

Restricted

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

Yokohama, Japan
15 October 1948

UNITED STATES OF AMERICA VS TOSHIO GOTO
UNITED STATES OF AMERICA VS SHUICHI TAKATA
UNITED STATES OF AMERICA VS SHIGEKI ETO
UNITED STATES OF AMERICA VS BENJI ITO
UNITED STATES OF AMERICA VS TSUZUO OTA

Review of the Staff Judge Advocate

1. The attached record of trial of Toshio Goto, Shuichi Takata, Shigeki Eto, Benji Ito, and Tsuzuo Ota, at Yokohama, Japan, from 24 February 1947 to 26 March 1947, by a Military Commission appointed by paragraph 33, Special Orders No. 41, Headquarters Eighth Army, United States Army, dated 18 February 1947, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Toshio Goto
AGE: 31
RESIDENCE: Fukuoka Ken Aaza Nanazuta
Ebisu Machi No. 3 Chome
MARITAL STATUS: Single
RELATIVES: Not Given
EDUCATION: Not Given
VOCATION: Not Given
MILITARY CAREER: Inducted 10 January
1938 - Discharged 31 July 1940;
Served as civilian employee at the
Fukuoka Prisoner of War Camp #8b from
1 June 1944 until the termination of
hostilities.

DATE OF CONFINEMENT: 22 November 1945
DATE OF ARRAIGNMENT: 24 February 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 24 February 1947 -
26 March 1947
DATE OF SENTENCE: 26 March 1947
SENTENCE: CHL for forty (40) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Shuichi Takata
AGE: 41
RESIDENCE: Fukuoka Itoshima Gun
Nogitamura 1950 Banchi
MARITAL STATUS: Married
RELATIVES: 2 children
EDUCATION: Not Given
VOCATION: Not Given
MILITARY CAREER: Inducted 1 February
1933 - Discharged 31 October 1933;
Re-entered September 1937 - Discharged
March 1939; Re-entered July 1940 -
Discharged November 1940; Re-entered
July 1941 - Discharged June 1944;
Re-entered February 1945 - Served until
the termination of hostilities.

DATE OF CONFINEMENT: 28 November 1945
DATE OF ARRAIGNMENT: 24 February 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 24 February 1947 -
26 March 1947
DATE OF SENTENCE: 26 March 1947
SENTENCE: CHL for forty (40) years.
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Shigeki Eto
 AGE: 36
 RESIDENCE: Oita Ken, Kaho-Gun, Misimi, Yamano Machi, 177
 MARITAL STATUS: Married
 RELATIVES: Wife, 4 Children, and Sister's Child.
 EDUCATION: Not Given
 VOCATION: Employee of an Electric Company.
 MILITARY CAREER: Inducted March 1941 - Discharged 30 November 1943: Civilian employee of the Fukuoka Prisoner of War Camp from March 1944 until 16 August 1945, the termination of hostilities.

DATE OF CONFINEMENT: 4 November 1946
 DATE OF ARRAIGNMENT: 24 February 1947
 PLACE OF TRIAL: Yokohama, Japan
 PERIOD OF TRIAL: 24 February 1947 - 26 March 1947
 DATE OF SENTENCE: 26 March 1947
 SENTENCE: CHL for thirty (30) years.
 CLEMENCY RECOMMENDED BY COMMISSION: No.

NAME: Benji Ito
 AGE: 62
 RESIDENCE: Fukuoka Ken, Kaho-Gun, Inatsuki Machi, Sendai Bo, 424
 MARITAL STATUS: Married
 RELATIVES: 8 Children.
 EDUCATION: Attended school until 11 years old.
 VOCATION: Farmer and Miner.
 MILITARY CAREER: None

DATE OF CONFINEMENT: 23 September 1946
 DATE OF ARRAIGNMENT: 24 February 1947
 PLACE OF TRIAL: Yokohama, Japan
 PERIOD OF TRIAL: 24 February 1947 - 26 March 1947.
 DATE OF SENTENCE: 26 March 1947
 SENTENCE: CHL for twenty (20) years.
 CLEMENCY RECOMMENDED BY COMMISSION: No.

NAME: Tsuzuo Ota
 AGE: 26
 RESIDENCE: Fukuoka Ken, Kaho Gun, Inatsuki Machi Hira, Sakai 8-12.
 MARITAL STATUS: Single
 RELATIVES: Mother
 EDUCATION: Not Given
 VOCATION: Not Given.
 MILITARY CAREER: Inducted 10 January 1942 - Discharged February 1944; Employed at Fukuoka Prisoner of War Camp from April 1944 to November 1944; Terminated employment because of illness. Resumed employment in April 1945 and worked until the termination of hostilities.

DATE OF CONFINEMENT: 4 November 1946
 DATE OF ARRAIGNMENT: 24 February 1947
 PLACE OF TRIAL: Yokohama, Japan
 PERIOD OF TRIAL: 24 February 1947 - 26 March 1947.
 DATE OF SENTENCE: 26 March 1947
 SENTENCE: CHL for thirty (30) 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>
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GOTO

Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War.	NG	G	Yes
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Sp 1: That on or about 9 August 1945 at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat, abuse, and beat Hendricus Johannes Ludovicus Groos, a Dutch POW, and Edward O. Elmore Jr., an American POW.	NG	G	Yes
Sp 2: That in or about the month of August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat, torture, abuse, and beat Michael A. Tardivo, Emmette Smith, George Martinez, Henri A. Pacheco, Frank Erba, Edward Greer, American POWs, and several other unidentified Allied POWs.	NG	G	Yes
Sp 3: That between 1 May 1944 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully misappropriate and convert to his own use Red Cross supplies intended for the use and benefit of Allied POWs.	NG	G	Yes
Sp 4: That on or about the first day of August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat, abuse, and beat Sergeant Harry D. Reilich, an American POW.	NG	G	Yes
Sp 5: That between 1 May 1944 and 31 August 1945 at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat, torture, abuse, and beat numerous American and Allied POWs.	NG	G	Yes

TAKATA

Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War.	NG	G	Yes
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Sp 1: That between 1 May 1945 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp by failing and neglecting to provide adequate quarters, food and medical care, thereby contributing to the serious illness and disability of numerous Allied POWs.	NG	G	Yes
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Sp 2: That between 1 May 1945 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully misappropriate and withhold Red Cross supplies intended for the use and benefit of Allied POWs.	NG	G	Yes
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Sp 3: That between 1 May 1945 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did unlawfully disregard and fail to discharge his duty as commander of said camp by compelling and permitting Allied POWs to work in and about a coal mine under	NG	G	Yes
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dangerous, hazardous, and unhealthy conditions, wherein the said Allied POWs were subjected to cruel and brutal tortures and other abuses and mistreatment by Japanese civilians employed by the said mines, thereby causing many of the said Allied POWs to be injured and to become sick and diseased.

Sp 4: That between 1 May 1945 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did unlawfully disregard and fail to discharge his duties as Commander of said camp to restrain and control members of his command and persons under his supervision and control, by permitting them to commit the following atrocities and other offenses against Allied POWs.

NG G Yes

a. Between 1 May 1945 and 31 August 1945, the stealing, withholding, and misuse of Red Cross supplies intended for the use and benefit of Allied POWs.

NG G Yes

b. On or about 9 August 1945, the unlawful mistreatment, abuse, and beating by Toshio Goto, and others, of Hendricus Johannes Ludovicus Groos, a Dutch POW, and Edward O. Elmore Jr, an American POW.

NG G Yes

c. On or about 9 August 1945, the unlawful mistreatment of Michael A. Tardivo, Emmette Smith, George Martinez, Henri A. Pacheco, Frank Erba, and Edward Greer, American POWs, and other unidentified Allied POWs by beating and otherwise abusing them.

NG G Yes

d. On or about 1 August 1945, the unlawful mistreatment by Toshio Goto of Sergeant Harry D. Reilich, an American POW, by beating and otherwise abusing him.

NG G Yes

e. On or about 1 July 1945, the unlawful mistreatment and abuse by Shigeki Eto of Private C. J. Keller, an American POW, by beating him.

NG G Yes

f. On or about 3 July 1945, the unlawful mistreatment and abuse by Tsuzuo Ota of Corporal Michael A. Tardivo, an American POW, by beating him.

NG G Yes

g. During the month of July 1945, the unlawful mistreatment and abuse by Tsuzuo Ota of Bill Garrison, an American POW, by beating him.

NG G Yes

h. During the month of July 1945, the unlawful mistreatment by Tsuzuo Ota of Private E. O. Elmore Jr, an American POW, by beating and otherwise abusing him.

NG G Yes

i. On or about 5 June 1945, the unlawful mistreatment and abuse by one "Sakai-San" of Michael A. Tardivo and Eugene Stevens, American POWs, by beating them.

NG G Yes

j. During the month of July 1945, the unlawful mistreatment and abuse by a guard known as "Stiff Leg" of Frank Erba, an American POW, and an unidentified Dutch POW, by beating them. NG G Yes

k. On or about 15 July 1945, the unlawful mistreatment and abuse by one Sakai of Eugene Stevens, an American POW, by beating him. NG G Yes

l. On or about 10 August 1945, the unlawful mistreatment and abuse of George Martinez, an American POW, by beating him with a steel shaft until he became unconscious. NG G Yes

m. During the month of June 1945, the unlawful mistreatment and abuse of George Martinez, an American POW, by beating him with a rifle butt. NG G Yes

n. Between 1 May 1945 and 31 August 1945, the unlawful mistreatment, abuse and beatings of numerous Allied POWs other than as alleged in Specification 1 to 4-m, inclusive. NG G Yes

ETO

Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War. NG G Yes

Sp 1: That in or about July 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat Clifford Keller, an American POW, by beating and otherwise abusing him. NG G Yes

Sp 2: That in or about July 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat and abuse Johannes Pieter Gerbranda and another unidentified Dutch POW, by torturing them. NG G Yes

Sp 3: That between 1 February 1943 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat numerous American and Allied POWs, by beating and otherwise abusing them. NG G Yes

ITO

Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War. NG G Yes

Sp 1: That in or about January 1944, at Mitsui Yamano Kogyo-sho Dai Ni, Kofune-ko Coal Mine, Kamo, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat and abuse Robert Allen Cox, a British POW, by beating him. NG G Yes

Sp 2: That in or about February 1945, at Mitsui Yamano Kogyo-sho, Dai Ni, Kofune-ko Coal Mine, Kamo, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat and abuse Thomas Edgar Wakes, a British POW, by beating him on the head with a hammer until he became unconscious. NG G Yes

Sp 3: That in or about January 1945, at Mitsui Yamano Kogyo-sho, Dai Ni, Kofune-ko Coal Mine, Kamo, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat and abuse Basil Rhodes Marriner, a British POW, by beating him with the flat side of a pick axe. NG G Yes

Sp 4: That in or about July 1945, at Mitsui Yamano Kogyo-sho, Dai Ni, Kofune-ko Coal Mine, Kamo, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat and abuse Arthur William Frederick Clarke, a British POW, by beating him with fists and an axe handle. NG G Yes

Sp 5: That between 1 October 1943 and 31 August 1945, at Mitsui Yamano Kogyo-sho, Dai Ni, Kofune-ko Coal Mine, Kamo, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat Tom Careless, Robert E. Collins, Arthur James Brandon, Norman Frank Seaward, James William Kelsey, Thomas Halliwell, Henry Felix Jones, and William Clynes, British POWs, by beating, kicking, and otherwise abusing them. NG G Yes

Sp 6: That at divers times between 1 October 1943 and 31 August 1945, at Mitsui Yamano Kogyo-sho, Dai Ni, Kofune-ko Coal Mine, Kamo, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat numerous Allied POWs by beating, kicking, and otherwise abusing them. NG G Yes

OTA

Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War. NG G Yes

Sp 1: That on or about 20 July 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat Michael Tardivo, an American POW, by beating him with a bayonet and fists and otherwise abusing him. NG G Yes

Sp 2: That on or about 1 July 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat Bill Garrison, an American POW, by beating, kicking, and otherwise abusing him. NG G Yes

Sp 3: That on or about 3 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat, torture, abuse and beat Michael A. Tardivo, Emmette Smith, George Martinez, Henri A. Pacheco, Edward O. Elmore, American POWs, and several other unidentified Allied POWs. NG G Yes

Sp 4: That between 1 March 1944 and 30 November 1944, and between 1 April 1945 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully misappropriate and convert to his own use Red Cross supplies intended for the use and benefit of Allied POWs. NG G Yes

Sp 5: That between 1 March 1944 and 30 November 1944, and between 1 April 1945 and 31 August 1945, at Fukuoka POW Camp #8b, Fukuoka Area, Kyushu, Japan, accused did willfully and unlawfully mistreat, torture, abuse, and beat numerous American and Allied POWs. NG G Yes

3. Summary of the Evidence:

a. For the Prosecution:

Donald Francis Ingle, a former prisoner of war, and other witnesses, identified the accused (R. 65, 67, 175, 175A, 246). Goto was known and referred to by the prisoners of war as "Hopalong Cassidy", "Limpy Bastard", and "Limpy". The accused Ota was known and referred to by the POWs as "Meat King", and Eto was known as "Slimey."

SHUICHI TAKATA

As to Specification 1: The prisoners of war were quartered in barracks about 100 feet long. Each POW had a space of about six feet by three feet for sleeping. The barracks were full of lice, fleas, and rats and when it rained the water blew in through the doors and windows. No effort was made on the part of the camp commander, Takata, to correct the unhealthy conditions. On several occasions, the rations were reduced during the tour of duty of the accused Takata (R. 69, 70). The prisoners of war were all losing weight because of insufficient food and the unhealthy conditions in the camp. On or about 17 August 1945, the accused advised the POWs that the war was over and that the rations would be reduced for the purpose of giving them to the Japanese civilians then working at the mine (R. 71, 72). The witness stated that the POWs did not receive proper medical care and attention and were continually neglected as to medical treatment and medicines (R. 73, 74). The witness testified that on numerous occasions Takata was informed of the then existing conditions in the camp and was requested to improve the same which was never accomplished (R. 74, Ex 12, 13, 25, 38, 39, 42 R176, 178, 179, 180, R. 247, 248, 249, 250, 251.)

As to Specification 2: During the month of May 1945 and between the 31 August 1945 the accused was seen wearing a pair of Red Cross shoes and a pair of Red Cross gloves (R. 74, 76, 180, 181, Ex. 38).

As to Specification 3: The prisoners of war were forced to work at the mines in shafts which were not properly propped against cave-ins. The working places were filled with water and continual seepage occurred. The prisoners' clothing was wet during all the working hours, which created chills and other diseases. The ventilation was bad. The entrance to the mine was dangerous and slippery and numerous POWs suffered injury going to and from their work (R. 74, 75). Many of the prisoners of war were seriously ill, but were forced to work in the mines. The witness testified that the accused never inspected the mines to his knowledge (R. 77, 171, 184, 187, 188; Ex 8, 12, 13, 21, 25, 37, 38, 39, 43).

As to Specification 4a: (See Specification 3, Goto; Specification 4, Ota.) The summary of evidence therein applies to this Specification (Ex. 29).

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As to Specification 4-b: (See Specification 1; Goto. The summary of evidence therein applies to this Specification. Ex 1, 2, 6, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 24, 36, 40, 44).

As to Specification 4-c: (See Specification 3, Ota.) The summary of evidence therein applies to this Specification. (Ex 1, 2, 6, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 24, 36, 40, 41, 44).

As to Specification 4-d: (See Specification 4, Goto. The summary of evidence therein applies to this Specification, Ex 8).

As to Specification 4-e: (See Specification 1, Eto.) The summary of evidence therein applies to this Specification. (Ex 17, 23, 27, 40).

As to Specification 4-f: (See Specification 1, Ota.) The summary of evidence therein applies to this Specification.

As to Specification 4-g: (See Specification 2, Ota.) The summary of evidence therein applies to this Specification (Ex 34, 43).

As to Specification 4-h: (See Specification 3, Ota.) The summary of evidence therein applies to this Specification (Ex 1).

As to Specification 4-i: POW Stevens and POW Tardivo were severely beaten by "Sakai-San", a Japanese guard, who used his fists upon the POW for about fifteen minutes (Ex 13, R. 88, 89, 192, 173, 254).

As to Specification 4-j: During the month of July 1945, POW Erba and an unidentified Dutch POW were struck and beat by a Japanese guard called "Stiff Leg" with his fists. Accused Takata watched the beating (R. 90, 91, 134).

As to Specification 4-k: On or about the month of July 1945, a Japanese medical orderly named "Sakai" beat POW Stevens and Tardivo (R. 173, 192, 254).

As to Specification 4-l: POW Martinez was severely beaten with an iron rod until he became unconscious by a mine foreman (R. 193; Ex 17).

As to Specification 4-m: During the month of June 1945, POW Martinez was beaten by a Japanese guard with a wooden rifle (Ex 17, 40, 41).

As to Specification 4-n: During the dates of 1 May 1945 and 31 August 1945, Japanese guards and mine foreman severely beat numerous POWs while working in the mines (Ex 2, 12, 13, 24, 26, 36, 39, 43, 45; R. 78, 188, 189, 239).

TOSHIO GOTO

As to Specification 1: On or about 9 August 1945, the accused severely beat and abused POW Groos, a Dutch POW, and POW Elmore, an American POW (R. 83, 91, 126, 134; Ex 1, 2, 6, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 24, 36, 40, 44, 126, 134).

As to Specification 2: Accused did, in or about the month of August 1945, severely beat and strike POWs Tardivo, Smith, Martinez, Pacheco, Erba, Greer, and other POWs (R. 91, 83, 126, 134, 254, 255; Ex 1, 2, 6, 7, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 24, 36, 40, 44).

As to Specification 3: Between 1 May 1944 and 31 August 1945, the accused misappropriated to his own use Red Cross supplies. He was seen to enter the Red Cross storeroom and leave with a side bag containing Red Cross supplies; smoking cigarettes, the butts of which he threw down and numerous POWs picked up same and identified them as American cigarettes (R. 76, 180, 183; Ex 5, 21, 38).

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As to Specification 4: On or about 1 August 1945, the accused severely struck and beat Reilich, an American POW, using his fists and a bamboo fighting stick. The POW's eyes were blackened and lacerations were made over his eyes. He was bleeding profusely (R. 85, 136, 137, 190; Ex 5, 8).

As to Specification 5: Between the dates of 1 May 1944 and 31 August 1945, the accused on numerous occasions hit, struck, and beat numerous Allied POWs while working in the mines by using his fists, clubs, and other instruments (R. 83, 126, 134, 78, 91, 194, 258, 254, 255; Ex 3).

SHIGEKI ETO

As to Specification 1: In or about July 1945, the accused severely beat and struck POW Keller, an American POW, by using a wooden rifle, striking the POW over the head and shoulders for about fifteen to twenty minutes. The accused struck the POW while his arm was in a sling and re-broke the arm, and immediately thereafter he beat the POW again at which time another Japanese guard participated in the beating. The POW was knocked to the ground and accused then kicked him. The POW was taken to the hospital where the re-broken fracture of his arm was dressed. The POW lost the use of his left hand, wrist, and fingers (R. 85, 86, 87, 92, 139, 141, 191, 256; Ex 17, 23, 37, 41, 42, 43).

As to Specification 2: In or about the month of July 1945, the accused beat POW Gerbranda and a Dutch POW (R. 260, 261; Ex 21, 41).

As to Specification 3: Between 1 February 1943 and 31 August 1945, the accused did on numerous occasions beat, strike, and kick numerous American and Allied POWs working in the mines, using his fists, bamboo stick, and wooden rifle, and other instruments that he would pick up at the time (R. 260, 261; Ex 12, 13, 17, 18, 29, 30, 40, 41).

BENJI ITO

As to Specification 1: In or about the month of January 1944, the accused mistreated, beat, and struck POW Cox, a British POW (Ex 1).

As to Specification 2: In or about the month of February 1945, the accused mistreated and severely beat POW Wakes, a British POW, using a hammer or pick axe and striking him over the head and shoulders until the POW became unconscious (Ex 3, 43).

As to Specification 3: In or about January 1945, the accused severely beat and struck POW Marriner, a British POW, striking him with the flat side of a pick axe while working in the mines (Ex 27).

As to Specification 4: In or about the month of July 1945, the accused did severely beat and strike with his fists and an axe handle POW Clarke while working in the mines (Ex 29).

As to Specification 5: Between 1 October 1943 and 31 August 1945, the accused severely struck, hit, and beat POWs Careless, Collins, Brandon, Seaward, Kelsey, Halliwell, Jones, and Clynes, British POWs. (Ex 1, 2, 3, 27, 30, 31, 32, 43).

As to Specification 6: Between the dates and during the time of 1 October 1943 and 31 August 1945, the accused on numerous occasions while POWs were working in the mines did strike, beat, kick, and otherwise abuse numerous Allied and American POWs (Ex 26, 27, 33).

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TSUZUO OTA

As to Specification 1: On or about the 20th of July 1945, the accused did severely beat and strike POW Tardivo, an American POW, by beating and striking him with a bayonet and with his fists, severely injuring the POW (R. 89, 90, 134, 257).

As to Specification 2: On or about 1 July 1945, the accused did severely beat, kick, and strike POW Garrison, knocking the POW to the ground and then kicking him. The POW was at that time weak and in a debilitated condition. (R. 90, 257; Ex 4, 18, 34, 43).

As to Specification 3: On or about 8 August 1945, the accused severely beat and struck POWs Tardivo, Smith, Martinez, Pacheco, and Elmore, American POWs, and several other unidentified Allied POWs by striking them with his fists, a bamboo fighting stick, and an iron rod, while they were working in the mines (Ex 19, 22; R. 134, 188, 193, 254, 255).

As to Specification 4: Between and during the dates of 1 March 1943 and 30 November 1944 and during and between the dates of 1 April 1945 and 31 August 1945, the accused, while working at the camp, did misappropriate and use numerous Red Cross supplies furnished for the use and benefit of POWs by removing them from the warehouse and consuming the Red Cross supplies for his own benefit (Ex. 4, 19, 21).

As to Specification 5: During and between the dates of 1 March 1944 and 30 November 1944 and during and between the dates of 1 April 1945 and 31 August 1945 the accused on numerous occasions struck, beat, and kicked, and slapped numerous Allied and American POWs (R. 259, 260; Ex 4, 18, 21, 22, 43).

b. For the Defense:

Isamu Sakada (R. 316) testified for the defense and stated that he was acquainted with the accused. He was the labor section liaison between the Army and the mining company who were working the POWs at their various mines. He handled all food orders and requests of the camp. The company furnished rations to the POWs. He stated that the POWs were issued 735 grams of food. This ration was reduced during the tour of duty of the accused Takata (R. 318) to 600 grams. Accused Takata made several requests that additional food rations be issued. At times, extra rations were purchased for the POWs (R. 319, 320).

The defense called two witnesses for the purpose of identifying the amount, weight, and volume pertaining to 705 grams of uncooked and cooked rice which was represented by Exhibit E, being a picture of the original bowl of cooked rice (R. 320). Goats, pigs, and chickens were kept at the prisoner of war camp for the use of the prisoners. Milk and eggs were given to sick POWs. Vegetable gardens were planted from which the POWs were furnished vegetables (R. 326, 329).

Captain Forbes (POW) (R. 365) was called as a defense witness. He stated that there were two POW gardens, that the POWs received most of the vegetables, although many POWs stole vegetables from the gardens because of their hunger. The food situation in Japan at the time, he understood, was bad (R. 365-367). The witness testified that he never saw the accused Takata wearing Red Cross shoes or gloves, that no report came to him from the POWs accusing Takata of stealing Red Cross supplies or any report against Goto (R. 368). Takata had the company change one of the POWs working places because of the conditions. He did not think Takata had any authority to prevent POWs from working in the mines (R. 370). He stated that POW Elmore's reputation for truth and veracity was bad. Slapping was a general practice of the Japanese as a method of punishment. During his confinement, he observed several Japanese being slapped and punished by other Japanese (R. 370). The witness stated that he heard that the accused Goto on one occasion had reprimanded a Japanese guard for abusing a POW by forcing bamboo slivers under the POW's fingernails (R. 372). He also stated

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that POW Tardivo's reputation for truth and veracity was bad (R. 370). POW Garrison's reputation was also bad. The witness testified that so far as he knew there were no American officers abused by Takata. He was never informed or were any reports ever given him that accused Oto, the "Meat King", took or appropriated Red Cross supplies to his own use. He stated that the accused Eto was extremely brutal in punishment given to POWs. Accused Goto was very harsh in his treatment toward the POWs. The accused, Oto, was very brutal.

Sugimoto was recalled and identified a brown pair of Army shoes offered as an exhibit. He stated they were the kind approved by the Japanese Army in the year 1945 (R. 377) for officers.

Shishima Shuego (R. 381) testified that he was the civilian medical officer employed by the mining company to treat sick POWs. He attended the sick calls at the POW Camp. Medicines and medical supplies were scarce in Japan at the time. The bathing facilities consisted of one Japanese bath and that there was always plenty of hot water. He stated that the accused Takata knew of the abuse administered to POW Groos and was advised of the POW's broken sternum. He described the hospital facilities of the mining company and described the hospital facilities of the mining company and described the hospital provided for the POWs at the camp (R. 381-390).

Michio Oshita (R. 415) stated that he was in charge of the labor section for the mining company and had been so employed since 1936 up to the date of appearing before the Commission. He was acquainted with the accused. His duties with the company were connected with the provisions for the camp and food, and also keeping records of the distribution and purchases made by the company for the POW Camp (R. 416). He stated that the accused Takata on several occasions requested that more food be supplied to the POWs, and that his requests were channeled through the company officials (R. 418). Orders were received from higher command that certain records be burned (R. 419).

Mitsugu Maeda (R. 427) occupied a position as secretary of the ration board for the mining company and stated that he took care of the food rations for the prisoners of war, including Japanese personnel attached to the camp. He recalled that accused Takata had made requests for additional food (R. 428), that the original ration for the POWs was 570 grams but that it was reduced to 400 grams, then to 360 grams (R. 434).

Mitsuzo Koiki (R. 442) testified and stated that he was assigned to general affairs at the POW camp and that he had charge of the Red Cross supplies (R. 443). During his duty at the camp they received no Red Cross shoes or gloves. The camp in general was infested with fleas and lice. The Japanese personnel also suffered from these insects. Some spray was used to eliminate the lice (R. 449). Clothes were boiled in the Japanese-style bath (R. 450). He stated that the food served to the POWs was a little less than that served to the Japanese personnel (R. 452). Extra rations were purchased from the mining company's fund provided for the POWs (R. 454-456). The accused Takata had instructed the guards that prisoners of war must not be punished by them (R. 456). He never observed the accused Takata strike or abuse prisoners of war (R. 457). On several occasions, he personally heard Takata reprimand different guards who had mistreated prisoners of war (R. 457, 458). He had possession of the keys to the warehouse. On leaving camp, he would leave the keys with the accused Goto or Fujikawa (R. 462).

Tarao Uno (R. 494), a disabled Japanese veteran, stated that he was employed at the camp. The accused Takata had instructed him and others that POWs were not to be abused or mistreated and he knew that Takata had followed up his orders to protect the POWs (R. 494-497).

Iso Totoshiki (R. 497) stated that the working agreement for the use of prisoner of war labor was between and under authority of the Ministry of War (R. 497-503). He testified as to the method of distribution of Red Cross supplies upon orders from the Main Camp to the dispatch camp authorizing and directing the distribution of Red Cross supplies to POWs (R. 503, 504).

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Sueo Sugimura (R. 508) stated that he was the representative of the head of the mining affairs section and was a graduate from the technical school in the year 1930. Prisoners of war were employed and had worked for the mining company since 1943 to his knowledge which was prior to the accused Takata taking command of the POW Camp. On one occasion, the accused Takata had requested that prisoners of war be removed from one mine to another because of the dangerous conditions, that the company did remove the prisoners to another working mine. Takata requested that the POWs be treated kindly and that the guards observe strictly the rules, on occasions, Takata visited and inspected the working places (R. 509-512). Accused Takata had supervisory duties over POWs working at the mines (R. 516).

Uichi Sueishi (R. 524) had been employed by the mining company for 25 years. He identified the accused and during the accused Takata's tour of duty he worked at the POW camp under Sakata. His duties were to drive a cart and pick up vegetables and other rations for the camp which he delivered to the POW kitchen (R. 525-527).

Tadaki Toyomoto (R. 529) had been employed by the mining company since 1922. He was in charge of one of the mines designated position as "head in charge". His duties were to inspect, plan construction, and general over-seeing the mine. He testified as to the working conditions and safety of the mine in general. There were sufficient Japanese over-seers on the job to direct the work of the POWs and to protect them, although a few of the POWs were injured. The witness stated that he heard of no rumors as to sabotage by POWs and never observed the mistreatment of any POW by the Japanese foremen (R. 527-533).

Takeshi Seki (R. 544) a colonel in the Japanese Army and at the time of his appearance before the Commission was assigned to the Demobilization Bureau, testified that the accused Takata served under him when he was regimental commander and that Takata's reputation was indeed good (R. 544-546).

The accused Goto, having been duly advised of his rights as a witness by defense counsel, elected to be sworn and testify in his own behalf (R. 4). He stated that he was a civilian in the employ of the camp, that his duty was assistant in general affairs, that he kept the records, and was given other assignments by his superiors (R. 551). He and Sergeant Kocki carried the keys to the Red Cross warehouse (R. 556). During the month of June he received orders to make distribution of some of the Red Cross supplies to the prisoners of war. He and others together with Captain Williams (POW officer) removed boxes of Red Cross supplies containing cigarettes, chocolate, raisins, cheese, sugar cubes, chewing gum, and toilet articles, and they were given to Captain Williams to be distributed to the POWs (R. 557). When shoes and gloves arrived they were turned over to POW Captain Williams. On occasions POW Captain Williams brought Red Cross supplies to the Japanese office and requested the accused Takata to distribute them among the Japanese personnel (R. 558, 559). The accused stated that he at no time misappropriated or used Red Cross goods or clothing as charged in the specification (R. 559). The vegetables grown in the gardens by the POWs were used by the POWs, but at times the Japanese personnel used some of the vegetables grown in the gardens (R. 562, 564).

As to Specification 1: The accused stated that during the month of August he beat a Dutch POW who had stolen vegetables from the garden, and that the POW lied to him and he became angry and beat him with his hands and then struck the POW with a bamboo fighting stick (R. 564). He later learned that this POW was in the hospital with broken chest bones. He gave the POW 180 yen as a "gift of sympathy" (R. 566, 588, 589, 590). The accused Takata was present at the time of the punishment given to this POW (R. 583).

As to Specification 2: The accused stated that during an air raid six or seven POWs would not leave the entrance and he struck them with his hands (R. 567).

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As to Specification 3: The accused stated that he at no time stole or misappropriated Red Cross supplies (R. 570). He testified as to how Red Cross boxes were delivered to the camp and the routine of checking with the prisoner of war officer and his checking and acknowledging the receipt of the supplies (R. 570).

As to Specification 4: The accused denied having struck or abused the prisoner of war as charged. He did see him and his face was bleeding. He was told that this POW had been in a fight with one of the Japanese foremen at the mine. The accused sent the POW to the dispensary (R. 567, 568).

As to Specification 5: The accused stated that in some cases he slapped POWs for violations of camp regulations with his open hand, that on other occasions he stopped and prevented the beating and abuse of POWs by other camp personnel (R. 568). When new POWs were assigned for work at the mines he made an inspection and saw that they were properly worked and instructed. One POW was beaten by Japanese personnel at the mine, but that the POW returned to camp, and on this occasion Takata, Sergeant Kocke, and himself, with the POW returned to the mine and investigated the person who beat the POW. This person was reprimanded by the accused Takata who also reported him to the company (R. 569).

The accused Eto, having been duly advised of his rights as a witness by defense counsel, elected to be sworn and testified in his own behalf (R. 4). He stated that he was a civilian employed by and working for the mining company from whom he received his pay.

As to Specification 1: The accused stated that POW Keller failed to salute the guard, accused struck him on the buttocks with a wooden rifle (R. 615). He did see the POW with his arm in a sling, that the guard commander instructed him to strike the POW, which he did (R. 616, 624, 625).

As to Specification 2: The accused testified that POW Gerbranda was giving him some instructions in the manual of arms and upon completion of the instructions the POW handed the wooden rifle back to the accused which he playfully took and made a thrust towards the POW, but he did not strike him (R. 617).

As to Specification 3: The accused stated that during the month of August 1943 he was not in camp. He went to work in April 1944 and stayed to the end of the war (R. 618). Besides POWs Gerbranda and Keller he did, during the month of August 1945, tap a POW on the buttocks for not removing his shirt and coat while working (R. 619, 620). On another occasion, he struck the POW with his open hand because the POW was in the bathroom washing clothes with dirty shoes on (R. 619).

The accused Ito, having been duly advised of his rights as a witness by defense counsel, elected to be sworn and testified in his own behalf (R. 4). Accused stated that he was supervisor of the British POWs, who were working at the mine (R. 638, 639).

As to Specification 1: The accused stated that he found POW Cox sleeping when he was supposed to be working. For this offense, the accused slapped him (R. 639).

As to Specification 2: The accused stated that he slapped POW Wakes with his hand but that he did not use a hammer as alleged in the specification (R. 639).

As to Specification 3: The accused stated that he did not remember POW Marriner; during the dates alleged in the specification he was in the hospital and he did not strike the POW with a pick axe nor did he in any other way mistreat the POW (R. 640).

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As to Specification 4: The accused stated that he did not recall the prisoners of war named in the specifications nor did he remember any such abuse, denying that he ever mistreated the POW.

As to Specification 5: The accused stated that he at no time mistreated, kicked or otherwise abused prisoners of war and that some of those named in the specification had visited his home and were served tea after the war had ended (R. 641, 643).

As to Specification 6: The accused denied that he abused the POW as charged in the specification (R. 643). During his tour of duty as a supervisor of the prisoners of war, in January 1945, he slapped a POW for not working after he had instructed the POW to work (R. 643). He was reprimanded by the head supervisor of the mine; he promised not to abuse or strike any other POWs. He stated that from then on until the end of the war he did not abuse any POWs (R. 643, 644, 648, 649).

The accused Ota (R. 569), having been duly advised of his rights as a witness by defense counsel, elected to be sworn and testified in his own behalf (R. 4).

As to Specification 1: He stated that he was employed by the mining company and was assigned in charge of the vegetable gardens. He had the supervision and security of the POWs that were working in the gardens. He stated that POW Tardivo refused to obey an order and that he forcefully hit the POW with his hand three or four times. He never used a weapon or his fists (R. 696, 664, 665).

As to Specification 2: The accused stated that POW Garrison was beaten by him quite forcefully, that he struck the POW four or five times with his hands (R. 660, 661, 664).

As to Specification 3: Accused stated that during the time the POWs were reprimanded, investigated, and beaten for stealing vegetables he was confined to the guardhouse and that he took no part in the investigation or mistreatment of the POWs (R. 661, 663, 669).

As to Specification 4: The accused stated that he was doing guard duty when several POWs were opening a box of Red Cross canned food, that he took one can and put it on a box nearby. Captain Williams, POW, told him to return it, which he did, at no other time or on any other occasion had he touched Red Cross supplies (R. 661, 666).

As to Specification 5: The accused denied abusing twenty or more POWs on numerous occasions. The incident in which Captain Forbes testified about, there were only about six or seven POWs present (R. 662). On one occasion he apologized to a POW whom he had slapped (R. 662, 666).

The accused Takata, having been duly warned and advised of his rights as a witness by defense counsel, elected to be sworn and testified in his own behalf (R. 4). The accused stated that he was assigned as camp commander of the prisoner of war camp and reported for duty May 1, 1945 (R. 672; 673).

As to Specification 1: When he took charge of the camp the food conditions in Japan were very bad and limited and that it was necessary to purchase supplemental rations upon the black market. At the time the food rations were distributed to the POWs in the amount of 705 grams each; he received an order from higher command to reduce the rations (R. 680). He stated generally as to the supply of food furnished by the company and the occasions on which he requested the company to furnish extra rations for the POWs working at the mines; he advised the company that if they wanted the POWs to do their work it would be necessary to give them more food as he had discovered that their weight was declining from the month of May to June and on another occasion made a request for more food in July because of the declining weight of the POWs (R. 681, 682, 684). On occasions he had requested the company to repair the barracks and to put