

AUSTRALIAN MILITARY FORCES
MINUTE PAPER

SUBJECT: TRIAL OF JAPANESE WAR CRIMINAL - MAJ-GEN. S. ENDO.

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

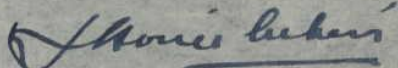
I have read through the proceedings of the Military Court convened under the War Crimes Act of 1945 for the trial of this officer who was charged, as shortly expressed, with committing a war crime, that is to say, in violation of the laws and usages of war, neglecting to ensure that prisoners of war captured and held by the Japanese Army in the area under his command were treated properly, whereby certain prisoners of war were executed by the Forces under his command and was found guilty and sentenced to imprisonment for 5 years.

2. I have also read the petition of the accused dated 5th February, 1946, against the finding and sentence.

3. There is evidence to support the finding and it is clear that the accused was negligent in not seeing that proper orders were issued and obeyed in his command with regard to the proper treatment of prisoners of war and under all the circumstances I do not consider that the sentence is excessive. I would therefore advise that the finding and sentence may be lawfully confirmed and the petition dismissed.

4. This sentence raises a question which will have to be decided. The Court had not the power, and did not, reduce the accused in rank and he still remains a Major-General of the Japanese Army. I would suggest that it will be necessary for him to be imprisoned in a separate place from other ranks. There is no mention of this in the actual regulations but it is certainly one of the customs of war that officer prisoners of war should not be detained in the same place as other ranks.

28.2.46.


JUDGE ADVOCATE GENERAL.