This is an official publication of a translation of captured Japanese document.

Q Calling your attention to Item No. 6 appearing at the bottom of page 3 of that document, I ask you what that is.

A It is a translation of excerpts from loose mimeographed reports entitled "Enemy Air Raids Situation Report," dated 29 October 1944. Issuing authority, PALAWAN MP Section CO. Classified "Military Most Secret".

It concerns Puerto Princesa area, Palawan -- date not stated.

Q Can you state whether that is a true and accurate translation of the original?

A It is considered an accurate translation. Every care is taken in the translation of captured documents.

CAPTAIN CALYER: If the Commission please, that item reads as follows:

"603933 Loose mimeographed reports entitled 'Enemy Air Raids Situation Report', dated 29 Oct 44. Issuing authority, PALAWAN MP Sec CO. Classified 'Military Most Secret'. 3 pp.

"Extracts:

"Between 0155 hours and 1240 hours on 28 October, 26 American B-24s bombed PUERTO PRINCESA Army Afd, piers and the entire billeting area."

If the Commission please, I offer the document in evidence, referring specifically to that item.

COLONEL CLARKE: Does the Prosecution offer the entire document in evidence?

CAPTAIN CALYER: Only that item.

COLONEL CLARKE: That item. May we see the document, or is that the only copy you have?

CAPTAIN CALYER: That is the only copy.

COLONEL CLARKE: May we glance at it for a minute?

(The document referred to was handed to Colonel Clarke.)

COLONEL CLARKE: May we ask the relevancy of this particular extract?

CAPTAIN CALYER: This document, if the Commission please, is offered as evidence that the air field at Palawan Island upon which these prisoners of war were working in connection with the camp in which they were confined was an Army installation.

COLONEL CLARKE: You mean, then, that the raid by the B-24's, where it states "piers and the entire billeting

area," it is offered for that particular purpose?

CAPTAIN CALYER: What is that?

COLONEL CLARKE: Do you mean that with respect to the words "piers and the entire billeting area," it is offered for the purpose of showing that this is an Army installation?

CAPTAIN CALYER: That part which says, sir, that the Army air field was bombed, the Prosecution submits, is evidence that the air strip referred to in the statements already in evidence upon which these prisoners worked was an Army installation. That, taken together with other evidence already before the Commission, is such that we attempt to show that the Japanese unit in charge of these prisoners of war and responsible for this incident was an Army unit.

COLONEL CLARKE: Not having the original Japanese, we believe that there may be an error in translation from "Army air field" to "Army air force." We can't find it here.

No objection, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 359 for identification was received in evidence and so marked.)

CAPTAIN CALYER: Mark this for identification, please.

(Copy of Allied Translator and Interpreter Section, South West Pacific Area, Bulletin, dated 24 April 45, was marked Prosecution Exhibit No. 360 for identification.)

Q (By Captain Calyer) I show you a document marked for

identification Prosecution Exhibit 360 and ask you if you can state what that is.

A It is an official ATIS publication of a translation of captured Japanese documents.

Q Calling your attention to Item 12 appearing on page 11, I ask you if you can state what that is.

A Yes. It is a translation of extracts from seven loose handwritten sheets containing diary entries dated 14 December to 22 December, presumably 1944. The owner and unit are not stated.

Q I show you seven handwritten pages and ask you if you can state whether that is the original of the document from which the extract was made.

A Yes. To the best of my knowledge this is the original document.

Q Do the parts appearing in the translation appear in these handwritten pages?

A Yes, they do.

CAPTAIN CALYER: If the Commission please, I offer in evidence the document marked for identification as Prosecution's Exhibit 360, Item 12 thereof, on page 11, reading as follows:

"IRAHUAN Area, PALAWAN - 18 Mar 45. Recd Eight Army ATIS Adv Ech - 20 Mar 45. Recd ATIS SWPA - 27 Mar 45.

"ITEM 12 - 18291 - G

"Seven loose handwritten sheets containing diary entries dated 14 December to 22 December, presumably 1944. Owner and unit not stated.

"Extracts:

"14 December - Emergency disposition.

"15 Dec - Burned all documents. This is my third diary. Regretfully first and second diaries were both burned. I want a diary but I know that I will have to burn it again on the 22d. Nevertheless I am writing this third one.

"22 Dec - Completed emergency preparation on the 14th at 11 o'clock. We were to move to the left of the forked road by automobile but due to automobile trouble we were not able to leave. 12:00 o'clock, 1:00 o'clock and we are still here. Air raid has commenced so I spent some uneasy moments. The branch office personnel left in the automobile after it was repaired. We were again left behind. Our moments of relief were brief. Uneasiness is again overtaking me. Alarm is heard! Heard a sound resembling that of a bomb in the vicinity of the mess hall. A rifle report is also heard. It might be an enemy landing. I grabbed my steel helmet and gun. Rifle reports are again heard nearby. Rifle reports have ceased. I guess it wasn't enemy landing. Going through uneasiness so many times, I have gradually become

accustomed to it and am more calm.  
According to the story later, it  
seems that prisoner(s) was(were)  
killed, and the vicinity of the mess  
hall was unsightly with prisoners'  
blood.

Burned documents at dusk. We are just  
waiting for the enemy to land.

Attacked by enemy airplanes."

If the Commission please, I offer in evidence that  
item.

COLONEL CLARKE: May we see that document, please?

CAPTAIN CALYER: The original of the document from  
which that translation was made is submitted to the Court  
for inspection and we request that it be withdrawn and a  
copy substituted therefor as the exhibit.

COLONEL CLARKE: No comments.

GENERAL REYNOLDS: The exhibit is accepted by the  
Commission for such probative value, if any, as it shall  
be held to possess.

(Prosecution Exhibit No. 360 for  
identification was received in  
evidence and so marked.)

(Copy of Allied Translator and Interpreter Section, Southwest Pacific Area, Bulletin, dated 6 May 1945 was marked Prosecution Exhibit 361 for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution Exhibit 361, and ask you to state what that is.

A It is an official ATIS bulletin of translated Japanese documents.

Q Calling your attention to item 15 thereof, appearing on page 16, and beginning on page 16, continuing on pages 17 and 18, I ask you if you can state what that is?

A This is a translation of extracts from a diary dated 4 November '44 -- through to 22 February '45, presumably belonging to a member of a construction unit. Owner and unit not stated.

Q I show you a document and ask you if you can state whether that is the diary from which that extract was made?

A To the best of my knowledge and belief this is the original document.

Q Have you previously checked that document against the translation and marked the passages extracted?

A I have checked the extracts as dated, and I have glanced through the translation. I am satisfied that this is a translation of these extracts, but I have not personally checked all the translations.

Q But the pages in the diary are marked --

A As to these dates.

Q As to those dates?

A Yes. They can be turned to quite quickly.

CAPTAIN CALYER: If the Commission please, I wish to offer in evidence item 15 of the document marked Prosecution Exhibit 361, the pertinent parts of which read as follows:

"Iratag Area, Palawan Island, 9 March '45. Received Eighth Army ATIS Advance Echelon, 13 March '45. Received ATIS SWPA, 20 March '45.

"Item 15 - 18492 G. Handwritten diary, dated 4 November '44 - to 22 February '45, presumably belonging to a member of a construction unit. Owner and unit not stated. 84 pages.

"Extracts: 19 November. With no breakdowns of vehicles the prisoners at the repair shop are idle. They were joking and chattering in words I could not understand. Some of them have surprising courage. The other day one threw down his mess kit saying he would not eat such meager food. That was something! He seems to have been impressed quite a bit since he was given no food for four days. I couldn't stop laughing when I heard that he screamed in want of food, and said he was willing to eat the food given him.

"25 November. At the time when I landed at Palawan Island, I disliked the prisoners of war but now I am getting accustomed to them. They certainly work hard. They are quite adept in mechanical work. They certainly are carefree and it appears that they devote no thoughts to the fact that they are prisoners of war.

"5 December. Noncommissioned officer in charge of

supply truck section, Corporal Nagai and two prisoners of war went to gather bananas. I am to alternate with Wo Momijima in taking charge of details.

"7 December. All day I had idle conversation with the prisoners of war who seem to be learning a little of the Japanese language.

"8 December. The remains of Pfc Kigoku who was killed by enemy bombing on 28 October will be sent home today.

"As a platoon leader, I am responsible for his death and I pledge that I shall avenge his death.

"14 December. Last night there was an assembly of company officers from each unit at 2400 hours. According to an intelligence report, a great enemy convoy, consisting of battleships, aircraft carriers and troop-ships, was sighted heading toward Palawan. Accordingly, every member was awakened at 0030 hours and departed to repair the airfield runway. At 0800 hours the relieving personnel arrived. Prisoners of war also were used in this work. Early in the morning we arrived at Canigaran Beach. Company officers and all personnel are determined to defend this airstrip with their lives. According to an intelligence report, the enemy is likely to reach Palawan after 1600 hours.

"15 December. At Kanigaran. Somehow I feel as though yesterday's occurrence is all false. Due to this sudden change of situation, 150 prisoners of war were executed. Those who escaped were discovered this morning in the Puerto Pricesa anti-aircraft trench and

were shot. Although they were prisoners of war, they truly died a pitiful death. The prisoners of war who worked in the repair shop really worked hard. From today on I will not hear the familiar greeting, 'Good morning, sergeant major.'

"'OO' who often used to reiterate how he wished this war would end so that he could rejoin his parent, or 'XX' who entered service after three months of married life and who often used to boast about how much his wife must be missing him, no longer can greet them in this world. How can we carry out repair work without the assistance of the prisoners of war who were all executed?

"16 December. At Puerto Princesa. According to an intelligence report the enemy has landed in Mindoro. Pursuant to a battalion order, we returned to Puerto Princesa. It is a miracle to be safe after such a heavy air attack today. Furthermore, if the enemy had landed yesterday, I wonder what would have happened to me? I could have been like the executed prisoners of war, floating and rolling in the breakwaters.

"17 December. At Canigaran. Departed for Canigaran position early in the morning.

"29 December. Returned to Puerto Princesa.

"5 January '45. Sergeant Major Yoshimoto and I went over to play at Iwahigu Street.

"9 January. After a long absence I visited the motor vehicle repair shop. Today, the shop is a lonely place. The prisoners of war who were assisting in repair work are now just white bones on the beach washed by the

waves. Furthermore, there are numerous corpses in the nearby garage and the smell is unbearable. It gives me the creeps!"

Then there are other entries, continuing from then until 22 February, which apparently have no connection with this incident.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: May we see the document, please?

(Prosecution Exhibit 361 for identification was handed to Captain Reel.)

CAPTAIN CALYER: The Prosecution offers that item of the document in evidence, and presents the original from which the extract was made, requesting that the original be withdrawn and a copy substituted as the exhibit.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. Are there comments by the Defense on the captured document?

CAPTAIN REEL: None.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No.  
361 for identification  
was received in evidence.)

CAPTAIN CALYER: Will you mark this as the next exhibit?

(A report was marked Prosecution Exhibit No. 362 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers into evidence as Exhibit 362, the official report of the War Crimes Branch to the Judge Advocate General, relating to this incident. It is signed by Major Kenneth C. Schwartz, Assistant, War Crimes Branch; E. D. Fulcher, Major, JAGD, Assistant, War Crimes Branch; Lieutenant Colonel H. F. Mattoon, JAGD, Assistant, War Crimes Branch; Archie L. Tower, Lieutenant Colonel, JAGD, Assistant, War Crimes Branch, and concurred in by Alva C. Carpenter, Colonel, JAGD, Chief, War Crimes Branch.

I wish particularly to call to the Commission's attention the following portion of the report. On page 2, paragraph numbered 2, a list of documents considered by the War Crimes Branch in the preparation of the report, each of which was attached to the original, listing there several exhibits, including statements which have already been submitted to the Commission and certain other items which will later be offered.

Also, that portion of the report on page 6 at the bottom, V, "Identification of victims."

It gives a list of the name, rank, arm of service, sub-unit, organization and serial number wherever known of each victim.

Then a list of those names are given and other pertinent information of 141 men, the list ending on

page 13 being followed by this paragraph:

"The foregoing roster was prepared from the list of victims as compiled by the witnesses from memory, and the report of the 308th Counter Intelligence Corps Detachment Headquarters Eighth Army, APO 343, 18 April 1945. They have been verified by comparison with the list of Army prisoners of war maintained by the Recovered Personnel Section, Headquarters USAFFE, and correct spelling of surnames, organizations and serial numbers supplied wherever possible. A similar comparison was made of naval and marine personnel with the Recovered Personnel Section, Headquarters 7th Fleet, Manila."

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it may possess. However, in view of the length of the document the Defense is extended the opportunity of making any comments which they desire to have considered by the Commission either now or at a later time.

(Prosecution Exhibit No. 362  
for identification was  
received in evidence.)

CAPTAIN REEL: May we make such comments at a later time?

GENERAL REYNOLDS: Yes.

CAPTAIN CALYER: Will you mark this for identification?

(A report was marked Prosecution Exhibit No. 363 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers into evidence as Exhibit 363 an "Escape

and Evasion Report No. 23, United States Pacific Fleet and Pacific Ocean Areas, 15 February 1945, serial DIS-151100, from Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Subject: 'CINCPAC-CINCPOA E and E Report No. 23; D. W. Bogue, Sergeant, USMC; F. J. Barta, RM 1c, USN; G. W. McDole, Pfc. USMC."

This document being Exhibit C referred to in the report of the War Crimes Branch previously offered into evidence and in this document I wish to call the Commission's attention particularly to certain portions. The Commission will notice that the document starts out with a narration by each of the three survivors individually, with relation to their experiences from the time of their capture up until their transfer from Cabantuan to Puerto Princesa. Then follows a joint narration of certain items, which are not specifically pertinent to this matter, and on page 9 of the document under the heading: "Conditions Just Prior to Massacre," the following statement is made -- that page number may be different in your copy.

CAPTAIN REEL: What page is that, Captain?

CAPTAIN CALYER: I think it is page 10 in your copy.

The heading is "Conditions Just Prior to Massacre."

It goes on to say:

"On 19 October 1944, we received the first definite information of the return of the American forces to the Philippine Islands. This definite information was a B-24 which came across the bay at approximately 300 feet altitude, bombed the docks, sinking two ships that were tied

up there, strafed the town and passed over the air field setting afire 7 Jap planes and then went up the bay, this time strafing 5 Jap seaplanes and setting them on fire. From this day on, we received almost daily raids with nightly patrolling by American planes. At this time, there were approximately 150 to 200 Japanese planes at the air field. These planes, immediately after the first raid, began to leave Puerto Princesa but on 28 October 17 B-24s raided the air field and put it out of action temporarily, destroying approximately 60 planes on the ground.

"Because of these raids we were ordered to build air raid shelters and our work changed from levelling the air field to filling in bomb craters. We worked even during the actual raids. These air raid shelters were to consist of three trenches, approximately 5 feet deep, 4 feet wide and long enough to hold 50 men each. There was to be an overhead and only one entrance, but due to our officers' continual suggestions, we were permitted to make 2 entrances once at each end, and some men even went so far as to make individual foxholes. All of these holes were in a small enclosure surrounded by barb wire fences, which were double fences. These fences were 2 meters high, the wire strands being very close together and interwoven.

"After the first air raid, the Japanese treatment of the American prisoners became almost unbearable and the food was not fit for human consumption. All the Americans present figured that it would not be long now until the American forces liberated them. This kept up their morale and made them determined to stick it out. This policy was

carried out until 14 December 1944, when at 1200 all men were congregated at the air raid shelters, the Japanese saying that there were hundreds of American planes coming."

Then the Commission will note that there is a separate recital by each of the three men, Bogue, Barta, and McDole. With reference to the specific incident of 14 December 1944, those statements being similar in nature but different in some respects as to detail, then the other statements.

Following that there is a section entitled "Opinions of Narrators as to Whether or not the Massacre was Directed by Japanese Headquarters at Manila."

In that section I wish to call particular attention to the paragraph, the first paragraph in the narration by Bogue:

"Quite a long time previous to the massacre, a Japanese soldier had made remarks in direct conversation with me to the effect that if the American prisoners were not removed to Manila they would all be killed here at Puerto Princesa. This remark was brought about, I believe by the fact that there was no Japanese ships or transports of any kind available for their evacuation making it very probable that they would be annihilated there or die of starvation."

Then follows a list of those who survived and other items pertinent to this particular incident.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess. However, due to the length of the

document the Defense is extended the opportunity of making specific comments upon it either now or at a later time as they may elect.

CAPTAIN REEL: May we have the privilege of making such comments and objections at a later time?

GENERAL REYNOLDS: Yes.

CAPTAIN REEL: We wish, however, to point out, sir, from little we have heard so far, we intend to object to the document and we request that any decision relative to its being accepted or any decision relative to its acceptance, be delayed until such time as we may make our comments and objections.

GENERAL REYNOLDS: Very well, the Commission will consider the document after hearing the Defense's objections.

CAPTAIN CALYER: Mark this for identification, please.

(Picture showing former air raid shelters in which were found charred remains was marked Prosecution Exhibit No. 364 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence a photograph marked Prosecution Exhibit 364, which is a part of the official report of investigation of this case; specifically a part of Exhibit G referred to in the report already in evidence. This photograph purports to be a picture of the air raid shelter. It is marked Exhibit G-1 and is identified in the exhibits previously offered.

CAPTAIN SANDBERG: May I inquire, sir, whether Captain Sparnon has been excused?

CAPTAIN CALYER: He has.

CAPTAIN SANDBERG: We were never afforded an opportunity to examine him.

CAPTAIN CALYER: I am sorry. He is here and available for your cross examination.

CAPTAIN SANDBERG: We would appreciate it.

CAPTAIN CALYER: Would you like to have him recalled at this time?

CAPTAIN SANDBERG: When convenient.

CAPTAIN CALYER: You may have him right now, if you like.

CAPTAIN SANDBERG: Thank you.

NORMAN JAMES SPARNON

recalled as a witness on behalf of the Prosecution, having been previously duly sworn, was further examined and testified

as follows:

CROSS EXAMINATION

CAPTAIN SANDBERG: Is that last picture Exhibit 364 or is it attached to Exhibit 363?

CAPTAIN CALYER: It is 364.

Q (By Captain Sandberg) Captain Sparnon, do you have a familiarity with the ATIS file of captured Japanese documents?

A Yes, sir.

Q And does ATIS have in its files all of the documents taken from the headquarters of General Yamashita on the occasion of his surrender?

A All documents that have been captured must in due course come to ATIS, and if they can obtain items of information of intelligence, such items translated, the document is given an official number and then is recorded in the files.

Q I see. So that ATIS has in its files all of the Japanese documents captured in the Philippines?

A Yes, sir.

Q Approximately how many items of documents are there in the ATIS files, do you know?

A Oh, the official number of documents from which extracts have been translated would be in the vicinity of about twenty thousand.

Q Twenty thousand. And do you know how many of these are captured orders?

A That is almost impossible to say. It is a very high number. In all there were, I should say, thousands of orders captured but only a certain percentage of them were trans-

lated.

Q Now, have you ever seen among these captured documents an order of General Yamashita for the complete destruction of the City of Manila?

MAJOR KERR: If the Commission please, now, the Prosecution has no objection to the Commission receiving such evidence as it may be interested in from this or any other witness the Prosecution may call, but I do respectfully point this out, sir: that obviously the Defense is now adopting this gentleman as its own witness for a purpose not at all connected with the direct examination of this witness. The result will be this, sir, for the record: that instead of the record of this trial being devoted in certain parts to the Prosecution's direct evidence and cross examination by the Defense on that evidence, there will be scattered throughout the Prosecution's case evidence which, in effect, is nothing but the Defense's own case in chief. It will be confusing; it will not be businesslike; it will not be orderly. And I would suggest, sir, that the Defense use its own testimony not relating to the direct testimony of the Prosecution's case at the time that it puts on its case: namely, after the Prosecution has rested.

This witness, Captain Spannon, will be available to the Defense when it begins its own case and could be called by the Defense at that time. In that way the Prosecution's case will take up a portion of the record and Defense's case a subsequent portion which will be the orderly procedure.

CAPTAIN SANDBERG: If the Commission please, it was the intention of the Defense to call Captain Sparnon as a witness for the Defense, but it appeared to us in the interest of shortening time and sparing Captain Sparnon another visit that it would be proper to ask him those questions now.

I may say that the Defense has already been able to shorten its own case and the time of the Commission considerably by extended examination of the Prosecution's witnesses, particularly the Japanese General and Admiral.

GENERAL REYNOLDS: The Commission has granted the Defense the privilege of extensive cross examination for that purpose. However, it does appear that in the case of this witness, since the information sought has no apparent relation to the item under consideration, it would be better procedure to handle it during the presentation of the case for the Defense. If there is some reason why you should cross examine this witness in connection with this particular item, then the Commission sees no objection.

CAPTAIN SANDBERG: No, sir. It is not in connection with this item. Our interest was solely to save time later on.

GENERAL REYNOLDS: We believe, then, that it would be better to recall him as a Defense witness.

CAPTAIN SANDBERG: Yes, sir.

(Witness excused)

CAPTAIN CALYER: If the Commission please, I believe there was an exhibit offered upon which no ruling has been made.

GENERAL REYNOLDS: There being no objection, the

document is accepted in evidence as Prosecution's Exhibit No. 364.

(Prosecution Exhibit No. 364 for identification was received in evidence.)

CAPTAIN CALYER: Mark this for identification, please.

(Photograph entitled "Picture showing medics excavating charred remains" was marked Prosecution Exhibit No. 365 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence as Exhibit 365 a picture marked Exhibit G-2, part of the official report of investigation in this case referred to in the exhibit previously offered, this being a picture showing Medical Corps men excavating charred remains from the air-raid shelter shown in Exhibit 364.

GENERAL REYNOLDS: There being no objection, the document is accepted in evidence by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 365 for identification was received in evidence.)

CAPTAIN CALYER: Mark this for identification, please.

(Photograph entitled "Picture showing medic examining charred bones for possible identification" was marked Prosecution Exhibit No. 366 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence as Exhibit 366 a similar picture marked Exhibit G-3, part of the official report of investigation in this case.

GENERAL REYNOLDS: There being no objection the document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 366 for identification was received in evidence.)

CAPTAIN CALYER: Mark this for identification.

(Photograph entitled "One photograph, Southwest Pacific Signal Corps No. 13095" was marked Prosecution Exhibit No. 367 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence as Exhibit 367 a photograph marked Exhibit G-8, also a part of the official report of this case referred to in the preceding exhibit.

May I call to the Commission's attention that this photograph should be viewed with the lettering "SWPA", and so forth, on the left.

GENERAL REYNOLDS: Let me see yours.

CAPTAIN CALYER: It should be viewed that way, sir.

GENERAL REYNOLDS: There being no objection the document is accepted in evidence for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 367 for identification was received in evidence.)

CAPTAIN CALYER: If the Commission please, that concludes the testimony in reference to this incident.

MAJOR KERR: If the Commission please, I should like to take up at this time the Dr. Reyes murders in Manila which are covered by item 102 of the Bill of Particulars.

Mark this for identification, please.

(Sworn statement of Raymond Joseph Toomey dated 26 September 1945 was marked Prosecution Exhibit No. 368 for identification.)

GENERAL REYNOLDS: Does the Prosecution have some reason why it desires to present additional incidents in Manila to the Commission?

MAJOR KERR: Yes, sir. We believe this particular incident is pertinent. It differs somewhat from previous incidents which have been testified to concerning the City of Manila. It will just take a moment, I believe. We have only one affidavit which we desire to introduce in support of this particular item.

GENERAL REYNOLDS: Very well.

MAJOR KERR: The Prosecution at this time offers in evidence the document which is marked for identification as Prosecution Exhibit No. 368. This is a sworn statement or affidavit of Raymond Joseph Toomey dated 14 September 1945, the pertinent portions of which are as follows:

"A. My name is Raymond Joseph Toomey. My permanent home address is 228 Hudson Street, Hoboken, New Jersey. I am employed as a stock clerk by General Food Corporation, 11th and Hudson Streets, Hoboken, New Jersey.

\* \* \* \* \*

"Q Were you an internee in Manila?

"A No. I had registered with the High Commissioner of the Philippine Islands when I attained my eighteenth birthday to perfect United States citizenship because of my father's citizenship in the United States. However, when the Japanese captured Manila I represented to them various times that I was a Subject of Germany and thus avoided

internment. I was in Manila during the entire period of the Japanese occupancy.

"Q Are you familiar with the circumstances surrounding the killing of three Filipino civilians, Pedro (last name unknown), Dr. Luis Reyes and Maria Sequera in Manila, P.I. on or about 11 February 1945 by unknown Japanese military personnel?

"A Yes.

"Q State what you know, of your own knowledge, about this incident.

"A On the 11th of February 1945, the 11th Airborne Division of the Army of the United States was about one mile south of Manila. I had left the city of Manila and gone to the American lines.

"Q Did you return to the city?

"A Yes. Several hours after I had arrived there, it was about 3 P.M., I wanted to return to the city to get my Grandmother, Maria Sequera, with whom I had been living. The Americans were reluctant to let me leave the lines but finally gave me permission.

"Q What part of Manila did you return to?

"A I returned to the Pasay District which was where we had been living at 221 or 212 Progreso Street.

"Q Please relate what you saw when you returned to the city.

"A I was walking through Harrison Street and many people were going in the opposite direction to the American lines. The people were all highly excited and had brought what belongings they could carry and many were screaming and

had blood on their clothing. I continued down Harrison Street for about ten blocks to where our home had been. When I arrived there it was burning and my Grandmother was not in sight. I searched the neighborhood for her. After about an hour of searching I saw a person who had been known as a resident of the Pasay District of Manila, who was a houseboy for Dr. Luis Reyes. The houseboy's first name was Pedro and I do not know his last name. When I saw him he was near Leveriza Street and Luna Street. Pedro was chained to a fence and two Japanese soldiers were pouring gasoline on the lower part of his body. They then ignited the gasoline and Pedro was screaming. He was burning up to his chest when I last saw him. I could not help him because of the two Japanese soldiers who were burning him and because of the presence of other Japanese snipers.

"Q What did you then do?

"A I continued my search for my Grandmother in the vicinity of where our house had been. About four or five blocks away on the corner of Harrison and Fortuna Streets I saw Dr. Luis Reyes and his wife and daughter. He was pushing a push cart in which he had some of his personal belongings. His wife and daughter were with him going toward the American lines. I kept him in sight for about a half a block when a Japanese soldier abruptly came out of a partly destroyed house and ran toward the Doctor. The Japanese soldier asked no questions of him and for no apparent cause whatsoever thrust his bayonet into the stomach of the Doctor. Dr. Reyes fell to the ground and was apparently dead. I saw his wife and child crying beside him

as I continued on my way in search of my Grandmother.

"Q What did you then do?

"A I continued toward the beach area which was about two blocks away from where I had seen Dr. Reyes bayoneted.

"Q What time of the day was it now?

"A About 4:30 in the afternoon.

"Q What did you now see?

"A I found my Grandmother, Maria Sequera, lying on the ground. Another woman was lying on the ground next to my Grandmother's body.

"Q Who was the other woman?

"A I do not know her name she had been living in the same neighborhood where we had been.

"Q What did this woman tell you?

"A She said that the house where we had been living at 221 or 212 Progreso Street has been burned by the Japanese soldiers. They had poured gasoline or some fuel on the house and then ignited it and tried to keep her in the flaming house. She escaped out of the back door and was about four blocks away when a Japanese sniper shot her in the back of the head and she died instantly. The other woman was also wounded by the sniper and she had dragged my Grandmother's body with her.

"Q Is there anyone else who knows about these incidents?

"A No. Everyone was excited and thinking primarily of their own safety and I cannot remember anyone else I saw at this time.

"Q Do you know who was responsible for these killings?

"A No. They were Japanese soldiers. They apparently were acting under orders of the Japanese Commanding Officer to raze the city and rid the city of civilians. The Commanding Officer was General Tomoyuki Yamashita.

"Q Is there anything else concerning these three killings you can tell us?

"A No."

It was thereafter duly signed and a notarial certificate appended.

GENERAL REYNOLDS: Comments by the Defense?

CAPTAIN REEL: The Defense has reference to the second-to-the-last answer. It asks that all of that answer be stricken except the first word "No". The question was, "Do you know who was responsible for these killings?" The answer is "No". The rest of it is that "they were Japanese soldiers. They apparently were acting under orders of the Japanese Commanding Officer to raze the city and rid the city of civilians. The Commanding Officer was General Tomoyuki Yamashita". We ask that everything in that answer except the word "No" be stricken from the record.

MAJOR KERR: If the Commission please, already in this case it has been intimated by the Defense that they will attempt to show that General Yamashita was known or tried to make himself known as a benefactor of the City of Manila. This tends to prove that so far as the general impression of the residents of the City of Manila is concerned the Accused is anything but a benefactor of the City of Manila.

CAPTAIN REEL: The only pertinent part of that

answer is "No". The rest is conjecture.

MAJOR KERR: It relates to a matter of common reputation, sir.

GENERAL REYNOLDS: The comments of Defense are noted. The document will be accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 368  
for identification was received in evidence.)

MAJOR KERR: The next item, sir, that the Prosecution desires to take up is Item No. 76 of the Bill of Particulars relating to the gross mistreatment, improper housing, and so on, of American prisoners of war at Fort McKinley.

CAPTAIN REEL: What item?

MAJOR KERR: Pardon?

CAPTAIN REEL: What item?

MAJOR KERR: 76.

CAPTAIN REEL: 76.

(Statement of Thomas Eugene Harrell was marked Prosecution Exhibit No. 369 for identification.)

MAJOR KERR: At this time the Prosecution offers in evidence the document which has been marked for identification as Prosecution Exhibit 369. This document is a sworn statement or affidavit of Thomas Eugene Harrell, taken at the office of the United States Collector of Internal Revenue, Nashville, Tennessee, 19 September 1945.

I read the pertinent portions:

"Q State your name and permanent home address.

A Thomas Eugene Harrell, 204 Chapel Avenue, Nashville, Tennessee.

Q Were you a member of the United States Army?

A Yes, I enlisted in March 1940. My serial number was 7082022. I was a member of the 4th Separate Chemical Company of the Philippine Detachment at the time of the outbreak of the war with Japan. I have recently been discharged from the army.

Q Were you a prisoner of war of the Japanese?

A Yes, I was captured on Bataan on 9 April 1942.

Q At what places were you held and state the approximate dates?"

The pertinent part of that answer is as follows:

"I was at Sakura Prison Camp at Fort McKinley outside of Manila from November 1944 until January 1945. I was returned to Bilibid in January 1945 and remained there until I was liberated on 4 February 1945.

"Q Are you familiar with the circumstances surround-

ing the improper imprisonment of American prisoners of war by the Japanese at Sakura Prison Camp at Fort McKinley near Manila from November 1944 to January 1945?

A Yes, I was there during this period.

Q State what you know of your own knowledge of personal observation concerning such improper imprisonment.

A This was a small camp containing 400 disabled prisoners. We never knew why we were brought here but we assumed that since we could not work to amount to anything we were separated from other prisoners who were to be sent to Japan to work, and imprisoned here. All 400 of us were inclosed in a long two-story wooden building that had formerly been a temporary barrack at Fort McKinley. The building was about the size of the average two-story army barrack that you see in this country. We had no beds but slept on the floor. We were furnished no cover although we occasionally needed it. Our latrine facilities were better than in most prisons, they being about the same as those found in American Army barrack. A fence surrounded the building giving us a yard of about 30 feet on each side thereof. We were kept within this inclosure the entire time, and were constantly made to dig in the yard, other than this we had no occupation with which to occupy ourselves. We were fed twice a day in the barrack. We received one canteen cup full of boiled rice mixed with greens each time. For the 400 men we were given about 25 or 30 pounds of meat once a week. This meat was rotten, smelled awfully and had maggots in it. Occasionally, due to some defect in the

water supply system we would have to go a day or two without water. We were furnished no commissary privileges with which to supplement our rations. At this camp we all got so hungry that we were reduced to eating grass that grew in the yard and roots and sticks that we dug up in the yard.

Q Do you know the name of any of the Japanese responsible for the treatment you received while at this camp?

A No, a Japanese lieutenant was in charge, but I do not know his name nor can I describe him."

The document thereafter is signed and a certificate of Summary Court is attached thereto.

This, sir, is offered in evidence.

GENERAL REYNOLDS: Are there any comments by the Defense?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 369 for identification was received in evidence.)

MAJOR KERR: Call Major Ridge.

At this time, sir, the Prosecution will take up the following items in the Bill of Particulars:

Item number 65, relating to the Medillan and Daanbantayan, Cebu Province, murders;

Item number 75, the locus of which is Concepcion, Tarlac Province;

Item number 81, the situs of which is Calapan,

Mindoro Province;

Item number 110, the situs of which is Famy, Laguna Province;

And Item number 71, compelling civilians to construct fortifications.

JOHN D. RIDGE

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

DIRECT EXAMINATION

Q (By Major Kerr) Please state your name, rank and serial number.

A John D. Ridge, Major of Engineers, O-348164.

Q What is your military address?

A G-2, GHQ, AFPAC, APO 500.

Q What is your present military assignment?

A Chief of the Philippine Islands Section, G-2, GHQ, AFPAC.

Q What is the nature of that section?

A The section now is the custodian of the records of messages received from guerrilla units that operated in the Philippine Islands during the Japanese occupation.

Q As chief of the section you have named, you are familiar with and custodian of the records you have specified?

A I am.

Q Have you brought with you, do you now have with you an extract of series of extracts of messages received by the United States armed forces in this theatre from various guerrilla leaders in the Philippine Islands?'

A I do.

Q Will you describe that document?

A The document contains the extracts of a number of messages that were received by GHQ from the guerrillas operating in the Philippines.

Q By "GHQ", you mean what headquarters?

A SWPA.

Q Please proceed.

A These messages were received in the Philippine message center, which was part of the Signal Section of GHQ, SWPA. In that section, a copy was made which was kept there, and copies were furnished to the Philippine Islands Section of G-2, and to the Philippine regional section under G-3. These copies have been retained in the files of G-2, and these extracts that I have here before me were made from messages in those files.

Q Are those true and correct extracts of those original messages?

A They are.

(The document above referred to was marked Prosecution Exhibit No. 370 for identification.)

Q I call your attention to the first page of the document which you have just described and which is now marked for identification as Prosecution Exhibit 370, this sheet being headed by the word "Key", and I will ask you what that sheet is.

A That is the key to the origin of the messages contained in the following pages. In the first column are listed the abbreviations for the name of the guerilla

leader from whom those messages came. In the second column is the description of that particular guerrilla leader's assignment. Then the third column is his nationality, and the fourth column his rank.

Q And that key sheet relates to the subsequent sheets of that document, is that correct?

A That is correct. Each message is identified by a name, by a number and by a date. The name is the guerrilla leader or organization from which the message came. The number is the number assigned to the message and paragraph in our records. The date is the date the message was sent.

Q During what year or years were those messages received?

A They were received in late 1944 or early 1945, depending on whether they were dated October, November, December, January or February.

Q It is noted that each sheet of this document other than the first sheet is signed John D. Ridge; is that your signature?

A It is.

Q That is your certificate as a true extract copy, is that correct?

A It is.

Q Will you state, according to your best knowledge and belief, whether the guerrilla reports received from these particular guerrilla leaders were generally accurate and reliable?

A Generally, yes.

Q What use was made of such reports by the General

Headquarters of the organization you have named?

A Well, these were considered as information, of course. They may have been intelligence to the guerrilla leaders, but to GHQ they were information until confirmed, evaluated, interpreted and collated. They were used in preparing estimates of the situation as to the Japanese capabilities in the Philippines.

Q I note on page 2, the last item, "Andrews, paragraph 55," that in ink there has been added the notation "2 November." Was that added by you?

A Yes, it was. In typing, apparently it was inadvertently omitted, and in checking them we made that correction.

Q And are those your initials which follow that entry?

A They are.

Q I notice a similar correction on page 4 and ask whether or not you personally made that correction, and whether or not the initials thereon are yours.

A That is correct.

MAJOR KERR: If the Commission please, at this time the Prosecution offers into evidence the document which has been identified by this witness and which is marked for identification as Prosecution's Exhibit 370.

We desire to make the following comments relative to this offered document:

The first item on page 2, attributed to Cushing, Paragraph 194, 22 October, relates to Items 65 and 70 of the Bill of Particulars, and reads as follows:

"Jap atrocities continue at Medillen and Daanbantayan killing civilians young and old, burning houses and raping of women."

The next paragraph, headed "Caban, Paragraph 33," relates to Item 75 of the Bill of Particulars, and reads as follows:

"Tarlac: 24 October: A-1. On or about 24 October one American pilot bailed out and was captured by Nips at barrio Santo Nino, one mile NW of Concepcion town, Tarlac Province. Pilot was stabbed, bayoneted and paraded around the town."

The item which is headed "Ande, Paragraph 91," being the fifth item on page 2, and I desire to quote:

"Manila: 26 November: A-1. President QUEZON'S home, Robert Street, Pasay, is frequently used

for conferences between General TOMOYUKI YAMASHITA and Vice-Admiral DENICHI OKAWAUCHI and other high ranking enemy officials."

The following paragraph, "Ande, Paragraph 71":

"Manila: 24 November: YAMASHITA left Manila 14 November by transport plane code number 5131 observed in city. Nip army 2nd Division reported Leyte bound. Grace Park airfield now abandoned. Hundreds civilians reported killed from flak during raids some falling even in Santo Tomas Camp."

On page 3, the item headed "Anderson, Paragraph 113," dated 19 December, relates to Items 72 and 82 in the Bill of Particulars, and reads as follows:

"General YAMASHITA, reported recalled to Tokyo, unconfirmed. MP's becoming more intense and brutal. Terrorism is big club on masses. Zonification of Bulacan and Bataan towns proceeding with varying degrees of severity and brutality. In Polo, Obando, 400 persons were massacred 10 to 11 December. In Tuyo, Balanga, Nips burned whole barrio, when inhabitants fled following news of zonification. Nip women and children still in Manila suddenly ordered to move out of city by train heading northward, probably Baguio."

The Commission will recall we had direct oral testimony on that particular atrocity confirming this. SD

The next item, the fourth item on page 2, under the

heading of "Cabangbang, Paragraph 617," dated 22 December, related to Item No. 72 in the Bill of Particulars, and reads as follows:

"Nip busy killing Filipinos in Manila districts and in Bulacan towns just N of Manila. Nips gather civilians men, women and children ask for guerrillas then order crowd to run. Fire machine guns at running crowd. Prominent officials and men either run over by tanks or hanged and beaten by Nips like dogs in public."

We submit that is likewise substantiated by much of the evidence that has been given as to what occurred around Manila.

The next item, headed "Placido, Paragraph 25," dated 23 December, relates to Item 9 in the Bill of Particulars, which the Commission has just received, the Palawan massacre, which reads as follows:

"This is a follow up of message reference escaped Prisoners of War: Only 8 out of 150 men were able to escape. Other two escapees headed N. Unfortunate ones were shot and burned alive in air raid shelters and foxholes which were drenched with gasoline and lit. Entrances blocked and covered by machine guns and those able to get out of blazing pits were shot.

Following were officers in prison camp:

Fred J. BRUNT, Captain of Tank Corps in Command;

KNIGHT, Lieutenant Commander, Medical Corps in Cavite Navy Yard;

Carl MANGO, Lieutenant, Medical Corps, attached  
to Air Force;

Glen D. TURNER, Warrant Officer of USAFFE Hq  
of General MacArthur.

These officers were shot."

The Commission will note the confirmation of this particular report by the evidence introduced heretofore this morning. On page 4, the first item, "Cabangbang, Paragraph 583, 21 December," relates to Item 72 of the Bill of Particulars, and reads as follows:

"In my recent 3 days stay in the lowlands have personally observed following: Nips with Sadalistas soldiers were raiding the barrios for pigs, chickens, and for laborers to harvest rice fields for them. But civilians run away and Nips started shooting or zonifying the town (those not in town with them were shot or killed). Nips trying everything to get rice from civilians and have given each town allotment, failure to comply with same, civilians get killed."

The next item on that page, "Ramsey, Paragraph 24," dated 5 December, relates to Item 71 of the Bill of Particulars, and reads as follows:

"Nips utilizing able bodied males in military installations around Manila."

The fourth item on page 4, headed "Ramsey, Paragraph 16," dated 16 December, relates to Items 72 and 82 in the Bill of Particulars, and reads as follows:

"More Nip atrocities committed indiscriminately. No distinctions made between innocent civilians and guerrillas. Zonifications at Polo and Obando, Bulacan. Similar atrocities occur during zonifications currently done either by districts, blocks or streets at any hour. (Nips photographed this incident). Others including women brutally beaten; hand grenades thrown at civilians in groups. About 300 executed without investigation. Males lined up at public plazas, ordered to run and shot in back while running."

The sixth paragraph on page 4, headed "Cabangbang, Paragraph 518," dated 25 November, relates to Item 71 of the Bill of Particulars. It reads as follows:

"200 Filipinos forced to work on trenches and gun emplacements at barrio Palico and Bilaran."

The next item, "Cabangbang, Paragraph 530," dated 14 December, relates to Item 72 of the Bill of Particulars, and reads as follows:

"Nips intend to starve the civilians whom they know are against them without food."

The next item headed "Andr, Paragraph 107," dated 3 December, reads as follows:

"Hundreds of innocent civilians dried under sun for a day or two without food."

The third item from the bottom on page 4, headed "Cabangbang, Paragraph 413," dated 1 December, relates to Item 68 of the Bill of Particulars, and reads as follows:

"Death of General Vicente LIM at Fort Santiago

confirmed. Senator OZAMIS minus all his foot nails also dead."

The following paragraph on that page, headed "Cabangbang, Paragraph 393," dated 2 December, relates to Item 72 of the Bill of Particulars, and reads as follows:

"The Japs that attempted to raid our Headquarters tied 10 civilians together including men, women and children and dynamited same. They cut the nipples of 2 women before killing them."

The last item on page 4, headed "Cabangbang, Paragraph 383," dated 8 December, relates to Item 72 of the Bill of Particulars. It reads as follows:

"Economic situation in central Luzon very serious. Nips are commandeering all kinds of foodstuffs they can see or hold. People are starving in spite of the present harvest season because Nips get them all. Eggs, chickens, pigs, cows, carabaos, etc., are confiscated direct from the houses or pedestrians. Sentries are posted all along the roads to execute same. Nips do not care if Filipinos starve."

The first item on page 5, headed "Rowe, Paragraph 258," dated 4 December, relates to Item 81 of the Bill of Particulars, and reads as follows:

"In Calapan, Mindoro, 300 hungry Japs infiltrated, 100 going S to Naujan abusing and killing people and burning their houses and confiscating food-stuffs."

The next item, headed "Marking, Paragraph 17," dated

1 December, reads as follows:

"Tomoyuki YAMASHITA has headquarters in Los Banos."

The next item on that page, "Anderson, Paragraph 89," dated 4 December, relates to Item 2 of the Bill of Particulars and reads as follows:

"Report of woman doctor who visited Santo Tomas internees late October follows: Food consists of 5 tablespoonfuls cooked rice with boiled camote and Kangkong leaves per person. Poor medical care, beri beri, dysentery and stomach ailments rampant. Medicines distributed not of sufficient quantity to give any effect. More than 500, mostly children and aged, have died without medical care."

That is substantiated by other testimony, oral testimony, heretofore brought before the Commission.

The next item is headed "Fertig, Paragraph 699," dated 1 December, and relates to Item 72, Item 72 of the Bill of Particulars, and reads as follows:

"During month previous 24 November Nips murdered 44 civilians area 111th (NW Bukidnon area). Others, number unknown, other nearby areas, some tortured, mostly bayoneted, sex and age no consideration."

I call the Commission's attention next to the item marked "Marking, Paragraph 16," dated 3 December, which reads as follows:

"Large convoy of arms, men from Japan or Malay Peninsula to reach Manila 5 December. YAMASHITA

said 'If convoy does not arrive and enemy keeps bombing, I will evacuate Manila, but if convoy arrives, we will immediately attack Leyte.'"

Now, with general reference to the Accused's activities in the area, I call attention to the item on page 6, under Volume 81, which reads as follows:

"Bayombong, Nueva Vizcaya: 19 January: General YAMASHITA at Bayombong occupying house front of Nueva Vizcaya high school. General YAMASHITA, formerly at Leyte, with 16 staff officers reported to have new headquarters in Santiago, Isabela, on 11 January."

There are other references in this document to the Accused and his whereabouts at various times.

Sir, we offer this in evidence and ask that it be accepted.

GENERAL REYNOLDS: Do you want some time to study it?

CAPTAIN REEL: Sir, the Defense strongly objects to the admission of this document in its entirety. Of all the documents that have been submitted to the Commission in this case this, without question, is the least defensible and the least admissible.

There is no occasion, no indication of the sources of any of the so-called information in this document. It comes from guerrilla leaders, but in no case is the source of their information given, identified, or in any way disclosed.

We object to the admission of the document in its entirety.

MAJOR KERR: If the Commission please, the Prosecution believes that this document has peculiar value. Major Ridge has testified that these guerrilla reports, by these particular leaders, were generally found to be accurate and reliable. That, as a matter of fact, the American forces, the General Headquarters, did act and rely upon that information, both as a main source of intelligence and in relation to making the estimation of the situation and carrying out the operations.

Naturally, the reports do not show the source of the information reported by the particular guerrilla leaders. That would not be available. It is, however, obviously an important part of the intelligence, an important element of the intelligence of the American Army in this area.

We believe that it does have a degree of probative value. Furthermore, I may point out that these reports, in numerous instances, were verified, are supported, and shown to be extremely accurate, extraordinarily accurate, by the oral testimony adduced before the Commission in this hearing. Palawan and various other incidents specified in that report bear out my statement. That alone shows the high degree of reliability of these reports.

I submit, sir, that the Commission will find this of probative value.

CAPTAIN REEL: We understand, sir, this document is not offered for any purpose of showing what American intelligence did or did not do. This document is apparently offered for the truth of the material in it and, as such, is completely inadmissible.

Despite what Major Kerr has said relative to the action of American intelligence upon this, there is nothing here to show that any of this was other than rumor of the neighborhood.

For example they have, according to this example, they have General Yamashita doing nothing but running around the Philippine Islands and being at four or five different places on the same or approximate dates. They have him in Cebu and in Japan at the same time. That merely illustrates, sir, the sort of information upon which these reports were apparently based.

GENERAL REYNOLDS: As a matter of information to the Commission, will you point out the items where General Yamashita was alleged to be in different places on the same date?

CAPTAIN REEL: May I have the indulgence of the Commission for a few moments?

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session and has a statement.

While the Commission affirms its prerogative to receive and consider all manner of official documents to determine their probative value, if any, in this instance the Commission declines to accept the document and the objection of Counsel is sustained.

You may proceed.

MAJOR KERR: One more question.

Q (By Major Kerr) Major Ridge, do you know what instructions were issued to the Philippine guerrilla leaders by the General Headquarters of the American forces here relative to their primary function in the Philippines?

A Yes, I do.

Q State what those instructions were.

A That their primary function was the production of information, intelligence on their level, rather than fighting with the Japanese. There are a great many instances in which they could do considerable damage and considerable good to us by actually operating against the Japanese, but primarily their value to us was for the information that was obtained from them.

Q And those were the instructions issued to the guerrilla leaders in the Philippines by the General Headquarters of American Forces here; is that correct?

A Yes; to avoid combat whenever possible.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) On what basis of information, Major, did you make the last statement?

A Primarily information available in our files in G-2 and from conversation with my predecessor, Major Williams, who was with the Section from the time of its formation.

Q And do you have a thorough familiarity with all of the files and records and information in the G-2 Section relative to guerrilla activities?

A All that are assigned to the Philippine Islands Section.

Q Thank you. Now, Major, have you brought with you a copy of the volume "Guerrilla Resistance Movement in the Philippines", a publication of G. H. Q.?

A Yes, I have a copy.

Q I am going to read sections of this volume and ask you if they represent a correct statement of what appears in that document.

GENERAL REYNOLDS: The Commission inquires whether this document is to be presented in evidence?

MAJOR KERR: Not at this time, sir, by the Prosecution.

CAPTAIN SANDBERG: It is the intention of the Defense, sir, to introduce into evidence certain portions of the document as identified by the Major and I am going to ask permission to read certain specified portions of it into the record.

GENERAL REYNOLDS: Would it not then be more appropriate to do so during the presentation of the case for the Defense?

CAPTAIN SANDBERG: We can do that if you wish, sir, but once again, due to the fact that the Major is here, and due to the fact that the matters upon which we are cross-

examining are in direct relation to the direct examination by the Prosecution, we feel that it is quite appropriate to do it now.

GENERAL REYNOLDS: Will this witness be available for appearance before the Commission during the next day?

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: Since the document is not being presented in evidence at this time, the Commission feels that it would be better to defer the reading of any portion of it.

CAPTAIN SANDBERG: I see.

GENERAL REYNOLDS: If there is some compelling reason why it fits this particular moment, the Commission might reconsider.

CAPTAIN SANDBERG: No, sir. We can postpone the introduction of the excerpts until our case. May I inquire, however, whether the Defense may not cross-examine the witness on the basis of his knowledge with reference to the statements made on direct examination?

GENERAL REYNOLDS: Very well.

Q (By Captain Sandberg) Can you tell us, Major, as to whether there was any guerrilla activity in the Province of Batangas?

A I can answer that question generally by saying, Yes. But it is unfair to say simply "Yes" to a question like that. It should be gone into in much more detail than I can carry in my head to present an honest picture of what actually was going on.

Q Well, if I asked you specific questions as to the

nature and scope of that activity, will you be prepared to answer them?

A Well, I can try. It depends on the questions.

Q Well, we will try to ask some of these questions, and if you feel that any of them is outside of the sphere of your knowledge we shall let them go.

GENERAL REYNOLDS: The Commission is interested in saving time. It invites the attention of Counsel to the action taken by the Commission on the objection to the digest and messages received from guerrilla forces and inquires whether any good purpose would be served by cross-examining this witness at this time.

CAPTAIN SANDBERG: Well, our point was this, sir: that the witness testified on direct examination that the instruction to the guerrilla organizations was that their primary function was to engage in espionage and intelligence activities. And the Defense wishes to elicit from the witness by cross-examination the following points:

1. What were the secondary instructions to the guerrillas?

2. What in actual practice was the activity of the guerrillas pursuant to those primary and secondary instructions?

GENERAL REYNOLDS: If the cross-examination is to be limited to those questions, you may proceed.

Q (By Captain Sandberg) Did the guerrilla activities take the form of communications to the United States troops of Japanese troop dispositions and bombing targets?

A That information was included in the reports of

guerrilla leaders.

Q Did the activities of the guerrilla units include sabotage activities, including the destruction of roads and bridges, the harassment of camp sites and bivouacs and attacks on military traffic of the Japanese, particularly along the main road to Manila?

A On occasion that was carried out under orders from GHQ.

Q Did the activity of the guerrilla units include patrolling, midnight raids, ambushes and assassinations?

A I would rather answer that question in parts, if I may.

Q All right. Patrolling activities?

A Yes.

Q Midnight raids?

A Yes. Those were undertaken, though it was seldom that a midnight raid was of enough importance to warrant orders from GHQ, but of course the guerrilla leaders had a great deal of latitude in the types of operations they could carry out. They were on the ground; GHQ was not.

Finally, as far as assassinations are concerned, of course no orders for assassinations were ever given by GHQ. Of my own knowledge I can state that no assassinations were ever carried out.

Q How about ambushes?

A Ambushes were carried out. Ordinarily, again, those were on too small a scale to be the subject of specific instruction from GHQ.

Q Now, can you tell us as to the armament of guerrillas?

Did they carry bolos, rifles, carbines, automatic rifles, light and heavy machine guns, grenades and mortars?

A The usual armament consisted of rifles or carbines. Bolos were used in certain areas but were ordinarily locally procured. They were not furnished at all by the United States Army so far as I know.

Now, not all the weapons in the hands of the guerrillas by any stretch of the imagination came from GHQ. Most of them were in the Islands to begin with.

Q I see. Your knowledge would be limited to those furnished to the guerrillas by GHQ?

A Yes. Of course we have had reports on what armament was used here. Most of the leaders submitted periodic reports as to the armament of their particular units. And mortars and heavy machine guns were common. Light machine guns were not common. The rest of the weapons were quite common but not in the same numbers as the guerrilla leaders reported to be on their rolls. In other words, no guerrilla leader could completely arm the men he reported as being in his units at any one time.

Q Do you know whether the guerrilla organizations wore military uniforms or identifying insignia?

A So far as they were able to do so that was the goal, but there were so many more important things to be brought into the Philippines than uniforms that they were not furnished by GHQ. American officers were kept in uniform. Cloth was furnished to those officers so that American uniforms could be made for them.

Q That was for the American officers?

A Yes.

Q Can you tell us anything as to the strength of the guerrilla units?

A I should amend that last answer to say that any officers commissioned by US/FFE rather than simply American officers.

Q Now, can you tell us anything as to the strength of the guerrilla activities in Batangas?

A Only in general terms. Batangas was not the operating area of any of our principal reporting guerrilla units.

Q In other words, the liaison between GHQ and Batangas was not as good as it was with other areas?

A That is correct.

Q Do you know whether there were any regiments organized in Batangas?

A There are reports of regiments organized in Batangas, but of my own knowledge and my study of the records I don't know whether they actually were in existence or not.

Q I see.

A They were -- The ones reported were of guerrilla units that were not completely in accord with GHQ.

Q Now, do you have any information as to what might be called "Parttime" guerrillas, men who during the day carried on their civilian activities and at night joined the guerrilla parties?

A That of course was done.

Q That was quite common?

A Yes.

Q Now, do you know of any internecine warfare between

guerrilla organizations, particularly between the Hukbalajap and other guerrilla organizations?

A Yes, there was such.

Q And there were clashes between these guerrilla organizations?

A Yes.

Q Do you know of cases where guerrillas took over an entire town and maintained complete control of it to the exclusion of the Japanese?

A Does that question apply to the entire Philippines or just to the Island of Luzon?

Q That refers to the entire Philippines.

A Yes. There were large portions of many of the islands that were under complete control of guerrilla units, both for military and civil government as well.

Q And that was a considerable time before the landing of the American party, American soldiers?

A Yes.

Q Do you know of any such situation in the Province of Batangas?

A No, I do not.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Major Kerr) Do you know of your own knowledge whether or not some of the guerrilla units provided their own distinguishing marks?

A I understand they did, but I have no exact knowledge of what those markings were.

MAJOR KERR: That is all. Thank you very much.

(Witness excused.)

CAPTAIN WEBSTER: Sir, the next item is paragraph 86 of the Bill of Particulars, transportation from near Baguio to Old Bilibid Prison of certain civilian internees.

(Statement of Mrs. Edna May Barz was marked Prosecution Exhibit No. 371 for identification.)

CAPTAIN WEBSTER: And in support thereof, I wish to offer a statement of Mrs. Edna May Barz, sworn to before W. J. Dunn, a notary public, bearing the certificate of John Zinn, Agent for SIC. I would ask that the original be withdrawn and a certified copy thereof substituted; this being the original, sir, and this being the certified copy.

GENERAL REYNOLDS: You may read significant parts of the statement.

CAPTAIN WEBSTER: Sir, beginning with question 5 on page 1:

"Q Were you a prisoner of war, and if so, where were you held?

A Yes, I was a prisoner of war. My husband, my son and I surrendered to the Japanese on 1 May 1943 at Itogon about 26 km southwest of Baguio, Philippine Islands. We were kept at the Itogon Mine Camp until 3 May and were then taken to Camp John Hay, Baguio Province, where I remained until 11 May 1943. My husband was taken back to Itogon by the Japanese, while I remained at Camp Hay about one day longer and was then taken with my son to Camp Holmes, Baguio, Philippine Islands, where we stayed until 28 December 1944. My husband was returned to Camp Holmes about 1 June 1943. On 28 December 1944 we were all moved to Manila to Bilibid Prison and remained there until 4 February 1945, at which time we were liberated by the 37th Ohio Infantry and part of the First Cavalry Unit."

Continuing, sir, on the next page:

"Q Are you familiar with the circumstances regarding the improper transportation furnished American civilian prisoners of war by the Japanese from Baguio, Philippine Islands to Manila, Philippine Islands, on 28 December 1944?

A Yes.

Q State what you know concerning this transportation.

A On 28 December 1944 my husband, my son and I were being transported with other American prisoners of war from Baguio to Manila by truck. This trip lasted about one day. The truck that we were in was only about 12'

long and 6' wide and there were about 37 Americans and 4 Japanese guards jammed into this truck, including all of our baggage. We were so crowded that it was impossible to sit down and almost impossible for us to stand. The truck held men, women and children.

Q Were you allowed off the truck at any time during this trip?

A We were allowed off the truck just once, at Rosaria, when we had to change trucks. At all times we were guarded very closely by the Japanese guards who did not allow us to eat any food at this stop and we were given no latrine facilities. The Japanese just told us to get off the trucks and to relieve ourselves the best we could.

Q Were you issued any food by the Japanese during this trip?

A None at all. Some of us had brought a little food with us but the Japanese refused to let us eat any of this food at any time. In fact, they would not even let us feed the children, although we did manage to feed them on the sly when the Japanese guards were not looking.

Q Did you receive any water on this trip?

A We received no water from the Japanese at all. The only water we had was what we had managed to bring with us in bottles and some of these were broken on the trip. We begged the Japs to stop at times so that we could get some from the Filipinos but the Japs ignored our requests.

Q Did you have any cases of dysentery or diarrhea on this trip?

A Yes, we did have two cases on our truck and their condition was deplorable for they were given no opportunity to get out of the truck except at Rosaria and were otherwise unable to relieve themselves."

The last question, sir, on page 2:

"Q Who was in charge of this transportation?

A A First Lieutenant Oura was in charge of the trip. We also had a couple of other officers with us. One was named Yamato and the other was named Yamishata. I believed these names are spelled correctly."

Those are the pertinent parts, sir, of that statement which the Prosecution wishes to call the Commission's attention to.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: We call to the Commission's attention that the officer "Yamashata" -- that his name is spelled differently from that of the Accused, and the witness stated she believed that name was spelled correctly.

GENERAL REYNOLDS: The Commission notes the comments of counsel. The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 371 for identification was received in evidence.)

(Statement of James Douglas Tyson was marked Prosecution Exhibit No. 372 for identification.)

CAPTAIN WEBSTER: Sir, the Prosecution offers in evidence as Exhibit 372 the statement of James Douglas Tyson, sworn to before a notary public and bearing the

certificate of James A. Stabile, Special Agent, SIC. We request that the original be withdrawn and a certified copy substituted therefor.

The pertinent parts, sir, of this statement, to which the Prosecution calls the Commission's attention, begin with the third question on page 2 thereof:

"Q Were you interned by an enemy of the United States during World War Number Two?

A I was. My wife and nine-months-old son and I were interned on Decmeber 27, 1941, at Camp John Hay, Baguio, Philippine Islands.

Q Will you please give us the internment camps where you were placed from the time of your original internment until your release, and the dates of each, if you recall them?

A Camp John Hay, Baguio, from December 27, 1941, until May -- I do not remember the date in May -- 1942; transferred then to Camp Holmes, six miles north of Baguio, to remain there until December 28 of 1944, when we were transferred to the Old Bilibid Prison in Manila, Philippine Islands, and released from that camp by the American Army on February 4 of 1945.

Q Will you please relate to us the conditions of your transportation during the period of internment from Camp Holmes to the Old Bilibid Prison, Manila, in December of 1944?"

Sir, this statement is somewhat similar to the other one. I will just point out one portion of that answer that I wish to call the Commission's attention to. It

is the last sentence, beginning:

"We were loaded into the truck at seven o'clock in the morning of December 28, 1944, and reached our destination at two o'clock A. M. on the following day."

And the third question on the following page, page 3:

"Q Do you know how many miles or kilometers it was from Camp Holmes to Bilibid Prison?

A One hundred seventy-five miles or two hundred fifty-five kilometers."

Sir, that is the pertinent part of that statement which the Commission refers to.

GENERAL REYNOLDS: Are there comments by Defense?

CAPTAIN REEL: Do we understand that only the parts read are being offered by the Prosecution?

CAPTAIN WEBSTER: No, sir. We are offering the entire statement. However, inasmuch as the substance of it is very much similar to the first, we do not desire to read it all.

CAPTAIN REEL: Well, then, sir, if we may call to the attention of the Commission certain parts of it that are quite different from the other statement?

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: We first read from the bottom of page 2, in the last paragraph:

"We personally formed part of a group of thirty-nine people, who, together with bedding, food parcels, and the most necessary toilet articles, were loaded into a truck about eight feet wide by eighteen feet long."

And at the bottom of the page the last sentence,

starting with the last sentence and going to the next page:

"One stop was permitted for a lunch period and two other stops, during which time limited opportunities were granted to passengers for personal relief."

Continuing, sir:

"Q Had you been fed by the Japanese or were you given any food by anyone before you left at seven o'clock in the morning?

A Yes, we had taken the rice and corn we had cooked up for breakfast ourselves as we always did provide our meals. And we had provided ourselves with a supply of meat each."

That is all, sir.

GENERAL REYNOLDS: The comments of Defense are noted. The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No.  
372 for identification was  
received in evidence.)

CAPTAIN WEBSTER: Sir, that concludes the statements on that paragraph.

MAJOR KERR: Sir, at this time the Prosecution will take up the item relating to the Cabanatuan Prison camp, which is Item No. 6 of the Bill of Particulars. Here again, sir, the witnesses whom we desired to produce for oral testimony were not available, and our request that they be returned from the United States was not granted.

We will ask to have this marked Prosecution's Exhibit 373.

(Statement re mistreatment of American soldiers at Cabanatuan Prison Camp dated 18 May 1945 was marked Prosecution Exhibit No. 373 for identification.)

MAJOR KERR: At this time, sir, I offer into evidence a document which has been marked for identification as Prosecution's Exhibit No. 373. This is the original statement under oath of Harold William Memmler, Corporal, United States Army, Serial No. 36033964.

I will read the pertinent parts of that exhibit:

"Q. State your name, rank, serial number, and permanent home address.

"A. Corporal Harold William Memmler, ASN 36033964, 1523 N. Long Street, Chicago, Illinois.

"Q. Have you recently been returned to the United States from overseas?

"A. Yes, February, 1945.

"Q. Were you a prisoner of war?

"A. Yes.

"Q. At what places were you held and state the approximate date?

"A. I was captured on Bataan Peninsula, 9 April,

1942. I was in Bilibid Prison Camp from May, 1942, until July, 1942. From July, 1942, until my liberation in February, 1945, I was held at Cabanatuan Prison Camp.

"Q. State what you know of the mistreatment of American soldiers during the time you were held at Cabanatuan.

"A. We lived in bamboo shacks which were approximately 30 feet wide and 45 feet long. These shacks held anywhere from 60 to 120 American prisoners of war. We were very crowded and hardly had room to lie down. All of us suffered from malnutrition since we were given rice three times a day which was about one-half a canteen cupful. Very occasionally we were given a few native sweet potatoes and occasionally beef left over after the Japanese had taken all they wanted. My weight declined from 150 pounds to 61 pounds. A friend of mine, Robert Dunn, Sergeant, U. S. Army Air Corps, who lived in Cohocton, New York, dropped from 240 pounds down to 93 pounds. He died of malnutrition at Cabanatuan.

"We had very little medical care or medical supplies. We were occasionally given quinine but this was about all. Most of the Red Cross medical supplies were taken from the kits by the Japanese. I received two Red Cross packages, one each, at Christmas of 1942 and 1943, and also one personal package from home in February, 1943.

All of these had been opened and the Japanese took what they wanted."

Then the last paragraph of the statement, which reads as follows:

"The Japanese made it a practice to punish many men for the supposed offense of one man. Many times while working on the farm they forced all American prisoners of war to line up and slug each other as hard as we could because they thought one or two prisoners were out of line or not working. For the six months prior to our liberation Major Takasaki was in charge of Cabanatuan. Takasaki know everything that went on at the camp and approved of it. Also, General Yamashita, Philippine Japanese commander, visited the Camp twice, saw the conditions there, and did nothing to improve the situation."

The statement was originally signed by Harold William Menler, and it has the appropriate notarial certificate.

At this time we offer the original of this statement into evidence and ask that we be given permission to substitute a duly certified copy thereof.

GENERAL REYNOLDS: All right.

Are there any comments by the Defense?

CAPTAIN SANDBERG: There is. We object to the introduction of the entire document on the ground that it does not identify by dates the times during which the circumstances existed, if they did.

For that reason it is completely irrelevant and immaterial.

MAJOR KERR: I have read only the parts, sir, which obviously relate to the period covered by the charge in this case, that is, October 9, 1944, to September, 1945.

Now, the reference to General Yamashita obviously would relate, even though the specific date is not specified, to the period when he was in the Island, and as it there states, was the Japanese Army commander.

So it must, of necessity, be during his period or during his tenure.

CAPTAIN SANDBERG: I would like to ask Major Kerr a question in connection with the last statement.

Isn't it true that the Prosecution has made an attempt to verify this last statement that General Yamashita visited this camp, from this witness, and the witness was unable to identify the visitor as General Yamashita?

MAJOR KERR: Not to my knowledge at all. We have requested Washington to obtain a further statement from Mr. Memmler to identify specific dates that General Yamashita was there and go into detail as to what he did at the camp.

We have not received that statement so far. If, as and when we receive such a sworn statement, we will certainly make it available to the Commission. So far as this is the only document I have on that subject, I repeat, sir, that the statement that General Yamashita visited the camp while he was Japanese Army commander, establishes it within the period of October, '44, to September of '45.

CAPTAIN SANDBERG: The Defense will introduce into

evidence, as part of its case, evidence as to this identification of General Yamashita.

MAJOR KERR: We are interested in having a full disclosure of the circumstances surrounding this matter. This is the best evidence we have now, and the only evidence on that particular score.

GENERAL REYNOLDS: The comments of Defense counsel are noted.

The Commission will receive the additional statements or additional evidence when presented by the Prosecution.

The document is accepted at this time for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 373 for identification was received in evidence and so marked.)

MAJOR KERR: Will you mark this for identification?

(Statement of Captain Clyde Austin Huffstickler was marked Prosecution's Exhibit No. 374 for identification.)

CAPTAIN SANDBERG: I would like to make this further comment for the information of the Commission: that the affiant was in Cabanatuan from July, '42, to February, 1945, and nowhere in that statement does he indicate during which period of time the circumstances referred to occurred.

GENERAL REYNOLDS: The comments of counsel are noted.

MAJOR KERR: At this time we offer into evidence a document which has been marked for identification as Prosecution's Exhibit 374. This, again, is a sworn statement or affidavit. The affiant being Clyde Austin Huffstickler, Captain, whose serial number was 0-890276, taken at 323

Wace Road, Kings Mountain, North Carolina, U. S. A., on  
29 and 31 May, 1945.

The pertinent portions of this document are as  
follows:

"Q. Please state your name, rank, serial number  
and permanent home address.

"A. My name is Captain Clyde Austin Huffstickler.  
My serial number is 0-890276. My permanent home  
address is 323 Wace Road, Kings Mountain, North  
Carolina.

"Q. Please state the name and address of some  
person who will always know your whereabouts.

"A. My wife, Mrs. Pearl Huffstickler, who  
resides at 323 Wace Road, Kings Mountain, North  
Carolina.

"Q. Have you recently returned to the United  
States from overseas?

"A. Yes. On March 16, 1945.

"Q. Were you a Prisoner of War?

"A. Yes.

"Q. Please state at what places were you held and  
the approximate dates."

The pertinent parts of the answer are as follows:

". . . From June 26, 1942, to October 13, 1944,  
I was at Cabanatuan. From October 13, 1944, to  
February 4, 1945, when I was liberated by American  
troops, I was at Bilibid prison at Manila again.

"Q. When were you transferred from Cabanatuan to  
Bilibid prison, Manila?

"A. On October 13, 1944.

"Q. What was the method of transportation provided and under what conditions were you so transported?

"A. Fifty American prisoners of war including myself were packed into a 1-1/2 ton truckbed at Cabanatuan at about 1400 on 13 October 1944. This truck was open and had side boards about 4 feet high. It was similar to the trucks that we use to haul cattle in this country. There were 3 Japanese guards, 2 sat on top of the cabin and one sat on the tail gate. There was not sufficient room in this truck for us to squat or sit down, in fact it was packed with all of us standing. We were not allowed to get off the truck at any time until we arrived at Bilibid prison about 0100 the following morning. The road was rough and the distance was about 120 kilometers or about 75 miles. Most of us had a canteen of water that we had brought with us. The Japanese provided us with a mess kit of rice to take along.

"Q. Did the Japanese stop at any time to allow you to relieve yourselves?

"A. No. We were not allowed off the truck from the time we left Cabanatuan until we arrived at Bilibid.

"Q. Did the truck stop at any time?

"A. Yes. The truck stopped several times due to breakdowns and we were forced to stay on the truck and not move around. The truck stopped about 1900

to eat, but all of us had to eat standing in the truck.

"Q. What was the physical condition of the Americans in this truck?

"A. It was very poor.

"Q. What was your own physical condition at the time you arrived at Bilibid prison after this trip and before you started on it?

"A. I was suffering from malnutrition and almost all of us were suffering from beri-beri and pellagra."

At this time, sir, we offer this document into evidence and ask that the Prosecution be permitted later on to substitute for the original affidavit a duly certified copy of it.

GENERAL REYNOLDS: Are there any comments by the Defense?

CAPTAIN REEL: Yes, sir. Part of this exhibit obviously is inadmissible, as having nothing to do with the case under which it is brought. We refer to the last question and answer having to do with Bilibid prison. In addition to that, sir, the previous one, too -- well, in the middle of that page, sir, starting with the question:

"Q. What was the physical condition of the Americans in this truck?

"A. It was very poor.

"Q. What was your own physical condition at the time you arrived at Bilibid prison after this trip and before you started on it?

"A. I was suffering from malnutrition, and almost all of us were suffering from beri-beri and pellagra."

Those items, sir, we also ask to have stricken for the following reasons:

This trip occurred on the 13th of October, 1944, and unless it is claimed by the Prosecution that malnutrition, beri-beri and pellagra, and the poor physical condition, resulted from the previous four days, it is not relevant to this situation. October 9, 1944, was the date of the beginning of the charges in this case.

We will ask to have those two questions and answers, as well as the last question and answer, stricken.

MAJOR KERR: The loading of the men on the truck at Cabanatuan on the 13th of October certainly relates to Cabanatuan, and obviously was under the control of the authorities in charge of Cabanatuan. The statements in that affidavit relative to his physical condition obviously show what happened to him while he was at Cabanatuan. Malnutrition, a condition which pertained, or which obtained, at the time he arrived at his destination, obviously would relate back to Cabanatuan. That was the purpose of putting in the affidavit.

CAPTAIN REEL: Our objections do not go to the loading of the truck. Our objections have to do only with the questions and answers I mentioned for the reasons stated. They have no connection with this case.

GENERAL REYNOLDS: The Commission feels that the statements to which Defense objects, that their strength

lies in the condition of the men who are transported in that manner. It agrees that the diseases that are alleged could not have developed in the brief period that elapsed between the arrival of General Yanashita and this trip. The interpretation on those sentences have been brought out by Defense counsel. The objection of Defense counsel is not sustained, but the document will be accepted for such probative value as it may have.

CAPTAIN REEL: Relative to the last paragraph, relative to Bilibid prison --

GENERAL REYNOLDS: Will you read the question again?

MAJOR KERR: We will stipulate, sir, the last question and answer with reference to old Bilibid prison may be deloted.

GENERAL REYNOLDS: The last question and answer may be stricken from the record.

(Prosecution Exhibit No. 374 for identification was received in evidence and so marked.)

MAJOR KERR: Mark this for identification, please.

(Affidavit of Master Sergeant Harold Frank Beasley dated 9 July 1945 was marked Prosecution Exhibit No. 375 for identification.)

MAJOR KERR: The Prosecution now offers in evidence a document which has been marked for identification as Prosecution's Exhibit 375, being the sworn statement of Master Sergeant Harold Frak Beasley, Army Serial No. 626244, taken at Longview, Texas, Harmon General Hospital on 9 July 1945. I shall read the pertinent portions of this statement.

GENERAL REYNOLDS: Is it long?

MAJOR KERR: Quite long, sir.

GENERAL REYNOLDS: The Commission will recess until  
1:30 this afternoon.

(Whereupon, at 1130 hours, a recess was taken until  
1330 hours, 19 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session. The Prosecution may proceed.

MAJOR KERR: Sir, all members of the Commission are present; the Accused and Defense Counsel are present. We will proceed.

I believe that before the noon recess I had marked for identification and was reading or about to read to the Commission excerpts from Prosecution's Exhibit for identification No. 375, which is the statement of Harold Frank Beasley. This relates to Cabanatuan Prison Camp.

"Q State your name, rank, permanent home address and Army affiliation.

"A Harold Frank Beasley, Master Sergeant, Timpson, Texas, care of my father Hill S. Beasley, Timpson, Texas. I was with the 28th Bombardment Squadron, 19th Air Group, Army Air Forces, Clark Field, Island of Luzon in Philippine Islands at the time of invasion of Philippines by the Japanese Army Forces.

\* \* \* \* \*

"Q State the places and times of your various imprisonments. . . ."

Excerpt from the answer which follows:

" . . . 19 July 1944 to 30 January 1945 at Cabanatuan Prison Camp, Philippine Islands, from which I was liberated by raid of 6th Division U. S. Army rangers.

"Q So far as same relates to your final imprison-

ment at the Cabanatuan Prison Camp, kindly relate the transfer of prisoners from the Davao Penal Colony to Cabanatuan Prison Camp?

"A There was about 1000 prisoners shipped from the Davao Penal Colony to the Bilibid Prison at Manila. Since the Japanese feared dysentery, all of the 1000 were shipped to the main Islands of Japan, excepting about 125 of us who were suffering from dysentery. We were transferred to Camp Cabanatuan 19 July 1944 and stayed there until liberated on 30 January 1945.

"Q At the time you arrived at Camp Cabanatuan approximately how many American prisoners were held there?

"A Approximately 6000.

"Q And at the time of your liberation on 30 January 1945, how many prisoners were there at that camp?

"A There was 511 of us liberated."

\* \* \* \* \*

"Q Then of the 511 remaining at the camp, these were either sick or suffering from dysentery, and this was reason they had not been removed?

"A Yes, I had a severe case of dysentery, and almost died from it while I was at Camp Cabanatuan, as I was among the group coming from the Davao Penal Colony. We were broke, had no money, clothes or connections, and did not have anything to trade for food as some of the other fortunate ones at Cabanatuan did.

"Q Then some prisoners fared much better than others at Cabanatuan?

"A Yes, the ones that had money or things to trade,

could trade the Japanese guards for food.

"Q What was the name of the American officer in charge of the camp, or rather the name of the ranking American officer in the camp?

"A Col. Duckworth I think was his name.

"Q Describe the treatment accorded you by the Japanese while you were imprisoned at Camp Cabanatuan, with respect to food, clothing, medical treatment and working conditions?

"A Even though suffering from dysentery, I weighed about 118 pounds at that time, and was considered to be in good health by the Japanese so far as work was concerned, as many of the men only weighed about 90 pounds, were going blind, could hardly walk, etc. My average weight is around 175 pounds. I was assigned to a group of about 150 men to work in the fields. There were no rice fields in that area, but there were potato, corn and grain fields. As a reward for working in the fields, the working group were fed just twice as much as those confined to the prison due to sickness, disease or other reason. The average diet of the working group was as follows: 350 grams of rice, 1 potato and one ear of corn daily to each man. We were not given anything to drink at any time except water. As compared with what I had been fed at Davao Penal Colony, this was a wonderful diet, even as meager and insufficient as it was. . . . During the period that I was at this prison camp no Red Cross packages or supplies of any kind came in, as I never saw a Red Cross package, but the men confined at this camp told me that in the two-year period

prior to my arrival there, that they had received Red Cross packages twice in the two-year period, so I would judge from this that the prisoners received Red Cross packages on the average of once a year at that camp, although as indicated above, I did not receive any Red Cross package at any time while I was there, and did not see any. During the time I was there a great many prisoners died from disease and lack of food. I do not recall the names of any dying, as it became an ordeal of the survival of the fittest. . . .

We were worked in the fields from 8 AM to 4 PM, and so much work was laid out for each of us to do. The Japs called it a contract and if we kept busy at our work we could finish it by hard, steady work, and as a reward were permitted to rest 30 minutes during the noonday period, but if we didn't keep up with our work, we were forced to keep on working during the 30-minute rest period. The guards all carried pick handles, and used them generously in beating the prisoners. I was beat pretty badly here on one occasion, because I 'blacked out', that is, fell out, but the beating did not leave any scars on me, like the scar below my left eye that I received in a beating in the fields at the Davao Penal Colony. . . . At this camp the Japanese were very careful to see that their name was not called at any time, and I did not learn the name of any Jap there, not even the camp commander. The men working in the fields oftentimes had what we called limberneck, that is, the diet they fed us was insufficient to sustain us, and a man's neck would become limber and fall on his chest. He could not hold his head erect; however, this did not prevent the Japs

from working the men in this condition, and when they would black out, the guards would beat them unmercifully. . . .

At this camp we were allowed to wear clothes, but hardly none of us had any, and most of us worked in G. strings. I had a pair of Skivves that I made out of boards and tied to my feet with ropes and rags, but my feet had been abused for so long, that I did better by going barefooted. My feet still have not healed from the results of my being mistreated by working in the fields by the Japanese during my imprisonment."

Sir, we offer this document in evidence as Exhibit No. 375 and ask that we be permitted at a later date to substitute for the original a duly certified copy thereof.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: Yes, sir.

The Defense objects to certain parts of this document and asks that they be stricken. It appears, sir, that the deponent was at Cabanatuan from 19 July 1944 to 30 January 1945, a period covering considerably more than the period alleged in the charge as the subject of this case.

Specifically, sir, the third page of the exhibit, which is numbered on the copy I have "7", the part that was read by Prosecution about one-third of the way down:

"During the time I was there a great many prisoners died from disease and lack of food . . ."

GENERAL REYNOLDS: Will you hold it just a minute until I find it? The sentence you are referring to starts "During the time I was there"?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: It is on page --

CAPTAIN REEL: Page marked "7", which is the third page of the exhibit.

"During the time I was there a great many prisoners died from disease and lack of food. I don't recall the names of any dying, as it became an ordeal of the survival of the fittest. I do know that there was about 3300 that died there, as there was that many graves at the camp. We were worked in the fields from 8 A.M. to 4 P.M.," and so forth. Well, down to that word "camp".

In the first place, sir, it doesn't appear when any prisoners died, whether they were within the period covered by the charge. And, in the second place, to state that 3300 died there because there were that many graves in the cemetery that might have existed for scores of years is, we believe, incompetent and prejudicial.

MAJOR KERR: We shall agree to the figure relating to the number of deaths being stricken since no particular period is specified.

GENERAL REYNOLDS: Are there other comments?

CAPTAIN REEL: Yes, sir.

About three sentences after that, sir, beginning "The guards all carried pickhandles, and used them generously in beating the prisoners", on down through the twelfth line below that, ending with the words "about all that one had in his mind was to conserve his strength and endeavor to survive". There is no evidence as to when these beatings occurred; no evidence that it came within the period of time described in the charge, during which time the Accused was

on these Islands.

One further sentence, sir, at the bottom of the page beginning "I had a pair of Skivves that I made out of boards and tied to my feet with ropes and rags, but my feet had been abused for so long that I did better by going bare-footed. My feet still have not healed from the results of being mistreated by working in the fields by the Japanese during my imprisonment". The rest of the statement indicates that the deponent was at Davao Penal Colony for considerable length of time not covered by the charge in this case and the Accused was not in the Philippine Islands. It further indicates that treatment there was the probable cause of this condition. There is nothing to indicate that Cabanatuan has anything to do with it.

GENERAL REYNOLDS: Are there further comments?

CAPTAIN REEL: No, sir. That is all.

GENERAL REYNOLDS: The comments of counsel are noted. The Commission agrees with counsel that in the instances stated the document does not clearly establish the dates to which he refers. The Commission strikes from the record "3300" from the sentence "I do know that there was about 3300 that died there as there were that many graves at the camp". With that exception the document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 375 for identification was received in evidence.)

MAJOR KERR: Mark this for identification, please.

(Sworn statement of Lawrence Robinson, Corporal, ASN, was marked Prosecution Exhibit No. 376 for identification.)

MAJOR KERR: At this time, sir, the Prosecution offers in evidence a document which has been marked for identification as Prosecution's Exhibit No. 376. This is a sworn statement of Corporal Lawrence Robinson, Army Serial No. 15043739, taken at Garrett, Kentucky on 20 June 1945. I shall read the pertinent parts of this statement:

"Q State your name, rank, serial number and permanent home address.

"A Lawrence Robinson, Corporal, Army Serial Number 15043739, Wayland, Kentucky.

\* \* \* \* \*

"Q Were you a prisoner of war?

"A Yes.

"Q Will you give the places and approximate dates where you were held?"

The pertinent portions of his answer are as follows:

"A . . . About December 1943 I was marched about 25 miles to Cabanatuan Prison Camp #1, where I was held until I was liberated by the Americans 30 January 1945.

"Q Did you witness or have you been told of the use of American prisoners of war by the Japanese Army on military operations and installations at any time?

"A Yes. While I was held prisoner at Cabanatuan Camp #1 from December 1943 to January 1945, the other American prisoners and myself were compelled to work on military installations and operations.

"Q Will you describe this matter in detail?

"A All of the time we were held at Cabanatuan Camp #1 we were compelled to work on such military operations as helping to construct airfields; loading ships with ammunition, bombs, armament, and oil. Some of the prisoners who were too weak to do heavy work were made to work on farms in the vicinity. Approximately 90% of the work we did was of a military nature and consisted of any odd jobs which they happened to have for us to do."

The statement is signed by the affiant with an appropriate notarial certificate.

This being the original statement, we ask leave at a later time to substitute therefor a duly-certified copy.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: No comments.

GENERAL REYNOLDS: The affidavit is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 376  
for identification was received  
in evidence.)

(Statement of Major Raymond H. Knapp was marked Prosecution Exhibit No. 377 for identification.)

MAJOR KERR: The Prosecution now offers in evidence the document which has been marked for identification as Prosecution's Exhibit No. 377, being the affidavit of Raymond H. Knapp, Army Serial No. O-278892, taken at San Antonio, Texas, on 8 May 1945. I will read the pertinent parts thereof:

"Q State your name, rank, serial number and permanent home address.

"A My name is Raymond H. Knapp, Major, ASN O-278892, and my permanent home address is 259 Geneseo Road, San Antonio, Texas.

"Q Were you a prisoner of war?

"A Yes, a prisoner of the Japanese.

"Q At what places were you held and state the approximate dates?"

The appropriate part, the pertinent portion of the answer is as follows:

"On February 5, 1943, I was again transferred to Davao Penal Colony where I remained until 5 June 1944 on which day I left for Camp No. 1, Cabanatuan, arriving there 28 June 1944. I then remained at Camp No. 1, Cabanatuan until liberated by the Rangers on 30 January 1945.

"Q Did you witness any exposure of Prisoners of War to danger of bombing at Camp No. 1, Cabanatuan?

"A Yes.

"Q State what you know of your own knowledge about that incident.

A On 17 January 1945 after the Americans had made landings on Luzon, and after almost continuous American air patrol was over Camp No. 1, Cabanatuan, Japanese soldiers brought six Japanese army tanks into Camp No. 1, Cabanatuan and hid them in the buildings within that camp. These tanks were kept there for about three days and the Japanese soldiers took them away. I saw these tanks brought in and saw them leave. By this time the command of Camp No. 1, Cabanatuan was put under a Regional Commander and I do not know who the commander was at the particular time involved."

The statement is signed, and a certificate of the investigating officer is appended thereto.

GENERAL REYNOLDS: Any comments by the Defense?

(No response.)

The document is accepted by the Commission under the same circumstances as the preceding exhibit.

(Prosecution Exhibit No.  
377 for identification  
was received in evidence.)

MAJOR KERR: Sir, that completes the testimony at this time on that item of the Bill of Particulars, namely, Cabanatuan Prisoner of War Camp.

CAPTAIN PACE: If it please the Commission, the Prosecution wishes to call a witness at this time to identify Exhibit 353 for identification that was offered at the close of the session on Saturday.

GENERAL REYNOLDS: Very well.

CAPTAIN PACE: Fujishige.

MASATOSHI FUJISHIGE

called as a witness on behalf of the Prosecution, being first duly sworn through Lieutenant Commander Bartlett, was examined and testified as follows through Lieutenant Commander Bartlett, with Major Pratt and Lieutenant Asano acting as "check" Interpreters:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A (Through Lieutenant Commander Bartlett) Masatoshi Fujishige.

Q What is your nationality?

A Japan.

Q Are you a member of the Imperial Japanese Army?

A Yes.

Q What is your rank?

A Colonel.

Q From September, 1944, until the end of March, 1945, what was your command?

A Until the end of December, 1944, I commanded the 17th Infantry Regiment. From January 1, 1945, I commanded the Fuji Heidan, Fuji group.

Q Did the Fuji Heidan operate in the Batangas and part of the Laguna Province?

A As you say.

Q How many troops were in Fuji Heidan?

A After the 1st of January, 1945, at its maximum peak, there were approximately 6,000.

Q Who was your commander then?

A Lieutenant General Yokoyama.

Q Who was his commander?

A I am not -- I do not know under whose direct command he came. Probably, I expect it might have been General Yamashita's command.

Q Will you look at Exhibit 353 for identification and tell what that is?

A This is a record of my talk and instructions to officers and non-commissioned officers who had been assembled from each of the units of a sea-borne reconnaissance unit.

Q Were those units under you?

A At that time most of them were in my command.

CAPTAIN PACE: I offer this in evidence, sir, and ask permission to withdraw it if it is accepted and substitute a certified true copy.

GENERAL REYNOLDS: The Commission feels that the translation of this document should be read before the Commission is asked to rule upon it.

CAPTAIN SANDBERG: May we see the original, sir? (Prosecution Exhibit 353 for identification was handed to Captain Sandberg.)

CAPTAIN PACE: Does the Commission desire that I read the ATIS translation, or do they wish our interpreters to read it?

GENERAL REYNOLDS: The ATIS translation will be read.

CAPTAIN PACE: The full translation:

"Instruction of Group (Heidan) CO (outline) 8  
March at Santa Clara Hq.

- "1. The object of mass training is to enable the sea raiding units to achieve impressive results in land warfare.
- "2. The new duty of the group is to reverse the present battle situation on Luzon.
- "3. Become a godlike warrior. Learn the art of war like a god.
- "4. Be thorough in training. Do not misunderstand the meaning of affection toward your men. To make godlike warriors of them is in itself an act of affection of officers toward their men.
- "5. No man must die an honorable death until he has killed 100 enemy soldiers and destroyed 10 enemy TK (TN tanks.)
- "6. Kill American troops cruelly. Do not kill them with one stroke. Shoot guerrillas. Kill all who oppose the emperor, even women and children.
- "7. Start thorough training immediately upon returning to your units."

GENERAL REYNOLDS: The Commission inquires of Prosecution why this witness was not questioned in the usual manner as to his willingness to testify?

CAPTAIN PACE: Sir, in regard to warning him of his rights, it is my understanding, after talking to other members of the Prosecution, and research, that it is unnecessary to warn prisoners of war of their rights. As to other general warnings to tell the truth, and so forth, I have already done that before bringing the witness here. He has also been informed, sir, before coming

here, that it was a strong probability that he would be tried as a war criminal in the near future.

GENERAL REYNOLDS: As to this document, before ruling is announced, the Commission will desire the chief interpreter to verify the translation which has been furnished the Commission.

Are there comments by Defense pertaining to this exhibit?

CAPTAIN SANDBERG: Sir, first we should like to say, in connection with the point made by the Commission, that it is indeed a phenomenal principle that prisoners of war are not entitled to be warned of their rights against incrimination. Not only is that not a true statement of principle, but it is directly contrary to the Geneva Convention, and we feel that the Commission very appropriately pointed that out.

As to this document itself, our translation indicates that it is simply a draft of the speech that was made, and we should like to cross examine the witness as to the exact text of the speech that was made.

MAJOR KERR: Sir, the Prosecution does not concede that under the Geneva Convention there is any prohibition of the use of testimony of a prisoner of war in this matter. As far as self-incrimination is concerned, of course, the rules of the Articles of War against self-incrimination do not apply, since the Articles of War themselves do not apply; and I believe that has been a ruling of this Commission. Now, if counsel interprets the Geneva Convention as prohibiting self-incrimination in a case of this sort,

I would be pleased to have the citation to which they refer.

CAPTAIN SANDBERG: I have known since the day that I got into the army that a prisoner of war is required, on interrogation, only to give his name and serial number.

GENERAL REYNOLDS: The Defense may interrogate the witness.

CAPTAIN PACE: I have some more questions, sir.

GENERAL REYNOLDS: I am sorry; I thought you had finished.

Q (By Captain Pace) In November of 1944, did you receive a written order from Yokoyama telling you to eliminate anti-Japanese elements in Batangas?

A I received no such orders.

Q Did you receive orders from Yokoyama at that time to eliminate guerrillas in Batangas?

A I did not receive such orders.

(A document was marked  
Prosecution Exhibit No.  
378 for identification.)

Q What orders did you receive?

A About the middle of November I received from Yokoyama orders to clean out or mop up the guerrillas in my area.

Q Did it mention women and children?

A There was not one word about them.

Q Did you issue this order to your troops?

A I passed this order on to every commander -- to the commander of every one of my units.

Q After you received the written order, did Yokoyama, as chief of staff, come to Batangas and give you oral

instructions?

A The chief of staff did not come to me and talk about any such matter. Staff Officer Motoyama did come and talk to me about the question of policing up my area.

Q What did he say?

A The gist of his talk was that the mopping up of my area was behind schedule and that I should see that it proceeded with greater rapidity.

Q Did you urge your commanders to speed it up?

A I did not pass it on.

Q Why not?

A I decided that the situation at that time was not favorable towards such immediate action.

Q When did you take immediate action?

A When I received the written orders in the middle of November from General Yokoyama; at that time I gave instructions to each of the unit commanders in my command.

Q When did the Chief of Staff give you the verbal order?

A I never received or heard anything from the Chief of Staff.

Q When did the staff officer give you the verbal order?

A That was sometime during the middle of November and the first of December.

CAPTAIN PACE: You may cross-examine.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

The Commission desires that this witness be asked the same questions as to his willingness to testify and the possible effect, as have been asked of other Japanese prisoners of war who have appeared before the Commission.

CAPTAIN PACE: Yes, sir.

DIRECT EXAMINATION (Continued)

Q (By Captain Pace) Do you want to give this Military Commission the information you possess concerning Japanese operations in the Philippines?

A I have no objection.

Q And the information which you have already given was given freely, is that right?

A It is.

Q And do you want to give the Commission this information even though it might later be held against you?

A I have no objection.

CAPTAIN PACE: Is that satisfactory, sir?

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: I believe the Interpreter has something he wishes to give the Commission.

COMMANDER BARTLETT: For the record, I would like to state that the word in the witness's testimony translated as "guerrilla" can equally, although not necessarily, be better translated as "armed bandit."

Also the word translated as "mop-up" can also be translated as "suppress", "put down", "subjugate", "punish", or conduct a punitive expedition.

GENERAL REYNOLDS: Let me see the translation which was offered with the exhibit.

COMMANDER BARTLETT: This refers purely to the oral testimony, sir, from this witness.

GENERAL REYNOLDS: It does not refer to the translation of this document?

COMMANDER BARTLETT: That has not been examined as yet, sir.

GENERAL REYNOLDS: Very well. You may proceed.

Are you waiting for a copy of the translation?

CAPTAIN SANDBERG: Yes.

GENERAL REYNOLDS: Do you not have other copies?

CAPTAIN PACE: We have another copy here.

GENERAL REYNOLDS: Do you have one for the use of the Commission?

CAPTAIN PACE: Here is a copy.

CROSS-EXAMINATION

Q (By Captain Sandberg) Colonel, will you look at that document and tell us whether it is written in your handwriting?

A It is not anything that I have written.

Q Do you know who wrote it?

A I cannot tell.

Q Do you know what it is?

A I know.

Q Will you tell us?

A These are notes taken by a representative at a meeting of representatives of commanding officers of lower units assembled together for the purposes of instruction and order receiving.

Q You don't know who the particular person is who made those notes?

A I know that these notes are the notes taken by the representative of the Marine Raiding Party Unit, but I do not know who the representative was. I talked for about fifteen minutes and then immediately left.

Q Will you tell us exactly and in detail what you said?

GENERAL REYNOLDS: The Commission interrupts. In order to save time and for other reasons the Defense is asked to take each one of these numbered paragraphs in turn

and ask whether that represents a fair meaning of what he said.

There is no objection by the Commission of having him bring out other things which he said, but we don't want the matter approached in that way.

CAPTAIN SANDBERG: All right.

Q (By Captain Sandberg) Did you say on that occasion: "Kill American troops cruelly"?

GENERAL REYNOLDS: Let the Commission interrupt again and repeat our instructions. Take the numbered paragraphs in sequence and ask the witness whether the statement there is a fair translation of what he said.

CAPTAIN SANDBERG: Each one separately?

GENERAL REYNOLDS: Yes.

Q (By Captain Sandberg) Is the following statement a fair summary of what you said: "The object of mass training is to enable the sea raiding units to achieve impressive results in land warfare"?

GENERAL REYNOLDS: I would ask the Commander to also use the Japanese original exhibit itself.

CAPTAIN SANDBERG: All right.

A That is correct.

Q (By Captain Sandberg) Is the following paragraph a fair gist of what you said: "The new duty of the group is to reverse the present battle situation on Luzon"?

A Exactly correct.

Q Is this statement a fair gist of what you said: "Become a godlike warrior. Learn the art of war like a god"?

A That is correct, although I explained the matter in

greater detail at the time.

Q Will you tell us briefly how you elaborated on that?

GENERAL REYNOLDS: The Commission again interrupts and directs that the Defense proceed according to the instructions given by the Commission. Read these statements in sequence. Ask the witness if that is a fair translation of what he said at that meeting. If after you finish that you wish to ask the witness to elaborate upon them, the Commission will consider it.

CAPTAIN SANDBERG: All right, sir. Do you want the last translation?

GENERAL REYNOLDS: No. The Commission understands that the witness has affirmed the accuracy of the translation on points 1, 2 and 3.

CAPTAIN SANDBERG: Not quite, sir. The witness has stated this is true so far as it went but it is not a complete statement of what he said. Since the witness is the best living exponent of what he, in fact, said, it is not complete to say that that is a complete statement of what he said.

GENERAL REYNOLDS: The Commission has already stated that you would be given an opportunity to permit him to expand, but for the fourth time the Commission directs its orders be carried into effect.

CAPTAIN SANDBERG: Yes, sir.

Q (By Captain Sandberg) Is the following a correct summary of what you said: "Be thorough in training. Do not misunderstand the meaning of affection toward your men. To make godlike warriors of them is in itself an act of affection

of officers toward their men"?

A The purport of my remarks was exactly that.

Q Is the following a correct summary of what you said:  
"No man must die an honorable death until he has killed one hundred enemy soldiers and destroyed ten enemy tanks"?

A I said something like that.

Q Is the following a correct summary of what you said:  
"Kill American troops cruelly. Do not kill them with one stroke. Shoot guerrillas. Kill all who oppose the Emperor, even women and children."

A This differs considerably.

Q Now, is the following a correct summary of what you said: "Start thorough training immediately upon returning to your units"?

COMMANDER BARTLETT: He says again to No. 6, it is different than what he understood. He said, "I said training where this letter says education."

CAPTAIN SANDBERG: Now, I would like to ask the Interpreter to read into the record the amplifying remarks which the witness made in response to my question No. 3, which I now believe would be in order.

GENERAL REYNOLDS: You may do so.

COMMANDER BARTLETT: The Japanese Imperial Army is not an army of aggression but of character and humanity and for that reason the Japanese army should be godlike and have godlike characters and fight with humanity and spirit; humanity and godlike spirit.

CAPTAIN SANDBERG: Now, with reference to statement No. 5: "No man must die an honorable death until he has

killed one hundred enemy soldiers and destroyed ten enemy tanks". Would the witness elaborate on that as to what he said?

GENERAL REYNOLDS: The Commission interrupts to know why it is necessary, in view of the fact that he has already stated it is a fair translation.

CAPTAIN SANDBERG: If the Commission please, we have the witness here, we have the man who made the speech of which this is a purported summary and we feel it is most relevant to get exactly what he said. Actually the witness in connection with the fifth question said, "I said something like that." We would like to get exactly what he said.

GENERAL REYNOLDS: Very well.

THE WITNESS: At the time there was an expression that every Japanese soldier should kill ten Americans and destroy one American tank. My intention was to emphasize the fact that this was not enough and that it would be necessary for each to kill one hundred Americans and destroy ten tanks before he would be allowed to die.

CAPTAIN SANDBERG: The witness has testified that No. 6 differs considerably. No. 6 reads as follows: "Kill American troops cruelly. Do not kill them with one stroke. Shoot guerrillas. Shoot all who oppose the Emporer, even women and children." Will the witness say what he in fact did say?

(Translated by Commander Bartlett.)

THE WITNESS: First, with respect to American soldiers I told them, as I did in the other paragraph, that each of them must kill 100. With respect to those guerrillas who opposed the Imperial Forces my instructions were to suppress them with military operations. With respect to women and children, about the 1st of January, from intelligence sources, we received a warning that even women and children were carrying weapons and to be on guard for this. Therefore -- And after the 1st of January and on into February in my own territory there were many instances where women bearing arms inflicted considerable damage to my forces.

When I was riding in a car, an automobile, a child threw a hand grenade at me. On another occasion a child about 15 years old came near me on one occasion and I had a soldier who was nearby search him and we found a hand grenade on his person. I took the hand grenade away from this child and sent him away.

I myself was threatened twice and my soldiers were threatened or received damage on many and numerous occasions from women and children armed. Because I had received a warning from the Shimbu Unit --

COMMANDER BARTLETT: Let that be corrected where I

said "intelligence" to "Shimbu Unit".

THE WITNESS (Through Commander Bartlett): -- that women and children were going about armed, on this occasion I told my troops that if they were attacked by armed women and children, that of necessity, as a military necessity, they must be combatted.

Lest there be no mistake about what I have said I will repeat what I have just said: that if women and children attack our troops with arms it is unavoidable that they be combatted in a military manner.

Q (By Captain Sandberg) And you made that fact very clear on the occasion of this talk; is that correct?

A I spent 15 or 20 minutes going over the matter several times in great detail in order that there should be no misunderstanding about what I was saying.

CAPTAIN SANDBERG: Now I am going to read a paragraph from an order of the 14th Army Group which is in evidence as Prosecution's Exhibit 4 and I am going to ask the witness whether he is familiar with that order.

(Translated by Commander Bartlett.)

CAPTAIN SANDBERG: "5. In view of the special characteristics of the Philippine operations subversive activities of the residents and attacks in arrear by air borne raiding forces must be considered. In order to avoid mistakes in conducting the operations take precautions against armed guerrillas. Subjugate them quickly and put a stop to their activities."

(Translated by Commander Bartlett)

THE WITNESS (Through Commander Bartlett): I have never received any orders such as that from the 14th Army

Group.

Q (By Captain Sandberg) Did you ever receive an order from General Yokoyama relative to the suppression of armed guerrillas which was in substance the same as that order?

A I have received such orders.

Q And is it true that every order which you have received with respect to guerrillas has been limited to military operations against armed guerrillas?

A Exactly as you stated.

Q Have you ever received any orders from higher authority for the killing of noncombatant civilians in Batangas?

A I have not.

Q Did you ever give any such orders?

A I have not.

GENERAL REYNOLDS: Does the Defense have much further cross examination?

CAPTAIN SANDBERG: Not on this line of examination, sir, but I have further questions on another line of examination.

GENERAL REYNOLDS: Does it pertain to the document under consideration?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The Commission inquires as to the further examination being more appropriately deferred until presentation of the Defense case.

CAPTAIN SANDBERG: When I said it does not pertain to the document, I meant it does not pertain specifically to it but it does pertain to the substance of the document, that is, the contents of the document. More particularly,

I might say that what we wanted to examine the witness on was the nature of the guerrilla resistance movement in Batangas.

GENERAL REYNOLDS: The Commission has heard all this in order to determine whether or not to accept the document in evidence, and unless the cross examination is going to be very brief the Commission would prefer that it be deferred until the Defense presents its case.

CAPTAIN SANDBERG: I can conduct a short examination on guerrilla activities in Batangas which I believe will make it unnecessary to call Col. Fujishige as a Defense witness.

GENERAL REYNOLDS: Very well. We will accord Defense a few moments for that purpose.

CAPTAIN SANDBERG: I beg your pardon?

GENERAL REYNOLDS: We will give you a few more minutes.

CAPTAIN SANDBERG: May we have the last answer?

THE WITNESS (Through Commander Bartlett): I have never issued such orders. I have never issued orders concerning civilians excepting that I have been quite particular about issuing some orders for protecting them from time to time.

Q (By Captain Sandberg) Did you ever report to General Yokoyama or to other higher authority that Japanese soldiers were killing noncombatant civilians in Batangas?

A I have never made such a report, because such facts do not exist and I had no occasion to make such a report.

Q Shortly prior to the American landings will you tell us what was the disposition and number of the guerrilla

troops in Batangas?

A About the middle of January, 1945 I had withdrawn all of my forces from the Batangas shore to the hills and the mountains, and for that reason I am not in a position to give you accurate information concerning guerrilla dispositions in Batangas excepting that early in January I heard that certain small units were apprehensive of activities by civilians in the vicinity and as a result I immediately withdrew those small units.

Q Was there in the Banahoa Mountains a fully-armed division under Vicente Umali?

A In January east of Malepunyo Hill was a veritable hideout of guerrillas who were receiving munitions from the United States forces and also from the seaside at Tayabas Bay the guerrillas were receiving munitions by submarine from the Americans. And I received intelligence to the effect that having received arms and training from the Americans, that by the end of January there was what amounted to a full division of guerrillas in the hills.

Q And was there in addition in the Cuenca Mountains more than ten thousand additional troops receiving arms from the United States?

A Instead of Mt. Cuenca, east of Lake Taal I heard from spies that the number of guerrillas armed had increased to something about ten thousand.

Q And did these guerrilla units operate extensively in the region of Lipa, Taal, and Buaun and other places in Batangas?

A They appeared in each sector or every sector and

attacked our units.

Q And at one time --

A For that reason the Cuenca-Lipa-Manila road became so dangerous that a small group of soldiers, such as six or seven, were unable to pass along the road in safety. For that reason I gave orders that no body of troops less than a squad should pass along this road. And as a result, from the middle of January we received considerably large death casualties.

Q And by the end of January had the guerrillas expelled the Japanese from the town of Buaun?

A I received word that about the end of January a considerable number of guerrillas had come into the town of Buaun and were attacking the natives -- were agitating the natives.

(Witness talking in native tongue.)

GENERAL REYNOLDS: The Commission interrupts. The witness testified numerous questions ago that on a certain date he withdrew to the hills. Can the reporter find that question and that answer and get us that date?

COMMANDER BARTLETT: His present answer, sir, has to do with withdrawing from the hills either just before, just after or in connection with American landings, and I am trying to get it accurately in my head, if it is necessary.

GENERAL REYNOLDS: I would like to see what he said in the prior question and answer.

(The question and answer referred to were read by the reporter as follows:

"Q Shortly prior to the American landings will you tell us what was the disposition and number of the guerrilla troops in Batangas?

"A About the middle of January, 1945 I had withdrawn all of my forces from the Batangas shore to the hills and the mountains, and for that reason I am not in a position to give you accurate information concerning guerrilla dispositions in Batangas excepting that early in January I heard that certain small units were apprehensive of activities by civilians in the vicinity and as a result I immediately withdrew those small units.".)

GENERAL REYNOLDS: In view of that reply, and the extensive questioning which the Commission has already permitted on this extraneous subject, or rather, subject extraneous to the matter before the Commission, is it necessary to continue the cross examination?

CAPTAIN SANDBERG: Well, I believe, sir, that the witness' answer about withdrawing referred simply to withdrawals around the Nasugbu area on the occasion of the American landing there. I think that further questioning of the witness would bring that out. Actually, we know as a matter of history, that pitched battles were fought between the American troops and the Japanese troops in Batangas long after January.

GENERAL REYNOLDS: That may be the case, but again read the statement about the whereabouts of the witness.

CAPTAIN SANDBERG: I may say, sir, that I understand that the answer just given and not yet translated clears that point up.

(The answer referred to was read by the reporter as follows:

"About the middle of January, 1945, I have withdrawn all my forces from Batangas shore to the hills and the mountains, and for that reason I am not in a position to give you accurate information concerning guerrilla dispositions in Batangas.")

GENERAL REYNOLDS: Now let us have the answer to the question.

(Translated to the witness by Interpreter Lieutenant

Commander Bartlett.)

A (Through Commander Bartlett) At the end of January the United States troops had already landed at Nasugbu Bay, and we were guarding Batangas Bay when, it appearing that the number of troops, United States troops, that were to land in Batangas would be small, if any, it was determined to withdraw into the hills. The bulk of my troops were withdrawn in the middle of January. Most of the rest of them were withdrawn by the end of January, and on the last day of January I withdrew the last four or five whom I had left as watchers.

Q (By Captain Sandberg) When you say "the hills," you mean the hills of Batangas?

A I withdrew from the shore line, from Batangas, to Bauan, into the adjacent hills.

CAPTAIN SANDBERG: I think that clears that up, sir. I just have a few more questions.

GENERAL REYNOLDS: That is what we had 15 or 20 minutes ago. What are the questions?

CAPTAIN SANDBERG: Were there many occasions when Japanese soldiers were ambushed, killed, and mutilated by guerrillas?

GENERAL REYNOLDS: The Commission will assume his answer will be "Yes," since he has once testified to that effect.

What is your next question?

CAPTAIN SANDBERG: That will be all.

GENERAL REYNOLDS: Question by the Commission:

Invite the attention of the witness to the Item No. 6

in the captured summary of the meeting which he conducted, which was the one he did not agree to as a fair translation of what he said.

COMMANDER BARTLETT: Shall I show him the document, sir?

GENERAL REYNOLDS: Yes.

(Prosecution's Exhibit No. 353 for identification was handed to the witness.)

(The question of General Reynolds was translated to the witness by Commander Bartlett.)

GENERAL REYNOLDS: Tell him he has discussed the last part of the statement, which is as follows:

"Shoot guerrillas. Kill all who oppose the Emperor, even women and children."

That part of it he has discussed. Will you tell him that?

(Translated to the witness by Commander Bartlett.)

GENERAL REYNOLDS: He has not discussed the statement: "Kill American troops cruelly. Do not kill them with one stroke."

Ask him if that is a fair summary of his statement.

(Translated to the witness by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): I did not say -- this is an error; I did not say anything like this.

GENERAL REYNOLDS: Ask him to state what he recalls was said.

(Translated to the witness by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): What I said was that unless each Japanese soldier killed 100 Americans

and destroyed 10 tanks we would lose the war.

GENERAL REYNOLDS: Then in summary of the seven items in this captured document, he agrees that in six of them the summary was accurate, but in the one it was inaccurate in the manner he states?

(Translated to the witness by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): In general, with respect to this statement, six of them are along the lines in which I spoke. With respect to No. 6, this is not the way I spoke. And, as a matter of fact, I laid special stress on this No. 6 in my talk.

GENERAL REYNOLDS: Does the Prosecution offer this document in evidence without further questioning?

CAPTAIN PACE: Yes, sir, we do.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 353 for identification was received in evidence and so marked.)

(Witness excused.)

GENERAL REYNOLDS: The Commission will be in recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session, and requires how much more time will be necessary for the Prosecution to complete its case.

MAJOR KERR: Probably about two hours, sir.

GENERAL REYNOLDS: Very well. Proceed.

COMMANDER BARTLETT: The attention of the Commission

is invited to the fact that in the document recently put in evidence, the original term therein translated as "kill cruelly," the literal translation of the two characters is correct. However, those same two characters can be read or translated as "slaughter," "butcher," "massacre," and this information, I believe, should be in the record for whatever assistance it may be to the Commission.

MAJOR KERR: Sir, may I ask the chief interpreter whether or not there is any question about the literal translation of the second sentence, namely, "Do not kill them with one stroke"? Is that correctly translated?

COMMANDER BARTLETT: The statement "Do not kill with one stroke" is a correct translation of what appears on the paper.

MAJOR KERR: Thank you.

Sir, the regulations governing the conduct of this trial or hearing, more specifically Paragraph 16, Sub-paragraph B on page 5, provides that the Commission shall take judicial notice of facts of common knowledge and of official Government documents of any nation. I refer particularly to that clause "official Government documents of any nation."

In accordance with those regulations, the Prosecution asks the Commission to take judicial notice of certain portions of an official publication of the United States Government, namely, War Department Technical Manual E-30-480, dated 1 October 1944, and particularly that portion thereof which is set forth on Plates I, II, III, IV, V, VI, VII, and VIII, of Chapter XI. Those plates set forth in

color representations of Army uniforms, officers, non-commissioned officers, and enlisted men; and Navy uniforms of officers, petty officers, and seamen, of the Japanese armed forces; and the insignia of rank of Army officers, Navy officers, and enlisted men, and Navy petty officers and seamen, of members of the Japanese armed forces. That is relevant in this proceeding, in view of the rather frequent reference to the insignia of the uniform worn by various individuals.

By taking judicial notice of this official publication the Commission will avoid the necessity of more detailed testimony on this subject.

GENERAL REYNOLDS: Are there comments by the Defense?

COLONEL CLARKE: The only comment we have, sir, is that we reserve the right to offer some evidence to show the difference in uniforms, at the time we put on the defense.

GENERAL REYNOLDS: The Commission takes judicial notice of the document in question, and will accord the Defense an opportunity of introducing evidence that there may be errors in this document, if they choose to do so.

MAJOR KERR: Sir, the next case the Prosecution will go into relates to Items 73 and 83 of the Bill of Particulars.

No. 73 represents the old Bilibid prison, with reference particularly to American prisoners of war there confined.

No. 83 relates to incidents which occurred on a prison ship en route from Manila, originally destined to

Japan, but which later was beached near Olongapo in the Philippines; and relates, furthermore, to the incidents at that point, and from there back to San Fernando.

GENERAL REYNOLDS: Very well.

(Statement of Robert E. Conn, Jr.,  
was marked Prosecution Exhibit No.  
379 for identification.)

MAJOR KERR: The Prosecution offers in evidence a document which is marked for identification as Prosecution's Exhibit 379, being the original of a sworn statement of Robert E. Conn, Jr., a major of infantry, dated 24 September 1945, and I now read the pertinent parts of that particular statement, in so far as they relate to the items of the Bill of Particulars I have referred to:

"Q Will you state your full name, rank, branch, and serial number?

"A Robert E. Conn, Jr., Major, 45th Infantry, 0-331801.

"Q What is your present home address?

"A My home address is Geneva, Minnesota, care of my father, Robert E. Conn.

"Q On what date were you transferred from Cabanatuan?

"A October 16, 1944.

"Q How many other American soldiers were transferred with you at that time?

"A During a six-day period approximately fifteen hundred Americans were transferred to Bilibid Prison in Manila.

"Q By what means were you transferred?

"A We were transferred in trucks, being crowded in to the extent of forty to fifty to a 1-1/2 ton truck.

"Q How long were you confined at Bilibid Prison?

"A I was confined there from October 16 to December 13, 1944.

"Q Tell us generally the conditions that existed at Bilibid Prison during your confinement there.

"A The food ration was considerably less than that at Cabanatuan, being two meals per day consisting of a canteen cup of lugao and approximately 1/3 of a canteen cup of watery, green soup." --

GENERAL REYNOLDS: What is "lugao"?

MAJOR KERR: Well, sir, I am not an expert witness on that, but I understand it is a cereal product.

GENERAL REYNOLDS: Proceed.

MAJOR KERR (continuing): "In some instances a mess kit spoonful of pulverized dried fish was served to each man. On one occasion we purchased from our own funds mongo beans and bananas which were issued through the general mess. We were permitted to take one blanket with us from Cabanatuan and were required to sleep on the cement floors without beds or any material to cover the hard floor. The buildings were extremely crowded. We were required to spend a considerable amount of the time indoors as the result of air raids over the City of Manila.

"Q Between October 16 and December 13, 1944,

do you recall any beatings or mistreatment of Americans confined at Bilibid?

"A Yes.

"Q Please tell us about those incidents.

"A The sentries, on various occasions, slapped Americans and required them to stand at attention because they assumed the Americans had not paid due respect to them. On another instance, I observed several Americans who had scrambled to pick up a few grains of raw rice that had spilled from a sack beaten and kicked and then required to kneel on the cement for a period of time. I do not know how long they were required to stay in that position as I left the area to prevent the Japanese sentry from either including myself in the group or increasing their punishment to demonstrate his power and authority.

"Q Do you recall the names of any of the Americans that you saw mistreated in this manner?

"A No, they were enlisted men.

"Q On what date were you transferred from Bilibid Prison?

"A I left Bilibid Prison on 13 December 1944.

"Q Where did you go when you left Bilibid Prison?

"A I went with a detail of 1,619 men to Pier No. 7 where we were crowded into the holds of the Japanese liner 'Oryoku Maru'.

"Q Approximately how many Americans were confined

at Bilibid Prison during the period of your confinement there?

"A I would estimate approximately 2,200 men.

"Q Please tell us the general health condition of the American prisoners of war at Bilibid during your confinement there.

"A There were a considerable number of sick, and the light ration resulted in a loss of over ten pounds per man for the group that arrived there from Cabanatuan in October.

"Q After your group was placed aboard the 'Oryoku Maru' in Manila harbor, where did you go?

"A We started sailing sometime during the evening and evidently headed for Japan, being in the hold we of course could not tell which way we were moving.

"Q Describe for us the general sanitary conditions on board this ship in so far as your group was concerned.

"A The only sanitary measure for the approximately 700 of us crowded into the forward hold was five 5-gallon cans to be used as urinals and latrines. It goes without saying that this was insufficient and, also, impracticable due to the extremely crowded condition. The Japanese refused to empty these pails, or to permit a detail of our own men to empty them, when they were full. This resulted in fecal matter and urine being spilled in the hold, and necessitated

the use by many men of their canteens and mess gear for the purpose of relieving themselves.

"Q Was there sufficient room in the holds for the men to all lie down and rest?

"A No, there wasn't even sufficient room for me to sit down.

"Q Were blankets or cots, or anything of that nature, provided for the comfort of the American prisoners of war on this trip?

"A Each prisoner of war was permitted to take one blanket with him from Bilibid Prison but crowded conditions made the use of such out of the question. There were no other means of comfort provided.

"Q Was drinking water available to your group during that trip?

"A Approximately five gallons of water was issued to approximately 700 men on the evening of 13 December, and a similar amount of tea the following morning. Many men, due to this small amount, received no water or tea, having only the water they carried with them in their canteens from Bilibid.

"Q Did the Japanese furnish adequate food for your group on this trip?

"A No. We received fish and rice on the evening of the 13th, and a small issue of rice and fish on the morning of the 14th, the morning meal being issued during the air raids which

resulted in mal-distribution. That was all the food we received on that boat.

"Q Do you know whether the Japanese did anything toward marking or designating this ship as a transport of prisoners of war?

"A I could see no evidences of marking on the ship as we entered, and I was later informed that the Japanese had no intention of so marking ships carrying prisoners of war. The ship also was heavily armed with anti-aircraft weapons.

"Q How many times during the trip was the ship attacked from the air by American planes?

"A On December 14th there must have been eight separate raids during the day. On the morning of the 15th there was one raid while Americans were still on board, and one after we had abandoned the ship.

"Q As a result of these air raids what measure did the Japanese take, if any, which would increase the suffering of the American prisoners aboard the ship?

"A Part of the hatch was covered, thus cutting down the amount of air available for the men. No water or food was issued. We were held on the ship on the morning of the 15th until the Americans had bombed it again, which procedure I was later advised by Lieutenant Colonel Engelhart (who speaks Japanese fluently and obtained this information from a Japanese

corporal) was deliberate.

"Q When the hatches were closed, was it possible for your group to empty the containers which you had been furnished for latrine purposes?

"A No. We, on our own initiative, attempted to empty urine into the lower hold of the ship, and were successful to a small degree. However, close observation by Japanese sentries made this difficult and dangerous.

"Q Can you tell us the effect of the hardships encountered on this voyage upon the mental and physical condition of the American prisoners of war aboard the ship?

"A Yes. The results were beyond the power of imagination. Men went stark mad. Others resorted to blood-sucking. Many men, due to their extreme thirst, would grab canteens that had been used as urinals and drink the contents without thought to the results such would bring on. Due to threats of the Japanese to throw hand grenades into the hold if we were not quiet, it was necessary to muffle many men who were out of their head and creating a large disturbance. In some instances this resulted in the death of the unfortunate prisoner of war. The hold can best be described as a sweltering mass of thirsty, fear-stricken, mad human beings. In one instance, a large corpsman went out of his head and began calling to the Japanese sentry

and attempting to get up the ladder to get at him. The gist of his shouts was that he had suffered all that he could bear and that he would kill the dirty bastard or die in the attempt. In order to protect the rest of the men in the hold from threatened hand grenades and rifle fire, it was necessary to quiet this man. Due to his above average strength, it became necessary to knock him out, such effort unfortunately being too great, with the result that it killed him.

"Q Did the Japanese deliberately kill any Americans on this trip?

"A Yes. I did not see it personally, but I was advised by men I know to be reliable that they saw several American officers, whose names I do not know, shot as they attempted to get food from the ship as we were abandoning it on the morning of December 15th. I was also advised that during the air raids, the Japanese corporal whose nickname was 'Air raid' fired directly into the hold, killing American prisoners of war the names of whom I do not know. I think 'Air raid's' name is AHARA.

"Q Did the men in your group receive any medical care or attention from the Japanese during this voyage?

"A No. However, they did require some of our doctors to operate on their women and children

who were injured in the strafing attacks, thus taking trained personnel away from our own cases.

"Q Can you estimate the number of American prisoners of war that were killed, or died as a result of mistreatment, on this trip?

"A Yes, approximately sixty.

"Q Give us the names of those that you can remember.

"A Lieutenant Colonel Conaty, Q.M. Construction; Major Bradley, 4th U. S. Marine Corps; Captain Buboltz, 26th Cavalry; Major Burtz, Veterinary Corps; and Lieutenant Colonel Drummond, Medical Corps.

"Q As a result of the air raids which you have testified about, did it become necessary for this ship to pull into a harbor?

"A As a result of the bombings, the ship pulled in to Subic Bay near the Olongapo Naval Station. Evidently during the evening the surviving Japanese women and children and civilians were taken off the ship by landing boats. On the morning of December 15th when the American planes made their first raid for that day, no return fire from the ship's anti-aircraft guns was made. After this first bombing, we were permitted and ordered to evacuate the ship. Some men found life preservers in various state-rooms and, in so doing, saw a large quantity of

American cigarettes and American food contained in packages identical to those which were received by prisoners of war in their Red Cross packages. Other men raided the ship's galley and reported finding large quantities of ham, chicken, ice cream, milk, candy and nuts, none of which had been available to us the two previous days.

"Q When the order to abandon ship was given, did the Japanese aid or assist the American prisoners of war to get ashore?

"A The only assistance that I know of that was given by Japanese soldiers was in my own instance, and in that case such was given by a Formosan who recognized me after we had struggled for some time in the water over possession of a life belt. It was certainly evident that the only function required of the guards was to get their own person safely on to shore and to prevent the escape of any Americans that reached shore alive.

"Q Do you know of any Americans that were shot or killed by the Japanese while getting ashore?

"A Yes.

"Q Can you give their names?

"A Chaplain Cleveland, who had been paralyzed for a considerable time in prison camp as a result of diphtheria, and Lieutenant Colonel Denker, a Philippine Scout officer, were shot on a raft that was being carried out to sea by

the current.

"Q Do you know, or can you describe, the Japanese that shot either of these officers?

"A No, I can not, but it was done both by guards from the ship and members of the Naval Station who were using machine guns.

"Q Were the guards on this ship members of the Japanese Army or Navy?

"A Some of the guards were members of the Japanese Army; others were Formosans, used as prisoner of war guards.

"Q Can you give us the names of any of the Japanese guards that accompanied your group on this trip?

"A Yes; 1st Lieutenant TOSHINO; Mr. WADA, interpreter; 'AIR RAID' whose name, I believe, is AHARA; and OUIDA, a three-star private who worked with the Transportation Section at Cabanatuan Prison Camp.

"Q Were the above named members of the Japanese Army forces connected with the military police?

"A Not that I know of. They did not wear the arm band with red characters which all military police wear.

"Q Which of these men do you consider responsible for the deplorable conditions existing among the American prisoners of war on this boat ride?

"A I believe Lieutenant TOSHINO and Mr. WADA

are primarily responsible, and the others named are also responsible because of their refusal to convey many of our requests to the commanding officer of the detail.

"Q Which one was the commanding officer?

"A Lieutenant TOSHINO.

"Q Do you know to what unit or organization Lieutenant TOSHINO belonged?

"A During the fighting on Bataan, Lieutenant TOSHINO was a member of the Japanese unit that fought in the area known as the Tuol Pocket. This information was obtained directly from Lieutenant TOSHINO who states that had he not been wounded he would have lost his life in that pocket as did all the other Japanese officers with that unit.

"Q Did Lieutenant TOSHINO remain in charge of your group on the entire trip from the Philippine Islands to Japan?

"A Yes. He and the entire group of Japanese that left Manila with us continued on to our final destination at Mojii, Kyushu.

"Q You have previously testified about the extreme hardships suffered by your group in going ashore at Olongapo; now tell us, in your own words, the things that transpired after your group had reached land.

"A We were directed to follow a Japanese guard who led us to an area near a tennis court at the

old United States Marine Corps post at Olongapo which is on Subic Bay on the Island of Luzon, Philippine Islands. In this area we attempted to hold a roll call, by groups, to ascertain who had not reached shore. The medical personnel, using what medicines they were able to carry with them, began caring for the sick and wounded. I specifically remember gathering sheets which had belonged to the Japanese civilians and had floated ashore, to cover the wounded so as to keep flies out of the open wounds. Approximately 300 men required immediate attention and everyone was suffering from shock, hunger and extreme thirst. When I first attempted to drink water, which we obtained from a spigot near the tennis court, my throat was so parched that I could not swallow, and most of the surviving men were in a similar condition.

"The Japanese made no effort to give us medicines, or food, or to assist in the medical care. We had reached shore at about nine o'clock in the morning, and remained in this area near the tennis court until about five o'clock in the afternoon when they crowded all of us into a single tennis court that had a wooden fence enclosure. A roll call that evening revealed that our number had been cut from 1619 to 1340. We were given no food, and were required to stand in line for a long time to get water from

a spigot within the tennis court itself. On December 16th we stayed in the tennis court for the entire day, many men being stark naked and getting severely burned from the intense sun rays. During the day Navy planes returned to the area, bombing oil dumps and gun positions and strafing military personnel. We observed what I believe to be one of the most perfect demonstrations of accuracy when these fliers bombed and strafed areas within fifty to one hundred yards of the tennis court. The Navy fliers knew we were Americans because they would fly low over the court, dipping their wings to us. We received no food during the 16th. The 17th was a duplication of the previous day excepting that late in the afternoon raw, musty rice was issued, the quantity being approximately two level mess kit spoonsful per man. On the 18th, a few items of old, torn, salvaged clothing was made available to us and distributed equally, by us, to the more needy cases. The medical personnel, without assistance or supplies from the Japanese, did remarkable work in caring for the sick and wounded. In one instance, Lieutenant Colonel Schwartz had to amputate the arm of Corporal Speck of the Marine Corps, without the use of anesthetic, antiseptics, or medical instruments. On the 18th we received a small amount of raw, musty

rice in the morning and approximately one mess kit spoonful of salt per man. In the evening, two mess kit spoonful of raw rice were again issued. On the 19th a few of the hospital cases were permitted to leave the tennis court and sit in the shade of the trees nearby for a short time. This privilege was granted after repeated requests made by our interpreters to Mr. WADA, the Japanese interpreter. Other events of that day were a repetition of the previous day. On the 20th, after the issuance of the usual raw rice ration, one-half of the personnel were placed on trucks and left the area. On the 21st the balance of the group, of which I was a part, were placed on trucks and taken to San Fernando, Pampanga, and crowded into an empty theater. During the period we were on the tennis court, approximately eight men died from wounds, starvation, lack of medical care and exhaustion. Two of these men were personal friends of mine, being Captain Gribbon and Lieutenant Hogaboon. While in the theater we received the first cooked food since the morning of December 14th. On December 22nd and 23rd our men, using two cauldrons, cooked rice, camotes, and seaweed. This gave each man approximately two canteen cups full each day. On the 23rd we had to complete the cooking for that day by ten o'clock in the morning as the Japanese took the cauldrons away at that time. Late in the evening

of the 22nd, members of the Japanese staff at Bilibid Prison in Manila visited the theater and delivered several boxes of Red Cross medicines. They then took twelve of our sicker men, and three of the sicker of the men from the group housed in the jail at San Fernando, on a truck, supposedly to Bilibid. Some of these men were: Lieutenant Colonel Freeny; Lieutenant Colonel Edison; Lieutenant Colonel Peoples; Major Swanson; and Lieutenant Sherman. After checking records recovered from Bilibid by the U. S. Army, I am convinced that these men were never returned to Bilibid, and I can only assume that, since they are still missing, they met the usual fate of sick prisoners of war of the Japanese. On the morning of the 24th of December we were crowded into boxcars to such an extent that we couldn't sit down, and the tops of the boxcars were literally covered with prisoners of war. This train was operated by the Japanese Army. I also wish to state that the trucks which carried us from the tennis court at Olongapo to San Fernando, Pampanga, were Japanese Army trucks, operated by Japanese soldiers. We arrived at San Fernando, La Union, near midnight on Christmas Eve, and spent the balance of the night sleeping on the cinder yard near the depot. We spent Christmas Day in a schoolyard, where a small amount of cooked rice and water, taken

from an open well, was issued to us. The amount of rice was approximately one canteen cup per man, and the water was equal to about one-half a canteen. Christmas night we moved to the beach where we stayed until early in the morning of December 27th. One rice-ball was issued to some of the men, there not being sufficient for the entire group. After repeated requests on the 26th, raw rice and approximately twelve spoonful of water, per man, was issued. We were also permitted to bathe, in small groups, in the salt water. Two men died on the beach. One was Lieutenant Colonel Edmonds, and the other a private from the 31st Infantry. Early on the morning of the 27th we were loaded on to a large freighter that had just delivered artillery and horses to the Philippine Islands

"Q Can you state what the physical condition, generally, was of this detail at the time they left the Philippines at San Fernando, La Union?

"A Yes. We were extremely weak and emaciated from the lack of food and water and the terrifying experiences we had been through. It is hard to estimate the loss in weight per man, but I am certain that I did not weigh over 125 pounds, my normal weight being 154 pounds, and I am sure that this is representative of the entire group. We had little or no clothing; many men did not have eating equipment; practically no one had

toilet articles. The only medical attention that we had came from our own officers who had limited medical supplies and equipment. Japanese rationing of the Red Cross medical supplies delivered to us at San Fernando, Pampanga, paid no attention to needs as stated by our doctors. The men were suffering from exhaustion, dysentery, exposure and malnutrition.

"Q Major, is there anything else that you can add to your testimony, fixing the responsibility for this mistreatment of American prisoners of war upon the Imperial Japanese Army?

"A Yes. While on the tennis court at Olongapo, repeated requests for means by which we could cook our food were always answered with the statement that the troops stationed at Olongapo were members of the Japanese Naval Landing Parties and, consequently, would not give any equipment or food to our group which was under the control of the Imperial Japanese Army. As I have stated, this exact reply was made on several occasions."

The statement is then signed by Major Conn, with an appropriate certificate.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: Yes, sir. We ask first of all that starting at page 3 of this exhibit, the fifth question and answer group, beginning:

"Q After your group was placed aboard the ORYOKU MARU --" starting with that question, going on through the rest of that page, the next page, the next page, the next page, the next page on down to the last question and answer group, we ask that that be stricken.

The last question and answer group which I have reference to is this, and it begins with:

"You have previously testified to the extreme hardship --". Starting there, from there on, we are not asking to have anything stricken.

To recapitulate on the third page everything except the first four question and answer groups, all of the fourth page, all of the fifth page, all of the sixth page, and all of the seventh page, except for the last question and answer group.

I will state my reasons succinctly. That part we are asking to have stricken pertains to what occurred on a ship at sea. There are reasons to have that stricken. First, there is no evidence that the accused in this case had anything to do with any command or control of any sort over the ships at sea.

In the second place, as a matter of fact, he did not have.

In the third place, the charge upon which this Accused is being charged has to do with Manila and other places in the Philippine Islands. It is immaterial to this case.

MAJOR KERR: The incident which is recited to have occurred on the ship occurred first on the ship while it was in the Manila Harbor. It had not yet left the harbor.

Secondly, the ship did not put off for Japan but was confined obviously to Philippine waters and finally being beached and sunk, bombed and beached in Subic Bay, which most certainly is in Philippine waters.

We assume the term "in the Philippines," reasonably construed would include the Philippine waters. Furthermore, this entire incident is one continuous and related adventure. The statement shows that Lieutenant Toshino was the commanding officer of the detail guarding these men. They were loaded on a ship from a pier in the Manila Bay under the command of that man.

He remained in command throughout the trip from the time they left Manila until they were beached and landed at Subic Bay. He remained in command at the tennis court and apparently was in command from there on through to at least San Fernando.

The statement shows that he was an army man. The statement further shows that according to the naval forces, the naval forces at Olongapo Naval Station, these men were under the sole control of the army even to the extent that the navy forces would not help them out by providing any necessary cooking equipment.

We submit it is entirely proper under the charge, under the specification involved, to include the entire event.

CAPTAIN REEL: Lieutenant Toshino had no connection

with General Yamashita.

It does not matter where the ship was, there is no evidence tying that up with this Accused. Furthermore, I wish to point out that the testimony specifically states in the very beginning, the very first question and answer after he is asked that question:

"After your group was placed aboard the ORYOKU MARU in Manila Harbor, where did you go?"

The witness stated: "We started sailing --" from then on they are at sea. The whole thing is immaterial and we believe it is prejudicial to the Accused to leave that in the statement.

GENERAL REYNOLDS: The Commission will withdraw for deliberation.

(Whereupon the members of the Commission retired for executive session.)

GENERAL REYNOLDS: The Commission is in session.

The American prisoners of war may have passed from control of the Japanese army at the time the ship left the Port of Manila and entered the jurisdiction of other Japanese agencies. It appears that these American prisoners of war returned to clear-cut army control when the ship was beached in Subic Bay.

The episode appears to be a continuous incident; the understanding of which requires the Commission to inform itself of the events between departure and the Subic Bay landing.

The Commission agrees that there is little probability of the personal responsibility of the Accused as to events

at sea except, perhaps, as to the manner of loading the ship, provisions for sanitation, safety, messing and medical supplies.

In view of the nature of this most unusual incident, the objection of Counsel is not sustained. The document will be accepted by the Commission for such probative value as it may be held to possess.

CAPTAIN REEL: Sir, the objection to that part of the document has been ruled on but there is one exception that we had in mind that we wanted to call to the Commission's attention. There was one further matter which we wished to bring to the Commission's attention on the second to the last page. The first complete sentence on the page, we ask that that be stricken.

GENERAL REYNOLDS: Will you read it?

CAPTAIN REEL: "After checking records recovered from Bilibid by the U. S. Army, I am convinced that these men were never returned to Bilibid, and I can only assume that, since they are still missing, they met the usual fate of sick prisoners of war of the Japanese."

We object to that sentence as not being founded on any fact, any knowledge, and being an assumption both as to the fate of the men and what their "certain usual fate would be."

GENERAL REYNOLDS: The Commission directs that the sentence pointed out by Counsel be stricken from the record.

(Prosecution Exhibit No. 379  
for identification was  
received in evidence.)

(Statement of Lt. Col. Eugene  
C. Jacobs was marked Prosecu-  
tion Exhibit No. 380 for  
identification.)

MAJOR KERR: Sir, the Prosecution offers in evidence a document which has been marked for identification as Prosecution's Exhibit 380. This is the original of a sworn statement of Eugene C. Jacobs, Lieutenant Colonel, Medical Corps, Army Serial No. O-20499. The statement was taken at the Letterman General Hospital, Presidio of San Francisco, California, on 17 September 1945.

I will read the pertinent part of this statement:

"Q Please state your full name, rank and serial number.

"A Eugene Coryell Jacobs, Lt. Colonel, Medical Corps, ASN O-20499.

"Q Are you a member of the Regular Army?

"A Yes, I am. I entered the Service on 10 April 1934.

"Q In what camps and prisons were you held? Please try to give the dates of your imprisonment in each."

The pertinent part of the answer is as follows:

"At the end of this month, that is, on 20 July 1942, I was taken to prisoner of war camp #1 at Cabanatuan where I remained until about the middle of the month of October 1944. I am not certain of this date but I believe it to have been about the 17th. Following this period of confinement at Cabanatuan I was taken to Bilibid Prison where I remained until the 13th day of December 1944. At this time I was taken to Manila Harbor and placed aboard a Japanese vessel which took me to Japan. In Japan I was first confined in the Moji military hospital where I remained from January until April of 1945. I was then taken by ship and train through Korea to Mukden, Manchuria where I was confined in the Hoten

prisoner of war camp. I was here from April 1945 until August 1945 at which time I was liberated by the Russian Army which moved into Mukden."

"Q Can you tell of the deaths of any American prisoners following your imprisonment in the Philippine Islands which were the direct result of actual Japanese mistreatment?

"A Yes, I can.

"Q In these cases can you name the Japanese responsible?

"A Yes, I can.

"Q Will you please then cite the instances.

"A Before I begin I had better tell you that the story is long and very involved. I would not be able to tell it all in two weeks time. Many of these things happened to me so recently that my mind is filled with a multitude of thoughts and pictures. I am not able to segregate in many cases one incident from another. I shall, however, attempt to describe my trip from Bilibid prison camp to Mukden, a trip which resulted in the deaths of many American prisoners of war.

"Q Very well, proceed.

"A During the month of December 1944, I believe it to have been the 13th, the so-called physically fit prisoners, all Regular Army officers and all high ranking Army officers were segregated from the sick, bed-ridden prisoners and junior medical officers, taken to the waterfront of Manila Harbor where we were loaded aboard the Oryoku Maru, a first-class Japanese liner which had been built about 1937. The

junior medical officers and the sick prisoners were left to their own fate in Bilibid prison. We were placed aboard this Japanese vessel which remained in Manila Harbor for the rest of the day of the 13th and part of the 14th. While in Manila Harbor and while steaming along the Bataan coast we were bombed and strafed constantly by the U. S. Army Air Force. This ship had no marks on it whatsoever to indicate that it was carrying prisoners of war or that it was not a vessel loaded with combatants. The vessel was painted the usual battle gray. Aboard this vessel in the holds, were 7,000 passengers, most of whom were Japanese women and children being evacuated from the Philippine Islands. Of this group of 7,000, 1,619 were American prisoners of war, 1,200 of whom were officers. This group of 1,619 was divided into two parts: 800 prisoners were jammed into one freight hold and 819 into the other hold. On 15 December 1944 in Olongopo Bay on the coast of Luzon, the Oryoku Maru was sunk as a result of a direct bomb hit by a plane of the U. S. Army Air Force. The bomb hit the aft part of the ship, killing many American prisoners. Pursuit ships strafed the decks of the vessel and killed hundreds of Japanese women and children. Other explosions on the ship killed many more. Soon after the ship was struck by the bomb it sank in the bay. The American prisoners scrambled out of the holds and upon coming on deck were fired upon by Japanese troops. A Japanese lieutenant was firing at United States prisoners coming out of the hold with an automatic weapon of some kind, it looked like a tommygun. Another Japanese soldier had a machine gun mounted on the beach. This he fired at prisoners

coming out of the hold and also at the prisoners struggling in the water. The vessel went under about 500 yards from shore. The prisoners dived overboard and started swimming for the beach. It was during this time that they were fired upon in the water. Upon reaching the beach, the men were fired upon again by Japanese soldiers who had a machine gun mounted on a sea wall. Near the beach where I emerged from the water I saw a Japanese coming out of the bushes, the bayonet of his rifle dripping blood. He raised his rifle in my direction and fired. The soldier next to me was mortally wounded. He was struck in the chest and a stream of blood immediately gushed from him. From the way he bled I know his heart was ruptured.

"Q Was this soldier killed?

"A Yes.

"Q Do you know his name?

"A No.

"Q Do you know the name of the Japanese soldier who shot him?

"A No.

"Q Please proceed with your account.

"A For a long while men continued to reach the beach and before long the Japanese rounded us up and marched us inland a short distance from the beach where we were imprisoned in a tennis court.

"Q Approximately how many Americans were killed at the time the Oryoku Maru was sunk?

"A About 279 men did not reach the shore. All of these were not killed in the bombing or by the Japanese soldiers who fired upon them after the bombing. Many United States

prisoners died of suffocation in the hold of the ship and many others were killed by their fellow prisoners. There was so little oxygen in the hold of the ship that almost everyone believed he would die of suffocation before the trip was over. Men became insane with panic. Prisoners killed each other in order that they might have more of the precious oxygen. Men slit each others' throats and sucked warm blood from their victims because of their great hunger and thirst.

"Q Was this a common thing?

"A Yes. Many cases of this happened.

"Q Please proceed.

"A There were approximately 1,300 prisoners placed in this tennis court located about one-half mile from the coast. All the men thus imprisoned were dressed only in their underclothing. All outer clothing and shoes had been lost or cast off during the swim from the sinking ship to shore. We were kept in this tennis court for six days. During the day the hot sun beat unmercifully upon us. Many were horribly burned and many suffered because of great blisters which raised upon them. These days of blistering heat were followed by nights of intense cold. This was during the month of December, the coldest part of the year. During the six days confinement in the tennis court, each man was given a total of 13 G.I. spoons of raw rice. This rice looked like floor sweepings as it was full of rocks, sticks and dirt. There was a water faucet in the tennis court so we were able to get drinking water. During this six-day period in the tennis court about 10 men died of starvation, exposure and bullet wounds, wounds which they had

received while escaping from the sinking ship. At the end of the six-day period we were alerted and loaded into trucks, about 40 men to each. We were taken to San Fernando where one-half of the group was placed in the San Fernando jail and the other half confined in a theater building. This period of imprisonment lasted for about three days. During this period 4 men died in the theater from starvation, neglect, dehydration, and from bullet wounds. At the end of the three days in San Fernando we were again alerted and taken out where we were loaded upon trains; 130 to 180 were loaded into each boxcar, cars which are approximately half the size of United States boxcars. The car doors were not locked. There were no marks or identification on this train to indicate to airmen the type of cargo it was carrying. The Japanese put all ill prisoners on top of the cars, 20 sick men on the top of each car, instructing them to stand up and wave if American planes strafed the train. The train thus loaded with the sick prone atop each car, the others standing inside the cars, we made the 17-hour trip to Lingayen Bay. On this trip we were not given food or water. Many men died during this period of our trip, some from suffocation in the cars, others from starvation and dehydration. At Lingayen Bay we were taken from the cars and put on a beach which the Japanese had under guard. Here we remained, still in our underwear, for several days during which time we were given very little food and no water whatsoever. Many prisoners died here of starvation and thirst.

"Q Were any of the prisoners up to this time beaten

or slugged by Japanese soldiers?

"A Yes, beatings and sluggings were quite common.

"Q Please proceed with your account of the trip.

"A Following our stay of several days on the beach we were loaded aboard two Japanese freighters which were two vessels of a five or six freighter convoy which was soon to leave Lingayen Bay for Japan. One thousand prisoners were put aboard freighter #1 and approximately 250 loaded aboard freighter #2. There were at this time approximately 1,200 men left out of the group of 1,619 which left Bilibid on 12 December 1944. When we were taken aboard these freighters soldiers who were too weak to walk were taken aboard the vessels in Japanese style. They had ropes tied about them and they were dragged; dragged across the beach, up the stairway onto the ship; dragged across the deck and cast into the vessels' hold. I was one of this group of 250 who were loaded aboard freighter #2. We were deep in the hold of the vessel; we had no food for two or three days. We sailed from Lingayen Bay to Takao Harbor, Formosa. We were undernourished from 21 December 1944 to 1 January 1945."

The rest of that relates to the balance of that trip to Japan.

GENERAL REYNOLDS: Will you indicate the page and question and answer where you left off reading? I think it was page 7, was it not?

MAJOR KERR: Yes, page 7.

GENERAL REYNOLDS: It is the answer to the second question counting from the bottom of the page?

MAJOR KERR: I read, I believe, the first seven

sentences in the second answer on page 7.

GENERAL REYNOLDS: Will you read the final sentence which you just read?

MAJOR KERR: "We sailed from Lingayen Bay to Takao Harbor, Formosa. We were undernourished from 21 December 1944 to 1 January 1945."

I believe, sir, I better read the rest of that. It does carry through January 6.

I will include it in the offer.

"We stayed aboard the vessel after it arrived in the harbor at Formosa. On 6 January 1945 those still alive from this group of 250 were placed aboard freighter #1 with the survivors of the original group --"

I better stop where I stopped before. The last sentence was: "We were undernourished from 21 December 1944 to 1 January 1945."

I believe the subsequent material is not relevant.

GENERAL REYNOLDS: Has Defense any comments concerning the document down to the point indicated by the Prosecution?

CAPTAIN REEL: Yes, sir. The same objection that was made in the previous document to the trip on the ship including, sir, the loading of that ship and the loading of the other ship.

There is no evidence that the marine transport was under the command of the Accused and, we say, as a matter of fact, that it was not.

As I understand it, the rest of that is not being offered.

GENERAL REYNOLDS: The comments of Counsel are noted.

CAPTAIN REEL: Sir, there is an additional matter. In the very beginning of the statement on page 3, it appears that the Colonel was at Cabanatuan from 20 July 1942 until what he thinks was the 17th of October, 1944. It means he was there considerably over two years, of which only a maximum of eight days would be under this charge, while the Accused was in the Philippine Islands. Because of that and because none of the events listed thereafter having to do with Cabanatuan are dated we ask that all material therein having to do with Cabanatuan be stricken.

That runs, sir, from the first complete answer and question on page 3 down to the end of the first paragraph on page 4, up to the question: "Very well, proceed."

GENERAL REYNOLDS: Does the Prosecution have any comment on the last statement of Counsel?

MAJOR KERR: Yes, the material following that original question obviously from its context applies to this trip from Manila, the ill-fated trip from Manila, which ultimately concluded at Subic Bay and from Subic Bay back to San Fernando again.

The material not relating to that trip, we are not interested in at this time.

GENERAL REYNOLDS: With reference to page 3, that part which follows the first question, which reads: "During the time of your imprisonment, were you the witness to any killings or executions of American prisoners of war by the Japanese," and extending to include the unfinished paragraph at the top of page 4, that is stricken from the record.

Starting on page 7 of the record, the point about the

middle of the answer to the second question which states:

"We stayed aboard the vessel after it arrived in the harbor at Formosa." That sentence and the remainder of the document above the signature, which appears on page 11, is stricken from the record.

With those exceptions the document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

( Prosecution Exhibit No. 380  
for identification was  
received in evidence.)

MAJOR KERR: Mark this for identification, please.

(Statement of Beverly N. Skardon  
was marked Prosecution Exhibit  
No 381 for identification.)

MAJOR KERR: Sir, the Prosecution offers in evidence the document marked for identification as Prosecution Exhibit No. 381, being a sworn statement of Beverly N. Skardon, Major, Infantry. I shall read the pertinent portions of this statement.

GENERAL REYNOLDS: Is this confirmatory?

MAJOR KERR: Not entirely, sir. I shall read only those portions which add to the information disclosed by the previous two statements.

"Beverly N. Skardon, being duly sworn, deposes and says:

"I am a Major, Infantry, my serial number is O-372968, United States Army. My permanent home address is #1 Fishburne Street, Walterboro, South Carolina. . . .

"On 13 December 1944 I was in a party of 1600 American war prisoners which embarked from Manila aboard a Japanese passenger ship Oryoku Maru. After boarding, we were separated and I became a part of a group of 900 prisoners which were jammed into the after hold. The rest of the party were placed in the forward holds. As we reached the bottom of the hold a Jap non-com struck us with a shovel as we passed by. Accommodations for the prisoners consisted of wooden shelves erected against the bulkheads of the hold. These were double deck affairs about seven or eight feet deep and about four feet high. These could be considered to be divided into cubicles, eight or nine feet long, by

the event of the supporting members holding up the structure. In order to accommodate the number of men assigned to this hold, it was necessary to place about twenty men in a cubicle. By virtue of this it was necessary for the men to remain in a sitting posture, each man fitting into the crotch of the man behind him. We were not allowed any freedom of movement. Conditions within the cubicles were rendered nearly unbearable due to the awkward position assumed, extreme heat and foul atmosphere. A combination of these caused many of the men to become unconscious. Others became violently ill and it was impossible to do anything for them. Some became temporarily deranged as evidenced by their screaming and hysterical actions. A number of men died of suffocation and wounds the first night we were aboard ship. There were no lights and we were forced to suffer our plight in total darkness. No facilities were provided for bowel movements or urination and in order to attend to the functions of elimination we had to use mess kits, tin cans or anything available. Others, lacking these, would have to eliminate as best they could in the position in which they were sitting and remain seated in their own filth. Feeding was attempted the evening of the first day by sending in buckets of cooked rice and barley mixture and also some small fish. All of this appeared to be of palatable nature, but due to pandemonium existent, few of the men were able to get any of the food; most of it having been spilt while attempting to get it back into the cubicles. A ration of water was not provided and we suffered from extreme thirst.

\* \* \* \* \*

"Following my recapture (after his escape from the boat to the land), again in company with survivors of the Oryoko Maru, we were placed in the inclosed tennis courts at Olongapo, Philippine Islands and were kept here for three days. No food was provided here. There were many wounded with us and they received no medical attention. American doctors attempted an arm amputation with makeshift tools, but due to difficulties involved the patient died. Other wounded also succumbed, lacking care. . . . At San Fernando jail we slept on the bare floor in barred cells. During two days stay here we received a total of two meals, consisting of meager portions of rice and camotes. While here, the American commanding officer for the party pleaded with Japanese officials to obtain aid for the sick and wounded. He also attempted to promote some clothing and food, but all of these efforts proved fruitless. Departing from San Fernando, we were jammed into freight cars at the rate of approximately 170 men per car. Many men within the cars passed out from suffocation and otherwise suffered extreme discomfort. Again we were confronted with conditions of no sanitary facilities, causing human excretion to always be underfoot. Crowded conditions defy description, it being impossible to do anything but stand. In order to alleviate conditions of suffocation we attempted to admit air by enlarging bullet holes in the side of the car with mess kit knives. This trip lasted about fourteen hours. We de-trained at San Fernando, La Union, Philippine Islands and were eventually escorted to the beach, where we were forced

to remain lying in the sand. We stayed here for 36 hours and received no food and only a few spoons of water during our stay."

The balance of that statement relates to the trip from the Philippines to Japan and Korea. The last sentence that we shall include in our offer is the last sentence of the full paragraph on page 3. That sentence reads as follows:

"We stayed here for 36 hours and received no food and only a few spoons of water during our stay."

GENERAL REYNOLDS: Are there comments by counsel?

CAPTAIN REEL: No comments other than those made in regard to the trip in the previous two statements.

GENERAL REYNOLDS: The comments of counsel are noted. The document as presented by the Prosecution is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 381  
for identification was received  
in evidence.)

MAJOR KERR: I call 1st Lieutenant Lovick P. Miles.

LOVICK P. MILES, JR.

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

DIRECT EXAMINATION

Q (By Major Kerr) Please state your name, rank and serial number.

A Lovick P. Miles, Jr.; 1st Lieutenant, Judge Advocate General's Department. Serial No.?

Q Serial No.

A 02-052-052.

Q What is your present military address?

A GHQ AFPAC, War Crimes Branch, APO 500.

Q What is your present military assignment?

A At the present time I am assigned in the review section of the War Crimes Branch of the Theatre Judge Advocate's Office.

Q How long have you been connected with the War Crimes Detachment?

A Since August 26th of this year.

Q During that time have you had occasion in connection with your official duties to interview recovered personnel, that is to say, former prisoners of war who have been recovered from Japan?

A Yes, sir. From September 16th or 17th this year until just about the first week in October I was out at the 29th Replacement Depot here interviewing returned prisoners of war.

Q Was Lieutenant Colonel Roy L. Bodine, Jr. one of the returned prisoners of war thus interviewed?

A Yes, he was, or at least an officer bearing the Lt. Colonel's insignia and who told me that he was Roy L. Bodine was one of the ones.

Q Do you recall the date that you interviewed him?

A It was approximately the 25th or 26th of September.

Q Did he give you a copy of a diary which he maintained during at least a portion of the time during which he was a prisoner of war?

A Yes, he did.

Q Will you explain the circumstances of that affair?

A Lt. Colonel Bodine came by one afternoon late about the 25th of September and tendered me a handwritten -- what he said was a handwritten copy of the original diary which he kept while making the trip on the ship ORYOKU MARU from Manila up to Japan, and he told me that he had copied it while coming down from Japan on the ship that repatriated him and that the original diary was water-logged and coming to pieces and he had transcribed this to make it more legible.

MAJOR KERR: Mark this for identification, please.

(Copy of original diary herein-  
above referred to was marked  
Prosecution Exhibit No. 382  
for identification.)

Q (By Major Kerr) I hand you what has been marked for identification Prosecution's Exhibit 382 and ask you whether or not that is the handwritten copy of his diary which he handed to you.

A To the best of my belief it is. I of course can't remember every word of it but I do remember these inter-lineations and excerpts that were on it at the time and the approximate number of pages.

Q And what is your conclusion as to whether or not that is the document which he handed you?

A That is the document, to the best of my knowledge, that he gave to me that day.

Q And he stated to you at that time, did he, that this was a handwritten copy which he made of the original diary?

A Yes, sir.

MAJOR KERR: Your witness.

CAPTAIN REEL: Is that being offered in evidence?

MAJOR KERR: I do not have a copy of this. This is the only copy I have. In due course we shall have copies made and they will be made available to the Defense. At this time, sir, we --

GENERAL REYNOLDS: It leaves a situation dangling rather badly with a grant of authority to withdraw the original and to replace it with a copy. We would like also to know whether the entire document is material to the case or only certain parts and we would like to know what are those parts.

MAJOR KERR: Sir, I shall go into that. If there are no questions by counsel of this witness we shall excuse the witness.

CAPTAIN REEL: Well, I wouldn't know what to ask the witness. I haven't read the diary. I don't know what conversation he had. None of us could cross examine not knowing what this thing is about, not knowing what is in there. What we might want to do is to cross examine the witness relative to the conversation with Lt. Colonel Bodine on matters that are in that diary.

MAJOR KERR: Sir, at this time the Prosecution offers in evidence the document which is marked for identification as Prosecution's Exhibit No. 382, which has been identified by this witness as a handwritten copy of an original diary kept by Lt. Colonel Roy L. Bodine, Jr. The entries on this copy of the diary begin on October 19, 1944, Thursday, with a parenthetical note that those entries cover Cabanatuan to Bilibid. The diary then covers the period spent at Bilibid Prison in Manila, the trip on the ORYOKU MARU to

Subic Bay, the experiences of this officer at the Olongapo tennis courts, the trip from that point to San Fernando, and the loading at San Fernando on the other Japanese ships for the ultimate journey to Japan, and then the trip to Formosa, from there to Japan and finally to Korea.

Of course the only portions of this diary, written apparently in the handwriting of Col. Bodine, which we would care to offer at this time would be those portions relating to his experiences from Bilibid Prison in Manila to Subic Bay, Subic Bay to San Fernando, and from then on to the other Japanese ships. From there on to Japan we are not interested in at this time.

GENERAL REYNOLDS: The Commission desires that it be given an exhibit number, that copies in its entirety or in selected parts, as you may decide, be furnished to counsel for their study. It also desires that copies be furnished to the Commission for our study and that at a suitable time when those studies are completed the document will be considered and ruling as to its admissibility given.

MAJOR KERR: May I inquire of counsel, at that time when the document again comes up for consideration by the Commission will the Defense like to have this witness available?

CAPTAIN REEL: We may. If perusal of the document shows that it is unnecessary we will let you know.

MAJOR KERR: Very well. Then the status of this, sir, is that it is offered but not as yet accepted in evidence?

GENERAL REYNOLDS: That is correct.

MAJOR KERR: And as soon as possible Prosecution will provide copies to the Commission and to the Defense.

GENERAL REYNOLDS: That is correct.

MAJOR KERR: That's all.

(Witness excused)

MAJOR KERR: Shall I proceed, sir?

NORMAN JAMES SPARNON

recalled as a witness on behalf of the Prosecution, having been first duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

MAJOR KERR: You have previously testified in this proceeding and have been sworn; I will remind you that you are still under oath.

THE WITNESS: Yes, sir.

(A diary was marked Prosecution Exhibit 383 for identification.)

Q (By Major Kerr) Captain, I hand you a book which has been marked for identification as Prosecution Exhibit 383, and ask you state whether or not you can tell what that is.

A This is a Japanese diary.

Q And does that Japanese diary, or the book in which it is contained, bear an ATIS identification tag?

A Yes, it does, bearing the official number 605074.

Q What does that identification tag indicate?

A That is the official number given to the document after certain extracts have been taken from the document for translation.

Q State to the best of your knowledge and belief whether or not that is a captured Japanese document which has been delivered to ATIS, and which was taken in custody by ATIS.

A It has been accepted by ATIS as a captured Japanese

diary.

Q Have you personally made a translation of that entry in the diary relating to 27 March 1945?

A I have checked this translation personally, and I am quite satisfied it is a correct translation of the entry referred to.

(A document was marked Prosecution Exhibit No. 384 for identification.)

Q I hand you what has been marked for identification as Prosecution Exhibit 384, and ask you to state whether or not that is a correct translation of the portion of the diary which you have just referred to, namely, that referring to March 27, 1945?

A This is the same document as previously --

Q That is correct. That is to say, Exhibit 384 purports to be a translation of a portion of Exhibit 383. Will you state whether or not that is the correct translation?

A Yes, as I previously stated, and this is a carbon copy; it is the translation of this entry.

MAJOR KERR: If the Commission please, the translation which the witness has just identified reads as follows:

"Extract. 27 March 1945. Taking advantage of the night, went to kill the natives. Since they seemed to be good natives, it was rather difficult to bayonet them to death. The voices of the women and children crying and wailing were terrifying. I too bayoneted several persons apart from the terrible ones. (Sugoi Yatsu.)"

Q (By Major Kerr) I call your attention to the last portion of that document in parentheses, reading: "ATIS

Document No. 605074, captured at Luzon, Mt. Calugong, northeast of Pugo, 8 April 1945," and ask you what that refers to.

A The number is the official number of the document. The place of capture is as the document was received back at ATIS, showing where the document was captured.

Q And that represents, to the best of your knowledge and belief, does it, the place and time of capture of the document which is Exhibit No. 383?

A To the best of my knowledge and belief, yes.

GENERAL REYNOLDS: What is the meaning of the words in parentheses, "Sugoi Yatsu"?

THE WITNESS: "Terrible fellow," which would be a literal translation of the words which are translated there as "terrible ones."

MAJOR KERR: At this time, sir, we offer in evidence the translation which has been marked for identification as Prosecution Exhibit No. 384, and we make available to the Commission the Japanese diary which has been marked for identification as Prosecution Exhibit 383, for such examination as the Commission may desire to make of it.

GENERAL REYNOLDS: The Commission desires to extend to the Defense an opportunity of comparing the original with the translation.

CAPTAIN SANDBERG: Thank you.

May we ask, sir, in connection with which specification this exhibit is offered?

MAJOR KERR: This relates to 72, the massacre of Philippine residents generally, and the brutalizing of the

inhabitants of the Philippine Islands.

CAPTAIN SANDBERG: Has there been any proof here of any incidents at Pugo?

MAJOR KERR: Pugo? Not that I recall offhand.

CAPTAIN SANDBERG: Then the Defense asks that the Commission refuse to accept the diary, on the ground that it has no specific reference to any specific incidents proved before the Commission.

GENERAL REYNOLDS: The objection of counsel is not sustained. It appears to the Commission that this could properly be considered in connection with Item 72. The location of Mt. Calugong, northeast of Pugo, refers only to the point of capture of the document, as the Commission understands.

The document is accepted for such probative value as it may be held to possess, if any, and extends to counsel the further opportunity of checking the translation.

(Prosecution Exhibit No.  
384 for identification  
was received in evidence.)

GENERAL REYNOLDS: The Commission asks Commander Bartlett if he has had an opportunity to check this translation?

COMMANDER BARTLETT: I have not yet, sir.

GENERAL REYNOLDS: We would also like to have your version.

(Copy of extract from ATIS  
Bulletin was marked Prosecu-  
tion Exhibit No. 385 for  
identification.)

Q (By Major Kerr) Captain Sparrow. I hand you what has been marked for identification as Prosecution Exhibit

385, and ask you to state, if you know, what that is.

A This is an official ATIS publication, and is the research report on Japanese violations of the laws of war, and contains extracts --

Q I am referring now specifically to the paper which is marked Prosecution Exhibit 385 for identification.

A This is a copy of an extract published in this research report of the ATIS document number 602558.

Q That is your signature at the bottom of that document certifying the accuracy of the translation?

A It certifies to the accuracy of the typed copy of the translation which appears in the research report.

Q And will you describe briefly the research report of which that is an extract?

A The research report is on Japanese violations of the laws of war, and contains extracts, translation of extracts from captured documents pertaining to the title, and it has photographic copies of some of the documents containing such pertinent information.

Q Does it include a photographic copy of the document of which this is a copy?

A Yes, sir.

MAJOR KERR: If the Commission please, the Prosecution offers in evidence the extract, the translation identified by this witness and marked for identification as Prosecution Exhibit 385. We should like also to present to the Commission the photographic reproduction of the document itself, which is referred to by this witness and which appears as Exhibit "K" of the ATIS

research report referred to by this witness, and at a later time we would like to make a part of the record a photographic reproduction of this picture.

GENERAL REYNOLDS: Will you read the translation, please?

MAJOR KERR: (Reading) "Allied Translator and Interpreter Section, South West Pacific Area, Research Report. No. 72, supplement 2. 23 June 1945.

" 1. Extracts from diary dated 24 October 1944 to 31 December 1944, kept by Warrant Officer Yamaguchi, Yoshima, assigned to 10 Tank Regiment, under the command of Lieutenant Colonel Harada, Kazuo.

" 28 November 1944 -- received orders on the mopping up of guerrillas last night. Departed Sibul Springs at 1300 hours and arrived at Santa Rosa at 1700 hours. We went to the 205 Artillery Unit's barrack. Attack is scheduled to begin on 1 December 1944. It seems that all the men are to be killed. This punitive action is something to look forward to.

" 1 December 1944 -- the residence of families of Fil-American Army personnel are to the front of our company. Heard that the guerrillas in Rizal area are very active. Our object is to wound and kill the men, to get information, and to kill the women who run away."

"(ATIS Document No. 602558, see Exhibit K)"

Then follows the certificate of Captain Sparnon.

GENERAL REYNOLDS: The Defense will be given the same

opportunity of examining this photostat and checking the translations as in the former diary. Are there comments on this translation?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative evidence, if any, as it shall be held to possess. The Commission extends to the Defense the opportunity to check the translation and reopen the matter if they choose to do so.

(Prosecution Exhibit No. 385 for identification was received in evidence.)

(An extract from ATIS Bulletin was marked Prosecution Exhibit No. 386 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked for identification as Prosecution Exhibit 386, and ask you to state what that is.

A This is a translation of extracts from a captured Japanese diary, presumably belonging to a member of the Akatsuki 16709 Force, covering the period from 31 July 1944 to 21 February 1945.

Q Is that a true extract of an official publication of ATIS?

A Yes, sir.

Q And a true copy of the extract which appears in that official publication, is that correct?

A Yes, sir.

MAJOR KERR: Sir, the Prosecution offers in evidence the document which has been identified as Prosecution Exhibit No. 386, and identified by this witness.

This document reads as follows:

"Allied Translator and Interpreter Section, South West Pacific Area. Bulletin No. 1941. Date: 11 April 1945.

"Item 4 Document 603720, ADVATIS Bulletin 528.

"Notebook-diary presumably belonging to member of AKATSUKI 16709 Force, TN 9 Shipping Engineer Regiment, Replacement Unit, covering period 31 July 1944 to 21 February 1945. Partly translated in XIVCAE Translation 0082, Batch 719, Item 13.

"Extracts:

"History:

"4 August 1944, left Moji."

GENERAL REYNOLDS: Is the period 4 August 1944 to 25 September 1944 material?

MAJOR KERR: No, sir; merely to indicate the nature of the diary itself.

The portion which is directly material here reads as follows:

"7 February 1945. 150 guerrillas were disposed of tonight. I stabbed 10.

"9 February 1945. Burned 1000 guerrillas tonight.

"10 February 1945. Guarded approximately 1000 guerrillas.

"13 February 1945. Enemy tanks are lurking in the vicinity of Banzai Bridge. Our attack preparation has been completed. I am now on guard duty at Guerrilla Internment Camp. While I was on duty, approximately 10 guerrillas tried to escape. They were stabbed to death. At 1600 all guerrillas were burned to death.

"8 February 1945. Guarded over 1164 guerrillas which were newly brought in today."

I call the Commission's attention to the item which appears under 10 September 1944:

"Arrived San Fernando," and 24 September 1944, "Arrived Manila by train.

"25 September 1944. Transferred to 9th Sea Trans Battalion."

This again bears the certificate of Norman Sparnon.

CAPTAIN SANDBERG: The only observation we have to make about this, sir, is that this document is already in evidence as a part of one of the comprehensive War Crimes reports which the Prosecution has introduced in evidence. My recollection is that it is a part of the report on the Intramuros situation, that it was introduced in evidence, and that it was read by the Prosecution in full at that time. We simply want to point out that there is no necessity for introducing the same thing twice.

GENERAL REYNOLDS: I believe that is correct. Before we take further action, will you attempt to prove or disprove the statement?

MAJOR KERR: Yes, sir.

(An extract from ATIS Bulletin was marked Prosecution Exhibit No. 387 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked for identification as Prosecution Exhibit 387, and ask you to state what that is.

A It is a translation of a captured Japanese document, being a bound file of Manila naval defense force and east

sector unit operation orders, dated 29 November 1944 to 4 February 1945, held by the 4th Company, Headquarters Battalion, Manila Naval Defense Force.

Q That is a true copy of an item which appears in the official publication of ATIS, is that correct?

A Yes, sir.

MAJOR KERR: The Prosecution offers in evidence the document identified as Prosecution Exhibit No. 387.

This is an excerpt from ATIS, Item 1, Batch 517, which indicates that this document was captured in North Manila, Luzon Island, by the 1st Cavalry Division on 9 February 1945, and received by the 14th Corps, Advanced Echelon, on 10 February 1945. It is described as a bound file of the Manila Naval Defense Force and East Sector Unit Operation Orders, and so forth, dated 29 November 1944 to 4 February 1945, held by 4th Company, Headquarters Battalion, Manila Naval Defense Force.

It is described as, "Directions concerning combat by Shimbu Group in Manila and vicinity."

It is dated, 16 January 1945, Shimbu Group Headquarters. I quote:

"The engagement which will shortly take place in Manila and vicinity is a great battle which will be watched by the whole world and will decide the future development of the Imperial Army.

"The officers and men who participate in it must deeply feel its importance, and, profoundly moved by the gloriousness of the struggle, must devote their whole beings to the destruction of the enemy Americans. By so

doing they must revenge their countless comrades in arms who have perished since Guadalcanal, and must block the hated enemy's plans for a northward advance.

"In order to accomplish the above objective, they must observe the following principles."

And there follow a number of so-called "principles" which are part of the order.

The order is signed "Shimbu Group Commanding General Yokoyama, Shizuo. Translator, Lieutenant General Yokoyama, 8th Division Commanding General."

On the second page of this document, the following also appears, being a part of the same Item No. 1:

"Signal, print and distribute, 4 February 1945, 0308.  
From: Manila Naval Defense Force Headquarters.  
To: Each unit under the command of the above Headquarters.

"Among the Filipinos, those who answer 'Makapiri' at the time of challenge are Filipinos employed by the Japanese Army. Therefore, this fact must be thoroughly taught to every soldier.

"You are informed that the above Filipinos are an assassination group, ANSATSU DAN, used by the Japanese Army and carry weapons."

Q (By Major Kerr) Captain Sparnon, I ask you what the words "ANSATSU DAN" in this particular excerpt from that document mean?

A "Assassination Groups."

MAJOR KERR: Sir, this second excerpt from the document which I have just read relates to Item 92 of

the Bill of Particulars, in that it shows that the Japanese were using assassination groups, obviously, against the American forces then employed against the Japanese in that area.

This document is offered in evidence.

GENERAL REYNOLDS: Is this accompanied by a photostat or the original of the Japanese order?

MAJOR KERR: No, sir. Neither the original of this order nor the photostatic or photographic reproduction are available. If at any time we receive the original, we will make it available to the Commission and to the Defense, but so far we do not have it.

GENERAL REYNOLDS: Any comments by counsel?

CAPTAIN REEL: Yes, we have two comments. As far as this goes, first of all we wish to call the Commission's attention to the fact that the Makapili referred to there has appeared before in this trial from the testimony of one Lapus and one Galang as one of the organizations that one of the three former founders was General Ricarte. That is merely called to the Commission's attention for what it is worth.

Secondly, on the question of not having the original, we are placed at the disadvantage of not being able to ascertain whether the translation is exact or correct. In this case it seems important because of the phrase right in the beginning referring to Manila and vicinity. We have had much evidence on that score when General Yokoyama of the Shimbu Army testified, and that should be scrutinized very carefully.

GENERAL REYNOLDS: The comments of counsel are noted, and in the event the original of the document is obtained it will be presented to the Commission. However, since ATIS is recognized as the official interpreter, the document is accepted for such probative value, if any, as the document may be held to possess.

(Prosecution Exhibit No. 387 for identification was received in evidence.)

Q (By Major Kerr) I hand you what has been marked for identification as Prosecution's Exhibit 388 and ask you to state what that is.

(A document entitled "Translator and Interpreter Service, Army Forces, Pacific," dated 13 September 1945, headed "Japanese Violations of the Laws of War," was marked Prosecution Exhibit No. 388 for identification.)

A It is a publication on Japanese violations of the laws of war. In this case it comes under the heading of ATIS, which is Translator and Interpreter Service, and that is the American service. It is signed by Sidney F. Mashbir, who was the coordinator of ATIS.

Q (By Major Kerr) Was that Translator and Interpreter Service an official agency of the American armed forces in this theater?

A Yes.

Q What would you say as to the general accuracy of the translation by that agency?

A They would be correct, sir.

Q I call your attention to page 9 of that publication, the paragraph at the top of the page, headed "November 1944," and ask you to state what that is.

A It is an extract from ATIS Document No. 18892, ATIS Bulletin No. 2065, page 2.

Q I call your attention to page 11 of that document, the full item which is headed, or at the top of which appears the figures and words, "10 February 1945," and ask you to state what that entire translation is.

A It is an extract of a captured Japanese document from Document No. 605530, which appeared in ATIS Bulletin No. 2088, No. 701, pages 4 and 5.

MAJOR KERR: Thank you.

Sir, the Prosecution offers into evidence the entire document which has been marked for identification as Prosecution's Exhibit No. 388, and it invites the Commission's attention particularly to page 9 thereof.

The first paragraph on that page, which reads as follows:

"November 1944. (TN: Day not stated). I cannot remember the date, but we received information from Lipa Military Police Squad that approximately 30 guerrillas attacked Lipa Air Depot with hand grenades and other explosives, and 11 of them were captured. The Military Police Squad requested that the GIGO Force dispose of the captured guerrillas. During the night we dug holes here and there in the coconut grove near the graveyard and bayoneted and killed them. I noticed that some of them were small like children. They had no strength at all since they had not eaten for the last three days since their capture by the Military Police Unit. Their hands were tied behind their backs and they stood in front of the holes with their heads bent slightly downward. It seemed that their minds were already made up that they would be killed, and they said nothing. Their hair was very bushy. I was irritated. Later, one by one the members of the section bayoneted the guerrillas. The first one was bayoneted by SUZUKI, Yukimatsu. My turn was

the second one. The moment I bayoneted the victim he cried 'AH!' and fell into the hole behind him. He was suffering but I had no emotion at all. That may be because I was so excited. After bayoneting them, we covered them with soil and laid coconut leaves on top. We returned to the company singing a military song at 2200 hours."

That, sir, is an excerpt, according to the notation on the bottom of page 8, "Extract from a diary, dated 24 April 1944 to 23 January 1945. The owner is not stated, but is a member of GIGO Force."

It is an ATIS document, Document No. 18892, ATIS Bulletin No. 2065, page 2.

I also invite the Commission's attention to the item which is printed or mimeographed on pages 10 and 11 of this same document, which reads as follows:

"(b) Extract from diary-notebook dated July 1944 to 22 May 1945, owner and unit not stated, captured northeast of Lucaban, Luzon, 23 May 1945.

"February 1945. Every day is spent in hunting guerrillas and natives. I have already killed well over 100. The naivete I possessed at the time of leaving the homeland has long since disappeared. Now I am a hardened killer and my sword is always stained with blood. Although it is for my country's sake, it is sheer brutality. May God forgive me! May my mother forgive me!"

That is from ATIS Document No. 605849, ATIS Bulletin No. 2071, page 17.

And at the very bottom of that page:

"(d) Extract from diary belonging to a member of 116 Fishing Battalion, Company Commander First Lieutenant FUJITA, Eisuke. Dated from December 1943 to 17 April 1945."

And I quote:

"10 February 1945. By order of the Army, we began punitive operations against Filipino terrorists and killed 500 of them.

"12 February 1945. We left for Calamba by automobile with the mission of carrying on punitive operations against the inhabitants of the town. We killed 800 men and returned at midnight.

"13 February 1945. For security reasons, all inhabitants of the town (presumably Anilao) were killed and all their possessions were confiscated. Until yesterday we lived in the hills or in fishing barrios and we had only salt to go with our rice. But today we are in Paradise. There is nothing that we cannot obtain. Although there were a tremendous number of watches, rings, suits, shoes and dresses, we couldn't take them back with us, and so we had to burn them with great regret. Everyone has 3,000 or more pesos in cash. We had all we wanted of good things to eat.

"17 February 1945. Because ninety percent of the Filipino people do not feel pro-Japanese but on the contrary are anti-Japanese, Army Headquarters issued orders on the 10th to punish them. In various sectors we have killed several thousands (including young and old, men and women, and Chinese, in addition to Filipinos). Their houses have been burned and valuables have been confiscated.

"14 March 1945. Both the company commander and the platoon leader were killed in action.

"17 March 1945. Caught and killed four natives (three children and their mother.)"

And on page 13, paragraph (m):

"(m) Extract from notebook belonging to MATSUOKA, Itoji of 64 Infantry Regiment, 23 Division, TOMINAGA Unit, dated 19 December presumably 44 to 27 March, presumably 1945.

"27 March - Taking advantage of darkness, we went out to kill the natives. It was hard for me to kill them because they seem to be good people. Frightful cries of the children were horrible. I myself stabbed and killed several persons."

That is ATIS Document No. 605074, ATIS Bulletin No. 2018, ADVATIS Bulletin No. 653, page 4.

And on the last page, page 21, Item (3):

"Extract from notebook kept by Machine Gun Company of West of the Lake Sector Unit, containing Operation Orders and intelligence

reports dated 13 February to 23 March 1945.

"Instructions. 1600, 17 March.

"1. Leaving tonight at 1930.

"2. We shall march to Mahina.

"8. There will be many natives along our route from now on. All natives, both men and women, will be killed."

That is ATIS Document No. 604758, XIV Corps ATIS Advanced Echelon Translation No. 0108, page 4.

I also call attention of the Commission to the Item (a) on page 8 -- strike that. That is an interview, and we are interested here in only the documentary evidence involved.

GENERAL REYNOLDS: Are you offering this into evidence?

The Commission notes that on page 1 there is a quotation from a document which has already been received by the Commission.

MAJOR KERR: Yes, sir; that was introduced in connection with the testimony on the Palawan massacre, so the evidence on that would be incorporated among the other evidence on that incident.

GENERAL REYNOLDS: I believe that the continuation on page 2 has also been received in evidence, at least in part.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: Examination has not been made beyond that point, and we have been searching for other elements. The Commission would like to be informed of other parts of this document which are already before the Commission.

MAJOR KERR: Perhaps the more suitable procedure

would be for us to substitute for this entire document the separate excerpts or true copies of the several excerpts which I have read to the Commission, those being the ones which we are interested in now.

GENERAL REYNOLDS: Are they all of the ones that you are interested in?

MAJOR KERR: I believe that is all we are interested in at this time.

GENERAL REYNOLDS: Are there comments by counsel on the extracts of this document which were read by the Prosecution?

CAPTAIN REEL: The only comment counsel can make at this time is that the extracts are from diaries of apparently some cases of named soldiers and named units, and in some cases unnamed soldiers and unnamed units.

We do not know where they were or where these incidents occurred. We would like to have an opportunity of examining this entire document if the entire document is being offered.

MAJOR KERR: The Prosecution is agreeable to proceeding either way, whatever way the Commission would prefer.

GENERAL REYNOLDS: The Commission prefers the Prosecution to prepare as extracts those items which you read before the Commission and introduce them as an exhibit, at which time comments of counsel will be heard.

CAPTAIN REEL: All right, sir.

GENERAL REYNOLDS: In defense of that ruling the Commission states that all matters not read by the Prosecution are excluded from consideration.

MAJOR KERR: There is still quite a bit to go in.

GENERAL REYNOLDS: The Commission will recess at this time until eight o'clock, but we will proceed with the taking of testimony until it is completed, and then see the picture, or see the picture and then resume the taking of testimony, whichever the Prosecution may desire.

(Whereupon, at 1745 hours, a recess was taken until 2000 hours, 19 November 1945.)

EVENING SESSION

(The trial was resumed, pursuant to recess, at 2000 hours.)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

CAPTAIN CALYER: If the Commission please, all the members of the Commission are present; the Accused and the Defense Counsel are present. The Prosecution will proceed.

The Prosecution will offer in evidence as Exhibit No. 389 a film, being a series of interviews with the survivors of the Palawan incident presented to the Commission this morning. This film is an official War Department publication procured from the War Department.

At this time the Prosecution also offers in evidence as Prosecution's Exhibit No. 390 the following certificate relating to a second film to be shown:

"GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC  
WAR CRIMES BRANCH

"19 November 1945

"CERTIFICATE

"Combat Bulletin No. 44, a one-reel 16 mm. black and white sound motion picture is hereby certified to be an official publication of the War Department of the United States and the extracts assembled in this reel are certified to be portions of that publication; that United Newsreel No. 148, a one-reel 16 mm. black and white sound motion picture, is certified to be a publication prepared for and distributed by the Office of War Information of the United States, and that the extracts in this reel are portions of

said publication.

(Signed) Milton S. Seligman  
MILTON S. SELIGMAN  
1st Lt., Inf."

GENERAL REYNOLDS: The document is accepted.

(Certificate dated 19 November  
1945 in re Combat Bulletin No.  
44 was marked Prosecution Ex-  
hibit No. 390 and received in  
evidence.)

CAPT/IN CALYER: And then as Prosecution's Exhibit 391  
the film referred to in the Prosecution's Exhibit 390.

(Here followed exhibition of film being series of  
interviews with survivors of Palawan incident and exhibition  
of Combat Bulletin No. 44 hereinabove described more par-  
ticularly.)

GENERAL REYNOLDS: Recess for 15 minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. The  
Prosecution may proceed.

CAPTAIN CALYER: If the Commission please, for purposes  
of the record may we have a ruling on the offer of Prosecu-  
tion Exhibit 389, the Palawan picture, and 391, the other  
film?

GENERAL REYNOLDS: Are there comments by Defense?

CAPTAIN SANDBERG: We should like to say this, sir:  
that we have no objection to the films in so far as they  
represent a documentary portrayal of what happened in Manila.  
I am referring now to the Manila picture. But we were very  
much disturbed at the editing of the Manila film, parti-  
cularly Combat Bulletin 44 being the battle for Manila.

We have seen Combat Bulletin 44, and it is a fine and accurate portrayal of the Battle for Manila. The portions which the Prosecution has deleted, if our memory serves us, show the effective work done in the Battle of Manila by American artillery and American tanks, and there are many scenes showing American artillery demolishing buildings, tanks demolishing buildings, and scenes showing flame throwers flushing Japanese soldiers out of their positions; all being points which the Defense has been vigorously urging, explaining in large part that the destruction in Manila was in large measure caused by American artillery and shell fire, and part of the unavoidable necessity of war.

For that reason, we would like very much for the Commission to have before it the Full Combat Bulletin 44, and we would like to ask at this time if it is possible that the Prosecution extend its facilities to us so that as part of our case we may put in the entire Combat Bulletin 44.

MAJOR KERR: Sir, the Prosecution believes that the portions of that Combat Bulletin which were not shown tonight are irrelevant. However, if the Commission would like to see the entire bulletin, we would be very happy to arrange for the showing of the film as part of the Defense case.

GENERAL REYNOLDS: Is there another film?

MAJOR KERR: No, sir. The short film which followed the Palawan film tonight was made up of excerpts from Combat Bulletins. I don't offhand recall what the balance of that bulletin not shown tonight does consist of; but the film was edited so as to include only those portions such as Old Bilibid Prison, Santo Tomas, and the Paco or Dy-Pac

Ditch, and other incidents which are directly related to our case.

As I say, we will be very happy to show the Commission the entire film as part of the Defense case, if the Commission so desires.

GENERAL REYNOLDS: The Commission desires to accede to this request of Defense, and announces that the films shown tonight are accepted by the Commission for such probative value, if any, as they shall be held to possess.

(Prosecution Exhibits 389 and 391 for identification were received in evidence.)

CAPTAIN SANDBERG: We ask also, sir, that the films which were shown tonight, and their sound tracks, be made a part of the record in accordance with the Commission's previous ruling.

GENERAL REYNOLDS: The previous film was not an official War Department film, as the Commission understands it.

MAJOR KERR: The "Orders from Tokyo"? Or the one shown tonight?

GENERAL REYNOLDS: "Orders from Tokyo".

MAJOR KERR: That is an official film of the Commonwealth government of the Philippines, sir.

GENERAL REYNOLDS: Then it is the ruling of the Commission that the films shown tonight be incorporated into the record in the same manner as the showing of "Orders from Tokyo".

MAJOR KERR: Yes, sir.

Sir, continuing the Prosecution's case, this afternoon in offering Exhibit No. 388 I referred to an item

covered by ATIS document No. 18892, which is a translation of the diary, more specifically an entry under date of November 1944 relating to Lipa and the execution of 11 alleged guerrillas at that point. Now, it later developed that we do have the original of that diary.

NORMAN JAMES SPARNON

a witness called on behalf of the Prosecution, having been previously duly sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Resumed)

Q (By Major Kerr) At this time I hand you, Captain Sparnon, this book, and ask you to state whether or not you can identify it as the document which has been translated by ATIS, and more specifically the document referred to in the translation which I have just described, being a part of Exhibit 388.

MAJOR KERR: Incidentally, the record should show that Captain Sparnon is being called as the first Prosecution witness of the evening session; that he has been previously duly sworn and is still under oath.

A Yes, this is a translation of this extract from this captured Japanese diary.

Q (By Major Kerr) The captured Japanese diary which you have in your hands is --

A An official ATIS document.

Q And is Document No. 18892, referred to in the excerpt from Exhibit 388, is that so?

A That is correct.

MAJOR KERR: If the Commission please, at this time

Prosecution makes available to the Commission the original Japanese diary which the witness has identified and which may be considered in connection with Prosecution Exhibit 388.

GENERAL REYNOLDS: Will you read the translation?

MAJOR KERR: Sir, the translation was read to the Commission this afternoon, at the time Exhibit 388 was introduced.

GENERAL REYNOLDS: Read it again to refresh our memories.

MAJOR KERR: "Extract from a Diary, dated 24 April 1944 to 23 January 1945. The owner is not stated but is a member of Gigo Force.

"31 July 1944. Found out that Major Kanda, Yasuo is the commanding officer of special commando company, Gigo Force. Our platoon leader is 2nd Lieutenant Murakami.

"November 1944. (TN: Day not stated). I cannot remember the date, but we received information from Lipa military police squad that approximately 30 guerrillas attacked Lipa Air Depot with hand grenades and other explosives, and 11 of them were captured. The military police squad requested that the Gigo Force dispose of the captured guerrillas. During the night we dug holes here and there in the cocoanut grove near the graveyard and bayoneted and killed them. I noticed that some of them were small like children. They had no strength at all since they had not eaten for the last three days since their capture by the military police unit. Their hands were tied behind their backs and they stood in front of the holes with their heads bent slightly downward. It

seemed that their minds were already made up that they would be killed, and they said nothing. Their hair was very bushy. I was irritated. Later, one by one the members of the section bayoneted the guerrillas. The first one was bayoneted by Suzuki, Yukimatsu. My turn was the second one. The moment I bayoneted the victim he cried 'Ah!' and fell into the hole behind him. He was suffering but I had no emotion at all. That may be because I was so excited. After bayoneting them we covered them with soil and laid cocoanut leaves on top. We returned to the company singing a military song at 2200 hours."

That was Document 18892, ATIS Bulletin No. 265, page 2.

GENERAL REYNOLDS: The Defense is being offered an opportunity to study the original of this document. Have you any comments on the official translation?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted in evidence by the Commission for such probative value as it may be held to possess, with the understanding that Defense may reopen the subject if they choose to do so, after completing their study of the original.

(Prosecution Exhibit No. 388 for identification was received in evidence.)

(A document was marked Prosecution Exhibit No. 392 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you a document which has been marked for identification as Prosecution Exhibit 392, and ask you to state what that is.

A This is a translation of an extract from a message book, owner not stated, containing Rekka operation orders, and so forth. It is an ATIS document.

Q Is the document which is marked for identification as Exhibit 392 an excerpt from an official ATIS translation documents?

A Yes, sir.

Q And your name appears on the certificate attached to this exhibit, does it not?

A That is correct.

MAJOR KERR: At this time, sir, the Prosecution offers in evidence the document marked for identification as Exhibit 392, which reads as follows:

"ALLIED TRANSLATOR AND INTERPRETER SECTION  
SOUTH WEST PACIFIC AREA

"The following is an exact reproduction of Item 7 in XIVCAET 0084, 4 Mar 45:

"CAPTURED NOVALICHES, RIZAL PROV. LUZON I, BY 1st CAV DIV, 26 Feb 45. Rec'd XIVCAE, 1 Mar 45.

"ITEM 7. Message book, owner not stated, containing REKKA Op Orders, etc.

"KOBAYASHI Group (HEIDAN) Order 13 Feb

"1. The AMERICANS who have penetrated into MANILA have about 1,000 Army troops, and there are several thousand FILIPINO guerrillas. Even women and children have become guerrillas.

"2. All people on the battle-field with the exception of JAPANESE military personnel, JAPANESE civilians, and Special Constr Units (GANAPS in the FILIPINO language)

will be put to death. Houses -----(TN: Order breaks off here.)"

And the certificate of Captain Norman Sparnon, AIF, that this is a true copy of an official translation by ATIS.

GENERAL REYNOLDS: Is this a substitute for a similar document already received?

MAJOR KERR: Yes, sir, this will take the place of, I believe, a complete -- Sir, this is a separate excerpt and the same appears in another document which has been admitted in connection with another translation.

GENERAL REYNOLDS: The same document appears in the official report of the 14th Corps?

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: And the Commission inquires as to the necessity for introducing it as a separate exhibit.

MAJOR KERR: Well, sir, being a larger exhibit than the 14th Corps report -- while in the record it is somewhat lost and this way it is set out a bit more clearly, particularly by designating it as a separate exhibit it is more readily referred to in subsequent references.

GENERAL REYNOLDS: Any comment by Defense?

CAPTAIN SANDBERG: No, sir, I think the Commission has stated the point.

GENERAL REYNOLDS: The Commission accepts the document as a separate exhibit but desires the record to show that this is a clear duplication of material which was included in the 14th Corps official report.

(Prosecution Exhibit No. 392  
for identification was  
received in evidence.)

MAJOR KERR: I would like to have this marked as the next exhibit.

(An extract reproduction was  
marked Prosecution Exhibit  
No. 393 for identification.)

Q (By Major Kerr) Captain Sparnon, I will hand you a document which has been marked for identification as Prosecution's Exhibit 393 and ask you to state what that is.

A It is a translation of an extract from a bound mimeographed and handwritten file of Manila Navy Defense Force and Southwestern Area Fleet Operation Orders, dated 23 December '44 to 14 February '45, classified "Secret," presumably belonging to the Okada Unit. It is an official translation.

Q And the document marked Exhibit 393 is a true copy of an excerpt from that official translation, is that correct?

A Yes.

MAJOR KERR: At this time the Prosecution offers into evidence the document just identified and marked for identification as Prosecution's Exhibit 393. This reads as follows:

"Allied Translator and Interpreter Section South West Pacific Area.

"The following is an exact reproduction of Item 1 in 6AAET 0376, 5 March 45.

"Batch #4482. Documents Captured Intramuros, Manila City (Luzon I.) - 24 Feb 45. Received Sixth Army ATIS Advance Echelon - 2 March 45 (From XIVCAE).

"Item 1. Bound mimeographed and handwritten file of Manila Navy Defense Force and Southwestern Area Fleet Opn Orders, dated 23 Dec 44 to 14 Feb 45, classified 'Secret', presumably belonging to the Okada Unit.

"Bn Order. 1200 hrs.

"1. The 1st Bn. because of the enemy mortar fire, is

defending the Pago Station in a bitter fight to the last man. The enemy has broken through our key position in the vicinity of the Tobacco Company.

"2. The reserve strength of the 4th and 5th Cos (including reinforcements from the Okada Unit) are disposed in the vicinity of the Daitoa Road. The men are prepared for the enemy attack from the eastern front.

"3. All road key points E of the Daitoa Road must be secured.

"4. If the enemy infiltrates, be careful not to lose the opportunity of demolishing and burning buildings.

"5. When Filipinos are to be killed, they must be gathered into one place and disposed of with the consideration that ammunition and man power must not be used to excess. Because the disposal of dead bodies is a troublesome task, they should be gathered into houses which are scheduled to be burned or demolished. They should also be thrown into the river."

And there follows a certificate of Captain Sparnon, relative to this being a true copy of an official translation.

GENERAL REYNOLDS: Are there any comments by Counsel?

CAPTAIN SANDBERG: If the Commission please, this document on its face is an operation order of the Southwestern Area. Now, there is a point of contention between the Prosecution and the Defense in this case as to whether or not the Accused had control over the Manila Navy Defense Force. Of course, the Defense claiming that they had merely nominal control and the Prosecution claiming he had full

control, but as to the Southwestern Area Fleet there is no issue. The Prosecution, so far as we know, has never claimed that the Accused had any jurisdiction over the Southwest Area Fleet headed by Admiral Okoochi.

For that reason this document is irrelevant, if the Commission please.

MAJOR KERR: Sir, we offer this evidence for whatever the Commission may deem it to be worth at the present time. I believe during the course of the trial the greater significance to this order will come out.

CAPTAIN SANDBERG: Do I understand in the course of the Prosecution's case this will be brought out?

MAJOR KERR: I did not say that. During the course of the trial is what I meant.

CAPTAIN SANDBERG: I would like to know what the Prosecution means by that since the Defense -- since the Prosecution is about finished.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

MAJOR KERR: Will you mark this as the next exhibit?

(ATIS Bulletin was marked Prosecution Exhibit No. 394 for identification.)

Q (By Major Kerr) Captain, I hand you what has been marked for identification as Prosecution's Exhibit 394 and ask you to refer specifically to page 5 thereof and to state what that is and what it represents.

A It is an official translation of extract from a bound mimeographed file of operations orders of 4 Air Army,

14 Flying Division, 6 Air Sector Unit, and 6 Air Sector Headquarters, dated 6 July - 31 December 44. Kept by Funami Unit, 318 Independent MT Company. Classified: Military Most Secret and Military Ultra Secret. Seals read: Funami, Ishikawa and Sega.

Q Meaning what?

A They are names of certain Japanese, the seals of which appear on the document.

Q Referring now more specifically to the item you have described which appears on page 5 of this mimeographed document, what does that represent?

A It is part of the extract that I have just referred to.

Q Will you read the extract to which you are now referring?

A "14 Army Operation Order " - 11  
"20 July 44, Sakura (\*1) Barracks, (TN Fort McKinley.)  
"1. The following forces will be organized into the Southern Army LC Sec:  
"326, 327 and 328 Independent MT Cos.

"Lt. Gen. Kuroda (\*2),  
"Commanding General,  
"14 Army."

MAJOR KERR: If the Commission please, the Prosecution desires to offer into evidence Prosecution's Exhibit for identification 394, limited, however, to that particular portion which has been read by this witness. We believe at a later time, if possible, to substitute for this particular Prosecution's Exhibit a simple excerpt of this bulletin containing just the portion of it. The significance

of this, sir, is that this represents an order dated 20 July 1944, signed by General Kuroda, Commanding General, 14 Army.

The further significance of this will appear in connection with the next two exhibits.

GENERAL REYNOLDS: Any comment by Counsel?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess. Authority is given to the Prosecution to substitute an extract copy.

(Prosecution Exhibit No. 394 for identification was received in evidence.)

MAJOR KERR: I would like to have this marked as the Prosecution's next exhibit.

(ATIS Bulletin was marked Prosecution Exhibit No. 395 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you a document which has been marked as Prosecution's Exhibit 395 and call your attention particularly to page 17, of the second section hereof, being the second page 17, and ask you to state what that is and what it represents?

A It is a translation of extracts from loose mimeograph and carbon copy file of organization charts, officer assignment lists, administrative regulations and orders, variously issued by WATARI Group Flying Squad, 35 Army, 14 Area Army and SHO Group. Part undated, part dated June-August 44. ADBATIS 43-Captured Ormoc, received 6 Army ATIS Advanced Echelon 31 December 44.

Q Referring now specifically to that portion of the document that appears on page 17, what does that represent?

A "VII SHOBU ORDER NO. 2, 14 Area Army Order, 2 August 44 - Manila.

"Extracts

"Lt. Col. Shimada will be CO SHO Group (Shudan) Hd. Pioneer Unit and will command the personnel indicated on attached sheet. They will leave for Cebu and establish SHO Group Hq.

"Lt. Gen. Kuroda  
"14 Area Army CG."

It further states:

"Attached Sheet

"Pioneer Unit 1st Phase by Ship

"10 Officers

"32 NCOs

"174 EM

"216 Total

"Pioneer Unit 2d Phase by Air

"Staff O Sato

"Paymaster Maj Yoshida

"Cebu Branch Depot Civil Engineer

"Two Officers of Staff Section."

MAJOR KERR: If the Commission please, the Prosecution offers at this time into evidence the document marked for identification as Prosecution's Exhibit 395, limiting it, however, to that portion which appears at the top of page 17 and which has just been read by this witness with the leave at a later time to substitute for this entire document, an extract which will cover that portion which has been read by the witness.

Now, the significance of this, sir, is that it shows that as of 2 August 1944, General Kuroda was signing SHOBU

orders and was Commanding General of the 14 Area Army as distinguished from the 14 Army.

GENERAL REYNOLDS: Any comments by the Defense?

CAPTAIN SANDBERG: No comments.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess and authority is granted to the Prosecution to substitute an extract copy thereof.

(Prosecution Exhibit No. 395  
for identification was  
received in evidence.)

MAJOR KERR: I will ask to have this marked as Prosecution's Exhibit 396.

(A map was marked Prosecution  
Exhibit 396 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked as Prosecution's Exhibit 396 and ask you to state what that is.

A It is a captured Japanese map and is a situational dispositional map of the 14th Army as of the 1st of October.

Q State whether or not to the best of your knowledge and belief that is the original captured document?

A To the best of my knowledge and belief it is the original document.

Q It is noted thereon that the right side toward the upper margin there has been added, pasted to the original map, a typewritten statement which is headed 8AAA E - T, Appendix "A". Can you explain the addition of that in English to the original document?

A Yes, sir. This map, it shows here a photographic reproduction of map captured, Ormoc, Leyte, Key to Translation

by 8th Army ATIS Advanced Echelon. When 8th Army produced the photographic reproduction in their reproduction this was appended to the map so that when the original document was photographed it would show that the map which was a photographic reproduction in the publication was a photographic reproduction of this document.

Q Then that has been added by ATIS or some other agency to the original map?

A It was added by the 8th Army ATIS Advanced Echelon.

Q I notice also certain discs which are superimposed thereon in black, numerals placed at various points on the original map. Can you explain those?

A They are placed on the map by ATIS for the purpose of keying so when the map is photographed the key comes out clearly, coming out in black and white.

Q I hand to you what has been marked for identification Prosecution's Exhibit No. 397, and ask you to refer particularly to page 5 thereof, Item 7, Document No. 601243, and ask you to state what that represents.

A It identifies a loose overprinted map of Philippine Islands dated October, entitled "14 Area Army Order of Battle Map," showing dispositions of Japanese forces, owner and unit not stated. (Full translation and photostatic copy of original in 8 Army Advance Echelon Translation 12, Batch 8244, Item 1.) At the time that this was published -- this bulletin -- the original document had not been received by ATIS. We had only received the translation. The document arrived after this bulletin was published.

Q Does that bulletin from which you have just read refer to the original map which is marked for identification as Prosecution Exhibit No. 396?

A Yes, it does, sir.

Q How could you tell that?

A By the document number and by the title, which are the same.

Q In other words, the ATIS document number keyed into the translation reference which you have just read from the ATIS publication is stamped and written on the back of this map; is that correct?

A That is correct, sir.

Q And also you can determine the same from the heading on the map?

A Yes, sir.

Q The description of the map. Is that correct?

A That is correct.

MAJOR KERR: Mark this for identification, please.

(Copy of translation of markings on photographic reproduction of map captured at Ormoc, Leyte Island -- 2 January '45 -- was marked for identification Prosecution Exhibit No. 398.)

GENERAL REYNOLDS: Will a study of the document require much time?

CAPTAIN SANDBERG: May we have your indulgence for just a few moments?

GENERAL REYNOLDS: Since the document has been proffered as an official captured Japanese document, it is accepted by the Commission for such probative value, if any, as it shall possess. But the Defense is offered an opportunity to reopen the subject after they have completed their study.

CAPTAIN SANDBERG: In connection with the document, sir, we want to make these points:

1. The map is dated as of October 1, 1944, and that is eight days before the arrival of the Accused in the Philippines. Therefore, if it is accepted by the Commission it must of course be accepted not as the command of the Accused, but of the command prior to his.

2. The second point that must be made is this: that the chart appended to the map does not indicate that the Accused had any control over the air forces. In addition, we would like to point out that item number 32 of the chart, referring to the Palawan sector unit

under count 2 indicates that the only unit in Palawan under the 14th Area Army were the third and fourth company of the 104th Independent Infantry Battalions and one-fourth of the Signal Unit; in other words, that the 14th Area Army had no jurisdiction over any airfield construction companies or battalions in Palawan.

3. One further point must be made, and that is this: that on page 2 of the chart there is a reference to the Philippine POW Camps as being under the 14th Area Army as of October 1st. That is the particular item which we have just been studying with the interpreter, because the testimony in this case has been that the POW Camps were under the Inspector General of the Commissariat, General Shinono, and the chart does not indicate that the Inspector General of the Commissariat was under the 14th Army. And in going over the map we discover that the items listed on page 2 as units under the command of the army actually are interpreted as units under the Supreme Southern Command, and they are bracketed off, and that explains why the chart shows the Philippine POW Camps. But the point must be emphasized that the Philippine POW Camps were under the Supreme Southern Command at that time and not under the 14th Area Army.

MAJOR KERR: Sir, all of that is purely argumentative. The fact remains that this document is a captured Japanese original map, and what counsel desires to make out of it or avoid from it is a matter of argument, which I presume the Commission would be more interested in hearing later.

We offer it at this time as having probative value to the Commission.

GENERAL REYNOLDS: The comments of both Prosecution and Defense are noted.

COLONEL CLARKE: May we keep this copy?

MAJOR KERR: No, certainly not. That is the original.

COLONEL CLARKE: Have you got something we can work on?

MAJOR KERR: At this time we request that the Commission permit the Prosecution in due course to withdraw the original map and to substitute therefor a suitable photographic reproduction or photostat. That map no doubt will have some future use for the Prosecution, and we should like to withdraw it.

GENERAL REYNOLDS: The Commission would like to permit the Defense to have something to study, either a photostat or the original itself.

MAJOR KERR: Yes, sir. We will make available to the Defense the photostatic copy. I think that we can get that in the next day or two.

GENERAL REYNOLDS: Very well.

(Prosecution Exhibit No.  
396 was received in  
evidence and so marked.)

MAJOR KERR: The Prosecution offers in evidence the document marked for identification as Prosecution Exhibit No. 397, limited, however, to that portion thereof which appears on page 5, Item 7, Document No. 601243, which was read by the witness, Captain Sparnon, and requests that at a later date we may be permitted to sub-

stitute for this exhibit bearing the same number an excerpt, certified copy of that particular portion of the entire document.

This, sir, serves to identify the map which has been admitted in evidence as Exhibit 396 both by description and by document number.

GENERAL REYNOLDS: Comments by Defense?

CAPTAIN SANDBERG: No,

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No.  
397 for identification  
was received in evidence.)

MAJOR KERR: Mark this for identification, please.

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked for identification as Prosecution's Exhibit 398, and ask you whether or not you have had an opportunity to compare that with the Japanese writing which appears on the map which is in evidence as Prosecution Exhibit 396?

May I have the original map, please?

A Yes, sir. This is an official translation of this map, but I would like to state that this is not the translation that was published by ATIS.

Q To the best of your knowledge and belief is it a correct translation?

A To the best of my knowledge and belief it is a correct translation.

Sir, if I may, I would like to draw attention to the

fact that I understood the Defense to say that the map was dated "1st of October." To the best of my memory, when I referred to the map I said it was dated "the first part of October."

CAPTAIN SANDBERG: I understood you to say "the 1st."

THE WITNESS: It is not the 1st of October. The "first part" of October.

MAJOR KERR: I might point out also to avoid future discussion of the subject that, as I understand it, the map is not dated "October 1944." It is dated "October." The purpose of our previous exhibits, namely, Exhibit 394, being an order by General Kuroda in July, 1944, as Commanding General of the 14th Army, and Exhibit 395, being an order by the same general as Commanding General of the 14th Area Army, was simply to show that sometime between the first date in July, 1944, and the second date, 2 August, 1944, the terminology, "14th Area Army" came into being, and the designation previously used, "the 14th Army," was changed to "14th Area Army." That pegs the date of this map, since I understand that the map is headed "14th Area Army", as being sometime subsequent to July, 1944. Being "October," it must follow that it is October, 1944.

If the Commission please, we offer in evidence as Prosecution Exhibit 398 the translation of the markings on Prosecution's Exhibit 396 concerning which Captain Sparnon has testified. This is a translation into English, of course, of the various descriptions which appear in Japanese on the original map. We are entirely

agreeable to this Exhibit 398 being subject to examination by the chief interpreter of the Commission for such corrections, additions and deletions as he may find to be appropriate. In other words, we do not contend that this translation necessarily is the final translation.

CAPTAIN SANDBERG: Do I understand that that translation is not an official ATIS translation?

MAJOR KERR: It is not an official ATIS translation.

CAPTAIN SANDBERG: Then we are perfectly agreeable to having the chief interpreter give the official translation.

MAJOR KERR: As Captain Sparnon pointed out, we do not have the official English ATIS translation. There is such a translation, but we have not been able to obtain it so far. If we obtain it during the course of the trial we desire to put it in evidence, but in the meantime this is a translation made by the War Crimes translators.

THE WITNESS: May I state, sir, that they are ATIS personnel that have been assigned to the War Crimes Commission.

MAJOR KERR: Yes. Thank you, Captain. That is correct. In other words, the translation was made by ATIS personnel now working with the War Crimes organization.

It should be noted, too, sir, that the translation is keyed with the numerals which appear on the original map. That is to say, where the numeral 1 has been pasted on the map the writing there appearing in Japanese

is translated into English with reference to the numeral 1 which appears in the translation. And so on down through the various numbers.

GENERAL REYNOLDS: The Commission understands that you are now offering in evidence Prosecution's Exhibit 398.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: Any further comments by Defense?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The Commission accepts the document for such probative value as it may be held to possess, with the understanding the chief interpreter may check to verify the translation in question.

MAJOR KERR: I am making available at this time, sir, to Defense Counsel a photographic reproduction, the only one we have, and which came to us from ATIS, of the original document. They will have the use of that until such time as we can substitute for it another photographic or photostatic copy.

That is all of this witness, sir.

GENERAL REYNOLDS: Very well. Any cross examination?

CAPTAIN SANDBERG: No questions.

GENERAL REYNOLDS: The witness is dismissed.

(Witness excused.)

MAJOR KERR: Mark this for identification, please.

(Certified copy of report to Col. Munson dated 5 November 1945 from Lt. Gen. S. Arisue, IJA Chairman, was marked Prosecution Exhibit No. 399 for identification.)

MAJOR KERR: Sir, at this time the Prosecution offers in evidence a document which has been marked for identification as Prosecution Exhibit 399. This is a certified copy of the report to Colonel Munson, General Staff Corps, G-2, by or on behalf of the Liaison Committee for the Imperial Japanese Army and Navy, on the subject of placing Naval units in the Philippines under the command of General Yamashita. It is dated 5 November 1945.

I have here the original of that document signed by Lieutenant General Arisue, Imperial Japanese Army, as Chairman of the Liaison Committee for the Imperial Japanese Army and Navy. If the Commission desires to compare the original with the certified copy which we offer in evidence, it is available for that purpose.

Now I shall read this document. It is headed "Liaison Committee for the Imperial Japanese Army and Navy, 5 November 1945, S3I2". It is addressed to Colonel Munson, General Staff Corps, G-2. The subject is "Placing Naval units in the Philippines under the command of General YAMASHITA".

"1. The Liaison Committee (Tokio) of the Imperial Japanese Army and Navy and the armed forces of the Supreme Commander for the Allied Powers.

"2. The undersigned, Lieutenant General, S. Arisue, IJA, is the Chairman of the Liaison Committee (Tokyo) of the Imperial Japanese Army and Navy.

"3. A request has been received by the Liaison Committee through the office of Colonel Munson, GSC, G-2, for the original Japanese records answering the two following questions: 1. Did General YAMASHITA, Tomoyuki, command all Navy forces in Manila during January and February, 1942? 2. Did YAMASHITA'S command extend to actual control over Navy Forces in land action after commencement of hostilities in or near Manila? That the request for the answers to the two said questions in the event that the original Japanese records were unavailable.

"4. A search for original Japanese documents which might have borne on the two said questions has been made but none have been found. Many original Japanese records were destroyed prior to the cessation of hostilities.

"5. To the best of the knowledge and belief of the Liaison Committee the answer to the first question is, while not all of the Navy personnel on the land throughout the Philippines was under the command of General YAMASHITA during January and February, 1945, the Navy personnel on the land in the city of Manila during January and February, 1945, was under the command of General YAMASHITA.

"6. The answer to the second question is not known. It is known that General YAMASHITA was in or around Baguio during January and February, 1945, and that if there was any communication between him and the Japanese forces in or near the city of Manila during the period in question the communication was very poor.

"/s/ S. Arisue  
/t/ S. Arisue,  
Lieutenant General, IJA  
Chairman "

The proposed exhibit is a certified true copy by  
William N. Calyer, Captain, JAGD.

GENERAL REYNOLDS: Comment by the Defense?

CAPTAIN SANDBERG: No, sir. No objection.

GENERAL REYNOLDS: General Donovan points out that in reading Paragraph 3 of the communication the Prosecution read 1942, instead of 1945. If that is the case, it should be corrected.

The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 399 for identification was received in evidence.)

(A document entitled "IMPERIAL JAPANESE GOVERNMENT," etc., "C.L.O. No. 403, 29 October 1945," was marked Prosecution Exhibit No. 400 for identification.)

MAJOR KERR: At this time, sir, the Prosecution offers in evidence a document marked for identification as Prosecution's Exhibit No. 400, which reads as follows:

"IMPERIAL JAPANESE GOVERNMENT

"TO : OFFICE OF THE SUPREME COMMANDER FOR  
THE ALLIED POWERS

"FROM : Central Liaison Office, Tokyo

"SUBJECT : Command Exercised by General Tomoyuki  
Yamashita During the Period from 1  
December 1941 to 2 September 1945.

"C.L.O. No. 403 29 October 1945

"Referring to the Memorandum, AG000.s

(19 Oct 45) LS, dated 19 October, on the above subject the Office of the Supreme Commander for the Allied Powers is requested kindly to note that the reply thereto will be submitted direct by the Tokyo Liaison Committee of the Army and the Navy.

"For the President,

"S. Iguchi

"Director of General Affairs  
Central Liaison Office"

It is certified a true copy by William N. Calyer,  
Captain, Judge Advocate General's Office.

This, sir, simply establishes the basis for the previous communication which is in evidence as Exhibit No. 399.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No. 400 for identification was received in evidence and so marked.)

MAJOR KERR: If the Commission pleases, it is with mixed feelings that I now state to the Commission that the witnesses for one case, No. 118, being murders in Baguio City, Mindanao Island, have just reached Manila tonight. They were sent for a week ago last Friday by plane, and up until a few moments ago I had understood that the plane had crashed with the party of the Provost Marshal and the Base X major who had been sent for them, so that it was not feasible or practical to attempt to send another party down for them and bring them in, and I had given up all hope of presenting the case. However, just before the motion picture began, before this evening's session began, I was informed that those witnesses had arrived and are in the City now.

That case happens to be an important case; it is representative of the cases in Davao City, or, more particularly, on Mindanao Island. There are five witnesses. We

believe we can put the case in in one hour.

Therefore, I should like to beg the indulgence of the Commission, under the circumstances, and ask that we be permitted to present that as our last evidence tomorrow morning.

GENERAL REYNOLDS: The Commission inquires whether the Prosecution will be ready at the usual time of the convening of the Commission, or, in view of the late arrival of the witnesses, you request a later hour?

MAJOR KERR: No, sir; the usual hour of 8:30 in the morning will be satisfactory.

GENERAL REYNOLDS: The Commission will recess until 8:30 tomorrow morning.

(Whereupon, at 2135 hours, 19 November 1945, the trial was adjourned until 0830 hours, 20 November 1945.)