

BR. 50-J

Crise against  
CAPT. TAMURA. SHINJI

## MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 65016/JAG.....

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Captain TAMURA Shinji	Imperial Japanese Army		11 March 1946 SINGAPORE
			Convened by Commander Singapore District

### CHARGES

Charge

COMMITTING A WAR CRIME in that they in the ANDAMAN Islands between the 6th and 14th August 1945 in violation of the laws and usages of war were concerned in the ill-treatment and killing of 152 civilians including women and children.

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Lt-col. G.A. PEACOCK    Dept of J.A.G. in India Major N.K. SINHA        Barrister-at-Law Capt. W.M. HARRISON    8 Bn Kumouns 1 Gurkha Rifles	N/A

Pleaded	Finding
Not Guilty	GUILTY

### Sentence and Minute of Confirmation

2 years imp

Confirmed by Commander Singapore  
District on 30 March 1946

When and where Promulgated :— 2 April 1946

Date of Receipt	To whom sent	Date sent	Purport

RECORD OF THE PROCEEDINGS OF THE TRIAL OF  
CAPTAIN TANURA SHINJI

**PRESIDENT:** Lt. Col. G. A. Peacock  
Department of JAG in India:  
Barrister at Law.

**MEMBERS:** Major N.K. Sinha, 8th Battalion the Kumaon Regt.  
Capt. W.M. Harrison, 1st Battalion, K.G.V.O.,  
Gurkha Rifles.

**PROSECUTOR:** Lieut. C.G. Peter, R.N.V.R., Solicitor.

**DEFENCE COUNSEL:** Mr. Konno, Senior Officer, Judge of the  
High Court, Tokio.

Lt. Comdr. Komori, Legal Lt. Comdr.,  
Imperial Japanese Navy.

**Assistant:** Major G.W. Moss, R.I.A.S.C.

Singapore,  
10th April, 1946.



RECORD OF THE PROCEEDINGS OF THE TRIAL OF CAPT.

TAMURA SHINJI

CHARGED WITH COMMITTING A WAR CRIME

(President of the Court reads out Convening Order)

(Court) Captain Tamura Shinji, you are charged with committing a war crime in that you in the Andaman Islands between 6th and 14th August, 1945, in violation of the laws and usages of war were concerned in the illtreatment and killing of 152 civilians including women and children.

DO YOU PLEAD GUILTY OR NOT GUILTY?

(Accused) The accused pleads "NOT GUILTY".

(Court) Do the Defence wish to apply for adjournment on the grounds that any of the regulations relating to procedure before trial have *not* been complied, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

(Defence) No, sir.

(Court to Prosecutor) Are you proposing to make an opening address?  
(Prosecutor) I think I must in order to explain the circumstances which gave rise to the shooting of 152 people.

(Court) Will you be handing copies to the Court?

(Prosecutor) I have a rough copy here.

(Court) Do you wish the shorthand writers to take it down then?

(Prosecutor) I do not think that is necessary, sir. They could have my rough copy to type from.

(Defence) Before the Prosecutor reads out his address may I hand in this little map showing the particular areas in which the various parties were at that time?

(Court) Yes. (to Prosecutor) Have you any objections?

(Prosecutor) No.

(Map is handed in to the Court.)

Prosecutor's Opening Address:

I am acting for the Prosecution in this case which is known by the name of the "Second Tarmugli Island Incident", and Lieut. Comdr. Komori and Senior Officer Konno are acting for the Defence assisted by Major Moss, R.I.A.S.C.

Four of the Japanese officers who were involved in this incident, namely Vice Admiral Teizo Hara, Captain Shigeichi Shimazaki, Lieut. Taneji Toyoshima and Jochi Ryonosuke were also implicated in another case named the "Havelock Island Incident" and will, therefore, be charged for the part they played in this incident at the same time as they are charged with that matter.

Two other Japanese officers who were likewise involved in this incident namely Maj. Gen. Tamenori Sato and Lt. Col. Keizo Tazawa were sentenced to death for the part they played in an earlier case and their names are not, therefore, included in the present charge sheet.

This case concerns the execution of 152 people including women and children at Tarmugli Island on the 14th of August, 1945. The Court is already in possession of a chart of the Andaman Islands on which the positions of Tarmugli Island and Port Blair have been marked in red ink.

The brief facts of the case are as follows:-

Prosecutor's Opening Address (contd.)

During 1945 the food situation in Port Blair became increasingly grave as the months went by because fresh supplies could not be brought in owing to Allied air and sea attacks on the lines of supply. In March ~~steps~~ ~~the~~ orders were promulgated to the people warning them that they must take steps to become self-supporting as rations could not be issued after August 1945 except to those unable to help themselves.

By the end of July the situation had become critical and a conference was held at Naval Headquarters at which it was decided to round up certain people in the Naval area and send them to Havelock Island where they were to cultivate the land and support themselves.

Following this conference and on or about the 7th of August 1945 another conference was held at Naval Headquarters which was attended by Vice Admiral Hara, Captain Shimazaki, First Lt. Taneji Toyoshima, Jochi Ryonosuke and Lieut. Col. Keizo Tazawa and one or two others of lesser importance.

At this second conference Lt. Col. Keizo Tazawa requested that the Thokumuhan should co-operate with the Army in a roundup of "bad characters" in the Army area. The Thokumuhan was a Naval unit which carried out special police and C.I.D. duties - the Army did not have an equivalent Unit in the Andamans. This request was granted. No decision was reached at this conference as to what was to happen to the so called "bad characters" after they had been rounded up - the Thokumuhan were to hand them over to the Army for the Army to deal with as they thought fit.

On the 9th of August Lt. Col. Tazawa and Lt. Toyoshima met to arrange details for the proposed round up. No decision was then made as to the disposal of the people either.

Lt. Toyoshima ordered some of his Petty Officers and NCOs to make lists of people reckoned to be "bad characters" and on the 12th of August 220 people were arrested. After arrest they were interrogated by Lt. Toyoshima and others whose names he cannot remember and 28 were sent back to their homes, the remaining 192 were handed over to the Army who kept 40 as coolies and sent the rest to Tarmugli Island on the 14th of August, 1945, where they were executed by a firing squad of 19 men under the Command of Capt. Shinji Tamura, the accused in this case.

The method of execution was as follows. The men were taken seven or eight at a time and after their hands had been tied behind them and they had been blindfolded they were made to kneel in front of graves which had been dug, then they were shot and buried.

After the men had all been executed the women were bound and they and the children were blindfolded and shot.

On the 20th of August 1945 after the Japanese surrender, Lt. Shinji Tamura was ordered to go to Tarmugli Island with two other officers to dig up the bodies and burn them in order to destroy all evidence of the crime.

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The case for the Prosecution is contained in a summary of evidence which was taken at Port Blair on the 26th and 27th of January 1946. As this summary of evidence is long and by far the greater part of it does not refer to the present accused I ask leave to put in, as evidence in this case, only so much of it as is relevant.

The statements which I wish to put in are limited to Capt. Shinji Tamura's own statements and two others which explain how it came to be that 152 people were sent to Tarmugli Island for execution.



(Prosecutor) I took the summary myself, sir. May I be sworn.  
(Court) Yes.

(Prosecutor takes solemn oath and enters witness box.)  
He declares: -

"My full name is Claude Gilbert Peter Lt. RNVR of H.M.S. Sultan.  
The statements which I have here and which I am about to read to  
the Court were taken by me at Port Blair on the 26th and 27th of  
January 1946 on the instruction of the Commander-in-Chief, Allied  
Land Forces, South East Asia. The accused were duly cautioned  
and sworn prior to their making their statements. No duress or  
offer of favour of any sort was offered to the accused in order  
to induce them to make statements. The accused were not questioned  
and the statements were duly read back to them in their own language  
prior to their completing the same. I have nothing to add."

(Prosecutor) May I return to my seat to read the statements?  
(Court) Yes.

(Prosecutor reads out statements to the Court.)

Summary of the examination of Tamenori Sato  
" " " " Keizo Tazawa  
" " " " Tamura Shinji

(Statements are handed to the Court after reading.)

(Prosecutor) That concludes the case for the Prosecution.

(Court) Interpreter, ask the Defence Counsel whether the accused wishes  
to give evidence on oath?

(Defence) Yes.

(Court) Do you intend to call any witness?

(Defence) Yes, one witness.

(Court) Is he a witness to character?

(Defence) No, sir, to fact.

(Court) What is the name of this witness?

(Defence) Lt. Col. Tazawa Keizo.

(Court) Is Defence Counsel going to make an opening address?

(Defence) Yes.

(Court) Has he got a separate copy of it?

(Defence) It is in Japanese. Would you like it to be translated and  
handed in to you?

(Court) Would it cause <sup>undue</sup> work?

(Defence) No, I don't think so, sir. It could be managed.

(Court) Is there any translation of it now?

(Defence) Not to hand, sir.

(Court) I think it would be best for the shorthand writers to take it  
down. They can make the typewritten copy.

(Defence) Yes.

Defence Counsel's Opening Address:

Counsel for Defence admits that such a fact as has been  
described by the Prosecuting Officer has happened, but the Counsel for  
Defence would like to submit that the accused acted in compliance with  
orders, and on such grounds the Defence will now describe his opinion  
in defending the case. That is all.

(Court) Do you wish to proceed with the calling of the witness.

(Defence) We wish to call the accused. 2nd Witness will be called in to more or less corroborate the evidence of the accused himself.

(Court) That is all right.

(Capt. Tamura Shinji, accused, takes solemn oath and enters witness box.)

Capt. Tamura Shinji, Accused.

Examination-in-Chief by Defence:

Q. What is your name?

A. Tamura Shinji.

Q. Does the witness know of the incident that happened about August last year which concerned the inhabitants in the Andamans and happened on Tarmugli Island?

A. I know.

Q. In what connection do you know of this?

A. I commanded the firing squad for the execution at that time.

Q. Who ordered you to be the Commander of the firing squad?

A. Commander of the Brigade, Major General Sato, ordered me to such effect.

Q. Who conveyed that order to you?

A. General Staff Officer Lieut. Col. Tazawa conveyed to me the General's orders.

Q. What kind of measures did you take after receiving such an order?

A. I went over to the internment camp where the inhabitants were kept. I received those who were to be executed from Capt. Yoko. I posted some guards; the inhabitants were now in my charge. Next morning we went to the jetty for Tarmugli Island on a lorry.

Q. When did Lt. Col. Tazawa convey to you such an order?

A. It was in the evening of the 13th of August.

Q. When did the execution take place?

A. At about 1300 hours, 14th August.

Q. Did the witness learn from Lt. Col. Tazawa why these inhabitants were to be executed when he received the order?

(Interpreter) Witness is asking what the Counsel means by "why"? Counsel would like to put the question in a different form.

Q. Did you learn from Lieut. Col. Tazawa under what sort of circumstances these inhabitants were destined to be executed?

A. I did not learn about it.

Q. Didn't the witness wish to learn those circumstances under which these inhabitants were condemned to death?

A. I did not think it was fit to ask any questions concerning the reason why they were going to be executed because I thought each had committed a different sort of offence, and for another thing, Lieut. Col. Tazawa seemed to be very busy at that moment and I did not dare ask him.

Q. How many inhabitants did you receive from Capt. Yoko?

A. The number was 152.

Q. Where did this execution take place?

A. I chose the spot for the execution in a jungle about 150 yards from the jetty at the northern part of Tarmugli Island.



- Q. How did you execute these people?  
A. We shot them.
- Q. Did the witness only command such an execution?  
A. Yes, I only directed.
- Q. How many men (Japanese soldiers) did you take with you?  
A. Nineteen.
- Q. Have you ever gone back to Tarnugli Island after the execution?  
A. I went back there about the 20th of August.
- Q. Why did you go there?  
A. On orders from the Commander of the Brigade, Major General Sato, Lieut. Baba was going to exhume the bodies and cremate them. I was ordered to go and point out the spot where we buried the bodies.
- Q. Do you recall the orders given by Major General Sato?  
A. Orders for this 20th of August?
- Q. Yes.  
A. The order was as follows: Lieut. Tamura (I was then Lieut.) will accompany Lieut. Baba and point out the location of the graves of those who were executed there some time ago.
- Q. Which unit or section of your troop was in charge of the work for this 20th of August?  
A. The Kiyomoto Unit was in charge of the work.
- Q. Was the order then that the witness received for this 20th August not concerned with the actual work of exhuming and cremating?  
A. It was not an order for such work.
- Q. How does the witness consider the relationship between orders and the carrying out of orders in the Japanese Army?  
A. Orders must be absolutely obeyed. We are taught that orders issued by a superior are no other than orders from the Emperor. This order is sacred. A soldier (including officers and men) whether he likes it or not must obey. If there is no obedience to orders the morale of the army, which is the lifeline of the army, will not exist. The reason for the existence of the army itself will not exist. This is my conviction, concerning the relationship between orders and the obeying of orders.
- Q. What would happen to the witness if he did not obey orders?  
A. If I did not obey orders I shall not be performing my duties and I shall be court-martialled, and I shall be severely punished.
- Q. Does the witness believe that orders should be obeyed without respect to the contents of the order, and does the witness believe something will happen to you if you did not obey orders on account of its contents?  
A. When an order contains something which is apparently wrong you are allowed to suggest and point out your opinion, but other orders must be obeyed.
- Q. Is this suggestion and pointing out the wrong point in an order practicable?  
A. Such suggestion against an order is not practised very much because, as I said before, orders in Japan are sacred, and those who issue orders will not issue them without deep consideration.
- Q. Has the witness ever made any such suggestion?  
A. No.
- Q. What happens when a suggestion is made against an order and your superior did not agree with you?  
A. I believe in the Japanese army once your superior issues an order, and if your suggestion does not come through, and the order is insisted, you must obey.



Q. Witness has stated that those who do not carry out orders will be severely punished. Can you describe more fully how you will be punished?  
A. You will be judged on the basis of the Army Penal Code.

Q. Can you be more specific?  
A. You mean the contents?

Q. Yes.  
A. It will be termed insubordination, and if you are in the frontline facing your enemy, you will be sentenced to death, and in other cases you will either be sentenced to imprisonment without a set limit of time or other imprisonment similar to that.

Q. When the witness received orders to execute these people on Fannugli Island, what was your reaction? What did the witness feel?  
A. I did not like the order, but the order was carried out in spite of my feelings. I did not think the order was unlawful though. It was issued by the Supreme Commander of the Army in that district who was in charge of maintaining peace and order and defending the Island. I believed that the Commander had considered in full all consequences and I believed that this was the result of deep thought on the part of the Commander. I understood that the Commander felt this was the only means to maintain peace and order in the district he was in charge of.

Q. The witness has stated that there was scope for suggesting against an order. Has the witness ever considered that your superiors would issue unlawful orders?  
A. I have never thought so.

Q. Counsel for the Defence repeats the question. I ask again whether it is true that the witness has not made any suggestions against orders?  
A. It is true that he has not made any suggestions.

Q. Counsel asks you whether it is all right for the Counsel to think that making a suggestion against orders is theoretically possible but not practicable?  
A. I personally have never made any such suggestions against orders, but at the same time I could not say for sure that there has been no such instances.

(Major Moss) One point I would like cleared up. By suggestions against orders does the witness mean a direct refusal to obey an order or merely to query an order?

(Court) Which does he mean?

(Witness) It does not mean refusing an order.

Q. What sort of position did you assume in the Andamans and what were your duties there about this time?

A. As Company Commander of a construction unit I was directing my men in building houses.

Q. Was your unit a fighting unit or a non-combatant unit?  
A. My unit was a rear unit.

Q. What was the relation between your unit and Major General Sato's Brigade?

A. We were directly under Major Gen. Sato.

Q. I repeat. Is it true that the witness considered the orders given by Major Gen. Sato as lawful and right?

A. It is true. I carried out the orders with the conviction that they were lawful.

Q. What would have happened to you if you did not obey that order?  
A. I would have been court martialled and dealt with severe punishment.

Q. I repeat the former question. Is it true that the witness was concerned in this incident only in that you directed a firing squad?

A. It is true.

(Defence concludes Examination-in-Chief.)

Tamura Shinji (Accused) -  
Cross-Examination by the Prosecutor:

- Q. How many women did you execute?  
A. About 3.
- Q. Children?  
A. About 3.
- Q. Are you quite sure that there were not six women?  
A. I think it was about 3.
- Q. You are not sure?  
A. I do not remember exactly.
- Q. You have said that the women were crying and praying. Why did you notice that if there were only 3 women?  
A. They were not praying to me for mercy; they had their hands put together and praying to God.
- Q. They were screaming too, were they not?  
A. For a very short time they uttered voice and cries.
- Q. How old were the children?  
A. The children looked sad but they did not make noise.  
(Wrong interpretation by the interpreter.)
- Q. How old were the children?  
A. I do not remember clearly but I think their age was 13.
- Q. Were all of them 13 or about 13?  
A. About that age.
- Q. How could you believe that the order was legal when you knew you had to execute 3 children aged 13?  
A. I judged at that time these children had committed a grave offence.
- Q. What grave offence could the children have committed?  
A. I was not able to tell at that time what actually they had done but I believe that they had been interrogated and investigated thoroughly and so I judge they were sentenced.
- Q. What firing orders did you give to the firing squad?  
A. I first divided the firing squad into two and ordered them to take about seven at a time from the jetty area to the execution ground and I told them that orders for execution were to be given separately.
- Q. Did you give any orders as to the part of the body the soldiers were to aim at?  
A. I ordered them to aim at the front, at the forehead.
- Q. How many soldiers aimed at each person?  
A. One to one.
- Q. How far was the soldier from the victim?  
A. 6 to 7 metres.
- Q. Is it not true that in some cases the soldiers missed the mark?  
A. Yes, there were some cases.
- Q. In those cases did the bullet wound the victim?  
A. Out of those, in some cases they were wounded. In others not.
- Q. In some cases the bullet missed completely?  
A. Yes.
- Q. Why did you not order the soldiers to be so close to the victim that they could not have possibly missed?  
A. (next sheet)



A. I thought that if I put my firing squad closer, those who were to be executed would have felt their presence and would have felt more uneasy; but in some cases the aims were correct.

2. (Major Moss) I do not think there is any evidence to the effect that they were going to be executed.  
(Court) I think it could be assumed that if they were taken, blindfolded, had graves dug and hands tied behind them, they were going to be shot. I think the Court would allow it.

Q. You have said that you did not like to be involved in this massacre and slaughter; why did you not ask to be excused?

A. Such an attitude will not be the right attitude of a subordinate when he has orders from his superior. That is how I felt.

Q. Did you feel at the time that it was a bad thing to shoot at these civilians?

A. I did not.

(Prosecutor concludes Cross-Examination.)

Tamura Shinji (Accused) -  
Re-Examination by Defence:

Q. The witness has just stated that he did not think it was a bad thing to obey orders and kill these inhabitants. On what grounds did you think it was correct?

A. It was an order from a superior officer.

(Defence concludes Re-Examination)

Questioned by the Court:

Q. Were the victims who were only hit severely injured?

A. It did not involve any painful injuries, or very painful injuries.

Q. How do you know?

A. It was only a slight scraping, a graze.

Q. What did you do when you found that your soldiers had missed?

A. I corrected the bodily form of the aimer and told him to shoot more accurately as to save pain.

Q. And these victims who were only slightly injured, what was their state of mind by the time you came to give them a second bullet?

A. It was only a fraction of time. There were 5 bullets in one rifle and I ordered them to shoot them ~~the~~ immediately after one missed.

Q. And did they in all cases kill the people, the victims outright on the second bullet?

A. Yes, sir.

Q. What kind of grave offence do you think the children had committed?

A. The children apparently were with their parents and I considered that they in families had committed the same offence.

Q. I see, the guilt of the father should be visited on the son?

A. Each had taken part.

Q. And if they had taken part with their fathers, then presumably they were as guilty as their fathers?

A. I think the offence of the children should be considered more leniently than the adults.

(Court concludes questioning.)

Lieut. Col. Tazawa Keizo, 2nd Witness for Defence -  
Examination-in-Chief by Defence:

(Witness takes oath.)

Q. What is your name?

A. Tazawa Keizo.

Q. Do you recognize a person in this Court?

A. There is here Capt. Tamura whom I recognize.

Q. In what connection do you know him?

A. Capt. Tamura was the Commander of the Construction Unit attached to our Brigade.

Q. Does the witness know of an incident which concerned many inhabitants in the Southern Andaman Islands taking place about summer last year?

A. Yes, I do.

Q. Describe to the Court, as briefly as you can, the contents of the incident.

A. Since July last year many army goods especially foodstuffs were stolen and we were having a difficult time. On the 4th or 5th August last year I went to the Navy H.Q. and on that occasion I received orders to go to the Naval H.Q. for a conference, and there I asked the Naval Commander, the Supreme Commander, and the officers there if the Supreme Commander of the Navy could take some measure concerning these thefts in the army area. In the conference there it was decided that the Naval Thokumuhan or the Special Duty Section should undertake the investigation and the arrest of the personnel who should be handed over to the Army to be dealt with by the Army. The Army was to co-operate in the investigation too, and I reported the matter to the Brigade Commander when I came back and I was ordered to prepare for such investigation. The head of the Naval special duties section came over to our H.Q. on the 9th of August and he and I had a conference. There we decided that arrests should be made, the area from which such arrests should be made and the method how to arrest the suspects and about the facilities of detaining them.

I reported the outcome of this conference to my Commander and then I proceeded to think out how I should deal with these prospective arrestees. I thought of 4 methods to deal with these people when and if they were arrested:

- (1) Imprisonment;
- (2) Transportation;
- (3) Transportation in the jungle; and
- (4) Execution as the severest penalty.

I told Capt. Tamura that, should shooting be decided on, he should be in command of the firing squad. I did not tell Capt. Tamura of the contents of this incident. The arrest started on the evening of August 12, and by the evening of the 13th my interrogation also was finished. As a result of the interrogation by the Thokumuhan (Special Duties Section, Navy), we found we had more than 152 who had committed more serious offences. I reported the matter to my Brigade Commander on the evening of the 15th. The Commander of the Brigade asked me how these people should be dealt with, and we held a conference there. I suggested to my Commander that imprisonment or transportation to some other island or jungle was not desirable because no food supplies could be maintained to them; it was difficult in the case of keeping them in jungles; it was difficult for them to live there, and it would be hard for us to guard them. I suggested to my Commander that to shoot them was the only method possible. The Commander took my suggestion and issued the order through me, that Capt. Tamura should carry out an execution on the Tarmugli Island.

Q. Under what circumstances was Capt. Tamura chosen to do this work of execution in the order issued by Major General Sato?

(A. Next sheet.)



- A. I recommended Capt. Tamura believing him to be a reliable officer with executive abilities. That was why I recommended him on the 10th August as Commander of the Firing Squad.
- Q. The witness has stated that he did not tell Capt. Tamura about the details of the contents of this incident: Why was that?
- A. The reason was that I did not want many people to know about an incident of this nature and I also wanted to save him from any responsibility for such execution.
- Q. What did you do a few days after this execution?
- A. I think it took 3 days from the 20th to 22nd August. We sent a party to exhume the bodies, cremate them and bury them in the ocean and we ordered Tamura to guide this working party to the spot where the bodies were buried.
- Q. Does the witness know which unit undertook the work of exhuming and cremating the bodies?
- A. The 253 Independent Infantry did the work; in other words, Col. Kiyomoto's Unit.
- Q. What is your belief in the relationship between an order in the Japanese Army and the execution of an order?
- A. I believe that once an order is issued there is nothing to do but to obey.
- Q. What in your mind is the ground on which such a conception of an order arises?
- A. In an Army to win a war the morale is the most important thing and to maintain a morale, orders should always and everywhere be obeyed. For another thing, arguing against an order is not permissible in a fighting unit; there is no possibility and it cannot be permitted.
- Q. Is there any written Regulation concerning an order?
- A. In the internal barrack life it is stated that an order should be obeyed and in other laws and ordinances, as described in the Manuals issued by the Army, and also in the Imperial Rescript, given to the Army and Navy, it is stated that orders should be obeyed.
- Q. What is described in the Imperial Rescript?
- A. There is a passage concerning obeying orders. An order issued by a superior should be considered as an order from your Emperor.
- Q. Can an order be unlawful?
- A. In the Japanese army there is no unlawful order.
- Q. Does the witness know of a subordinate suggesting against an order?
- A. Yes, I do. Making a suggestion against an order should be made before the order is issued formally, and there is no making suggestions against orders after they have been issued.
- Q. Have you been very strict in conveying orders from your commander?
- A. I cannot say I have been strict always.
- Q. What would have happened in this case if Capt. Tamura disobeyed the order of the Commander of the Brigade?
- A. There is only one way by which a man disobeying an order will be dealt with.
- Q. What sort of way?
- A. There is the crime of insubordination stated in the Japanese Army Penal Code.
- Q. Supposing Capt. Tamura had disobeyed the order in this case, what would have actually happened to him?
- A. I have never thought of anybody disobeying and it is rather difficult for me to answer the question right now.

A. All the orders that passed through me came from the Commander of the Brigade.

A. I was the General Staff Officer of the Brigade.

A. He was directly responsible to the Commander of the Brigade in directing a Construction Unit.

Lient. Col. Tazawa Keizo, 2nd Witness for Defence -  
Cross-Examination by Prosecutor:

A. Yes, on looking back to the time now I thought the number included those whom I considered were prospective offenders who might commit a crime later.

A. I cannot reply

A. I was not clear about the number at that time. I am not at all clear even now.

A. The interrogation was done by the Thokumuhan or the Special Duties Section, Navy, and these people were handed over to us as offenders and I regret I did not attend to the details myself.

A. There was great enmity or hatred against the thieves of army goods, especially foodstuffs and when these people were handed over from the Thokumuhan as being bad ones we just took it for granted that they were bad.

(Counsel for the Defence) The witness has just stated that they were offenders handed over to him. He has already stated that he thought they were bad people who might commit crimes later.

A. I do not believe that.

(Defence declines re-examination.)

A. There are many cases in which such a suggestion can be made; in one case a General Staff Officer suggests that a certain order be issued and in another case a subordinate approached, that a certain order is going to be issued and in such cases a subordinate can suggest to his superior what he thinks.

8. ~~Thrust~~~~hexax~~~~herk~~~~ax~~~~under~~~~taking~~



(Court to Defence) What is the position as regards the speech to be made by the Defence?

(Defence) We are not quite ready yet, sir. I think it can be ready by 3 p.m.

(Prosecutor) I am quite agreeable to an adjournment.

(Court) In that case we can adjourn until 3 p.m. this afternoon.

(to Defence) Will you have a copy translated into English?

(Defence) Yes sir. I suggest we follow the procedure carried out in the last case.

(Court) Would it be possible for the Defence to explain to the accused the substance of the speech before we assemble?

(Defence) Yes.

(The court is adjourned till 3 p.m.)

#### The Court Re-assembles at 3 p.m.

(Interpreter) The Counsel for the Defence states that certain pages of the speech which he has prepared need a few corrections and that he would correct them and hand them over.

(Court) Is it possible to do it to-day?

(Defence) It would take me 10 minutes only.

(Court) That is all right.

(The Counsel for the Defence reads out his speech.)

#### Closing Address for the Prosecution:

As my closing address I would like to read out a paragraph from the Laws and Usages of War on Land. The paragraph I refer to is Paragraph 383 of Chapter XIV of the Military Manual, page 72:-

"It is the duty of the Captain to see that the lives of inhabitants are respected, that their domestic peace and honour are not disturbed, that their religious convictions are not interfered with, and generally that duress, unlawful, and criminal attacks on their persons, and felonious actions as regards their property, are just as punishable as in times of peace."

This paragraph is from the Hague Rules No.46 and there is a footnote which is as follows:

"The respect for their lives means that they must not be arbitrarily killed, and that they shall not be executed without trial."

I submit that the death of those 152 civilians constitutes a crime and that every one who conspired together, or took part in it is, in law, guilty and the fact that the accused may have acted under superior orders is no defence although that fact may, in some way, mitigate his offence. Nevertheless I submit that in law the accused is guilty and must be found guilty on this charge.

(The Court adjourns for a few minutes to consider its findings.)

#### FINDINGS OF THE COURT

Captain Tamura Shinji, the finding of this Court, which is subject to confirmation, is that you are GUILTY of committing a war crime in that you in the Andaman Islands between 6th and 14th August in violation of the laws and usages of war were concerned in the illtreatment and killing of 152 civilians including women and children.

(Court to the Interpreter) Ask the Counsel for the Defence if they have any evidence as to the age, or previous history of the accused so far as they know which would serve to mitigate the punishment.

(The Counsel for the Defence reads out particulars as to the previous history and character of the accused. This is handed in to the Court signed by the President marked ..... and attached to the proceedings.)

(Court to Defence) Does the accused wish to address the Court, or does the Counsel for the Defence wish to address the Court on behalf of the accused in mitigation of punishment? The accused may address the Court if he wishes to.

(Interpreter) The accused himself will not but he has authorized the Defence for the accused to speak on his behalf.

(The English translation of the above is read as follows:-)

The Counsel for the Defence would like, on behalf of the accused, to express his appreciation for the chance given him to make a plea in mitigation of the sentence.

The accused, Capt. Tamura, was concerned in the incident in carrying out orders given him from the Commander of his Brigade. This is clear from the evidence given in this court. Then the part the accused played was a minor one. This incident originated in the wrong judgment of the Commander of the Brigade. Tamura had only carried out the will of the Commander. We may tend to consider the criminality of an act and the persons who are directly concerned in the act. But in the spirit of criminal law, when a person acts in accordance with an order with a conviction that the order was correct under the circumstances, the person who acted should NOT be held responsible. The Counsel for the Defence begs the Court not to be misled by the criminality of the incident in judging the merit of the accused. The Counsel for the Defence does not doubt that the Court has received a favourable impression of the personality of the accused.

As he was honest, serious and a typical soldier, so he carried out the orders which were unpleasant and difficult for himself. He tried the best he could in his power in giving instructions to the firing squad so that no unnecessary suffering should be given to those who were going to be executed. In many cases a soldier makes a good citizen. Captain Tamura being a typical soldier is, on the other hand, himself a citizen, warm-hearted and kind. Captain Tamura, the accused, is quite concerned with the incident still. He is praying for the peace of the souls of those who were executed. He is greatly aggrieved for their sake. The Counsel for the Defence begs the Court, in consideration of his character, to pass a lenient sentence.

There are many cases of war crimes tried in Courts opened in different places. The Counsel for the Defence is in no position to criticize the proceedings of various courts in various places. The Counsel for the Defence only desire to point out that Japan, after direction or misdirection of her leaders who had wrong notions, continued an unnecessary and harmful war. But each soldier fought with all his might to carry out orders given from his country. It was in the spirit of each soldier to sacrifice his own life for the sake of his country. Each soldier believed he was acting righteously in the judgment of God in carrying out the war. Many days of noble sacrifice originating in pure and loyal heart have been seen. Such a spirit may objectively be judged as wrong but those who believed in it were strong, noble and upright.

It is begged that the Court will consider the merit of those who  
/acted



acted under orders. If a person had acted in violation of laws given by God you would not know how severely such a person can be punished, but for those who fought and acted with pure heart and believing that they were doing their duties for their country, the Defence begs the Court will judge leniently and in this respect the Defence submits the War Crimes Trials Court distinguishes itself from other Courts. The Defence begs again that the Court will pass a lenient sentence on the accused in consideration of the position he was forced to be in, his character and that of his family.

This concludes the address of the Counsel for the Defence on behalf of the accused.

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(After a few minutes interval for consideration of its sentence the Court says:-)

Captain Tamura Shinji, the Court considers that you carried out the orders of your superior officer and that you had little opportunity to exercise your discretion.

The sentence of the Court, which is subject to confirmation, is that you suffer TWO YEARS IMPRISONMENT.

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(THE COURT IS CLOSED)

**MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS**

D.J.A.G's Case No. ....65016...JAG...

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Captain Tamura SHINJI	Imperial Japanese Army		11 March 1946 SINGAPORE
			Convened by
			Comd. Singapore District

**CHARGES**

Committing a war crime in that he in the ANDAMAN Islands between the 6th and 14th August 1945 in violation of the laws and usages of war was concerned in the ill-treatment and killing of 152 civilians including women and children

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Lieut.Col. G.A. Peacock Major N.K. Sinha Captain W.M. Harrison	Dept of JAG in India 8 Bn Kumouns 1 Gurkha Rifles

Pleaded	Finding
Not Guilty	Guilty

**Sentence and Minute of Confirmation**

2 years imprisonment

Confirmed by Commander Singapore District  
on 30 Mar 1946

When and where Promulgated :— 2 Apr 1946

Date of Receipt	To whom sent	Date sent	Purport



MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.

ACCUSED

Captain TAMURA SHINJI  
of the Imperial Japanese Army  
attached 64 Tpt Colm RASC.

PLACE & DATE  
OF TRIAL

Singapore 11 March 46

COURT CONVENED BY

Comd. Singapore District.

PRESIDENT

Lt Col G.A. PEACOCK, Dept of JAG in India  
Barrister-at-law.

MEMBERS

Major N.K. SINHA, 8 Bn Kumouns  
Capt W.M. HARRISON, 1 Gurkha Rifles.

CHARGE

Committing a War Crime  
in that they in the ANDAMAN Islands  
between the 6th and 14th August 1945 in  
violation of the laws and usages of war  
were concerned in the ill-treatment and  
killing of 152 civilians including women  
and children.

PLEA

Not Guilty

FINDING

Guilty

SENTENCE

11 Mar 46 2 years imprisonment

CONFIRMED

30 Mar 46 By Comd. Singapore District.

PROMULGATED

2 Apr 46.

REMARKS

DISPOSAL OF  
PROCEEDINGS.

To AG 3 HQ ALFSEA .....  
JAG of the Forces .....

DJAG ALFSEA  
Case No. 65016 JAG

ABSTRACT OF EVIDENCE.

In the case of:-

Captain TAMURA Shinji.

1. During 1945, food supplies in the Andaman Islands had reached an unsatisfactory level. Because of this, in March, orders were given to the civil administration by Vice Admiral HARA, that all civilians should become self-supporting in the near future and that rations would not be issued from military stocks to civilians after August, except to those unable to help themselves.
2. At the end of July the situation had become critical and on the 7th August 1945, Lt-Col. TAZAWA suggested a conference to Maj-General SATO, to discuss the position. This would be held at Naval Headquarters. Among the questions raised at this conference was how to combat shortage of food and guard Army dumps against theft.
3. It was decided to round up bad characters within the Army area. This was to be done by the Navy and Army combined, represented respectively by Lieut. TOYOSHIMA and Lt-Col. TAZAWA. These two held a meeting to arrange details of the proposed round up, on 9th August. No decision was then made as to the disposal of those to be rounded up.
4. The round up took place on 12th August 1945. The list of persons to be arrested was compiled by Lt. TOYOSHIMA on orders from Capt SHIMASAKI. Lt. TOYOSHIMA personally interrogated the 220 persons so collected, and of these 192 were retained. The remainder were sent back to their domiciles. Of these 192, including women and children, 40 were kept as coolies by the Army.
5. In the case of the remaining 152 persons, their disposal was promulgated by Lt-Col TAZAWA. He reported to Maj-Gen. SATO, that they were all either bad characters or potentially so, and that either they could be deported or shot. In consultation with Maj-Gen. SATO, it was decided to adopt the latter alternative for various reasons. This was on the 13th August 1945.
6. Capt. TAMURA (who had previously been warned on 10th August), was detailed to be in charge of the firing party and he, with a detachment of 19 men, carried out the execution, on 14th August on TARMUGLI Island. The prisoners were first bound, then shot and buried.
7. After the Japanese surrender, on 20th August, Capt. TAMURA, as instructed by Maj-Gen. SATO through Lt-Col TAZAWA, dug up the bodies and burnt them.