

*Mrs. Cunningham*  
Restricted

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

*Our # 156*

Yokohama, Japan  
16 June 1948

UNITED STATES OF AMERICA VS YOSHIYUKI INOUE  
UNITED STATES OF AMERICA VS TAKAJI OKADA

Review of the Staff Judge Advocate

1. The attached record of trial by common trial of Yoshiyuki Inoue and Takaji Okada, at Yokohama, Japan, from 19 February 1948 to 2 March 1948, by a Military Commission appointed by paragraph 32, Special Orders No. 53, Headquarters Eighth Army, United States Army, dated 11 February 1948, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Yoshiyuki Inoue	DATE OF CONFINEMENT: 20 Nov 1945
AGE: 34	DATE OF ARRAIGNMENT: 19 Feb 1948
RESIDENCE: Hiroshima-ken, Kure-shi, Hondo, 15-chome 86	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 19 Feb 1948 to 2 March 1948
RELATIVES: Mother	DATE OF SENTENCE: 2 Mar 1948
EDUCATION: 12 years' schooling	SENTENCE: CHL for eight (8) yrs
VOCATION: Draftsman	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: 2 yrs, 10 mos Japanese Army	

NAME: Takaji Okada	DATE OF CONFINEMENT: 2 Jan 1946
AGE: 35	DATE OF ARRAIGNMENT: 19 Feb 1948
RESIDENCE: Kobe-shi, Nada-ku, Shinohara, Kita-machi, 2-chome 32	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 19 Feb 1948 to 2 Mar 1948
RELATIVES: Mother, brother, sister	DATE OF SENTENCE: 2 Mar 1948
EDUCATION: 16 years' schooling	SENTENCE: CHL for four (4) yrs
VOCATION: Bank clerk	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: 6 yrs, Japanese Army	

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>INOUE</u> Ch: Accused, at the times and places set forth in the specifications and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	FC	G	Yes
Sp 1: On or about 14 December 1944, at or near Fukuoka POW Camp No. 2, formerly known as No. 7 Branch Camp, Ube, Honshu, Japan, accused did	FC	G, except the words "thereby causing his death"; of the excepted words, FC.	No

Restricted

*Restricted*

willfully and unlawfully mistreat Gunner Gavin Marshal, a British PW, then and there in an ill and debilitated condition by ordering and forcing said Marshal to perform hard and arduous labor, thereby causing his death (as amended, R. 3, 16).

Sp 2: In or about April 1943, at or near Fukuoka POW Camp No. 2, accused did willfully and unlawfully mistreat and abuse Gunner Leonard Baker and Sgt. Eric James Oscar Burgess, British PWs, by failing and refusing to provide adequate and proper food for them when they were in an ill and debilitated physical condition.

NG G, No  
except the words "in or about APRIL 1943", substituting therefor the words "between April 1943 and October 1944", and except the words "failing and refusing to provide adequate and proper food" substituting therefor the words "withholding food intended"; of the excepted words, NG; of the substituted words, G.

Sp 3: In or about April 1943, at or near Fukuoka POW Camp No. 2, accused did willfully and unlawfully mistreat and abuse Gunner John W. Chapman, a British PW, by failing to provide adequate and proper food for him when he was in an ill and debilitated physical condition and by forcing the said John William Chapman to work at arduous labor when he was physically unfit to do so.

NG G, No  
except the words "in or about April 1943", substituting the words "between April 1943 and October 1944", and except the words "failing to provide adequate and proper food", substituting therefor the words "withholding food intended"; of the excepted words; NG; of the substituted words, G.

Sp 4: On or about 24 December 1943, at or near Fukuoka POW Camp No. 2, accused did willfully and unlawfully mistreat and abuse Gunner Cyril Raymond Cowell and Gunner Harry George Deebank, British PWs, by forcing them to parade, exercise and work at arduous labor when they were in an ill, unfit physical condition to do so.

NG G Yes  
in part

Sp 5: Between November 1942 and March 1945; at or near Fukuoka POW Camp No. 2, accused did willfully and unlawfully misappropriate, withhold and fail to issue Red Cross supplies intended for the use and benefit of American and Allied PWs.

NG G, Yes  
except the words "withhold and fail to issue"; of the excepted words, FG.

Sp 6: Between November 1943 and March 1945; at or near Fukuoka POW Camp No. 2, accused did willfully and unlawfully mistreat numerous Allied PWs, other than as hereinabove specified, by depriving them of adequate food, medicines and other supplies, by refusing to provide them with proper medical treatment, by forcing them to perform arduous labor when they were physically unfit to do so, by beating them and by otherwise abusing them.

NG G, Yes  
in part  
except the words "by depriving them of adequate food, medicines and other supplies"; of the excepted words, NG.

*Restricted*

Additional Sp 1: In or about Decem- NC G No  
ber 1943, at or near Fukuoka POW  
Camp No. 2, accused did willfully  
and unlawfully mistreat Driver  
Michael Gerard McGonnell, a British  
PW, and numerous other Allied PWs  
by beating and otherwise abusing  
them.

OKADA:

Ch: Accused, at the times and places NC G Yes  
set forth in the specifications here-  
to attached, and during a time of war  
between the United States and Japan,  
did violate the Laws and Customs of  
War.

Sp 1: Between 1 November 1942 and NC G No  
31 March 1945, at or near Fukuoka POW except the words "food, malnu-  
Camp No. 5, formerly known as No. trition and"; of the excepted  
10 Branch Camp, Ube, Honshu, Japan, words, NC.  
accused did unlawfully disregard and  
fail to discharge his duty as Com-  
mander of said Camp by failing to  
provide Allied PWs thereat confined  
with adequate and proper food, cloth-  
ing, medicines, medical supplies and  
medical treatment, thereby resulting  
in the malnutrition and sickness of  
said PWs.

Sp 2: Between 1 November 1942 and NC G Yes  
31 March 1945, at or near Fukuoka  
POW Camp No. 5, accused, then Com-  
mander of said Camp, did willfully  
and unlawfully misappropriate, with-  
hold and fail to issue Red Cross  
food, clothing and medical supplies  
intended for the use and benefit of  
American and Allied PWs. except the words "withhold and  
fail to issue" and the words  
"clothing and medical supplies",  
substituting therefor the words  
"and did withhold clothing"; of  
the excepted words, NC; of the  
substituted words, G.

Sp 3: Between 1 November 1942 and  
and 31 March 1945, at or near Fukuoka  
POW Camp No. 5, accused did unlaw-  
fully disregard and fail to dis-  
charge his duty as Commander of said  
Camp by failing to control and res-  
train members of his command and per-  
sons under his supervision and con-  
trol, by permitting them to commit  
the following acts of abuse, mis-  
treatment and other offenses against  
Allied PWs:

a. On or about 19 September 1943, NC G Yes  
the unlawful mistreatment and abuse except the words "for a long  
by Sgt. Kobuyuki Hanada of Lt. Robin period of time"; of the excepted  
A. Charles, a British PW, by beating words, NC.  
him and by confining him in the  
guardhouse for a long period of time.

b. In or about May 1944, the un- NC G Yes  
lawful mistreatment of Lance Cpl.  
Ernest Fisher, a British PW, by  
beating and otherwise abusing him.

*Restricted*

*Restricted*

- c. On or about 30 March 1943, the unlawful mistreatment by Sgt. Nobuyuki Hanada of one Captain Kimber, a British PW, by beating and otherwise abusing him. NC G Yes
- d. On or about 1 August 1944, the unlawful mistreatment of one Petty Officer Dirks, a British PW, by beating and otherwise abusing him. NG NG ---
- e. In or about July 1944, the unlawful mistreatment by Sgt. Masaru Matsumoto of Capt. Virgil Jackson Dorset, an American PW, Capt. J. V. Klerks, a Dutch PW, and Pfc Harmon A. Husley, an American PW, by beating and otherwise abusing them. NG G Yes
- f. In or about July 1944, the unlawful mistreatment by Sgt. Masaru Matsumoto of Pfc John Mayfield, an American PW, by beating and otherwise abusing him and by unlawfully confining him in jail for a long period of time. NG G, Yes except the words "and by unlawfully confining him in jail for a long period of time"; of the excepted words, NG.
- g. In or about November 1943, the unlawful mistreatment and abuse by one Sgt. Tanaguchi of Gunner William Lewis, a British PW, by beating him and by forcing him to work at arduous labor, when he was in an ill and physically unfit condition to perform such labor. NG G Yes in part
- h. In or about March 1943; the unlawful mistreatment by Sgt. Nobuyuki Hanada of Lanch Sgt. A. Bradsworth, Sgt. H. Greenbank, Sgt. A.R. Longstaff and Sgt. J.G. Stainsley, British PWs, by beating and otherwise abusing them. NG G Yes
- i. On or about February 1945, the unlawful mistreatment and abuse of Driver Charles Vincent Nairne and Mess Orderly Charles Frederick Por-doe, British PWs, by beating them when they were in an ill, unfit and debilitated physical condition. NG G, Yes in part except the words "when they were in an ill"; substituting there- for the words "when being in an"; and except the words "and debilitated"; of the excepted words, NG; of the substituted words, G.
- j. Between November 1942 and March 1943, the unlawful mistreatment of numerous Allied PWs, other than as hereinabove specified, by beating and otherwise abusing them. NG G Yes
- Sp 4: Between 1 September 1943 and 31 July 1944, at or near Fukuoka POW Camp No. 2, formerly known as No. 7 Branch Camp, Ube, Honshu, Japan, accused did unlawfully disregard NG G, Yes except the words "food, clothing, medicines, medical supplies and" and the words "malnutrition and"; of the excepted words, NG.

*Restricted*

*Restricted*

and fail to discharge his duty as Commander of said Camp by failing to provide Allied PWs thereat confined with adequate and proper food, clothing, medicines, medical supplies and medical treatment, thereby resulting in the malnutrition and sickness of said PWs.

Sp 5: Between 1 September 1943 and 31 July 1944, at or near Fukuoka POW Camp No. 2, accused, then Commander of said Camp, did willfully and unlawfully misappropriate, withhold and fail to issue Red Cross food, clothing and medical supplies intended for the use and benefit of American and Allied PWs.

VG G, Yes  
except the words "withhold and fail to issue" and the words "clothing and medical supplies";  
of the excepted words, NC.

Sp 6: Between 1 September 1943 and 31 July 1944, at or near Fukuoka POW Camp No. 2, accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp by failing to control and restrain members of his command and persons under his supervision and control by permitting them to commit the following acts of mistreatment and other offenses against numerous American and Allied PWs:

NC

a. On or about 24 December 1943, the unlawful abuse and mistreatment by Yoshiyuki Inoue of Gunner Cyril Raymond Cowell and Gunner Harry George Deebank, British PWs, by forcing them to parade, exercise and work at arduous labor when they were in an ill, unfit physical condition to do so.

NC

G

Yes  
in part

b. In or about April 1943, the unlawful mistreatment by Yoshiyuki Inoue of Gunner John W. Chapman, a British PW, by failing to provide adequate and proper food for him when he was in an ill and debilitated physical condition and by forcing the said John William Chapman to work at arduous labor when he was physically unfit to do so.

NC

NC

c. In or about April 1943, the unlawful mistreatment and abuse by Yoshiyuki Inoue of Gunner Leonard Baker and Sgt. Eric James Oscar Durgess, British PWs, by failing and refusing to provide adequate and proper food for them when they were in an ill and debilitated physical condition.

NC

NC

*Restricted*

*Restricted*

d. Between 1 September 1943 and 1 July 1944, the unlawful mistreatment of numerous Allied PWs, other than as hereinabove specified, by beating and otherwise abusing them. Yes in part

NG G, except the words "1 July 1944", substituting therefor the words "20 July 1944"; of the excepted words; NG; of the substituted words, G.

Additional Sp 1: Between 1 September 1943 and 31 July 1944, at or near Fukuoka POW Camp No. 2, accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp by failing to control and restrain members of his command and persons under his supervision and control by permitting them to commit the following acts of mistreatment and other offenses against numerous American and Allied PWs:

a. In or about December 1943, the unlawful mistreatment by Yoshiyuki Inoue of Driver Michael Gerard McConnell, a British PW, and numerous other Allied PWs by beating and otherwise abusing them. NG G NO

b. Between 1 September 1943 and 31 July 1944, the unlawful mistreatment of numerous Allied PWs, other than as hereinabove specified, by beating and otherwise abusing them. NG Molle Prosequi ---

3. Summary of the Evidence:

a. For the Prosecution:

(1) The accused Inoue was a civilian guard at PW Camp No. 2 from 1 February 1943 (R. 59) until the end of the war (R. 68). He was identified by his own name, and by the nickname of "Wingy" and "One Arm" (R. 19). The accused Okada was the commanding officer of PW Camp 2 from September 1943 to July 1944 and of PW Camp 5 from 27 November 1942 to 10 March 1945 (R. 79). The accused Okada identified himself while on the stand (R. 78).

OKADA

(2) The accused was found not guilty of Specifications 3d, 6b and 6c (R. 145, 146).

(3) As to Specification 1: At the start (25 Nov 1942) the food was fair, but it got worse and then became terrible, consisting of never more than rice, watery soup, and fish once in a while. For lunch only one pound of rice allotted per man while working in the mine. Few clothes were issued for work in the mine and the shoes consisted of either canvas and rubber or straw sandals, which in either case, wore out quickly. Many men had to work in their bare feet (Ex. 5). The clothing supplied to the PWs was Jap Army uniforms and overcoats, but no underclothing. Food consisted of two bowls of rice, three bowls of cabbage soup per day, once a month fish-affiant lost 30 lbs. in not quite three years (Ex. 1). "Food very poor and quantity small. Medical attention practically nil; clothing fair"

*Restricted*