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CONFIDENTIAL

BM/JAG/65098
HQ, Allied Land Forces,
South East Asia Command.
31st August 1946

Commander,
Singapore District.

Subject: War Crimes Courts.

Reference the proceedings of the trial by Military
Court of

1.	Lt Col	ANAMI Sanso
2.	Capt	SHIMADA Kuranosuke (Doctor)
3.	Capt	SHIOSAWA Kazue
4.	Capt	UEDA Tadao
5.	Sgt Maj	MORI Masao
6.	Sgt Maj	KAWAI Kichijiro
7.	Sgt Maj	YAMAMOTO Yoshikazu
8.	Korean Guard	KASAYAMA Yoshikichi
9.	Korean Guard	TOYODA Ginjiro
10.	Korean Guard	KANEKADO Kankon
11.	Korean Guard	KIMURA Shigeru
12.	Korean Guard	FUJIMOTO Yoshio
13.	Capt	KURASHIMA Hideichi

of the Japanese Army and the attached petitions.

1. The accused were tried by Military Court at Singapore on July 2nd - 26th 1946, on the charges set out in the charge sheet at p B.2 of the proceedings.

They were convicted and sentenced as follows :-

<u>Accused</u>	<u>Not Guilty</u>	<u>Guilty</u>	<u>Sentence</u>
1		1st,2nd,3rd,4th,5th, and 6th charges	Death by hanging
2		1st,2nd,3rd,5th and 6th charges	Death by hanging
3	1st charge	3rd and 5th charges	15 yrs imprisonment
4	1st charge	3rd and 5th charges	Death by hanging
5		1st,2nd,6th and 7th charges	Death by hanging
6	1st charge	3rd and 6th charges	Death by hanging
7	1st charge	3rd and 4th charges	10 yrs imprisonment
8	1st charge	2nd,6th and 7th charges	Life imprisonment
9	1st charge	2nd charge	10 yrs imprisonment
10	1st charge	2nd charge	10 yrs imprisonment
11	1st charge	3rd charge	7 yrs imprisonment
12	1st charge	3rd charge	Life imprisonment
13		1st,2nd and 6th charges.	Death by hanging

2. The facts of the case are summarised in the Abstract of Evidence attached to the proceedings.

3. The defence put forward by and on behalf of the accused was as follows :

COLLECTIVELY.

The events covered by these charges were the results of inevitable circumstances and outside the scope of responsibility of the accused. The choice of ship, accommodation and food were settled by HQ Shipping and were not matters in which the accused had any say. The work assigned to the prisoners on arrival was directed by 7th Air Division to which the accused were subordinate at all times. All efforts were made to improve conditions and kindness and consideration were shown to the prisoners.

INDIVIDUALLY

ACCUSED 1.

1st Charge. Accused 1 was the overall commander of the draft to Amboina and the camps established there. He received his orders from Divisional HQ and said that the PsOW appeared healthy when he inspected them. The accommodation appeared to be adequate but in any case he had to use the transports provided. Rice and drinking water were sufficient but the accused admitted that meat and vegetables were short. He did not negotiate with the Port Authorities as the ration was fixed and could not be increased. The accused denied that the health conditions on board were bad and that the ship was dirty. He maintained that the sanitation was adequate and the prisoners were allowed to bathe in sea water. He admitted that he knew that the carriage of war material on PsOW transports was illegal. He denied that any violence was used to the PsOW whilst on board.

2nd, 3rd and 5th Charges. The accused admitted that the camps were not ready for occupation when the PsOW were landed but said he had no option but to use them. He averred that the conditions were due to the monsoon and that as soon as the weather improved and as a result of his efforts, the PsOW were comfortable. He denied that he had risked the health and lives of PsOW because he was pressed by the Construction Unit but agreed that it was unlawful to use PsOW for military constructional work. Food other than rice he admitted was insufficient but maintained he had supplemented rations by locally bought food. He said he was instrumental in setting up a canteen and in this connection denied that he had countenanced the act of accused 5 in withholding this facility from the sick. He also denied that he knew dogs were given in the diet of the sick. The accused denied that the high death rate in the camps was due to malnutrition and his neglect. He said that disinfection had been carried out and medical advice sought from outside sources. He denied that he had held any Dutch or Red Cross supplies and affirmed that he had unsuccessfully endeavoured to obtain medicines from Java. The accused denied that patients had ever been used for labour on the airfields and that any ill-treatment which had occurred had been meted out by members of the Air Construction Unit over whom he had no control. He had reprimanded them and filed reports to their senior officers.

4th Charge. The accused said that he had ordered the execution of Trooper CHAMPION as he considered that to deprive a Japanese soldier of his arms was the most heinous offence a

POW could commit. He admitted that CHAMPION had been executed on the evidence of one guard, accused 12, but said that CHAMPION had been questioned in the presence of Major GIBSON.

6th Charge. The accused said that owing to the development of the war about September 1944, with constant Allied air-raids and difficulty in maintaining communications, it became imperative to send the PsOW back to Java. The Haryoshi Maru or s.s. Maros was the last ship leaving and therefore he thought it preferable to overcrowd it than to leave PsOW behind to starve.

ACCUSED 2.

1st Charge. Accused 2 was the medical officer in charge of the transports and the camps. He said he had instructed the POW doctors to select 2000 healthy men at Sourabaya. Upon receiving a report from the senior POW medical officer to the effect that this had been done he only saw fit to inspect them. Bacteriological samples of all PsOW had been examined at Sourabaya and had all proved negative. The remainder of the draft had brought medical certificates from Batavia and Bandoeng. The accused said he had taken enough medicine for a two week's voyage and the PsOW doctors had enough for 3 months after arrival.

2nd, 3rd and 5th Charges. The accused said he visited all the camps as often as he could. He admitted that the sanitation at Horoekoe camp consisted of open trench latrines which he had disinfected every day. In his opinion the 386 deaths at this camp were due to dysentery and beri beri, the result of bad conditions due in turn to the rain. The accused admitted that although he knew all work had had to cease owing to illness, he had never visited PsOW at the airfield. He denied that doctors and medical staff had ever been used for manual work. He said that he had difficulty in obtaining adequate medicine not only for the PsOW but also for the Camp staff. In order to increase the supply he had indented for double and even treble the quantity required and had personally collected it. He denied that he had received complaints from the POW medical officers other than requests for more food for patients. The accused admitted that he had recommended on the advice of senior Japanese medical officers the intravenous injection of coconut water for beri beri patients and claimed that the senior POW medical officer had derived benefit from this treatment. On behalf of the accused it was said the responsibility for this treatment was on the POW medical officer who should have known better. He admitted certifying Trooper CHAMPION'S death as resulting from disease although he knew him to have been executed. He said he had never seen any incidents of violence in any of the camps.

6th Charge. The accused said he had put on s.s. "Maros" a two weeks' supply of medicine for 400 patients, but owing to the shortage of medical supplies it was inadequate. He had hoped the ship would obtain more from supply depots at Macassar and Moena. He did not know that 138 more PsOW were to be embarked at Ambon and he had had no further reports of the ship's voyage.

ACCUSED 3.

1st Charge. The accused said that no incidents of violence had been committed by himself or his subordinates.

prior to embarkation. He was the commander of the Kunitama Maru and said that the day before sailing he had personally inspected the accommodation of the PsOW and found it sufficient. Since the food was the same as that of the Japanese and was adequate, he thought it unnecessary to apply for more. He said that about 10 PsOW were placed in sick quarters. He admitted that the cargo contained war materials the carriage of which on a PsOW transport he knew to be illegal.

3rd Charge. The accused admitted that the food at Liang was insufficient but said he started a garden to provide vegetables. He affirmed that the conditions were better than those of Japanese in the front line. He admitted that he had had requests from Major GIBSON for food, drugs and better sanitary conditions, with which he had complied to the best of his ability. He denied giving the PsOW cats, dogs or rats to eat. The accused said that the air raid shelters in the camp were sufficient and the only two casualties had been at the Airfield, which was outside his control.

5th Charge. The accused, who commanded the camp at Amahai, admitted that the accommodation was incomplete when the PsOW arrived, but said that he had completed it as soon as possible. He had bought local food and contracted for fish for the PsOW. The accused said that three Dutch PsOW had attempted to escape but had been recaptured and interrogated in his presence by the Kempeitai, who beat them. He had considered this treatment justifiable in the circumstances and on his behalf it was said that he had no control over the actions of the Kempeitai. As a result of this interrogation two or three more Dutch PsOW were arrested and beaten. The accused denied that one of these PsOW suffering from dysentery had been confined alone in a cell for a month prior to his death. The accused said that on the orders of accused 1 these prisoners were left behind when Amahai camp closed. The accused denied further knowledge of them but said he had heard later that they had been executed by the Kempeitai.

ACCUSED 4.

1st Charge. The accused was the commander of the draft on board the Myabashi Maru. He said that he had inspected the PsOW before embarkation when they appeared to be healthy. On the voyage he said he had received no complaints or reports of illness and had seen no violence towards the PsOW. He said the ship had carried cement for the airfield construction at Ambon which was unloaded there by PsOW.

3rd Charge. The accused denied that he had refused to listen to complaints from the PsOW officers at Liang camp which the accused commanded, and said he had helped them and had had latrines built at their request. He said that the death rate at Liang was due to dysentery which he had believed to be a fatal disease and admitted that he had not considered the question of medical supplies for the camp.

4th Charge. The accused said that he had learnt from accused 1 that Trooper CHAMPION had assaulted a guard and was to be executed, and he was ordered to hand him over. The accused said that he had protested and asked permission to hold an investigation at which Major GIBSON was present. As a result he told accused 1 that as the stories of CHAMPION and accused 12 differed, the former should not be executed. Accused 1 was adamant and ordered CHAMPION to be executed. The accused denied kicking and beating CHAMPION and on his behalf

it was suggested that the evidence of Major GIBSON and Major MOSSFORD was imaginary. The following morning the accused accompanied by accused 7 walked to the place of execution to attend the burial. CHAMPION was tied to a tree and bayoneted by four soldiers. The accused said he had received no command from accused 1 concerning the execution and denied that he was in command of it.

ACCUSED 5.

1st Charge. The accused admitted that he had slapped W/C PITTS at Sourabaya but not as often as the latter alleged and denied that he had cause him any injury. He also admitted that he had hit a Dutch POW known to be unbalanced. The accused denied any ill-treatment by him on board the Amagi Maru.

2nd Charge. The accused admitted that he had beaten PsOW but claimed that he thought it was better than reporting them to superior officers, slapping being a recognised form of admonition in the Japanese Army. He denied that he had used sick PsOW for labour on the airfield. He admitted striking a Dutch POW employed as a tailor but claimed that the man had suffered no injury. He said that he had not withheld canteen tickets from the patients as a means of getting the latter back into working parties.

6th Charge. The accused said that he had never ill-treated PsOW on board the s.s. "Maros" and denied that he had thrashed a POW, who had fallen overboard, and all the officers.

7th Charge. The accused admitted ill-treating W/C ALEXANDER and four or five others at Bandoeng but denied that he had knocked them down or injured them. The accused denied that he had beaten any other POW.

ACCUSED 6

1st Charge. The accused was the guard commander on board the Kunitama Maru and denied that he had ever ill-treated the PsOW whilst on board.

3rd Charge. The accused said he had never ill-treated PsOW at Wiyami camp. He had brought 404 PsOW from Horoekee and Liang camps to Wiyami where they awaited transport to Java. He admitted that for a week these PsOW had discharged cargo but said that they were all healthy.

6th Charge. The accused was in command of the s.s. Maros from Ambon to Raha where accused 13 took over the command. The accused said that there were about 75 stretcher cases who were placed on deck. He admitted that 2 PsOW died between Ambon and Raha and that two more died before the ship left Raha. He said that there were no requests for more water and at Raha when accused 13 came on board with 138 more PsOW the water ration was increased. He said that a guard was placed on the water supply, not to prevent the PsOW using it but to prevent waste by Japanese and Koreans. He denied that he had ever ill-treated PsOW on board.

ACCUSED 7.

1st Charge. The accused commanded the Nishi Maru from Sourabaya to Ambon. He said that all the PsOW were healthy

and that there were no cases of dysentery or diarrhoea, but a few cases of malaria were put into a room set aside as a sick bay. He said he thought the food and accommodation were sufficient and in any case had no authority to alter them as they were arranged by the Port Authority. He saw no ill-treatment and received no complaints during the voyage.

3rd Charge. The accused said he was responsible for taking PsOW to and from the airfield at Liang and had never seen sick PsOW working and had never beaten PsOW.

4th Charge. The accused said he had not beaten Trooper CHAMPION but had merely passed the report to accused 4. Upon seeing CHAMPION tied up in the guardroom the night prior to his death he had set him free. He accompanied accused 4 to the scene of execution in order to attend the funeral.

ACCUSED 8.

1st Charge. The accused said he had not come into contact with the PsOW at Sourabaya and had not ill-treated PsOW on the boat.

2nd Charge. The accused admitted slapping PsOW several times and in particular two Dutch PsOW who had sold cigarettes to PsOW at extortionate prices. He slapped W/C PITTS and Lt de Visser for failing to salute the funeral of a Korean guard. He denied that he had ever struck a sick person.

6th Charge. The accused denied that any act of violence had taken place on board s.s. Maros and in particular that the officers and doctors and a sick POW who had fallen overboard had been beaten. He admitted that the food and water and measures to protect the stretcher patients had been inadequate and that 300 had died.

7th Charge. The accused admitted that he had kept two American PsOW standing at attention outside his office for some time and also admitted that he had struck a Dutch Lieutenant for stealing and had confined him with two others in a cell for 30 days. In this connection the whole camp had been starved for 36 hours.

ACCUSED 9 and 10.

1st Charge. Accused 9 admitted that he had struck a British soldier who had failed to repair a watch for accused 5, but said that he himself had been struck in turn by accused 5. He denied that he had beaten the soldier in retaliation for his own beating at the hands of accused 5. He denied that he habitually struck PsOW on the ears. Accused 10 admitted striking W/C PITTS but denied that he had ever ill-treated other PsOW.

ACCUSED 11 and 12.

1st Charge. Accused 11 was subordinate to accused 4 on board the transport to Ambon. He said that owing to illness he was confined to bed during the journey and saw nothing of conditions on board. Both accused 11 and 12 denied ill-treatment of PsOW.

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3rd Charge Accused 11 said that at Wiyami he had struck a RAF officer in order to make him hurry his men with the work in hand which was urgent. He denied ill-treatment of any other PsOW.

Accused 12 denied general ill-treatment of PsOW but said that when Trooper CHAMPION revolted and attempted to take his rifle he had accidentally hit him with the rifle causing a wound, for the dressing of which he had run some distance to get medical attention.

ACCUSED 13.

1st Charge. The accused said that he was unable to submit a complaint regarding accommodation to the authorities as he was under the command of the 7th Air Division. He admitted that the cargo consisted of construction materials and munitions. He said he had received no complaint during the voyage about food, accommodation or medicine, but had himself improved the food. He said that the PsOW had discharged the cargo at Amahai but denied that they were either in poor health or that they had worked day and night.

2nd Charge. The accused admitted that conditions at Horoekoe were bad, but said that they were the responsibility of the 7th Air Division. He denied that sick PsOW had been sent to the airfield. He admitted beating Dr Buning and the Dutch tailor and that he had allowed accused 5 to beat officers. He denied that he had ordered patients' diet against the advice of the doctors, and that he had given the patients dogs to eat.

6th Charge. The accused said that he commanded the s.s.Maros when he boarded it at Raha. He said he had no means of obtaining medicines, that the sanitary arrangements were sufficient, and that there had been no violence. He admitted that bodies had been thrown overboard naked and said he had reprimanded the officer responsible as the PsOW had enough kit to clothe the dead. He further admitted that the weights on the bodies were insufficient and parties had to be sent out to sink bodies which had risen. He denied that they were cut open. He denied that most of the patients died of thirst and that he had never left the bridge to inspect the PsOW.

4. A petition against the findings and sentences of the court has been submitted on behalf of accused 1, 2, 4, 5, 6, and 13. The petition seeks to exonerate the accused on the grounds of inevitable circumstances. It maintains that they had to obey superior orders so that even if the arrangements for accommodation, food and medical supplies on board and at their destinations were inadequate, the accused had no option but to accept them as they were made by higher authorities. The weather defeated the efforts of the petitioners and the voyage on board the s.s.Maros would never have been made but for the development of the war situation. The petition denies that there is sufficient evidence against accused 6 and while admitting the charges against accused 5, seeks to mitigate his guilt by giving examples of his efforts to improve conditions.

5. The trial was of necessity lengthy but the evidence was straightforward and the findings of the Court represent a well-balanced verdict. Accused 1 was the commander and as such responsible for the general conditions. There was

evidence that he had full knowledge of the acts which form the substance of the charges. Accused 2 was the overall commander in his own sphere and evidence was adduced to prove his negligence and indifference to the sick. Accused 4, 5, 6 and 13 were well identified with acts of extreme brutality and neglect, while accused 3, 7, 8, 9, 10 and 12 were found guilty of acts of brutality in a lesser degree.

I advise that the findings and sentences be confirmed and the petition dismissed.

F. Davis

FGTD/MEG.

Brigadier,
D.J.A.G., Allied Land Forces, S.E.A.