

# RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

AWC No.....

Accused: YAMAWAKI MASATAKA, former GOC 37 Jap Army  
MAEDA TOSHIMITSU, " Lt-Col " Aust W.C. List Ser No.....  
MATSUMOTO TOMIYOSHI, " Capt (Legal Officer) 37 Jap Army  
KANAZAWA KISOU, " Lieut, 37 Jap Army

Court, Place, Date and Formation: MANUS - 16-18 Oct 50.

Charge(s)	Plea	Finding
See back of form	All accused pleaded "NOT GUILTY"	All accused found "NOT GUILTY" of both charges

Precis of Evidence: The prosecution, by documentary evidence, alleged that, early in 1944, a party of Australian servicemen was engaged in reconnaissance work in North Borneo. Three members of the party were captured by the Japanese. When questioned all stated that they were Australian soldiers and they were, in fact, wearing Australian Army uniforms and openly carrying arms. The PW were tried by a Japanese military court for espionage and executed. The accused knew this to be contrary to international law and that the trial held was a mockery.

The Defence contended that the trial was held in accordance with Japanese Military Law and that the convening officer and the members of the Court were members of a properly constituted Japanese Military Court with powers to try the Australians as spies.

Sentence and Date:

Confirmation and by Whom:

Promulgation:

Petition:

A.G.'s Report on Petition:

ion on Petition:

NOT APPLICABLE

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





Charges -

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First Charge: COMMITTING A WAR CRIME, that is to say  
MURDER  
in that they at JESSELTON in BORNEO in  
1944 murdered three members of the  
Military Forces of the Commonwealth of  
Australia

Second Charge: (Alternative to First Charge)

COMMITTING A WAR CRIME, that is to say,  
a violation of the Laws and Usages of  
War, in that they at JESSELTON in BORNEO  
in 1944 being officers of the Imperial  
Japanese Army concerned with the trial  
of three members of the Military Forces  
of the Commonwealth of Australia unlaw-  
fully disregarded their duty to try the  
said persons in accordance with the rules  
of International Law whereby the said  
persons were unlawfully executed.

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