

13

2437

CONFIDENTIAL



Proj. No.	906
S. A. No.	
Sack No.	
Item	13

PACMIRS
WAR CRIMES
INFORMATION SERIES

NUMBER 13 22 MARCH 1946

ISSUED BY THE MILITARY INTELLIGENCE DIVISION, U.S. WAR DEPARTMENT,
BY COMBINED PERSONNEL OF UNITED STATES AND BRITISH SERVICES
FOR USE OF THE ALLIED FORCES

CONFIDENTIAL

CONFIDENTIAL

PACMIRS

WAR CRIMES

INFORMATION SERIES

No 13

22 March 1946

Records of Japanese Court-Martial Proceedings--

ISSUED BY THE MILITARY INTELLIGENCE DIVISION, U.S. WAR DEPARTMENT,
BY COMBINED PERSONNEL OF UNITED STATES AND BRITISH SERVICES
FOR USE OF THE ALLIED FORCES

CONFIDENTIAL

S U M M A R Y O F C O N T E N T S

Records of Japanese Court-Martial Proceedings--
Sixteenth Army, Java (Doc 2852)

The information reproduced here has been extracted from a file of Court-Martial Proceedings compiled by the Sixteenth Army in Java between 1942 and 1944.

The two cases given below give details of four murders committed by personnel of the Military Police and the subsequent punishment of these men by Japanese court-martial proceedings which were duly recorded by the Judicial Unit of the Sixteenth Army in Java. Though the sentences are in general accordance with the Japanese Military Code they are obviously not in accordance with the standards of western justice. Relevant translations showing the applicable Articles of the Japanese Military Code are shown for information in appendices to these cases.

The crimes are admitted by the accused and, in addition to the details of these men, the names of the Japanese officials presiding at the Courts-Martial are also supplied. It is pointed out that the spelling of the names of victims present insurmountable difficulties in the transliteration from Japanese into Indonesian. The correct identity of these victims can only be established by local inquiry by the responsible War Crimes authorities.

An advance copy of this translation (partially checked and edited) has already been sent to the War Crimes Office.

Pages 1 through 6

CONFIDENTIAL

DOCUMENT NUMBER : PACMIRS 2852
 PLACE AND DATE OF CAPTURE : Unknown
 DATE OF DOCUMENT : 1942-45
 CLASSIFICATION : None

EXTRACT TRANSLATION

RECORDS OF JAPANESE COURT-MARTIAL PROCEEDINGS

Judicial Unit
 Sixteenth Army, Java
 1942-1945

Editor's Notes

1. The two cases translated below have been extracted from four handwritten volumes of court-martial proceedings compiled by OSANU (*1) 1602 BUTAI, Sixteenth Army, dated 1942-45.

2. Two appendices have been added to the translation. These appendices are translations of the relevant articles of the Japanese Military and Criminal Codes.

3. The English version of some of the names could not be determined. In these cases, an exact ROMAJI transliteration of the original KANA is given here, followed by an asterisk. Where the English version was doubtful, a probable rendering has been given here, followed by a ROMAJI transliteration in parentheses.

<u>TABLE OF CONTENTS</u>		<u>Pages</u>
Case No 1	Trial of MORI Koichi, 15 Mar 1943, for desertion, destruction of military equipment, looting, murder and theft	2 - 3
Case No 2	Trial of KODAKA Ken and UEMOTO Yukio, 28 Sep 1945, for murder	3 - 5
Appendix I	Translation of Applicable Articles from Japanese Military Code (PACMIRS MX-108)	5 - 6
Appendix II	Translation of Applicable Articles from Japanese Criminal Code (PACMIRS MB-181)	6

(*1) 治

CONFIDENTIAL

CASE NO 1

Date of Trial: 15 March 1943

Defendant: MORI Koichi, (male), Japanese, born 19 August 1920.
Home address: Nyuta village MYOSAI*-gun, Tokushima prefecture. Following employment at various types of stores and a term in a home for juvenile delinquents during his youth, he was, prior to his entrance into the Japanese Army in 1940, a laborer in a coal and wood business.

Charge: Desertion from the Army, destruction of military equipment, looting, murder and theft.

Victim: YOHANES MAROKA*, 53, native of SUMAU* Island.

Summary: Entering active service on 5 Dec 1940, MORI was first assigned to a Taiwan unit but in Jan 1942 was transferred to his present unit, 48th Mountain Artillery Regiment, 48th Division. Subsequently seeing action in the Java operations, he was moved to Koepang, Timor, 22 Dec 1942.

While in Taiwan, he had applied for appointment as a noncommissioned officer, but was not accepted as a candidate because of his criminal record. He applied for it again after reaching Timor, but was again refused. Distressed over his failure, according to the judge's opinion, he went AWOL on 23 Dec 1942. Struck by his unit sergeant-major upon his return, he now deserted with the intention of self-destruction and began the series of acts which form the basis for the charges.

Following his desertion on 23 Dec 1942, MORI on the same day stole a pistol, 16 ball cartridges and two magazines from aboard the transport YAMASATO MARU at anchor in Koepang harbor, and carried out an armed robbery in BORO* village where he took a dugout belonging to TAPON-KESE* from KUROMANNENO*, the boat's watchman, for a trip to SUMAU* Island.

The following day, the 24th, having crossed to SUMAU* he began negotiations in KOBURAI* village for a boat to return to Timor, during the course of which he was approached by YOHANES MAROKA* who remonstrated with him. Thereupon, MORI shot and killed YOHANES MAROKA*. Later the same day he abandoned his government-supplied clothes and bayonet on the OYASA* village sea coast, to make his escape easier, and crossed to Timor, in a dugout seized in an armed robbery from RISHITEMON*.

He was apprehended in Koepang on the 27th and returned to his unit.

CONFIDENTIAL

Sentence: Eight years' penal servitude for violations of
Military Code: Articles 75, Sec 2; 86, Sec 1; 83.
/See Appendix I/
Criminal Code: Articles 199, 235. /See Appendix II/

Place of Confinement: Kokura prison. Transferred there on
12 Apr 1943.

Officers on Sixteenth Army Court-Martial Board:
Prosecutor : Lieutenant KITA Kuranosuke
Presiding judge: Lieutenant Colonel NAMIKI Shuji
Judge : Captain SHIMAZAKI Akira
Judge : Captain MASUTANI Tomikatsu

CASE NO 2

Date of Trial: 28 September 1945

Defendants:

Name	: KODAKA Kan	UMEMOTO Yukio
	(second son of KODAKA	(elder son of
	Tamizo)	UMEMOTO Yoshie)
Sex	: Male	Male
Nationality	: Japan	Japan
Race	: Japanese	Japanese
Age	: 25	26
Date of birth	: 28 December 1919	17 August 1919
Home address	: No 1230 Sen-cho, Togo-	151 Oaza Tsuka,
	mura, Chosei-gun,	Tokuyama-mura,
	Chiba-ken	Ibi-gun, Gifu-
		ken
Present address:	Java)	Java)
	Junbura) MP Units	Junbura) MP Units
	Banjoewangi)	Banjoewangi)
Occupation	: Sergeant, Military	Sergeant, Military
	Police, Merit-7th	Police
	Class	

Charge: Murder

Victims: (Vital Statistics)

Name	: YOHAN*	Alex Kokeston WAROKA*
Race	: Dutch (Mixed)	Dutch (Mixed)
Name	: SEKNOS (SEKUNOSU)	PEKNOS (PEKUNOSU)
Race	: Swiss	Swiss
Name	: JOYOTOMO*	
Race	: Indonesian	
Occupation:	Employee of the above	

Summary: Synopsis of statement by Sgt KODAKA

KODAKA served as Secret MP at the Banjoewangi Military Police Unit since Apr 1943. At GURAGA*, Banjoewangi, he detected a suspicious radio transmission which was operated

CONFIDENTIAL

by an enemy counterintelligence organization, Dec 1943. Although working closely with the Radio Investigation Unit, he was unable to get accurate information and gave up the investigation. Leaving the situation as it was, KODAKA was transferred to the Central Affairs Section in Feb 1945.

Sgt KODAKA recommenced his investigations on this case early in 1945 without official approval and through the agency of a spy subsequently arrested five suspects. Two of these men were of mixed nationality of Dutch descent, named YOHAN* and Alex Kokeston WAROKA*, both of GURAGA* Village. Two others, PEKNOS and SEKNOS, stated to be of Swiss nationality, were also arrested, together with an Indonesian named JOYOTOMO* who was employed by SEKNOS.

During the process of the subsequent "investigation" carried out by Sgt KODAKA it is stated that YOHAN* killed PEKNOS. The peculiar circumstances of this fact are not explained, and the point is mentioned merely as part of evidence made by Sgt KODAKA in his own defense at the subsequent court-martial proceedings against him. In addition, SEKNOS is stated to have died as a result of malaria about two weeks later, 22 June, at the Banjoewangi State Hospital. The remaining three prisoners, YOHAN*, WAROKA* and JOYOTOMO* were then handed over by Sgt KODAKA to the Banjoewangi Prison for detention.

While Sgt KODAKA was deliberating on what further measures could be taken against the three prisoners he was informed in mid-August that the Japanese Government had accepted the unconditional surrender terms of the Allied Nations. He stated that he was so surprised at the news and became so angry that he lost both his normal calmness and sense of judgment, and consequently decided to kill the remaining three prisoners to prevent them giving evidence against him in public.

On 23 August Sgt KODAKA dug a hole two meters square near a farm in GIRI* Village. He then proceeded to the Banjoewangi Prison and received the prisoners into his custody, under the pretense that they were to be released, and brought them back to his own quarters. He then went to the local MP Unit and consulted Sgt UMEMOTO on how to dispose of the prisoners, without, however, either telling UMEMOTO the full facts of the case or of his illegal rearrest of the three prisoners. Sgt UMEMOTO agreed to participate in the execution, and went with Sgt KODAKA to the latter's quarters where the three prisoners were forced to enter a car and driven to the place where the burial hole had been prepared.

First Sgt UMEMOTO took one of the two swords and killed YOHAN*, and then Sgt KODAKA took the other sword and slashed both WAROKA* and JOYOTOMO* to death.

Synopsis of statement by second defendant--UMEMOTO Yukio

On 24 Aug 1945, about 2200, UMEMOTO, working in the Office of War Affairs, Benjoewangi Military Police Unit, was persuaded by KODAKA to cooperate in the plan to kill the three prisoners. By reason of his submissive character, UMEMOTO consented. On the same day at 2400 at the grave pit, he killed YOHAN* with his sword.

Sentence: KODAKA Kan

Indefinite imprisonment for violation of Article 199, of Criminal Code.

UMEMOTO Yukio

Two years penal servitude for violation of Article 199, of Criminal Code.

Place of Confinement: Not shown

Personnel of Trial:

	Sixteenth Army
Prosecutor	: Captain KITA Kuranosuke
Presiding judge:	Lieutenant Colonel TERAO Eitaro
Judge	: Major OGAWA Toshiaki
Judge	: 1st Lieutenant HIROTA Minoru

Comment:

The anxiety which Sgt KODAKA displayed and the steps which he took to prevent YOHAN*, WAROKA* and JOYOTOMO* remaining alive to testify against him would suggest that he was probably also responsible for the previous murder of the two Swiss victims, SEKNOS and PEKNOS.

Appendix I Translation of Applicable Articles from Japanese Military Code /PACMIRS MX-108/

Article 75

Those who leave their posts of duty without reason, or fail to appear for duty without reason, will be punished as follows:

1. When in the face of the enemy: sentences of death, indefinite imprisonment or penal servitude or confinement for a period in excess of five years will be imposed.
2. In time of war: for absence from duty for more than three days in the Army and in the security guard zone, a sentence of not less than six months and not more than seven years' imprisonment or penal servitude will be imposed.
3. In all other cases of desertion in excess of six days, a sentence of imprisonment or penal servitude for a period of not more than five years will be imposed.

CONFIDENTIAL

Article 83

A sentence of not more than ten years' imprisonment or penal servitude will be imposed upon anyone injuring or willfully damaging weapons, ammunition, provisions, clothing, horses or any other material used by the army.

Article 86 Punishment for Plundering and Rape

A sentence of penal servitude for a period of not less than one year will be imposed upon anyone found plundering the possessions of the inhabitants of any war zone or of any area occupied by the Imperial Japanese Army.

A sentence of penal servitude for an indefinite period of not less than seven years will be imposed upon anyone found guilty of rape at the time of perpetrating the crime mentioned in the above paragraph.

Appendix II. Translation of Applicable Articles from Japanese Criminal Code / "Compendium of Laws", 1937 edition--
PACMIRS NB-181

Article 199

A sentence of death, imprisonment for an indefinite period or penal servitude for a period exceeding three years will be enforced in cases of murder.

Article 235

A sentence of penal servitude for a period not exceeding ten years will be enforced in cases of theft of the property of another. The crime will be considered as larceny.

End of Doc 2852

End of PACMIRS War Crimes Information Series No 13

CONFIDENTIAL

DISTRIBUTION LIST FOR PACMIRS WAR CRIMES INFORMATION SERIES

USAFPAC	2
USFCT	2
USFIPT	2
CAD	3
ASF	13
ONI	3
State Dept	3
BJSM	32
MIS	17
TOTAL	77

CONFIDENTIAL

INTERNATIONAL PROSECUTION SECTION

Doc. Nos. 2425-2445 incl

15 July 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Printed Pamphlets "PACMIRS War Crimes Information Series". Issued by Military Intelligence Division, U.S. War Department, "Confidential". Nos. 1-20; and Inventory List

Date: Nov 45-Jul 46 Original Copy Language: English

Has it been translated? Yes No

Has it been photostated? Yes No

LOCATION OF ORIGINAL

Document Division

SOURCE OF ORIGINAL: War Dept, Washington, D.C.

PERSONS IMPLICATED: SHIRATORI, Toshio; SAITO, Ryu; Maj. Gen. NAKANO, Yoshitsugu

CRIMES TO WHICH DOCUMENT APPLICABLE: Nationalistic Societies; Violation PW Convention

SUMMARY OF RELEVANT POINTS

Includes following Subjects, taken from captured Japanese documents:

Doc. No. 2425

Issue No. 1, Philippine PW Internment Camp Reports.

Doc. No. 2426

Issue No. 2, Roster 14th Army Military Police Unit.

Doc. No. 2427

Issue No. 3, Articles by Prominent Japanese on the Greater East Asia War. Nationalistic, hate-preaching articles by NAKANO, SAITO, and SHIRATORI, Toshio, latter of whom hails Japanese as super-race, foresees even axis under their domination. (Magazine GENDAI, June 42)

Doc. Nos. 2425-2445 incl

Page 1

Doc. Nos. 2425-2445 incl - Page 2 - SUMMARY Cont'd

Doc. No. 2428

Issue No. 4, Combat Reports: Third Phase of Philippine Mopping-up Operations. (1943) Covers PANAY-CEBU area.

Doc. No. 2429

Issue No. 5, The Philippine Press and Government in March 1942. Estimates of leading Philippine personalities.

Doc. No. 2430

Issue No. 6, (a) Field Military Police Duties and Problems. (b) Names of Japanese MP's in Philippines.

Doc. No. 2431

Issue No. 7, Philippine Officials.

Doc. No. 2432

Issue No. 8, Report on activities of Indians living in the Philippines.

Doc. No. 2433

Issue No. 9, Medical Records, MUKDEN, Prisoner of War Camp.

Doc. No. 2434

Issue No. 10, Japanese Nationalistic Organizations.

Doc. No. 2435

Issue No. 11, Deaths of Allied PWs in MUKDEN Prison Camp.

Doc. No. 2436

Issue No. 12, Speeches by Prominent Japanese on OFA War, (No. II). Jingoistic speeches immediately preceding Pearl Harbor by NAKANO, Seigo; Col. MABUCHI, Itsuo, publicity chief of Imperial General Hq, and Adm. SOSA, Tanetsugu.

Doc. Nos. 2425 - 2445, incl
Page 2

Doc. Nos. 2425-2445 incl - Page 3 - SUMMARY Cont'd

Doc. No. 2437

Issue No. 13, Records of Japanese Courts-Martial proceedings, (16th Army, Java Trials 1943 - Sep 1945). Two years imprisonment for murder of Swiss.

Doc. No. 2438

Issue No. 14, List of Japanese MPs in the HANKOW area.

Doc. No. 2439

Issue No. 15, Victims of Japanese Military Courts in Java.

Doc. No. 2440

Issue No. 16, MP Organization, BURMA.

Doc. No. 2441

Issue no. 17, Roster of Personnel of Philippine Police Force.

Doc. No. 2442

Issue No. 18, Japanese Military and Civilian Personnel at MUKDEN PW Camp.

Doc. No. 2443

Issue No. 19, Japanese Staff and Allied Internees at CANTON, CHINA Internment Camp.

Doc. No. 2444

Issue No. 20, Japanese Courts Martial Proceedings in Java.

Doc. No. 2445

Weekly accession List, No. 28 of 8 July 46.

Analyst: W.H.Wagner

Doc. Nos. 2425-2445 incl
Page 3