FF12/A17-13(2) 02-JDM-fsk

## UNITED STATES PACIFIC FLEET COMMANDER MARIANAS

Serial: 1290

31 January 1948.

From:

The Gommander Marianas Area.

To:

Lieutemant Commander Joseph A. REGAN, USN, and/or

Lieutenant James P. KENNY, USN, and/or

your successors in office as Judge Advocates,

Military Commission, Commander Marianas.

Subject:

Charges and Specifications in the case of

YAMAMOTO, Kazuharu ICHIKAWA, Yokichi ISHIYAMA, Zenzo SUGIMOTO, Takeji ICHIMIYA, Masao OZAKÍ, Katsutoshi TAMAMOTO, Tadashi YOKOYAMA, Kyobisa EZURE, Shigeru FUJITANI, Yoshio KAWAGUCHI, Mahei ANDO, Fukuichi HAYASHI, Umeji HIDAKA, Kinnosuko ITO, Mitsuyuki IFAMOTO, Harukichi NAKAMURA, Jiro OKAMURA, Gintaro SAGARA, <del>Scieniro</del> UCHIDA, Fumio

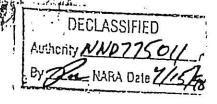
The above named persons will be tried before the Military Commission of which you are judge advocate upon the following charges and specifications. You will notify the president of the commission accordingly, inform the accused of the date set for brial, and summon all witnesses, both for the prosecution and for the defense.

#### CHARGE I

# VIOLATION OF THE LAW AND CUSTOMS OF FAR

# Specification 1

In that YAMAMOTO, Kazuharu, then a first lieutonant, IJA, ICHIKATA, Yokichi, then a second lieutenant, IJA, ISHIYAMA, Zengo, then a sergeant Yokichi, then a second lieutenant, IJA, ISHIYAMA, Zengo, then a sergeant major, IJA, 3UGIMOTO, Takoji, then a sergeant major, IJA, ICHIMIYA, Masao, then a sergeant, IJA, OZAKI, Katsutoshi, then a sergeant, IJA, TAMANOTO, Tadashi, then a sergeant, IJA, YOKOYAMA, Kyohisa, then a sergeant, IJA, EZURE, Shigeru, then a leading private, IJA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, then a leading private, IJA, ANDO, Fukuichi, then a superior private, IJA, HAYASHI, Umeji, then a superior then a superior private, IJA, ITAMOTO, Harukichi, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, SAGARA, Seishiro, then a superior private, IJA,

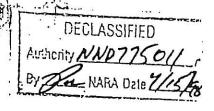


UCHIDA, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, names to the relator unknown, all attached to the military installations of the Imperial Japanese armed forces, Palau Islands, and while so serving at said military installations, acting with MIYAZAKI, Aritsune, deceased, then a lieutenant colonel, IJA, did, each and together, on Babelthuap Island, Palau slands, on or about September 18, 1944, at a time and dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, exact description to the relator unknown, one Agapito C. HONDONERO, a national of The United States of America, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

# Specification 2

In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKARA, Yokichi, then a second lieutenant, IJA, ISHIYANA, Zenzo, then a sergeant major, IJA, SUGIMOTO, Takeji, then a sergeant major, IJA, ICHIMIYA, Masso, Ithen a sergeant, IJA, OZAKI, Katsutcshi, then a sergeant, IJA, ICHIMIYA, Masso, Tadashi, then a sergeant, IJA, YOKOYAMA, Kyohisa, then a sergeant, IJA, MARAGUCHI, Katsutcshi, then a sergeant, IJA, MARAGUCHI, Wahei, JA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, JA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, then a superior private, IJA, KAWAGUCHI, Wahei, then a superior private, IJA, KIMAGUCHI, Wahei, then a superior private, IJA, KIMAGUCHI, Wahei, Harukichi, then a superior private, IJA, KIMAGUCHI, Harukichi, then a superior private, IJA, KIMAGUCHI, Harukichi, then a superior private, IJA, SAGARA, Sakshiro, Harukichi, then a superior private, IJA, SAGARA, Sakshiro, then a superior private, IJA, SAGARA, Sakshiro, then a superior private, IJA, armed forces of Japan, names to the relator unknown, all attached to the and rhile so serving at said military installations, acting with MIYAZKI, Aritsune, deceased, then a licutenant colonel, IJA, did, each and tegether, when a state of war existed between The United States of America, its allies with premoditation and malice aforethought, and without justifiable cause, exact description to the relator unknown, six civilians then and there held priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Spanish national, resident of Koror Island, Fran-Yap Island, and Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, Fran-Yap Island, and Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, Fran-Yap Island, this in violation of the law and customs of var.

J. C. Krenny Lt. WW



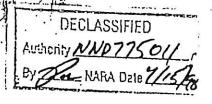
### Specification 3

In that YANGAOTO, Kazuharu, then a first lieutement, IJA, attached to the military installations of the Imperial Japanese armed forces, Palau Islands, and while so serving at said military installations, did, at Babelthuap, Island, Palau Islands, on or about Sentember 18, 1944, at a time when a state of war existed between The United States of America, its allies and dependencies, and the Imperial Japanese Empire, while officer in charge of Sumida Unit personnel at the scene of execution, and while senior officer present from the Eumida Unit at said sceno of execution, unlawfully disregard and fail to discharge his duty as officer in charge of personnel from said unit and as senior officer present from said unit, to control the operations of members of said unit and persons subject to his control and supervision, namely, KATAGUCHI, Wahoi, then a loading private, IJA, NAMEKAWA, Genze, deceased, then a superior private, IJA, and other members of said unit, names to the relator unknown, all members of the armed forces of Japan, as it was his duty to do, permitting thom the aforesaid persons, on or about Sentember 18, 1944, at Babelthuan Island, Palau Islands, to kill unlawfully and cause to be killed unlawfully, by shooting with firearms, exact description to the relator unknown, seven civilians, then and there held captive by the armed forces of Japan, namely, Luis BLANCO Y SUAREZ, Catholic priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Colombian national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Spanish national, resident of Koror Island, Elias FERNANDEZ, GONZALEZ, Catholic priest, Spanish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Yap Island, Emilio VILLAR, Catholic brother, Spanish national, resident of Kerer Island, and Agapite C. HOMDONERO, a national of The United States of 'merica, resident of Yap Island, this in violation of the law and customs of war.

# Specification 4

In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, attached to the military installations of the Imperial Japanese armed forces, Palau slands, and while so serving at said military installations, did, at Babelthuap Island, Palau Islands, on or about September 18, 1944, at a time when a state of war existed between The United States of America, its allies and dependencies, and the Imperial Japanese Empire, while efficer in charge of Sumida Unit the Samida Unit at said scene of execution, and while senior officer present from the Sumida Unit at said scene of execution, unlawfully disregard and fail to discharge his duty, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, seven appropriate in the circumstances to protect, as it was his duty to do, seven appropriate in the circumstances to protect, as it was his duty to do, seven this BLANCO Y SUAREZ, Catholic priest, Samish national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Golombian national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Samish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Yap Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Koror Island, India VILLAR, Catholic brother, Spanish national, resident of Koror Island, India VILLAR, Catholic HONDONDERO, a national of The United States of America, resident of Yap with firearms, exact description to the relator unknown, by members of the armed forces of Japan, this in violation of the law and customs of the

J. P. Kenny LT. USN



#### CHARGE II

#### MURDER

# Specification

In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKATA, In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKATA, Yokichi, then a second lieutenant, IJA, ISHIYAMA, Zenzo, then a sergeant major, IJA, SUGIMOTO, Takeji, then a sergeant major, IJA, ICHIMIYA, Masao, then a sergeant, IJA, OZAKI, Katsutoshi, then a sorgeant, IJA, TAMAMOTO, Tajashi, then a sergeant, IJA, YOKOYAMA, Kyohisa, then a sergeant, IJA, EZURE, Shigeru, then a leading private, IJA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, then a leading private, IJA, ANDO, Fukuichi, then a superior private, IJA, HAYASHI, Umeji, then a superior private. IJA. HIDAKA. Kinnosuke. then a superior private. IJA. ITO. Mitsuya private, IJA, HLDAKA, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, IFAMOTO, Harukichi, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, SAGARA, Scishiro, then a superior private, IJA, UCHIDA, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, names to the relator unknown, all attached to the military installations of the Inperial Japanese armed forces, Palau Islands, and while so serving at said military installations, acting with MIYAZAKI, Aritsune, deceased, then a lieutenant colonel, IJA, did, each and together, at Babelthuap Island, Palau Islands, on or about September 18, 1944, unlawfully kill and cause to be killed unlawfully, by shooting with firearms, exact description to the relator unknown, ten persons, namely, Luis BLANCO Y SUMMEZ, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Colombian national, resident of Yap Island, Marino DE LA HOZ, Spanish national, resident of of Koror Island, Elias FERNANDEZ GONZALEZ, Spanish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Spanish national, resident of Yap Island, Emilio VILLAR, Spanish national, resident of Koror Island, Agapito C. HONDONERO, a national of The United States of America, resident of Yap Island, Filimina Untalan HONDONERO, wife of the said Agapito C. HONDONERO, rosident of Yap Island, Baltazar Untalan HONDONERO, son of the said Agapito and Filimina HONDONERO, resident of Yap Island, and Caroline Untalan HONDONERO, daughter of the said Agapita and Filimina HONDONERO, resident of Yap Island, this in violation of effective law, especially Article 199 of the Criminal Code of Japan, which reads in tenor as follows: "Every person who has killed another person shall be condemned to death or punished with penal sorvitude for life or not less than three years."

> C. A. POFNALL, Rear Admiral, U. S. Navy, The Commander Marianas Area.

J. C. Kenny St. USN