

Dec 30, 1946

Minutes of the Court
Renters

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
van Nooten, John Charles, Lieutenant, Australian Imperial Forces	13943
Direct by Lieutenant Colonel Mornane	13943

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5517	1807		Sworn Statement of Lieutenant Commander Carr, R.A.N.	13916	
5517	1807-A		Excerpt therefrom		13916
5514	1808		Sworn Statement R.J. Hensel, R.N.I.A.		13917
5563	1809		Sworn Statement of Major W.C. van den Berg, R.N.I.A.	13918	
5563	1809-A		Excerpt therefrom		13918
5544	1810		Sworn Statement of H. Dallinga, Mayor of Menado		13920

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5547	1811		Interrogation Report of Controller (civil servant) H.J. Koerts	13921	
5547	1811-A		Excerpt therefrom		13921
5555	1812		Affidavit of Mrs. Ann Lillian Rolff		13922
5522	1813		Affidavit of Christian Hindrik Wensveen		13923
5523	1814		Sworn Statement of Djon Sampok		13926
5529	1815		Sworn Statement of Hoesin Bin Abdullah		13926
5530	1816		Sworn Statement of Johan Mairuhu		13927
5440	1817		Synopsis of Evidence - Ambon Island Group		13928
5419	1818		Affidavit of Major George De Verdon Westley	13928	
5419	1818-A		Excerpt therefrom		13928
5333	1819		Record of Evidence of Lieutenant Commander Ken-ichi NAKAGAWA	13930	
5333A	1819-A		Excerpt therefrom		13930
5333B	1819-B		Record of Statement of Commander HATAKEYAMA, Kunito		13940
5418	1820		Affidavit of George De Verdon Westley	13941	
5418	1820-A		Excerpt therefrom		13941

1 Monday, 30 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE D. JARANILLA, Member
15 from the Republic of the Philippines and HONORABLE
16 JUSTICE JU-AO MEI, Member from the Republic of China,
17 not sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 The Accused:

21 All present except OKAWA, Shumei, who is
22 represented by his counsel.

23 - - -

24 (English to Japanese and Japanese
25 to English interpretation was made by the
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Levin.

4 MR. LEVIN: Mr. President and Members of
5 the Tribunal:

6 This trial has now progressed so that it is
7 apparent the prosecution will close its case in the
8 not too distant future.

9 On October 2, 1946, when there was a dis-
10 cussion before the entire Tribunal as to the procedure
11 with reference to the production of witnesses, it
12 will be recalled Dr. KIYOSE suggested that at the
13 conclusion of the prosecution's case the defense should
14 be given an opportunity for the preparation of its
15 case, and for that purpose suggested a recess. I
16 shall present this matter generally and my associates
17 who follow will briefly deal with the matter specifically.

18 This matter is presented on behalf of all the
19 Japanese and American counsel. It is our request that
20 upon the conclusion of the prosecution's case the
21 Court order a recess for such reasonable length of time
22 as it may deem proper to enable the defense to prepare
23 its case and to present it expeditiously and in an
24 orderly manner. So there may be no misunderstanding
25 of the matter, we ask for a recess and not for a

1 vacation.

2 There are many cogent reasons why a recess
3 should be granted. While the Indictment was lodged
4 on April 29, 1946, nevertheless it was not possible,
5 in the very nature of things, to anticipate the many
6 facets of the prosecution's case. In the preparation
7 of this case the prosecution not only had a very fine
8 and well-equipped staff of lawyers, investigators
9 and other necessary assistants, but it had the organ-
10 izations of the staff of eleven allied nations to
11 assist them. Even before they arrived in December,
12 departments of the various governments of the Allied
13 Nations were already making their preparations for
14 the trial of alleged war criminals. While learned
15 and distinguished Japanese counsel were familiar with
16 the history and background of many of the events set
17 forth in the Indictment, yet it was impossible for
18 them to anticipate the nature and character of the
19 evidence which would be adduced and to make the nec-
20 essary and proper preparation.

21 After the arrival of American counsel most
22 of their time was taken up with the performance of
23 those necessary functions required by all those
24 arriving in occupied territory and immediate prepar-
25 ation of preliminary motions. One of the ten days

1 of the continuance which the Court granted was used
2 for the purpose of hearing the opening statement of
3 the learned Chief Prosecutor of the United States,
4 and American counsel could only superficially get
5 acquainted with their clients and with the matters
6 involving them. Since that time the Court has been
7 in continuous session daily, with the exception of
8 those unbearable days in July when there was no air-
9 conditioning system in the courtroom.

10 A short statement of the mechanics of the
11 work of defense counsel might not be inappropriate.
12 In addition to their attendance at court they must,
13 of necessity, almost daily examine the various docu-
14 ments that are tendered by the prosecution. Because
15 of the fact that we are individually autonomous it
16 is essential that each counsel, at least superficial-
17 ly, examine the documents that have been tendered.
18 Some of this may be done during the daytime or some
19 at night. But in any event these matters have consumed
20 a great deal of our time. The prosecution had no such
21 problem because particular phases of particular docu-
22 ments could be assigned to various groups. Most of
23 the time of the defense counsel is used in being
24 current. In addition thereto, there is the consider-
25 ation of general problems and for a while our group

1 met almost daily for the purpose of developing an
2 efficient organization and performing their functions,
3 not merely from a defense position but also in an
4 endeavor to aid the Court. During this time it has
5 been almost impossible to make that necessary prepar-
6 ation for trial every conscientious lawyer desires to
7 make. It is one of the few times since my admission
8 to the Bar, almost thirty-nine years ago, although I
9 am only a lawyer with a modest practice, that I am
10 before the Court practically without a complete and
11 adequate brief of the facts and of the law. We be-
12 lieve we are not asking too much then in requesting
13 the Court to recess for thirty days.

14 You, Mr. President, have invariably granted
15 our requests for subpoena and interrogation of wit-
16 nesses and the production of documents. At best,
17 because of language and transportation difficulties
18 this is time-consuming, but to date we have practically
19 had no opportunity to pursue the matter further.

20 On Monday, December 23, 1946, the Court
21 indicated that upon the conclusion of the prosecution's
22 case it will hear various motions of the defense for
23 dismissal of the Indictment. These arguments should
24 last at least a day and I know the Court, in the con-
25 scientious performance of its duty, which is so

1 evident, will have to take some time to consider
2 and determine these motions. During the recess
3 period no time will be wasted by the Court because
4 it will then have an opportunity to consider these
5 motions, and while I would not presume to suggest
6 anything to the Court, it undoubtedly will want to
7 review the record to date. In this connection I
8 might say that during the trial at Nuernberg there
9 was a recess, I believe, of twenty days. The Nuern-
10 berg trial, as I estimate it, consumed 160 trial
11 days and my best calculation is that the record
12 approximated about 4,500,000 words. The number of
13 days during which this Court has sat to date is 140
14 days. Up to and including Friday, December 27, 1946,
15 the record in this case, exclusive of the proceedings
16 in Chambers, approximated 4,000,000 words. It will
17 thus be seen that already the time consumed in the
18 trial of this case, with the amount of evidence
19 introduced, is almost equivalent to that of the
20 Nuernberg trial, and on the basis of the additional
21 time which it is estimated the presentation of the
22 prosecution's case will take, it will exceed the
23 time which was taken for the presentation of the
24 Nuernberg case.

25 While the Tribunal needs no accolade, either

1 from me or from the defense, nevertheless, it has
2 sat patiently during the hot days of the summer and
3 through the winter, including the holiday season.

4 While I appreciate that in the usual criminal trial
5 there is never any adjournment during the course of
6 the trial to give the defense an opportunity to pre-
7 sent its case, nevertheless, it seems to me these
8 situations are not comparable. In the first place,
9 in cases of that type the issues are usually much
10 narrower, the time consumed is much shorter, and it
11 would be impossible to keep a jury intact during a
12 long recess. We have, of course, no such situation
13 here. It is believed, as will be indicated by my
14 associates, that it is in the interests of a fair
15 and expeditious trial to grant this recess. Certain-
16 ly giving the defendants time to prepare their defense
17 properly is in the interests of a fair trial.

18 "Expeditious," as referred to in the Charter, can
19 only have reference to proceeding with that degree of
20 promptness that lends itself to a fair trial, and
21 without undue, protracted, and improper delay. It
22 must certainly be said that the trial has been ex-
23 peditious in that at no time during the course of
24 the trial has there been any undue waste of time.

25 The Court sat on Saturday, July 6. During this holiday

1 season, for the purpose of carrying out the direction
2 of the Charter, the Court has been in session contin-
3 uously and we have had only such time off as the
4 recognized national holidays. It is believed that
5 not only would there be no loss of time by the grant-
6 ing of this request, but actually it would save time.
7 It would give us that opportunity to marshal our
8 facts and organize our material so that time would
9 actually be saved.

10 We of the defense have been anxious to pre-
11 sent every possible and proper defense. We feel that
12 from the attitude the Court has exhibited in consider-
13 ing the issues which we have presented from time to
14 time, it invites a real and genuine lawyer-like
15 defense. Many of us who came here anticipated being
16 home long before this. However, now that the exigencies
17 of the trial indicate it will take more time, we feel
18 our personal desires and wishes must be subordinated
19 to that ideal which we, as lawyers, cherish; that is,
20 loyalty to our clients in the proper presentation of
21 the case, and duty to the Court. In this trial of
22 history a day, a week, a month is of no moment; the
23 only important thing is that the issues shall have
24 been completely and adequately presented for the con-
25 sideration of the Tribunal, and that the decision of

1 the Tribunal may rest on such presentation. In con-
2 clusion, Mr. President and Members of the Tribunal,
3 all we ask is what King Henry of France said to the
4 emissaries of Henry V of England, "You shall soon be
5 despatched with fair condition. A night is but small
6 breath and little pause to answer matters of this
7 consequence."

1 THE PRESIDENT: Mr. Logan.

2 R. LOGAN: If the Tribunal please, in
3 view of the fact that the prosecution will rest
4 within several weeks, the defense deem it imperative
5 at this time to ask for a recess in which to make
6 necessary preparations for the presentation of its
7 defense in a logical and systematic manner. The
8 reasons necessitating such a request are as follows:

9 Until recently it was impossible for the
10 defense to know definitely which documents the
11 prosecution would introduce in evidence, and,
12 since then, the defense has stepped up its processing
13 of documents. But, at the present time, it does
14 not have sufficient personnel and the mechanical
15 facilities to translate and process documents which
16 would insure a continuous supply of documents once
17 the defense starts its case. At the present time
18 the defense has 50 Japanese translators, whereas,
19 the prosecution had 150, and, what is more important,
20 at the present time the defense only has 4 American
21 civilian checkers, whereas, the prosecution had 15
22 civilians and 10 officers. To completely process a
23 document the average amount that can be accomplished
24 is approximately one page per man per day. The
25 unusual features of this Trial, with its many

1 defendants, language difficulties and the large
2 number of exhibits does not permit of procedure
3 generally followed in national courts. However, even
4 then, recesses are often granted to permit a defendant
5 to assemble his evidence and prepare his case. The
6 fact that there is less than one American attorney
7 for each accused, and, since he had to spend much
8 of his time in the courtroom daily attending to the
9 voluminous evidence being presented, it has been
10 impossible except on week-ends or in the evenings
11 to prepare for his defense. This has had to be
12 done in addition to pre-examination of the documents
13 about to be introduced by the prosecution. The only
14 time that has been available to the defense counsel
15 to interview the accused has been during short recesses
16 each day and on week-ends.

17 Much of the time spent with the accused
18 to date has been devoted to the testimony which was
19 being offered by the prosecution. If a recess is
20 granted an opportunity will be afforded to have
21 uninterrupted interviews with the accused, go over
22 proposed evidence and prepare the necessary affidavits
23 and statements.

24 Unlike the prosecution, it is impossible for
25 the defense to divide the case into certain phases

1 and assign them to various lawyers because there are
2 not sufficient lawyers. In addition, the very nature
3 of the Indictment demands that each individual
4 lawyer for the accused must have a full knowledge
5 of the entire case. Thus the working time of the
6 defense lawyer is consumed on matters which are not
7 entirely relevant, but absolutely necessary for a
8 proper understanding of his individual defense. This
9 has taken considerable time and has retarded individ-
10 ual defense preparations.

11 In addition to preparation of defenses
12 for each individual accused, the burden is also on
13 each of the defense attorneys to assist in the
14 preparation of the general defenses applicable to
15 all the accused.

16 Written application has been made to the
17 Tribunal to produce certain witnesses and documents.
18 Many of the defense counsel received permission to
19 interview such witnesses in distant parts of the
20 world, but have not yet had the opportunity or time
21 or facilities furnished them to accomplish this,
22 except in a few instances.

23 There is only one stenographer for every
24 two American defense attorneys which is a serious
25 handicap. No such situation faced the prosecution

1 with its large staff of lawyers, assistants and
2 stenographers.

3 The present climatic working conditions
4 have militated against progressive achievement in
5 working out a defense. The coal shortage has
6 prevented the defense lawyers from working in their
7 offices at night when they are without heat and
8 night work has to be done at home. Even during the
9 day the heat is on for only four hours and it is too
10 cold for the stenographers to type.

11 The opportunity of interviewing witnesses
12 and taking affidavits has been seriously affected
13 by the transportation shortage, and, in addition,
14 it has been extremely difficult up to the present
15 to find the necessary time in which to accomplish
16 this. More time is needed to prepare interrogatories,
17 review the record, prepare opening statements, present
18 briefs and digest the legal points involved.

19 It is the considered opinion of all the
20 defense attorneys that a fair trial will be impossible
21 unless a recess of at least one month's duration is
22 granted.

23 THE PRESIDENT: Mr. Blewett.

24 MR. BLEWETT: Mr. President and Members
25 of the Tribunal, as American counsel for TOJO I join

1 with my fellow defense counsel in requesting a recess
2 of at least 4 weeks' duration at the close of the case
3 for the prosecution. That period is not much.
4 This request is made after deliberate and serious
5 considerations and is made in good faith as lawyers
6 who have been selected by our government to insure
7 a fair and impartial trial to the accused.

8 We feel certain that the Members of the
9 Tribunal and you, Mr. President, all of whom have been
10 most appreciative during this prolonged trial to
11 the defense, will understand and extend sympathetic
12 comprehension to this appeal.

13 It is our determination and our duty
14 as officers of the Court to present a concise, true
15 and complete defense insofar as we have the ability,
16 legal training and experience of so doing. To
17 achieve this purpose and to perform that function,
18 the great responsibility that has been delegated
19 to us by our Secretary of War and by all nations
20 that are sincerely desirous of peace, we require time
21 for adequate and orderly preparation. We feel our
22 burden most conscientiously indeed.

23 The prosecution has covered most ably a
24 most enlarged field. It has not yet concluded. A
25 trial brief no matter how extended would be incomplete

1 at this juncture. We must see the entire picture
2 before we can hope to combat and rebut, where
3 possible, the vast ramifications of the case. We
4 must have a little time at the very close to view
5 the entire picture and to study it closely and then
6 lay out our defense orderly, legally and in logical
7 sequence. That is not too much to ask in a trial
8 that concerns the whole world and all the free
9 people everywhere. It is a request by experienced
10 lawyers of experienced and very conscientious and
11 learned jurors and that request is made only in the
12 interests of a fair and impartial trial and for no
13 other consideration whatsoever.

14 The accused are guaranteed their day in
15 court. We as counsel desire most sincerely that they
16 be accorded a full, complete and adequate defense.

17 Realizing our task in the preparation and
18 presentation of a case of such importance and
19 magnitude, we, at this stage of the proceedings,
20 require a more extended period than thirty days, but
21 with that period of time and no less, we shall do our
22 very best.

23
24
25

1 THE PRESIDENT: Does any other defense
2 counsel desire to address the Tribunal?

3 MR. BLEWETT: That appears to be all, sir.

4 THE PRESIDENT: Mr. Higgins.

5 MR. HIGGINS: Mr. President, Members of the
6 Tribunal.

7 The prosecution hopes to conclude its case
8 sometime during the week beginning January 13. On
9 this particular motion we feel that we should neither
10 support nor oppose the granting of any reasonable
11 time which the Court may feel the defense is entitled
12 to to prepare for the presentation of that defense.

13 THE PRESIDENT: One of the grounds given by
14 the defense is the shortage of stenographers and
15 interpreters and translators and checkers. There
16 should be no objection to the transfer of such ser-
17 vices from the prosecution to the defense; at least
18 I can see none if you are in a position to make the
19 transfer, Mr. Higgins.

20
21 As to the provision of better heated chambers,
22 I am unable to make any suggestion. We who work in
23 every comfort certainly have every sympathy with those
24 who do not.

25 MR. HIGGINS: Mr. President, a plan is being
worked on at present for the transfer of such of our

1 personnel, translators and checkers as we can spare.
2 We think, perhaps, that that will require the approval
3 of the Supreme Commander's headquarters. The Tribunal
4 constitutes one staff section and the prosecution
5 section a different one. We will be glad to cooperate
6 with the defense counsel and transfer the use of such
7 of our personnel as can be spared for the assistance
8 of the defense.
9

10 THE PRESIDENT: I personally in Chambers
11 have opposed anything in the nature of a vacation,
12 as the defense counsel know. I stated that I had
13 twenty-one years' experience of trying criminal cases
14 and never on a single occasion had I adjourned a case
15 to enable the defense to get ready. I realize this
16 is an exceptional case and I will leave it to my
17 brethren to come to a decision on the question of a
18 recess or no recess. I will only vote if I have to.
19 We will consider the matter.
20
21
22
23
24
25

W
h
a
l
e
n
&
B
a
r
t
c
n1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE PRESIDENT: Colonel Damste.

LIEUT. COLONEL DAMSTE: Mr. President, Members of the Tribunal, I was about to read prosecution document 5538, that is exhibit 1806.

THE PRESIDENT: Before you deal with that, Colonel Damste, at page 13851 of the record I am reported to have said in answer to Captain Brooks: "'Highest' was corrected to 'higher.'" I refer now to page 13845, line 17, where you, Colonel Damste, use the term "highest," but no correction appears there or subsequently. I think you did make the correction at the time you spoke. Is that so?

LIEUT. COLONEL DAMSTE: As far as I remember I said -- I made the correction, yes, sir.

MR. BROOKS: If the Tribunal please, the President has reported accurately. I recall definitely that exactly as the President reported is what happened.

THE PRESIDENT: Yes. Colonel, proceed with your evidence.

LIEUT. COLONEL DAMSTE: That is page 1, the last paragraph:

"When I first arrived at Tijeku Camp Lieutenant KOBUTA was the Japanese officer in charge. There were also Corporal IKAI and 1st Class Private KOWANA.

1 KOBUTA was a member of the No. 6 Transport Unit.
2 During the period I was in this camp I saw Lieutenant
3 KOBUTA act as the officer in charge and issue orders
4 both to Japanese staff and to the Indian prisoners of
5 war. I shifted from Tijku Camp to the unknown camp
6 about $1\frac{1}{2}$ miles away. This was in August 1944. The
7 Japanese officers and NCO's mentioned above came with
8 us to this camp and shortly after our arrival there
9 Lieutenant ITO and Lance Corporal TANAKA arrived. I
10 saw from my own observation that Lieutenant KOBUTA
11 remained the officer in charge of the camp, but Lance
12 Corporal TANAKA acted as his second in command in spite
13 of the fact that there were others there higher in rank.
14 Lance Corporal TANAKA in my presence took orders and
15 discussed orders with KOBUTA, and gave orders to other
16 members of the Japanese staff and Indian prisoners of
17 war.

18 "TANAKA said to me and other Indian prisoners
19 that we were going to be part of the Japanese Army.
20 In February 1945 TANAKA told me and Sub Mahomed Akrun
21 and Mahomed Hussein IWO that we were no longer pris-
22 oners of war, but, by Japanese order, formed part of
23 the Nipponese Army. He told us that in conversation in
24 our own room. He said it was an order of the High
25 Command and it had to be carried out. I protested and

1 the two others also protested. We said it was not
2 according to the rules of war, and we said we did not
3 want to be part of the Nippon Army. TANAKA said 'You
4 have just got to be.' TANAKA spoke in the Japanese
5 language and I understood what he said. The three of
6 us understood enough of the Japanese language to know
7 what he said. The IWO acted as an interpreter in trans-
8 lating our protests into the Japanese language to
9 TANAKA. TANAKA then started putting us on parades. He
10 started to teach us the Japanese procedure and customs.
11 We started fatigues early in the morning, about 7 a.m.,
12 and finished about 6 p.m. That was the regular pro-
13 cedure. The fatigue was lifting heavy boxes of medi-
14 cine or food stuff and carrying it about two or three
15 miles, and making three or four trips each day. A
16 whole lot of the Indian prisoners were in the fatigue
17 party. Some were sent to a garden, whilst others did
18 the work above referred to.

19 "His Honor: Q. Did you have any meal time
20 between 7 a.m. and 6 p.m.?

21 "Answer. The first meal of the day, when we
22 had any, was about 6:30 a.m. During the last three
23 months or so of our captivity we were given no meal
24 before starting work for the day. We had our own cook-
25 house and we managed to obtain our own private supply

1 of tea and sugar and salt. We were only able to have
2 something to drink before starting work, but nothing
3 to eat.

4 "At 12 midday we got our first meal of the
5 day. We generally carried rice with us which was sup-
6 plied by the Japanese. At first the amount of rice
7 given to us was ten ounces. Later the supply dim-
8 inished until it was about five ounces. They gave us
9 some dried tinned vegetables, but mostly we lived on
10 jungle leaves. One hour was allowed for the midday
11 meal. We stopped wherever we happened to be working.

12 "The next meal was when we came back about
13 7 p.m. If it was dark at this time we were not pro-
14 vided with lights. All we could eat was the rice ra-
15 tion per man left over from the midday meal. Before
16 the evening meal we were given half an hour's military
17 training. TANAKA was always in charge of this train-
18 ing. KOBUTA at times would come along and watch what
19 was happening.

20 "I saw TANAKA on a great many occasions beat
21 the Indian prisoners on these parades. Sometimes he
22 would slap them with his open hand, and sometimes hit
23 them with sticks about the head and body, but generally
24 about the head. I saw him beat men so consistently
25 that every prisoner would have received a beating, and

1 generally about twenty prisoners would be beaten each
2 day at the training period. Mostly the slaps admin-
3 istered with the hand were severe enough to knock men
4 to the ground. This generally happened when he
5 slapped with his hand. I often heard him say to a
6 prisoner 'Your brain is not all right so I am going to
7 fix it up,' and he would then hit him on the head with
8 a stick. The stick was generally a long walking stick
9 about an inch thick.

10 "I will deal now with ill-treatment and the
11 withholding of medical supplies and give particular
12 instances. And when I have finished describing those
13 I will describe beheadings and killings.

14 "About March 1945 three of our soldiers, Ma-
15 homed Shafi, Ali Haider and Tufail Mahomed were ill-
16 treated by TANAKA as well as KOBUTA. TANAKA told me
17 that these three men who were then working in the garden
18 were bad workers, and he asked me to examine them. I
19 examined them and I told TANAKA they were sick from
20 beriberi and general debility. I told him this myself
21 in the Japanese language, using my hands to supplement
22 what I told him.

23 "I then saw him beat them one by one, first of
24 all by slapping them with his hands until they were
25 knocked to the ground. He then got them to their feet

1 again and beat them with a stick on the knuckles and
2 knees and about the head until the three of them became
3 unconscious. The beating lasted for about half an
4 hour. After the beating I saw that Ali Haider was very
5 sick and I gave him such medical attention as I could
6 until his death about a week or ten days later. Al-
7 though I told TANAKA that he was very sick, TANAKA
8 said he would have to work on the fatigue carrying vege-
9 tables from the ground. I saw that Ali Haider on this
10 occasion did not return to the camp, and the next morn-
11 ing he was brought by other Indians into the camp. I
12 saw him then. He was unconscious and in a very feeble
13 condition. I gave him injections to try and keep him
14 alive, but an hour and a half later he died.

15 "I had been practicing in India as a doctor
16 for three years. As medical officer I worked for three
17 years, and from my medical experience and my examina-
18 tion and observation of Ali Haider after the beatings
19 I have described, I can say that he died as the result
20 of those beatings. I was present when he was buried.

21 "Shafi and Tufail were ill from the beatings
22 and were put on light work. Their condition was bad but
23 not so bad as Ali Haider's.

24 "I saw that Tufail was in a very weak condi-
25 tion, and in fact he was so ill that he asked me to

1 give him poison so as to make him die. Of course, I
2 did not do so and eventually he recovered. I have
3 seen Shafi in the 2/9 AGH on this Island, and he is in
4 that hospital now. I also saw Tufail in this hospital.
5 Sub. Akrum and IWO Mahomed Hussein were present and
6 saw the beating of Shafi, Haider and Tufail.

7 "The next case of ill treatment was the case
8 of Munshi Khan. I saw him beaten by TANAKA and KOWANA
9 and later tied to a tree. He was kept there for
10 twenty-four hours without food or water. His hands
11 were tied behind his back; he was tied up with rope to
12 the trunk of the tree, the rope stretching around his
13 body and the trunk of the tree. This was about July
14 1945. Whilst he was tied to the tree he actually passed
15 water and defacated standing up whilst tied to the
16 tree.

17 "He was beaten for more than fifteen minutes
18 before he was tied to the tree. I saw him receive
19 this beating from TANAKA and KOBUTA who used firewood
20 sticks about the length of my arm. They beat him about
21 the head and knees. Jen. Abdullah Khan was present at
22 the beating of Munshi Khan; IWO Mahomed Hussein was
23 also present.

24 "I can also speak of the beating of Mahomed
25 Shafi of the 2/9 Jat. Regiment. This was about the

1 month of July 1945. TANAKA and KOWANA beat him with
2 heavy sticks over the head for more than half an hour.
3 I saw them do this, and I saw KOBUTA standing watching
4 at the time. I did not hear him say anything. He did
5 not interfere in any way. I saw him become unconscious
6 and TANAKA or KOWANA would revive him by throwing water
7 on his face, and he was then beaten until he was uncon-
8 scious again.

9 "Immediately after the beating was over I
10 saw TANAKA and KOWANA force Shafi to kneel on firewood
11 sticks with a piece of firewood behind his knees. I
12 saw them tie Shafi's hands behind his back, and I saw
13 them beat him on the head and body with sticks. In
14 the position he was it was impossible for him to remain
15 upright, and they would beat him when he fell down and
16 then lift him back to the upright position again. This
17 happened several times. This particular beating took
18 about another half an hour. Whilst Shafi was in this
19 position and being beaten by TANAKA and KOWANA I saw
20 KOWANA pour petrol on Shafi's feet and set a light to
21 it. TANAKA was still beating him whilst this was
22 being done. When this beating was finished, I saw
23 Shafi tied with his hands behind his back to the trunk
24 of a tree and he was left there all night. I and
25 others supplied him with food and water secretly during

1 the night.

2 "The reason given by TANAKA for the beating
3 of Shafi was that although Shafi admitted stealing
4 food himself, he refused to implicate others. TANAKA
5 told me he would torture him until he implicated others,
6 but Shafi did not do this in spite of the beatings.
7 I heard Shafi say from time to time whilst being beaten
8 that he alone was responsible for any theft.

9 "Shafi said in Industani that he intended to
10 die by himself and he would not implicate anybody else.
11 I translated this into the Japanese language and told
12 TANAKA that this was what Shafi said.

13 "The next morning after the beatings TANAKA
14 and KOBUTA called me, Jem. Abdullah Khan and Mahomed
15 Hussein over and said they wanted to behead Shafi
16 and asked our opinion about it. I said that many be-
17 headings had already taken place, so many that it was
18 no use beheading Shafi, and suggested that he should
19 receive some other punishment. They did not behead him.
20 TANAKA and KOBUTA told me that they would leave the
21 punishment to myself and the other Indians. We black-
22 ened his face with soot and hung his shoes around his
23 neck on one parade. He had to promise that he would
24 not steal in future, and he gave this promise.

25 "The next incident I can speak of is the ill

1 treatment of Jem. Mohan Singh. He suffered badly from
2 dropsy. That was in April 1945. He had dropsy and
3 eventually died of this condition about 13th or 14th
4 August. I was looking after him. I saw that he was
5 in intense pain as his abdomen was swollen with full-
6 ness of water. It interfered with his breathing and
7 it was necessary for the water to be taken away from
8 his abdomen to ease the pain. I had no proper instrument
9 to do this. I asked both TANAKA and KOBUTA several
10 times for medicine and an instrument to take the water
11 away. They said 'You cannot get any medicine or in-
12 struments.' I asked TANAKA and KOBUTA would they ad-
13 mit the patient to hospital. They said 'No, Indians
14 are not allowed to go into hospital.' Later a Japan-
15 ese soldier, a medical orderly, supplied me with a
16 20 CC needle (like an injection needle), a very small
17 one, and using it I took eight to ten hours to get part
18 of the water away. This caused the patient great pain
19 because he had to sit all this time. I say from my
20 medical knowledge and my observation and examination
21 and treatment of Jem. Mohan Singh that had I been al-
22 lowed to give him proper treatment and medicine his
23 life might have been saved.

25 "The next incident I can refer to is the ill
treatment of Mahomed Akrum. About February 1945 I

1 heard Lieutenant KOBUTA tell Akrum that he had been
2 disobedient, and he ordered him to make two camps and
3 a garden. I heard Akrum and TANAKA and KOBUTA arguing
4 about whether Akrum should continue work in the garden.
5 I heard Akrum tell them that he wanted to appeal to a
6 higher authority. I heard TANAKA say 'You will get
7 severe punishment. I have friends in the Military
8 Police and they might cut your head off later on if
9 so needed.' I heard Akrum say that he would not go to
10 the higher authority, and then KOBUTA SAID 'I am not
11 angry with you. I excuse you and you will go on work-
12 ing as you were before.' Later I was present when a
13 Military Policeman came with an interpreter. Akrum
14 was there, also Jen. Abdullah Khan. Akrum was sitting
15 down in his civilian clothes. The policeman said in
16 Japanese 'Why are you sitting like this in those
17 clothes?' I started to translate what was being said,
18 but before I could finish the Military Policeman
19 started slapping Akrum with his hands. It was a very
20 severe beating. Akrum was sitting down when he was
21 beaten and was knocked to the floor from time to time.
22 The beating lasted for ten to fifteen minutes. The
23 beating took place in the prisoner's room.

24 "I was mess secretary. For ten days Akrum
25 was put on half rations. TANAKA came daily during the

1 ten days and made many statements to me and other
2 prisoners that Akrun had committed various crimes.
3 TANAKA told me that he wanted Akrun to sign a state-
4 ment confessing his crimes, as otherwise he would
5 behead Akrun. He asked me would I tell Akrun this
6 and persuade him to sign. I did so and Akrun did
7 sign."

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 "During the period that TANAKA and KOBUTA
2 were associated in control of the prisoners I actual-
3 ly saw almost every day one or both of them slapping
4 and beating prisoners severely with sticks.

5 "I will now deal with the beheading and death
6 of prisoners. The first case is that of Mahomed Din
7 about March 1945. He confessed that he took a tin of
8 fish from the store. He was brought in and tied to
9 a tree in the compound. I saw Mahomed Din whilst he
10 was tied to the tree and I heard coming from the vic-
11 inity of the tree signs of blows and cries but I did
12 not actually witness the beatings. I saw him whilst
13 tied to the tree about 4 p.m. Some time after 10 o'
14 clock he was not there. I searched for him and could
15 not find him. A few days later TANAKA told me that
16 Mahomed Din had been captured and that he had had Din
17 beheaded by the Military police.

18 "I never saw Mahomed Din after the night he
19 escaped.

20 "At the time of the Japanese surrender TAN-
21 AKA asked me and other prisoners to sign the nominal
22 roll that Din had died from natural causes. This was
23 about 28th or 29th August. TANAKA at this time was
24 armed with pistol and sword and said that his record
25 showed that Din died from beheading following a

1 conviction for stealing and that he, TANAKA, wanted
2 to change that and show death as having taken place
3 from natural causes. He said it would be better for
4 the soldier's people if it was not recorded that he
5 had been beheaded for stealing as that would cause
6 dishonor and shame to Din's people. Akrum and I said
7 that the true facts should be stated. We were un-
8 armed whilst TANAKA was armed with pistol and sword.
9 I signed because I was afraid that he would shoot or
10 behead us.

11 "The next case I can speak of is that of
12 Chinadury, Said Gul, Miraj Din and Karim Ilahi. This
13 happened about the 10th April. I was told something
14 by Mahomed Hussein and I know that those four prison-
15 ers were taken away from our camp and kept away for
16 three or four days. I saw them when they returned
17 and they were all very ill. I saw Said Gul and Chin-
18 adury spitting blood. I saw that the four prisoners
19 all had bruises and swellings on the head and that
20 they were in a state of exhaustion. I saw them
21 brought back by the Military police. KOBUTA told me
22 that he was going to have those four prisoners be-
23 headed to set an example as to what would happen to
24 prisoners who were guilty of theft. Later I saw the
25 four prisoners being taken away by Japanese Military

1 Police whose names I do not know. I saw them taken
2 to an area where I had previously seen other prison-
3 ers go with spades accompanied by a Japanese guard.
4 After I saw the four men being taken to this area I
5 did not see them again. The following morning at the
6 morning parade KOBUTA told me and the other prisoners
7 that he, KOBUTA, had had the four men beheaded and
8 that that should be an example to the rest of us not
9 to steal.

10 "The next matter I wish to deal with re-
11 lates to Mahomed Afsar and Yakub Khan. This was a-
12 bout July 1945. TANAKA told me that they had stolen
13 a phial of medicine and that he had decided to have
14 them beheaded. I saw them tied up without food or
15 water from 4 o'clock one afternoon until 10 o'clock
16 the next morning. They were not freed to obey and
17 call of nature and did so whilst tied to the tree.

18 "The next morning I saw them untied by Jap-
19 anese guards and stripped naked and taken away. TAN-
20 AKA was present at the time. I saw him go away with
21 Afsar and Yakub Khan and the guards and I never saw
22 those men again. TANAKA had his sword with him.
23 There were two Japanese guards with them and they al-
24 so had swords. TANAKA later told me that those two
25 prisoners had been beheaded but he did not say who

1 had done the actual beheading.

2 "The next matter is that of Mahomed Ramzan.
3 This was in August 1945 some weeks before the surren-
4 der. I saw Ramzan tied to a tree all night. TANAKA
5 told me that he was taking Ramzan away and was going
6 to behead him. He said that Ramzan had stolen a tap-
7ioca plant and had told lies to TANAKA about it. TAN-
8AKA said that Ramzan would not admit to him that he
9 had taken the plant. I did not see Ramzan again af-
10ter he had been taken away with TANAKA. I saw that
11TANAKA had his sword with him when he took Ramzan
12away and later TANAKA told me that he had himself be-
13headed Ramzan.

14 "The next matter deals with Mahomed Hus-
15sein and Umer Din. TANAKA told me that they had es-
16caped and had been caught and that he had had them
17beheaded by the Military police. I never saw either
18Husseini or Umer Din again after they escaped. This
19was shortly before the surrender. I am not certain
20about the month that these men escaped and were be-
21headed according to TANAKA, but I think it was shortly
22before the beheading of Mahomed Afsar and Yakub Khan.

23 "In September 1943 after we were taken to
24the Halmaheras dysentery broke out. Capn. USHIDA
25was in charge of us. I went to the hospital and asked

1 for medicine to cure the dysentery. They would not
2 give it to me, they only gave me creosote to ease
3 the pain.

4 "TANAKA and KOBUTA were responsible for us
5 not getting a full supply of food. Every month when
6 the rations were drawn the rations for the prisoners
7 were put in the same store as the rations for the
8 Japanese guards. They only issued us out of the
9 store rice, salt and dried vegetables but would not
10 give us biscuits, sweet biscuits or green peas, al-
11 though I saw these latter items brought in every
12 month for the No. 6 Transport Unit. About every two
13 or three days I saw TANAKA and KOBUTA taking boxes of
14 biscuits for eight Japanese guards or police. Out of
15 40 bags of rice that would be brought in about 15 of
16 them would go to them and 25 to us. This was for the
17 whole month. There were eight of them to feed and
18 about 190 of our men. I saw TANAKA and KOBUTA giv-
19 ing biscuits and cigarettes to some of their friends,
20 members of the Thaiwan force and to the Kempetai
21 (Jap. Military Police).

22 "I have heard TANAKA on many occasions say
23 that he had friends in the Kempetai and, therefore, he
24 could get anything done to us that he wanted in the way
25 of punishment without getting permission from head-

1 quarters.

2 "As the result of food being kept away
3 from the men they contracted beri-beri; they suf-
4 fered from debility and some died from it. A lot of
5 the men were sick and needed hospital treatment and
6 needed drugs that I could not procure. TANAKA would
7 not allow the men to be taken to hospital. I said to
8 him 'The hospitals are admitting your men, why not
9 the Indians?' They were also admitting Indonesian
10 members of the auxiliary forces. TANAKA said 'No
11 Indians can go to hospital.'

12 "During the last six months KOBUTA and TAN-
13 AKA were very harsh in their treatment of the sick at
14 the morning fatigues. Irrespective of how sick they
15 were the men had to attend the morning parade and
16 stand to attention whilst they listened to a lecture
17 from either KOBUTA or TANAKA for about 10 or 15 min-
18 utes. Some of the men were too sick to do this and
19 collapsed on the parade. When they collapsed and fell
20 they were left lying where they fell and at the finish
21 of the lecture the rest of the party would be marched
22 off by TANAKA or KOBUTA. We had to supply men to take
23 the place of those who had collapsed and this had to
24 be done from the other men available, mainly sick peo-
25 ple who I knew were not fit to work. I told KOBUTA

1 and TANAKA on numbers of occasions that numbers of
2 men were too sick to work. "

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

G
r
e
e
n
J
e
r
g
&
S
p
r
a
t
t

1 "After the parade KOBUTA and TANAKA went
2 over to those who had collapsed and who were still
3 lying there. They used to hit them over the head or
4 knees or kick them to test whether they were
5 malingering or not. A few may have laid down to get
6 a rest but most of them were genuine sick cases.
7 TANAKA and KOBUTA would then select from the sick
8 ones those who were to be given an injection. They
9 would point to one man as being no good as a worker
10 because he was too sick and ordered that he was not
11 to have injections. TANAKA and KOBUTA said that they
12 were the ones to pick and choose who amongst the
13 sick were to get the injections. They would not
14 allow injections to be given to the very sick because
15 they said they would be no good for working. The
16 injections that were given were given either by
17 myself or the Jap. medical orderly. The injections
18 were of vita camphor or olium camphor; they give
19 strength to the heart for an hour or so, otherwise
20 a man might die if he is in a very collapsed condi-
21 tion. Some of the men had to be lifted by Indian
22 prisoners back to the barracks. The supply of
23 camphor injection was obtained from either TANAKA
24 or KOBUTA or the medical orderly. Often I was
25 able to give injections to those who were very sick

1 and really needed it, but this was given from sup-
2 plies which we had stolen. Of course I was unable
3 to give those injections in the presence of TANAKA
4 and Kobuta. I was only allowed to give injections
5 to the men they picked out. The men they would not
6 let me inject would have died if orders had been
7 carried out, but in many cases I was able to save
8 their lives by giving them secret injections.

9 "Many of my men badly needed extractions
10 of advanced cavious teeth; I would report to TANAKA
11 that those men were urgently in need of dental
12 treatment but TANAKA would not let them go to the
13 Japanese dental people. I did not have any in-
14 strument myself to perform extractions. TANAKA
15 would not give any reason for not letting them go
16 to the dentist but would say, 'They cannot go, we
17 want them for work.' TANAKA would not issue passes
18 which were necessary to get dental care.

19 "Earlier there were only six guards as well as
20 TANAKA and KOBUTA; in the last fortnight they put on
21 another five, making eleven in addition to TANAKA
22 and KOBUTA. KOWANA was one of them, KHAGI SHIMA was
23 another, ADACHI was another, OTAKE was another,
24 and the medical orderly, OKAMA, was another.

25 "I often saw KOWANA, KHAGI SHIMA and

1 ADACHI administer severe beatings with hands and
2 sticks.

3 "I can identify KOBUTA and TANAKA. I can
4 also identify all the guards I have mentioned by
5 name.

6 "Two Indians, Shakein Peg, 2/9 Jat. Reg,
7 and Ghulam Yasin, 36 Ord. Workshop, died of dysentery --
8 amoebic dysentery. This was about March or April,
9 1945. I told TANAKA that they were suffering from
10 this complaint and I asked him for emetine to cure
11 this condition. He said 'You are not going to get
12 this medicine, it is not available.' I know that
13 some had been available ten days before because I
14 had been given a supply of it from another unit in
15 the vicinity. I told TANAKA that they would die
16 unless I could treat them with this medicine. I
17 asked him if he would not give me the medicine
18 would he allow them to go to hospital in order to
19 try and save their lives. He refused both the
20 medicine or to allow them to go to hospital. They
21 both died at the end of March or beginning of
22 April 1945. I say from my medical experience and
23 my observation and treatment of these men that I
24 would have been able to cure their complaint and
25 save their lives if I had been given this emetine.

1 "When we arrived in the Halmaheras about
2 two-thirds of the Indian prisoners did not have
3 any footwear and had to work in bare feet. This
4 resulted in the men with bare feet getting sores
5 on the feet and legs. The infection spread
6 quickly and resulted in the permanent disability of
7 many of them, and some deaths. The officer whom I
8 asked for these supplies and who refused to give
9 them was a Staff Capn. of the Thakeda Tai. I
10 could not identify him as I only saw him once or
11 twice."

12 The prosecution enters document No. 5517
13 for identification and the excerpts as an exhibit.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5517 will receive exhibit No. 1807 for identifica-
17 tion only; the excerpts therefrom will receive
18 exhibit No. 1807-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1807 for identification; and the excerpts
22 therefrom were marked prosecution's exhibit
23 No. 1807-A and received in evidence.)

24 LIEUT. COLONEL DAMSTE:

25 c. At Pomela, near Kendari, in October, 1943,

1 a seriously wounded Australian flying officer was
2 left to die although appropriate medical treatment
3 was available; he was not given the promised anaes-
4 thetic because when interrogated he refused to give
5 further information than he needed to give accord-
6 ing to international law. This is related by
7 Lieutenant Commander P. E. Carr, R. A. N., prosecu-
8 tion document 5517.

9 3. Executions.

10 a. At POW camp, Macassar, in September,
11 1942, three Dutch POW (Peletier c. s.) who had
12 escaped but had been recaptured, were beheaded
13 without trial. Another group of three Dutch POW
14 (Lieutenant Hees c. s.) were beheaded about the
15 same time after severe ill-treatment which lasted
16 a week, this is contained in the report of Captain
17 Dieudonne, already introduced, exhibit No. 1805-A.

18 The prosecution enters document No. 5514 as
19 an exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5514 will receive exhibit No. 1808.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1808 and received in evidence.)

1 LIEUT. COLONEL DAMSTE:

2 b. At POW camp, Menade, in March, 1942,
3 five Dutch NCO's who had participated in guerilla
4 activities but had surrendered eventually, were
5 executed (group COSIJN). This is mentioned in the
6 statements by Lieutenant R. J. Hensel, R. N. I. A.,
7 prosecution document No. 5514.

8 The prosecution enters document No. 5563
9 for identification and the excerpts as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5563 will receive exhibit No. 1809 for identifica-
13 tion only, and the excerpts therefrom will receive
14 exhibit No. 1809-A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1809 for identification, and the excerpts
18 therefrom were marked prosecution's exhibit
19 No. 1809-A and received in evidence.)

20 LIEUT. COLONEL DAMSTE: The same is related
21 in the affidavit (page 3) of Major W. C. Van Den
22 Berg, R. N. I. A., prosecution document 5563. This
23 major also mentions the beheading of two Dutch NCO
24 who had defended an aerodrome (Wielinga and Robbe-
25 mond) which execution was preceded by serious

ill-treatment.

1 c. At Teragan, various executions, without
2 trial, of Indian POW occurred:

3 In March 1945 Mohamad Din was beheaded as
4 a punishment for the alleged theft of a tin of fish.

5 In April 1945 four POW (Chinadury c. s.)
6 were beheaded after severe ill-treatment.

7 In July 1945 two POW (Mohamad Afsar c. s.)
8 were beheaded.

9 In July or August 1945 two POW escapees were
10 beheaded.

11 In August 1945 the POW Mohamad Ramzan was
12 beheaded.

13 This is reported by Medical Officer Paul,
14 whose affidavit has already been introduced, exhibit
15 1806.

16
17 II. CIVILIANS.

18 A. Internees.

19 The interned Dutch population suffered the
20 same unnecessary hardships as in the other areas.
21
22
23
24
25

1 Prosecution enters document 5544 as an
2 exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5544 will receive exhibit No. 1810.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1810 and received in evidence.)

9 LIEUT. COLONEL DAMSTE: At the Teling intern-
10 ment camp for men, Menado, food was bad both in
11 quality and quantity, and consisted in the beginning
12 mainly of burnt rice. No medicines were supplied
13 although dysentery broke out, resulting in the death
14 of ten out of about one hundred fifty internees.
15 Discipline was maintained by terrorization: severe
16 beatings and torture were applied, confinement in
17 cells under miserable conditions.

18 On July 3, 1942 two inmates of the camp
19 (Dr. Wolff and De Jong) were executed and at another
20 place an American colonel, two Roman Catholic priests
21 and a Roman Catholic brother. Shortly afterwards
22 another prisoner, De Leeuw, was executed.

23 The same party of prisoners was moved to
24 jail for about six weeks: for three days no water
25 or food was provided, afterwards only a little. No

1 medical care was given although people suffered from
2 dysentery.

3 After their return to the camp the internees
4 got only one meal a day consisting of rice. Still
5 no medicines were supplied. Sick people were sent
6 to jail, where they had to die from starvation and
7 illness. The only attention given by the Japanese
8 doctor when he visited the camp was that he tried to
9 buy watches.

10 On June 19, 1945 two internees were executed.

11 This story of misery is told by one of the
12 victims, H. Dallinga, Mayor of Manado, prosecution
13 document 5544.

14 The prosecution enters document 5547 for
15 identification and the excerpts as an exhibit.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5547 will receive exhibit No. 1811 for identifi-
19 cation only, and the excerpts therefrom will receive
20 exhibit No. 1811A.

21 (Whereupon, document No. 5547 was
22 marked prosecution's exhibit No. 1811 for
23 identification; and the excerpts therefrom
24 were marked prosecution's exhibit 1811A and
25 received in evidence.)

1 LIEUT. COLONEL DAMSTE: At Pare-Pare, South
2 West Celebes, in the men's internment camp severe
3 beatings occurred, even of a Roman Catholic priest
4 who was beaten almost to death. At Bodice, South
5 West Celebes, the internees had to live in cowsheds
6 and pigsties, under very bad sanitary conditions.
7 Here, as well as at Bolong Camp, South West Celebes,
8 food was insufficient. This appears from the interro-
9 gation report of the Controller (civil servant) H. J.
10 Koerts, prosecution document 5547.

11 The prosecution enters document 5555 as an
12 exhibit.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 5555 will receive exhibit No. 1812.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1812 and received in evidence.)

19 LIEUT. COLONEL DAMSTE: At Aermedidi, the
20 women's internment camp at Menado, beatings occurred
21 regularly. Four girls between thirteen and eighteen
22 years of age were severely beaten and then forced to
23 stand night and day before the Japanese camp office
24 for about a week at a stretch without food. Food was
25 insufficient and caused beri-beri resulting in the

1 death of many. Medical supplies were inadequate;
2 the Japanese comment was: "What use have you people
3 for medicines? The sooner you die the better. I
4 shall like it." Sanitation was bad. These condi-
5 tions appear from the affidavit of the Dutch camp
6 commandant, Mrs. A. L. Rolff, prosecution document
7 5555.

8 B. Non-Interned.

9 1. Tokeitai.

10 The same pattern of methods of interrogation,
11 torture and ill-treatment, as applied by the Army
12 Kempeitai in Java and Sumatra, was used by the
13 Military Police of the Japanese Navy, the Tokeitai,
14 whose methods have been mentioned already when deal-
15 ing with Borneo.

16 The prosecution enters document 5522 for
17 identification and the excerpts as an exhibit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 5522 will receive exhibit No. 1813.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1813 and received in evidence.)

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

1 (Whereupon, at 1045, a recess was
2 taken until 1100, after which the proceed-
3 ings were resumed as follows:)

4 - - -

5 THE PRESIDENT: In order to enable the
6 accused to prepare a proper defense the Tribunal
7 has decided to adjourn for a fortnight at the end
8 of the prosecution's case.

9 Colonel Damste.

10 LIEUT. COLONEL DAMSTE: At Tokeitai Head-
11 quarters, Menado, the suspects were confined under
12 appalling conditions: overcrowded cells; forced
13 sitting up all day; no speaking allowed; insuf-
14 ficient food both in quality and in quantity; severe
15 and repeated beating, in one case for 14 days all
16 day long and sometimes also at night; hanging by
17 the feet, head down; burning; rape.

18 At the military prison, Menado, the same
19 conditions: sick men were not even given any food
20 for two or three days, they died from dysentery and
21 starvation.

22 At Makale, Southwest Celebes, food was
23 very scanty; no medicines were provided.

24 At Tokeitai prison, Macassar, the prisoners
25 were sometimes not allowed to go to the lavatory

1 for three or four days and then only for two
2 minutes; the use of soap was forbidden.

3 At Japanese Headquarters, Macassar, cor-
4 poral ill-treatment was frequent.

5 All this appears from the affidavit of
6 Ch. H. Wensveen, prosecution document 5522.

7 b. Conditions at Tomohon jail, near Manado,
8 are described by Major Van Den Berg, whose affidavit
9 has been introduced already, exhibit 1809-A, showing
10 a regime of terror; the lack of food led to disgust-
11 ing scenes.

12 c. At Manado, in February and March 1942,
13 18 persons, most natives, were located in a so-called
14 death cell. They were severely ill-treated, bound
15 together back to back and placed in the tropical
16 sunshine every day; when they collapsed from exhaus-
17 tion they were put on their legs by means of kicking
18 and thrashing; for six days these men got no food.
19 They were ordered to dig pits and were then executed.

20 This is told in the statement of Lt. Hensel,
21 already introduced, exhibit 1808.

22 2. Murder.

23 The prosecution enters document 5523 as an
24 exhibit.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 5523 will receive exhibit No. 1814.

3 (Whereupon, the document above
4 referred to was marked prosecution's
5 exhibit No. 1814 and received in evidence.)

6 LIEUT. COLONEL DAMSTE: a. At Lolobata,
7 Halmaheira, in March 1944 a Menadonese was beheaded
8 without trial. This appears from the statement of
9 Djon Sampok, prosecution document 5523.

10 The prosecution enters document 5529 as
11 an exhibit.

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5529 will receive exhibit No. 1815.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 1815 and received in evidence.)

19 LIEUT. COLONEL DAMSTE: At Foelie, Hal-
20 maheira, in September 1943 the Japanese killed a
21 Javanese and a Buginese without trial, as appears
22 from the statement of Hoesin Bin Abdullah, prosecu-
23 tion document 5529.

24 The prosecution enters document 5530
25 as an exhibit.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 5530 will receive exhibit No. 1816.

5 (Whereupon, the document above
6 referred to was marked prosecution's ex-
7 hibit No. 1816 and received in evidence.)

8 LIEUT. COLONEL DAMSTE: At Soegi, Morotai,
9 in September 1944, four natives were put to death
10 by beheading, without trial. One of them, Mairuhu,
11 however, was not killed and has reported this crime
12 in his statement, prosecution document 5530, with
13 a photograph showing the scar in his neck.

14 Mr. President and Members of the Tribunal,
15 this completes the synopsis of the Japanese crimes
16 committed in the Celebes and surrounding islands,
17 and concludes the survey regarding the Netherlands
18 Indies. And now Lieut. Colonel Mornane, for the
19 prosecution, will continue with the presentation
20 of evidence in this phase.

21 THE PRESIDENT: Colonel Mornane.

22 LIEUT. COLONEL MORNANE: If the Tribunal
23 pleases, my first document is prosecution document
24 No. 5440, a synopsis of the Ambon Island group. I
25 tender it in evidence.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 5440 will receive exhibit No. 1817.

5 (Whereupon, the document above
6 referred to was marked prosecution's ex-
7 hibit No. 1817 and received in evidence.)

8 LIEUT. COLONEL MORNANE: My next document
9 is an affidavit made by Major George De Vardon
10 Westley, formerly of 2/21 Australian Infantry
11 Battalion. It is prosecution document No. 5419.
12 I tender this document for identification and the
13 marked excerpts in evidence.

14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Prosecution's docu-
17 ment No. 5419 will receive exhibit No. 1818 for
18 identification only, and the excerpts therefrom
19 will receive exhibit No. 1818-A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1818 for identification, and the excerpts
23 therefrom were marked prosecution's exhibit
24 No. 1818-A and received in evidence.)
25

LIEUT. COLONEL MORNANE: This document

1 is introductory to the two following exhibits.

2 The deponent states that he was with the
3 2/21 Battalion on Amboina Island in February 1942,
4 when the Japanese landed. The Australian forces on
5 the island consisted of 800 on the Ambon side and
6 about 300 on the Laha side. The deponent became a
7 prisoner in February 1942, and remained on the
8 island until the Japanese surrender in 1945. While
9 he was a prisoner he heard nothing as to the fate of
10 the 300 on the Laha side of the island and in
11 September 1945 sent a party there to endeavor to
12 trace them. No trace was found, but a Japanese
13 medical officer pointed out a cairn under which he
14 said about 200 men were buried, but he could not
15 say whether they were Australian or Japanese.

16 Prosecution document No. 5333 is a record
17 of the evidence of Lieutenant Commander KEN-ICHI
18 NAKAGAWA, Imperial Japanese Navy, retired, in the
19 Prosecution Court of the Tokyo Naval General Court
20 Martial on 8th November 1945, and in the Tokyo
21 General Demobilisation Court on the 22nd December
22 1945, and the 29th December 1945. I tender it for
23 identification.

24 CLERK OF THE COURT: Prosecution's docu-
25 ment No. 5333 will receive exhibit No. 1819 for

1 identification only.

2 (Whereupon, the document above
3 referred to was marked prosecution's ex-
4 hibit No. 1819 for identification only.)

5 LIEUT. COLONEL MORNANE: Prosecution docu-
6 ment No. 5333-A is complete record of evidence of
7 Lieutenant Commander KEN-ICHI NAKAGAWA. It was
8 extracted from prosecution document 5333 and
9 served on accused pursuant to order made by the
10 Tribunal on the 25th of November 1946, paper No.
11 578.

12 The prosecution enters document No. 5333-A
13 in evidence.

14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Prosecution's docu-
17 ment No. 5333-A will receive exhibit No. 1819-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1819-A and received in evidence.)

21 LIEUT. COLONEL MORNANE: NAKAGAWA was a
22 lieutenant of the Japanese naval forces at Laha. I
23 will now read certain excerpts from his evidence.
24 (Page 1, para 3.) "I am now going to tell you
25 about the course taken in the operation to capture

1 Laha. The Laha occupation force commenced landing
2 on the beach of Hitlama (this spelling is uncertain)
3 about two o'clock a.m., January 31, 1942, and cap-
4 tured the air field about 7:00 a.m. on February 3,
5 1942, with our casualties amounting to more than 100.

6 "The prisoners of war taken at the airport
7 totalled about 400, consisting of about 210 Aus-
8 tralians, about 60 Dutch, and troops of the native."
9 (Pages 9 and 10, questions and answers 5, 6 and 7,
10 omitting second paragraph in the answer to question
11 6.)

12 "Q Tell me about the enemy prisoners of
13 war captured in battle to capture the Laha airfield.

14 "A In the forenoon of the 1st of February
15 (I am not sure of the exact time,) our reconnoiters
16 (Petty Officer OKADA and seaman 1st class TANAKA of
17 the company-headquarters platoons) captured 10 enemy
18 troops led by an Australian Army second lieutenant,
19 and took them to Sowacoed. And besides this, as
20 mentioned above, on the 2nd of February about 50
21 Australian prisoners of war were taken prisoners by
22 us when they came to our camp to surrender.

23 "Q How were these prisoners of war dis-
24 posed of?

25 "A The first ten prisoners of war were

1 bayoneted to death before our force left Sowacoat
2 for the support of the aforementioned penetrating
3 unit on the 1st of February. Both Adjutant HATAKEYAMA
4 and I were at that time near the Laha airfield in
5 ambush leading the penetrating unit, so we did not
6 see the scene of the execution on the spot; accord-
7 ing to Ensign SAKAMOTO's statement made to me after-
8 ward, these prisoners of war were killed by the
9 order of the Commanding Officer Rear Admiral HATA-
10 KEYAMA, because these prisoners of war were likely
11 to become a drag upon the movement of the admiral's
12 force in rear."
13
14
15
16
17
18
19
20
21
22
23
24
25

1 "Next I will tell you about the killing of
2 the prisoners of war which numbered, as I remember
3 aright, fifty-one, though I mention in the above
4 they were more than fifty.

5 "On the 4th of February, Ensign SA KAMOTO at
6 Sowacoat sent a report to Rear Admiral HATAKEYAMA at
7 the Laha airfield that SAKAMOTO was at a loss with
8 small number of guard for treatment of prisoners of
9 war. According to the SAKAMOTO's report these
10 prisoners of war either rebelled against him or made
11 desertions because of the misunderstanding due to
12 difference of language. The Admiral got angry hearing
13 this report and called Adjutant HATAKEYAMA and me to
14 his room at the Laha airfield that evening where the
15 engineer staff officer was also present.

16 "We were ordered by the Admiral that we
17 should kill them on the following day because he had
18 received a report informing that prisoners of war at
19 Sowaccad were in disquietude. In compliance with this
20 order on the 5th of February, I took about 30 petty
21 officers and men to Sowacoat; I cannot recall now from
22 what platoon these 30 petty officers and men were
23 selected. In a forest of coconut-tree, about 200
24 meters toward the airfield from Sowacoat, we dug our
25 holes and killed prisoners of war with swords or

1 bayonets. I recall, it took about two hours from
2 10 a.m. The process of the murder was as follows: I
3 divided 30 petty officers and men into 3 groups, the
4 first group for leading the prisoners of war out of a
5 dwelling house where the victims were temporarily
6 confined, the second for preventing disorder on their
7 way from the house to the forest, the third for behead-
8 ing or stabbing the prisoners of war. The prisoners
9 of war were sent to the spot one by one and made to
10 kneel with bandage on their eyes. Our men of the
11 third group, one at a time, came out in turn either to
12 behead a prisoner of war with his sword or to stab
13 him through the breast with his bayonet.

14 "These prisoners of war were all Australians,
15 including 4 or 5 officers. I am sure that there was a
16 major, whose name was unknown to me. All corpses
17 were buried in the holes. The names of our men then
18 employed for this execution cannot be recalled at all.
19 But it is certain that there were present on the spot
20 no officer, either warrant or commissioned, except
21 myself. Most of the time I placed myself in the
22 middle between the house and the place of the killing
23 to do the over-all command; but I went to the spot
24 when the last victim was to be executed. Interpreter
25 IKEUCHI was then in the dwelling house to send out

1 the prisoners of war from the house.

2 "Q Did you make a report that the execution
3 had been accomplished?

4 "A I reported it to Adjutant HATAKEYAMA in
5 his room on that day, and I suppose the adjutant in
6 his turn reported it to Admiral HATAKEYAMA."

7 Page 12 to 15, question and answer 11, omitting
8 only translator's note:

9 "Q Tell me about the other killings of the
10 prisoners of war than you have afore stated.

11 "A As I have said, there were billeted in the
12 airfield barracks some 200 Australians and some 60
13 Dutchmen. When our forces first entered into the
14 airfield, they saw that the Japanese strength was very
15 small numbering only some 170. Some of the prisoners
16 of war, therefore, expressed their view through IKEUCHI,
17 interpreter, to such an effect as that they would not
18 have surrendered but would rather have continued fight-
19 ing bravely if they had known the Japanese strength
20 was so small, and that if they had fought more stubbornly
21 the Japanese casualties would have amounted to a con-
22 siderable degree. In addition to these they behaved
23 themselves disobedient in their assigned works, though
24 partly caused by the difference of language. And about
25 30 of them were considered to be especially disobedient.

1 The Commanding Officer heard of this fact, and he
2 gave Adjutant HATAKEYAMA and me an order in his room
3 in the evening of 5th February to murder these some
4 30 prisoners of war.

5 "I had about 20 enlisted men kill these some
6 30 prisoners of war about 3 p.m. on the following day,
7 if I remember right, in a coco-palm forest near Tauli,
8 about 700 meters from the airfield, though I cannot
9 recall what platoons these about 20 men belonged to.
10 In this killing, too, the prisoners of war were once
11 taken in a house nearby, then called out in turn one
12 by one, and killed with sword or with bayonet, as
13 before. Their corpse was buried in the hole dug for
14 the purpose. As in the previous case I stood in the
15 middle between that house and the spot of murder to
16 take general command for the most of the time, and I
17 went to the spot to witness the last one of being
18 killed and ascertained this bloody work had been
19 finished. I reported to the Adjutant HATAKEYAMA the
20 accomplishment of the execution. I am not sure whether
21 any Dutch men were included among the victims or not,
22 but it is certain that the victims were all enlisted
23 men.

24 "Next I will tell you about another killing
25 of the prisoners of war.

1 "On the 17th or 18th of February, I cannot
2 recall which day, while we were taking lunch at
3 Ambon, Commanding Officer HAYASHI disclosed his
4 intention rather to kill all the remaining prisoners
5 of war. His reason was this: our troops available
6 for service was numbered only 340 or 350, from which
7 various guards in various districts had to be dis-
8 patched; the desertions of the prisoners of war began
9 to be noted; rumours ran among natives that the
10 allied troops would come soon to attack us; enemy
11 planes in fact came for reconnaissance; if the desert-
12 ing prisoners of war would divulge the situation of
13 Japanese side, we would be faced very unfavourable
14 situation; and all these factors were forming a menace
15 to the position of the Japanese forces. I asked
16 Commanding Officer, then, what is his opinion concern-
17 ing the provisions of the International Law which I
18 understood to be stipulating that 'FURYO' should not
19 be treated as enemy. He answered me that I was right
20 so far as 'FURYO' was concerned, but that the captives
21 interned there were to be classified and called
22 'HORYO' and therefore we would not violate the Inter-
23 national Law if we would kill them."

24
25

1 "A few days later, in the evening while
2 taking supper with the Commanding Officer and his
3 Adjutant HATAKEYAMA at the garden in front of the
4 Commanding Officer's room, I was told by the
5 Commanding Officer to kill all the prisoners of
6 war at Laha.

7 "On the following day, probably 20th of
8 February, if my recollection is right, I gathered
9 up some 60 enlisted men from various platoons attached
10 to the 1-KNSLP. Moreover about 30 enlisted men from
11 the crew of the Minesweeper No. 9 who were boarding
12 at the 1-KNSLP barracks because their ship had sunk
13 then, were employed by the consent of a reserve-list
14 officer attached to that minesweeper.

15 "I took the both groups of enlisted men
16 totalling to some 90 to Laha from Ambon at about
17 1 p.m. on the 20th. We dug holes in a place in a
18 coconut forest at Tauli; this new place is a different
19 position from that of the previous murder being 140
20 or 150 meters away from it, and was about 200 meters
21 off the headquarters of the Laha Detachment. I
22 divided 90 men into 9 groups: 2 groups for bloody
23 killing, 3 groups for watching the prisoners of war;
24 on their ways to the killing place, 2 groups for
25 sending prisoners of war out of the barracks: one

1 group for guard on the spot of the killing, the last
2 one for emergency. The prisoners of war were carried
3 by truck from the barracks to the Detachment building
4 about 500 meters in distance, and they were on foot
5 from the Detachment building to the spot of the
6 killing. The same way of the killing was adopted
7 as in the previous case; to have them kneel down
8 with bandage over their eyes and to kill them with
9 sword or bayonet.

10 "The poor victims numbered about 220 in
11 all including a few Australian officers. Interpreter
12 IKIUCHI was, as in the previous case, in charge
13 of duty of sending prisoners of war out of the
14 barracks; I was in the Detachment building giving
15 overall directions and ascertained the final accom-
16 plishment of the affair on the spot. It took from
17 about 6 p.m. to 9.30 p.m. Most of the corpses were
18 buried in one hole, but because the hole was not
19 big enough to receive all of the corpses a dug-out
20 nearby was also used for the burial. On that day
21 upon my arrival at our headquarters I reported it
22 to the Commanding Officer directly and also to his
23 adjutant.

24 (Page 15. Question and answer 13).

25 "Q. Was the order of killing prisoners of

1 war issued by the Commanding Officer HAYASHI at his
2 own discretion?

3 "A. In the first three cases of the murder
4 the orders were with no doubt issued by Rear-Ad-
5 miral HATAKEYAMA. But as for the last case, I am
6 not sure whether the order was issued by the Command-
7 ing Officer HAYASHI himself, or it was given in
8 compliance with the order of Rear-Admiral HATAKEYAMA."

9 Prosecution document No. 5333-B is my next
10 document. It is the record of evidence of Commander
11 KUNITO HATAKEYAMA of the Imperial Japanese Navy
12 given before the Tokyo General Court Martial on
13 8th November, 1945, and the Tokyo General Demobili-
14 zation Court on 24th December, 1945, and 12th
15 February, 1946. I tender this document in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5333-B will receive exhibit No. 1819-B.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1819-B and received in evidence.)

22 LIEUT. COLONEL MORNANE: This document refers
23 to the killing of prisoners at Laha. It is put in
24 evidence in compliance with order contained on paper
25 No. 578 permitting use of record in evidence of

1 KUNITO HATAKEYAMA and KEN-ICHI NAKAGAWA without
2 putting in the whole record of evidence contained
3 in Evidentiary Document No. 5333.

4 Prosecution document No. 5418 is an affi-
5 davit by Major George De Verdon WESTLEY formerly
6 of 2/21 Australian Infantry Battalion. I tender
7 the document for identification and excerpts there-
8 from in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5418 will receive exhibit No. 1820 for identi-
12 fication only; and the excerpts therefrom will re-
13 ceive exhibit No. 18 20-A.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1820 for identification; and the excerpts
17 therefrom were marked prosecution's exhibit
18 No. 1820-A and received in evidence.)

19 LIEUT. COLONEL MORNANE: This and the
20 succeeding four documents relate to the prisoner
21 of war camp at Ambon. I subsequently propose to call
22 a witness from that camp, so I do not propose to read
23 these documents unless the Court would prefer me
24 to do so to enable the defendant counsel to cross-
25 examine the witness or what they have read.

1 THE PRESIDENT: Why read them if you think
the witness will cover the same ground?

2 LIEUT. COLONEL MORNANE: It was merely to
3 avoid the position that we had with regard to
4 Borneo where the witness was called first and the
5 documents had not been read; and then the defense
6 endeavored to cross-examine the witness on documents
7 which had not up to that stage been read in Court.

8 THE PRESIDENT: Let us hear the witness,
9 and then we will decide whether we should have the
10 affidavits read.

11 One of my colleagues desires to know whether
12 the Japanese Rear-Admiral referred to a minute or
13 two ago was tried, and if so, with what result.

14 LIEUT. COLONEL MORNANE: I am informed,
15 Mr. President, that the Japanese Rear-Admiral was
16 killed during the course of the war. I will take
17 steps to verify that information.

18 I now propose to call Lieutenant Van Nooten.
19
20
21
22
23
24
25

VAN NOOTEN

DIRECT

1 JOHN CHARLES VAN NOOTEN, called
2 as a witness on behalf of the prosecution, being
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY LIEUT. COLONEL MORNANE:

6 Q Your full name is John Charles Van Nooten,
7 and you are a lieutenant in the Australian Imperial
8 Forces, and you reside at 15 Edward Street, Sandring-
9 ham, Victoria, Australia?

10 A Yes.

11 Q In 1942 you were a member of the 2/21
12 Australian Infantry Battalion?

13 A Yes.

14 Q And on the 3rd of February, 1942, you were
15 captured by the Japanese at Amboina?

16 A I was.

17 Q How many Australian and Dutch prisoners were
18 captured on the Ambon Town side of that island at
19 that time?

20 A There were 809 Australians and approximately
21 300 Dutch prisoners captured at Amboina.

22 Q Does that take into account those who were
23 captured in Laha?

24 A No. That was a separate force captured
25 at Laha.

VAN NOOTEN

DIRECT

1 Q Where were you confined?

2 A We were confined in Tan Toey Barracks,
3 situated near Galala Village about two miles from
4 the town of Ambon.

5 Q Where were the Dutch confined?

6 A The Dutch were confined in a separate com-
7 pound within the prison compound -- or the main prison
8 compound.

9 Q Could you see them from your compound?

10 A Yes. There was only a barbed wire fence
11 between us.

12 Q What happened on the 26th of October, 1942?

13 A On the 26th of October, 1942, 267 Australians
14 and 233 Dutch were transferred from the island of
15 Ambon. I subsequently heard that they had been
16 transferred to Hainan Island.

17 Q How many Australian prisoners were left at
18 Tan Toey then?

19 A There were 528 Australians, and we had been
20 increased with 14 Americans and 6 Dutch prisoners,
21 making a total of 548.

22 Q That still leaves fourteen of the Australian
23 prisoners who surrendered unaccounted for. Would
24 you tell the Tribunal what happened to them?

25 A During the period between the 3rd of February,

VAN NOOTEN

DIRECT

1 1942, and the 26th of October, 1942, one Australian
2 prisoner had died and thirteen Australians had
3 escaped.

4 Q How long did you remain at Ambon Island?

5 A We were recovered on the 10th of September,
6 1945.

7 Q Now, will you describe to the Tribunal
8 the food that you received during the period of
9 your being a prisoner of war?

10 A For the first three or four months food
11 was reasonably good and sufficient. During the
12 next twenty months period, which brought it to
13 about July, 1943, food was reasonably sufficient
14 to keep a man fit but not sufficient to permit of
15 hard work. The ration consisted of seventeen ounces
16 of rice per day per man and occasional small issues
17 of fish or meat with fairly fresh vegetables and
18 greens. After July, 1943 the rations became worse,
19 firstly dropping to ten ounces of rice per day, later
20 to eight ounces and then to six ounces, and over the
21 final six months -- six or eight months period, it
22 dropped to four ounces of rice per man per day.
23 And during that period there was no fish or meat
24 issue whatsoever, fairly regular issues of a very
25 poor quality sweet potato amounting to approximately

VAN NOOTEN

DIRECT

1 four ounces per man, and issues of sweet potato tops
2 and the tips of Kasava potatoes.

3 Q Did you observe how the Japanese were being
4 fed during this time?

5 A Yes. On frequent occasions I was able to
6 observe the Japanese rations being issued, being
7 prepared, and to even observe the Japanese eating
8 their rations. It was always sufficient, although
9 in the latter period, that is, that last six or
10 eight months, their rice ration was decreased to
11 about fifteen or seventeen ounces per day per man;
12 but they always had quite liberal ration of fish,
13 and any amount of vegetables which had been harvested
14 from gardens which were made not only on the island
15 of Ambon but on the island of Ceram.

16 Q Could you tell the Tribunal of what available
17 food supply there was on the island in the form of
18 reserve?

19 A I was informed by the Japanese quartermaster
20 that there was from one to one and a half year's ration --
21 rice ration-- sufficient for a floating population
22 of from three to ten thousand Japanese.

23 Q When were you informed of this?

24 A In early 1945 and later after the Japanese
25 capitulation.

VAN NOOTEN

DIRECT

1 Q What was the result to the prisoners of
2 the rations they were on?

3 A During the latter eight months' period,
4 when the ration was four ounces of rice, there were
5 two months when there was a variation. During the
6 month of November there was no rice ration whatsoever.
7 The substitute was nine ounces of tapioca flour.
8 The following month, in December, the ration was
9 one and a half ounces of rice and about seven and
10 a half ounces of tapioca flour.

11 Q Well, now, what effect did it have upon
12 the health of the prisoners?

13 A It caused very obvious signs of malnutrition,
14 great loss of weight, and was responsible for the
15 death roll mounting to such shocking proportions
16 in the latter three months.

17 Q How many died in the last three months?

18 A In May of 1945, 42 men died; in June, 72;
19 and in July, 94.

20 Q What was the state of health of the Japanese
21 at the time of the Japanese surrender?

22 A They were in a pretty good state of health.
23 They showed no signs of malnutrition and no more
24 symptoms or outward signs of beri-beri than they
25 would under normal circumstances.

VAN NOOTEN

DIRECT

1 Q How were the prisoners treated as to
2 accommodations?

3 A Accommodations was very good in the early
4 stages. We were confined in the barracks that we
5 had previously occupied prior to the Japanese
6 invasion.

7 Q When did the accommodation change?

8 A From about July, 1942, the Japanese took
9 over six or eight of our huts and used them as
10 storehouses for small arms ammunition or foodstuffs.

11 Q And how did this affect the prisoners?

12 A It did not affect us very much until when
13 in about November, 1942, they increased the store
14 by creating a bomb dump of approximately two hundred
15 thousand pounds of high-explosive and armor-piercing
16 bombs right within the camp area.

17 THE PRESIDENT: We will adjourn until half-
18 past one.

19 (Whereupon, at 1200, a recess was taken.)
20
21
22
23
24
25

VAN NOOTEN

DIRECT

M
o
r
s
e
&
W
h
a
l
e
n

AFTERNOON SESSION

1
2
3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 J O H N C H A R L E S V A N N O O T E N, called
8 as a witness on behalf of the prosecution,
9 resumed the stand and testified as follows:

10 BY LIEUT. COLONEL MORNANE (Continuing)

11 Q Mr. Van Nooten, before the luncheon adjourn-
12 ment you were telling us of the bomb dump being made
13 in the camp. Where was that situated with regard to
14 other occupied buildings in the camp?

15 A The bomb dump was situated within two hun-
16 dred feet of our camp hospital, within fifteen feet
17 of the Australian officers' sleeping quarters, and
18 within seventy-five feet of the compound in which were
19 interned some two hundred to two hundred and fifty
20 Dutch women and children.

21 Q When had these women and children come into
22 the camp?

23 A After the Dutch army personnel who were
24 prisoners had been moved to Hainan Island. These
25 Dutch women and children who had been interned in the

VAN NOOTEN

DIRECT

1 town of Ambon had been transferred and occupied the
2 same compound that these Dutch army personnel had been
3 in previously.

4 Q Was any protest made about the situation of
5 this bomb dump?

6 A Yes. A protest was made on several occasions.
7 One occasion I was present, and Captain Hook, who was
8 then our adjutant, made the protest to IKIUCHI who was
9 camp interpreter and camp manager.

10 THE INTERPRETER: Was that a navy captain or
11 army captain, Mr. Witness?

12 THE WITNESS: Army captain. Hook -- H-o-o-k.

13 Q What did he reply?

14 A The reply was: "Remember your status as
15 prisoners of war. You have no rights. International
16 law and Red Cross convention is dead."

17 Q Were any other representations made at about
18 that time?

19 A Yes. We made requests and representations
20 in an effort to get our prison camp marked as a prison
21 camp, and to get our camp hospital marked with a red
22 cross. All these representations met with a similar
23 reply.

24 Q To whom were those representations made?

25 A In the first instance they were made to

VAN NOOTEN

DIRECT

1 IKIUCHI. He was our only line of approach. We
2 asked him to pass them on, and in practically all
3 cases he flatly refused but sometimes he said: "I
4 will ask headquarters."

5 Q Did he ever tell you of any reply which came
6 from headquarters?

7 A Not as an actual reply to a request. But on
8 many occasions he said: "It is headquarters' order."

9 Q Now, will you tell the Tribunal what hap-
10 pened on the 15th of February 1943?

11 A On the 15th of February 1943, at 11:30 a.m.,
12 the bomb dump was bombed by Allied aircraft. In the
13 initial fall of bombs the hut and bomb cases were set
14 on fire. The bomb dump did not explode immediately.
15 Two Australian prisoners had been injured in the initial
16 fall of bombs. It was obvious to us that the dump was
17 going to explode. Frantic efforts were made to clear
18 the camp hospital, the injured men and the Dutch women
19 and children some of whom had also been injured. There
20 were approximately fifty patients in our camp hospital
21 at the time, some of whom were stretcher patients and
22 had to be moved to an area still within the camp area
23 but approximately two hundred yards away from the bomb
24 dump. Approximately two minutes elapsed before the
25 dump blew up. As a direct result of the explosion six

VAN NOOTEN

DIRECT

1 Australian officers and four other ranks were killed,
2 some twenty-seven Dutch women and children were killed,
3 twenty Australians suffered very serious injuries,
4 and another seventy Australians minor injuries. Quite
5 a large number of Dutch women and children also were
6 injured by this explosion.

7 Q Did any of the injured die subsequently as
8 a result of the explosion?

9 A Yes.

10 Q You cannot say how many?

11 A One Australian officer died as a direct re-
12 sult, and two Dutch women.
13
14
15
16
17
18
19
20
21
22
23
24
25

VAN NOOTEN

DIRECT

1 Q And what was then the state of the camp?

2 A The camp, which had originally consisted of
3 fifty or so huts, was flattened with the exception
4 of three huts which were left in a very badly battered
5 condition. Fire swept through the camp and completed
6 the devastation.

7 Q Were any representations then made to the
8 Japanese?

9 A Yes. Immediate representations, and very
10 strong ones, were made to have our camp hospital
11 marked with the red cross. The camp hospital had
12 been made in the three remaining huts which were
13 just standing, and the red cross was to be put over
14 the roofs. Permission was granted. A red cross was
15 erected over this hospital building and a few hours
16 later a Japanese four engine flying boat flew low
17 over the camp and made several runs. This plane
18 appeared to be taking photographs. Within a few hours
19 of this plane flying over the camp we received another
20 order to take down the red cross. This order was
21 enforced.

22 Q What was the state of the camp when the plane
23 flew over?

24 MR. LEVIN: Mr. President, we would like to
25 object to that statement of the witness when he said

VAN NOOTEN

DIRECT

1 what the plane appeared to be doing, and I think
2 that that portion of his answer ought to be disregarded.

3 THE PRESIDENT: A commissioned officer in
4 his position could have the necessary experience to
5 justify such testimony. You may cross-examine as to
6 his qualifications at this stage if you wish, Mr. Levin.

7 A The camp presented a very devastated face.
8 Huts, or burning remnants of huts, scattered over an
9 area of about five or six acres and in the center
10 a few badly battered buildings displaying a red cross.

11 Q What happened then to the Dutch nationals
12 who were in the camp?

13 A After having received what little first aid
14 we could give them, they were transferred to the
15 town of Ambon and quartered in what had been the
16 Bethany Church. After being kept there for a period
17 of about two weeks they were shipped away where, I
18 subsequently heard, was Macassar.

19 Q Can you tell the Tribunal what the conditions
20 were like where they were quartered at the Bethany
21 Church?

22 A They were quartered in a building which was
23 not capable of holding anywhere near the number at
24 all comfortably; very crowded with no facilities, no
25 latrines except a temporary trench system, no protection

VAN NOOTEN

DIRECT

1 against aerial bombings, and the church was then in
2 the center of what was practically a continual target.

3 Q On the 15th of February did you take over
4 any particular duties?

5 A On the 15th of February I was appointed
6 camp adjutant and made responsible for all the official
7 Japanese contact.

8 Q What provision was then made for the accommoda-
9 tion of the prisoners?

10 A We had to rebuild our camp without any
11 assistance whatsoever from the Japanese excepting
12 that they did supply a small quantity of atap for
13 roofing.

14 Q When the rebuilding was complete was there
15 sufficient accommodation?

16 A There was sufficient accommodation providing
17 they crowded the men into the huts, sleeping fifty-
18 two men to a hut, 100 feet long and 20 feet wide.

19 Q Now, coming to the 28th of August, 1944,
20 what happened on that date?

21 A The 28th of August, 1944, the town of Ambon
22 was subjected to a very heavy aerial bombardment. On
23 that date about 24 Liberators bombed the area in which
24 our camp was located. The camp at this stage was still
25 used for storing Japanese small arms, food stuffs,

VAN NOOTEN

DIRECT

1 and had quite a number of gun positions or emplace-
2 ments within the camp area. Around the circumference
3 of the camp there were also small caliber anti-
4 aircraft guns.

5 Q Was the camp hit?

6 A The greater portion of the camp was again
7 completely destroyed.

8 Q What casualties did you suffer?

9 A Three Australians were killed and fifteen
10 injured.

11 Q Prior to this bombardment was there any
12 markings to show it was a prisoner of war camp?

13 A There was no markings.

14 Q Now, how was the camp rebuilt?

15 A It was rebuilt from scraps of timber that was
16 salvaged from the wreckage with atap which we had to
17 make ourselves, and the only labor that we could use
18 was the very sick men that were left in the camp.

19 Q Well, now, what was the total of camp accommo-
20 dation you had then?

21 A We managed to rebuild eight huts.

22 Q Did they provide sufficient accommodation
23 for the men still left alive?

24 A They provided accommodation on the same
25 standard as prior to the bombing.

W
o
l
f
&
S
p
r
a
t
t

VAN NOOTEN

DIRECT

1 Q What happened to the sick?

2 A The sick were forced to live in the same hut,
3 that is, one hut was set aside for all men who were
4 sick but were not, in the Japanese opinion, sick
5 enough to go into the hospital.

6 Q Well now, with regard to clothing, what was
7 the condition with regard to that?

8 A Over the whole period at the prison camp
9 the Japanese issued a quantity of lap-laps, which
10 would be sufficient for about one per man, and also
11 three bolts of shirting, khaki shirting.

12 Q With regard to footwear?

13 A Footwear was always very short. We had
14 quite a large stock of Australian army boots prior
15 to the Japanese invasion, and after they had taken
16 the smaller sizes from that stock, on several occasions
17 they issued us with the remaining pairs, but never
18 sufficient to meet our requirements.

19 Q Then with regard to footwear and clothing,
20 how were the survivors dressed on the date of the
21 Japanese surrender?

22 A Of the 123 men who recovered, approximately
23 one-third would have footwear other than improvised
24 sandals or clogs, and that footwear is what we would
25 term unserviceable. Every man had at least one pair

VAN NOOTEN

DIRECT

1 of shorts which had been made up from the shirting
2 that had been supplied by the Japanese.

3 Q And was the clothing adequate during the
4 period of your confinement?

5 A It was sufficient to keep the men decently
6 clad. It could not be classed as adequate.

7 Q Now, coming to the treatment of the sick,
8 what was the position with regard to medical supplies?

9 A Medical supplies at all times were inade-
10 quate. The camp hospital was run under a senior
11 medical officer, Captain Davidson, until he was
12 killed on the 15th of February, 1943, from a bomb
13 blast.

14 Q What steps were taken to secure medical
15 supplies from the Japanese?

16 A Requisitions in writing were made monthly,
17 and if ever circumstances required -- special cir-
18 cumstances required anything additional over and above
19 what we had requisitioned for, special requisitions
20 were put in, too.

21 Q Did you receive the supplies you requisitioned
22 for?

23 A We never received the requisition in full.
24 Occasionally, we received the more unnecessary items.

25 Q Well, now, coming to 1943, what was the

VAN NOOTEN

DIRECT

condition of the men in hospitals?

1 A A large number of the men were showing
2 symptoms of beri-beri and malnutrition in 1943 and
3 the hospital --

4 Q And what supplies did you get for their
5 treatment?

6 A To combat beri-beri, nothing.

7 Q Well, now, were any of the men suffering
8 from tropical ulcers?

9 A From 1943 onwards tropical ulcers were
10 very much in evidence. In late 1944 to the end of
11 the war the greater number of men in the camp had
12 terrific tropical ulcers.

13 Q What medical supplies were provided for
14 their treatment?

15 A On several occasions we received a few
16 grains of iodoform, very limited numbers of bandages.
17 I can recall one particular occasion when we had
18 over 200 men suffering from tropical ulcers, varying
19 in sizes from a small tropical ulcer up to the stage
20 where it covered practically the whole of the leg.
21 The supply of bandages was one bandage to cover the
22 whole camp for one month.

23 Q Now, for the performance of operations,
24 were any instruments provided?
25

VAN NOOTEN

DIRECT

1 A No instruments were provided for the use
2 of the camp. On one occasion when an amputation had
3 to be performed a request was made for the necessary
4 instruments. These instruments were promised, but
5 were not supplied for a period of three days, and
6 this seriously jeopardized the patient's chances of
7 recovering. He subsequently died. The few instru-
8 ments that we did have were inadequate. Tropical
9 ulcers had to be cut with very blunt scissors and
10 scalpels. Other operations were performed, one,
11 another amputation, was about four inches above the
12 knee, had to be performed with a butcher's knife and
13 a butcher's saw.

14 Q Now, with regard to anesthetics, were they
15 provided?

16 A On several occasions we were provided with
17 small quantities of anesthetic, but no local anes-
18 thetics, and the majority of the anesthetic provided
19 was chloroform, no ether.

20 Q Well, now, with regard to patients who died
21 or prisoners who died, were any certificates sub-
22 mitted?

23 A Death certificates had to be supplied to
24 Japanese headquarters for every man who died. Besides
25 showing the usual particulars of the man, his rank,

VAN NOOTEN

DIRECT

1 next of kin, the cause of death had to be stated,
2 and the doctor's diagnosis was very rarely taken.
3 Any diagnosis which indicated that the patient
4 died of starvation or malnutrition was immediately
5 altered by the Japanese. They forced us to say
6 that he died with beri-beri or some other disease.

7 THE PRESIDENT: What would you say is the
8 cause of beri-beri?

9 THE WITNESS: Lack of vitamin B-1 in the
10 diet.

11 Q Well, now, coming to April, 1945, will you
12 tell the Tribunal about a series of experiments
13 which took place?

14 A Nine groups, each consisting of ten men, and
15 each group consisting of men of similar condition,
16 that is, one group would consist solely of men who
17 were hospital patients and suffering from beri-beri;
18 another group would consist of patients who were not
19 in hospital but who suffered from beri-beri; another
20 group consisted of men who were a little stronger; or
21 another group would be of reasonably fit men. A
22 Japanese medical officer then took a blood test of
23 each man of all -- of each of these groups. They
24 then gave a course of injections, injections that
25 were supposed to be vitamin B-1 and caseine. After

VAN NOOTEN

DIRECT

1 two or three days a further injection was given, this
2 time of T. A. B., and the course of injections con-
3 tinued over a period of one month. During this period
4 certain groups received a slightly increased ration.
5 The additional ration consisted of 150 grams of sweet
6 potato and about 200 grams of sago. If a man was
7 still alive at the end of the one month's period a
8 further blood test was taken.

9 Q Well, did any of the men die during this
10 course?

11 A Of the men who were in the classification of
12 being very sick, who were hospital patients, very few
13 survived the period.

14 Q Can you say how many altogether died during
15 this experimental course?

16 A Approximately 50.

17 Q Well, now, coming to the work that was done
18 by prisoners of war in the camp, what did that con-
19 sist of?

20 A During the first two or three months, very
21 little work. After that, work consisted of road-
22 making, road repairing, digging trenches, tunnels,
23 loading and unloading ships. This entailed handling
24 of all sorts of cargoes. Cargoes consisted of bombs
25 and ammunition, gasoline, coal, foodstuffs, and

VAN NOOTEN

DIRECT

merchandise.

1
2 Q What other work having particular relation
3 to the war was done?

4 A Disposal of unexploded bombs, delousing of
5 mine fields, transporting bombs and ammunition.

6 Q Well, now, what was the physical condition
7 of the men when they were engaged on these tasks?

8 A From the end of 1943 onward physical condi-
9 tion became gradually worse until, from the middle
10 of 1944, the men who were required to work were in
11 an indescribably low condition.

12 Q Well, now, when you say, "indescribably low,"
13 what did they look like?

14 A All the men at this stage were thin and
15 emaciated. Many could not walk unless with the aid
16 of sticks or crutches, and almost all had lost weight.
17 A man who would normally weigh 160 pounds was still
18 working while weighing 80 pounds or 90.

19 Q Could you give the Tribunal any instances
20 of men's deaths being caused by the unreasonable
21 nature of the work they were required to do? Take
22 Private Tullett as a case, please.

23 A Private Tullett was a member of a working
24 party which in December, 1943, the 8th of December,
25 1943, they were required to work at the ship yard.

VAN NOOTEN

DIRECT

1 The work entailed swimming out to a small craft
2 and floating timber into the shore. The distance
3 would be about 200 or 250 yards.

4 Q What happened to him?

5 A Private Tullett was drowned.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VAN NOOTEN

DIRECT

I
r
t
o
n
&
Y
e
l
d
e
n

1 Q With regard to the cracking of bombs, will
2 you tell the Tribunal what happened?

3 A One party was ordered by the Japanese which
4 was to consist of five men. They were requisitioned
5 to do blacksmithing work. Specialists were not re-
6 quired. The task was to crack open five hundred-pound
7 high explosive bombs and prize out the picric acid
8 explosive compound. The system, as instructed by the
9 Japanese supervisor, was to break up the compound
10 with the use of a metal hammer and a metal gad This
11 system continued despite protests made by the men who
12 were working on the job.

13 Q What happened?

14 A One of these bombs exploded killing one man
15 outright and inflicting shocking casualties--injuries
16 on three others. These three men died within two days.

17 Q Well, now, coming to November of 1944 and
18 the job of "long carry," will you tell the Tribunal
19 about that?

20 A The "long carry" was a name prisoners gave
21 to a task of carrying cement and bombs from a village
22 called Hitoemori to Batoegon. These villages were
23 both situated on the northeast coast of Ambon, both
24 on the sea front. The overland trip between these
25 two villages would be approximately eight miles over

VAN NOOTEN

DIRECT

1 a very tortuous track. The prisoners were required
2 to carry, firstly, one 90-pound bag of cement each
3 over this track and when the cement had been completed,
4 it was about three weeks after the start of the job,
5 they were required to carry 150-pound bombs between
6 two men. The track was of such a nature that men had
7 to proceed on all fours on many occasions. The work
8 party would commence at 0630 and continue until 1930
9 each day. Men would be driven along this course
10 by guards who were traveling with very light equip-
11 ment only. After the work party had been in operation
12 for about a week, men were in the most cases exhausted
13 and, in our opinion, and in the doctor's -- according
14 to the doctor's instructions -- not capable of carry-
15 ing out the job. Nevertheless, they were ordered to
16 carry out the work and would be extremely exhausted
17 on returning to camp. On many occasions men would
18 be carried back into camp and on some occasions
19 these men were unconscious; and on at least one
20 occasion the man was admitted immediately to the
21 hospital and never regained consciousness.

23 Each day the Japanese would requisition
24 for at least ten or fifteen more men than we could
25 supply. The normal morning procedure was then to
call out all the sick men and select those that they

VAN NOOTEN

DIRECT

1 considered capable of doing the job. These men,
2 many of whom could walk only with the aid of a stick,
3 were then forced to carry these loads over the "long
4 carry" course.

5 Q What rations were they getting at that time?

6 A In November, 1944, the ration was no rice
7 and nine ounces of tapioca flour.

8 Q Could this lime and these bombs have been
9 carried more easily in another way?

10 A Yes, both the villages were on the seacoast.
11 The Japanese had a large number of landing barges and
12 other barges which were available to do the job and
13 the cement and bombs, once they had been transported
14 to Hitoemori, were never used.

15 THE PRESIDENT: How could men in that condi-
16 tion be made to carry such loads over such a course?

17 THE WITNESS: The guards who accompanied the
18 work party were armed with pistols and each carried
19 a pick handle or its equivalent, and men would be
20 driven over the course by the use of a pick handle.

21 THE PRESIDENT: We will recess for fifteen
22 minutes.

23 (Whereupon, at 1445, a recess
24 was taken until 1500, after which the pro-
25 ceedings were resumed as follows:)

VAN NOOTEN

DIRECT

D
u
d
a
&
E
d
e
r

THE PRESIDENT: Colonel Mornane.

BY LIEUT. COLONEL MORNANE (Continuing):

Q You have told us how the Japanese called -- went through the sick parades to get men to work. Would they ever go through the hospital for that purpose?

A Yes. On many occasions when we could not supply the numbers that they demanded they would go through the hospital and endeavor to select them from them.

Q And what would they do there?

A I have seen the Japanese camp manager and individual guards order men up out of hospital beds. If they said that they were incapable of going to work they would beat them until they did get out.

Q Will you tell the Tribunal about the case of Private Wilkinson?

A Private Wilkinson was one of those patients who were forced to go to work daily but who, in the Japanese opinion, were not qualified to become members or patients in the hospital. One morning when we could not supply the numbers demanded by the Japanese, guards made a round of the sleeping huts and any man who was found lying on his bed was beaten until he came out on the road. A guard saw Private

VAN NOOTEN

DIRECT

1 Wilkinson on his bed covered with a blanket. He
2 pulled the blanket off and had struck several blows
3 before he realized that Private Wilkinson was dead.
4 Private Wilkinson had died before we could admit him
5 to hospital.

6 Q What did he die of?

7 A Malnutrition, beriberi, and sheer exhaustion.

8 Q Well, now, did the medical officer ever try
9 to prevent the Japanese from taking sick men to work?

10 A Yes. On many occasions he tried to prevent
11 it, but although he was allowed to run his own sick
12 parades and treat his own hospital patients, his
13 advice was very rarely taken by the Japanese.

14 Q And what -- was he subjected to ill-treatment
15 on that account?

16 A He was often threatened with punishment but
17 I could only recall one occasion on which he was
18 actually struck.

19 Q When these sick men were taken out from the
20 hospital, have you noticed what happened to them then?

21 A They were taken from the hospital out onto
22 the camp road, where they were lined up with a work
23 party to go out of camp. If they protested about
24 going to work, they were struck. If they were
25 incapable of standing, even, in the line, if they

VAN NOOTEN

DIRECT

1 fell and collapsed, they were kicked whilst on the
2 ground.

3 Q Tell the Tribunal about the case of Private
4 J. F. Smith.

5 A Private Smith, on the particular day in
6 question, was not detailed for a party. He had been
7 classified as too sick to work. But some of the
8 other members who had been detailed for the work
9 party had collapsed and he was ordered by the Japanese
10 to take their place. He was standing in the work
11 party, leaning on a stick, showing he was obviously
12 suffering great pain from a tropical ulcer. He was
13 also very thin and weak, and when asked what was the
14 matter with him, his reply to IKEUCHI, the camp manager,
15 was to the effect that he could not work because of
16 his tropical ulcer. He was then struck and IKEUCHI
17 deliberately kicked his tropical ulcer. Kicking and
18 punching continued until Private Smith was able to
19 get onto his feet again.

20 The work party was scheduled to do gardening
21 about two miles out of our camp area. They had to
22 walk to the gardens, and Private Smith collapsed after
23 he had gone about 200 yards. He was again kicked and
24 punched by IKEUCHI and then permitted to come back to
25 camp, but was forced to continue working in sight of

VAN NOOTEN

DIRECT

the guard for the rest of the day.

1 THE PRESIDENT: Have you finished with the
2 "long carry"?

3 LIEUTENANT COLONEL MORNANE: Yes, sir.

4 THE PRESIDENT: What were the deaths on the
5 "long carry"?

6 THE WITNESS: I can only recall one man who
7 died on the "long carry" or at the completion of the
8 "long carry," but many men were left in such condition
9 that they died during the next two or three months.

10 THE PRESIDENT: What proportion died?

11 THE WITNESS: At least sixty per cent of
12 the men who were engaged on the "long carry" died at
13 some period immediately following, or prior to the
14 date of recovery.

15 Q Now, with regard to inward mail, did you
16 receive any?

17 A In December 1943, one batch of about eight
18 hundred letters arrived at the camp. These letters
19 were addressed to men who were prisoners on Ambon
20 or who had been transferred to Hainan Island, and
21 some to men who were in units based on Rabaul and
22 Timor.

23 Q How many were to men still in your camp?

24 A About four hundred.
25

VAN NOOTEN

DIRECT

1 Q What happened to them?

2 A A very few, about twenty or thirty letters,
3 were given out within one week to various indi-
4 viduals in the camp. Later on the camp manager
5 adopted the attitude of, as a man was dying in
6 hospital he would give him a letter. The main bulk
7 of letters were delivered to the camp about a fort-
8 night prior to the end of the war.

9 Q Do you mean the main bulk of that four
10 hundred?

11 A Yes.

12 Q Were you permitted to forward any requests
13 to your own government?

14 A No.

15 Q Or to any protecting power?

16 A No, we had no communication with anybody
17 at all outside the camp.

18 Q Well, now, with regard to discipline and
19 punishments, how was discipline enforced?

20 A It was enforced in the main by summary
21 punishment.

22 Q Of what nature?

23 A Physical beatings, punching, kicking, and
24 minor forms of torture.

25 Q What were these minor forms of torture?

VAN NOOTEN

DIRECT

1 A A prisoner would be forced to stand in front
2 of the guard with a heavy boulder held above his
3 head for any period from an hour to two or three
4 hours; forced to stand at a position of attention,
5 only with knees bent, for long periods; being forced
6 to assume the body press position and hold it for
7 quite long periods until collapse.

8 Q How often did such punishments take place?

9 A Over the last twelve months they were
10 practically a daily occurrence.

11 Q In July of 1942 did you see any ill-
12 treatment of the Dutch?

13 A Yes. Some Dutch men had been apprehended
14 when they were endeavoring to pass letters to their
15 wives who were interned in a civilian internment
16 camp in the township of Ambon.

17 Q What happened as a result of that?

18 A About thirty Dutch officers and NCOs were
19 taken to a position in front of Japanese head-
20 quarters -- the headquarters was situated about
21 twenty yards outside our prison compound and over-
22 looking it. About forty Japanese, who were a mix-
23 ture of guards and marine police, were then instruct-
24 ed to beat them. The beating was carried out with
25 pick handles, iron star pickets, chains, sticks,

VAN NOOTEN

DIRECT

1 pieces of wire, anything that the guards could put
2 their hands on. The beating lasted for about two
3 or three hours, and as a direct result three Dutch
4 men died and there were eighteen stretcher cases.
5 Quite a few of them were suffering from broken
6 limbs as well as abrasions and contusions.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VAN NGOTEN

DIRECT

G
r
e
e
n
b
e
r
g

x

G
o
l
d
b
e
r
g

1 Q Upon whose orders were these men beaten?

2 A Naval Captain ANDO who, at that stage, was
3 in command of the garrison.4 Q Now, I want you to come to the treatment
5 of four Australians in November of 1942.6 A In November, 1942, four Australians were
7 apprehended outside the prison camp compound at
8 night. They were taken to Japanese Headquarters
9 overlooking our camp and beaten and questioned for
10 the remainder of the night, which was about three or
11 four hours. Efforts were made to gain information
12 from them which would ~~implicate~~ other members of
13 the camp. When no result -- results came from this
14 interrogation and beating, a message was promulgated
15 to the prisoners of war telling-- ordering all those
16 who had been out of camp to come forward. These
17 men on the parade were informed that, if they ad-
18 mitted to their guilt, they would receive only a
19 light punishment. Some men came forward, but the
20 Japanese authorities considered that there were
21 more and called in some natives from a neighboring
22 village on an identification parade.23 Q As a result of this parade, how many did
24 the Japanese consider implicated?

25 A Twenty-five men.

VAN NOOTEN

DIRECT

1 Q What was done to them?

2 A They were all beaten and questioned, and,
3 over varying periods, sometimes from two days up to
4 eleven days from the beginning of the punishment.
5 Some were returned to camp. They finally kept eleven
6 men and took them away from the camp. About a month
7 later we were informed that they had been executed.
8 After the war was completed, I was informed by the
9 Japanese that these eleven men had been executed
10 by decapitation on the 26th of November, 1942.

11 Q Were other tortures than those you have
12 mentioned inflicted on the twenty-five or any of
13 them?

14 A Yes. During the night individual guards
15 would thrust cigarette butts into these men's noses--
16 nostrils, ears, and stab them on their backs. I
17 saw one man with his wrists bound together with wire.
18 He was suspended from the branch of a tree so that
19 his toes would just touch the ground.

20 Q Did any of the fourteen who were not
21 executed go into the hospital?

22 A One man, Sapper Kennedy, was admitted to
23 the hospital and was an inmate for three weeks.

24 Q What was he suffering from?

25 A The doctor's diagnosis was internal injury

VAN NOOTEN

DIRECT

1 in the vicinity of the kidneys, also a concussion.

2 Q Did you see the treatment of Private Tait
3 on a subsequent occasion?

4 A Yes. Private Tait was--whilst a member of
5 a work party he endeavored to souvenir a pair of
6 binoculars. When he was apprehended, he was given
7 summary punishment by the guards who were on the
8 spot, and on his return to camp, it was reported to
9 the Camp Commander and the Camp Manager. They
10 ordered that he be punished, and the punishment
11 took place within the camp area in front of the
12 guardhouse. I was forced to be present throughout
13 the whole of the punishment, and the punishment con-
14 sisted of about one hundred strokes with a pick
15 handle. When Tait was no longer able to stand, he
16 was beaten whilst on the ground. When he lost
17 consciousness, he was doused with cold water in an
18 effort to bring him back. Efforts to have the punish-
19 ment reduced met with no success.

20 Q After losing consciousness, did he
21 again recover consciousness?
22

23 A On two occasions he recovered consciousness.
24 On the last occasion I managed to receive permission
25 to have him admitted to our camp hospital and he
recovered consciousness there.

VAN NOOTEN

DIRECT

Q What happened to you when you intervened?

1 A I was struck on several occasions for trying
2 to intervene on his behalf.

3 Q What happened to Private Tait the following
4 morning?

5 A The Camp Manager IKEUCHI came around to
6 lock for Tait the following morning and found that
7 he was in a hospital bed. He then beat him with
8 his walking stick and ordered that he lie on a
9 concrete floor with one blanket only.

10 Q What eventually happened to Tait?

11 A Prior to this beating Tait was suffering
12 from slight beri-beri, and immediately following
13 he appeared to suffer far more; the beri-beri con-
14 dition had been aggravated.

15 Q And when did he die?

16 A About six months later.

17 Q Now, will you tell the Tribunal about Privates
18 Schaefer and Elmore?
19

20 A In, I think, April, 1945, Private Schaefer
21 and Private Elmore escaped from the prison compound
22 and were at large for about a fortnight. Schaefer
23 was recaptured and brought back to the camp area,
24 forced to divulge his method of escape and intentions,
25 and was then taken away again. A few days later, I

VAN NOOTEN

DIRECT

1 was informed by Japanese Headquarters that he had
2 been executed by decapitation.

3 Q With regard to Private Elmore, what happened
4 to him?

5 A About a week after Schaefer's recapture,
6 Elmore was captured; and, according to the Japanese
7 report made to me at the time, he was suffering
8 from dysentery and died a day after being captured.

9 Q Now, I would like you to tell the Tribunal
10 about what happened to Corporal Solomon and three
11 other prisoners on the 18th of April or thereabouts.

12 A A work party of about fifteen men were
13 engaged in digging a tunnel in the vicinity to the
14 Japanese ration store. Some members of the work
15 party had been successful in getting some of these
16 rations, some of which they consumed on the spot;
17 others they managed to smuggle back into the camp
18 area. Japanese Marine Police, having found the
19 loss, searched the camp area. They found signs of
20 foodstuffs in the camp and called a parade of those
21 who had been working in the area.

22 Q As a result of the questioning, did four
23 men admit having taken foodstuffs?
24

25 A Four men admitted after they had been promised
that, if they did accept the responsibility, they

VAN NOOTEN

DIRECT

1 would not be punished severely.

2 Q And what happened then?

3 A They were given hard labor within the
4 camp area for a period of about ten days and then
5 taken away with their hands bound; and a few days
6 later I was informed that they, too, had been
7 executed by decapitation.

8 Q Who informed--

9 THE PRESIDENT: Informed by whom?

10 THE WITNESS: IKEUCHI, the Camp Manager,
11 informed me in the first instance; and, on completion
12 of the war, I was informed by Commander of the
13 Garrison through his interpreter, and he also showed
14 me the location of their burial.

15 BY LIEUT. COLONEL MORNANE (Continued):

16 Q Did he tell you who was in charge at their
17 execution?

18 A Yes. At the same time he told me who was
19 in charge of the execution of Private Schaefer, and
20 informed me that he had no records whatsoever as to
21 who officiated the execution of the previous eleven.
22 The names of the Japanese who officiated were Lieutenant
23 HONJI on one occasion and Lieutenant UEDA on another.

24 Q And who were the prisoners executed on this
25 occasion?

VAN NOCTEN

DIRECT

1 A There was Corporal Solomon, Private Wadham,
2 Sapper Morrison and Driver Simpson.

3 Q Now, coming to the case of Private Boyce,
4 on the 11th of July, 1945, will you tell the
5 Tribunal what happened in respect to him?

6 A Private Boyce was also apprehended with
7 rations which he had secured whilst on a work party.
8 He was punished summarily and then taken to police
9 headquarters at Lateri where he was tied up and
10 questioned further. He was later returned to our
11 camp area where he was put in a solitary confinement
12 cell and tied with his hands behind his back. He
13 was kept in solitary confinement for about ten days,
14 allowed one meal per day, and about every second day
15 was allowed to have treatment for a very bad tropical
16 ulcer. Private Boyce broke out of his solitary
17 confinement cell and went through the camp in an
18 effort to get more food. His absence was noticed by
19 a guard, and he was recaptured and tied to a post
20 in front of the guardhouse. The following morning
21 he was taken away on a truck together with some
22 Japanese guards who were armed with rifles and
23 another party with picks and shovels. About a week
24 later IKEUCHI informed me that he had been executed.
25 After the end of the war I was informed that Lieutenant

VAN NOOTEN

DIRECT

1 SHIMAKAWA, who was our Camp Commandant, was in
2 charge of the firing squad that shot Private Boyce.

3 Q Who informed you of that?

4 A Colonel KATSUDA, who was Staff Officer to
5 Colonel SHIRIZU, the Commander of the Garrison.

6 THE PRESIDENT: Are you about to break
7 new ground?

8 LIEUT. COLONEL MORNANE: Yes.

9 THE PRESIDENT: We will adjourn until half-
10 past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment
12 was taken until Tuesday, 31 December 1946
13 at 0930.)
14
15
16
17
18
19
20
21
22
23
24
25