

Singapore Cases - Details of Trial Records

<https://www.ocf.berkeley.edu/~changmin/Japan/singapore/Trials/Fukudome.htm>

Compiled by Stephanie Beckman, Intern
U.C. Berkeley War Crimes Studies Center

Singapore Cases: No. 235/1102
Fukudome Case (3rd Seletar Beheading Case)

Accused:

- (1) Vice Admiral FUKUDOME Shigeru
- (2) Rear Admiral ASAKURA Bunji
- (3) Commander INO Eiichi
- (4) Vice Admiral IMAMURA Osamu
- (5) Captain MATSUDA Gengo
- (6) Capt SAITO Yakichi

all of the Imperial Japanese Army.

Place and Date of Trial: Singapore, 9, 12, 17-20, 23 and 27 Feb 1948

Finding and Sentence: Each charge - Each accused - Guilty

Accused Sentence

- 1 3 years imprisonment
- 2 2 years imprisonment
- 3 3 years imprisonment
- 4 8 years imprisonment
- 5 2 years imprisonment
- 6 2 years imprisonment

There was no printed finding and sentence by the court.

Charge: 1st charge: (Against all the accused)

Committing a War Crime in that they at SINGAPORE between 1st July and 31st August 1945 were, in Violation of the Laws and Usages of War, concerned in the execution of eight Allied Prisoners of War, the crew of a PBY4 Aircraft.

2nd charge: (Against all the accused)

Committing a War Crime in that they at SINGAPORE between 1st February and 31st August 1945 were, in violation of the Laws and Usages of War, concerned in the execution of some Allied Prisoners of War, the crew of a B-29 Aircraft.

Facts relating to the charge: (taken from the Abstract of Evidence)

The Order of Battle at the Japanese occupied Seletar Naval Base at the time of the incidents of the charges was as follows:

In the main it was occupied by two Japanese Naval Organizations - viz – H.Q. 10th Zone Fleet Commanded by

Vice Adm. FUKUDOME (**Accused 1**) with
Vice Adm. ASAKURA (**Accused 2**) as his Chief of Staff;
Comr. INO (**Accused 3**) as his Intelligence-cum-Communications Officer, and
Lt. Comdr. KOMORI as the Chief Legal Advisor to C-in-C Fukudome (Accused 1).

Subordinate to this Command was the 10th Special Base Unit commanded
Vice Adm. IMAMURA (**Accused 4**), with
Capt. MATSUDA (**Accused 5**) as his Chief of Staff and
Capt SAITO (**Accused 6**) as Senior Staff Officer - while
Comdr. OKAMOTO was Chief Engineer Staff Officer.

Certain Lieutenants concerned in the case, viz –
KOBAYASHI;
MIYAWAKI
together with P.Os.
TOU and
HIKIJ

were also attached to various sub-units of the 10th Special Base under IMAMURA who came (for matters of policy particularly) under

Vice Adm. FUKUDOME as C-in-C and G.O.C. 10th Zone Fleet.

About the beginning of 1945 some Allied POWs (American Airmen raiding Singapore) were brought to the Seletar Naval Base (Singapore). They were handed over by the G.H.Q. 10th Zone Fleet to the H.Q. 10th Special Naval Base and incarcerated there until executed without trial by the 10 S.N.B. under orders from Adm. FUKUDOME's H.Q.

Again in July of the same year (1945) other POWs (American Airmen) were brought in and as before were handed over to Adm. IMAMURA's (Accused 4) Command, interrogated, imprisoned for a while, then, on the excuse that there were no guards to spare, executed like the others, at the Nee Soon Rifle Range. Soon after the war ended, a meeting was called at which the C-in-C Adm. FUKUDOME presided and the subject under discussion was the destruction of Evidence with a view to screening those responsible for the two executions mentioned in the Charges. All the Accused are involved in the decisions taken at this meeting; to warn all concerned to keep quiet; to dispose of the bodies; and to keep knowledge of these War Crimes from the Allies.

Sworn statements from all the accused will be produced at the trial and Prosecution will call as witnesses Lt. Comdrs. OKAMOTO and KOMORI together with Lt. KOBAYASHI and P.O. HIKIJ.

Accused handling of the charge: All the accused denied that they or either of them had given any instructions to have the POWs executed or even know that such executions had taken place until sometime after the occurrences.

Main issues of the case raised by prosecution and defence:

1) Facts and evidence of the case

The defence argued according to five general matters regarding the facts and evidence of the case, which involved all the accused, as follows:

a) That the prisoners of war mentioned in this case were not transferred by the 10th Zone Fleet HQ to the 10th Special Naval Base.

They argued that Accused 4 was independently authorized in handling these POWs, and as he was solely responsible there was no need of any order or instruction to be issued from the 10th Zone Fleet H.Q. concerning this.

Therefore, the defence submitted that the testimony of Prosecution Witness Lt-Comdr. OKAMOTO, that the prisoners of war were interned and detained by the order of the 10th Zone Fleet H.Q. was quite an untrue allegation and completely against the known facts.

b) That it was not true that the 10th Special Naval Base asked for an order or instructions concerning the prisoners of war in this case to be issued by the 10th Zone Fleet H.Q.

The defence presented five facts that showed that this allegation was a deliberate contrivance.

c) That there was no fact that the 10th Zone Fleet H.Q. issued an order to the 10th Special Naval Base H.Q. to execute the POWs of this case.

The defence argued that the issue of an order of the 10th Zone Fleet H.Q. to the 10th Special Naval Base would be the Accused 1 himself, and its recipient would be the Admiral Commanding the 10th Special Naval Base, Accused 4. No other person was authorized to issue or receive the "Fleet Order". They argued that the Prosecution witness' alleging that POWs were executed in accordance with the First Order was based on an opinion and not fact and hence was unreliable. Concerning the POWs of the second charge, the prosecution witness gave more unreliable evidence, in the form of a vague and ambiguous statement regarding where the order came from.

d) That the POWs of this case were not executed by the 10th Special Naval Base (Admiral Commanding IMAMURA (Accused 4), Chief of Staff Matsuda (Accused 5), Senior Staff-Officer SAITO (Accused 6))

The defence argued that these executions of POWs were not carried out on the orders of the 10th Special Naval Base. The execution was carried out quite secretly by some persons of the 10th Naval Base while Accused 4, 5 and 6 were quite unaware of it.

e) That nothing was discussed or decided to conceal the fact and destroy evidence of the execution of the POWs of this case.

All the accused admitted that conferences were held day and night at the Fleet H.Q. after the surrender, but these conferences were not specially meant to discuss the execution of the POWs, but to collect various materials for reports which were to be sent to Tokyo Central Government, Count Terauchi's Southern Expeditionary Forces Headquarters and the British Naval Authorities. The defence argued that accused 1 heard of this execution for the first time at the conference, as testified by Prosecution witness Komori. Prosecution witness KOMORI alleged that the conference was specially held for the purpose of destroying evidences of the POWs execution case, but the defence argued that this witness could not be trusted, and his testimony was in variance with the truth of the case.

The prosecution argued that "the order" (for the execution of the 2nd charge) was issued by the Fleet Command - approved by the Naval Base - passed over to Yamaguchi, the Guard Commander, who as the order was issued by the Fleet H.Q. reported back to the H.Q.; that the execution had been held at the Nee Soon Rifle Range. This was a statement submitted by witness Okamoto. The prosecution also submitted that the execution was ordered by Accused 1. An important matter in the execution of POWs could not be carried out without the Fleet Command's Orders. The prosecution pointed out that the executed were not tried at all. They submitted also that during the execution all the Accused were there except Accused 4 and this was virtually confirmed by Komori.

In the mouth of two witnesses they submitted that the purpose of the conference (sponsored and conducted by Accused 2 and addressed by accused 1 and attended by Accused 3, 5 and 6) was the destruction of evidence and the protection thereby of the principals to the War Crimes. On the evidence of the Accused themselves, it was a decidedly stormy meeting and afterwards orders were sent out from Accused 2 and 3 of the Fleet H.Q. to exhume corpses from the Nee Soon Rifle Range and dispose of this and a warning was issued to hide and say nothing about the execution and the disposal of the bodies. None of this evidence was disputed in cross-examination. These facts were also confirmed by Komori in principle, who also contended the necessity of destroying evidence of the illegal execution and how by hiding the facts, the names of the principles would "not come out". In short, the disposal of the bodies and hiding of the facts, that the decision and orders of the accused arising out of this conference were implemented was confirmed by Kobayashi.

2) Individual responsibility of each accused

Accused 1 (FUKUDOME)

The defence argued that accused 1 thought that the POWs should be sent to the Singapore POWs Concentration Camp as soon as possible, and he conveyed this opinion to Accused 4. He was in no way concerned with the execution of the POWs carried out afterwards. This is clear from the testimonies explaining the circumstances under which Accused 1 came to know about the execution. They submitted that the Prosecution evidence was still not sufficient to prove that the execution of the POWs was decided and carried out by the intention of accused 1. Accused 1 also did not know about the POWs of the second charge being interned at the 10th Naval Base. He knew no more of the execution than he did of the existence of these POWs nor was he in any way concerned with it.

The prosecution argued that Accused 1 knew of the presence of the POWs victims of the 1st charge at Seletar and decided to advise Accused 4 to hand them over to the POW authorities but never had any report that they had been not handed over. The prosecution said that Okamoto was definitely made responsible at any rate for the incident of the 1st charge, and submitted that the silence on this subject aided and abetted the principles to the crimes, although accused 1 was sorry he did not think to clear these principles.

Accused 2 (ASAKURA)

The defence argued that the exact date of the POW's execution in the first charge was unknown, thought it was thought to have been on the 10th of August. At this time, Accused 2 was on a tour of duty to French Indo-China, Siam and Burma, and he was not at Singapore. This was proved by his testimony. As far as the first charge was concerned, the alibi was sufficiently proved, and there was not a bit of doubt that he was not concerned in it in any way. Other evidence relating Accused 2 to the first charge was based on mere assumption and therefore unreliable as evidence. Also, with relation to the issue of destroying of evidence, this was also brought up by untrue evidence and therefore accused 2 should not be held responsible for something based on untrue testimony.

The prosecution submitted that Accused 2 shadowed Accused 1 and his evidence was a series of Denials of Prosecution Witness' statements and implications. He did admit to knowledge of the presence of POWs at Seletar in January but never knew they had actually gone to Tokyo.

Accused 3 (INO)

The defence argued for the first charge, accused 3 only knew about the execution after it had taken place. Prosecution witness Okamoto alleged that he received the execution order from Accused 3, but this was strongly denied by the testimonies of all the accused. The defence believed that the evidence that Okamoto gave was a lie. Regarding the second charge, it was clear from the testimony of Accused 3 that he did not know at all about the POW's execution. It was also not his fault not to have known about it.

Accused 3 gave inconsistent evidence when questioned. The prosecution submitted that he showed guilty knowledge at Fleet H.Q. and this made him abet a War Criminal. The best commentary on his garbled and contradictory statements was found in the Court's questions to him.

Accused 4 (IMAMURA)

The defence argued that he did not know about the execution until after it had been carried out. It was clear from testimonies of accused 1, 5 and 6 that Accused 4 had no intention to execute these POWs at any time, therefore it could not have happened that he issued an order or instruction to execute these POWs nor was it conceivable that he connived at the execution. He believed that the POWs had been sent to Tokyo as planned. There was other ambiguous and vague evidence against this accused, but the defence submitted that it was impossible to admit any connection between Accused 3 and the POW execution based on such statements.

All the prosecution submitted regarding Accused 4 was whether or not it was likely that Accused 4 when penning the notorious 5th paragraph had in mind not the fact that Accused 6's report concerned the actual execution of the POWs, but the sending back of Italian, German, Indian and British POWs labour to their bases and that there was

then no need for him to report any negligence of duty or lack of disciplinary control of subordinates resulting in the illegal execution of POWs and thereupon a war crime.

Accused 5 (MATSUDA)

The defence argued that he did not know at all about the POW execution of the first charge at the early part of August 1945, but a few days before the surrender he came to know about it for the first time by the report of Accused 6. He testified in Court in a very straightforward, earnest and truthful manner how he came to know about it. It was also clear from the testimonies in court that Accused 5 did not give the execution order or instruction to anybody, and that there was no fact that he knew about the execution beforehand and connived at it or did not stop it.

With regards to the second charge, Accused 5 had an alibi which was sufficiently proved and therefore there was no doubt that he was not concerned with the second charge.

The prosecution submitted that with regard to the statements made by Accused 5, it was necessary to emphasize that the 5th Accused's amended version as given in his second statement was made about Okamoto's death sentence. In his first statement he actually protects Okamoto saying he was directly under him and if he had interrogated the prisoners he would have reported to him.

Accused 6 (SAITO)

The defence argued that he was not at the site of the execution the day it took place and it was only the day after the execution that he came to know roughly about the execution by the report of Yoda, the guard commander. It was also clear from this testimony that the execution was carried out quite secretly while accused 6 and the other staffs of the 10th Naval Base were unaware of it. There was no fact that the execution was carried out by the intention of Accused 6 nor was it his fault not to have known about the execution.

With regard to the second charge, the defence submitted that Accused 6 was not concerned at all. He did not know that the POWs had been executed. He believed the story of Staff Officer Okamoto and of the guard commander to be true that the POWs had been sent to Tokyo. There was no fact that he issued any order or instruction to dispose of the corpses of the POWs mentioned both in the 1st and 2nd charges. The defence argued that the testimony of Prosecution witness Komori was based on mere opinion, the statement itself told this, and his opinion was quite improper.

The prosecution argued that he also gave a 'revised version' after Okamoto's death sentence.

In conclusion, the prosecution submitted that according to the Abstract of Evidence, all the accused were concerned in the killings as stated in the charges and on their own admission, all (or their representatives) were at the aforesaid conference and all openly and tacitly approved of the 'redisposed' measures, while certainly ALL since, have connived at and abetted the War Crimes by evading the truth, denying the facts and or holding their peace.

D.J.A.G.'s review:

The D.J.A.G. took the evidence as a whole and said that there was ample testimony to support the charges that the accused were concerned in the execution. He advised the findings and sentences to be confirmed.

Accused 4 probably received the most severe sentence due to his rank in the 10th Special Base Unit and involvement in the case. The rest of the accused received relatively uniform sentences.