

Ex 1534

BURMA - SIAMA. CIVILIANS IN BURMA

a) Prosecution Document numbered 5276, the affidavit of T. E. AUCHTERLONIE, is now produced for identification and the marked excerpts offered in evidence. The document refers to the torture of a Burmese at Victoria Point Camp. The man was confined for two weeks in what was known as the Dog Cage, a wooden structure 3 ft. by 5 ft. and then beaten, suspended by the hands from a rafter and beaten in front of some of the officers of the Camp. The man's ankles were then tied up behind his body with a rope around his neck and a fire lit beneath his feet. Later he was cut down and driven away with an armed guard and some digging tools. The truck returned without the Burmese.

b) Prosecution document numbered 5260, the sworn statement of W.O. II A.E.H. CULLEN is now tendered for identification and the excerpts marked therein, offered in evidence. This statement relates to the murder of a Burmese in September, 1943. Japanese guards beat the man with a six foot bamboo pole, and forced a passing Burmese civilian to thrash his countryman with this instrument. When the victim was raw and bleeding the guards decided to shoot him. This was done and two P.O.W. belonging to the witness' detachment, were ordered to bury the body.

c) Prosecution document numbered 5120, the solemn declaration of Mg. SAN MGWE is produced for identification and the marked excerpts offered in evidence. This document states that in June 1945, Kempeitai personnel arrested the witness's uncle and removed money and household goods from their home. The witness was told by a fellow prisoner that his uncle was tortured; his uncle has never returned home since the arrest.

d) Prosecution document numbered 5138, being the affidavit of Lt. Col. E.L.St. J. COUGER, exhibiting three statements of OHN MYAING, MA SAN THEEN and AH YI respectively, is produced for identification and the marked excerpts now tendered in evidence. This statement relates to the massacre by Japanese of women and children civilian inhabitants of the village of EBIANG. They were pushed into a number of houses and fired on by machine guns, and the houses set on fire. Two girls although wounded, escaped. One of them OHN MYAING states:

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"We were pushed inside and after about two hours we were fired on by machine guns. The firing continued until all the crying and moaning had ceased. I was wounded in my right hip, under my left arm and on my right hand. If anyone cried out the firing started up again. When everything had been quiet for some time, smoke began filling the room and one side of the house was on fire. I tore up some floor boards and escaped."

Prosecution document numbered 5337, being the statement of Capt. T.C.B. BURDEKIN is now offered for identification and the marked excerpts produced in evidence. This document in paragraph II thereof relates the information obtained in an official investigation of the events known as the ESAIING Massacre, confirming the evidence of the document last produced, No. 5138.

e) Prosecution Document numbered 5137, being the affidavit of Lt. Col. E.L.St. J. Couch exhibiting charge sheet and Abstract of Evidence in relation to the KALAGON Massacre, is now produced for identification and the marked excerpts offered in evidence. Prosecution document numbered 5336, being the report of Lt. Col. A.M. Sturrock, President No. 4 War Crimes Court, Rangoon, in reference, inter alia, to the KALAGON Massacre, is now offered for identification and the marked excerpts produced in evidence.

These documents describe the proceedings before the Court and summarize the evidence given. The villagers of KALAGON were interrogated by the Kempeitai, beaten and tortured. The massacre was carried out by taking the villagers in groups of about twenty-five to the nearby wells where they were bayoneted and thrown down the wells.

Witness for the Defence: Col. TSUKUDA stated that there was no trial and that since they were satisfied that the villagers had been acting in a manner hostile to the Occupying Power, the Japanese were justified in the circumstances, in carrying out a mass execution.

The first Accused, the Commanding Officer of the Unit carrying out the massacre, stated that he thought the women and children were acting against the Japanese Army. When asked how he justified the killing of infant children, he said there was no other alternative. He further said:

"Within the Orders I received, the killing of the children was also included. If I spared the children, they would be orphans and as such they could not have a living. In order to save time and carry out my duties, I could not help killing them."

The evidence of the Headman of the village who escaped was that of the 195 women, 175 men and 260 children collected by the Japanese, only a very few escaped death.

Prosecution document numbered 5337 already in evidence, in paragraph III thereof makes reference to this massacre.

f) Prosecution document numbered 5336, of Lt. Col. A.M. STURROCK, already in evidence, also contains summaries of the proceedings of five other trials of Japanese for alleged war crimes. In four of these cases convictions were registered.

g) Prosecution Document numbered 5344, the signed statement of MAUNG BU GYI, is now offered for identification and the marked excerpts tendered in evidence. This document describes the beating of a woman with a rifle by Japanese, at KYONLANA Village. She was stripped naked as was her nephew and both were tied to a railway carriage in the sun. Next day the witness saw bloodstains by the river bank and on enquiry, was told by an Indian, also arrested with the woman, that she and the boy had been decapitated. The bodies were thrown into the river by the Indian.

h) Prosecution document numbered 5346, the signed statement of MAUNG TUN SHWE, is now produced for identification and the excerpts marked therein, offered in evidence. This document states that the witness, a Police Constable accompanied a Kempeitai Officer to a village where an old man and another native were arrested on suspicion of being concerned in the death of a Japanese soldier. These men were tortured with water and then their feet were burned. Several houses were burned down. They were then taken to Inbin where they were decapitated. Their bodies when they had fallen into the trench were bayoneted by Japanese soldiers.

At Myanaung two other men were decapitated.

i) Prosecution document numbered 5347, the signed statement of MAUNG KIN Mg. is now produced for identification and the marked excerpts offered in evidence. This document states that the witness acted as an Interpreter for a Japanese officer in May, 1945, at Ongun, when seven Burmans were being questioned. They were taken to Ongun cemetery and there beheaded. The witness states:

"Although I had my hands over my ears, I could hear the blows of the sword and the Japs saying, 'Oh, that one isn't dead yet, bayonet him'. I heard cries of 'Oh God' coming from the trench."

On the next day, two white men, apparently Airmen, who had witnessed the execution of the Burmans, were themselves murdered in the same way.

The witness states:

"I have heard from coolies working for the Japanese, of other executions. Sometimes there were executions of batches of six people, sometimes of batches of up to 30 people."

j) Prosecution document numbered 5342, the signed statement of Mg. PAN is produced for identification and the marked excerpts thereof offered in evidence. This document relates the torture of Burmese nationals by the Kempeitai at Shanywa, the witness having been forcibly removed there, after torture, in order to identify suspected men. The witness saw his father, brother and other men shot by the Japanese. The headman's house was set on fire.

k) Prosecution document numbered 5340, the signed statement of SAW EO GYI GYAW is offered for identification, and the marked excerpts therein tendered in evidence. This document states that seven persons were executed in Tharawaddy by the Kempeitai. The execution was observed by the witness from a window overlooking the compound within which the people were shot.

l) Prosecution document numbered 5339, the sworn statement of R.A. NICOL is now tendered for identification and the excerpts marked, are offered in evidence. This statement describes how the witness was taken to Moksokwin forest in early 1945 as an interpreter. He saw four Allied Airmen guarded by a party of Japanese soldiers. After interrogation, the men were taken into the forest and half an hour later, the Japanese returned without the men, but carrying their clothes, four pairs of shoes, a pick-axe and a shovel.

m) Prosecution document numbered 5348A, being the sworn statement of Mg. TEAN Mg, is now produced for identification and the marked excerpts therein offered in evidence. The document states that in August, 1944, at Sinikan the witness saw a Burmese tied to a tree, ordered to say his prayers and murdered by a Japanese, who hacked him all over the body with a sword.

This was the punishment for refusing to disclose any knowledge of British troops.

n) Prosecution document numbered 5348B, being the sworn statement of Mg. THAN MALING, is now offered for identification and the marked excerpts are produced in evidence. Prosecution document numbered 5354, being the unsworn statement of Sgt. Maj. YOSHIKAWA, Sadaichiro, is now offered for identification and the marked excerpts therein produced in evidence. These documents relate to the murder of six Kachins near BUMRAI, in June 1944, because they were suspected of helping Allied troops in the neighbourhood. The six men were bayoneted to death by the Japanese after being interrogated. The latter document of Sgt. Maj. YOSHIKAWA is an admission of this incident.

o) Prosecution document numbered 5359, the sworn statement of ROLAND JOSEPH, is now tendered for identification and the marked excerpts thereof offered in evidence. This document states that the witness saw Kempeitai personnel set fire to the foot of an Indian, the foot having had kerosene oil poured over it. The witness further states that he saw a woman tied to a post and beaten, her longyi removed and beaten again. She was dragged along the road by a rope from her neck until unconscious.

A Japanese poured a pitcher full of boiling water into an Indian's mouth. The man was pushed into a water-filled trench and submerged several times until unconscious. He was then removed and put into wooden fetters.

p) Prosecution document numbered 5356, the solemn declaration of HARRY JOSEPH, is produced for identification, and the excerpt marked therein offered in evidence.

This document states that in April, 1945, the Kempeitai detachment at Kyaikto stayed in the witness's house until June. During this time, the witness observed the following tortures carried out on their prisoners:-

- "(1) Beat the prisoners with big solid bamboo sticks (approx. length 4'5" - diameter 3") Beat the prisoners until they confessed (i.e. forced confession).
- (2) During beating and interrogation, prisoners were made to squat with hands and feet tied with ropes.
- (3) The hands of the prisoners were tied with ropes. Prisoners were then strung up to the roof of the house by their hands so that

their feet did not touch the ground. Prisoners were left like this for some time.

- (4) During interrogation, the prisoner's hands and legs were splashed with large quantity of boiling water.
- (5) The prisoner was blindfolded, then a large quantity of water slowly poured into his mouth and nostrils, so that the prisoner suffocated.

q) Prosecution document numbered 5361, the sworn statement of SIMA BAHADUR, is now tendered for identification and the excerpts marked therein, offered in evidence. The document states that in January, 1945, the witness and nearly 1,000 Indians were arrested. They were detained in a church for a day without food and drink and then taken to Hsipaw where six hundred and twenty-one men were packed into a room about 25 feet square. There was no room to lie down and the men were forced to sit with their knees tucked under them, shoulder to shoulder.

"I was detained in this room for thirty eight days, never being allowed to go out. Our food consisted of a small ball of rice and a pinch of salt daily, with a very small quantity of water. We were not allowed to leave the room to perform our natural functions, this being done in the room through a small hole that had been made in the floor.

After a few days, the conditions in this room became practically unbearable, the filth and stench becoming undecribable.

During my stay in this "HELL HOLE", approximately two hundred men died from various diseases, and it was a common practice to leave the dead in the room for a few hours, after which they would be taken out by the Japanese and thrown into a trench or bomb-crater, where they were left exposed to the air".

The witness and five other Gurkhas were then taken to Mongkai and into the jungle,

"and we were forced to kneel down, after our heads had been tied behind our backs. One of the Japanese, which one I do not know, pulled my coat clear of my neck, and I saw that the other five were being dealt with in the same manner. At this time, standing near us was one

officer and three soldiers, whilst at a distance, I could see about twenty five others. The officer took out his sword, and I saw him hand it to one of the soldiers, and point to me. The Japanese soldiers approached me from behind, and suddenly I felt a sharp pain in my neck, also I felt the blood running over my face. After that I lost consciousness, and I can not say what happened.

The following morning, just as the sun was rising I came to my senses, and found that I was soaked in blood. I looked around, and found that my five comrades were all dead with their heads partly severed from their bodies."

A Doctor's certificate attached to the document confirms the nature of the wound and describes the man's consequent disability.

r) Prosecution document numbered 5364, the sworn statement of BEL BAHADUR RAI, is now produced for identification and the marked excerpts therein offered in evidence. This document states that in June 1944, the witness who was acting as an Interpreter for the Kempeitai in Hopin, saw a Corporal and two soldiers of the British Army who had been captured.

The Corporal was wounded in his throat so that he was unable to eat or drink. He was given no medical aid and died in two days.

The remaining soldiers and another who had just been captured were tied together and taken to a nearby bomb crater where they were shot by a Japanese Sgt. Major.

s) Prosecution document numbered 5365, the sworn statement of R.B. WILSON, is now offered for identification and the excerpts marked, tendered in evidence.

This document relates the maltreatment of prisoners of war and internees at Rangoon Central Gaol. Men were beaten savagely and others were frequent deaths from malnutrition and lack of medical facilities.

At Tavoy Internment Camp men and women were beaten, tortured, put in solitary confinement and starved, and the internees were forced to eat dogs, rats and snakes to keep alive.

t) Prosecution document numbered 5367, the sworn statement of TAN HAIN ENG, being produced for identification and the marked excerpts offered in evidence, describes the execution of five Chinese near FROME,

The witness went to the place of execution as an Interpreter and saw

a number of Japanese officers there present. There was a table covered with a white cloth, on which were flowers, one or two bottles of sake and some glasses.

The five prisoners were made to sit with their legs in the graves which were already dug. They were then shot by Japanese soldiers.

u) Prosecution Document numbered 5368, the sworn statement of J.H.WILLIAMS, produced for identification, and the excerpts marked therein are now offered in evidence. This document describes the beating of Prisoners of War at Maymyo and the inhumanity of a Japanese N.O. who kicked a man to death who, suffering from a stomach complaint, was unable to control his motion.

v) Prosecution Document numbered 5369, the sworn statement of Mrs. M.M.WILLIAMS, is now offered for identification and the marked excerpts produced in evidence. The document confirms the conditions in MAYMYO as set out in the preceding statement numbered 5368.

In Tavoy women were ordered to stand in the sun for seven, eight and ten hours. In April, 1945, a lady internee returned to the house in which she lived at 0330 hours with her clothes in shreds and said that a Japanese had attempted to rape her. Another woman informed the witness that on several occasions the same Japanese had raped her.