

AUSTRALIAN MILITARY FORCES
MINUTE PAPER

SUBJECT: TRIAL OF JAPANESE WAR CRIMINAL - LT.-COL. T. KOMURA.

D.P.W. & I (for Confirming Authority).

I have read through the proceedings of the Court convened under the War Crimes Act of 1945 for the trial of the above officer when he was charged with murder of prisoners of war in that he at Manado on or about the month of January or February, 1945, unlawfully ordered the killing of 3 Australian prisoners of war and was found guilty of the charge and sentenced to be shot.

2. I have also read the petition of the accused against the finding and sentence.

3. The three prisoners of war were executed on Talaud Island at the orders of Colonel Koba, the commanding officer of the Forces on that Island.

4. There is evidence, if believed, that Colonel Koba signalled the Katsura Force H.Q. asking what was to be done with the prisoners of war in his custody and that a signal was received that they were to be dealt with locally, which was taken to mean by those concerned that they were to be executed. The above came from the Chief of the Staff. The accused, a permanent officer, was the only staff officer with the Katsura Force.

5. The accused in evidence denied that he had sent such a signal, and also denied that he knew anything about what had happened to the prisoners of war in question until after the capitulation. Such evidence is partly supported by signals that were sent from the Katsura Force in September 1945.

6. The matter is complicated by the fact that it is admitted that Colonel Koba and his officers at first told a story different to the one they are now telling, and in fact lied about the treatment of the prisoners of war in question.

7. On the other side, it was shown that the accused had given untrue statements about the treatment of some prisoners of war other than those the subject of the present trial.

8. There is evidence, though not very strong as the signals were not signed by the accused, that the accused had sent the order which Colonel Koba took to mean that he was to execute the prisoners, and that that was the correct meaning of the signal sent.

9. It was for the Court who heard all the witnesses, to determine their credibility and the finding and sentence may be legally confirmed.

10. In forwarding the proceedings, Maj-Gen. Milford, Comdr. Morotai Force, recommends that the petition so far as it relates to the sentence, should be dismissed.

11. On the question of the character of the accused, after the finding and before sentence, the prosecutor stated

"When the accused came back from Manado, a letter was sent with him by Col. Muir speaking in very eulogistic terms of the manner in which he has co-operated with Col. Muir."

12. That the accused was responsible for the signal and that the signal was sent, depends purely on verbal evidence and

is not too satisfactory. I personally feel some doubt as to whether in fact the accused did send the signal but, as I have already stated, that is a question for the Court which has had the advantage of seeing the witnesses, and therefore I cannot advise that the finding and sentence should not be confirmed.

Thomas Lubbock

15.2.46.

JUDGE ADVOCATE GENERAL.