

TSUI TZU-HUA 41929-23 Jul 48 (20)  
SPEC 7 - KONISHI SPEC 172 - Takeuch

(11)

(31)

GENERAL HEADQUARTERS Far East Command  
MILITARY INTELLIGENCE SECOND COMMAND GENERAL STAFF  
ALLIED TRANSLATOR AND INTERPRETER SERVICE

Doc. No. 41929

Translation Requested by Legal Section Date received ATIS 23 Jul 48

Description of Contents: Full translation of Statement of TSUI Tzū-hua

DATE 2 Aug 48

After being duly sworn, i, the undersigned hereby swear that, to the best of my knowledge and belief, the following is a true and accurate translation of the original Document No. 41929

/s/ Bacu Y. JEUNG  
JEUNG, Bacu Y., Rect.  
Translator, Chinese  
TIS TRANSLATION SECTION

/s/ G.A.Hedley  
G.A.HEDLEY  
Capt., Infantry  
Summary Court Officer

Statement

Name: TSUI Tzu-hua  
Age: 27  
Birth Place: Li-Kuan-Ts'un, Fu Hsien  
Liaoning, China  
Address: Osaka Shi, Higashinari Ku,  
Higashi Kobase Minaminochō  
1 Chome 115 Banchi  
Occupation: Merchant of Min-Sheng Co.

My house in Osaka was bombed in an air raid in 1945. I moved to Taisho Hotel in Osaka Shi, Taisho-Ku. In the vicinity of the hotel was an elementary school, in which many PsW of my country lived. Because the PsW and I were of the same nationality, I frequently went to the school and talked to them. I became acquainted with a PW by the name of LIU Ching-po. He told me that a policeman named KONISHI lighted a newspaper and burned the flesh of his body and that he also used a bamboo sword to beat him after each question asked during the trial in the Osaka Metropolitan Prefecture Court. The beating was so severe during the trial that the wounded places turned bluish black. He said that when he was beaten during the trial, he was kneeling on the ground directly under the hot summer sun; his hands, legs, and back were bleeding. When he had reached this point in his talk, he stopped because another PW named HOU Chih-k'an interrupted him with a few remarks about KONISHI. He said that KONISHI is a living Satan. When he tried him, he lighted a newspaper and burned his whiskers, eyelashes, and eyebrows. "It could have been worse if he had wanted to beat me," he said. When he reached this point in his conversation, his face turned red because of his anger about KONISHI's tortures. "When we have been freed and have returned to our country, we would like to have you, Mr. TSUI, as our witness in the court of justice, if there should be any," he said.

There was another Japanese by the name of TAKEUCHI who used to be an overseer for the Harbor Transportation Association (Koun Kyōkai). On the last day of September, 1945, the PsW took him over to me and asked me to be an interpreter for them. The PsW asked him why he had sold food belonging to the PsW, and made them work while they were hungry. They beat him with sticks and asked him for what reason he had done that. TAKEUCHI was conscience-stricken and realized that he was wrong. He apologized to the PsW and asked them to pardon him. Afterward, the PsW told me that every morning during the war, when they arose for the morning formation, TAKEUCHI told them to say the numbers "one, two, three, four," etc., in Japanese. If they couldn't say it, he would beat them on their mouths.

As far as I can recall, there was another case which, however, did not deal with the PsW but with a Chinese emigrant named LI Hsin-i, who lived in Osaka Shi, Kawaguchi-chō 95. Because he was married to a Japanese woman, a policeman named HIRAO killed him. This case is known to every old Chinese emigrant in Osaka. If there should be any doubt about this case, I think an investigation will help to clear it up.

Nothing that I have stated above is false; it is all true according to my conscience.

To: Mr. LIU, Chairman of the Chinese Representative group in Osaka and Kobe Branch Office.

15 May 1947 (TN: Presumably an error for 1948)

A CERTIFIED TRUE COPY

*H C Bishop*

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H C BISHOP, Capt., QMC

GENERAL HEADQUARTERS  
FAR EAST COMMAND  
MILITARY INTELLIGENCE SECTION, GENERAL STAFF  
ALLIED TRANSLATOR AND INTERPRETER SERVICE

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DATE 2 Aug 48

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HEREBY SWEAR THAT, TO THE BEST OF MY KNOWLEDGE  
AND BELIEF, THE **FOLLOWING** IS A TRUE AND ACCURATE  
TRANSLATION OF THE ORIGINAL DOCUMENT NO. 41929

*Bacu Y. Jeung*  
JEUNG, Bacu Y., Rect.  
Translator, Chinese

TIS TRANSLATION SECTION

*G. A. Hedley*  
G. A. HEDLEY  
Capt., Infantry

SUMMARY COURT OFFICER

Statement

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1 Chome 115 Banchi  
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To: Mr. LIU, Chairman of the Chinese Representative group in Osaka and Kobe Branch Office.

15 May 1947 (TN: Presumably an error for 1948)

陳述書

姓名

崔子平

年令三歲

籍貫

中華民國遼寧省復縣李官村

住址

大坂市東區東小橋南之町一三五

職業

貿易商 民生公司

謹陳者 民於民國三四年大坂市被空襲後房屋  
被炸移居大坂市大正區大正木下其附近有一個日  
本小學校有很多的我國俘虜在彼居住因同一  
國籍關係常到該學校來談話因此認識一個俘虜  
名字叫劉靜波的俘虜他說他被大坂府審問時被  
一個叫幸西的日本警察官用報紙燒他的肉又用  
竹劍刀逼問他的口供問一陣打一陣渾身打的青



黑即時是夏天叫他跪在太陽地裏用竹劍刀打他  
他說他的手腿和背都打的流血說在這時候又  
有一個俘虜叫侯志傑的他說東西真是活國王  
他在被審問的時候用報紙燒他的鬍子眼毛和  
他的眉毛若是打上更利害他說這活時氣的他  
的臉通紅就對我說以後沒有裁判便罷若有所  
裁判我們(俘虜)回國以後只好託你(崔子華)  
給我們作証人吧

還有一個日本人叫武內的他是港運協會的監工的  
有一天(三九年九月末)俘虜把他抓來了叫我當翻譯  
向他在戰爭時他把給俘虜的食糧都賣了把  
俘虜餓起來作不了工就用棍子打向他那是

為甚麼武內天良發現直對俘虜道康承認他所作的了都錯了。求俘虜饒恕他後來俘虜說他們在港運協會作工每天早晨起來排隊武內叫俘虜說日本話一三四一如說不上來每人一個嘴巴撲着個的打。

還有一件事情在原先大坂市川口町九五番有一個中國人名叫李信懿的因為娶日本太太的關係被日本警察官名字叫平尾給打死了此係居大坂的老僑民沒一個不知道的請詳細調查以上所傳本看我的良心皆為了爾無訛此上

中華民國駐日代表團阪神分團主任劉

中華民國三六年五月十五日

B-2

TRANSLATION

JUDGMENT

In relation to the indicted:

- |                              |                                 |
|------------------------------|---------------------------------|
| ✓ KENG CHUN                  |                                 |
| ✓ SHA JANG: 30 years         | ) GUNG CHUNG                    |
| ✓ SUN TAO TON                | ) SUN TAO                       |
| ✓ SUNG TAO KONG: 44 year     | ) CHUNG JIN-TIN                 |
| ✓ CHANG CHING TENG: 32 years | ) CHO SHIN                      |
| ✓ CHAO SHU SHAN              | ) LIEU                          |
| ✓ CHIH CHO LING: 26 years    | ) Domiciles & present Addresses |
| ✓ RYU IH ZAI: 32 years       | ) are dispensed with.           |
| ✓ CHEH WAN SHAN              | )                               |
| ✓ LIH SHU SHEN: 28 years     | )                               |
| ✓ LI SHU SHEN: 23 years      | ) CHUNG JAN-WOO                 |
| ✓ CHANG SAI UNG: 23 years    | )                               |
| ✓ KUNG YAO KUANG: 22 years   | ) LI KWON-RON                   |
| ✓ LI KUANG YUNG: 27 years    | ) LIEU OU HIANG                 |
| ✓ LIH KONG LONG: 27 years    | ) LIEU OU-LIN                   |
| ✓ LIU YU HANG                |                                 |
| ✓ RYU WANG SHANG: 31 years   |                                 |
| ✓ RYU WANG LING: 37 years    |                                 |

In respect of the criminal matters of murder and attempted murder pending vis-a-vis the abovenamed accused, this Court, after full trial thereof, hereby renders sentences as under by and with the participation of PROCURATOR HASEGAWA SHIN:-

- Accused Sha Jang to life imprisonment;
- Accused Sung Tao Kong & Chang Ching Teng to imprisonment for ten years each;
- Accused Ih Wang Pin & Kung Sai Koang to imprisonment for eight years each;
- Accused Lih Shu Shen to imprisonment for six years;
- Accused Chih Cho Ling & Lih Kong Long to imprisonment for five years each;
- Accused Ryu Ih Zai & Chang Sai Ung to imprisonment for three years each;
- Accused Ryu Wang Ling & Ryu Wang Shang to imprisonment for two years each.

The costs shall be borne by all the accused.

GROUND OF JUDGMENT

Kashimagumi Ltd of No.3 Maki-cho, Kyobashi-ku, Tokyo had entered into a civil engineering contract with Fujitagumi Hanaoka Mining Ltd and having established a Detached Office at a place unnumbered at Takinosawa, Hanaoka, from August 1944, began to receive in the Chinese labours supplied by "KAHOKU ROKO KYOKAI" (North China Labour Association) numbering altogether about one thousand and had them boarded into the "Chuzanryo" Dormitory which is situated several blocks away from the aforesaid Detached Office and got them engaged in the interchnage work of the Rivers Hanaoka & Omori. The said Chinese labours were formed into a battalion which is divided into three companies and each company into three Sections. Each Section was further divided into three Squads. A Commander, assistant-commander, adjutant, chief-nurse, secretary and steward were appointed and assigned to the Battalion, while to each of the Company, Section and Squad a Commander and a Head of Squad were respectively appointed, all from the Chinese labours themselves and let them exercise surveillance and control of the Chinese labours both in the dormitory and in the actual theatre of work. Sha Jang was appointed Commander, Sung Tao Kong to Assistant Commander of the battalion while Chang Ching Teng to Commander of No.1 Company, Chi Cho Ling to Leader of No.1 Section of No.1 Company, Ryu Ih Zai to Leader of No.2 Section of No.1 Company.

Section of No.1 Company, Ih Wang Pin to Head of No.1 Squad and Lih Shu Shen to Head of No.2 Squad of No.1 Section of No.1 Company respectively, Chang Sai Ung to Leader of No.5 Section of No.2 Company, Kung Sai Koang to Commander of No. 2 Company, Lig Kong Long to Leader of No.4 Section of No.2 Company, Ryu Wang Ling to Head-nurse and Ryu Wang Shang to Secretary. On the other hand, in the Dormitory, Japanese Chief and Japanese Labour-leaders were appointed to attend to the management and instruction of the Chinese labours, viz. ISE Chitoku to Chief of Dormitory, while OBATA Sonosuke, INOMATA Kiyoshi, YOSHITANI Shiro, NAGASAKI Tatsuzo, HINOKIMORI Masaharu and six others to its Leaders. Now, it has been revealed that amongst the Chinese labours a considerable number had already been suffering from malnutrition prior to their arrival into Japan and, added to that unfortunate condition, the food given to them in the Dormitory was small in quantity and bad in quality; moreover, the so-called "Bayonet Charge Period" was enforced as from June 25th 1945 by which the working-hours were increased in order to expedite the work with the result that a great number of workers succumbed to diarrhoea one after the other involving a considerable number of deaths. On the other hand, among the leaders, some were men of base character and would often-times beat the Chinese labours which went on to indicate a poor method of labour management. In view of the above, Sha Jang feeling his responsibility as Commander of the entire Battalion, was much concerned to improve those mismanagements and did often-times took the matter up with both the competent police authorities and the Hanaoka Detached Office of Kashimagumi but in vain. On the contrary, such acts on his part have given rise to antagonism of the leaders who would resort to maltreatment in reprisals. Thereupon, he made resolution that in order to find way out for the Chinese labours from such predicament, the ultimate measure would be to run away after killing the Chief of the dormitory as well as the leaders thereof; on the other hand, he also came to resolve upon inflicting punishment on NIN HO KI (Japanese pronunciation), Chief of the Chinese Cooking Squad, along with the murder of the Japanese leaders, for his malfeasance in cache of rations thereby torturing his own nationals the Chinese labours. NOW therefore:

(1) At about <sup>2100</sup> 9 p.m. of July 1st of the same year, the accused Sha Jang expressed his resolution of killing the Japanese leaders to the accused Sung Tao Kong and Chang Ching Teng in the Commander's room of the said dormitory and obtained the latter's consent. He urged them to carry out the plot instantly leaving the matter of modus operandi thereof and the selection of men in their hands. The latter two have in turn expressed the plot to the accused Chih Cho Ling, Ryu Ih Zai, Ih Wang Pin, Lih Shu Shen and have obtained all the consent of the latter. Thereupon, they all conspired to kill the sleeping leaders with Chinese-spades and sticks in the leaders' bed-room. Then about ten o'clock of the same night, the accused Sha Jang kept watch near the office of the said dormitory, while the accused Chang Ching Teng, Lih Shu Shen, Ih

Wang Pin rushed into the bed-room in which OBATA Sonosuke and seven others were sleeping and where the accused Chang Sai Ung, who happened to be there with full cognizance of the aforementioned circumstances, and conspiring thereto, likewise rushed into the bed-room with the weapons of Chinese-spades and sticks; where the accused hit the heads and other parts of the victims, viz.:-

The accused Ih Wang Pin hitting the leaders INOMATA Kiyoshi & YOSHITANI Shiro;

The accused Lih Shu Shen hitting the leader OBATA Sonosuke;

The accused Chang Chin Teng hitting the leaders NAGASAKI Tatsuzo & HINOKIMORI Masaharu;

The accused Chang Sai Ung hitting the aforesaid HINOKIMORI Masaharu; thereby killing instantly OBATA SONOSUKE, INOMATA KIYOSHI & HINOKIMORI MASAHARU by the concussion of the brain and the fracture of the skull; while giving severe cut on the forehead of YOSHITANI Shiro that necessitated medical treatment of about three weeks.

The accused Sung Tao Kong was keeping watch near the aforesaid office when he caught sight of NAGASAKI Tatsuzo who had received the severe injury and ran out wildly trying to escape from the ~~deger~~ danger; the accused ran after the victim up to the road in front of the dormitory, hit his head and other parts heavily with the Chinese-spade and killed him instantly by the concussion of the brain and the fracture of skull.

The accused Chih Cho Ling in the aforesaid office uttered and urged Ih Wang Pin and Lih Shu Shen to rush into the bed-room to kill the leaders therein; he also gave a thrust with the Chinese-spade on the back of ISE Chitoku, Chief of Dormitory, who came rushing out in order to escape from the disaster.

The accused Ryu Ih Zai in the aforesaid office dislocated the telephone apparatus; also generally kept watch.

As detailed above, the accused have all committed violence <sup>or</sup> and kept watch, thereby killing inter the Leaders OBATA SONOSUKE, INOMATA KIYOSHI, HINOKIMORI MASAHARU and NAGASAKI TATSUZO but failed to murder and kill ISE CHITOKU, Chief of the Dormitory, and the Leader YOSHITANI SIRO upon whom the accused only committed violence and inflicted injuries.

(2) The accused Sha-Jang at about the same hour as indicated above (past 9 p.m.) in the Commander's room told the accused Kung Sai Koang, Lih Kong Long, Ryu Wang Ling, Ryu Wang Shang to kill forthwith NIN HO KI (Japanese pronunciation), Chief of the Ration <sup>Custody</sup> Squad and obtained their consent thereto. Thus, these accused conspired to the perpetration of the crime and at about ten o'clock of the same night, Sha-Jang took up the watch as he did on the above-mentioned occasion, while the other accused rushed into the ration room of the said dormitory where they got hold of NIN HO KI who was fast asleep and bound his hands in the back with putties and other stuff and, after depriving him of

his resistance, hit him hard on the head and other parts. Afterwards both Ryu Wang Ling and Ryu Wang Shang cast NIN HO KI out of the dormitory in the bound condition, thus causing him to die of the concussion of the brain and the fracture of the skull about 3.a.m. of the following day or the 2nd and thereby accomplishing the object of murder.

The aforesaid facts of the crime are manifest and synthetically proved from the following evidence, viz:-

1. The depositions in this Court of the accused Sha-Jang, Sung Tao Koang, Chang Ching Teng, Chi Cho Ling, Ryu Ih Zai, Ih Wang Pin, Lih Shu Shen and Chang Sai Ung;

2. The depositions of the above accused taken down on the Procurators' interrogatory protocols (as regards Chang Chi Teng and Lih Shu Shen throughout the first and second interrogatory protocols);

3. The depositions of the accused Ryu Ih Zai and Chang Sai Ung taken down in the interrogatory protocols of the judiciary police;

4. The statements taken down in the inspection protocols (from No.1 to No.4) at the time of the compulsory restraints;

The statement contained in the written opinion of the technical expert witness MURAKAMI TSUGIO in respect of the murdered HINOKIMORI MASAHARU and four others; 5. The statement in the medical examination executed by Dr. IZUMI Rikisaburo in respect of the victim YOSHITANI Shiro.

IN REGARD TO THE FACTS OF THE CRIME AS DETAILED UNDER (2) ABOVE:

1. The depositions in this Court of the accused Sha-Jang, Kung Sai Koang, Ryu Wang Ling, Ryu Wang Shang;

2. The depositions of the above-mentioned accused taken down in the procurators' interrogatory protocols;

3. The statement contained in the judicial police's protocol in respect of the accused Kung Sai Koang;

4. The statements contained in the afore-mentioned inspection protocols and the written expert opinion.

In view of the above, we are satisfied that the facts of the crime covering this case are sufficiently proven.

In applying the provisions of Law, as regards the accused Sha-Jang, the count of murder detailed in the facts (1) and (2) above comes under the purview of the provisions of Articles 199 and 60 of the Criminal Code, the count of attempted murder mentioned under the facts (1) above comes under the purview of the provisions of Articles 203, 199 and 60 of the said Code; however, as these acts were committed jointly and consecutively thereby constituting a continuous crime, therefore deeming, by virtue of the provisions of Article 55 thereof,

the acts as one crime of murder; as regards the accused Sung Tao Kong, Chang Ching Teng, Chih Cho Ling, Ryu Ih Zai, Ih Wang Pin, Lih Shu Shen, Chang Sai Ung, the count of murder detailed in the facts (1) above comes under the purview of the provisions of Articles 199 and 60 of the Criminal Code and the count of attempted murder comes under the purview of the provisions of Arts. 203, 199 and 60 of the said Code; however, as these acts ~~are~~ were committed jointly and consecutively thereby constituting a continuous crime, therefore deeming, by virtue of the provisions of Article 55 thereof, the acts as one ~~one~~ crime of murder; as regards the accused Kung Sai Koang, Lih Kong Long, Ryu Wang Ling and Ryu Wang Shang, their acts enumerated under the facts (2) above come under the purview of the provisions of Articles 199 and 60 of the Criminal Code; NOW THEREFORE we have selected the imprisonment for life against Sha-Jang and ~~to~~ limited imprisonment for the other accused and have therefore sentenced the accused Sha-Jang to imprisonment for life, the ~~the~~ accused Sung Tao Kong & Chang Ching Teng to penal servitude for <sup>10</sup>8 years each, the accused Lig Shu Shen to penal servitude for 6 years, the accused Chih Cho Ling and Lih Kong Long to penal servitude for five years each, the accused Ryu Ih Zai and Chang Sai Ung to penal servitude for three years each and, as regards the accused Ryu Wang Ling and Ryu Wang Shang, we have taken into consideration the attenuating and extenuating circumstances of their crime and by virtue of the provisions of Articles 66, 71 and 68 of the said Code, we have reduced the penalty within the limit of the penal servitudes provided under the respective Articles thereby sentencing them to penal servitude for two years each. As to the costs, by virtue of the provisions of Article 237 Para. 1 of the Code of Criminal Procedure, these shall be borne by all the accused. We have therefore pronounced the sentences as per the text of this judgment.

SEPTEMBER 11th 1945

CRIMINAL SECTION OF THE AKITA DISTRICT COURT:

Presiding Judge: SOMA Tei-Ichi;

Judge WATANABE Nobuyoshi;

Judge KUSAFUKA Kesashige.

I hereby certify that the above is an authenticated copy of the original.

NOVEMBER 29th 1945. OF THE SAME COURT.

(Signed & Sealed) TOMITA TARO,

Court Clerk.

++ Ih Wang Pin & Kung Sai Koang to penal servitude for 8 years each,

昭和辛年九月  
十一  
必知者藏

960

<p>本籍 中華民國山東省濰縣 判決 孫 盛 霖 林 當二十六平</p>	<p>本籍 中華民國河南省許昌縣樵澗村 住居 秋田縣北秋田郡花岡町瀧ノ澤中山寮 土工監督</p>	<p>本籍 中華民國河南省許昌縣樵澗村 住居 同前中山寮 耿 諄</p>	<p>本籍 中華民國山東省濟南府齊河縣安頭鎮 住居 同前中山寮 土工監督</p>	<p>本籍 中華民國山東省濟南府齊河縣安頭鎮 住居 同前中山寮 孫 道 敦</p>	<p>本籍 中華民國山東省濟南府齊河縣安頭鎮 住居 同前中山寮 當四十四年</p>
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我 刊 手 氏

我 刊 手 氏



表 半 月 約

表 半 月

本籍 中華民國河南省南陽縣橋頭屯

當四十四年

住居 同前中山寮

土工監督

張 金 亭

本籍 中華民國河南省新安縣東鄉

當三十二年

住居 同前中山寮

土工監督

趙 書 森

本籍 中華民國山東省掖縣溫家村

當二十六年

住居 同前中山寮

甲 靜 岡 製

(國規格B4)

裁 判 日 氏

<p>本籍 中華 民國 河北省 正定府 新樂縣 化皮村</p> <p>住居 同前 中山寮</p> <p>土工 班長</p>	<p>本籍 中華 民國 河北省 玉田縣 小泉村</p> <p>住居 同前 中山寮</p> <p>土工 班長</p>	<p>本籍 中華 民國 河北省 正定府 新樂縣 化皮村</p> <p>住居 同前 中山寮</p> <p>土工 班長</p>	<p>本籍 中華 民國 河北省 正定府 新樂縣 化皮村</p> <p>住居 同前 中山寮</p> <p>土工 班長</p>
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土工監督

劉

錫 二十二財

當三十二年

土工班長

褚

萬 二十彬

當二十八年

住居 同前 中山寮

土工班長

裁

判

日

紳

表  
牛  
月

當二十三年

本籍 中華民國山東省牟平縣萊山鎮

住居 同前中山寮

土工監督

張 贊 二十八武

當二十三年

本籍 中華民國山東省濰縣城內南門大街牌二十二號

住居 同前中山寮

土工監督

宮 耀 二十二光

當二十二年

本籍 中華民國河北省河間縣城內管義衛門五號

甲 靜岡製

(國定規格B4)

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住居 同前中山寮

土工監督

李廣榮

當二十七年

本籍 中華民國河南省襄縣菜劉村

住居 同前中山寮

土工書記

劉玉鄉

當三十一年

本籍 中華民國山西省介休縣延長村

住居 同前中山寮

土工看護長

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右ノ者等ニ對スル殺人、殺人未遂被告事件ニ付當裁判所ハ檢事  
長谷川信關與ノ上審理ヲ遂ケ判決スルコト左ノ如シ

主  
文

被告人耿諄ヲ無期懲役ニ

被告人孫道敦、張金亭ヲ各懲役拾年ニ

被告人褚萬彬、宮耀光ヲ各懲役八年ニ

被告人李秀紳ヲ懲役六年ニ

被告人趙書森、李廣榮ヲ各懲役五年ニ

被告人劉錫財、張贊武ヲ各懲役參年ニ

被告人劉玉林、劉玉卿ヲ各懲役貳年ニ

夫々處ス  
訴訟費用ハ被告人等ノ負擔トス  
六月二十五日

理由

東京都京橋區横町三番地株式會社鹿島組ハ秋田縣北秋田郡花岡町株式會社藤田組花岡鑛業所トノ間ニ土木工事請負契約ヲ爲シ同町瀧ノ澤無番地ニ其ノ出張所ヲ設ケ昭和十九年八月ヨリ華北勞工協會ノ供出ニ係ル華人勞務者約千名ヲ請入レ右出張所ヨリ數丁離レタル中山寮ニ合宿セシメ花岡川大森川ノ切替工事ニ從事セシメ來リタルカ右勞務者等ハ之ヲ大隊組織トシ全員ヲ一大隊、大隊ヲ三ヶ中隊、各中隊ヲ三ヶ小隊、各小隊ヲ三班トシ大隊部ニ大隊長、副大隊長、副官、看護長、書記、軍需（賄係長）等ヲ、各中隊、小隊、班ニ夫々中隊長、小隊長、班長（凡テ華人勞務者中ヨリ選任）ヲ置

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キ寮内及工事現場ニ於ケル華人勞務者ノ監督ニ當ラシメ被告人等ノ中耿諄ハ大隊長、孫道敦ハ副官張金亭ハ第一中隊長趙書森ハ第一中隊第一小隊長劉錫財ハ第一中隊第二小隊長褚萬彬ハ第一中隊第一小隊第一班長李秀紳ハ同第二班長張贊武ハ第二中隊第五小隊長宮耀光ハ第二中隊長李廣榮ハ第二中隊第四小隊長劉玉林ハ看護長劉玉鄉ハ書記タリ又寮ニハ日本人ノ寮長及輔導員ヲ置キ華人勞務者ノ管理輔導ニ當ラシメ來リ伊勢知得ハ寮長小畑惣之助、猪股清、吉谷四郎、長崎辰藏、檜森昌治外六名ハ之カ輔導員タリシカ華人勞務者中ニハ渡日前ヨリ榮養狀態良好ナラサシモノアリシニ加ヘ同寮ニ於テ同人等ニ給與スル食糧ハ其ノ量少ク且粗惡ナルノミナラス昭和二十年六月二十五日ヨリ突貫期間ト稱シ勞働時間ヲ延長シ工事ヲ促進シ來リタル關係等ヨ

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リ下痢患者其ノ他ノ病者續出シ死亡スル者亦勦ナカラサル狀況  
 ニアリ他面輔導員中其ノ素質悪ク往々ニシテ華人勞務者ヲ毆  
 打スル者アリテ勞務者管理ノ方法拙劣ナリシ爲被告人耿諄ハ大  
 隊長トシテノ責任上之ヲ打開セント苦慮シ度々鹿島組花岡出張  
 所及所管警察當局等ニ對シ之カ改善方ヲ願出テタルモ實現ヲ見  
 ルニ至ラス却ツテ輔導員等ノ反感ヲ招キ處遇ヲ受クル有様ナリ  
 ジヲ以テ同人ハ華人勞務者等ヲ右窮狀ヨリ脱セシムルニ寮長輔  
 導員等ヲ殺害シテ逃走スルノ外方途ナシト思考ジ又他方軍需タ  
 リシ任鳳岐ハ食糧ノ配給等ニ付不正ヲ爲シ同胞ナル華人勞務者  
 等ヲ苦シメ來リタルトコロヨリ日本人輔導員等殺害ト同時ニ同  
 人ニ對シテモ制裁ヲ加ヘントシ  
 第一被告人耿諄ハ同年七月一日午後九時過頃同寮内大隊長室等

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<p>ニ於テ被告人孫道敦、張金亭ニ對シ前記輔導員等殺害ノ決 意ヲ披瀝シテ其ノ同意ヲ得即時之ヲ決行スヘク其ノ方法人 選等ヲ同人等ニ一任ジ兩名ハ更ニ被告人趙書森、劉錫財、 褚萬彬、李秀紳ニ之ヲ告ケテ其ノ同意ヲ得唐鐵棒ヲ持テ輔 導員就寢中ノ宿直室ニ至リ之ヲ殺害センコトヲ打合セ茲ニ 右被告人等ハ共謀シ同夜午後十時頃被告人耿諄ハ同寮内事 務室附近ニ於テ警戒ニ當リ被告人張金亭、李秀紳、褚萬彬 ハ小畑惣之助外七名就寢中ノ宿直室内ニ侵入ジ又折柄來合 セタル被告人張贊武ハ前記事情ヲ知リテ之ニ加擔シ右宿直 室内ニ侵入シ夫々唐鐵棒等ノ兇器ヲ以テ 被告人褚萬彬ハ輔導員猪股清、吉谷四郎ノ 被告人李秀紳ハ輔導員小畑惣之助ノ</p>
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被告人張金亭ハ輔導員長崎辰藏、檜森昌治、

被告人張贊武ハ右檜森昌治ノ頭部其ノ他ヲ強打シ小畑惣之

助、猪股清、檜森昌治ヲ腦震盪腦挫傷ニヨリ即死セシメ長

崎辰藏ノ頭部等ニ傷害ヲ加ヘ吉谷四郎ノ前頭部ニ治療約三

週間ヲ要スル割創ヲ加ヘ

被告人孫道敦ハ前記事務室附近ニ於テ警戒ニ當リ右負傷シ

難ヲ脱レントシテ逃走シ來レル長崎辰藏ヲ同寮前道路ニ追

跡シ唐鋏ヲ以テ其ノ頭部等ヲ強打シ腦震盪腦挫傷ニヨリ即

死セシメ

被告人趙書森ハ右事務室ニ於テ褚萬彬、李秀紳ニ對シ宿直

室内ニ侵入シテ輔導員等ヲ殺害スヘキコトヲ促シ又難ヲ脱

レントシテ逃走シ來レル寮長伊勢知得ノ背部ヲ唐鋏ニテ突

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被告人劉錫財ハ右事務室ニ於テ電話機ヲ取外ス等警戒ニ當  
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夫々警戒暴行等ヲ爲シ以テ輔導員中小畑惣之助、猪股清、檜  
森昌治、長崎辰藏ノ四名ヲ殺害シタルモ寮長伊勢知得輔導  
員吉谷四郎等ニ對シテハ暴行又ハ傷害ヲ加ヘタルノミニテ  
殺害ノ目的ヲ遂ケス

第二被告人耿諄ハ前同時刻（午後九時過）頃大隊長室等ニ於テ  
被告人宮耀光、李廣榮、劉玉林、劉玉郷ニ對シ即時軍需任  
鳳岐ヲ殺害スヘキ旨ヲ告ケテ其ノ同意ヲ得茲ニ同人等ハ共  
謀シテ同夜十時頃被告人耿諄ハ前同様警戒ニ當リ他ノ被告  
人等ハ同寮内軍需室ニ侵入シ被告人劉玉林、劉玉郷ハ就寢

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中ノ任鳳岐ヲゲートル等ニテ後手ニ縛ジ之ヲ押ヘ付ケ被告  
 人宮耀光、李廣榮ハ唐鋏ヲ以テ同人ノ頭部等ヲ強打シ劉玉  
 林、劉玉郷ハ更ニ同人ヲ縛シタル儘之ヲ同寮外ニ棄テ因テ  
 翌二日午前三時頃腦震盪腦挫傷ニヨリ死亡スルニ至ラジメ  
 以テ殺害ノ目的ヲ遂ケ  
 タルモノナリ

證據ヲ案ヌルニ判示冒頭ノ事實及第一ノ事實ハ

一被告人耿諄、孫道敦、張金亭、趙書森、劉錫財、褚萬彬、李

秀紳、張贊武等ノ當公廷ニ於ケル供述

一同被告人等ニ對スル檢事訊問調書（張金亭、李秀紳ハ各第一

二回訊問調書ヲ通シ）中ノ同人等ノ各供述記載

一被告人劉錫財、張贊武ニ對スル司法警察官訊問調書中ノ各世

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述記載

一 強制處分ニ於ケル第一乃至第四回檢證調書ノ記載

一 鑑定人村上次男ノ作成ニ係ル被害者檜森昌治外四名ニ對スル

鑑定書ノ記載

一 醫師泉力三郎ノ作成ニ係ル被害者吉谷四郎ニ對スル診斷書ノ

記載

判示第二ノ事實ハ

一 被告人耿諄、宮耀光、李廣榮、劉玉林、劉玉郷ノ當公廷ニ於

ケル供述

一 同被告人等ニ對スル檢事訊問調書中ノ各供述記載

一 被告人宮耀光ニ對スル司法警察官訊問調書中ノ供述記載

一 前記檢證調書及鑑定書ノ各記載

ヲ夫々綜合シテ之ヲ認ム

仍テ本件犯罪事實ハ其ノ證明十分ナリ

法律ニ照スニ判示所爲中被告人耿諄ノ判示第一及第二ノ殺人ノ

點ハ刑法第九十九條第六十條ニ判示第一ノ殺人未遂ノ點ハ同

法第二百三條第九十九條第六十條ニ該當スル處以上ハ共同連

續ノ行爲ニ係リ連續犯ナルヲ以テ同法第五十五條ニ則リ之ヲ殺

人既遂ノ一罪トシ被告人孫道敦、張金亭、趙書森、劉錫財、褚

萬彬、李秀紳、張贊武等ノ判示第一ノ殺人ノ點ハ刑法第九十九

條第六十條ニ殺人未遂ノ點ハ刑法第二百三條第九十九條第

六十條ニ該當スル處以上ハ共同連續ノ行爲ニ係リ連續犯ナルヲ

以テ同法第五十五條ニ則リ殺人既遂ノ一罪トシ被告人宮耀光、

李廣榮、劉玉林、劉玉鄉等ノ判示第二ノ所爲ハ刑法第九十九

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條第六十條ニ該當スル處、所定刑中被告人耿諱ニ付テハ無期懲

刑ヲ其ノ他ノ被告人等ニ付テハ有期懲役刑ヲ各選擇シ被告人耿

諱ヲ無期<sup>懲役</sup>被告人孫道敦、張金亭ヲ各懲役拾年ニ被告人褚萬彬

宮耀光ヲ各懲役八年ニ被告人李秀紳ヲ懲役六年ニ被告人趙書森

李廣榮ヲ各懲役五年ニ被告人劉錫財、張贊武ヲ各懲役參年ニ

被告人劉玉林、劉玉<sup>劉玉</sup>ヲ各懲役貳年ニ處シ訴訟費用ハ刑事訴訟法

第二百三十七條第一項ニ則リ全部被告人等ヲシテ負擔セシムヘ

キモノトス

仍テ主文ノ如ク判決ス

昭和二十年九月十一日

秋田地方裁判所刑事部

裁判長判事

李亨

33300

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裁判日

判事

濱邊信義

判事

幸中村