

# RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

AWC No.....

Aust W.C. List Ser No.....

Accused: Capt HOSUMI Susumu  
2nd Class Pte OKAWA Kisaburo  
Sup Pte OTSUKI Masao

Court, Place, SINGAPORE  
Date and 10, 11, 12 & 13 July 1946  
Formation:

Charge(s)	Plea	Finding
1. COMMITTING A WAR CRIME at SONGKRAI PW Camp SIAM on or about 14 Aug 45 to wit unlawfully killed VX19728 Pte J.E. DURKIN 2/2 Pnr Bn AIF a PW in the said camp.	All accused Not guilty	All accused guilty
2. (Against the accused OKAWA only) COMMITTING A WAR CRIME at SONGKRAI PW Camp SIAM from 22 Jul 45 to about 14 Aug 45 to wit inhumanely treated VX19728 Pte J.E. DURKIN 2/2 Pnr Bn AIF a PW in the said Camp.	No guilty	Guilty

Precis of Evidence: 1. The evidence for the prosecution was partly documentary and partly verbal. The documentary evidence consisted of affidavits by S/Sgt I.W. RENNIE, Pte C.J. VIDLER, Cpl G.E. TURNER, written statements by S/M KAWASE Kazuo, S/M MATSUBA Tabatake, the accused Capt HOSUMI Susumu, an affidavit by Lt-Col C.E. DeM.R. PIERCE, Summaries of examination of 2nd Class Private OKAWA Kisaburo, and sworn statements by the said accused OKAWA and the said accused OTSUKI. Verbal evidence was also given by Capt D.A. FRASER.

2. The evidence for the prosecution on both charges was to the effect that Pte J.E. DURKIN (hereinafter referred to as the deceased) had escaped from custody whilst in Japanese hands at SONGKRAI PW Camp SIAM. The deceased was recaptured three days later namely on 22 July 1945. He was tied to a post of the Guard house by a rope passed round his neck and tying his arms behind his back. The deceased was so tied that he could only sit down with difficulty. Although it rained most of the time the deceased

Sentence and Date: Accused HOSUMI & OKAWA - TO SUFFER DEATH BY HANGING - 13 JULY 46 (over)  
" OTSUKI - TO BE IMPRISONED FOR 18 YEARS - 13 JULY 46

Confirmation and by Whom: Findings confirmed. Sentences HOSUMI and OKAWA confirmed. Sentence passed on OTSUKI mitigated to 5 yrs imprisonment  
LT-GEN V.A.H. STURDEE 24 Dec 46.

Promulgation: Promulgated to all accused on 20 January 1947.

Petition: Petitions lodged July 46 by each accused against findings and sentences.

J.A.G.'s Report on Petition: Confirm findings and sentences against the accused HOSUMI and OKAWA and dismiss petitions. Confirm sentence and uphold petitions of accused OTSUKI in relation to sentence.  
Action on Petition: Recommends mitigation thereof to period of imprisonment for OTSUKI's upheld others dismissed about 5 years.

Filed in Attorney-General's Department and Numbered..... 81 246



was not afforded any protection from the weather. He was not given any change of clothing and during the three weeks of his imprisonment he was permitted to wash himself on one occasion only. During practically the whole of the day time the deceased was made to stand at the position of attention, and he was subjected to frequent beatings by the Japanese guards. During the night time the deceased was heard calling out in pain as though he was receiving further beatings. He was not permitted to go to the latrines and his clothes and body were in a filthy condition. In addition to malaria he was suffering from beri-beri but no medical treatment of any kind was given to him. On or about 14 Aug 45 the Japanese Sgt in charge of the section to which the deceased was attached in company with 4 Japanese soldiers armed with rifles and bayonets took the deceased to the cemetery adjoining the camp. There the deceased was killed by bayonetting. The facts which were more or less admitted were that the accused OKAWA was in charge of the camp where the deceased was kept in custody, and the prosecution contended that he was responsible for the condition in which the deceased was kept after his recapture. The accused OKAWA also admitted that he made arrangements for the execution and that he gave the order to the accused OTSUKI to bayonet the deceased. The accused OKAWA admitted that the execution was arranged pursuant to the orders of the accused HOSUMI and corroborative evidence by two Japanese NCO's of this fact was also tendered by the prosecution.

3. Each of the accused gave evidence in their defence. The accused HOSUMI denied that he gave any such orders for the execution of the deceased and said that he was not in a position to do so. The accused OKAWA and OTSUKI both claimed that they carried out orders of superiors.