



AUSTRALIAN MILITARY FORCES

JUDGE ADVOCATE GENERAL

Judge's Chambers,
Supreme Court,
CANBERRA

Quote in

Reply.....

HEADQUARTERS

VICTORIA BARRACKS

MELBOURNE, S.C.

336/1/699
24. Apr. '46

A.M.F. Headquarters,
(for D.P.W. & I.)

TRIAL OF CAPTAIN SHIROZU WADAMI,
JAPANESE NAVY, AND OTHERS

1. This was a War Crimes Trial convened by Commander, Morotai Force, and held at Ambon on 2nd - 18th January, 1946 and at Morotai on the 25th January to 15th February, 1946.

2. The trial was properly convened and properly conducted and all the requirements of the law were complied with.

But the number of accused was 92 and I desire to enter a most emphatic protest against the administrative system that asks a Court to try such a number at once or expects the reviewing or confirming authority to be able to do justice to all the accused.

3. I have spent six full days on this file and am far from satisfied that I may not have overlooked, through sheer inability to remember some cogent detail of the trial, something in favour of one or other of the accused.

4. All the accused who were convicted (a number were found not guilty) have petitioned, and in an attempt to make my report as concise as possible I have hereunder set out my views on each of the sentences in relation to each of the accused.

5. Legally there is now no objection to your confirming the findings and sentences in each case.

(NAVAL) CAPTAIN SHIROZU WADAMI

Charged with

Committing a war crime, namely ill-treatment of Prisoners of War.

In that he in and between the months of February 1942 and August 1945, ill-treated Australian and Dutch Prisoners of War at Tan Toe Camp Ambon by

- 26/4/46
hmg
- (a) physical beatings and torture
 - (b) compelling sick and infirm Prisoners of war to go out on working parties
 - (c) failing to ensure the provision of proper food supplies
 - (d) failing to ensure the provision of proper medical supplies and medical care.

Convicted by Special Finding

except that the words and figures "February 1942" should read "January 1944" and, except that the words "compelling sick and infirm Prisoners of War to go out on working parties" and the words "medical supplies and " should be excluded from the particulars.

Sentence:

To suffer death by shooting.

Petition:

He petitioned against his conviction and sentence and this objection may be conveniently summarised as:

- (i) He did not personally ill-treat or torture any prisoner of war.
- (ii) The failure to provide adequate medical supplies was caused by a shortage of supplies generally.
- (iii) The death rate of Australian prisoners of war was caused not simply by inadequacy of rations but because they were not accustomed to a tropical climate.

Remarks:

This officer was the senior Japanese officer in the area and as such eventually responsible for the POW camps at Tan Toe, Ambon. He was known to visit the camp twice during the years he was in charge and to frequently pass the camp. On no occasion did he ever speak to any POW or show any interest in the conditions so far as the evidence before the Court went.

The conditions in which these prisoners lived and died were as dreadful as anything the world has seen. Apart from these beatings and tortures which are discussed in the evidence and in reference to which there is a good deal of evidence against individuals, the conditions in these camps under Captain Shirozu were such that of 548 prisoners of war on the 26th October, 1942, there survived 139 on the 31st August, 1945, and these were in such a bad physical and mental state that a number of them, after recovery by the Australian Forces, died either in or on their way to Australian hospitals. The deaths were the result of starvation and general ill-treatment, of beatings to death, and of torture and execution, and although Captain Shirozu did not personally take part in any of the ill-treatment, and although he did not assume command until January 1944 I can see nothing in favour of mitigating the sentence against him.

(NAVAL) LIEUTENANT MIYAZAKI

This officer pleaded guilty, but the Court correctly refused to accept such a plea and proceeded to enter a plea of not guilty and to hear evidence in relation to the charges against him.

Charged with:

the same offence as Captain Shirozu.

Convicted by Special Finding

except that the words and figures "February 1942" should read "January 1944" and except that the words "failing to ensure the provision of proper medical supplies and medical care" should be excluded from the particulars.

Sentence:

To suffer death by shooting.

Petition:

He petitioned against the finding and sentence and such petition may be summarised as:

- (i) Unreasonable to blame him for working sick and wounded prisoners of war because all he worked were certified by their own officers as capable of working.
- (ii) He was not responsible for the issue of rations or the policy that forbade prisoners of war to obtain food from the natives.

Remarks:

In relation to (i) this is contradicted by the evidence of the prosecution and I am satisfied is untrue.

In relation to (ii) the statement in the petition is probably correct, but as the official in actual charge of the camp he might well have attempted some amelioration of the food position, but he does not even claim to have done so.

From the evidence it would appear that he took little or no interest in the camp and was hardly ever there but left the whole control to Ikeuchi Masakiyo.

There is evidence that he knew of the employment of POW to remove picric acid from munitions in circumstances that would make it probable that deaths and permanent injuries would follow from such employment.

There is evidence that he used to inspect working parties which consisted, as I am satisfied from the evidence, of men who were dying on their feet.

He was present on one occasion when a large number of Australians were beaten for hours in front of the house of Ikeuchi. As the officer in immediate charge of the camp he must have been aware of the condition

Remarks (Cont)

of the prisoners of war and of the conduct of the guards in systematically torturing and beating the prisoners.

In my opinion he merits the sentence imposed on him.

LT. COMDR. SURGEON NAKAMURA RYOSUKE

Charged with:

the same offence as Captain Shirozu.

Convicted by Special Finding

except that the words and figures "February 1942" should read "January 1944" and that the words "physical beatings and torture" "compelling sick and infirm POW to go out on working parties" "failing to ensure the provision of proper food supplies" and "medical supplies and" should be excluded from the particulars.

Sentence:

Imprisonment for Eighteen Months.

Petition:

He petitioned and the petition may be summarised as

- (i) The sentence implies that the accused failed to ~~treat~~ (a soldier named) Noble and caused his death. The real fact was that the accused, as medical officer of the infirmary, gave Noble an emergency treatment and there was no fault in that treatment.
- (ii) The sentence suggests that the accused neglected the medical care of the prisoners of war, but the accused had no responsibility for the medical care of the prisoners of war.
- (iii) The sentence suggests that the accused was guilty of failing to supply medical equipment and supplies which was not accurate. The amount supplied was twice the quantity of that supplied to the Japanese troops. Moreover, after September 1944 the accused was not responsible for the supply of medical stores. The accused was sentenced to be imprisoned for 18 months.

Remarks:

There is no very strong evidence against this officer. He was not in direct medical charge and seems to have not come into contact with the prisoners at all. Beyond an indifference to seeing whether there were or were not any medical supplies I can see very little against him.

I am inclined to the view that there is no justification

Remarks (Cont.)

for the sentence of imprisonment. I say this with some hesitation because this is one of the cases where the volume of evidence has made it impossible for me to be satisfied beyond all doubt that I have not overlooked something for or against the present accused. In all the circumstances therefore I am of the opinion that it would be wiser not to confirm the sentence.

(NAVAL) SUB-LT. FIRST CLASS SHIMAKAWA MASAICHI

Charged with:

the same offence as Captain Shirozu

Convicted by Special Finding

except that the words and figures "February 1942" should read "November 1944" and that the words "compelling sick and infirm POW to go out on working parties" and "failing to ensure the provision of proper medical supplies and medical care" should be excluded from the particulars.

Sentence:

To suffer death by shooting.

Petition:

He petitioned and this may be summarised as

- (i) An Indonesian witness gave evidence that in September 1944 the accused beat a prisoner of war who was resting without permission, but in September 1944 when the alleged beating took place the accused was on duty elsewhere and had no connection with the prisoner of war. Moreover, the accused being the commander of the detachment in charge of the prisoners did not stand on guard personally. Therefore it would not be possible for him to beat a prisoner of war.
- (ii) Besides there is no actual evidence that the accused beat or gave physical torture to prisoners of war. Even if his subordinates did so the accused did not know of this ill-treatment.
- (iii) The accused has no criminal responsibility for deeds done by his subordinates.

Remarks:

This officer appears to have been the officer in actual charge of the guards at the camp. He inspected the camp each night but took no action to see that anything was done to ameliorate the conditions of the POW, being satisfied to walk through and in effect make certain that all those on charge to him were in the camp.

Remarks (Cont.)

It is true that there is no positive evidence of personal ill-treatment except in one case, but he was in charge of a guard that consisted of a very large number of sadists and torturers and if there is to be any responsibility sheeted to the Japanese officers then this officer must bear some of the responsibility for the conduct of the guards whom he commanded. In my opinion the sentence is justified.

IKEUCHI MASAHIKO - Civilian Interpreter

Charged:

as were the others

Convicted by Special Finding

except that the words "failing to ensure the provision of proper medical supplies and medical care" should be excluded from the particulars.

Sentence:

To suffer death by shooting.

Petition:

He petitioned and this may be summarised as:

He only slapped slightly on the cheek one or two times or on the buttocks one or two times any prisoner of war. He only slapped those prisoners of war who tried to sabotage the Japanese war effort by pretending to be sick, and such slappings were for the purpose of warning and discipline.

(ii) The evidence of a named Dutch Sergeant-Major was exaggerated by reason of the fact that the Sergeant Major was ill disposed towards the accused.

(iii) The accused was ill-treated by an ex-prisoner of war after the surrender.

(iv) The evidence of the Indonesian cannot be relied on.

(v) The accused had no positive authority for the supply of rations or stores or clothing. His duty was only to convey his seniors' orders to the POW. The accused was not responsible for employing sick and wounded prisoners of war on working parties. That was the responsibility of MAYAZAKI YOSHIO. The accused permitted the adjutant of the prisoners of war to select the proper personnel for working parties. The accused is not a soldier but an interpreter.

Remarks:

The accused was the civilian interpreter to the camp and de facto became the camp commandant. From the evidence it would appear that the control of the camp and its general administration was left almost

Remarks (Cont.)

entirely to IKEUCHI. I have not the slightest hesitation in saying that this man justly deserves the sentence of death that has been imposed on him. A torturer, a sadist, an inhuman person of the lowest type is the opinion that I have formed of this man after reading the evidence.

CHIEF PETTY OFFICER KAWADA SHIGEO

Charged:

as were the others.

Convicted: by Special Finding

except that the particulars should read "in that he in the month of November 1942 ill-treated Australian prisoners of war at Tan Toe Camp Ambon by physical beatings".

Sentence:

Imprisonment for one year.

Petition:

He petitioned together with a large number of others on page 7 of the petition. This petition deals with details of the evidence of a number of individual instances where allegations were made against those of the other accused who petitioned with him.

Remarks:

There is no direct evidence of personal cruelties by these men and I presume that he was sentenced to one year as being a member of the guard and hence collectively responsible. The sentence is relatively short, but I see no reason to recommend interference with it.

C.P.O. MURATA SANEMI

Charged:

as were the others.

Convicted by Special Finding

except that the particulars should read "in that he in the months of November 1942 ill-treated Australian prisoners of war at Tantoe Camp Ambon by physical beatings".

Sentence:

Imprisonment for five years.

Petition:

He petitioned in the same petition as the last named accused, KAWADA, which petition is set out on pages

Petition (Cont.)

7-8 of the petition and does not raise, in my opinion, any new aspects which were not properly considered by the Court.

Remarks:

There is evidence on page 52 of the transcript that he beat personally two Australians very severely and on page 55 that he took part in beating for a very long time a party of 23 Australians several of whom afterwards died and all of whom had severe injuries including in many cases broken limbs from the beating. In my opinion the sentence is justified.

TAKEUCHI MICHIO

Charged:

as were the others

Convicted by Special Finding

except that the particulars should read "in that he between the months of January 1943 and March 1943 and May 1943 and November 1944 ill-treated Australian prisoners of War at Tantoe Camp Ambon by physical beatings".

Sentence:

Imprisonment for twenty years.

Petition:

He petitioned on page 9 of the petition and this may be summarised as

- (i) The accused admits that he beat a prisoner of war in May 1945, but denies every bit of evidence other than this.
- (ii) There was another prisoner of war nicknamed the 'Black Bastard' as well as the accused and evidence against the 'Black Bastard' may well apply to the other prisoner of war.
- (iii) The sentence is too heavy.

Remarks:

The accused was known as the 'Black Bastard'. He was in charge of working parties and beatings took place on these working parties every day. There is evidence of prisoners of war being brought back to the camp from his working parties unconscious through beatings. There is evidence that two of the men who were brought back unconscious subsequently died. There is evidence that he on one occasion beat a prisoner of war with a piece of wood very heavily at least 10 times. He was described by one witness as "a first class stick man - the worst of all." In my opinion the sentence is well merited and I have no hesitation in recommending that it should not be interfered with.

C.P.O. AMESHIMA HISANORI

Charged:

as were the others

Convicted by Special Finding

- e except that the particulars should read "in that he in and between the months of August 1943 and May 1945 ill-treated Australian prisoners of war at Tantoe Camp Ambon by physical beatings."

Sentence:

Imprisonment for three years

Petition:

He petitioned on page 9 of the petition alleging that the witness MILLY SIJAUTA who gave evidence against the accused was hostile towards him.

Remarks:

He was one of the party who beat the 23 Australians very severely in front of IKEUCHI'S residence. On another occasion he beat an Australian with a rifle using both his hands to wield the rifle as a club for two minutes. There is evidence that he beat an Australian with a stick because the Australian through sheer weakness dropped a log he was carrying.

In my opinion the sentence of three years is justified.

C.P.O. NAGATANI TAKEJI

Charged:

as were the others

Convicted by Special Finding

except that the particulars should read "in that he between the months of December 1943 and August 1945 ill-treated Australian prisoners of war at Tantoe Camp Ambon by physical beatings".

Sentence:

Imprisonment for twelve years.

Petition:

He petitioned on page 9 of the petition and this may be summarised as

- (i) That the evidence is very vague, not stating the date, location and the sufferer of the beatings he is alleged to have inflicted.
- (ii) The accused was known among the prisoners of war as 'Gold Tooth No.2' and if the evidence of an Indonesian is to be believed it would have to be supported and it is not supported by any Australian witness.

Remarks:

This man took part in beating the 23 Australians previously referred to. He beat an Australian prisoner of war once severely for just sitting down. He is described by one witness as "He ill-treated only Australians. He was a medium beater". There is evidence that he once beat an Australian to death. There is evidence that he beat a prisoner of war with his fist on the face and when the prisoner fell down he kicked him on the chest several times. There is evidence that he beat a prisoner of war many times with his fist and stick till the prisoner of war, an Australian, was unconscious. The Australian subsequently died from this beating.

I am of the opinion that the sentence should be confirmed and not in any way mitigated.

C.P.O. HAYASHI TOYOICHI

Charged:

as were the others

Convicted by Special Finding

except that the particulars should read "in that he between the months of January 1943 and March 1943 and May 1943 and August 1945 ill-treated Australian prisoners of war at Tantoe Camp Ambon by physical beatings."

Sentence:

Imprisonment for six years.

Petition:

He petitioned on page 10 of the petition. This may be summarised as:

- (i) There was no evidence given by ex-prisoners of war against the accused.
- (ii) The Dutch Sergeant-Major testified that the accused beat or kicked a prisoner of war but could not state any concrete fact as to where or when or to whom the ill-treatment was done. The evidence of an Indonesian that he beat a prisoner of war until unconscious in November 1943 is doubtful and is fabricated by the witness because it is impossible to see what was alleged to have been seen from the position where the witness was standing. The sentence is too heavy.

Remarks:

This accused took part in beating the 23 Australians above referred to. There is evidence by one witness that he "gave frequent beatings though not severe. He was frequently throughout the Camp". There is evidence that he beat an Australian 30 times till he fell and the witness believed the beaten prisoner of war was dead. In my opinion the sentence of six years is justified.

C.P.O. MANABE SADAQ

Charged:

as were the others.

Convicted by Special Finding

except that the particulars should read "in that he in the year 1944 ill-treated an Australian prisoner of war named Saunders by physical beating near Tantoe Camp Ambon."

Sentence:

Imprisonment for two years.

Petition:

He petitioned and denies on page 10 of the petition that he ill-treated an Australian named Snowy Saunders.

Remarks:

This man was also present and took part in the beating of the 23 Australians above referred to. There is evidence that he gave beatings though not severe and once knocked down a very sick man. I do not look upon the sentence of two years as unduly severe.

C.P.O. FIJIWARA KAMEICHI

Charged:

as were the others

Convicted by Special Finding

except that the words and figures "February 1942 to August 1945" should read "January 1943 and March 1943 and May 1943 and August 1945" and the words "and Dutch" "compelling sick and infirm POW to go out on working parties" "failing to ensure the provision of proper food supplies" and "failing to ensure the provision of proper medical supplies and medical care" should be excluded from the particulars.

Sentence:

Imprisonment for eight years.

Petition:

He petitioned that only one witness accused him of ill treating prisoners. That he was well known as 'Horse Face No.1'. That the accused was pointed out by three Australians as a good guard at an identification parade which took place at Ambon after the surrender of the Japanese. Denies the accusations by the Dutch Sergeant-Major in relation to a soldier named NORM who died, according to the evidence, from the ill treatment from the accused.

Remarks:

The accused was known as 'Horse Face No.1' and is described as very hostile to prisoners of war. There is evidence that he beat up severely several prisoners of war and that he used the Locked torture. There is evidence that he used to make prisoners lift a heavy stone above their heads and hold it there while standing at attention. There is evidence that on one occasion he did this to a prisoner named NORM who was so weak that he dropped the stone on his shoulder and died two days afterwards.

In my opinion the sentence is justified and should not be interfered with.

C.P.O. MATSUDA MASAO

Charged:

as were the others

Convicted:

He was convicted of the offence only between the months of December 1943 and May 1945 by ill-treating prisoners of war by physical beatings.

Sentence:

Imprisonment for 15 years.

Petition:

He petitions stating that he left the compound in May 1945 and therefore could not have been guilty of offences in August 1945.

Remarks:

His petition overlooks the fact that he was not convicted of any offence after May, 1945.

There is a considerable volume of evidence that he was a "screaming" type, very hostile towards prisoners of war and there is evidence that he beat up Australian and Dutch prisoners of war on several occasions. I find it a little difficult to ascertain on the evidence why the sentence of this man was fixed at 15 years imprisonment. In my opinion it would be advisable to mitigate the sentence to not more than seven years.

C.P.O. TAKEGAWA SADAJI

Charged:

as were the others.

Convicted:

He was convicted of ill-treatment only in the month of November 1942 by physical beatings. and w

Sentence:

Imprisonment for one year.

Petition:

He petitions on page 7 in the same paragraph of the petition as a number of others. The petition is in general terms and comments on the evidence also in general terms.

Remarks:

The only concrete evidence against this man is that he was one of the party who so severely beat the 23 Australians in front of the interpreter's home. I am of the opinion the sentence is justified.

2nd P.O. KUGE KAZUYOSHI

Charged:

as were the others

Convicted:

He was convicted of the charge subject to the amendment "between the months of December 1943 and August 1945 he ill-treated Australian and Dutch prisoners of war by physical beatings and torture."

Sentence:

Imprisonment for ten years.

Petition:

He petitioned on page 11 of the petition which petition states that the accused admits the larger part of the evidence given by two named witnesses, but says there is not sufficient positive evidence to prove the balance of the charges made against him by these witnesses.

Remarks:

He was one of the party that beat the 23 Australians above referred to. There is evidence that he

- (a) Beat an Australian with a rifle till the Australian fell to the ground.
- (b) Beat an Australian severely for not saluting although the Australian did salute.
- (c) Beat a Dutch sergeant and gave him the Locked torture and 10 minutes body presses.
- (d) Beat a prisoner of war named Detombe.
- (e) Frequently beat prisoners of war for not saluting.

In my opinion the sentence is fully justified.

C.P.O. TANAKA MASASHI

Charged:

as were the others

Convicted:

He was convicted of the charge subject to the amendment "in that he between the months of November 1943 and November 1944 ill-treated prisoners of war by physical beatings".

Sentence:

Imprisonment for 20 years.

Petition:

He petitions on page 11 of the petition, paragraph 15, and this may be summarised as

- (i) The beating of one TAIT in August 1944 was carried out by the accused at the personal orders of his superior.
- (ii) TAIT'S death was caused by berri berri and not by beating.
- (iii) That he beat DETOMBE at DETOMBE'S request in lieu of reporting him to the Detachment Commander. He never did any other beatings except those he mentions in his petition.

Remarks:

This man was known as "Frill Neck No.1" and there is evidence that

- (a) He was a first class stick man for a year and a half.
- (b) That he once beat a Corporal TAIT 177 times and that TAIT died two months later, losing seven stone in the interval between the beating and the death.
- (c) That the beating of TAIT was carried out by the accused holding a stick with two hands.
- (d) That several times he went into an isolation cell and beat a Dutch prisoner of war who was there imprisoned.

In my opinion the sentence is fully justified.

2nd P.O. KONDO MICHITAKA

Charged:

as were the others

Convicted:

This man was convicted of the charge with the alteration in the particulars so that it should read "in that

Convicted (Cont.)

between the months of December 1943 and August 1945 he ill-treated.....prisoners of war.... by physical beatings."

Sentence:

Imprisonment for four and a half years.

Petition:

He petitioned on page 12, paragraph 16, of the petition alleging that the evidence of a Dutch Sergeant-Major showed that the beatings given by the accused were not severe. That the only particular cases of ill-treatment done by the accused were beating two named Australians with the fist twice each.

Remarks:

There is evidence that he frequently beat Australians but not severely. I am strongly of the view that the sentence is a little severe and I suggest that before confirmation it should be mitigated and reduced to three years imprisonment.

2nd P.O. TANAKA SHOICHI

Charged:

as were the others

Convicted:

He was convicted of the charge with the amendment to the particulars to read "during the year 1944 he ill-treated an unidentified Australian by a physical beating."

Sentence:

Imprisonment for two years.

Petition:

He petitioned and points out in his petition that the accused was indicated by three Australian ex-prisoners of war as a guard of satisfactory character after the Japanese surrender and he submits that the two years' imprisonment is too heavy.

Remarks:

There is evidence that he once severely beat an Australian prisoner of war and on this evidence he appears to have been convicted. There is other evidence which the Court either did not accept or overlooked that he was one of the party that beat the 23 Australians so severely.

I am of the opinion that the two years' sentence is merited.

C.P.O. UCHIKAWA TOKIO

Charged:

as were the others.

Convicted:

He was convicted of the charge with the amendment to the particulars to read "in that in the month of February 1943 he ill-treated an Australian named Patterson by physical beating".

Sentence:

Imprisonment for four years.

Petition:

He petitions on pages 12 and 13 of the petition and in his petition raises questions on the evidence which should more properly have been considered by the Court. He particularly stresses the fact that it is impossible to believe that he would beat a prisoner of war with a rifle because the Japanese rifle has the Imperial Crest on it and the Japanese revere the Imperial Household. Claims that the sentence of four years is too heavy.

Remarks:

The only evidence that I have been able to discover against this man is on page 102 of the transcript which deals with the beating by him of the soldier Patterson with a rifle butt many times. I find it a little difficult to understand why the accused was sentenced to four years and suggest that it should be reduced to two years.

W.O. AOKI FUMIO

Charged:

as were the others.

Convicted:

He was convicted of the charge with the amendment to the particulars to read "in the month of November 1942 he ill-treated Australian prisoners of war by physical beatings.

Sentence:

Imprisonment for five years.

Petition:

He petitioned with a number of others in paragraph 6, page 7 of the general petition. In this petition there is nothing of particular interest raised in relation to the present evidence against the accused. There is evidence that he took part in the beating of the 23 Australians of whom 11 were afterwards executed.

Remarks:

There is evidence that he was "always hostile to the prisoners of war. There is nothing in his favour to be stated". I cannot find any evidence of particular instances of his cruelty. In the circumstances it appears to me that the sentence might be unduly severe and I suggest it be mitigated to three years' imprisonment.

C.P.O. HIMENO TOKIFUKU

Charged:

as were the others

Convicted:

He was convicted of the offence in that "in the month of November 1942 he ill-treated Australian prisoners of war by physical beatings."

Sentence:

Imprisonment for five years.

Petition:

He petitioned in paragraph 6 of page 7 together with several others and in my opinion the petition raises nothing of importance.

Remarks:

There is evidence that

- (a) He took part in beating the 23 Australians,
- (b) That he beat two Australians on a named occasion,
- (c) That he beat an Indonesian 'Derek' who later died
- (d) That he beat two Australians who were very weak until they could not stand.
- (e) That he beat and kicked an Australian who was lying on the ground.

In my opinion the sentence is fully justified.

C.P.O. ASOH YOSHITERU

Charged:

as were the others

Convicted:

He was convicted of the charge "in that between the months of August 1942 and January 1942 he ill-treated Australian prisoners of war by physical beating."

Sentence:

Imprisonment for two years.

Petition:

He petitions and states that he was in a Naval hospital between October 1942 and November 1942 and had no connection with the prisoners of war. "According to the evidence given by WAALDYK the accused beat him but did not give him any physical injury". The sentence of two years is too large for one charge of beating.

Remarks:

There is evidence of the beating referred to in the petition and there is other evidence that the accused had acquired a nickname "Gold Tooth" and was known to be a "stick man". In my opinion the sentence is not too severe.

W.O. NAGASATO AIZO

Charged:

as were the others

Convicted:

He was convicted of the charge with the amendment to the particulars to read "in the month of November 1942 ill-treated prisoners of war by physical beatings."

Sentence:

Imprisonment for one year.

Petition:

He petitioned in paragraph 6 of page 7 together with a number of others. The petition is in general terms and does not raise anything which appears to me to call for comment in relation to this accused.

Remarks:

I cannot find any evidence directly against this man and it appears that he has been sentenced to one year as being one of the senior, guards, ~~detachment~~.

C.P.O. HARAGUCHI AIZO

Charged:

as were the others.

Convicted:

He was convicted of the offence with the amendment "in that he in the month of November 1942 ill-treated Australian prisoners of war by physical beating."

Sentence:

Imprisonment for one year.

Petition:

He petitioned in paragraph 6 of page 7 together with a number of others, and the petition raises nothing in particular support of this man's claim that his finding or sentence should not be confirmed.

Remarks:

He was one of the guards who beat the 23 Australians so severely in front of IKEUCHI'S house. In my opinion the sentence calls for no alteration.

G.P.O. HARAGUCHI MASAICHI

Charged:

as were the others

Convicted:

He was convicted with the Special Finding that he in the month of November 1942 ill-treated Australian prisoners of war by physical beating.

Sentence:

Imprisonment for one year.

Petition:

He also petitioned and the petition calls for no particular comment.

Remarks:

He also was present at the beating of the 23 Australians. There is no evidence of any other particular tortures by this prisoner, but I am of the opinion that the sentences does not call for any mitigation and should be confirmed.

1st P.O. MAEDA YUKIO

Charged:

as were the others

Convicted:

He was convicted with a Special Finding that between the months of August 1942 and January 1943 he ill-treated prisoners of war by physical beating".

Sentence:

Imprisonment for six years.

Petition:

He petitioned on page 8 of the petition claiming that there was no evidence to confirm the beatings between August 1942 and January 1943; that the evidence of a witness applied only to 1944, but in that year the accused was not in Ambon.

Remarks:

His petition overlooks the fact that he was not convicted of anything in 1944.

- (a) There is evidence that he was present at the beating of the 23 Australians.
- (b) That he marched the prisoners of war across the GALALI mountains.
- (c) That he beat two Australians many times and then made them stand facing the sun from 7 a.m. till 12 noon.

The sentence in my opinion calls for no action other than confirmation.

C.P.O. UTSUNOMIYA ISAMU

Charged:

as were the others

Convicted with a Special Finding:

that the particulars should read "in the month of November 1942 he ill-treated Australian prisoners of war by physical beatings"

Sentence:

Imprisonment for five years.

Petition:

He petitioned on page 7, paragraph 6, of the petition together with a number of others. The petition does not cover any details of this man's claim particularly.

Remarks:

There is evidence that he took part in the beating of the 23 Australians and I cannot find any other evidence against this accused. In the circumstances I am of the opinion that the sentence of five years is too heavy and I am of the opinion that the same sentence should be imposed on him as the sentence imposed on TAKEGAWA, viz. one year.

C.P.O. TOKUDOME KAZUO

Charged:

as were the others

Convicted:

He was convicted with the Special Finding in that during the month of November of 1942 he ill-treated prisoners of war.

Sentence:

Imprisonment for one year.

Petition:

His petition raises no particular points in his favour being in general terms.

Remarks:

There is evidence that he beat an Australian with a rifle butt six times using both hands on the rifle which was used as a club, and 15 months later beat the same prisoner again.

I am of the opinion that the sentence of one year is very light.

1st P.O. INEDA CHIKARA

Charged:

as were the others

Convicted:

He was convicted with the Special Finding in that between the months of August 1942 and January 1943 he ill-treated prisoners of war by physical beatings.

Sentence:

Imprisonment for three years.

Petition:

He petitioned with a number of others on page 7 of the petition raising no particular points in relation to his own case but dealing only in general terms, except in paragraph 3, page 9 of the petition, where he refers to the evidence of an Indonesian witness and alleges that it is contrary to the facts.

Remarks:

- (a) There is evidence that he was a party to beating the 23 Australians.
- (b) That on one occasion he hit an Australian with a rifle three or four times.

Remarks (Cont.)

4410202

- (c) That on another occasion he hit an Australian three times with a rifle bludgeon.
- (d) That on another occasion he hit an Australian twice with his fists.

In my opinion the finding of this sentence should be confirmed.

C.P.O. SUEHIRO MASAJIRO

Charged:

as were the others

Convicted:

He was convicted of the charge with the amendment "in that between the months of December 1943 and August 1945 he ill treated Australian and Dutch prisoners of war by physical beatings.

Sentence:

Imprisonment for seven years.

Petition:

He petitions on page 13 of the petition. He claims in his petition that certain of the evidence is inconsistent with the facts. He claims that the accused was pointed out by three Australians as being of a satisfactory character as a guard and that the sentence of seven years is too heavy.

Remarks:

The accused was known apparently as "Muttering Mick" and there is evidence that he beat Australians many times, sometimes severe beatings of 10 to 16 strokes. Nevertheless by comparison with the other sentences I think seven years is too much and I suggest for your consideration that the sentence be reduced to four years.

C.P.O. HYODO NAOYOSHI

Charged:

as were the others

Convicted:

He was convicted with the Special Finding "beatings took place between December 1943 and May 1945."

Sentence:

Imprisonment for five years.

Petition:

He petitioned on page 14 of the petition. The petition points out that there is no evidence as to when, where and whom he beat.

- (b) That the evidence is just general abuse.
- (c) That a named witness gave evidence that the accused beat an Australian which the accused denies.

Remarks:

- (a) There is evidence that he beat three Australians with a cane for talking.
- (b) That he hit a female Indonesian with his fist on her face.
- (c) That he was "very hostile to prisoners of war. A very cold blooded and frequent beater."

I see no reason why the sentence should be interfered with.

1st P.O. SONODA TSUNAYUKI

Charged:

as were the others.

Convicted:

He was convicted by a Special Finding to be guilty of the charge with the particulars altered to read "during the year 1944 ill-treated an unidentified Australian by physical beating."

Sentence:

Imprisonment for ten years.

Petition:

He petitions and in his petition draws attention to the fact that a fellow Japanese testified that he was very kind to prisoners of war and claims that the sentence of 10 years is too heavy.

Remarks:

There is evidence that the accused took part in the beating of the 23 Australians, but it is to be noted that he was not convicted on this charge. There is evidence that he was known as "Charcoal Charlie" and that if anything went wrong he beat the Australians. It is to be noted that his conviction was in relation to this charge. He beat one, BLIGHT, who died one month after the beating, perhaps not directly a result of the beating but he was only skin and bone when he was beaten. Ten years imprisonment for one beating is by the standard applied to so many of the other Japanese too severe, but the fact remains that he beat very severely a man who was physically incapable of taking any beating and in my opinion the sentence should stand.

G.P.O. YAMAMOTO TATSUO

Charged:

as were the others.

Convicted:

by Special Finding "as guilty of the charge except that the particulars should read "in that he between the months of January 1943 and March 1943 and May 1943 and August 1945 ill-treated Australian prisoners of war..... by physical beatings and torture."

Sentence:

Imprisonment for 18 years.

Petition:

He petitions on page 18 of the petition. The petition does no more than deny the allegations except to allege there were other men known as YAMAMOTO and hence there might have been mistakes.

Remarks:

There is evidence

- (a) That he beat Australians until they fell to the ground.
- (b) That he was known as "Giggling Gertie" by reason of the fact that he giggled when he beat a prisoner of war.
- (c) That he beat many Australians and native men and women.
- (d) That he took a lot of pleasure in inflicting cruel beatings.
- (e) That he was a consistent user of the body press and Lockedo torture.
- (f) That he beat 7 or 8 Australians, then gave them body presses from 3 to 6 p.m. and made them stand staring into the sun for the same period.

In my opinion the sentence of 18 years is fully justified.

G.P.O. YASUNOBU HISAO

Charged:

as were the others

Convicted:

He was convicted of the charge except that the particulars should read "between the months of January 1943 and March 1943 and May 1943 and October 1943 ill treated prisoners of war by physical beatings."

Sentence:

Imprisonment for two years.

Petition:

He petitions and in his petition says that there is no positive evidence "which certifies this fact".

Remarks:

There is in fact no positive evidence that he ill-treated any Australians except that he was one of the party who, by orders of IKEUCHI, beat the 23 Australians. I see no reason why his sentence should differ from those in his class. It is my opinion that the sentence should be reduced to one year.

C.P.O. HIGA HIROHIDE

Charged:

as were the others.

Convicted:

He was convicted of the charge except that the particulars should read "during the year 1945 he ill-treated an Australian named Boyce by physical torture and beating and an unidentified Australian by physical beating.

Sentence:

Imprisonment for two years.

Petition:

The petition states that because the soldier Boyce had his hands tied behind his back (if certain Japanese evidence is to be believed) it would have been impossible for the accused to have imposed the Lockedo torture on him. The petition however states that the witness who gave evidence against him was ill disposed towards the prisoner because he, the prisoner, had slapped the witness on a charge of stealing tobacco, and that the accused was praised as one of the guard of satisfactory character by the three Australian prisoners of war in an identification parade after the Japanese surrender. He asks for a reduction of his sentence.

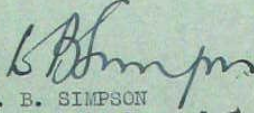
Remarks:

There is evidence that

- (a) The prisoner took part in beating the 23 Australians above mentioned.
- (b) That he beat an Australian and an American whom he had cheated over a barter transaction when his cheating was discovered.
- (c) That he gave Boyce (the Australian who was afterwards executed) many hours Lockedo torture on the day before he was executed.

The sentence errs in my opinion if at all on the side of leniency.

The proceedings of this Court together with the exhibits, being too large to be enclosed herewith, are returned under separate cover. I attach, for the sake of convenience, a second copy of my report.



W. B. SIMPSON
Judge Advocate General.