

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Cpl MATSUI Kichijiro

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

Court, Place, Rabaul
Date and 28 & 29 May 46
Formation: 8 MD.

Charge(s)	Plea	Finding
<p><u>1st Charge :</u></p> <p>MURDER at New Guinea in or about Jan 45 of L/Nk SADHU SINGH.</p>	Not guilty on both charges.	Not guilty on both charges.
<p><u>2nd Charge :</u></p> <p>MURDER at New Guinea in or about Jan 45 of HAV MEHR DIN.</p>		

Precis of Evidence: 1st Charge : The evidence for the prosecution was contained in a written statement made by one Sepoy RATTAN SINGH. It was alleged therein that the deceased SADHU SINGH was ordered by the Japanese to join a sago collecting fatigue. He was suffering from beri beri and asked to be excused. A Japanese named Lt TOKUDA on hearing this ordered his orderly (named in the statement as "Pte MASE") and another Japanese named Cpl ANAKAI to beat the deceased. They thereupon beat the deceased with sticks very severely causing head injuries and rendering him unconscious. As a result of such beating, the deceased died the same evening.

2nd Charge : The evidence for the prosecution was contained in a written statement made by one Sepoy RATTAN SINGH. It was alleged therein that the deceased HAV MEHR DIN was ordered to accompany a foraging party. As he was suffering from beri beri he remained in his quarters and asked permission to rejoin his own Platoon. A Japanese officer named Lt TOKUDA ~~ordered his orderly named in the statement as "Pte MASE" and a Cpl ANAKAI~~ (PTO)

Sentence and Date: Not guilty. 29 May 46.

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

to beat MEHR DIN. Both Japanese beat the deceased with thick sticks inflicting serious head injuries. It was further alleged that as a result of the beating, the deceased died the same evening. The accused in evidence on both charges admitted he was Lt TAKUDA's orderly in Oct 44 but thereafter Lt TAKUDA had no orderly. He denied beating Indians at all and did not remember the names of the deceased. The Derending Officer submitted that there was no identification of the accused with "Pte MASE" referred to in the statements.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Sgt TAKIZAWA Tadashi

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

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

Charge(s)	Plea	Finding
ILL-TREATMENT of a prisoner of war in that he at New Guinea in or about July 1944 cruelly beat 18036 Sepoy Ran SINGH of 1/14 Punjab Regt a prisoner of war.	Not guilty	Not guilty

Precis of Evidence: The evidence for the prosecution was documentary and consisted of a statement by one Naik BARA SINGH. The substance of the statement was that RAN SINGH requested that as he was in a very poor state of health he be allotted light work. The accused and another Japanese named KAMINAKA (alleged to have been lost in action) beat him with such severity that he died about a week later. The accused denied the charge and alleged that at the time in question he was in charge of the kitchen and had no dealings with the Indians at all. His evidence was in a measure corroborated and a witness for the defence alleged that RAN SINGH died of malaria and enteritis.

Sentence and Date: Not guilty - 21 May 46.

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)R84
Ans. 195

AWC No.....

Accused: Sgt Maj HARA Toshida

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

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

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR in that at NAMAIE in Feb 45 he ill- treated Pte GOR BIN HAHN a prisoner of war.	Not guilty.	Not guilty

Precis of Evidence: In Feb 1945 the accused criticised GOR BIN HAHN for not carrying sufficient bambo poles for the work on which he was engaged. The accused told him he would not receive any breakfast and subsequently the accused attacked GOR BIN HAHN with a shovel. GOR BIN HAHN was struck on the head nine or ten times until he fell to the ground. He was taken to the Chinese Hospital where he remained for about 10 days. After his discharge the accused told him he must do what he was told or else he would be killed. The accused denied the ill-treatment as alleged but admitted that he found the GOR BIN HAHN and another Chinese fighting over a stolen watch so he slapped them a few times. The evidence of the accused was in a measure corroborated.

Sentence
and Date: Not guilty - 17 May 46.

Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

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

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

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

Charge(s)	Plea	Finding
MURDER at TOMA about 4th May 45 of No.12635 HAV KARTAR SINGH of 5/11 Sikh Regt.	Not Guilty	Not Guilty

Precis of Evidence: The evidence for the prosecution was documentary consisting of written statements made by two Indians. The deceased HAV KARTAR SINGH was suffering from beri beri and on 3 May 45 a Japanese named in the statements as "MAI HECHO" together with two other Japanese ordered the deceased to go out on gardening fatigue but owing to his illness he was too weak to work. The Japanese tied a rope round his neck & pulled him backwards and forwards along the ground. They also swung him off the ground by holding on to his beard and hair. One of the Japanese then gave the deceased a beating with such severity that it caused the deceased to fall to the ground in an unconscious condition. He was left lying on the ground until the other Indians in the fatigue party returned to their quarters and took him with them. The deceased died on 4 May 45. The accused gave evidence in his defence and denied the assaults and cruelty or the murder as alleged in the (over)

Sentence
and Date: NOT GUILTY - 17 Apr 46

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

statement. The defence further alleged that the deceased died as a result. Tubercular Arthritis and a medical certificate to this effect was put in evidence.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Case 191

M39.

Accused: Lt KAWAHARA, Kiyomune
Sub-Lt 1st Class UEDA, Kose
Sub-Lt 1st Class KAKINUMA, Morio
W/o YOSHIZAKI, Kyosato
P/O 3rd Class SHONO, Shoichi
P/O 2nd Class HARA, Yoshito

AWC No. 1230, 1269, 1231, 1271, 1252
1213.

Aust W.C. List Ser No.

Court, Place, Date and Formation: Morotai, 22-23-25 Feb 46, Morotai Force.

Charge(s)	Plea	Finding
Committing a War Crime that is to say Murder of prisoners of war in that they at or near PASO AMBON on or about 26 April 1945, murdered VX39756 Pte WADHAM T.F. of 2/21 Aust Inf Bn QX10714 Spr MORRISON J of 2/11 Fd Coy NX7039 Dvr SIMPSON R.A. of AASC and NX2116 Cpl SOLOMON J of AASC then Australian prisoners of war held by the Japanese Armed Forces.	Not guilty	Guilty

Precis of Evidence: Evidence discloses :

1. That four Aust PW mentioned above were executed at PASSO on AMBON on 26 Apr 45 for stealing food from a Japanese store.
2. That Lt KAWAHARA was in command of the execution party and that he gave the order to the members of the party for the execution. This officer who was then a 2nd Class Lt to which rank he was appointed in 1942 was later promoted to 1st Class Lt. He is 42 years of age.
3. That UEDA and KAKINUMA were both Sub Lts and are 25 and 26 years of age respectively.
4. That the first PW executed and referred to as the ringleader was bayoneted by Seamen SHONO and HARA who have each since been promoted to P.O.
5. That the second to be executed was beheaded by Sub Lt KAKINUMA.
6. That the third and fourth were beheaded by Sub Lt UEDA and WO YOSHIZAKI.

Sentence 25 Feb 46.
and Date: Lt KAWAHARA Kiyomune - Death by shooting.
Sub Lt 1st Class UEDA Kose - " " "
Sub Lt 1st Class KAKINUMA Morio - " " "
W/O YOSHIZAKI Kyosato - 12 years' imprisonment
P/O 3rd Class SHONO Shoichi - 15 " "
P/O 2nd Class HARA Yoshito - 15 " "

Confirmation and by Whom: Lt-Gen V.A.H. Sturdee - 30/4/46.

Promulgation: YOSHIZAKI 5/12/46. Others 10/5/46.

Petition: Submitted by all PW against conviction and sentence by the Court, on 28 Feb 45.

J.A.G.'s Report on Petition: That findings in all cases should NOT be confirmed.

Action on Petition: Dismissed.

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

7. That the PW came under command of 20 Garrison, a subordinate unit to 25 Naval Base Unit (4 South Seas Fleet).
8. That NO courts martial were held by 4 South Seas Fleet or 25 Naval Base Unit concerning PW at that period.
9. That Japanese law requires that sentence of death by a Japanese Court Martial should be carried out by shooting (not beheading or bayonetting).
10. That the above PW did not leave the guard house or its vicinity from time they were charged until when taken to place of execution WO YOSHIZAKI knew that this was so.
11. That PW had been warned of penalties of death for certain acts but no order was issued to them that PW caught stealing food would be executed until after the above Aust soldiers had been accused.
12. That the accused carried out the execution without knowing the nature of the charge.
13. That KAWAHARA was informed that there was nothing to be worried about as it had been decided by due process and that he passed this on to the execution party.
The word Court Martial was NOT mentioned.
14. That KAWAHARA was ordered to carry out the execution on the day before the execution was carried out and that he had plenty of time to satisfy himself that everything was in order.
15. That KAWAHARA was ordered by MIJAZAKI (under sentence of death) to execute the 4 PW to bayonet the ringleader and decapitate the other three.
16. That KAWAHARA gave order to the remainder of the execution party to the same effect as above.
17. That when it was discovered that food had been stolen the camp interpreter IKEOUCHI told all PW that unless the culprits owned up the whole camp would suffer.
IKEOUCHI had said to all PW that if those responsible confessed their punishment would be light.
These 4 PW then stated that they had taken it. In conversation with WO WAALDYK RNEIF Cpl SOLOMAN said that they said this because the remainder the PW were NOT fit to take punishment.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.

Accused: Capt MURAKAMI Hiroshi

Aust W.C. List Ser No.

Court, Place, Morotai
Date and 7 Feb 46
Formation: Morotai Force.

Charge(s)	Plea	Finding
Committing a war crime that is to say ill-treating a prisoner of war in that he at Kaese Halmahera Island in the month of January 1945 ill-treated Edmond Stevenson a member of the RAAF and then a prisoner of war held by the Japanese Armed Forces, by passing an electric current through his body.	Not guilty	Guilty

Precis of Evidence: In Jan 45 Edmond Stevenson a member of the RAAF was a PW in Japanese hands. The accused was in charge of the camp and as Stevenson was the only PW held by the Japanese he was in a compound with Japanese soldiers who had committed military crimes. Whilst at a lake filling containers to carry water back to the camp, a quarrel ensued between a Japanese soldier, prisoner and the PW. They were both taken to the Orderly Room and the accused heard evidence respecting the quarrel and sentenced both men, to receive as minor punishment, an electric shock from a hand battery attached to a telephone set. The arms of the PW were made wet with water and the wires from the battery were attached to his wrists. The handle of the battery was then turned and the PW received an electric shock for about 30 seconds. The accused admitted that he meted out this form of punishment and alleged that it was not an unusual form of punishment in the Japanese Army although it was not laid down in the Japanese Army punishment code. There was no evidence to show that the PW suffered any ill effects of a permanent nature.

Sentence
and Date: To be imprisoned for 6 months. 7 Feb 46.

Confirmation
and by Whom: Conviction quashed by Lt-Gen V.A.H. Sturdee Acting Commander-in-Chief.

Promulgation: Non confirmation of finding and sentence promulgated to accused on 20 Apr 46.

Petition: Lodged 7 Feb 46 against finding and sentence.

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Accused: Lt KAWAHARA, Kiyomune
Sub-Lt 1st Class UEDA, Kose
Sub-Lt 1st Class KAKINUMA, Morio
W/o YOSHIZAKI, Kyosato
P/O 3rd Class SHONO, Shoichi
P/O 2nd Class HARA, Yoshito

Court, Place, Date and Formation: Morotai . 22-23-25 Feb 46, Morotai Force.

AWC No. 1230, 1269, 1231, 1271, 1252
1213.

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

Charge(s)	Plea	Finding.
Committing a War Crime that is to say Murder of prisoners of war in that they at or near PASO AMBON on or about 26 April 1945, murdered VX39756 Pte WADHAM T.F. of 2/21 Aust Inf Bn QX10714 Spr MORRISON J of 2/11 Fd Coy NX7039 Dvr SIMPSON R.A. of AASC and NX2116 Cpl SOLOMON J of AASC then Australian prisoners of war held by the Japanese Armed Forces.	Not guilty	Guilty

Precis of Evidence: Evidence discloses :

1. That four Aust PW mentioned above were executed at PASSO on AMBON on 26 Apr 45 for stealing food from a Japanese store.
2. That Lt KAWAHARA was in command of the execution party and that he gave the order to the members of the party for the execution.
3. That UEDA and KAKINUMA were both Sub Lts and are 25 and 26 years of age respectively.
4. That the first PW executed and referred to as the ringleader was bayoneted by Seamen SHONO and HARA who have each since been promoted to P.O.
5. That the second to be executed was beheaded by Sub Lt KAKINUMA.
6. That the third and fourth were beheaded by Sub Lt UEDA and WO YOSHIZAKI.

Sentence and Date:	25 Feb 46.		Death by shooting.
	Lt KAWAHARA Kiyomune	-	" " "
	Sub Lt 1st Class UEDA Kose	-	" " "
	Sub Lt 1st Class KAKINUMA Morio	-	" " "
	W/o YOSHIZAKI Kyosato	-	12 years' imprisonment
	P/O 3rd Class SHONO Shoichi	-	15 " "
	P/O 2nd Class HARA Yoshito	-	15 " "

Confirmation and by Whom: Lt-Gen V.A.H. Sturdee - 30/4/46.

Promulgation: YOSHIZAKI 5/12/46. Others 10/5/46.

Petition: Submitted by all PW against conviction and sentence by the Court, on 28 Feb 45.

J.A.G.'s Report on Petition: That findings in all cases should NOT be confirmed.

Action on Petition: Dismissed.

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

7. That the PW came under command of 20 Garrison, a subordinate unit to 25 Naval Base Unit (4 South Seas Fleet).
8. That NO courts martial were held by 4 South Seas Fleet or 25 Naval Base Unit concerning PW at that period.
9. That Japanese law requires that sentence of death by a Japanese Court Martial should be carried out by shooting (not beheading or bayonetting).
10. That the above PW did not leave the guard house or its vicinity from time they were charged until when taken to place of execution WO YOSHIZAKI knew that this was so.
11. That PW had been warned of penalties of death for certain acts but no order was issued to them that PW caught stealing food would be executed until after the above Aust soldiers had been accused.
12. That the accused carried out the execution without knowing the nature of the charge.
13. That KAWAHARA was informed that there was nothing to be worried about as it had been decided by due process and that he passed this on to the execution party.
The word Court Martial was NOT mentioned.
14. That KAWAHARA was ordered to carry out the execution on the day before the execution was carried out and that he had plenty of time to satisfy himself that everything was in order.
15. That KAWAHARA was ordered by MIJAZAKI (under sentence of death) to execute the 4 PW to bayonet the ringleader and decapitate the other three.
16. That KAWAHARA gave order to the remainder of the execution party to the same effect as above.
17. That when it was discovered that food had been stolen the camp interpreter IKEOUCHI told all PW that unless the culprits owned up the whole camp would suffer.
IKEOUCHI had said to all PW that if those responsible confessed their punishment would be light.
These 4 PW then stated that they had taken it. In conversation with WO WAALDYK RNEIF Cpl SOLOMAN said that they said this because the remainder the PW were NOT fit to take punishment.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

189

AWC No.....

Accused: Cpl BABA Hidetoshi

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

Court, Place, Morotai
Date and 6 & 7 Feb 46
Formation: Morotai Force.

Charge(s)	Plea	Finding
Committing a war crime that is to say murder of a prisoner of war in that he at TOMOHON in or about the month of July or August 1945 murdered Flt/Sgt J.V. ORGILL, a member of the RAAF and then a prisoner of war held by the Japanese Armed Forces.	Not guilty	Not guilty

Precis of Evidence: 1. The evidence for the prosecution was partly verbal and partly documentary. The substance of the evidence was to the effect that an Australian aeroplane was shot down at Tomohon in about the month of July or August 1945. The crew of three were taken prisoner. Whilst under guard one of the PW seized a guard's bayonet and attempted to strike him with it. The guard attacked the PW and struck him many blows rendering him unconscious. He died at a later date. The only evidence adduced by the prosecution to identify the accused with the assault was contained in a written statement made by a Japanese named ICHIKAWA Fumiaki. This Japanese was at the time serving a term of imprisonment on a charge of desertion from the Japanese Army. He stated (inter alia) that whilst working in a garden he saw an aeroplane shot down. Later when he was in his cell he saw the accused and other Japanese bringing along a PW. He was an airman but the witness could not identify his nationality.
over)

Sentence
and Date: Not guilty 7 Feb. 46.Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

2.

The accused struck the PW about 10 times with his sword scabbard. The sword was in the scabbard at the time. The other Japanese struck the PW with sticks. The PW was rendered unconscious and next morning he died.

2. The accused gave evidence in his defence. He denied striking the accused at all and alleged that he had handed the PW over to a Japanese Sgt. named KAWASE. After handing the PW over to Sgt KAWASE the PW seized one of the guard's bayonets and wounded a guard on the neck. The Sgt then struck the PW a number of blows but the accused could not say how many blows as he was a considerable distance away.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)R16
Am 187Accused: Sgt-Maj SUZUKI Hiroshi
Sgt KATSUYAMA Tsutomo

AWC No.....

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

Court, Place, RABAU
Date and 4 Feb 46
Formation: 8 ID

Charge(s)	Plea	Finding
1. MURDER in that they at MALIN in Oct 44 murdered SUN KING SUN a Chinese prisoner of war.	NOT GUILTY	Both Accused NOT GUILTY on both charges.
2. CANNIBALISM in that they at MALIN in Oct 44 ate portion of the dead body of SUN KING SUN a Chinese prisoner of war.		

Precis of Evidence:

1. The only verbal evidence for the prosecution was that^{of} Cpl YAN YIN CHOW. The written interrogations of both accused were also put in evidence. The witness~~s~~ alleged that on or about 23 Oct 44 he saw the accused (whom he identified) cooking some human flesh over a fire in the kitchen. The witness was convinced that it was human flesh. As soon as possible the witness went to the quarters of the deceased. The deceased was not there, but his clothes were lying in heap on the floor and the shirt had been torn down the front. The witness saw the deceased on 22 Oct 44. He was suffering from malaria but the deceased said that he would be better in a few days.
2. The defending officer submitted that there was no case to answer in connection with both charges. The Court upheld the submission respecting the charge of murder and found the accused not guilty of cannibalism.

(Over)

Sentence
and Date: NOT GUILTY - 4 Mar 46Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

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Precis of Evidence: (contd)

No evidence was called by the defence in respect of this charge. In their interrogations both accused denied the charge of cannibalism.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Aus 186

AWC No.....

Accused: Sgt SOMA Takesaburo
Sgt Major ICHIHASHI Shigeo
Sgt SASAKURA Rinji

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

Court, Place, MOROTAI
Date and 31 Jan & 1 Feb 46
Formation: Morotai Force

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME that is to say MURDER at KAKASKASEN Northern Celebes on or about 5 Mar 45 of F/O K. PACKHAM W/O D. BENSON and Sgt R.L.F. JONES all members of the RAAF and then PW held by the Japanese Armed Forces	Each accused not guilty	Each accused guilty

Precis of Evidence: 1. The evidence for the prosecution was partly verbal and partly documentary. The documentary evidence consisted of a statement in writing made by the accused SOMA and formal documentary evidence produced by a member of RAAF in relation to the deceased named in the charge. The deceased were PW in Japanese hands and on or about 5 Mar 45 they were taken individually to a place where graves had been prepared. Each PW was executed by one of the accused by beheading with the sword.

2. Each of the accused gave evidence in his defence. The accused SOMA and ICHIHASHI admitted executing two of the PW and alleged that they did so pursuant to the orders of one WO MATSUMOTO who was 2 i/c of Kempei Tai in the area. The accused SASAKURA denied that he executed a PW and alleged that on account of his late arrival at the place of execution another Japanese soldier executed the third PW.

Sentence and Date: Accused SOMA) EACH TO BE IMPRISONED FOR
" ICHIHASHI) 6 YEARS

Accused SASAKURA - TO BE IMPRISONED FOR 3 YEARS

Confirmation and by Whom: Lt-Gen V.A.H. STURDEE Acting Commander-in-Chief

Promulgation: Confirmation of finding and sentences promulgated to each accused on 1 Apr 46

Petition: Lodged 6 Feb 46 by each accused against finding and sentence

J.A.G.'s Report on Petition: Confirm finding and sentence in respect of the accused SASAKURA. Confirm finding in the case of other accused but mitigate sentences in each case to 3 years.

Action on Petition: Dismissed.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: HAYASHI Yoshinori
KITAMURA Kotaro
KIYOSHIMA Tadeo

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

Court, Place, LABUAN
Date and 30 Jan 46
Formation: 9 Aust Div

Charge(s)	Plea	Finding
ILL TREATMENT of Prisoners of War in that they at SANDAKAN British North Borneo between October 1942 and June 1945 when engaged in guarding prisoners of war at Sandakan PW Camp did frequently assault and cruelly beat many of the said prisoners of war.	All accused - NOT GUILTY	ALL ACCUSED GUILTY

Precis of Evidence:

The only evidence for the prosecution was verbal and was that of QX9538 WO STICPEWICH W.H. The substance of the evidence of the witness was to the effect that for about 2½ years he along with other Australian prisoners of war was in Japanese hands. In about Oct 42 a body of Formosan guards took over the duties of camp guards. These guards were very cruel and on their own initiative frequently assaulted and beat prisoners of war very cruelly.

1. The accused HAYASHI was known to prisoners of war as "Ming the Merciless". He acquired this nickname because of the frequency and severity with which he assaulted and beat prisoners of war. The witness described the treatment meted out to prisoners of war by this accused as "cruel in the extreme". He was regularly on guard over a

Sentence and Date: EACH ACCUSED TO BE IMPRISONED FOR 15 YEARS -- 30 Jan 46

(Over)

Confirmation and by Whom: Confirmed by Acting Commander-in-Chief - Lt Gen V.A.H. Sturdee

Promulgation: Confirmation of finding and sentences promulgated to each accused on 1 Apr 46

Petition: Joint petition lodged Feb 46 by each accused against finding and sentence

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

Action on Petition: Dismissed

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

Precis of Evidence (contd):

period of 18 months and there was hardly a day when he was on duty that the witness did not see this accused beating in one form or another, one or more prisoner of war. For beatings this accused made use of his rifle butt, a heavy stick or any other object he could pick up. He would usually strike prisoners of war in the kidneys or the small of the back. Prisoners of war who had committed trifling breaches of camp orders were placed in a confinement area which prisoners of war called the "cages". He would take the prisoners of war out of "the cages" ostensibly for PT and he would give them exercises so rapidly that prisoners of war were unable to keep up with him. When they could not do so he bashed them severely with a heavy stick. The witness saw the accused render prisoners of war unconscious by striking them with a stick because they did not remain perfectly still when they were ordered to stand to attention for periods up to two hours. On many occasions the accused HAYASHI struck prisoners of war on the face with his clenched fists.

2. Accused KITAMURA was another guard noted for his cruelty and he illtreated prisoners of war on the slightest pretext. This accused prided himself in the art of ju-jitsu. If he found prisoners of war indulging in such trivial things as smoking or gambling he would make them stand at attention and then he would throw them to the ground by means of ju-jitsu holds until he tired. The treatment was particularly severe on prisoners of war rendering them unable to perform normal duties for several days. If a prisoner of war when thrown to the ground did not rise quickly the accused would kick him. The witness after the capitulation interrogated this accused and the accused admitted kicking Capt Daniels an English medical officer in the testicles. He gave the reason for this action that Capt Daniels had threatened to report the accused to the Comd. On another occasion the witness observed the accused beat a Sgt named CODLIN for allegedly not saluting properly. The accused and a Japanese named KAWAKAMI thereupon struck CODLIN on the face and head with a special type of wooden bat used by some guards for beating prisoners of war. CODLIN sustained a cut lip, a black eye and his nose was made to bleed. He was beaten in this way on two other occasions on the same day and as a result CODLIN was very sick for about a week.

3. The accused KIYOSHIMA was nicknamed "Panther Tooth" because he used to sneak on unsuspecting prisoners of war at night time. This accused did not like guard duty and he indulged in excessive beating of prisoners of war mostly at night time. He invariably used a broom handle and he frequently broke them as a result of striking prisoners of war. On occasions KIYOSHIMA would walk along a parade and kick prisoners of war in the shins for not standing to attention. The witness was punished by this accused for asking for more food. He approached the witness from behind, punched him behind the ears, kicked him on the shins and smacked him on the face with his open hand.

4. The accused gave evidence in their defence. They denied the allegations of illtreatment and claimed that if any punishments were meted out to prisoners of war they were not severe and were in the nature of punishments meted out to Japanese soldiers for minor breaches of discipline. They further alleged that the witness for the prosecution had exaggerated their acts and made mistakes in identifying the accused with acts of illtreatment committed by other Japanese.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: Major ODAMURA Toshitake

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

Court, Place, Date and Formation: Morotai
14, 15 & 16 Jan 46
7 Aust Div.

Charge(s)	Plea	Finding
Committing a war crime to wit MURDER of prisoners of war at Tomohon in or about Feb 1945 in that he unlawfully ordered and caused to be carried out the killing of three unidentified members of the Royal Australian Air Force, all then prisoners of war held by the Japanese Armed Forces.	Not guilty	Not guilty

Precis of Evidence: The substance of the evidence for the prosecution was to the effect that a Flt Lt and two other members of the RAAF were brought to Kempei Tai at Tomohon. The accused was in charge of this Kempei Tai. By orders of one WO MATSUMOTO the three members of the RAAF were taken to the hills nearby and executed with swords. Subsequently after the cessation of hostilities the bodies were removed from the graves at or near the place of execution and re-interred in the Japanese cemetery. The accused gave evidence in his defence. He denied being present or taking any part in the executions or ordering such executions. He alleged that WO MATSUMOTO requested permission to conduct the executions but he did not approve. He then referred MATSUMOTO's request to one Lt-Col KOMURA who gave orders that MATSUMOTO was to carry out the executions. The orders of Lt-Col KOMURA to WO MATSUMOTO to carry out the executions was passed on by the accused.

Sentence and Date: Not guilty. 16 Jan 46.

Confirmation and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

Ans. 181

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

Capt UENO Masahiko
Capt YAMAGISHI Yosaku
W/O HAYASHI Yoshitaro
S/Maj OHASHI Sotaro

Accused: L/Cpl TSUCHIDA Tomonobu
Naval Civilian SYOJI Takashi
Naval Civilian TOMIOKA Shigeo

Court, Place, Date and Formation: RABAU
8,9,10 Jan 46
BMD

AWC No. *2092, 2093, 2094, 2095*
2097, 2100, 2945
Aust W.C. List Ser No.....

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR in that they at TARIK Island, TRUK, on or about 26 Aug 1944 did ill-treat BAERON TAMAK and TOM, natives of the Gilbert Islands and ALOYSO, a native of Nauru by tying and by beating them.	All accused not guilty	Accused UENO and OHASHI both guilty of the charge with the exception of the words "by tying." Remaining accused not guilty.

Precis of Evidence: 1. The evidence for the prosecution was documentary and consisted of written statements made by the natives referred to in the charge and written reports of the interrogation of each of the accused. The substance of the evidence for the prosecution was to the effect that some rice has been stolen from a Japanese store on TARIK ISLAND. The natives named in the charge were mainly employed on Japanese farms and the airfield at PAROM and the Japanese after interrogation alleged that the native BAERON had stolen some rice and they arrested him and the other natives. The other natives denied that they took any part in the theft. They were arrested by the accused UENO and OHASHI and their wrists were tied with a rope which was thrown over a branch of a tree and pulled tightly until the natives could just touch the ground with their toes. They were beaten by the accused UENO and OHASHI with dummy swords and sticks and remained tied to the branch of the tree from about 1300 hrs 0800 hrs and during that period they were continually questioned. At 0800 hrs (over)

Sentence and Date: Accused UENO - TO BE IMPRISONED FOR 6 MONTHS
" OHASHI - " " " " 3 "

Confirmation and by Whom: *Lt-Gen V. A. H. STURDEE - 15 Apr 47*

Promulgation: *Confirmation of finding and sentences promulgated to accused on 29 Apr 47*

Petition: Petitions lodged Jan 47 by both convicted accused against finding and sentence.

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

Action on Petition: *Dismissed.*

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

they were taken to the accused TOMIOKA and SYOJI who were the Japanese civilian Administrators responsible ~~for the~~ control of the natives on the Island. These accused conducted further investigations and administered further beatings. They also compelled the natives to remain in a standing position for 24 hours without food or water.

2. Each of the accused gave evidence in their defence. The accused YAMAGISHI HAYASHI and TSUCHIDA denied that they took any part in the ill-treatment of the natives as alleged. In regard to the other four accused the defence alleged that the punishments were lawfully imposed after proper summary investigations in accordance with the regulations made by the Japanese for the control of natives of occupied territories.

3. The defence that the accused TOMIOKA and SYOJI as being responsible for civil administration and in consequence were entitled to mete out punishment to the natives was sustained. In the case of the accused UENO and OHASHI it was contended by the prosecution that as the natives were not under their control the punishment was unlawful.

AUSTRALIAN MILITARY FORCE

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

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

Accused: NAGAHIRO Masao
NAKAYAMA Tamao
HIROTA Ginjiro
HIROUCHI Jiro
MIYAKE Tadao
SHOJI Shinsuke
YOSHIKAWA Tatsuhiko
FUKUSHIMA Masao
GOTO Tsuneyoshi
MATSUBA Shokichi
TAKEUCHI Yoshimitsu
KAMIMURA Shoichi
KOBAYASHI Shizuo
MATSUDA Kenji
SANADA Shigenori
SONE Takeyoshi
TAKEMOTO Isao
UMEMURA Kemburo (Not Guilty)
UTSUNOMIYA Seichi (Not Guilty)
YOKOTA Kinzo
YOSHIMURA Hideo

Court, Place, LABUAN
Date and 7, 8 & 9 Jan 46
Formation: 9 Aust Div

Charge(s)	Plea	Finding
MURDER in that they between SANDAKAN and RANAU British North Borneo between 29 May 1945 and 26 June 1945 murdered numerous unknown PW	Not Guilty	With the exception of accused UTSUNOMIYA and UMEMURA found not guilty, remaining accused found guilty

Precis of Evidence: In May 1945 there were some 536 British and Australian prisoners of war in a prisoner of war camp at Sandakan, British North Borneo. During April and May, the Allies were increasing the bombing on Sandakan and Allied war-ships had also appeared off the coast and were bombarding the place and the Japanese were of the opinion that an attempted landing by the Allies was imminent. Orders were given for the removal of the prisoners of war and they were sent to Ranau, 165 miles away. The track between Sandakan and Ranau was excessively bad and described by one of the witnesses as, except for the first few miles, either up to their knees in mud or so steep that they had to almost crawl up and then slide down. For the first 80 miles, the track went through uninhabited country and along the balance of the track, there were only a few native villages. The prisoners of war at the start were in a bad condition, having been underfed and many being sick with beri beri, malaria and tropical ulcers. All supplies for the journey had to be carried by the prisoners of war and the evidence showed that the food was very scanty. The prisoners of war could not stand the journey and numbers dropped out beside the track and could not proceed, and again numbers were found in the morning after the night's rest incapable of continuing the journey. A Capt Takakuwa was in charge of the move and he gave orders that the sick prisoners of war who fell out or were unable in the morning to continue the journey should be shot. The accused were all members of the guard and there was evidence to show that they had either personally shot such prisoners

of war or had been concerned in the shooting. The track over which the PW had to travel was not fit for any wheeled vehicle and was in fact extremely bad and severe even for men on foot. Evidence showed that a number of Japanese perished on the track when they moved over it. Out of the 536 PW who left SANDAKAN only 183 arrived at RANAU, the balance having been either shot or died from natural causes or a few had escaped en route and died in the jungle.

2. Each of the accused gave evidence in their defence. The substance of such evidence was either a denial that they shot any PW or that they had been requested by PW to shoot them or that they had carried out orders of superior officers in shooting PW.

Sentence and Date:	Accused	MATSUDA	-	TO BE IMPRISONED FOR 20 YEARS
	"	HIROTA)	
	"	YOSHIKAWA)	EACH ACCUSED TO BE IMPRISONED FOR 15 YEARS
	"	FUKUSHIMA)	
	"	SONE)	
	"	SANADA	-	TO BE IMPRISONED for 14 YEARS
	"	NAGAHIRO)	
	"	NAKAYAMA)	
	"	HIROUCHI)	
	"	MIYAKE)	EACH ACCUSED TO BE IMPRISONED
	"	GOTO)	FOR 12 YEARS
	"	MATSUBA)	
	"	YOSHIMURA)	
	"	TAKEUCHI)	
	"	KAMIMURA)	EACH ACCUSED TO BE IMPRISONED
	"	KOBAYASHI)	FOR 10 YEARS
	"	TAKEMOTO)	EACH ACCUSED TO BE IMPRISONED
	"	YOKOTA)	FOR 9 YEARS
	"	SHOJI	-	ACCUSED TO BE IMPRISONED FOR 8 YEARS

Confirmation and by Whom: Finding and sentences confirmed by Lt-Gen V.A.H. STURDEE Acting Commander-in-Chief. 14 Mar 46.

Promulgation: Confirmation of finding and sentences promulgated to each accused on 1 Apr 46.

Petition: Joint petition lodged Jan 46 on behalf of all convicted accused against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentences and mitigate terms of imprisonment to half of those terms awarded.

Action on Petition: Dismissed

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

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

1st Lt KISHI Tadanori
2nd Lt Surgeon MUKOHATA Sodami
Cpl MORISAKI Takeichi
Cpl NAKAMURA Jisaburo
Accused: Sgt Mjr KOKUMAI Atsushi
Cpl HIRAISHI Kuniyoshi, Sgt SAKASHITA Morizo

AWC No 2758, 2755, 2749, 2763, 2753

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

Court, Place, RABAUL
Date and 18 July 1946
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR (1) at KOKOPO on or about 10 Feb 1944 ill-treated L/Naik JINDA SINGH of 7/8 Punjab Regiment an Indian prisoner of war.	all accused not guilty of each charge.	Accused KISHI, MUKOHATA, NAKAMURA, KOKUMAI guilty of 1st charge. Accused HIRAISHI and SAKASHITA guilty of 2nd charge.
(2) At KOKOPO on or about 12 Feb 1944 ill-treated L/Naik JINDA SINGH of 7/8 Punjab Regiment an Indian prisoner of war.		

Precis of Evidence: 1. The evidence for the prosecution consisted of a document containing written statements made by two Indians both members of the Indian Army namely UJAGAR SINGH, and JINDA SINGH and the interrogation of the accused MUKOHATA, KOKUMAI and KISHI reduced to writing and signed by them.

2. The substance of the evidence adduced by the prosecution was as follows: L/Naik JINDAR SINGH was a prisoner of war in Japanese hands and on 10 Feb 44 he was performing fatigue duty at KOKOPO Harbour New Britain. He saw some food stuff lying on the road and he wrapped it up in a cloth. He intended to eat it as rations were very small in quantity and he was hungry. He was observed by a Japanese soldier and arrested. On the order of the accused Lt KISHI he was tied with a rope to a tree, and severely beaten by MUKOHATA KOKUMAI, MORISAKI and NAKAMURA. He remained tied to the tree for 84 hours without food or water. He was, during that time, repeatedly beaten with swords and stones were thrown at him. On or about 12 Feb 44 the accused

Sentence	Accused KISHI T - TO BE IMPRISONED FOR 5 YEARS) (Over)
and Date:	" MUKOHATA S. " " " " 5 ")
	" NAKAMURA J. " " " " 3 ") 18 July 1946.
	" KOKUMAI A. " " " " 4 ")
	" HIRAISHI K. " " " " 2 ")
	" SAKASHITA M. " " " " 3 ")

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

Promulgation: *Confirmation of findings and sentences from 1946 to be accused on 2 Jan 47*

Petitions: Lodged 31 Jul 46 by each convicted accused against findings and sentences.

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

Action on Petition: Dismissed

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

HIRAISHI and SAKASHITA were in a drunken condition and they beat JINDAR SINGH until he became senseless. Later the accused SAKASHITA threw stools in the face of JINDAR SINGH. On 13 Feb 44 after Indian officers had appealed to the Japanese JINDAR SINGH was released. He was unconscious for some time after and has since been unfit for military service.

3. Each of the accused gave evidence in their defence. It was generally admitted that JINDAR SINGH was tied to the tree for a lengthy period. Each of the accused denied the ill-treatment as alleged apart from certain admissions by some of the accused of slapping the said JINDAR SINGH. The accused MORISAKI alleged that he was confined to bed through illness at all material times and in this he was corroborated by some of the accused.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

2767

AWC No.....

Accused: Cpl TANAKA Zensaburo

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

Court, Place, RABAU
Date and 15 July 46.
Formation: 8 MD.

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR in that he at KOMORIYAMA in or about July 1945 beat Havildar Major BARHAM SINGH of 3/16 Punjab Regt an Indian prisoner of war.	Not guilty	Guilty

Precis of Evidence: The evidence submitted by the prosecution consisted of a statement in writing signed by Sepoy DIAL SINGH and the interrogation of the accused which was reduced to writing and signed by him. In substance such evidence contained the following facts. The accused repeatedly slapped Indian PW, and made them carry out fatigue duties even though they were suffering from malaria. On one occasion BARHAM SINGH was suffering from a severe attack of malaria and he was running a very high temperature. At this time he was with a fatigue party and the Indian in charge permitted him to lie in the shade of a tree. When the accused returned he asked why BARHAM SINGH was lying there and BARHAM SINGH showed him his arm. The accused then kicked BARHAM SINGH in the side and made him stand up. The accused then took a thick stick and beat BARHAM SINGH until he fell to the ground. After a short time BARHAM SINGH stood up and the accused ordered him to work. BARHAM SINGH was barely able to walk and the accused beat him again severely. (Over)

Sentence TO BE IMPRISONED FOR 2 YEARS
and Date: 15 July 1946Confirmation Finding and sentences confirmed by Lt Gen V.A.H. STURDEE
and by Whom:Promulgation: Confirmation of finding and sentences promulgated to
accused on 5 Nov 46.

Petition: Lodged 22 July 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

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Precis of Evidence(contd).

2. The accused admitted that he knew BARHAM SINGH and that he had worked in the vegetable garden with him. He stated that BARHAM SINGH did not arrive at KOMORIYAMA until Aug 45 and that he had never kicked him or beaten him with a stick. He denied the assault as alleged. He admitted slapping Indians.

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2765

Accused: Cpl TAKEDA Kazumi

Aust W.C. List Ser No.

Court, Place, RABUL
Date and 13 & 15 July 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF PRISONERS OF WAR in that he in New Britain from October 1943 to May 1945 illtreated Indian Prisoners of War	NOT GUILTY	GUILTY

Precis of Evidence:

1. The evidence adduced by the prosecution consisted of written statements by Indian PW namely Sepoy SUCHA SINGH L/Naik TARA SINGH and Hav. Major BACHAN SINGH and the interrogation of the accused reduced to writing and signed by him. The substance of the evidence was as follows:- The three Indians named above were PW under the control of the accused at a camp known as MAHAR DAI. They were carrying out kitchen fatigues such as carrying water collecting fuel and other duties required of them in the kitchen. They were compelled to work long hours necessitating them having meals in the early hours of morning and long after dark. All Indians engaged in kitchen fatigues were given frequent beatings for being late for parades failing to have lines properly dressed and for many other paltry or imaginary reasons. When parades were dismissed the accused customarily struck each of the Indians with a stick. On numerous other occasions he compelled Indians suffering from Malaria to engage on heavy work. (Over)

Sentence
and Date: TO BE IMPRISONED FOR 12 MONTHS - 15 JULY 1946Confirmation Finding and sentence confirmed by Lt-Gen V.A.H. STURDEE
and by Whom:Promulgation: Confirmation of findings & sentence promulgated to accused
on 28 Nov 46

Petition: Petition lodged 22 July 1946 against finding and sentence.

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

Action on Petition: Dismissed

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

2. The accused gave evidence in his defence. He denied that he knew the Indians named in the charge but admitted that between October 1943 and May 1945 he had worked in the kitchen and had Indians under his control. Further admissions made by the accused were to the effect that he had beaten Indians. On one occasion he beat an Indian because he had a fire burning during an air raid and this was contrary to orders and after warnings had been given in this regard. On another occasion he beat an Indian because he had stolen foodstuffs.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2763.....

Accused: Cpl NAKAMURA Jisaburo

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

Court, Place, RABAU
Date and 10 July 46
Formation: 8th Military District

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR at NISHIHODAI on or about 8 June 1945 in that he beat Subedar SANTA SINGH of 7/8 Punjab Regiment an Indian Prisoner of War	NOT GUILTY	GUILTY

Precis of Evidence:

I. On 8 June 45 SANTA SINGH along with other Indians were PW in Japanese hands. The prosecution adduced evidence contained in a written statement made by SANTA SINGH and corroborated by RAM SINGH and DARGA SINGH. Such evidence is to the following effect. SANTA SINGH was watching a fatigue party carrying a heavy log for constructing a road. The accused came over to SANTA SINGH and asked him why there was so much smoke in the kitchen that morning. SANTA SINGH said that it was visible on account of the rain, but that the fire had been extinguished early in the morning. The accused said "You intentionally made smoke to show it to American planes". The accused then struck SANTA SINGH with an iron golf club a number of times. Next day he reported to the Japanese doctor on sick parade but the doctor would not pay any attention to him. He was then dragged back to the place where the fatigue party was working.

Sentence To be imprisoned for 2 years
and Date: 10 July 46Confirmation Confirmed by Lt. Gen. V.A.H. STURDEE.
and by Whom:Promulgation: Confirmation of finding and sentence promulgated to accused
on 5 Nov 46.

Petition: Lodged 22 July 46 against finding and sentence.

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

Action on Petition: DISMISSED.

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

2. The accused admitted that he struck SANTA SINGH under the following circumstances. On discovering that SANTA SINGH had left the fatigue party he found him in his quarters. The accused asked the reason he had left the fatigue party and SANTA SINGH said that on account of the small ration of food they were unable to carry out the heavy work expected of them. The accused told him the reason for the work but SANTA SINGH would not listen to him. The accused then pretended that he was going to strike SANTA SINGH and SANTA SINGH threw a stick at the accused, and the accused then struck him four or five times on the face with his open hand.

2. The accused admitted that he struck SANTA SINGH under the following circumstances. On discovering that SANTA SINGH had left the fatigue party he found him in his quarters. The accused asked the reason he had left the fatigue party and SANTA SINGH said that on account of the small ration of food they were unable to carry out the heavy work expected of them. The accused told him the reason for the work but SANTA SINGH would not listen to him. The accused then pretended that he was going to strike SANTA SINGH and SANTA SINGH threw a stick at the accused, and the accused then struck him four or five times on the face with his open hand.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2749

Accused: Cpl MORISAKI Takeichi

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
(1) ILLTREATMENT OF A PRISONER OF WAR at KOMORIYAMA on or about 12 May 1945 cruelly beat 17803 Sepoy SARDARA SINGH of 7/8 Punjab Regt an Indian prisoner of war	NOT GUILTY on both charges	GUILTY on first charge and NOT GUILTY on second charge.
(2) at KOMORIYAMA on or about 3 April 1945 cruelly beat UJAGAR SINGH of 7/8 Punjab Regt an Indian prisoner of war.		

Precis of Evidence:

1. The evidence for the prosecution consisted of written statements made by Sepoy SARDARA SINGH and DARSHAN SINGH both members of the Indian Army and PW in Japanese hands at KOMORIYAMA New Britain. On 12 May 45 both Indians were detailed for guard duty watching a garden. At about 0500 hours SARDARA SINGH went to fetch the meal for DARSHAN SINGH and himself. On the way he met the accused who asked SARDARA SINGH where he was going. SARDARA SINGH told the accused and the accused beat him with his rifle butt and the bayonet scabbard until the Indian fell to the ground in an unconscious condition. He regained consciousness in about half an hour. The beating was witnessed by DARSHAN SINGH.

2. On the second charge the prosecution did not produce any evidence. (over)

Sentence
and Date: TO BE IMPRISONED FOR 5 YEARS - 10 Jul 46Confirmation
and by Whom: Finding and sentence confirmed by Lt. Gen. V.A.H. STURDEE.

Promulgation: Confirmation of finding and sentence promulgated on 17 Oct 46.

Petition: Lodged 22 Jul 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

Precis of Evidence:

3. The accused gave evidence in his defence. He stated that he did not know either of the Indians referred to by name. He admitted having found an Indian absent from his post at the gardens and he had in his possession a bag of tapioca. This Indian accused the other Indian on guard of having given the tapioca to him. The accused, realising the Indian had stolen the foodstuff slapped him on the face two or three times. The accused denied that any Japanese guards watching the gardens carried any arms at all.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC Nos. 2764, 2733, 2755, 2753

Accused: Captain KUBO Hisakichi
1/Lieut SOGAWA Kiminori
2/Lt Surgeon MUKOHATA Sodami (Not guilty)
Sgt Mjr KOKUMAI Atsushi

Court, Place, RABAU
Date and 9 & 10 Jul 46
Formation: 8 MD

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

Charge(s)	Plea	Finding
1. (against accused KUBO only) ILL-TREATMENT at NISHIHODAI on or about 28 Jun 45 of Jemadar RANG ALI of 5/II Sikh Regt, an Indian Prisoner of War.	Not Guilty	Guilty
2. (against all accused including the accused KUBO) ILL-TREATMENT at NISHIHODAI on or about 1st & 2nd August 1945 of Subedar SANTA SINGH, an Indian Prisoner of War.	All accused not guilty	All accused guilty except MUKOHATA

Precis of Evidence: 1. The evidence adduced by the Prosecution on the first charge was contained in a written statement made by Jemadar RANG ALI and the interrogation of the accused KUBO which was reduced to writing and signed by him. Such evidence was to the following effect. RANG ALI was carrying out fatigue duty in cutting bamboos and carrying them back to the camp. Work had commenced at 0630 on 28 Jun 45 and at 1100 hrs along with other Indians he returned to the camp for the midday meal at 1200 hrs the party had fallen in and the accused was told that RANG ALI and another Indian officer had not performed their duties properly in seeing that members of the party worked sufficiently hard. The accused then beat RANG ALI and the other officer very severely.

2. In regard to the second charge the evidence adduced by the prosecution was contained in written statements made by Jemadar RANG ALI, Subedar SANTA SINGH and the interrogations of the accused reduced to writing and signed by them. On 1 Aug 45 SANTA SINGH was supervising a fatigue party attached

Sentence
and Date: Accused KUBO - TO BE IMPRISONED FOR 6 YEARS 10 Jul 46
" SOGAWA - " " " 4 " " "
" KOKUMAI - " " " 2 " " "

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

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

Petition: Petitions lodged 22 Jul 46 by all convicted accused against
findings and sentences.

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

Action on Petition: DISMISSED.

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

Precis (continued)

to the Japanese Road Construction Department. The accused SOGAWA was in charge of the party of PW and he ordered SANTA SINGH to take a shovel and work with the party of Sepoys. SANTA SINGH refused on the ground that under International Law as an officer and a PW he could not be required to perform fatigue duty. The accused SOGAWA said he did not "care for International Law" and told SANTA SINGH to obey orders. SANTA SINGH again refused and the accused SOGAWA rushed at SANTA SINGH and struck him several blows on the neck jaws and face causing his nose and mouth to bleed. The accused again ordered SANTA SINGH to work and he again refused. The accused SOGAWA then took SANTA SINGH to the accused KUBO, the Commander of No. 20 Party PW. On hearing what had taken place he ordered that SANTA SINGH be tied to a tree for 3 days. His hands were so tightly tied that the rope caused the circulation to stop. At night he was taken before the accused along with other Indian officers and asked to sign a statement that he would obey Nipponese orders which included taking arms on behalf of the Japanese Army. SANTA SINGH again refused and he was ordered to be tied to a post outside the Japanese NCO's hut. The rope was tied around the wrists and legs of SANTA SINGH so tightly that the circulation of the blood was almost stopped causing his wrists and legs to swell. Next morning SANTA SINGH was again tied to the tree by the accused KOKUMAI and given a severe beating causing his nose and mouth to bleed. He was then taken before the accused SOGAWA and KUBO but he again refused to sign the paper. The accused then ordered that SANTA SINGH should be tied to a tree where Japanese soldiers passed frequently. He was tied to the tree and remained from about 0730 hrs until about 1600 hrs. During that time he was repeatedly struck and kicked by Japanese soldiers. SANTA SINGH was very weakened in health as a result of this ill-treatment and some Indians advised him to sign the paper. He was then taken before MUKOHATA and SOGAWA the accused - MUKOHATA said "Bugger, if you do not sign the paper now we will shoot you tonight". Fearing this threat he signed the document and was released. As he was in a very poor state of health he sought admission to hospital but was refused and made to perform fatigue duty.

3. Each of the accused gave evidence in their defence. In regard to the first charge the accused KUBO stated that the statement of RANG ALI was entirely untrue.

4. In regard to the second charge the accused KUBO contended that the statement of SANTA SINGH was greatly exaggerated. He said there was an occasion when SANTA SINGH was insolent and the accused SOGAWA slapped him. SANTA SINGH became angry and the accused KUBO ordered that he be tied to a tree until he became calmer. Later SANTA SINGH signed an apology. The accused SOGAWA in evidence admitted that he became very angry as a result of the attitude of the Indian when asked to work along with other Indians. SANTA SINGH came towards the accused SOGAWA with a stick and the accused slapped him on the face. The accused further admitted that as a result of this incident the accused KUBO ordered the accused SOGAWA to be tied to a tree in front of the office. SOGAWA denied that he was guilty of cruelty in the manner in which SANTA SINGH was tied up. The accused KOKUMAI denied having tied up or beaten SANTA SINGH. He admitted that in accordance with orders he kept SANTA SINGH in the NCO's room until he repented.

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AUSTRALIAN MILITARY FORCES

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

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2245

Accused: S/M SHIMADA Kazuyoshi

Aust W.C. List Ser No.

Court, Place, Date and Formation: RABAU
26 June 46
8th Military District

Charge(s)	Plea	Finding
MURDER at PAROM in NEW GUINEA in July 1944 murdered Sepoy DALIP SINGH and Sepoy UJAGAR SINGH.	Not guilty	Guilty

Precis of Evidence:

1. The evidence for the prosecution consisted of a statement by NK BARA SINGH which contained (inter alia) the following facts :- The deceased were PW in Japanese hands and in July 44 they were detailed as night sick attendants to Japanese Lt KUSAKARI who was confined to his hut suffering from dysentery and malaria. The deceased were required to sit outside KUSAKARI's hut and attend to his requirements during the night. At about 0600 hrs on the morning following the deceased entered the hut of BARA SINGH. They were in pain and they "entered the hut with great physical difficulty." They stated that a Sgt KAMINAKA had entered KUSAKARI's hut in the early hours of the morning and found that he (KUSAKARI) had died. Sgt KAMINAKA then called the accused and a Japanese Cpl named NITANI and the three Japanese beat them with large sticks. BARA SINGH's statement further showed that both the deceased were seriously injured and they were (Over)

Sentence and Date: TO BE IMPRISONED FOR 15 YEARS

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 17 Oct 46.

Petition: Petition lodged 8 July 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

unable to leave their hut again. The deceased UJAGAR SINGH died 4 days later and DALIP SINGH died 4 or 5 days later. The statement further disclosed that both the deceased were in fairly good health prior to the beating by the three Japanese, and that the beatings were considered to be the cause of their deaths.

2. The accused denied that he had been in any way connected with the alleged murder. He stated that he was a member of 2nd Platoon whereas Lt KUSAKARI was the leader of No 2 Platoon. His duty did not take him into KUSAKARI's quarters and he in fact had never entered his hut. All attention to Lt KUSAKARI would be given to him by members of his own platoon. He remembered the date of death of Lt KUSAKARI and at that time he was confined to his bed suffering from malaria. Cpl NITANI was also in bed at that time. He was suffering from colitis. The accused said that it was impossible for either of them to leave their beds. The defence alleged that either the statement by BARA SINGH was false or that the identity of the accused had been mistaken. Lt HIGASHI Yoshiaki gave evidence for the defence. This witness, in the main corroborated the evidence of the accused, and stated that he was sure that the accused had been mistaken for two other Japanese who were very like the accused both in appearance and voice.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2099

Accused: Civilian TOKUNAGA Masayoshi

Aust W.C. List Ser No.

Court, Place, Rabaul

Date and 25 & 26 June 1946

Formation: 8 MD

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR at TRUK in June 44 in that he illtreated IKA a Nauruan displaced to TRUK by kicking, punching and beating him with a stick	Not Guilty	Guilty

Precis of Evidence: The said IKA was a Nauruan and was employed by the Japanese looking after cattle. The prosecution relied on the evidence of KA AS contained in a written statement made by him and the interrogation of the accused reduced to writing and signed by him. The statement made by IKA contained the following facts. On a night in June 44 the air-raid alarm was sounded. There was a shelter close to IKA's house and IKA's family including his daughter EDUA and her girl friend sought shelter. IKA remained at the front of his house and heard some of his children say they were not allowed to enter and that only EDUA and her girl friend were allowed in. IKA went to the shelter and enquired the reason. He called his daughter out and two Japanese, one of them, the accused, came out. The Japanese came out and said that a Nauruan boy told them they could have the girls and asked IKA why he was objecting. IKA told the Japanese that he did not know why the Nauruan boy should say that and immediately he received a punch on the neck from one of the

Sentence and Date: To be imprisoned for 12 months. 26 Jun. 46.

(P.T.O.)

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 17 Oct 46.

Petition: Petition lodged 6 July 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2099

Accused: Civilian TOKUNAGA Masayoshi

Aust W.C. List Ser No.

Court, Place, Rabaul

Date and 25 & 26 June 1946

Formation: 8 MD

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR at TRUK in June 44 in that he illtreated IKA a Nauruan displaced to TRUK by kicking, punching and beating him with a stick	Not Guilty	Guilty

Precis of Evidence: The said IKA was a Nauruan and was employed by the Japanese looking after cattle. The prosecution relied on the evidence of IKA AS contained in a written statement made by him and the interrogation of the accused reduced to writing and signed by him. The statement made by IKA contained the following facts. On a night in June 44 the air-raid alarm was sounded. There was a shelter close to IKA's house and IKA's family including his daughter EDUA and her girl friend sought shelter. IKA remained at the front of his house and heard some of his children say they were not allowed to enter and that only EDUA and her girl friend were allowed in. IKA went to the shelter and enquired the reason. He called his daughter out and two Japanese, one of them, the accused, came out. The Japanese came out and said that a Nauruan boy told them they could have the girls and asked IKA why he was objecting. IKA told the Japanese that he did not know why the Nauruan boy should say that and immediately he received a punch on the neck from one of the

Sentence and Date: To be imprisoned for 12 months. 26 Jun. 46. (P.T.O.)

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 17 Oct 46.

Petition: Petition lodged 6 July 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

Japanese and the other struck him on the back three times with a stick. IT was then arranged by one of the Nauruan women without Japanese knowing that the two girls should go with the Japanese until they came to the bush and then they were to run away from them. This was arranged as it was feared that the Japanese might kill IKA. The girls went with the Japanese and about 15 minutes later the Japanese returned to IKA's house and one of them struck IKA with a stick and the other punched him. IKA decided to report the matter to a Japanese officer and he commenced to walk towards the office. The Japanese caught hold of IKA and took him back to his house. On the way they continued to punch him, kick him and strike him with a stick. IKA stated that he knew the accused, who was one of the men who assaulted him, as he had worked under him. He did not know the name of the other Japanese.

2. The accused admitted knowing IKA and the daughter EDUA but alleged that at the time of the assault he was in hospital suffering from an ulcer on the liver. He considered that IKA might have had a grudge against him because he discussed such matters as distribution of food to Nauruans with a Nauruan with whom IKA was not friendly.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2728

Accused: Cpl TADA Masaichi

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 25 June 1946
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at KOKOPO in NEW BRITAIN in Feb 44 of NKADAL KHAN Alternatively Ill-TREATMENT of a Prisoner of War in that he at KOKOPO in NEW BRITAIN in Feb 44 illtreated Indian PW NK ADAL KHAN a PW by cruelly kicking him.	Not Guilty on both charges	Guilty on first charge and not guilty on alternative charge.

Precis of Evidence:

1. The evidence for the prosecution consisted of a written statement made by Gnr KHODA DAD and written interrogation of the accused dated 23 Feb 46 and 18 Jun 46 respectively. The deceased was a PW in Japanese hands. Early in the morning of 14 Feb 44 the accused took KHODA DAD and other Indian PW to a garden for fatigue duty. The deceased was very sick and on arrival at the garden KHODA DAD saw that the accused was dragging the deceased along and brought him over to KHODA DAD. The accused ordered the deceased to commence digging the ground but the deceased was too weak to do so. The accused kicked the deceased until he fell to the ground and while he was on the ground the accused continued to kick the deceased on the chest. The deceased was bleeding from the mouth and the accused ordered KHODA DAD to take the deceased to the barracks. The deceased remained in the barracks and at times he was bleeding from the mouth. The accused would

Sentence and Date: TO SUFFER DEATH BY HANGING - 25 June 46

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

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

Petition: Lodged 6 July 46 against finding and sentence

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

not permit any medical treatment being given to the deceased.
The deceased died on 28 Feb 44.

2. The accused gave evidence in his defence. He admitted having the Indians under his control at the relevant time, but denied having beaten the Indian as alleged and claimed it was a case of mistaken identity. He alleged that in Feb 44 he was in charge of 26 Indians and that in March 44 an Indian died as a result of an air raid.

Two Japanese Captains gave evidence for the defence. One of these witnesses stated that the deceased was employed in the platoon under his command. The accused was not on strength of his platoon. The deceased had been employed in a potato garden about 10 miles away from KOKOPO. A Japanese death certificate was put in evidence showing that one AHDEL HAN died on 29 Feb 44 of enteritis. It also showed that the date the illness commenced as 2 Feb 44.

AUSTRALIAN MILITARY FORCES

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

R124 Ans 167

AWC No. 2601

Accused: Cpl YAMADA Saburo

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 20 June 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR at THORIRU on 10 May 45 ill-treated Gnr MIAN MOHD, a prisoner of war by cruelly beating him and forcing him to hold a log above his head for about half an hour.	Not Guilty	Guilty

Precis of Evidence: The evidence of the prosecution consisting of proceedings of a Court of Inquiry which contained statements by Gnrs MIAN MOHD, CHULAM QASAN and JEM AHMED KHAN and also a certificate of identification with photograph attached. The substance of the documentary evidence as contained in the statements made by MIAN MOHD and CHULAM QASAN is as follows. On 10 May 45 MIAN MOHD, a member of the Indian Army, was employed by the Japanese (in whose hands he was a PW) in collecting and carrying grass for the erection of barracks at THORIRU Camp, New Britain. He was suffering from Malaria and was unable to carry heavy loads and the accused who was supervising the work became very annoyed and beat MIAN MOHD with a stick for about half an hour. The accused then took MIAN MOHD to his house and compelled him to hold a log above his head with his arms fully stretched upwards. When his arms became tired he dropped the log and the accused then struck him on the head with the sharp edge of the blade of a large knife causing a deep wound. The accused struck him again with the blunt edge of the knife on the hand (PTO)

Sentence and Date: To be imprisoned for 4 years. 20 Jun 46.

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

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

Petition: Lodged 28 June 1946 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

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Precis of Evidence: (contd)

causing his thumb to be dislocated. As a result of the head injury, MIAN MOHD became unconscious. Later the wound was dressed by the said JEM AHMED KHAN and it healed in about 2 months. A permanent scar remained and the dislocated thumb was evident by the thickening around the joint. The statement by JEM AHMED KHAN shows that MIAN MOHD was brought into the PW lines with a wound on the centre of his head about 3 inches in length and the wound was bleeding. His left thumb was swollen and dislocated. AHMED KHAN dressed the wound healed in about 2 months.

2. The accused gave evidence in his defence and denied all knowledge of the charge. He denied the evidence contained in the statements produced by the prosecution. He stated that on or about 10 May 45 he was stationed at KABAIRA and he denied all knowledge of a place called THORIRU and alleged that he did not know the said MIAN MOHD. The defence called a witness named Sgt/Maj. NAOMI. He stated in evidence that he was at TAURIL around the 10 May 45 and that the witness AHMED KHAN was there also. He also stated that the accused at this time was not at THORIRU but was around the southern part of NISHIZAKI YAMA.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.: 2601

Accused: Cpl YAMADA Saburo

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILL-TREATMENT of a prisoner of war at THORIRU on 10 May 45 ill-treated Gnr MIAN MOHD, a prisoner of war by cruelly beating him and forcing him to hold a log above his head for about half an hour.	Not guilty	Guilty

Precis of Evidence: The evidence of the prosecution consisted of proceedings of a Court of Inquiry which contained statements by Gnrs MIAN MOHD, CHULAN QASAN and JEM AHMED KHAN and also a certificate of identification with photograph attached. The substance of the documentary evidence as contained in the statements made by MIAN MOHD and CHULAN QASAN is as follows. On 10 May 45 MIAN MOHD, a member of the Indian Army, was employed by the Japanese (in whose hands he was a PW) in collecting and carrying grass for the erection of barracks at THORIRU Camp, New Britain. He was suffering from malaria and was unable to carry heavy loads and the accused who was supervising the work became very annoyed and beat MIAN MOHD with a stick for about half an hour. The accused then took MIAN MOHD to his house and compelled him to hold a log above his head with his arms fully stretched upwards. When his arms became tired he dropped the log and the accused then struck him on the head with the sharp edge of the blade of a large knife causing a deep wound. The accused (PTO)

Sentence and Date: To be imprisoned for 4 years. 20 Jun 46.

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

Promulgation: 9 Oct 46.

Petition: Petition lodged against finding and sentence 28 Jun 46.

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

Action on Petition: Dismissed.

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

struck him again with the blunt edge of the knife on the hand causing his thumb to be dislocated. As a result of the head injury, MIAN MOHD became unconscious. Later the wound was dressed by the said JEM AHMED KHAN and it healed in about 2 months. A permanent scar remained and the dislocated thumb was evident by the thickening around the joint. The statement by JEM AHMED KHAN shows that MIAN MOHD was brought into the PW lines with a wound on the centre of his head about 3 inches in length and the wound was bleeding. His left thumb was swollen and dislocated. AHMED KHAN dressed the wound and treated the thumb. The wound healed in about 2 months.

2. The accused gave evidence in his defence and denied all knowledge of the charge. He denied the evidence contained in the statements produced by the prosecution. He stated that on or about 10 May 45 he was stationed at KABAIRA and he denied all knowledge of a place called THORIRU and alleged that he did not know the said MIAN MOHD. The defence called a witness named Sgt/Maj. NAOMI. He stated in evidence that he was at TAURIL around the 10 May 45 and that the witness AHMED KHAN was there also. He also stated that the accused at this time was not at THORIRU but was around the southern part of NISHIZAKA YAMA.

AUSTRALIAN MILITARY FORCES

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

AWC No. 2245

Accused: Sgt/Major SHIMADA Kazuyoshi

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 18 June 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER near KURRINGE in New Guinea on or about 5 Jan 45 murdered Sepoy CHELA RAM.	Not Guilty	Guilty

Precis of Evidence: The evidence of the prosecution consisted of a written statement made by Sepoy SHINGARA RAM and the interrogation of the accused reduced to writing and signed by him. The statement of SHINGARA RAM contained the following facts. At about 0600 hrs on 5 Jan 45 SHINGARA RAM was present when 2/Lt SHIGASHI ordered the deceased to cut grass. The deceased was suffering from fever, beri-beri and malnutrition and asked to be excused from work. The accused and another Japanese soldier L/Cpl HARDA (HADA) struck the deceased and they both dragged him to a nearby river. The deceased was made to stand in about 3 feet of water and a Pte KODAKA who was also present shot him in the back of his head with his revolver. The deceased collapsed in the water and his body was carried away by the stream. The deceased was not seen again. SHINGARA RAM was present and witnessed all these events from a short distance.
(See over for remainder of precis)

Sentence and Date: To be imprisoned for 10 years. 18 June 46.

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

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

Petition: Lodged 1 Jul 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered.

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2. The accused denied all association with the crime. He contended that his duties were those of shooting birds for food and he had no dealings with Indians. He stated that he did not know the deceased and that the only weapon held by the platoon of which he was a member, was a rifle. No revolver was held by any member of the platoon. The evidence of the accused was corroborated by two witnesses who in addition stated that the deceased whilst fording the stream to collect foodstuffs had fallen into a deep hole and been carried away by the stream and that the body had not been recovered.

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R132 *Am 164*

AWC No. 2667

Accused: Cpl UENO Shin

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

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

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that he near RABAU about Feb 1943 illtreated L/Cpl WONG KEN CHONG a prisoner of war	NOT GUILTY	GUILTY

Precis of Evidence:

1. Evidence for the prosecution was given by L/Cpl WONG KEN CHONG and Sgt CHIANG SAI CHOW. Both witnesses were members of the Chinese Army and were PW in Japanese hands. The substance of the evidence adduced by the prosecution was to the effect that on 5 Feb 43 WONG KEN CHONG was employed in carrying bags of foodstuff and the accused called him to hurry. The bags were torn and the contents were falling out. The accused then commenced to punch WONG KEN CHONG with his clenched fists and to kick him. He fell to the ground and the accused picked up a stick and struck him numerous blows on the legs and buttocks, and kicked him about ten times. The accused was wearing Japanese leather boots. The stick used for the beating was about five feet in length and about two inches thick. As a result of the assault WONG KEN CHONG was unable to work for three weeks. During this time he did not receive any medical treatment. (Over)

Sentence
and Date: TO BE IMPRISONED FOR 2 YEARS - 17 June 46

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

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

Petition: Lodged 28 Jun 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

2. The accused in evidence denied that he had assaulted WONG KEN CHONG as alleged and stated that he had never assaulted or illtreated Chinese. He stated that at the time in question there were no Chinese working for him. The defence called a witness, L/Cpl KANAI, who corroborated the evidence of the accused.

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Qus. 252

AWC No. 2962

Accused: **Naval CAPT. KAWASAKI Datsuhol.**

Aust W.C. List Ser No.

Court, Place, **HABAU**
Date and **17 and 18th. of June 1947.**
Formation: **8 MILITARY DISTRICT.**

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME that is to say MURDER in that he on or about 30 April 1945 at AMBON murdered VX19415 Pte. P.H. SCHAEFER of 2/21 Aust Inf Bn an Australian Prisoner of War.	NOT GUILTY.	GUILTY.

Precis of Evidence: The evidence against the accused was in the main documentary, consisting mostly of certified extracts taken from previous war crimes trials, whilst verbal evidence was given by Capt. SHIROZU, Madami, Sub.Lt. MIYAZAKI Yoshio, Rear Admiral OKADA Tanetsugu, Interpreter IKENOCHI Masakiyo, and P.O. KUROKAWA Eizo, to prove their statements, which were used by the prosecution. The substance of the evidence for the prosecution was to the effect that the accused was senior staff officer on the HQ of 25 Naval Base Force and was responsible for the passing of orders concerning Prisoners of War to the staff officer in charge of Prisoners of War. Whilst in this position he is alleged to have issued an instruction to Capt. SHIROZU, (commander of 20 Naval Garrison Unit, who was in command of the Prisoners of War at GALALA), to execute VX19415 Pte. P.H. SCHAEFER an Australian Prisoner of War who had escaped from GALALA Prisoner of War Camp, AMBON on or about 25 Mar 45, and was recaptured on 10 April 45. (P.P.O.)

Sentence **To be imprisoned for 10 years.**
and Date:

Confirmation and by Whom: *May Gen W. B. Anderson Adjutant General AMF 7/8/47*

Promulgation: *Promulgated to the accused on the 25/8/47.*

Petition: **Petition lodged on the 30 June 47., against the finding and sentence.**

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

Action on Petition: *Dismissed 7/8/47.*

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

Continuation of Evidence. Capt. SHIROZU Wadami then ordered Lt. MIYAZAKI Yonnie to arrange for the carrying out of the execution. The Prisoner of War was beheaded on the 30 April 45, by one P.O. KUROKAWA Hise, a member of Lt. MIYAZAKI Yonnie's command. Evidence was also produced by the prosecution to prove that no Court Martial had been held in respect of the Prisoner of War named in the charge and that the execution as ordered by Capt. KAWASAKI Hatakei was the punishment for his escape.

The accused gave evidence in his defence and also made a statement saying that the order for the execution had been given to him by Rear Admiral OKADA and he had passed it on to Capt. SHIROZU Wadami, whom he expected to carry out the proper legal steps. He also stated that no report as to the date or place of SCHAEFER's execution had reached him up until the time that he left AMBOY.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 218

AWC No. 2962

Accused: Capt KAWASAKI Hatsuhei

Aust W.C. List Ser No.

Court, Place, RABOUL
Date and 30 June, 1, 3, 4 July 47
Formation: 8 MILITARY DISTRICT

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME that is to say MURDER in that he on or about 16 Aug 44 murdered S/Ldr J.I. SCOTT, P/SGT R.N. KING, P/SGT B.E. WALLACE and P/SGT K.C. WRIGHT Australian Prisoners of War.	Not Guilty	Not Guilty

The evidence for the prosecution was in the main documentary
Precis of Evidence: whilst verbal evidence was given by Interpreter IKBUCHI Masakiyo, Sub Lt KATAYAMA Hideo, and Sub Lt TAKAHASHI Toyoji to prove their statements. The substance of the evidence submitted by the prosecution was to the effect that the accused was a senior staff officer on the HQ of the 4 South Sea Fleet, and that as such he was responsible for the passing of orders concerning P.W. to the staff officer in charge of P.W. The prosecution alleged that on 27 March 44 an RAAF HUDSON was shot down by the Japanese and the crew were captured and became P.W. The P.W. were interrogated by Interpreter IKBUCHI concerning their firing upon unarmed civilians, but they were not tried by Court Martial in respect of this incident. It was alleged that on or about 15 Aug 44 the accused called before him Sub Lt MIYAZAKI, Sub Lt KATAYAMA and Sub Lt TAKAHASHI, and ordered them to execute the 4 P.W. mentioned in charge. This order was conveyed by Lt MIYAZAKI to WO UEMURA Shigeo who was in charge of GALADA P.W. camp at which the P.W. named were confined. On or about 16 (over)

Sentence
and Date:Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

2.

Aug 44 the four P.W. named in charge were taken by truck to a spot near the P.W. camp and were beheaded by Lt KATAYAMA, Lt TAKAHASHI, Ensign WISHIDA and some other ranks under the command of WO UEMURA.

The accused gave evidence in his defence and denied that he had anything to do with the execution and that at the date mentioned in the charge he was attending a conference which was held at MANILA and did not arrive back at AMBON until the 18 Aug. He also stated that he had not received any interrogation report, although he knew that Comd Baron TAKASAKI had interrogated the PW which were at this time confined in the court martial area.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 251

AWC No. 2952

Accused: Nav Civ SOJI Hideo

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 10 Jun 47
Formation: 8 Military District.

Charge(s)	Plea	Finding
Committing a war crime that is to say a violation of the laws and usages of war in that he at Terik Island Truk on 28 Aug 44 ill-treated Ruben Foliapo, Maria Foliapo, Rudolf Harris and Albert Harris, natives of Nauru displaced to Truk.	Not guilty	Guilty

Precis of Evidence: The evidence for the prosecution was in the main documentary whilst verbal evidence was given by Sgt SAKAMOTO Takeharu and Nav Civ ANETAI Soji. It was alleged by the prosecution that the four Nauruans named in the charge had been taken to Truk by the Japanese in Aug 43. Whilst at Truk they had been interrogated by Japanese under the command of the Sgt of the Military Police named Sgt SAKAMOTO in respect of charges of being in possession of a wireless set, and pistols. During the course of this interrogation the four Nauruans had been beaten about the head and body with swords and sticks by the accused and members of the investigation party. After a period of approx 15 days they were all released and allowed to return to their homes. The accused gave evidence in his defence and denied that he had beaten any of the NAURUANS mentioned in the charge, although he admitted having beaten a Trukese that is not mentioned in the charge.

Sentence and Date: 18 months ' imprisonment.

Confirmation and by Whom: Maj Gen W.M. ANDERSON Adj Gen A.M.F. 18/8/47.

Promulgation: Promulgated to the accused on 2-9-47.

Petition: Lodged on 21 Jun 47 against the finding of the Court.

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

Action on Petition: Dismissed 18/8/47

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans 250

AWC No. 253

Accused: Capt ITO Shigeo

Aust W.C. List Ser No.

Court, Place, Date and Formation: Rabaul
23 May 47
8 MD.

Charge(s)	Plea	Finding
VIOLETION OF THE LAWS AND USAGES OF WAR in that he at Soemba Island between 27 Apr 45 and 16 May 45 did ill-treat F/Lt Ronald Thomas ROBERTSON, WO Thomas BONNICE, F/Sgt Desmond MALONEY, F/Sgt Bernard William McINERNEY, F/Lt Lyndon Lloyd McKENZIE, F/Lt Ernest Radcliffe OLDFIELD, F/O Peter STUART SYKES, Sgt Lloyd Francis MEDWIN, & other members of the RAAF.	Not guilty	Not guilty
Alternatively :- VIOLETION OF THE LAWS & USAGES OF WAR in that he at Soemba Island between 27 Apr 45 & 16 May 45 did permit personnel under his command to ill-treat F/Lt Ronald Thomas ROBERTSON, WO Thomas BONNICE, F/Sgt Desmond MALONEY, F/Sgt Bernard William McINERNEY, F/Lt Lyndon Lloyd McKENZIE, F/Lt Ernest Radcliffe OLDFIELD, F/O Peter STUART SYKES, Sgt Lloyd Francis MEDWIN & other members of the RAAF.	Not guilty	Guilty

Precis of Evidence:

The evidence for the prosecution was entirely documentary, consisting of sworn statements by some of the members of the crew. The substance of the evidence was to the effect that on 27 Apr 45 a RAAF bomber crashed off the island of SOEMBA. The members of the aircrew were captured by personnel of the accused's unit. It was alleged by the prosecution that after they were captured the crew of the plane were ill-treated by members of the accused's command by being thrown about by a juditsu expert being beaten and by being tightly bound, and when one of the prisoners asked that his bonds be loosened, the accused laughed and ordered a soldier to tighten them. Evidence was also given that whilst at the accused's HQ the prisoners were interrogated, during which time they were prevented from obtaining sufficient sleep, were not given enough food and were frequently subjected to beatings. The accused gave evidence in his defence & denied that neither nor members of his command had ill-treated the PW whilst they were under his control.

Sentence and Date: To be imprisoned for 2 years.

Confirmation and by Whom: Maj Gen W.M. ANDERSON cdy Gen A.M.F 15/5/47

Promulgation: Promulgated to the accused on 2-9-47.

Petition: Lodged on 5 Jun 47 against the finding and sentence.

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

Action on Petition: Dismissed 18/8/47

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

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Ans. 249

Accused: **Lt. UCHIYAMA Kishio**
S/M FUKUDA Mitsugu

AWC No.

Aust W.C. List Ser No.

Court, Place, **SINGAPORE**
Date and **18, 22, 23, 24, 29 April 47.**
Formation: **1 Aust War Crimes Sec.**

Charge(s)

Plea

Finding

COMMITTING A WAR CRIME in that they on the high seas, between 4 Jul 44 and 8 Sep 44 on a voyage from SINGAPORE to MOJI (JAPAN) aboard the s.s. "RASHIN MARU" as officer in charge and non commissioned officer second in charge respectively of a draft of Allied Prisoners of War for whose well being they were responsible were in violation of the laws and usages of war together concerned in the inhumane treatment of the said Prisoners of War thereby contributing to the deaths of some and causing physical and mental suffering to others of the said Prisoners of War.

NOT
GUILTY.
(in each
case).

GUILTY with the exception of the words from "thereby contributing" trend of charge, and substituting the words "thereby contributing to the physical and mental suffering of the said Prisoners of War".

Precis of Evidence: Verbal evidence was given by P/Lt J.H. Wilkinson to prove sworn statements made by both the accused, whilst the remainder of the evidence for the prosecution consisted of sworn affidavits. The substance of the evidence was to the effect that the accused were in charge of a draft of 1050 Allied Prisoners of War which embarked on s.s. "RASHIN MARU" in SINGAPORE on or about the 1 July 44. It was alleged by the prosecution that as Lt. UCHIYAMA was ships Commandant for the voyage, he was responsible for the well being and safety of all persons aboard the ship with the exception of the ships crew. The ship sailed from Singapore on the 4 July 44 and arrived at MOJI in Japan on the 7 Sept 44. During the course of the voyage the Prisoners of War were subjected to overcrowding in the holds of the ship, inadequate food and medical supplies, lack of hygiene and sanitation and repeated lashings by the Korean Guards with the knowledge of both the accused. It was also alleged that the Prisoners of War P.T.O.

Sentence and Date: **Lt. UCHIYAMA Kishio to be imprisoned for 6 years.**
S/M FUKUDA Mitsugu to be imprisoned for 3 years 6 months.

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

Promulgation: *Promulgated to the accused on the 8/9/47*

Petition: **Petition dated 12 May 1947 lodged against the findings and sentences.**

J.A.G.'s Report on Petition: **Confirm findings and sentences and dismiss petition**
Recommends mitigation of sentences.

Action on Petition: *Dismissed 27/6/47*

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 249

Accused: Lt. UCHIYAMA Kishio
S/M FUKUDA Mitsugu

AWC No.

Aust W.C. List Ser No.

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P.T.O.

Sentence and Date: Lt. UCHIYAMA Kishio to be imprisoned for 6 years.
S/M FUKUDA Mitsugu to be imprisoned for 3 years 6 months.

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

Promulgation: Promulgated to the accused on the 8/9/47

Petition: Petition dated 12 May 1947 lodged against the findings and sentences.

J.A.G.'s Report on Petition: Confirm findings and sentences and dismiss petition
Recommends mitigation of sentences.

Action on Petition: Dismissed 27/6/47

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

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EVIDENCE CONTINUED. embarked at Singapore in a fit physical condition, but owing to the illtreatment that they had received during the voyage they disembarked at MOJI (JAPAN) in a very poor physical condition.

The accused in their defence gave evidence on oath and stated that the unsatisfactory conditions on the ship were beyond their responsibility, and that it was the responsibility of the Anchorage Command at the port of embarkation to arrange these things and whilst at sea it was the responsibility of the Captain of the ship. They also denied any knowledge of the alledged physical illtreatment of the Prisoners of War by the Korean Guards.