

BR. 44-J

Trial against

Sgt. MAT. ^{A?} OTODO, HIROSHI

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 65008/JAG

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Sjt-Maj OTODA Hiroshi	Imperial Japanese Army		11 February 1946 ALOR STAR
			Convened by
			GOC-in-C, Malaya Command

CHARGES

1st Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of March 1943 brutally ill-treated and thereby caused the death of POH HOON a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.

2nd Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of March 1943 brutally ill-treated and thereby caused the death of GAN CHENG CHUAN a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.

3rd Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated and thereby caused the death of KUNG CHOON HOE a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused. (4th Charge - See back)

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Lt-col. FIGGURES Major H. E. R. SMITH Capt. J. M. CARTER Capt. T. D. THORPE	R. A. Barrister-at-Law R. A. MISS M. E. R. GR R Sussex N/A

Pleaded	Finding
Guilty to all charges.	Guilty

Sentence and Minute of Confirmation

Death by hanging

Confirmed by GOC-in-C Malaya Command
on 5 March 1946

When and where Promulgated :—

13 March 1946

Date of Receipt	To whom sent	Date sent	Purport

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.L.G. Case No. 62003AB

Name of Accused (including Rank, if any)	Unit or Service	Date and Place of Trial
ALOR STAR

4th Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated AH HIN a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused, and thereby drove the said AH HIN to commit suicide.

CHARGES

1st Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated and thereby caused the death of ...

2nd Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated and thereby caused the death of ...

3rd Charge COMMITTING A WAR CRIME in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated and thereby caused the death of ...

4th Charge - See text.

President and Members of the Court (except Legal Members)	Judge Advocate General Member
Lt-Col. ... Major ... Capt. ... B.

Verdict: Guilty of all charges.

Sentences and Minutes of Sentencing: ...

Date of Report	To whom sent	By whom

7

EXTRACT FROM THE TRIAL OF Sgt Major OTODA
Hiroshi WHO EXTERMINATED FOUR CHINESE COMMUNISTS.

The Accused having pleaded guilty to all four charges,
the President addressed him as follows :-

PRESIDENT: The Court is extremely loath to accept a
plea of "Guilty" when the sentence may be death.
I want to be quite sure that you understand the
significance of your plea.

Do you appreciate that by pleading "Guilty"
you are admitting not only that these four men have
died in your custody, but that you are also admitting
that you tortured these men, that you tortured them so
severely that three of them died and one was led to
commit suicide, and that, further, you had no right to
torture these men at all according to the laws and
usages of war ?

ACCUSED: I appreciate, Sir.

Question: Do you appreciate that the normal punishment
for killing of a serious nature is, by most courts, death,
and this Court is empowered to award a sentence of death ?

Answer: Yes.

Question: Very well, provided that during the course of
the proceedings the Court does not find that you should
not have pleaded guilty, your plea of "Guilty" is
accepted. Do you wish to make any statement with
reference to the charges brought against you ?

Answer: Yes, I wish. I arrested four Communists after
making thorough investigations. As far as the treatment
of these four Communists, I did not have any instructions
from my superiors. At the time of this arrest, the
Japanese Army had a very strict law saying that all
Communists must be destroyed.

I, as one of the members of the Japanese Army, as a Kempei, have only fulfilled my duty. At the time in the Malayan district, it was quite difficult to make investigations as far as Communists, and I had to take very extreme steps in order to find out or make them say anything of their work underground. I have arrested these four people and I am sure I have fulfilled my duty only as a Kempei. At the time I myself thought that unless I went to these extremes I would not be able to destroy these Communists. That is all.

PRESIDENT: Major Dill, it appears from what the Accused has just stated that he indicates the actions which he has taken were in response to superior orders. "Superior orders" is not a defence, but it is a factor which the Court should know. Are you in a position to bring evidence to show that these acts were in response to superior orders ?

DEFENCE: No Sir.

PRESIDENT: Sgt. OTODA, it is necessary for the purposes of record that the evidence which would have been brought against you, had you pleaded "Not Guilty" be made part of the record of the Court.

The PROSECUTOR then read the Abstract of Evidence which is attached and marked "B".

PRESIDENT: Sgt.-Major OTODA, you have heard the evidence read. Do you agree that it is substantially true, or are there any considerable untruths in it ?

ACCUSED: I agree that the main facts are true; about minor details I cannot remember.

PRESIDENT: Major DILL, does the prisoner wish to make a further statement in mitigation of punishment or will you

DEFENCE: I have a closing address to make, that is all.
He has nothing further.

PRESIDENT: Do you wish to call witnesses as to character ?

DEFENCE: Yes, Sir.

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No.....

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
SgtMajor OTODA Himeshi	Japanese Military Police Kenpeitai	26	11 February 1946 Kuala Lumpur.
			Convened by
			G.O.C. in C. Malaya Command.

CHARGES

1. At ALOR STAR in March 1943 brutally ill treated and thereby caused the death of GAN CHENG CHUAN.
2. At ALOR STAR in March 1943 brutally ill treating and thereby caused the death of PON HOON.
3. At ALOR STAR in April 1943 brutally ill treated and thereby caused the death of KUNG CHON HOE.
4. At ALOR STAR in April 1943 brutally ill treated AH HIN and thereby drove AH HIN to commit suicide.

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
MAJOR.W.E.R.SMITH R.A. CAPT.J.M.CARTER R.S. Rifles. CAPT.T.B.THORPE. R.SUSSEX REGT.	Lt.Col.FIGURES. R.A. Barrister-at-Law President.

Pleaded	Finding
GUILTY	GUILTY

Sentence and Minute of Confirmation

DEATH BY HANGING

When and where Promulgated :— **Fourteenth day of March in the FIELD (ALOR STAR)**

Date of Receipt	To whom sent	Date sent	Purport

WAR CRIMES TRIBUNAL
=====

A L O R S T A R.
=====

Date :- 11th February, 1946.

PRESIDENT Of the COURT - Lt.-Col. F.E. Figgures, R.A.

MEMBERS - Major H.E.R. Smith, R.A.
- Capt. J.M. Carter, R.G.R.
- Capt. D.B. Thorpe, Royal
Sussex Regt.

Counsel for the PROSECUTION - Major W.J. Davies, R.A.

Counsel for the DEFENCE - Major R.H. Dill, 17 Mahrattas.

In re. Sergeant-Major HIROSHI OTODA

The Accused having pleaded guilty ^{to} ~~in~~ all four charges, the President addressed him as follows :-

PRESIDENT: The Court is extremely leath to accept a plea of "Guilty" ^{where the sentence may be} ~~on a charge of~~ death. I want ~~you~~ to be quite sure that you understand the significance of your plea.

Do you appreciate that by pleading "Guilty" you are admitting not only that these four men have died in your custody, but that you are also admitting that you tortured these men, that you tortured them so severely that three of them died and one was led to commit suicide, and that, further, you had no right to torture these men at all according to the laws and usages of war ?

ACCUSED: I appreciate, Sir.

Question: Do you appreciate that the normal punishment for ^{Killing} ~~murder~~ of a serious nature is, by most courts, death and this Court is empowered to award a sentence of death ?

Answer: Yes.

Question: Very well, provided that during the course of the proceedings the Court does not find that you should not have pleaded guilty, your plea of "Guilty" is accepted. Do you wish to make any statement with reference to the charges brought against you ?

Answer: Yes, I wish.

Question: ~~You wish to speak in relation to the charges~~
~~or in mitigation of punishment?~~

Answer: ~~Mitigation of punishment.~~ I arrested four Communists after making thorough investigations. As far as the treatment of these four Communists, I did not have any instructions from my superiors. At the time of

This

this arrest, the Japanese Army had a very strict law saying that all Communists must be destroyed.

I, as one of the members of the Japanese Army, as a Kempei, have only fulfilled my duty. At the time in the Malayan district, it was quite difficult to make investigations as far as Communists, and I had to take very extreme steps in order to find out or make them say anything of their work underground. I have arrested these four people and I am sure I have fulfilled my duty only as a Kempei. At the time I myself thought that unless I went to these extremes I would not be able to destroy these Communists. That is all.

PRESIDENT: Major Dill, it appears from what the Accused has just stated that he indicates the actions which he has taken were in response to superior orders. "Superior orders" is not a defence, but it is a factor which the Court should know. Are you in a position to bring evidence to show that these acts were in response to superior orders?

DEFENCE: No Sir.

PRESIDENT: Sgt. OTODA, it is necessary for the purposes of record that the evidence which would have been brought against you, had you pleaded "Not Guilty" be made part of the record of the Court.

The PROSECUTOR then read the Abstract of Evidence which is attached and marked 'B'.

PRESIDENT: Sgt.-Major OTODA, you have heard the evidence read. Do you agree that it is substantially true, or are there any considerable untruths in it?

ACCUSED: I agree that the main facts are true; about minor details I cannot remember.

PRESIDENT: Major DILL, does the prisoner wish to make a further statement in mitigation of punishment or will you?

DEFENCE: I have a closing address to make; that is all. He has nothing further.

PRESIDENT: Do you wish to call witnesses as to character?

DEFENCE: Yes, Sir.

P. T. O.

Only Witness For The Defence :- MAJOR J.W. SNELLING.

EXAMINATION IN CHIEF.

DEFENCE: Will you please tell the President and the Court the character of the Accused as you know it from the time he has been under your custody ?

Answer: The Accused Sgt.-Major OTODA has been in my custody ^{in TAIPING} since 18.10.'45, except for forty days when he was imprisoned in KUALA LUMPUR.

He was employed in various duties and his character in prison was good. Nothing known against him. He did not in any way infringe on the rules. That is all.

(There were no questions.)

P. T. O.

CLOSING ADDRESS OF DEFENCE COUNSEL IN MITIGATION OF PUNISHMENT.

Mr. President, the Court. In considering the sentence I would like you to remember the regime under which the Accused served, under which he was brought up and educated. The Accused's age is now only twenty-six and the full influence of this Japanese regime would be felt by anyone of that age and his education. Also the Accused is in the Japanese Military Police, the Kempeitai, and therefore would have special treatment which to us would be considered brutal, special training in the treatment of prisoners.

I would like you to remember that the regime and his upbringing must have influenced his very way of thinking. This regime had standards very different from our own and, according to them, human life and suffering count very little. I maintain that the Accused acted according to these standards without any idea of personal gain. He acted according to his conscience and, even now as he stated before the Court, he considers what he did was right.

Would it be fair to judge his guilt entirely by our own standards? How much is the man OTODA to blame and how much the unscrupulous system under which he was an efficient, conscientious although possibly warped and misguided servant?

The Court is closed for consideration of the sentence.

The Court is re-opened.

The finding of guilty and the sentence are announced by the President, who states that they are subject to confirmation.

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 65008 JAG

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Sjt Maj Hiroshi OTODA	Imperial Japanese Army		11 Feb 1946 ALOR STAR
			Convened by
			G.O.C. -in-C Malaya Command

CHARGES

- 1st Charge Committing a war crime in that he being a member of the armed forces of the Occupying Power together with a person or persons unknown in violation of the laws & usages of war at ALOR STAR in the month of March 1943 brutally ill-treated and thereby caused the death of POH HOON a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.
- 2nd Charge Committing a war crime in that he being a member of the armed forces of the Occupying Power together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of March 1943 brutally ill-treated & thereby caused the death of GAN CHENG CHUAN a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.
- 3rd Charge Committing a war crime in that he being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated & thereby caused the death of KUNG CHOON HOE a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.
- 4th Charge Committing ... (as 3rd) ... ill-treated AH HIN ... accused, and thereby drove the said AH HIN to commit suicide.

President and Members of the Court (except Legal Member) Judge Advocate/Legal Member

Lieut. Col. F.E. Figgures, R.A.
Major H.E.R. Smith, R.A.
Capt. J.M. Carter, G.R.
Capt. T.B. Thorpe, R. Sussex

Pleaded	Finding
<u>Each Charge</u>	<u>Each Charge</u>
Guilty	Guilty

Sentence and Minute of Confirmation

Death by hanging Confirmed by G.O.C. -in-C Malaya Command on 5 Mar 1946

When and where Promulgated :— 13 Mar 46

Date of Receipt	To whom sent	Date sent	Purport
	The above sentence imposed on Sjt. Major Hiroshi OTODA was put into execution at TALPINO Prison, PERAK on 26 March 1946 at 0500 hrs.		

7

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.

44-5

ACCUSED

SGT MAJ OTODO, HIROSHI, of
Imperial Japanese Army, attached
3/2 Gurkha Rifles.

DATE & PLACE
OF TRIAL

ALOR STAR 11 Feb 46

COURT CONVENED BY

G.O.C-in-C HQ Malaya Command

PRESIDENT

Lt Col F.E.FIGGURES, RA.

MEMBERS

Major H.E.R.SMITH, R.A.
Capt. J.M.CARTER, G.R.
Capt. T.B.THORPE, R.Sussex.

CHARGE

See attached sheet.

PLEA

Each Charge - Guilty.

FINDING

Each Charge - Guilty.

SENTENCE

11 Feb 46 Death by hanging.

CONFIRMED

5 Mar 46 By G.O.C-in-C HQ Malaya
Command.

PROMULGATED

13 Mar 46

REMARKS

DISPOSAL OF
PROCEEDINGS

To AG3 HQ ALFSEA.... 1 APR. 46.....
JAG of the Forces.....

DJAG ALFSEA

CASE No. 65008 JAG.

CHARGE SHEET

First Charge.

Committing a war crime in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of March 1943 brutally ill-treated and thereby caused the death of POH HOON a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.

Second Charge.

Committing a war crime in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of March 1943 brutally ill-treated and thereby caused the death of GAN CHENG CHUAN a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.

Third Charge.

Committing a war crime in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated and thereby caused the death of KUNG CHOON HOE a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused.

Fourth Charge.

Committing a war crime in that he, being a member of the armed forces of the Occupying Power, together with a person or persons unknown in violation of the laws and usages of war at ALOR STAR in the month of April 1943 brutally ill-treated AH HIN a civilian resident of ALOR STAR who was at the time under arrest and in the custody of the accused, and thereby drove the said AH HIN to commit suicide.

ABSTRACT OF EVIDENCE.

In the case of Sergeant Major OTODA, Hiroshi.

1. In the months of March and April 1943, a number of civilian residents of ALOR STAR were arrested at that place by or under the orders of the accused and were confined in the Japanese Military Police Station there.

2. Amongst those arrested were the following men all of whom died as a result of the treatment sustained by them while so confined:-

- (a) GAN CHENG CHUAN
- (b) KUNG CHOON HOE
- (c) AH HIN
- (d) POH HOON.

3. Death of GAN CHENG CHUAN.

GAN CHENG CHUAN was arrested in or about the last week in March 1943. While in custody in the above-mentioned Military Police Station he was so brutally treated by the accused and his accomplices that he died there on or about March 28th 1943.

The under-mentioned witnesses will give evidence at the trial to the following effect :-

(a) KHOR LIAN BOO.

This witness will say that he himself was arrested on March 27th 1943 and placed in a cell in which GAN CHENG CHUAN was already confined. GAN CHENG CHUAN had wounds all over his body and his white shirt was stained with blood. He told the witness that the accused had tortured him by beating him, pumping water into his stomach and hanging him up, and that the accused had caused his injuries. On March 28th GAN CHENG CHUAN was taken out of the cell by a Japanese interpreter known as HIKA and shortly afterwards the witness and others in the same cell heard the voice of the accused shouting and cries from GAN CHENG CHUAN. These sounds continued for some considerable time but eventually ceased, and the accused then saw GAN CHENG CHUAN carried into another cell, next but one to that in which he was himself. The witness heard GAN CHENG CHUAN groaning and asking for water. His groans became lower and lower and finally ceased. On the morning of March 29th this witness was told by CHENG CHOOI that GAN CHENG CHUAN had died; CHENG CHOOI was also in the cell in which GAN CHENG CHUAN had been finally placed. The same morning the witness saw the accused and others carry the body of GAN CHENG CHUAN out of the cell.

(b) SOON HUNG TENG.

This witness will say that he himself was arrested in March 1943 and confined in a cell in the Japanese Military Police Station at ALOR STAR. The following day GAN CHENG CHUAN was brought in and placed in the next cell. At about 1600 hours that day the accused dragged GAN CHENG CHUAN out of his cell and five minutes later the witness heard yelling. The witness did not recognise the voice of the man who was yelling but presumed it was that of GAN CHENG CHUAN because he was the only prisoner taken out of a cell at that time.

3. (b) contd:

The yelling continued for nearly two hours after which GAN CHENG CHUAN was dragged back by the accused and placed again in the cell from which he had been removed. The witness saw that GAN CHENG CHUAN's shirt was torn and his body bleeding in many places. His clothes were not wet. GAN CHENG CHUAN was crying when he was brought back to his cell. He appeared to be exhausted and lay on his back asking for water to drink. At about 0400 hours the following morning the witness saw the accused again take GAN CHENG CHUAN from his cell. The witness could recognise the accused because there were electric lights in the cells. Once more the witness heard voices yelling and crying. The cries were in the same voice he had heard the previous afternoon but were not so loud. After a time the accused and another Japanese dragged GAN CHENG CHUAN back into the same cell as before. He cried for water and the prisoners collected water and passed it to him. The witness told the two men in the same cell with GAN CHENG CHUAN to do what they could for him. At 0700 hours the same day, the accused went into GAN CHENG CHUAN's cell with a bottle which appeared to be medicine of some sort. He found GAN CHENG CHUAN had already died. The accused shouted for another Japanese military policeman and together they carried away the body of GAN CHENG CHUAN.

(c) ONG BOON KHENG.

This witness will say that on March 23rd 1943 GAN CHENG CHUAN was brought into the same cell as himself and that the following day the accused took him out of the cell and assaulted him. The accused was shouting and GAN CHENG CHUAN was crying. About three or four hours later, GAN CHENG CHUAN was brought back into the cell. He could not stand, his face was swollen and his body covered with wounds and bleeding. His shirt was stained with blood, and his hands showed hurts made by ropes. He told witness that he had been hung up and poked with a stick, and his face slapped with slippers. The accused and one HIKA had done this to him. On March 28th, GAN CHENG CHUAN was again taken out of the cell and the witness heard the voice of the accused and the cries of GAN CHENG CHUAN. After a few hours, the latter was returned to the cell and tied to a chair placed inside. He was groaning. At about 1800 or 1900 hours the same day, the accused and HIKA once more removed GAN CHENG CHUAN from the cell and he was brought back about 2100 hours and placed this time in another cell nearby. He groaned and asked for water, but his groans became weaker and weaker. The next morning the witness heard that he had died and his body was carried out. The witness saw the accused with what appeared to be a bottle of medicine.

4. Death of KUNG CHOON HOE.

In or about the month of April 1943, KUNG CHOON HOE was subjected by the accused and his accomplices to such brutal illtreatment that he died. This also occurred at the Japanese Military Police Station at ALOR STAR. The undermentioned witnesses will give evidence at the trial to the following effect :-

(a) KHOR LIAN BOO.

This witness will say that about two weeks after the death of GAN CHENG CHUAN the accused and HIKA fetched KUNG CHOON HOE from the cell in which both he and the witness together with others were confined. The witness heard the accused shouting and KUNG CHOON HOE crying, after which the latter was placed in cell No.3 into which the witness was moved the same day. KUNG CHOON HOE told the witness that the accused had beaten and kicked him on the chest. The following day, KUNG CHOON HOE was fetched out of the cell by the accused and a TAIWAN interpreter called CHIN SAN, and the witness again heard shouting and crying. Later, the three last-mentioned men went across the cells to a place at the back where there was a water tap.

4. (a) contd:

The witness then heard the two military police shouting and the gurgled cries of KUNG CHOON HOE. Subsequently, KUNG CHOON HOE was brought back into the cell where the witness was. He was wet and was breathing hard. He told the witness that the accused had pumped water into him and he believed he would die. The next day he was again taken out of the cell by the accused and CHIN SAN and driven away in a car. On his return about six hours later, KUNG CHOON HOE told the witness that he had been taken to POKOK SINA and asked to confess and to tell the names of others so that the JAPANESE might arrest them. Upon his denying any knowledge a hole was dug in the ground and he was buried up to the neck. He continued to deny all knowledge and was eventually dug out and brought back to ALOR STAR. The day following this, KUNG CHOON HOE was once more fetched out of the cell and taken to the room with the water tap. The witness heard shouts and cries, but suddenly the cries stopped. The witness saw the accused & CHIN SAN rush out and rush back again with what appeared to be a bottle of medicine. The two JAPANESE then came out but KUNG CHOON HOE was not brought back. That night the light in the cell was switched off, but the witness saw three or four JAPANESE carry out a dead body covered with a sack but with head and legs exposed and throw it into a lorry outside. There was sufficient light for the witness to distinguish forms although he could not recognise a human face. The witness assumed that the body he had seen carried out was that of KUNG CHOON HOE whom he never saw again.

(b) ONG BOON KHENG.

This witness will say that on a day he cannot remember, KUNG CHOON HOE was fetched out of the cell in which he was confined together with the witness and others, and the witness then heard the voice of the accused shouting and KUNG CHOON HOE crying. When this finished KUNG CHOON HOE was put into cell No.3. Subsequently the accused and CHIN SAN fetched KUNG CHOON HOE and took him to the room where the water tap was. KUNG CHOON HOE never came out again.

5. Death of AH HIN.

While in custody at the ALOR STAR Military Police Station AH HIN was so brutally ill-treated by the accused and his accomplices in or about the month of April 1943 that he was driven to commit suicide.

The under-mentioned witnesses will give evidence at the trial to the following effect :-

(a) KHOR LIAN BOO.

This witness will say that one day when he was in custody in a cell in ALOR STAR Military Police Station he was taken to the accused for medical treatment of a swelling he had on his neck. He saw the accused and CHIN SAN assault AH HIN. The accused poked AH HIN with the end of a stick, and CHIN SAN kicked his thighs. They stopped these activities to give the witness some medicine, after which the witness was returned to his cell. Later, AH HIN was brought back to the cell. On many subsequent occasions AH HIN was beaten and tortured by being made to swallow water. One night AH HIN took his own life by hanging himself with a small blanket against the cell door.

5. (b) ONG BOON KHENG.

This witness will say that he was arrested and confined in the ALOR STAR Military Police Station on March 21st 1943, and that AH HIN was already confined in the cell in which witness was placed. About three weeks later, the accused and CHIN SAN fetched AH HIN out of the cell and beat and tortured him on many occasions. He was usually brought back each time to another cell but one day he was returned to the cell in which the witness was confined, and he then told the witness that the accused and CHIN SAN were his torturers. He was very weak and was panting. The same night, when all the occupants of the cell were asleep AH HIN hanged himself with a small blanket on the cell door.

6. Death of POH HOON.

While in custody in the ALOR STAR Military Police Station in March 1943, POH HOON was so brutally ill-treated by the accused and his accomplices that he died in the Gaol hospital on March 26th 1943.

The under-mentioned witnesses will give evidence at the trial to the following effect :-

(a) ONG BOON KHENG.

This witness will say that when he was arrested on March 21st 1943 he was taken to the ALOR STAR Military Police Station and confined in a cell in which he found POH HOON and others already confined. At about 1300 hours that day, the accused and HIKA took POH HOON out of the cell into the room in which the water tap was. The witness heard the accused shouting and gurgling cries from POH HOON. About three hours later POH HOON was brought back into the cell. He was unable to stand and was all wet. No wounds were seen on him but he was panting. He told the witness that the accused had forced water into his stomach. About two hours later the accused again fetched POH HOON out of the cell, and the witness heard the accused shouting and POH HOON crying. After one hour, the accused and HIKA dragged POH HOON back into the cell, half carrying him by his armpits. POH HOON told the witness that the accused had assaulted him with a stick; there were no wounds visible on him. On each of the next two days, POH HOON was taken out of the cell and beaten. On one occasion the witness saw POH HOON tied to a chair and both he and the chair were thrown against the wall and floor. The witness could see into the room in which this was done and saw the accused and other Japanese military policemen kick POH HOON. This continued for about half an hour, during which time POH HOON could not cry out but was groaning. On March 26th POH HOON was again taken out of his cell, and later the witness saw him driven away in a car.

(b) CHAN PENG HONG.

This witness will say that owing to the brutal treatment he himself received in ALOR STAR Military Police Station in March 1943, he was sent to the Gaol hospital. On March 26th, while the witness was in the hospital, POH HOON was brought in. His body was covered with wounds and blood was coming out of his mouth. He could not speak. At about 2100 hours the same day POH HOON died.

7. The accused followed a settled course of conduct regarding those confined in the ALOR STAR Military Police Station. Those selected by him were submitted to a definite course of tortures, including the following :-

7.

- (a) Beating and poking with sticks, and kicking.
- (b) Slapping the face with hands or slippers.
- (c) Suspending upside down.
- (d) Suspending by the wrists tied behind the back.
- (e) Burning with hot strips of metal or cigarette ends.
- (f) Water torture. This consists of placing the victim on his back with a strip of flannel over his mouth and nose. Water is played on to the flannel by a hose leading from a tap, and in order to breathe the victim is compelled to suck in water. This continues until the victim's stomach is filled with water and completely distended, when sometimes a plank is placed over his stomach and pressed or stood upon so that water is forcibly expelled from his body.

8. Each of the following witnesses will give evidence at the trial that he suffered all or some of the above mentioned tortures at the hands of the accused and his accomplices at ALOR STAR Military Police Station during the period March - April 1943 :-

- (a) TAN TOON SING
- (b) LEOW POH CHING
- (c) CHAN PENG HONG
- (d) ONG BOON KHENG
- (e) OOI LEONG CHYE.