

R7/J/9/6 A.  
CR. 377

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

ACCUSED

(1) Lt. Gen. WATARI Sakon.  
 (2) Col. TERUI Yuji.  
 (3) Capt. SHIRAI Yutaka.  
 (4) Capt. HAYAKAWA Tetsuzo.  
 (5) Capt. NAGASE Shigeru.  
 (6) Lt. MORIKAWA Masao.  
 (7) Lt. ASAO Tadashi.  
 (8) 2/Lt. NANYE Koji.  
 (9) S.M. HIRUTA Katsuyuki.  
 all of the Imperial Japanese Army,  
 att. 10 Lt. Recy. Coy, R.E.M.E.

PLACE AND  
DATE OF TRIAL

Singapore. 20, 23, 24, 27, 30 Dec, '46, and  
 10, 13, 14, 15, 16, 18 & 20th Jan, '47.

COURT CONVENED BY

Offg. Commander Singapore District.

PRESIDENT

Lt-Col. H.E.R. SMITH. R.A.

MEMBERS

Major. E.N. HEBDEN. R.A.  
 Capt. E.H. DUNSFORD. A.B.R.O.  
 Capt. A.E. DENNIS. R.E.

CHARGE

COMMITTING A WAR CRIME in that they in Siam and Burma between 1 April 1945 and 31 August 1945 being members of 29 Mixed Independent Infantry Brigade concerned with the building and maintenance of a road from PRACHUAB KHERIKHAN in Siam to MERGUI in Burma were, in violation of the laws and usages of war, concerned in the ill-treatment of a party of British, Australian and Dutch prisoners of war employed on the said road resulting in the death of many of the said prisoners of war and bodily suffering to many others of the said prisoners of war.

PLEA

Each accused - Not Guilty.

FINDING

Accused 1, 2, 4, 8 & 9 - Guilty.  
 Accused 3, 5, 6, 7 - Not Guilty.

SENTENCE

20 Jan, '47. Accused 1 & 2 - 10 years Imprisonment.  
 Accused 4 & 8 - 7 years' Imprisonment.  
 Accused 9 - 5 years' Imprisonment.

CONFIRMED

18 Mar, '47. By G.O.C. Singapore District.  
 5 years' Imprisonment remitted  
 in the case of Lt.Gen. WATARI Sakon.

PROMULGATED

20 Mar, '47.

REMARKS

DISPOSAL OF  
PROCEEDINGS

To AG3 GHQ SEALF 22nd April, 1947.  
 JAG of the Forces

DJAG SEALF  
 Case No. 65184 JAG.

### ABSTRACT OF EVIDENCE

In respect of the accused :

WATARI, Sakon	Lieut-General
TERUI, Yugi	Lieut-Colonel
SHIRAI, Yutaka	Lieutenant
HAYAKAWA, Tetsuzo	Captain
NAGASE, Shigeru	Captain
MORIKAWA, Masao	Lieutenant
ASAO, Tadashi	Lieutenant
NANYE, Kyoje	2nd Lieutenant
HIRUTA, Katsuyuke	Sergeant Major

The case against the above-mentioned accused is based on facts forming part of the transaction which is detailed in the Abstract of Evidence, in the case of Lt.Col. Komosawa and seven others reproduced below :-

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### ABSTRACT OF EVIDENCE

In respect of the accused :

KOMOSAWA, Sadayasu	Lieut-Colonel
KAMADA, Takeshi	Major
NAGASAKI, Masatoma	Captain
TAKAO, Hisakichi	Captain
KUBO, Yoshio	Captain
KONDO, Bunichi	Lieutenant
KANAMORI, Tetsujiro	Lieutenant
HAYASHI, Munec	Lieutenant

With a view to building a road from PRACHUAP KHIRIKHAN to MERGUI, a party of about 1000 prisoners of war of whom about 700 were sick or convalescents, was sent from the hospital at NAKOM PATHOM in SIAM.

be

As the prisoner of war labour was to/employed under the supervision and administration of Lieutenant Colonel KOMOSAWA, O.C. 160 Independent Infantry Battalion, (of 29 Independent Mixed Brigade) with Battalion Headquarters at MINOA, three representatives, namely Lieut. KONDO Bunichi (2 i/c No. 3 Coy. 160 Independent Infantry Battalion), Lieut. KANAMORI, Tetsujiro (2 i/c No. 2 Coy. 160 Independent Infantry Battalion), and Lieut. HAYASHI, Munec (2 i/c No 4 Coy. 160 Independent Infantry Battalion), were sent by him to collect the above mentioned thousand prisoners of war from NAKOM PATHOM Hospital. These prisoners of war were split into three

parties. The first party consisting of about 400 prisoners of war, namely English and Australians, was under command of Lieut. KONDO; the second party consisting of about 300 prisoners of war, mostly English and Australians, were to accompany Lieut. KANAMORI; the third party consisting of about 300 prisoners of war was under the charge of Lieut. HAYASHI.

The first party under Lieut. KONDO left NAKOM PATHOM on about the 11th April 1945, the second and third parties followed on the two succeeding days. Major BENNET R.A.M.C., Dr. BREUWER and Major DEWE, accompanied the three parties respectively. On arrival at PRACHUAP KHIRIKHAN by rail, the parties had to march through the jungle for about four days to reach their respective camps. The thousand prisoners of war were distributed to the four companies of the Battalion for administration and supervision of work. These companies held charge of these prisoners of war until the 30th April 1945, when 160 Independent Infantry Battalion was replaced by 161 Independent Infantry Battalion. Whereas Lieutenant Colonel KOMOSAWA and his Company Commanders were responsible for the administration and supervision of the prisoner of war labour, Major KAMADA of the 29th Independent Mixed Brigade Engineers was responsible for laying down the hours of work and their strict enforcement through Lieutenant Colonel KOMOSAWA's staff.

The sufferings of these thousand English, Australian and Dutch prisoners of war in transit from NAKOM PATHOM to PRACHUAP KHIRIKHAN, the four days march from PRACHUAP KHIRIKHAN to their respective jungle camps in mud and rain, with their full kit, the poor conditions of accommodation, food and medical aid, the hours of work during this period (that is up to the 30th April 1945), and the rise in the sick rate amongst these prisoners of war, will be proved by the testimony of Mr. BOEHM and Mr. McINNES, and the affidavits of Major BENNETT, Captain CAYLEY, Dr. BREUWER, Private WALKER and Major DEWE.



The voluntary statements of the accused will also be produced to corroborate the prosecution case in many relevant details."

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With the exception of Lt. Gen. Watari, all the accused (Lt.Col. Terui to S/M Hiruta) were concerned with the administration and supervision of the prisoner of War Labour employed on Mergui Road, (referred to above in the Abstract of Evidence in Case of Lt.Col. Komosawa and seven others) from the first week of May 1945 till the 31st Aug. 1945. The first accused, Lt.Gen. Watari, was the G.O.C. 29 Ind. Mixed Brigade at the time the P.Ws were employed on the construction of the Mergui Road under the direct supervision and administration of 160 and 161 Battalions of the 29 Ind. Mixed Brigade. The bodily sufferings of these prisoners of war and the deaths of many of them during this period (that is, between the 1st May '45 and 31st Aug. '45) will be proved by the prosecution (a) by the testimony of Mr. Boehm and Mr. McINNES (b) by the affidavits of

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|---------------------|------------------------------|
| 1. Major Bennett    | 2. Capt. Cayley.             |
| 3. Dr. Brewer       | 4. Pte. Walker               |
| 5. Sgt. Major Dunne | 6. Sgt. Butler               |
| 7. Pte. Thomson     | 8. Capt. Watson              |
| 9. Pte. Wilson      | 10. Gnr. Lane                |
| 11. Robert Prett    | 12. Van Velzen               |
| 13. Major Dewe      | 14. Capt. Barber Simson RAMC |
| 15. Major Stringer  | 16. Capt. Davies RAMC        |
| 17. Sgt. Dykes.     |                              |

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(c) by the voluntary statements of the accused.