

It has not been denied by the Defence that the Accused was Commander of the 37th Japanese Army at the relevant period, or that the march orders emanated from his Headquarters. Indeed, he stated himself that he gave the order for the second march. Evidence before the Court is that orders for the first march had been issued Army Headquarters prior to Accused taking up his command on 31 Jan. Capt YAMAMOTO, the march commander, had, after receipt of his orders, sent a signal to Headquarters querying certain aspects. He states that he received a reply to this at the end of January, and that the march commenced on the 29th. He states in the document (Exhibit "E"), that he received those orders from the Accused, not merely from HQ 37 Army. The Accused stated that he was aware of the condition of the Prisoners of War at this time. It is for you to decide whether he did in fact issue any order for the march himself, or whether, knowing the condition of the prisoners, he had the opportunity of changing or cancelling the orders, and if he did, whether he refrained from doing so wilfully or in such a manner as to show culpable neglect of his duties.

Regarding the second march, Col TAKAYAMA, a staff officer of the Accused, says that he was at SANDAKAN Prisoner of War Camp in the middle of Apr 45, but that he did not report to his commander on the condition of the prisoners or on their fitness to make the march, but that he did receive a report from the Camp Commandant that the health of the Prisoners of War was not good. TAKAYAMA says that he did not know whether the condition of the prisoners was known at Army Headquarters, but the Accused himself has said that he did know their condition. He had obtained, he has told the Court, a report on the first march. He said in evidence that he had sent a message to TAKAMURA to the effect that only fit prisoners were to go on this march. This is supported by Lt Col IWASHITA, another of his staff officers. However, TAKAMURA has stated that he did not receive such a message, and that he proceeded with the march in accordance with the orders that he had received.

It is for you to decide on the responsibility or otherwise of the Accused in this matter, and that covers, of course, his responsibility for the ill-treatment of the prisoners, as a result of his giving the order for the march to take place. It is to be noted that up to this stage, the Australian Forces had not landed in the area of the Accused's command. The position with regard to the deliberate killing of Prisoners of War at RANAU on 1 Aug is somewhat different. There is not evidence of any order of the Accused, in regard to that. He himself says that by that date his command was disorganized through enemy action, and that he was not in communication with RANAU. It could be argued that the killings there were the result of the marches. Indeed, they could not have occurred without the movement of the prisoners, but they were not, I feel, a natural result of the marches. Here, too, it is for the Court to consider whether they were due to the failure of the Accused in his duties.

It is for you, Gentlemen, after you are satisfied as to the other ingredients of the offences, to consider whether the Accused, in his capacity of Army Commander, did fail in the exercise of his duties, either by deliberately failing to control personnel under his command, whereby they committed the war crimes, evidence of which is before the Court, or that he wilfully and culpably disregarded such duties, careless of whether war crimes were committed or not. You may use your general military knowledge as to the control to be exercised by an Army commander, and as to his knowledge or the knowledge which he should have of the conditions of personnel under his command. It is your duty to consider all of the evidence before you, whether it be by the Prosecution or by the Defence; the weight of that evidence is a matter for you. You have seen the Accused in the box, and the rest of the evidence in the

case consists of a number of documents, some being interrogations or statements, and others transcripts of evidence given on oath in Court. It should be borne in mind that a considerable body of the evidence, that of HOSHIJIMA, YAMAMOTO, IINO, MIZUTA, TAKAKURA and WATANABE, was given on the occasion of their own trials.

The weight to be given to this documentary evidence is of course a matter for your consideration. The Court may make a special finding if it considers that the evidence has failed to support the charge as a whole - that is, if the facts which the Court finds to be proved, differ from the facts alleged but are nevertheless sufficient to prove the offence stated in the charge, and that difference is not so material as to prejudice the Accused in his defence.

The Court may take judicial notice of matters of which judicial notice would normally be taken by a Court, that is, the provisions of the law including International law, geographical facts, all matters of notoriety - including matters within the general knowledge of officers of the Australian Military Forces. This would include the fact that during the relevant period the Armed Forces of Japan were at war with the Commonwealth of Australia and its Allies. Matters which have come to the knowledge of Members of the Court by reason of their individual experience are not matters of general knowledge and must be excluded.

The burden of proof is on the Prosecution throughout and the Prosecution must prove every ingredient of the charge beyond reasonable doubt - there is no onus on the Accused to establish his innocence. 'Reasonable doubt' does not mean a light or capricious doubt, but a doubt based upon reason and common sense. The Court is the judge of both law and fact - the Court should accept my advice on matters of law, except for very weighty reasons. The Court will disregard any opinion that I may have expressed as to the facts, which are entirely the domain of the Court.

At 1505 hrs the Court is closed to consider the finding and in compliance with EP 63A the Judge Advocate leaves the Court.

At 1517 hrs the Court reopens, and the Judge Advocate rejoins the Court.

The Court: It Gen BABA Masao, the Court finds you guilty of the charges against you.

Judge Advocate to Prosecuting Officer: Is there any record regarding the Accused?

Prosecuting Officer: No record, if the Court please.

Judge Advocate to Defending Officer: Have you anything to say in mitigation?

Defending Officer: If the Court please, on behalf of the Accused, as he has been a professional soldier throughout his career, I ask the Court to take into consideration his prestige and honour as a senior officer of the Japanese Imperial Armed Forces. Therefore, I specially ask the Court to award the Accused a sentence which you think is suitable.


At 1520 hrs the Court is closed to consider the sentence.


At 1521 hrs the Court reopens.

The Court: It Gen BABA Masao, you are sentenced to death by hanging. The finding and sentence of this Court are subject to confirmation by superior authority.

At 1522 hrs the Court is adjourned.

Signed at RAFAEL the second day of June, 1947.

 Maj.
Judge Advocate

 Maj Gen.
President

Lieut. Gen. BABA Masao
C4461-A(1)

H.C. [unclear]

INTERROGATION OF LT-GEN BABA MASAO FORMER GOC OF 37 JAPANESE ARMY

IN BORNEO BY WX 7309 Capt J. GERKE of HQ 8 MD on 8 May 1947
at RABAU, NEW BRITAIN.

Witness is first warned that he is going to be asked some questions that he is not obliged to answer, but anything that he says will be taken down in writing and may be used in evidence.

Q. What is your full name?

A. BABA MASAO.

Q. At the cessation of hostilities what was your rank?

A. Lieutenant General.

Q. What was the date and place of your birth?

A. Born 7 Jan 1892 at KUMAMOTO, KUMAMOTO Prefecture, KYUSEU Island, Japan.

Q. I now require to know particulars of your education?

A. Primary school - 8 years
Army Cadet School at HIROSHIMA - 3 years
Army Cadet School at TOKYO - 2 years
In December 1910 I attended the Officer's Military Academy.
I next attended a horse riding school for one year after which I spent 3 years at the Staff College in TOKYO from Dec 1918.

Q. When were you first given your commission?

A. I was promoted to 2nd Lieut in Dec 1912 at the Officer's Military Training School.

Q. What was your rank and posting at the outbreak of this war?

A. In Oct 1941 I was appointed GOC 53 Division in KYOTO, Japan.
My rank was Lieut General.

Q. What other appointments and promotions did you have during this war?

A. In Oct 1943 I was appointed GOC of 4 Division and went with them to SUMATRA. In Dec 1944 I was appointed command of 37 Japanese Army but did not join it in BORNEO until 21 Jan 1945 owing to shortage of transport.

Q. Who was GOC 37 Army prior to your taking over command?

A. Gen YAMAWAKI Masataka.

Q. Where did you establish your HQ when you arrived in BORNEO?

A. At JESSALTON in North Borneo.

Q. Did you ever change the location of your HQ while you were in command 37 Army?

A. Yes.

Q. Where did you shift your HQ to?

A. In May 1945 my HQs were set up at TENOM, which is in the CROCKER Ranges. My HQ remained there until the surrender.

Q. When did you relinquish command of 37 Japanese Army?

A. I remained in charge until I surrendered to GOC 9th Aust Division at LABUAN on 19 Sept 1945.

Q. What was your area of responsibility?

A. I was in charge of British North Borneo - this includes KUCHING, LABUAN, SARAWAK, SANDAKAN, RANAU.

W. H. Roddridge

馬場 一郎

Print of Lt Gen BABA, signed
Signature A(2)

- 2 -

- Q. What is the distance from SANDAKAN to RANAU?
A. I do not know.
- Q. Do you know where SANDAKAN and RANAU are situated?
A. Yes.
- Q. Then how come you don't know the distance from one town to the other?
A. I have never been to either place, so therefore have no idea of the distance.
- Q. Could you tell me the distance from a map?
A. Yes.

The above statement has been read over to me: there are no mistakes and I affix my signature: I swear that the above statement is the truth.

.....*J. G. Doddridge*.....
WITNESS
HQ 8 Military District

.....*E. T. I. F. D.*.....
Lt Gen BABA MASAO

8 May 1947.

I, WO 2 G. DODDRIDGE, Interpreter, of HQ 8th MD, hereby certify that the above statement was made by Lt Gen BABA Masao in Japanese and that after same had been taken down in writing, was read back to him in his own language before he signed it, and that the above translation is a true and correct translation of the deponents statements.

.....*G. Doddridge*..... W.O.

I, Naval Lt. HATTORI Masaya, Interpreter of Japanese Legal Section, do hereby certify that the above interrogation was carried out before me and that it was taken down in English and later read back to Lt Gen BABA Masao in his own language before he signed same.

.....*M. Hattori*.....

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INTERVIEW - 14 Sep 1945.

*affirmative
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- Q. What is your name.
- A. HOSHIZIMA SHUNSU, Capt.
- Q. When did you land in BORNEO.
- A. On 6 Feb 45. I spent one month in West Borneo then went to Kuala Belait for 70 days then to Sandakan. I left Sandakan on 25 May 45.
- Q. When did the first Prisoners of War arrive at Sandakan.
- A. On the 18th July, 1945, 1496 PWs arrived at Sandakan.
- Q. Were you in charge of the prisoners.
- A. Yes. I was the commander of an engineering Coy and I managed the PWs at the time.
- Q. Who were the other officers at that time.
- A. HAKADA and OKAMURA.
- Q. Where are they? HAKADA is at Kuching Camp; OKAMURA, I am not sure, but think is at Singapore.
- Q. What food were the prisoners receiving.
- A. PWs received 550 to 750 grams of rice, and Japanese soldiers 750 to 800 I think.
In June 44 food decreased for the PWs and at that time also the food of the Japanese soldiers was decreased by order of Army HQ.
- Q. Did the Japanese soldier, after June 44, get more than the prisoners.
- A. Yes. Each Japanese soldier got 550 grams. The PWs were getting between 300-400 grams. Most of the PWs were in good condition in Sandakan in Jun-July 44.
- Q. How many died.
- A. In July -1, in August-3, in Sep -5, October-5, Nov two or three, and after that there was a decrease in deaths.
- Q. How many died altogether.
- A. I cannot say for certain but about 80 until last Aug. After August there were no food sups and medicine was short. In June 44 we substituted Tapioca for rice.
- Q. About how many prisoners died altogether under your command?
- A. About 800.
- Q. Why did they die.
- A. First, there were no supplies of quinine or other medicines, secondly the rice change to Tapioca which was not so good for the Europeans.
- Q. How many of your own soldiers died.
- A. None.

- Q. What is the reason for this difference.
- A. Possibly because the Japanese had medicine and medical treatment.
- Q. Were the PWs still working on the airfield.
- A. Yes. At that time I went to the Jesselton Army HQ and I explained the situation and had a big argument with a young 2nd Lt regarding the shortage of food and medical supplies for the PWs. I explained the fact that Tapioca is only a watery food and I wanted the prisoners to have more solid food.
- Q. What was the answer.
- A. They increased the rice rations during the month of June. I also saw to it that the PWs worked on a big farm so that they would get enough food. It was a farm of Tapioca farms. It can still be seen at Sandakan. Food began to decrease in July 44. From then on the health of the PWs began to deteriorate especially after October.
- Q. Did you complain to Army HQ about that.
- A. I reported the matter to Army HQ, especially about the lack of medicines. Lt Col Suga went to Sandakan about the end of Oct. Suga tried in his every power to help the German prisoners, especially when he came to Sandakan.
- Q. Why did they not give them more food.
- A. Food, like medical supplies, was scarce. Some Field units came into the vicinity and had to supply these units from their rations.
- Q. Do you remember Captain Yamamoto.
- A. Yes, he was the commander of a Bn.
- Q. What did his Bn do.
- A. Captain Yamamoto was a Bn Comd. He came to Sandakan round about Sep-Oct 44 and at the end of Jan he marched to Tuaran with 450 prisoners including Australian and English. At that time I was the commander of the Sandakan Camp.
- Q. What did Yamamoto's Bn do while they were at Sandakan.
- A. He worked on fortifications, and sometimes he helped at the aerodrome.
- Q. What work did the Yamamoto Bn do there.
- A. Mostly they worked in the Camp vicinity but sometimes they were digging holes for protection, on the north side of the aerodrome.
- Q. What work did the prisoners do.
- A. From 1942 firstly airfield construction, secondly agriculture.
- Q. What hours did they work each day.
- A. I am not sure but believe it was 04 hours including rests at meal times. After Col Suga visited Sandakan he returned to Jesselton and requisitioned medicine and sent it to Sandakan. At that time travel by waterway was almost impossible because of the terrific bombing and soldiers had to be sent to bring it over-land. Lt Yamamoto came to Sandakan in Oct 44. He came by air so was not able to bring much medicine. R. 825 machine rifles were sent from the British Government.

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for issue to the natives but I gave them to the PWs.

- Q. Did he have quinine for the Japanese soldiers.
- A. Yes. All quinine stocks had been confiscated by the Japanese Forces.
- Q. How many prisoners escaped from Sandakan Camp.
- A. In Jul 1942 - 11
In May 1943 - 7 including 1 officer.
In Jan 1945 - 2
In 1945 - Jan 1
Mar 1.

Of all these prisoners that escaped 11 were recaptured, three of them were shot while escaping, and 8 are still at large. I would like to say that in Oct 42 500 Australian PWs came from Singapore and about 750 English PWs bringing to the number of PWs under my command to 2,750. I gave orders to put these PWs on the Bahari Island at the mouth of Sandakan Bay. About this time a Captain Steele together with 6 others escaped from Sandakan Camp and eventually made their way to the Phillipine Islands. The escape took place on the night 4/5 May 43.

- Q. Who was in charge of the prisoners when they were working on the airstrip.
- A. I was. Col Suga objected to the prisoners working on the airstrip but higher authorities would not listen to him.
- Q. What happened to the prisoners if they did not work hard enough.
- A. If they would not work I hit them, if they worked hard they were praised.
- Q. Do you not know that hitting them was wrong.
- A. In the Japanese Army that is the practice so I thought it was right. Only the ones who did not work were hit.
- Q. What happened to the prisoners who escaped and were recaptured.
- A. They were sent to the Hospital.
- Q. Who was the Hospital officer.
- A. I do not know.
- Q. Did you punish any of the prisoners of war.
- A. Plenty. Officers were confined to their rooms, and Other ranks were confined in a hut about 7 feet square and between 4 and 5 feet high. They were given food. Conditions in the huts were very bad. The PWs were sometimes hit by the guards outside the hut. There were never more than 4 men in one hut at a time.
- Q. Did you not beat the prisoners.
- A. In the early part of 1943 I was in charge of the Camp and also of the aerodrome construction. I was very irritable and I beat much the prisoners to make them work harder.

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- Q. Do you remember the Australian soldier hitting a Japanese soldier.
- A. Yes.
- Q. What happened to the Australian Soldier.
- A. He was tied up and put in one of the huts, same dimensions as I mentioned before. It was not high enough to stand up in.
- Q. Did they not make this man kneel on a short piece of wood.
- A. I do not recall the incident.
- Q. Do you remember a Captain Mills, an Australian Officer.
- A. Yes.
- Q. Capt Mills tells me he saw you watch this Australian soldier while he was kneeling on this piece of wood.
- A. I was not there when the punishment was going on. I heard about it the following day and I went to release the prisoner as I thought the punishment was too severe.
- Q. Capt Mills informs us that you were present at the punishment.
- A. Yes, I did see it but when I saw it I returned to my office and put out an order to stop the punishment. Being in charge of the PW Camp, one of my duties was to protect the prisoners.
- Q. Does he know of any other cases where prisoners were made to kneel in this fashion.
- A. No.
- Q. What were the names of the three soldiers, who were shot trying to escape.
- A. I do not know.
- Q. When did it happen.
- A. May 1945.
- Q. What happened to the Indian Soldier who was recaptured.
- A. He died at the Military Police.
- Q. Who was in charge of the Military Police then.
- A. KAKADA.
- Q. Do you know why he died and what he died of.
- A. I think Malaria, but am not sure.
- Q. Was it a Pte Kurumo who shot these 3 men.
- A. Pte KUREHA YAMASHI shot the men.
- Q. Did you take any prisoners with you when you left Sandakan.
- A. I left Sandakan on 25 May with Sgt Ikeda and three native boys. I took no prisoners with me. We went overland. At that time I was not warden of the PW Camp.

Capt Takakura took over from me wef 17 May 45.

Q Did you see the party of prisoners who marched out with Capt YAMA MOTO.

A Yes. They were divided into 9 groups; about 50 prisoners with each group.

Q Did the prisoners have shoes.

A Because of shortage of shoes we fashioned rubber plates for use by the prisoners. These kept the feet off the ground. When the prisoners left on the march some of them carried the shoes on their shoulders. I gave them food - tapioca and dried fish.

Q Did you think that the prisoners were physically fit enough to march 100 miles.

A Not so good. Army HQ issued orders to send 500 prisoners. About 500 were not fit for the march and I tried to keep 100 back. Army HQ said they must go. Even so I only sent 455, and kept back 45 who were too sick.

Q From whom did these orders come.

A Army HQ would issue the orders. They came through Col Sugan at Kuching.

Q What do you know of the second march.

A Another report came through in April to send remaining personnel to Renau. Staff Colonel Takayama came to Sandakan in Mid April after I had had orders to send the rest of the prisoners to Renau and said "How can we move them. It is very difficult". I said that we could not. I said the march was too difficult and that plenty of deaths may happen. I made out a plan arranging to move the prisoners instead, to KANASHI as this meant travel by boat and therefore easier. Kanasahi is about 5 miles sailing from Sandakan. Col Takayama returned to Army and he changed the order and the Sandakan PWs were to go to Kanasahi. I sent Morotaki and 2 guards to Kanasahi to get atop for building huts. I relinquished command of Pt Camp on 17 May, and on May 20 another order came from Army changing the destination back to Renau.

certified true copy of original.

*officer with
Major
President.*

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THE STATEMENT OF CAPT. YAMAMOTO HIDEAKA

Around the latter part of 1944 a large scale offensive of the Allied forces was going on against Japanese-occupied areas in the Pacific.

After the reoccupation of Leyte Is and the landing of a powerful Allied force on Palawan Is which endangered the Japanese command of the South Sea and the West China Sea, the Allied landing on the west coast of North Borneo was supposed to be impending. The successive attack on the Japanese positions and transport routes in Borneo by the superior aerial force of the Allied made utterly impossible the communication both by land or by sea.

The 37th Japanese Army Corps in Borneo had to transfer its main forces to the west coast to stave off the supposed Allied attacks on that part of the Island.

In December 1944, my battalion which had been under the command of Col Otsuka, commander of the Sandakan Unit, came under the direct command of the Army Corps.

I received the impression at that time that the Army was preparing for the impending battle on the west coast. In such circumstances I received an order from the Army Hq as follows:

1. Order of the 37th Army Corps.

(a) The Commander of 2nd Bn of the Independent mixed 25th Regiment should take the command of 1st Coy of Independent 20th M.G. Bn and march to Toalan (35 km north of Jesselton) as quick as possible. 500 POW should be taken with the Bn on the march.

(b) POW should be transferred from Capt. Hoshijima, Commander of 1st P.O.W. Internment.

(c) Supply of rations and materials should be charged by:
From Sandakan to Muar 62nd Supply Unit
West of Boto 2nd Supply Unit
(Okanda Unit.)

(d) Medical attention should be charged by:
East of Muar Otsuka Unit.
West of Boto 103rd Road Unit
(Maj. Watanabe.)

2. Instruction from the Chief of Staff.

(a) Detail plan of the march.

(b) POW must be those who would endure the march.

(c) Each should carry 4 days ration at the start.

(d) Bn should carry as much materials as possible.

Having received this order, I asked the Army H.Q. by telegram for immediate fulfillment of the items as follows:

(a) Increase of medicines and medical houses on the route.

(b) Increase of dumps of rations.

(c) Prolongation of the term of the march.

(d) Permission of the delay of arrival at the destination owing to the supposed inevitability of the struggling.

Meanwhile, I passed this order to my subordinates and told them to prepare for the march. On this occasion I instructed them that fair attentions should be paid to POW in order to bring them safely to the destination.

Then I went to Lt. Abe, Commander of the 1st Coy of the Independent 30th M.G. Bn., to pass the order, and told him in addition that although POW were to be treated with much care, in case if either Japanese or POW had to die in the way after having tried all the means that could be taken, POW could be disposed of the view of our duty to march to Toelahn and which I will take the responsibility. The reason why I told him so is that there was the apprehension that Abe's Coy might fail to come to the destination in time as it had come newly under my command and as it was to be the last of the 9 groups.

I wished to wait for a while because it would take some length of time before the system of supply would be completed and because it would be the dry season in the East Coast district from the beginning of February on. In the end of January I received a telegram from HQ to the effect that the prolongation of the term of the march and increase of the medical expense would be impossible as the rapid transfer of the forces was demanded.

Then on the 29th of Jan. I issued the order of the march to my groups which started one by one. On 31st the 8th Group Commander received the telegram from HQ "urging our start which I knew after I had reached Toelahn. At Muanat on the 1st Feb. I received the order of HQ to transfer POW to Capt. Nagai at Ranau. Most of the rest houses were situated near the stream. They accomplish accommodation for some 100 men. Some of them could accommodate 200.

The road between Sandakan and Boto was so muddy that the mud swamps and deep jungles preventing the penetration of sun light. After passing Boto the road led to a steep mountainous area covered with deep jungles. We had to ford all the rivers we came across as there were no bridges on any of them. Though the ration was scanty it was distributed equally to Japanese and POW whenever it was obtained.

We made our best to look after and carry the diseased (sick). The Japanese and POW often helped each other to carry the sick on a stretcher.

On arriving at Ranau, I received the order from HQ to transfer POW to Maj. Watanabe, Commander of the 103 Road Unit.

After having consulted with Maj. Watanabe, I arranged to transfer the POW of the 1st..5th Groups at Ranau and those of the 6th and up to 9 Groups at Pagunatan.

The groups resumed the march towards Toelahn after having transferred POW to Maj. Watanabe.

Throughout the march we made our best efforts to carry the groups safely to the destination.

The pains and trouble of the march were shared by both POW and the Japanese.

I was not informed of the Army HQ's intentions and the reasons why we should carry out the disastrous march and why those POW should be attached to my groups.

I had to carry out the order, because the criticism on the order of the superior should be not permitted in the Japanese Army.

山本正一

YAMAMOTO Shoichi

I hereby certify that the above translation is true and correct.

S. Takahashi

INTERVIEWS OF OFFICERS AND CREWS WHO WERE ON THE FIRST MARCH
FROM SA DAKA TO RAVAN IN FEBRUARY, 1945

F.O.4 YAMAMOTO Sholehi, Captain, and Battalion of IJNRA Force.

In January of this year I received orders from 87 Army HQ that a number of PW were to be moved from SAMARANG to SUARANG. I was to pick up the PW at Mile 9. They were to be split up into groups with an officer in charge of each group and there was to be an interval of one day between each group. Rations would be picked up at rest houses along the way and NO PW was to be allowed to fall out of the line along the way. This order must be fully carried out. The Army orders came from Gen BABA and for this reason I was very concerned. The order was sent by wireless to Col OTSUKA and passed on to me through his HQ. At that time my unit was detached from ISABURA Force and directly under BABA's command. I was very worried as to how to get the PW to REMAU. Cpt ABE was a company commander belonging to OSAIARA FORCE, and was not one of my own men. If he had been one of my own company commanders I would never have given him the orders to kill the PW as I would not subject my men to such a responsibility. I pitied ABE in having to carry out the orders. I know nothing about TAKEDA having killed PW in No. 3 group. I instructed my own men that under NO circumstances should any PW be left behind at a rest house. NO matter how sick a PW was he had to be brought on.

~~Copy~~ True copy of certificate. ^{True} copy of original
 J. H. M. B.
 President

INTERVIEW OF - 24 Sep 45 - Capt. YAMAMOTO

Q. What is your name?

A. YAMAMOTO SHOICHI, Capt.

Q. To what unit do you belong?

A. Iemura Forces. I arrived in LABUAN HARBOUR, BORNEO, from MAN-CHURIA, on 9 Sep 44 and stayed in LABUAN overnight, then left for MUARA Islands and stayed in MUARA until 17 Oct 44. I then left MUARA and came back to LABUAN and stayed overnight in the ship. I left LABUAN Harbor on 18 Oct 44 and went to APII then to KIDAT and then to SANDAKAN. I left SANDAKAN on 20 Jan 45 and marched to JESSSELTON arriving there on 4 Mar 45. I then stayed at JESSSELTON for the rest of the time.

Q. What were your duties at SANDAKAN?

A. While in SANDAKAN I was in charge of a 9 mile vicinity where we put up camp and worked on construction of airfields, and guard duties around the airfield.

Q. How many men did you have under you?

A. 360 men.

Q. Were you under the command of OTSUKA?

A. I was under command of OTSUKA.

Q. What equipment were they using in the airfield construction?

A. My men did not work on construction duties at the airfield. They had Prisoners of War at the airfield to do the work, and they were equipped with shovels and hoes.

Q. What hours did they work?

A. I was never in command of the prisoners working on the airfield and therefore I do not know how many hours they worked each day.

Q. Who was in command of the Prisoners of War?

A. I do not know.

Q. Were not the soldiers there under your command?

A. The personnel working with the Prisoners at the airfield were not under my comd. The 360 men under my comd worked only in the 9 mile vicinity referred to before. My Unit was 4 miles from the airfield. I had nothing to do with the prisoners.

Q. What did you guard?

A. I was in charge of an infantry unit and at that time my unit was doing construction work in the vicinity of my own camp.

Q. How long did the work take?

A. My unit was preparing fortifications, digging fox holes, bunkers, etc. It took about 2 1/2 months.

Q. What did you do after that?

A. After 2 1/2 months orders came from HQ for this unit to go on an overland march to JESSSELTON.

SECOND SERIES

Ex 9 (cont)
J. J. J.
R. J. J.
J. J. J.

- Q. Who did guard the airstrip?
- A. The unit which guarded the airfield might possibly have been the AKITSU BN (airfield bn). I do not think this BN was under the command of OTSUKA.
- Q. Were you guarding any part of the airstrip?
- A. My unit was not guarding the airstrip.
- Q. How many prisoners marched with your unit to SANDAKAN?
- A. Orders received stated that about 400 Prisoners of War were to go on the march.
- Q. Who was in charge of them?
- A. I was in charge of them.
- Q. Were there any other officers?
- A. Yes
- | | |
|----------|--------|
| TOYOHARA | 1st Lt |
| IINO | 1st Lt |
| HIRANO | 2nd Lt |
| HORIKAWA | 1st Lt |
| TANAKA | 1st Lt |
| SIGIMURA | 2nd Lt |
| STAO | 2nd Lt |
| MIZUTA | Lt |
| ABE | Lt |
- Q. Are they still alive?
- A. TOYOHARA had a wound in his leg and he had blood poisoning. I do not know if he has now died. ABE left JESSBLTON and I do not know his whereabouts. The rest are still alive and in JESSBLTON.
- Q. How many of the Prisoners died on the march?
- A. I do not know the exact figures but I think that more than 100 died on the march.
- Q. What did they die of?
- A. They died of malaria, beri beri, and blood poisoning from infected wounds and scurvy. The latter I believe was caused because the prisoners marched bare-footed.
- Q. Did you know they were bare-footed when they started to march?
- A. About the middle of Jan I received orders from Army HQ to send 400 POW to TUARAN which is 85 miles from JESSBLTON. The purpose of sending these prisoners was to make them carry ammunition and equipment required at JESSBLTON. I myself decided that the prisoners were not fit to carry ammunition and equipment, but my orders were to march the prisoners to TUARAN. I did not give the prisoners shoes because I had not enough to supply them, and as soon as the orders for marching came I had to carry them out, and had no time to do anything about the shoes.
- Q. Did the orders come from OTSUKA or BABA?
- A. They came from Lt Gen BABA.
- Q. Direct to you?
- A. Yes.
- Q. Why did you take the prisoners when they could not carry ammunition and equipment?

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TRIAL 3

Exhibit 3 (Contd.)

- A. My orders were to take the prisoners to TARAH and to use them for carrying goods. I obeyed the order only in so far as I took them to TARAH.
- Q. Did you really think they could march 100 miles without shoes?
- A. I did not have enough shoes to supply the prisoners. I knew they could not march without shoes. I knew it was wrong to make them march.
- Q. Did you report it to anyone?
- A. Before marching we discussed the matter within the Unit, and I decided to make requisition for food and medical supplies, but I did not mention shoes.
- Q. What did you do about the food conditions and did you speak to HOSHINUMA himself?
- A. I made requisition to Army HQ for food and medical supplies. Army HQ replied that they could not do such things and that my orders were to send the prisoners to TARAH.
- Q. Did you discuss the whole thing with HOSHINUMA?
- A. Yes, but the food and medical requisition was my own action.
- Q. What was your opinion of the food supply?
- A. There were 9 groups. My group went out with 5 days supply.
- Q. What supplies did they pick up on the way?
- A. Food supplies were stored at various points on the trail.
- Q. Did you think you had got enough food?
- A. It was bad.
- Q. What happened to prisoners who got too tired to walk?
- A. Those that could not walk the other prisoners helped along.
- Q. What happened when they could not go any further?
- A. The soldiers watched over them and if any fell out they guarded them.
- Q. What happened to them?
- A. The soldiers would take them to the next camp later. I put out an order not to harm the prisoners but whether they were beaten I do not know.
- Q. Did you put the order out because you knew the soldiers were harming the prisoners?
- A. I did not see such things. I put the order out because I thought it was right according to the Prisoners of War Regulations.
- Q. Did any of the prisoners die on the track or at the staging points?
- A. Some died in the camps and some on the way.
- Q. How many of them were shot?
- A. Some were shot but I do not know the exact number. The officers I mentioned before would be able to tell you.
- Q. Were prisoners left to die when they fell out?

FOURTH SPEECH

*Ex 5 (Cont'd)
J. Edgar Hoover
Presented*

- A. Those who could not walk I abandoned.
- Q. Did you leave any food or medical supplies with them?
- A. If the prisoners were in camp, they were fixed up with a meal before we left; for those prisoners who fell on the trail we did nothing. I had requisitioned for medical supplies but they did not come.
- Q. Where did the prisoners finish up at TUARAY?
- A. My orders were to take the prisoners to TUARAY but upon arriving in RENAU a Maj. MATIMARE told me he would take care of the prisoners. The first group reached RENAU with about 40 prisoners. About 10 prisoners died. Of the other groups I know nothing.
- Q. Did you have command of a group?
- A. I was in command of all 9 groups. Each group had about 40 prisoners. The number of prisoners who reached RENAU was approx 300. There might possibly have been more than 400 men when they left SANDAKAN.
- Q. Did Col. OTSUKA give you any orders about the march?
- A. No orders came from OTSUKA. Only from Army HQ. During the early part of Jan I was transferred from under command OTSUKA directly under command ARMY HQ. I received the orders by wireless but it came from Army HQ and must have been issued by Gen. BARA.
- Q. To whom did you make the requisition for food and medical supplies?
- A. To the Chief of Staff Major Gen. MAHAGI. Maj. Gen. MAHAGI was promoted to Lt. Gen. and then went to BURMA about Mar 1945. I did all I could for the prisoners in the way of food but as far as leaving them behind and shooting them, I was guilty.

*True copy of certified ^{true} copy of original
J. Edgar Hoover
Presented*

Q01 Stipwitch W. H. being duly sworn is examined by Prosecuting officer through interpreters

Upon the Defending officer consenting, the witness is allowed to refresh his memory by referring to a statement previously made by him during an interrogation.

The second group left the following morning with 56 with a Sgt in charge and the third party left with the same number. Those parties were of 55, including the first party. The fourth group left the following day 31st Jan with 50. The reason for the breakdown in numbers was due to the condition of the men and there had been an itinerary laid down by the Japanese that there be so many parties and to do so they broke the numbers down in compliance with the parties. No 5 party left with 50 on 1st Feb and No 6 Party with 40 P.W. No 6 party started on 2nd Feb. There was a break of a day owing to the further trouble in obtaining personnel fit enough to work. No 7 party left on 4th Feb. It left with 50 P.W. and No 8 party left Sandakan on 5th Feb with 50 P.W. The ninth party left on 6th Feb with 55 P.W. making a total of 470 P.W. including English and Australians. There were approximately as far as I can remember about 120 English among the P.W. In the march they were in the latter three parties. One party of the latter three parties consisted of mixed English and Australians and they left on a Saturday morning. The men had just on 3 years of gruelling POW life and were very worn starved and practically physical wrecks. There would only be approximately reasonably fit out of the whole lot actually about 40 men. Prior to the march they had been on a short ration, rations had been cut. The state of the rations had a state of bearing on the condition of the men. The cut was on 17th Feb 43 from 17 ounces of rice down to 12. The second cut was in March 44 and then a further cut to 10 ounces at the most in June 44 and there was a further cut to 4 ounces in Sept. The last official issue of rice issued to the P.W. compound is Sandakan was end of Dec, the last 10 days in December. The troops in January were living on approximately 70 ounces of rice per day with about 1 lb to 1 1/2 lbs of tapioca and potatoes. Prior to each party marching out they were given by the Japanese a small pig and double issue of rice for the 24 hours prior to marching. The pig would weigh about 30 pounds. The prisoners would take some of that pig with them cooked for the first days ration. Each prisoner was issued with approximately 6 pound of rice and the party carried a small quantity of salt to be divided and for the party of 50 they were issued with 40 pound of dried fish and instead to do then the whole journey. The clothing most of them had shirts and shorts.

and about 60 percent of them would have a blanket each. A larger percentage had a ground sheet and those with let's say blankets would be about ten percent of the party. The remainder of the party were issued with white rubber shoes which when you had a sweat foot or got the feet wet were an inconvenience as the feet would slip out of them and on dry ground they were very treacherous. The carriers their mess gear and even port, carried ~~the~~ carrying a five gallon drum. That was what they got out of the camp. The party marched outside the camp and formed up outside the guard house. They were then issued with another quantity of rice - approximately 100 pounds for the 60 POW. These parties were marched away by the guards of Suga Butai (as we called the Jermohens, which later I learned from these guards they escorted these POW out on to the main road and handed them over to old soldiers which later I learned are the Yamamoto Butai. With the nine parties there was about 30 of the Suga Butai POW guards left with these parties. Some parties had 3 and some parties had 4 with them and when I arrived at Ranau on the 28th June 1945 there were only six of these POW who had left Sandakan between the dates of 28th Jan and for the nine parties there were only 6 survivors. When the first march commenced it had been raining for a day prior to the march and it rained fairly heavily in the first 3 days and there was intermittent rain for the next week. There was 2 POW brought back from approximately 27 mile peg and their version of the march. One of the 2 prisoners was an English man whose name I do not remember. The other was an Australian named Carter with a VA number. His unit was the 4 Messy AT. He ~~stated~~ that the going was very tough, it rained and they were travelling through mud mostly knee deep. The hills they negotiated with sharp rises and very slippery and continually fell down and there was numerous creeks to cross. ~~They~~ sent back (Carter) with beri beri and ulcers and on the way back to Sandakan it took them 8 days to get back and they were accompanied by 2 Japanese guards. From the time they left their party until they got back to the 8 mile camp it took the 8 days. They told me they rode in a truck from the 12 mile camp to the 8 mile which was out camp. On that return trip they only had what they could carry and day to day rations which were supplied by the Japanese. They said they ate better coming back ~~and~~ than when they started on the march. The Japanese guards who escorted them back were suffering with malaria. Carter died approximately a month after the return to the camp and the Englishman died within 10 days. I left Sandakan on 28th May 45 and at night and we arrived at Ranau on 28th June and enroute along that track there was evidence of the previous march. Australian's equipment and skeletons with Australian equipment and boots lying on the side of the track. The only place where I saw an actual grave of an Aust or English man who left Sandakan on the first march was at a place called Paginatan.

Ref: Prosecuting officer shows map to witness.

That is a map of Borneo and the red line marked on the map is approximately the route taken by my party and the previous parties from Sandakan to Ranau.

Prosecuting officer tenders map which is admitted in evidence, marked Exhibit C, signed by the President and annexed to the proceedings.

On the map ~~Sandakan~~ is shown as Matupang

Ref: Prosecuting officer shows map to witness.

That is map of Borneo showing the communications.

Prosecuting officer tenders original map of Borneo which is sighted by the court and marked MFI for identification.

Prosecuting officer tenders certified copy of relevant portion of Borneo which is admitted in evidence, marked Exhibit D, signed by the President and annexed to the proceedings.

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As the journey from Sandakan to Ranau proceeded the condition of the prisoners health failed greatly. There were many not being able to travel of the morning this being brought about by lack of food, starvation and exhaustion from the pace of the march and at night time exposure. These people that could not travel in the morning would have cramps and be unable to move. My own experience after being wet all night it took about 1/2 hour to 3/4 hour to get moving as we were very stiff. As the march proceeded the men to keep going either voluntarily threw their equipment away ~~and if they were carrying the Japanese back their equipment off their backs and threw it away~~ My personal experience of the march is and was most stupor 1 being one of the fittest to leave the camp and myself I don't think I could have lasted another 2 days after reaching Ranau. The particular party of 30 that I was in charge of left the camp 50 strong. Midway the following day after several rests we had 30 in the party. Others had dropped out and I never saw them again. Then we camped at night time after that and each morning several dropped out. My party eventually got to Ranau 13 strong, and 4 days after arriving at Ranau it was 5 strong. I was in charge of No 2 party. Capt Hishop was in charge of No 1 party and that consisted of 8 men when it arrived. Out of the whole party total leaving Sandakan

there were only 183 bodies arrived at Ranau. On the 17th of July there were 70 alive. 28th August 40 alive. Out of that 40 there would be only 5 able to walk around. That is when I escaped. The march from Sandakan to Ranau took my group from 29th May to 26th June. We had, I think, 3 rest days enroute owing to the weather and the gasses needing a rest also. The first march was in a slightly better condition on the whole but there would be about 40 percent of the second march equally as fit as those who left on the 1st. It will be understood that this time the 2nd march took place that on the day the 26th May we were shifted out of our camp into an open space the camp was burnt down with all our medical supplies and everything was lost. At that time there was over 400 hospital patients and 200 of those patients were forced to march. When we arrived on 16th June at Ranau we learned that there was 2 survivors of the previous march but we were not allowed to contact them. The late afternoon 28th June - made the first contact and made conversation with 2 of the survivors. They were Sgt Stacey, ~~Sapper~~ Birch, ~~Company~~ ~~Maxham~~ ~~at the~~ ~~Butterill~~. I cannot recollect the other man's name ~~Maxham~~ was an Englishman who was sick. My first question to them was "What has happened to the rest of you?" and Sgt Stacey replied "They just systematically exterminated us". Then I asked as regards to individuals such as WO Watson, Capt Jeffries and they related how they met their death. Some were left on the road and the Japanese guards and were never seen again. Others were starved in the way of punishment and others died of starvation and lack of medical supplies. They related also an incident which happened to Pte Richards where he was showing fatigue in route on the first parties and he was being pushed along by the Jap guard with the butt of the rifle and he showed resentment and the guard tied him up and he was beaten and left for dead and thrown down the gully. The next party coming on the following day heard his cries and with the Japanese guards they went down and investigated. Richards was untied and brought back up to the road. The party assisted him along for the rest of that day and they travelled with him the following day and they said that during the next day they would stop after starting off from the resting place overnight and they never saw him again. I said "where were you camped in Ranau?" and they indicated their camp at the side of the air field and I asked them how they got on when they were bombed and where they were shifted to and how many were shifted to the new camp, what became of Capt Magal and when they came from that particular camp into their present camp, how many of them originally moved in and how many they left behind. They left 10 behind in the 301 jungle camp Ranau which they never saw again. I asked them what work they were doing and they said they were used as a carrying party to carry rice backwards and forwards from Paginatan to Ranau and carried general stores on long walks out to agricultural areas to collect vegetables for the Japanese supply depot. They said that the going on these particular jobs was more than they could stand and they were just dying from exertion. They used to do the Paginatan and back in 3 days at first and then it was a 5 day trip. 2 days up and 3 days back. They originally started off in parties of 50 but the last party to leave Ranau camp was only 10 or 12 fit to travel and do the job. I saw a total of about 30 or more skeletons along the track. Some days we saw 4 or 5 but sometimes we only made 1. We were not allowed to go off the track or make an inspection but we could see webbing, aust boots and hats and throughout the march we knew we were following the other party as we would pick up soldiers personal gear such as a letter or paybooks. ~~xx~~ There was only one proper grave and enroute we could not go off the track to inspect these remains and at night at rest camps we would sneak away and scout around for evidence. On the top side of the river of one place where there is a Japanese store on the Ranau side there was one place with 5 bodies together. The bodies bones were scattered around though they had been mauled by pigs and there were 5 skulls. The total distance was 165 miles from Sandakan to Ranau. I know that distance because on our particular march a Formosan who had taken a pedometer and he said that a total walking

he had come from Sandakan to Kanan was 100 miles. There were very few places in the track where one could see more than a few hundred yards ahead. Twists and turns taken on a route by the way as shown is not giving justice to the mileage travelled. The mountains that were negotiated there was only a track 2'0 to 3 feet wide up the side and they zig-zagged. The distance from Rajahmundry to Kanan would be approximately 20 miles.

CROSS EXAMINED BY DEFENDING OFFICER

Q. And you were told were ~~not~~ not ~~that~~ by the POW that they were given gruelling work to do after they arrived at their destination.

A. Yes. There were very few fit to work.

Q. And these makeshift boots you were given were alright to walk on hard dry ground.

A. O. Hard dry ground or provided there was no sweat from the feet would slip out of them.

Q. Wasn't it easier to walk in bare feet on this soft mud than in boots.

A. No, the reason being that the jungle track was cut down and the roots and the stubble of that jungle weed and it was sticking up in the ground and it would stick into the feet and scratch them and it was full of roots and on the high country stones were very sharp. Leaving the water areas and coming on to the stone areas was very hard on the feet.

Q. You haven't mentioned before anything about their feet being cut have you.

A. No.

Q. In a Sandakan camp the conditions were very bad weren't they.

A. Yes.

Q. And didn't the prisoners express a wish to go anyway to get away from the camp.

A. The man who was at the Camp Capt. Usajima at that time told the POW where this party was going and there was going to be full and plenty of everything. There was to be rice and vegetables and that was the enticement with a feed 24 hours prior to the march.

Q. You mentioned before that some of the POW in the camp had to have legs supported with wood. Were those men taken on the march.

A. Not on the first march. Some had ulcers and some had malaria and that was recurring.

Q. After your party left the camp there were no more left there were there.

A. Yes. We left behind approximately 200.

Q. Were the Japanese left behind to guard them.

A. Yes. There were 16 Formosan guards left behind with those

Q. Did you say that before your party left they destroyed the medical stores.

A. Yes.

Q. Do you know on whose orders that was done.

A. Capt. Takawa came in and inspected the camp on morning of 29th May with Lt. Watanabe and after they left the camp orders came from them giving us 20 minutes to evacuate the camp and go over into the area which was used as an agricultural plot in the disbanded No 2 camp area.

Q. Have you ever known the Japanese before to destroy the medical stores.

A. No.

- 7
- Have you any personal knowledge of the condition of the stores destroyed.
- A. They were all in serviceable condition and there was a quantity of atabrin and quinine besides other drugs and medical instruments full dental outfit.

NO RE-EXAMINATION BY PROSECUTING OFFICER

QUESTION BY COURT

- Q. How many miles did your party travel on the first day.
- A. We travelled from 8 o'clock that night and rested for about 2 hours after midnight and about half an hour after starting again we had come to the end of the bitumen road and were were travelling then on macadamised road and we travelled right up to midday, the next day (both days) before we rested. ~~XXXX~~ we approximately covered in that time 12 or 13 miles.
- Q. Early in your evidence you gave an account of quantities of rice. In Jan you had 17 ounces of rice and then it was reduced in various quantities etc. immediately after that you say in Jan living on approximately 17 ounces of rice.
- A. By that I meant 70 grams of rice. We had 200 bags of rice to last us indefinitely in Dec. ~~XXXX~~ were told that it would be at least 3 months for us to live on.

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct same.

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With material being examined by Prosecuting Officer.

I am with material. My occupation is truck driver. My address is Boyder Avenue, Antioch. My army no was 4429. and my rank is the unit 191st. I was taken to in Singapore on 10th Feb 1942. In July 42 they took 1000 of us to Borneo and there were building an aerodrome. That was at Jesselton. In January 1943 that work finished and then we got three days orders to move with a party of 400 to move to an unknown destination. Maxax I started on that trip at the end of Jan. The first 50 left one day and then there were parties of 50 leaving each day. I travelled with the 3rd group. I can recognise Japanese who were in that group.

Witness indicates A.O. Jotanda Airoku.

On commencing the journey we were given 3 pounds of rice, 1 pound of dried fish and an ounce of salt and there was about 1 lb of sugar given to the officer in charge of the party. We moved out the gate and down to the road and we were given about 120 pounds of rice. That rice was packed in Army packs. The party of 400 carried that rice. On average the 400 carried 40 to 60 pounds, whatever he was assigned to carry. The loads of the 400 consisted of ammunition, rice, and Japanese officer's gear. The load was split up among each man. The rice was sewn up in a Russian bag and the ammunition was in a bag which was made into a sort of pack and worn on the chest. There were about 10 bags of ammunition. Before we left we were issued with a pair of 2nd hand shorts and a shirt or a giggle jacket and we were issued with rubber shoes which were no good as they slipped straight off our feet. About 6 or 7 had boots and they were the boots they had had all along. During the whole march it rained about 3 days and it was very boggy being in the rainy season and the bog was above our knees a lot of the way. We had difficult crossings over creeks and going along jungle tracks our feet were out. The country we went through was swamp and hills and no flat country at all. I would know my track shown on the map.

Prosecuting officer shows exhibit C to witness.

We passed through Soto, Ragmatan and that is all I can remember of the names of the towns. I had no idea of the direction we were travelling. Our officer in charge of the party (Japanese) used to find us camps along the road about every 10 mile and we used to try to make them each day so we could sleep in them. We slept in about 5 camps during the march and the rest we couldn't make by dark and so we couldn't sleep in them. Most of us only had a groundsheet because we couldn't carry the blanket. We came across 5 ration points and at one stage we got 20 cucumbers between 40 men for 3 days, and a bottle of tapioca leaves. At some supply depots we got rice issued to us to do us for 3 days until we reached the next supply place and it would work out at about 150 grams of rice per day. At some outposts we got no rice, we got tapioca and corn instead. The last 3 days of our march we got about 1 lb of rice per day and our officer let us trade 2 blankets for a small pig at Ragmatan. We gave the Japanese half and we had half of that pig the second day out of Nanau. Maxaxixix Maxaxixix The Japanese had at least 3 times the amount of rations we had, bar the first five days when we had as much as them. During the period when we had the 8 cucumbers they did not have very much at that period but although I do not know how much they got, they got sufficient.

Their ration was of rice. At the commencement the condition of the 400 was very bad. There were men about one or two left behind every second or third day. At a morning those who were too sick to move would tell our Australian officer in charge that they could not move with the party and the Japanese Sgt or officer would count us and move us off and we would get along the road about 1/2 mile and we would hear shots. The Japanese officer would tell our officers that they had to shoot the men who were left behind. At times when we were marching along the road and the men were too weak to keep up and they dropped behind the Japanese would shoot them. The way I know the Japanese shot those men was that the Japanese officer told us at night. I do not know the name of the Japanese officer in charge of us. I can remember going up a big mountain at Soto when we lost 5 men. They were shot and I myself I saw a Japanese Cpl shoot 2 of them. That day the Sgt (Jotanda witness indicates)

Went ahead of the party to Reginatan. That night we crossed the mountain and camped at the bottom and the next day, we moved off towards Reginatan and there was one Australian soldier whose name I forgot was crawling up this mountain on his hands and knees and we went past him and got him to Reginatan. As we were going in we met the Japanese Sgt (indicating Ootama) coming out and he said "why have you got those mosquito nets". We were carrying the mosquito nets for the Japanese and we said "The Opi made us carrying them" and he told us to leave them behind at Moto. The Sgt told us to leave them at Moto as we could never get over the hill with them and he told us to just carry what we had. When we told him the Opi made us carry the nets he said "why" and he asked us if we were all there. We said that there were 2 men about 3 miles back, and ~~the~~ very sick and the other was helping him along, so the Sgt went back to them and came in with the Aust soldier who was helping the sick man. He came into Reginatan and after he arrived we asked this Aust soldier what happened to his mate and he said "the Sgt had to shoot him, he could not come any further". The journey took us 17 days altogether. The total distance was about 100 miles. From Reginatan to Kanau was 20 miles. I have been that distance 3 times and I knew where the mile stones were and counted them. When I got to Kanau there were between 100 and 200 Japs. ~~XXXXXX~~ When I first got to Kanau about 70 had arrived before us. I discussed with other men of other groups the conditions of their trip. We worked out No 6 party was the worst party of the lot. The Japanese officer in command of that party had about 8 Australians carrying his gear besides the ammunition and rice and his gear consisted of large boxes and 2 Australians used to carry the box with a pole tied to the box and the pole on each shoulder. I have never seen the Jap in charge of No 6 party. I never had him described to me. The Japanese guards of No 6 party used to take the Australians rice issue after it was cooked, they used to steal it from them. There was a soldier in No 6 party who was wearing a gold ring and the Japanese soldier killed him and took his ring. That is about all I can remember of what was told me about that party.

CROSS EXAMINED BY DEFENDING OFFICER

- Q. Didn't an Australian soldier shoot an Australian.
A. Yes.
- Q. He did it as a humane act didn't he.
A. Yes.
- Q. At the rest camps where the sick persons could not go ahead was any food left there.
A. No.
- Q. The Japanese officer in charge of your party tried to help you along as much as possible didn't he.
A. Yes.
- Q. After you got to Kanau you were taken out of control of these guards.
A. Yes.
- Q. And you were made to work very hard after that.
A. We were carrying rice.
- Q. Could you give me any idea of the weight of an ammunition box.
A. Roughly about 20 pounds.
- Q. What did they contain.
A. Bullets I think, and mortar bombs.

RE-EXAMINED BY PROSECUTING OFFICER

- Q. Describe to the court the manner in which the Australian shot another Australian.
A. It was on the 5th day out and this Aust Sgt started to drag

behind and said he could not carry on and the Japanese officer told him he had only about 4 miles to go to reach camp and he sort of went off his head and went insane and kept ranting at the Jap Sgt and asking him to shoot him. The Jap officer came up and the Aust Sgt kept asking to be shot and the Jap officer agreed to shoot him if the Aust officer would give him an O.K. to do it and then the Jap started shooting (indicating accused Botanda) with a revolver and then he said he would not do it and gave it to the Australian officer and told him to do it and he agreed to do it. There was myself and two other Australians beside the officer there and the Japanese Sgt and the Japanese officer and we moved along the road and caught up with the rest of the party and the Australian officer said that "he had to be shot, he was struggling against us when we were trying to help him and then I shot him". That was the first case of anyone being shot.

- Q. What language did the accused Botanda speak.
 A. He to my knowledge only spoke Japanese.
 Q. When relating the conversation which took place between you and the accused how did he communicate with you?
 A. The Aust officer could speak Japanese and we used signs and I knew a little Japanese and could understand them.

QUESTION BY COURT

- Q. When all the groups had arrived at Manau can you inform the court as to the numbers of POWs that were then there.
 A. I cannot give the exact number but there were about 180. There could be 15 each way of that approximation. There were about 180 at Manau when the first 6 parties arrived and about 50 of them died and then 20 Englishmen came from Reginatan which made ~~about 140~~ about 140 and then 20 more died which left about 120 and the remainder came from Reginatan and about 30 of them arrived there and there were about 150 there.

DEFENDING OFFICER BY LEAVE

- Q. How long after you arrived at Manau did the last party arrive.
 A. About six weeks.
 Q. Did that party come under the control of these accused.
 A. No.

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct same

First witness for Defence

Capt. Yamamoto Shiroki, being duly sworn is examined by Defence Officer through interpreter - Iro Nishimura.

Sworn by my conscience - I swear to tell the truth without withholding any evidence whatsoever and also I will not say anything besides the truth.

My name is Capt. Yamamoto Shiroki, and my unit with which I was attached.

Defence officer shows document to witness.

That is my signature. The contents of the document were read to me before I signed them and it is true and correct.

Defence officer tenders document which is read, admitted in evidence, marked Exhibit A, signed by the President and annexed to the proceedings.

Before the time of this march I had not been over this route. I did not know if there was a supply of footwear in the Sandakan area.

Defence officer shows sketch map of route to witness.

I cannot read that map.

Cross examined by Prosecution Officer

Prosecution officer shows map, Exhibit A, of the route to witness.

Q. Do you recognise that as a map of the route?

A. Yes, I recognise it.

Q. Point out Sandakan, Ranau, Boto on the map.

Witness indicates Sandakan, Ranau and Boto on the map.

Q. Can you see the track marked in red between Sandakan and Ranau?

A. Yes.

Q. Is that substantially the track you followed?

A. Yes.

Q. How many days food did the prisoners take when they started from Sandakan?

A. 4 days supply.

Q. Were the prisoners told that that should be 4 days supply when they left Sandakan?

A. The ration was issued from the POW compound and that was Army HQ instructions and therefore it was not my affairs.

Q. How long did that food have to last?

A. Four days supply.

Q. How long on the track was it before you received further supplies?

A. The first place we received supplies of rations was Boto.

Q. How many days journey was that from Sandakan?

A. I think 3 days.

Q. Where did you march in relation to the groups of the march?

A. I was in the front of the first group.

Q. Before you organised the group into 3 marches did you have a conference with your officers?

A. Yes, I held a conference and instructed concerning the march and other details.

Q. What instructions did you give.
A. I gave instructions that we were to take along POW. I gave instructions concerning the handling of POW. That was all.

Q. What were the instructions you gave in regard to the handling of POW.
A. With regard to the handling of POW I told them that it was an international problem and that they were to be treated with kindness and properly. During the march the place they were to stop at night was to be the same as the Japanese. All rations supplied are to be divided equally among the POW and the Japanese. Medicine is very short and is to be used economically. During the march if there is any stragglers or any sick they are to take them along to their destinations with the Japanese and POW assisting. If it was necessary to leave behind a POW leave him behind at a place where there was food and medical supplies and leave the same number of Japanese behind with them. I further told them that this was a very important task and show the real value of the Japanese forces. That is all.

Q. Was Abe present at that conference.
A. No he was not present.

Q. Why was he not there.
A. Abe was stationed at a point 3 miles from Sandakan and I forgot to call him.

Q. Do you remember previous proceedings when you were accused on the same charges.
A. Yes I remember.

Q. Do you remember this question and answer
"What was the reason behind the fact that you gave Capt Abe separate orders to those you gave to the group commanders."

Defending Officer: No reference can be made to quashed proceedings. ~~Matters not to be opened by jury.~~
Phipson 8th Ed p 37 - matters not to be opened by jury.
p 469 cross examination documents.

J.A. I advise court question can be allowed.
Court allows question.
continues.

Q. repeated.
A. Capt Abe was stationed about 3 miles from me and as there was no means of communication I thought that I would go myself and give the orders to him. I thought this because the matters concerned were very important.

Q. Yes I remember it.

Q. And is that true.
A. Yes.

Q. Why do you now say that Abe was not present because you forgot him.

A. That was my mistake.

Q. What orders did you give to Capt Abe.

A. The instructions I gave to Capt Abe were that he and his men were to take about 50 POW to Toran. With regard to the receiving of POW that was to be agreed upon with Capt Moshijima. With regard to the agreement between Moshijima and Abe I gave instructions.

Q. Was that all the instructions you gave Abe.

A. With regard to the march if food and medical supplies are not available on the way do your utmost and if necessary dispose

about of the POW, and to reach the destination as soon as possible. With regard to the POW I told him that they were to be treated kindly and that they were not to be mistreated. With regard to food and sleeping quarters they are to be the same as Japanese. Medicine is very scarce and use it economically. During the march the stragglers and sick patients both Japanese and POW are to assist them along. It is an important task and so your almost to reach your destination safely. That is all.

- Q. What do you mean when you said that you told Abe in certain circumstances he could dispose of the POW?
- A. By disposing of them I meant that in circumstances where nothing could be done in regard to both Japanese and POW to kill them.
- Q. Did you tell the other officers that you had given Abe those instructions?
- A. No I did not tell the other officers.
- Q. Why did you give Capt Abe those instructions and not give the same instructions to the other officers?
- A. At that particular time Capt Abe was not under my direct command but for escorting POW on this march he was put under my command, and I gave him these instructions because I thought that he may in due course of his duties come into troubles or hardships which he could not solve himself. Another thing was Capt Abe was on a very important task and I wanted to make sure that he completed the task strictly without failure. The war situation at that time was extremely and it was vital that he executed his ~~xxxx~~ duties.
- Q. Do you remember at previous proceedings the following questions and answers:
- Q. Why did you give Capt Abe such an order?
- A. Capt Abe was not a member of my unit. He had to escort the prisoners and so doubt was anxious about it as Capt Abe was not a member of my unit I sympathized with him for taking such a difficult and delicate business to escort POW so if Capt Abe had to dispose of the POW as the last resort I told him that I would take responsibility for what Capt Abe did and I shall sacrifice myself for Capt Abe when he Capt Abe had been obliged to take such a measure as I ordered and another reason for my feeling for him was that I pitied Capt Abe who had to carry out such a hard task.
- Q. In your second interrogation you said
- "Capt Abe was not a member of my unit. If he had been so I would not have given him those orders. The reason for that being that I would not like to have given a member of my unit such grave responsibilities. I thought that it was a great pity that I had to give such orders".
- What you have just told us and this extract differs. Which is the truth.
- A. The evidence that I have just given ~~xxxxxxx~~ this court."
- Q. Yes I remember saying that.
- Q. Are the answers you gave there true.
- A. At the first trial I denied saying that, "I gave these instructions to Capt Abe as he was not a member of my unit".
- ATIS interpreter explains that the phrasing that the witness used was rather ambiguous and could convey the meaning ~~xxxxxxx~~ that that particular part of his evidence had been struck out of the court record.
- Question is repeated by the interpreter at the request of the court
- A. In the first trial I told the court that the answers in my second interrogation was not what I said.
- Q. Was not the reason why you gave Capt Abe that order that he was bringing up the rear group.

- A. No it was not the reason that he was at the rear, but it is the reason that I explained to the court.
- Q. What arrangements did you make with Hoshijima about taking over POWs.
- A. That Hoshijima was to pick out healthy POWs. 2. I would like to see POWs at a point 9 miles out and all group commanders will inform you the day before their departure by telephone or runner therefore I want you to make sure that they are there on time. 3. I would like to receive papers concerning the regulations of looking after POWs, and small details and the regulations laid down by the Army HQ in connection concerning the handling of POWs. 4. With regard to provisions I would like you to give me the provisions as laid down by Army HQ. That is all.
- Q. Did Hoshijima receive instructions only through you. That is instructions in regard to the transferring of prisoners to your command.
- A. Army HQ instructions was that myself and Hoshijima were to arrange.
- Q. Did Hoshijima only know of these instructions because you told him.
- A. There were instructions to Hoshijima from Army HQ with regard to the handing over of 500 POWs.
- Q. Did Hoshijima receive those instructions straight from Army HQ.
- A. I do not know about that but I presume he did.
- Q. Did you make any arrangement with Hoshijima about the selection of POWs to be taken.
- A. That was nothing to do with me and I did not know.
- Q. Do you know why Hoshijima did not hand over the full number.
- A. I do not know.
- Q. Did you inspect the POWs before you received them at the 9 mile before they actually set out.
- A. No.
- Q. How long did it take you to get from the nine mile to Ranau.
- A. It took me 15 days.
- Q. Did you set any time limit for each group commander to complete the march.
- A. There was an itinerary laid down by Army HQ, and I told them to carry that out.
- Q. When did you receive that itinerary from Army HQ.
- A. I do not remember exactly but I think it was on 23rd January when I received these written instructions.
- Q. Do you remember the following questions and answers when you were being cross examined in the previous proceedings.
- A. Did the order from HQ actually state that the march was to be done quickly.
- A. It was not in the orders. We received a telegram to this effect from Army.
- Q. Exactly what words were in the telegram.
- A. It said that the units were to come as quick as possible.
- Q. What date did you receive that telegram.
- A. I do not remember exactly but I think it was about 24th Jan.
- A. Yes I remember saying something near that.
- Q. Did you then mention that you had received an itinerary from Army HQ at that time.

a. And the evidence was OVER TO YOU at the former, following.

b. And it was RUN BACK TO ME.

Q. And did you correct anything relating to this situation in the evidence you gave?

4. NO - did not make any alterations or avoidance
 5. NO - did not make any alterations or avoidance

10. Did any order from Army No. specify the date you were to leave
Sanchakan.
No.

4. What was the date of the first order you received to move from Sandakan.

Q. I think it was on 13th Jan.

The 1st group left on 29th Jan, 2nd on 30th Jan, 3rd 31st Jan.

group 1st Feb, 5th group 2nd Feb, 6th group 3rd Feb, 7th group 4th Feb, 8th group 5th Feb and 9th group 6th Feb.

1st group 50 row, 2nd group 50 row, 3rd group 1 thin 50 row
4th group 50 row, 5th group 50 row

8th group 30, 9th group 30. That is what - remember the figure to be,

What date did you arrive at Hanaau.
I arrived at Hanaau on 12th Feb.

What date did you leave Manila
I left on 14th Feb and headed towards Consuelo

How many of the groups arrived at Azzam before you left.
I was in advance and the first group was...

how many POW arrived with that first group.
I think 40.

Did you ask the commander of the 1st group for any explanation?
the others did not ask.

1 did not.

I heard from the 1st group commander the circumstances during his march.

Were you responsible for getting these prisoners through to the end of the march.

The full responsibility rests upon myself.

failed to get through from the other parties.
It is written in a statement which was tendered

their evidence is either interposed by defendant or is

Prosecuting officer and court. By defendant, officer by consent
ending officer shows statement to witness.

Are the respective figures under the headings a true result of the march.
Yes.

ending officer tenders document, which is reas. submitted to

document, marked Exhibit A, signed by the President and annexed to proceedings.

- Q. How many Japanese were in Lt. Toyokura's party.
 A. I do not remember exactly but I think there were over 60. I made out the various groups but I cannot remember.
 Q. When was that document prepared and from what figures.
 A. That document was made before the trial started and those numbers were obtained from various group commanders.

PROSECUTING OFFICER CONTINUES CROSS EXAMINATION

- Q. When did you get this information from the group commanders.
 A. I made that document in the previous trial from the figures given to me by various group commanders. I also made this document with their assistance.
 Q. When did you first get this information from the group commanders.
 A. I received a report from various group commanders after we reached Iorai.
 Q. At the conference of AOs and WOs before you left Sandakan did you lay down a timetable for their march.
 A. No I did not lay down a limited time.
 Q. Did you give them a discretion to march at such stages as they wished.
 A. I told them to work on the plan laid down.
 Q. You just said you gave them no time limit. Was that correct.
 A. At that time I did not tell them at what date they were to arrive at their destination but that it was to work out to the plan.
 Q. How many days for the march were given for the move from Sandakan to Toran.
 A. 19 days. Within 19 days.
 Q. And did the plan give any particulars of what stages should be completed each day.
 A. Yes. It was marked on there with also the places where there was accommodation to sleep overnight.
 Q. And how long did that plan allow you for your march to Ranau.
 A. I think 12 days.
 Q. So you remember in the previous proceedings in the course of cross examination the following questions asked and answers given.
 Q. At that conference did you as certain officers had said in their interrogation lay down a time limit for the march.
 A. No that is not true.
 Q. You did not lay down a time limit of 21 days.
 A. No I did not.
 Q. So each officer in charge of a party could decide how quickly he went providing he got there as soon as possible.
 A. Yes.
 Q. Yes I remember being asked those questions but the answers which I gave were a little different.
 Q. What answers do you now say that you gave.
 A. First I made a plan to march to Toran within 21 days but Army instructions came that the march was to be done in 19 days and therefore I worked it out according to the Army plan.
 Q. Did you tell the court that in the previous proceedings.
 A. Yes I did.

Q. (Cont.) HANAU.

A. The first camp was at Mandut, and at Boto, and at Angas, and at Mandut, next at Magintan and then HANAU.

Q. What is that document you are holding in your hand?

A. That is what I wrote just before this trial started.

Q. Court reads document in Japanese characters is marked for identification.

Q. At how many of those places were there medical supplies?

A. Mandut and HANAU were the two places.

Q. Were there only 2 parties in your original plan of march?

A. At first there was to be 10 groups.

Q. What happened to the 10th group?

A. My first plan was to divide Capt. Abe's unit into two groups but as he requested me that he wanted his unit to go along as one group because of limitations he had in his unit.

Q. Originally who was to be in charge of the first two parties of Lt. Abe's group?

A. I do not remember exactly but I think my first plan was that Lt. Ushima was to be in charge of the 9th group and Lt. Abe to be in charge of the 10th group.

Q. At 1200 hrs court adjourns to 1300 hrs.

A. At 1400 hrs court reopens pursuant to adjournment, present the Judge Advocate and same members.

Q. Prosecuting officer continues cross examination.

Q. How many POW were to be allotted to each of those 9th and 10th groups?

A. My first plans were to allot 50 to each.

Q. And how many were actually allotted either to each of the groups or to both groups together?

A. There was a total of the nine groups of 450 POW.

Q. Did you actually allot a number of prisoners to No 9 group and a number to 10 group?

A. My first plans were to have 10 groups with 500 POW but as the number of POW to be given to me was entirely at the discretion of Capt. Koshijima.

Q. Did Koshijima allot a number of prisoners to a 10th group?

A. My first plans were to receive 500 POW which I thought would be about 50 to each of 10 groups but Capt. Koshijima allotted the POW to each group.

Q. Question is repeated.

A. I altered it to 9 groups therefore he did not allot any to the 10th group.

Q. What was the nature of the track over which the march took place between Sandakan and HANAU?

A. The road between Sandakan and Boto was a track made through the jungle there was a swamp and it was very muddy. Along both sides of the road was a jungle and swampy and it was difficult to walk on roads and there was no straight way because of the jungle.

Q. Between Boto and Magintan was the track exceptionally hilly?

A. Yes.

Q. How high did the track go?

A. I cannot make an estimate.

- Q. Did the track go up 200 feet or 300 feet?
A. It would be 200 feet.
- Q. Would it be much less than 300 feet?
A. Yes, it would be much less than 300.
- Q. Three thousand feet.
A. I think the highest point was very high, but I don't know.
- Q. You have said that the responsibility for getting the POWs through safely was yours, haven't you?
A. Yes.
- Q. Where were you travelling in relation to the first group on the march between Sandakan and Ranau?
A. I was walking in front of No 1 group and was about 500 to 1000 metres ahead of them.
- Q. Did you sleep at the same place as No 1 group each night?
A. Yes.
- Q. Did you see what food was issued to POWs?
A. Yes I did.
- Q. Was it the same food as was issued to the Japanese soldiers?
A. Yes.
- Q. How much food on the average was issued per day per man?
A. I think about 400 to 450 grams average per man including rice and vegetables.
- Q. Referring to document marked ^{Exhibit AQ} ~~XX~~ you say that 37 Japanese died on the march. Does this include the march from Ranau to Jesselton?
A. That was the total number that died up to Ioran.
- Q. How many of those Japanese died between Ranau and Ioran?
A. I do not remember.
- Q. Did you have any communication during the march with the other parties?
A. I communicated with No 2 group only once.
- Q. What was the nature of that communication?
A. At one staging point the next group caught up with us.
- Q. Did you receive any reports from the officers of the following parties during the march?
A. No I didn't.
- Q. Did you send on any orders to them during the march?
A. At Ranau I gave orders that POWs would be handed over at Jesselton.
- RE-EXAMINATION BY DEFENDING OFFICER
- Defending officer shows document to witness.
- Q. Have the contents of this document been read to you and is it correct?
A. Yes.
- Defending officer tenders document which is admitted in evidence, marked exhibit AQ, signed by the Resident and annexed to the proceedings.
- Q. Is there any indication on that document as to the stages to be covered daily by your parties according to the orders of Army HQ?
A. Yes, the circles on the map represent one day's march.

Q. Looking at that document is the sketch correct and the legend on the map a proper representation of the indicated?

A. Yes.

Q. Did you remember telling the prosecutor "Manson was about 3 days out I think"?

A. Yes we arrived there on the 5th day.

Q. After receiving orders from Army No. 1 as to the stages to be covered each day was there any communication between yourself and Army No. 1 during the march?

A. I did not communicate.

QUESTION BY COURT

Q. In what way was Capt Abe's task more important than that of the other group commanders?

A. ~~XXXXXXXXXXXXXXXXXXXX~~ If Capt Abe got into the circumstances I stated before I felt sorry for him and therefore I issued those instructions.

Q. What troubles or hardships did you think would be encountered by Capt Abe that would not be met by the other group commanders?

A. As Capt Abe's group was the last in the march I thought that there may not be sufficient food and medical supplies.

Q. Why did you feel sorry for Capt Abe?

A. At that particular time the war situation had changed. Capt Abe's group was the last in the march and as I mentioned just before if there was a shortage of medical supplies which might cause a delay, that is why I felt sorry for him as he had his task to reach his destination.

Q. Are you a permanent soldier of the Japanese Army?

A. Yes.

Q. Did you graduate from a military college?

A. No I did not.

Q. When did you become an officer?

A. In 1938 I was commissioned as an officer.

Q. When did you go on active service?

A. I went to Manchuria in 1931 as a Sgt Major.

Q. If you are a permanent soldier why is it that you did not graduate from a military college?

A. There was a special volunteer from NCO to officer for which I volunteered.

Q. What is your age?

A. 44 years.

Q. How old were you when you first became a soldier?

A. 21 years old.

Q. And have you served as a soldier ever since you were 21?

A. Yes.

QUESTION BY JUDGE ADVOCATE.

Q. Did you anticipate deaths on this march before anyone set out?

A. I did not anticipate any dying.

Q. Did you consider whether there were likely to be any deaths amongst the prisoners because of the conditions of the march?

A. Yes I thought about that after I started on the march.

Q. What conclusion did you come to in your own mind after you considered the problem?

A. I did not consider the problem.

4. I am just saying that the group commanders would be liable to carry out the task.
5. After you started on the march, did you find that there were certain difficulties which you had not foreseen?
6. The roads were too bad, provisions were not supplied as anticipated.
7. Were there any steps you were able to ~~overcome~~ take to overcome those difficulties?
8. No except that all group commanders did their best to overcome those difficulties.

NO FURTHER QUESTIONS

Evidence is read over to witness who desires to make in explanation that where it said "The total number that died up to 1944" it wishes to correct that to read 1945 in lieu of 1944.

Witness does not desire to make any further explanations.

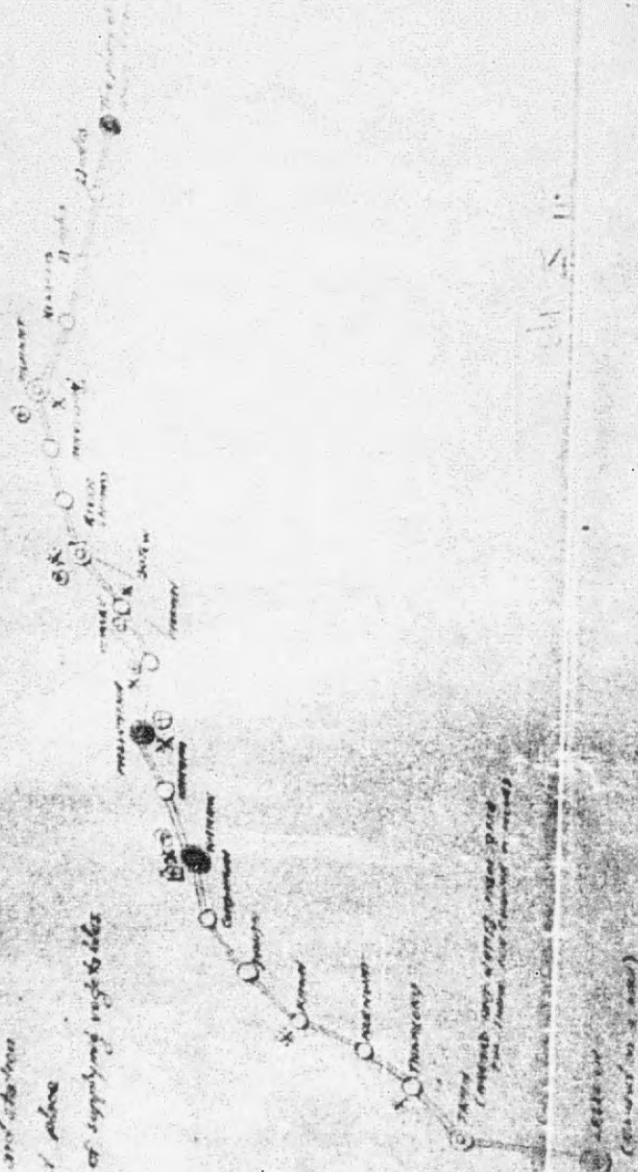
I swear that I have told the truth without adding anything.

↓ 本正

1875

11

- (1) The price of supplying process runs
- (2) of material and labour
- (3) The size of plant
- (4) The price of supplying inputs to the



And when I'd been there (years)

(continued from p. 10)

Capt. Iino Shigeru being duly sworn is examined by defending officer through interpreter Wifomichi Mura.

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

被告 氏

My unit is 25th Mixed Regt.

Defending officer shows document to witness.

That is my signature on the document. It was read over to me before I signed it and it is true and correct.

Defending officer tenders document which is read, admitted in evidence, marked Exhibit A-1, signed by the President and entered in the proceedings.

Before this march started I was Capt. Yamamoto's adjutant. I remember before this march the instructions coming through to Capt. Yamamoto regarding this march. I remember communications between Capt. Yamamoto and Army HQ concerning ~~these~~ instructions. Capt. Yamamoto received instructions from Army HQ with regard to the march. He then sent his plans in regard to this march by air mail. Capt. Yamamoto made a plan of 24 days to reach Iorai and sent it to Army HQ. Before our plans reached Army HQ, Army HQ sent us their written plans of the march. The instructions on that written order was that the Yamamoto unit was to start on the march as soon as possible and to bring along with them POW. Also there was an attached sketch which we were to take and it stated that we were to march to Iorai within 19 days. After that sketch was received there was other communication between our HQ and Army HQ. We sent a telegram to Army HQ with regard to the supply of provisions and medical supplies enroute the march. We presumed that Army HQ had looked over our plans and from that they had made their own plans therefore we did not communicate as regards the time. I remember giving Capt. Yamamoto certain figures of deaths after the march was over. I remember the number of Japanese deaths reported to Capt. Yamamoto. I remember it as 37. In my party it was 6. After this march I was still Capt. Yamamoto's adjutant. The six deaths occurred between Sausaku and Nambu.

Defending officer refers witness to Exhibit A-1 with regard to the words "we were allowed 21 days for the march" ~~xxxxxxx~~ I did not say those words at my interrogation. With regard to the words "as there was no hurry" I did not say those words at the interrogation. With regard to the next sentence "thirty seven Army I believe issued orders that the march was to be expedited but this I think only applied to Yamamoto himself who was wanted there quickly" I said that at the interrogation, but I said it by mistake. With regard to the words "there was no urgency for the arrival of our HQ" I did not say that in my interrogation.

CROSS EXAMINED BY PROSECUTING OFFICER

Q. You do remember being interrogated in ~~xxx~~ either December or January last.

A. Yes I remember it.

Q. Was that interrogation read back to you after it was completed.

Defending officer objects to question.

Prosecuting officer re-frames question

Q. Did the interpreter at that interrogation purport to read back to you the questions asked of you.

A. No it was not read back to me.

Q. You have just made certain denials about matter you have been reported to have said. Are you certain that on the occasion of that interrogation you did not say those things.

A. Yes - I am positive - I did not say that.

Q. Do you remember the previous proceedings in relation to these charges.

A. Yes - I remember them.

Q. Do you remember stating in your evidence "I wish to correct my previous interrogation".

A. Yes - I remember.

Q. Did you then mention to the court the matters that you have just denied saying.

A. Yes, and there were some other points besides.

Q. Do you remember saying the following in evidence in the previous proceedings "With regard to my statement made at the interrogation I said that Lt. Jato was in command of No 1 party. I made a mistake there. Lt. Jato was not in command of No 1 party. In my statement I stated that Capt Yamamoto followed up the march but that is wrong. He always preceded the unit by 2 to 3 hours. In my first statement I said that I arrived in Manila on 12th Feb. I actually arrived there on 18th. I have no further corrections to make.

A. Yes - I remember saying that.

Q. Do you know what the order from Army re the march contained. The contents of the order was as follows: "Yamamoto unit is to start immediately on the march to Iloilo. In the march you are to escort 500 POW. The plan of the march is as per attached sheet". There are other small details but these are the main points.

Q. When were these orders received.

A. I do not remember exactly the date but I think it was somewhere around the middle of January.

Vs

Q. Those orders that you have just recited were they the orders relayed by Yamamoto to you.

A. No they were Army's orders.

Q. Did those instructions contain anything relating to treatment of POW on the march.

A. No.

Is

Q. Did that order set down any time limit for the march.

A. There was an attached plan of the march and on that it had 12 days to Iloilo. In other words there was a certain time limit laid down.

Q. Did that schedule detail what were to be the daily stages of the march.

A. Yes.

Q. Can you remember how many days you were allowed to reach Manila.

A. I think it was 10 days to Manila.

Q. Do you remember a conference of all the officers in Yamamoto's unit before the march.

A. Yes - I remember it.

Q. What were the orders that Yamamoto gave at that conference.

A. The orders issued by Capt Yamamoto at that time were that the unit will move immediately to Iloilo. In the march the unit would be divided into 10 groups for the march. To all the ten groups there will be about 50 Japanese and 50 POW which were to be escorted. Each group commander is to receive his POW at the nine mile point daily. During the march take particular care in looking after the POW.

Q. (cont.) If during the march a POW or a Japanese could not continue the march leave him behind at a staging place where there is provisions and medical supplies. That is the main point.

Q. What is that document to which you just referred.

A. That is a note which I made.

Q. When did you make that note.

A. I wrote that before this trial.

Q. Did you write it after consultation with the other accused.

A. No.

Q. Did you write it after consultation with your solicitors.

A. No.

Q. Have you recently discussed the nature of the orders given by Yamamoto with the other accused.

A. No I have not.

At 1230 hours court adjourns to 2900 hrs on 23rd May, 1946.

At 0900 hrs on 24th May 1946 court reassemble pursuant to adjournment, present the Judge Advocate and same members.

Q. Did you have a party of Japanese who were behind the last of the POW in your group.

A. No I did not have any. The POW marched in front and the Japs were walking behind any them.

Q. How many men did you have walking behind the POW.

A. The whole party walked behind.

Q. What about the Formosans.

A. The Formosans had nothing to do with us and they were marching ahead of us.

Q. What steps were taken to keep the POW moving if they wanted to go more slowly.

A. During the march we would march for 40 minutes and rest for 10 minutes and we marched in a group.

Question is repeated.

A. We walked for 40 minutes and rested for 10 minutes and during that period they would catch up with us.

Q. In other words they were allowed to straggle.

A. That is not so.

Q. What do you mean that during the 10 minute rest the stragglers would catch up.

A. The party was stretched out and then closed up in the 10 minute interval.

Q. Did POW at any stage straggle.

A. Yes.

Q. What was done about them when they did straggle.

A. In that case we left behind another POW and a Japanese soldier and they would come up afterwards.

Q. Did any of the POW actually die on the track between rest houses.

A. None died in between.

Q. You refer in your statement to a POW dying after arriving at Maunung. How long was that prisoner ill before he died.

A. I do not know exactly how many days he was suffering from illness but I think about 2 days before he died.

Q. What was the nature of the track for the 2 days travel before reaching Maunung.

- Q. The track was rather flat and it was in the jungle and muddy. We also had to ford rivers or creeks.
- Q. How deep was the mud?
- A. When I passed through that track the deepest place it was around 20 centimetres and in some places it was 10 centimetres.
- Q. Do you think that because the man had to march 2 days through those conditions that he might have died more quickly?
- A. I think that may have been so.
- Q. Two of the Formosans with your party fell out sick did they not?
- A. Yes.
- Q. Did you give them permission to fall back?
- A. Yes. I did not control the Formosans and they wanted to stay back and they did so.
- Q. What did they do for food?
- A. They had provisions they had brought along from the low ground and I did not do anything about it.
- Q. ~~XXXX~~ You heard S.O. Sticks with the first witness's evidence.
- A. Yes.
- Q. You remember he referred to a very steep hill?
- A. Yes.
- Q. Whereabouts is that hill?
- A. I think it was in the vicinity of Milima.
- Q. How far was it in distance from the bottom of the hill to the top?
- A. I think it was about 4 or 5 kilos.
- Q. Do you remember in the previous proceedings the following questions which were asked of you by the court ~~XXXXXXXX~~ and giving these answers?
- Q. Who planned the program for the marching of No 1 group so that it would reach Hanau in 14 days?
- A. Capt Yamamoto made the plans for the march and No 1 group was part of the whole program and marched according to the plan made by Capt Yamamoto.
- Q. Who decided on the daily legs of No 1 group?
- A. I do not think those were specifically anybody's orders.
- A. Yes. I remember saying that.
- Q. Were those the answers you gave?
- A. In explanation to the question the plan was laid down by Army A, therefore I said it was not laid down by any specific person.

RE-EXAMINED BY DEFENDING OFFICER

- Q. How many days did your party take to go from the starting point to Hanau?
- A. Fifteen days.

QUESTION BY COURT

- Q. Earlier in your evidence you said "did not query Army A's plan ~~xxx~~ re march as Yamamoto considered Army A had already considered Yamamoto's plan for march". How could this be so when according to you Yamamoto received the plan from Army A, before Army A had time to receive Yamamoto's plan?
- A. The plan which Capt Yamamoto sent went by air mail and the plan from Army came about 2 days later, and so I presumed that they had seen it.

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct and I swear that I have told the truth without adding anything.

W. P. 22

Sept 1941 - 1942 as further questions by court.

Sheet No 36

Q. Are you a soldier in the Japanese Army?

A. I am in the Reserve.

Q. Did you graduate from a military college?

A. I did not.

Q. When did you become an officer?

A. Sept 1941.

Q. When did you first join the Army?

A. Sept 1941.

Q. Have you served as a soldier ever since that date?

A. Yes.

Q. When did you first go on active service?

A. In Sept 1941.

Q. What is your age?

A. 35 years old.

Evidence is read over to witness who does not desire to correct same.

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

飯野 茂

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THE STATEMENT OF CAPTAIN MIZUTO KYUICHI
AND BATTALION INDEPENDENT MIXED 20TH REGIMENT

I was ordered to march from Sandakan to the west coast of Borneo with 39 Japanese and 50 POW, as the Commander of 4th group.

Although our Unit had been sent from Japan three months before and it two-thirds were suffering from Malaria, it was thought to be one of the well-conditioned troops among the Japanese forces in Sandakan.

It could not be imagined that the POW, who had been interned for three years would be in the same condition as us.

When I received POW on 1st of Feb. 1945, I thought their conditions fairly endurable to make a journey, but it became clear on the afternoon of the 1st day that the bad condition of the road and the difficulty to overcome it was far beyond my expectation.

Since then we have lost 4 Japanese and 10 POW during the march of 165 miles in 18 days. The rest houses in the route were provided with neither medical personnel and medicine nor sufficient food to restore the party from fatigue. Several times we carried sick POW by stretchers. To leave them on the way meant their death.

The utmost difficulties on the way made us reach our destination four days later than the expected term of the march. In spite of our best efforts to carry them safely, 4 Japanese and 10 POW died on the way.

It was the order of the Army Headquarter that compelled us to venture such a painful and disastrous march.

I think that our effort were appreciated by the POW who thanked us and regretted very much when we started from Ranau to Tealan.

水田 龍一
MIZUTA Kyuichi

I hereby certify that the above translation is true and correct.

S. Takahashi

6 Pages

Subs 47-102 sub

At 1030 hrs the Court is adjourned (to allow the accused to receive medical attention and treatment) to 0830 hrs on 17 Jan '46. The accused being unfit to attend on 17 Jan '46 the President adjourns the Court until 0830 hrs 18 Jan '46. Capt. B.L. Field, A/DADM 9, Aust. Div. who has examined the accused informs the President that the accused is fit for trial at 0830 hrs 18 Jan '46. At 0830 hrs 18 Jan '46 the Court re-assembles pursuant to adjournment. Present: the same members as on 16 Jan '46.

THIRD WITNESS FOR THE DEFENCE

Col TAKAYAMA Hikoichi, having made a solemn declaration through a sworn interpreter, is examined by Defending Officer.

I am Staff Officer HQ 37 Jap Army.

Q: Have you ever been to SANDAKAN ?

A: Yes.

Q: When ?

A: Middle of April 1945.

Q: Did you go to the SANDAKAN PW Camp at that time ?

A: Yes.

Q: For what reason ?

A: To inspect the conditions at the PW Camp.

Q: Did Capt. HOSHIZUMA tell you that concerning the PW march to RAMAU under their present conditions would be difficult ?

A: Yes.

Q: Did he also tell you that it would be better to evacuate the PWs to KEMANCHI instead of RAMAU ?

A: Yes.

Q: For what reason did Capt. HOSHIZUMA suggest the PWs march to KEMANCHI instead of to RAMAU ?

A: At that time he did not give a reason, but later on this is what he said: He made a proposal to Col SUGA about evacuating the PWs to KEMANCHI and Col SUGA in turn put this suggestion to Army HQ who then suspended their decision.

Q: And while ~~XXXXXX~~ you were there did you observe what the food conditions ^{of} the PWs were?

A: I saw a part of it.

Q: Can you tell us what the conditions were like?

A: What I saw of it a large area was being cultivated with tapioca. I heard from Capt. HOSHIMIZU tens of acres were being cultivated for this purpose. He also told me that he was having a very hard time trying to get food for the compound.

Q: Did you see at that time a POW sign on the ground in the Compound?

A: Yes.

Q: Did HOSHIMIZU tell you anything with regard to this sign?

A: Yes. I did not ask for an explanation but Capt. HOSHIMIZU said that the sign was put there for the safety of PWs from aerial attack.

Q: And is it a fact that HOSHIMIZU had to remove this sign by an order from Army HQ?

A: I remember that through an order by Southern Army, 37 Army sent a telegram ordering the removal of the POW sign.

Q: Was it HOSHIMIZU's suggestion that the order was received that the sign should be removed?

A: I do not know, but I don't think it was.

Q: Is it a fact that units in SANDAKAN were prohibited to buy foodstuff directly from ~~civilians~~ ^{in the} natives?

A: Yes.

Q: What unit was concerned with the supply and rationing of food in SANDAKAN?

A: I do not know.

Q: Is it a fact that about January 45, 37 Army HQ sent an order to SANDAKAN for 50 PWs to be sent to the airfield to work?

A: Yes but I think it was in February.

Q: Did they carry out this order?

A: No. I remember they did not.

Q: What was the reason?

A: I remember that Col SUGA said that it would be difficult to send PWs to work in the airfield.

Q: Did he say why it would be difficult?

A: I think he said that there were not 50 PWs ^{in the} compound fit enough to work on the airfield.

Q: Did he give any other reasons for the PWs not being able to work?

A: I remember that he also said that as 500 PWs had previously left on the march to RANAU there were only very few healthy PWs left.

Q: Do you know Capt. HOSHIMIZU personally?

A: Yes.

Q: Can you give us an idea of his personal character?

A: Capt. HOSHITAMA was a very systematic man. Also he was a very deep thinker and an upright man. These are my impressions of him.

Prosecuting Officer cross-examines witness:

Q: In 1944 and 1945 nearly all the PW compounds had their own gardens didn't they?

A: Yes, I remember that they all had their own gardens.

Q: Was that as a result of instruction from HQ?

A: I remember that no special order was put out to this effect.

Q: This POW sign was outside the actual wire where the prisoners were confined and in among the other buildings wasn't it?

A: When I saw it there were ~~two~~ signs, one inside, and one outside.

Q: This order forbidding the buying of food by PWs from natives was an order issued by Capt. HOSHITAMA was it not?

A: I think this order was issued by Army.

Q: But PWs were able to purchase food with their own money through the canteen with their own money weren't they?

A: Yes, I think that was it.

Q: Do you actually know if the ~~tax~~ order was issued by HQ or are you just assuming that?

A: I remember that Army HQ issued an order prohibiting all units purchasing food from natives.

Q: When you visited SANDAKAN in April 1945 did Capt. HOSHITAMA make any requests to you as a Staff Officer HQ 37 Army relative to the PWs other than you have already mentioned to the Court?

A: We did not discuss any orders issued by 37 Army HQ, and I cannot remember now what else we talked about.

Q: Can you remember any other requests relative to the PWs?

A: I ~~think~~ remember that he did not request anything else.

Defending Officer re-examines witness:

Q: All orders issued to SANDAKAN IQ Camp - were they issued directly from 37 Army or did they come through Col SUGA?

A: 37 Army issued the orders to Col SUGA.

Q: When Capt. HOSHITAMA had any requests to make ~~relative to the PWs~~ was it official to make it through Col SUGA?

A: Yes.

Questioned by the Court:

Q: When you visited SANDAKAN in April 1945 were you considering the advisability of removing the remaining PWs to RAJAU?

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A: Yes.

Q: Was it your duty when you returned to 37 Army HQ to recommend whether they should be removed to RABAU?

A: No.

Q: Were you to decide the matter ~~at~~ the spot? I mean, did you make the decision while at SANDAKAN?

A: No.

Q: Who did make the decision?

A: Army HQ.

Q: Who at 37 Army HQ?

A: ~~Remember~~ The Army Commander.

Q: Do you mean General BABA?

A: Yes.

Q: And did you give him any advice before he made that decision?

A: I talked to him about the conditions of the PWs.

Q: What did you tell him?

A: I talked to him about living conditions and cannot actually remember what I said, and also about the farms they were cultivating in their area.

Q: Did you tell him whether in your opinion the prisoners were fit or unfit to undertake the march to RABAU?

A: No.

Q: Was it not part of your duty to do so?

A: No. I did not go to SANDAKAN for that object.

Q: What was the reason for your visit to SANDAKAN?

A: I went to inspect the SANDAKAN area defence system.

Q: Was your visit to SANDAKAN related to the fact that they had failed to provide labour to the aerodrome 2 months before?

A: No.

Q: When ~~did~~ you visited the Camp did you form any opinion as to the physical condition of the prisoners?

A: I thought their condition was not very good.

Q: Did you try to find out why they were in poor condition?

A: No.

Q: Did you wish deliberately to remain in ignorance?

A: No.

Q: How long were you at SANDAKAN?

A: I can't remember but I think about one week.

Q: Did you inspect the prisoners?

A: I did not inspect their living quarters.

Q: I take it that you saw the prisoners themselves, or most of them as a body?

A: I only saw a small part of them.

Q: Where?

Q: Between the Compound gate and the office.

Q: Then your opinion of Capt. HOSHEVDA's running of the Camp was based purely on what you were told and not what you saw?

A: The majority of it was hearsay but I saw the farms and the POW sign as I said before.

Q: But you did not at any time see the living quarters, ^{detention} barracks or food did you?

A: No.

Q: What was the physical condition of the PW as you saw?

A: Healthy.

Q: How many did you see?

A: I can't remember rightly but about 5 to 6.

Q: Do you remember earlier in your evidence when asked by the Defending Counsel the purpose of your visit to SANDAKAN you replied "To inspect the conditions of the PW Camp"? and when asked by the Court the same question you said you went to inspect SANDAKAN area ^{Defending} defences? Which is the truth?

A: The first question put by the ^{Defending} Commanding Officer asked me whether I went to the Camp and for what reason. I answered to that that I went to see the Camp. And my answer to your question for what reason I went to SANDAKAN was to inspect the defences. Both answers are right.

Q: That being so and you being a professional soldier of many years experience, would not ask this Court to believe that you had carried out your intention of inspecting conditions at the PW Camp after having seen only 5 or 6 PWs in one place between the Compound gate and the office, would you?

A: No that is not so.

Q: Was it not part of your duty as a Senior Officer of General BABA's staff to acquaint him with all the information that was material to a decision to move the PWs to RANAU?

A: Yes.

Q: Did you report to him on the PWs and their fitness or otherwise to undertake the march to RANAU?

A: No.

Q: Did you consider that the question of whether the PWs were physically capable of surviving that march was a matter of such little importance

that it was unnecessary to deal with it in your report to General BABA ?

A: I only reported on what I had gone to SANDAKAN for.

Q: Were the conditions at the PW camp, including the knowledge of the death rate and the emaciation of the prisoners, due to lack of food so well known at 37 Army HQ that it was unnecessary to comment on it ?

A: I do not know whether they were acquainted with the conditions but it was not my duty to report such matters.

Q: Did you advise General BABA that the PWs should be moved from SANDAKAN to RAMAU ?

A: No.

Q: Did you advise him that they should NOT be moved from SANDAKAN to RAMAU ?

A: No.

Q: Did you give any information or advice to any senior staff officer of 37 Army HQ on this matter ?

A: ~~Nothing~~ No.

Q: ~~Nothing~~

R.P. 83(B) complied with.

FOURTH WITNESS FOR THE DEFENCE.

OGAWA, Hiroshi, having made a solemn declaration through a sworn interpreter is examined by Defending Officer.

I am Intendance 1st. Lieutenant and my unit is 37 Army HQ.

Q: From what time until when were you the CO of the Field Warehouse at SANDAKAN ?

A: From February 1944 until November 1944.

Q: During that period was the Field Warehouse issuing rations to the POW camp ?

A: Yes.

Q: Then do you know the ration scale laid down and the ration that was actually supplied ?

A: I have already made a chart which I would like to present at the present time. (I now present this document. (This marked Exhibit 3J, read, signed by the President and attached to proceedings).

Q: Are the figures in that Exhibit just tendered and the figures which were actually received, the same ? - or is there any difference ?

A: They are the same.

Q: Were they exactly the same ? - or was there some little difference.

A: From October 1944 meat and fish became very scarce.

WITNESS FOR DEFENCE

TAKAYAMA Hikoichi having made a solemn declaration through the sworn interpreter states :-

My rank is full colonel ~~XXXXXX~~ and I am from 37th Army HQ. I am Chief of Staff of the 37th Army.

Defending officer examines witness :-

Q. Did you go to SANDAKAN at any time during April or May 1945?

A. I went there about the middle of April.

Q. While there, did you go to the SANDAKAN PW Camp?

A. Yes, I did.

Q. While you were there did you see or receive any reports on the conditions and health of PW?

A. I received a report from the camp commandant.

Q. What sort of a report was it?

A. The report said that the health of the prisoners was not good.

Q. While you were there did you see any gardens that had been set up by the accused in order to provide the compound with food?

A. When I went there Capt HOSHIZIMA was the camp commandant. He had made gardens and was growing various types of vegetables for the benefit of the camp.

Q. Did you see any signs saying that that was a PW camp?

A. I did see signs that had been made so that Allied planes would be warned that it was a PW camp.

Q. Was there anything else besides the things which I have asked you about that you saw at the PW camp?

A. No, I did not, but I received a report that the camp commandant was very anxious and worried about the condition and health of the PW.

Prosecuting Officer cross-examines witness :-

Q. Is the Borneo PW Unit under command 37 Japanese Army?

A. No. However, the 37th Army can give them orders on certain things.

Q. ~~Were 37th Army HQ aware of the fact that in May of this year many PW in SANDAKAN camp were dying from malnutrition?~~

A. We did not know how many were dying or from what cause they were dying, but we did know that there were PW dying there.

Q. And I put it to you that you also knew that the prisoners were not receiving any rice at all?

A. I do not know anything about the camp concerning that period of time.

Q. Is it not a fact that you knew from what you saw when you visited that camp that none of the prisoners in it could be fit to undergo a march to RAJAH on foot?

A. At the time I was there there were some who could do a march like that and then there were others who could not.

Q. Now, did 37 Army order this march to RAJAH?

A. Yes, 37 Army HQ did give this order.

Q. What was the name of the officer who gave the order?

A. ~~It was put out by the 37th Army HQ and was signed by the 37th Army HQ.~~

A. The order was put out by the GOC, Lt Gen RABA.