

NAVY DEPARTMENT
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

JLG:I:RAS:bem
OO-INOUE, Fumio/417-10/OQ
(2-20-48) 159116

3 MAR 1948

To: Commander Marianas Area.
Via: Commander in Chief,
United States Pacific Fleet.

Subj: Military Commission case of former Captain Inoue,
Fumio, Imperial Japanese Army, tried by order of
the Commander Marianas Area, 23 April 1947.

1. The Military Commission before which the former Captain Inoue, Fumio, Imperial Japanese Army, was tried, found him guilty of the Charges, I, Murder (2 specifications); and II, Violation of the Laws and Customs of War (2 specifications), and adjudged the following sentence:

"The Commission, therefore, sentences him,
Inoue, Fumio, Captain, Imperial Japanese Army,
to be confined for the term of his natural
life."

2. The Commander Marianas Area, the convening authority, on 18 August 1947, subject to remarks, approved the proceedings, findings and sentence in this case.

3. The Commander in Chief Pacific and United States Pacific Fleet, the reviewing authority, on 29 August 1947, approved the proceedings, findings, the sentence, and the action of the convening authority thereon.

4. The Acting Secretary of the Navy, on 12 February 1948 approved the remarks and recommendation of the Judge Advocate General. Accordingly, the findings on Charge II and specifications 1 and 2 thereunder, and the actions of the convening and reviewing authorities thereon, were set aside.

/s/ O. S. Colclough
O. S. COLCLOUGH
Judge Advocate General of the Navy.

Copy to:
Chief of Naval Operations.

EXHIBIT 9 (9)

03 16

Affidavit Concerning the Execution of Native Criminals.

I performed the executions by shooting the below named native criminals from Mille Atoll, Marshall Islands, in accordance with the orders of Rear Admiral Nisuke MASUDA, Commanding Officer of the Jaluit Defense Garrison, to perform it. These executions were two in number, one in the early part of April 1945 and the other about the middle of the same month.

Details of the Execution.

1. Orders to perform the execution.

The orders from Rear Admiral Nisuke MASUDA, Commanding Officer of the Jaluit Defense Garrison were given to Captain Fumio INOUE, Commander of Military Police, Jaluit Defense Garrison, on or about April 8, 1945.

2. Date of the execution.

The first execution was performed on or about April 8, 1945 and the second on or about April 13, 1945.

3. Names of the natives who were executed.

A. Persons who were executed on or about April 8, 1945.

RALIEJAP	- male sex	- about 40 years old.
WIFE OF RALIEJAP	- female sex	- about 30 years old.
NEIBET	- female sex	- about 10 years old.
ANCHIO	- male sex	- about 27 years old.
OCHIRA	- female sex	- about 25 years old.
SIRO	- male sex	- about 10 years old.
LACJIRIK	- male sex	- about 23 years old.

B. Person executed on or about April 13, 1945.

RALINE	- male sex	- about 35 years old.
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4. Place of execution.

Area south of the Lineman Transmitting Station, Eridj Island, Jaluit Atoll, Marshall Islands.

5. Method of execution.

They were shot with a pistol.

6. Officer who performed the execution.

Captain Fumio INOUE, IJA, Commander of Military Police, Jaluit Defense Garrison.

7. Men on guard detail while prisoners were being escorted for the execution.

A. April 8, 1945:

Captain JINNA, IJA.
Sergeant Major FUKATSU, IJA.
Petty Officer INOUE, IJN.

CERTIFIED TO BE A TRUE COPY

Herbert L. Ogden
HERBERT L. OGDEN, CDR, U. S. Navy.

-1-

Exhibit 2(1)

EXHIBIT 10(1)

0317

Petty Officer WAKAMATSU, IJN.
Petty Officer NISHIDA, IJN.
Petty Officer MORIURA, IJN.
Leading Seaman II, IJN.

B. April 13, 1945:

Sergeant Major FUKATSU, IJA.

The above seven men only carried out their duties as guards during the escorting of the prisoners and did not take part in the execution. Moreover, they were not present at the scene of the execution nor do they know the facts concerning the performance of the execution.

8. Disposal of the bodies after the executions.

In both instances the bodies were buried with due courtesy, flowers were given and prayers for the repose of the souls of these natives were offered.

9. The eight natives who were executed were Japanese subjects and had committed crimes, as a result of the highest deliberation had received sentence to be executed from Rear Admiral MASUDA and had become prisoners awaiting execution.

10. At that time, as Commander of the Military Police of the Jaluit Defense Garrison I was under orders to perform the duties of investigating crimes and effecting their punishment.

I performed the execution in accordance with the orders of Rear Admiral MASUDA to perform it without any doubt in my mind, believing it was the correct thing to do and properly expected of my office.

11. Announcement of the Execution.

Announcement of the execution of these natives was made in a report by Rear Admiral MASUDA, Commanding Officer of the Defense Garrison, to all units under his command on the day following the completion of the executions.

The above is my affidavit.

December 28, 1946.

Captain Fumio INOUE, IJA.

Former Commander of Military
Police, Jaluit Defense Garrison.

I certify the above to be a true and complete translation to the best of my ability of the original affidavit written in Japanese.

FREDERICK F. TREMAYNE,
Lieutenant (jg), USNR.
Interpreter.

CERTIFIED TO BE A TRUE COPY

Herbert L. Ogden

HERBERT L. OGDEN, CDR, U. S. Navy.

Exhibit 2(2)

EXHIBIT 10(2)

0318

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

HEADQUARTERS OF THE COMMANDER NAVAL FORCES MARIANAS
NAVAL FORCES MARSHALLS-CAROLINES AND MARSHALLS-CAROLINES AREA

11 JUL 1949

I hereby certify that the annexed are true excerpts taken from the official records of Commander Naval Forces, Marianas in the case of Hidesaku FURUKI, former Major, IJA, and consist of the following:

1. Excerpts from the charges and specifications dated 24 February 1947.
2. Military Commission Order No. 37 in re FURUKI, Hidesaku, former Major, IJA, dated 1 August 1947.
3. Excerpts from the action of the convening authority, The Commander Marianas Area, dated 1 August 1947.
4. Action of the reviewing authority, the Commander in Chief Pacific and United States Pacific Fleet, dated 7 August 1947.
5. Opinion of the Judge Advocate General of the U. S. Navy, dated 22 January 1948.
6. Action of the confirming authority, the Secretary of the Navy, dated 3 March 1948.

H. L. Ogden
H. L. OGDEN,
Commander, U. S. Navy.

Exhibit 11 (1)

0319

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

A16-2/FF12/
13-JDM-ro

24 Feb 1947

Serial: 3786

From: The Commander Marianas Area.
To : Lieutenant David BOLTON, USN, and/or
Lieutenant James P. KENNY, USN, and/or
your successors in office as Judge Advocates,
Military Commission, Commander Marianas.

Subject: Charges and Specifications - in the case of:
Major FURUKI, Hidesaku, Imperial Japanese Army.

1. The above named person will be tried before the Military Commission of which you are Judge Advocate upon the following charges and specifications. You will notify the President of the commission accordingly, inform the accused of the date set for trial, and summon all witnesses, both for the prosecution and for the defense.

CHARGE I

MURDER

SPECIFICATION 1

SPECIFICATION 2

SPECIFICATION 3

SPECIFICATION 4

SPECIFICATION 5

In that FURUKI, Hidesaku, then a major, Imperial Japanese Army, attached to the Second Battalion, First South Seas Detachment of the Imperial Japanese armed forces, Jaluit Atoll, Marshall Islands, and while so serving as the commanding officer of the said Second Battalion, at Jaluit Atoll, Marshall Islands, did, on or about 10 August 1945, on Jaluit Atoll, Marshall Islands, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill, and cause to be killed, with an instrument, a deadly weapon, exact description to the relator unknown, two unarmed native inhabitants of the Marshall Islands, exact names to the relator unknown, but believed to be Mejkane and Melein, and did therein and thereby, then and there, inflict mortal wounds in and upon the bodies and heads of said inhabitants of the Marshall Islands, of which said mortal wounds the said inhabitants of the Marshall Islands believed to be Majkane and Melein, died on or about 10 August 1945, on the said Jaluit Atoll, this in violation of effective law, especially Article 199 of the Criminal Code of Japan, which reads in tenor as follows:

Every person who has killed another person shall be condemned to death or punished with penal servitude for life or not less than three years.

Exhibit 11 (2)

0320

CHARGE II

VIOLATION OF THE LAWS AND CUSTOMS OF WAR

SPECIFICATION 1

SPECIFICATION 2

SPECIFICATION 3

SPECIFICATION 4

SPECIFICATION 5

In that FURUKI, Hidesaku, then a major, Imperial Japanese Army, attached to the Second Battalion, First South Seas Detachment of the Imperial Japanese armed forces, Jaluit Atoll, Marshall Islands, and while so serving as the commanding officer of the said Second Battalion, at Jaluit Atoll, Marshall Islands, did, on or about 10 August 1945, on Jaluit Atoll, Marshall Islands, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Japanese Empire, wilfully, unlawfully, and without previous trial, punish and cause to be punished as spies, by assaulting, striking, wounding, and killing with an instrument, a deadly weapon, exact description to the relator unknown, two unarmed native inhabitants of the Marshall Islands, exact names to the relator unknown, but believed to be Mejkane and Melein, this in violation of the laws and customs of war.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

Exhibit 11 (2a)

0321

13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

1 August 1947

MILITARY COMMISSION ORDER NO. 37

(In re FURUKI, Hidesaku, former Major, IJA)

1. FURUKI, Hidesaku, Major, Imperial Japanese Army, was tried during period 1 March to 18 April 1947 by a United States Military Commission convened by order of the Commander Marianas Area, dated 21 February 1947 at the Headquarters, Commander Marianas, Guam, Marianas Islands, on the below listed charges and specifications:

CHARGE I - MURDER (Five specifications).

<u>Spec.</u>	<u>Nature</u>	<u>Place</u>	<u>Date of Offense</u>
1.	Kill four unarmed native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	5-23-45.
2.	Kill three unarmed native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	5-28-45.
3.	Kill two unarmed native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	6-15-45.
4.	Kill two unarmed native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	7-20-45.
5.	Kill two unarmed native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	8-10-45.

CHARGE II - VIOLATION OF THE LAW AND CUSTOMS OF WAR (Five specifications)

<u>Spec.</u>	<u>Nature</u>	<u>Place</u>	<u>Date of Offense</u>
1.	Unlawfully punish as spies four native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	5-23-45.
2.	Unlawfully punish as spies three native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	5-28-45.
3.	Unlawfully punish as spies two native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	6-15-45.
4.	Unlawfully punish as spies two native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	7-20-45.
5.	Unlawfully punish as spies two native inhabitants of the Marshall Islands.	Jaluit Atoll, Marshall Islands.	8-10-45.

FINDINGS: The Commission found:

- "The first specification of the first charge proved.
- "The second specification of the first charge proved.
- "The third specification of the first charge proved.
- "The fourth specification of the first charge proved.
- "The fifth specification of the first charge proved.

Exhibit 11 (3)

0322

And that the accused, FURUKI, Hidesaku, then a major, Imperial Japanese Army, is of the first charge guilty.

The first specification of the second charge proved.
The second specification of the second charge proved.
The third specification of the second charge proved.
The fourth specification of the second charge proved.
The fifth specification of the second charge proved.
And that the accused, FURUKI, Hidesaku, then a major, Imperial Japanese Army, is of the second charge guilty.

SENTENCE: The commission on 18 April 1947, sentenced the accused as follows:

"The Commission, therefore, sentences him, FURUKI, Hidesaku, Major, Imperial Japanese Army, to be confined for the term of his natural life."

2. On 1 August 1947, the Convening Authority (The Commander Marianas Area), subject to certain remarks took the following action:

"***** the proceedings, findings on Charge I and the specifications thereunder, and on Charge II and specification 5 thereunder and the sentence in the foregoing case of FURUKI, Hidesaku, formerly a Major, IJA, are approved. The findings on specifications 1, 2, 3, and 4 under Charge II are disapproved for the reason that the Convening Authority considers there is insufficient evidence to establish the fact that the natives of the Marshall Islands named in these specifications were punished as spies.

FURUKI, Hidesaku, formerly Major, IJA will be transferred to the custody of the Commanding General of the 8th U. S. Army, via the first available United States ship, to serve his sentence of confinement in Sugamo Prison, Tokyo, Japan.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

Copy to:

Commander in Chief, Pacific and U. S. Pacific Fleet (3)
Judge Advocate General, U. S. Navy (3)
Supreme Commander for the Allied Powers (3)
Supreme Commander for the Allied Powers (3)
Commanding General, U. S. 8th Army, (Japan) (3)
National War Crimes Office, Washington D. C. (3)
Commanding Officer, Marine Barracks, Guam (3)

AUTHENTICATED:

H. D. Vanston
H. D. VANSTON
Flag Secretary.

Exhibit 11 (3a)

0323

FF12/A17-10/
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 16183

1 AUG 1947

The military commission, composed of Army, Navy and Marine Corps officers, in the foregoing case, was convened 21 February 1947 by the Commander Marianas Area pursuant to his inherent authority as a military commander and the specific authorization of the Commander in Chief, U. S. Pacific Fleet (CinCPac conf. serial 0558, of 8 March 1946) and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas; and the Judge Advocate General of the Navy (JAG despatch 311730 July 1946). The commission was authorized and specifically directed to take up this case. The order for trial (charges and specifications) was issued 24 February 1947, and served on the accused on 24 February 1947. The trial was held under authority of Naval Courts and Boards, except that the commission was authorized by the precept to relax the rules for Naval courts to meet the necessities of the trial and to use the rules of evidence and procedure promulgated by the Supreme Commander for the Allied Powers in his Regulations Governing the Trials of Accused War Criminals, and modifications thereof, dated 5 December 1945, as necessary to obtain justice.

.....
.....

Referring to Charge II and the specifications thereunder a review of the record fails to disclose affirmative positive evidence that the natives named in specifications 1, 2, 3, and 4 were punished as spies. The specifications respectively alleged violations of Article 30, Annex to the Convention, Laws and Customs of War on Land, Hague Convention No. IV of 18 October 1907. The allegations that the natives/^{named} were punished as spies are material allegations alleging the gravamen of the offenses. The gravamen of an offense must be proved to sustain a conviction. (CMO's 6, 1933, 6, 7; 2, 1925, 11). The accused's guilt must be established by substantive proof. (Sec. 154, N. C. & B. 1937). There is nothing but circumstantial evidence in this case to show that the natives named in specifications 1, 2, 3 and 4 were punished as spies. Circumstantial evidence is frequently better than direct evidence, but when it alone is relied upon the circumstances must be satisfactorily proved as facts and these facts must clearly and unequivocally imply the guilt of the accused to the extent that it can not reasonably be reconciled with any hypothesis of his innocence. (Sec. 144 N. C. & B. 1937; Sec. 865 and Sec. 922 et seq. Wharton's Criminal Evidence, 11th Ed.). In this case the positive evidence bearing on the nature of the offenses for which the natives referred to were punished indicates that they committed offenses other than spying, namely, attempted murder, desertion from Jaluit, disobedience of orders, assault of military guards and destruction of military property. Accordingly it is the opinion of the Convening Authority that there is an insufficiency of evidence to support the conviction of the accused on specifications 1, 2, 3 and 4 under Charge II.

Subject to the above remarks the proceedings, findings on Charge I and the specifications thereunder, and on Charge II and specification 5 thereunder and the sentence in the foregoing case of FURUKI, Hidesaku, formerly major, IJA are approved. The findings on specifications 1, 2, 3 and 4 under Charge II are disapproved for the reason that the Convening Authority considers there is insufficient evidence to establish the fact that the natives of the Marshall Islands named in these specifications were punished as spies.

EXHIBIT 1 (4)

0324

FF12/A17-10/
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 16183

1 AUG 1947

FURUKI, Hidesaku, formerly major, IJA will be transferred to the custody of the Commanding General of the 8th U. S. Army, via the first available United States ship, to serve his sentence of confinement in Sugamo Prison, Tokyo, Japan.

/s/ C. A. Pownall
C. A. POWNALL
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

To: Commander in Chief, Pacific and United States Pacific Fleet.
Re: Record of proceedings of Military Commission - case of
FURUKI, Hidesaku, formerly Major, IJA.

Copy to:
Island Commander, Guam.
President Military Commission, Guam.
Commanding Officer, U. S. Marine Barracks, Guam.

EXHIBIT 11 (5)

0325

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
Headquarters of the Commander in Chief

Cincpacflt File
A17-25

c/o Fleet Post Office,
San Francisco, California.

Serial: 4816

7 AUG 1947

Numerous clerical errors and errors in punctuation which have not been corrected, or which have been corrected but not initialed by the Judge Advocate, as required by section 511, Naval Courts and Boards, are noted throughout the record. The record will not, however, be returned for correction as it is not considered the rights of the accused have been prejudiced.

Subject to the foregoing, the proceedings, findings on Charge I and the specifications thereunder and on Charge II and specification 5 thereunder and the sentence in the foregoing case of FURUKI, Hidesaku, formerly a Major, I.J.A., and the action of the Convening Authority thereon are approved. The findings on specifications 1, 2, 3, and 4 under Charge II are disapproved for the reasons set forth by the Convening Authority in his action on the record.

/s/ Louis Denfeld
LOUIS DENFELD
Admiral, U. S. Navy,
Commander in Chief Pacific
And United States Pacific Fleet.

To: Judge Advocate General.
Re: Record of proceedings of Military Commission - case of FURUKI, Hidesaku,
former Major, I.J.A.

Copies to:
ComMarianas
IsComGuam
President Military Commission, Guam.
Co, MarBksGuam.

EXHIBIT 11 (6)

0326

OO-FURUKI, Hidesaku/A17-10/
OQ I (1-20-48) HTM:bem 158819

22 JAN 1948

1. The record of proceedings in the foregoing military commission case of former Major Furuki, Hidesaku, Imperial Japanese Army, shows that he was convicted of I, Murder (5 specifications); and II, Violation of the Laws and Customs of War (5 specifications). He was sentenced to be confined for the term of his natural life. The convening authority, subject to remarks, approved the proceedings, the findings on Charge I and the specifications thereunder, and on Charge II and specification 5 thereunder, and the sentence, and disapproved the findings on specifications 1, 2, 3 and 4 under Charge II. Subject to remarks, the reviewing authority approved the proceedings, the findings on Charge I and the specifications thereunder and on Charge II and specification 5 thereunder, the sentence and the action of the convening authority thereon, and disapproved the findings on specifications 1, 2, 3 and 4 under Charge II.

2. Specification 5 under Charge I alleges that the accused, while commanding officer of the Second Battalion, First South Seas Detachment, Imperial Japanese armed forces, "did, on or about 10 August 1945, on Jaluit Atoll, Marshall Islands, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill, and cause to be killed, with an instrument, a deadly weapon, exact description to the relator unknown, two unarmed native inhabitants of the Marshall Islands, exact names to the relator unknown, but believed to be Mejkane and Melein, and did therein and thereby, then and there, inflict mortal wounds in and upon the bodies and heads of said inhabitants of the Marshall Islands, of which said mortal wounds the said inhabitants of the Marshall Islands, believed to be Mejkane and Melein, died on or about 10 August 1945, on the said Jaluit Atoll, this in violation of" a quoted article of the Criminal Code of Japan.

3. Specification 5 under Charge II alleges that the accused did, at the same time and place, and while acting in the same capacity as alleged in specification 5 of Charge I, "wilfully, unlawfully, and without previous trial, punish and cause to be punished as spies, by assaulting, striking, wounding, and killing with an instrument, a deadly weapon, exact description to the relator unknown", the same two native inhabitants of the Marshall Islands, believed to be Mejkane and Melein, whom the accused was charged with murdering in specification 5 of Charge I.

4. The accused made a plea to the jurisdiction of the commission to try him for murder, because the offense was charged as a violation of the Criminal Code of Japan, contending that as a United States court it had no jurisdiction to try persons for offenses against "foreign" (Japanese) law. The accused also made a plea to the jurisdiction of the commission to try him for a violation of the laws and customs of war. The contention of the accused was that the Marshallese natives had been under the dominion of Japan as inhabitants of territory mandated to Japan, and, therefore, they were not within the class of spies protected by the Hague Convention of 1907.

5. The Hague Convention of 1907, which was ratified by Japan and the United States, provides, in Convention IV, Article 43, that "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless

EXHIBIT 11 (7)

0327

OO-FURUKI, Hidesaku/A17-10/
OQ I (1-20-48) HTM:bem 158819

absolutely prevented, the laws in force in the country". (Underlining supplied). As an incident to the restoration of order in the occupied territory, the occupant should bring to trial those offenders who have heretofore escaped punishment by reason of the breakdown of the judicial machinery. The proper law to be applied was, therefore, the local law which was in force at the time of the commission of the offense, i.e., the criminal code of Japan. Cf. Oppenheim's International Law (Lauterpacht) Vol. II, sec. 172.

6. The definition of spies is contained in the Hague Convention of 1907, Convention IV, Article 29. The limitations set forth in that Article do not include any limitation based on the nationality of the spy. Article 30 of the same convention provides that no one shall be punished as a spy without previous trial. Cf. International Law by Charles Cheney Hyde, Vol. III, 2nd Revised Edition, sec. 677.

7. In view of the above, the commission had jurisdiction to try the accused for a violation of Japanese law and for a violation of the laws and customs of war.

8. The allegation of killing the named natives (specification 5 of Charge I) and the allegation of punishing the same natives as spies without trial by killing them (specification 5 of Charge II) being based as they were on the same circumstances, were preferred to provide for the contingencies of proof. Therefore, since the accused was convicted of two offenses growing out of but one act, it is recommended that the findings on Charge II and specification 5 thereunder, and the actions of the convening and reviewing authorities thereon, be set aside.

9. Subject to the foregoing remarks and recommendation, the proceedings, findings, and sentence, and the actions of the convening and reviewing authorities thereon, in the opinion of the Judge Advocate General, are legal.

10. Referred to the Chief of Naval Operations for information.

/s/ O. S. Colclough
O. S. COLCLOUGH
Judge Advocate General of the Navy.

ACTING
Approved by Secnav 2/12/48

B C D

-2-

EXHIBIT 11 (8)

0328

OFFICE OF THE JUDGE ADVOCATE GENERAL
Washington 25, D. C.

JAG:I:RAS:bem
OO-FURUKI, Hidesaku/A17-10/OQ
158819

3 MAR 1948

To: The Commander Marianas Area.
Via: Commander in Chief,
United States Pacific Fleet.

Subj: Military Commission case of former Major Furuki,
Hidesaku, Imperial Japanese Army, by order of the
Commander Marianas Area, on 1 March 1947.

1. The Military Commission before which the former Major Furuki, Hidesaku, Imperial Japanese Army, was tried, found him guilty of the Charges, I, Murder (5 specifications); and II, Violation of the Laws and Customs of War (5 specifications), and adjudged the following sentence:

"The Commission, therefore, sentences him, Furuki, Hidesaku, Major, Imperial Japanese Army, to be confined for the term of his natural life."

2. The Commander Marianas Area, the convening authority, on 1 August 1947, subject to remarks, approved the proceedings, findings on Charge I and the specifications thereunder, and on Charge II and specification 5 thereunder and the sentence, and disapproved the findings on specifications 1, 2, 3 and 4 under Charge II, in this case.

3. The Commander in Chief, Pacific and United States Pacific Fleet, the reviewing authority, on 7 August 1947, subject to remarks, approved the proceedings, findings on Charge I and the specifications thereunder and on Charge II and specification 5 thereunder, the sentence, and the action of the convening authority thereon, and approved the action of the convening authority of disapproving the findings on specifications 1, 2, 3 and 4 under Charge II thereunder.

4. The Acting Secretary of the Navy on 12 February 1948, approved the remarks and recommendation of the Judge Advocate General. Accordingly, the findings on Charge II and specification 5 thereunder, and the actions of the convening and reviewing authorities thereon, were set aside.

/s/ O. S. Colclough
O. S. COLCLOUGH
Judge Advocate General of the Navy.

Copy to:
Chief of Naval Operations.

EXHIBIT 11 (9)

0329

STATEMENT ON THE EXECUTION OF THE NATIVE CRIMINALS

3 December 1946.

Former Jaluit Defense Force Army Major FURUKI, Hidesaku.

I. Summary.

I executed the native criminals who had been sentenced to death by Rear Admiral MASUDA on orders of Rear Admiral MASUDA, former Commanding Officer of the JALUIT Defense Force in 1945 as follows:

Names & number of Native Criminals	Date of Execution	Guards en route and laborers after the completion of the execution	Place where the native criminals were incarcerated.
LESOHR	About 23 May	KIMURA P.O. 2c (dead)	Number two Ammunition Dump.
KOHRI		IVEZOE, Leading	
KOZIMA		Seaman (dead)	
UNKNOWN			
IRDEN	About 28 May	SUGAHLRL, CPO (living)	Number two Ammunition Dump
MAKUI		MIYAZAKI, Leading	
TIGRIK		Seaman (living)	
CHUTA	Middle of June	AKIZUKI, Leading	Number two Ammunition Dump
CHONMOHLE		Private (living)	
MANDALA	End of July	TANAKI, Leading	Number two Ammunition Dump
MAPERIA		Private (living)	
NEJKANE	About 10 August	UTSUNOMIYA, Sgt. (living)	Number two Ammunition Dump
MELEIN		"	Base Transmitting Station

TOTAL - 13 persons

II. Developments.

1. I took command of the laborers in front of the EMIDJ Battle Headquarters about two-thirty in the afternoon. I loaded them in a truck and went to the native criminal stockade. We blindfolded the prisoners, tied their hands, and put them in the truck. I gave orders to the laborers to stand watch and see that the natives did not escape.

2. We went toward LINEAN Island and stopped at a place about 4,000 meters south of the Base Transmitting Station.

3. I gave orders to the workers at that place to stop people passing along the road and not to let them enter the coconut grove. I accompanied the native criminals myself and going toward the open sea, I had them halt in the vicinity of the beach.

CERTIFIED TO BE A TRUE COPY

"Exhibit 2(1)"

Herbert L. Ogden
HERBERT L. OGDEN, CDR, U. S. Navy.

Exhibit 12(1)

0330

4. I made the native criminals sit down and spoke as follows:

I had a man who understood Japanese translate it to the people who did not understand Japanese sufficiently:

a. You have been sentenced to death by Rear Admiral M. SUDA for treason and other serious crimes which you have committed against the state. (I indicated the crime with which each native was linked.)

b. I will now carry out the order.

c. Because I will give you five minutes time, if you have any last minute will to make or offer your prayers, you may do so.

5. CHUTA and CHONMOHLE said, "We have done a bad thing, there is nothing we can say. Please apologize for us to Rear Admiral M. SUDA and the men. Take a lot of coconut milk (T.M. to strengthen the Body) and win the war." The other person mumbled something in the native tongue, but I don't know what he said.

6. About five minutes later I shot the native criminals in the head with a pistol from a distance of about one meter in front of them. I shot the people who did not die instantly once more.

7. After I had confirmed that the native criminals had ceased breathing, I called the workers from the road and dug a hole with a spade. We untied the ropes, lay the bodies down, piled sand upon them, erected a stone as a grave marker, and offered some flowers from trees in the vicinity. Then the workers and I saluted the body, prayed for their souls and started back.

8. I went to Rear Admiral M. SUDA'S place and reported that the execution had been completed.

FURUKI, Hidesaku, Major, IJL.

This statement was written of my own free will.

3 December 1946.

FURUKI, HIDEAKU, Army Major.

Subscribed to before me this 3rd day of December 1946.

E. L. FIELD, Lieutenant, U.S.N.R.

E. E. KERRICK, Lieutenant, U.S.N.R.

Certified to be a true translation of the original Japanese document dated 3 December 1946, signed by FURUKI, Hidesaku and witnessed by Lieut. E. L. FIELD, and Lieut. E. E. KERRICK.

_____ Court interpreter

_____ Court interpreter

_____ Court interpreter

CERTIFIED TO BE A TRUE COPY

Herbert L. Ogden
HERBERT L. OGDEN, CDR, U. S. Navy.

"Exhibit 2(2)"

Exhibit 12(2)

0331

I, SX1334 Douglas John McBAIN, a Major in the Australian
Military Forces holding the appointment of Deputy Assistant
Adjutant General in the Directorate of Prisoners of War and
Internees at Australian Army Headquarters Melbourne
hereby certify that the attached thirty-three (33) sheets
numbered consecutively from "R74-1" to "R74-33" (both
inclusive) are a true copy of the original proceedings of
the Military Court which at RABAU on the 10th day of May 1946
tried Sgt SAKAMOTO Takeo, Civ SYOJI Takashi, Civ ANETAI
Soji And That I am the officer having, in the course of my
duties, the proper custody of such original proceedings.
Dated at MELBOURNE this 24th day of October 1947.

Douglas John McBain Major
D.A.A.G.
D.P.W. & I., AHQ.

WITNESS *S. Amole* Capt.

An officer of the Australian Military Forces.

0338

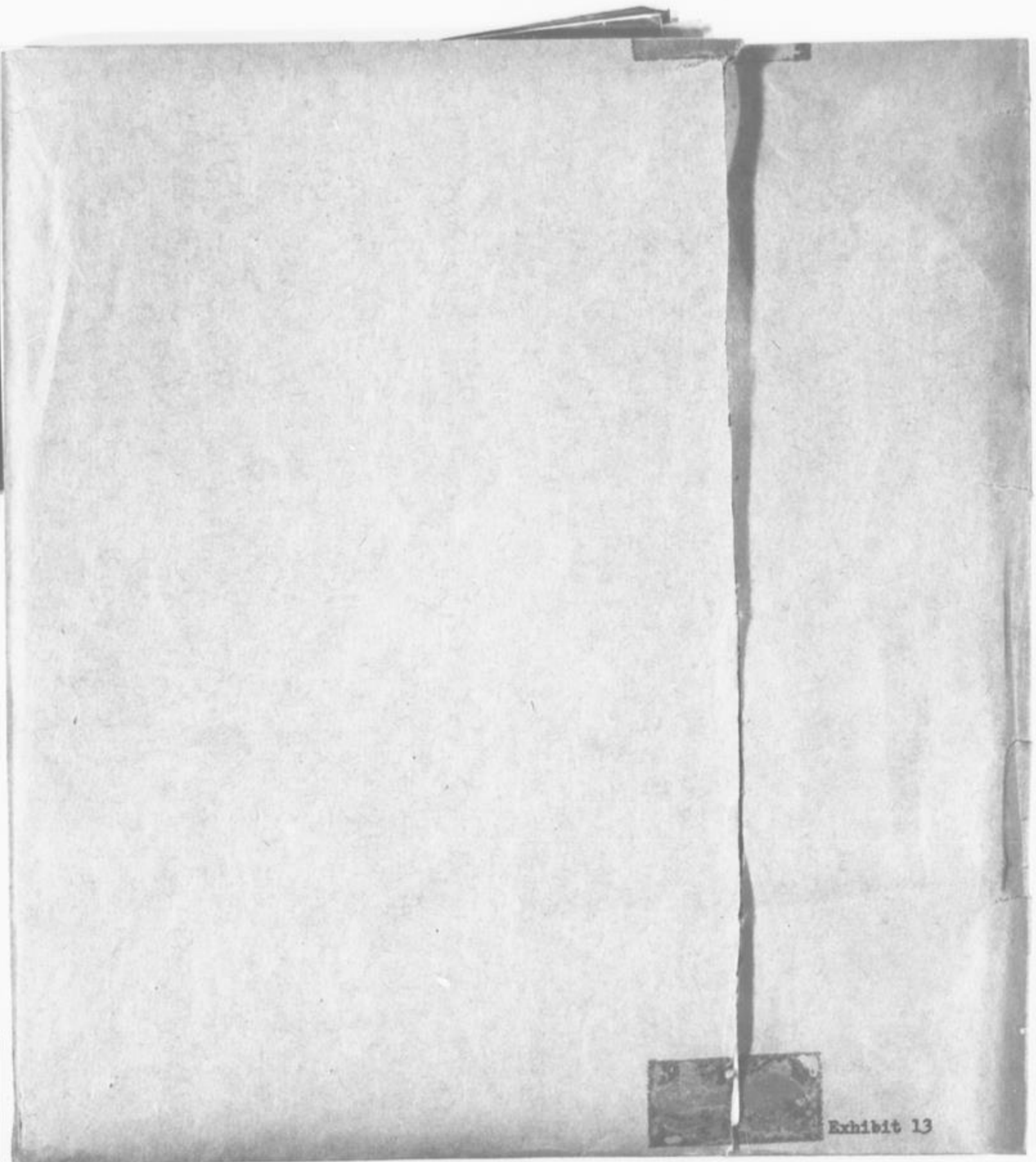


Exhibit 13

0000

In this case, when Natakayana brought/0. Iee, I gave him two or three times slap and when he ran away I ran after him following Natakayana/4. And after having taken back him, I beat him again two or three times with a short stick.

佐野猛男

Teakahara Shigemasa

It appears to me, the undersigned, an officer authorized to convene a Military Court under the War Crimes Act 1945 that the person named in the annexed Schedule has committed the war crimes in the said Schedule mentioned, I HEREBY CONVEY a Military Court to try the said person and to consist of the Officers hereunder named.

FROM INDEX

1. Lt Col J. MOYER att HQ 8 MD) is appointed ~~REQUIRE~~

11630553

1st Col W.H. McDONALD att HQ 8 MD
Maj J.S. MacLEAN att Hq 8 MAAR appointed ~~MAJOR~~
Maj R. HERTKINTON 26 Aust Inf
OFFICER UNDER INSTRUCTION
Capt M.J. NICHOLLS 26 Aust Inf Bn (Officer under instruction)
JUDGE ADVOCATE

Capt L.A. CHISHOLM AALC att ,Is appointed JUDGE ADVOCATE
MC 8 MD

Basil Benonis
Maj-Gen
CONVICTING OFFICER

GOVT. MILITARY DISTRICT

Name, Rank, Unit, Date and Place of Accused	Offense Charged	Plea	Finding, and Sentence (S), or Dismissing Sentence (D).
Sgt SAKAMOTO Takabaru of Jap MP Corps Civilian Employee SYOJI Takashi att'd to Japanese Navy Civilian Employee ANETAI Soji attached to Japanese Navy	Violation of the Laws and Usages of War in that he at- TRUCK on or about 28 Aug 44 cruelly beat the following civilians namely HUBEN POLIAPK MARIE POLIAPK RUDDOLPH HARRIS ALBERT HARRIS JULIUS CAPELLE DIENA KARL HARTMAN WILLIE HARTMAN EMANUEL HARTMAN KAREN FATHER PIERRE CLIVAZ and FATHER ALOIS KAYSER	all plead Not Guilty	all accused guilty of the charges excepting the words "beats" Karl Hartman, Marie Hartman Emmanuel Hartman Karlton. Sgt. SAKAMOTO Civilian employee SYOJI Civilian employee ANETAI sent to the imprisonment for 5 years.

Finding and sentence against Sgt. SAKAMOTO and SYOJI continued Finding and sentence against ANETAI Not continued
Wasserman LBS

24
Hatch
CONVICTED OFFENDER (a)
600 EIGHTH MILITARY DISTRICT

R74(2)

CERTIFICATE OF PROMULGATION

Promulgated in the case of Sgt SARAGOTO, Takaharu this 30th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of Sgt SARAGOTO, Takaharu this 30th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

0335

NOTE : The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Naval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialed by him.

B. I CERTIFY that the above Court assembled on the 10th day of May 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT :

- 1. The Members of the Court
- 2. The Judge Advocate
- 3. The Witnesses
- 4. The Interpreter
- 5. The Shorthand writer

were duly sworn.

SIGNED this 10th day of May 1946

[Signature]
PRESIDENT OF THE MILITARY COURT

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

[Signature]
JUDGE ADVOCATE

[Signature]
CONFIRMING OFFICER

PROMULGATED in the case of

(Date) (a) 1946

Signed :

(a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.

THE WAR CRIMES ACT 1942

TRIAL OF :

Sgt SAKAMOTO Takaharu of the Japanese MP Corps.
Civilian Employee STOJI Takashi attached to Japanese Navy.
Civilian Employee ANETAI Soji attached to Japanese Navy.

DATE OF COURT :

10th May, 1946.

PROSECUTING OFFICER :

Capt J.F. GARVEY

AALC

DEFENDING OFFICER :

Capt K.G. WYBROW
Navy Lt TAKAHASHI is the Japanese Solicitor.

AALC

The Accused are brought before the Court.

The Members of the Court and Judge Advocate are duly sworn.

MOLANA Yoshichi is sworn as the interpreter.

The Charge is read to the Accused.

All three Accused plead NOT GUILTY to the Charge.



CASE FOR THE PROSECUTION

Prosecutor seeks to tender statement of RUDOLPH HAN-BIS.

Defending Officer objects on grounds that it is not admissible under Section 9 (1) as no names in the document that are proved at this stage to be identical with the accused.

Prosecuting Officer submits that when read in conjunction with other papers it will assist the Court and is therefore admissible.

The Court will admit the Document.

The document is marked Exhibit A, read, signed by the President, and annexed to the Proceedings.

Prosecutor tenders statement of RUDOLPH POLLARD, a Mauritian.

Defending Officer objects on the same grounds as previously.

The Court admits the document.

The document is marked Exhibit B, signed by the President, read, and then annexed to the Proceedings.

Prosecutor tenders statement of Rev Father PIERRE OLIVIER.

Defending Officer objects on the same grounds as before.

The document is admitted by the Court, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

Prosecutor tenders report of the interrogation of Sgt. SAKAMOTO Takaharu, (one of the accused). The Document is tendered, admitted in evidence, read, marked Exhibit D, signed by the President, and annexed to the Proceedings.

Prosecutor tenders report of the interrogation of the accused, SYOJI Takashi, which is admitted in evidence, read, marked Exhibit E, signed by the President, and annexed to the Proceedings.

Prosecutor tenders report of the interrogation of the accused, ANETAI Seiji, which is admitted in evidence, read, marked Exhibit F, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION.



DEFENDING OFFICER MAKES A SUBMISSION

I ask that the charge against the accused be dismissed.
 I submit a prima facie case has not been made out.
 No evidence has been given as to nationality of any of the victims of the alleged assault, with the exception of one who is alleged to be a Frenchman, and the other a Swiss.
 Draws Court's attention to Section 12 of the War Crimes Act, 1945.
 (Quotes.....)
 The Court will take notice of the fact that TRUK was taken over by the Japanese from the Germans after last war. Switzerland was never a Power associated with His Majesty's Government.
 Submits there is not sufficient evidence to prove the nationality of the Frenchman.
 The Nauruans were all brought to TRUK.
 There is not sufficient identification of these accused in Court with the persons named in the three statements produced by the Prosecution.
 I submit that the Court must dismiss this case as a prima facie case has not been made out by the Prosecution.

PROSECUTING OFFICER

I submit that there is prima facie evidence and that the identification of the three accused has been established.

JUDGE ADVOCATE

It is a question for the Court to decide as to whether there is a prima facie case.
 I advise the Court that there is a prima facie case in respect of at least some of the persons referred to in the charge.

The Court is closed at 1130 hrs to consider the Submission.

The Court re-opens at 1140 hrs.

The President of the Court announces that the Court does not uphold the submission of the Defence.

The Defending Officer now proceeds with his case and calls the accused Sgt SAKAMOTO Takaharu.



Sheet No 1.

Sgt SAKAMOTO Takaharu being duly sworn is examined by the Defending Officer through the Interpreter NOZAWA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

坂本孝春

I am Sgt SAKAMOTO Takaharu of the Japanese MP Corps. (3rd MP Corps)
The accused is shown a statement signed by him.

That is my signature.

The statement has been read over to me in Japanese and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit C, signed by the President and annexed to the Proceedings.

CROSS EXAMINED

Q. Is it not a fact that the NAURUANS referred to in the statement had been brought from NAURU?

A. Yes.

Q. Were they ~~not~~ brought there by the Japanese?

A. I do not know.

Q. Is it not a fact that the Missionaries referred to in your statement had been brought from NAURU?

A. I heard that they had been ~~brought~~ from NAURU. /brought.

Q. Tell us the full name of the man you refer to your statement as ANETAI?

A. ANETAI Soji.

NO RE EXAMINATIONQUESTIONS BY THE COURT

Q. The ANETAI Soji you referred to just now, is he the same ANETAI Soji in Court?

A. Yes.

I swear that I have told you the truth without adding anything.

坂本孝春

Evidence is read over to the witness who does NOT desire to correct same.



ANETAI Soji being duly sworn is examined by the Defending Officer through the interpreter KAZATA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

市部宗治

I am ANETAI Soji attached to the HQ 4th Construction Unit. Witness is shown a statement signed by him. That is my signature.

The statement has been read over to me in Japanese and it is true and correct. The statement is tendered, admitted in evidence, read, marked Exhibit M, signed by the President, and annexed to the Proceedings.

At this stage the Court adjourns, the time of this adjournment being 1200 hrs.

The Court re-assembles at 1330 hrs, the same President, Members, and Judge Advocate being present.

- V. What is the Christian name of the SEIOJI mentioned in your statement?
~~XX~~
 on the first page about half way down next to where a word has been
 V. A. The accused indicates SYOJI Takashi in the Court.
 V. C. Now point to the word SEIOJI in the last sentence in the second to
 last paragraph. Who is that SEIOJI?
 A. The SEIOJI who was beating the native was not the accused SYOJI in
 the Court.

CROSS EXAMINED

- V. What is the full name of the Sgt SAKAMOTO referred to in your
 statement?
 A. I think it is SAKAMOTO Takaharu.
 V. The Prosecutor points to the accused in the Court (SAKAMOTO)
 V. C. Is that the SAKAMOTO mentioned in your statement?
 A. Yes.
 V. C. Is the man referred to in your statement as SEIOJI Takashi that man?
 (indicating SYOJI in the Court)
 A. Yes.
 Interpreter informs the Court that SYOJI and SEIOJI are the same names
 in Japanese.
 V. Had the foreign missionaries on WAKI Island referred to in the
 statement brought to NAURU by the Japanese?
 A. I am not sure, but I think they must have come from NAURU.
 V. Were all the NAURUANS referred to in the statement brought from
 NAURU by the Japanese?
 A. Yes, I think.
 V. When were they brought from NAURU?
 A. I do not know the date, but I think they came in 1943.

NO RE EXAMINATION

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

市部宗治

Evidence is read over to the accused, who does NOT desire to correct same.



SYOJI Takashi being duly sworn is examined by the Defending Officer through the interpreter NOZAWA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

・ 庄 子 孝

I am SYOJI Takashi attached to the Police Section of the 4th Naval Construction Coy.

Witness is shown a statement signed by him.

That is my signature.

The statement has been read over to me in Japanese and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit J, signed by the President, and annexed to the Proceedings.

CROSS EXAMINED

- Q. Is the man named ANETAI referred to in your statement identical with that man in the Court (Points to ANETAI)?
 A. Yes.
 Q. And is the man named SAKAMOTO referred to in your statement identical with SAKAMOTO in the Court?
 A. Yes.
 Q. What is his full name?
 A. SAKAMOTO Takaharu.
 Q. Were the two Missionaries referred to in your statement from NAURU?
 A. Yes.
 Q. Were they brought to TREU by the Japanese?
 A. I think so.
 Q. When?
 A. I think it was in 1943.
 Q. Are the NAURUAN natives referred to in this statement brought from NAURU by the Japanese?
 A. Yes.
 Q. When?
 A. I think it was in 1943.

NO RE EXAMINATION.

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

・ 庄 子 孝

Evidence is read over to the accused who does NOT desire to correct same.

CONCLUDES THE CASE FOR THE DEFENCE.

NO EVIDENCE IN REPLY.



PROSECUTING OFFICER ADDRESSES.

The Prosecuting Officer makes an Address which he does not desire to be recorded.

THE DEFENDING OFFICER ADDRESSES.

The Defending Officer addresses the Court on the facts of the case. He particularly points out that the Prosecution produced no witnesses and consequently could not be cross examined. Also states that the statements of the Nauruans should be treated with the greatest circumspect. Asks for acquittal of the three accused.

The Judge Advocate Addresses the Court and the following points he draws to the attention of the Court.

Reads to the Court Sections 7 and 12 of the War Crimes Act, 1945. Deals with "Occupation---Rights of Inhabitants" from the Manual of Military Law at Page 275, Para 183. Refers the Court to "Common Intent" as shown in Archbold at Page 1429 and Page 1430 (marked B). Also draws attention to Para 17, Page 119 of the Manual of Military Law.

The Court is closed to consider the Finding at 1450 hrs.

The Court re-opens at 1522 hrs, and the President of the Court announces that all three Accused, SAKAMOTO Takaharu, SYOJI Takashi, and ANGTAI Seji, have been found GUILTY of the Charge excepting the words "DIEHA KARL HARTMAN, WILLIE HARTMAN, EMANUEL HARTMAN, and KAREN".

Defending Officer in Mitigation says that the offence is not a capital one in our law and asks that a penalty analogous to that which would be imposed under our law be applied to the accused.

The Prosecuting Officer informs the Court that there is no evidence of any previous convictions before a War Trials Court against any of the accused.

The Court is closed at 1524 hrs for consideration of Sentence.

The Court re-opens at 1530 hrs, and the President announces that the three Accused, Sgt SAKAMOTO Takaharu, Civilian Employee SYOJI Takashi, and Civilian Employee ANGTAI Seji, have been sentenced each to be imprisoned for five years.

The President further announces that the Finding and Sentence of the Court is not final until confirmed by higher authority.

Signed at RABAU, this 10th day of May, 1946.

Robert L. Baker
Capt.,
Judge Advocate.

J. J. J.
Lt Col.,
President.



JAPANESE WAR CRIMES

Case of whipping and mistreatment of, RUBEN FOLLAGE, his wife MARIE, RUDOLPH HARTMAN, ALBERT HARTMAN, JULIUS GABELLE, DORRA, MAURMAN, KARL HARTMAN, WILLIE HARTMAN, EDWARD HARTMAN, KARTEN, Trukese, Father PETER OLIVAS and Father ALDO KAYSER since deceased.

Place : TARIK and DUKLOW, Truk, Central Carolines.
Date : 28 August to 21 October 1944.
Interpreter: Maurman Phillip W. Harris, sworn.

First Witness:

RUDOLPH HARTMAN, Maurman on oath states:

" I was with the second party of Maurmans brought to Truk by the Japanese on 21 August 1943. I was mostly employed on Japanese farms on Tarik Island but occasionally was sent to Param to work on the airfield.

On 28 August 1944, at about 5 a.m. I was asleep in my house on Tarik when I was awakened by SHOJI TAKASHI, 4th Construction Department, who had charge of the Japanese labor Police on Param. He asked me where Father Kayser and Olivas lived and I replied "next house". I then heard him call the two fathers out.

A little while later he came back with two fathers and Julius Gabelle, the latter had his hands tied behind his back. They then tied the two fathers to Julius. I was not tied as there was insufficient rope.

We were then marched to Karl Hartman's house where I saw HIDEO SHOJI Navy worker attached to 4th Fleet Headquarters, and a Japanese Navy Policeman slapping Willie Hartman and a Trukese named Karten. HIDEO SHOJI then tied all the Hartman family, including the children, together in a group.

I was tied to a Trukese with my hands behind my back and the rope made fast around my neck and then made fast to a stump in the ground.

SHOJI TAKASHI then asked where my brother Albert was. I told him and he was arrested also.

HIDEO SHOJI then asked me my name and struck me across the head with his covered sword. He then left me.

AKI TAI SHOJI 4th Construction Department then asked me for my pistol, when I said I did not have one he slapped my face and beat me with a stick.

I then saw SHOJI TAKASHI beating my brother Albert. Ruben's wife Marie was then brought in, her hands were tied behind her back and she was beaten. All of us were tied to trees when we were being questioned and beaten.

CORPORAL SAKAMOTO TANAHARA who had charge of the Army Police and the one in charge of the Navy police were the ones ordered the beating. Both of them beat us also.

They then asked me where was Ruben Follage and I said on Param. Two hours later he was brought in. During that time they continued to question and beat us.

They bound Ruben's wrists and tied him to a tree with his hands above his head and toes just touching the ground. They then beat him and left him in that position while they went for lunch.

After lunch they came back and continued to beat us. We were then released and allowed to go home with instructions not to leave Tarik until further notice.

The following morning Corporal SAKAMOTO TAKAMASU and SHUJI TAKASHI, got us altogether again, questioned and slapped us.

We, with the exception of Albert Harris, were taken to Rabaul. On arrival we were marched to the Native School, then Headquarters of the Military Police. We were left standing outside with our hands tied behind our backs but not questioned. They gave us a ball of rice (size of a tennis ball) three times a day. At night we were placed, with our hands still tied behind our backs, in small dugouts.

Next day we were marched up to the school again and taken into the office one at a time and questioned. All day we were kept standing with our hands tied behind our backs and at night taken to the small dugout. We were given the same food, three small balls of rice a day, but were not beaten.

On the third day they brought us all up to the office again. They said that all of us, with the exception of the two Pathans and Rabau Pathans, would be released. They then drove us to the dock in a motor truck and sent us to Tarik via Pango.

On arrival at Tarik we were taken before the Commanding Officer Captain KITAHARA YOSHIO who advised us to be good and do nothing wrong. We were then allowed to go home.

Two weeks later they brought back the two Pathans and Rabau Pathans, they also were taken before Captain KITAHARA, then allowed to go home.

Patrol Officer looked very ill and went to bed when he got home. He did not recover and died 36 days later.

Rudolph Harris
(signature of Rudolph Harris)

From Island,
New and Central Caroline.

I, Mr. Rudolph Harris, of lawful age, being duly sworn as oath, state that I have read the foregoing transcription of my deposition and that it is true and correct to the best of my knowledge and belief.

Rudolph Harris
(signature of Rudolph Harris)

Subscribed and sworn to before me this 25 day of January 1944.

[Signature]
F. A. Galt,
Director of Police,
New, Central Pacific.

and body until I was revived and told to take a rest. While I was resting they began to whip my wife, Mr. Albert Harris, Mr. Rudolph Harris, Father Kaysen, Father Cliven, Mr. Julius Capelle and Mr. Karl Hartman. All my friends had their hands tied behind their back and they were placed in a large circle. The Navy policeman, four labor policeman, two of whose names are SHOJI KINNO and Corporal SAKAMOTO YAMAMOTO, were administering the punishment. They kept this up for about three hours. At intervals they would rest and ask questions and then continue with the punishment. Finally the women and the priests were sent home and the rest of us they took to the wharf. We were forced to remain there under guard while they went to lunch. About a half hour later they returned and we were all sent home. About 9:00 a.m. the following day Mr. Alonzo Sawyer was sent by Corporal SAKAMOTO to notify me, Mr. Albert Harris, Mr. Rudolph Harris, Father Kaysen, Father Cliven, Mr. Julius Capelle, his son Albert, Mr. Diann, Mr. Karl Hartman, his two sons Raymond and Willie, and Horton to meet at the wharf. All the persons mentioned except Mr. Albert Harris were transported to Dublin. During the trip everyone had his hands tied behind his back. Upon arrival at Dublin we were all placed in jail. Mr. Rudolph Harris, Julius Capelle and his son Albert, Mr. Karl Hartman and his two sons, and Mr. Diann were all released after the third day. On the fifth day, the eighth day and the fifteenth day they questioned us and after the questioning returned us to my cell. On the fifteenth day Father Kaysen, Father Cliven, Horton and I were allowed to return home. Some days after Father Kaysen, 67 years old, was released he passed away.

Q: Was there any officer around while this was taking place?
A: No.

Q: Do you know the name of the officer in command of any troops on board at that time?
A: KIDAKUNI YOSHIMIZU, his rank was either lieutenant or captain.

Q: Will you give me the names of all Japanese who helped punish the persons you have mentioned?

A: Corporal SAKAMOTO, Army military police, two members of the labor police who had the same name, SHOJI KINNO and SHOJI YAMAMOTO.

Q: Were other men used to administer punishment?
A: Yes.

Q: How?
A: One Navy policeman, two more labor policeman, and several sailors.

Q: Can you describe any of these persons?
A: No.

Q: How much food did you get while in prison?
A: Three meals a day.

Q: How much did you get at each meal?
A: Rice, cooked and rolled into the size of a duck egg, and all the water we wanted.

Q: Was this given every day while confined?
A: Yes.

Q: Was any other food given?
A: No.

Q: Did you know Father Kayser very well?
A: Yes.

Q: Was he in good health when he was confined?
A: Yes.

Q: Did you have enough to eat?
A: No.

Q: Were you always hungry while in jail?
A: Yes.

Q: Did you lose much weight while in jail?
A: Yes.

Q: If you had been as old as Father Kayser would you have
suffered more than you did?
A: It would have killed me.

Q: Do you think that the punishment Father Kayser received
was the cause of his death?
A: Yes.

Q: How long after his release from jail did he die?
A: Thirty-six days.

Q: Were you sick after being released from jail?
A: Yes.

Q: What did you have?
A: Kamikaze.

Q: Do you believe the treatment given you by the Japanese
caused your sickness?
A: Yes, sir.

Q: How many days after being released by the Japanese was it
before you became sick?
A: Ten days.

Q: How long were you sick?
A: Ten weeks.

Q: Why were the Japanese treating you and your friends as they
did?

A: Father Gilman and Father Kayser were accused of being Ameri-
can spies. I was accused of having a radio, the rest of
either having concealed weapons or collaborating with the
Americans.

Richard H. Hildebrand
(Signature of Richard Hildebrand)

Subscribed and sworn to before me this _____ day of _____, 19____.

I, Mr. _____, of _____, being duly
sworn as clerk, certify that the foregoing statement of _____
is true and correct to the best of my knowledge and belief.

Richard H. Hildebrand
(Signature of Richard Hildebrand)

Tal Island,
Truk and Central Caroline.

I, Mr. Phillip W. Harris, of lawful age, being duly
sworn upon oath state that I truly translated the questions
asked and answers given and that after being transcribed, I
truly translated the foregoing testimony to the witness that
the witness thereupon in my presence affixed his signature
thereto.

Phillip W. Harris
(Mr. Phillip W. Harris)

Subscribed and sworn to before me on 24 January 1944.

W. H. Smith
W. H. Smith
Master of Police,
Truk, Central Caroline.

0048

- 2 -

night by crowding together. During the day some of the guards did not allow us either to stand up or to lie down and thus we were forced only to sit, some others were kinder. During the fifteen days we were imprisoned, I was called in for questioning twice; the second time, the Japanese took down my life history for their files. On September 12 we were taken back to Tarik Island by the Military police and told to get ready to go to Udot Island to live with the Spanish missionaries there. On the following day the Japanese informed us that I would have to work in the farming project or we would no longer receive our food ration. Father Kayser refused to permit this, and thereafter the Japanese refused to give us any food, though we did receive a little from the natives, especially from Karl Hartman. Father Kayser had been in good health before his arrest, but after his release he was never in good physical condition again. I was able to observe him constantly from the time of his release until his death, as I lived in his house during that time-- the Japanese having removed my house during our imprisonment. For two weeks after our release Father Kayser was barely able to walk around the house a little then he had to go to bed. He remained in bed from October 1 until October 21, when he died. He complained of pains in his abdominal region and could take very little food. A Japanese Army doctor came to see him the first week of his illness but paid only one visit. He gave him some medicine.

Father Pierre Olivas
Father Pierre Olivas,
Tel Island, Truk.

Tel Island,
Truk and Central Carolines.

I, PIERRE OLIVAS, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my deposition and that it is true and correct to the best of my knowledge and belief.

Father Pierre Olivas
Father Pierre Olivas,
Tel Island, Truk.

Subscribed and sworn to before me January 1946.

T.M. Oude
T.M. Oude,
Director of Police,
Mauru, Central Pacific.

I, T.M. Oude, Director of Police, Mauru, Central Pacific, certify that on 14 January 1946, personally appeared before me HENDRICH HARRIS, HUBERT FOLLAND and PIERRE OLIVAS, and gave the foregoing answers to the several questions set forth; that after their testimonies had been transcribed, they affirmed their signatures thereto in my presence.

T.M. Oude
T.M. Oude,
Director of Police,
Mauru, Central Pacific.

Place: Tel Island,
Truk and Central
Carolines.

- A. Two white missionaries, I do not remember their names, but the younger was ~~French~~ and the elder was French. There were also four Mauritian natives named ALBERT, JOHN, MICHAEL, and RUDOLPH. There were also two Irish natives.
- Q. Did you arrest or question Ruben's wife Maria?
- A. She was arrested by ARSAL, a guard of the 4th Naval Construction Unit and I interrogated her.
- Q. What do you know of the HARTMAN family?
- A. They were Irish natives.
- Q. What were their names?
- A. Earl, Robert, Maria, Irenita, Marion, and about 6 others.
- Q. Were any of the Hartman family arrested or questioned at the same time as the others you have mentioned, apart from Maria?
- A. I did not question these people. All the family was ~~also~~ interrogated by a naval guard named SYDNEY. The naval guard was guided to the Hartman family by SYDNEY TAKASHI, who was a different man to the SYDNEY who questioned me then.
- Q. On whose instructions did you arrest the two missionaries, and the other natives you have mentioned - the Mauritians and the Irish?
- A. I arrested them on the instructions of W/O J. CHI and Lt. Col. ARSAL, Intelligence Staff Officer.
- Q. What part in the arrest was taken by SYDNEY TAKASHI?
- A. He acted as a guide for the arrest of these people. He did not take part in the arrest.
- Q. What happened when you arrested these men?
- A. When I arrested them first I did not find any pistols or rifles or any evidence against them. I reported to W/O J. CHI who later ordered me to arrest them again.
- Q. What happened then?
- A. I took these men to the CP HQ. When I took them to the HQ of the CP HQ of the CP HQ of the CP HQ.
- Q. How long were they at CP HQ?
- A. It is a mistake. I mean that I took them directly to the CP HQ. Without first taking them to the CP HQ.
- Q. How long were you questioning them when you first arrested them?
- A. About one hour.
- Q. Did you interrogate them at their homes the second time you arrested them?
- A. The second time I did not interrogate them at all.
- Q. Who was in charge of the party the first time you arrested them?
- A. I was in charge.
- Q. Who else was there - J. CHI?

- Q. Did you have a meal on the island?
- A. I had breakfast but I had my lunch after I left the island. Breakfast was brought down from the Naval Construction Unit.
- Q. Did you not ask Reuben whether he had a radio set?
- A. Yes I did ask Reuben about a radio set. This was the first time I questioned Reuben. That was at the village. I also questioned Reuben at the Govt branch.
- Q. How long were you questioning Reuben the first time at the village?
- A. I do not remember correctly, but approximately 10 minutes.
- Q. Did you not tell Reuben then at that time that if he told the truth he would live?
- A. Yes I think I said that.
- Q. Did you not also tell him to look at his wife and ask him if he loved her?
- A. *Yes*, I did ~~say~~.
- Q. Was not Reuben tied up at some stage during this incident?
- A. Reuben was tied up in some stages during the incident.
- Q. He was tied to a tree?
- A. He was not tied to a tree but his hands were bound behind his back.
- Q. At this time what was Reuben doing when you first saw him?
- A. Reuben was brought to me by ANHAI and I started to question him. At this time he was not tied up.
- Q. I am now asking you about the French missionary you questioned. Did you not ask him whether he had in his possession a weapon?
- A. Yes.
- Q. Did not the missionary say that he had never possessed a weapon but was only interested in carrying out his missionary work?
- A. The French missionary said he was in charge of the sacred mission and so he had no weapons in his possession.
- Q. I am now speaking about the second time you went to arrest these people. Who went with you then?
- A. No one with me only myself.
- Q. Did you not see SY JI Yakushi that day?
- A. No.
- Q. What happened when you took these people to the branch at Govt HQ?
- A. I questioned all these men at the branch.
- Q. For how long did the questioning last?

- A. Four hours in all.
- Q. How long were these people kept at the Govt HQ?
- A. They were kept there approximately 30 days.
- Q. Did anybody else question them beside yourself during that period?
- A. Beside myself WATANABE and SUDA questioned them.
- Q. When they were there, they were kept in gaol?
- A. The bombing was severe and they were kept in an air raid shelter.
- Q. Were you in charge of the prisoners while they were kept at Branch HQ?
- A. No. I only stayed there one day and then went back to my own HQ.
- Q. Who was the senior officer of the M P at the Branch HQ where these people were kept?
- A. A civilian inspector WATANABE was in charge. *Police Section* *He was with M.P. HQ*
- Q. Were you the senior officer in charge at the time of the first questioning?
- A. Yes.
- Q. Did SYQWI report to you that he could not find REUBEN?
- A. No.
- Q. If SYQWI says that he did is he telling a lie? *坂本孝春*
- A. Yes.

I HAYASHI Shotaro, civilian interpreter to the Japanese Army, hereby testify that the above statement was made by Sgt SA A. W. O. Takahara, Japanese I.F. Corps, in Japanese and after same had been written down in English was read back to witness in his own language before he signed it and the translation is a correct translation of the witness's evidence.

S. Hayashi

S. J. Harper Capt

274 (2a)

A. Yes.

A. Yes.

A. Yes.

A. the guard ISHIBARA was the senior guard.

A. About 5 o'clock in the morning.

At 5.30 I went back KARDE Is to bring back the breakfast.

A. I returned to HUYO Is at half past six with the breakfasts.

A. A little after 7 o'clock breakfast was finished.

A. Yes, I was ordered to go to another island to buy back Rensen and breakfast.

A. I did not find Reuben on the island that I went to so I returned ~~xxx~~
without him. - (S)

A. About 6.30 am



- Q. Did you report to SAKAMOTO that you could not find REUBEN?
- A. Yes.
- Q. If SAKAMOTO says that if you did not report this to him, is he telling a lie?
- A. Yes.
- Q. Did you make the report direct to SAKAMOTO?
- A. Yes.
- Q. Do you still persist in saying that ~~he~~ you did not bring Reuben back to the island?
- A. Yes I do persist.
- Q. Do you know an island named PALAN in JERU?
- A. I do not.
- Q. What was the name of the island that Reuben was on?
- A. At the time I was sent to get Reuben back Reuben was at Getsuyo Is.
- Q. Was he working an airfield there?
- A. At this time Reuben was working on an air field at FAKES Is but had been sent to Getsuyo Is to get firewood.
- Q. Did not some Mairuans row a boat from Maede Is ~~is~~ back to Getsuyo Is when you were ~~bring~~ the breakfast back?
- A. ~~Yes~~ Mairuans rowed me over but I came back in a boat with an engine, and so was not rowed back by Mairuans.
- Q. Did not some of the Mairuans come back in the boat with you?
- A. I do not remember.
- Q. Do you know the following natives - ALA Is SAYER, HANIS, AGOGOR?
- A. I know a native named Sayer, and one named AGOGOR, but I do not know the other one.
- Q. Did not these natives come back with you in the boat?
- A. I do not remember.
- Q. Tell me what you did when you came back to the island with the breakfast?
- A. I delivered the meal to SAKAMOTO and his party, but as I had already had my breakfast at the other island I did not eat with them. After the meal was finished I gathered up the scraps. After I had gathered up the scraps I remained at the farm and heard other men talking.
- Q. Was this talking a questioning of the people on the island?
- A. No. It was SAKAMOTO and his men talking about the results of the interrogations.
- Q. What happened then?
- A. Then the talking stopped and I left the island with SAKAMOTO and his party.



R 74 (26)

Q. Later did you go over to the island with Sgt Sakamoto?

A. No.

Q. At any time did you see the native Reuben during the morning of the first questioning?

A. I did not see Reuben on that island on that particular morning.

庄子孝

I HAYASHI Shotaro, civilian interpreter to the Japanese Army, hereby testify that the above statement was made by YUKI Takashi, civilian employe attached to 4th Naval Construction Corps, in Japanese and after same had been written down in English was read back to him in his own language before he signed it and the translation is a correct translation of the witness's evidence.

S. Hayashi

S. J. Harper Capt

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To JAG [unclear] [unclear] RTH (27) 8/11/46

Interrogation of ANSTAI Soji, civilian employe attached to the 4th Naval Construction Unit, by Capt ASPREY at RABAU on 3 May 46

- Q. I am going to ask you some questions, but you are not obliged to answer, but whatever you say will be taken down in writing and may be used in evidence. Do you understand?
- A. Yes
- Q. Are you ANSTAI Soji, civilian employe attached to 4th Naval Construction Corps?
- A. Yes
- Q. Do you remember going to an island in TRUK group with Sgt SARAKOTO to investigate a ceases of spying in 1944?
- A. Yes.
- Q. Did you take part in the questioning?
- A. No.
- Q. Did not you ask a Nauruan native whether he had a pistol?
- A. No I did not.
- Q. Were you present when any of the spies were being questioned?
- A. No. I did see it from a distance away but was never on the actual spot.
- Q. What were the Japanese you saw doing the questioning?
- A. There were two groups and in each group there ^{was one} ~~Karaxix~~ Japanese. In one group there was ~~SYOJI~~ SYOJI Hideo and in the other Takenouchi.
- Q. Did you see any of the spies being beaten or slapped?
- A. SYOJI was hitting a native with a stick.
- Q. Was TAKENOUCHI beating them?
- A. No
- Q. Did you/any other Japanese beating the natives that morning?
- A. No.
- Q. ~~Did~~ Do you remember a native named Reuben?
- A. Yes.
- Q. Did you see Reuben there that morning?
- A. That morning Reuben came from another island and I questioned him asking him where the wireless set was hidden. Reuben said the wireless is over there, and pointing to the place. Then I went with Reuben to the spot. It was a swamp and I said to Reuben "Is it in here" and he said "No, No," in Japanese. I had a look in the swamp but there was no wireless set there. I said to Reuben "You told a lie." Reuben answer in Japanese again "No, No." Then I became irritated with him and I beat him. I slapped him on the face with my left hand. I then took Reuben back to SARAKOTO's house where all the natives were assembled, and then I went to a farmhouse about 500 metres away and had breakfast. I am not sure but I think Sgt SARAKOTO was in the farmhouse having breakfast.



Ex 9 *just* *main* *R74* (29)
10/1/46

THE STATEMENT OF SGT SAMURUO TAKAHARA:

I am Sgt SAMURUO Takahara of the 5th M.I. Corps.
 From June 1944 to the Armistice I had been stationed at the
 M.I. H.Q. in SUSUKU Island. The chief of M.I. there was W/O
 MATSUDA and I served under him.

On the 28th of August 1944 there occurred a spy incident in
 ROKUAN IS. (RUKUJIMA), in which the natives were suspected to have
 attempted communication to the Allied Forces.

Our M.I. Corps was engaged in the investigation of the
 affair in which I took part. While I was questioning a suspected
 conspirator called UNI, he came to admit himself to the fact,
 that there were ten accomplices besides him in giving his elder
 brother RUMAKI who was living in TAKAN Island and that the
 MATSUDA in TAKAN were also involved in the plot. RUMAKI who was
 brought to us by civil guard AMARU confessed as the result of
 questioning that two missionaries in TAKAN, LAURENCE ALAN,
 ALBERT, and a Japanese man named KANAKI possessed pistols,
 that RUMAKI had a radio set in one of his wardrobes in his house
 and that the two missionaries were giving informations to the
 U.S. Forces about the state of the Japanese Military force and
 constructions in TAKAN Island, including secret instructions to
 the MATSUDA in the Island.

W/O MATSUDA then ordered me to investigate into the matter
 and if necessary to arrest the suspects. In the early morning of
 28th, about 2 a.m. I set out to TAKAN IS. with SHOTI Hideo,
 ICHIMARU, TAKAHASHI and AMARU, all Naval Civil Guards of 4th
 Naval Construction Department and with SHOTI Takeshi, civilian
 of the same Unit, as the guide for he was well acquainted with
 the affairs of the MATSUDA.

Around 3.30 a.m. of 28th, our party arrived at TAKAN IS.
 and went to Capt MIYAKAWA, commander of the Garrison Coy of
 the Is., to ask for the despatch of some armed force, as there
 was the fear of resistance on the part of the inhabitants.
 To our request Capt MIYAKAWA offered us two (2) platoons
 of armed soldiers. It was about 4 a.m. Then I gave orders to
 each of our party as to the object of investigation. The
 Japanese guards and the houses of MATSUDA to be visited by them
 were as follows:

SAMURUO-----RUMAKI's
 AMARU-----RUMAKI's

SHOTI Hideo-----KANAKI's
 ICHIMARU-----Father ALAN's
 SAMURUO-----Father ALAN's
 TAKAHASHI-----RUDOLPH HARRIS'

As they started for visitation, I went to the house of
 Father ALAN with 4 soldiers of the garrison, and beckoned
 him, but he failed to understand the meaning. So we started
 the searching which continued for some ten minutes but we could
 not find the pistol. I told the soldiers to take him to a space
 before the house of RUMAKI and went immediately to the house of
 RUMAKI where I met AMARU questioning RUMAKI, RUMAKI's wife, through
 the interpretation of a native woman called KOKU. As RUMAKI
 answered that she did not know anything about the radio set and
 that her husband RUMAKI was in another island TAKAN, we made a
 minute search within and without the house, at last climbing up
 a coconut tree beside his house. The search continued some 20
 minutes without finding the radio set. Meanwhile I told SHOTI
 Takeshi, the guide, to fetch RUMAKI and our breakfast from TAKAN Is.

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R74(30)

Giving up the search we came back to RUMAI's house with MALE, RUMAI the interpreter, and 10 soldiers of the garrison and there I repeated the question as to whether she knew anything about the radio set and what her husband was going to do.

Throughout the questioning of MALE, we never beat her though we were excited a little in the expectation of the radio set. After that I questioned Father OLIVA for a short time whether he had any weapon or not to which he replied that he had none as he was given to his missionary work.

When I was telling the result of visitation to Capt MIYAMAWA just after that, I heard ICHIKAWA and SAOJI disputing.

I took them in loud voice to stop the dispute, and as someone told us that the breakfast was ready, we went to take it in a garden nearby, asking the soldiers of the garrison to watch the natives. It was around 7 a.m.

While I was taking my meal, I heard that ANATAI had gone again to look out the radio set accompanying RUMAI. So I went to the place where the natives were gathered, I saw ANATAI and a native whom ANATAI told me to be RUMAI, I questioned him whether he had a radio set and told him that I would forgive him if he told me the truth and that he should tell the truth if he loved his wife.

While I was examining him we were told of the arrival of the ship, so I took the natives to the jetty with their hands bound beyond their back in order to prevent their escape. Before we started for the jetty I released the two Fathers and MALE. At the jetty we untied and released them all with the warning not to leave the island. The visitation party came back to RUMAI Is., around 8 a.m. of the morning.

Throughout the visitation we were excited to some extent in the anticipation of resistance of the natives, and slapped some of them, but I have never beaten MALE and the Fathers. Neither I threatened RUMAI with my sword, as I left it in RUMAI's house. On the next morning I went again to TAMU according to the order of W/O MATSUMI and arrested the natives and the two Fathers to the Branch of the Government Hq. on DUSION Island.

After having attended their examination by a Government official for a short time I came back to my house in RUMAI Is. I did not beat them at all in the course of questioning as they had been transferred to the Government officials.

坂本 孝春

.....
Sgt SAKAMOTO Takaharu

I hereby certify that the above translation
is true and correct.

S. Takahashi

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Ex Higman
hatched on 11/10/57
The statement of ARITAI, No. 11

I was attached to the No. 4th construction department in DUMLOW Islands in August 1944. On the morning of 24th Aug., I went to HUMAN with civil guards TAKEMUCHI and ISHIWARA according to the order of Capt KANEKO, chief of the police section of the unit, to help the arrest of a THAIER called ULI who was suspected to be a chief of an espionage incident. 274(31)

Late in the night of 27th, I remember it was past 11 p.m. I was called by Sgt SAKAMOTO who told me that there was a party of spies in TARIK Is., with foreign missionaries as the chief and that we were going to investigate it.

It was about 2 a.m. that Sgt SAKAMOTO, civil guards ISHIWARA, SHOJI Hideo, TAKEMUCHI, SHOJI Takashi, and I started for TARIK accompanying 2 soldiers.

We arrived at TARIK at about 5.30 a.m. and went to the house of the garrison commander where I was ordered by Sgt SAKAMOTO to look out a wireless set in HUMAN's house. He also showed me the size of it and told that it would be found in the bottom of the smallest of three chests in his house. SHOJI Takashi who was the guide thought me the house of HUMAN and told me that HUMAN would not be there as he was working in another island. I went to the house with SHOJI Hideo and 2 or 3 soldiers of the garrison company. When I called up, a young woman came out. As I could not speak the native tongue, I asked for an interpreter. So this request one of our party went away and brought a woman called ROBERT with him.

Through her interpretation I told the woman that I would make a search as ROBERT told us that there was a radio set in your house. Entering the house I found three big chests, but I could not find the radio set in any of it.

Just at that time, Sgt SAKAMOTO came in. We resumed searching within and without the house at least to the top of a coconut tree and around the seashore, but we could not find the object. The searching continued for 30 minutes and then Sgt SAKAMOTO took the wife of HUMAN and ROBERT to ROBERT's house. I continued searching for a short time and followed him.

Before ROBERT's house, some of our party were questioning the HADUWANS. SHOJI Hideo was questioning a member of ROBERT's family, and TAKEMUCHI was examining the father of ROBERT. I remember that SHOJI was beating a native with a stick.

When I was telling TAKEMUCHI that I could not find the radio set, I heard ISHIWARA and SHOJI disputing behind me. The cause of the dispute seemed to be that TAKEMUCHI reproached SHOJI for beating the native. I told them in loud voice to stop the dispute, and SAKAMOTO also declared that the examination would be finished at that stage. Then they went to take breakfast, but I stayed there thinking about the result of the investigation. Just at that time, a native of a different type came near to me. Believing him to be HUMAN, I asked him immediately where was the radio set. As there was no interpreter I asked him mixing gestures. So my question he pointed to the direction of the swamped area behind HUMAN's house. So I said "thank you" to him shaking his hand, and went there with him. After reaching the swamped area I asked him pointing at the swamp whether the radio was in it.

AT-12

He replied me "nai, nai" (No, no) in Japanese. As I look around the swamp and could not find the object, I became irritated and slapped him 2 or 3 times telling him that he was a liar. After that I went down to the garden where others were taking breakfast, and reported SGT SAKAMOTO about it.

After having had our breakfast we went to the jetty to go back.

I saw SAKAMOTO come up with MAHURANE whose hands were bound behind their back, and after a short conversation with Capt MIYAKAWA, he untied and released them all.

It was about 8 a.m. that we left TARIK IS. whence I came back to RUMAH IS.

Throughout the visitation I have never beaten any of the natives with a stick as I did not carry a stick with me at that time. That I took care of the MAHURANE during the time of food-shortage in TRUK Island, and was thanked by them will be proved the MAHURANE who know me.

抄 訳 文 本
JANUARY 1941

I hereby certify that the above translation is true and correct.

E. T. ...



THE STATEMENT OF SHOJI TAKASHI.

I was attached to the police section of 4th Naval Construction Department in FARAM Is. on August 1944. In 28th August, I was in KURAN Is. to stay with Civil Guards SHOJI Hideo and AMETAI (the latter had come from DUBLOW.) Around 1 a.m. of 28th, we were called up from bed by an orderly who, told me that Sgt SAKAMOTO wished to see us. As we reported to him, he asked us to guide him to TARIK Is where NAUKUAN inhabitants were suspected to be attempting treasonous acts according to the testimony of ROBERT.

At 2 a.m. I set out to TARIK with SAKAMOTO, ISHIMURA, SHOJI Hideo, TAKEMUCHI, AMETAI, and other two or three men. After arriving at TARIK, I guided them to the house of Capt. MIYAKAWA, commander of the garrison company. About 4 a.m. I was asked to guide the party to the native village and to fetch RUBEN and our breakfast from FARAM. After having guided them to the houses of TUREL, two missionaries, RUDOLPH and RUBEN, I went back to FARAM Is. by a canoe. At that time I knew that RUBEN had been transferred to UDOT Island in the beginning of August with some other NAUKUANS for the purpose of collecting the firewood by the order of 4th Construction Department, so I asked civil guard TOMIOKA in FARAM Is. to bring RUBEN from UDOT, and after having had my breakfast came back to TARIK bringing the breakfast of the others, by an engine-boat of 4th Construction Department.

At that time, investigation seemed to have come to an end, and the natives were gathered before the house of Karl HARTMAN's.

I brought the meal to a garden and prepared it for our party. A little past 7 a.m. they finished the breakfast and went away. I also followed them a little later. It was about 8 a.m. that we left TARIK Is. I did not attend the investigation at all as I was not in the island throughout the time it was carried out by the other members of the party.

庄 子 孝
SHOJI Takashi

I hereby certify that the above translation is true and correct.

S. Takashi



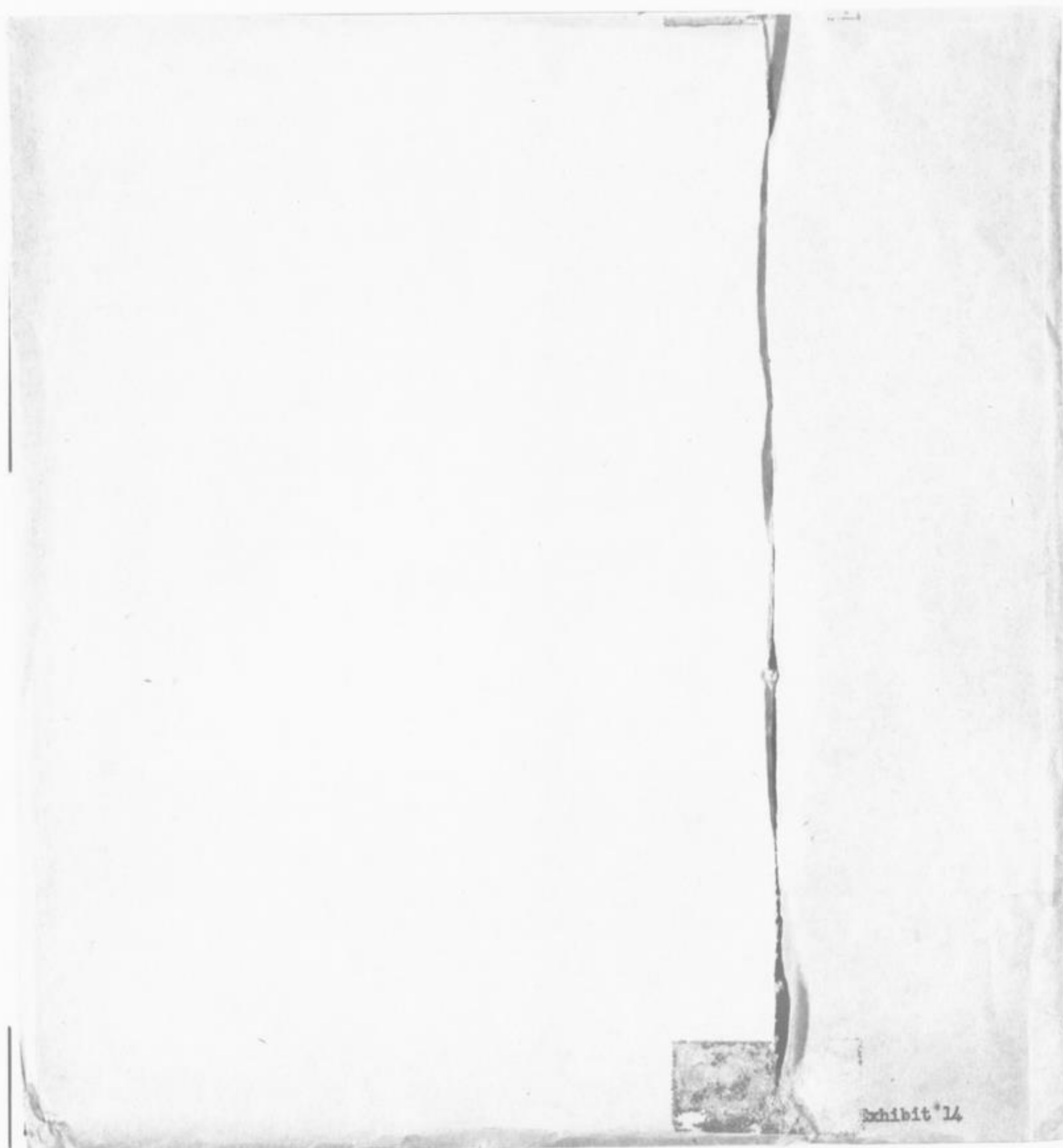


Exhibit 14



I, SX10334 Douglas John McBAIN, a Major in the Australian Military Forces holding the appointment of Deputy Assistant Adjutant General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters, Melbourne, hereby certify that the attached fifty-seven (57) sheets numbered consecutively from "54-1" to "54-57" (both inclusive) are a true copy of the original proceedings of the Military Court which at RABAUl on the 26th, 27th and 29th day of April 1946 tried 1/Lt SAKODA, Hiroe, 1/Lt OGAWA, Haruzo, 2/Lt NAKAJIMA Hiroshi, 2/Lt TAIRI Tokuji, 2/Lt TSUKADA Eizo, Navy WO TAKAHASHI Shigenobu

And That I am the officer having, in the course of my duties, the proper custody of such original proceedings.

Dated at MELBOURNE this *24th* day of *October* 1947.

Douglas J. Bain.....Major
D.A.A.G.
DPW & I, AHQ.

WITNESS*S. J. [unclear]*.....Capt.

An officer of the Australian Military Forces.



Exhibit 5
JAG - 54-57
under
Hubert
Capt
29/4/46
J1A

NAVAL LT. KITAHARA KENICHI'S STATEMENT

1. I am attached to the Special End Landing Unit of the Yokosuga Naval Station. Sept. 30, 1942, I entered the Navy as a reservist at the same time with Naval Lt. SAKODA. He is my classmate. August 31, 1942, we graduated at the Tateyama Naval Gunnery School and at the beginning of Oct. '42, we went together to NAUMU Is., for our new posts. Since then we had been in the island for about 2 years.

2. I declare that SAKODA is not such a man as to torture a native, because he is a man of noble and gentle character.

3. I have known Ogawa from October '43 and I have found him to be a kind man.

4. I do not know the character of Nakajima, Taira, Tsukada, or Takahashi.

北村 謙一
KITAHARA KENICHI

I hereby certify that the above translation is true and correct.

P. Nakamura



54-1

FORM FOR APPOINTMENT AND PROCEEDINGS OF A MILITARY COURT

24th Day of April 1946

WHEREAS it appears to me, the undersigned, an Officer authorized to convene a Military Court under the War Crimes Act 1945 that the person named in the annexed Schedule has committed the war crimes in the said Schedule mentioned, I hereby convene a Military Court to try the said person and to consist of the Officers hereunder named.

PROSECUTOR

Lt. Col. J. MOYSE att HQ 8 MD

Is appointed PROSECUTOR

DEFENDERS

Maj J.S. McLEAN HQ 8 MD
Maj R. BRIDGEMAN 26 Aust Inf Bn
Capt J.E. SULLIVAN 8 MD Signals

Are appointed DEFENDERS

JUDGE ADVOCATE

Capt L.A. CHISHOLM AALC HQ 8 MD

Is appointed JUDGE ADVOCATE

SCHEDULE

W. G. Morris
Maj-Gen
CONVENING OFFICER
EIGHTH MILITARY DISTRICT

Number, Rank, (a) Name and Unit of Accused	Offence Charged	Plea	Finding, and if convicted, Sentence (b)	How dealt with by Confirming Officer (c)
1st Lt. SAEDA Hiroe	FORFEITURE OF A CIVILIAN IN that they at NAURU IS on an unknown date, extending over three days, tortured a Native NUKA.	all found Not Guilty	all death of the charge	Findings & sentences confirmed <i>W. G. Morris</i> 19 July 46
" " OAWA Haruo			2nd NAKAJIMA	
2nd Lt. NAKAJIMA Hiroshi			4th TAKAHASHI	
" " TAJIMA Taro			5th TAJIMA	
" " TSUBADA Eizo			1st OAWA	
Navy W.O. TAKAHASHI Shigenobu			2nd TAJIMA	
all of 67 Naval Garrison Unit			each held imprisoned for 30 years	
			1st TAKAHASHI	
			2nd TAJIMA	
			each held imprisoned for 15 years	

Maj-Gen
CONVENING OFFICER (d)
EIGHTH MILITARY DISTRICT



54-2

CERTIFICATE OF PROMULGATION

Promulgated in the case of 1st Lt SAKODA, Hiroe this 16th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of 1st Lt OGAWA, Haruo this 16th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of 2nd Lt NAKAJIMA, Hiroshi this 16th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of 2nd Lt TAIRI, Tokuji this 16th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of 2nd Lt TSUKADA, Eizo this 16th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of WO TAKAHASHI, Shigenobu this 16th day
of August 1946.

(Sgd) Capt.
Name, Rank and Unit of Officer
effecting promulgation

When several cases are promulgated on the same day the Officer
effecting promulgation need sign only once.



WHEREAS Navy no TAKAHASHI, Shigenobu on the 29th day of April 1946 was sentenced by military court-martial at RABUL to death by hanging And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Robert STURDICK, of the Australian Military Forces, hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 14th day of July
One thousand nine hundred and forty-six.

Vernon Sturdick

Lieutenant-General,
Australian Military Forces.

(ii)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, *Ronald Herbert Miles* an officer of the AMF certify that I was present at and supervised the execution of the aforesaid Navy no TAKAHASHI, Shigenobu at Rabaul at 0945 hrs on the *fourteenth* day of *August* 1946.

Dated this *fourteenth* day of *August* 1946

R. H. Miles Maj
Signature

(iii)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *Robert Edgar Ronald Higgins* a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this *fourteenth* day of *August* 1946

R. E. R. Higgins Capt, AMF
Signature

0000

WHEREAS 2nd Lt NAKAJIMA Hiroshi on the 29th day of April 1946 was sentenced by military court held at RABAU to death by hanging And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Hobart STURDES, of the Australian Military Forces, hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 19th day of July
One thousand nine hundred and forty-six.

Vernon Sturdes

Lieutenant-General,
Australian Military Forces.

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, *Ronald Herbert Hinks* an officer of the AMF certify that I was present at and supervised the execution of the abovesigned 2nd Lt NAKAJIMA Hiroshi at RABAU at 0730 hrs on the *fourth* day of *August* 1946.

Dated this *fourth* day of *August* 1946

Ronald Hinks Maj
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *John Ross Grant Hoggan* a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this *fourth* day of *August* 1946

John Hoggan Capt
Signature



- 2 -

NOTE : The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Naval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

B. I CERTIFY that the above Court assembled on the 26th 27th 28th day of April 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT :

1. The Members of the Court
 2. The Judge Advocate
 3. The Witnesses
 4. The Interpreters
 5. The Shorthand writer
- were duly sworn.

SIGNED this 29th day of April 1946

[Signature]
PRESIDENT OF THE MILITARY COURT

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

[Signature]
CONFIRMING OFFICER

PROMULGATED in the case of

(Date) (a)

1946

Signed :

(a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.



THE WAR CRIMES ACT 1945.

TRIAL OF :

1st Lt SAKODA Hiroe
1st Lt OGAWA Haruzo
2nd Lt MAKIYAMA Hiroshi
2nd Lt TAIHI Tokuzi
2nd Lt TSUKADA Hizo
Navy W.O. TAKAHASHI Shigenobu

all of
67 Naval Garrison
Unit.

DATE OF COURT :

26 April, 1946.

PROSECUTING OFFICER :

Capt R.M. EWING AALC Hq 8 MD

DEFENDING OFFICER :

Lt WYBROW K.O. AALC att Hq 8 MD
Navy Lt SHIMOKADO is the Japanese Defending Counsel.

The Accused are brought before the Court.

The Members of the Court and Judge Advocate are duly sworn.

NISHIMURA Jiro is sworn as interpreter (Japanese)
DAVID MURDOCH, a Mauruan, is sworn as interpreter.

The Charge is read to the Accused.

All six Accused plead NOT GUILTY to the Charge.

CASE FOR THE PROSECUTIONFIRST WITNESS

The native TAITIRA being duly sworn is examined by the Prosecuting Officer through the interpreter DAVID MURDOCH.

My name is TAITIRA. I am a Gilbertese residing at MAUKU Island during the Japanese occupation of that Island. I know a native named HUKA. I was working together with him as a toddy collector. I remember a time when HUKA was arrested. One morning I woke up at 6 o'clock and I walked up the hill to where I worked. When I got near the place I saw HUKA was tied, his hands at his back. There were four Japanese there. I cannot see any of those Japanese here in Court. When I came close to HUKA one of the Japanese called me and said to me "Do you see what happened to HUKA". Defending Officer objects as to the question as to what was said. Objection over ruled. I replied "Yes". After that I saw one of the Japanese walk up to HUKA and beat him with a coconut frond. The frond was about the width of the palm of a hand and about as big as a wrist. The frond was about four feet in length. There were no leaves on it. None of the accused present here in Court were present at this beating. After the beating I saw a Japanese leading HUKA on a rope. Witness is asked to look at a sketch ~~was~~ produced by the Prosecutor. I cannot remember exactly how many houses there were near where I was working. The house where I lived was nearby. There was a house nearby where the toddy was stored. We ate at a kitchen marked C on the sketch plan. A on the sketch represents the toddy bottle house B on the sketch represents my living house. When I first saw HUKA and the Japanese they were near the toddy bottle house. I next saw HUKA being led by the Japanese along the road alongside the lagoon in the direction of the native kitchen. They went out of my sight. The sketch ~~was~~ is tendered, admitted in evidence, marked Exhibit A, signed by the President, and annexed to the Proceedings. Exhibit A, sketch plan of locality as deposed to by witness. I saw HUKA again about half an hour later. This was near the bottle house. ~~XXXXXXXXXXXX~~ I identify End Lt NAKAJIMA and Naval W.O. TAKAHASHI (two of the accused as being with other Japanese with HUKA. I ~~did~~ not know the names of the Japanese. Witness pointed at the 3 accused. I saw them beating HUKA on the back and on the head with a carry pole about the size of an arm and about three feet in length. NAKAJIMA and TAKAHASHI (pointed out by the witness) did the beating. I do not know their names, but I identify them as two of the accused. The other Japanese also beat him but I do not know their names. These other Japanese were soldiers. It took them about one hour during which they were beating and questioning him. I could not hear what was being said. I was standing on the road which was about fifty yards from the bottle house, marked on the sketch with a cross in green and HUKA was standing near the road marked with a circle on the sketch in green. This would be about 20 yards from where I was standing. The Japanese beat him for a while, then they started to question him and then beat him again. I went back to my house then and so I do not know what happened after that.

The Court adjourns at 1200 hrs.

The Court re-assembles at 1330 hrs, the same President, Members, and Judge Advocates being present.

When I returned to my house I collected my eating utensils and went to the kitchen. On my way to the kitchen I saw HUKA tied against a coconut tree. The position of the coconut tree is shown on the sketch as a green circle with a cross through it. After that the officer that I point out (the accused NAKAJIMA) beat HUKA. He beat HUKA with a big stick about three feet long and as thick as an arm. He beat him on the head and then he poked the same stick into his eyes. HUKA was not beaten for very long. Then the Japanese whom I point out (the accused TAKAHASHI) came and beat HUKA also. The first man I pointed out (NAKAJIMA) went away before the second man (TAKAHASHI) came. The second man beat HUKA with the same stick. HUKA was not beaten for very long by this man, I think about ten minutes. I went away while he was still beating HUKA. The first man hit HUKA about ten strokes I think. The second man beat HUKA about five times. The first man poked the stick into HUKA's eye twice. The next morning I saw HUKA being beaten again, by the accused I point to (TSUKADA). This man beat HUKA with a walking stick. The thickest part of this walking stick was about an inch and a half in diameter and tapered down to about half an inch. He beat HUKA about twenty times. On the first day that HUKA was taken away I went back to the kitchen for my evening meal. I saw HUKA in the same place. I could see HUKA clearly from where I was having my evening meal. When I looked at HUKA his face was swollen and his eyes were closed. From where I was sitting in the cookhouse to where HUKA was would be a distance of about 15 yards. I did not see anything happen to HUKA whilst I was having my evening meal. While I was sitting down to have my meal I saw another Japanese beating HUKA, the time being that of the morning meal of the second day. The Japanese I point out (NAKAJIMA) came and beat HUKA with a big stick about three feet in length and the size of my arm. This man beat HUKA ten times. The man who beat HUKA with the walking stick was still there when this last named man came along. I was at the kitchen when this was going on. I was having my meal. After the two of them had beaten HUKA they went away and left HUKA. Nothing happened after that. After my breakfast I went back to my house. I saw HUKA the next morning when I was on my way to the kitchen. HUKA was in the same place. I then saw 4 Japanese untie HUKA from the coconut tree and led him down the road. Two of those Japanese are in Court. I point out the two accused (NAKAJIMA and TAKAHASHI). TAKAHASHI untied HUKA. After HUKA was untied they led him away. HUKA's hands were still tied to his back and he could hardly walk. I do not know where the Japanese and HUKA went to. I then went back to my house. When I arrived at my house I saw a motor cycle ~~pass~~ pass on the road with HUKA on it and 4 Japanese. 3 ~~two~~ of these are in Court. I point out the three accused in Court. (OGAWA, NAKAJIMA, and TAKAHASHI). At that time I had meals three times a day. I saw HUKA again when I went down to the kitchen on the second day for my lunch. I saw the accused whom I point to (SAKODA) beating HUKA. He was beating HUKA with his hands. Witness demonstrates that the accused SAKODA was punching HUKA on each side of the face with his closed fists. He punched HUKA eight times. I attended an identification parade of Japanese at FAROE. I identified all those whom I pointed out in Court.

~~to this court?~~
I went to FAROE Island in Dec 45 with other NAURUANS, GILBERTES, and CHINESE. We went through three big camps of Japanese. A lot of Japanese in each camp lined up on parade and I and the others walked along the lines. Many others were sick in their huts and I and the others went through those huts and looked at the Japanese there.

From these parades I picked out the men I have indicated in Court today.
 Witness demonstrates to Court how HUKA was tied up when he first saw him tied to the tree. He was standing up and his hands were tied behind his back around the tree.
 He was in the same way when I saw him later. (that is he was tied up in the same manner)

CROSS EXAMINED

- Q. When did you start work in the morning?
 A. After sunrise.
 Q. Where did you sleep of a night?
 A. In a small hut not very far from the place where I worked.
 Witness is shown a rough sketch.
 Q. Is this a rough sketch of the scene of the Japanese camp?
 A. Yes.
 Prosecutor tenders the sketch at the request of the Defending Officer.
 The sketch is admitted in evidence, marked Exhibit B, signed by the President, and annexed to the Proceedings.
 This sketch is in greater detail than Exhibit A.
 Q. Will you indicate where you slept of a night?
 A. Witness indicates a place which is marked X on Exhibit B. (in green)
 Q. Will you indicate on the plan where you worked during the day?
 A. Witness indicates a place which is marked by a circle in green on Exhibit B.
 Q. Will you indicate on the plan where you collected your food of a morning?
 A. Witness indicates a place which is marked with a circle and a cross in green. This is a native food distribution hut.
 Q. Will you indicate on the plan where HUKA was tied?
 A. Witness indicates a place which is marked at a spot with an arrow pointing to it in green on Exhibit B.
 Q. Can you say if there was a guard house at a spot marked Y on Exhibit B?
 A. Yes.
 Q. Do you remember if there was an air raid shelter at a spot marked Z on Exhibit B?
 A. Yes.
 Q. How high was the guard house?
 A. About nine feet.
 Q. How high was the air raid shelter? (Above the ground level.)
 A. About five feet six inches.
 Q. How far away was the place where you worked to where HUKA was tied?
 A. About 400 yards.
 Q. How far is it from the native kitchen to the tree where HUKA was tied?
 A. About 15 yards.
 Q. Is there an ammunition dump between the native kitchen and the place where HUKA was tied?
 A. There was no dump between these places, but there was a dump where I now indicate on the sketch. (Marked D by the President of the Court)
 Q. Was there a building in this spot on the sketch marked S, on Exhibit B?
 A. Yes, the place where they kept the rice.
 Q. Is there any building between the native kitchen and the guardhouse?
 A. Yes, there was. The witness marks with a pencil the portion indicating the fence which encloses the buildings one Platoon, Leading Section, Kitchen, Officer's quarters, and one building unmarked. The President marks the conventional sign for fence in green around the area.
 The witness indicates on the plan where the house was, and the President marks the spot P on Exhibit B. It was the Officers' living quarters.

Q. Was there any building between the native kitchen and the guardhouse south of the fence?, on the opposite side of the fence to the Officers' quarters?

A. No.

Q. Was there anything to obstruct your view between the native kitchen and the tree where HUKA was tied?

A. No.

Q. Could you see over the guardhouse or to the side of it; to the tree where HUKA was tied?

A. I could see HUKA's ~~position~~ on the side of the guardhouse.

Q. Were HUKA's wrists tied across each other at the back?

A. Witness indicates that the arms were around the tree and the palm of one hand was across the back of the other.

Q. How wide was the tree?

A. Witness indicates that the width of the tree was about 13 inches.

Q. Who was working with you at the time HUKA was tied to the tree?

A. ~~XXXXX~~ JOHN.

Q. At that time ~~XXXXXX~~ were you working for any special Japanese officer?

A. I worked for all of the officers, not for one particular Japanese.

Q. Are the officers for whom you worked in Court?

A. Yes.

Q. Did any particular Japanese here in Court give you orders at the time HUKA was tied to the tree?

A. No.

Q. Did you hear from any other natives about HUKA being tied to the tree?

A. No, I did not hear from anybody I saw it myself.

Q. Were you ever employed as a fisherman by the Japanese?

A. Yes, just before the Australian troops arrived.

Q. Have you ever told the Japanese that you were too sick to come to work?

A. Yes. I told the Japanese I was too sick to work because they beat me.

Q. Did any Japanese officer present in Court come out to your house when you said you were sick?

A. Yes, but he was not an officer.

Q. Is that person in Court now?

A. No.

Q. Did NAKAJIMA ever come to your house? about six months after HUKA was ~~XXXXXX~~ tied to the tree?

A. No. Only one Japanese Private came and saw me and asked me whether I could work or not.

Q. Did the Private send you back to work?

A. Yes, he forced me to come back to work.

Q. Did you ever steal pumpkins?

A. No.

Q. Did SAKODA ever punish you?

A. Yes, once.

Q. What did SAKODA punish you for?

A. Because I stole Chinese toddy tree.

Q. Do you remember making another statement in this matter in November last?

A. I do not know.

Q. Do you know a Mr HARRIS?

A. Yes. I do not know.

Q. Is that your signature on a document?

A. Yes.

The Document is marked M.F.I. 1 by the President of the Court.

Q. Do you remember signing this document?

A. Yes, I remember.

Q. Were you asked these questions, and did you answer them?

A. What was your job under the Japanese? And did you answer --

X. Toddy collector?

A. Yes.

Q. Was this question asked of you "Was HUKA arrested" and did you reply "When I arrived he had been tied up"?

A. Yes.

Q. Then were you asked "When was the last time you saw ~~XXX~~ HUKA alive"?

A. Yes.

- Q. And did you make this answer "The last time I saw KUKA he was tied up to a tree"?
- A. Yes.
- Q. Do you know SAKODA by name?
- A. No.
- Q. Were you asked this question "Do you know the officers" and was your reply "Yes, SAKODA, he had one star then, two stars when transferred to the KAMUKA and three stars when he left for TOKOKIA, and the three star Officer"?
- A. Yes.
- Q. Did you also make another statement?
- The question is withdrawn by the Defending Officer.
The document is shown to the Witness which is marked by the President or the Court H.F.I. 2.
- Q. Is that your signature on this document?
- A. Yes.
- Q. Do you remember when you signed this document?
- A. Yes, I do.
- Q. At that time did you say that

At this stage the Court adjourns. The time of adjournment being 1630 hrs.

The Court re-assembled at 0900 hrs, 27 April, 1946, the same President, Members, and Judge Advocate being present.

- Q. Did you tell the truth when you made those two statements?
A. Yes.
Q. Do you remember saying in your evidence yesterday that "None of the four persons who were with HUKA when you first saw him are now in Court"?
A. Yes, I remember.
Q. Do you remember saying in one of these statements "you saw NAKAJIMA and TAKAHASHI arrest HUKA"?
A. Yes, I remember.
Q. Since you made that statement have you been told that NAKAJIMA and TAKAHASHI did not arrest HUKA?
A. No.
Q. Do you remember saying yesterday "that in the vehicle that took HUKA away NAKAJIMA, TAKAHASHI, and OGAWA, were in the vehicle"?
A. Yes, I remember.
Q. Do you remember saying in one of the statements that "SAKODA and OGAWA and 2 soldiers with rifles were in the vehicle"?
A. I can't remember.
Q. Can you remember now who was in the vehicle?
A. Yes, I can.
Q. Who were the 4 Japanese who untied HUKA from the tree?
A. The Japanese in Court whom I indicate -- NAKAJIMA, TAKAHASHI. Two are thus present in Court and two are not.
Q. Did you say in your declaration that "some officers beat HUKA every day"?
A. Yes.
Q. Will you point to any officers in Court that beat HUKA every day?
A. The Japanese in Court whom I indicate --- SAIRI and NAKAJIMA.
Q. Did TAKAHASHI beat HUKA every day?
A. Yes. Witness indicates TAKAHASHI.
Q. Was there any other officer besides those three who beat HUKA every day?
A. No.
Q. Did you say in your declaration that "TAKADA beat HUKA every day"?
A. Yes. Witness indicates TAKADA in Court.
Q. Were you telling the truth yesterday when you told the Court about the persons who beat HUKA?
A. Yes.
Q. Do you remember mentioning SAIRI yesterday as having beaten HUKA?
A. I can't remember.
Q. Have you discussed this case with anybody since yesterday?
A. No.
Q. At the time of this incident were you ever close enough to OGAWA to see his badge of rank?
A. Yes. Witness indicates OGAWA in Court.
Q. How many stars did he have?
A. Three.
Q. Do you remember whether it was the third or fourth morning that they took HUKA from the tree?
A. I remember, on the third day.
Q. Do you remember saying in your statement that "They took HUKA away on the fourth morning"?
A. I can't remember.
Q. Have you been told lately by anyone that HUKA was taken away on the third morning?
A. No.

- Q. Will you describe this vehicle that took KITA away?
- A. A motor cycle with a box at the back.
- Q. Who was driving the motor cycle?
- A. I don't recognize him.
- Q. Is this right? On the motor cycle were there a driver, the four persons you mentioned yesterday, and KITA?
- A. Yes.
- Q. Have you ever seen on any other occasion five persons in the box on the motor cycle?
- A. I don't remember.

RE EXAMINE

The motor cycle had three wheels. The box was about six by six feet. There was only the one on the island. I was asked how many days KITA was tied to the tree, this was asked just before the start of this case. Prosecution calls for the production of the statements used by the defending officer in cross examination. Statements tendered by the prosecuting officer, admitted in evidence, the interrogation dated 21 Nov 40 marked Exhibit 3, and statement, declaration dated 11 Dec 40 marked Exhibit 4, read, signed by the President, and annexed to the proceedings. I did not mention the name of KITA. Was I was questioned at KITA but I did a Japanese officer that year, please, and the interpreter said a name.

NO QUESTIONS BY THE COURT.

Evidence is read over to the witness who does not desire to correct same.



SECOND WITNESS

WOMI being duly sworn is examined by the Prosecuting Officer through the interpreter DAVID MURDOCH.

My name is WOMI and I am a native of OCEAN ISLAND. During the occupation of NAUFIU Island by the Japanese I was present on the Island. Witness is shown a document signed by him. That is my signature.

The document has been read over to me in GILBERTESE and it is true and correct.

The document is tendered, admitted in evidence, read, marked Exhibit 2, signed by the President, and annexed to the Proceedings.

Defending Officer objects, firstly that the document is not in question and answer form, ~~secondly that the witness is not a native of the Island~~ and that the witness is not a native of the Island.

I don't know the names of the Japanese officers but I can recognise them. This is the Japanese referred to in the statement. I picked the photos out. I cannot recognise in the Court the two Japanese who were walking along the road with HUKA. I can see some Japanese who were beating HUKA while he was standing on the road.

Witness indicates SAKODA, NAKAJIMA, TAIRI, and TSUKADA, in the Court. I do not know the names of these Japanese. They were the Japanese who were beating HUKA about the head and body with walking sticks and big sticks at about 10 a.m. when I went to the cockhouse to get some breakfast. I cannot remember how many strokes these Japanese gave HUKA but they beat him many times.

Witness indicates NAKAJIMA as one who was beating HUKA with a big stick. Witness indicates TSUKADA as one who was using a walking stick to beat HUKA. The other two are not present here in Court.

Q. Do you remember the time when HUKA was tied to a coconut tree?

A. Yes, I remember.

Q. What was the time you first saw HUKA on the day he was tied to the coconut tree?

A. I saw HUKA and 4 Japanese on the road.

Q. Was that the first time that you saw HUKA that day?

A. Yes.

Q. Are any of those 4 Japanese here in Court?

A. Yes, the ones I have pointed out already.

Witness again points out SAKODA, NAKAJIMA, TAIRI, and TSUKADA.

Q. What were they doing?

A. They beat HUKA.

Q. Did each of them beat HUKA?

A. Yes, they all beat HUKA.

Defending Officer objects in regard to this questioning on the ground that the Prosecutor is bound by previous answer of witness.

Objection over ruled by the Court.

Q. What did that man (pointing to SAKODA) use?

A. His hands. (Demonstrates to Court hits on the face with closed fists)

Q. What did the second man (NAKAJIMA) use?

A. He used a big stick about three feet long.

Q. What did the next man (TAIRI) use?

A. He was using his fists. (Demonstrates to Court)

Q. What did the next man use (TSUKADA) use?

A. He used a walking stick.

Q. Did you see them go away from HUKA?

A. No.

Q. Did you go away while they were still there?

A. After they beat him they tied him and I was still there.

Q. Where did they tie him?

A. Against a coconut tree.

Q. What was the next thing you saw?

A. I then saw two Japanese officers come out of their house and walk up to HUKA and beat him.

Q. What time of the day was this?
A. About ten o'clock.
Q. Are either of those Officers here today?
A. Only one is here.
Q. Who is that?
A. Witness points out NAKAJIMA in the Court.
Q. Where did you see this from?
A. From the kitchen.
Q. Were you all the time at the kitchen from when you saw the Japanese on the road and the time you saw NAKAJIMA come out of the house?
A. Yes, I was in the kitchen all the time.
Q. What did NAKAJIMA beat HUKA with on this occasion?
A. With a big stick.
Q. How many times?
A. I can't remember.
Q. Did NAKAJIMA stay with HUKA very long?
A. No, not very long.
Q. What was the next thing you saw happen when you were at the kitchen?
A. I saw three more Japanese come up to HUKA and beat him.
Q. Are any of those here?
A. Yes.
Q. Who are they?
A. Witness points out NAKAJIMA and TSUKADA, the third one is not here.
Q. How did NAKAJIMA beat HUKA?
A. With a big stick.
Q. And the other man?
A. With a walking stick.
Q. Did you see anything else at this time?
A. After that I saw one Japanese untie HUKA from the coconut tree and HUKA fall down. That Japanese helped HUKA up on his feet and led him away. After that I did not see them.
Q. Did you see anything else at that time?
A. I saw the same Japanese who led HUKA away bring him back and tied him to the same tree.
Q. Is that Japanese here today?
A. He is not here but I saw his photo.
Q. Did you see anything else at that time?
A. I can't remember seeing anything else.
Q. When did you go away from the kitchen?
A. I left the kitchen about two o'clock in the afternoon. About twenty minutes after HUKA was again tied up I left the kitchen.
Q. When was the next time you saw HUKA?
A. When I came back to the kitchen for my dinner at four o'clock in the afternoon HUKA was still tied.
Q. While you were having your dinner did you see anything happen to HUKA?
A. No.
Q. When was the next time you saw HUKA?
A. I went back then to my house and when I came back at 6 o'clock in the evening to collect my today, HUKA was still tied, his face was swollen and his eyes were closed.
Q. When you came to collect your today did you stay with HUKA for any time at all?
A. No, I did not stay near HUKA very long.
Q. When was the next time you saw HUKA?
A. The next morning I saw HUKA again.
Q. Where was he?
A. He was still tied against a coconut tree.
Q. What were you doing when you saw HUKA that time?
A. I was HUKA when I went to collect my today.
Q. Did you stay near HUKA at all or did you just walk past him?
A. I passed HUKA very close.
Q. When was the next time you saw HUKA?
A. The same morning I saw HUKA again when I went to get my breakfast.

Q. Did you see anything happen then?
 A. KUNG was still tied.
 Q. What was the next time you saw KUNG?
 A. When I went for my lunch.
 Q. While you were having your lunch did you see anything happen to KUNG?
 A. I did not see anything happen to KUNG while I was having my meal.
 Q. Did you see anything happen to KUNG while you were at the kitchen?
 A. No.
 Q. When did you next see KUNG?
 A. At four o'clock when I came to get my dinner KUNG was still tied to the tree.
 Q. All the time you were at the kitchen that time did you see anything to KUNG?
 A. No.
 Q. When did you next see KUNG?
 A. When I came to the place where he was tied the next morning I found he was not there.
 Q. Have you seen him since that date?
 A. No.
 Prosecutor tenders interrogation of KUNG dated 31 Nov 48 which is admitted in evidence, read, marked Exhibit 7, signed by the President ~~XXXXXXXXXX~~ and annexed to the Proceedings.
 Prosecutor tenders statutory declaration of KUNG which is admitted in evidence, read, marked Exhibit 8, signed by the President, and annexed to the Proceedings.

CROSS EXAMINED

Q. At the time you made those two statements did you tell the truth?
 A. Yes.
 Q. Do you remember saying in Court this morning that "two men you saw with KUNG when KUNG was tied to the tree are not present in Court?"
 A. Yes, I remember.
 Q. Do you remember saying in your statement that you saw KUNG and KUNG was arrested KUNG?
 A. Yes, I remember, but I did not say their names.
 Q. Do you still say it was KUNG and KUNG (defending officer) pointed them out, that arrested KUNG?
 A. I did not see them first arrest KUNG.
 Q. "Did you say in your declaration that KUNG was tied to the tree three days?"
 A. Yes.
 Q. Was KUNG taken away on the morning of the fourth or third day?
 A. I can't remember exactly.
 Q. Has anybody told you lately that he was taken away on the third day?
 A. Yes.
 Q. Who told you?
 A. KUNG.
 Q. When did KUNG tell you?
 A. On the day when KUNG was lost.
 Q. Have you heard anybody say "after the Australians came back to KUNG that KUNG went away on the third day?"
 A. Interpreter says that he cannot make witness understand properly.
 Q. Has KUNG or KUNG told you that KUNG was taken away on the third day?
 A. No, they did not tell me anything.
 Q. Did the Chinese M. tell you?
 A. No.
 Q. Have you talked about this case with KUNG or KUNG?
 A. I did not talk with them.

- Is it true that since the Australians came back to NAUHU up to the present time you have not talked over this case with TSITIRA or KAUTOA?
- Presenting Officer objects to the question on the grounds that it has already been answered.
The Court will allow the question.
- A. No. I did not talk about it with either TSITIRA or KAUTOA.
- Q. When you saw HUKA tied to the tree did you see TSITIRA any time within the three days?
- A. I met TSITIRA once near HUKA.
- Q. Do you remember which of the three days that it was?
- A. About the second day.
- Q. Will you describe the manner in which HUKA was tied to the tree? Witness demonstrates to Court. Kneeling with his hands tied behind his back and the wrists are crossed and the wrists between the body and the tree.
- Q. Did you see a rope that HUKA's wrists were tied with?
- A. Yes, his hands were tied with rope to the tree and he was bound with wire around his body to the tree.
- Q. Was TSITIRA with you when you saw HUKA bound to the tree with wire?
- A. Yes, he was with me at the time.
- Q. At what time did you have your breakfast at this particular time?
- A. I had breakfast together with TSITIRA in the morning.
This was about 8 o'clock.
- Q. Do you remember saying this morning that you went to breakfast at 10 o'clock?
- Question withdrawn by Defending officer.
- Q. Do you remember the interpreter reading over to you in Exhibit E the following words. "At about 10 a.m. I went to the cookhouse to get some breakfast?" Witness is shown his signature on the statement.
- A. Yes.
- Q. What was HUKA being punished for, do you know?
- A. Yes, I know. HUKA was punished for mixing toddy with water.
- Q. Have you seen Japanese tied to trees?
- A. No, I have never seen a Japanese tied.

EXHIBIT BY THE COURT.

- Q. Witness is asked to demonstrate without kneeling down how HUKA was tied to the tree?
Witness demonstrates showing that the wrists were crossed and between the body and the tree.

Evidence is read over to the Witness who does NOT desire to correct same.

The Court adjourns at 1200 hrs.



The Court re-assembles at 1230 hrs. the same President, Members, and Judge Advocate being present.

THIRD WITNESS

KAUTOA being duly sworn is examined by the Prosecuting officer through the interpreter DAVID MURDOCH.
KAUTOA is a Gilbertese.

- Q. Do you remember being asked some questions by Australians soon after they came back to MAURUT?
- A. Yes.
- Q. Was what you said taken down in writing and later on read back to you in Gilbertese?
- A. Yes.
- Q. And was what you said true and correct?
- A. Yes.
- Q. Did you sign the record of the questions and answers?
- A. Yes.
- Witness is shown a document.
- Q. Is that your signature.
- A. Yes.
- The document is tendered, admitted in evidence, read, marked exhibit B, signed by the President, and annexed to the Proceedings.
- Witness is asked to look all around the Court and to tell the Court if there is anyone present whom he saw beating RUKA.
- Witness indicates TSUKADA. He is the only one present in Court, the other one is not here.
- Q. On how many different occasions did you see TSUKADA beating RUKA?
- A. Only once.
- Q. What did he use to beat RUKA with?
- A. He beat RUKA with his walking stick which was an iron pipe.
- Q. How many times did he strike RUKA?
- A. I don't know how many strokes, but I saw him beating RUKA about five minutes.
- Q. Where were you when you saw the Japanese beating RUKA?
- A. I was at the kitchen.
- Q. What time of the day was it?
- A. Twelve o'clock.

CROSS EXAMINED

- Q. Did you see RUKA being taken away from the tree?
- A. Yes.
- Q. Who untied him from the tree?
- A. Witness indicates the accused KAUTOA.
- Q. Do you remember being ~~examined~~ four days ago by the Prosecutor?
- A. Yes.
- Q. Did you say this to the Prosecutor "I came back at 12 o'clock and RUKA was tied to the tree. No one went to him. I saw him again when I went to the cookhouse for my evening meal. No one went to him. When I went to the cookhouse next morning RUKA was gone. I have never seen him again?"
- A. Yes.

Q. How do you remember seeing KIM being taken away?
Prosecuting Officer calls for the document which was prepared relating to evidence given by the witness. The document is tendered by the prosecutor, admitted in evidence, read, marked Exhibit A, signed by the President and annexed to the proceedings.
The defending officer intimates that he has no objection to the document being tendered in full.
The prosecuting officer explains that this statement was not tendered by him at the beginning of the evidence of KIM because experience with a previous witness indicated that with native witnesses it was better to use oral examination. Before this officer was advised of the contents of the proposed evidence, was handed to the defending officer by the prosecuting officer.

Q. Do you remember making another statement to the Administrator in this matter?

A. Yes.

Q. Did you tell the truth on that occasion?

A. Yes.

Q. Did you say on that occasion that you saw KIM being taken away by a Japanese on a motorcycle?

A. I can't remember.

Q. Was it true that KIM was taken away from the tree by a Japanese driving a motorcycle? (Was he tied behind a motor cycle and pulled away, KIM being on foot?)

A. I can't remember.

Q. Have you any reason for telling lies against these Japanese? Defending officer withdraws the question.

Q. Have you told lies about these Japanese, at any time?

Prosecuting officer objects to this question.

The President announces that the Court holds the objection.

Q. Have you ever been punished by the Japanese?

A. Yes.

Q. What was the reason for the punishment?

A. I was punished for not looking after my toddy tree.

Q. Were you ever punished for staying away from work in order to drink toddy?

A. No.

Q. Were you punished for taking ~~xxxxxx~~ native women to the Chinese on the island in exchange for tobacco?

A. No.

Q. Have you told lies to anybody about KIM being tied to the tree?

A. I did not.

The Defending officer calls on the prosecuting officer to produce a document called interrogation by Civil Administrator of KIM in regard to KIM (libertine).

The document is tendered to the Court for perusal under Sec 3 (1) of the War Crimes Act, and admitted in evidence pursuant to such section and is signed by the President, and marked Exhibit B, and annexed to the proceedings. The document is read to the Court.

NO RE EXAMINATION.

QUESTIONS BY THE COURT.

Q. By whom were you punished after you neglected this toddy tree?
A. Witness indicated KIM in Court. (One of the accused)
Q. Describe to the Court how KIM was taken away from the tree.
A. I did not see KIM being taken away.

Evidence is read over to the witness who does not desire to correct same.

EXHIBIT

MAI MAI MAI being duly sworn is examined by the Prosecuting Officer.

My full name is MAI MAI MAI. I am a Chinese interpreter of the British phosphate Commission in MAURITIUS. I have heard that the native HINDI was beaten. That took place September 13 1944. He was executed. I did not see the execution but just heard it from the Japanese. I know all the accused Japanese in Court, but only one or two by name. The first one is MUKOTA, and the second one is OKADA. That is all that I know by name. MUKOTA was the officer in charge of the native affairs. OKADA was the Commander of the first Coy. As I have been in MAURITIUS for nearly six years and I am quite acquainted with the natives. I have on occasions questioned natives on facts generally. More than once. They are apt to tell you what they think, but anyway they are honest. This is my experience in getting facts from natives.

EXHIBIT

- Q. Do you say that there are no dishonest natives?
 A. There are many natives in MAURITIUS, some of them are honest and some dishonest.
 Q. Would you regard a native as honest who stole a toddy tree from the Chinese?
 A. Because they had no food they stole the toddy, but I think they are honest.
 Q. Do you regard a person who is a thief also as honest at the same time?
 Defending Officer withdraws the question.
 Q. These natives are prone are they not to confuse what has been told them and what they have actually seen.
 A. Yes.

NO RE EXAMINATION.

NO QUESTIONS BY THE COURT.

Evidence is read over to the witness who does NOT desire to correct same

Prosecutor tenders report of interrogation of one of the accused, NAKAJIMA Hiroshi.
Such tendering is objected to by the Defending Officer; in view of such objection the Prosecuting Officer withdraws the tendering of the interrogation.

CONCLUDES THE CASE FOR THE PROSECUTION.

The Court adjourns at 1225 hrs. The Court is to re-assemble at 0900 hrs 29th April, 1966.

The Court re-assembles at 0900 hrs, 29th April, 1966, the same President, Members, and Judge Advocate being present.

DEFENSE OF YOUR HONOR'S ADDRESS WHICH IS NOT RECORDED.

1st Lt OGAMA Haruzo being duly sworn is examined by the Defending Officer through the interpreter NISHIMURA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

小川 春蔵

I am Navy 1st Lt OGAMA Haruzo of 67th Navy Garrison Unit.
Witness is shown a statement signed by him.
That is my signature.
The statement has been read over to me in Japanese and it is true and correct.

The statement has been tendered, is admitted in evidence, read, marked Exhibit L, signed by the President, and annexed to the proceedings.

I remember when I passed sentence on KUMA. It was around noon of that day. I heard the case against KUMA at around breakfast time.

CROSS EXAMINED

- Q. Where is TAKANASHI?
A. He has gone back to JAPAN.
Q. Did he go to JAPAN from here or from NAUKU?
A. I think he went back from FAROE Island.
Q. Where is FAROE Island?
A. I departed from him at FAROE Island I presume he went back.
Witness is shown Exhibit B.
Q. Where is your office?
A. OGAMA indicated a place on the Exhibit--it is the officers' quarters next to J Platoon, marked by arrow in black.
Q. Where did you sleep?
A. In the hut marked P in Exhibit B.
Q. Where did the other accused sleep?
A. TAKI and OKADA lived in the hut marked P, SAKURA and NAKAJIMA lived in the hut marked OGAMA's office, TAKANASHI was living in the barrack called B Platoon as marked on the sketch.

- Q. Where did the officers have their meals?
A. In the hut marked P.
Q. How far was it from the mess to the coconut tree where HUKA was tied?
A. Approximately 100 metres.
Q. What happened to HUKA after the beating?
Defending officer objects to this question.
The prosecuting officer withdraws the question.
Q. After HUKA had been tied up to the tree for 3 days, was he taken to hospital?
A. No, he was not.
Q. Was the sentry on duty allowed to leave his sentry post?
A. He could not leave his post except if there were some urgent matter.
Q. Who took HUKA to the latrine?
A. The sentry.
Q. Where was HUKA to be beaten with this bamboo cane, (what part of the body)?
A. The instruction was to strike him in the buttocks.
Q. Could you see the tree from your office?
A. Yes.
Q. Did the Coy Adjutant tell you that he had carried out the punishment that you ordered?
A. Yes.
Q. Did he tell you how he had done it?
A. No, he did not explain to me how he had carried it out.
Q. Did all the officers gather together for their meals?
A. Yes.
Q. Where would the Section Commanders spend most of their working day?
A. Most of them went out to the farm.
Q. How did they go, on foot or by vehicle?
A. In most cases they walked.
Q. Can you show on the sketch where the farm is?
A. 2 kilometres away east of the sentry box.
Q. Did you ever see anybody beat HUKA over these three days?
A. No.
Q. Did anyone ever say to you that he had beaten HUKA during this time?
A. No.

RE EXAMINED

I did not think that it was necessary that HUKA should receive medical treatment after he was led away from the tree. This was from my own observations.

NO QUESTIONS BY THE COURT.

I swear that I have told you the whole truth without adding anything.

小川春藏

Evidence is read over to the Witness who does NOT desire to correct same.



And Lt NAKAJIMA Hiroshi being duly sworn is examined by the Defending Officer through the interpreter NISHIMURA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

中島弘

I am Navy And Lt NAKAJIMA of the 67th Navy Garrison Unit. (NAKAJIMA Hiroshi)

Witness is shown a statement signed by him.

That is my signature.

The statement has been read over to me in Japanese, and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit M, signed by the President, and annexed to the proceedings.

CROSS EXAMINED

- Q. Did the Section Officers mostly walk back together from the farm for their meals?
- A. No, we came back separately.
- Q. Did you all eat your meals at the same hour?
- A. Yes.
- Q. How many times did you see natives and soldiers beating KITA?
- A. Once.
- Q. How many times did they beat KITA?
- A. Two natives and two soldiers, and the natives beat KITA about 4 or 5 times each; and I think the soldiers beat him about 4 times with their fists.
- Q. Did you do anything about this?
- A. No, I did not.
- Q. Did you tell the sentry to keep people away from KITA?
- A. Yes.
- Q. Could you see KITA from where you were eating your meals?
- A. ~~XXXXXXXXXXXXXXXXXXXX~~ I could see him.
- Q. How far away from you did KITA work?
- A. About one kilometre I think.
- Q. Did you two walk out together?
- A. Our directions were different and we did not walk together.
- Q. While KITA was tied to the tree did you go up and speak to him?
- A. Yes.
- Q. Would this be on the way to and from your meals?
- A. Yes.
- Q. Was breakfast, the first meal of the day, about 8 or 10 o'clock, being late in the morning? Was it a fair time after sunrise?
- A. About two hours after sunrise.
- Q. Was your midday meal about noon?
- A. Yes.
- Q. Was the evening meal around about 4 o'clock, about two and a half hours before sunset?
- A. About one and a half hours before dark.

NOT RE EXAMINED

I swear that I have told you the whole truth without adding anything.

中島弘

Evidence is read over to the witness who does not desire to correct same.

高齋望德

- Q Did you speak to KANA while he was tied to the coconut tree?
A No, I did not.
Q How often did you see him while he was tied to the tree?
A About 3 times.
Q Once every day?
A Yes.
Q Was that at one of the meal times each day?
A I saw him when I came back *from the farm*
Q Did you know what punishment had been ordered?
A Yes, I heard about it after. I heard this when I came back from the farm.
Q Did you go over to KITA to see if the day's punishment had been carried out?
A No.
Q Who took KANA's place until TATIBA' came?
A ~~There was a native person in a place called KAWATOKA~~ Until TATIBA' came
Q ~~some KAWATOKA was working by himself.~~
A Was KAWATOKA working with your Coy?
Q Yes, he was working in the first Coy.
A Was the first Coy's toddy plantation in that area on the exhibit of KAWATOKA was working with the leading section in the area marked Bottle Hut, leading section on Exhibit 3.
Q Was KANA working in your Coy?
A Yes, he was working with No 1 Platoon.
Q Indicate on Exhibit 2 where No 1 Platoon's toddy area was?
A In the area which includes bottle hut 1 platoon, marked on Exhibit 2.

NO RE-IDENTIFICATION.

高橋重炫

Evidence is read over to the witness who does NOT desire to correct same.

84-25

Sheet No 20.

Naval Lt SAKURA Hiroe being duly sworn is examined by the Defending Officer through the interpreter NISHIMURA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

迫田 廣衛

I am Navy Lt SAKURA Hiroe of the 67th Navy Garrison Unit. I am 1st Lt. Witness is shown a statement signed by him.

That is my signature. The statement has been read over to me in Japanese and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the proceedings.

Witness is shown the sketch Exhibit A. Witness indicates the spot where HUKA was tied to the tree. It is the spot towards which the green arrow points.

Witness indicates the place where the natives collected their food-- it is the food distribution place for the natives. Indicated on Exhibit B.

At the time of this incident the place where HUKA was tied to the tree could not be seen from the native food distribution hut.

There was a guard house and a big ammunition dump obscuring the view. Witness indicates on the sketch Exhibit A, where the ammunition dump was.

The spot is marked in green with an arrow pointing to it, and it is at a spot east of the sentry box.

The ammunition dump was about four feet high and the grass was growing about eighteen inches to two feet over the top of the dump.

There is no other building between the place where HUKA was tied to the tree and the native food distribution hut apart from the two that I mentioned.

Witness indicates a point on the road above the green Z marked on the sketch as being the nearest point between the native food distribution hut and the tree where HUKA was tied. This point was the nearest place from which I could see HUKA from, looking from the direction of the native food distribution hut.

CRUISE EXAMINED

- Q. What did the natives do with the toddy they collected?
- A. They would take it back to the one in charge of their respective place.
- Q. Is it correct that that toddy was then put aside for the use of the Officers of that Coy?
- A. The Officers and NCOs drank it.
- Q. So that the loss of any toddy collected by the natives would affect a little at least the toddy supply for the officers and NCOs.
- A. Yes.
- Q. Did you speak to HUKA while he was tied to the tree?
- A. No.
- Q. Did you stop and look at him?
- A. Yes.
- Q. Do you agree with NARAYANA that stealing of toddy is a serious offence?
- A. Yes, I do.

NO RE EXAMINATION

NO QUESTIONS BY THE COURT.

I swear that I have told you the whole truth without adding anything.

迫田 廣衛

Evidence is read over to the Witness who does NOT desire to correct same.



54-26

Sheet No 21.

Naval 2nd Lt TAIRA Tokuji being duly sworn is examined by the
Defending Officer through the interpreter MISHIMURA.

Guided by my conscience, I swear to tell the truth without withholding
any evidence whatsoever, and also I will not add anything besides the
truth.

平 徳 治

I am Naval 2nd Lt TAIRA Tokuji of the 67th Naval Garrison Unit.
The Court amends the Charge sheet to read TOKUJI instead of TOKUJI
as part of Witness's name.
The witness is shown a statement signed by him.
That is my signature.
The statement has been read over to me in Japanese and it is true and
correct.
The statement is tendered, admitted in evidence, read, marked Exhibit
P, signed by the President, and annexed to the Proceedings.

CROSS EXAMINED

- Q. Did you go down for your medical examination at about lunch time?
A. At five o'clock in the morning.
Q. Did you go down for your medical examination at lunch time while
HUKA was tied to the tree?
A. No.
Q. Where were you sleeping?
A. In the officers' quarters, marked P on Exhibit B.
Q. Could you see HUKA from there?
A. No.
Q. How many times did you go for medical examination while HUKA was
tied to the tree?
A. ~~xxxxxx~~ Once in every two days.
Q. What was wrong with you?
A. Dengue fever.

NO RE EXAMINATION.

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

平 徳 治

Evidence is read over to the witness who does NOT desire to correct same.

54-27.

Sheet no. 22.

Naval and Lt. MATSUDA Mine of the 67th Naval Garrison Unit.
Witness is shown a statement signed by him.

Guided by my conscience, I swear to tell the truth without withholding
any evidence whatsoever, and also I will not add anything besides the
truth.

界田 繁藏

I am Naval and Lt. MATSUDA Mine of the 67th Naval Garrison Unit.
Witness is shown a statement signed by him.

That is my signature.

The statement has been read over to me in Japanese and it is true and
correct.

The statement is tendered, admitted in evidence, read, marked exhibit
A, signed by the President, and added to the proceedings.

ORAL EXAMINATION

Q. Did you have special duties with regard to the running of the
Officers' Mess?

A. No.

Q. Is MATSUDA a particular friend of yours?

A. I would not say he was a friend of mine, but he was in the same Coy.

Q. Were you sleeping in the same quarters?

A. No.

Q. Did you pass the coconut tree on your way from both your quarters
and the officers' mess? (the coconut tree where MATSUDA was tied)

A. Yes, my quarters and the mess are in the same building.

Hand from the room

NO RE EXAMINATION.

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

界田 繁藏

Evidence is read over to the witness who does not desire to correct same.

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84-28
Sheet No 23.

WITNESS OF THE DEFENSE (as to character only)

Lt Comdr NAKAYAMA Hiroshi being duly sworn is examined by the Defending Officer through the interpreter HIGASHIMURA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

中山洋三

I am Lt Comdr NAKAYAMA Hiroshi attached to the 67th Naval Garrison Unit. Witness is shown a statement signed by him. That is my signature. The statement has been read over to me in Japanese and it is true and correct. The statement is tendered, admitted in evidence, read, marked Exhibit A, signed by the President, and annexed to the proceedings.

NO CROSS EXAMINATION

NO QUESTIONS BY THE COURT.

I swear that I have told the truth without adding anything.

中山洋三

Evidence is read over to the witness who does NOT desire to correct same.

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54-21
2nd 2d ed.

44

The Court re-assembled at 1.30 hrs, the same President, Members, and Judge Advocate being present.

THE CASE OF KAMA (Summarised)

Witness found of KAMA being tied to the tree.
Defence a denial.
Depends on credibility of witnesses.
Evidence of natives must be scrutinized. Admit natives tend to confuse fact with hearsay - but remove frills and solid core still remains.
It is a barbarous event.
Witnesses lived together, ate together and worked in the same general area (the witness KAMA on their way to work). They had motive -- some of their food.
KAMA may be convicted if the Court believes that he knew and approved of what went on.
Witnesses all accused knew what was happening and there was common interest to commit this offence.
Requests conviction.

THE CASE OF KAMA (Continued)

Facts of the case are that KAMA ordered the punishment of KAMA for mixing food with toddy, and also for stealing toddy on seven different occasions since the previous June.
The punishment was that of being tied to a coconut tree for three days and receiving thirty strokes with a bamboo cane. The defence says that food and water was given to the native during this time, and this is not disproved. Food was extremely short in KAMA at the time and therefore the strictest measures to prevent pilfering were justified. The defence has put the accused in the box and their frankness and candour in giving their evidence is a strong part of the case for the defence.
Little reliance can be placed on the evidence of the natives, and there are variations in their present version as compared to their previous written statements. The Defence submits to the Court that quite apart from the many recollections of a native, there is evidence here which would justify the Court having a reasonable doubt as to their truthfulness.
On the reasonableness of the punishment of KAMA compares treatment meted out to aborigines when they are brought in from outback by troopers -- being tied to trees to prevent their escape.
Lashings are not unknown in our own law.
Alleges that the natives in identifying the Japanese responsible picked the best man of the position.

THE PRESIDENT'S ADDRESS TO THE COURT.

In this case the six accused are charged with the torture of a civilian. Torture is the ill-treatment of a person involving extreme pain to such person or anguish of mind or body to such person. Under the provisions of the War Crimes Act, 1945, torture of civilians is a war crime.

I advise the Court that there is no law or usage of war which makes torture lawful.

The Court is also referred to para 208 of the Manual of Military Law. The guilt or innocence of each accused should, subject to what I say at a later stage, be considered separately in respect of each accused, and it is open to the Court to convict all or some of the accused or to acquit all or some of the accused.

If the Court is satisfied beyond reasonable doubt that each accused himself, by his own act, tortured the civilian, then each accused can be found guilty of torture.

If the Court is satisfied beyond reasonable doubt that at least two or more of the accused combined together for the purpose of torturing the civilian, and that the civilian was in fact tortured by one or more of the accused so combining together, could be found guilty of torture. As to the doctrine of common intent I refer the Court to the Manual of Military Law para 17, page 119.

(Pause.....)

From what I have said it follows that before any of the accused can be found guilty of the charge the Court must be satisfied beyond reasonable doubt as to (1) that the punishment or ill-treatment of the civilian amounted to torture, (2) either A. That each accused did actually torture the civilian, or B. Two or more of the accused combined to torture the civilian and the civilian was in fact tortured by one or more of the accused, or C. That the combined acts of two or more of the accused done with common intent did in fact amount to torture. If the Court is not satisfied beyond reasonable doubt on the evidence before it in this case as to guilt of any accused, then it is the Court's duty to acquit such accused and I would again remind the Court that it is open to the Court to convict all or any of the accused or to acquit all or any of the accused.

The Court is closed at 1359 hrs to consider Finding.

The Court re-opens at 1443 hrs.

The President of the Court announces that all six Accused as listed below have been found GUILTY of the Charge.

1st Lt KENJI Hiro
1st Lt OGURA Haruo
2nd Lt M. KATSUMI Hiroshi
2nd Lt TAJIMI Tokuji
2nd Lt TAJIMA Hideo
Capt H. O. TAKAHASHI Shigenobu.

THE PRESIDING OFFICER ADDRESSING THE ATTORNEYS

The Court is well aware of the nature of the food ration on HANUY Is and evidently the Court is satisfied that the punishment inflicted on the native HANUY was out of all proportion to the offence that was committed. I ask the Court to take into consideration the training of the Japanese, their Code of discipline, and I ask that that be taken into consideration. If persons are brought up in a certain code it can hardly be attributed to them that they did not conduct themselves in a manner considered to be a civilized manner by other countries.



54-32

Sheet No 27.

The Prosecuting Officer informs the Court that there is no evidence of any previous convictions by a War Crimes Trials Court against any of the accused.

The Court is closed at 1440 hrs to consider sentences.

The Court re-opens at 1600 hrs, and the President announces the following sentences:

- 1st Lt MATSUDA Hiroe to be imprisoned for fifteen years.
- 1st Lt OGURA Haruo to be imprisoned for twenty years.
- And Lt MATSUDA Hiroshi to suffer death by hanging.
- And Lt SAITO Tetsuji to be imprisoned for fifteen years.
- And Lt TAKAHARA Kiso to be imprisoned for twenty years.
- Army M.C. J. KAWABATA Shigenobu to suffer death by hanging.

The President announces that such sentences are subject to confirmation by higher authority.

Signed at HANAU this 29th day of April, 1946.

K. H. H. H.
Counsel
Public Advocate.

J. H. H. H.
President.





0400

54-34

Exhibit 8
J. Edgar Hoover
Kocherholz
J. A.
10/4/46

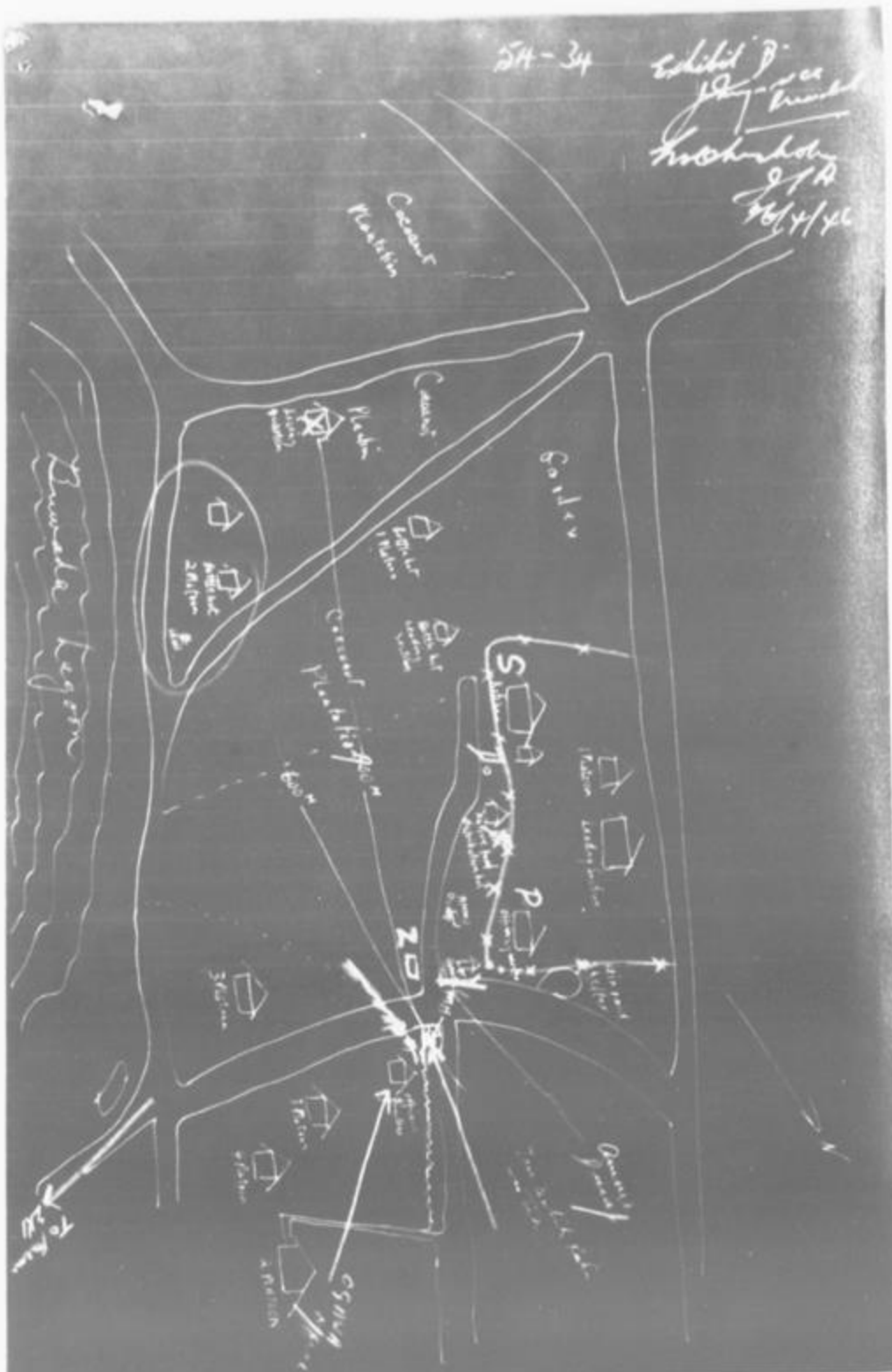


Exhibit C
54-35
Nov 23

Re: KUWA

F. Harris
Interpreter

Name of Witness: KAJIMA, Ocean Island
Gilbertese.

- Q. What was your job under the Japanese ?
A. Tolly collector.
- Q. How long were you with them ?
A. More than 12 months.
- Q. Were you there when the Australians arrived on the island ?
A. No, I finished about three months before.
- Q. Was a man named KUWA there ?
A. Yes, I collected tolly with him at the same place.
- Q. What happened to him ?
A. I believe he has been killed.
- Q. Do you know the reason ?
A. I didn't see it but the reason is that he mixed tolly with water.
- Q. Was KUWA arrested ?
A. When I arrived he had been tied up.
- Q. When was the last time you saw KUWA alive ?
A. The last time I saw him he was tied up to the tree.
- Q. How long was he tied ?
A. For three days.
In the fourth morning I saw the Japanese take him away in the motor tricycle box car. Two soldiers with rifles and two officers were on the vehicle. They untied him but his hands were still tied.
- Q. Do you know the officers ?
A. Yes, SAKODA (he had one star then, 2 stars when transferred to the KAJIMA, and 3 stars when he left for TONGAREVA) and the 3 star officer.
- Q. What was the unit ?
A. ICHU TAI.
- Q. Where did the vehicle go ?
A. They drove from the old A.I.P. Barracks (near Buia Lagoon and on the western side of it) up the slope to the main road. It then went out of my view. KUWA was tied up near the A.I.P. barracks.
- Q. Was he alive when they took him away ?
A. Yes, with his hands tied.
- Q. How do you know that he was alive ?
A. He was weak and fell as they led him to the car. One man was holding him and they struck him along.
- Q. What was the closest you approached to KUWA ?
A. About 20 yards.
- Q. How was his face ?
A. Bleeding and swollen. His eyes were swollen and closed.
- Q. The officers you saw drive up in the motor tricycle, did you see them during the previous days ?
A. Yes, they beat him on the days before, with the bayonet training stick, which they thrust at him. Another JCO thrust at his eyes with the stick.

[Signature]



- 6 -
MFI 1 54-26
Teitiba(3):

- Q. Would you be able to recognize the officers ?
A. Yes.
- Q. Would you be able to recognize any of the men who also beat RUKA ?
A. Yes, because they were all of the same unit.
- Q. With what did they beat RUKA ?
A. With fists and sticks, a thick stick.
- Q. How was he tied ?
A. Kneeling against the tree, with his back to it, and his hands tied behind his back.
- Q. Was he released at night ?
A. He was tied day and night.
- Q. Was he fed during the time ?
A. I believe not.
- Q. Why did you not try to release him ?
A. We could not go near him. There was a sentry there.

The man in charge of the boys collecting toddy was responsible, he charged RUKA with putting water in the toddy. He was a KEISHO, I don't know his name. He reported to the unit commander. Teitiba

0408

Exhibit D-12
54-37
STATUTORY DECLARATION

I...TETTERA...Gilbertese Native of NAURU ISLAND...Central Pacific

Do hereby solemnly and sincerely declare:-

1. Between 8 November and 20 November 1945, I was questioned at NAURU ISLAND by an Australian Army Officer whom I now know to be Lt. A. SPRELYAN of 31/51 Australian Infantry Battalion (A.I.F.)
2. Later a typed copy of the questions and answers was read over to me and I signed it.
3. The typed questions and answers are a true record of the questions I was asked and the answers I gave and those answers are the truth.
4. At FAURO ISLAND I inspected several parades of JAPANESE who had come from NAURU ISLAND and I identified the following:-
 - 1st. Lt. SAKODA Hiroe
 - Lt. OGAWA Haruo
5. The photographs annexed to the declaration of Lt. A. SPRELYAN of 31/51 Australian Infantry Battalion (A.I.F.) and marked with the letters "H" and "K" are the photographs of the Japanese known to me and referred to in the record of questions and answers as SAKODA and the three star officer respectively.
6. I also identified the following:-
 - Ensign NAKAJIMA Shiroshi
 - Ensign TSUKADA Eizo
 - Ensign TAIRA Tokugi
 - Petty Officer TAKAHASHI ShigenobuWhose photographs are annexed to the declaration of Lt. A. SPRELYAN and marked with the letters "D", "F", "G" and "I" respectively.
7. Ensign NAKAJIMA Shiroshi was the officer I saw arrest the Native RUKA referred to in the record of questions and answers and beat him.



MFI 2 Jan 1946
54-38

8. Ensign TSUKADA Rizo was the officer I saw beating the Native HUKA mentioned above. He was the worst of the lot. I saw him beating HUKA with both his fists and a stick on each of the three days HUKA was tied to the coconut tree.

9. Ensign TAIRA Tokugi was one of the officers I saw beat the Native HUKA referred to above. I saw him beat HUKA with his fists and or with a stick on the first and second days that HUKA was tied to the tree.

10. Petty Officer TAKAHASHI Shigenobu was the Japanese I saw with Ensign MAKAJIMA Shiroshi when the latter arrested HUKA. I saw TAKAHASHI beat HUKA with his fists and a stick soon after the native was arrested and on each of the three days he was tied to the coconut tree. I saw him come to the tree on his own and talk to HUKA for a while and then beat him.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1911.

SUBSCRIBED AND DECLARED BY TESTIFYING

In the Field on the eleventh day of December, One Thousand Nine Hundred and Forty-five.

Before me

.....*Robert*.....Capt.
AUSTRALIAN MILITARY FORCES

Testify.....

0400

WOWE states:

One morning at about 6 a.m. I decided to go from the village where I live to the area where RUKA worked to collect toddy.

I collected some bottles from the hut and after I had collected about 5 toddies I was up a tree, and looking down I saw RUKA walking along the road beside the lagoon, walking W. His hands were tied behind his back, there were two JAPS with him, one had hold of the end of the rope. They walked out of sight and I went on collecting toddy.

At about 10 a.m. I went to the cookhouse to get some breakfast and I saw RUKA standing in the road near the Jap sentry box with four Jap officers.

The Officers were MAKAJIMA, OGAWA, SUKADA, and AIRA. They were beating him about the head and body with walking sticks and big sticks.

They beat him for a while and while they were still beating him I went away.

At about 12 o'clock I went back to the cookhouse and I saw RUKA tied to a coconut tree.

While I was having my lunch I saw two officers go up to RUKA. They were MAKAJIMA and one I could not find on the parades at FALKLANDS. They beat him with a walking stick and the second officer poked him in the eye with a stick. After they had beaten him for a while they seemed to talk to him and then went to a house across the road. They were away about 10 to 15 minutes and then came back with SUKADA. They were with RUKA for a long while, they seemed to be talking to him and some times SUKADA beat him with a stick. MAKAJIMA punched him with his fists and the other officer beat him with a walking stick. After a long time they went away.

A little while later some Japs came by and beat RUKA. I do not know who they were.

About 5 minutes later SARO came along and untied RUKA, who fell down. SARO picked him up and stood him on his feet. They walked down the road towards the lagoon. They came back about 20 minutes later and SARO tied RUKA to the coconut tree. I went away soon after, SARO was still taking to RUKA. I did not see him beat RUKA.

The next morning I walked out from the village along the road. When I passed the guard room I saw RUKA still tied to the coconut tree. I passed about 5 yards from him. His eyes were swollen and there were marks of beating on his body. I did not speak to him. I went on to collect toddy.

When I came to the cookhouse for lunch RUKA was still tied to the tree. About 12 o'clock three Jap officers went to RUKA. They were MAKAJIMA, SAKADO, and AIRA. MAKAJIMA beat him with a walking stick, SAKADO also, and AIRA punched him with his fists. They beat him for about 5 minutes. They were still with RUKA when I went away.

About 4 p.m. I went back to the cookhouse again; RUKA was still tied to the tree. No one went to him while I was there.

I did not go back the next day. I have never seen RUKA since.

I saw an officer stab him with a sword. He was not one of the accused.

Wowe

Exhibit F. 54-40
21 Nov 45
P. Harris
Interpreter.

Re: RUKA.

Name of Witness: W.W. Gilbertson.

- Q. What was your job during the Japanese occupation?
A. Toddy collector at BUADA for three years from the beginning to the end of the Japanese occupation.
- Q. Do you remember RUKA?
A. Yes. He was a todody collector.
- Q. Where is he now?
A. He has been killed.
- Q. How do you know that?
A. RUKA was tied to a tree, then he was taken away. A Japanese told me that they were going to kill him.
- Q. Why was he tied to a tree?
A. Because he had mixed the Japanese todody with brackish water.
- Q. Did RUKA actually mix the stagnant water?
A. No. I didn't see it.
- Q. Was it a practice to put in brackish water?
A. We were not to put in bad water, nor any water at all. The Japanese wanted it straight from the tree.
- Q. Did you see RUKA tied to the tree?
A. Yes for about three days.
- Q. During that time what happened to RUKA?
A. During that time I saw the Japanese continuously beat him with sticks, threaten him with a sword to frighten him, poke at his eyes.
- Q. What position was he in at the tree?
A. Kneeling against the tree with his hands tied behind him with barbed wire. I saw an officer prick his thigh with a sword.
- Q. Did you try to help him?
A. All the time we were living in a small hut nearby watching but we could do nothing because the sentry was there all the time.
- Q. How many Japanese beat RUKA?
A. Any Japanese who passed by beat him.
- Q. Did you see any officers beat him?
A. Yes I saw two.
- Q. Do you know them?
A. A Lieutenant (two stars) who wears glasses all the time, and a captain (three stars). I don't know his name. The unit was ICHU TAI.
- Q. Do you know the name of the Officer in Charge of ICHU TAI?
A. No.
- Q. Could you recognise these officers among a thousand men now?
A. Yes.
- Q. Do you know the Japanese Officers SAKIDA and OHGAWA?
A. No.
- Q. Were you collecting todody at BUADA right up to the time the Australian Force arrived?
A. Yes.

[Signature]

WONG (2).

- Q. Was IOHU TAI there when the Australian's arrived?
A. Yes.
- Q. Were those two Officers there when the Australians arrived at MAURU?
A. Yes.
- Q. When did you see HUKA disappear from the tree?
A. He was gone on the fourth day.
- Q. Did anyone tell you where he had gone?
A. We understood from the Japanese that he had been killed. Sgt. Heise SATO told us that HUKA had been killed.
- Q. Did he belong to IOHU TAI when the Australians arrived?
A. Yes.
- Q. Would you be able to recognise SATO now?
A. Yes.
- Q. Did SATO beat HUKA also?
A. No I didn't see him.
- Q. Was HUKA put up for trial?
A. I understand that HUKA was taken to H.Q. of the TAI and he was caught for mixing water. Afterwards he was tied.
- Q. Was HUKA untied at any time?
A. No he was tied night and day.
- Q. How often did you see the two officers beat HUKA?
A. Every day they and other men beat HUKA.
- Q. Had HUKA been caught before doing the same thing?
A. No I don't know.

Wanwe



I hereby solemnly and sincerely declare:-

1. Between 6 November and 20 November 1945, I was questioned at RAUHU ISLAND by an Australian Army Officer whom I now know to be Lt. A. SPEILYAN of 31/31 Australian Infantry Battalion (A.I.F.)
2. Later a typed copy of the questions and answers was read over to me and I signed it.
3. The typed questions and answers are a true record of the questions I was asked and the answers I gave and those answers are the truth.
4. At RAUHU ISLAND I inspected several parades of Japanese who had come from RAUHU ISLAND and I identified the following:-
1st. Lt. SAKODA HIROE
Lt. OGAMA HARUZO
5. The photographs annexed to the declaration of Lt. A. SPEILYAN of 31/31 Australian Infantry Battalion (A. I. F.) and marked with the letters "H" and "E" are photographs of the officers known to me and referred to in the record of questions and answers as the two star officer and three star officer respectively.
6. I also identified the following:-
Ensign NAKAJIMA Shiroshi
Ensign TSUKADA Hise
Ensign TAIRA Tokugi
Petty Officer TAKAHASHI Shigenobu
whose photographs are annexed to the declaration of Lt. A. SPEILYAN and marked "D", "F", "G" and "I" respectively.
7. Ensign NAKAJIMA Shiroshi was the Officer I saw accompanied by Petty Officer TAKAHASHI, arrest

54-43

the native HUKA. I saw him beat the native.

8. Ensign TSUKADA Kiso was the officer I saw beating the native HUKA on each of the three days the latter was tied to the cocconut tree. He beat HUKA harshly with his fists and a whiak stick. I saw him poke the point of a gardening hoe into HUKA's eyes.

9. Ensign TAIRA Tokuzi beat HUKA harshly with his fists and sticks during the first and second days that HUKA was tied to the tree.

10. Petty Officer TAKAHASHI Shigenobu was with Ensign NAKAJIMA Shiroshi when HUKA was arrested. I saw TAKAHASHI beat HUKA on each of the three days he was tied to the tree.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1911.

SUBSCRIBED AND DECLARED BY WAUWE

In the Field on the eleventh day of December, One Thousand Nine Hundred and Forty Five.

Before me

.....Capt.
AUSTRALIAN MILITARY FORCES

.....Wauwe.....

0400

54-44
21 Nov 43
54-44
27/4/46
Re: RUKA

Name of Witness: KAUTOA, Gilbertese.

Q. What was your job while the Japanese were here ?
A. Toddy collector.

Q. Whereabouts did you collect toddy ?
A. BUADA.

Q. Did anyone else work with you ?

A. WONE
ABRAHAM
TION of OMOTOA All Gilbertese.
TEITIPA
TETORISI
BUKOTEMAIWA
PHILLIPS (evacuated to CORAN ISLAND in Oct 45)

Q. Are they all on the island ?

A. Yes, except PHILLIPS.

Q. What about RUKA ?

A. He was killed.

Q. Tell me what you know about the death of RUKA ?

A. He was found by the Japanese to have mixed bad water with the toddy. The Japanese led him to their quarters to have him beaten.
After that they tied him up by a coconut tree and several Japanese beat him freely, one after the other, with a stick about 1" in diameter of a tomama tree. They kept beating him for three days with sticks while he was tied to the coconut tree. All his face was battered and the eyes swollen out, blood was streaming down.
After three days they untied him and he was brought to Section HQ (HQ) at BUADA and the Japanese tried him there. After that they brought him back to the same place at the coconut tree. The Japanese got barbed wire and tied him to the tree.
The following morning after the fourth day we found he was not there.
That is all I can tell.

Q. How long was he tied to the tree ?

A. All night and day for three days, then with barbed wire.

Q. Show how he was tied ?

A. Witness demonstrated the position against an upright of the building.
He was sitting at the foot of the tree with his hands tied behind around the tree, facing outwards, with his back to the tree. When he was brought back he was tied with barbed wire.

Q. Was he in that position when he was beaten ?

A. Yes. They beat him in the face. Sometimes they tried to thrust the stick in his eyes. He was beaten mostly on the head and face as he sat.

Q. Was there a guard whilst RUKA was tied like that ?

A. The place where he was tied was close to a sentry, who was guarding the road going up to BUADA.

Q. Was RUKA bleeding ?

A. Yes, the face was covered with blood.

Q. Did you recognise any of the soldiers who were there ?

A. There were two officers who also beat RUKA.

Kantor (A):

- 4 -

54-45

- Q. Do you know them?
- A. S. J. TA, who was the 2 i/c of the section at SUANA, but was promoted later from lieutenant to captain (senior lieutenant, I say rank). The 2 i/c of the section was rather thin and tall. Captain (lieutenant) SUANA, of ICHU TAI.
- Q. Could you recognize these two officers?
- A. Yes.
- Q. Could you pick them from a thousand men?
- A. Yes.
- Q. Were they here when the Australian Forces came?
- A. Yes, they were in the first to leave.
- Q. What did you see these officers do to KULA?
- A. On the fourth day, in the afternoon, these two officers got a bamboo practice stick (JAWO) and thrust at KULA with the stick.
- Q. Did you see any of the officers beat KULA?
- A. On the last day, in the afternoon about 2 or 3 o'clock. That was the only time I saw them beat him.
- Q. Did they beat him with a stick?
- A. With the bamboo stick.
- Q. Who did you see poking at his eyes?
- A. These two officers.
- Q. Did they put it right in his eyes?
- A. We were distant but we saw them thrusting at his face.
- Q. Did you see this or hear of it?
- A. We saw it.
- Q. How far away were you?
- A. About 40 - 50 yards.
- Q. Was there anyone else watching at the same time?
- A. Yes, the boys I mentioned before. The following morning KULA was gone.
- Q. Was KULA fed?
- A. No.
- Q. Did you boys try to give him food?
- A. No, because of the sentry.
- Q. Was KULA crying out?
- A. No.

Kantor

[Signature]

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KAU,CA states:

One morning I went out with RUKA to collect toddy.

I was working a bit further on than he was, about 20 yards. I was collecting my last toddy and was about half way up a tree when I saw RUKA walking along the road with a Jap. I know him; he is not one of the Japs charged. They walked out of sight.

When I had finished collecting toddy I went to the cookhouse to get a meal. I did not see RUKA there.

I went back for lunch about 12 o'clock and I saw RUKA tied to a coconut tree. I did not see anyone beat him while I was there, but his face was swollen and there were some marks of beating on his body.

When I went back for my evening meal RUKA was still tied to the tree. I did not see anyone beat him.

Next morning when I came to the cookhouse for breakfast RUKA was still tied to the tree. I saw a Jap officer (TSUKADA) go to the tree and poke RUKA's eyes with his walking stick and also beat his head. After a few minutes the Jap went away. I went away soon after TSUKADA.

When I went to the cookhouse for lunch at about 12 o'clock RUKA was still tied up. I did not see anyone go to him then.

Between 4 and 5 p.m. when I was at the cookhouse eating my evening meal, I saw a Jap officer who is not photographed go to RUKA and beat him and stood near him for a while. While he was standing there I went away.

At breakfast time next morning RUKA was still tied to the tree. He was still alive but very sick. I got my breakfast and took it away.

Before I left two Japs came and untied him, NAKAJIMA was one. He untied RUKA who fell down and the other Jap pulled him to his feet and they walked away.

They were gone when I went away.

I came back at 12 o'clock and RUKA was tied to the tree. No one went to him. I saw him again when I went to the cookhouse for my evening meal. No one went to him.

When I went to the cookhouse next morning RUKA was gone.

I have never seen him again.

Kauka

Exhibit J. 54-46
Jap officer
Kauka
27/4/46 NA

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-1-

Re: RUKA

Name of Witness: KAUTOA, Gilbertese.

INTERVIEWED BY CIVIL ADMINISTRATOR OF NAURU.
R. M. RICHWAY.

KAUTOA :

States he was working together with RUKA for a party of Japanese called ITCHUTAI collecting today. Two of the officers were named SAKADA and CHIGAWA respectively. He went to the mess room to collect his rations and saw RUKA being taken away with his hands tied behind his back.

Later that day he saw RUKA with his hands tied behind his back, back to a coconut tree with barbed wire tied round his chest and his loins, binding him to a tree. He was about 100 yards away but could see clearly. The coconut tree was only a few yards from the guard's house. On the afternoon of the third day he saw RUKA being untied from the tree by four officers. Two of the officers were those mentioned previously. He was very close to RUKA at this time.

His body was all bruised and his eyes and body were bleeding. Whilst one soldier was untying him SAKADA and CHIGAWA were hitting him with sticks on the head. He saw CHIGAWA poke his stick into RUKA's eyes and twist it round. RUKA was still tied with barbed wire round the chest. When they freed him from the tree he partly fell down but clapped the tree.

A soldier then brought a bicycle and tied a rope round RUKA's waist, mounted the bicycle and dragged RUKA away. RUKA staggered a few steps and disappeared behind a house.

He did not see RUKA again.

This witness was interrogated by Lt. A. SPHILYAN, Investigating Officer, 31/51 Aust Inf Bn (AIF), NAURU Force, on 21 Nov 45. See interrogation.

[Signature]

Exhibit L-54-48
Jury was
impartial
29/1/45

Naval Lt. OGAWA Haruo states:-

1. In June 1943, I arrived to MAURU Is. as a division officer of 67th Navy Garrison Unit.
2. I was commander of 1st Coy. from Jan. 1944 to Sept., '45. The 1st Coy consisted of Leading Section, leader was 2nd Sub-Lt. TSUKADA, (then W.O.); 1st Section, leader was 2nd Sub-Lt. TAJIMA (then W.O.); 2nd Section, leader was 2nd Sub-Lt. NAKAJIMA (then W.O.); 3rd Section, leader was 2nd Sub-Lt. KIKUTA (then W.O.); 4th Section, leader was Lt. SAKODA (then 2nd Sub-Lt.); and Sub-Lt. MOCHIZUKI was adjutant of my Coy (then W.O.).
3. About eleven natives were attached to my Coy from Lt. Hotta i/c native affairs of the Navy Garrison Unit. The natives had been distributed to each Section, where they were engaged in making toddy out of coconuts.
4. Since Sept. 1943, as the supply of war munitions and provisions were all cut off. We were obliged to produce food with our own hands in order to live while engaging in battle and defence duty. Self-support was an important duty of ours. Pumpkins and toddy were staple food for us. As a natural result of food shortage, theft of provisions, farm products and toddy occurred frequently. Theft of provisions was an immediate menace to our existence, so we could not help taking preventive measure against theft of provisions as a means of self-defence.
5. In these circumstances, many Japanese and natives were condemned to imprisonment, fasting, hard labour, flogging on the charge of theft of agricultural product and toddy. This kind of punishment was quite commonplace in those days.
6. Furthermore Naval Capt. SOKIDA, officer commanding the Navy Garrison Unit, issued an order to the effect that those who would steal rations and farm product should be shot. According to this order there was a fact that two Japanese who had stolen rations were shot.
7. In MAURU Is where the provisions were extremely scarce, theft of provisions was considered as a serious offence.
8. One day at the beginning of Sept. '44, I received a report from 2nd Sub-Lt. NAKAJIMA, 2nd Section leader, that as RUKA, one of the two natives attached to 2nd Section, stole some toddy and mixed dirty water for fertilizer with the remainder of toddy, watchman caught RUKA and tied him with a rope and placed him in front of the sentry-box. I called RUKA to the officers' office room and questioned him in the presence of NAKAJIMA and 1st petty officer TAKAHASHI, who caught him. I noticed a scratch in his face, which was swollen. His offence was obvious from the 9 bottle of toddy into which dirty water had been mixed and TAKAHASHI's testimony. RUKA confessed that he had stolen toddy several times since June, and that he had stolen more than 20 bottles of toddy in all. I delivered judgement on RUKA in the office room, stating that he would be condemned to 3 days' imprisonment, and I ordered that he receive ten strokes with a bamboo cane daily for the three days from 2nd Sub-Lt. Mochizuki, the Company adjutant. I did not see Mochizuki carry out the punishment, but I have no doubt that he did so.
9. Having no prison, I executed the punishment by tying him to a coconut tree in front of the sentry-box and had the sentry watch him.
10. I reported to Lt. Hotta i/c native affairs and Lt. Commander NAKAYAMA, about RUKA's offence.
11. While RUKA was tied to the tree he was given food and water. He was given his meals three times a day and when he asked for water he was given it. When he wished to go to the latrines he was released and escorted there. He was bound with Manila rope by the wrists. His wrists were crossed behind his back. There was about a metre and a half of rope between his wrists and the tree enough to enable him to lie down. At no time was barbed wire used to bind him.
12. On the morning of the third day, I think, it became clear that there was another offence that made us suspect RUKA. I had RUKA brought again to the office room and questioned him. He confessed to the crime of stealing pumpkins. To ascertain the place of his committed and his guilt, I decided to go to

54-49

- the farm by a truck accompanied by MOCHIMARU.
13. We went in a Japanese truck to the farm. I sat in the front seat and MOCHIMARU, HUKA and about ten other Japanese were in the back of the truck.
14. There was no motor cycle with my company at that time. Officers were not permitted to ride in such vehicles except in very exceptional cases. The dimensions of the box were 1.2 metres long and 1 metre wide. I have never seen five persons in one and five persons would not be permitted to ride in one.
15. At no time did I strike HUKA.
16. I was in hospital at Pearl Island with about 20 or 25 other Japanese in the ward when an Australian soldier came through the ward with a bottle. The bottle fell on the room at that time. None of them pointed to me. I went out of the room and then the Australian officer came back and took my name.
17. At the time HUKA was punished I had only one shirt.
18. It was impossible for anyone to see HUKA tied to the tree.

小川 豊 藏
.....
SA. OGAWA Haruo

I hereby certify that the above translation is true and correct.

Richard



7. Taitiba had a bad reputation. We would say he was too sick
some to work to pick coconuts. I went once to Taitiba's house &
ordered him to report back to work. When he got back to work he
would probably be slapped by an NCO. One of my WIOs also told me
that Taitiba stole coconuts.

8. Kruton was attached to a different section, but he had a reputation for stealing vodka and taking it to the Chinese in exchange for Jumein juice and tobacco. He also used to get pretty women for the Chinese. He was punished for this.

中島弘

54-51

I hereby certify that the above translation is
true and correct.

J. W. [unclear]

0000

"I did not see anybody strike him on that day on the day following."

3. In the section leader came back TAKANASHI and OKAWACHI reported to him on the RUKA's act.
4. On the section leader's orders I and Takanashi and Okawachi tied RUKA to a coconut tree in front of the guard box.
5. RUKA thought the Japanese would get stomach trouble if they did not boil the water before drinking it. He knew they always boiled their water before drinking it.
6. Tawitwa did not work with RUKA. He came about fifteen days after RUKA had gone.

高橋重信
TAKAHASHI JUNE 1928-2000

I hereby certify that the above translation is true and correct.

Pinkney



0-24-53
J/A-29/46

Naval Lt. SAKURA Hiroe states:

1. I am attached to 67th Garrison Corps.
2. I was 4th Section leader of the First Company (Ichu tai) from October 1943 to February 1945. I was transferred to the civil administration service (Gaimuka) from the first section and engaged in the maintenance of public safety and friendship of the natives.
3. Towards September 1944 I was busy in self-support of my section, collection of building materials for air-raid shelters ordered as the duty of my Section and building air-raid shelters. At the beginning of September, when I came back from the early morning work, I saw HUKA, a native employee attached to 2nd Section tied to a tree in front of guard box his face swollen and his body covered with mud. I was not concerned in the affairs of natives attached to other section. When I was taking breakfast with other officers in the officers' dining room, I heard NAKAJIMA, 2nd Section leader, reporting to OGAWA, the company commander, about crime committed by HUKA. It was not before his report that I knew the details of this affair. As I was very busy in my own duty, neither had I time to inquire and punish the native attached to other section. After I came back from work, I heard in the word-room that HUKA was punished to 3 days' imprisonment on a theft charge.
4. After that, on my way to and from the work, I saw HUKA tied to the tree in front of the guard-box. I never beat him.
5. Though I myself have never seen HUKA being beaten, I have heard that soldiers and natives beat HUKA. On the morning of a few days after I have first seen him tied to a tree, for inquiry of a new theft affair HUKA was taken to the farm escorted by OGAWA, the company commander, and MOCHIZUKI the company adjutant, by a truck on which there were more than 10 other soldiers, when I was going to start for collecting materials by another truck. That was the last I have seen HUKA.
6. Transferred from my company in March 1945, I was in charge of the matter of natives in the civil administration service (Gaimuka) for six months, for this reason, my personnel appearance had been well remembered among natives.
7. Towards May 1945, TEITIBA, a native, committed theft of provision and clothing, so I punished him.
8. At the identification parade at Waiko Island Teitiba and Waiku picked me out. They went together when they did so.

迫田 廣衛
SAKURA, Hiroe

I hereby certify that the above translation is true and correct.

Sakamura



Exhibit 9-54-54

John - Mr. [unclear]

Heckler [unclear] [unclear]

29/4/46

Naval 2nd Lt. TAIRA Tokuji states

1. I belonged to 67th Navy Garrison Unit till Apr. '45 from Sept. '43. I was the leader of the first section of the first company. At the beginning of September '44 I was ill in bed. I heard a native RUKA had stolen toddy and had been caught. When I passed the guard-box on my way to the medical room for an examination, I found RUKA tied to a coconut tree. I had not been concerned in the RUKA incident, as I had been confined to bed in my room. I never struck RUKA.
2. At the identification parade on Tauno Island Wauve picked me out. The other two natives were on the parade at the same time.

平 徳 治

TAIRA TOKUJI

I her by certify that the above translation is true and correct.

[Signature]



I was not concerned at all in the incident that happened in the other section than mine. I never attended the post-mortem of him and never struck him. Whenever I passed the guard-box, I saw him tied to a wooden tree. I never saw anybody strike him.

Kentia liked whisky juice and was very often drunk. He used to tell him and not come to work. My subordinates used to beat him. When I went to Kentia's house to see why he was not at work and I found him at home with two other soldiers and a native woman. Kentia was drunk and I called him and stopped his face.

塚田 蔵
Sgt. Lt. TSUKADA

I hereby certify that the above translation is true and correct.

[Signature]

1. I was with Mr. KAWADA in NAGASAKI, Japan, for a period of 10 months, from July 1941 to July 1942. He was a Japanese official of the Japanese Consulate in Nagasaki. He was a very kind and gentle person and I never saw him mistreat anyone. He was a very good person and I never saw him mistreat anyone.
2. I was with Mr. KAWADA for 2 years and know he is not a cruel person. He was a good tempered and broad-minded person.
3. KAWADA was working as my subordinate for 3 months. I found him a gentle person.
4. I did not come into contact with KAWADA, KAWADA, or KAWADA and cannot speak as to their characters.

中山 隆雄
NAGASAKI, JAPAN

I hereby certify that above translation is true and correct.

Y. Nakamura

I, 3Y10334 Douglas John McBAIN, a Major in the Australian Military Forces holding the appointment of Deputy Assistant Adjutant General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters Melbourne hereby certify that the attached fifty-nine (59) sheets numbered consecutively from "69-1" to "69-59" (both inclusive) are a true copy of the original proceedings of the Military Court which at Rabaul on the 1st and 2nd day of May 1946 tried W.C. HATAKEYAMA Yosutaki, P/O TOHJIMUNE Torao, CPO TOHJIMUNE Gorozi, CPO SANO Takeo, CPO ITO Hiroshi, CPO SASAKI Kazuma, CPO CHIBA Tsuneo, Per 1/Class SATO Heibei And That I am the officer having, in the course of my duties, the proper custody of such original proceedings.

Dated at MELBOURNE this 24th day of October 1947.

Douglas John McBain.....Major

D.A.A.G.

D.F.W. & I., A.H.Q.

WITNESSES.....*David*.....Capt.

An officer in the Australian Military Forces.

0428

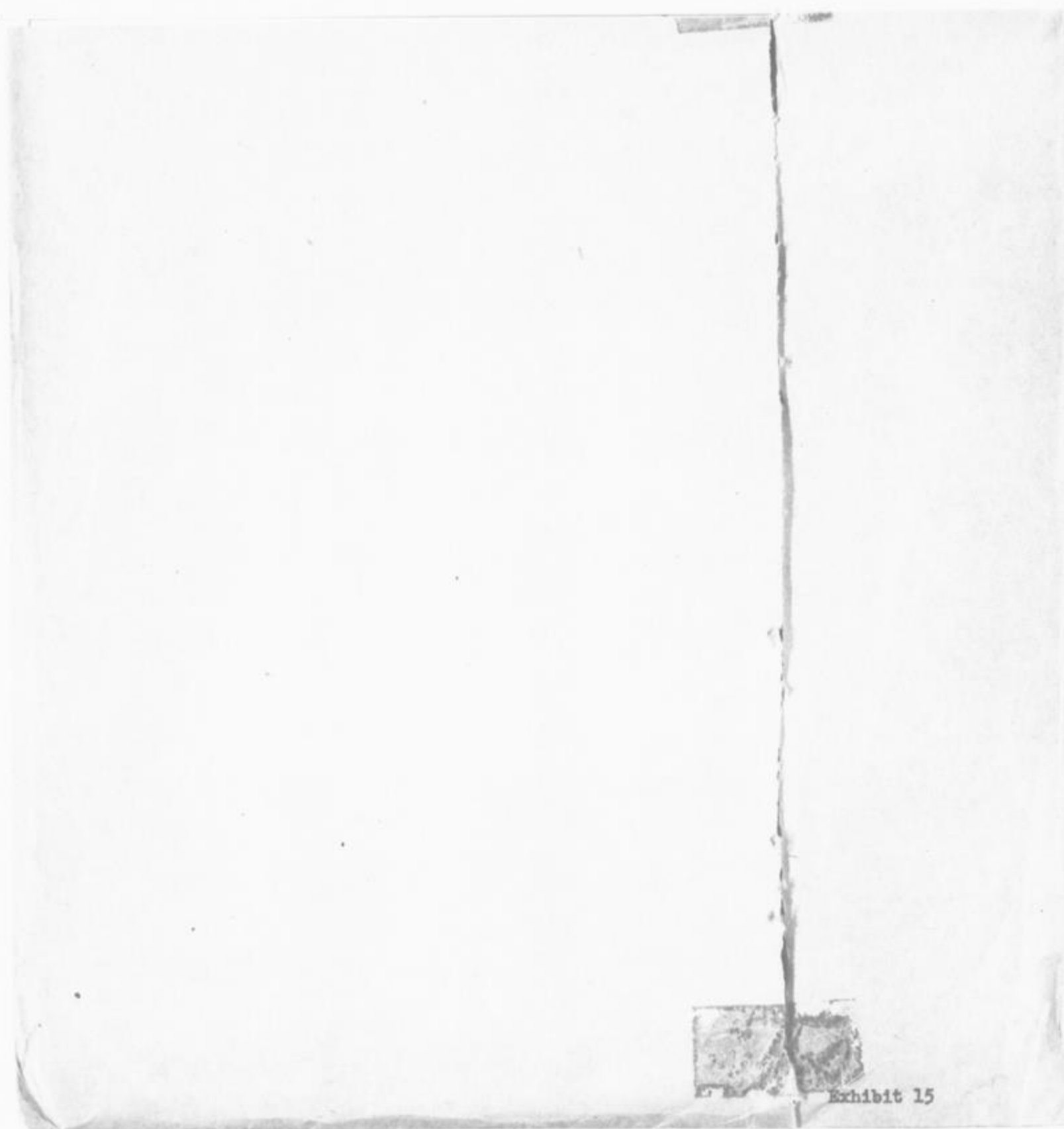


Exhibit 15



1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

JUDICIAL ADVOCATE

Beachinaria
Maj Gen
COMBAT MED OFFICER
EIGHTH MILITARY DISTRICT

[illegible]

CONVENING OFFICER (d,
EIGHTH MILITARY DISTRICT



69-2

CERTIFICATE OF PROMULGATION

Promulgated in the case of CPO SASAKI, Kazuma this 14th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of CPO CHIBA, Tsuneo this 14th day
of August 1946.

(Sgd) Capt.
SC(A) 8th Military District...
Name, Rank and Unit of Officer
effecting promulgation

0428

69-3
Promulgated in the case of WO HATAKEYAMA, Yosutaki this 14th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of P/O TORIWURA, Tomoo this 14th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of CPO TOMINAGA, Goroxi this 14th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of CPO SANO, Takeo this 14th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of Enstr. ITO, Hiroshi this 14th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

0430

WARRANT OF EXECUTION

69-4

WHEREAS Paymaster WO HATAKEYAMA, Yosutaki on the 2nd day of May 1946 was sentenced by military court held at RABAU to death by hanging. And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Asnton Hobart STURDES of the Australian Military Forces hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

Vernon Asnton Hobart Sturdes

Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, *Ronald Robert Smith* an officer of the AMF certify that I was present at and supervised the execution of the aforesaid Paymaster WO HATAKEYAMA Yosutaki at Rabaul at 1000 hrs on the *seventeenth* day of *August* 1946.

Dated this *seventeenth* day of *August* 1946.

R. R. Smith
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *Robert Edgar Campbell* a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this *seventeenth* day of *August* 1946.

R. E. Campbell
Signature



WHEREAS Engineer P/O TORIWUMI, Tomeo on the 2nd day of May, 1946 was sentenced by military court held at RABAU to death by hanging. And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Robert STURDEE of the Australian Military Forces hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

Vernon Sturdee
Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, *Rossata Herbert Hicks* an officer of
the AMF certify that I was present at and supervised the
execution of the abovenamed Engineer P/O TORIWUMI, Tomeo at RABAU.
at 1115 hrs on the 23rd day of August 1946.
Dated this 23rd day of August 1946.

Rossata Hicks
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *Geoffrey Percival Higgin* a legally qualified
medical practitioner certify that I examined the body of the person
executed in accordance with the above certificate and pronounced
life extinct.

Dated this 23rd day of August 1946.

Geoffrey Higgin
Signature

0488

whereas paymaster CRO TOMINAGA, Gorozi on the 2nd day of May 1946
was sentenced by military court held at RABAU to death by hanging. 67-6
And whereas the finding and sentence of the said military court
have been duly confirmed in accordance with the War Crimes Act 1945,
and whereas I have reviewed the said sentence, now therefore
I, Vernon Ashton Robert STUBBS of the Australian Military Forces
hereby approve of the carrying out of the sentence confirmed as
aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

Vernon Ashton Robert Stubs

Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(ii)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, Ronald Michael Hicks an officer of
the A.P. certify that I was present at and supervised the
execution of the abovenamed paymaster CRO TOMINAGA, Gorozi at Rabaul
at 12.30 hrs on the 23rd day of August 1946.

Dated this 23rd day of August 1946.

R. M. Hicks
Signature

(iii)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, Ronald Michael Hicks a legally qualified
medical practitioner certify that I examined the body of the person
executed in accordance with the above certificate and pronounced
life extinct.

Dated this 23rd day of August 1946.

R. M. Hicks
Signature

0433

was sentenced by military court held at RABAU to death by hanging.
And whereas the finding and sentence of the said military court
have been duly confirmed in accordance with the War Crimes Act 1945,
and whereas I have reviewed the said sentence, now therefore
I, Vernon Ashton Robert STURDEE of the Australian Military Forces
hereby approve of the carrying out of the sentence confirmed as
aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

V. Sturdee

Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, Kenneth MacDonell Hicks an officer of
the AMF certify that I was present at and supervised the
execution of the abovenamed Navy CPO SANO, Taken at Rabaul
at 0510 hrs on the Twentyfirst day of August 1946.
Dated this Twentyfirst day of August 1946.

K. MacDonell Hicks
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, Clayfield Oliver Kemmer a legally qualified medical
practitioner certify that I examined the body of the person
executed in accordance with the above certificate and pronounced
life extinct.

Dated this Twentyfirst day of August 1946.

Clayfield Oliver Kemmer
Signature AKK

0434

and whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1946, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Robert STUBBS of the Australian Military Forces hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

V. A. Stubbs

Lieutenant-General
AUSTRALIAN MILITARY FORCES

(ii)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, **RONALD HERBERT HICKS**, an officer of the A.M.F. certify that I was present at and supervised the execution of the above-named Paymaster C/O ITO, Hiroshi at **RABAU** at **OVAS** hrs on the **Twentyfirst** day of **August** 1946.
Dated this **Twentyfirst** day of **August** 1946.

R. H. Hicks Maj
Signature

(iii)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, **Gayfield Oliver Houston** a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this **Twentyfirst** day of **August** 1946.

G. O. Houston Capt
Signature *G. O. H.*

0435

was sentenced by military court held at RABaul to death by hanging.
And whereas the finding and sentence of the said military court
have been duly confirmed in accordance with the War Crimes Act 1945,
and whereas I have reviewed the said sentence, now therefore
I, Vernon Ashton Robert STUBBS of the Australian Military Forces,
hereby approve of the carrying out of the sentence confirmed as
aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

V. A. Stubbs

Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, **RONALD HERBERT HICKS**, an officer of
the AMP certify that I was present at and supervised the
execution of the abovenamed Paymaster C/O SASAKI, Hazuma at RABaul
at 1000 hrs on the Twenty First day of August 1946.

Dated this Twenty First day of August 1946.

R. H. Hicks Maj
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *Clay John O'Brien* a legally qualified medical
practitioner certify that I examined the body of the person
executed in accordance with the above certificate and pronounced
life extinct.

Dated this Twenty First day of August 1946.

Clay John O'Brien RMC
Signature *RMC*

0438

was sentenced by military court held at RABUL to death by hanging. 09/13
And whereas the finding and sentence of the said military court
have been duly confirmed in accordance with the War Crimes Act 1945,
and whereas I have reviewed the said sentence, now therefore
I, Vernon Ashton Robert STURGE of the Australian Military Forces
hereby approve of the carrying out of the sentence confirmed as
aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

Vernon Sturge

Lieutenant-General,
AUSTRALIAN MILITARY FORCES

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, an officer of
the AMP certify that I was present at and supervised the
execution of the abovenamed laymaster C/O CHIBA, Tauno at RABUL.
at 11:15 hrs on the TWENTY FIRST day of AUGUST 1946.

Dated this TWENTY FIRST day of AUGUST 1946

William May
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *Laurel Atkins Henderson* a legally qualified
medical practitioner certify that I examined the body of the person
executed in accordance with the above certificate and pronounced
life extinct.

Dated this TWENTY FIRST day of AUGUST 1946

Laurel Henderson R.N.
Signature *Laurel*

0430

NOTE : The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Naval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialed by him.

B. I CERTIFY that the above Court assembled on the 2nd day of May 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT :

- 1. The Members of the Court
 - 2. The Judge Advocate
 - 3. The Witnesses
 - ✓ 4. The Interpreter
 - 5. The Shorthand writer
- were duly sworn.

SIGNED this 2nd day of May 1946

PROSECUTOR OF THE MILITARY COURT

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

CONFIRMING OFFICER

PROMULGATED in the case of

(Date) (a) 1946

Signed :

- (a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.

0438

THE WAR CRIMES ACT 1945.TRIAL OF :

Navy S/M HATAKEYAMA Yosutaki of 2 Special Land Duty Coy.
Navy S/M TORIWAMI Tomoo
Navy S/M TOMIGAGA Gorozai
Navy S/M SANO Takeo
Navy S/M ITO Hiroshi
Navy S/M SASAKI Hazuma
Navy S/M CHIBA Teunoo
Paymaster 1st Class SATO Heibei

all of 67 Naval
Garrison Unit.

DATE OF COURT :

✓ 1st May, 1946.

PROSECUTING OFFICER :

Capt R.M. EWING

AALC

Hq 8 MD

DEFENDING OFFICER :

Lt K.G. WYBROW Legal Qualifications att Hq 8 MD
HORIBE, Civilian Employee of the Japanese Army is the
Japanese Defending Counsel.

The Accused are brought before the Court.

The Members of the Court and Judge Advocate are duly sworn.

NOZAWA Yoshiichi is sworn as Interpreter.
MA HAI PAI is sworn as Interpreter.

At this stage the Court amends the Charge Sheet by altering the names of
two of the Accused.
The corrected names are ;

Navy S/M HATAKEYAMA Yosutaki
Navy S/M TOMINAGA Gorozai.

The Charge is read to the eight Accused.

All eight Accused plead NOT GUILTY to the Charge.

STATE FOR THE PROSECUTION

WITNESS

KONG SAMO being duly sworn is examined by the prosecuting officer through the interpreter MAI MAI YAI.

I am a Chinese Coolie employed by the British Phosphates Commission on MAUNU Island. In November last year I remember being questioned by Australian Army Officers on MAUNU Island. Witness is shown a document signed by him. That is my signature. I remember this document being read over to me in Chinese, and it is a true record of the facts.

Prosecutor seeks to tender the document. Defending Officer objects to the admission of the document on the ground that this is a serious charge and that the Court should properly exercise its discretion in refusing the document under Section 9 of the War Crimes Act.

The Prosecutor presses for admission. The document is admitted by the Court, signed by the President, read, marked Exhibit A, and annexed to the Proceedings.

Q. Would you be able to recognize the Japanese who went to NG LEE's house?

A. Yes.

Q. Will you look around the Court and see if they are here?

A. Witness indicates the accused, HATAKEYAMA.

Q. With what was NG LEE beaten in front of his house?

A. Witness demonstrates that NG LEE was beaten with both closed fists.

Q. When he was taken to the office, how many Japanese were around the office?

A. There were many Japanese there.

Q. Who beat NG LEE at the office?

A. I saw some Japanese beating him, but as I was too far away I do not recognize them. (I could not recognize them.)

Q. Did you recognize the two Japanese who were chasing NG LEE back to his house?

A. Yes, I can remember them.

Q. Can you see them in Court?

A. Yes.

Witness indicates HATAKEYAMA and CHIBA in the Court.

Q. When NG LEE was taken back to the office did you see who tied him to the phosphate basket?

A. I do not remember.

Q. When he was tied to the phosphate basket how many Japanese beat him?

A. About seven.

Q. Did you recognize any of them?

A. Yes, I can recognize them.

Q. Are any of them in Court here?

A. Yes.

Witness indicates HATAKEYAMA, TOSIYUKI, TOSIYUKI, MAI, TAO, MAI, and CHIBA.

- Q. When MO LEE was taken to the well how many other people went over?
A. About three or four Japanese.
Q. Are any of those here in Court this morning?
A. I do not remember who they were.
Q. Who was the Japanese who came over to you and called you to the office?
A. He is in Court here.
Q. Witness points out CHIBA. (In the Court)
Q. Did you go over to the office when CHIBA told you to?
A. Yes, I followed him.
Q. Where was MO LEE when you got there?
A. He was outside the office. MO LEE was tied up on the basket already.
Q. Describe a phosphate basket?
A. It is a basket about five feet high, about four feet in diameter, and there were iron chains all around the basket, running from the lip around the bottom and up to the top and there were iron rings around the edge. It had a flat bottom.
Q. What is the basket itself made of?
A. Woven.
Q. How many men would it take to lift it?
A. At least two men.
Q. How was MO LEE tied to the basket?
A. With both his hands outstretched. His body was lying against the side of the basket, facing the basket, and his arms outstretched around the ring. The basket was standing on its end. (On its bottom) His feet were standing on the ground.
Q. Were there any ropes around his body other than the one tying his arms?
A. Yes. Around his chest.
Q. What was the first thing that happened after you got to the office?
A. CHIBA told me to beat MO LEE.
Q. Is the Japanese in Court here who mixed poured boiling water over MO LEE's legs?
A. Witness indicates HAKKURA.
Q. What happened after the boiling water was poured over MO LEE's legs?
A. They kept on hitting him.
Q. Who were they?
A. All the seven I mentioned before.
Q. How long were you at the office after the boiling water was poured over MO LEE's legs?
A. About 30 minutes.
Q. Can you tell us how many strokes each Japanese gave at that time?
A. Each of them gave him more than ten strokes.
Q. How many beat him at the one time?
A. They were taking turns.
Q. Did they use anything else except the carry pole?
A. No.
Q. Do you recognize the man in the back row at the end in Court?
A. Yes, he was there too.
Q. (Note, the Prosecutor indicated MATO)
Q. Was MATO a visitor or one of the Unit?
A. He was in charge of the farm.
Q. Was this farm the only one that the Unit had?
A. There were farms under the control of the Supply Unit. There were three farms.
Q. Was there an Officer in charge of the Unit?
A. There was one officer in charge of the farms.
Q. Was he at the office at this time?
A. No. His name is MATO. He was an Ensign and is not the accused MATO in Court.

CROSS EXAMINED

- Q. Have you discussed this case with other Chinese since the incident occurred?
- A. No.
- Q. Did you see the two Chinese carry NG LEE over to the well?
- A. Yes.
- Q. What were their names?
- A. CHAN KAI and GO KAI.
- Q. Did you see any Japanese go over to the well?
- A. Yes, some Japanese followed them to the well.
- Q. How was NG LEE's condition?
- A. He was unconscious.
- Q. I put it to you that NG LEE ran away and was chased to the well? I suggest this, is that true?
- A. No, he was carried to the well.
- Q. Besides the persons you have mentioned this morning as having beaten NG LEE did anybody else beat him?
- A. There were some but I could not find them on FARMER ISLAND.
- Q. Did you see any blood on NG LEE's back?
- A. No.
- Q. Describe how NG LEE was tied after he had been caught by HATAKEYAMA?
- A. He was tied up with his hands around the edge of the basket.
- Q. Did you see him the whole time from when he was caught by HATAKEYAMA?
- A. Yes, I was there all the time.
- Q. When did CHAN KAI come over?
- A. After NG LEE was unconscious.
- Q. Did you see a Chinese called CHENG MEI there? (CHENG SUNG MEI)
- A. No.
- Q. Did you feel the water that HATAKEYAMA is alleged to have thrown on NG LEE?
- A. No, he went to the cockhouse and got the boiling water.
- Q. What was this water in?
- A. It was about a gallon tin.
- Q. Was the well to which NG LEE was taken the nearest well to the office?
- A. No.
- Q. Was the well used at this time?
- A. Yes.
- Q. Was there grass growing over the top of the well?
- A. Yes, a little.
- Prosecuting officer at the request of the Defending officer tenders two sketch plans which are admitted in evidence, and marked exhibits B and C, signed by the President, and annexed to the Proceedings. Exhibit B is sketch plan of locality. Exhibit C is sketch plan of farm office.
- Q. Will you indicate the spot on the plan where NG LEE was tied to the phosphate basket?
- A. Opposite the door on Exhibit B on the end of the building.
- Q. Will you indicate on Exhibit B the well to which NG LEE was taken?
- A. The well is the second well from the office.
- Q. What distance was the second well from the office?
- A. About 100 metres to 150 metres.
- Q. Do you see these 4 places I point to each marked with the word well on Exhibit C?
- A. Yes I see four squares marked well on Exhibit C.
- Q. Were there wells in those positions or near them?
- A. There was one well on the other end of the building to where the door is shown, about in the building and used for laundry.
- Q. Were there other wells near the house?
- A. Yes, there were some wells further over and beyond the right hand bottom corner of the sketch, exhibited.

- Q. Was NG L&S taken to any of these wells last mentioned?
- A. No, not to these wells that are shown on the sketch.
- Q. Was NG L&S taken to any of the wells beyond the bottom right hand of the sketch, Exhibit C?
- A. No.
- Q. Can you remember how many wells there were closer to the office than the wells to which NG L&S was taken?
- A. There were about 7 or 8 wells near the office and the well NG L&S was taken to was second along the road.
- Q. Will you give the distances of these seven wells from the Office?
- A. The first well on the road is about sixty feet from the place where the basket was. There was another well close to the building about thirty feet from the place where the basket was. Both these wells are on the sketch drawn by witness and marked with a black X. The well in which NG L&S was put into is marked with an X in green. The Defending Officer tenders the sketch which is admitted in evidence, marked Exhibit D, signed by the President, and annexed to the Proceedings.

NO RE EXAMINATION.

EXAMINATION BY THE COURT

- Q. What were the wells marked Exhibit D in black X used for?
- A. They were used for watering pumpkin plants.
- Q. How do you know that the water was boiling water?
- A. He went into the cockhouse and brought the water out and I saw the smoke. This was HAWKAYAMA. By smoke I mean steam coming off the water.
- Q. Describe the tin in which the water was brought out in.
- A. It was round in shape with one handle and made of galvanized iron. The handle was on the side similar to a jug.

Evidence is read over to the Witness who does NOT desire to correct same.

The Court adjourns at 1145 hrs.

The Court re-assembles at 1330 hrs the same President, Members, and Judge Advocate being present.

SECOND WITNESS

CHAN KAI being duly sworn is examined by the Prosecutor through the interpreter MA HAI PAI.

I am CHAN KAI and a Chinese Coolie employed by the British Phosphates Commission at NAURU Island.
I remember being interrogated by Australian Officers at NAURU Island in November 1945.

Witness is shown a document, signed by him.
That is my signature. This document is a record of what I said at my interrogation and it is true and correct.
The statement is tendered, admitted in evidence, read, marked Exhibit W, signed by the President, and annexed to the Proceedings.

Q. Can you see here today the Japanese who went over to NG LEE's house.
A. Yes.

Witness indicates HATAKEYAMA in the Court.

Q. What was the language used in the conversation heard by you.
A. It was Japanese.

Q. Was it pure Japanese.
A. Yes.

Q. Do you speak Japanese.
A. I cannot speak Japanese, but I can understand it a little.

Q. Was NG LEE tied up at all when you first saw him (That is the first time you saw him)
A. He was tied up with both hands behind his back.

Q. Could you see who was beating NG LEE?
A. I could not see as there were so many Japanese gathered around.

Q. Are there any Japanese here today who were in that gathering?
A. Yes.

Witness indicates all eight Accused in the Court.

Q. Were there any others there besides those?
A. There were a few more there too.

Q. Did you look at what was going on right up to the time that you were called to come over to the office?
A. No.

Q. What was the last thing you saw before you stopped looking at the first beating?
A. I saw NG LEE was beaten, all these Japanese in Court did the beating.

Q. Who was the last person you saw beating NG LEE before you stopped looking?
Prosecutor withdraws the above question.

Q. When you were first looking at NG LEE being beaten did you see any particular Japanese beating him.
Prosecutor withdraws the above question.

Q. How long was it after you stopped looking at the first beating that you were called to come to the office?
A. About 30 minutes.

Q. Can you see in Court the man who came to your house?
A. Yes.

Witness indicates the accused TORIWAMI.

Q. Can you see the Japanese who ordered you to take NG LEE to the well?
A. Yes.

Witness indicates TORIWAMI.



Q. Will you describe the well you took him to?
A. It was a well three feet in length and four feet in width and about two feet below the ground the water level was. At this time the well was about two feet deep.
Q. When you and SO KAM took NG LEE over to the well did anybody else go with you?
A. Yes.
Witness indicates the accused, HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO.
Q. Who put him in the water?
A. I did.
Q. Did anyone at all touch him whilst he was in the water?
A. Yes.
Witness indicates HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO. in the Court.
Q. What did TOMINAGA do?
A. He used a pole and forced NG LEE into the water.
Q. Can you remember what each of them did while at the well?
A. CHIBA tied the pole to his feet with a rope and lifted his feet up and down. His head was in the water. While NG LEE was in the well the rest of those Japanese beat him with a stick.
Q. What do you mean by a stick?
A. Every overseer had a stick which was about one and a half inches in diameter, and it was about four feet in length.
Q. Will you now point out to us those who beat NG LEE while he was in the water?
Witness indicates HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO.
Q. When he started moving again what happened?
A. They told us to take him back to the office. I can't remember who said it but they all said it.
Q. What happened after you took him back to the office?
A. ~~Witness indicates HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO.~~ Little Moustache and Fatty tied him up.
Witness indicates HATAKEYAMA and TORIWUMI.
They tied him up to the basket.
Q. ~~Witness~~ Did you see anyone beat him at that time?
A. Yes.
Q. Who did you see beat him?
A. Fatty.
Witness indicates TORIWUMI.
Q. Was there anyone else there at that time?
A. Yes, all of them were there.
Q. Were there any others?
A. Yes, two or three others.
Q. Can you tell us how many strokes you saw each of the Japanese you pointed out beat him at the well?
A. I do not remember.
Q. When you saw NG LEE dead was he tied to the basket or was he away from it?
A. He was lying on the ground about eight feet from the basket.

CROSS EXAMINED

Q. These events would be fresher in your memory last November than they would be now, wouldn't they?
A. Yes.
Q. In trying to remember your recollection would be more accurate then?
A. Yes, generally I can remember.
Q. Do you remember making a statement to an Australian Officer last November?
A. Yes, I do remember.
Q. Were you asked to tell the Australian about all the Japanese that beat NG LEE?
A. I was asked who was beating NG LEE at the time.

- Q. Do you remember having mentioned to the Australian Officer that SATO beat NG LEE?
- (Defending Officer indicates the accused SATO in the Court)
- A. I don't remember whether I mentioned SATO to the Australian Officer or not, but when they were all here I can remember that he was there.
- Q. SATO was the chief man on the farm wasn't he?
- A. Yes.
- Q. Have you been punished by SATO? (the accused SATO)
- A. Yes.
- Q. You have talked about this case I suppose with KONG SANG?
- A. No, I didn't.
- Q. Is it true that you have not mentioned this case to KONG SANG since the day the incident occurred?
- A. No, I never mentioned it to him.
- Q. What were you talking about at lunch time today?
- A. About buying something from the canteen there.
- Q. Will you describe the manner in which NG LEE was tied after HATEKAYAMA caught him the first time?
- A. He was tied up with both hands behind his back.
- Q. Is it true that he was first tied to the phosphate basket after he was brought back from the well?
- A. Yes, ~~that was true~~ it was true.
- Q. Is it true that NG LEE ran to the well and fell in?
- A. No. I myself and other Chinese took him over to the well and pushed him down.
- Q. When the Japanese were beating him at the well did they all beat him together?
- A. They beat him in turns and sometimes two at a time.
- Q. How many times did SATO (the accused) beat him?
- A. I could not remember how many strokes he gave him.
- Q. Whom did the Japanese try to ring up after the incident?
- A. ~~He rang up to an officer in the Supply Unit.~~
- Q. Who rang up?
- A. SATO (the accused)
- Q. What was the name of the officer at the Supply Unit?
- A. He has got a nickname too, his nickname was "Triangle-eyes".
- Q. Do you remember a car driving along after the incident?
- A. Yes, there was a car arrived there and three officers were there.
- Q. Do you regard this accused SATO as an officer?
- A. No.
- Q. Do you know an officer called WATANABE?
- A. Yes, he was an officer in the Supply Unit.
- Q. Do you know an officer named NAKAYAMA?
- A. Yes, I do know NAKAYAMA.
- Q. ~~Was there a nickname used between you and the interpreter then?~~
- A. Yes, all the Chinese called him CHUNG SHAN.
- Interpreter explains that the Japanese character for NAKAYAMA is pronounced CHUNG SHAN in Chinese. The Japanese interpreter confirms that CHUNG SHAN in Chinese characters is pronounced NAKAYAMA by the Japanese and the characters of CHUNG SHAN in Chinese and NAKAYAMA in Japanese are exactly the same.
- Q. Do you know an officer called SATO?
- A. I do not know, I know him by his nickname.

The Court adjourns at 1500 hrs ~~the matter of the interpreter.~~

The Court re-opens at 1535 hrs.

With consent of the Defending Officer the Prosecuting Officer calls another Witness Lt SPRELYAN so as to enable him to return to his official duties.



THIRD WITNESS

Lt Albert SPRILYAN, WX 26684 of 31/51 Asst Inf Bn being duly sworn is examined by the Prosecuting Officer.

I am the I.O. of my Bn. In Dec 1945 I went to FAROE ISLAND with some natives and Chinese from NAURU and there interrogated Lt Comd KOINURA KOMIO, Lt SATO Hayato, Paymaster First Rank SATO Heibi. I asked the questions in English. The questions were recorded in English by Lt SCOTT. Those questions were interpreted into Japanese and the answers given were interpreted back into English and were recorded. During that interrogation certain Chinese were brought in the presence of the persons being interrogated. Were the questions translated into Chinese, and the answers translated back into English and recorded? Yes. Witness is shown a document.

Are you able to say from your recollection of that interrogation that that document is a correct record of what happened?

A. Yes.

The Prosecutor seeks to tender the document.

Defending Officer objects on the ground that it does not appear to be ~~the document~~ authentic. The witness in the Court cannot possibly say that the questions and answers were put to the persons interviewed and that he does not speak their language.

The objection is overruled by the Court.

The document is admitted by the Court, read, marked Exhibit F, signed by the President, and annexed to the Proceedings.

THE PROSECUTING OFFICER

QUESTIONS BY THE COURT

there is a person

Q. In this interrogation is ~~the person~~ referred to as SATO Heibi. Do you know this person?

A. I could not recognize him, there were two SATOS present.

Q.

Evidence is read over to the Witness who does NOT desire to correct same.



At this stage FRED CHAN is sworn in as Interpreter.

At this stage the witness CHAN KAI is recalled by the Prosecuting Officer.

DEFENDING OFFICER CONTINUES HIS CROSS EXAMINATION

- Q. Whom did the Japanese try to ring up after the incident?
A. The Japanese were trying to get in touch with the Supply Unit.
Q. ~~Who rang up?~~ Who rang up?
A. I do not know his real name, but I know his nickname. In Chinese they called him a nickname WONG PAU JAI.
Interpreter states that WONG PAU JAI means that somebody is very weak, just after a sickness and has a yellow face.
Q. Is he present in Court?
A. He is here.
Q. Indicate the person.
Witness indicates the accused SATO.
Q. What was the name of the officer of the Supply Unit?
A. I do not know his name but he also has a nickname, CHUNG SUN.
Interpreter means that CHUNG SUN means the name of one of the Republicans in CHINA.
The Witness adds that there is no meaning in the name but they just called him this name so that everybody would know who he was.
Q. Do you remember a car driving along after the incident?
A. Yes.
Q. How many officers were there in the car?
A. Three in the car.
Q. Do you regard this accused, SATO, as an officer?
A. I do not regard him as an officer as he was only in charge of the people working in the garden.
Q. Do you know an officer called WATANABE?
A. I do not know the real name, but I only know the nickname.
Q. Do you know an officer named MAKAYAMA?
A. I do not know his name, but I can recognise him when I see him.
Q. Do you know an officer called SATO?
A. I do not know the name, I can only recognise them when I see the face.
Q. By what names did you know the three officers in the car?
A. I knew only their nicknames. One is CHUNG SUN, the second one is MAH TAI, the third one is SUM ECKE LUGAN.
The interpreter is asked what MAH TAI means in English.
He states there is no English equivalent of it.
SUM ECKE LUGAN means that he has a three quarter eye.
Q. Did you see the second beating yourself? That is the beating after NG LEE was brought back from his wall?
A. I was present.
Q. Is this a true account "WATANABE and TORIWUMI.....to our houses" on Page 15 of CHAN KAI's interrogation? (The page is numbered 15)
A. It is correct.

RE EXAMINED

- Q. Can the witness write the Chinese characters for CHUNG SUN?
A. The Witness writes the Chinese characters for CHUNG SUN.
The Chinese interpreter says that the words CHUNG SUN means in Chinese "the middle of the mountain".
The Japanese interpreter says that the Chinese characters for the words CHUNG SUN means in Japanese ~~mountain~~ is read MAKAYAMA, and it means "middle mountain".

- Q. Do you know any reason why the officer you knew as MAN TAI was called by that name?
- A. There was a Chinese by the name of HANTAI and ~~known~~ this Japanese called MAN TAI was very much like him in appearance.
- Q. Would you be able to recognize every Japanese Officer in that Unit on MURU Island at that time?
- A. I would recognize them.

NO QUESTIONS BY THE COURT.

Evidence is read over to the Witness who does NOT desire to correct same.
The Court adjourns at 1635 hrs.

The Court re-assembles at 0900 hrs, 2nd May, 1946, the same President, Members, and Judge Advocate being present.

Prosecutor tenders report of interrogation of the Chinese Coolie, SO KAN, which is admitted in evidence, read, marked Exhibit G, signed by the President, and annexed to the Proceedings.

Prosecutor tenders report of interrogation of the Chinese, CHENGO SUNG MEI, which is admitted in evidence, read, marked Exhibit H, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION.

The Defending Officer informs the Court that the accused SATO elects to give evidence on oath and the other seven accused will make a statement not on oath.
The President of the Court explains the procedure under Rule of Procedure 40 to the accused through the interpreter and particularly draws the attention to Note 2 on Page 571.
The Japanese Solicitor through the interpreter confirms the statement of the Australian Defending Officer.

Paymaster 1st Class SATO Heibi being duly sworn is examined by the Defending Officer through the interpreter NOZAWA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

佐藤平兵衛

I am Paymaster Petty Officer, 1st Class SATO Heibi, of the 2 Special Land Duty Coy attached to the 67th Naval Garrison Unit.
Witness is shown a statement signed by him.
That is my signature. The statement has been read over to me in Japanese and it is true and correct.
The statement is tendered, admitted in evidence, read, marked Exhibit J, signed by the President, and annexed to the Proceedings.
A portion known as Paragraph 5 has been pasted on beneath the signature.

- Q. To which men do you refer in your statement when you say these men were punished to imprisonment?
- A. To everyone on the island because food was very short.
- Q. Did you have authority to order a man's death?
- A. No.
- Q. Were any of these accused present in Court punished by the Japanese in consequence of NG LEE's death?
- A. Yes, there is.
- Q. Did you strike NG LEE?
- A. No, I did not.
- Q. Where were you when NG LEE was at the well?
- A. I came out of the cockhouse and was looking at it from far away.

CROSS EXAMINED

- Q. Were the other accused punished because of the torturing to death of NG LEE?
- A. They were punished later on grounds for delay in looking after NG LEE. They were punished because they did not see in what condition the deceased was in when he was escaping and fell into the well.
- Q. Did you see each of the accused beating NG LEE?
- A. I saw them slapping NG LEE.
- Q. Did they have any authority to slap a Chinese?
- A. Things were in this state because food was scarce and as the man in charge of the farm gave orders to punish offenders. Lt SATO told them all offenders were to be punished.
- Q. Is it correct that you were at the area around the office all the time NG LEE was there?
- A. Yes.
- Q. NG LEE died in front of the office, did he not?
- A. He was leaning against a pillar in a very bad condition in a place in front of the office. Yes, he died by the pole.
- Q. Did you see NG LEE being beaten when he was tied to the phosphate basket?
- A. I had some business to do at the cockhouse and so I ~~XXXXX~~ did not see him.
- Q. Did you see NG LEE tied to a phosphate basket?
- A. I did not see him tied to the phosphate basket nor did I see him at any time if he was tied to the basket.
- Q. Is it correct that NG LEE was at the office for about 2 hours?
- A. That is right.
- Q. You are in charge of that particular farm, aren't you?
- A. I was under Lt SATO so I cannot say that I was in charge.
- Q. Did Lt SATO live with you? (On the farm)
- A. He was coming from the Supply Unit every day.
- Q. Were you the senior officer at that farm at that time?
- A. There were some senior to me but as far as this work was concerned I was the senior.
- Q. Did you at any time during the two hours that NG LEE was at the office try to stop him from being slapped or beaten?
- A. I did not.
- Q. Is it not a fact that two Chinese carried NG LEE to the well and dropped him in?
- A. That is not correct.
- Q.

NO RE EXAMINATION.

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

Evidence is read over to the witness who does NOT desire to correct same.

EXHIBIT AT THE COURT

KOMURA

- Q. Who was the senior officer at that particular farm?
A. Navy Lt Comd HIRAO KOMURA.
Q. Who was the particular senior officer at that particular farm?
A. Naval Lt.
The last question withdrawn.
Q. What was Lt SATO in charge of?
A. Lt SATO was officer in charge attached to Lt Comd KOMURA.
Q. Who was the officer or non commissioned officer immediately under Lt SATO?
A. I, myself.
Q. Were any of the accused under the control of yourself?
A. There are none here under me.
Q. Do you know who was in charge of the accused or who controlled them?
A. They were under Lt SATO, each responsible for a separate Unit.

I swear that I have told you the truth without adding anything.

佐藤平次衛

Evidence is read over to the Witness who does NOT desire to correct same.

69-25

Sheet No 14.

Navy S/M HATAKEYAMA Yosutaki of 2 Special Land Duty Coy.
Paymaster W.O.

The Court amends the Charge Sheet to show the rank of the accused as
Paymaster W.O. HATAKEYAMA Yosutaki.

I hand to the Court a statement signed by myself, which statement has
been read over to me in Japanese by a Japanese Interpreter.
The statement is admitted, marked Exhibit K, signed by the President,
read, and annexed to the Proceedings.

R.P. 83 B is complied with.

~~Engineering Petty Officer TORIWUMI Tomoo of 67th Naval Garrison Unit.~~

Engineering Petty Officer TORIWUMI Tomoo of ~~67th Naval Garrison Unit.~~ 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as
Engineering Petty Officer TORIWUMI Tomoo.

I hand to the Court a statement signed by myself, which statement has been
read over to me in Japanese by a Japanese Interpreter.
The statement is admitted, read, marked Exhibit L, signed by the
President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Paymaster Chief Petty Officer TOMINAGA GOROZI of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as
Paymaster Chief Petty Officer TOMINAGA Gorozi.

I hand to the Court a statement signed by myself, which statement has been
read over to me in Japanese by a Japanese Interpreter.
The statement is admitted, read marked Exhibit M, signed by the President,
and annexed to the Proceedings.

R.P. 83 B is complied with.



Naval Chief Petty Officer SANO Takeo of the 67th Naval Garrison Unit.
The Court amends the Charge Sheet to show the rank of the accused as Naval Chief Petty Officer SANO Takeo.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese by a Japanese interpreter. The statement is admitted, read, marked Exhibit N, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Paymaster Chief Petty Officer ITO Hiroshi of the 67th Naval Garrison Unit.
The Court amends the Charge Sheet to show the rank of the accused as Paymaster Chief Petty Officer ITO Hiroshi.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese, by a Japanese interpreter. The statement is admitted, read, marked Exhibit O, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Naval Paymaster Chief Petty Officer SASAKI Haruma of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as Naval Paymaster Chief Petty Officer SASAKI Haruma.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese, by a Japanese interpreter. The statement is admitted, read, marked Exhibit P, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Naval Paymaster Chief Petty Officer CHIBA Tsuneo of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as Naval Paymaster Chief Petty Officer CHIBA Tsuneo.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese by a Japanese interpreter. The statement is admitted, read, marked Exhibit Q, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.



At the request of the Defending Officer the Prosecuting Officer informs the Court that SATO was only recently charged, and the Defending Officer informs the Court that the statement of HATEKAYAMA was made prior to SATO being charged.

CONCLUDES THE CASE FOR THE DEFENCE.

PROSECUTING OFFICER INFORMS THE COURT THERE IS NO EVIDENCE IN REHUTAL.

PROSECUTING OFFICER ADDRESSES (Summarised)

Deals with intention.
Admissions of seven accused.
With reference to SATO, points out that no Japanese present at original interrogation.
Evidence against him as to beating not weighty, but enough.
Further, SATO next after O.C., and as such had enough responsibility in the circumstances to make him a principal in the second degree.
A callous murder and therefore asks for conviction.

DEFENDING OFFICER ADDRESSES

I ask for acquittal of SATO on the following grounds :

1. The only evidence of his beating NG LEE is given by the second witness CHAN KAI, in a statement made by him in November last, when he admits the events were fresher in his memory he makes no mention of SATO being at the well beating NG LEE.
2. The other Chinese who is alleged by CHAN KAI to have taken NG LEE to the well says nothing of SATO beating NG LEE at that time.
3. No abstract of the evidence in relation to the allegations against SATO was furnished to the Defence, and the Prosecutor left the witness to prove such allegations until last. If I had cross examined the first witness as to the events at the well, I might have been able to obtain another version of the matter.
4. The fact that the Prosecutor called this witness as to facts not contained in the abstracts as his last witness leads almost irresistibly to the inference that cross examination of the first witness would have damaged his case.
5. At this period of time it would be impossible for the witness to know that SATO beat NG LEE at the well. In none of the other statements is SATO mentioned as beating NG LEE.
6. If SATO had had any hand in the incident at the well it is unlikely that TORIWUMI would have ordered NG LEE to be taken to the well. If the Court will remember CHAN KAI said he was ordered by TORIWUMI to take NG LEE to the well.



7. The only explanation given for his sudden recollection of SATO beating NG LEE is that when all the accused were here together he remembered SATO was there. It is suggested that it would be highly dangerous to convict on evidence of identification unsupported by any other witnesses or even statements tendered by the Prosecution.

With regard to the other accused, the Court has heard the evidence and I remind the Court that if the Court believes the death was not intended by the accused a verdict of manslaughter may be returned. It is pointed out that in support of the proposition that they did not intend the death of NG LEE we have evidence that nobody under an officer could order the death of a Chinese, and that the accused must have realised that they would be disciplined, and in fact, they were, as the result of the death.

I remind the Court that the accused say that NG LEE fell into the well and xxx it may be that NG LEE injured himself in so doing. In support of the allegation that NG LEE ran away and fell into the well we have the otherwise unexplainable fact that there were other wells closer to the well in question.

I also ask the Court to take into consideration the extreme shortage of food on MANKU Island, and that the stealing by NG LEE might be regarded as an extreme provocation. With respect to the Judge Advocate I suggest it will be part of his advice that provocation may reduce an offence from murder to manslaughter.

The Court adjourns at 1135 hrs.

The Court re-assembles at 1330 hrs, the same President, Members, and Judge Advocate being present.

JUDGE ADVOCATE ADDRESSES THE COURT (Summarised)

In this case the accused are charged with the murder of NG LEE and it is possible for the Court to arrive at verdicts as follows :

1. Convict all of the accused of either murder or of manslaughter.
2. Acquit all of the accused.
3. Convict some of the accused of murder and some of the accused of manslaughter and acquit the others.

Quotes "Murder" from Page 129 in M.M.L.

Quotes "Malice Express" from Archbold at Page 864.

Quotes "Malice Implied" from Archbold at Page 865.

Quotes "Manslaughter" M.M.L. Para 46 and Page 130.

Quotes "Principal in 1st Degree" from Archbold at Page 1427.

Quotes "Principal in 2nd Degree" from Archbold at Page 1428.

Quotes "Participation" from Archbold at Page 1429 "A"

Quotes "Common Design" from Archbold at Page 1429 "B"

Quotes "Where death results" from Archbold at Page 1430 "C".

In conclusion I would point out that these are criminal charges and as such the onus of proof rests on the Prosecution. The Prosecution must satisfy you beyond a reasonable doubt that the accused are guilty. Your personal feelings must be disregarded and you must judge the case on the evidence before you.



The Court is closed at 1348 hrs to consider the Finding.

The Court re-opens at 1400 hrs and the President of the Court announces the following Findings :

Paymaster W.O. HATAKEYAMA Yosutaki is GUILTY of the Charge.
 Engineering Petty Officer TOMIYAMA Tomoo is GUILTY of the Charge.
 Paymaster Chief Petty Officer TADAMASA Gorozu is GUILTY of the Charge.
 Navy Chief Petty Officer SANO Takeo is GUILTY of the Charge.
 Paymaster Chief Petty Officer ITO Hiroshi is GUILTY of the Charge.
 Paymaster Chief Petty Officer SASAKI Masuma is GUILTY of the Charge.
 Paymaster Chief Petty Officer OHIBA Tsuneo is GUILTY of the Charge.
 Paymaster First Class SATO Maibei is NOT GUILTY of the Charge.

DEFENDING OFFICER :

There is nothing to add in Mitigation that I have not already used in my address.

PROSECUTING OFFICER :

There is no evidence of any previous convictions against any of the accused before A War Trials, Court.

The Court is closed at 1410 hrs to consider Sentences.

The Court re-opens at 1414 hrs and the President announces the following Sentences :

Paymaster W.O. HATAKEYAMA Yosutaki shall suffer death by hanging.
 Engineering Petty Officer TOMIYAMA Tomoo shall suffer death by hanging.
 F/Master Chief Petty Officer TADAMASA Gorozu shall suffer death by hanging.
 Navy Chief Petty Officer SANO Takeo shall suffer death by hanging.
 F/Master Chief Petty Officer ITO Hiroshi shall suffer death by hanging.
 F/Master Chief Petty Officer SASAKI Masuma shall suffer death by hanging.
 F/Master Chief Petty Officer OHIBA Tsuneo shall suffer death by hanging.

The President announces that such Findings and Sentences are subject to confirmation by higher authority.

Signed at HAHAMU this 2nd day of May 1940.

[Signature]
 Capt.,
 Judge Advocate.

[Signature]
 Lt Col.,
 President.

Re: NG LEE, Beaten to Death.

27 Nov 45.

69-5

Witness: KONG SANG, C.C. 161, Chinese coolie.

Q. What was your job during the Japanese occupation?
A. Working in BUADA growing pumpkins for the Japanese.

Q. How long were you working there?
A. Nearly 21 months.

Q. When did you leave the job?
A. When the Australians arrived in September 1945.

Q. Did you know a Chinese NG LEE?
A. Yes.

Q. Can you tell us what happened to him?

A. This happened about 5 o'clock in the afternoon, after the Chinese had finished work. NG LEE took two empty bottles to go to collect his toddy, and after his toddy was collected he made his way back to his house, walking through the farm. While he was coming through the farm I saw him squat down for a while, and some Japanese in the office saw him also and suspected him of stealing a pumpkin. One Japanese left the office and followed NG LEE to his house, and started to search NG LEE's belongings. I saw him tell NG LEE to go out of the house, and then he started beating NG LEE just in front of his house.

Then the Japanese took him to the office and began beating him. Later I saw NG LEE running back to his house and two Japanese soldiers chasing him. After they caught him they took him back to the office and tied him to a phosphate basket and beat him. After they beat him they untied him and took him over to the well.

Q. Who took him, Japanese or Chinese?

A. I saw two Chinese carry him over to the well, and he was pushed down into it. After he had been in the well for fifteen minutes they brought him back to the basket and started hitting him again.

I was cutting toddies in a place near there. The Japanese saw me and called me over to the office. They told me to beat NG LEE. I refused to do so and one of the Japanese came over and beat me twice across the face.

Q. What was his name?

A. TOMINAGA.

Q. What happened then?

A. After I was slapped the Japanese gave me a carry pole and I had to beat NG LEE because I was afraid what the Japanese would do to me. I started beating NG LEE but did not use my might so the Japanese took the carry pole and beat me instead, because I didn't use my might. Then they gave me the carry pole again to beat NG LEE with all my strength.

I told NG LEE to cry out at each stroke so that they might think I was using all my might.

Then HATAKIYAMA got a bucket of boiling water from the cookhouse and poured it over NG LEE's legs, because he had run away previously.

As I beat NG LEE the second time he cried out with every stroke.



Exhibit A
Jury - see
Pamphlet
Hatchard
C-11
11/19/46

0450

KONG SANG (2):

Re: NG LEN.

69-31

Q. How many strokes did you give NG LEN?

A. Thirty strokes, after they beat me. They were hard strokes.

Q. Why did you stop at 30?

A. The Japanese told me to stop. Then HATAKIYAMA got the boiling water and poured it on NG LEN's legs.

Q. Are you sure it was boiling?

A. Yes.

Q. How big was the bucket?

A. About a gallon.

Q. Did NG LEN cry out when the water was poured on?

A. He was crying for help.

After the water was poured on the Japanese told me to go away. I went to my house and I was there 30 minutes before I was told that NG LEN was dead.

Q. Who told you?

A. One of the Chinese; a number were talking about it.

Q. Is that all?

A. Yes.
I am telling you the truth.

Q. Who called you over from the toddy collecting?

A. TSIRA Heiseo.

Q. Who told you to beat NG LEN?

A. Four soldiers.

Q. All at one time?

A. Yes.

Q. Who were they?

A. TSIRA called me over and told me to beat NG LEN. TSIRAGA slapped me. Then SANO, because I did not use my strength took the carry pole and beat me.

Q. Who told you to beat NG LEN again?

A. HATAKIYAMA told me to beat him again.

Q. Who poured the water on LEN?

A. HATAKIYAMA.

Q. Who told you to go away?

A. SANO pushed me away and told me to go.

Q. Do you know the senior Japanese there?

A. HATAKIYAMA.

Q. Who was it who tied NG LEN to the Phosphate basket?

A. TORIWUMI.

Q. How many Japanese beat NG LEN?

A. Altogether eight Japanese beat LEN after TORIWUMI tied him to the basket. They were all Sergeants - HATAKIYAMA, TORIWUMI, HAKINO, TSIRA, TSIRAGA, SANO, ITO, SASAKI.

Q. Can you tell how many strokes each of them gave, or altogether?

A. I have no idea of how many strokes were given before I was called over. After I was called over NG LEN received about sixty strokes altogether.

Q. Did you see any other Chinese present while NG LEE was being beaten?

A. There were no Chinese there.

Q. Did you see any Chinese there from the time he was beaten till the time he was dead?

A. At the time they took NG LEE to the wall there were two Chinese there, SO KAN and CHAN KAI. After they brought him back from the wall the Japanese told the two Chinese to go away.

Q. Did you see NG LEE dead?

A. No.

Q. What was the officer in charge of that farm?

A. SOTO (phonetic).

Q. What do you think NG LEE was doing when he was killed in the farm?

A. I don't know what he was doing.

Q. Did you see him carrying a pumpkin back?

A. I didn't see that.

Q. Do you know why NG LEE was beaten?

A. Because he was accused of stealing a pumpkin.

Q. Do you know if NG LEE stole a pumpkin?

A. I don't know.

Q. Was there any punishment laid down for stealing pumpkins?

A. There was no rule for punishment. It depended on the Chinese who happened to be caught, because all the Chinese were good workers as they knew their life depended on it. The overseers could smack or kick the Chinese any time they liked. There were no rules.

Q. Did you see NG LEE have his clothes on?

A. Only short pants, no shirt.

Q. What was his body like?

A. His back was blue black, but it was too dark to see well.

Q. Was there any blood?

A. No.

Q. Was NG LEE beaten with the cane stick all the time?

A. There were two or three carry poles. NATAKITAMA had one.

Q. What was the size of a carry pole?

A. About five feet long, three inches in diameter, tapering to two inches.

Q. Did you see any officers there?

A. No.

Q. Did you see NG LEE have his clothes on?

A. Only short pants, no shirt.

Q. What was his body like?

A. His back was blue black, but it was too dark to see well.

Q. Was there any blood?

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Q. Do you know if NG LEE stole a pumpkin?

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Q. Was there any punishment laid down for stealing pumpkins?

A. There was no rule for punishment. It depended on the Chinese who happened to be caught, because all the Chinese were good workers as they knew their life depended on it. The overseers could smack or kick the Chinese any time they liked. There were no rules.

Q. Did you notice any other Chinese present while NG LEE was being beaten?

A. There were no Chinese there.

Q. Did you see any Chinese there from the time he was beaten till the time he was dead?

A. At the time they took NG LEE to the wall there were two Chinese there, SO KAN and CHAN KAI. After they brought him back from the wall the Japanese told the two Chinese to go away.

Q. Did you see NG LEE dead?

A. No.

[Signature]

69-35

- 2 -

KONG SAM (A).

Re HQ LEE.

Q. Did you see the basket fall on NG LEE?

A. No.

Q. Are you able to recognise everyone of the eight Japanese?

A. Yes, even if they were burned to ashes. They were not human.

Q. Were you ever ill treated yourself?

A. I was beaten more times than I can remember.

Q. Did they show the same brutality to all the Chinese?

A. Yes. None escaped.

Q. Who was the most brutal?

A. SANO was No. 1.
TAKIYAMA - known as "Little Moustache".
STIRA - known as "Buck Teeth".

After the farm changed hands from SEKAIDAI to HONBUN

the worst overseers were -

SHIMATA

CHAKI - also at the time of the SEKAIDAI.

SUSUKI.

At this time STAMURA was the officer in charge, while SATO returned to the SEKAIDAI.

Note:

MA HAI YAI interpreter.

"There were 11 overseers on the farm. They changed but SANO was there all the time."

鄭生

[Signature]

0400

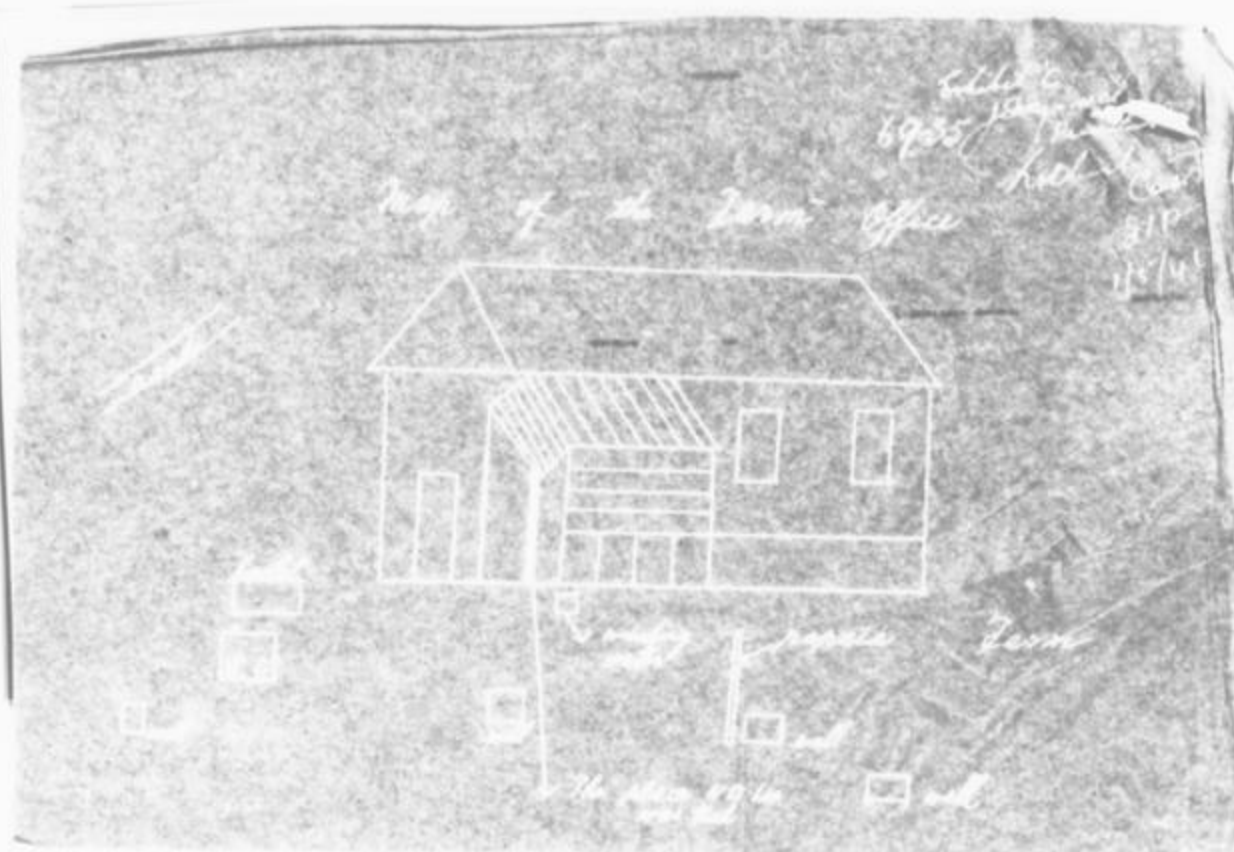
64-36
White 3
High - 100
Mushrooms
Cats
JH
1/4/6

Form I

LAKE BUENA

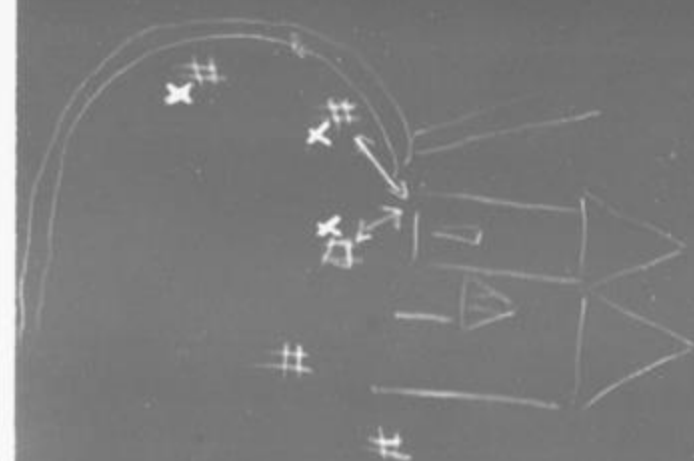
Form

0468



0488

Exhibit 71
Page 100
March 1



0463

25 Nov 62

Re: NG LEE, Beaten to Death.

Witness: CHAN KAI, Chinese coolie, Phosphate Commission employee.

Q. What was your job under the Japanese ?
A. I was a gardener.

Q. In what locality ?
A. In BUADA.

Q. Were you a gardener there all the time ?
A. All the time.

Q. Under what Japanese unit did you work ?
A. Under SEKAI DAI.

Q. Who was the commander of that unit ?
A. SEKAI DAI CHU.

Q. Do you know the names of any officers in the unit ?
A. SATO was in charge of the farm section of SEKAI DAI. There were 11 Japanese overseers under SATO on the farm.

Q. Do you know the members of that unit well ?
A. Yes, I can recognise all of them.

Q. How many Chinese were working on the farm ?
A. About 75, all growing pumpkins.

Q. Do you know NG LEE ?
A. Yes.

Q. What was his work ?
A. We were working together at the same work.

Q. Briefly, what happened to NG LEE ?
A. He was beaten to death.

Q. Do you remember the date ?
A. No.

Q. Can you give me the full circumstances leading to his death ?

A. It was about 5pm Japanese time (about 7pm). It was not dark but the sun had set. I saw one Japanese overseer go into NG LEE's house. He was HATAKIYAMA, heiso in rank. I heard HATAKIYAMA accuse NG LEE of stealing a pumpkin.

(MA HAI YAI - interpreter - After the Japanese came they developed a language mixing Chinese, Japanese, English, and Mauruan).

I saw HATAKIYAMA searching NG LEE's belongings but he could not find any pumpkin.

[Handwritten signature]

26 Nov 45. 69-38

CHAN KAI (2):

I heard HATAKIYAMA tell NG LEE to go to the office with him. NG LEE ran away and I saw HATAKIYAMA chase him and catch him. He took NG LEE to the SATO's office.

Both his hands were tied behind his back and the Japanese beat him with carry poles. I saw NG LEE heavily beaten then saw him collapse to the ground, as my house was not far from the office. A Japanese named SANO Heise came over to my house and called me over to the office and told me to get a bucket of water to throw over NG LEE to revive him. I got a bucket of water and poured it over NG LEE but it failed to revive him.

Q. Were you alone called over ?

A. No, there was another Chinese named SO KAM.

We were told to take NG LEE over to the well and push him in. We did as ordered. After NG LEE had been in the well about ten minutes he started moving in the water. We pulled him out and brought him back to the office.

Then the Japanese tied him up to a phosphate basket and started beating him again.

Q. Do you remember who beat him the second time ?

HATAKIYAMA and TORIWUMI tied him up and both beat him with the carry pole. I saw the phosphate basket fall on top of NG LEE and he was unconscious again. SO KAM and I were told to stand the basket up again. NG LEE was still tied to it. The Japanese then told us to go back to our houses.

About half an hour later we were called to the office again and I found NG LEE dead, lying on the ground. As he was dead we went over to his house for a stretcher. We put him on the stretcher and brought him back to his house. That is all.

Q. On what part of the body was NG LEE beaten ?

A. On the back.

Q. Was there any blood ?

A. No.

Q. What age was NG LEE ?

A. About 32 years.

Q. Was he a weak or a strong man ?

A. He was a strong man but we were weak from insufficient food.

Q. The first time he was beaten how was he tied ?

A. He was not tied to the phosphate basket the first time.

Q. Did he fall while being beaten. Was he beaten on the ground

A. I couldn't see whether they beat him while on the ground.

Q. Do you know how many strokes NG LEE received ?

A. The first time over 30 strokes, the second time I couldn't remember.

Q. Were you close by when the Japanese beat NG LEE the second time ?

A. About 10 yards - very close.

[Handwritten signature]



26 Nov 43.69-21

CHAN KAI (3):

- Q. About how many strokes did NG LEE receive the second time ?
A. Less than 50, about 30/40.
- Q. Do you remember the actual men who beat him ?
A. Two men, HATAKIYAMA and TORIWUMI.
- Q. Were there any other soldiers about ?
A. There were some soldiers about.
- Q. Do you know any of them ?
A. There were about 4 or 5 of them watching the beating.
- Q. Can you recognise them ?
A. Yes, I can recognise them all but I don't know their names.
- Q. Were there any officers there ?
A. No.
- Q. Did you see SATO there ?
A. No, he wasn't there.
After NG LEE was beaten to death the Japanese reported the matter to SATO, but SATO was away at the time.
- Q. How do you know that ?
A. After the death of NG LEE the Japanese tried to get SATO on the telephone at the SHKATIBAI, but could not get him. Five minutes later SATO came by in a car and a soldier stopped the car and told SATO.
- Q. What did SATO do ?
A. He went over to look at NG LEE's body. Then he left.
- Q. Did any others come to look ?
A. Yes, there were two other officers in the car and they came and looked. They were 2nd Lt WATANABE and Lt HAKAYAMA (1/s of unit at the boat basin area).
- Q. What happened to NG LEE's body ?
A. The body was in the house for the night, next day NG LEE was buried.
- Q. Would you be able to recognise HATAKIYAMA and TORIWUMI now ?
A. Yes.
- Q. Would you be able to recognise HAKAYAMA and WATANABE ?
A. Yes.
- Q. While you were at HSEDA was there any other instance of bad treatment by the Japanese ?
A. We were badly ill-treated by the Japanese overseers.
- Q. Prior to the beating of NG LEE what was your impression of HATAKIYAMA and TORIWUMI ?
A. Of the 75 working on the farm nearly everyone had been smacked or beaten by TORIWUMI, sometimes for no reason at all.
- Q. What about HATAKIYAMA ?
A. Sometimes when we had been told to transplant pumpkin plants HATAKIYAMA would hit the gardeners if some of the plants did not grow as well as others.



SHAN KAI (A):

26 Nov 65

- Q. With what did the Japanese beat the Chinese ?
A. All the overseers had sticks. Sometimes they used the stick, at other times they used their fist.
- Q. Do you know whether MU LEE stole the pumpkin ?
A. I don't know.
- Q. Had you seen other Chinese punished for stealing pumpkins ?
A. Many times.
- Q. What punishment did they receive ?
A. Some were tied up for one or two days, others were beaten with carry poles. Those whom the overseers considered good workers were only slapped across the face.
- Q. Were you ever tied up ?
A. No, I was slapped a number of times ?
- Q. What size is the carry pole used ?
A. About 5 feet in length, two inches in diameter, and oval in shape.

陳佳

[Signature]

0400

CHINESE

Lt. Gen. Kojima Kintaro interrogated with assistance of
MAI HAI, MAI Interpreter and identified by MAI HAI in charge
SUNAI DAI.

Q. Are you Lt. Gen. Kojima?

A. Yes.

Q. Were you in charge SUNAI DAI.

A. Yes, we were near Banda Lagoon.

Q. Were you in command of SUNAI DAI in Dec 44?

A. Yes.

Q. Do you remember Chinese Mr. Lee?

A. Yes.

Q. Do you remember Chinese being beaten to death for
stealing pump iron?

A. Yes.

Q. Did you order beating to death?

A. No.

Q. Was it one of your subjects?

A. No.

Q. Who was it that ordered beating?

A. I do not know but I know he was beaten to death.

Q. Was Lt. Sato officer who gave order to beat Mr. Lee?

A. I do not know, but Lt. Sato was the commander of force in
which Mr. Lee was employed and members of his unit who beat
Mr. Lee. I did not know anything about this death until
informed so by Lt. Sato.

Lt. Sato brought in

Q. Is your name Sato HIRASHIRO?

A. No, HAYOCO.

Q. Were you in charge of force on Banda Lagoon in Dec 44?

A. Yes, from Jan 44 to Mar 45.

Q. Do you remember Chinese soldier named Mr. Lee?

A. Yes.

Q. What happened to him?

A. He was beaten and as a result of it he died.

Q. Why was he beaten?

A. He stole food in force.



Q. Food or pumpkins?
A. Pumpkins, I do not know how many.
Q. Who ordered beating?
A. As food was running short at the time orders were received from HQ that anybody who was caught for stealing would be severely punished.
Q. Who ordered this beating?
A. I do not know.
Q. Did you order it?
A. As I wasn't there at the time I do not know.
Q. Did you see NG LUNG body?
A. Yes.
Q. Tell me the circumstances.
A. SAO KHEIHI told me.
Q. Did SAO ring you and tell you about it?
A. Yes.
Q. Did you go along in car and inspect body?
A. Yes.
Q. Who went down in the car with you?
A. I do not remember.
Q. Was it Sakayee and Atanshe?
A. Yes.
Q. Do you remember going over to see NG LUNG body?
A. Yes.
Q. Who were the men that beat NG LUNG?
A. SAO did not tell me.
Q. Notify by you or me if following were members of camp:

SAO KHEIHI	-	Yes
POHIAHI	-	Yes
SAO KHEIHI	-	Yes
SAO KHEIHI	-	Yes
SAO KHEIHI	-	Yes
SAO KHEIHI	-	Yes I think but he was not in my unit at that time.
SAO KHEIHI	-	Yes
SAO KHEIHI	-	No, but I know him.

Q. Not down to list
A. SAKOCHI

- Q. Was it any of those above who beat NG LEE?
- A. I do not know what means that.
- Q. For water let me ask you TOHIMU is brought in.
- Q. Were you & IG of force which it was HAYATO was commanding?
- A. Yes.
- Q. Do you remember NG LEE?
- A. Yes.
- Q. What happened to him?
- A. NG LEE was caught for stealing supplies and he was tied up and beaten. As food was short there was an order that anybody caught would be severely punished.
- Q. Beaten to death?
- A. Yes - tied up and beaten and he died as a result of beating.
- Q. Who issued order in your unit to beat NG LEE?
- A. -
- Q. Who beat him?
- A. Those present now:
- SABARU MATSUDA
SABU TAKEM
CHINA TATSUMI
ITO HIGUCHI
HATAKEYAMA YABATANI
- Q. above mentioned
- Q. Which one of you men did not beat NG LEE?
- A. All of them.
- Q. Which man ordered NG LEE to be thrown into a well?
- A. HATAKEYAMA said TOHIMU ordered NG LEE to be thrown into the well.
- Q. Where is he?
- A. POIC area.
- Q. Who was it poured boiling water over NG LEE's legs?
- A. No answer.
- Q. FROM GANG brought in
- Q. Who poured boiling water over NG LEE's legs?
- A. HATAKEYAMA
- HATAKEYAMA is asked question and admits pouring water over NG LEE.

69-44

TO KONG SANG

- Q. Who ordered you to beat NG LEE as stated in your evidence?
- A. CHIA.
- CHIA questioned:
- Q. Is that correct?
- A. No I didn't but I do remember KONG SANG beating NG LEE.
- Q. Where is TUIBANG?
- A. No 10 area.
- Q. Where is WAMING?
- A. No 10 area.
- Q. Do you remember TUIBANG and WAMING present at the beating?
- A. We did not see them.
- KONG SANG questioned:
- Q. Who is the most cruel of these men?
- A. SANG.
- Q. Can you give us any specific instances why?
- A. He was working for me for 24 years and even if they didn't do anything wrong they would be beaten. All were beaten.

It is worthy to note that this interrogation was read through to C.O. SAPO Hocken at "Holland on 30 March" and he agreed & admitted that the questions asked of him and the answers given by him are a correct interpretation except that he says he did NOT say "I beat" as a result of the beating.

He does NOT recall details of the interrogation of others, except the admission that all men mentioned beat NG LEE & that KONG SANG said CHIA had ordered KONG SANG to beat NG LEE.

*RM Ewing Capt.
Rene, 2015 5000.*



a higher 6945
 started 9-
 Joe [unclear]
 [unclear] [unclear]
 at [unclear] [unclear]

and others

1. On the 4th day of November 1945, I was questioned at HMAS MANNING by an Australian Army Officer when I was taken to be by A. G. GIBSON of RAAF Australian Imperial Force (A.I.F.).
2. Later a typed copy of the questions and answers was sent over to me and I signed it.
3. The typed questions and answers are a true record of the questions I was asked and the answers I gave, and these answers are the truth.

Sk

La Ham X mart.
His
business Paacharr

May 27



26 Nov 45. 694

Re: NG LEE, Beaten to Death.

Witness:

SO KAM, C.C. 1280, Chinese coolie, employee of
British Phosphate Commission, NAURU.

Q. What was your job when the Japanese were here?

A. I was one of the gardeners for the Japanese at BUADA.

Q. What did you do there?

A. Planted pumpkins.

Q. How long did you work there?

A. About 1½ years, up to the time the Australian forces arrived.

Q. Were there many Chinese working down at BUADA?

A. About 90.

Q. Do you know the Chinese, NG LEE?

A. Yes.

Q. What happened to him?

A. He was beaten to death.

Q. Can you tell how you know that?

A. I saw him beaten.

Q. Can you tell the full circumstances of the incident?

A. NG LEE was suspected of stealing a pumpkin on the farm and his overseer, HATAKIYAMA, went into NG LEE's house and I heard him ask NG LEE if he had stolen the pumpkin. NG LEE replied that he had not stolen it. Then I heard some banging in NG LEE's house and I saw the two come out of the house. I saw NG LEE run away from HATAKIYAMA, who chased after him and caught him. HATAKIYAMA dragged NG LEE back to the office and I saw NG LEE being tied up with his hands in front of him, with a rope around his wrist. HATAKIYAMA started beating him and then I saw NG LEE fall to the ground. One Japanese came to my house and told me to go over to the office. He was SANO Heiso (serjeant).

He told me to get a bucket of water and pour over NG LEE's body. After I poured the whole bucket over him NG LEE was still unconscious. The Japanese told me and Chiang Mai to take NG LEE and put him in the well.

After NG LEE recovered in the well we brought him back to the office and TORIWUMI tied him to the phosphate basket. Then TORIWUMI started beating him with a carry pole, and after he was severely beaten NG LEE fell to the ground and the basket fell on top of him. We were told to put the basket up and the Japanese started beating NG LEE again, but told us to go away.

About half an hour later I was told again to come to the office, along with CHAN KAI. I saw NG LEE lying dead on the ground near the phosphate basket. We brought a stretcher and carried him back to the house.

Q. Did anyone else beat NG LEE the second time, besides TORIWUMI?

A. TORIWUMI
HATAKIYAMA
SANO
and one or two others, I didn't know their names.

Q. The first or the second time?

A. The second time.

[Signature]

SO KAM (2):

69-47

- Q. Would you be able to recognize all these men ?
A. Yes.
- Q. How many beat NG LEE the first time ?
A. Four of them - HATAKIYAMA, TORIWUMI, and TSIRA Heiso, who was secretary to SATO in the office, and another.
- Q. Do you know TSIRA ?
A. Yes.
- Q. How many strokes did NG LEE receive the first time and the second time ?
A. About 50 the second time, many more the first time. I can't remember the number.
- Q. Did you actually see the beating ?
A. Yes.
- Q. On what part of the body ?
A. The back.
- Q. How old was LEE ?
A. About 35.
- Q. When you picked him up dead was he still tied to the basket ?
A. He was untied, lying on the ground.
- Q. Are you quite sure that he was dead then ?
A. I am quite sure.
- Q. Did you see any officers present ?
A. After NG LEE died TSIRA rang up the SEKAIKAI and tried to get in touch with SATO. SATO came down in a car, with another officer. I don't know his name but I could recognize him.
- Q. Do you know an officer WATANABE ?
A. No.
- Q. Do you know HAKAYAMA ?
A. No.
- Q. Do you know the name of the unit you were working for ?
A. SEKAIKAI MOJO (farm), which was divided into groups. I was working in the western group.
- Q. Do you know who was in charge ?
A. Lt SATO.
- Q. Would you be able to recognize him now ?
A. Yes.

MA HAI PAI : No. 1 Farm was formed of part of the HUARA LAGOON filled in. Half the lagoon, a length of about 500 yards, was filled, with the aid of locomotives, and a gang of 100 Silbertons. This took two months.

[Signature]

0488

in my file 67-48
Exhibit H
JST
noted
4/10/50

STATUTORY DECLARATION

I, Chung Jung Lee of TAIPEI TAIWAN, CHINA
Chinese born

Do hereby solemnly and sincerely declare:-

27. 1. { On the Twentieth day of
December 1948, I was
questioned at TAIPEI TAIWAN by an Australian Army
Officer whom I now know to be Lt. A. SPYVART of
31/81 Australian Infantry Battalion (A.I.B.)

2. Later a typed copy of the questions and answers
was read over to me and I signed it.

27. 3. { The typed questions and answers are a true record
of the questions I was asked and the answers I gave,
and those answers are the truth.

AND I make this solemn declaration conscientiously believing
the same to be true and by virtue of the provisions of the
Statutory Declarations Act 1911

SUBSCRIBED AND DECLARED BY Chung Jung Lee
27. { At the Office of the Administrator of Taiwan this Twentieth
day of December, one thousand
Nine hundred and Forty Five.

Before me

Chung Jung Lee
Capt.
ADMINISTRATOR OF
TAIWAN

Chong Jung Lee

Re NG LEE, Beaten to Death.

Witness: CHENG SUNG MEI, Government Employee, NAURU, now Capt.
Native of SHANGHAI.

- Q. What work did you do while the Japanese were here?
 A. I was digging trenches at first, then suffered from dysentery and when I recovered was put to work at BUADA growing pumpkins.
- Q. What was your job prior to the Japanese occupation?
 A. I was Mr. SHUGO's houseboy.
- Q. Were you growing pumpkins at BUADA until September 1945?
 A. Yes.
- Q. Do you remember the Chinese NG LEE?
 A. Yes.
- Q. Can you tell us what you know of the death of NG LEE?
 A. He was beaten to death.
- Q. Did you see him beaten to death?
 A. I saw him beaten, tied upon a post, then beaten tied up on a phosphate basket.
- Q. Who was beating him?
 A. I saw HATAKIYAMA beat him.
- Q. What else did you see?
 A. I saw the basket fall on him and he was jerking out his legs. He was unable to speak.
- Q. How far away were you at the time?
 A. About five yards.
- Q. Were you there all the time he was beaten?
 A. No.
- Q. What did you see when you arrived?
 A. When I first approached he was being beaten in turn by HATAKIYAMA, SANO, TORIWUMI, TSIBA, all Heisei. Then I left the place and the second time when I came back NG LEE's clothing was wet. NG LEE was tied up on the basket, the basket was on top of him and he was writhing. There were no Japanese or anyone else there.
- Later I heard that some Chinese were told to clean up and carry the body away.
- Q. Were there any other Chinese there?
 A. Only one in the cookhouse. I saw all this when I was going over to see the Chinese cook of the unit at BUADA.
- Q. Do you know CHAN KAI?
 A. Yes.
- Q. Did you see him there?
 A. No.
- Q. Do you remember how long it was between the time you saw him beaten the first time until you came back the second time?
 A. About two hours.
- Q. Was NG LEE badly hurt?
 A. Yes, he was badly beaten. After the first had beaten him 5 or 6 strokes, a second would carry on for 5 or 6 strokes and so on. The total the first time was 40 strokes.

69-5

CHONG BUNG NHI (2):

- Q. With what was he beaten ?
A. A carry pole.
- Q. Do you know why he was beaten ?
A. He was accused of stealing a pumpkin.
- Q. Did you see him after you saw him under the basket ?
A. No.
- Q. What was the unit there ?
A. SEKAI DAI.
- Q. Do you know who was in charge ?
A. SATO was officer in charge of the farm of the SEKAI DAI.
- Q. Are you able to recognize all these men you have mentioned ?
A. Yes.
- Q. Do you know a Chinese named WU KAM ?
A. Yes.
- Q. What happened to him ?
A. I heard someone say he was caught stealing a pumpkin.
- Q. Did your informant say who was responsible ?
A. I heard STAMURA was the one who ordered the execution.
SANO was the worst among the Japanese on the farm.
- Q. Why ?
A. SANO knew that I was houseboy for the Europeans and would come to my house asking for articles which belonged to Mr. SHUGO. I refused despite his threats. As a result I was at times beaten for no reason at all, sometimes because the pumpkins were not growing well.
Of all the Chinese working on the farm nearly everyone was beaten by SANO. He worked on the farm for 2 1/2 years and knew everything that went on.
- Q. Did SANO kill a man ?
A. No, the approval of an officer was necessary before a man could be killed.
- Q. Was SANO here when the Australians came ?
A. Yes.

Wu KAM

Statement made by P.O. Sato Hiroshi

- 1) The condition of provisions in Haul Laland.
- 2) The commanders in instruction of that those who stole provisions should be shot to death.
- 3) Thesen concerned were punished to imprisonment.
- 4) I eye-witnessed the scene of artificial respiration with 2nd Lt. Sato.

佐藤 平衛
.....
Sato, Hiroshi

I hereby certify that the above translation is true and correct.

Kita Shinichi
.....

- 5) The scene when he fell down in to the well.
When I had eating early as to be get to the HQ., of paycorps in time to performed my business, finding a Chinese coolie Ng Lee in the act of stealing pumpkins from the garden and he was caught, brought to the farm office, slapped 2 or 3 times by MATSUYAMA after bind to the pillar.
While we had eating, I found him running away, breaking himself off and immediately all the others run after him stopped to eating.
I started out and saw he fell in to the well from the road which was about 3 meters high, when stumbled over the rope which he had dragged after him or something else.
That well was about 70 Cm. in depth.



After all, I beat Lee only for punishment, without the will to kill him. If it had caused his death, it is regrettable so much.

It was a general theory of the fact that they were not
the same kind of person; but by some persons they
were not, but on the contrary, he Chinese.

Despite the most-strict order to be strict from
us when he lived in the house. Every time we worked and
improved him. His every day conduct was wrong; he stole
even his Chinese comrades' pumpkins, when I myself needed
them for the islanders' fish. He exchanged even stolen pump-
kins for the islanders' fish. He pretended to be sick and
stole pumpkins several times while his comrades were working
outside of under cover of darkness. Furthermore he did
wrong often. He was at last caught in the act of stealing
pumpkins. We found more than forty pumpkins in his house.
Moreover, it was obvious that all persons in the island must
have faced starvation if neglected him further. In the
belief that we could not have performed our duty, I punished
him. I believe it the best self-defense from the legal point
of view. We of course had lived with him in this isolated
island under severe air-raids over one year. Though he
committed crimes, I hated the crimes themselves, but not the
man. This sympathy through the collective life could not
possibly bear up to put him to death. Besides, under the
situation of shortage of producing capacity I had no intention
to strike him to death. In order to ask him to reflect his
conduct and make his conscience toward the increase of
production in the island, the punishment was imposed on him.
Judging from the experience, we believe that the punishment
imposed on him was not to such a degree as to cause him to
die. In condition of malnutrition or decline of physical
strength in the island it is beyond my power to guess the
cause of his death whether due to be struck by us, or to
bump his head in falling into well or simultaneous heart-
failure from beri-beri, or heart-failure, or any other causes.
In consequence of the head paymaster's examination it was decided
that his death had been caused by shock when he fell into the
well. In charge of his neglected health till too late by us
through carelessness, men concerned were imprisoned for ten
days. The cause of his death viewed in this light could be
proved not due to our striking him.

島田 徳雄

HATAKEYAMA YASUNORI

I hereby certify that the above translation is
true and correct.

Tsukahara Shigen



*Exhibit 2 69-5
Jag - in 4
Hobbs
G 2/1/46*

STATEMENT OF MRD. P. O. TORIUMI TOMEO

I agreed with the witness of paymaster W.O. Hatakeyama on the case. When Ng. Lee was brought into the farm office, arrested by paymaster W.O. Hatakeyama, I tied him to a pillar struck him once or twice with my hand. While eating in the mess room, Ng. Lee ran away. So I pursued him with Hatakeyama and we nearly overtook him by a well. He fell into it, so we made So Kam and Chan Kai, who came near by, to help us to put him up out of it, and brought him to the farm office, where we tied him to a pillar after striking him with the handle of a hoe four or five times. I did not at any time intend to kill Ng. Lee.

鳥沼 紹雄
TORIUMI TOMEO

I hereby certify that the above translation is true and correct.

Takahara Shigen



W. H. M. ...
John ...

Statement made by Deputized Police Officer ...

I gave Ng Kee two or three slaps when ...
Officer Hatcheford brought him. ...
at table and I ran after and took back him. ...
I beat him two or three times with a ...
hand. I did not intend to kill him.

W. H. M. ...
Deputized Police Officer

I hereby certify that the translation is true and correct.

Thomas ...

0488

He told me that he had been working for the Japanese government for a long time and that he was now in charge of the Japanese government's affairs in the United States. He told me that he was very interested in the Japanese government's affairs and that he was very interested in the Japanese government's affairs in the United States.

I slapped him for punishment. He told me a man who attended to his staff in charge of the staff that he suffered the most severe punishment in his career in this matter, and on the contrary was punished his misunderstanding. Since then he usually showed the arrogant attitude to me and seemed to hear me the things.

I suppose it is the reason which he charged me falsely. During my service there for a half and two years, I gave two or three slaps to the same Chinese who did the wicked things but never slapped them without any reason.

I suppose they charged me with such a matter, by their hatred based on my punishment of them, concealing their wickedness.

I am familiar with all Chinese and understand actually through a half and two years' life, and after the surrender when provisions for action was distributed for us, we gave them all, so many Chinese came to me and gave me the writing, "You gave me the previous presents. I hope your good voyage".

In this case, when Nakagawa brought me Lee, I gave him two or three times slaps and when he was away I ran after him following Nakagawa. And after having taken back him, I beat him again two or three times with a short stick.

Later I heard Tomioka shouting that Mr. Lee became ill and I practiced artificial respiration but in vain. I did not intend that Mr. Lee should die and tried my best by artificial respiration to save him.

佐野 盛男

SANO TAKEMO

I hereby certify that the above translation is true correct.

Isakihara Shigem

0488

Exhibit 0 69-57
Jag. - me. -
Takahara
Statement made by Paymaster Petty Officer ITO Hiroshi.

The facts are same as the statement of paymaster Hatakeyama. At first I gave Ng Lee two or three times slaps, when Hatakeyama brought him, and I, following Hatakeyama, ran after him who ran away when we were at table, and beat him two or three times with a short stick after having captured him. I did not intend to kill Ng Lee.

伊藤博
ITO HIROSHI

I hereby certify that the above translation is true and correct.

Takahara Shigen

0484

Statement made by Paymaster Petty Officer SASAKI Asuma.

When Ng Lee was captured and taken back to the office-room, I gave him two times blows, and then when we were at table, he ran away and I ran after him, following Batakayama. After having pulled him up from the wall, I brought him to the office-room and beat him two times with a short stick. I did not intend to kill Ng Lee.

佐々木 東
SASAKI Asuma

I hereby certify that the above translation is true and correct.

Shinichi Kido

0488

Handwritten notes at top of document.

Statement made by Defendant **John GILBERT**
WILLIAMSON.

When Williamson took back McLean, I gave him two
or three days in the same way to the others. I
did not intend to kill McLean.

SHIMICHI KITA
WILLIAMSON

I hereby certify that the above translation
is true and correct.

Shimichi Kita

HARA, CHUICHI

(27 OCT 1948)

(VOL. VI)

(167174)

0487

Case of
HARA, Chuichi
October 27, 1948

RECORD OF PROCEEDINGS
of a
MILITARY COMMISSION
convened at
United States Pacific Fleet
Commander Naval Forces, Marianas
Guam, Marianas Islands,
by order of
The Commander Naval Forces, Marianas

VOLUME 6

0488

I, SX10334 Douglas John McBAIN, a Major in the Australian Military Forces holding the appointment of Deputy Assistant Adjutant General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters Melbourne hereby certify that the attached forty-one (41) sheets numbered consecutively from "51-1" to "51-41" (both inclusive) are a true copy of the original proceedings of the Military Court which at Rabaul on the 26th day of April 1946 tried Lt-Comd SUZUKI Naomichi and Lt NARA Yoshio

And That I am the officer having, in the course of my duties, the proper custody of such original proceedings.

Dated at MELBOURNE this 24th day of October 1947.

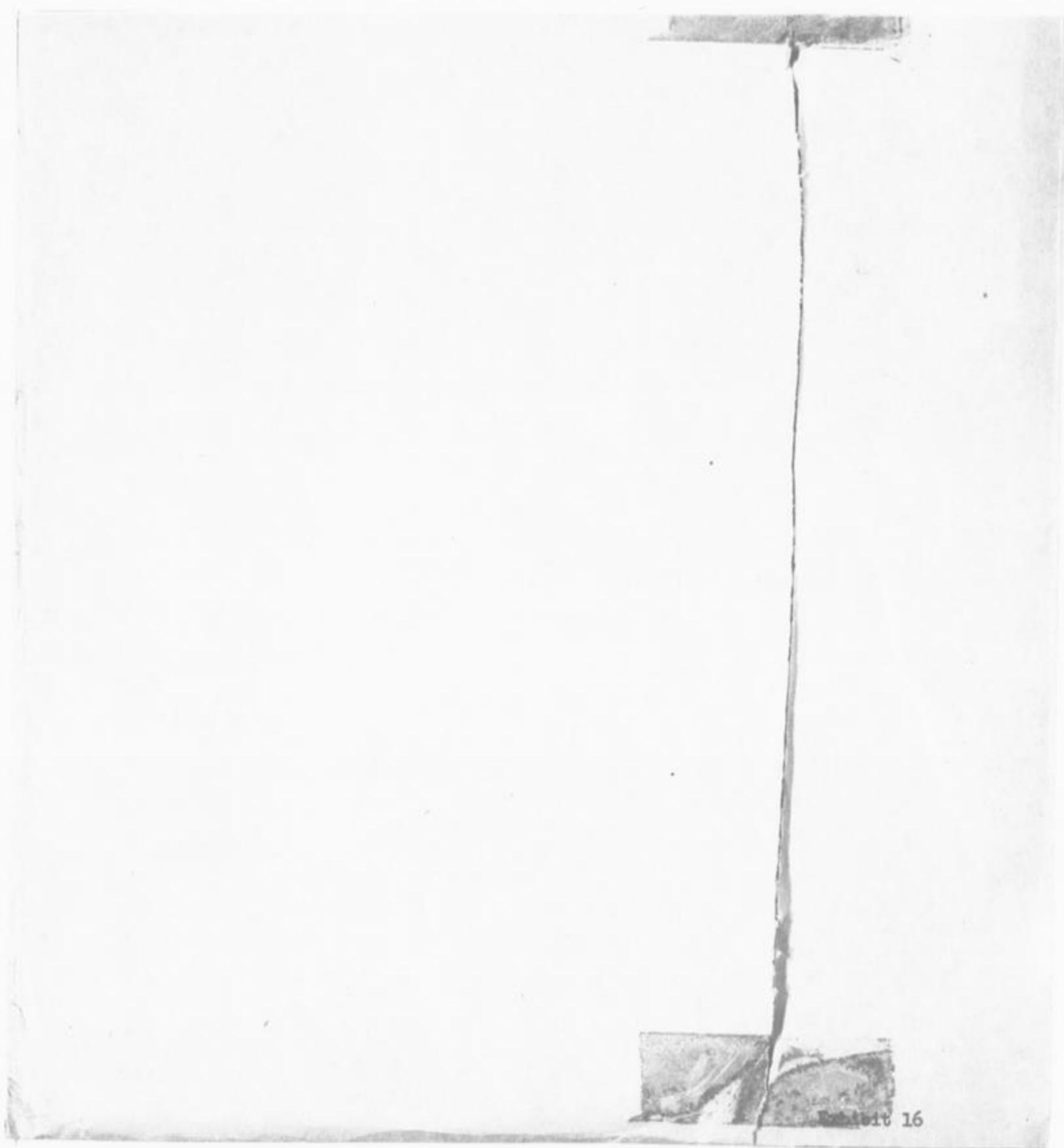
.....*Douglas John McBain*..... Major

D.A.A.G.
D.P.W. & I, AHQ.

WITNESS ...*S. Arnold*... Capt.

An officer of the Australian Military Forces.

0488



0000

51-3

CERTIFICATE OF PROMULGATION

Promulgated in the case of AWC 2048 Lt Comdr SUZUKI this 1st day
of JULY, 1947 ~~XXXX~~

(Sgd) *[Signature]* Maj.
DAAG 8th Military District.
Name, Rank and Unit of Officer
effecting promulgation

When several cases are promulgated on the same day the officer
effecting promulgation need sign only once.

CERTIFICATE OF PROMULGATION

Promulgated in the case of AWC 2058 Lt NARA Yoshio this 16th day
of AUGUST 1946.

(Sgd) *[Signature]* Capt.
...DAAG 8th Military District....
Name, Rank and Unit of Officer
effecting promulgation.

Re-Promulgated in the case of AWC 2058 Lt NARA Yoshio this 8th day
of SEPTEMBER 1947 ~~XXXX~~

DPW-1 ¹⁵/₉ (Sgd) *[Signature]* CAPT.
DAAG 8th Military District....
Name, Rank and Unit of Officer
effecting promulgation

0498

FORM FOR APPOINTMENT AND PROCEEDINGS OF A MILITARY COURT

Fourth Form of April 1946

WHEREAS it appears to me, the undersigned, an Officer authorized to convene a Military Court under the War Crimes Act 1946 that the person named in the annexed Schedule has committed the war crimes in the said Schedule mentioned, I HEREBY CONVEY a Military Court to try the said person and to consist of the Officers hereunder named.

PRESIDENT

Major G. H. SMITH att R. 8 LD

Is appointed PRESIDENT

MEMBERS

Major J. H. SMITH of Royal Artillery, R.A.M.C.
Major F. J. LORAN of 29/40 Inf Bn
Capt A. A. ANDERSON of 29/40 Inf Bn.

Are appointed MEMBERS

JUDGE ADVOCATE

Major I. A. B. SMITH, A.L.S. R. 8 LD

Is appointed JUDGE ADVOCATE

W. H. B. Smith
Maj-Gen
CONVENING OFFICER

SCHEDULE

Number, Rank, Name and Post of Accused	Offence Charged	Plea	Finding, and if convicted, Sentence (b)	How dealt with by confirming Officer (c)
Lt Comd SUZUKI NABOMI and	MURDER in that they on Ocean Island	Not GUILTY	GUILTY DEATH BY HANGING	Indemnity and sentence confirmed
Lt NARA YOSHIO, both of 67 Naval Garrison Unit	on or about 20 August 1946 murdered PALAILIVA, Ueanteiti and other persons unknown.	Not GUILTY	GUILTY DEATH BY HANGING	Indemnity confirmed and sentence commuted to 20 years imprisonment. Sentence confirmed as commuted

W. H. B. Smith
Maj-Gen
CONVENING OFFICER (d)

0492

57-2

WARRANT OF EXECUTION

WHEREAS Lt. Comd. SUZUKI Naomichi on the 26th day of April 1946 was sentenced by military court held at RABOUL to death by hanging. And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Hebert STURDEE, of the Australian Military Forces, hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 23rd day of July
One thousand nine hundred and forty-six.

V. A. Sturdee
Lieutenant-General,
Australian Military Forces.

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, *Francis John Davis* an officer of the AMP certify that I was present at and supervised the execution of the abovenamed Lt. Comd. SUZUKI Naomichi at RABOUL at 0800 hrs on the 2nd day of July 1947.

Dated this 2nd day of July 1947.

F. J. Davis
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *NAZOTERS J. E. C. Esq.* a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this 2nd day of July 1947.

J. E. C.
Signature.
R. M. S. M. S.

0493

57-4

- 2 -

NOTE : The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Naval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialed by him.

B. I CERTIFY that the above Court assembled on the twenty-sixth day of June 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT :

- 1. The Members of the Court
- 2. The Judge Advocate
- 3. The Witnesses
- 4. The Interpreter
- 5. The Shorthand writer

were duly sworn.

SIGNED this twenty-sixth day of June 1946

PRESIDENT OF THE MILITARY COURT

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

CONFIRMING OFFICER

PROMULGATED in the case of

(Date) (a)

1946

Signed :

(a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.

0494

51-3
Sheet No 1

THE WAR CRIMES ACT, 1945.

TRIAL OF:

Lt. Gen. SUMIO MATSUI)
Lt. KARA YOSHIO) both of 67 Naval Garrison Unit

DATE OF COURT

26th April 46.

PROSECUTING OFFICER

Capt. F. ASHLAND of AAGO, Rq 8 MD

DEFENDING OFFICER

Capt J. H. WATSON of AAGO, Rq 8 MD

THE ACCUSED IS BROUGHT BEFORE THE COURT

THE MEMBERS OF THE COURT AND JUDGE ADVOCATE ALL SOLEMNLY SWORN

Civilian Interpreter MATSUI is sworn as interpreter (English - Japanese)
Devil Burdock is sworn as interpreter (English - Gilbertese)

THE CHARGE IS READ TO THE ACCUSED

Both accused plead NOT GUILTY to the charge.

PROSECUTING OFFICER.

I apply for amendment to a certain particular of the charge, namely to
make the date of the offence to read August 1945.

Defending Officer does not oppose this application.

Charge sheet is amended by substituting 1945 for the figure 1946.

Prosecuting officer makes an opening address which he does not desire
to have recorded.

0499

FIRST WITNESS FOR PROSECUTION

KABAMARA being duly sworn is examined by Prosecuting officer through Interpreter David Murdoch.

My name is Kabamara and I am a native of Ometea island in the Gilbert Island Group.
Prosecuting officer shows document to witness.
That is my signature on the document. This document has been read to me in my own language and the contents are true.

Prosecuting officer tenders certified copy of statement of Kabamara which is read, admitted in evidence, marked Exhibit A, signed by the President and annexed to the proceedings.

There were about 150 natives on Ometea island on the day of the killing. They were natives of the Gilbert and Ellis Island Group. On the occasion of the first parade the Japanese on the verandah of the Billiard room were Mara, Oskiso, ~~Winkless~~ and others. I can now see Mara. Winkless indicates accused Mara and identifies him by name. At that parade the natives were told that the war was over and that the Japanese Emperor had surrendered and that they would carry on their work for a while until the Japanese left. After that we went back to our houses. Later on that day we were told to report to the same place on the next day. We reported to the Billiard room next day. The Japanese Mara, Oskiso ~~Winkless~~ and a few others were there. All the natives and Gilbertese were gathered there on this occasion. Mara gave instructions to Oskiso to divide the natives into nine groups. After that Oskiso divided the natives. The natives were gathered in one place and Oskiso called each one out by name and told them where to go. After the natives were all divided one Japanese soldier was put in charge of each party and they were led off. The Japanese soldier in charge of the parties was Mara. After that the parties were led away by Mara. Of Mara, Oskiso and Ishie ~~Kara~~ Mara was the senior. He was in charge of this parade. After we were led away I did not see Mara again. The last bombing raid on Ometea island was long before the execution. It was about 3 or 6 months before the execution. It was not a severe bombing raid. Before the shooting and the killing there was no allied activity against the Japanese.

CROSS EXAMINED BY DEFENDING OFFICER

Q. How long have you known Palailiva.
A. For one year.

Q. Do you know where he came from.
A. Ellis Island.

Q. How long have you known Meanteiti.
A. For one year.

Q. Do you know where he came from originally.
A. From Gilbert Island.

Q. Did you ever volunteer for service with the Japanese.
A. No.

Q. Do you remember a native Kate.
A. Yes.

Q. Do you remember him volunteering for service with the Japanese.
A. Yes he volunteered.

Q. Do you remember when the last Japanese ship came to Ometea Island.
A. I cannot remember.

Q. Do you know how the Japanese used to send any messages out from Ometea Island.
A. I do not know.

- Q. For about a month preceding the execution was it not a fact that there were almost daily visits by allied planes.
A. I cannot remember.
- Q. Did you not frequently see planes flying overhead.
A. I saw planes from Ocean Island 3 or 4 months before.
- Q. Do you not remember a bombing raid about a fortnight earlier.
A. There was no raid two weeks before.
- Q. Do you remember any aeroplane strafing part of the Island with machine guns.
A. Yes.
- Q. Had you received any rumours as to how the war was going prior to the first conference of the natives.
A. No.
- Q. What was the source of the water supply that you used.
A. We were rationed with water from the Japanese.
- Q. Where did the water come from.
A. From the water system. *Cyaleu*
- Q. Was it not kept in a water tank No. A12
A. No.
- Q. Did you know a native named Tabuntera.
A. Yes.
- Q. Did he ever say anything to you about how the war was going.
A. No he did not say anything.
- Q. Did you know that the natives had any hand grenades or weapons hid in a secret place.
A. The natives that volunteered had rifles, but no ammunition and no grenades.
- Q. Do you know the accused Suzuki.
A. Yes.
- Q. Do you remember well the first parade on which ~~the~~ Nara addressed the ~~troops~~ through the interpreter.
A. Yes.
- Q. Are you sure that he used these words "The war was over and the Emperor had surrendered."
A. Yes.
- Q. Are you sure that he said the war was over and not that the situation was growing disadvantageous to the Japanese forces.
A. Yes.
- Q. Are you sure he did not use the words "You should cooperate with the Japanese forces to the last although the situation grows disadvantageous to our side."
A. He did not say that.
- Q. Did Osekiso translate the words as they were spoken by Nara.
A. He translated the words from Nara.
- Q. Do you remember well the following day when Nara divided them into nine parties.
A. Yes.
- Q. Did Nara say anything that day.
A. Nara gave instructions to Osekiso to divide the natives into nine groups.
- Q. Did you ever see Nara again after you marched away from that parade.
A. No I did not see Nara again.

RE-EXAMINED BY PROSECUTING OFFICER

51-8 Sheet No. 4

- Q. You said there had been machine gun fire from aeroplanes. When was that.
A. That was on the last air raid 5 or 6 months before the execution.

NO QUESTIONS BY COURT.

Evidence is read over to witness who does not desire to correct same.

Prosecuting officer tenders statutory Declaration of Frank Burford Treatt with photograph and interrogation of accused Suzuki Masumi attached which is read, admitted in evidence, marked Exhibit B, signed by the President and annexed to the proceedings.

Prosecuting officer tenders original interrogation of accused Suzuki which is read, admitted in evidence, marked Exhibit C, signed by the President and annexed to the proceedings.

Prosecuting officer tenders original interrogation of accused Wara which is read, admitted in evidence, marked Exhibit D, signed by the President and annexed to the proceedings.

CLOSE OF CASE FOR PROSECUTION

0498

Lt. Comd. Suzuki being duly sworn is examined by Defending officer through interpreter Hatori.

鈴木道臣

鈴木道臣

That is my signature on the statement. The contents have been read

Defending officer tenders document which is read, admitted in evidence

That sketch has been prepared from a map by my
 father-in-law and to the best of my knowl-

Defending officer tenders sketch map which is admitted in evidence

The natives serving with the Japanese forces were volunteers. The

~~communication from it had with superior authority; was still in process~~

Until the annihilation of the Marshalls I used to contact Truk. About June 40 I was receiving not transmitting from Truk. There was only a small quantity of fuel to drive generators and there was no sulphuric acid on hand. The transmitter was very old and it was almost unusable and there was only one spare vacuum tube and there was no important code book, and so I did not do any transmitting. I was listening regularly but the reception was very poor. I remember a broadcast being made by the O in O at Truk. In that broadcast on about Aug 15th he spoke the following words "That the Japanese government has opened negotiations for capitulation, and that we all should obey the emperor's orders and fight to the finish". The situation on Ocean Island about this time, on the outside of the Island we were expecting an allied attack and inside the Island itself there were activities by natives. The water on the island was life itself and was highly important and therefore I controlled the water myself and so the loss of tank A12 was most important. There was one air raid, a bombing raid, early in August and before the end of July a FBY used to come each day for reconnaissance work. After the end of July the FBY was changed to a B25. These bombers were either one or two and a F4M usually came along with them. Then after entering the month of August B24s also came. Despite the AA the plane came back and forwards several times and therefore I assumed that they were taking photographs. The B25 came around to the point called Oma and despite our heavy AA fire the plane was very stubborn and I assumed that they were looking for a landing location and there was also strafing. Towards the north of the island one day a F4M dropped a smoke bomb. There were 3 bombs and yellow in colour. On the day that I determined on the execution I believed the situation to be very pressing. The strength of the garrison then amounted to 20 officers and about 470 in all including officers.

As to the other islands at that time I do not know the situation. There was a terrific battle ~~at that time~~ about this time. There was a wireless from the highest commander in regard to the execution of natives that is from the highest commander of Taurua Island, Rear Admiral Shibasaki. That was I think towards the end of November 43. I remember being interrogated at Faro Island. "Were they executed because they witnessed too many crimes including the ~~murder~~ murder of the Europeans", as appearing the interrogation is wrongly recorded. The question that was asked at the time "Was not the purpose of killing the natives that the native witnesses saw the killing of the Europeans". My answer was "I did not know about the European killing." The following question that was asked was "Did you kill the natives because they knew the Japanese defence positions". That was one of the reasons but that was not the main reason. I heard that the war was over on 24th. It became known to me from the wireless message despatched by Vice Admiral Kera of Truk Island. I have studied International Law and I believe that the killing did not fall within that category. Those who commit war treason would be inhabitants of the place. It occurred to me that their attitude had changed considerably. During my two years stay on Ocean Island I assisted the natives as much as I could and if they were not assisted they would have starved. I did not receive any supplies since Nov 43 and I did not know what was actually going in other spheres of operation and it was such that I was continuing a very difficult operation. When I discovered that the natives committed war treason I became very discouraged. I regret to say that the native Kabanara has been giving false evidence.

At this stage court adjourns to 1330 hrs.

At 1330 hrs court reassemble pursuant to adjournment, present the Judge Advocate and some members.

CROSS EXAMINED BY PROSECUTING OFFICER

- Q. What is the breadth of Ocean Island from East to West.
A. 3 miles.
- Q. And what is the length from Nth to Sth.
A. From 2 1/2 to 3 miles.
- Q. Looking at the map point out the scene of the execution.
A. I don't know the exact positions but I can give the approximate positions. The ones I know is: one on Cape Sidani, the Sth end, Capt Miriere, 3rd on centre of big bay at south of Island. One of which I am doubtful on NW corner of Island.
- Q. Where were you when the shootings took place.
A. I was at HQ.
- Q. Where you in telephonic communication with the shooting parties.
A. I only had telephone connections with my platoons. At the other places there were no telephones.
- Q. Who were in command of the platoons.
A. ~~Kanaka~~ There are places where the company commander and the platoon commander were at the same place.
- Q. In your unit at Ocean Island were there 4 Companies.
A. There were 5 companies.
- Q. Were those companies subdivided into platoons.
A. Yes.
- Q. And were the platoons divided into sections.
A. Yes.
- Q. ~~Did you~~ Did you ring the platoons from the HQ and tell them to hurry up with the shooting.
A. I ordered to have operations commenced.

- Q. Did you control the whole of the shooting from your HQ by telephone.
A. Yes.
- Q. You said in May 45 you arrested a native named Rada who confessed to stealing of grenades.
A. Yes.
- Q. What action did you take against that native.
A. If he were punished then the other conspirators would not come known and therefore it was just left as it was.
- Q. Did you take any action against any of his conspirators.
A. I did investigate.
- Q. Did you take any disciplinary action.
A. A military court was held but it was decided not to punish them.
- Q. What disciplinary action did you take against the 3 natives who sneered and waved their lap-laps to a allied aeroplane.
A. That incident was under the control of a Deck officer and the punishment meted out at the time was one days hard labour.
- Q. You also say in your statement you summoned a native Kart. Did you take any disciplinary action against Kart.
A. Firstly when that incident occurred it was up to me decide one of three things: to confine him, or to punish him or to let him be free, and of the 3 I decided to let him go free.
- Q. Where was your superior HQ.
A. It was at Truk.
- Q. Were your superior HQ not at Nauru.
A. Up until the fall of the Marshall Islands it was under the supervision of Nauru Island but after the fall it came under the 4th Fleet.
- Q. Was the 67 Naval Garrison Unit on Nauru also.
A. Yes, that is so.
- Q. And was the HQ of the 67 Naval Garrison Unit on Nauru.
A. ~~Initially~~ For normal business it was supervised by Nauru HQ.
- Q. Then Nauru was the HQ directly over you.
A. Yes.
- Q. What communication did you have with Nauru.
A. The communications were Truk were relayed through Nauru.
- Q. Were you in frequent touch with Nauru.
A. When communications with Truk were bad I would contact Nauru.
- Q. Could you get in contact with Nauru without any trouble.
A. The air ~~was~~ were very bad and therefore the reception was very poor.
- Q. How often were you in touch with Nauru either by wireless or signal.
A. It was only received.
- Q. How often was that.
A. As conditions got worse towards the end of the war communications were once in two days.
- Q. You had no trouble in receiving the message on August 16th that the Japanese Government had opened negotiations for capitulation.
A. On 16th we got the story in pieces as the reception was poor but on 17th we got the full story.
- Q. What was the message received on 17th.
A. That the Japanese ~~Government~~ had opened negotiations for surrender.
- Q. And when did you again receive a wireless message from Nauru.
A. On Nauru or Truk I think the message was received and the contents of the message were that any ~~hostile~~ combat should cease.

51-12

Sheet No 8

Q. When you received the message on 18th Aug that your Government had opened negotiations for surrender did you take any action.
A. In addition to that message it was stated that we should all fight to the very end and therefore I started to make plans for operations as well as for training.

Q. When did you decide to kill all the natives.
A. I made the decision on the morning of the 19th Aug.

Q. Did you make that decision after consultation with your other officers.
A. It was as a result of a company commander conference.

Q. Who was present at the conference.
A. There were 4 Coy commanders, Lt. Sakuma, Lt. Yamaguchi, Lt. Misaka and Lt. Sakuma. That was all.

Q. Did you ever discuss the matter with Lt. Hara.
A. No I did not.

Q. When did you give Hara his instructions.
A. It was after dinner on 19th, that is after the evening meal.

Q. What did you tell Hara.
A. I ~~explained~~ told Lt. Hara that the orders should be carried out to deceive the natives, and then I gave him a slip of paper giving the numbers of natives to be divided into groups.

Q. Did you tell him what was going to be done.
A. I did not tell him details.

Q. What did you tell him.
A. I do not remember those details.

RE-EXAMINED BY DEFENDING OFFICER

Q. What is the relationship between the 4th of 67 Naval Garrison Unit at Haura and the Superior B. at Truk.
A. ~~Existed~~ In Aug 45 the Ocean and neighbouring islands were entirely independent and that was ordered by the U.S. in Feb 44.

QUESTION BY COUNSEL

Q. When were you first enlisted.

A. In ~~Jan~~ 1939.
June

Q. Your unit was in charge of the natives on Ocean Island. Were you afraid the natives would attack the Japanese.
A. ~~Were~~ were afraid of the natives.

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct same.
I swear that I have told the truth without adding anything.

鈴木直臣

0502

57-13 Lt. HARA KARA Toshio being duly sworn is examined by defending officer through interpreter MATSURI.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever, and also I will not say anything besides the truth.

奈良 賀男

I am interpreter Lt. HARA KARA Toshio of 67 Naval Garrison Unit.

Defending officer shows statement to witness.

That is my signature and the contents have been read over to me by the interpreter and it is true and correct.

Defending officer tenders statement which is read, admitted in evidence marked Exhibit H, signed by the President and annexed to the proceedings.

34 The situation ~~xxxxxxxx~~ up to 18th Aug was as has been described by Suzuki. I spoke to them on the 18th as I was ordered by Lt. Comd. Suzuki to address them to appease the natives because so many natives had been occurring. The words "He told us that the war is over but that we must still work for awhile, and then the Japanese would be going away and leaving us here. When we were told to go back to our houses" are not correct. I received the order the night before the execution from Lt. Comd. Suzuki as to the time of the execution as the words were "The execution will be carried out tomorrow".

CROSS EXAMINED BY PROSECUTING OFFICER

- Q. When you divided up the natives you knew the purpose for which they were being divided up.
- A. At that time I thought the reason for dividing them up was to break the existing form of organization.
- Q. Why did you say when being interrogated "I knew they were being divided up to be taken out by various company commanders and shot".
- A. I did say that at the time but I also understood that it was to break up the organization of the natives.
- 86 Q. Did you know that Suzuki's order was unlawful.
- A. Since Lt. Commander after making the decision for himself it I thought it was lawful.
- Q. If you thought it was lawful why did you oppose the order.
- A. I petitioned to Lt. Comd. Suzuki because they were natives who had worked with us for a long time.
- Q. And was that the reason why you opposed the order.
- A. My feelings were such that it would amount to the same thing as this "There was a subordinate of mine that was caught stealing provisions and sentenced to death and I had pity for him" and this would amount to the same thing.
- Q. Do you not think the mass killing of 200 natives would be a cruel and brutal act.
- A. Yes I did not think the act was brutal because we had been trusting the natives but they had double crossed up by making treason.
- Q. Do you think it was justified.
- A. Yes.
- 88 Q. Do you realize that without your cooperation this order of Suzuki's could not have been carried out.
- A. Yes, yes.
- Q. When were you first commissioned.
- A. Feb 1st 1943.

- Q. Were you trained in a staff college.
 A. I graduated from the University in Japan. It was a commercial college. I volunteered for the navy and underwent a seagoing examination and was then accepted for the navy.
 Q. Do you have anything about International Law.
 A. Yes. I have studied it.

NO FURTHER QUESTIONS

Q. Evidence is read over to witness who does ~~not~~ desire to correct same. ~~xx~~
 With reference to your question "Without your cooperation this order of Otsuki's could not have been carried out" I wish to say ~~xxxxxx~~
 "that in case I were not there Otsuki could just have well carried out the order but it was such that I carried out the order."

FURTHER QUESTIONED BY PROSECUTING OFFICER

- Q. Was Otsuki given any orders in relation to the division of natives.
 A. He received it from me.
 Q. Did anybody else give Otsuki orders regarding the division of the natives.
 A. No.

NO FURTHER QUESTIONS.

I swear that I have told the truth without adding anything.

奈良賀男

XXXXX

CLOSE OF CASE FOR DEFENSE

0504

Prosecuting officer makes an address which he does not desire to have recorded.

DEFENDING OFFICER.

1. Case for the prosecution originates from the story of a simple fisherman who tells of his escape; naturally he is unaware of the general activities on Ocean Island.
2. The essential basis of the case for the prosecution is the report of the interrogation of the accused where they have freely admitted the circumstances necessitating the removal of the natives.
3. Traverses the case for the defence - the briefing of Lt. Comdr. J. J. J. prior to his arrival, conditions on Ocean Is., the increasing tempo of the war with corresponding increase in the dissatisfaction of the natives (tantamount to "war rebellion" as described in M.L. p. 288 para 444).
4. Suggests that it is a notorious fact that orders were not given until about 24th August for Japanese in the Pacific to lay down arms, and that KAMUNAKA was in fact misled by a statement as to the deterioration of the war position. Testimony of KAMUNAKA otherwise essentially consistent with the case for the Defence.
5. A belligerent is justified in applying any amount and any kind of force necessary for the purpose of war, save as restricted under international law. The accused J. J. J. being unaware of the cessation of hostilities on 20th Aug 45 ordered the disposal of the natives who had made all sorts of threats against the Japanese, carried out acts of sabotage and committed war crimes. As a measure of self defence and bearing in mind the instructions of Rear Admiral SHIRAZAKI he took action relying on the authority vested in him by the Emperor. Submits that killing justifiable.
6. Draws attention to M.L. p. 288A with reference to the pleas of "obedience to orders" by both accused.
7. Submits that evidence of innocent intent and not of malice on the part of Nara and that he is not a principal to the act (Archbold at page 1489).
8. The death of so many natives necessarily abhorrent to members of the court. The court must disregard personal feelings in the matter and judge the accused according to the evidence and the appropriate rules of law.

JUDGE ADVOCATE ASKS UP

The two accused are charged with the murder of two natives named, and certain natives unknown on Ocean Island on or about 20th August 48. Murder is a war crime and is also a criminal offence. Any man charged with a crime is presumed innocent until his guilt is proved. The onus of proof is on the prosecution throughout. Before either of the accused may be convicted his guilt must be established beyond a reasonable doubt. In respect of the charge of murder a reasonable doubt is one which would influence your decision in matters of grave importance. The offence of murder is committed when a person of sound memory and discretion unlawfully killeth any reasonable person in being and under the King's peace with malice aforethought either express or implied. The manner of killing must be unlawful and not excusable or justifiable. Malice is either express or implied. Express malice is where one with a sad and deliberate mind with formed design doth kill another, which formed design is evidenced by external circumstances discovering that inward intention. I do not consider it necessary to deal with implied malice in this case. Any unlawful and felonious homicide without any malice either express or implied is manslaughter. As to whether murder the prosecution must prove:

- Death as the result of the voluntary act of the accused.
- Malice on the part of the accused.
- That the deceased died of the wounds or other injuries resulting from the act of the accused within a year and a day after they were received.

You must be satisfied that each of the elements a, b, and c is established beyond a reasonable doubt before you can convict of murder. If a, and b, but not c, are established beyond a reasonable doubt you may convict of manslaughter. It is necessary to decide whether the acts of the accused shown by the evidence were in fact legitimate and permissible acts of war. If you are not so satisfied then I suggest you will go on and consider the elements of murder and of manslaughter. It is open to each of the accused to show by way of defence that the murder was not committed by him or that the offence actually committed does not amount to murder. Here the actual killing of the natives has been admitted and the accused set up certain facts by way of defence which they say will entitle them to an acquittal. Before dealing with these aspects of defence I propose to touch shortly upon the definition of principals and accessories.

Principals in the second degree are those who are present at the commission of the offence and aid or abet its commission that is to say principals in the first degree are those who are actually present at the commission of the offence. An accessory before the fact is one who though absent at the time of the felony committed doth yet procure, counsel, command or abet another to commit a felony. There must be a procurement of the felony charged in the indictment. Accessories before the fact and principals in the first degree are punishable in the same manner as principals in the first degree. I now propose to touch upon certain matters which the accused persons would be entitled to rely upon as a defence to the charge of murder or manslaughter. The first is the question of necessity, and by necessity I mean a necessity other than the legitimate hostile acts in war. If you are not satisfied that the acts of the accused were ~~right~~ a legitimate act of war then the question of defence of necessity may arise.

Quotes Archbold at page 872.

As to accessible homicide I refer to explanation given in Archbold p 902 quotes.

In addition you will recall that I said it is necessary for the prosecution to show that the killings were justifiable. Justifiable homicide is this: Archbold p 900 (1), (2), and (3).

I want you to please bear in mind the evidence tendered by the accused as to certain acts which they alleged were performed by natives and consider whether in your opinion such acts were performed and if performed would amount to a justification of or excuse for the admitted killings. In addition to the normal defences available to accused persons in civilian life it is necessary to bear in mind that here the accused persons are members of a naval force and the question may arise as to any superior orders given to them and the effects of such orders. I do not think it necessary for me again to read out the relevant paragraphs in the 1958 Act as that has already been read to

you by the defending officer but I again refer your attention to it as it would have a very real bearing on the question of justification or excuse. If you are satisfied that either or both the accused were acting under the orders of a superior. Finally if the accused or either of them has raised any reasonable hypothesis which would establish a reasonable doubt in your mind of a justification or excuse in your mind for his act then that hypothesis must be received in his favour.

At 1000 hrs court is closed to consider finding.
At 1000 hrs court reopens.

The President announces that the finding of the court is that both accused are guilty of the offence.

Defending Officer in mitigation

I again draw the Court's attention to my previous address. The critical conditions existing at Aug 40 have already been emphasized. Unaware of the capitulation as effecting their forces in the Pacific Suzuki acted under authority he believed was vested in him. From the evidence before the Court, there merely carried out an order of his superior - he was neither the instigator nor the perpetrator of the executions. The court has had the opportunity of observing the bearing of the witnesses who have readily accounted for their actions.

The Prosecuting Officer informs the court that to his knowledge the accused have no previous convictions.

At 1000 hrs court is closed to consider sentence.
At 1000 hrs court reopens.

The President announces that the court sentence the accused to death by hanging.

The President informs the accused that their finding and sentence are not final until they are confirmed by higher authority.

Proceedings ended with the adjournment of 1940.

Landfane
Major, Judge Advocate.

Asst. Judge
Major, Advocate.

A

51-19

APPX "A"

INTERVIEW OF KASUGA

My name is KASUGA and I am a native of NITTAU ISLAND. I am 28 years of age and single. I signed on with the British Phosphate Commission during the "TRISTA" voyage at OMOIA ISLAND about 18 months before the Japanese came to OCEAN IS.

2. My work on OCEAN IS before the Japanese came was on the cables.

3. During the Japanese occupation I was employed as a fisherman and lived at TABAKA VILLAGE. We fished from early in the morning until about 2 pm. Usually two men per canoe. The Japanese collected all the fish but only occasionally gave us a little for our own use. Sometimes the Japanese came down to the shore to meet us coming in but usually we took the fish up to them. The Japanese to whom I took the fish was "KOKIYAN" - phonetic spelling. If we did not catch any fish we were slapped on the face.

4. I know MASTARI who was also a fisherman. I did not hear that he was planning to escape, but I heard after he had gone. I heard that three canoes had got away and thought that the Japanese would catch them.

5. There were no Europeans alive when MASTARI left OCEAN IS.

6. The Europeans I remember on the island were Mr. CARTWRIGHT who died of malnutrition, Mr. COLE, Mr. WARD, Mr. MURPHY, Father FURBER and the doctor. I do not know where Mr. CARTWRIGHT was buried.

7. I once saw Mr. COLE outside his house at TABAKA working in the garden. He was weeding around the "Boi" plant. We were not allowed to speak to the Europeans.

8. I heard from TEIRU who escaped with MASTARI that Mr. COLE was killed by stabbing with a knife while he was asleep in his house at TABAKA. TEIRU also told me that Mr. MURPHY died of sickness and that Father FURBER went into hospital for an abdominal operation. He also told me that Mr. WARD and the doctor were infected by the number two doctor (ARAHESU).

9. About five months before the end of the war our section of fishermen at TABAKA was transferred to UMA village. We were not told why we were transferred to UMA village. There were only three of us at TABAKA - myself, KEMI and ARKAN.

10. At UMA we joined the fishing section there. The names of the boys there were - ARID, KIRIK, KUMORI, TEPOTAM, MATAU, PAKAK, UREAN, TETAKA, ANOKAN, ASA, BANET and MAORI. We all lived in one European house up behind the Billiard Room. We fished from early in the morning, sometimes as early as 3 am until afternoon.

11. One evening "OSAKI" (phonetic) the Japanese who was in charge of the fishermen came into our house and told us that next morning we were to come back early from fishing about nine or ten o'clock.

12. MAORI and I came back from fishing about 7 am the next morning. The rest came back about nine o'clock. We came back early because we had a lot of fish then we all went to our quarters.

13. Somewhere after nine o'clock "OSAKI" shouted out from the Billiard Room for all us fishermen to come down. We all came down and gathered beside the road at the Billiard Room. When we got there we found all the other boys on the island already gathered there. There would be over a hundred.

Landspain May 51-19

0508

A 51-19

12. We were all paraded in about five lines along the road. Some of the Japanese were shouting and waving. They would be about 5. SUKAIISO (phonetic) the No 3 Commander spoke to us through OSAKISO the interpreter. He stood upon the veranda with the other five Japanese. He told us that the war is over but that we must still work for a while, and then the Japanese would be going away and leaving us here. Then we were told to go back to our houses.

13. We were too scared to show our happiness, so just bowed our heads and went to our house. Then we laughed and talked of the good news in our house.

14. We stayed in our house all the rest of the day and prepared our fishing gear for the next day. We were not allowed to go out and OSAKISO was angry if anyone asked permission to go out.

15. Next morning MAORI and I and everyone else went out fishing as usual. While it was still dark. MAORI and I came back very early about eight o'clock because we had a lot of fish. The others came back about nine o'clock they were earlier than usual too, because they had caught a lot of fish.

16. When we arrived back all the natives and a lot of the Japanese soldiers were gathered in the same place as we were gathered the previous day. The native soldiers were told to hand in their uniforms and arms. They handed them all in to the Billiard Room. The native soldiers had marched in, in their respective groups under their Japanese leader.

17. Then OSAKISO called us from our house to come down to the road by the Billiard Room again. We came down and joined in the parade. SUKAIISO spoke to us all again. He told us we were going to change over the sections again now. OSAKISO then divided us up into our new sections as instructed by SUKAIISO. Our section was the last to be divided up.

18. The first section of about fifteen men was for SUKINTERIES. One soldier went with them and they marched away. The second section of about fifteen men was for TANSEMA. One soldier went with them and they marched away. I would know the faces of each of the soldiers who went with these two groups. The third group was a bigger group, about 30 or 35 and was for KARIANG. One soldier marched away with them too. The fourth group was also about 30 or 40 and was for the Chinese location. One soldier went with them. This last is the Toddy Cutter's group.

19. I was in the fifth group of eight men. We were to go to ETANI-KANABA and marched away with one soldier in charge. I do not know the name of this soldier, but would recognise him. There were still some natives left when we marched away.

20. We marched through below the Chinese quarters and above the Pastore House and then through to the police lines. The soldier in front with us behind.

21. When we arrived at the Police lines we saw a lot of Japanese soldiers in their quarters. They were all inside their houses. The Japanese soldier in charge of us told us to sit down in a line and then told us to face towards the East. Then he took out a little book from his pocket and asked us in turn how old we were. As each man told him how old he was the soldier wrote in his book. That was all we were asked.

22. When the soldier had almost finished writing down the ages, a (SHOTAIISO) came up with another soldier from behind us and walked out in front of us. The (SHOTAIISO) drew his sword and revolver, and the soldier drew a revolver and both pointed them at us. They did not speak to us, but called out for some more soldiers to come out. Each soldier stood in front of one man with the bayonet pointing at his stomach about six inches away.

Sandpiper
J.A.

W. H. H. H.
Prisoner

0509

25. Without anything being said, the soldier who had lead us up tied each man's hands in order with some string he had in his pocket. It was twine that is used for making rope. My hands were tied very tight. There was a length of rope left over loose after tying each man's hands.

26. Then the (SHOTAISO) spoke to the soldier who had tied our hands and the soldier told us to stand up. Then the soldier gathered up all the long ends of rope so we could not run away.

27. Then the (SHOTAISO) walked beside our group as we started walking down towards TABIANG Village. The soldier holding the ropes behind us and the other eight soldiers behind him. The one who had the piston with the (SHOTAISO) stayed in the police lines. All still had their bayonets ready as they filed down the track behind us.

28. We stopped by the engine room for about three minutes while the (SHOTAISO) spoke to the men in the Power House. I do not know what they were talking about.

29. Then we walked on down the track across the road and on down to the cliffs below TABIANG Village.

30. When we got to the cliff the soldier released the strings and told us to line up on the edge of the cliff and squat down close together. Then our eyes were tied up with cloth. The same man who had tied our hands tied the blindfold on us. Then I could hear movements behind and felt as though the soldiers were behind us. I was the second man to have my eyes tied up.

31. FALAILIVA was the first man to be tied and was on my left. He said to me "Are you ready?" and I replied "Yes I am ready to die". Then FALAILIVA asked "You remember God?" and I replied "Yes I remember

32. When everything was quiet for a moment, then I fell over the cliff. I did not try to, but just fell. Almost at the same time I heard a scream and someone fell on top of me. I think it was FALAILIVA. I heard others fall, but no more screams. Then I heard a lot of shots fired. FALAILIVA was still on top of me and some of the bullets I could hear were close to me.

33. This was about three or four o'clock in the afternoon. The water kept breaking over us, but I could breathe as the water receded each time. I could see a little bit out of my left eye past the blindfold, but I did not look up. I stayed there without moving until I thought the Japanese had gone. Then I bit FALAILIVA'S shoulder to see if he was still alive. He was still lying partly on top of me. FALAILIVA did not cry out so I knew he was dead.

34. I stayed about an hour in the water until I thought the Japanese would be gone, then I got up and went over to a sharp piece of the cliff where I cut the binding from my wrists. Then I removed the blindfold. Then I went around all the other bodies to see if any were alive. They were all dead and I looked at each man's face. There was a lot of blood about. I cannot say how all were killed, but I remember FALAILIVA had a wound in his left side, and blood was coming from it. UANATEITI had a bullet hole in his head.

35. After I found they were all dead, I looked for a place to hide and found a cave where I hid myself. I stayed in this cave all night.

36. The next morning I saw some of the bodies floating outside the cave. They were swelled up bodies then. Two of the bodies washed into the entrance of the cave. I did not touch them and stayed inside the cave and only peeped outside.

Lambert
54

Richard
Tanner

0510

A-

51-21

37. About the middle of the day I heard the roar of a plane flying very low. I could hear the plane flying round for about half an hour or an hour. I did not see the plane and stayed in the cave.

38. After the plane left I could hear footsteps over the top of the cave and I could hear voices through one of the holes leading in behind the cave. Then I saw some Japanese soldiers walking along the reef. The tide was right out, just starting to come in. Some of the soldiers came by my cave. Two of them dragged one body out to the reef, then came back and dragged another body out to where there was deep water. I could not see them all the time from my cave and think they made other trips for the other bodies.

39. I did see these two soldiers make two trips. I saw two canoes each with two Japanese in them come in to pick up the bodies from the soldiers who dragged them out to the reef. There was a launch too. Both the canoes and the launch came from the direction of TABUWA. The canoes being paddled close inshore and the launch moving slowly further out. The canoes towed the bodies out to the launch.

40. Then the canoes paddled back towards TABUWA and the launch went further out to sea.

41. I do not remember anything else that day.

42. I stayed in the cave this night.

43. Next day, I do not remember anything except hearing the flatcar moving along the rails.

44. That evening about seven or eight o'clock I left the cave to search for young coconuts and to find a new hiding place inland. While I was up the tree two Japanese came along pulling a flat car towards TABUWA and I stayed hidden up in the tree until they had gone.

45. Then I went to look for a hiding place and found a good bangabanga above the police lines and I hid there. By then it would be early the next morning.

46. I stayed in hiding in this bangabanga until the day I met the two Gilbertese (2nd Dec 1945).

47. I used to go out at night and gather food, young coconuts and old coconuts and water.

48. Sometimes I came out and climbed a tall teitai tree to look round and see if any ships were about. I did not see the warship come but I saw some other ships. I thought they were more Japanese ships.

49. I saw the Union Jack flying from the staff in the police lines but thought it was another Japanese trick, so did not go near.

50. I heard the bugler every day too, but I thought it was Japanese too, because the Japanese had a lot of bugles.

51. One day while I was up the teitai tree I saw a motor car different from the Japanese kind and the people in it did not look like Japanese so I came down from the tree and hid by the road to wait for the motor car to come back.

52. I waited two or three hours, but the motor car did not come back. Then I heard the tinkle of bottles and saw two men. One I thought a native Gilbertese, but the other I thought Japanese, because he was wearing Japanese clothing and shoes. The one wearing the gulu and carrying the toddy bottles I knew was Gilbertese and I thought he spoke in Gilbertese.

James W. Gilbert
was
52



A

51-22

When they saw me they were sure they were
 followed by them. When I got up close behind
 them they were surprised, so I greeted them "Jan na"
 (Hello). They were frightened of me for a minute and
 then I told them I had been here all the time and
 was the Japanese and all gone and that they
 were the only ones left.

When they saw me I hid all the time and I showed them
 when I showed them my knife into my hand which I had hidden in
 my hand.

When I showed the knife for saving my life and then came down to
 the police lines and I showed them to the District Commissioner.

I swear the above to be a true correct statement of the facts.

WITNESSES

Witnesses - R. A. GARDNER - District Commissioner
 J. A. GARDNER - District Commissioner

Richard G. Gardner
 President

James Gardner
 J. A.

0512

3- 21-23
I, J. B. THOMAS, Capt. Frank THOMAS of Australian Military Forces,
do hereby solemnly and sincerely declare:-

1. That on 11 Jan 46 at 11 Jan 46 Capt. A.K. SANDERSON
examined Lt. Comd. SUZUKI Naomai of 67 Japanese Naval
Warriors in my presence with the assistance of interpreters
of Capt. HARRY of A.T.I.S. and 1st Lt. KATO Tetsuro of
the 1st Brigade Pz.
2. That the two photographs marked PHT 1 and PHT 2 annexed
hereto are photographs of the said Lt. Comd. SUZUKI Naomai.
3. That the said Capt. SANDERSON at the examination of the said
Lt. Comd. SUZUKI on 11 Jan 46 reduced to writing, a true
typed copy of which is annexed hereto marked PHT 3, the
conversation in question and answer form.
4. That the interpretation of the said questions and answers
were checked by the two interpreters referred to in para 1
hereof at the time of writing down of the answer to each
question.
5. That at the said examination KANUMARE Gilbert Island native
was brought in and through interpreter David MURDOCH
identified the Japanese whose photographs are annexed hereto
as PHT 1 and PHT 2 to be Lt. Comd. SUZUKI Naomai.

AND I make this solemn declaration conscientiously believing
the same to be true by virtue of & in the Statutory Declarations
Act 1911.

SUBSCRIBED AND DECLARED BY: *J.B. Thomas*

In the field this *12th* day of *February* 1946
pursuant to National Security (Supplementary) Regulation 63
before me *W. J. J. J.*

Capt.
Australian Military Forces.

0500

8
Lt. Col. SUMIKI Masumi of Ocean Force being questioned by 51-24
by Capt. TRENT and SANGSTER with assistance of interpreter
Cpl. BLANKY of A.T.I.S. and Lt. KATO of Japanese Army says :-

At this stage KASUMI, Gilbert Is. native, is brought in.

Q. Do you recognize this native?
A. No.

Q. KASUMI is the sole surviving native out of the murder of the natives shortly after the news of JAPAN's surrender came through to Ocean Is.?
A. I ordered the execution just before the surrender.

NOTE : Probably means his own surrender in Sept. '45.

Q. And the execution took place on 20 Aug 45?
A. Not sure- middle of Aug 45.

Q. Was Lt. NARA in charge of the natives?
A. Yes.

Q. Look at this list - are they all members of your Ocean Force?
(see Capt. SANGSTER's declaration identifying photographs)
A. SAKAMOTO and Sub-Lt. YADIMA belonged to another unit- they were engineers. Med. Lt. OKADA was the M.O. of my unit.

Q. Were any of these officers not present when you gave the order for the killing of the natives?
A. All officers were there except Lt. (Eng) HIGASHI.

Q. Did all officers present have something to carry out from your orders?
A. ~~Most officers except the Med. Officer and the engineer had to~~

Most officers except the Med. Officer and the engineer had to carry out those orders except Lt. NARA (Q.M.)

Q. But wasn't Lt. NARA in charge of the natives on parade before they were killed?
A. Yes.

Q. What do you mean "except NARA" ?
A. He was present at the orders but not at the execution.

Q. Which officers saw the execution?
A. Soldiers actually did the shooting, all officers were present at one place or the other. NARA (Q.M.) and YOSHIDA (Adj't) were not present- they were in their offices.

I wish to say something about the execution - This execution will be before the war crimes court. The other officers acted on my orders and the responsibility is mine not theirs. I ordered the execution believing it was the best thing to be done as far as he was concerned as Japanese Commander.

Q. Weren't they executed because they witnessed too many crimes including the murder of Europeans?
A. I didn't kill the Europeans. That was not the main reason- it was one of the reasons.

FBT 3.

Answer to Statutory Declaration of Capt Frank Ruff and TRENT
sworn before me this 12 Feb 46

Wichland
cpl 2

SA. Mayor

0584



282001 SUZUKI NAOMI

*to Canada by house line
(Ocean Island)*
FBI
*Thompson & Smith (London) 1/2/46
and 1/2/46*
Thompson & Smith



282001 SUZUKI NAOMI

*to Canada
by house line (Ocean Is.)*
FBI
*Thompson & Smith (London) 1/2/46
and 1/2/46*
Thompson & Smith

Unidentified
Thompson

*Landspan
Mayer*

0919

27-26

Interrogation of Lt. Comdr
Suzuki Naomichi of 67 Naval
Garrison Unit at Sakai on
30 March 46 by Capt. Scheldt
AFC 810 through interpreter
SA AT Wash of ATIS at 810

Q1. I am going to ask you some
questions. You are not obliged to
answer them but whatever you
say will be taken down in
writing and may be used as
evidence. Do you understand?

A1. Yes, I understand.

Q2. Between what dates were you
Commander of Ocean Island?

A2. From August 1943 until the
end of the war.

Q3. On what date did you learn
the war was ended?

A3. I do not remember but I
received orders about it on
25 Aug 45.

Q4. Were you in constant
communication with the outside
world?

A4. Yes we heard the radio occasionally
- every few days.

Q5. How long before 25 Aug 45 did
you know the war was over?

A5. I think on the previous day
about we heard many rumors
before that. The first reliable
information I got was on 24th or
25th August. About that time Tom's radio came
on the air and said the war was over.

Obtained by
Suzuki Naomichi

Interrogation
by

Reaches
the

Suzuki
Naomichi
25th Aug 45

0518

200

51-271

96. Just prior to the conclusion of the war how many natives were on the island.

A6. As far as I remember, about 200 men.

97. Did you give orders for the execution of those natives?

A7. Yes I did.

98. When did you give those orders?

A8. About 18th August, I think. I am not certain of the date. It may have been as late as 20th August.

99. To whom did you give the orders?

A9. To four company commanders
Lt Sakuma, Watanabe
Lt Yamaguchi, Kenschu
Lt Miyasaka, Denji and
Lt Sakata, Jiro.

100. What were your orders?

A10. It was a very brief order. As far as I can remember, it was, "Shoot all the natives on the island."

101. Why did you give that order?

A11. We had heard rumours about Japan going down. We had decided to fight to the finish and inflict as much damage as possible on the allies. We thought the natives would be a hindrance to us so we

checked by
Dandman
30

to
Back

0900

decided to kill them. The most important reason was an order I had received from Rear Admiral Shibazaki, Keiji who was at Tarawa. The order was to fight to the finish and as the natives were likely to cause trouble, to execute them all.

Q12. When did you receive that order?

A12. Between 15 Aug and 20 Aug.

I wanted to be certain about the order so I went by plane to Tarawa and saw Rear.

Admiral Shibazaki personally. I first went to Frank where I saw a legal officer. On his advice I went to see Shibazaki.

Q13. What did he tell you?

A13. The Admiral pointed out that there were 300 natives on the island and since the Japanese were only about 500 strong, the natives would seriously hamper the Japanese defense in the event of a landing. Also as we were unable to trust the natives, if a landing seemed imminent they were all to be killed. It was a definite order to kill all natives if a landing seemed imminent.

Q14. When you gave the order, did a landing seem imminent?

A14. I thought that the Americans would be sure to land.

Luigi
Naomi

42 C-

51-29

Q15. What were your reasons for thinking that.

A15. There were American bombing raids every day, so I thought they would land. Also because of the phosphate on the island.

Q16. Who carried out your orders.

A16. I gave the orders to the Company commanders who passed the orders on through subordinate commanders to the lower ranks.

Q17. Who carried out the execution.

A17. I do not know.

Q18. Who were in command of the firing parties.

A18. I do not know.

Q19. Were all of the natives killed at the same time.

A19. I thought they were all killed on the same day, but I now know that one escaped.

Q20. Were they all killed in the same place.

A20. There were several places. I can't remember how many.

Q21. Were they all killed by shooting.

A21. I ordered them all to be killed by shooting.

Q22. Were they all standing on the edge of a cliff when they

Sagami Nasome

Obtained by
James J. [unclear]
[unclear]

to
[unclear]

0919

50 C

51-50

were shot.

A22. One group was shot on the edge of a cliff. The others were killed near the shore. I think these were squads killed inland.

Q23. How were the bodies disposed?

A23. As far as I remember they were left where they were shot.

Q24. Did you give any orders for the disposal of the bodies?

A24. I gave no orders for burial. I gave orders that they were to be thrown into the ocean.

Q25. Were you present at the execution?

A25. I was not there. I think most of the other officers were there but there were some not there. I am not sure what these names are. I do not think the following were present: Sub Lt Yoshida, Stone, Lt Nara, Yoshio, Doctor OKADA Tadeshi. I am only certain of those men, there may have been others. Neither myself nor my subordinates were here to carry out the orders.

Q26. But they had to be obeyed. I accept all responsibility.

Suzuki Naomichi

I, Sgt A.J. Nook of ATIS at SMD, do hereby certify that this statement was made by Lt. Cmdr SUZUKI Naomichi in Japanese and after it had been written down in English was read over to him in Japanese before he signed it and that the translation is a correct translation of the statement. Perk
Richland Capt. Interrogation Officer

0920

D- 51-31

Interrogation of Lt NAA4 Yoshio
67 Naval Garrison Unit at
Rahaul on 21 March 46 by
Capt F. Echland of AHC SMD
through interpreter Sgt AT Hobb
of ATIS. att 8 MD

Q1 I am going to ask you some
questions you are not obliged
to answer them but whatever
you say will be taken down
in writing and may be used
as evidence. Do you understand

A1 yes I understand

Q2 Between what dates were you on
Olean Island

A2 From Aug 1943 until the end
of the war.

Q3 Who was Lt Suzuki's name your
commanding officer

A3 yes.

Q4 At the end of the war what was
your job.

A4 I was paymaster and
Quartermaster.

Q5 Do you remember Lt Suzuki
giving orders that the natives
were to be shot.

A5 yes I remember that.

Q6 Were you present when the order
was given

A6 No I was not there when he
gave it to the four Company Commanders.
Yoshio Kura

Ganderson
SA. version

Chick
Pine

Boyd
Kura

0528

2.10 51-32

Q1. Did Suguchi give you any orders concerning the execution?

A1. He did not give me any orders about the actual execution. He told me to divide up the natives.

Q8. Can you remember exactly what order Suguchi gave you?

A8. He called me in and told me that in accordance with orders he had received the natives were to be shot and he told me that I was to divide the natives into parties for each company. I could not understand the reason for the order and thought it was not humane. I did not want to carry it out but it was an order.

Sanjimon
24

Q9. What did you do?

A9. Suguchi sent out orders to the company commanders that they were to gather all the natives together. I went to where the natives were gathered.

Chikita
Pavilion

Q10. How many natives were there?

A10. About 200 men.

Q11. What Japanese were there?

A11. There were about 14 or 15 soldiers from each company to pick up the natives, that is, a total of 14 or 15. Myself and P.O. 1st class OZAKI Shigeni.

Asaka
Hospital

Yoshio Kara

0522

3.9

57-33

Q12. What did you do.

A12. I gave the petty officer orders to divide up the natives. He divided them into seven groups.

Q13. What then happened to each group.

A13. There were seven groups of address. Each group took a party of natives and marched them away.

Q14. What did you do next.

A14. I went inside a building nearby and sat down.

Q15. Did anybody address the natives.

A15. The petty officer spoke to the natives very briefly.

Q16. What did he say to them.

A16. He told them that their work had finished and that they were to be divided up amongst the companies. He did not say anything about the execution.

Q17. Were the natives handcuffed or blindfolded.

A17. No.

Q18. When you divided the natives into parties did you know that they were to be taken away and shot.

A18. I did not know what orders the company commanders had regarding the disposal of the men.

Yoshio Kura

0523

4-D 57-34

Q19 you have already told me that Suguchi gave you orders regarding the separation and shooting of the men.

A19. I knew they were to be shot but did not know at what time. It was only when I heard the shooting about two hours later that I realized that it had been done.

Q20. Did you know why you were dividing the natives into groups?

A20. Yes I knew that they were being divided up to be sent out to the various company commanders and shot.

Q21 when did this take place.

A21. I think it was about 19 Aug 45.

Q22 A short time before this took place, did Suguchi leave the island and return.

A22. I do not know anything about it.

Q23. When was the last time Suguchi left the island?

A23. As far as I know he did not leave the island at all.

Q24. How many aeroplanes were on the island about this time.

A24. There were none at all.

Fushio Nara

San Francisco
3A

Chickadee
1000

Box 100

Box 100

0924

1
 Q25. When did the last Japanese
 airplane take off the island
 A25. In about July 1944

 Q26. Had you passed to Sugihara
 about the matter you reported
 A26. I told him I did not think
 it was very humane and
 that I did not want to do it.
 I was against it, but because
 it was an order I had to
 carry it out

 Q27. When you reported what did Sugihara
 say
 A27. Sugihara told me that when he was
 in Tokyo and Tachikawa before coming
 to Ocean Is. He remembered that they
 had ordered him what in the
 event of an emergency he was to
 get rid of the natives and troops
 were short.

 Q28. When was Sugihara at Tokyo and Tachikawa
 A28. In August 1943. He told me that
 a Staff Officer had then given
 him the order.

 Yoshio Nara

 I by AASHOHO 5 AT12 with 8 M2 do hereby certify
 that this statement was made by Lt NARA
 Yoshio in Japanese and after it had been
 translated down in English was read over to
 him in Japanese before he signed it and that
 the translation is a true translation of the
 statement

 [Signature]
 Interrogating Officer

Japanese
 30

Yoshio Nara
 Prisoner

57-36
BY CDR. SUMIDA states:-

1. I am a commander of 67 Naval Garrison Unit.

I was in Ocean Island from Aug. '43 until the cessation of the war.

There had been about 1,000 natives in Ocean Is., when Japanese troops landed there for the first time, but they gradually moved to the other islands and there remained about 500 natives at last.

2. At the time when I visited Tarawa in the middle of Aug. '43, I got the following order regarding the treatment of natives from Rear-Admiral SHIMAZAKI.

"Natives in Tarawa are not trustworthy at all, because they are doing disadvantageous conduct for the Japanese forces, offering various kinds of information to the Allied forces and giving signals from the ground to Allied aircrafts. At present there are 500 Japanese soldiers and 200 natives in Ocean Is. I am afraid that if Allied forces should land there and those natives who know Japanese words and distribution state of Japanese forces for defense, should stand for Allied forces, the Japanese forces will be defeated immediately. Therefore it is better to execute all natives in the island whenever you may anticipate the Allied forces will surely land there."

3. About the last decade of Nov. 43 Gilbert Is. battle occurred and the Japanese forces in Tarawa were totally destroyed and it was expected that Allied forces would land on Ocean Is. also. Then I worried myself very much how I dealt with these natives. However, at that time, natives were so faithfully cooperated with us that I could not dare to execute them. And I picked up about 100 natives to whom we gave weapons and military trainings and I distributed them to every company and also employed the other natives as combatants.

4. Since Marshall Islands had fallen in enemy's hand in Feb. '44, Ocean Is. was completely isolated. Communication with other basis was interrupted and food supply was utterly suspended.

In June, Mariana Islands were occupied by U.S. Forces and air raid against Ocean Is. became severe. And as natives knew by rumor that Japan was losing war, their attitude for the Japanese was remarkably getting worse.

5. At the beginning of Aug. Agano, Fateriki and two natives with rifles escaped from the island by canoe under the cover of darkness. Since then, as air raid by allied forces became more severely, and enemy's destroyers appeared frequently within sight and were cruising around island, natives were led into pessimistic mood and their confidence in the Japanese forces was lost.

6. I interpreted that U.S. forces were leading them to escape and arresting them. Then I told natives that anyone who attempted to help escape would be punished strictly.

7. In Sept. Tashima and one native, and in Oct. KIMOSHIO KAME and two natives made escape. Meanwhile owing to shortage of rations, general feeling among natives became remarkably worse and thereby happened many conflicts between Japanese soldiers and natives.

Checked by
Sumida
Jandpaw
57-36

0528

(2)

57-37

8. About Mar. '45 we found that some natives had U.S. made tobacco and some of them went fishing 3 k.m. off the coast and did not come back even in the time of air raid. Considering that they were in Allied forces' service, I kept an eye on them more keenly than before.
9. On Apr. 1, '45, when I inspected ammunition stores, I found that about 200 grenades were missing. In the first decade of May, we arrested a native named RADA, who was going to steal handgrenades from an anti-aircraft artillery post. As a result of interrogation, he confessed that he had tried to steal them according to the order given by KART, and YAMAKU and DAKUSUI were accomplices of him. Consequently I felt by intuition that there must have been planning something important conspiracy. Then I, with Lt. Sakuma, commenced secret investigation considering that this incident was not merely caused by the three natives, but there might have been a plot of a large scale led by KART.
10. Also in May, 6 natives cheered swinging their lap-laps in Peakonikai Plantation to the U.S. aeroplane when it came to reconnaissance, and next day there were violently strafing from the sky.
11. *Twice* At the beginning of June, 2 bush knives were lost in the same Platoon and in July telephone wire was often cut off, the cause of which was not made clear. In the middle of July, Tom was strafed who was burning bush in garden.
12. At the end of August Sakamoto, petty officer, was struck to death by 5 or 6 natives when he inspected the garden.
13. The accidents in August.
- (a) L/Opl. Itokazu was attacked by natives.
 - (b) The water pipe of No. 12 water tank was wrecked and about 70 k.g. tons of drinking water ran out.
 - (c) About the 10th day Kori, petty officer, was missing and after searching for him the gears belonged to him was found at the west of the store house of appetite and it was made clear that there was hand-to-hand struggle between him and natives. On the same day I ordered my subordinates to prepare for fighting for I felt the war situation pressing. When I looked closely into all positions and arms I found that the fuses of electric mechanized land-mine was stolen, which were laid under the Oma seashore.
 - (d) The ignition system of 6 land mines laid at the east coast of Oma and 9 of them laid at the west coast of Topia were put into such a condition, as they did not work.
 - (e) Telephone wire were cut frequently.
 - (f) After the accident in which handgrenades were stolen we found near the stalactite grotto in the centre ward of mine after investigation that 4 cases of Maenite, 6 rifles, 42 bushknives, and 200 hand-grenades.
14. I summoned Kart, and accompanied him to the hiding place of grenades, etc., and interrogated him. Then he confessed as follows; "I have planned that when the Allies land here, I will command all the natives and operate guerrilla warfare against the Japanese cooperating with the Allies." This was planned by Kart, the leader Tabunteren, his assistant and Nakara, Tome, Tsurumi, Isha, Rado, Anuma, Tamenig, Akugi, Dakusui, his members. Tabunteren established a connection with one another making the use of travelling consultation. Though we did not let all the natives inform the whole intrigue plain, they will be to take the hostile action against the Japanese.

Sanfain
Magov

16. When the war broke out, I was stationed in the South Sea Islands. I was in the South Sea Islands at the time of the attack on Pearl Harbor. I was in the South Sea Islands at the time of the attack on Pearl Harbor. I was in the South Sea Islands at the time of the attack on Pearl Harbor.

I listened into radio waves for several days. Hearing that decisive battle on Midway Island would be soon approaching and War Minister declared that we would fight the battle on Midway Island to the last, we were also determined to fight to the end.

16. Considering the natives' intrigues and approaching landing operation of the Allies, I had to make up my mind, resolutely. It is prescribed in the Article 200 of the Navy Land Operation Instruction that if a riot occurs, we must put it out, and exterminate it. Natives' treason was definite. If we let them alone, they would eventually attack us. The only measure which would solve such a situation I had to take as only a commander was to execute natives. Otherwise the Japanese was in serious danger. I made up my mind to execute natives for self-defense of the Japanese. Then I called four company leaders together and told my intention, asking for their opinions.

17. After their meeting in KAKURA, as delegate, expressed their following opinions: By natives' treachery and material evidence their treason was definite. But they had been our employees for a long time, so we felt too much to kill them all. They asked my further deliberation on other adequate means to suppress them.

18. Accepting the company leaders' opinion, I deliberated further. But I thought the enemy's landing was inevitable, judging from the enemy's active movements of those days, and understood it was just that Rear-Adm. KUBOYAMA had ordered us to kill natives two years before. Then I determined to make a wholesale execution of natives, because if our attempt had been known to them beforehand, they would have counter-attacked us with results of extreme danger to operations in future. On attempting to execute I felt very unpleasant and pained. But I thought I had not to forgive them who had made treason against us in spite of the last two years' pacification. On the night before the execution I called for the company leaders and ordered them, as an operation order, to shoot natives to death. Then I addressed that this operation was a pure mopping-up operation against natives who had already made treason, that they had to keep it secret from their subordinates in order to conceal our attempt, and that any subordinates who hesitated should be accused of disobedience.

鈴木道彦
SUZUKI, Michihiko

I hereby certify that the above translation is true and correct.

Charles F. Davis
J.R. Major

Takahara Shigen

0528

51-39

REGULATION OF THE NAVAL LAND OPERATION
(Enacted by the H.M. the Japanese Emperor on Aug¹² 1930)

Art. 173 It is necessary to be on the guard against hostile inhabitants, while stationing this article is to be observed and also the article concerning garrison is to be applied.

Art. 220 In order to prevent a riot from extending it is urgently important that you must endeavour not to let the cause of it invade within the garrison area and if it entered already and exists within you must drive it out and exterminate it.

I hereby certify that the above translation
is true and correct.

Takahara Shigen

Porter
President

Landspan
S.A. Major

0528

H- 51-41
Statement of Naval Lt. Mura Yoshio.

I am attached to the 57th Garrison Unit. I had been in Oasen Island since the latter part of August 1945 towards the end of the war under the command of Lt.-Cmdr. Suzuki.

I was in charge of paymaster business and food supply.

It was on 24th of August or thereabouts that I saw the end of the war.

On the 18th of August I was ordered by Lt.-Cmdr. Suzuki to gather all the natives.

On 19th I told the natives who had gathered, through the interpretation of Ozaki, to the effect that they should co-operate with the Japanese Forces to the last, although the situation grew disadvantageous to our side.

In the night of 19th I was ordered by Lt.-Cmdr. Suzuki to distribute all of the native to the companies as they should be executed.

I opposed to the disposition from the headquarters viewpoint, but Lt.-Cmdr. Suzuki ordered me again strictly to distribute them by the end of the next day as he had ordered their execution to every Company Commander, and that anyone who would hesitate to carry out his order should be punished as the crime of disobedience to order.

On the 20th I gathered all the natives again and made Ozaki distribute them to every company. I came back to my office-room after that.

I do not know at all how execution was carried out as I was in my office-room at that time. It was two hours later that I knew by the sound of firing.

Yoshio Mura
Lt. Mura Yoshio

I hereby certify that the above statement is true and correct.

Yoshio Mura
Yoshio Mura

0530

I, SX10334 Douglas John McBAIN, a Major in the Australian Military Forces holding the appointment of Deputy Assistant Adjutant General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters Melbourne hereby certify that the attached thirty-eight (38) sheets numbered consecutively from "R68-1" to "R68-38" (both inclusive) are a true copy of the original proceedings of the Military Court which at RABUL on the 2nd day of May 1946 tried Lt MIYASAKA Denji, Sub Lt KIYOHARA Naoyoshi, Sub Lt ISEIE Satazo, Ensign IIJIMA Tadashi And That I am the officer having, in the course of my duties, the proper custody of such original proceedings.

Dated at MELBOURNE this 24th day of October 1947.

.....*Douglas McBain*..... Major

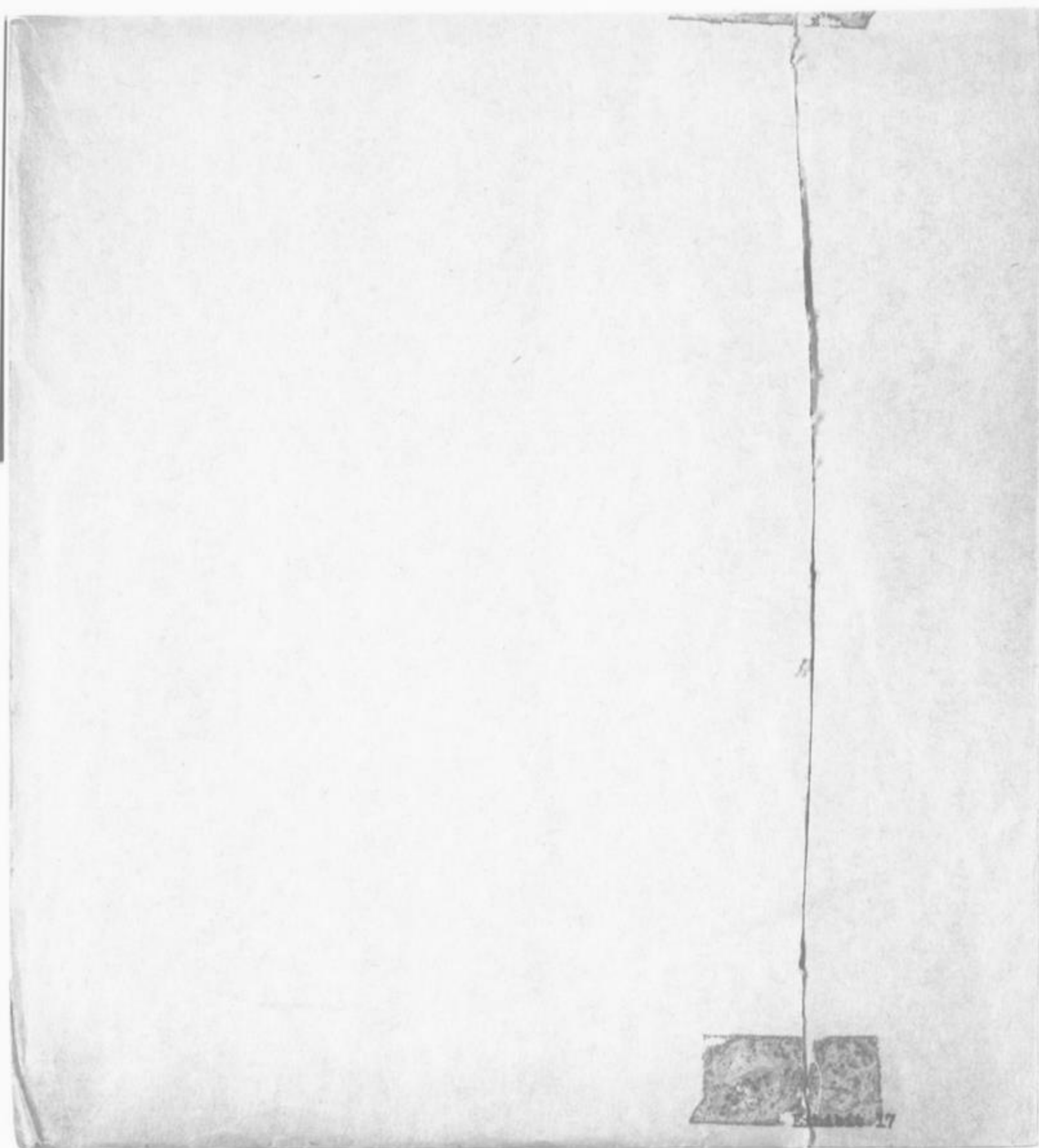
D.A.A.G.

D.P.W. & I., A.H.Q.

WITNESS*S. Arnold Capt*..... Capt.

An officer in the Australian Military Forces.





REPORT ON THE PROCEEDINGS OF A MILITARY COURT

Commenced day of April 1946

It appears to me, the undersigned, an Officer authorized to exercise a Military Court under the War Relocation Act that the persons named in the enclosed list were guilty of the war crimes in the said Japanese Consulate, Manila, Philippines, and to try the said persons and to sentence or otherwise dispose of them.

Major J. H. BROWN of M. C. 10 Is appointed JUDGE

Major W. G. HALL of Inf Corps (US) }
Major F. J. LUCAS of M. C. 10 }
Capt W. A. ALLEN of M. C. 10 } are appointed JUDGES

JUDGE ADVOCATE
Major I. A. H. STAIN, M. C. 10 Is appointed JUDGE ADVOCATE

W. G. H. Hall
Maj-Gen
COMMANING OFFICER

ENCLOSURE

Name, Rank, (1) Name and (2) Address	Offence Charged	Plea	Finding, and if convicted, Sentence (3)	How dealt with by Confirming Officer (4)
Lt MIYASAKA Denji	MURDER in that	Not Guilty	Guilty	Findings and sentences confirmed
Sub Lt MIYOMURA NAOTOSHI	they on Ocean Island	Not Guilty	Guilty	
Sub Lt ISHIE Satazo	land on or about	Not Guilty	Guilty	
Ensign IJIMA Tadashi	20th August 1945	Not Guilty	Guilty	
all of 67 Naval Garrison Unit	murdered persons unknown		Guilty	

W. G. H. Hall
25 Feb 46

Maj-Gen
COMMANING OFFICER (4)

R68/2

CERTIFICATE OF PROMULGATION

Promulgated in the case of Lt MIYASAKA, Denji this 12th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of Sub Lt KIYOHARA, Naoyoshi this 12th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of Sub Lt ISHIE, Satazo this 12th day
of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of Ensign IJIMA, Tadashi this 12th day
of August 1946.

(Sgd) *[Signature]* Capt.
1st Military District....
Name, Rank and Unit of Officer
effecting promulgation

0535

R68
3

WARRANT OF EXECUTION

WHEREAS LI MIYASAKA, Genji on the 2nd day of May 1946 was sentenced by military court held at Rabaul to death by hanging. And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Robert STURDELL, of the Australian Military Forces, hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this 25th day of July
One thousand nine hundred and forty-six.

V. A. Sturdeell

Lieutenant-General,
Australian Military Forces.

(ii)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, Ronald Herbert Hicks, an officer of the AMF certify that I was present at and supervised the execution of the abovesaid MIYASAKA Genji at RABOUL at 12.40 hrs on the 25th day of August 1946.

Dated this 25th day of August 1946

R. H. Hicks
Signature.

(iii)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION.

I, Gay Jells Collins Kempton a legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.

Dated this 25th day of August 1946.

Gay J. Kempton
Signature. AMF.

0538

NOTE : The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Naval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

B. I CERTIFY that the above Court assembled on the 12th day of May 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT :

1. The Members of the Court
 2. The Judge Advocate
 3. The Witnesses
 4. The Interpreter
 5. The Shorthand writer
- were duly sworn.

SIGNED this 12th day of May 1946

PRESIDENT OF THE MILITARY COURT

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

CONFIRMING OFFICER

PROMULGATED in the case of 257446

(Date) (a)

1946

Signed :

(a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.

R 68/5

Case No. 100-1011

1. Defendant: [Name]
2. Accused: [Name]
3. Accused: [Name]
all of 17 Naval Garrison Unit.

1. [Name]

2. [Name]

3. [Name]

4. [Name]

5. [Name]

6. [Name]

7. [Name]

8. [Name]

9. [Name] is sworn as interpreter (English - Gilbertese)
10. [Name] is sworn as interpreter (English - Japanese)

11. [Name]

12. [Name]

Prosecuting Officer makes an address which he does not desire to have recorded.

Witness being duly sworn is examined by Prosecuting officer through Inter/Peter David Murdoch.

My name is Kahanara and I am a native of Nikoman Island an Island of the Gilbert and Ellis Island Colony.

Prosecuting officer shows document to witness.

That is my signature on the document and it was read over to me before I signed it. The contents are true and correct. The natives on Ocean Island were natives of the Gilbert and Ellis Island colony.

Prosecuting officer tenders certified copy of statement which is read admitted in evidence, marked Exhibit A, signed by the President and annexed to the proceedings.

NO CROSS EXAMINATION BY DEFENSE OFFICER

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct same.

Prosecuting officer tenders interrogation of accused Miyasaka which is read, admitted in evidence marked Exhibit B, signed by the President and annexed to the proceedings.

Prosecuting officer tenders interrogation of accused Kiyohara which is read, admitted in evidence marked Exhibit C, signed by the President and annexed to the proceedings.

Prosecuting officer tenders interrogation of accused Ishie which is read, admitted in evidence marked Exhibit D, signed by the President and annexed to the proceedings.

Prosecuting officer tenders interrogation of accused Iijima which is read, admitted in evidence marked Exhibit E, signed by the President and annexed to the proceedings.

CLOSE OF CASE FOR PROSECUTION.

WITNESS FOR DEFENSE

Accused Miyasaka being duly sworn is examined by Defending officer through Interpreter Battori.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also I will not add anything besides the truth.

宮坂 傳次

I am Lt. Miyasaka Denji of 87 Garrison Unit. I am 40 years of age. I have a father, wife and four children. The age of my eldest child is 13 years.

Defending officer shows statement to witness.

That is my signature. The statement was read over to me before I signed it and the contents are true and correct.

Defending officer tenders statement which is read, admitted in evidence marked Exhibit 2 signed by the President and annexed to the proceedings.

My total service in the Japanese Navy 24 years. I know nothing of International Law. I have never heard of nor seen the Hague Regulations. I remember receiving the order from Lt. Commander Suzuki. In my interrogation when I said "I thought it was an unreasonable order" (Ex. 2) by that I mean I felt very pitiful for them. I considered that the order was one which could be properly be given by Lt. Commander Suzuki. I recognized the acts of treason committed by the natives and therefore I believed it to be a lawful order. Such passages as would cover this are quoted in the Naval Regulations and Operations. At the time he issued the order ~~xxxxxx~~ Suzuki referred to the Regulations. In reference to the statement "I think it was shortly before the war ended". At that time I did not actually know whether the war had ended. For the interrogation I thought it was just prior to the cessation of war. I first learned that there may be a legal query about the order that was given after I arrived in the WC compound. I came in contact with Lt. Commander Suzuki and he stated at the time that there was some investigation made into the matter and it occurred to me that there must be something wrong in the whole incident. I still believed it was a lawful order. I am ignorant of the law and therefore I thought the order was probably unlawful. It is a fact that I passed the order for the execution to my section leaders. When I passed on that order at the conference of section leaders - did not mention details to section leaders. Referring to Exhibit 2, and in the statement "Sgt. Lt. Ienli took the natives down to a place called ~~xxx~~ by the coast", I think I had myself confused then that this ~~xxxx~~ Sgt. Lt. Ienli came somewhat later after we and therefore I thought that ~~xxxxxx~~ Ienli had brought the natives up.

Once again I am an innocent officer.

- Q. Looking at Exhibit 2 is that your signature on each page.
A. Yes.
- Q. Was it translated to you before you signed it.
A. Yes.
- Q. Is it a correct record of what I said at the interrogation.
A. Yes.
- Q. Is it true.
A. Yes.
- Q. In what order did the 4 officers go to the execution place.
A. The ones that went together with me were Sgt. Iinagawa and Sgt. Iijima. Ienli came slightly later.
- Q. Were the natives and the troops at the beach when you arrived.
A. No they had not yet arrived.
- Q. Did not Ienli arrive at the same time as the natives.
A. I don't remember accurately but he was there when the natives came.

R188

Sheet no 4

When the shooting took place what did Simpson, Iijima and Ishie do
ordinarily when I issued the orders then the section leaders should
repeat them and at that time I believe that the section leaders
repeated the orders.

No re-examination of defendant officers

No questions of fact.

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

宮坂傳右

28

0848

SECOND WITNESS FOR DEFENSE

Accused Kiyohara being duly sworn is examined by Defending officer through interpreter Matteri.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also I will not add anything besides the truth.

清原直美

I am Sub Lt. Kiyohara Naoyoshi of 67 Garrison Unit, Ocean Island Detachment I am 43 years old. My dependents consist of my father 69 years old, mother 70 years old, wife 40 years old and my eldest child 11 years old. I have only one child.

Defending officer asks statement to witness.

That is my signature on the statement. The contents have been read to me by the interpreter and it is true and correct.

Defending officer tenders statement which is read, admitted in evidence marked Exhibit B signed by the President and annexed to the proceedings.

I am not familiar with International Law. When I received the order I thought it was a lawful order.

CROSS EXAMINED.

Q. If you thought it was a lawful order why did you ask permission not to carry it out.

A. What I said to him was that I felt sorry for the natives.

Q. Looking at Exhibit C is that your signature on each page of the document

A. Yes.

Q. Was it read to you before you signed it and is it a true record of what you said.

A. Yes.

Q. Did you say at the time, "I asked Miyasaka at the time if it would be alright if I did not do it".

A. I remember that.

Q. Is that true.

A. Yes.

Q. Why did you just tell me in reply to a question that all you said to the Coy commander was that you felt sorry for the natives.

A. The reason why I said that is that I felt sorry for the natives and therefore the previous answer and this answer should be coordinated.

Q. Why did you pass on Miyasaka's order to fire.

A. It is the duty of a section leader to pass the orders of the Coy commander.

Q. At the time Miyasaka gave the order to fire, did you still not want to carry it out.

A. I still felt sorry for them and pitied them.

Q. Did you pass on the order to fire in order to ensure that all the troops would hear him.

A. Yes. I repeated the order in a very loud voice as it was the orders from the Coy commander.

Q. And did you pass the order in a very loud voice to make certain that every soldier would hear.

A. Yes.

NO RE EXAMINATION BY DEFENDING OFFICER

NO QUESTIONS BY COURT

Evidence is read over to witness who does not desire to correct same. I swear that I have told the truth without adding anything.

清原直美



R68/10

Sheet No. 1

THIRD WITNESS FOR DEFENSE

Accused Iwano being duly sworn is examined by Defending Officer through Inter-Peter Matteri.

Oath: By my conscience I swear to tell the truth without withholding any evidence whatsoever and also - will not say anything besides the truth.

石井定藏

I am the Lt. Iwano, alias of Dr. Garrison, who, Iwano Detachment, No. 44, are all. My dependents consist of wife 35 years old, the oldest boy 18, the eldest girl 9, and the youngest boy 6 years old.

Defending officer asked statement to witness.

This is my signature. The contents of the statement were read over to me by the Inter-Peter Matteri and it is true and correct.

Defending officer tendered statement which is read, admitted in evidence marked Exhibit B, signed by the Accused and annexed to the Proceedings.

When Miyasaka passed on the orders for the execution at the conference he did not give the reason for the orders. The order to be executed was that it seemed merciless and order must be positively be obeyed, and so I had to carry it out. When I arrived at the place of execution the natives had already been lined up. Miyasaka gave the order to fire. I did not repeat the order. I did not have time to repeat the order. The order was shouted by the Jap. commander and the soldiers had already fired.

Direct Examination by Inter-Peter Matteri.

Q. Who was present when Miyasaka gave you your orders on morning of 20th August.

A. Miyasaka, Iwano and myself were present.

Q. Did you carry out the order he gave you.

A. Yes - I did carry it out.

Q. Do you think the order was unlawful.

A. I thought it was a lawful order.

Q. Why did you take a long time to think it over if you thought it was lawful.

A. I was moved emotionally for a long time because it was a pity to kill natives but I had to convince myself that orders had to be obeyed.

Q. What order did you receive.

A. The proposition I received from Miyasaka was as follows "I as Jap. commander received orders from the O. side to be a Jap. and in our Jap. 30 natives are to be undertaken and therefore you will immediately make preparations."

Q. Did Miyasaka tell you what preparations were to be made.

A. He designated the spot of the execution and I had to prepare accordingly.

Q. What preparations were you to make.

A. Hopes and so forth.

Q. What did you do.

A. I did not undertake the preparations but arranged for the carrying out of the orders.

Q. Why do you mean by "arranged to carry out the orders". What did you do.

A. After receiving the orders I went back to my quarters and during that period I made up my mind that the order had to be obeyed.

Q. What did you do towards obeying the order.

A. I carried out the orders of shooting with Miyasaka. That is I went to the scene of execution and on his orders the natives were shot and I



26/11
(cont) remained with the bodies to confirm the death and then orders were given to the soldiers to put weights on the bodies and they were given a sea burial.

Q. What did you do at the place of execution before the natives were killed.

A. When I arrived at the scene of the execution.....

Q. What did you do at the place of execution before the natives were shot.

A. I was standing beside the Coy commander moving according to his instructions.

Q. You were standing beside the Coy commander. What did you actually do.

A. While I was standing beside the Coy commander I was arranging the soldiers' positions.

Q. Do you mean by that that you were allotting a soldier to execute each native.

A. I was just merely standing beside the Co. commander. The section leaders were making arrangements to distribute soldiers to each native.

NO RE-EXAMINATION BY DEFENDING OFFICER

NO QUESTIONS BY COURT

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

石井定藏

265/12

Page 10

DEFENDING OFFICER'S STATEMENT

Witness LITDA said only entry is examined by Defending officer through interrogatory matters.

Quoted by the witness: I never told the truth but not withholding any evidence whatsoever and this I will not do until the end of the trial.

飯 為 重

I am Shigeo Fujita, Captain of the Garrison Unit, Japan Island Department. I am 30 years of age. My dependents consist of my wife, 29, and two children, 10 and 8 years of age. We all live in the same place and they are all dependent on me.

Defending officer asked state and to witness.

That is my statement. The contents of it may have been changed by an interpreter and it is not necessarily correct.

Defending officer asked state and to witness. It was related to evidence marked Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CHIEF WITNESS

- Q. Looking at Exhibit 3 is that your signature on each page?
- A. Yes it is my signature.
- Q. Was it read over to you before you signed it?
- A. Yes.
- Q. Was it a correct record of what you said?
- A. Yes.
- Q. Was it read to you?
- A. Yes.
- Q. Did you remember saying "Together with the other section leaders I received the Japanese's orders"?
- A. Yes, but not whether the two section leaders actually received the orders or not. I am not sure.
- Q. If you were not sure, why did you say that?
- A. Because according to the rules and regulations of Japan operations it is the duty of section leaders to pass the orders and as I assumed that the section leaders did pass on the orders.
- Q. Did you tell the soldiers to hurry up?
- A. Yes I did tell them, and the other section leaders did say so to them.
- Q. Did the other section leaders tell the soldiers to hurry up?
- A. Yes I am not sure.
- Q. Did the other section leaders pass on the orders for bidding and kidnapping the natives?
- A. While some later said as far as the other section leaders are concerned I am not sure.
- Q. How much later did this occur?
- A. I believe it was 10 to 15 minutes.



- Q. How long before the shooting did Iahie arrive.
- A. I think about 5 minutes.
- Q. Where were the natives when Iahie arrived.
- A. I think the natives were lined up at the sea shore when he arrived.
- Q. What orders were given after Iahie arrived.
- A. I think there were 3 orders, first to fire, second to confirm the death and third to bury the bodies.
- Q. How long were the natives lined up before they were shot.
- A. I think about 10 minutes.
- Q. During the whole of that time was there a soldier standing by each native.
- A. The soldiers stood during the period of ten minutes directly behind them.
- Q. What was Iahie doing during this 10 minutes.
- A. I think he was supervising the whole party in getting the men lined up behind the natives. That is during the 10 minute period when the natives were standing there.
- Q. Did you assist in the allotment of the soldiers.
- A. Whether you call it assist or not. I was supervising.
- Q. Was Iahie doing the same.
- A. I think he was probably doing the same thing.
- Q. Was Iahie doing the same thing.
- A. He came later but I think he was doing the same thing.
- Q. Before the 50 natives were shot did you or anybody else ask them how many dependents they had.
- A. I did not.

RE EXAMINATION OF DEFENDING OFFICERS

RE CROSS EXAMINATION BY COUNSEL

Evidence is read over to witness who does not desire to correct same.

I swear that I and my co-defendants have told the truth without adding anything.

飯 菜 重

CLOSE OF CASE FOR DEFENCE

At 1140 hrs court adjourns to 1130 hrs.
At 1130 hrs court reassembles pursuant to adjournment, present the Judge Advocate and same members.



Representing officer makes an address which he does not desire to have recorded.

DEFENDING OFFICER ADDRESSES and makes the following points.

1. Asks the court to bear in mind the difficulties in the use of two languages - difficulty in conveying thoughts, some English conceptions are foreign to the Japanese, whilst English words with different shades of meaning are synonymous to the Japanese.
2. Draws attention to the age, demeanour of the 4 accused who have mastered only the primary school course - they lack in common culture and have no knowledge of international law.
3. Traverses evidence for the defence and submits that there is no conflict as to fact on the record.
4. Submits that incident was provoked without any malice on the part of the accused. At the time Kiyosaka, Kiyohara and Ishie only were officers while Iijima was a warrant officer.
5. Under Japanese law, the order of a superior must be obeyed as an order from the Emperor. Three of the accused have only gained their commission through the peculiar circumstances applying at the Ocean Is. They have all served as sailors for 16-20 years - the strict system of discipline was ingrained in them. They obeyed the orders as automata despite their mental anguish --they were incapable of forming any intent.
6. Draws the court's attention to LAM (Aust 24) pages 186 and 288A with reference to the plea of obedience to orders.



The four accused are charged with murder of persons unknown at Ocean Island on or about 20th Aug 43. Murder is a war crime and is also a criminal offence. Any man charged with ~~murder~~ ^{crime} is presumed innocent until his guilt is proved. The onus of proof is on the prosecution throughout. Before any of the accused may be convicted his guilt must be established beyond a reasonable doubt. In respect of the charge of murder a reasonable doubt is one which could influence your decision in matters of grave importance. The offence of murder is committed when a person of sound memory and discretion unlawfully kills any reasonable person in being and under the King's peace with malice aforethought either express or implied. Express malice is where one with a settled and deliberate mind with formed design both kills another which formed design is evidenced by external circumstances discovering that inward intention. ~~It is not necessary to prove with implied malice in this case.~~ Any unlawful and felonious homicide without malice either express or implied is manslaughter. To establish murder the prosecution must prove:

- Death as the result of the voluntary act of the accused.
- Malice on the part of the accused.
- That the deceased died of the wounds or other injuries resulting from the acts of the accused within a year and a day after they were received.

You must be satisfied that each of the elements a., b., and c., is established beyond a reasonable doubt before you can convict of murder. If a. and c. but not b. are established beyond a reasonable doubt you may convict of manslaughter. Where the accused persons are members of an armed force and the acts alleged against them are directed towards the nationals of a country which to them is hostile it is necessary for you first to decide whether the acts of the accused as established are in fact legitimate acts of warfare. If you find that they are the of course the question of their guilt of the crime of murder would not arise. If you find that the acts of the accused as established are not in fact legitimate acts of warfare then you should next consider whether the accused are guilty of the offence charged or of the offence of manslaughter or are not guilty of either offence. Where the killing is by several persons in circumstances where it cannot be known by whose hand the life was actually extinguished it is murder on the part of each of the persons carrying out the common act of all. Common design includes a concerted design to commit murder or a felony; it is not done by one of the party in the case of the individuals to effect the common objective results in the death of some person, the others are equally liable for murder as principals in the second degree. Principals in the second degree are those who are present at the commission of the offence and aid or abet its commission. It is not sufficient that a person or persons should merely be present at the commission of the offence and no more. The fact that they did not prevent the commission of the offence would not render them guilty as principals in the second degree. An accessory before the fact is one who though not present at the time of the felony committed doth yet procure counsel command or abet another to commit a felony. In the case of an accessory before the fact there must be a procurement of the felony charged in the indictment. Accessories before the fact and principals in the second degree are punishable in the same manner as principals in the first degree. It is open to each of the accused to show by way of defence that the murder was not committed by him, or that the offence actually committed does not amount to murder. It is open to the accused to set up that their actions were either justifiable or excusable. As they were members of an armed force the question of excuse by reason of superior orders also arises and in respect of this refer you to Art. 22, p. 128 and 129 para 60 and also to Art. 228. The two passages should be read together and you should bear in mind that the passage in p. 228 is part of a chapter dealing expressly with laws and usages of war whereas the other chapter deals with the powers of civil courts. To decide whether or not any orders given to any of the accused were obviously unlawful or outrage the sentiments of humanity you must endeavour fully to consider the conditions appertaining at the time of the incident, how the accused would view them, and whether after careful deliberation you are satisfied that such orders were or should have been obviously unlawful to the accused or did in fact outrage the sentiments of humanity.



Finally if any of the accused has raised any reasonable hypothesis as to the existence of a state of affairs which would establish the defence set up by him or raise a reasonable doubt as to his guilt in your minds then such hypothesis must be resolved in his favour.

At 1355 hrs court is closed to consider finding.
At 1410 hrs court reopens.

The President announces that the court find all the accused GUILTY of the charge.

Defending officer addresses in mitigation and makes the following points.

1. Draws attention to the previous address.
2. Submits that on the evidence, the 4 accused who have been found guilty of technical and specific charge of murder were unaware that hostilities had ceased.
3. Emphasises that the Japs have been ingrained with a strict system of discipline.
4. The 4 accused have freely admitted their participation in the execution. They believed they acted lawfully and now lay themselves at the mercy of the court.
5. Iijima at the time was not a commissioned officer and, all accused (as court has observed) are slow old men of poor education and little culture.

At 1415 hrs court is closed to consider sentence.
At 1445 hrs court reopens.

The President announces that the sentence of the court is as follows:

Lt. Miyasaka Denji - Death by hanging.
Sub Lt. Kiyohara Naoyoshi - 20 years imprisonment
Sub Lt. Ismie Jatazo - 20 years imprisonment
Ensign Iijima Tadashi - 20 years imprisonment.

The President informs the accused that such finding and sentences are subject to confirmation by higher authority

Signed at RABUL this 2nd day of April 45.

Sanjivan
Major Judge Advocate

John H. King
Major President.



FORM 34

INTERVIEW OF [REDACTED]

My name is [REDACTED] and I am a native of [REDACTED] ISLAND. I am 22 years of age and single. I signed on with the British Free Corps Commission during the "THIRTEEN" recruit at OROTAI ISLAND about 18 months before the Japanese came to OROTAI IS.

2. My work on OROTAI IS before the Japanese came was on the cableway.

3. During the Japanese occupation I was employed as a fisherman and lived at TABWEMA VILLAGE. We fished from early in the morning until about 5 pm. Usually two men per canoe. The Japanese collected all the fish, but only occasionally gave us a little for our own use. Sometimes the Japanese came down to the shore to meet us coming in but usually we took the fish up to them. The Japanese to whom I took the fish was ("OOHIAH") - phonetic spelling. If we did not catch any fish we were slapped on the face.

4. I knew HAHITARI who was also a fisherman. I did not hear that he was planning to escape, but I heard after he had gone. I heard that three canoes had got away and thought that the Japanese would catch them.

5. There were no Europeans alive when HAHITARI left OROTAI IS.

6. The Europeans I remember on the island were Mr. GARTHEIGHT who died of malnutrition, Mr. COLE, Mr. THIRD, Mr. METCHA, Father FUJIMOTO and the brother. I do not know where Mr. GARTHEIGHT was buried.

7. I once saw Mr. COLE outside his house at TABWEMA working in the garden. He was weeding around the "poi" plant. We were not allowed to speak to the Europeans.

8. I heard from THIRU who escaped with HAHITARI that Mr. COLE was killed by stabbing with a knife while he was asleep in his house at TABWEMA. THIRU also told me that Mr. METCHA died of sickness and that Father FUJIMOTO went into hospital for an abdominal operation. He also told me that Mr. THIRU and the brother were infected by the number two doctor (ARAHISHO).

9. About five months before the end of the war our section of fishermen at TABWEMA was transferred to ULA village. We were not told why we were transferred to ULA village. There were only three of us at TABWEMA - myself ERIM and ABRAM.

10. At ULA we joined the fishing section there. The names of the boys there were - ERIM, MIVINE, TUKUWT, TEECHITAW, HAITAU, FURAKI, URIAN, TETIKA, ANOKAN, ABA, BAKI and MACRI. We lived in the European house up behind the Billiard Room. We fished from early in the morning, sometimes as early as 3 am until afternoon.

11. One evening "OSAKISO" (phonetic) the Japanese who was in charge of the fishermen came into our house and told us that next morning we were to come back early from fishing about nine or ten o'clock.

12. MACRI and I came back from fishing about 7 am the next morning. The rest came back about nine o'clock. We came back early because we had a lot of fish then we all went to our quarters.

13. Somewhere after nine o'clock "OSAKISO" shouted out from the Billiard Room for all us fishermen to come down. We all came down and gathered beside the road at the Billiard Room. When we got there we found all the other boys on the island already gathered there. There would be over a hundred.

[Signature]

[Signature]
May 3A



A

206/18

14. We were all paraded in short file lines along the road. Some of the Japanese were ~~standing~~ ^{looking} when we passed. There were about 100 of them. SUKAIISO (Phonetic) the No 3 Commander spoke to us through OSAKISO the interpreter. He stood upon the verandah with the other five Japanese. He told us that the war is over but that we must still work for a while, and then the Japanese would be going away and leaving us here. Then we were told to go back to our houses.

15. We were too scared to show our happiness, so just bowed our heads and went to our house. Then we laughed and talked of the good news in our house.

16. We stayed in our house all the rest of the day and prepared our fishing gear for the next day. We were not allowed to go out and OSAKISO was angry if anyone asked permission to go out.

17. Next morning MAORI and I and everyone else went out fishing as usual, while it was still dark. MAORI and I came back very early about eight o'clock because we had a lot of fish. The others came back about the o'clock they were earlier than usual too, because they had caught a lot of fish.

18. When we arrived back all the natives and a lot of the Japanese soldiers were gathered in the same place as we were gathered the previous day. The native soldiers were told to hand in their uniforms and arms. They handed them all in to the Billiard Room. The native soldiers had marched in, in their respective groups under their Japanese leader.

19. Then OSAKISO called us from our house to come down to the road by the Billiard Room again. We came down and joined in the parade. SUKAIISO spoke to us all again. He told us we were going to change over the sections again now. OSAKISO then divided us up into our new sections as instructed by SUKAIISO. Our section was the last to be divided up.

20. The first section of about fifteen men was for BUKINTERIES. One soldier went with them and they marched away. The second section of about fifteen men was for TAKEMMA. One soldier went with them and they marched away. I would know the faces of each of the soldiers who went with these two groups. The third group was a bigger group, about 30 or 40 and was for ~~MAORI~~ ^{MAORI}. One soldier marched away with them too. The fourth group was also about 30 or 40 and was for the Chinese location. One soldier went with them. This last is the Toddy Cutter's group.

21. I was in the fifth group of eight men. We were to go to ETANI-SANABA and marched away with one soldier in charge. I do not know the name of this soldier, but would recognise him. There were still some natives left when we marched away.

22. We marched through below the Chinese quarters and above the Pastor's House and then through to the police lines. The soldier in front with us behind.

23. When we arrived at the Police lines we saw a lot of Japanese soldiers in their quarters. They were all inside their houses. The Japanese soldier in charge of us told us to sit down in a line and told us to face towards the East. Then he took out a little book from his pocket and asked us in turn how old we were. As each man told him how old he was the soldier wrote in his book. That was all we were asked.

24. When the soldier had almost finished writing down the ages, a (SHOTAISO) came up with another soldier from behind us and walked out in front of us. The (SHOTAISO) drew his sword and revolver, and the soldier drew a revolver and both pointed them at us. They did not speak to us, but called out for some more soldiers to come out. Each soldier stood in front of one man with the bayonet pointing at his stomach about six inches away.

Gampari
May 1945



25. Without anything being said, the soldier who had lead us up tied each man's hands in order with some string he had in his pocket. It was twine that is used for making rope. My hands were tied very tight. There was a length of rope left over loose after tying each man's hands.

26. Then the (SHOTAISO) spoke to the soldier who had tied our hands and the soldier told us to stand up. Then the soldier gathered up all the long ends of rope so we could not run away.

27. Then the (SHOTAISO) walked beside our group as we started walking down towards TABIANG Village. The soldier holding the ropes behind us, and the other eight soldiers behind him. The one who had the piston with the (SHOTAISO) stayed in the Police lines. All still had their bayonets ready as they filed down the track behind us.

28. We stopped by the engine room for about three minutes while the (SHOTAISO) spoke to the man in the Power House. I do not know what they were talking about.

29. Then we walked on down the track across the road and on down to the cliffs below TABIANG Village.

30. When we got to the cliff the soldier released the strings and told us to line up on the edge of the cliff and squat down close together. Then our eyes were tied up with cloth. The same man who had tied our hands tied the blindfold on us. Then I could hear movements behind and felt as though the soldiers were behind us. I was the second man to have my eyes tied up.

31. FALALIWA was the first man to be tied and was on my left. He said to me "Are you ready?" and I replied "Yes I am ready to die". Then FALALIWA asked "You remember God?" and I replied "Yes I remember".

32. Then everything was quiet for a moment, then I fell over the cliff. I did not try to, but just fell. Almost at the same time I heard a scream and someone fell on top of me. I think it was FALALIWA. I heard others fall, but no more screams. Then I heard a lot of shots fired. FALALIWA was still on top of me and some of the bullets I could hear were close to me.

33. This was about three or four o'clock in the afternoon. The water kept breaking over us, but I could breathe as the water receded each time. I could see a little bit out of my left eye past the blindfold, but I did not look up. I stayed there without moving until I thought the Japanese had gone. Then I bit FALALIWA's shoulder to see if he was still alive. He was still lying partly on top of me. FALALIWA did not cry out so I knew he was dead.

34. I stayed about an hour in the water until I thought the Japanese would be gone, then I got up and went over to a sharp piece of the cliff where I cut the binding from my wrists. Then I removed the blindfold. Then I went around all the other bodies to see if any were alive. They were all dead and I looked at each man's face. There was a lot of blood about. I cannot say how all were killed, but I remember FALALIWA had a wound in his left side, and blood was coming from it. UHANTITI had a bullet hole in his head.

35. After I found they were all dead, I looked for a place to hide and found a cave where I hid myself. I stayed in this cave all night.

36. The next morning I saw some of the bodies floating outside the cave. They were swelled up bodies then. Two of the bodies washed into the entrance of the cave. I did not touch them and stayed inside the cave and only peeped outside.

Checked by
Ames

Landpau
May 5 A



268/20 A
37. About the middle of the day I heard the roar of a plane flying very low. I could hear the plane flying round for about half an hour or an hour. I did not see the plane and stayed in the cave.

38. After the plane left I could hear footsteps over the top of the cave and I could hear voices through one of the holes leading in behind the cave. Then I saw some Japanese soldiers walking along the reef. The tide was right out, just starting to come in. Some of the soldiers came by my cave. Two of them dragged one body out to the reef, then came back and dragged another body out to where there was deep water. I could not see them all the time from my cave and think they made other trips for the other bodies.

39. I did see these two soldiers make two trips. I saw two canoes each with two Japanese in them come in to pick up the bodies from the soldiers who dragged them out to the reef. There was a launch too. Both the canoes and the launch came from the direction of TAFUA. The canoes being paddled close inshore and the launch moving slowly further out. The canoes towed the bodies out to the launch.

40. Then the canoes paddled back towards TAFUA and the launch went further out to sea.

41. I do not remember anything else that day.

42. I stayed in the cave this night.

43. Next day, I do not remember anything except hearing the flatcar moving along the rails.

44. That evening about seven or eight o'clock I left the cave to search for young coconuts and to find a new hiding place inland. While I was up the tree two Japanese came along poling a flat car towards TAFUA and I stayed hidden up in the tree until they had gone.

45. Then I went to look for a hiding place and found a good bangabanga above the Police lines and I hid there. By then it would be early the next morning.

46. I stayed in hiding in this bangabanga until the day I met the two Gilbertese (2nd Dec 1945).

47. I used to go out at night and gather food, young coconuts and old coconuts and water.

48. Sometimes I came out and climbed a tall teitai tree to look round and see if any ships were about. I did not see the warship come but I saw some other ships. I thought they were more Japanese ships.

49. I saw the Union Jack flying from the staff in the Police lines but thought it was another Japanese trick, so did not go near.

50. I heard the bugler every day too, but I thought it was Japanese too, because the Japanese had a lot of bugler.

51. One day while I was up the teitai tree I saw a motor car different from the Japanese kind and the people in it did not look like Japanese so I came down from the tree and hid by the road to wait for the motor car to come back.

52. I waited two or three hours, but the motor car did not come back. Then I heard the tinkle of bottles and saw two men. One I thought a native Gilbertese, but the other I thought Japanese, because he was wearing Japanese clothing and shoes. The one wearing the sulu and carrying the toddy bottles I knew was Gilbertese and I thought he spoke in Gilbertese.

*Finished by
P. J. J.*

*Landfair
May 50*



R67/2
- A -
53. After they had passed by I made up my mind for sure they were Gilbertese so followed them silently. When I got up alone behind them I was sure they were Gilbertese, so I greeted them "Ma ma mauri" (Greeting). They seemed frightened of me for a minute and asked me where I had come from. I told them I had been here all the time and was the remaining man of the killing. I asked "Where are the Japanese?" They told me the Japanese had all gone and that they had come on the second labour recruit.

54. They asked where I had hidden all the time and I showed them. Then I changed from my napkins into my sulu which I had hidden in the hole.

55. I thanked the hole for saving my life and then came down to the Police lines and TAAUOKI took me to the District Commissioner.

I swear the above to be a true correct statement of the facts.

(SOD) K. BUKAHE

Witnesses - R. F. WAKAFIELD - COOK ISLAND
TAAUOKI - COOK ISLAND

Certified true copy of original

Blanchard
Procurator

Richard
Procurator

Gaudpau
May 5/11



PLB - B
22
Interrogation of Lt MIYASAKA
Lieut of 67 Naval Garrison
Unit at Rabaul on 20 Nov
46 by Capt J A. Schland AHC RMD
through interpreter Sgt AT Hosh
of ATIS at 8 MD

Q1. I am going to ask you some questions.
You are not obliged to answer but
whatever you say will be taken
down in writing and may be used
as evidence. Do you understand?

A1. Yes I understand.

Q2. Between what dates were you on
Green Is.

A2. From Aug 42 until the end
of the war.

Q3. Was Lt Colnd Suguchi the senior
your commanding officer?

A3. Yes.

Q4. Were you a Company Commander?

A4. I was from May 1945.

Q5. Do you remember Lt Colnd Suguchi
giving you an order that the
natives were to be executed?

A5. Yes.

Q6. When did you receive that order?

A6. I think it was shortly
before the war ended.

Q7. As a result of that order what
did you do?

A7. I thought it was an unreasonable
order.

Miyasaka D-1001

Rb 8/3 B2.

order. The company ~~commanders~~ commanders had a conference and we were of the opinion that it would be better not to do this. Lt Sakata went as our representative to see Suzuki but Suzuki said the order had to be carried out.

Q8. What action did you then take.
A8. I passed the order on to my junior officers.

Q9. Who were your junior officers?

A9. Sub Lt KIYOHARA ~~Ensign~~ ^{Sub Lt}, Sub Lt ISHII Teigo, Ensign EIJIMA Ju.

Q10. What else did you do.

A10. I think that Lt NARA divided the natives into parties to be killed. Sub Lt ISHII took the natives down to a place called OMA by the coast. Myself and the three junior officers were on the spot. The three junior officers lined up the soldiers and the natives I was supervising at the back then the shooting took place.

Shooting by
machine
guns
about 1/2 p.m.

Q11. Who gave the order to fire?

A11. I gave the orders to KIYOHARA ISHII and EIJIMA and they gave the orders to fire to the soldiers.

Rock
valley

Q12. How many natives were there?

A12. About 50.

宮坂
MIYASAKA DANJI

Q13. ^{265/24} ^{3. B-} Were the natives handcuffed
or blindfolded
A13. They were bound and
blindfolded.

Q14. Who did the binding and
blindfolding
A14. The soldiers.

宮坂
MIYASAKA DENZI

I Sgt AJ Noah of ATIS att 8 MD. do hereby
certify that this statement was
made by Lt MIYASAKA Denzi
in Japanese and after the same
had been written down in English
was read over to him in Japanese
before he signed it and that the
translation is a true translation
of the statement.

Stickland cals
Interrogating Officer. *Stickland*
San Francisco
May 5-7



Investigation of Sub Lt. Kiyoh HARA
regarding 87 Naval Garrison Unit
at Rabaul on 2021 March 40 by
Capt J. C. Chelms of AHC. FMD through
interviewer Sgt AJ Hosh of ATIS
at PMP.

Q1. I am going to ask you some questions
you are not obliged to answer them
but whatever you say will be taken
down in writing and may be
used as evidence. Do you understand?

A1. Yes I understand.

Q2. Between what dates were you on
Oceania Island

A2. From Sep 42 until after the war ended.

Q3. Who was your company commander
when the war ended?

A3. Lt. Miyasaka.

Q4. Do you remember Miyasaka giving
you an order with regard to the
shooting of natives?

A4. Yes I remember.

Q5. When did he give you that order?

A5. It was about 19th or 20th Aug 1945.

Q6. What was the order?

A6. He told me that Lt. Col. Sugihara had
given orders that all natives were to
be shot.

Landpoint
Mar 50

Kiyoh HARA
HAYASHI



20/26

25C-

Q7. What else did he tell you.

A7. He said we were all to go down to the sea shore and shoot the natives.

Q8. What did you do.

A8. At the time of receiving the orders I asked Miyasaka if it would be alright if I did not do it. Miyasaka told me that as it was the order of the commander it had to be carried out.

Q9. What action did you take.

A9. I went with Miyasaka to the place where the executions were carried out.

Q10. What happened there.

A10. I passed on Miyasaka's orders to the troops.

Q11. How many troops were there.

A11. Between 90 and 100. They were together in one squad.

Q12. What officers were there.

A12. Lt Miyasaka, myself, Sub Lt ISHII, Ensign IITAMA. There were only four.

Q13. How many natives were there.

A13. I think there were about 50.

Q14. Were they blindfolded or handcuffed.

A14. Yes. They were blindfolded and bound.

KIPPAN R.A.

HAOYOSH

Sandpiper
May 5-51

208/24 3:00
Q15 Did you see them being blindfolded and bound.

A15 Yes the troops did it.

Q16 What happened then

A16 When I arrived at the sea shore they were lined up and by Miyasaka's orders they were shot.

Q17 What have you taken in the shooting

A17 I passed on Miyasaka's orders to the troops. In accordance with orders from Miyasaka I gave the order to fire.

Q18 Were all the natives shot at the same time

A18 Yes

Q19 How many were in the firing squad

A19 About 50 soldiers

Q20 What was done with the bodies

A20 The soldiers put them in the sea

KIYOSAKA ^{it} NAOYOSHI
AP

I, J. J. AT Hook, of ATIS, do hereby certify that this statement was made by Sub Lt Kiyosaka Naoyoshi, Japanese, and after the same had been written down in English was read over to him in Japanese before he signed it and that the translation is a true translation of the statement.

Sub Lt Capt

Investigating Officer

W. J. J. J.

W. J. J. J.



RD/28 "D"
Investigation of Sub Lt. ISHIE Satago.
of 67 Naval Gunners unit at Rabaul
on 21 Mar 44 by Capt F. Cochland
ANAC 840 through interpreter
Capt AJ Hask of ATIS alt 840

Q1. I am going to ask you some questions
you are not obliged to answer them
but whatever you say will be
taken down in writing and may be
used as evidence. Do you understand
A1. yes I understand

Q2. Between what dates were you at Ocean Is.
A2. from August 1942 until the end
of the war.

Q3. Was Yamaguchi Lt. Miyasaka
your Company Commander
A3. yes.

Q4. Do you remember Miyasaka
giving you orders regarding the
cheating of natives
A4. yes.

Q5. When did you receive the order
A5. It was about 20 Aug 45.

Q6. What order did you receive
A6. On that day I was acting as a
section commander. Miyasaka
told me that the orders were
from Lt. Col. Suguchi. His

Checked by
PAC
Cochland

Sandpaul
May 59

To #
ISHIE SATAGO



Q1. 'D' 2.

orders to me were that I was to take over that section and that the natives were to be punished by being shot.

Q7. What did you do as a result of the order.

A7. I went to the place of execution I was the last there. When I arrived the natives, the soldiers and the other officers were there.

Q8. Who were the other officers.

A8. Lt. Miyasaka Sub Lt. Kikawa and Sub Lt. Ejima.

Q9. How many natives were there.

A9. About 50.

Q10. How many soldiers were there.

A10. About 20.

Q11. What did you do when you arrived at the place of execution.

A11. When I arrived everything was prepared for the shooting. I was on the spot and watched. I did not pass on any orders or do anything else.

Q12. Did you not take the natives down to the coast.

A12. No I did not.

Q13. Did you not take the natives down to the coast.

Landspani
May 3A

ISHIE SATOZU

pt 30 "D" 3.
Q13 Did you not assist in
lining up the soldiers and
natives.

A13. When I arrived on the spot they
were all lined up.

Q14. Why did you arrive later than
the others.

A14. When I heard the orders I was
upset by them and I took quite
a long time to think over them.

Q15. Who gave you the orders.

A15. Miyasaka himself gave me the orders.
He gathered the section commanders
together and gave the orders.

To #

ISHIE SATARO

I Sgt A.J. Hask of ATIS and S.M.D. do hereby
certify that this statement was made
by Sub Lt ISHIE Sataro in Japanese and
after the same had been written down in
English was read over to him in Japanese
before he signed it and that the translation
is a true translation of the statement.

Rank

Witnessed by

Interrogatory Officer.

Grandpau
May 3-A

Checked by
Rank



R65-31 E

Investigation of Ensign ^{1171MA} Tadeshi
of 67 Naval Garrison unit at Rabaul
on 22 March 46 by Capt J. Achland
RMC SMD through interpreter.
Sgt AT Hock of ATIS att SMD

Q1. I am going to ask you some questions
you are not obliged to answer
them but whatever you say will
be taken down in writing and may
be used as evidence. Do you
understand?

A1. yes I understand.

Q2. Between what dates were you on
Banan Is.

A2. From April 1943 until the end of the
war.

Q3. Who was your Company Commander?

A3. Lt. Miyasaka

Q4. Do you remember receiving an
order from Miyasaka about the
shooting of natives?

A4. yes.

Q5. When did you get it?

A5. About 20 Aug 1945.

Q6. What order did you receive
myself and the two other
section leaders were called into
Miyasaka's room and told
that the previous night Suzuki
had ordered the shooting of the
natives. Miyasaka ordered us
to be present.

1171MA 飯 本 重 雄 TADASHI

Sanjima
May 31

Delishy
penn

Ames

Chickens



RFB
42

F-2

Q. What did you do as a result of your orders?

A. Miyasaka then called together all soldiers of his battery and of No 6 section and told them about it.

Q. What did you do yourself?

A. At about 1130, after we had news, I went with the company commander to the execution place by the sea shore.

Q. What happened there?

A. The soldiers brought about 50 natives. Then they were blindfolded and bound by Miyasaka's orders.

Q. What happened next?

A. The natives were lined up on the shore by Miyasaka's orders. Then according to Miyasaka's orders they were shot.

Q. What other officers were present?

A. Miyasaka and Ishimatsu, four of us in all.

Don't know
May 5, 1942

Shackleton
P. 100

P. 100
P. 100

Q. Were all the officers together at the same spot?

A. Yes, all within about 5 or 10 yards.

Q. Did you assist in passing on orders?

A. Yes, together with the other two section leaders, I passed on Miyasaka's orders.

110100 7 100000



11 R46 E 2
Q. What orders did you pass on
A14. A telephone message came that
all the other execution places
were ready and we were to
hurry up. I passed the order to
hurry up on to the soldiers.

Q15. What other orders did you pass
on.

A15. I also passed on the order for
blindfolding and binding the
prisoners.

Q16. What other orders.

A16. I do not remember passing on
the order to fire.

Q16. Who passed on the order to fire.

A16. I do not remember whether the
other two officers passed on the
order to fire. I also passed
on Miyasaka's orders to the soldiers
that the bodies were to be put in the
water. The reason I passed on the
orders was because the soldiers
were numerous. The other two
officers and I passed them on
so there would be no mistake.

飯島重
IZIMA TADAHI

I, Sgt. A. Hosh, of ATIS at 840 do hereby certify
that this statement was made by Ensign IZIMA
Tadahi in Japanese and after it came had been
written down in English was read over to him in
Japanese before he signed it and that the translation
is a true translation of the statement.

Edmund
Interrogation Officer

Witness
Hosh



100-10-1111111, Benji states:

I have served for 15 years as a sailor and EOD and left the Navy in 1937 with the rank of Warrant Officer. I spent 6 months at home as a farmer and was then mobilized by the Navy. I have since served in Navy and commissioned as Ensign 16 March 1942. I had a primary school education and did not qualify at an officer's school.

In Feb. '43 I was an Ensign attached to the 67 Naval Garrison Unit in Ocean Island. I was appointed to a section leader when I landed there and in Mar. '43 was promoted to Sub-Lt., then in May '43 to Lt., and designated to a company commander in March.

At the time when this incident occurred, I was in garrison of south-eastern districts of Ocean Island. My company then comprised 1st Section of 40 men with Ensign KIDOMARI in charge. We had 2 sections of approx. 18 men with Ensign IEMMI in charge and 1st Battery of approx. 43 men with Warrant Officer IEMMI in charge.

On 18th of Aug. '43 I was called by Lt. Cdr. SUGI, Cdr. to report myself to the H.Q. where with the other company commanders I was told by him of his purpose to kill all natives in the island. Then all company commanders held a conference by which we came to the following conclusion. We realize the fact of natives' treachery, but it would be able to be checked in advance by arresting and executing the leading natives or instigating all natives. It was unbearable for us to shoot those natives who had shared joys and sorrows with us for a long time.

We told our opinion to Lt. Cdr. SUGI. After mature consideration, the following day (19th day) he decidedly told us to kill all natives, and in spite of our repeated objections, he declared that anyone who disobeyed his order would be sentenced to death on charge of violation of order in a court. Lt. Cdr. SUGI was a brave and bold man who was very strict to us on carrying out the order and through the hard life which we experienced in Ocean Island for many years, he had adhered firmly to this principle.

Whenever he determined to carry out an order, he refused any objection made by his subordinates and used to punish those who would not obey his order in the most strict way.

We had been taught and believed that when once an order is given, and opinion against it is refused, we must obey the order as soldiers even if we cannot approve of it, and there the discipline of army exists.

Such an officer who was promoted from a seaman as I, had not been allowed to take part in military operations but only forced to obey and carry out the order given. In this case, too, repeated objections made against him were refused by him and we were obliged to obey his order, otherwise we should have been sentenced to death on charge of violation of order in a court. I spent the night in agony. Early on the morning of the next day (20) I asked for the third time, Lt. Cdr. SUGI to withdraw his order. However, not only he refused but also he scolded us severely.

Then as I considered that I should not be able to find out any other way except carrying out his order, I gathered section leaders and conveyed Lt. Cdr. SUGI's intention to them. All section leaders agreed in that I explained my attitude toward Lt. Cdr. when he had given the order to us and told them that this was a Lt. Cdr.'s strict order.

At about 1100 hrs on the same day, I sent several sailors to the Administrative Office. From there we received 50 natives, and took them to the beach which was by Sydney Cape of the Southern Beach.



218/55
F
(7)

The fifty natives, blindfolded, were lined up with their backs to the wire entanglement near the shore. Fifty Japanese soldiers were lined up about 2 meters away with orders to fire at individual natives and another 20 were lined up slightly behind in case any native failed to die at the first volley. And 3 subordinates stood some 3 to 4 meters behind the firing squad. I only carried a sword. I gave the order to fire. They all fell down at the first volley. A second volley was then fired to insure that death had occurred.

About 20 minutes later, I examined their dead bodies, cutted them and buried with weights at the sea publicly.

As I mentioned above, such an incident as this is the most regrettable one for us. However, in Japanese forces we should obey the order absolutely and we used to be punished severely if we refused it. And I was obliged to carry out the order. Lt. Col. SUGIYAMA could not explain any detail of situation especially to lower ranking subordinates than section leader and he only compelled them to carry out his order without any objection. In this case, they did not act on their own decision, but acted as compelled puppets of Lt. Col. SUGIYAMA.

菅原 健児

Lt. SUGIYAMA Kenji

I hereby certify that the above translation is true and correct.

*Shikida by
Rine*

Tanaka Shigen

Sandham
May 3-0

STATE DEPARTMENT, WASHINGTON, D. C.

I have arrived in the Navy for 20 years. I was
assigned to the 1st Fleet, and I have been in the
Navy for 20 years. I have been in the Navy for 20
years. I have been in the Navy for 20 years. I have
been in the Navy for 20 years. I have been in the Navy
for 20 years. I have been in the Navy for 20 years.

In 1945 I was ordered to serve in the South Sea
Islands. I was assigned to the 1st Fleet, and I have
been in the Navy for 20 years. I have been in the Navy
for 20 years. I have been in the Navy for 20 years.

That this week included I included the south-western
part of the 1st Fleet, and I have been in the Navy for
20 years. I have been in the Navy for 20 years.

After breakfast on the 21st day of August 1945, I was
ordered by the 1st Fleet, and I have been in the Navy
for 20 years. I have been in the Navy for 20 years.
I have been in the Navy for 20 years. I have been in the
Navy for 20 years. I have been in the Navy for 20 years.

清原 嘉夫
Sub-Lieut. Class KIRUMARA Hasegawa

I hereby certify that the above translation is
true and correct.

[Signature]
Sub-Lieut. Class KIRUMARA Hasegawa

[Signature]
Sub-Lieut. Class KIRUMARA Hasegawa

San Francisco
Aug. 30

R68/37 H
Naval Sub-Lt. 1st class ISHII Sadazo states:

I have served for 12 years until demobilized on 31st Oct. '34 when I was Petty Officer 1st class, and was recalled on 14 Sept. '37; meanwhile I worked as a artisan at a rayon manufacturing company. The total term in the Navy is 21 years. I was commissioned as an Ensign on 1st Nov. '44 whilst at Ocean Island. I did not attend any Naval Officers' school. I had 6 years primary school education.

In Feb. '45 I was ordered to serve in the Ocean Is., Detachment of the 67th Naval Garrison Unit, and worked as a section leader (Naval Ensign) till the end of this war, and then I was promoted to Sub-Lt. 1st class in Sept. '45.

When this event occurred, I defended the southeastern part of Ocean Is. as a subordinate of Coy. Cdr. Naval Lt. MIYAMURA.

After breakfast on the 20th day of August '45 I was ordered that 50 natives would be executed by the Coy. As it was too much for me, I was agitated, but Coy Cdr. told me it was an absolute order of the commander. After returning to my billet, it worried me as it seemed marvellous. But I was told that I would have been punished on the charge of the violation of superior's order, if I had not obeyed the order. And we had ever been not permitted to criticise, but required to execute the order. So I made up my mind to go inevitably to the execution place. When I reached there along the coast, the natives were already arranged in a line there. They were shot by volleys to death by the order of Cdr. After confirming their death, we untied the ropes bound them and buried them at sea secretly.

石井 貞蔵
Sub-Lt. 1st Class ISHII Sadazo

I hereby certify that the above translation is true and correct.

Chadron

Takahashi Shigen

Chadron
Aug 22



R68
38 - J.
Sub-Lt. 2nd Class IJIMA Tadashi states:

I have served 16 years continuously and was commissioned as Ensign on 5th Sept. '45. I had 6 years primary school education. I did not attend any Naval officers school.

In April '43 I was ordered to be attached to the Detachment on Ocean Is., the 67 Garrison Unit (at the time I was a petty officer) and I have served at No. 1 battery. MIYASAKA was in direct command of battery but I was nominally in charge to carry out orders. In March '44 I was promoted to be a W.O. afterwards I have served there as a section leader and at the cessation of the war I was appointed to be a Sub-Lt. first class. At the time of this accident I have defended against the enemy at the south eastern parts of Ocean Is., as a subordinate under the Capt. Miyasaka.

④ In ~~May~~ 20th '45 after breakfast in the officer room I was ordered from commanding officer of Coy that all natives should be shot to death. From the time when I was a petty officer, I was not permitted at all to criticise the order, and this time it was a strict order of Commander, so I have done it.

飯島 重

Sub-Lt. 2nd Class IJIMA Tadashi

I hereby certify that the above translation is true and correct.

Handwritten signature

Tsukahara Shigoru

Landpain
May. J.A.



I, SX10334 Douglas John McBAIN, a Major in the Australian Military Forces, holding the appointment of Deputy Assistant Adjutant-General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters, Melbourne, heresby certify that the attached fifty-seven (57) sheets numbered consecutively from "R53 - 1" to "R53 - 57" (both inclusive) are a true copy of the original proceedings of the Military Court which at RABAU^{29th and} on the 30th day of April 1946 ^{Direct} tried Lt SAKATA Jiro, Ensign YACHI Sumio, Ensign SHINGAKATA Yoshihara, WO KOMEI Hiroshi, CPO ARAI Kakuzo, CPO OHNO Saneichi, and That I am the officer having, in the course of my duties, the proper custody of such original proceedings.

Dated at MELBOURNE this 24th day of October 1947.

Douglas McBain..... Major
D.A.A.G.
DPW & I, AM.

WITNESS *S. Arnold*..... Capt
An officer in the Australian Military Forces.

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