

BM/JAG/65080
 HQ, Allied Land Forces,
 South East Asia Command,
 3 Aug 1946.

Commander,
 Singapore District.

Subject: War Crimes Courts.

Reference the proceedings of the trial by Military Court of Major Misutani Totaro of the Japanese Army.

1. The accused was tried by Military Court at Singapore on 20 May - 6 June 46 on three charges for committing war crimes as follows :-

1st Charge Being concerned in the inhumane treatment of British, American, Australian and Dutch prisoners of war employed in the construction of the Burma-Siam Railway resulting in the deaths of hundreds of the prisoners of war and physical suffering to many others

2nd Charge ill-treating a Burmese civilian causing him physical suffering.

3rd Charge killing Fusilier L.W.Wanty a British prisoner of war in Tamuang Camp Siam on 31 Dec 44.

He was convicted of all charges and sentenced to death by hanging.

2. The facts relating to the three charges are summarised in the Abstract of Evidence attached to the proceedings. With reference to the first charge there was ample evidence to establish that the accused was directly responsible for the ill-treatment and sufferings of the prisoners of war on the most northerly sector of the notorious Burma-Siam Railway during 1943 and hundreds of them died as the result of his maladministration. The evidence on the second charge was contained in an affidavit of Corporal Boots (Exhibit JJ) which the Court were entitled to accept to establish the accused's guilt. With regard to the third charge there was the testimony of eye-witnesses as well as affidavit evidence to prove that the accused had shot Fusilier Wanty out of hand.

3. The accused, who was in the witness box for over four days, gave a confused and garbled explanation of his administration of the prisoners of war as Branch Commander. He said that he had neither ill-treated nor ordered the ill-treatment of any of the prisoners, that their living conditions and shortages of food and medical supplies were due to circumstances beyond his control and that he was constantly harassed by the demands of the Railway Engineers to provide sufficient numbers for the working parties on the Railway. He attempted to show that he had made efforts to provide extra food and medical supplies for the prisoners. The accused denied the second charge saying that he did not

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remember ever having ill-treated any Burmese civilian within his camp. Regarding the third charge he admitted having shot Wanty but said that he did so because Wanty was trying to escape.

4. At the close of the cross-examination of the accused by the prosecutor, the defence counsel submitted that the accused was mentally deranged and applied for him to be medically examined. The court granted the application and the accused was examined by a psychiatrist. The reports are contained in exhibits "IX" and "YY". They show that the accused, although somewhat abnormal, was fit to stand trial and understand the nature of the proceedings. At the commencement of the trial there was no suggestion that the accused was not fit to plead and the defence of insanity was not raised.

5. Notice was given that a petition would be submitted on behalf of the accused but the accused has now signified that he does not wish to petition.

All the findings are supported by the evidence and I advise confirmation.

F. C. Davis

FCYD/MEG.

Brigadier,
D.J.A.G., Allied Land Forces, S.E.A.