

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

2292289

ACCUSED (1) Warrant Officer YABUKI Rikie, I.J.A.
(2) Civilian TAKEMOTO Otojiro, att I.J.A.
(3) Civilian OHTSUKA Sekitaro, att I.J.A.
all attached 42 Cdo (Lt) R.M.

PLACE AND DATE OF TRIAL Hong Kong. 2,3,6,7th & 9th August 1946.

COURT CONVENED BY Offg. Commander Land Forces, Hong Kong.

PRESIDENT Lt-Col. J.C. STEWART (Dept of JAG in India).
Solicitor.

MEMBERS Maj. M.I. ORMSBY. The West Yorkshire Regt.
Capt. B.N. KAUL. The Frontier Force Regt.

CHARGE See charge sheet attached.

PLEA 1st Charge - Each accused - Not Guilty.
2nd Charge - Accused 3 - Not Guilty.

FINDING Accused 1 - Guilty with exception of the
named:-
Mr. MONAGHAN, Mr. EDMONSTON, Mr. G. KOTWALL,
and Mr. HYDE.

Accused 2 - Guilty by special finding as
follows:-
COMMITTING A WAR CRIME, in that he, at
Hongkong between April 21, 1943 and June
13, 1943, when a member of the Staff of the
Kempitai Headquarters, Supreme Court building,
in the service of the Occupying Power, was in
violation of the laws and usages of war,
concerned as a party to the ill-treatment of
a civilian resident of Hongkong, in custody
at the said headquarters resulting in physical
sufferings to him.

Accused 3 - 1st charge - Not Guilty.
2nd charge - Guilty with the exception that
the ill-treatment charged took place in July
1944 and not in 1943.

SENTENCE 9 Aug '46. Accused 1 - 10 years' Imprisonment.
Accused 2 - 3 years' Imprisonment.
Accused 3 - 6 years' Imprisonment.

CONFIRMED 4 Dec '46. By G.O.C. L.F. Hong Kong.
Accused 2 one years' Imprisonment
remitted.
Accused 3 four years' Imprisonment.
remitted.

PROMULGATED 5 Dec '46.

REMARKS

DISPOSAL OF PROCEEDINGS To AG3 GHQ SEALF 22 Jan 47
JAG of the Forces _____
DJAG SEALF. Case No.65108 JAG.

CHARGE SHEET

1st Charge
Against each
accused.

COMMITTING A WAR CRIME,
in that they,

at Hong Kong between the 21st April 1943 and the 13th June 1943 when members of the Staff of the Kempeitai Headquarters, Supreme Court Building, in the service of the Occupying Power, were, in violation of the laws and usages of war, together concerned as parties to the ill-treatment of civilian residents of Hong Kong aforesaid, in custody at the said headquarters, resulting in physical sufferings to them and in particular to Mr. Rudy Choy, Mr. F. Tyndall, Mr. Monaghan, Mr. Edmonston, Mr. G. Kotwall, Mr. Chester Bennett, and Mr. Hyde.

2nd Charge
Against 3rd
accused only.

COMMITTING A WAR CRIME,
in that he,

at Hong Kong between the 15th June 1943 and 30th September 1943 when a member of the Staff of the Kempeitai Headquarters, Central Police Station, did ill-treat Mrs. Chester Bennett a civilian in custody at the said Headquarters.

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ABSTRACT OF EVIDENCE

in the case of

Warrant Officer	YABUKI	RIKIE
Interpreter	TAKEMOTO	OTOJIRO
"	OHTSUKA	SEKITARA

In April, May and June 1943 the above named three accused were members of the Kempeitai Staff at the Gendarmerie Headquarters, Supreme Court Building, Hong Kong. YABUKI being at the time a Warrant Officer and the other two accused Civilian interpreters.

On various dates in those months Mr Rudy Choy, Mr Boris Pasco, Mr Frederick Tyndall, Mr Chester Bennett, Mr Monaghan and Mr Hyde, amongst others, were arrested at their houses in some cases by YABUKI, and brought to the Supreme Court. There they were subjected to a concerted course of brutal physical maltreatment and inhumane confinement with the object of forcing confessions from them that they were engaged in espionage or were in touch with the British Authorities at Macao.

Mr Rudy Choy will appear as a witness to state that he was arrested on 13th May 43 and was kicked and beaten, burnt with lighted cigarettes, and given the well known water treatment by YABUKI during the month he was confined in the Supreme Court before transfer to Stanley Gaol.

Mr Boris Pasco will testify that whilst confined in the Supreme Court Building Mr Chester Bennett, Mr Monaghan and Mr Edmonston were given the water treatment and tortured by all three accused. Although not tortured himself he will describe the terrible conditions under which prisoners in custody were held and the physical condition of Dr Selwyn Clarke, Mr Hyde, Mr Choy, Mr George Kotwall and Mr Chester Bennett who all showed signs of torture.

Mr F. Tyndall will appear as a witness to state that he and

Mr Hyde were arrested about the 21st April and that he sat next to the latter for 5 weeks in a cell in the Supreme Court Building. Hyde was tortured by the Japanese led by YABUKI and nearly died on two occasions. He also heard Chester Bennett and George Kotwall tortured by YABUKI and other Japanese. He himself was beaten and given the water treatment. He will also give evidence of the shocking conditions under which prisoners were confined and their low physical condition due to torture and malnutrition.

The affidavit of Rev Patrick Joy S.J. will be read to the Court in which he states that on 24th May 1943 he was arrested and taken to the Supreme Court Building where he was confined with not less than 70 prisoners in two rooms in which there was only one lavatory. The ventilation consisted of fanlights opening on to a corridor on one side and a small verandah room on the other. The lavatory ventilated into the room. The only food provided was a bowl of rice morning and evening, a preserved prune and a little vegetable. Eight men died of beri-beri on the floor of the room during the time he was there. He saw Chinese civilians in custody being beaten and states that he saw George Kotwall come back to the room on many occasions with black and blue bruises on his back, arms and legs. He also saw Mr Monaghan in a very feverish condition after the administration of the water torture and on another occasion heard him shouting whilst under torture and could distinguish the gurgle of water in his shouts. Mr Edmonston also showed evidence of the water torture. Some of the Chinese prisoners came back with their arms "dead" due to having been hung up for a considerable time. For all the above illtreatment, the three accused being members of the Gendarmerie Staff well knowing and conniving at the appalling conditions under which prisoners were confined, and themselves taking an active part in the beatings and tortures must be held responsible as parties to it.

Second Charge.

This Charge will be supported by an affidavit from Mrs Chester Bennett who after her late husband's arrest on 14th May 1943 was herself arrested and taken to the Central Police Station where she remained for a period of 3 months. She was frequently interrogated by the accused OHTSUKA and by a Sgt Komino who who will not be before the court. The deponent states that she was stripped, tied to a ladder in a horizontal position, a towel placed over her face and given the water torture for about 30 minutes during which she suffered great agony by reason of swallowing great quantities of water to the extent that her stomach was painfully distended and that she was repeatedly choked and suffocated into unconsciousness. On another occasion she was stripped again, tied to a ladder and beaten with a whip by OHTSUKA. She was starved for five days during which she received no food whatsoever. Finally during the whole period of her incarceration she was not given any water with which to wash.