

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

for file
Accused: **Sgt Maj YOSHIOKA Sakitaro**
Cpl MORISAKI Takeichi
Cpl YAMAGUCHI Kiji

AWC No. **2766, 2749, 2760**
Aust W.C. List Ser No.

Court, Place, **RASAU**
Date and **8 & 9 July 1946**
Formation: **8th Military District**

Charge(s)	Plea	Finding
SEE ATTACHED		

Precis of Evidence: 1. The evidence for the prosecution on all charges was documentary and was contained in written statements made by seven Indians members of the Indian Army who were PW in Japanese hands, and the interrogation of each of the accused reduced to writing and signed by them.
2. The substance of the evidence in respect of the 1st charge was as follows:-

KUMDAH SINGH and BHAR SINGH were carrying out duty guarding a tapioca garden. They met a native carrying vegetables in a basket and BHAR SINGH gave him some biscuits in exchange for vegetables. The accused MORISAKI who was in charge of the Indians found the vegetables and he beat both the Indians with a heavy stick which he always carried. The Indians endeavoured to explain how they came into possession of the

Sentence and Date: Accused YOSHIOKA - TO BE IMPRISONED FOR 5 YEARS 9 July 46
" MORISAKI - " " " 2 YEARS 9 July 46
" YAMAGUCHI - " " " 6 MONTHS 9 July 46 (over)

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

Promulgation: *Confirmation of findings and sentences promulgated at Rasau on 27 Nov 46*

Petition: Petitions lodged 20 July 46 by accused YOSHIOKA and MORISAKI 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.....

vegetables but the accused would not listen. The beating lasted for about 15 minutes and later the accused YOSHIOKA struck them and kicked them a number of times. He said "Bungers we will cut your hair which will keep you safe". They were taken before Lt TAKEDA and the accused KUNDAN SINGH told him he was in no way connected with the acquiring of the vegetables". Both Indians were told that they were guilty. They were tied to a tree by the accused MORISAKI. The accused YOSHIOKA beat both Indians severely and then cut off their beards with a pair of scissors. Both Indians pleaded to be shot rather than have their beards removed. They struggled and they were beaten for doing so. Their beards were eventually cut off.

3. Both accused gave evidence in their defence in respect of the 2nd charge. The accused YOSHIOKA denied all knowledge of the facts in respect of this charge. The accused MORISAKI stated that he found the Indians in possession of cucumbers and egg plants. When questioned as to how they came into possession of the foodstuffs, they did not answer. He slapped them two or three times and then took them to 2nd Lt TAKEDA and detailed the case to him. Lt TAKEDA dismissed him and he did not hear anything further regarding the punishment of the Indians. The accused YOSHIOKA denied all knowledge of the facts appertaining to this charge and denied having any dealings with the Indians referred to at all.
4. In regard to the 2nd charge the substance of the evidence for the prosecution was as follows:- KUNDAN SINGH GURDIAL SINGH and SULAKAN SINGH were carrying out fatigues in collecting foodstuffs. On 26 May 45, certain quantities had been collected but a pile of the foodstuffs at one spot had been missed. This was on the jungle side of the area, and the Indians had forgotten it. On the next day the accused YAMAGUCHI found this pile and he accused the Indians of theft. The Indians made their explanations but the accused did not believe them. He proceeded to beat them with a rough stick. The Indians alleged that one beating continued for a long period. They were then taken before 2nd Lt TAKEDA. The Indians again protested that they were innocent of the theft. TAKEDA ordered that the hair and the beards of the Indians be cut off. Their hands were tied behind their backs, and the accused YOSHIOKA cut off their hair and beards. The accused MORISAKI and YAMAGUCHI stood guard over the Indians and every time they moved they were struck with sticks until they were practically in an unconscious condition.
5. Each of the accused gave evidence respecting the 2nd charge. The accused YOSHIOKA denied that he had taken part in the alleged assaults. The accused MORISAKI also denied that he took any part in the alleged assaults. The accused YAMAGUCHI alleged that 2nd Lt TAKEDA had beaten the Indians and that when he had asked to be permitted to punish the Indians he had done so by slapping them on the face. Later 2nd Lt TAKEDA ordered the Indian officers to cut off the hair and beards of the three Indians and they carried out the order. He further alleged that neither the accused YOSHIOKA nor MORISAKI were present at the time.
6. In regard to the 3rd charge the substance of the evidence for the prosecution was as follows:- On 2 Nov 45 a party of Indians were ordered to move from KOMORIYAMA to NAGA NAGA. Of the party about 30 were suffering from ulcers and 50 from malaria. The whole party had to move on foot a distance of 3 miles where transport was available. Most of the sick Indians had to be carried on the backs of Indians who were well enough to do so. This task occupied a considerable time and the accused YOSHIOKA repeatedly beat both the sick and healthy Indians in order to make them move more quickly.
7. The accused gave evidence in his own defence in regard to this charge. He alleged that the Indians were very obedient and there

was no necessity to strike them.

8. In respect of the 4th charge the substance of the evidence was as follows:- In the evening of the 23 May 45 after roll call of Indian PW, the officers and NCO were dismissed. The accused YOSHIOKA produced Japanese badges of rank and commenced to distribute them. Lt SAKSENA an Indian Army Officer had issued strict instructions that badges of rank were not to be accepted. 2nd Lt TAKEDA was present and he gave certain orders to the accused and the accused then commenced to beat Sepoy SUCHA SINGH and continued until he fell to the ground in an unconscious condition. The accused YOSHIOKA then asked Lt SAKSENA why the Indians would not wear the badges and Lt SAKSENA said that Indians were PW and were not obliged to wear the badges. The accused struck Lt SAKSENA a number of blows. Lt SAKSENA was ordered to give further consideration to the wearing of the badges and report to 2nd Lt TAKEDA at a later date. On reporting later he again refused to order his men to wear the badges. He was then struck a heavy blow on the head by the accused YOSHIOKA and rendered unconscious. As a result of the assault Lt SAKSENA was ill for 15 days.
9. The accused YOSHIOKA gave evidence in his own defence. As a result of Lt SAKSENA refusing to wear Japanese badges of rank, the accused alleged that he was ordered by 2nd Lt TAKEDA to beat the Indian officer. The accused admitted striking Lt SAKSENA with his open hand and that as Lt TAKEDA considered the beating far too lenient he (Lt TAKEDA) beat Lt SAKSENA with his sword sheath.

Attachment to AAF A117(a)

LIST OF CHARGES

Charge(s)	Plea	Findings
ILL TREATMENT OF PRISONERS OF WAR		
(1) (Against all accused except accused YAMAGUCHI) at KOMORIYAMA about 24 Apr 1945 ill treated 8409 Sepoy MEHAR SINGH and 11241 L/Haik KUNDAN SINGH of 3/16 Punjab Regt, Indian PW.	Both accused Not Guilty	Both accused Guilty
(2) (Against all accused) At KOMORIYAMA on or about 20 May 1945 ill treated L/Haik KUNDAN SINGH L/Haik GURDIAL SINGH and 13297 Sepoy SULAKAN SINGH of 3/16 Punjab Regt Indian PW.	All accused Not Guilty	All accused Guilty
(3) (Against the accused YOSHIOKA only) near FIJINITAI on or about 2 Jan 1945 beat Indian PW.	Not Guilty	Guilty
(4) (Against the accused YOSHIOKA only) At KOMORIYAMA about 23 May 1945 beat Lt R.K. SAKSINA and Sepoy SUCHA SINGH of 3/11 Punjab Regt Indian PW	Not Guilty	Guilty

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AUSTRALIAN MILITARY FORCES

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

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2620

Accused: Cpl YAMADA Tsutomu

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR (1) In that he at KOKOPO about 7 June 1943 illtreated Pte FOO CHONG YAN a Prisoner of War (2) In that he at KOKOPO about 4 June 1944 illtreated Pte CHUN PIN a Prisoner of War.	NOT GUILTY ON BOTH CHARGES	GUILTY ON BOTH CHARGES

Precis of Evidence: 1. In connection with the first charge evidence was given for the Prosecution by W/O LIE KUAN who was a member of the Chinese National Army and was a Prisoner of War in Japanese hands at KOKOPO. The witness stated (inter alia) that neither he nor FOO CHONG YAN could understand the Japanese language. On 7 June 43 the accused ordered the witness and FOO CHONG YAN to go to work but the order was not understood. The accused then began to punch FOO CHONG YAN with his closed fist on the head and body. FOO CHONG YAN fell to the ground in a semi-conscious condition and while he was on the ground the accused kicked him 4 or 5 times. As a result of the punching and kicking the said FOO CHONG YAN sustained bruises and swellings on the face. He also sustained an injury to his side as a result of the kicking and he was still suffering from this injury in June 1946.

(Over)

Sentence and Date: TO BE IMPRISONED FOR 3 YEARS - 17 June 1946

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 9 Oct 45.

Petition: Lodged 28 June 1946 against findings and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

PRECIS OF EVIDENCE (CONTD):

2. In connection with the second charge evidence for the prosecution was also given by W/O LIE KUAN which was corroborated in the main by Pte CHUN PIN (named in the second charge). The substance of the evidence was that on 4 June 44 there was an air raid by Allied planes and a warehouse was directly hit. The accused ordered LIE KUAN and CHUN PIN to go to the damaged warehouse and pick out the tinned foodstuffs that were undamaged but everything was in a bad state and they could not find anything of use. The witnesses reported the fact to the accused and he accused them of telling lies and stealing the food for their own use. The accused commenced to punch CHUN PIN and then the accused removed his shirt and continued the punching. The accused then took up a stick about three feet in length and two inches in diameter and proceeded to beat CHUN PIN with such stick. The stick was in fact a hoe handle. CHUN PIN was struck many blows with the stick on the head and body and when he fainted the accused stopped the assault. CHUN PIN was placed in the shade of a tree and he remained there for some two hours before he was able to resume work. As a result of the blows CHUN PIN's head was caused to bleed and there were bruises on his body. He did not sustain any permanent injuries.

3. In regard to the first charge the accused denied the alleged assault and stated that he had not struck or kicked any Chinese about June 43.

4. In regard to the second charge the accused alleged that in April 44 he moved to a place called KURANAKUNEL about 12 miles distant from KOKOPO where only Indians were employed and at the time of the alleged assault he was still at KURANAKUNEL. A witness named Lt. OOISHI was called for the defence. He gave evidence to the effect that the accused was of good character and that he was "gentle and diligent in his duty." The witness also alleged that at the time of the assault as shown in the second charge the accused was at KURANAKUNEL.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R119 a-107

AWC No. 2893

Accused: Cpl NAKAMURA Kameo

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR at MANGO about April 1945 namely Pte PONG YEN SHUNG a Prisoner of War	Not Guilty	Guilty

Precis of Evidence: Pte PONG YEN SHUNG, a member of the Chinese Army, was a PW in Japanese hands at MANGO New Britain. At about 1500 hrs in April 1945 PONG YEN SHUNG was engaged by the Japanese in collecting coconut oil. The accused told him to hurry with his work as on the previous day he had only collected a bottle and a half of oil instead of two bottles. PONG YEN SHUNG told the accused he was suffering from malaria and it was hard enough to collect a bottle and a half each day. The accused became angry and hit him on the head with a small bamboo stick. He then threw the stick away and struck PONG YEN SHUNG on the head and stomach with his clenched fist. He fell to the ground and the accused then kicked him once on the head with wooden clogs which he was wearing. The accused sent him back to his quarters. Next morning PONG YEN SHUNG told the accused he was unable to work and the accused started to beat him again. As a result of the kick on the head received by PONG YEN SHUNG on the previous day the skin was broken and a permanent scar remained. PONG YEN SHUNG gave evidence to the above effect and such evidence (over) He had his head bandaged for about a week.

Sentence and Date: To be imprisoned for 4 years - 15 Jun 46.

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

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

Petition: Lodged 22 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:

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2893

Accused: Cpl NAKAMURA Kameo

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR at MANGO about April 1945 namely Pte PONG YEN SHUNG a Prisoner of War	Not Guilty	Guilty

Precis of Evidence: Pte PONG YEN SHUNG, a member of the Chinese Army, was a PW in Japanese hands at MANGO New Britain. At about 1500 hrs in April 1945 PONG YEN SHUNG was engaged by the Japanese in collecting coconut oil. The accused told him to hurry with his work as on the previous day he had only collected a bottle and a half of oil instead of two bottles. PONG YEN SHUNG told the accused he was suffering from malaria and it was hard enough to collect a bottle and a half each day. The accused became angry and hit him on the head with a small bamboo stick. He then threw the stick away and struck PONG YEN SHUNG on the head and stomach with his clenched fist. He fell to the ground and the accused then kicked him once on the head with wooden clogs which he was wearing. The accused sent him back to his quarters. Next morning PONG YEN SHUNG told the accused he was unable to work and the accused started to beat him again. As a result of the kick on the head received by PONG YEN SHUNG on the previous day the skin was broken and a permanent scar remained. PONG YEN SHUNG gave evidence to the above effect and such evidence (over) He had his head bandaged for about a week.

Sentence and Date: To be imprisoned for 4 years - 15 Jun 46.

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

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

Petition: Lodged 22 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:

was corroborated in substance by Lt LAW MO LIN.

2. Evidence for the defence was given by the accused and a witness medical Capt WADA Masahisa. The accused denied the accused as alleged but admitted that in about May 1945 he had slapped PONG YEN SHUNG twice for stealing biscuits. Medical Capt WADA gave evidence that he had treated PONG YEN SHUNG on a number of occasions for malaria and that he had not seen him with his head bandaged.

AUSTRALIAN MILITARY FORCES

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

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

B116

Qu. 106

AWC No. 2887

Accused: Cpl SUZUKI Denshiro

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 14 and 15 June 1946
Formation: 8 MD

Charge(s)	Plea	Finding
ILLTREATMENT OF A PRISONER OF WAR in that he at NAMARIA about 12 May 45 illtreated W/O WOO SUI KIN a prisoner of war.	NOT GUILTY	GUILTY

Precis of Evidence:

- The Chinese named in the charge was a prisoner of war in the hands of Japanese at Namaria and he was used as a labourer. On 12 May 45 the accused ordered WOO SUI KIN to collect firewood for cooking purposes. At about the same time he was ordered to unload foodstuff from a truck by another Japanese soldier and he went to obey this second order. He told the accused why he had not obeyed his order. The accused then struck WOO SUI KIN about forty blows with his clenched fists on the head and chest. As a result of the assault Woo Sui Kin was unable to eat for three days and was unable to walk for a month.
- The accused admitted knowing Woo Sui Kin but denied having ever struck him. He alleged that at the time in question he was not in contact with the Chinese labourers and was engaged solely on clerical duties.

Sentence and Date: TO BE IMPRISONED FOR 3 YEARS - 15 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 the accused on 9 Oct 46.

Petition: Lodged 27 June 46 against finding and sentence

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2658

Accused: Sgt SHIGETA Toshio

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 14 Jun 1946
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT of a prisoner of war at New Britain about 8 April 1945 ill-treated Pte FOONG SIN MIN.	Not Guilty	Guilty

Precis of Evidence: 1. Pte. FOONG SIN MIN, along with other members of the Chinese National Army were PW in Japanese hands at New Britain. A quantity of rice had been stored in a tunnel for use by the Chinese. On 8 Apr 45 FOONG SIN MIN and other Chinese took out some of the rice to cook and found that it was rotten. FOONG SIN MIN spoke to the accused about the state of the rice but the accused could not understand Chinese and FOONG SIN MIN could not understand Japanese. The accused then took a stick and beat FOONG SIN MIN all over the body. He also kicked him causing him to faint. The accused again kicked FOONG SIN MIN. The stick with which the beating was given was about four feet in length and 1½ inches in diameter.

2. The accused gave evidence in his defence and he denied the assault as alleged. He also denied having given the Chinese bad rice for cooking. He admitted that in Apr 45 he slapped FOONG SIN MIN several times for quarrelling with a Formosan named YEJIMA. YEJIMA had alleged that FOONG SIN MIN had stolen rice for the Chinese. The accused denied having ever ill-treated the Chinese.

Sentence
and Date: To be imprisoned for 2 years - 14 Jun 46.Confirmation
and by Whom: Finding and sentence confirmed by Lt-Gen V.A.H. STURDEEPromulgation: Confirmation of finding and sentence promulgated to the accused
on 9 Oct 46.

Petition: Petition lodged 26 Jun 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

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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)

R99
2245
Aust W.C. List Ser No.....

Accused: Sgt Maj SHIMADA Kazuyoshi

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

Charge(s)	Plea	Finding
ILLTREATMENT at NEW GUINEA in or about July - Dec 44 of a number of Indian PW	NOT GUILTY	GUILTY

Precis of Evidence:

1. A number of Indian Army personnel were PW in Japanese hands at PAROM NEW GUINEA and were used by the Japanese for fatigue duties.
2. In or about July 1944 two Indian soldiers namely Sepoy Dalip Singh and Sepoy Ujagar Singh were detailed as night sick attendants to a Japanese officer suffering from dysentery and malaria. During the night the Japanese officer died. In the early hours of the morning the accused entered the officer's hut and found that he had died. The Indians were severely beaten by the accused and another Japanese Corporal. Both Indians were seriously injured by the beating and both died 4 or 5 days later.
3. In or about Sep 44 a Sepoy named RAM SINGH was a member of a party detailed to collect timber for the purpose of erecting sleeping platforms for the (Over)

Sentence
and Date: 2 YEARS IMPRISONMENT - 29 May 46

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

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

Petition: Lodged 5 June 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

Precis of Evidence (contd):

Japanese. On account of ill health this Indian was unable to carry the same loads of timber as other Indians. The accused struck him with a heavy stick until he fell to the ground. He was taken to his hut in a seriously injured condition and was not allowed any food for four or five days. He subsequently died.

4. In or about Dec 44 three Indian soldiers were constructing a sleeping platform in a hut occupied by the accused. One of the Indians L/NK KASHMIR SINGH found some salt and was tasting it when he was observed by the accused. The accused attacked the Indian with a heavy stick and continued striking him until he fell to the ground in a semi-conscious condition. He managed to crawl to his hut and remained there until he died four days later.

5. The defence of the accused was a general denial that he assaulted any of the Indians above referred to and at the times stated he was suffering from malaria.

AUSTRALIAN MILITARY FORCES

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

AWC No. 2109, 2134

Accused: Civilian Officer YAMAMOTO Hisashi
Minor Civ. " KATAYAMA Fuminiko

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 30 and 31 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER (1) At RAMATA in or about April 1945 of TOPELIS a native of NEW BRITAIN (2) At RAMATA in or about April 1945 murdered TOPELIS a native of NEW BRITAIN	NOT GUILTY on both charges	GUILTY on both charges

Precis of Evidence: 1. The deceased were natives of New Britain and in April 1945 they were being employed by the Japanese at RAMATA New Britain as labourers. Both the deceased had escaped from the Japanese and were incarcerated. TOPELIS again escaped from prison and was arrested some ten days later by Police Boys who were working for the Japanese. The accused YAMAMOTO was a Police Inspector and was in charge of the Detachment of Japanese at RAMATA. The accused KATAYAMA was in charge of the native police boys and he treated natives suffering from slight ailments. On the arrest of the deceased TOPELIS, the accused YAMAMOTO gave orders through the accused KATAYAMA for TOPELIS to be tied to a tree. About 10 police boys were then ordered to give TOPELIS ten blows each with a thick cane about 5 feet in length. Whilst the flogging was taking place both the accused were standing nearby. The deceased TOPELIS was screaming out in pain and the accused also beat him and one of them said (Over)

Sentence and Date: Accused YAMAMOTO H. TO SUFFER DEATH BY HANGING - 31 May 46
" KATAYAMA F. TO BE IMPRISONED FOR 5 YEARS - 31 May 46

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

Promulgation: Confirmation of finding and sentences promulgated to each accused on 5 Nov 46. Accused YAMAMOTO executed by hanging on 6 Nov 46 at RABAU.

Petition: Lodged 13 June 46 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 of Evidence (contd):

"You shut up, you trouble maker." The deceased TOPELIS was then released and two natives assisted him back to the prison. The accused ordered that he should be kept in prison and not be given any food or water. On arrival at the prison the police boys helped him to lie down and he was calling out in pain. He was not given any food or water and 4 days later he died. The deceased TOKELE was in prison at the time of the assault on the deceased TOPELIS. He had been in prison for a considerable time. The accused ordered that TOKELE should not be given any food or water. The deceased TOKELE was not in good health at the time and he died shortly after the deceased TOPELIS. Neither of the deceased received any medical treatment at all. Evidence to the above effect was given by four witnesses for the prosecution.

2. The accused both gave evidence in their defence. They denied ordering the beatings by the police boys and also denied that they were present thereat. They stated that they saw the deceased TOPELIS immediately after his capture and they alleged he had been beaten by the police boys when they captured him. Evidence was given by witnesses called on behalf of the accused to the effect that both the deceased were given food and water and that they had seen TOPELIS when he was recaptured and he bore evidence of having been beaten at that time.

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)

R127 Ans 98

AWC No. 173

Accused: Pte FUKUSHIMA Masao

Aust W.C. List Ser No.

Court, Place, Date and Formation: RABAU
30 and 31 May 46
8 MD

Charge(s)	Plea	Finding
MURDER at RANAU on or about 4 Jul 45 of Pte Richard BIRD of Australian Imperial Force.	NOT GUILTY	GUILTY

Precis of Evidence: Evidence was given for the prosecution by Bdr W.D. MOXHAM, Mr. Keith BOTTERILL and WO1 W.H. STICPEWICH. The witnesses together with the deceased and other Australians were PW at No.2 Jungle Camp Renou Borneo. The substance of the evidence of the witnesses Moxham and Botterill is as follows : At about 1400 hrs on or about 5 Jul 45 these witnesses were on parade with other prisoners of war waiting to move off into the jungle with working parties. The working parties were used by the Japanese for the collection of bamboos building material and food stuffs. The accused was arranging the prisoners of war in parties and some of such parties were not up to strength. He went to the prisoner of war lines and returned with some men who had been detailed to remain in camp on account ill-health. The deceased was among these men and he was suffering from a fairly large ulcer on his left leg. The party in which the deceased was placed moved off and when it had proceeded about 15 yards it was noticed that the deceased had fallen to the rear. The party was brought to a halt (Over)

Sentence and Date: TO SUFFER DEATH BY HANGING - 31 May 46

Confirmation and by Whom: Finding and sentence NOT confirmed by Lt-Gen V.A.H.STURDEE

Promulgation: Non-confirmation of finding promulgated to accused on 9 Oct 46.

Petition: Lodged 11 June 1946 against finding and sentence.

J.A.G.'s Report on Petition: That the finding and sentence should not be confirmed as accused had been acquitted on the first trial and the Court had no jurisdiction to conduct a second trial on the same charge.

Action on Petition: Upheld.

Filed in Attorney-General's Department and Numbered.

Precis of Evidence: (contd):

and the accused approached him. The deceased said he was too ill to proceed. The accused then struck him on the face with his open hand and the deceased pleaded to be allowed to return to the lines. The accused told the deceased he would have to go on with the party and struck him heavily several times with his open hand till the deceased fell to the ground. Whilst on the ground the accused who was wearing Japanese Army leather boots kicked him 4 or 5 times on the head and neck. An Australian Interpreter intervened and he was struck on the face by the accused. The accused then appeared to become very excited and kicked the deceased with great vigor all over his body and particularly in the stomach testicles legs and arms. The party then moved off and at that time there was blood on the deceased's face and he appeared to be unconscious. At about 1700 hrs on the same day the party returned and the deceased was still lying on the roadway. Australian prisoners carried the deceased to the lines and placed him on a ground sheet on the ground. No sleeping facilities were provided. The deceased was in a semi-conscious condition. He complained of his stomach and was coughing and vomiting blood. Next morning the deceased was found to be dead.

2. The witness, STICPEWICH, gave evidence regarding an assault by the accused on the deceased on the morning of 5 July 45. On this occasion the accused kicked the deceased three or four times but the witness did not consider this assault would cause death. He saw the deceased in the lines in the evening. He had been bleeding from one ear and was considerably marked on the face. He had a discussion with Japanese doctors who examined the deceased. They did not give the deceased treatment as they apparently considered it useless. It was generally considered that the deceased had been ill treated by the accused. Next morning when the witness was preparing a parade state of prisoners it was found that the deceased had died during the night. He assisted at the burial of the deceased. He then observed extensive bruises on the face chest and shoulders of the deceased.

3. The accused gave evidence in his defence and a witness was also called for the defence. The accused denied the assault as alleged. He stated (inter alia) that he had nothing to do with the mustering of prisoners of war for working parties and he was mainly concerned with clerical duties. He also said that at all material times namely on 4 Jul 45 he was attending to the funeral rites of a Japanese officer who had been shot by another Japanese and on 5 Jul 45 he was engaged in enquiries relating to the death of the said Japanese officer and at a meeting of Japanese when they were addressed by a Japanese officer regarding the shooting of such officer. In substance the witness corroborated the evidence of the accused.

4. The accused was presented on the same charge on 28/29 May 46 and was acquitted. On this first trial the evidence of the witness, Sticpewich, was not adduced but apart from this fact the evidence was practically similar to that brought forward on this trial.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2617

Accused: Sgt MUKAI Isao

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR (1) in that at NEW BRITAIN in or about Jan 44 he cruelly beat water carrier ABDUR REHMAN of 1/14 Punjab Regt a Prisoner of War. (2) in that at NEW BRITAIN in or about Mar 45 cruelly beat Sepoy GULZAMAN of H.K.S.R.A. a Prisoner of War.	NOT GUILTY ON BOTH CHARGES	GUILTY ON BOTH CHARGES.

Precis of Evidence: 1. The evidence for the prosecution on the first charge consisted of a statement in writing made by the said ABDUR REHMAN. The said REHMAN along with other personnel were members of the Indian Army and were Prisoners of war in Japanese hands. In Jan 44 the said REHMAN was a member of a fatigue party handling rations at a supply store. At about 1000 hrs they were told they could take half an hour for a meal. After about fifteen minutes had expired the accused called the party back to work. The said REHMAN returned later than some of the others and the accused commenced to beat him. He hit the said REHMAN with a stick on the head and body until he fell to the ground. The accused then kicked him until he lost consciousness. The beating lasted for about twenty minutes and there were still scars on the said REHMAN's head on 17 Nov 45. He was carried to where the fatigue party was working and then permitted to rest.

(Over)

Sentence and Date: TO BE IMPRISONED FOR TWO YEARS - 6 June 46.

Confirmation and by Whom: Finding on first charge not confirmed. Finding and sentence on second charge confirmed by Lt-Gen V.A.H. STURDEE.

Promulgation: Non-confirmation of finding on first charge and confirmation of finding and sentence on second charge promulgated to accused on 9 Oct 46.

Petition: Lodged June 46 against findings and sentence.

J.A.G.'s Report on Petition: That in respect of the first charge the finding and sentence be NOT confirmed. That in respect of the second charge the finding and sentence be confirmed and the petition in this regard be dismissed.

Action on Petition: Petition upheld in so far as it relates to finding on first charge otherwise Petition dismissed.

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

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PRECIS OF EVIDENCE (CONTD):

2. The accused denied the charge and stated that he was not present at the place where the prosecution alleged that the assault took place. The defence called a witness Lt INOUE SHOJIRO who also stated that the accused was not in the area when and where the alleged assault took place.

3. The evidence adduced by the prosecution in respect of the second charge consisted of written statements made by Sepoy GULZAMAN and Gnrs ABDUL ROZAR and MISTRI KHAN. The statement made by the said GULZAMAN contained the following facts. In Mar 45 he was returning to camp having acquired some tapioca from a native. A Japanese Sgt named NOMI questioned the said GULZAMAN about the tapioca and the said GULZAMAN told him he bought it from the native. NOMI then took the said GULZAMAN to a Lt named ITO and NOMI in the presence of ITO beat the said GULZAMAN with a stick and made him walk about carrying a petrol drum for about an hour. Later NOMI took GULZAMAN to his (NOMI's) quarters and he was joined by the accused and another Japanese named TAKAI. The accused and the other two Japanese proceeded to beat the said GULZAMAN with sticks and belts. GULZAMAN was tied to a tree with his hands behind his back for about 8 hours. At about 2000 hrs the said NOMI summoned the whole Indian Unit (about 100 men) and ordered every man to give the said GULZAMAN one slap. As a result of these slappings the said GULZAMAN was rendered unconsciousness. The witnesses ABDUL ROZAR and MISTRI KHAN in their statements corroborated the statements of the said GULZAMAN in regard to beatings by the accused with sticks and belts.

4. The accused in his defence to the second charge admitted he had slapped some Indians who had bought food from natives but could not recall their names.

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AUSTRALIAN MILITARY FORCES

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

R104

Ans 100

Accused: S/M OKIMURA Shigeru
Cpl KASAI Eisaku

AWC No. 2808,2806

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 6 June 1946
Formation: 8th Military District

Charge(s)	Plea	Finding
ILL-TREATMENT OF A PRISONER OF WAR at Kumariya, New Britain about March 45 of No.899 Sepoy JASMAL KHAN of 1 Bn Hyderabad Inf a Prisoner of War.	Not Guilty	Both accused guilty.

Precis of Evidence: 1. The said Jasmal Khan was accused of stealing a cup of rice. He was beaten for a considerable time by both accused and next day he reported that he was very sick as result of the beating but he was made to continue fatigue duties. For some time thereafter the said Jasmal Khan was given frequent daily beatings by the accused. No reason was given for such daily beatings. As a result of these assaults the said Jasmal Khan lost one of his upper teeth.
2. Both the accused in their defence denied the assaults as alleged. The accused KASAI admitted remonstrating with the said Jasmal Khan and said "I hit him on his behind with my hand about 10 times." The accused OKIMURA denied striking the said Jasmal Khan. Among other things he said "I am sure that it was not when KASAI hit Jasmal Khan that he lost his upper teeth."

Sentence and Date: Accused OKIMURA - 18 months imprisonment - 6 June 46.
" KASAI - 1 year " " " "

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 30 Aug 46.

Petition: Lodged 18 June 46 by both accused against finding and sentences.

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.....

DFW(A013(2a))/WHCL/AR.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2965

Accused: S/M NINOMIYA Kiichi

Aust W.C. List Ser No.

Court, Place, Date and Formation: RABAU
8 June 1946
SMD

Charge(s)	Plea	Finding
ILLTREATMENT OF PRISONERS OF WAR in that at NEW BRITAIN at times unknown failed to provide prisoners of war with proper food	NOT GUILTY	GUILTY

Precis of Evidence: 1. The evidence for the prosecution consisted of a written statement made by Lt A. PATEL an Indian Army medical officer and the interrogation of the accused reduced to writing and signed by him. The substance of the evidence was to the effect that the accused was harsh on his treatment of Indian PW and on the slightest pretext he would beat both Indian OR's and officers. At a PW Camp known as FUJIMA DAI 40 bags of rice were saved out of the Indians food ration over a period of three months. This rice was taken from the Indians by the Japanese and traded with Kanakas in exchange for vegetables for use by the Japanese. At Namaro 6 bags of rice were exchanged for more vegetables and on another occasion 14 bags of rice were also exchanged. As a result of this bartering the Indian PW were kept in a state of starvation. The accused negotiated the exchanges of the foodstuffs. Complaints were made but they only resulted in repeated assaults. Identification of the accused was proved by means of photographs.

Sentence and Date: TO BE IMPRISONED FOR ONE YEAR - 8 JUNE 1946

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

Promulgation: Confirmation of finding & sentence promulgated to accused on 27 Nov 46.

Petition: Petition lodged on 18 June 1946 against finding and sentence

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

Action on Petition: Dismissed

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

Proscis of evidence (contd)

2. The accused gave evidence in his own defence and a witness named Capt NAKAMURA Moriyuki was called on his behalf. For the defence it was admitted that there had been an exchange of rice for other foodstuffs and it was contended that such exchange benefited both Japanese as well as an Indian PW.

AUSTRALIAN MILITARY FORCES

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2024

Accused: Cpl SAKAIRI Susumu

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 11 June 46
Formation: SMD

Charge(s)	Plea	Finding
A violation of the Laws & Usages of war in that he at or near MUGUAI Mission in or about April 1944 unlawfully assaulted CHER CHEE, a Chinese National	NOT GUILTY	GUILTY

Precis of Evidence:

- The avidence for the prosecution consisted of written statements made by two Chinese nationals namely CHER CHEE and PON SEE and the accused. The substance of the evidence was as follows :- About April 1944 CHER CHEE was working in company with PON SEE at a place about 2 miles from the MUGUAI mission. They were constructing a small bridge and they were ordered to pick up a log from a tree which they had chopped down. The Chinese were unable to do so and the accused struck CHER CHEE on the face with his open hand for about five minutes. As a result of the assault twelve teeth of CHER CHEE were knocked out. They were all strong healthy teeth. The accused was identified by means of a photograph.
- The accused denied all knowledge of the charge but admitted that he had slapped CHER CHEE on two or three occasions for stealing provisions. These slappings occurred in July/August 1944. He further stated that the first time he saw CHER CHEE some of his teeth were missing.

Sentence
and Date:

TO BE IMPRISONED FOR 6 MONTHS - 11 June 1946

Confirmation
and by Whom:

Confirmed by Brig. A.W. WARDELL - 14 Oct 46

Promulgation:

-

Petition:

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

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Action on Petition:

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Filed in Attorney-General's Department and Numbered

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AUSTRALIAN MILITARY FORCES

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

AWC No. 2654

Accused: Cpl KATAOKA Mitsuo

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT AT NAMARIA about 5 July 1945 of Pte FOO TIN FONG, a prisoner of war.	NOT GUILTY	GUILTY

Precis of Evidence: The said FOO TIN FONG a private in the Chinese National Army, was a prisoner of war at NAMARIA New Britain. He was ordered to go to work by the accused but he could not understand the Japanese language. The accused became angry. He struck the said Foo Tin Fong with his hand and then with a stick about 3 feet long and about 2 inches thick. As a result of the beating the said FOO TIN FONG was unable to work for a week. The beating lasted for about half an hour and Foo Tin Fong had to be carried back to his quarters as he was in an unconscious condition. The accused denied the assault as alleged but admitted slapping the said Foo Tin Fong on occasions.

Sentence and Date: IMPRISONMENT FOR 2 YEARS - 13 July 1946

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

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

Petition: Lodged 26 June 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered:

AUSTRALIAN MILITARY FORCES

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RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R. H. C. 124

AWC No. 2889

Accused: Cpl KATO, Kyuji

Aust W.C. List Ser No.

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

Charge(s)

Plea

Finding

ILL-TREATMENT at NAMARIA
about 6 May 45 of Corporal
LEW CHOON CHEE, a Prisoner of War.

Not
Guilty

Guilty

Precis of Evidence: The said LEW CHOON CHEE together with other Chinese was a prisoner of war in Japanese hands. On 6 May 45 he was given an order by the accused in Japanese which he did not understand. He was beaten by the accused and later taken to the top of a mountain where he was beaten with a pick handle about 3 feet long and 2 inches thick. Lew Choon Chee fell to the ground and the accused then kicked him a number of times on the body. As a result of this assault he sustained a number of wounds on his body and a black eye. Lew Choon Chee was unable to work for a month and at the date of the trial he was still suffering from pains in his kidney. The evidence of Lew Choon Chee was corroborated by another Chinese.
2. The accused gave evidence in his defence and denied the assault as alleged. He stated that Lew Choon Chee had worked with him but not under him. The defence also called a Japanese witness who stated that Lew Choon Chee was never attached to the working party controlled by the accused.

Sentence and Date: To be imprisoned for 2 years - 13 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: Petition lodged 22 June 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered:

AUSTRALIAN MILITARY FORCES

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

R85 *Ans 92*

AWC No.....

Accused: Sgt OKUBO Yasuaki

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

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

Charge(s)	Plea	Finding
ILL TREATMENT OF A PRISONER OF WAR by cruelly beating Sweeper MANPOOL at NEW BRITAIN about March 45	Not Guilty	GUILTY

Precis of Evidence: In March 45 Sweeper MANPOOL was very ill and unfit for work. He was attached to a platoon of Indian prisoners at THOMA. He was made to work but did it very slowly. Accused and another Japanese beat him severely about the head and body with big sticks. He became unconscious from the beating and died on 20 Mar 45. Accused denied both the beatings and that MANPOOL was under his command or known to him.

Sentence and Date: 1 years imprisonment
18 May 46

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

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

Petition: Lodged Jun 46 against finding and sentence

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

Action on Petition: Dismissed.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R87 Ans 91

Accused: Capt IKEBA, Toma
Lt KATAGIRI, Osamu
Sgt OUCHI, Masao
Sgt KUSE, Yasuta

AWC No. 2000, 2002, 2009, 2010

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
MURDER AT PORTON Bougainville on or about 28 Apr 44 of an Indian	NOT GUILTY	All accused GUILTY

Precis of Evidence: The case for the prosecution was continued in statements made by the accused and in the cross-examination of each of them at their trial. The accused Capt IKEBA Toma stated that the deceased an Indian (name unknown) deserted taking with him a blanket, canteen, water bottle and bayonet. Four days later the deceased was apprehended. This accused after conferring with other Japanese officers gave orders to the accused Lt KATAGIRI Osamu to execute the prisoner by shooting. The execution was carried out by a party consisting of the accused Lt KATAGIRI Osamu who was in charge thereof, and the accused Sgts OUCHI Masao and KUSE Yasuta both of whom did the actual shooting. It was contended by the accused that the deceased was a member of the Japanese forces. The only semblance of evidence of this fact was a statement by the accused Capt IKEBA Toma that "these Indians carried arms and were issued with a Japanese Insignia of rank namely a Japanese Flag with badge of rank attached" and statement by the accused Lt KATAGIRI Osamu "that the leaders of the Indians signed an oath representing all the rest of the Indians."

Sentence and Date: Accused Capt IKEBA, Toma - Death by Hanging - 17 May 46
" Lt KATAGIRI, Osamu - 10 years imprisonment - 17 May 46
" Sgt OUCHI Masao - 1 year imprisonment - 17 May 46
" Sgt KUSE, Yasuta - 1 year imprisonment - 17 May 46

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

Promulgation: Confirmation of finding and sentences promulgated to each accused on 12 Aug 46. Accused IKEBA executed by hanging at Rabaul on 13 Aug 46.

Petition: Submitted May 46 by all 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

AUSTRALIAN MILITARY FORCES

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

R81. Ans 90

AWC No. 2670

Accused: Cpl OZAWA, Saikai
(Sakoi)

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
ILLTREATMENT of a prisoner of war by illtreating L/Cpl WOO CHING at MANGOR in Feb 45	NOT GUILTY	GUILTY

Precis of Evidence: In April 45 at MANGOR, the accused told WOO CHING to get food for chickens. He said he would get it in the morning as it was then too dark to see. Accused thereupon beat him with a stick 2 inches thick for half an hour. As a result he could not work for a fortnight which he spent in hospital.

Accused admitted slapping WOO CHING but denied beating him and alleged he was in hospital because he was suffering from athlete's foot.

Sentence
and Date: 3 YEARS IMPRISONMENT
17 May 46

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

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

Petition: Lodged 28 May 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R97 Ans 89.

AWC No. 2888

Accused: Paymaster Sergeant Major UO HACHIRO

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 16 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
Ill-treatment on or about 16 Apr 43 of Lt PANG DI FAT	Not Guilty	Guilty

Precis of Evidence: The case for the prosecution consisted of the evidence of the said Lt PANG DI FAT (shown in the transcript of evidence as Lt PANG DI FAI) which was corroborated by Lt LAW MO LIN. Both these officers were PW in Japanese hands and members of the Chinese National Army. Whilst at TANOUA the said Lt PANG DI FAT was working as a labourer for the Japanese. On the day in question he was engaged in carrying boxes to a dump. The accused spoke to the said Lt Pang Di Fat in Japanese but he could not understand the Japanese language. The accused then took up a stick about 6 feet long and 3 inches in diameter and struck the said Lt Pang Di Fat a number of blows on the back and other parts of the body causing him to fall to the ground. Whilst he was on the ground the accused kicked the said Lt Pang Di Fat on the mouth and on the nose causing bleeding. The accused was wearing Japanese boots. After the assault the said Lt Pang Di Fat was carried back to his quarters by other Chinese and he was unable to work for a week. He said he suffered a considerable amount of pain. (P.T.O.)

Sentence
and Date: Imprisonment for 5 years
16 May 46

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

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

Petition: Lodged 23 May 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

Precis of Evidence (continued)

The accused gave evidence and denied the assault as alleged. He admitted he struck the said Lt Pang Di Fat with his open hand three or four times on occasions between April and June 43. He said the reason for these assaults was that the said Lt Pang Di Fat grumbled about his work "by expressing his grudge on his face" and that he did not try to make the other Chinese work.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2886

Accused: Sgt SATO Hiroshi

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 16 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
ILL-TREATMENT AT RABAU on or about Aug 43 of Cpl CHIEN HO SHEN a prisoner of war.	NOT GUILTY	GUILTY

Precis of Evidence: The accused was attached to a Japanese Supply Depot. Evidence was given for the prosecution to the effect that the said Cpl CHIEN HO SHEN had been ordered to obtain some water for the accused. The said Cpl CHIEN HO SHEN told the accused that he was carrying out an order for another Japanese soldier and would obtain the water for him when he had carried out such order. The accused then struck the said Cpl CHIEN HO SHEN 7 or 8 times with a piece of wood about 2'6" long and 2 1/2" in diameter. During the course of the beating the said Cpl CHIEN HO SHEN fell to the ground and the accused proceeded to kick him with his boot on the body and in the mouth. The injuries sustained were the loss of three teeth and various bruises and the injured man remained in bed for a week. The accused admitted the assault, but denied the severity thereof.

Sentence and Date: IMPRISONMENT FOR 5 YEARS - 16 May 46.

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

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

Petition: Submitted 25 May 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

AUSTRALIAN MILITARY FORCES

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

R90 Aus 87

Accused: Capt. IKEBA Toma.
Lt. KATAGIRI Asamu
Lt. OKAWA Yasaku
Lt-Col. NAKAMURA Shinzo (Not Guilty)

AWC No. 2000, 2002, 2004, 2080.
Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 15 & 16 May 46.
Formation: 8 MD

Charge(s)	Plea	Finding
Murder at TENINBAUBAU on or about 23 Jan 45 of 12 Indians.	Not Guilty	All accused guilty with the exception of Lt-Col NAKAMURA Shinzo not guilty.

Precis of Evidence: The prosecution in this case relied on the evidence contained in interrogations of the accused reduced to writing. The admitted facts were that the accused Capt. IKEBA Toma, Lt. KATAGIRI and Lt. OKAWA Yasaku held a conference regarding 13 Indians who had been actually caught attempting to escape. After the conference the accused IKEBA "concluded on my own authority to shoot the Indians. 12 Indians were executed by shooting and the accused OKAWA was in charge of the firing squad. In addition to these facts the accused KATIGIRI swore that he journeyed to the H.Q. of the accused Lt-Col. NAKAMURA Shinzo and alleged that the said accused Lt-Col. NAKAMURA said to "carry on with the execution." This evidence was denied by the said accused NAKAMURA. NAKAMURA was acquitted and the remaining accused convicted. In regard to the convicted accused KATAGIRI it was submitted for the prosecution that he was an accessory before the fact or a principal in the second degree in that he took part in the conference regarding the alleged attempted escapes of the deceased and that (Over)

Sentence and Date: Guilty accused IKEBA sentenced to 10 years imprisonment
Guilty accused KATAGIRI sentenced to 5 years imprisonment
Guilty accused OKAWA sentenced to 2 years imprisonment.

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

Promulgation: Confirmation of finding and sentence promulgated to accused OKAWA only on 5 Aug 46. Accused IKEBA executed at Rabaul by hanging on 13 Aug 46 in respect of Rabaul Court No 87. Accused KATAGIRI executed at Rabaul by hanging on 13 Aug 46 in respect of Court No 72.

Petition: Submitted by 3 convicted accused.

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

Action on Petition: Dismissed.

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

Precis of Evidence: (Continued) he passed on certain orders alleged to have been given by the accused NAKAMURA (Which were denied by the said accused NAKAMURA) so that the accused IKEBA could proceed with the execution. In substance the defences of the convicted accused were

- (a) the accused IKEBA claimed that the execution was carried out in accordance with orders of a superior.
- (b) the accused KATIGIRI claimed that he was only involved in so far as he took part in the enquiries regarding the attempts by the accused to escape.
- (c) the accused OKAWA claimed that in taking charge of the firing squad he was carrying out the orders of a superior officer.

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AUSTRALIAN MILITARY FORCES

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

R93 Ans 86

AWC No. 2029

Accused: Lt Comdr NAKAYAMA Hiromi

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

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

Charge(s)	Plea	Finding
Murder at Nauru Island on or about 26 March 43 of Col F.R. CHALMERS CMG DSO (Administrator of Nauru Is) Dr. Bernard Quinn (Medical Officer Nauru Administration) Mr. W. SHUGG (Government Dispenser) Mr. W.B. Doyle and Mr. H.H. HARMER	Not Guilty	Guilty

Precis of Evidence: The evidence for the prosecution consisted of the oral evidence of a native named MA NAI FAI and the interrogation of the accused which was reduced to writing and signed by the accused. The evidence of the witness was to the effect that in the early morning of 26 Mar 46 after an air raid, he was inspecting certain damage caused by the raid and he saw the British Phosphate Commission truck enter the location but he did not see the direction in which it went or where it stopped. He saw it leaving the location again and it passed him about 4 metres away from where he was standing. It was light enough for him to distinguish the people on the truck. There were some Japanese and he identified the deceased Col Chalmers, Mr. Harmer and Mr. Shugg. The deceased were dressed in white and there were two other people in the truck dressed in white also but the witness did not identify them. He further stated that the only persons on the Island who dressed in white apart from himself were the deceased. (over)

Sentence and Date: Death by hanging
15 May 46

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

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

Petition: Lodged 27 May 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

7

● Precis of Evidence (continued)

He did not see where the truck went to after it left the location and he did not see the deceased again. In the interrogation of the accused the accused stated (inter alia) that in company with 5 Japanese soldiers he conveyed the deceased by motor truck to the beach where a hole had been dug. The deceased where then shot by the Japanese soldiers pursuant to his orders and in his presence. They were subsequently buried. The accused gave as the reason for the executions the fact that he anticipated an invasion of the Island by the enemy and he feared that the deceased would incite the natives to revolt.

The accused gave evidence in his own defence. The Defending Officer put in evidence a statement made by the accused. It was similar in terms to the contents of the interrogation of the accused. In this statement the accused stated "The responsibility for this case rests with myself only".

1

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No. 2003, 2002

Accused: Lt HIRANAKA Teruma
Lt KATAGIRI Osamu

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
MURDER at ARIGUA Bougainville on or about 24 Apr 45 of 15 Indians.	Not guilty	Both accused - Guilty.

Precis of Evidence: The accused had in their charge a number of Indian PW. Certain of these PW planned an escape to TORAKINA. The accused alleged that they overheard conversations among certain PW arranging for the escape. The accused KATAGIRI stated that he made investigations and that certain Indians confessed their intention to escape. The accused after conferring among themselves decided to execute certain of the PW and such executions were carried out by shooting under the supervision of the accused and one SHIRAI (now said to be deceased). There was no evidence to the effect that the Indians concerned had actually attempted to escape. Evidence was produced on behalf of the accused of an order that if PW attempted escape they were to be shot. Evidence was given on behalf of the prosecution (which was contained in a statement by one Maj FUJIE YOSHIKAZU who was stationed at or near ARIGUA) that it was not right "to kill people just to stop them running away" (Over)

Sentence and Date: Death by hanging. 13 May 46.

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

Promulgation: Confirmation of finding and sentences promulgated to each accused on 12 Aug 46. Both accused executed by hanging at Rabaul on 13 Aug 46.
Petition: Petitions submitted by both accused against findings and sentences - 27 May 46.

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

Action on Petition:

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

7

Precis of Evidence :

There was no trial of the Indians prior to their execution. In substance the defence of the accused was that the deceased had intended to escape, that there had been Japanese soldiers attacked by Indians who had previously escaped and that the executions were carried out in accordance with general instructions previously received.

1

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)

R65 *Ans 81.*

AWC No. 2681

Accused: L/Cpl TOKAWA Masanori

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
Ill-treatment of a Prisoner of War by cruelly ill treating Gnr O'Connor during May and June 1945.	Not Guilty	Guilty

Precis of Evidence: 1. The said Gnr O'Connor was a prisoner of war in Japanese hands at Watom Is, New Britain and was working for No.2 Military Company. The accused Tokawa was in charge of the said Gnr O'Connor and other PW. The accused Tokawa on many occasions cruelly assaulted the same Gnr O'Connor who was in a very bad state of health. He was suffering from malaria beri beri and tropical ulcers on his legs and parts of his body. He was unable to walk and at best able to crawl. While in this state he was cruelly beaten by the accused on numerous occasions and placed on half food rations. The accused drew full rations and he reduced such food rations without authority. No medical attention was given to Gnr O'Connor until one Capt Mallott another PW died as a result of disease and ill-treatment. The medical treatment prescribed for Gnr O'Connor was the drinking of the juice of pupangas leaves and although they were collected the accused would not allow the juice thereof to be given to Gnr O'Connor. Whilst under medical treatment two beatings were administered to the said Gnr O'Connor by the accused. Gnr O'Connor died on 22 Jun 45. (over)

Sentence and Date: 5 yrs imprisonment. 8 May 46

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

Promulgation: Accused executed at Rabaul on 15 Aug 46 in respect other charge. See Court No.62.

Petition: Petition lodged May 46 against finding and sentence.

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

Action on Petition: Dismissed.

Filed in Attorney-General's Department and Numbered

Precis of Evidence (continued)

2. The defence of the accused was a general denial of ill-treatment and beatings. A submission was made to the Court that the said Gnr O'Connor died from malaria and there was no medical evidence of ill-treatment.

Precis of Evidence (continued)

2. The defence of the accused was a general denial of ill-treatment and beatings. A submission was made to the Court that the said Gnr O'Connor died from malaria and there was no medical evidence of ill-treatment.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

2915, 2916, 2682.

Accused: Lt TASAKA Mitsuo
L/Cpl TAJIMA Moriji
Civ YONEDA Susume

AWC No.....

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

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

Charge(s)	Plea	Finding
MURDER of 4 Chinese PW at TALILI about 29 April 43.	Not Guilty	Guilty.

Precis of Evidence: In Apr 43 a number of Chinese PW were camped at TALILI. The 4 deceased were then sick. Lt TASAKA was Japanese Commander. TAJIMA and YONEDA who was a civilian Formosan interpreter were the only other Japanese in the area. Towards the end of April TAJIMA told a Chinese officer PW LO MEI LING that TASAKA had ordered him to shoot the sick PW. In the hearing of 2 other officers PW LO MEI LING told TAJIMA the sick would recover. Indian PW were then instructed to dig a grave. The sick were forced to get into the hole and were then shot by TAJIMA and YONEDA. The shooting was witnessed by the 3 Chinese officers who were told later that day by TASAKA that he would shoot any Chinese who could not work. Accused alleged that the shooting had been ordered by Sgt AWANO and TAJIMA thought his order originated from TASAKA. TASAKA denied he gave the order and said it had been given to AWANO by his superior Lt IMANISHI to whom he reported the killing after AWANO informed him of it. The Chinese officers denied that IMANISHI and AWANO were at the Camp.

Sentence TASAKA - life imprisonment.
and Date: TAJIMA and YONEDA - death by hanging.
23 Apr 46.

Confirmation by Lt-Gen V.AH. STURDEE - 11 Jun 46.
and by Whom:

Confirmation of finding and sentences promulgated to each accused
Promulgation: on 26 Jun 46, accused TAJIMA and YONEDA executed at Rabaul on 27
Jun 46.

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

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

Action on Petition: Dismissed.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

Accused: 1st Lt KITAMURA Kenichi

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

Court, Place, Rabaul
Date and 8 & 9 Apr 46
Formation: 8 MD.

Charge(s)	Plea	Finding
MURDER in that he at Nauru Is on or about 5 May 45 murdered WU KAM a Chinese civilian.	Not guilty	Not guilty

Precis of Evidence: 1. The prosecution alleged that the deceased stole a pumpkin from a Japanese garden and the accused ordered his execution. The body of the deceased was subsequently seen and it had a deep gash on the neck as though it had been cut with a sword. There was no evidence to show how and by whom the deceased was executed.

2. The accused in his defence alleged that one SHICHIGORO SAITO killed WU KAM without any orders to do so. He further alleged that SHICHIGORO SAITO had since died.

Sentence and Date: Not guilty 9 Apr 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)*Ans. 126*

AWC No.....

Accused: Lt SAITO Munetoshi
Sgt/Maj OTAGURO Kikatsu

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

Court, Place, 11 Aust Div
Date and 27 March 46
Formation: *Kabaul*

Charge(s)	Plea	Finding
MURDER in that they on or about Aug 44 between BUT and MAPRIK murdered Pte GIRDHARI LAL of the Indian Army.	Not guilty	Not guilty.

Precis of Evidence: In Aug 44 a party of Japanese and Indians (of which the deceased was a member) marched from BUT to SEPRIK River via MAPRIK. The deceased fell behind the main party on two occasions. On the first occasion he was assisted by other Indians. On the second occasion the accused OTAGURO and two other Japanese remained with him. About an hour after a shot was heard and later the three Japanese joined the main party again. The deceased was never seen again.

2. Both accused denied the charge. The accused SAITO alleged that certain Japanese and Indians had to be left behind because they could not keep pace with the main party. They were given available food supplies and medicines. The Japanese and Indians (which included the deceased) were not seen or heard of again.

Sentence and Date: Not guilty
27 Mar 46.Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

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

Accused: Capt KASHIMOTO Naoji

Court, Place, Date and Formation: Rabaul
20 Mar 46
11 Aust Div.

Charge(s)	Plea	Finding
MURDER of Jemadar Gul Hussain and Pte MANSAB KHAN both of the Indian Army in Sep 44 near WONGINARA.	Not guilty	Not guilty

Precis of Evidence: 1. The deceased were prisoners of war in Japanese hands and in Sep 44 were members of a working party. They were carrying heavy loads in hilly country and they complained to the Japanese in charge of them. The Japanese told them they would have to carry the loads. The deceased then threw down their respective load and ran away into the bush. The accused was sent for and he gave orders that the Indians were to be caught and killed. Later a Japanese stated that the deceased had been captured in a native hut and killed.

2. The accused denied all knowledge of the deaths of the deceased and that he knew any Indians of these names. He denied giving any orders for the killing of Indians.

Sentence and Date: Not guilty - 20 Mar 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)

Accused: WO MATSUMOTO Tsujiji (NOT GUILTY)
WO UENO Koichi
Cpl AOKI Matsuo

AWC No. 2669, 2905, 2907

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 19 Mar 46
Formation: 11 AUST DIV

Charge(s)	Plea	Finding
MURDER of LESLIE FOON KONG at LUMBURUA about JAN 45	NOT GUILTY	WO MATSUMOTO, T. NOT GUILTY WO UENO K. GUILTY Cpl AOKI M. GUILTY

Precis of Evidence: LESLIE FOON KONG, a Chinese civilian was taken to JAP MP HQ at LUMBURUA by WO UENO, Koichi and native police boys. It was alleged that KONG had sheltered and fed whites and conducted spying activities about MAY 1944. KONG who had been in good health died within 5 days of his arrest.
WO MATSUMOTO, was in charge of the MP detachment.
During questioning over the period of four to five days by WO UENO he was severely beaten by UENO and native police boys. Cpl AOKI forced KONG to drink more than a bucketfull of water and also beat and tortured him.
Two native police boys gave evidence that MATSUMOTO was present at the interrogation and illtreatment.
Defence denied illtreatment and MATSUMOTO, supported by other witnesses stated he was not present at the questioning but working away at the gardens each day.

Sentence	WO UENO, Koichi	Death by being hanged
and Date:	Cpl AOKI Matsuo	" " " "
	19 MAR 46	

Confirmation and by Whom: Finding and sentences confirmed by Lt-Gen V.A.H. STURDEE -
28 June 1946

Promulgation: 18 July 46. (Accused UENO executed at RABAU in respect of another charge.
Accused AOKI executed at Rabaul on 19 July 1946)

Petition: Submitted 29 MAR 46 against findings and sentences.

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

Action on Petition: Dismissed.

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

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

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

AWC No.....

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

Charge(s)	Plea	Finding
MURDER at Namale on or about 3 May 45 of Pte TUNG MING SHANG	Both accused not guilty	Both accused not guilty

Precis of Evidence: 1. The deceased TUNG MING SHANG, a soldier in the Chinese Army was prior to his death a PW in Japanese hands. Two days before his death he became mentally deranged and left the camp and returned the day following. On 3 May 45 the accused ICHIYAMA ordered certain Chinese to dig a hole and the deceased was taken there and in response to the order of the accused KATO the deceased lay down in the hole. The accused KATO then gave the deceased an injection and then cut him open and removed his heart liver and brains and took them away. The accused ICHIYAMA was present and in addition 3 Chinese watched the operation from a distance.

2. The accused both denied the guilt. The accused KATO who was a medical officer alleged that the deceased died suddenly after treatment for malaria and he conducted a post mortem examination at the grave.

Sentence and Date: Not guilty - 12 Mar 46

Confirmation
and by Whom:

Promulgation:

Petition:

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

Action on Petition:

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

AWC No.....

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

Accused: Sgt Maj MURAO Kamio
WO UEDA JiroCourt, Place,
Date and
Formation: Rabaul
28 Jan & 2 Feb 46
11 Aust Div

Charge(s)

Plea

Finding

TORTURING a civilian in that they at
Rabaul in or about May 1943 tortured
TOM HUNG a civilianBoth
accused
not
guilty

Both accused guilty

Precis of Evidence: 1. On or about 15 May 1943 TOM HUNG was arrested by the Japanese and charged with carrying firearms whilst he was an ambulance man. He was arrested by the accused and at Kempei Tai he was questioned by the accused for some time. Next morning he was again questioned by both the accused. They both beat him with canes and punched him with their fists until he fell to the ground. The accused MURAO kicked him many times whilst he was lying on the ground. TOM HUNG was kept at Kempei Tai for the remainder of that day and the following morning he was again questioned. During the questioning both accused jabbed lighted mosquito coils into his face. He was then made to kneel down and the accused MURAO struck him a number of blows on the head with a cane. TOM HUNG was subsequently fined 50 yen and imprisoned for 61 days. The evidence of TOM HUNG was corroborated in certain instances by witnesses.

2. Both the accused gave evidence in their defence. They denied the torture as alleged. They admitted slapping TOM HUNG in the early part of (PTO for remainder)

Sentence and Date: Accused MURAO - to be imprisoned for 5 years.
" UEDA - " " " " 5 years.
Date of sentences - 2 Feb 46.

Confirmation
and by Whom: GOC 11 Aust Div.Promulgation: Confirmation of finding and sentences promulgated to both
accused on 7 Feb 45

Petition: -

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

Action on Petition: --

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

the questioning and as he admitted spying activities it was not necessary to slap him any further. They both denied that any witnesses were present except a Japanese. They believed that this Japanese had been killed in action.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R6 Aus 119

AWC No.....

Accused: Lt ABE Akanisa

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

Court, Place, Date and Formation: Rabaul
24 & 25 Jan 46
11 Aust Div.

Charge(s)

Plea

Finding

VIOLATION of the laws and usages of war to wit unlawfully assaulted Henry Berger a civilian of air occupied territory in or about March 44 at places unknown and at or near ULAMONA and TORIU.

Not
Guilty

Not guilty

Precis of Evidence: 1. In Feb 44 Father Henry Berger a Roman Catholic Missionary of the Romali Mission was forced by the Japanese to assist in steering a boat out over reefs from Butuelo. He told the accused it was possible. When the boat struck reefs the Father was violently punched on the face by the accused. On a later occasion he was compelled to guide a boat up a river but became lost in a tributary. He was again assaulted by the accused.

2. The accused in his defence stated Father Berger volunteered to carry out the duty of guiding the boats and when it was found he could not do so he slapped Father Berger on the face in anger. The evidence of the accused was in some measure corroborated by other Japanese witnesses.

Sentence
and Date:

Not guilty - 25 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.....

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R43 *Ans. 11b*

AWC No.....

Accused: Sgt/Maj MAEHATA Chikara

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

Court, Place, Rabaul
Date and 18 Jan 46
Formation: 11 Aust Div

Charge(s)	Plea	Finding
TORTURE of a civilian namely SEETO FAI at Ralabang about March 1943.	Not guilty	Not Guilty.

Precis of Evidence: SEETO FAI a civilian alleged that in March 43 he was playing cards with a friend when the accused entered and accused him of gambling and passing messages to the enemy. The accused beat him with a heavy leather belt using the buckle end as well as the other end. The beating lasted for about half an hour. The accused then tied his hands and suspended him from a rafter and his feet were barely touching the ground. SEETO FAI was in this position for about two hours and he was then released. He was further questioned and beaten with the belt, punched and kicked.

2. The accused denied the charge but admitted that SEETO FAI's father had requested him to restrain his son from gambling. He also admitted that when he entered the room where SEETO FAI was playing cards, ~~and~~ SEETO FAI attempted to run away. The accused further stated he caught SEETO FAI and tied his hands. He reprimanded SEETO FAI for gambling and obtained from him a written statement that he would not gamble any more.

He denied the beating or the kicking or tying to a beam as alleged.

Sentence and Date: Not guilty
18 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.....

AUSTRALIAN MILITARY FORCES

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

R67 *Ans 79*

AWC No. 2681

Accused: L/Cpl TOKAWA, Masanori

Aust W.C. List Ser No.

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

Charge(s)	Plea	Finding
Murder at Wattom Is. about May 1945 of Capt. MALLOTT.	Not Guilty	Guilty

Precis of Evidence: Capt. MALLOTT was a PW at Wattom Is. and the prosecution alleged that Capt. MALLOTT was repeatedly assaulted by the accused. When Capt. MALLOTT was bedridden and suffering from tropical ulcers on the legs he was severely beaten by the accused on such ulcers causing one leg to bleed profusely. Death of Capt. MALLOTT resulted four days later. In addition to the beatings Capt. MALLOTT was forced to work by the accused notwithstanding the fact that he was suffering from ulcers, Beri-Beri and malaria. His food rations were reduced to half by the accused although he had no orders to do so. The defence called evidence to the effect that Capt. MALLOTT died as a result of natural causes.

Sentence and Date: Death by hanging, 7 May 46.

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

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

Petition: Petition lodged by 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.

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)

R58.

Ans. 78

AWC No. 2028

Accused: Navy 1st Lt. GOTO: Daisaku.

Aust W.C. List Ser No.

Court, Place, Rabaul
Date and 6 & 7 May 46.
Formation: 8 MD

Charge(s)	Plea	Finding
1. Murder at North Bougainville between Sept 43 and Oct 45 of 3 natives residents of Petats.	Not Guilty	Guilty
2. Murder at North Bougainville between Sept 43 and Oct 45 of a native named KIEHON of Matzungan.	Not Guilty	Guilty
3. Murder at North Bougainville between Sept 43 and Oct 45 of two Matzungan native women (not named).	Not Guilty	Guilty
4. Murder at Sohanah about the middle of 1943 of 3 natives (not named).	Not Guilty	Not Guilty

Precis of Evidence: The accused admitted that the natives referred to in the charges were shot as a result of his orders but submitted that he was at all times acting under the orders of his superior officer. The defence further submitted that if the natives were not sentenced to death in accordance with the laws of war the accused should be given the benefit of the doubt as to his knowledge of the illegality of such acts and should be entitled to an acquittal as a subordinate.

Sentence and Date: Death by shooting 7 May 46.

Confirmation and by Whom: Confirmed - Lt-Gen V.A.H. STURDEE - 19 July 1946.

Promulgation: -16 August 1946 (Executed at RABAU 17 August 1946)

Petition: Petition submitted against findings and sentence 16 May 46.

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

Action on Petition: Dismissed.

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

7

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)

B61

Ans 76

AWC No. 2110,2624

Accused: Sgt MAWATARI Kuniyoshi
Cpl FUJITA Masaharu (Not guilty)

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

Court, Place, Date and Formation: RABAU
2/3 May 46
8 MD

Charge(s)	Plea	Finding
MURDER about 5th May 44 at NONGA of Pioneer FAKIRA a member of the Indian Army.	NOT GUILTY	MAWATARI - Guilty FUJITA - Not Guilty

Precis of Evidence: The prosecution alleged that early in May 44 MAWATARI was seen beating FAKIRA an Indian PW who later could not be found. An unsuccessful search was made by other PW but the Indians were later led by FUJITA to a place where FAKIRA was found dead hanging from a tree and with one leg broken. The accused told the Indians they had killed FAKIRA. Offers were made by certain Japanese to pay compensation to FAKIRA's family if the story was not reported to the Australian authorities.

Accused alleged FAKIRA was abnormal and had committed suicide.

Sentence and Date: DEATH BY HANGING
3 May 46

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

Promulgation: Confirmation of finding and sentence promulgated to accused on 31 July 46. Accused executed by hanging at RABAU on 1 Aug 46.

Petition: Submitted May 46 against finding and sentence.

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

Action on Petition: Dismissed.

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

Compare Australian cases 72 & 73
for extreme difference in
degree of punishment!

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

1st Lt SAKODA Hiroe, 1st Lt OGAWA Haruzo

2nd Lt NAKAJIMA Hiroshi,

2nd Lt TAIRI Tokuji

" " TSUKADA Eizo

2035, 2036, 2032, 2034,

AWC No. 2033, 2037

Accused: Navy WO TAKAHASHI Shigenobu

Aust W.C. List Ser No.

Court, Place, RABAU
Date and 26, 27 & 29 Apr 46
Formation: 8 MD

Charge(s)

Plea

Finding

TORTURE at NAURU
Island on an unknown date extending
over three days of a native RUKA.Not
Guilty

All accused guilty

Precis of Evidence: The native RUKA was employed by the Japanese in the collection of vegetable used for making drink known as "TODDY." The accused alleged that the said RUKA had stolen bottles of "Toddy" as well as foodstuff and he was arrested and sentenced to punishment. The punishment consisted of imprisonment for 3 days and the said RUKA was also to receive 10 strokes with a bamboo cane daily for 3 days. The order for such punishment was issued by the accused OGAWA. It was common ground that the said RUKA was tied to a tree and that he was beaten.

2. The case for the prosecution consisted of the evidence of three native witnesses and these witnesses stated that with the exception of the accused OGAWA all the accused assaulted the said RUKA whilst tied to a tree in such a manner that movement was restricted. The witness TEITIBA gave evidence (inter alia) of the following assaults.

(Over)

Sentence and Date:	The accused NAKAJIMA and TAKAHASHI)	Death by hanging 29 Apr 46.
	The accused OGAWA and TSUKADA)	20 years imprisonment 29 Apr 46.
	The accused SAKODA and TAIRI)	15 years imprisonment 29 Apr 46.

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

Promulgation: Confirmation of finding and sentences promulgated to each accused on 16 Aug 46. Accused NAKAJIMA and TAKAHASHI executed at RABAU on 17 Aug 46.

Petition: Petitions lodged by each accused May 46 against finding 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 of evidence (Contd).

- (a) The accused NAKAJIMA and TAKAHASHI - beatings with a "carry" pole "about the size of an arm and about 3 feet in length. Beatings and questioning lasted approximately an hour.
- (b) The accused Nakajima - beatings with a stick about three feet long and "as thick as an arm". This accused on this occasion poked the stick into Ruka's eyes twice. This assault did not last very long.
- (c) The accused NAKAHASHI - a further beating.
- (d) The accused TSUKADU - beating with a walking stick about 20 strokes.
- (e) Accused SUKODA - punching with clenched fists about 8 blows.

The witness WOVE gave evidence (interalia) of the following assaults

- (a) Beatings by accused SAKODA Nakajima TAIRI and TSUKADA
- (b) The accused Sakoda - beating with closed fists.
- (c) " " NAKAJIMA - beating with a big stick about 3 feet long.
- (d) The accused TAIRI - beating with fists.
- (e) " " TSUKADA - beating with a walking stick.

The witness KAUTOA gave evidence to the effect that he saw TSUKADA beat the said RUKA with a stick and an iron pipe for about 5 minutes.

The witness MAI NAI FAI gave evidence to the effect that he had heard of the assault on the said RUKA and that the said RUKA had been executed.

3. The defence of the accused was in substance a general denial that they were in anyway involved in the assaults. The accused OGAWA admitted ordering the said RUKA to be imprisoned for 3 days and to be given 10 strokes daily with a bamboo for three days. It was also admitted as there were no prison facilities the said RUKA was tied to a tree which permitted him to move about and to lie down. The accused TAKAHASHI admitted that he slapped the said RUKA on the face with his open hand two or three times when RUKA is alleged to have admitted stealing "Toddy" and mixing muddy water with other quantities of "Toddy".