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

Yokohama, Japan
6 December 1948

UNITED STATES OF AMERICA VS IWAO INANAGA

1. The attached record of trial of Iwao Inanaga at Yokohama, Japan, tried from 9 March 1948 to 15 March 1948, by a Military Commission appointed by paragraph 7, Special Orders No. 52, Headquarters Eighth Army, United States Army, dated 5 March 1948, as amended by paragraph 1, Special Orders No. 58, Headquarters Eighth Army, United States Army, dated 12 March 1948, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Iwao Inanaga	DATE OF CONFINEMENT: 26 January 1948
AGE: 30	DATE OF ARRAIGNMENT: 9 March 1948
RESIDENCE: Saga-Ken, Fujitsu-Gun, Ohura-Son, Sato	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 9 March 1948 to 15 March 1948
RELATIVES: Father, mother, 2 brothers	DATE OF SENTENCE: 15 March 1948
EDUCATION: Graduated Youth School, quit Middle School	SENTENCE: CHL for five (5) years
VOCATION: Employee at Japan Rubber Co.	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: One year in Imperial Japanese Army, highest rank, superior private.	

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

<u>Charge and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: That the 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 25 October 1944, at Fukuoka Prisoner of War Camp Number 9-B, Miyata, Kyushu, Japan, the accused did willfully and unlawfully mistreat Philip De Boers, Freddy Antony Jansen, Willy Rudy Donkers, Andreas Jan van der Werff and Klaas Remmelts, Dutch Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
Sp. 2: That in or about December 1944, the accused did willfully and unlawfully mistreat Richard Stam, a Dutch Prisoner of War, by beating, kicking and otherwise abusing him.	NG	G	Yes
Sp. 3: That on or about 21 June 1944, the accused did willfully and unlawfully mistreat and abuse Christiaan Neerdendorp a Dutch Prisoner of War, by beating him with fists and rifle butt, by kicking him and by stabbing him in the upper thigh with a bayonet.	NG	G	Yes

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Sp. 4: That on or about 4 February 1945, NG G Yes
the accused did willfully and unlawfully mistreat Josef Johannes Schuitemaker, a Dutch Prisoner of War, by beating, kicking and otherwise abusing him into unconsciousness.

Sp. 5: That between 1 May 1944 and 31 August 1945, the accused did willfully and unlawfully mistreat numerous American, Dutch and British Prisoners of War, other than as hereinabove specified, by beating, torturing and otherwise abusing them. NG NG

3. Summary of the Evidence:

a. For the Prosecution:

Accused, Iwao Inanaga, was a civilian guard employed at Fukuoka Camp No. 9-B. He states his name in the Record as Iwao Hirada because his name had been changed to his wife's name when he married into her family (R. 6).

As to Specification 1: Prisoners De Boers, Jansen, Donkers, van der Werff and Remmelts went to see the camp's Japanese medic in regard to their place of work. They were excused from the mine where the prisoners worked and returned to camp, arriving at about 1600 hours. Sergeant Yasuda, the guard commander, accused, Nagao and Oyami, who were camp employees, awaited them there. These prisoners were forced to do "push-ups" and while in this position they were beaten until they "gave out". Afterwards they were beaten on their thighs and loins until they were black and blue. The result was that these prisoners were unable to sit or lie properly in bed. (Ex. 1; 2).

As to Specification 2: Dr. Richard Stam, who was a First Lieutenant dentist, had been assigned to the military hospital at the camp as a medical orderly. He was in charge of attending to prisoners who were seriously sick. One night, about midnight, he went to bed, as he had been on duty 36 hours prior to this. Prisoner de Boers was the least sick of the two prisoners. To facilitate waking Stam, he tied a string around his ankle and gave the other end to de Boers. In this manner he went to sleep. About 1:30 A.M., he heard some noise which awakened him. When he arose, he saw accused and Minashima. They were intoxicated. Stam heard that they had caused trouble in front of the hospital and that the nurse permitted them to pass in order to avoid more difficulty. Immediately upon entering, they went to the more serious patient, Gorlitz, and told him to recover soon and to go to work in the mine again. Their manner was extremely rude and Stam was under the impression that they had threatened Gorlitz. Gorlitz replied that he felt that he would not "pull through". Without any reason, accused suddenly turned toward Stam and beat him and kicked him in such a manner that he decided to feign unconsciousness. This did not last long because Stam heard accused ask for matches. On previous occasions in the mine, accused had revived unconscious prisoners with lighted matches. Stam feared that accused was going to burn him somewhere on his body so he arose, whereupon accused kicked and beat him again. Accused then sprained the thumb of his right hand and this caused him to cease this mistreatment. He then ordered one of the guards, who were boys from 16 to 17 years of age, to carry on the abuse. While the boy was beating and kicking Stam, accused went to de Boers and started to scold him. Stam succeeded in getting away from the boy and intervened. He pointed out to the accused that he should not abuse de Boers, who was a helpless patient. At this point accused left de Boers to be treated by the doctor on duty. The next day after this affair, when accused had slept off his intoxication, he summoned Stam and apologized in a rude and tactless manner. He tried to make up for his actions by throwing a cigarette to Stam, who did not respond (Ex. 1, 10, 11).

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As to Specification 3: On 21 June 1944, prisoner Neerdendoro went from the mess hall to the kitchen latrine. He had a cigarette in his hand, which was against camp regulations and he was caught by accused. Accused kicked him and beat him in the face with his fists. When the victim fell to the ground, accused kicked him and struck him with a rifle butt. After accused forced Neerdendorp to rise, he stabbed him in his front thigh with a bayonet. This caused such a deep wound that blood ran profusely from a severed artery, to such an extent that he lost consciousness. Dr. Hilfman gave him a blood plasma transfusion, after which he was taken to a Japanese hospital and the artery was sewn up by a Japanese surgeon. This victim spent about a month in the camp hospital in a critical condition as a result of this stabbing (Ex. 1, 4, 5-7, 10, 11).

As to Specification 4: Dr. Hilfman did not have the authority to excuse prisoners from work because of illness. However, on 4 February 1945, he advised prisoner Schuitemaker to go to the Japanese office and ask one Katsuki, a camp employee, to be excused from work because of stomach trouble from which he had been suffering for a long time. He had been growing weaker daily. Katsuki did not listen to him and accused forced him to sit on a bench beside the guard. That was at 0900 hours and it was bitterly cold. From that time on this victim was kicked at 15-minute intervals by accused or by one of the soldiers on guard duty. He recalled the clock striking 2 o'clock but shortly thereafter lost consciousness. When he awakened, he was in the hospital. It was Lieutenant de Vries who witnessed this incident from the guard house and carried Schuitemaker to the hospital. Schuitemaker was in the hospital until 8 May. His condition was so critical at first that Dr. Hilfman feared he would not live (Ex. 1, 3).

b. For the Defense:

The initial witness for the defense, Hajime Nakao, stated that he was stationed at the camp from 1 March 1944 to the termination of hostilities. He knew the accused and identified him in the courtroom. He had been tried by a war crimes commission and was found guilty and convicted (R.17). He was found guilty of the incident mentioned in Specification 1 of this case. He stated that, at the time of the incident, the accused was not present and that he did not participate whatever in it (R.18). The next witness, Masakazu Oyama, stated that he was at the camp from the end of April 1944 until the cessation of hostilities. He stated that Specification 1 of the Charge and Specifications in the present case was the same that it was when he was tried except that his name was inserted therein instead of the name of the present accused. The witness was present at this incident and participated in this incident. The accused was not present at the time these acts took place (R.21). This witness did not strike a prisoner of war during the incidents mentioned in the specification. No prisoner was injured during the push-up exercises and they went to work the following day.

Accused, a witness in his own behalf, was duly sworn in and took the stand. The gist of his pertinent testimony is as follows: His duties at the camp were those of a guard. He did not have any knowledge of the allegations as are set forth in Specification 1. Concerning Specification 2, he was returning from a banquet with Captain Minashima and there were two prisoners of war who were under Captain Minashima and they had been injured at the mine and were in the hospital. The Captain invited him to go with him to the hospital. Prisoner Stam had been appointed medical orderly to care for the two sick prisoners. When accused and the Captain entered the sick room Stam was lying down asleep. As they entered, Stam did not even attempt to get up and it was only after they approached very close to him that he did arise. Captain Minashima at that point demanded of accused why the medical orderly did not rise and salute them. Because Stam had neglected his duty as medical orderly, accused slapped him three times with his open hand. They also discovered that a guard who had been appointed at the hospital and who was supposed to be present was not there. While accused was looking for the guard, Captain Minashima remained in the sick room and was saying words of consolation to these prisoners. After the guard had returned, accused came back to the sick room. There accused likewise spoke words of consolation to the injured prisoners and left the hospital with the Captain. They then returned to Minashima's home, where they again drank some sake. Accused stayed there until quite late, drinking, after which time the Captain took him home. That is all he can recall concerning the incident. The next day when he met prisoner

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Stam, he apologized to him. Stam laughed and said, "Mr. Inanaga, sake no good" and "I judged that he meant I shouldn't drink sake." Accused and Stam both laughed and parted without any ill feeling. There were no difficulties or incidents concerning prisoner Stam after this occasion. Accused did not kick Stam and denies that he did anything else besides slapping him (R.27).

Concerning Specification 3, on one occasion when accused was performing guard duty, he received a message from the guard commander emphasizing fire prevention. As he neared a latrine which was near the kitchen, a prisoner emerged from the latrine smoking a cigarette. He told the prisoner "a cigarette no good". As he told him that, he grabbed his chest or some part of his body. Accused was carrying a rifle in his right hand at the time and was trying to pull the prisoner close to him with his left hand. He is not clear whether he pulled at him to get close or whether he staggered or whether the rifle which he held in his hand moved. However, the bayonet went into the prisoner's side. It was such an instantaneous occurrence that he is not exactly sure of what happened (R.29). When they went to the hospital, they removed their shoes and wore slippers (R.31). He had no knowledge about the incident as charged under Specification 4 (R.32).

The defense introduced evidence from the record of United States of America vs Yasuda and others, Case Docket No. 279, wherein it was pointed out by the defense that accused was not mentioned in that case as being one of the participants in the incident alleged in Specification 1 of this case (R.54, 55).

4. Opinion:

The record is legally sufficient to support the findings of the commission. Each allegation of the charge and the specifications of which accused was found guilty was substantiated by competent evidence. The commission was constituted by proper authority and had jurisdiction of the accused and of the offenses alleged.

The prosecution introduced evidence by means of statements and affidavits of former prisoners who had been interned in the camp and were in a position to know the facts of the matters in issue. From such, the guilt of the accused was firmly established.

The complete record shows that the accused had a fair trial and was represented by competent counsel. He took the stand and testified in his own behalf, as well as calling witnesses to testify for him. A careful scrutiny of the entire record fails to reveal any error which injuriously affected the substantial rights of the accused or any failure to accord him a fair trial in every respect. There was no evidence that the accused was not sane at the time of the commission of the alleged acts and at the time of trial.

5. Recommendations:

There are no letters of clemency from any member of the commission or from others.

The commission sentenced accused to confinement at hard labor for five (5) years. The sentence is legal. Under the evidence presented, when it is considered that the accused was found guilty of four specifications of sadistic cruelty to prisoners, including one involving a serious stabbing, sentence is not only not excessive but lenient when compared with sentences which have been imposed upon other war criminals for similar offenses. Clemency therefore is not merited and it is recommended that it be denied. It is recommended that the sentence be approved.

Accused was confined at Sugamo Prison 26 January 1948, went to trial 9 March 1948 and was sentenced 15 March 1948. Sugamo Prison, Tokyo, Honshu, Japan, is the appropriate place of confinement.

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