

TRIALS OF CLASS "C", AND "B" WAR CRIMINALS

OSAKA KEMPEI TAI CASE

TRIAL OF SANJI OKIDO, ET AL.

27 defendants, including Lt. General Sanji Okido, Chief of the Kempei Tai for all Japan, were arraigned on August 2, 1948 on charges of violation of the laws of war set forth in 184 specifications and sub-specifications. The defendants' pleaded not guilty.

The trial involved the killing of 55 captured American flyers at Kempei Tai Headquarters, Central District Army, and Osaka. The prisoners were beheaded, killed by firing squads or poisoned.

The defendants were:

Sanji Okido, Lt. General and Chief of the Kempei Tai for Japan;
Hiroshi Anjo, Kempei Lt. Colonel;
Hideo Fujioka, Kempei Lt. Colonel;
Otogoro Ishida, Kempei Lt. General Chief of Staff Kempei Tai Headquarters;
Hideichi Konayshi, Kempei Warrant Officer;
Michio Kunitake, Lt. General, Chief of Staff of the Chubu Army;
Tsugio Nagatomo, Major General, Chief of the Osaka Kempei Tai;
Kojiro Oba, Colonel, Senior Staff Officer, 15th Army;
Buichi Ono, Captain, 15th Army;
Ikema Schiuchi, Lieutenant, 15th Army;
Ryuzaburo Sugiura, Kempei Warrant Officer;
Eitaro Uchiyama, Lt. General, Chief of Staff, 15th Army and Central District Army;
Yoshio Yamamura, Kempei Colonel, Chief of Foreign Affairs Section, Kempei Tai General Headquarters;
Norio Yamanaka, Major, Chief, 15th Army Intelligence Section;
Tomekichi Hamada, Kempei Sargent Major;
Yasuo Wada, Warrant Officer, 15th Area Army;
Shinpachi Konishi, Corporal;
Takao Mori, Kempei Sergeant Major;
Shigemi Moimoto, Kempei Sergeant Major;
Nasamoto Nakano, Civilian interpreter with 15th Area Army;
Takekazu Oikada, Private, 15th Area Army;
Izou Takahashi, Private 15th Area Army;

Page 2 continued list of defendants
Chikara Takeda, Sergeant Major, 15th Area Army;
Ryoichi Tateno, Soldier, 15th Area Army;
Kazuyoshi Tsuno, Soldier, 15th Area Army;
Sadaya Matsuda, Soldier, 15th Area Army.

An additional charge and specification, alleged that
Okido,
Ishida,
Uchiyama,
Kunitake,
Nagatomo,
Yamamura,
Oba,
Anjo,
Fujioka,
Yamanaka,
Wada.

“acted together and with others in pursuance of a common intent and design did conspire” to prevent the United States Government from obtaining information concerning the fate of 53 American prisoners of war, and “did conceal and suppress such information from the Japanese Government and from the Government of the United States” and “did fabricate and transmit to the Japanese Government and the American Occupation authorities” false and misleading information.

The prosecution introduced in evidence Japanese army and military tribunal regulations governing captured enemy airmen. Among these was Japanese Army Secret Order No. 2190, dated July 28, 1942, which provided that captured enemy personnel be divided into two categories; prisoners of war, and those who violated international laws and therefore were to be classified as felonious war criminals. The latter were to be summarily tried by military tribunals and, if found guilty, punished with death by firing squad. This order accounted for many deaths inflicted upon captured airmen. Also of prominence in the trial was an infamous letter written by one of the defendants, Colonel Yamamura, under order of Lt. General Okido, which contained instructions to “solemnly dispose”, which was interpreted to mean summary execution without trial of those American airmen who were still alive.

In compliance with the Army order and the Kempei letter, the Osaka Kempei Tai, together with the members of the Chubu (Central) and the 15th Armies, disposed of 18 named and 27 unidentified American airmen in the following manner;

Poisoned 6 airmen, of 2 were identified as
Lieutenant James R. Price;
Staff Sergeant Russell W. Strong.

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Shot 5 unidentified airmen on July 5th, 1945 at the Shinodayama military grounds, near Osaka.

Shot 15 airmen on or about July 20th, 1945 at the Shinodayama military grounds, of 10 were identified as:

Sergeant Lawrence W. Beecroft;
Sergeant James M. Fitzgerald;
Staff Sergeant Earle P. Flanagan;
Captain Richard H. Hamilton;
Sergeant Harvey B. Kennedy Jr.;
Staff Sergeant George C. Reed;
Corporal Clarence E. Scritchfield;
Staff Sergeant Logan M. Sparks;
Staff Sergeant John R. Vincent;
Lieutenant Harrison K. Wittee.

Shot 14 airmen on or about August 5th, 1945 at the Jonan Rifle Range, of whom 2 were identified as:

1st Lieutenant Louis W. Lehnen;
Staff Sergeant Robert L. Pellicot.

Shot and beheaded 5 airmen on or about August 15th, 1945 at the Sanadayama Military Cemetery, Osaka, of whom 4 were identified as;

1st Lieutenant Harold T. Cobb;
2nd Lieutenant Joe S. McSpadden;
Captain Jack K. Ort;
1st Lieutenant Donald J. Schilitz.

The other 10 airmen were alleged to have died from injuries, mistreatment, and medical neglect.

The case was one of the most complicated of all cases tried by a military commission at Yokohama. It involved a great number of defendants. Tried in a common trial, the defendants were charged as the originators, and designers of the crime, as accessories and participants in developing the designs, and as those who carried the plans and designs into actual execution. The trial involved command responsibility, superior orders, concealment of the crime, and conspiracy.

The prosecution presented its case by the introduction of 273 exhibits and the testimony of 70 witnesses. Among the exhibits was a statement Okido to the effect that

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although he was commandant of the Kempei Tai from October 1944, to August 1945, he believed that one of the causes of the incident was the fact that he was inexperienced with Kempei Tai policy. He expressed sorrow that the trouble was caused by a letter he had insisted on sending through his lack of prudence and contrary to advice. When he sent the letter he never thought such an incident would occur. Had he investigated when he first heard of the atrocities he believed he could have prevented the subsequent atrocities. However, his other duties had been too pressing.

In the prosecutions "Exhibit 82", the accused Uchiyama stated that while he was in command of the Fifteenth Area Army about 50 airmen were captured. All except two of the captured flyers had died of illness or injury, or were executed by the Central District Kempei Tai without trial. The first executions took place in July 1945. Executions had been held both at Shinodayama, and at the Jonan Firing Range.

The accused Yasuo Wada stated in prosecutions "Exhibit 39" that he had been a warrant officer assigned to the Foreign Nationals Sections of the Central District Kempei Tai under Lieutenant Colonel Fujioka and Major Shiuchi. In the middle of June 1945 Fujioka whispered to him and Shiuchi that he, Fujioka had just been ordered by the army to execute all the airmen who had been questioned. Fujioka warned them to keep it secret as he was under orders to have the flyers executed in absolute secrecy.

Wada stated that several days later, probably the beginning of July, he had heard that an airman was complaining of a severe stomach ache. The medical officer diagnosed the complaint as severe diarrhea or dysentery. Wada asked Shiuchi for permission to hospitalize the flyer. Shiuchi consulted with Fujioka who ordered Wada to poison the prisoner. Wada stated that he tried to object but Fujioka cut him short, telling him to do as ordered. In a further attempt to avert the execution Wada suggested that they contact the military tribunal or operations department to check on the execution order. Fujioka shouted at him that the order to kill the airman came from the army and must be carried out. As this was a direct order Wada said he could do nothing but obey it, and asked what poison he should use. Fujioka suggested that potassium cyanide or arsenic would be best because they cause death quickly without suffering. Fujioka told Wada to mix the poison in black tea and give it to the airman at once otherwise the secret might leak out. Wada obtained the potassium cyanide and went to the execution room selected by Fujioka. He handed the potassium cyanide to Master Sergeant Mori and ordered him to take some tea. Mori said something to the airman in English and handed the tea to him. The airman died a few minutes after he drank it.

Wada stated that the first execution by shooting took place in the early part of July 1945. Shiuchi told him that by orders from above the airmen would be executed by firing squad soon. Fujioka chose a lonely place in the Shinodayama Military Training Grounds as the most suitable location. Wada was ordered to prepare the graves and to carry out the execution. He had tried to avoid the executions by telling Shiuchi that the Kempei Tai should leave it to the army. The army might then proceed with a trial by military tribunal. Shiuchi said that the Kempei Tai had been ordered to execute the men it must be done.

The morning following preparation of the graves, five airmen were selected by Shiuchi and taken from the Kempei Tai detention barracks with Fujioka's permission to the execution site. All personnel who were to be present were told by Fujioka that orders had come from the Fifteenth Area army and Kempei Headquarters to execute all the airmen and to keep it a top secret. The airmen, blindfolded and tied with ropes, were made to kneel down in a row in front of the graves. Major Shiuchi, Master Sergeant Morimoto, Sergeant Takahashi, Master Sergeant Takeda, and Wada were chosen by Fujioka as executioners. They were given United States Army caliber .45 automatic pistols, loaded them at Shiuchi's command and were lined up a few feet in front of the airmen. Fujioka read the death sentence by order of the Fifteenth Area commander for the crime of indiscriminate bombing and Mori translated it. Fujioka gave the order to fire, and then ordered the airmen buried so that the graves would not be detected.

About ten days after the first execution, Wada was ordered by Shiuchi to prepare for the execution of about 15 airmen. About July 19th, Wada went to Shinodayama Military Grounds and had graves dug adjacent to the ones used in the first executions.

The following morning 15 airmen prisoners were taken by truck to the execution site, were blindfolded, bound, and seated in front of the graves. The firing squad was chosen by Shiuchi in the presence of Fujioka, and consisted of Wada, Master Sergeant Hamamoto, Master Sergeant Sugiura, Master Sergeant Takeda, Sergeant Oikada, and Leading Private Konishi. Fujioka read the death sentence as in the previous executions and ordered them to fire. The airmen were immediately buried and the graves carefully hidden. Fujioka again reminded them to keep it a top secret.

Prosecution introduced in evidence reports by a Graves Registration Unit which conducted disinterment operations. The report stated in part that disinterment operations in the Shinodayama Military area were begun April 15th, 1946 and completed April 18th, 1946. The common graves were found, side by side, within three feet of each other. Fifteen bodies were disinterred from the first grave, and five bodies were found in the second grave. Some had their hands tied behind their backs; some had blindfolds; some had holes in their skulls.

Prosecution evidence showed that the second execution by poisoning took place about July 31st, 1945. The procedure was essentially the same as in the first poisoning. Wada, at the orders of Shiuchi and Fujioka gave two airmen poison mixed in stomach medicine. The prisoners died a few minutes after drinking the poison and their bodies were buried in the Sanadayama Cemetery by Mori, Morimoto, Matsuda, and Shiuchi.

The evidence established that the third poisoning took place about August 3rd, 1945. Wada reported to Shiuchi that an airman had died of illness and that three others were sick. Shiuchi instructed Wada to load the dead airman and the three sick airmen on the truck, make it appear as if they were being taken to the hospital, but to poison them on the way to the graveyard. The three airmen were poisoned and their bodies were buried together in the Sanadayama Cemetery.

It was shown that in early August 1945, Fujioka ordered the remaining airmen executed. Since the trip to Shinodayama took too much time, a suitable place was chosen by Shiuchi and Fujioka at Jonan Rifle Range. Fujioka told Shiuchi to leave four or five airmen for the purpose of obtaining information and execute the rest. Thereafter, Shiuchi brought a list of 14 airmen designated by Fujioka for execution. The following day, Shiuchi selected a firing squad in the presence of Fujioka consisting of Warrant Officer Hamamoto, Master Sergeant Takeda, Master Sergeant Tateno, and Wada. After seven or eight airmen were seated in front of the grave, Fujioka gave the order to fire. The remaining six or seven were executed in the same manner. All were then buried so that the graves would not be found.

The report of disinterment, prosecutions "Exhibit 29" stated that 14 bodies were recovered from a common grave at the Osaka firing range. The bodies of Staff Sergeant Robert L. Pellicot and 1st Lieutenant Louis W. Lehnen were identified. The remaining 12 bodies were unidentified. Some of the airmen had holes in their skulls; some had been blindfolded; others had their hands tied behind them.

The accused Takao Mori stated in prosecutions "Exhibit 38" that on the 15th of August, the day of Japan's surrender, the personnel of the Foreign Affairs Section were assembled and told it would be necessary to execute the five remaining airmen and to destroy all records and articles evidencing their capture. Warrant Officer Hamaoto was placed in charge of the execution details. When the truck arrived with the airmen at the Sanadayama Cemetery the grave had already been prepared and several Kempei Tai personnel were burning the prisoners' papers and articles. Mori led the airmen to the edge of the grave where they were executed immediately. He saw Sergeant Major Hamada decapitate two; the remaining were shot.

Jiro Hamamoto, in prosecutions "Exhibit 95", stated that he participated in the execution of the five airmen after the Emperor's broadcast. He heard on the 14th of August that Japan had lost the war. The broadcast was to be made at noon but before that time he had gone to the office of Foreign Nationals Section. Major Shiuchi told him to help Warrant officer Sugiura prepare to execute the remaining airmen and to hurry as the Allied Forces were off the coast of Wakayama.

Hamamoto said he listened to the Emperor's broadcast with Sugiura. The broadcast informed the people of Japan's acceptance of the Postdam Declaration. After the five prisoners were taken to Sanadayama Military Cemetery. A pit had already been dug. Among those present were Sugiura, Mori, Morimoto, Takeda, Hamada, Matsuda, and himself. He saw Hamada behead one of the airmen. Since it was after the Emperor's broadcast, and since the Allied Forces were expected to land at any time everyone was in an excited mood and anxious to finish the executions as soon as possible. They were ordered to maintain strict secrecy.

The accused Matsumoto Nakano stated in prosecutions' "Exhibit 52" that he also attended the execution on orders of Major Shiuchi. He saw Hamada behead two of the airmen. Hamamoto shot the other three airmen.

The defense presented many former members of the Kempei Tai as witnesses to prove that the defendants acted in obedience to superior orders.

The accused Nagatomo after being advised of his rights, elected to take the stand and testify in his own behalf. It was stipulated that he became commanding General of the Central District Kempei Tai in April 1945 and served until September 3rd, 1945.

He testified that the so-called private letter from Okido was brought to him (Nagatomo) early one morning by the adjutant. There was an acknowledgement of receipt attached which he signed. The letter had not been opened because it was apparently to be read only by the commander and was marked "top secret" and "private". The letter indicated that since Kempei General Headquarters in deciding to execute the airmen would be overstepping its boundaries, the Kempei Tai commanders should contact the army and carry out the proper measures under the instructions of the army. As he understood the letter it meant to speedily dispose of the physical beings of the flyers. Nagatomo did not think the purpose of the letter was simply to contact the army chief of staff. The real purpose was the disposition of the flyers. Since the Kempei Headquarters were clearly overstepping the bounds of authority in mentioning physical disposition of the flyers, this raised a doubt in his mind. In deciding whether the ordering of the executions was legal he wondered if it was in accordance with the existing war situation. He also wondered if the execution of a large number of flyers could be done with a clear conscience even done legally. There is a saying that necessity provides law and, therefore, he concluded that the execution was legal and would not bother his conscience.

In addition to Nagatomo, the following defendants testified in their behalf:

Ishida;
Yamamura;
Ono;
Oba;
Yamanaka;
Kunitake;
Anjo;
Fujioka;
Shiuchi;
Wada;
Mori;
Takeda;
Takayama;

The trial lasted five months. On January 3rd, 1949 the commission announced its findings of guilty of 15 defendants and not guilty of 12.

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Those who were convicted received the following sentences;

Sanjo Okido;
Hideo Fujioka;
Michio Kunitake;
Tsugio Nagatomo;
Ikema Shiuchi.
Imprisonment for life at hard labor;

Eitaro Uchiyama.
40 years imprisonment;

Hiroshi Anjo;
Tomekichi Hamada;
Takeo Mori;
Nasamoto Nakano;
Kojiro Oba;
Yasuo Wada;
Morio Yamanaka.
Prison terms ranging from 2 years to 10 years.

Otogoro Ishida;
Yoshio Yamamura.
Each received sentences of 1 year.

In reviewing the case the Staff Judge Advocate stated that the question of “whether or not the charge of a conspiracy contained in the additional charge and specifications constituted a war crime need not be discussed here because the specification also contained in allegation of an affirmative act of concealment aligned any conspiracy. While this pleading is inartificial since it contained matter which could well have been separated into two specifications, it is clear and the accused could not have been misled as to the offense with which they were charged.

The sentences were approved with the exception of the one year sentences received by Otogoro Ishida and Yoshio Yamamura which were disapproved and the defendants acquitted.

U.S. vs. Sanji Okido et al, 8th Army Docket No.328,
U.S. vs. Sanji Okido et al, 8th Army Review, p.150.
C. G. 8th Army, MCO No. 797-813, July 22, 1949.

