

AUSTRALIAN MILITARY FORCES

MINUTE PAPER

SUBJECT: TRIAL OF JAPANESE WAR CRIMINALS : SUB/LT. 1ST CLASS KATAYAMA, H., SUB/LT. UEMURA, S., SUB/LT. TAKAHASHI, T.

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 officers who were charged with murder in that they at Ambon on 16th August, 1944 murdered S/Ldr. Scott and F/Sgts. King, Wallace and Wright, being members of the R.A.A.F. and then prisoners of war held by the Japanese and all were found guilty and sentenced to death by shooting.

2. I have also read the petitions of the accused against the findings and sentences.

3. This trial arises from the execution of the four R.A.A.F. members. Their bomber had crashed and they had escaped to an Island, were eventually captured and held by the Japanese.

4. An order had been issued by the Japanese high command that any airman captured who had bombed civilian places or civilians should be sentenced to death. Sub Lt. Uemura, then a W.O., was in charge of the prisoners of war compound in a part of which the airmen were held separate from the other prisoners of war. He received orders that the four airmen were to be executed the next day and he made arrangements for the taking of the prisoners of war to the place of execution.

5. Three officers, including Sub Lt. 1st Class Katayama who was the senior officer present, were detailed from H.Q. to go to the place of execution and supervise and take part in the same. Each of these three officers beheaded a prisoner of war. The fourth prisoner of war was beheaded by a Warrant Officer who was junior to Uemura and a member of the prisoner of war guard.

6. I am of the opinion that there is no evidence to support the conviction of Sub Lt. Uemura as he took no actual part in the execution and was not by any means the senior officer present, the three officers who had arrived from H.Q. all being senior to him.

7. Sub Lts. Katayama and Takahashi both beheaded prisoners of war and the evidence shows that Katayama was the officer who received the direct orders for the execution and that it was he who selected Takahashi and another officer (not being tried by this Court) to take part in the execution and also gave orders to Uemura.

8. Sub Lt. Katayama in evidence insisted that these prisoners of war had been tried and sentenced by court-martial. I do not for a moment believe that this was so and there was evidence in fact, that there had been no court-martial held at the relevant times. The truth is, I believe, that instructions were given to Katayama by a Lt. Comdr. Baron Takasaki at H.Q. that the men were to be executed without trial and it was in obedience of such orders that Katayama proceeded with the execution. I am of the opinion that Katayama should at least have known that such an order for execution without trial was illegal and may therefore be held responsible for it though the fact that he was ordered to do it by a much superior staff officer may be ~~taken~~ ^{considered} in considering mitigation of the sentence of death.

9. I am of the opinion that the very junior officer Sub Lt. Takahashi cannot have been expected to have any knowledge that the orders for execution he was carrying out were illegal and would therefore recommend that his sentence should not be confirmed.

10. I would draw your attention to the fact that the name of Lt. Comdr. Baron Takasaki, who was found not guilty in a previous court-martial concerning two airmen executed at another place, occurs right through these proceedings and there appears to be little doubt that he, being a high officer, was responsible for the execution of some of these airmen. The evidence in this case concerning him might be reconsidered with the previous evidence at the trial when he, in my opinion, was very luckily found not guilty.

15.3.46.

W. H. L. L. L.
JUDGE ADVOCATE GENERAL.