

BR 364

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

ACCUSED

- (1) Lt/Gen. ISHIDA Eiguma.
- (2) Col. NAKAMURA Shigeo.
- (3) Col. ISHII Tamie.
- (4) Lt/Col. YANAGITA Shoichi.
- (5) Major. CHIDA Sotomatsu
of the Imperial Japanese Army,
att. 46 Coy, R.I.A.S.C. (Tipper).

PLACE AND
DATE OF TRIAL

Singapore. 21,22,23,24,25,28,31 Oct, '46.
1,7,8,12,13,14,15,18,19,20,21,
25,26,27 Nov, '46.
2nd & 3rd Dec, '46.

COURT CONVENEED BY

G.O.C. Singapore District.

PRESIDENT

Lt-Col. P.A. FORSYTHE. M.M. Kings Royal
Rifle Corps.

MEMBERS

Lt-Col. C. MONOD de FROIDEVILLE. R.N.E.I.A.
Major. N.F. QUINTON. Australian
Provost Corps.
Major. J.C. McMATH. R.A.
Major. A.A. DUMONT. Ayreshire
Yeomanry. (Solicitor)

CHARGE

See Charge Sheet attached.

PLEA

Each Accused - Each Charge - Not Guilty.

FINDING

1st Charge - Accused 2,3,4,5 - Guilty.
Accused 1 - Not Guilty.
2nd Charge - Each accused - Guilty.
3rd Charge - Each accused - Guilty.
4th Charge - Accused 2,3,4,5 - Guilty.
Accused 1 - Not Guilty.
5th Charge - Accused 3 - Guilty.
6th Charge - Accused 4 - Guilty.
7th Charge - Accused 3 - Guilty with the
exception that the
dates should read
1st day of Dec 44
and the 28th Feb 45
and the words
"resulting in the
deaths of 20 Prison-
ers of War and
physical injury to
several others".
8th Charge - Accused 5 - Guilty with the
exception of the
words "resulting in
the deaths of
approximately 104
Prisoners of War and
physical injury to
many others."

Sentence/

364

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the deaths of
approximately 104
Prisoners of War and
physical injury to
many others."

Sentence/

SENTENCE

3 Dec, '46. Accused 1 - 10 years Imprisonment.
Accused 2 - Death by Hanging.
Accused 3 - Death by Hanging.
Accused 4 - 20 years Imprisonment.
Accused 5 - 10 years Imprisonment.

CONFIRMED

11 Mar, '47. By G.O.C. Singapore District.
5 years' Imprisonment remitted
in the case of accused 5.

PROMULGATED

25 Mar, '47.

REMARKS

26 Mar, '47. Sentence of Death by Hanging
imposed on Col. NAKAMURA Shigeo
and Col. ISHII Tamie carried out
at Changi Jail.

DISPOSAL OF
PROCEEDINGS

To AG3 GHQ SEALF

1 APR 47.

JAG of the Forces

DJAG SEALF
Case No. 65149 JAG.

CHARGE SHEET

1st Charge

Against all
the Accused.

COMMITTING A WAR CRIME
in that they
between the 1st October 1942 and the 1st
August 1944 while engaged in the admin-
istration of British, Australian and Dutch
Prisoners of War employed in the con-
struction and maintenance of the BURMA-
SIAM Railway were, in violation of the
laws and usages of war, concerned in the
inhumane treatment of the said Prisoners
of War resulting in the deaths of many of
the said Prisoners of War and physical
suffering by many others of the said
Prisoners of War.

2nd Charge

Against all
the Accused.

COMMITTING A WAR CRIME
in that they
between the 1st October 1942 and the 1st
August 1944 were, in violation of the laws
and usages of war, concerned in the employ-
ment of the labour of British, Australian
and Dutch Prisoners of War in work having
connection with the operation of the War
that is to say the construction and
maintenance of a railway from NONG PLADUK to
THANBYUZAYAT (commonly known as the BURMA-
SIAM Railway) for the purpose of transport-
ing supplies and munitions to the Japanese
Forces fighting in BURMA.

3rd Charge

Against all
the Accused.

COMMITTING A WAR CRIME
in that they
between the 1st October 1942 and the 1st
August 1944 while engaged in the admin-
istration of British, Australian and Dutch
Prisoners of War employed in the construct-
ion and maintenance of the BURMA-SIAM
Railway were, in violation of the laws and
usages of war, concerned in the employment
of the labour of the said Prisoners of War
in work which was excessive having regard
to the rank and capacity of the said
Prisoners of War.

4th Charge

Against all
the Accused.

COMMITTING A WAR CRIME
in that they
between the 1st October 1942 and the 1st
August 1944 while engaged in the admini-
stration of British, Australian and Dutch
Prisoners of War employed in the construct-
ion and maintenance of the BURMA-SIAM
Railway were, in violation of the laws and
usages of war, concerned in the internment
of the said Prisoners of War in conditions
which were unhealthy and unhygienic.

5th Charge

Against the
Accused ISHII
Tamie only.

COMMITTING A WAR CRIME

in that he
at TARSAO Prisoner of War Camp in SIAM on a
date between the 1st August 1943 and the
1st December 1943, when engaged in the
administration of Prisoners of War employed
in the construction of the BURMA-SIAM
Railway, was, in violation of the laws and
usages of war, concerned in the killing of
Pte. HILTON of the Sherwood Foresters, a
British Prisoner of War.

6th Charge

Against the
Accused
YANAGITA
Shoichi only.

COMMITTING A WAR CRIME

in that he
at CHUNGKAI Prisoner of War Camp in SIAM on
or about the 27th day of March 1943 when
engaged in the administration of Prisoners
of War employed in the construction of the
BURMA-SIAM Railway, was, in violation of
the laws and usages of war, concerned in
the killing of Sgt. KELLY, of the R.A.M.C.,
Sgt. REAY and Fusilier KENCALLY-TIMOTHY
both of the Royal Northumberland Fusiliers,
and Pte. FITZGERALD of the R.A.O.C.,
British Prisoners of War.

7th Charge

Against the
Accused ISHII
Tamie only.

COMMITTING A WAR CRIME

in that he
in SIAM between the 1st day of August 1944
and the 28th day of February 1945, when in
command of a group of Prisoners of War, was,
in violation of the laws and usages of war,
concerned in the employment of British,
Australian and Dutch Prisoners of War at
TAMAKAN Camp in work having connection with
the operation of the war that is to say:-

- (i) The maintenance and working of
the BURMA-SIAM Railway for the
purpose of transporting munitions
and supplies to the Japanese
Fighting Forces.
- (ii) the handling and loading of the
munitions and supplies aforesaid.
- (iii) the preparation of A.A. Gun
emplacements.

thereby exposing them to aerial bombardment
resulting in the deaths of 20 Prisoners of
War and physical injury to several others.

8th Charge/

8th Charge

Against the
Accused CHIDA
Sotomatsu only.

COMMITTING A WAR CRIME

in that he
in SIAM between the 1st day of August 1944
and the 4th day of December 1944, when in
command of a group of Prisoners of War, was,
in violation of the laws and usages of war,
concerned in the employment of British,
Australian and Dutch Prisoners of War at
NONG PLADUK No. 1 Camp in work having
connection with the operation of the War
that is to say:-

- (i) the maintenance and working of the
BURMA-SIAM Railway for the purpose
of transporting munitions and
supplies to the Japanese Fighting
Forces.
- (ii) the handling and loading of the
munitions and supplies aforesaid.

thereby exposing them to aerial bombardment
resulting in the deaths of approximately
104 Prisoners of War and physical injury to
many others.

ABSTRACT OF EVIDENCE

In the case of:-

ISHIDA	Hidekuma	Major General
NAKAMURA	Shigeo	Colonel
ISHII	Tamie	Colonel
YANAGITA	Shoichi	Lieutenant Colonel
CHIDA	Sotomatsu	Major

1. THE BURMA-SIAM RAILWAY.

At the time of the Japanese Invasion, there was in BURMA a Railway from MOULMEIN to YE, and in SIAM there was a railway from BANGKOK to BAN PONG and running thence down the KRA Isthmus. These railways are shown on the Plan No. 1 annexed. At that time there was no communicating railway between these two lines and, for purposes which will be seen later, the Japanese formed the plan of constructing a railway to link NONG PLADUK, near BAN PONG, on the SIAM Railway with THANBYUZAYAT on the BURMA Railway. The courses of the new line followed closely that of the River KHWAE NOI and crossed the BURMA-SIAM border by way of the "Three Pagodas Pass". The total length of the new railway is 415 kilometres (approximately 258 miles). It is now shown on Plan No. 1 as an existing railway, and is commonly known and hereinafter referred to as the "BURMA-SIAM Railway".

The line ran through some of the worst jungle country in the world, including a notorious cholera belt. It is said that some years previously, the construction of a similar line as a commercial project had been undertaken, but had been abandoned as impossible.

The Prosecution will tender in evidence a Japanese Official Report, entitled "Report on Employment of War Prisoners in SIAM-BURMA Railway Construction", (hereinafter referred to as "The Japanese Report"), which does not understate the dangers and hardships to which those employed in the task were subjected, as the following extracts show:-

ABSTRACT OF EVIDENCE

In the case of:-

ISHIDA	Hidekuma	Major General
NAKAMURA	Shigeo	Colonel
ISHII	Tamie	Colonel
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CHIDA	Sotomatsu	Major

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The Prosecution will tender in evidence a Japanese Official Report, entitled "Report on Employment of War Prisoners in SIAM-BURMA Railway Construction", (hereinafter referred to as "The Japanese Report"), which does not understate the dangers and hardships to which those employed in the task were subjected, as the following extracts show:-

"The construction was a hazardous one which had to be carried out through the geographical hindrance of a great jungle belt extending on the border of Thailand and Burma untrodden before, there epidemics and pestilence are prevalent. This construction work was 415 Kilometres in length, the total amount of earthwork 4,000,000 cubic metres, rock-clearing about 300,000 cubic metres, the total length of bridging about 15 kilometres.

On the Thai side, there were rather too many spots on the line where rock-clearing had to be done; the River Mecron had to be crossed near the base, and excavation of cliffs was necessary in order to go along the Keonoi Valley".

"Malignant Malaria is prevalent in those regions where the construction work was carried on. Moreover such epidemics as cholera, pest, small-pox etc. are raging all the year round. The influence of the rainy season and the native labourers brought into these regions made worse the sanitary conditions there".

Plan No. 2, annexed is a copy of a diagrammatic chart attached to the Japanese Report. Japanese Railway Engineering Units were responsible for carrying out the construction, but for manual labour the Japanese used coolies from Occupied Countries and British, Australian, American and Dutch Prisoners of War, concerning whom information in greater detail is furnished in paras 5 and 6 hereunder.

Survey and other preparatory work commenced in June 1942, but the main work of construction was not started until early November 1942. The work was then begun at both junctions of the proposed new line, namely NONG PLADUK and THANBYUZAYAT, and the construction proceeded inwards until the two sections met and were joined together at CONQUITA, which is 257 Kilometres (approx. 160 miles) from NONG PLADUK and 158 Kilometres (approx. 98 miles) from THANBYUZAYAT. This was on 17th October 1943 and the Japanese held opening ceremonies on 25th October.

According to the Japanese Report the original plan was that the railway should be completed by the end of 1943, but, owing to a deterioration in their military position, the

Imperial General HQ early in February 1943 issued an Order that the period of construction must be shortened by 4 months, and the line completed by the end of August 1943. In order to comply with this order, the Japanese in charge of the construction drove Prisoners of War to work for long hours at tasks beyond their ability, having regard to their physical strength and condition, resulting in great hardships and suffering with a needless sacrifice of life. This period is commonly referred to as the "Speedo Period". Eventually the impossibility of completing the task by the end of August was realized, and the time was extended to the end of October 1943. As has been seen, this order was fulfilled with two weeks to spare.

2. CONNECTION WITH THE OPERATION OF THE WAR.

The evidence in support of the Second Charge will establish that the object of constructing the Railway was to provide a supply line to the Japanese Forces fighting in Burma and it was in fact used for this and for no other purposes. Witnesses speak of the transportation of munitions, petrol, and other supplies of War up the line, and Prisoners of War were themselves put to work handling and loading munitions, petrol and supplies.

Although the Japanese Report claim that, at the time of sanctioning the employment of Prisoners of War in the work of construction, the Japanese Army took the view that it was not against the Geneva Treaty to employ Prisoners of War in such work, the Report makes it abundantly clear that the motive was to form an operational supply line. The following extracts are indicative of the general admissions of the report:-

"With the development of the North Burma Operation, to construct a railway connect-

Imperial General HQ early in February 1943 issued an Order that the period of construction must be shortened by 4 months, and the line completed by the end of August 1943. In order to comply with this order, the Japanese in charge of the construction drove Prisoners of War to work for long hours at tasks beyond their ability, having regard to their physical strength and condition, resulting in great hardships and suffering with a needless sacrifice of life. This period is commonly referred to as the "Speedo Period". Eventually the impossibility of completing the task by the end of August was realized, and the time was extended to the end of October 1943. As has been seen, this order was fulfilled with two weeks to spare.

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"With the development of the North Burma Operation, to construct a railway connect-

ing Thailand and Burma as an operational supply route and a trade and traffic one between both countries had become so urgent that the South Army proposed its construction to the Imperial General Headquarters. Therefore the latter directed its preparation to the former in June of the same year".

"Since the end of the rainy season of 1942, the counter-attack on Burma of the British Indian Army became so rapidly violent the situation in this area so serious; the British Army being steadily reinforced with military strength and goods. Besides, the only transport route by sea became so dangerous as was almost interrupted by the enemy's disturbance both from the sea and air. Hence the Japanese Imperial General Headquarters keenly felt the necessity of completing the Railway connecting Thailand and Burma and intended to urge the construction on. Namely at that time transportation of military strength and goods with which the Burma Army Group was being greatly reinforced to cope with the critical situation in Burma caused by the counterattack of the British Indian Army, relied on the sea route from Singapore alone. But in addition to the shortage of shipping, this route was extremely menaced both by the enemy planes and submarines and thus the prospects of transportation increasingly became dark".

3. ORGANIZATION OF COMMAND AND CONTROL.

Reference is made to the Table contained in Appendix "A". The responsibilities and duties of the formations and Units shown were as follows:-

<u>Formation or Unit</u>	<u>Responsibility</u>	<u>Duties</u>
Imperial General Headquarters.	Directions concerning the Railway Construction.	<ol style="list-style-type: none"> 1. Negotiations with the Ministry of war concerning estimate and materials. 2. Diplomatic negotiations through the Ministry of War. 3. Orders concerning the railway construction (directives of the Imperial General Headquarters). 4. To help supply of materials necessary for the construction.

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<u>Formation or Unit</u>	<u>Responsibility</u>	<u>Duties</u>
Imperial General Headquarters. (Cont.)		5. Directions for the construction complying with the operational needs. 6. To decide whether the employment of POW's was appropriate.
South General Army	Chief Supervisor of Railway Construction.	1. To estimate and concentrate military strength and labour necessary for the railway construction. Supply, maintenance and sanitary arrangements for them. 2. To make POW's co-operate with the construction Units or to allot them to the Units. 3. Directions concerning the employment of POW's. 4. Planning of the railway construction. 5. To keep harmony between the railway construction units & co-operating attached units. 6. Maintenance of traffic routes and waterways necessary for the construction.
2nd Adminis- tering Dept.	Commander in charge of Railway Construction.	1. Inspection survey and construction of the route according to the railway construction plan. 2. Employment of the railway units and attached units. 3. To make POW's and labourers co-operate with the railway units or to allot them to the units. 4. Directions concerning the employment of POW's. 5. Negotiations with the Internment Camp concerning the employment of POW's. 6. To take care of billeting, maintenance & health of POW's.
d) Railway Regiments.	Commander in charge of Railway Construction in the allotted district.	1. Construction of railway in the allotted district. 2. Employment of the allotted and co-operating POW's according to the directives of the Commander in charge of Railway construction.

<u>Formation or Unit</u>	<u>Responsibility</u>	<u>Duties</u>
Imperial General Headquarters. (Cont.)		<ol style="list-style-type: none"> 5. Directions for the construction complying with the operational needs. 6. To decide whether the employment of POW's was appropriate.
South General Army	Chief Super- visor of Rail- way Construct- ion.	<ol style="list-style-type: none"> 1. To estimate and concentrate military strength and labour necessary for the railway construction. Supply, maintenance and sanitary arrangements for them. 2. To make POW's co-operate with the construction Units or to allot them to the Units. 3. Directions concerning the employment of POW's. 4. Planning of the railway construction. 5. To keep harmony between the railway construction units & co-operating attached units. 6. Maintenance of traffic routes and waterways necessary for the construction.
2nd Adminis- tering Dept.	Commander in charge of Railway Con- struction.	<ol style="list-style-type: none"> 1. Inspection survey and co construction of the route according to the railway construction plan. 2. Employment of the railway units and attached units. 3. To make POW's and labourers co-operate with the railway units or to allot them to the units. 4. Directions concerning the employment of POW's. 5. Negotiations with the Internment Camp concerning the employment of POW's. 6. To take care of billeting, maintenance & health of POW's.
d) Railway Regiments.	Commander in charge of Rail- way Construct- ion in the allotted district.	<ol style="list-style-type: none"> 1. Construction of railway in the allotted district. 2. Employment of the allotted and co-operating POW's according to the directives of the Commander in charge of Railway construction.

<u>Formation or Unit</u>	<u>Responsibility</u>	<u>Duties</u>
d) Railway Regiments. (Cont.)		3. Negotiations with persons in charge of supervising POW's. 4. To take care of billeting, maintenance and health of POW's.
e) POW Organization & Internment Camps.	To assist and control the railway construction in the capacity of the supervisor of POW's.	1. To make POW's co-operate with the railway construction units or to allot them to the units by order of the South General Army. 2. Negotiations with railway construction units concerning the employment of POW's. 3. Chiefly to take care of billeting, maintenance and health of POW's and to request assistance to the units concerned. 4. Execution of the business of supervising POW's.

It will be seen that the responsibilities and duties of the formations and units actively engaged in the construction of the Railway may be summarized as follows:-

2nd Railway Administering Department. Over-all Commander responsible for operational and administrative matters.

5th and 9th Railway Regiment. In charge of the work of construction and to co-operate with the P.W. Organizations concerning "A" and "Q" matters.

P.W. Organizations. Main responsibility for all "A" and "Q" matters concerning Prisoners of War in their charge, and to co-operate with the railway Regiments concerning the employment of these Prisoners.

The 5th Railway Regiment was in charge of construction from THANBYUZAYAT to KRIKONTA and the 9th Railway Regiment was in charge from KRIKONTA to NONG PLADUK.

The SIAM P.W. Administration was in charge of the Groups of Prisoners of War, which will be explained in paragraph No. 5 hereunder, and the MALAYA P.W. Administration was in charge of "F" and "H" Force which are also explained in the same paragraph.

4. APPOINTMENTS HELD BY THE ACCUSED.

The appointments held by the Accused were as follows:-

- a) Major-Gen. ISHIDA Commander of the 2nd Railway Administering Dept., from July 1943 to August 1945.
- b) Col. NAKAMURA Commander of SIAM P.W. Administration from 20th June 1943 to 24th July 1944.
- c) Col. ISHII Commander of No. 1 Group from October 1942 to 20th January 1943.
Commander of No. 4 Group from March 1943 to November 1943.
Commander of No. 3 Group from November 1943 to March 1944, and
Commander of No. 2 Group from December 1944 to August 1945.
- d) Lt.Col. YANAGITA Commander of No. 2 Group from August 1942 to December 1944.
- e) Major CHIDA Commander of No. 1 Group from August 1942 to October 1942.
Commander of No. 4 Group from October 1942 to March 1943, and
Commander of No. 1 Group from March 1943 to August 1945.

5. ORGANIZATION OF PRISONERS OF WAR.

The Prisoners of War engaged in the construction were divided into 6 groups, the number of men in each group seems to have varied from 2000 to 8000. A section of the line was allotted to each Group. Groups No. 3 & 5 contained Australians, Americans, Dutch and a very few British. They worked on the Burma side of the frontier and are not much concerned in the present case. Groups No. 1, 2, 4 & 6 contained British, Australian and Dutch. They worked on the Siamese side of the frontier. Group No. 6 existed independently from January 1943 until November 1943 only, when it was merged with No. 1 Group, and this case is concerned in the main with Groups No. 1, 2 & 4 which were in existence from the commencement of the work until the Japanese surrender. The labour forces in each Group were initially divided into two parts,

4. APPOINTMENTS HELD BY THE ACCUSED.

The appointments held by the Accused were as follows:-

- a) Major-Gen. ISHIDA Commander of the 2nd Railway Administering Dept., from July 1943 to August 1945.
- b) Col. NAKAMURA Commander of SIAM P.W. Administration from 20th June 1943 to 24th July 1944.
- c) Col. ISHII Commander of No. 1 Group from October 1942 to 20th January 1943.
Commander of No. 4 Group from March 1943 to November 1943.
Commander of No. 3 Group from November 1943 to March 1944, and
Commander of No. 2 Group from December 1944 to August 1945.
- d) Lt.Col. YANAGITA Commander of No. 2 Group from August 1942 to December 1944.
- e) Major CHIDA Commander of No. 1 Group from August 1942 to October 1942.
Commander of No. 4 Group from October 1942 to March 1943, and
Commander of No. 1 Group from March 1943 to August 1945.

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one moving ahead clearing the jungle and marking out the track, and the second following behind constructing embankments and bridges; the majority of men were naturally employed on the latter task. Later followed a third party to lay the sleepers and rails.

After the line had been made, large numbers of Prisoners were kept for maintenance purposes and other Prisoner of War Groups were established in Siam, namely No. 7 in September 1944 and No. 9 in January 1945, but they are not concerned in the present case.

When in the Spring of 1943 it was found that the labour then employed was insufficient to complete the work within the shortened period, two parties of Prisoners of War were sent from Malaya to assist. They were known as "F" Force and "H" Force respectively, but they remained under the administrative command of Malaya Prisoner of War Administration and evidence relative to these two Forces will not be tendered by the Prosecution in the present case.

6. STATISTICS OF Ps.W.

- (a) The Japanese Report places the total number of Prisoners of War employed at about 50,000 and the total deaths at 10,672.
- (b) An Affidavit by Capt. N.K. EVANS, who was a British Prisoner of War employed on the Railway, will be produced in which he states, that according to figures supplied by the Japanese Head Clerk at CHUNGKAI P.O.W. Camp, the total number of deaths in the working parties was estimated at 18,000.
- (c) An Affidavit by John C. REAS, an American Prisoner of War will be produced. He states that he was employed in the

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- (d) Records of "F" Force and "H" Force contain the following figures:-

	<u>Original Strength</u>	<u>Total Deaths</u>
"F" Force	7,000	3,087
"H" Force	<u>2,950</u>	<u>851</u>
	9,950	3,938

- (e) By subtracting the figures in sub-para (d) from those in sub-para (c) the following aggregate totals are arrived at in respect of Groups No. 1, 2, 3, 4, 5 and 6.

Strength	Approx	54,050.
Deaths up to November 1944	"	13,062.

7. TREATMENT OF PRISONERS OF WAR.

Hereunder is a very brief indication of the facts which will be adduced by the evidence in support of the 1st, 3rd and 4th Charges.

- a) Accommodation. With a very few exceptions, accommodation was insufficient and extremely bad. It usually consisted of attap and bamboo huts with open sides and bamboo sleeping platforms. They were not weather-proof, and the floor was of earth only. In the monsoon period the rain drove in, and the floor became a mass of mud. In all cases the huts were greatly over-crowded, and the sleeping space allowed to each man was insufficient for any degree of comfort. In a few Camps the huts were wooden, with raised wooden floors. On the other hand, there is evidence that in several Camps the only accommodation consisted of a few unserviceable tents.

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- b) Food. This was invariably insufficient and of very poor quality. It was lacking in the necessary vitamins, thus causing physical debility and disease.
- c) Clothing. Very few Prisoners of War were ever issued with any clothing, and evidence shows that large numbers of them were forced to go about naked, except for a loin-cloth.
- d) Work. Prisoners of War were grossly over-worked and Officers were made to work like coolies. The usual system was that a party of Prisoners of War would be allotted a weekly task based on the construction of so many cubic feet per man per day for a seven day week. If there was to be a holiday, the 7 days' task had to be completed in 6 days, and if any of the party fell out through extreme illness, the remaining Prisoners of War had to accomplish his task, as well as their own. If it appeared that a weekly task might not be finished in time, the Prisoners were made to work longer than the customary hours.
There is evidence that men were forced to work from sun-rise until sun-set, and often later. In some cases, they were kept at work until the early hours of the following morning.
- e) Diseases. Disease was rampant, in particular men suffered from malaria, beri-beri and tropical ulcers. The last two of these are well-known as deficiency diseases, i.e.: - they result from lack of necessary vitamins, and under-nourishment.
- f) Treatment of Sick. The sick were consistently neglected and brutally treated. The rule was that only a certain percentage of Prisoners of War were excused work on the ground of sickness. If the sick exceeded the percentage on any day, the result was that a number of men, who were in fact seriously ill, were forced to work, frequently being driven to do so with blows and kicks.
Despite many appeals from Prisoner of War doctors, the issue of medical supplies was negligible. Medical Officers had to be content with grossly inadequate makeshifts. In consequence there were many deaths and amputations of limbs, which could have been avoided with reasonable medical facilities.
- g) Hygiene. Latrines were appalling. They usually consisted of an open trench with cross slats of bamboo. They were invariably swarming with maggots, and in heavy rain they over-flowed and filth was washed about the Camp.
- h) Brutality. The evidence shows that Prisoners of War were frequently beaten and ill-treated, both in Camp and at work. Japanese Officers and NCO's were guilty of this practice as well as Private soldiers and Korean guards.
- i) Responsibility of Accused. By virtue of their appointments, the Accused were in a position to exercise control over their subordinates, and it was impossible for them to be unaware of the conditions in which the Prisoners of War were forced to live and work and of the treatment which they received. Evidence will be produced that senior P.W. Officers made many complaints to the Japanese Group and Camp Commanders.

The four last named Accused lived in close proximity to Prisoner of War Camps and visited them, so that they had first-hand knowledge of the circumstances.

The Prosecution will submit that the Accused are all responsible for the ill-treatment and conditions mentioned above on one or more of the following grounds:-

- (i) Personal participation
- (ii) Express orders or sanction.
- (iii) Gross dereliction of duty towards the Ps.W.

8. EXECUTION OF PRIVATE HILTON.

The following is a summary of the evidence which will be proffered against the Accused Colonel ISHII, in support of the 5th Charge:-

On a day between 1st October 1943 and 1st December 1943, which was probably on or about 15th November 1943, Pte. HILTON of 1/5 Bn, The Sherwood Foresters, was among a party of Prisoners of War who were being escorted from TARSAO Camp to work on road-making.

Pte. HILTON stepped aside into the Jungle to answer a call of nature. One of the Korean guards appears to have ordered him to rejoin the party, and an altercation ensued. They came to blows, but there is a conflict of evidence as to who struck first. It is clear that HILTON did strike the Guard, and he was brought back to the Camp and tied up outside the Guard-room. A Court of Enquiry was held, but Pte. HILTON was not present. Capt. A.W. COXON, Adjutant 1/5 Sherwood Foresters, attended the Court and answered some questions. He has made a statement which will be tendered in evidence, and will show that the Court of Enquiry was not in any sense a trial. The matter was referred to Colonel ISHII, who ruled that it was not necessary to hold a Court-Martial and ordered the execution of Pte. HILTON. This was carried out by shooting about 10 days after his arrest.

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9. EXECUTION OF SERGEANT KELLY AND THREE OTHERS.

The following is a summary of the evidence which will be proffered against the Accused Lt.Col. YANAGITA, in support of the 6th Charge:-

In or about the month of February 1943, four British Prisoners of War escaped from a Camp which is said to have been TAKALIN. They were:-

7259593 - Sgt. F.J. KELLY, R.A.L.C.
 4269426 - Sgt. E. REAY, 9th Bn, Royal Northumberland Fusiliers.
 4271150 - Fusilier KENCALLY-TIMOTHY, 9th Bn, Royal Northumberland Fusiliers.
 3651198 - Pte. J. FITZGERALD, R.A.O.C.

After being at large for about one month, they were captured and were brought back to CHUNGKAI Camp. The matter was dealt with by Lt.Col. YANAGITA, who claims to have referred the case to Major-General SASA who directed that the four Prisoners of War were to be shot, in accordance with an order which he had issued on 8th December 1942. No trial was held, and Lt.Col. YANAGITA caused the four Prisoners to be shot outside CHUNGKAI Camp on or about 27th March 1943.

10. EXPOSURE OF PRISONERS OF WAR TO AERIAL BOMBARDMENT.

a) The following is a summary of the evidence which will be proffered against the Accused Colonel ISHII, in support of the Seventh Charge:-

TAMAKAN Camp, which was the HQ of No. 2 Prisoner of War Group commanded by Colonel ISHII, was situate so close to the Railway line that in places the boundary fence was only about 5 metres distant from the rails. The main line crossed the river by a steel bridge approximately 200 yards from one corner of the Camp, and there

was also a wooden bridge carrying a loop-line less than 100 yards from the Camp. There were A.A. guns close to the corner of this Camp.

On or about 29th November 1944, a raid on the railway bridges resulted in the death of 18 Prisoners of War and injury to approximately 30. On or about 13th December 1944 two Prisoners of War were killed by machine-gun bullets fired from raiding aeroplanes. Air-raids were repeated during December 1944 and January and February 1945. Prior to the raid of 29th November 1944, frequent representations had been made for permission to dig suitable and sufficient slit-trenches, as the few in existence were insufficient and very dilapidated. The answer was that all fit men were required for Japanese work, and the digging of slit-trenches was not allowed. Following the raid, representations eventually succeeded in improving the position, but there was never sufficient cover. The Camp was finally evacuated at the end of February 1945.

It is said that on the morning of 30th November, the Accused Col. ISHII, visited the Camp but gave no assistance whatsoever with regard to the wounded Prisoners. In addition to handling and loading munitions Ps.W. in this Camp were forced to assist in constructing earthworks for the A.A. gun positions, and they were retained during the alerts. Prisoners of War were also used to repair railway bridges between bombings, with the result that Prisoners of War were sometimes caught unawares on the bridge by a raid.

The evidence shows that on two occasions at least Prisoners of War were forced to work around unexploded bombs.

- b) The following is a summary of the evidence which will be proffered against the Accused Major CHIDA, in support of

the Eighth Charge:-

NONG PLADUK No. 1 Camp was within No. 1 Group, and Major CHIDA was the Camp Commandant as well as Commander of the Group. This Camp was situate closely adjoining the railway line, which was always full of rolling stock, and there were railway repair and maintenance workshops close to the South East of the Camp.

In the early part of 1944 only one shelter-trench was allowed round each hut. These were unrevetted and soon fell in, and by September 1944 the Prisoners of War had no protection whatsoever, but the Japanese had numerous shelter pits and dug-outs. During August 1944 and previously, frequent protests were made to Major CHIDA by the British senior officer that the Prisoners of War should be allowed to dig proper slit-trenches, but permission was refused.

About quarter of a mile distance from Camp No. I was Camp No. II, also a Prisoner of War Camp, which was at a safer distance from the railway line. On the night of 6th September 1944, the Japanese transferred a number of British and Dutch Prisoners of War from NONG PLADUK II to NONG PLADUK I. That same night Allied aircraft dropped bombs on the siding West of NONG PLADUK I Camp and the Camp itself, killing 98 British and Dutch Prisoners of War and wounding more than 200, many severely. During this raid Prisoners were turned out to work on the bombed sidings, uncoupling munition and other trucks from already blazing trains, and moving them away to a safer distance. After this raid, all Prisoners of War were moved from NONG PLADUK II into NONG PLADUK I, whilst Japanese Staff and Guards were transferred from NONG PLADUK I to NONG PLADUK II.

Some weeks after this raid, permission was given by

Major CHIDA for the Prisoners of War to dig slit-trenches, and a full P.A.D. Scheme was organized and implemented as well as possible.

In November 1944, there was another air-raid in which a few Prisoners of War were wounded, but none were killed; and on 3rd December 1944, there was a further raid during which six Prisoners of War were killed and 15 wounded, of whom some died later.

11. RELATIVE CONVENTIONS.

- (a) Without prejudice to it's right to plead all other (if any) material Conventions, in addition to the customary Laws and Usages of War, the Prosecution will rely in particular upon the undermentioned Conventions, viz:-
- (i) International Convention Concerning the Laws and Customs of War on Land. Signed at The Hague, 18th October 1907.
 - (ii) International Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Signed at Geneva, 27th July 1929.
 - (iii) International Convention relative to the Treatment of Prisoners of war, signed at Geneva, 27th July 1929.
- (b) The first two Conventions mentioned above were signed and ratified by (inter alios) Japan, Great Britain, Australia and the Royal Netherlands.
- (c) Although Japan did not ratify the Geneva Convention relative to the Treatment of Prisoners of War, it became binding upon her for the following reasons:-
- (i) It was signed on the said date by or on behalf of forty-seven Nations, including Japan, Great Britain, Australia and the Royal Netherlands, and ratified by over forty Nations and thus became part or evidence of the Laws and Usages of War.
 - (ii) In a communication dated on or about the 30th January 1942 addressed on behalf of the Imperial Government of Japan to the Argentine Embassy in Tokyo it was stated:-

(ii) (Cont.)

"The Imperial Government has not yet ratified
"the Convention of 27th July 1929 regarding
"treatment of Prisoners of War. They are not
"therefore subject to the said Convention.
"None the less, they will apply mutatis mutandis
"the conditions of that Convention to English,
"Canadian, Australian and Dutch prisoners of War
"in their power. With regard to supply of food
"and clothing to Prisoners of War, they will
"consider on condition of reciprocity national
"and racial customs of the Prisoners."

By the said communication, Japan acceded to the
said Convention in accordance with Article 95 there-
of and the state of War then existing gave immediate
effect to such accession.

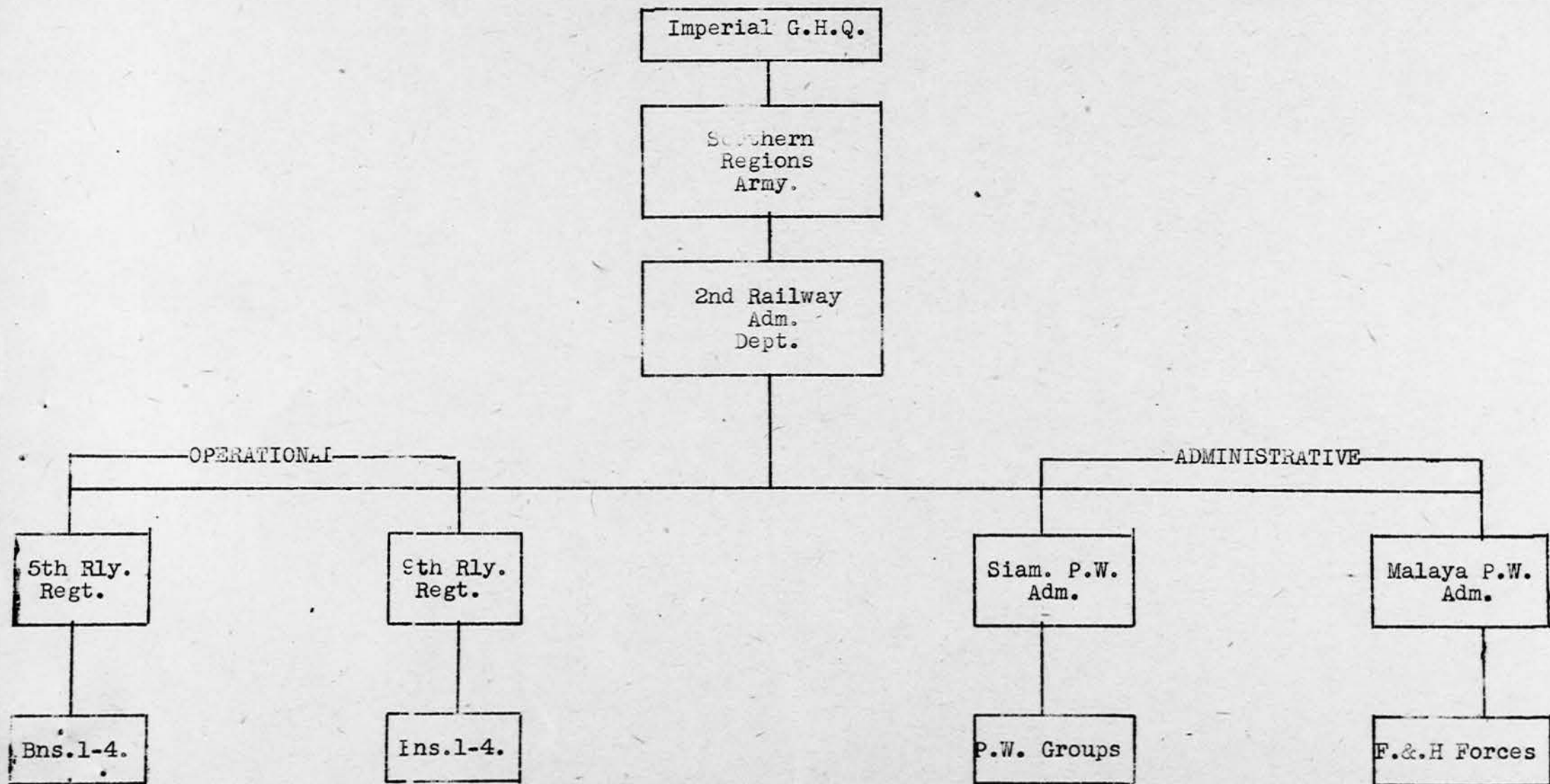
12. EVIDENCE.

The evidence tendered by the Prosecution will consist
of:-

- (a) The Documents specified in Appendix B.
- (b) The testimony of the Witnesses named in Appendix C.
- (c) The Statements by Accused specified in Appendix D.

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APPENDIX A.
ORGANIZATION AND CHAIN OF COMMAND



APPENDIX B!
DOCUMENTARY EVIDENCE

GENERAL

1. Diplomatic documents notifying Japan's agreement to observe the Geneva Convention relative to the treatment of Prisoners of War.
2. Japanese Official Report exhibited by Affidavit of Capt. J.E. PADFIELD.
3. Imperial Japanese Regulations concerning treatment of Prisoners of War.
4. Penal Laws with regard to Prisoners of War promulgated by Col. NAKAMURA exhibited by Affidavit of Lt.Col. H.C. OWTRAM.

FIRST, SECOND, THIRD, and FOURTH CHARGES

5. Affidavit of Capt. N.A. EVANS.
6. Affidavit of Major J.H. PARSONS.
7. Affidavit of JOHN C. REAS.
8. Affidavit of Lt.Col. St.C.E.J. BARRETT.
9. Affidavit of Major E.J. BEAVER.
10. Affidavit of Lt.Col. H.C. OWTRAM (also 6th Charge)
11. Affidavit of Pte. J.P. HADDEN (also 7th Charge)
12. Affidavit of Lt.Col. W.E. HUGONIN.
13. Affidavit of Major E.R.E. DAYRELL.
14. Affidavit of Lt.Col. H.H. LILLY.
15. Affidavit of Lt.Col. D.R. THOMAS.
16. Affidavit of Major J.K. BRODIE.
17. Affidavit of G.A. JORDAN.
18. Affidavit of Lt.Col. P.J.D. TOOSEY (re TAMAKAN)
19. Affidavit of Lt.Col. E.E. DUNLOP - dated 27 June 1946.
20. Affidavit of Lt.Col. E.E. DUNLOP - dated 24 July 1946.
21. Affidavit of Dvr. A.R. HAZWTON.
22. Affidavit of Capt. B.G.V. PARKER.
23. Affidavit of Pte. J.J. WARD.
24. Affidavit of Major H.G. GREINER.

25. Record of Evidence of Lt.Col. A.E. COATES.
26. Affidavit of Major F.A. WOODS.
27. Affidavit of Major A.J. COUGH - dated 6 July 1946.
28. Affidavit of Major W.E. GILL.
29. Affidavit of Capt. F.E. CAYLEY.
30. Affidavit of Lt.Col. L.J. BAKER.
31. Affidavit of Major P.S.F. JACKSON.
32. Affidavit of Lt.Col. R.M. MORE.
33. Affidavit of A.T. ANDREWS.
34. Affidavit of Lt.Col. C.T. HINDE.
35. Affidavit of Capt. O.R. JENKINS.
36. Affidavit of Sgt. G.W. VAUGHAN.
37. Affidavit of Major A.R.C. STIBY.
38. Affidavit of Lieut. R. RENNICK.
39. Affidavit of Major K.S. FEW.
40. Affidavit of Major H.T. CRANE.
41. Affidavit of Lt.Col. G.E. SWINTON (also 6th Charge
Exhibiting his Report. and 7th Charge)
42. Affidavit of Lt.Col. A.A. JOHNSON.
43. Affidavit of Lt. P.G. BAMBRIDGE (re TARKENUN)
44. Affidavit of Lt. P.G. BAMBRIDGE (re Telegraph Party)
45. Affidavit of Lt. H.F. GOODSMAN.
46. Affidavit of Lt. J.D. MITCHELL.
47. Affidavit of Capt. T.F. ELLIS.

FIFTH CHARGE

48. Affidavit of Sgt. C.E. WILSON.
49. Affidavit of Lt.Col. A.E. KNIGHTS.
50. Affidavit of Gnr. S. TAYLOR.
51. Statement by Capt. W.A. COXON.
52. Affidavit by Capt. M.J. WOODROFFE-HILL.

SIXTH CHARGE

- (10) Affidavit of Lt.Col. H.C. OWTRAM.
- (41) Affidavit of Lt.Col. G.E. SWINTON.
- 53. Affidavit of Pte. A.G. WARMAN.
- 54. Affidavit of Pte. A.D. STOTEN.
- 55. Affidavit of Pte. N.F. CLARKE.
- 56. Affidavit of Sgt. G. PRIESTMAN.
- 57. Affidavit of Sgt. R. HALL.
- 58. Statement by Capt. KOYAMA, Hayata. I.J.A. Legal Dept.

SEVENTH CHARGE

- (11) Affidavit of Pte. J.P. HADDEN.
- (41) Affidavit and Report of Lt.Col. G.E. SWINTON.
- 59. Affidavit and Report of Capt. C.G. SKINNER.
- 60. Affidavit of Lt. M.E. YEOMAN.
- 61. Affidavit of Major J.R. LLOYD.
- 62. Affidavit of Lt. T.D. McCAWLEY.
- 63. Affidavit of Major E.R. MEAGHER.
- 64. Affidavit of F/O. J.T. WHELAN.

EIGHTH CHARGE

- 65. Affidavit of Lt.Col. R.C. LAMING.
- 66. Affidavit of Lt.Col. P.J.D. TOOSEY.
- 67. Affidavit of Major A.J. COUGH -- dated 5 August 1946.
- 68. Affidavit of L/Sgt. G.A. LOWE.
- 69. Affidavit of Cpl. L. ROACH.

APPENDIX 'C'

List of Witnesses:-

Mr. J.K. GALE.

Mr. K.E.W. HATCHARD.

Mr. G.J. HOUSTON.

Sgt. H. JONES.

Mr. C.J. BALDWIN.

Mr. E. GOODER.

APPENDIX 'D'

Statements by the Accused:-

Colonel	NAKAMURA	Shigeo
Colonel	ISHII	Tamie
Lt.Colonel	YANAGITA	Shoichi
Major	CHIDA	Sotomatsu

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