

Sugamo and the River Kwai

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Paper presented to
Encounters at Sugamo Prison, Tokyo 1945-52
The American Occupation of Japan and Memories of the Asia-Pacific War
Princeton University, May 9, 2003

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Sugamo Prison is best known for its role in the American occupation of Japan at the end of the Second World War and the imprisonment of the Class A war criminals from the International Military Tribunal for the Far East as well as the B and C war criminals, most of whom were charged and many convicted at the American trials held at Yokohama.¹

There is a British connection with Sugamo that is less well known. Britain held its own war crimes trials across Southeast Asia, including Singapore, Rangoon, Kuala Lumpur and Hong Kong.² I am calling this paper “Sugamo and the River Kwai,” because beyond its catchy title that refers to the Oscar winning movie, my research is concentrated on the Singapore war crimes trials. Many of those trials were concerned with the Burma- Siam (later Burma-Thailand) Railway, most often called the “Railway of Death” because of the horrendous death toll both among Allied prisoners of war, British, Australian, American and Dutch and the local *romusha* or forced labor. Railway. In Thailand, the railway ran along the eastern bank of the Kwaie Noi* and that was the basis for the title of Pierre Boulle’s novel and the movie.

So what is the connection with Sugamo? There are two.

* “Kwaie” means river in Thai, and the prisoners building the bridge across the Kwaie Yae (or Mae Khalung) which still stands today at Kanchanaburi thought that was the name of that river. Kwai Yae means “big river”. The railway follows the Kwaie Noi which means “little river” see Peter N Davies, *The Man behind the Bridge: Colonel Toosey and the River Kwai* (London: The Athlone Press Ltd., 1991), 7.

First, after the Japanese surrender, British war crimes investigators requested the American occupation authorities to arrest Japanese suspects who had returned to the islands. Second, in 1950, the British colonial government in Malaya and Singapore was facing the twin problems of prison overcrowding (the Malayan emergency was adding prisoners) and rising costs. So Britain requested that the United States agree to transfer all the prisoners from Singapore to Sugamo. When the Japanese prisoners arrived at Sugamo in August 1951 it was the third such transfer. The government of the Netherlands East Indies had transferred all Japanese prisoners to Sugamo when Indonesia was granted its independence in 1949 and war criminals from the Philippines were transferred to Sugamo when the United States granted Philippine independence.³

It was individual human beings who occupied those cells at Sugamo Prison and as prisoners came and prisoners left, I have divided their stories into two parts:

From Sugamo to Singapore is the story of Lieutenant General Renya Mutaguchi, who had commanded the Japanese 18th Division under General Tomoyuki Yamashita in its drive to Singapore after the landing in Malaya on December 8, 1941. Mutaguchi was later the general commanding the Japanese 15th Army in Burma during the disastrous Imphal campaign. How the British handled Lt. General Mutaguchi contrasts sharply with the way the Americans under General Douglas MacArthur dealt with Mutaguchi's former CO, General Yamashita and raises questions about the assumption of some scholars that the British would have quickly tried and executed Yamashita., if they had caught him before the Americans did.

From Singapore to Sugamo is the story of Lt. Col. Hirateru Banno, the senior officer among five Japanese and two Koreans charged with war crimes as a result of their actions as guards and engineers with a group of British and Australian prisoners of war known as "F Force," which had the highest casualty rate of all the POWs on the Burma Thailand Railway.

The case of what my colleagues in the media today would probably call "The F Force Seven" has significance beyond their actual Singapore trial. It figured prominently in Justice

Radhabinod Pal's controversial dissent at the Tokyo trial. Justice Pal transferred much of the blame for deaths on the Burma Thailand Railway from the "A" level Tokyo defendants--whom he would have acquitted--to the aging Lieutenant Colonel Banno, whom one survivor of F Force told me "should never have been charged."⁴

Colonel Cyril Wild

One man draws together both threads of the Sugamo-Singapore connection; a British colonel named Cyril Hew Dalrymple Wild. In September 1946, in Tokyo, when Wild testified before the International Military Tribunal For the Far East, his title was War Crimes Liaison Officer for Malaya and Singapore. He was, in effect, Britain's chief war crimes detective in the region.

Wild's role is key to the events outlined in this paper. He had met Yamashita at the surrender of Singapore and was assigned to investigate his role in Malaya. It was Wild who requested that SCAP arrest Mutaguchi. Wild's connection with the F Force case was much more personal. He had actually been one of the prisoners of F Force, was the main interpreter for the prisoners and thus knew each of the defendants personally.

Wild graduated from Oxford, his home town university, in 1930, where he had read Classical Modern Moderations⁵ but he did not follow the tradition of his grandfather, father and three brothers by going into the Anglican ministry. Instead, a year later, Wild sailed to Japan where he became an executive with the Rising Sun Petroleum Company, the Japanese subsidiary of Shell.⁶ After returning to England to marry in 1935, Wild and his bride, Celia, settled in Tokyo, where under the influence of the British military attaché, Major General Francis Piggott, he took an intensive Japanese language course.⁷ He also found time for a scholarly work, publishing *Purchas His Pilgrimes in Japan* in 1939, first in Kobe and later with Kegan Paul in London. Wild extracted the Japanese chapters of Samuel Purchas's seventeenth century collection of travelers' tales and seafarers accounts and added his own commentary.

Shell kept Wild in Japan after the outbreak of the European war but he was eventually released and reached England in June 1940, where he rejoined his local Territorial Army regiment the Oxford and Buckinghamshire Light Infantry. Wild was soon assigned as an intelligence officer for Sir Lewis Heath's Third Indian Corps, stationed in northern Malaya in hopes of deterring a Japanese assault. The British and Australian forces were forced by back to Singapore by Yamashita's invading Japanese army and in February 1942, Wild, then a major, was with General Heath at British headquarters in Singapore when Yamashita demanded the surrender of the island city. Wild was chosen as General Arthur Percival's interpreter and it was Wild who carried the white flag when the British officers met with Yamashita.

After the surrender, Wild first acted as a liaison officer between the British and the Japanese, then as the Japanese consolidated their hold on Singapore he was ordered into Changi Jail with the rest of the prisoners. The Japanese soon began collecting drafts of prisoners of war for forced labor, most on the Burma Thailand Railway. The first group called "A Force" by the POW administration left Singapore on May 15, 1942.⁸ It consisted of British, Australian and Dutch POWs plus the few Americans, most of them from the *U.S.S. Houston*, who worked on Burma side of the railway.⁹ More prisoners left Singapore over the next year. Wild became part of "F Force" 3,662 Australian and 3,400 British prisoners who left Singapore in 13 trains over 13 days beginning on the 16th of April 1943.¹⁰

Although the Japanese told the officers commanding F Force, British Lt. Col. Stanley Harris and Australian Lt. Col. Gus Kappe that the men would be sent to a rest camp,¹¹ their actual destination was the mountains on the border between Siam and Burma. The job facing F Force was to carve the railway route out of mountains north from a place later known as Nieke[†] to the actual Burma border at Three Pagoda Pass. It was a much tougher job than that facing the

[†] There are sometimes half a dozen or more spellings for each place along the railway, named through the combined Japanese and British mispronunciation of Thai place names. I have chosen to use the spelling used in a British war crimes investigation map of the area (PRO WO 325/16 98156) Alternative spellings include Nikhe, Nikki, Neekey. (See Davies, *The Man Behind the Bridge*, xv)

prisoners at Kanchanaburi building the bridge the tourists visit today. There the western branch of the river, Kwa Noi, the route of the railway, and the eastern branch, the Kwa Yae,[‡] merge in a flat river plain.

When the first members of F Force arrived at Banpong, the rail junction in Siam, they discovered that they were to march some 300 kilometers north through the jungle to their work area. This march is one of several “death marches” of Allied prisoners of war that are less well known than the Bataan Death March in the Philippines. What made the lives of the prisoners worse, was that the annual monsoon came early, on May 7 in the middle of the march and they had slog through the knee deep mud of jungle tracks.¹² Cholera broke out a few days later.

F Force was at the furthest end of the communication and supply lines and since the prisoners were working in perhaps the most rugged environment, the death toll mounted. Wild’s role was both a language and cultural interpreter for the prisoners, advising men how to survive in horrendous conditions.¹³ He was attached to the headquarters at Nieke but would often travel on foot to other camps, acting as a troubleshooter. Wild was one of several effective junior officers who made up for the relative incompetence of both commanders, Stanley Harris of the British Army and Australian Gus Kappe.¹⁴

Most of the work on the railway came to an end with the joining of the two lines at Konkoita in October 1943¹⁵ and within days, the prisoners of F Force began to leave.

By the time the prisoners returned to Singapore in December 1943, 1,060 Australians and 2,036 British soldiers had died, hundreds more were sick, starved walking skeletons. The F Force overall death rate was 45 per cent compared to the average on the railway -- 20 per cent. In one F Force camp 73 per cent died. In Singapore, Japanese doctors said only 125 of the survivors were fit to work.

[‡] also known as the Mae Khalung

At Changi jail, the vast British military bureaucracy was still intact and immediately the survivors began paperwork, writing both personal memoirs and official reports¹⁶ and compiling information for potential use in war crimes trials. Once these reports were complete, they were often buried to keep them safe from Japanese inspections.

In August 1945, word reached the prisoners in Singapore through secret radios of the atomic bombing of Hiroshima and Nagasaki and the Japanese surrender. Then on September 1, 1945, a small commando group led by Canadian Lt. Col. Arthur Stewart arrived at Changi Jail¹⁷ to liberate the POWs. Wild spent a couple of days with Stewart, who was for the short period the senior non-POW Allied officer and, in effect, governor of Singapore. Then, on September 5, Wild was then ordered to set up the first war crimes investigation unit, consisting of himself, two British officers from the Malay police force and a British officer from the Federated Malay States Volunteer Force.¹⁸

Wild and his small crew immediately faced an overwhelming caseload, trying to identify potential Japanese suspects, digging up the buried reports, interviewing witnesses. As in today's world there were priorities, high profile cases, including what was later called the "Double Tenth" case which involved the torture of prominent civilian internees in Singapore.¹⁹

In the Philippines, meanwhile, the United States Army had arrested General Tomoyuki Yamashita after his surrender on September 3, 1945 and almost immediately charged him with war crimes.²⁰ Prosecuting and defense teams were appointed on October 1, Yamashita was arraigned on October 8, 1945 and trial was scheduled to begin on October 29.²¹

Talking to Yamashita quickly became a priority for the British. Whether it was Wild himself²² or someone higher in the chain of command, an interview with Yamashita before the trial was considered so essential that the Supreme Allied Commander Southeast Asia, Lord Louis Mountbatten sent an urgent request to Lt. General Wilhlem D. Styer, commander of Armed Forces Western Pacific. Mountbatten's telegram requested that Wild be permitted to interview

Yamashita “at such a time and such a manner as not to interfere with the trial”²³ noting Wild “has special knowledge of the case and Yamashita but is not legally trained officer.”²⁴

Wild flew to Manila, and on October 28, 1945, over the vigorous objections of the American defense counsel, he met in private with Yamashita for one hour. Wild filed three reports to Singapore headquarters on the interview with Yamashita. He would also later send copies of his reports to his family in Oxford, where they were rediscovered by James Bradley[§] when he wrote his biography of Cyril Wild, which was published in 1991. Bradley published the documents verbatim in the biography and the original are now in the Imperial War Museum. As far as I can tell, so far no one apart from a Singapore-based author and journalist, Ian Ward, has made use of them.

When he met with Yamashita, Wild had a list of nine “Atrocities Committed in Malaya and on Singapore Island” ranging from the shooting of a sick Australian prisoner, to the killing of more than 60 doctors, orderlies and patients at Singapore’s Alexandra Hospital to the massacre of thousands of Chinese men in Singapore after the fall of the city.

The meeting with Yamashita went well. Wild had been warned before the meeting that Yamashita would not talk freely and would deny all knowledge of atrocities. Yamashita was cooperative with Wild, and it seems from the short reports, that Yamashita’s personality impressed Wild just as the Tiger of Malaya had impressed the two defense counsel who published their accounts of the case, Frank Reel²⁵ and George Guy who wrote of Yamashita “His forthright manner, his candor and his strength of character made a distinct impression on me....”²⁶

Wild’s impressions are perhaps more important than those of his counsel. Unlike both the prosecution and defense in Yamashita’s Manila trial, Wild had lived in Japan, had been in action

[§] Wild’s account of the surrender of Singapore is cited by Stanley Falk in *Seventy Days to Singapore* (p. 11 also note p. 259), supplied to him in the early 1970s through Louis Allen of the University of Durham by Wild’s brother Rev. John Wild. Falk was, at the time, the chief historian of the United States Air Force, yet he makes no mention of the documents on Yamashita also held by the Wild family (despite the obvious interest for an American military audience).

against the Japanese** and most important he had survived one of the worst camps on the Burma Thailand Railway.

Wild reported that “Yamashita disclaimed all previous knowledge of each of these atrocities, as I recounted them in detail. He took notes, including the names of some witnesses. He did not question any of the evidence. On several occasions he condemned perpetrators in fairly strong terms.”²⁷ The denial of knowledge was, of course, the same position Yamashita took in his defense against the American charges for the atrocities in the Philippines.

Wild was more sympathetic to Yamashita’s claim of lack of knowledge than the American prosecution, the reviewing U.S. judge advocate and some subsequent legal scholars.²⁸ Wild noted in one of his reports: “Yamashita gave the impression of speaking the truth when he disclaimed previous knowledge of these Malayan atrocities. It is of course possible that an officer of his rank in the Japanese army would be told nothing of the behavior of his troops towards prisoners and civilians and would consider it beneath his dignity to enquire,”²⁹ Wild went on to correctly predict the course of Yamashita’s trial, “It is expected that the defense at his trial in Manila will be largely be based on this contention, while one of the objects of the prosecution is to establish the precedent that a commander’s plea of ignorance does not absolve him of responsibility for atrocities committed by forces under his command.”³⁰

Yamashita was not on Wild’s lists of suspects for war crimes in his report, although subordinate commanders were, including Lt. General Renya Mutaguchi. After the failure of the Burma offensive, Mutaguchi had been relieved of his command³¹ and returned to Japan where he became superintendent of the military academy before retiring from active service.³² A few weeks after Wild’s report was filed with ALFSEA—that is Allied Land Forces Southeast Asia—an

** In his paper, “War Crimes, Crimes Against Humanity and Command Responsibility, Leslie Green criticizes Justice Frank Murphy of the United States Supreme Court, who dissented in Yamashita, for his “lack of knowledge of active service conditions” Naval War College, www.nwc.navy.mil/press/Review/1997/spring/art2sp9.html p.8

arrest warrant was issued in Tokyo and Mutaguchi and arrived at Sugamo Prison at 2:20 p.m. on December 12, 1945.³³

The still controversial trial of Tomoyuki Yamashita had ended in Manila a few days earlier, on December 7, when the U.S. military commission had found him guilty of war crimes and sentenced him to death by hanging. The commission accepted the prosecution's argument that "the crimes were so extensive and widespread, both as to time and area, that they must either have been willfully permitted by the accused or secretly ordered by the accused."³⁴ What was later called the Yamashita standard of strict liability was articulated by his defense counsel George Guy in 1950 that Yamashita "as the Commanding General must have known of them, or if he did not know of them, he should have known of them."³⁵

Yamashita's counsel appealed to the United States Supreme Court, where the majority, six justices, largely were concerned with upholding the use of military commissions, denied the appeal. The two dissenting judges strongly attacked the fairness of the proceedings. One of the dissenting justices, Frank Murphy warned about the idea of strict liability, "No one in command of an army, from sergeant to general, can escape these implications. Indeed the fate of some future President of the United States and his chiefs of staff and military advisers may well have been sealed by this decision."³⁶

That popular impression of strict liability remains to this day, although many legal scholars maintain that the Yamashita decision was not so clear-cut.³⁷ Murphy also added another warning in his dissent, "While peoples in other lands may not share our beliefs as to due process and the dignity of the individual, we are not free to give our emotions in reckless disregard of others."³⁸ Yamashita was hanged on February 23, 1946.

As for Wild, he had returned to England on home leave in December 1945. By the time he had returned to Singapore in February, 1946, he had been promoted from major to full colonel with the title of War Crimes Liaison Officer Malaya and Singapore. He continued his investigations for the next several months and testified in a number of war crimes trials. Then in

September 1946, Wild flew to Tokyo. He had three aims, to interrogate war crimes suspects held at Sugamo, to help the war crimes teams in Tokyo examine Japanese documents and to testify before the International Military Tribunal for the Far East.

The Tokyo Tribunal interrupted its schedule to hear Wild's testimony. They had been concentrating on the Anti-Comintern Pact when Wild took the stand on September 10, 1946. Wild would testify until September 19. The Tribunal would not return to the issue of prisoners of war and internees until two months later.

Wild's testimony was wide ranging, from the initial Japanese landing at Kota Bahru³⁹ Malaya, the mass shootings of young Chinese men⁴⁰ in Singapore, the massacre at Alexandra Hospital⁴¹, the investigation of the Double Tenth incident⁴² and his experiences as a member of F Force on the Burma Thailand Railway.⁴³ Wild also testified as an expert witness on Japanese documents captured in Tokyo⁴⁴ including a Japanese report on the construction of the railway submitted to headquarters on February 3, 1944⁴⁵ and a report on an investigation of the treatment of prisoners of war and the Chinese massacre in Singapore ordered by the Japanese Ministry of War in October 1945, after the surrender and occupation⁴⁶. Wild's testimony which was sometimes third hand hearsay also led to a challenge on the rules of evidence by George Blewitt, representing Hideki Tojo,⁴⁷ a challenge that was summarily dismissed by Sir William Webb, the president of the tribunal.

When Wild was not testifying he was working with the war crimes investigators at SCAP, interviewing Japanese officers both in and out of prison (Wild had visited Sugamo Prison on September 9, 1946 to interrogate Renya Mutaguchi.⁴⁸) and going through the files of the Demobilization Bureau⁴⁹ looking for more reports.

Wild left Tokyo as soon as his testimony was completed. He was due in Singapore on September 26 to testify at the trial of the guards he had known with F Force. He was a passenger in a RAF Dakota that took off from Hong Kong's Kai Tak Airport early on September 25. It crashed a few moments later into the hills at Kowloon Tong. There were no survivors.

Wild was a man of his time, but from the surviving records it appears he judged Japanese on an individual basis, hence his apparent somewhat sympathetic attitude toward General Yamashita. In one letter home he called one defence counsel who cross examined him in Singapore “a nasty little Jap lawyer.”⁵⁰ He told the Tokyo Tribunal that when it came to Lt. Col. Banno who commanded the F Force guards, “I shall say what I can in his favor when he comes up for trial in Singapore.”⁵¹ He summed up his attitude in answer to a question under cross-examination by George Blewett. “A good Japanese officer—and I recall two in particular who were an honor to their army and country—could make a considerable difference to the prisoners in their particular camp. Unfortunately both were junior officers and I did not encounter similar compassion and humanity in the higher ranks of the Japanese Army. It could have made a far greater difference.”⁵²

Renya Mutaguchi: From Sugamo to Singapore

John Pritchard has noted “Almost without exception courts scrupulously adhered to the principle that an accused must be freed unless he could be proved beyond a reasonable doubt to be guilty of a specific, individual (as opposed to collective) offense; mere membership in a platoon which participated in systematic murder...was not regarded as sufficient proof of a soldiers complicity for war crimes.”⁵³

Pritchard also maintains that the British Far East war crimes tribunals were relatively free of political interference, noting that while files were frequently forwarded to United Nations War Crimes Commission headquarters in Church House Westminster, “once a Military Court was convened and the defendants named, all domestic and international political interference appears to have halted.”⁵⁴

That brings us to Renya Mutaguchi who was in Sugamo in Red East, Block Four, Tier A, Cell 17, at the time of Wild's visit.^{††}

Mutaguchi did not have Yamashita's appealing personality. He is described in *Soldiers of the Sun* this way:

General Renya Mutaguchi conformed in many ways to the Western stereotype of the Japanese officer. Square-faced, with beetling black brows, a heavy moustache, and a sullen jaw, he was brave, aggressive, fanatically stubborn, evil-tempered and totally indifferent to the human cost of his plans. He displayed more obvious personal ambition than most; he liked to see himself as the prime mover in the outbreak of war in China, and five years later his vanity would be one of the principal forces behind the ill-fated march into India.⁵⁵

Mutaguchi had been one of the officers involved in the Marco Polo Bridge incident that opened hostilities against China.⁵⁶ In December 1941, he was supposed to command of the Japanese 18th Division, part of Yamashita's force that was to invade Malaya and capture Singapore. He wasn't present when his troops landed at Kota Bahru early on December 8, 1941; he was stuck first in Canton⁵⁷, later on a headquarters transport anchored in Camranh Bay.⁵⁸ Mutaguchi did not arrive to take control of his forces until the Japanese offensive was almost complete on January 27 1942.⁵⁹

The 18th Division had come down the east of Malaya. For the assault on Singapore, Yamashita sent it to take the west part of the island, with the 5th division in the center. The aim was take the height of land at Bukit Timah. Yamashita believed if Bukit Timah was captured, the British would surrender. He wanted it done February 11, the anniversary of the coronation of the Emperor Jimmu.⁶⁰ After fierce fighting against Australian troops, the two divisions captured Bukit Timah on the evening of the 11th. Mutaguchi's 18th Division continued toward downtown

^{††} He was also kept in Red 3, B 49 and Red 2, B 10 during his time at Sugamo.

Singapore along the west coast of the island, meeting heavy resistance from the First Malaya Brigade. The next day, on February 12,⁶¹ soldiers believed to be from the 18th division reached the Alexandra Military Hospital. Later there were unconfirmed reports that a squad of Indian soldiers had taken up positions on the hospital roof and fired at the Japanese.

When they reached the hospital, the Japanese troops ignored attempts by the medical staff to surrender, rampaged through the hospital, bayoneting doctors and patients and herding patients into a small nearby building, where the next morning they were executed.

After the war, the Alexandra Hospital Massacre was one of the growing files of Wild's major cases.

When Wild had interrogated Yamashita in Manila, Yamashita told Wild he had never heard of the massacre until that moment.

“He spoke ‘strongly of ‘the fools who had done this senseless, brutal thing.’ He stated that in the assault on Singapore, the Konoye Division was on the left, immediately west of the causeway; the 5th Division was in the center; the 18th Division (Lt. General Renya Mutaguchi) was on the right. The 18th Division made the initial crossing and continued to form the right (i.e. Western) wing until the fall of Singapore. He said the troops of the 18th Division must have been responsible for the massacre and that Lt. General Mutaguchi (now in Japan) should be interrogated.⁶²

Wild had planned to ask Yamashita for written orders to Mutaguchi to cooperate with interrogation, but time and the defense team prevented that.⁶³

Back in Singapore, Wild had his hands full with several cases, including the one that was personally important, the F Force case.

If Wild was thinking of proceeding against Mutaguchi using the strict Yamashita precedent just set by the Americans, trying to prove that Mutaguchi knew or should have known what was happening under his command, the ALFSEA legal staff was already putting cold water

on the idea, both because of lack of evidence and on legal grounds—at least one legal officer was doubtful of strict liability in command responsibility.

In a letter to Wild dated April 17, 1946, Colonel Frederick C. A. Kerin, on the legal staff of the Deputy Judge Advocate General told Wild “In my opinion there is no evidence in this case which will enable proceedings to be taken,” largely because “the case falls to the ground, however, as there is no evidence identifying the criminals.”

Kerin then went on to tell Wild:

It is said there is presumptive evidence of responsibility against the Japanese Comd 18 Div. As the facts stand at the moment there is nothing to support this. There is evidence to show that Indian troops were firing from the hospital buildings which at material times lay between the lines of the opposing forces. The massacre were committed [sic] in the heat of battle and I do not see how responsibility can be attached to a Senior Officer who was not present unless it can be shown that he had some cognizance of what took place.⁶⁴

Kerin went on to note.

Stress is laid on the fact that a senior Japanese officer.... presumably the Comd 18 Japanese Div...inspected the hospital on the evening of 16 Feb. 1942, that there were dead bodies lying about, victims of the massacre, and that he expressed regret at the sufferings of those in the hospital. The result of his visit was that Japanese guards were put in the hospital and the looting ceased.⁶⁵

Photographs of Mutaguchi and other suspects were sent to survivors of the massacre in hopes of identifying the perpetrators. Wild did not give up. As noted, he met Mutaguchi at Sugamo on September 9, 1946 and in his report Wild outlined his questions to Mutaguchi about the massacre:

Q: On 12 February, troops of the 18th Div entered the hospital and started shooting and bayoneting everyone at sight. In the operating theatre they bayoneted a patient on the operating table and the surgeon who was operating on him. They killed both of these, and wounded another medical officer and a medical orderly. After killing a lot more medical personnel and wounded, they collected over 200 as prisoners of from the hospital and took them about half mile away, where they were locked them up in some very small rooms. The next day they took them out and machine-gunned or bayoneted all but five, who escaped and become prisoners of war. The total number murdered in his hospital was over 20 medical officers, over 60 medical orderlies and over 200 wounded.

A: Are you sure it was the 18th Div.?

Q: Yes, I am.

A: Is that so? I never heard of it until today.

Q: Well last October, I flew to Manila and told this story to General Yamashita. He told me that it must have been men of the 18th Div who did what he called “this horrible and senseless thing.” He said that you must have heard of the massacre on such a scale as this and he himself advised me to ask for your explanation of it.

A: I never heard of it until now. I am astonished to hear it.

Q: The senior officer, a Major General or Lieut-General, went into the hospital the next day and told Colonel Craven that he was sorry about what had happened. In fact, he made some sort of apology and said, “some of our men have no sense.” He also said that Colonel Craven should regard his visit as an honor, as he was the representative of the Emperor of Japan. Was that you?

A: I never heard of it. I am surprised if Japanese soldiers did this.⁶⁶

(Wild himself was no where near the massacre site, at the time he was in the “battle-box” bunker at Fort Canning, the British headquarters.⁶⁷ Yet it was Wild who testified about the massacre before the Tokyo Tribunal a few days later. Wild’s testimony was hearsay, based on his conversation a few days after the massacre with Major James Bull, a doctor at Alexandra Hospital. Wild also talked to other survivors while they were in the POW camps.⁶⁸ One was the anesthetist who had been in the operating theatre when the Japanese troops entered and killed the surgeon and his patient. “He survived and told me the story himself. He showed me the scars on his hands, where he had caught hold of the bayonet and the scars on his chest where it had penetrated.⁶⁹” Wild told the tribunal.)

On September 27, two days after Wild’s death and based on his recommendation, Sugamo received orders to transfer Mutaguchi to Singapore. He left Sugamo at 7 p.m. on September 29.

Mutaguchi was in Singapore’s Changi Jail on November 6, 1946 when he voluntarily changed part of the statement he had given to Wild, telling one of the investigators on the case, a Major W. G. A. Watson:

I did visit the Alexandra Hospital though I cannot be sure of the date. I think it was the 16th of February 1942. My visit was one of goodwill and I took with me my chief of staff, my senior medical officer and other medical officers.

I discovered that the hospital was in good order and there did not appear to be any trouble.

I never had the slightest knowledge of the bayoneting and massacre to which you refer. I wish to add that I never found any necessity to apologize to the patients in the hospital, on the other hand I did express in a polite Japanese way my regrets for any possible inconvenience which they may have experienced.⁷⁰

There is a second legal opinion from Kerin in the file, dated 3 December 1946. He advised that case against Mutaguchi be dropped on grounds of insufficient evidence. Kerin reviews briefly the facts of the massacre and then goes on to say:

3. There is not a shadow of evidence to show that Lt. General MUTAGUCHI was aware of the incident at the time or that as Divisional Commander he would be in such close touch with his forward troops that he could not be unaware of it. Furthermore even if he knew that the massacre had taken place would he be in a position to take any steps to investigate the matter at a time when the troops which had committed it were amongst the forward Japanese troops in the battle for Singapore?

4. In my opinion it is not possible to hold that MUTAGUCHI had a general responsibility for an isolated transaction in which there is no evidence that he was an aider and abettor. When there is evidence, that on the very first occasion he inspected the hospital, i.e. on 16th February, he put guards on it resulting in an immediate improvement in the situation the whole case against him falls to the ground.

5. I do not consider it necessary to examine at this stage the possibility of Indian Troops having fired from the top storey of the hospital. I am inclined to think that such was not the case. If, however, it is a fact it would merely go to show that the attack on the hospital was unpremeditated and without orders from MUTAGUCHI.⁷¹

It was six months later, on June 5, 1947, however that the case was finally dropped and Mutaguchi ordered released. A memo from a major with the initials PGP noted in a message to the war crimes section in Tokyo that the witnesses they tried to contact were back in the United Kingdom and “more than a year has passed since General MUTAGUCHI’s photograph was sent to England for identification...and no identification has been forthcoming.”

The case of Renya Mutaguchi supports Pritchard’s view that the British were looking for direct evidence of involvement in war crimes.

Col. Kerin's opinion anticipates the decision by the war crimes court at Nuremberg in the High Command case (also known as the *United States v Wilhlem von Leeb*) which brought some legal clarity to the Yamashita case. The decision on the responsibility of high ranking German officers the tribunal wrote:

Modern war, such as the last war entails a large measure of decentralization. A high commander cannot keep completely informed of the details of military operations by subordinates and most assuredly not of every administrative measure.... Criminality does not attach to every individual in this chain of command by that fact alone. There must be personal dereliction. That can only occur where the act is directly traceable to him or where his failure to properly supervise his subordinates constitutes criminal negligence on his part.⁷²

That clearly fits Mutaguchi's actions, at least in the Alexandra Hospital case. The order for Mutaguchi's release came six months before the first day of the High Command case hearings in Nuremberg on December 30, 1947.

Col. Hirateru Banno: From Singapore to Sugamo

The trial of the Japanese and Korean guards charged with war crimes in the F Force case opened in Singapore on September 26, 1946, before a joint British and Australian tribunal, the day after Wild's death in the plane crash in Hong Kong.

Wild's death meant that the star witness in the trial was not available, and apparently no one thought to have the transcripts of his evidence about F Force from the Tokyo tribunal sent to the Singapore trial. There were, at first, two witnesses for the prosecution, both enlisted men who were still living in Singapore at the time. The bulk of the prosecution evidence came from Australia, transcripts of testimony before Sir William Webb's third board of inquiry into Japanese war crimes. The prosecution was making desperate attempts to get another key witness, Gus

Kappe who had commanded F Force's Australians. At the time of the trial, Kappe, promoted to full colonel was in hospital in Brisbane. At first, the prosecution was unsuccessful and the defense began its evidence, calling the defendants to testify or give statements on their own behalf. Kappe, however, did arrive after a couple of the defendants had testified. He took the stand as a "court witness" questioned by the president of the court on behalf of the both the prosecution and the defense. Testimony by the defendants then resumed.

The commander of the Japanese guards, Lt. Col. Banno Hirateru was 62 at the time of the trial. He had served 30 years in the Japanese Army and had retired before being recalled to active duty as the Japanese planned the attack on Malaya, the Philippines and Pearl Harbor. Banno had been assigned to the prisoner of war administration and was in Sumatra before being posted as a last minute replacement to command the guards of F Force. Banno was clearly a man out of his depth, who in some ways probably genuinely tried his best. Wild in his testimony at Tokyo said Banno, "did make certain futile and totally ineffective efforts to ameliorate" the conditions in the camps.⁷³

Later in cross-examination by Hideki Tojo's American lawyer, George Blewitt, Wild was asked

Q: You mentioned Lieutenant Colonel Banno, and you may have covered it, but how were you treated in general by him?

A: I personally, was always treated by him with civility. I shall say what I can in his favor when he comes up for trial in Singapore very shortly.

Q: I assume he indicated a desire to cooperate with you in the work that you were doing and accomplishing.

A: I can't say that I ever got the impression, but he was not hostile to me any way and, in some ways, quite friendly.⁷⁴

Kappe in his testimony at Singapore called him “negligent”⁷⁵ and “an incompetent fatuous old man.”⁷⁶ Australian Captain Benjamin Barnett questioned by Sir William Webb at the Australian inquiry at Melbourne called Banno “a doddering old donkey.”⁷⁷

Banno was a commander who was unable to control the actions of his subordinates, a man who admitted under questioning by the president of the Singapore tribunal that he was afraid of the lower ranking engineers.⁷⁸ He was also caught in a bureaucratic nightmare. For some reason F Force remained under command of the POW administration in Singapore. Other camps further south on the railway were under the Japanese Thailand POW administration. Banno was at the far end of the communication and supply lines and unable to deal with either chain of command. Although he was in charge of the prisoners, like other guard commanders he had no power over the engineers who were actually building the railway and the bridge at Sonkrai.

The F Force trial evidence did show that Banno was less than a benign commander. While the prisoners starved, Banno and his staff plus the engineers always had enough to eat. Only one Japanese guard died of cholera, while hundreds of British and Australian prisoners and probably thousands of Asian laborers perished in the epidemic.

Banno made one crucial error when the cholera epidemic broke out. Instead of having the prisoners stay where they were, as the British officers recommended, he ordered them to push on to a camp further up the line at Sonkrai. Under direct examination in his own defense, Banno gave a number of reasons, “the party left behind suffers needlessly because they are left with another strange unit”⁷⁹, the trails in that area were so wet and narrow “it would be impossible to carry food supplies ...in order to carry food supplies for 2,000 men it would take 300 men every day to carry it.”⁸⁰

Under cross-examination, Banno maintained that he had made the right decision, describing the campsite at Lower Nieke that he wanted bypassed:

“That place was very dangerous. It was a narrow place surrounded by damp areas and there was no good water running and the only stream was lime water and it was not

at all suitable place for any person to stay...the monsoon was also in and if the river overflooded then the transport would come to a stand-still and the food rations have to be carried on men's shoulders; that means if we leave we have to suffer very unfit conditions and a great shortage of food for this large number of people. That is why I thought it was a greater disadvantage to the P.O.W. to stay there.⁸¹

What happened, of course, was what the British and Australian medical officers in Force feared. The men travelling upcountry brought the cholera infection with them and spread it through the all the camps.

The tribunal in Singapore found Banno guilty of war crimes, but given the death toll of 3,096, Banno received a relatively light sentence of three years imprisonment. The tribunal did not give reasons for the decision. The reviewing officer, Brigadier F. G. T. Davis, Deputy Judge Advocate General, in upholding the three year sentence quoted from Banno's appeal that "lack of ability to impose his views on higher authority cannot be the basis of criminal responsibility" and "he did all he could in difficult circumstances."⁸² Davis also pointed to other factors that many of the prisoners had been sick and malnourished before they left Singapore, and that "climate and terrain were important factors that impeded the provision of adequate supplies."⁸³

Banno's lack of command capacity also spared his subordinates. Four were sentenced to death. Davis was obviously uncomfortable in sentencing men to hang when Banno, who according to the evidence had failed to control them, had received a relatively light sentence. On his recommendation, two death sentences were commuted to life, two others to 15 years. All five men were to end up as inmates at Sugamo. Two others would be released before the mass transfer from Singapore to Sugamo.

Banno and his men began serving their sentences in Changi Jail on October 23, 1946. While they were still there, two years later, in Tokyo, one member of the International Military Tribunal for the Far East took a very different view of their actions.

At the Tokyo tribunal, the Indian justice, Radhabinod Pal, as is well known, dissented from the panel, voting to acquit on all counts. Pal maintained the A level war crimes were acts of state, and no one can be found responsible for acts of state. Pal instead appeared to fix the blame for specific war crimes on those actually on the spot, and in his ruling on the prisoners of war pointed directly to the F Force march through the monsoon:

...if the Japanese had exercised every care and the deaths were solely attributable to the unexpected onset of the rainy season they would, in the circumstances, have committed a war crime. Southern Army Headquarters had no right to send prisoners of war to work in an area which it knew to be gravely dangerous to health, and further, it had no right to employ prisoners on the construction of a railway line to be used for military purposes. There can be no doubt that it was the intention of the Japanese at that time to use the line solely for military purposes to be supply and reinforce their troops in Burma.

But it was clearly not the rainy season that caused the deaths although it may have increased them. As early as March and April, even on Japanese figures, the monthly death toll already exceeded 200. If the rainy season had then already commenced, why send “F” and “H”^{††} forces there at the end of April and May....

As regards to employment, I do not hesitate to say that the accused Tojo was fully responsible for it; but this violation of the rules regarding the labor of prisoners of war is a mere act of state. It is not a criminal act per se and I would not make him criminally liable for it.

As regards to the inhuman treatment of the prisoners, during this employment, the evidence does not satisfy me that it was due to any inaction on the part of any of the accused, including Tojo or that it was such as could have been in any way, foreseen by the accused.⁸⁴

So who does Pal blame?

Based largely on Wild's testimony, Pal says, "From the evidence of this witness, it becomes apparent that overzealousness of local officers were mostly responsible for the disaster that happened."⁸⁵ Pal blames two men, General Arimura, who dispatched F Force from Singapore and Colonel Banno, saying of Banno,

Similar is the story of over-zealousness shown by Lt. Col. Banno, the Japanese commander of F Force.... the Australian marching party was being accommodated within a few yards of huts in which a large number of Asiatic laborers were dying of cholera. Colonel Harris described the situation to Lt. Col. Banno at the staging camp at Konquita and warned "You must either stop the march or bypass Konquita. If you don't, we will have a violent outbreak of cholera with a week." Lt. Col. Banno was obstinate. The consequences of the obstinacy was outbreak of cholera in the Australian marching party... Similar again is the account of unnecessary brutality of some of the Japanese engineers... The actual perpetrators of these atrocities are not before us. I believe those of them that could be got hold of alive have already been made to answer for their brutalities.

Colonel Wild himself told us in his evidence that since his engagement in war crimes investigation in Southeast Asia Command, nearly four hundred cases had been brought to trial; of those in over three hundred cases, the trial had been completed resulting in "well over a hundred death sentences and about a hundred and fifty of terms of imprisonment"... So there is no scope for any apprehension of clemency having been shown towards any of the alleged perpetrators of all these foul acts...⁸⁶

So Pal would have denied clemency to the very men for whom the British/Australian tribunal found reasons for mitigation of the their sentences. While Pal, of course, apparently

⁸⁵ H Force operated in the area directly south of F Force. The author's father was a member of H Force.
Robin Rowland Sugamo and the River Kwai

based his opinion solely on the evidence he had heard as a member of the tribunal, he either failed to notice or ignored Wild's favorable testimony, including Wild's statement that he would "say what I can in his favor" at Banno's trial.

So this raises another question about Pal's judgement about the fairness of the Tokyo tribunal. Where was the fairness in acquitting "the higher ups" for reasons of state, while condemning the underlings?

I have written two books on Canadian organized crime in the 1920s and 1930s.^{87 88} The American prosecutor at Tokyo, Joseph Keenan began his career as a gangbuster, head of the criminal division of the U.S. Justice Department.⁸⁹ In light of what Pal wrote about Banno, I can't help thinking that Pal's reasoning would have sounded familiar to those Americans who had prosecuted the mobs of the 1930s, that while the street thugs, soldiers and the capos were found guilty for actively taking part in crimes, the insulated godfathers were either never charged or freed on a technicality or lack of evidence.

As for Hirateru Banno, his full sentence in Singapore was due to expire in October 1949. He arrived at Sugamo prison on January 23, 1950. His file in the National Archives in Washington is thin. The American guards apparently took his fingerprints but no mug shot. He was then released about four weeks later, on February 17, 1950, officially part of a group of 117 prisoners who had their sentences reduced by order of SCAP on December 24, 1950. It may be that Banno was included in that group for budgetary or bureaucratic convenience.⁹⁰

Four men, two F Force guards and two engineers, followed Banno to Sugamo in August 1951.

Lieutenant, later Captain, Tsuneo Fukuda, the officer officially in charge of two of the camps at "Lower and "Upper" Sonkrai, was according to affidavits in the trial file, known for floggings, beatings and assaults. Lt. Col. Kappe, commanding officer of F Force's Australians, described Fukuda in testimony as "lazy, apathetic and callous in every dealing I had with him."⁹¹ Kappe also claimed that Fukuda was personally responsible for 594 Allied deaths.⁹² Fukuda was

one of the Japanese officers who would parade sick POWs and then force them to work. His date of release is not recorded in his file in the National Archives.⁹³

Toyoyama Kisei also known as Hong Ki-Song, was one of the most notorious Korean guards on the Burma Thailand Railway, known for beating the prisoners with the shaft of a golf club. He was sentenced to death but the sentence was commuted by Brigadier Davis. His date of release is not recorded. According to some reports, he was released in 1958.⁹⁴ He is believed to have returned to Korea where it is reported he committed suicide.

Hajime Maruyama was the senior engineer in the area, building the railway and bridges in northern Thailand. Kappe described him as brutal and callous while another Australian officer, Lt. Col. S. A. F. Pond described Maruyama as a man who did his best and noted that Maruyama's relations with the POWs improved as time went on. Maruyama arrived at Sugamo from Singapore in August 1951, was denied parole in October 1951 and was released on January 28, 1958.⁹⁵

Abe Hiroshi was the 23-year-old engineer who was in charge of construction of the two level (road and rail) bridge at Sonkrai. In a number of affidavits, he was described as brutal and completely insensible to the allied soldiers building the railway. Abe was another officer who demanded that sick prisoners be made to work. He arrived at Sugamo from Singapore in August 1951, was denied parole and was released in January 1958.⁹⁶ Decades later, in 1995, in an encounter engineered by a British television documentary, ex-prisoner James Bradley confronted Abe, drawing from the man a remarkable apology for his actions.⁹⁷ Later Abe joined a Britain-Japan reconciliation group.

The stories of General Mutaguchi and Lt. Col. Banno show that Sugamo Prison played a wider role in the years following the conclusion of the Pacific War than most published accounts that concentrate on the A level war criminals suggest. For example, there were a total of 124 convicted Japanese war criminals just in the group transferred from Singapore to Sugamo in 1951, so there is probably more fascinating material if one examines those cases.

Appendix: Wild and Yamashita

There were other senior officers on Wild's list when he met with Yamashita. None were imprisoned at Sugamo, they were all caught in Southeast Asia, so they are beyond the scope of this conference.

In brief, two of the three general officers on Wild's list did face military tribunals and in both the cases where the men were executed, there was evidence, sometime controversial evidence, that they gave direct orders for their alleged crimes.

Lt. General Shimpei Fukuye was the first senior officer in charge of prisoners of war after the surrender of Singapore. He was charged with two war crimes. One was the Selerang incident where 15,000 allied prisoners were forced into a barracks square in an attempt to make them sign a parole agreeing not to escape. After four days on the square with no provisions, the senior allied officers agreed have the men sign the parole, using the argument that it was signed under duress and therefore not valid. The second charge was the execution of four prisoners of war. The Selerang incident was the result of Fukuye's orders. The court did not believe his denial of knowledge of the executions. Fukuye was found guilty and executed by firing squad at the same place as the allied prisoners.⁹⁸

Lt. General Takuma Nishimura was number one on Wild's list, as commander of the Imperial Guards Konoye Division, and wanted in connection with two incidents, the Parit Sulong massacre in the early days of the Malaya campaign, where it was alleged that Australian and Indian troops were machine gunned and then possibly burned alive on Nishimura's orders. Nishimura was also later charged and stood trial as a senior officer responsible for the massacre of thousands of Chinese civilians in Singapore. Nishimura was found guilty of responsibility for the Chinese massacres, but according to Ian Ward, was not executed because one officer refused to vote for the death penalty.⁹⁹ Nishimura was later executed by the Australians for the Parit Sulong massacre.

The third, a Major General Arimura, the officer who dispatched F Force to the Thai Burma border did not face trial. No record has survived that would even indicate that he was ever arrested.

So what was the British attitude to Yamashita? It's all speculation, of course, because Yamashita was tried and executed so quickly.

It has been suggested twice, that it matters little if the American proceedings against Yamashita were less than fair, for the British would probably have tried the Tiger of Malaya in any case:

Phillip Piccigallo first made the suggestion, based on Singapore newspaper accounts stating: "he would have been re-tried by the British for alleged war crimes committed against Chinese and British personnel in Singapore in 1942."¹⁰⁰ Leslie Green makes the same claim, uncited, "Nevertheless, it might be pointed out that some of the validity of his [U. S. Supreme Court Justice Frank Murphy] criticisms would have been avoided if Yamashita had been tried in Singapore for acts of his troops that resulted in his being known as the 'Tiger of Malaya.'"¹⁰¹

On the other hand, Ian Ward cites a telegram sent from Singapore to Manila from the headquarters of ALFSEA on December 1, 1945, requesting a stay of execution on Yamashita because he was "required as witness trials of war criminals Malaya."¹⁰² The telegram from HQ ALFSEA may not have had the same clout as the original request from Mountbatten for Wild's interview and was apparently ignored.

Ward comes to the opposite conclusion from Piccigallo and Green, stating of Yamashita based on Wild's report and the December 1 telegram, "He was wanted as a witness, not a defendant."¹⁰³

I am not ready to go as far as Ward. There was a need at that moment for a definition of command responsibility, so that a general would not think "it beneath his dignity to enquire" what troops under his command were doing. There still may have been a guilty verdict against Yamashita and perhaps an execution.

I doubt, however, that the British in Singapore would have rushed so quickly to try Yamashita as MacArthur did. The British political aim at those trials was to preserve the failing Empire, and as Colin Sleeman, the prosecutor in the first war crimes trial at Singapore noted in his book on the case of Sadaichi Gozawa^{§§} that a fair trial—at least as the British perceived fairness—was essential to this policy.¹⁰⁴

A little more time and a little more context in either Singapore or Manila, context as Cyril Wild knew it, would have permitted the prosecution and the defense to gather facts and the commission to judge Yamashita on his actual actions and the actions of his peers.

The haste to charge and try Yamashita in Manila fails in fairness in my view, because his actions were not seen in the larger context of war crimes across the territory occupied by Japan. The military commission in Manila erred when it noted in Yamashita's case that the war crimes in the Philippines were so "extensive and widespread" that "they must have either been *willfully* [my emphasis] permitted by the accused or secretly ordered by the accused."¹⁰⁵ In fact those crimes were more or less standard operating procedure, as the mass of evidence before the Tokyo Tribunal would later show.

Yamashita may—may—have been less culpable than other senior Japanese officers, some of whom like Admiral Toyoda were acquitted and others were never charged or tried.

So, I certainly agree with Richard Lael that Douglas MacArthur "does merit severe criticism for his overemphasis on speed once the Yamashita trial began"¹⁰⁶ and his criticism of the military commission that tried Yamashita for "unreasonable high standards of conduct."¹⁰⁷

Frank Reel who wrote his account of the Yamashita trial is certainly justified in his complaint that the defense had totally insufficient time to prepare. Justice Wiley Rutledge, in his dissent said of the Denial of an Opportunity to Prepare Defense "This sort of thing has no place in our system of justice, civil or military... When added to the other denials of fundamental right

^{§§} Sadaichi Gozawa was sentenced to 12 years for mistreatment of Indian POWs who refused to join the pro-Japanese Indian National Army. He was one of the prisoners transferred from Singapore to Sugamo.

sketched above, it deprived the proceeding of any semblance of trial as we know that institution.¹⁰⁸

Finally, there is one sad irony to the case of General Tomoyuki Yamashita. George Guy, another of his defense counsel, who wrote “The Defense of Yamashita” in the *Wyoming Law Journal* notes: “I was cast the role of ‘liaison man’ between the Commission, the Defense and any and all other Army agencies with whom we might have to deal.”¹⁰⁹ So it is highly likely that it was Guy who in his vigorous defense of his client did all he could to block Wild’s access. Like Reel, Guy makes no secret of his admiration for Yamashita. Perhaps seeing Wild the investigator as an adversary prevented Guy for talking to a British officer who had known Yamashita--albeit briefly--in different circumstances and who could have given him and the rest of the defense team an idea what had happened across the Japanese empire in those terrible days.

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² Philip R. Piccigallo, *The Japanese on Trial: Allied War Crimes Operations in the Far East 1945-1951* (Austin, Tex: University of Texas Press, 1979).

³ Caroline Pappas, "Law and Politics: Australia's War Crimes Trials in the Pacific 1943-1961," (Phd diss., University of New South Wales, 1998), 82-83.

⁴ Don Wall, Personal Interview (Newport, NSW, Australia: February 28, 2002).

⁵ James Bradley, *Cyril Wild, the Tall Man Who Never Slept* (Fontwell: Woodfield, 1991), 11.

⁶ Bradley, *Cyril Wild*, 14.

⁷ Bradley, *Cyril Wild*, 23.

⁸ Hugh Clarke, *A Life for Every Sleeper* (Sydney: Allen & Unwin, 1986), 1.

⁹ Robert Laforte and Ronald, Marcello *Building the Death Railway The Ordeal of American POWs in Burma 1942-1945* (Wilmington, De: Scholarly Resources, 1993).

¹⁰ See generally United Kingdom Public Record Office, War Crimes Trials, "Banno Hirateru and six others," a.k.a. "*The F Force Trial*", WO 235/1034.

¹¹ United Kingdom PRO, "Banno Hirateru and six others," "F Force Report 5 May 1944".

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¹³ Bradley, *Cyril Wild*, 62.

¹⁴ Peter Stanley, "'The men who did the fighting are now all busy writing': Australian post-mortems on defeat in Malaya and Singapore, 1942-45," Paper presented to the conference Sixty Years On: The Fall of Singapore Revisited National University of Singapore, February 2002.

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- ²² Bradley, *Cyril Wild*, 109.
- ²³ Telegram SACSEA to CGAFWESPAC. Cyril Wild Papers (London: Imperial War Museum),
- ²⁴ Wild, *ibid*.
- ²⁵ Reel, *The Case of General Yamashita*.
- ²⁶ George F. Guy, "The Defense of Yamashita," *Wyoming Law Journal* 4 (Spring 1950). p.156
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- ²⁹ Cyril Wild, "Interrogation of General Tomoyuki Yamashita at Manila" Cyril Wild Papers (London: Imperial War Museum), 9 Nov 1945
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- ³² United States National Archives, "Mutaguchi, Renya," RG 554 FED, SCAP & UNC, Sugamo Prison Files, Box 35, Folder 13, 290/66/21/5.
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- ³⁷ William H Parks, "Command Responsibility for War Crimes," *Military Law Review* 52, 1 (1973): 37.
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- ⁴¹ *The Tokyo War Crimes Trial*, Vol 3 5398.
- ⁴² *The Tokyo War Crimes Trial*, Vol. 3 5422.
- ⁴³ *The Tokyo War Crimes Trial*, Vol 3 5435-5497.
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- ⁴⁷ *The Tokyo War Crimes Trial*, Vol 3 5685.
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¹⁰⁴ Colin Sleeman, *Trial of Gozawa Sadaichi and Nine Others* (London: William Hodge and Company, 1948), lxxviii-lxix.

¹⁰⁵ Green, "War Crimes," 5.

¹⁰⁶ Richard L. Lael, *The Yamashita Precedent: War Crimes and Command Responsibility* (Wilmington, Del: Scholarly Resources, 1982), 138.

¹⁰⁷ Lael, *The Yamashita Precedent*, 139.

¹⁰⁸ United States Supreme Court, "Application of Yamashita".

¹⁰⁹ Guy, "The Defense of Yamashita," 157.