

BR. 49-J

Trial against

Chief Inspector MORI YOSHITADA

BR 49

## MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 65015/JAG

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Chief Inspector MORI Yoshitada	Imperial Japanese Army		4 - 6 March 1946 KAJANG
			Convened by GOC-in-C Malaya Command

## CHARGES

1st Charge COMMITTING A WAR CRIME in that he at KAJANG on and after 10 Mar 45 in violation of the laws and usages of war together with others then under his command planned prepared ordered and took part in and/or failed to prevent supervise or control the arrest confinement torture and maltreatment of LEE LIM CHIANG, LEE AH YIM, LEE BOON LEE, CHEN FOH SHEN and CHEN HOI CHIN civilian residents of KAJANG aforesaid in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health and body and the death of the said LEE LIM CHIANG was caused and/or contributed to thereby.

2nd Charge COMMITTING A WAR CRIME in that he at KAJANG on or about 15 Apr 45 in violation of the laws and usages of war together with others then under his command planned prepared ordered and took part in and/or failed to prevent the shooting and killing of AKOB a Malayan civilian at that time in his custody.

3rd Charge COMMITTING A WAR CRIME in that he at KAJANG on and after 1 Aug 45 in violation of the laws and usages of war together with others then under his command planned prepared ordered and took part in and/or failed to prevent supervise or control the arrest confinement torture and maltreatment of RAJA YAHAYA bin RAJA JEMA'AT, (see back)

President and Members of the Court (except Legal Member)		Judge Advocate/Legal Member
Lt-col. F.E. FIGGURES	R.A. Barrister-at-Law	N/A
Major H.E.R. SMITH	R.A.	
Capt. J.M. CARTER	G.R.	

Pleaded	Finding
Not Guilty to All Charges	Guilty of 1st Charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health or body". Guilty of 2nd Charge. Guilty of 3rd Charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in body and health and their normal expectation of life was reduced thereby".
Se To suffer death by being	

When and where Promulgated :— 30 March 1946

Date of Receipt	To whom sent	Date sent	Purport



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President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Lt-col. F.E. FIGGURES Major H.E.R. SMITH Capt. J.M. CARTER	R.A. Barrister-at-Law R.A. G.R.  N/A

Pleaded	Finding
Not Guilty to All Charges	

## Sentence and Minute of Confirmation

To suffer death by being hanged

Confirmed by GOC-in-C HQ Malaya Command  
25 March 1946

When and where Promulgated :— 30 March 1946

Date of Receipt	To whom sent	Date sent	Purport

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			Convened by GOC-in-C Malaya Command

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President and Members of the Court (except Legal Member)		Judge Advocate/Legal Member
Lt-col. F.E. FIGGURES Major H.E.R. SMITH Capt. J.M. CARTER	R.A. Barrister-at-Law R.A. G.R.	N/A

Pleaded	Finding
Not Guilty to All Charges	Guilty of 1st Charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health or body". Guilty of 2nd Charge. Guilty of 3rd Charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in body and health and their normal expectation of life was reduced thereby".
Se To suffer death by being	

When and where Promulgated :— 30 March 1946

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(3rd Charge Continued)

MOHD NOOR bin RANTAN, JAMALUDIN bin HAJI IDRIS, HASSAN bin SOHAT and YAP KON LIM civilian residents of KAJANG aforesaid in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health and body and their normal expectation of life was reduced thereby.

**MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS**

D.J.A.G's Case No. ....

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
MORI YOSHITADO	Civil Affairs Officer. (Police Dept).	38	4 - 6 March 1946.
			KAJANG, MALAYA.
			Convened by
			G.O.C. in C Malaya Command.

CHARGES

1. In March 1945 torturing five civilians of KAJANG and causing or contributing to the death of one of them.
2. In April 1945 unlawfully ordering the shooting of a civilian of KAJANG.
3. In August 1945 torturing five civilians of KAJANG.

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Major H.E.R. SMITH R.A.	Lt-Col F.E. FIGGURES.
Captain J.M. CARTER G.R.	Barrister-at-Law.
	President.

Pleaded	Finding
Not Guilty.	Guilty.

Sentence and Minute of Confirmation

Death by being hanged.

Finding and Sentence Confirmed  
by G.O.C. in C. Malaya Command  
25th March 1946.

When and where Promulgated:— Thirtieth day of March 1946 at Selangor Sub Area.  
ie

Date of Receipt	To whom sent	Date sent	Purport



WAR CRIMES TRIBUNAL

K A J A N G.

Date:- 4th March, 1946.

President of the Court- Lt.-Col. F.E. PIGGURES, R.A., Bar.At Law.

Members of the Court:- Major H.E.R. SMITH, R.A.  
Capt. J.M. CARTER, R.G.R.

Prosecuting Officer:- Major W.J. DAVIES, R.A .

Defending Officer :- Capt. P. WHITGIFT, R.Sigs.

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In re. MORI YOSHITADA.  
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WAR CRIMES TRIBUNAL

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Date:- 4th March, 1946.

President of the Court- Lt.-Col. F.E. PIGGURES, R.A., Bar.At Law.

Members of the Court:- Major H.E.R. SMITH, R.A.  
Capt. J.M. CARTER, R.G.R.

Prosecuting Officer:- Major W.J. DAVIES, R.A .

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In re. MORI YOSHITADA.  
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PROSECUTOR'S OPENING ADDRESS.

Mr. President, Sir, Members of this honourable Military Court. During 1945 MORI YOSHITADA was in charge of the Police Station at KAJANG.

In March of that year he caused five persons to be arrested on suspicion of being Communists. Three of them have come here to-day to give evidence as to their treatment there and especially as to the treatment of one of them named LEE LIM CHIANG who died in the cell. You will hear how this man was on one occasion stabbed by MORI and on another occasion beaten and kicked by him and illtreated by others on MORI's orders. You will hear of his condition in the cell for nine days before he died.

In April 1945 a man named AKOB organised an attempt to escape by a number of Malays from the cells. He was captured and beaten. MORI the next day called him out of the cell and stood him in front of the cell with his back to the wall. MORI ordered the Malay constable who was on sentry duty to shoot AKOB. The constable shot AKOB dead.

In August 1945 the accused caused the arrest of 5 persons and you will hear evidence of the treatment of those persons by the staff of the Police Station on the orders of MORI.

The people who suffered the treatment which I have indicated and about which you will hear in evidence were civilian inhabitants of Malaya. It is a fact of general knowledge that at the times indicated Malaya was occupied by the armed forces of Japan who exercised their authority and maintained their occupation through the usual administrative channels including the most important of all the civilian police.

In maintaining law and order the occupying power and the persons responsible to it must go so far and no farther. The rights and duties of civilian inhabitants of occupied countries in time of war are quite clearly formulated. I would refer the Court to Article 46 of the Regulations to the HAGUE CONVENTION and to such of those customary rules regulating the conduct of war as have hardened by acceptance and usage into legal rules and in particular to those rules governing the treatment of people in custody and to the treatment of civilian inhabitants of occupied countries.

Two charges indicate that in doing or initiating the acts alleged MORI caused the death of two people.

A man in English evidence is assumed to intend the natural and probable results of his acts. If you find that MORI did in fact do the acts which will be alleged in the evidence or issued the orders alleged and if you find that death resulted therefrom or was materially contributed to thereby then you might well find that there was sufficient mal-intention in MORI's mind to amount to killings in the first degree.

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(Address translated to the Accused.)



First Witness For the Prosecution:- LEE AH YIN.

EXAMINATION IN CHIEF.

Question: Is your name LEE AH YIN?

Answer: Yes.

Q: Are you from YAJANG?

A: Yes.

Q: Where were you living in 1945?

A: I lived at SUNGEE BELON.

Q: What was your occupation at that time?

A: Farming.

Q: Can you tell me what happened on the tenth of that month?

A: I was arrested by the Japanese O.C.P.D.

Q: Who is the Japanese OCPD?

A: He is here now.

Q: Point to him.

A: (Pointing) The man with a pair of spectacles.

Q: What happened?

A: I was arrested and taken to the Police Station.

Q: Who was with you?

A: Five of us were arrested at the same time, including myself.

Q: What are their names?

A: LIEW BOON LEE, CHEN HOI SHIN, CHEN POH SHIN, LEE LIM CHIANG and myself.

Q: What happened there?

A: LEE LIM CHIANG was beaten first.

Q: Describe to us the treatment you received.

A: He beat up LEE LIM CHIANG and placed him in the lock-up. We were placed there that evening.

Q: Was anybody else beaten?

A: On that day LEE LIM CHIANG was the only one beaten.

Q: Then what happened?

A: The next morning a Chinese detective called my brother out from the lock-up. I do not know where he went to but about 1 p.m. he returned to the lock-up.

Q: Who returned?

A: My brother.

Q: What was the condition of your brother then?

A: He was pale, he said he <sup>had been</sup> ~~could not arrest anyone~~ ~~and was~~ beaten. Water treatment was administered to him.

Q: Did anything else happen?

A: After an interval of 10 or 15 minutes he was called out again to the police station and beaten again.

Q: How do you know he was beaten?

A: I heard the sounds of beating and screams from him.

Q: Did he come back?

A: After half an hour he returned.

Q: What was his condition like then?

A: His body was black and blue and he was shivering.

Q: What happened after that?

A: He told me detectives beat him up; he was beaten in the presence of the OCPD who asked them to beat him.

Q: What happened on any subsequent occasion?

A: For three or four days he was beaten at least once a day.



Q: The least once a day? What happened then?

A: On the night of the fourth, at 8 p.m. the Japanese OCPD called him out from the lock-up personally. He asked him to stand beside the table where there was a telephone.

PRESIDENT: Can we clarify that? the lock-up.

Q: How do you know that?

A: I could peep from the lock-up.

PRESIDENT: You actually saw him standing by the table?

A: Yes, I did.

Q: And what happened?

A: He was caught hold of by the hair, by the Japanese OCPD and then dragged to the ground.

PRESIDENT: Major DAVIES, can we be clear? Is this his brother or witness himself?

PROSECUTOR: It is his brother.

Q: And then what happened?

A: He was stamped with heavy boots on the body and head.

Q: Who was stamped?

A: The Japanese OCPD stamped my brother LEE LIM CHIANG; I saw it with my own eyes. A wound was caused above the eye-brow and blood flowed out profusely.

Q: What else happened?

A: He asked the detective to lift him up and throw him on the ground.

Q: Who asked?

A: The Japanese OCPD.

Q: Who was it they threw on the ground?

A: My brother.

Q: And then what happened? like what?

A: He was unconscious and carried out in order that he might revive himself.

Q: Then what happened?

A: When he had recovered himself the detective was asked to take him back to the lock-up.

Q: Who asked?

A: The Japanese OCPD. that guy?

Q: And what happened?

A: He became mad. something that happened about the

Q: Describe that to us.

A: He was raving, singing and talking nonsense.

Q: Where was he doing that?

A: Inside the lock-up.

Q: What happened to your brother after that?

A: He was left in that condition; no attention was paid or medicine given. He died nine days later.

Q: What was his condition like during those nine days?

A: He was gasping for breath, that is all.

Q: What was his physical condition like?

A: Black and blue all over the body, his head was broken.

Q: How do you know his head was broken?

A: I saw with my own eyes.

Q: What did you see?

A: Blood flowed out and this part (pointing) was broken.

Q: Were you in the lock-up all the time?

A: Yes.



Q: What was your treatment like there?

A: On the fourth day of my arrest I was beaten <sup>not</sup> by the Japanese OCPD, but by detectives.

Q: What form did that beating take?

A: I was fisted, beaten with a stick and hung up.

Q: How were you hung up?

A: My hands were tied behind my back and I was hung.

Q: How long were you in that cell?

A: 45 days, until my release.

Q: Can you tell us anything that happened about the middle of April 1945?

A: There was a gaol-break and the OCPD ordered the Malay man to be shot.

Q: What Malay man?

A: His name is AKOB.

Q: Describe to us all the details.

A: AKOB took the lead and freed himself, others followed. They were shot at.

Q: Describe the circumstances and details of the shooting.

A: The Japanese OCPD went up to the cell, asked AKOB to come out from the cell and stand about 10 feet away from the lock-up. He asked a Police constable to load his gun and shoot him.

Q: How was the Malay man standing?

A: He stood with back against the wall and asked not to look, so he turned his face aside. A shot was fired.

Q: How was he dressed?

A: He had no clothes on, only a short pants.

Q: After MORI told the Malay constable to shoot, what happened?

A: A shot was fired by a policeman, a big hole was caused on his chest and he fell down and died.

Q: What happened to the man when he fell down?

A: He was left there dying about an hour and then some people from the hospital took the body away.

Q: All the other people you have mentioned as being with you, what happened to them?

A: Do you mean those who escaped?

Q: All the other people arrested with you.

A: They were in the lock-up too and saw the incident.

Q: All the time they were in the lock-up what was their treatment like?

A: All of them were beaten, but not severely.

Q: How do you know they were beaten?

A: I was together with them and saw what happened.

Q: Whom did you see beaten?

A: I saw CHEN HOI CHIN, his foot was stabbed through with a sword by the Japanese OCPD.

Q: Anything else you saw?

A: That is all.

CROSS EXAMINATION (By DEFENCE)

Question: You talk of a Chinese detective beating your brother the first day you were arrested, who was that Chinese detective?

Answer: LIM SIN POOK, LU CHIN, LEN SHA, HU AH MIN.

Q: They were all Chinese, no Japanese?

A: They were all Chinese.



Q: There were no Japanese present?

A: The Japanese OCPC was looking on.

Q: You only tell us of one other occasion in which you said your brother was seen by you, when you could look through and see the table with the telephone. How far away was that?

A: The distance would be the same as from the witness box to the black screen there. (10 yards) \*.\*

Q: You heard screams; when a man is screaming can you recognize that particular man's voice?

A: Yes, I can.

Q: Regarding the shooting of the man AKOB you said in your evidence while they were escaping they were shot at. Was anyone hit?

A: Yes, a Chinese was shot.

Q: Later in your evidence when asked about the other men who were arrested with you, you said they were also in the lock-up and saw it all. How do you know that?

A: They were in the same cell together with me and we looked out together.

Q: Was your brother in the same cell?

A: Yes, he too was.

Q: When you said your brother's head was broken, did you mean the skin was cut?

A: The skin and the bones were broken. He was bleeding profusely, stamped with heavy boots.

Q: The skin broken and bleeding profusely?

A: Yes.

Q: Can you remember the date on which AKOB was shot?

A: Some time in April, I do not remember the exact date.

Q: Were there any other Japanese working in the gaol?

A: He was the only Japanese, the other was a Taiwan.

Q: How long were you detained in the cell?

A: 45 days.

Q: Can you give the dates?

A: Beginning from the tenth of March, for 45 days.

Q: How many days after your arrest did the shooting happen?

A: Shortly after one month, towards the end of my stay.

Q: You have said you heard MORI give the order to shoot. Is that just your guess that it was MORI's voice?

A: I heard him give the order and I saw him doing so.

Q: When MORI gave the order to the Malay policeman to shoot, in what language was the order given?

A: He used the Malay word "Taymba". (Shoot).

RE-EXAMINATION (By PROSECUTOR)

Question: When you say your brother LEE LIM CHIANG was in the same cell, do you mean that was the cell occupied by him when he was living, or do you mean he was actually in that cell at the time of the shooting of AKOB?

Answer: He was already dead by then.



EXAMINATION BY THE COURT.

Question: On the first day when your brother was beaten were you there, did you see it yourself?

Answer: I saw that, the first day when my brother was beaten.

Q: Were you not put into the cell as soon as you were taken to the Police Station or all in the same room?

A: We were in the same room. After my brother was ~~taken~~ <sup>beaten</sup> he was taken to the lock-up first and then we ~~followed~~ <sup>yes</sup> him.

Q: You said your brother had water treatment administered to him once?

A: Yes, he was taken out to make arrests. He could not arrest anyone and water treatment was administered. That is what he told.

Q: You did not see the water treatment?

A: No I did not.

Q: Was the water treatment administered to you?

A: No.

Q: Was it administered to any of the others with you?

A: No, it was not given.

Q: The only occasion when it was given was to your brother?

A: Yes, that is right.

Q: You said your brother was left in the cell nine days till he died; were you in the cell with him all the time?

A: Every day I was there tending him.

Q: Were you there when he died?

A: Yes, I was there.

Q: Did you ask the prison authorities to get medical attention for him?

A: Yes I did inform them; they said no medicine was available.

Q: When AKOB was shot, you say MORI ordered to shoot, did you see the shot fired?

A: Yes, I saw the shot being fired.

Q: You saw AKOB fall down?

A: Yes.

Q: Where were you standing?

A: AKOB was standing 10 feet away from the lock-up.

Q: And you were standing on the outside - where were you?

A: I was inside.

Q: Was there a window to the lock-up?

A: There were iron bars to the door.

Q: You could see from your cell the place where AKOB was shot?

A: Yes.

Q: You said he fell down and died, how do you know he died?

A: He fell down, motionless, and the men who shot him kicked him. He did not move.

Q: He was left lying there for about half an hour?

A: About half an hour.

Q: Did you see the people from the hospital take him away?

A: I saw them carrying him away.



Second Witness for the Prosecution:- CHEN FOH SHIN.

EXAMINATION IN CHIEF.

Question: Are you CHEN FOH SHIN and do you live at KAJANG?

Answer: Yes.

Q: What was your occupation and place of residence in March 1945?

A: I was planting foodstuffs, living at SUNGEI JELOH.

Q: Can you tell me anything that happened in that month?

A: I was arrested by the Japanese OCPD while working.

Q: Is the Japanese OCPD in Court now?

A: (Pointing). That is the Japanese OCPD, the man with the spectacles.

Q: And what happened?

A: I was taken to the Police Station in KAJANG. I was beaten by detectives.

Q: Describe to us everything that happened, describe the beating.

A: I was beaten with sticks and canes.

Q: Was there anybody else besides the detectives?

A: Policemen were there looking on.

Q: Anybody else?

A: I was not aware of anybody else.

Q: Did you see anybody else ill-treated?

A: LEE LIM CHIANG was beaten. I saw him beaten myself.

Q: Describe to us the details of the beating.

A: When he was arrested, detectives beat LEE LIM CHIANG with big rattans.

Q: Was anybody else beaten at that time?

A: One LEE SHIN HON too.

Q: Describe that beating.

A: His hand was bound behind his back, he was hung up and then beaten.

Q: Did you see anybody else beaten at that particular time?

A: Another Hokkien man, but I have forgotten his name.

Q: Do you remember anything else during that month?

A: Towards the night we were placed inside the lock-up. About 8 p.m. the second night he came into the lock-up and beat people at random.

Q: Describe that.

A: He opened the door of the cell and asked us all to go out, particularly the SUNGEI JELOH people to come out.

PRESIDENT: Five went in together?

A: Seven or eight of us.

Q: Who was this that asked them to come out of the cell?

A: A Punjabi Police constable asked us to come out and the Japanese OCPD was there. The OCPD drew out his long sword and began to beat us with the broad of his sword.

Q: Describe exactly what happened when he did that.

A: Some of them were beaten with the broad of the sword, some stabbed at with the sword.

Q: Did you notice anybody particularly being stabbed or beaten?

A: There were injured with the sword. My younger brother CHEN NOI CHIN was stabbed in the calf, about half an inch. LEE LIM CHIANG was cut above the left eye-brow. Another Hokkien was stabbed at the foot.



Q: Did anything else happen during the time you were in the cells?

A: After we were stabbed<sup>we</sup> were asked to get back to the cell.

Q: Did anything happen on subsequent occasions that you noticed?

A: I saw him shoot a Malay man.

DEFENCE: Can I confer with you on a point of order, Sir.

- The prisoner is questioning his interpretation. He says may it please be done in Malay which he thinks he himself will be able to understand. He believes the Interpreter is leading the witness.

PRESIDENT: (To Interpreter). Do you understand quite clearly that you must translate in full. It is not permissible to indicate in any way what the answer may be. Do you understand?

PROSECUTOR: He is the official Court interpreter of this district.

PRESIDENT: How is the prisoner able to check this at all?

DEFENCE: The prisoner does not understand this but feels it is not quite straight. It is a little too glib for him. He suspects it is not a clean translation.

PRESIDENT: I am afraid we cannot accept that. Are you satisfied that the prisoner has an adequate translation of what is happening?

DEFENCE: I am changing the Interpreter to the prisoner with your permission, Sir.

Question: Tell us what happened to the various people in the cell.

Answer: LEE LIM CHIANG was severely beaten by him, he was taken out and then placed back to the cell.

Q: How do you know he was beaten?

A: When he was beaten, almost dying, he was placed down and then taken back to the cell.

Q: How do you know that he was in fact beaten?

A: When he was about to die he was carried down.

Q: No. Did you see him beaten?

A: Yes, I saw.

Q: Describe to us exactly what you saw.

A: What I have said just now - the first night, he was beaten. The second night he was beaten again.

Q: Who was this?

A: LEE LIM CHIANG.

Q: How do you know he was beaten on the second night?

A: All of us were asked to come out of the cell the second night.

Q: How do you know he was beaten the second night?

A: He was stabbed with a wound above the eye-brow.

Q: Who was stabbed?

A: LEE LIM CHIANG.

Q: Did you see that?

A: I saw that.

Q: Describe exactly what happened on that occasion.

A: His head was bound up by the Japanese GCPD with a piece of cloth.

Q: You have told us he was struck on the eye-brow.

I want to know the exact circumstances in which he was struck in the eye-brow with a sword.

A: He was taken up and beaten until he was about to die and then carried down.



Q: Who took him up?  
A: The OCPD.  
Q: Where did he take him to?  
A: To the Police Station.  
Q: Did he take anybody else there with him?  
A: Afterwards all of us were asked to come out.  
Q: What happened when you all went up there?  
A: He was kicking at us with his legs and used his sword to beat us.  
Q: Who was that?  
A: The OCPD.  
Q: Did you notice anything in particular while he was doing that?  
A: I was afraid.  
Q: What things did you notice?  
A: My brother was beaten by him.  
Q: How was he beaten?  
A: His leg (calf) was stabbed.  
Q: Did you notice anything else?  
A: A Hokkien man from SUNGHI JELOH; his foot was stabbed.  
Q: What else was there?  
A: Three, that is all. LEE LIM CHIANG, CHEN HOI CHIN and the Hokkien who name I do not know.  
Q: Did anything happen to LEE LIM CHIANG?  
A: He was carried to the five foot way, to the verandah.  
Q: Why was he carried?  
A: He was about to die.  
Q: What caused him to be about to die? Describe to us how he was beaten?  
A: He was kicked and fisted.

Q: By whom?  
A: I could not see who fisted him.  
Q: Who was there to be able to do that?  
A: I heard the sound.  
Q: We are talking now about the occasion on which  
you and your companions <sup>were there</sup> and you told us the Japanese  
OCPD was beating and doing something with his sword.  
On that occasion, what happened to LEE LIM CHIANG?  
A: He was cut above the eye-brow by this OCPD.  
Q: What with?  
A: A sword.  
Q: Did anything else happen on that occasion?  
A: Nothing else.  
Q: Can you tell us anything that happened on a later  
occasion?  
A: Nothing happened after that.  
Q: How long were you in the cell after that?  
A: Twenty or thirty days.  
Q: Who was with you?  
A: Seven or eight of us.  
Q: Can you give some names?  
A: LEE KONG HIN, CHI EN, YU FUT SAN, CHEN HOI CHIN,  
LEE AH YIN and two more Hokkien men.  
Q: Was anybody else there?  
A: I do not know the others.  
Q: You have mentioned the man LEE LIM CHIANG, which  
cell was he in?  
A: He was outside the cell.  
PRESIDENT: Outside the cell?  
A: He was in another cell.  
Q: Was there anybody else you know in another cell?  
A: Others were there, of course.



- Q: Do you know any of the others?
- A: I know some of them, some I do not know.
- Q: Can you name anybody else in another cell?
- A: They were all females.
- Q: Was LEE LIM CHIANG a female?
- A: A male.
- Q: You said he was in another cell.
- A: No, he was together with me.
- Q: Tell us the names of the people in your cell so far as you know them.
- A: Do you mean those who were together with me, other than the seven or eight?
- Q: Yes.
- A: One is TONG SIN of SUNGHI GANTAN.
- Q: Give me the names of the people who were arrested with you.
- A: LEE LIM CHIANG, CHEN HOI CHIN, CHEN FOH SHIN, LEE SHEN HON, LEE AH YEE, AH HIN, LEE KONG HIN.
- Q: Which of those people occupied the same cell as you?
- A: All of them were together in the same cell with me.
- Q: After you were taken into the room and MORI flashed his sword around, did anything else happen to any of those people who were arrested at the same time as you and taken to the same cell?
- A: The second night when we were stabbed?
- Q: After that occasion what happened to you or your companions?
- A: LEE LIM CHIANG was beaten until he was about to die and carried out so that he might revive. After he revived he was placed in the cell.

Q: How do you know he was beaten?

A: I could see from inside.

Q: Inside of where?

A: The first night we were beaten . . .

PRESIDENT: Will you explain to witness to answer the questions that are put to him not anything that comes to him. He is asked about the occasion subsequent to the second evening. The question is: How did he know it happened?

A: After he was beaten he was carried to the five foot way.

Q: You have told us LEE LIM CHIANG was beaten, now do you know he was beaten?

A: After he was beaten, he could speak a little.

Q: You have told us LEE LIM CHIANG was taken out, what happened there? Where was LEE LIM CHIANG taken to? We are only talking of one occasion, when you said LEE LIM CHIANG was beaten until he nearly died. You have told us LEE LIM CHIANG was taken out and beaten; where was he taken to?

A: Up in the Police Station.

Q: How did you know he was beaten there?

A: I could hear screams from him.

Q: Did you hear anything else?

A: That is all.

Q: Did you hear any other sounds?

A: The sound of sticks.

Q: Any other sounds?

A: No other sounds.



Q: What was the next thing you saw?

A: I saw nothing else after that.

Q: You have told us LEE LIM CHIANG was taken out of the cells and you heard screams and sticks, when was the next occasion you saw LEE LIM CHIANG?

A: The next time I saw him he was carried down.

Q: What condition was he in?

A: Gasping for breath.

Q: Did you notice anything else?

A: He was carried back to the cell.

Q: Did you notice anything about his physical condition?

A: He was about to die, his legs and hands were straight.

Q: What happened to him?

A: He got mad while he was in the cell.

Q: How do you know he was mad?

A: He was shouting, raving and beating himself with his own hand.

Q: And what happened to him?

A: He could not eat and later died.

Q: How long later was that?

A: 7 or 8 days later.

Q: You mentioned a man named ARON previously; tell us about him.

A: I knew nothing about his affair, I only know he was shot.

Q: How did you know he was shot?

A: I could see.

Q: Tell us exactly what you saw.

A: AKOB was asked to go out. The OCFD asked him to go out. He asked the Malay man to "taymba".

Q: When the OCFD asked AKOB to go out, what did he do with AKOB, where did he take him to?

A: Only a short distance, not very far.

Q: And what happened?

A: He said, "taymba" and the sentry on duty shot him.

Q: Whom did he say "taymba" to?

A: He asked the Malay policeman.

Q: What did he mean by that?

A: To shoot.

Q: What was AKOB dressed in?

A: He had short pants on, no coat.

Q: You have told us MORI said "taymba" to a Malay constable, what happened then?

A: AKOB was shot dead and was carried away by people from the hospital; he was carried away for burial.

Q: Who shot him dead?

A: The policeman.

Q: You told us AKOB was outside and the Malay constable shot at him. What was the position of AKOB when MORI said "Taymba"?

A: Standing with his head stooped down.

Q: After the Malay shot him what was his position?

A: He fell down after he was shot.

Q: Did you notice any marks on AKOB?

A: There was a hole on his body.



Q: Whereabouts on his body?

A: On his chest.

Q: What happened to the body?

A: He was carried away by CHIN FAH, a man from the hospital.

Q: Did you know CHIN FAH?

A: Yes.

(CHIN FAH was produced and identified.)

CROSE EXAMINATION (By Defence.)

Question: Do you remember just when you were arrested?

Answer: I do not remember the exact date.

Q: How long were you imprisoned?

A: About fifty days.

Q: Why did you say twenty or thirty days before?

A: When did I say 20 or 30 days?

(Verified that witness did say 20 or 30 days.)

Q: How many were arrested at that time with you?

A: Seven or eight.

Q: How many of them were beaten on the first day?

A: Four or five were beaten the first day.

Q: When you were imprisoned, how many people were in the same cell with you?

A: 27 or 28 people were inside the cell.

Q: In that other cell in which LEE LIM CHIANG was locked up . . .

PRESIDENT: That point has been settled. Eventually witness agreed LEE LIM CHIANG was in the same cell.

Q: I like you to describe the occasion more fully on which you said MORI bound up LEE LIM CHIANG's head with a piece of cloth.

A: The second night. He saw LEE LIM CHIANG was bleeding profusely and so bound his head with a piece of white cloth.

Q: These subsequent beatings of LEE LIM CHIANG - your only proof that there were beatings were sounds of screams and sticks?

A: Yes.

Q: How do you know that the Accused had anything to do with these beatings?

A: He was there looking on.

Q: Who was?

A: The OCPD was watching.

Q: How did you know that when you could not see yourself?

A: I could hear the sound.

Q: Was AKOB in the same cell with you?

A: At first in the same cell, later not.

Q: How far away was this other cell in which AKOB was?

A: The next cell but one, the middle was a female cell.

Q: In this cell was AKOB alone?

A: There were several others besides.

Q: When AKOB went out on the morning in which he is alleged to have been shot, did you see him leave the cell?

A: Yes, I saw when AKOB was asked to come out.

Q: Did you know ~~that~~ why he left that cell incompletely dressed?

A: That night he was beaten up very severely; he was about to die but recovered himself.

Q: How did you know? You said AKOB fell on the ground dead and was carried away by the other man you identified. How do you know he was dead?

A: I saw him.



Q: You did not actually know he was dead and you thought he probably was dead?

A: I ought to know. He was shot, he fell down and was motionless.

Q: I want to know on what occasions you actually saw beatings taking place as opposed to those which sounded as though beatings took place.

A: There were occasions.

PRESIDENT: The question was: Tell me of the occasions when you saw beatings.

A: The first time I was arrested, the first day.

Q: Was there any other occasion?

A: No other occasions; the others I heard.

RE-EXAMINATION (By Prosecutor).

Question: You say that LEE LIM CHIANG's head was bound, who bound it?

Answer: A Japanese Inspector from KUALA LUMPUR.

EXAMINATION BY THE COURT.

Question: Why did you just say it was the OCPD who bound him?

Answer: Two or three Japanese Inspectors came up; this one was the third. Two or three others were there too.

Q: You have just told the Defending Officer the only beating you saw was on the first occasion?

A: Yes.

Q: Did MOHI use his sword on that occasion?

A: No, not on the first occasion.

Q: This long sword you have told us about, were you there when the incident happened?

A: Yes, I was there.

Q: Did any beating take place?

A: Yes.

Q: Did you see the beating?

A: Yes.

Q: Why did you then say you saw beating on one occasion? Did you see beating on one occasion or two occasions?

A: Beatings only on one occasion.

Q: The first day you went into that gaol you saw people beaten, is that right?

A: Yes.

Q: You saw LEE LIM CHIANG being beaten?

A: Yes.

Q: Who else did you see beaten?

A: Our party which was arrested.

Q: You were all beaten?

A: All of us were beaten.

Q: You were included? Was LEE AN HIN beaten?

A: No.

Q: Were not you one of the party arrested?

A: Yes.

Q: Why did you say all the party were beaten?

A: The first night we were not beaten, but the second night.

Q: Do you appreciate you are bound to tell the truth? I asked you on the first occasion you went to the Police Station was anybody beaten except LEE LIM CHIANG, you said all the party. How many were there?

A: A Hokkien was beaten.



Q: On the first occasion you went to the gaol, LEE LIM CHIANG and the Hokkien were beaten, is that right?

A: LEE SIN HON was beaten.

Q: Was he arrested together?

A: Yes, arrested together with me.

Q: You just said LEE LIM CHIANG was the only one of your party beaten.

A: I did not say only LEE LIM CHIANG was beaten.

Q: Well now, how many were beaten?

A: LEE LIM CHIANG, CHI EN, LEE KON HIN, LEE SIN HON and two Hokkiens from SUNGEE JELOH.

Q: That was all on the first occasion when you went in?

A: Yes.

Q: You are quite sure? Were you beaten on that first evening?

A: Not on the first night.

Q: Was LEE AH YIN beaten on the first night?

A: No, not on the first night of arrest.

Q: The next night you were taken upstairs and beaten with the flat of KORI's sword, is that right?

A: Yes.

Q: You were beaten?

A: Yes.

Q: Was anybody else beaten?

A: AH HIN, my younger brother, another Hakka man from the ninth mile. The others were kicked with legs and stabbed with the sword.

Q: You saw those beaten?

A: Yes.

Q: So you saw beatings on two occasions?

A: It is only one

PRESIDENT: Are you sure you are translating correctly to him? \*x

INTERPRETER: Yes, Sir.

Q: You saw various people beaten on the first occasion?

A: Yes.

Q: And you saw people beaten with the sword on the second occasion?

A: Yes.

Q: Did you see anybody being beaten on any other occasion?

A: No.

Q: Could you see from your cell into the room where the telephone was?

A: I could see the telephone.

Q: Could you see when anybody was being beaten in that room?

A: I could not see.

Q: Did you never see anybody being beaten from there?

A: Did you ever see anybody being beaten in the room where the telephone was?

A: I do not know where there was a room with a telephone.

Q: You could not see anything you mean?

A: I only know there was one telephone which I could see but not the other telephones.

Q: How far away was that cell next but one to yours?

A: About 20 feet away.

Q: How far away was it from you now?

(Correctly indicated by Witness.)



Q: You say you saw AKOB leave his cell, how could you see AKOB leave his cell?

A: The door of the cell was opened with a key and he walked out of the cell.

Q: Were you inside at the time?

A: I was in a cell different from his.

Q: How could you see the door of his cell open?

A: I could peep out.

Q: Were there bars in the cell?

A: Yes there were bars.

DEFENCE: May I ask one or two questions?

PRESIDENT: You may put a question to me to ask him.

DEFENCE: The prisoner has asked me to ascertain who discharged this man at the end of his term.

Q: When you left prison who told you you could go?

A: The Second Inspector.

Q: A Japanese?

A: I think it is a Chinese; he could speak Japanese and Hakka.

DEFENCE: He seems very confused about the dates.

PRESIDENT: I'm afraid he is confused about many other things.

Q: Can you remember any one in particular?

A: I think I saw him in the hospital, at the time he was there.

Q: Can you remember any particular Malay?

A: I could remember a bit. The hospital received

a letter from the prison and instructions given to push

a door to the Police Station.

Third Witness For the Prosecution:- CHIN PAH.

EXAMINATION IN CHIEF.

Question: Your name is CHIN PAH of KAJANG?

Answer: Yes.

Q: Will you tell me any incident you remember in April, 1945?

A: I am working in the hospital, I do not know what incident.

Q: Can you tell us anything about an incident that happened at the time. Do you remember doing anything particularly?

A: I only carried dead bodies.

Q: Can you remember any one in particular?

A: There were so many I could not remember which one.

Q: Do you remember going to the Police Station in that month?

A: Yes.

Q: Tell us what happened.

A: I pushed a cart to the Police Station and carried dead bodies away.

Q: How many did you take away?

A: It was very frequent I do not know how many.

Q: Can you remember any one in particular?

A: At times dead bodies of Chinese, at others Malays.

Q: Can you remember any particular Malay?

A: I could remember a bit. The hospital received a telephone message and instructions given to push a cart to the Police Station.

Q: Do you mean here in Court today or some other time?

A: He had no coat on. Whenever you ask me how I found the body, I would describe it how no coat on.



Q: What did you do when you got to the Police Station?

A: When my cart arrived towards the Police Station door, I opened it and carried a dead body.

Q: Where did you find the body?

A: Just outside the cell.

Q: Can you describe the body?

A: It was lying down; no coat, with a pair of short pants.

Q: Did you notice anything else about the body?

A: There was a hole on the left side of the chest.

Q: What happened to that body, what did you do with it?

A: I carried that body to the hospital and a Malay man was asked to bury the body.

Q: Did you do anything else in connexion with the body?

A: No, I only conveyed the body from the police station to the hospital.

CROSS EXAMINATION (By Defence).

Question: I want to know if the dead man had any boots on.

Answer: No.

Q: Why did you specially mention he had no shirt, why did not you mention the boots?

A: I was not asked whether he had shoes.

Q: You volunteered the information about the shirt?

A: I found him without a coat.

Q: When you were asked whether you found him without a coat, do you mean here in Court today or some other time?

A: He had no coat on. Whenever you ask me how I found the body, I would describe: It has no coat on.

Q: Is it an unusual thing for you to see a Malay without a coat on?

A: It is nothing unusual, that is what exactly happened.

Q: Why do you remember that particular Malay? You said you carried many bodies, what makes you remember that particular one?

A: I remember him because there was a hole on his chest.

Q: Do you remember the date on which this occurred?

A: I do not remember.

Q: You have told in your evidence you carried many bodies away from the Police Station to the hospital. How many, how regular, how often?

A: I cannot remember.

Q: Was it ten a day or one every ten days?

A: I have never carried two bodies in any one day. I never carried more than one in any day except on the day when that Malay was carried, that was two that day. That was the first occasion I carried off two bodies any one day.

Q: Can you estimate approximately the age of this dead Malay?

A: Twenty odd and under thirty.

Q: Was there anything else about this Malay unusual?

A: Nothing unusual.

Q: Just one more Malay, and very often, practically daily you were carrying Malays from the hospital?

A: That is the first day I carried a Malay, in former occasions I carried off Chinese.



Q: When you carried them off, you carried them to the hospital? Did you take them to the Doctor?

A: I placed the body in the mortuary where the Doctor inspected the body or not I do not know.

Q: You did not decide whether they were dead, you took them to the mortuary?

A: Those who were not dead went to hospital for treatment.

Q: Who decided which were the dead bodies?

A: When the telephone message was sent to the hospital I knew that man was dead.

Q: As far as you know, no Doctor saw the body?

A: I do not know.

Q: And you are quite sure that this hole you describe was on the left hand side?

A: I could not remember whether left or right but I know there was a hole in the chest.

Q: You still cannot remember the date?

A: I cannot remember.

Q: And yet you were not imprisoned, you were living in the town- did this thing create a stir in the town?

A: There was no sensation. What I saw I described to the Court.

Q: How long do you think this Malay had been dead before you arrived?

A: He must have been dead two to three hours.

EXAMINATION BY THE COURT.

Question: While you were carrying this Malay you said there was another body, what nationality was that body?

Answer: Chinese.

Q: Do you know what that Chinese died of?

A: I do not know.

Q: Was there any gunshot wound on it?

A: I forget; I did not pay any particular attention.

Q: Could you know the difference between a gunshot wound and the wound from the sword of a bayonet?

A: I could not make a difference.

Q: So you would not be able to say whether you noticed anybody else with a gunshot wound?

A: I do not know.

Q: What do you think caused the hole in this Malay's chest?

A: I do not know what caused the hole.

~~(Court Adjourns.)~~



The Court adjourned to the KAJANG Police Station to examine the scene of the alledged incidents. There were present in addition to the Court

The Accused;

The Prosecutor;

The Defending Officer.

LEE AH YIN, First Witness for the Prosecution pointed out the various parts of the Police Station referred to in his evidence.

The Plan, attached and marked "B" was prepared by the Court.

The Court was satisfied that from cell No. 1 in which LEE AH YIN stated he was confined the inmates could see clearly through the widely spaced bars:

- (a) the Courtyard in which AKOB is alledged to have been shot;
- (b) the greater part of the room in which LEE LIM CHIANG is alledged to have been kicked.

The Court returned to the Court room.

Will you describe the beating to us?

He kicked me and stabbed at me with his sword.

Who did?

The man I pointed out just now.

Did he do anything else at that time?

I was injured in the leg.

Who was there at that time?

Those prisoners who were confined.

And who were confined?

I could not remember all the names of the prisoners.

Fourth Witness for the Prosecution:- CHEN HOI CHIN.

EXAMINATION IN CHIEF.

Question: Is your name CHEN HOI CHIN of KAJANG?

Answer: Yes.

Q: Where were you living and what was your occupation in March 1945?

A: I was planting foodstuffs at the 16th Mile.

Q: Do you remember anything that happened in that month?

A: While I was working one day, I was arrested by him with his guards, the Japanese OCPD.

Q: Is the Japanese OCPD in Court now, if so point to him.

A: (Pointing) That man.

Q: And what happened when you were arrested?

A: When I was arrested I was placed inside the cell.

Q: Did anything happen before you were placed inside the cell?

A: Nothing happened before that.

Q: What happened after that?

A: Three nights later, the third night, we were asked to go out and I was beaten.

Q: Will you describe the beating to us?

A: He kicked me and stabbed at me with his sword.

Q: Who did?

A: The man I pointed out just now.

Q: Did he do anything else at that time?

A: I was injured in the leg.

Q: Who was there at that time?

A: Those prisoners who were confined.

Q: And who were confined?

A: I could not remember all the names of the prisoners.



Q: Can you tell me some of the names?

A: CHEN FOH SHIN, LI LIM CHYE, CHI EN, LEE KONG HIN and others I do not know.

Q: Did anything happen to them?

A: Some of them were beaten, others were not.

Q: Will you tell us about the ones that were beaten?

A: Some of them were stabbed on the head.

Q: Who?

A: LEE LIM CHIANG.

Q: Who stabbed him on the head?

A: Only one who was injured; there was a Hokkien who was stabbed on the leg.

Q: Who injured the one on the head?

A: (Witness pointed out MORI)

Q: Was there anybody else ill-treated at that time?

A: Yes, others were ill-treated but I do not know their names.

Q: Can you remember the names of any one of them?

A: I cannot remember.

Q: Can you remember anything that happened after that?

A: A policeman was asked by him to shoot a Malay.

Q: I am only talking about you and the people taken into custody with you. Can you tell us anything that happened?

A: One of them was stabbed at the foot. LEE LIM CHIANG died.

Q: Did anything happen, describe to us things that happened.

A: I knew that LEE LIM CHIANG died in the cell.

Q: Why did he die?

A: He was beaten to death.

Q: How do you know he was beaten?

A: I saw him black and blue.

Q: On what occasion was this?

A: So long ago I do not remember the date.

Q: How many days after you were put into the cell?

A: I think it is two or three days later after I was put in the cell.

Q: Tell us exactly what happened.

A: I saw his body, the front part, all black and blue.

Q: Was that the first time you had seen LEE LIM CHIANG?

A: Every time I saw his body it was black and blue.

Q: What was the first occasion you saw LEE LIM CHIANG?

A: When he was cut above the eye-brow.

Q: What was the next occasion on which you noticed something about him?

A: The next time was inside the cell, the front part of his body was black and blue, bruised.

Q: How had he got those bruises?

A: He was being beaten.

Q: How do you know he was beaten?

A: I saw bruises all over his body.

Q: Is that the first time you saw bruises?

A: The first time I saw him he had a cut on the forehead, the second time bruises on the body.

Q: After he got a cut on the forehead when was the next time at all you saw LEE LIM CHIANG?

A: I saw him every day: he was in the same cell with me.



- Q: What happened to him the following morning after he received the cut on the eye-brow?
- A: The following morning I saw bruises over his body.
- Q: Who was in the same cell with you?
- A: Many persons were inside. They were CHEN FOH SHIN, LEE KONG HIN, LEE AH WIN, LEE FON and others whose names I do not know.
- Q: You said you have seen LEE LIM CHIANG stabbed on the head with a sword. What happened to LEE LIM CHIANG?
- A: After he was beaten he was gasping for breath. After one week he died.
- Q: Few minutes after LEE LIM CHIANG was struck on the forehead what happened to all the people there?
- A: Several others were beaten at the same time and placed back into the cell.
- Q: When was the next occasion in which anyone of that party was taken out of the cell?
- A: There was no occasion where one was taken out.
- Q: When was the next occasion LEE LIM CHIANG was taken out of the cell?
- A: Every other day and sometimes one day two or three times LEE LIM CHIANG was sent out of the cell.
- Q: For how many days was that?
- A: About four days.
- Q: Why was he taken out of the cell?
- A: For a beating.
- Q: How do you know he was beaten pp?
- A: I heard the sounds and when he returned I saw his condition.

Q: What sounds did you hear?

A: Screams of suffering.

Q: Did you recognise the screams?

A: I could recognise the screams.

Q: Whose were they?

A: The one who was taken out.

Q: Who was the one taken out?

A: LEE LIM CHIANG and persons from the same cell.

Q: Did you hear anything else beside the screaming?

A: No other sounds.

Q: What was the condition of LEE LIM CHIANG when he was brought back?

A: The front part of his body was covered with bruises.

Q: What happened to him?

A: He died one week later.

Q: During that week where was he?

A: He was inside the cell.

Q: During that week what was his condition like?

A: Gasping for breath, he could not speak.

Q: Is there anything else you noticed about his condition during that week?

A: He was lying down.

Q: After the sword stabbing, what was the next occasion in which LEE BOON LI was taken out of the cell?

A: LEE BOON LI together with two others was asked to carry the body of LEE LIM CHIANG.

Q: You have mentioned a shooting before; tell us about it.

A: I do not remember the date. A Malay man was shot with a gun.



Q: Start at the beginning and tell us the story.

A: One morning a Malay was asked to go out of the cell by the OCPD. He asked a policeman to take a gun and shoot him.

Q: What were the words used?

A: "Taymba" in Malay.

Q: At that time what was the position of the Malay man taken out?

A: He was standing with his head stooping down. He was shot and died.

Q: Who was shot?

A: The Malay man.

Q: Who shot him?

A: A police constable.

Q: After the shot what was AKOB's position?

A: He fell down and died.

Q: Did you notice anything about him?

A: Nothing else.

Q: How was he dressed?

A: He had a pair of black short pants on and had no coat.

Q: What happened to the Malay?

A: Two persons from the hospital carried him off.

Q: Did you see those persons?

A: One was CHIN FAH the other a Tamil man whom

I don't know.

Q: Look round and see if you can see CHIN FAH now.

A: (Pointing) That is CHIN FAH.

CROSS EXAMINATION (By Defence)

Question: How many were arrested with you?

Answer: Eleven.

Q: Including yourself?

A: Yes, including myself eleven.

Q: Was LEE LIM CHIANG one of those?

A: Yes.

Q: They were taken back to the Police Station and placed straight in the cell?

A: We were taken to a Police Station and placed in the cell one hour later.

Q: Did you actually see LEE LIM CHIANG get the stab on the head?

A: Yes I saw it with my own eyes: I was also stabbed by him.

Q: When was this, how long after the arrest?

A: Two days after the arrest.

Q: In his evidence he said three nights later.

A: Two or three nights, I cannot be so exact.

Q: That was the first time LEE LIM CHIANG was beaten?

A: Yes.

Q: Did you see who bandaged up the cut on the head?

A: No I did not see.

Q: How many were in the cell with you?

A: The number varies, some came in and some went out, thirty or forty.

Q: Were you yourself ever beaten?

A: Yes I was beaten.

Q: By whom, nobody with you at all?

A: The Taiwan Inspector was there and some policemen were there.



Q: And they did the beating?

A: (Pointing to MORI) He beat me.

Q: Did you at any time see any other Japanese in the prison?

A: There was another Japanese man who came from KUALA LUMPUR; I do not know him.

Q: Who discharged you from prison?

A: The Taiwan Inspector.

Q: When was that?

A: I do not remember the date.

Q: Do you remember the date of the shooting?

A: I do not.

Q: How long before your discharge?

A: That very evening I was released.

Q: Were you released alone or were others released with you?

A: Others were released together with me; one died one went into prison, the rest were released.

Q: The rest of those who were arrested with you?

A: Yes.

Q: The same night?

A: Yes.

Q: Was the prisoner present when you were discharged?

A: No.

Q: Where was he?

A: I do not know where he was; I was inside the cell.

Q: Were you there all day?

A: I was.

Q: You did not see the Accused?

A: He was there in the morning.

Q: You have stated that the Malay man after the shooting was dead. How do you know he was dead?

A: He was stiff. After he was carried away; he must have been dead.

Q: You thought he was dead, you do not know for certain?

A: He must be dead; he closed his eyes and he was being carried away.

Q: I want to get the Malay man - his actual position relative to the policeman. Was he standing facing or with his back to him?

A: Immediately facing the policeman.

Q: What do you think was the cause of LEE LIM CHIANG's death?

PROSECUTOR: That, Sir, is a matter of opinion which the witness cannot answer; it is a matter of fact for the Court to decide.

PRESIDENT: The question may be put.

Question: What do you think was the cause of LEE LIM CHIANG's death?

Answer: He was beaten to death.

Q: How many times did you yourself see LEE LIM CHIANG beaten?

A: About ten times; nearly every day.

A: At the place where I was working, not my house.



Q: You have said in your evidence that you were present when LEE LIM CHIANG was beaten on one occasion. On subsequent occasions you did not see LEE LIM CHIANG beaten but only heard sounds which led you to believe that was what was happening?

A: When he returned his body was covered with bruises.

Q: Who was in charge of the prison at the time of the death of LEE LIM CHIANG? I want you to be quite certain. Are you quite certain that is the right man?

A: There was a policeman guarding the door; no one looking after the prison.

Q: At the time of the Malay man's death, are you sure that MORI here was at the prison?

A: Yes, I am sure.

Q: And yet it was the Taiwan Inspector who released you from prison?

A: He who informed me I was to be released.

Q: Did you at that time regard this Taiwan Inspector as a Japanese?

A: I do not know what he was; he could speak Japanese very well and he could speak Chinese very well.

Q: Did you yourself regard him as a Chinaman or a Japanese?

A: I regarded him as a Chinese.

Q: Who actually arrested you?

A: (Pointing to MORI). He and another Japanese from KUALA LUMPUR and another guard of his who had a pistol were with him.

Q: They came to where you were living and took you away?

A: At the place where I was working, not my house.

Q: The Accused himself came with another Japanese?

A: Yes.

Q: When LEE LIM CHIANG was brought back to the cell badly beaten with a wound on his head after the final beating, was he able to speak?

A: He could not speak; he was raving.

Q: LEE LIM CHIANG did not tell you of any other specific punishment or tortures he had received?

A: At the time when he could still speak, he described to me how he was cut on the forehead.

Q: I just want to clear up what the Malay man who was shot was wearing at the time when he was shot.

A: He had a pair of dark short pants on, no coat.

EXAMINATION BY THE COURT:

Q: Was LEE AN YIN arrested at the same time as you?

A: Yes he was arrested the same day.

Q: When was he released?

A: Together with us, same time.

Q: The day the Malay was shot?

A: Yes.

Q: When was CHEN FOH SHIN arrested?

A: The same day.

Q: When released?

A: The same day with me.



Fifth Witness for the Prosecution:- CHANG SIEW FOO.

EXAMINATION IN CHIEF:

Question: Is your name CHANG SIEW FOO of KAJANG?

Answer: Yes.

Q: How were you employed in 1945, from January to the surrender.

A: I was Interpreter to the Japanese OCPD at KAJANG.

Q: Is the Japanese OCPD in this Court?

A: (Pointing to MORI) Yes.

Q: Can you tell me an incident that happened in March of that year?

A: Are you asking me about LEE LIM CHIANG's affair?

Q: Yes, tell us his story.

A: MORI went to KUALA LUMPUR; he had taken some drink and came back. He came back to the Police Station and asked LEE LIM CHIANG to come out.

Q: To come out from where?

A: From the lock-up. He said he was a Communist. He hit him with his hand; LEE LIM CHIANG fell down and he kicked him with his boots.

Q: Who did this?

A: The OCPD.

Q: And then what happened?

A: I saw that he was about to be unconscious, then I told the OCPD that this man had already died. I asked some policemen to carry him outside.

Q: Did anything else happen to LEE LIM CHIANG at that time?

A: He turned his attention to beating some others; one of them was injured in the hand and I bandaged up his hand.

Q: What happened to LEE LIM CHIANG?

A: That time he scolded me: You are a Chinese, you tried to help Chinese. So I left the Police Station.

Q: He has told us that the Japanese OCPD knocked LEE LIM CHIANG down and kicked him, anything else?

A: After he was kicked he was bleeding from the forehead.

Q: Did anything else happen to LEE LIM CHIANG at that time?

A: He was speechless; I deceived the OCPD by saying that the man had died and I carried him outside.

Q: What happened to him outside?

A: Then I left the Police Station after that. I came back to the Police Station the following day and found LEE LIM CHIANG in the cell.

Q: What was the condition of LEE LIM CHIANG at that time?

A: He was unconscious.

Q: Did you notice anything else about him?

A: Then I remember a member of the Police force informed me that LEE LIM CHIANG had been revived.

Q: What was his condition?

A: I found him half dead, speechless.

Q: And then what happened to LEE LIM CHIANG?

A: A week later I heard from one of the policemen that he died.

Q: Do you remember another incident that occurred a short time later?

A: I remember the incident where a Malay man was shot.



Q: Will you describe to us that incident?

A: That Malay was an escaped prisoner. He was retaken later. He said the Malay man took the lead to break open the gaol to escape so he should be shot.

Q: Describe the shooting.

A: He was asked to come out of the cell, to stand about 3 metres, ten feet away, and he asked the policeman BAKAR to shoot him.

Q: What was the position of the Malay man at that time?

A: Facing the wall.

Q: What was his position in relation to the policeman?

A: The Malay man was standing a bit sideways not quite facing forwards.

Q: What were the words used to the constable?

A: "Sekarang Taymba", now shoot.

Q: You have told us that MORI said those words to the policeman, then what happened?

A: Then the policeman shot him.

Q: What happened to the Malay man?

A: He fell down.

Q: Did you notice anything about him?

A: When he was shot he was dead, motionless.

Q: How was he dressed?

A: As far as I remember he had a pair of short pants, no coat on.

Q: Did you notice anything about him?

A: He died, that is all.

Q: What was his physical condition like?

A: A hole was shot through his chest and he was bleeding.

Q: Can you tell us anything else that happened at any time you were there?

A: I remember the incident when the Third District Officer was there.

Q: What month was that?

A: July.

Q: What is this incident you are describing?

A: I do not know why he was arrested. One night I came back from BANGI; I saw him in the Police Station.

Q: Saw whom?

A: I saw the third district officer in the Police Station.

Q: What was his name?

A: RAJA YAHAYA.

Q: Then what happened?

A: RAJA YAHAYA was asleep. The OCPD hit him with a bamboo or wooden stick, I do not know which.

Q: How long did that go on for?

A: Once or twice only.

Q: Did you notice any other incidents?

A: Something about YAP KON LIM.

Q: What do you know about him?

A: I saw him taken for water treatment.

Q: Describe to us the water treatment.

A: He was taken into the bathroom of the police constable. I did not see the actual water treatment but when the thing was over I went there and saw him lying down. He was just getting up.

Q: Why did they give him water treatment?

A: He would not tell him anything about the Communists.



Q: Why did the police constables give him water treatment?

A: He was taken there and water treatment administered in order that he might talk.

Q: Who administered the water treatment?

A: The OCPD himself.

Q: How do you know that the OCPD himself administered the water treatment?

A: A policeman sent for me to come to the place and I saw it.

Q: What did you see?

A: I found YAP KON LIN wet through.

Q: How do you know that the water treatment had been administered personally by the OCPD?

A: When I went up there he was still administering the water treatment; it was about to be completed. I saw the OCPD still at it.

Q: Tell us what you saw the OCPD doing.

A: He asked him to lie down. The water treatment was almost finished.

Q: You said you saw the OCPD just finishing. What exactly did you see?

A: YAP KON LIN was lying face upwards.

Q: What was the OCPD doing?

A: I saw the OCPD press YAP KON LIN down with his hand.

Q: What part of YAP KON LIN?

A: On the shoulders. by the Japanese Government.

In other words you were a Japanese who came here to do a job for the Japanese?

Q: Is there any other incident you saw while you were there?

A: That night he beat YAP KON LIN with a bamboo, until it burst.

Q: Any other incident?

A: Nothing else.

CROSS EXAMINATION (By Defence)

Question: What nationality are you?

Answer: I am a Chinese.

Q: What country do you come from, what part of China?

A: I came from TAIWAN, FORMOSA.

Q: That is not part of China.

PRESIDENT: We do not want to really get into that involved question, but if you must, you must.

Q: While the Japanese were in occupation of this country, what name did you use?

A: My name was TAKAWA.

Q: And your name is now CHANG SIEW FO?

A: When I came here he did not want me to have a Chinese name and so gave me a Japanese name.

Q: When you came here - where did you come from?

A: FORMOSA, TAIWAN.

Q: Direct to here?

A: Yes.

Q: Why?

A: I was sent here by the Formosan Government.

Q: In other words you were a Japanese who came here to do a job for the Japanese?

A: No.



Q: I put it to you that FORMOSA was at that time part of Japan, belonged to Japan.

A: I was born in KWANGTUNG Province in China. I went to TAIWAN while very young and sent here from TAIWAN.

Q: On the case of LEE LIM CHIANG, you have described MORI coming back from KUALA LUMPUR having been drinking. How long had LEE LIM CHIANG been in gaol at that time, the day he came back?

A: I cannot remember exactly, three or four days.

Q: How long was MORI in KUALA LUMPUR.

A: He went and returned the same day.

Q: Do you remember the arrest of LEE LIM CHIANG?

A: I remember.

Q: Were you present?

A: Yes.

Q: Was MORI present?

A: Yes.

Q: And you stayed with them when they came back to the prison?

A: Yes we returned with them to the police station.

Q: So that anything that happened to LEE LIM CHIANG when they got back to the prison the same day you would have known about?

A: You did not tell me what happened so I cannot answer the question.

Q: You have said the Malay whom you described as having been shot was one of the party that escaped. This party, including the Malay shot, were recaptured?

A: 7 or 8 prisoners escaped and about six prisoners were retaken.

Q: Was there any shooting at the time of their recapture?

A: No.

Q: You have described the shooting of this Malay, where were you standing at the time?

A: I was standing at the threshold, doorway of the prison.

Q: You have described a hole in the chest of this man, where on the chest, which side?

A: I remember it on the left side.

Q: You have described it as a hole; do you mean hole or wound?

A: He was not shot through but there was a hole bleeding profusely.

Q: And yet you said the man was standing not quite like that (demonstrating) - half and half. You cannot get a hole from a shot over there?

A: He was facing the policeman who was slightly slanting.

Q: What I said was the man who was shot was facing forwards, the man who shot was standing a bit slanting. Finally, this water treatment of RAJA YAHAYA; did you yourself see any part of the water treatment?

A: I did not see.

Q: Why did you say in your evidence that you know the water treatment was administered by MORI if you did not see it happen?

A: I did not say water treatment was administered to RAJA YAHAYA.



- Q: I am sorry, it is YAP KON LIM. Did you see the water treatment to YAP KON LIM?
- A: Towards the end of the water treatment I saw the incident.
- Q: You keep saying: towards the end. Once you describe it had finished, it was over. You did not see it taking place?
- A: I did not see the whole process.
- Q: All you did see was YAP KON LIM being put down on the floor by the shoulders?
- A: Yes.
- Q: Was MORI with anybody else?
- A: He was with two or three police constables.
- Q: Can you remember the names of those constables?
- A: I cannot.
- Q: Have you seen any of them since?
- A: Yes.
- Q: Does he still live in this town?
- A: No I have never seen any of the policemen now.
- Q: Did you go to the bathroom; were you summoned there by anybody?
- A: Yes, the OCPD sent a policeman to call me there.
- Q: Do you remember that policeman?
- A: I cannot remember, so many policeman.
- Q: How many policemen were there?
- A: The force consisted of about eighty policemen.
- Q: Working here at the prison?
- A: Yes working at the police station.
- Q: It has been pointed out to me that it is unreasonable for you to say you did not know the name of this policeman. You were an Interpreter; it was part of your job to speak and know their names.
- A: I cannot remember their Malay names.

- Q: Can you remember any name?
- A: There were over 80 members of the police force, I cannot remember all.
- Q: How many prisoners were there?
- A: About 20 prisoners.
- Q: In all 20 prisoners or 20 in one cell?
- A: 20 in all, in the whole Police Station.
- Q: RAJA YAHAYA BIN RAJA, you remember him?
- A: Yes.
- Q: Why was he arrested?
- A: I was not stationed in KAJANG at that time so I do not know.
- Q: Do you know who arrested him?
- A: No.
- Q: Do you remember the Accused going off on an expedition taking with him a large portion of the local police force?
- A: Yes.
- Q: How long was the expedition away?
- A: Which expedition you referred to? He went on several expeditions.
- Q: I am thinking of one some time in April.
- A: That expedition was at KACHAU.
- Q: Who was in charge of the Police Station in MORI's absence?
- A: I was detailed in MORI's absence to be in charge of the Police Station but I was ill.
- Q: While that expedition was out was there an incident, an attempted escape in the prison?
- A: Yes, there was.



Q: So this is the escape in which this Malay man subsequently alledged shot was involved?

A: Yes.

Q: And you were sick at the time, you were supposed to be in charge but you were sick?

A: I was suffering from malaria.

Q: Were you in hospital?

A: No, at the Police Station.

Q: Did you go out yourself to recover these prisoners?

A: I did not go the policemen went to get them back.

Q: When MORI came back did you make a report to him about this escape?

A: Yes I did.

Q: Did you tell him there had been some shooting?

A: Yes.

Q: What shooting, tell us.

A: Escaped prisoners were chased by police constables and the police constables shot at them.

Q: Why did you say in your evidence there was no shooting in the recapture of these prisoners - I am sorry, it was not in your evidence but in answer to a previous question of mine.

A: The question was not clear to me. I thought the question meant when they had been taken back to the Police Station. There was no shooting at the recapture but at the time they were chasing there was some shooting.

Q: Was anybody hit in this shooting?

A: Yes.

- Q: Who?
- A: A Chinese, I do not know his name.
- Q: What became of this shot man?
- A: One was wounded and one died.
- Q: Two were hit? What became of the wounded man?
- A: He was taken back to the Police Station. What happened to him afterwards I do not know.
- Q: Can you tell us the date on which AKOB was killed?
- A: I cannot remember exactly; it might be the 22nd or 24th of April.
- Q: And this expedition on which the OCPD went with a portion of the staff of the police station, what date did that set out?
- A: The prisoners escaped on the day the expedition set out.
- Q: At the time of those who were recaptured, the expedition had gone?
- A: Yes.
- Q: How long were the escaped prisoners at liberty?
- A: About 2 hours.
- Q: This expedition which went away. Think more carefully if you remember Mr. MORI coming back alone sick without the expedition?
- A: He did not return sick at the time from KACHAU.
- Q: Perhaps we have got the wrong expedition; are you not muddling it with another one?
- A: He set out the first day, he returned the next. He went out the third day. He came back to say he was suffering from a sore leg.



Q: How long after was it he came back on the third day?

A: I do not remember, such a long time. One day he went and returned. He went back again on the second day.

Q: You do not remember when he came back the final time?

A: I cannot remember how many days later.

Q: It was some time later?

A: Yes.

Q: While MORI was away, while these prisoners were being shot at escaping, you were in charge?

A: Yes, I was in charge.

Q: I do not think we have had the date on which the prisoners tried to escape - either the 22nd, 23rd or 24th. How long after the Malay men's recapture was his shooting?

A: He was shot the following day of his recapture.

Q: In the evening?

A: No, morning.

Q: Therefore they escaped on the 23rd? I am sorry I want to get back to this expedition. MORI went out and came back next day. The first time he went out, at what time of day?

A: In the morning, 7 a.m. Japanese Time, about 5 a.m. Malayan time.

Q: The next day he came back, what time?

A: He returned 8 a.m. Malayan time next morning.

Q: Then he went out again, what time?

A: At 4 p.m. Malayan Time the same day.

Q: You had malaria, did you ever go into hospital?

A: I went to hospital a few days later. Was I hurt?

Q: For how long?

A: I stayed there for about two weeks.

RE-EXAMINATION (By Prosecutor).

Question: AKOB was shot in the morning of that particular day?

Answer: Yes.

Q: Can you tell me when you presented the report to MORI, whether it was the evening before or the same morning AKOB was shot?

A: The morning that AKOB was shot.

Q: In relation to that, when did MORI return from the expedition, was it that same morning or the evening before?

A: He returned that morning.

Q: What time?

A: 8 a.m. Malayan Time.

Q: What time did you present the report?

A: Directly he returned, that would be about ten past eight.

Q: What time did the shooting occur?

A: I cannot be sure; it might be 8.30 a.m. the same morning.

Q: Did you arrange to give him any medical treatment?

A: I did not know whether any policeman ...

Q: I said did you arrange that he should have any medical treatment?

A: I informed the policeman in charge of the telephone to send for the Doctor.



EXAMINATION BY THE COURT.

Question: When the prisoners were being pursued, they were shot at; you saw one was killed and one was wounded? What happened to the body of the one that was killed?

Answer: The body was taken away by the hospital.

Q: On which day?

A: Carried away the same day the escape took place.

Q: The man who was killed, was he a Chinese?

A: Yes.

Q: Not Malay?

A: No.

Q: The wounded man?

A: Chinese.

Q: The man who was killed was taken back to the Police Station or straight to the hospital?

A: Straight from the spot to the hospital.

Q: What happened to the wounded man?

A: He was taken back to the Police Station.

Q: What happened to him after that?

A: I do not know what happened to him afterwards.

Q: You were in charge at the time were you not?

A: Yes.

Q: Did you do anything about it?

A: He was wounded, retaken and brought back to the Police Station and placed in the cell. What happened afterwards I do not know.

Q: Did you arrange to give him any medical treatment?

A: I did not know whether any policemen ...

Q: I said did you arrange that he should have any medical treatment?

A: I informed the policeman in charge of the telephone to send for the Doctor.

Q: Did you discover whether the Doctor came?  
A: I did not discover whether he came or not.  
Q: Did you report to MORI that you had a wounded man  
in the cell?  
A: Yes, I did.  
Q: So you knew he was still in the cell next morning?  
A: He was still in the cell.

At 1600 hrs. the Court adjourns until 1000 hrs. on 5-3-46.

~~COURT ATTORNEY AT 1600 HRS.~~



On the 5th March at 1000 hrs. the Court reassemble, pursuant to adjournment; present the same members as on the 4th March.

Sixth Witness for the Prosecution:- JA 'AMAN

EXAMINATION IN CHIEF.

Question: Is your name JA 'AMAN of KAJANG?

Answer: Yes.

Q: Will you tell us details of the conversation you took part in in April 1945?

A: In April 1945, in the morning I was at home. At about 5 o'clock I heard a shot fired in the Police Station. After that I never went out anywhere because I was sick. The next morning I was a little bit better. I went to the town from my house and heard people...

Q: No, I asked you to tell details of a conversation in which you took part.

PRESIDENT: Major DAVIES, are we going to have both sides of the conversation? On what grounds do you want what was said to him?

PROSECUTOR: On the grounds that the person who spoke to him is now not living.

A: He wants to know the conversation with whom?

Q: Whom did you speak to?

A: A number of people.

Q: Give me some names of the people you spoke to.

A: I came to know about the shooting from some small children.

Q: Can you give me the names of some people you spoke to.

A: I cannot remember the names because there were a lot of people who came and told me. . .

PRESIDENT: Will you explain to the witness that until I know whom he said he had a conversation with he may not tell us what that person told him.

A: I cannot give any particular name because most of the persons who spoke to me were unknown to me.

Q: Were any of the persons you spoke to known to you?

A: I was sick and cannot remember definitely. Most of them were strangers to me.

PROSECUTOR: I am afraid I must ask permission to treat this witness as hostile. I will give evidence that on a previous occasion he made a statement to me giving evidence different to that he is giving now.

PRESIDENT: Is there a record of the previous statement he has made?

PROSECUTOR: The statement was not written, Sir.

PRESIDENT: I am extremely loath to have a man treated as hostile. Will you discover from the Defending Officer whether he objects to you leading by suggesting a name?

DEFENCE: I have no objection to the Prosecutor suggesting the name.

Question: Do you remember having a conversation with a police constable named BAKAR?

Answer: Yes.

Q: Where is BAKAR now?

A: I have heard people saying that he is dead.



PRESIDENT: On what grounds are you asking me to admit hearsay evidence of what BAKAR said?

PROSECUTOR: He was the man who is alledged to have shot AKOB and he would be in this case a prime witness if he were available. He is not available so, with the Court's permission, I propose to bring hearsay evidence to give the evidence he would have given had he been here today

PRESIDENT: Unless you can bring this exception under a normal exception, <sup>or</sup> ~~of the~~ dying declaration, <sup>or</sup> ~~of a~~ statement against interest (and on the face of it it does not seem to be either of these) I am not prepared to admit it.

CROSS EXAMINATION (By Defence)

Question: You heard a shot fired?

Answer: Yes.

Q: At 5 o'clock in the morning?

A: In the evening.

EXAMINATION BY THE COURT:

Question: What time was that 5 o'clock in the evening, Malayan or Japanese time?

Answer: Malayan time.

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Seventh Witness for the Prosecution: HAJI MAN FOOT.

EXAMINATION IN CHIEF.

Question: Is your name HAJI MAN FOOT?

Answer: Yes.

Q: Are you from KAJANG?

A: Yes.

Q: Can you tell me of an incident you remember in April 1945?

A: Yes.

Q: Will you tell us what happened?

A: I was requested by one man by the name of NOORDIN to perform the funeral rites of one dead man.

Q: And what happened?

A: I went to the hospital and found the body with a wound on the chest, on the left side.

Q: What nationality was the body?

A: A Mohammedan, a Malay.

Q: What did you do with it?

A: I washed the body and bound it up and said my prayers over it and brought it to the grave.

CROSS EXAMINATION. (By Defence)

Question: On what date was this?

Answer: I cannot remember the date.

Q: Is any record kept?

A: No.

Q: You took the body from the hospital, you first saw the body in the hospital?

A: Yes.



EXAMINATION BY THE COURT.

Question: What was the name of the man who asked you to prepare this body for burial?

Answer: NOORDIN.

Q: Is he living now?

A: He is working in the District Office KAJANG.

Q: What was he doing then?

A: He was a clerk in the District Office.

Q: A clerk of the district Office asked you to come to the hospital to take the body?

A: Yes.

PROSECUTOR(Question through the Court) Was NOORDIN an official of any association?

A: No, only a clerk.

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Eighth Witness for the Prosecution:- RAJA YAHAYA.

EXAMINATION IN CHIEF.

Question: Is your name RAJA YAHAYA of KAJANG?

Answer: Yes.

Q: What was your occupation and where were you living in August 1945?

A: I was a Settlement Officer, District Office, KAJANG. I was living at SUNGEI RAMAN.

Q: Can you remember anything that happened in that month?

A: On the third of that month, at about 2 o'clock I was in the office. One man by the name of RAJA DURAI came and arrested me. He brought me to the Police Station to the OCPD.

Q: Is the Japanese OCPD in court, point to him.

A: The second man in the dock from this side.

Q: And what happened?

A: When I was brought before the Japanese OCPD he talked to RAJA DURAI in Japanese; I did not understand what he said.

Q: Tell us what happened.

A: RAJA DURAI asked me: What have you done? He asked RAJA DURAI to beat me with a bamboo.

Q: And what happened?

A: The Japanese opened his notebook and read out from his notes: RAJA YAHAYA from SANDUN(?)

Q: Did anything else happen to you?

A: He himself came and beat me.

Q: Describe the beating, what did he beat you with?

A: With a bamboo stick on both my shoulders.

Q: Anywhere inside the police station.

A: There were many people.



- Q: How many times?
- A: Many times. After that the Japanese OCPD himself came and beat me.
- Q: Describe to us the manner in which the Japanese OCPD beat you.
- A: He stood in front of me and with a bamboo hit me on both my shoulders, face and head until my face swellings appeared.
- Q: What happened next?
- A: He ordered RAJA DURAI to take me out and keep me in the charge-room.
- Q: What happened on the night of the third day after that?
- A: On the third night I was sleeping on the bench. At about 9 o'clock the Japanese OCPD came to me. I was still asleep and did not know he came near me. He hit me on my abdomen.
- Q: What with?
- A: A big bamboo stick. I woke up due to the shock of the beating and passed urine.
- Q: Did anything else happen?
- A: He put me in the lock-up next morning.
- Q: The same night, the night of the beating, did anything else happen?
- A: The night he hit me he released a prisoner.
- Q: That night did anything else happen to you?
- A: Nothing.
- Q: Was anybody else confined in the Police Station at the same time as you?
- A: Inside the charge-room or police station?
- Q: Anywhere inside the police station.
- A: There were many people.

Q: Do you remember any names?

A: I was alone in the charge-room. In the other rooms there were some people.

Q: Do you remember any names?

A: I cannot remember.

Q: Have you seen anybody since that was in the Police Station, charge-room or cells at the same time as you?

A: When I was put in the lock-up. I can remember one man by the name of JAMALUDIN, another YAP KON LIM and also some Chinese whose names I cannot remember.

Q: Was there anybody else whose names you can remember?

A: Another man by the name of MAT CHOCOLATE, a nickname. I cannot remember his actual name and do not remember seeing him now.

Q: Was there anybody else you have seen recently?

A: No.

Q: You have told us of YAP KON LIM; how was he treated?

A: When I was in the charge-room on the fifth, a man by the name of YAP KON LIM was brought to the Police Station at night. The next day in the evening he was taken out and brought in front of the Japanese OCPD. I heard sounds of beating from the OCPD's room.

Q: Any other sounds?

A: Nothing else. But about half an hour later YAP KON LIM returned. I saw his clothing was all wet. He was put back in the lock-up.



Q: Did you notice anything the following day?

A: On the sixth, the very night I was beaten on the stomach, this man was taken out of the lock-up again. He was brought to the Japanese OCPD's room. Also at that time I heard sounds of beating. After that I saw the Japanese OCPD himself taking out the man from the charge-room. He applied some iodine on this man's thigh.

Q: What was the condition of the man?

A: He was not standing still; he was somewhat unconscious, going to faint.

Q: What was his physical condition?

A: I could not see properly because it was quite far away.

Q: And what happened?

A: He gave the man a cigarette. After that the man was sent to the lock-up.

Q: Which lock-up?

A: From which he was taken out along with me.

Q: What was the physical condition of the man then?

A: There were swellings on his hands, legs and also body.

Q: Did you notice anything else about him?

A: I could not notice anything else.

Q: Did you notice anybody else?

A: Inside the lock-up were many people.

Q: Did you notice anything happen to JAMALUDIN?

A: I did not see anything.

(Witness correctly identified YAP KON LIM).

CROSS EXAMINATION (By Defence).

Question: On the day you were arrested by policeman RAJA DURAI you were taken back to the Police Station and you have said RAJA DURAI carried on a conversation with the OCPD in Japanese which you did not understand?

Answer: Yes.

Q: You understood no part of the conversation which went on at that time between the policeman and the OCPD?

A: No, I did not understand.

Q: In these beatings, you heard sounds. You could not actually see, you heard sounds?

A: I heard only.

Q: So you have no idea of who was present and who was not?

A: No.

- - - - -

A: Yes. (Swearing) Address by the name of J. (Name) and one by the name of B. (Name), at the back row.

A: After I was beaten, I was brought to the hospital. The doctor indicated the doctor to give me water treatment. As I was drinking water, I was

/with..



NINTH Witness For the Prosecution:- MOHAMMED NOOR.

EXAMINATION IN CHIEF.

Question: Is your name MOHAMMED NOOR, of KAJANG?

Answer: Yes.

Q: What was your occupation and place of residence in August 1945?

A: I was staying in KAJANG and my occupation was market keeper.

Q: Can you tell anything that happened in that month?

A: On the third, at about 3 o'clock I was arrested by a policeman and a detective. I was brought to the police station. There I questioned and requested to return two pistols. I denied I had two pistols. My hands were tied behind my back and I was beaten.

Q: By whom?

A: By the detectives and policemen.

Q: Was anybody else there?

A: There was one OCPD by the name of YUSOFF, detective RAJA DURAI and several policemen.

Q: Is the OCPD YUSOFF in Court?

A: No.

Q: Is there anybody in Court that was there at the time?

A: Yes. (Pointing) Witness by the name of JA 'AMAN and one by the name of SYED MOHAMMED, at the back now.

Q: What else happened?

A: After I was beaten thoroughly I was brought to the office of this MORI in the dock. Then the OCPD instructed the detective to give me water treatment. As I was walking away MORI hit me

/with..

A: (Ctd.) with the butt of a pistol on the head. The detectives and the constables who were there at the time brought me to the bathroom. It was empty. I was asked to lie down on the cement and my hands were tied. A triangle made of wood was placed on my body and a policeman got on the triangle. Four men were standing on top of the triangle. After, the OCPD YUSOFF opened the tap; a rubber hose was placed inside my mouth. My stomach was swollen and I was stamped on the stomach so that the water came out of my mouth. SYED MOHAMMED took some fire-wood from the kitchen and burnt me. Still I denied the accusation. I was fisted by the people who were present and SYED MOHAMMED.

Q: Why did they fist you?

A: Because I denied.

Q: What started them fisting you?

A: Because I refused to return the two pistols.

Q: Was anybody there except policemen?

A: Some detectives and one Inspector, YUSOFF.

Q: Anybody else?

A: No.

Q: And what happened?

A: When I was brought to the police station I was again beaten by the detectives. I was brought back to MORI. MORI slapped me and fisted me until I ~~was~~ fell. Still I denied the accusation and was brought again to the bathroom for water treatment. The same treatment was meted out to me as before. Still I denied and was brought back. After that MORI

/ordered



ordered 20 policemen to surround me. Each man punched me once until I fell down and, fortunately at that time one Chinese was arrested and they were busy with that Chinese so I was released.

Q: Do you know the name of the Chinese?

A: No.

Q: What do you mean, you were "released", allowed to go home?

A: I was sent back to the cell.

Q: Did anything else happen later?

A: After they had dealt with the Chinese I was taken out and brought to a motor car. They brought me to a kampong (village) at the 13th Mile and they examined my house. After having searched the house they found nothing. Then MORI and the detectives beat me.

Q: Describe the beating.

A: YUSOFF beat me with his rifle; each of the Chinese detectives stamped me. They asked me to search the house but still found nothing. YUSOFF threatened to bring me before the Court Martial and ordered to be shot. YUSOFF searched for a hole in the earth and asked me to sit beside it. I begged him not to shoot me on the land belonging to somebody else, but on the land belonging to me. Then I was taken back to my house. They asked me to stand before an old cess-pool and I stood there. I pleaded with them to allow me to sit down so when they shot me I could fall into the cess-pool. Then the order "Aim" was given by MORI. YUSOFF

/ lifted

A: (Ctd.) lifted his rifle and pulled the bolt. He did not shoot me, he simply came to me and placed the end of the rifle on my back. "If you still deny you will die". I said: I do not mind to die because these things are not in my possession. Then I was brought back to the motor car and taken to the police station. In the motor car also I was beaten by all those who were with me.

Q: Who were with you?

A: YUSOFF, detectives, MORI.

Q: Describe the beating in the motor car.

A: I was sitting down and a detective held me and the rest of the people punched me. I was brought back to the police station and again questioned. Still I denied. Then I was put back to the cell. Before I was put in the cell YUSOFF kicked me. That is all.

Q: The whole time you were in the Police Station the cells or the charge room did you notice anything else?

A: I noticed nothing else except there was a Malay named HASSAN who told me he was hanged.

Q: Did he say how?

PRESIDENT: On what grounds do you want me to admit hearsay evidence of what HASSAN said?

PROSECUTOR: Because HASSAN is not available to give evidence.

PRESIDENT: Unless you can bring it under an accepted exception, I am not prepared to admit it.

Q: Tell us about HASSAN's physical condition.

A: There was a mark on his <sup>wrist</sup> ~~face~~ showing he had been tied. Nothing else, because in the lock-up we were not allowed by MORI to talk with one another about each other's treatment.



CROSS EXAMINATION:

Question: This man YUSOFF, where is he now?

Answer: I do not know about him but read in the papers that he is in prison.

PRESIDENT: Do we know anything about YUSOFF?

PROSECUTOR: Yes, Sir. He is not being called owing to the rule about accomplices. His name did appear in the sketch of ~~contact~~ with somebody else.

Q: When MORI and YUSOFF had conversation, in what language did they speak?

A: In Japanese.

Q: Do you understand Japanese?

A: All that I understand is the word "Mizu" meaning water.

Q: Just that one word?

A: Yes.

Q: As you could not understand what they were saying to one another you cannot swear on oath that MORI ordered YUSOFF to give you the water treatment?

A: After MORI had said the word "Mizu" I was taken to the bathroom.

Q: Will you describe the beating?

A: At first he slapped me. After that with a blotting handle made of iron. Then with a wooden stick. As a result of that three of my teeth were broken. At about 3 o'clock he brought another man by the name of HAKARA. He also beat that man.

Tenth Witness for the Prosecution: JAMALUDIN

EXAMINATION IN CHIEF.

Question: Is your name JAMALUDIN?

Answer: Yes.

Q: Are you of KAJANG?

A: Yes.

Q: What was your occupation and residence in August 1945?

A: I was a petition writer living at KAJANG.

Q: Can you remember anything that happened in that month?

A: Yes.

Q: Tell us what happened.

A: On the second, in the afternoon two detectives came to my house. They arrested me and brought me to the police station. There I met the Japanese Socho.

Q: Is he in Court now?

A: Yes. (Pointing) That man there.

Q: And what happened?

A: He asked me whether I was a member of the Anti Japanese Regiment. I replied: No. After that he beat me.

Q: Will you describe the beating?

A: At first he slapped me. After that with a blotting handle made of iron. Then with a wooden ruler. As a result of that three of my teeth were broken. At about 8 o'clock he brought another man by the name of HASSAN. He also beat that man.

A: There were many people.



Q: How did he beat that man?

A: With a wood or a bamboo.

Q: Did you actually see?

A: Yes.

Q: How many times did he beat him?

A: Many times.

Q: What was HASSAN's condition afterwards?

A: He appeared as if he was worn out.

Q: Did anything else happen to HASSAN?

A: He instructed a man to bring HASSAN for water treatment.

Q: Who instructed?

A: The Socho (Accused) instructed one Indian and some detectives who were present at the time.

Q: Did anything else happen to HASSAN?

A: I saw some marks on his wrist showing that he had been tied and hanged.

Q: When was the next time you saw HASSAN?

A: Hassan returned.

Q: What was his condition?

A: He was unsteady <sup>on his feet</sup>, as if he was drunk.

Q: Did you notice anything about him?

A: Gasping for breath and very tired.

Q: Did you notice anything else about him?

A: Nothing else, and then I was put inside the lock-up.

Q: Did you notice anything about his clothes?

A: They were wet.

Q: Is there anybody else that was in the Police Station lock-up or charge room while you were there?

A: There were many people.

Q: Can you tell me a few names?

A: One RAJA YAHYA.

Q: Can you tell me anything you noticed in relation to RAJA YAHAYA?

A: He showed me the mark of a beating on his left arm. Also on his abdomen.

Q: Was there anybody else there whose name you did not tell me?

A: One was named KONG LIN

Q: Have you seen KONG LIN recently?

A: Yes.

(Both KONG LIN and RAJA YAHAYA identified.)

Q: What happened to KONG LIN?

A: On his body were marks of beating.

Q: What sort of marks were they?

A: Blue bruises and swellings.

Q: Anything else?

A: That is all.

Q: Can you tell me the name of anyone else you saw there?

A: One man by the name of MAT CHOCOLATE, RAJI OSMAN that is all.

CROSS EXAMINATION:

Question: You were arrested by two detectives, do you remember who they were?

Answer: Yes, BAKAR and MAHMOOD.

Q: The man HASSAN was beaten by a detective, what detective was that?

A: An Indian detective.



Q: Can you tell me a few names?

A: One RAJA YAHYA.

Q: Can you tell me anything you noticed in relation to RAJA YAHAYA?

A: He showed me the mark of a beating on his left arm. Also on his abdomen.

Q: Was there anybody else there whose name you did not tell me?

A: One was named KONG LIN

Q: Have you seen KONG LIN recently?

A: Yes.

(Both KONG LIN and RAJA YAHAYA identified.)

Q: What happened to KONG LIN?

A: On his body were marks of beating.

Q: What sort of marks were they?

A: Blue bruises and swellings.

Q: Anything else?

A: That is all.

Q: Can you tell me the name of anyone else you saw there?

A: One man by the name of MAT CHOCOLATE, HAJI OSMAN that is all.

CROSS EXAMINATION:

Question: You were arrested by two detectives, do you remember who they were?

Answer: Yes, BAKAR and MAHMOOD.

Q: The man HASSAN was beaten by a detective, what detective was that?

A: An Indian detective.

Q: HASSAN was taken away you think to be given water treatment, by whom?

A: The detectives and some police constables, two or three of them.

Q: MORI told the detectives to take him?

A: Yes.

Q: In what language?

A: In Japanese.

Q: Do you speak Japanese?

A: No.

Q: When you were arrested you were taken to the Police Station and questioned, what about?

A: They suspected that I was a member of the Anti Japanese Regiment.

Q: Did they suspect you of being anti-Japanese or did they suspect you of being a member of an organised Japanese regiment, a Communist or bandit or suspected to be a member of an organised army?

A: They suspected me of taking part in an organised regiment.

RE-EXAMINATION (By Prosecutor)

Question: When you were arrested were you wearing any uniform or emblems?

Answer: None.

(Witness Identified Answer.)

I refused to admit and he continued beating me

till I was lying on the ground.

He was hit by two policemen and given water treatment.



Eleventh Witness for the Prosecution:- YAP KON LIM.

EXAMINATION IN CHIEF: *Witness stood behind and lay flat on*

Question: Is your name YAP KON LIM of KAJANG? *Witness said*

Answer: Yes. *Witness said, "Yes, stopping on my sheet"*

Q: In August 1945 what was your occupation and place of residence? *Witness said, "I was doing business in SUNGAI JELOH, about one mile from KAJANG town."*

A: I was doing business in SUNGAI JELOH, about one mile from KAJANG town. *Witness said, "I was"*

Q: Can you remember anything that happened in August 1945? *Witness said, "I was taken away for questioning"*

A: Yes. On August 5th, 1945, in the night about 10.30 o'clock while I walked out of the Amusement Park I was stopped by an Assistant OCPD with two policemen. I had to go to the police station for questioning. While I went to the police station under their escort I was told I was under arrest. They put me into a cell. The next day about 9.30 o'clock I was brought out for questioning. I was charged for helping the escape of one Chinese detective LIEN CHOK and two Chinese constables whose names I cannot remember. I refused to admit and was beaten with a bamboo stick about the size 2 inches in diameter. The OCPD named YOSHITADA MORI beat me. *Witness said, "I was"*

Q: Is he in Court, will you point to him. *Witness said, "Yes"*  
(Witness identified Accused.)

A: I refused to admit and he continued beating me till I was limping. I was taken to the bathroom by the help of two policemen and given water treatment. *Witness said, "I was"*

*Witness said, "I was"*

*Witness said, "I was"*

Q: Will you describe water treatment?

A: I had my hands tied behind and lay flat on my back with another Indian detective named RAJA DURAI holding my hand, another stepping on my chest and the other policeman, a Sgt. Major named YUSOFF. He was the man with the bucket that poured water on my mouth till I was nearly unconscious. It was lucky I could get all the water vomited out. I was taken back to the police station and put in the cell. The following night I was taken again for questioning and received the same beating while I still refused to admit and put back in the cell until the date of the surrender. After the surrender, on the 19th, I was released.

Q: Was anybody else in custody there in the police station, charge room or cells while you were there?

A: In the same cell with me were some - RAJA YAHAYA, JAMALUDIN, HAJI OSMAN and some Chinese; I cannot remember their names.

Q: RAJA YAHAYA and JAMALUDIN, did you notice anything about their condition?

A: I cannot possibly remember.

CROSS EXAMINATION:

Question: You were taken to the bathroom and given water treatment, by whom?

Answer: The OCED took me.

Q: Himself or somebody else?

A: With some policemen.

Q: He was actually in the bathroom?

A: Yes.



Q: Will you describe water treatment?

A: I had my hands tied behind and lay flat on my back with another Indian detective named RAJA DURAI holding my hand, another stepping on my chest and the other policeman, a Sgt. Major named YUSOFF. He was the man with the bucket that poured water on my mouth till I was nearly unconscious. It was lucky I could get all the water vomited out. I was taken back to the police station and put in the cell. The following night I was taken again for questioning and received the same beating while I still refused to admit and put back in the cell until the date of the surrender. After the surrender, on the 19th, I was released.

Q: Was anybody else in custody there in the police station, charge room or cells while you were there?

A: In the same cell with me were some - RAJA YAHAYA, JAMALUDIN, HAJI OSMAN and some Chinese; I cannot remember their names.

Q: RAJA YAHAYA and JAMALUDIN, did you notice anything about their condition?

A: I cannot possibly remember.

CROSS EXAMINATION:

Question: You were taken to the bathroom and given water treatment, by whom?

Answer: The OCPT took me.

Q: Himself or somebody else?

A: With some policemen.

Q: He was actually in the bathroom?

A: Yes.

Q: What was the language used by the OCPD when he addressed the detectives?

A: Malay.

Q: Can you remember exactly any Malay expression or words used by the OCPD?

A: I cannot.

Q: And yet you are sure he used Malay?

A: Yes.

Q: Do you remember the words used at the time when MORI told the detectives to take you into the bathroom?

A: I do not remember the exact words.

Q: Can you remember any of the questions put to you by the Accused while you were under arrest. Say on the first day when you were brought back you were questioned by the OCPD or by detectives?

A: By the OCPD.

Q: Can you remember any conversation?

A: Only a few words in Malay.

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In the lock-up.

Did you see anything before you left?

What happened to KASAN at the police station?

I did not see anything about him, but something about KASAN.

What did you see about KASAN?

He was instructed that he be given water treatment.

And it was given to MORI and KASAN. MORI was here.

and he was brought back to the police station.



12th Witness for the Prosecution:- SYED MOHAMMED.

EXAMINATION IN CHIEF.

Question: Is your name SYED MOHAMMED, of KAJANG?

Answer: Yes.

Q: Were you employed in the KAJANG Police Station in 1945?

A: Yes.

Q: Give me the dates between which you were employed there.

A: Three months after I joined the force the Japanese surrendered.

Q: Do you remember any people in custody at the police station in August 1945, the month of the Japanese surrender?

A: There were many people, I cannot remember names.

Q: Tell me any names of any people you have seen recently.

A: RAJA MOHAMMED, JAMALUDIN, MOHAMMED NOOR, HASSAN and YAP KON LIM.

Q: What happened to YAP KON LIM at the Police Station?

A: I did not see anything.

Q: Did you see YAP KON LIM at the police station?

A: In the lock-up.

Q: Did you see anything happen to him?

A: No.

Q: What happened to HASSAN at the police station?

A: I did not see anything about him, but something about MOHAMMED NOOR.

Q: What did you see about MOHAMMED NOOR?

A: MORI instructed that he be given water treatment and it was given to MOHAMMED NOOR. MORI went home and JA 'AMAN brought back MOHAMMED NOOR to the police station.

(YAP KON LIM was identified.)

- Q: Did you see anything happen to YAP KON LIM?  
A: No.  
Q: How long was YAP KON LIM in the police station?  
A: About a month.  
Q: What was YAP's condition in the cells there?  
A: He was sitting in the cell.

PRESIDENT: Explain to the witness that he is under a solemn obligation to tell the truth and the whole truth and that it is an offence punishable by the law of this land to commit perjury, by withholding the truth just as much as stating an untruth.

- Q: I am going to start again: tell the Court what happened to YAP KON LIM.

- A: I do not know anything about YAP KON LIM because I was on duty outside the police station.

- Q: When were you on duty outside the police station?

- A: When YAP KON LIM was arrested I was on duty outside on the road and the next day I was off duty.

- Q: You have just mentioned HASSAN's name, what happened to him?

- A: I did not see anything happening to HASSAN. All that I know is about MOHAMMED NOOR.

- Q: You said HASSAN was arrested, what happened to him?

- A: HASSAN was put in a cell, what happened to him I do not know because there were some detectives there. All that I know is MORI usually instructed any policeman that passed by to hit one of the prisoners.



Q: How do you know that MORI instructed that?

A: First MOHAMMED NOOR was taken from the lock-up to the detectives room.

PRESIDENT: Get this point clear. A statement has been made. I must <sup>be quite clear</sup> ~~have it~~ whether it is hearsay.

Q: You made a statement just now that whenever policemen passed MORI told detectives to hit them. How do you know that?

A: He ordered to hit, "Pukol la" (If you do not hit I will hit you.)

Q: On what occasions did you hear that?

A: In the morning, only once with regard to MOHAMMED NOOR.

Q: You have made a statement saying that whenever a policeman passed a prisoner MORI instructed detectives to hit the prisoner.

A: Not the prisoner in the cell, but in the room, the detectives room.

PRESIDENT: Did you hear MORI say "Hit that prisoner"? Did you hear him say that to any police officer?

A: He instructed me as I was passing by to hit that man in the room.

PRESIDENT: He told you?

A: Yes, as I was passing by he ordered me.

Q: How many times?

A: Once.

PRESIDENT: How many times did you hear him tell anybody else?

A: As regards others I did not hear anything.

Q: I asked you what happened to YAP EON LIM, you said you were on duty the first and second days. What made you think I was referring to the first and second days?

A: The rule was one hour's duty outside the Police Station and one hour's duty in the lock-up. Therefore I know YAP KUN LIM was arrested at that time.

CROSS EXAMINATION:

Question: Tell us why you were discharged from the Police force.

Answer: Those who were not working formerly, during the British occupation, were allowed to remain. Those who were employed during the Japanese occupation were asked to leave service.

Q: But were not you discharged by the OCPD, the Malay?

A: One day MORI went back to KUALA LUMPUR and then some lorries came to the Police Station and brought policemen over to K.L. They said those who were not working with the British formerly would not be allowed to remain in service.

Q: As regards HASSAN the prisoner, you know nothing about him except you knew he was in the prison?

A: No, nothing else.

Q: You heard no orders given in respect to HASSAN?

A: No.

Q: During those three months you were in the KAJANG police station, you were in and out of that police station all the time. Do you remember it clearly?

A: I cannot remember.

Q: You remember the police station, what it looks like?

A: Yes.



Q: You remember when you go into the police station there is a room in which there is a telephone, can you remember that room?

A: Yes, that was the charge room.

Q: Behind that there is a courtyard and some steps leading to the courtyard and the cells?

A: Yes.

Q: At the top of those stairs by the charge-room is a door?

A: Yes.

Q: That door is between the charge room and the courtyard?

A: Yes.

Q: What was the door made of?

A: Wood.

At 1200<sup>hrs</sup> The Court at the request of the Defending Officer adjourn until 1000 hrs. on 6 March in order to enable the Defending Officer to prepare his case.

Q: Are you in Malaya?

A: According to the orders of the Japanese cabinet I arrived in Malaya on November 11, 1942.

Q: In what capacity did you arrive in Malaya?

A: I came from Japan as a Civil Affairs Officer.

On the 6th March at 1000 hrs. the Court re-assemble pursuant to adjournment; present the same members as on the 5th March.

PRESIDENT: Capt. Whitgift, Does the Accused intend to give evidence on oath or does he intend ~~to~~ to make a statement.

DEFENCE: He will give evidence on oath.

PRESIDENT: Do you intend to call any witnesses in your

~~evidence?~~ *defence?*

DEFENCE: No.

PRESIDENT: Neither to fact or character?

DEFENCE: No.

PRESIDENT: Do you not wish to make a statement to begin with?

DEFENCE: No.

PRESIDENT: (To Accused) Do you fully understand if you make your evidence on oath you are liable to cross-examination by the Prosecution and examination by the Court?

A: Yes.

WITNESS for the Defence:- MORI YOSHITADA (The Accused)

EXAMINATION IN CHIEF.

Question: What is your name?

Answer: MORI YOSHITADA.

Q: Your nationality?

A: Japanese.

Q: Why are you in Malaya?

A: According to the orders of the Japanese cabinet I arrived in Malaya on November 11, 1942.

Q: In what capacity did you arrive in Malaya?

A: I came from Japan as a Civil Affairs Officer.



Q: What particular duty were you given in Malaya?

A: My responsibility was as an Administrative Police Officer.

Q: Where did you perform that duty?

A: Until 1944 March 10, I was stationed in Singapore. According to the orders of the Japanese Military Administration I was transferred to the office here at KUALA LUMPUR. Later on I was transferred to the Police Court KUALA KUBU on March 29, 1944, as OCPD. Afterwards I was transferred to KAJANG, on November 29th, 1944, and I was stationed there until the termination of the war.

Q: What were your duties at KAJANG?

A: My responsibility was to preserve the peace and order of the district of KAJANG.

Q: Who gave you that responsibility?

A: The Japanese Governor of Selangor state.

Q: By what method were these duties carried out?

A: In order to execute my responsibility I took measures to arrest and prevent the agitators of the district.

~~Examiner: Interpreter, would you explain to the prisoner when he is giving evidence to do so in shorter sentences?~~

Q: Were these duties you have just described performed by you personally?

A: It was impossible for me myself to do it, so I co-operated with my subordinates.

Q: Did you ever allow these subordinates complete control?

A: To this one Japanese I gave him the whole responsibility, but to my other subordinates, viz. civilians I did not give the privilege. But for instance to my Chief Assistant, a civilian, I gave the power to execute my responsibilities sometimes and partially only.

Q: This other Japanese, what was his name?

A: His nationality is Taiwan, viz. Formosan; his rank is Administrative Civil Officer; his name is TAGAWA HIDEO, but in this Court he was standing witness as a Chinese, using a Chinese name.

PRESIDENT: Is that the Japanese subordinate or the civilian?

A: The Japanese.

Q: What is the name of the civilian subordinate to whom you sometimes delegated your powers?

A: Inspector YUSOFF and MOHAMMED. When I did give them the powers it was only according to their rank, duty and to that particular occasion.

Q: Were you yourself present in the Police Station at all times?

A: To only sit in the office of the Police Station I could not bear because I myself was an earnest man and sometimes received orders from my superior officers to other places so I was frequently absent from the police station.

Q: Who was in charge of the police station in your absence?

A: TAGAWA HIDEO and in case I myself and TAGAWA were absent, I gave responsibility to the civilian subordinate YUSOFF.



Q: You have said it was sometimes necessary to make arrests; did you make those arrests personally?

A: I did not arrest anybody personally: I always let him be arrested by my subordinates, I mean arrest of agitators.

Q: Were arrests to your knowledge ever made in the area by persons other than your particular subordinates?

A: As a principle I did not receive any reports . . .

Q: But other policemen, other than your men performed arrests in the area?

A: Yes.

Q: What other policemen?

A: Sometimes the Kempeitai, the garrison and also my own peace and order department HQ at KUALA LUMPUR came to my district in KAJANG and made arrests.

Q: When that happened, was the man arrested put in your gaol or taken somewhere else?

A: As a principle not, but sometimes there were cases.

Q: I am now going to ask you a question about the first charge. Do you remember the name LEE LIM CHIANG?

A: I do not know.

Q: LEE AH YIN?

A: I am sorry to say I cannot answer if I know the person by name.

Q: I am not asking if you know them now in Court. I am asking if you remember those names.

A: I do not remember.

Q: Or LI BOON LEE?

A: No.

Q: Or CHEN POH SHIN.

A: If I do not see his face I cannot identify.

Q: CHEN HOI CHIN?

A: I cannot identify them by name but yesterday and the day before I recognised two men in this Court.

Q: CHEN FOH SHIN. Do you remember having seen this man before you saw him in Court?

A: I have seen.

Q: (CHEN HOI CHIN was produced.) Do you remember seeing this man before you saw him in this Court?

A: I have.

Q: (LEE AH YIN produced). Do you remember seeing this man before you saw him in Court?

A: I have not.

Q: And you do not remember the name LEE LIN CHIANG.

A: I do not.

Q: While you were in charge of the Police Station do you remember anybody ever dying there?

A: I did receive a report that somebody did die.

Q: One occasion only?

A: Only one.

Q: When was this?

A: I am not quite clear but I recollect that it was in March last year.

Q: Who gave you that report?

A: I do not quite remember his name; I recollect the report was: This man at first had a stomach ache, later on it seemed to be that he contracted dysentery and died.

Q: That is the only death you remember hearing of in the gaol while you were in charge?

A: Inside the cell?



Q: CHEN HOI CHIN?

A: I cannot identify them by name but yesterday and the day before I recognised two men in this Court.

Q: CHEN FOU SHIN. Do you remember having seen this man before you saw him in Court?

A: I have seen.

Q: (CHEN HOI CHIN was produced.) Do you remember seeing this man before you saw him in this Court?

A: I have.

Q: (LEE AH YIN produced). Do you remember seeing this man before you saw him in Court?

A: I have not.

Q: And you do not remember the name LEE LIM CHIANG.

A: I do not.

Q: While you were in charge of the Police Station do you remember anybody ever dying there?

A: I did receive a report that somebody did die.

Q: One occasion only?

A: Only one.

Q: When was this?

A: I am not quite clear but I recollect that it was in March last year.

Q: Who gave you that report?

A: I do not quite remember his name; I recollect the report was: This man at first had a stomach ache, later on it seemed to be that he contracted dysentery and died.

Q: That is the only death you remember hearing of in the gaol while you were in charge?

A: Inside the cell?

Q: Anywhere inside the police station?

A: Inside the police station only one occasion.

Q: You were never informed of a death by violence of any of the prisoners in the police station - any sort of an unnatural death, shooting, for instance.

~~Witness: Interpreter, we must have his reply to the~~  
~~Defending Officer's question, not to your elabora-~~  
~~tion of it.~~

Q: Were you at any time informed of the death inside the police station of one of the prisoners - of a violent death?

A: I was not.

Q: I am now going to ask you questions about the second charge. Do you remember anything unusual which you did during April?

A: I do remember receiving a report that in April, while I was absent I received a note that some prisoners escaped in a group and among the prisoners some were shot and some wounded.

Q: You said in your absence, where were you?

A: According to my superior officers at KUALA LUMPUR I received orders to make an expedition from April 21 at dawn to approximately April 26, 1700 hrs. with my own colleagues, Japanese and civilian constables at a place called KACHAU for the purpose of rounding up political agitators. It was a place in the mountains.

Q: Your orders were to go out on the 21st and return on the 26th?

A: No, to complete the expedition.

Q: Why then did you return on the 26th?

A: I was worn out and contracted malaria and returned to KAJANG to rest and receive treatment.



Q: You have stated previously that when you returned on the 26th you were given a report, who gave you that report?

A: TAGAWA HIDEO.

Q: What was TAGAWA's capacity at the time?

A: During my absence always TAGAWA HIDEO took charge of the police station and substituted my responsibility. From a Japanese point of view, I was the Chief Officer of the Police Station, TAGAWA was an Assistant Chief Officer in the Police Station.

Q: What was this report he gave you?

A: TAGAWA reported to me while we were absent during the expedition eleven prisoners escaped. In order to pursue and recapture these escaped prisoners the constable shot them. Pardon, I want to cancel the word "constable". I just received the report that they were shot,

Q: According to his report two were shot and the rest, approximately 7 or 8 escaped?

PRESIDENT: Was the word shot used to mean "killed" or "wounded"?

A: To my recollection I think they were killed. At the same time TAGAWA apologised to me saying: I am sorry such an accident happened.

Q: I am still interested in this report. About 11 men escaped, two you believe were returned shot and killed, that leaves about nine. What became of those nine?

A: Among these nine some were recaptured, some escaped.

Q: Were you told that any of those who were recaptured had been wounded by gunfire but not killed?

A: I did not hear of any injured.

Q: Were you told that any of the men who escaped were wounded but not killed by gunfire?

A: TAGAWA reported to me there might be an injured person among the men who escaped. All these figures about the recapture are approximate, I will not swear accuracy.

Q: Did you ever see or were you ever informed that a prisoner in KAJANG police station was shot there?

A: No.

Q: I am now going to ask you questions about the third charge. (Witness remembered seeing RAJA YAHAYA, JAMALUDIN and YAP KUN LIM but not MOHAMMED NOOR.)

Q: The first two men RAJA YAHAYA and JAMALUDIN; do you remember the circumstances of their arrest? Excuse me, I will withdraw that question before you ask him. The first two men RAJA YAHAYA and JAMALUDIN; you say you have seen them before. Where have you seen them?

A: At my time RAJA YAHAYA was working in the District Office and I saw him occasionally. With reference to JAMALUDIN I saw him walking to and fro in front of my police station; a petition writer. The reason I remember these two men RAJA YAHAYA and JAMALUDIN is to obtain one of my objects (later I will explain) I asked them to come to my police station at approximately August 1st or 2nd, 1945.



Q: I would like to clear that up. You asked them to come to your police station, do you mean you arrested them?

A: I did not go personally, of course, but gave orders to my subordinates to come to my police station which means I appealed to them; I did not arrest them.

Q: Can you remember what it was you wanted to ask them?

A: According to a report in a district called ULU LANGAT there was much communal and civil trouble by some particular political agitators and these agitators were working upon these poor civilians and making them pay a tribute to these political agitators. Also these peaceful people of ULU LANGAT were forced to contribute thousands of dollars to these political agitators' association. This report was discovered by the Japanese garrison at that time. To my idea they called the "dato tungku" (a Malay rank, the chiefs of the Malays). They were assembled by this leader of the Political Agitators Association and asked to contribute money. The reason I asked JAMALUDIN to come was a particular Chinese leader of this Political Agitators Organisation had abducted (sic) JAMALUDIN to assist this political organisation to contribute money. I am not quite clear but RAJA YAHAYA though he was working in the District Office at the time was a "ketnar" or "pengulu" (head man) of the kampong. RAJA YAHAYA was concerned in this contribution. I thought RAJA YAHAYA was contributing money to another political agitators organisation.

Consequently I wanted to know the relations between these two political agitators organisations and so called him. To these two men RAJA YAHAYA and JAWA-LUDIN I do not like to use the word "arrest" or "capture". For the sake of the people of ULU LANGAT. Although they were making contribution to this organisation, they were not doing so of their own free will. I thought they were forced by this organisation. I know this organisation was menacing or impressing these people.

Q: You asked these two men to come to the Police Station for questioning about the contribution paid in the village of ULU LANGAT. We now come to YAP KON LIM. Do you remember the circumstances of his arrest?

A: Yes, I do.

Q: What were they?

A: On the third of August, 1944, approximately midnight. While I was absent three of my subordinates viz. detectives, Chinese, deserted with one pistol of the constables. I still remember this pistol was the possession of my civilian subordinate YUSOFF. I strangely thought: Why in the world did these three Chinese desert me? Were they by any chance attempted on by some man of another party and in order to know the reason why these three Chinese deserted me I gave orders to my Assistant OCPD TAGAWA to look after this desertion case. TAGAWA and my other subordinate assistants found out that a Chinese called YAP KON LIM had induced these Chinese and deserted to a place called SUNGAI JELOH.



A:(Ctd.) I am not quite clear but it was 4th or 5th August 1945 approximately 11 o'clock that my subordinates arrested YAP KON LIM at an amusement park in KAJANG. I gave orders to TAGAWA and other subordinates to examine this man. Unfortunately to myself TAGAWA could speak Chinese and YAP could speak Chinese. The other subordinates could not speak Chinese. I received a later report from TAGAWA as follows:- While he was inspecting YAP KON LIM, YAP KON LIM asked him thinking that TAGAWA was one of the friends of these three deserted detectives and asked him, 'When are you (Tagawa) going to run away with some ammunition and so on and come together with these three detectives?'

Q: You know of this conversation because TAGAWA made a report to you?

A: Yes.

Q: What did you tell TAGAWA to do then?

A: Also according to this report I found out that some of my men of the "Jikedan" a sort of peace preserving organisation, were also induced and deserted to a place called SUNGEL JELOH. As I wanted to know where this place was located I did not want to force YAP KON LIM or arrest him directly. I gave these orders to TAGAWA: If you are really my assistant and if you have no ill-will against me, pretend to be a friend of YAP KON LIM and co-operate with him hypocritically and try and search this political organisation, its place and how it is systematically worked. So TAGAWA treated YAP KON LIM as I gave the orders.

(Mr. Wong) MONITOR: My opinion of the translation is that TAGAWA and the subordinates were told to investigate this Chinese YAP KON LIM. This Chinese was questioned by TAGAWA together with his detectives.

Q: It is your belief that this investigation by TAGAWA and your subordinates, you had reason to suppose it was carried out in accordance with your orders?

A: Yes.

Q: So that, if anything, YAP KON LIM was going to be better treated?

A: Even though I did not give such orders, consequently it must result that treatment should be better.

Q: MOHAMED NOOR is the man who gave evidence yesterday and whom you have said today you do not remember having seen before?

A: Yes. According to my recollection of yesterday MOHAMED NOOR seemed to be arrested on 3rd August and brought to my police station and asked if he had two pistols. Also MOHAMED NOOR testified when he was investigated he was kicked fisted and received water treatment. He also pointed out in the dock and said OCPD did it.

Q: Did the mention of two pistols remind you of any incident of which you heard or saw about that time?

A: I was asked to look for deserted Heiho (auxiliary or volunteer force of the people of Malaya) that worked for the Japanese garrison, to search for a certain Heiho that ran away from an ordnance centre in KUALA LUMPUR with two or three pistols. He had run away to a place about the 13th Milestone, in that vicinity. I do not know if these pistols



A: (Ctd.) were Japanese or Western made. This request from the ordnance centre had been received directly; but I am not quite clear whether it came by telephone. I gave orders to my subordinates to search for this Heiho and bring him back. Later on I received orders that this Heiho was arrested and handed over to this ordnance centre in KUALA LUMPUR.

Q: You received a report that this deserting auxiliary had been recaptured, by whom?

A: It was my subordinates, I do not know the names.

Q: You received the report from the man in charge that they had found the man and brought him back?

A: I am not quite certain.

Q: Do you remember sending out a party to look for this man?

A: Yes. According to my custom I gave orders and this man called YUSOFF always received the orders. At that time I do not remember the name; sometimes I would just call TAGAWA and tell him: Will you please give the orders to so and so and look for this Heiho, or something like that.

Q: You remember this party brought back the prisoner?

A: I ~~have~~, because I received the report.

Q: Do you remember receiving any further reports as to what became of that prisoner?

A: No.

Q: Was the man detained in KAJANG Police Station?

A: I am not quite certain; I do not quite remember.

Q: In a case such as this, an auxiliary running away from his unit, what normally would you do with such a prisoner?

A: I always telephoned to the place I was requested and informed them to come for the deserter.

Q: You suppose that is what happened to this particular man?

A: Yes.

Q: You have no reason to suppose this man was treated in any other way?

A: No.

Q: In such a case would any investigation into the case against this man be made by you or your subordinates?

A: According to my practice my subordinates investigated the case.

Q: They would bring the man back to the police station and there question him?

A: Yes.

Q: Having satisfied themselves it was the man . . .

PROSECUTOR: Sir, I do not like my friend leading to the circumstances; I prefer it to not go so far with the question.

DEFENCE: I am sorry. At this time, during the beginning of August or around that time there was in this part . . .

PRESIDENT: <sup>If</sup> ~~/xxx/~~ you put your question in such a way: At such and such a time there was this action, you are leading. You must not suggest by the form of your question what answer you want.

Q: At about the time referred to in this last charge, at the beginning of August what was the general political state in this part of Malaya?

A: In a very bad condition. For instance, this main road from Singapore to Penang was always ambushed and Japanese officers found it hard to walk alone. Sometimes detectives disappeared into the jungles and never came back.



Q: And it was your duty, on orders from your superiors, to try to prevent this?

A: Yes.

Q: Were you able to deal with all such incidents and complaints personally?

A: How could I execute this duty alone? Sometimes the Japanese garrison and other Japanese came to help me out. Also my subordinates were increased.

Q: Did you personally investigate each case?

A: As I mentioned before on the occasion of investigating the case I always had my subordinates examine them and later, according to my subordinates' reports I would check reports and say for instance: This seems to be strange, or please look this over a little more. I had my subordinates re-examine again and if I was not satisfied with the results, I would examine the case personally.

Q: Have you anything further to say affecting these charges?

A: May I make an address about the motives of . .

PRESIDENT: MORI, you will be cross examined by the Prosecutor and any further points may be asked by the Court but you do not know what those questions will be. If there are any questions which seem to be relevant to the charges brought against you, you may now make a statement.

A: I wish to make a statement. Among these witnesses in Court there are three of my former subordinates and, to tell the truth, this man TAGAWA seems to have ill-will against me. With reference to JA'AMAN, I do not know if he had any ill-will against me but I do acknowledge he worked very hard for me in securing the peace of the town of KAJANG. Consequently I think he was black-mailed by the agitators.

PRESIDENT: Capt. Whitgift, the Accused is in fact questioning the credit of certain witnesses. He may do so, but the Prosecution would then be permitted to bring any extraneous evidence as to the character and reliability of the Accused.

DEFENCE: I am satisfied.

A: (Ctd.) SYED MOHAMED was my former subordinate and had stolen uniforms of his own colleagues and was charged in this Court at KAJANG. I cannot believe the witness of SYED MOHAMED, to make me before this Court appear as an agitator or criminal. As to TAGAWA his testimony comes from ill-will. At first TAGAWA was one of my best men. I had faith in him and believed among the Formosans that received orders to come to Malaya in Selangor state he was one of the brightest and most upright men of mine. For this reason I called him to join my station at KUALA KUBU. Briefly speaking, it was the question of a woman's passion. There was a quarrel between us and I told him he had Chinese blood in him and he seemed very indignant. TAGAWA told me: since I was born in Formosa I was brought up in Japanese ways and customs and my ideas are Japanese but when you OCPD MORI tell me I have Chinese blood in me that makes me indignant. He wanted to be discharged from the police station. Eventually TAGAWA went directly to my superior officers in KUALA LUMPUR and made a petition to be discharged from the police station of KAJANG. Since that quarrel I myself did not have any ill-will against TAGAWA but matters did not go smoothly between us.



At present I presume he is living among the Chinese with a Chinese name. Summing up these reasons

I want to appeal to the Court. I hear the reputation of the British Court is fair and upright and do not

true. I pray that you kindly lend a lenient hand to my situation and would leave the rest to Provi

In case I am sentenced I beg that it may be mitigated a little.

~~any alterations?~~

There were large piles of papers, books, or files on Table 2.

At the request of the Defending Officer the Court again adjourned to the KAJANG police station to enable MORI to state the layout of the station and to examine two of the Prosecution witnesses.

There were present besides the Court

The Accused  
The Prosecutor  
The Defending Officer.

CHEN HOI CHIN stated that the tables in the charge room were as indicated in the Plan at "B", and shewed the position of AKOB, the Constable and MORI at the time of AKOB's shooting.

He stated that part of the time he was in cell 1, part in Cell 3. He was in cell 1 with LEE LIM CHIANG when LEE LIM CHIANG died. AKOB was in cell 1, and he, CHEN HOI CHIN, was in cell 3 on the morning AKOB was shot.

CHAN SIEW POO stated that the tables in the charge room were as indicated in the Plan at "B". He denied that there were large piles of papers, books or files on Table 2. He shewed the position of AKOB, the Constable, MORI and himself at the time of AKOB's shooting. He stated the iron-barred door between the charge room and the cells was covered with boards during the time of the Japanese occupation, with a small hold through which occupants of the charge room could look at the cells. The door was sometimes open, sometimes closed.

M O R I agreed that the position of the tables was as stated by CHEN HOI CHIN and CHAN SIEW POO. He stated that Table 2 was often but not always covered with books which would increase its height by about 10 inches. He agreed that the door was covered with boards and that it was sometimes open, sometimes closed.

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CROSS EXAMINATION of the Accused (By Prosecutor).

Question: MORI YOSHITADA, you say that TAGAWA held a grudge against you; is he the only one of the witnesses that holds a grudge against you?

Answer: (Interpreter). He does not directly answer the question.

PRESIDENT: He must answer it.

A: I think there are other persons who bear ill-will.

Q: Haven't they every reason to bear ill-will against you?

A: The reason is one man SYED MOHAMMED my former subordinate . . .

Q: The question is: Isn't there every reason for each of the other witnesses to bear ill-will against you?

A: I admonished SYED MOHAMMED because he stole from his colleagues and I charged him in this Court at KAJANG. That is why I think he had ill will.

Q: Would not the treatment of most of the other witnesses cause them to have ill will against you?

A: They may have ill will against me because they were arrested by my subordinates.

Q: You say as a general rule you delegated your duties to subordinates. What steps did you take to see that your subordinates executed that delegation properly?

A: Sometimes I did supervise and conduct them, but I had faith in my subordinates. I did not see what the results were or examine what happened.

Q: Then what makes you say that certain people might have ill-will because of acts done by your subordinates?

A: As I mentioned this morning I did believe in TAGAWA and JA 'AMAN and other subordinates but after such a case, from those reasons, I think that for instance TAGAWA and JA 'AMAN had ill-will.

Q: You say you had faith in your subordinates. You have also said some witnesses might have had ill will against you because of acts of your subordinates. What makes you think that?

A: In TAGAWA's case the mutual acquaintance was, as I mentioned this morning. But after that (the woman problem), the dispute between us and desertion at the termination of war, that made him think badly of me.

Q: The question I asked was: What made you think other witnesses at this trial bear ill-will against you because of acts of your subordinates?

A: Firstly, because I was formerly OCPD of the police station at KAJANG. Secondly because I am a Japanese.

Q: When CHEN PO SHIN and CHEN HOI CHIN were in the police lock-up, how many other persons were there?

A: I do not know their names, I do not remember.

PRESIDENT: MORI, when you are asked a question, it is your duty to answer and not make a speech about any other matter which may come to your head. You will answer the question.

Q: While you were OCPD at KAJANG what was the average number of people in the cells?

A: I do not remember. It is certain that at least over several (?) persons were in each cell.



Q: How often did you inspect the cells there?

A: I inspected once or twice a week and sometimes I did not go even one month.

Q: Was it ever brought to your notice while you were there that a man was ill in the cells?

A: No.

Q: If a man had been ill in the cells would it have been reported to you?

A: Yes.

Q: Then you had no knowledge of any man or woman being ill in the cells?

A: No.

Q: The man who died of dysentery. Did you know before he was ill in his cell?

A: I did not receive any report about it.

Q: What action did you take when you found that one man had died in your cells of dysentery and you received no report of his illness?

A: I gave orders to my subordinates to go to the hospital and have the doctor examine the body.

Q: What action did you take against your subordinates for not reporting the fact that a man was ill in one of your cells?

A: I rebuked them and scolded them once.

Q: Do you remember a day in the middle of March when you went to KUALA LUMPUR and took drink with the OCED KUALA LUMPUR?

A: I did occasionally go to KUALA LUMPUR to the meetings and drank sometimes. But at that time there was an expedition held in KAJANG district and many of my friends had come from KUALA LUMPUR and so as the witness said yesterday I could not be going around drunk at that time.

Q: Do you remember on that particular day I am talking about you came back to KAJANG with the KUALA LUMPUR OCPD and there slashed at several of the prisoners with your sword?

A: No.

Q: In the case of the attempted escape from the gaol, who was the leader of that party?

A: I do not know.

Q: Was a report made to you by your second in command when you returned from the expedition?

A: Yes.

Q: Were you not able to find out from that report who was the leader of those who attempted to escape?

A: I do not know.

Q: What attempts did you make to find out who was the ring leader?

A: As there were some who ran away, some shot, some recaptured I thought it was useless to attempt investigation.

Q: Did you know at that time that there was a wounded man in your cells?

A: No.

Q: Was that not reported to you by your second in command?

A: No, but to my recollection the report was: There was a man who might be injured and he might escape.

Q: Did you find out whether he had in fact escaped?

A: As it was already a past occurrence I did not leave it to investigation.

Q: Where was the injured man?

A: I do not know.



Q: Then he might have been in your cells?

A: I am very sorry to say this against you but it is your imagination and it is not my idea.

Q: You told us that in the report you said there might have been an injured man whomight have escaped. I have asked you what steps you took to see if he had in fact escaped.

A: The report to me by the Second Assistant was that this injured man might have escaped or might not have escaped. That is all.

Q: Did not you consider it your duty to find out whether the injured man had escaped or still in the cells?

A: I did not check it up.

Q: Did not you keep a record of people in your cells?

A: I did not personally write it down in the book but my subordinates generally wrote down who was injured, who was discharged and who were sent to the courts.

Q: You did not then consider yourself concerned in any way about the safety or otherwise of the people in your custody?

A: I had a sentry to guard the cells and give them food. This is the police regulation. That can prove that the people in my custody were given safety.

Q: Safe from getting out or safe from the conditions inside the cell?

A: It implies both.

Q: You remember appealing to RAJA YAHAYA and JAMALUDIN to come to the police station; did you appeal to them to answer your questions.

A: At first I did not examine them personally.

Q: When you examined them personally, did you appeal to them to answer your questions?

A: I did.

Q: Do you consider beating JAMALUDIN with a ruler and knocking three teeth out with your fist appealing to him?

A: I deny such facts.

Q: Do you consider beating RAJA YAHAYA with a bamboo stick then burning his face with cigarettes appealing to him?

A: No.

Q: How long were those two in the police station.

A: I remember discharging JAMALUDIN after several days. On returning JAMALUDIN himself expressed gratitude to the OCPD here and asked if his son could become a policeman under this man and he made a petition.

Q: It was JAMALUDIN that was kept there several days?

A: Yes.

Q: How long was RAJA YAHAYA kept there?

A: After the termination of war I discharged him; I do not know exactly how many days.

Q: Did both of these sleep in the cells?

A: I can't recollect whether I put him in a cell but do remember he was under guard of a sentry in the room we went today.

Q: They remained in the police station because you appealed to them to remain?

A: Yes.



RE-EXAMINATION (By Defending Officer)

Question: This man who was shot but not killed during the escape. Tell us again what the report said about the man being shot but not killed.

Answer: Among the escapees there might be some injured but it was not confirmed.

Q: Some definitely escaped?

A: Some escaped, some shot and some recaptured.

Q: The report said some did escape and it was thought, whoever gave the report, <sup>that</sup> ~~thought~~ one of those men who escaped was wounded?

PRESIDENT: You are leading the Witness.

Q: The report said a number of men escaped. Some were shot, some recaptured and some got away?

A: Yes.

Q: What else did that report say about wounded men who were not killed?

A: Among the men that escaped there might be some injured.

Q: You have spoken of a book kept by one of your subordinates; what was entered in that book?

A: It is very shameful for myself I cannot read Romanised - it seems I am blind, I cannot read Romanised words.

Q: And the book was kept in Roman script?

A: Yes.

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Q: The report said some did escape and it was thought, whoever gave the report, <sup>that</sup> ~~thought~~ one of those men who escaped was wounded?

PRESIDENT: You are leading the Witness.

Q: The report said a number of men escaped. Some were shot, some recaptured and some got away?

A: Yes.

Q: What else did that report say about wounded men who were not killed?

A: Among the men that escaped there might be some injured.

Q: You have spoken of a book kept by one of your subordinates; what was entered in that book?

A: It is very shameful for myself I cannot read Romanised - it seems I am blind, I cannot read Romanised words.

Q: And the book was kept in Roman script?

A: Yes.



EXAMINATION BY THE COURT:

Question: How old are you MORI?

Answer: 38 years.

Q: What were you doing in Japan before 1942?

A: I was in the Police.

Q: How were you chosen to be a Civil Affairs Officer?

A: According to my higher, superior office.

Q: Were you detailed to do the job?

A: Yes.

Q: Did you have any training, instructions in the duties of a Civil Affairs Officer, before you came to Malaya?

A: Yes.

Q: Were you ever instructed in the International Law which governs the behaviour of a belligerent in occupied territory?

A: No.

Q: Have you ever read or had it explained to you the HAGUE Convention of 1907?

A: I heard the name but do not know what it contains and was never instructed.

Q: Did you have any rules binding on you to the people of Malaya? Were there any rules governing your relations with the people of Malaya?

A: I did not think there were.

Q: Were there any rules for the Japanese Army?

A: It seemed we used the British law here in Malaya, but only with reference to political agitators we used Japanese law.

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PROSECUTOR'S CLOSING ADDRESS.

Mr. President, Sir, Honourable Members of this Military Court. You have heard the evidence of witnesses called forward by the Prosecution to give evidence as to facts upon which are based the charges against MORI YOSHITADA.

It is now for the Court to consider these facts and that evidence and to decide whether or not MORI YOSHITADA did the acts for which he is charged.

There are discrepancies in minor details in the evidence. Who would expect there to be no discrepancies in an account of events which happened almost twelve months ago?

Indeed many people of the highest intelligence have difficulty in remembering details of incidents which happened 12 months ago and it may occur to the Court that the simpler the mind the simpler the idea and the simpler the account, the simpler the account of these facts which stand uppermost in their minds.

Details are important in their place and to a certain extent but they must <sup>not</sup> be allowed to confuse the issue or assume an importance out of proportion to their value.

Having regard to that and taking cognisance of all the evidence it is for the Court to decide whether in fact the important and material elements of the charges have been proved.

As to the first charge there has been a suggestion that before doing some of the acts MORI had had a certain amount to drink. Drunkenness in itself cannot be an excuse for crime, but where intention is a material ingredient in a crime then provided it is found as a matter of fact



that the state of drunkenness in the particular circumstances is so bad as to affect a man's intention then that might well be considered as a mitigating factor in awarding sentence.

Similarly in the second charge there has been a suggestion that MORI was ~~sick~~, that he was so sick and ill that that condition materially affected his state of mind. I would draw the Court's attention to two points, firstly the Defence has produced no direct evidence on this and, secondly, that it seems to me that the influence on a man's mind to negative an intention in a crime as serious as taking life would have to be no less a degree of influence as would under English law convert murder into manslaughter.

The Court may come to the conclusion that some of the witnesses in this case were to a certain extent accomplices. Proceedings are not contemplated against these people in respect of the facts about which they have given evidence and they are competent witnesses.

Nevertheless the evidence of accomplices is to be treated with suspicion. It is a custom of English evidence which almost amounts to a rule of law that the evidence of an accomplice should be corroborated in some material particular identifying the accused with the crime. It would be quite within your province to convict any man on the sole evidence of an accomplice but it would be extremely dangerous to do so. But in this case I do not think the Court will have any difficulty in this respect. In cross-examination the date has been particularly stressed.

The date in the charge is on or about the 15th April, 1945. None of the witnesses remembers the exact date. One

/said

said that it was about a month after his arrest which on the evidence would make it the 10th April. Another said he thought, but he was not quite sure, that it was the 22nd or 24th. It is a matter for the Court to decide but it seems to me that on or about the 15th is a very fair average and description of these dates so long as the accused was at the scene of the crime whenever it was committed on or about the 15th it does not appear to be a material point.

If in fact, however, the accused could have proved he had not been in KAJANG on the 15th and in view of the wording of the charge, for a reasonable period before or after, the length of such reasonable period would be for the Court to consider, then a material question would have arisen for the decision of the Court.

All that has been brought out in evidence for the Prosecution is that the accused did take occasional odd days off and that he was in fact away the day before AKOB was shot. He returned and gave orders for him to be shot a few minutes after reading the report. For the Defence the Accused has given evidence on his own behalf and in that respect the Court ought to treat him as an ordinary witness and grant him such credence as they think fit taking all evidence to the circumstances of the case.

MORI YOSHITADA is charged with violations of the Laws and Usages of War.

The majority of the War Crimes are those committed by civilians. On the one end of the scale we have the offences of espionage and sabotage and on the other the offences of Government officials who authorize, instigate or order breaches of the Laws and Usages of War. In the middle we have a miscellaneous collection of people, not strictly soldiers, but who are used by a warring power to further its own ends.



It is a fact of general knowledge that to consolidate its occupation administratively and to maintain that occupation effectively during a war a belligerent puts in responsible key positions its own national agents or people who are likely to support its policy and act as its agents. If while the dominant power is at war, these agents commit breaches of the Laws and Usages of War, then they are War Criminals.

In Military Courts as in other Courts subject to English law of Evidence the burden of proof is on the Prosecution. It is for the Prosecution to prove beyond reasonable doubt the guilt of the Accused. That expression "reasonable doubt" is the Hallmark of English Justice. But it means exactly what it says. It means a reasonable doubt and not every scintilla of doubt which might enter your minds. It means such a doubt as would affect your decision in ordinary business dealings.

It is not necessary to prove a case to a mathematical certainty for indeed that ideal is hardly ever attainable.

You are asked to make a decision as men of the world and using that discretion which experience has taught you, as to whether MORI YOSHITADA is guilty of the charges or perhaps to such an amended form of the charges as will not amount to an entirely different case as that indicated by the original charges.

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ADDRESS BY DEFENDING OFFICER.

Mr. President, Members of the Court. I will deal first with points raised by the Prosecuting Officer in his address. A point which to my mind he has passed over rather lightly and which I consider the Court should regard as very important is this question of the date of the shooting in the second charge. The Prosecution's own witness has fixed the day, not the date but the day in relation to other facts, the day after the escape, the day after MORI set out on this expedition.

I ask the Court to remember that fact because the question of the time and date of the shooting crops up in the evidence repeatedly.

The Accused, MORI YOSHITADA, is a Japanese who was a Chief Inspector of Police. He was head of the Police and in charge of the police station at KAJANG, during 1945 up to the time of the Japanese surrender. He is charged with violating the Laws and Usages of War in that he was directly responsible for certain events which occurred at the Police Station during that time. There are three charges and I will deal with them individually. The form of the charges is before you.

The evidence as to the first charge has been given, firstly, by LEE AH YIN. It is conceivable that the evidence of a witness dealing with the death of one as close to him as a brother might well be a little inaccurate, especially when given against a man who is the sole representative of an enemy nation and responsible for the discipline of the prisoners. I suggest that on several points his

/imagination



imagination has got the better of him. He has said that he and four others were arrested, together, and taken to KAJANG Police Station. On their arrival there one of them and only one, his brother, LEE LIM CHIANG, was beaten by Chinese detectives. He has described how, on subsequent occasions, he was able to see from the cell in which he and others were confined, LEE LIM CHIANG being beaten by MORI and others.

(The PRESIDENT interrupted: I recall the evidence of LEE AN YIN. He states on only one occasion he could see LEE LIM CHIANG being beaten while he was in his cell. On a subsequent occasion he said he saw his brother bruised when he returned.)

But the evidence of subsequent witnesses has cast considerable doubt on all these statements. The second witness CHEN FOH SHIN was not sure how many were arrested at that time and the fourth, CHEN HOI CHIN said it was eleven. CHEN FOH SHIN gave the names of three or four who, he said, were beaten on the day of the arrest, while CHEN HOI CHIN was equally sure that none of them were beaten until three nights later. All these other witnesses who were confined in the same cell as LEE AN YIN were quite certain that they could not see any beatings from the cell, but only assumed they had occurred from sounds they heard. For this same reason they cannot testify that the accused man was present at these alleged beatings or knew of them.

Further evidence on this subject was given by the man CHAN SIOW BOO. This is the man who at the time of the offences was working as Chief Assistant to MORI. He was then known by a different name; a Japanese name TAGAWA.

On his own admission he was in charge of the Police Station

/on

on the frequent occasions of MORI's absence. He has given evidence that he saw MORI beating and kicking LEE LIM CHIANG. The Court will know how much reliance can be placed on the testimony of this man who has, quite clearly, turned informer in an attempt to clear his own character. I suggest that such a man would tell any lie to cover himself. His attempt to impress the Court with his concern for the welfare of the prisoners was spoiled by his subsequent admission that he brought a wounded man back to the Police Station, put him in a cell and made no further enquiries as to his progress. In contrast to this conflicting evidence the Prosecution's own witnesses CHAN POH SHIN and RAJA YAHAYA have both stated that they saw MORI himself treating the wounds of prisoners.

I would suggest that the statement made by MORI that a Chinese died of dysentery during March 1945 may well account for the death of LEE LIM CHIANG and so I submit to the Court that the first charge, in as far as it refers to beatings and to the subsequent death of LEE LIM CHIANG, is by no means proved.

The evidence on the second charge is confusing, for, although the witnesses LEE AH YIN, CHEN POH SHIN, CHEN HOI CHIN and CHAN SIEW POO have all stated that they witnessed the shooting and that they remember the incident clearly, they differ considerably on the important details of where and how AKOB was standing at the moment he was shot. Three of them have stood on the spot on which AKOB is alleged to have been standing and each of them has shown the Court a very different place.

Doubt as to the reliability of these witnesses has already been shown in respect of the first charge and I submit that their evidence on the second charge is similarly

/unreliable



unreliable, for other evidence has cast doubt on whether the prisoner was even in KAJANG at the time. The witness CHAN SIEW BOO admitted that MORI left KAJANG on an expedition on the day before the alleged shooting of AKOB. He stated that MORI returned on the morning in question, at about 8 o'clock, that the shooting occurred shortly afterwards, and that shortly after it, MORI went out again. But the witness JA'AMAN was quite sure that he heard the shot fired, in the police station, at 5 o'clock in the evening. This statement is very important. If the witness considered a shot to be an every-day occurrence he would not have mentioned it. If it was a single isolated case of a shot, the only one he remembers at about that time, he would naturally tell of it. For this reason the Court may consider that this proof that the shooting, if it happened at all, happened at 5 o'clock in the evening.

On the testimony of CHAN SIEW BOO, MORI was not in KAJANG at that time. MORI himself has denied returning from the expedition until 4 days later.

The Court will also, no doubt, be interested in the fate of the man who, according to CHAN SIEW BOO, was wounded but not killed in the attempt to escape, and who was brought back to the Police Station and put in a cell. Why was he not seen by any of the other prisoners? Did he live, and if so, where is he? Or did he die, and in that case, what became of the body? It may well be that this wounded man died, and was in fact AKOB. In which case, not only was the shooting not done by, or on the orders of, the Accused, but, also, by whomsoever it was done, inasmuch as the shot

/was

was fired whilst the man was attempting escape, it was well within the bounds permitted by International law.

The evidence in the third charge is concerned with beatings and a torture called the "water treatment". The Prosecution has endeavoured to prove firstly that such beatings and torture occurred during August 1945 and secondly that the Accused, MORI, knew of their existence.

Let us first consider the fact of their existence. Five men are named in the charge. Four of them have appeared and given evidence. The witness RAJA YAHAYA has described one occasion on which he himself was "beaten". The beating consisted of one stroke with a bamboo stick. This will cause the Court to wonder just what all these other witnesses have meant by the term "beating". Can it be that every incident in which a man is struck once or is pushed into the cell is described as a beating? Or can it be a fault in the translation? The Court will, no doubt, remember the use, by witness after witness, of the expression "black and blue". Is this the result of an all too free translation, or does the Court prefer to believe that all of these witnesses did in fact use an identical expression of this nature to describe various peoples' condition and to draw the inevitable conclusion from such a belief?

Although several witnesses have mentioned the "water treatment" the Prosecution has only succeeded in finding one witness who can give a full description of it. This is the man MOHAMMED NOOR and he is quite certain that MORI was not present. He does in fact go so far as to describe a man YUSOFF as the OCPD which would seem to show that MORI was not even in KAJANG Police Station at the time.



The Accused's statement regarding the man YAP KON LIN is interesting in as much as it shows that it was MORI's intention that this man should be treated well in an attempt to deceive him into revealing his plans to TAGAWA, or CHAN SIEW POO as he is now called. Is it not feasible now to assume that in actual fact these two men, YAP KON LIN and TAGAWA were at that time conspiring together against MORI and that they have continued to do so since?

I have tried to show that the evidence on all of these charges is of an extremely flimsy nature and is seldom, if ever, properly corroborated. It is the duty of the Prosecution to show, beyond all reasonable doubt, that the offences named were committed by the Accused and if there is in your minds some genuine doubt, no matter how small or improbable, it may seem and that doubt amounts to a reasonable possibility that the Accused did not commit the offences, then Sir, the Court must acquit him. I trust that the Court will agree with me that such a doubt does exist in respect of all these charges.

previous history of the Accused.

DEFENDENT: Do you wish to address the Court in mitigation of sentence?

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DEFENDENT: I would like to say a few words after which the Accused would like to address the Court.

Court Adjourn for finding.

I would like to thank the Court of the fact regarding the lack of any training in the correct conduct of a man in his position on the part of the man himself. In view of this fact, I suggest to the Court that this is a case for you to decide.

Findings.

The Court is closed for the consideration of the findings.

The Court find that the Accused MORI YOSHITADA is guilty of the first charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health or body"; is guilty of the second charge; and is guilty of the third charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in body and health and their normal expectation of life was reduced thereby".

The Court is re-opened.

The findings are announced by the President.

Proceedings on conviction.

The Prosecutor had no evidence of the age or previous history of the Accused.

PRESIDENT: Do you wish to address the Court in mitigation of sentence?

DEFENCE: I would like to say a few words after which the Accused would like to address the Court.

Plea in Mitigation by Defending Officer.

I would like to remind the Court of the fact regarding the lack of any training in the correct conduct of a man in his position on the part of the man MORI. In view of this fact, I suggest to the Court that this is a case for you to decide.



Plea in Mitigation by the Accused.

Through the kindness of this Court I would like to express my gratitude to you that during these three days of deliberation everything was fair and just and for myself as a criminal standing here to make an address is very boastful.

According to the orders of the Japanese Government I came from Japan and have been in Malaya for 3½ years. For the peace and security of the people here I did my utmost best to execute my responsibilities. Just before the termination of the war the political and economic situation of Malaya was not good. According to my idea all the races at that time were connected with Communists and through these political organisations there were many accidents to the good people of the country. In the state of Selangor between these political agitators and between the Japanese military there were many troubles. Under these conditions, robbery, looting and so forth were frequently happening.

In these circumstances I received orders from my superior officers to do my utmost best to preserve the peace among the peoples. I also received orders ~~not~~ to hand over all the installations to the British Army intact. I personally wanted to execute my responsibilities in order to fulfil these orders.

Every night and day I did my best (till we were concentrated to our various camps) to keep the peace and security in my own province KAJANG. To prove these facts I was praised by the ex-Governor of Selangor, Lt. Gen. KATAYAMA and also by my superior officers.

It might be my own conception, but I do believe the condition of the country was as I informed you. During that time I was asked to surrender pistols <sup>and ammunition</sup> ~~from~~ by these agitating political associations in various districts. I refused them several times. Why did I not hand over this ammunition and other things to these organisations? I would like to inform you of the reasons. During the Japanese occupation there was much trouble in the districts so I anticipated after our surrender if I or any other stations surrendered ammunition this trouble would not cease but accumulate and increase.

As an experienced policeman in Japan and in Malaya I was anxious about the trouble in Malaya. As I mentioned before I was asked to surrender some ammunition to some of these organisations. With reference to the negotiations with these associations when I refused them I used TAGAWA always as my interpreter who was fluent in Chinese. TAGAWA saw that I had no intention to give arms to the organisations. He himself turned his back on me and deserted me with his pistol.

Could you please look at his face; he is now healthy and nothing seems to happen to him. To my opinion, I feel that this charge against me by these witnesses, especially TAGAWA, seems to be a conspiracy of ill will.

This is of concern to me personally but, to tell you the truth about my domestic affairs in Japan, I am a very poor man. I have only one child over 2 years of age and had to depart from this child without seeing its face and came to Malaya through the orders of the Japanese Government.



As a father I do not know how to express my feelings as I stand here in the Accused's box. If I am to be a War criminal and if I am to be parted from my wife and child how could my poor wife, almost a beggar support them without me? I do not know how to express this feeling; I am no god, only a man from the dust and I know how to feel and what feelings are. Unfortunately through my errors I am charged now in this Court.

I want to make an appeal directly to the President to have mercy in passing sentence and the heart of Jesus Christ. Kindly take consideration of these extenuating circumstances and give a lenient and tolerant hand to my fate in the future.

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The Court is closed for consideration of the sentence.  
The Court is re-opened.

The sentence is announced by the President, who states that both finding and sentence are subject to confirmation.

(Reg.8 (iv) ).

1000  
H-9-J  
No. 65015 JAG  
HQ, Allied Land Forces,  
South East Asia Command.  
12th April 1946.

JAG of the Forces,  
LONDON.  
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War Crimes Court - Chief Inspector  
MONI YOSHITADA

I did not see the charge in this case before trial. It is very defective and I have instructed those concerned that in future the particulars of a charge must not contain averments in the disjunctive and that the expression "were together concerned in" the ill-treatment etc., is sufficiently comprehensive to cover any participation or abetment. I am satisfied, however, that in the circumstances of this case the accused did not suffer any injustice by reason of the defective charge.

75. 1000

FGTD/MEG.

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



MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS.

<u>ACCUSED</u>	Chief Inspector MORI YOSHITADA, Imperial Japanese Army, attached 114 Fd Regt R.A.
<u>PLACE &amp; DATE OF TRIAL.</u>	KAJANG            4, 5, 6 March 46.
<u>COURT CONVENED BY</u>	G.O.C. in C. HQ, Malaya Command.
<u>PRESIDENT</u>	Lt Col F.E.FIGGURES, R.A. Barrister-at-Law
<u>MEMBERS</u>	Major H.E.R.SMITH, R.A. Capt J.M.CARTER, G.R.
<u>CHARGE</u>	See charge sheet attached.
<u>PLEA</u>	Each charge - Not Guilty
<u>FINDING</u>	Each charge - Guilty (special findings on charges 1 and 3 ). The Court find that the accused MORI YOSHITADA is guilty of the first charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health or body". Is guilty of the third charge with the exception of the words "in consequence whereof the said prisoners suffered permanent injury and/or were weakened in body and health and their normal expectation of life was reduced thereby".
<u>SENTENCE</u>	6 March 46    To suffer death by being hanged.
<u>CONFIRMED</u>	25 March 46    By G.O.C. in C Malaya Command.
<u>PROMULGATED</u>	30 March 46
<u>REMARKS</u>	
<u>DISPOSAL OF PROCEEDINGS</u>	To AG 3 HQ ALFSEA ..... <i>9 APR 46</i> JAG of the Forces .....

DJAG ALFSEA  
Case No. 65015

CHARGE SHEET

FIRST CHARGE

COMMITTING A WAR CRIME

in that he at KAJANG on and after 10 Mar 45 in violation of the laws and usages of war together with others then under his command planned prepared ordered and took part in and/or failed to prevent supervise or control the arrest confinement torture and maltreatment of LEE LIM CHIANG, LEE AH YIM, LEE BOON LEE, CHEN FOH SHEN and CHEN HOI CHIN civilian residents of KAJANG aforesaid in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health and body and the death of the said LEE LIM CHIANG was caused and/or contributed to thereby.

SECOND CHARGE

COMMITTING A WAR CRIME

in that he at KAJANG on or about 15 Apr 45 in violation of the laws and usages of war together with others then under his command planned prepared ordered and took part in and/or failed to prevent the shooting and killing of AKOB a Malayan civilian at that time in his custody.

THIRD CHARGE

COMMITTING A WAR CRIME

in that he at KAJANG on and after 1 Aug 45 in violation of the laws and usages of war together with others then under his command planned prepared ordered and took part in and/or failed to prevent supervise or control the arrest confinement torture and maltreatment of RAJA YAHAYA bin RAJA JEMA'AT, MOHD NOOR bin RANTAN, JAMALUDIN bin HAJI IDRIS, HASSAN bin SOHAT and YAP KON LIM civilian residents of KAJANG aforesaid in consequence whereof the said prisoners suffered permanent injury and/or were weakened in health and body and their normal expectation of life was reduced thereby.



ABSTRACT OF EVIDENCE

in the case of MORI YOSHITADA.

1. During 1945 the accused was in charge of Kajang Police station.
2. In March of that year he caused the following persons to be arrested on suspicion of being Communists:-

LEE BOON LEE  
CHEN FOH SHEN  
CHEN HOI CHIN  
LEE LIN CHIANG  
LEE AH YIN

These persons were kept in confinement at Kajang Police station and will say that they were continuously tortured and maltreated by the accused and his accomplices. Some four or five days after his arrest Lee Lin Chiang was invited to betray certain of his confederates who had not been arrested: he refused (and was indeed unable) to do so. As a consequence he was savagely beaten and tortured in the police station and, nine days later, he died from the effects of that illtreatment.

3. Lee Ah Yin was confined for approximately one month. Before his release, a Malay called Akob, who occupied an adjoining cell, attempted to escape. He was recaptured and brought back to the police station. The accused led him outside and ordered a Malay constable to shoot him. The constable shot him in the chest with a shot gun, killing him immediately. This matter will be corroborated by an interpreter, CHANG SIEW FOO, then under the accused's command.
4. In August 1945 the accused caused the arrest of the following persons:-

RAJA YAHAYA bin RAJA JEMA'AT  
MOHAMMED NOOR bin RANTAN  
JAMALUDDIN bin HAJI IDRIS  
HASSAN bin SOHAT  
YAP KON LIM

They were confined in Kajang police station and, sometimes in the presence of the accused, and always by his orders and with his authority were brutally tortured and maltreated. The following persons were present in the police station and are able to corroborate in this matter:-

CHIANG SIEW FOO  
RAJADORAI  
JA'AMAN  
SYED MOHAMMED  
YUSSUF