

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

Yokohama, Japan
2 November 1948

UNITED STATES OF AMERICA VS TETSUO MIZUNO
UNITED STATES OF AMERICA VS EISUKE WATANABE
UNITED STATES OF AMERICA VS KUNZIO KASUYA
UNITED STATES OF AMERICA VS YOSHIRO KOTANI
UNITED STATES OF AMERICA VS MITSUO SAITO
UNITED STATES OF AMERICA VS SEITARO WASHIMI
UNITED STATES OF AMERICA VS KAORU OTSUKI
UNITED STATES OF AMERICA VS YOSHIO MIYAZAKI

Review of the Staff Judge Advocate

1. The attached record of trial of Tetsuo Mizuno, Eisuke Watanabe, Kunzio Kasuya, Yoshiro Kotani, Mitsuo Saito, Seitaro Washimi, Kaoru Otsuki, and Yoshio Miyazaki at Yokohama, Japan, from 2 April 1947 to 6 June 1947 by a Military Commission appointed by paragraph 2, Special Orders No. 73, Headquarters Eighth Army, dated 28 March 1947, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Tetsuo Mizuno
AGE: 33
RESIDENCE: Not shown
MARITAL STATUS: Not shown
RELATIVES: Not shown
EDUCATION: Graduated from Keio University
VOCATION: Not shown
MILITARY CAREER: Inducted 10 January 1941, discharged 31 August 1941; reinducted upon discharge, again discharged 25 September 1945.

DATE OF CONFINEMENT: 29 November 1945
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to 6 June 1947
DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 5 years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Eisuke Watanabe
AGE: 40
RESIDENCE: Not shown
MARITAL STATUS: Wife was killed on 10 March 1945 during an air raid and accused's sister and her three children were killed at the same time. Accused has three children, 13, 9, and 7 years of age.
RELATIVES: Not shown
EDUCATION: Not shown
VOCATION: Not shown
MILITARY CAREER: Entered Army 1 January 1929, discharged 9 July 1930; inducted 30 December 1941, discharged 10 October 1945.

DATE OF CONFINEMENT: 12 June 1946
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to 6 June 1947
DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 40 years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Kunzio Kasuya
AGE: 32
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Not shown
EDUCATION: Not shown

DATE OF CONFINEMENT: 11 February 1946
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to 6 June 1947

Restricted

VOCATION: Farmer
MILITARY CAREER: Entered service 10
March 1937; discharged 14 November
1941

DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 20 years
CLEMENCY RECOMMENDED BY COMMISSION:
No

NAME: Yoshiro Kotani
AGE: 28
RESIDENCE: Not shown
MARITAL STATUS: Married, one child
RELATIVES: Not shown
EDUCATION: 8 years
VOCATION: Not shown
MILITARY CAREER: Inducted into Army
12 January 1940; served for one year,
then discharged on medical discharge
because of pleurisy.

DATE OF CONFINEMENT: 31 January 1946
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to
6 June 1947
DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 10 years
CLEMENCY RECOMMENDED BY COMMISSION:
No

NAME: Mitsuo Saito
AGE: 27
RESIDENCE: Not shown
MARITAL STATUS: Married, one child
RELATIVES: Not shown
EDUCATION: Graduated from higher
grammar school
VOCATION: Shoe shop apprentice
MILITARY CAREER: Entered Army 1 March
1941, discharged 10 April 1943

DATE OF CONFINEMENT: 31 January 1946
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to
6 June 1947
DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 30 years
CLEMENCY RECOMMENDED BY COMMISSION:
No

NAME: Seitaro Washimi
AGE: Not shown
RESIDENCE: Not shown
MARITAL STATUS: Married, four children
RELATIVES: Not shown
EDUCATION: Not shown
VOCATION: Not shown
MILITARY CAREER: Inducted into Army 1
December 1928; discharged 30 November
1958; reinducted in 1941.

DATE OF CONFINEMENT: 6 February 1946
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to
6 June 1947
DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 40 years
CLEMENCY RECOMMENDED BY COMMISSION:
No

NAME: Kaoru Otsuki
AGE: 33
RESIDENCE: Koyama-cho, Shiba Mito,
Tokyo City
MARITAL STATUS: Married, one child
RELATIVES: Father, mother, two sisters
EDUCATION: Graduated from Waseda
University in March 1940
VOCATION: Office worker, clerical work
MILITARY CAREER: Inducted 10 January,
1941, discharged 24 November 1943;
reinducted 7 May 1945 and served
until end of the war.

DATE OF CONFINEMENT: 20 February 1946
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to
6 June 1947
DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 3 years
CLEMENCY RECOMMENDED BY COMMISSION:
No

NAME: Yosio Miyazaki
AGE: 29
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Not shown
EDUCATION: Not shown

DATE OF CONFINEMENT: 24 February
1947
DATE OF ARRAIGNMENT: 2 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 April 1947 to
6 June 1947

Restricted

VOCATION: Not shown
MILITARY CAREER: Entered active service 1 December 1939, served until 1 November 1941; released 1 November 1941 on medical due to pulmonary infiltration contracted in China; re-entered service 6 June 1942.

DATE OF SENTENCE: 6 June 1947
SENTENCE: CHL for 40 years
CLEMENCY RECOMMENDED BY COMMISSION: No

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>MIZUNO</u>			
Charge (as amended, R. 378): Between 26 December 1942 and 30 June 1945 accused, then Sergeant and later Sergeant Major in the Armed Forces of Japan, and Second in Command of Tokyo Area PW Camp No. 2-B, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1 (as amended, R. 378): On or about 8 May 1943 accused did, willfully and unlawfully, cause Japanese personnel on duty at said camp to mistreat one Silva, a British PW, Sergeant John Seres, Private First Class Lester Raymond, Private First Class George J. Mizzo, and Private First Class James M. Riley, American PWs, and other American and Allied PWs, by beating them; by forcing them to stand in a sewer manhole; by forcing them to stand at attention for long periods of time; by throwing them with ju jitsu and by otherwise abusing them.	NG	G except the word "cause," substituting therefor the word "permit"; of the excepted word, NG, of the substituted word, G	Yes, in part
Sp 2 (as amended, R. 378): Between 26 December 1942 and 30 June 1945 accused did, on divers occasions, willfully and unlawfully, cause Mamoru Shiozawa and other Japanese personnel to mistreat Master Sergeant Thomas V. Wyllsey and Staff Sergeant Charles Richards, American PWs, and other American and Allied PWs, by beating and abusing them.	NG	G	Yes
Sp 3 (as amended, R. 378): Between 26 December 1942 and 30 June 1945 accused did, on numerous occasions, willfully and unlawfully, withhold and misappropriate rations, clothing, Red Cross and other supplies intended for the use and benefit of American and Allied PWs.	NG	G except the words "withhold and" and the words "rations, clothing"; of the excepted words, NG	Yes
Sp 4 (as amended, R. 378): Between 26 December 1942 and 30 June 1945, accused did, willfully and unlawfully, disregard and fail to discharge his duty as second in command to control and restrain members of his command and persons under his control and supervision, by permitting them to commit the following brutal acts, atrocities and other offenses against American and Allied PWs.	NG	NG (R. 384)	

Restricted

Sp 4a. (as amended, R. 378): Between 26 December 1942 and 30 June 1945, at divers times, the unlawful mistreatment of Corporal Donald B. Armstrong, an American PW, by beating him; by forcing him to stand in a sewer manhole; by forcing him to stand at attention for long periods of time; by forcing him to do hard manual labor while he was suffering from the results of said mistreatment and physically unfit to perform such labor; by placing him in a small cell without blankets during cold weather for long periods of time; by otherwise abusing him.

NG NG
(R. 384)

Sp 4b. (as amended, R. 378): In or about the month of February 1943, the unlawful mistreatment by Mamoru Shiozawa and Yoshito Kotani, civilian guards, of Chief Petty Officer Mueller, an American PW, by beating and abusing him.

NG NG
(R. 384)

Sp 4c. (as amended, R. 378): Between 26 December 1942 and 30 June 1945, the unlawful mistreatment on numerous occasions by Mamoru Shiozawa, Mitsuno Saito and others of Private First Class Richard R. Gilbert, an American PW, by beating him; by forcing him to stand at attention with his arms outstretched holding a bucket of water in his hands for long periods of time; by throwing cold water on him; by forcing him to work while he was suffering from the results of such mistreatment and physically unfit to perform such labor, and by otherwise abusing him.

NG NG
(R. 384)

Sp 4d. (as amended, R. 378): In or about the month of January 1943, on divers occasions, the unlawful mistreatment by Mamoru Shiozawa of Private Max Jones, Corporal A. H. Shelton, and Oscar Powell, American PWs, by beating and abusing them.

NG NG
(R. 384)

Sp 4e. (as amended, R. 378): Between 26 December 1942 and 30 June 1945, the unlawful mistreatment by Japanese personnel of numerous American and Allied PWs by beating them; by compelling them to stand in a sewer manhole; by forcing them to stand at attention for long periods of time; by throwing cold water on them; by forcing them to hang from a bar for long periods of time; by forcing them to hold buckets of water in their hands with their arms outstretched for long periods of time; by forcing them to kneel on sharp pieces of wood for long periods of time; by throwing them with jiu-jitsu, and otherwise abusing them.

NG NG
(R. 384)

Restricted

Sp 4f. (as amended, R. 378): Between NG NG
26 December 1942 and 30 June 1945, on (R. 384)
numerous occasions the unlawful misappropriation of rations, clothing, Red Cross supplies and other supplies intended for the use and benefit of American and Allied PWs and personal property belonging to them.

NATANABE

Charge (as amended, R. 379): Between NG G Yes
25 November 1942 and 4 March 1945, accused, then Lance Corporal in the Armed Forces of Japan and Medical Orderly at Tokyo Area PW Branch Camp No. 2-B, did violate the Laws and Customs of War.

Sp 1 (as amended, R. 379): Between 25 NG NG
November 1942 and 27 November 1942, (R. 384)
accused did unlawfully disregard and fail to discharge his duty as Medical Orderly in charge of medical matters by failing and refusing to provide necessary and adequate medical care and hospitalization to Private Harry D. Stock, an American PW, thereby contributing to his death.

Sp 2 (as amended, R. 379): Between 25 NG NG
November 1942 and 7 January 1943 accused did unlawfully disregard and fail to discharge his duty as Medical Orderly by failing and refusing to provide necessary and adequate medical care and hospitalization to Private Marshall C. Lief, an American PW, thereby contributing to his death.

Sp 3: In or about December 1944 accused NG G Yes
did willfully and unlawfully mistreat Sergeant Raymond W. Chambers, an American PW, by refusing to give or permit anyone else to give proper and necessary medical attendance and available medical supplies to said PW, who was suffering from boils about his body, thereby injuring his health and delaying his recovery.

Sp 4 (as amended, R. 379): Between 25 NG G Yes
November 1942 and 1 June 1945 accused did, on numerous occasions, singly and with others, willfully and unlawfully, mistreat Donald B. Armstrong, an American PW, by beating and kicking him; by forcing him to stand at rigid attention for long periods of time; by forcing him to stand in a sewer manhole; by forcing him to do hard manual labor while physically unfit to perform such labor; by placing him in a small cell without blankets during cold weather for long periods of time; and by otherwise abusing him.

Sp 5 (as amended, R. 379): On or about 9 September 1944, accused did, singly and with others, willfully and unlawfully mistreat William A. Van Gerrisheim, Dutch PW, by beating him; by tying a string around his penis and pulling forcibly on the string; by forcibly inserting a wooden practice sword up his rectum, and by otherwise abusing him. NG G Yes

Sp 6 (as amended, R. 379): Between 25 November 1942 and 4 March 1945, accused did, on numerous occasions, willfully and unlawfully mistreat Surgeon Lieutenant Augustine P. Curtin, a British PW, by beating and abusing him. NG G Yes

Sp 7 (as amended, R. 379): Between 25 November 1942 and 4 March 1945, accused did, on divers occasions, willfully and unlawfully mistreat Sergeant Thomas E. Garity, Corporal Grant M. Kendricks, American PWs, and other American and Allied PWs, by beating and abusing them. NG G Yes

Sp 8 (as amended, R. 379): Between 25 November 1942 and 4 March 1945 accused did, on numerous occasions, willfully and unlawfully withhold and misappropriate rations, clothing, medical supplies and Red Cross supplies, intended for the use and benefit of American and Allied PWs, and personal property belonging to them. NG G except the words "rations, clothing"; of the excepted words NG Yes

Sp 9 (as amended, R. 379): Between 25 November 1942 and 4 March 1945, accused, as Medical Orderly in charge of sick PWs, did willfully and unlawfully mistreat numerous sick American and Allied PWs, by failing, neglecting and refusing to provide them necessary available medicine, medical attention and supplies and hospitalization; by striking and beating them; by forcing them to work when they were physically unfit to do so; and by otherwise abusing them, all of which contributed to the deaths of Master Sergeant Melvin K. Stancell, Private Harlan G. Buelow, Private First Class Henry B. Clements, Sergeant John W. Thompson, Private First Class Kenneth L. Steadman, Private Edgar B. Parker, Corporal Oliver W. Krueger, Corporal Robert L. Janmer, Private First Class Robert W. Neblett, Private First Class Grady Boyd, Private William Knight, Corporal Milan A. Lapelle and Staff Sergeant Charles E. Daly, American PWs; William G. Jansen, Johan E. Schusler, Louis Krul, Richard C. Van Woesik, Rudolph F. Seijff, Theodoor Jongh, Johannes Geeraths, Christiaan G. Mustamu, Robert P. Klomp and Jules R. Leidelmeyer, Dutch PWs, and other NG G Yes

American and Allied PWs; and whereby numerous American and Allied PWs contracted serious diseases and infections; their health injured and impaired and their recovery delayed.

Sp 10 (as amended, R. 379): Between 25 November 1942 and 4 March 1945, accused did, singly and with others, on divers occasions, willfully and unlawfully mistreat numerous American and Allied PWs, by beating them; by forcing them to stand in a sewer manhole; by clutching their genitals and pulling forcibly on them; by throwing cold water on them; by forcing them to work while sick and physically unfit to do so, and by otherwise abusing them. NG G Yes

KASUYA

Charge: Between 12 November 1942 and 31 July 1944, accused, a civilian serving as a supply clerk with the Armed Forces of Japan, did violate the Laws and Customs of War. NG G Yes

Sp 1 (as amended, R. 378): From about 12 November 1942 to 31 July 1944 accused did, singly and with others, on numerous occasions, willfully and unlawfully mistreat and torture Corporal Donald B. Armstrong, an American PW, by beating and kicking him; by forcing him to stand at attention for long periods of time; by forcing him to stand in a sewer manhole; by forcing him to do hard manual labor while physically unfit to perform such labor; by placing him in a small cell without blankets for long periods of time during cold weather; by throwing cold water on him; and by otherwise abusing him. NG G Yes

Sp 2 (as amended, R. 378): On or about 8 May 1943 accused did, singly and with others, on divers occasions, willfully and unlawfully mistreat Technical Sergeant Harold P. Phelps, Technical Sergeant Andrew J. Oltz, Sergeant John Seres, and Corporal Joseph Ivy, American PWs, and other American and Allied PWs by beating them; by placing them in a sewer manhole; by pouring cold water on them; by forcing them to stand at attention for long periods of time, and by otherwise abusing them. NG G, except the words "on divers occasions"; of the excepted words, NG Yes

Sp 3: Between 12 November 1942 and 1 December 1942, accused did, singly and with others, willfully and unlawfully mistreat Bernard J. Pecynski, American PW, by beating and abusing him. NG G Yes

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Sp 4 (as amended, R. 378): In or about NG G Yes
the month of August 1943 accused did,
with Mamoru Shiozawa, Mitzuo Saito and
others, willfully and unlawfully mistreat
and torture First Sergeant Richard P.
Hough, an American PW, by beating and
kicking him; by pouring cold water on
him; by forcing him to stand at attention
for a long period of time, and by other-
wise abusing him.

Sp 5: Between 12 November 1942 and 31 NG G Yes
July 1944, accused did willfully and
unlawfully mistreat Technical Sergeant
Mike Sidas, an American PW, by beating
and abusing him.

Sp 6: Between 1 February 1943 and 31 NG G, except the words Yes
March 1943, accused did, on divers occa-
sions, singly and with others, willfully
and unlawfully mistreat Paul E. Newsome,
Gail E. Craig and Thomas E. Garity,
American PWs, and other American and
Allied Prisoners of War, by beating and
abusing them.

Sp 7: In or about December 1942 and in NG G Yes
or about September 1943, accused did, on
two occasions, singly and with others,
willfully and unlawfully mistreat Corporal
Wilford A. Moss, an American PW, by
beating and abusing him.

Sp 8: Between 12 November 1942 and 31 NG G, except the word Yes
July 1944, accused did, on numerous occa-
sions, willfully and unlawfully withhold
and misappropriate clothing, rations,
supplies and Red Cross supplies intended
for the use and benefit of American and
Allied PWs, and personal property belong-
ing to them.

Sp 9: From about 12 November 1942 to NG G, except the words Yes
31 July 1944, accused did, singly and
with others, on numerous occasions,
willfully and unlawfully, brutally mis-
treat and torture certain American and
Allied PWs by beating and kicking them;
by forcing them to stand at attention
for long periods of time; by forcing
them to stand in a sewer manhole; by
forcing them to perform arduous labor
while physically unfit to do so; by
throwing cold water on them; by throw-
ing them with jiu jitsu, and by otherwise
abusing them.

Add Sp: Between 12 November 1942 and 31 NG NG
July 1944, accused did willfully and un-
lawfully deprive numerous Allied PWs of
their necessary clothing and blankets
while said prisoners were sick and in
a weakened condition, thereby exposing
them to inclement weather during the

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course of their transportation to hospitals, thereby contributing to the deaths of Edgar B. Parker, Kenneth L. Steadman, William H. Knight, Frank M. Stancell, Marshall C. Lieb and Henry B. Clements, American PWs, and Robert P. Klomp, Louis Krul, Jules R. Leidelaefer, and Christian G. Mustamu, Dutch PWs; and thereby injuring the health and delaying the recovery of numerous other American and Allied PWs.

KCTANI:

Charge (as amended, R. 379): Between 12 November 1942 and 15 June 1943, accused, a civilian serving as a clerk in charge of food supplies and as a guard with the Armed Forces of Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1 (as amended, R. 379): On or about 13 March 1943, accused, with others, did willfully and unlawfully mistreat, abuse, and torture Corporal Donald B. Armstrong, an American PW, by beating and kicking him; by forcing him to stand at attention for long periods of time; by forcing him to stand in a sewer manhole; by forcing him to do hard manual labor while he was suffering from the results of such mistreatment; by placing him in a small cell without blankets during cold weather and by throwing cold water on him and by otherwise abusing him.	NG	G	Yes
Sp 2 (as amended, R. 379): During the period from about 1 December 1942 to 1 January 1943, accused did, with Mamoru Shiozawa, Hiroshi Miyazaki and others, willfully and unlawfully beat and abuse one Staff Sergeant Allen C. Shenaut, an American PW.	NG	G	Yes
Sp 3: During the period from about 1 February 1943 to 31 March 1943, accused did, with Mamoru Shiozawa and Kunzio Kasuya, willfully and unlawfully beat and abuse Gail Eugene Craig, an American PW.	NG	G	Yes
Sp 4: During the period from about 1 February 1943 to 1 March 1943, accused did, with Mamoru Shiozawa, willfully and unlawfully beat and abuse one Chief Petty Officer Mueller, an American PW.	NG	G	Yes
Sp 5 (as amended, R. 379): During the period from about 12 November 1942 and 15 June 1943, accused did willfully and unlawfully beat and abuse Private Edward F. Lubiewski, an American PW.	NG	G	Yes

Sp 6: On numerous occasions, between about 12 November 1942 and 31 July 1943, accused did willfully and unlawfully withhold and misappropriate rations, clothing and Red Cross supplies intended for the use and benefit of American and Allied P's, and personal property belonging to them.

NG

Nolle prosequi, R. 380

Sp 7 (as amended, R. 379): Between about 12 November 1942 and 15 June 1943, accused did, singly and with others, on other occasions, willfully and unlawfully strike, beat and torture numerous American and Allied P's.

G

Yes

SAITO

Charge (as amended, R. 858): Between 12 November 1942 and 31 January 1945, accused Mitsuo Saito, a civilian guard serving with the Armed Forces of Japan, did violate the Laws and Customs of War.

NG

G

Yes

Sp 1: On occasions from about 12 November 1942 to 31 January 1945, accused did, singly and with others, willfully and unlawfully mistreat and torture Corporal Donald B. Armstrong, an American P's, by beating and kicking him; by forcing him to stand in a man-hole containing sewage; by forcing him to do hard manual labor while physically unfit to perform such labor; by confining him in a small cell without blankets for long periods of time during cold weather; by forcing him to go without lunch for as much as five days at a time; by depriving him of drinking water for long periods of time, and by otherwise abusing him.

NG

G

Yes

Sp 2: In 1943 accused did willfully and unlawfully mistreat Staff Sergeant Paul B. Riddle, an American P's, by beating and abusing him.

NG

G

Yes

Sp 3: In or about the month of September 1943 accused did, with one Minoru Shiozawa, willfully and unlawfully mistreat Corporal Grant M. Kendrick, an American P's, by beating and abusing him.

NG

G

Yes

Sp 4: In or about the month of May 1943 accused did, with others, willfully and unlawfully mistreat First Sergeant Richard P. Hough, an American P's, by beating him; by forcing him to stand at attention throughout the night, and by otherwise abusing him.

NG

G

Yes

Sp 5: Between about 1 December 1942 and 1 March 1943 accused did, with others, willfully and unlawfully mistreat Technical Sergeant Mike Sidus, an American P's, by beating and abusing him.

NG

G

Yes