

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

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 1290

31 January 1948.

From: The Commander Marianas Area.
To: Lieutenant 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
OZAKI, Katsutoshi
TAMAMOTO, Tadashi
YOKOYAMA, Kyohisa
EZURE, Shigeru
FUJITANI, Yoshio
KAWAGUCHI, Wahei
ANDO, Fukuichi
HAYASHI, Umeji
HIDAKA, Kinnosuke
ITO, Mitsuyuki
IFAMOTO, Harukichi
NAKAMURA, Jiro
OKAMURA, Gintaro
SAGARA, Seishiro
UCHIDA, Fumio

1. 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 trial, and summon all witnesses, both for the prosecution and for the defense.

CHARGE I:

VIOLATION OF THE LAW AND CUSTOMS OF WAR

Specification 1

In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKAWA, 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 sergeant, IJA, TAMAMOTO, 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 private, IJA, HIDAKA, 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, Seishiro, then a superior private, IJA,

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J. P. Kenny Lt. USN

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Authority NND775011

By *Pa* NARA Date 7/15/78

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 Babelthwap 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, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill, and cause to be killed, by shooting with firearms, 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, ICHIKAWA, 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 sergeant, IJA, TAMAMOTO, 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, Bahci, then a leading private, IJA, ANDO Fukuichi, then a superior private, IJA, HAYASHI, Umeji, then a superior private, IJA, HIDAKE, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, ITAMOTO, Harukichi, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, SAGARA, Sakshiro, 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 Babelthwap 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, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill, and cause to be killed, by shooting with firearms, exact description to the relator unknown, six 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 HUZ, 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, and Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, this in violation of the law and customs of war.

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J. B. Kenny Lt. USA

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Specification 3

In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, attached to the military installations of the Imperial Japanese armed forces, Palau Islands, and while so serving at said military installations, did, at Babelthup 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 officer in charge of Sumida Unit personnel at the 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 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, KAMAGUCHI, Wabei, then a leading private, IJA, NAMEKAWA, Genzo, 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 them the aforesaid persons, on or about September 18, 1944, at Babelthup 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 Koror Island, and Agapito C. HONDONERO, a national of The United States of America, 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 Islands, and while so serving at said military installations, did, at Babelthup 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 officer in charge of Sumida Unit personnel at the 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 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 Koror Island, and Agapito C. HONDONERO, a national of The United States of America, resident of Yap Island, in that he permitted the unlawful killing of said persons by shooting 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 war.

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J.P. Kenney Lt. USN

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CHARGE II

MURDER

Specification

In that YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKAWA, 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 sergeant, IJA, TAMAMOTO, 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 private, IJA, HIDAOKA, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, IFAMOTO, Harukichi, then a superior private, IJA, MAKAMURA, 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, at Babelthup 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 SUAREZ, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Colombian national, resident of Yap Island, Marino DE LA HOZ, Spanish national, resident 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, resident 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 Agapito 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 servitude for life or not less than three years."

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

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J. P. Kenny Lt. USN

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