

BR. 396

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

ACCUSED

(1) Capt. NAKATA Shinichi.  
(2) W.O. KOSAKA Shigeo.  
of the Imperial Japanese Army,  
attached to 19 Air Formation  
Signals.

PLACE AND  
DATE OF TRIAL

Jesselton. B.N.B. 24th & 25th Jan, 1947.

COURT CONVENED BY

Commander British Troops, Borneo.

PRESIDENT

Lt-Col. J.E.D. ELIAS. Dept. of JAG in India.  
(Barrister-at-law).

MEMBERS

Major. M.C.N. FOURACRES. I.P.C.  
Major. R.S. BUTTERFIELD. Indian Grenadiers.

CHARGE

COMMITTING A WAR CRIME in that they at  
Sandakan, British Borneo, on or about the  
27th May 1945, while members of the Sandakan  
Kempei Tai Section were, in violation of the  
laws and usages of war, concerned in the  
killing of PANG TAO FEN, STELLA TAO, Mrs. LINCK,  
KWAN LOK MING, THOMAS CHAN, DR. LEE, VOON YIN  
CHONG and several others, all civilian residents  
of Sandakan, aforesaid.

PLEA

Each accused - Not Guilty.

FINDING

Each accused - Guilty.

SENTENCE

25 Jan, '47. Accused 1 - Death by Hanging.  
Accused 2 - 20 years Imprisonment.

CONFIRMED

19 Mar, '47. By C-in-C. South East Asia  
Land Forces.

PROMULGATED

24 Apr, '47.

REMARKS

25 Apr, '47. Sentence of death by hanging  
imposed on Capt. NAKATA Shinichi  
was put into execution at  
Jesselton Prison. B.N.B.

DISPOSAL OF  
PROCEEDINGS

To AGS GHQ SEALF 20th May 1947.  
JAG of the Forces

DJAG SEALF  
Case No. 65180 JAG.

ABSTRACT OF EVIDENCE  
in the case of  
Captain NAKATA, Shinichi  
W.O. KOSAKA, Shigeo.  
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At all relevant times, accused NAKATA and KOSAKA were O.C. and 2i/c respectively of Sandakan Kempei Tai.

Following a heavy bombardment by air and sea, of Sandakan on 27th. May 45, when an allied invasion seemed imminent, NAKATA gave orders to his subordinates to arrest all persons suspected of espionage activities against the Japanese. Consequently a number of persons was rounded up and brought to Kempei Tai H.Qs., at Sandakan.

Prosecution witnesses BEBE KOH, NG CHENG KOW (Mrs), ANN CHAN, JENNIE LEE, FONG SYAK SINN will say that they witnessed the arrest by the Kempei Tai on 27th. May 1945 of STELLA TAO, KWAN LOK MING, THOMAS CHAN, DR. LEE and VOON YIN CHONG respectively. The witnesses will further say that the arrested persons named above had not been seen again after their arrest on 27th. May 45 and that they had heard reports that all of them were executed by the Kempei Tai on the same day.

Prosecution witnesses CHIO MUI FATT and TAMANIS will say that they saw PANG TAO FEN and Mrs. LINCK amongst a group of arrested persons at Kempei Tai HQ on 27th. May 45.

CHIO MUI FATT will further say that at about 2000 hours on the same day he saw the arrested persons being led up the hill about a hundred yards away, where they were executed in batches of four, each man being fired at only once and buried in these batches in nine graves whether they were dead or not.

TAMANIS will further say that sometime on 27th. May 45, when it was dark, a group of prisoners, both men and women, numbering about 30 were taken upstairs of the Kempei Tai H.Q., and many shots were heard. The witness later learnt that all the prisoners were executed shortly after the witness saw them being taken upstairs and at the time when he heard the shots.

Prosecution witness YAPP WUI YINN will say that on the day SANDAKAN was shelled by American "P.T." Boats, about 1900 hours, he saw about twenty civilians all tied up being detained in the Kempei Tai office. About an hour later the witness heard many shots, at least 40, spread over a period of about half an hour.

Prosecution witness HIRANO Minusuke, a clerk in the Judicial Department, Japanese Army, will say that from January 45, that is when he arrived in Sandakan, no trials had been held in Sandakan. He will further say that IWAME, president of the Court at Sandakan did not perform any judicial duties from end of April or beginning of May 45, that is, when he was called up into the Army.

Statements made by the two accused will be tendered in evidence.

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