

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

Yokohama, Japan
21 September 1948

UNITED STATES OF AMERICA VS SEICKI NAGANUMA ✓
UNITED STATES OF AMERICA VS NUBUA HOMMA ✓
UNITED STATES OF AMERICA VS KIYOMI IWABUCHI ✓
UNITED STATES OF AMERICA VS ISAMU SASAKI ✓
UNITED STATES OF AMERICA VS ISAMI KINTAICHI ✓

Review of the Staff Judge Advocate

1. The attached record of trial of Seicki Naganuma, Nubua Homma, Kiyomi Iwabuchi, Isamu Sasaki and Isami Kintaichi at Yokohama, Japan, from 15 April 1947 to 13 May 1947 by a Military Commission appointed by paragraph 1, Special Orders No. 78, Headquarters Eighth Army, dated 3 April 1947, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Nubua Homma ✓
AGE: 34
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Wife
EDUCATION: Not shown
VOCATION: Buddhist priest.
MILITARY CAREER: Imperial Japanese Army from 2 May 1939 to 31 May 1940; recalled 1 August 1941 and served until end of war.

DATE OF CONFINEMENT: 26 December 1945
DATE OF ARRAIGNMENT: 15 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 15 April 1947 to 13 May 1947
DATE OF SENTENCE: 13 May 1947
SENTENCE: CHL for fifteen (15) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Isamu Sasaki ✓
AGE: 30
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Wife
EDUCATION: Not shown
VOCATION: Not shown
MILITARY CAREER: Imperial Japanese Army from 10 January 1939 to 31 January 1943.

DATE OF CONFINEMENT: 23 December 1945
DATE OF ARRAIGNMENT: 15 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 15 April 1947 to 13 May 1947
DATE OF SENTENCE: 13 May 1947
SENTENCE: CHL for twelve (12) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Isami Kintaichi ✓
AGE: 28
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Wife
EDUCATION: Not shown
VOCATION: Not shown
MILITARY CAREER: Member of Imperial Japanese Army (dates not shown).

DATE OF CONFINEMENT: 18 November 1945
DATE OF ARRAIGNMENT: 15 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 15 April 1947 to 13 May 1947
DATE OF SENTENCE: 13 May 1947
SENTENCE: CHL for twelve (12) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Kiyomi Iwabuchi ✓
AGE: 41
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Wife, five children, ages 21, 18, 14, 11 and 6.
EDUCATION: Not shown

DATE OF CONFINEMENT: 18 November 1945
DATE OF ARRAIGNMENT: 15 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 15 April 1947 to 13 May 1947
DATE OF SENTENCE: 13 May 1947
SENTENCE: CHL for five (5) years

VOCATION: Employee of a steel refinery
MILITARY CAREER: Imperial Japanese
Army from 10 December 1942 to the
end of war.

CLEMENCY RECOMMENDED BY COMMISSION:
No

NAME: Seicki Naganuma
AGE: 33
RESIDENCE: Not shown
MARITAL STATUS: Married
RELATIVES: Wife, two children, ages
4 and 2.
EDUCATION: Graduate of Economics,
Waseda University.
VOCATION: Employee of the Manchurian
Coal Mining Corporation
MILITARY CAREER: Imperial Japanese
Army from 10 February 1940 to the
end of war.

DATE OF CONFINEMENT: 22 November 1945
DATE OF ARRAIGNMENT: 15 April 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 15 April 1947 to
13 May 1947
DATE OF SENTENCE: 13 May 1947
SENTENCE: CHL for twenty-five (25)
years
CLEMENCY RECOMMENDED BY COMMISSION:
No

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

<u>Charge and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
<u>HOMMA</u>			
Charge: Between 1 Nov 1942 and 1 Sept 1945, at or near Sendai Area POW Camp No. 4, Ohasi, Honshu, Japan, accused, then a non-commissioned officer serving with the Armed Forces of Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: On or about 17 May 1943, accused did willfully and unlawfully mistreat Leslie Richard Stranks, a British PW, by abusing and beating him with his fists, and kicking him until he became unconscious.	NG	G	Yes
Sp 2: Between 15 Dec 1943 and 15 Jan 1944, accused did willfully and unlawfully mistreat John Rich, an American PW, by abusing and beating him with his fists for a period of approximately twenty minutes.	NG	G	Yes
Sp 3: Between 1 Nov 1942 and 1 Sept 1945, accused did willfully and unlawfully withhold, misappropriate, and confiscate for his own use, Red Cross food and supplies, intended for the use and benefit of American and other Allied PW's.	NG	G	Yes
Sp 4: Between 1 Jan 1944 and 31 Dec 1944, accused did willfully and unlawfully mistreat and abuse Basil Bunyard, an American PW, by beating him with his fists for a period of approximately five minutes.	NG	G	Yes
Sp 5: Between 1 Nov 1942 and 1 Sept 1945, accused did willfully and unlawfully mistreat, abuse and beat numerous American and other Allied PW's.	NG	G	Yes

SASAKI*Restricted*

Charge: Between 10 Feb 1943 and 31 May 1945, at or near Sendai Area, POW Camp No. 4, Ohasi, Honshu, Japan, accused, then a civilian employed by and serving with the Armed Forces of Japan, did violate the Laws and Customs of War. NG G Yes

Sp 1 (as amended R. 5): On or about 15 Sept 1943, accused did, willfully and unlawfully, mistreat and abuse Ross Drabble, an Australian PW, by beating him with a heavy handled rake. NG G Yes

Sp 2 (as amended R. 3): On or about 13 Dec 1943, accused did, willfully and unlawfully, mistreat and abuse Clarence L. Bolt, an American PW, by beating him with his fists for approximately thirty minutes. NG G Yes

Sp 3: Between 1 Jan 1944 and 31 Dec 1944, accused did, willfully and unlawfully, mistreat and abuse Lt. Maxwell Humble, an American PW, by striking him on the head with a metal shovel, inflicting a severe gash. NG G Yes

Sp 4: Between 10 Feb 1943 and 31 May 1945, accused did, willfully and unlawfully, mistreat, abuse and beat numerous American and Allied PW's. NG G Yes

KINTAICHI

Charge: Between 16 Dec 1943 and 12 Aug 1945, at or near Sendai Area, POW Camp No. 4, Ohasi, Honshu, Japan, accused, then a civilian employed by and serving with the Armed Forces of Japan, did violate the Laws and Customs of War. NG G Yes

Sp 1: Between 1 May 1945 and 31 May 1945, accused did willfully and unlawfully mistreat and abuse Edward Lee Garner, an American PW, by beating him with a wooden sword and compelling him to stand at attention for a long period of time. NG G No

Sp 2: Between 1 May 1945 and 31 May 1945, accused did willfully and unlawfully mistreat and abuse George Zerbes, an American PW, by beating him with a wooden sword and compelling him to stand at attention for a long period of time. NG G Yes

Sp 3: Between 1 Nov 1944 and 30 Nov 1944, accused did willfully and unlawfully mistreat Jack Ramsey, an American PW, by abusing and beating him. NG G No

Sp 4: Between 16 Dec 1943 and 12 Aug 1945, accused did willfully and unlawfully mistreat, abuse and beat numerous American and Allied PW's. NG G Yes

IWABUCHI

Charge: Between 1 Dec 1942 and 21 Apr 1944, at or near Sendai Area POW Camp No. 4, Ohasi, Honshu, Japan, accused, then a non-commissioned officer serving with the Armed Forces of Japan, did violate the Laws and Customs of War.	NG	Guilty, excepting the words and figures, "1 Dec 1942 and 21 Apr 1944," substituting therefor respectively the words and figures, "Feb 1943 and Nov 1943," and of the excepted words, Not Guilty, of the substituted words Guilty.	Yes
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Sp 1: On or about 1 May 1943, accused did willfully and unlawfully mistreat and abuse Klass Fenster, a Dutch PW, by beating him while the said prisoner was physically unfit and suffering from a malignant tumor of the kidney.	NG	Guilty, excepting the words, "and suffering from a malignant tumor of the kidney"; of the excepted words, not guilty (R. 89).	Yes
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Sp 2: Between 1 Dec 1942 and 21 Apr 1944, accused did willfully and unlawfully mistreat, abuse and beat numerous American and other Allied PW's.	NG	NG	---
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NAGANUMA

Charge: Between 1 Dec 1942 and 19 Apr 1944, at Sendai Area POW Camp No. 4, Ohasi, Honshu, Japan, accused, then Commander of the said camp, and a First Lt. in the Armed Forces of Japan, did violate the Laws and Customs of War.	NG	G	Yes
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Sp 1: Between 1 Dec 1942 to 19 Apr 1944, accused did unlawfully disregard and fail to discharge his duty as Commander of said camp by failing to provide numerous American and other Allied PW's with adequate food, clothing, medical treatment, and sanitation, thereby resulting in the malnutrition and sickness of the said PW's.	NG	NG	---
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Sp 2: On or about 1 May 1943, accused did willfully and unlawfully mistreat and abuse Klass Fenster, a Dutch PW, by beating him with a wooden stick, while the said prisoner was suffering from a malignant tumor of the kidney.	NG	Guilty, as amended	Yes
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Sp 3: On or about 17 May 1943, accused did willfully and unlawfully mistreat and abuse Leslie Richard Stranks, a British PW, by severely beating him.	NG	NG	---
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Sp 4: During the period from 1 Dec 1942 to 19 Apr 1944, accused did willfully and unlawfully mistreat and abuse Clarence L. Bolt, an American PW, by ordering him confined in the guardhouse in freezing weather, without adequate clothing or protection from the weather, thereby resulting in the feet of the said Bolt becoming frostbitten.	NG	G	Yes
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Restricted

Sp 5: During the period from 1 Dec 1942 to 19 Apr 1944, accused did willfully and unlawfully mistreat and abuse an unidentified Australian PW, by beating him with a rake.	NG	Nolle Prosequi	
Sp 6: On or about 17 May 1943, accused did willfully and unlawfully withhold, fail to issue, and convert to his own use, twenty-six parcels of Red Cross food and supplies intended for the relief and comfort of American and other Allied PW's.	NG	NG	---
Sp 7: Between the period from 1 Dec 1942 to 19 Apr 1944, accused did willfully and unlawfully withhold, fail to issue and convert to his own use Red Cross food and supplies intended for the relief and comfort of American and other Allied PW's.	NG	G	Yes
Sp 8: Between 1 Dec 1942 and 19 Apr 1944, accused did willfully and unlawfully disregard and fail to perform his duty as Commander of said camp to control and restrain members of his command and persons under his control and supervision, by permitting them to commit the following cruel, inhuman, and brutal acts, atrocities and other offenses against certain American and Allied PW's.			
a. Between 1 Dec 1942 and 29 Feb 1944, the unlawful, cruel mistreatment and abuse by unidentified guards of Clarence L. Bolt, an American PW, by beating him with clubs.	NG	Dismissed on Defense Motion (R. 91)	
b. Between 1 Dec 1942 and 29 Feb 1944, the unlawful, cruel mistreatment and abuse by unidentified guards, of Capt. Lundy L. Zeigler, an American PW, by striking him with a rifle butt.	NG	G	Yes
c-d. (as amended, R. 3, 83, 88): On or about 15 Sept 1943, the unlawful, cruel mistreatment and abuse by Isamu Sasaki and other unidentified guards of Ross Drabble, an Australian PW, by beating him over the head and shoulders with a heavy handled rake.	NG	Guilty, excepting the words, "other unidentified guards", of the excepted words, not guilty (R. 88).	Yes
e. On or about 1 May 1943, the unlawful, cruel mistreatment and abuse by Sgt. Kiyomi Iwabuchi of Klass Fenster, a Dutch PW, by beating him while the said Fenster was suffering from a malignant tumor of the kidney.	NG	Guilty, excepting the words, "while the said Fenster was suffering from a malignant tumor of the kidney"; of the excepted words, not guilty (R. 88-89).	Yes
f. On or about 17 May 1943, the unlawful mistreatment and abuse by Sgt. Nubua Homma of Leslie Richard Stranks, a British PW, by beating the said prisoner into a state of unconsciousness and kicking him.	NG	G	Yes

- g. Between 15 Dec 1943 and 15 Jan 1944, the unlawful mistreatment and abuse by Sgt. Nubua Homma of John Rich, an American PW, by beating him with his fists for a period of approximately twenty minutes. NG G Yes
- h. Between 1 Jan 1944 and 31 Dec 1944, the unlawful mistreatment and abuse by Isamu Sasaki of Lt. Maxwell Humble, an American PW, by striking him on the head with a metal shovel and inflicting a severe gash. NG Nolle Prosequi (R. 3)
- i. Between 1 July 1945 and 31 July 1945, the unlawful mistreatment and abuse by Isami Kintaichi of Clarence L. Bolt, an American PW, by beating him with his fists. NG Nolle Prosequi (R. 3)
- j. Between 1 Nov 1943 and 30 Nov 1943, the unlawful mistreatment and abuse by a Japanese civilian, one Oseki, of Robert J. Kalinowski, an American PW, by beating him with his fists. NG Nolle Prosequi (R. 77)
- k. Between 1 Apr 1943 and 30 Apr 1943, the unlawful mistreatment and abuse by a Japanese civilian, one Shenahara, of Robert J. Kalinowski, an American PW, by beating him with his fists, and by striking him with a heavy piece of metal. NG Nolle Prosequi (R. 77)
- l. Between 1 Jan 1943 and 31 Jan 1943, the unlawful mistreatment and abuse by a Japanese civilian, one Yamauchi, of Douglas Knight, an American PW, by beating him with his fists and kicking him. NG G Yes
- m. Between 1 Dec 1943 and 31 Dec 1943, the unlawful mistreatment and abuse by a Japanese civilian, one Ote, of George C. McCandless, an American PW, by kicking him. NG Nolle Prosequi (R. 82)
- n. Between 1 Dec 1942 and 19 Apr 1944, the unlawful mistreatment, abuse, and beatings of numerous American and other Allied PW's by certain unidentified guards. NG G Yes

3. Summary of the Evidence:

a. For the Prosecution.

In General: All of the evidence submitted in this case refers to alleged incidents occurring at a Prisoner of War Camp in the town of Ohasi, Honshu, Japan except the alleged in Specification 8-1, Seicki Naganuma. This camp was originally known as Hakadote Branch Camp Number 2, then as the Tokyo Branch Camp Number 6 and finally as Sendai Branch Camp Number 4 (R. 6). In this review it will hereinafter be referred to as "Chasi". Each accused was warned of his rights as provided in Paragraph 5b of letter AG 000.5 (5 Dec 45) LS; GHQ, SCAP, entitled "Regulations Governing the Trials of Accused War Criminals", dated 5 December 1945, (R. 2) and the accused Iwabuchi and Sasaki were specifically warned of their rights before taking the stand and testifying under oath.

(R. 340, 352). The accused Seicki Naganuma was the commanding officer at Ohasi from 1 December 1942 until 19 April 1944 (Ex. 51; R. 396). The accused Isamu Sasaki was present at Ohasi from 10 February 1943 to 31 May 1945 (Ex. 52); the accused Kiyomi Iwabuchi from 23 February 1943 until 9 November 1943 (Ex. 53; R. 341); the accused Nubua Homma from 8 November 1942 to 8 October 1945 (Ex. 54) and the accused Isami Kintaichi from 16 December 1943 to 15 August 1945 (Ex. 55).

HOMMA

As to Specification 1: On or about 17 May 1943, Ohasi received the first shipment of Red Cross parcels (Ex. 42, 48). The prisoners made a check of the number of parcels received and discovered that only about one-third were issued (Ex. 22, 48). A British PW, Leslie Richard Stranks, who had recently arrived at Ohasi, stated the issue of Red Cross items at Hokkaido was much greater (Ex. 48) and he had helped prepare this shipment while he was at Hokkaido and only one-third was issued (Ex. 42). Captain Zeigler, the ranking PW, demanded the full shipment. The camp commander, Lieutenant Naganuma, made another slight issue (Ex. 42, 48). When it was discovered that PW Stranks had given this information, he was taken to the office and was beaten with sticks (Ex. 42, 44) by the accused and Lieutenant Naganuma and then while PW Stranks was unconscious on the floor, the accused kicked him (Ex. 42, 48, Capt. Zeigler). Lieutenant Naganuma told Captain Zeigler that the reason for this beating was that PW Stranks was no good because he intimated that office personnel had stolen Red Cross items (Ex. 48). Two other PWs corroborate the fact of this beating but stated that Lieutenant Naganuma ordered rather than took part in the beating (Ex. 22, 44). The accused testified he slapped PW Stranks twice with his open hand and threw him down on the floor (R. 365).

As to Specification 2: Between 15 December 1943 and 15 January 1944 (Ex. 1), Nabua Homma beat John Rich, an American PW (Ex. 1, 45, 46, 58) with his fists for 20 minutes while PW Rich was compelled to stand at attention (Ex. 1, 46) because he went through the cigarette line twice (Ex. 46, 58). As a result of this beating, PW Rich was pretty "groggy". The accused admitted slapping PW Rich about three times with his open hand for getting cigarettes twice (R. 374) in January 1943 (R. 366, 367), and said this incident only lasted one minute and he did not strike anyone but PW Rich (R. 374).

As to Specification 3: The accused was in charge of the distribution of Red Cross supplies at Ohasi (R. 59). These supplies were carried into camp by a detail of PWs who counted them. The number issued was always less than those delivered and no distribution was made of the Red Cross blankets (Ex. 46) which were shipped to Ohasi (R. 362). The accused was notorious for the misappropriation of Red Cross food and clothing (Ex. 11, 23, 49). He sold Red Cross shirts to officers (Ex. 43), continually smoked Red Cross cigarettes, ate Red Cross rations (Ex. 50) and was seen to be wearing a Red Cross sweater (Ex. 23). The accused on another occasion ransacked the prisoners' belongings when they were out on detail; took Red Cross articles and food and also demanded that the prisoners turn over all cocoa to him (Ex. 42). On one occasion in October 1943, when a prisoner saw him making a meal of Red Cross food, the accused stated "you Americans make good food". The accused admitted taking two small Red Cross packages containing food while Lieutenant Naganuma was his commanding officer (R. 364) and that, pursuant to the instructions of Lieutenant Takahashi of the main camp to give excess parcels to Japanese personnel, (R. 364) Lieutenant Naganuma gave the accused and another Japanese one additional Red Cross package between them (R. 364). He also admitted that in December 1944 he and four other Japanese took five Red Cross food packages (R. 364). Staff Sergeant Miller, American medical orderly, testified that, acting on information given by the accused's Indonesian servant that the accused had Red Cross supplies beneath the floor of his quarters, he entered these quarters while the accused was absent and stole one package of Red Cross supplies and gave it to the sick PWs (R. 60). At that time he observed approximately 35 Red Cross packages in the space under the floor of the accused's room (R. 60). Lieutenant Takahashi denied he had given instructions that Red Cross supplies could be distributed to Japanese personnel (R. 293). The main camp commander testified he sent instructions along with the shipment of Red Cross supplies to Ohasi in November 1943 to the effect that they were for the sole use of the PWs and were not to be used by the Japanese personnel (R. 182).

Excluded

As to Specification 4: The alleged victim, Basil C. Bunyard, stated in April 1943 or 1944 he did not "fall in" fast enough for sick call. For this the accused beat him unconscious with his fists and feet and he was thereafter carried into the hospital and stayed there seven weeks (Ex. 3). PW Bunyard's statement as to his receiving this beating by the accused was corroborated by two others PWs (Ex. 27, 43). One stated that in 1944, PW Bunyard was late in lining up for a work detail and was beaten by the accused for five minutes with his fists (Ex. 27). The accused admits slapping an unnamed prisoner in July 1944 for appearing late for roll call (R. 367).

As to Specification 5: Accused was the supply sergeant at Ohasi (Ex. 14, 47). PWs who were inmates of Ohasi at various times from November 1942 to September 1945 stated: When PWs tried to get warm clothing or other replacements, the accused would become infuriated and kick, slap and beat PWs with his fists and any weapon he could get his hands on including a wooden sword (Ex. 14, 47); the accused slapped PW Garner twice and was a fiend for hitting PWs and hurting them in any way he could (Ex. 22); the accused was a very overbearing type of person and slapped a Dutch soldier named C. Bertsch (Ex. 45); the accused slapped PWs for no good reason (Ex. 27, 45, 49) and participated in several beatings which were instigated by the camp commander (Ex. 50). Isami Kintaichi, the accused's assistant, stated he saw the accused beat prisoners between September and October 1944 (Ex. 55). The accused admitted beating PWs five times in the spring of 1943 for not obeying orders (Ex. 54).

SASAKI

As to Specification 1: Ross Drabble (Ex. 4), the alleged victim, and other PWs in numerous affidavits stated the accused was in the habit of having PWs sing Japanese patriotic songs on the parade grounds (Ex. 4, 10, 21, 25, 34, 35, 49). On or about 15 September 1943 (Ex. 4, 9, 20, 43, 48), PW Drabble became "fed up" during one of these sessions (Ex. 4) and started towards the barracks (Ex. 4, 35). The accused picked up a garden fork (Ex. 4) or rake (Ex. 9, 20, 25, 49) with a handle approximately five feet long and one and one-quarter inches in diameter (Ex. 4, 6, 10) and rushed at PW Drabble and started to prod him with it (Ex. 4, 25). When these blows were warded off, the accused became more angry and began swinging this fork or rake and hitting PW Drabble. He struck PW Drabble across the back three or four times and finally gave him a hard blow across the neck which broke the handle (Ex. 4, 6, 20, 21, 23, 34, 42, 48) and made PW Drabble drop to the ground in a dazed condition (Ex. 4, 24). PW Drabble was beaten for six or seven minutes before he fell to the ground and Captain Zeigler interfered and stopped the beating (Ex. 4, 35, 48, 49; R. 353). PW Drabble was then led away to the guardhouse (Ex. 4, 9, 10). As a result of this beating PW Drabble was bruised on various parts of his body (Ex. 4, 9, 34, 49); his neck was stiff and sore for about a month (Ex. 4, 10) and skin was taken off his arms and body where he had been struck with the rake (Ex. 4). One PW stated PW Drabble's conduct was irrational for about a year after this (Ex. 10). The accused testified he hit PW Drabble but said it was in August 1943, and that he used a bamboo fencing stick (R. 353).

As to Specification 2: When it was discovered that PW Bolt had stolen some fish from the Japanese supply room (Ex. 2, 43), the accused beat PW Clarence L. Bolt, an American PW, (Ex. 2, 42, 43, 58) with his fists (Ex. 2, 43) for over 30 minutes (Ex. 2). The victim stated this occurred on or about 5 December 1944 (Ex. 2) but other witnesses stated it took place in the winter of 1943, 1944 (Ex. 42) and on 13 December 1943 (Ex. 58). The accused, although denying personal guilt, testified it occurred in December 1943 (R. 357). PW Bolt (Ex. 2) and another witness (Ex. 42) as well as the accused (R. 356) stated it occurred while Lieutenant Seicki Naganuma was the camp commander and the record establishes that Lieutenant Naganuma was at Ohasi in December 1943 but was not there in December 1944 (R. 51).

As to Specification 3: In Exhibit 26, Lieutenant Maxwell F. Humble stated: on approximately 26 January 1945, he remarked to an interpreter from Sendai Camp Number 5 that the only time they had meat was when an inspection was made by some senior officer; he then went to town and on his return he heard the accused wanted to see him in the office; he entered the office and the accused, Sergeant Homma, Sergeant Takahashi and two clerks were present; the accused pointed out a word in a Japanese English dictionary and asked if he had said this word

about the accused; when he admitted he had, the accused threw the dictionary on the floor, picked up a small coal shovel and started hitting him, cutting the top of his head; while this was happening, the glass in the door behind him was broken; when he went to wash his face, he saw how big the cut was and on advice of a medical orderly, went to see Doctor Epeley who put stitches in his head and sprinkled sulfa on the wound. The fact of the beating is corroborated by four PWs (Ex. 21, 25, 34, 49) including one who definitely stated he saw the incident through the window and open door (Ex. 49) and by the Japanese medical sergeant who testified, however, that the striking was seemingly not intentional (R. 132, 156). The extent of the injury was corroborated by many other PWs (Ex. 4, 16, 22, 24, 25, 43, 45) including the doctor who stated he sutured a two and a half inch laceration of the scalp (Ex. 11). The accused admitted attempting to hit Lieutenant Humble and that Lieutenant Humble was bleeding afterwards (R. 355). Lieutenant Humble stated this incident occurred in January 1945 (Ex. 26). The accused and two PWs stated it occurred in February 1945 (Ex. 16, 23; R. 354). The Japanese medical sergeant testified it was in the spring of 1945 (R. 132). Five PWs including the doctor who treated Lieutenant Humble stated it occurred in 1944 (Ex. 4, 24, 25, 43, 49).

As to Specification 4: Accused, who had a fiery temper (Ex. 12), beat PWs, including PW Bolt, (Ex. E) many times for no reason whatsoever (Ex. 12, 50), and was liable to fly into terrible rages and pick up anything handy with which to hit PWs (Ex. 22). The accused, along with Lieutenant Naganuma, held impromptu sick calls and kicked and beat sick PWs on the place they said was injured and also walked sick PWs around in the rain (Ex. 25). The accused constantly slapped and kicked officers who refused to go to work (Ex. 42) and on one occasion beat PW Graham with his fists for taking two onions (Ex. 24). The accused admitted (Ex. 52) he did beat PWs stating he was not the only one who beat PWs as all the guards did it every morning. He also admitted slapping a Dutch PW for stealing onions (R. 355).

KINTAICHI

As to Specifications 1 and 2: PW Kalinowski (Ex. 30) stated in May 1945 the accused was conducting a clothing count and PWs Garner and Zerbis were missing a few items each. The accused took them outside the guardhouse and beat them with a wooden sword for a few minutes and made them stand at attention for three hours. As a result, PWs Garner and Zerbis suffered only body bruises and were not severely injured. The alleged victim, Edward Lee Garner, stated (Ex. 23) this incident occurred in 1945 and that PW Zerbes and five others were taken outside the guardhouse and the accused slapped and beat them with some stick and made them stand at attention for approximately three hours. He also stated that he himself was not beaten but witnessed the beating from his window. George Zerbes, the other victim, stated (Ex. 50) the incident occurred in approximately April 1945 and that he and others were taken out and the accused slapped them about the head and face with his hands and feet and also kicked them about the legs. He also stated they were made to stand at attention for approximately four hours and if they relaxed, the guards would slap them.

As to Specification 3: PW Kalinowski stated (Ex. 30) in November 1944 the accused beat Jack Ramsey with his hand in their billet over a clothing argument for about a minute and a half.

As to Specification 4: In the period between 16 December 1942 and 12 August 1945 the accused slapped (Ex. 13, 23, 30, 47, 50) many PWs, kicked them (Ex. 30, 47, 50) and beat them with a wooden sword (Ex. 13) or with sticks (Ex. 21, 23). This often happened when PWs asked for clothing (Ex. 13), and when the accused suspected PWs of having excess garments (Ex. 21) and not having equipment that he erroneously thought had been issued to them (Ex. 49). The accused also beat 15 Canadian PWs with a club, who were on sick call (Ex. 61). Sergeant Nikko testified that after Lieutenant Naganuma's time, he saw the accused slap a prisoner twice with his open hand (R. 133). The accused admitted beating PWs (R. 350) with his fists (Ex. 55) in August 1944 because they cut up a bed sheet to make drawers with.

Restricted

IWABUCHI

As to Specification 1: On or about 1 May 1943 (Ex. 5, 45) the accused (Ex. 5, 25, 42) and Lieutenant Naganuma (Ex. 19, 25, 42) slapped (Ex. 5) Klass Fenstra, a very sick Dutch prisoner of war (Ex. 5, 19, 25, 42, 48), beat him with their fists (Ex. 5, 25), swords (Ex. 19) or sticks (Ex. 25, 48) and kicked him in the shins (Ex. 5). This beating occurred when PW Fenstra was late for sick call. PW Fenstra (deceased) told another PW the accused and Lieutenant Naganuma beat him with swords because he was unable to work (Ex. 45).

As to Specification 2: Not Guilty.

NAGANUMA

As to Specification 1: Not Guilty.

As to Specification 2: See Specification 1, Iwabuchi.

As to Specification 3: Not Guilty.

As to Specification 4: When Clarence L. Bolt, an American PW, was caught stealing fish (Ex. 2, 43, 45), the accused, who was camp commander during the period beginning 1 December 1942 to April 1944, ordered PW Bolt confined (Ex. 2, 25, 34, 40, 42, 58) for 15 days (Ex. 2, 58; R. 386). He was confined 13 December (Ex. 2, 58) on reduced rations (Ex. 2, 25, 37, 42, 45) in an unheated wooden frame building (Ex. 2, 34, 45), deprived of his shoes (Ex. 40) and forced to sleep on the floor with one (Ex. 2) or two (Ex. 34, 58) blankets instead of the usual five blankets (Ex. 10, 42; R. 360). This confinement with insufficient clothing (Ex. 25, 37) occurred during extremely cold weather (Ex. 2, 34, 37) and PW Bolt's feet became frostbitten (Ex. 2, 25, 31, 34, 37, 40, 43). The accused testified he ordered Bolt confined with two blankets on reduced rations (R. 386) without shoes (R. 401) and, as a result, PW Bolt had a chilblain one centimeter in diameter on his left foot (R. 387). The main camp commander testified regulations only required that a prisoner be allowed his usual clothing but required the issue of extra blankets if it turned cold (R. 183).

As to Specification 5: Nolle Prosequi.

As to Specification 6: Not Guilty.

As to Specification 7: Between 1 December 1942 to 19 April 1944, the accused as a matter of practice withheld Red Cross supplies (Ex. 49) and was instrumental in their misappropriation (Ex. 50). Red Cross supplies, upon arrival at Ohasi, were unloaded and transported by prisoners of war who counted them and made inventories (Ex. 10, 32, 48). Several PWs testified that only a small percentage was given to the PWs (Ex. 21, 43) variously estimated at only one-third (Ex. 42), forty percent (Ex. 32), slightly over one-third (Ex. 48) and one half (Ex. 44). The accused stole large quantities of Red Cross food and supplies for his own personal use (Ex. 11), transferring them to his own quarters (Ex. 11, 42) and away from camp (Ex. 32). The accused was twice observed eating a meal composed of Red Cross items (Ex. 21, 32) and was continually eating American rations and smoking American cigarettes (Ex. 50). When Red Cross supplies arrived in May 1943, the accused, after a protest was made, issued a small pittance and caused PW Stranks to be beaten for disclosing that all supplies were not issued (Ex. 48, see Honma Specification 2 supra). The accused admitted Red Cross supplies were received twice and that the first shipment arrived by rail in May 1943 (R. 282). He further stated that in accord with instructions from Lieutenant Takahashi of the main camp to distribute the ten extra boxes to camp personnel, he took one for himself, distributed seven, each of which was to be split between two members of the camp personnel and the two remaining excess packages were returned to the storeroom (R. 283). Lieutenant Takahashi denied he had given these instructions (R. 293). The main camp commandant testified he sent instructions with the second shipment of Red Cross supplies in November 1943 to the effect that they were not to be used by the Japanese and were for the use of the PWs (R. 182).

As to Specification 8 (In General): The accused was camp commander at Ohasi from 1 December 1942 to 19 April 1944. The Ohasi Camp was a compact unit occupying a relatively small area (Ex. C). During this time beatings were a daily occurrence (Ex. 42, 50, 52 - Sasaki; 55 - Kintaichi) and guards often beat PWs for no discernible reason (Ex. 3). Nabua Homma admits he beat PWs five times in the spring of 1943 for not obeying orders (Ex. 54). Despite protests by prisoner officers (Ex. 6) the beatings continued and the accused himself took part in much of the brutality (Ex. 25), being present when PW Bolt (Ex. 42) and Captain Zeigler (Ex. 7) were beaten. At sick call he often ordered and watched the medical orderly beat sick PWs (Ex. 15, 49). He established a policy of being rough on PWs (Ex. 8), favored brutality on the part of his army and civilian guard and never attempted to stop a beating unless it looked like the prisoner was about to be killed (Ex. 42).

As to Specification 8a: Dismissed on motions by the defense.

As to Specification 8b: On several occasions guards were observed to beat Captain Lundy L. Zeigler, the senior PW, with rifle butts (Ex. 38). This usually occurred after Captain Zeigler protested the mistreatment of fellow PWs (Ex. 38, 42). On one occasion, two military guards beat Captain Zeigler with rifle butts. The accused was aware of this beating and seemingly enjoyed it (Ex. 25). Two other PWs who were only present at Ohasi between December 1942 until the end of February 1944 stated they saw a Japanese guard strike Captain Zeigler with rifle butts resulting in his rib being fractured and his being invalided for several days (Ex. 41, 42). In February 1944, Captain Zeigler was seen being helped to the hospital and he told another PW that guards at the work place beat him with rifle butts and fractured his rib (Ex. 18). Yamauchi, a Japanese civilian guard, testified he witnessed this beating at the work site and that it occurred when the accused was the camp commander (R. 213).

As to combined Specifications 8c and 8d: See evidence under Specification 1, Isamu Sasaki. In addition, the record reveals the accused was present at the beating and made no effort to prevent it (Ex. 42). After the beating the accused had PW Drabble confined in the guardhouse (Ex. 23) and visited him there and told PW Drabble he was beaten and confined because he attempted to escape (Ex. 4).

As to Specification 8e: See Specification 1, Kiyomi Iwabuchi.

As to Specification 8f: See Specification 1, Nabua Homma.

As to Specification 8g: See Specification 2, Nabua Homma.

As to Specification 8h: Nolle Prosequi.

As to Specification 8i: Nolle Prosequi.

As to Specification 8j: Nolle Prosequi.

As to Specification 8k: Nolle Prosequi.

As to Specification 8-l: In January 1943, a PW work detail was carrying a very heavy pole in a street of the town of Ohasi. Douglas Knight, an American PW, was carrying this pole when Yamauchi, acting sergeant of the guard at Ohasi, pulled PW Knight out from under the pole and beat him, knocking him down and kicking him because he did not like the way PW Knight was heaving on the pole. PW Knight was then made to resume carrying the pole. About five minutes later when the pole reached its destination, Yamauchi again beat him and knocked him down and kicked him. This beating knocked PW Knight out and when the medical sergeant came to take him to his billet, PW Knight cried and groaned (Ex. 29).

As to Specification 8m: Nolle Prosequi.

As to Specification 8n: The beating of PWs by unidentified guards while the accused was camp commander occurred daily (Ex. 52, Sasaki; 55, Kintaich

On several occasions after the accused told guards to be tough with the prisoners, the guards would enter the PW billets and slap and kick PWs who failed to salute (Ex. 32). Men working at the mines were constantly abused and slapped by guards (Ex. 42). PW Collins was beaten and kicked by a Japanese sergeant (Ex. 3). Captain Zeigler was slapped (Ex. 7). PW Fair was beaten with fists and a rifle butt for failing to salute (Ex. 18). PW Graham was beaten for taking two onions (Ex. 24). Lieutenant May and Captain Campbell were struck (R. 298). The accused on numerous occasions ordered guards to beat sick PWs (Ex. 49, 50). The diary of PW Reynolds (Ex. 58) reveals numerous beatings by guards of various PWs including Lieutenant Smith, PW Rich, PW Elvy, and Dutch PWs (see entries for 18 March, 19 April, 27 April, 16 May, 25 May, 27 July 1943 and 25 January 1944).

b. For the Defense:

HOMMA

As to Specification 1: The accused testified under oath as follows: The incident occurred in the camp office and he only slapped PW Stranks twice and threw him to the ground (R. 365). Lieutenant Naganuma stepped in and stopped him. He did not kick PW Stranks. PW Stranks was not unconscious and immediately thereafter returned to the barracks and bore no marks or bruises. Captain Zeigler did not come in at this time (R. 366). Lieutenant Naganuma did not strike PW Stranks nor was he kicked by anyone. There was no blood on Stranks' head after this incident (R. 373). He did not see Captain Zeigler or Mr. May or other PWs and did not believe anyone else saw it (R. 374). It happened on a work day after everyone went to work (R. 366). Lieutenant Naganuma corroborated the testimony of the accused (R. 390, 391) and stated this happened so suddenly that he was amazed. He stopped it immediately and reprimanded the accused (R. 391). Lieutenant Naganuma further stated as this office was located on an embankment approximately five or six feet high (R. 391) and the transparent glass in the window starts about seven feet from the floor (R. 392), it was impossible for anyone outside to look into the office (R. 394). (See, however, picture Exhibit A-2I). The defense introduced (R. 101) a picture (Ex. A-1) of PW Stranks standing on the right (R. 128) which was taken at this camp immediately after the war (R. 100). Sergeant Nikko who was the Japanese medical orderly during this time and who had a good reputation with PWs (R. 129) testified he remembered PW Stranks (R. 130) and he heard from Doctor Eppley that PW Stranks was beaten (R. 130). He further testified he never treated Stranks for injuries resulting from a beating, he did not remember Doctor Eppley or Doctor Watanabe treating PW Stranks and he would have remembered it if they had done so (R. 131).

As to Specification 2: PW Rich sustained no serious injuries (Ex. 46, PW Rich) and did not require medical attention (Ex. 1). The accused testified this incident occurred in January 1943 (R. 366) and he only slapped PW Rich about three times with his open hand for going through the cigarette line twice (R. 367).

As to Specification 3: The accused testified as follows: He was in charge of Red Cross supplies and had the sole key to the storeroom where they were kept (R. 360). Red Cross supplies were received twice in Lieutenant Naganuma's time (R. 360). In May 1943 approximately 200 Red Cross food packages (R. 361) and some clothing packages (R. 362) were received at Ohasi. Forty packages were returned to the main camp as forty PWs had been transferred there and the forty PWs sent from the main camp had already received their packages (R. 371). Lieutenant Takahashi was the officer at the main camp who was in charge of Red Cross supplies (R. 361). He sent instructions that Japanese personnel were to keep the key to the Red Cross supply storeroom (R. 362) and that like the Japanese Army, Red Cross clothing was to be used as replacements for worn out clothing (R. 371). Lieutenant Takahashi also sent instructions that after distribution of the food packages had been made to the PWs, the remainder could be distributed among the Japanese personnel (R. 364). Each of the 190 PWs were given one package (R. 361). Lieutenant Naganuma took one (R. 373) and distributed seven among camp personnel (R. 365), one package for two persons (R. 364). Two packages were left and when they were returned to the storeroom, he kept them for himself without Lieutenant Naganuma's knowledge (R. 364, 365).

In addition to the small food packages, food also came in large cases. Lieutenant Takahashi's instructions provided that all food would not be distributed at one time. These large packages were issued after the PW Stranks incident (R. 373). No one stole the Red Cross clothing (R. 365). Red Cross supplies were again received in December 1943 (R. 361). They included parcels for the Kaimaishi Branch Camp which were sent there (R. 361). Except as mentioned above, nothing else was taken out of the main 1943 shipment (R. 365) and no Japanese personnel received any of the December 1943 shipment (R. 371). He did not keep Red Cross supplies under the sleeping boards in his room (R. 370). During Lieutenant Naganuma's time, clothing was issued and not sold to Lieutenant Humble, but when Kawabe was the camp commandant, some items were sold to prisoner officers (R. 364) pursuant to regulations (R. 365, 412). He had a Red Cross sweater after Lieutenant Naganuma's time (R. 372) and three other Japanese and himself took five Red Cross packages also during Kawabe's time (R. 364).

Lieutenant Naganuma testified as follows: Red Cross supplies were received twice while he was camp commandant and this was in May and December 1943. When the May shipment arrived he showed Captain Zeigler, the senior PW officer, letter instructions from Lieutenant Takahashi which stated Red Cross supplies were to be used for the health of the PWs and two distributions were to be made, namely, one small package to each PW and a large package to the kitchen for the PW mess. Captain Zeigler agreed to this and the accused told Sergeant Homma about the distribution (R. 328); 40 packages and a share of the clothing were sent back to the main camp for PWs who were sent there from Ohasi. Towards the end of the letter, Lieutenant Takahashi stated there were ten extra packages and these were to be given to the camp personnel. He took one for himself and gave seven out, each to be used for two persons, and returned two to the storeroom. The large food packages were issued to the PW kitchen daily. When the Red Cross supplies arrived in December 1943, all the packages were issued to the PWs (R. 383).

The commanding officer of the Hakadote Main Camp from December 1942 to March 1944 (R. 167) testified as follows: Red Cross supplies were sent to Ohasi twice. This was in the spring and in November of 1943 (R. 173). He was absent at the time of the first shipment (R. 173) but as to the second shipment, he issued instructions that Red Cross packages were sent from the PWs' country for the PWs' use and no one else should partake of them (R. 182). He never heard any complaint about misappropriation of Red Cross supplies at Ohasi (R. 173).

The commanding officer of the main camp from March 1944 to May 1945 stated Ohasi was under him for a short time before it was put under the Tokyo commandant (R. 188). He talked to the PW officers at Ohasi and they did not complain to him about Red Cross matters (R. 192).

As to Specification 4: PW Kalinowski stated PW Bunyard suffered no ill effects from the beating (Ex. 27). Sergeant Nikko, the Japanese medical sergeant who was present at Ohasi from December 1942 until May 1945 (R. 158), testified he did not recall the name of Bunyard of any incident where Sergeant Homma struck a PW for being slow in falling out for sick call and he never treated any PW for injuries resulting from beatings by Japanese personnel. He further stated he never saw Sergeant Homma strike any PW (R. 156). The accused testified the only person he beat, other than those heretofore mentioned, was a PW whom he slapped in June or July 1944 for being late for morning roll call and this prisoner was only slapped twice, required no medical attention and thereafter took his place in the formation (R. 367).

As to Specification 5: Sergeant Nikko testified he never treated PWs for injuries resulting from beatings (R. 156). When the PWs were taking baths and sunbathing, he never saw or heard of their being beaten and never saw Homma strike PWs (R. 156). The main camp commander from March 1944 until the camp was put under Tokyo testified he interviewed the PW officers who made certain requests but made no complaint about beatings or cruel treatment (R. 189) by camp personnel (R. 193). A Japanese civilian employee working in the mess at Ohasi from February 1943 to May 1944 (R. 200) testified he never saw any beatings (R. 204). The Japanese interpreter stationed at Ohasi from August 1943 to April