

CONFIDENTIAL

BM/JAG/65132
General Headquarters,
South East Asia Land Forces.
15th April 1947

Commander,
Singapore District

Subject:- War Crimes Trial

Reference the proceedings of the trial of Sgt. TAKASHIMA Shotaro and Cpl. ASAKO Koichi, both of the Imperial Japanese Army, and the attached petition.

1. The accused were tried by a Military Court at Singapore on 25th Jan, 1947 on a charge for committing a war-crime at Sankakuyama, New Britain, between 1st April and 15th August 1945, by being concerned in the ill-treatment of Indian Ps.O.W. (which ill-treatment included the forcing of sick men to work and the neglect of proper medical attention) resulting particularly in the death(s) of (Mohd Khan and) Abdul Ghani.

2. Both accused pleaded not guilty. The first was acquitted. The second was convicted of the charge, with the exception of the portions in brackets above, and was sentenced to life imprisonment.

3. The facts of the case were briefly as follows:

A party of Indian Ps.O.W. were taken to Sankakuyama where the C.O. of the camp was Capt. Tuara and the second accused was the medical orderly.

The prosecution case tended to show that medical supplies intended for the inmates of the camps were diverted for Japanese use and that the 2nd accused was concerned in these doings as well as being responsible for compelling unfit men to go on fatigues and working parties, which actions resulted in the death of one Abdul Ghani.

The defence denied the prosecution evidence and alleged that as the Indians were also treated by one of their own medical orderlies, the 2nd accused should in no case be held entirely responsible for neglect of proper medical attention. It was also maintained that Abdul Ghani died of causes beyond the control of the 2nd accused. They also pleaded that superior officers were present and the 2nd accused acted under their instructions.

A further point made, which the prosecution did not rebut, was that the Indians who were originally Ps.O.W. took an oath of allegiance to the Japanese Emperor and were therefore not treated as Ps.O.W. Evidence of the status of the Indians as "workers" was given for the defence by Capt. Taura who mentioned the existence of a Japanese Army Order stating that Indians captured in Singapore had taken the oath. The prosecutor's application to recall a witness to give evidence on this point was unfortunately rejected by the Court who ruled against the defence submission as a matter of law.

Even if the contention that the Indians were in fact soldiers of the Japanese Army were disproved, it would have been open to the accused to have raised as a defence that he honestly believed that he was acting within his rights towards men whom it was his duty to treat as such. As this issue was not before the Court and as the decision upon it can only be a matter of speculation I advise non-confirmation of the proceedings.

4. The delay in dealing with this case and others of a similar nature is due to the fact that I considered it advisable to refer the proceedings to the UK on a point of law.

F G T DAVIS.

FGTD/JG

Brigadier,
DJAG, South East Asia Land Forces.