



Australian War Memorial

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AWM -54

AUSTRALIAN ARCHIVES
ACCESS STATUS

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WAR OF 1939-45

Received from:

S. M. D.

Rabaul.

Class. No. 1010/6/79.

Indexed

A.W.M. File 422/7/8

Trial of S/M. Matsumura Tadashi. and
Capt Okubo Masao.

Charged with the murder of Indian P.O.W.
Sepoy Bunderu. Ram. 1944.

A153/135

AUSTRALIAN MILITARY FORCES.

HQ 8th Military District

A. 343

Army Headquarters,
Melbourne.

A256

TRIAL BY MILITARY COURT: AWC2240 Capt OKUBO, Masao.

Ref AHQ 63340 of 23 Aug 46.

1. The finding and sentence of the Court as confirmed in the case of the abovenamed Japanese was promulgated to the accused by Capt C P McCubbery SC(A) HQ 8th Military District on 31 Aug 46.
2. Capt OKUBA, Masao was executed by hanging at Rabaul at 0845 hrs on 31 Aug 46.
3. Completed certificates of promulgation and warrant of execution are forwarded herewith.

pac.

Ch

Brig.
Commandant 8th Military District.

4 Sep 46.

P/A. RMH

PROMULGATION OF SENTENCE: AWC2240 Capt OKUBO, Masao.

1. You were tried by a Military Court at Rabaul on 22 May 46 on a charge of MURDER in that at NEW GUINEA on or about Sept 44 murdered Sepoy BINDRU, Ram & GARJU, Ram of 5/2 PUNJAB Regt.
2. The finding and sentence of the Court and your petition has been considered by the confirming authority who has confirmed the finding and sentence of the Court.
3. You Capt OKUBA, Masao are sentenced to death by hanging and you will be hanged tomorrow morning 31 August 1946 at 0845 hrs.

30 Aug 46.

A Distribution Aug 46.

AA&QMG ✓
CLO
WCC
ATIS
War Crimes
File.



336/1/876.

A REGISTRY

AUSTRALIAN MILITARY FORCES

MILITARY BOARD
(ADJUTANT-GENERAL)

Quote in

Reply.....

63340

Army HEADQUARTERS
VICTORIA BARRACKS
MELBOURNE, S.C.1

DATE 29 AUG 1946

13 Aug. 46.

23 AUG 1946

HQ.
8TH MILITARY DISTRICT.

TRIAL BY MILITARY COURT : AWC2240 Capt OKUBO Masao.

1. I am directed by the Adjutant-General to refer to your A 246 of 30 May 46 forwarding the above proceedings and to advise that proceedings and petition of the accused convicted on the charges of

- (1) Murder in that he at New Guinea in or about Sep 44 murdered Sepoy BINDRU RAM of 5/2 Punjab Regt.
- (2) Murder in that he at New Guinea in or about Nov 44 murdered Sepoy GARJU RAM of 5/2 Punjab Regt

have been considered. The confirming authority has

- (a) Confirmed the finding of guilty
- (b) Confirmed the sentence

To suffer death by hanging.

2. It is requested that the finding and sentence 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. Herewith warrant for the execution of the sentence of death. This sentence will be executed in the terms of this HQ SM 223 of 25 Feb 46.

No. Flanagan *Abol*
Colonel,
Director of Prisoners of War
and Internees.

A.153/135

135 File

AUSTRALIAN MILITARY FORCES

HQ 8th Military District
Rabaul

A. ~~1148~~

AHQ MELBOURNE
(For DPM & I)

396

WAR CRIMES : TRIAL BY MILITARY COURT OF :-
AWC No. 2240 Capt OKUBO Masao of 16 Special
Water Duty Coy.

1. Petition by this accused against sentence of death by hanging on 22 May 46 for murder of two members of 5/2 PUNJAB Regt.
2. Original proceedings were forwarded to RHQ under cover of this HQ A246 of 30 May 46.
3. It is recommended that the Petition be dismissed.

(Sgd) B. Morris

Maj-Gen

Distribution by "A" Jun 46

COO 8th Military District

Legal

File held 'A'
#12/6

12. Jun 46

BF 15/7 30/7 15/8
20/8

C 114
PETITION

WHEREAS at RABAUl on the 22th day of May 1946 Your Petitioner Capt. OKUBO Masao 16 SPECIAL WATER DUTY COY Japanese Forces was found GUILTY by a Military Court duly convened under the provisions of the War Crimes Act of the COMMONWEALTH OF AUSTRALIA in respect of a war crime punishable thereunder namely MURDER AND WHEREAS at the place and on the date aforesaid Your Petitioner was sentenced by the said Military Court to DEATH BY HANGING 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 and by the confirmation thereof by the said convening authority NOW THEREFORE YOUR PETITIONER HUMBLY PRAYS in pursuance of the Regulations made under the said act that both the Finding and Sentence of the said Military Court and the confirmation thereof be quashed by the appropriate authority under the said act upon the following grounds:

1. That the Finding is against the evidence and the weight of evidence.
2. That the prosecution has failed to discharge the onus cast upon it by law to prove the charge beyond a reasonable doubt.
3. That the evidence of Your Petitioner at the trial was sufficient to entitle Your Petitioner to an acquittal.
4. That there is no evidence of the necessary element of malice aforesought either expressed or implied.
5. That the Sentence of the Court is too severe having regard to all the circumstances of the case.
6. That the Finding and Sentence are contrary to natural Justice.
7. That in the event of the Finding of the Court not being set aside Your Petitioner HUMBLY PRAYS THAT the Sentence should be mitigated.

8. Explaining concretely:--

a. Any evidence which proves that OKUBO ordered SHIGETAKA to murder, is not found in both cases. BARA SINGH stated only that SHIGETAKA reported to OKUBO and BINDRURAM was killed almost immediately, and the words exchange between SHIGETAKA and OKUBO were not heard at all. Supposing there were a fact that he was killed almost immediately, it would not be an evidence which proves that OKUBO issued the order.

b. Regarding the second case of charge, BARA SINGH stated in conclusion of his testimony, "The whole incident was seen by myself and Lt. OKUBO." But this sentence is an artificial one. That in what extent the incident was seen is not clear in it, therefore, this sentence is not trustworthy.

c. Judging from the will made out by SHIGETAKA who committed suicide, it is evident that this case was provoked by SHIGETAKA and OKUBO had no relation with it at all.

In the first case, the name of "OKUBO" was not mentioned, but it should not be considered that OKUBO had connection with this case because of this mistake.

d. The accused made a different statement in the trial from a statement made in the prosecutor's interrogation, but it was his self-sacrificing spirit as a senior to shield his subordinate that compelled him to make a false statement.

However, as SHIGETAKA killed himself and there was no need to screen him, he changed his statement in the trial.

Consequently the false statement had not been made out in order to protect OKUBO himself.

Of course, falsehood is evil, but the circumstances at that time should be taken into consideration.

Difference between a statement made in the prosecutor's interrogation and in the trial was brought for SHIGETAKA not for himself.

As for OKUBO himself, he mentioned consistently in both statements that he did not issue the order, irrelevant to the suicide of SHIGETAKA.

e. SHIGETAKA committed suicide because he felt responsibility for his conduct which had brought trouble upon others.

In life, what was insisted with death should be attached great importance.

We wish you realize what the Japanese suicide implies.

IT IS SUBMITTED that Your Petitioner is aged(51) fifty-one years and has an old aged mother, a wife, a daughter, and a son. They are wholly dependent on Your Petitioner. He has been in the battlefield for 4 years, during that long period, he has never seen his family.

Dated at RABAUl this 30th day of May 1946.

大久保政雄
.....
OKUBO Masao

TO

MAJ-GEN. B.M. MORRIS

CONFIRMING OFFICER

G.O.C. 8 M.D.

AUSTRALIAN MILITARY FORCES

PETITION

WHEREAS at RABAU on the 28th day of May 1946 Your Petitioner Capt. OKUBO Masao 16 SPECIAL WATER DUTY COY Japanese Forces was found GUILTY by a Military Court duly convened under the provisions of the War Crimes Act of the COMMONWEALTH OF AUSTRALIA in respect of a war crime punishable thereunder namely MURDER AND WHEREAS at the place and on the date aforesaid Your Petitioner was sentenced by the said Military Court to DEATH BY HANGING 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 and by the confirmation thereof by the said convening authority NOW THEREFORE YOUR PETITIONER HUMBLY PRAYS in pursuance of the Regulations made under the said act that both the Finding and Sentence of the said Military Court and the confirmation thereof be quashed by the appropriate authority under the said act upon the following grounds:

1. That the Finding is against the evidence and the weight of evidence.
2. That the prosecution has failed to discharge the onus cast upon it by law to prove the charge beyond a reasonable doubt.
3. That the evidence of Your Petitioner at the trial was sufficient to entitle Your Petitioner to an acquittal.
4. That there is no evidence of the necessary element of malice aforethought either expressed or implied.
5. That the Sentence of the Court is too severe having regard to all the circumstances of the case.
6. That the Finding and Sentence are contrary to natural Justice.
7. That in the event of the Finding of the Court not being set aside Your Petitioner HUMBLY PRAYS THAT the Sentence should be mitigated.
8. Explaining concretely:--

a. Any evidence which proves that OKUBO ordered SHIGETAKA to murder, is not found in both cases. BARA SINGH stated only that SHIGETAKA reported to OKUBO and BIND-RURAM was killed almost immediately, and the words exchange between SHIGETAKA and OKUBO were not heard at all. Supposing there were a fact that he was killed almost immediately, it would not be an evidence which proves that OKUBO issued the order.

b. Regarding the second case of charge, BARA SINGH stated in conclusion of his testimony, "The whole incident was seen by myself and Lt. OKUBO." But this sentence is an artificial one. That in what extent the incident was seen is not clear in it, therefore, this sentence is not trustworthy.

c. Judging from the will made out by SHIGETAKA who committed suicide, it is evident that this case was provoked by SHIGETAKA and OKUBO had no relation with it at all.

In the first case, the name of "OKUBO" was not mentioned, but it should not be considered that OKUBO had connection with this case because of this mistake.

d. The accused made a different statement in the trial from a statement made in the prosecutor's interrogation, but it was his self-sacrificing spirit as a senior to shield his subordinate that compelled him to make a false statement.

However, as SHIGETAKA killed himself and there was no need to screen him, he changed his statement in the trial.

Consequently the false statement had not been made out in order to protect OKUBO himself.

Of course, falsehood is evil, but the circumstances at that time should be taken into consideration.

Difference between a statement made in the prosecutor's interrogation and in the trial was brought for SHIGETAKA not for himself.

As for OKUBO himself, he mentioned consistently in both statements that he did not issue the order, irrelevant to the suicide of SHIGETAKA.

e. SHIGETAKA committed suicide because he felt responsibility for his conduct which had brought trouble upon others.

In life, what was insisted with death should be attached great importance.

We wish you realize what the Japanese suicide implies.

IT IS SUBMITTED that Your Petitioner is aged (51) fifty-one years and has an old aged mother, a wife, a daughter, and a son. They are wholly dependent on Your Petitioner. He has been in the battlefield for 4 years during that long period, he has never seen his family.

Dated at RABAU this 30th day of May 1946.

大久保政雄
.....
OKUBO Masao

TO

MAJ-GEN. B.M. MORRIS

CONFIRMING OFFICER

G.C.C. 8 M.D.

AUSTRALIAN MILITARY FORCES

PETITION

WHEREAS at RABOUL on the 28th day of May 1946 Your Petitioner Capt. OKUBO Masao 18 SPECIAL WATER DUTY COY Japanese Forces was found GUILTY by a Military Court duly convened under the provisions of the War Crimes Act of the COMMONWEALTH OF AUSTRALIA in respect of a war crime punishable thereunder namely MURDER AND WHEREAS at the place and on the date aforesaid Your Petitioner was sentenced by the said Military Court to DEATH BY HANGING 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 and by the confirmation thereof by the said convening authority NOW THEREFORE YOUR PETITIONER HUMBLY PRAYS in pursuance of the Regulations made under the said act that both the Finding and Sentence of the said Military Court and the confirmation thereof be quashed by the appropriate authority under the said act upon the following grounds:

1. That the Finding is against the evidence and the weight of evidence.
2. That the prosecution has failed to discharge the onus cast upon it by law to prove the charge beyond a reasonable doubt.
3. That the evidence of Your Petitioner at the trial was sufficient to entitle Your Petitioner to an acquittal.
4. That there is no evidence of the necessary element of malice aforethought either expressed or implied.
5. That the Sentence of the Court is too severe having regard to all the circumstances of the case.
6. That the Finding and Sentence are contrary to natural Justice.
7. That in the event of the Finding of the Court not being set aside Your Petitioner HUMBLY PRAYS THAT the Sentence should be mitigated.
8. Explaining concretely:--

a. Any evidence which proves that OKUBO ordered SHIGETAKA to murder, is not found in both cases. BARA SINGH stated only that SHIGETAKA reported to OKUBO and BIRD-RURAM was killed almost immediately, and the words exchange between SHIGETAKA and OKUBO were not heard at all. Supposing there were a fact that he was killed almost immediately, it would not be an evidence which proves that OKUBO issued the order.

b. Regarding the second case of charge, BARA SINGH stated in conclusion of his testimony, "The whole incident was seen by myself and Lt. OKUBO." But this sentence is an artificial one. That in what extent the incident was seen is not clear in it, therefore, this sentence is not trustworthy.

c. Judging from the will made out by SHIGETAKA who committed suicide, it is evident that this case was provoked by SHIGETAKA and OKUBO had no relation with it at all.

In the first case, the name of "OKUBO" was not mentioned, but it should not be considered that OKUBO had connection with this case because of this mistake.

d. The accused made a different statement in the trial from a statement made in the prosecutor's interrogation, but it was his self-sacrificing spirit as a senior to shield his subordinate that compelled him to make a false statement.

However, as SHIGETAKA killed himself and there was no need to screen him, he changed his statement in the trial.

Consequently the false statement had not been made out in order to protect OKUBO himself.

Of course, falsehood is evil, but the circumstances at that time should be taken into consideration.

Difference between a statement made in the prosecutor's interrogation and in the trial was brought for SHIGETAKA not for himself.

As for OKUBO himself, he mentioned consistently in both statements that he did not issue the order, irrelevant to the suicide of SHIGETAKA.

e. SHIGETAKA committed suicide because he felt responsibility for his conduct which had brought trouble upon others.

In life, what was insisted with death should be attached great importance.

We wish you realize what the Japanese suicide implies.

IT IS SUBMITTED that Your Petitioner is aged (51) fifty-one years and has an old aged mother, a wife, a daughter, and a son. They are wholly dependent on Your Petitioner. He has been in the battlefield for 4 years during that long period, he has never seen his family.

Dated at RABAU this 30th day of May 1946.

大久保政雄
.....
OKUBO Masao

TO

MAJ-GEN. B.M. MORRIS

CONFIRMING OFFICER

G.O.C. 8 M.D.

AUSTRALIAN MILITARY FORCES

A.153/

AUSTRALIAN MILITARY FORCES

File
153/135
HQ 8th Military District
RABUL

A. 246

186
AHQ MELBOURNE
(For DFW & I)

WAR CRIMES: TRIAL BY MILITARY COURT OF :-

AWC No. 2240 Capt OKUBO Masao, of 16 Special Water Duty Coy.

1. Proceedings are forwarded herewith of Military Court which tried this accused on two charges of murder, each of a member of 5/2 Punjab Regt. He was found guilty of both charges and sentenced to death by hanging.
2. Confirmation is reserved for higher authority but it is recommended that the finding and sentence be confirmed.
3. Notice of Petition is attached to the proceedings.

BF Legal 30/6
#30/5.

Distribution by 'A' May 46
Legal

M. G. G.
Maj-Gen.
GOC 8th Military District.

30 May 46.

Subject :

TRIAL BY MILITARY COURT OF -

AWC No. 2240. Capt. OKUBO Masao
of 16 Special Water Duty Coy.

at RABAU on 22 May 46.

War Crimes Section 8 M.D.
24 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 the accused GUILTY of both charges viz :
 - (1). MURDER in that he at NEW GUINEA in or about Sept. 44 murdered Sepoy BINDRU RAM of 5/2 Punjab Regt.
 - (2). MURDER in that he at NEW GUINEA in or about Nov 44 murdered Sepoy GARJU RAM of 5/2 Punjab Regt.
4. By sentence dated 22 May 46, the Court sentenced Capt. OKUBO Masao to suffer death by hanging, which sentence was within the powers of the Court.
5. In my opinion the finding and sentence may legally be confirmed.

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

Subject :

TRIAL BY MILITARY COURT OF -

AWC No. 2240. Capt. OKUBO Masao
of 16 Special Water Duty Coy.

at RABAUl on 22 May 46.

War Crimes Section 8 M.D.
24 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 the accused GUILTY of both charges
viz :
 - (1). MURDER in that he at NEW GUINEA in or about Sept. 44 murdered Sepoy BINDU RAM of 5/2 Punjab Regt.
 - (2). MURDER in that he at NEW GUINEA in or about Nov 44 murdered Sepoy GARJU RAM of 5/2 Punjab Regt.
4. By sentence dated 22 May 46, the Court sentenced Capt. OKUBO Masao to suffer death by hanging, which sentence was within the powers of the Court.
5. In my opinion the finding and sentence may legally be confirmed.

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

FORM FOR ASSEMBLY AND PROCEEDINGS OF A MILITARY COURT

DAY OF

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 CONVEY a Military Court to try the said person and to consist of the Officers hereunder named:

PRESIDENT

Maj C.H. SMITH att HQ 8 MD Is appointed President.

MEMBERS

Maj N.K. SINHA 8th Bn The
Kumaon Regt.
Maj E.J. CALLINAN HQ 8 MD
Maj H.J. ARCHER 2/6 Armoured Regt. are appointed Members

JUDGE ADVOCATE

Capt L.A. CHISHOLM AALC att HQ 8 MD is appointed Judge Advocate

Haj. Gen.
Convening Officer
Eight Military District

SCHEDULE

| Number, Rank, (a) Name and Unit of Accused | Offence Charged | Plea | Finding and, if convicted Sentence (b) | How dealt with by Confirming Authority (c) |
|--|--|------------|--|--|
| Capt. OKUBO Masao, of 16 Special Water Duty Coy. | (1). MURDER in that he at New Guinea in or about Sept 44 murdered Sepoy BINDRU RAM of 5/2 Punjab Regt. | NOT GUILTY | GUILTY | DEATH BY HANGING |
| | (2). MURDER in that he at New Guinea in or about Nov 44 murdered Sepoy GARJU RAM of 5/2 Punjab Regt. | NOT GUILTY | GUILTY | |

C114

Haj Gen
Convening Officer (d)
Eight Military district

NOTE : 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 initialled by him.

B. I CERTIFY that the above Court assembled on the twenty second day of May 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 trial 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 twenty second day of May 1946

Chris H. H. H. H. H.
PRESIDENT OF THE MILITARY COURT

C. I have dealt with the findings 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 findings 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.

THE WAR CRIMES ACT 1945

TRIAL OF :

Capt OKUBO Masao of 16 Special Water Duty Coy.

DATE OF COURT :

22nd May, 1946.

PROSECUTING OFFICER :

Capt S.J. ASPREY

AALC

DEFENDING OFFICER :

Capt J.H. WATSON

AALC

Navy Capt IZAKI is the Japanese Defending Solicitor.

The Accused is brought before the Court.

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

Maj N.K. SINHA, a Member of the Court, is duly affirmed.

HATTORI Shoji is sworn as the Japanese Interpreter.

The two Charges are read to the Accused.

The Accused pleads NOT GUILTY to both Charges.

CASE FOR THE PROSECUTION

The Prosecutor tenders report of the interrogation of the accused, Capt OKUBO Masao which is admitted in evidence, read, marked Exhibit A, signed by the President, and annexed to the Proceedings. This report of the interrogation is dated 15th May, 1946.

The Prosecutor tenders report of the interrogation of the accused, Capt OKUBO Masao, which is admitted in evidence, read, marked Exhibit B, signed by the President, and annexed to the Proceedings. This report, Exhibit B, is dated 14th May, 1946.

The Prosecutor tenders a document containing two statements by Nk BARA SINGH, and one statement of Sepoy SUKHDEV SINGH. The Prosecuting Officer points out that incident B is not relevant to this case. The document is admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

The Prosecuting Officer informs the Court that SHIGETAKA mentioned in certain of the evidence committed suicide on the night of 20/21st May, 1946, and left certain statements, translated copies of which he tenders to the Court.

The two translated copies of the statements are tendered, admitted in evidence, read, marked Exhibits D and E, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION

CASE FOR THE DEFENCE

At this stage the Defending Officer submits that there is no case to answer on the first Charge. Refers to Exhibit A and quotes to the Court.

Prosecuting Officer:

Submits there is a case to answer on the first charge. Refers to statement of BARA SINGH and says that it is a very telling and concise statement. (Quotes to the Court) Refers also to the documents left by SHIGETAKA. Submits there is ample evidence to prove that there is a case to answer on the first charge.

The Judge Advocate addresses the Court; Refers the Court to Judge Advocate General's Circular, and to Archbold at Page 327.

The Court retires at 1030 hrs to consider the Submission.

The Court resumes at 1055 hrs.

The President announces that the Submission by the Defending Officer is dismissed by the Court.

Capt OKUBO Masao being duly sworn is examined by the Defending Officer through his interpreter MATTORI.

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 Capt OKUBO Masao, Coy Commander of the 16 Special Water Duty Coy.

Q. What is your age?

A. I am 50 years and 3 months.

Q. What period of service have you had in the Army?

A. 3 years and 2 months.

Q. When were you first commissioned?

A. March 31 1920.

Q. Were you on the Reserve previously?

A. I refer to the 3 years and 2 months as service in this war. When I was commissioned I had one and a half years service on the active list.

The accused 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 F, signed by the President, and annexed to the Proceedings.

Q. Who told you about the incident at MOI?

A. SHIGETAKA.

Q. Did you see the incident yourself?

A. No, I did not.

Q. What did SHIGETAKA tell you?

A. He told me that an Indian died. SHIGETAKE reported to me that an Indian had arrived and then SHIGETAKA left my room and tying the Indian loosely he slipped to the ground, and that the rope had strangled him around the neck, and that the Indian had died; that was the report that I received.

Q. Did you make any further enquiries as to the cause of the death?

A. Yes.

Q. What were the result of those enquiries?

A. I think it was due to the very weak condition, due to malnutrition lack of proper food and malaria fever.

Q. On the second occasion at KURINGEI did you see that incident at all?

A. No, I did not see it.

Q. Were you told about that incident?

A. SHIGETAKA told me after the Indian had died.

Q. What did SHIGETAKA tell you?

A. That an Indian had died.

- Q. Did ~~he~~ you make any investigation as to the cause of death of that Indian?
- A. The main point was weakness. SHIGETAKA told me the same story that the incident was similar to the one at MOI, that the rope had been tied around the chest, the body slipped and had got strangled.
- Q. What disciplinary action did you take on that occasion?
- A. Since it was a repetition of a previous incident I beat him until he fell.
- Q. Why did you think that sufficient punishment?
- Prosecuting Officer objects.
- Q. Tell the Court why you determined on that particular punishment?
- A. It was natural that he should have received a very heavy punishment but we were already in the face of the enemy and prepared to make a last stand. The situation was such that even the loss of one Japanese soldier would have been very great that after careful consideration I excused him.
- Q. What was the usual punishment then for Indians who committed a breach of discipline?
- A. Indians who escaped, for instance BARA SINGH and 5 other Indians, if they were recaptured, they would have probably been executed.
- Q. What was the usual punishment then for Indians who committed a breach of discipline? Question asked again.
- A. I have never punished any Indians.
- Q. Did you have a conversation with SHIGETAKA on the night of the 20th of May this year?
- A. Yes, I did have a conversation with him.
- Q. Tell the Court, briefly, the conversation you had with SHIGETAKA.
- A. That night SHIGETAKA called for me and explained to me the details of the incident. SHIGETAKA stated that "I did it myself". "and that it resulted in a charge I feel deeply responsible". "I regret very much that I have caused you so much trouble".
- Q. Was anything further said or done at the time?
- A. The only thing he did was to repeat the story that he wanted to apologise to me for the incident.

CROSS EXAMINED

- Q. In Oct 44 SHIGETAKA was a Lance Corporal, was he not?
- A. Yes.
- Q. When was he promoted Corporal?
- A. He was promoted on March 1st 1945.
- Q. When was he promoted Sgt?
- A. August 1st, 1945.
- Q. At the end of the war he was still in your Unit, was he not?
- A. Yes.
- Q. Your disapproval of SHIGETAKA's action in killing these two Indians did not dissuade you from promoting him two ranks?
- A. He was promoted according to Army Regulations as to the time of service.
- Q. Notwithstanding what acts he might have committed?
- A. Usually a man is promoted from L/Cpl to Cpl in 6 months, but due to his conduct that he was a L/Cpl for more than a year.
- You * Q.* ~~Maxwell~~ still thought it was alright that he should have the extra responsibilities of senior NCO's rank despite the killing of these two Indians, is that right?
- A. When an attack on KURINGEI took place a Medical NCO was killed in action and it was necessary to replace a man in this NCO rank to carry out duties.
- Q. Did you tell any untruths at your interrogation?
- A. Yes.
- Q. Why did you tell those untruths?
- A. This subordinate SHIGETAKA, I wanted to protect him and therefore I told untruths.

- Q. And, if ~~xxx~~ SHIGETAKA had not confessed ~~xxx~~ you would have continued to tell untruths, is that right?
- A. At one time I told SHIGETAKA that you will have to come clean and tell the truth but he said he will not, so that I had to make up my mind to help my subordinate, even at the sacrifice of myself.
- Q. Would you be prepared to tell lies to help yourself?
- A. Not to help myself I won't tell lies.
- Q. You knew SHIGETAKA had committed at least two very serious offences, didn't you?
- A. Yes.
- Q. Would you tell lies to protect a guilty man from getting his just punishment?
- A. I was guided by SHIGETAKA's intentions and therefore I ~~kindxxx~~ wanted to help him. As I related before I told SHIGETAKA that you have committed these incidents, and that you should tell the truth but he said he would not and therefore ~~xxx~~ there was no other way out for me.
- Q. Now this Indian came in late, you said ~~xxx~~ he came in late due to malnutrition, was that right?
- A. Yes.
- Q. After the Indian had showed his intention by ~~showing~~ struggling back to your Unit, why was he tied up then?
- A. That was not ordered by me, that was done by SHIGETAKA himself.
- Q. Was it a practice for your subordinates to illtreat Indians in your Unit without your knowledge?
- A. It is not a habit but there were some rough Japanese who did strike some Indians, but when it did come to my knowledge I reprimanded them severely.
- Q. On the occasion of the death of BINDRU RAM did you reprimand SHIGETAKA?
- A. In any case I have reprimanded him.
- Q. When you learned about this incident did you reprimand SHIGETAKA?
- A. Yes.
- Q. SHIGETAKA did exactly the same thing a month later, didn't he?
- A. Yes.

NO RE EXAMINATION

QUESTIONS BY THE COURT

- Q. Suppose SHIGETAKA had killed an Japanese soldier by the same means as the two Indians were killed what would you have done to the Japanese? SHIGETAKA?
- A. Under the circumstances at that time I don't think that there would have been any other action taken than what I took in the case ~~xxx~~ of SHIGETAKA for killing the two Indians.
- Q. Would SHIGETAKA have been promoted had he killed two Japanese in the same way as he killed the two Indians?
- A. ~~If I'm asked now, but it would depend on the situation.~~
If I'm asked now I wouldn't know, but it would depend on the situation.

DEFENDING OFFICER

- Q. Have you power to make promotions on your own initiative?
- A. No, I can't order promotions.

Evidence being read over to the Witness pursuant to Rule of Procedure 83 B the witness makes the following explanation or correction :

In regard to the answer to question "What was the usual punishment then for Indians who committed a breach of discipline?" (on Page 4) as recorded I say.

"As there was no breach committed, there was no such example when BARA SINGH and 5 other Indians escaped and recaptured at that time, their offence would have amounted to execution, but considering their health and condition, and sympathising with them deeply, I excused them"

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.

The Court adjourns at 1245 hrs.

The Court re-assembles at 1435 hrs, the same President, Members, and Judge Advocate being present.

NO EVIDENCE IN REBUTTAL.

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

DEFENDING OFFICER ADDRESSES

1. Case for the Prosecution is based primarily on statement of BARA SINGH who alleges the strangling of two Indians at the instance of OKUBO. This document rendered admissible solely by virtue of War Crimes Act but is still the duty of the Court to judge the weight to be accorded it. Emphasises the fact that the accused has not been confronted with the complainant leaving no opportunity to examine as to credibility, etc.
2. On night 20/21st May, 1946, Sgt SHIGETAKA committed suicide and left a note acknowledging the act but denying the complicity of the accused. Asks that considerable weight be accorded this document.
3. Finally the Prosecution relies on the report of interrogation. ~~which discloses that at the time~~
4. Refers the Court to previous Submission that no case to answer on the first charge. Submits that the charge has not been proven beyond reasonable doubt.
5. Faced with the terse report of BARA SINGH the accused has given evidence on oath and despite the rigorous cross examination (and difficulties in interpretation) stood firm under cross examination. He has varied the interrogation report to disclose that reports of the death of Indians at the hands of SHIGETAKA were brought to his attention, that he made investigations, and having regard to the conditions at the time took appropriate remedial action. Suggests that it is natural that this officer would endeavour to protect his subordinate and is he therefore to be discredited? Asks the Court to examine logically the position in this instance and that the Court accept the reasonable proposition of the accused. Finally, submitted that there is no evidence of any criminal intent on the part of OKUBO or any participation in the acts leading up to the deaths of the two Indians as charged.

JUDGE ADVOCATE ADDRESSES THE COURT (Briefly Summarised)

This is a criminal charge and as such the onus of proving the guilt of the accused beyond reasonable doubt rests always on the Prosecution.

Refers the Court to the definition of "Murder" as appearing in Archbold at Page 859 and in the Manual of Military Law at Page 129.

Draws the attention of the Court to "Manslaughter" as shown in Archbold at Page 859 and in the Manual of Military Law at Page 130.

Reminds the Court that their personal feelings and convictions must be set aside and they must study the evidence that has been placed before them in arriving at their decision.

The Court is closed at 1457 hrs to consider the Finding.

The Court re-opens at 1510 hrs, and the President of the Court announces that the finding of the Court is that the accused, Capt OKUBO Masao, is GUILTY of both Charges.

The Defending Officer makes a short Address in Mitigation.

The Prosecuting Officer advises the Court that he has no evidence of any previous convictions before a War Trials Court against the Accused.

The Court is closed to consider Sentence at 1512 hrs.

The Court re-opens at 1518 hrs, and the President of the Court announces that the Sentence of the Court is that the accused, Capt OKUBO Masao, shall suffer death by hanging.

The President further announces that such Finding and Sentence are not final until confirmed by the Confirming Authorities.

The Court is closed at 1514 hrs.

Signed at RABAUl this 22nd day of May, 1946.

Capt.,
Judge Advocate.

 Maj.,
President.

CASE FOR THE PROSECUTION

The Prosecutor tenders report of the interrogation of the accused, Capt OKUBO Masao which is admitted in evidence, read, marked Exhibit A, signed by the President, and annexed to the Proceedings. This report of the interrogation is dated 15th May, 1946.

The Prosecutor tenders report of the interrogation of the accused, Capt OKUBO Masao, which is admitted in evidence, read, marked Exhibit B, signed by the President, and annexed to the Proceedings. This report, Exhibit B, is dated 14th May, 1946.

The Prosecutor tenders a document containing two statements by Nk BARA SINGH, and one statement of Sepoy SUKHDEV SINGH. The Prosecuting Officer points out that incident B is not relevant to this case. The document is admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

The Prosecuting Officer informs the Court that SHIGETAKA mentioned in certain of the evidence committed suicide on the night of 20/21st May, 1946, and left certain statements, translated copies of which he tenders to the Court.

The two translated copies of the statements are tendered, admitted in evidence, read, marked Exhibits D and E, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION

CASE FOR THE DEFENCE

At this stage the Defending Officer submits that there is no case to answer on the first Charge. Refers to Exhibit A and quotes to the Court.

Prosecuting Officer:

Submits there is a case to answer on the first charge. Refers to statement of BARA SINGH and says that it is a very telling and concise statement. (Quotes to the Court) Refers also to the documents left by SHIGETAKA. Submits there is ample evidence to prove that there is a case to answer on the first charge.

The Judge Advocate addresses the Court; Refers the Court to Judge Advocate General's Circular, and to Archbold at page 327.

The Court retires at 1030 hrs to consider the Submission.

The Court resumes at 1055 hrs.

The President announces that the Submission by the Defending Officer is dismissed by the Court.

Capt OKUBO Masao being duly sworn is examined by the Defending Officer through the interpreter MATTORI.

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 Capt OKUBO Masao, Coy Commander of the 16 Special Water Duty Coy.

Q. What is your age?

A. I am 50 years and 3 months.

Q. What period of service have you had in the Army?

A. 3 years and 2 months.

Q. When were you first commissioned?

A. March 31 1920.

Q. Were you on the Reserve previously?

A. I refer to the 3 years and 2 months as service in this war.

When I was commissioned I had one and a half years service on the active list.

The accused 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 F, signed by the President, and annexed to the Proceedings.

Q. Who told you about the incident at MOI?

A. SHIGETAKA.

Q. Did you see the incident yourself?

A. No, I did not.

Q. What did SHIGETAKA tell you?

A. He told me that an Indian died. SHIGETAKA reported to me that an Indian had arrived and then SHIGETAKA left my room and tying the Indian loosely he slipped to the ground, and that the rope had strangled him around the neck, and that the Indian had died; that was the report that I received.

Q. Did you make any further enquiries as to the cause of the death?

A. Yes.

Q. What were the result of those enquiries?

A. I think it was due to the very weak condition, due to malnutrition lack of proper food and malaria fever.

Q. On the second occasion at KURINGEI did you see that incident at all?

A. No, I did not see it.

Q. Were you told about that incident?

A. SHIGETAKA told me after the Indian had died.

Q. What did SHIGETAKA tell you?

A. That an Indian had died.

- Q. Did ~~he~~ you make any investigation as to the cause of death of that Indian?
- A. The main point was weakness. SHIGETAKA told me the same story that the incident was similar to the one at MOI, that the rope had been tied around the chest, the body slipped and had got strangled.
- Q. What disciplinary action did you take on that occasion?
- A. Since it was a repetition of a previous incident I beat him until he fell.
- Q. Why did you think that sufficient punishment?
- Prosecuting Officer objects.
- Q. Tell the Court why you determined on that particular punishment?
- A. It was natural that he should have received a very heavy punishment but we were already in the face of the enemy and prepared to make a last stand. The situation was such that even the loss of one Japanese soldier would have been very great that after careful consideration I excused him.
- Q. What was the usual punishment then for Indians who committed a breach of discipline?
- A. Indians who escaped, for instance BARA SINGH and 5 other Indians, if they were recaptured, they would have probably been executed.
- Q. What was the usual punishment then for Indians who committed a breach of discipline? Question asked again.
- A. I have never punished any Indians.
- Q. Did you have a conversation with SHIGETAKA on the night of the 20th of May this year?
- A. Yes, I did have a conversation with him.
- Q. Tell the Court, briefly, the conversation you had with SHIGETAKA.
- A. That night SHIGETAKA called for me and explained to me the details of the incident. SHIGETAKA stated that "I did it myself". "and that it resulted in a charge I feel deeply responsible". "I regret very much that I have caused you so much trouble".
- Q. Was anything further said or done at the time?
- A. The only thing he did was to repeat the story that he wanted to apologise to me for the incident.

CROSS EXAMINED

- Q. In Oct 44 SHIGETAKA was a Lance Corporal, was he not?
- A. Yes.
- Q. When was he promoted Corporal?
- A. He was promoted on March 1st 1945.
- Q. When was he promoted Sgt?
- A. August 1st, 1945.
- Q. At the end of the war he was still in your Unit, was he not?
- A. Yes.
- Q. Your disapproval of SHIGETAKA's action in killing these two Indians did not dissuade you from promoting him two ranks?
- A. He was promoted according to Army Regulations as to the time of service.
- Q. Notwithstanding what acts he might have committed?
- A. Usually a man is promoted from L/Cpl to Cpl in 6 months, but due to his conduct that he was a L/Cpl for more than a year.
- You * Q.* ~~He~~ was still thought it was alright that he should have the extra responsibilities of senior NCO's rank despite the killing of these two Indians, is that right?
- A. When an attack on KURINGEI took place a Medical NCO was killed in action and it was necessary to replace a man in this NCO rank to carry out duties.
- Q. Did you tell any untruths at your interrogation?
- A. Yes.
- Q. Why did you tell those untruths?
- A. This subordinate SHIGETAKA, I wanted to protect him and therefore I told untruths.

- Q. And, if ~~xxx~~ SHIGETAKA had not confessed ~~xxx~~ you would have continued to tell untruths, is that right?
- A. At one time I told SHIGETAKA that you will have to come clean and tell the truth but he said he will not, so that I had to make up my mind to help my subordinate, even at the sacrifice of myself.
- Q. Would you be prepared to tell lies to help yourself?
- A. Not to help myself I won't tell lies.
- Q. You knew SHIGETAKA had committed at least two very serious offences didn't you?
- A. Yes.
- Q. Would you tell lies to protect a guilty man from getting his just punishment?
- A. I was guided by SHIGETAKA's intentions and therefore I ~~xxxxxxx~~ wanted to help him. As I related before I told SHIGETAKA that you have committed these incidents, and that you should tell the truth but he said he would not and therefore ~~xxxxx~~ there was no other way out for me.
- Q. Now this Indian came in late, you said ~~xxxx~~ he came in late due to malnutrition, was that right?
- A. Yes.
- Q. After the Indian had showed his intention by ~~showingx~~ struggling back to your Unit, why was he tied up then?
- A. That was not ordered by me, that was done by SHIGETAKA himself.
- Q. Was it a practice for your subordinates to illtreat Indians in your Unit without your knowledge?
- A. It is not a habit but there were some rough Japanese who did strike some Indians, but when it did come to my knowledge I reprimanded them severely.
- Q. On the occasion of the death of BINDRU RAM did you reprimand SHIGETAKA?
- A. In any case I have reprimanded him.
- Q. When you learned about this incident did you reprimand SHIGETAKA?
- A. Yes.
- Q. SHIGETAKA did exactly the same thing a month later, didn't he?
- A. Yes.

NO RE EXAMINATION

QUESTIONS BY THE COURT

- Q. Suppose SHIGETAKA had killed an Japanese soldier by the same means as the two Indians were killed what would you have done to the Japanese? SHIGETAKA?
- A. Under the circumstances at that time I don't think that there would have been any other action taken than what I took in the case ~~xxx~~ of SHIGETAKA for killing the two Indians.
- Q. Would SHIGETAKA have been promoted had he killed two Japanese in the same way as he killed the two Indians?
- A. ~~xxxxxxxaskedxxxx, but it would depend on the situation.~~
If I'm asked now I wouldn't know, but it would depend on the situation.

DEFENDING OFFICER

- Q. Have you power to make promotions on your own initiative?
- A. No, I can't order promotions.

Evidence being read over to the Witness pursuant to Rule of Procedure 83 B the witness makes the following explanation or correction :

In regard to the answer to question "What was the usual punishment then for Indians who committed a breach of discipline?" (on Page 4) as recorded I say.

"As there was no breach committed, there was no such example when BARA SINGH and 5 other Indians escaped and recaptured at that time, their offence would have amounted to execution, but considering their health and condition, and sympathising with them deeply, I excused them"

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.

The Court adjourns at 1245 hrs.

The Court re-assembles at 1435 hrs, the same President, Members, and Judge Advocate being present.

NO EVIDENCE IN REBUTTAL.

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

DEFENDING OFFICER ADDRESSES

1. Case for the Prosecution is based primarily on statement of BARA SINGH who alleges the strangling of two Indians at the instance of OKUBO. This document rendered admissible solely by virtue of War Crimes Act but is still the duty of the Court to judge the weight to be accorded it. Emphasises the fact that the accused has not been confronted with the complainant leaving no opportunity to examine as to credibility, etc.
2. On night 20/21st May, 1946, Sgt SHIGETAKA committed suicide and left a note acknowledging the act but denying the complicity of the accused. Asks that considerable weight be accorded this document.
3. Finally the Prosecution relies on the report of interrogation. ~~which discloses that at the time~~
4. Refers the Court to previous Submission that no case to answer on the first charge. Submits that the charge has not been proven beyond reasonable doubt.
5. Faced with the terse report of BARA SINGH the accused has given evidence on oath and despite the rigorous cross examination (and difficulties in interpretation) stood firm under cross examination. He has varied the interrogation report to disclose that reports of the death of Indians at the hands of SHIGETAKA were brought to his attention, that he made investigations, and having regard to the conditions at the time took appropriate remedial action. Suggests that it is natural that this officer would endeavour to protect his subordinate and is he therefore to be discredited? Asks the Court to examine logically the position in this instance and that the Court accept the reasonable proposition of the accused. Finally, submitted that there is no evidence of any criminal intent on the part of OKUBO or any participation in the acts leading up to the deaths of the two Indians as charged.

JUDGE ADVOCATE ADDRESSES THE COURT (Briefly Summarised)

This is a criminal charge and as such the onus of proving the guilt of the accused beyond reasonable doubt rests always on the Prosecution.

Refers the Court to the definition of "Murder" as appearing in Archbold at Page 859 and in the Manual of Military Law at Page 129.

Draws the attention of the Court to "Manslaughter" as shown in Archbold at Page 859 and in the Manual of Military Law at Page 130. Reminds the Court that their personal feelings and convictions must be set aside and they must study the evidence that has been placed before them in arriving at their decision.

The Court is closed at 1457 hrs to consider the Finding.

The Court re-opens at 1510 hrs, and the President of the Court announces that the finding of the Court is that the accused, Capt OKUBO Masao, is GUILTY of both Charges.

The Defending Officer makes a short Address in Mitigation.

The Prosecuting Officer advises the Court that he has no evidence of any previous convictions before a War Trials Court against the Accused.

The Court is closed to consider Sentence at 1512 hrs.

The Court re-opens at 1518 hrs, and the President of the Court announces that the Sentence of the Court is that the accused, Capt OKUBO Masao, shall suffer death by hanging.

The President further announces that such Finding and Sentence are not final until confirmed by the Confirming Authorities.

The Court is closed at 1514 hrs.

Signed at RARAU this 22nd day of May, 1946.

Capt.,
Judge Advocate.

 Maj.,
President.

Return to Office File
"A" C45

INTERROGATION of Capt. OKUBO Masao, of 16 Special Water Duty Coy. by Capt S. ASPREY At RABAU on 15 May 46.

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

A. Yes

Q. Are you Capt. OKUBO Masao, of 16, Special Water Duty Coy.?

A. Yes.

Q. Towards the end of October were you moving from MOI to KARLINGEI?

A. Towards the ^{21 or 22} end of October I left MOI to go to RUBUGUN to get an order. On the way I passed through KARLINGEI and NUNGIKO. Then I came back to MOI arriving back at MOI about 28 -29 Oct. 44.

Q. Who went with you?

A. SHIGETAKA and myself only. There were no Indians. On the way through NUNGIKO on the way out SHIGETAKA got sick and stayed at NUNGIKO. When I returned I came back alone and SHIGETAKA stayed at NUNGIKO.

Q. What did you do after getting the order?

A. On 30 Oct. myself and 1 Indian left MOI and reached NUNGIKO on 1st. November.

Q. What happened then?

A. I stayed there until November 5 then I went to No.1 KARLINGEI.

Q. Who went with you?

A. I and one Indian.

Q. Were you later joined at No.1 KARLINGEI by SHIGETAKA?

A. Yes

Q. When?

A. I don't remember exactly, but I believe about 23 or 24 November

Q. When SHIGETAKA came from NUNGIKO to KARLINGEI No.1 did not some Indians come with him?

A. Two

Q. When you were at KARLINGEI No.1 did you have an Indian servant?

A. Yes.

Q. Were there some other Indians there besides the one who was your servant?

A. Yes.

C/22/1

- Q. Was it BARA SINGH?
- A. No. BARA SINGH came later
- Q. Did BARA SINGH ever act as your servant at KARLINGEI No.1?
- A. No. he acted as my servant at KARLINGEI No.2.
- Q. When did BARA SINGH come to KARLINGEI?
- A. I don't remember but I think around the first part of December.
- Q. What happened to the servant you had at KARLINGEI No.1?
- A. I took him to KARLINGEI No.2. He ran away.
- Q. When?
- A. Round the end of December.
- Q. At that time who was your servant?
- A. BARA SINGH
- Q. Why did you change servants?
- A. BARA SINGH had a good head and knew English and Japanese and it was very ~~expensive~~ convenient.
- Q. Did the Indian who ran away come back escorted by a Kanaka?
- A. No. He did not come back.
- Q. Did you ill treat BARA SINGH?
- A. No.
- Q. Did you treat him well?
- A. Yes.
- Q. Did BARA SINGH have a grudge against you?
- A. I did not feel that BARA SINGH had ~~anything~~ any grudge against me at all.
- Q. DID BARA SINGH have a grudge against SHIGETAKA?
- A. I ~~never~~ never saw any bad feeling on the part of BARA SINGH towards SHIGETAKA.
- Q. Did SHIGETAKA ever ill treat Indians in anyway to your knowledge?
- A. I believe SHIGETAKA never ill-treated Indians
- Q. Did you have any trouble with Indians running away?
- A. Yes
- Q. Who penalty did you impose on Indian who ran away?
- A. I never punished but when they were re-captured I cautioned them.
- Q. How far away were the enemy at this time?
- A. I don't know far far but the natives told me about three or four hours walk.

Q. If Indians ran away did you not think that might cause a danger to your own troops?

A. Yes.

Q. Nevertheless when Indians did run away, all you did was to caution them?

A. Yes. BARA SINGH and five others ran away.

Q. If you were kind to BARA SINGH why did he run away?

A. Due to the living condition which were very hard.

Q. On marches, numbers of the Indian dropped out, did not they?

A. Yes.

Q. Because they were not strong enough to keep up?

A. Due to sickness.

Q. After Moi did SHIGETAKA ever make a march with a party of Indians?

A. No.

Q. Was SHIGETAKA armed with a sword?

A. Yes.

Q. Did any Japanese ever have bedding sheets?

A. Yes.

大久保政雄

I, JUN KAWASAKI, civilian attached to the Japanese Navy hereby certify that the above statement was made by Capt. OKUBO Masao of 16, Special Water Duty Coy in Japanese, and after it had been written down in English was read ~~g~~ back to him in his own language before he signed it and the translation is a correct translation of the witness's evidence.

J. Kawasaki

S. Ramsey Capt

Returning
to office File.

C45

B

INTERROGATION OF Capt OKUBO Masao, of 16 Special Water Duty Coy,
at RABAU by Capt S ASPREY on 14 May 46.

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

A. Yes.

Q. Are you Capt OKUBO Masao of 16 Special Water Duty Coy,

A. Yes.

Q. In Sep 44 was your company doing a march from PAROM to MOI in New Guinea?

A. Yes. Our plan was to march to KARINGEI, but as there were some other Units there we went to MOI.

Q. You moved with an advanced party, did you not?

A. Yes.

Q. Who were in the advanced party?

A. Sgt MATSUMURA, Sgt SHIGETAKA, L/Cpl YAMASAKI, myself, and 15 Indians in the advance party.

Q. In the advance party what did you take with you in the way of rations and stores?

A. We carried about 10 days rations, which we ate over 15 days, medicine and our personal gear.

Q. Did you not carry tools for building?

A. Only one shovel, which was held by an Indian who dropped behind.

Q. How many Indians fell out of the advance party?

A. Three.

Q. Do you know their names?

A. No.

Q. Do you know BARA SINGH?

A. Yes.

Q. Was he one of the Indians in the advance party?

A/ Yes.

Q. About 25 Oct 44 were you at MOI then?

A. Yes we were at MOI.

Q. Do you remember one of the Indians who had fallen out ~~during the~~ rejoining the party? He reported to SHIGETAKA, who reported it to you?.

A.

A. I cannot recall.

Q. It may have happened?

A. I cannot recall any such incident as that, though I am sure there was none.

Q. What was SHIGETAKA's duties?

C/22/1

A. He was a medical orderly.

Q. Did Indians carry medical supplies?

A. Yes each man carried a small supply for himself.

Q. Do you remember an Indian dying round about 25 Oct 44?

A. No Indian died at MOI. After we had left MOI and gone to KURINGEI one died in Dec and one died in Jan.

Q. Did you ever hear of or see any of your subordinates beating Indians during that march?

A. No.

Q. Did you have any trouble with the Indians from a disciplinary point of view either during the march or later at MOI or KURINGEI?

A. No, they were very good.

Q. It is said that SHIGETAKA and MATSUMURA tied an Indian up and the rope was passed around his throat so that he was strangled. Do you know anything of that?

A. No, I have never heard of it.

大久保政雄

I Jiro NASHIMURA, Interpreter of the Japanese Legal Section, Rabaul, hereby certify that the above statement was made by Capt OKUBO Masao of 16 Special Water Duty Coy, in Japanese and after it had been written down in English was read back to him in his own language before he signed and the translation is a correct translation of the witness's evidence.

J. Nishimura

P. J. Harper, Capt

Ex. F.

Captain. OKUBO, Masao states:

1. Concerning the accusation of BARA SINGH there are serious errors in the date.

2. It is the true fact that one Indian arrived at "MOI" I know about the report of it, but I did not see what he did afterwards. Of course I did not order him to kill the Indian or to scold, for I remained in my room and he did it without my leave.

After incident, SHIGETAKA reported to me that he had done it to encourage and punish spiritless Indian, but unfortunately the Indian died on account of emaciation. So, I admonished Shigetaka strictly.

3. Concerning the case of GARJU RAM at KURRINGM Shigetaka reported me after it was done. At that time, I was so angry at his repeated unreasonable acts that I struck SHIGETAKA.

4. At the interrogation, I stated that I did not know the fact, because as I was the responsible commander, I wanted to protect SHIGETAKA.

5. I had never ordered yet to torture Indians or put them to death while I was employing Indians. I was awfully sorry for the Indians to co-operate with us diligently with little food and toil with us. Consequently when Bara Singh and other Indians escaped and were arrested, I only admonished them strictly. Since then, they worked hard together being affected by my will.

大久保 6. THE SHIGETAKA's committed suicide on May ^{2/57} 20th. It may be due to the fact that he was afraid that we might get troubles owing to our protecting him.

7. I had nothing to do with SHIGETAKA's unreasonable act as his testament clearly proves.

大久保 改雄

.....
Capt. OKUBO Masao

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

M. Kito

President

Brj Oberoi 20/5

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Abstract of Evidence.

On the charges :

Charge 1.

MURDER in that he at New Guinea in or about
Sept 44 murdered Sepoy BINDRU RAM of 5/2
Punjab Regt.

Charge 2.

MURDER in that he at New Guinea in or about
Nov 44 murdered Sepoy GARJU RAM of 5/2
Punjab Regt.

Against :

2200
Capt. OKUBO Masao of 16 Special Water Duty Coy.

CASE AGAINST ACCUSED.

Documentary :

1. Statement of 13100 Nk. BARA SINGH of 1/14 Punjab Regt.
2. Statement of 13100 Nk. BARA SINGH of 1/14 Punjab Regt.
3. Statement of 13676 Sep. SUKHDEV SINGH of 5/2 Punjab Regt.
4. Interrogation of Capt. OKUBO Masao (accused).
5. Interrogation of Capt. OKUBO Masao (accused).

Guilty of both charges

Death by hanging

C/27/1

COPY

DESCRIPTION OF INCIDENT 'A'

Nk BARA SINGH states:

In Sep 44 during a move from PAROM to MOI, NEW GUINEA, Sep. BINDRU RAM, 5/2 Punjab Regt, was unable to keep pace with the main body as he was weak from malnutrition and the Japanese stores he was required to carry were far too heavy for a man in his state of health.

On about 22nd Oct 44 at about 0800 hours, I saw L/Cpl SHINGETAKA attack him with a thick stick and continue to beat him after he had fallen. Sep BINDRU RAM was left by the roadside and his load was divided among other Indian Psw.

Three days later, at about 1700 hours, the sepoy arrived with great difficulty at MOI camp and an hour later I saw him report to SHINGETAKA, who in turn spoke to Lt OKUBE. Almost immediately SHINGETAKA, assisted by Cpl MATSUMURA, bound Sep BINDRU RAM to a tree - a rope was passed tightly round his neck and this strangled him. I attended his funeral.

(Signed) Bara Singh, Nk.
13100 Nk BARA SINGH 1/14 PR

CERTIFICATE

I MAJOR E J CALLAN of 8 M D hereby certify that the above document is a true copy of the original document which is in my custody.

.....Major

War bonds & Lend Lease 8 M D

DESCRIPTION OF INCIDENT 'C'

Lt. BARA SINGH states :

About the 12th Nov 44 at KURRINGE No. 1 Indian PW Camp, I was employed as Lt. OKUBE's batman and was allowed to remain in camp when other PsW were out on fatigue.

On the morning in question Lt OKUBE and L/Cpl SHINGETAKA also had remained in camp - the latter observed Sepoy GARJU RAM, 5/2 P.R., cutting grass in order to eat it, and questioned the sepoy as to why he was not out on fatigue. Sep GARJU RAM replied that owing to weakness he was not able to work and was obtaining grass to satisfy his hunger. I saw SHINGETAKA attack the sepoy with his fists and knock him down - he then proceeded to kick him on the head and body.

After a few minutes Sep GARJU RAM got up and in a dazed manner walked into the jungle. At about midday I saw a kanaka bring him back and report to SHINGETAKA, who in turn spoke to Lt OKUBE.

SHINGETAKA then bound the hands of the sepoy and passed a short length of rope around his neck. Sep GARJU RAM was ordered by SHINGETAKA to stand on a fallen log about 2 foot in diameter; the latter then secured the rope to the branch of a tree, which was about one foot above Sep GARJU RAM's head. SHINGETAKA then pushed away the log, leaving GARJU RAM suspended to the branch; the latter died almost immediately.

The whole incident was seen by myself and Lt OKUBE.

SIGNED BARA SINGH Nk.
13100 Nk. BARA SINGH, 1/14 P.R.

SUPPORTING EVIDENCE

The witness, Sep SUKHDEV SINGH, although not an eye-witness to the atrocity, asserts that on returning from the jungle at about 1500 hrs. he saw the dead body of Sep GARJU RAM bound to a tree and later assisted in burying him.

I, Major E. J. CALLEN of 8 M. D., hereby certify that the above document is a true copy of an original document which is in my custody.

J. P. Calan
.....

INTERROGATION of Capt. OKUBO Masao, of 16 Special Water Duty Coy. by Capt S.ASPREY At RABAU on 15 May 46.

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

A. Yes

Q. Are you Capt. OKUBO Masao, of 16, Special Water Duty Coy.?

A. Yes.

Q. Towards the end of October were you moving from MOI to KARLINGEI?

A. Towards the ^{21 or 22} end of October I left MOI to go to RUBUGUN to get an order. On the way I passed through KARLINGEI and NUNGIKO. Then I came back to MOI arriving back at MOI about 28 -29 Oct. 44.

Q. Who went with you?

A. SHIGETAKA and myself only. There were no Indians. On the way through NUNGIKO on the way out SHIGETAKA got sick and stayed at NUNGIKO. When I returned I came back alone and SHIGETAKA stayed at NUNGIKO.

Q. What did you do after getting the order?

A. On 30 Oct. myself and 1 Indian left MOI and reached NUNGIKO on 1st. November.

Q. What happened then?

A. I stayed there until November 5 then I went to No.1 KARLINGEI.

Q. Who went with you?

A. I and one Indian.

Q. Were you later joined at No.1 KARLINGEI by SHIGETAKA?

A. Yes

Q. When?

A. I don't remember exactly, but I believe about 23 or 24 November

Q. When SHIGETAKA came from NUNGIKO to KARLINGEI No.1 did not some Indians come with him?

A. Two

Q. When you were at KARLINGEI No.1 did you have an Indian servant?

A. Yes.

Q. Were there some other Indians there besides the one who was your servant?

A. Yes.

Q. Was it BARA SINGH?

A. No. BARA SINGH came later

Q. Did BARA SINGH ever act as your servant at KARLINGEI No.1?

A. No. he acted as my servant at KARLINGEI No.2.

Q. When did BARA SINGH come to KARLINGEI?

A. I don't remember but I think around the first part of December.

Q. What happened to the servant you had at KARLINGEI No.1?

A. I took him to KARLINGEI No.2. He ran away.

Q. When?

A. Round the end of December.

Q. At that time who was your servant?

A. BARA SINGH

Q. Why did you change servant?

A. BARA SINGH had a good head and knew English and Japanese and it was very ~~convenient~~ convenient.

Q. Did the Indian who ran away come back escorted by a Kanaka?

A. No. He did not come back.

Q. Did you ill treat BARA SINGH?

A. No.

Q. Did you treat him well?

A. Yes.

Q. Did BARA SINGH have a grudge against you?

A. I did not feel that BARA SINGH had ~~anything~~ any grudge against me at all.

Q. DID BARA SINGH have a grudge against SHIGETAKA?

A. I ~~never~~ never saw any bad feeling on the part of BARA SINGH towards SHIGETAKA.

Q. Did SHIGETAKA ever ill treat Indians in anyway to your knowledge?

A. I believe SHIGETAKA never ill-treated Indians

Q. Did you have any trouble with Indians running away?

A. Yes

Q. Who penalty did you impose on Indian who ran away?

A. I never punished but when they were re-captured I cautioned them.

Q. How far away were the enemy at this time?

A. I don't know far far but the natives told me about three or four hours walk.

Q. If Indians ran away did you not think that might cause a danger to your own troops?

A. Yes.

Q. Nevertheless when Indians did run away, all you did was to caution them?

A. Yes. BARA SINGH and five others ran away.

Q. If you were kind to BARA SINGH why did he run away?

A. Due to the living condition which were very hard.

Q. On marches, numbers of the Indian dropped out, did not they?

A. Yes.

Q. Because they were not strong enough to keep up?

A. Due to sickness.

Q. After Moi did SHIGETAKA ever make a march with a party of Indians?

A. No.

Q. Was SHIGETAKA armed with a sword?

A. Yes.

Q. Did any Japanese ever have bedding sheets?

A. Yes.

大久保改修

I, JUN KAWASAKI, civilian attached to the Japanese Navy hereby certify that the above statement was made by Capt. OKUBO Masao of 16, Special Water Duty Coy in Japanese, and after it had been written down in English was read back to him in his own language before he signed it and the translation is a correct translation of the witness's evidence.

J. Kawasaki

S. J. Shumway, Capt

INTERROGATION OF Capt OKUBO Masao, of 16 Special Water Duty Coy,
at RABAU by Capt S ASPREY on 14 May 46.

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

A. Yes.

Q. Are you Capt OKUBO Masao of 16 Special Water Duty Coy?

A. Yes.

Q. In Sep 44 was your company doing a march from PAROM to MOI in New Guinea?

A. Yes. Our plan was to march to KARINGEI, but as there were some other Units there we went to MOI.

Q. You moved with an advanced party, did you not?

A. Yes.

Q. Who were in the advanced party?

A. Sgt MATSUMURA, Sgtz SHIGETAKA, L/Cpl YAMASAKI, myself, and 15 Indians in the advance party.

Q. In the advance party what did you take with you in the way of rations and stores?

A. We carried about 10 days rations, which we ate over 15 days, medicine and our personal gear.

Q. Did you not carry tools for building?

A. Only one shovel, which was held by an Indian who dropped behind.

Q. How many Indians fell out of the advance party?

A. Three.

Q. Do you know their names?

A. No.

Q. Do you know BARA SINCH?

A. Yes.

Q. Was he one of the Indians in the advance party?

A/ Yes.

Q. About 25 Oct 44 were you at MOI then?

A. Yes we were at MOI.

Q. Do you remember one of the Indians who had fallen out ~~rejoining~~ rejoining the party? He reported to SHIGETAKA, who reported it to you?

A.

A. I cannot recall.

Q. It may have happened?

A. I cannot recall any such incident as that, though I am sure there was none.

Q. What was SHIGETAKA's duties?

*Malumun
Sgt OK not
There
left on 21 Oct*

He was a medical orderly.

Q. Did Indians carry medical supplies?

A. Yes each man carried a small supply for himself.

Q. Do you remember an Indian dying round about 25 Oct 44?

A. No Indian died at MOI. After we had left MOI and gone to KURINGEI one died in Dec and one died in Jan.

Q. Did you ever hear of or see any of your subordinates beating Indians during that march?

A. No.

Q. Did you have any trouble with the Indians from a disciplinary point of view either during the march or later at MOI or KURINGEI?

A. No, they were very good.

Q. It is said that SHIGETAKA and MATSUMURA tied an Indian up and the rope was passed around his throat so that he was strangled. Do you know anything of that?

A. No, I have never heard of it.

大久保政雄

I Jiro NASHIMURA, Interpreter of the Japanese Legal Section, Rabaul, hereby certify that the above statement was made by Capt OKUBO Masao of 16 Special Water Duty Coy, in Japanese and after it had been written down in English was read back to him in his own language before he signed and the translation is a correct translation of the witness's evidence.

S. J. Brown Capt

J. Nishimura

Captain. OKUBO, Masao states:

1. Concerning the accusation of BARA SINGH there are serious errors in the date.

Shigetaka It is the true fact that one Indian arrived at "MOI" I know about the report of it, but I did not see what he did afterwards. Of course I did not order him to kill the Indian or to scold, for I remained in my room and he did it without my leave. X

After incident, SHIGETAKA reported to me that he had done it to encourage and punish spiritless Indian, but unfortunately the Indian died on account of emaciation. So, I admonished Shigetaka strictly.

- 3 Concerning the case of GARJU RAM at KURRINGE Shigetaka reported me after it was done. At that time, I was so angry at his repeated unreasonable acts that I struck SHIGETAKA.

4. At the interrogation, I stated that I did not know the fact, because as I was the responsible commander, I wanted to protect SHIGETAKA.

5. I had never ordered yet to torture Indians or put them to death while I was employing Indians. I was awfully sorry for the Indians to co-operate with us diligently with little food and toil with us. Consequently when Bara Singh and other Indians escaped and were arrested, I only admonished them strictly. Since then, they worked hard together being affected by my will.

6. *大久保* THE SHIGETAKA committed suicide on May ^{2/57} 20th. It may be due to the fact that he was afraid that we might get troubles owing to our protecting him.

7. I had nothing to do with SHIGETAKA's unreasonable act as his testament clearly proves.

大久保政雄
.....
Capt. OKUBO Masao

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

M. Kito

file

CONFIDENTIAL

I was put on trial on three charges, viz violation of international law. I got the capital sentence on the two charges and ten years imp. for one charge. I am still convinced that I am quite innocent.

However, there remains one deplorable thing that I regret very much indeed when I recollect it at present time. It was my groundless lies that I stated when I had an interrogation in Tarokina. Since then I have been worried day and night with pangs of guilty conscience until this day. I have made up my mind to confess the actual state of things without private considerations, for I would like to stand in the presence of His Judgment Seat with a clear conscience.

At the interrogation in Tarokina, I replied that 13 Indian labourers at TASUI, 17 Indonesian auxiliary soldiers at TUNDAWAN and OMUN were respectively killed by air-raid. My testimony was wholly false. As a matter of fact, 17 Indian labourers and about 40 Indonesians were executed by the hands of Lt-Col NAKAMURA, Shinzo, the Commandant of TARINA Garrison. (Lt-Col NAKAMURA is now in the Witness Compound.)

In the middle part of Feb. 1945 were executed 17 Indian labourers at SORUMU, and around 1 April 1945 were executed 10 Indonesians at SORUMU, 14 or 15 at TUNDAWAN, 15 or 16 at TASUI during the period when Indians and Indonesians were being despatched to that garrison.

With regard to the execution of Indian labourers, I was directly told from Lt-Col NAKAMURA about one week before their execution saying, "All Indians will be executed by the order of the Brigade." In the case of Indonesians, they were executed without my previous knowledge nor any notice to me. I first knew on the evening of 3 April that they were executed from my orderly who came back from Lt-Col. MIYAKAWA, staff-officer who was staying at TASUI on that day. It was learned later that the officers and men who actually executed Indians and Indonesians were those under the direct command of Lt-Col NAKAMURA except in the case of the execution of Indonesians at TASUI that was carried out by the officers and men of the field heavy artillery coy, in accordance with the order of Lt-Col NAKAMURA. My subordinates were requested to transfer the Indonesians by the officers of these units. They transferred to them as ordered all of the Indonesians. As they were not in the scene of the execution, my subordinates had nothing to do with the case.

Then comes the question why I had to state falsehood to conceal the above-mentioned facts. As this is very important, I shall touch upon it in detail.

Around 20 August, 1945 (right after the cessation of war) I sent Sub-Lt OKAWA to the HQ of Brigade as a liaison officer, having received such an urgent order from the HQ. After a couple of days, Sub-Lt OKAWA returned and reported to the following effect.

1. The subject matter was in regard to the Indian labourers and Indonesian auxiliary soldiers.
2. I (Sub-Lt OKAWA) was instructed from the GOC Bde and staff-officer WAKAMATSU to minimize the number of the Indians and Indonesians who were executed by shooting in view of the fact that their numbers were too much numerous and make them as the killed by action or the died of disease. I only recorded the exact number of those who were lawfully executed by our coy and fled from the coy. Therefore, in accordance with the instruction of Bde, I counted those who were executed by the hands of Lt-Col NAKAMURA at TARINA as the killed by action and the died of diseases. I prepared a table dividing them into the killed by action, the died of diseases, the fled, the executed by shooting. I obtained the authorization for it.
3. I was told by the GOC Bde that the table would be telegraphed to the HQ 17 Army who would inform it to the Australian Forces and that no alterations should be allowed in future.

CONFIDENTIAL

I then received an order to report to the HQ Bde and I went there in a week's time later. I had the same nature of instruction from the GOC, Bde and staff-officer WAKAMATSU as given to Sub-Lt. OKAWA. At that time they definitely told me that they would reply to the following effect, should the Bde receive an interrogation by the Australian Forces concerning this matter. "The Bde received the table (that had to be fabricated by Sub-Lt. OKAWA in accordance with the order of Bde) from the coy commandant (I myself) and the details are not known. Please investigate about the details from the coy commandant."

I realized that this was nothing but the cunning measures of Bde to pass their all responsibility to me and to stay blameless outside of the case. The circumstances of mine was that no alterations were allowed because the table had duly been reported to the 17 Army HQ and Australian Forces. Since nothing could be done at that time, I had to follow reluctantly this principle of Bde.

However, having been persuaded by my sympathetic friends, I had determined to state honestly everything I knew at the time of interrogation at Tarokina when I told my intention to staff-officer WAKAMATSU, he insisted that this would cause much trouble to Bde and I should observe the established principle of Bde as it concerned the dignity of Japanese Army.

Having given up my intention for the sacrifice to Bde and Lt-Col NAKAMURA, I stated false testimony against my will. Since then I have been worrying myself day and night by this, although this was the consequence of my false testimony. The crime for my false testimony was indeed great and I regret it from the bottom of my heart, having no word to excuse. I would like to desire most earnestly that the full investigation be effected concerning this matter if you would kindly give due considerations to my having had unfavourable standing and circumstances. Should the matter be fully investigated, it will be clarified the relation concerning I, Bde, Lt-Col NAKAMURA and what sort of orders they actually issued, what attitude they took towards us, will be made plain. This would have exercised not a small influence to our trials.

Those of us have been condemned with the capital sentences, who lawfully executed Indian labourers and Indonesians auxiliary soldiers that had committed vicious crimes after the legal procedure of summary trials since there were no alternative measures left for us on account of the circumstances to preserve the military discipline ordained by the military orders. While GOC, Bde, Lt-Col NAKAMURA etc escaped their blame or returned to Japan by the use of evil designs, who issued the unlawful orders and dared inhuman atrocities. As some instances of their unreasonable orders, they ordered us to execute any man who were suspicious of fleeing; they strictly warned both Lt. KATAGIRI and Lt. HIRONAKA menacing them that they should commit suicide as the punishment should the Indians flee next time. As for me I suffered 10 days imprisonment, the most disgraceful penalty as an officer, on the ground that the Indians under my command fled. What great contradictions and unreasonableness we have had!

It was a matter of my regret and dishonour more than anything else that there remained not a single Indian nor Indonesian auxiliary soldier in my coy at the cessation of war. This was not caused by my responsibility but by the conduct of Lt-Col NAKAMURA and Bde.

I shall not find greater joy and satisfaction than this that the state of my position will be proved.

池 葉 東 馬

Captain IKEBA, Toma.

Commandant of Special Land Duty No. 5 Coy.
SEALED WITH BLOOD.

I, Navy Lt. KATAYAMA, Hideo testify that the above translation has been read back to Capt. IKEBA in Japanese and is true and correct.

Hideo Katayama
KATAYAMA, Hideo
Translator.