

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

DK 343

ACCUSED

Colonel SUGASAWA Iju of the
Imperial Japanese Army, att.
46 Coy, R.I.A.S.C. (Tipper).

PLACE AND
DATE OF TRIAL

Singapore.. 6,9,10,13 & 17 Dec, '46.

COURT CONVENED BY

G.O.C. Singapore District.

PRESIDENT

Lt-Col. P.A. FORSYTHE. M.M. Kings Royal
Rifle Corps.

MEMBERS

Lt-Col. C. MONOD DE FROIDEVILLE. R.N.E.I.A.
Major. M. McLEOD. Australian Light
Horse (Commando).
Capt. R.D. KOHLI. 2nd Punjabs.
Capt. S.M. RICHARDSON. Para Regt.

CHARGE

See Charge Sheet attached.

PLEA

Each charge - Not Guilty.

FINDING

Charge 1 Guilty with the exception
of the words "thereby exposing
them to aerial bombardment
resulting in the deaths of
many of the said prisoners
of war."

Charge 2 & 3 - Guilty.

SENTENCE

17 Dec, '46. 12 years' Imprisonment.

CONFIRMED

17 Mar, '47. By G.O.C. Singapore District.

PROMULGATED

24 Mar, '47.

REMARKS

DISPOSAL OF
PROCEEDINGS

To AG3 GHQ SEALF

1 APR 47

JAG of the Forces

DJAG SEALF
Case No.65156 JAGv

CHARGE SHEET

1st Charge

COMMITTING A WAR CRIME

in that he
in SIAM between the 22nd day of August 1944 and
the 15th day of August 1945 when in command of the
SIAM P.W. Administration in violation of the laws
and usages of War was concerned in the employment
of British, Australian and Dutch Prisoners of War
in work having connection with the operation of
the War that is to say

- (i) the handling and loading of munitions,
- (ii) the maintenance and working of the
Railway from NONG PLADUK to THANBYUZAYAT
(commonly known as the BURMA-SIAM Railway)
for the purpose of transporting supplies
and munitions to the Japanese Fighting
Forces,
- (iii) the preparation of gun emplacements and
other defensive positions

thereby exposing them to aerial bombardment
resulting in the deaths of many of the said
Prisoners of War.

2nd Charge

COMMITTING A WAR CRIME

in that he
at KANBURI Prisoner of War Camp in SIAM in or
about the month of October 1944 in violation of the
laws and usages of War was concerned in the ill-
treatment of Seven Indian Prisoners of War interned
in the said Camp.

3rd Charge

COMMITTING A WAR CRIME

in that he
in SIAM between the 22nd day of August 1944
and the 15th day of August 1945 when in
command of the SIAM P.W. Administration in
violation of the laws and usages of war
was concerned in the inhumane treatment of
British, Australian and Dutch Prisoners of
War causing physical suffering to them.

ABSTRACT OF EVIDENCE.

In the case of:-

Colonel. SUGASAWA Iju.

GENERAL

1. Burma-Siam Railway.

In the Autumn of 1942 the Japanese began the construction of a railway line to link NONG PLADUK, in SIAM, with THANBYUZAYAT in BURMA. Both these places were on existent railway lines. The course of the new line ran through many miles of jungle and crossed the BURMA-SIAM Border at "Three Pagodas Pass", the total length of the line being approximately 415 kilometres. The line was completed in October 1943 but a large number of Prisoners of War who had been employed in the construction of the railway were retained in SIAM P.W. Camps for maintenance of the line, and for other works which will be shown in evidence.

The SIAM P.W. Administration was responsible for these prisoners. The accused was appointed Commander of the SIAM Administration in July 1944, but apparently did not arrive to take up his duties until the 22nd August 1944. He retained command until the Japanese surrender.

FIRST CHARGE.

2. Work Connected with the operation of the War.

The line ran through jungle country which was virtually uninhabited and it is evident that it's construction was a military project, in order to transport munitions and other war supplies to the Japanese Forces fighting in BURMA. Evidence to this effect will be furnished by the witness Mr. J.A. Gale and by the Affidavit of Major E.R. Meagher. Evidence will be given that P's.W. were frequently engaged in loading and unloading ammunition and other war supplies (witnesses:- Gale, Green, Hatchard, Houston: and affidavit:- Meagher). At times they were forced to uncouple trucks, and otherwise work on ammunition trains whilst air raids were in progress (witness:- Baldwin: affidavit:- Laming). In addition the prisoners worked on the maintenance of vital bridges and the building of gun emplacements, and other defensive positions (witnesses:- Gale, Green, Houston: affidavits:- Lloyd, Meagher, Whelan, Swinton).

3. Aerial bombardment and deaths resulting.

(a) NONG PLADUK I.

On or about the 6th September 1944, the sidings at NONG PLADUK were bombed by British or Allied aircraft and the camp was hit. 98 Prisoners of War lost their lives, and about 230 were wounded (affidavits:- Laming, Roach and Lloyd). In November 1944, there was a similar raid in which a few P's.W. were wounded, but none were killed (affidavit:- Laming). On 3rd December 1944, there was a raid in which 6 P's. W. were killed and 15 were wounded, of whom some are said to have died later (affidavit:- Laming).

(b) TAMARKAN.

On or about 29th November a raid on the railway bridges at TAMARKAN resulted in the death of 16 or more Prisoners of War, and injury to approximately 30 (affidavits:- Lloyd and Whelan). On or about 13th December 2 prisoners of war were killed by machine gun bullets fired from a raiding aeroplane (affidavit:- Lloyd). General evidence of these raids is furnished by the affidavit of Major Meagher, Lt. Colonel Swinton in his affidavit refers to 3 Dutch officers having been killed, and more wounded, but the date of the raid is not given.

(c) KANBURI.

During an air raid in February 1945 3 Prisoners of War are said to have been killed.

4. Responsibility of the Accused.

(a) Situation of Camps.

The evidence shows that camps were situate dangerously close to obvious military targets, and that in certain cases, anti-aircraft guns were mounted within the P.W. Camp.

NONG PLADUK I was situate right adjoining railway sidings which were always full of rolling stock, and also contained repair shops (witness:- Green; affidavits:- Laming and Roach).

TAMARKAN was so close to the railway line that in places the boundary fence was only about 5 metres distant from the rails (affidavits:- Lloyd, McCawley, Meagher, Whelan). The main line crossed the river by a steel bridge about 250 yards from one corner of the camp, and there was also a wooden bridge carrying a loop line less than 100 yards from the camp. There were A.A. guns close to the South East of the camp.

At WAMPO guns were placed right in the camp (witness:- Baldwin).

(b) Lack of Protection.

In NONG PLADUK in the early part of 1944, the Japanese allowed only one shelter trench all around each hut. These were unrevetted and soon fell in, and by September 1944 the P's. W. had no protection whatsoever: but the Japanese had numerous shelter pits and dugouts. Trenches were dug in October 1944 (affidavits:- Laming and Roach). At TAMARKAN no trenches were allowed until towards the end of 1944. Even so, these were insufficient, but the P's.W. were not allowed to dig any more. (affidavit:- Whelan).

(c) Accused's knowledge.

Protests to the accused were made by Lt. Colonel Toosey, the senior British officer on the day following the heavy loss of life at NONG PLADUK I. The only result was the evacuation of all P's.W. from NONG PLADUK II, which was at a safer distance from the sidings, whilst Japanese Staff and guards were moved into part of NONG PLADUK II. The latter was the larger of the two camps and it would have been just as easy to evacuate the P's. W. from NONG PLADUK I to NONG PLADUK II. It is suggested that the P's.W. were deliberately kept in NONG PLADUK I with the object of shielding the sidings from aerial bombardment. (affidavit:- Laming).

On 30th November, 1944, that is the day after the aerial bombardment of TAMAKKAN in which P's.W. were killed, the accused visited this camp. He interviewed senior P.W. Officers, but no satisfaction could be obtained. He is said to have replied that P's.W. were soldiers, and must expect to die. (affidavit:- Meagher).

SECOND CHARGE.

5. Ill-Treatment of Indian P's.W.

At KANBURI H.Q. Camp in the month of October, 1944, 7 Indian O.R's were imprisoned in a hole dug under the prisoners' cell adjoining the guard room. It was apparently a disused arms pit, and is said to have been 12 ft. long, 4 ft. wide, and 5 ft. deep. It was covered with poles, having about 18 inches of earth on top of them. The entrance was by means of a trap door about 2½ ft. square, which was always closed and guarded when the Indians were inside. They were confined in this pit at all times when they were not at work during the day, and from 18.30 hours until 08.30 hours the following morning. This treatment was continued for some days, and the prisoners were also beaten frequently. The accused was in charge of this camp, and his office was 30 yards distant from the pit. The deponent R. Shiers identifies him as the man responsible for this ill-treatment of the Indians. The reason is said to have been that they refused to do duties required of them by the Japanese: (affidavits:- R. Shiers, H.V. Smith and P.R. Adams).

THIRD CHARGE.

6. Inhumane conditions.

The evidence will show that in camps under command of the accused, conditions were bad, food was insufficient, and medical supplies wholly inadequate. Sick were forced to work, although they were not fit for it.

7. Knowledge of accused.

At KANBURI where food and accommodation are said to have been bad, the accused was in residence at his H.Q. and must have been cognizant of the conditions. Lt. Colonel Swinton in his affidavit states that the accused visited the KANBURI officers camp on at least 3 occasions, but showed complete indifference to the conditions.

NAKOMNYOK Camp was built in a paddy-field and was badly flooded. Conditions were bad, but although the accused visited the camp, no improvements resulted. Evidence to this effect will be furnished by the witnesses, Messrs. Hatchard and Houston, and by the affidavit of R. Hall.

8. Red Cross supplies.

Red Cross supplies intended for the P's.W. are said to have been held up, and mis-appropriated by the Japanese. Evidence of this will be offered by the witness Mr. Gale, and by the affidavits of L. Roach and H.L. Martinez.

EVIDENCE FOR THE PROSECUTION.

9. Witnesses.

The Prosecution will call the witnesses named in Appendix 'A'.

10. Documentary.

The Prosecution will tender the documents specified in Appendix 'B'.

APPENDIX 'A'.

WITNESSES.

1. John Kendall GALE.
2. Robert Henry GREEN.
3. Kenneth Edward William HATCHARD.
4. John Gray HOUSTON.
5. Charles James BALDWIN.

APPENDIX 'B'.

DOCUMENTARY EVIDENCE.

1. Affidavit of Lt. Col. Robert Cecil LAMING.
2. Affidavit of Leonard ROACH.
3. Affidavit of Major John Kevin LLOYD.
4. Affidavit of Thomas Desmond McCAWLEY.
5. Record of Sworn testimony of Major Edward Raymond MEAGHER.
6. Affidavit of John Thomas WHELAN.
7. Affidavit of Roland HALL.
8. Affidavit and report of Lt. Col. George Edward SWINTON.
9. Supplemental Affidavit of Lt. Col. G.E. SWINTON.
10. Affidavit of Richard SHIERS.
11. Affidavit of Harold Victor SMITH.
12. Affidavit of Capt. Peter Rainier ADAMS.
13. Perpetuation of testimony of Homuo L. MARTINEZ.
14. Statement signed by the Accused on 25th February, 1946.
15. Statement sworn by the Accused on the 10th day of August 1946.

APPENDIX 'B'.

DOCUMENTARY EVIDENCE.

1. Affidavit of Lt. Col. Robert Cecil LAMING.
 2. Affidavit of Leonard ROACH.
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