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Trial by Military Court—: A.W.C 2045. Paymaster W/O
Aatakeyama, 2043. Engineer. P/O Ioriwumi Tomes
2044. Paymaster C.P.O. Tomunaga Gorozi, 2038. Navy
C.P.O. Sano Takeo, 2042. Paymaster i t. o. Hiroshi, 2041. P/M
C.P.O. Sasaki Hazuma, 2040 Paymaster C.P.O. Chiba Tomes
2039. Paymaster 1st class Sato Seibe, all were found
guilty and shall be hung for having murdered
a Chinese civilian. 2nd May. 1946.

THE WAR CRIMES ACT 1945.

TRIAL OF :

Navy S/M ^HZATAKEYAMA Yosutaki of 2 Special Land Duty Coy.
Navy S/M TORIWUMI Tomeo)
Navy S/M TOMIGAGA Gorozi)
Navy S/M SANO Takeo) all of 67 Naval
Navy S/M ITO Hiroshi) Garrison Unit.
Navy S/M SASAKI Hazuma -)
Navy S/M CHIBA Tsunao)
Paymaster 1st Class SATO Heibei)

DATE OF COURT :

1st May, 1946.

PROSECUTING OFFICER :

Capt R.M. EWING

AALC

HQ 8 MD

DEFENDING OFFICER :

Lt K.C. WYBROW Legal Qualifications att HQ 8 MD
HOPIBE, Civilian Employee of the Japanese Army is the
Japanese Defending Counsel.

The Accused are brought before the Court.

The Members of the Court and Judge Advocate are duly sworn.

NOZAWA Yoshiichi is sworn as Interpreter.
MA NAI PAI is sworn as Interpreter.

At this stage the Court amends the Charge Sheet by altering the names of
two of the Accused.
The corrected names are ;

Navy S/M HATAKEYAMA Yosutaki
Navy S/M TOMINAGA Gorozi.

The Charge is read to the eight Accused.

All eight Accused plead NOT GUILTY to the Charge.

CASE FOR THE PROSECUTIONFIRST WITNESS

KONG SANG being duly sworn is examined by the Prosecuting Officer through the Interpreter MAI NAI FAI.

I am a Chinese Coolie employed by the British Phosphates Commission on NAURU Island. In November last year I remember being questioned by Australian Army Officers on NAURU Island. Witness is shown a document signed by him. That is my signature. I remember this document being read over to me in Chinese, and it is a true record of the facts.

Prosecutor seeks to tender the document.

Defending officer objects to the admission of the document on the ground that this is a serious charge and that the Court should properly exercise its discretion in refusing the document under Section 9 of the War Crimes Act.

The Prosecutor presses for admission.

The document is admitted by the Court, signed by the President, read, marked Exhibit A, and annexed to the proceedings.

Q. Would you be able to recognise the Japanese who went to NG LEE's house?

A. Yes.

Q. Will you look around the Court and see if they are here?

A. Witness indicates the accused, HATAKEYAMA.

Q. With what was NG LEE beaten in front of his house?

A. Witness demonstrates that NG LEE was beaten with both closed fists.

AQ. When he was taken to the office, how many Japanese were around the office?

A. There were many Japanese there.

Q. Who beat NG LEE at the office?

A. I saw some Japanese beating him, but as I was too far away I do not recognise them. (I could not recognise them)

Q. Did you recognise the two Japanese who were chasing NG LEE back to his house?

A. Yes, I can remember them.

Q. Can you see them in Court?

A. Yes.

Witness indicates HATAKEYAMA and CHIBA in the Court.

Q. When NG LEE was taken back to the office did you see who tied him to the phosphate basket?

A. I do not remember.

Q. When he was tied to the phosphate basket how many Japanese beat him?

A. About seven.

Q. Did you recognise any of them?

A. Yes, I can recognise them.

Q. Are any of them in Court here?

A. Yes.

Witness indicates HATAKEYAMA, TORIWUMI, TOMINAGA, SANO, ITO, SASAKI, and CHIBA.

- Q. When NG LEE was taken to the well how many other people went over?
A. About three or four Japanese.
Q. Are any of those here in Court this morning?
A. I do not remember who they were.
Q. Who was the Japanese who came over to you and called you to the office?
A. He is in Court here.
Witness points out CHIBA. (In the Court)
Q. Did you go over to the office when CHIBA told you to?
A. Yes, I followed him.
Q. Where was NG LEE when you got there?
A. He was outside the office. NG LEE was tied up on the basket already.
Q. Describe a phosphate basket?
A. It is a basket about five feet high, about four feet in diameter, and there were iron chains all around the basket, running from the lip around the bottom and up to the top and there were iron rings around the edge. It had a flat bottom.
Q. What is the basket itself made of?
A. Cane.
Q. How many men would it take to lift it?
A. At least two men.
Q. How was NG LEE tied to the basket?
A. With both his hands outstretched. His body was lying against the side of the basket, facing the basket, and his arms outstretched around the ring. The basket was standing on its end. (on its bottom) His feet were standing on the ground.
Q. Were there any ropes around his body other than the one tying his arms?
A. Yes. Around his chest.
Q. What was the first thing that happened after you got to the office?
A. CHIBA told me to beat NG LEE.
Q. Is the Japanese in Court here who ~~kind~~ poured boiling water over NG LEE's legs?
A. Witness indicates HATAKEYAMA.
Q. What happened after the boiling water was poured over NG LEE's legs?
A. They kept on hitting him.
Q. Who were they?
A. All the seven I mentioned before.
Q. How long were you at the office after the boiling water was poured over NG LEE's legs?
A. About 30 minutes.
Q. Can you tell us how many strokes each Japanese gave at that time?
A. Each of them gave him more than ten strokes.
Q. How many beat him at the one time?
A. They were taking turns.
Q. Did they use anything else except the carry pole?
A. No.
Q. Do you recognize the man in the back row at the end in Court?
A. Yes, he was there too.
(Note, the Prosecutor indicated SATO)
Q. Was SATO a visitor or one of the Unit?
A. He was in charge of the farm.
Q. Was this farm the only one that the Unit had?
A. There were farms under the control of the Supply Unit. There were three farms.
Q. Was there an Officer in charge of the Unit?
A. There was one Officer in charge of the Farm.
Q. Was he at the office at this time?
A. No. His name is SATO. He was an Ensign and is not the accused SATO in Court.
Q.

CROSS EXAMINED

- Q. Have you discussed this case with other Chinese since the incident occurred?
- A. No.
- Q. Did you see the two Chinese carry NG LEE over to the well?
- A. Yes.
- Q. What were their names?
- A. CHAN KAI and SO KAM.
- Q. Did you see any Japanese go over to the well?
- A. Yes, some Japanese followed them to the well.
- Q. How was NG LEE's condition?
- A. He was unconscious.
- Q. I put it to you that NG LEE ran away and was chased to the well? I suggest this, is that true?
- A. No, he was carried to the well.
- Q. Besides the persons you have mentioned this morning as having beaten NG LEE did anybody else beat him?
- A. There were some but I could not find them on FAROE ISLAND.
- Q. Did you see any blood on NG LEE's back?
- A. No.
- Q. Describe how NG LEE was tied after he had been caught by HATAKEYAMA?
- A. He was tied up with his hands around the edge of the basket.
- Q. Did you see him the whole time from when he was caught by HATAKEYAMA?
- A. Yes, I was there all the time.
- Q. When did CHAN KAI come over?
- A. After NG LEE was unconscious.
- Q. Did you see a Chinese called CHENG MEI there? (CHENG SUNG MEI)
- A. No.
- Q. Did you feel the water that HATAKEYAMA is alleged to have thrown on NG LEE?
- A. No, he went to the cookhouse and got the boiling water.
- Q. What was this water in?
- A. It was about a gallon tin.
- Q. Was the well to which NG LEE was taken the nearest well to the office?
- A. No.
- Q. Was the well used at this time?
- A. Yes.
- Q. Was there grass growing over the top of the well?
- A. Yes, a little.
- Prosecuting Officer at the request of the Defending Officer tenders two sketch plans which are admitted in evidence, and marked Exhibits B and C, signed by the President, and annexed to the Proceedings. Exhibit B is sketch plan of locality. Exhibit C is sketch plan of Farm office.
- Q. Will you indicate the spot on the plan where NG LEE was tied to the phosphate basket?
- A. Opposite the door on Exhibit B on the end of the building.
- Q. Will you indicate on Exhibit B the well to which NG LEE was taken?
- A. The well is the second well from the office.
- Q. What distance was the second well from the office?
- A. About 100 metres to 150 metres.
- Q. Do you see these 4 places I point to each marked with the word well on Exhibit C?
- A. Yes I see four squares marked well on Exhibit C.
- Q. Were there wells in those positions or near them?
- A. There was one well on the other end of the building to where the door is shown, close to the building and used for laundry.
- Q. Were there other wells near the house?
- A. Yes, there were some wells further over and beyond the right hand bottom corner of the Sketch, Exhibit C.

- Q. Was HC LEE taken to any of these wells last mentioned?
- A. No, not to these wells that are shown on the sketch.
- Q. Was HC LEE taken to any of the wells beyond the bottom right hand of the sketch, Exhibit C?
- A. No.
- Q. Can you remember how many wells there were closer to the office than the wells to which HC LEE was taken?
- A. There were about 7 or 8 wells near the office and the well HC LEE was taken to was second along the road.
- Q. Will you give the distances of these seven wells from the Office?
- A. The first well on the road is about sixty feet from the place where the basket was. There was another well close to the building about thirty feet from the place where the basket was. Both these wells are on the sketch drawn by witness and marked with a black X. The well in which HC LEE was put into is marked with an X in green. The Defending Officer tenders the sketch which is admitted in evidence, marked Exhibit D, signed by the President, and annexed to the Proceedings.

NO RE EXAMINATION.

EXAMINATION BY THE COURT

- Q. What were the wells marked Exhibit D in black X used for?
- A. They were used for watering pumpkin plants.
- Q. How do you know that the water was boiling water?
- A. He went into the cockhouse and brought the water out and I saw the smoke. This was HATEKAWA. By smoke I mean steam coming off the water.
- Q. Describe the tin in which the water was brought out in.
- A. It was round in shape with one handle and made of galvanized iron. The handle was on the side similar to a jug.

Evidence is read over to the witness who does NOT desire to correct same.

The Court adjourns at 1145 hrs.

The Court re-assembles at 1330 hrs the same President, Members, and Judge Advocate being present.

SECOND WITNESS

CHAN KAI being duly sworn is examined by the Prosecutor through the interpreter MA NAI FAI.

I am CHAN KAI and a Chinese Coolie employed by the British Phosphates Commission at NAURU Island.

I remember being interrogated by Australian Officers at NAURU Island in November 1945.

Witness is shown a document, signed by him.

That is my signature. This document is a record of what I said at my interrogation and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit E, signed by the President, and annexed to the Proceedings.

Q. Can you see here today the Japanese who went over to NG LEE's house,
A. Yes.

Witness indicates HATAKEYAMA in the Court.

Q. What was the language used in the conversation heard by you,
A. It was Japanese.

Q. Was it pure Japanese ,
A. Yes.

Q. Do you speak Japanese.
A. I cannot speak Japanese, but I can understand it a little.

Q. Was NG LEE tied up at all when you first saw him (That is the first time you saw him)
A. He was tied up with both hands behind his back.

Q. Could you see who was beating NG LEE?
A. I could not see as there were so many Japanese gathered around.

Q. Are there any Japanese here today who were in that gathering?
A. Yes.

Witness indicates all eight Accused in the Court.

Q. Were there any others there besides those?

A. There were a few more there too.

Q. Did you look at what was going on right up to the time that you were called to come over to the office?
A. No.

Q. What was the last thing you saw before you stopped looking at the first beating?

A. I saw NG LEE was beaten, all these Japanese in Court did the beating.

Q. Who was the last person you saw beating NG LEE before you stopped looking?

Prosecutor withdraws the above question.

Q. When you were first looking at NG LEE being beaten did you see any particular Japanese beating him.

Prosecutor withdraws the above question.

Q. How long was it after you stopped looking at the first beating that you were called to come to the office?

A. About 30 minutes.

Q. Can you see in Court the man who came to your house?

A. Yes.

Witness indicates the accused TORIWUMI.

Q. Can you see the Japanese who ordered you to take NG LEE to the well?

A. Yes.

Witness indicates TORIWUMI.

- Q. Will you describe the well you took him to?
- A. It was a well three feet in length and four feet in width and about two feet below the ground the water level was. At this time the well was about two feet deep.
- Q. When you and SO KAM took NG LEE over to the well did anybody else go with you?
- A. Yes.
- Witness indicates the accused, HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO.
- Q. Who put him in the water?
- A. I did.
- Q. Did anyone at all touch him whilst he was in the water?
- A. Yes.
- Witness indicates HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO, in the Court.
- Q. What did TOMINAGA do?
- A. He used a pole and forced NG LEE into the water.
- Q. Can you remember what each of them did while at the well?
- A. CHIBA tied the pole to his feet with a rope and lifted his feet up and down. His head was in the water. While NG LEE was in the well the rest of those Japanese beat him with a stick.
- Q. What do you mean by a stick?
- A. Every overseer had a stick which was about one and a half inches in diameter, and it was about four feet in length.
- Q. Will you now point out to us those who beat NG LEE while he was in the water?
- Witness indicates HATAKEYAMA, TORIWUMI, TOMINAGA, ITO, CHIBA, and SATO.
- Q. When he started moving again what happened?
- A. They told us to take him back to the office. I can't remember who said it but they all said it.
- Q. What happened after you took him back to the office?
- A. ~~XXXXXXXXXXXXXXXXXXXX~~ Little Moustache and Fatty tied him up.
- Witness indicates HATAKEYAMA and TORIWUMI.
- They tied him up to the basket.
- Q. ~~xxxxxx~~ Did you see anyone beat him at that time?
- A. Yes.
- Q. Who did you see beat him?
- A. Fatty.
- Witness indicates TORIWUMI.
- Q. Was there anyone else there at that time?
- A. Yes, all of them were there.
- Q. Were there any others?
- A. Yes, two or three others.
- Q. Can you tell us how many strokes you saw each of the Japanese you pointed out beat him at the well?
- A. I do not remember.
- Q. When you saw NG LEE dead was he tied to the basket or was he away from it?
- A. He was lying on the ground about eight feet from the basket.

CROSS EXAMINED

- Q. These events would be fresher in your memory last November than they would be now, wouldn't they?
- A. Yes.
- Q. In trying to remember your recollection would be more accurate then?
- A. Yes, generally I can remember.
- Q. Do you remember making a statement to an Australian Officer last November?
- A. Yes, I do remember.
- Q. Were you asked to tell the Australian about all the Japanese that beat NG LEE?
- A. I was asked who was beating NG LEE at the time.

- Q. Do you remember having mentioned to the Australian Officer that SATO beat NG LEE?
- (Defending Officer indicates the accused SATO in the Court)
- A. I don't remember whether I mentioned SATO to the Australian Officer or not, but when they were all here I can remember that he was there.
- Q. SATO was the chief man on the farm wasn't he?
- A. Yes.
- Q. Have you been punished by SATO? (the accused SATO)
- A. Yes.
- Q. You have talked about this case I suppose with KONG SANG?
- A. No, I didn't.
- Q. Is it true that you have not mentioned this case to KONG SANG since the day the incident occurred?
- A. No, I never mentioned it to him.
- Q. What were you talking about at lunch time today?
- A. About buying something from the canteen there.
- Q. Will you describe the manner in which NG LEE was tied after HATEKAYAMA caught him the first time?
- A. He was tied up with both hands behind his back.
- Q. Is it true that he was first tied to the phosphate basket after he was brought back from the well?
- A. Yes, ~~it was true~~ it was true.
- Q. Is it true that NG LEE ran to the well and fell in?
- A. No. I myself and other Chinese took him over to the well and pushed him down.
- Q. When the Japanese were beating him at the well did they all beat him together?
- A. They beat him in turns and sometimes two at a time.
- Q. How many times did SATO (the accused) beat him?
- A. I could not remember how many strokes he gave him.
- Q. Whom did the Japanese try to ring up after the incident?
- A. ~~SATO~~ He rang up to an officer in the Supply Unit.
- Q. Who rang up?
- A. SATO (the accused)
- Q. What was the name of the officer at the Supply Unit?
- A. He has got a nickname too, his nickname was "Triangle-eyes".
- Q. Do you remember a car driving along after the incident?
- A. Yes, there was a car arrived there and three officers were there.
- Q. Do you regard this accused SATO as an officer?
- A. No.
- Q. Do you know an officer called WATANABE?
- A. Yes, he was an officer in the Supply Unit.
- Q. Do you know an officer named NAKAYAMA?
- A. Yes, I do know NAKAYAMA.
- Q. ~~Was there a nickname used between you and the interpreter then?~~
- A. Yes, all the Chinese called him CHUNG SHAN.
- Interpreter explains that the Japanese character for NAKAYAMA is pronounced CHUNG SHAN in Chinese. The Japanese interpreter confirms that CHUNG SHAN in Chinese characters is pronounced NAKAYAMA by the Japanese and the characters of CHUNG SHAN in Chinese and NAKAYAMA in Japanese are exactly the same.
- Q. Do you know an officer called SATO?
- A. I do not know, I know him by his nickname.

The Court adjourns at 1500 hrs ~~to consider the matter with the interpreter.~~

The Court re-opens at 1535 hrs.

With consent of the Defending Officer the Prosecuting Officer calls another Witness Lt SPRILYAN so as to enable him to return to his official duties.

THIRD WITNESS

Lt Albert SPRILYAN, WX 26684 of 31/51 Aust Inf Bn being duly sworn is examined by the Prosecuting Officer.

I am the I.O. of my Bn. In Dec 1945 I went to FAROE ISLAND with some natives and Chinese from NAURU and there interrogated Lt Comd KOINURA KOMIO, Lt SATO Hayoto, Paymaster First Rank SATO Heibi. I asked the questions in English. The questions were recorded in English by Lt SCOTT. Those questions were interpreted into Japanese and the answers given were interpreted back into English and were recorded. During that interrogation certain Chinese were brought in the presence of the persons being interrogated. Were the questions translated into Chinese, and the answers translated back into English and recorded? Yes.

Witness is shown a document.

Are you able to say from your recollection of that interrogation that that document is a correct record of what happened?

A. Yes.

The Prosecutor seeks to tender the document.

Defending Officer objects on the ground that it does not appear to be ~~that document is admitted~~ authentic. The witness in the Court cannot possibly say that the questions and answers were put to the persons interviewed and that he does not speak their language.

The objection is overruled by the Court.

The document is admitted by the Court, read, marked Exhibit F, signed by the President, and annexed to the Proceedings.

~~The Defending Officer~~

QUESTIONS BY THE COURT

there is a person

Q. In this interrogation is ~~that person~~ referred to as SATO Heibi. Do you know this person?

A. I could not recognize him, there were two SATOS present.

Q.

Evidence is read over to the Witness who does NOT desire to correct same.

At this stage FRED CHAN is sworn in as Interpreter.

At this stage the witness CHAN KAI is recalled by the Prosecuting Officer.

DEFENDING OFFICER CONTINUES HIS CROSS EXAMINATION

Q. Whom did the Japanese try to ring up after the incident?

A. The Japanese were trying to get in touch with the Supply Unit.

Q. ~~Who rang up?~~ Who rang up?

A. I do not know his real name, but I know his nickname. In Chinese they called him a nickname WONG PAU JAI.

Interpreter states that WONG PAU JAI means that somebody is very weak, just after a sickness and has a yellow face.

Q. Is he present in Court?

A. He is here.

Q. Indicate the person.

Witness indicates the accused SATO.

Q. What was the name of the officer of the Supply Unit?

A. I do not know his name but he also has a nickname, CHUNG SUN.

Interpreter means that CHUNG SUN means the name of one of the Republicans in CHINA.

The Witness adds that there is no meaning in the name but they just called him this name so that everybody would know who he was.

Q. Do you remember a car driving along after the incident?

A. Yes.

Q. How many officers were there in the car?

A. Three in the car.

Q. Do you regard this accused, SATO, as an officer?

A. I do not regard him as an officer as he was only in charge of the people working in the garden.

Q. Do you know an officer called WATANABE?

A. I do not know the real name, but I only know the nickname.

Q. Do you know an officer named NAKAYAMA?

A. I do not know his name, but I can recognise him when I see him.

Q. Do you know an officer called SATO?

A. I do not know the name, I can only recognize them when I see the face.

Q. By what names did you know the three officers in the car?

A. I knew only their nicknames. One is CHUNG SUN, the second one is MAH TAI, the third one is SUM KOCK LUGAN.

The interpreter is asked what MAH TAI means in English.

He states there is no English/equivalent of it.

SUM KOCK LUGAN means that he has a three quarter eye.

Q. Did you see the second beating yourself? That is the beating after NG LEE was brought back from the well?

A. I was present.

Q. Is this a true account "HATAKEYAMA and TORIWUMI.....to our houses" on Page 15 of CHAN KAI's interrogation? (The page is numbered 15)

A. It is correct.

RE EXAMINED

Q. Can the witness write the Chinese characters for CHUNG SUN?

A. The witness writes the Chinese characters for CHUNG SUN.

The Chinese interpreter says that the words CHUNG SUN means in Chinese "the middle of the mountain".

The Japanese interpreter says that the Chinese characters for the words CHUNG SUN means in Japanese ~~middle~~ is read NAKAYAMA, and it means "middle mountain".

- Q. Do you know any reason why the officer you know as MAH TAI was called by that name?
- A. There was a Chinese by the name of MAHTAI and ~~thuxex~~ this Japanese called MAH TAI was very much like him in appearance.
- Q. Would you be able to recognize every Japanese Officer in that Unit on NAUKU Island at that time?
- A. I would recognize them.

NO QUESTIONS BY THE COURT.

Evidence is read over to the Witness who does NOT desire to correct same.

The Court adjourns at 1635 hrs.

The Court re-assembles at 0900 hrs, 2nd May, 1946, the same President, Members, and Judge Advocate being present.

Prosecutor tenders report of interrogation of the Chinese Coolie, SO KAH, which is admitted in evidence, read, marked Exhibit G, signed by the President, and annexed to the Proceedings.

Prosecutor tenders report of interrogation of the Chinese, CHENG SUNG MEI, which is admitted in evidence, read, marked Exhibit H, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION.

The Defending Officer informs the Court that the accused SATO elects to give evidence on oath and the other seven accused will make a statement not on oath.

The President of the Court explains the procedure under Rule of Procedure 40 to the accused through the interpreter and particularly draws the attention to Note 2 on Page 571.

The Japanese Solicitor through the interpreter confirms the statement of the Australian Defending Officer.

Paymaster 1st Class SATO Heibi being duly sworn is examined by the Defending Officer through the interpreter NOZAWA.

Guided by my conscience, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

I am Paymaster Petty Officer, 1st Class SATO Heibi, of the 2 Special Land Duty Coy attached to the 67th Naval Garrison Unit.

Witness is shown a statement signed by him.

That is my signature. The statement has been read over to me in Japanese and it is true and correct.

The statement is tendered, admitted in evidence, read, marked Exhibit J, signed by the President, and annexed to the Proceedings.

A portion known as Paragraph 5 has been pasted on beneath the signature.

- Q. To which men do you refer in your statement when you say these men were punished to imprisonment?
- A. To everyone on the Island because food was very short.
- Q. Did you have authority to order a man's death?
- A. No.
- Q. Were any of these accused present in Court punished by the Japanese in consequence of NG LEE's death?
- A. Yes, there is.
- Q. Did you strike NG LEE?
- A. No, I did not.
- Q. Where were you when NG LEE was at the well?
- A. I came out of the cookhouse and was looking at it from far away.

CROSS EXAMINED

- Q. Were the other accused punished because of the torturing to death of NG LEE?
- A. They were punished later on grounds for delay in looking after NG LEE. They were punished because they did not see in what condition the deceased was in when he was escaping and fell into the well.
- Q. Did you see each of the accused beating NG LEE?
- A. I saw them slapping NG LEE.
- Q. Did they have any authority to slap a Chinese?
- A. Things were in this state because food was scarce and so the man in charge of the farm gave orders to punish offenders. Lt SATO told them all offenders were to be punished.
- Q. Is it correct that you were at the area around the office all the time NG LEE was there?
- A. Yes.
- Q. NG LEE died in front of the office, did he not?
- A. He was leaning against a pillar in a very bad condition in a place in front of the office. Yes, he died by the pole.
- Q. Did you see NG LEE being beaten when he was tied to the phosphate basket?
- A. I had some business to do at the cookhouse and so I ~~xxxx~~ did not see him.
- Q. Did you see NG LEE tied to a phosphate basket?
- A. I did not see him tied to the phosphate basket nor did I see him at any time if he was tied to the basket.
- Q. Is it correct that NG LEE was at the office for about 2 hours?
- A. That is right.
- Q. You are in charge of that particular farm, aren't you?
- A. I was under Lt SATO so I cannot say that I was in charge.
- Q. Did Lt SATO live with you? (On the farm)
- A. He was coming from the Supply Unit every day.
- Q. Were you the senior officer at that farm at that time?
- A. There were some senior to me but as far as this work was concerned I was the senior.
- Q. Did you at any time during the two hours that NG LEE was at the office try to stop him from being slapped or beaten?
- A. I did not.
- Q. Is it not a fact that two Chinese carried NG LEE to the well and dropped him in?
- A. That is not correct.
- Q.

NO RE EXAMINATION.

NO QUESTIONS BY THE COURT.

I swear that I have told you the truth without adding anything.

Evidence is read over to the Witness who does NOT desire to correct same.

QUESTIONS BY THE COURT

Q. Who was the senior officer at that particular farm?

A. Navy Lt Comd ~~KIMURA~~ KOINURA.

Q. Who was the particular senior officer at that particular farm

A. Naval Lt

The last question withdrawn.

Q. What was Lt SATO in charge of?

A. Lt SATO was officer in charge attached to Lt Comd KOMURO.

Q. Who was the officer or non commissioned officer immediately under Lt SATO?

A. I, myself.

Q. Were any of the accused under the control of yourself?

A. There are none here under me.

Q. Do you know who was in charge of the accused or who controlled them?

A/ They were under Lt SATO, each responsible for a separate Unit.

I swear that I have told you the truth without adding anything.

Evidence is read over to the Witness who does NOT desire to correct same.

Navy S/M HATAKEYAMA Yosutaki of 2 Special Land Duty Coy.
Paymaster W.O.

The Court amends the Charge Sheet to show the rank of the accused as
Paymaster W.O. HATAKEYAMA Yosutaki.

I hand to the Court a statement signed by myself, which statement has
been read over to me in Japanese by a Japanese Interpreter.
The statement is admitted, marked Exhibit K, signed by the President,
read, and annexed to the Proceedings.

R.P. 83 B is complied with.

~~Navy S/M HATAKEYAMA Yosutaki of 2 Special Land Duty Coy.~~
~~Paymaster W.O.~~

Engineering Petty Officer TORIWAMI Tomoo of ~~2nd Special Land Duty Coy.~~ 67th Naval
Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as
Engineering Petty Officer TORIWAMI Tomoo.

I hand to the Court a statement signed by myself, which statement has been
read over to me in Japanese by a Japanese Interpreter.
The statement is admitted, read, marked Exhibit L, signed by the
President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Paymaster Chief Petty Officer TOMINAGA GOROZI of the 67th Naval Garrison
Unit.

The Court amends the Charge Sheet to show the rank of the accused as
Paymaster Chief Petty Officer TOMINAGA Gorozi.

I hand to the Court a statement signed by myself, which statement has been
read over to me in Japanese by a Japanese Interpreter.
The statement is admitted, read marked Exhibit M, signed by the President,
and annexed to the Proceedings.

R.P. 83 B is complied with.

Naval Chief Petty Officer SAND Takeo of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as Naval Chief Petty Officer SAND Takeo.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese by a Japanese interpreter. The statement is admitted, read, marked Exhibit N, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Paymaster Chief Petty Officer ITO Hiroshi of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as Paymaster Chief Petty Officer ITO Hiroshi.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese, by a Japanese interpreter. The statement is admitted, read, marked Exhibit O, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Naval Paymaster Chief Petty Officer SASAKI Haruma of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as Naval Paymaster Chief Petty Officer SASAKI Haruma.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese, by a Japanese interpreter. The statement is admitted, read, marked Exhibit P, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

Naval Paymaster Chief Petty Officer CHIBA Tsunao of the 67th Naval Garrison Unit.

The Court amends the Charge Sheet to show the rank of the accused as Naval Paymaster Chief Petty Officer CHIBA Tsunao.

I hand to the Court a statement signed by myself, which statement has been read over to me in Japanese by a Japanese interpreter. The statement is admitted, read, marked Exhibit Q, signed by the President, and annexed to the Proceedings.

R.P. 83 B is complied with.

At the request of the Defending Officer the Prosecuting Officer informs the Court that SATO was only recently charged, and the Defending Officer informs the Court that the statement of HATEKAYAMA was made prior to SATO being charged.

CONCLUDES THE CASE FOR THE DEFENCE.

PROSECUTING OFFICER INFORMS THE COURT THERE IS NO EVIDENCE IN REBUTTAL.

PROSECUTING OFFICER ADDRESSES (Summarised)

Deals with intention.

Admissions of seven accused.

With reference to SATO, points out that no Japanese present at original interrogation.

Evidence against him as to beating not weighty, but enough.

Further, SATO next after O.C., and as such had enough responsibility in the circumstances to make him a principal in the second degree.

A callous murder and therefore asks for conviction.

DEFENDING OFFICER ADDRESSES

I ask for acquittal of SATO on the following grounds :

1. The only evidence of his beating NG LEE is given by the second witness CHAN KAI, in a statement made by him in November last, when he admits the events were fresher in his memory he makes no mention of SATO being at the well beating NG LEE.
2. The other Chinese who is alleged by CHAN KAI to have taken NG LEE to the well says nothing of SATO beating NG LEE at that time.
3. No abstract of the evidence in relation to the allegations against SATO was furnished to the Defence, and the Prosecutor left the witness to prove such allegations until last. If I had cross examined the first witness as to the events at the well, I might have been able to obtain another version of the matter.
4. The fact that the Prosecutor called this witness as to facts not contained in the abstracts as his last witness leads almost irresistibly to the inference that cross examination of the first witness would have damaged his case.
5. At this period of time it would be impossible for the witness to know that SATO beat NG LEE at the well. In none of the other statements is SATO mentioned as beating NG LEE.
6. If SATO had had any hand in the incident at the well it is unlikely that TORIWUMI would have ordered NG LEE to be taken to the well. If the Court will remember CHAN KAI said he was ordered by TORIWUMI to take NG LEE to the well.

7. The only explanation given for his sudden recollection of SATO beating NG LEE is that when all the accused were here together he remembered SATO was there. It is suggested that it would be highly dangerous to convict on evidence of identification unsupported by any other witnesses or even statements tendered by the Prosecution.

With regard to the other accused, the Court has heard the evidence and I remind the Court that if the Court believes the death was not intended by the accused a verdict of manslaughter may be returned. It is pointed out that in support of the proposition that they did not intend the death of NG LEE we have evidence that nobody under an officer could order the death of a Chinese, and that the accused must have realised that they would be disciplined, and in fact, they were, as the result of the death.

I remind the Court that the accused say that NG LEE fell into the well and not that he injured himself in so doing. In support of the allegation that NG LEE ran away and fell into the well we have the otherwise unexplainable fact that there were other wells closer to the well in question.

I also ask the Court to take into consideration the extreme shortage of food on NAUKU Island, and that the stealing by NG LEE might be regarded as an extreme provocation. With respect to the Judge Advocate I suggest it will be part of his advice that provocation may reduce an offence from murder to manslaughter.

The Court adjourns at 1135 hrs.

The Court re-assembles at 1330 hrs, the same President, Member, and Judge Advocate being present.

JUDGE ADVOCATE ADDRESSES THE COURT (Summarised)

In this case the accused are charged with the murder of NG LEE and it is possible for the Court to arrive at verdicts as follows:

1. Convict all of the accused of either murder or of manslaughter.
2. Acquit all of the accused.
3. Convict some of the accused of murder and some of the accused of manslaughter and acquit the others.

Quotes "Murder" from Page 129 in MML.

Quotes "Malice Express" from Archbold at Page 864.

Quotes "Malice Implied" from Archbold at Page 865.

Quotes "Manslaughter" MML Para 46 and Page 130.

Quotes "Principal in 1st Degree" from Archbold at Page 1427.

Quotes "Principal in 2nd Degree" from Archbold at Page 1428.

Quotes "Participation" from Archbold at Page 1429 "A"

Quotes "Common Design" from Archbold at Page 1429 "B"

Quotes "Where death results" from Archbold at Page 1430 "C".

In conclusion I would point out that these are criminal charges and as such the onus of proof rests on the Prosecution. The Prosecution must satisfy you beyond a reasonable doubt that the accused are guilty. Your personal feelings must be disregarded and you must judge the case on the evidence before you.

The Court is closed at 1342 hrs to consider the Finding.

The Court re-opens at 1403 hrs and the President of the Court announces the following Findings :

Paymaster W.O. HATAKEYAMA Yosutaki is GUILTY of the Charge.
Engineering Petty Officer TORISUMI Tomoo is GUILTY of the Charge.
Paymaster Chief Petty Officer TOMINAGA Gorozi is GUILTY of the Charge.
Navy Chief Petty Officer SANO Takeo is GUILTY of the Charge.
Paymaster Chief Petty Officer ITO Hiroshi is GUILTY of the Charge.
Paymaster Chief Petty Officer SASAKI Hazuma is GUILTY of the Charge.
Paymaster Chief Petty Officer CHIBA Tsuneo is GUILTY of the Charge.

Paymaster First Class SATO Heibei is NOT GUILTY of the Charge.

DEFENDING OFFICER :

There is nothing to add in Mitigation that I have not already used in my address.

PROSECUTING OFFICER :

There is no evidence of any previous convictions against any of the accused before A War Trials, Court.

The Court is closed at 1410 hrs to consider Sentences.

The Court re-opens at 1419 hrs and the President announces the following Sentences :

Paymaster W.O. HATAKEYAMA Yosutaki shall suffer death by hanging.
Engineering Petty Officer TORISUMI Tomoo shall suffer death by hanging.
P/Master Chief Petty Officer TOMINAGA Gorozi shall suffer death by hanging.
Navy Chief Petty Officer SANO Takeo shall suffer death by hanging.
P/Master Chief Petty Officer ITO Hiroshi shall suffer death by hanging.
P/Master Chief Petty Officer SASAKI Hazuma shall suffer death by hanging.
P/Master Chief Petty Officer CHIBA Tsuneo shall suffer death by hanging.

The President announces that such Findings and Sentences are subject to confirmation by higher authority.

Signed at RAHAUL this 2nd day of May 1946.

Capt.,
Judge Advocate.

Lt Col.,
President.

Re: NG LEE, Beaterto death

Witness: KONG SANG, C.C. 163, Chinese coolie

- Q. What was your job during the Japanese occupation?
- A. Working in BUADA growing pumpkins for the Japanese.
- Q. How long were you working there?
- A. Nearly 21 months.
- Q. When did you leave the job?
- A. When the Australians arrived in September 1945.
- Q. Did you know a Chinese NG LEE?
- A. Yes.
- Q. Can you tell us what happened to him?

A. This happened about 5 o'clock in the afternoon, after the Chinese had finished work. NG LEE took two empty bottles to go to collect his toddy, and after his toddy was collected he made his way back to his house, walking through the farm. While he was coming through the farm I saw him squat down for a while, and some Japanese in the office saw him also and suspected him of stealing a pumpkin. *which* One Japanese left the office and followed NG LEE to his house, and started to search NG LEE's belongings. *How beaten* I saw him tell NG LEE to go out of the house, and then he started beating NG LEE just in front of his house.

who Then the Japanese took him to the office and began beating him. Later I saw NG LEE running back to his house and two Japanese soldiers chasing him. After they caught him they took him back to the office and tied him to a phosphate basket and beat him. After they beat him they untied him and took him over to the well.

- Q. Who took him, Japanese or Chinese?
- A. I saw two Chinese carry him over to the well, and he was pushed down into it. After he had been in the well for fifteen minutes they brought him back to the basket and started hitting him again.

I was cutting toddies in a place near there. The Japanese saw me and called me over to the office. They told me to beat NG LEE. I refused to do so and one of the Japanese came over and beat me twice across the face.

- Q. What was his name?
- A. TOMINAGA.
- Q. What happened then?
- A. After I was slapped the Japanese gave me a carry pole and I had to beat NG LEE because I was afraid what the Japanese would do to me. I started beating NG LEE but did not use my might so the Japanese took the carry pole and beat me instead, because I didn't use my might. Then they gave me the carry pole again to beat NG LEE with all my strength.

I told NG LEE to cry out at each stroke so that they might think I was using all my might.

Then HATAKIYAMA got a bucket of boiling water from the cook-house and poured it over NG LEE's legs, because he had run away previously.

KONG SANG (2)Re: NG LEE

As I beat NG LEE the second time he cried out with every stroke.

Q. How many strokes did you give NG LEE?

A. Thirty strokes, after they beat me. They were hard strokes.

Q. Why did you stop at 30?

A. The Japanese told me to stop. Then HATAKIYAMA got the boiling water and poured it on NG LEE's legs.

Q. Are you sure it was boiling?

A. Yes.

Q. How big was the bucket?

A. About a gallon.

Q. Did NG LEE cry out when the water was poured on?

A. He was crying for help.

After the water was poured on the Japanese told me to go away. I went to my house and I was there 30 minutes before I was told that NG LEE was dead.

Q. Who told you?

A. One of the Chinese; a number were talking about it.

Q. Is that all?

A. Yes. you
I am telling the truth

Q. Who called you over from the toddy collecting?

A. TSIBA Heiso.

Q. Who told you to beat NG LEE?

A. Four soldiers.

Q. All at one time?

A. Yes.

Q. Who were they?

A. TSIBA called me over and told me to beat NG LEE. TOMINAGA slapped me. Then SANO, because I did not use my strength took the carry pole and beat me.

Q. Who told you to beat NG LEE again?

A. HATAKIYAMA told me to beat him again.

Q. Who poured the water on LEE?

A. HATAKIYAMA.

Q. Who told you to go away?

A. SANO pushed me away and told me to go.

Q. Do you know the senior Japanese there?

A. HATAKIYAMA.

Q. Who was it who tied NG LEE to the Phosphate basket?

A. TORIWUMI.

Q. How many Japanese beat NG LEE?

A. Altogether eight Japanese beat LEE after TORIWUMI tied him to the basket. They were all Sergeants:- HATAKIYAMA, TORIWUMI, HASHINO, TSIBA, TOMINAGA, SANO ITO, SASAKI.

Q. Can you tell how many strokes each of them gave, or altogether?

A. I have no idea of how many strokes were given before I was called over. After I was called over NG LEE received about sixty strokes altogether.

KONG SANG (3)Re NG LEE

- Q. Were you called over after they had beaten him?
A. They had all beaten him before I was called over.
- Q. How many of the sixty strokes did you give him?
A. The thirty strokes I gave were in addition.
- Q. Who gave him the sixty strokes?
A. All the Japanese mentioned above.
- Q. After you finished did they beat him?
A. After HATAKIYAMA poured the boiling water on his legs the Japanese started beating NG LEE again. He was still crying for help when I had gone about 100 yards from the office.
- Q. Did NG LEE have his clothes on?
A. Only short pants, no shirt.
- Q. What was his body like?
A. His back was blue black, but it was too dark to see well.
- Q. Was there any blood?
A. No.
- Q. Was NG LEE beaten with the one stick all the time?
A. There were two or three carry poles. HATAKIYAMA had one.
- Q. What was the size of a carry pole?
A. About five feet long, three inches in diameter, tapering to two inches.
- Q. Did you see any officers there?
A. No.
- Q. Who was the officer in charge of that farm?
A. SAFO. (Ensign)
- Q. What do you think NG LEE was doing when he squatted in the farm?
A. I don't know what he was doing.
- Q. Did you see him carrying a pumpkin back?
A. I didn't see that.
- Q. Do you know why NG LEE was beaten?
A. Because he was accused of stealing a pumpkin.
- Q. Do you know if NG LEE stole a pumpkin?
A. I don't know.
- Q. Was there any punishment laid down for stealing pumpkins?
A. There was no rule for punishment. It depended on the Chinese who happened to be caught, because all the Chinese were good workers as they knew their life depended on it. The overseers could smack or kick the Chinese any time they liked. There were no rules.
- Q. Did you notice any other Chinese present while NG LEE was being beaten?
A. There were no Chinese there.
- Q. Did you see any Chinese there from the time he was beaten till the time he was dead?
A. At the time they took NG LEE to the well there were two Chinese there, SO KAM and CHAN KAI. After they brought him back from the well the Japanese told the two Chinese to go away.
- Q. Did you see NG LEE dead?
A. No.

KONG SANG (4)

Re NG LEE

Q. Did you see the basket fall on NG LEE?

A. No.

Q. Are you able to recognise everyone of the eight/nine Japanese?

A. Yes, even if they were burned to ashes. They were not human.

Q. Were you ever ill treated yourself?

A. I was beaten more times than I can remember.

Q. Did they show the same brutality to all the Chinese?

A. Yes. None escaped.

Q. Who was the most brutal?

A. SANO was No. 1
TARIWUNI - called FIJAY - (Fathey).
HATAKIYAMA - known as "Little Moustache".
SEIBA - known as "Buck Teeth".

After the farm changed hands from SEKAIDAI to MONBUN
the worst overseers were -
SHIMATA
ORAKI - also at the time of SEKAIDAI.
SUSUKI.

At this time STAMURA was the officer in charge, while SATO
returned to the SEKAIDAI.

Note:

MA HAI FAI interpreter.

"there were 11 overseers on the farm. The changed but
SANO was there all the time.

27 Nov 45

Re NG LEE, Beaten to Death

Witness: CHENG SUNG MEI, Government Employee, HAINAN, now Cook.
Native of SHANGHAI.

- Q. What work did you do while the Japanese were here?
A. I was digging trenches at first, then suffered from dysentery and when I recovered was put to work at BUADA growing pumpkins.
- Q. What was your job prior to the Japanese occupation?
A. I was Mr. SHUGG's houseboy.
- Q. Were you growing pumpkins at BUADA until September 1945?
A. Yes.
- Q. Do you remember the Chinese NG LEE?
A. Yes.
- Q. Can you tell us what you know of the death of NG LEE?
A. He was beaten to death.
- Q. Did you see him beaten to death?
A. I saw him beaten, tied upon a post, then beaten tied up on a phosphate basket.
- Q. Who was beating him?
A. I saw HATAKIYAMA beat him?
- Q. What else did you see?
A. I saw the basket fall on him and he was jerking out his legs. He was unable to speak.
- Q. How far away were you at the time?
A. About five yards.
- Q. Were you there all the time he was beaten?
A. No.
- Q. What did you see when you arrived?
A. When I first approached he was being beaten in turn by HATAKIYAMA, SANO, TORIWUMI, TSIRA, all Haisos. Then I left the place and the second time when I came back NG LEE's clothing was wet. NG LEE was tied up on the basket, the basket was on top of him and he was writhing. There were no Japanese or anyone else there.
- Later I heard that some Chinese were told to clean up and carry the body away.
- Q. Were there any other Chinese there?
A. Only one in the cookhouse.
I saw all this when I was going over to see the Chinese cook of the unit at BUANA.
- Q. Do you know CHAN KAI?
A. Yes.
- Q. Did you see him there?
A. No.
- Q. Do you remember how long it was between the time you saw him beaten the first time until you came back the second time?
A. About two hours.
- Q. Was NG LEE badly hurt?
A. Yes, he was badly beaten.
After the first had beaten him 5 or 6 strokes, a second would carry on for 5 or 6 strokes and so on. The total the first time was 40 strokes.

Re: HO LUE

CHENG SUNG MEI (2)

Q. With what was he beaten?

A. A carry pole.

Q. Do you know why he was beaten?

A. He was accused of stealing a pumpkin.

Q. Did you see him after you saw him under the basket?

A. No.

Q. What was the unit there?

A. SEKAIDAI.

Q. Do you know who was in charge?

A. SATO was officer in charge of the farm of the SEKAIDAI.

Q. Are you able to recognize all these men you have mentioned?

A. Yes.

Q. Do you know a Chinese named WU KAM?

A. Yes.

Q. What happened to him?

A. I heard someone say he was caught stealing a pumpkin.

Q. Did your informant say who was responsible?

A. I heard STAMURA was the one who ordered the execution.

SANO was the worst among the Japanese on the farm.

Q. Why?

A. SANO knew that I was houseboy for the Europeans and would come to my house asking for articles which belonged to Mr. SHUGG. I refused despite his threats. As a result I was at times beaten for no reason at all, sometimes because the pumpkins were not growing well.

Of all the Chinese working on the farm nearly everyone was beaten by SANO. He worked on the farm for 2 1/2 years and knew everything that went on.

Q. Did SANO kill a man?

A. No, the approval of an officer was necessary before a man could be killed.

Q. Was SANO here when the Australians came?

A. Yes.

Ex. F.

CHINESE

Lt Comd Koinura Kimio interrogated with assistance of MA NAI FAI interpreter and identified by MA NAI FAI as in charge SEKAI DAI.

Q. Are You Lt Comd KOINURA?

A. Yes.

Q. Were you in charge SEKAI DAI.

A. Yes, HQ were near Banda lagoon.

Q. Were you in command of SEKAI DAI in DEC 44?

A. Yes.

Q. Do you remember Chinese Mr Ma?

A. Yes.

Q. Do you remember Chinese being beaten to death for stealing pumpkin?

A. Yes.

Q. Did you order beating to death?

A. No.

Q. Was it one of your subjects?

A. No.

Q. Who was it that ordered beating?

A. I do not know but I know he was beaten to death.

Q. Was Lt SATO officer who gave order to beat NG LEE?

A. I do not know, but Lt SATO was the commander of farm in which NG LEE was employed and members of his unit who beat NG LEE. I did not know anything about this death until informed so by Lt SATO.

Lt SATO brought in

Q. Is your name SATO HEIBEIANO ~~HEIBEIANO~~

A. No, HAYOTO.

Q. Were you in charge of farm on Banda Lagoon in DEC 44?

A. Yes, from JAN 44 to MAR 45.

Q. Do you remember Chinese gardener named NG LEE?

A. Yes.

Q. What happened to him?

A. He was beaten and as a result of it he died.

Q. Why was he beaten?

A. He stole food in farm.

Q. Food or pumpkins?

A. Pumpkins, I do not know how many.

Q. Who ordered beating?

A. As food was running short at the time orders were received from HQ that anybody who was caught for stealing would be severely punished.

Q. Who ordered this beating?

A. I do not know.

Q. Did you order it?

A. As I wasn't there at the time I do not know.

Q. Did you see NG LEES body?

A. Yes.

Q. Tell me the circumstances.

A. SATO HEIBEI told me.

Q. Did SATO ring you and tell you about it?

A. Yes.

Q. Did you go along in car and inspect body?

A. Yes.

Q. Who went down in the car with you?

A. I do not remember.

Q. Was it Nakayama and Watanabe?

A. Yes.

Q. Do you remember going over to see NG LEES body?

A. Yes.

Q. Who were the men that beat NG LEE?

A. SATO did not tell me.

Q. Notify by yes or no if following were members of farm:-

HATAKEYAMA	-	Yes
TORIUMI	-	Yes
SANO TAKEO	-	Yes
CHIBA TSUNEO	-	Yes
SASAKI HAZUMA	-	Yes
WASHINO	-	Yes I think but he was not in my unit at that time.
ITO HIROSHI	-	Yes
TOMIIVAGA	-	No, but I know him.

Q. What rank is he?

A. JAROCHO.

Q. Was it any of those above who beat NG LEE?

A. I do not know as I wasn't there.

Pay Master 1st Rank SATO HEIBEI is brought in

Q. Were you 2 IC of farm of which Lt Sato HAYATO was commanding?

A. Yes.

Q. Do you remember NG LEE?

A. Yes.

Q. What happened to him?

A. NG LEE was caught for stealing pumpkin and he was tied up and beaten. As food was short there was an order that anybody caught would be severely punished.

Q. Beaten to death?

A. Yes - tied up and beaten and he died as a result of beating.

Q. Who issued order in your unit to beat NG LEE?

A. -

Q. Who beat him?

A. Those present now

SASAKU HATUMA
SANO TAKEO
CHIBA TSUNEO
ITO HIROSHI
HATAKEYAMA YASATAKU

above questioned

Q. Which one of you men did not beat NG LEE?

A. All of them.

Q. Which man ordered NG LEE to be thrown into a well?

A. HATAKEYAMA said TORIWUMI ordered NG LEE to be thrown into the well.

Q. Where is he?

A. NOIO area.

Q. Who was it poured boiling water over NG LEEs legs?

A. No answer.

KONG SANG brought in

Q. Who poured boiling water over NG LEEs legs?

A. HATAKEYAMA.

HATAKEYAMA is asked question and admits pouring water over NG LEE.

TO KONG SANG

Q. Who ordered you to beat NG LEE as stated in your evidence?

A. CHIBA.

CHIBA questioned:

Q. Is that correct?

A. NO I didn't but I do remember KONG SANG beating WG LEE.

Q. Where is TOMINAGA?

A. No 10 area.

Q. Where is WASHINO?

A. No 12 area.

Q. Do you remember TOMINAGA and WASHINO present at the beating?

A. We did not see them.

KONG SANG questioned:-

Q. Who is the most cruel of these men?

A. SANO.

Q. Can you give us any specific instances why?

A. He was working farm for 2½ years and even if they didn't do anything wrong they would be beaten. All were beaten.

26 Nov 45

Re: NG LEE, Beaten to Death

Witness: CHAN KAI, Chinese coolie, Phosphate Commission employee.

Q. What was your job under the Japanese?

A. I was a gardener.

Q. In what locality?

A. In BUADA.

Q. Were you a gardener there all the time?

A. All the time.

Q. Under what Japanese unit did you work?

A. Under SEKAI DAI.

Q. Who was the commander of that unit?

A. SEKAIDAI CHO.

Q. Do you know the names of any officers in the unit?

A. SATO was in charge of the farm section of SEKAIDAI. There were 11 Japanese overseers under SATO on the farm.

Q. Do you know the members of that unit well?

A. Yes, I can recognize all of them.

Q. How many Chinese were working on the farm?

A. About 75, all growing pumpkins.

Q. Do you know NG LEE?

A. Yes.

Q. What was his work?

A. We were working together at the same work.

Q. Briefly, what happened to NG LEE?

A. He was beaten to death.

Q. Do you remember the date?

A. No.

Q. Can you give me the full circumstances leading to his death?

A. It was about 5pm Japanese time (about 7pm). It was not dark but the sun had set. I saw one Japanese overseer go into NG LEE's house. He was HATAKIYAMA, heiso in rank. I heard HATAKIYAMA accuse NG LEE of stealing a pumpkin.

(MA NAI FAI - Interpreter - After the Japanese came they developed a language mixing Chinese, Japanese, English and NAURUAN).

I saw HATAKIYAMA searching NG LEE's belongings but he could not find any pumpkin.

CHAN KAI (2):

I heard HATAKIYAMA tell NG LEE to go to the office with him. NG LEE ran away and I saw HATAKIYAMA chase him and catch him. He took NG LEE to the SATO's office.

Both his hands were tied behind his back and the Japanese beat him with carry poles. I saw NG LEE heavily beaten then saw him collapse to the ground, as my house was not far from the office. A Japanese named SAITO Heiso came over to my house and called me over to the office and told me to get a bucket of water to throw over NG LEE to revive him. I got a bucket of water and poured it over NG LEE but it failed to revive him.

Q. Were you alone called over?

A. No, there was another Chinese named SO KAM.

We were told to take NG LEE over to the well and push him in. We did as ordered. After NG LEE had been in the well about ten minutes he started moving in the water. We pulled him out and brought him back to the office.

Then the Japanese tied him up to a phosphate basket and started beating him again.

Q. Do you remember who beat him the second time?

A. HATAKIYAMA and TORIWUMI tied him up and both beat him with the carry pole. I saw the phosphate basket fall on top of NG LEE and he was unconscious again. SO KAM and I were told to stand the basket up again. NG LEE was still tied to it. The Japanese then told us to go back to our houses.

About half an hour later we were called to the office again and I found NG LEE dead, lying on the ground. As he was dead we went over to his house for a stretcher. We put him on the stretcher and brought him back to his house. That is all.

Q. On what part of the body was NG LEE beaten?

A. On the back.

Q. Was there any blood?

A. No.

Q. What age was NG LEE?

A. About 32 years.

Q. Was he a weak or a strong man?

A. He was a strong man but we were weak from insufficient food.

Q. The first time he was beaten how was he tied?

A. He was not tied to the phosphate basket the first time.

Q. Did he fall while being beaten. Was he beaten on the ground?

A. I couldn't see whether they beat him while on the ground.

Q. Do you know how many strokes NG LEE received?

A. The first time over 30 strokes, the second time I couldn't remember.

Q. Were you close by when the Japanese beat NG LEE the second time.

A. About 10 yards - very close.

CHAN KAI (3):

- Q. About how many strokes did NG LEE receive the second time?
- A. Less than 50, about 30/40.
- Q. Do you remember the actual men who beat him?
- A. Two men, HATAKIYAMA and TORIWUMI.
- Q. Were there any other soldiers about?
- A. There were some soldiers about.
- Q. Do you know any of them?
- A. There were about 4 or 5 of them watching the beating.
- Q. Can you recognize them?
- A. Yes, I can recognize them all but I don't know their names.
- Q. Were there any officers there?
- A. No.
- Q. Did you see SATO there?
- A. No, he wasn't there. After NG LEE was beaten to death the Japanese reported the matter to SATO, but SATO was away at the time.
- Q. How do you know that?
- A. After the death of NG LEE the Japanese tried to get SATO on the telephone at the SHUAIJAI, but could not get him. Five minutes later SATO came by in a car and a soldier stopped the car and told SATO.
- Q. What did SATO do?
- A. He went over to look at NG LEE's body. Then he left.
- Q. Did any others come to look?
- A. Yes, there were two other officers in the car and they came and looked. They were 2nd Lt WATANABE and Lt MAKAYAMA (1/c of unit at the boat basin area).
- Q. What happened to NG LEE's body?
- A. The body was in the house for the night, next day NG LEE was buried.
- Q. Would you be able to recognize HATAKIYAMA and TORIWUMI now?
- A. Yes.
- Q. Would you be able to recognize MAKAYAMA and WATANABE?
- A. Yes.
- Q. While you were at BUADA was there any other instance of bad treatment by the Japanese?
- A. We were badly illtreated by the Japanese overcoers.
- Q. Prior to the beating of NG LEE what was your impression of HATAKIYAMA and TORIWUMI?
- A. Of the 75 working on the farm nearly everyone had been smacked or beaten by TORIWUMI, sometimes for no reason at all.

CHAN KAI (4):

- Q. What about H. TAKIYAMA?
- A. Sometimes when we had been told to transplant pumpkin plants HATAKIYAMA would hit the gardeners if some of the plants did not grow as well as others.
- Q. With what did the Japanese beat the Chinese?
- A. All the overseers had sticks. Sometimes they used the stick, at other times they used their fist.
- Q. Do you know whether NG LEE stole the pumpkin?
- A. I don't know.
- Q. Had you seen other Chinese punished for stealing pumpkins?
- A. Many times.
- Q. What punishment did they receive?
- A. Some were tied up for one or two days, others were beaten with carry poles. Those whom the overseers considered good workers were only slapped across the face.
- Q. Were you ever tied up?
- A. No, I was slapped a number of times.
- Q. What size is the carry pole used?
- A. About 5 feet in length, two inches in diameter, and oval in shape.
-

26 Nov 45

Ex. G.

Re: NG LEE. Beaten to Death

Witness: SO KAM, GC 1280, Chinese coolie, employee of British Phosphate Commission, NAURU.

- Q. What was your job when the Japanese were here?
- A. I was one of the gardeners for the Japanese at BUADA.
- Q. What did you do there?
- A. Planted pumpkins.
- Q. How long did you work there?
- A. About 1½ years, up to the time the Australian forces arrived.
- Q. Were there many Chinese working down at BUADA?
- A. About 90.
- Q. Do you know the Chinese, NG LEE?
- A. Yes.
- Q. What happened to him?
- A. He was beaten to death.
- Q. Can you tell how you know that?
- A. I saw him beaten.
- Q. Can you tell the full circumstances of the incident?
- A. NG LEE was suspected of stealing a pumpkin on the farm and his overseer, HATAKIYAMA, went into NG LEE's house and I heard him ask NG LEE if he had stolen the pumpkin. NG LEE replied that he had not stolen it. Then I heard some banging in NG LEE's house and I saw the two come out of the house. I saw NG LEE run away from HATAKIYAMA, who chased after him and caught him. HATAKIYAMA dragged NG LEE back to the office and I saw NG LEE being tied up with his hands in front of him, with a rope around his wrist. HATAKIYAMA started beating him and then I saw NG LEE fall to the ground. One Japanese came to my house and told me to go over to the office. He was SANO Heise (Sergeant).
- He told me to get a bucket of water and pour over NG LEE's body. After I poured the whole bucket over him NG LEE was still unconscious. The Japanese told me and Chieng Mai to take NG LEE and put him in the well.
- After NG LEE recovered in the well we brought him back to the office and TORIWUMI tied him to the phosphate basket. Then TORIWUMI started beating him with a carry pole, and after he was severely beaten NG LEE fell to the ground and the basket fell on top of him. We were told to put the basket up and the Japanese started beating NG LEE again, but told us to go away.
- About half an hour later I was told again to come to the office along with CHAN KAI. I saw NG LEE lying dead on the ground near the phosphate basket. We brought a stretcher and carried him back to the house.
- Q. Did anyone else beat NG LEE the second time, besides TORIWUMI?
- A. TORIWUMI, HATAKIYAMA, SANO and one or two others, I didn't know their names.
- Q. The first or the second time?
- A. The second time.

SO KAM (2):

Q. Would you be able to recognize all these men?

A. Yes.

Q. How many beat NG LEE the first time?

A. Four of them - HATAKIYAMA, TORIWUMI, and TSIBA Heiso, who was secretary to SATO in the office, and another.

Q. Do you know TSIBA?

A. Yes.

Q. How many strokes did NG LEE receive the first time and the second time?

A. About 50 the second time, many more the first time, I can't remember the number.

Q. Did you actually see the beating?

A. Yes.

Q. On what part of the body?

A. The back.

Q. How old was LEE?

A. About 35.

Q. When you picked him up dead was he still tied to the basket?

A. He was untied, lying on the ground.

Q. Are you quite sure that he was dead then?

A. I am quite sure.

Q. Did you see any officers present?

A. After NG LEE died TSIBA rang up the SEKAIDAI and tried to get in touch with SATO. SATO came down in a car, with another officer. I don't know his name but I could recognize him.

Q. Do you know an officer WATANABE?

A. No.

Q. Do you know NAKAYAMA?

A. No.

Q. Do you know the name of the unit you were working for.

A. SEKAIDAI NOJO (Farm), which was divided into groups. I was working in the western group.

Q. Do you know who was in charge?

A. Lt SATO.

Q. Would you be able to recognize him now?

A. Yes.

MA NAI FAI: No 1 Farm was formed of part of the BUADA LAGOON filled in. Half the lagoon, a length of about 500 yards, was filled, with the aid of locomotives, and a gagge of 100 Gilbertese. This took two months.

TELEPHONES:
CENTRAL 7185
MY 440



DEPARTMENT OF THE ARMY

MILITARY BOARD

(ADJUTANT-GENERAL)

Army Headquarters

~~ALLIED LAND FORCES HEADQUARTERS~~

VICTORIA BARRACKS

Quote in

Reply _____

Melbourne, S.C.1,

2. Aug 46

HQ
8TH MILITARY DISTRICT

TRIAL BY MILITARY COURT -

AWC NO.	2045	Paymaster W/O	HATAKEYAMA	Yosutaki	✓
"	"	2043	Engineer P/O	TORIWUMI Tomeo	✓
"	"	2044	Paymaster CPO	TOMINAGA Gorozi	✓
"	"	2038	Navy CPO	SANO Takeo	✓
"	"	2042	Paymaster	ITO Hiroshi	✓
"	"	2041	Paymaster CPO	SASAKI Hazuma	✓
"	"	2040	Paymaster CPO	CHIBA Tsuneco	✓
"	"	2039	Paymaster 1st Class	SATO Heibei (Not Guilty)	✓

1. I am directed by the Acting Adjutant-General to refer to yours A.11 of 15 May 46 forwarding the above proceedings and to advise that the proceedings and petitions of the accused convicted on the charge of

MURDER

in that they at Nauru Is. on or about 3 Dec 44
Murdered a Chinese civilian NG LEE

have been considered. The confirming authority has

- (a) Confirmed the findings
- (b) Confirmed the sentences

TO SUFFER DEATH BY HANGING

2. It is requested that the findings and sentences as confirmed be promulgated to the accused. Promulgation should be effected by an Officer. A certificate of promulgation in the form attached will be forwarded to this HQ for attachment to the proceedings.

3. Forwarded herewith are warrants for the execution of the sentences of death. These sentences will be executed in the terms of this HQ SM223 of 25 Feb 46.

Colonel
Colonel,
Director of Prisoners of War
and Internees.

Subject : Trial by Military Court of -

AWC No. 2045 Paymaster W/O HATAKEYAMA Yosutaki
of 2 Special Land Duty Coy

AWC No. 2043 Engr. P/O.	TORIWUMI	Tomeo
AWC No. 2044 Paymaster CPO	TOMINAGA	Gorozi
AWC No. 2038 Navy GPO	SANO	Takeo
AWC No. 2042 Paymaster CPO	ITO	Hiroshi
AWC No. 2041 " "	SASAKI	Hazuma
AWC No. 2040 " "	CHIBA	Tsuneo
AWC No. 2039 Paymaster 1st Class. SATO		Heibei

all of 67 Naval Garrison Unit.

at RABAUl on 1st & 2nd May 46.

8 M.D.
War Crimes Section.
12 May 46.

The confirming Authority.

1. I have to report that I have examined the proceedings of the above Military Court.
2. The Court was legally convened and constituted, the charge was correctly drawn, and the proceedings are in order.
3. The Court found each of the accused Paymaster W/O HATAKEYAMA Yosutaki, Engr. P/O TORIWUMI Tomeo, Paymaster CPO TOMINAGA Gorozi, Navy CPO SANO Takeo, Paymaster CPO's ITO Hiroshi, SASAKI Hazuma and CHIBA Tsuneo guilty of the charge, viz :

MURDER in that they at NAURU Is. on or about 3 Dec 44 murdered a chinese Civilian, NG LEE.
4. The Court found the accused Paymaster 1st Class SATO Heibei not guilty of the charge as set out in Para 3 above.
5. By sentence dated 2 May, 46, the Court sentenced each of the accused, in Para 3, to suffer death by hanging, which sentences were within the powers of the Court.
6. In my opinion the finding and sentence may legally be confirmed.

.....Col.
C.L.O. EIGHTH MILITARY DISTRICT.

AUSTRALIAN MILITARY FORCESHQ 8th Military District
RABAU

A. 50

AHQ MELBOURNE
(For DPW & I)WAR CRIMES: TRIAL BY MILITARY COURT OF :-

AWC No. 2043	Engr P/O	TORIWUMI Tomeo)	
" "	2044 Paymaster CPO	TOMINAGA Gorozi)	all of
" "	2038 Navy CPO	SANO Takeo)	
" "	2042 Paymaster CPO	ITO Hiroshi)	67 Naval
" "	2041 " "	SASAKI Hazuma)	
" "	2040 " "	CHIBA Tsuneo)	Garrison Unit.
" "	2039 Paymaster 1st)	
	Class SATO	Heibei)	

1. At trial by Military Court on 2 May 46 of these accused all but AWC 2039 Paymaster 1st Class SATO Heibei were found guilty and sentenced to death by hanging.
2. Petitions are forwarded herewith from the six convicted Japanese.
3. It is recommended that all the Petitions be dismissed.
4. Original proceedings were forwarded under cover of this HQ A.11 of 15 May 46.

Distribution by 'A' May 46
LegalMaj-Gen.
GOC 8th Military District.

21 May 46.

6574 15/6
Legal
A 21/5.
'A' attach file & BF

AUSTRALIAN MILITARY FORCES

HQ 8th Military District
RABUL

A. 10/

AHQ MELBOURNE
(For DPW & I)

A77

WAR CRIMES: TRIAL BY MILITARY COURT OF :-

AWC No. 2045 Paymaster WO HATAKEYAMA Yosutaki, of 2 Special
Land Duty Coy.

"	"	2043 Engr PO	TORIYUMI	Tomeo)
"	"	2044 Paymaster CPO	TOMINAGA	Gorozi) all of
"	"	2038 Navy CPO	SANO	Takeo)
"	"	2042 Paymaster CPO	ITO	Hiroshi) 67 Naval
"	"	2041 "	SASAKI	Hazuma)
"	"	2040 "	CHIBA	Tsuneco) Garrison Unit.
"	"	2059 Paymaster 1st)
			Class SATO	Heibei)

1. Herewith Petition by AWC No. 2045 Paymaster WO HATAKEYAMA Yosutaki who with several others of the Japanese above named was convicted by a Military Court on 2 May 46 of murder and sentenced to death by hanging.
2. Original proceedings were forwarded to AHQ under cover of this HQ A.11 of 15 May 46 and Petitions by all the convicted Japanese except AWC No. 2045 were forwarded to AHQ under cover of this HQ A.50 of 21 May 46.
3. It is recommended that the enclosed petition be dismissed.

Distribution by 'A' May 46
LegalMaj-Gen.
GOC 8th Military District.

May 46.

BF Legal

15/6
24/5

15/7

30/7 15/8

PROMULGATION OF SENTENCEAWO 2045 Paymaster WO HATAKEYAMAYosutaki."2043 P/O TORIWUMI, Tomeo"2044 CPO TOMINAGA, Gorozi"2038 CPO SANO, Takeo"2042 Pmaster ITO, Hiroshi"2041 CPO SASAKI, Hazuma"2040 CPO CHIBA, Tsuneo.

1. You were tried by a Military Court at Rabaul on 1 - 2 May 46 on a charge of the murder of a chinese civilian NG LEE at NAURU Is on or about 3 Dec 1944.
2. The findings and sentences of the Court and your petitions have been considered by the confirming authority who has confirmed the findings and sentences of the Court.
3. You W/O HATAKEYAMA, Yosutaki are sentenced to death by hanging and you will be hanged tomorrow morning 17 Aug at 0845 hours.
4. You PO TORIWUMI, Tomeo are sentenced to death by hanging and you will be hanged tomorrow morning 17 Aug at 0915 hours.
5. You CPO TOMINAGA, Gorozi are sentenced to death by hanging and you will be hanged tomorrow morning 17 Aug at 1000 hours.
- 3 { 6. You CPO SANO, Takeo are sentenced to death by hanging and you will be hanged tomorrow morning 15 Aug at 0730 hours.
- 4 { 7. You ITO, Hiroshi are sentenced to death by hanging and you will be hanged tomorrow morning 15 Aug at 0800 hours.
- 5 { 8. You CPO SASAKI, Hazuma are sentenced to death by hanging and you will be hanged tomorrow morning 15 Aug at 0900 hours.
- 6 { 9. You CPO CHIBA, Ysuneo are sentenced to death by hanging and you will be hanged tomorrow morning 15 Aug at 0930 hours.

14 Aug 46.

Distribution by "A" Branch 14 Aug 46.

AA&QMG

CLO

WCC

ATIS

War Crimes Sec

FILE.