

62. 1138

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

ACCUSED

1. Sgt HAYASHI Sadahiko
2. Sgt TORIUMI Mamoru
Both of the Imperial Japanese Army attached
Malaya Command Signals Regiment.

PLACE AND
DATE OF TRIAL

JOHORE BAHRU 2, 3, 7, 8, 9, 10 and
12 July 1947.

COURT CONVENED BY

G.O.C. MALAYA COMMAND.

PRESIDENT

Lt-Col. P.A.FORSYTHE K.R.R.C.

MEMBERS

Major E.N.HEBDEN R.A.
Major H.B.ERENDS Int Corps.

CHARGE

See attached charge sheet.

PLEA

Each accused - Each charge - Not Guilty.

FINDING

1st accused - 1st, 2nd & 3rd Charges - Guilty
2nd accused - 1st and 5th Charges - Guilty.
4th Charge - Not Guilty.

SENTENCE

12th July 1947. 1st accused - Death by hanging
2nd accused - 2 yrs imprisonment

CONFIRMED

25th August 1947. By GOC MALAYA COMMAND

PROMULGATED

21st September 1947.

REMARKS

Death sentence carried out at JOHORE STATE PRISON
on 22nd September 1947.

DISPOSAL OF
PROCEEDINGS

TO AGS GHQ FARELF

JAG of the Forces

13 Jan 48

DJAG FARELF.

Case No.65225 JAG.

JAG.

CHARGE SHEET

The Accused :

Sgt. HAYASHI Sadahiko
Sgt. TORIUMI Mamoru

of the Imperial Japanese Army
attached to
are charged with

1st.CHARGE:

Against both
Accused.

COMMITTING A WAR CRIME
in that they

at KLUANG, MALAYA, on divers dates between
September 1943 and May 1944, whilst members
of the KLUANG Kempei Tai Detachment were,
in violation of the laws and usages of War,
together concerned in the illtreatment of
WONG SIN YOON, KUANG CHIN and CHAU LAM, all
civilian residents of KLUANG aforesaid.

2nd.CHARGE:

Against
Accused
HAYASHI
Sadahiko
only.

COMMITTING A WAR CRIME
in that he

at KLUANG on or about the 1st May 1943, while
a member of the KLUANG Kempei Tai Detachment was,
in violation of the laws and usages of War,
concerned in the illtreatment of CHANG KIM YONG,
a civilian resident of KLUANG which illtreatment
resulted in the death of CHANG KIM YONG afore-
said.

3rd.CHARGE:

Against
Accused
HAYASHI
Sadahiko
only.

COMMITTING A WAR CRIME
in that he

at KLUANG on divers dates between February 1943
and July 1944, while a member of the KLUANG
Kempei Tai Detachment was, in violation of the
laws and usages of War, concerned in the ill-
treatment of SIM BANG BAO, SIOW CHENG KI, CHONG
KING, YONG KOH HIN, CHONG SEONG, OU YIM, TAN SEE,
LEE PENG, all civilian residents of KLUANG afore-
said.

4th.CHARGE:

Against
Accused
TORIUMI
Mamoru
only.

COMMITTING A WAR CRIME
in that he

at RENGAN State, MALAYA, on or about the 1st.
August 1944, while a member of the KLUANG Kempei
Tai Detachment was, in violation of the laws and
usages of War, concerned in the killing of HEE
THAN, civilian resident of RENGAN State aforesaid.

5th.CHARGE:

Against
Accused
TORIUMI
Mamoru
only.

COMMITTING A WAR CRIME

in that he

at KLUANG on divers dates between January 1944
and February 1945, while a member of the KLUANG
Kempei Tai Detachment was, in violation of the
laws and usages of war, concerned in the ill-
treatment of CHOW KIAN PENG and LEE SUI KOOI,
both civilian residents of KLUANG aforesaid.

1947.

Commanding

.....
(Signature of Convening
Officer)

1947.

Commanding

ABSTRACT OF EVIDENCE
in the case of
Sgt. HAYASHI Sadahiko
Sgt. TORIUMI Mamoru.

At all material times, the Accused HAYASHI and TORIUMI were members of the KLUANG Kempei Tai Detachment.

1st.CHARGE:

About September 1943, the Accused HAYASHI and TORIUMI came to the house of one WONG SIN YOON. HAYASHI beat him with a big pole and kicked him in the kidneys. Both the accused tied WONG SIN YOON to a pillar of the house. Before that they subjected him to electric treatment and burnt his legs, wrists and private parts. The witness has scars from the burns he received. HAYASHI turned the handle of the accumulator while TORIUMI applied the wires.

About the beginning of 1944 KUANG CHIN was beaten up and given water treatment by the Accused HAYASHI and TORIUMI at the KLUANG Kempei Tai Headquarters.

About April or May 1944, HAYASHI beat CHOW LAM at the latter's house and then took him along to the Kempei Tai HQ. There CHOW LAM was beaten by him and also kicked by the Accused TORIUMI.

2nd.CHARGE:

At the end of April 1943, the Accused HAYASHI arrested three men, SIOW CHENG KI, CHANG KIM YONG and CHONG KIN and took them to the Kempei Tai HQ at KLUANG. There all three were put in the same cell and interrogated in turn by HAYASHI for some days following their arrest.

During the five days following the arrest, CHANG KIM YONG was interrogated three times. Each time CHANG KIM YONG was taken out of his cell by HAYASHI. The interrogation room was about 10 yards away in an out-house. CHANG KIM YONG's voice, crying out in pain, was heard and recognised by both CHONG KIN

and SIOW CHENG KI, who were also interrogated in the same cell by HAYASHI. When CHANG KIM YONG's cries were heard, HAYASHI's voice was also heard from the same place. HAYASHI brought CHANG KIM YONG back from the Interrogation Room every time, when he was groaning and almost unconscious. CHANG KIM YONG, every time he was brought back to the cell and after he had regained consciousness, told his friends - CHONG KIN and SIOW CHENG KI that he was interrogated, badly beaten up and given water torture by HAYASHI.

On the third day of his interrogation CHANG KIM YONG was taken away from the cell by HAYASHI at about 10 o'clock in the morning and brought back about midday. CHANG KIM YONG was at that time unconscious and was dragged by his coat and thrown into the cell by HAYASHI. After a while, when he recovered consciousness he said that he was badly beaten up by HAYASHI and that he was dying. He then suddenly started vomiting blood and soon after he collapsed on the floor and was motionless. CHONG KIN then felt his body and was convinced that he was dead.

CHANG KIM YONG's body, which bore marks of bruises, was lying on the floor of the cell motionless for about three hours when HAYASHI and a Chinese cook entered the cell. The Chinese cook examined the body and pronounced it as dead. HAYASHI then left the cell and returned shortly after with two Malayan Policemen who carried the body away. CHANG KIM YONG has not been seen again.

3rd. CHARGE:

About January 1943, HAYASHI arrested one, SIM BANG BAO and brought him to the Kempei Tai HQ at KLUANG. There he was beaten severely with a heavy stick and then given the water torture by HAYASHI. He was also subjected to electric treatment by HAYASHI.

As mentioned above, three men SIOW CHENG KI, CHONG KING and YONG KOH HIN were arrested together by HAYASHI sometime at the end of April 1943, and taken to the Kempei Tai HQ at KLUANG. There CHONG KING was beaten with a heavy stick until he lost consciousness.

When he regained consciousness, HAYASHI gave him water torture. SIOU CHENG KI was also beaten up, various parts of his body burnt with cigarette ends and given the water torture by HAYASHI. About the middle of December 1943 YONG KOH HIN was arrested by HAYASHI, was beaten up and given water torture in the Kempei Tai HQ at KLUANG. In the beginning of 1944, HAYASHI went to the house of one CHONG SEONG whom he asked for information about his brothers. Not being satisfied with his answers, HAYASHI gave CHONG SEONG the electric torture and beat him up in an empty nearby house.

On or about 1st March 1944, HAYASHI arrested one OU YIM and subsequently tortured him. OU YIM was kept hanging from a beam while HAYASHI beat him up. HAYASHI also subjected him to electric treatment until he fainted.

On or about 7th July 1944, HAYASHI arrested several men from an Amusement Park and took them to the KLUANG Kempei Tai HQ. After about three days, he called one of these men TAN SEE for interrogation. He first made him crawl on the floor for more than an hour then he beat him up with a large pole. Again, several days later, TAN SEE was called for interrogation and on this occasion HAYASHI gave him the water torture three times, each time resulting in TAN SEE's loss of consciousness.

In the middle of 1944, accused HAYASHI arrested one LEE PING in a coffee shop at KLUANG, and took him first to the KLUANG Police Station and from there to Kempei Tai HQ. At the Police Station, HAYASHI beat LEE PING with a large stick accusing him of being a Communist. Later at the Kempei Tai HQ, HAYASHI gave LEE PING the water torture for several hours, then questioned him again about Communist activities. During this interrogation which also lasted several hours, he again beat and kicked him and burnt his hands, mouth and face with cigarette ends.

4th. CHARGE:

About the end of July or the beginning of August 1945, approximately 20 days before the Surrender, the accused TORIUMI Mamoru went to RENGAN State in the KLUANG Area. At about 1800 hours he was in No.8 Section of RENGAN State in which one HEE THAN and his wife CHONG CHUAN were living. HEE THAN was chasing his pigs, rounding them up for the night and CHONG CHUAN was nearby watching him, when TORIUMI's party arrived. TORIUMI took off his rifle and shot HEE THAN at a distance of about 25 feet without any previous warning. CHONG CHUAN saw TORIUMI fire the shot and saw her husband HEE THAN collapse immediately afterwards.

Afterwards TORIUMI went up to CHONG CHUAN and told her that he had shot her husband because the latter was a Communist, he also warned her not to report this incident to the local Japanese Civil Police or otherwise he would return and kill her too. On the same evening, one LAI LIN was also living in No.8 Section of RENGAN State heard a shot and about 15 minutes later, he was arrested by a party of Japanese and Malays and taken to the Estate. On the way to the office he heard some Malays mention the fact that a Chinese had been shot shortly before his arrest.

One LEONG SAN also living in No.8 Section, RENGAN State heard a shot on the same evening as HEE THAN was killed and was told by her daughter that a number of Japanese were on the Estate. Afterwards she saw the dead body of HEE THAN.

Likewise one LAM MOI of No.8 Section, RENGAN State heard a shot fired and noticed a party of Japanese in that area, on the same evening as HEE THAN was killed. She saw HEE THAN's dead body the next morning when she went to visit CHONG CHUAN.

The morning after HEE THAN had been killed, CHONG CHUAN informed her uncle YEE YENG who went to bury the dead body. He noticed a bullet hole on the left side of HEE THAN's chest.

Evidence will also be produced to the effect that the Japanese in that area frequently fired without warning at people who were merely suspected to be running away from them.

5th. CHARGE:

About June 1944, one CHOW KIAN PENG was brought to the Kempei Tai HQ and kept there for 15 days. On arrival he was badly beaten up by the accused TORIUMI.

Accused TORIUMI was in the habit of taking goods in the shop of one LEE SUI KOOI without paying for them. On about the 18th. February 1945, he took about \$7,000/- (Seven Thousand Dollars) worth of goods and when LEE SUI KOOI objected, TORIUMI kicked and beat him so severely that he had to be under medical treatment for about a month.

Accused TORIUMI has made a statement which will be tendered in evidence.