

BR. 417.

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.

ACCUSED

Major Gen. SHOJI Toshishige,
of the Imperial Japanese Army attached to
1 Bn Devonshire Regt.

DATE AND PLACE
OF TRIAL.

10, 11, 12, 13, 14,
17 March 1947 Hong Kong.

COURT CONVENED BY

Comd Land Forces, Hong Kong.

PRESIDENT

Lt.Col. R.C. LAMING

Dept of JAG INDIA.

MEMBERS

Major J.T. LORANGER
Capt K.R. BUSFIELD

JAG Branch Canadian Army
RAC.

CHARGE

COMMITTING A WAR CRIME, in that he at HONG KONG
between the 17th and 26th December 1941, when
Commanding Officer of the 230th Infantry Regiment
of the 38th Division of the Imperial Japanese Army,
was, in violation of the laws and usages of war,
concerned in the illtreatment and killing of
British, Canadian, Chinese and Indian troops and
Red Cross personnel after they had been taken
prisoner of war.

PLEA

Not Guilty

FINDING

Not Guilty

SENTENCE

CONFIRMED

PROMULGATED

REMARKS

DISPOSAL OF
PROCEEDINGS

To AG 3 GHQ SEALF

11 August 1947

JAG of the Forces

DJAG SEALF
Case No. 65205 JAG.

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ABSTRACT OF EVIDENCE

In the case of:-

Maj.Gen SHOJI Toshishige

1. The accused Maj.Gen SHOJI Toshishige was at all material times the Commanding Officer of the 230th Infantry Regiment of the 38th Division of the Imperial Japanese Army.
2. As appears in several voluntary statements made by him, he took part in the landing in the island of HONGKONG which eventually led to the capture of the said Island on the 25th December 1941. The landing, which commenced at 21.50 hrs. on the 18th December 1941, was made by three Regiments, namely the 230th Regiment commanded by the accused, the 228th Regiment commanded by Col. DOI and the 229th Regiment commanded by Col. TANAKA. The accused himself landed at 22.40 hrs. on the 18th December 1941 at a position about 600 metres East of NORTH POINT and advanced with his troops. His objective was to get to the City of Victoria on the HONGKONG ISLAND via WONG NEI CHONG GAP and MT. NICHOLSON. At 03.30 hrs. the accused himself arrived at a point N.E. of JARDINES LOOKOUT which was a hill strongly defended by the British. On his arrival he received a report that some of the pill-box defences at JARDINES LOOKOUT had been captured by his troops. He then decided to stage a pincer movement, No.3 Battalion of his Regiment being sent to the right of the pill-box defences heading towards the north slope of MT. NICHOLSON and No.2 Battalion to cut through the defences at JARDINES LOOKOUT heading towards a five-pronged road at WONG NEI CHONG GAP which it will be shown represents a junction of the STANLEY GAP ROAD, WONG NEI CHONG ROAD, BLACE'S LINK, DEEP WATER BAY ROAD and REPULSE BAY ROAD. The accused himself followed up the No.3 Battalion with two reserve companies. The operation commenced at 05.00 hrs. on the 19th December 1941 and by 08.00hrs. the five pronged road junction was completely captured. Heavy casualties were suffered by the Japanese. Thence onwards spasmodic fighting ensued until the afternoon of the 23rd December 1941 when the whole WONG NEI CHONG GAP area was invested. On the 19th and 20th December 1941 the accused occupied a dugout situated at a point on STANLEY GAP ROAD just before it joins WONG NEI CHONG ROAD. In the early morning of the 21st December 1941 he moved into a pill-box approximately 100 yards away on the East side of WONG NEI CHONG ROAD. This pill-box was almost directly opposite the HQ's. of the Canadian Troops defending that area. The Canadian HQ's. was captured by the OKADA Unit of the 3rd Battalion of the accused's Regiment. Capt. E.C. WATSON, an Investigating Officer, will appear to testify that on information supplied by the accused, he visited the Canadian HQ's. and in a structure which appeared to be a garage there exists to-day an inscription on one of the walls indicating that the place was captured by the OKADA Unit. As also appears in the accused's statements, no other troops except those from his own regiment participated in the fighting in the WONG NEI CHONG GAP area until the night of the 20th December or 21st December 1941. During the whole of the fighting, the accused was in constant contact with his troops, and all the prisoners in the WONG NEI CHONG GAP area were captured by the accused's Regiment. From WONG NEI CHONG GAP these prisoners were sent to Divisional HQ's at NORTH POINT, escorted by the accused's troops.

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3. An affidavit by Capt. USBIYAMA Yukio of the KEMPEITAI attached to the 38th Division will be produced in which he confirms that the accused was the Commanding Officer of the 230th Regiment and that it was this Regiment which took WONG NEI CHONG GAP.

4. It will be shown that between the 19th and the 23rd Dec. 1941, within less than a square mile, various atrocities were committed in the WONG NEI CHONG GAP area by troops under the accused's command. The Prosecution will call 6 witnesses and will also tender in evidence the sworn or signed statements of 16 others who are not now in HONGKONG.

5. The following members of the HONGKONG VOLUNTEER DEFENCE CORPS (hereinafter referred to as the "H.K.V.D.C."), namely:

CHEUNG SHUI LING
L/Cpl JAMES G. WINDYARD

Col F.R. ZIMMERN
C.O.I.S. R.C.FICHER

will appear to testify that on the 19th December 1941 they were defending a position used as "Q" store at STANLEY GAP with about 20-30 men composed of members of the H.K.V.D.C. and Canadian troops. They were surrounded at about noon on that day and in the afternoon they surrendered. They piled up their arms inside the store before they came out. After they were taken prisoner they were hit with steel helmets, rifle butts, sword scabbards and entrenching tools. They were lined up and tied with their hands behind their back. Cpl. K.J. LIM, Pte. R.C. GOSLING, Pte. MACKECHWIE and a man named YOUNG were killed without provocation. T.C. LEUNG of the H.K.V.D.C. was severely battered in his skull and has not been heard of since while a young Canadian soldier was bayoneted although he recovered later. The remaining prisoners were then taken to a hut nearby which had been used as a Mess where they were kept for the night. On the following day when they left for NORTH POINT, the bodies of Col LIM and others were still lying there in pools of blood.

6. At different times on the same day, i.e. the 19th December 1941, other prisoners, chiefly WINNEPEG GRENADIERS of the Canadian Army, were herded into the same hut. Members of the WINNEPEG GRENADIERS REGIMENT who will be giving evidence by affidavit are:

(a) Sgt. THOMAS GEORGE MARSH: On the 19th December 1941 this witness was defending a position at JARDINES LOOKOUT. The position was overrun by the Japanese troops on the said date and all who were wounded or showing signs of life were bayoneted. The Japanese apparently thought witness was dead and he was left alone, but later was recaptured and taken to the hut aforesaid.

(b) Pte. N.P. MIRON; L/Cpl. CHARLES BRADSHAW;
Pte. JOHN D. POLLOCK; L/Sgt. WILLIAM ALBERT HILL;
Pte. LESLIE GEORGE ADAMS; and Pte. SIDNEY GEORGE
REXTON

It will be deposed to by the affidavits of these witnesses that they were captured on the 19th Dec. 1941. The total number of prisoners taken at the same time were variously estimated at 36 to 60. They were marched to a hut several hundred yards away, which the Prosecution will show was the same hut mentioned above. Whilst they were waiting to be sent to the hut, L/Cpl. R.C. LAND threw a hand grenade at the Japanese troops killing a few of them. Infuriated by this, the Japanese proceeded to bayonet or shoot to death the said L/Cpl. R.C. LAND and three other innocent WINNEPEG GRENADIERS named B.B. WALLEN, RICK OGADCRUCK and SEODGELL. Other Canadian prisoners were struck and some rendered unconscious through being struck over the head by Japanese with rifle butts, sticks and shovels.

- (c) Col. SYDNEY HISCOX and Pte. MICHAEL HADDAD: These two witnesses were captured together at WONG NEI CHONG GAP on the 19th December 1941. In his affidavit, Cpl. HISCOX says that the Japanese were at that time searching some small buildings or shelters and found altogether about a dozen H.K.V.D.C. personnel and about 3 members of the Middlesex Regiment. They were all grouped together, and then, without any provocation, the Japanese proceeded to bayonet to death all the H.K.V.D.C. personnel and the 3 Middlesex men. Pte. MARCEL E. ROBIDOUX of the Winnipeg Grenadiers was bayoneted but not killed. While witness SYDNEY HISCOX himself was hit on the head with a bayonet. The surviving prisoners were then moved to the aforesaid hut which was about 100 yards away.
- (d) Pte. GEORGE KIPLING: states in his affidavit that he was taken prisoner on the 19th December 1941. With his hands tightly tied behind his back he was taken to the above-mentioned hut situated about 3/400 yards away. Before he was taken there he saw some of the wounded bayoneted to death.
- (e) Pte. WALLACE ALLAN CHILES and Col. SAMUEL DANIEL KHAVINCHUK: were captured on the same day, and like the others, were also accommodated in the same hut.

7. Practically all the witnesses herein before mentioned testify to the hut being hit by one or more mortar trench shells from the defence troops in HONGKONG early in the morning of the 20th December 1941, killing and wounding a number of the prisoners -of-war. Sgt. THOMAS GEORGE MARSH and Pte. H.P. MIRON state in particular that some of the prisoners who attempted to get out from the hut when it was hit were bayoneted to death by the Japanese sentries. Soon after this, the prisoners were marched to NORTH POINT, tied together in groups of several men each. On the way Pte. KILFOYLE, who was wounded, collapsed. He was cut loose and bayoneted to death. Sgt. THOMAS GEORGE MARSH states an English prisoner met with the same fate.

8. Three other members of the Winnipeg Grenadiers Regiment who held out in the WONG NEI CHONG GAP area until the 22nd December 1941 will also give evidence by affidavit or statement as to their experiences:

- (a) L/Cpl. GORDON EDWARD WILLIAMSON & Cpl. P.E. MONDOR: were taken prisoner in or near the Canadian HQ's both testify to witnessing a member of the MIDDLESEX REGIMENT being taken out of the line and bayoneted.
- (b) Capt R.W. PHILIP says in a signed statement that he surrendered on the 22nd December 1941. Prisoners were manhandled despite the fact that many were wounded. They were securely tied and marched to JARDINES LOOKOUT. Anyone who was unable to walk was bayoneted. Prisoners were hit with rifle butts, kicked and slapped regardless of whether they were wounded or not. At 03.00 or 04.00hrs. on the morning of the 23rd December 1941 they were marched off to NORTH POINT.

9. In another area in WONG NEI CHONG, there was an Advanced Dressing Station. As appears from a report made by Sgt. T.R. CUNNINGHAM, R.A.M.C., a certified true copy of which will be produced, he was serving at the said Station on the 18th December 1941 with 4 other personnel. Ten members of the St. JOHN'S AMBULANCE BRIGADE were accommodated in certain medical shelters nearby. On the night of the 18th, a member of the MIDDLESEX REGIMENT also slept in the said Advanced Dressing Station while a wounded Indian Constable attached to the WONG NEI CHONG Police Station was given accommodation in the medical shelters. By 04.00 hrs. on the 19th December 1941, the Advanced Dressing Station was surrounded by Japanese troops. Soon after daybreak, the St. JOHN AMBULANCE BRIGADE personnel and the wounded Indian Constable - all in some degree injured - came out of their shelters and surrendered. Although the former were fully dressed, complete with Red Cross brassards, they were all killed by the Japanese. CUNNINGHAM and the 4 other personnel in the Advanced Dressing Station did not surrender until the 20th December 1941, hoping for a possible counter-attack by the defence troops. On their surrender they were securely tied and beaten and their Red Cross brassards were torn off their clothes. Capt. BARCLAY, the Commanding Officer of the Station, was particularly badly beaten.

10. It will also be in evidence that prisoners-of-war were given no food or water and none of the wounded, of whom there were many were given any medical attention.

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