

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 19/882

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Valeriano VECCHI Filippo MARIUCCI Carlo ZAMBON	All Italian Nationals		19 August 1946 ANCONA
			Convened by
			Commander 3 District C.M.F.

CHARGES

JOINT CHARGE

COMMITTING A WAR CRIME in that they at FERMO on or about 21 February 1944 in violation of the laws and usages of war were concerned in the killing of Private E.V. BOWERS, Union Defence Forces, an escaped prisoner of war.

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Lt-col. E.C. SEBAG-MONTEFIORE D.L.I. Capt. F.D. WRIGHT R.E. Major L.C. RANKIN R.A.	N/A

Pleaded	Finding
All pleaded Not Guilty	All found Not Guilty

Sentence and Minute of Confirmation

When and where Promulgated :—

Date of Receipt	To whom sent	Date sent	Purport

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MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.

ACCUSED Korean Guard FUMIMOTO Tetsuichi
in the service of the Imperial Japanese Army
att 140 Coy R.I.A.S.C. (Tipper)

PLACE & DATE OF TRIAL Singapore 23 August 46

COURT CONVENED BY Commander Singapore District.

PRESIDENT Lt-Col. E.N. BLACKLOCK K.O.S.B. Solicitor.

MEMBERS Major F.G. FORTESCUE General List.
Capt. H. HUGHES R.A.S.C.

CHARGE Committing a War Crime in that he at POW Camps
situated at and in the neighbourhood of Krian
Krai in Siam, between the 1st day of June 43
and the 1st day of March 44, when a member of
the staff of the said several camps, in
violation of the laws and usages of war, did
ill-treat British POW interned in the said
several camps causing them physical suffering.

PLEA Not Guilty

FINDING Guilty

SENTENCE 23 August 46 To suffer death by hanging.

CONFIRMED 27 September 46 By Commander Singapore District.
Sentence commuted to one of
10 years imprisonment.

PROMULGATED 28 November 46

REMARKS

DISPOSAL OF PROCEEDINGS To AG3 HQ SEALF.....^{16 Dec 46}
JAG of the Forces.....

DJAG SEALF
Case No. 65110 JAG.

ABSTRACT OF EVIDENCE

In the case of

FUMIMOTO Tetsuichi - Korean Guard

During the period covered by the charge the Accused was a Guard in P.O.W. Camps at and near KRIAN KRAI. The main Camp at KRIAN KRAI was at the 250 Kilo mark, there was a working Camp nearby (apparently at 248 kilo), and according to the evidence there were also camps at 230 Kilo and 239 Kilo. 230 Kilo was formerly known as 211 Kilo and was situated at or near NOMCHANYAI. The Accused appears to have been a Guard in this Camp during June and part of July 1943. About 15 July 1943 a party of between 120 and 130 British Ps.W. was sent from 230 (otherwise 211) Kilo Camp to 250 Kilo Camp at KRIAN KRAI from whence it proceeded to a working camp nearby. The Accused was in charge of this party and was the senior Korean Guard in the Camp. He appears to have been stationed at 240 Kilo but frequently went over to a nearby camp at 238 Kilo.

The evidence shows that he was ill-disposed towards Ps.W. whom he frequently mal-treated. His attitude is indicated by the statement attributed to him in the affidavit of Capt. T.F. ELLIS - "I am only a poor yellow coolie, you are haughty British Officers, but you are now my prisoners and I can do just what I like to you". The evidence shows a general course of ill-treatment on the part of the accused, of which the following are some outstanding instances.

1. The Accused would allow only a very small number of sick to be excused work and in defiance of medical advice would send sick men to work. It is stated that on one occasion he insisted that a P.O.W. named L/Cpl. PAYNE, of the Royal Signals, who was suffering from Malaria, Dysentery and Beri-Beri should go to work although he was unable to walk. He crawled on his hands and knees to the place of work. The engineer in charge saw that he was unfit to do anything and let him lie in the shade all day. He then crawled back to his quarters, a distance of about 300 yards, and died during the night.

Evidence relating to this incident is contained in the Affidavits of Lt. B.G. BROWN, Signalman R.W. HUZARD and L/Cpl. W.J. WALKER.

2. One day at 230 Kilo Camp the Accused beat Lt. STEWART, F.M.S.V.F. across the back with a bamboo alleging that he was not working hard enough.

Evidence of this assault is contained in the Affidavit of Major S.E. SKEY, and hearsay evidence is contained in the Affidavit of Lt. T.R. MILES who states that he was personally told of the incident by Lt. STEWART.

3. The Accused is said to have beaten Capt SHARPE with his fists and kicked him. The incident occurred at a detachment Camp of 248 Kilo and is said to have been caused by Capt. SHARPE returning wrong numbers on a working parade.

Hearsay evidence of this incident derived from Capt. SHARPE personally is contained in the evidence of Major SKEY, Capt. ELLIS and Lt. MILES.

4. L/Cpl. W.J. WALKER of the East Surrey Regt., in his Affidavit states that at about the end of August 1943 he was in the Stores at 250 Kilo Camp with the two Japanese who were in charge. An Indian coolie came in to shave them and at their suggestion he later commenced to shave the deponent. While he was doing so the Japanese Sergeant in charge of the Korean Guards at the various camps in that area passed by and saw what was being done. He did not say anything, but later the Accused sent for the deponent and told him that he (the deponent) was a P.O.W. and that if he wanted any servants he must wait until he was free. He then punched the deponent many times with his fists on each side of his head and kicked him on the shins. The deponent states that he was deaf for about 10 days as a result of the attack.

Documentary evidence tendered by the Prosecution will consist of the following:-

Affidavit of Lt. B.G. BROWN

Affidavit of Signaman HUIZZARD

" " L/Cpl. W.J. WALKER

" " Capt. W. WATSON

" " Capt. T.F. ELLIS

" " Major S.E. SKEY

" " Lt. T.R. MILES

Statement by the Accused