

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)*Ans 2nd*

AWC No.....

Accused: **Korean Guard HIROMURA Kakura1**

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

Court, Place, Date and Formation: **SINGAPORE
18 and 20 March 47
1 Aust War Crimes Sec (FARALF)**

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that he at HINTOK SIAM in and between the months of March and August 1943 in violation of the laws and usages of war, when in the service of the Imperial Japanese Army and concerned in the supervision and administration of prisoners of war, inhumanely treated prisoners of war.	NOT GUILTY	GUILTY with the exception of the words "in and"

Precis of Evidence:

The evidence of the prosecution was entirely documentary consisting mostly of statements from ex-Prisoners of War. The substance of the evidence was to the effect that the accused was stationed at HINTOK Prisoner of War Camp SIAM between March and August 1943, and during part of this time he occupied the position of Camp Commandant. It was alleged that during the said period the prisoners of war lived under the most appalling conditions, shelter and accommodation were totally inadequate and most primitive. They were also denied sufficient food, medical supplies, clothing, and footwear. During most of the said period the prisoners of war were forced to perform heavy manual labour on the railway line for which they were totally unfit by reason of their physical and medical condition. They were continually beaten and assaulted by the camp staff and the guards. (contd).

Sentence
and Date:**DEATH BY HANGING**Confirmation
and by Whom:*Maj Gen W.M. Anderson A.G. A.M.F. 24/10/47.
Sentence commuted to 20 YEARS imprisonment.*

Promulgation:

Promulgated to the accused on the 7/11/47.

Petition:

Petition lodged by the accused on 1 Apr 47 against the finding and sentence.J.A.G.'s Report on Petition: **Finding and sentence may be confirmed and suggests that the sentence be mitigated to imprisonment for a long period.**

Action on Petition:

Dismissed

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

Precis of Evidence (contd)

Sick and diseased prisoners of war were forced by the accused to go out on working parties despite the protests of prisoner of war medical officers, as a result of this treatment sickness and disease among the prisoners of war became rife and by the end of April 43 25% of the camp strength were in hospital. It was also alleged by the prosecution that out of 800 Australian prisoners of war who went into the camp over 100 of them died there, and that the accused was responsible for their death.

The accused gave evidence in his defence, and denied all the allegations made by the prosecution and this was substantiated by Col ISHII a Colonel in the Japanese Army.

Precis of Evidence (contd)

Sick and diseased prisoners of war were forced by the accused to go out on working parties despite the protests of prisoner of war medical officers, as a result of this treatment sickness and disease among the prisoners of war became rife and by the end of April 43 25% of the camp strength were in hospital. It was also alleged by the prosecution that out of 800 Australian prisoners of war who went into the camp over 100 of them died there, and that the accused was responsible for their death.

The accused gave evidence in his defence, and denied all the allegations made by the prosecution and this was substantiated by Col ISHI a Colonel in the Japanese Army.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 245

AWC No.....

Accused: Capt SUZUKI Shozo

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

Court, Place, Date and Formation: Singapore 24 & 26 Feb 47
1 Aust War Crimes Sec.

Charge(s)

Plea

Finding

Committing a war crime in that he at Batavia Java in and between the months of April and September 1942 while concerned in the administration and supervision of PW inhumanely treated such PW.

Not guilty

Guilty of the charge except for the word "Sept" the word "Aug" should be substituted.

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of nine affidavits made by former members of the AIF who were PW in Japanese hands. The substance of the evidence contained in such affidavits was to the following effect. The accused was the Comd of Bicycle PW Camp Batavia, Java, from Apr to Aug 42 and that during that time PW were not supplied with adequate accommodation and quarters, food, clothing, footwear or medical supplies. On numerous occasions many of the said PW were brutally and viciously attacked by guards in the said camp on the slightest pretext and in many instances for no reason at all. On 4 Jul 42 the accused personally ordered and participated in the beating, torture and kicking of four Australian officers for many hours for their refusal to sign an oath requiring them to obey implicitly all orders of the Imperial Japanese Army.

2. The accused gave evidence in his defence. He alleged that he did all in his power to improve the accommodation and quartering of PW and that (P.T.O.)

Sentence and Date:

To be imprisoned for ten years. 26 Feb 47.

Confirmation and by Whom:

Maj Gen W.P.M. Anderson Adj Gen A.M.F. 22/5/47

Promulgation:

Promulgated to the accused on 13/6/47

Petition:

No Petition lodged by Accused

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

Confirm finding but suggests that sentence should be mitigated to imprisonment for 5 years.

Action on Petition: —

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

food supplies were issued according to the ration scale provided for members of the Japanese Army. He further alleged that he was unable to supply adequately clothing, footwear and medical supplies as there was a shortage of same in Java at that time. He stated that he made every effort to obtain increased supplies. He denied the allegations that he ordered, participated or witnessed the ill-treatment of four Australian officers and further alleged that he did not hear of or see any acts of ill-treatment of PW by guards under his command.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Aus. 244

AWC No.....

Accused: **Lt Cpl NAKANISHI Jirohei**

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

Court, Place, **Singapore**
Date and **10, 11, 12, 13, 14 and 17 Feb 47.**
Formation: **1 Aust War Crimes Sec.**

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that he at NIKKI in SIAM in or about the months of July and August 1945 in violation of the laws and usages of war when concerned in the care and supervision of PWs inhumanely treated the said PWs.	Not guilty	Guilty

Precis of Evidence: 1. The evidence for the prosecution was partly verbal and partly documentary. The verbal evidence was given by Mr. A.R. ADDISON (formerly WXL2039 Pte ADDISON, R.A. 3 MG Bn) and the documentary evidence consisted of a number of affidavits made by ex PW and also a written statement made by the accused. The substance of the evidence for the prosecution was as follows: In about the months of July and August at Niki PW Camp in Siam about 500 PW consisting of English, Australian and Dutch soldiers were held by the Japanese. The accused who was known to PW by the nickname "Snake Eyes" was a Japanese Guard and an NCO in charge of working parties. On 17 July 45 at about 1200 hours a party of five or six PW were assembled in a tool shed. In this party there was one Englishman and one Dutchman and the remainder were Australians. The party was collecting tools preparatory to going out to erect a fence in which to keep cattle. The accused then said something to the PW in Japanese but he was not understood. When he realized that nobody understood him he lost his

(P.T.O.)

Sentence and Date: **To be imprisoned for life. 17 Feb 47.**Confirmation and by Whom: *Maj Gen W. M. Anderson Adj Gen A.M.F. 22/5/47.*Promulgation: *Promulgated to the accused on 13/6/47*Petition: **Petition lodged Feb 47 on behalf of the accused against finding and sentence.**J.A.G.'s Report on Petition: **Confirm finding and sentence and dismiss petition.**Action on Petition: *Dismissed 22/5/47.*

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

temper. The accused had in his hand a steel hammer and in a frenzy he proceeded to strike PW indiscriminately with the hammer. The hammer weighed about two pounds. The accused hit an Australian, Pte. A. Stephenson of 2/2 Pnr Bn, four times on the head and the last blow rendered Pte Stephenson unconscious. Notwithstanding this fact he continued to strike the other PW. The party was then dismissed for lunch and the remaining PW carried Pte Stephenson to his quarters. He regained consciousness for a very brief period on the following day and slipped into unconsciousness, again. He died in the afternoon of that day. He was given some medical aid by an Australian medical orderly which only amounted to making the PW comfortable as no medical necessities were available. Pte Stephenson was not rendered any medical attention by the Japanese. The burial of Pte. Stephenson was carried out by PW on the day of his death. The accused was identified by the verbal evidence of the witness ADDISON and by means of photographs exhibited to affidavits put in evidence on behalf of the prosecution.

2. The accused gave evidence in his defence and four Japanese gave evidence on his behalf. The defence relied in the main on an alibi. The accused alleged that at the relevant time and place when the incident (the main subject of the charge) occurred he was not in the camp as he was suffering from an attack of malaria.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 240

AWC No.....

Accused: Korean Guard HAYASHI Eishun

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

Court, Place, Singapore
Date and 25 Jun 46
Formation:

Charge(s)

Plea

Finding

VIOLATION OF THE LAWS AND USAGES
OF WAR in that at 131 Kilo Camp
Niki, Siam about 23 Dec 43 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 44.

Not guilty

Guilty with the
exception of the
words "134 Kilo Camp
Siam".

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

Sentence

and Date: To suffer death by hanging. 25 Jun. 46.

Confirmation

and by Whom: Retrial

Promulgation:

Petition: Petition lodged Jul 46 against finding and sentence.

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

Action on Petition:

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

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in the stomach caused 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. The defence also put in evidence an affidavit by one Dr. Sydney KRANTZ which contained certain hearsay evidence to the effect that L/Sgt Whitfield had been shot. The circumstances under which this affidavit was put in evidence by the defence is fully dealt with by the J.A.G. in his opinion and advice.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Korean Guard KANESHIRO Masao

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

Court, Place, 31 Mar & 2 Apr 47
Date and Singapore
Formation: 1 Aust War Crimes Sec

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that he at 105 Kilo Camp at AUNGGANUANG BURMA in and between the months of Aug 43 and Jan 44 in the violation of the laws and usages of war when concerned in the supervision and administration of Prisoners of War inhumanely treated prisoners of war.	Not Guilty	Guilty of the charge with the exception of the words "in and"

Precis of Evidence: 1. The evidence for the prosecution was solely documentary and consisted of ten affidavits sworn by former PW, a sworn statement made by the accused and sworn statements made by two other Japanese. The affidavits contained evidence of numerous assaults beatings and tortures of Australian PW committed by the accused at 105 Kilo Camp at AUNGGANUANG, Burma between the dates mentioned in the charge. The accused was known to PW by the nickname of "the Bull" and identification of the accused was effected by photographs exhibited to five of the affidavits. In particular evidence was given of beating kicking and torturing an Australian PW namely WX.8188 Spr ILES, A.N. of 2/6 Fd Pk Coy at 105 Kilo Camp in Dec 1943. As a result of this ill-treatment Spr ILES died at 105 Kilo Camp on or about 4 Jan 44.

2. The accused gave evidence in his defence and ^{denied} ~~desired~~ the allegations contained in the evidence of the prosecution. He admitted that in Aug 43 he slapped a PW across the face for being lazy at his work. He further

Sentence and Date: TO BE IMPRISONED FOR LIFE. 2 Apr 47

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

Promulgation: Promulgated to the accused on the 25-7-47.

Petition: Lodged April 47 against finding and sentence.

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

Action on Petition: Denied 27/6/47

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

2.

Precis (continued)

denied that he was known to PW as "the Bull" and that he was serving in the Camp at the time it was alleged that Spr Iles was beaten. He contended that if such beating occurred as described by the prosecution then he had been mistaken for some other Korean Guard in the Camp.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 234

AWC No.....

Accused: **L/Cpl KIYOTO Yusa**

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

Court, Place, **Singapore 3 & 17 Mar 47**
Date and **1 Aust War Crimes Sec.**
Formation:

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that he at Nacomchassi, Siam in and between the months of May and August 1945 in violation of the laws and usages of war while in the service of the Imperial Japanese Army and concerned in the supervision of prisoners of war inhumanely treated prisoners of war.	Not guilty	Guilty of the charge with the exception of the word "May" for which should be substituted the word "July".

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of War Crimes Questionnaire Forms, affidavits and a statement in writing made by the accused. The substance of the evidence was to the effect that during the period of July to August 1945 the accused was a member of 2nd Coy 3rd Engineering Regt of the Japanese Army. He was stationed at NACOMCHASSI Prisoner of War Camp in SIAM. At the relevant times the accused performed duty as a guard and WCO in charge of PW working parties. The evidence showed that the accused brutally and viciously assaulted, beat and ill-treated PW in his charge and supervision, often for no apparent reason and some times on the slightest pretext. He struck PW with his fists, pieces of wood and the butt of his rifle and he kicked them with heavy Japanese boots which he was wearing at the time. The assaults and beatings caused bodily injuries, damage to health and physical suffering to many PW. 2. The accused gave evidence on his own behalf and (PTO)

Sentence and Date: **To be imprisoned for 7 years.**Confirmation and by Whom: *Maj Gen W. M. Anderson Adj Gen A.M.F. 24/6/47.*Promulgation: *Confirmation of the finding and sentence promulgated to the accused on the 14/6/47.*Petition: **Lodged March 47 against finding and sentence.**J.A.G.'s Report on Petition: **Confirm finding and sentence and dismiss petition.**Action on Petition: *Dismissed 24/6/47.*

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

2.

admitted slapping PW for eating certain foodstuffs which had not been inspected. As to all the allegations his defence thereto was a general denial. The defence called two witnesses and both of these witnesses stated that they had never seen the accused striking PW as alleged by the prosecution.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Rev 229

AWC No.....

Accused: Capt NOMURA Fumio

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

Court, Place, Date and Formation: Singapore 30 Oct 46
1 Aust War Crimes Sec..

Charge(s)	Plea	Finding
Committing a war crime in that he at Kaorin Camp in Siam between the 20th day of Sep 44 and the 15th day of Mar 45 in violation of the laws and usages of war when concerned in the administration of a group of Australians and other prisoners of war, inhumanely treated many of the said prisoners of war resulting in severe physical suffering to them.	Not guilty	Guilty

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of affidavits by ex PW and a written statement made by the accused. The accused was in charge of a group of Australian and other PW at Kaorin Camp in Siam at all relevant times. In Nov 44 an Allied air raid was made on one of the Kanburi dumps about a mile away from the camp. A Japanese interpreter under the command of the accused reported to the accused that one of the Australians had said after the raid had passed "Come again". The accused then made the Australians stand at a position of attention for about an hour. That night the accused entered the PW hut and he was in a drunken condition. He ordered all PW out of bed apparently with the intention of finding the man who expressed the wish that the Allied planes would "Come again". The accused staggered up and down the lines asking the men individually if he were the culprit. He struck a Lt. named Mackenzie on the jaw with his clenched fists and hit other PW with

(PTO)

Sentence and Date: To be imprisoned for five years. 3 Oct 46.

Confirmation and by Whom: Maj-Gen L.H. Cox, GOC Singapore District. 30 Oct 46.

Promulgation: Confirmation of finding and sentence promulgated to accused on 28 Oct 46

Petition: - No petition lodged.

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

Action on Petition: -

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

2.

his fists or a piece of wood and finally with a torch. A Pte. Tonken had his teeth broken and other men were thrown to the floor by means of ju-jitsu holds. Many of the men assaulted were suffering from malaria. On another occasion some three or four men were beaten. They were made to lie on the ground and flogged by the accused and a guard. Witnesses described the screams of the men whilst being flogged as terrifying. The effect of this beating caused extensive bruising and pain and in the case of one PW he suffered ~~fr~~ pain for about five weeks. He was sent to hospital and even whilst an inmate he was sent out to work. The prosecution also adduced evidence to the effect that sick PW from the hospital were made to work round the camp. There was also evidence of other individual acts of ill-treatment.

2. The accused gave evidence in his defence. He denied all the allegations of ill-treatment as alleged by the prosecution.

The accused admitted going into the PW hut on the night of an air raid, with the PW Camp Comd Capt Rennie. He stated that he questioned the prisoners as to who had said "Come again". The attitude of two PW was "very bad" and he "pushed them down".

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Cms 221

AWC No.....

Accused: L/Cpl KAGA Zenshi

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

Court, Place, SINGAPORE
Date and 28 June 1946
Formation: 1 Aust War Crimes Section

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that he on or about 15 May 1945 at RAJBURI in SIAM when 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 assault and cruelly beat VX56772 Gnr IKIN L.L. a member of the AIF thereby causing him bodily injury.	NOT GUILTY	GUILTY

Precis of Evidence:

The evidence for the prosecution was documentary and consisted of an affidavit sworn by Gnr IKIN 'Q' Form completed by him and three sworn statements made by the accused. The substance of the evidence was to the effect that Gnr IKIN was a member of a party of Australian prisoners of war on loan to a company of Japanese Engineers located on a river Island at the village of RAJBURI THAILAND. The Australian prisoners of war were engaged on ferry work. On the 15 May 45 Gnr IKIN was accused of conversing with a native. This was against Camp Regulations and without giving Gnr IKIN an opportunity to explain the accused removed his belt and flogged him on the head and face, for about 8 minutes. The accused in evidence admitted beating Gnr Ikin but denied the allegation regarding the severity of such beating. He alleged it was a punishment permitted by his Platoon Commander and the few blows struck with the belt were on the back and were meant as punishment and not to hurt.

Sentence

and Date: TO BE IMPRISONED FOR 3 YEARS - 28 June 46

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 283 July 46.

Petition: No petition lodged

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)

Ans 219

AWC No.....2213.....

Accused: **Lt IMAMURA, Kazuhiko**

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

Court, Place, **RABAU**
Date and **25 Jul 47**
Formation: **8th Military District**

Charge(s)	Plea	Finding
As per attached Appendix		

Precis of Evidence: The evidence for the prosecution was documentary consisting of 2 statements made by Subedar CHINT SINGH an Indian Prisoner of War. The substance of the evidence was to the effect that the accused was responsible for the employment of Indian Prisoners of War and that as such he on numerous occasions used these PW for the unloading of ammunition, aeroplanes, petrol and other military equipment from the Japanese ships that stopped at WEWAK. The prosecution alleged that the accused used numbers of the Indian PW in the construction and repair work of a Japanese airstrip at WEWAK, which was subjected to bombing by Allied planes on many occasions, and that during these bombing raids the PW were not provided with sufficient shelter for their safety. It was also alleged by the prosecution that the accused had ill-treated the Indian Prisoners of War by making them work long hours with very little food and sleep, and beating the PW mentioned in the charge, and that he was also responsible for the withholding of medical supplies. (see over)

Sentence and Date: **To be imprisoned for 12 months**

Confirmation and by Whom: **Confirmed by Brig. E.M. NEYLAN Commandant 8 MD on 30 Jul 47**

Promulgation: **Confirmation of finding and sentence promulgated to the accused on 31 Jul 47**

Petition: —

J.A.G.'s Report on Petition: —

Action on Petition: —

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

Precis (continued)

The accused gave evidence in his defence and admitted he had used Indian Soldiers for the unloading of war supplies; he also stated that the Indian Soldiers were not Prisoners of War, but Prisoners of War who were released on parole and who had engaged in service with the Japanese Army; he denied that he had used Indian PW on airfield construction work, or that he had ever beaten any of the Indian prisoners of war mentioned in the charges.

APPENDIX to
RECORD OF MILITARY COURT
Lt IMAMURA Kazuhiko
LIST OF CHARGES

<u>Charge(s)</u>	<u>Plea</u>	<u>Finding</u>
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FIRST CHARGE

3 < <u>COMMITTING A WAR CRIME</u> that is to say EMPLOYMENT OF PRISONERS OF WAR ON UNAUTHORIZED WORK in that he at WEWAK between the months of May and December 1943, on numerous occasions employed Indian Prisoners of War in the transport of arms and munitions. >	Not Guilty	Guilty
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SECOND CHARGE

<u>COMMITTING A WAR CRIME</u> that is to say ILLTREATMENT OF PRISONERS OF WAR in that he at WEWAK in or about the month of June 1943 ILLTREATED Jemedar JAI SINGH, Havildar TANTI RAM, and Sepoy PARTIP SINGH, Indian Prisoners of War, by beating them with a cane.	Not Guilty	Not Guilty
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THIRD CHARGE

<u>COMMITTING A WAR CRIME</u> that is to say ILLTREATMENT OF PRISONERS OF WAR in that he at WEWAK in or about the month of June 1943 illtreated a number of unidentified Indian Prisoners of War by beating them.	Not Guilty	Not Guilty
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FOURTH CHARGE

4 < <u>COMMITTING A WAR CRIME</u> that is to say EMPLOYMENT OF PRISONERS OF WAR ON UNAUTHORIZED WORK in that he at WEWAK on 2 Dec 1943 employed Havildar SALAMUD DIN an Indian Prisoner of War and other Indian Prisoners of War on dangerous work, namely the digging of drains on an airstrip at WEWAK which was subject to aerial bombardment without making adequate provisions for the safety of such Prisoners of War. >	Not Guilty	Guilty
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FIFTH CHARGE

<u>COMMITTING A WAR CRIME</u> that is to say ILLTREATMENT OF A PRISONER OF WAR in that he at RAINBOA in or about the month of December 1944 illtreated Sepoy NATHU RAM an Indian Prisoner of War by beating him with a stick.	Not Guilty	Not Guilty
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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R141 *Ans. 209*

AWC No.....

Accused: Sgt Maj MATSUMURA Tadashi

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

Court, Place, Rabaul
Date and 25 Jun 46
Formation: 8MD

Charge(s)	Plea	Finding
MURDER in that he at PAROM near BOIKEN in New Guinea in Jul 44 murdered Sepoy NARJAIL SINGH.	Not guilty	Not guilty.

Precis of Evidence: The evidence adduced by the Prosecution was documentary and consisted of a statement made by one NK BARA SINGH. The substance of the statement was as follows:- In July 44 the deceased NARJAIL SINGH was constructing wooden steps and owing to weakness he was not carrying out the work to the satisfaction of the Japanese Guards. Cpl MATSUMURA instructed BARA SINGH to order the deceased to work harder but the deceased was unable to do so. Two Japanese named in the statement as Sgt KAMINAKA assisted by Cpl MATSUMURA beat the deceased with large sticks. The deceased was carried back to his quarters and as a result of the severity of the beating he died 4 or 5 days later. The accused gave evidence in his defence. He denied striking the deceased and alleged that as an orderly clerk he did not ^{have} control of any Indians. A witness for the defence named KAMINAKA Tsunejiro alleged that he and another Japanese had struck an Indian on an occasion when the Indian had refused to work and made an attack on KAMINAKA with a log. This Japanese was assisted by

Sentence and Date: Not guilty - 25 June 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.....

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another Japanese in quietening the Indian. It was alleged that BARA SINGH was probably mistaking this incident for the one alleged by him.

AUSTRALIAN MILITARY FORCES

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

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Sgt Maj OKAWA Hakuei

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

Court, Place, RABUL
Date and 8 July 46
Formation: 8MD

Charge(s)

Plea

Finding

ILL TREATMENT OF PRISONERS OF WAR
in that he at KOMORIYAMA on or about
April 1945 cruelly beat 17633 Sepoy
MOHD SARWAR and 20914 Sepoy NUR
ILLAHI, Indian prisoners of war.

Not
Guilty

Not Guilty

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of written statements made by the two Indians named in the charge and Subedar MOWAZ KHAN and Sepoy MOHD ANWAR. The substance of the evidence contained in the statements was as follows :- The accused (named in the statements as Japanese Naik OKAWA) ordered MOHD SARWAR & NUR ILLAHI to take the latrine contents and spread it in the gardens. The accused was told that this was a job carried out by "sweepers" and both Indians refused to perform the task. The accused and another Japanese L/Naik KOSAKI, became angry and proceeded to beat the Indians without mercy. They received serious injuries and were unable to perform duties for some time thereafter. The interrogation of the accused which was reduced to writing was put in evidence. He admitted having given orders to carry out latrine contents but said it was not the practice to use it as garden manure. He denied that he knew either of the two (over

Sentence
and Date: NOT GUILTY - 8 July 46

Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

Indians. The defending Officer submitted to the Court that there was no case to answer as the person named in the statements was not identified in any way with the accused named in the charge. The Court upheld the submission of the Defending Officer and found the accused Not Guilty of the charge.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2753

Aust W.C. List Ser No.

Accused: Sgt Major KOKUMAI Atsushi

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

Charge(s)

Plea

Finding

ILL-TREATMENT of a prisoner of war in
that he at Nishihodai on or about 15
Jul 45 cruelly beat Jemadar Rang Ali
an Indian prisoner of war.Not
guilty

Guilty

Precis of Evidence: The evidence for the prosecution was documentary and consisted of two statements made by Rang Ali and Gurhun Singh. It was alleged therein that certain cooking utensils were taken away from a party of Indian prisoners of war. Rang Ali complained that they were given insufficient food and that the utensils were necessary to cook additional food which they collected. The accused stated that Rang Ali was lying and beat him with a shovel. He sustained an injury above his right eye as well as on other parts of the body. The accused gave evidence in his defence. He denied ill-treatment as alleged but admitted that he slapped an Indian named ALAM for lighting a fire and cooking food. This was contrary to an order given as fires attracted enemy aeroplanes.

Sentence
and Date:

To be imprisoned for 12 months. 8 Jul 46.

Confirmation
and by Whom:

Finding and sentence confirmed by Commandant 8th Military District.

Promulgation:

Finding and sentence as confirmed promulgated to accused on 31 Jul 46.

Petition:

Not applicable

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

Action on Petition: Not applicable

's Department and Numbered.....

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Qus 212

Naval Civilian TANAKA Tomogoro
" " KIKUSHIMA Tetsuo
" " WATANABE Iwao
Accused: " " OGAWA Fumio

AWC No. 2944, 2102,
2103, 2104

Aust W.C. List Ser No.

Court, Place, Rabaul, 6 & 7 Dec 46, 8. 150.
Date and
Formation:

Charge(s)

Plea

Finding

(Charge against accused TANAKA only) MURDER in that he at Truk about Jul 45 murdered DEKURO a native of Nauru displaced to Truk <u>Alternatively</u> Violation of the laws and usages of war in that he at Truk about Jul 45 ill-treated Dekuro a native of Nauru displaced to Truk by beating him and injuring him with explosives.	Not guilty	Not guilty of murder but guilty of alternative charge except injuring him by means of explosives.
(Charge against remaining accused) Violation of the laws & usages of war in that they at Truk about Jul 45 in company with Naval Civilian TANAKA of 4 Naval Construction Unit ill-treated Dekuro a native of Nauru displaced to Truk by beating him & injuring him by means of explosives.	All not guilty	All accused guilty except injuring him by means of explosives.

Precis of Evidence: The evidence for the prosecution was documentary and consisted of statements made by a son and daughter of the deceased DEKURO, the verbal evidence of one IWATA Kanichi and the interrogations of the accused KIKUSHIMA, WATANABE and OGAWA which were reduced to writing. The substance of the evidence adduced by the prosecution was as follows. The deceased was a native who had been moved from Nauru to Truk by the Japanese. About Jul 45 the son of the deceased, REYETSI saw the accused TANAKA and KIKUSHIMA approaching his father's house. The accused endeavoured to take from the deceased some fishing lines. REYETSI told the accused that they could not have the fishing lines without paying for them. One of the accused picked up a knife from the floor and brandished it at REYETSI and the accused. The accused were attempting to take the lines from the natives and when they were threatened with the knife they let the lines go. The natives then went to the house of IWATA Kanichi, the foreman.

Sentence
and Date:

Accused TANAKA - to be imprisoned for 2 years
" KIKUSHIMA -)
" WATANABE -) each to be imprisoned for 1 year
" OGAWA - to be imprisoned for 6 months.
7 Dec 46.

(Over)

Confirmation
and by Whom:

Lt. Gen P. A. H. Studdell C.G.S. A.M.F. 20/3/47.

Promulgation:

Confirmation of finding and sentence promulgated to the
accused on 9/4/47

Petition:

Lodged Dec 46 by each accused against finding and sentence.

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

Action on Petition:

Dismissed 20/3/47.

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

to report the incident. The foreman was not there and as they were returning, the two accused caught hold of the natives and tied their hands behind their backs. They were taken back to the foreman's house where they were beaten by the accused. They reported this to foreman. The accused then tied the natives to a tree close to the house and the natives were whipped. The deceased received most of the blows on his shoulders and back. REYNISI was released and the deceased was taken to the beach and both his legs were tied. He was then pushed over and he fell on the sand. One of the accused commenced beating the deceased with a stick and two other accused kicked him. One of the other accused ~~returned~~ to the foreman's office and returned. He struck a match lighting something which he throw at the deceased but it landed in the water and exploded. Later the deceased was taken back to his home. There was a large wound on his shoulder, another just above the right kidney and there were also several other small wounds on other parts of his body. The deceased said that an explosive had been tied to his back and ignited. He was very ill and could barely walk. Each morning the accused GOANA came and beat the deceased for not going to work. The deceased died a few days after the original assault.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 213

AWC No. 2959

Accused: Lieut-Gen KATO Rinpei

Aust W.C. List Ser No.

Court, Place, RABOUL
Date and 28, 29 April 47
Formation: SMD

Charge(s)	Plea	Finding
Committing a War crime that is to say a violation of the laws and usages of war in that he between November 1942 and September 1945 in New Guinea, New Britain and other Islands within the area of command of 8 Japanese Army Group while a member of the armed forces of Japan at war with the Commonwealth of Australia and its Allies unlawfully employed prisoners of war on work having a direct connection with Japanese Military operations.	Not Guilty	Not Guilty

Precis of Evidence: The evidence for the prosecution was in the main, documentary, whilst verbal evidence was given by Subedar CHINT SINGH who was former Indian prisoner of war. The documentary evidence that was produced by the prosecution was evidence which had been used in previous individual war crimes trials at Rabaul. The substance of the evidence was to the effect that during the period Nov 1942 to Sept 45 the accused unlawfully employed prisoners of war on work which had a direct connection with the operations of the Japanese Army. A sworn statement of the accused, which had been used in a previous war crimes trial at Rabaul, was produced by the prosecution to show that the accused had issued an order relating to the employment of Indians and Indonesians by the Japanese armed forces. Evidence was also produced to prove that the persons referred to in the accused's aforesaid order were at all material times prisoners of war in the hands of the Japanese. Subedar CHINT SINGH gave evidence to the effect

P.T.O.

Sentence and Date: NOT GUILTY 29 April 1947.

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

that he in company with other prisoners of war had worked on the wharfs at WEWAK unloading ammunition, aeroplane parts, rations, and other supplies. He had also worked on the airstrip of WEWAK filling in bomb-craters which had been caused by the bombing from allied aeroplanes.

Evidence for the defence was given by the accused, Gen IMAMURA GOC 8th Army Group, and Lt-Col TANAKA. The accused Lieut-Gen KATO Rinpei stated in his evidence that as the prisoners of war had not made any comments about them being prisoners of war, he thought that they were labourers who were doing their work of their own free will and for the independence of India. He admits having issued the aforesaid order, but states that it applied to Indian and Indonesian labourers and not prisoners of war.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Cmo 215.

AWC No. 2960

Accused: Col NEGISHI Kazue

Aust W.C. List Ser No.

Court, Place, Date and Formation: Rabaul
21, 22 May 47
8th Military District.

Charge(s)	Plea	Finding
Violation of the laws and usages of war in that he at SANKAKU YAMA about April and May 1945 did permit personnel under his command to ill-treat Indian prisoners of war.	Not guilty	Not guilty

Precis of Evidence: The evidence for the prosecution was in the main documentary, whilst verbal evidence was given by one Sgt NAITO Kasue of the Japanese Army. The substance of the evidence was to the effect that the accused from April to May 1945 was in command of a Hvy Arty Regt, third company of which had approx 150 Indian prisoners of war attached to it. It was alleged by the prosecution that personnel under the accused's command had ill-treated these prisoners of war by overworking them whilst they were sick, and by denying them medical attention and insufficient food. In addition evidence was also submitted to show that these PWs were frequently beaten.

2. The accused gave evidence in his defence and stated that he had received instructions from the Japanese Army HQ at the time of receiving the Indians stating that they were not prisoners of war. Therefore he considered them to be Indian labourers. He also stated that medical and food supplies were short for the Japanese army as well as the Indian PWs owing to the supplies being cut off from their homeland.

Sentence
and Date:Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

Filed in Attorney-General's Department and Numbered.

AUSTRALIAN MILITARY FORCES

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

R7/J/18/9
AAF A117(a)
(Introduced Jan 46)
HQ AMF Use Only

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 208.

AWC No.s. 2784, 2783

Accused: Capt TAURA Hidehara,
Sgt. NAITO Katsuo.

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

Court, Place, Rabaul,
Date and 20, 21 & 22 June 46.
Formation: 8 MD.

Charge(s)	Plea	Finding
ILL-TREATMENT between April 45 and August 45 at SANKAKU YAMA of Indian PsW.	Not guilty	Both accused guilty.

Precis of Evidence: 1. The evidence for the prosecution was contained in 9 statements made by Indians who were PW in Japanese hands at SANKAKU YAMA New Britain. The ill-treatment as alleged consisted in general of beatings, lack of medical care, poor accommodation and forcing PW to work when they were not in a fit state of health to do so. In particular the following allegations were made against the accused TAURA. The accused kept half the rations issued for the use of PW. He repeatedly forced PW to work even though they were suffering severely from ulcers. If a PW sustained a wound he would endeavour to make it worse by cutting into such wound the ash from burnt coconut leaves. He made PW work even when they were in a critical state of health so much so that their deaths resulted a day or two later. On one occasion the accused NAITO hit an Indian on the head with a shovel. The accused TAURA was present at this time. On another occasion an Indian who was too weak to lift a basket full of earth and stones was hit on (P.T.O.)

Sentence Accused TAURA - to be imprisoned for 5 years.
and Date: " NAITO " " " " 4 "

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

Promulgation: ~~Not confirmed~~ Confirmation of finding and sentences promulgated to accused NAITO on 2 Jan 47 and to accused TAURA on 14/2/47.

Petition: Petitions lodged 4 June 46 by both accused against finding and sentences.

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

Action on Petition: Dismissed.

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

the head by the accused NAITO with a shovel and rendered unconscious. The Indian remained in a state of semi consciousness for three days and recovered after 3 weeks. Another case which occurred was one in which an Indian who was suffering from a large ulcer on the left leg was ordered to pull a large trolley constructed to be pulled by horses. On one particular day, he was in a very weak condition and when pulling the trolley with other Indians he fell down in front of the trolley. The accused NAITO ordered the prisoners to keep pushing the truck and the Indian was struck on the spine by the wheel. The Indian was subsequently employed scraping coconuts but he was unable to walk and crawled to his working place each day. About a month and a half after this incident the Indian died. There were other cases of the nature set out above.

2. Both the accused gave evidence in their defence. The accused TAURA alleged that he had never ill-treated Indians but on the contrary he had treated them with kindness. If they experienced any hardships it was due to the Military situation as it then existed. Evidence to this effect was also given by Col. NEGISHI Kazue. The accused NAITO denied all knowledge of the alleged incidents relating to ill-treatment. He admitted that on occasions he had pushed Indians.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

B167 Aus. 198

AWC No. 2112, 2025, 2026

Accused: Lt-Gen AKINAGA Tsutomu
Maj ITO Taichi
Capt WATANABE Kaoru

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 31 May and 1 and 3 June 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER in that they at TARLENA, BOUGAINVILLE in or about December 1943 murdered two United States airmen.	All accused NOT GUILTY	All accused NOT GUILTY

Precis of Evidence:

1. The evidence for the prosecution was partly verbal and partly documentary. The verbal evidence was given by L/Cpl OKUSA KATSUMI. The documentary evidence was contained in written interrogations of each of the accused and statements in writing made by each accused. The substance of the evidence for the prosecution was as follows: The witness OKUSA stated in evidence that two American airmen parachuted out of an aeroplane approximately to the North West of PORTON. The airmen were held prisoners for about 20 days and were then executed by beheading with swords. The executions were carried out by Capt KITAMURA and a Japanese NCO whose name is unknown. In addition a Japanese MP Warrant Officer named MORITA was present. The witness was present to act as interpreter and the execution party was under the command of the accused WATANABE (Over)

Sentence
and Date: NOT GUILTY - 3 June 1946Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

7

Precis of Evidence (contd):

2. Each of the accused gave evidence in his defence. The accused AKINAGA alleged that as Chief of Staff to Gen HYAKUTAKE he merely received orders from his GOC and passed them on to persons concerned. He took no other part in the case of the airmen at all as at the time he was in a very bad state of health. The accused ITO also claimed that he merely passed on to the Chief of Staff messages which came to hand. The accused WATANABE claimed that he gave orders for the execution pursuant to the orders contained in the telegram which had been passed on to him.

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)

B131 Ans. 199

AWC No. No. 2633, 2703

Accused: Cpl NAKADE Yoshihazu
Cpl SENBA Masayoshi

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that they at New Britain in or about June 1944 cruelly beat Hav Major FATEH SINGH of 1st Ind Hy AA Regt, a prisoner of war	NOT GUILTY	NOT GUILTY

Precis of Evidence: The evidence for the prosecution was documentary and consisted of written statements. The statements contained in substance the following facts. For no given reason Japanese named NAKADE GOCHO and SIMBA GOCHO started beating FATEH SINGH. NAKADE GOCHO used a leather belt and SIMBA GOCHO used the butt of his rifle. A bucket of water was then obtained and both Japanese held FATEH SINGH's head in the water. He was again beaten until he became unconscious. The defending officer submitted to the Court that there was no case to answer in that (inter alia) there was no evidence of identification of the accused charged with the accused as named in the statements. The Court upheld the submission of the defending officer.

Sentence and Date: NOT GUILTY - 6 June 46

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

Filed in Attorney-General's Department and Numbered

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)R130
Aust 200
AWC No. 2646

Accused: L/Cpl SAKAI Jiro

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that he at TAULIN GARDENS on 4 Aug 45 did cruelly ill-treat SADAR ALI an Indian Prisoner of War.	NOT GUILTY	NOT GUILTY

Precis of Evidence:

1. The evidence for the prosecution was documentary and consisted of a written statement made by SADAR ALI. It was alleged therein that on 4 Aug 45 Sadar Ali was returning from fatigue duty and because he was hungry he brought with him a papaya. The accused came to the Indian's barracks and when he saw the papaya he beat the Indian with a stick and kicked him. As the blows were severe Sadar Ali was rendered unconscious and confined to his bed for several days.
2. The accused gave evidence in his defence and called a witness who in a measure corroborated his evidence. The accused alleged that Sadar Ali was caught stealing food and as punishment he slapped the Indian twice on the back with his hand.

Sentence
and Date: NOT GUILTY - 6 June 1946Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)Ans 201
R177

AWC No.....

Accused: Cpl OKI Zenji

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

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

Charge(s)	Plea	Finding
ILL-TREATMENT of a prisoner of war in that he at PATANGARE during August 1945 cruelly ill-treated SATAR DIN, an Indian prisoner of war.	Not guilty	Not guilty

Precis of Evidence: The evidence for the prosecution consisted of a statement in writing made by SATAR DIN. It was alleged that whilst working on fatigue carrying wood he was unable to carry a bundle through weakness from malaria. He fell down and the accused beat him with a stick and kicked him whilst he (SATAR DIN) was lying on the ground. The beating and kicking lasted for about an hour. The accused gave evidence to the effect that SATAR DIN had refused to carry wood because it was raining and he adopted a scornful and resisting attitude. He then slapped the Indian two or three times with his open hand and SATAR DIN commenced work.

Sentence and Date: Not guilty - 6 June 46.

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

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

Accused: L/Cpl HARA Kyoshi

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

Charge(s)

Plea

Finding

ILL-TREATMENT of a prisoner of war in that he at or near Rabaul during July and August 1945 cruelly ill-treated LAL KHAN an Indian prisoner of war.

Not
guilty

Not guilty

Precis of Evidence: The evidence for the prosecution was contained in a statement by LAL KHAN and was to the following effect. During July and August 1945 LAL KHAN was suffering from dysentery, and reported to the Japanese Medical officer. The Medical Officer assisted by the accused (named in the statement as "HATAI HARA") and another Japanese beat LAL KHAN with sticks. The defending officer did not call evidence and submitted that a prima facie case had not been made out against the accused.

Sentence and Date: Not guilty. 6 June 46.

Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Lt NAKAMURA Toshjiro

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

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

Charge(s)	Plea	Finding
ILL-TREATMENT of a prisoner of war in that he at New Guinea in or about July 43 cruelly beat L/Naik ARAF ALI, H.K.S.R.A., a prisoner of war.	Not guilty	Not guilty

Precis of Evidence: The evidence for the prosecution was documentary and consisted of written statements made by the said ARAF ALI and an Indian HAY MOHD ALI. The substance of such statements was as follows : A number of Indian prisoners of war were in a camp at Nagada which was commanded by Lt NAKAMURA of KAMOSHO (.). A search was made by Lt NAKAMURA of the belongings of the Indians and in the possession of ARAF ALI was found a wrist watch, a gramophone and records and 1000 dollars Singapore money (British currency). These articles, it was alleged, were given to ARAF ALI by British officers. Lt NAKAMURA accused ARAF ALI of stealing and tied him to a tree for 5 days without food or water. During that period ARAF ALI was repeatedly flogged by Lt NAKAMURA and other Japanese or his staff. When ARAF ALI was released he was in a poor state of health. The accused Lt NAKAMURA giving evidence in his defence denied the ill-treatment as alleged. He admitted searching the belongings of the Indians and when he found the money he asked ARAF ALI where he obtained it. ARAF ALI made an evasive reply and he (the accused) pushed him on the shoulder with his hand.

Sentence and Date: Not guilty (PTO)

Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R111 Aus 204

Accused: Sgt TAKEUCHI Sadamaro
L/Cpl TAKAHASHI Yoshitaka
L/Cpl KANAE Shinbee

AWC No.....

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

Court, Place, RABAU
Date and 11 Jun 46
Formation: 8 MD.

Charge(s)	Plea	Finding
ILL-TREATMENT OF prisoners of war in that they at NEW BRITAIN in or about 1944 - 45 cruelly beat a number of Indian prisoners of war.	Not guilty	Not guilty

Precis of Evidence: The evidence for the prosecution consisted of written statements by seven Indians. It was alleged therein that the accused who were named "TAKEUCHI GUNSO", "TAKASHI" or TAKASHA or TAKASHE and KAANAU had committed acts of ill-treatment of the following nature:- Beatings with sticks, standing in the sun for long periods, beating with an iron bar, beating with a shovel until unconscious. There was no evidence of identification of the accused. The accused did not give evidence and the Defending Officer submitted that there was no evidence to identify the accused as named in the statements with the accused charged.

Sentence and Date: Not guilty - 11 June 46.

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R113 Qms - 205

AWC No.....

Accused: Sgt Maj OTSU Kenji

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

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

Charge(s)	Plea	Finding
MURDER in that he at Nunga Nunga New Britain about 28 Oct 44 murdered Naik Mohd Khan.	Not guilty	.Not guilty

Precis of Evidence: The evidence for the prosecution was documentary and consisted of a statement in writing made by Subedar Sahib Dad. The statement contained (inter alia) evidence to the effect that GHUNSO OTSU beat the deceased MOHD KHAN with a heavy stick until he fell to the ground in an unconscious condition. As a result of the beating he continued to bleed freely for two days and on the third day the deceased died. He was not given any medical treatment. The beating occurred on 25 Oct 44 and the deceased died on 28 Oct 44. The accused denied the charge and alleged that MOHD KHAN died as a result of malaria. There was some evidence called in corroboration of the evidence of the accused and also a death certificate was put in evidence showing the cause of death as acute enteritis.

Sentence and Date: Not guilty. 11 June 46.

Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

P126 Ans 206

AWC No.....2022 and 2023.....

Accused: Lt FUKUYAMA Shodo
L/Cpl IMAI Katsuyoshi

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

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

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR in that they at BOUGAINVILLE in or about April 1943 unlawfully assaulted YEE CHIN FOOK (sometimes known as HO CHENG or HO CHUN) a Chinese national	Both accused guilty	Both accused not guilty

Precis of Evidence:

The evidence for the prosecution was documentary and contained in declarations made by YEE CHIN FOOK and PON SEE both Chinese Nationals. It was alleged that YEE CHIN FOOK escaped into the jungle and was at liberty for about two weeks. He was then recaptured and a rope was tied under his armpits and tied to a horizontal pole so that his feet were off the ground. The accused FUKUYAMA came along and struck YEE CHIN FOOK on the head with his sheathed sword. As a result of the blow the Chinaman's head bled for some time and a permanent scar remained. The accused IMAI helped to tie YEE CHIN FOOK to the pole. The Chinaman remained tied to the pole overnight and next morning in the presence of the accused IMAI another Japanese named MAN NEN placed some paper in a tin and set the paper on fire. The burning paper was

(over)

Sentence and Date: NOT GUILTY - 11 June 46

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

Precis of Evidence (contd)

placed as close as possible to the Chinaman's face. At the time he was lying on the ground. This Japanese also compelled YEE CHIN FOOK to drink a large quantity of water. He was made to sit up and he was kicked by the Japanese. The accused IMAI was acquitted without giving evidence. This was done on the submission that the accused took no part in the ill treatment at all. The accused FUKUYAMA gave evidence in his defence. He admitted that he struck the Chinaman a blow but it was a very slight blow and did not cause any disability at all. He struck the blow because YEE CHIN FOOK assumed an insolent attitude towards him.

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)

R59

Ans 80

AWC No. 2027

Accused: Capt KATO, Eikichi

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
MURDER between Sep 43 and Oct 45 of 3 PETATS natives at North Bougainville.		
MURDER between Sep 43 and Oct 45 of 3 MATSUNGEN women and one child at North Bougainville	NOT GUILTY	Guilty of both charges except the words "and one child."

Precis of Evidence: 1 Accused admitted that he had ordered the execution both of the PETATS natives and MATSUNGEN women. He justified his action by saying they were attached to the Japanese forces, but they had been proved to be hostile and after an investigation he ordered them to be killed to prevent them from escaping and giving information to the Australians. He alleged that he discussed the matter with his staff officers before ordering the two sets of executions. of six of the mentioned charges

Sentence and Date: DEATH BY SHOOTING
7 May 46

Confirmation and by Whom: Lt-Gen V.A.H. STURDEE - 8 Jul 46

Promulgation: 31 Jul 1946 (Executed 1 August 1946 at Rabaul).

Petition: Submitted 17 May 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

R 59
CAPT
KATO

29th day of APRIL 1946

PRESIDENT

LIBRARY

(Are appointed ~~MEMBERS~~

Maj R. BRETHERTON - 26 Aust Inf Bn.

JUDGE ADVOCATE

Capt L.A. CHISHOLM AALC HQ 8 MD is appointed JUDGE ADVOCATE.

Barbours Maj-Gen
COMMANING OFFICER
GOO-EIGHTH MILITARY DISTRICT

Number, Rank, (a) Name and Unit of Accused	Offence Charged	Plea	Finding, and if convicted, Sentence (b)	How dealt with by Confirming Officer (c)
Capt. KATO Brigadier General of 87 Naval Garrison Unit. ✓	<u>MURDER</u> In that he in NORTH BOUG- ANVILLE between Sept 43 and Oct 44 murdered 3 PETATS natives.	Not guilty	Sworn of the first charge and found of the second charge excepting the words "and one child"	Finding and Sentence Confirmed W. J. C. S.
✓	<u>MURDER</u> in that he in NORTH BOUG- ANVILLE between Sept 43 and Oct 44 murdered 3 MATSUNGEN women and one child.	Not guilty	to suffer death by shooting.	

Maj-Gen
 CONVENING OFFICER (d),
 GOC EIGHTH MILITARY DISTRICT.

CERTIFICATE OF PROMULGATION

Promulgated in the case of Capt KATO, Eikichi this 31st day
of July 1946.

(Sgd) *SC(A)* Capt.
SC(A) 8th Military District
Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of this day
of 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of this day
of 1946.

(Sgd)

WARRANT OF EXECUTION

WHEREAS Capt KATO Eikichi on the 7th day of May 1946 was sentenced by military court held at RABAU to death by shooting. And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Hobart STURDEE of the Australian Military Forces hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 8th day of July.
One thousand nine hundred and forty-six.

Vernon Ashton Hobart Sturdee

Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, RONALD HERBERT HICKS an officer of the AMF certify that I was present at and supervised the execution of the abovenamed Capt KATO Eikichi at RABAU at 0900 hrs on the 1st day of AUGUST 1946.
Dated this 1st day of AUGUST 1946.

Ronald Herbert Hicks
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, Gilbert Elliot Ashton a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this 1st day of August 1946

Gilbert Elliot Ashton
Signature

the records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Navy, Marine, or Air Force of an enemy or ex-enemy Power, the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialed by him.

B. I CERTIFY that the above Court assembled on the 7th day of May 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person are as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT -

1. The Members of the Court
 2. The Judge Advocate
 3. The Witnesses
 4. The Interpreter
 5. The shorthand writer
- were duly sworn.

SIGNED this 7th day of May 1946.

President of the Court

C. I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what I have stated, I WARRANT the above findings and sentence.

8 July 46

Confirming Officer

PROSECUTION in the case of

(Date) (a) 1946.

Signed.

(a) When several cases are prosecuted on the same day the Officer effecting prosecution need only sign once.

Sheet No 1.

THE WAR CRIMES ACT 1945

TRIAL OF :

Capt KATO Erikichi of 87 Naval Garrison Unit.

DATE OF COURT :

7th May, 1946.

PROSECUTING OFFICER :

Lt D.G.E. HILL

AALC

att HQ 8 MD

DEFENDING OFFICER :

Lt K.G. WYBROW Legal Qualifications att HQ 8 MD
OMASA Mitsuru is the Japanese Defending Counsel.

The Accused is brought before the Court.

The Members of the Court and Judge Advocate are duly sworn.

HATTORI Shoji is sworn as the Interpreter.

The two Charges are read to the Accused.

The Accused pleads NOT GUILTY to both Charges.

The Court adjourns at this stage, the time of adjournment being 1200 hrs.

The Court re-assembles at 1330 hrs, 7th May, 1946, the same President, Members, and Judge Advocate being present.

CASE FOR THE PROSECUTION

Prosecutor tenders report of the interrogation of the accused, Capt KATO Erikiichi, which is read, marked Exhibit A, signed by the President and annexed to the Proceedings. The document is admitted in evidence. The report of the interrogation has a certificate attached signed by Cpl J.F. BLANEY, an ATIS interpreter.

Prosecutor tenders report of the interrogation of 1st Lt OOTO Daisaku which is admitted in evidence, read, marked Exhibit B, signed by the President, and annexed to the Proceedings. The report of the interrogation has a certificate attached by Cpl J.C. FERRIS, an ATIS interpreter.

CONCLUDES THE CASE FOR THE PROSECUTION.

CASE FOR THE DEFENCE

Capt KATO Erikiichi being duly sworn is examined by the Defending Officer through the interpreter HATTORI.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

加藤 隆吉

I am a Naval Captain, my name is KATO Erikiichi and my unit is the 67 Garrison Unit.

Witness is shown a statement signed by him.

That is my signature.

The statement has been read over to me in Japanese and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

Defending Officer tenders a document containing extracts from the Japanese Criminal Law, the Naval Criminal Law, and an attachment Regulations of the Naval Land Operations. The document is admitted in evidence, read, marked Exhibit D, signed by the President, and annexed to the Proceedings.

Q. Did you punish any Japanese soldiers those days on charges of committing crimes?

A. Yes.

Q. What kind of crimes?

A. Ones who sold rifles to natives and ones who deserted.

Q. Did you open a Court?

A. No.

Q. In what way did you judge and punish?

A. It was the same as the natives, that is, after receiving a full report I went through the report carefully and made another examination and then awarded punishment.

- Q. What do you mean by another examination?
 A. An investigation.
 Q. Tell me in detail the reports concerning the investigations of the natives in PETATS Island.
 A. ~~Reports that the Japanese forces were in communication with the natives in PETATS Island.~~
 A. Reports that the Allied forces were attempting an attack against PETATS Island.
 Q. Can you remember any more about the investigations of these two particular incidents apart from those contained in your statement?
 A. From a certain native chief it was reported that the natives of PETATS and MATSUNGI Islands required watching. Also information was to hand that some natives from PETATS and MATSUNGI Islands had already fled to the Allies.
 Q. Had you the authority to punish the Japanese and natives?
 A. Yes.
 Q. Why did you not give details of the case at the time of your former interrogation?
 A. When interrogated at FAURO Island I was told that details should be given at a court martial.

CROSS EXAMINED

- Q. Are you a professional member of the Japanese Navy?
 A. Yes.
 Q. And how long have you been a member of the Japanese Navy?
 A. About 30 years.
 Q. Were you trained at a Naval Staff College?
 A. Yes.
 Q. Did you study International Law with regard to ~~war~~ ^{war} law?
 A. Yes.
 Q. Do you know those parts of International Law dealing with spies?
 A. Yes.
 Q. Do you know the duties of an occupying power towards the country they occupy?
 A. Yes.
 Q. Do you consider that the duties of a Commander towards such inhabitants is a very high one?
 A. Yes.
 Q. Were the natives of BOUGAINVILLE and adjacent Islands inhabitants of occupied Territories?
 A. Yes, at first they were inhabitants of occupied territories, but later it became a battle field.
 Q. That doesn't mean that their status was changed?
 Defending Officer objects on the grounds of vagueness.
 Court rules that the question is allowable.
 A. I think their status would change.
 Q. What would it change to?
 A. By status I mean changing from an occupational area to a battle field area.
 Q. Isn't it a fact that the changing of the area to a battlefield makes your obligations to inhabitants higher than ever?
 A. Yes, it would.
 Q. Isn't it a fact that the actual names and identities of the persons concerned were not mentioned in the report?
 A. I don't remember exactly.
 Q. Actually your main concern was to make an example of somebody?
 A. Because they signalled enemy aircraft that is why I did it.
 Q. But you weren't concerned at their actual identity?
 Question withdrawn.

RE EXAMINED

- Q. What did you mean when you said that the obligation towards inhabitants of a battlefield were higher than towards inhabitants of an occupied territory?
A. The maintenance of peace would be a very big problem.

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

加藤 繁吉

Evidence is read over to the Witness who does NOT desire to correct same.

CONCLUDES THE CASE FOR THE DEFENCE.

NO EVIDENCE IN REBUTTAL.

At this stage the Court amends the Charge Sheet to read Kikichi instead of Erikichi.

The Court also amends the Charge Sheet by substituting "45" for "44" in both charges.

PROSECUTOR ADDRESSES.

The Prosecutor makes an Address to the Court which he does not desire to be recorded.

The Defending Officer makes an Address which is not recorded.

THE JUDGE ADVOCATE ADDRESSES THE COURT (Summarised)

In this case the accused is charged on two murder counts. It is possible for the Court to find him guilty on both charges, not guilty on both charges, or guilty on one and not guilty on the other. I must point out to you that this is a criminal charge and as such the onus of proof rests always on the Prosecution. Draws Court's attention to the definition of Murder in Archbold at Page 859 and the Manual of Military Law at Page 129. Manslaughter is defined in Archbold at Page 859 and in the MLL Page 130. Malice -- Express, is defined in Archbold at Page 864. Malice -- Implied, is defined in Archbold at Page 865. The Court's attention is also drawn to the following :
In the Manual of Military Law.--
Page 234 -- Articles at 158 and 159.
Page 271 -- Articles 361 and 362.
Page 274 -- Article 377
Page 276 -- Article 386 and 387
Page 290 -- Articles 452 and 455.
In addition I refer you to the Punishment of War Crimes at Page 287, Articles 441 and 442. Also to the MLL at Page 289, Article 449. "Punishments" is also dealt with in Article 450 at Page 289. Further attention of the Court is drawn to the MLL at Page 291, Article 459, and the Articles 29 and 30 on Page 334.

The Court adjourns at 1520 hrs to consider the Finding.

The Court re-opens at 1527 hrs and the President announces that the accused, Capt KATO Eikichi, has been found GUILTY on both Charges, excepting "one child" in the Second Charge.

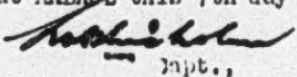
The Defending Officer in Mitigation says that the Accused is a Senior Japanese Officer and the penalty of death by hanging should not be imposed.

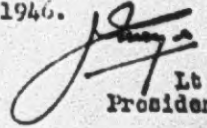
The Court is closed at 1532 hrs to consider the Sentence.

The Court is re-opened at 1535 hrs, and the President of the Court announces that the accused, Capt KATO Eikichi, ~~shall~~ suffer death by ~~hanging~~.

Such Finding and Sentence is not final until confirmed by higher authority.

Signed at RABAT this 7th day of May, 1946.


Capt.,
Judge Advocate.


Lt Col.,
President.

Ex A. Handwritten
Hobbs & Co
1/5/1911

BLADNEY OF ATIS

1. That at FAURO Is. on 11 Jan 46 I was present with Capt. A.K. SANGSTER AALC and 1st. Lt. KATO Tatsuro of 38 Japanese Bds Hq during the interrogation of Capt. KATO Eriichi, Cmd 87 Japanese Naval Garrison Unit by Capt. F.B. TREATT AALC.
2. That the said interrogation was conducted in English and Japanese and that 1st. Lt. KATO did the actual interpretation.
3. That I am a qualified interpreter and translator of Japanese into English and vice versa.
4. That at the above interrogation I sat next to the said Capt. SANGSTER checked the interpretation by 1st. Lt. KATO and checked the taking down in writing by the said Capt. SANGSTER of the questions and answers.
5. That the attached typed copy of the interrogation marked 'A' is a true and accurate record of the said interrogation.

AND I make this solemn declaration by virtue of the Statutory Declarations Act 1911 conscientiously believing the statements contained therein to be true in every particular.

James P. Blaney...

Signed In the Field this
~~Twelfth~~... day of ~~Feb~~..1946
 pursuant to National Security
 (Supplementary) Regulation 63

before me EX 3287 to get
Harold Hansard Lack

Australian Military Forces.

W. H. Lack
Mays

ANNEXURE "A" of three pages (each signed at the foot thereof by me) to the
Statutory Declaration of ~~Warrant Officer~~ sworn before me 11 Jan 46
this... day of 1946.

.....
Officer taking Declaration

Capt. KATO Eriichi, Co. A 87 Garrison Unit, being questioned by
Capt. TRENT and LANGFISCH, with the assistance of interpreters
Opl. BLANEY of A T I S and Lt. KATO of Japanese Army states :-

- Q. When did you first go to BUKA?
- A. Sept. 43.
- Q. What was the previous Unit and Comd in the Area?
- A. Rear Admiral TAMURA. There was no name of the unit- some
Construction men and some garrison troops.
- Q. What were the names of your Adjutants?
- A. At first I had none. I had only one Adjutant- 1st. Lt. HONDA.
- Q. Who was Lt. Comd. KANOU?
- A. C.O. of Water Transport Unit (barges).
- Q. At CHIMATOAN?
- A. Yes - most of the time. very few times he was in BUKA.
- Q. Why did you order the killing of the 3 PETATS Australian Islanders?
- A. These three were guilty of breaches of laws of war.
- Q. What were they guilty of?
- A. They disobeyed orders several times.
- Q. What orders?
- A. The orders not to escape from BUKA. If they escaped they would
be enemies of the Japanese and would join the Australian Army
and induce every boy in BUKA to do so. I feared I would have to
fight all the natives in BUKA.
- Q. But these three boys had not run away?
- A. I felt there were signs these boys would escape.
- Q. Is it a principle of Japanese Law of War that you punish
a man before he commits a crime?
- A. I recognised that to kill these three boys was necessary to
preserve the defence of BUKA.
- Q. Why did you order the killing of the three MATJUNGAN women?
- A. I ordered these executions for the same reason as for the
3 PETATS boys.
- Q. But these 3 women could not join the Australians to make war
on the Japanese?
- A. When the PETATS and MATJUNGANS ran away the native women went
with their men to join with the Australians.
- Q. But one of these native women was married to a NOVA boy?
- A. I didn't know that.

W.H. Lack major

- Q. And the other two were old and with sores on their arms?
- A. I didn't know the details of the women. The JAPANESE ran away then the NATIVES, and then I ordered the executions.
- Q. The GREEN Islanders were executed as spies?
- A. One reason was that they were spies, and they also disobeyed orders to stay at one place; they walked about instead.
- Q. What about the two native fishermen belonging to BONIS?
- A. I didn't hear about them.
- Q. Why were they imprisoned at BONIS?
- A. There was no jail in BONIS.
- Q. What are the full details of all aircraft crashes?
- A. Early in 1944 a fighter crashed in the bush near ORTJANA. I heard there was only one airman.
- Q. Did he survive?
- A. He was dead.
- Q. What about the other one that crashed near ORTJANA?
- A. So far as I know I didn't hear of him.
- Q. What other crashes?
- A. Near the airfield in BONIS one aircraft crashed. That was about the end of 1943.
- Q. What kind of aircraft?
- A. Bomber - one engine.
- Q. How many airmen in it?
- A. I think there were three, all killed.
- Q. When was the next one?
- A. Another one crashed into the sea between SOHANA and MADAHAS. It was about Nov 43. Two engine aircraft. In my memory - four or five airmen were survivors. One American officer.
- Q. Did you see him?
- A. No.
- Q. Who were the others?
- A. I thought an HCO and some privates.
- Q. Where were they taken ashore?
- A. CHINATOWN.
- Q. What happened to the officer?
- A. He went to RABAU.
- Q. I sent the HCO and privates to RABAU by the last Japanese boat. Later I had heard that the destroyer was sunk, by the American fleet near RABAU.

H. W. Laek Major

- Q. I heard that the NCO and the privates were killed near CHINATOWN?
- A. It is not true.
- Q. What about the skeletons we found?
- A. I didn't know about the execution.
- Q. What was the next aircraft crash?
- A. Four engine plane crashed into the sea some distance East of NUKA Passage. I do not remember the date. I think it was early 44.
- Q. How many survivors?
- A. I didn't hear of any.
- Q. Two survivors were brought into BUKU for interrogation by an interpreter?
- A. I don't know of that.
- Q. One of your Officers was there on your orders. HAKIHASHI was interpreter.
- A. I didn't order HAKIHASHI to interrogate them.
- Q. What happened to the two survivors?
- A. I didn't know of it.
- Q. Weren't they kept in your B. under guard for a week before being questioned?
- A. There were none.
- Q. When was the next crash?
- A. I didn't know about any more.
- Q. Would aircraft crashes be reported to you?
- A. I got a report about all 24 of them.

W. H. Laer
Major