

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R98 Ans 147

AWC No. 2619

Accused: Col TAKAYA Morisaburo

Aust W.C. List Ser No.

Court, Place, Date and Formation: RABAU
31 May 46 - 1 June 46
8 MD

Charge(s)	Plea	Finding
MURDER at RABAU in or about July 1944 of MOHD HUSSAIN	NOT GUILTY	GUILTY

Precis of Evidence:

1. The evidence for the Prosecution was documentary and was to the following effect. The deceased was a Sepoy in the Indian Army and one of a number of captured Indians who were employed as labourers by a unit of the Japanese Army known as 26 Motor Vehicle Depot. The accused commanded such unit and was in charge of the Rabaul petrol supplies in the middle of 1944. In May 1944 the deceased escaped from the Japanese and when he was recaptured he was flogged and placed in a specially constructed cell having dimensions of 4' x 4'. The reason given for his escape in the first instance was that he was suffering from a tropical ulcer on his right foot and could not manage to carry out fatigues. The Japanese refused to exempt him from such fatigues. The cell was so small that the deceased could not lie down or stand up and had to remain in a sitting posture. After remaining in the cell for a week, during which time he was repeatedly beaten by his guards (Over)

Sentence and Date: IMPRISONMENT FOR 10 YEARS - 1 JUNE 1946

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

Promulgation: The fact that finding and sentence quashed promulgated to accused on 11 Oct 46.

Petition: Lodged 15 June 1946 against finding and sentence.

J.A.G.'s Report on Petition: Finding and sentence be not confirmed and peition be upheld.

Action on Petition: Upheld.

Filed in Attorney-General's Department and Numbered

Precis of Evidence (contd) :

the deceased broke down the door and escaped. He was recaptured on 7 July 44 and on or about 19 July 44 the deceased was executed by order of the accused.

2. The accused in evidence alleged that deceased was attempting to escape from the Japanese to the Allied Armies. He stated that he sent a Warrant Officer named NADA to interview Maj Gen YAJAMA, the Japanese Chief Judicial Officer at HQ 8th Army Group to obtain his opinion as to what action could be taken against the deceased. He further stated that the said NADA reported back to him and said the Indian could be executed. The accused stressed the point and said to NADA "That means a court martial is not necessary, is that so?" NADA said "Yes". The witness NADA detailed the conversation he had with the Chief Judicial Officer and what he passed on to the accused. He said (inter alia) to the accused "I asked what should be done to an Indian who escaped twice." "I was explained about a court martial but I could not clearly understand." "Any how he told me that he would leave that punishment up to the Unit Commander". "I was asked what the Indian was and I replied that he was a labourer."

It was further submitted on behalf of the accused that the deceased had contracted on parole as a labourer in the Japanese Forces and that the deceased had forfeited his rights as a PW.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2135

Accused: Civilian Officer YAMASAKI Daijiro

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 3 & 4 Jun 46
Formation: 8 MD

Charge(s)	Plea	Finding
1. MURDER at New Ireland in or about Dec 44 Jan 45 of SETTO WING FAT an inhabitant of New Ireland.	Not Guilty	Guilty of Manslaughter on 1st charge Not guilty on 2nd charge
2. (Alternatively to 1st charge) Violation of the Laws & usages of War to wit - ILL-TREATMENT at New Ireland in or about Dec 44 - Jan 45 of Seeto Wing Fat, an inhabitant of New Ireland.	Not Guilty	

Precis of Evidence: The deceased along with a number of Chinese were former residents of the mandated territory and were interned by the Japanese Forces. The accused was in charge of a camp of these Chinese Internees. The case for prosecution relied on the evidence of seven Chinese witnesses and the interrogation of the accused which was reduced to writing and put in evidence.

2. The substance of the evidence of the witnesses for the Prosecution was as follows. The deceased was considered by the accused to be guilty of a breach of the camp regulations and he ordered certain Chinese to inflict punishment consisting of being tied to a tree for a lengthy period and imprisonment in a very confined space. The witnesses differed in regard to the period of time the deceased was tied to the tree ranging from two days and a night to two weeks. One witness stated that the deceased was bound to the tree with a wire, a chain and a piece of rope and he was not
(over)

Sentence and Date: IMPRISONMENT FOR 10 YEARS - 4 JUN 46.

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 30 Aug 46.

Petition: Lodged 17 Jun 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

Precis of evidence (contd):

to be given any food for two days. When the deceased was released from the tree he was in a weak condition and his wrists were swollen and bleeding caused by the bonds. Prior to being tied to the tree the deceased has been in a reasonable state of health except for an ulcer on his foot and a wound on his head. He was imprisoned in a hut and was tied to a post with a chain. His hands were tied behind his back. The deceased was imprisoned for a long period and he died whilst imprisoned. The witnesses varied in their statements as to the length of imprisonment. The alleged period of imprisonment ranged from four months to a month. Whilst in prison his state of health deteriorated very quickly and one witness described the ulcer on his foot as "having worms in it".

3. The accused in evidence denied responsibility for the punishment meted out to the deceased. He stated that a body of Chinese constituted themselves into Public Peace Section and they made regulations for the control of all the Internees. The accused said he acted in the capacity of an adviser only and that the Public Peace Section was responsible for the deceased being tied to the tree and the imprisonment. The period he was so tied of several hours duration only and he was then imprisoned for about a month before he died. A doctor visited the Camp twice every week but he did not direct that the deceased need be given attention. He heard that the deceased died as a result of malaria.

Medical case

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

AWC No. 2803

Accused: Cpl OGATA Sakari

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

Court, Place, Rabaul, 11 & 12 June 46
Date and 8 MD.
Formation:

Charge(s)	Plea	Finding
ILL-TREATMENT OF PRISONERS OF WAR at New Britain between June 1943 and August 1945 ill-treated a number of Indian Prisoners of War.	Not guilty	Guilty

Precis of Evidence: 1. The evidence for the prosecution consisted of documentary evidence containing written statements made by Lt-Col SYED MOHD ISHAQ, Capt ANS CHARMARETTE, Sgt Maj N.B. RAMARU, Capt MOHAMMED ZAKAULLAM QURESNY, Sepoy PURAN SINGH, Sepoy SYED PASHU and the interrogation of the accused reduced to writing and signed by the accused. The Indian personnel above referred to were all members of 1 Bn Hyderabad Inf and had been taken prisoner by the Japanese in Singapore and shipped to New Britain. The accused was a Nursing Orderly in charge of Indian patients and it was alleged in the statements of the witnesses that he committed acts of the utmost brutality.
2. The statement of Lt-Col SYED MOHD ISHAQ showed (inter alia) that the following acts of ill-treatment were committed by the accused. He refused to give drugs and medicines to Indians suffering from illnesses. He traded the drugs and medicines for fruit, vegetables and chickens for his own use. He made a practice of treating ulcers and abscesses with an
(P.T.O)

Sentence and Date: To suffer death by hanging 12 June 46.

Confirmation Finding confirmed but sentence commuted to imprisonment for 20 years and confirmed as commuted by Lt Gen V.A.H. STURDEE.

Promulgation: Finding and sentence as commuted and confirmed promulgated to accused on 17 Oct 46.

Petition: Lodged 25 June 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirmation of finding but recommends commutation of sentence to long term of imprisonment.

Action on Petition: Petition in so far as finding confirmed dismissed but upheld in so far as sentence concerned.

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

old tooth-brush. He would press the ulcer or abcess with the brush and then apply sulphur extracted from aerial bombs. This treatment would cause the patient to cry out in pain and the accused showed visible signs of pleasure at the suffering of the patient. On various occasions he thrashed PW into a state of unconsciousness. At times he struck them with his fists or kicked them or he indulged in assaults using a combination of punching, striking with sticks and kicking. He repeatedly assaulted sick Indians who reported to him requesting to be placed on the sick list telling them that beating was the best medicine.

3. The statement by Capt Charmarette contained (inter alia) general statements of ill-treatment meted out by the Japanese to PW. In particular, he witnessed cases where the accused cut off pieces of flesh around ulcers in orders to make the wound larger resulting in numerous fatal cases of gangrene. The statement of Sgt Maj N.B. RAMARU also contained evidence of brutal treatment by the accused in cutting out large pieces of flesh from ulcerated sores and if a patient called out in pain the accused beat the patient, unmercifully.

4. The statement by Capt MOHAMMED ZAKAULLAM QURESNY contained (inter alia) evidence to the effect that an Indian PW who had been suffering from dysentery and had been a patient for two months was forced by the accused to march with a party of Indians for a distance of 25 miles. On the journey the Indian told the accused he could not march any further and the accused kicked him in the face. On the remainder of the journey, the accused kicked the Indian in the face and on his back at least 50 times. On arrival at the destination, the Indian became unconscious, and remained in this state until he died 24 hours later. On another occasion the accused attempted to inject an Indian with 5cc of morphine which would have caused the death of the man. When the witness remonstrated with the accused the accused said "I want to get rid of him". The patient was then thrown into a tunnel and died the following day.

5. The statement of PURAN SINGH contained corroborative evidence of ill-treatment by the accused of sores and corroborative evidence of ill-treatment by the accused in beating an Indian patient who was sick. The patient became mentally deranged and he was again beaten by the accused and was not given any treatment or medicine. The patient later commenced to pass blood and next day he died.

6. Evidence was given by the accused in his defence. The defence also called witnesses to corroborate the evidence of the accused and in regard to his keenness to carry out his duties as a medical orderly and his general good character. The accused in evidence stated that at all times he worked under instructions of medical Lt HONDA Chikao. He admitted that he treated ulcers by removing gangrenous portions in accordance with directions given to him. On occasions he slapped Indians when they called out in pain in order to cause them to control themselves. On other occasions he slapped Indians because they did not carry out the treatment he ordered them. The slappings were with his open hand and were not at all severe and were in the nature of a reprimand. Apart from such slappings he denied all allegations of assault and ill-treatment. He alleged he used the yellow gunpowder extracted from bombs for washing and applying the wounds and that he had been taught to use this substance by a medical officer who was a specialist in surgery. He denied that he had any authority to use injections of morphine or any other drugs. All such drugs were kept by the medical officer himself. He denied all knowledge of the allegation that he had attempted to give an Indian injection of morphine or that the Indian had been placed in a tunnel. In regard to the allegation whereby an Indian PW was made to march 25 miles the accused alleged that the distance that the sick prisoners were compelled to cover was very short. Two Indian patients were conveyed as far as possible in a truck. He did not recall any Indian named SHAIK BUDHAM. He recalled Capt MOHAMMED ZAKAULLAM asking that an Indian be permitted to ride in the truck and the patient was taken as far as possible. On arrival at the destination

he sent the Indian patient to a sanatorium and heard later that he died. He recalled the case of an Indian becoming insane and he said he had a clear conscience in regard thereto. Medical Lt HONDA Chikao gave evidence that the accused served under him. The witness stated that the accused treated unclers thoroughly and he was impressed with his work. He also stated that the accused had not used a tooth brush as alleged and that he had treated wounds with picric acid taken from ammunition as instructed by him (Lt HONDA) and a Japanese specialist. He did not permit the accused to use morphine or any other dangerous drugs but kept them in his own possession. He recalled the case of ABDUL RAHMAN who became mentally deranged as a result of malaria and acute enteritis. He examined the prisoner's body and there were no signs of violence thereon.

Four other witnesses gave evidence. One witness partly corroborated the evidence of the accused regarding the Indian patient being conveyed in a truck as far as possible. The other witnesses gave evidence regarding the care taken by the accused in treating patients and his general good character.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

2nd/Lt MUKOHATA Sodami
Capt KUBO, Hisakichi

AWC No. 2755, 2764

Accused:

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 25, 26, 29, 30 and 31 July 1946.
Formation: 8 MD.

Charge(s)	Plea	Finding
(See attached)		

Precis of Evidence: The evidence adduced by the prosecution was documentary and consisted of written statements made by Jemadar KHUSAL SINGH, Naik SULAKHAN SINGH, Lt R.K. SAKSENA, Naik RAM SINGH contained in a document and also the interrogations of each of the accused reduced to writing and signed by them.

2. In regard to the 1st charge the substance of the evidence was as follows: Sepoy KEHAR SINGH was a PW in Japanese hands at NISHIHODAI along with other members of the Indian Army. In July 1945 he contracted Beri Beri. In spite of the fact that his feet were very much swollen he was forced by the Japanese to carry out fatigues. He was repeatedly beaten and ill-treated and on 25 July 1945 he was sent to MOMORIYAMA. He was compelled to walk the distance of 6 miles and to carry his baggage and bedding. On 25 July 44 he reported to Lt- SAKSENA, an Indian Army Medical officer. It took KEHAR SINGH approximately 12 hours to cover the distance. When Lt SAKSENA examined KEHAR SINGH

Sentence and Date: Accused MUKOHATA S - TO BE IMPRISONED FOR 25 YEARS - 31 July 46
KUBO H. - TO BE IMPRISONED FOR 15 YEARS - 31 JULY 46.

Confirmation and by Whom: Lt. Gen. V. A. H. STURDEE. Finding & sentence respecting 1st charge confirmed. Finding & sentence respecting alternative charge to 3rd charge not confirmed. (addition - confirmation)

Promulgation: Confirmation of finding and sentence promulgated to the accused on 18 Dec 46

Petition: Petitions lodged 10 Aug 46 by both accused against findings and sentences.

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss petition in respect of the 1st charge. That the finding and sentence in relation to the alternative charge to the 3rd charge be not confirmed. The petition of the accused KUBO be upheld and the petition of the accused MUKOHATA in so far as it relates to the alternative charge to the 3rd charge be upheld. Action on Petition - Petition of accused MUKOHATA in regard to 1st charge dismissed. Petition of both accused in regard to alternative charge to the 3rd charge upheld. 1

his whole body was swollen, and he was noticeably marked on the legs and lower abdomen. He was breathing with difficulty and fluid was present in both lungs and abdomen. The only available quarters was a hut which was already crowded and the atmosphere from ulcers was very unpleasant. The accused MUKOHATA was informed but refused to supply medicine. He said he would see him in the morning. Next morning the accused saw KEHAR SINGH along with other patients on sick parade. He ordered KEHAR SINGH to go on fatigue duty saying: "He does not look as ill as you told me last night". "His only medicine is tapioca which he will get if he works for it." KEHAR SINGH was sent on fatigue duty next day and the day following and on the last day (27 July 4) he was carried into his quarters by fellow Indians. He was in a serious condition and his features were so bloated that he was scarcely recognisable. Lt SAKSENA persuaded the accused to examine KEHAR SINGH and the accused said "Yes, no need to take him on fatigue because he will be a guest of this world for two or three days." When asked to give some medicine to relieve his pain the accused said "No medicine for Indian slaves". "Let him die - that means one less mouth to feed." KEHAR SINGH died on 1 August 1945.

3. The accused MUKOHATA gave evidence in his defence to the first charge. In substance he denied ill-treatment. He denied that he had ordered the Indian to perform fatigues and stated that he had given him every possible treatment.

4. In connection with the 2nd charge the accused MUKOHATA was found not guilty.

5. In connection with the 3rd charge both accused were found not guilty. In regard to the alternative charge to the 3rd charge the substance of the evidence adduced by the prosecution was as follows:- Certain Indian PW were to be moved from KOKOPO to MUNAMISAKI during March 1944. Of the party there were 40 Indians suffering either from ulcers or beri beri. Lt SAKSENA, an Indian medical officer requested transport for those suffering from ulcers or Beri Beri for the journey which was a distance of 6 miles. The accused MUKOHATA looked at the patients and beat them with a bamboo. He told them that if they could not walk the distance of 6 miles he would shoot them. They were then made to make repeated journeys back to KOKOPO to carry rations. The physical condition of these Indians deteriorated but no medicine was provided. Lt SAKSENA had some medicines of his own which he used to restore the health of these Indians. On one occasion when 170 Indians were suffering from ulcers or beri beri. Lt SAKSENA requested medicines for them. The accused replied by saying that they were not here on a picnic tour and it would be better for those, who cannot keep themselves fit, to die and that would mean more food and medicine for Japanese officers and soldiers. Lt SAKSENA requested to be paraded to higher authority. The accused MUKOHATA stated "You surrendered at Singapore unconditionally. It is our will to treat you as we like and if you say a single word more, we will skin you and your men. Whilst at MOMOTIYAMA the accommodation was hopelessly inadequate and a number of prisoners were quartered in a tunnel. The crowding in the hut and the quartering in the tunnel increased the incidence of sickness. Approximately 60 Indians died through lack of medicines and lack of proper quarters.

ATTACHMENT TO AAF A117(a)

CHARGES

Charge(s)	Plea	Finding
MURDER		
(1) (Charge against accused MUKOHATA only) at KOMORIYAMA between 25 July 1945 and 1 August 1945 of Sepoy KEHAR SINGH of 5/16 Punjab Regt an Indian prisoner of war.	Not guilty	Guilty
(2) (Charge against accused MUKOHATA only) at FUJIMITAI between 11th and 15th October 1944 of 13117 Sepoy KARTAR SINGH an Indian prisoner of war.	Not guilty	Not guilty
ALTERNATIVELY - ILLTREATMENT - at FUJIMITAI between 11th and 15th October 1944 of Sepoy KARTAR SINGH an Indian Prisoner of War.	Not guilty	Not guilty
(3) (Charge against both accused) at KOMORIYAMA between January 1945 and August 1945 of several Indian prisoners of war.	Not guilty	Not guilty
ALTERNATIVELY - ILL-TREATMENT at KOMORIYAMA between January 1945 and August 1945 in failing to provide prisoners of war with proper medical care, food and quarters.	Not guilty	Both accused guilty

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Cpl AYIZAWA Harumoto

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

Court, Place, RABAU
Date and 14 Feb 46
Formation: 11 Aust Div

Charge(s)	Plea	Finding
MURDER		
(1) at RABAU on or about 29 Jan 43 of Ptes SO LO SUNG, SUI YOONG CHEONG, SIN SIT MING, GOR TAI YEE, CHAI SEE DOE, YEE SUNG PING, GO TAI YONG, CHON KUI SANG, PAN YOONG MING & CHICK SUI SUNG, Chinese soldiers	Not Guilty	Guilty
(2) at RABAU on or about 4 Feb 43 of 2nd Lt CHAN KURE MING, 2nd Lt PUN YEN JOONG, Sgt PUN CHAN MING, Ptes CHEE YOKE LIN, LOOK SOON CHING and SING JEE MING, Chinese soldiers	Not Guilty	Guilty

Precis of Evidence: (1) A large number of soldiers of the Chinese Army were PW in Japanese hands at Rabaul. It was alleged that on 29 Jan 43 the Chinese named in the charge were in very poor state of health. Their food was quite insufficient and their living conditions were extremely bad. The accused ordered the 10 Chinese named in the charge to march to a place where a hole had been dug. There were a number of Japanese there and the Chinese were forced into the hole and shot. The accused took part in the shooting. On the 4th Feb 43 the Chinese named in the 2nd Charge were marched to an appointed place where a hole had been excavated and they were executed by shooting. The accused selected the Chinese included in this squad and was also present at the execution. He was in charge of both firing squads and although there was direct evidence to show that he took part in the first firing squad, there was no direct evidence that he actually did any shooting on the second occasion. Three Chinese witnessed both executions and they gave evidence for the prosecution. (See over)

Sentence and Date: IMPRISONMENT FOR LIFE - 14 Feb 46

Confirmation and by Whom: Confirmed by GOC 11 Aust Div

Promulgation: Confirmation of finding and sentence promulgated to the accused on 16 Feb 46

Petition:

J.A.G.'s Report on Petition: Not applicable.

Action on Petition:

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

Precis (contd)

2. The accused in evidence admitted he gave the orders for the shooting of the Chinese named in both charges but denied that he fired any shots. He also denied being present at the second execution. He alleged that all of the Chinese were on the verge of death and that Maj LEE WAI SIN (who gave evidence for the prosecution) who was a PW and in charge of all the Chinese had instructed him to conduct the executions. The accused further stated that he discussed the question with his Commanding Officer who stated that the request of Maj LEE WAI SIN should be carried out.

~~Free labor~~
Maltreatment
of forced labor

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R155 Ans 155.

Sgt Maj IIDA, Einosuke
Sgt NAKAZONO, Hidemori
Accused:

AWC No. 2021, 2020

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR in that at BUIN in or about 1943 unlawfully assaulted a number of Chinese nationals	NOT GUILTY	Both accused GUILTY

Precis of Evidence: The evidence for the prosecution consisted of statutory declarations by CHONG SY KWONG and KWUNG LIM. Both the accused were identified by means of photographs. The substance of the evidence adduced by the prosecution was as follows: on one occasion in 1943 the accused IIDA entered the Chinese Quarters and ordered 28 of them to go outside. He then struck these men a number of blows on the face with a leather belt and if they tried to protect their faces he hit them on the body. He then ordered them to take picks and shovels and made them keep digging for about 4 hrs until it was midnight. On another occasion during the evening two Chinese were quarrelling and the accused IIDA struck one of the Chinese several blows with his fist. The following morning whilst the accused NAKAZONO held this Chinese on the ground the accused IIDA poured water into his mouth and nose. The accused IIDA
(over)

Sentence and Date: TO BE IMPRISONED FOR 12 MONTHS - 8 JUNE 46

Confirmation and by Whom: Finding and sentences confirmed by Col J. CROMBIE Deputy Adjutant General (Personal Services)

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

Petition: Both the accused have given oral notices that they do not intend to lodge petitions.

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

Action on Petition:

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

Precis of Evidence (contd):

then threatened this Chinese with his revolver and blindfolded him. The Chinese pleaded for mercy and the accused let him go. The accused NAKAZONE repeatedly punished Chinese when they did not understand his orders.

The accused IIDA admitted that he had made Chinese weed a garden at night. He denied striking a number of Chinese with his belt. On the occasion when the two Chinese had quarrelled he admitted slapping one of them with his hand. He admitted threatening to shoot him if he quarrelled again but did not blindfold the man's eyes. He also admitted that he had commenced to pour water into the mouth of the Chinese but no one had held him. He only poured a few drops when the man apologised. The accused NAKAZONO admitted being present when this incident took place.

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)

R114

Ans 158

AWC No. 2376

Accused: C/Cpl ARITAKE Hideo

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 12 Jun 46
Formation: 8 MD

Charge(s)	Plea	Finding
VIOLETION 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 by Lt-Gen V.A.H. STURDEE

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

Petition: Petition lodged 18 Jun 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. Evidence for the defence was given by the accused and Maj. 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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RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

R. 74 *Ans. 83*

Accused: Sgt SAKAMOTO Takaharu
Civilian Employee SYOJI, Takashi
Civilian Employee ANETAI, Soji.

AWC No. 2096, 2100, 2101.

Aust W.C. List Ser No. 5

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

Charge(s)	Plea	Finding
VIOLATION of the laws and usages of war at TRUK on or about 28 Aug 44 to wit cruelly beating Ruben FOLIAPE, Marie FOLIAPE, Rudolph HARRIS Albert HARRIS, Julius CAPELLE, Diema Karl HARTMAN, Willie HARTMAN, Emanuel HARTMAN, Karter, Father Pierre CLIVAZ, and Father Alois KAYSER.	Not guilty	All accused guilty excepting the words Diema Karl HARTMAN, Emanuel HARTMAN, KARTEN, Willie HARTMAN.

Precis of Evidence: The facts in this case are as follows. On 21 Aug 43 a number of Nauruans were brought to TRUK by the Japanese for the purpose of employment on Japanese farms. Among such Nauruans so conveyed were Ruben FOLIAPE and the other Nauruans named in the charge. The Nauruans together with Father CLIVAZ and Father KAYSER were suspected by the Japanese of engaging in espionage and were taken into custody for questioning. Whilst the persons were in custody for questioning they were severely beaten by all the accused. The said Ruben FOLIAPE was tied to a tree with his hands above his head and his toes just touching the ground. Whilst in this position he was beaten and the accused went and had their lunch. After lunch further beatings were given and the persons in custody were released. Next day the persons named in the charge were taken from TARIK to DUBLON where they were subjected to further questioning. For two days they were questioned and the ration of food consisted of a ball of rice (about the size of a tennis ball) three times a day. At night time they

Sentence and Date: Each accused 5 years' imprisonment. 10 May 46. (PTO)

Confirmation and by Whom: Findings and sentences in case SAKAMOTO and SYOJI confirmed. Finding and sentence in case accused ANETAI not confirmed. Lt-Gen. V.A.H. Sturdee.

Promulgation: Confirmation and non-confirmation of finding and sentences promulgated to respective accused on 30 Aug 46.

Petition: Lodged by all accused against findings and sentences.

J.A.G.'s Report on Petition: SAKAMOTO and SYOJI - confirm findings and sentences and dismiss appeals. ANETAI - refer proceedings back to Court for review and consequent alteration of sentence. If Court

Action on Petition: cannot be reassembled then finding and sentence be not confirmed Petition of accused ANETAI upheld.

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

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Precis of Evidence (continued) :- were locked in a dugout. On the third day all the persons in custody were released with the exception of Father CLIVAZ, Father KAYSER and Reuben FOLIAPE. The said Reuben FOLIAPE was closely questioned about the alleged ownership by him of a radio set. On one occasion he was forced to kneel with his hands tied behind his back and the accused SAKAMOTO threatened to execute him with his sword. He was then permitted to stand up and the accused SAKAMOTO drew his revolver and threatened him with shooting if he did not tell the truth. He was then whipped by Japanese Labor Policemen at the direction of the accused SAKAMOTO until he passed into unconsciousness. The said Fathers and the said Reuben FOLIAPE were then imprisoned for fifteen days in a very small cell in which there was barely room for all of them to lie down. In the day time the guards made them remain in a sitting position and would not allow them to lie down or stand up. During this period they were questioned at intervals. The Fathers were then told that they would have to work on farming projects and Father KAYSER refused on behalf of the other two to do so. They were then denied any food and lived on foodstuffs given to them by the natives. The three men were then released and the health of Father KAYSER, who was never in a strong physical condition, quickly deteriorated. Approximately five weeks after his release Father KAYSER died. The evidence submitted on behalf of the prosecution was contained in written statements by those subjected to ill-treatment and in interrogations of the accused which were reduced to writing.

2. The accused gave evidence in their defence and denied that they had inflicted beatings as alleged. They admitted that they had slapped the faces of certain of the persons named in the charge.

3. In regard to the accused ANETAI there was no evidence tendered by the Prosecution that he had beaten anyone except the said Rudolph HARRIS.

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Rgt Aus. 83

Accused: Sgt SAKAMOTO Takaharu
Civilian Employee SYOJI, Takashi
Civilian Employee ANETAI, Soji.

AWC No.....2096, 2100, 2101.

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

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

Charge(s)	Plea	Finding
VIOLATION of the laws and usages of war at TRUK on or about 28 Aug 44 to wit cruelly beating Ruben FOLIAPE, Marie FOLIAPE, Rudolph HARRIS Albert HARRIS, Julius CAPELLE, Diema Karl HARTMAN, Willie HARTMAN, Emanuel HARTMAN, Karter, Father Pierre CLIVAZ, and Father Alois KAYSER.	Not guilty	All accused guilty excepting the words Diema Karl HARTMAN, Emanuel HARTMAN, KARTEN, Willie HARTMAN.

Precis of Evidence: The facts in this case are as follows. On 21 Aug 43 a number of Nauruans were brought to TRUK by the Japanese for the purpose of employment on Japanese farms. Among such Nauruans so conveyed were Ruben FOLIAPE and the other Nauruans named in the charge. The Nauruans together with Father CLIVAZ and Father KAYSER were suspected by the Japanese of engaging in espionage and were taken into custody for questioning. Whilst the persons were in custody for questioning they were severely beaten by all the accused. The said Ruben FOLIAPE was tied to a tree with his hands above his head and his toes just touching the ground. Whilst in this position he was beaten and the accused went and had their lunch. After lunch further beatings were given and the persons in custody were released. Next day the persons named in the charge were taken from TARIK to DUBLON where they were subjected to further questioning. For two days they were questioned and the ration of food consisted of a ball of rice (about the size of a tennis ball) three times a day. At night time they

Sentence and Date: Each accused 5 years' imprisonment. 10 May 46. (PTO)

Confirmation and by Whom: Findings and sentences in case SAKAMOTO and SYOJI confirmed. Finding and sentence in case accused ANETAI not confirmed. Lt-Gen. V.A.H. Sturdee.

Promulgation: Confirmation and non-confirmation of finding and sentences promulgated to respective accused on 30 Aug 46.

Petition: Lodged by all accused against findings and sentences.

J.A.G.'s Report on Petition: SAKAMOTO and SYOJI - confirm findings and sentences and dismiss appeals. ANETAI - refer proceedings back to Court for review and consequent alteration of sentence. If Court

Action on Petition: cannot be reassembled then finding and sentence be not confirmed. Petition of accused ANETAI upheld.

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

Precis of Evidence (continued) :- were locked in a dugout. On the third day all the persons in custody were released with the exception of Father CLIVAZ, Father KAYSER and Reuben FOLIAPE. The said Reuben FOLIAPE was closely questioned about the alleged ownership by him of a radio set. On one occasion he was forced to kneel with his hands tied behind his back and the accused SAKAMOTO threatened to execute him with his sword. He was then permitted to stand up and the accused SAKAMOTO drew his revolver and threatened him with shooting if he did not tell the truth. He was then whipped by Japanese Labor Policemen at the direction of the accused SAKAMOTO until he passed into unconsciousness. The said Fathers and the said Reuben FOLIAPE were then imprisoned for fifteen days in a very small cell in which there was barely room for all of them to lie down. In the day time the guards made them remain in a sitting position and would not allow them to lie down or stand up. During this period they were questioned at intervals. The Fathers were then told that they would have to work on farming projects and Father KAYSER refused on behalf of the other two to do so. They were then denied any food and lived on foodstuffs given to them by the natives. The three men were then released and the health of Father KAYSER, who was never in a strong physical condition, quickly deteriorated. Approximately five weeks after his release Father KAYSER died. The evidence submitted on behalf of the prosecution was contained in written statements by those subjected to ill-treatment and in interrogations of the accused which were reduced to writing.

2. The accused gave evidence in their defence and denied that they had inflicted beatings as alleged. They admitted that they had slapped the faces of certain of the persons named in the charge.

3. In regard to the accused ANETAI there was no evidence tendered by the Prosecution that he had beaten anyone except the said Rudolph HARRIS.

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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)

R91

Ans. 93.

AWC No. 2702,2620

Accused: Paymaster Lt OOISHI TADAYASHU
Cpl YAMADA TSUTOMU

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
Ill treatment at New Britain in or about 1944 of 122358 QM HAV KARM SINGH, 39096 Sepoy SARWAN SINGH and 1932 Cook DALIP SINGH Prisoners of War	Not Guilty	Both accused guilty

Precis of Evidence: The Indians named in the charge were PW in Japanese hands in New Britain. The evidence for the prosecution was contained in statements made by the said KARM SINGH, the said DALIP SINGH, one Barber LALA and Capt YAMAGUCHI Morisha. Briefly the facts submitted on behalf of the prosecution are as follows. The accused OOISHI gave orders to the said LALA to cut the hair and the beards of the said KARM SINGH, SARWAN SINGH and DALIP SINGH. This witness explained the order to the Indians and they refused to obey it. The said LALA told this fact to the accused OOISHI and the accused OOISHI together with the accused YAMADA cruelly assaulted the Indians referred to in the charge. The accused OOISHI asked the Indians if they were going to obey the order. They refused to do so and told the accused it was contrary to their Religious Orders. The Indians were then tied to trees and the accused struck them with clenched fists and kicked them. They were then locked in a tunnel in which there was very little air and kept for a period of 48 hours without food or water.

Sentence and Date: Accused OOISHI Tadayashu - 2 years imprisonment - 18 May 46
Accused YAMADA Tsutomu - 6 months imprisonment - 18 May 46

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

Promulgation: Confirmation of finding and sentences promulgated to each accused on 16 Aug 46.

Petition: Lodged by accused OOISHI against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

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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)

R89

Ans 94

AWC No. 2908

Accused: Cpl OKURI Kazutoshi,

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
1. MURDER at RABAU in or about July 1944 of KWOK LEONG	NOT GUILTY	NOT GUILTY
2. (Alternatively to 1st charge) VIOLATION of the laws and usages of war to wit at RABAU unlawfully assaulted KWOK LEONG a Chinese thereby occasioning him actual bodily harm.	NOT GUILTY	GUILTY

Precis of Evidence:

- The deceased was conscripted by Japanese Occupation Forces in China and taken to Rabaul as a labourer. Evidence was given for the prosecution by Chinese labourers named LAU HENG and POON ANN (both of whom were conscripted in China and taken to Rabaul as labourers) and Capt. A.J.F. Gaul.
- The witness LAU HENG in his evidence in chief stated (inter alia) that he was working in a store and about 50 yds away he saw the accused beat the deceased with a shovel and kick him till he fell to the ground bleeding from the head and in an unconscious state. The deceased was carried to his barracks where he remained in bed for a month and was then removed to hospital. The deceased was suffering from extensive bruising on the head and back. Under cross examination the witness stated he was not in the store at the time but on hearing screams coming from the store he entered and saw the accused beating the deceased. (Over)

Sentence and Date: Guilty on 2nd Charge - IMPRISONMENT FOR 2 YEARS - 18 May 46

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 30 Aug 46.

Petition: Lodged May 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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Precis of Evidence (contd):

3. The witness POON ANN stated that he saw the deceased in hospital every day for a month and during that time the deceased repeatedly vomited blood. The deceased died on 7 Jul 44 and he saw the body after death.
 4. Capt GAUL in evidence stated (inter alia) that the accused had admitted beating Chinese.
 5. The accused gave evidence in his defence and generally denied the evidence called on behalf of the prosecution.
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AUSTRALIAN MILITARY FORCES

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

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R118 *Ans 163*

AWC No.....2662.....

Accused: Sgt YAMAKI Tetsuo

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

Court, Place, RABAU
Date and 15 and 17 June 1946
Formation: 8 MD

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that he at MANGO about 3 Mar 45 illtreated W/O HOR CHIN CHUN a prisoner of war.	NOT GUILTY	GUILTY

Precis of Evidence:

1. The said HOR CHIN CHUN, a member of the Chinese National Army, was a prisoner of war in Japanese hands at MANGO, New Britain. On 3 Mar 45 he was a member of a working party and together with another member of the Chinese national army, named CHUN CHAW LING, he was ordered to carry a load of horse manure and the journey necessitated them proceeding over a mountain. HOR CHIN CHUN was in ill-health and half way up the mountain he slipped and fell down. The manure was spilled on the ground and the accused who was present slapped HOR CHIN CHUN with his open hand on the face several times. The accused then took a stick about 2 inches in diameter and about 3 feet long and struck HOR CHIN CHUN about 20 to 30 blows on the head and body. As a result there were bruises on the head and body of HOR CHIN CHUN and he also sustained a wound on his head leaving a scar. A complaint about the illtreatment was made to 1st Lt KITANI by CHUN CHAW LING but 1st Lt KITANI said "you are all coolies and you have no right to complain." (Over)

Sentence and Date: TO BE IMPRISONED FOR 2 YEARS - 17 June 1946

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 28 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):

In the main the evidence of HOR CHIN CHUN was corroborated by the said CHUN CHAW LING.

2. Evidence was given for the defence by the accused and Lt KITANI. The accused denied the assault and stated that he had never struck any of the Chinese with whom he came into contact. The witness KITANI stated that all Chinese were in his charge and before sending them out on working parties and on their return he inspected them. He had not noticed any of the injuries alleged to have been sustained by HOR CHIN CHUN. He also stated that he was very friendly with HOR CHIN CHUN whom he knew by the name of PAN and sometimes he would talk with him in his cave. He said "Pan reported everything to me." He had had reports from Chinese which were not in relation to ill treatment but in the nature of complaints such as shortage of water.

Precis of Evidence (contd):

In the main the evidence of HOR CHIN CHUN was corroborated by the said CHUN CHAW LING.

2. Evidence was given for the defence by the accused and Lt KITANI. The accused denied the assault and stated that he had never struck any of the Chinese with whom he came into contact. The witness KITANI stated that all Chinese were in his charge and before sending them out on working parties and on their return he inspected them. He had not noticed any of the injuries alleged to have been sustained by HOR CHIN CHUN. He also stated that he was very friendly with HOR CHIN CHUN whom he knew by the name of PAN and sometimes he would talk with him in his cave. He said "Pan reported everything to me." He had had reports from Chinese which were not in relation to illtreatment but in the nature of complaints such as shortage of water.

AUSTRALIAN MILITARY FORCES

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

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ass 2.

AWC No. 2309

Accused: First Lieut TAZAKI, Takehiko

Aust W.C. List Ser No.

Court, Place, WEWAK
Date and 30 Nov 45
Formation: 6 Aust Div

Charge(s)	Plea	Finding
<u>First charge:</u> Mutilation of the Dead at SOARIN No.1 about 19 Jul 45.	Not Guilty	Guilty
<u>Second charge:</u> Cannibalism at SOARIN No.1 about 20 Jul 45	Not Guilty	Guilty

Precis of Evidence: On or about 19 Jul 45 an Australian soldier was killed at SOARIN RIDGE. On the following day in company with L/Cpl MENA, 1st Lt Tazaki, T. cut the body of the Australian and ate the flesh about 2 hours later. That evening 1st Lt Tazaki ordered Cpl Yamamoto to bury the body. The evidence disclosed that the accused had often suffered with malaria, the last fever being two days prior to the offence. Food was scarce. Had intense hatred for Australians.

Sentence and Date: TO SUFFER DEATH BY HANGING
30 Nov 45

Confirmation and by Whom: Finding confirmed
Sentence mitigated to 5 years imprisonment with hard labour
by Acting C-in-C

Promulgation: 1800 hrs 10 Jan 45

Petition: No petition was submitted.

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)

Capt YAMAMOTO Shoichi Lt SUGIMURA Shimichi
Capt IINO Shigeru Lt HORIKAWA Koichi
Lt HIRANO Yihikiko Capt ABE Kazuo AWC No. 535, 736, 724, 783, 814
Capt MIZUTA Ryuichi WO GOTANDA Kiroku (NOT guilty) 820, 837, 732, 700, 714, 813
Lt SATO Tatsuo Sgt SATO Shinichi (NOT guilty) Ser No.
Accused Lt TANAKA Shojiro
RABAUL
Court, Place, 20, 21 22 23 24 & 27 May 46
Date and 8 MD
Formation:

Charge(s)	Plea	Finding
1. MURDER between SANDAKAN and RANAU British N. Borneo between Jan 45 and 28 Feb 45 murdered numerous Prisoners of War in their charge. 2. Alternatively to 1st charge ILL-TREATMENT OF PRISONERS OF WAR between SANDAKAN and RANAU between 29 Jan 45 and 28 Feb 45 compelled Prisoners of War in their charge to march long forced marches under difficult condition when sick and underfed as a result whereof many of the said prisoners of war died.	All not guilty	Accused YAMAMOTO and ABE guilty only on first charge. All remaining accused (except accused GOTANDA and SATO not guilty on all charges) guilty on second charge.

Precis of Evidence: The case for the prosecution consisted of verbal evidence of WO I STICPEWICH, Keith BOTTRELL (formerly Pte K. Bottrell of 2/19 Inf Bn) and Cpl W.D. MOXHAM of 2/15 Fd Regt and numerous documents consisting of statements in writing made by the accused and interrogations of the accused which were reduced to writing and signed by them. The substance of the evidence was as follows. In January 45 the accused YAMAMOTO received instructions from Japanese 37 Army Corps that 500 PW consisting of English and Australians were to be moved from SANDAKAN to RANAU. The instructions received by the accused YAMAMOTO were that the move was to take place as quickly as possible. There were about 450 PW considered fit to march the distance of 164 miles and each of the accused found guilty on either of the respective charges were each put in command of a group. The accused gave orders to the group commanders as to the march and the treatment of PW on the march. Varying evidence was given as to the time the march was to take (P.T.O.)

Sentence and Date:	Accused YAMAMOTO S.	TO SUFFER DEATH BY HANGING	27 May 46
	" ABE K.	" " " " " "	" " "
	" The remaining convicted accused	TO BE IMPRISONED FOR 10 YEARS -	27 May 46

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

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

Petition: Petitions lodged June 46 by each convicted accused against finding and sentence.

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.....

Precis of evidence (contd):

place namely 19 20 or 21 days. The accused ABE was given orders separately. He was instructed to take charge of the last group and (inter alia) he was told that if a PW became too ill to proceed on the march as a last resource such PW would be shot. The accused ABE did in fact order the shooting of PW.

Each of the witnesses for the prosecution gave evidence as to the formation of the groups which consisted of from 40 to 50 personnel. The groups were formed for movement on or about 27 Jan 45 and the first group moved off on or about 28 Jan 45. It was arranged that groups were to move off daily. Each of the witnesses described the deplorable state of health of the PW due to decreasing ration of food for some time prior to the march and the fact that most of the men had suffered approximately three years of very harsh treatment as PW. Each PW was compelled to carry a certain quantity of food and some groups were compelled to carry weapons ammunition and personal gear of Japanese. The terrain over which the march took place was most difficult and in the valleys the ground was swampy and generally the track over mountainous country was muddy. The PW were poorly clad and most of them were lacking proper footwear. These men were issued with Japanese rubber shoes which were useless in the country to be covered. During the march a number of PW in each group died and numbers died after the arrival at the destination. There was also evidence given that PW who were too sick to march further were shot by or by orders of Japanese in command of groups. The longest period taken to cover the distance was 18 days and it appeared that 240 PW perished during the march. Evidence was given by the witness STICPEWICH who was a member of a group of PW who marched over the route some 6 months later that he saw numerous Australian bodies lying on the side of the track. It was submitted for the prosecution that evidence which was submitted of ill-treatment of PW at Sandakan prior to the march, the reduction of food rations and the march described as a "death march" showed, that taken as a whole, the policy was one of deliberate murder.

2. The defence of the accused was that each of them carried out orders of superior officers. On behalf of the accused YAMAMOTO it was contended that the treatment of PW prior to the march was not in any way his liability as he had immediately before the march been in charge of an Inf Unit. He was not responsible for the provisioning of PW whilst on the march, the time to be taken for the distance to be traversed or the equipment of PW. In fact he received his orders from Japanese Army HQ and it was impossible for the accused YAMAMOTO or any of his subordinates to refuse to carry out such orders. It was also submitted that there were no individual cases of ill-treatment other than forcing sick and undernourished men along the way as it was essential for them to reach staging points where food was available. To stop and rest on the journey would have meant that other groups on the route would also have been stopped and would have increased the critical food situation.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Case 178

AWC No. 2754

Accused: Cpl HIRAIISHI Kuniyoshi

Aust W.C. List Ser No.

Court, Place,) Rabaul, 22 Jul 46, 8 MD
Date and) 8 M.D.
Formation:)

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR (1) at NISHIHODAI on or about 27 June 1945 cruelly beat I6289 Sepoy MIAN KHAN of 5/II Sikh Regiment an Indian prisoner of war. (2) at NISHIHODAI on or about 20-25 July 1945 ill-treated 5756 Sepoy KEHAR SINGH of 3/16 Punjab Regiment an Indian Prisoner of War.	Not guilty on both charges	Guilty on both charges.

Precis of Evidence: I. The evidence for the prosecution was documentary and consisted of statements made by Indian prisoners of war namely MIAN KHAN GIAN SINGH, KHUSHAL SINGH, SULAKHAN SINGH, Lt R.K. SAKSENA, and interrogations of the accused reduced to writing and signed by him. In brief the allegations made by the prosecution were as follows :-

2. 1st charge : On 27 June 1945 the said MIAN KHAN was suffering from fever. He reported sick to the accused who was a medical orderly. The accused did not examine him and said to him "You are OK. Go on fatigue." MIAN KHAN told the accused that he had fever and the accused took a thick stick and beat MIAN KHAN till he fell to the ground in an unconscious condition. He received injuries to his chest and other parts of his body. As a result of the beating MIAN KHAN was ill for 1 1/2 months.

(P.T.O.)

Sentence and Date: To suffer death by hanging.
22 Jul 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 5 Nov 46. Accused executed by hanging at Rabaul on 6 Nov 46.

Petition: Petition lodged 3 Aug 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.

3. 2nd Charge : The said KEHAR SINGH was suffering from beri beri. On 20 Jul 45 his feet were very swollen and he reported sick to the accused. He said to the accused "I am swollen and it is difficult to walk". The accused ordered him to go on fatigue but KEHAR SINGH again requested to be excused from fatigue. The accused then began to beat him with his fists and also kicked him. When the accused tired he took a stick and struck KEHAR SINGH with it until he fell down. He was carried to his bed and next day, although his body was bruised and swollen he was again ordered by the accused to go on fatigue. On 24 Jul 45 the accused on seeing that KEHAR SINGH was unfit for fatigues said to one of the witnesses "Send him to QUMARYAMA which is the dying place for Indians"- "Send him tomorrow to die there." The following day the accused ordered KEHAR SINGH to walk to QUMARYAMA a distance of about 6 miles and to carry his bedding and baggage. He left for QUMARYAMA at 0600 hrs and arrived there at about 1800 hrs. On arrival he was examined by Lt SAKSENA, an Indian medical officer and found KEHAR SINGH to be in a state of total exhaustion. His body was swollen and extensively marked on the legs, acrotum, and lower abdomen. He could hardly breathe and there was fluid in both lung cavities and abdomen. KEHAR SINGH died on 1 Aug 45.

4. The accused gave evidence in his defence. In general he denied all the allegations made by the prosecution. He admitted having "flipped" an Indian on the nose with his middle finger and that he had on another occasion sent an Indian to QUMARYAMA for treatment.

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Korean Guard HAYASHI Eishun

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

Court, Place, Singapore
Date and 10 & 12 Mar 47
Formation: 1 Aust War Crimes Sec.

Charge(s)	Plea	Finding
VIOLETION OF THE LAWS AND USAGES OF WAR in that at 131 Kilo Camp Niki, Siam about 23 Dec 45 inhumanely treated a prisoner of war namely VX21192 L/Sgt L.E. Whitfield, AIF, by violently kicking him in the abdomen as a result of which he died at 134 Kilo Camp Siam on or about 4 Jan 46.	Not Guilty	Guilty

Precis of Evidence: 1. The said L/Sgt Whitfield along with a number of other Australians were prisoners of war in the hands of Japanese at Niki at a Camp known as 131 Kilo Camp on the Burma-Siam Railway. In Dec 43 L/Sgt Whitfield was in hospital suffering from amoebic dysentery and was discharged from hospital on 20 Dec 43. On the evening of 23 Dec 43 L/Sgt Whitfield was sitting in a hut with some other Australian NCO's drinking a cup of tea. The hut was dimly illuminated with one or more candles and the accused entered unnoticed by L/Sgt Whitfield. It appeared the eyesight of L/Sgt Whitfield had been affected by his illness and he failed to stand up and bow to the accused as required by camp orders. The accused approached L/Sgt Whitfield and shouted at him in Japanese and L/Sgt Whitfield immediately stood up and bowed to the accused. The accused without any justification or provocation kicked L/Sgt Whitfield in the region of the stomach causing him to fall to the ground in great pain. One witness alleged that the kicking in the stomach caused (PTO)

Sentence and Date: To suffer death by hanging. 12 Mar 47.

Confirmation and by Whom: Maj Gen W.D. Anderson. Adj Gen A.M.F 27/6/47

Promulgation: Confirmation of finding and sentence promulgated to the accused on the 17-7-47. Accused executed on the 18/7/47 at CHANGI Prison

Petition: Lodged March 1947 against finding and sentence.

J.A.G.'s Report on Petition: That the finding and sentence be confirmed and that the petition be dismissed.

Action on Petition: Dismissed 27/6/47

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

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bleeding from the bladder and the bowels and brought about the death of L/Sgt Whitfield on 4 Jan 44.

2. The accused gave evidence in his defence. He denied the assault as alleged by the prosecution but admitted slapping L/Sgt Whitfield on the face with his open hand but that the blows were not very hard.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

233

AWC No.....

Accused: S/M SHIMOJO Harukichi

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

Court, Place,
Date and
Formation: Singapore
25, 26 & 29 Nov 46,
1 Aust War Crimes

Charge(s)	Plea	Finding
First Charge : Committing a war crime in that he in Burma and Siam in and between the month of Jan 43 and Feb 44 in violation of the laws and usages of war when concerned as a member of 3 PW Group in the care and supervision of PW employed in the construction of the Burma-Siam Rlwy between Thambuzayat, Burma and Niki, Siam inclusive, inhumanely treated PW.	Not guilty	Guilty
Second Charge : Committing a war crime in that he in Siam in or about the month of August 1945 in violation of the laws and usages of war whilst concerned in the movement of PW from KANBURI to NAKON NAYOK inhumanely treated PW.	Not guilty	Guilty

Precis of Evidence: The evidence for the prosecution was documentary and consisted of some 22 affidavits and statements made by ex PW and the accused himself. The substance of the evidence contained in such affidavits and statements was to the following effect. The accused between the months of Jan 43 and Feb 44 was a Sgt in the Japanese Army and on the staff of 3 PW Branch Burma. This Branch controlled a number of PW Camps along the route of the Burma Siam Railway and the PW were employed in the construction and work in connection with such railway. The accused was OC of 8 Kilo Camp from 10 Jan 43 to Mar 43, 45 Kilo Camp in Mar and Apr 43. Later he was 2 i/c or Adj of No. 1 Mobile unit. This unit was until June 43 commanded by Lt NAITO. From then until early Dec 43 it was under command of MATSUZAKI and then for about a month the accused was OC of No. 1 Mobile unit. No. 1 Mobile unit was allotted the task of laying rails and in consequence it was frequently on the move. From time to time it was stationed at various Kilo Camps. (PTO)

Sentence and Date: To suffer death by hanging. 29 Nov 46.

Confirmation and by Whom: Finding confirmed and sentence commuted to imprisonment for life and confirmed as so commuted by Lt-Gen V. A. H. STURDEE.

Promulgation: Confirmation of finding and sentence as commuted lodged against finding and sentence promulgated to the accused on 11/4/47.

Petition: Lodged Dec 46 against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and dismiss petition so far as it relates thereto and suggests commutation of sentence to life imprisonment.

Action on Petition: Dismissed

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

It appeared that the ^{said} accused MATSUZAKI was often absent from the respective camps through illness and the running of the camps was left in the hands of the accused. He was at all times in charge of the Korean guards and he meted out punishment to PW. One witness described the accused as "Ace torturer in the camp."

First Charge : The substance of the evidence for the prosecution in relation to this charge was as follows. When there were insufficient PW available for work through sickness, the accused held sick parades and in spite of protests from PW medical officers and senior PW officers, he selected sick men and forced them to carry out heavy manual work on the railway. As a result of the action of the accused, many PW died. In the camps in which the accused was located, there were numerous instances of ill-treatment beatings and lashings by Korean guards. The guards were encouraged by the accused in their ill-treatment of PW. Protests were made by senior officers but they were completely ignored and on a number of occasions the accused personally beat and assaulted PW. In one particular case Lt-Col Williams, a member of the AIF was beaten on a number of occasions by Korean Guards, who were under the control of the accused. Lt-Col Williams was also made to stand at attention for 26 hours and not given any food. This was done pursuant to the direct orders of the accused. The evidence further showed that there was always a shortage of food, clothing and medical supplies. The accommodation and general conditions were bad. Many protests were made but the accused took no action at all to improve conditions.

Second Charge : The substance of the evidence in relation to this charge concerned the movement on foot of a number of PW officers from a place known as KANBURI PW Camp in Siam to a place named NAKON NAYOK. PW were compelled to carry all their gear and to march a distance of 45 kilometres in a period of about 23 hours. Each PW was permitted to carry a small bottle of water only and when that was used they drank muddy water from the roadside. The accused refused permission to boil the water. On the march if men could not keep up with the main party, they were beaten and kicked by the accused and his guards. A particular instance of cruelty occurred in connection with Maj KIERNAN of the AIF. He was suffering from badly skinned feet and he was unable to keep pace with the main party. The accused then beat Maj KIERNAN with a sword scabbard. This was typical of many other cases on this march involving the accused and his guards. The accused gave evidence in his defence and witnesses were called on his behalf. In respect of the first charge, the accused denied all acts of ill-treatment and alleged that orders had been given by superior authority that prisoners were not to be struck in any circumstances and that such orders were implicitly obeyed by him and the guards serving under him. It was admitted that conditions of camps and food supply were not good and it was contended that as there was no settled camps, better conditions could not be supplied. It was further contended that the supply of foodstuffs was not the responsibility of the accused. It was generally denied that sick PW had been forced to go out on work fatigues. The accused admitted that he had meted out punishment to Lt-Col Williams because he had disobeyed orders. He denied beating him but admitted that Lt-Col Williams was made to stand at attention for a period of ten hours. In regard to the 2nd charge, it was alleged (inter alia) that the march was carried out by the accused under orders for a superior officer. The fact that there was a shortage of vehicles to carry the officers' gear could not be charged against the accused. It was further alleged that no beatings occurred whilst on the march and that PW did not have to drink muddy water on the journey as there was an ample supply.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

518.

Amended

AWC No.....

Accused: Sgt KINURA Takeo

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

Court, Place, SINGAPORE
Date and 18 Nov
Formation: 1 Aust War Crimes

Charge(s)	Plea	Finding
Committing a War Crime in that he at Niki and Songkrai in Siam in or about the month of July and August 1945 in violation of the laws and usages of war when concerned in the care and supervision of PW employed on the construction of the Burma/Siam Railway inhumanely treated PW.	Not Guilty	Guilty excluding the words "employed on the construction of the Burma/Siam Railway."

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of six affidavits sworn by ex PW, "Q" Forms completed by two ex PW and a sworn statement made by the accused. The evidence showed that the accused was a Sgt in the Japanese army and during the months of July & August 1945 he was stationed at Niki and Songkrai. The accused was employed in the supervision of PW engaged on the maintenance and repair of the Burma/Siam Railway. This was necessary on account of allied bombing. The accused personally beat and ill-treated many PW. Witnesses described the beatings as being always severe. Pick handles or bamboo sticks were usually used. When beatings were not administered by the accused personally he invariably supervised them and encouraged the guards conducting the beatings. It was the practice of the accused to cut a fresh bamboo each morning which he used for beating PW. On one occasion a PW who was suffering from paralysed legs collapsed just before lunch and he was carried back to his quarters and placed in bed.

(over)

Sentence and Date: TO SUFFER DEATH BY HANGING - 18 Nov. 46

Confirmation and by Whom: LT. GEN. V.A.H. STURDEE C.G.S A.M.F 20/3/47

Promulgation: Confirmation of finding and sentence promulgated to the accused on 16/4/47. Accused executed on 17/4/47 at CHANGI prison

Petition: Lodged Dec 46 against finding and sentence

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

Action on Petition: Dismissed 20/3/47.

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

Next morning the accused ordered the PW out of bed. The PW was unable to do so and the accused pulled him out and punched him on the chin. Whilst he was on the ground he kicked him and then dragged him outside the guard house and hit him on the body with a rifle. He then ordered the guard to go and dig a grave and told the PW he was going to shoot him after lunch. A Japanese officer arrived and after hearing the accused's explanation he heard the PW's version and ordered the PW back to bed. It was alleged that 6 PW died within a fortnight and the opinion was expressed that their deaths resulted from the continued ill-treatment meted out to all PWs by the accused. He repeatedly forced sick PW to go with working parties. His usual practice was to go into the sleeping quarters immediately after reveille when those fit for work had fallen in. He would attempt to force out of bed those men who were too sick to go on parade by striking them with his rifle butt or a bamboo stick. Even after cessation of hostilities PW were engaged in rice carrying fatigue. One man was so ill that he could not carry a bag of rice and he fainted. While he was on the ground the accused kicked this PW on the head and body and encouraged guards to strike him with their rifles. The accused made an unsworn statement in his defence and he denied the charge and stated that he did not directly or indirectly illtreat PW. It was alleged on his behalf that this was a case of mistaken identity.

RECORD OF MILITARY COURT **(JAPANESE WAR CRIMINALS)**

Am 228

AWC No.....

Accused: Korean Guard MASAKI Fumio

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

Court, Place, SINGAPORE
 Date and 1 Oct 46 and 1 Dec 46
 Formation: 1 Aust War Crimes Sec

Charge(s)

Plea

Finding

COMMITTING a WAR CRIME to wit at 83K
 Camp Aponon Burma and at 80K Camp Burma.
 between May 1943 and September 1943
 inhumanely treated prisoners of war
 thereby contributing to the death of
 VX18976 Pte S.R. Barry 2/2 Pioneer Bn
 which occurred on or about 9 Sep 43 at
 80K Camp and causing suffering to other
 prisoners of war.

NOT
 GUILTY

GUILTY

Precis of Evidence:

The evidence for the prosecution consisted of a number of affidavits made by former Australian and American prisoners of war, also an affidavit by Maj KERR of Australian War Graves Service giving particulars of entries made by him regarding the death of Pte BARRY and two written statements made by the accused. In general the evidence showed that the accused made a habit of beating prisoners of war including those who were sick. There was also evidence of particular acts of ill treatment. Facts were submitted relating to the severe beating of an American soldiers named Harris and Glover and an Australian named Mackenzie. In addition to beating Mackenzie it was alleged that the accused also kicked Mackenzie. The main act of inhumane treatment alleged against the accused concerned Pte Barry referred to in the charge. In or about Sep 43 at 83 Kilo Camp Aponon, Burma, Pte Barry was suffering from

(over)

Sentence
 and Date:

TO BE IMPRISONED FOR 15 YEARS - 4 DEC 46

Confirmation
 and by Whom:

Lt-Gen CCK, Comd Singapore District

Promulgation:

Confirmation of finding and sentence promulgated to the accused on 20 Jan 47.

Petition: No petition lodged.

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

Action on Petition: -

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

Precis of Evidence (contd)

malaria and dysentery and was unfit to work. He was unable to get out of his bed and the accused came into the hut and dragged Pte Barry out and beat him about the head and body with a bamboo. He was rendered unconscious and was then kicked by the accused. Pte Barry was then forced to work in water waist deep. He collapsed during the morning and was taken back to his quarters. In the evening of the same day he was forced to work again but was unable to do so. The accused beat him and kicked him into insensibility and then pushed his head into a pool of mud. Pte Barry was again taken back to his quarters and then evacuated to a camp hospital. He died on 9 Sep 43. The prosecution alleged that the beating and ill treatment of Pte Barry by the accused contributed to the death of Pte Barry. The accused gave evidence in his defence. He admitted slapping the American soldier named Harris once only but denied all the other allegations regarding the ill treatment of the other prisoners of war. The defence alleged that the statements were either grossly exaggerated or the identity of the accused was mistaken.

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Ans 227

Accused: Maj KATSUMURA Yoshio
Sgt Maj HAMADA Tei
Sgt Maj GOGAMI Jemgiro
Sgt Maj NAKAYAMA Jyunzo
Sgt ENDO Keichi
Sgt HIRASHITA Yoshio

AWC No.....

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

Court, Place, SINGAPORE
Date and 23, 24, 25, 26 and 30 Sep 46
Formation: 1 Aust War Crimes Sec.

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that they at or near BOGOR JAVA on 5 September 1943 in violation of the laws and usages of war were concerned in the unlawful killing of Lt JOHN APPLEBY and Pte TOM POWELL of the Australian Military Forces Sgt BETTKULFT of the Royal Netherlands Indies Army all then recaptured escaped Prisoners of War held by the Japanese Armed Forces and Miss HANNIE HILGERS a Dutch civilian and resident of Dutch territory then in the occupation of the Japanese Armed Forces.	All accused NOT GUILTY	All accused NOT GUILTY

Precis of Evidence:

1. The evidence for the prosecution was partly verbal and partly documentary. The documentary evidence consisted of written statements made by all the accused except the accused KATSUMURA. The deceased APPLEBY, POWELL and BETTKULFT were taken prisoners and imprisoned in a Japanese prisoner of war camp in BATAVIA and in May 42 they escaped and took shelter with the deceased HANNIE HILGERS, a young Dutch woman of Batavia. The three escaped prisoners of war then moved to BOGOR in JAVA and were hidden in the house of a Dutch family named MULDER. The whereabouts of the prisoners of war became known to the Batavia Kempei Tai and the BOGOR Kempei Tai apprehended them on or about 12 Aug 43. The deceased woman HILGERS was arrested in BATAVIA and handed over to the BOGOR Kempei Tai. The accused KATSUMURA was the officer in charge of Bogor Kempei Tai Detachment and all the other accused served in various

Sentence and Date: NOT GUILTY - 30 Sep 46

(Over)

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

Precis of Evidence (contd)

capacities under his command. The Japanese alleged that the three male deceased had engaged in anti Japanese activity, obtained Japanese military secrets and resisted arrest and that the deceased Hilgers had aided them and given them military information regarding the Japanese. The accused KATSUMURA forwarded the results of the interrogation by him of the deceased to Kempei Tai HQ at Batavia and this accused was subsequently advised by that HQ that the four deceased were deemed to be guilty of offences against Japanese military law. On 3 Sep 43 instructions were issued by Kempei Tai HQ Batavia for the immediate execution of the four prisoners by beheading with the sword. The executions were carried out on 5 Sep 43 pursuant to orders of the accused KATSUMURA. The accused HAMADA was in charge of the execution party and each of the other accused executed one of the prisoners. The bodies were then examined by the respective executioners and also the accused HAMADA to ensure life was extinct. The deceased were then buried in the graves which had been prepared for them. The prosecution alleged that the deceased were never subjected to a Court Martial or given the benefit of any judicial trial for their alleged offences and that their execution was illegal.

2. The accused KATSUMURA and HAMADA gave evidence in their defences and witnesses were called on behalf of all the accused. The defence submitted that the accused were not guilty of the charges in that they had carried out orders of superior officers. It was also contended that the deceased had been subjected to a trial in absentia and in accordance with certain provisions and orders given by Lt-Gen HARADA Kunakichi, Commander-in-Chief 16th Army at Java.

3. The accused were found 'not guilty' and in announcing its decision the Court stated that it was guided by the amendment of para 443, Manual of Military Law Page 288 (Australian Edition).

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

226

Accused: **Lt HIROTA Eiji**

Court, Place, Date and Formation: **Singapore
18, 19 & 21 Sep 46.**

AWC No.....

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

Charge(s)

Plea

Finding

Committing a War Crime in that at HINTOCK KANU Area Siam between May 1943 and Aug 1945 in the supervision of the work of PW employed in the construction of Burma Siam Railway inhumanely treated the said PW contributing to deaths, bodily injury, damage to health and physical and mental suffering.

Not guilty

Guilty

Precis of Evidence: 1. The evidence for the prosecution was documentary and was contained in affidavits sworn by former PW, Q Forms completed by former PW, photographic identification and a written summary of the examination of the accused.

2. The accused was a Japanese Engineer Officer in charge of the construction of a section of the Burma-Siam Railway. Working parties of PW were marched from the Camp situate at HINTOCK Kanu Area a distance of 3½ miles in the early hours of the morning and back again at night. The camp was supervised by Japanese Engineers and Korean Guards. The accused completely dominated the guards at the Camp and they were given any licence to enforce PW to work. The guards removed sick PW from beds in hospital and the PW while at work building bridges and constructing the railway line were ruthlessly beaten.
(see over for remainder)

Sentence and Date:

To suffer death by hanging. 21 Sep 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 20 Jan 47.
Accused executed by hanging at CHANGI Prison on 21 Jan 47

Petition:

Petition lodged Sep 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.....

Towards the end of June, many PW were suffering from Malaria and in particular 5 PW were very sick in hospital. They were made to fall in on a muster parade and marched to work. One Sgt HALLAM was unable to make the journey and he struggled back to hospital and was readmitted. A check was made that night to ascertain who were the PW who had not worked on the line. Sgt HALLAM and other PW who had fallen out of the work parties, were on the orders of the accused, taken from hospital to the parade ground. The guards then proceeded to punch PW with their fists, took off their shoes and belted them with their wooden shoes, lashed them with thick bamboo sticks and made them stand at a position of attention for long periods. This savage beating lasted for hours. Finally Sgt HALLAM was removed to hospital. His face, neck and chest were contused and swollen. There were abrasions all over his body and legs. Sgt. HALLAM died a few hours later as a result of internal injuries. In the Engineers' Compound, three more men were lined up and beaten. They were thrown to the ground by means of ju-jitsu holds and repeatedly kicked and bashed by the Japanese. The accused was in his hut which was nearby but he did not take any steps to stop the savage treatment the men were receiving. This ill-treatment brought about incurable ulcers. A PW named Pte TUCK lost both his legs as a result of injuries. One Pte HOWARD lost a leg and a PW named MOATE was in hospital for 7 months as a result of his injuries.

The accused displayed complete indifference to the sanctity of human life refusing to allow personnel suffering from cholera to be removed to hospital until the work shift had been completed. He meted out collective punishment for the offences of a few. He withheld his trucks from collecting rations necessitating hungry and sick men going to collect food rations at midnight. The accused and the Japanese under him were inhuman and callous taskmasters and the main objective of the accused appeared to be to complete the railway irrespective of the cost of human life.

5. The accused gave evidence in his defence. In general he denied all the allegations contained in the evidence for the prosecution.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 225

Col OBANA Yoshimasa
Capt TOMITA Nozomu
Cpl SUZUKI Toshio
Cpl SASAKI Kiyoto
Accused: L/Cpl KANAZAWA Masao
Civilian Interpreter NAKAGAWA Masaichi
KITA Koichi
Court, Place, " SINGAPORE
Date and " KINOSHITA Katsutaro
Formation: 2 3 5 6 7 9 & 11 Sep 46
AWC No.....
Aust W.C. List Ser No.....

Charge(s)	Plea	Finding
Committing a war crime in that they at Batavia on various days between the 17th day of June 1945 and the 14th day of Aug 1945 in violation of the laws and usages of war were concerned in the inhumane treatment of Australian prisoners of war thereby causing great physical pain and mental suffering to the said Australian Prisoners of War.	All accused guilty	All accused guilty

Precis of Evidence: The Australians referred to in the charge were the crew of a "Liberator" Bomber commander by S/Ldr J.A. WAWN, RAAF. The other members of the crew were F/Lt D.W.J. BUCHANAN, F/Lt L.L. MCKENZIE, F/O C.C.A. Robertson, F/O P.S. SYKES, F/O R.T. ROBERTSON, W/O T. BONNICE, Sgt L.F. MEDWIN, F/Sgt B. McINERNEY, Sgt D.J. MALONEY, F/Sgt N. HAYWOOD, F/Lt E.R. OLDFIELD. The accused were members of the Japanese Army and at all relevant times held appointments as follows. The accused OBANA was senior Staff Officer of HQ 16 Japanese Army and was in charge of the Intelligence Section. The accused TOMITA was attached to HQ 16 Japanese Army and was OC Interpreters and Translation. The accused SUZUKI SASAKI and KANAZAWA were guards and were employed at all relevant times guarding the PW referred to in the charge and particularly during periods when such PW were being interrogated. The accused NAKAGAWA, KITA and KINOSHITA were interpreters and were under the command of the accused TOMITA. They assisted in the interrogation of the PW referred to in the charge. On 26 April 1945

	Accused OBANA) EACH TO BE IMPRISONED FOR 14 YEARS
Sentence	" TOMITA	
and Date:	" NAKAGAWA) TO BE IMPRISONED FOR 11 YEARS
	" KITA	
	" SASAKI) EACH TO BE IMPRISONED FOR 8 YEARS
	" KANAZAWA	
	" SUZUKI) TO BE IMPRISONED FOR 4 YEARS
	" KINOSHITA	
	" " " " ") 3 YEARS

Confirmation and by Whom: Maj-Gen L.H. Cox, GOC Singapore District.

Promulgation: Confirmation of finding and sentence promulgated to each accused on 30 Sep 46.

Petition: *No petition lodged*

J.A.G.'s Report on Petition: —

Action on Petition: —

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

the "Liberator" Bomber took off from Western Australia for targets in JAVA and BALI. On 27 Apr the aircraft crashed close to SOEMBA Island and despite heavy surf and machine gun fire from the Japanese all members of the crew reached the shore. From 27 April 1945 until 17 June 1945 they were subjected to ill-treatment but such ill-treatment has no relation to the present charge. On 17 June 45 the airmen arrived at Bicycle Camp Batavia where they were imprisoned apart from other PW then in Japanese hands. The normal crew for a Bomber of the Liberator type is eleven but the complement of the crew on this occasion totalled twelve. It was submitted by the prosecution that the Japanese assumed that the aircraft was carrying a spy and was therefore in possession of information which would be valuable to the Japanese Army. The real reason for the additional member of the crew was that F/Lt OLDFIELD had made the trip to observe the air gunners in the course of their duties. Shortly after their arrival the accused OBANA gave orders to the accused TOMITA to conduct the interrogation of the PW. The accused TOMITA discussed the matter with an interpreter named SAKAMOTO Takao whose whereabouts is now unknown. It was alleged that SAKAMOTO was guilty of the most fiendish tortures to force the prisoners to disclose military information which they could not be compelled to disclose. After discussing matters with SAKAMOTO the accused TOMITA held a conference of all the interpreters including the accused NAKAGAWA, KITA and KINOSHITA. The accused TOMITA detailed to the interpreters the information he required from the prisoners. The information was such that by International Law the PW could not be compelled to answer. The accused TOMITA detailed the accused SUZUKI, SASAKI and KANAZAWA to guard the prisoners and to assist the interpreters. The interrogation commenced and on the following day the accused TOMITA reported to the accused OBANA that no information had been obtained as a result of the interrogations of the prisoners and the accused OBANA gave instructions that the PW were to be "treated roughly". The accused including the Japanese SAKAMOTO proceeded to torture the prisoners in a most brutal manner. There were two types of torture namely lashings frequently indulged in by the Japanese floggings with bamboo swords fists and belts. In substance this type of torture ranged from slapping to flogging of the utmost severity. The torture in the other category included the flogging of a prisoner with a rubber slipper until the face and glands of the neck were so swollen and so bloody that the victims were unrecognisable. In addition in this class there was also the torture of beating the finger nails with wooden hammers until the nails were blackened and broken. In particular there was evidence that S/Ldr Wawn after a terrific flogging was lain almost unclad on pebbles in the blazing sun for 8 hours without food or drink and during this time he was also beaten with bamboo swords. He was then placed in solitary confinement for a period of 28 days and then confined in a filthy overcrowded cell with natives and Eurasians. F/Lts Buchanan and Maloney in addition to other torture were also given solitary confinement. These airmen were also threatened with death by the accused TOMITA and NAKAGAWA for failing to answer questions. The prosecution alleged that the treatment meted out to the prisoners may have resulted in the deaths of the prisoners had it not been for their good physical condition and their moral courage.

2. The accused OBANA, TOMITA, NAKAGAWA and SUZUKI gave evidence in their defence and two witnesses were called on behalf of the accused. The accused OBANA denied that he had given any orders to use force in interrogating the prisoners. The accused TOMITA alleged that he had been instructed to use force after the early interrogations had failed to furnish any information. On behalf of all the accused it was contended that if there was any forced used in connection with the interrogation the evidence for the prosecution was very much exaggerated.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 223

Accused: Capt HOSUMI Susumi
2nd Class Pte OKAWA Kisaburo
Sup Pte OTSUKI Masao

AWC No.....

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

Court, Place, SINGAPORE
Date and 10, 11, 12 & 13 July 1946
Formation:

Charge(s)	Plea	Finding
1. COMMITTING A WAR CRIME at SONGKRAI PW Camp SIAM on or about 14 Aug 45 to wit unlawfully killed VX19728 Pte J.E. DURKIN 2/2 Pnr Bn AIF a PW in the said camp.	All accused Not guilty	All accused guilty
2. (Against the accused OKAWA only) COMMITTING A WAR CRIME at SONGKRAI PW Camp SIAM from 22 Jul 45 to about 14 Aug 45 to wit inhumanely treated VX19728 Pte J.E. DURKIN 2/2 Pnr Bn AIF a PW in the said Camp.	Not guilty	Guilty

Precis of Evidence: 1. The evidence for the prosecution was partly documentary and partly verbal. The documentary evidence consisted of affidavits by S/Sgt I.W. RENNIE, Pte C.J. VIDLER, Cpl G.E. TURNER, written statements by S/M KAWASE Kazuo, S/M MATSUEA Tabatake, the accused Capt HOSUMI Susumi, an affidavit by Lt Col C.E. DeM R. PIERCE, Summaries of examination of 2nd Class Private OKAWA Kisaburo, and sworn statements by the said accused OKAWA and the said accused OTSUKI. Verbal evidence was also given by Capt D.A. FRASER.

2. The evidence for the prosecution on both charges was to the effect that Pte J.E. DURKIN (hereinafter referred to as the deceased) had escaped from custody whilst in Japanese hands at SONGKRAI PW Camp SIAM. The deceased was recaptured three days later namely on 22 July 1945. He was tied to a post of the Guard house by a rope passed round his neck and tying his arms behind his back. The deceased was so tied that he could only sit down with difficulty. Although it rained most of the time the deceased

(over)

Sentence: Accused HOSUMI & OKAWA - TO SUFFER DEATH BY HANGING - 13 JULY 46
and Date: " OTSUKI - TO BE IMPRISONED FOR 18 YEARS - 13 JULY 46

Confirmation and by Whom: LT. GEN V.A.H. STURDEE C.G.S. F.M.F 24/12/46.

Promulgation: Confirmation of finding and sentence promulgated to the accused on 20/1/47. The accused HOSUMI and OKAWA were executed on the 21-1-47 at CHANGI prison.

Petition: Petitions lodged July 46 by each accused against findings and sentences.

J.A.G.'s Report on Petition: Confirm findings and sentences against the accused HOSUMI and OKAWA and dismiss petitions. Confirm sentence and uphold petitions of accused OTSUKI in relation to sentence. Recommends

Action on Petition: mitigation thereof to period of imprisonment for about 5 years
Dismissed 24/12/46.

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

was not afforded any protection from the weather. He was not given any change of clothing and during the three weeks of his imprisonment he was permitted to wash himself on one occasion only. During practically the whole of the day time the deceased was made to stand at the position of attention, and he was subjected to frequent beatings by the Japanese guards. During the night time the deceased was heard calling out in pain as though he was receiving further beatings. He was not permitted to go to the latrines and his clothes and body were in a filthy condition. In addition to malaria he was suffering from beri-beri but no medical treatment of any kind was given to him. On or about 14 Aug 45 the Japanese sgt in charge of the section to which the deceased was attached in company with 4 Japanese soldiers armed with rifles and bayonets took the deceased to the cemetery adjoining the camp. There the deceased was killed by bayonetting. The facts which were more or less admitted were that the accused OKAWA was in charge of the camp where the deceased was kept in custody, and the prosecution contended that he was responsible for the condition in which the deceased was kept after his recapture. The accused OKAWA also admitted that he made arrangements for the execution and that he gave the order to the accused OTSUKI to bayonet the deceased. The accused OKAWA admitted that the execution was arranged pursuant to the orders of the accused HOSUMI and corroborated evidence by two Japanese NCO's of this fact was also tendered by the prosecution.

3. Each of the accused gave evidence in their defence. The accused HOSUMI denied that he gave any such orders for the execution of the deceased and that he was not in a position to do so. The accused OKAWA and OTSUKI both claimed that they carried out orders of superiors.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Capt HOSUMI Susumi
Accused: 2nd Class Pte OKAWA Kisaburo
Sup Pte OTSUKI Masao
Court, Place, SINGAPORE
Date and 10,11,12 & 13 July 1946
Formation:

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

Charge(s)	Plea	Finding
1. COMMITTING A WAR CRIME at SONGKRAI PW Camp SIAM on or about 14 Aug 45 to wit unlawfully killed VX19728 Pte J.E. DURKIN 2/2 Pnr Bn AIF a PW in the said camp.	All accused not guilty	All accused guilty
2. (Against the accused OKAWA only) COMMITTING A WAR CRIME at SONGKRAI PW Camp SIAM from 22 Jul 45 to about 14 Aug 45 to wit inhumanely treated VX19728 Pte J.E. DURKIN 2/2 Pnr Bn AIF a PW in the said Camp.	Not guilty	Guilty

Precis of Evidence: 1. The evidence for the prosecution was partly documentary and partly verbal. The documentary evidence consisted of affidavits by S/Sgt I.W. RENNIE, Pte C.J. VIDLER, Cpl G.E. TURNER, written statements by S/M KAWASE Kazuo, S/M MATSUEA Tabatake, the accused Capt HOSUMI Susumi, an affidavit by Lt Col C.E. Dem R. PIERCE, Summaries of examination of 2nd Class Private OKAWA Kisaburo, and sworn statements by the said accused OKAWA and the said accused OTSUKI. Verbal evidence was also given by Capt D.A. FRASER.

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Sentence and Date: Accused HOSUMI & OKAWA - TO SUFFER DEATH BY HANGING - 13 JULY 46
" OTSUKI - TO BE IMPRISONED FOR 18 YEARS - 13 JULY 46

Confirmation and by Whom: LT GEN V.A.H STURDEE C.G.S. A.M.F 24/12/46.

Promulgation: Confirmation of finding and Sentence promulgated to the accused on 20/1/47. The accused HOSUMI and OKAWA were executed on the 21/1/47 at CHANGI prison.

Petition: Petitions lodged July 46 by each accused against findings and sentences.

J.A.G.'s Report on Petition: Confirm findings and sentences against the accused HOSUMI and OKAWA and dismiss petitions. Confirm sentence and uphold petitions of accused OTSUKI in relation to sentence. Recommends Action on Petition: mitigation thereof to period of imprisonment for about 5 years.

Dismissed 24/12/46.

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

was not afforded any protection from the weather. He was not given any change of clothing and during the three weeks of his imprisonment he was permitted to wash himself on one occasion only. During practically the whole of the day time the deceased was made to stand at the position of attention, and he was subjected to frequent beatings by the Japanese guards. During the night time the deceased was heard calling out in pain as though he was receiving further beatings. He was not permitted to go the latrines and his clothes and body were in a filthy condition. In addition to malaria he was suffering from beri-beri but no medical treatment of any kind was given to him. On or about 14 Aug 45 the Japanese sgt in charge of the section to which the deceased was attached in company with 4 Japanese soldiers armed with rifles and bayonets took the deceased to the cemetery adjoining the camp. There the deceased was killed by bayonetting. The facts which were more or less admitted were that the accused OKAWA was in charge of the camp where the deceased was kept in custody, and the prosecution contended that he was responsible for the condition in which the deceased was kept after his recapture. The accused OKAWA also admitted that he made arrangements for the execution and that he gave the order to the accused OTSUKI to bayonet the deceased. The accused OKAWA admitted that the execution was arranged pursuant to the orders of the accused HOSUMI and corroborated evidence by two Japanese NCO's of this fact was also tendered by the prosecution.

3. Each of the accused gave evidence in their defence. The accused HOSUMI denied that he gave any such orders for the execution of the deceased and that he was not in a position to do so. The accused OKAWA and OTSUKI both claimed that they carried out orders of superiors.

defendant: Korean

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Ans 220

AWC No.....

Accused: Korean Gd ARAI Shokai

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

Court, Place, SINGAPORE
Date and 26 and 27 June 46
Formation: 1 Aust War Crimes Sec

Charge(s)

Plea

Finding

COMMITTING A WAR CRIME in that he at NAKOM PATHON SIAM in and between the months of December 1943 and September 1945 while in the service of the Imperial Japanese Army and engaged in the guarding and supervising of Prisoners of War in the power of the Japanese Government in violation of the laws and usages of war did inhumanely treat Australian, American British and Dutch Prisoners of War by physical tortures, beatings and assaults thereby causing bodily injuries and physical suffering to the said prisoners of war.

NOT
GUILTY

GUILTY

Precis of Evidence:

1. The evidence for the prosecution consisted of affidavits and 'Q' Forms from ex prisoners of war who were personally beaten, assaulted and tortured by the accused or were witnesses to such treatment of their fellow prisoners of war. These documents contained evidence of the beating of numerous unidentified Australian, British, American and Dutch prisoners of war, by the accused at NAKOM PATHON Prisoner of War Hospital and Camp, between Dec 43 and Sep 45, as well as specific beatings and assaults of Pfc J.W. BAILEY, Pfc J.F. BUMPASS of US Armed Forces, NX10457 Pte G.S. COLLINS of 2/3 Ord Coy (AIF) VX23225 Pte H.J. OUDHAM of 2/2 Pnr Bn (AIF) QX17259 L/Sgt I.J. HAMILTON of 2/10 Rd Regt (AIF) Pte L. HARDEN of 2/29 Inf Bn AIF members of the AIF and R. LICHTENVOORT of the Dutch Armed Forces. Injuries sustained by the victims of such assaults included broken arms, and a split skull and internal injuries and two of

(Over)

Sentence and Date: TO BE IMPRISONED FOR 15 YEARS - 27 June 46

Confirmation
and by Whom:

Maj-Gen L.H. Cox - GOC Singapore District

Promulgation:

Confirmation of finding and sentence promulgated to accused on 19 Jul 46

Petition:

No petition lodged

J.A.G.'s Report on Petition: Not applicable

Action on Petition: —

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

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Precis of Evidence (contd)

such victims were still at the date of trial suffering from the effects of such injuries.

2. The accused gave evidence on oath in his defence and denied having assaulted or beaten any prisoners of war as alleged but admitted that he slapped a Dutch prisoner of war on the face. The accused also admitted being on duty at the Prisoner of War Hospital and Camp at the material times stated in the charge and that his duties included guarding and supervision of working parties. The defence called a witness but his evidence was mainly regarding the good character of the accused.

religion