

Yamashita, Tomoyuki, 1885-1946, defendant
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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, Leyte, 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 niece 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 them?

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 McLamore 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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