

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.

BR. 475.

<u>ACCUSED</u>	Sgt TOYAMA Ryosaku of the Imperial Japanese Army attached to 1 Burma Regt.
<u>PLACE AND DATE OF TRIAL</u>	RANGOON. 19, 22, 23 and 26 September 1947.
<u>COURT CONVENED BY</u>	G.O.C. BURMA COMMAND.
<u>PRESIDENT</u>	Lt-Col. P. WARWICK, RASC, Barrister-at-law.
<u>MEMBERS</u>	Major V.E. HOWSE, The King's Own. Capt. R.D. KOHLI, 2nd Punjab Regt.
<u>CHARGE</u>	<p><u>1st Charge</u> COMMITTING A WAR CRIME in that he, at Moulmein, Burma, in or about the month of April 1945, was, in violation of the laws and usages of war, concerned in the ill-treatment of SAYA AUNG BWA, a civilian inhabitant of Burma aforesaid, which ill-treatment resulted in his death.</p> <p><u>2nd Charge</u> COMMITTING A WAR CRIME, in that he, at Moulmein, Burma, between the 1st May 1944 and 1st August 1944, was, in violation of the laws and usages of war, concerned in the illtreatment of AH NEIN, a civilian inhabitant of Burma aforesaid, which ill-treatment included beating with a stick on the body and water torture.</p>
<u>PLEA</u>	Each Charge - Not Guilty.
<u>FINDING</u>	1st Charge - Guilty. (with exception) 2nd Charge - Guilty.
<u>SENTENCE</u>	26 September 1947. 15 years imprisonment.
<u>CONFIRMED</u>	28th October 1947. 5 yrs imprisonment remitted.
<u>PROMULGATED</u>	3rd November 1947.
<u>REMARKS</u>	
<u>DISPOSAL OF PROCEEDINGS</u>	TO AG3 GHQ FARELF <u>18 Nov 1947</u> JAG of the Forces _____

DJAG FARELF.  
Case No. 65259 JAG.

**ABSTRACT OF EVIDENCE**

**In the case of**

**Sgt. TOYAMA Ryosaku.**

**The accused served in Moulmein Area from Jan. '43 until Aug. '45 in the Moulmein Kempei Detachment.**

**In May 1944 AH NEIN, a civilian inhabitant of Burma was arrested in Moulmein by some KEMPEIS. After the arrest he was brought to the Kempeitai Office near Moulmein Jail and detained there till the 7th July 1944. On 7th July 1944 he was sent to Rangoon and then transferred to Insin Jail where he remained till the 26th April 1945. While AH NEIN was in the Kempeitai lock up at Moulmein he was tortured by the Accused on a number of occasions. The torture consisted of:-**

- (a) Beating on the head and the whole body with a stick.**
- (b) Tying wrists, shackling legs, and putting a rod between the elbows behind the back.**
- (c) Pouring water from a bucket into his mouth, and kicking his stomach.**
- (d) Tying wrists behind his back and hanging him up from the ceiling for 20 minutes.**
- (e) Beating his shins with an iron pipe 3 inches thick.**

**The above facts will be proved by the testimony of AH NEIN, YIN SAN and the voluntary statement of the Accused.**

**In April 1945 SAYA AUNG BWA, an inhabitant of KAMAWET, Burma, was arrested by the Jap Kempeitai and detained in a cell at Kempeitai H.Q., Moulmein. He was tortured by the Accused for about ten days. On**



the last day of the torture, AUNG BWA was tortured twice, once in the morning and once at night. When he was brought back to his cell at midnight he could hardly walk and was dragged into the cell by the Accused and the Interpreter who accompanied him. Next morning SAYA OHN PE, a prosecution witness, who was in the adjoining cell heard one of the inmates of AUNG BWA's cell calling a sentry saying "Master, master, AUNG BWA is dead." Then this witness saw AUNG BWA's body being dragged out of the cell and lying on the floor. The body was then wrapped in a piece of matting and the Accused assisted by another Jap put into a truck.

Additional facts about the torture of AUNG BWA by the Accused and his subsequent death on the morning following the last night of torture, will be proved by the testimony of MAUNG PYIN, who was arrested with the Accused and could see the Accused's cell from his cell and SIEN THAN who acted as the Interpreter when the deceased AUNG BWA was interrogated by the Accused.