

RECORD OF MILITARY COURT  
(JAPANESE WAR CRIMINALS)N/35  
Class 185Accused: HAYASHI Yoshinori  
KITAMURA Kotaro  
KIYOSHIMA Tadeo

AWC No.....

Aust W.C. List Ser No.....

Court, Place, LABUAN  
Date and 30 Jan 46  
Formation: 9 Aust Div

Charge(s)	Plea	Finding
ILL TREATMENT of Prisoners of War in that they at SANDAKAN British North Borneo between October 1942 and June 1945 when engaged in guarding prisoners of war at Sandakan PW Camp did frequently assault and cruelly beat many of the said prisoners of war.	All accused - NOT GUILTY	ALL ACCUSED GUILTY

Precis of Evidence:

The only evidence for the prosecution was verbal and was that of QX9538 WO STICPEWICH W.H. The substance of the evidence of the witness was to the effect that for about 2½ years he along with other Australian prisoners of war was in Japanese hands. In about Oct 42 a body of Formosan guards took over the duties of camp guards. These guards were very cruel and on their own initiative frequently assaulted and beat prisoners of war very cruelly.

1. The accused HAYASHI was known to prisoners of war as "King the Merciless". He acquired this nickname because of the frequency and severity with which he assaulted and beat prisoners of war. The witness described the treatment meted out to prisoners of war by this accused as "cruel in the extreme". He was regularly on guard over a

Sentence and Date: EACH ACCUSED TO BE IMPRISONED FOR 15 YEARS - 30 Jan 46

(Over)

Confirmation and by Whom: Confirmed by Acting Commander-in-Chief - Lt Gen V.A.H. Sturdee

Promulgation: Confirmation of finding and sentences promulgated to each accused on 1 Apr 46

Petition: Joint petition lodged Feb 46 by each accused against finding and sentence

J.A.G.'s Report on Petition: Confirm finding and sentence and dismiss petition.

Action on Petition: Dismissed

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



Precis of Evidence (contd):

period of 18 months and there was hardly a day when he was on duty that the witness did not see this accused beating in one form or another, one or more prisoner of war. For beatings this accused made use of his rifle butt, a heavy stick or any other object he could pick up. He would usually strike prisoners of war in the kidneys or the small of the back. Prisoners of war who had committed trifling breaches of camp orders were placed in a confinement area which prisoners of war called the "cages". He would take the prisoners of war out of "the cages" ostensibly for PT and he would give them exercises so rapidly that prisoners of war were unable to keep up with him. When they could not do so he bashed them severely with a heavy stick. The witness saw the accused render prisoners of war unconscious by striking them with a stick because they did not remain perfectly still when they were ordered to stand to attention for periods up to two hours. On many occasions the accused HAYASHI struck prisoners of war on the face with his clenched fists.

2. Accused KITAMURA was another guard noted for his cruelty and he illtreated prisoners of war on the slightest pretext. This accused prided himself in the art of ju-jitsu. If he found prisoners of war indulging in such trivial things as smoking or gambling he would make them stand at attention and then he would throw them to the ground by means of ju-jitsu holds until he tired. The treatment was particularly severe on prisoners of war rendering them unable to perform normal duties for several days. If a prisoner of war when thrown to the ground did not rise quickly the accused would kick him. The witness after the capitulation interrogated this accused and the accused admitted kicking Capt Daniels an English medical officer in the testicles. He gave the reason for this action that Capt Daniels had threatened to report the accused to the Comd. On another occasion the witness observed the accused beat a Sgt named CODLIN for allegedly not saluting properly. The accused and a Japanese named KAWAKAMI thereupon struck CODLIN on the face and head with a special type of wooden bat used by some guards for beating prisoners of war. CODLIN sustained a cut lip, a black eye and his nose was made to bleed. He was beaten in this way on two other occasions on the same day and as a result CODLIN was very sick for about a week.

3. The accused KIYOSHIMA was nicknamed "Panther Tooth" because he used to sneak on unsuspecting prisoners of war at night time. This accused did not like guard duty and he indulged in excessive beating of prisoners of war mostly at night time. He invariably used a broom handle and he frequently broke them as a result of striking prisoners of war. On occasions KIYOSHIMA would walk along a parade and kick prisoners of war in the shins for not standing to attention. The witness was punished by this accused for asking for more food. He approached the witness from behind, punched him behind the ears, kicked him on the shins and smacked him on the face with his open hand.

4. The accused gave evidence in their defence. They denied the allegations of illtreatment and claimed that if any punishments were meted out to prisoners of war they were not severe and were in the nature of punishments meted out to Japanese soldiers for minor breaches of discipline. They further alleged that the witness for the prosecution had exaggerated their acts and made mistakes in identifying the accused with acts of illtreatment committed by other Japanese.