

RECORD OF MILITARY COURT

R127 Ans. 143

(JAPANESE WAR CRIMINALS)
Lt-Gen ITO Takeo AWC No. 2113, 2130, 2133,
Lt-Col SATO Tadahiko 2669, 2905, 2108, 2846
Capt OTSUKA Masanori AWC No. 2131, 2132.
WO MATSUMOTO Tsugiji
WO UENO Koichi
Accused: S/M KAWAMURA Kagaaki Aust W.C. List Ser No.
Sgt SHIRAKI Jinichi Cpl WATANABE Moju (Not Guilty)
Cpl KAWASAKI Masatoshi (Not Guilty)
Court, Place, RABAU
Date and 24 May 46
Formation: 8 MD

Charge(s)	Plea	Finding
MURDER at NEW IRELAND in or about 1944-45 of a number of chinese civilians, half caste civilians, and natives.	Not Guilty	All accused guilty except WATANABE and KAWASAKI.

Precis of Evidence: The evidence for the prosecution consisted of written statements made by two natives, interrogations reduced to writing and written statements by certain accused and two Japanese soldiers.

2. In substance the admitted facts were that the Japanese from April or May until the cessation of hostilities suspected certain Chinese civilians, half caste civilians and natives of espionage. Throughout the whole case no evidence was brought forward by the defence to establish any actual cases of espionage and only very general statements were made in regard thereto. Certain inhabitants of the Island were arrested and at various times executions took place. One witness for the prosecution furnished the names of some of the persons who were executed and stated that there were many more. Prior to such executions certain investigations were made and statements were obtained and forwarded to the accused MATSUMOTO who was in charge of a detachment of Military Police. The accused MATSUMOTO passed the documents to his CO the accused OTSUKA who was in charge of the Military Police.

The accused OTSUKA (Over)

Sentence The convicted accused ITO, T SATO, T Death by shooting - 24 May 46.
and Date: The remaining convicted accused - Death by hanging - 24 May 46.

Confirmation and by Whom: Finding and sentences in each case NOT confirmed.

Promulgation: Non-confirmation of findings and sentences promulgated to each accused (except MATSUMOTO, UENO, and SHIRAKI) on 18 Oct 46. Accused MATSUMOTO, UENO and SHIRAKI executed on 26 Jun 46 in respect of RABAU COURT NO. 35.

Petition: Petition lodged 5 Jun 46 by convicted accused ITO T against finding only. Petitions lodged 5 Jun 46 by all other convicted accused against findings and sentences.

J.A.G.'s Report on Petition: That the findings and sentences should not be confirmed.

Action on Petition: Petitions upheld.

Filed in Attorney-General's Department and Numbered.....

Precis of Evidence (Contd).

passed the statements to the accused SATO the staff officer to the accused Lt-Gen ITO, and after examination of the statements the accused SATO would pass such statements to the accused Lt-Gen ITO and usually expressed his opinion on the case in question. Lt-Gen ITO was the Supreme Commander of the Japanese Forces in New Ireland. On occasions Lt-Gen ITO would send the papers back for further investigation regarding the case under consideration. When he was satisfied that all enquiries had been made he would consider the case and decide whether the accused person was guilty or not guilty. He would then in the cases where he considered the accused guilty, decide upon the punishment which was usually a whipping or execution. If the accused person was considered to be not guilty he would order release. The findings, where guilty together with the punishments imposed and the findings of not guilty together with orders for release were then passed back to the accused SATO who in turn passed them to the accused OTSUKA who then sent them to his subordinate the accused MATSUMOTO. MATSUMOTO then gave orders to his subordinates the accused WATANABE and KAWASAKI to carry out the orders of the accused Lt-Gen ITO to effect releases, or whippings or executions as ordered in each case. The accused KAWAMURA, SHIRAKI, WATANABE, KAWASAKI and UENO admitted in evidence that they took part in the executions but claimed that they merely carried out orders.

3. Each accused gave evidence in his defence and briefly their defence was as follows :

Lt-Gen ITO, claimed that he tried the persons who were accused of espionage in accordance with International Law. He also stated that he accepted the whole responsibility for having adopted such method of trial. He considered he had given accused persons a fair trial and in fact had ordered the release from custody of a number of persons. He also admitted giving orders for executions of persons whom he found guilty and whose acts warranted sentences of death.

The accused SATO claimed that he merely acted in the capacity of Staff Officer to the accused Lt-Gen ITO. He also expressed the opinion that the alleged trials conducted were the best available means in the existing circumstances in New Ireland.

The accused OTSUKA admitted passing on the orders received from the accused SATO. He contended that this was the only part he took in connection with the execution.

The accused MATSUMOTO denied that he took part in the executions or that he was present at any of the scenes of such executions. He admitted he passed on the orders to his subordinates to conduct the executions.

The accused UENO, KAWAMURA, SHIRAKI, WATANABE, and KAWASAKI stated in evidence that they took part in the executions and contended that they were carrying out the orders of superior officers.