

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA)

-vs-)

TOMOYUKI YAMASHITA)
-----)

PUBLIC TRIAL

High Commissioner's Residence
Manila P. I.
26 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>
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P R O C E E D I N G S

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

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

At the end of the last session, sir, the Commission requested that General Kou be brought before the Commission the first thing this morning as a Commission witness. Does the Commission desire that it question General Kou?

GENERAL REYNOLDS: The Commission desires that General Kou be brought in, sworn, warned as were other Japanese witnesses introduced by the Prosecution. It desires the Prosecution to question the witness along the lines already discussed. That is to say, we wish to determine the extent of the actual inspections made by General Kou; whether he actually saw the food placed on the tables for prisoners of war and civilian internees, because that is the only place that the food would do any good. We want to know how long, how thoroughly he conducted these inspections when he visited the prisoner-of-war camp or civilian-internee camp. We want to know whether he made any allowance in increasing ration component to prisoners and civilian internees to compensate for the amount of food products which the Japanese soldier gained by confiscation of civilian products. We want also to know whether he was informed of the numerous written protests which were put into the camp commanders and what action, if any, he took upon them.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: With that guide the Prosecution will query the witness.

SHIYOKU KOU

called as a witness on behalf of the Commission, having been first duly sworn through Interpreter Technical Sergeant Joshi Joe Yorioka, was examined and testified as follows through Interpreter Yorioka, assisted by Major Pratt and Lieutenant Asano:

EXAMINATION BY THE PROSECUTION

CAPTAIN HILL: You desire his name and identify established before we warn him?

GENERAL REYNOLDS: Surely.

Q (By Captain Hill) Will you please state your name to the Commission?

A (Through Interpreter Yorioka) Kou, Shiyoku.

CAPTAIN HILL: Will you ask him to spell his last name for the reporter? He tells me that there is some question about the spelling.

(Translated by Interpreter Yorioka)

THE WITNESS: Kou, K-o-u; Shiyoku, S-h-i-y-o-k-u.

CAPTAIN HILL: For the record, would the English spelling of his last name be K-o-h?

INTERPRETER YORIOKA: No; no, sir.

CAPTAIN HILL: What is the spelling of his last name?

MAJOR PRATT: K-o-u. That is the way he spells it.

CAPTAIN HILL: Very well.

Q (By Captain Hill) Did you formerly occupy some position in the Imperial Japanese armed forces?

A Yes.

Q What position was that?

A About when is that?

CAPTAIN HILL: Was he an officer in the Japanese Army prior to September of this year?

(Translated by Interpreter Yorioka)

THE WITNESS: Is this September of last year?

Q (By Captain Hill) Up until September of 1945.

A Yes. I am a member of the Japanese Army.

Q And what rank do you hold in the Japanese Army?

A Lieutenant General of the Army.

Q Are you now held in custody by the United States Army?

A Yes.

Q Where?

A Camp 1 in the vicinity of Canlubang.

Q Are you a prisoner of war of the United States?

A Yes.

Q Do you understand that you are now testifying in the trial of General Yamashita before a United States Army Military Commission?

A Yes.

Q And that you have been called by that Commission to testify as its witness and not as a witness for either the Prosecution or Defense?

A Yes.

Q And that you do not have to testify before this Commission unless you so desire on any matters which might incriminate you in any way?

INTERPRETER YORIOKA: Will you repeat the question, please?

(Question read)

A (Through Interpreter Yorioka) I heard it through the interpreter, so I do know.

Q (By Captain Hill) Are you willing to testify about all matters before this Commission?

A Yes, I will.

CAPTAIN HILL: Are there any further questions along that line?

GENERAL REYNOLDS: Go ahead.

Q (By Captain Hill) During the period from October 1944 until about the first part of March 1945 what position did you hold in the Japanese armed forces relative to prisoners of war?

A Until December 30, 1944 I was in charge of the prisoner-of-war camps and internment camps. From December 30, 1944 'til January 6, 1945 I was the head of the line of communications, and after January 6th the prisoner-of-war camps became outside my responsibility.

CAPTAIN HILL: What was the last? I didn't hear.

INTERPRETER YORIOKA: "outside my command".

Q (By Captain Hill) Then from the 1st of October of '44 until January 6th you had command of the prisoner-of-war camps and civilian-internee camps in the Philippine Islands?

A Yes.

Q And during that period of time did you visit or inspect any of the prisoner-of-war camps or civilian-internment camps in the Philippine Islands?

A Yes, I have.

Q During that period of time how many prisoner-of-war

camps and civilian-internment camps were maintained here in the Philippines by the Japanese?

A There were two prisoner-of-war camps and three civilian-internment camps.

Q Where were the two prisoner-of-war camps located?

A One was at Cabanatuan and the second was at Old Bilibid in Manila.

Q During that period of time were any prisoners of war kept at Fort McKinley?

A From the latter part of November to the early part of January there were some.

Q How many prisoners of war were kept at Fort McKinley during that time?

A 300.

Q Were these American prisoners of war?

A Yes.

Q And how many prisoners of war were kept during the period of time that you have testified about at Cabanatuan?

A The number at Cabanatuan has varied, but after December it has been about 500.

Q How many civilian internees were kept at Los Banos Internment Camp?

A About 2,500.

CAPTAIN HILL: What was the answer?

INTERPRETER YORIOKA: About 2,500.

Q (By Captain Hill) And how many civilians were interned at Santo Tomas Internment Camp during that time?

A About 4,000.

Q And how many American prisoners of war were kept at

Old Bilibid Prison during that period of time?

A These prisoners were transferred from Baguio in the latter part of December and the number was about 470.

Q Prior to December had a camp been maintained at Baguio?

A Yes.

Q And was that camp closed in December 1944?

A It closed on December 29th.

Q And had this camp been an internment camp for civilians or a prisoner-of-war camp?

INTERPRETER YORIOKA: Read the question.

(Question read)

A It was a detention camp for noncombatants.

Q (By Captain Hill) During the period from October 9th until you left Manila did you visit or inspect these camps?

A Yes.

Q Which camps during that period of time did you visit?

A Old Bilibid; Santo Tomas; Los Banos; Sakura Camp at Fort McKinley, and Cabanatuan.

CAPTAIN HILL: I didn't get that last answer.

INTERPRETER YORIOKA: Cabanatuan.

Q (By Captain Hill) How many times during this period did you visit Cabanatuan P.W. Camp?

A I went once in October and that is all.

Q What time in October?

A It was around the middle part of October, but I do not --

INTERPRETER YORIOKA: Strike that, please.

A (Through Interpreter Yorioka) It was in the early part of October. I do not remember the exact date.

Q (By Captain Hill) And will you tell the Commission

the condition of the camp as you saw it on that visit?

A At that time there were about 2000 P.W.'s at this camp. The majority of the prisoners of war were working in adjacent farms -- strike that answer.

Most of the P.W.'s were working in P.W. gardens adjacent to the camp. In comparison with Old Bilibid and Santo Tomas the food situation was better.

Q Were you in the camp at this time during a meal given to the prisoners?

A Yes.

Q And did you go into their dining room to inspect the food that they received?

A Yes.

Q Can you tell the Commission the quantity of food that each of the PW's received at that meal?

A There is 500 grams of rice and plenty of vegetables and some meat.

Q How do you arrive at the figure of 500 grams of rice that each received?

A I asked the camp commander, and from what I observed myself it was quite a bit more than what we received in Manila.

Q Was this 500 grams of rice for one meal?

A That was for the whole day.

Q Well, I asked you to tell the Commission about the particular meal that you saw served to the prisoners of war there.

A For breakfast it was 150 grams of rice, for noon 175 grams, and for supper 175 grams.

Q Did you see all three meals served to the PW's that day?

A What I saw was the noon meal.

Q Tell the Commission what you saw served to the PW's at that noon meal.

A The meal consisted of rice curry with some kind of sauce on it, and the vegetable was cooked, and there were

some potatoes and there was some meat also.

Q Was that the only meal that you saw served to the PW's at Cabanatuan during that time?

A Yes.

Q Did you observe the physical condition of the prisoners of war at Cabanatuan on that visit?

A Yes.

Q Tell the Commission what the physical condition of those men was.

A There were 20 patients in the hospital, and the others had good comforts and were seen well-fed, and their conditions were good.

Q What time of the day did you get to the Cabanatuan camp on that trip?

A I arrived around 11 A.M.

Q And how long did you stay there at the camp that day?

A I stayed there all day and stayed overnight, and returned the next day.

Q While you were there did you talk with any of the prisoners of war?

A Yes, I did.

Q Did any of them protest to you the conditions there at the camp?

A There were no dissents -- strike that. There were no particular complaints.

Q Did any of them make any complaints to you about the food at the camp?

A There were none.

Q Did any of them complain to you about the beatings.

and tortures that had taken place at Cabanatuan camp?

A No.

Q Did you ever know of any beatings or tortures that took place at Cabanatuan camp during that time?

A What kind of mistreatment?

Q Any kind of mistreatment towards the prisoners of war there.

A I do not believe there were any.

Q Did you observe the clothing that was worn by the prisoners of war while you were in the camp on that visit?

A Yes, I did.

Q Will you tell the Commission about the condition of the clothing of the prisoners of war?

A Among the laborers working outdoors there were some without shirts on, but all of them had pants on; and, as I observed the clothing alongside the rest, they all seemed to have sufficient clothing.

Q During the period of time we have talked about, do you know whether any clothing was furnished to the prisoners of war at Cabanatuan by the Japanese army?

A When necessary, clothing had been supplied.

Q On this visit, did you observe the sanitary conditions of the camp?

A Yes, I have, and it is as I mentioned already.

CAPTAIN HILL: What was the answer?

(Answer read)

Q (By Captain Hill) Tell the Commission what you observed about the sanitary conditions in the camp.

A The condition in general was quite good, and the

hospital was well equipped and the patients seemed well taken care of, due to the efficiency of American medical officers, and there was sufficient medical supplies.

CAPTAIN HILL: Is there anything else the Commission desires me to inquire about Cabanatuan at this time?

GENERAL REYNOLDS: We would like to have you determine how much advance notice was given the camp commander in Cabanatuan as to the arrival of this witness for inspection purposes.

Q (By Captain Hill) Did you notify the commanding officer at Cabanatuan that you were going to visit the camp on this occasion?

A I did not notify him.

Q Did anyone else notify him for you?

A I don't believe anybody notified him.

CAPTAIN HILL: Anything further, sir?

GENERAL REYNOLDS: You may proceed to Santo Tomas.

Q (By Captain Hill) How many times between October 1, 1944, and January 6, 1945, did you visit Santo Tomas Internment Camp?

A I went frequently, but I do not remember the exact number of times.

Q How frequently during that period did you visit Santo Tomas?

A I do not remember the exact number.

Q Did you visit it once a week, once a month, or about how often?

A The average number of visits were either once a week or once in 10 days.

Q And that is the average of your visits during the period we have referred to, from October 1, 1944 until January 6, 1945?

A Yes.

Q Did you have occasion to be at Santo Tomas Camp at any time when they were feeding the internees there?

A Yes, I saw them being fed.

Q On how many occasions?

A After October, I believe it was around -- it was about three times.

Q And can you give us about the dates when you saw the internees fed at Santo Tomas?

A I have forgotten the exact dates, but I remember it as the early part of October, the early part of November, and the middle part of December.

Q Tell the Commission what food you saw being fed to the individual prisoners at Santo Tomas on your visit in October.

A The menu for the healthy person was rice curry with some sort of sauce on it, with four or five pieces of meat and a few vegetables, and one banana for fruit.

Q Tell the Commission about the quantity of food that you saw being served to the individual internees at Santo Tomas in November of 1944.

GENERAL REYNOLDS: Let us go back to October --

MAJOR PRATT: Sir, the witness is not through speaking.

GENERAL REYNOLDS: We will let him go ahead in a moment.

We recall that there are two weaknesses alleged to have occurred with respect to food: quantity and quality. He has stated "four or five pieces of meat" with the rice. We would like to know whether that was four or five pieces for all of the internees, or four or five pieces per person, and the size of those pieces.

CAPTAIN HILL: Yes, sir.

Was there a correction on the interpretation?

MAJOR PRATT: No; the prisoner had more to say.

CAPTAIN HILL: I will withdraw that last question and let him complete his answer, then.

GENERAL REYNOLDS: Very well.

A (Through Interpreter Yorioka, continuing) The menu for the children was a little rice with vegetables and eggs and candy. This was the noon meal that I observed.

The menu for the patients was rice gruel and milk and fruit. That is all.

CAPTAIN REEL: Now, may we have that whole answer read back?

(The portion of the record referred to was read by the reporter as follows:

"Q Tell the Commission what food you saw being fed to the individual prisoners at Santo Tomas on your visit in October.

"A The menu for the healthy person was rice curry with some sort of sauce on it, with four or five pieces of meat and a few vegetables, and one banana for fruit. The menu for the children was a little rice with vegetables and eggs and candy. This was the noon meal that I observed.

The menu for the patients was rice gruel and milk and fruit. That is all.")

Q (By Captain Hill) You have referred to four or five pieces of meat in your answer, and do you mean to tell the Commission that each of the internees received four or five pieces of meat at that meal?

A Meat was not allotted at each day, but around October I believe there was around three times a week.

CAPTAIN HILL: Well, I move that the answer be stricken and ask that the question be read to him again. The answer was not responsive.

GENERAL REYNOLDS: The answer will be stricken from the record, and the witness required to answer the question as stated.

(Question read)

A I remember it as two pieces.

Q (By Captain Hill) That each of the internees received at that meal two pieces of meat?

A Yes.

CAPTAIN HILL: As to this particular meal, sir, are there any other questions?

GENERAL REYNOLDS: You might inquire as to the size of those pieces of meat.

Q (By Captain Hill) Tell the Commission the average size of the pieces of meat that you saw served to the internees at Santo Tomas.

A I remember it as being about three centimeters long and about two centimeters wide.

Q Can you tell the Commission what kind of meat it was that you saw there?

A It was beef.

Q At the time of your visit to Santo Tomas in October were the internees permitted to make purchases from the outside of food supplies?

A There was a canteen at Santo Tomas and the internees were buying their daily necessities and food, and occasionally their friends and their families outside would bring in food supplies and these were forwarded to them.

Q Were the internees during that period of time permitted to purchase food supplies from Filipinos outside of the camp?

A What the internees bought directly was from the canteen inside the internment camp.

Q And can you tell the Commission the items which they were able to buy from the canteen that you have spoken about?

A I remember the items as being vegetables, fruits, eggs, tobacco, tooth brushes, tooth paste and paper.

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

(Short recess.)

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

(The following answers of the witness were given through Interpreter Lieutenant Asano.)

Q (By Captain Hill) On this visit to Santo Tomas, did you have occasion to talk with any of the internees

at the camp?

A Yes.

Q How many of the internees did you talk to there on that occasion?

A One.

Q Do you know the name of that internee?

A I do not remember his name.

Q And did that internee complain to you about the conditions there in the camp?

A After October I received complaints regarding food, shortages of food.

Q On that occasion did you receive any complaints from the internees about the food situation, I mean on your October visit?

A He spoke to me about shortages of food.

Q Did you observe any of the internees there on that occasion as to their physical condition?

A Yes.

Q And did they look to you as if they were under-fed?

A No.

Q Did you have occasion in October to go into the kitchen where the Japanese guards and soldiers were eating or food being prepared for them?

A Yes.

Q And were the Japanese guards and soldiers receiving the same food as the internees?

A The amount was the same, but it was prepared differently.

Q Then on your next visit in November, 1944, to Santo

Tomas, did you have occasion to observe the food that was being fed to the internees?

A Yes.

Q And how did the food at that time compare with what you had seen in October?

A There were lesser quantities of rice compared to that of October.

Q What about the meat and vegetables that they were receiving in November?

A There was less meat, but there was the same amount of vegetables.

Q And on this visit did you observe the physical condition of the internees in the camp?

A Yes.

Q And how did their condition in November compare with that in October?

A In comparison to the time before October, some of the inmates were a little thinner. However, I didn't consider it detrimental to health.

Q Did you learn of any deaths among the internees at Santo Tomas during November that were caused by malnutrition or starvation?

A No.

Q Did you learn of any deaths at Cabanatuan P. W. camp between October 1st, 1944, and January 6th, 1945, that were caused by malnutrition or starvation?

A I did not receive such report, and I believe such a thing did not happen there.

Q Now, in the middle of December when you visited Santo Tomas, tell the Commission about the quantity of

food that you saw being served to the individual internees.

A The amount was about the same as that of October -- November, and the amount of rice was 300 grams per day. However, at times it was reduced to 250 grams per person per day. Vegetables and other foods were about the same as that of November. What I have mentioned is as in regards to the food supply by the army. However, the internees were able to buy food at the canteen and some of them built a small fireplace and cooked their own food.

Q And in December, 1944, when you visited Santo Tomas --

LIEUTENANT ASANO: He hasn't finished yet.

THE WITNESS: As I have mentioned before, there were considerable donations of food from the families outside and friends outside, and I believe that helped considerably.

Q (By Captain Hill) In December, 1944, when you visited the Santo Tomas camp, the internees were able then to procure food from the outside from their relatives and friends and from the canteen, is that correct?

A Yes.

Q Did you ever, or did any Japanese officer under you issue an order prohibiting the internees from purchasing food supplies from the outside?

A I did not prohibit any purchase from the outside if it went through channels.

Q What do you mean through channels?

A Commodities were sold by the instructions and super-

vision of the local camp commander in the canteen and the donations from relatives and friends had to go through the local commander's office.

At times there were occasions where relatives and friends outside would toss a bundle of food, tobacco and candy over the fence into the compound. However, we prohibited that.

Q But at all times while you were the prisoner of war commander the internees at Santo Tomas were permitted to supplement their army rations by purchases from the outside?

A As I have mentioned before, one had to go through proper channels to purchase food from the outside. However, one could obtain food directly from the canteen and friends and relatives outside.

Q Where were your headquarters in Manila at the time you were prisoner of war commander?

A The Far Eastern University.

Q Is that close to the Santo Tomas internment camp?

A Yes.

Q And is that close to Old Bilibid Prison?

A Yes.

Q Did you ever see any Red Cross parcels distributed to either Santo Tomas or Bilibid Prison?

A The Red Cross parcels arrived here before I took over the command, and during my inspection tour I have mentioned, or it has been mentioned about the fact that certain items and commodities were from the Red Cross parcels which were in the internees' bunk area.

Q Were any Red Cross parcels distributed to the internees while you were the commanding general?

A No. It did not come.

Q During the time you were commanding general of the prisoner of war camps and internee camps, did you ever have any Red Cross supplies stored in your office or in the rooms adjacent to your office?

A No.

Q When did you visit the Bilibid prisoner of war camp?

GENERAL REYNOLDS: Before you proceed to Old Bilibid, inquire from the witness as to his knowledge of the investigation and subsequent execution of Mr. Carol Grinnell, Mr. Alfred F. Duggleby, Mr. Clifford Larson and Mr. E. C. Johnson, who were American civilian internees at Santo Tomas.

CAPTAIN HILL: Withdraw the question.

Q (By Captain Hill) Was a protest or a notice ever given to you relative to the internees Duggleby, Johnson, Grinnell and Larson from the Santo Tomas internment camp?

LIEUTENANT ASANO: Read the question, please?

(Question read.)

THE WITNESS: No, I haven't.

Q (By Captain Hill) Did you know anything about these four internees being taken out of the Santo Tomas camp and being executed by the Japanese?

A All I know regarding them is that in late December they were taken by the Kempei Tai, or the Japanese M. P.'s, and that is all I know.

Q When did you learn that these four men had been

taken?

A I learned of this when I heard this from the local commander.

Q When was that?

A I believe it was the 30th of December.

Q Did you learn what had become of these four men at that time?

A At that time all I knew was that those four were taken to the Kempei Tai headquarters, and I was -- I didn't know anything regarding them and I thought it was just for investigational purposes and there would be a notice regarding them later on.

Q Did you make any attempt to find out about the cases of these four men?

A I have no authority to do so and there was no report regarding the investigation, so I did not make any effort.

Q Did you later learn what happened to these four men?

A No.

Q At the time these four men were taken you were the Commanding General of the prisoner-of-war and internee camps, were you not?

A Yes. Up to December 30th and up to the date that I received this report I was the Commanding Officer.

Q And these four internees were under your command, were they not?

A Yes.

Q And wasn't it some concern of yours, as to what happened to them?

A Among the four that were taken for investigation Mr. Grinnell was the chairman of the committee at Santo Tomas and he was such a person of trust that I didn't believe anything bad could come of this investigation and I awaited for a report. According to what the M.P.'s said, there was a matter of suspect regarding communication with American force and I inquired further but the M.P.'s would not furnish me with any more information regarding the matter. The arrest took place on the 30th of December 1944 and on the 6th of this year, January I was relieved of command and I went to Bamban. Therefore I do not know what became of the matter and I could not do anything about it.

CAPTAIN HILL: Does the Commission desire any further questions in this regard?

GENERAL REYNOLDS: Yes. Inquire of the witness whether camp commanders, such as the camp commander at Santo Tomas, had authority to put executions into effect.

Q (By Captain Hill) Did the various camp commanders at Santo Tomas and the commanders at the various internment camps have authority to arrest and take into custody the P.W.'s and the internees under him?

MAJOR PRATT: Sir, may we ask a question on this?

GENERAL REYNOLDS: Yes.

MAJOR PRATT: These people are in prison already. What is the exact meaning of "arrest" and "take them into custody"?

CAPTAIN HILL: They are not imprisoned. They are within the camp but still they have a status of being taken into custody. I can rephrase the question.

GENERAL REYNOLDS: What we really want to know is the power of the camp commander to direct or authorize execution of American prisoners of war and civilian internees.

CAPTAIN HILL: I will withdraw the other question.

Q (By Captain Hill) Did the internee-camp or prisoner-of-war camp commanders have authority to order the execution of internees and P.W.'s within their command?

A No.

GENERAL REYNOLDS: Inquire, then, if the witness had such authority.

Q (By Captain Hill) Did you have the authority to order the execution of prisoners of war and internees within your command?

A No.

GENERAL REYNOLDS: Who did have the authority?

Q (By Captain Hill) Who did have within the Japanese Army the authority to order the execution of prisoners of war and internees?

A The ones that were executed had to commit a serious crime before that took place and he had to appear before a military court and be tried by a military court, and there he received his sentence, the death penalty or whatever the penalty was.

Q Then was it the Japanese military court that ordered the execution of a P.W. or internee in such instances?

A Yes. The military court gave the decision and the execution was also carried out by the military court.

GENERAL REYNOLDS: We will wish to know whether these executions could be carried into effect by order of the court or whether their acts had to be approved by some higher authority; for example, General Yamashita's headquarters or the War Ministry in Tokyo.

CAPTAIN HILL: Yes.

Q (By Captain Hill) When a prisoner of war or internee was sentenced to death was it necessary that that sentence be passed upon by someone higher in command before it was carried out?

A I received notice regarding the decisions from the military court and I believe that the notification was sent to the higher-ups, but I am not very well versed with this matter.

Q Do you know whether it was necessary for General Yamashita to pass upon these sentences of death before they were carried out?

A I do not know.

Q Do you know whether it was necessary for the Imperial government in Tokyo to pass upon these sentences of death of

prisoners of war or internees?

A I don't know what takes place in Tokyo, but probably they did review the situation.

CAPTAIN HILL: Anything else?

GENERAL REYNOLDS: One further question at least. Inquire of the witness the extent of his knowledge of the requirements of the Geneva Convention with respect to the execution of prisoners of war or civilian internees. That is to say, has he informed himself as the Japanese commander in charge of these camps of the requirements of the Geneva Convention which his government has agreed to abide by.

CAPTAIN HILL: Yes, sir.

Q (By Captain Hill) While you were commanding general of the prisoner-of-war and internee camps did you inform yourself as to the contents of the Geneva Convention with reference to the rights of prisoners of war and civilian internees?

A Yes, I have studied the matter.

Q And did you as commanding general of the prisoner-of-war and internee camps follow and comply with the provisions of the Geneva Convention?

A I followed the instructions from Tokyo and from the Army regarding the operations of these camps. I knew of the contents of the Geneva Convention. However, I did not have the authority to carry out what was written in the treaty.

Q Were the camps under your command administered in conformity with the Geneva Convention?

A No. The administration of the P.W. camps and in-

ternment camps were run according to the order received from Tokyo and from the Army.

Q And those orders received from Tokyo and from the Army were not in conformity with the Geneva Convention rules; is that correct?

A In general they were the same.

Q In what respects did they differ?

A First the difference was that, according to the Geneva Convention, it was the responsibility of the commanding officer of the P. W. camp to establish the P. W. compound wherever labor was required, and administer the camp. However, according to the instructions from the Army, whenever requisition was made from some other unit for the P. W. labor, the complete responsibility automatically rested with individual unit commanders who requisitioned labor of the P. W.'s.

Q Were there any other differences?

A I believe there were a few other differences, but I do not remember.

Q Did you know that the internees at Santo Tomas had elected an internee committee, pursuant to the Geneva Convention?

A Yes, I do know.

Q And did you recognize that committee as the official representatives of the internees?

A Yes.

Q Did you ever receive any protests from that committee?

A No, I haven't. I did not receive any complaints directly from the committee. However, I received reports

from the local commander.

Q Do you know whether that internee committee ever made protests under the Geneva Convention?

A For who?

Q Did they ever make protests as to the conditions at Santo Tomas being in violation of the Geneva Convention?

A I would like to know pertaining to what matter the complaint was made.

Q Did you ever receive any protests from the internee committee at Santo Tomas, relative to the lack of sufficient food?

A I did not receive complaints directly. However, I heard regarding the reports from the local commander, and I have spoken to some internees and I have seen the actual shortage of food with my own eyes.

GENERAL REYNOLDS: We will recess for ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Prosecution may proceed.

CAPTAIN HILL: May we have the last question and answer read?

(Question and answer read.)

(The following answers of the witness were given through Interpreter Yajima.)

Q (By Captain Hill) Do you know what happened to the written protests made by the internees' committee at Santo Tomas?

A There were no such protests made directly to me. I heard this from the local unit commander.

Q Then you have no personal knowledge of the written protests made by the internees' committee at Santo Tomas?

A I only heard from the local unit commanders regarding

those protests.

Q Do you know what the local unit commander did with those written protests?

A I remember.

Q What did he do with the written protests?

A I believe they are kept by the local unit commander.

Q Was that in accordance with the provisions of the Geneva Convention?

A They are made with the Geneva Convention as a base. They are made with the Geneva Convention as a -- as a base.

Q Under the Geneva Convention, did the local unit commander, or camp commander, have a right to keep these protests?

A Protests from the internees are forwarded to the local camp commander.

CAPTAIN HILL: Read the question back to him, please.

(Question read.)

A I do not remember.

CAPTAIN HILL: Does the Commission desire any further questions in this regard?

GENERAL REYNOLDS: The Commission recalls the testimony of an American citizen who was a doctor of medicine; that in filling out the form which was required for all individuals who died while interned, they made entries of cause of death as "starvation" and "malnutrition." We would like to know if such reports showing the cause of death came to his attention, and we would like to know what the witness would say about orders to the American doctors of medicine to discontinue using "starvation" or

"malnutrition" as a cause of death.

CAPTAIN HILL: Yes, sir.

Q (By Captain Hill) Did you receive reports from the camp commander at Santo Tomas as to the number of deaths occurring among the internees?

A Do you mean deaths due to sickness?

Q Deaths due to any causes.

A In case of deaths, there are reports made by the local camp commander.

Q And were these reports made regularly to you by the camp commander?

A Yes, sir.

Q How often were these reports made to you as to the deaths of internees?

A Every month.

Q And did these reports show the causes of death among the internees?

A Yes.

Q Did any of these reports that you received show, as causes of death, "malnutrition" or "starvation"?

A No.

Q Did you ever receive copies of the death certificates signed by the doctors, showing the causes of death of the internees?

A No.

Q Did you know of any instances where the doctors at Santo Tomas Camp had given upon the death certificate, as causes of death, "malnutrition" or "starvation"?

MAJOR PRATT: That is United States doctors, isn't

it?

CAPTAIN HILL: That is right.

A (Through Interpreter Yajima) No.

GENERAL REYNOLDS: Proceed next to Old Bilibid Prison, but we will wish to restrict the inquiry of that locality to the testimony given by one witness that the food situation became so bad that they were forced, in order to live, to eat rats, cats, dogs, and garbage from Japanese kitchens.

CAPTAIN HILL: What period was that, sir, if you recall?

GENERAL REYNOLDS: It was after October.

CAPTAIN HILL: Yes, sir.

Q (By Captain Hill) Between October 9 and January 6 of '45, did you have occasion to visit Bilibid Prisoner of War Camp?

GENERAL REYNOLDS: That is Old Bilibid.

Q (By Captain Hill) The Old Bilibid Prisoner of War Camp?

A Yes.

Q On how many occasions?

A Once -- on the average, once every week or ten days.

Q And did those visits continue up until January 6th?

A Yes.

Q Did you have occasion, on any of those visits, to observe the food that the prisoners of war were receiving?

A Yes.

Q On how many different occasions did you observe the food that was being given to the prisoners of war there?

A Four times after October.

Q When was the first time?

A The beginning of October.

Q Tell the Commission the food situation at Old Bilibid in the first of October, when you visited that camp.

A 400 grams of rice. As to the vegetables, I do not remember, but they had sufficient amounts. Meats were given three times a week. That is all.

Q Did you observe the physical condition of the prisoners of war in October of 1944, at Old Bilibid Prison?

A Yes.

Q What was that physical condition?

A The majority of those prisoners were hospital patients, but to my knowledge the general physical conditions were satisfactory.

Q When was the second visit that you made to Old Bilibid Prison during this period?

A I remember it as the middle of October, but I do not remember the exact date.

Q Had the food condition there in the camp changed any since your first visit?

A It was same as my first visit.

Q When did you visit Old Bilibid Prison the third time?

A The end of October.

Q And had the food condition at that time changed from the condition of your previous visits?

A They were the same as my previous visits.

Q What was the date of your fourth visit to that camp?

A Beginning of November.

Q And had the food condition at that time changed from what it was at the time of your first three visits?

A The rice received were 300 grams, but the rest were the same.

Q And what about the physical condition of the prisoners of war; had that changed?

A I did not notice any change.

Q And did you visit Old Bilibid during December of '44 or January of '45?

A Yes.

Q When was your visit in December of '44?

A I went several times, about three or four times.

Q When was your first visit in December?

A I do not remember the exact date, but I believe it was the beginning of December.

Q What was the food situation there at that time?

A The same as in November.

Q What was the physical condition of the prisoners of war at that time?

A The same.

Q Later in December, you visited the camp and did you find any change in the food situation there?

INTERPRETER YAJIMA: Do you mean the last time he visited in December?

CAPTAIN HILL: Any time later on during the month of December.

THE WITNESS: Toward the end of December we were not able to distribute 300 grams of rice, and they were reduced

to 250 grams.

Q (By Captain Hill) Did you notice any change in the physical condition of the prisoners of war during the latter part of December, 1944?

A I did not notice anything unfavorable.

Q Did you visit the Old Bilibid prisoner of war camp in January of 1945?

A No.

Q Then your last visit to Old Bilibid was the latter part of December, 1944, is that correct?

A Yes.

Q And at that time you did not notice the starving condition of the prisoners of war there?

A That is right.

Q Did you ever know of any of the American prisoners of war at Bilibid Prison that were forced to eat Japanese garbage and eat rats or other rodents?

A I don't know.

GENERAL REYNOLDS: The Commission recalls an episode where American military prisoners of war were moved from Cabanatuan to Old Bilibid Prison and subsequently aboard the ORYOKU MARU, a ship, which was loaded with American prisoners of war and Japanese passengers. Subsequently, it was bombed by American aviation and beached or sunk near the shore of Subic Bay.

There are three elements to this episode which we wish you to explore. The first element is the inspection, if any, which was made by the witness or his representatives prior to the loading of American prison-

ers of war or subsequent thereto to determine the facilities aboardship.

This should include the adequacy of space, the sanitary provisions, messing and hospitalization facilities.

We will then wish to have you inquire as to the situation after the few survivors reached the shore at Subic Bay. The Commission recalls they were placed on a tennis court for a considerable period of time without food or water or extremely limited food or water.

We would like to know how the witness handled that situation.

The third thing we wish you to inquire into is the responsibility which he had or General Yamashita had or any commander of the Japanese armed forces in the Philippine Islands had with respect to sea transportation of prisoners of war.

You may proceed.

Q (By Captain Hill) Do you recall during the months of January, 1944, when a shipload of prisoners of war was shipped from Manila on the ORYOKU MARU?

Well, I believe it was on December 13th.

INTERPRETER YAJIMA: Will you please read the question?

(By Captain Hill) Let me withdraw the first part of that question so that it reads on December 13th.

THE WITNESS: I know.

Q (By Captain Hill) Do you know how many prisoners, American prisoners of war were put aboard that ship at

Manila?

A Approximately 1300.

Q And do you know how they were taken Bilibid Prison to board this ship?

A They walked. I now recall that some of them were taken by trucks.

Q Isn't it true that most of them were forced to march from Bilibid Prison to the docks?

A I don't think they were forced to march.

Q Well, did they march?

A The majority of them marched.

Q And were these prisoners at that time under your control?

A Yes.

Q And did you go to the dock to see this ship take off for Japan?

A I was there when the prisoners were on the ship.

Q And will you tell the Commission about the conditions on the ship where these American prisoners of war were loaded?

A The rooms that were given to the prisoners were too small, also I noticed that they were uncomfortable.

Q Were they not put in the hold of the ship?

A This is a freighter, so it is the same as when they are taking Japanese troops.

Q Were these American prisoners of war taken below deck to the hold of the ship?

A Yes.

Q And did they have any toilet facilities down in the

hold where they were put?

A There were no toilet facilities, but a latrine was built on the deck. Whenever they wanted to use a latrine they would come on deck.

Q And were there any mattresses or cots or beds for them to sleep on down in the hold?

A No.

Q Then they were forced to sleep on the bare floor, is that right?

A Yes.

Q And what was the condition down in the hold where these prisoners were crowded? That was the condition down in the hold where these prisoners were crowded?

A Yes.

Q And was there room for them to lie down on the floor or did some of them have to sit up or stand up?

A It was difficult for them to lie down at the same time.

Q Was there any ventilation for the hold where they were put?

A There was ventilation when the hatch was open, but whenever it rained the hatch was closed.

Q Did you furnish the escort guards for these prisoners on this trip?

A Yes.

Q How many guards did you furnish for this trip?

A Approximately 30 men under the command -- strike that. Approximately 40 men under the command of Lieutenant Toshino.

THE WITNESS: (Without aid of the Interpreter)

T-o-s-h-i-n-o.

Q (By Captain Hill) Then these men after boarding the ship and starting on the trip were still under the control of your officers and men?

A Yes.

Q And it was the war prisoner division or under your command that had charge of these prisoners on this trip?

A I was not responsible for the transportation or the accommodations of the prisoners on the ship. That was the responsibility of the captain.

Q But you were responsible for the loading of 1300 men into these crowded unsanitary quarters, were you not?

A The ship would not allow more shipping space, so that can't be helped.

Q Why did you load 1300 men on the ship?

A This ship is under the command of the Third Maritime Transport, and I had to negotiate with them for space for 1350 prisoners and 40 guards. Then the Third Maritime Transport Command will decide that it would be this room and this quarters on this ship.

Q The Maritime Transport Command merely furnished the transportation, did it not?

A They had the responsibility of transporting.

Q And the command authority over these men remained in you and in your war prisoner division, did it not?

A The prisoners of war under command, yes, but the ship is under the command of the Maritime Transport Command.

Q And these prisoners remained under your command until

they were turned over by your officers to the proper authorities at the destination?

A Yes.

Q Now, tell the Commission what messing facilities for the prisoners of war there was on the ship?

A Food was prepared by the mess hall in the ship and was distributed to the prisoners of war.

Q Did they have a dining hall or did they eat there in the hold where they were put?

A They ate on the deck.

Q Do you know what hospital or medical service was provided there on the ship for the prisoners of war?

A At all times medics from the P. W.'s attached to the prisoners of war, and there is a medic attached to the guards by the Japanese army.

Q Were medical supplies available there on the ship?

A Medical supplies were accompanied with the P. W.'s.

Q Were there hospital facilities on the ship?

A I believe there were. It is not a hospital but a sick bay for serious patients.

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

(Whereupon, at 1130 hours a recess was taken until 1330 hours, 26 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: All members of the Commission are present; the Accused and Defense Counsel are present.

GENERAL REYNOLDS: If the Reporter is equipped to do so, please read back the last six questions and answers so we may get the continuity.

(Questions and answers read)

GENERAL REYNOLDS: Proceed.

SHIYOKU KOU

the witness on the stand at the time of recess, having been previously duly sworn, was examined and testified further as follows through Interpreter Oishi, with the assistance of Major Pratt and Staff Sergeant Yajima:

EXAMINATION BY THE PROSECUTION (Continued)

Q (By Captain Hill) At the time of the loading of the ORYOKU MARU in Manila did you personally go onto the ship and make an inspection of it?

A Yes.

Q And did you personally go onto all of the ships that left Manila during that period loaded with prisoners of war for some other destination?

A Yes.

Q And did you find the conditions on the other ships which left Manila with prisoners of war during that period similar to the conditions that you found on the ORYOKU MARU?

A In general they are not the same. They differ in parts.

Q In what respects did the conditions on the other ships differ from the ORYOKU MARU?

A The size of the ships differed and there were times when the prisoners of war were shipped together with the Japanese troops, and on some occasions the rooms in which the prisoners of war were placed were spacious and at other times it was not so spacious.

Q After the ORYOKU MARU left Manila did you learn what happened to that ship?

A Yes.

Q And when did you learn what happened to that ship?

A The ORYOKU MARU left Manila at 12:00 midnight on the 13th of December. About dawn it was discovered in Manila Harbor by American bombers. It received repeated bombardment and the ORYOKU MARU was beached at Olongapo in Subic Bay.

Q Was this shipped marked in any --

A On the morning of the 14th the engine was hit by bombs and the ship started to sink, and so the prisoners of war were allowed to go ashore. And I believe I received their report on the evening of the 16th.

Q When this ship left the Manila Harbor was it marked in any way to indicate to the Americans that it was carrying prisoners of war?

A No. There were no markings and besides the prisoners of war there were men and women residents that were in the Philippines on that ship and also the ashes of the dead were being carried as well as the crew members themselves.

Q Were there any precautions taken by you or anyone in your command to protect these American prisoners of war against aerial bombardment or other means of warfare while on this ship?

A When the ship was sunk the prisoners of war waved to the bombers and it appeared from that that the bombers recognized the prisoners of war and thereafter they did not bomb or strafe the prisoners of war.

CAPTAIN HILL: I will ask that that answer be stricken and that the question be read back to the witness.

GENERAL REYNOLDS: Read the question.

(Question read)

GENERAL REYNOLDS: The answer given by the witness will be stricken. The question will again be asked by the interpreter.

(Translated by Interpreter Oishi)

THE WITNESS: I was in Manila at that time, so I do not know and I did not hear regarding those things from the guard commander, 1st Lieutenant Toshino.

Q (By Captain Hill) You were present when the ship was loaded and you know whether any precautions were taken at that time to protect the prisoners of war, do you not?

A No. There was nothing done.

Q From whom did you receive the report on December 16th about the bombing of this ship?

A A messenger brought the report from Lieutenant Toshino.

Q And what was the substance of that report from Lieutenant Toshino?

A The reports were the events that I have previously

stated. That was that the ship left Manila at 12:00 midnight on the 13th and then received bombardment in Manila Harbor and therefore the ship took refuge at Olongapo in Subic Bay, and prisoners of war were then allowed to go ashore at that point. And also in that report was a request for clothing for prisoners of war since they had swum ashore without any clothing on, and also requested instructions as to what to do further. And also in their reports were the fact that 200 prisoners of war died and five guards died.

Q Did you learn in that report from your Lieutenant how the American prisoners of war were able to stop the bombing of the ship?

A That was not in Lieutenant Toshino's report, but it was the story told by the messenger who brought the report.

Q What was that story or report by the messenger?

A This is the story that I have just previously mentioned: that is, that the prisoners of war waved their hands and thereafter they were not strafed or bombed.

Q After you received this report from Lieutenant Toshino what instructions, if any, did you send back to him in regard to these prisoners of war?

A I immediately dispatched rice, canned goods, medicine and clothing to them. As to what procedures were to be taken concerning the prisoners of war was to be by later instructions.

Q And where were --

A I went to the Third Maritime Transport Command and requested for another ship. There I received instructions that the prisoners of war were to be sent to North San

Fernando. From there I went to the line of communications command and related the conditions, and there I requisitioned for some trucks to send the prisoners of war to North San Fernando.

GENERAL REYNOLDS: We will not pursue the further course of these prisoners of war. The Commission desires that we return to the time of loading the ORYOKU MARU. The witness testified that he found it necessary to move 1200 or more American prisoners of war out of the Philippines. He called upon the maritime transport organization for space for that number of prisoners. Upon inspecting the space the witness testified that he found it much too congested in that the prisoners had to lie on the floor; there was inadequate room for all to lie down and some had to sit or stand; furthermore, the toilet facilities were on the deck, and also the only ventilation would be the removal of the hatch.

After having found those conditions the Commission would like to know why he loaded all of them aboard; why did he not load only one-tenth or one-fifth or one-third of them; did he load all of them because of an act of inefficiency and incompetency on his part, or was he acting in pursuance of orders to load them aboard notwithstanding those conditions. If that should be the case, whose orders required him to do that. Explore along that line.

CAPTAIN HILL: Yes, sir.

Q (By Captain Hill) At the time you first made the inspection of the ORYOKU MARU and found that the space provided was insufficient for the 1300 prisoners of war, why did you proceed to load that number on the ship?

A It is because the schedule called for that and that that was the only ship that was allocated to transport 1300 prisoners of war; and, furthermore, Japanese troops were transported under similar conditions, so there was nothing that could be done about that matter. And that the rooms were not spacious is a fact, but, on the other hand, it was not to such an extent that it was uncomfortable. I gave orders to Lieutenant Toshino to allow the prisoners of war to go on deck as much as possible to do exercises and for walks. And, furthermore, I have asked the Captain of the ship for more space.

GENERAL REYNOLDS: That is enough on the subject, we believe.

We will next proceed to Los Banos Civilian Internment Camp. There are two points in the preceding testimony concerning which the Commission would like additional information.

The first one concerns the garden. We recall that the testimony indicated the civilian internees were allotted ten acres of garden space, which they planted. When the crop was nearing the harvest season, five and one-half acres or thereabouts of the garden was removed from the civilian internees and used for other purposes by the Japanese authorities.

We would like to know from this witness what he knows about it, and, specifically, what use was made of the products of that internees' garden. We will take up that point first, and then take the second point.

CAPTAIN HILL: Yes, sir.

Q (By Captain Hill) During the period from October 1944 to January '45, did you have occasion to visit the Los Banos Internment Camp?

A Yes.

Q How many times, approximately, did you visit that camp during that period of time?

A I do not remember distinctly now, but the latter part of October once; the early part of December, once -- will you correct that to twice. That is all.

Q On these visits to Los Banos, did you learn about a garden tract which had been set aside for the internees' use, which was about ten acres?

A Yes, I know. Yes, I do know, because I have made an effort to increase the productivity of the garden.

Q On any of your visits to Los Banos, did you learn that over five acres of this garden tract had been taken away from the internees for the use of the Japanese?

A Yes, there was such an occasion.

Q And will you explain to the Commission why the Japanese took the products from the five and a half acres away from the internees.

A One of the barracks in which the internees were in was transferred to the Japanese troops, and between this barracks and the other part where the internees were was built a fence, and so the tract on the other side of the fence was then given over to the Japanese troops. If the fence were made straight, much more of the vegetable garden should have gone over to the Japanese troops; so consequently, I negotiated with the hospital head to make the fence in a zigzag form in order to give more of the garden to the internees.

Q Then you permitted the Japanese soldiers to take the products raised by the internees from more than half of their garden, is that correct?

A It does not come up to over half. If we were to take into consideration the whole garden, it is only one portion of it.

Q But you did permit these Japanese soldiers to take the products from the internees' garden, is that right?

A I learned of this afterwards, and figuring that this proceedings cannot go on, I ordered the camp commander to

harvest the garden and then give the prisoners of war this harvest.

Q And was that done?

A They were supposed to take it.

GENERAL REYNOLDS: We will leave the subject of the garden and proceed to the next subject at Los Banos.

We recall testimony concerning an American civilian internee who left the camp against the orders of the Japanese commander, in order to obtain food. On his way back into the camp he was seen by Japanese guards and fired upon and gravely wounded. Subsequently, he was carried to the guardhouse or guard area, and the testimony indicated the American was still alive. He was then taken out and killed by a single shot from a small arms. All of this occurring within a short time, with no evidence concerning a trial.

Inquire of the witness, if you will, what he knows about that episode; and if he does know about it, the Commission will have further directions.

Q (By Captain Hill) Did you ever receive a report from the Los Banos Internment Camp, relative to the death of internee George Lewis?

A I do not know.

Q Do you have any information relative to the death of internee George Lewis at the Los Banos Internment Camp in January 1945?

INTERPRETER OISHI: Will you read the question, please?

(Question read)

A (Through Interpreter Oishi) What day in January was it?

Q (By Captain Hill) The 28th of January, I believe the evidence shows.

A As I said before, I left Manila on the 6th of January for Bamnan, and thereafter I lost contact with the internment camp.

GENERAL REYNOLDS: Very well. That will be all.

While this witness was called by the Commission, Defense is accorded the privilege of cross-examination, with the proviso that it be limited to subjects which have been brought out in current testimony.

CAPTAIN REEL: Sir, the Defense has only a few questions, and only on the ORYOKU MARU incident.

GENERAL REYNOLDS: Very well.

EXAMINATION BY DEFENSE

Q (By Captain Reel) On the ORYOKU MARU, were the Japanese women and children who were aboard given the same accommodations as the prisoners of war?

A I do not know that in detail.

Q Well, not in detail, but in general from your observation was that true?

A When I went aboard the ship I saw them sitting on the passageways and on deck, with their belongings.

Q And were they as crowded as the prisoners of war?

A Yes.

Q What was the space allotment to the prisoners of war as compared with the space allotment to Japanese soldiers on a transport?

A Same. It is only that the Japanese soldiers are completely equipped, whereas the prisoners of war are not so

equipped, and therefore in the long run the Japanese soldiers are much more uncomfortable.

Q Now, who was responsible for furnishing food to the prisoners of war on the ship?

A The captain of the ship.

Q And who was responsible for the time when the prisoners would be fed?

A That is determined by the captain of the ship.

Q And who was responsible for furnishing water to the prisoners of war on the ship?

A That is also the captain of the ship.

Q And if any marking is necessary on such a ship, whose responsibility would it be to see that it is there?

A That too is the responsibility of the captain of the ship.

Q Now, when you testified as to responsibility for deliverance of the prisoners, did that have to do with anything more than guarding them?

INTERPRETER OISHI: Will you read the question, please?

(Question read)

A (Through Interpreter Oishi) I am not stating that I am responsible for the transportation of the prisoners of war. As far as the guard commander's duty is concerned, he is responsible for giving any aid to the prisoners of war and to prevent their escape, and at the destination the guard commander is responsible for handing over the prisoners of war.

Q One more question: Where did the orders come from,

relative to shipping prisoners of war to Japan?

A I received it directly from the line of communications command.

Q And do you know whether or not they got their orders from Tokyo?

A They received it from Tokyo.

GENERAL REYNOLDS: The witness is dismissed.

The Commission will recess for approximately ten minutes, following which time the Defense will proceed with the presentation of this case.

CAPTAIN HILL: Sir, the Prosecution has one question we would like to ask this witness.

GENERAL REYNOLDS: What is the question?

CAPTAIN HILL: If General Yamashita maintained his headquarters at Fort McKinley during the time that the 300 prisoners were kept at Fort McKinley, as the witness has testified about.

GENERAL REYNOLDS: We will dispense with the question.

(Witness excused)

(Short recess)

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

JOHN SHIZUO OHASHI

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows, through Interpreter Yajima, with Interpreter Technician Fourth Grade Joe Yorioka acting as "check" Interpreter, and assisted by Major Pratt:

DIRECT EXAMINATION

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

A John Shizuo Ohashi.

Q Are you at present interned as a prisoner of war of the United States?

A Yes, sir.

Q And where are you interned?

A New Bilibid.

Q Were you a member of the Japanese Army?

A No.

Q Were you a civilian employee of the Japanese Army?

A I am not an official civilian employee.

INTERPRETER YAJIMA: He is not an official civilian employee.

Q (By Captain Sandberg) Were you employed in connection with the work of the Japanese Army?

A I was employed at the internment camp at Santo Tomas.

Q What is your nationality?

A Japanese.

Q Do you speak English?

A Just a little.

Q When did you first come to the Philippine Islands?

A At the latter part of December, 1938.

Q And did you marry a Filipina girl in 1938?

A It is not 1938, because I came at the end of December; it is after that.

Q You married a Filipina girl, then, in 1939?

A 1940.

Q Now, have you and your wife any children?

A Two.

Q And are your wife and children at present living in the Philippine Islands?

A Yes.

Q Now, during what period were you employed at the Santo Tomas Internment Camp?

A From the end of August, 1942.

Q Until when?

A Until up until the 3rd of February, 1945.

Q In what capacity were you so employed?

A Group leader at the internment camp, chief of internment affairs.

Q And what were your duties in this position?

A I was in charge of maintenance; I was in charge of interviews, the passes, the hospital facilities, sports, and so forth, and liaison work.

Q Now, what was the nature of the liaison work which you did?

A To contact the families of the internment camps,

and I was also in charge of handling the packages from outside.

Q Now, when you say you handled liaison with the families, are you referring to communication between the internees at Santo Tomas and their families living on the outside?

A In the internment camp there was the Intendance Department, the Medical Department, and other departments, and my job was to establish liaison with the internees and those departments.

Q And was it part of your duty to investigate applications of internees to be permitted to live with their families outside of the internment camp?

A Yes.

Q And when you referred to packages, are you referring to the packages sent by friends and families of the internees from outside the camp into the camp?

A Yes.

Q Was it also part of your duty to hear complaints of internees and to pass them on to the camp authorities?

A Yes, in part; for instance, complaints regarding food and securities.

Q Was it part of your duty to arrange recreational facilities for the internees?

A Yes.

Q And as part of that duty did you arrange for the showing of movies for various amusements and for record concerts at the internment camp?

A Yes.

Q And did these recreational activities continue up until January, 1945?

A Yes. However, the showing of movies became impossible after October of 1944.

Q Was that because of the air raids?

A Yes.

Q And did the record concerts continue until January of 1945?

A When there is no air raid they continued, but not every day.

Q Now, in pursuance of your duties, were you able to arrange for the release of any internees?

A My duty included the getting of permission for the application set forth by the internee.

Q And were there cases where you were able to secure permission for internees to leave the internment camp and live with their families outside the camp?

A Yes, I had.

Q And was it the general policy of the camp administration to permit internees to leave the camp in any case of illness of members of their family outside?

A Yes.

Q Now, there has been testimony before this Commission by former internees, by a former internee at Santo Tomas, that your actions and attitude toward the internees was very friendly and very helpful. Is that a correct statement of your actions and attitude?

A I did my best.

Q Now, as a civilian employee at Santo Tomas did you

receive the same food allowance as the Japanese soldiers who were staying there?

A Yes.

Q And will you tell the Commission both as to the quantity and quality as to the food given to the Japanese soldiers at Santo Tomas in the month of October, 1944?

A The rice given was about 250 grams at that time.

Q Is that 250 grams a day?

A I am not an expert, but I think that is the amount given.

Q And what other foods were given in addition to rice to the Japanese soldiers?

A Vegetables and dried fish.

Q Now, did the food given to the Japanese soldier at Santo Tomas deteriorate as to quantity in the month of November of 1944?

A It was reduced, more or less.

Q And was the ration given to the Japanese soldiers further reduced in the month of January, 1945?

A The ration during the month of January had a definite decrease. However, when the Japanese troops withdrew they left huge quantities of foodstuffs and we used them. Well these rations were given privately and not officially.

CAPTAIN SANDBERG: Will you please read the answer?

(Answer read.)

THE WITNESS: The rations came in regularly, but there was a decrease in the amount. Extra rations were given from friends from the outside.

Q (By Captain Sandberg) Now, did you observe that

during the month from October to January, 1945, the Japanese soldiers at Santo Tomas lost a considerable amount of weight?

MAJOR KERR: If the Commission please, the Prosecution protests these leading questions by counsel in questioning this witness. If there is some valid reason why the defense should employ leading questions, very well, but we know of no reason why this witness should be led.

Further, we respectfully suggest that this witness can speak and understand English, therefore the questions might as well be put to him in English.

GENERAL REYNOLDS: As to the leading questions, it is true that an overly liberal number of them have been employed, and where the answer expected is material, the Commission desires it be obtained in a more orthodox manner.

As to the comment that the witness speaks English, the Commission feels that the witness is accorded the privilege of selecting the language which he will be examined in.

CAPTAIN SANDBERG: I may say, sir, on the last point, that we requested the witness to speak English, but he asked that he be permitted to speak in Japanese because of his halting English.

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: I will withdraw the last question.

Q (By Captain Sandberg) What did you observe as to the weight of the Japanese soldiers stationed at Santo Tomas during the period from October, 1944, to January,

1945?

A In general they lost some weight; I, too, lost some weight.

Q How much weight did you lose?

A In comparison to 1943 I lost about 20 pounds.

Q Now, was the food given to the Japanese soldier the same as that given to the civilian internees, both as to quantity and as to quality?

A They were about the same, only I remember that the Americans were having corn besides rice.

Q Now, what agency in the Santo Tomas Internment Camp was charged with the responsibility of drawing rations for the Japanese personnel and the civilian internees?

A Finance and Supply.

Q Will you describe the procedure used by Finance and Supply in drawing rations for Japanese personnel and civilian internees?

A We went to get the rations from the Quartermaster Office and the rations were distributed according to the number of personnel.

Q And did the ration report upon which these rations were drawn list both the internees and the Japanese personnel on the same report?

A I think they were listed separately. The reason for this is because the warehouse for the civilian personnel and the warehouse for the military personnel were located at different places.

Q And although they were listed separately, was the basis upon which the rations was drawn the same, both as

to quantity and as to quality, for both civilian and military Japanese personnel?

A Yes, they were the same.

Q Now, there has been some testimony before this Commission to the effect that the rice given to the civilian internees was the sweepings from the warehouse floor. Is that a true statement?

INTERPRETER YAJIMA: Will you read the question?

(Question read.)

THE WITNESS: I don't know.

Q (By Captain Sandberg) Was the quality of the rice given to the civilian internees of a good quality?

A At that time the quality of the rice could not be determined. We took whatever they gave us.

Q And was the quality of the rice given to these civilian internees as good as the quality of the rice given to the Japanese personnel?

A I think they were about the same.

Q How many separate kitchens for the cooking of food were maintained at Santo Tomas for civilian internees?

A There was a general kitchen, and then there was a kitchen for the children, and then there was a kitchen in the hospital.

Q Now, what kind of foods were furnished to the children from the kitchen maintained for the children?

A I do not know the exact details, but children were getting eggs from the merchants, which was very difficult to get, and then they got food which was suitable to them.

Q Could you state how many times a week the babies got

eggs?

A During those days eggs were very difficult to obtain. Therefore I cannot determine how many eggs were given per children per day. I don't believe every children got one egg per day.

Q Would you say that every child got three eggs per week?

A I cannot determine that.

Q But you are sure that eggs were furnished to the babies at Santo Tomas?

A Yes. It is a fact that the Finance and Supply Bureau had done their best.

Q Was milk furnished for the babies' diet?

A They had some milk. They got milk from -- . They got water buffalo milk.

Q What kind of diet was provided in the hospital?

A There were more vegetables.

Q And what other foods were there in the hospital?

A I do not know.

Q Can you describe the hospital and medical facilities?

A Regarding the hospital facilities we obtained through the Army some medical equipment; then we also obtained some surgical supplies from outside.

Q Was there an operating room?

A Yes.

Q What was the capacity of the hospital?

A About 100 to 110 persons could be accommodated in the hospital, but due to the lack of space those seriously ill were taken to a hospital outside.

Q When you talk about a "hospital outside," do you refer to the civilian hospitals in the City of Manila?

A Yes.

Q When an internee was in one of these outside civilian hospitals were the members of his family permitted to visit him at that hospital?

A They obtained permission from the Santo Tomas Camp authorities, but in fact they -- I think they used to visit the patients individually at these hospitals.

Q And that permission used to be granted; is that correct?

A Yes.

Q Did the internees maintain a garden for the growing of produce for their own table?

A Yes. The commandant of the camp encouraged them to make these gardens.

Q And did he also encourage them to plant banana and papaya trees?

A Yes. And besides this they planted sweet potatoes and spinach.

Q Did the internees ever request permission to increase the size of the garden?

A We encouraged them to enlarge these gardens.

Q And did they ever request permission to enlarge the garden?

A Yes; two or three occasions.

Q And was permission granted on all of those occasions?

A Yes.

Q The situation you have described as to the drawing

of food rations, was that the case throughout your stay at Santo Tomas?

A It was like this from 1944, but before that it wasn't an Army internment camp.

Q What was the situation before January, 1944, with respect to the furnishing of food to the civilian internees?

A Money was received from the Japanese Government and the internees used to go out individually to buy food for themselves.

Q Do you know why this system was changed in January of 1944?

A At that time the price of commodities were so high that the wages for the internees were increased from 70 centavos to one peso and 50 centavos. But since the price of the commodities were so high they were not able to buy things they wanted.

Q Is it a correct statement, then, that the Army took over the providing of food for the internees in order to insure a complete supply in view of the inflationary prices in the City of Manila?

A That may have been one of the reasons, but the other reason might have been to coordinate the camps all over: in Java, Singapore, Sumatra, and other places.

Q After the Army took over the supplying of rations to the internees were the internees still permitted to supplement that ration by purchases on the outside?

A Yes; not as individuals, but as a group from the committee through the Finance and Supply Section of the camp.

Q Is it true, then, that after January, 1944, the internees had complete freedom to make purchases on the outside through the camp facilities?

A Do you mean as individuals?

Q As a group.

A Yes. That was permissible through the committee.

Q And did the committee continue to exercise this privilege up to the very end of the Japanese occupation?

A Yes.

Q Can you tell us some of the types of things which the committee bought in this manner up to the very end of the Japanese occupation?

A Since I was not in charge of that it is difficult to answer, but I remember that there were more vegetables.

Q What kinds of complaints did you get from the internees?

A They were more impressed to establish liaison with families outside because they were moving and some of them were getting sick, and they were very anxious to know about the conditions of their families.

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

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The witness may not have completed his answer to the last question; therefore, the reporter is asked to read it, and ask the witness then if he has anything further to say.

(Question and answer read)

(The following answers of the witness were given through Interpreter Yorioka, with Major Pratt and Interpreter Tanoye acting as "check" Interpreters.)

A (Through Interpreter Yorioka) The other complaint was that they wanted to receive foods from their families outside.

Q (By Captain Sandberg) And were you able to fulfill any of the requests relative to the first complaint?

A Yes, I was able to.

Q And were you able to assist the internees with respect to the second complaint?

A Yes, I was able to through the Red Cross and through the internment camp headquarters.

THE WITNESS: (Without aid of Interpreter) And Japanese Embassy.

INTERPRETER YORIOKA: "And Japanese Embassy."

Q (By Captain Sandberg) Did you have charge of the distribution of Red Cross packages?

A No.

Q Who handled that?

A When you mention in charge of Red Cross packages, do you mean in charge of the distribution within the camp or in charge of receiving the Red Cross packages?

Q I am referring to the distribution of the Red Cross

packages within the camp.

A An internal committee was in charge of this.

Q Was that a committee of civilian internees?

A Yes.

Q When was the last Red Cross package received?

A I believe it was in the latter part of October in 1943.

Q And was that Red Cross package turned over to the civilians' committee for distribution?

A One portion of this was received at the civilian internment camp, and I am sure that this portion was distributed within the camp. But as for the other portion that went to the prisoner of war camp, I do not know.

Q Now, did you receive any complaints with respect to the food?

GENERAL REYNOLDS: The Commission feels it necessary to interrupt. This is a witness who undoubtedly knows a great deal about internal conditions in the camp of the civilian internees. However, his duties were that of recreation or athletic officer, and many of the questions are outside the scope of his official duties. Those are not objectionable either, if they are things he reasonably should be expected to know, but as to the receipt of complaints from internees, those obviously would be addressed to the camp commander, and the nature of this witness's duties would be in no way related thereto.

Now, you might be referring to conversations with the internees and what complaints they, as individuals, expressed to him, in which case it might have some probative value worthy of the Commission's consideration. But the implication

of the question deals with complaints such as have been discussed by members of the camp, who wrote them out and conferred with the camp authorities. Obviously this individual, being a civilian and assigned specific recreational duties, would have no knowledge of them.

So, if you pursue this line of thought, it must be along that line: What did he learn in casual conversation with those internees about their dissatisfaction, discomforts and grievances.

CAPTAIN SANDBERG: Sir, I think the Commission's point is well taken, but the witness has testified that one of his duties was to act as liaison between the internees and the camp authorities on matters of morale generally, and I believe that the questioning will bring out that in connection with those duties, complaints not of an official nature as described in the Geneva Convention, but of an informal nature, were given to him.

GENERAL REYNOLDS: Well, on that basis you may proceed.

Q (By Captain Sandberg) Were there ever occasions when internees complained to you about the food conditions at the camp?

A There were a few individual complaints towards the last.

Q What was the period in which you heard those complaints?

A From October 1944, I received a few complaints.

Q Did you do anything about these complaints?

A The complaints I received were of the individual or

private nature, such as desire to get special types of food because of illness or desire for receiving special food from their families.

Q Have you any knowledge of any steps taken by the camp authorities to improve the food situation?

A Every time there were conferences or assemblies, the food problem came up, and it was a constant problem.

Q Do you have any knowledge of specific action that was taken by the camp authorities to improve the food situation?

A Yes, I do.

Q Will you tell us what those steps were?

A I know of a time when two or three trucks were sent to the areas of Cabanatuan and Tarlac, from where vegetables were procured. At that time the usage of trucks was considered very vital because of gasoline shortage and similar requirements, similar factors. But I remember that we especially endeavored to take these measures, and I remember two or three occasions. After the air raids in Manila the food situation and the food supply within the City of Manila was most serious, so we took various measures to get food supplies from outside the city, and even requested General Kou regarding this matter.

Q Did General Kou take any action?

A Yes, he did. He took special means to get gasoline for us, and Lieutenant General Kou was in complete agreement with this idea.

Q Did General Kou make regular inspections at Santo Tomas?

A Yes, quite frequently.

Q What were the parts of the compound which General Kou inspected, or examined?

A The entire camp.

Q Did General Yamashita ever visit Santo Tomas Internment Camp?

A No, he hasn't.

Q Did any of the civilian internees die of the diseases of malnutrition or starvation, during your stay at Santo Tomas?

GENERAL REYNOLDS: The Commission interrupts. We have had professional medical testimony as to the point. The witness is a layman. Unless you have some specific purpose in mind for asking him, it would seem to be inappropriate.

CAPTAIN SANDBERG: I have a specific purpose, sir, which will be revealed in the next question.

GENERAL REYNOLDS: Very well. You may ask him.

CAPTAIN SANDBERG: May we have the question read?

(Question read)

A (Through Interpreter Yorioka) There were no deaths from starvations, but there has been deaths of men over 60 years of age who died from natural causes.

GENERAL REYNOLDS: I think we must interrupt again. I am sorry to do so, but obviously this witness is not educated professionally to answer such a question. But since we permitted him to answer it, let us now establish whether he saw the official reports of death prepared either by a United States doctor of medicine or Japanese medical officers. That is to say, let us now establish

the facts on which he based his answer, whether merely the opinion of a layman or whether he saw these official documents and knows what he is talking about.

CAPTAIN SANDBERG: May I first request, sir, whether the Interpreter has something to say?

I would like to ask that last question again, and have the Interpreter recheck the answer.

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: Will you read the question, please?

(Question read)

A (Through Interpreter Yorioka) Do you mean malnutrition due to old age, or malnutrition due to just a lack of food?

CAPTAIN SANDBERG: If the Commission please, I will withdraw this line of questioning in view of the Commission's point that the witness is not qualified.

GENERAL REYNOLDS: Very well.

Q (By Captain Sandberg) Now, did you receive any complaints from civilian internees relative to mistreatment of the civilian internees by the guards?

A It has been no direct complaints to me, but there has been occasions when some complaints were made to the guard unit regarding some beatings.

Q Was there a case that occurred while you were at Santo Tomas, where a Japanese guard was punished for mistreating a civilian internee?

A Yes, there has.

Q Will you tell us the circumstances of that punishment?

A I forgot the name of the civilian, but this civilian was seen going through the fence without permission. He was discovered and was hit by the guard. Colonel Yoshie, who was then in charge of the internment camp, heard of this incident and called forth the two men responsible. One of the men was a guard, while the other was a civilian from the Finance Section. They were both called to his office, Colonel Yoshie's office, and were administered the same type of beating given to the civilian.

Q And were you present when Colonel Yoshie administered this punishment to these two Japanese?

A Yes, I was, including all the administrative staff. And Colonel Yoshie asked the two men whether they found out how the civilian felt when he was beaten himself.

Q And did Colonel Yoshie make any statement as to his policy on the slapping of civilian internees by the guards?

A Yes, he did.

Q What did he say?

A Colonel Yoshie said that the guards were never to lay a hand on the internees and that they should never be hit or kicked.

Q And do you know of any instances of mistreatment of internees after that time?

A There were no occasions when they were hit by the men attached to the camp, but there has been occasions when some military police from the outside came and beat some of the internees for receiving merchandise without permission.

Q Were you present at Santo Tomas when several internees were taken away by the military police?

A I was at Santo Tomas then and I do remember when the military police came to the office of the camp commandant and took away the internees.

Q Do you know why they were taken away by the military police?

A From what I heard later I heard that they had violated some military laws.

Q Did you know that they were connected with the publication of the Liberator, an underground newspaper of the guerrillas, of the guerrilla movement?

GENERAL REYNOLDS: The Commission will have to interrupt again. We have cautioned counsel numerous times on leading questions, and we will have to ask you to proceed with greater caution. It may be that senior counsel ought to instruct counsel as to that so there will be no questions about it.

We need to know whether you are talking about Carol Grinnell, Alfred F. Duggleby, Clifford Larson and E. C. Johnson, and whether this witness is going to be asked about that, and we have to know exactly how he came to know of it in view of his duties to see whether his beliefs or knowledge is of any credibility whatsoever as to this matter. We would like to know whether he had any occasion to know of the charges against those people. Although it may well be that his duties as liaison officer, that he was also agent for the Kempei Tai, with the military police, and if that was the case we would indeed like to know it.

But at this time we withdraw the privilege of leading questions entirely.

Q (By Captain Sandberg) Have you any knowledge as to any of the activities of Mr. Duggleby which led to his arrest by the Kempei Tai?

A I do not. I just heard that the newspaper, the Liberator, was discovered in his desk by the military police.

Q Did you have any connection with the Kempei Tai?

A No, not at all.

Q Now, do you recall a meeting had on January 7th between Colonel Hayashi and the internees committee?

A Yes, I do know about it.

Q Will you tell us what Colonel Hayashi said to the internees committee on that day?

A Colonel Hayashi said that as soon as orders are received all internees will be released; a list of all the

internees was prepared. Colonel Hayashi said that a notice will be released saying that these men are internees so that in case they go to town where the American forces are still present -- strike that last sentence. Colonel Hayashi said that he will write a notice saying that these were internees so that they will not be in danger of the remaining Japanese troops in Manila. This notice said that these internees had been released so they would not be harmed; so that they were not to be harmed.

Q Did Colonel Hayashi make any statement as to whether or not the internees could leave the camp immediately?

A He said that immediately after such orders are received.

Q Did Colonel Hayashi make any statement with respect to the food situation?

A He told the finance and supply section that one month's supply of food should be left.

Q And were you present at that meeting?

A Yes, I was there at the last.

Q Now, how soon after that meeting of January 7th was it that you saw the first American soldier?

A I saw the American soldiers on February 3rd.

Q Now, will you tell us when you first learned that the American soldiers were in the vicinity of Santo Tomas?

A When the American tanks came to the gate.

Q And where were you at that time?

A I was within Santo Tomas.

Q In what building in Santo Tomas?

A The Educational Building.

Q At what time of the day was it?

A About 5 or 5:30 P.M.

Q Was the main gate of the Santo Tomas guarded at that time?

A It was guarded, but the guards were called to the office in the Education Building, the office of the guard commander.

Q And did the Japanese soldiers resist the entry of the American tank unit into the grounds of Santo Tomas?

A They did not resist.

GENERAL REYNOLDS: I will have to ask you to develop his reason for saying that because there is so much testimony directly contrary to his statement.

CAPTAIN SANDBERG: If the Commission please, I believe the testimony was not as to the entry into the main gate, but as to what subsequently happened, which the testimony of this witness will bring out.

GENERAL REYNOLDS: Very well.

Q (By Captain Sandberg) Were you with Colonel Hayashi when word was first received of the American tank entry into the grounds?

A Yes, I was.

Q And did Colonel Hayashi give you any instructions upon learning of the appearance of the American tanks?

A Yes.

Q What were those instructions?

A The orders were that he should call the committee and to go with the committee to the tank unit commander and to ask him to be released to go to the Japanese forces.

INTERPRETER YORIOKA: Will you please read my answer.

(Answer read.)

THE WITNESS: And furthermore that we ourselves had protected the internees up to the present moment.

GENERAL REYNOLDS: The Commission will continue its hearing for an additional period this afternoon.

Then we will reconvene at 8 o'clock this evening for the viewing of a motion picture film to be offered by the Defense.

We will now recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. Proceed.

INTERPRETER OISHI: The Interpreters would like to have the last question and answer read back.

(Question and answer read)

INTERPRETER OISHI: Furthermore, we would like to strike all that out. We have another version of it.

"On account of the fact that we protected the internees up to this moment you are to negotiate safe conduct for the guards so that they may reach the Japanese forces safely."

Q (By Captain Sandberg) And did Colonel Hayashi instruct you to go and deliver this message to the American tank commander?

A Yes.

Q And who were you to accompany to the American tank commander?

A Two officers.

Q And what were the names of those two officers?

A 1st Lieutenant Abiko and Yuki.

Q Had there been any shooting on the Santo Tomas grounds up to that time?

A There was no firing up to that time, but when Lieutenant Abiko was approaching the tank commander he received severe wounds from a shot and he died from it.

Q And did you and Lieutenant Yuki continue on after Lieutenant Abiko was killed?

A Yes.

Q And did you meet the American tank commander in front of the main building?

A Yes.

Q What did you say to the American tank commander?

A What Colonel Hayashi told me to say.

Q And what did the tank commander say to you?

A He directed Colonel Hayashi to come down himself to surrender.

Q And what did he say to Lieutenant Yuki?

A Lieutenant Yuki returned to the place where Colonel Hayashi was at and the tank commander instructed him to bring back the answer within 15 to 20 minutes. The exact time I cannot remember. And if the answer were not forthcoming within that time the tank commander was ready to fire upon the building in which the Japanese were stationed.

Q Did Lieutenant Yuki ever return?

A He did not.

Q How many internees were housed in the education building where Colonel Hayashi was?

A There were internees only on half of the second floor and on the third floor. They numbered from 250 to 300.

Q And how many internees were there in other parts of the Santo Tomas compound?

A In the main building there were from fifteen to sixteen hundred internees and in the smaller building there were fourteen hundred internees and, counting those internees in the hospitals and the gymnasium, there was a total of about four thousand internees.

Q And when were these four thousand internees liberated by the American forces?

A At that time.

Q Was that before you and Lieutenant Yuki arrived at the tank commander?

A Before we went over to the tank commander's position Colonel Hayashi called over the internees' committee and told them that they were now free.

Q What happened to you after Lieutenant Yuki was sent back to Colonel Hayashi?

A I was surrounded by American guards in front of the tank commander.

Q And then what happened?

A And after a short while the American troops began firing on the education building.

Q And do you know what happened after that?

A I do not know exactly what happened after that.

Q Were you ever told thereafter as to what happened to Colonel Hayashi?

A I heard after I was detained by the American forces. On February 6th or 7th Colonel Hayashi was able to negotiate with the American troops and he was allowed to return to the Japanese lines.

CAPTAIN SANDBERG: Your witness.

GENERAL REYNOLDS: Does Prosecution have matters of real moment to explore in cross examination?

CAPTAIN WEBSTER: Sir, we do wish to cross examine this witness.

GENERAL REYNOLDS: What will be the nature of the cross examination?

CAPTAIN WEBSTER: We wish to go into the food situation about which he has testified; the condition of the

internees; the source of food; and the witness has testified to various things throughout the period of internment but has not established some of the dates. For example, concerning the time that money of 70 centavos a day was given to the internees; whether that continued throughout the entire period or whether it stopped.

GENERAL REYNOLDS: Since the witness has testified as to his own official duties as a civilian connected with morale, recreational activities, the Commission doubts seriously whether such line of cross examination would be productive. He was permitted to testify as to those reasons not with a real probative value; things he had to say subject to gain and insight through internal conditions, through his eyes as an observer. The quantity and quality of food, how it was distributed, what he knows about the Red Cross distribution, complaints -- all of that is merely as a casual observer. We are willing to grant a reasonable cross examination but a detailed review of all this evidence is entirely unnecessary.

With that principle in mind, go ahead, but genuinely meretorious cross examination is in order.

CAPTAIN WEBSTER: Shall I proceed at this time, sir?

GENERAL REYNOLDS: Yes.

CROSS EXAMINATION

Q (By Captain Webster) How many Japanese, civilians and Army men, were stationed at Santo Tomas?

A There were about 4500 internees and about 90 military personnel, guards and civilian workers.

Q Did all of those Japanese receive the same rations

as the internees?

A I believe that they received the same kind of food.

Q Did all the Japanese live in the internment camp?

A Not every one.

Q How many lived there?

A When I was there there were only about four persons.

Only about four persons were commuting to the place.

CAPTAIN WEBSTER: Was that word "commuting"?

INTERPRETER OISHI: "They were coming from the outside".

Q (By Captain Webster) When did the Japanese Army take over the operation of the internment camp?

A January 4, 1944.

Q At the time the Army took over didn't they stop the package line?

INTERPRETER OISHI: What kind of line, sir?

CAPTAIN WEBSTER: Will you read the question?

(Question read)

INTERPRETER OISHI: Will you tell me what you mean by "package line"?

THE WITNESS (Without aid of Interpreter): I can answer.

CAPTAIN WEBSTER: I mean the civilians, outside people bringing packages into the camp.

INTERPRETER OISHI: Will you repeat the question again?

(Question again read)

A (Through Interpreter Oishi) Before there was a package line at the main gates, but after the Army took over this was done through the Embassy and the Philippine Red Cross with permission.

Q (By Captain Webster) In other words, the Army stopped the method of bringing food from the outside?

GENERAL REYNOLDS: The Commission interrupts. We have had so much testimony along this very line --

CAPTAIN WEBSTER: Yes, sir.

GENERAL REYNOLDS: -- and we are now away prior to General Yamashita's assumption of command that the Commission will hear what additional subjects you have in mind to question the witness about and see whether we want to hear anything more from you.

CAPTAIN WEBSTER: Do I understand that you don't want any further interrogation concerning the food situation, sir?

GENERAL REYNOLDS: I want to know what other subjects you expect to inquire into.

CAPTAIN WEBSTER: I wish to inquire concerning whether or not the civilians received any money during General Yamashita's time from the Army or any other source.

GENERAL REYNOLDS: We will waive that.

CAPTAIN WEBSTER: I wish to inquire as to whether or not the commandant gave permission to the military police when they took the four internees out of the camp.

GENERAL REYNOLDS: We will permit you to inquire into that.

CAPTAIN WEBSTER: And I would also like to inquire as to whether the guards had any source of food other than what the Army furnished them.

GENERAL REYNOLDS: You may ask him that.

CAPTAIN WEBSTER: Also I would like to ask the kind of

punishment which was administered the guard. I believe the record was lacking on that point.

GENERAL REYNOLDS: Very well. We will permit that question to be asked.

CAPTAIN WEBSTER: Also I would like to go into the question that they brought out last concerning the hostages. I would like to know whether those people lived in that educational building prior to the time of February 3rd; how long they were held there by the Colonel before he left the camp.

GENERAL REYNOLDS: That question we will waive. That is all you have?

CAPTAIN WEBSTER: I think that is all, sir.

GENERAL REYNOLDS: Then you may explore briefly the three subjects discussed.

Q (By Captain Webster) Were you in the commandant's office at the time the military police took Duggleby, Larson, Johnson and Grinnell out of the camp?

A I was not at the camp commandant's office. I was in my private quarters with a cold, but I received word that they were being taken and I saw them leaving with a car.

Q Do you know whether the commandant gave permission to the military police to take those men?

A I believe he did, because in my opinion the military police would not be able to take them without the permission of the commandant.

Q During the time that General Yamashita was in the Philippines, did the internees receive any money from the Japanese army?

GENERAL REYNOLDS: That is one of the subjects we said we would waive.

CAPTAIN WEBSTER: I am sorry.

GENERAL REYNOLDS: We have had testimony on that from at least six witnesses, the Prosecution is reminded.

Q (By Captain Webster) With reference to the last days at Santo Tomas, you stated that about 250 internees were at the Education Building, is that correct?

A As I said before, from 250 to 300 internees were in part of the second floor and on the third floor of the Education Building.

Q How long had they lived there?

GENERAL REYNOLDS: The Commission interrupts. The interrogation of the witness is terminated.

MAJOR KERR: Sir, there is one point we would like to cover.

GENERAL REYNOLDS: You can cover the one point and have it over with; we will permit you that.

MAJOR KERR: This witness has testified that the Japanese guards in that compound obtained a certain amount of food, which he said was the same as given the internees.

We have reason to believe they had other sources of food, and we would like to ask that question of this witness.

GENERAL REYNOLDS: Very well. We will permit that to enter.

Q (By Captain Webster) What sources of food did the Japanese guards and civilian employees at the camp have, other than from the army?

A They had some food -- they bought some food individually from other sources, and they also had a little garden from which they derived vegetables, and the guards bought chickens with their own money and had something like a chicken farm.

Q Did you live outside and eat with your wife and family?

A I did eat with my wife outside, up until the latter part of November 1944, but since then the family -- but since then I send my family to the provinces, so I lived inside Santo Tomas.

CAPTAIN WEBSTER: That is all.

GENERAL REYNOLDS: A question by the Commission.

EXAMINATION BY THE COMMISSION

Q (By General Reynolds) You testified that in your judgment the food served to the internees and the food served to the Japanese, was substantially identical, qualitatively and quantitatively.

A (Through Interpreter Oishi) As far as the provisions that came from the army were concerned, it was the same; but we were allowed to go outside the gates and eat at restaurants or buy food from our own pockets. So from an individual standpoint, I believe that we were better off.

Q You also testified that you bought chickens and operated a chicken farm. Were those chickens cooked in your company messes?

A We ate them at times, and if we were able to get eggs we also ate them. And we also had about five to six pigs.

Q Were the pigs and the chickens served in the dining room of the guards?

A Not always; only at times.

Q Then does the Commission understand that your testimony about the food served the guards and the food served to the internees, was not wholly correct?

INTERPRETER OISHI: Will you read the question, please?

(Question read)

GENERAL REYNOLDS: Did I leave out "the same"? Strike the question and we will ask it again.

Q (By General Reynolds) Is the Commission to understand that your testimony that the food served to internees and the food served to the guards was the same, is now to be considered incorrect?

A I said -- I only said that the provisions that came from the army were the same, but as far as the actual eating was concerned we were allowed to go into town and buy things for ourselves. So it was different.

Q And also, will you affirm the fact that they operated a chicken farm and had pigs, which were operated by the guards as a unit? I would like to verify that statement.

INTERPRETER OISHI: Whether they were operated by guards?

GENERAL REYNOLDS: Yes.

A (Through Interpreter Oishi) Some of the guards did do that, and some of the members of the Finance and Supply Department also did that.

GENERAL REYNOLDS: The witness is dismissed.

THE WITNESS: (Through Interpreter Oishi) And I have just --

GENERAL REYNOLDS: The witness is dismissed.

(Witness excused)

CAPTAIN SANDBERG: Sir, may we have the last statement made by the witness interpreted?

GENERAL REYNOLDS: We have already dismissed him.

MICHIO KITAYAMA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows, through Interpreter Oichi, with Interpreter Ohira acting as "check" Interpreter, and assisted by Major Boardman:

DIRECT EXAMINATION

Q (By Colonel Feldhaus) State your name.

A Michio Kitayama.

Q What is your rank in the Japanese Army?

A Lieutenant Colonel.

Q Was that your rank in the Japanese Army on the date of surrender?

A Yes.

GENERAL REYNOLDS: The Commission interrupts and notices the presence of a new counsel and inquires of senior counsel whether he has been duly appointed by the appointing authority.

COLONEL FELDHAUS: May I reply?

GENERAL REYNOLDS: Yes.

COLONEL FELDHAUS: I was on the original order but spent three weeks in the hospital during the course of the trial and returned here just about three weeks ago, and I was put back on duty with Defense counsel. This is my first appearance.

GENERAL REYNOLDS: You are a new member of counsel?

COLONEL FELDHAUS: No, I am a charter member.

GENERAL REYNOLDS: Very well, we accept your presence and are glad that you are out of the hospital.

THE WITNESS: Lieutenant Colonel in the Army.

Q (By Colonel Feldhaus) When did you arrive in Manila?

A December 19th of last year.

Q Were you assigned for duty in General Yamashita's headquarters?

A Yes.

Q What were your duties?

A Staff member of communications.

Q Did you have any command functions?

A It is not a command.

Q As a staff member in charge of communications did you have cause to inspect the communications for the 14th Army group?

INTERPRETER OICHI: Will you read the question?

(Question read.)

THE WITNESS: Do you mean communications troops? I do not know what you mean by "inspection of communications."

Q (By Colonel Feldhaus) I mean the communications, the means of communication and the Signal Corps or troops in charge of communication.

A I did.

Q What did you find the condition of the communications to be?

A In general they were very bad.

Q What means of communications were being employed?

A If the distance was close we used wireless and telephone. If the distance was great we used only wireless.

Q Did you use any air couriers?

A No.

Q The wireless you were using was the key type, was it

not?

A Yes, only that.

Q Were messages transmitted in secret Japanese code?

A Only code.

Q Have you ever had an opportunity to observe the American wireless that the American Army used?

A Yes.

Q How did the Japanese wireless telegraph compare with that used by the American Army?

A The American wireless is far superior and there is no comparison.

Q How many communication troops did you have?

A They were not under my command; they were under the command of the headquarters.

Q Well, how many communications troops were under the command of headquarters, if you know?

A They included two signal regiments and two Southern Army units, which was attached to the 14th Area Army. One independent wireless company, one or two independent wire companies; two or three independent wireless platoons and one maritime signal regiment, and one air signal unit, which were not used as a communications unit.

GENERAL REYNOLDS: That will terminate the questioning this afternoon.

Counsel is asked, before continuing the examination of this witness, to consult the testimony of the commanding general of the Shimbū group Army. He testified, as we recall, very fully and very frankly on the quality and the extent of communications. He said that, if we recall,

that up to a certain date communications were normal between his headquarters and General Yamashita's headquarters; that he had no difficulty receiving messages. Then there was a later date within which period he said it was decreasing in efficiency, but that he still got messages and he still sent them.

Then he named the date when communications were broken.

Now, if counsel wishes to introduce evidence to break down this testimony of the commanding general of the Shimbu Army group it might have a value to counsel, but if we are listening to this witness just to hear again the normal means of communications, the decline, and then the cessation of it, we have heard that and it would serve no purpose.

COLONEL FELDHAUS: The testimony of this witness is largely corroborative of the other witness, but goes into more detail and offers proof to sustain that testimony.

GENERAL REYNOLDS: Then I would ask counsel overnight to consider what you really want to get from this witness. If you wish only to confirm the testimony of the commanding general of the Shimbu group it would have no particular purpose.

If you want to break it down and show that it was worse or better than this general officer stated, then all right.

COLONEL FELDHAUS: This witness' testimony would demonstrate what was normal in the Japanese Army. Their norm was considerably different than the American Army.

There are very few questions left except to bring out their volume of traffic, how they fixed priorities, and the various moves, and what communications they did have after the headquarters was moved.

GENERAL REYNOLDS: Well, we will not shut you off on further questioning, but we do desire that you read this commanding general's testimony. There is one question you ought to ask, and that is the number of radio channels available between General Yamashita's headquarters and the commanding general of the Shimbu group. You can ask him how many channels did he have to use. If it is just to confirm this evidence, we have heard it from excellent Japanese sources.

COLONEL FELDHAUS: We have, through this witness, the evidence that the Court desires to hear.

GENERAL REYNOLDS: We do not mean to shut you off, and we will go ahead if there is anything to be gained by it, but if it is just the same story, then it would serve no purpose.

COLONEL FELDHAUS: I would like to ask the witness that one question with regard to the channels of communication.

Did I understand further questioning had been stopped?

GENERAL REYNOLDS: You may ask him that question.

Q (By Colonel Feldhaus) After the headquarters had moved to Baguio, what communications did you have with the Shimbu Army in Manila?

A The communications with the Shimbu Army was very bad and much time was necessitated in communicating and

contacting them.

COLONEL FELDHAUS: The witness did not understand me.

COLONEL CLARKE: I think the Commission wants us to look up the testimony of the commanding general of the Shimbu group before we ask any further questions, and then question this witness in the morning.

GENERAL REYNOLDS: Yes, that is what we want.

We will adjourn until eight o'clock or thereabouts.

(Whereupon, at 1725 hours, a recess was taken until 2000 hours, 26 November 1945.)

EVENING SESSION

(The trial was resumed, pursuant to recess, at 2000 hours.)

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

CAPTAIN WEBSTER: Sir, the Commission, the Accused and his counsel, and the Prosecution, are present.

COLONEL CLARKE: If the Commission please, the Defense is going to present the picture which has been offered in evidence as a prosecution's exhibit, that portion which the Court wanted us to put in.

GENERAL REYNOLDS: Is this the entire picture that you are offering, or only an excerpt?

COLONEL CLARKE: The complete picture, sir.

(Whereupon the film entitled "Combat Bulletin No. 44" was exhibited.)

GENERAL REYNOLDS: Is there anything further this evening?

COLONEL CLARKE: No.

GENERAL REYNOLDS: We will be in adjournment and we will resume the hearing at 8:30 tomorrow morning.

(Whereupon, at 2030 hours, 26 November 1945, the trial was adjourned until 0830 hours, 27 November 1945.)