

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALSACCUSED

(1) Sergeant OGASAHARA Misao
 (2) Civ. Int. TOYOSHIMA Nagasuke
 of or in the employ of the Imperial
 Japanese Army, att. 7/2 Punjab Regt.

PLACE AND
DATE OF TRIAL

Kuala Lumpur. 27th & 28th June 1946.

COURT CONVENED BY

G.O.C. Malaya Command.

PRESIDENT

Lt-Col. G.C.H. CULLEY. Gen List. (Solicitor).

MEMBERS

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

CHARGE

See charge sheet attached.

PLEA

Each accused - Each charge - Not Guilty.

FINDING

1st Charge - Each accused - Guilty.
2nd Charge - 1st accused - Guilty.
3rd Charge - 2nd accused - Guilty with the
 exception of "THANGADURAI".
4th Charge - 2nd accused - Guilty with the
 exception of
 "THOMAS RICHARD MARKS".

SENTENCE

28 Jun, '46. Each accused - Death by Hanging.

CONFIRMED

7 Aug, '46. By G.O.C. Malaya Command.

PROMULGATED

20 Aug, '46.

REMARKS

2 Dec, '46. Sentence of death by hanging imposed
 on Sgt. OGASAHARA Misao was put into
 execution at PUDU GAOL, KUALA LUMPUR.
 28 Jan, '47. Sentence of death by hanging imposed
 on TOYOSHIMA Nagasuke was put into
 execution at PUDU GAOL, KUALA LUMPUR.

DISPOSAL OF
PROCEEDINGS

To AG3 GHQ SEALF 20th May 1947
 JAG of the Forces

DJAG SEALF
 Case No. 65072 JAG.

CHARGE SHEET

1st Charge

COMMITTING A WAR CRIME

in that they

at PULAU KETAM Island and PORT SWETTENHAM in or about the months of JUNE or SEPTEMBER 1944 being in the Service of the Occupying Power were, in violation of the laws and usages of war together concerned in the ill-treatment of TANG TENG CHEE a civilian resident of PULAU KETAM Island aforesaid, which ill-treatment resulted in the death of the said TANG TENG CHEE.

2nd Charge

COMMITTING A WAR CRIME

Against
Sergeant
OGAMAHARA
Misao only.

in that he

at PORT SWETTENHAM, Malaya, in or about the months of JUNE or SEPTEMBER 1944 was in violation of the laws and usages of war concerned in the ill-treatment of CHIA KEE CHUAN, TAN SEE BOO, CHONG YEW WEE, TAN KIM SEAH and GOH HAK LENG civilian residents of Malaya aforesaid.

3rd Charge

COMMITTING A WAR CRIME

Against
TOYOSHIMA
Nagasuke
only.

in that he

at KUALA LUMPUR, Malaya, in or about the month of NOVEMBER, 1943 being in the service of the Occupying Power was in violation of the laws and usages of war concerned in the ill-treatment of LAW JOO CHIN, TIANG KONG FAH, SAMUEL DIVIARAJOO, LIM HENG KIT and THANGADURAI, a civilian resident of Malaya aforesaid.

4th Charge

COMMITTING A WAR CRIME

Against
TOYOSHIMA
Nagasuke
only.

in that he

at KUALA LUMPUR, Malaya, in or about the months of NOVEMBER and DECEMBER, 1943 being in the service of the Occupying Power was in violation of the laws and usages of war concerned in the ill-treatment of THOMAS RICHARD MARKS and GOH SWEE SENG, civilian residents of Malaya aforesaid.

ABSTRACT OF EVIDENCE.

In the case of

Sergeant OGASAHARA Misao
Civilian Interpreter TOYOSHIMA Nagasuke.

FIRST CHARGE.

In June or September 1944 OGASAHARA and TOYOSHIMA were, with others, on a sea patrol and they saw a junk from which a man HO SEE BOO dived overboard. In the junk, amongst others were TANG TENG CHEE, CHONG YEW WEE, TAN KIM SEAH and GOH HAK LENG. OGASAHARA and TOYOSHIMA boarded the junk and after certain enquiries took TANG TENG CHEE on to the shore of the Island of PULAU KETAM.

On being questioned TANG TENG CHEE stated that he did not know where HO SEE BOO lived. OGASAHARA and TOYOSHIMA thereupon beat TANG TENG CHEE for about an hour: at first TANG TENG CHEE was screaming and shouting but at the end he could hardly speak.

OGASAHARA and TOYOSHIMA then went to the house of CHIA KEE CHUAN, the Assistant Chief of the Chikedan, and brought him to the scene of the assault on TANG TENG CHEE. On arrival there TANG TENG CHEE was again beaten with a stick by OGASAHARA and TOYOSHIMA for about an hour. At the end of this hour TANG TENG CHEE still persisted ignorance of the whereabouts of HO SEE BOO. TOYOSHIMA then pushed him into the mud. TANG was in a very bad way by this time and was barely conscious. He seemed to have difficulty in breathing and was continually moaning and groaning. OGASAHARA then ordered CHIA KEE CHUAN to carry TANG on board the junk. TANG was carried on board the junk and then the whole party went to PORT SWETTENHAM. TANG was carried to the police station and left in the charge room. This was about 6.00 a.m. He received no medical treatment and died at 1.00 p.m. At 3.00 p.m. he was buried by a Taiwanese named TAKAMINE.

SECOND CHARGE.

Whilst on the Island of PULAU KETAM as above, OGASAHARA struck CHIA KEE CHUAN on the face on two occasions.

The same day that TANG died, in the late afternoon TAN KIM SHIAH and GOH HAK LENG were taken to the Kempeitai office about 700 yards away and there they were questioned again as to the whereabouts of HO SEE BOO. GOH HAK LENG was beaten severely about his body with a stick by OGASAHARA and TAKAMINE.. The beating continued for about an hour. GOH HAK LENG still persisted in his ignorance of the whereabouts of HO SEE BOO and they lifted him up and put him in a bath-tub full of water, taking it in turns to push his head under the water. Under this torture he became unconscious, and when he came to, he was lying on the floor of the next room.

TAN KIM SEAH was then beaten with broom-sticks and chairs by OGASAHARA and TAKAMINE and under this beating he became unconscious. He was revived by OGASAHARA and again beaten. TAN KIM SEAH was then tied and thrown into a bath-tub where he was immersed several times until he became unconscious.

At 8 p.m. OGASAHARA told CHIA KEE CHUA that if CHIA did not find HO SEE BOO within three days he, CHUA, would be beheaded. OGASAHARA made CHUA sign a paper on which was written "If I fail to arrest the Captain within 3 days I am prepared to be executed".

The day following this TAN SEE BOO and CONG YEW WEE were taken from the police station to the Kempeitai office. During the questioning of these two men by OGASAHARA, OGASAHARA beat TAN SEE BOO with an iron rod and TAKAMINE beat him with a long stick. They both beat at the same time for about one hour after which TAN SEE BOO became unconscious. He was revived and OGASAHARA and TAKAMINE carried him into an adjoining bathroom where they put him into a tub full of water, each grasped his shoulders and pushed his head under the water several times until he became unconscious.

The beating and water treatment was administered in the same order and same manner to CHONG YEW WEE who also became unconscious as a result of it.

THIRD CHARGE.

On November 1st or 2nd 1943 in the morning, a number of Japanese and Taiwanese visited the shop of LAW JOO CHIN at Bukit Bintang Road, Kuala Lumpur. They looked round the shop and examined various radio parts after which they questioned the staff. As the answers to the questions were unsatisfactory they took the owner and staff of the shop consisting of LAW JOO CHIN, TIANG KONG FAH, SAMUEL DIVIARAJOO, LIM HENG KIT and THANGDURAI to the Kempeitai Headquarters at Kuala Lumpur. During the succeeding days, the owner and staff were illtreated in the following ways:-

LAW JOO CHIN.

A Taiwanese named TOYOSHIMA took me up to a room on the 3rd floor of the building. He forced me to lie on the floor and do the pumping exercise i.e. place my hands on the floor and alternately raise myself up to the full extent of my arms and then down again. I was made to do this for a period of two hours, and every time I stopped to rest, he hit me hard on my buttocks. I was finally taken back to my cell. Towards midnight the same day TOYOSHIMA again took me to the same office and made me do the same exercise. Every time I stopped he beat me about my body with a cane. This time he accused me of listening to short wave broadcast.

About 2 or 3 days later I was again taken out by TOYOSHIMA and on this occasion both my hands were tied together by a rope which was slung over a hook in the centre of the ceiling. TOYOSHIMA and TAKAMINE hauled on the other end of the rope and I was hoisted up until I was about 18" from the ground. Whilst in this position TOYOSHIMA and TAKAMINE took it in turns to beat me about my body with a cane. After about 3 days TOYOSHIMA again took me up to this room and made me do the pumping exercise, beating me with the cane every time I stopped.

On the first occasion that TOYOSHIMA questioned and tortured me he forced me to do the pumping exercise i.e. place my hands on the floor and alternately raise myself up to the full extent of my arms and then down again. I was made to do this for a period of two hours and every time I stopped he hit my hand and my buttocks with the leg of a chair.

TIANG KONG FAH.

TOYOSHIMA then made me lie on the floor face downward and raise myself to the full extent of my arms. I was forced by him to remain in that position for half an hour and every time I tried to rest my arms TOYOSHIMA hit me hard on my back with a cane about three feet long and one inch thick.

me The following day I was again taken upstairs by TOYOSHIMA and accused ~~again~~ of listening to Allied news. On my denial I was made to support my body with my arms. Each time I tried to rest TOYOSHIMA hit me on my back with the cane. After about an hour of this I was made to stand up when TOYOSHIMA beat me about my body with the cane and a brass rod. This went on for about two hours and I was put back in my cell. This kind of torture went on for about ten days and each time I was tortured by TOYOSHIMA.

I have also seen THANGADURAI treated like this.

SAMUEL DIVIARAJOO.

TOYOSHIMA forced me to adopt the same position as LIM HENG KIT. Whilst in this position TOYOSHIMA beat me about my body with a stick about 4 feet long and half an inch thick. This torture continued for a short while when TOYOSHIMA told me to write on piece of paper the form of morse code which I did. On one occasion LIM HENG KIT, TIANG KONG FAH and myself were taken upstairs by TOYOSHIMA. Here TOYOSHIMA beat all three of us with along stick and told us that we had better confess and make our stories the same. He then told us to slap each other which we did very lightly. TOYOSHIMA not being satisfied again beat us with the stick. After about half an hour of this TOYOSHIMA took us back to our cell. The next day TOYOSHIMA made me stand on a chair. He then tied my hands in front of me to a rope suspended from a fan hook in the centre of the ceiling. The chair was then pulled away and I was left hanging in the air with my feet about 18" from the ground. I was in this position for about 30 minutes when I lost consciousness. When I came to I was in another room when TOYOSHIMA made me sign a document, the contents of which I was in ignorance.

LIM HING KIT.

TOYOSHIMA forced me to adopt the position of a dog i.e. my hands on the floor and my arms and legs stretched to their fullest extent. TOYOSHIMA told me to confess at the same time beating me on my back with a brass rod 2 feet long and 1 inch thick. This beating continued for 45 minutes at 10 minutes intervals. The same evening or the following evening (I cannot exactly remember when) TOYOSHIMA again took me to an upstairs room and again accused me of listening to Allied Radio News. I still denied it whereupon TOYOSHIMA and TAKAMINE beat me with long sticks about 3 feet long and 1/2 inch thick simultaneously. This beating continued for about an hour after which I was taken back to the cell by TOYOSHIMA.

Every day for the period of a week I was tortured by TOYOSHIMA. The forms of torture he used were: hung me up by my legs (one at a time) and beat me with a long stick for 20 minutes periods, hanging up by my hands to a rope tied to the ceiling, with my feet about 18 inches from the ground and beating with a stick whilst in this position for about half an hour. On two occasions my body was burnt with lighted cigaretted ends by TOYOSHIMA. On another occasion, three of us were beaten and saw each other beaten by TOYOSHIMA. They were KONG FAH, DIVIARAJOO and myself. TOYOSHIMA beat us with a long stick about the body and then made us slap each other. As we did not slap each other hard enough TOYOSHIMA again beat us with a long stick. On one occasion I was

taken along to a bathroom by TOYOSHIMA and a Chinese interpreter (unknown) and put into a bath tub full of water several times. I had this kind of treatment on one occasion only which lasted for 20 minutes.

FOURTH CHARGE.

On 29th November 1943 T.R. MARKS was arrested and taken to the Kempeitai H.Q. at KUALA LUMPER. He was questioned and during the questioning he was slapped by TOYOSHIMA.

The next morning at 8 o'clock MARKS was again questioned and forced to take up a prone position in which position he was beaten by TOYOSHIMA with rotans and flat pieces of wood. He was also burnt with cigarettes by TOYOSHIMA. This went on until 11 o'clock and after an interval of two hours the treatment was carried on again for a further two hours.

At 1730 hours on the 30th November 1943 GOH SWEE SENG was told to report to Kempeitai H.Q. at KUALA LUMPER. He reported there at 1000 hours the day after and was questioned through TOYOSHIMA as interpreter about spreading Allied news to T.N. MARKS.

During the questioning TOYOSHIMA thrashed GOH SWEE SENG about the body with a thick piece of wood.

TOYOSHIMA later took him into the hallway and made him stoop down on his hands and continued beating him with a belt for 20 minutes.

The following morning TOYOSHIMA practised Ju Jitsu on GOH SWEE SENG and kicked him several times in the ribs until he became unconscious. When he recovered TOYOSHIMA burnt his foot.

GENERAL.

The accused have made statements which will be produced in evidence.

DPSW.