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

Yokohama, Japan
8 April 1949

UNITED STATES OF AMERICA VS TOSHIO HATAKAYAMA

Review of the Staff Judge Advocate

1. The attached record of trial of the case of Toshio Hatakayama at Yokohama, Japan, from 4 March 1948 to 24 March 1948, by a Military Commission appointed by paragraph 2, Special Orders Number 46, Headquarters Eighth Army, dated 27 February 1948, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Toshio Hatakayama	DATE OF CONFINEMENT: 31 January 1946
AGE: 61	DATE OF ARRAIGNMENT: 4 March 1948
RESIDENCE: 12 Hara-Machi, Koishikawa, Bunkya-ku, Tokyo	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married, one child	PERIOD OF TRIAL: 4 March 1948 to 24 March 1948
RELATIVES: Mother, 1 brother, 2 sisters	DATE OF SENTENCE: 24 March 1948
EDUCATION: Military Officer's School	SENTENCE: CHL for twelve (12) years
VOCATION: Professional Soldier	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Graduated Military Academy, 1910; resigned by age limit, 1 March 1944; recalled, 2 March 1944; Rank - Colonel	

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

<u>Charge and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: Accused at the times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Spec. 1: That between 20 December 1942 and 3 March 1944, at or near Hakodate Main Prisoner of War Camp, Hakodate, Hokkaido, Japan, the accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp, by failing to provide and maintain for American and Allied Prisoners of War adequate and available medical supplies and proper medical care and attention, thereby contributing to their suffering, illness and death.	NG	G, except the words, "and maintain", and the words "adequate and" and the words "contributing to their suffering, illness and death", substituting therefor the words "aggravating their suffering and illness". Of the excepted words, Not Guilty; of the substituted words, Guilty.	Yes, in part

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Spec. 2: That between 20 December 1942 and 3 March 1944, at or near Hakodate Main Prisoner of War Camp, Hakodate, Hokkaido, Japan, the accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp by failing and neglecting to provide for American and Allied Prisoners of War adequate quarters, heat and bathing facilities and food and clothing, thereby causing them illness and suffering.

NG

G,

"except the words 'and bathing facilities'".
Of the excepted words:
Not Guilty.

Yes,
in part

Spec. 3: That between 20 December 1942 and 3 March 1944, at or near Hakodate Main Prisoner of War Camp, Hakodate, Hokkaido, Japan, the accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp to control and restrain members of his command and persons under his supervision and control by permitting them to commit the following acts, atrocities and other offenses against American and Allied Prisoners of War:

NG

Spec. 3a: In or about January 1943, the unlawful failure and neglect of Shigeru Aona, then medical officer of said camp, to render proper medical treatment to Henry Elliot, a British Prisoner of War, thereby contributing to his death.

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Spec. 3b: Between 4 January 1943 and 3 March 1944, the unlawful mistreatment by Seiichi Yutani of numerous Allied Prisoners of War by beating and otherwise abusing them.

NG

G

Yes

Spec. 3c: Between 4 January 1943 and 3 March 1944, the unlawful mistreatment by Terukichi Saito of numerous Allied Prisoners of War by beating and otherwise abusing them.

NG

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Yes

Spec 3d: Between 11 January 1943 and 3 March 1944, the unlawful mistreatment by Shooichi Sasaki of numerous Allied Prisoners of War by beating and otherwise abusing them.

NG

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Yes

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