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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
19 March 1948

UNITED STATES OF AMERICA VS TAKUJI MURAKAMI
UNITED STATES OF AMERICA VS KYOSUKE SAITO
UNITED STATES OF AMERICA VS KIYOSHI NISHIYAMA
UNITED STATES OF AMERICA VS SHUNICHI TANIMOTO
UNITED STATES OF AMERICA VS HARUO OKADA
UNITED STATES OF AMERICA VS TANIMORI YAMAMOTO
UNITED STATES OF AMERICA VS SATOJI SUZUKI
UNITED STATES OF AMERICA VS KIICHI SHIRASAYA
UNITED STATES OF AMERICA VS TAKESHI BEPPU
UNITED STATES OF AMERICA VS SHIMEKICHI KAWABATA
UNITED STATES OF AMERICA VS JIRO KONDO
UNITED STATES OF AMERICA VS MASAHIRO OKA
UNITED STATES OF AMERICA VS KENSHI HIRAI

Review of the Staff Judge Advocate

1. The attached record of trial by common trial of Takuji Murakami, Kyosuke Saito, Kiyoshi Nishiyama, Shunichi Tanimoto, Haruo Okada, Tanimori Yamamoto, Satoji Suzuki, Kiichi Shirasaya, Takeshi Beppu, Shimekichi Kawabata, Jiro Kondo, Masahiro Oka, and Kenshi Hirai, at Yokohama, Japan from 21 June to 31 August 1946, by a Military Commission appointed by paragraph 1, Special Orders No. 159, Headquarters Eighth Army, United States Army, dated 20 June 1946, as amended by paragraph 1, Special Orders No. 198, same Headquarters, dated 3 August 1946, and paragraph 21, Special Orders No. 210, same Headquarters, dated 16 August 1946, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Takuji Murakami	DATE OF CONFINEMENT: 29 Dec 1945
AGE: 46	DATE OF ARRAIGNMENT: 21 Jun 1946
RESIDENCE: Ehime Ken, Niigun, Sumino Cho, Kitauchi 2638	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 21 Jun 1946 to 31 Aug 1946
Relatives: Wife, four children	DATE OF SENTENCE: 31 Aug 1946
EDUCATION: Twelve years, gradu- ated middle school	SENTENCE: Death
VOCATION: Army officer	CLEMENCY RECOMMENDED BY COMMISSION: No.
MILITARY CAREER: Japanese Army 1918, commissioned Aug 1937, discharged and redrafted Aug 1938, commanded Niihama be- tween 15 Jul 1943 and end of war, also Yamane between 10 Sep 1944 to 18 May 1945. Highest rank, captain.	

NAME: Kyosuke Saito	DATE OF CONFINEMENT: 6 Dec 1945
AGE: 51	DATE OF ARRAIGNMENT: 21 Jun 1946
RESIDENCE: Osaka, Higashi Yodo- gawa Ku, Mikuni 55	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 21 Jun 1946 to 31 Aug 1946
RELATIVES: Wife; four sons, aged 25, 23, 19, 17; parents	DATE OF SENTENCE: 31 Aug 1946
	SENTENCE: Death

RESTRICTED

Restricted

EDUCATION: Medical degree,
Osaka Medical School
VOCATION: Physician
MILITARY CAREER: Japanese Army
1916-1917, drafted 25 Oct 1942
and assigned to Zentsuji Mili-
tary Hospital; 20 Apr 1943 as-
signed to Niihama while retain-
ing Zentsuji position.

CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Kiyoshi Fishiyama
AGE: 26
RESIDENCE: Kagawa Ken, Hitoyo
Gun, Motoyama Mura, Jaza Surugi
MARITAL STATUS: Married
RELATIVES: Wife
EDUCATION: Eleven years
VOCATION: Secretary to Koba
Construction Co., Internal Af-
fairs Ministry.
MILITARY CAREER: Japanese Army
10 Apr 1943, promoted to Lance
Corporal 15 Nov 1944. After
ten months' training in the ed-
ucation of medical orderlies at
Zentsuji Army Hospital, Zentsuji
PW Camp, assigned to Yamane Camp
for duty between 8 Sep 1944 and
20 Mar 1945

DATE OF CONFINEMENT: 15 Jan 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for forty (40) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Shunichi Tanimoto
AGE: 27
RESIDENCE: Sakaide, Kanagawa
MARITAL STATUS: Married
RELATIVES: Wife, daughter, age
three.
EDUCATION: Graduate, Commercial
School, 1938
VOCATION: Tax collector, Maru-
game Customs Office
MILITARY CAREER: Japanese Army
10 Apr 1942 to end of war.
Trained at Marugame Camp until
20 Jan 1944; then duty at Nii-
hama until 10 Sep 1944, at Ya-
mane to May 1945; at Niihama to
18 Jun 1945, at Jbe PW Camp to
end of war

DATE OF CONFINEMENT: 26 Nov 1945
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for thirty-five
(35) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Haruo Okada
AGE: 27
RESIDENCE: Not shown
MARITAL STATUS: Single
RELATIVES: Hiroka Okada, sister
EDUCATION: Graduate Auburn High
School (JSA) and Tokushima Light
Metals School; attended Tokyo
Technical College 1 1/2 years
VOCATION: Not shown

DATE OF CONFINEMENT: 20 Nov 1945
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for twenty (20)
years
CLEMENCY RECOMMENDED BY
COMMISSION: No

Restricted

MILITARY CAREER: Japanese Army
1 Oct 1942, assigned to 157th
Replacement Unit; Niihama 23
Apr 1945; Aetsuji Dec 1944;
157th Repl. 1945 to end of war

NAME: Tanimori Yamamoto, aka
Tanimori Daba
AGE: 31
RESIDENCE: Owada Izuguchi, Eyo
Gun, Nakayama, Ehime Ken
MARITAL STATUS: Married
RELATIVES: Wife; child, age 2;
grandfather
EDUCATION: Eight years
VOCATION: Farming, ordinary
worker for Sumitomo Company
MILITARY CAREER: Japanese Army
10 Jan 1937 to 24 Dec 1933;
recalled 1 Jun 1941, discharged
5 Jul 1941; recalled 2 Oct, 1941,
discharged 5 Sep 1943; wounded
in right cheek. Civilian guard
employed by Sumitomo Co. at Ya-
mane Oct 1944 to May 1945

DATE OF CONFINEMENT: 20 May 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CML for fifteen (15)
years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Satoji Suzuki
AGE: 30
RESIDENCE: 5348 Ehime Ken, Nii
Gun, Izumigawa-Cho
MARITAL STATUS: Married
RELATIVES: Wife; children, ages
6, 3, 1; father
EDUCATION: Six years
VOCATION: Farming
MILITARY CAREER: Japanese Army
1 Mar 1937, served 15 months,
injured; highest rank, Super-
ior Private. Civilian at Yamane
10 Sep 1944, then at Niihama
from Mar 1945 to end of war

DATE OF CONFINEMENT: 13 May 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CML for fifteen (15)
years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Kiichi Shirasaya
AGE: 53
RESIDENCE: Ehime Ken, Imaharu
Shi, Ohama Kita
MARITAL STATUS: Married
RELATIVES: Wife, two children,
mother, father
EDUCATION: six years of pri-
mary school
VOCATION: Factory worker
MILITARY CAREER: Japanese Army
24 Jul 1945 to end of war

DATE OF CONFINEMENT: 1 Jun 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CML for six (6) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Takeshi Beppu
AGE: 30
RESIDENCE: 565 Niihama City--
Ehime Pref., Shikoku
MARITAL STATUS: Married

DATE OF CONFINEMENT: 30 Mar 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946

Restricted

RELATIVES: Wife, two children
EDUCATION: Eight years
VOCATION: Employee, Sumitomo Co.
MILITARY CAREER: Japanese Army
10 Jan 1936 to 27 May 1941;
highest rank Superior Private.
Civilian guard for Sumitomo
factory guarding PW 13 Jul 1944
to end of war

DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for five (5) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Shimekichi Kawabata
AGE: 46
RESIDENCE: 1831 Nakamura, Shime
Ken
MARRITAL STATUS: Married
RELATIVES: Wife; four children,
ages 17, 15, 11, 8
EDUCATION: Seven and one-half
years
VOCATION: Employee, Besshi Mines
MILITARY CAREER: Supervisor over
PW at company between 25 Sep 1944
to 15 May 1945

DATE OF CONFINEMENT: 2 May 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for five (5) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Jiro Kondo
AGE: 33
RESIDENCE: Shime Pref., Niigun
MARRITAL STATUS: Married
RELATIVES: Wife; two children,
ages 5, 1
EDUCATION: Eight years
VOCATION: Blacksmith
MILITARY CAREER: Japanese Army
20 Jan 1935, discharged 31 Nov
1936; recalled 31 Aug 1937, dis-
charged 7 Apr 1938; recalled
Dec 1943, discharged 20 May
1945. Civilian overseer of
PW for Sumitomo Co. 20 Jul
1945 to end of war

DATE OF CONFINEMENT: 1 Jun 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for five (5) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Masahiro Oka
AGE: 28
RESIDENCE: Kagawa Pref.
MARRITAL STATUS: Single
RELATIVES: None shown
EDUCATION: Eight years
VOCATION: Construction Company
MILITARY CAREER: Japanese Army
10 Feb 1940 to 28 May 1944

DATE OF CONFINEMENT: 22 May 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for three (3) years
CLEMENCY RECOMMENDED BY
COMMISSION: No

NAME: Kenshi Hirai
AGE: 40
RESIDENCE: Hyogo Ken, Fishino-
miya, Shimakawara Bayashi, Aza
Tachibana 78
MARRITAL STATUS: Married
RELATIVES: Wife, three children,
ages 10, 7, 4
EDUCATION: Six years
VOCATION: Laundryman

DATE OF CONFINEMENT: 22 Feb 1946
DATE OF ARRAIGNMENT: 21 Jun 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 21 Jun 1946 to
31 Aug 1946
DATE OF SENTENCE: 31 Aug 1946
SENTENCE: CHL for one (1) year
CLEMENCY RECOMMENDED BY
COMMISSION: No

Restricted

Restricted

MILITARY CAREER: Japanese Army
1 Dec 1938, discharged Mar 1939;
recalled Sep 1939, discharged in
Formosa 21 Jan 1943; recalled
8 Jul 1944, Yamane 28 Oct 1944,
Niihama 20 Mar 1945 to end of
war.

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

<u>Charge and Specifications</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
<u>MURAKAMI:</u>			
Charge I: (As amended, R. 5) Between 1 May 1944 and 15 August 1945, accused, during the period Japan was at war with the United States of America and its Allies, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: (As amended, R. 4, 5, 164, 252, 286, 287, 393, Certificate of Correction). Between 1 May 1944 and 15 August 1945, accused did willfully and unlawfully disregard and fail to discharge his duty as commander of the said camp by allowing and compelling sick PW's to work, thereby resulting in the death of Fred Coupe, an Australian PW, and in the sickness of numerous other Dutch and Australizn PW's.	NG	Guilty with the exception of the words "compelling sick prisoners of war to work", and the substitution therefor of the words "countenancing the sending of sick prisoners of war to work", and with the addition of the words "aggravating the" before the word "sickness" in the next to last line. Of the excepted words, Not Guilty. Of the substituted and added words, Guilty (R. 1009).	Yes
Sp 5: (As amended, R. 5) Between 1 May 1944 and 15 August 1945, accused did willfully and unlawfully fail to discharge his duties as commander of the camp to provide for the safety and welfare of Allied PW's by allowing and compelling them to work at the Niihama Railroad Station, the Dai Ichi Copper Refinery, and at other places, where they were beaten and mistreated by civilian employees.	NG	G, with the exception of the words "safety and".	Yes
Sp 6: (As amended, R. 5) Between 1 May 1944 and 15 August 1945, the accused did willfully and unlawfully disregard and fail to discharge his duty as commander of the said camp to control and restrain members of his command and other persons	NG	G	Yes

(p 5, MURAKAMI et al, Case #55)

Restricted

under his control and supervision permitting them to commit the following cruel and brutal acts, atrocities and other offenses against certain Dutch and Australian PW's.

Sp 6a: (As amended, R. 5) Between 1 May 1944 and 20 December 1944, the mistreatment and abuse of Karel Danhaerts, Peter Hengst, Tom Van Maeften, Hendrik Otten, Johan Hansen; Dutch PW's, on numerous occasions, by beating them. NG G Yes

Sp 6d: Between 25 August 1944 and 27 August 1944, the beating by Corporal Haruo Okada of De Wilde de Ligny, a Dutch PW, by striking him with a belt. NG G Yes

Sp 6e: On or about 1 November 1944 the mistreatment and abuse by Corporal Haruo Okada of Oscar de Lera and Willem Bouwman, Dutch PW's by beating them. NG (Stricken, R. 434)

Sp 6f: On or about 6 December 1944 the mistreatment by Corporal Haruo Okada of Willem Pieters, a Dutch PW, by beating and kicking him. NG (E. 434, Stricken)

Sp 6g: In or about June 1945, the beating by Sergeant Shunichi Tanimoto of Steinhouzen, a Dutch PW, by striking him with a bamboo fighting stick. NG G Yes

Sp 6h: On or about 1 August 1945 the mistreatment by Corporal Aenshi Hirai of Jullert de Vries, a Dutch PW, by striking him about the head, thereby breaking his eardrums. NG G, with the exception of the word "breaking" and substituting therefor the word "rupturing". Yes Of the excepted word, Not Guilty. Of the substituted word, Guilty.

Sp 6i: (As amended, R. 5) Between 1 May 1944 and 15 August 1945, the mistreatment, abuse and beating of numerous unidentified Dutch and Australian PW's by guards and other Japan Army personnel. NG G, with the exception of the dates and words "1 May 1944" and substituting therefor the words "15 July 1943" and adding the additional word "army" after the word "Japanese" in the last line of the Specification: of the substituted and added words guilty; of the excepted words, not guilty. (See Certificate of Correction) Yes

Sp 6j: (As amended, R. 5) Between 1 May 1944 and 15 August 1945 the withholding and appropriating to their own use by. NG (R. 394, Dismissed)

Restricted

Japanese guards of Red Cross supplies intended for the use, relief and comfort of Dutch and Australian PW's.

Charge II: Between 10 September 1944 and 19 May 1945 accused, during the period Japan was at war with the United States of America and its Allies, did violate the Laws and Customs of War. NG G Yes

Sp 1: (As amended, R. 5, 237, 238, 417, Certificate of Correction) Between 10 September 1944 and 19 May 1945 the accused did willfully and unlawfully disregard and fail to discharge his duty as commander of the said camp, by allowing and compelling sick PW's to work, thereby resulting in the deaths of John Sullivan, Paul Schute, V. F. Bowen, Charles Knox, and Peter Minnett, Australian PW's, and Ludwig Mataar, Dutch PW, and in the sickness of numerous other Dutch and Australian PW's. NG Guilty Yes
with the exception of the words "compelling sick prisoners of war to work", and the substitution of "countenancing the sending of sick prisoners of war to work", and with the addition of the words, "aggravating the", before the word, "sickness" in the next to the last line, and with the exception of the words "resulting in", and the substitution of the words "contributing to", and with the exception of the name "V. F. Bowen". Of the excepted words, Not Guilty. Of the substituted and added words, Guilty (R. 1010).

Sp 3: (As amended, R. 5) On or about 21 January 1945, the accused, did willfully and unlawfully mistreat and abuse John Valpied, an Australian PW, by ordering him to be placed in solitary confinement without sufficient food and with only a pair of cotton shorts as clothing and by compelling him to work after his release when he was sick, thereby contributing to the death of the said PW. NG G Yes

Sp 4: Between 10 September 1944 and 19 May 1945 accused, did willfully and unlawfully fail to discharge his duty as commander of the said camp to provide for the safety and welfare of PW's, by allowing and compelling them to work at the Yamane Mine, under dangerous conditions, where they were subjected to abuse and mistreatment by civilian employees, resulting in the death, injury and illness to numerous PW's. NG G, with the exception of the words "under dangerous conditions" and the substitution therefor of the words "under conditions deleterious to health", and with the exception of the words "death, injury, and", and of the excepted words, Not Guilty. Of the substituted words, Guilty. Yes

Restricted

Restricted

Sp 5: Between 10 September 1944 and 19 May 1945 accused, did willfully and unlawfully disregard and fail to discharge his duty as camp commander to control and restrain members of his command and other persons under his control and supervision permitting them to commit the following cruel and brutal acts, atrocities and other offenses against certain Dutch and Australian Prisoners of War.

Sp 5a: On or about 30 September 1944 the abuse and mistreatment by Corporal Kiyoshi Mishiyama of John Harris, an Australian PW, by striking him on the face when he was lying injured on a stretcher, and by pulling his arm which had been fractured.

NG

NG

Sp 5b: On or about 23 December 1944 the beating by Sergeant Major Yoshikatsu Miawaki of Ronald Metz and Emil Richards, Australian PW's, by striking them with a bamboo fighting stick, and by imprisoning them for five days without sufficient food and clothing.

NG

G

Yes

Sp 5c: On or about 23 December 1944 the beating and torture by Sergeant Major Yoshikatsu Miawaki of Reginald Payne, an Australian PW, by striking him with a bamboo fighting stick, by tying a rope around his neck; by forcing splinters under his finger nails.

IG

G

Yes

Sp 5d: On or about 23 December 1944 the beating and torture by Sergeant Major Yoshikatsu Miawaki of Allan Orr, an Australian PW, by striking him with a bamboo fighting stick; by twisting his arms severely; and by forcing splinters under his finger nails.

IG

G, with the exception of the words "and by forcing splinters under his finger nails."

Yes

Sp 5e: On or about 23 December 1944 the beating and torture by Sergeant Major Yoshikatsu Miawaki of Ronald Holberton, an Australian PW, by striking him with a bamboo fighting stick; by driving a pointed instrument through the webbing of his fingers; and by forcing splinters under his finger nails.

IG

G, with the exception of the words "and by forcing splinters under his finger nails."

Yes

Sp 5f: On or about 23 December 1944 the beating by Sergeant Major Yoshikatsu Miawaki of Peter Withycome, Ernest Mitchell, Basil Jones, and George Shelley, Australian Prisoners of War, by

IG

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Yes

Restricted

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striking them with a bamboo fighting stick.

Sp 5g: On or about 1 February 1945 the abuse and mistreatment by Corporal Kyoshi Nishiana of Richard Tattersall, an Australian PW, by kicking him while he was sick and delirious in the hospital.	NG	G	Yes
Sp 5h: In or about the month of April 1945 the beating by Sergeant Shunichi Tanimoto of Peter Withcome and Ralph Sanderson, Australian PW's, by striking them with a bamboo fighting stick.	NG	G	Yes
Sp 5i: In or about the month of April 1945 the abuse and mistreatment by Sergeant Shunichi Tanimoto of Arthur Duckworth, an Australian PW, by punching him while wearing fencing gloves.	NG	G	Yes
Sp 5j: Between 1 February 1945 and 19 May 1945 the beating by Satoji Suzuki of John Eaton, an Australian PW, by striking him with a bamboo fighting stick.	NG	G	Yes
Sp 5k: In or about the month of March 1945 the abuse and mistreatment by Shunichi Tanimoto, Satoji Suzuki and Tanimori Yamamoto of Ronald Metz, an Australian PW, by striking him while wearing fencing gloves.	NG	G	Yes
Sp 5-l: In or about the month of April 1945 the beating by Satoji Suzuki and Shunichi Tanimoto of ten unidentified Australian PW's, by striking them with a bamboo fighting stick.	NG	G	Yes
Sp 5m: In or about the month of April 1945 the abuse and mistreatment by Satoji Suzuki, Tanimori Yamamoto and Masahiro Oka of Hugh Taylor and Reginald Souza, Australian PW's, by punching them while wearing fencing gloves.	NG	G	Yes
Sp 5n: In or about the month of April 1945 the beating by Shunichi Tanimoto of Jack Quizley, an Australian PW, by striking him with a bamboo cane, and imprisoning him in a cell for two nights.	NG	G	Yes
Sp 5o: On or about 23 December 1944 the withholding by Sergeant Major Yoshikatsu Miawaki of Red Cross supplies intended for the	NG	G, with the exception of the figure "5" in the date 1945, and the substitution thereof of	Yes

Restricted

Restricted

use, relief and comfort of Dutch and Australian PW's, thereby contributing to the death of V. K. Nyam, an Australian PW.

the figure "4". Of the excepted date, Not Guilty. As of the substituted date, Guilty.

Sp Sp: Between 10 September 1944 and 19 May 1945 the mistreatment, abuse and torture of numerous other Dutch and Australian PW's by guards and other Japanese personnel. (R. 289, Stricken) NG

SENTENCE IMPOSED: (Murakami) Death by hanging.
MAXIMUM LEGAL PUNISHMENT: Death.

SAITO:

Charge I: Between 25 April 1945 and 15 August 1945, accused, during the period Japan was at war with the United States of America and its Allies, did violate the Laws and Customs of War. NG G Yes

Sp 1: Between 6 October 1943 and 4 July 1944, accused did willfully and unlawfully disregard and fail to discharge his duty as medical officer by failing and refusing to hospitalize one Leendert Sol, a Dutch PW, who was then suffering from a stomach cancer, thereby contributing to the death of said PW. NG G, with the exception of the words "a stomach cancer" and the substitution of the words "acute stomach complaint". Of the excepted words, Not Guilty; of the substituted words, Guilty. Yes

Sp 2: On or about 30 May 1943, accused, did willfully and unlawfully disregard and fail to discharge his duty as medical officer by allowing and compelling to walk one Swartwout de Hoog, a Dutch PW, who was then suffering from bleeding of the bowels, thereby contributing to the death of the said PW. NG Folle Pros (R. 288)

Sp 3: Between 1 January 1945 and 7 January 1945, the accused, did willfully and unlawfully disregard and fail to discharge his duty as medical officer by failing and refusing to give proper medicines, then available to Robbert Johannis, a Dutch PW, who was then suffering from pneumonia, thereby contributing to the death of the said PW. NG NG ---

Sp 4: (Made Specification 6 of Charge II. Certificate of Correction)

Sp 5: Between 10 September 1944 and 27 July 1945, accused did NG G Yes

Restricted

Restricted

willfully and unlawfully disregard and fail to discharge his duty as medical officer by allowing and compelling to work Fred Coupe, an Australian PW, who was then suffering from beriberi and avitaminosis, thereby contributing to the death of the said PW.

Sp 6: Between 25 April 1943 and 15 August 1945, the accused, did willfully and unlawfully disregard and fail to discharge his duty as medical officer at said camp by failing to provide numerous Dutch and Australian PW's with proper medical treatment and medicines and by allowing and compelling sick Prisoners to work, thereby contributing to the death, disease, and suffering of said PW's. NG (Stricken, R. 289)

Charge II: Between 10 September 1944 and 19 May 1945 accused, during the period Japan was at war with the United States of America and its Allies, did violate the Laws and Customs of War. NG G Yes

Sp 1: Between 10 September 1944 and 4 December 1944, accused did willfully and unlawfully disregard and fail to discharge his duty as medical officer by allowing and compelling to work at a copper mine, and by failing to give medical treatment to, one John Sullivan, an Australian PW, who was suffering from cerebral malaria and malnutrition, thereby contributing to the death of the said PW. NG G Yes

Sp 2: Between 10 September 1944 and 28 December 1944, accused did willfully and unlawfully disregard and fail to discharge his duty as medical officer by failing to provide medicines and drugs, which were then available, for the treatment of Vernon Hyam, an Australian PW, who was suffering from amoebic dysentery, thereby contributing to the death of the said PW. NG NG

Sp 3: On or about 3 January 1945, accused, did willfully and unlawfully disregard and fail to discharge his duty as medical officer by allowing and compelling to work at a copper mine Ludwig Mataar, a Dutch PW, who was then suffering from beriberi and dysentery, thereby contributing to the death of the said PW. NG G Yes

Restricted

Sp 4: Between about 1 November 1944 and 31 December 1944, accused, did willfully and unlawfully disregard and fail to discharge his duty as medical officer by allowing to work at a copper mine, and by failing to give medical treatment to one John Valpied, an Australian PW, who was then sick, thereby contributing to the death of the said PW. NC G Yes

Sp 5: Between 10 September 1944 and 19 May 1945 the accused, did willfully and unlawfully disregard and fail to discharge his duty as medical officer at the said camp by failing to provide numerous other Australian and Dutch PW's with proper medical treatment and medicines, and by allowing and compelling sick Prisoners to work; thereby contributing to the death, disease and suffering of said PW's. NG (Stricken, R. 289)

Sp 6: (Added in lieu of Specification 4 of Charge I. Certificate of Correction and R. 289) Between 1 January 1945 and 11 July 1945, accused did willfully and unlawfully disregard and fail to discharge his duty as medical officer by allowing and compelling to work Peter Minnett, an Australian PW, who was then suffering from beriberi, thereby contributing to the death of the said PW. NC C Yes

SENTENCE IMPOSED: (Saito) Death by hanging.
 MAXIMUM LEGAL PUNISHMENT: Death.

ATSHIYAMA:

Charge: Between 10 September 1944 and 19 May 1945, accused during the period Japan was at war with the United States of America and its allies, did violate the Laws and Customs of War. NC G Yes

Sp 1: Between 10 September 1944 and about 12 March 1945, accused did willfully and unlawfully disregard and fail to discharge his duty as medical orderly, by allowing and compelling to work Fred Coupe, an Australian PW, who was then suffering from beriberi and avitaminosis. NC C Yes

Sp 2: Between 10 September 1944 and 4 December 1944, accused did willfully and unlawfully disregard and fail to discharge his duty as medical orderly by allowing NC C Yes

Restricted

and compelling to work, and by refusing to give medical treatment to one John Sullivan, an Australian PW, who was then suffering from cerebral malaria and malnutrition, thereby contributing to the death of the said PW.

Sp 5: On or about 30 September 1944, accused did willfully and unlawfully mistreat and abuse John Harris, an Australian PW, by striking him on the face when he was lying injured on a stretcher, and by pulling his arm which had been fractured. NG NG ---

Sp 4: On or about 8 March 1945 accused did willfully and unlawfully mistreat and abuse Richard Tattersall, an Australian PW, by kicking him while he was delirious and confined in the hospital. NG G Yes

Sp 3: That between about 1 November 1944 and 31 December 1944 accused did willfully and unlawfully disregard and fail to discharge his duty as medical orderly by allowing and compelling to work at a copper mine, and by refusing to give medical treatment to one John Valpied, an Australian PW, who was then sick, thereby contributing to the death of the said PW. NG G Yes

Sp 6: Between 10 September 1944 and about 12 March 1945, accused did willfully and unlawfully mistreat and abuse numerous unidentified Dutch and Australian PW's, who were then sick, by beating them; by failing to provide them with proper medical treatment; and by sending them out to work. NG (Stricken, P. 289, 944)

SENTENCE IMPOSED: (Ishiyama) CHL for forty (40) years.
MAXIMUM LEGAL PUNISHMENT: Death.

TAKIMOTO:

Charge I: Between 10 September 1944 and 19 May 1945, accused, while Japan was at war with the United States of America and its allies, did violate the Laws and Customs of War. NG G Yes

Sp 1: In or about March 1945, the accused, did willfully and unlawfully mistreat and abuse Ronald Metz, an Australian PW, by punching him while wearing fencing gloves. NG G Yes

Restricted