

RECORD OF MILITARY COURT

(JAPANESE WAR CRIMINALS)

SHIMIZU Kuichiro former Lieutenant
SUZUKI Yutaka " Sub-Lieutenant
AGATA Yuzaburo " Petty Officer AWC No.....
(or YASUGATA)

Accused: All previously of KOKAS Detachment 25 Aust W.C. List Ser No.....
Special Naval Base Force, Imperial Japanese Navy

Court, Place, Date and Formation: MANUS 7 Aug 50 - 14 Aug 50

Charge(s)	Plea	Finding
COMMITTING A WAR CRIME that is to say MURDER in that they at KOKAS, NEW GUINEA, about December 1944 MURDERED F/Lt J.E. McLEOD of the RAAF then a prisoner of war held in custody by the Japanese Armed Forces.	All Accused pleaded NOT GUILTY	SHIMIZU Kuichiro found NOT GUILTY. SUZUKI Yutaka and AGATA Yuzaburo (or YASUGATA) found GUILTY.

Precis of Evidence: F/Lt McLEOD of the RAAF was forced to ditch his aircraft in SECKAR BAY at 1030 hrs on 5 Dec 1944. On the evening of the same day he was captured by the Japanese and was executed on 19 Dec 1944. The prosecution case was based on documentary evidence to the effect that McLEOD was captured by a small Japanese Army Detachment on OGAR Island, brought to the mainland and handed over to the KOKAS Detachment of 25 Special Naval Base Force. The OC of this detachment was SUZUKI having taken over command from SHIMIZU on 4 Dec 1944. SUZUKI ordered AGATA to execute McLEOD by beheading on 19 Dec 44 and SHIMIZU attended the execution. SHIMIZU at this time, although senior in rank to SUZUKI, was awaiting transportation to his new Command and was found NOT GUILTY of having aided and abetted the war crime.

McLEOD had not been court-martialled and SUZUKI states that the prisoner was well behaved and he had committed no crime against the Japanese that would

Sentence and Date:	SHIMIZU Kuichiro	NOT GUILTY	(P.T.O.)
	SUZUKI Yutaka	To suffer Death by Hanging	14 Aug 50
	AGATA Yuzaburo (or YASUGATA)	Imprisonment for 15 years	14 Aug 50

Confirmation and by Whom: W M ANDERSON MAJ GEN, ADJUTANT GENERAL AMF - 24 Oct 50

Promulgation: AGATA YUZABURO (OR YASUGATA) - 23 Oct 50
SUZUKI YUTAKA - 10 JUNE 1951 - EXECUTED AT MANUS 11 JUNE 1951

Petition: All convicted accused submitted petitions.

J.A.G.'s Report on Petition: DISMISS petitions, confirm findings and sentences.

Action on Petition: DISMISSED

Filed in Attorney-General's Department and Numbered: 81962

warrant his execution. The Defence admitted that SUZUKI had sent a wireless message to the HQ of 25 Special Naval Base Force in AMBON requesting instructions in regard to the prisoner and that a reply was received from AMBON stating:

"Send the documents only. The prisoner need not be sent".

The Defence maintained that the interpretation of this reply meant that the prisoner was to be executed.