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RECORD OF TRIAL
(Ribbon Copy)

in the case of

UNITED STATES

VS

GENJI MINENO

Case Docket No. 47

MILITARY COMMISSION

Appointed By

COMMANDING GENERAL, EIGHTH ARMY

Tried At
Yokohama, Japan
25 June 1946 - 28 June 1946

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I N D E X

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TESTIMONY

<u>Name of Witness</u>	<u>Direct</u>	<u>Gross</u>	<u>Redirect</u>	<u>Recross</u>	<u>Commission</u>	<u>Recalled</u>
Urata, Torajiro	17	22	24	—	24	—
Nagakura, Seizo	25	28	29	30	29-31	—
Asano, Yukio	32	35	—	—	35	—
Porter, Howard D.	45	—	—	—	—	—
Nishi, Hiroishi	60	62	66	65	63	—

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PROCEEDINGS OF A MILITARY COMMISSION

which convened at Yokohama, Japan, pursuant to Paragraph No. 1, Special Orders Number 161, Headquarters Eighth Army, United States Army, Office of the Commanding General, APO 343, dated 22 June 1946.

The Commission met at the Yokohama District Courthouse at 0800 hours, 25 June 1946.

PRESIDENT: The Commission is in session and is ready to hear any matters to be brought before it.

PROSECUTION: The Prosecution is ready to proceed with the trial of the United States of America against GENJI MINENO.

The accused is present together with defense counsel appointed by the convening authority. The Prosecution is ready to proceed.

PRESIDENT: You may proceed.

PROSECUTION: The Reporter will be sworn.

(Mr. Gene B. Tanner, civilian court reporter was then sworn)

PROSECUTION: The Interpreters will be sworn.

(STAFF SERGEANT TOMIO SATOW, MR. NAOAKI KOBAYASHI, and MR. SEICHI ISOBE were sworn as Court Interpreters)

PROSECUTION: The following Members of the Commission appointed by Paragraph No. 1, Special Orders Number 161, Headquarters Eighth Army, Office of the Commanding General, APO 343, dated 22 June 1946, are present:

DETAIL FOR THE COMMISSION

COL. WILLIAM H. McCUTCHEON, 04936, Inf, Hq Kobe Base, LAW MEMBER
LT.COL. HALBERT H. NEILSON, 06774, Cav, 32d Military Government Co
LT.COL. ROBERT THOMSON, 0253717, Inf., Hq I Corps
MAJ. ALFRED D. YATES, 333048, British Army, Army Educational Corps
CAPT. JEAN M. MODERT, 0515445, MC, 332d General Dispensary

FOR THE PROSECUTION

Mr. Howard D. Porter, CHIEF PROSECUTOR
Mr. Jesse Deitch, ASSISTANT PROSECUTOR

FOR THE DEFENSE

1ST LT. ROBERT J. WHITE, 01327787, Inf.
2D LT. GEORGE W. WALSH, JR, 0935363, MI

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PROSECUTION: The following Member of the Commission is absent:

MAJ. CHARLES A. GILMORE, JR., 01000235, AGD, 4th Repl Depot - Reason
Unknown

PROSECUTION: The Prosecution submits for incorporation into the record of these proceedings the following documents:

Letter Order AG 000.5 (5 Dec 45)LS, General Headquarters, Supreme Commander for the Allied Powers, dated 5 December 1945, with the subject being "Regulations Governing the Trials of Accused War Criminals".

Letter Order AG 000.5 (Y0), Headquarters, Eighth Army, dated 5 February 1946, with the subject being "Rules of Procedure and Outline of Procedure for Trials of Accused War Criminals".

Letter Order AG 000.5 (22 May 46)LS, General Headquarters, Supreme Commander for the Allied Powers, dated 22 May 1946, with the subject being "Trial of Genji Mineno".

First Indorsement, Letter Order AG 000.5 (22 May 46)LS, General Headquarters, United States Army Forces, Pacific, dated 22 May 1946, with the subject being "Trial of Genji Mineno".

Letter Order AG 000.5 (Y0), Second Indorsement, Headquarters, Eighth Army, dated 22 June 1946, with the subject being "Trial of Genji Mineno".

Paragraph 1, Special Orders Number 161, Headquarters Eighth Army, dated 22 June 1946, entitled "Appointment of Military Commission".

PRESIDENT: There being no objection, they will be received and incorporated into the record of these proceedings. Does the Prosecution desire to challenge any Member of the Commission for cause?

PROSECUTION: The Prosecution has no challenges.

PRESIDENT: Does the Defense Counsel desire to challenge any Member of the Commission for cause?

DEFENSE: The Defense has no challenges, if the Commission please.

PROSECUTION: The Prosecution is ready to proceed with the arraignment of GENJI MINENO.

PRESIDENT: The Commission will be sworn.

(The Members of the Commission and the personnel of the Prosecution were then sworn.

DEFENSE: The Charge and Specifications were received by the Defense on the 29th day of May; they were served on the accused on 3 June 1946 at which time the accused was informed of his rights; a copy of his rights was submitted to him in Japanese and they were also explained verbally to him. He stated at that time that he understood those rights.

PRESIDENT: His rights as a witness?

DEFENSE: No, sir, as an accused, if the Commission please, to be represented by counsel, etc.

PRESIDENT: Whom does the accused desire to introduce as Defense Counsel:

DEFENSE: The accused desires to introduce the regularly appointed Defense Counsel, and in addition thereto, Mr. N. KUROSAWA, a Japanese attorney on behalf of the accused.

PRESIDENT: The Charge and Specifications will be read to the accused.

PROSECUTION: (Reading):

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

BEFORE A MILITARY COMMISSION
CONVENED BY AUTHORITY OF
THE COMMANDING GENERAL
UNITED STATES EIGHTH ARMY
_____ May 1946

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UNITED STATES OF AMERICA

VS

GENJI MINENO

CHARGE

That between 1 February 1943 and 1 September 1945, at Prisoner of War Camp Number Three, Kokura, Fukuoka, Kyushu, Japan, GENJI MINENO, then a civilian guard employed by and serving with the Armed Forces of Japan, a Nation then at war with the United States of America and its Allies, did, willfully and unlawfully, commit cruel, inhuman and brutal acts, atrocities and other offenses against certain American and Allied Prisoners of War, in violation of the Laws and Customs of War.

SPECIFICATIONS

1. That in or about February 1943, the accused, Genji Mineno, together with other persons, did, willfully and unlawfully, brutally mistreat and torture John Scott Painter, an American Prisoner of War, by beating him about the head with a rifle and by stripping him

of clothing and forcing him to stand in a tank of cold water.

2. That on several occasions between 1 February 1943 and 30 March 1944, the accused, Genji Mineno, did, willfully and unlawfully, brutally mistreat and torture George De Witt Stoddard, an American Prisoner of War, by beating him and by inserting slivers of wood under his finger nails and burning them.

3. That in or about March 1943, the accused, Genji Mineno, together with other persons, did, willfully and unlawfully, brutally mistreat and torture Victor Brown, an American Prisoner of War, by repeatedly beating him with a stick and rifle and by throwing him into a water trough.

4. That on or about 5 July 1943, the accused, Genji Mineno, together with other persons, did, willfully and unlawfully, brutally mistreat and abuse George E. Gibson and John H. Burton, American Prisoners of War, by beating them with a club.

5. That in or about August 1943, the accused, Genji Mineno, together with other persons, did, willfully and unlawfully, brutally mistreat and torture George De Witt Stoddard and William O. Cash, American Prisoners of War, by strapping them to a stretcher and pouring water down their nostrils.

6. That between 19 October 1943 and 1 September 1945, the accused, Genji Mineno, did, willfully and unlawfully, brutally mistreat and torture Joseph Ardell Minton, an American Prisoner of War, by beating him with a shoe and by forcing him to kneel in the snow without a coat for about one hour.

7. That between 1 February 1943 and 1 September 1945, the accused, Genji Mineno, did, willfully and unlawfully, brutally mistreat and torture Oscar Donald Jakobsen and other American Prisoners of War, by forcing them to slap each other in the face for an extended period of time, and by making them stand at attention for a long period of time holding a bar over their heads.

8. That in or about May 1944, the accused, Genji Mineno, did, willfully and unlawfully, brutally mistreat and beat Norman J. Berg, an American Prisoner of War, by slapping him and beating him into unconsciousness with a club and, upon revival, again kicking him into unconsciousness.

9. That on or about 15 May 1944, the accused, Genji Mineno, did, willfully and unlawfully, brutally mistreat and torture Thomas B. Armitage, William O. Cash and Munroe Dave Woodall, American Prisoners of War, by beating and kicking them, by forcing water into their mouths and noses and by pressing lighted cigarettes against their bodies.

10. That on or about 1 September 1944 the accused, Genji Mineno, did, willfully and unlawfully, brutally mistreat and torture Luther Hadley MacKenzie and James R. Martin, American Prisoners of War, by beating and kicking them.

11. That in or about January 1945, the accused, Genji Mineno, together with other persons, did, willfully and unlawfully, brutally mistreat and torture William O. Cash, an American Prisoner of War, by fastening him on a stretcher head downward and then beating him a club, by applying hot poker to his wrists and arms and by applying burning cigarettes to his face.

12.. That in the period between 1 February 1943 and 1 September 1945, the accused, Genji Mineno, did willfully and unlawfully, abuse, mistreat, beat and torture various American and Allied Prisoners of War other than in specific acts referred to in Specifications 1 to 11, inclusive, herein.

22 May 1946

s/ Alva C. Carpenter
t/ ALVA C. CARPENTER
Colonel JAGD
United States Army

AFFIDAVIT

Before me personally appeared the above named accuser this 22d day of May 1946, and made oath that he is a person subject to military law and that he personally signed the foregoing charge and specifications and further that he had investigated the matters set forth in the charge and specifications and that the same are true in fact, to the best of his knowledge and belief.

s/ Edmund M. Sweeney

1st Lt., JAGD, AUS

PROSECUTION: With permission of the Commission the Prosecution introduces the Charge and Specifications which have been read to the accused for incorporation into the record of these proceedings.

DEFENSE: There is no objection.

PRESIDENT: There being no objection, the Charge and Specifications will be received and incorporated into the record. Are there any special pleas by the Defense?

DEFENSE: There are no special pleas.

PRESIDENT: GENJI MINENO, at this time the Commission will hear your plea to the Charge and Specifications which have been read to you; you may plead either guilty or not guilty.

GENJI MINENO (Through Interpreter): Not guilty.

PRESIDENT: The Prosecution will make its opening statement.

PROSECUTION: If the Commission please, the accused, GENJI MINENO, was a civilian guard at Prisoner of War Camp Number Three in the Fukuoka Area, which is located in Kyushu, Japan; he was a guard at that place from approximately 1 February 1943 until the end of hostilities, and his duties at that time among others were in general guarding the Prisoners of War in the galley, or mess hall, and other places at the camp. During that time he was known to many of the Prisoners of War as the "Water Snake", a nickname which they had applied to him. Also during that time, according to the evidence which the Prosecution has, MINENO did unlawfully and cruelly beat and mistreat various Prisoners of War who were confined at that particular camp.

During the course of this trial there will be used various affidavits and statements signed by former Prisoners of War at this particular camp. To the best of the knowledge of the Prosecution, none of the affiants are at this time located in this theater, which includes Japan, the Ryukyu Islands, Korea, the Philippine Islands and various other parts of this theater.

At this time, the Prosecution offers into evidence as Prosecution's Exhibit No. 1 correspondence between the Secretary of State of the United States and the Swiss Government who conveyed to the American Government the intentions of the Japanese Government in regards to Prisoners of War.

DEFENSE: At this time, if the Commission please, the Defense wants to object to the introduction of this document on a number of grounds. First, that it does not constitute a contract between parties. The use of the expression "mutatis mutandis" in the document means they will follow the terms of the 1929 Geneva Convention insofar as they may. It certainly does not constitute a contract between parties. Also, even if it did there would have to be a showing that the accused had some knowledge of it to be able to be bound by it; also, because no Senate, no Japanese Diet, so far as anyone knows, ratified that.

LAW MEMBER: The objection is overruled.

Prosecution's Exhibit No. 1 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution offers into evidence as Prosecution's Exhibit No. 2 the affidavit of JOHN SCOTT PAINTER.

DEFENSE: If the Commission please, the Defense at this time wishes to interpose two general objections to the introduction of affidavits generally - not only this affidavit, but all other affidavits that will be submitted. First, on the ground that really this affidavit or any other affidavit is merely an ex parte affidavit. The accused is deprived of his right of cross-examining. Secondly, on the ground that the affidavit is not the best evidence. The best evidence is the evidence of the accuser himself, wherever he may be. I want that to apply, if the Commission please, to every affidavit that is attempted to be introduced here.

PROSECUTION: If the Commission please, the accused, GENJI MINENO, was a civilian guard at Prisoner of War Camp Number Three in the Fukuoka Area, which is located in Kyushu, Japan; he was a guard at that place from approximately 1 February 1943 until the end of hostilities, and his duties at that time among others were in general guarding the Prisoners of War in the galley, or mess hall, and other places at the camp. During that time he was known to many of the Prisoners of War as the "Water Snake", a nickname which they had applied to him. Also during that time, according to the evidence which the Prosecution has, MINENO did unlawfully and cruelly beat and mistreat various Prisoners of War who were confined at that particular camp.

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LAW MEMBER: The objection is overruled.

Prosecution's Exhibit No. 1 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution offers into evidence as Prosecution's Exhibit No. 2 the affidavit of JOHN SCOTT PAINTER.

DEFENSE: If the Commission please, the Defense at this time wishes to interpose two general objections to the introduction of affidavits generally - not only this affidavit, but all other affidavits that will be submitted. First, on the ground that really this affidavit or any other affidavit is merely an ex parte affidavit. The accused is deprived of his right of cross-examining. Secondly, on the ground that the affidavit is not the best evidence. The best evidence is the evidence of the accuser himself, wherever he may be. I want that to apply, if the Commission please, to every affidavit that is attempted to be introduced here.

LAW MEMBER: Did you make specific objection?

DEFENSE: Yes, sir; I would also like to reserve my right to make specific objections to the affidavits - to this one, the Defense objects to the entire affidavit on the ground there is no identification of the accused, Mineno. I direct the Commission's attention to the second paragraph down towards the end of the page where he says "the names of those who participated in the beating as nearly as I can remember were. . ." including the accused. Now, in connection with this, I do not say that the accused had nothing to do with this; simply that he says "as nearly as I can remember". I submit that that is not admissible under those circumstances.

LAW MEMBER: The objection is overruled. Any evidence that bears or deals with this case whether it is sworn to, signed, or otherwise, will be received by this Commission and evaluated for what it is worth.

DEFENSE: I want the record to show my exception to that ruling of the Commission.

Prosecution's Exhibit No. 2 was then received and was read by the Prosecution.

PROSECUTION: At this time the Prosecution offers into evidence as Prosecution's Exhibit No. 3 the affidavit of GEORGE DEE STODDARD.

DEFENSE: The Defense wishes to object to the entire affidavit on the ground that on its face it shows that Stoddard is not speaking of an incident that he knows anything about first hand. He says in paragraph two "On 11 November 1943 until the end of the war, I was confined as a prisoner of war in Camp Nol 3. When it gets down to the operative facts of this beating he says "in August 1943 is when the beating took place". Obviously it took place before he was even there. I submit to the Commission that the Prosecution is bound by the Specifications and also bound by the terms of the evidence it submits to this Commission.

LAW MEMBER: The objection is overruled. This evidence will be evaluated by the Commission. Due regard will be given to the remarks made by the Defense and evaluated for what it is worth.

Prosecution's Exhibit No. 3 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution offers into evidence as Prosecution's Exhibit No. 4 the affidavit of VICTOR BROWN.

DEFENSE: There is no specific objection to this affidavit.

LAW MEMBER: It will be received as evidence.

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Prosecution's Exhibit No. 4 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution offers into evidence as Prosecution's Exhibit No. 5 the affidavit of GEORGE E. GIBSON.

DEFENSE: If the Commission please, the Defense wishes to object very strenuously to the last two paragraphs on the third page. The basis of this objection is that there is here described an incident that is irrelevant. It has nothing to do with the accused. It names the man responsible for that particular beating and does not name MINENO. Therefore, it is irrelevant and has no probative value whatsoever under the rules of SCAP and it should be excluded by this Commission.

PROSECUTION: If the Commission please, on that particular point, this concerns an incident in which there was a group of Japanese present who were committing those various acts and one of those present was MINENO.

DEFENSE: But that isn't what it says, if the Commission please. That is not what it says. Here it specifically states the names of Osano and Kita and it says when they finished - or got tired of beating us, two other Jap civilians took over, but it does not state the name of MINENO. You cannot --

PROSECUTION: It is the same as if you had a robbery case and the man who was the "look-out" - the man who watched outside while the others were on the inside committing the actual theft - that man who was the "look-out" is equally guilty. The Commission can determine its value.

LAW MEMBER: The objection is overruled but the Commission will consider the remarks made by the Defense Counsel and determine just how much weight should be given to this evidence.

DEFENSE: If the Commission please, am I to understand that everything goes in regardless of the relevancy on the face of it?

LAW MEMBER: As long as it has a bearing even remotely the evidence will be received by this Commission and will be considered by the Commission and evaluated for what it is worth.

DEFENSE: Yes, sir. That is my only objection to that.

Prosecution's Exhibit No. 5 was then received and was read by the Prosecution.

PROSECUTION: At this time the Prosecution offers into evidence as Prosecution's Exhibit No. 6 the affidavit of JOSEPH ARDELL MINTON.

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DEFENSE: The Defense has one specific objection - about the middle of Page One, starting with "I have personally seen MINENO beat many of the other prisoners and I have seen him force other prisoners to kneel in the snow for periods up to two or three hours". That much we move be stricken because it has no probative value. He names no persons, gives no dates; no person could possibly defend that. It is a broad sweeping statement and it has no value.

PROSECUTION: The only response I can give to that is it does refer to prisoners of war and it refers to the accused and it is a statement in which the affiant says he personally saw the accused mistreat other prisoners of war.

DEFENSE: I would like one more word, if the Commission please. Throughout all history when a man is brought before a court of justice anywhere he certainly has the right to know with what he is being charged. Now, a man can say "I have seen Japanese beat people; I have seen certain Japanese beat prisoners" but he then does not know with what he is being charged; he does not know who he beat and he cannot defend himself against that. I submit that if a Member of this Commission were charged with a crime and a broad statement like that were made against him, it would be the most general thing that could be done.

LAW MEMBER: The ruling on this will be withheld pending the hooking up of this evidence with the accused.

PROSECUTION: If the Commission please, there is no question that it is hooked up with the accused because it says "I have personally seen MINENO beat prisoners of war". It definitely refers to the accused.

DEFENSE: Yes, but what persons - when - and under what circumstances? You can't possibly defend a statement like that!

PROSECUTION: We certainly do know what we are talking about. We know we are talking about this accused as he is definitely named in this affidavit and the beating is certainly clear - a group of Japanese - not everybody, certainly not, but a certain group. It does connect up with the accused definitely because it mentions the man's name. It is not a question of hearsay even.

DEFENSE: I would like just one more word. He says "I have seen him beat prisoners at various times" and the man gets on the stand and says "No, I didn't beat them". What do you have? You don't have anything! You have the allegation by the person and the denial by MINENO.

PROSECUTION: He says here "personally witnessed by myself".

LAW MEMBER: The objection is overruled, but due consideration will be given to the remarks of the Defense Counsel in determining whatever value the evidence will be given.

Prosecution's Exhibit No. 6 was then received and was read by the Prosecution.

PROSECUTION: At this time, the Prosecution offers into evidence as Prosecution's Exhibit No. 7 the affidavit of OSCAR DONALD JAKOBSEN. It is stipulated by and between the Prosecution and the Counsel for the Accused that the man Jakobsen, spelled J-A-K-O-B-S-E-N or J-A-K-O-B-S-E-N is one and the same person.

DEFENSE: The Defense has objection, first on the basis of the last paragraph of the first page. The act there described, which continues on to the second page, the accused KINENO is not mentioned. He is mentioned in the previous act, but he is not mentioned in that particular incident.

PROSECUTION: He is mentioned - I am disagreeing with the Counsel for the Accused. We have to look at the entire affidavit, not pick out certain lines and say he is not mentioned in that particular line, but we have here things done by the Japanese guard and a non-com. It refers to "petty tortures constantly meted out", and then it says "The Japanese primarily responsible for the above incidents of petty tortures was 'Kineno'". It refers back to that incident. The affiant called those "petty tortures"; in the paragraph at the bottom of the page - page two, he says "The Japanese primarily responsible for the above incidents. . . was KINENO".

LAW MEMBER: The objection will be overruled.

Prosecution's Exhibit No. 7 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution offers into evidence as Prosecution's Exhibit No. 8 the affidavit of NORMAN JAMES LAURSEN.

PRESIDENT: The Commission will take a five minute recess.

The Commission then took a recess until 0920 hours at which hour the personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

PRESIDENT: The Commission will come to order.

PROSECUTION: The Prosecution now offers into evidence as Prosecution's Exhibit No. 8 the affidavit of NORMAN JAMES LAURSEN.

DEFENSE: There is no specific objection to this affidavit.

LAW MEMBER: It will be received as evidence.

Prosecution's Exhibit No. 8 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution now offers into evidence as Prosecution's Exhibit No. 9 the affidavit of VETALIS VERNON ANDERSON and WILLIAM ARNO BLUMBER. While this does not mention the name of the accused MINENO, it refers to an incident which later affidavits will connect up with the accused.

DEFENSE: There is no specific objection to this; however, I would like the Commission to know that I intend to use this same affidavit as part of my case, also. I can't see where it has anything to do with the Prosecution's case against this accused.

Prosecution's Exhibit No. 9 was then received and was read by the Prosecution.

LAW MEMBER: Where is the accused brought in this?

PROSECUTION: He isn't in this particular affidavit, but in the third affidavit that is coming up, we intend to -- it does refer to MINENO as participating also in this incident and we feel it is just corroborative as to the incident.. Now, the Commission can use it for whatever value it may have. MINENO is not mentioned in this particular one, but the third affidavit, the one we have on Armitage, who was one of the victims allegedly in this particular incident refers to MINENO as being a participant. Now, it is offered only as a matter of connecting it up later by the use of subsequent affidavits which do refer to MINENO.

At this time the Prosecution offers into evidence as Prosecution's Exhibit No. 10 the affidavit of CLAUDE A. THOMAS, JR.

DEFENSE: If the Commission please, I do want to object to this affidavit. I want to object to it on the ground that the accused is not anywhere mentioned in this affidavit and the affidavit as such will simply be inflammatory and used for the purpose of inciting the Commission.

PROSECUTION: As I mentioned earlier it will be connected up with another affidavit. This incident is referred to and MINENO is mentioned in the next affidavit, to the Prosecution's belief.

LAW MEMBER: It will be connected up?

PROSECUTION: That is the Prosecution's belief. It is for the Commission to determine whether it is hooked up or not.

LAW MEMBER: It will be received pending the hooking up of the two.

DEFENSE: With the accused MINENO.

LAW MEMBER: Yes.

PROSECUTION: That is the understanding.

Prosecution's Exhibit No. 10 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution now offers into evidence as Prosecution's Exhibit No. 11 the affidavit of THOMAS B. ARMITAGE.

DEFENSE: There is no specific objection to this affidavit.

LAW MEMBER: It will be received as evidence.

Prosecution's Exhibit No. 11 was then received and was read by the Prosecution.

PROSECUTION: At this time the Prosecution feels that Exhibits No. 9 and No. 10, which referred to an incident which happened to certain prisoners of war are connected up with the affidavit that has just been read in which it mentions that MINENO did participate in the beating of Cash, Woodall and Armitage. The two previous ones were introduced for the purpose of supporting this incident and while they do not mention MINENO by name they do refer to an incident which the Prosecution feels to be one and the same incident and the Prosecution desires at this time that those affidavits be received for whatever value the Commission may determine.

DEFENSE: I would like just one remark on that. On the face of these, they could be introduced for only one purpose, particular No. 10, the Thomas affidavit which names no person whatsoever, and the only thing they could possibly be introduced for would be to inflame the Commission. The other, No. 9, I submit to the Commission rebuts completely the evidence adduced in the Armitage affidavit. If the Prosecution wants to be bound by evidence - and they must be --- they have two conflicting affidavits between 9 and 11, all of which creates a reasonable doubt.

PROSECUTION: The Prosecution does not feel there is any direct conflict. It doesn't say he was the sole person there. We have in the third affidavit one of the actual victims who says who participated and it names MINENO.

LAW MEMBER: The objection is overruled; however, the fact that direct connection is not entirely shown, consideration will be given to this fact by the Commission.

PROSECUTION: And now the Prosecution offers into evidence as Prosecution's Exhibit No. 12 the affidavit of LUTHER HADLEY MACKENZIE.

DEFENSE: Just one moment, if the Commission please. We have one specific objection to this exhibit. It is the last paragraph on Page One, continuing on to a few words on Page Two, starting with "I also witnessed this guard severely beat other American Prisoners of War in a similar manner". There again there is nothing

we can defend - no names named, no time specified, no specific place, no operative facts at all upon which we can defend. You have an affiant saying he beat me and others and you have the accused saying "No, I didn't." Therefore, it has no probative value.

LAW MEMBER: The objection is overruled. However, the reliability of this affidavit will be considered by the Commission, and if warranted, proper evaluation will be given to this particular paragraph.

Prosecution's Exhibit No. 12 was then received in evidence and was read by the Prosecution.

PROSECUTION: The Prosecution now offers into evidence as Prosecution's Exhibit No. 13 the affidavit of STEVE ALEX SALAY.

DEFENSE: No specific objection to this affidavit.

LAW MEMBER: It will be received as evidence.

Prosecution's Exhibit No. 13 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution offers into evidence as Prosecution's Exhibit No. 14 the affidavit of CHARLES H. McCOY.

DEFENSE: The Defense objects to the entire affidavit on the ground that it has no probative value. Now, I want to make this in two or three different motions in addition to objecting to the entire affidavit. In case that is overruled, we object to a part of the second paragraph beginning with the third line with "On 1 January 1944" and I will read the entire part I object to on the ground that it is irrelevant. "On 1 January 1944 food conditions had become so very bad that we all used any means available to secure some extra food and I was caught trying to steal some beans. . ." None of that has anything to do with this case. MINENO is not charged with anything having to do with food. There is no statement here he was beaten by MINENO. Therefore, it becomes irrelevant and has no probative value and can only be used to inflame the Commission. That is objection number two.

PROSECUTION: Well, it is almost impossible to rule on each specific objection because the affidavit has to be taken as a whole. The reason that was left in was it showed that the affiant did have opportunity to determine what the man MINENO did. Now, it refers later on to the fact that MINENO was.. "Another guard named MENINOSON, nicknamed "the water snake" was very sadistic and vicious and beat the prisoners on little or no provocation". I wanted to be able to show - the Prosecution wanted to show that the affiant had opportunity to observe the acts of the accused and therefore that is why the entire affidavit was left in.

LAW MEMBER: It is the ruling of the Law Member that this is too remote, that paragraph as objected to by the Defense Counsel, and has no bearing on this case.

DEFENSE: Now, our next objection is farther on down in the same paragraph. "The guards were all "Five Stars", I don't object to that, but in the next line, "almost all of them were guilty of stealing provisions from the prisoners' store". Again, all of which is irrelevant. He is not charged with stealing provisions from stores, and that can only be there for the purpose of inflaming the Commission.

LAW MEMBER: That objection is overruled for the reason that this furnishes a certain amount of background for the Prosecution to present the remainder of this affidavit, and if it does not apply to the accused the Commission will evaluate that when they have heard the testimony.

DEFENSE: Now on down two lines further "Another guard named MENINOSON, nicknamed "the Water Snake" was very sadistic and vicious and beat the prisoners on little or no provocation". In the first place, sadistic is conclusion. I submit that before a man would be capable of testifying that another was sadistic it would have to be shown pretty clearly that he knew the meaning of the word "sadistic".

LAW MEMBER: The objection is overruled and the Commission will evaluate this evidence for what they think it is worth.

DEFENSE: I have one final objection. Starting with "The food at this camp was extremely meager" and the balance of the paragraph which has nothing to do with this accused nor the Charge and Specifications and is utterly and completely irrelevant.

LAW MEMBER: What is your remark on that, Mr. Prosecution? I fail to see the connection.

PROSECUTION: We withdraw it.

LAW MEMBER: The objection is sustained.

Prosecution's Exhibit No. 14 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution now offers into evidence as Prosecution's Exhibit No. 15 the affidavit of EARL HARRY BARNES.

DEFENSE: I want to object to the entire affidavit on that ground that it has no probative value and is rank hearsay. On the face of it he admits that he wasn't there, and I quote from the middle of the third paragraph "The rest of us were sent to our rooms and kept there. I was told later by some of the men what happened." Then he goes on to tell everything that happened in detail. I hesitate in a way to object because it is so ridiculous, and I think perhaps it ought to go into the record, but as my duty

to the accused, I do object to it as being hearsay of the worst kind.

LAW MEMBER: Your objection is overruled but all of these remarks by the Defense Counsel will be considered when this evidence is evaluated by the Commission.

Prosecution's Exhibit No. 15 was then received and was read by the Prosecution.

PROSECUTION: The Prosecution now desires to offer into evidence as Prosecution's Exhibit No. 16 the statement of VIRGIL ANGERS OUILLETTE.

DEFENSE: If the Commission please, we object to the entire affidavit on the ground it has no probative value - there are no operative facts whatsoever. It is impossible for the accused to even begin to defend himself. I quote from the second paragraph "The illness of one of the latter began with a severe beating which he received from a Japanese guard we knew as "MANINO-san". We don't know the name of the man involved; we don't know where or when it happened. It is a thing that can't have probative value. "The illness of one of the latter began with a beating. . ." He is concluding medical knowledge, and I submit to this Commission that no layman in the world should have the poor judgment to diagnose the cause of illness or the cause of death.

LAW MEMBER: All the matters brought up will be considered by the Commission. Other than the very nature of the case, the Commission is dependent on evidence of this kind for lack of better. Therefore, the Commission will accept this evidence for what it is worth, and the objection is overruled.

DEFENSE: If the Commission please, one more objection - it is not a sworn statement.

LAW MEMBER: The objection as stated - any mere fact that it is not an affidavit will have no bearing upon its receipt by the Commission for what it is worth.

Prosecution's Exhibit No. 16 was then received and was read by the Prosecution.

PRESIDENT: The Commission will take a ten minute recess.

The Commission then took a recess until 1040 hours at which hour the personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

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PRESIDENT: The Commission will come to order.

PROSECUTION: At this time, the next witness for the Prosecution would have been the accused himself for identification purposes; however, the Defense has stated that at a later time they are going to also put the accused on the stand, and for that reason the Prosecution will not call him at this time. Other than this stipulation we have nothing further.

DEFENSE: We are only stipulating as to identification - we are stipulating that he is the accused.

PROSECUTION: Anything further can be brought out at the time he takes the stand. It is stipulated by and between the Prosecution and the Accused and his counsel that the accused is GENJI MINENO and that he served as a civilian guard at Fukuoka Prisoner of War Camp No. 3 and was present at that camp from about 1 February 1943 until about the end of August 1945.

The Prosecution rests.

DEFENSE: At this time, if the Commission please, I would like to ask for a recess until tomorrow morning at 0800. We had thought that the Prosecution would take the entire morning, and I believe they, too, believed they would. At that time tomorrow morning, the Defense will be ready to go on.

PROSECUTION: The Prosecution requests permission to withdraw the original affidavits and statements which have been presented as Prosecution's Exhibits No. 2 through No. 16 inclusive, and substitute therefor authenticated copies.

LAW MEMBER: That will be granted.

PRESIDENT: The Commission will recess until 0800 hours tomorrow morning.

The Commission then at 1045 hours, 25 June 1946, adjourned to reconvene at 0800 hours, on 26 June 1946.

Howard D. Porter
HOWARD D. PORTER
Chief Prosecutor

HEADQUARTERS EIGHTH ARMY

Yokohama Courthouse
Yokohama, Japan
26 June 1946

The Commission met, pursuant to adjournment, at 0800 hours, all the Personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter, who were present at the close of the previous session in this case, being present.

PRESIDENT: The Commission will come to order.

PROSECUTION: At this time the Prosecution would like permission to reopen its case for the purpose of entering a stipulation which had been agreed upon by the Attorneys for the Defense and the Prosecution.

PRESIDENT: You may proceed.

PROSECUTION: Stipulation - It is stipulated by and between the Prosecution and the Defendant that the record of trial of Seizo Nagakura by a Military Commission appointed by the Commanding General, Headquarters Eighth Army, tried at Yokohama, Japan on 10 May 1946 states that Seizo Nagakura was a corporal in the Japanese Army stationed at Fukuoka Prisoner of War Camp No. 3 from 7 October 1943 until 1 September 1945.

The Prosecution rests.

DEFENSE: The Defense opens its case by waiving opening statement, and calls as its first witness COLONEL URATA. *URATA*

LT. COLONEL TORAJIRO URATA, a witness for the Defense was sworn and testified through the Interpreter as follows:

DIRECT EXAMINATION

DEFENSE: If the Commission please, I would like to request the Law Member to warn this witness who is an accused in Sugamo Prison under suspicion of being a war criminal that whatever he says may at some further time be held against him.

LAW MEMBER: I suppose I can do that.

DEFENSE: Just so that he understands it is the only reason I bring it up.

LAW MEMBER: Some of the previous Prosecutors have been using that for gaining testimony for further cases.

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DEFENSE: That, of course, is just what I don't want to have happen.

LAW MEMBER (To Interpreter): State to the witness that this is a public court and any statement that he makes before this court naturally is legal evidence and can be used in this or any other trial.

(This was then explained to the witness by the Court Interpreter).

Questions by the Defense:

Q What is your name?

A Torajiro Urata.

Q Where do you live?

A I live at c/o Nobuemon Oba Number 927 Oaza Hamasaki, Hamasaki-machi, Higashi, Matsuura-gun, Saga Prefecture.

Q What was your occupation on 29 December 1942?

A I was appointed to the Army but on account of my illness I wasn't on the post.

Q Were you in the Army on 29 December 1942?

A Yes.

Q Were you Camp Commander at Fukuoka Camp No. 3?

A I was appointed as the Camp Commander on December 29, 1942, but practically I started to work from January 1, 1943.

Q Do you remember a civilian guard by the name of Mineno at Fukuoka No. 3?

A Yes, I do.

Q State when, if you remember, he reported for duty at Fukuoka No. 3.

A He arrived at the camp on February 1, 1943.

Q Did he immediately go on duty at that time?

A No, not immediately.

Q When did he go on active duty?

A I believe it was about the middle of March.

Q Why did he wait one and a half months before going on active duty?

A There were fourteen men arrived but they were all wounded soldiers and on account of their physical condition I was afraid to put them on active duty soon.

LAW MEMBER: May I ask what is the materiality of the fact as to whether the accused did or did not report until 15 March?

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DEFENSE: Yes; in Specification No. 1 he is charged with committing offenses in February of 1943. It is the contention of the Defense that he wasn't present for duty at that time.

PROSECUTION: If the Commission please, he has already said he was there from 1 February at the camp and as to whether he actually did work, he had reported for duty and the main head at the camp just didn't put him to work and I think it is material as long as he was present at that camp.

LAW MEMBER: The Commission will come to its own conclusion.

Q Was Mineno one of those who rested for a month and a half?
A Yes.

Q During that period did Mineno have any contact with the prisoners of war?
A No.

Q What kind of uniform did Mineno wear?
A The same uniform as the Japanese soldier.

Q On that uniform were there any stars?
A At first he did not wear any stars; however, later I let him put the stars on by a regulation.

Q How many stars were there - five, or how many?

PROSECUTION: I object to that type of question. Let him testify as to how many there were rather than by telling the witness how many he might have had on.

LAW MEMBER: So far as possible avoid leading questions.

DEFENSE: Yes, sir; I will withdraw the question.

Q How many stars were on the uniform?
A As he was a civilian he did not put the stars on; however, he put the mark on his arm.

Q We want to know how many stars were on the mark on his arm.
A One big star in a circle.

Q Were there any other stars on his uniform in any place?
A No.

Q Did you have at the camp some guards who wore on their uniform five stars?
A Yes.

Q How long did you remain as Camp Commander at Fukuoka Prisoner of War Camp No. 3?

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A I was at the camp as the Camp Commander from January 1, 1943 to March 1, 1944; however, from March 1, 1943 to the end of May and from February 8, 1944 to March 1, I was absent on account of my illness.

Q At any time while you were Camp Commander did you see Mineno limp when he walked?

A No, I have not heard about it.

Q The question is not what you heard - did you ever see him limp?

A No.

Q During the time you were Commander at Fukuoka No. 3, did you ever receive a report that Mineno had abused or mistreated prisoners of war?

A I did not see him do that and I have not heard and there was no report to me about that from a Japanese soldier nor from the prisoners of war. Mr. Harris was the first who was in charge of the prisoners and next was Stokes and British Second Lieutenant Fawcett and Medical Second Lieutenant Nagoist (phonetic) were all in charge of those prisoners of war and I was familiar with them and they have not told me anything about it.

Q At Fukuoka No. 3 did you have inside the compound any water tanks?

A Yes, about that size (indicating).

Q About one meter in diameter, would you say?

A The inside diameter is about sixty or seventy centimeters and the height is about fifty or sixty centimeters.

Q Were there any other water tanks in the vicinity of Fukuoka No. 3?

A Yes, there is a water tank outside of the camp which belongs to the Yuseikan Building.

Q How far from the camp is this water tank?

A As we have to go around, it was about fifty or sixty meters.

Q Did you ever know of any prisoners of war being thrown into that water tank?

A No, I have not heard about it and as to diameter the water tank is about three or four meters and the surface of the water was about thirteen or fourteen meters from the top and I don't know how deep the water was and I think if anybody were thrown in there will die.

DEFENSE: No further questions.

PROSECUTION: If the Commission please, there is a question of interpretation which our Interpreter has brought up. He understood him to say centimeters instead of meters.

PRESIDENT: Let the Interpreters hold a little conference.

DEFENSE: I will clear it up.

Questions continued by the Defense:

Q I direct your attention to the tank outside the camp; was that a storage tank or a deep well?

A Yes, it was the structure of a well.

DEFENSE: Let's have a little conference here. It is important that we have this cleared up - there were so many people thrown in tanks.

PROSECUTION: I don't know what this is material for. This still is outside the camp anyway.

COURT INTERPRETER: I made a mistake, sir.

Q That tank that you say was outside the camp; was that a storage tank or a deep well?

A I have heard from the men of the Yueikan it was the water storage tank.

Q Did you ever see this tank with your own eyes?

A Yes, once or twice.

PRESIDENT: Since the witness knows very little about this --

DEFENSE: The position of the Defense, if the Commission please is that in many of these affidavits there are allegations to the effect that men were thrown into water tanks. All the witnesses I have talked with say that they don't know anything about any water tank. I want to bring this out so that if there was one there the Commission will know about it and ought to know about and if there wasn't one there, you can't throw a person into something that isn't there.

PROSECUTION: I have a blueprint of the camp.

DEFENSE: Well, you didn't introduce it in evidence.

A And there was no relationship between the tank and this camp. Just only we received water from that tank by asking them.

Q Was there anywhere in the vicinity of the Fukuoka No. 3, either inside or outside, a reservoir about three meters square?

A There were no such reservoir while I was Camp Commander; however, I heard such a tank was made at the time of the Yueikan.

LAW MEMBER: Negative type of evidence is very poor; if you can get positive evidence -- the fact that a witness did not see something is not proof that it wasn't there.

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DEFENSE: I didn't anticipate that answer.

A I heard the tank was there after I moved out, that Yueikan.

Q How far is the Yueikan Building from Fukuoka No. 3 compound - in meters?

A The camp was installed in a separate building of that Yueikan.

Q I want to know the number of meters the Yueikan Building was from the Fukuoka No. 3 compound.

COURT INTERPRETER: He has drawn a plan here of the Yueikan; this is the separate building, the main building, and this was the hospital attached to the Yueikan and the camp was on the second floor of this separate building.

Q All a part of the same outfit, is that the idea?

COURT INTERPRETER: Yes, sir.

DEFENSE: No further questions.

CROSS EXAMINATION

Questions by the Prosecution:

Q Colonel Urata, you said that at the end of each barracks there was a water tank; is that correct?

DEFENSE: He didn't say that at all, if the commission please; I object. I do not object to counsel asking any kind of leading question, naturally, on cross-examination, but I would like to have him ask something that the man said.

PROSECUTION: Yes. I am trying to find out what he did say about these water tanks. I am not clear in my own mind.

PRESIDENT: It isn't clear in my mind either. I would like to have him bring out this matter as to the water tanks, and the materiality of time, too; I would like to have them both brought out.

DEFENSE: But his question was "Didn't you say" — the word "barracks" was never mentioned in my examination or in any one of his answers.

PROSECUTION: I will withdraw the question.

Q Was there any water tanks in the camp?
A On which tank are you talking about?

Q The camp you were Camp Commander of - Fukuoka No. 3.
A The small one I mentioned before.

Q Now, what do you mean by a water tank; what is your opinion of a water tank?

A We used to call that small tank as a water tank and which were used privately at the common houses.

Q What do you mean by a "common house"?

A I mean the water tank to keep water for air raids at each private home.

Q You mean that these water tanks, the water in them was used for fire prevention?

A Yes, it was for that purpose; however, there were other complete instruments for fire extinguishing, I thought it wasn't necessary.

Q Now, these water tanks, were they kept in the inside or the outside of the buildings?

A There were two or three such water tanks.

LAW MEMBER: What bearing on the guilt or innocence of the accused according to Specifications No. 1 and No. 2 has this question as to whether it was on the inside or the outside, and some of these other questions?

PROSECUTION: The only purpose of that is to the severity, whether they were outside or inside when they were forced to stand in them, from the testimony of witnesses; I think it would be somewhat important if it were cold weather as to whether they were outside or inside.

LAW MEMBER: All right; go ahead.

A There were two or three such water tanks and there was one on the corner of a corridor on the front of my room and I don't know where the rest of those were located.

Q Now, between the barracks were there any pools of water or reservoirs or water?

A While I was the Camp Commander there were no such pool or reservoir; however, after I left the camp I heard it was made but I don't know its size nor where it was located.

Q When you were Camp Commander you stated you were ill; were you at the camp twenty-four hours a day between January and March of 1943?

A No.

Q How much time will you spend at the camp during that period of time?

A Usually I stayed at the camp from 9:00 A.M. to 4:00 P.M. and sometimes I stayed until 5:30 P.M.

Q Back again to those water tanks or containers; would it be possible for a person to stand up in one of these water containers?

A A man can only stand but he cannot squat.

PROSECUTION: That is all.

REDIRECT EXAMINATION

Questions by the Defense:

Q If a man were to stand in the water tank, how high would the water come up on his legs?

PROSECUTION: I am objecting to that question - it depends on how much water is in the tank.

LAW MEMBER: What was that question again?

DEFENSE: I asked if a man were to stand in the water tank, how high would the water come up on his legs.

PROSECUTION: It would depend on how much water was in it.

LAW MEMBER: The objection is not sustained. I want to get this over with. I don't believe this is material to the —

DEFENSE: We have three specifications wherein a man was thrown into a water tank. — I don't care to press it further; no more questions.

EXAMINATION BY THE COMMISSION

Questions by the Members:

LAW MEMBER: I want to remind the witness that I don't wish him to answer any question that might incriminate him. This is just for my own information.

WITNESS: Yes.

Q You stated that you did not see the accused abuse any American prisoner of war.

A Yes.

Q Now, the question I wish clarified is the word "abuse".

A The men in the camp were all non-combat men —

MEMBER OF THE COMMISSION: That is enough. Now I will ask a question. Do you consider beating a man as abuse?

A I consider that not only to beat but to maltreat morally will be abuse.

Q I have received testimony in previous trials by Japanese personnel that it was the custom of the Japanese Army to beat their own troops for infractions of discipline as the usual form of disciplinary punishment.

A Generally, it was said so; however, I could not agree myself.

PRESIDENT: The witness is excused.

(There being no further questions, the witness was excused).

PRESIDENT: The Commission will take a five minute recess.

The Commission then took a recess until 0915 hours at which hour the personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

PRESIDENT: The Commission will come to order.

DEFENSE: The Defense next calls NAGAKURA.

SEIZO NAGAKURA, a witness for the Defense was sworn, and testified through the Interpreter as follows:

DIRECT EXAMINATION

Questions by the Defense:

Q What is your name?

A Seizo Nagakura.

Q Have you ever been a member of the Japanese Imperial Army?

A Yes.

Q Were you ever stationed at Fukuoka No. 3 Prisoner of War Camp?

A Yes.

Q Did you report there for duty on October 7, 1943?

A Yes.

Q Do you know the accused Mineno?

A Yes.

Q Is he in the courtroom?

A Yes.

Q Stand up and point him out to the Commission.

A (Witness properly identified the accused).

Q How well did you know Mineno?

A I knew him well as since I came to the camp on October 7, 1943 I worked with him until the end of the war.

Q Did you ever hear Mineno called by a nickname?
A No, I don't know.

Q What kind of uniform did Mineno wear at Fukuoka Prisoner of War Camp No. 3?
A He used to wear the same uniform as the Japanese soldiers.

Q Was he a civilian at that time?
A Yes, he was a civilian attached to the Army.

Q Were there any stars on Mineno's uniform?
A The Japanese soldiers used to put the mark on the collar; however, civilians wore a mark on his arm.

Q Describe that mark on the arm.
A A red star about that size (indicating).

Q How many stars?
A One.

Q Were there any five-star guards at the camp?
A There were Abe and Asano and Yuge; they used to put five stars until the mark was changed.

Q Did you ever see Mineno limp while he was in Fukuoka No. 3?
A No.

Q Do you know whether or not any guards at that camp limped?
A There was a man whose name was Umeyoshi Nishimura who was working at a kitchen.

Q Was he a civilian guard?
A Yes.

Q Did you ever see Mineno strike prisoners of war?
A No.

Q Did you ever see Mineno throw a prisoner of war into a pool of water?
A No, I don't know.

Q Were there any pools of water at Fukuoka No. 3?
A There were no pools at first at Yawata; however, there were small water tanks in each room in the camp. On December 1943 the camp was moved to the Kokura camp and tanks were made between buildings of the camp.

Q Did you ever see Mineno throw a prisoner of war into one of these tanks?
A No.

Q Did you ever see Mineno place bamboo splinters under the fingernails of prisoners of war and burn them?
A No, I have not seen nor heard such a case. This is the first time I heard about it.

Q Did you ever hear of anyone in that camp doing such a thing?

PROSECUTION: I am objecting to that; it is immaterial as to what anyone else did in that camp. The accused is on trial. He has already testified he did not do it.

DEFENSE: It is a case of identity always.

LAW MEMBER: I agree it isn't material but it is not very important one way or the other and the objection is overruled.

A No.

Q Do you remember any prisoners of war by the names of Cash and Woodall?

A Yes.

Q Do you remember a prisoner of war by the name of Armitage?

A Yes.

Q Do you remember an incident of a beating of Cash and Woodall and the giving of the water treatment to those two men?

A Yes.

Q Were you present at that time?

A Yes, I was there.

Q Do you remember the date of that incident?

A I don't remember the date correctly, but I believe it was about the middle of May 1944.

Q At that incident was Mineno present?

PROSECUTION: I object to a leading question like that. He should ask who was present at that incident. Ask him who was there.

DEFENSE: I have a specific reason, if the Commission please, for asking the question like that.

LAW MEMBER: It is thoroughly understood that the answer, if satisfactory, will be of importance to the Defense; if possible, avoid leading questions to elicit this information. The objection is overruled.

A At that time I saw a guard present but I don't know whether he was a civilian guard or an Army guard and I don't know whether he was Mineno or not.

Q Do you remember any other incidents of prisoners of war being put on stretchers, beaten, and given the water treatment?

PROSECUTION: I am objecting to that; it is immaterial unless it ties up.

LAW MEMBER: What reason?

DEFENSE: The reason is the accused is charged in the Specifications with at least two other mistreatments of the same thing, possibly three; and I want to know whether this witness knows of any other incident of that kind. If he does, he can tell the Commission.

LAW MEMBER: In that case, the objection is overruled.

PROSECUTION: If he knows of his own knowledge.

DEFENSE: Certainly.

A I don't know of such a case except the incident of Cash and Woodall.

Q Do you remember whether the same treatment was given to Armitage at the same time as Cash and Woodall?

A No, Armitage did not receive, only Cash received.

DEFENSE: No further questions.

CROSS EXAMINATION

Questions by the Prosecution:

Q Nagakura, what were your duties at the camp?

A I was assistant of clothing orderlies.

Q Isn't it a fact you were the Supply Corporal?

A Yes.

Q What were Mineno's duties at the camp?

A He was a civilian guard.

Q And what were the duties of a civilian guard, if you know?

A As a guard, two groups of civilian guards and one group of Army guards work together; one group works in the prisoner of war camp, the next group works at a working place and the last group will work at the kitchen or hospital; one group will guard the prisoner of war camp and also kitchen and hospital and the next group will escort prisoners of war to the working place and also inspect their work, and the last group will take twenty-four hours off.

Q If you know, wouldn't Mineno be in this group on different days?

A They shifted from one group to another each day.

Q At the present time are you a prisoner at Sugamo Prison?

A Yes.

- Q And have you been sentenced by a military tribunal for forty years at hard labor?
A I think I was sentenced as forty years of confinement.

PROSECUTION: That is all.

EXAMINATION BY THE COMMISSION

Questions by the Members:

- Q You stated that Armitage was not present when Cash and Woodall were beaten on 15 May 1944; how do you know that Armitage was not there?

DEFENSE: Now, if the Commission please, I object to that. That isn't what he said if I remember it. He said that Armitage wasn't beaten at that time. In answer to my question he said Armitage was not beaten or mistreated at the time of the Cash-Woodall incident. Your question is was he present.

MEMBER OF THE COMMISSION: I will change that.

- Q How do you know he wasn't beaten?
A I believe Armitage, Cash and Woodall, those three were beaten and Armitage and Woodall confessed that they stole clothing so they were released but as Cash did not confess he received such a treatment as water treatment.

REDIRECT EXAMINATION

Questions by the Defense:

- Q Was Armitage given the water treatment?
A No.
Q Was Woodall given the water treatment?
A No.
Q Was Cash given the water treatment?
A Yes, only Cash.
Q Was Armitage beaten?
A Yes.
Q Was Woodall beaten?
A Yes.
Q Was Cash beaten?
A Yes.
Q At the time of this incident were all three men kicked?
A No.

Q Were any of the three burned with cigarettes?
A No, I don't know about that cigarette light.

Q Were any of the three burned with stove poker?

PROSECUTION: I don't believe there is any allegation to that.

LAW MEMBER: No, there isn't.

Q Were any of the three burned in any way?
A I don't know about burning.

Q Do you remember seeing any of the three having their knees twisted out of the socket?

LAW MEMBER: Is he accused of this here? There is no use bringing in something for which he isn't accused.

DEFENSE: That is brought in by an affidavit of Brown, I believe.

PROSECUTION: The specifications do not put in each beating or mistreatment, sir.

A No, I never saw it.

Q You took part in this treatment, did you not - the Cash-Woodall-Armitage incident?

A Yes, I did.

DEFENSE: No further questions.

RECROSS EXAMINATION

Questions by the Prosecution:

Q Didn't you testify at your trial that you were not present at all times during this incident?

A No, I did not testify so.

Q Didn't you say at your trial you went to the latrine several times?

A Yes, I did.

PROSECUTION: That is all.

PRESIDENT: The witness is excused.

COURT INTERPRETER: The witness wants to ask whether he can say any more.

DEFENSE: I will ask one more question.

REDIRECT EXAMINATION

Questions by the Defense:

- Q Is there anything about this case - Cash-Woodall-Armitage incident you have not told the Commission which you think they should know?
- A Yes; I do not know if Mineno had any relation to this case but the volume of water of the water treatment mentioned in the affidavit is too much judging the common sense and he should not be able to go to work if his knee had come out of his socket; there were about twelve medical orderlies among the POW camp and among these medical orderlies there was a major and if such a case happens these men or major should have known. If such a big case is written in the affidavit, Camp Commander Rikitake should have heard about it.

DEFENSE: No more questions.

PROSECUTION: I am going to ask that that be stricken because he has no knowledge about what affidavits have been introduced in this case. Nothing has been said about the volume of water before this witness in this case.

DEFENSE: I submit that this man is probably as well acquainted with this case that had to do with Cash-Woodall-Armitage as any man in this courtroom.

LAW MEMBER: The objection is overruled.

RE-EXAMINATION BY THE COMMISSION

Questions by the Members:

- Q Where was Mineno when this treatment or investigation of Armitage-Cash-Woodall was being made?
- A I don't remember where he was. I said there were two or three guards there and I don't know whether they were civilian or soldiers.

PROSECUTION: Our interpreter says that is not what he said. I would like to have that clarified.

PRESIDENT: All right.

(The Interpreters held a conference)

PRESIDENT: Did you get it straightened out?

PROSECUTION: Well, not entirely.

DEFENSE: Your interpreter is satisfied with that.

(The Reporter read back to the question and answer and it was agreed to by the Interpreter for the Prosecution).

Q Did you see Mineno at any time when this treatment was being done?

A No, I don't remember.

PRESIDENT: The witness is excused.

(There being no further questions, the witness was excused).

PRESIDENT: The Commission will take a five minute recess.

The Commission then took a recess until 1030 hours at which hour the personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

PRESIDENT: The Commission will come to order.

DEFENSE: The Defense now calls MR. YUKIO ASANO.

YUKIO ASANO, a witness for the Defense was sworn and testified through the Interpreter as follows:

DIRECT EXAMINATION

Questions by the Defense:

Q Mr. Asano, talk as slowly as you can and as distinctly as you can so that the Commission can understand and hear you. State your full name.

A Yukio Asano.

Q Where is your residence?

A Fukuoka City, Meino Hama Noma.

Q Were you ever a member of the Japanese Imperial Army?

A No, I have never been in the Japanese Army.

Q Were you ever employed at Fukuoka Prisoner of War Camp No. 3?

A Yes, it was 1943 - April.

Q 1943, when?

A April.

Q That is when you went to work.

A Yes.

Q How long did you remain there?

A I have been there just about a half year.

Q Did you remain until the end of the war?
A At No. 3 Camp, 1943 April to 1944 end of August I remember.

Q You left in August of 1944.
A Yes, end of August I remember.

Q What were your duties at Fukuoka No. 3?
A Interpreter.

Q Interpreter.
A Yes, interpreter.

Q When you arrived there was Mineno present for duty?
A Yes.

Q Is Mineno in the courtroom now?
A Yes.

Q Point him out to the Commission.
A (Witness properly identified the accused).

Q What were Mineno's duties?
A Mineno's duties was civilian guard.

Q Was he ever working in the galley - in the kitchen?
A That I don't know.

Q Did you ever see Mineno beat or mistreat a prisoner of war?
A I don't remember about it.

Q Do you remember the American prisoners of war calling Mineno by a nickname?
A No, I never heard.

Q Did you ever hear him called by the prisoners of war "The Water Snake"?
A I have never heard, I am sorry.

Q Do you remember three prisoners of war by the name of Cash, Woodall and Armitage?
A Yes.

Q Do you remember an incident of their being beaten for stealing clothes?
A Yes.

Q At that time how many of those three were beaten?
A I was there on that day from 8:00 to about half past five, so after what happened I don't know.

Q After half past five you don't know what went on.
A Yes.

Q Did you see any of these three beaten?
A Yes.

Q Which ones were beaten?
A Cash and Armitage.

Q Was Woodall beaten?
A Well, Woodall is not when I was there I haven't seen him; I have seen two only.

Q Only two beaten; is that it?
A Yes.

Q And that was Cash and Armitage.
A Yes.

Q Did you see any of the three put on a stretcher and given the water treatment?
A No, I have never seen.

Q Do you remember the date of that incident?
A No, I don't remember that.

Q Was it in the Summer, Fall, Winter - if you know?
A I think that was summer time.

Q Of what year, if you remember.
A 1944.

Q 1944.
A Yes.

Q At the time you were present do you remember whether or not Mineno was present?
A Well, I haven't seen many there - I haven't seen Mineno.

Q You did not see Mineno there.
A No.

Q Do you remember any other times that Cash, Woodall and Armitage were mistreated?
A No, I have never seen it.

Q Do you remember a prisoner of war by the name of Berg - Norman J. Berg?
A Yes.

Q Do you remember an incident of the beating of Berg because he was disrespectful to a guard?
A Yes.

Q Tell the Commission what you remember of that incident.
A It was 1944, I remember July or August, I don't know exactly but one this month when I was in the office and Captain Greenspahn came to the office and reported to me that a beating is going on so just come and separate, so I went there and I separate.

- Q Who was beating?
 A Name called Yamauchi.
- Q Did you ever see Mineno beat Berg?
 A No, I never seen because Berg very intelligent man, so I never seen before.
- Q Did you ever hear of Mineno throwing prisoners of war into a water tank?
 A No, I have never seen.
- Q Did you ever know of Mineno, or see Mineno put splinters under the fingers of prisoners of war and burn them?
 A No, I have never seen.
- Q Did you ever know anyone in that camp doing such a thing?
 A Yes, I heard rumors but I have never seen myself.
- Q Was that rumor concerning Mineno?
 A No, I don't think so.
- Q How is the guard in the galley armed?
 A Well, those things I think I don't know well because I was only in the office, see.
- DEFENSE: No further questions.

CROSS EXAMINATION

Questions by the Prosecution:

- Q In regards to the Cash-Woodall-Armitage incident; you say you were not there after 5:30; is that correct?
 A Yes, correct.
- Q Your duties were in the office; is that correct?
 A Yes.
- Q You spent most of your time in the office.
 A Yes.
- Q Was that the office of the Camp Commander?
 A Major Rikitake.
- Q You mean the headquarters of the camp - that is the office you mean; you spent most of your time in the office of the camp headquarters.
 A Yes.

PROSECUTION: That is all.

EXAMINATION BY THE COMMISSION

Questions by the Members:

- A As Interpreter for the camp, did your duties require you to

A go around and converse with the American prisoners of war?
Yes.

Q Were you the only interpreter at this camp?
A Yes, I myself.

Q Were you called to interpret whenever guards had to
interrogate or question Americans?
A Yes.

Q Everyday did you get around all over the camp?
A In the winter whenever I was in the camp the guards used to
call me; in this case I used to go; otherwise I was in the
office.

Q Would the guards always call you when they had anything to
do with American prisoners of war?
A Sometimes they settled themselves; some simple cases.

Q What were Mineno's duties at the camp?
A He was civilian guard.

Q As a civilian guard just what did he have to do?
A Well, according to the duty he used to go around the camp
and he has to look the prisoners of war what they are doing.

Q Did he have specific duties to go to specific places?
A Well, that I don't know, see.

Q Did he have to go all around over the camp?
A So many guards, so according to the duty hours he has to
go around.

Q Did he have to go around and inspect all the prisoners?
A I think so - yes.

Q In the kitchen?
A I don't know - inspect I think.

Q Did he inspect them at work?
A Yes.

Q In other words, did he inspect them everywhere?
A Almost everywhere, yes.

Q Certain prisoners of war have made affidavits that Mineno
abused them; why did they make those statements?
A Well, that I don't know, see.

Q Why do you think they would make those statements?

DEFENSE: I object, if the commission please, to that
question on the basis that this witness certainly can't tell
what goes on in the minds of the person who is making the
affidavit.

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MEMBER OF THE COMMISSION: I withdraw that question.

Q Are you a prisoner?
A Beg pardon?

Q Are you a prisoner?
A Yes, in Sugamo.

PRESIDENT: The witness is excused.

(There being no further questions, the witness was excused).

DEFENSE: If the Commission please, at this time the Defense wishes to introduce into evidence the affidavit of GERALD M. GREENSPAHN as Exhibit A; this affidavit is taken from the Rikitate case and the Prosecution has long since known about this affidavit. It was Prosecution's Exhibit No. 69 in the Rikitate case.

PROSECUTION: The Rules say we should be given twenty-four hours notice. No notice was given to the Prosecution of the introduction of this affidavit.

DEFENSE: You gave it to us.

PROSECUTION: Wait a minute!

DEFENSE: Is there any objection?

LAW MEMBER: Is there any objection by the Prosecution to this affidavit?

PROSECUTION: Just a minute; I would like to read it.

LAW MEMBER: You can have as much time as is necessary.

PROSECUTION: It will take just a minute or two. What specification is that in support of?

DEFENSE: Specification No. 8 - Berg.

PROSECUTION: The Prosecution objects to the entire affidavit as being immaterial to any specification which is alleged in the Charge and Specifications. This refers to a beating in June 1944 of a man Berg by a person by the name of Yamauchi. The Specification refers to a beating in May 1944 by a man by the name of Mineno. They are now introducing this which is immaterial here to any specification which is presented to this Commission.

LAW MEMBER: From reading these two, they are apparently of the same alleged offense. Have you any evidence to show that they are different?

PROSECUTION: No, but the Prosecution feels there are two distinct offenses. It is possible that the man could be beaten twice - once by Yamauchi and once by Mineno and apparently this would have Berg refusing to address the Japanese as "Honorable" and every time he did so he was beaten by him. Now, here are two affidavits - two different incidents. There is no connection - they are not showing that Mineno did not commit the offense as in the Laursen affidavit; they are trying to bring in affirmative evidence to counteract another affidavit, another offense. Now, unless they can show those are one and the same offense it is immaterial, otherwise there is no connection.

LAW MEMBER: Is it the intention of the Defense to prove this is the same incident?

DEFENSE: Yes, sir.

LAW MEMBER: The objection is overruled.

Defense Exhibit A was then received and was read by the Defense.

PROSECUTION: In addition, if the Commission please, the original affidavit has not been presented to the Commission.

DEFENSE: If the Commission please, this is an official court record; it is part of the Rikitate case - it is a part of the Prosecution's case in the Rikitate case. It is an official court record and may always be admitted.

LAW MEMBER: The objection is overruled.

DEFENSE: The Defense next offers into evidence as Exhibit B the affidavit of RILEY HUNTSMAN KEYSOR.

PROSECUTION: I am objecting to that and I am not going to waive my objection to this time on the twenty-four hour rule. They should be presented to the Prosecution at least twenty-four hours prior to the time of introduction if they know, and it was their position to do so.

LAW MEMBER: How much time will you require to go over these?

PROSECUTION: He didn't offer to show me what they were going to introduce.

LAW MEMBER: How much time do you require to go over it?

PROSECUTION: I don't know; I haven't seen it.

DEFENSE: I will be pleased to give him one.

LAW MEMBER: Do you have another one?

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DEFENSE: Yes; this is an official record which is admissible at any time.

LAW MEMBER: How many of these are you going to submit?

DEFENSE: One more, two, three more here, and also a part of the record of trial in the Nagakura case.

PRESIDENT: I am going to adjourn the Commission right now and give you sufficient minimum time to look over these. I should think by 1:30 will give you time - that will be two and a half hours and we will meet again and at that time if you are not ready you will so inform the Commission.

PROSECUTION: Will you instruct the Defense Counsel to give us a copy of all evidence they are going to present?

DEFENSE: Is it on the basis of the ground of his objection?

LAW MEMBER: It is the ruling of the Law Member that the interpretation of the SCAP Rules will be followed and there will be no secrets between the Prosecution and Defense. Each one is to furnish the other with all evidence prior to the time. There will be no surprise evidence presented.

DEFENSE: Then, if the Commission please, I want to except to that ruling on the ground this is not of a surprise nature. It is official court material and is always admissible under the SCAP Rules. It is part of the Prosecution's Case in the Rikitake Case and the Nagakura Case.

PRESIDENT: The Commission will adjourn. I wish you to furnish a copy of everything you are going to present to the Prosecution and we will meet again at 1:30 and if you are not ready at that time we will have further adjournment.

The Commission then took a recess until 1330 hours at which hour the personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

PRESIDENT: The Commission will come to order.

DEFENSE: The Defense next offers into evidence as Exhibit B the affidavit of RILEY HUNTSMAN KEYSOR.

PROSECUTION: If the Commission please, the Prosecution wishes to object to the introduction of these affidavits, but first I would like to find out from the Defense whether they are being introduced as part of a record of a previous trial or whether they are being introduced as affidavits. He states constantly they were used in another case, namely the Rikitake case. There is nothing before this Commission any case as having

been tried a man by the name of Rikitake. There is no evidence before this Commission and the Defendant, therefore, is out of order in referring to the fact that these were used in a previous case.

LAW MEMBER: Let me see it just a minute.

DEFENSE: To solve that problem I will introduce into evidence the entire Rikitake record if the Commission so desires.

LAW MEMBER: The objection is overruled.

PROSECUTION: Is this being read from the record then? There is no foundation for the introduction of these affidavits.

LAW MEMBER: The Commission will receive statements and affidavits, signed or unsigned. It doesn't have to have any basis, but it will be taken for what it is worth and considered by the Commission.

PROSECUTION: Just for the matter of the record under SCAP Rules, General Headquarters, Supreme Commander for the Allied Powers, Letter AG 000.5 (5 Dec 45)LS, dated 5 December 1945, subject "Regulations governing the Trials of Accused War Criminals". . .

LAW MEMBER: We can take judicial notice of that.

PROSECUTION: It says "A copy of any document or other secondary evidence of its contents, if the original is not immediately available". The original copy could have been made available if he had asked for it.

LAW MEMBER: I have already made my ruling.

Defense Exhibit B was then received and was read by the Defense.

PROSECUTION: If the Commission please, that portion of the statement of the Counsel for the Defendant in which he says that this affidavit was used in support of the Rikitake Case for the Cash-Woodall-Armitage incident; there is no foundation for that; there is nothing in the Rikitake case that says that.

PRESIDENT: I wish you two would get together and straighten this matter out and not take the time of the Commission like this. Where do you say it comes from?

DEFENSE: From the Rikitake case. It was used to prove the Cash-Woodall-Armitage incident, which is Specification No. 7a in the list of Specifications. That is the only Specification the affidavit could possibly be used for.

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PROSECUTION: He can read from the record. You have to read from the record and you cannot put words into the record.

LAW MEMBER: What is your motion?

PROSECUTION: That it be stricken. That portion where he stated it was used in support of a certain specific specification in the Rikitate Trial. There is no evidence to support that; there is nothing in the record to support that and it is a simple statement made by the Counsel for which there is no foundation.

LAW MEMBER: The Commission will evaluate this document for what it is worth.

DEFENSE: The Defense next offers into evidence the affidavit of HAROLD M. GREENSPAHN as Exhibit C.

PROSECUTION: I wish to enter the same objection for each and everyone of these affidavits.

LAW MEMBER: The same ruling will apply, that the objection will be overruled and these documents will be considered by the Commission and evaluated by the Commission for what they are worth.

Defense Exhibit C was then received and was read by the Defense.

DEFENSE: The Defense next offers into evidence as Exhibit D the affidavit of JAMES BRYANT.

PROSECUTION: Same objection; it is a copy of a copy.

LAW MEMBER: You have already objected to all of them and I have passed on that.

DEFENSE: This was Prosecution's Exhibit No. 68.

PROSECUTION: If the Commission please, I would like to know whether the Rikitate Record has been introduced. If it has not, the statement that these affidavits are taken from the Rikitate Record should not be allowed to be presented to this Commission.

LAW MEMBER: I am not interested in that aspect of it.

Defense Exhibit D was then received and was read by the Defense.

DEFENSE: There is nothing else in this affidavit that has any bearing.

PROSECUTION: I think there is something else - the fact that it says when this beating took place that Rikitake was absent from the camp.

LAW MEMBER: When the Defense has finished you may present any additional evidence you see fit.

DEFENSE: The last affidavit I have was taken from the Prosecution's case of the Rikitake Case, the affidavit of LOUIS F. BARELLA. It will be Defense Exhibit E. I make this statement to the Commission. It is used for only one portion which is the bottom paragraph on Page One. I will read the last two paragraphs.

Defense Exhibit E was then received and was read by the Defense.

DEFENSE: The Defense next offers the authenticated record in the Nagakura case and it submits this record for Specification No. 11. The pages involved in this record are pages No. 25 and No. 26 having to do with the Salay affidavit. Is there any objection?

LAW MEMBER: I presume the same objection stands, or is this another specification?

PROSECUTION: Yes, I am objecting to the fact that --

LAW MEMBER: It won't be necessary to repeat your former objection.

PROSECUTION: I have no objection to anything!

DEFENSE: I also ask that it be withdrawn as it is so big and voluminous.

LAW MEMBER: It may be withdrawn.

DEFENSE: And copies substituted. Perhaps a brief statement is necessary first to explain why this is submitted. The affidavit of one Salay has been introduced in this case in support of Specification No. 11. An affidavit, the same affidavit of Salay was introduced in the Nagakura case in support of the Cash-Woodall-Armitage incident which took place allegedly on 11 May 1944. Now, (Reading from Page No. 25 of Nagakura Case):

"PROSECUTION: The prosecution offers in evidence the affidavit of Wade H. Armstrong, dated 17 December 1945, as Prosecution's Exhibit No. 13, the original thereof to be withdrawn at the conclusion of the trial and an authenticated copy substituted therefor.

"DEFENSE: The defense objects to this entire exhibit --"

PRESIDENT: I don't desire the argument be read. You can make your own arguments, but just present the document.

DEFENSE: The objection of the Defense was based upon the discrepancy in the date of the Armstrong affidavit. It was overruled by the Commission after an argument by the Prosecution to the effect that this Armstrong Affidavit applied to May of 1944, and then they submitted the Salay affidavit and the same objection was interposed by the Defense and the same argument was applied by the Prosecution. It was then introduced on the basis of a May 1944 incident regarding Cash, Woodall and Armitage. Now, they are trying to offer that same affidavit here later.

LAW MEMBER: What is that —

DEFENSE: I am reading the record in the Nagakura case. Just a background of the offering of the Salay affidavit to prove the Cash-Woodall-Armitage incident.

LAW MEMBER: Then you wish the Commission to take judicial notice of the record of the former trial?

DEFENSE: I would rather it be done that way rather than read it — it is pages 25 and 26 in the Nagakura Case.

LAW MEMBER: You can read it to us.

DEFENSE: (Continuing reading) "DEFENSE: The defense objects to this entire exhibit, the reason being that it is irrelevant and does 't tend to prove or disprove any issue in this case. This affidavit purports to tell about some event which happened in November, 1944, when some prisoner of war got beaten up. They are introducing it in support of a specification which says it happened in May of 1944, a happening in which Corporal Nagakura is alleged to have been involved. You will find in this affidavit that Corporal Nagakura is not even alluded to or mentioned. To anticipate the argument of the prosecution, he is going to say that prisoners of war could never remember dates and got mixed up and would give November when he meant May and things like that but I call attention to the fact that in an answer he made in response to a question by the investigator, Gordon B. Mallum in which he asks about a particular incident which happened in November 1944, and he gave an answer about what happened in November, 1944, and it has nothing to do with this date or at least there is no evidence to show that it has and we object to the entire affidavit as being wholly without the issue, wholly irrelevant, incompetent, and immaterial.

"PROSECUTION: If the Commission please, this affidavit is the affidavit of a man by the name of Armstrong, who is a corporal in the Army. It was taken in San Antonio, Texas, in December of 1945. It refers to an incident which the prosecution claims occurred in May of 1944. I must admit that the question does ask for November, 1944, and the response specifically states November 1944, because the incident, as will be shown by other affidavits which will follow, occurred in May of 1944, which is the same type of incident, the same names of people involved with the exception of the perpetrators, the following affidavits mention

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two or three or four or five different perpetrators but the last affidavit which will be presented to you names Corporal Nagakura as being one of the perpetrators and that affidavit is one of a person who was one of the victims. We feel that this particular incident referred to in here was intended for the incident of May, 1944. It should be allowed to be introduced. The Commission is to take it for what it is worth based upon what it states. It is up to the Commission to make that decision but we feel that it should be introduced and we feel that it pertains to the incident of May, 1944.

"The court then took a recess.place as interpreter.

"Mr. Isobe was sworn as interpreter.

"LAW MEMBER: I am going to overrule the objection. Should it appear, however, that what the prosecution says does not develop, I will then entertain another objection from the defense.

"The said affidavit was then received in evidence, read to the Commission and an authenticated copy is appended marked Prosecution Exhibit 13.

"PROSECUTION: The prosecution offers in evidence and will have marked for identification as Prosecution Exhibit 14 the affidavit of Steve Alex Salay, dated October 22, 1945, to be withdrawn at the conclusion of the trial and an authenticated copy thereof substituted therefor in the record.

"DEFENSE: If it please the Commission, the defense objects to the introduction of this entire exhibit for the reason that it is entirely irrelevant and doesn't tend to prove or disprove anything in the case. It refers to some incident which occurred in January of 1944, an incident in which the accused is not charged with participation. No where in this exhibit is the accused named or referred to by description or inference. The affiant in this case, the witness undertakes to name the personnel involved in the incident and nowhere refer to the accused. It is true that the alleged victim in this affidavit is also named as the victim in one of the specifications but there is nothing to show that he was not more than once in the clinches of these Japanese guards. It is highly prejudicial for this type of evidence to go in against this accused.

"PROSECUTION: The same argument as to the other exhibits.

"LAW MEMBER: I will overrule the objection subject, of course, to another objection by the defense if the prosecution doesn't develop it.

"The said affidavit was then received in evidence, read to the Commission and an authenticated copy is appended marked Prosecution Exhibit 14."

PRESIDENT: Judicial notice will be taken of that.

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DEFENSE: The Defense calls as its next witness, MR. PORTER.

MR. HOWARD D. PORTER, a witness for the Defense was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the Defense:

Q State your name.

A Howard D. Porter.

Q What is your occupation?

A I am an employee of the War Department of the United States Government.

Q Are you an attorney at law?

A I am an attorney at law.

Q Were you the prosecuting attorney in the case of the United States of America versus Nagakura?

A I was one of the prosecutors.

Q Directing your attention to that case, do you remember the introduction of the Salay affidavit?

A I do.

Q That affidavit, as I understand it, was introduced to support an incident which took place in May 1944; is that correct?

A It was introduced as evidence in the Nagakura case, for the Commission to judge the specification to which it might apply.

Q Do you recall the reading of the record that I just read before this Commission?

A Yes, I do.

Q Do you deny it was used to support an incident which occurred in May, 1944?

A The record speaks for itself, and I don't think it is right for me to testify as to the dates, and it is immaterial and not proper for the Defense to ask the Prosecution to take the stand.

PRESIDENT: What is the purpose of having the Prosecution on the Witness Stand?

DEFENSE: To determine, if the Commission please, what the purpose of the Salay affidavit is. Whether it is to prove an incident in May 1944 as it was introduced in the Nagakura case or whether it is to prove an incident in 1945 as alleged in this case. Now, he introduced it for one purpose in the Nagakura case and now he is turning it around for another purpose in this case.

I think the Commission has the right to know to which case it applies.

PRESIDENT: During the examination of this witness the Assistant Prosecution will act as Prosecuting Attorney and any objection will be made by him.

ASSISTANT PROSECUTION: If the Commission please, I would like to make final objection to this whole line of procedure. It is highly theatrical. I wish to go back and object to all the exhibits as presented. The Defense Counsel knows that they are supposed to furnish the best evidence, or he should as a lawyer.

PRESIDENT: Just a minute; I don't wish personalities brought into this.

ASSISTANT PROSECUTION: No, sir, this is not personalities.

PRESIDENT: We are interested in the Allied Government and the accused and I am not in the least interested in either the Prosecution or the Defense --

ASSISTANT PROSECUTION: I am not intending to bring in personalities; I am intending to show this whole procedure has been highly irregular ever since about 10:30 this morning.

PRESIDENT: The Commission can determine that.

Questions continued by the Defense:

Q My question, I believe, was Do you deny it was used to support an incident which occurred in May, 1944.
A May I refer to the record? The record does not say so.

DEFENSE: I think we are entitled, if the Commission please to the witness' answer to the question.

PRESIDENT: Repeat the question.

ASSISTANT PROSECUTION: That is objected to.

DEFENSE: My question is Do you deny it was used to support an incident which occurred in May, 1944.

PRESIDENT: What is the purpose again?

DEFENSE: To show that the Prosecution has used the Salay affidavit in the Nagakura case to prove an incident which occurred in May 1944; now, they are using that same affidavit in the Mineno case to prove an incident which occurred in January of 1945; I think the Commission has a right to know which incident that referred to.

LAW MEMBER: Proceed with the question. The objection is overruled.

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A The affidavit was introduced at that time by the Prosecution with their belief at that time that perhaps it would have some reference to the May 1944 incident; at that time the Defense objected strenuously to the introduction of that affidavit and stated that it is true that the alleged victim in this affidavit is also named in one of the specifications, but there is nothing to show that he was not more than once in the clinches of these Japanese guards. The introduction at that time by the Prosecution perhaps was incorrect in the Nagakura case and the Prosecution has been persuaded by the argument of the Defense that perhaps they were in the clinches of the Japanese guards more than once and, therefore, will make its separate specification in the case against MINENO alleging that now he was in the clinches of the Japanese guards more than once as argued by the Defense.

Q Then, I take it that the Prosecution has changed its mind.
A I say that the Prosecution alleges they were separate offenses; two separate offenses.

Q The Prosecution then was in error in submitting that affidavit in support of the May 1944 incident; is that correct?

PRESIDENT: The Commission is not interested in errors in a preceding trial; just as it applies to this case.

DEFENSE: I want to bring out that the Prosecution has changed its mind.

ASSISTANT PROSECUTION: Objection; he is testifying now when he says "I want to bring out"; he is not asking a question. He is testifying on the record, his own testimony. The Defense Counsel didn't ask a question, he just made a statement which went on the record. If the Reporter will --

LAW MEMBER: The Defense will desist from its line of approach; I think these points may very properly be brought out in argument later.

DEFENSE: I have no further questions of this witness.

PRESIDENT: The witness is excused.

(There being no further questions, the witness was excused).

DEFENSE: The Defense next calls the accused, MINENO.

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GENJI MINENO, the accused, was sworn and testified through the Interpreter as follows:

DEFENSE: The accused has been advised of his rights by the Defense, and at that time he stated that he thoroughly understood his rights as a witness, and also stated that he desired to take the stand as a sworn witness in his own behalf.

DIRECT EXAMINATION

Questions by the Defense:

Q What is your name?
A Genji Mineno.

Q What is your home address?
A Number 3259 Azakubabata, Nagayu-mura Nooiri-gun, Ohita Prefecture.

Q What is your age?
A Twenty-nine.

Q What has been your education?
A I finished higher grammar school.

Q When did you enter the Army?
A August 20, 1939.

Q Did you serve with the Japanese Imperial Army in China?
A Yes, I did.

Q How long did you serve in China?
A About three months; I served in China from November, 1939 to February, 1940.

Q Were you ever wounded in China?
A No.

Q Why did you leave China?
A Because of my illness.

Q What was the trouble with you?
A It was because of pulmonary infiltration.

Q Do you mean lung trouble?
A Yes.

Q Do you have a leg injury?
A I got wounded on my right leg on October 1, 1935 at Nakayama Steel Mill in Osaka.

Q Did you limp while you were stationed at Fukuoka Camp No. 3?
A No.

Q When were you discharged from the Army?
A July 30, 1940.

Q For what reason?
A Because of my illness.

Q When did you report for duty at Fukuoka Prisoner of War Camp No. 3?
A February 1, 1943.

Q Did you immediately go on duty as guard at that time?
A No.

Q Why not?
A I don't know the reason but I was not ordered to work by orders of Major Urata.

Q Did you have any duties during the period 1 February to 20 March 1943?
A No, I did not.

Q During that period did you live in the compound of Fukuoka 3?
A I was living in the camp from 1 February to the end of February 1943.

Q Did you have any contact with the prisoners of war during that period?
A No.

Q Where did you go at the end of February?
A From March 1, 1943 I was ordered to live outside of the camp and attend to the camp from the outside.

Q Do you remember a prisoner of war by the name of John S. Painter?
A No, I don't know.

Q Do you remember a prisoner of war by the name of DeWitt Stoddard?
A I don't know.

Q Do you remember a prisoner of war by the name of Victor Brown?
A I don't know.

Q Do you remember a prisoner of war by the name of George E. Gibson?
A I don't know.

Q Do you remember a prisoner of war by the name of John H. Burton?
A I don't know.

PRESIDENT: How many more names are you going to ask?

DEFENSE: I am going right through the specifications. He knows about Cash and about one or two, but we have got to have it

in the record. I hate to take up the time of the Commission but —

Q Did you ever beat a prisoner of war?

A No.

Q Did you ever hit a prisoner of war with a rifle?

A No.

Q Did you ever strip a prisoner of war and make him stand in a tank of cold water?

A No.

Q Do you remember a prisoner of war by the name of Joseph Ardell Minton?

A No.

Q Do you know a prisoner of war by the name of Oscar Donald Jakobsen?

A I don't know.

Q Do you know a prisoner of war by the name of Norman J. Berg?

A Yes, I do; he was a very faithful man among the prisoners.

Q Do you remember a prisoner of war by the name of MacKenzie?

A No.

Q Do you remember a prisoner of war by the name of Joseph R. Martin?

A No.

Q While you were guard at Fukuoka No. 3, did you ever place bamboo splinters under the finger nails of prisoners of war and burn them?

A No, I did not.

Q Did you ever hear of anyone else doing that at Fukuoka Camp No. 3 ?

A I have not heard about it and I have not seen it.

Q When you were a guard — a civilian guard at Fukuoka Camp No. 3 did the prisoners of war have a nickname for you?

A No.

Q Do you speak any English?

A No, I cannot.

Q While you were at Fukuoka No. 3 what kind of uniform did you wear?

A I was wearing an army uniform.

Q Was there any insignia on the uniform?

A Yes, I had a mark on my left arm which shows I was a civilian attached to the Army.

Q Describe that mark.

A It was a red star embroidered by a red thread in a circle which showed I was an employee working at that camp.

Q At any time while you were a civilian guard at Fukuoka No. 3, did you wear five stars on your uniform?

A No.

Q While you were a civilian guard at Fukuoka No. 3, did you participate in the beating, placing on a stretcher and giving a water treatment to any prisoner of war for stealing clothes?

A No, I have not participated.

Q Did you ever witness such a thing?

A Yes, I did when I was passing by.

Q Tell the Commission what you saw at that time.

A On that time I was in charge of the kitchen and I was going to see Sergeant Major Hozumi in his office - he was a mess sergeant - I went to see him for liaison - - -

PRESIDENT: The Commission will take a five minute recess.

The Commission then took a recess until 1445 hours at which hour the Personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

PRESIDENT: The Commission will come to order.

(The accused was reminded by the Prosecution that he was still under the oath he had previously taken and continued his testimony through the Interpreter as follows:

Questions continued by the Defense:

Q Had you finished your last answer?

A I have more to say. I saw Corporal Nakamura and three other Army guards putting one prisoner of war on a stretcher while I was going from the kitchen to the office.

Q Did you stay there and watch or did you continue on?

A I did not stop.

Q Did you see anyone beaten at that time?

A No, I did not see.

Q Did you see water poured up anyone's nose at that time?

A No.

Q Did you see anyone burned with cigarettes at that time?

PROSECUTION: If the Commission please, that incident which they are referring to, there is nothing in here about Corporal Nakamura; no evidence about Nakamura committing an offense and I think it is immaterial.

LAW MEMBER: What are you objecting to?

PROSECUTION: I am trying to find out what incident exactly he is applying this to. I will withdraw my objection and we will go ahead and listen to him.

A No.

Q Do you know the name of the man who was placed on the stretcher?

A No, I don't know.

Q Did you ever witness any other incident of this kind?

A No.

Q Did you ever require a prisoner of war to slap another in the face for long periods of time?

A No.

Q While you were a civilian guard at Fukuoka No. 3 did you ever require a prisoner of war to hold a bar over his head for long periods of time?

A No.

Q While you were a guard at Fukuoka No. 3 did you ever beat a prisoner of war with a shoe?

A No.

Q While you were a civilian guard at Fukuoka No. 3 were you ever given duty as galley steward or mess sergeant?

PROSECUTION: He has testified to that. He said he was in charge of the kitchen.

LAW MEMBER: Are you making objection?

PROSECUTION: Yes; it is repetitious.

LAW MEMBER: The objection is overruled.

DEFENSE: I didn't remember that he had.

A No.

Q Did you ever supervise prisoners of war who worked in the kitchen?

A Yes.

Q For how long a time, approximately?

A From March 20 of 1943 to the end of April 1943 and other times when a member of the kitchen was missing I took his post.

Q You have stated you knew a prisoner of war by the name of Berg - Norman Berg; did you ever beat Berg?

A No, I have not beaten him; He was a very faithful man and he was not a man to be beaten.

Q Did you ever hear of anyone at the camp beating Berg?
A I have not seen; I have not heard.

Q While you were at Fukuoka No. 3 did you ever carry a stick like the American MP's carry?

PROSECUTION: I am objecting to that unless he knows what an American MP carries.

LAWYER: The objection is overruled.

A No.

Q Did you ever see such a club carried by anyone at Fukuoka No. 3?

A No.

Q While you were working at the kitchen, how were you armed?
A I used to carry a small saber.

Q Did you ever beat a prisoner of war for smoking?
A No.

Q Did you ever require American prisoners of war to stand at attention for long periods of time?

PRESIDENT: I would like to call attention to the fact that the accused has already pleaded not guilty to all specifications. All he is doing now is pleading not guilty to those again.

DEFENSE: But his testimony on the record is at least something tangible; I will make it as short as I can, sir.

A No; I have requested one prisoner of war to stand on attention for fifteen minutes.

Q Under what circumstances was that?

A I saw one prisoner of war stealing Army clothes while I was walking around for inspection and I requested that for warning.

Q Is that the only time you ever did such a thing?
A Yes.

DEFENSE: No further questions.

CROSS EXAMINATION

Questions by the Prosecution:

Q Mineno, did you ever punish a prisoner of war?
A Yes, I have punished prisoners of war.

Q What procedure did you use to punish the prisoners of war?
A I requested to stand on attention.

Q Did you ever slap a prisoner of war?
A No.

Q Do you know a prisoner of war by the name of Cash?

DEFENSE: I object to that question, if the Commission please; this witness undoubtedly now knows a man by the name of Cash because he was talked to about Cash by the Prosecution and the Defense. I suggest the question be while he was a civilian guard at Camp No. 3 did he know Cash.

LAW MEMBER: I think it should be worded that way to bring out the fact that it pertains to this case.

Q Do you know a prisoner of war who was interned at Fukuoka Camp No. 3, a prisoner of your Japanese Imperial Army, an American prisoner by the name of Cash?

DEFENSE: The same objection, if the Commission please.

LAW MEMBER: Apparently you didn't understand my ruling; make it distinct between now and the time he was there; he might have learned of Cash in the last five minutes; you are interested in learning if he knew him at the Camp.

PROSECUTION: Also if he knew a certain individual whom he might have later found out to be Cash. At that time he might not have known him to be Cash, but by certain incidents he might know him to be Cash now.

Q While you were a guard at Prisoner of War Camp No. 3 at Fukuoka, did you know a prisoner of war by the name of Cash?

A No, I do not know.

Q Did you know a person by the name of Woodall?

A No, I don't know.

Q Do you know whether the person that you saw placed on a stretcher was Cash?

A I cannot tell you who it was.

Q Do you know what year it was when you saw that man placed on a stretcher?

A It is around April 1943 as it was while I was in charge of the kitchen.

Q That was within a few days after you started work at the camp; is that correct?

A It was about a month — less than a month later because I started to work from March 20, 1943.

Q Was that the only time you saw prisoners of war mistreated at that camp?

A I want to know if you are mentioning during the time I was working at Yawata, or do you mean both while working at Yawata and Kokura.

Q Both places.

A Yes, I have seen.

Q And when were these other cases that you have seen prisoners punished?

DEFENSE: Now, if the Commission please, if he is on a fishing expedition — if this is for evidence to be used for other cases I want to object to it. If it has to do with the Charge and Specifications in this case, then —

PROSECUTION: If the Commission please, we are trying this own case at this time. The Defense asked if he saw anyone beaten and I am trying to bring out the time it might have been done so that possibly it might be connected up with the case we know about.

DEFENSE: I think, if the Commission please, I confined my questions to matters set forth in the specifications. Ask first if he took part in them; if he says "No", ask if he saw such a thing.

PROSECUTION: And I am not on a fishing expedition, but I am going to withdraw the question and let it go at that.

LAW MEMBER: The objection is overruled.

A Around April, 1943.

Q Tell what you saw then.

A I just saw a prisoner of war being beaten; however, I did not know the reason.

Q Were you present at that time?

A No, I was not there; I just saw it when I was passing by.

Q Now, what other times when you were passing by did you see any mistreatment of prisoners?

DEFENSE: I want to object again, if the Commission please. He is not tying it into the specifications and charge at all; he is just asking if at any time he saw other men beat prisoners of war, which has nothing to do with this case.

PROSECUTION: He has denied things all the way down the line in the specifications; now he says he was passing by several times when he saw some mistreatment. Now, I want to know.

LAW MEMBER: I believe the question is useless because the Commission is perfectly able to draw its own conclusion.

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- Q While you were guarding prisoners of war, you carried a rifle; isn't that true?
A Yes, there was sometimes I was carrying a rifle.
- Q And you also carried a bayonet at times; is that correct?
A Yes, that is correct.
- Q Were you well acquainted with the guards at the camp while you were there?
A Do you mean civilian guards?
- Q Yes, we will start with civilian guards.
A Yes.
- Q Where there Chinese prisoners of war at Fukuoka Camp 3?
A Yes.
- Q Did you ever hear of any civilian guard being killed by a Chinese prisoner of war?
A No, I have not heard.

PROSECUTION: That is all.

EXAMINATION BY THE COMMISSION

Questions by the Members:

- Q In your camp, the prisoners were all given numbers and were known by the numbers, were they not?
A Yes.
- Q Then it would be rather unusual if you would know the name of any of these prisoners, would it not?
A That is right; I know Norman because I was working with him in the kitchen and he was a good friend.
- Q Have you ever been wounded in battle?
A No.
- Q Has your arm ever been broken?
A No.
- Q Now, I am going to ask you to expose your right thigh.

(The accused then exposed his right thigh on which there was an injury on the outside of his right leg, approximately ten to twelve inches in length)

- Q When was that injury received?
A I also received this wound on 1 October 1935 at the Nakayama Steel Mill in Osaka.

Q Now, let your trousers down so we can see your right thigh.

(This request was complied with and Captain Modert, a Member of the Commission, examined the leg of the accused)

WITNESS: I received both wounds at the same time.

MEMBER OF THE COMMISSION: Is that a separate scar on the right thigh?

CAPTAIN MODERT: I believe it is a continuation of the same scar.

MEMBER OF THE COMMISSION: He does not have a scar on his right thigh?

CAPTAIN MODERT: No, not a separate scar.

MEMBER OF THE COMMISSION: See if there is one on his left thigh.

CAPTAIN MODERT: There is none on the left thigh.

MEMBER OF THE COMMISSION: Now, I want you to examine his arm to see whether it has been broken.

(Captain Modert then examined the arm of the accused)

CAPTAIN MODERT: I see no evidence of its having been broken.

Q How many guards approximately were there at this camp?
A Which do you mean, at Yawata or Kokura?

Q Take the first one.
A There were about five hundred or six hundred prisoners of war at this Yawata.

Q How many at the other prison camp?
A There were more than 1,000.

Q How many guards were at the first prisoner of war camp?
A Civilian guards used to change from time to time and I want to ask you if you want to know the number at one time or during the whole period.

Q Approximately the average.
A Fourteen.

Q Did the prisoners know the guards' names?
A They did not.

Q Did the prisoners have nicknames for the guards?
A I have not heard.

- Q How would the prisoners address the guards?
A They used to call us "Heitai-san" because guards wore Army uniform and used to carry rifles and sabers. They identified us by marks on the arm and by that we did not have any insignia on our collars.
- Q Do you know of any nickname that was applied to you or any of the other guards by the prisoners of war?
A I don't know.

REDIRECT EXAMINATION

Questions by the Defense:

- Q You say fourteen civilian guards were at the first camp; were they there at the same time?
A I want to know what time you are talking about.
- Q On an average of the time you were at the first camp how many Army guards were there?
A There were twenty or thirty Army guards who were dispatched from Kokura unit.
- Q Now, when you were at the second camp, how many civilian guards were there?
A There were forty-one civilian guards came into the camp on February 1, 1943; and from then to the end of the war in August of 1945 some of those guards left the camp on account of their own business.
- Q At the same time, how many Army guards were there at the camp?
A During that time, two squads which were composed of about thirty men came as guards and they were shifted every three weeks.
- Q Did you always have two squads of Army guards on hand at the camp?
A Yes.

DEFENSE: No further questions.

RECROSS EXAMINATION

Questions by the Prosecution:

- Q Did Berg know your name?
A I don't know.
- Q Do you know if any prisoner of war knew your name to be Mineno?
A No.

PROSECUTION: That's all I have.

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DEFENSE: No more questions.

PRESIDENT: The witness is excused.

ACCUSED: I have one more thing I want to ask to the Commission.

PRESIDENT: All right.

ACCUSED: I want to make sure that my wound on my right leg was by the accident at a company not by the war. If you want to make sure I would please you to ask the company, and about my pulmonary infiltration I would like you to ask Hata, the medical officer; there were other guards who were wounded and who limped and who had lung disease. That is all.

PRESIDENT: The witness is excused.

(There being no further questions, the witness was excused and resumed his seat in the courtroom)

DEFENSE: The Defense rests.

PRESIDENT: The Commission will adjourn to reconvene at 0800 tomorrow morning.

The Commission then at 1550 hours, 26 June 1946, adjourned to reconvene at 0800 hours, 27 June, 1946.

Howard D. Porter
HOWARD D. PORTER
Chief Prosecutor

HEADQUARTERS EIGHTH ARMY

Yokohama Courthouse
Yokohama, Japan
27 June 1946

The Commission met, pursuant to adjournment, at 0800 hours, all the Personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter, who were present at the close of the previous session in this case, being present.

PRESIDENT: The Commission will come to order.

PROSECUTION: The Prosecution calls Mr. Nishi as its rebuttal witness.

MR. HIROISHI NISHI, a witness for the Prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the Prosecution:

Q What is your name?
A Hiroishi Nishi.

Q Between approximately 1 February 1943 and the end of hostilities between the United States and Japan, where were you employed?

A I was employee at the Yawata Steel Iron Works as official interpreter.

Q Where are the Yawata Steel Works?
A Yawata, Fukuoka Prefecture.

Q And as interpreter what were your duties there?
A Just interpreter between prisoners of war and company.

Q And in your position as interpreter did you come into contact with Allied prisoners of war being held by the Japanese?
A Yes, sir, at the factory.

Q And from what camp did those prisoners of war come?
A Fukuoka 3 camp.

Q Did you know any of the guards at Fukuoka No. 3 Camp?
A Yes, sir.

Q Did you know a guard by the name of Genji Mineno?
A Yes, sir.

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Q Do you see him in this courtroom?

A Yes, sir.

Q Will you point him out?

A (Witness properly pointed to the accused).

Q Now, did you have opportunity to talk with the various prisoners of war?

A Yes, sir, at the factory I had.

Q Did the prisoners of war have any nicknames for the various guards?

A Yes, sir.

Q And did they have a nickname for Mineno?

A Yes, sir.

Q And what was that nickname?

A Water Snake.

Q And was there any other guard at the camp with that same nickname?

A No, sir.

Q What classification of guard was, if you know, Mineno?

A I think as a five stars.

DEFENSE: I object to the question and answer and ask it be stricken. He prefaced the answer with "I think"; if he knows, that is something else.

PRESIDENT: The Japanese polite form is very often "I think" so that doesn't necessarily make it liable to be thrown out. Ask him does he know.

Q Do you know what classification guard Mineno was?

A I don't know; I know he wear five stars here (indicating across left chest), that is all I know.

Q Now, where did you see the five stars - you pointed to your left chest?

A I don't know.

Q Did you ever see Mineno wear five stars on his uniform?

A Yes, sir.

Q And where did he wear them?

A At factory.

Q On what part of the uniform?

A I don't know.

Q Do you remember?

A No.

Q Are you familiar with the Japanese Army's technical classification of guards?
A I don't know.

MEMBER OF THE COMMISSION: Where did he wear these five stars?

WITNESS: Right on the chest; on the left side.

MEMBER OF THE COMMISSION: How big were these stars?

WITNESS: Size of a penny.

MEMBER OF THE COMMISSION: Were these stars arranged horizontally or vertically?

WITNESS: I don't remember exactly.

Questions continued by the Prosecution:

Q Did the prisoners of war ever know Mineno as, or did they ever call Mineno "Five Star Eight Ball"?
A Yes, sir.

PROSECUTION: That is all.

CROSS EXAMINATION

Questions by the Defense:

Q Mr. Nishi, you spent all of your time in the Yawata Factory; is that not correct?
A That is correct.

Q Did the accused Mineno work in the factory?
A Beg pardon?

Q Did Mineno work in the factory?
A No, he is not working at the factory.

Q Was he a pusher in the factory?
A No.

Q Did he spend time in the factory?
A Yes, sir.

Q Under what circumstances?
A As a guard from the prisoner of war camp.

Q Did he guard the prisoners of war inside the factory?
A Yes, sir, inside the factory - outside at work.

Q Did you ever see Mineno wearing an insignia on his left arm?
 A No, I don't remember.
 Q You have never seen it.
 A No, sir.
 Q And you were there all during the war.
 A Yes, sir.
 Q You don't remember whether these stars ran upwards or across?
 A No, I don't.
 Q But each star was the size of a penny; is that correct?
 A Yes, sir.

DEFENSE: No further questions.

EXAMINATION BY THE COMMISSION

Questions by the Members:

Q Did you hear any criticism of the accused from any of the prisoners of war?

DEFENSE: I object, if the Commission please, on the ground that anything he heard would be purely hearsay.

LAW MEMBER: Hearsay is perfectly admissible.

DEFENSE: All right, I will withdraw that.

Q Did you hear any criticism of the accused from American prisoners of war?

A You mean beating going on at the camp - POW complaining about.

Q What complaints did they make?

A Beatings are going on at the camp.

Q What?

A Beatings are going on at the camp.

Q Did they specify the accused by name?

A No, sir.

Q Did you have reason to think that the accused was one of the chief perpetrators?

DEFENSE: I object to that.

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LAW MEMBER: Objection overruled.

DEFENSE: I believe the record ought to show my reason; the reason for my objection is what went on in the witness' mind without his actually knowing would have no value whatever to this Commission; it constitutes something vague and indefinite and is highly prejudicial to the rights of any human being.

A No.

Q Were you led to believe that the accused was not one of the perpetrators?

A No.

Q Did you assume that he was one of the perpetrators?

A

DEFENSE: I object, if the Commission please. The same reason I stated in the last objection.

PROSECUTION: I just want to be sure that he knows what is meant by the word "perpetrator".

Q Do you know what "perpetrator" means?

A No, sir.

Q Did you hear from the prisoners that the accused was one of those who took part to a considerable extent in these beatings? Do you understand all those words?

A I understand. Yes.

Q What is your answer?

A Yes.

Q Was the accused regarded as one of the worst offenders in this respect?

DEFENSE: I object to the question; same reason as before.

LAW MEMBER: Objection overruled.

Q Did you hear that the accused was one of those who was the chief participant in this punishment? Do you understand what I am saying?

A Yes.

DEFENSE: He doesn't understand, if the Commission please; he can't understand it.

PROSECUTION: I will tell you what the reason is; he is afraid.

DEFENSE: Who is he afraid of?

MEMBER OF THE COMMISSION: I will withdraw that question.

Q Did you know the names of any of the prisoners of war?
A Yes, sir.

Q Did you know a man by the name of John S. Painter?
A No, I don't remember; we used to call them by number.

Q Did you know the name of any of the men?
A Yes, sir.

Q Can you tell me who you knew?
A Yes; Howard, Wilson, Ritchie, Brown, Elstad, Cash.

Q Did you know a man by the name of Stoddard?
A No.

Q Burton?
A I don't remember that.

Q Woodall.
A No.

Q Were any of these men you have just named particularly friendly with you?
A When I first came to the camp.

Q Did any of these men ever specifically tell you of any beatings that the accused gave to any of the prisoners of war?
A No.

Q Did you see any evidences?
A No, I didn't see; no.

Q Wait. Did you see any evidences of beatings that the prisoners had received?
A No, I didn't.

Q Were any of the prisoners of war that came to the factory, were any of them all bruised and bloody at any time?
A No.

Q Do you understand the word "bruised"?
A Yes, I know what you mean.

MEMBER OF THE COMMISSION: I will withdraw that question.

Q Did you ever hear of a manner in which American prisoners of war were punished or tortured by the Japanese?
A No, sir.

PRESIDENT: No further questions by the Commission.

RECROSS EXAMINATION

Questions by the Defense:

Q Are you in Sugamo Prison at the present time?

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A No, I don't know where it is.

Q You are not a suspected war criminal then.

A No, sir.

Q Nobody ever told you that the accused beat them, did they?

A (No response)

Q Do you understand?

A Yes, sir.

Q Did you ever see the accused beat anyone?

A No, sir.

DEFENSE: No further questions.

REDIRECT EXAMINATION

Questions by the Prosecution:

Q Did you ever hear of Bill Cash being beaten?

A Bill Cash? Cash - yes, at the prisoner camp and I don't know who beat him.

PROSECUTION: That is all.

PRESIDENT: The witness is excused.

(There being no further questions, the witness was excused).

PROSECUTION: Now, the Prosecution desires to have read the entire paper that was submitted by the Defense; I believe it was marked as their Exhibit E.

DEFENSE: I will make my objection, if the Commission please, after he reads the paper.

LAW MEMBER: All right.

PROSECUTION: Now, this is the Defense's own document.

PRESIDENT: Just go ahead and read it. The Commission wants to receive anything that will throw any light on the alleged crime.

(The Prosecution then read Defense Exhibit E in its entirety)

PROSECUTION: That is all.

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DEFENSE: The Defense has no rebuttal.

PRESIDENT: The Commission will take a ten minute recess.

The Commission then took a recess until 0920 hours at which hour the personnel of the Commission, Prosecution and Defense, Interpreters and Accused, and the Reporter resumed their seats.

PRESIDENT: The Commission will come to order.

Oral arguments were then presented by the Prosecution, Defense, and Japanese Lawyer.

PRESIDENT: The Commission will adjourn to meet at 1000 tomorrow morning at which time the findings and sentence will be announced.

The Commission then at 1130 hours, 27 June 1946 adjourned to reconvene at 1000 hours, on 28 June 1946.

Howard D. Porter
HOWARD D. PORTER
Chief Prosecutor

HEADQUARTERS EIGHTH ARMY

Yokohama Courthouse
Yokohama, Japan
28 June 1946

The Commission met, pursuant to adjournment, at 1000 hours, all the Personnel of the Commission, Prosecution and Defense, Interpreters and Accused, who were present at the close of the previous session in this case, being present, except the Reporter.

PRESIDENT: The Commission will come to order.

(MR. BERNARD W. NYCZ was sworn as Reporter)

FINDINGS

PRESIDENT: GENJI MINENO, upon secret written ballot, two-thirds of the Members present at the time the vote was taken concurring in each finding of guilty, finds the accused:

Of Specification No. 1	-	Guilty
Of Specification No. 2	-	Guilty
Of Specification No. 3	-	Guilty
Of Specification No. 4	-	Not Guilty
Of Specification No. 5	-	Guilty
Of Specification No. 6	-	Guilty
Of Specification No. 7	-	Guilty
Of Specification No. 8	-	Guilty
Of Specification No. 9	-	Guilty
Of Specification No. 10	-	Guilty
Of Specification No. 11	-	Not Guilty
Of Specification No. 12	-	Guilty
Of the Charge	-	Guilty

SENTENCE

PRESIDENT: And upon secret written ballot, two-thirds of the Members present at the time the vote was taken concurring, sentences the accused:

To be confined at hard labor at such place as the reviewing authority may direct for TWENTY (20) YEARS.

PRESIDENT: The Commission will adjourn to meet at the call of the President.

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The Commission then at 1010 hours, 28 June 1946, adjourned to meet at the call of the President.

AUTHENTICATION OF RECORD

The foregoing typewritten record of trial, together with Prosecution's Exhibits No. 1 to No. 16, and Defense Exhibits A to E, accompanying, referred to and identified therein, except such portions of the exhibits as have been lined out, deleted, and initialed, constitute the complete record of trial in this case.

William H. McCutcheon
WILLIAM H. McCUTCHEON
Colonel, Infantry
President

Howard D. Porter
HOWARD D. PORTER
Chief Prosecutor

I examined the record before it was authenticated and Prosecution's Exhibits No. 1 to No. 16 and Defense Exhibits A to E, accompanying, referred to, and identified in the record are a part thereof, except such portions of the exhibits as have been lined out, deleted, and initialed.

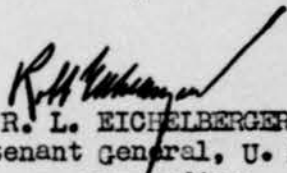
Robert J. White
ROBERT J. WHITE
1st Lt., Infantry
Defense Counsel

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HEADQUARTERS EIGHTH ARMY
United States Army
APO 343

Yokohama, Japan
27 August 1946

In the foregoing case of Genji Mineno, the finding of guilty of Specification 8 is disapproved. Nevertheless, in view of the proof of the guilt of the accused of the many beatings and other vicious tortures charged in the nine specifications remaining, the sentence of twenty years should not be reduced. The sentence, therefore, though inadequate, is approved and will be duly executed. The Sugamo prison, Tokyo, Honshu, Japan, or elsewhere as the Supreme Commander for the Allied powers, or other proper authority, may direct, is designated as the place of confinement.


R. L. EICHELBERGER
Lieutenant General, U. S. Army
Commanding