

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

DI complete
Ans 73

Capt SAIKI, Kasukane, Capt MORI, Teishu AWC No.....
Capt ABE, Raisaku (also charged same time before
Accused: same court Capt AKUZAWA, Kisaburo Aust W.C. List Ser No.....
Sjt Maj HARAGUCHI, Kunio, Sjt Maj NARUTA, Eiji, Sjt KITANO Tamatsu
L/Cpl KAMIMOTO, S. Sjt Maj ARAI, Taizo -
Court, Place, DARWIN Not Guilty)
Date and 1 - 15 May 46
Formation: 7 MD DARWIN

Charge(s)	Plea	Finding
Ill-treatment of prisoners of war in TIMOR as set out in details of charge sheet in 12 charges in Second Schedule	NOT GUILTY on every part of charge	SAIKI, Kasukane Guilty on Charges 1, 5 Not Guilty on Charges 2, 3, 4, 6, 7, 8, 9, 10, 11, 12. MORI, Teishu Guilty on Charge 7 Not Guilty on Charge 5 Not charged on other charges. ABE, Raisaku Guilty on Charge 1. Not charged on other charges.

Precis of Evidence:

Other accused not guilty on charges.

On 29 Jan 1945 Capt Cashman was taken prisoner after being parachuted into Timor. Capt SAIKI interrogated him intermittently for months.

In the course of interrogation, he suffered the "log" torture, and was beaten with a cane, but not severely.

Cpl Lawrence captured in Jul 45 was treated in a similar way while being interrogated by SAIKI.

ABE was present when Cashman suffered the "log" torture and on occasions himself struck Cashman, but not severely.

MORI used the "log" torture on Lawrence and administered a minor beating with a piece of bamboo during interrogation. MORI was present when Lawrence was tortured by SAIKI.

Sentence and Date: SAIKI, Kasukane - To be imprisoned for 3 months
MORI, Teishu - To be imprisoned for 1 month
ABE, Raisaku - To be imprisoned for 1 month.
15 Mar 46

Confirmation Findings and Sentences confirmed by Deputy Adjutant-General and by Whom: (Personal Services) - 10 Apr 46

Promulgation: Confirmation of finding and sentences promulgated to accused on 18 Apr 46

Petition: ---

DLS
JAG's Report on Petition: Confirm findings and sentences

Action on Petition: ----

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Accused: Lt. SAKUMA, Wataru
Sub Lt. OTOMO, Torizo
Sub Lt. SAKAMOTO, Chujiro
Sub Lt. YAJIMA, Eiichi.

AWC No.....2054,2064,2066,2072

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and 27 Apr 46.
Formation: 8 MD

Charge(s)	Plea	Finding
Murder at Ocean Is. on or about 20 Aug 45 of persons unknown.	All not guilty	All accused guilty.

Precis of Evidence: The prosecution tendered evidence by a native named KUBANARE to the effect that a group of natives totalling eight were marched to a cliff overlooking the sea. The hands of the natives had been tied behind their backs and they were told to squat in line on the edge of the cliff and they were blind folded. The native named Kubanare involuntarily fell over the cliff and immediately following, shots were fired and the remaining natives fell over the cliff. The evidence submitted by the Prosecution was in substance admitted by the accused. In evidence the accused SAKUMA stated that he carried out the orders of a superior officer in ordering the shooting of the said natives. The other accused stated (inter alia) that they also ordered the shooting of the said natives pursuant to the order of their C.O. namely the accused SAKUMA.

Sentence and Date: Death by hanging, 27 Apr 46.

Confirmation and by Whom: Confirmed by Lt-Gen V.A.H. STURDEE

Promulgation: Confirmation of finding and sentences promulgated to all accused on 9 Aug 46. All accused executed by hanging at Rabaul on 10 Aug 46.

Petition: Lodged 9 May 46 by all accused against findings and sentences.

J.A.G.'s Report on Petition: Confirm finding and sentences and dismiss petitions 10 May 46.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2732, 2111

Accused: Cpl TAKAI Kazuyoshi
L/Cpl SAKAI Takashi

Aust W.C. List Ser No.

Court, Place, RABUL
Date and 23 Apr 46
Formation: 8 MD

Charge(s)	Plea	Finding
<u>MURDER</u> of SAUDAGAR KHAN an Indian PW at AKANI MISKAI about 30 Jan 44	Both Not Guilty	Both GUILTY

Precis of Evidence: Jemadar KHURSHID AHMED KHAN and Jemadar AHMED both stated that on 30 Jan 44 deceased was very ill with malaria and unable to do fatigues. Accused TAKAI beat him with a stick that morning and after he had been marched back to camp at midday had him examined by accused SAKAI a medical orderly who said he was fit for work. Both accused then beat and kicked deceased until he became unconscious. He died two hours later. Accused denied the allegations and alleged SAUDAGAR KHAN died on 30 Dec 43 from malaria. Death certificate was produced but doctor stated he last examined him 2 days before his death. Prosecution's witnesses evidence was in writing and they were not called to correct their probable incorrect date of death.

Sentence and Date: Death by hanging. 23 Apr 46

Confirmation and by Whom: Chief of General Staff - Lt Gen V.A.H. STURDEE

Promulgation: Confirmation of finding and sentences promulgated to both accused on 26 June 46. Both accused executed by hanging at RABUL on 27 June 46.

Petition: Submitted 30 Apr 46 by both accused against finding and sentence.

J.A.G.'s Report on Petition: Findings and sentences should be confirmed and petitions should be dismissed.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

AUSTRALIAN MILITARY FORCES

DPW(AG13(2a))/ WMcL /AR.

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Rug Ans. 67

AWC No. 2657

Accused: Paymaster Lt OTSUBO, Mitsusada

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 18 Apr 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER of (1) CHANDRE KHAN, FATEH AHMED and FAZAL DAD Indian PW at KATA KATA about 9 Apr 45.	NOT GUILTY	GUILTY
(2) AHMED KHAN Indian PW at TABUNA about 14 Aug 45.	NOT GUILTY	

Precis of Evidence: The accused admitted that he had shot the deceased PW. He alleged that they had escaped from the camp, had stolen provisions and equipment and their conduct had provoked indiscipline among the other Indian labourers. He admitted that he had personally shot them without trial but alleged it was done to preserve discipline after they had been captured by the Japanese MP. The prosecution alleged that the PW had been cruelly beaten and that they had left their camp only to report their illtreatment to a main Japanese camp at KATA KATA and that they were killed when they reported in to that camp.

Sentence
and Date: DEATH BY HANGING
18 Apr 46

Confirmation
and by Whom:

Promulgation: Accidentally killed at Rabaul on 28 May 46

Petition: Submitted 1 May 46 against sentence of the Court.

J.A.G.'s Report on Petition: Finding and sentence should be confirmed and petition dismissed.

Action on Petition: -

Filed in Attorney-General's Department and Numbered

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R17. Ans. 66

Accused: Sjt/M SHIMIZU Hisao
Cpl YASUSAKA Masaji
Pte TOKURA Keijiro

AWC No. 2221, 2229, 2231

Aust W.C. List Ser No.

Court, Place, Date and Formation: RABAU
17th April 46
8 MD

Charge(s)	Plea	Finding
MURDER in Dec 44 near PACHING of 11 Indian Prisoners of War	Not Guilty	Guilty

Precis of Evidence: In Dec 44 19 Indian Working Party were marching from WEWAK to PACHING. At SINGU the eleven deceased PW were left behind with Lt MITSUBA, nursing Orderly MAIDA and the three accused because they were too sick to proceed further. They were not seen alive thereafter by the rest of the PW but their dead bodies were seen by Sgt KARAM SINGH who stated they had been killed. On interrogation SHIMIZU and TOKURA stated that the three accused had shot the Indians on the orders of and in the presence of Lt MITSUBA. YASUSAKA denied that he took part in the shooting although he was present.

Sentence and Date: SHIMIZU and YASUSAKA 20 yrs imprisonment
TOKURA 15 yrs imprisonment - 17 Apr 46.

Confirmation and by Whom: Chief of General Staff - Lt-Gen V.A.H. STURDEE

Promulgation: Confirmation of finding and sentences promulgated to each accused on 29 June 46.

Petition: Submitted 23 Apr 46 by all accused against finding and sentence.

J.A.G.'s Report on Petition: Dismiss petitions and confirm findings and sentences.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

DPW(AG13(2a))/WMcL / AR.

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

Capt TAKAHASHI Takashi
 " MIYOSHI Masahiko (Not Guilty)
 WO AIZAWA Teuchiro
 " YAMAMOTO Kenji (Not Guilty)
 Accused: Sgt Maj KINJO Tokuyei
 Sgt FUKUSHIMA Akita (Not Guilty)
 Cpl NAKAMURA Utaka

AWC No. 2618, 2632, 2623, 2642
 2631, 2742, 2634.

Aust W.C. List Ser. No.

Court, Place,
 Date and
 Formation: RABAU 15/16 Apr 8 MD

Charge(s)	Plea	Finding
CANNIBALISM at TANOURA about 5 Apr 43 by eating the flesh of 2 Indian POW.	All not guilty	TAKAHASHI, AIZAWA KINJO and NAKAMURA guilty. Other 3 accused not guilty.

Precis of Evidence: The prosecution alleged that the two Indians were ill with a slight fever and that they died on the morning of 5 Apr 43 after having been injected with a colourless liquid. They were then buried but their bodies were exhumed on the evening of that day and the flesh was cut off their thighs and their livers were taken out. An Indian cook RABI LOHAR was beaten for refusing to cook the flesh which was then cooked by NAKAMURA and eaten by the accused who were convicted. Some of the Indian statements implicated all accused. The defence made by the accused was a denial of cannibalism and an admission that first one Indian died and was buried. Because his death was so sudden TAKAHASHI a medical officer obtained permission to exhume the body and perform an autopsy. In the afternoon he had the body exhumed examined the internal organs and cut off portions of the liver and spleen, but not the thigh for microscopical examination. These specimens were preserved by formalin. He stated this occurred about 10 May 43 and that 3 or 4 days later another Indian who in a coma was injected with (over)

Sentence and Date: TAKAHASHI death by hanging. AIZAWA, KINJO and NAKAMURA each 10 years imprisonment.
 16 Apr 46.

Confirmation and by Whom: Lt-Gen V.A.H. STURDEE. Finding and Sentences NOT confirmed.
 8 July 46

Promulgation: Non-confirmation of finding and sentences promulgated to accused on 31 July 46.

Petition: Petitions submitted Apr 46 by each convicted accused against finding and sentence.

J.A.G.'s Report on Petition: Findings and sentences may legally be confirmed but in his opinion should not be confirmed.

Action on Petition: Petition upheld.

Filed in Attorney-General's Department and Numbered

Precis of Evidence (continued) : curative liquids but he died under treatment. It was alleged that both Indians were proved to have died from tropical malaria though an autopsy was performed on only one of them. It was denied that the officers ever ate with the men.

AUSTRALIAN MILITARY FORCES

DFW (AG13(2a))/WMcL /AR.

AAF A117(a)
(Introduced Jan 46)
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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

2741

AWC No. 2909

Accused: S/Maj HASEGAWA, Junei
Sgt NUMAMICHI, Tsurumatsu

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 10/11 Apr 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER of Assistant Ganger SITA RAM an Indian PW at BITAWANAS about 12 Jan 45.	NOT GUILTY	GUILTY

Precis of Evidence: The deceased was one of several Indian PW working in a fatigue party on 12 Jan 45 under the two accused. SITA RAM was sick and weak. The accused put a heavy load of approx 200 lbs on his head causing him to collapse. They then kicked and beat him causing him to vomit blood. He died on 14 Jan 45.

The defence claimed that HASEGAWA was in charge of the kitchen with NUMAMICHI as his assistant. The Indian PW were employed in and around the kitchen and SITA RAM worked on scraping copra, as it was suitable work for his weakened condition. Knowledge of the alleged beating is denied.

The Jap MO had treated SITA RAM for malaria and beri beri and on receipt of the report of his death concluded that heart failure had occurred owing to malaria and beri beri and prepared his death certificate.

Sentence and Date: DEATH BY HANGING
11 Apr 46

Confirmation and by Whom: Finding and sentences confirmed by Lt-Gen V.A.H. Sturdee
4 Jun 46.

Promulgation: 21 June 1946 (Both accused executed at Rabaul 22 Jun 46).

Petition: Submitted Apr 46 against finding and sentence of the Court.

J.A.G.'s Report on Petition: Finding and sentence should be confirmed.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

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AUSTRALIAN MILITARY FORCES

AAF A117(a)
(Introduced Jan 46)
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DPW(AG13(2a))/ WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2834, 2833.

Accused: Sgt YAMAOKA Tetsuo
L/Cpl SUMITOMO Kazuhide

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and 9 Apr 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILLTREATING Lt C.M. NIGAM an Indian PW at VUNAPAL about 29 Apr 45	NOT GUILTY	GUILTY

Precis of Evidence: On 29 Apr 45 Lt C.M. Nigam and 6 Indian ORs were given leave to go to TINGA MANGA LIP Camp HQ of HAMADA Butai to interview Lt KIMURA. KIMURA was absent and Lt NIGAM therefore sent back 5 ORs and waited for KIMURA's return, having taken the precaution of obtaining a separate pass from Capt HAMADA to cover the extra leave. Having interviewed KIMURA he obtained a further pass and a letter explaining the delay. On return to camp at 1830 (original pass 1700 hrs) he reported to Sgt OKAZAKI who read the letter, told him it was not necessary to report to Cpl YAMAOKA but to go to sleep. Later that night Lt NIGAM was awakened by YAMAOKA and SUGITOMO beating him with sticks. They then tied him to a tree and continued the beating until NIGAM lost consciousness. They apparently did not heed his attempt to explain why he overstayed his original leave. As a result of the beating Lt NIGAM was confined to bed for two months. The defendants stated that they were punished for their action by being transferred to other gardens.

Sentence
and Date: Both accused - 15 YEARS IMPRISONMENT
9 Apr 46

Confirmation
and by Whom: Chief of General Staff - Lt-Gen V.A.H. STURDEE

Promulgation: Confirmation of finding and sentence promulgated to accused
on 29 June 46.

Petition: Submitted 22 Apr against findings and sentences of the Court.

J.A.G.'s Report on Petition: Findings and sentences should be confirmed.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2225

Accused: Cpl ISHIYAMA, Kumakichi

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 8/9 Apr 46
Formation: 8 MDAlso charged same time before same court
Pte YASUSAKA, Masaji (Not Guilty)

Charge(s)

Plea

Finding

MURDER of Risaldar RASHID MOHD and
Cpl MUSHUD ALI, both Indian PW at
RANIMBOA in Sep 44.NOT
GUILTY

GUILTY

Precis of Evidence: In Sep 44 members of 19 Indian Working Party were PW at RANIMBOA. Declaration of Pte LAKHU RAM states that at about 1400 hrs one day in Sep 44 he saw RISALDAR RASHID MOHD and Cpl MUSHUD ALI both tied to one tree with their hands behind their back. At about 1800 hrs the same day he heard two shots.

Declaration of JEMADAR CHINT SINGH, Adjt of 19 Indian Working Party states that at about 1700 hrs on 19 Sep 44 he heard two shots and as a result of information he received. "I went to the hut of RISALDAR RASHID MOHD and he was missing. I have not seen he or Cpl MUSHUD ALI since that day.

Extract from interrogation of the accused Pte YASUSAKA, Masaji dated 26 Oct 45:-

"During the morning HIBINO took tobacco and shoes from these two Indians. The Indians then complained to all the other Japanese soldiers, but no one took any notice of them.

(Over)

Sentence
and Date:DEATH BY HANGING
9 Apr 46Confirmation
and by Whom:

Confirmed by Lt-Gen V.A.H. STURDEE - 4 Jun 46

Promulgation: 21 June 46 (executed by hanging 22 June 46)

Petition: Submitted against finding and sentence of the Court

J.A.G.'s Report on Petition: Finding and sentence should be confirmed.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered.....

Precis of Evidence (contd):

Pte ISHIYAMA and I decided to scare them, so we tied their hands together. Later on we took them into the bush and while walking along I told ISHIYAMA that we had scared them enough and to let them go now. But he said "We have gone this far, we may as well finish it and I would like this officer's watch". ISHIYAMA then shot them both and took the watch."

Extract from statement by Cpl ISHIYAMA (Exh E) admitted in evidence - "I was under command of Capt MITSUBA at PAROM from the middle of Aug to 3 Oct 44, working on a farm."

At the interrogation of Cpl ISHIYAMA (Exh D) admitted in evidence - he denied all knowledge of the incident.

Under cross examination Cpl ISHIYAMA admitted that there was an Aust interpreter and an Indian interpreter present at his interrogation at Cape WOM in Oct 45, and that he then stated that he was present at RANIMBOA in Sep 44.

He states that he was at PAROM about 5 Kilometers from RANIMBOA from 15 Aug to 1 Oct 44.

Under cross examination L/Cpl YASUSAKA states that he was at PAROM from 15 Aug to 1 Oct 44 and denies knowledge of the incident.

For the defence Capt MITSUBA and Lt IMANURA stated that both accused were at PAROM during Sep 44.

DPW(AG13(2a))/WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R35
Ans 57

Accused: WO MATSUMOTO Tsugiji
WO UENO, Koichi
Sgt SHIRAKI, Jinichi
RABAU
Court, Place, 6 Apr 46
Date and 8 MD
Formation:

AWC No. 2669,2905,2846

Aust W.C. List Ser No.

Charge(s)	Plea	Finding
TORTURE of CHEUNG YOUNG HO a civilian at LAGURAMAU about Jan 45.	NOT GUILTY	GUILTY

Precis of Evidence: In January 45 the accused members of the Japanese MP interrogated Cheung Young Ho regarding some Americans. They were not satisfied with her replies. Each of the accused on separate occasions instructed natives to insert bananas in her vagina and watched the natives carry out the order. All accused forced her to stand with her hands above her head. Matsumoto struck her 30 or 40 times with a cane. Corroborative evidence was given by two natives. Accused denied the acts and Matsumoto alleged he had seen a native voluntarily commit one crime against Cheung Young Ho and had punished him. It was admitted the native was thereafter employed by the Japanese.

Sentence and Date: ALL TO SUFFER DEATH BY HANGING
6 Apr 46

Confirmation and by Whom: Chief of General Staff - Lt-Gen V.A.H. Sturdee

Promulgation: Confirmation of finding and sentences promulgated to accused on 25 June 46. All accused executed by hanging at Rabaul on 26 June 46.

Petition: Submitted Apr 46 by all accused against findings and sentences.

J.A.G.'s Report on Petition: Findings and sentences should be confirmed.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered

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AUSTRALIAN MILITARY FORCES

DPW(AG13(2a))/VMcL /AR.

AAF A117(a)
(Introduced Jan 45)
HQ AMF Use Only

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R35 Aus 57

Accused: WO MATSUMOTO Tsugiji
WO UENO, Koichi
Sgt SHIRAKI, Jinichi
RABAU
Court, Place, 6 Apr 46
Date and 8 MD
Formation:

AWC No. 2669,2905,2846

Aust W.C. List Ser No.

Charge(s)	Plea	Finding
TORTURE of CHEUNG YOUNG HO a civilian at LAGURAMAU about Jan 45.	NOT GUILTY	GUILTY

Precis of Evidence: In January 45 the accused members of the Japanese MP interrogated Cheung Young Ho regarding some Americans. They were not satisfied with her replies. Each of the accused on separate occasions instructed natives to insert bananas in her vagina and watched the natives carry out the order. All accused forced her to stand with her hands above her head. Matsumoto struck her 30 or 40 times with a cane. Corroborative evidence was given by two natives. Accused denied the acts and Matsumoto alleged he had seen a native voluntarily commit one crime against Cheung Young Ho and had punished him. It was admitted the native was thereafter employed by the Japanese.

Sentence and Date: ALL TO SUFFER DEATH BY HANGING
6 Apr 46

Confirmation and by Whom: Chief of General Staff - Lt-Gen V.A.H. Sturdee

Promulgation: Confirmation of finding and sentences promulgated to accused on 25 June 46. All accused executed by hanging at Rabaul on 26 June 46.

Petition: Submitted Apr 46 by all accused against findings and sentences.

J.A.G.'s Report on Petition: Findings and sentences should be confirmed.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered

DPW(AG13(2a))/WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R35
Ans 57

Accused: WO MATSUMOTO Tsugiji
WO UENO, Koichi
Sgt SHIRAKI, Jinichi
RABAU
Court, Place, 6 Apr 46
Date and 8 MD
Formation:

AWC No. 2669,2905,2846

Aust W.C. List Ser No.

Charge(s)	Plea	Finding
TORTURE of CHEUNG YOUNG HO a civilian at LAGURAMAU about Jan 45.	NOT GUILTY	GUILTY

Precis of Evidence: In January 45 the accused members of the Japanese MP interrogated Cheung Young Ho regarding some Americans. They were not satisfied with her replies. Each of the accused on separate occasions instructed natives to insert bananas in her vagina and watched the natives carry out the order. All accused forced her to stand with her hands above her head. Matsumoto struck her 30 or 40 times with a cane. Corroborative evidence was given by two natives. Accused denied the acts and Matsumoto alleged he had seen a native voluntarily commit one crime against Cheung Young Ho and had punished him. It was admitted the native was thereafter employed by the Japanese.

Sentence and Date: ALL TO SUFFER DEATH BY HANGING
6 Apr 46

Confirmation and by Whom: Chief of General Staff - Lt-Gen V.A.H. Sturdee

Promulgation: Confirmation of finding and sentences promulgated to accused on 25 June 46. All accused executed by hanging at Rabaul on 26 June 46.

Petition: Submitted Apr 46 by all accused against findings and sentences.

J.A.G.'s Report on Petition: Findings and sentences should be confirmed.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered

DPW(AG13(2a))/WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R136 Ans. 112

AWC No.....2656.....

Accused: Cpl OYE Shigeto

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 15 June 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR in that he at NAMARIA about August 1944 ill-treated Pte GOR BUN HARN a Prisoner of War.	Not guilty	Guilty

Precis of Evidence: 1. Evidence for the prosecution was given by the said GOR BUN HARN and Pte FONG HAI LEONG. Both witnesses were members of the Chinese National Army and were PW in Japanese hands at NAMARIA, NEW BRITAIN. The said GOR BUN HARN was employed in digging a tunnel and he was very tired and thirsty. The accused ordered him to dig faster but he was unable to do so. The accused then took GOR BUN HARN outside the tunnel and beat him with a stick about 3 feet long and 1½ inches thick. The accused then threw GOR BUN HARN to the ground by means of ju jitsu and when he was lying on the ground the accused said to him "If you die, it will be all the better." The accused struck GOR BUN HARN a number of blows with the stick and he was rendered unconscious. When GOR BUN HARN recovered he had pains in his kidneys, chest and back. The evidence of GOR BUN HARN was verbal and the evidence of FONG HAI LEONG was documentary and contained in a written statement. The evidence of FONG HAI LEONG corroborated the evidence of GOR BUN HARN in regard to the beating. (See over)

Sentence and Date: To be imprisoned for 2 years. 15 Jun 46.

Confirmation and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDEE.

Promulgation: Confirmation of finding and sentence promulgated to accused on 9 Oct 46.

Petition: Petition lodged 22 June 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss the petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

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2. The accused in evidence denied ill-treatment as alleged but admitted that he knew the witness GOR BUN HARN. He stated that he was always engaged in carpentering work for the Veterinary Section and after the middle of Sept 44 Chinese had work with him. No Chinese had worked with him prior to that date. He had never beaten or kicked such Chinese. The evidence of Veterinary Surgeon Lt. HING was submitted by the defence. This witness stated that the accused had worked for the Veterinary Section from July 44 to about the middle of Sept 44 and during that time no Chinese worked with the accused.

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2653

Accused: L/Cpl KANAI Toshizaku

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 14 June 46
Formation: 8 MD.

Charge(s)	Plea	Finding
Ill-treatment at RABAUl about 5 May 1943 of Pte LIN FAR DING a prisoner of war.	Not Guilty	Guilty

Precis of Evidence: 1. The case for the prosecution consisted of the verbal evidence of Pte KUNG WAN CHI. Both Kung Wan Chi and Lin Far Ding were members of the Chinese Army and were PW in Japanese hands at Rabaul. On 5 May 46 at about 0700 hrs LIN FAR DING was employed as a cook for the Japanese. He attempted to enter the store to get oil for cooking. It was customary for him to get goods from the store when he required them. On the morning in question the accused would not permit him to enter. He told the accused he usually took the oil but the accused became angry and beat him with a stick for about 15 minutes. The stick was about 5'6" long and about 2" thick. Immediately after the beating LIN FAR DING was unable to walk and was suffering pain.

2. The accused denied that he had ever beaten any Chinese with a stick and denied that he was in any way concerned in the alleged assault. He did not know either LIN FAR DING or the witness KUNG WAN CHI and further ~~stated that his duties consisted of driving motor vehicles.~~

Sentence and Date: To be imprisoned for 1 year - 14 June 1946.

Confirmation and by Whom: Lt-Gen V.A.H. Sturdee.

Promulgation: Confirmation of finding and sentence promulgated to accused on 5 Nov 46.

Petition: Lodged 27 June 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 16D

AWC No.....

Accused: Sgt NAKADE Jiro

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 13 June 46.
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR in that he at PILA about 22 April 1945 ill-treated Pte SHIN DJIN BIU a prisoner of war.	Not guilty	Not guilty

Precis of Evidence: Pte SHIN DJIN BIU, a private in the Chinese National Army gave evidence on oath/identified the accused. Inter alia he stated that about 22 April he "did not have any trouble with the accused." He further stated that "usually the accused treated us very badly" but there was nothing particularly between me and the accused". The Court expressed the opinion that there was no case to answer and found the accused not guilty of the charge.

Sentence and Date: Not guilty - 13 June 46.

Confirmation and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2820

Accused: S/M KARUBE Saburo

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 13 June 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR (1) in that he at KOMAREYA about 7 Feb 45 ill-treated a number of Indian PWs. (2) in that he at KOMAREYA ill treated 2/Lt HARI KISHAN DAS, a prisoner of war.	Not guilty on both charges.	Guilty on both charges.

Precis of Evidence: The evidence for the prosecution on both charges was contained in a written statement made by 2/Lt HARI KISHAN DAS (referred to in the 2nd charge) and the interrogation of the accused reduced to writing and signed by the accused. The statement of HARI KISHAN DAS contained the following facts. Members of 1st Bn. Hyderabad Inf. were PW in Japanese hands at KOMAREYA, NEW BRITAIN. The treatment was harsh, food was in very small quantities and PW were compelled to work in fatigues for 16 hours each day without a holiday. On the morning of 7 Feb 45 the food given to the Indians was so small in quantity that they decided not to eat it and go out on fatigue without food. About midday they were recalled from fatigue and the accused and S/M OKIMURA ordered them to fall in. The accused addressed the Indians and asked the culprits who instigated the hunger strike to confess otherwise two of them would be selected and shot. No one confessed and both the Japanese became angry and thrashed the Indians very brutally and some of (P.T.C.)

Sentence
and Date: To be imprisoned for 3 years. 13 Jun 46.Confirmation
and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDEE.Promulgation: Confirmation of finding and sentence promulgated to accused
on 9 Oct 46.

Petition: Lodged 25 June 46 against findings and sentence.

J.A.G.'s Report on Petition: Confirm findings and sentence and dismiss the petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

77

them were rendered unconscious, as a result of the thrashing, for some hours. The ORs were then sent back to fatigue duties and the officers were retained. The accused suspected HARI KISHAN DAS of causing the trouble and charged him with being non co-operative and protecting his soldiers whenever possible. He became angry and "trembled with rage." The accused then beat HARI KISHAN DAS with his hands and struck him on the temples twice and kicked him. After this assault the officers were ordered to return to their fatigue duties.

2. The accused denied the ill-treatment as alleged. He admitted that the Indian PW had refused to eat their breakfast and that he had spoken to the ORs and asked for the person who had caused the agitation to confess. As no one confessed, the Indian ORs were returned to their fatigue duties. He then addressed the officers and while he was speaking his voice trembled "a little in excitement with zeal." HARI KISHAN DAS laughed with a scornful attitude and a cynical look on his face. He further stated that "suddenly I lost my temper and I slapped 2/Lt DAS twice." Subsequently HARI KISHAN DAS apologised to the accused. The defence did not call OKIMURA as a witness. The accused admitted this Japanese was present when he alleged assaults took place. The evidence of USUI YOSHIO was adduced and in substance he corroborated the evidence of the accused.

AUSTRALIAN MILITARY FORCES

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

DPW(AG13(2a))/WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R108 Ans 158

AWC No. 2819

Accused: Cpl ITAHASHI Shigeo

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 12 June 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at KAMORIYAMA about 4 June 45 - of Sepoy ABDUL RAHMAN	Not Guilty	Guilty

Precis of Evidence: The evidence adduced by the Prosecution was documentary and consisted of a written statement made by one SF6267 Jemadar QUTBUDDIN and the interrogation of the accused reduced to writing and signed by him. The deceased was a prisoner of war and it was alleged that on 2 June 46 he was suffering from dysentery and a severe cough. He stated he required a rest from fatigues and he so informed the accused (named in the statement as "JOTO HEI ITABASHI"). The accused slapped the deceased and tripped him causing him to fall to the ground. The accused then kicked the deceased with his boots, on the chest and stomach and then proceeded to strike him with a shovel. The deceased was treated by an Indian nursing orderly but he died on 4 June 46.

2. The accused did not give evidence. In his interrogation he stated that he had been in charge of Indians at KOMORIYAMA but he did not know the deceased by name. He remembered the nursing orderly referred (Over)

Sentence To be imprisoned for 20 years
and Date: 12 Jun 46

Confirmation Finding and sentence NOT confirmed
and by Whom:

Promulgation: Non-confirmation of finding and sentence promulgated
to accused on 17 Oct 46.

Petition: Lodged 25 June 46 against finding and sentence.

J.A.G.'s Report on Petition: That the finding and sentence should NOT be confirmed.
That there is no legal reason why the accused should not be retried.

Action on Petition: Upheld.

Filed in Attorney-General's Department and Numbered.....

Precis of Evidence (Contd:

to above. He admitted having beaten with his hands two Indians whom he named.

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AUSTRALIAN MILITARY FORCES

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

DPW. (AG13)2a//) SG/WML

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ring Aus 157
Complete

AWC No.....2876.....

Accused: C/Cpl ARITAKE Hideo

Aust W.C. List Ser No.....

Court, Place,
Date and
Formation: Rabaul
12 Jun 46
8 M.D.

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR to wit at New Britain about 8 Aug 45 assaulted NG YOKE SEE, CHAY CHOY, FOOK SOON KHAN, YEUN CHEE YEUN and FOONG YIN, Chinese Nationals.	Not guilty	Guilty.

Precis of Evidence: The persons named in the charge were Chinese nationals conscripted in Japan and brought to Rabaul. Evidence for the prosecution was given by NG YOKE SEE to the effect that he and the other Chinese named in the charge were employed by the Japanese as labourers. The Chinese were engaged doing certain duties in connection with a distillery for making alcohol. The witness alleged that on 8 Aug 45 the accused stole four bottles of wine which had been made at the distillery. Later on the same day, the accused accused the Chinese of stealing goods from the store and asked them to confess. The Chinese would not confess and they were taken into a cave and he struck each of the Chinese three times on the body with a stick about 4 feet long and 3 inches in diameter. He again asked them to confess to the theft and they again refused. The accused struck them again with the stick until 4 of the Chinese were rendered unconscious. The Chinese reported to a Major named OKAHARA but he did not take any notice of the complaint. (See over for remainder)

Sentence and Date: To be imprisoned for 6 months. 12 Jun 46.

Confirmation and by Whom: Confirmed Lt-General V.A.H. STURDEE 3 Sep. 46

Promulgation: 9 Oct. 46

Petition: Petition lodged 18 Jun 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm findings and sentence and dismiss the petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

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2. Evidence for the defence was given by the accused and Major OKAHARA. The accused admitted that on one occasion when the Chinese refused to confess to the theft of alcohol, he became irritated and lost his temper and slapped the Chinese as a warning. The witness for the defence corroborated the evidence of the accused that the Chinese were in the habit of stealing alcohol. He also stated that he punished the accused because he had slapped the Chinese. The accused also denied that he had ever struck the Chinese with a stick

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AUSTRALIAN MILITARY FORCES

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

DPW(AG13(2a))WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R94
Qu 154

AWC No.....

Accused: Cpl AJIMA Yuchi

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and 7 & 8 June 1946
Formation: 8 MD

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that he at NEW BRITAIN illtreated Sepoy VENKAT SWAMY of 1 Bn Hyderabad Inf., a Prisoner of War.	Not Guilty	Not Guilty

Precis of Evidence: The substance of the evidence for the prosecution contained in statements made by VENKAT SWAMY and two other Indians was to the following effect. A Japanese named in the statements as JOTO HEI: AZEEMA was cruel to Indians with whom he came into contact and repeatedly beat them. In June 45 this Japanese was working in a party along with VENKAT SWAMY. Suddenly the the Japanese called out to VENKAT SWAMY "Soon, soon" & then rushed at him & struck him on the head with a spade causing bleeding from the head. VENKAT SWAMY was taken to his quarters where he was under medical treatment for two months. Written interrogation of the accused was put in evidence and the accused admitted therein that he knew and worked with VENKAT SWAMY. The accused in evidence said that he was working with a hoe very close to where VENKAT SWAMY was working. He saw the Indian pulling up a root and suddenly he staggered back just as he (the accused) was bringing down the hoe to strike the ground. VENKAT SWAMY was struck on the head. The accused said he gave(over)

Sentence and Date: NOT GUILTY - 8 June 46

Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

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Contd (Page 2)

him first aid immediately and that VENKAT SWAMY was treated for about 2 weeks. He denied the allegations of illtreatment.

AUSTRALIAN MILITARY FORCES

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

DPW(AG13(2a))/WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R115 Quon 153

AWC No. 2818

Accused: S/L ONO Tameo

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 7 & 8 Jun 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT of a prisoner of war to wit at or near Rabaul about Aug 1945 ill-treated No.223 Sepoy Ahmed Sharif of 1 Bn. Hyderabad Inf., a PW.	Not Guilty	Guilty

Precis of Evidence: The evidence for the prosecution was documentary consisting of statements made by Sepoy Ahmed Sharif, Amir Ahmed, Havildar NARHARI Singh, and written interrogation of the accused. The statement of AHMED Sharif which is corroborated by the statements of AMIR AHMED and NARHARI Singh contains (inter alia) the following facts. About 4 days before the Armistice AHMED Sharif was returning to camp from guard duty at a tapioca field. He was confronted by the accused who commenced to beat him without giving any reason at all. When AHMED Sharif enquired the reason for the beating he was informed by the accused that it was because he had stolen some ginger. AHMED Sharif said he was not the culprit but the accused would not listen to him. He continued to beat him with a stout stick on all parts of the body for a considerable time and at intervals he asked AHMED Sharif if he was still alive. An Indian officer, Lt-Col Syed MOHAMMED ISHAQ intervened and tried to explain what had happened but the accused refused to listen. AHMED Sharif suffered extensive bruising and (P.T.O.)

Sentence and Date: To be imprisoned for 5 years. 8 Jun 46.

Confirmation and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDEE.

Promulgation: Confirmation of finding and sentence promulgated to accused on 9 Oct 46.

Petition: Petition lodged 17 Jun 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

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abrasions and still suffered pain in his side and back. He had to receive medical treatment for a month.

2. The accused gave evidence in his defence and such evidence was corroborated in substance by S/M KANUBE. The accused stated he did not know an Indian named AHMED Sharif but knew an Indian by the name of AND SHIRI. He admitted that he was convinced that this Indian was guilty of theft of onions and ginger and that he met the Indian one day when he was returning from the garden. He slapped him with his hand about tentimes until the Indian "toppled down" and he pushed him out of the way. He denied striking the Indian with a stick at any time.

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 152

R103

AWC No.

Accused: L/Cpl ITO Toyagi

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 7 Jun 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL TREATMENT OF A PRISONER OF WAR in that he at KOMORIYAMA about Sep 1944 ill-treated No.101 Sepoy PEMA of 1/8 Punjab Regt a PW	Not Guilty	Not Guilty

Precis of Evidence: The prosecution tendered in evidence in support of its case a copy of a document purporting to be a copy of a statement made by the said Sepoy PEMA. The document was not signed and it was not admitted by the Court. The interrogation of the accused which had been reduced to writing and signed by the accused was then admitted in evidence. In such interrogation the accused denied that he was ever at KOMORIYAMA or that he knew Sepoy PEMA. The defending officer submitted that there was no case to answer. The submission was upheld by the Court and the accused was found not guilty.

Sentence
and Date: Not guilty - 7 Jun 46Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

AUSTRALIAN MILITARY FORCES

DPW(AG13(2a)) WMcL /AR.

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. No.2645

Accused: Cpl OWA Tatsuo

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 7 June 1946
Formation: 8 MD

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR		
(1) At NEW BRITAIN about May 1944 he cruelly beat Gnr RAHMAT KHAN of H.K.S.R.A. a Prisoner of War	NOT GUILTY ON ALL CHARGES	GUILTY ON ALL CHARGES.
(2) At NEW BRITAIN about March 1945 he cruelly beat L/NK MALIK KHAN of H.K.S.R.A. a Prisoner of War		
(3) At NEW BRITAIN about October 1943 he cruelly beat Gnr NOOR MOHD a Prisoner of War		

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of statements made by each of the Indians named in the charges and the written interrogation of the accused and signed by him.
2. In connection with the first charge the statement made by RAHMAT KHAN contained the following facts on 5 May 1944 the accused ordered RAHMAT KHAN to climb a coconut tree but RAHMAT KHAN asked that he should not be ordered to do so as he was sick and could not climb. The accused then beat RAHMAT KHAN with a stick and kicked him till he fell to the ground in an unconscious condition. In the statement the name of the accused is shown as "ABE SOCHO of OWA HECHO of YAMAMOTO BRUTAI." It appears to be clear that there are two Japanese soldiers referred to and it should read ABE SOCHO and OWA HECHO of YAMAMOTO BRUTAI (YAMAMOTO BRUTAI being the name of a unit). In any event the accused was identified by RAHMAT KHAN by means of a photograph. (Over)

Sentence and Date: TO BE IMPRISONED FOR 5 YEARS - 7 June 46

Confirmation and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDIE

Promulgation: Confirmation of finding and sentence promulgated to accused on 9 Oct 46.

Petition: Lodged 18 June 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm findings and sentence and dismiss petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

Precis of evidence (contd):

3. In connection with the second charge the statement by MALIK KHAN contained the following facts. On 15 March 45 whilst MALIK KHAN was on fatigue duty, allied fighter planes came over and machine gunned the area. The Japanese soldiers took cover in a trench and MALIK KHAN asked permission to take cover also. Some of the Japanese told him that the planes belonged to the Japanese but when MALIK KHAN recognised them as Allied planes he took cover in a trench. After the raid MALIK KHAN resumed fatigue duty. The accused approached him and without giving any reason struck MALIK KHAN with a heavy stick until he fell to the ground in an unconscious condition.

4. In connection with the third charge the statement of NOOR MOHD contained the following facts. On 15 Oct 43 NOOR MOHD was carrying out fatigue duty in digging a tunnel. The accused ordered him to lift a heavy coconut log but on account of ill-health he was unable to do so. The accused became angry and beat him with a heavy stick "mercilessly and severely" until he fell to the ground in an unconscious condition. His right leg was injured and he was sick for several days as a result thereof.

5. In respect of all the charges the accused denied the alleged assaults and stated that he had at no time Indians under his charge. He also claimed that all Indians except medical cases were moved out of the area in April 44. In this he was supported by S/M ABE Keiji.

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AUSTRALIAN MILITARY FORCES

AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

DPW(AG13(2a))/ WMcL /AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2637

Accused: Capt SEKI Takashi

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 7 Jun 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR at or near Rabaul on or about 22 Aug 45 namely No.6808 Jemadar RAHMAT ALI No.1 AW Coy IE, a Prisoner of War.	Not Guilty	Guilty

Precis of Evidence: The said Jemadar RAHMAT ALI was an officer of the Indian Army and a prisoner of war in Japanese hands. On 21 Aug 45 after the Japanese surrender Indian personnel were issued with Japanese hats with red markings to indicate officers. The said RAHMAT ALI destroyed the hat issued to him and the fact was reported to the accused. Prior to this occasion the said RAHMAT ALI had been at variance with the accused the appointment of an Indian as leader of the Indian PW. The officer so appointed by the Japanese was junior to RAHMAT ALI. After the destruction of the hat all Indians were paraded by the accused. The accused slapped the said RAHMAT ALI with his hand until he was tired and then he flogged him with a leather belt. The said RAHMAT ALI fell to the ground in an unconscious state and on three occasions he was revived with water and the accused continued to flog and kick him. The said RAHMAT ALI was then tied to a tree. The accused obtained a sword and raised it as though he were about to decapitate the said RAHMAT ALI but was restrained by another Japanese. The accused made another attempt (over)

Sentence
and Date: To be imprisoned for 10 years - 7 Jun 46

Confirmation
and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDEE

Promulgation: Confirmation of finding and sentence promulgated to accused on 9 Oct 46.

Petition: Lodged 20 Jun 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.....

Precis of evidence (contd):

and was again stopped. The accused then struck the same RAHMAT ALI with the sword scabbard on the head until RAHMAT ALI became unconscious again. The said RAHMAT ALI was then placed in a shell hole from 23 Aug 45 until 12 Sep 45 and was not permitted to vacate the hole for any purposes at all. On one occasion during the incarceration the said RAHMAT ALI together with other Indian officers were paraded before the accused. The accused asked those present to forgive him for his wrongs. The said RAHMAT ALI refused to do so and he was taken back to the shell-hole until he was released as a recovered PW.

2. The accused denied the ill-treatment as alleged. He stated that when he heard of the destruction of the hat by RAHMAT ALI "I pushed his body with my hand and gave him 3 or 4 slaps with another hand." He denied that RAHMAT ALI had been imprisoned at all.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R106 Chus 149

AWC No.....

Accused: L/Cpl HONDA Minoru

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 6 June 46
Formation: 8 MD.

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR in that he at Rabaul about September 1944 ill-treated NO.354 Sepoy MOHAMMED IMAN of 1 Bn Hyderabad Inf, a prisoner of war.	Not guilty	Not guilty.

Precis of Evidence: The evidence for the prosecution was documentary consisting of written statements by the said MOHAMMED IMAN and three members of the Indian Army. It was alleged that MOHAMMED IMAN had been purchasing food-stuffs from a native and he was observed doing so by the Japanese. Three Japanese named in the statements as "JOTO HEI, ABAW and HONDA" tied MOHAMMED IMAN to a tree and he was beaten by the Japanese with stout sticks on all parts of his body. When the Japanese tired of beating the Indian they dug a grave with the intention of burying him but they did not do so. He was then imprisoned in a tunnel for about 13 days and given one meal a day during the period. On his release he was under medical treatment for about 2 months. The defending officer submitted that there was no evidence of identification and the submission was upheld by the Court.

Sentence and Date: Not guilty - 6 June 46.

Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R102 Aug 146

AWC No. 720

Accused: Civilian HAYASHI Yoshinori

Aust W.C. List Ser No.

Court, Place, RABAUL
Date and 29 and 30 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER near RANAU - BORNEO in or about April 1945 of Pte Noel PARKER of 2/20 Aust Inf Bn.	NOT GUILTY	GUILTY

Precis of Evidence: 1. The deceased was a PW in Japanese hands and about the end of March 1944 he was a member of a party of PW which was being moved from Paginatan to Ranau. This party consisted of about 30 Australians. The escort were comprised of Formosans. The distance to be travelled was about 26 miles and the journey occupied 5 days. The accused was a member of the escort. The condition of the PW who made the journey was not good. When the party was about 8 miles from Ranau the deceased could not keep pace with the other members of the party. He was suffering from a swollen leg caused by beri beri. He was then assisted by two Australians namely Bdr Moxham (who gave evidence on behalf of the prosecution and WO Kinder. The accused kept shouting at them to hurry up but the deceased could not continue. The accused then came back to the three men and struck the deceased on the head and shoulders with the butt of his rifle. The deceased fell to the ground and the accused ordered WO Kinder and Bdr Moxham to join the main party.
(Over)

Sentence and Date: DEATH BY HANGING - 30 May 46

Confirmation and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDEE 2 Aug 1946

Promulgation: 30 August 1946 (Executed at RABAUL on 31 August 1946)

Petition: Lodged 7 June 1946 against finding and sentence

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss petition.

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

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Precis of Evidence (contd):

They then heard the deceased screaming and on looking back they saw the deceased lying on the ground and the accused was striking him with his rifle butt. WO KINDER returned and pleaded with the accused to stop striking the deceased. The accused swung his rifle at WO Kinder and the accused again proceeded to strike the deceased with his rifle butt unmercifully. The accused continued to strike the deceased for about 10 minutes. WO Kinder and Bdr Moxham were then ordered to place the body of the deceased in the ditch at the side of the road. The deceased was dead at that time. Apart from the evidence of Bdr Moxham one Keith Botterill also gave evidence for the prosecution to the effect that he saw a body at the roadside and recognised it as the body of the deceased.

2. The accused denied the charge and stated (inter alia) that he did not at any time strike the deceased with his rifle butt or in any other way which would inflict injury.

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R101 Qu 145

AWC No.....

Accused: L/Cpl MENA Hishao

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 28 May 46
Formation: 8 ID.

Charge(s)	Plea	Finding
<u>1st Charge</u> MUTILATION OF THE DEAD in that he at N.G. on or about 20 Jul 45 mutilated the dead body of a deceased soldier.	Not guilty on both charges	Not guilty on both charges
<u>2nd Charge</u> CANNIBALISM in that he at New Guinea on or about 20 Jul 45 ate portion of the dead body of an Australian soldier.		

The prosecution relied on the evidence of one Lt TAZAKI Takahiko

Precis of Evidence: At the outset TAZAKI stated that on 20 Jul 45 he saw the body of an Australian soldier and that he cut some flesh from the body and ate it. He further stated that the accused was present and he could not remember what the accused did at the time. The Prosecuting Officer by leave of the Court tendered interrogations reduced to writing and signed by TAZAKI. In these interrogations TAZAKI admitted (inter alia) that he and the accused mutilated the body with a dagger and a pocket knife and that he (TAZAKI) had eaten some of the flesh. Later in the course of the proceedings the Court granted the Prosecuting Officer leave to treat TAZAKI as a hostile witness and a declaration by TAZAKI marked Exhibit "A" was referred to. In this declaration TAZAKI admitted (inter alia) that assisted by the accused he cut up the body of the deceased Australian soldier and "we subsequently ate portion of it". The accused in evidence in his defence admitted being on guard pursuant to TAZAKI's orders and whilst TAZAKI was cutting up the body. TAZAKI gave him three small pieces of flesh which he buried without eating.

Sentence
and Date: Not guilty - 28 May 46.Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

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detailed summary
of prosecution testimony
concerning Torture

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

B151 144

Civilian KITAMURA Kotoro
 Accused: Civilian KAWAKAMI Koyoshi
 Civilian SUZUKI Saburo

AWC No. 755,751,824.

Aust W.C. List Ser No.....

Court, Place, Rabaul
 Date and 25, 27 and 28 May 46.
 Formation: 8 MD.

Charge(s)	Plea	Finding
MURDER at RENAU BORNEO about March 1945 of Pte CLEARY a member of the Australian Imperial Force.	Not guilty	All accused guilty..

Precis of Evidence: Evidence for the prosecution was given by one Keith Botterill a former member of the AIF and a former PW in the hands of the Japanese. His evidence contained (inter alia) the following facts. The deceased along with another Australian PW namely Gnr CREASE, escaped from custody in or about March 45. About 4 days later the witness on returning from a fatigue with a rice carrying party noticed that the deceased had been recaptured and he was in the guard house. The guard house was a portion of a hut used by all PWs. It was a long hut and one end of it was used as a hospital, the centre portion was occupied by PW and the other end was used as a guard house. There were no partitions in the hut. When the witness first saw the deceased after his recapture he was inside the guard house kneeling on the gravel floor, with a round rough bush log about 6 feet long and 3 inches in diameter tied to the back of his legs behind his knees. He was clothed only in a "G" string, his arms were tied high up behind his back and fresh and dried blood on his face and body. The accused KITAMURA (who was either (over)

Sentence To suffer death by hanging.
 and Date: 28 May 46.

Confirmation
 and by Whom: Lt. Gen. V. A. H. STURDEE.

Promulgation: Confirmation of finding and sentences promulgated to accused on 17 Oct 46. Each accused executed at Rabaul on 18 Oct 46

Petition: Lodged by each of the accused against findings and sentences.

J.A.G.'s Report on Petition: Confirm findings and sentences and dismiss petitions.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered.....

Guard Comd or 2/c) and the accused SUZUKI (who was either 2 i/c or a member of the guard) were both present. There were at least two other Japanese present. The witness saw the accused kick the deceased viciously on the body and face and mouth. At times they held the deceased's head up and hit him on the throat with their knuckles, and then charged him with fixed bayonets stopping about an inch from his face. Both the accused jumped on the log at the back of the deceased's knees causing him to scream in pain. Sometimes they stamped on the log with one foot and at times with both feet. About every half hour they made the deceased stand up on his feet and cause further pain. During this time the Japanese (which included the accused) struck the deceased with fists, sticks, rifle butts and anything else which came to hand. The ill-treatment as above lasted from about 1400 hrs until 1930 hrs. At 1930 hrs the PW were ordered to go to their bunks but the witness heard the deceased moaning and crying out all night. The witness heard that the deceased was not affixed to the log all night but at 0650 hrs next morning the log was again fixed to his legs. The same Japanese continued the ill-treatment of the same nature as before until 0845 hrs when the guard was changed. The ill-treatment continued until the witness went out on fatigue and on his return at midday the ill-treatment was continuing. At this time the accused KAWAKAMI together with 4 other Japanese were continuing the ill-treatment. The witness thought that the accused KAWAKAMI was the Guard Comd. Shortly after midday Japanese MP brought Gnr Crease into the Guard House. The deceased was then kicked under a bunk by the accused KAWAKAMI. At this time the deceased was kneeling down about 2 feet away from the bunk. At about 1800 hrs the deceased was ordered to come out from under the bunk and the log which was affixed to Gnr Crease's legs was also affixed to the deceased's legs. The ill-treatment of jumping on the logs striking with fists and rifle butts and kicking was continued. The deceased and Crease begged the accused and the other Japanese to stop but the more they begged the more brutal was the ill-treatment. This ill-treatment continued till dark for about 1 1/2 hours. The nature of the ill-treatment on this occasion was punching on the Adams Apple grinding the knuckles into the eyes of the Australians, pumping their heads together by catching hold of the hair of their heads, jabbing the muzzle of rifles into their chests and backs and hitting them on the head and side of the face with rifle butts. The witness heard this ill-treatment continuing throughout the night particularly when the guard was being changed. Next morning at 0700 hrs both the Australians were attached to the log again and the accused KAWAKAMI was the only guard present at this time. The ill-treatment meted out was particularly brutal. The accused KAWAKAMI stopped torturing the deceased and Gnr Crease and was checking out fatigue parties. An opportunity presented itself and Gnr Crease managed to escape into the jungle. Immediately thereafter the witness was taken out on fatigue and did not return for four days. On his return he observed the deceased tied with a rope by the neck to a tree and he was still dressed only in a "G" string. There were multiple bruises and blood blisters on his face and all over his body and his face and body was covered with dried blood. He was in a very filthy state. There was excreta on the ground and the deceased was obviously suffering from a type of dysentery. The place where he was tied to the tree was exposed to the hot sun in the day time and at night the weather was extremely cold and he remained there for about 4 days. During that period the Japanese repeatedly struck the deceased with rifles and kicked the deceased. This would occur on an average of 30 times a day. During this period each of the accused indulged in kicking the deceased and striking him with their rifles. At the end of four days the deceased was moved to a place near a gutter on the road side. He was then in a very weakened condition and was semi-conscious. Eventually the deceased was released and he was brought into the PW quarters in a dying condition and he died very shortly after. Repeatedly the accused KAWAKAMI said to the Australians "If you escape the same thing will happen to you".

2. The accused each gave evidence in their defence and they denied having taken any active part in the alleged punishment and ill-treatment, of the deceased and stated that they were absent from the area at all material times. They called corroborative evidence to this effect.

3. The prosecution called rebutting evidence to the effect that the accused were present at all material times.

RECORD OF MILITARY COURT

R127 Aus. 143

(JAPANESE WAR CRIMINALS)
Lt-Gen ITO Takeo AWC No. 2113, 2130, 2133,
Lt-Col SATO Tadahiko 2669, 2905, 2108, 2846
Capt OTSUKA Masanori AWC No. 2131, 2132.
WO MATSUMOTO Tsugiji
WO UENO Koichi
Accused: S/M KAWAMURA Kagaaki Aust W.C. List Ser No.
Sgt SHIRAKI Jinichi Cpl WATANABE Moju (Not Guilty)
Cpl KAWASAKI Masatoshi (Not Guilty)
Court, Place. RABAU
Date and 24 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at NEW IRELAND in or about 1944-45 of a number of chinese civilians, half caste civilians, and natives.	Not Guilty	All accused guilty except WATANABE and KAWASAKI.

Precis of Evidence: The evidence for the prosecution consisted of written statements made by two natives, interrogations reduced to writing and written statements by certain accused and two Japanese soldiers.

2. In substance the admitted facts were that the Japanese from April or May until the cessation of hostilities suspected certain Chinese civilians, half caste civilians and natives of espionage. Throughout the whole case no evidence was brought forward by the defence to establish any actual cases of espionage and only very general statements were made in regard thereto. Certain inhabitants of the Island were arrested and at various times executions took place. One witness for the prosecution furnished the names of some of the persons who were executed and stated that there were many more. Prior to such executions certain investigations were made and statements were obtained and forwarded to the accused MATSUMOTO who was in charge of a detachment of Military Police. The accused MATSUMOTO passed the documents to his CO the accused OTSUKA who was in charge of the Military Police.

The accused OTSUKA (Over)
Sentence: The convicted accused ITO, T SATO, T Death by shooting - 24 May 46.
and Date: The remaining convicted accused - Death by hanging - 24 May 46.

Confirmation and by Whom: Finding and sentences in each case NOT confirmed.

Promulgation: Non-confirmation of findings and sentences promulgated to each accused (except MATSUMOTO, UENO, and SHIRAKI) on 18 Oct 46. Accused MATSUMOTO, UENO and SHIRAKI executed on 26 Jun 46 in respect of RABAU COURT NO. 35.

Petition: Petition lodged 5 Jun 46 by convicted accused ITO T against finding only. Petitions lodged 5 Jun 46 by all other convicted accused against findings and sentences.

J.A.G.'s Report on Petition: That the findings and sentences should not be confirmed.

Action on Petition: Petitions upheld.

Filed in Attorney-General's Department and Numbered.....

Precis of Evidence (Contd).

passed the statements to the accused SATO the staff officer to the accused Lt-Gen ITO, and after examination of the statements the accused SATO would pass such statements to the accused Lt-Gen ITO and usually expressed his opinion on the case in question. Lt-Gen ITO was the Supreme Commander of the Japanese Forces in New Ireland. On occasions Lt-Gen ITO would send the papers back for further investigation regarding the case under consideration. When he was satisfied that all enquiries had been made he would consider the case and decide whether the accused person was guilty or not guilty. He would then in the cases where he considered the accused guilty, decide upon the punishment which was usually a whipping or execution. If the accused person was considered to be not guilty he would order release. The findings, where guilty together with the punishments imposed and the findings of not guilty together with orders for release were then passed back to the accused SATO who in turn passed them to the accused OTSUKA who then sent them to his subordinate the accused MATSUMOTO. MATSUMOTO then gave orders to his subordinates the accused WATANABE and KAWASAKI to carry out the orders of the accused Lt-Gen ITO to effect releases, or whippings or executions as ordered in each case. The accused KAWAMURA, SHIRAKI, WATANABE, KAWASAKI and UENO admitted in evidence that they took part in the executions but claimed that they merely carried out orders.

3. Each accused gave evidence in his defence and briefly their defence was as follows :

Lt-Gen ITO, claimed that he tried the persons who were accused of espionage in accordance with International Law. He also stated that he accepted the whole responsibility for having adopted such method of trial. He considered he had given accused persons a fair trial and in fact had ordered the release from custody of a number of persons. He also admitted giving orders for executions of persons whom he found guilty and whose acts warranted sentences of death.

The accused SATO claimed that he merely acted in the capacity of Staff Officer to the accused Lt-Gen ITO. He also expressed the opinion that the alleged trials conducted were the best available means in the existing circumstances in New Ireland.

The accused OTSUKA admitted passing on the orders received from the accused SATO. He contended that this was the only part he took in connection with the execution.

The accused MATSUMOTO denied that he took part in the executions or that he was present at any of the scenes of such executions. He admitted he passed on the orders to his subordinates to conduct the executions.

The accused UENO, KAWAMURA, SHIRAKI, WATANABE, and KAWASAKI stated in evidence that they took part in the executions and contended that they were carrying out the orders of superior officers.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2244

Accused: S/N MATSUMURA Tadashi

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 21 May 46
Formation: 8 MD

Charge(s)

Plea

Finding

MURDER at New Guinea in or about
Sep 44 of Sepoy BINDRU RAM of 5/2
Punjab Regt.Not
guilty

Guilty

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of the following:- certified copy of statement of Naik BARA SINGH and documents signed by Sgt. SHIGETAKA. The substance of the evidence contained in the statement of BARA SINGH is as follows. In Sep 44 the deceased BARA SINGH and other members of the Indian Army were moving under Japanese escort from PAROM to MOI. Owing to weakness from malnutrition and the weight of the Japanese stores which he was carrying the deceased was unable to keep pace with the main body. During the march BARA SINGH saw SHIGETAKA beat the deceased with a stick and when he fell to the ground he continued to beat him. The deceased was left lying on the roadside. Three days later the deceased arrived at MOI and reported to SHIGETAKA who in turn spoke to Lt. OKUBE. Immediately after SHIGETAKA assisted by the accused bound the deceased to a tree with a rope passed tightly round his neck and as a result he was strangled. Subsequently BARA SINGH ~~attended the burial of the deceased. The said SHIGETAKA committed suicide~~ (P.T.O.)

Sentence
and Date: To suffer death by hanging - 21 May 46.

Confirmation Lt-Gen V.A.H. STURDEE
and by Whom:

Confirmation of finding and sentence promulgated to accused on
Promulgation: 18 Oct 46. Accused executed at Rabaul on 19 Oct 46.

Petition: Petition lodged 7 June 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss the
petition.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered.....

prior to this trial and left two written documents. One of these documents contains (inter alia) the following words. "However among the three charges the following two, BINT RAM's charge is definitely not connected with S/Major MATSUMURA and GARUJU RAM's charge is definitely not connected with Capt. OKUBO"; and the other document contains (inter alia) the following words "I swear that everyone is not connected with the matter which concerns my incident."

2. The accused gave evidence in his defence and he stated that he had heard of the deceased and that he had been strangled by SHIGETAKA. He denied being present or taking any part in such strangling whatsoever. He admitted that he knew BARA SINGH and that when interrogated he had stated that he did not know the deceased and that he had not disclosed any information regarding the strangling because he was protecting the said SHIGETAKA.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Sgt CHIBA Kihatsu

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and 20 May 46
Formation: SMD

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that he at NEW BIRTAIR on or about 8th August 1945 cruelly beat 28009 Sepoy SHIEK AHMED, a prisoner of war	Not Guilty	Not Guilty

Precis of Evidence: The evidence for the prosecution consisted of two written statements made by Indian PW. It was alleged that SHIEK AHMED was very weak through illness. He was given an order by the accused in Japanese but he did not understand it. The accused then beat SHIEK AHMED with a stick until he became unconscious. After the beating he was bleeding from wounds in the neck and chest and the accused ordered that he was not to be given any food. About a week later when SHIEK AHMED was still in bed the accused came and threw him out of bed on to his back. He kicked him about a dozen times & then put his foot on his neck for about 5 minutes. SHIEK AHMED appeared to be dead and the accused had him removed and buried. The defence alleged that in August the accused had no contact with Indians and denied the illtreatment. It was also alleged that SHIEK AHMED died as a result of a tropical ulcer. The accused gave evidence and his evidence was corroborated by witnesses.

Sentence and Date: NOT GUILTY - 20 May 46

Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R80 Ques 140

AWC No.....

Accused: Capt OTSUKA Riichi

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 17 May 46.
Formation: 8 LD.

Charge(s)	Plea	Finding
MURDER in that he in May 43 at SALAMAIIA murdered YEE PIK KHAI a Chinese civilian PW.	Not guilty	Not guilty

Precis of Evidence: The evidence for the prosecution was documentary. It was contained in written statements made by two Chinese. One witness alleged he heard 3 shots fired in quick succession. The witness went to the top of a hill and about 200 yds away saw the deceased, the accused and three Japanese soldiers. The deceased was appealing for his life saying that he had a wife and children in China. The accused was standing about 10 feet away and to the side. The witness then saw a Japanese soldier bayonet the deceased. The statement of the other witness contained hearsay evidence. The accused in evidence denied the charge and alleged that he was a patient in hospital from Feb 43 until 15 aug 43. He further stated that there ^{was} another "Capt OTSUKA" in the vicinity. The evidence as to hospitalization was corroborated.

Sentence and Date: Not guilty - 17 May 46.

Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)R78 Qm 139
AWC No. 2107

Accused: S/M MACHIDA Yoshinori

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 13 and 14 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
1. TORTURE at Rabaul between Dec 43 and Apr 44 of CHIN HIM a civilian	NOT GUILTY	GUILTY
2. TORTURE at Rabaul between Dec 42 and Apr 44 of YIM CHONG acivilian	NOT GUILTY	GUILTY

Precis of Evidence: The case for the Prosecution was contained in the evidence of the two Chinese referred to in the charge. Both Chin Him and Yim Chong were taken from Duke of York Island to Rabaul by the accused. They were to be questioned in regard to certain radio bulbs and a bicycle head lamp which it was alleged were found in the residence of the Chinese at NODUP. The Chinese occupied the same house whilst residing at NODUP. The Chinese stated in evidence that they were kept in prison for about a month and then they were questioned on about 15 occasions. On the occasions of the questionings the said Chinese were either beaten with a cane about 3 feet long and an inch in diameter or forced into a kneeling position and made to remain erect with a stick about 2 inches long and 1 inch in diameter fixed at the back of their knees, or made to lie on their backs whilst water was poured into the mouth and nose. The act of pouring water into the mouth and nose of the said Chin Him caused him to vomit.

(over)

Sentence 10 YEARS IMPRISONMENT - 14 May 46
and Date:Confirmation Lt Gen V.A.H. STURDEE
and by Whom:Promulgation: Confirmation of finding and sentence promulgated to accused
on 16 Aug 46.

Petition: Lodged May 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirmation of finding and sentence and dismissal of
petition.

Action on Petition: Dismissed

Filed in Attorney-General's Department and Numbered.

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Precis of Evidence:

2. The accused gave evidence in his defence. He admitted that on occasions he struck the said Chinese on the face with his open hand but said they were not violent blows, and that he only made threats to pour water into the mouths of the Chinese as a joke in an endeavour to frighten them into making an admission. He denied, in the main, the various allegations made by the Chinese.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

S/M MOTEKI, Motoi
S/M EBINE, Hichinosuke
Cpl HARADA, Nobuyuki
Accused: Cpl YAMABE, Yoshio (Not Guilty)

AWC No. 2794, 2795, 2793, 2796

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and II May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at WARANGOI on or about 17 Oct of No. I993I Sepoy MOHD SHARIF	44 NOT GUILTY	All accused guilty except YAMABE Yoshio - not guilty.

Precis of Evidence: The deceased was an Indian PW in Japanese hands and quarrelled with one of his fellow prisoners. A fight ensued and the Japanese intervened and took the deceased to their barracks. The accused thereupon proceeded to beat the deceased very severely. To prevent the deceased from calling out the accused gagged him with a sandbag. Several Indian PWs witnessed the beating and the gagging. When the deceased was beaten into a state of semi-consciousness the accused dragged the deceased outside and tied him to a coconut tree. He was suspended from the ground, a rope was tied round his legs, waist and hands. The deceased was struggling and loosened the ropes. One of the Indians was forced to tighten the ropes. The deceased at this time was making a noise and one of the accused placed a rope round the neck of the deceased and tied it round the tree. The Indians who were present were then ordered to leave the scene. About 20 minutes later another Indian went to the deceased and found that he was dead. The accused (inter alia) denied that they were associated with the crime.

Sentence
and Date: Each of the guilty accused sentenced to death by hanging.
II May 46

Confirmation
and by Whom: Confirmed by Lt. Gen. V.A.H. STURDEE.

Promulgation: Confirmation of finding and sentences promulgated to each accused on 14 Aug 46. Accused executed by hanging at Rabaul on 15 Aug 46.

Petition: Petitions submitted by each convicted accused against findings and sentences - 24 May 46.

J.A.G.'s Report on Petition: Confirmation of findings and sentences and dismissal of petitions.

Action on Petition: DISMISSED.

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Aust W.C. List Ser No.....

Accused: Cpl MORIOKA Torao

Court, Place, RABAU
Date and 10 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at FOURWAYS on or about 29 Aug 44 of Pnr KALYA MISTRI a member of the Indian Army	Not Guilty	Not Guilty

Precis of Evidence: On 29 Aug 44 the accused was a member of a fatigue party. He was sick and in a weak condition and was unable to work hard. The accused and two other Japanese gave orders to the deceased to work more quickly but the deceased was unable to do so. He then commenced to beat him and such beating lasted for about half an hour. The deceased as a result was rendered unconscious. About an hour later the accused and another Japanese returned with rifles and bayonets and they both bayoneted the deceased through the neck and chest causing death instantaneously. The accused gave evidence in his defence and denied the allegations made. He alleged that the deceased was killed by a bomb from Allied planes. Witnesses were called to corroborate the evidence of the accused.

Sentence
and Date: Not Guilty - 10 May 46Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.

Accused: 2nd Lt SUGIMOTO Tadashi
Cpl KIBO Katsuo

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 9 May 46
Formation: 8 M.D.

Charge(s)	Plea	Finding
MURDER in that they at MINAMISAKI on 19th Dec 44 murdered MANGA KHAN, an Indian prisoner of war	Both accused not guilty	Both accused not guilty

Precis of Evidence: Prior to Dec 44 the accused SUGIMOTO advised Indian PW who were in a working party that he proposed to beat 5 men every day irrespective of whether they had committed an offence or not. On 16 Dec 44 the deceased who was in delicate health was selected and was beaten. He was also beaten on 17, 18 & 19 Dec 44. The accused KIBO administered the beatings and as a result thereof the deceased died on 19 Dec 46. Both the accused gave evidence in their defence and denied beating the deceased. They both alleged that the beatings were carried out by two other Japanese who had been killed in an explosion. There was additional evidence adduced by the ~~prosecution~~ ^{defence} to support the contention that the accused had not beaten the deceased.

Sentence
and Date: Not guilty - 9 May 46Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: W/O OCHI Hideo
Cpl TAKAHASHI Katsumi

Aust W.C. List Ser No.....

Court, Place,
Date and
Formation: Rabaul
8 May 46
8 MD.

Charge(s)	Plea	Finding
MURDER at New Britain on or about 26 Oct 44 of Naik MORD KHAN of H.K.S.R.A.	Not guilty	Not guilty

Precis of Evidence: Evidence for the prosecution consisted of a statement by one Subedar Sahib DAD which contained (inter alia) the following facts :- In the early morning of 26 Oct 44 certain Indian prisoners of war had fallen in for fatigue. The deceased requested that a wound on his leg be dressed and Japanese named as "OCHI GUNSO" and "TAKASHI JOTOHE" struck the deceased with sticks and kicked him on all parts of the body and legs. A request was made to spare the deceased but the Japanese struck him with sticks, the blows being more severe. The deceased was bleeding from the mouth and nose and on 28 Oct 44 he died. Neither of the accused gave evidence in their defence. On interrogations which were reduced to writing, they denied that any happenings as alleged took place. The Japanese defending solicitor submitted that there was no evidence of identification of the deceased.

Sentence
and Date: Not guilty 8 May 46.Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Aust W.C. List Ser No.....

Accused: Surgeon Lt KUGA Toro
Sgt ITA Isamu
L/Cpl TODA FusaichiCourt, Place, RABAU
Date and 7 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL TREATMENT OF PRISONERS OF WAR in that they at TAILILI between July 1943 and December 1944 did cruelly ill-treat Indian prisoners of war	All accused not guilty	All accused not guilty

Precis of Evidence: The evidence for the prosecution was documentary. It was alleged that when Indian Army officers protested because they were made to work they were beaten with sticks and kicked by the accused ITA and TODA. On another occasion it was alleged that an order was given that a party of Indians were to have their hair cut off. As this was contrary to their religious beliefs the Indians protested and they were beaten and their hair was forcibly cut off. On a further occasion an officer was forced to dig a trench/because he was unable to carry an iron container filled with soil he was beaten by the Japanese. The accused KUGA repeatedly ordered sick men to work. He treated patients suffering from wounds cruelly and instead of curing them the wounds increased in size. The defending officer submitted that there was no case to answer and the Judge Advocate submitted that there was no identification of the accused.

Sentence
and Date: Not guilty - 7 May 46Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Paymaster Lieutenant
OOISHI Tadayasu

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and 4 & 6 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at KOKOPO on or about 12 Jun 43 murdered Sepoy HADIAL RAM a member of the Indian Army	Not Guilty	Not Guilty

Precis of Evidence: The evidence adduced by the Prosecution consisted of written statements made by 4 members of the Indian Army. The substance of the evidence was as follows:- On 12 Jun 43 the deceased was loading rice and on account of ill-health he was unable to lift a bag of rice. The accused became angry and kicked the deceased until he was rendered unconscious. Efforts were made to revive him and then the accused ordered a Japanese to kill the deceased. The accused and the Japanese soldier then continued to beat and kick the deceased until he was quite unconscious. It was then noticed that life was extinct. The accused denied all knowledge of the alleged assault. The accused stated that the deceased died from injuries received as a result of falling off a truck. *The evidence of the accused was corroborated in certain aspects.*

Sentence
and Date: Not guilty - 6 May 46Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R624 Ans. 132

AWC No.....

Accused: Cpl YANO Matsusuke

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 3 and 4 May 46
Formation: 8 ID.

Charge(s)	Plea	Finding
MURDER near Rabaul on or about 17 Mar 44 of Pnr BACHUKOLI, Pnr JUTAN DAS, Pnr GORIYA DAS, Pnr GORIYA LOHAR, Pnr BHAJU LOHAR members of the Indian Army,	Not guilty	Not Guilty

Precis of Evidence: Evidence for the prosecution consisted of written statements by 3 members of the Indian Army. It was alleged that the accused had threatened to kill all Indian PW who were unable to work and on 17 Mar 44 the accused set fire to an ammunition dump in the neighbourhood of the PW's quarters. The deceased took cover in a trench and an exploding bomb caused the sides of the trench to collapse. The deceased were buried and when they were uncovered they ^{were} found to be dead. The accused gave evidence in his defence. He denied setting fire to the dump and alleged that he was not in the vicinity thereof at the time alleged.

Sentence and Date: Not guilty - 4 May 46.

Confirmation and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Lt-Comd NAKAYAMA Hirrumi

Aust W.C. List Ser No.....

Court, Place, RABAU
Date and 30 Apr 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at NAURI Is. on or about 9 Sep 42 of two Chinese civilians LAMPO and CHAN NAN	Not Guilty	Not Guilty

Precis of Evidence: Evidence for the prosecution was to the effect that on or about 9 Sep 42 the Chinese on the Island were assembled and through an interpreter they were told that two Chinese namely the deceased were found out of their quarters at night. As this was contrary to orders they would be executed. The execution of the deceased was not witnessed but on the following afternoon Japanese came to their quarters and removed their belongings. The accused in evidence denied the execution of the deceased. He stated that the deceased were found breaking into a store and as they had attempted to run away they were bayoneted by sentries whose names could not be remembered.

Sentence
and Date: Not guilty - 30 Apr 46Confirmation
and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)R128. Ans. 207

AWC No.....

Accused: L/Cpl ONODERA Kiyoshi

Aust W.C. List Ser No.....

Court, Place, Rabaul
Date and 11 June 46
Formation: 8 MD.

Charge(s)	Plea	Finding
ILL-TREATMENT of prisoners of war		
(1) At or near Rabaul about July 45 ill-treated Jemadar Bashi-Ruddin Ahmed of 1 Bn Hyderabad Inf a prisoner of war.	Not guilty on both charges.	Not guilty on both charges.
(2) At a time and place unknown ill-treated Naik SHAM BONATH a prisoner of war.		

Precis of Evidence: The evidence for the prosecution was documentary and consisted of statements in writing made by 5 Indians. The substance of the evidence contained in the statements was as follows. In about July 45 BASHIRUDDIN AHMED (named in the 1st charge) was in his quarters in bed. He was under medical treatment for ulcers on his hand and leg. A Japanese named JOTO : HEI ONODALIA (NAKAMURA BRUTAI) asked him why he was not on fatigue and on being advised of the reason he slapped BASHIRUDDIN AHMED on the face. ONODALIA then drew a knife and aimed a blow at the Indian's head. The Indian put up his hand to protect his head and the knife struck him on the wrist causing a wound about 2 inches in length. SHAMBONATH (named in the 2nd charge) was working in a fatigue party carrying logs. He was too weak to do so and the Japanese in charge HACHO ONODARA on seeing this slapped the Indian on the face and threw him to the ground causing him to faint. The Japanese kicked him in the ankle. The defending officer submitted (PTO)

Sentence and Date: Not guilty - 11 June 46.

Confirmation and by Whom:

Promulgation:

Petition:

J.A.G.'s Report on Petition:

Action on Petition:

Filed in Attorney-General's Department and Numbered.....

that there was no case to answer as there was no evidence to identify the accused with the persons named in the respective statements. The Court found that there was no case to answer and found the accused not guilty on both charges.