

**Singapore Cases - Details of Trial Records**

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Singapore Cases: No. 235/974  
Takashima Case

Accused: (1) Sgt. TAKASHIMA Shotaro  
(2) Cpl. ASAKO Koichi  
of the Imperial Japanese Army

Place and Date of Trial: Singapore, 25, 27-30 Jan 47

Finding and Sentence: Accused 1 - Not guilty - Acquitted  
Accused 2 - Guilty excluding the words "which ill-treatment included the forcing of sick men to work and the neglect of proper medical attention" and excluding the words "MOHD KHAN and" and excluding the pluralities of the word "deaths"

Accused 2 - Sentenced to Imprisonment for life  
The printed finding as part of the court proceedings showed the charge that accused 2 was found guilty of after amendments:

"Committing a War Crime in that you at Sankakuyama Camp, New Britain, between 1st April 1945, and 15th August 1945, were, in violation of the laws and usages of war, concerned in the ill-treatment of Indian prisoners resulting particularly in the death of Abdul Ghani".

Charge: Committing a War Crime in that they at SANKAKUYAMA, New Britain, between 1 April 1945 and 15 August 1945, were, in violation of the laws and usages of war, concerned in the ill-treatment of Indian Prisoners of War which ill-treatment included the forcing of sick men to work and the neglect of proper medical attention resulting particularly in the deaths of MOHD KHAN and ABDUL GHANI.

Facts relating to the charge: 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.

Accused handling of the charge: Both accused denied the alleged facts and pleaded not guilty.

Main issues of the case raised by prosecution and defence:

### 1) Rank and responsibility of the accused

The defence argued with regards to the time frame of the case. They argued that the Indian Ps.O.W. were in Sankakuyama Camp not between 11 April and 15 August 1945, but between 16 April and 30 July 1945. Therefore, there was no reason that the accused must assume responsibility for the incidents subsequent to that period.

Accused 2 served at Sankakuyama as an assistant Medical Orderly and treated Indian patients. He was never in the position directly responsible for giving proper medical treatment or medical supplies. The defence argued that the responsible person was not accused 2, but his superior officers in charge of supplying food and medicines. Accused 2 had no connection with allocation of work, or the classification of Indian patients. He only did his duty to give medical attention to Indians within his power and ability.

The prosecution argued regarding the responsibility of the accused regarding food and rations. The Prosecution admitted that the responsibility for the shortage of rations did not arise against the accused, and in the event of the accused being found guilty; the Court would have to make a special finding omitting anything that had been said about rations.

### 2) Status of the Indians

The defence argued that the Indians were not pure Ps.O.W., but members of an Indian Labour Unit because they were released from the status of Ps. O. W. by the Japanese Army. Hence they were under the command of Japanese Capt. Taura and Lt. Abrial Hussein, the commander of the Indian company was the controller of them.

The prosecution addressed the question about the Indian prisoners having changed their oath of allegiance as well. They brought up two points: firstly, that Furuwa, a W/O was "in direct command", the very words of Capt. Taura, of the Indians. The prosecution submitted that there was no necessity for a W/O to be placed over and above a Lt if they were not prisoners of war. Secondly, was the refusal of the medical authorities to admit the Indian patients. It was hardly conceivable for members of an Allied Army not to be admitted into hospital by the Japanese. This showed that they were treated as prisoners of war.

### 3) Evidence

The defence argued that the prosecution evidence was insufficient. The Prosecution brought one witness and one affidavit in the case, despite the fact that at least two better witnesses were alive at the liberation of the camp and could have presumably produced affidavits if they had wished. The defence submitted that the absence of these two affidavits were distinct points in the favour of the accused.

The prosecution brought up that almost all the facts were in dispute and the defence denied the allegations made by the Prosecution in the minutest detail. They admitted that if the court were to judge the case by the number of witnesses produced by either side, the prosecution would lose, but they submitted that every court had to decide not according to the quantity of evidence but its quality. The contradictions were so many that it would be difficult to recount them, and this was unnecessary because the evidence was freshly in the mind of the court. The prosecution mentioned 2 particular pieces of contradictory evidence as examples, as well as the difference between the Prosecution story and that of the Defence.

#### 4) Condition of Abdul Ghani

The defence argued that Abdul Ghani's death was due to causes beyond the control of the accused. The defence argued that on arrival at the camp in the beginning of April 1945, Abdul Ghani was already suffering from an ulcer. The proper medical attention was given by the accused viz. the affected part of Abdul Ghani's leg was carefully disinfected, dressing being renewed twice or three times a day. Vitamin chemicals were given as well. The accused exerted himself over two and a half months to his whole ability. But Abdul Ghani died on the 29th of June 1945 at the ward after the long treatment of the accused, working to the best of his ability. Hence the accused had done his best and was to assume no responsibility for his death.

The prosecution did not argue this point as they probably thought that it was without question that Abdul Ghani's death had been contributed to or caused by the accused and there was no point therefore in arguing this point.

#### D.J.A.G.'s Review:

The D.J.A.G. brought up the point regarding the status of the Indians in his review of the case, saying that a 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.

The D.J.A.G. further submitted that 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 risen as a defence that he 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 could only be a matter of speculation he advised non-

confirmation of the proceedings.

At the end of his review he submitted that the delay in dealing with this case and others of a similar nature was due to the fact that he considered it advisable to refer the proceedings to the UK on a point of law. This showed what a complex case the status of the Indians was, and whose jurisdiction they were under. This could change the whole nature of the case and how it was judged.

From the cover sheet of the case, we see that the accused was sentenced on 30th Jan, '47, and the case was "not confirmed" by the Offg, Commander Singapore District on the 21st of April and promulgated on the 28th of April. The D.J.A.G.'s influence caused this case to drag on and be referred to the UK, and hence it was only settled 3 months later. This shows how seriously they treated the cases, and that the absolute authority on the cases was still the UK, as they were being tried under British Military Law.

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