

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

52. 53.

ACCUSED

- (1) Major KANZAKI Kazuo
  - (2) Lieut OTSUKI Shichiro (alias OSAKI)
  - (3) W/O SHIBATA Yoshio
  - (4) S/M ONO Kyozan
  - (5) Sgt. TAJIMA Shohai
  - (6) Sgt. KANEKO Jinsaku
- All of the Imperial Japanese Army att. to 10th G.R.

PLACE AND DATE OF TRIAL

RANGOON. 9, 10, 11, 14, 15, 16, 18, 19 and 23 July 1947.

COURT CONVENED BY

G.O.C. BURMA COMMAND

PRESIDENT

Lt.Col. SYMONS K.T. East Surrey Regt.  
Barrister-at-law

MEMBERS

Major KAUL B.N. 8th Bn The F.F.R.  
Capt. WARD J.H. Intelligence Corps.

CHARGE

See attached charge sheet.

PLEA

- 1st Charge - Each Accused - Not Guilty.
- 2nd Charge - 1, 2, 4 and 5 Accused - Not Guilty.
- 3rd Charge - 3rd Accused - Not Guilty.
- 4th Charge - 2nd Accused - Not Guilty.
- 5th Charge - 5th and 6th Accused - Not Guilty.
- 6th Charge - 4th and 5th Accused - Not Guilty.
- 7th Charge - 3rd Accused - Not Guilty.

FINDING

- 1st Charge - Each Accused - Guilty.
- 2nd Charge - 1, 2, 4 and 5 Accused - Guilty.
- 3rd Charge - 3rd Accused - Guilty.
- 4th Charge - 2nd Accused - Not Guilty.
- 5th Charge - 5th and 6th Accused - Guilty.
- 6th Charge - 4th and 5th Accused - Guilty.
- 7th Charge - 3rd Accused - Guilty. (with exception)

SENTENCE

23rd July 1947. 1st Accused - 15 years imprisonment.  
2nd Accused - 14 years imprisonment.  
3rd Accused - 15 years imprisonment.  
4th Accused - 7 years imprisonment.  
5th Accused - 8 years imprisonment.  
6th Accused - 5 years imprisonment.

CONFIRMED

9th September 1947. By GOC BURMA COMMAND (G.O.C. BURMA COMMAND).

PROMULGATED

17th September 1947.

REMARKS

DISPOSAL OF PROCEEDINGS

TO AG3 GHQ FARELF 2nd Oct, '47  
JAG of the Forces \_\_\_\_\_

DJAG FARELF.  
Case No. 65229 JAG.

COPY

CHARGE SHEET  
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The Accused:	Major	KANZAKI	Kazuo
	Lieut	OTSUKE	Shichiro (alias OSAKI)
	W/O	SHIBATA	Yoshio
	S/M	ONO	Kyozan
	Sgt.	TAJIMA	Shohai
	Sgt.	KANEKO	Jinsaku

of the Imperial Japanese Army

attached to

are charged with

1st CHARGE

COMMITTING A WAR CRIME

in that they

at or near the village of YETHO on the Kyonpyaw-Bassein Road, between the 1st April 1944 and 31st May 1944, were, in violation of the laws and usages of war, together concerned in the killing of approximately fifty Burmese civilians, who had previously been confined in the police lock-up at Kyonpyaw aforesaid.

2nd CHARGE

COMMITTING A WAR CRIME

in that they

Major KANZAKI Kazuo  
Lt. OTSUKE Shichiro  
S/M ONO Kyosan  
Sgt. TAJIMA Shohai

at or near the village of ATHOK, between 1st April 1944 and 31st May 1944, were, in violation of the laws and usages of war, together concerned in the killing of approximately forty-six Burmese civilians, who had previously been confined in the Kyaunggon gaol.

3rd CHARGE

W/O SHIBATA Yoshio

COMMITTING A WAR CRIME

in that he

at KYONPYAW cemetery, between the 1st April 1944 and 31st May 1944 was, in violation of the laws and usages of war, concerned in the killing of six Burmese civilians, who had previously been confined in the police lock-up at Kyonpyaw aforesaid.

4th CHARGE

Lt. OTSUKE Shichiro

COMMITTING A WAR CRIME

in that he

at KYONPYAW cemetery, between the 1st May and 31st May 1944, was in violation of the laws and usages of war, concerned in the killing of approximately forty Burmese civilians, who had previously been confined in the police lock-up at Kyonpyaw aforesaid.

5th CHARGE  
Sgt. TAJIMA Shohai  
Sgt. KANEKO Jinsaku

COMMITTING A WAR CRIME  
in that they  
at the police lock-up, KYONPYAW, between  
the 1st April 1944 and 31st May 1944, were,  
in violation of the laws and usages of war,  
together concerned in the gross ill-treat-  
ment of civilian inhabitants of Burma,  
causing physical suffering to the afore-  
mentioned civilians.

6th CHARGE  
S/M ONO Kyozan  
Sgt. TAJIMA Shohai

COMMITTING A WAR CRIME  
in that they  
at KYAUNGGON gaol, between 1st April 1944  
and 31st May 1944, were, in violation of  
the laws and usages of war, together con-  
cerned in the gross illtreatment of civilian  
inhabitants of Burma, causing physical  
suffering to the afore-mentioned civilians.

7th CHARGE  
W/O SHIBATA Yoshio

COMMITTING A WAR CRIME  
in that he  
in the Bassein District, between the 1st  
September 1944 and the 30th September 1944,  
was, in violation of the laws and usages  
of war, concerned in the gross illtreatment  
of BA THAN, a civilian resident of Burma,  
contributing to the death of the aforesaid  
BA THAN.

1947.

Commanding

.....  
(Signature of Convening  
Officer)

1947.

Commanding

ABSTRACT OF EVIDENCE IN THE CASE OF : -

Major	KANZAKI Kazuo
Lieut	OTSUKE Shichiro (alias OSAKI)
W/O	SHIBATA Yoshio
S/M	ONO Kyozan
Sgt	TAJIMA Shohei
Sgt	KANEKO Jinsaku

1. During the early part of 1944, the Japanese Army conducted rounding-up operations against dacoits who were suspected to be hiding in the KYAUNGGON area. The Military unit employed on this task was assisted by a Kempeitai unit under the command of Major KANZAKI Kazuo, his staff being drawn from the Rangoon and Bassein Kempei units.

2. All males living in the KYAUNGGON area were arrested, irrespective of whether or not they had indulged in dacoit activities, and approximately 350 of them were lodged in the police lock-up at Kyaunggon; of these, two hundred were removed to the lock-up at KYONPYAW a fortnight later. Lieut. OTSUKE was in charge of the escort accompanying this party, and with him were S/M ONO, Sgt. TAJIMA and Sgt. KANEKO. Further small batches of prisoners were subsequently transferred to KYONPYAW under the command of W.O. SHIBATA.

3. During the period of their arrest and right up till the time of their execution, those detained were never given any form of trial, and many innocent men gave confessions of dacoity solely to avoid the continuation of the tortures to which they were being subjected.

4. Details of Charges Nos.1 to 6 (inclusive).

1st.Charge. One day towards the end of April or the beginning of May 1944, approximately fifty captives were removed from Kyonpyaw gaol and driven away in motor-vehicles in the direction of Bassein. After 1½ hours' journey, the trucks were halted near the village of Yetho, and the prisoners taken to a nearby clearing, where, on the order of Major KANZAKI, they were beheaded. Major KANZAKI, Lieut. OTSUKE, W/O SHIBATA, S/M. ONO, Sgt. TAJIMA and Sgt. KANEKO all took an active part in the beheading of the prisoners, and when some were found to have their necks only partially severed they were fired at by Major KANZAKI, Lieut. OTSUKE and W/O SHIBATA.

2nd.Charge. Some days later, after Major KANZAKI and his Kempei unit had shifted their H.Q. to Kyaunggon, forty-six prisoners were removed from the Kyaunggon gaol, and taken to the village of ATHOK, by an escort comprised of Major KANZAKI Lieut. OTSUKE, S/M. ONO and Sgt. TAJIMA. The party then walked a distance of about 1½ miles to a place where three large graves had already been dug. On arrival, all the prisoners were executed by the four Japanese forming the escort, who each took a hand in the beheading.

3rd.Charge. During this period, there was an outbreak of cholera among the captives held at Kyonpyaw police lock-up, and two Kempei officers, one of whom was W/O SHIBATA, took six of the sick prisoners to the cemetery at Kyonpyaw and there beheaded them, each Kempei officer killing three of the prisoners.

**4th.Charge.** About the middle of May 1944, a further batch of approximately forty prisoners, one of whom was identified as the village headman of TINDAWGYI village, were removed from Kyonpyaw lock-up to the nearby cemetery, and were there executed by Lieut.OTSUKE and others under his orders.

**5th.Charge.** While the prisoners were confined at the Kyonpyaw police lock-up, they were subjected to frequent brutal tortures at the hands of Sgt. TAJIMA and Sgt. KANEKO. The prisoners had their hands tied behind their backs, and they were then hauled up so that their feet were clear of the ground. In this position, the prisoners were beaten by Sgt. TAJIMA and Sgt. KANEKO. These two Kempei also applied lighted cigarettes to various parts of the victims' bodies and private parts, in this way obtaining confessions from many men who were, in fact, innocent of the atrocity to which they confessed.

**6th.Charge.** At Kyaunggon gaol, prisoners were also tortured this time by Sgt.Major ONO and Sgt. TAJIMA, the illtreatment consisting of beating, suspension from the ceiling, and burning with cigarette ends.

5. The following Prosecution witnesses will give evidence in respect of the above six charges :

FREDERICK FUJIO	MG THAN NYUNT
MG TIN NGWE	MG TAIK PAU
MG BA THAN	MG GYI
MG KYAW SEIN	KO MAUNG KHINE
MAUNG NYUNT	SGT. HEATH
MG THAN TIN	SGT. SETH.

6. Details of the 7th.Charge.

In September 1944, W/O. SHIBATA, at that time in charge of the Bassein District, ordered his assistant W.O. HAMADA to arrest a Burmese named BA THAN, whom he suspected of concealing a fire-arm. W.O. HAMADA carried out the arrest, and, after having himself tortured BA THAN, took him to Kangyidaung (in the Bassein district) where the prisoner was subjected to gross illtreatment by W.O. SHIBATA, assisted by W.O. HAMADA. These two Kempei men severely beat BA THAN and suspended him for long periods from the ceiling, with his feet clear of the ground. They then took him to a nearby reservoir, and, in order to make him confess, kept submerging him head downwards for over two hours. By this time, BA THAN was very weak and scarcely able to walk.

A few days later, BA THAN was released, after his guards had been given bribes, and, by now unable to walk, he was carried home in a bullock cart. The Doctor who treated him found his body to be covered with bruises, many of which had been septic for some days, and, despite medical treatment, BA THAN died fifteen days after being released.

7. The following Prosecution witnesses will give evidence in respect of the seventh charge:

MA MA GYI	MG KUNT
BA MAUNG	MG TIN MG
U SEIN BU	D.C. NATH
Dr.MAJUMDER (in affidavit form).	

8. Sworn, voluntary statements made by all accused, with the exception of Major Kanzaki Kazuo & Sgt. Tajima Shohei will be produced by the Prosecution.