

CONFIDENTIAL

BM/JAG/65197
General Headquarters,
South East Asia Land Forces.
15th May 1947.

Commander,
Singapore District.

Subject: War Crimes Trial

Reference the proceedings of the trial of Sergeant-Major JOTANI Kitaichi of the Imperial Japanese Army, and the petition attached thereto.

1. The accused was charged with committing a war crime in that, when i/c of a draft of British and Dutch Ps.O.W, he was concerned in their ill-treatment resulting in the deaths of about 98 of them and physical sufferings to many others. The accused pleaded "not guilty" but was convicted and sentenced to death by hanging.

2. The facts of this case are briefly as follows.

On 4th July 1944 the accused was draft-conducting officer of 1250 British and Dutch P.O.W. who had embarked on the "Hofuku Maru" at Singapore for Japan. The P.O.W. came from a camp in Siam and were chosen for the voyage because of their physical fitness. In addition to the P.O.W. about 50 Japanese and Korean guards were on board. The ship was a small cargo boat of about 6000 tons, built in 1902. When the P.O.W. left the Camp in Siam, the two M.Os. (P.O.W.) were handed a small quantity of medical supplies for the voyage. The ship had already taken on sufficient staple foodstuffs for the return trip before it left Japan.

Evidence for the prosecution shows that the P.O.W. were put in two holds. These holds were not big enough for all the occupants to lie down at the same time and it was only with the utmost difficulty that the men could be got into them at all. They were herded together like cattle and took it in turns to lie down. The holds were next to the engine-room and the heat was intense. The guards had a hold to themselves. After a few days, about 100 P.O.W. from each hold were allowed to sleep on deck. The only latrines provided for P.O.W. were 6 box-like arrangements slung over the side of the ship. Many of the P.O.W. were too weak to use them. After a time they were given two wooden latrine buckets per hold but were allowed to empty them only twice daily. Eventually they had to resort to using mess tins as bed pans. There was no provision for washing except that at certain times they were allowed to haul up buckets of seawater which they splashed over themselves.

The P.O.W. were semi-starved and the Japanese interpreter who was in charge of the rations was allowed to withhold them and give them to the guards or sell them to the P.O.W. Only three-quarters of a pint of water per person per day was issued. Owing to the lack of food and medical supplies and the overcrowding, there was a very high rate of illness and at one time during the voyage about 99% of the P.O.W. were suffering from pellagra

beri-beri or dysentery.

On arrival in Manila Bay 50 of the worst cases were put ashore and sent into hospital, many of whom subsequently died. A witness stated that during the evacuation of these men, the accused's behaviour was brutal and callous in the extreme. The ship stayed in Manila Bay for 50 days and during this period 98 P.O.W. died on board. There was no hospital until the cargo had been unloaded when a hold was used for sick men. A few medical supplies were provided but these were unequally distributed by the accused, preference being given to the fit guards. When the ship left Manila Bay about 90% of the P.O.W. were unable to walk without assistance. On many occasions, the accused beat them with broom handles, bamboo sticks, iron bars and ropes. On one occasion he beat a P.O.W. with a webbing belt, striking him on the face with the buckle and finally knocking him senseless. He also allowed the guards a free hand in beating the P.O.W. A quantity of fresh vegetables was brought on board at Manila Bay but most of it was left on the upper deck exposed to the sun instead of being issued in sufficient quantity, in consequence of which it rotted and had to be thrown overboard.

Life-saving jackets were issued to the P.O.W. but were later taken away because it was found that they were being used as pillows. The ship had no markings to show that it carried P.O.W. Shortly after leaving Manila the ship was torpedoed by American bombers without warning and sank within three minutes. The P.O.W. had no opportunity to reach their life-saving jackets and only 280 of them survived.

3. In his defence the accused gave evidence on oath and admitted that he was in charge of the draft but said that he was not responsible for what happened on board. He blamed the Captain of the ship and Sgt. Maj. Takahashi who was commandant of the Japanese troops. He stated further that GHQ Army Shipping Transportation was responsible for the equipment of the ships and the accommodation. The rations were provided in Japan for the round trip and were issued to the P.O.W. in accordance with Army regulations. He had nothing to do with the medical supplies which were provided by the P.O.W. Camp. The accused brought evidence to show that there were only 47 deaths, that it took three months to develop beri-beri and that P.O.W. could not contract malaria on board, from which he deduced that the P.O.W. were in fact suffering from these diseases before embarkation. Finally he argued that had there been no delay on the voyage, over which he had no control, there would not have been any serious illness. He admitted beating P.O.W. with his hands only and said this was necessary for discipline.

4. The accused has submitted a petition against the finding and sentence.

He contends that since KR 671(a) requires that where a general officer or a colonel is available to sit as president of a GCM, an officer of inferior rank will not be appointed, the Dutch member of the court, who, he states, is a colonel, should have been appointed president. He states further that he was unduly prejudiced by the appointment of the Dutch member, who could have no knowledge of British military law.

KR 671(a) does not apply to a military court for the trial of war criminals. Under Reg 5 of the Regulations for the trial of war criminals, the convening officer may appoint an

officer of an Allied Force as a member of the court, but not as president. There is no substance, therefore, in the accused's contention.

In mitigation the accused pleads that he has to support his aged parents and his wife and child and that his younger brother who was in the Japanese Army has been reported missing. The rest of the petition does not contain any facts or arguments which were not before the court.

5. It is true that other persons of superior rank or status to the accused who could not be brought to trial shared responsibility with him for the overcrowding on the ship, the short issue of rations and the consequent rapid spread of disease, but he was solely responsible for the violence used to sick P.O.W. In my opinion there was sufficient evidence to support the finding and I advise that the proceedings be confirmed. It is open to you to commute the sentence if that course seems just to you.

FGT DAVIS.

FGTD/JG

Brigadier,
DJAG, South East Asia Land Forces.