

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.ACCUSED

1. Colonel KUME Matao
 2. Lt-Col. KASUYA Takeyo
 3. Capt. HIGASHI Noboru
 4. 2/Lt. NAKAYAMA Isaku
 5. S/M ONO Kiyozan
 6. S/M TSUKIDATE Kokichi
 7. S/M GEJI (SHIMOTSUKASA) Hisao
 8. S/M ABE Kenichi
 9. Sgt. HIDAKA Saneo (Jitsuo)
 10. Sgt. HIGAKI Nobuyuki
 11. Sgt. NITA Suichi (Mizuichi)
 12. Sgt. SHIOTA Toshihiro
 13. Sgt. NAKAJIMA (NAKASHIMA) Tokiyoshi
 14. Sgt. SAKAI Kanichi
 15. Sgt. KUROKI Shiginari
 16. Cpl. BABA Mitsuru
 17. S/Pte OGAWA Migaku
 18. S/Pte HAYASAKA Futoshi
- All of the Imperial Japanese Army attached 1/10 G.R.

PLACE AND
DATE OF TRIAL

RANGOON. 11, 12, 13, 14, 18, 19, 20, 21, 22,
25, 26, 27, August and 2, 3, 4 Sept. 47.

COURT CONVENED BY

G.O.C. BURMA COMMAND

PRESIDENT

Lt.Col. P.WARWICK, RASC, Barrister-at-law.

MEMBERS

Major G.C.LALA, IAOC B.A., (Advocate)
Major V.E.HOWSE, The King's Own

CHARGE

COMMITTING A WAR CRIME, in that they, near MOULMEIN, Burma, on or about the 24th July 1945, the accused Colonel Kume Matao GHQ Burma Kempeitai; Lt-Col. Kasuya Takeyo, Sgt.Maj. Ono Kyozan, Sgt. Hidaka Saneo (Jitsuo) as officers and NCOs on the staff of the H.Q., S.E. Burma Kempeitai and the remaining accused as members of the Kempeitai Detachment at Moulmein all of them being responsible for the lives of the civilian political prisoners at Moulmein Jail were, in violation of the laws and usages of war, concerned in the killing of 26 Burman prisoners detained at Moulmein Jail aforesaid.

PLEA

Each Accused - Not Guilty.

FINDING

Each Accused - Guilty.

SENTENCE

4th September 1947. 1st Accused - 15 yrs imprisonment.
2nd Accused - 12 yrs imprisonment.
3rd Accused - Death by hanging.
4, 5, 6 & 7 Accused - Death by hanging.
8 Accused - 2 yrs imprisonment.
9, 10, 11 Accused - Death by hanging.
12 Accused - 5 yrs imprisonment.
13 Accused - 7 yrs imprisonment.
14 Accused - 2 yrs imprisonment.

(2)

SENTENCE

15 Accused - 5 yrs imprisonment.
16 Accused - Death by hanging
17 Accused - 5 yrs imprisonment.
18 Accused - Death by hanging.

CONFIRMED

27th October 1947. Nos 1, 2, 3, 4, 8, 12, 13,
14 and 15 Accused confirmed by
GOC BURMA COMMAND.
Nos 5, 6, 7, 9, 10, 11, 16
and 18 Accused commuted to
10 years imprisonment.
No. 17 Accused - Not Confirmed.

PROMULGATED

3rd November 1947.

REMARKS

DISPOSAL OF
PROCEEDINGS

TO AG3 GHQ FARELF
JAG of the Forces

18 Nov 1947

DJAG FARELF.
Case No.65251 JAG.

ABSTRACT OF EVIDENCE

In the case of:-

Col.	KUME	Matao
Lt.Col.	KASUYA	Takeyo
Capt.	HIGASHI	Noboru.
and 16 others.		

This case deals with the execution of 26 Burmans who were kept under arrest by the Kempetai in the MOULMEIN Jail from about May or June 1945 until on or about the 24th July 1945. On or about this date these 26 Burmans were beheaded by members of the Kempetai near the 7th milestone on the KYAIKMARAW Road outside Moulmein under the command of Capt. HIGASHI.

The 26 Burmans:-

1. KO SAW LWIN
2. THAKIN THA U
3. KO TUN WE
4. U SAN DANA
5. MG TUN KYAING
6. MG CHIT THWIN
7. U NANDA
8. THAKIN KYAW ZA
9. U KYU PE
10. KO PA NGE
11. THAKIN THA HAN
12. THAKIN SEIN PE
13. U MYA
14. KO NYAN TUN
15. KO KHIN MG GYL
16. U SAN KHIN
17. U WIN THEIN
18. KO PE SAING
19. KO HTIN PAW
20. KO TIN U
21. KO KHIN THAUNG
22. AUNG THAUNG
23. KO PO HME
24. THAKIN SAN MIN
25. KO NYEIN MG
26. BA THAUNG.

were, at various dates between April and July 45, along with about 80 others, arrested on orders from S.E. Burma Kempetai H.Q. at Moulmein " (1) to determine the reason, by interrogation why the Burma Army had turned against the Japanese and (2) because it was suspected that they were actively engaged in Anti-Japanese activities". (Vide Major YASUNO Hyozo's, GHQ,

Kempei B.A.A. Statement).

The prosecution will produce witnesses or affidavits to prove that at least 18 out of the 26 above persons were arrested by the Kempeitai from various places in S.E. Burma at various dates between the beginning of May until the middle of July, and that all these 18 prisoners were eventually concentrated in the MOULMEIN Jail.

Likewise, the prosecution will adduce evidence to the effect that the relatives of most of these prisoners were kept informed about their whereabouts, i.e. the MOULMEIN Jail until approximately the 24th July 45, but that after the date they were never informed about the prisoners' ultimate fate until December 1946.

In the case of 6 out of the 26 persons who, as the prosecution alleges, were executed by the Moulmein K.P.T. division, relatives identified pieces of clothing which were recovered when the bodies were exhumed.

Major D'ASTUGUES, O.C. No. 17 War Crimes Investigation Team, and Police Inspector SAN GYAN AUNG will give evidence how they, acting on information received, opened on 9/12/46 three graves near the 7th milestone on the KYAIKMARAW Road from which they recovered 26 skulls and trunks.

Three witnesses: MAUNG BA THAUNG, MAUNG NI and HOKE SEIN will give evidence how they, while being kept as prisoners in MOULMEIN Jail, saw a party of 26 Burmans being taken from their cells and march-ed out of the prison. On 24 July 45 these 26 men were tied up with a rope and kept under an escort with rifles and bayonets.

MAUNG NI will identify the accused, Sgt. HIGAKI as one of the NCOs concerned in the execution.

Further evidence will be adduced to the effect that the accused 2/Lt. NAKAYAMA Isaku during an evening roll call at the end of July 1945 gave the following order:

"Those who are not engaged in any task will proceed on a fatigue party tomorrow morning. Spades and shovels will be taken".

On the following morning a party consisting of the following persons:-

Capt.	HIGASHI	Noboru
W.O.	IDEGOMORI	Hisashi
S.M.	ABE	Kenichi
Sgt.	SHIOTA	Toshihiro
Sgt.	HIGAKI	Nobayuki
Sgt.	NAKAYIMA	Tokiyushi
Cpl.	SAKAI	Kanichi
Cpl.	BABA	Misuro
S/Pte.	HAYASAKA	Futoshi
S/Pte.	OGAWA	Migaku
Sgt.	NITA	Suichi
Sgt.	KUROKI	Sheginari

and four other Japanese attached to the civil Administration paraded for this fatigue party.

Capt. HIGASHI told this party that Burmese civilians were to be executed, but that this execution should be kept secret.

The party then proceeded by truck along the NGANTE Road into a Japanese Defence Area, where Capt. HIGASHI ordered the men to dig three graves under the command of W.O. IDEGOMORI.

Capt. HIGASHI then left the party, and later W.O. IDEGOMORI left too.

The digging was completed by 1400 hrs and the party waited for the return of their officers.

At about sunset the following arrived by truck:-

S.M.	GEJI	Hisao
S.M.	TSUKIDATE	
S.M.	ONO	Kiyozan
Sgt.	HIDAKA	Saneyo
Capt.	HIGASHI	Noboru
2/Lt.	NAKAYAMA	
W.O.	IDEGOMORI	
S/Pte.	OGAWA.	

On the trucks were also 26 Burmans with their hands tied behind their backs.

2/Lt. NAKAYAMA then detailed the following men as execution party:-

S.M.	ABE	Kenichi
S.M.	TSUKIDATE	
Sgt.	HIGAKI	
Sgt.	SAKAI	
Sgt.	BASA	
Sgt.	NITA	
Sgt.	KUROKI	Shibenori.

While the remainder were allotted subsidiary tasks, such as bringing the prisoners blindfolded to the graves etc. But several men who were not originally detailed, volunteered to take part in the actual execution of the victims. The execution lasted for about half an hour and was supervised the whole time by Capt. HIGASHI and 2/Lt. NAKAYAMA.

It was almost dark when the graves were filled in and they party returned by truck to Moulmein under the command of Capt. HIGASHI.

In Moulmein the other ranks held a party during which they told each other what party they had played during the execution and threw salt at each other to prevent the souls of their victims from attacking them.

II

These 26 Burmans were actually arrested by subordinate KPT detachments of the S.E. Burma KPT. HQ. The original orders for these arrests were, however, issued by Col. KUME GHQ Burma Kempeitai through Lt.Col. KASUYA, of the S.E. Burma KPT. HQ and were part of a general campaign against anti-Japanese activities in Burma.

Evidence will be produced by the prosecution to show that it was within the knowledge of Col. KUME and Lt.Col. KASUYA that all suspects who were originally arrested in the course of this campaign, had been released towards the end of July 1945, with the exception of 26 Burmans who were still held at Moulmein Jail. A statement of Lt.Col. KASUYA will be tendered to the effect that he knew that 26 Burmans were still kept as suspects in Moulmein Jail at the end of July 1945, that he ordered their release towards the end of July 1945, and that he received a report from Capt. HIGASHI that this order had been carried out.

The case for the prosecution, however, is that these 26 Burmans were executed and that two NCOs of Lt- Col. KASUYA's HQ. (Sgt.Major ONO Kyozan and Sgt. HIDAKA Saneo) actually took part in their execution.

The Prosecution will call the following witnesses:-

SAYA BA TIN
DAW MA LAY
MA PWA DAIN
DAW THEIN TUN
MA PWA KYI
U OHN SEIN
KO KO
Mrs. KO KO
U SHWE PO
MAUNG BA THAUNG
MAUNG NI
HOKE SEIN
MA THIN HLA
DAW SAW YIN
MG HLA GYAW
MA PWA KYI
U BA TIN
MA PWA THIN
M.S. WATAN
Maj. D'ASTUGUES
THAKIN SAN WE
SAN GYAW AUNG.

Furthermore the following accused persons' statements will be tendered in evidence:-

Col.	KUME	Matao
Lt.Col.	KASUYA	Takeo
Major.	YASUNO	Hyoze
S.M.	TSUKIDATE	Kokichi
S.M.	ONO	Kiyozan
S.M.	ABE	Kenichi
Sgt.	HIDAKA	Saneo (Jitsuo)
Sgt.	HIGAKI	Nobuyuki
Sgt.	NITA	Mitzuichi
Sgt.	SHIOTA	Toshihiro
Sgt.	NAKASHIMA	Tokiyoshi
Sgt.	SAKAI	Kanichi
S/Pte.	OGAWA	Higaki
Cpl.	BABA	Mitsuru
S/Pte.	HAYASAKA	Futoshi.