

STATUTORY DECLARATION

I, Cpl. JOHN CHAPMAN FERRIS of A T I S
do solemnly and sincerely declare :-

1. That at FAURO Is. on 8 Jan 46 I was present with Capt. A.K. SANGSTER AALC and 1st. Lt. KATO Tatsuro of 38 Japanese Bde Hq during the interrogation of 1st Lt. GOTO Daisaku of 20 Japanese Naval Construction Unit and later 87 Japanese Naval Garrison Unit by Capt. F.B. TREATH AALC.
2. That the said interrogation was conducted in English and Japanese and that 1st. Lt. KATO did the actual interpretation.
3. That I am a qualified interpreter and translator of Japanese into English and vice versa.
4. That at the above interrogation I sat next to the said Capt. SANGSTER, checked the interpretation by 1st. Lt. KATO and checked the taking down in writing by the said Capt. SANGSTER of the questions and answers.
5. That the attached typed copy of the interrogation marked 'A' is a true and accurate record of the said interrogation.

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

J. Ferris

Signed In the Field this *Twelfth* day of
February 1946 pursuant to National
Security (Supplementary) Regulation 63
before me *A. H. Lacey*
Harold *Harvard* *Lacey*
Australian Military Forces.

H. H. Lacey
Major

ANNEXURE "A" of six pages (each signed at the foot thereof by me) to the
statutory Declaration of *John H. P. ...* sworn before me *2-2-46* 15
this *22nd* day of *February*, 1946.

W. H. P. ...
Officer taking Declaration.

Navy 1st. Lt. *CHIEF* Buikaka of 80 Naval Construction Unit, and then
of Garrison Unit, being interrogated by Capt. *...* and assisted
with the assistance of interpreter Cpl. *...* of A. V. I. and
Lt. KATO of Japanese Army says :-

Q. When did you arrive in BUKA area and what were your movements
from then on?

A. Arrived BUKA area 8 November 42, and went to INTA and stayed
in Pamburua Lulua Ika's house for 2 months.

Q. What was your job?

A. I was C.O. of the Construction Party and looked after rations
and building materials and some Adj. work.

Q. And native labour?

A. I began to work the natives in Feb 43.

Q. When you left INTA where did you go?

A. OHEJANA. I stayed there until Oct 44 and then went to TELATU
not with my unit but with a few of O/R's, and later a few more.
After the surrender I had 6 men (6 marines and 2 natives.)

Q. What was your job at OHEJANA?

A. I worked at the same work as before. Sometimes I went to BARAK
for cement, rations, or lap-laps etc, returning myself by plane.
Another job, I looked after natives working on the airstrip.

Q. When you went to TELATU you were overseer of native gardens?

A. Yes. When I was in OHEJANA I ordered all natives to make gardens
for themselves. I wanted to call up all the natives. Later I
received an order to build up gardens for rations for Navy troops.

Q. Whose order was that?

A. C.O. of the Garrison, Capt. KATO, who was at BUKA with HQ of
87 Garrison.

Q. What units were at KOKOPO?

A. I don't know the name. (It is pointed out on the map). We called
it "towards BARAK" as the area was all called "BOKA". I was
not there myself. In BUKA was 87 Garrison BN. In KOKOPO there
was nothing.

Q. You had a couple of soldiers in most of these villages- pointing
to various villages around BUKA area?

A. Yes. In each village I put in a Japanese civilian, with one
marine to look after two villages. Sometimes in a big village
there would be a marine as well as a civilian.

Q. Do you know POKAR village?

A. Yes.

Q. Did you see *...* natives, who were living on Little BUKA,
working for you in the gardens?

A. So far as I know some boys from *...* were living at *...*
because they had married *...* women. Some *...* lived
at POKAR.

4/4/46
Recd

- 2 -

A. So far as I know some MATSUGAN boys were living at NOVA because they had married NOVA women. Some FETATS natives were living at POMAX.

Q. Do you know a native village here(pointing to TUNAN)?

A. No.

Q. Do you know NOKIA?

A. Yes.

Q. Didn't you want the MATSUGAN natives who were working for you to come ashore at NOKIA?

A. After FETATS boys ran away I told the chief native of MATSUGAN to bring his men to NOKIA. It was a request not an order.

Q. You had MATSUGANS working at TELATV?

A. Usually they worked at NOKIA, but a very few from MATSUGAN were working at TELATV. Usually TELATV was too far away for them.

Q. When the FETATS natives escaped you took steps to prevent the natives escaping?

A. After the escape I thought the other natives would follow such. I took a lulai and a tal-tal to TELATV and ordered them to stay and look after the natives there. Later I kept only one of those two. This went on for one month.

Q. Why did you shoot the two FETATS boys at TELATV, and the one at MALASING?

A. When the FETATS ran away I took the three men and asked them where their relatives were and why they stayed. Reasons- 2 of them stayed at TELATV and the third at MALASING. There were other FETATS who stayed at TELATV.

Q. Why did you shoot these three?

A. When the FETATS ran away 15 boys were left at TELATV working in gardens. These 15 asked for permission to go back to FETATS. I ordered them to stay, and promised that natives if they stayed, but if they didn't something would happen to them. Even so one man ran away after that. 6 of the remaining 15 I put in the care of the lulai NABBIN of BELUP; and said I'd shoot them if the other six ran away. 3 more I handed to lulai BUNATS at TELATV. Another young native was put in care of lulai PAGE of KETAKEN. Another went to TAHAI TAHAI. Another went to KCHING. Another to MALASING. Eventually they all ran away except three. Then Capt. KATO ordered him to kill these three.

Q. How did you get the orders from KATO?

A. I had a telephone call from KATO.

Q. Did you know KATO's voice?

A. The Cmd wrote orders in letters and his phone orderly read it over the phone, through several switchboards, who relayed it, where my own telephone orderly would receive it. On this occasion I took the message myself.

Q. Then you passed on the order that they be shot?

A. Yes.

Q. To whom?

A. To 3 soldiers who I detailed for the job.

- Q. Did you see the shooting?
- A. No. I only heard the shots for one of them. One boy was shot nearby. The other two were shot on the road and I didn't hear them.
- Q. You had the MATSUNAGA boys working for you near HONIA?
- A. Yes. Sometimes at TELAU.
- Q. Do you know a native woman KIKOU?
- A. Not the name. There were three MATSUNAGA Marys left when the boys ran away. One was a daughter of a Ialmai. KIKOU was the Ialmai next after the father. I do not know the latter name.
- Q. When the MATSUNAGA ran away you had a Mary and Ialmai MONDO and two other boys brought up to TELAU?
- A. The Mary and MONDO and GURIAN and two or three more were brought to TELAU.
- Q. You questioned them?
- A. Yes.
- Q. What else happened there?
- A. I put GURIAN, MONDO and a few others into a compound. Then I questioned them there. I found that the Mary was a MATSUNAGA, daughter of the previous Ialmai. I questioned them to find some relationship between some of the and some PETATE boys. While the questioning was taking place I received an order to kill all MATSUNAGA left at NOVA. Then I sent 3 soldiers to NOVA to shoot them. The Marys could not understand pidgin and were mentally affected, and I ordered them to be shot on the road. The third Mary I ordered to be sent to NOVA for shooting, but I found that the soldiers shot her near TELAU. I kept MONDO, GURIAN and the others in custody.
- Q. At what time of the day did you receive your orders from KATO?
- A. I do not remember the date. It was the evening of the day after the MATSUNAGA ran away, after I had reported that to KATO. It was in 1945. It may have been between May-June, but not later than June.
- Q. And you ordered the shooting of the Marys the day after you received the order from KATO?
- A. Next morning before time for working natives to get up.
- Q. Was KIKOU a young or old Mary?
- A. Young.
- Q. Did you take her into your house the night of KATO's order?
- A. I called her over to a hall used to give orders. It was a drawing room.
- Q. What happened there?
- A. I took MONDO, GURIAN and KIKOU into the room and before I began to question them I ordered them to be blindfolded so they wouldn't give signs to each other. When I finished the questioning I got my orders. Then I had KIKOU put into a storeroom. Because I had no goal to keep her apart from the other natives.
- Q. Did you have sexual intercourse with her?
- A. No.

- Q. Did your soldiers do so early next morning?
- A. No. Because all Japanese are afraid the natives have venereal disease.
- Q. Did you hear the story of the shooting of the two Marys at NOVA?
- A. I heard that one was young and one was old and they had yams.
- Q. Did you hear how they were killed?
- A. I had a report that they were killed by shooting.
- Q. Did you hear of the shooting of a small native child?
- A. No.
- Q. Did you hear that one of the Marys had a baby with her?
- A. No. I didn't hear that either before or after.
- Q. Who were the soldiers who shot the Marys?
- A. I can't remember their names, but I could point them out if I saw them.
- Q. Going back to 1943, who was in charge then of the Naval Garrison at CHINATOWN?
- A. Lt. DOI. He went back to JAPAN about June 43.
- Q. ~~When you were sent to SOERAH~~ You were sent to SOERAH and there saw Lt. DOI in middle of 1943?
- A. When 3 natives were executed at SOERAH I and DOI went to SOERAH together.
- Q. Tell us about that execution.
- A. Laurie CHAN was with DOI as interpreter, and had questioned the three natives for a week at CHINATOWN. DOI told us this, but not what the questions were. I went to CHINATOWN, not DOI saw the three natives in goal, not CHAN, and the ball of us went to SOERAH. DOI told the natives, through CHAN, that they would be executed. One W.O. and one Gun Unit Officer (not DOI) and myself were detailed as executioners. The W.O. belonged to Medical. I do not know his name. He was in CHINATOWN, he may have gone back to JAPAN. The execution was about Feb-Mar 43.
- Q. Who was the other Officer-executioner?
- A. I do not remember who he was.
- Q. Who detailed you as executioner?
- A. Command of Construction Unit, Lt. Comd. SUZUKI Shide, since killed in action.
- Q. Why were the natives executed?
- A. So far as I remember these three made a remark among the natives that soon one ship will come to SUKA with goods for natives, because the captain of the ship would be a native, and that the natives would not work for the Japanese.
- Q. Were there two men and one woman?
- A. Yes.
- Q. What aircraft crashed near ONIVANA?
- A. I did not see any, nor hear of any at ONIVANA but I saw a Liberator coming down at SOERAH.

- Q. Were there any survivors?
- A. I did not hear about any. If there were any the GVN and the Garrison would have known about it.
- Q. Didn't you hear of two fighter planes crashing in the area near CHUANG?
- A. I heard that one crashed near CHUANG.
- Q. Any survivors?
- A. I heard that only one pilot was aboard and that he was dead.
- Q. Was this about Apr 45?
- A. I think it was about the end of 45.
- Q. Where were you in April 45?
- A. CHUANG.
- Q. You had A/A guns at HAMBIA?
- A. Yes. Near there.
- Q. Didn't you hear about a plane falling down near CHUANG in Apr 45?
- A. I do not remember the month, but I have only once seen an aircraft crash near CHUANG.
- Q. Were there not two men in the fighter that made a forced landing? One dead, one alive?
- A. I heard only one man was in it, but he was dead.
- Q. How is it that the Japanese marines told the natives one was dead and the other alive?
- A. One of my officers went up to see the crashed plane. He reported it was a Corsair, with one man dead. He was Sub-Lt. KASHIWA. He was an A/C officer. He went to JAPAN. I am not sure if he was KASHIWA there were four other officers living there. Lt. Lt. KASHIWA was now in HAMBIA Island, Lt. Cmdr. KASHIWA since KASHIWA in HAMBIA, Major Officer 1st Lt. KASHIWA now in HAMBIA.
- Q. Did you hear of any planes crashing near or in the area?
- A. I heard that a plane was seen from the watchtower at the strip, crash into the sea.
- Q. Did you hear of survivors of a crash taken to CHUANG?
- A. No.
- Q. How is it that a lot of other people know about this, and you, a fairly Senior Officer do not?
- A. They may be Garrison marines.
- Q. You are not doing yourself any good by hiding information. We know some things.
- A. My job is only concerning our work and with the natives, and had I been at Garrison I might have known. Being at a distance I need not to hear rumors.
- Q. Do not Naval Officers discuss what is happening when they meet?
- A. They talk about anything that happens, but I never heard about any of it. If I know I would tell you.

W.H. Garrison

Q. Who would know all about these things?

A. Capt. KATO. His Adjutant 1st Lt. HONDA, who is now in FANG IS. and who was Adjutant of 2nd Lt. KATO, and lived at BONIS.

Q. Do you know anything about CHIN Islanders?

A. Yes. About 10 landed between HANALIS and HANAHAN towards the end of 1944.

Q. What happened to them?

A. A branch of Garrison at HANAHAN captured them and sent them to BONIS.

Q. What happened then?

A. I never heard but I think they may have been killed as I would have taken charge of them if they were left alive. I heard these CHIN Islanders talking that they came to trade but they thought they came to get information for the Allies. The CHIN Islanders consisted of one adult and 9 boys.

Q. Who told you about all this?

A. Natives, and when I went to BONIS to answer questions concerning relationship of CHIN Is. boys with BUKA Boys. I went with 1st Lt. HANAHANA of HANALIS & BONIS.

Q. Who questioned you about CHIN Islanders at BONIS?

A. An Officer of Garrison spoke with me, and a civilian Inter-Preter HANAHANA belonging to 2nd Coast Unit questioned HANAHANA.

Q. What made you move from HANAHAN to BONIS?

A. To provide bigger native gardens and to make BUKA a fortress.

Q. What were you called by BUKA boys?

A. I was called TOMI, later on HANAHANA which means in Japanese Chief Quartermaster, and later on someone called me JOJO or HANAHANA which means "Chief looking after the natives".

I am only a Q M with no commanders powers and always received orders to do these shootings.

W.H. Yack major

7

... I was at BOWEN in command of about 1,000
sailors and sailors, and a commander of combatants and
garrison in Buka Island and the northern end of Bougainville
Island. I was called the commander of the 87th Garrison Troop.
Australian Forces out Bougainville in two, and the 84th Troop.
Our HQ was at BOWEN at the southern end of Bougainville Island.
Naturally we could have no communication between us.

My garrison troop was isolated perfectly in Buka area from
the Japanese Forces, so I retained the highest authority
concerning the military affairs in this area. There were about
8,000 men in my garrison at first, but gradually we lost many of
us, namely, more than 4,000 men died of sickness and from starva-
tion, about 500 men were killed in action, about 300 men were
killed by attacks by hostile natives; the loss was equally as
many as the victims in action. Those days, persons died from
starvation one after another ~~another~~ owing to miserable conditions
of food, and we had no medicines at all, so most of the officers
and sailors suffered from malnutrition, malaria, tropical ulcers;
therefore we had extremely poor energy. On the contrary about
800 natives were in this area, two and half times as many as
our garrison troops. My unit continued to fight against the
Australians in SORAKEN district. Simultaneously the landing
of the Australians on my garrison area would be inevitable.
I established sentry stations at important places, and garrisoned
there. - On the other hand I had to support ourselves to get
products for the combatants and garrison, and construct positions
against the enemy. But there came out patients incessantly, so
we had to employ plenty of natives in my area owing to the
unavoidable circumstances. We collected natives too from
TETATU, MAGGAN, PORAHU and other islands from where they could
sail by canoe and employed them all kinds of works of our unit.
The system of employing the natives from the villages was that
of one week rotation. Consequently they knew all about military
strength, their posts, and military establishments. So under such
circumstances every act of the natives was more important than
our operation, and meant a matter of life and death. I despatched
pacification personnel to every place and tried earnestly to have
them to cooperate with the Japanese. We were losing the battle in
the SORAKEN district and gradually retreated, oppressed by the
Australian Force. We were ~~shelled~~ from the sea nearby by the
Allied Warships, air raided from the air more intensely, and our loss
of the battle became quite inevitable. Moreover, the Australians
scattered the leaflets, and let hostile natives invade and
propagandize against the Japanese. So the natives in this area
recognized perfectly our loss of war. Their minds were excessively
unsettled. They did not trust the Japanese any longer. They
attacked us again and again. In the neighbourhood of BUTO all
the division were attacked and killed by natives. The sentry
station at TETATU was attacked by them and all the members
were killed. I still remember the above-mentioned because of
great accidents. Owing to attacks by natives very often, it was
very dangerous for a few Japanese sailors to act. Judging from
these situations, I was anxious about the ~~exact~~ generalization of
enemy character among natives keeping pace with the pressing
military situation.

Besides, from that time actions of hostile natives more
and more keen and violent. Namely war treason, espionage,
assassination of Japanese Officers and men, escape to the enemy,
and signals to enemy planes by them. In addition to these, the
Australians took the advantage of this opportunity and alienated
the natives from the Japanese. It was a terrible menace to our
corps that depended much upon the natives. I tried earnestly to
seek for, catch, and punish the natives of enemy character.
I still remember that about 10 enemy natives from GREEN ISLAND

need for
1945

slipped into BUKA ISLAND by canoe to scout our military establishments, and that the enemy who landed on TAYOU ISLAND went to every island by barge or other ships, basing themselves there, in order to attempt to estrange the natives from cooperating with Japanese ~~and~~ and to try to suggest the natives to be spies against the Japanese. Under these conditions, I imposed the punishment on the natives of PETATU ISLAND and MATUGAN ISLAND.

The procedure of the Punishment on the natives of PETATU ISLAND

a. As I knew according to the report from every sentry that Australian Corps was instigating the natives in PETATU ISLAND, I despatched one squad of KAPURE detached force to PETATU ISLAND on one night in February. This squad reported to me as follows:-

As we heard the engine of the Australian barge sound and found the fire signal between PETATU ISLAND and BUKA ISLAND, we started out. Near the jetty on the east shore of PETATU ISLAND, we met Australian Corps and fought against them, so that we lost two men. But about 500 natives in PETATU ISLAND went somewhere altogether with the Australian Corps by this time, we could not find any native there. Besides, two of the pacification unit were missing.

b. Judging from the fire signal between PETATU ISLAND and BUKA ISLAND, I doubted the acts the natives who came to work to TELATU in BUKA ISLAND from PETATU three or four days before. So I ordered chief pacification unit Lt. GOTO to confine them altogether and investigate if they were favouring the enemy. He reported to me that they were consisted of 16 natives but one had escaped away, and they seemed to be of enemy character, so it was better for us to separate them, because if they had remained to be confined at the same place, they might have caused the riot. Therefore I confined six of them at BAKUT separately from others remaining at TELATU.

c. After that Capt. GOTO reporting to me that all six natives from BETATS ISLAND living in BECEUMATT ran away under the cover of darkness at night and at the same time I received a report from the Madahes despatched sentry that five or six natives ran away to TAYO ISLAND by their canoe during the night. Immediately after that it was reported that two natives who had been imprisoned at TARATU ran away when the place was made the target of bombardment. As I had no conclusive evidence to prove that they were hostile against us, I ordered Capt GOTO to have his eyes on them and to make a thorough investigation in to the matter. It was reported from Capt GOTO that four natives from PETATU ISLAND were scattered separately to four places, i.e. MALASAN, KOFIRO, TAKE TAKE and KEOHI KEOHI and were put under supervision of officials in charge of pacification of natives.

d. From that time on the bombing by Australian planes became accurate and frequent in the vicinity of TERATU and firing from any vessels became so accurate that fourteen or fifteen men were killed in the short period. On the other hand the military institutions which seemed unable to be discovered from overhead were destroyed by bombing one after another I ordered to make investigation to ascertain if this was done by natives' pro-enemy acts. This was followed by bombings on the ammunition dump which was completely shattered against the sky resulting in the utter destruction of it. It was reported that someone saw a figure which looked like a native on a plane when it stooped down. Another report informed me of the fact that ~~many~~ many ~~ashes~~ ashes of fireworks were always found in the neighborhood of bombed stricken places.

One of these days at night ~~Chit~~ GOTO reported me that one native who had been imprisoned at TAKE TAKE ran away when that place was attacked most severely by the firing from enemy torpedo boats. At the same time a report was sent to us from the detachment sentry that a bonfire could be seen on the cliff of the sea-side. Such being the case I ordered ~~Chit~~ GOTO to make a thorough investigation as soon as possible because I was convinced that they were surely hostile natives. Afterwards ~~Chit~~ GOTO reported me that it was proved that they were hostile natives. He sent a letter to me to inform me of the result of the investigation in detail. The summary of it was as follows:

~~Chit~~ GOTO interrogated the natives who had been imprisoned at HUHINO in the presence of 2 or 3 Japanese soldiers. At first, they would not confess the fact. After telling them of bonfires made by natives who ran away from TAKE TAKE Island he inquired into the matter more closely. At last, being resigned to their fate they confessed that when they were on PETATSU ISLAND they got an order from Australian Army and they intruded into the Japanese area for the purpose of finding Japanese military institutions, having close contact among themselves and when they found they made the places known to planes by means of bonfire, and the damages done to our troops were entirely attributable to their spying. In that letter, the report was written in detail in a question and answer style. Taking into consideration of the situation of natives at that time and perusing ~~Chit~~ GOTO's report most carefully I discussed this matter in a most cautious way with such officers as Lt.-Cmdr SUZUKI, Lt.-Cmdr KOSUGI, Paymaster Lt. Kawanishi, Paymaster Lt. YAMADA as to the punishment of the natives. After perusing his report in detail we all agreed that the natives should be put to death by shooting and I issued an order to execute them.

6. State of things leading to the execution of natives on MATSUGAN ISLAND.

a. Taking into consideration the event which occurred on PETATSU ISLAND, I issued an instruction to the effect that all natives on the islands to the west of BUKA ISLAND should be concentrated to the latter lest the natives be enticed by the Australian Army. In accordance with my instructions the natives both on POLOLAN and HETO ISLANDS immediately removed to BUKA ISLAND. However disregarding my instruction that they should be concentrated to a place called NOVA on BUKA ISLAND, the natives on MATSUGAN ISLAND removed only to TUFUSU and they showed unwillingness to carry out my instruction. This being reported to me, I issued a strict order that they should remove from there to BUKA ISLAND as soon as possible.

b. I got a report from the KAFUNE picket station informing me of the fact that the natives were doing fishing off the coast even at the times when the Australian planes were flying overhead and besides this at night bonfires could be seen quite often. On hearing this, I had the MADARESU detachment dispatch a secret scouting party for the purpose of reconnaissance. The said party sent me a report that off the middle of the western coast of TAYOU ISLAND they found a big Australian barge carrying many natives on it.

c. Then I received a report from the ROKIA pacification party and it was made known to me that 6 natives who had come to ROKIA from MATSUGAN ISLAND for the purpose of being employed in work betook themselves to flight. Moreover several hours after this an urgent report was sent to me from the same party informing

of me that all the natives belonging to MATSUGAN ISLAND who had gathered to TUBUS were found missing before dawn.

d. When I was caught up in a train of thoughts concerning the events on PETATS ISLAND the secret storing place for fuel was bombed. This was followed by the direct bombing on the KADESU picket station resulting in death of more than ten men. Immediately after that the only hiding place for barges at NOVA was made the target of severe bombing and we were plunged into such a miserable plight as being compelled to give up the hope of moving from there to any other places.

e. Such being the case, I issued an instruction to both the picket station and the pacification party at BUKA directing them to look up all the remaining natives on MATSUGAN ISLAND and to make a thorough investigation to find out whether they are harbouring hostility or not. After that, I got a report from the KAFUNE picket station as follows:-

"We have arrested two natives from MATSUGAN ISLAND they confessed that they were two of the three who had made an incursion from MATSUGAN into BUKA ISLAND and been left behind there when the other one took to his feet. Their duty was to make the locations of the Japanese posts and other sorts of places of military importance known to the Australian planes by making bonfires. It was made clear by their confession that the damages done to us by enemy forces were utterly attributable to their spying."

Convening my staff officers, I discussed the matter with them and decided that they should be executed. This was conveyed without delay by telephone to Capt GOTO, who told me in reply that he himself was at that time interrogating a native woman with elders of natives from NOVA and in all probability this woman seemed to be one of the same spying party. Upon this, I was resolved to postpone the execution till the interrogation by Capt GOTO be finished as I wished to be cautious in my decision.

In the meanwhile I received a report from Capt GOTO that the said native woman was found, just like the other two native women, to be a spy sent three days ago from MATSUGAN ISLAND to BUKA ISLAND by the order of Australian Forces and arrested while she was tarrying and it was made clear by her confession that the bombings on the hiding place for barges were made possible by their guidance. After having most circumspect conference with my staff officers, I came to the conclusion that the three natives should be put to death by shooting and issued order to do so.

7. The ground for the above execution.

1. In those days, I was isolated from the HQ of the 6th FLEET. Being defeated in BORAKEN area, we were being driven back day by day. The enemy lurked close at hand and we were attacked from the air, and the sea very intensely, so that this area became the battlefield all over. This area could not be called military administration area. Under these circumstances, it was really impossible for us to have a court. As all of the natives executed by me were perfectly hostile to us whose criminal action gave fatal obstruction to our operation, it was urgently necessary to punish them in order to carry out our operation and to keep the order and peace of our unit. Next, prior to execution of natives on PETATS ISLAND, we investigated minutely, over the depositions of examining them in detail, and I recognized their criminal facts clearly. The executions of the natives in the MATSUGAN ISLAND were carried out after listening to the

original facts in detail from KAYUMA sentry point, and also heard from Naval Lt. GOTO about the procedure of minute interrogation of even the witnesses, and I could distinctly be aware of their criminal facts. I believe, rather extremely minute investigations under the circumstances in those days, in accordance with the legal trial. 4. Before I ordered the execution in order to exclude the prejudice called the senior officers together and reported the content of the examination of the natives in detail, asking their opinions. After due deliberation, I despatched the order of their execution.

5. The natives' acts were the crimes of war treason and espionage according to the Articles 83 and 85 of the Japanese Criminal Law and Articles 22 and 23 of the Naval Criminal Law. They deserved the sentence of death as a matter of course.

6. Moreover, under such circumstances when it was impossible to open the court and the criminal fact was proved out to be guilty after deliberate examination, I believe that I could execute them. As the crimes endangered the existence of the military force, the execution should be admitted to be the act of self-defence and self-relief.

加藤 肇吉

Naval Capt. Kato Mikiichi

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

Tau Kahara Shigen

7

Japanese Criminal Law (The Emperor enacted the law concerning the
revision of the Imperial Diet held on 24th 1907)

Art. 1 The law shall be applied to any person, who committed
out of the Empire, commits the crimes enumerated below.

- (1) Crime of Art. 73 and Art. 74
- (2) Crime of Art. 77 and Art. 79
- (3) Crime of Art. 81 and Art. 82
- (4) Omitted
- (5) Omitted
- (6) Omitted

Art. 83 Those who, with the intention of benefitting the
enemy, damage or make unavailable fortresses, and arsenals,
military ships, a merchant ship, weapons, munitions,
ammunitions, a train, an electric train, electric cables,
a place or a thing to be supplied for military use, shall
be sentenced to death, imprisonment for life.

Art. 85 Those who act as spies for enemy or help enemy, shall
be sentenced to death, imprisonment for life, or
imprisonment for not less than 5 years. Those who reveal
military secrets to the enemy shall be sentenced to death,
imprisonment for life, or imprisonment for not less than 5 years,
according to the above.

Naval Criminal Law (The Emperor enacted with the revision of
the Imperial Diet held on 1st 1908)

Art. 88 Those who commit crimes of the following shall be
sentenced to death.

- (1) Omitted
- (2) To act as spy for the enemy or reveal any military secrets
of the enemy's spy.
- (3) To disclose military secrets to the enemy.
- (4) Omitted
- (5) Omitted
- (6) Omitted

Art. 89 Those who commit the following crimes with the
intention of benefitting the enemy shall be sentenced to death.

- (1) To damage a fortress, an arsenal, a military ship,
a merchant ship, weapons, munitions, ammunition, military
structures and others to be supplied for military use, or
make them unavailable.
- (2) To interrupt the movement of troops, military ships
and merchant ships by damaging or blocking water routes,
land routes and bridges or by other ways.

- 7
- (3) Commander who will not hold his position with his subordinates or withdraw from his position with his subordinates.
 - (4) To disband troops, tempt them to disorder and stampede or disturb their contact and rendezvous.
 - (5) To cause the shortage and others to be supplied for military use.
 - (6) False conveyance of orders, informations and reports or to make false orders, informations and report.
 - (7) To invent and float a groundless rumour, or shout out or make a great noise in front of the enemy.

Translated by *Henkaleen Siga*

REGULATION OF THE NAVAL LAND OPERATION

(Enacted by the H.M. the Japanese Emperor on Aug. 5, 1900)

Art. 4.

All ranks of sailors of the Landing Force, under the complicated and difficult situation, after are required to take such a step as the occasion demands; there by each member must act smartly, sturdily, minutely, and resolutely, and be well versed in the operation instruction and apply it.

Art. 171

While guarding and stationing it is often effectual to use spies, but it is necessary to be careful that enemy, too, make use of spies.

Art. 173

It is necessary to be on the guard against hostile inhabitants, while stationing this article is to be observed and also the article concerning garrison is to be applied.

Art. 220

In order to prevent a riot from extending it is urgently important that you must endeavour not to let the cause of it invade within the garrisoned area and that if it enters already and exists within you must drive it out and exterminate it.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

Ans. 242

Lt Col NAGATOMO Yoshitada
Accused: and others(see reverse side
for other accused).Court, Place: SINGAPORE
Date and Formation: 8 Aug 46 - 16 Sep 46

AWC No.....

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

Charge(s)	Plea	Finding
(1) Against all accused) COMMITTING A WAR CRIME in that they in BURMA and SIAM between 25 Oct 42 and 1 May 44 in the construction of the BURMA-SIAM Railway between THANBUZZAYAT BURMA and NIKE SIAM illtreated PW thereby causing deaths of many of them and bodily injury damage to health and physical suffering of many others of the said PW. (See reverse side)	All accused not guilty	Accused TANAKA T and ISHIKURA R not guilty. All other accused guilty as charged except accused OYAMA S guilty as charged with the exception of the words "thereby causing deaths of many of them and bodily injury, damage to health and physical suffering of many others of the said PW"

Precis of Evidence:

(SEE ATTACHED)

Sentence	Accused	NAGATOMO Y	)	Accused	HIGUCHI T	)	Each to be
and Date:	"	HOSHI A	)	"	MATSUZAKI M	)	imprisoned
	"	ARAI K	)	"	MORISHITA K	)	for life
	"	WAKAMATSU S	)			)	To be imprisoned
	"	OMI T	)	Accused	ARAI H	)	for 20 Years
	"	HIRAHARA M	)	"	OYAMA	)	To be imprisoned
	"	KANEKO J	)			)	for 6 years
Confirmation	"	TAKIMOTO K)				
and by Whom:							

Date of Sentences 16 Sep 46.

LT GEN V.A.H. STURDEE C.G.S. A.M.F 14.1.47.

Promulgation: SEE ATTACHED SHEET. APPENDIX "B"

Petition: Joint petitions lodged Oct 46 on behalf of all convicted accused except accused OYAMA

J.A.G.'s Report on Petition: Confirm findings and sentences and dismiss petitions.
In the case of accused OYAMA it is considered that this accused should be entitled to considerable clemency. In the case of accused HOSHI and WAKAMATSU unable to find any reason why a heavier sentence awarded than in cases of MATSUZAKI and MORISHITA.

Action on Petition DISMISSED 14.1.47.

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

Accused (Contd)

Capt HIGUCHI Tomizo	Sgt Maj OMI, Tadashi
Lt HOSHI Aiki	Interpreter HIRAHARA, Moritsune
1st Lt MATSUZAKI, Minoru	" ISHIKURA, Rikichi (Not Guilty)
1st Lt MORISHITA, Katsuharu	
Sgt Maj TANAKA Tadashi (Not Guilty)	Korean Guard KANEKO, Joroku
Korean Guard ARAI Koei	" " TAKIMOTO Koji
Capt WAKAMATSU, Shizuo	" " ARAI Hideo
	" " OYAMA, Seikyo

All members of the Imperial Japanese Army

Charges (Contd)

Charge(s)	Plea	Finding
13 (2) (Against accused NAGATOMO Y Only) COMMITTING A WAR CRIME in that he on or about 13 Dec 42 at THANBUYZAYAT BURMA unlawfully ordered and caused to be shot and killed Capt HARTERINK, Capt DE ROCHEMONT and Lt HERMANS	Not Guilty	Guilty
X (3) (Against the accused NAGATOMO Y only) COMMITTING A WAR CRIME in that he at THANBUYZAYAT BURMA, unlawfully ordered and caused to be shot and killed Sgt VAN HASSEN Pte NELISSEN and Pte NREDEVOOGD re-captured escaped Dutch PW.	Not Guilty	Guilty
(4) (Against the accused NAGATOMO Y only). COMMITTING A WAR CRIME in that he on or about 2 Mar 43 at THANBUYZAYAT BURMA unlawfully ordered and caused to be shot and killed VX57167 Gnr K.J. DICKINSON of 2/15 Fd Regt (AIF) a re-captured escaped Australian PW.	Not Guilty	Guilty
(5) (Against accused NAGATOMO Y only) COMMITTING A WAR CRIME in that he on or about 16 Mar 43 at THANBUYZAYAT BURMA unlawfully ordered and caused to be shot and killed VX73827 Spr A.J. BELL of 2/6 Fd Pk (AIF) a re-captured escaped Australian PW.	Not Guilty	Guilty
(6) (Against accused NAGATOMO Y and HIGUCHI T). COMMITTING A WAR CRIME in that they on or about 14 Dec 42 at THANBUYZAYAT BURMA were concerned and responsible for the unlawful shooting and killing of NX69005 Dvr G.M. WHITFIELD of 2/3 Res MT Coy a surrendered escaped PW.	Not Guilty	Accused NAGAMOTO not guilty. Accused HIGUCHI guilty
(7) (Against accused TANAKA T only) COMMITTING A WAR CRIME in that he on or about 26 Dec 42 at 18 Kilo Work Camp BURMA unlawfully ordered and caused to be shot and killed QX13768 Sgt O'DONNELL of 2/10 Fd Regt (AIF) an Australian PW.	Not Guilty	Not guilty

PRECIS OF EVIDENCE

1. The evidence for the prosecution consisted of a large number of documents such as diaries and reports or extracts therefrom, record kept by PW, affidavits of former PW and statements made by each of the accused. In addition to this documentary evidence verbal evidence was also given by certain former PW.

2. Each of the crimes, the subject matter of the respective charges, were committed during the construction by the Japanese Army of the BURMA - SIAM Railway. The work on the line was commenced in June 1942 and the construction was completed on 17 Oct 46. The laborers employed in the construction were PW and coolies, but the coolies are not concerned with the present charges. At the outset the complete organisation in connection with the construction was under the command of Maj Gen SASA. This officer had under his command 10 branches, seven of which were located along the line. Each group had its own commander and in turn had under its command a number of camps each of which had a camp commander. This trial concerns only Branches 3 and 5. The accused NAGATOMO, HIGUCHI, HOSHI, MATSUZAKI, MORISHITA TANAKA and ARAI K all belonged to Branch 3 while the 8 other accused belonged to Branch 5. The control and direction of the actual work on the line was under the supervision of Japanese engineering units. Japanese Engineering units are not concerned in the charge in question. The system was for the Engineering Units to requisition for the labour required and the respective camps furnished working parties and guards to conduct them to and from their work, and to watch over them during working hours. The approximate total number of PW held in these camps was 11,000. Of these PW approximately 5000 were Australian. During the periods in question the total approximate number of PW who died from various causes was 1,500. Of the Japanese guards it was shown that during the period in question only five Japanese soldiers died. It was not disputed that all the accused as members of either 3 or 5 PW Branches were concerned in the administration of PW on the BURMA-SIAM Railway between THANBUYZAYAT and NIKI during the periods alleged in the charge sheet. Each of the accused was identified several times in person by witnesses in Court and in addition many of them were identified by photograph.

3. FIRST CHARGE AGAINST THE ACCUSED NAGATOMO The prosecution alleged that the accused as No 3 Branch Comd through his subordinates was responsible so far as it lay within his power to see that (a) PW received food sufficient in quantity kind and quality to maintain their health (b) they received adequate and proper medical supplies, (c) they were not overworked (d) sick PW were not made to work or made to undergo long arduous marches or (e) were not subjected to physical punishment by his staff or guards. It was also contended that this accused was not absolved from the responsibility of camp hygiene, accommodation, transport of the sick and the provision of clothing and footwear.

There was overwhelming evidence of the inadequacy of food supply which reflected itself in a pronounced state of malnutrition in every camp throughout practically the whole period. The accused neglected to secure foodstuffs from available Japanese sources, and it was open to the accused to secure food from local or native sources. There was some evidence to prove that there were supplies of foodstuff available and after the completion of the railway line a celebration was held and extra canteen goods (paid for with PW money) were provided to PW. There was also evidence regarding supplies of fresh meat. If a bullock was available the camp staffs took half of the carcass for their own use and the remainder was given to PW. The ratio of PW to camp staff was as high as 50 to 1. There were specific instances of maldistribution and stealing of rations. Food rations were always less than the stipulated scale and for sick PW it was reduced to 50% less than the ordinary PW ration. Diseased cattle were often provided for food consumption and PW were

compelled to eat it or go without food. Other fresh meat was provided in boxes. In the journey the boxes would be broken and the meat was frequently covered with maggots or it was green in a rotten condition. It was known that on occasions rats were eaten by PW and dogs were eaten by other PW.

There was evidence of failure to supply anything like reasonable medical supplies but this was primarily the responsibility of the accused HIGUCHI. Evidence in this connection will be summarised in respect of the charge against the accused HIGUCHI. It was however contended by the prosecution that the accused NAGATOMO must take his share of the responsibility in this regard.

There was strong evidence of the overworking of PW. Excessive hours were worked and there was a complete lack of any rest days. There was evidence to the effect that PW worked up to 36 hours per day. The accused NAGATOMO failed to see that sick PW were not made to work. The camps over which the accused NAGATOMO had jurisdiction provided the working parties for the rail construction. Conditions of camps at this time were very bad and were situated in fever belts. The sick PW increased to 50% of the total strength. The Japanese insisted that PW medical officers were protecting PW and that insufficient PW were going out with working parties. A sick parade was arranged and two Korean Guards named KATSUMI and YANI without any medical qualifications at all made an inspection and about 50% of them were ordered to work. Protests were made by PW officers but sick men were sent out daily between 0300 and 0400 hrs. These men were poorly clad and most of them were without footwear. Camp hygiene was entirely neglected and as a result dysentery became very serious and at least 50% of PW suffered from beriberi avitaminosis and malnutrition. Later the force of PW were compelled to move to 105 Kilo Camp. With the exception of a very few sick men all PW were forced to march a distance of 40 kilos. Apart from sick PW all the men were in an exhausted condition. The rainy season had set in and the roads were almost seas of mud. PW were poorly clad and carried their gear in drenching rain. It was alleged that if the accused had tried to do so, the PW could have been transported on railway trucks. There were numerous cases of ill-treatment by Japanese officers and guards. There was, the prosecution alleged, no reason why the accused should not have exercised control over the Japanese officers and men under his command.

4. 2nd CHARGE AGAINST ACCUSED NAGATOMO - The accused admitted that the 3 Dutch PW officers were shot at the time and place referred to. A witness pleaded with the accused to defer the shooting until he (the accused) had obtained approval from higher authority. Such request was refused even though the plea was based on International law.

5. 3rd CHARGE AGAINST THE ACCUSED NAGATOMO - The facts in connection with this charge differ somewhat from the facts relating to the 2nd Charge. However the facts are not in dispute. In substance it was admitted that the accused was absent at the HQ of Gen SASA at the time of recapture of the PW. He consulted Gen SASA in regard to these PW and he took the General's orders in regard to the PW. Such orders resulted in the shooting of the three Dutch soldiers named in the charge.

6. 4th and 5th CHARGES AGAINST THE ACCUSED NAGATOMO - The facts in relation to these charges were not in dispute. ~~The three Dutch OR~~ and The Australian OR were shot on the orders of the accused after recapture. In both these cases the accused acted on his own discretion and without specific orders from Gen SASA.

7. 6th CHARGE AGAINST THE ACCUSED NAGATOMO

It was not disputed that NX69005 Dvr G.M. WHITFIELD was killed by shooting at the time and place alleged. The accused was absent from his HQ when the shooting took place. He expressed approval on the action taken during his absence. Under cross-examination the accused

stated "The orders in general to all the camps and camp staff that "run away" prisoners should be shot to death - that was issued by myself in a general way".

8.1st CHARGE AGAINST THE ACCUSED CAPT HIGUCHI - It was alleged that it was the duty of this accused as a medical officer at No 3 Branch to make every possible endeavour to maintain an adequate supply of drugs medicines and surgical instruments and to ensure their equitable distribution. The accused in fact admitted that he was responsible for (a) the health and well being of PW in the Group to which he was attached namely No 3 Group (b) for maintenance of adequate supply of drugs medicines and surgical instruments (c) for arrangements of suitable transport for sick PW to camps (d) supervision to ensure that sick PW were not forced to perform work too heavy for them (e) the provision of proper living accommodation sanitation and hygiene at the camps under his command.

The prosecution alleged that there was ample evidence to support the contention that this accused failed in the extreme to carry out his duties. Considering the charge comprehensively the fact that of 9000 PW in No 3 Branch PW numbering up to 950 died of dysentery or malaria cholera, tropical ulcers and other diseases was submitted as very definite evidence of this fact. In regard to medical supplies it was contended by the defence that there was always a shortage. There was however a volume of evidence by PW that medicines were available and were not supplied. A typical example is the case of one Pte HARVEY who was suffering from rheumatic fever. Ample supplies of sodium salicylate were available within a $\frac{1}{2}$ of a mile from the hospital. It was after numerous appeals had been made to the accused to obtain supplies of this drug that the accused did go. During this week Pte HARVEY was forced to remain in agony. The accused and a Major MORI both admitted that supplies of quinine were at all times sufficient. Adequate supplies were not issued and one PW stated that on one occasion quinine was not issued to him for a period of 5 weeks.

Evidence was furnished of the appalling conditions under which PW were conveyed from work camps to hospital. A typical example of this was that sick PW were piled on top of heaps of blue metal in open railway trucks.

The accused sent sick PW to work without concerning himself with the true state of health of the PW. His customary method of inspection was by ordering PW to filepast him and no detailed examination of any kind was made. At one period the authority of PW MO's to declare PW sick was withdrawn and two Korean guards, without any medical knowledge, were detailed to decide whether PW were fit for work or not. One medical officer PW alleged that in the camp in which he was located 150 deaths were directly attributable to the forcing of PW to work. Under cross-examination the accused admitted that the main causes of death in Branch 3 was the heavy nature of the work which PW were called upon to perform.

9. 6th CHARGE AGAINST THE ACCUSED HIGUCHI - This accused was also charged with being concerned in the unlawful killing of Dvr WHITFIELD. It was alleged that the accused was the only officer empowered to order the removal of Dvr WHITFIELD from hospital for execution, and that he was present at the execution of Dvr WHITFIELD. The accused HOSHI gave evidence to the effect that it was usual for the accused HIGUCHI as MO to be present at executions.

10.1st CHARGE AGAINST THE ACCUSED HOSHI - This accused was at first Gen Affairs officer at 3 Branch and later became Camp Comd at 14 Kilo camp, 75 Kilo Camp and 105 Kilo Camp. The charge concerned only 75 Kilo camp and 105 Kilo Camp. The attitude of this accused towards PW was revealed in a speech which he admitted making to PW. Among other things the accused said that the number of sick must be reduced and that those who were sick would get no food at all. It was the main duty of the Camp Comd to ensure (a) that sick PW were not sent to work

and that hours of work for the fit were not excessive (b) that proper quantities of food was available and fairly distributed (c) that guards were not permitted to ill-treat PW. After the accused made his speech, what were called "Blitz Parades" were held, and after daily inspections sick PW were sent to work. There was ample evidence of shortage of food and even after the completion of the railway the food situation was worse. For a period of one week the food consisted of rice and salt only. One witness alleged that the accused and his staff took more than their share of the available food and obviously thrived on it. The accused failed entirely in the control of his guards and the accused ARAI known as the "Boy Bastard" was one of the worst offenders. There were many instances of cruelty for the minor offences such as failing to salute and stand to attention. For such minor offences PW were made to stand at attention for periods up to 75 hrs. If they fainted during that period they were revived with water and beaten and kicked. One PW was forced to work with an ulcer which extended over the major portion of his lower leg. As a result at the termination of hostilities he remained in hospital for 18 months and for a considerable time after that he was unable to walk. The march from 75 Kilo Camp to 105 Kilo Camp was mainly the responsibility of this accused. Witnesses for the prosecution alleged that 50% of those who marched were unfit to undertake such march. A PW named Spr RAWLINSON although he was very ill with dysentery was forced to march. He was carried nearly the greater part of the distance and as a result died some weeks later. One witness alleged that over 50% of the PW who made the march died in the next 6 months. There was reliable evidence to show that the accused sold canteen goods and medical supplies to PW at considerable profit to himself. The accused's indifference to the sick was shown in the cases of Capt WATTS who was suffering from dysentery and Pte McLELLAN who was a serious tropical ulcer case. He would not bestir himself to secure transport to take them to hospital and as a result they died. Hospital treatment might have saved their lives.

1st CHARGE AGAINST ACCUSED MATSUZAKI

This accused was originally a member of No 5 Branch and then transferred to No 1 Mobile Unit. Whilst with 5 Branch he commanded 18 and 85 Kilo Works Camps. His duties were similar to those of the accused HOSHI. The conditions of these camps were described as "very bad, very short of drinking water and practically no bathing facilities". At 18 Kilo Camp there were two outstanding occurrences of brutality namely the beating of an American PW named MORRISON resulting in concussion of the brain and the beating and torture of Sgt SHORE and Pte CAMERON. PW MORRISON was asleep in his hut early in the evening of 20 Sep 43 when a Japanese gd entered. As he did not stand to attention with other PW he was taken to the guard room and severely beaten by a number of gds. An American doctor diagnosed his condition after the beating as concussion of the brain. He was in a semi conscious condition for several days and eventually resumed work. Some few months later he died from a tropical ulcer and malnutrition. Sgt SHORE and Pte CAMERON were severely beaten and tortured by the accused TAKIMOTO. Both PW had received permission from a Japanese Engineer to go to the river for water and they were intercepted by the accused TAKIMOTO. Pte CAMERON asked for an interpreter but the accused proceeded to beat them. The Jap Engineer intervened but next morning both PW were taken to the Orderly room, and bamboo rods were tied to the back of their legs immediately behind their knees and they were made to kneel on the ground. They were savagely beaten by guards and kept in that position for over 10 hours until they became unconscious. Pte CAMERON died about two months later and it was alleged by Sgt SHORE that the beating and ill treatment accelerated his death. As in other cases sick PW were ordered to work and at one period it was alleged by a witness for the prosecution that of 915 PW there were only 100 men fit for work. Of the 915 men 600 should have been in hospital. Hours of work were excessive and PW were forced to work for stretches of up to 30 hours.

12. 1st CHARGE AGAINST THE ACCUSED MORISHITA - This accused as in the case of the accused HOSHI carried out the duties of Camp Comd. The prosecution charged MORISHITA with (a) overworking and sending sick PW to work (b) failing to control guards and preventing them from illtreating PW (c) failing to ensure proper food supply. PW were made to work up to 20 hours per day for 7 days a week. He forced men to work who were suffering from malaria and beriberi. A specific case was that of an American seaman named BIERMAN who was dangerously ill when he was sent out to work and died on his return to camp the same night. In regard to illtreatment of PW, beatings were daily occurrences. There were many instances of extreme brutality and the accused often gave direct orders for such beatings. As a result of the accused's inability to control his guards a ~~meeting~~ ^{mob} was staged and the accused was removed from his appointment and did not return to the PW camp. There was always a shortage of food for PW but the Japanese were never short of food. The Japanese guards repeatedly stole food from PW.

13. 1st and 7th CHARGES AGAINST ACCUSED TANAKA - As to the first charge the prosecution alleged that although the conditions of the camps under his command appeared to be some what better than the others they were far short of the standard required by international law. It was further alleged that this accused was responsible for the death of Sig OAKSHOTT in that he failed to take active measures to have this PW moved to hospital by transport so that he could be given medical attention. The accused stated in his defence that he did everything possible to obtain transport. Witnesses for the prosecution stated that when the removal of OAKSHOTT by transport to hospital was requested the accused replied that OAKSHOTT probably only had "A pain in the belly" and did not require an operation. Evidence was also adduced by the prosecution showing that the accused personally conducted parades and ordered sick PW to go out on working parties. There was also a specific case where a PW suffering from a dislocated shoulder was ordered by the accused to go to work. The prosecution also claimed that the accused instructed the Korean Guards that they could "physically punish PW when they did minor wrong acts".

In regard to the 7th Charge against the accused TANAKA the prosecution alleged that Sgt O'DONNELL was taken into the jungle and shot to death. It was alleged by the defence that Sgt O'DONNELL had attempted to escape and had been badly wounded by a guard. He was brought before the accused TANAKA who stated that he was so severely wounded that there was no possibility of recovery and he then ordered two guards named TEIMOTO and SENDA to shoot "to kill" the prisoner.

14. FIRST CHARGE AGAINST THE ACCUSED ARAI K - This accused known as "The Boy Bastard" was a Japanese gd. He was under the command of the accused HOSHI. He was accused of numerous beatings of PW and was considered to be one of the most brutal guards. The accused admitted beating an officer named Capt HEST but denied other beatings as alleged. The prosecution alleged that on many occasions he struck PW with bamboos, sticks, jabbed them with his rifle butt and kicked them with heavy boots. Some specific cases of brutality are as follows. On one occasion the accused beat an Aust PW with his rifle butt and broke the PW's arm. On another occasion an Aust PW suffering from ulcers was moving along on crutches. The accused kicked the crutches away causing the PW to fall to the ground. The accused then kicked him violently on the ulcers. On another occasion the accused made a PW named STUART stand for 2 days and nights holding a rock above his head. The prosecution also alleged that on the march from 75 Kilo Camp to 105 Kilo Camp he compelled Spr RAWLINSON to complete the march and was at least in some measure responsible for the death of Spr RAWLINSON. One witness for the prosecution also alleged that the accused's behaviour on the march resulted in the deaths of about 20 PW.

15. FIRST CHARGE AGAINST THE ACCUSED WAKAMATSU - This accused was 2 i/c of 5 Branch Work Camp at 18 Kilo Camp. He also commanded other work camps. It was admitted by the accused that it was his duty to (a) control his subordinates and Korean gds (b) co-operate with the railroad construction unit for the supply of PW labour. Conditions in camps controlled by the accused grew steadily worse until the climax was reached at 100 Kilo Camp which earned the name of Death Valley. The accused admitted that rations laid down were regularly received but the prosecution adduced evidence to the effect that PW did not receive anything like their entitlements. Evidence was given by Japanese Major MIZUTANI of Gen SASA's HQ that the Branch commanded by the accused WAKAMATSU was never short of rice, and that beans and peas were in abundance. He further stated that the Branch had full authority to purchase supplementary rations from local sources. The prosecution charged this accused with (a) administering physical beatings and assaulting PW (b) forcing sick PW to work (c) withholding and wrongfully disposing of medical supplies. In regard to the beatings and assaults the accused stated that they were light face slappings but the injuries alleged to have been sustained by PW disproved this. Several victims of this accused's brutality subsequently died but there was no direct medical evidence to prove that the beatings were the actual cause of death. There was ample evidence of sick PW having been forced to work. The example set by the accused WAKAMATSU was followed by the accused HIRAHARA. There was evidence to show that HIRAHARA indulged in what can be briefly described as a "drug racket". There was no direct evidence to show that the drugs and medicines held by HIRAHARA were stolen from PW but the lack of medicines and drugs available made this a logical inference. In a statement made by this accused he said "At the time I was following instructions in beating PW and in treating them cruelly. I now realise that I was wrong and I am prepared to take any punishment that may be dealt out to me."

16. 1st CHARGE AGAINST THE ACCUSED ISHIKURA - This accused was known as "TURTLENECK" and was an interpreter under the command of WAKAMATSU. The principal matter alleged against this accused was that he participated in or ordered a number of beatings and that he was instrumental in sending sick PW to work.

One MIZUTANI further stated that there was an abundant supply of medicines at the Branch. The prosecution alleged that the issue made by the accused was negligible and the prosecution submitted that the accused's action in withholding these supplies amounted to criminal negligence. The accommodation was hopelessly inadequate. To give one example 400 PW were compelled to live in one hut which on Japanese Army standards was only meant to accommodate 200. This accused, it was further alleged personally participated in beatings and the Japanese soldiers under his command were also responsible for many beatings. There is at least one instance where beatings proved fatal to 3 American soldiers. Of 2000 PW under the control of the accused WAKAMATSU, on his own admission 400 died as a result of the work they were compelled to do. Expressions by PW doctors as to fitness of PW to work was entirely disregarded by the accused.

17 FIRST CHARGE AGAINST THE ACCUSED OMI - This accused was 2 i/c to the accused WAKAMATSU. The accused OMI beat PW with great savagery and the deaths of several PW was indirectly the result of such beatings. Guards serving directly under OMI severely beat PW on orders from him.

18 FIRST CHARGE AGAINST THE ACCUSED HIRAHARA - The prosecution alleged that this accused was an office orderly attached to No 5 Branch. He was educated in Christian principles and was a member of the Korean Civil Service. He often acted as an interpreter. In one particular case the accused gave orders for and supervised a severe beating of a man named SHORE. Subsequently the accused ordered SHORE to kneel for an hour with a bamboo pole tied behind his knees. During approximately

an hour SHORE was beaten into unconsciousness by guards. He was in hospital for 3 days as a result thereof. It was alleged that the general attitude of the accused towards sick PW was that they were a liability to be disposed of and thus leave more food for men able to work. One witness for the prosecution expressed the opinion that the accused was responsible for many American deaths on the BURMA side of the railway.

19. FIRST CHARGE AGAINST THE ACCUSED KANEKO - This accused was generally known to PW as "MUKAN BAGOES" or "MUKAN". He performed duties as a guard and in the cookhouse. Over the period in question he savagely attacked and beat many PW and he assisted other guards in beatings. The prosecution alleged that at least 5 deaths were partly caused or hastened by the brutality of this accused. In Jun/July 43 one Lt HAMPTON was beaten by the accused with a bamboo pole and he was unable to work again. He died on 31 Jul 43. There were other cases of this nature resulting in deaths. A seaman named GODFREY died on 6 Oct 43 due to strain caused by torture and punishment inflicted by the accused and other guards. This PW was suffering from dysentery and was unable to perform his share of work. He was compelled to hold a rock weighing about 25 lbs above his head from 30 to 45 minutes. There was evidence of countless beatings by the accused and are too numerous to detail. The accused, in a statement, admitted beating and kicking PW and said (inter alia) "I will accept any punishment I get".

20. FIRST CHARGE AGAINST THE ACCUSED TAKIMOTO - This accused was a Korean and served under the accused MATSUZAKI later under the accused WAKAMATSU. It was alleged that this accused struck PW with his fists rifle butt and bamboo sticks. He struck a PW across the ears with his fists, and the man was permanently deafened. He participated in the beating of Lt HAMPTON who died shortly after. He also participated in the attack on the American named MORRISON which caused the PW to suffer concussion of the brain. One witness for the prosecution alleged that the accused gave many bad beatings and 500 beatings are considered a conservative estimate.

21. FIRST CHARGE AGAINST THE ACCUSED ARAI Hideo - This accused was known as "OLLIE" or "ALLIE". He was a powerfully built man and a one time amateur boxer in JAPAN. The main charge against this accused is that of causing or contributing to the death of an American PW named GRAY. In July 43 GRAY was suffering from a large tropical ulcer on his leg and could hardly stand up. He was resting after dinner and the accused made him stand at the position of attention while he savagely attacked him with his fists and rendered him unconscious. GRAY died on 12 Sep 43. It was also alleged that this accused practically beat another PW to death with his fists. The accused admitted beating PW.

22. FIRST CHARGE AGAINST THE ACCUSED OYAMA - This accused's ^{main} duties were miscellaneous and he acted as PW guard at 80 Kilo Hospital. This hospital was most inadequate and housed up to 300 patients and the charge against the accused concerns his duties at the Hospital. There were three specific matters alleged against him. Firstly he administered beatings to the medical orderlies at the hospital, secondly he beat an American PW named KOELLING suffering from tropical ulcers, and thirdly beating sick PW. In regard to the orderlies the accused frequently beat them and Capt DANLER of Royal Netherlands East Indies Army alleged that some orderlies died subsequently. The beatings tendered to lower their resistance which was poor and was a contributing factor towards their deaths. The American PW KOELLING was suffering from a tropical ulcer and he was beaten by OYAMA and another guard. The American was seriously ill and his death followed shortly after. It was alleged that in the low condition of health of the PW such beating would accelerate his death. Sick PW were frequently beaten by OYAMA. The accused either used his hands or sticks.

23. All the accused gave evidence in their defence. Generally it was contended that the construction of the railway was carried out on orders from superior authorities and that the persons charged were

carrying out such orders in all its conditions. The unusually large number of deaths was attributed to the nature of the climate and were unavoidable. The shortage of food drugs medicines and clothing was not the fault of the accused who merely constituted camp staff. If they did not get these supplies the accused could do nothing further about it. It was admitted that sick PW were compelled to work but the accused were merely carrying out superior orders, that all PW were to be made to work and that the construction of the railway was a strategic plan which had to be carried out at all costs. In regard to accommodation it was claimed that the numbers of PW involved made it almost impossible to provide suitable conditions. In regard to illtreatment of PW the defence was in substance a general denial that beatings and tortures took place.

APPENDIX B

Confirmation of finding and sentence promulgated to each accused as follows :-

Lt Col	NAGATOMO	Yoshitada	on the	15-9-47	and executed on	16-9-47	at	CHANGI
Capt	HIGUCHI	Tomizo	" "	24-2-47				
Lt	HOSHI	Aiki	" "	24-2-47	" "	"	25-7-47	" "
1st Lt	MATSUZAKI	Minoru	" "	26-2-47				
1st Lt	MORISHITA	Katsuharu	" "	26-2-47				
Kor Gd	ARAI	Koei	" "	24-2-47	" "	"	25-2-47	" "
Capt	WAKAMATSU	Shizuo	" "	29-4-47	" "	"	30-4-47	" "
S/M	OMI	Tadashi	" "	24-2-47	" "	"	25-2-47	" "
Int	HIRAHARA	Moritsune	" "	24-2-47	" "	"	25-2-47	" "
Kor Gd	KANEKO	Joroku	" "	24-2-47	" "	"	25-2-47	" "
"	TAKIMOTO	Koji	" "	24-2-47	" "	"	25-2-47	" "
"	ARAI	Hideo	" "	26-4-47				
"	OYAMA	Seikyo	" "	26-4-47				

RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Ans. 242

Accused: **Lt-Gen HARADA Kumakichi**
Lt-Col MASUGI Kazuo
Lt-Col HARA Kenji
Lt ONIKURA Sukemasa
Sgt-Maj NAKAGAWA Masao
Court, Place and Date of Formation: **SINGAPORE**
14 Oct 46-25 Oct 46

AWC No.....

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

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME in that they at or near TANDJONG PRIOK JAVA on 5 Feb 45 in violation of the laws and usages of war were concerned in the unlawful killing of F/Sgts Ryan, Brown and Vetter of the Royal Australian Air Force then Australian PW held by the Japanese Armed Forces	All accused not guilty	All accused guilty as charged except the words "between 28 Jan and 6 Feb 1945 are substituted for the words 5 February 1945"

Precis of Evidence: (1) The deceased were members of the Royal Australian Air Force and had set out on a mine laying and reconnaissance mission from Darwin. They were making the journey in a Catalina Flying Boat when it crashed into the sea off the coast of Macassar and the three deceased were captured by the Japanese. The accused HARADA was GOC 16 Japanese Army and as such was also C in C Japanese Armed Forces Java. The accused MASUGI was Staff Officer, Intelligence, on the HQ of the accused HARADA. The accused HARA was chief of the Judicial Department of 16 Japanese Army under the direct control of the accused HARADA. The accused ONIKURA was a Judicial Lt under the command of the accused HARA. The accused NAKAGAWA was a warder in a military prison attached to HQ 16 Japanese Army and situate in Batavia. 2. It appears that the three deceased were captured by the Japanese Navy and handed over to HQ 16 Japanese Army. The accused MASUGI arranged for the interrogation of the deceased by one Capt TOMITA NOZOMU and subsequent ~~TOMITA reported the result of his interrogation to the accused MASUGI and~~ (over)

Sentence and Date: **Accused HARADA K.) EACH TO SUFFER DEATH BY HANGING**
" **MASUGI K.)**
" **HARA K. TO BE IMPRISONED FOR 15 YEARS**
" **ONIKURA S. TO BE IMPRISONED FOR 10 YEARS**
" **NAKAGAWA M. TO BE IMPRISONED FOR 7 YEARS**

Confirmation and by Whom: **Lt. Gen V.A.H. STURDEE C.G.S. A.M.F. 14.1.47.**
Sentence passed on Lt. Col HARA HENTI not confirmed

Promulgation: *Confirmation of findings and sentences promulgated to HARADA on the 24/5/47 executed on the 28/5/47, ONIKURA on the 9-6-47 MASUGI " 24/5/47 " " 24/5/47, NAKAGAWA " 24-5-47*

Petitions lodged Nov 46 on behalf of the accused HARADA & MASUGI against finding and sentences.

J.A.G.'s Report on Petition: **Confirm finding and sentences in the case of all accused (except accused HARA) and dismiss petitions and that the finding and sentence in the case of Accused HARA be not confirmed as it is considered there is not sufficient evidence to justify conviction.**

DISMISSED 14.1.47.

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

stated that in view of the nature of the mission of the deceased there was no need to treat the deceased otherwise than as ordinary PW. The accused MASUGI reported accordingly to the accused Lt-Gen HARADA and advised that it would be difficult to keep the deceased segregated from the other PW. The accused Lt-Gen HARADA then gave orders for the immediate execution of the three deceased. The accused MASUGI passed the order to the accused HARA. The deceased were not subjected to any trial whatsoever and were not charged with any alleged offence. In fact the accused Lt-Gen HARADA told the accused MASUGI to dispense with any Court Martial and to execute the three airmen as secretly as possible so that there would not be any complications afterwards. The accused MASUGI in addition to telling the accused HARA to arrange for the execution instructed one Maj OSADA TATSURA of 16 Japanese Army Medical Department to be present at the execution in his capacity as Medical Officer. Maj OSADA then applied to accused HARA for permission to use the judicial Departments execution ground and such permission was granted. A discussion between the accused HARA and ONIKURA and Maj OSADA then took place. Accused ONIKURA (who was a subordinate of the accused HARA, and also held appointments of Judicial Officer, Court Martial Prosecuting Officer, and commandant of the Court Martial prison) pointed out that it would be illegal and would be a War Crime if the deceased were executed without a Court Martial. Maj OSADA told the accused ONIKURA that the order for execution was a secret Army order and should not concern himself about it. The accused HARA laughed at the suggestion made by the accused ONIKURA. The accused ONIKURA then took charge of the deceased and with the execution party took them to the place appointed. Maj OSADA followed. (.) A grave had already been dug and the deceased were executed by beheading with a sword. The executioner was the accused NAKAGAWA. A witness alleged that the accused NAKAGAWA actually volunteered for the job as executioner. The prosecution also contended that the accused NAKAGAWA had previously been informed that the executions were illegal. Maj OSADA was the senior officer present at the execution but the accused ONIKURA was actually in charge of the party and gave the final orders for the execution. After the executions Maj OSADA pronounced life extinct and the bodies of the deceased were buried in the grave. The prosecution alleged that all the accused were well aware or should have been aware that the deceased had not committed any offences for which they were liable for execution and that there had been no judicial trial.

3. The defence alleged that the accused Lt-Gen HARADA had ordered the accused MASUGI to deal with the deceased in a legal manner and that the accused MASUGI erroneously assumed this order to mean the execution of the deceased. In regard to the accused HARA it was alleged that he was absent from the locality at the time of execution and he had heard nothing regarding the deceased, had received no orders regarding them and had not even received any reports relating to their execution. In regard to the accused ONIKURA the defence alleged that he was not in charge of the execution party and his presence at the scene was brought about by another execution at which he was a mandatory witness. If it was believed that he was in charge of the execution party it was submitted that he was then carrying out orders of superiors. In regard to the accused NAKAGAWA it was admitted that he in fact executed the deceased but it was claimed that he was carrying out orders which he could not disobey.

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)R. 173 *Ans 248*AWC No. 2314

Accused: Lt-Gen ADACHI Hatazo

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

Court, Place, Rabaul 8,9, 10,11,14,15,16,17,18,22,23 Apr 47
Date and 8th Military District.
Formation:

Charge(s)	Plea	Finding
Committing a war crime, that is to say a violation of the laws and usages of war in that he between November 1942 and Sep 1945 being a Commander of Japanese armed forces in New Guinea at war with the Cmlth of Aust and its allies, unlawfully disregarded and failed to discharge his duty as such Comdr to control the conduct of the members of his Command whereby they committed brutal atrocities and other high crimes against the people of the Cmlth of Aust and its allies.	Not guilty	Guilty

Precis of Evidence: 1. The greater part of the evidence for the prosecution was documentary, whilst verbal evidence was given by Subedar CHINT SINGH who was a former Indian PW. The documentary evidence was evidence which had been given a previous individual war crimes trials at Rabaul. The substance of the evidence was to the effect that during the period Nov 42 to Sep 45 the accused was in command of units whose officers and men had committed brutal atrocities in the New Guinea area.

2. It was shown by means of a signed statement from the accused himself that he was in command of all troops in the New Guinea area during the time the atrocities were committed.

3. The statements produced show that officers and men under his command were responsible for the death of 64 Indian PW. These PW were executed, such executions being in way of a punishment for some alleged offence. Statements have also been produced to show that men under his command were responsible (PTO)

Sentence and Date: To be imprisoned for life

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

Promulgation: *Promulgated to the accused on 12-7-47.*

Petition: Lodged by the accused on 23 Apr against the finding and sentence.

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

Action on Petition: Dismissed 27/6/47.

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

2.

for the ill-treatment of Indian PW in most cases resulting in their death, ill-treatment and death of Chinese PW due to privation, lack of food and beatings; the ill-treatment of natives of New Guinea, the murder of Australian soldiers, and the mutilation of the bodies of Australian and American deceased PW.

4. The accused gave evidence in his defence stating that the Indian and Chinese soldiers were not prisoners of war but labourers, and that the alleged atrocities occurred in areas over which he had no control

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

Sgt MATSUSHIMA Tozaburo
Sup Pte AIYZAWA, Harimoto
Civilians HAYASI, Najime
" KIOHARA, Takeo
" OKABAYASHI Eikyu
Accused: " YANAGAWA Uetane
" SHIMURA, Yuzo
Court, Place, RABAU Civilian FURUYA Eisuke
Date and 10-16 Apr 46 " TAKABAYASHI Tsuruichi
Formation: 8 MD

AWC No. 2910, 2651, 2683, 2913
2685, 2914, 2911, 2912, 2684.
Aust W.C. List Ser No.....

Charge(s)	Plea	Finding
1. MURDER AT RABAU about 3 Mar 43 of 24 Chinese PW.	NOT GUILTY	
2. MURDER AT RABAU about 11 Mar 43 of 6 Chinese PW.	NOT GUILTY	All accused guilty of both charges.

Precis of Evidence: In March 1943 about 800 Chinese PW were camped at Rabaul. A considerable number were sick. Evidence was given by three Chinese officers supported by written statements of eleven other Chinese that on each of the days mentioned in the two charges, the accused came to where the Chinese were encamped forced some of them to dig a mass grave and then selected on the first occasion 26 of the sick Chinese and on the second occasion six out of the remaining sick Chinese, had them conveyed to the grave, forced them into it and there shot them with rifles and pistols except two out of the twenty six who escaped on the way. Each of the accused on each occasion took turns at shooting at the Chinese. The shooting was witnessed by the prosecution witnesses. Accused AYIZAWA admitted he shot the sick Chinese but alleged the act was approved by the Chinese officers and that none of the other accused took part in or were present at the time of either shooting. The other accused who, except(Over)

Sentence and Date: DEATH BY HANGING
16 Apr 46

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

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

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

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)

MATSUSHIMA, were Formosan laborers denied any knowledge of the shooting but they were each identified in court by the Chinese officers as participants in both sets of murder.

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

RECORD OF MILITARY COURT
(JAPANESE WAR CRIMINALS)

R.51 *Ans. 70*

AWC No. 2048
2058

Accused: Lt-Comd SUZUKI Naoomi
Lt NARA Yoshio

Aust W.C. List Ser No.

Court, Place, RABAUL
Date and 26 Apr 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at Ocean Island on or about 20 Aug 45 of FALAILIVA, Ueanteiti and other persons unknown.	Not guilty	Both accused guilty.

Precis of Evidence: The case for the prosecution consisted of the oral evidence of a native witness named KABANARE (the sole survivor of approximately 200 natives employed by the Japanese on Ocean Island), a statement in writing made by him and interrogations of the accused SUZUKI and NARA which were reduced to writing. At the trial it was admitted, in substance that the executions of these natives took place on or about the 20 Aug 45 pursuant to the orders of the accused SUZUKI. He admitted giving orders to his 4 Company Commanders that they were to shoot all the natives on the island. The reasons given by the accused SUZUKI for these mass executions were to the following effect

- (a) Rumours of the defeat of Japan had been received and as the Japanese on the Island had decided to fight to a finish the natives would be a hindrance.
(P.T.O. for remainder)

Sentence and Date: Death by hanging. 26 Apr 46.

Confirmation and by Whom: Findings confirmed. Sentence in case of accused SUZUKI confirmed. Sentence in case of NARA commuted to imprisonment for 20 years and confirmed as commuted. Lt-Gen.V.A.H. STURDEE.

Promulgation: Confirmation of finding and sentences in case of SUZUKI and finding and sentence as commuted in the case of NARA promulgated to accused 30 July 46.

Petition: Lodged May 46 by both accused.

J.A.G.'s Report on Petition: Accused SUZUKI - confirm finding and sentence and dismiss petition. Accused NARA - confirm finding and commute sentence to long term of imprisonment.

Action on Petition: Petition of accused SUZUKI dismissed. Petition of accused NARA upheld in so far as sentence only is ~~confirmed~~ *confirmed*.

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

- 7
- (b) The receipt of an order from one Rear Admiral SHIBAZAKI KEIJI to fight to the finish and as the natives were likely to cause trouble to execute them.

2. The accused NARA in his interrogation (which was reduced to writing and put in evidence) admitted in effect that he remembered the accused SUZUKI, giving orders to shoot the natives but that he was not present when the orders for the executions were given by the accused SUZUKI to his Company Commanders. With the assistance of Petty Officers he (NARA) assembled the natives and divided them into groups and they were then led away. The witness for the prosecution, KABANARE, admitted that he did not see NARA with any of the parties when they moved off. The accused SUZUKI stated that the accused NARA was not present at the time and place of execution but that he was in his office.

L

Medical
Killing of sick
people