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Trial by military court of -
1st Lt Kishi Tadonori,
bpl Shimajiri gitchoku,
Guilty of illtreatment of Indian P.O.Ws at Rabaul

AUSTRALIAN MILITARY FORCES.

HEADQUARTERS
EIGHTH MILITARY DISTRICT
RABAU

A.

Army Headquarters,
Melbourne.

WAR CRIMES TRIAL BY MILITARY COURT of:-

AWC2758 1st Lt KISHI, Tadanori
" 2759 Cpl SHIMAJIRI, Jitchoku
both of 20 Special Sea Service Coy.

(ref AHQ signal AG29468 of 12 Sep 46 and 8 MD memo A918)

1. 1st Lt KISHI did not render a petition against the sentence of twelve months imprisonment for illtreatment of three Indian PWs as he lodged a petition on 31 Jul 46 against a sentence of five years imprisonment on the 18 Jul 46 which was forwarded to you under cover our memo A155.

C192

BRIG.
COMMANDANT EIGHTH MILITARY DISTRICT.

SEP 46.

Distributed by A Branch 14 Sept 46

CLO ✓

WAR CRIMES ✓

THE WAR CRIMES ACT 1945

TRIAL OF :

1/Lt KISHI Tadenori
Cpl SHIMAJIRI Jitchoku

Both of 20 Special Sea
Service Coy.

DATE OF COURT :

11th July, 1946.

PROSECUTING OFFICER :

Capt J.F. GARVEY

AALC

DEFENDING OFFICER :

Navy Lt SHIMOKADO assisted by interpreter NISHIMURA Jiro
is the Japanese Defending Officer.

The Accused are brought before the Court.

The Members of the Court are duly sworn.

Maj N.K. SINHA, a Member of the Court, makes a Solemn Declaration.

Navy Lt HATTORI is sworn as the Court Interpreter.

The Three Charges are read to the Two Accused.

Both Accused plead NOT GUILTY to the First Charge.

Both Accused plead NOT GUILTY to the Second Charge.

Both Accused plead NOT GUILTY to the Third Charge.

Subject: TRIAL BY MILITARY COURT OF

AWC No 2758 1st Lt KISHI Tadenori
AWC No 2759 Cpl SHIMAJIRI Jitehoku
both of 20 Special Sea Service Coy.

at RABAUZ on 11 Jul 46.

War Crimes Section 8 MD
12 Jul 46.

The Confirming Authority

1. I have to report that I have examined the Proceedings of the above Military Court.
2. The Court was properly convened and constituted, the Charges were correctly drawn, and the Proceedings are in order.
3. On the Charges:-
 - (1) ILL-TREATMENT OF A PRISONER OF WAR
between FIOMADAI & NAGA NAGA abt.
3 Jan 45 ill-treated Sep. PIARA
SINGH of 5/11 Sikh R. Indian P.W.
 - (2) ILL-TREATMENT OF A PRISONER OF WAR
at KOMORIYAMA about 25-26 Oct 1944
ill-treated Sub. SANTA SINGH, Indian
PW.
 - (3) ILL-TREATMENT OF A PRISONER OF WAR
at KOMORIYAMA about 25 Aug 44 ill-
treated Sub SANTA SINGH, Indian PW.

The Court made the following Findings:-

1st Lt KISHI Tadenori, GUILTY of the Second charge,
NOT GUILTY of the 1st and 3rd charges

Cpl SHIMAJIRI Jitehoku, GUILTY of all three charges.

4. By Sentence dated 11 Jul 46 the Court sentenced 1st Lt. KISHI Tadenori to be imprisoned for Twelve (12) months; and Cpl. SHIMAJIRI Jitehoku to be imprisoned for Three (3) years

The Sentences are within the power of the Court.

5. In my opinion both Findings and Sentences may legally be confirmed.

.....Col.
C.L.O. 8 Military District.

NOTICE OF PETITION

I, Cpl SHIMAJIRI JITCHOKU of the 20 Special Sea
Duty Company found guilty by a Military Court
on three charges of ill-treatment of Indian
Prisoners of War, hereby notify you of my
intention to petition against both the finding
and sentence of the Military Court on 11 July
1946.

Confirming Officer
Hq 8 Military District.

島原實直

.....

SHIMAJIRI JITCHOKU

11 July 1946
RABAU

1600 hrs
" Jul 46
" A.H.

CASE FOR THE PROSECUTION

Prosecutor tenders a document containing statements by Sepoy PIARA SINGH and Jemadar RANG ALI.
The document is admitted in evidence, read, marked Exhibit A, signed by the President, and annexed to the Proceedings.

Prosecutor tenders a certified copy of a statement by Subedar SANTA SINGH and a statement by Jemadar GOVIND SINGH and a statement by Havildar DALIP SINGH. Statements all on the one document.
The document is admitted in evidence, read, marked Exhibit B, signed by the President, and annexed to the Proceedings.

Prosecutor tenders a statement of Subedar SANTA SINGH.
The statement is admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

Prosecutor tenders a statement of Jemadar GOVIND SINGH.
The statement is admitted in evidence, read, marked Exhibit D, signed by the President, and annexed to the Proceedings.

Prosecutor tenders an interrogation of the accused, 1st Lt KISHI Tadenori, which is admitted in evidence, read, marked Exhibit E, signed by the President, and annexed to the Proceedings.

Prosecutor tenders an interrogation of the accused, Cpl SHIMAJIRI Jitchoku, which is admitted in evidence, read, marked Exhibit F, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION.

CASE FOR THE DEFENCE

The Defending Officer submits that there is no case to answer in the case of Lt KISHI with regard to the first and third charges and in regards to the accused Cpl SHIMAJIRI there is no case to answer on the second and third charges.
Referring to the accused KISHI. The first charge is a complaint of two Indians PIARA SINGH and RANG ALI mentioning the name Lt KISHI during the march from FIJIMIDAI to NAGA NAGA, but they do not state any offence committed by the accused KISHI but only that of Cpl SHIMAJIRI.
Reference the third charge the Prosecution has tendered a statement of the Indian SANTA SINGH complaining that Lt KISHI took no notice ~~of~~ when he complained to him about the beating he had received from Cpl SHIMAJIRI, and submits that there is no prima facie evidence which calls for an explanation from the accused.

Referring to the accused SHIMAJIRI in the second and third charges. The complainant in both of these cases is an Indian SANTA SINGH who alleges to have been beaten by the accused. In Exhibit B he complains that he was beaten by a Japanese SHIMARI HECHO and in Exhibit C alleges that he was beaten by a Sepoy SHAMAGRI. Submits that these two names referred by SANTA SINGH are entirely different individuals and he is not referring to the accused Cpl SHIMAJIRI in the dock.

Prosecuting Officer : The Defending Officer has submitted that the accused Lt KISHI took no active part in the beating of the complainant. It is not for the Prosecution to show that KISHI actually took an active part but he was the Pltn Comdr. If he did nothing about the incident he is therefore a party to it--implied consent. These same remarks apply to the third Charge. He took no notice of the complaint and therefore that is prima facie evidence that he approved of it. With regard to the other accused there is ample prima facie evidence that he is the person referred to. The names are phonetically similar to set up a prima facie presumption in the absence of some explanation from the accused that he is the same man. Both accused in their interrogations state that there was no one else in the Platoon with a similar name to the Cpl SHIMAJIRI, and therefore I submit that there is ample prima facie evidence that he is the man referred to.

The Court is closed to consider the Submission at 1035 hrs.

The Court re-opens at 1045 hrs, and the President announces that the Court upholds the Submission of the Defending Officer on the First Charge against Lt KISHI. The other Submissions are not upheld.

Lt KISHI Tadenori being duly sworn is examined by the Defending Officer through the interpreter Navy Lt HATTORI.

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 1st Lt KISHI Tadenori of the 20 Special Water ~~Enty~~ Coy. Service
Witness is shown a statement signed by him.

That is my signature.

The statement has been read over to me in Japanese before I signed it and it is true and correct.

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

Q. What is your age?

A. 47.

Q. Are you a regular Army officer?

A. No.

Q. When did you join the Army?

A. On the 10th of March 43.

Q. What was your civil occupation before joining the Army?

A. Farmer/

- Q. When were you first commissioned as an Officer?
 A. In 1920.
 Q. Have you been in the Army since that date?
 A. No.
 Q. When were you discharged from the Army since 1920?
 A. 1924.
 Q. When did you next join the Service?
 A. I was called up in April 1925.
 Q. When was the last time you were called up on active service?
 A. On the 10th of March 43.
 Q. What education did you have?
 A. I attended an Agricultural School.

CROSS EXAMINED

- Q. You were at KOMORIYAMA for the whole of October 1944?
 A. Yes.
 Q. You were at KOMORIYAMA for the whole of August 1944?
 A. Yes.
 Q. Was there anybody in your Platoon named SHIMARI?
 A. No.
 Q. On what date did Cpl SHIMAJIRI become a Lance Corporal?
 A. I think it was on the 1st of August 1945.
 Q. You say in your statement that the Japanese soldiers never supervised or worked with the Indians because they had their own work, do you mean by that that on a march the Indians would march without any supervision?
 A. No.
 Q. Well when you left FIJIMIDAI did the Indians go to where they were picked up by the trucks on their own?
 A. It was not a march, they were carrying their rations, bedding, etc.
 Q. So that when the Indians did go from FIJIMIDAI the Japanese did accompany them?
 A. No, the Japanese did not accompany them.
 Q. Do you mean that they instructed the Indians to go to a certain place and wait for the Japanese to come up?
 A. No.
 Q. What do you mean then when you left FIJIMIDAI, did the Japanese go with the Indians or what did happen?
 A. ~~The Japanese~~ A Japanese was allotted to each truck.
 Q. The trucks were 700 metres away from FIJIMIDAI weren't they?
 A. Yes.
 Q. When the party set off to go from the camp to the trucks, did the Japanese go with the Indians or did they send the Indians on ahead or did the Indians follow them?
 A. No, they did not accompany the Indians.
 Q. Did the Indians go first or did the Japanese go first?
 A. I don't know because I only ordered them to assemble at their certain time and I don't know whether the Indians or the Japanese got there first.
 Q. Isn't it a fact that you didn't know then whether they went together or in separate parties?
 A. I ordered the Japanese to carry their own luggage by themselves and the Indians to carry their own luggage by themselves, but what really happened I don't know, I merely gave the orders.
 Q. When did you go ^{from} FIJIMIDAI, after ~~at~~ the Indians had left or before?
 A. I was the last to leave.

- Q. You carried your own baggage?
- A. My orderly carried my luggage.
- Q. You say that SHIMAJIRI was merely waiting in the truck, is that what you say?
- A. This station that I ordered them to assemble at 900 hrs at the meeting point and when the trucks came the people and luggage were already up in and SHIMAJIRI did not come to the camp.
- Q. How did SHIMAJIRI get his luggage from the camp?
- A. The other Japanese carried it for him.
- Q. Do you know where NAGA NAGA is?
- A. No.
- Q. How far is FIJIMIDAI from RAIN?
- A. 27 or 28 Kilometres.
- Q. You say that in October 1944 there was no work being done in the garden at KOMORIYAMA?
- A. There was.
- Q. Why do you say in your statement that owing to the shortage of vegetables having diminished you disbanded the vegetable party? (Refers to Page 2 Exhibit G)
- A. It is as I have said.
- Q. Although you disbanded the vegetable party there were still some vegetables being collected in the vegetable garden?
- A. Each section had two kitchen orderlies and one of them would go out to collect the vegetables.
- Q. So that around about 25th Of October there were still some vegetables to be collected from the garden, is that correct?
- A. Yes.
- Q. You say that SHIMAJIRI was not at KOMORIYAMA in October?
- A/ I think it was so.
- Q. But are you sure it was so?
- A. I am not quite sure but I think he was not there.
- Q. The accused SHIMAJIRI was at KOMORIYAMA for the whole of August wasn't he?
- A. Yes.
- Q. And it was part of SHIMAJIRI's duties in your Platoon to supervise the Indians working, wasn't it?
- A. Not supervising but he directed the work of the Indians.
- Q. Do you mean that when the Indians were working he would be there?
- A. Yes.
- Q. Did an Indian ever come to you and complained that he had been beaten by the Accused SHIMAJIRI?
- A. Never.
- Q. Suppose an Indian had come to you and complained that he had been severely beaten by a Japanese soldier, what would you have done?
- A. I would punish the Japanese.
- Q. By that do I understand you would not permit your soldiers to punish Indians?
- A. Yes, that is so.
- Q. Did you ever have occasion to punish any of your soldiers for punishing Indians?
- A. No.
- Q. So that as far as you know no Japanese in your Platoon ever punished an Indian?
- A. It never happened.
- Q. Then the Indians must have been well treated by your Platoon?
- A. I think they were.
- Q. And that would be the reason why SANTA SINGH came along and said he would like to be your elder brother, is that so?
- A. It may be so.
- Q. So that SANTA SINGH would have no reason to make up lies about your or any member of your Platoon would he?
- A. I cannot know what he actually thought.

- Q. When the Japanese wanted to move Indians from one place to another did they generally move them in trucks?
- A. They were seldom made to march.
- Q. You mean that was the practice of your Platoon or the general practice on the Island?
- A. Up to April 44 I knew a Coy leader of a Transport Unit and I asked him to lend me trucks and after that movement was controlled by the Coy and the Coy allotted us the trucks.
- Q. So that generally when you wanted to move Indians, they went by trucks?
- A. Yes.
- Q. The only marching the Indians would have to do is from the camp to where the trucks were brought up, is that so?
- A. Yes, and the distance where they would get off the trucks and to the camp.
- Q. How many NCOs did you have in your Platoon?
- A. Three.
- Q. How many other ranks?
- A. Usually four or five.
- Q. So that ordinarily you would have including yourself in the Platoon about nine Japanese?
- A. Yes, nine or ten.
- Q. In your Platoon between August of 1944 and January of 1945 did you have anybody in your Platoon with a name anything like SHIMAJIRI?
- A. No.

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 Witness who does not desire to correct same.

The Court adjourns at 1142 hrs.

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

Cpl SHIMAJIRI Jitchoku being duly sworn is examined by the Defending Officer through the interpreter Lt HATTORI.

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 Cpl SHIMAJIRI Jitchoku of the 20 Special Water Service Coy. Witness is shown a statement signed by him. That is my signature.

The statement has been read over to me in Japanese before I signed it and it is true and correct.

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

- Q. What is your age?
A. 28.
- Q. What education did you receive?
A. Six years at a Primary School.
- Q. When did you join the Army?
A. 10th of January 1941.
- Q. What was your civil occupation?
A. A farmer.
- Q. In what part of JAPAN is your hometown?
A. In OKINAWA.
- Q. Do you know an Indian by the name of RANG ALI?
A. Yes.
- Q. Was RANG ALI removed from FIJIMIDA to RAIM on the 2nd of January 45?
A. Yes.
- Q. Did he go on the same truck as yourself?
A. No.
- Q. Do you know an Indian by the name of SANTA SINGH?
A. Yes.
- Q. Do you know an Indian by the name of PIARA SINGH?
A. No.
- Q. Can you speak the Indian language?
A. No.
- Q. Did SANTA SINGH understand the Japanese language?
A. No.
- Q. What language did you use when you spoke to Indians?
A. An Indian Sgt Maj who knew some Japanese interpreted for me.
- Q. Was there any occasion in which you directly spoke to SANTA SINGH?
A. When the Indians did not do their work properly I spoke directly to SANTA SINGH through an Indian interpreter.
- Q.

CROSS EXAMINED

- Q. When did you arrive in RABAU?
A. On the 5th of July 43.

- Q. All the time you were in RABAU you were working with Indians, weren't you?
- A. I was once attached to MUKAI BUTAI and worked there with the soldiers.
- Q. How long were you working with the MUKAI BUTAI?
- A. From March 45 to the cessation of hostilities.
- Q. But apart from that time then you were working with Indians?
- A. Yes.
- Q. And your duties would be supervising Indian work?
- A. I was brought up in a farmer's home and I worked with the Indians and when they did not do their work properly I told them what to do.
- Q. Did you always speak to them through an interpreter?
- A. Sometimes I used an interpreter and sometimes I made my meaning known to them by signs.
- Q. Did you always speak to SANTA SINGH through an interpreter?
- A. Yes, I always used an interpreter.
- Q. Considering all the time that you were working with Indians didn't you ever learn to make yourself understood in some language to the Indians?
- A. The Indians did learn some Japanese words, I did not learn any Indian words.
- Q. Were you able to make yourself understood with the Indians from that?
- A. They never understood me.
- Q. Didn't you find it very difficult supervising their work if you couldn't make yourself understood only except through an interpreter?
- A. It was the same work every day and I could make my meaning understood to them by signs.
- Q. If the Indians did something which you considered to be wrong, would you punish them?
- A. No.
- Q. Well what would you do?
- A. We were given orders that soldiers were not to punish the Indians and if such an occasion should arise I would report it to the Platoon leader but there was never an occasion when it was necessary to do that.
- Q. ~~Max~~ Do you know of an occasion in your Platoon when another Japanese would have reported to the Commander?
- A. I do not know.
- Q. So in your Platoon as far as you know no Indians were ever punished?
- A. Yes.
- Q. Then the Indians would have no reason to dislike you, would they?
- A. There is.
- Q. What was the reason?
- A. We were allotted the amount of work to be done for the day and there were some occasions when I had to work the Indians for about 20 or 30 minutes later than the usual ~~workin~~ knocking time and they may have disliked me for it.
- Q. When Indians were moved from one place to another did they generally go by truck or did they march?
- A. So far as I know they always moved by trucks.
- Q. Between August 1944 and January 1945 was there anybody in your Platoon with a name anything like SHIMAJIRI, your own name?
- A. There was none in my section but there was a SHIMABUEKURO at the HQs.

- Q. The HQs were not at KOMORIYAMA were they?
 A. No.
 Q. At KOMORIYAMA you say the vegetable party consisted only of Indians, is that so?
 A. The party consisted of an Indian Sgt Major and three Indians.
 Q. How many Japanese were in your Platoon when you were at KOMORIYAMA?
 A. I think it was ten.
 Q. At KOMORIYAMA the Japanese used to send out Indians to collect pawpaws, didn't they?
 A. Yes, the Indian kitchen orderlies sometimes went out to collect them.
 Q. At KOMORIYAMA did you ever hear Indians complaining to the Commander that they had been beaten by Japanese soldiers?
 A. I don't know.
 Q.

RE EXAMINED

- Q. Where was the HQs situated?
 A. At that time it was at TOTOPERU.
 Q. How far is TOTOPERU from KOMORIYAMA?
 A. I think it was about ten Kilometres.
 Q. Do you know if SHIMABUKURO was in charge of any Indians?
 A. There were gardens at TOTOPERU and he sometimes worked in charge of Indians.
 Q. Do you know whether SHIMABUKURO worked together with SANTA SINGH?
 A. I don't know.

QUESTIONS BY THE COURT

- Q. You have told the Court that sometimes the Indians did not complete their allotted work in the time specified, do you remember that?
 A. Yes.
 Q. And you had to work them back 20 to 30 minutes to complete the work?
 A. Yes.
 Q. On any of these occasions did you have to scold or slap Indians for loafing and not working?
 A. I did not slap them, I told them the reason why they were working overtime through the Indian interpreter.
 Q. So that you were not supervising the Indians to get the work done?
 A. It was not supervising, I was working with the Indians and I wished to have the work done.

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

Evidence has been read over to the witness who does not desire to correct same.

CONCLUDES THE CASE FOR THE DEFENCE.

NO EVIDENCE IN REBUTTAL.

PROSECUTING OFFICER MAKES AN ADDRESS WHICH HE DOES NOT DESIRE TO BE RECORDED.

DEFENDING OFFICER MAKES AN ADDRESS WHICH HE DOES NOT DESIRE TO BE RECORDED.

The Court is closed at 1510 hrs to consider Finding.

The Court re-opens at 1536 hrs, and the President announces that the Finding of the Court is as follows :

1st Lt KISHI Tadenori GUILTY of the Second Charge.

NOT GUILTY of the First and Third Charges.

Cpl SHIMAJIRI Jitchoku GUILTY of all Three Charges.

The Defending Officer makes an Address in Mitigation and refers the Court to his previous Address.

The Prosecuting Officer informs the Court that he has no evidence of any previous convictions by a War Crimes Court against either of the Accused.

The Court is closed at 1540 hrs for consideration of Sentences.

The Court re-opens at 1545 hrs, and the President of the Court announces the following Sentences :

1st Lt KISHI Tadenori To be Imprisoned for Twelve Months.

Cpl SHIMAJIRI Jitchoku To be Imprisoned for Three Years.

The President also announces that the Court recommends that the period spent in detention awaiting trial by Lt KISHI be taken into consideration by the Confirming Authorities.

The President further announces that such Finding and Sentences are subject to confirmation by the Confirming Authorities.

Signed at RABAUl this Eleventh day of July, 1946.

 Lt-Col.,
President.

Ex A.

16887 Sepoy Piara Singh of 5/11 Sikh Regt having been duly warned to speak the truth states :-

On 3/1/45 my party was moving from Fiji Midai to NAGA NAGA camp. Lt KISHEE and Sepoy SHIMAJRI were marching with the party. On the way two wooden planks were lying on the road. The above named Japanese Sepoy ordered me to lift up one plank. I carried one along with my bedding. My load was very heavy. When I walked about 3 miles I got tired and could not walk. I therefore asked Sepoy SHIMAJRI to order some other man to carry the plank. He at once started to beat me with a LATHI in his hand. I received severe injuries. Since then I am in hospital and my health is still very bad.

Read over to witness who acknowledges it to be correct.

(Sgd) PIARA SINGH
Signature of witness

I, Hav Clerk PARTAP SINGH do hereby certify that this statement was made by No 16887 Sepoy PIARA SINGH and after same had been written down in English and read back to witness in his own language before he signed it and the translation is a correct translation of the witnesses evidence.

Signature of Interpreter (Sgd) PARTAP SINGH Hav.

Jemadar Rang Ali of 5/11 Sikh Regt having been recalled states :-

On 3/1/45 our party moved from Fiji Midai to NAGA NAGA camp. We were marching under Lt KISHEE and Sepoy SHIMAJRI. After a few minutes walk Sepoy SHIMAJRI ordered Sepoy Piara Singh to lift up a plank which was lying on the road. He carried the plank along with his bedding. When we marched about three miles Sepoy Piara Singh (his load being very heavy) got tired and asked Sepoy SHIMAJRI to order some other man to carry the plank. SHIMAJRI at once started to beat him with the stick in his hand. He received many injuries and was later sent to hospital. He is still in hospital since then.

Read over to witness who acknowledges it to be correct.

(sgd) RANG ALI
Signature of witness

I, Hav Clerk PARTAP SINGH do hereby certify that this statement was made by Jem RANG ALI and after same had been written down in English was read back to witness in his own language before he signed it and the translation is a correct translation of the witnesses evidence.

Signature of Interpreter (Sgd) PARTAP SINGH Hav.

Ex B

No Sub SANTA SINGH 7/8 PR having been called on 19th September 45 and duly sworn states:-

On 8/6/45 I was watching a fatigue party who was carrying heavy woods from the jungles to construct a road. NAKAMORA Socho was the Jap soldier i/c fatigue party. He questioned, "Why there was much smoke in the kitchen this morning." I replied, "Due to rain it was a bit visible but we had extinguished the fire early in the morning." "No" said the Jap, "You intentionally made smoke to show it to the American planes." On saying this he beat me with a golf stick. Ironed stick gave me several hurts. Next day I reported to the Jap doctor on sick parade. He paid no attention to it and I was drogged with the fatigue party.

Witness (1)

Witness (2)

In July 44 No 20 Party (KUBO BUTAI) was divided into two sections. One of the sections was attached to the Japs S and W Department and other employed for garden work at KUMAR YAMA. Fatigue was very hard and the rations insufficient. There was an acute shortage of vegetables. So after repeated request the Jap officer commanding (KESHI CHUI) the section had sanction that 2 soldiers could go to bring vegetables from the jungle for the whole party of 70. But these two soldiers must return within two hours and could only go after 10 o'clock.

On 25th Oct I was watching a fatigue party which was working in the above mentioned garden. After 10 o'clock I asked the Jap soldier (SHIMARI HEICHO) to send two soldiers for vegetables. He did not pay attention to it and when again asked began to beat me with his stick. He did not leave me till the stick broke. He brought a new one and again began beating. I fell on the ground senseless. I was there brought to my camp by the Indian soldiers. Next day on 26/10/44 when I came to my senses I reported to the Jap lieut (KESHI) He gave me two slaps and replied, "You are an 'Engris Shoke' (English Officer) and hence beating is justified." Jem Gobind Singh 7/6 Raj Rif and Hav Dalip Singh 7/8 P Regt are my witness to the above-mentioned incident.

Statement is read over to witness

(Sgd) SANTA SINGH SUBADAR
Signature of witness.

Witness withdraws.

No Jem GOVIND SINGH 7/6 P.R. having been called on 19th September 1945 and duly sworn states:-

Sub SANTA SINGH was beaten in our presence 25 Oct 45 without any offence.

Statement is read over to witness.

(Sgd).....
Signature of witness.

Witness withdraws.

No Hav DALIP SINGH 7/8 P R having been called on 19 September 1945 and duly sworn states :

Sub SANTA SINGH was beaten in our presence on 25 Oct 45 without any offence.

Statement is read over to witness

(Sgd)
Signature of witness.

Witness withdraws.

I HEREBY CERTIFY that the above document is a true and complete copy of the signed ~~above~~ statements of SUBEDAR SANTA SINGH, Jemadar GOVIND SINGH and Havildar DALIP SINGH and that all of such original statements are held in my official custody.

.....Col.
C.L.O. 8 M.D.

Ex C

Subedar SANTA SINGH, 7/8 Punjab Regt. having been called on 19-9-45 and duly sworn, states :

On 25 Aug 44 I was detailed by a Jap offr (Lt KISHI - commanding over party at KUMARYAMA) to supervise my men when they were doing fatigues in a garden at KUMARYAMA. A Jap Sepoy, SHAMAGRI by name, was also detailed by him to supervise us. The story was - 2nd Lt KISHI told me ~~xxxx~~ and the said Jap Sepoy to leave 2 men out of this party after dinner (1200 hrs) to go to the jungle and fetch papayas etc. At 1200 hrs I reminded Sepoy SHAMAGRI that according to 2nd Lt KISHI's orders we had to send two Sepoys to bring papayas. SHAMAGRI in anger, said in his language - "You all are slaves of BRITISH, I will set you alright." He then began to beat me with a thick stick 4 feet long. He continued beating me until I fell to the ground senseless.

Jemadar GOVIND SINGH, 7/6 Punjab Regt. and Hav DALIP SINGH, 7/8 Punjab Regt. were also with me. After some time they arranged to send me back to our camp. I reported the matter to 2nd Lt. KISHI who took no notice of it. I am still feeling pain as a result of the severe blows given me by the said Jap Sepoy. SHAMAGRI, on my head.

Evidence is read over to Complainant and signed by him.

(Signed) SANTA SINGH, Sub.
Signature of Complainant

Ex D

Jemadar GOVIND SINGH, 7/6 Punjab Regt, having been called on 19-9-45 and duly sworn, states:

I was in Sub SANTA SINGH's party at KUMARYAMA on 25 Aug 44. About midday I saw the Subedar ask something of Jap Sepoy SHAMAGRI who was supervising the work. The Jap. for no apparent reason, commenced to beat the Subedar with a thick stick about 4 feet long, and continued to do so until SANTA SINGH fell to the ground senseless.. Later, Hav DALIP SINGH and I arranged to send Subedar SANTA SINGH back to camp, as he was very sick from the beating and had to be assisted.

Evidence is read over to Witness and signed by Witness.

(Signed) GOVIND SINGH, Jem

Ex E.

INTERROGATION of 1st. Lieut KISHI Tadanori of
20 Special Water Service Coy. by Capt. R.L.Watts
at RABAU 26 June 1946

- Q. I am going to ask you some questions; you are not obliged to answer them, but whatever you say will be taken down in writing and may be used in evidence. Do you understand?
- A. Yes.
- Q. Are you 1st. Lieut KISHI Tadanori?
- A. Yes.
- Q. What was your rank and unit during 1944 and if you were promoted when did you get it?
- A. In January 1944 I was a 2nd. Lieut with 20 Special Water Service Coy. I remained with that coy. until the cessation of hostilities being promoted to 1st. Lieut in April 1945.
- Q. Was there at that time a Japanese of the same or similar name to yourself in the 20 Special Water Service Coy.?
- A. No.
- Q. What is your present rank and unit?
- A. 1st. Lieut. 20 Special Water Service Coy.
- Q. What does KUBO BUTAI mean?
- A. It means the 20 Special Water Service Coy. of which Capt KUBO was the Commanding Officer.
- Q. How many platoons were there in the 20 Special Water Service Coy?
- A. Two platoons.
- Q. When and where was the 20 Special Water Service Coy. divided into two platoons?
- A. It was divided into two platoons at its formation in Japan.
- Q. What platoon were you with and were you in command of the platoon? in July 1944?
- A. I was No.1 platoon commander.
- Q. Where was No.1 platoon situated in July 1944?
- A. The main part of No.1 platoon were at KOMORI YAMA AND ABOUT 40 were attached to No.2 platoon for work.
- Q. Where was No.2 platoon?
- A. At about the 15 July 1944 two platoons were approximately one and a half kilometres from No.1 platoon. I think it was about this date that No.2 platoon moved to another place for road work. I am not certain of the location of the place.
- Q. In July 1944 where were you?
- A. I was at KOMORI YAMA.
- Q. Were Indians with you?
- A. Yes there were Indians there.
- Q. How many were there?
- A. Approximately seventy.
- Q. Were Indians engaged in garden work at KOMORI YAMA?
- A. Yes.
- Q. Where were you in October 1944?
- A. I was at KOMORI YAMA.
- Q. Was there a Japanese named SHIMAJIRI with you in October 1944 at KOMORI YAMA?
- A. I think he may have been there but I cannot remember clearly.

岸忠則

Q. Do you know SHIMAJIRI?

A. Yes, I know him.

★ Q. Was SHIMAJIRI in your platoon?

A. ~~What was his rank~~ Yes.

Q. What was his rank?

A. He was a superior private.

Q. Do you know his present whereabouts and rank?

A. Yes, he is a corporal and at present is in War Criminals compound at Rabaul.

★ Q. Do you know an Indian Sub SANTA SINGH?

A. ~~I know three Indians~~ I know of three Indians named SANTA SINGH but the only one I know well is an officer of that name.

Q. Was the officer SANTA SINGH with you at KOMORI YAMA in October 1944?

A. Yes.

Q. When did your platoon move from KOMORI YAMA?

A. They left on 30th. November 1944.

Q. Where did you move to?

A. To FUJI MIDAI.

Q. Did the Indians move with you?

A. Yes.

Q. When did you leave FUJI MIDAI and where did you go?

A. About 2 January 1945 to RAIM.

Q. Where is RAIM?

A. About one and a half kilometres south east of VUNAKANAU airstrip.

Q. Do you know a place called NAGA NAGA?

A. I do not know NAGA NAGA.

Q. Were you with Indians on that move to RAIM?

A. Yes.

Q. What was the strength of the party that you were with?

A. Forty Indians and four Japanese.

Q. How did your party move?

A. They moved by truck.

★ Q. Did the Indians at any part of the move have to carry any loads?

A. ~~No~~. Yes they carried bedding and blankets for the first 700 metres approximately as the trucks could not enter the camp.

Q.

Q. Was the Japanese SHIMAJIRI with you on this move?

A. Yes.

Q. Do you know an Indian Sepoy PIARA SINGH?

A. I recall the name but I do not know the man.

Q. Do you know an Indian Jemadar RANG ALI?

A. Yes.

Q. Do you know an Indian GOVIND SINGH?

A. Yes.

Q. Do you know an Indian DALIP SINGH?

A. I recall the name but I do not know the man.

岸 忠 則

Q. Do you know the following Japanese?

Cpl HIRAIISHI Kuniyoshi,	L/Cpl KOJIMA Eizo,
S/M KOKUMAI Atsushi,	Sup Pte KONDO Takeji,
Capt KUBO Hishakichi,	L/Cpl KURINO Mitsuge,
Cpl MAYAMA Mihachi,	Cpl MORISAKI Takeichi,
2 Lieut MUKOHATA Sodami,	Cpl NAKAMURA Jisaburo,
S/M OKAWA Kakuei,	L/Cpl OSAKI Yoshiharu,
Sgt SAKASHITA Morizo	Lieut SOGAWA Kiminuri
L/Cpl TAKAGUCHI Matsuo,	Cpl TAKEDA Kozumi,
Cpl TAKENOUCHI Yoshihito,	S/M TANAKA Chuichi,
Pte TANAKA Zensaburo,	Sgt TORIHARA Tameji,
L/Cpl URASATO Tsugio,	Cpl YAMAGUCHI Eiiji,
L/Cpl YAMANAKA Zenji,	Cpl YAMAURA Zenji,
Sgt YOSHIOKA Hokitoro.	

A. Yes, I know them all.

岸忠則

.....

I, Sgt. KINGSWELL M.S. do hereby certify that the above statement was made by 1st. Lieut KISHI Tadanori of 20 Special Water Service Coy. in Japanese and after it had been written down in English and read back to him in his own language before he signed it, and the translation is a correct translation of the witness's evidence.

M. Kingswell Sgt
..... A.T.I.S.
(Signature of Interpreter)

Ex. F.

INTERROGATION of Cpl SHIMAJIRI Jitchoku of 20 Special Water Service Coy. by Capt. R.L.Watts at RABAU 26 June 1946

Q. I am going to ask you some questions, you are not obliged to answer them, but whatever you say will be taken down in writing and may be used in evidence, Do you understand?

A. Yes.

Q. Are you Cpl SHIMAJIRI Jitchoku?

A. I am.

Q. What was your rank and unit during the years 1944 and 1945 and if you were promoted, when did you get it?

A. I was a superior private in the Kishi platoon of 20 Special Water Service Coy in January 1944. I remained with 20 Special Water Service until the cessation of hostilities but at times was detached to other units. On 1 August 1945 I became a Lance Cpl, on 1 September 1945 I became a corporal.

Q. At that time was there a Japanese with the same or similar name to yourself in 20 Special Water Service Coy.

A. I do not know.

Q. What is your present rank and unit?

島尻

A. Corporal in Special Water Service Coy.

Q. What does Kishi platoon mean?

A. Kishi platoon means No.1 platoon, Lieut KISHI was in command.

Q. Where were you in October 1944?

A. I was at FUJI MIDAI.

Q. Were you ever at KOMORI YAMA?

1944

was detached

島尻

A. I was at KOMORI YAMA and on 1 October ~~KOMORI~~ I went with a detachment to FUJI MIDAI, this detachment was attached the Sogawa platoon which was very busy in that area.

Q. Did you return to KOMORI YAMA after 1 October 1944?

A. I returned to KOMORI YAMA about 10 or middle of November 1944.

Q. During your stay at KOMORI YAMA what were you doing?

A. My duty was accompanying the Indians to the gardens to work.

Q. About how many Indians were in No 1 platoon at KOMORI YAMA?

A. I do not remember exactly, I think there were 60 or 70 Indians.

Q. Was 1st. Lieut KISHI Tadanori at KOMORI YAMA with you?

A. Yes.

Q. Do you know an Indian Sepoy PIARA SINGH?

A. I do not know him.

Q. Do you know an Indian Jemadar RANG ALI?

A. Yes, I know him.

Q. Do you know an Indian Subedar SANTA SINGH?

A. Yes, I know him.

Q. Did you ever beat Subedar SANTA SINGH?

A. No.

Q. Did you accompany Indians on march from FUJI Midai to NAGA NAGA?

A. We did not go to NAGA NAGA, we went to the side of ASHIBA YAMA near a native village called RAIM.

Q. How did you move?

島尻

A. We went by motor ~~car~~ truck.

Q. Did the Indians at any part of the move have to carry any loads?

島尻賢直

1. FUJI MIDAI is in the jungle and trucks cannot enter so the Indians carried bedding, blankets and rations for approximately one kilometre to the trucks.
- Q. Who was in charge of the party?
A. Lieut KISHI.
- Q. Did you at any time on that move beat the Indian PIARA SINGH?
A. No.
- Q. Did you beat any Indian on that move?
A. I beat no one.
- Q. Do you know an Indian GOVIND SINGH?
A. I remember a Lieut GOVIND SINGH.
- Q. Do you know any of the following Japanese?
Cpl HIRAISHI Kuniyoshi, L/Cpl KOJIMA Eizo,
S/M KOKUMAI Atsushi, Sup Pte KONDO Takeji,
Capt KUBO Hishakichi, L/Cpl KURINO Mitsuge,
Cpl MAYAMA Mihachi, Cpl MORISAKI Takeichi,
2 Lieut MUKOHATA Sadaami, Cpl NAKAMURA Jisaburo,
S/M OKAWA Kakuei, L/Cpl OSAKI Yoshiharu,
Sgt SAKASHITA Morizo, Lieut SOGAWA Kimimuri,
L/Cpl TAKAGUCHI Matsuo, Cpl TAKEDA Kozumi,
Cpl TAKENOUCHI Yoshihito, S/M TANAKA Chuichi,
Pte TANAKA Zensaburo, Sgt TORIHARA Tameji,
L/Cpl URASATO Tsugio, Cpl YAMAGUCHI Eiji,
L/Cpl YAMANAKA Zenji, Cpl YAMAURA Zenji,
Sgt YOSHIOKA Hokitoro.
- A. I know them all except Cpl YAMAURA's given name is Kenji.
- Q. Did all these Japanese belong to 20 Special Water Service Coy and where are they now?
A. They were all in 20 Special Water Service Coy and are now in War Criminals Compound at Rabaul.

島尻實道

.....

I, Sgt KINGSWELL M.S. do hereby certify that the above statement was made by Cpl SHIMAJIRI Jitchoku of 20 Special Water Service Coy. in Japanese and after it had been written down in English and read back to him in his own language before he signed it, and the translation is a correct translation of the witness's evidence.

W. Kingswell Sgt
A.T. 11.5.
.....
(Signature of Interpreter)

Ex "G"

Lt. KISHI Tadanori states:-

I am Lt. KISHI Tadanori attached to 20 Special Water Service Coy. I was the commander of 1st section of the coy. My section engaged in disembarkation, the Construction of positions, and farming.

My section had engaged in the construction of position at FUJIMIDAI since Dec 1944 until 2nd Jan 1945 when it was transferred to RAIM near VUNAKANAU air-strip by the order of the coy commander for the purpose of constructing another position.

We removed with 7 trucks, for i was impossible to march the long distance to RAIM on foot. My section has never been transferred to NAGA-NAGA. We had to walk some 700 metres from our quarters at Fujimidai up to the main road, as the trucks could not come in.

I called the chief members of the Indians, instructed the spot and time limit to be ready to get on the trucks, and committed its management to them. The Japanese soldiers had never supervised or marched with the Indians because they had their own works to dispose of.

On the morning of 2nd Jan, I despatched Cpl SHIMAJIRI to MIYAJI BUTAI (Motor Vehicle Unit) with another Japanese soldier to bring the trucks to the destined spot. When SHIMAJIRI came back with the trucks we had been ready at the spot with all the luggages, so we started for RAIM at once. As our new quarter at RAIM was a missionary house situated along the main road, we had no annoyance of carrying our luggages for a long distance after we got off the trucks.

Thus there was no fact that my section should have marched more than 3 miles from FUJIMIDAI to RAIM. Nor had SHIMAJIRI come in contact with the Indians in the meantime except on the truck. Therefore he could not happen to make the Indian carry plank or beat him. Neither have I heard or seen the Indians beaten while on journey nor any of Indians reported me about such an incident.

Since June '44 we had engaged in the cultivation of a garden at KOMORI-YAMA until 30th Nov '44 i.e. the day before we moved to FUJIMIDAI. Around June we were in short of vegetables with very little crop ready for harvest by that time. I was very apprehensive of its bad effects upon the health of the members of my section, when Jemadar PAKHAR SINGH and interpreter JUNG SINGH reported to me and asked for the permission of going out to pick wild herbs and vegetables, organizing a party for that purpose.

I permitted this at once and arranged to organize a wild vegetable party. By that time the Indians of my section had been formed into 3 platoon, and 2 from each platoon, 6 men in total, had been in charge of cooking.

Then I made Sgt Maj GURDEAR SINGH the chief of provisioning, and attached to him 3 Indians who went out without any restrictions twice a day to pick wild vegetables as much as they could. The harvest was distributed equally to each platoon by GURDEAR SINGH.

These 3 Indians were excused from other works and engaged only in gathering vegetables under GURDEAR SINGH.

About the nomination of the members and the plans of work of that party, I was always inquired by the chief members of the Indians, and I permitted them to carry it on as they would according to my consent, as it was my principle to put trust upon their spirit of self-governing without making any interference.

Therefore no such a restriction has been imposed upon the Indians of the wild vegetable party as to report to a Japanese officer or soldier when they went to their work.

Since the end of Sept. the shortage of vegetables diminished gradually as the crops of the garden, became ready for harvest, I arranged to disband the vegetable party upon the consent of the chief members of the Indians, and made them go on with 6 cooks and available materials.

Therefore no problem could have happened around 25th Oct concerning the gathering of vegetables. Moreover, during October SHIMAJIRI was not in KOMORIYAMA, having been despatched to FUJIMIDAI to give assistance to a work, as far as I remember.

SANTA SINGH has never come to me telling that he had been beaten by a Japanese soldier without any reason. Nor have I ever slapped him. If any Indian had come to me telling that he had been treated ill concerning the gathering of vegetables, I should have certainly managed to remedy it because the gathering of vegetables had been approved by me as an appropriate measure.

As I could not speak the language of Indian, I talked with them through the interpretation of JANG SINGH who could speak Japanese well, whenever any talking was necessary.

SANTA SINGH could not speak Japanese and was a man of very shy character, so he has never come to my house upon any business. It was pleasant-natured. PAKAHAR SINGH who could speak Japanese a little and interpreter JANG SINGH that always came to me for report and consultation. It is totally groundless that I should have abused or slapped SANTA SINGH.

I have not any reason to be grudged by SANTA SINGH. After the Armistice some of the Indians came to see me at NISHIHODAI where

I was transferred afterwards. One day SANTA SINGH happened to come to my house accompanied by interpreter JANG SINGH and told me to the effect that though the Japanese had been an elder brother of the Indians now we Indians became the elder brother of you Japanese, so we should be friendly to each other hereafter.

I am convinced that his complaint against me should be a mistake.

岸 忠 則
KISHI Tadanori

I hereby certify that the above translation is true and correct.

E. Tatakashi

Ex "H"
Cpl SHIMAJIRI Jitchoku states:-

I am attached to 20th Special Water Service Coy.
I was under the command of Lt. RISHI as a member 1st section.

On 2nd Jan '45---I remember this date well because it was the next of new years day---my section was ordered to move to RAIM from FUJIMIDAI. Early in that morning I started with a Japanese soldier for MIYAJI BUTAI (Motor Vehicle Unit) to guide back to trucks. When I came back with them to the destined spot at FUJIMIDAI, around 10 a.m. as far as I remember, the personnel and luggage of our section had been gathered there ready to leave. We started for RAIM as soon as all men got on the cars.

Our quarter at RAIM was a missionary house situated along the main road, so there was no pain to bring the men and luggages into it. I have never been transferred to NAGA NAGA with Indians, and it was only while I was on the truck on the way of journey that I came in contact with Indians on the day of removal.

I did neither march with the Indians nor made them carry the luggages. It could not happen that I should have beaten the Indian at that time.

Since June '44 my section has engaged in the cultivation of a garden at KOMORI-YAMA. There my duty was to give instruction and supervision to the workers in the garden.

As my section was in short of fresh vegetables at that time, the Indians were permitted by the section commander to organize a wild vegetable party with 5 Indians who could go out freely to fetch wild vegetables without doing any other work.

This party was formed and nominated by the section commander and its work was managed by an Indian Sgt Maj, so I had no connection with them and could not meddle in it because I had to charge my duty in the garden.

Moreover I was not in KOMORI-YAMA on and about 25th Oct 1944, because I was despatched to FUJIMIDAI on 1st Oct with Cpl TAKEUCHI in order to give assistance to the work of constructing a position of another Unit posted there, and stayed there until the middle of Nov '44.

It is completely groundless that I should have beaten SANTA SINGH concerning the gathering of vegetables on 25th Aug., and on 25th Oct 1944.

I cannot even imagine the reason why I should have been accused of such an incident.

島尻 實直

SHIMAJIRI Jitchoku

I hereby certify that the above translation is true and correct.

S. Takahashi

28

Day of June 1946

WHEREAS it appears to me, the undersigned, an officer authorised to convene a Military Court under the War Crimes Act 1945 that the person named in the annexed Schedule has committed the war crimes in the said Schedule mentioned, I HEREBY CONVEENE a Military Court to try the said person and to consist of the Officers hereunder named :

Lt Col C.H. SMITH ED att HQ

~~PRER 8 MD~~

Maj N.K. SINHA 8th Bn,
The Kuamon Regt

is appointed President

Maj H.J. ARCHER att HQ 8 MD

Maj J. WALKER att HQ 8 MD

are appointed Members

Major-General
Convening Officer
GOC EIGHTH MILITARY DISTRICT

SCHEDULE

Number, Rank, (a) Name & Unit of Accused	Offence Charged	Plea	Finding and if convicted Sentence (b)	How dealt with by Confirming Authority (c)
1/Lieut.KISHI Tadenori	(1) <u>ILL TREATMENT OF A PRISONER OF WAR</u> in that they between Fijimidai and NAGA NAGA on or about 3 January 1945 ill treated 16687 Sepoy PIARA SINGH of 5/11 Sikh Regiment, an Indian Prisoner of war.	Not Guilty	Not Guilty	
Cpl.SHIMAJIRI Jitchoku		Not Guilty	Guilty 3 YEARS IMPRISONMENT	
20 Special Sea Service Coy.	(2) <u>ILL TREATMENT OF A PRISONER OF WAR</u> in that they at Komoriyama on or about 25-26 October 1944 ill treated Subedar SANTA SINGH, an Indian Prisoner of war.	Not Guilty	Guilty 12 MONTHS IMPRISONMENT	
		Not Guilty	Guilty	
	(3) <u>ILL TREATMENT OF a PRISONER OF WAR</u> in that they at KOMORIYAMA on or about 25 August 1944 ill treated Subedar SANTA SINGH, an Indian Prisoner of war.	Not Guilty	Not Guilty	
		Not Guilty	Guilty	

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Major-General
Convening Officer
GOC EIGHTH MILITARY DISTRICT

A. The records of the Proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Naval, Military or Air Force of an enemy or ex-enemy Power, the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column or on a separate sheet attached to the Proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same officer who signs on the first page and all alterations in the first two columns of the schedule to be initialed by him.

B, I CERTIFY THAT the above Court assembled on the *Eleventh* day of *July* 1946 and duly tried the person named in the schedule and that the plea finding and sentence in the case of such person were as stated in the third and fourth columns of that schedule and that the regulations for the trials of war criminals have been complied with.

I ALSO CERTIFY THAT

1. The Members of the Court
2. The Judge Advocate
3. The Witnesses
4. The Interpreter
5. The Shorthand Writer

were duly sworn

SIGNED this *Eleventh* day of *July* 1946

Charles M. Smith
President of the Military Court

C1 I have dealt with the finding and sentence in the manner stated in the last column of the schedule, and subject to what I have stated I HEREBY CONFIRM the above finding and sentence.

Confirming Officer

PROMULGATED in the case of

(Date) (a) 1946

Signed

- (a) When several cases are promulgated on the same day, the Officer effecting promulgation need only sign once.

PETITION

WHEREAS at RABAU on the 11th day of July 1946 your petitioner CPL SHIMAJIRI Jitchoku of 20 Special Sea Service Coy, Japanese Forces, was found guilty by a Military Court duly convened under the provisions of the WAR CRIMES ACT 1945 of the Commonwealth of Australia in respect of a WAR CRIME punishable thereunder, namely ILL-TREATMENT of a prisoner of war AND WHEREAS at the place and on the date aforesaid your petitioner was sentenced by the said Military Court to undergo imprisonment for 3 years AND WHEREAS by virtue of the said ACT such finding and sentence are subject to confirmation by the Authority convening such Military Court AND WHEREAS Your Petitioner considers himself aggrieved by reason of such finding and sentence of the said Military Court NOW THEREFORE YOUR PETITIONER HUMBLY PRAYS in pursuance of the Regulations made under the said ACT that both finding and sentence of the said Military Court be not confirmed by the said convening Authority or alternatively, that each be quashed by the appropriate Authority under the said ACT upon the following grounds:-

1. That your petitioner denied at the trial and continues to deny that he beat the Indian as alleged in the three charges.
2. That the finding is against evidence and weight of evidence.
3. That the prosecution has failed to discharge the onus cast upon it by law to prove the charge beyond reasonable doubt.
4. That the evidences given by the Indian witnesses are not sufficient to prove the guilt of your Petitioner beyond reasonable doubt in the three charges.
 - a) on the 1st charge the evidences of PIARA SINGH and RANG ALI involve contradiction in the place of the alleged act, and do not give accurate description upon the most important points i.e., on which part of the body he was beaten and how much he was injured.
 - b) on the 2nd charge the date of the alleged act in the evidence of SANTA SINGH and that in the evidence of DALIP SINGH and GOVIND SINGH are different by 1 year, and the latter did not state who really committed the alleged beating. The evidence of the former witness is contradictory to that of the latter two in these points.
 - c) on the 2nd and 3rd charges the identify of the accused is not accurate SHIMARI HEICHO and SHAMAGRI are quite different either in pronunciation or when represented in Japanese characters. SANTA SINGH has alleged the name of SHIMARI HEICHO in the second charge and SHAMAGRI in the third charge, in his statement made at the same time and place. Therefore the accused of the 2nd and 3rd charges are apparently different persons.
 - d) there is no prima facie both in the 2nd and 3rd charges.
5. That the evidence of your petitioner at the trial and the evidence of Lt. KISHI on your petitioner's behalf are sufficient to prove that your petitioner is not guilty of every charge.
6. That your petitioner is entitled to an acquittal.
7. That the finding and sentence are against the principle of English law and are contrary to natural justice.

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8. That in any event the sentence imposed upon your petitioner was excessive.

9. That justice should be tempered with mercy.

IT IS SUBMITTED that your Petitioner has come from OKINAWA which was occupied by the Allied forces, His home was destroyed and his family has been lost.

your petitioner humbly prays that this petition be accepted and that he be granted to join the urgent work of the reconstruction of his home-land.

DATED at RABUL this 19th day of July 1946.

島永實直

Cpl.

SHIMAJIRI Jitchoku

TO

B.M. Morris

GENERAL OFFICER COMMANDING

8 M. D.

AUSTRALIAN MILITARY FORCES.