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In The Australian War Crimes Court at Hong Kong.

Accused. Lieut/Col. Kondo Hideo.

Major. Otsuka Yasumasa

Lieutenant. Iwasaki Yoshiko.

Charge. Murder of F/Lt. A.D. Nelson R.A.A.F.

-and Sgt. F. Engelsman R.N.E.I.A.F. on

Kulwick Island. October – November 1944.

LIST OF DOCUMENTS AND EXHIBITS

Document A - Prosecuting Officer's opening address.
" B - Defence opening address.
" C - Prosecuting Officer's Closing address.
" D - Defence (KONDO Hideo) Closing address.
" E - Defence (OTSUKA Yasumasa) " "
" F - Defence (IWASAKI Yoshio) " "
" G - Personal History KONDO Hideo.
" H - Personal History IWASAKI Yoshio
" I - Mitigation (IWASAKI Yoshio).

Prosecution.

Exhibit A - Affidavit F/Lt A.J. KIBBLE.
" B - " F/Lt H. BELCHER.
" C - Sworn Statement TAKEMOTO Kimiso
" D - " " " "
" E - " " YOKOYAMA Sheichi
" F - " " NAKAMURA Masao
" G - " " OSHIBA Yoshijumi
" H - " " KAMBARA Hideo
" I - " " KAWANO Koyo
" J - " " ASADA Misao
" K - " " " "
" L - " " HARA Hyosaburo
" M - " " " "
" N - " " Capt A. KLESTADT
" O - " " ITO Takeshi
" P - " " AKIYAMA Kanemasa
" Q - Certified Extract U.S. War Dept Technical Manual (TM8-285) 1945.
" R - Sworn Statement IWASAKI Yoshio.
" S - " " OTSUKA Yasumasa.
" T - " " KONDO Hideo.

Defence

Exhibit 1 - Petition written in Japanese.
" 2 - Envelope.
" 3 - Certified translation of Petition.

Document A.

THE PROSECUTOR MAKES THE FOLLOWING OPENING ADDRESS :

Colonel President and Members of this Honourable Military Court - May it please you:

In this address I intend to be very brief, and to confine myself mainly to a survey of the evidence which the prosecution will adduce in support of the charge.

The law relevant to this case hardly requires mention at this stage, for the origin and extent of your jurisdiction under the War Crimes Act 1945, and the laws and usages of war which you are bound to judicially recognise, are very well known to you.

Suffice for me here to say that the prosecution contends that the present charge of ~~unlawful killing~~ MURDER of prisoners of war is a war crime within the definition of the said Act, as being contrary to the provisions of Article 4 of the annexe to the HAGUE CONVENTION 1907, which provides for the humane treatment of prisoners of war, because it is specifically named as such by the WEBB INSTRUMENT under the said Act, and also because the nature of this alleged crime both offends the laws of humanity and shocks public conscience, such being the principles agreed upon by all military jurists as setting the standard for the conduct of belligerents in warfare.

Both the victims of this offence were Allied Prisoners of War - F/Lt. A. D. NELSON being of the Royal Australian Air Force, and Sgt. F. ENGELSMAN of the ~~Royal~~ Netherlands East Indies Air Force and they were entitled to honourable and humane treatment as suc

The evidence to be offered for the Prosecution however, will show you that far from receiving such treatment, they were mercilessly used by their captors as 'guinea pigs' for a horrible chemical warfare experiment.

It will be proved that both airmen were shot down in the vicinity of the KAI ISLANDS whilst on operations, and were

taken captives by the Japanese Armed Forces in that area within approximately one month of each other, Sgt ENGELSMAN being captured on 15 September 1944 and F/Lt. NELSON on 13 October 1944. Both men were interrogated subsequent to their respective capture, and they were eventually detained together at the detention quarters of 9 Detachment, 5 Field Military Police Unit at TOEAL in the KAI ISLANDS aforesaid. At that time, and at all times relevant to the charge, the accused OTSUKA YASUMASA held the appointment of Officer Commanding the said military police detachment, the accused KONDO HIDEO was a Staff Officer on 5 Division Headquarters, and the accused IWASAKI YOSHIHO was a Chemical Warfare Officer in the operations section of 5 Division Headquarters. In anticipation of an Allied landing on the KAI ISLANDS, the Japanese Armed Forces thereon made preparation for battle, and the accused OTSUKA YASUMASA, being somewhat concerned as to the overcrowded state of his detention quarters, reported such fact to the accused KONDO HIDEO, requesting advice as to the disposal of his prisoners.

At that time there were also held at the said military police detention quarters, a number of native Indonesians, who had been condemned to death by the Japanese 19 Army Tribunal at AMBON, and the accused OTSUKA YASUMASA had been instructed to carry out such sentence in his area, owing to the difficulty of transporting the said natives to AMBON aforesaid.

When the accused OTSUKA YASUMASA therefore so reported the state of his guardroom, he was ordered by the accused KONDO HIDEO to execute the two airmen while carrying out the scheduled executions of the condemned natives, and to report to Headquarters that their deaths were due to illness. Thereupon the accused OTSUKA YASUMASA gave orders to Warrant Officer ASADA MISAO to make the necessary arrangements.

The evidence will disclose that on the day prior to the executions, the accused KONDO HIDEO gave orders to the accused IWASAKI YOSHIHO to make a test of his stock of frangible grenades by throwing some at the prisoners of war on the following day. These frangible grenades, filled with hydrocyanic or prussic acid, intended by the Japanese for use against enemy tanks, had been in store for a considerable time, and accordingly some doubts were held as to their effectiveness. It therefore became necessary to test these grenades and the accused KONDO HIDEO decided that the two prisoners of war would provide a good subject for the test. The scene of the execution was set for KILWICK ISLAND, a small uninhabited island in the KAI group just south of TOEAL, and the fateful day was fixed for a certain date late in the month of October 1944 or early in the month of November 1944. On the morning of that day the execution party and the victims assembled at the TOEAL landing stage and were rowed across to KILWICK ISLAND in canoes. Neither the accused KONDO HIDEO nor the accused OTSUKA YASUMASA were present at the execution, but the accused IWASAKI YOSHIHO was, and according to all witnesses played the leading role in the killing of the two airmen.

Soon after the arrival of the party at KILWICK ISLAND the condemned natives were executed by shooting by military police personnel, and then between 1200 and 1300 hours of that day the 'test' was carried out.

With the aid of artillery weather observation equipment, the accused IWASAKI YOSHIHO made the necessary meteoroligical checks. Then the two airmen, blindfolded and with their hands lightly tied behind them, were made to sit or squat facing a large stone or piece of coral raised immediately in front of them.

From a distance of between five and ten metres the accused

IWASAKI YOSHIHO and other officers present threw hydro-cyanic acid frangible grenades at the stone or coral in front of the prisoners.

The first few throws were unsuccessful, the grenades either missing the mark or failing to break on contact, but finally a grenade thrown by the accused IWASAKI YOSHIHO hit the stone or coral and exploded in the faces of the airmen, who reeled dizzily for some seconds and then fell flat. They continued to breath in deep gasps for several minutes and then died from the effects of the gas given off by the said acid.

After a medical officer present had ascertained that the breathing had ceased, the dead bodies of the two airmen were dragged to a nearby prepared hole, bayonetted and covered with dirt.

On his return to Headquarters the accused IWASAKI YOSHIHO reported to the accused KONDO HIDEO that the test was successful and that the grenades were still in an operational condition.

As further proof of the guilt of the accused and the fact that they acted with full knowledge of the unlawfulness of their actions, evidence will also be given to show that after the Japanese surrender, all accused agreed to tell Allied investigators that the two airmen had died of illness. To support this damning lie, the bodies of the airmen were removed from the grave on KILWICK ISLAND and taken to TOEAL, where they were cremated and the ashes buried in the graveyard of the Japanese Military Field Hospital alongside those of another Allied airmen who had been a member of the same crew as Sgt ENGELSMAN, and who had died soon afterwards from injuries received when the aircraft crashed.

It will also be shown that even after his arrest and

imprisonment in SUGAMO PRISON at TOKYO, the accused KONDO HIDEO, still in an endeavour to cover up his part in the crime, suggested to the accused IWASAKI YOSHIHO that he should tell the Allied authorities that the order for the use of the frangible grenades was given by the Divisional Commander who committed suicide on the surrender.

Document B

OPENING ADDRESS FOR THE DEFENCE.

May it please the Court -

Before making my Opening Address, I wish to express my appreciation of the kindness which I know the Colonel President and Members of this Honourable Court and my learned friend the Prosecuting Officer, will extend me in this, my first case in this Australian War Crimes Court.

During the course of my defence I will substantiate the following salient points : -

In the case of KONDO HIDEO, the order to kill the two Prisoners of War did not originate from him. Lt Gen YAMADA, the Divisional Commander initiated this order. KONDO was a Staff Officer and as such was but a mere instrument for the transmission of this order. KONDO also had nothing to do with putting the Prisoners of War to the test of the frangible grenades. He took no further part other than transmitting the orders of the Divisional Commander. Besides, the order to put the Prisoners of War to the test of these grenades and the order to kill them were two different orders given at different times by the Divisional Commander, Lt Gen YAMADA. The Court are asked to notice that the Accused did NOT issue these orders on his own arbitrary discretion.

I intend to bring forward Maj Gen TANAKA Ryosaburo at a later stage as an expert witness to the duties of a Staff Officer and the extent of his responsibilities, in particular as regards the contents of orders by a Divisional Commander. He will also be able to acquaint you with the character of KONDO.

In the case of OTSUKA, I will try to clarify the following two points, namely : -

1. He received the order for the execution through KONDO, a Staff Officer, and

2. Acting on this order he issued his subordinate WO ASADA Misao with the same order who was only responsible for any

incidents which took place at the scene of the execution.

In the case of the last Accused IWASAKI Yoshido, I will try to prove that he as a Junior Officer, was given the order to put the Prisoners of War to the gas test, through the Accused KONDO. He was not in a position to know where this order came from. He was in a position ONLY to carry out any orders from his superiors. Though it is indisputable that he threw the grenades at the Prisoners of War, they were not killed by them. It will be testified that it was not the frangible grenades but the bayonets of the Military Police which deprived the Prisoners of War of their lives.

The above mentioned facts are the main points of my case for the defence of these three Accused.

In order to corroborate these facts I will tender some affidavits of several Japanese Witnesses concerned in this incident, to this Honourable Court when they become available.

C

The Prosecuting Officer makes the following Closing Address:

Colonel President and Members of this Honourable Military Court - May it please you -

This has been a most difficult and complicated case involving much conflict of evidence and interests and bristling with many obstacles of evidence and procedure, both seen and unseen. In opening this address therefore, I wish to pay due tribute to the skill and ability with which my learned friends for the Defence have handled their respective cases. Mr TANAKA has had a most difficult brief to plead and he has capably handled the same with all forensic tact and delicacy. Although Mr KAKEHI only appeared to represent the third Accused when this case was well advanced, he has pleaded his cause most capably. Both gentlemen have conducted their cases in the best traditions of the Bar, and I am very pleased to have been associated with them on this trial.

You have now heard all the evidence both for the Prosecution and the Defence in this case, and a most solemn task is now before you, and it is in the hope of rendering you some small assistance in that task that I now address you, it was with the object of assisting you in that task that I have appeared before you throughout the course of this trial. That in fact is the object of this Prosecution, and of any criminal prosecution to assist the Court by putting forward all the available evidence fairly and dispassionately, concealing nothing in favour of any of the Accused and exaggerating nothing against them. It is not for the Prosecution to wrest out of the evidence the worst possible aspect of the Accused, and I need not remind you that before any of the Accused can be convicted, the evidence must prove his guilt beyond all reasonable doubt, so unforgettably defined as "not a whimisical, fantastic or capricious doubt, but such a doubt as would influence an ordinary man of prudence in the conduct of his own affairs". If as a result of the evidence adduced both by the Prosecution and the Defence you are not satisfied that the guilt of any of the Accused has been proved beyond that reasonable doubt, then

however rightly you think that this case has been brought forward for investigation in this Court, however suspicious the actions of the Accused may seem, however black the circumstances may appear against him, if you are not satisfied beyond that reasonable doubt - then I say he must be acquitted.

Before you can deliberate on the guilt or otherwise of the Accused now before you, you must firstly consider the question of your jurisdiction, for as I said in my Opening Address, the jurisdiction of a Military Court under the War Crimes Act 1945 is limited to war crimes committed against certain classes of peoples. By Section 7 of such Act one of those classes is "a person who was at any time resident in Australia", and by Section 12 another class is defined as "British subjects and citizens of any power allied or associated with His Majesty in any war". In this present case you have evidence firstly from Interpreter TAKEMOTO, as contained in "Exhibits C and D", that the two airmen who were held at the Kempeitai cells were a Dutchman named ENGELSMAN and an Australian named NELSON. In "Exhibit L", the sworn statement of HARA Ryosaburo, he describes the persons killed as an Australian and Dutch airman. In the sworn statement of Accused OTSUKA, "Exhibit S", he describes them respectively as a citizen of HOLLAND and a citizen of AUSTRALIA. In his evidence at Sheet 58 of the transcript the first Accused KONDO states that he heard that the first airman captured came from an airbase south of Port Darwin. In his evidence-in-chief, at Sheet 100 of the transcript, second Accused OTSUKA says that the first airman detained in his cells was named ENGELSMAN of the Netherlands East Indies Air Force, and at Sheet 133, under cross-examination he also says that such person was an NCO. Although OTSUKA states that he does not know the name of the second airman captured, he states that he was an Australian. This is also recorded both at Sheets 100 and 133 of the transcript. When you consider the foregoing evidence in conjunction with "Exhibits A and B", the affidavits of F/Lts KIBBLE and BELCHER respectively, then I

personally cannot see that there can be any doubt whatsoever that the two Allied airmen executed on HELLWICK Island that fateful day were in fact F/Lt A.D. NELSON of the Royal Australian Air Force and Sgt F. ENGELSMAN of the Netherlands East Indies Air Force. These facts are, in my opinion, sufficient proof of Australian residency and nationality on the part of F/Lt NELSON and sufficient to raise Dutch nationality and Australian residence on the part of Sgt ENGELSMAN, for you will bear in mind the fact that he is said to have been operating his aircraft from south of Port Darwin in Australia. The Court will also judicially notice that HOLLAND was Allied with His Majesty during the recent hostilities. I contend that your jurisdiction is well founded.

It is usual for the Court to consider the question of the identity of each Accused before deliberating their finding, but in this present case there is no conflict on that point, and it is freely admitted by the Accused. It is apparent that the three Accused now seated in the dock are in fact the KONDO Hideo, OTSUKA Yasumasa and IWASAKI Yoshio named and described in the evidence tendered By the Prosecution.

Having considered this point we may now proceed to a deliberation of the merits of the case, and as you and you alone are the judges of the facts as well as of the law, matters which before a civil Criminal Court are decided by a jury and a judge respectively, it would I think be convenient if you were to approach your task on a three decision basis as follows:

(1) You firstly have to decide whether the particulars supporting the charge have been proven beyond reasonable doubt.
(2) If you decide that they have, then you have to consider whether these particulars are sufficient in law to support the charge, that is to say, do they constitute a murder, and if so is such a murder a war crime.
(3) If you decide both the foregoing questions in the affirmative then you have to decide were the accused, and each one of them, concerned in such murder to such a degree as to render him criminally responsible.

Having considered what is to be proved in the establishment of this Charge, I believe that for a due discharge of my duties it is necessary that I point out to you the means by which such facts

can be proved. Without presumption I wish to remind you that the Court must base its decision on the evidence laid before it and only on that evidence, and equally it must base it on all that evidence. The only extraneous matters which you may take into account other than those formally proved before you, are matters of such general and common knowledge as known to be beyond doubt to everyone, this is known as the application of traditional knowledge, and such matters include the fact of the War, with whom we were at War, historical dates concerning the general course of the War and operations, general topographical and geographical matters and similar matters. In the case of Military Court this rule extends to the inclusion of what is known as military knowledge, that is to say, you may apply without proof any such knowledge as is common to all officers of the Service by reason simply of their commissioned service - for instance, ranks and general organisation.

Previously in this address I referred to the burden of proof resting on the Prosecution, and in our law, as we apply it in International Law, every man is presumed innocent until the Prosecution has discharged the burden of proof laid upon it beyond reasonable doubt. However, I wish to point out that it is not required that such burden shall be discharged beyond any doubt, but merely beyond such a doubt as to the certainty of the facts on issue as is well found in logic and commonsense.

The Court is not bound to accept any particular evidence where there is any direct conflict of evidence, the Court may accept either version, or may reject both, according to which, if any, of such evidence they believe.

Much of the evidence which has been given in this trial is circumstantial in its nature, that is, it contains proof of facts which of themselves are not an issue in this trial, but they are facts from the existence of which some material fact on issue may logically be inferred. At must, of course, be apparent to everyone that some facts can only be proved by circumstances, or by the oral evidence of a person who is the

only one who can have the knowledge of them. For instance, the state of a man's mind, or the existence of his knowledge of some fact or set of circumstances, accordingly I wish to draw your attention to the fact that according to all authorities on evidence, circumstantial evidence is not in inferior to direct evidence and it is in some respects superior to it, for it has become a proverb that "facts cannot lie while witnesses may".

As to the first of the questions which I previously enumerated, that is the proof of the particulars supporting the Charge, the Prosecution contends that it has been amply proven by all the evidence, and in fact it is freely admitted by all the Accused that the two airmen were killed at KILLWICK Island in the KAI Islands in or about the month of November 1944. No one witness is definite on the date and several place it as either late October 1944 or early November 1944, but the weight of evidence points to the execution having been carried out early in the month of November 1944. Previously in dealing with the question of your jurisdiction I summarised the evidence adduced in this trial, which I contend is ample proof of the fact that the said two airmen were in fact F/Lt A.D. NELSON of the Royal Australian Air Force and Sgt P. ENGELSMAN of the Netherlands East Indies Air Force, and it is moreover stated by all witnesses and freely admitted by all Accused that the said airmen were then Prisoners of War held by the Japanese Armed Forces. It therefore becomes necessary only to consider whether such killing was in fact a murder.

Homicide, or the taking of human life is of three kinds - unlawful, justifiable or excusable, and each of these classes is again subdivided. For instance, excusable homicide is of two kinds - firstly, where a man doing a lawful act without any intention of hurt by accident kills another, and this is called homicide per infortunium, or by misadventure: secondly, where a man kills another upon a sudden encounter merely in his own defence or in defence of his wife, child, parent or servant and not from any vindictive feeling and this is termed homicide se defendendo, or self defence.

Again justifiable homicide is of three kinds:

(1) Where a proper officer executes a criminal in strict conformity with his sentence.

(2) Where an officer of justice or other person acting in his aid, in the legal exercise of a particular duty kills a person who resists or prevents him from executing it.

(3) Where the homicide is committed in prevention of a forceable and attrocious crime.

Unlawful killing is murder or manslaughter according to the intention of the party killing, for murder is the unlawful killing by a person of sound memory and discretion of any reasonable creature in being with malice aforethought either expressed or implied, and that manslaughter is the unlawful and feleonious killing of another without any malice either expressed or implied.

In this present case I contend that the Prosecution has formally established as a matter of fact that the killing of these two airmen was unlawful. This I believe is proved by the evidence of Accused No 2, OTSUKA, at Sheet 124, 125 and 126 of the transcript wherein he states that the two airmen had not committed any offence, had not been brought to trial for any offence and that he was fully aware of the fact that their execution was unlawful. This fact is also corroborated by the evidence of the first Accused, KONDO, at Sheet 51 of the transcript, where he states that he knew from the very start that any order for the killing of the airmen was unlawful and that he believed that the Divisional Commander on his own authority had no power to sentence Prisoners of War to death.

Malice aforethought, merely means intention to kill, and there can be no doubt that when the two airmen were taken to KILLWICK Island they were taken for but one purpose - to be killed. I am not going to particularise the evidence on this point because it is too firmly established to require further comment, but I will deal with the matter fully when considering the responsibility of each of the Accused individually. Here I merely wish to say that in point of law as well as of fact, the Prosecution has firmly established that the killing of the two airmen was murder

under the circumstances as set out in the particulars of the Charge.

In my Opening Address I covered the provisions of International Law relative to the treatment of Prisoners of War at some length and I do not propose to repeat them now. I merely wish to state that it is conclusive by all the customs and usages of War that the murder of Prisoners of War is a war crim as charged.

In so far as the first Accused, Lt Col KONDO Hideo is involved in this matter, the Prosecution contends that from a point of view of his guilt it is entirely immaterial whether he issued the order on his own initative or merely passed it on from his Divisional Commander, and also whether the two airmen were killed from the effects of the hydro-cyanic gas grenade thrown by the third Accused, or whether they were stabbed to death by the soldiers of the Kempeitai. If he had merely passed on the order of his Divisional Commander he did so with the full knowledge of the unlawfulness of that order, which he freely admitted under cross-examination as reported at Sheet 51 of the transcript. If such is the case then his defence is one of obedience to superior orders, as he claims that regulations in the Japanese Army were such that he had no alternative but to obey immediately and implicitly. Even if such was the regulation in the Japanese Army it is a matter for mitigation only, and in law is no excuse. This question of superior orders has been argued and adopted probably before every War Crimes Court that has ever sat. It is now firmly established and is accepted by all international jurists as the guiding principle, that subordinates are bound to obey lawful orders only and that if they carry out obviously unlawful orders which both violate the unchallenged rules of warfare and outrage the sentiments of humanity, they are guilty of a war crime along with the person issuing the order. Therefore, on these grounds the first Accused stands self-convicted before this Court, but the prosecution contends that the guilt of this man goes much deeper, that he issued the order for the killing of the two airmen on his own initative and that his story of having received the order from his Divisional Commander

is a pure fabrication, and an attempt by him to shelter behind a dead man. In support of this contention you have the evidence firstly, of second Accused OTSUKA as contained in his statement "Exhibit S", wherein he expresses his opinion and states his reasons why he believes that the order for the execution which he got was KONDO's alone. In the witness-box OTSUKA now, of course, claims to have made a mistake in that part of his statement, but it is significant to note as he states under cross-examination at Sheet 132 of the transcript, that it was not until he had talked to Col KONDO that he realised that he had made mistakes in his statement. How can you possible now believe him? There is also the fact that KONDO claims to have received the order for the execution a full 24 hours before he passed it on to OTSUKA, and even then the order was not sent to OTSUKA, though the Kempeitai Unit was but a distance of 300 metres or so from Divisional HQ, and this in view of the fact that KONDO states that any order from the Divisional Commander had to be obeyed immediately. Again consider the circumstances of the day when OTSUKA received from KONDO the order for the execution. KONDO would have you believe that when OTSUKA came to see him at his quarters with the telegram concerning the execution of the natives, he left OTSUKA sitting in his quarters while he went to see the Divisional Commander to get confirmation of the order for the execution of the airmen. You will remember that when OTSUKA was in the box I very closely cross-examined him on this interview, taking him step by step through the whole procedure from the time he arrived at KONDO's quarters until he left, and OTSUKA then stated that not once during that interview did KONDO leave him, and that he gave him the order to execute the airmen without consultation or reference to any other person at that time.

As I said previously the manner of death of the two airmen is immaterial so far as the guilt of the first Accused is concerned, but the issuing of the order for the use of the frangible grenades is material on the question of whether the execution order emanated from the Divisional Commander or KONDO. If the order for the

use of the frangible grenades was also issued by KONDO on his own responsibility and this the Prosecution claims is exactly the position, then it is evidence in corroboration of KONDO's having issued the order for the execution as showing a consistent course of conduct on his part and the origin of orders within that Divisional HQ.

Lt IWASAKI firmly believes that the order for the use of the frangible grenades emanated from KONDO, and he gives you a very good reason why he believes this, for when asked that question from the witness-box he stated that although he saw the Divisional Commander and the Chief of Staff on numerous occasions after the airmen were executed not once did either of them mention the test to him, and if the Divisional Commander had issued the order and if the Chief of Staff had known about it surely they , or one of them would have done so on at least one occasion. That Gentlemen, is very sound reasoning and cannot be refuted. Moreover, you must believe IWASAKI's version of the happenings in SUGAMO Prison, TOKYO, around the 20 Mar last, when he says that KONDO asked him to say that the order for the use of the frangible grenades was an order from the Divisional Commander and that the Chief of Staff knew about it. KONDO's explanation of that happening is much to thin to warrant any credence whatsoever. Again if the Divisional Commander had ordered the test of the frangible grenades it is not unreasonable to suppose that such order would have been given to Col HATTORI, the Chief of the Ordnance Department of 5 Division, who was responsible for such grenades. Yet according to Lt IWASAKI on no occasion was the matter discussed with Col HATTORI, and from all the evidence it does appear that the Ordnance Chief figured in no way at all in this test of his stock of frangible grenades.

In determining just how much credibility you can place on KONDO's own evidence, I ask you to particularly remember his attitude in the box. Did you notice just how hesitant and shifty he was? You cannot but have observed it. How many times did he ask for a question to be repeated, how many times did he say that he did not understand my questions in cross-examination? That

is an "old soldier's" trick which we all learn at our first lecture, and in order to gain time for thinking when the lecturer has asked us a difficult question. I confidently submit to you that you cannot believe KONDO's story, and the only reasonable conclusion is that he personally issued the order for the execution of the airmen and the use of the frangible grenades and he alone received the reports of such orders being carried out.

The second Accused, Major OTSUKA Yasumasa must stand self-convicted before this Court as an accessory before the fact to the murder of the two airmen, for by his own statement under cross-examination, he knew full well at the time of receiving the order for the execution of the airmen that it was unlawful and illegal. He knew full well as he states, that the two airmen had committed no offence for which they should be punished, he knew that they had not been tried for any alleged offence and on the day he sent them across to KILLWICK Island under the command of his subordinate WO ASADA, he knew that he sent them to their death, and that for the airmen as well as the natives it was a one way trip. So far as he is concerned it is entirely immaterial whether the order for the execution was issued by the Divisional Commander through Staff Officer KONDO, or by Staff Officer KONDO personally. The only points to be considered so far as OTSUKA is concerned are, firstly, did he express his opinion to the Divisional Commander at the time of his inspection that the prisoners should be executed; and, secondly, at the time he received the order did he know it was unlawful, and although he himself was absent at the time of the murder, did he do anything to assist in its commission. As I have pointed out the second of these questions must be answered in the affirmative, and that is quite sufficient in the eyes of the law, but if he did in fact express his opinion to his Divisional Commander that only makes him more blame-worthy. On this point I cannot see that I can be of much assistance to you in deciding the matter. In his original statement KONDO, of course, says he did express such an opinion, but that position is now denied by KONDO as well as by OTSUKA. It must strike you as

peculiar, however, if you can believe the present evidence of KONDO and OTSUKA, the disposal of all the prisoners then held in the Kempeitai cells was discussed with the Divisional Commander at the time of his inspection - with the noticeable exception of the two airmen, who must have been the most important prisoners - commonsense cannot accept this explanation. So well did OTSUKA know that the killing of the prisoners was unlawful, that he passed on the dirty work to his subordinate, SO ASADA, as he did not wish to become involved in the matter. OTSUKA's concern in this matter is clear cut and his guilt as an accessory cannot be denied.

Lastly we come to the Accused IWASAKI Yoshio, and with him also I say it is entirely immaterial whether the order for the execution of the airmen or for the use of the frungible grenades was Lt Gen YAMADA's or Lt Col KONDO's. Also I say that on the point of law it matters not one iota whether the two airmen died from the effects of the Hydro-cyanic gas released from the grenade thrown at them by IWASAKI, or from the bayonet thrusts of the Kempeitai, for if they were dead before receiving the bayonet thrusts then IWASAKI is guilty of murder as a principal in the first degree, but if they were not dead he is also guilty of murder as a principal in the second degree, as being present at the scene of the murder aiding and abeting its commission, for if they were not dead then we quite rightly may say that IWASAKI rendered them unconscious and the Kempeitai finished them off - but I ask the Court to particularly notice this, both IWASAKI and the Kempeitai that day on KILLWICK Island joined together in the one common purpose, which was the killing of the Prisoners of War. At Sheet 133 of the transcript IWASAKI has stated under cross-examination that he knew when he went to KILLWICK Island that the two airmen were going to be executed, he knew also that he was going to throw at them a dangerous weapon which under certain conditions could cause the death of a human being. He admits at Sheet 132 and 133 of the transcript that the thought

of the killing of the Prisoners of War or otherwise did not at that time concern him, and this, Gentlemen, could only be because he knew that they were going to die in any event. The preparations which he made for the test clearly indicate that he wished to obtain as high a concentration of the gas as possible, and as this was to be a test of practically the only anti-tank weapon the Division had, IWASAKI must have been anxious to obtain the best possible results. I submit therefore, that IWASAKI went to KILLWICK Island that day, knowing full well that he was going to do something unlawful, as he states at Sheet 188 that he pitied the airmen because they were going to suffer to some degree. Lt IWASAKI has stated at all times that it is his belief that the order for the use of the frangible grenades was Lt Col KONDO's personal order, and he must therefore have known that such an order was unlawful as Col KONDO had no authority to give such an order. Moreover, the nature of the experiment is so shocking to public conscience and the dictates of humanity that even a Japanese Lt must have been conscious of its frightfulness. On these grounds alone IWASAKI's first line of defence of obedience to superior orders must completely fail, for International Law will not excuse a subordinate who carried out such a horrible experiment with human lives, even though the order to do so was given by a superior officer. But apart from this altogether, on the question of superior order you heard Maj Gen TANAKA in the witness-box state that in a Japanese Divisional Staff there is no power of command existing between a Staff Officer and Officers attached to the Staff. If this be so, then there was no regulation forcing IWASAKI to obey KONDO's order, and may I also point out that this same regulation applies to OTSUKA. IWASAKI's second line of defence is that the two airmen were not killed by the effects of the gas but were still alive when dragged away by the Kempeitai. There is much conflicting evidence on this point both for and against. Of those persons present at the execution, and from whom we have had evidence, some of them say that the Prisoners of War were killed by the gas, IWASAKI says that they were not and when the

Medical Officer present, Lt OSHIBA, looked at the fliers they were still alive according to him. However, as Lt IWASAKI has stated OSHIBA looked at the fliers about one or two minutes before they were dragged off by the Kempeitai. No other medical inspection of the two airmen was made either by IWASAKI himself or by either of the Medical Officers present, and I further submit that you will find it impossible to say with any degree of certainty just how the two airmen died. However I believe that on the point of law that will be entirely immaterial, for if you find, as I believe you must, that all parties went to KILLWICK Island that day in furtherance of a common purpose, which was the execution of the airmen, then it matters not what was the ultimate and final cause of death, for it is well established in the case of GOSH v King-Emperor as quoted at page 860 of ARCHBOLD, that killing by several persons under circumstances where it cannot be known by whose hand life was actually extinguished is murder on the part of each of the persons engaged in carrying out the common act of all and is not merely an attempt to murder.

That IWASAKI was engaged in a common purpose with the Kempeitai is, I believe, amply proved by the statement of ASADA Misao, "Exhibit J", in which he states that after the sentence had been carried out on the Indonesians, IWASAKI told him that the two Prisoners of War were then to be killed and ordered him to bring them along. This contention is much strengthened and corroborated by IWASAKI's own statement as appearing in "Exhibit R" in which he told the Kempeitai that the "Prisoners of War are finished". You cannot possibly believe IWASAKI's statement in the witness-box that he made a mistake when writing the statement between the words "Prisoners of War" and the word "test". Such attempted explanation is an insult to intelligence and commonsense.

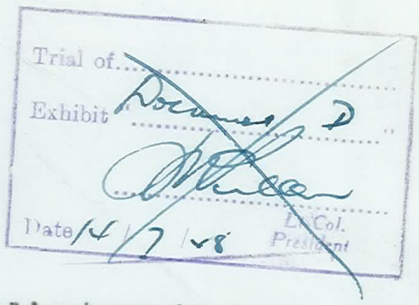
There are a number of salient features about this case which join to show that this fateful day on KILLWICK Island was in the nature of a blood bath or Roman holiday for those attending,

and a holiday mind you to which "the Kempeitai were not taking any lunch." All these facts have been amply proved in evidence and mostly admitted by the Accused, and if you look at this picture in a general light you will see that for some two months doubts had been entertained about the effectiveness of the frangible grenades, the two airmen were prisoners of but little intelligence value and there was considerable overcrowding in the cells of the Kempeitai. Moreover, you will see that on the day of the execution a party set out for KILLWICK Island with 10 prisoners to kill, 17 natives and 2 airmen. In the execution of the natives some of the Officers from Divisional HQ joined without authority. Three of the natives who were condemned to death were not executed in conformity with their sentence, or according to Japanese Court Martial Regulations but were also subjected to the frangible grenade test, and the two airmen were made the target for grenade throwing by IWASAKI and other Officers of his party. Do not these facts give you a clear picture of the party at KILLWICK Island and the real purport of the grenade test.

It is with conviction that I submit to you that the Prosecution has thoroughly discharged the onus placed upon it and has proved these three Accused guilty of the charge beyond reasonable doubt.

When you retire to consider your finding my duty is finished. I have earlier defined the duty of the Prosecution and that is the full extent of its duty. If you find the Accused or any of them guilty then you have an even graver task confronting you - the consideration of sentence - but in that task I cannot offer you any assistance, and indeed as a Prosecuting Officer it would be highly improper for me to presume so to do. It is not within the province of the Prosecution to ask for a particular punishment or to demand a particular sentence, the motive of this Prosecution, as indeed of every criminal Prosecution is not a desire for vengeance, but rather an attempt to show by example that obligations, individual and international, must be honoured: that rules of conduct laid down for the protection of men must be obeyed: and

that those who violate these rules, these regulations and these laws will surely b e called to account at the Bar of Justice.



CLOSING ADDRESS

ON BEHALF OF KONDO HIDEO

May it please the Court,

In the first place, I find it obligatory to bring out that the admission of the Accused KONDO to the effect that he was concerned in the transmission of the order for the execution of the airmen (Sheet 24) does not imply by any means that KONDO took a part in the offence of murdering those two prisoners. According to Archbald's Pleading Evidence and Practice in Criminal cases, murder is defined as follows:

> "Where a person of sound memory and discretion - unlawfully killeth - any reasonable creature in being - and under the King's peace, with malice aforethought, either expressed or implied."

(Page 859 31st Edition). Also, it states concerning the manner of killing:

> "The killing must be unlawful and not excusable or justifiable."

(Page 861). As a matter of fact, regarding this murder incident of Prisoners of War, who, in the name of God, should be culpable as a responsible person worthy of punishment is a great question which ought to be answered, not from the view point of abstract theory, but from the penetrating insight into the actual circumstances in which the event took its course in an inevitable way.

When Lt Gen YAMADA, the Divsional Commander made an official inspection of the TOEAL Kempei Tai, and happened to see the crowded condition of the cells, he expressed his opinion to the Accused KONDO, to the effect that under the imminent circumstances the detainees who could not be released would be disposed of on his own responsibility (Sheet 27). As to the legality of this decision of the Divisional Commander, there would remain so much to be discussed merely from the view point of humanity and KONDO, being a Staff Officer, might also be considered as blameable for not having advised the Divisional Commander not to carry out such an undesirable scheme. Nevertheless, I beg to the Court and would draw your attention to <u>when</u>

and wherefore the Divisional Commander was compelled to make such a decision. In those times, the Japanese Army at KAI ISLANDS were verging on the last stage of battle, the landing of the Allied Forces having been expected in the near future. All personnel in the Division decided to die in the defence of the Island and were constructing defensive positions (KONDO Sheet 21). Food was by no means sufficient, all the soldiers were busily engaged in cultivating land for the purpose of producing food against the forthcoming combat. Under such circumstances, which were so far from being called "under King's peace", the Divisional Commander made his decision to execute the detainees at the Kempei Tai, lest those people should cause an obstruction in case of a landing operation. (Sheet 25). This determination of the Divisional Commander having been solely made from the absolute necessity of operations, it was nothing but the Highest Imperative of the Omnipotence. A few days later, when KONDO was ordered by Gen YAMADA that "according to the order issued on the previous day, the airmen were to be executed together with the natives", how was it possible for KONDO to refuse the transmission of the above order to OTSUKA, who was held responsible for the execution of the Indonesian natives. To my mind, it would be very questionable under such circumstances whether or not the fact that he had some knowledge of the Hague Convention concerning the treatment of Prisoners of War and that he knew that it was unlawful to kill those Prisoners of War without a sentence of death by a lawfully constituted Court (Sheet 47) can be properly defined as his having "malice aforethought" of murder offence. This order to execute the Prisoners of War had nothing to do with the order of testing the effectiveness of frangible grenades. Notwithstanding, these two orders were issued by the same Divisional Commander, they were completely separate and independant, being issued at different times. The explanation of the Accused KONDO (Sheet 38) will suffice to convince you that the order for executing the airmen had no connection with the order for

making an experiment with the frangible grenades, so far as it goes with the transmission of these orders on the part of Staff Officer KONDO.

Also, KONDO was concerned in the transmission of the order of the Divisional Commander, Lt Gen YAMADA, to test the effectiveness of the frangible grenades, which were the only weapons of the Japanese Army for attacking enemy tanks. So long as the matter concerning weapons are included in the work of a Staff Officer, KONDO who was in charge of operational matters, it would be quite natural in the course of events that such an order should have been passed on to the Accused KONDO. This same order was passed on through him to the Accused IWASAKI, who was the assistant of KONDO in the matter of training the Members of the Units in relation to gas warfare, (Sheet 15) notwithstanding that by far, more time was occupied by him in the work for the food self-sufficiency under the command of Lt Col MORI.

So far as gas warfare was concerned, IWASAKI received an education at NARASHINO Military College (Sheet 157) and had more proficient knowledge concerning gases than the Accused KONDO. Nobody would doubt as to its reasonableness and naturality when KONDO went so far as to transmit the above order to Lt IWASAKI, who was known as an expert in chemical gas warfare.

KONDO testifies that he received the above order directly from the Divisional Commander in his own office. When KONDO was with Lt Gen YAMADA their conversation happened to come to the topic of the frangible grenades, and the Divisional Commander became aware that the frangible grenades had been deteriorating to such an extent that their effectiveness was very doubtful. Thereupon, Gen YAMADA issued an order to the Accused KONDO to make an experiment of the grenades by saying, "make use of the prisoners who are going to be executed now held at the Kempei Tai" -(Sheet 35). Embarassed at hearing this order of the Divisional Commander which jarred upon him

as more or less of a cruel nature. The Accused KONDO, chiefly with the sentiment of humanity, disuaded him from such a scheme by saying that, "by making an experiment with the frangible grenades on human beings is not very advisable" - (Sheet 34). However, the Divisional Commander was a type of man who would carry out to the last whatever things he determined to do, regardless of their being laws or regulations (Sheet 40). Besides, Gen YAMADA was known as a man having a fair knowledge of science, not to say chemical gases in general. (Sheet 35). Gen YAMADA urged the scheme upon him by saying, "if these frangible grenades are used in an open space or clearing, they will only make persons feel dizzy, that is all." (Sheet 34).

To my regret, this, KONDO's advice was utterly set at naught by such a rigid man of strong determination. Woe to him who, as Staff Officer, was bound by a stern duty of obedience to the order of the Divisional Commander which was absolute and imperative in an operational area. KONDO could do nothing other than to transmit this order to a Gas Officer.

Here, the Court would sincerely be asked to take notice of the testimony of Maj Gen TANAKA Ryosaburo, who is an expert on military staff duties of the Japanese Army. Concerning this point, I would like to adduce the following portion of his testimony-(Sheet 228-229). (Questions by Defence Counsel):

"Q. When a Divisional Commander issues an order and orders his staff officer to transmit the order he had issued, was the Staff Officer able to refuse the transmitting of an order?

A. It is absolutely impossible to refuse. It is within the chain of command, which is, the Divisional Commander as head and under him the Chief of Staff and then the Staff Officer.

Q. Of course, it is natural that under normal circumstances, killing of a person is not a good thing; but in an operational area, for instance, the Divisional Commander issues an order to kill some one and the Staff Officer has to transmit it, even if this Staff Officer thinks that it is not a desirable thing, would he be able to refuse the transmission of such an order?

A. In the Japanese Army, it is absolutely impossible.

Q. Does that mean, in the Japanese Army whether the contents of an order is legal or illegal, it was impossible to refuse to transmit an order when told to do so in an operational area?
A; It is not possible.

Q. Why is it not possible?
A. I will have to give you rather a long and involved answer, is it all right?

Q. Please mention only the important points?
A. An operation is absolute. If an operation which is absolute is criticised, the idea of absoluteness is obstruction. The field may extend to many tens or hundreds of lis and in this area our own soldiers and enemy soldiers are fighting, taking each others' lives. At certain places, we fight in very difficult conditions; at some places we win in the fight, and, in some places we come across a lot of difficulties. Under such circumstances, a high ranking Commanding Officer in order to obtain success and victory issues a certain order; consequently, if a person who receives an order argues on its conditions, the intentions of the person who issues the order is broken, spoilt, not upheld; therefore, to train such morale it is practised even under normal times to obey an order.

So far, I have explained about the general situation; but I will now explain about the time. When a Divisional Commander intends to do something and if he intends to have something done immediately when issuing this order and if the receiver of this order thinks over whether it is good or bad or whether he should not do it, there would be a very big waste of time; consequently, it is said that an order is to be carried out immediately."

The Accused KONDO from his sense of responsibility reported the matter to the Chief of Staff, Maj Gen MABUCHI, and then called Lt IWASAKI and transmitted the above order to him. As regards the contents and wording of the order transmitted to Lt IWASAKI, the Court would take notice of the fact that there exists a great, vital discrepancy in the testimonies of KONDO and IWASAKI. KONDO testifies that when he transmitted the order to IWASAKI, he said as follows:

"A number of prisoners are going to be executed tomorrow by the Kempei Tai, by making use of the frangible grenades make a test of these frangible grenades on the prisoners" (Sheet 36).

Whereas, according to IWASAKI, he heard as follows:

"Tomorrow the Kempei Tai will execute some natives together with two prisoners of war. You shall throw some frangible grenades at the two prisoners and some natives to experiment the effect of the grenades". (Sheet 160).

It is quite indisputable that nobody was present at the scene when KONDO transmitted this divisional order to IWASAKI (Sheet 192). Can anybody affirm with a clear conscience which of these two testimonies can be more true and accurate, still less more valuable as evidence? God only knows!

Setting apart the general credibility and value of the testimony of IWASAKI as an accomplice, with which I will deal with at a later stage of my address, I will only have to bring out the following points which from the limited faculty of human speculation, easily convince anyone that the testimony of IWASAKI concerning this matter is completely weak and vulnerable as evidence. In the first place, the action of 'saying' is active, whereas, that of 'hearing' is passive. Comparing these two actions of human senses, it is self-evident that the function of "saying words by mouth" requires more energy of brain function than that of "hearing words". How self-evident is it that the memory of the former remains afterwards more vivid than that of the latter? How is it a common and natural phenomenon in our daily life that the failure in hearing occurs more frequently than a slip of the tongue. To my great surprise, IWASAKI's memory is astonishingly poor and feeble. When I asked him in my cross-examination whether his memory is correct or not concerning the outward circumstances in which he received the order from KONDO, all he could say was that:

"I said that I thought that way" (Sheet 192).

His memory fails even of the testimonies which he made on the previous day. The following extracts from the transcripts of the proceedings of this trial will reasonably convince you that my above allegation is not so far from the truth at all:

(Questions by Counsel for Defence).

"Q. On Monday, did you not say that you assisted Lt Col KONDO in gas warfare and concurrently you assisted Staff Officer MORI in local food self sufficiency projects?

A. I did not say gas warfare; I said I was in charge of gas as a subordinate of Lt Col KONDO. (Sheet 193).

Q. Yesterday in your evidence you said that it was a

personal order of Lt Col KONDO to have the frangible grenades used as a test on the two airmen, isn't that what you said?

A. At that time, I did not consider whether it was Lt Col KONDO's personal order or otherwise. At that time, I only considered that order as an order from my superior.

COURT: That was not the question. I am not going to have the Court delayed unnecessarily. The question was, did you say this in your evidence yesterday?

WITNESS: My memory is not sufficient. (Sheet 196).

Q. Do you remember saying that the responsibility of the testing of the frangible grenades was with the head of the Ordnance Department, Col HATTORI?

A. I do not remember saying that (Sheet 196).

Q. Yesterday, in answer to a question in cross-examination by the Prosecuting Officer (Sheet 167) as follows:

'The day that you went to KILWICK ISLAND to test your grenades on the airmen, as far as you knew it was Col KONDO's personal order?

You replied:

'That is so' -

Do you remember saying this?

A; My memory is not sufficient.

Q/ Your memory must be very poor because you even forgot things you said yesterday. Are you sure you don't remember saying such a thing?

A/ I cannot recollect now. (Sheet 197).

So much for the memory of IWASAKI being ppor and feeble. Judging from the evidence which I quoted above, it must be laid open to much doubt whether such a man of weak memory can be called properly a competent witness. At any rate, how is it possible for anyone who has common sense to aver without prejudice that KONDO's testimony was by far less true and credible than that of IWASAKI?

Accordingly, so far as the objects of the gas experiment are concerned, the Accused KONDO had nothing to do at all with the fact that the two airman were used as guniea pigs. Not only did KONDO not designate these two Prisoners of War as the objects of the experiments, but he made no mention of the method concerning the execution of the natives. The fact that these two Prisoners of War were picked up as victims of this test can be imputed without reasonable doubt to the arbitrary discretion on the part of Lt IWASAKI, because he was in charge of the execution as well as of the gas experiment on that day.

My learned friend, Major A.D. MACKAY's allegation in his opening address that, "the Accused KONDO Hideo decided that the two prisoners of war would provide a good object for the test" (page 3) is wonderfully remote from the truth. It amounts to nothing more or less than an ingenious fabrication of a bloody story of his own imagination. Far be it from finding the Accused KONDO guilty on such valueless testimony as that of IWASAKI!

IWASAKI testifies in his cross-examination by the Prosecuting Officer to the effect that at the time when he went to the KILWICK ISLANDS he knew that the order of testing the frangible grenades was Col KONDO's personal order and that judging from the character of the Divisional Commander and of the Chief of Staff he still thinks that they could not have issued such an order. (Sheet 168). Also, in his sworn statement he expresses the same effect. However, cross-examined by me, he was obliged to admit his deliberate falsehood,

"Q. One week or ten days before the test of the frangible grenades were carried out, can you say definitely whether the Divisional Commander or whether the Chief of Staff was absent?
A. That I cannot; I cannot give that evidence.

Q. One week before the effectiveness of the grenades were to be tested, can you say with confidence whether Col KONDO did not meet or did not talk with either the Divisional Commander or the Chief of Staff?
A. I cannot.

Q. In your affidavit concerning the frangible grenade test order from Lt Col KONDO you stated as follows: (Exhibit R) -
'Before hand I don't know whether Lt Col KONDO received orders or instructions from the Divisional Commander or the Chief of Staff, but at that time I thought perhaps it was his personal order' -
Do you remember saying this?
A. I remember saying this.

Q. In that case, is it all right for me to say that you based your statement on no actual fact?
A. There was no proof to verify it. (Sheet 197).

The charge against KONDO definitely says that he was concerned in the murdering of the two Allied airmen. However, I am of the firm opinion that so far as KONDO goes, nothing is so misleading as this charge.

As has been stated above, though KONDO was concerned in the transmission of the orders of the Divisional Commander, he was by no means concerned in the offence of murdering Prisoners of War. Considered both theoretically and practically, the transmission of the orders has nothing to do with the murdering offence, the former being mechanical and instrumental, the latter being intentional. Since the transmission of the orders was one of the duties of the Accused KONDO, as a Staff Officer, what he had done was nothing but the mere performance of his duty. To what degree and extent KONDO should be held blameable as a transmitter of the orders is open to doubt. Concerning this point, the Court would be asked to refer to the testimony of Maj Gen TANAKA, who is an expert on Japanese Military Affairs, especially matters of staff-work. According to him, in the Japanese Army, a Staff Officer had neither any authority nor any subordinates at all. (Sheet 225). It was stipulated rigidly by the Imperial Ordinance of the Japanese Tenno. Therefore, in a staff department of a Division, a Staff Officer and an officer attached to the Staff Department are on the same level. They "were all equally subordinates of the Chief of Staff and there was no question of whether one is senior or junior (TANAKA-Sheet 226). It was indisputably the most fundamental theorem of the Japanese Army that any order could not be issued by anybody to anybody, if those persons were not in the chain of command. (Sheet 226 - 227). If Lt IWASAKI were to allege that KONDO should take all responsibility for the result of the gas test (Mr.KAKEHI-Sheet 222), merely on account of the fact that he was junior in rank than KONDO, such sort of allegation does not amount to anything but cheap chop-logic, which was ground out with toils for his self protection.
To use the parlance of Maj Gen TANAKA, a Staff Officer in the Japanese Army is nothing more than a telephone apparatus.
IWASAKI also testifies that at the time of October and November 1944, the army discipline of the 5th Division was not in a disorderly state. (Sheet 198).

This testimony signifies that at those times all the army laws and regulations were more or less strictly carried into effect at TOEAL. Since IWASAKI admits that what he testified in this Court concerning the staff organisation is not an expert opinion, nobody could aver that the so-called conviction of IWASAKI has any value as evidence against the Accused KONDO.

To my surprise, judging from the whole evidence tendered to the Court by my learned friend, I cannot help but get the following impressions. First of all, the inquiry into this incident on the part of the Investigating Officers nas not been made thoroughly. My friend cannot produce any statement of Maj Gen MABUCHI, the then Chief of Staff, who is duly presumed as the ultimately responsible person of this incident. As the natural course of trial procedure, my learned friend should either bring him as a Prosecution Witness or at least produce his document as evidence against the Accused KONDO. Next, among the three Accused tried jointly here, KONDO is the senior in rank, therefore, my friend seems to have concentrated his energy to attack the Accused KONDO. His bow has been drawn at the target of KONDO, as if he were the ultimate responsible person of this incident. In addition to this, my learned friend always takes advantage of his position as a member of the Australian War Crimes Section. In his cross-examination of KONDO, he used twice the document of the Accused KONDO, (Sheets 51 & 214) which was made on 27 Jan 47 at Meiji Building in TOKYO. The document has never been produced as evidence, neither was I shown the contents of this document. According to KONDO, this document was retracted under the agreement of the Interrogating Officer at Meiji Building. Therefore, in my opinion, nothing is so unfair on the part of my friend as his referring to such a retracted document as the touch stone of the Accused's credibility and his utilizing it as a means of prosecution. For the purpose of supporting his charge against KONDO, my learned frien

submitted to the Court as evidence just as many as 18 documents, among which are included the three statements of the Accused themselves. Closely scrutinised, so far as the charge against KONDO is concerned, no mention was made concerning this point in these documents except in "Exhibit R" and "Exhibit T". In as much as KONDO, OTSUKA and IWASAKI were tried jointly simply on the apparent ground that they bore relation of accomplices of the same offence. The Court would be asked to pay attention to the following words of the Manual of Military Law (Page 104):

> "The evidence of an accomplice is admissible against his principal, and vice-versa, subject, if they are tried together, to what has been stated in the preceding paragraph. As has been stated in para 45 the evidence of an accomplice should always be received with great caution".

However, in my opinion, the above stipulation of the Manual of Military Law together with the 9th Article of the War Crimes Act, has nothing to do with the validity of the testimony of an accomplice. These are neither more nor less than the regulations only pertaining to the competency of an accomplice as Witness, as well as the admissibility of his testimony. Therefore, I firmly believe that it would be quite unfair and against the law if the Court were to put some value on the testimony of OTSUKA and IWASAKI, weighty and valid enough to prove the guilt of the Accused KONDO. In para 45 above mentioned, the Manual of Military Law stipulates as follows:

> "Apart from any such statutory requirement the evidence even of an accomplice is in strict law sufficient, if the jury consider him credible; but it is now held to be the duty of the judge to warn the jury of the danger of convicting a prisoner on the uncorroborated evidence of an accomplice and, in his discretion, advises them not to do so, though at the same time pointing out that it is within their legal province to convict upon it if they choose. In a trial by court-martial, where the Court performs the functions of both judge and jury, they should very carefully consider the danger before convicting on the uncorroborated testimony of an accomplice; and, if there is a judge-advocate, it is essential that he should direct their attention to the point. Except where a statute makes provision as to the nature of the evidence necessary, the corroboration required is independant testimony which confirms in some material particular not only

> the evidence that the crime has been committed, but also that the Accused committed it." (Page 90 - 91).

As regards the credibility of the testimonies of OTSUKA and IWASAKI, I would like to quote some passage from Archbold, 31st Edition, page 865:

> "The credibility of a Witness depends upon (i) his knowledge of the facts he testifies; (ii) his disinterestedness; (iii) his integrity; (iv) his veracity; and (v) his being bound to speak the truth by such an oath as he deems obligatory, or by such affirmation or declaration as may by law be substituted for an oath. Proportioned to these is the degree of credit his testimony deserves from the Court and jury."

Also, Archbold warns us by saying (page 436);

> "The fact of a Witness being an accomplice, accessory, or principal, detracts very materially from his credit."

On account of the reason above mentioned, the testimony of OTSUKA that,

> "I presume that a similar order for the execution had also been given to Lt IWASAKI, for the purpose of the frangible grenade experiment" (Sheet 121)

should also be not only detracted in its credit, but should be rejected as evidence, still less on the ground that it was a mere presumption on the part of an accomplice.

In conclusion, as has been argued by me above, no independant corroboration of the guilt of KONDO Hideo has yet been made by my learned friend. I firmly believe that no fact has been established at all against the first Accused KONDO. When KONDO was asked by my friend in his cross-examination,

> "Do you know who it was that ordered Lt IWASAKI to test these grenades on the airmen?"

He replied,

> "I transmitted the order" (Sheet 80).

This answer, if it were to be understood independantly as it is would seem likely to be his admission to the effect that he had malice aforethought concerning the Prisoners of War putting them to the test of the frangible grenades. However, this contradictory answer, was apparently due to the neglect on the

part of the Interpreter. He made an error in omitting the Japanese words "HIKOSHI", which are equivalent to the English "airmen". The explanation of the Accused concerning this point has been made fully and more or less pertinently in my re-examination. (Sheet 86). In short, my friend in spite of his strenous effort, utterly failed to establish the guilt of KONDO Hideo. As the Court would be fully aware, the Accused is presumed to be innocent until he is proved to be Guilty. The burden of proof of guilt rests upon the Prosecution, whereas it is not for the Defence to prove the innocence. Is it not a golden rule of criminology in all times that, "in dubio pro rea". The Accused KONDO Hideo should have the benefit of any doubt in this case.

I beg to ask the Court that you would pass the finding of 'NOT GUILTY' upon the Accused KONDO Hideo.

Trial of.....
Exhibit Document E
.....
Lt-Col.
President
Date 2/7/46

CLOSING ADDRESS

ON BEHALF OF OTSUKA YASUMASA.

May it please the Court,

I cannot help being impressed that despite the efforts of my learned friend to prove the guilt of the Accused OTSUKA Yasumasa being concerned in the offence of murdering the two Allied Prisoners of War, he has utterly failed to establish any fact against him at all. No evidence was produced concerning to what extent this Accused was involved in this murdering offence. The fact that after the Japanese surrender OTSUKA issued an order to his subordinates for the reburial of the Prisoners of War had nothing to do with the offence, because such conduct of the Accused was very far from the corpus delicti of the murder offence. Still such conduct of OTSUKA was completely in accordance with the order of Col NAKAHIRA to the above effect. (Sheet 118 & 121). Nothing would be so unfair and misleading on the part of the Prosecution, if my friend alleges that simply on account of the fact above mentioned, OTSUKA would be responsible as an accessory after the fact. OTSUKA testifies that the order for the execution of the Prisoners of War was transmitted to him by the Accused KONDO, in the form of a Divisional order (Sheet 113). In as much as he was under the direct command of the Divisional Commander and also that the matters concerning the execution of the detainees were duly included in his duty as a Kempei Tai Commander, nobody could say otherwise than that he was naturally in a position to accept such an order, however illegal it might be, which was issued by the Divisional Commander.

Though he was concurrently attached to the Staff Department of the 5th Division, he was neither a member of that Department nor did have any work at HQ. His position in HQ was as good as nominal. (Sheet 108). Therefore, it would be very illogical and contradictory if he were alleged to have made any suggestions as to the execution of the Prisoners of War.

The Accused himself denied such fact, whereas KONDO

revoked his evidence to the effect that OTSUKA made a suggestion concerning the execution. The evidence concerning this point has never been produced to the Court. When the above order was transmitted from Col KONDO, being the Commander of the Kempei Tai, what could he do other than to obey it? Notwithstanding, the order was verbally given by KONDO, it was quite evident to him that the order itself was issued by the Divisional Commander which was issued with the highest authority of the Japanese Tenno. In an operational area, the volition of the Commander was absolute. No one could be allowed to defy, still less to refuse such absolute will of the highest Commander. His admission to the effect that when he received the above order from the Accused KONDO, he knew the illegality of the order could not be duly regarded as his having before hand some malice against the Prisoners of War.

His testimony to the effect that he made a request of sending these Prisoners to AMBON would be sufficient enough to show that he had no intention of doing harm to Prisoners of War. Though he testified that he was in some way responsible as far as his position was concerned, (Sheet 128), this portion of his testimony amounts to nothing as his admission of his guilt, because he alleges in the examination-in-chief as follows:

> "but my subordinates were at the place of execution and by saying that I feel responsible - I mean, I feel the moral responsibility. I do not mean to say that I feel responsible for the carrying out of the execution by my subordinates - I mean to say, that I accepted responsibility, which was an administrative responsibility over the conduct of my own subordinates and I do not mean that I accepted responsibility in the sense of criminal responsibility. (Sheet 119)"

So far as the test of the grenades was concerned, OTSUKA had no knowledge whatever before hand that the frangible grenades were going to be used on the Prisoners of War as a means to carry out their execution. (Sheet 117). Though he told WO ASADA that he was to be the officer-in-charge of the execution, (Sheet 145) what he expected at that time was that the Prisoners of War as well as the natives should be executed according to the Regulations (Sheet 144).

He heard nothing before hand from WO ASADA, except that some officer from HQ was going to execute the prisoners (Sheet 144).

So far as IWASAKI's testimony goes concerning the incidents which took place at the scene of execution, I would like to point out that IWASAKI being the only person present on the scene, he was in a position to give a free rein to his imagination and fabricate any story to his own advantage. He is in a position to utilize all the evidence to his own benefit without taking any trouble to pay any consideration to the other Accused. As has been wisely pointed out by my learned friend, Major MACKAY (Sheet 191), the fact that IWASAKI applied to the Court, under the pretence of carelessness, for the correction of the most vital point of his own sworn statement i.e. "the prisoners are finished.." (Sheet 167) is sufficient enough to surmise his ingenuity and craftiness. His testimony to the effect that the Prisoners of War were deprived of their lives not by the frangible grenades which he had thrown at them, but by the bayonets of the Kempei soldiers counts for nothing as evidence, since the credibility of IWASAKI is very doubtful.

I beg to ask the Court that, concerning his credibility, what I argued in the address for the Accused KONDO would be carefully referred to. Also, IWASAKI's testimony that WO ABADA went to the scene of the execution in the capacity of an acting Kempei Tai Commander has no value at all, because later in his cross-examination by me it became evident that what he said was merely an uncorroborated excuse on the part of an accomplice. (Sheet 203).

In short, my friend utterly failed to establish any fact proving the guilt of OTSUKA. I wish and hope the benefit of doubt will be given him. Therefore, I ask the Court that a verdict of 'NOT GUILTY' should be passed on OTSUKA Yasumasa.

F

CLOSING ADDRESS.

In beginning my Closing Address - Defence on behalf of the Accused No.3, IWASAKI Yoshiho, I wish to pay my respects and thank the Colonel President and Members of this Honourable Court, my Learned Friend the Prosecuting Officer Major A.D. MACKAY and also my Advisory Officers Major E.J. GERLING and Capt WOGAN-BROWNE for their kind assistance which enabled me to conduct my defence in spite of the fact that I commenced at a rather advanced stage of this trial.

My client together with the other two Accused are jointly charged with committing a War Crime, that is to say, murder, in that they, at KILWICK ISLAND in the KAI ISLANDS in or about the month of November 1944 murdered F/Lt NELSON of the RAAF and Sgt F. ENGELSMAN of the NEIAF, then Allied Prisoners of War held in the custody of the Japanese Armed Forces.

It is a fact jointly recognised in this case by the three Accused that the two Allied airmen, F/Lt A.D. NEILSON, RAAF, and Sgt F. ENGELSMAN, RNEIAF, were executed. And, it is also admitted by the Accused IWASAKI himself that he performed the test of frangible grenades on the two airmen. Just so..... Nevertheless the Defence contends with the belief that IWASAKI is "not guilty" of the charge.

(1) The execution of the airmen was already fixed by higher authorities previously. I do not know whether the higher authorities was the Commanding Officer of the Division or not, however, I have found undoubted facts that the higher authorities were or was the senior officials, including Lt Col KONDO. Concerning this fact, we have much evidence, but I will abstract and take into consideration one of those, that is enough to prove the fact. That is to say, a few days before the execution, the Accused No.2, Major OTSUKA, received this order from Lt Col KONDO:

> "If some natives are to be executed then also execute the prisoners at the same time" -

There is no doubt "the prisoners" meant the two Allied airmen. Taking into consideration the above mentioned witness, the fact that the higher authorities of the 5th Division (KONDO was a

Member of the higher authorities of the 5th Division) decided and fixed positively the execution of the two airmen. In other words, that is to say, the two Allied airmen were sentenced to death by the higher authorities of the 5th Division.

(2) Next, the Accused IWASAKI tested the frangible grenades against the two airmen. But the test was done due to the order of Lt Col KONDO, who was higher in rank and superior. Concerning this fact we have much evidence, but I will abstract and take into consideration one of those, that is enought to prove the point. There is a question made by the Prosecuting Officer to the Accused KONDO in his cross-examination: (Sheet 83).

> "That your order to test the grenades against those prisoners who were to be executed included the airmen too, as well as natives?"

And the answer was;

> "That is right."

Taking into consideration the above mentioned Witness, the fact that the experiment of the frangible grenades which was carried out by the Accused IWASAKI under the direct order of Lt Col KONDO is undoubtful.

Concerning this point, from the Witness box in this Court, I heard an eloquent speech which was made by Maj Gen TANAKA, a Witness on behalf of the Accused No.1 KONDO. But I cannot find any relevancy really connected with this present case in his speech at all, because his speech was nothing but a lecture of general and abstract principle and was utterly worthless. I dare to state here as mentioned above, to disregard his eloquent speech. I hope the Court will not take into consideration such an imaginary speech made by a person who had no connection with this present case; however, I believe that the Court will surely ignore his speech.

(3) It is the main point of my assertion that the Kempei Tai was responsible entirely for the execution of the two airmen. Major OTSUKA recognized it perfectly. Three days prior to the execution of the two airmen, he told his subordinate Warrant Officer ASADA:

> "the order to execute the natives is an order from the Commander-in-Chief, therefore, the Gendarmerie must carry out the order. The order to execute the prisoners of war is an order from the Divisional Commander which must be obeyed absolutely, whatever the case is the Gendarme will be in charge of the execution."

And Lt Col KONDO also stated in his testimony: (Sheet 83).

> "I received a report from the Kempei Tai that the execution was performed....."

Of course, "the execution" meant the execution of the two airmen. As the Kempei Tai actually received the order for the execution of the two airmen from Lt Col KONDO, Kempei Tai reported to him that the execution was performed.

A man who receives an order from a superior, must report to the superior who issued the order, whether the order was performed or not performed. I think such military discipline is kept strictly in every country. Kempei Tai reported to Lt Col KONDO the completion of the execution due to the above-mentioned responsibility. According to the above-mentioned evidence the fact that Kempei Tai was responsible for the execution of the two airmen is proved clearly.

(4) I wish to point out that the frangible grenade, whenever exploded in an open area, never caused the death of human beings, by the gas which was emitted from the grenade. In the first place, I wish to say, the main contents of the frangible grenade is hydrocyanic acid. When the frangible grenade explodes the hydrocyanic acid evaporates immediately with no affects against the human body. It has been scientifically established that hydrocyanic acid is highly unstable. Therefore, hydrocyanic acid or hydrocyanic acid gas if exposed in open air disperses immediately.

For the reason mentioned above, the frangible grenade is used only against the enemy in a closed area such as against tanks or pill-boxes. Especially when the frangible grenade explodes in a beach area where there is air movement, that is, where there is wind, the hydrocyanic acid gas disperses immediately,

so that one cannot inhale a sufficient amount of gas to cause death. Major General AKUJAMA Kanumasa, an authority on frangible grenades of the Japanese Army has stated as follows concerning this matter:

> "As a chemical war fare officer, I am of the opinion that in a high concentration the gas given off by the hydrocyanic acid would be fatal in a very short space of time, and lesser concentrations it would quickly cause unconsciousness. In the case of unconsciousness caused by lesser concentrations, I believe the person affected would recover his snsss in about an hour" - ("Exhibit P").

Thus, by the words "high concentration", it is meant for an occasion such as used in a tank and by "lesser concentration" an occasion used outdoors.

In the test carried out on the two airmen by IWASAKI the same thing as suggested by this Scientist took place. That is to say, soon after the frangible grenade had exploded the two airmen lost consciousness. They fell to the ground as if intoxicated by liquor. Here, I wish to direct your attention to the fact that they were not yet dead; they were only temporarily unconscious. This fact has been clearly indicated by Medical Captain OSHIBA, who examined the airmen when they collapsed and stated in his statement: ("Exhibit G").

> "Upon observing that the flyers were still alive, etc.."

Therefore, though these fliers were at that time unconscious, they were undoubtedly still alive. If an hour had elapsed after their collapse they would have regained consciousness unhurt as they previously were before the explosion of the grenade.

Judging from the above e vidence, it is beyond doubt that a frangible grenade is not sufficiently effective enough to cause one's death in an open area.

Here, I wish to remind the Court that though in the affidavits of ASADA Misao, KAWANO Koyo and HARA Ryozaburo, it is alleged that the airmen died from the effects of the frangible grenade thrown by IWASAKI; their statements do not carry much weight, since they were Members of the Kempei Tai under OTSUKA's

command and naturally would conceal the fact that the Members of the Kempei Tai were the ones to cause the death of the two airmen by stabbing, and also by disclosing the fact they would incriminate themselves. I ask you, Gentlemen, to be cautious not to be deceived by such a distortion.

The above mentioned four facts were pointed out by the Defence according to the evidence produced before the Court, therefore, they are quite reliable ones. When these four facts are collectively examined together with the testimony of the Accused IWASAKI and also the evidence given by KONDO and OTSUKA, the following can be asserted. That is to say, the higher authorities of Division had previously an intention to test the frangible grenades. After some time, the order to execute the natives was transmitted to Major OTSUKA from the Court-Martial authority at AMBON. The Divisional authorities then decided to execute the two airmen together with the natives and issued the order to this effect.

The Divisional authorities wished to test the effectiveness of the frangible grenades taking advantage of the execution and issued the order to IWASAKI in order to carry out the experiment. IWASAKI tested the frangible grenades on the two airmen and three natives; the two airmen lost consciousness after a while though they were still alive. Whereupon, the Members of the Kempei Tai who were in charge of the execution stabbed the two airmen to death.

The Defence is firmly convinced that the aforesaid facts are true facts. It is quite natural that Lt Col KONDO who issued the order, for testing the frangible grenades, to IWASAKI should take the whole responsibility for the result of the test. The person who ever issued the order should be in the position to be held responsible for the result derived out of that order.

Is there any person in any country, armed forces or government office who claims to have no responsibility for

what has happened as the result of his order? If there is, the Accused KONDO would be the supposedly unique case; therefore, Lt Col KONDO should take the whole responsibility for the result of the experiment carried out by IWASAKI on the two airmen. Moreover, IWASAKI was not the only person who threw the frangible grenade at the two airmen! Several other gas officers from various units also threw frangible grenades; however, those thrown by them did not explode, and only the one thrown by IWASAKI unfortunately exploded. Had the frangible grenades thrown by the other officers exploded, by now, IWASAKI probably would be spending a peaceful time in JAPAN.

Also, regarding "Exhibit R",'the Prisoners of War are finished..', the Defence wishes to explain as follows: Although IWASAKI wrote it meaning 'the test on the prisoners of war is finished', there might be a danger of being misunderstood that the airmen died from the frangible grenade as he had omitted the word 'test'. In my opinion, this portion of the statement should be properly interpreted without misunderstanding, judging from the general circumstances.

With this, I conclude my contention as to the fact in this case, and I wish to turn my subject to the technical view point of law.

As a sine que non in the constitution of a crime, the factors malice, prepense, knowledge and commission of the act are necessary. With these factors, some actions are punishable as crimes.

For instance, murder is constituted when it is committed with intention and the knowledge of commission. Though IWASAKI carried out the experiment of the frangible grenades on KONDO's order, I think it is worth while analysing his mental state, i.e. his intention of commission: IWASAKI under went a special technical training in gas warfare at the NARASHINO Military School and consequently had read various books on gas and witnessed experiments with frangible

grenades. Because of it he might have thought if such a grenade explodes, in a closed compartment like that of a tank, it might have a dangerous affect on a human body; but if used outdoors in the open air, it would not cause death. Nevertheless, thinking about the matter quite honestly, I think he knew that even when used outdoors to some extent its causes of physical suffering to a man is a fact undeniable. It is quite obvious that IWASAKI had the knowledge that by throwing the grenades at the two airmen, it would cause some physical suffering; in other words, or from the legal point of view, he had an intention of its commission. However, he did not have the least knowledge that it might result in the deaths of the two airmen. Therefore, IWASAKI had no intention whatsoever in the murder of the airmen, which is a vital factor in the constitution of the crime. The charge preffered against the Accused in this case is murder of the two airmen ENGELSMAN and NELSON; but the Accused IWASAKI was never concerned in this murder. He had no intention in the murder and neither was he involved in the commission.

The responsibility of this murder should be borne by Major OTSUKA and others of the Kempei Tai and the persons who issued such an order to him.

Finally, the Defence earnestly begs the Learned Court to consider with its profound wisdom and segacity the facts and points of law which I ventured to indicate and find the Accused IWASAKI Yoshiho "NOT GUILTY".

5

PERSONAL AND MILITARY HISTORY OF KONDO HIDEO

Name KONDO Hideo

October 1927	- Commissioned, Artillery 2nd Lt attached to the 3rd Fd Art Regt
October 1930	- Promoted, Artillery 1st Lt.
January 1932	- Attached to the Staff of the 3rd Division HQ.
December 1932	- Appointed, Instructor in the Army Field Artillery School.
August 1935	- Promoted, Artillery Captain. Appointed Coy Commander of the 3rd Fd Art Regt.
March 1937	- Appointed Instructor in the Army Artillery and Engineering School.
August 1940	- Promoted Major.
June 1941	- Appointed Staff Officer of the 9th Division.
March 1944	- Promoted Lieutenant-Colonel. Appointed Staff Officer of the 5th Division.
December 1945 (after the termination of the War)	- Appointed Commander of the 5th Fd Art Regt.

Name of Next of Kin — KONDO Hatsuko (age 35)

Address of Next of Kin — c/o TAKATA Ichiro, 816, 1-chome, Setagaya-cho, Setagaya-ku, TOKYO, Japan.

4

PERSONAL AND MILITARY HISTORY OF IWASAKI YOSHIO

March 1939 - Graduated at TOTTARI Agricultural College.

December 1939 - Conscripted in 21st Inf Regt at HAMADA.

November 1941 - Commissioned 2nd Lieutenant.

August 1943 - Attached to 5 Division HQ.

October 1943 - 1st Lieutenant.

August 1945 - Captain.

PLEA IN MITIGATION

Before making this plea on behalf of the Accused No 3, IWASAKI, I would like to quote a case which happened a little while ago.

Perhaps the Colonel President and Members of this Honourable Military Court have heard of a tribe of natives inhabiting the chain of mountains in the Malay Peninsular, called "SAKAI". These natives use home made poisons on the tips of their arrows and spears when hunting or fighting.

During the war the Commanding Officer of the 29th Japanese Army, Lt Gen ISHIGURO, ordered his Chief Medical Officer and three other Medical Officers to test these poisons on some criminals already sentenced to death. The poisons were injected into the blood in order to make a hoemastoscopy. The criminals died in a short time.

After the War these four Medical Officers were tried as War Criminals and one of them was acquitted while the other three received prison sentences only.

That case has a certain similarity to this present one in so far as IWASAKI was ordered to test the frangible grenades on prisoners who were already sentenced to death by HQ 5 Division. But in this case the prisoners were **NOT** killed by the frangible grenades, whereas in the previous one I have just quoted, the prisoners were killed by the use of the poisons.

I only wish to mention this case as it may serve as a reference to this Court when they are passing sentence on the Accused No 3, IWASAKI.

The second fact I wish to make is that there can be no doubt that the experiment with the frangible grenades was carried out by IWASAKI under the direct order of KONDO.

In the Manual of Military Law, the following is stipulated:

> "Undoubtedly a Court confronted with the plea of superior orders adduced in justification of a war crime is bound to take into consideration the fact that obedience to military orders,....." (Section 443 Chapter XIV)

I earnestly hope the Court will also take this into consideration.

Lastly I wish to suggest that there seems to be general tendancy, concerning the object of penalties these days, to change from objectivism to subjectivism and from retaliation to reformation. I believe that judgement must depend on the evil nature of the criminal rather than the act.

IWASAKI, I believe, is most remorseful that his actions may have had anything to do with the death of these two airmen and earnestly wishes to make amends.

I earnestly hope that this Honourable Court will take into consideration the points I have enumerated when passing judgement on the accused IWASAKI.

Yamamoto Shoichi IEMURA TAI Death by Hanging on both original & retrial. Executed. 19 Oct 46

Capt. IINO SHIGERU. IEMURA. TAI. Death by Hanging altered to 10 yrs Imp. at Retrial. 18/5/46.

TAKADA. S/M. BUNKICHI IINO TAI No offence disclosed.

SAITO CPL. Reasonably believed dead. Borneo Report.

HIRANO YUKIMIKO Iemura Tai LT. Death by shooting. later altered to 10 yrs Imp. on Retrial.

TAKEDA. KAZUHIRO W/O No Evidence No offence disclosed.
YAMOTAI TAI.

TOYOMARA. 1/LT Yamamoto Tai Reasonably Believed. Dead. Borneo Report.

GOTANDA. W/O. Iemura Tai Death by Shooting. but Not Guilty.
KIREKU. at retrial.

MIZUTA. RYUCHI - MITZUTA. Capt. Iemura Tai Death by shooting. but reduced to 10 yrs Imp. at Retrial.

ITO TAKEO Yamamoto Tai S/M. No action Taken no offence disclosed.

2/LT. Sato Teruo Iemura. Tai Death by shooting later reduced to 10 yrs Imprisonment at retrial.

Sato Hideo Iemura Tai No offence disclosed.

TANAKA. SHOJIRO 1ST LT. Yamamoto Tai Death by shooting. later 10 yrs on retrial.

YAMAGUCHI YASUTARO Lgt. Iemura Tai No offence disclosed.

SUGIMURA. SHUNICHI LT. Iemura Tai Death by shooting. later altered to 10 yrs Imprisonment.

Galanda W/O See above.

HORIKAWA SEICHI Iemura Tai Lt. Death by shooting. later 10 yrs Imp. at retrial.

TOYA. YASUO Iemura Tai No offence disclosed.

OHASI KIUCHI " " " "

ABE. KASUO 2 Coy. 20 Bn. Death by Shooting 10 yrs at retrial.

OSHIMA. SHIDEKICHI LT. 20 indep. M.G. Bn.

No offence disclosed.

A B S T R A C T O F E V I D E N C E

ON THE CHARGE : Committing a War Crime in that they on KILWICK Island in or about the month of October or November 1944 were, in violation of the laws and usages of war together concerned in the unlawful killing of Flight Lieutenant A. D. NELSON of the Royal Australian Air Force and Sergeant F. ENGELSMAN of the Netherlands East Indies Air Force, then Allied Prisoners of War held in custody by the Japanese Armed Forces.

AGAINST : KONDO HIDEO former Lieutenant Colonel
OTSUKA YASUMASA former Major
IWASAKI YOSHIHO former Lieutenant

All previously members of the Imperial Japanese Army.

* * * * * * * * * * * *

On 15 September 1944 Allied Mitchell aircraft No N5-222 was shot down during an attack on LANGGOER in the KAI Islands. This aircraft which was seen to crash in flames and explode on impact with the ground, was one of eight engaged in the operation, the other seven of which returned safely to base. Sergeant FIEDIKERIKUS ENGELSMAN, No 994/A of the Netherlands East Indies Air Force, the wireless operator of aircraft No N5-222, survived the crash, was taken prisoner of war by the Japanese armed forces on LITTLE KAI Island, and subsequently imprisoned at the detention quarters of 9 Detachment, 5 Field Military Police Unit at TOEAL in the KAI Islands on orders from Headquarters, Japanese 5 Division at TOEAL.

Imprisoned on orders of H a Jap SDiv at TOEAL.

On 13 October 1944 Allied Kittyhawk aircraft No.A20-665 which was engaged in a watercraft sweep in the KAI islands, was hit by Japanese anti-aircraft fire, and made a forced landing in the sea, close to the shore of Little KAI Island. The pilot of the aircraft, Flight Lieutenant Arthur Douglas NELSON No 405874 of the Royal Australian Air Force, was taken prisoner of war and confined with Sergeant ENGELSMAN at the abovementioned Military Police detention quarters at TOEAL. For some days subsequent to the respective captures, the prisoners were interrogated by Japanese officers from Headquarters 5 Division.

Interrogated by officers from HQ Jap 5 Div TOEAL

At the time of the imprisonment of the two airmen, a number of native Indonesians were also held in custody at the said Military Police detention quarters. These natives were subsequently condemned to death by the Japanese 19 Army Military Tribunal at AMBON, and the chief of that Tribunal ordered the accused OTSUKA YASUMASA, then of the rank of Major and holding the appointment of Officer Commanding 9 Detachment,

5 Field Military Police Unit, to carry out the executions in his area.

The area of the said military police detention quarters was very limited, and was at this time accordingly much over-crowded, and the accused OTSUKA YASUMASA so reported to the accused KONDO HIDEO, then of the rank of Lieutenant Colonel and holding the appointment of Staff Officer, Headquarters 5 Division.

The accused KONDO HIDEO then ordered the accused OTSUKA YASUMASA to execute the two airmen while carrying out the scheduled execution of the condemned natives, and to report their deaths as due to illness, and thereupon accused OTSUKA YASUMASA then ordered his subordinate Warrant Officer ASADA MISAO to make the necessary preparations for the execution of the two prisoners of war.

Subsequently the accused OTSUKA YASUMASA was informed by Headquarters 5 Division that the accused IWASAKI YOSHIHO, then of the rank of 1st Lieutenant and holding the appointment of gas officer, Operations Section, Headquarters 5 Division, and some other officers would be attending the execution, and OTSUKA was instructed to make the necessary arrangements to transport IWASAKI and the other officers to the scene of the execution, which was arranged to be carried out on KILWICK Island, in the KAI Islands south of TOEAL, on a day late in the month of October 1944 or early in the month of November 1944.

On the day prior to the executions accused KONDO HIDEO instructed accused IWASAKI YOSHIHO to test the division's

hydro-cyanic acid frangible grenades by throwing some at the two airmen. These grenades had been in storage for some considerable time, and doubts had arisen as to their effectiveness.

Those persons who were to be present at the executions, numbering between thirty and fifty including the victims, assembled at the TOEAL landing stage on the morning of the day set for the execution, and were transported across to KILWICK Island in canoes. Neither accused KONDO HIDEO nor accused OTSUKA YASUMASA were present at KILWICK island that day.

Soon after the arrival of the party at KILWICK Island the condemned natives were executed by shooting by military police personnel, and between 1200 and 1300 hours of that same day the two airmen were killed by the accused IWASAKI YOSHIHO by means of a hydro-cyanic acid frangible grenade.

The two airmen, blindfolded and with their hands lightly tied behind, were made to sit or squat facing a large stone or piece of corral immediately in front of them.

From a distance of between five and ten metres accused IWASAKI YOSHIHO and other officers present threw hydro-cyanic acid greandes at the stone or corral in front of the prisoners of war, but it was not until after a number of unsuccessful throws that a grenade thrown by accused IWASAKI YOSHIHO hit the stone and exploded in the faces of the prisoners. The two airmen reeled dizzily for some seconds and then fell flat. They continued to breath in gasps for several minutes and then died. After a medical officer present had ascertained that they had ceased breathing the dead bodies of the two airmen were dragged

to a nearby hole, bayonetted by military police and covered with dirt. On return to his Headquarters the accused IWASAKI YOSHIHO reported to the accused KONDO HIDEO that the frangible grenades were still effective.

In support of the charge the prosecution will offer in evidence the following documents, copies of which are now attached:

1. A Affidavit of F/Lt A. J. KIBBLE dated 2 Sep 47
2. B Affidavit of F/Lt H. BELCHER dated 5 Aug 47
3. C Sworn statement (in English) of KIMISO TAKEMOTO undated
4. D Sworn Statement (in English) of KIMISO TAKOMOTO dated 28 Aug
5. E Sworn Statement (in English) of YOKOYAMA SHOICHI dated 8 J...
6. F Sworn Statement (in English) of NAKAMURA MASAO dated 29 Apr
7. G Sworn Statement (in Japanese) of OSHIBA YOSHIFUMI dated 10 together with certified English translation thereof.
8. H Sworn Statement (in Japanese) of KAMBARA HIDEO dated 7 Feb together with certified English translation thereof.
9. I Sworn Statement (in Japanese) of KAWANO KOYO dated 29 Jan ... together with certified English translation thereof.
10. J Sworn Statement (in Japanese) of ASADA MISAO dated 16 Jan 4... together with certified English translation thereof.
11. K Sworn Statement (in Japanese) of ASADA MISAO dated 2 Apr 47 together with certified English translation thereof.
12. L Sworn Statement (in Japanese) of HARA HYOSABURO dated 26 Fe... together with certified English translation thereof.
13. M Sworn statement (in Japanese) of HARA HYOSABURO dated 2 Apr 47
14. N Affidavit of Capt A. KLESTADT dated 3 Apr 47
15. O Sworn statement (in Japanese) of ITO TAKASHI dated 3 Mar 47 together with certified English translation thereof.
16. P Sworn statement (in English) of AKIYAMA KANEMASA dated 3 Oct ...
17. Q Certified Extract from United States War Department Technical Manual TM8-285.
18. R Sworn Statement (in Japanese) of IWASAKI YOSHIHO dated 17 Apr together with certified English translation thereof.
19. S Sworn Statement (in Japanese) of OTSUKA YASUMASA dated 24 Jan ... together with certified English translation thereof.
20. T Sworn Statement (in Japanese) of KONDO HIDEO dated 28 Mar 47 together with certified English translation thereof.

(FN)?

A

WAR CRIMES - KAI ISLANDS

I, Flight Lieutenant Arthur John KIBBLE, No. 254477, Royal Australian Air Force, make oath and say:-

1. I am the Officer in Charge of Missing Research for the Royal Australian Air Force and the facts herein deposed to have been extracted by me from the original Royal Australian Air Force records.

2. Flight Lieutenant Arthur Douglas NELSON, No. 405874, was the pilot of Kittyhawk aircraft A20-665 which was, on the 13th October, 1944, engaged in a watercraft sweep in the Kai Islands. The aircraft was hit by Japanese anti-aircraft fire and the pilot made a forced landing in the sea close to the shore and when last seen by the pilots of accompanying aircraft was in his dinghy travelling towards the shore of Little Kai Island.

3. Sergeant Fredikerikus Engelsman No.994/A was a member of the Netherland East Indies Air Force and was attached to No. 18 (N.E.I.) Squadron which was at that time operating as a part of the Royal Australian Air Force, and the personnel of which, whilst predominantly of Dutch Nationality, comprised a considerable proportion of Australians. Official operational records of No. 18 (N.E.I.) Squadron are held at Headquarters of the Royal Australian Air Force.

4. On the 15th September 1944, Sergeant ENGELSMAN was the wireless operator on Mitchell aircraft No. N5-222 which was shot down durigg an attack on Langgoer in the Kai Islands. N5-222 was one of eight aircraft engaged in the operation, the other seven of which returned safely to base. The aircraft was seen to crash in flames and exploded on impact with the ground.

5. The crew consisted of Lieutenant K.G. Vogler, Lieutenant H.J. Van Renesse, Lieutenant W.J.M. Scholte, Sergeant Engelsman, Sergeant F. de Rozario and No.434190 Flt/Sgt. Bacon, D.B.E., who was the only Australian member. Subsequent investigations proved that Lieutenant Vogler, Lieutenant Scholte and Sergeant Engelsman baled out. The bodies of the other three members of the crew were found in the wreckage of the aircraft. The body of Lieutenant Scholte was later found in the jungle, he having apparently died of privation or illness, and Lieutenant Vogler was badly injured and died in the hospital at Toeal a few days after the crash.

6. All other lost aircraft in the area at the relevant period are accounted for.

Sworn at Melbourne in the
State of Victoria, Australia A. J. KIBBLE (Signed)
this 2nd day of September,
1947.

BEFORE ME H. L. Savin (Signed)

An officer of or above the rank of Flight Lieutenant of the Royal Australian Air Force.

I hereby certify the above to be a true copy of the sworn statement of Flt/Lt A. J. Kibble dated 2nd September 1947, the original of which is now in my custody.

S.M.England
.....Capt
(S. M. ENGLAND)
Adjt 2 Aust War Crimes Sec
6 Oct 47

B

WAR CRIMES AGAINST AUSTRALIAN AND DUTCH PRISONERS IN THE KAI ISLANDS.

I, HARRY BELCHER of Royal Australian Air Force Head-Quarters, MELBOURNE - a Flight Lieutenant in the Royal Australian Air Force make oath and say

1. On the 5th June, 1947, I went by Catalina from AMBON to TOEAL, Kai Islands, to recover the remains of Sergeant ENGELSMAN of the Netherlands East Indies Air Force and Flight Lieutenant ARTHUR DOUGLAS NELSON of the Royal Australian Air Force. With me was TAKEMOTO KIMISO (a Japanese interpreter employed by the Dutch authorities at AMBON) who was in TOEAL during 1944 and 1945, and who stated he knew where these airmen were buried.

2. On the morning of the 6th June I went with TAKEMOTO to the road leading to the site where the Japanese 4th Field Hospital used to be. TAKEMOTO led me along a track to where there were three posts five feet high with Japanese characters painted on them. The weather had obliterated much of the characters but TAKEMOTO was able to decipher and translate the date of death on two of the posts.

3. The left hand post had on it the date of death October, 1944. TAKEMOTO stated that he believed that the Japanese had placed the date of death over ENGELSMAN's grave as October to bear out their original story of ENGELSMAN having died in hospital on the 27th October, 1944. The centre post had on it the date of death September 1944. Previous evidence has proved that a survivor of Mitchell N5-222 died in the Japanese 4th Field Hospital a few days after this aircraft ~~xxx~~ crashed (15th September, 1944). TAKEMOTO told me that he had spoken to this airman in the hospital and has given information that establishes his identity as Lieutenant VOGLER of the Netherlands East Infies Air Force. This centre post indicated the grave of VOGLER. The lettering on the right hand post could not be deciphered. TAKEMOTO stated that ENGELSMAN and NELSON who were executed at KILWICK Island, were exhumed in September, 1945, and brought to TAAL. There the body of VOGLER was exhumed and the three bodies cremated, the ashes put into boxes and buried in three graves side by side with a post placed over each. This right hand post indicated the grave of the third member cremated, Flight Lieutenant NELSON. TAKEMOTO said that he was present at the exhumation on KILWICK Island, accompanied the bodies to TAAL and was present at the reburial.

2 TOEHL or TAAL ?

4. The graves were carefully opened in my presence and the three boxes were recovered at a depth of twelve inches. These were numbered, packed and taken to AMBON by Catalina on the 6th June. At AMBON the three boxes of ashes were handed to Captain STOCKWELL, O.C. 30 Australian War Graves Unit, with a location report. There were no inscriptions on the boxes but it was apparent from the contents that the bodies had been cremated.

Sworn at MELBOURNE, Australia, this fifth day of August, 1947, before me a Flight Lieutenant in the Royal Australian Air Force.

H. Belcher F/Lt (Signed)

(Signature illegible)

I hereby certify the above to be a true copy of the sworn statement of Harry Belcher dated 5th August 1947, the original of which is now in my custody.

S M England

.....Capt
(S. M. ENGLAND)
Adjt 2 Aust War Crimes Sec
6 Oct 47

C

SWORN STATEMENT BY KIMISO TAKEMOTO

KIMISO TAKEMOTO, a civilian attached to the Japanese army, with acting rank of Sgt Major was employed as interpreter in Malayan, English and Japanese.
Aged 27 years, Religion SHINSHU.
Born: HAMAKUAPOKA, Island of Maui, Territory of HAWAII, U.S.A.
Address: " " " " " " " "
The above person was interrogated today, the 5th May 1947, at Ambon by F/Lt Belcher, as follows:-

Q. During the War where were you stationed and when did you come to the South Seas (N.E.I.)
A. On Feb 3rd 1943, I left Japan and came to Singapore, stayed there for three or four days, then left for Soerabaya, Java, stayed there for ten days, then left for Ambon. After three weeks on duty, I left for Kei Is. via Kaimana, New Guinea. Reached the Kei Islands on April 14, 1943 and stayed in Kei Island (Kiyom) till the Cease Fire Act.

Q. Were you an interpreter for the Kempei Tai at Toeal?
A. Yes.

Q. Did you see any captured Allied fliers when you were at Toeal?
A. Yes.

Q. When and where did you see them?
A. In September, 1943, when 9 fliers were brought to Toeal from Kai Tanimbar. I saw them.

Before ~~OTSUKA's~~ transfer to ~~F/Lt~~ KAI IS.

Q. What happened to them?
A. They were sent to Ambon by plane.

Q. Have you seen any other prisoners that were held in the cells of the Kempai Tai?
A. Yes.

Q. How many prisoners were there and when was it?
A. In September, 1943, two fliers were kept at Kempei Tai, but were later sent to Ambon by air. These are men of the 9 fliers I have already stated.

Q. Who were the other captured fliers?
A. In 1944, the months of September and October, I saw two fliers in the cell of the Kempei Tai. One came early and the other came later.

Q. What were their names?
A. One was Engelsman and the other Nelson.

Q. Who came first and who later?
A. I think Engelsman came first.

Q. What nationality were they?
A. Australian and Dutch.

Q. How many days did they stay in the cell?
A. I don't know, but Engelsman stayed in the cell for more than a month.

Did you hear that Suzuki (the Adjutant of the Kempai Tai) say to all Kempai Tai at Toeal that you must say that the fliers died in hospital and were not executed at Kilwik Island, if asked?
A. Yes.

Q. Was it after the Cease Fire Act you were told this?
A. Yes.

Q. In Tokio confessions have been made that the two fliers were executed at Kilwik Is. and did not die at the hospital. Do you agree with this?
A. Yes.

Q. It is said that they were executed by gas. Is that so?
A. It might have been gas.

Q. Who threw the gas bulb?
A. I don't know who was the thrower, if it was gas.

Q. Who gave the orders of execution?
A. I don't know.

Q. Who were the Kempei's that went to take part in the execution of the natives?
A. It is more than two years since that happened and I have forgotten who went.

Q. Why do you believe the execution was done by gas?
A. Because I have heard from many people talking about it.

Q. Do you remember the date of execution?
A. I have forgotten the date but I think it was in the month of November.

Q. How were they transported to Kilwik Island?
A. I have heard that they went by native prahu with native prisoners. Many under-officers and officers of the headquarters went to the execution.

Q. Do you know who they were?
A. I do not.

Q. Adjutant Nakamura said that Major Otsuka gave orders that the bones be transferred from Kilwik Island. If so who of the Kempei Tai did the transferring of the bones.
A. I am sure that Adjutant Suzuki of the Kempei Tai, Toeal, should be able to give information concerning this point for he was there as a communicating Officer of Kempei Tai. After the Case Fire Act when this case arose, he was very uneasy. I am sure the bones were cremated. Later they were buried at the 4th Field Military Hospital at Toeal and the bones were transferred by us.

Q. Who do you mean by us?
A. I don't exactly remember the names of the people, but I think Adjutant Suzuki was the man with highest rank. I also was one of the group.

Q. When were the bones transferred to their present graves?
A. I don't remember the date but it was probably in September 1945.

Q. How did you go to Kilwick and when?
A. We went by sampan about 8 or 9 o'clock in the morning.

Q. How long did it take to exhume the remains?
A. It took between one and two hours. After the bones were collected they were brought back to Toeal to be cremated.

Q. Who did the cremation?
A. I don't know. They were under-officers. The bones were cremated close by their present graves.

Q. Where was the original place of burial?
A. It was about fifty yards inland from the sea.

Q. How could you tell the bones of the fliers?
A. The light brown hair assured us that they were the fliers bones.

Q. Have you anything else to say or to add?
A. I have nothing else to say. If there should be anything that I have left out, I will later inform you.

Here I undersign the above statement ~~xx~~ which has been read over to me, and declare that I have told the truth and nothing but the truth. I here underpledge and swear the oath under God's name, that there is nothing to add or detract from these facts.

Kimiso Takemoto (Signed)

(KIMISO TAKEMOTO)

H. Belcher (Signed) F/Lt
(H. BELCHER)

I hereby certify the above to be a true copy of the sworn statement of KIMISO TAKEMOTO dated 5th May 1947, the original of which is now in my custody.

S.M. England .....Capt
(S. M. ENGLAND)
Adjt 2 Aust War Crimes Sec

6 Oct 47

Sworn statement by KIMISO TAKOMOTO, taken by SX21481 Capt. D. E. STOCKWELL at AMBON on 28th August 1947.

I, KIMISO TAKOMOTO, aged 27 years, religion Shinshu, born in HAMAKUAPOKO, on the island of MAUI, in the territory of HAWAII U.S.A., with my address the same; acted as an interpreter (rank of acting Sgt Major) for the Kempe Tai while at Toeal in the Kei Islands from April '43 till after the cease fire act.
In the year 1944 months of September and October, I saw two flyers in the cell of the Kempe Tai. One came early, I think it was Engelsman the Dutch man, the other man was Nelson an Australian. Engelsman was imprisoned there for more than a month.
Towards the end of October I left Toeal for duty in the Fair Islands where I stayed for one week. On my return to Toeal I noticed that the two flyers were not in the compound, and on making enquiries, I was told that they had been executed.

OTSUKA told TAKEMOTO he must do the execution in person

Asked by the interrogater whether he knew of any details regarding the execution TAKOMOTO replied:-

At the time I did not know of any of the details of the execution or who was responsible.

After the cease fire act Adjutant SUZUKI called in all the under officers including myself and said:-

"Concerning the case of the two flyers who were imprisoned in the compound, you must say that they died in the hospital of internal wounds and not executed. It is likely that you will be interrogated some day, so you must tell this story."

Asked by the interrogater what further knowledge he had of the case of the two flyers TAKOMOTO replied:-

Before Adjutant SUZUKI made the statement as mentioned above, he told me that we must go to Kilwick Island to exhume the two flyers buried there. A party led by SUZUKI and comprising about seven Japanese including myself, went to Kilwick Island. We were shown where to dig by SUZUKI and a Sgt Major, (I cannot remember his name) and there, after about two hours digging, we uncovered some bodies, two having light hair near the skulls, and who were separate from the others. The two bodies we put in two bags and took them by Sampan to Taal, where SUZUKI handed them over to an officer of the Field Hospital.
The same day the body of another flyer, who had died in the Hospital, and who had been buried in the Hospital grave yard, was also exhumed by a working party (I saw it happen), and I saw the three bodies cremated. After the cremation at the grave yard I saw the remains put into three caskets and taken to the Hospital, where I made a point of telling the under officer that one of the caskets contained the ashes of the airman who died in the Hospital, and for him to keep it separate for burial, so that it would not become mixed with the other two from Kilwick Island. I was told that three posts had been put over the graves, and about two weeks later I saw them when passing that way.
On June 4th 1947 I travelled to Toeal from Ambon in an American Catalina with Flt/Lt Belcher. The next morning with Flt/Lt Belcher, my guard and coolies I went to the ex 4th Field Hospital. There we found three posts standing side by side. Beneath the posts we found three decayed caskets containing burnt bones. These were wrapped in blankets and brought back to Ambon.

Under whose orders did SUZUKI act?

I hereby swear to Buddha that in the above statement I have told the truth and nothing but the truth with nothing being added or detracted.

Kimiso Takomoto (Signed)
Signature of person making statement.

D. E. Stockwell Capt
SX21481
Signature of person witnessing statement.

I hereby certify the above to be atrue copy of the sworn statement of Kimiso Takomoto dated 28 August 1947, the original of which is now in my custody.

S.M. England .....Capt
(S. M. ENGLAND)
Adjt 2 Aust War Crimes Sec

Sworn statement by S/M YOKOYAMA SHOICHI taken by F/Lt Belcher at Ambon on the 8th July 1947.

I, S/M Yokoyama Shoichi of the 9th Kempei Tai Unit, left Japan on the 3rd Feb 1943. I landed at Toeal, Kai Island early in April 1943. I was stationed at Kampong Manado until the capitulation.

Q. What do you know of Allied POW's that were in Toeal?
A. In Sept 1943 about nine fliers were brought from Kai, Tanimbar Islands. They were American fliers and I heard they were sent to Ambon.

Q. Do you remember any other POWs?
A. In the month of August a Dutch flier was captured by Infantry forces at Kai Ketjil.

Q. Was he the only Allied Airman captured?
A. At the time I was stationed at Manado, I heard another flier had been captured.

Q. What nationality was the airman?
A. I heard he was an Australian.

Q. Did you see either of these two fliers?
A. I have seen one of them. He was a Dutch Airman.

Q. Do you know what happened to these two airmen?
A. Once when I came from Manado to Toeal I heard from the Chief of Military Police (Major OTSUKA) that the fliers had been executed.

Q. Did Major Otsuka tell you how these men were executed?
A. I was not told how they were executed.

Q. Do you know where they were executed?
A. I heard they were executed at Kilwich Is.

Q. What happened to these bodies after the capitulation?
A. I do not know what happened but I heard there had been a grave made for them at Taal.

Why?

Q. Did Major Otsuka tell you that you must say that these two airmen had died in Hospital?
A. We were lined up by Major Otsuka and told by him that we must say that the two airien had died in hospital and were not executed.

Biz SUZUKI?

Q. Do you know Lt. Iwasaki?
A. Yes.

Q. What was his unit?
A. H.Q. 5 Div.

Q. Did you discuss with Lt. Iwasaki the execution of the fliers?
A. I never spoke with him.

Q. Have you any other information on the execution of these two airmen?
A. No.

Here I undersign the above statement which has been read over to me, and declare that I have told the truth and nothing but the truth. I here underpledge and swear under God's name, that there is nothing to add or distract from these facts

H. Belcher (Signed) F/Lt
(H. BELCHER)

Shoichi Yokoyama (Signed)
(Signed in Japanese)
YOKOYAMA SHOICHI

I hereby certify the above to be a true copy of the sworn statement of YOKOYAMA SHOICHI dated 8 July 47, the original of which is now in my custody.

S.M. England
.....Capt
(S. M. ENGLAND)
Adjt 2 Aust War Crimes Sec

6 Oct 47

F

SWORN STATEMENT BY MASAO NAKAMURA

MASAO NAKAMURA, Adjutant of the Kempei Tai, Toeal.
33 years of age. Religion Shinshu.
Born : Prefecture Oita, City Oita, Shinkawa, No. 1222.
Address: " " " " " "
Detained by Dutch Forces in Ambon from April 30, 1946.

The above person was interrogated today, the 29th of April 1947, at Ambon by F/Lt Belcher and TAKEMOTO acting as interpreter, and made the following statement.

I left Japan, Port Ujina, Hiroshima on the 3rd February 1943 and came to the Kei Islands in April 14, 1943. I stayed at Kiyom till April of 1944. Left for the Island of Kei Besar Elat, and stayed till December 1944, and was transferred to Banda Eli, Island of Kei Besar and was on duty till April 1945 and that month returned to Kiyom I stayed at Kiyom until the capitulation.

Concerning the two fliers, Nelson and Engelsman, I would like to make the following statement. In the month of August, 1944 when I was at Toeal (Kiyom) assisting interrogation of a native case, I saw one of the fliers in the cell of the Kempei Tai. After the completion of the native interrogation, I returned to Elat, Kei Besar in September 1944. The flier was a tall person. I do not remember the other flier or when he was captured. During my stay in Elat, Kei Besar, in the month of November I heard rumours that two fliers were executed.

OTSUKA

After the capitulation when orders came concerning all prisoners and flier's graves, there was much uneasingss at headquarters. Later I heard the chief of the Kempai Tai say that whenever any person is asked about the two fliers, they must say that they died in hospital.

After making the above statement was interrogated as follows:-

Q. When were Nelson and Engelsman executed?
A. I have heard that it was the month of November

Discussed execution freely

Q. Who told you that the prisoners were executed and when?
A. Major Otsuka. He told me in November or December, 1944 when I came on business to Kiyom. The fliers were then not in the cell.

Endeavour to conceal

Q. Did you hear SUZUKI and Major OTSUKA say that we must confess that the two fliers died in hospital and were not executed?
A. Yes.

Q. Where did SUZUKI and Major OTSUKA tell you they were executed?
A. The island of Kilwik, but the exact place I don't know.

Q. How were they executed?
A. I don't know because I was not at the execution.

Q. Who did the execution?
A. I don't know.

Q. Were the two fliers executed on the same day as the natives?
A. Yes. They were executed on the same day.

Q. Where are their graves now?
A. At the former 4th Field Hospital.

Q. Did you see the graves?
A. No

Q. Did they transfer the bones from Kilwick to the 4th Field Hospital at Taal?
A. Yes I beliwve they were transferred for I have heard that the graves are at Taal.

Q. If these graves are located at the former 4th Field Hosp. when were the bones transferred?
A. They were transferred afeer the Cease Fire Act.

Q. Do you know how and who transferred the bones?
A. No, I don't know.

Q. Do you know who gave the orders for the bones to be moved to Taal?
A. I believe it was Major Otsuka.

Q. Did you tell Sgt. TOGO KAZUYOSHI that Engelsman and Nelson were executed?
A. I do not remember doing so, but if Togo Kazuyoshi said I have told him, it might be true.

Q. Have you anything else that you want to state?
A. Yes, till today I have withheld this information because:
1. Through my statement I did not want to have another man punished.
2. I was told what to say when I was interrogated.
3. Also I was not interrogated in detail.
Therefore I have withheld the above information. Now, knowing that the case has become clear by the confession made by Sgt TOGO KAZUYOSHI and SUZUKI (Adjutant) I have made the above statement.

Here I undersign the above statement which has been read over to me, and declare that I have told the truth and nothing but the truth. I here underpledge and swear the oath under God's name, that there is nothing to add or detract from these facts.

(Signed in Japanese)
Nakamura Masao
.....
(MASAO NAKAMURA)

H. Belcher (Signed) F/Lt
(H. BELCHER)

I hereby certify the above to be a true copy of the sworn statement of MASAO NAKAMURA dated the 29th day of April 1947, the original of which is now in my custody.

S.M. England .....Capt
(S. M. ENGLAND)
Adj 2 Aust War Crimes Sec
6 Oct 47

Doc No. 27598

SS

03441

G

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by: Legal Section.

Received ATIS: 11 Feb 47.

Description of Contents: A full translation of a 3 pp loose-leaf document containing a statement by OSHIBA, Yoshifumi.

After being duly sworn, I the undersigned, hereby swear that to the best of my knowledge and belief the following is a true and accurate translation of the original document No. 27598.

Jimmie Shohara

Jimmie Shohara, CAF 7
ATIS Translation Section

G. A. Hedley

G. A. Hedley, Capt Inf
Summary Court, ATIS

Doc No. 27598

Oath

I swear by my conscience that the following statement is the truth without any additions and without withholding any information whatsoever.

My name is OSHIBA, Yoshifumi (大柴吉文), age 29. My present address is: YAMANASHI Ken, KITAKOMA Gun, ATSUMI Mura, MURAYAMA NISHINO-WARI, 2189. (Since I merely rent one room, I ~~do~~ am not ~~know~~ sure of the Banchi number.) I am a physician by profession.

I was inducted into the army as a probationary officer on 15 Apr 41 and served in JAPAN proper until 25 or 28 Dec 41. I served in the theater of operations throughout the war (until the defeat) as a regimental medical officer of the 5th Field Artillery Regiment of the 5th Division. My first overseas assignment was in MALAY.

I was promoted to the rank of second lieutenant, medical corps, on 30 Jun 41, first lieutenant, medical corps, on 1 Dec 42, and captain, medical corps, on 1 Dec 44.

About 15 Mar 44 (exact day unknown), I went to TOEAL where I became acquainted with a medical corps officer, 2d Lt KAMBARA, Hideo (神原英男). I debarked at TANABE Harbor on 1 Jun 46.

On (TN Sic) day (TN Sic) month of 1944, two Allied fliers crashed on the western part of lower KAI Island where they were captured and brought in. I do not know who captured them. A short time later, they were brought into the KEMPEITAI.

At the time the fliers were detained at the KEMPEITAI, I was living near by and was looking after the patients. For this reason, when the KEMPEITAI held a physical examination of the fliers, I was requested to examine them. I did.

I cannot remember the date of execution. However, one morning I was asked by the KEMPEITAI to attend the execution and so I went with KAMBARA. The party which attended consisted of WO ASADA (浅田) with four or five persons (names unknown) from the KEMPEITAI, and Capt IWASAKI (岩崎) with a number of persons whose names I do not know, from the Staff Section of the Division Headquarters. I am not certain whether OKAMOTO (岡本) attended or not. I do not know whether Capt ITO (伊藤) and KUBO (久保) were there or not. The party also consisted of two natives who rowed us over, KAMBARA and me. I do not know this person called 2d Lt ITO. (TN Presumably Capt ITO).

The place of execution was a small island located in the central part of the KEIZURA * Islands. An unknown number of natives and the

(TN * indicates an exact ROMAJI transliteration of the original KANA).

two fliers were executed. Frangible grenades were used for the execution instead of the firing squad. I do not know the details of the grenade since it is considered to be a secret weapon; however, I have heard that it is a terrible weapon. No matter how hard I try, I cannot recall who threw the grenades or the number of grenades thrown. However, someone stated that IWASAKI is the authority on this grenade used at the place of execution.

Because of the danger, KAMBARA and I stayed in the rear to one side. Those in the front were creating quite a commotion and later started to insult us by saying, "What weaklings the medical officers are! Why don't they watch?"

I immediately jumped in front of the fliers from the side. Since I was told that it was horrible, I did not go too close. Upon observing that the fliers were still alive I became frightened and leaped back.

Since I did not actually see who threw the grenade, I do not know the name. It seems as though IWASAKI was talking in a loud voice. I believe you can find out if you ask IWASAKI.

I really do not remember whether I heard any discussion on who threw the grenade while we were returning home on the ship.

WO ASADA seemed to be the officer in charge on that day. Regardless of his rank, it seemed as though he was in charge of the whole affair. It may be that the Staff Section took the initiative in the command. However, on this point, I am completely in the dark since I am merely a medical officer.

Major OTSUKA (大塚) did not attend that day.

(TN Finger print)

宣誓書

「良心ニ従ヒ眞実ヲ述ベ何事モ黙秘セズ
又何事モ附加セザルコトヲ誓フ」

名前は大柴吉文（オオシバヨシフミ）　これオです　現住所は山梨県
北巨摩郡熱田村村山西割二一八九番地の数字は
不確（間借りをしておりますので）　職業は醫師です
軍隊へ入つたのは昭和十六年四月十日階級は
見習士官です　昭和十七年十月三十八、五日まで
此地に居ました
戰地での軍隊は第五師団野砲兵第五聯隊
です　ずつと此の聯隊で隊附軍醫をして
おります（敗戰まで）　初めて行つたのはスルー
でした
昭和十六年六月三十日軍醫少尉に十七年十二月一日
中尉に十八年十二月一日軍医大尉に
なりました
トアールには昭和十九年二月十五日（月は不確実）
参りました　此処で神原（カンバラ）英男（タナベ）と言ふ
軍医少尉と一緒に居ました
復員したのは千一年六月一日田辺（タナベ）港に上りました
昭和十九年二月二日聖恭しに
は二名で他は一名で　ポケー島の西部でした　それから
捜しに行つて連れて来たと言ふことです　何処へ
誰が行つたか知りません　27593

ふかせたて憲兵隊へ入れて来ました
飛行士が憲兵隊にいるときん私が憲兵隊の近くに居て毎日みてやっているものですから憲兵隊の健康診断のときみて呉れと言はれみてやったことがあります

私ん日は覚えてゐませんが朝にいって憲兵隊から迎えにまいりと言はれ神原と一緒に行きました一緒に行った者は憲兵隊から津田準尉と外に四ー五名位一班名は不明)歩兵連隊司令部から参謀の岩崎大尉と外にも行きましたが確実ゐれは覚えてゐません
同本は行ったかと思います
それに私と神原と。
伊藤少尉と言ふ人は顔もよく知りません
その外丹と隠し屋住民が名は居たと思います
よく分りませんがあとの伊藤大尉と久保はよく覚えてゐます
行った場所はイージラ島の中頃のサさな島です
飛行士の元と一緒に何人かよく覚えませんが屋住民が殺されました
殺したのは銃殺ではなくてすこです。この内容は社会だそうでよく知りません非常に恐ろしいと言ふことは聞いてゐました
投げたのは誰が或つ投げたのかいくら考へてなても今ゐません併しその場所では岩崎が専門(洋)しいらしく、何か言ってゐました
私と神原はこわいので横後の方にゐました
後にかくくと前の方で言ゐました

C. Kuwabara

そしたら皆の見てゐる前から「ほだ軍曹は弱虫だ
(言い意味のことば)
周に行け」と言われ、のろしらみ横からそう飛行士
の前へ飛んで行きますに 恐ろしいと云う気
ておりますにので すそそば近行ってみたら生きて
動そおりますたので こゆっくり飛びか(りました
結局投げたのは誰かよく目撃してゐませでした
そんな名はよく分ません 岩崎さんいのがはか
大聲でどなってゐました 岩崎に聞けば分ると
思います
驚り舟の中での話も、誰かなげたかと言う様な
話を聞きたい聞かないかさんも分く記憶
おりません
当日の指揮者は横田準尉さんです
後ら階級は下でも 全体をお指揮してゐる様おす
身は参謀助す方で指揮すイニシャティーブを
とってゐたかと知れません
私には全く分りません
大塚サんは当日行ってゐません

From 6, signed and witnessed in the usual way, right hand index finger impression, at Tokyo, this 10th day of February 1947

Yasuo Tanaka

(Witness) Kinkazu Ohtsuka

Oh, Officer in the Navy Education Corps.

3

Doc No 27502

Oath

I swear by my conscience that the following statement is the truth without any additions and without holding any information whatsoever.

I was conscripted on 1 Dec 43 and joined Hiroshima Army Hospital as an officer candidate in the medical corps. On 23 Jan 44, I sailed from the mainland and on 29 January, landed at TOARU* on KIKUURA* Island north of AUSTRALIA. I was attached to the Fifth Field Artillery Headquarters as a medical officer.

On a certain day in November, 1944, (I do not remember the exact date), about nine o'clock in the morning, I was told by Captain OSHIBA(大柴) that there would be a prussic acid grenade experiment and I was asked if I would go to see it. There were four or five officers present and I thought that they were from headquarters. Since I was an officer candidate at that time and had had very little association with headquarters officers, I do not remember definitely their full names, but 1st Lt IWAZAKI (岩崎), 1st Lt KUBO (久保), 1st Lt SAKURAI (櫻井), and others, were present. We boarded a canoe and went to KIRUURIKU* Island. We waited on the shore and when we were told that the preparations had been made, we entered a coconut grove.

A large boulder had been raised and beside it a hole had been dug. Two pilots were made to sit blindfolded in front of the boulder and, I believe, with their hands tied lightly. We stood in the grove watching from the leeward side. I do not know the name of the man who threw the grenade but I remember that he was an officer from headquarters. He was of medium height and weight and I believe he was wearing glasses. The grenade hit the boulder, and as the gas escaped, the two men reeled dizzily for two minutes and then fell flat. They continued to breathe in gasps for three to five minutes. After the gas cleared, Captain OSHIBA went closer to take a look. After that, the bodies were put in the hole and covered with dirt. Thus the experiment ended.

We returned to TOARU in the afternoon.

7 Feb 47.

KAMEHARA, Hideo (神原英男)

Number of grenades
Bayonet
Ref. Abstract

No mention of Aptr being used

宣誓書

自分ノ良心ニ従ヒ真実ヲ述ベ何事ヲモ黙秘セズ又何ラノ附加セザルコトヲ誓フ 印

昭和十八年十二月一日呉鎮守府ニ於テ衛生教習士官トシテ広島陸軍病院ニ入隊ス。昭和十九年一月二十三日内地ヲ出港シテ同五月二十九日深北"ケイリン"島"トアル"ニ到着、野戦衛生第五聯隊本部付軍医トナリタ。

昭和廿九年十一月頃某日(月日ハ精確ニ記憶シテイナイ。)朝礼時頃大柴大尉ヨリ"ビ"弾実験ガアルカラ行ッテミナイカトオハレテ同行シタ。四五名ノ将校ガオリタガ司令部ノ将校ダト思ウ。当時見習士官デ(今記憶ニナイガ)姓名ハ確カニ記憶シテイナイガ、山形時中尉、久保田中尉、櫻井中尉ガオリタ。カヌーニ乗リ1キルウクル島ニ到着シタ。海岸デ待ッテ準備ガ出来タトオハレテ椰子林ノ中ニ入ル。大キナ岩ヲ五テ位積ンデアリタ。飛行士ニヨル"ビ"弾ノクレヨデ手ノ軽イ(クウテアリタト思ウ)岩ノ前ニ坐ラサレタ。私達ノ凡下ノ椰子林ノ中カラ見テオリタ、"ビ"弾ヲ投ゲタノハ名前ノ知ラナイ司令部ノ将校デアリタト記憶スル。中田中尉デ眼鏡ヲ掛ケテオリタト思ウ。"ビ"弾ガ岩ニ命中シテバラバラガスカホルト二分位デフラフラシテ崩レタ。ガスガ去ッタ後大柴大尉ノ見ニ行ク。後ニ入レ土ヲ被セ実験ヲ終ル。"トアル"ニ歸ッテカラ十数日デアリタ。

神奈英男

昭和二十二年二月七日

I hereby declare that the statement made above is the whole truth to the best of my knowledge and belief.

KAMBARA, Hideo at TOKYO, this 7th day of February 1947

Witness:

(R. WESTBY)
1st Lieutenant, A.C.
Air Officer in Charge Records

27502

DocNo. 27146

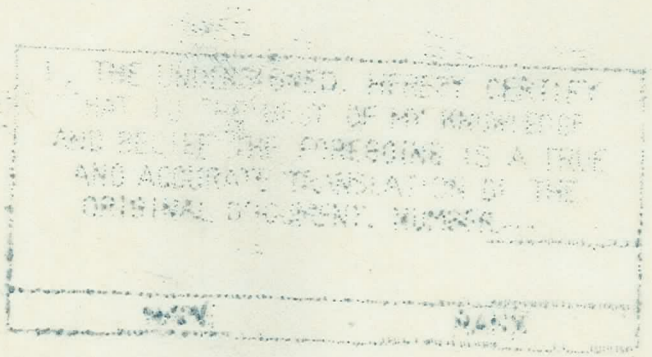
Tanaka

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 31 Jan 47.

Description of Contents: Full translation of a Statement by KAWANO regarding the execution of PsW.



Doc No. 27146

I believe it was about September of 1944. Three foreigners (one died in a hospital 2 or 3 days later) who had been in an airplane crash were being held by the military police unit. About one month later, which would make it about October, more than 10 officers and noncommissioned officers from the operations section came to the military police unit and with 6 or 7 military police, and more than 10 emergency military police and enlisted troops, making a total of 40 to 50 men plus the two PsW, and 14 or 15 Indonesians who had been sentenced to death by the military tribunal, went to the island of KIKU UIKKU (TN: Transliteration) in 2 boats.

When we reached the island, holes had already been prepared at 3 or 4 different places. The PsW were taken to the center hole. I went to the hole on the right side. About 4 Indonesians were shot to death by officers and enlisted men from the operations section.

Natives shot by officers and men.

When I went to the center hole, the PsW (foreigners) had just been killed. I was informed that the man who killed the PsW was 1st Lt IWASAKI (岩崎) from the operations section, and that the weapon which he used for the killing was a frangible grenade used as an anti-tank weapon.

My name is KAWANO, Koyo (川野浩洋) age 31. I was formerly a master sergeant in the military police attached to the 9th Detachment of the 5th Field Military Police Unit. My present address is KAGOSHIMA Ken, SATSUMA Gun, HIWAKI Machi, TONOHARA, 9438 Banchi.

(Signed) KAWANO

(seal and fingerprint)

I, THE UNDERSIGNED, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE FOREGOING IS A TRUE AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT. NUMBER 27146

Kazuo Kariya 1st Lt, Inf

NAME RANK

リバス
島縣薩摩郡甑脇町塔之原九四三ノ番地テア
晋長川野浩洋當三十年(テ現住所ハ鹿児
私ハ第五野戦憲兵隊第九分隊在勤陸軍憲兵
攻迫用ノチビ弾」ヲテシタ
ト聞マシタ其ニ行殺人ニ用ヒタ物ハ戦車
シタ殺シタ人ハ参謀部ノ岩サキ中尉タッ
タ時ハ誘ニ捕虜(外人)ハ殺サレタ直後テ
其レカラ私カ眞中ノ捕虜ノ處ニ行キマシ
銃殺シテ済ニマシタ
名タッタト思ヒマス参謀部ノ将校兵隊カ
レマシタ私ハ穴ニ行キ四度テシヤベル四
傍サレテアリ捕虜ハ眞中ノ穴處ニ連行サ
島ニ到着シマスト穴カ三個所カ四個所カ準
ツテキルウチニ島ニ行キマシタ
マシタ即チ子ヤベル四五名カ二隻ノ船ニ乗
ニ名ト軍法會議カラ死刑執行ノ命令カアリ
名捕虜憲兵隊十數名計四五名ト捕虜
將校下士官十數名カ憲兵隊ニ来テ憲兵ヲ
ケ月後ノ十月頃タッタト思ヒマス参謀部カラ
死ヒス)ヲ憲兵隊ニ留置シテアリマシタカ約一
墜落シタ三名ノ外人(内一名ハ病院ニテ三日ニテ
昭和十九年九月頃ダッタト思ヒマス飛行機テ

Sworn to, signed and imprinted with the thumb
of the left hand by the within named KAWANO,
Koyo, of TOKYO ADS, 29 th day of January 1947,
before me

(A. KLEIFIELD)
Col. JAGD
A. K. Kleifield

27116

Doc. No. 26678

K J

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 20 Jan 47.

Description of Contents: Full translation of statement by ASADA, Misao pertaining to the killing of PsW.

Doc. No.26675 K

Affidavit

I swear on my conscience to state the truth, to conceal nothing, nor to add anything.

ASADA, Misao (浅田操), age 35. Place of Registry: AOMORI-Ken, HIROSAKI-Shi, WATOKU, Aza HYOGEN (俵元), 296 Banchi, No. 3.
(TN Finger print)

Present Address: AOMORI-Ken, HIROSAKI-Shi, TOMITA SHINCHO, 44 Banchi.

It was during the time I was a master sergeant in the military police. On 3 February 43 I was sent south out of UJINA Harbor as a member of the Fifth Field Military Police Unit. I reached SINGAPORE in the MALAYS on 13 February, SURABAYA in JAVA on 22 February, and KAIMANA in NEW GUINEA on 18 March, of the same year. I was promoted to the rank of warrant officer in the military police on 1 December, of the same year (TN 1943), and was sent to TOHAL in the KEI Islands on 24 December. From there I was sent to BABAR Island on 15 January 44. I returned to TOHAL on 1 June 44 and served there until 15 December of the same year, when I was sent to Big KEI Island in the same island group. On 19 June 45 I entered Field Hospital No 4 of the Fifth Division. On 18 June 46 I was returned to JAPAN aboard the hospital ship HIKAWA MARU and was confined in the government hospital at HIROSAKI. On 2 September of that year I left the hospital because the food situation was unfavorable. Since that time I have been convalescing at home.

Now I shall relate what I know about PsW being killed during my service at TOHAL. Air attacks were very heavy during the three months of August, September, and October of 1944, so I do not remember the exact date. However, I believe it was sometime in September or October. In the first case I didn't see the conditions surrounding the shooting down of the airplane, but a soldier (I don't know of what country) was brought over from the garrison unit on Little KEI Island. It was claimed that this soldier had parachuted from an airplane that had been shot down. Orders from division stated that he was to be interned by the military police unit so we placed him in one of the barracks of the military police unit. We received food from the divisional administrative department every meal and gave it to him. I don't remember clearly, but it seems to me that the soldier had injured his foot or his hand. We had the injury treated by an army doctor in the Garrison Unit on TOHAL. (I do not remember the doctor's name.) My duties had no connection with the PW so I do not know his name nor his nationality.

I didn't see the action, but on the second occasion also, one soldier, who it was claimed had parachuted from an airplane which had been shot down, was brought over from the garrison unit on Little KEI Island. He too was detained by the military police unit under orders from division. I don't remember clearly, but it seems to me that he was injured, probably in the chest.

He too was treated by an army doctor of the Garrison Unit. This prisoner too was outside the scope of my duties so I do not know his nationality, his name, or his rank. We received his food from the divisonal administrative department.

The first PW was interned for about one month, and the second for about 10 days. I do not remember the exact dates. Around that time about 20 Indonesians were sentenced to death by the AMPON Military Tribunal, which grew out of an espionage incident. On the day that the punishment was to be carried out there was an order from Major OTSUKA (大塚) to bring the two PoW along, so we divided up and boarded the canoes (I don't remember whether there were two or three) and took the prisoners to an uninhabited island about two hours distance from the military police unit. After the sentence of the Indonesians had been carried out at three places in a coconut grove about 100 meters away from the coastline, there was a communication from an officer of the division (I've forgotten his name but he was a first lieutenant) saying that the two PoW were to be killed and ordering that they be brought. Thereupon the military police who had accompanied them (I do not remember the names) brought them. (During the execution of the Indonesians the two PoW had been allowed to rest at a place about 100 meters away). Then with only a blindfold, I think, (they were not bound) the two were seated facing a coral rock. The officer from the division moved off about 10 meters, took a glass ball about 10 centimeters in diameter out of a box, and threw it, aiming at the coral rock in front of the two. However, it missed its mark, or failed to explode when it hit the target, so it wasn't until after several attempts that the glass ball broke and one of the PoW fell backward. The officer took another ball from the box and threw it as before. This ball also broke after several tries and the remaining PW also fell. They seemed to be breathing for about five minutes after that. The two were buried after the army doctor (a first lieutenant whose name I do not remember) of the Garrison Unit, who had accompanied us, had ascertained that they had stopped breathing.

That day because of the execution of the Indonesians there were five or six military police, including the emergency military police. Besides these, there were about 10 officers present from various units of division. All these latter officers were men whom I did not know at all. I have forgotten the names of the military police because it has been so long.

The foregoing has been an accurate account of what I saw and know about the conditions surrounding the killing of the PoW. I would like to make some points clear. These are that I received orders from Maj OTSUKA to bring the two PoW along with the Indonesians to the uninhabited island, transmitted the orders to a subordinate who was to accompany them, and rode to the island on the boat that this subordinate boarded; that I received no orders from Maj OTSUKA pertaining to the killing of the PoW; nor did the military police actually kill them; that they died from the glass balls thrown by first lieutenant attached to the division headquarters (a slim person about 5 SHAKU 5 SUN (TN Approximately 5 feet 5½ inches tall). I do not know what kind of thing the glass ball is.

OTSUKA issued the order to bring PW's, and orders received as to executing

Seeing that the PsW died, I guess it is some type of chemical ordnance. To this day I have neither heard nor read any explanation of the glass ball. That was the first time. Even that time I saw it from about 15 meters away so I do not know what was in it. It also seems to me that the military police did not undertake the investigation of the PsW. It seems that the operations department was doing it so I don't know anything definite.

The character of the military police in the field is entirely different from that of the military police on the homeland. The homeland military police has no connection with army or division but is attached to the Minister of War. The field military police operates under orders from the army commander or division commander so the military police cannot, of his own free will, make disposition (SHORI) of PsW without orders from division. Nor is this confined to PsW. All duties and actions of the military police are based on the orders and objectives of the division commander. For military police located in the same place as division headquarters to take independent action in the disposition (SHORI) of an incident is absolutely forbidden. If independent action were taken, those involved would have to be punished.

I request that there be no confusion about these points.

To MP: operate under orders from the army comd -

ASADA, Misao

(TN Seal and fingerprint)

I, THE UNDERSIGNED, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE FOREGOING IS A TRUE AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT. NUMBER ~~26678~~

Kazuo Kariya — NAME

1st Lt, Inf — RANK

宣誓書

「良心ニ從ヒ眞実ヲ述ヘ何事ヲモ默秘セス又何事ヲモ附加セサルコトヲ誓フ」

本籍青森縣北前市和徳字濱元二六番地内三号
現住所青森縣北前市船橋富田町四番地

淺田　操
當三十八年

一、私ハ憲兵曹長ノ時ニ昭和十八年二月三日第五野戦憲兵隊員トシテ宇品港ヨリ南方ニ派遣セラレ同年二月十三日馬来シンガポールニ着キ同二日ニシヤワレスラバヤニ同年三月十八日ニサビヤカイマナニ到着シ同年十二月一日ニ憲兵軍曹ニ進級シ同月二十四日ケイ諸島トアルニ派遣更ニ昭和十九年一月十五日バル島ニ派遣同年六月一日再ビトアルニ復帰シテ同年十二月十五日迄勤務同諸島ノ高ケイ島ニ派遣昭和二十年六月十九日肺結核ノタメ二五師団野戦病院ニ入院シ同年十一月一日ニ帰国シ同年九月二日復員セリ

淺田　操

V. 2

事情ノ要インテ退院自宅ニ於テ療養良現在ニ至ツテヰリマス

二、私ハ今カラ丁度勤務中ニ捕虜ガ殺サレタ事ニ就イテ知ツテヰル事ヲ申上マス

昭和十九年八、九、十月ノ三ケ月間ハ非常ニ空襲ガ激シクハツキリシタ月日ハ記憶アリマセンガ九月カ十月頃ト思ヒマス

ヲ一回目ニ私ハ要塞サレタ状況ハ見テヰリマセンガ要塞ヲ飛行機ガラ降下シタト云ツテ低ケイ島ノ警備隊ガラドコノ国ノ兵隊ノ一人連レテ来マシタソシテ師団命令デ憲兵隊ニ牧容スルコトニナツテ憲兵隊ノ宿舎ニハイルマシタソシテ食事ハ師団管理部カラ毎食食缶ニテ食ヘサセテヰリマシタ

其ノ兵隊ハハツキリシタ記憶ハアリマセンガ足ガ手ニ負傷シテヰタノ様デスソシテヲトアル所衛隊ノ軍医ニ治療シテ貰ヒマシタ（軍医ノ名前ハ記憶アリマセン）

モ判リマセンテ名前ト国籍

三才二回目ニ要塞サレタ状況ハ見テヰリマセンガ飛行機ガラ降下シタトイツテ低ケイ島ノ警備隊ガラ又一人連レテ来マシタ之モ師団ノ命令デ憲兵隊ニ牧容サレマシタガ記憶ハハツキリシマセンガ胸部ガニ負傷シテヰツテ

V. Mauleo

浅田 操

入浴ヲ終ヘテカラ

此ノ捕虜ヲ私ノ職務室ノ外ニテスノ下ニ軍籍モ名前モ階級モ知リマセン

食事ハ師団管理部カラ受領シテ居リマシタ

四月四日ノ捕虜ハ約一ケ月位ヤ二回目ノ捕虜ハ約十日位牧容サレテ月日ハ記憶アリマセン書時通敵事件デインドネシヤ人ガ約二十名許リアンボンノ軍律会議カラ死刑ノ宣告ヲアッテ其ノ刑ヲ執行スル日ニ大塚少佐カラ捕虜二名ヲ連レテ行ケノ命令ガアリマシタノデカヌーノ二度カ三度又タクサンカ記憶アリマセンガ兵ヲ連レテ處ニ豫メ約二時間許リハナレタ無人島ニ連レテ行キマシタ海岸線カラ約百米許リ離レタ椰子林ノ中デ(三ケ所)インドネシヤ人ノ刑ヲ執行シタノ後捕虜二名ヲ殺スカラ連レテ来ル様師団将校(名前ハ忘レマシタガ階級ハ中尉)カラ連絡ガアリマシタノデ一緒ニ行ッタノデス(名前ハ記憶アリマセン)ガ連レテ来マシタ(捕虜ニ名ハインドネシヤ人ノ刑執行中ハ約百米許リ離レタ所ニ休マセテアリマシタ)ソシテ目カクシヲ外シ手縛(タト思ヒマス)ッテハアリマセンデシタ(デシタ)ガ砂浜ノ前ニ二人ヲ座ラセ師団将校ハ約十米許リ離レタ椰子ノ中カラ近寄ッテ拳銃ヲ抜キ後カラ玉ヲ一発ヅツ二人ノ前ニアルサンゴ礁目ガケテ投ケマシタカハヅレタリ命中シテモ懐破裂シナカッタリ其ノ度ニ一個ヲ拾ヒ上ゲテ(二人ガ倒レル迄ニ)前ノ様ニ投ケテモ駄目ノ後ヤット砂ヲ掛ケテ埋メマシタ

署名 澤田操

V:4

ノ下ニテ約三分間許リ呼吸ヲ吾ノ耳ニ聞カヌ様ニ止メタト云フ
ヲ以テ一緒ニ行ツテ居ツタト云フ防衛隊ノ軍医(名前ハ記憶シマセン中尉)ガ呼吸ノ止ツタノヲ確メ埋葬
マシタ
此ノ日ノインドネシヤ人ノ死刑執行モ終リマシテ憲兵
ガ補助憲兵モ入レテ約五六名デシタガ此ノ外ニ師団
ノ各部隊カラモ特務ガ約十名許リ来テ居リマシタ
各部隊ノ将校ハ全然知ラナイ人許リデシタ憲兵
ノ名ニ前モ余リ長クナリマスノデ忘レマシタ
立
捕虜ノ殺サレタ状況ハ私ノ見テ知ツテル分ト軍団内ノ
ウトハ今申上ゲタ通リデスカラコレデハツキリサセテオキ
タイコトハ私ハ大塚中佐カラ捕虜二名ヲインドネ
シヤノ死刑者ト一緒ニ島ニ連レテ行ク様命
令ヲ受ケテ夏ニ一緒ニ行ク下級者ノ傳ヒテ下級者ノ
乗ツタ船デ島ニ行ツタコト捕虜ヲ殺スコトニ就
イテハ大塚中佐カラ命令ヲ受ケテ居リマセンシ又
憲兵カラ殺ス様ニモ云ヒマセン
師団司令部附中尉カヤセ型デ五尺子位ノ人ガ頭ヲ
五ニ殺ツテ死ニタクナイ此ノ頭ル玉ハ好ノナルモノデア
ル私ニ判リマセンガ玉ノ見ル処ヲ見ルト化学兵器デハ
ナイカト思ヒマス私ハ今迄ニテ頭ル玉ノ説明ヲ聽イ
タコトモナケレバ見タコトモアリマセン初メテ、ソウ
其ノ時ニ約十五米許リ離レテ見マシタガ中ニ何
カ這入ツテ居ルカ判リマセン

浅田操

Sworn to, signed, and imprinted with the thumb of his right hand by the within named ASADA, Misao, this 16th day of January 1947 at TOKYO, before me,

VX 128203

ATIS 26673

(R. HILESTADT)

Lieutenant

An Officer in the Australian Military Forces.

Doc No 29591

H S

K

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section

Received AFIN: 4 Apr 47

Description of Contents: Full translation of statement by HARA, Heisaburo and AGAIA, Misao.

(TN (*) Asterisk indicates an exact ROMAJI translation of the original KANA)

Doc No 29591

K

Affidavit

I swear by my conscience to tell the truth without adding to or concealing anything from the truth.

Signed: ASADA, Minao
(浅田稔)
(TN Seal)

I went to the SUGAMO Prison with an investigation officer at about 1000 hours on 2 Apr 47, and carefully observed through a glass door seven persons who were seated in one of the rooms. The person who sat second from the left was the one who executed (SHIKEI) a pilot on KIRASHIMA Island by throwing a frangible grenade.

The attached photographs, A and B, are those of the person who sat second from the end.

(TN Sealed): ASADA

I, THE UNDERSIGNED, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE FOREGOING IS A TRUE AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT. NUMBER 29591

Taro Yoshizaki EWO
NAME RANK

2

Affidavit

I swear by my conscience to tell the truth without adding to or concealing anything from the truth.

Signed: HARA, Heisaburo (原平三郎)
(TN Seal)

I went to the SUGAMO Prison with an investigation officer at about 1000 hours on 2 Apr 47, and carefully observed through a glass window seven persons who were seated in one of the rooms. The person who sat second from my left was the one who executed (SHOKEI) a pilot on KIRUWIKU* Island by throwing a frangible grenade.

The attached photographs, A and B, are those of the person who was seated second from my left.

(TN Seal)

I, THE UNDERSIGNED, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE FOREGOING IS A TRUE AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT. NUMBER--29591

Taro Yoshihashi 1Lt

NAME RANK

宣誓書

良心ニ従ヒ真実ヲ述ベ何事ヲモ黙秘セズ又何事ヲモ附加セザルコトヲ誓フ

原 兵三郎 (原)

私ハ昭和二十二年四月二日午前十時ヨリ、調査官ト共ニ巣鴨拘置所ニ行キマシタ。ソシテ或ル一室ニ七名並ンデ列ンデ居ルノヲ調査官ト一緒ニ室外カラガラス窓越カラ良ク見マシタルト向ッテ左カラ二番目ニ並ンデ居タ人間ガ「キルウイーク」島デ飛行士ヲ「ナビ」ニ投ゲテ處刑シタ人ニ相違アリマセン

添付写真"A"ト"B"ハ向ッテ左カラ二番目ノ人デアリマス (原)

I know to, and have read over the above oath. I will tell the truth, the whole truth and nothing but the truth, so help me God.

Yours truly,
IWASAKI, Yoshiho
1532 LT.
SUGAMO PRISON
3 FEBUARY 47

"A"



IWASAKI,
YOSHIHO
1532 LT.
SUGAMO PRISON
3 FEBUARY 47

"B"



IWASAKI,
YOSHIHO
1532 LT.
SUGAMO PRISON
3 FEBUARY 47

Sworn to, signed and subscribed before me this 3rd day of April, 1947, at Yokohama, Japan.

C.W. Mueller
(C.W. MUELLER) Captain
Air Corps
Assistant Judge Advocate

Doc. No. 28112 OS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 27 Feb 47.

Description of Contents: A full translation of an affidavit by HARA, Hyosaburo.

(TN *Indicates exact ROMAJI transliteration of original Japanese KANA.)

After being duly sworn, I the undersigned, hereby swear that to the best of my knowledge and belief the following is a true and accurate translation of the original document No. 28112.

Jimmie Shohara

Jimmie Shohara, CAF 7
ATIS Translation Section

G. A. Hedley

G. A. Hedley, Capt Inf
Summary Court, ATIS

Doc. No. 28112 OS

Affidavit.

I swear by my conscience to tell the whole truth without concealing or adding anything.

In November 1944, I went to KIRUUIKU* Island. At that time I was in the 9 Squad (BUNTAI) of the Military Police in TOEAL.

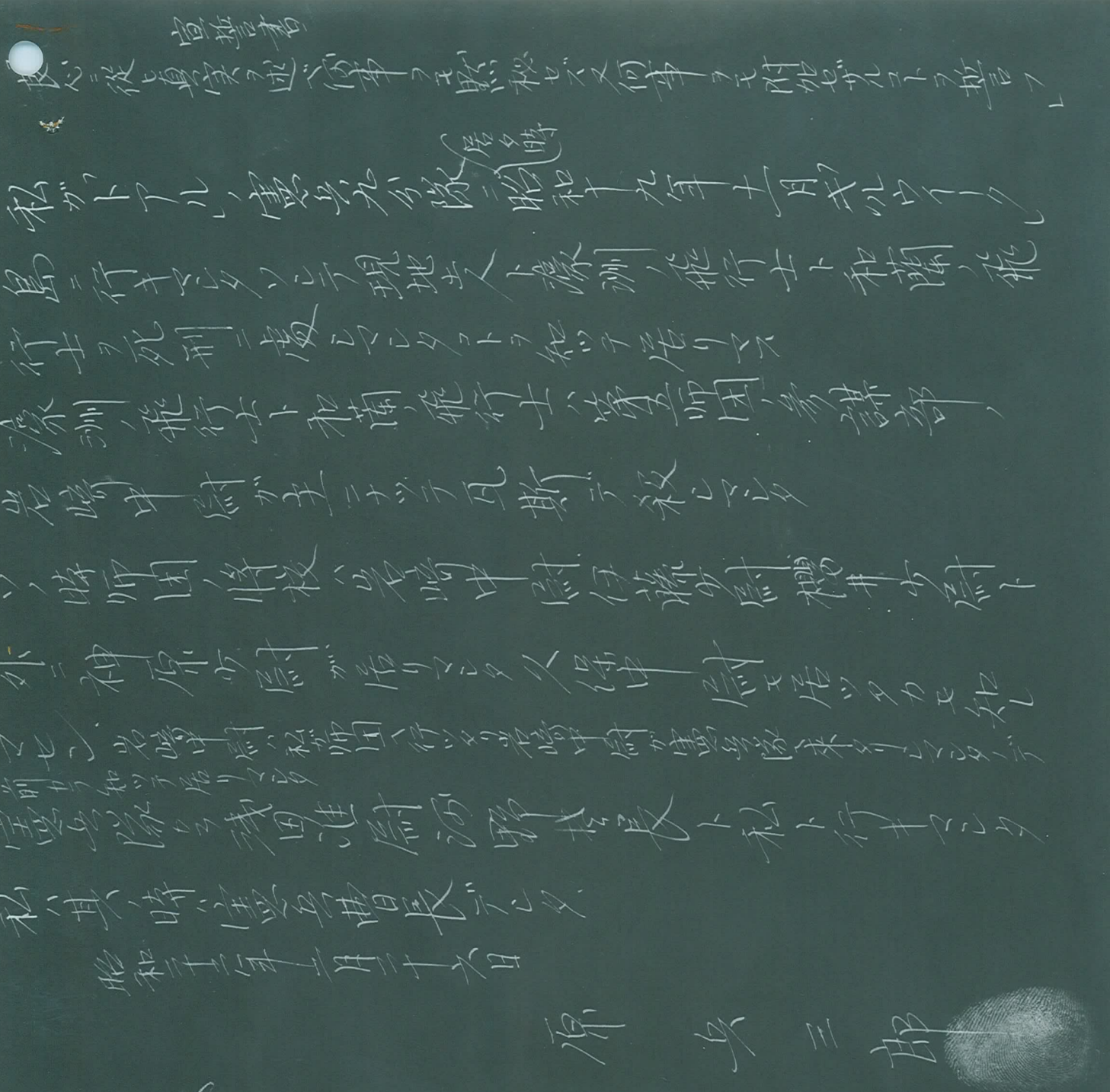
I know that a native of the island, an Australian airman, and a Dutch airman were executed. 1st Lt IWASAKI, (岩崎), of Operations Section of the 5 Division, was the principal in the killing of the Australian and Dutch airmen by gas. 1st Lt IWASAKI, 2d Lt ITO (伊藤), and 2d Lt SAKURAI, (櫻井), of the division, and 2d Lt KAMBARA (神原) from another unit, were there at the time. 1st Lt KUBO (久保), also, might have been present.

I knew 1st Lt IWASAKI prior to this because I used to go to the division and he used to come to the military police unit.

WO ASADA (浅田), M/Sgt KAWANO, (河野), and I, went from the military police unit. I was a master sergeant then.

26 Feb 47.

HARA, Hyosaburo (原兵三郎)



Sworn to, signed and impressed with the thumb of his right hand by the within named HARA, Hyosaburo at TOKYO, this 26th day of February, 1947 before me

V+ 128203

A. KLESTADT
(A. KLESTADT) Lieutenant
An Offier in the Australian Military Forces.

N

I, VX128203 Albert KLESTADT, Captain, 2 Australian War Crimes Section (SCAP) TOKYO, Japan, make oath and say :

On 2 April 1947 I went to SUGAMO Prison, TOKYO in the company of ASADA, Misao and of HARA, Kyosaburo, former members of a Japanese military police unit attached to 5 Div at TOBAL in the KAI Islands. These two men had told me that they had been eye-witnesses to the execution of two white airmen by a First Lieutenant from HQ 5 Div on KILWICK Island, near TOBAL, late in 1944.

On two separate identification parades held on the above date at SUGAMO Prison were a man known to me and described in prison records as IWASAKI Yoshiho formerly a First Lieutenant attached to HQ 5 Div at TOBAL, KAI Islands between May 1944 and May 1945, and also ITO, Takashi, formerly a Second Lieutenant attached to HQ 5 Div at TOBAL, KAI Islands between July 1944 and August 1945, together with several other persons.

All persons were dressed similarly and were without any marks of identification.

On the first identification parade held before HARA, Kyosaburo, he identified the man whose photographs are attached hereto marked "A" and "B" as Lieutenant IWASAKI, the Japanese Officer referred to in his sworn statement dated 26 Feb 47 who had killed two allied airmen at KILWICK Island towards the end of 1944. ASADA Misao was not present when HARA Kyosaburo identified IWASAKI Yoshiho.

On the second identification parade held before ASADA Misao, he identified the man whose photographs are attached hereto marked "A" and "B" as the Japanese First Lieutenant referred to in his sworn statement dated 16 Jan 47, whom he had seen throwing the frangible grenades that killed two white airmen at KILWICK Island. HARA Kyosaburo was not present when ASADA Misao identified IWASAKI Yoshiho.

Sworn by the above deponent)
VX128203 Albert KLESTADT in)
TOKYO this 3rd day of April)
1947 before me.)

VX 89003 An Officer in the Australian Military Forces.

Doc No 28312 PK

Affidavit

I swear by my conscience to tell the whole truth, to conceal nothing, and to add nothing.

2d Lt. ITO, Takashi (伊藤 高), in charge of intelligence and attached to 5 Division Headquarters.

I believe that, in November or December 1944, three Australian soldiers (aviators) were taken as PsW. One of them was severely wounded and died on the following day at the 5 Field Hospital in TOPAL. The remaining two were taken into custody at a military police unit. For several days a military police and Capt ITO (伊藤) interrogated them.

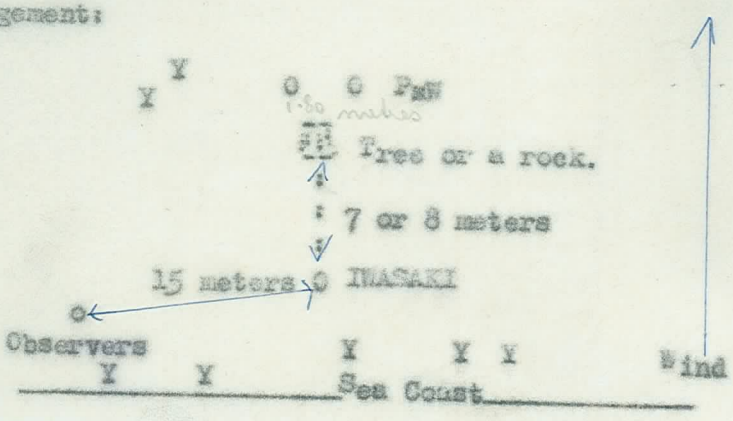
Several days later, (I forgot how many days) the two PsW were to be executed. I don't know where the order came from nor did I care to know at that time.

On the day of execution, 1st Lt IWASAKI (岩崎) (TN Presumably a mistake for captain or vice versa in the reference made to him later or he was promoted hence.), 1st Lt SAKURAI (櫻井) (Second lieutenant at that time), and I left the divisional headquarters by a ship at about 1000 hours (I forgot the exact time.), and arrived at KIROOI KO* I land to observe the scene for reference. Beside us, I believe that 2nd Lt OTANI (大谷) and two other officers from headquarters went but I forgot their names. At that time, the two PsW, guarded by military police, were already at KIROOI KO Island.

During the forenoon, a court-martial trial was held and the Indonesian who was found guilty was executed by the military police unit. After this was over, I believe that it was around 1300 hours when the execution of the two PsW was carried out.

The following is what took place at that time. The PsW, with their hands tied, were made to sit down. The wind, I believe, was blowing from the south. The officer in charge of gas at headquarters, Capt IWASAKI, threw a bottle containing gas at a tree (it might have been against a rock), which was directly in front of the PsW. On the first and second throw it did not explode. Next, two or three officers from each unit threw it but they missed the mark. Finally, I remember, on the fifth or the sixth attempt, the one which Capt IWASAKI threw struck the target and exploded. I believe that the distance between Capt IWASAKI and the PsW was about seven or eight meters. At first, the PsW were breathing for about 30 seconds, but they fell. About two or three minutes later, their breathing stopped and they died.

Arrangement:



Doc 28312

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 4 Mar 47.

Description of Contents: Full translation of a two handwritten sheets affidavit by ITO, Takashi concerning the execution of two Australian airmen.

(TN * indicates exact ROMAJI transliteration of original Japanese KANA.)

After being duly sworn, I the undersigned, hereby swear that to the best of my knowledge and belief the following is a true and accurate translation of the original document No. 28312.

Jimmie Shohara

Jimmie Shohara, CAF 7
ATIS Translation Section

G. A. Hedley

G. A. Hedley, Capt Inf
Summary Court, ATIS

PK

Soldiers from the military police unit dug holes, buried them, and placed flowers over them.

One gas officer from each unit on KAI Island came for observation on that day. The officers, who have no knowledge of gas, observed the incident from a place 15 meters to the rear of the gas officers.

As I remember, the bottle which Capt IWASAKI threw the first and second time did not explode. Next, two or three officers from each unit (I have forgotten their names) threw the bottle but they, too, missed the mark. Finally the one which Capt IWASAKI threw found it's mark and the PsW fell.

TOKYO
3 Mar 47
IIYO, Takashi

201

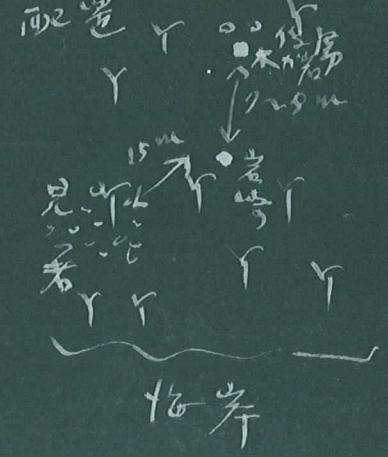
第五師団司令部附　情報係　陸軍少尉　伊藤　高

「良心に疚しい点を述べ行うとも恥ずる事なき事を誓う」を附加せしむる事を望む

宣誓書

終戦後

多分昭和19年11.or12月頃濠洲軍兵隊（飛行士）三人俘虜となった。
内一人は重傷の為トアルホテル野戦病院に於て次の日に死亡致しました。
あとの二人は憲兵隊に收容厳禁されました。数日内軍司令部及俘虜大隊が決定致しました。
それから数日経って（何日位か忘れました）二人の俘虜が銃殺 死刑
される事になりました。
余命は岩崎中尉殿に
死刑当日桜井中尉殿（当時少尉）と私は参考の為見る為師団命令と午前10時頃（はっきりは忘れた）船で出発
キルウイク島につきました。その外、司令部から大谷少尉外将校2名程行ったと思いますが確かな名前は忘れました。
その時は既に憲兵隊に護衛され二人の俘虜はキルウイク島に来て居りました。
軍法会議にかけ罪の決まったかどうかの死刑が行はれました。
憲兵隊の手おくし
それが済んでから多分午後の1時頃だったと思います
二人の俘虜の死刑が行はれました
その状況は次の通りである。
俘虜は両手としばられ坐らされました。
（名前がつけてあったかも知れません）
私は南側が良い位置だったと思います。
岩崎大尉（副官が介添将校）がガスの入った銃を俘虜の前の木に（しるしの）
投げました。二回目は（二回目が四回目と入れ
つきました。俘虜と岩崎大尉との距離は約2米位だったと思います。
俘虜は約30秒位呻吟をしておりましたが絶命しました。
それから約2～3分位で呻吟がとまって死亡しました。



42

それを突撃隊の兵隊が穴を掘って埋めて、それに水を汲りました。
その日には午後各隊のが八俵宛支給が一人づつ兄等に来ありました。
皆がスの発機がある為後の方約15mの所で兄等してありました。
岩崎大隊が
2回目3回目を投げてやつはほれつしませんでした。次に突隊のが八俵宛
が2～3名(名前忘れました)が投げましたがそれも当りませんでした。
最後に岩崎大隊が投げたやつがほれつして後方に倒れました。
と記憶して居ります。

東京
昭和二十二年 三月三日 伊藤高

Sworn to, signed, and impressed with the thumb of his right hand by the within named ITO, Takashi, at TOKYO, JAPAN, this 3rd day of March, 1947 before me,

Vx 128203

V. Allestadt
Lieutenant
(A. KLESTADT)
An Officer in the Australian Military Forces.

SWORN STATEMENT

I, AKIYAMA Kanemasa residing at TOKYO-to, Suginami-ku, Nabashi Yon-Chome 528, swear that I shall tell the truth according to the dictates of my conscience and that I shall conceal nothing nor shall I add to the facts :

1. I am now 52 years of age and my occupation is that of an oil factory employee.

2. Particulars of my service with the Imperial Japanese Army are briefly as follows:

December 1918	Graduated from Officers' Academy TOKYO 2nd Lieutenant Heavy Artillery.
1922 - 1925	Attended TOKYO Imperial University. Graduated with degree in chemistry.
1926 - 1933	Posted as Chemical Warfare Officer TOKYO Chemical Warfare Department.
1933 - 1935	Studied chemical warfare at Fort d'Auverbilliers FRANCE under arrangement with French War Ministry.
1935 - 1940	Instructor in chemical warfare at Japanese Military Chemical Warfare School at Narashino, CHIBA.
1940 - 1941	Posted as Chemical Warfare Officer TOKYO Chemical Warfare Department.
1941 - 1945	Posted as Chemical Warfare Officer with HQ Kwantung Army in Manchuria with rank of Colonel.
November 1945	Demobilized with rank of Major General.

3. Sometime during the year 1941 a gas grenade commonly referred to as the HCN Frangible grenade and known in official Japanese army records by the code name of "CHIBIDAN", was issued to the Imperial Japanese Army by the TOKYO Chemical Warfare Department of the Imperial Japanese Army.

4. In the spring of the year 1941 whilst I was posted as a Chemical Warfare Officer at the TOKYO Chemical Warfare Department of the Imperial Japanese Army I attended some experiments carried out by the Department in order to test the effectiveness of the grenade.

5. On that occasion certain animals such as pigeons and rabbits were used, the former being quickly killed by the grenade and the latter taking somewhat longer to kill due to their greater strength and consequent resistance.

6. In the years 1941 and 1942 approximately 100000 of these grenades were manufactured at the Japanese Army gas manufacturing plant at Tadanoumi in HIROSHIMA-Ken and most of them were sent to the Japanese forces in Manchuria. The grenades were intended for use against enemy tanks and pillboxes but I have never heard of or seen their being used.

7. The person who did most of the research work on this grenade was a Chemical Warfare Officer named MATSUZAWA and I believe he was taken prisoner in Manchuria at the end of the war. I have also heard that experiments with HCN fillings of aerial bombs and artillery shells were carried out but I believe that they proved ineffective particularly the latter.

8. The grenade consists of a spherical glass flask or bulb with a short neck sealed with a crown cap, and sometimes extra sealed with a cork stopper. The diameter of the glass flask or bulb was about 10 centimetres and it was about 14 centimetres in height.

9. The grenade was filled with about 250 grammes of hydrocyanic acid solution. In the earlier type grenades 2% copper powder was included as a

秋山兼正 Tadashi Kanemasa

stabiliser, and in later types 2% arsenic trioxide was included for the same purpose. The grenade was made of clear glass and the total weight of the grenade when filled was between 350 and 400 grammes. The hydrocyanic acid solution was quite colourless, although it acquired a brownish tint after decomposition has set in.

10. The grenade was usually carried in a metal container the inside of which was coated with a mixture of sodium hydroxide and calcium hydroxide as the glass flask or bulb was liable to break when decomposition was sufficiently advanced.

11. Instructions issued for the use of the grenade were that it was to be carried by the soldier in his haversack or attached to his belt, withdrawn from the metal container when ready for use and thrown hard against the turret of the enemy tank from a distance of about 10 metres. The glass of the grenade was fairly thick and it was necessary to throw the grenade with strong force in order to cause it to break.

12. When the grenade broke the hydrocyanic acid solution was to seep through into the tank and overcome the occupants by the gas given off from the solution.

13. Although I have never seen the grenade used in action and have not seen its effects on human beings, as a Chemical Warfare officer I am of the opinion that in high concentrations the gas given off by the hydrocyanic acid would be fatal in a very short space of time, and in lesser concentrations it would quickly cause unconsciousness.

13. In the experiments that I witnessed the animals after breathing in the gas, continued to gasp deeply for a short time and then stiffened out dead.

14. I believe that the gas affects the respiratory organs, and also the brain and nerve centre, and also that if sufficient of the liquid contained in the grenade were to contact any part of the exposed human body it would have the same effect on that person as breathing in of the gas given off by the liquid.

15. In the case of unconsciousness caused by lesser concentrations I believe the person affected would recover his senses in about an hour but I cannot say if he would suffer any lasting or permanent injury.

In making this statement I acknowledge that it was made freely and voluntarily and that no threats were used nor promises made to influence my statement.

Signature of Deponent. 秋山金正 Akiyama Kanemasa

I, T/4 TAKASHI KISHI of ATIS hereby certify that I duly translated the whole of the above statement to the deponent in his own language prior to his signature which appears above and he then appeared to fully understand the same.

Signature of Interpreter. Takashi Kishi

SWORN before me, WX16132 Major A. D. MACKAY, an Officer of the Australian Military Forces and now attached 2 Australian War Crimes Section SCAP at TOKYO this 3rd day of OCTOBER One thousand nine hundred and forty seven.

Signature of Interrogator. A.D.Mackay

EXTRACT FROM UNITED STATES WAR DEPARTMENT TECHNICAL MANUAL

(TM8-285) 1945.

SECTION VIII

SYSTEMIC POISONS

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29. General

Systemic poisons produce their effects after absorption into the body. Hydrocyanic acid, cyanogen chloride and arsine are included in this group.

30. Hydrocyanic Acid (AC)

a. PHYSICAL PROPERTIES. Hydrocyanic acid is a colourless, highly volatile liquid which boils at 26° C. Its vapor is nonpersistent and its odor is faint, like peach kernals or bitter almonds, but undetectable to some.

b. PATHOLOGY. Hydrocyanic acid acts by combination with an enzyme essential for oxidative processes of the tissue. The central nervous system, particularly the respiratory center, is especially susceptible to this interference, and respiratory failure is the usual cause of death. In high concentrations of hydracyanic acid (10 mg per liter or more) the amount inhaled in a few breaths may be sufficient to cause immediate death without anatomical changes. After exposure to lower concentrations, death may be delayed for hours to days. Small areas of hemorrhage and softening, the more pronounced the longer the course, may be found in the brain in fatal cases.

c. SYMPTOMS. The symptoms depend upon the concentration of the gas and the duration of the exposure. In high concentrations there is increased depth of respiration within a few seconds; violent convulsions after 20 to 30 seconds; cessation of regular respiration in 1 minute; occasional shallow gasps, and finally, cessation of heart action several minutes after initial exposure. Following moderate exposures, vertigo, nausea, and headache appear very early and are followed by coma and convulsions. These may persist for several hours or days and be followed by death or recovery. If the patient recovers after a prolonged course during which coma and convulsions were present, there may be evidence of damage to the central nervous system, such as irrationality, altered reflexes and unsteady gait, which may last weeks or longer. Mild exposure may produce headaches, vertigo, and nausea, but recovery is complete.

d. DIAGNOSIS. The diagnosis may be made from the history, the odor, and the rapid onset of symptoms.

I hereby certify the above to be a true extract from the United States War Department Technical Manual (TM8-285) 1945 an official United States Government Printing Office copy of the said Manual being now in my custody.

S. M. England

.....Capt

(S. M. ENGLAND)

Adjt 2 Aust War Crimes Sec

6 Oct 47

Doc No. 30045 K/K/K/0

R

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 18 Apr 47.

Description of Contents: Full translation of handwritten sheets constituting a statement by IWASAKI, Yoshiho regarding the frangible grenade incident.

Doc No. 30045 MK

Affadavit

I swear on my conscience to tell the truth, and to add or omit nothing.

1st Lt IWASAKI, Yoshiho (岩崎吉穂), attached to Headquarters, 5 Division.

Denials under orders

1. Until now I have been making denials regarding this incident. This was because I was ordered to remain silent since this incident would be reported as "died of illness" after the war and because I did not want to disclose the names of the persons involved, hoping to keep the number of guilty persons as small as possible. Around 20 March, Lt Col KONDO (近藤) came to my room, four doors away from 6A, and as if he were purposely waiting for me, said when washing the eating utensils, "Tell them that 'use of the frangible grenade' was an order from the Division Commander and that you heard the order at his official residence. The Division Commander is dead and although it is regrettable let us have him bear the responsibility", and "the Chief of Staff would naturally know about it so let us give his name, too". After that he would talk about it even when taking a walk, so I tried to avoid being with him as much as possible.

The Chief of Staff and the Division Commander, who committed suicide, were splendid soldiers. I could not bear to reveal the names of these men. Finally, I decided to confess the truth of this affair and on 27 March I made a request through the jailer for an interview with the prosecutor in charge, but unfortunately was unable to meet him.

2. In the afternoon, day before the punishment, I was called by Lt Col KONDO. When I went to the staff room he said, "The KEMPEITAI will administer punishment to a large number tomorrow so try throwing the frangible grenades at the two prisoners of war and some Indonesians. Furthermore, let the gas officers from the nearby units witness it". Lt Col KONDO was a despotic and reckless person and all of us in the Operations Department feared him at that time. We could not utter a single word of objection to his orders. It is not an exaggeration to say that his orders were coercive. Furthermore, it was absolutely impossible to do anything over and above his orders. I do not know what orders Lt Col KONDO had received from the division commander and the chief of staff prior to this incident but I imagine that he probably gave the orders on his own accord. That is why I called Sgt MURAKAMI (村上) of the Division Administrative Department and told him the gist of Lt Col KONDO's orders, and had him go to the KEMPEITAI and inquire about the time of departure on the following day and the arrangements that had been made for meals. I went to the Division Ordnance Department and drew six frangible grenades. I received a report from Sgt MURAKAMI, concerning the departure so I borrowed weather observation equipment from the Headquarters of the Fifth Field Artillery Regiment and directed him to carry it the following morning. By telephone I told the gas officers of the nearby units and two or

three medical officers about the plans of the following day and also to bring gas masks. I felt that it might be dangerous as this was the first time that I was to handle the old frangible grenades, so I asked the medical officers to be present.

3. The Day of the Punishment.

Together with about eight witnesses I boarded a ship belonging to the KEMPEITAI and sailed for the KIRUWIKU* (TN Transliteration) Island. It seems to me there were some early arrivals on that island. While I was assembling the weather observation equipment after disembarkation, a KEMPEI came and said, "Please use that place. Preparations have been made." I went to the second hole from the left facing the island. (I believe there were four places in all.) The KEMPEI brought two Caucasions and three Indonesions to that place and tied the five men to a tree with the two Caucasions in front. After giving some explanations about the frangible grenades to the witnesses and placing a large stone in front of the Caucasions, I threw one. The first one failed, falling in the grass without hitting the stone, but the second one exploded. (The distance to the stone was about five meters and I did not wear a gas mask thinking that the effect would be insignificant.) The two Caucasions had difficulty in breathing for seventeen or eighteen seconds (I believe that it was about that long), then seemed to lose consciousness. The three Indonesions were not affected at all. When I said, "The prisoners of war are finished", two KEMPEI dragged the Caucasions into the hole and stabbed them with bayonets from above. I became dazed because that was the first time in my life that I saw blood gush out. Next, Sgt MURAKAMI made the three Indonesians come forward and threw another one. One man lost consciousness as the ones before had done, but it took the other two men a long time to lose consciousness. The KEMPEI also put these men into the hole, stabbed them with bayonets, and covered them with dirt. I removed the equipment and tools to the shore, waited awhile, and returned with the remaining four frangible grenades in company with the KEMPEI and the witnesses. I reported to Lt Col KONDO, "The frangible grenades are effective."

4. I explained to the witnesses that at that time there was no other anti-tank weapon besides the frangible grenade; that I believed it was effective against tightly closed tanks; and that even a deteriorated frangible grenade would be effective in building confidence in anti-tank warfare. The frangible grenades of that time were made about four years earlier (they were carried around MALAY and JAVA by the division) and the contents had decreased to about two thirds. I thought that they would not be very effective because they had deteriorated and contained many thin layers of golden colored sediment. Especially, since this affair was conducted in the open ground instead of in a room I believe that they did not cause death but merely induced unconsciousness.

17 Apr 47 at TOKYO

IWASAKI, Yoshiho

I, THE UNDERSIGNED, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE FOREGOING IS A TRUE AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT, NUMBER 30045

Kazuo Kariya 1st Lt, Inf

NAME RANK

宣誓書

『良心ニ從ヒ眞実ヲ述ベ何事ヲモ默秘セズ又何事ヲモ附加セザルコトヲ誓フ』

第五師団司令部附

陸軍中尉　岩崎吉穂

一、此ノ事件ニ関シテ私ハ今迄否認シテ居マシタ、其レハ終戦後ノ件ハ病死トシテ報告スルカラ他言セヌヤウニト命令サレタ事及ビ私ノ口カラ関係者ノ氏名ヲ言ヒ度クナイ、成可ク犯罪者ヲ少範圍ニシタイト考ヘタカラデス、然ルニ三月二十日頃近藤中佐ガ私ト同ジ64ノ四室隣リニ来テカラ食器洗滌ノ時ワザ〳〵私ヲ待チ合ワスヤウニシテ「ちの」ヲ便ヘト言ツタノハ師団長ノ命令デアツタコト及ビ師団長官邸デ命令ヲ聞イタコトニセヨ、師団長ハ死ンデヰルノデ気ノ毒ダガ罪ヲ負ツテモラオウ」「參謀長モ当然知ツテ居ル筈ダシ參謀長ノ名前モ出サウ」ト言ワレ其ノ後散歩ノ時ニモ其ノ事ヲ言ハレルノデ成可ク一諸ニナラヌヤウ避ケテ居マシタ。

自決サレタ師団長及ビ參謀長ハ慈父ノ如ク立派ナ軍人デシタ、私ハ此ノ方々ノ名前ヲ出スニシノビズツヒニ本件ノ眞相ヲ自白スル決心ヲシテ三月二十七日担当検事ニ面會ヲ求メル御願ヒヲ看守ヲ通ジテ呈出シタノデスガ不幸ニモ面會出来マセンデシタ。

二、処刑前日ノ午后近藤中佐ニ呼バレテ參謀ノ部屋ニ行クト「明日憲兵隊ガ多数ノ処刑ヲスルカラ二人ノ捕虜トインドネシヤ若干ヲ使ツテ「ちの」ヲ投ゲテ見ロ、尚ホ近クノ部隊ノ瓦斯掛將校ニハ之ヲ見學サセロ」ト命令サレマシタ、当時近藤中佐ハ全クノ独裁者、乱暴者デアツテ私達

ATIS
20084

No 3.

ノ後失神シタヤウデス 此ノトキホヤ三名ハ何トモアリマセン 私ガ「捕虜ハ終ッタ」ト言ヒマスト寛兵二人ガ白人ヲ穴ノ中ニ引キ入レテ上カラ銃ト剣デ刺シマシタ 血ノフキ出スノヲ見タノデ生キテ居ルカラ刺シタノデアリマス 次ニ村上軍曹ガイトホヤ三名ヲ前ト同ジヤウニ失神シマシタガ此ノ三人ハ失神迄ニ時間ガ長クカカリマシタ 之モ寛兵ガ穴ノ中ニ入レテ銃剣デ刺シ上カラ刺シ殺シマシタ

器材ヲ撤収シテ海岸ニ出テシバラク待チ残リ四名ガ揃ッテ寛兵見張者ト共ニ帰リマシタ

近藤中佐ハ「ちぶ」ノ効果ハ有リマスト報告シマシタ。

四 当時対戦車兵器トシテハ「ちぶ」以外ニハ無ク、車内密閉、戦車ニ効果ガアラウト考ヘル対戦車戦ノ自信ヲ持タス等メニモ度々「ちぶ」デモ効果ガアルト見張者達ニモ説明シマシタ。

其ノ時カラ、製造後四年位経ッタモノデ(師団ガマレー、ビルマヲ転戦シテ来タモノ)内容量ハ3/4位ニ減少シ全ク、薄片、沈澱物ガ充満シテ変質シテ居マシタノデ効果ハ無イモノト思ッテ居マシタ。

特ニ室内デナク開放地デ行ヒマシタノデ私ハ殺ス事ハ無イダロウト思ヒマス。

岩崎吉穂

昭和二十二年四月十七日 東京

Sworn to, signed and imprinted with the thumb of his right hand by the within named IWASAKI, Yoshiho, at Tokyo, this 17th day of April, 1947.

before me,

Vx 128203

N. Klestadt (N. KLESTADT) Captain

An Officer in the Australian Military Forces.

参謀部ノ者ハ實ニ恐レテ居マシタ、彼ノ命令ニハ一言ノ不服モ言ヘナカツタノデス、命令ハ強制命令デアツタト言ツテモ過言デハアリマセン、又命令以外ノ事ハ絶対出来マセンデシタ、近藤中佐ガ事前ニ師団長、参謀長カラ何ンナ命令ヲ受ケタカ知リマセンガ多分近藤中佐ノ独断デ命令シタノデワナイカト判断シマス、

其所デ師団管理部ノ村上軍曹ヲ呼ビ近藤中佐ノ命令ノ要旨ヲ語ツテ、憲兵隊ニ行キ明日ノ出発ノ時間、食事ノ準備等ヲ聞合サセ　私ハ師団兵器部ニ行ツテ「ちゞ」六個ヲ受取リマシタ、

村上軍曹カラ出発ニツイテノ報告ヲ受ケタノデ更ニ野砲兵第五聯隊本部カラ気象観測具ヲ借用シテ明朝携行スルコトヲ命ジ、私ハ近クノ部隊ノ瓦斯掛将校及ビ二、三人ノ軍医ニ明日ノ予定及ビ防毒面ヲ携行スルコトヲ電話デ傳ヘマシタ、「ちゞ」ハ始メテ取リ扱フモノデアリ、古イモノデスカラ危険カモ知レナイト思ツタノデ村ニ軍医ニ行ツテ呉レルヤウニ頼ンダノデス、

三、処刑ノ日

見學者ハ名位ヒト共ニ憲兵隊ノ船ニ乗リ"キルウイク"島ニ向ヒマシタ、島ニハ先着者ガ若干居タヤウデス、上陸後気象観測具ノ組立ヲシテ居ルト憲兵ガ来テ"アソコヲ使ツテ下サイ準備ハ出来テ居マス"ト言ツタノデ島ニ面シテ左カラ二ツ目(全部デ四ケ所位ヒダツタト思ヒマス)ノ穴ノ所ニ行キマシタ、其所ヘ憲兵ガ白人ニ名、"イントネシヤ"三名ヲ連レテ来テ白人ヲ前ニシテ木ヲ中心ニ五名ヲシバリマシタ。

見學者ニ「ちゞ」ノ説明ヲ若干加ヘテカラ白人ノ前ニ大キナ石ヲ置キ、私ガ一個投ゲマシタ、一度失敗(石ニ當ラズ叢ノ中ニ入リマシタ)シテ、二度目ニ破裂シマシタ(石迄ノ距離ハ五米位ヒ、防毒面ハ被リマセンデシタ)効果ハ少イト思ツテ居マシタノデ白人ニ名ハナセ、ハ称(此ノ位ヒノ時間ダツタト思ヒマス)呼吸困難

岩崎

Doc. No. 27121

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5

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section

Received ATIS: 30 Jan 46.

Description of Contents: Statement of OTSUKA, Yasumasa, former major of a Japanese Military Police Detachment Concerning the execution of two Allied flyers at TOEAL in the KEI Islands.

I, the undersigned hereby do swear that to the best of my knowledge and belief that the following is a true and accurate translation of the original document No. 27121

Robert Crow

Robert Crow, CAF 7
Team Captain
ATIS Translation Section

G. A. Hedley, Capt Inf
Summary Court, ATIS

Doc. No. 27121

Affidavit

"I swear I shall tell the truth according to the dictates of my conscience and that I shall conceal nothing, nor will I add to the facts."

I volunteered as a reserve officer and served up to a company commander of the infantry, when, for health reasons resulting from wounds, I was transferred to a branch of the Military Police in June of 1941. After serving in the homeland, I was, in February of 1943, mobilized into the field military police assigned to the 19th Army. In March of the same year I landed on AMBOINA Island and in August of the same year, I went to KAIMANA in NEW GUINEA as a member of the military police attached to the Fifth Division. At the end of May, 1944, I moved to TOEAL in the KEI Islands together with Division Headquarters which was transferred there. I served as the KEI Sector Military Police Detachment Commander until the end of the war.

I shall hereby relate to you all that I know in connection with the execution of the Allied flyers on TOEAL. From August 1944 on, the Division's officers and men suffered from lack of sufficient rations, as our supplies had been cut off. Furthermore, from then on, the Allied bombings became more severe. Leaflets being dropped contained such information as: "We shall land on KEI ISLAND by November or December." The natives began to get excited, and some of them engaged in anti-Japanese activities. The officers and men of the division, even as they made ready for battle, were prepared to die. We were, on orders from Division Headquarters, engaged in investigation of native uprisings. Meanwhile (I believe it was about the middle of October), an Allied plane crashed unexpectedly. Out of the crew members (2 persons) who parachuted down, one was severely wounded (taken in by the Navy) and died immediately at the field hospital. The other (a citizen of HOLLAND) was taken in by the Army unit at LOWER KEI Island (Lt Col KONDO (近藤), staff officer in charge of Intelligence, left for LOWER KEI Island to get him). He was then sent to the Division Headquarters, but as no place of internment was available there, Headquarters ordered that he be confined at the detention quarters of the Military Police. About two weeks later, another flyer (citizen of AUSTRALIA) was taken in by the army unit in LOWER KEI. He also was ordered into the custody of ~~our~~ my unit. Thus, a total of two persons was placed under ~~our~~ my care.

An Account on the Interrogation of the Flyers

In the case of the first flyer, immediately following his capture, Staff Officer KONDO (近藤), Captain ITO (伊 藤) of the Intelligence Division of the Operations Section; the Chief of Special Guards from the Navy; the medical officer; etc came, and through Interpreter TAKIMOTO (竹本) of our unit, questioned the flyer at the Military Police mess hall. The major portion of the interrogation was done by Staff Officer KONDO and Captain ITO on military intelligence. The Navy questioned the

flyer on matters pertaining to medical treatment. Because of the presence of the ~~officer from~~ head of the intelligence staff, I also attended the interrogation. However, I did not participate in the questioning.

Thereafter, it seems Captain ITO occasionally came alone to interrogate the prisoner, but I did not go there.

In the case of the second flyer, I am not certain whether Captain ITO questioned him even once; I was not aware of the interrogation at all.

In regard to my recollection of the captured flyers: I remember the Dutch flyer because he was with us for about two weeks, and there was a time when we got into the same air raid shelter during a raid. I also saw him taking exercises a few times. The Australian flyer was with us only a few days and I do not remember him clearly as I only saw him once - in solitary confinement.

Ours was a small unit and we did not have an intendance officer or any medical personnel. The division administrative section (in charge of provisions within headquarters, the head being the Senior Adjutant of the Administrative Staff, Intendance Officer-Captain NISHIZAWA (西沢)), supplied the fliers with food, and the defense unit was in charge of medical examinations (medical officer in charge was Medical Officer OSHIBA (大芝)).

I wish to relate to you here the relations between the Division and our Military Police detachment in regard to the chain of command.

Our detachment headquarters with the 19 Army Headquarters in AMBOINA (later transferred to CERAM/CELEBES) was supposed to direct us in our work. However, due to the fact that we were on another island and communications were poor, we were in a position where we had to execute the orders of the unit commander to whom we were attached. I acted under the orders of the division commander, and my daily orders were given to me by the officer in charge of Intelligence or by officers attached to the Operations Section. Consequently, under the belief that all oral orders from these men too were given with authority, we abided by them completely.

It was after the interning of the flyers that the Court verdict (death penalty) on the natives' criminal case, which our unit had previously reported to the 19 Army's Military Tribunal, was given and the order "Under the present circumstances sending of persons purposely to AMBOINA is difficult, so carry out executions at your place," came from the Chief of the Military Tribunal. With this report I went to Staff Officer KONDO to consult on the following matter.

At the time the unit's internment area was limited. With only the

internment of natives, the place was filled to capacity. Then the flyers were each awarded a room. This caused a part of the natives to be quartered in soldier's billets. Added to this it had become necessary to intern a considerable number of persons connected with the riot among native auxiliary troops. So even if it had been possible to cut down the number of natives, still it was not possible to intern any more people. In addition to this, to care for two flyers would have been difficult, so that it was our desire to have Division Headquarters take care of them or else have them sent to ~~the~~ AMBOINA. [redacted].

I believe it was about the third day after the internment of the second flyer that the staff officer was working in his billet office. I therefore, reported the aforementioned state of affairs to him in the reception room in the corridor of the staff officers billet, and asked that if it were possible to do so, we would like the flyers sent to AMBOINA or else to Division Headquarters. At this time, Staff Officer KONDO said, "Under the present circumstances, to send them to AMBOINA is no small matter. If for instance they were of intelligence value we might consider the matter, but since they are prisoners of very little intelligence value there is no need to send them to AMBOINA nor can we leave them at Division Headquarters, so execute them while carrying out the execution of natives, and report their death to the Army as due to illness." I said, "Since we have directions to send the prisoners to the Army, we should, as far as possible, try to send them to AMBOINA". But since the Staff Officer had committed himself to carry out the execution, I had no choice but to follow his orders. I thought of my position and knowing of his fixed nature, that once he started something he would never give in, I said, "I'll have the preparations made for the executions", and returned to my unit. I don't know clearly why Staff Officer KONDO decided to have the prisoners executed, but it was at a time when he was concerned with defensive preparations for the Allied landing operations (Staff Officer KONDO was Staff Officer in charge of operations). I surmised that he thought that the presence of prisoners might lead to a plot with the native auxiliary troops and also bring about rear echelon disturbances during combat.

No objection raised

After returning to the Unit, I faced General Affairs Section Chief, Warrant Officer ASADA(津田) and ordered, "I have been ordered by Staff Officer KONDO to execute the flyers together with the natives. I would rather have them sent to AMBOINA but the execution of the natives being an Army Order, we must carry it out at our unit. So you take charge and prepare for the executions. Moreover try at once to communicate with Division Headquarters concerning the details.".

After that we received instruction from the Headquarters to prepare some small boats as 1st Lt IWASAKI and some others were coming, so it seemed that Warrant Officer ASADA and Interpreter TAKEMOTO made various preparations. On the day of the execution (sometime after 1 November) I thought it sufficient that Warrant Officer ASADA was taking Interpreter TAKEMOTO along with one or two others from our unit, and that 1st Lt

IWASAKI (岩崎) and subordinates were going from Division Headquarters.

As I was planning to inspect my subordinates who were investigating the native auxiliary troops, I did not especially point out any particulars concerning the execution. Then again, I did not know what plans were being made at Division Headquarters. I thought that the Military Police unit had only to prepare the boat and straighten out matters following the execution. On that day, I saw the group [redacted] from the billets going out in a small boat from the pier near our unit, but I do not know who got on or how they got on.

Since I was not present at the scene of action, I do not know the exact happenings of that day, except for the general outline which I gathered from the report made by Warrant Officer ASADA on his return. According to this report, 1st Lt IWASAKI was in charge of the execution which was performed with a frangible grenade and also bayonets. I have never had any interest in these scenes, and as I did not bother to ask Warrant Officer ASADA for the details of the execution, nor the actions of any of the individuals involved, I know nothing.

After the execution of the natives, a report was sent from the Unit to the Chief of the 19 Army Military Tribunal to the following effect. "According to orders, the executions were performed on such and such a day." The death of the flyers, I believe, was reported from Division Headquarters to the Army as natural death.

No one else was present when Staff Officer KONDO gave me the orders to execute the flyers together with the natives, [redacted], there were no written orders. However, although it is probable that the staff officer only followed orders of the Division Commander, there is much evidence to prove conclusively that it was Staff Officer KONDO who gave the command to execute them. In view of the nature of the case, it is only natural that there were no official written orders issued. There is no other choice but to construe this verbal order from the staff officer as a legal division command. I think the staff officer also gave orders to Captain ITO and 1st Lt IWASAKI. First Lt IWASAKI of the Operations Section and the members of the division could not have used this frangible grenade (which I have never seen nor heard of) at the execution without orders from the staff officer. In no way was I authorized to give orders to 1st Lt IWASAKI, and I never disclosed to him that I had received orders from the staff to execute the fliers, nor did I ever learn from 1st Lt IWASAKI the particulars of the execution.

After the termination of the war, the commander of the KEI Sector, the staff officer, the director of the hospital, and the medical officer, who are not concerned with the case, boldly reported to the Australian Army that the fliers had died in the hospital, knowing all along that they would be heavily punished, should the truth be discovered by anyone unconcerned with the incident. This fact reveals the gravity of the offence for which the division commander and the staff are responsible, and also it reveals the worried state of mind of the staff officer and the others who finally compelled them to take this step for the sake of the division.

Judging from these facts, the testimony that the execution was performed by the military police alone, even though there may have been someone in Division Headquarters to attest to it, is clearly false.

After the execution, Division Headquarters reported to the 19th Army that the fliers had died of illness. This alone is enough to prove that the division was connected with the execution. It was the division that ordered the Military Police to intern the fliers, so their transfer or their execution would naturally be carried out by division command. The arrest of the natives and detailed reports were made in accordance with orders from the staff officer. It is absolutely impossible that the military police would, on its own authority, execute a flier who had been interned by orders of the division.

When Captain ITO of the Intelligence Division of the Operations Section came to TOEAL from CERAM after the war on liaison, he spoke the following words at the quarters of the commanding officer. "I advised Staff Officer KONDO to send the fliers to AMBOINA and told him that I would furnish the boat. But, since KONDO disregarded my advice and executed the flyers, we are now placed in this difficult situation." Two or three other officers, beside the commander, were present at that time.

After Captain OSHIBA, medical officer of the defense unit, had conferred with the individuals connected with the case to make up the report of "natural death," he angrily said to me on the way back, "Staff Officer KONDO is the one who ordered the execution. Therefore, he is the responsible party. But he has gone to CERAM and, feigning ignorance, hasn't sent one word of apology to us who have been left to wind up the case caused through his own fault. His conduct is unpardonable. I am almost inclined to tell the whole truth."

After the termination of the war, in regard to the executions of the fliers Staff Officer MORI, who was in TOEAL at the time of the discussions on the case ~~among~~ the staff officer, unit commander and the army ~~surgeon~~, medical officer, and who was transferred later to CERAM headquarters, said that he was unfamiliar with the case since Staff Officer KONDO had undertaken the matter himself.

Colonel NAKAHIRA, (中平), commander of the KEI Sector also said to me that, after the termination of the war, and even after his arrival to his post in TOEAL as the regimental commander, Staff Officer KONDO had not apologized to the commander and his subordinates for the trouble that he had caused regarding the execution, of the fliers, and NAKAHIRA said that Staff Officer KONDO was a very shrewd person.

Therefore, not only I alone swear that the order was issued by Staff Officer KONDO but everyone admits he is the responsible person. At the time of the first investigation, ~~he had claimed that his subordinates followed~~ I was told that my subordinates claimed they acted according to the orders of the commander. However, with proof of the evidence in the preceding paragraphs, I believe I can prove that I

have never given the order to execute the fliers. Aside from Interpreter TAKEMOTO, I know of no one among the remaining persons who would be able to give any testimony concerning the case. I never gave the order to my subordinates. I merely related to Warrant Officer ASADA that I was told by Staff Officer KONDO to execute the fliers and the natives. I never called together my subordinates to order the execution. Therefore, the testimony given by my subordinates in the south, to the effect that I ordered the execution, is false. (ASADA is now in JAPAN). Furthermore, I did not tell Warrant Officer ASADA to perform the execution of the fliers, but, since there was an order for the execution of the natives from the Military Tribunal, I ordered the preparation of necessary arrangements to execute the natives only, as a duty to my unit. First Lieutenant IWASAKI and other officers from the Operations Section participated in the execution on the appointed day, and I believe Warrant Officer ASADA acted upon the command of First Lieutenant IWASAKI since it is the responsibility of the higher ranking officer at the scene of the executions. Therefore, even if my subordinates and Warrant Officer ASADA executed the fliers, it was not my order to the subordinates. It was the responsibility of 1st Lt IWASAKI as the commanding officer at the scene.

If the executions of the natives were enforced without any relation to the executions of the fliers, I believe the action of Warrant Officer ASADA and his subordinates was based on the decisions of the Military Tribunal, and, therefore, they carried out their rightful duties. Therefore, I have neither ordered the execution of the fliers nor did I have anything to do with the executions. Consequently, I am of the conviction, that I have no responsibility regarding this case..

I will relate why I instructed my subordinates after we assembled at MENADO* in KAMPOM* to answer always in the event that they were questioned that the fliers died from illness. Two months before the termination of the war, Division Headquarters, including the staff officers, 1st Lt IWASAKI and other members of Headquarter's personnel, transferred to CERAM. In the TOTAL Unit, at the time of the end of the war, persons with some involvement in this case were Medical Officer OSHIRA of the defense unit and the military police who were in charge of the fliers. Although each unit commander and Colonel NAKAHIRA had some knowledge of the case, they were in no way directly concerned with the case. From the point of view that the fliers were detained by the military police, the natives would report to the Allied Forces that the fliers were killed and, therefore, the Military Police would be the first to be questioned. If there were one man in the military police detachment who confessed the truth, division commander, Staff Officer, KONDO, First Lieutenant IWASAKI, and several others of CERAM would bear the brunt responsibilities. On the other hand, beginning with the KEI Sector commander, the hospital superintendent, the medical

*(TN - Exact transliteration of original KAWA)

officer concerned and staff officers would face the charges of having reported to the Allied Forces that the fliers died in the hospital. The military police will be resented by the others for being the source of all trouble concerning this case.

Fearing exposure of this case, the sector commander was greatly concerned. Considering the position of Division Headquarters, I was given instructions by Staff Officer UCHIUMI(内海) ordering me to impress upon my subordinates the importance of this case and never to disclose it to outsiders. Staff Officer UCHIUMI said, "If this case is to be exposed, it will without a doubt come from Japanese sources and the military police will be closely investigated."

the case as natural death, ↑ who reporte

It would be inevitable if the leakage came from some other source, but, if the first news came from my unit, I, as the commander, would face disgrace. Taking into consideration instructions from Staff Officer UCHIUMI, I ordered all my men never to disclose the news of this case. As a soldier, in view of the situation, I could not have done otherwise.

In keeping with the dictates of my conscience, I have stated the truth plainly. I swear to the fact that I was not the one who gave the order to execute, nor was I in any way responsible for the execution of the fliers, but I feel that I am responsible for my few subordinates who were present at the executions.

24 Jan 47

Formerly 9th Military Police Detachment commander, attached to the Fifth Division of the GOHUKU Expeditionary Force.

Former Major, Military Police

OTSUKA, Yasumasa (大塚安正)
(TN Fingerprint)

(TN- in English) Sworn to, signed and imprinted with the thumb of his right hand by the within named OTSUKA, Yasumasa at TOKYO, this 24th day of January 1947 before me,

VX 128203
A. KLESTADT (TN-signed)
Lieutenant
An Officer in the Australian Military Forces.

Doc No 29506 EBL

T

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 2 Apr 47.

Description of Contents: Two handwritten sheets containing Statement by KONDO, Hideo.

After being duly sworn, I the undersigned, hereby swear that to the best of my knowledge and belief the following is a true and accurate translation of the original document No. 29506.

Edwin B. Lee, CAF 6
ATIS Translation Section

G. A. Hedley, Capt Inf
Summary Court, ATIS

(1)

宣誓書

『良心ニ從ヒ眞実ヲ述ベ、何事ヲモ默秘セズ
又何事ヲモ附加セザルコトヲ誓フ』

一、私ハ豫備役將校カラ志願シ步兵中隊長迄勤メタカラ
負傷ニ依リ健康上昭和十六年六月憲兵ヲ以テ内地勤務後昭和十八年三月第十九軍配屬野戰憲兵
トシテ動員サレ同年三月アンボン島ニ上陸爾來第五師團配屬憲兵トシテ「ニューギニア」島「カイマナ」ニ行キ
更ニ昭和十九年五月末師団司令部轉進ニ伴ヒ「ケイ島」
「アルー」ニ移動「ケイ」地区ノ憲兵分隊長トシテ終戰時迄
其處ニ勤務シテ居リタ

一、元今カラ「トアルー」ニ於ケル聯合軍飛行士ノ処刑事件ニツキ
知ッテヰル全部ヲ申シ上ゲル、

一、昭和十九年八月以降ハ補給杜絶ノ爲メ師團將兵食糧
ニ不自由シ又其頃ヨリ聯合軍ノ爆撃ガヒドクナリ徹布
サレルビラニハ十一月ニハケイ島ニ上陸スルト書カレテアリ
土人ハ動搖シ出シ一部番人ハ反日行爲ニ出テ師団將兵ハ
戰斗準備ヲナシツツ玉砕ヲ覺悟シテヰタ、私達ハ師團ノ
命令デ土人救乱行爲捜査ニ從事シテヰタ。

一、偶々(十月半ハ頃ト記憶ス)聯合軍飛行機ガ墜落シ、
落下傘デ降下シタ搭乘員(二名)中一名ハ重傷(海軍
ニ收容)デ野戰病院デ直グ死亡、一名(國籍オランダ)ハ
低ケイ島陸軍部隊デ收容(情報主任參謀ダル近藤中佐ガ
引取ニ低ケイニ赴イタ)ト、師団司令部ニ送ラレタガ、
司令部ニ收容場所ナキ故ヲ以テ憲兵隊ノ指揮所ニ
收容スル如ク師団ヨリ命ゼラレタ、更ニ二週間程後飛行士
二名(國籍オーストラリア)ガ低ケイ陸軍部隊ニ收容サレ、之モ私ノ
隊ニ收容ヲ命ゼラレ計二名ヲ預カッタ。

27.12.21

大塚

一、飛行士ノ取調状況ニツイテ述ベルト
最初ノ飛行士ノ時ハ収容直後司令部カラ近藤参謀、参謀部情報係伊藤大尉、海軍側カラ特警隊長軍医等カヤツテ来テ憲兵隊ノ食堂デ隊ノ竹本通訳ヲ以テ主トシテ近藤参謀伊藤大尉ガ軍情ヲ主、外ニ海軍カラ医務干係ヲ聞クタ、私モ主ニ参謀ガ来隊シタ故ソコニ列席シタガ質問ハシナカツタ
其ノ後伊藤大尉ガ一人デ時々来テ取調ベタ様ダツタガ私ハ其ノ場所ニハ行カナカツタ
二人目ノ飛行士ノ時ハ伊藤大尉ガ一度位キイタカトウカ私ハ全然取調ベニハ知ラナカツタ
一、収容シタ飛行士ノ印象ダガオラガ飛行士ハ二週間位居ツタ為メ空襲際防空壕ニ一緒ニ入ツタリトモアルシ運動シテヰル姿モ数回見タガオーストラリア飛行士ハ、数日迄ラヌ収容故独房ニ居ルヨウ一度程見タ程度デハツキリ記憶ニナイ
一、私ノ隊ハ部隊デ主計、軍医関係ノ者ハ全然居ラナイノデ飛行士ハ師団給食ハ師団管理部司令部内給養ヲ司ル部長ハ高級副官デ係ハ西沢主計大尉）ガ診断ハ所衛隊軍医軍医ハ大芝軍医）ガ担当シタ
一、此処デ師団ト私達配属憲兵トノ指揮命令干係ニツイテ申シ上ゲテオキタイ
私達所属隊本部ハ十九軍司令部ト共ニアンボン（後ニハゼラハ（セラヘス）ニ移ル）ニ在リ仕事ニ関シテハ指示スル訳ニナツテヰルガ離島ニ分散シ連絡不充分ノ為メ配属先ノ部隊長ノ命令ヲ専行スル外ナイト云フ状態ニアツテ私ハ師団長ノ指揮ノ下ニ行動シ日常ノ命令ハ比自岐主任参謀又ハ

大塚

(3)

参謀部附将校カラ指令サレテヰタ。従ツテ其ノ人達カラ云ハレルト頭命令モ總ヘテ師團長カラ命令スル統帥大权ト思ヒ絶体服従シテヰタ。

二、今度飛行士ヲ收容シタ後、私ノ隊デマデネテ前カラ九軍律会議ニ報告シテオクタ土人ノ犯罪事件ガ裁判ノ結果有罪(死刑)ノ判決ガ下サレ現況ハ身柄ヲワザワザアボンニ送ルト困難故貴地デ執行スベシト軍律会議長官ノ命令ガ来タノデ其ノ報告ヲ兼ネ當時隊ノ收容場ガ狭少デ土人收容者大デモ満員ノ所ニ飛行士ニ一室充與ヘタ為メ一部モノハ兵舎内ニ起居サセテヰル有様ニカンテ兵補救乱事件関係者ヲ相當数收容セネバナラヌ状態デ假令土人ノ一部ガ減ツテモ尚收容シキレヌ故此ノ上飛行士ヲ二名モ預カツテ行クコトハ困難ナノデ飛行士ハ、司令部ニ引取ヲ又ハアンボンノ軍ノ方ニ送ツテ世貫フカ又ハアンボンノ方ニ送ツテ世貫フク近藤参謀ト許ニ行ツタ。

一、夫レハ二人目ノ飛行士收容後三日程後ト思フガ當時参謀ハ宿舎デ事務ヲ執ツテヰタノデ参謀宿舎ノ廊下ノ應接所デ前述ノ状況ノ報告シ出来タラ飛行士ヲアンボンニ送ルカ又ハ司令部ニ移サレタイト申ス旨ヒシタ。

一、其時近藤参謀ハ現在ノ状態デハアンボンニ送ルコトハ仲々タイヘンモ情報價値ノアル者ナラ兎ニ角ソレ程情報ノ取レヌ俘虜故殺セテ迄モ必要ナク、又司令部ニ置ク訳ニモカヌ故土人刑ノ執行スルナラ土人一諸ニ処刑セヨ軍ハ病死ト報告シテオコウ」ト云ツタ。

大塚

私ハ「俘虜ハ軍ニ送ル様ニトノ指示モアル故出来得ル限リ「アンボン」ニ送ッタ方ガイイト申シタガ参謀ハ処刑スルト断ジ言サレタ故参謀ノ命ニハ服従ノ外ナク、私ノ立場ヲ思ヒ又一旦云ヒ出シタコトハ絶体キカヌ一徹ノ性格モ知ッテヰルノデ「処刑準備ハシテオキマセウ」ト云ッテ帰隊シタ。

一、近藤参謀ガ処刑ヲ決意シタ理由ハ判然（ハッキリ）シナイガ豪軍ノ上陸戦ヰ、防備ニ心配サレテヰタ時故（ユエ）近藤参謀ハ作戦主任参謀ナリ）俘虜ヲ置クコトハ対兵補（土人）等トノ通謀、戦ヰ時ニ於ケル後方擾乱等ノ点ヲ案ジテ処置ト私ノ推量シタ。

一、私ハ隊ニ戻ッテカラ庶務班長ノ浅田准尉ニ向ッテ、「近藤参謀カラ土人処刑ト詰ニ飛行士ヲ処刑セヨト命ゼラレタ。「アンボン」ニ送ッタ方ガイインダガ、然シ土人ノ処刑ハ軍カラノ命令デ隊デヤラネバナラヌ故オ前ガ俘トナッテ処刑準備ヲスル様ニ、尚細部ハ一応司令部ト連絡シテ見ヨト命ゼラレタ、其ノ後司令部カラ岩崎中尉等数名行ク故ソノ打ち合ハセ指示モアリ、浅田准尉ガ竹本通訳ト諸準備ヲシタ様ダッタ。

一、処刑当日私ハ浅田准尉ガ竹本通訳外二名モ隊カラ連レテ行ケバ司令部カラ岩崎中尉次イデガ行ク故イイト思ヒ私ハ予備取調ヲシテル部下ヲ視察シヨウト思ッテヰタノデ別ニ処刑ノ要領ニツイテモ指示セズ又司令部デドンナコトヲ計画シテヰタカ知ラナカッタ又裏ノ隊ハ舟ノ準備ヤラ後始末ヲヤレバイートシカ思ッテヰナカッタ。其ノ日隊ノ人ハ桟橋カラソノ舟ニ乗ッテ行ク一行ヲ宿舎カラ見タケレドモ誰ガドウニ乗ッテ行ッタカ知ラナカッタ。

大場

(5)

「従テ私ハ現場ニ行カズ當日ノ模様モ全然分ラヌガ又
浅田連隊ガ帰ッテカラノ報告デ大体ノコトヲ聞イタ大ダガ
岩崎中尉ガ部署シテナゼ弾トカ云フ兵器ヲ用ヒ外ニ
刺殺等ヲ加ヘタトノ事ダガ私ハ元来コウシタ場面ハ興
味ヲ持タヌ故浅田連隊ニ対シテモ処刑ノ様子、誰ガ
トウシタカト云フコトモ聞カナカッタノデ知ッテ居ラナイ。

「処刑ガ済ンデカラ士人ヲ係ハ隊カラ九軍軍律会議ノ宿
宛ノ命令ニ基キ何日刑ヲ執行スト報告シタ
ガ行ヒ方ハ師団カラ軍ニ病死ト報告サレタト思フ。

「近藤参謀ガ私ニ士人ト共ニ飛行ナル処刑ヲヨト命令サレタ
時ハ同席ハナカッタ、尓文書ニヨル執行命令モ無
カッタガ近藤参謀ガ発令者（参謀ハ師団長ノ意図ニ基
イテ発令シタノダラウガ）ニ絶体面通ヒナイト云フコトニハ
幾多ノ曾記ガアル、又事ノ性質上公文書ヲ発令スル筈
モナク従ッテ参謀カラ口頭デ云ワレタコトハ立派ナ師団命令ト
解スル外ナイ。

(A) 参謀ハ私ト外伊藤連隊岩崎中尉等ニモ命令シタコト、思フ
参謀部ガ岩崎中尉始メ師団ノ者ガ処刑當日私ノ
全然聞イタコトモ無ク、刺殺ト云フ兵器ヲ
使用シタ事ハ明ラカニ参謀命令ト云フ出来マコトダ、
（私ハ岩崎中尉ニ対シテハ何ノ命令関係モナク又當時役ニ対シ
テモ飛行ナル処刑スル様参謀カラ右ノ命令ガアッタトハ
全然聞イテ居ラナイ、又岩崎中尉カラモ処刑スル要領ナド
聞イテ居ラナイ。）

(B) 終戦後ケ地ニ回令官以下参謀、病院長軍医等
牛付ノ関係ナキ者ガ発覚シタ重大ナル処刑ニ従事
コトヲ予期シツツ敢テ部下ニ命ジ又ハ病院ニテ死亡セリトノ

報告ヲ受ケ軍ニ提出シタ事ハ師団長又ハ司令部ニ責任アル大事件ナルヲ以テ従ツテ師団ノ為メニ決シテ不利ニナル司令官ニ於テ苦衷ヲ記明シテ居ル従ツテ此事カラ判断シテモ憲兵隊丈デ処理シタノデハナイト記言ハ君ら司令部側デ記言スルモノガアッタトセバ偽リナルニト明ラカダ

C. 処刑後十九軍兵師団司令部ガ病死ト報告セルモノハ師団ニ於テ殺リタル処刑ニ関係アル事ヲ記明スルモノト思フ

D. 殺リタル憲兵隊ニ收容セヨト命シタノハ師団従ツテ之ヲ移動シタリ処刑スルカ如キハ皆師団命令ニ依ラネバナラヌ夫ノ様ナ事ハ細大報告参謀ノ指示ヲ受ケル状況ニ於テ師団命令ニヨリ收容シアリタルモノデアリ憲兵隊ニテ勝手ニ処刑スルカ如キハ絶体アリ得ザルコトダ

E. 参謀部情報係伊藤大尉ハ終戦後「セラム」カラ「トアル」「連絡ニ来タ時司令官宿舎デ（司令官ハ）参謀長（近藤参謀ニ発行セシアンボンニ送ッタノカイ、併シ、ハ河トカナルカラト意見ヲ述ベタガ遂ニ近藤参謀ハキカズ処刑シテシマッタ故今ニナッテコンナニ困ルダロト云ッタノヲ私ハ聞イタ

F. 防空隊軍医大芝大尉モ終戦後病死報告作製為関係者集合シタ時帰還自分ニ対シテ近藤参謀ハ自ラデ命令シテ処刑サセタ責任者デアリナガラセラムニ行ッテシッテ知ラン顔ヲシコンナニ苦労シテ後始末ヲシテヤルト我々ニ対シ（自分ノタメニ皆ニ迷惑カケテ済マヌトサヘモ云ワヌ、ケシカラヌ人ダ、一層ノコト信賞ノコトヲ云ッテセウカト憤慨シタ

大塚

(7)

(ト) 終戦後逃亡士ノ処刑問題デ参謀外隊長軍医ガ前後策ヲ相談セル席ニ當時ヤハリ勤務シテイタ森参謀ノ後ニ(セズ)同令部ニ行ッタ)ハ「近藤参謀ガヤッタコトダカラ自分ニハ様子ハ判ヌラ故知ラヌ」ト云ッタノ

(チ) ケッ局ソノ令官中平大佐モ「近藤参謀ガ終戦後隊長トシテトアルニ着任シテモ直ニ逃亡士ノ処刑問題ニツキ自分ノヤッタコトデ同令官ニ不皆ニ苦労カケテ申訳ナイ」ト言モ云ッヌガヒドク叱ゲヤト私ニ向ッテ云ッタコトガアル

(リ) ソノ如ク独リ私ガ近藤参謀ガ命令ノ発頭人ト断言スルダケデナク萬人ガ近藤参謀ノ責任者タルコトヲ認メテ居ル

(ヌ) 最初ノ取調ベノ時「私ノ部下ガ隊長ノ命令デヤッタト自供シテ居ルト云ワレタガ前項ノ事例ニヨッテモ私ハ絶体ニ命令シタコトガアル」ト言モ云ッヌガヒドク叱ゲヤト私ニ向ッテ云ッタコトガアル

(ル) ソノ如ク独リ私ガ近藤参謀ガ命令ノ発頭人ト断言スルダケデナク萬人ガ近藤参謀ノ責任者タルコトヲ認メテ居ル

(ヲ) 最初ノ取調ベノ時「私ノ部下ガ隊長ノ命令デヤッタト自供シテ居ルト云ワレタガ前項ノ事例ニヨッテモ私ハ絶体ニ命令シタコトガアル

誰ノ証言カ知ラヌガ竹本通訳ノ外残ラズ居ル筈ハ本件ニ干係ナキ警ゴ即チ

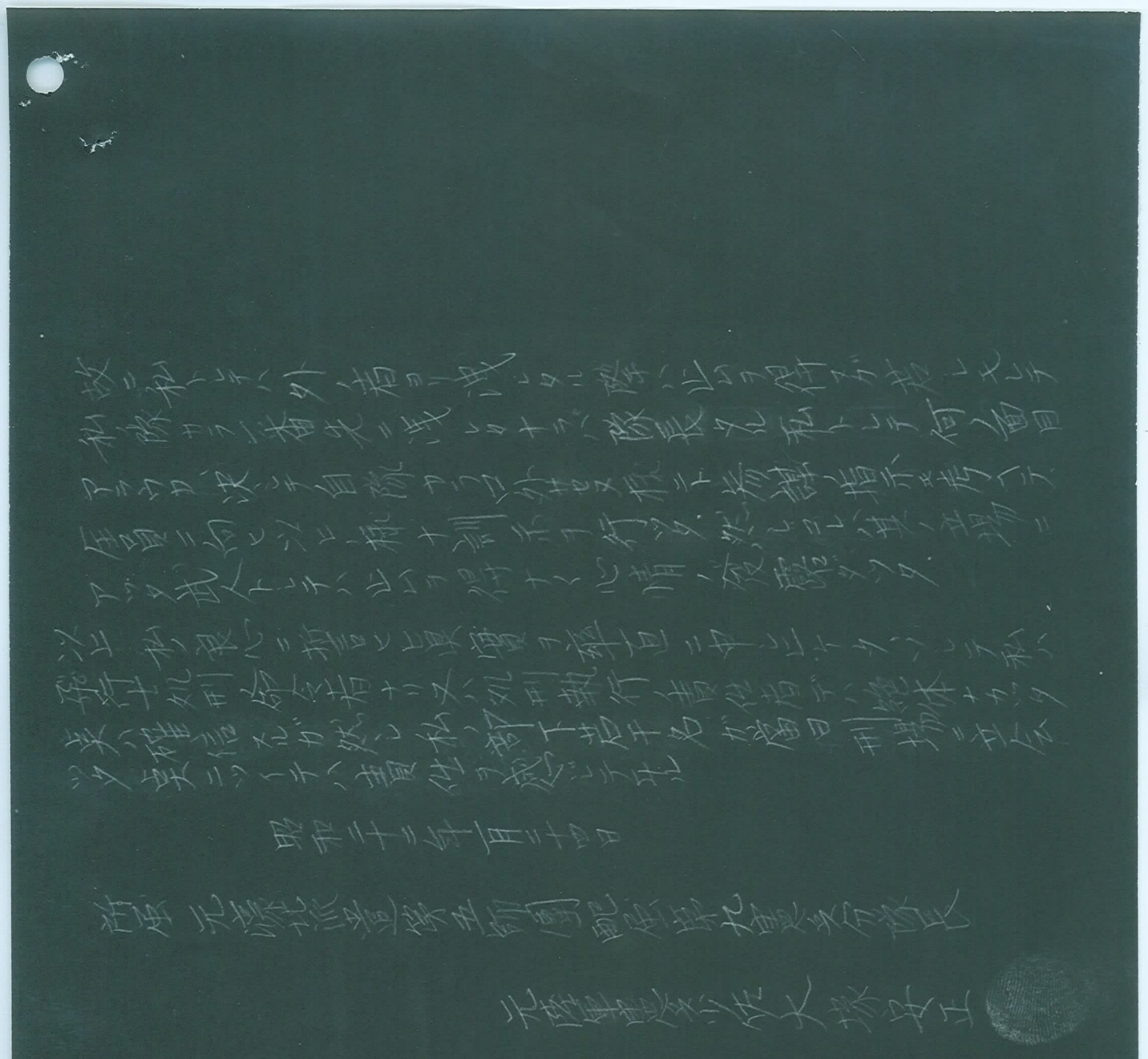
(ワ) 私ハ浅田准尉ニ対シテ「近藤参謀クラス人ト一緒ニ逃ゲロ」モ処刑セヨト云ワレタト言ヘタノミデ別ニ部下ヲ集メテ命令シタコトナク従ッテ南方ニ残ッテ死ネ部下ガ私カラ命令サレタト云フコトハ虚偽ノ証言デアル(浅田准尉ハ内地ニ居ル故)尚私ハ浅田准尉ニ対シテモコノ前ノ如ク行ヒヲ処ケヨト明示セズ只軍律會議ヨリ刑ノ執行命令アリシ上ハ私ノ隊ノ義務トシテ処理スヘキヲシテソノ準備ヲ命ジタ

(カ) 刑ノ執行ハ現場ニアル上級者ノ責任ダ當日ハ参謀部ヨリ岩崎中尉以下将校参加セルヲシテ浅田准尉トシテハ岩崎中尉ノ指示ヲ受ケ行動シタト思フ故ニ浅田准尉ガ私ノ部下ガ万一発射セヌ処刑セル場合ト雖モソレハ私ノ命令デハナク現場ノ指揮者タル岩崎中尉ノヨリ行ハレタト云フ外ナイ。

大塚

又飛行士ノ処刑ニ干係ナリ又ハ人ノ処刑ヲ命令シタルニハ
岐田准尉以下ノ行動ハ軍律会議判決ニ基ク刑ノ執行命令
ヲ遵法シタル正当ナル業務ニヨル行為ダト思フ、
故ニ私ハ飛行士処刑ノ命令者デモナケレバ又処刑当事者デモナク
従ッテ此事件ニ関シテハ責任ナイモノト確信シテ居ル、
一、私ガカンボン「メナド」ニ集結後部下ヲ集メテ取調ベヲシタ事モ
飛行士ハ病死ト心ス答ヘヨト訓示シタト云フ事ニツイテ申ニゲル
(a) 終戦ニケ月前師団司令部ハセラム島ニ移動シ従ッテ参謀
岩崎中尉等関係者ハ殆ンド転進シテ終戦時ハトアル」
部隊デ其件ニ多ケ関係アルモノトシテハ飛行士ヲ收容
シテヲ居ル隊診断ヲシタ丈ケ隊ノ大半ハ軍医位デ
中ニハ九ヶ所ノ名隊長モ勿論知ッテヲラモ直接的
関係者デナク又飛行士ハ憲兵隊ニ收容サレテヲリ憲兵ヨリ
犬ハ心ス「憲兵隊ニテタダ飛行士ガ殺サレタラシイト聴イタ軍
報告セルヤウニ司令官ヲ始メ病院長関係軍医、
参謀等モ罪ヲ得ノ原因トナル憲兵ニ皆ニ怨マレル、
(c) 元ヨリ処刑内容ガ爆露セル時ハ重大事件故司令官モ
深ク心配サレ又内海参謀ヨリ特ニ私ニ対シヨク若シ此ノ
事件ガ発覚スルトセハ必ヌ日本人内部カラダ、特ニ憲兵
ハ心ス厳重ナ調査ヲ受ケ故病死ト報告シタ事ノ
上塗ヲ行ッテ爆露シタハノ重大性ヨリ部下ニ徹底セ
テ絶体ニ外ニモヌ様ニトノ指示ガアッタ、

大塚



Sworn to, signed and impressed with the thumb of his right hand by the within named OTSUKA, Yasumasa at TOKYO, this 24th day of January 1947 before me,

VX128203

V. Klestadt
(A. KLESTADT) Lieutenant

An Officer in the Australian Military Forces.

(9)

89 nii

宣誓書

良心ニ従ヒ真実ヲ述ベ何事ヲモ黙秘セズ又何事ノヲモ附加セザルコトヲ誓フ

A、飛行士ノ処刑ニ就テ

1. 要旨

飛行士ノ処刑ハ師団長ノ命令デアル

処刑実行ノ担任者ハ憲兵分隊長デアル

岩崎中尉ノ処刑ニ使用ノ命令系統上カラハ飛行士処刑トハ別個ノモノデアル

2. 経過

後方ノ交通ガ困難ニナッテ憲兵分隊ノ収容者ガ増加シテ食糧、警戒兵及建物ノ不足ヲ生ジ分隊長ハ之ガ解決ニ就テ屢意見ヲ各所ニ述ベテヰタ

山田中将着任ト共ニ戦闘ヲ直接主任務トセナイ人員ノ戦力化ヲ強調セラレ憲兵分隊ノ収容者ヲモ無クシ之ニ要スル人員ヲ戦闘ニ使用スル方針ヲ決定サレタ

司令部職員ヲ兼務スル大塚少佐ハ之ガ研究ヲ担任シタ

師団長ガ憲兵分隊ヲ巡視シタ時(私随行)大塚少佐ハ次ノ意見ヲ述ベテ是認セラレタ

イ、日本軍人犯罪者ハ一時出身隊ニカヘス

ロ、罪ノ軽イ者ハ釈放スル

ハ、釈放ニ得ナイ者(住民ト共ニ飛行士ニカヽハ処刑ヲ

29506 近藤 Capt

N. Kondo Capt

Doc No 27502

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Legal Section.

Received ATIS: 10 Feb 47.

Description of Contents: Full translation of sworn statement by KAMBARA, Hideo.
(TR* indicates an exact ROMAJI transliteration of the original KANA.)

I, the undersigned hereby do swear that to the best of my knowledge and belief that the following is a true and accurate translation of the original document No. 27502

Takeshi Tabata

Takeshi Tabata, CAF 9
Team Captain
ATIS Translation Section

G. A. Hedley

G. A. Hedley, Capt Inf
Summary Court, ATIS

Doc No 29506

Affidavit

I swear to tell the truth, the whole truth, and nothing but the truth.

A. Concerning the Execution of Fliers:

1. Summary.

The execution of airmen was ordered by the division commander. The person in charge of the execution was the commander of the KEMPEI BUNTAI (Section). The use of frangibles by 1st Lt IWASAKI (岩崎) is a separate matter from the execution of airmen, so far as the chain of command is concerned.

2. Circumstances.

As the number of prisoners at the KEMPEI BUNTAI increased, and the supply of food, the number of guards and the buildings became inadequate due to the difficulty of transportation from the rear, the commander often stated his opinion concerning a solution, to the persons in charge.

As soon as Lt Gen. YAMADA (山田) arrived, he laid emphasis on participation of non-combatants in actual fights, and decided on a plan for decreasing the number of prisoners at the KEMPEI BUNTAI thus utilizing personnel in charge of prisoners for fighting. Maj. OTSUKA (大塚), who was on the headquarters staff, took charge of the materializing of the plan.

When the division commander inspected the KEMPEI BUNTAI (I accompanied him), Maj. OTSUKA stated the following opinions, which were approved:

a. Criminals among the Japanese soldiers shall be returned to their base units.

b. Persons whose crimes are petty shall be released.

c. Those who cannot be released (17 natives and two airmen) shall be executed.

Taking advantage of the KEMPEITAI's executions, 1st Lt IWASAKI carried out experiments on frangible grenade as ordered. The execution of the airmen was not his objective, and he was not the commander of the execution. The relationship of the division headquarters to the KEMPEI BUNTAI was different from that of ordinary units, and was delicate because Maj OTSUKA held also the post of a headquarters staff officer.

3. Concerning the use of frangible grenades.

1. It was thought that the frangible grenades might be deteriorated, but as there was no way of examining them, they were left untested.

Doc No 29506

2. When this was told to the Division Commander, YAMADA, upon his arrival, he ordered chemical warfare officers to examine frangible grenades as soon as possible. Then, to my answer that we had no way of testing frangible grenades, he told me to make an examination of them when there was another execution, so I informed 1st Lt IWASAKI of this. Furthermore, at that time, Division Commander YAMADA gave me some chemical warfare information and instructed me to enforce the anti-gas defense training. We scarcely received any information on chemical warfare at that time.

3. 1st Lt. IWASAKI reported only on the effectiveness of frangible grenades. Consequently, not until the recent examination did I learn of the use of frangible grenades in the execution of the airmen.

28 March KONDO, Hideo.
(近藤秀夫)

(The following is written in English.)

Sworn to, signed, and imprinted with the thumb of his right hand by the within-named, KONDO, Hideo, at TOKYO, this 28th day of March, 1947, before me.

VX 128203

A.KLESTADT (Signature)
Captain
An officer in the Australian Military Forces.

Cross-questioning by above
(1) Contact with division during above period

岩崎中尉ハ憲兵隊処刑ノ機会ニ命ゼラレタ近ビノ検査ヲ
実施シタモノデ飛行士ヲ対照トシタモノデハナイ従テ処刑現場ノ
指揮官デハナイ
師団司令部ト憲兵分隊トノ関係ハ他ノ般部隊ト異ナリ大隊少佐
ガ司令部職員ヲ兼ネテオルノデ機微ナ点ガアル

B. 近ビノ使用ニ就テ

1. 近ビハ三減純ニテ効果ガナイデハナイト云フニトデアッタガ検査ノ
方法ガナイデ其儘ニシテアッタ

2. 山田師団長ガ着任シテカラ此報告ヲシタ時「直ニ瓦斯抜取検査ニ命ゼヨ」
検査ニ命ゼヨ」ト云ハレタガ検査ノ方法ガナイニトヲ申上ゲルト
「今度処刑者ガアッタトキヤレ」トノコトデアッタ
之ヲ私ガ岩崎中尉ニ傳達シタ
此時ニ瓦斯情報ヲモ併セ話サレ対瓦斯教育ヲ~~[illegible]~~ eyc
実施スル様指示サレタ(当時我々ノ所ニハ情報ハ余リ入ッテナ)

3. 本検査ノ結果ハ岩崎中尉カラ其効果ガナイ報告ガアッタ

近藤 Capt

従ッテ未ダ近ビガ飛行士処刑ニ使用セラレタコトハ今度ノ
取調ベ迄知ラナカッタ

三月二十八日 近藤秀夫

Sworn to, signed and empirited with the
thumb of his right hand by the within-named,
KONDO, Hideo, at TOKYO this 28th day of March, 1947
before me, V×129203 N. Klestadt Captain
(N. KLESTADT)
an Officer in the Australian Military Forces.