

HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Commanding General
APO 343

Yokohama, Japan
April 18, 1949

UNITED STATES OF AMERICA VS MAKOTO INAKI
UNITED STATES OF AMERICA VS MASARU MIKAWA

Review of the Staff Judge Advocate

1. The attached record of trial of Makoto Inaki and Masaru Mikawa, tried at a common trial at Yokohama, Japan from 19 April 1948 to 2 June 1948, by a Military Commission appointed by Paragraph 3, Special Orders No. 84, Headquarters Eighth Army, dated 13 April 1948, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Makoto Inaki	DATE OF CONFINEMENT: 17 November 1945
AGE: 33	DATE OF ARRAIGNMENT: 19 April 1948
RESIDENCE: Utsunomiya-Shi, Nijo-machi, No. 1274	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Single	PERIOD OF TRIAL: 19 April 1948 to 2 June 1948
RELATIVES: Mother and 1 Sister	DATE OF SENTENCE: 2 June 1948
EDUCATION: Graduate of Hiroshima Uni- versity, 1941	SENTENCE: CEL for seven (7) years
VOCATION: Student	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Army 1942; 2nd Lt; Nov 1943; Highest rank: 1st Lt Aug 1945	

NAME: Masaru Mikawa	DATE OF CONFINEMENT: 17 December 1945
AGE: 38	DATE OF ARRAIGNMENT: 19 April 1948
RESIDENCE: Miyagi-Ken, Ishinomaki-Shi, Okaido No. 8	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 19 April 1948 to 2 June 1948
RELATIVES: Wife, 2 children, father, mother, 2 brothers, 2 sisters	DATE OF SENTENCE: 2 June 1948
EDUCATION: Graduate of Middle School, attended Technical School 3 years	SENTENCE: CEL for five (5) years
VOCATION: Electrician	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Army 20 Jan 1935-30 Nov 1936; 8 Sept 1937-4 Jan 1939; 18 Oct 1941-3 Oct 1945; Highest rank: Sergeant	

2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency:

<u>Charges and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
<u>Makoto Inaki</u>			
Charge: Accused, at times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencias, and Japan; did violate the Laws and Customs of War.	NG	G	Yes

Sp 1: Between about 1 June 1945 and about 15 August 1945, accused did unlawfully disregard and fail to discharge his duty as Commander to protect and treat humanely American and Allied Prisoners of War, thereby causing the injury and suffering of numerous American and Allied Prisoners of War and their deaths. NG NG

Sp 2: Between about 14 July 1945 and about 15 August 1945, accused did unlawfully disregard and fail to discharge his duty as Commander by failing and neglecting to provide adequate food, medicine, medical supplies and treatment, shelter and other care, for numerous Allied Prisoners of War, thereby resulting in the suffering, sickness and deaths of said Allied Prisoners of War. NG NG

Sp 3: Between about 20 April 1944 and about 15 August 1945, accused did unlawfully disregard and fail to discharge his duty as Commander by failing and neglecting to provide adequate food, clothing, medicine, medical supplies and treatment, quarters and sanitation for Allied Prisoners of War. NG NG

Sp 4: Between about 20 April 1944 and about 15 August 1945, accused did willfully and unlawfully allow, compel and require, and did permit persons under his direction and control to compel and require sick and physically unfit Allied Prisoners of War to perform labor. NG G No

Sp 5: Between about 20 April 1944 and about 15 August 1945, accused did unlawfully disregard and fail to discharge his duty as Commander by allowing and compelling Allied Prisoners of War to perform arduous labor under dangerous and unhealthy conditions, and to perform degrading and humiliating labor. NG G No

Sp 6: Between about 14 May 1945 and about 15 August 1945 accused did willfully and unlawfully mistreat and abuse John Robert Christian, an American Prisoner of War, by striking him. NG G Yes

Sp 7: In or about July 1945, accused did willfully and unlawfully mistreat Clarence J. Hanson, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes

Sp 8: Between about 14 May 1945 and about 15 August 1945, accused did willfully and unlawfully mistreat Cone J. Munsey, an American Prisoner of War, by NG G Yes

Retrieved

causing him to be beaten and otherwise abusing him.

Sp 9: In or about June 1945, accused NG G Yes
did willfully and unlawfully mistreat and abuse William C. Roberts, an Australian Prisoner of War, by striking him.

Sp 10: In or about May or June 1945, NG G Yes
accused did willfully and unlawfully mistreat and abuse Ray E. Young, an American Prisoner of War, by causing him to be beaten by a guard.

Sp 11: On or about 9 August 1945, accused NG G Yes
did willfully and unlawfully mistreat and abuse James F. Stalvey, James E. Singletary, Stanley J. Miller and James F. Canupp, American Prisoners of War, Servatius Carolus Keersemeekers, a Dutch Prisoner of War, and several other Allied Prisoners of War, by causing them to be beaten by guards.

Sp 12: Between about 20 April 1944 and NG NG
about 15 August 1945, accused, then commander, did willfully and unlawfully withhold, misappropriate and convert to his own use, Red Cross and other supplies intended for the use and benefit of Allied Prisoners of War.

Sp 13: Between about 20 April 1944 and NG G Yes
15 August 1945, accused, then commander, did willfully and unlawfully mistreat Allied Prisoners of War by slapping, striking, and beating them; subjecting them to confinement in the guardhouse without adequate bedding facilities and on reduced rations; compelling them to stand at attention for extended periods of time; imposing collective punishment, and by otherwise abusing them.

Sp 14: Between about 20 April 1944 and NG
about 15 August 1945, accused did willfully and unlawfully disregard and fail to discharge his duty as commander to protect Allied Prisoners of War from acts of violence, mistreatment and abuse.

Sp 14a: On or about 9 July 1945, the NG G Yes
unlawful mistreatment of Vivian E. J. Brackstone, A British Prisoner of war, by Masaru Mikawa, by beating him.

Sp 14b: On or about 14 July 1945, the NG G Yes
unlawful mistreatment by Masaru Mikawa of Vivian E. J. Brackstone, a British Prisoner of War, by beating him.

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Sp 14c: In or about June or July 1945, the unlawful mistreatment by Masaru Mikawa of William O. Muir, Guy C. McGee, Jr., and Ray E. Young, American Prisoners of War, by striking and otherwise abusing them. NG G Yes

Sp 14d: Between about 14 May 1945 and about 15 August 1945, the unlawful mistreatment by Masaru Mikawa of Cone J. Munsey, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes

Sp 14e: Between about 14 May 1945 and about 15 August 1945, on various occasions, the unlawful mistreatment by Masaru Mikawa of Lloyd Scruggs, an American Prisoner of War, by striking and otherwise abusing him. NG G Yes

Sp 14f: In or about July 1945, the unlawful mistreatment by Masaru Mikawa of Jack Doyle Warner, an American Prisoner of War, and two unidentified Dutch Prisoners of War, by beating and otherwise abusing them. NG G Yes

Sp 14g: Between about 14 May 1945 and about 15 August 1945, on various occasions no hereinabove specified, the unlawful mistreatment by Masaru Mikawa of numerous Allied Prisoners of War by beating, striking, or otherwise abusing them. NG G Yes

Sp 14h: Between about 14 May 1945 and about 15 August, on various occasions, the unlawful mistreatment by Saburo Matsuura of Anton de Angst, a Dutch Prisoner of War, by striking and otherwise abusing him. NG G Yes

Sp 14i: Between about 14 May 1945 and about 15 August 1945, the unlawful mistreatment by Saburo Matsuura and Teraji Sasaki of Johannes W. Hummel, a Dutch Prisoner of War, and about seven other unidentified Allied Prisoners of War, by beating and otherwise abusing them. NG G Yes

Sp 14j: Between about 14 May 1945 and about 15 August 1945, on various occasions, the unlawful mistreatment by Saburo Matsuura of Leal A. Russel, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes

Sp 14k: On or about 10 August 1945, the unlawful mistreatment by Saburo Matsuura of Donald Taylor, an American Prisoner of War, and several other Allied NG G Yes

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Prisoners of War by striking them.

- Sp 14l: Between about 14 May 1945 and 15 August 1945, on various occasions not hereinabove specified, the unlawful mistreatment by Saburo Matsuura of Allied Prisoners of War by striking, beating or otherwise abusing them. NG G
- Sp 14m: In or about July 1945, the unlawful mistreatment by Yuetsu Fukumura of Thomas B. Allendar, an American Prisoner of War, by striking him. NG G Yes
- Sp 14n: Between about 14 July 1945 and about 9 August 1945, the unlawful mistreatment by Yuetsu Fukumura of Jan Bakker, a Dutch Prisoner of War, by beating and otherwise abusing him. NG G Yes
- Sp 14o: Between about 14 May 1945 and 15 August 1945, on various occasions, the unlawful mistreatment by Yuetsu Fukumura of William C. Falconer, an Australian Prisoner of War, and Robert L. Thompson, a British Prisoner of War, by beating and otherwise abusing them. NG G Yes
- Sp 14p: In or about July 1945, the unlawful mistreatment by Yuetsu Fukumura and an unidentified Army guard of Clarence J. Hanson, an American Prisoner of War, by beating him. NG G Yes
- Sp 14q: In or about June 1945, the unlawful mistreatment by Yuetsu Fukumura of Fred Johannsen, an American Prisoner of War, by striking him with a wooden shoe. NG G Yes
- Sp 14r: Between about 14 July 1945 and about 9 August 1945, the unlawful mistreatment by Yuetsu Fukumura of William Edward McElroy an American Prisoner of War, by beating him. NG G Yes
- Sp 14s: Between about 14 July 1945 and about 9 August 1945, the unlawful mistreatment by Yuetsu Fukumura of Pierce L. Wardlow and Madison L. Courtenay, Jr., American Prisoners of War, by beating and otherwise abusing them. NG G Yes
- Sp 14t: In the summer of 1945, the unlawful mistreatment by Yuetsu Fukumura of Servatius Carolus Keersemeekers, Johan Frederik Van der Hoek and Cornelis Hendrik von Schaik, Dutch Prisoners of war, and numerous other Dutch Prisoners NG G Yes

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by requiring them to take strenuous exercise as punishment, striking, kicking and otherwise abusing them.

Sp 14u: Between about April 1945 and about 15 August 1945, on various occasions not hereinabove specified, the unlawful mistreatment by Yuetsu Fukumura of numerous Allied Prisoners of War by beating, striking and otherwise abusing them. NG G Yes

Sp 14v: In the summer of 1944, the unlawful mistreatment by Michio Kuriyama of Wilhelmus Johannes de Boer, a Dutch Prisoner of War, by beating him. NG G Yes

Sp 14w: Between about June 1944 and about April 1945, the unlawful mistreatment by Michio Kuriyama of Christiaan Carl Grevenitz, a Dutch Prisoner of War, by beating him with a stick. NG G Yes

Sp 14x: Between about June 1944 and about April 1945, on several occasions, the unlawful mistreatment by Michio Kuriyama of Marinus T. Salomons and Cornelis Wortel, Dutch Prisoners of War, by beating and otherwise abusing them. NG G Yes

Sp 14y: Between about June 1944 and about April 1945, the unlawful mistreatment by Michio Kuriyama of Victor Emmanuel Theodorus Steiginga, a Dutch Prisoner of War, by beating and otherwise abusing him. NG G Yes

Sp 14z: On or about 5 August 1945, the unlawful mistreatment by an unidentified military guard of John R. Christian, an American Prisoner of War, by beating him, as a result of which his ear drum was ruptured. NG G Yes

Sp 14aa: In or about June 1944, the unlawful mistreatment by an unidentified military guard of Cook Van de Pol, a Dutch Prisoner of War, by beating him with a club, and otherwise abusing him. NG G Yes

Sp 14bb: In or about July 1945, the unlawful mistreatment and abuse by one "Brown Coat" of Clarence J. Hanson, an American Prisoner of War, by beating him. NG G Yes

Sp 14cc: Between about 14 May 1945 and about 15 August 1945, the unlawful mistreatment by one "Brown Coat" of Michael Henetz, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes

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Sp 14dd: In or about June 1945, the unlawful mistreatment by one "Wolf" or "Brown Coat" of Charlie Calvin Sweatman, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 14ee: In or about June 1945, the unlawful mistreatment by one "Wolf" or "Brown Coat" of Edward W. Thomas, an American Prisoner of War, by beating him.	NG	G	Yes
Sp 14ff: In or about July 1945, the unlawful mistreatment by one "Squinty" of Clarence J. Hanson, an American Prisoner of War, by beating him.	NG	G	Yes
Sp 14gg: Between about 20 May 1945 and 10 July 1945, the unlawful mistreatment by one "Squint Eye" of Pierce L. Wardlow, an American Prisoner of war, by beating him.	NG	G	Yes
Sp 14hh: Between about 14 May 1945 and 15 August 1945, the unlawful mistreatment and abuse by one "Blue Beard" and one "Mortimer Snerd" of Cone J. Munsey, an American Prisoner of War, by beating him.	NG	G	Yes
Sp 14ii: Between about 14 May 1945 and about 15 August 1945, on various occasions, the unlawful mistreatment by one "Mortimer Snerd", one "Blue Beard" and one "Brown Coat" of Madison L. Courtenay, Jr., an American Prisoner of War, by beating, kicking, and otherwise abusing him.	NG	G	Yes
Sp 14jj: Between about 14 May 1945 and about 15 August 1945, on various occasions, the unlawful mistreatment by one "Mortimer Snerd" of Clarence J. Hanson, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 14kk: In or about June 1945, the unlawful mistreatment by an unidentified company guard of Earl Jacobson, an Allied Prisoner of War, by beating him with an iron shovel and otherwise abusing him.	NG	G	Yes
Sp 14ll: In or about June or July 1945, the unlawful mistreatment by one "Sparrow" of Fred Johannsen, an American Prisoner of War, by beating him.	NG	G	Yes
Sp 14mm: In or about July 1945, the unlawful mistreatment and abuse by one "The Sparrow" and one "Yamanaka" of	NG	G	Yes

Excluded

Ray E. Young, an American Prisoner of War, by beating him.

Sp 14hn: Between about 14 May 1945 and about 15 August 1945, the unlawful mistreatment by one "Frog Face" of Frederick Spott Sloan, an American Prisoner of War, by striking him with a stick.	NG	G	Yes
Sp 14oo: In or about July 1945, the unlawful mistreatment by one "The Frog" of Donald Taylor, an American Prisoner of War, by beating him with a club.	NG	G	Yes
Sp 14pp: In or about June or July 1945, the unlawful mistreatment by one "Frog" of James I. Turner, an American Prisoner of War, by beating him.	NG	G	Yes
Sp 14qq: Between about 14 May 1945 and about 15 August 1945, the unlawful mistreatment by one "The Toad" of Linville C. Trimble, an American Prisoner of War, by beating him and otherwise abusing him on various occasions.	NG	G	Yes
Sp 14rr: In or about June 1945, the unlawful mistreatment by one "Bantam" of Harm Cornelis Gunnink, a Dutch Prisoner of War, by beating him.	NG	G	Yes
Sp 14ss: In the winter of 1944-1945, the unlawful mistreatment by one "Dwarf Hen" or "Bantam" of Yntze de With, a Dutch Prisoner of War, by beating him.	NG	G	Yes
Sp 14tt: In or about August 1944, the unlawful mistreatment by one Oha of Henri Johannes Erkens, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 14uu: On or about 5 August 1945, the unlawful mistreatment by one "Bowlegged" and other guards of Joseph Willem van den Berg, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 14vv: On or about 14 July 1945, the unlawful mistreatment by one "Siutsan" or "Lisper" of Johan Frederik Van der Hoek, a Dutch Prisoner of War, by beating him with fists and a rifle and otherwise abusing him.	NG	G	Yes
Sp 14ww: Between about 14 July 1945 and about 9 August 1945, the unlawful mis-	NG	G	Yes

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treatment by one "Bellefleur" of Hendrikus Salemink, a Dutch Prisoner of War, by beating and otherwise abusing him.

Sp 14xx: On or about 14 August 1945, NG G Yes
the unlawful mistreatment by one "Bellefleur" of Joseph Willem van den Berg, a Dutch Prisoner of War, by beating and otherwise abusing him.

Sp 14yy: Between about 20 April 1944 and about 15 August 1945, on numerous occasions not hereinabove specified, the unlawful mistreatment by Japanese personnel of various Allied Prisoners of War, by striking and beating them, by requiring them to stand at attention for extended periods of time, and by otherwise abusing them. NG G Yes

Masaru Mikawa

Charge: Accused, at times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies and Japan, did violate the laws and Customs of War. NG G Yes

Sp 1: On or about 9 July 1945, accused did willfully and unlawfully mistreat Vivian B. J. Brackstone, a British Prisoner of War, by beating, kicking and otherwise abusing him. NG G Yes

Sp 2: That on or about 14 July 1945 accused did willfully and unlawfully mistreat Vivian B. J. Brackstone, a British Prisoner of War, by beating, kicking and otherwise abusing him. NG G Yes

Sp 3: In or about June or July 1945, accused did willfully and unlawfully mistreat William D. Muir, Guy C. McGee, Jr., and Ray E. Young, American Prisoners of War, by striking and otherwise abusing them. NG G Yes

Sp 4: Between about 14 May 1945 and about 15 August 1945, accused did willfully and unlawfully mistreat Cone J. Munsey, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes

Sp 5: On various occasions between about 14 May 1945 and about 15 August 1945, accused did willfully and unlawfully mistreat Lloyd Scruggs, an American Prisoner of War, by striking and other- NG G Yes

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wise abusing him.

Sp 6: In or about July 1945, accused did willfully and unlawfully mistreat Jack Doyle Warner, an American Prisoner of War, and two unidentified Dutch Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
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Sp 7: Between about 14 May 1945 and about 15 August 1945, on various occasions not hereinabove specified, did willfully and unlawfully mistreat numerous Allied Prisoners of War by beating and striking them, requiring them to stand at attention for extended periods of time, and otherwise abusing them.	NG	G	Yes
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3. Summary of the Evidence:

General:

Lieutenant Makoto Inaki was the Commanding Officer of the Sendai Prisoner of War Camp No. 5 which was located in the port town of Kamaishi, Honshu, Japan. Approximately 200 Dutch Prisoners of War had been confined in this camp since approximately November 1943. In May 1945, this number was augmented by approximately 200 American, British and Dutch Prisoners of War who were transferred from prisoner of war camps in the vicinity of Yokohama.

Inaki became Commanding Officer of the Camp about 20 April 1944 and remained in command until the end of the war. His nicknames were "Kobus Kuch" and "Honest Management". His predecessor was Lieutenant Naganuma whose nickname was "The Rat".

Masaru Mikawa was the Administrative Non-commissioned Officer of the Camp and second in command to Lieutenant Inaki. He arrived at the Camp at approximately the same time as the American, British and Dutch prisoners of war who arrived in May 1945. His nicknames were "Little Hitler" and "Little Caesar". Mikawa is charged in seven specifications with mistreatment of prisoners. Inaki is charged with command responsibility for the same mistreatment in specification 14a to 14g, inclusive, of the charge against him. For convenience the summaries of evidence of these parallel specifications have been combined.

The port of Kamaishi was shelled by the Allied Fleet on 14 July 1945 and again on 9 August 1945. On 10 August 1945, the port and town were bombed by Allied planes. During the second shelling, the entire prisoner of war camp was burned out and there were many casualties among the prisoners of war. The accused Inaki was found not guilty of all specifications which accused him of negligence in the protection of the prisoners of war from the shelling by the Allied fleet and the bombing by Allied planes.

a. For the Prosecution:

As to Specification 1 (Inaki): Not Guilty.

As to Specification 2 (Inaki): Not Guilty

As to Specification 3 (Inaki): Not Guilty

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As to Specification 4 (Inaki): Under Lieutenant Inaki as Camp Commander only a certain number or percentage of prisoners of war were permitted to be excused from work details each day because of illness (Courtaney, Ex 19 p2; de With, Ex 23, p2; Goemaat, Ex 29, p2; Grevenitz, Ex 31, p1-2; Hakkaart, Ex 33, p1-2; Hewitt, Ex 45, p2; Piersma, Ex 61, p2; Turner, Ex 80, p3; and van Schaik, Ex 89, p2). If there were not sufficient prisoners of war for the work details after the sick had been excused by Doctor Pajima, the Dutch prisoner of war doctor, the excused prisoners were lined up and culled over, usually by Sergeant Mikawa, the Administrative Non-commissioned Officer, who was second in command, or by company work hanches, until the required quota of workers was obtained (Goemaat, Ex 29, p2; Grevenitz, Ex 31, p1-2; Hewitt, Ex 37, p4; Keesmaat, Ex 45, p2; Lopez, Ex 49, p2; McElroy, Ex 51, p2; Taylor, Ex 76, p1-2; Van den Berg, Ex 82, p3; and van Dongen, Ex 86, p1).

Lieutenant Inaki was aware of and at times participated in the screening of sick prisoners after they had been excused by Dr. Pajima (Butler, R 131-132, 174, 183-184; Grady, Ex 2, p4; Boer, Ex 13, p2; Hanson, Ex 34, p1-2; Lopez, Ex 49, p2; Piersma, Ex 61, p2; Ringelberg, Ex 64, p1; Taylor, Ex 76, p1-2; van Dongen, Ex 86, p1; and van Hecke, Ex 87, p3).

Sergeant Kudo, the medical non-commissioned officer, could not excuse men because of Lieutenant Inaki's order. At times he had to order sick prisoners to work so that the more seriously ill patients could remain in camp. At times sick prisoners worked voluntarily for this same reason (Elkins, Ex 24, p2; Falconer, Ex 27, p3; Goemaat, Ex 29, p2; Munsey, Ex 55, p3-4; but as to responsibility of Kudo, see Christean, Ex 17, p2; and Young, Ex 93, p4).

Lieutenant Brackstone, a British prisoner of war who assisted Doctor Pajima, was given ten (10) days confinement by Lieutenant Inaki for protesting Inaki's decision to send two sick prisoners to work (Grady, Ex 2, p4; Brackstone Ex 8, p4). Butler does not recall if Inaki actually sent the sick prisoners, of whom Brackstone complained, to work (Butler, R 132).

Prisoners of war with fevers were sent to work in spite of protests from Doctor Pajima (Braakam, Ex 14, p2-3; Hakkaart, Ex 33, p1-2; Grevenitz, Ex 31, p1-2). Prisoners with temperatures under 101° F or 38° C were not excused. Some men were forced to work with temperatures as high as 105° F and 39° - 40° C (McElroy, Ex 51, p2; Salemink, Ex 67, p2; Hufstutler, Ex 40, p2; Van den Berg, Ex 82, p3 and Sweatman, Ex 75, p2).

Oscar W. E. Boer, a Dutch prisoner of war, states that a Dutch Air force lieutenant who had lost half of his face and suffered from "hungeredema" was hospitalized and improved. On coming out of the hospital in a weakened condition, he was forced to work by order of Kbas Kuch (Inaki) against the advice of Pajima. He worked for fourteen days and died 9 November 1944 (Ex 13, p2).

James F. Canupp, an American prisoner of war, was forced to work on a tunnel digging detail with a foot so infected that he could stand only with the assistance of others (Ex 15, p1-2). Clarence J. Hanson, an American prisoners of war was forced to work at a sawmill while suffering from a rupture until the Dutch doctor was finally able to have him assigned to light camp duty in July 1945 (Ex 31, p1-2; R 162-163). Bernard Hall, an American prisoner of war, was forced to do heavy manual labor at the sawmill with his side swollen and draining from a poorly performed appendectomy (Henetz, Ex 25, p1). Donald Taylor, an American prisoner of war, on 5 July 1945, was forced by Inaki to work while suffering from beri-beri over the protest of Doctor Pajima. He suffered a heart attack at work, collapsed and was carried back to camp. On the next day he was excused by Pajima but Inaki lined up the sick prisoners and attempted to have them sent to work. Pajima intervened for him and he was given nine

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days camp duty (Ex 76, pl-2). Linville C. Trimble, an American prisoner of war, who had a history of probable tuberculosis and was on a no-work status in a previous camp, was forced to work (Ex 79, p3).

As to Specification 5 (Inaki): When the American prisoners arrived at Kamaishi in May 1945, Lieutenant Inaki authorized a five-day no-work period during which the men were examined by Doctor Pajima. Pajima said the men were in a deplorable physical condition. About 20 May, the prisoners were organized into work groups and sent to work in the steel mills near the camp. Some of the details were locomotive and car repair, hauling logs to the sawmill, operating the sawmill, stevedoring, shovelling ore in open furnaces, constructing tunnels (Grady, Ex 2, p2; Marsden, Ex 6, pl; Marsden Ex 7, p2).

The men working at the open pit ore furnaces became exhausted and sick from sulphur fumes. The fumes were so nauseating that they vomited frequently. Constant complaints were made to Inaki and finally, after an incident involving the beating of Earl Jacobson, a Canadian prisoner of war, by a civilian guard, this detail was discontinued and the men were set to work constructing a railroad tunnel. The ore furnace detail involved eight to fifteen men (Grady, Ex 2, pp5 and 53; Marsden, Ex 7, pp1 and 2; Brackstone, Ex 8, pp 16-17; Elkins, Ex 24, pl; Jacobson, Ex 1, pp 2-3; Roberts, Ex 65, pp 4-5; Wardlow, Ex 90, pp 1-2; Butler, R 124-126, 186-187, 233-234).

Prisoners of war were compelled to work in rain without raincoats and without changes of clothing, especially during the period between the first shelling of Kamaishi by the Allied fleet on 14 July 1945 and the second shelling on 9 August 1945 when it rained continuously for about ten days (Grady, Ex 2, pl1; Marsden, Ex 6, p2; Brackstone, Ex 8, pl6; Goud, Ex 30, p3; Hakkaart, Ex 33, p2; Keersemaeckers, Ex 44, p2; Pereili, Ex 59, p2; van Bladeren, Ex 81, pl; Van der Hoek, Ex 84, pp2-3). After the first shelling, at the request of a prisoner of war officer, British gas-capes were issued in lieu of raincoats (Butler R 233).

Prisoners of war were supposed to have a day of rest every tenth day. This day was spent on camp fatigue duty, preparations for inspections, inspections, gathering weeds and wild vegetables in the mountains for the mess, tending the camp vegetable garden and digging air raid shelters. As a result, the prisoners never had a rest day (Grady, Ex 2, p4; Marsden, Ex 6, pl; Braakman, Ex 14, p3; Goemaat, Ex 29, p3; Goud, Ex 30, p3; Pereili, Ex 59, p2; Piersma, Ex 61, p3; Van Hecke, Ex 87, p4).

Officers were forced to work collecting sea weed for the mess, tending the vegetable garden, putting night-scill on the vegetable garden and digging air raid shelters (Grady, Ex 2, p4; Marsden, Ex 6, p2; Steinginga, Ex 74, pl; Butler, R 187; McElroy, Ex 51, p2).

Work which prisoners of war were forced to do was too arduous and the work hours were too long for the restricted food allowance of the prisoners. When men became exhausted, company and military guards forced them to continue work by slappings, beatings and other mistreatment. Safeguards were lacking especially for those who worked on the sawmill detail resulting in the loss of a finger by one prisoner of war (Elkins, Ex 24, pl; Erkens, Ex 25, p3; Keesmaat, Ex 45, p2; Kroes, Ex 47, p2; Parsons, Ex 56, pl; Piersma, Ex 61, pp3-4; Scruggs, Ex 69, pl; Singletary, Ex 70, p3; van Bladeren, Ex 81, p2; Van der Hoek, Ex 84, pp 2-3; van Schaik, Ex 89, p2; Wardlow, Ex 90, p6; Warner, Ex 91, p2; Young, Ex 93, p7; Butler, R 126-128).

As to Specification 6 (Inaki): John R. Christian, an American prisoner of war, states that Inaki struck him across the face with his open hand because

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a Japanese civilian falsely accused him of not working. He states that prisoner of war Singletary witnessed this slapping (Ex 17, p1).

As to Specification 7 (Inaki): During July 1945, Clarence J. Hanson, an American prisoner of war who was suffering from a hernia at the time, was a member of a detail which carried the logs to a sawmill to be sawed into timber. Because of his physical condition, he was unable to lift a heavy log and "Squinty" one of the civilian bosses, pushed him and struck him with his fists and a stick. Lieutenant Inaki was present and after speaking with "Squinty", Inaki beat Hanson for one or two minutes with his fists. Hanson states that Captain Grady, American Senior Prisoner of War Officer, witnessed this beating (Ex 34, p1). Prisoner of War Henetz, the American in charge of the sawmill detail, states that "Squinty" beat Hanson in June or July for being unable to lift a log, but that Inaki took no part in the beating, (Ex 35, p2).

As to Specification 8 (Inaki): Cone J. Munsey was the American non-commissioned officer in charge of one of the sections. He protested to Lieutenant Inaki, when one of his men was beaten by a civilian guard, that punishment of prisoners of war could be inflicted only by order of the camp commander. Inaki became very angry and ordered a Japanese sergeant to beat Munsey for being rude (Ex 55, p2).

As to Specification 9 (Inaki): William C. Roberts, an Australian prisoner of war, was in charge of one of the work gangs which worked at the open ore furnace. When the Japanese foreman attempted to make the prisoners work faster, he protested. On his return to camp that day, Inaki accused him of inciting the prisoners of war not to work. Inaki slapped him several times and threatened him with severe punishment or shooting if he were reported to him again (Ex 65, pp 4 and 5).

As to Specification 10 (Inaki): Roy E. Young, an American prisoner of war, was reported to Inaki about two weeks after the arrival of the Americans in the camp for not calling "attention" when a Japanese guard entered the barracks. He attempted to explain to Inaki that he was not familiar with any regulation requiring prisoners of war to come to attention upon the entry of a guard into the barracks, as this procedure was not followed in the prisoner of war camp where he had been confined previously. Inaki spoke to the guard and then watched while the guard beat him about the face with his fists about 30 times (Ex 93, p2).

As to Specification 11 (Inaki): During the second shelling of Kamaishi, some of the prisoners of war who had not been fed during the day, took cover in the camp vegetable garden in the mountains. After the shelling, they asked the Japanese guard if they could dig some of the potatoes. Permission was granted. When the men reported to Inaki at the entrance of one of the railroad tunnels which had been hit directly by a shell killing many Allied prisoners who had taken refuge there, Inaki ordered the men searched. Those with potatoes in their possession were ordered beaten by from twenty to thirty-five guards in sight of the dead bodies of their fellow prisoners (Canupp, Ex 15, p1; Lerle, Ex 36, p5; Keersemeekers, Ex 44, p3; Miller, Ex 53, p3; Patterson, Ex 57, p2; Roberts, Ex 65, p6; Singletary, Ex 70, p4; Stalvey, Ex 72, p2; van der Tol, Ex 83 p3; van Hecke, Ex 87, p6; van Schaik, Ex 89, p3).

As to Specification 12 (Inaki): Not Guilty

As to Specification 13 (Inaki): Captain Grady states that after two prisoners had been subjected to physical punishment by the guards at the ore furnaces, Inaki sent for him and the two men. Grady protested that the civilian guards had no right to punish prisoners but should report them to the military.

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Inaki jumped up and said he would personally punish the men and proceeded to strike them across the face several times (Grady, Ex 2, pp 3-4; Butler, R 130; Marsden, Ex 6, p2; Marsden, Ex 7, pp 1,2).

Inaki personally beat and slapped prisoners of war across the head and face at roll call and on other occasions (Marsden, Ex 7, p1; Allender, Ex 11, p1; Henetz, Ex 35, pp 1-2; Hufstutler, Ex 40, p1; Munsey, Ex 55, p2; Perryman, Ex 60, p2). Inaki never beat prisoners himself or did so on only a few occasions, but he did condone beatings by guards and work bosses (Goud, Ex 30, p2; Hanson, Ex 34, p1; McElroy, Ex 51, p1).

During June 1945, Inaki ordered the confinement of prisoner of war Jacobson for ten days on short rations without blankets while Jacobson was suffering from a head wound inflicted by a company foreman who hit him on the head with the shovel. Inaki said that Jacobson had threatened the guard (Grady, Ex 2, p3; Marsden, Ex 6, p2; Marsden, Ex 7, p1; Elkins, Ex 24, p1; Fairey, Ex 26, p2; Hanson, Ex 34, p2; Hewitt, Ex 37, p3; Jacobson, Ex 41, p3; McGee, Ex 52, p1; Robert, Ex 65, pp 4-5; Salemink, Ex 67, p1; Singletary, Ex 70, p3; Turner, Ex 80, p3; Wardlow, Ex 90, p2; Butler, R 125, 130, 192-193).

A Dutch East Indian prisoner of war named Wolf was beaten by Inaki and then confined to the guardhouse without blankets and on short rations about July 1945. This man was only freed from the guardhouse after the shelling of Kamaishi by the Allied fleet had begun on 14 July 1945 (Marsden, Ex 7, p1; Christian, Ex 17, p2; Gunnin, Ex 32, p2; De Boer, Ex 22, p2; Goud, Ex 30, p2; Herle, Ex 36, p3; Hewitt, Ex 37, p3; Turner, Ex 80, p3; van der Kolk, Ex 85, p1; van Dongen, Ex 86, p2; Wardlow, Ex 90, p2; Warner, Ex 91, p2).

Lieutenant (later Major) Brackstone, a British prisoner of war, was confined on one-half rations by Inaki for insisting that two sick prisoners remain in camp (Grady, Ex 2, p4; Brackstone, Ex 8, p4; van Bladeren, Ex 81, p1).

Inaki ordered the confinement on short rations without bedding or warm clothing of prisoners of war De Jong (Braakman, Ex 14, p2; Daalhuizen, Ex 21, p2; Salemink, Ex 67, p2; van Dongen, Ex 86, p2), Bosdyk (Daalhuizen, Ex 21, p2), de With, Gommers (de With, Ex 23, p2), Galistan (Jansson, Ex 42, p3), Reevers (Keersemeekers, Ex 44, p2; van Dongen, Ex 86, p2), Braderode (Keersemeekers, Ex 44, p2; van Dongen, Ex 86, p2), Leentvaar, Koolhaas, (van Dongen, Ex 86, p2) and others (Marsden, Ex 6, p1; Braakman, Ex 14, p2; Keesmaat, Ex 45, p2; Munsey, Ex 55, p4; Sweatman, Ex 75, p3; Trimble, Ex 79, p3; van Bladeren, Ex 81, p1; van der Kolk, Ex 85, p1; van Hecke, Ex 87, p3; Van Lierop, Ex 88, p1; Young, Ex 93, pp 3-4; Lapre, Ex 94, p1).

Inaki punished an entire detail by making them stand at attention for an hour because of a report that they did not work hard enough (Grady, Ex 2, p19). Captain Marsden states that Inaki punished prisoners by standing them at attention for three or four hours at a stretch (Ex 7, p1). Forced gymnastics were used as group punishment under Kobus Kuck (Inaki) (Herle, Ex 36, p2). Lieutenant Maki (Inaki) frequently made prisoners stand at attention from two to four hours in the cold and rain without adequate clothing causing colds and pneumonia (Jacobson, Ex 41, p2).

As to Specification 14a (Inaki) and Specification 1 (Mikawa):

Lieutenant (later Major) Brackstone, a British prisoner of war, about 9 July 1945 presented to Inaki a plan for the construction of shelters for the prisoners of war against air attacks which were expected momentarily. Inaki refused the plan and Sergeant Mikawa, who was present, then slapped, pushed and kicked Brackstone in the presence of Inaki (Brackstone, Ex 8, pp 4-5; Grady, Ex 2, p6).