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# AUSTRALIAN WAR CRIMES

#### BOARD OF INQUIRY

### BEFORE HIS HONOR, NR. JUSTICE PHILP

## WILLIAM WATT LEGGATT, Sworn and examined:

I am VX. 44907, Lieut.-Col. William Watt Leggatt. C.O. 2/40th. My private address is Mornington, Victoria.

I was taken prisoner at TIMOR on 23rd February, 1942. Before I was captured we recaptured a village called Babace, which had been taken by the Japanese. While we were in possession of the village I saw three men of my battalion who had been tied each to each by string around their wrists. Their throats had been cut and there was evidence that they had also been shot. I was confined in Oesapa Besar.

#### Accommodation

No covering of any sort was provided at first, except a few native buts for the sick in a separate medical area. We quilt our own camp, in the manner of native buts.

Food

The only food at first was rice. No cooking utensils were provided and food was cooked in mess time. Later we obtained some of our own kitchen atensils.

The only water available for any purpose at all, was from a swamp in the area.

Later on, about a month, we were placed on our own halfration scale from our own rations which had been recovered from our base depot.

Medical and Hygiene No drugs supplied at all, at first; but we had sufficient of our own drugs to carry on.

Latrines

No latrines were provided. We had to dig our own immediately and very few tools were provided for the purpose.

Work

P.O.W's. were employed unloading ships, mainly food.

Munitions

At one time we were asked to unload Munitions. I objected and that was stopped.

The general treatment by the Japanese of the P.O.W.'s was good and I saw only one incident of a men being struck, for stealing. The punishment administered to him was not very severe.

Canteen

Canteen

There was no canteen but we were able to buy some food from the natives.

# EXECUTION OF V.X. 3597. PRIVATE TERRY. E.F., 2/40th BATT.

A copy of a letter written by me on 14th June, 1942 to the Japanese Commandant of the camp at OESAPA BESAR is attached hereto and marked with a letter "A".

The reply of Corporal Sakakura, for Lieut. M. Harada (the Camp Commandant) dated 16th June, 1942 is attached hereto and marked with the letter "B".

A copy of letter dated 16th June, 1942 from me to the Camp Commandant is attached hereto and marked with the letter "C".

I have no personal knowledge as to who actually executed Private Terry but I have been informed by some of my men that he was executed by a Japanese Sergeant, Soramento.

In July, 1942 I was taken to the Cycle Camp in Batavia.

ACCOMMODATION:

Reasonable, but very overcrowded.

FOOD:

Inadequate

MEDICAL & HYGIENE:

Medical supplies were short but we were able to purchase some outside. Hygiene was fair.

WORK:

Clearing up the town. Officers did not work except in charge of parties.

GENERAL:

We were forced to salute all ranks.

The guards used to come through the camps several times a day beating up prisoners of war who did not stand strictly to attention.

I went to Changi on 12th September, 1942 and remained there until the end of hostilities.

This is the second and last sheet of the evidence of Lieut.Col. William Watt Leggatt C.O. 2/40th Batt., taken and sworn before me at Melbourne in the State of Victoria this 24th day of January, 1946.

/s/..W..Watt.Leggatt......
DEPONENT

Australian Board of Inquiry into War Crimes.

GIB/CR/1c

LIEUT.COL. W.W. LEGGATT 24/1/46

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The Commandant
Australian Camp
OESAPA BESAR.

#### Ref ALLEGED DEATH OF PTE TERRY E.F.

Information was received yesterday from a driver in KOEPANG that TX 3597 Pte TERRY E F who was driving a truck at SOE, was shot and killed a few days ago.

2. Please advise if this occurred and if so what were the circumstances connected with his death.

(Sgd) W.W. Leggatt

uBu

Japanese HQ. Oesapa Besar, 16th June 1942.

The Commander, Australian Camp.

The following message has been received from our HQ at Koepang:-

- 1. Driver Terry was killed under the following circumstances:
  Some days ago he was driving a lorry which broke down. He
  left the lorry by the roadside and went back to the barracks
  for his meals. One of our N.C.O's noticed him and told him
  he should have brought the truck back to the garage before
  lunch and ordered him to go out and get it. The N.C.O. again
  noticed him and repeated his order but he did not obey and
  struck the N.C.O. and ran away. The garrison in SOE commenced
  a search and found him and acting on instructions from HQ. in
  SOE he was killed.
- 2. In Japanese forces when a person strikes an officer or N.C.O. of higher rank the penalty is always death. This is the first time that a prisoner of war has committed an act of violence and we hope that it will not occur again.
- 3. We do not wish to show any lack of courtesy to a prisoner of war but it is the duty of a prisoner of war to conduct himself in a proper manner.

(Sgd) Sakakura Cpl for M. Harada, Lieut. n Cu

OESAPA BESAR 16 Jun 42

The Commandant Australian Camp OESAPA BESAR

# KILLING OF Pte TERRY

Reference your memo of 16 Jun 42 it seems hardly credible that the summary shooting of Pte TERRY is contravention of even the customs of civilized warfare apart from the rules of the GENEVA CONVENTION should be countenanced by the Japanese authorities.

- 2. This Force surrendered on the condition that they would be properly treated, according to the rules of Prisoners of War.
- 3. Apart from the unjustified severity of the penalty should be carried out without a proper trial.
- 4. Please supply details of the evidence of any witnesses of the occurrence.
- 5. In view of the fact that the drivers are liable to be subjected to such summary treatment it is requested that they be returned to the P O W Camp.

(Sed) W Watt Leggatt Lt Col

GIB/CR/3c

APPENDIX 2.

LT. COL. W.W. LEGGATT 24/1/46

/s/ G Philp J.