

*Ans. 181*

# RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

Capt UENO Masahiko  
Capt YAMAGISHI Yosaku  
W/O HAYASHI Yoshitaro  
S/Maj OHASHI Sotaro

Accused: L/Cpl TSUCHIDA Tomonobu  
Naval Civilian SYOJI Takashi  
Naval Civilian TOMIOKA Shigeo  
Court, Place, Date and Formation: RABAU  
8,9,10 Jan 46  
BMD

AWC No. *2092, 2093, 2094, 2095*  
*2097, 2100, 2945*  
Aust W.C. List Ser No.....

Charge(s)	Plea	Finding
VIOLATION OF THE LAWS AND USAGES OF WAR in that they at TARIK Island, TRUK, on or about 26 Aug 1944 did ill-treat BAERON TAMAK and TOM, natives of the Gilbert Islands and ALOYSO, a native of Nauru by tying and by beating them.	All accused not guilty	Accused UENO and OHASHI both guilty of the charge with the exception of the words "by tying." Remaining accused not guilty.

**Precis of Evidence:** 1. The evidence for the prosecution was documentary and consisted of written statements made by the natives referred to in the charge and written reports of the interrogation of each of the accused. The substance of the evidence for the prosecution was to the effect that some rice has been stolen from a Japanese store on TARIK ISLAND. The natives named in the charge were mainly employed on Japanese farms and the airfield at PAROM and the Japanese after interrogation alleged that the native BAERON had stolen some rice and they arrested him and the other natives. The other natives denied that they took any part in the theft. They were arrested by the accused UENO and OHASHI and their wrists were tied with a rope which was thrown over a branch of a tree and pulled tightly until the natives could just touch the ground with their toes. They were beaten by the accused UENO and OHASHI with dummy swords and sticks and remained tied to the branch of the tree from about 1300 hrs 0800 hrs and during that period they were continually questioned. At 0800 hrs (over)

Sentence and Date: Accused UENO - TO BE IMPRISONED FOR 6 MONTHS  
" OHASHI - " " " " 3 "

Confirmation and by Whom: *Lt-Gen V. A. H. STURDEE - 15 Apr 47*

Promulgation: *Confirmation of finding and sentences promulgated to accused on 29 Apr 47*

Petition: Petitions lodged Jan 47 by both convicted accused against finding and sentence.

J.A.G.'s Report on Petition: Confirm finding and sentences and dismiss petitions.

Action on Petition: *Dismissed.*

Filed in Attorney-General's Department and Numbered.....



they were taken to the accused TOMIOKA and SYOJI who were the Japanese civilian Administrators responsible ~~for the~~ <sup>for the</sup> control of the natives on the Island. These accused conducted further investigations and administered further beatings. They also compelled the natives to remain in a standing position for 24 hours without food or water.

2. Each of the accused gave evidence in their defence. The accused YAMAGISHI HAYASHI and TSUCHIDA denied that they took any part in the ill-treatment of the natives as alleged. In regard to the other four accused the defence alleged that the punishments were lawfully imposed after proper summary investigations in accordance with the regulations made by the Japanese for the control of natives of occupied territories.

3. The defence that the accused TOMIOKA and SYOJI as being responsible for civil administration and in consequence were entitled to mete out punishment to the natives was sustained. In the case of the accused UENO and OHASHI it was contended by the prosecution that as the natives were not under their control the punishment was unlawful.