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

V-337
Yokohama, Japan
2. May 1949

UNITED STATES OF AMERICA VS KINGORO FUKUDA
UNITED STATES OF AMERICA VS MASAO SHIMIZU
UNITED STATES OF AMERICA VS CHITOKU ISE
UNITED STATES OF AMERICA VS MASATOSHI KONO
UNITED STATES OF AMERICA VS EISHI MOTOI
UNITED STATES OF AMERICA VS SABURO SHIBATA
UNITED STATES OF AMERICA VS TAICHERO MIURA
UNITED STATES OF AMERICA VS KINZO GOTO

Review of the Staff Judge Advocate

1. The attached record of trial of Kingoro Fukuda, Masao Shimizu, Chitoku Ise, Masatoshi Kono, Eishi Motoi, Saburo Shibata, Taichero Miura, and Kinzo Goto at Yokohama, Japan, from 26 November 1947 to 1 March 1948, by a Military Commission appointed by paragraph 16, Special Orders No. 270, Headquarters Eighth Army, United States Army, dated 18 November 1947, amended by paragraph 17, Special Orders No. 276, Headquarters Eighth Army, United States Army, dated 25 November 1947, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Kingoro Fukuda
AGE: 34
RESIDENCE: Aza Foda, Minami Nara Ora
Sen Boku-Gun, Akita-Ken
MARITAL STATUS: Married
RELATIVES: Wife, two children, one
brother, two sisters
EDUCATION: 1st year higher elementary
school
VOCATION: Utility Man
MILITARY CAREER: 15 August 1939
Discharged as PFC 20 November 1941

DATE OF CONFINEMENT: 31 October 1945
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: 1 March 1948
SENTENCE: Death by Hanging
CLEMENCY RECOMMENDED BY COMMISSION: No.

NAME: Masao Shimizu
AGE: 29
RESIDENCE: 14 Banchi, Abata-Tei Cho,
Odate Machi, Kita-Kita-Gun, Akita-Ken
MARITAL STATUS: Married
RELATIVES: Wife, one child
EDUCATION: Primary school (3 or 4
months)
VOCATION: Barber
MILITARY CAREER: None

DATE OF CONFINEMENT: 31 October 1945
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: 1 March 1948
SENTENCE: Death by Hanging
CLEMENCY RECOMMENDED BY COMMISSION: No.

NAME: Chitoku Ise
AGE: 38
RESIDENCE: 29 Kanesaburoshiro Odate-
Machi, Kita-Akita-Gun, Akita-Ken
MARITAL STATUS: Married
RELATIVES: Wife, father, 3 brothers,
3 sisters
EDUCATION: High School (3 years)
VOCATION: Office Worker
MILITARY CAREER: None

DATE OF CONFINEMENT: 31 October 1945
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: 1 March 1948
SENTENCE: Death by Hanging
CLEMENCY RECOMMENDED BY COMMISSION: No.

Retrieved

NAME: Masatoshi Kono
AGE: 44
RESIDENCE: 20 Hidare, Odate-Machi,
Kita-Akita-Gun, Akita-Pen
MARITAL STATUS: Married
RELATIVES: Wife, father, 3 brothers,
1 sister
EDUCATION: Graduated Sendai Engineer-
ing School
VOCATION: Office Worker
MILITARY CAREER: None

DATE OF CONFINEMENT: 15 October 1945
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: 1 March 1948
SENTENCE: CHL for Life
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Eishi Motoi
AGE: Not shown
RESIDENCE: Not shown
MARITAL STATUS: Not shown
RELATIVES: Not shown
EDUCATION: Not shown
VOCATION: Not shown
MILITARY CAREER: Not shown

DATE OF CONFINEMENT: 29 August 1947
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
16 January 1948
DATE OF SENTENCE: None
SENTENCE: Acquittal

NAME: Saburo Shibata
AGE: 56
RESIDENCE: 118, Chome Onari, Odate-
Machi, Kita-Akita-Gun, Akita-Ken
MARITAL STATUS: Married
RELATIVES: Wife, 2 brothers, 2 sisters
EDUCATION: Graduate High School
VOCATION: Office Worker
MILITARY CAREER: None

DATE OF CONFINEMENT: 12 August 1947
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: None
SENTENCE: Acquittal

NAME: Taichero Miura
AGE: 45
RESIDENCE: 1 Banchino, Aza Aradote
Odate-Machi, Kitakita, Akita-Pen
MARITAL STATUS: Married
RELATIVES: Stepfather, stepmother,
3 sisters, 4 brothers, wife
EDUCATION: Graduated Elementary School
VOCATION: Policeman
MILITARY CAREER: None

DATE OF CONFINEMENT: 14 August 1947
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: 1 March 1948
SENTENCE: CHL for 20 years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Kinzo Goto
AGE: 31
RESIDENCE: 64 Shitasugi Aza Kutumi
Kamiono-Mura, Kita-Akita-Gun, Akita-
Ken
MARITAL STATUS: Married
RELATIVES: Wife, mother, father,
2 brothers, 3 sisters
EDUCATION: Graduated Higher Elementary
School
VOCATION: Policeman
MILITARY CAREER: January 1938 to
March 1941

DATE OF CONFINEMENT: 19 September 1947
DATE OF ARRAIGNMENT: 28 November 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 26 November 1947 to
1 March 1948
DATE OF SENTENCE: 1 March 1948
SENTENCE: CHL for 20 years
CLEMENCY RECOMMENDED BY COMMISSION: No

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

<u>Charges and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
<u>KINGORO FUKUDA</u>			
Charge: Accused, during a time of war between the United States of America and its Allies, and Japan, did violate the Laws and Customs of War (as amended R.9).	NG	G except words "with his then known title". Of the excepted words NG.	No
Sp 1: In or about October 1944, accused did willfully and unlawfully mistreat Chang Shin-shang, Chinese National, by beating him, thereby causing his death 3 days later (as amended R.9).	NG	G except words "thereby causing his death 3 days later". Of excepted words NG.	No
Sp 2: In or about November 1944, accused did willfully and unlawfully mistreat Tien Yang-duk, Chinese National, by beating him, thereby causing his death 20 days later (as amended R.9).	NG	G except words "thereby causing his death about 20 days later". Of excepted words NG.	No
Sp 3: In or about November 1944, accused did willfully and unlawfully mistreat Chang Cheng-kieng, Chinese National, by striking him on head with rock, thereby causing his death 4 months later (as amended R.9).	NG	G except words "thereby causing his death about 4 months later". Of excepted words NG	No
Sp 4: In or about June 1945, accused did willfully and unlawfully mistreat Wang Tin-bun, Chinese National, by forcing Gun Chun, Chinese National, to beat him, thereby causing his death in about 1 month (as amended R.9).	NG	G	No
Sp 5: In or about June 1945, accused did willfully and unlawfully mistreat Gun Chun, Chinese National, by forcing him to beat Wang Tin-bun, Chinese National, thereby causing death later in one month (as amended R.9).	NG	G	No
Sp 6: In or about June 1945, accused did willfully and unlawfully mistreat Cho Fa-gue, Chinese National, by beating him and forcing Gun Chun, Chun Jin-tin and Cho Do-lin, Chinese Nationals, to beat him, thereby causing his death within 3 days (as amended R.10).	NG	G	No
Sp 7: On or about June 1945, accused did willfully and unlawfully mistreat Gun Chun, Chun Jin-tin, and Cho Do-lin, Chinese Nationals, by forcing them to beat Cho Fa-gue, Chinese National, thereby causing his death within about 3 days (as amended R.10).	NG	G	No

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Sp 8: Between 20 June and 21 July 1945, accused did willfully and unlawfully mistreat Shiea Ton-tau, Chinese National, by beating him, thereby causing his death within 1 month (as amended R.10). NG G No

Sp 9: In or about June 1945, accused did, with others, willfully and unlawfully mistreat Lieu Zai-ye, Chinese National, by beating him (as amended R.10). NG G No

Sp 10: In or about June 1945, accused did willfully and unlawfully mistreat 56 Chinese Nationals by beating them (as amended R.10). NG NG

Sp 11: In or about September 1944, accused did willfully and unlawfully mistreat Liao Sun-so, Chinese National, by beating him (as amended R.10). NG NG

Sp 12: In or about March 1945, accused did willfully and unlawfully mistreat Yan Do-li, Chinese National, by forcing him to stand on a hill from 0800 to 1500 hours without food or water (as amended R.10). NG G No
except words "from 0800 to 1500" substituting therefor the word "several". Of the excepted words NG; of the substituted word G.

Sp 13: In or about October 1944, accused did willfully and unlawfully mistreat 17 old Chinese Nationals by forcing them to perform arduous labor for which they were physically unfit and depriving them of midday meal (as amended R.10). NG NG

Sp 14: In or about January 1944, accused did willfully and unlawfully mistreat Yi Sou-shin, Chinese National, by forcing him to work when sick and physically unfit and by beating him (as amended R.10). NG G No

Sp 15: From 8 August 1944 to 1 July 1945, accused did willfully and unlawfully mistreat numerous other Chinese laborers by beating and otherwise abusing them (as amended R.10). NG G No

Sp 16: From 8 August 1944 to 1 July 1945, accused did willfully and unlawfully mistreat numerous other Chinese Nationals by ordering persons subject to his direction or control to beat them (as amended R.10). NG NG

MASAO SHIMIZU

Charge: Accused, during a time of War between the United States of America, its Allies and Dependencies, and Japan, NG G No
except words "with his then known"

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did violate the Laws and Customs of War (as amended R.12).

title". Of the excepted words NG.

Sp 1: In or about October 1944, accused did willfully and unlawfully mistreat Liu Ying-chin, Chinese National, by beating him while in a weakened condition, thereby causing his death 2 months later (as amended R.12).

NG

NG

(on motion)

Sp 2: In or about October 1944, accused did willfully and unlawfully mistreat Ja-I-min, Chinese National, by beating him, thereby incapacitating him for work for 3 days (as amended R.12).

NG

NG

(on motion)

Sp 3: In or about January 1945, accused did willfully and unlawfully mistreat Yie Shie-lin, Chinese National, by forcing him to work while suffering from frost bitten feet and by beating him, thereby contributing to his death 1 month later (as amended R.12).

NG

G

except words "thereby contributing to his death about 1 month later". Of the excepted words NG.

Sp 4: In or about February 1945, accused did willfully and unlawfully mistreat Lee Tan-tsu, Chinese National, by beating him (as amended R.12).

NG

G

No

Sp 5: In or about June 1945, accused did willfully and unlawfully mistreat 40 Chinese Nationals by beating them, thereby, causing many of them to lose consciousness (as amended R.12).

NG

G

except words "thereby causing many of them to lose consciousness". Of the excepted words NG (R 578).

No

Sp 6: In or about June 1945, accused did willfully and unlawfully mistreat Sun Chien-chie, Chinese National, by kicking him to death (as amended R.12).

NG

G

No

Sp 7: On 2 occasions in or about June 1945, accused did willfully and unlawfully mistreat and torture Lieu Zai-ye, Chinese National, by beating and burning him, thereby causing him to suffer permanent physical injury and permanent impairment of mind (as amended R.12).

NG

G

except words "and permanent impairment of mind". Of the excepted words NG.

No

Sp 8: During winter of 1944-45, accused did willfully and unlawfully mistreat numerous other Chinese Nationals, by compelling them to work in snow and water during freezing weather, inadequately clothed, thereby causing physical suffering, impairment of health and contributing to the death of many of them (as amended R.12).

NG

NG

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Redacted

Sp 9: During summers of 1944 and 1945, accused did willfully and unlawfully mistreat many Chinese Nationals by causing them to work in inclement weather, inadequately clothed, under conditions dangerous to their health and lives (as amended R.12). NG NG No

Sp 10: From 8 August 1944 to 1 July 1945, accused did willfully and unlawfully mistreat numerous other Chinese Nationals by beating and otherwise abusing them (as amended R.12). NG G No

Sp 11: From 8 August 1944 to 1 July 1945, accused did willfully and unlawfully mistreat numerous other Chinese Nationals by ordering persons under his direction and control to beat and otherwise abuse them (as amended R.12). NG NG No

CHITOHU ISE

Charge: Accused, 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 (as amended R.12). NG G No

Sp 1: In or about June 1945, accused did willfully and unlawfully mistreat and abuse Cho Fa-gue, Chinese National, by forcing Gun Chun to beat him, thereby causing his death within 3 days. NG G No
except words "within 3 days" substituting therefor the words "within about 3 days". Of the excepted words NG; of the substituted words G.

Sp 2: In or about June 1945, accused did willfully and unlawfully mistreat and abuse Gun Chun, Chinese National, by forcing him to beat Cho Fa-gue, so severely as to cause his death within 3 days (as amended R.12). NG G No
except words "another prisoner of war so severely as to cause his death within 3 days". Of the excepted words NG.

Sp 3: Between 8 August 1944 and 1 July 1945, accused did unlawfully disregard and fail to discharge his duty as Commander of said camp, in relation to its Chinese Nationals: NG G No
except word "Com-mander" substituting therefor the words "Dormitory Head". Of the excepted words NG; of the substituted words G.

(a) By permitting filthy and unsanitary conditions to exist. NG No

(b) By failing to provide adequate infirmary quarters. NG

(c) By failing to provide isolation quarters, when necessary, for sick with contagious diseases. NG

(d) By failing to provide them a weekly day of rest. NG (on motion)

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(e) By permitting them to be deprived of a part of their ration of food and cigarettes.

G No
except words "and cigarettes" (R 578)

(f) By failing to provide the sick with sufficient food.

NG

(g) By failing to provide honorable burial for those dying in said camp and by failing to see that their graves were properly marked, respected and maintained (as amended R.12).

NG

Sp 4: Between 8 August 1944 and 1 July 1945, accused, then Commander of said Camp, did unlawfully force and permit Chinese Nationals:

NG

G No
except word "Commander", substituting therefor the words "Dormitory Head". Of the except word NG; of the substituted words G.

(a) To work excessive length of time without sufficient rest periods.

NG No
(on motion)

(b) To perform arduous labor when they were ill and unfit.

G

(c) To do unhealthful and dangerous work under unhealthful and dangerous conditions.

NG

(d) To perform work as a disciplinary measure (as amended R.12).

NG
(on motion)

Sp 5: Between 8 August 1944 and 1 July 1945, accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp, to control and restrain members of his command and persons under his supervision and control, by permitting them to commit the following atrocities and other offenses against Chinese Nationals:

NG

G No
except word "Commander" substituting therefor the words "Dormitory Head". Of the excepted word NG; of the substituted words G. Except also the words "the members of his command", of the excepted words NG.

(a) In October 1944, the unlawful mistreatment and abuse by Fukuda of Chang Shin-shang by beating him so severely he died 3 days later.

NG

(b) In November 1944, the unlawful mistreatment and abuse by Fukuda of Tien Ying-duk by beating him so severely he died 20 days later.

NG

(c) In November 1944, the unlawful mistreatment and abuse by Fukuda of Chang Cheng-kieng by striking him on the head with a rock, thereby injuring him so severely he died 4 months later.

NG

(d) In June 1945, the unlawful mistreatment and abuse by Fukuda of Wang Tin-bun by forcing Gun Chun to beat him so severely he died within a month.

G

(e) In June 1945, the unlawful mistreatment and abuse by Fukuda of Gun Chun by forcing him to beat Wang Tin-bun so severely that Wang Tin-bun died within a month.

G No
except words "another Chinese Prisoner of War so severely the said Wang Tin-bun died within a month". Of the excepted words NG.

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- (f) In June 1945, the unlawful mistreatment and abuse by Fukuda of Cho Fa-gue by beating him and forcing Gun Chun, Chun Jin-tin, and Cho Do-lin to beat him so severely he died within 3 days. G No
- (g) In June 1945, the unlawful mistreatment and abuse by Fukuda of Gun Chun, Chun Jin-tin, and Cho Do-lin by forcing them to beat Cho Fa-gue so severely he died within 3 days. G No
except words "another Chinese Prisoner of War so severely that he died within 3 days".
Of the excepted words NG.
- (h) Between 20 June and 1 July 1945, the unlawful mistreatment and abuse by Fukuda of Shiea Ton-tau by beating him so severely he died within one month. G No
- (i) In June 1945, the unlawful mistreatment and abuse by Fukuda of Lieu Zai-ye by beating him. NG No
- (j) In June 1945, the unlawful mistreatment and abuse by Fukuda of 56 Chinese Nationals by beating them. NG No
- (k) In September 1944, the unlawful mistreatment and abuse by Fukuda of Liao Sun-so by beating him. NG No
- (l) In March 1945, the unlawful mistreatment and abuse by Fukuda of Yan Doo-li by forcing him to stand on a hill from 0800 to 1500 hours without food or water. NG No
- (m) In October 1944, the unlawful mistreatment and abuse by Fukuda of 17 old Chinese Nationals by forcing them to perform arduous labor for which they were physically unfit and depriving them of their midday meal. NG No
- (n) In January 1944, the unlawful mistreatment and abuse by Fukuda of Yi Sou-shin by forcing him to perform arduous labor when sick and unfit and by beating him. G No
- (o) In October 1944, the unlawful mistreatment and abuse by Shimizu of Liu Ying-chin by beating him while in a weakened condition so severely as to contribute to his death two months later. NG (on motion) No
- (p) In October 1944, the unlawful mistreatment and abuse by Shimizu of Ja I-min by beating him so severely as to incapacitate him for work for 3 days. NG (on motion) No
- (q) In January 1945, the unlawful mistreatment and abuse by Shimizu of Yie Shie-lin by forcing him to work while suffering from frostbitten feet and by beating him severely, thereby contributing to his death 1 month later. NG No
- (r) In February 1945, the unlawful mistreatment and abuse by Shimizu of Lee Tan-tsu by beating him. NG No

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(s) In June 1945, the unlawful mistreatment and abuse by Shimizu of 40 Chinese Nationals by beating them so severely as to cause many of them to lose consciousness.

NG

No

(t) In June 1945, the unlawful mistreatment and abuse by Shimizu of Sun Chien-Chie by kicking him to death.

NG

No

(u) On two occasions in one day in June 1945, the unlawful mistreatment and abuse by Shimizu of Lieu Zai-yeo by beating and burning him so severely as to cause permanent physical injury and permanent impairment of mind.

NG

No

(v) In the winter of 1944-45, the unlawful mistreatment and abuse by Shimizu of numerous Chinese Nationals by compelling them to work in snow and water during freezing weather, inadequately clothed, causing physical suffering and impairment of health and contributing to the death of many of them.

NG

No

(w) During summers of 1944 and 1945, the unlawful mistreatment and abuse by Shimizu of many Chinese Nationals by compelling them to work during inclement weather inadequately clothed under conditions dangerous to their health and lives.

NG

Sp 6: Between 8 August 1944 and 1 July 1945, accused, Commander of said Camp, did willfully and unlawfully mistreat numerous other Chinese Nationals by beating or otherwise abusing them.

NG

NG
(on motion)

No

Sp 7: Between 8 August 1944 and 1 July 1945, accused did willfully and unlawfully mistreat numerous other Chinese Nationals by forcing persons subject to his direction and control to beat and otherwise abuse them.

NG

G

No

Sp 8: Between 8 August 1944 and 1 July 1945, accused, Commander of said Camp, did unlawfully disregard and fail to discharge his duty as such to control and restrain the members of his command and persons under his supervision and control by permitting them to mistreat numerous other Chinese Nationals, by beating and otherwise abusing them.

NG

NG

No

MASATOSHI KONO

Charge: Accused, 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 (as amended R.13).

NG

G

No

Restricted

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Sp 1: Between 8 August 1944 and 1 July 1945, accused, as General Manager of said Camp, among others, and between 1 July 1945 and 15 October 1945, as Commander of said Camp, did willfully and unlawfully disregard his duty to said Chinese Nationals, thereby contributing to the deaths of about 400 of said Chinese.	NG	G	No
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except the words "thereby contributing to the deaths of about 400 of said Chinese Nationals". Of the excepted words NG. Also except the words "as Commander of the said Chusan Chinese Labor Camp". Of the excepted words NG.

- | | | | |
|--|-------------|---|----|
| (a) By failing to treat said Chinese Nationals humanely. | NG | | |
| (b) By failing to respect their persons and Honor. | (on motion) | NG | |
| (c) By failing to provide them with sufficient food to maintain life and health. | (on motion) | NG | |
| (d) By failing to provide them with sufficient clothing and footwear and work clothes when the nature of the work required it, and by failing to provide replacement and repair of clothing or footwear. | | NG | |
| (e) By failing to provide adequate and sufficiently heated and lighted lodging affording all possible safeguards as to hygiene and healthfulness. | | NG | |
| (f) By failing to install a canteen where Chinese Nationals could obtain food products and ordinary articles. | (on motion) | NG | |
| (g) By failing to take all sanitary measures necessary to assure cleanliness and healthfulness and to prevent epidemics. | | G | No |
| (h) By failing to provide medical inspections at least once a month. | | NG | |
| (i) By failing to provide adequate infirmary quarters. | | NG | |
| (j) By failing to provide isolation quarters for the sick with contagious diseases. | | NG | |
| (k) By failing to provide hospitalization for those seriously ill. | | NG | |
| (l) By failing to provide a weekly day of rest. | (on motion) | NG | |
| (m) By failing to provide sufficient food for the sick, thereby retarding their recovery. | | G | No |
| (n) By permitting them to be deprived of part of their rations of food and cigarettes. | | G | No |
| (o) By failing to provide honorable burial of those "dying in said Camp" and by failing to see that their graves were properly marked, respected and maintained (as amended R.13). | | except words "and cigarettes". Of excepted words NG (R 579) | No |
| | | G | No |
| | | except word "said" substituting therefor the word "many". Of excepted word NG; of substituted word G. | |

Sp 2: That between 1 July 1945 and 4 July 1945, accused, as Commander of	NG	NG	
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Restricted

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said Camp, did willfully and unlawfully mistreat and abuse 832 Chinese Nationals, of whom 40 were ill and confined and all of whom were suffering from malnutrition, by failing to supply them with food, thereby contributing to the deaths of about 266 of said Chinese Nationals between 1 July and 15 October 1945 (as amended R.13).

NG

Sp 3: Between 8 August 1944 and 1 July 1945, accused, as General Manager of said Camp, among others and between 1 July 1945 and 15 October 1945, as Commander of said Camp, did willfully and unlawfully force and permit Chinese Nationals, thereby contributing to the deaths of about 400 of said Chinese:

NG

G
No
except words "as Commander of said Chusan Labor Camp" and the words "thereby contributing to the deaths of about 400 of said Chinese Nationals". Of the excepted words NG.

- (a) To work excessively.
- (b) To perform arduous duty when ill and unfit.
- (c) To do unhealthful and dangerous work under unhealthful and dangerous conditions.

NG

G

No

G

No

except words "do unhealthful and dangerous" and "and dangerous". Of the excepted words NG. (R 579)

NG

(on motion)

(d) To perform work as a disciplinary measure (as amended R.13).

Sp 4: Between 8 August 1944 and 1 July 1945, accused, as General Manager of said Camp, among others, and between 1 July 1945 and 15 October 1945, as Commander of said Camp, did unlawfully disregard and fail to discharge his duty to control and restrain the members of his command and persons under his supervision and control, by permitting them to commit the following atrocities and other offenses:

G

No

except words "and in or about 1 July 1945 to 15 October 1945, the accused, Masatoshi Kono, as Commander of said Chusan Chinese Labor Camp" and the words "members of his command and". Of the excepted words NG.

NG

NG

G

No

except words "so severely that he died 3 days later". Of the excepted words NG.

G

No

except words "so severely that he died about 20 days later". Of the excepted words NG.

(a) In June 1945, the unlawful mistreatment and abuse by Ise of Cho Fa-guo by forcing Gun Chun to beat him, thereby causing his death within 3 days.

(b) In June 1945, the unlawful mistreatment and abuse by Ise of Gun Chun by forcing him to beat Cho Fa-gue so severely as to cause his death within 3 days.

(c) In October 1944, the unlawful mistreatment and abuse by Fukuda of Chang Shin-shang by beating him so severely he died 3 days later.

(d) In November 1944, the unlawful mistreatment and abuse by Fukuda of Tien Ying-duk by beating him so severely he died in about 20 days.

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(e) In November 1944, the unlawful mistreatment and abuse by Fukuda of Chang Cheng-kieng by hitting him on the head with a rock so severely he died about 4 months later.

G No
except words "there-
by injuring him so
severely that he died
about 4 months later".
Of the excepted words
NG.

(f) In June 1945, the unlawful mistreatment and abuse by Fukuda of Wang Tin-bun by forcing Gun Chun to beat him so severely he died within a month.

G No

(g) In June 1945, the unlawful mistreatment and abuse by Fukuda of Gun Chun by forcing him to beat Wang Tin-bun so severely he died within a month.

G No

(h) In June 1945, the unlawful mistreatment and abuse by Fukuda of Cho Fa-gue by beating him and forcing Gun Chun and others to beat him so severely he died within about 3 days.

G No

(i) In June 1945, the unlawful mistreatment by Fukuda of Gun Chun and others by forcing them to beat Cho Fa-gue so severely he died within about 3 days.

G No

(j) Between 20 June and 1 July 1945, the unlawful mistreatment and abuse by Fukuda of Shiea Ton-tau by beating him so severely he died within one month.

G No

(k) In June 1945, the unlawful mistreatment and abuse by Fukuda of Lieu Zai-yea by beating him.

G No

(l) In June 1945, the unlawful mistreatment and abuse by Fukuda of 56 Chinese Nationals by beating them.

NG

(m) In September 1944, the unlawful mistreatment and abuse by Fukuda of Liau Sun-so by beating him.

NG No

(n) In March 1945, the unlawful mistreatment and abuse by Fukuda of Yan Doo-li by forcing him to stand on a hill from 0800 to 1500 hours without food or water.

G No
except words "from
0800 to 1500" sub-
stituting therefor
the words "for
several". Of the
excepted words NG;
of substituted
words G.

(o) In October 1944, the unlawful mistreatment and abuse by Fukuda of 17 old Chinese Nationals by forcing them to perform arduous labor for which they were physically unfit and depriving them of their midday meal.

NG

(p) In January 1944, the unlawful mistreatment and abuse by Fukuda of Yi Sou-shin by forcing him to perform arduous labor when sick and physically unfit and by beating him.

G No

(q) In October 1944, the unlawful mistreatment and abuse by Shimizu of Liu Ying-chin by beating him while in a weakened condition so severely as to contribute to his death 2 months later.

NG
(on motion)

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(r) In October 1944, the unlawful mistreatment and abuse by Shimizu of Ja I-min by beating him so severely as to incapacitate him from work for 3 days.

NG
(on motion)

(s) In January 1945, the unlawful mistreatment and abuse by Shimizu of Yie Shie-lin by forcing him to work while suffering from frostbitten feet and by beating him severely, thereby contributing to his death about one month later.

G No
except words "severely, thereby contributing to his death about one month later". Of the excepted words NG.

(t) In February 1945, the unlawful mistreatment and abuse by Shimizu of Lee Tan-tsu by beating him.

G

(u) In June 1945, the unlawful mistreatment and abuse by Shimizu of 40 Chinese Nationals by beating them so severely many lost consciousness.

G No
except words "so severely as to cause many of them to lose consciousness". Of the excepted words NG.

(v) In June 1945, the unlawful mistreatment and abuse by Shimizu of Sun Chien-chie by kicking him to death.

G

(w) On two occasions in one day in June 1945, the unlawful mistreatment and abuse by Shimizu of Lieu Zai-ye by beating him and burning him so severely as to cause permanent physical injury and permanent impairment of mind.

G
except the words "and permanent impairment of mind". Of the excepted words NG.

(x) In the winter of 1944 to 1945, the unlawful mistreatment and abuse of Shimizu of numerous Chinese Nationals by compelling them to work in snow and water during freezing weather, inadequately clothed, thereby causing physical suffering and impairment of health and contributing to the death of many of them.

NG

(y) During the summer of 1944 and 1945, the unlawful mistreatment and abuse by Shimizu of many Chinese Nationals by compelling them to work during inclement weather inadequately clothed under conditions dangerous to their health and lives (as amended R.13).

NG

Sp 5: Between 8 August 1944 and 1 July 1945, accused, as General Manager of said Camp, among others and from 1 July 1945 to 15 October 1945, as Commander of said Camp, did willfully and unlawfully mistreat numerous other Chinese Nationals by forcing persons subject to his direction and control to beat and otherwise abuse them (as amended R.13).

NG

G No
except words "and in or about 1 July 1945 to 15 October 1945, the accused Masatoshi Fono as Commander of said Chusan Chinese Labor Camp" and except the word "numerous" and the word "them" substituting therefor the word "one" and the word "him". Of the excepted words NG; of the substituted words G.