

BM/JAG/65077  
HQ, Allied Land Forces,  
South East Asia Command.  
3rd August 1946.

Commander,  
Singapore District.  
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Subject: War Crimes Courts.

Reference the proceedings of the trial by Military Court of 1st Class Private NOGUCHI HIDEJI of the Japanese Army and the attached petition.

1. The accused was tried by Military Court at Singapore on 26 - 28 June 46 on a charge for committing a war crime by being concerned in the inhumane treatment of British and Dutch prisoners of war and in particular of Capt W.M.DROWER, a British prisoner of war, resulting in their physical suffering. He was convicted and sentenced to death by hanging.

2. The facts of the case are summarised in the Abstract of Evidence attached to the proceedings.

3. In his defence the accused described his career as Commandant of Kanburi prisoner of war camp Siam and attempted to explain the allegations against him. He pleaded that by ordering officers to construct gun emplacements and imposing restrictions on them by confining them to their huts he acted entirely on superior orders. He denied having inflicted unnecessary punishments and hardships on the prisoners and said that Capt DROWER was confined in the guard room for a long period on account of his insolent attitude. The accused stated that for exceeding his authority in the case of Capt DROWER he had been court-martialled by the Japanese, reduced to the ranks and sentenced to 3 years penal servitude.

On the accused's behalf it was urged that he had no intention of killing Capt DROWER and that his reason for confining Capt DROWER for a period of 80 days was because Capt DROWER's attitude was a hindrance to the smooth control of the other prisoners.

4. The petition submitted on behalf of the accused pleads that the accused at all times did his best to administer successfully a large prisoner of war camp of Allied officers but his task was so difficult that the measures taken by him at times may have appeared somewhat severe. With regard to the incident of Capt DROWER the petition again pleads the absence of any murderous intent on the part of the accused and urges that the death sentence is too severe a punishment in view of the fact that Capt DROWER recovered from the effects of his incarceration.

5. The evidence consisted mainly of affidavits and statements of ex-prisoners of war and it was clear that the accused pursued a career of brutal tyranny as Comdt of Kanburi Camp. Many instances of ill-treatment were quoted

for which the accused was directly responsible and by his imposition of unjust and severe punishments and restrictions caused much unnecessary suffering.

Capt DROWER, in an affidavit and a statement, gave details of his incarceration in the guard room and there was evidence of his emaciated condition when he was released after the Japanese surrender. There is no doubt that it was only the fact of the surrender which saved his life.

On 21 August 45 the accused was apparently court-martialled by the Japanese for exceeding his authority in the case of Capt DROWER and was sentenced to 3 years penal servitude and to be degraded from the rank of Captain to that of 1st Class Private. This may or may not have been an attempt on the part of the Japanese to save the accused from trial by an Allied Court but such court martial proceedings do not provide a defence of autrefois convict to a charge for committing a war crime. I advise that the finding and sentence be confirmed and the petition dismissed.

*F.C. Davis*

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FGTD/MEG.

Brigadier,  
D.J.A.G., Allied Land Forces, S.E.A.