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AUSTRALIA vs. JAPANESE

CHARGE FILES

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Pu/A/15/11

Commander of a Japanese submarine

Submitted	Decision of Committee
7.2.45	C #

Pu/A/15/11

(For the Use of the Secretariat)

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P4/A/J/11

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 11

Name of accused, his rank and unit, or official position.	The Commander of a Japanese submarine (as yet unidentified).
Date and place of commission of alleged crime.	14th May, 1943, at 4.10 a.m. about 30 miles from Moreton Island on the South Queensland coast.
Number and description of crime in war crimes list.	Attack and destruction of hospital ship (xxiv).
References to relevant provisions of international law.	Article 1 of the Hague Convention of 1907 Adapting the Principles of the Geneva Convention to Maritime Warfare.

SHORT STATEMENT OF FACTS

The "Centaur", fully accredited as a hospital ship under Article 1, Hague Convention of 1907 adapting the principles of the Geneva convention to Maritime Warfare, and marked as required by Article 5, which markings were fully illuminated every night at sea, was struck by a torpedo from a submarine at 4.10 a.m. on Friday, 14 May, 1943, about 30 miles from Morston Island on the South Queensland coast, and sank in about two minutes. Out of 310 on board, 64 were saved.

On board were the hospital staff, the 2/12 Australian Field Ambulance, as well as the ship's crew; also 52 rifles and 2,000 rounds of ammunition, which were reasonably required for the preservation of order, if not for the protection of the wounded and sick.

Albert John Taylor, of the 2/12 Field Ambulance, claims to have seen the torpedo strike the vessel. Taylor said he was looking over the rail at porpoises when suddenly he noticed 200 yards away in the water a white flash coming towards the ship, and that almost at the same time there was an explosion.

Francis Thomas Reid, chief butcher on the "Centaur", said that while swimming for a raft he saw two lights 30 feet apart horizontally and 10 to 15 feet above the water, about a quarter of a mile away.

Alexander Francis Davidson said he saw two white lights 10 to 15 feet above water level and about a quarter of a mile away.

Alan Robert Dickson said that about threequarters of an hour after the sinking he saw the shape of a submarine, about 200 yards away, moving slowly through the wreckage with somebody standing up in the conning tower.

Morris Albert Cairnie said that about half an hour after the sinking he saw two long yellow tubular lights about 20 feet apart, such as are used fore and aft on a submarine. They were 75 to 100 yards away and appeared stationary. The lights were about 7½ to 9 inches long and about 3 inches wide. After looking at these lights for a while he noticed steel hawsers and saw a conning tower about 9 or 10 feet high.

Sidney Charles Sandwell, steward on the "Centaur", said that about five or ten minutes after the sinking he saw tubular lights 100 to 200 feet apart on two masts of a submarine about 60 to 100 yards away.

Robert Neil Westwood said that just after the sinking he was on a raft with two others and saw a bright white light very low on the water and 20 or 30 feet away. It went around them and was visible for about five minutes.

Several witnesses deposed to having either seen or heard a submarine early on the morning after the sinking, that is, Saturday, 15 May. Albert John Taylor, already referred to, said that at about daybreak on the Saturday, a submarine at least 200 feet long surfaced about half a mile away, and that two or three heads came out of the conning tower and called out "Cooce", whereas our sailors always say "hoy". Taylor could not distinguish the nationality of the men on the submarine.

Two days before the sinking of the "Centaur", that is to say, at 2 p.m. on 12 May, 1943, submarines attacked and damaged the "Orniston" and the "Carradale" off Coffs Harbour.

SUMMARY OF EVIDENCE IN SUPPORT.

NX51175 Albert John Taylor was a member of 2/12 Field Ambulance; the crosses were lit up at night time; the ship was floodlit all round the sides from stem to stern; he went to bed at about 10.30 p.m. on May 13 and had a good sleep; he got up at 4 a.m. Friday 14th; he looked at his watch; the lights from outside shined through the porthole; he went into the main deck and walked to the stern, looked at mileage meter which was about 500 odd miles, and sent to the port side; he saw Port Moreton Island light to the north about 30 or 40 miles away; he was leaning on the rail looking over the side of the ship watching porpoises; suddenly he noticed a white flash in the water coming towards the ship; it might have been 200 yards away; almost at the same time there was an explosion; it seemed to be a double explosion - that when the object hit the ship it exploded and that an oil tank exploded; the ship seemed to split in pieces in the front; Taylor was covered with oil and oil flew everywhere; a lot of missiles came from the front; one hit Taylor; as the ship began to settle in front the bridge fell to pieces; she seemed to settle down nose first; Taylor unsuccessfully tried to loosen life boats and rafts; the bridge broke away from the rest of the ship as she settled; flames came up in front and swept through as far as No. 4 hatch; Taylor jumped overboard with others; the ship was nearly down to the waterline; he was sucked down with the ship, came up and found a spar; he was joined by Freddie Miller, another seaman; when he jumped into the water he had his watch, which stopped at 4.12 a.m.; about daybreak on Saturday, May 15, a submarine at least 200 feet long surfaced about half a mile away; two or three heads came out of the conning tower but he could not distinguish their nationality; they called out "Cocee", whereas our sailors' term is always "Ahoy"; a plane then appeared to the north and the submarine disappeared; it was on the surface from a quarter to half an hour; after it submerged they heard a sound under the water as of rivetting.

Francis Thomas Reid was chief butcher on the "Centaur"; the red crosses, etc., were illuminated at night; he went to bed between 10 and 11 p.m. on May 13; at 4 a.m. Friday, May 14, he was called by the watchman and again at 4.10 a.m.; the lights were then illuminating the red crosses and green band; whilst sitting on his bed an explosion took place and yellow flames shot past the porthole; he went on deck; the lights around the ship were on, the green lights and the arc lights over the red crosses; he looked over the side of the ship and could see flames shooting out of large hole on the port side underneath the saloon and bridge; a jagged hole and flames shooting out of it; there was a hole above and below the waterline; he went to his cabin and got a life jacket; he returned to the deck and on the way up saw the storeman split right down the centre; the Medical Corps men coming from between decks were jammed in the passageway and fighting to get through; none did; the forward end of the ship was under water and the aft end was sticking up in the air; he dived over the port side; he swam 40 feet; he looked back and saw the poop deck sticking out of the water; he swam another 10 or 12 feet and looked back and the ship was gone; he later got on to a raft with Captain Salt, the Chief Engineer, and others; he saw two lights 30 feet apart horizontally, up to 10 to 15 feet above water and about a quarter of a mile away; when he reached the raft, they had disappeared; the next night he heard the sound of a motor about a quarter of a mile away, a muffled sound on the water; for 10 to 15 minutes, like a submarine engine; he had heard them before in the Brisbane river.

Alexander Francis Davidson was second butcher on the "Centaur"; as Union Delegate, he went with other Delegates to the Captain, who did not say there was no ammunition on board, but did say there was nothing detrimental to the ship or crew or against the Geneva Convention; he went to bed about midnight on May 13; he was awakened shortly before 4 a.m. by the watchman; when halfway out of bed an explosion took place and blew him out of bed; he went to the boat deck with Frank Gannon; it was a mass of flames; the ship had a very bad list to starboard; he was leaning over the port side and saw a hole in the side of the ship where she was hit; whatever had gone in had blown it out like a tin; the edges of the hole were bent backwards; it seemed as if it had gone in and then exploded; the hole extended below the waterline; it extended as far as the top of the green band; he went over the side on to a bit of wreckage and watched the ship go down; later he got on a raft with Captain Salt and others; before daylight he saw two white lights about a quarter of a mile away, 12 to 15 feet above water level and stationary; they were there for about a quarter of an hour to 20 minutes; the next night they heard motors like diesel engines - same sound and vibration that would come across the water from a submarine; it lasted a quarter of an hour.

Allan Robert Dickson was a driver in 2/12 Field Ambulance; his rifle was taken from him on the wharf; he did not see it again, but saw despatch riders with their revolvers on board; they were not loaded; no ammunition was issued to them or to others; the ship's markings were lighted at night; he went to bed at about 10 p.m. on May 13 and was awakened by an explosion; flames and oil were everywhere; the ship went down by the nose; he reached the deck; a raft slid down the deck and jammed him against the kitchen wall; when the deck was awash the raft went and he swam away on the starboard side to another raft, which was struck by the mast of the ship, which cut it in halves and took it down with the ship; he then got on a board and later got on a raft with Jack Bayly, Les Horgan and others; watches stopped at 4.10 a.m.; about 5 a.m. the same morning he saw the shape of a submarine about 200 yards away moving slowly through the wreckage; Horgan also saw it; it had no lights; somebody was standing up in the conning tower; he could see only to his waist, just a dark shape, for about 5 minutes; the submarine moved from behind them right across, then it seemed to disappear; about 11 p.m. Friday night he saw a dull red light and heard motors running; the light was stationary; it appeared about 100 yards away; as soon as a flare was lit the light disappeared and the motor stopped.

Maurice Albert Cairnie was assistant engineer on the "Centaur"; the ship's markings were floodlit at night; it was ablaze with lights that night; the degaussing apparatus was never shut off; he went to bed about 11.30 p.m. on May 13 and was awakened by two explosions close together; the ship lurched to starboard but righted herself in 15 to 20 seconds; the whole bridge was alight and also No. 2 hold, which shows it must have been hit in the bunkers; the fire must have been instantaneous; it was feeding on the diesel oil; the ship started to settle fast by the head; he jumped over the side; not more than two and a half minutes elapsed between the first explosion and the sinking; he got on to a hatch cover; about half an hour later he saw two long yellow tubular lights about 20 feet apart; such lights are always used on the fore and aft of a submarine; they were about 75 to 100 yards away and appeared stationary; they were the only type of lights he had seen on submarines; he had seen submarines belonging to different nations; this pair of lights was about $7\frac{1}{2}$ to 9 inches long and about 3 inches wide; after looking at these lights for a while

he noticed steel hawsers such as usually run from the conning tower both fore and aft; he saw the conning tower which was about 9 or 10 feet high; he did not see persons on board nor hear engines; he had been injured by swallowing fuel oil and was in a bad way at the time.

(This witness had made a previous statement to his employers, the Blue Funnel Line, in which he did not mention seeing a submarine or lights; but he said he was in ill-health at the time, and the ship owners were particularly interested in the ship's performance.)

Sydney Charles Sandwell, steward, M.V. "Charon", was a steward on the "Centaur"; the ship's markings were illuminated at night; he went to bed about 10.30 p.m. on May 13 and was awakened by a shock or explosion; the ship rolled over and came back on an even keel; he went to the port side; he saw flames out of No. 2 hatch; the ship was going down fast by the nose and he went over the side and got on a raft with the Chief Engineer and others; he then saw two lights about 60 to 100 yards away; tubular in shape, about 100 to 200 feet apart; they were on a submarine of which they could see the outline and appeared to be on two masts; the submarine appeared to be moving or they may have been drifting; it could not have been more than 5 or 10 minutes after the ship sank; but about 4 a.m. on Saturday, May 15, he heard the sound of engines and saw the outline of something in the gloom a long way off.

Leo Bidmead member of the staff of 3rd Australian hospital ship "Centaur"; sailed north from Sydney at 10.30 a.m. on May 12, 1943; he went to bed about 1.15 a.m. or 1.30 a.m. on May 14; the ship was then lighted; three red crosses illuminated on each side with big arc lamps; also two red cross neons on each side of the funnel and the glass cased cross with lights inside, were both lighted; he next recollected waking up flying through the air; he was thrown from port to the starboard side and was crawling up the floor when the ship took a lurch back to port; he grabbed the stair rail but another lurch threw him away; a sheet of flame came down stairways; then he went upstairs to the main deck with Jimmie Jones, and saw Taylor knocking a pin out of a raft; he gave Taylor a hand with the raft which slipped off the rigging; Bidmead clung to it and went down with it; later he pulled Jimmie Jones, Taylor, W.A. Johnson, and the second and third cook on to the raft; eventually there were 14 on a small raft; he watched the ship going down still well afire amidships; great holes were right through her amidships; all the port side was blown at the water level right up the side and out the deck; one deck was blown off; the ship split as she sank and turned side on; she went down by the nose; she took about two minutes to sink; about 22 hours after she sank a submarine came up amongst them; he could see the dark outline and heard the noise of engines; he lit a flare and could see a dark object in the water about 50 or 60 feet away; he pushed the flare into the water, then there was silence for possibly 10 minutes; then a hell of a burst of engines, and silence again.

VX29354

Corporal Thomas Charles Malcolm, 115 Australian General Hospital, a member of the staff of 3rd Australian hospital ship "Centaur" said there was a complete unit, the 2/12 Field Ambulance on board except for a few on leave and several absent without leave; there were between 200 and 225 on board and with the 3rd Australian hospital ship's staff and the crew that comprised everybody on board; they were all medical units of some sort and they carried the usual hospital ship's cargo;

there were several alerts on the afternoon of May 13; Malcolm went to bed about 10.30 p.m. on May 13; he awakened and noticed flames coming from the hatch cover immediately above; he seized a life belt; he could see by the light burning forward; he went upstairs and saw someone releasing a raft, but did not reach it; the ship listed to starboard and sank by the nose; he went with her; eventually he broke surface; Sister Savage broke surface at the same time right between his arms; both got on part of the deck housing and eventually on to a raft with others including the Commanding Officer, Lieutenant Colonel Outridge; about 3 a.m. or 4 a.m. (? - next day) he heard the noise probably of a submarine; he says it definitely circled them, but he could not see it; he heard engines throbbing; a flare that had been lighted was then extinguished, but the noise continued.

VX14151 Albert Edward Blair, corporal in "A" ward 3rd Australian hospital ship "Centaur", said that the ship was held up when ready to sail; he heard that the crew refused to take the ship to sea owing to the rifles carried by the Army Service Corps personnel of the 2/12 Field Ambulance; rifles were actually taken on board; he went to bed about 10 p.m. on May 13; Fidmead was sleeping in the same part; he was awakened by something like a bomb dropping or a huge shell being fired; it vibrated and sounded like a terrific explosion; the ship lurched to port when he first awakened; he jumped out of bed and the ship lurched to starboard after another explosion; he ran upstairs to the deck where he found the boatswain's crew trying to unshackle the life-boats; a raft was released and he jumped overboard but got on a hatch cover; he did not see the ship sink; about 4.10 a.m. on Saturday, the 15th, after the moon went down, they heard a sound like a motor boat and put up flares; two men who had been torpedoed before said it was a submarine charging her batteries and that the flares should be put out; they were.

VX104834 Staff/Sergeant George Richard Carter was a dental mechanic on the "Centaur"; sometimes the red crosses on the forward side of the ship were not lighted; he went to bed about 11 p.m. on May 13; he slept in the same alcove as Malcolm; he got up at 1.30 and returned to bed and went to sleep; then he heard a heavy crash like a ship driving on to rocks; he was thrown to the floor from the upper bunk; he regained his feet, but there was another lurch with a dull explosion, which threw him down; he got his life belt and ran to the deck; the bridge was in flames; he jumped off the port side, went under water, but immediately came up and got on a raft with Hooper and Heggarty, and later with Malcolm and Sister Savage; about 3 a.m. on Saturday the 15th May, he heard the throb of engines like an aeroplane engine ticking over prior to taking off; this was for a matter of minutes; he saw nothing.

Robert Kneale Westwood, a seaman on the "Centaur" said that the red crosses were illuminated at night; he went to bed at about 10 p.m. on May 13 and was awakened by being thrown out of bed; he seized his life belt and went on deck; he was thrown off his feet by a lurch on the way up; he looked over the port side and saw a big hole in the side of the ship, just where the middle red cross had been; he walked to the starboard side, and then aft when the ship suddenly tilted and started to go down; the boat deck was flaming and the smoke pouring out; he went down with the ship, but came up and got on a raft with Tierney and Morris, members of the crew; he then saw a bright white light moving very low on the water 20 or 30 feet away; it went round them; it was visible about five minutes; about 4 a.m. on Saturday morning they thought there was a submarine a little way off; they could hear engines; Westwood thought he could

see a silhouette in the darkness for about five minutes, it was about 300 feet long.

Samuel John Cullum was a seaman on the "Centaur"; the ship's markings were very clearly visible day and night; he went to bed at about 9.30 p.m. on May 13; he was awakened by the trembling of the ship, which threw him out of his bunk; he went on deck where Morris gave him a life belt; the ship was on her nose and all afire amidships; he got on the ship's rail to jump but went down with her; later he got on a raft; about 24 hours later, early on Saturday morning, he heard something like a diesel engine working and saw the black outline of a submarine about three or four ordinary boats' lengths away; somebody lit a flare but it was knocked out of his hand and the engines stopped.

Matthew Morris was a seaman on the "Centaur", the ship's markings were visible day and night; she was fully illuminated at 4 a.m. on Friday, May 14; while having a shower he heard a big explosion; the lights went out and the ship gave a lurch; the lights returned and he went up on deck and started handing out life belts; the explosion was amidships, which area was in flame; the ship seemed to go straight down; he was washed overboard and got on to a raft; on Saturday at about 4 or 5 a.m. he heard the sound of engines and thought he saw the shape of a submarine about 60 feet long, about a hundred yards away, but would not swear to seeing it.

NX10974 Sergeant Leonard Richard Hooper was paymaster of 2/3 Australian hospital ship "Centaur"; the red crosses and green band were lighted up at night with floodlights; the markings were clearly visible for a couple of miles, at least; he went to bed at about 11 or 11.15 p.m. on May 13; the lights were still on; he was awakened by being hurled on to the floor; he procured a life belt and went on deck; he heard a very loud explosion; flames were everywhere from stem to stern, with the exception of a part from No. 1 hatch forward, where Hooper was; the ship had listed and was well down by the head; he was about to jump over when the ship sank; he got on a raft and watched the ship go under from the funnels down; Hegarty, Chidley, Malcolm, Sister Savage and Lieutenant Colonel Outridge were on the raft; on Saturday morning in the dark he heard the beating of a motor about fifty yards away; the same noise as is made by a submarine charging its batteries; prior to embarking he examined the payroll; there were about 180 2/12 Field Ambulance personnel and about 130 ship's staff and military personnel.

NX83273 Thomas Clark Hegarty was a private on the staff of the 2/3 Australian Hospital ship "Centaur"; the red crosses and green band were always lit up; he went to bed about 11 p.m. on May 13; at 4 a.m. on Friday, May 14, eight bells sounded and woke him up; about 4.10 a.m. while he was still half awake, an explosion occurred, followed by another almost simultaneously; he rushed on deck; the ship was well afire from the bridge aft; she was more or less on an even keel; the port side of the bridge fell overboard; she appeared to be sinking by the bow; he dived over the side and swam for twenty yards, when a hatch cover came up, and he clung to it; he watched the ship go down; the funnel tip was still visible and the after half of the ship; she slid down bow first; he was on a raft with Hooper, Chidley, Outridge, Sister Savage, Malcolm and Kelly; about 3 or 4 a.m. on Saturday, May 15, he heard sounds of an engine which could have been a diesel engine, about half a mile away; it was the regular beat of a slow revving engine.

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Ronald Jones was a member of the 2/12 Field Ambulance; the red crosses were illuminated at night, also the green band; the lights were put on before sunset; he was awakened by being blown out of his bunk; there were two claps; he heard crackling and noticed a smell as of burnt cable; then fire came through; he seized his jacket and rushed on deck; the glare of the fire was coming through the ventilators and various openings of the ship forward of him; he was working to loosen the rafts when he found himself in the water; hot oil blinded him for the time being; he found a hatch cover and then a raft.

NX150851 Dick Metcalfe was a member of the 2/3 Australian hospital ship "Centaur"; the red crosses were visible every night; they were illuminated between 5 p.m. and daylight; he went to bed about 10 or 10.30 p.m. on May 13; he was awakened about 4.30 a.m. on May 14 by a terrific crashing noise like the roaring flames and gas; he went on deck and put on a life jacket; the superstructure of the ship was then on fire on the front starboard sector; he went down with the ship, came to the surface, and a hatch cover came up under him; he climbed on to a raft with Lieutenant Colonel Outridge and others; he could not see very well, as oil was within his eyes; the following night he heard what seemed to be submarine engines for about five minutes.

NX52791 John Lawrence Bayly was a member of the 2/12 Field ambulance; the red crosses and the green band were brilliantly lit at night; he went to bed at about 9.30 p.m. on May 13; he heard an explosion about 4 a.m. on May 14; he remembers picking himself off the floor and hearing tearing and rending noise; he went on deck; he felt the ship was going under, nose first; he jumped over the side with his brother; he came to the surface and got on a raft with Dickson, Horgan and McGrath; his brother was drowned; the next night he saw lights and heard a noise like powerful motor boats where the lights were; they were reddish lights, three or four, fairly close together; he saw them for about five or ten minutes; the lights disappeared when the noise ceased.

NFX76584 Ellen Savage was a Sister on the 2/3 Australian Hospital ship "Centaur"; the red crosses and green band were illuminated at night time; she could see lights through the port holes; she went to bed at 10 p.m. on May 13; she was awakened by a terrific impact on the side where she was sleeping, about water level; it was followed by an explosion; she could see fire on the bridge; she seized a life belt and ran on deck with another sister; she met Colonel Manson who told her to jump off; she did; she went down with the suction, was caught in the ropes, then released and shot up like a cork alongside Malcolm; the ship had completely gone then; she swam to the roof of the deck house and later got on a raft; on the following night she heard a sound like an aeroplane but it was on the water level; she heard it for about ten minutes; it was a purring sound.

Richard Mumford Salt, Captain, was a pilot on the "Centaur"; the green band and red crosses were lighted up at night; the course was set 20 miles out from the 100 fathom line in a safe channel swept every day; the ship followed Admiralty directions; on the afternoon of Thursday, May 13, the Master showed him a wireless message that the "Ormiston" was attacked by submarines about twenty miles inshore and head of them, just off the Solitaires; the regulation lights were put on at sundown; the sides of the vessel were illuminated with green lights, and floodlights were directed on the funnel; he went to sleep about 11 p.m. on May 13; he was awakened when a crash occurred right under his room at about 4.10 a.m. on May 14; he looked at his

clock; he tried to get on the bridge but could not get past the flames; a sheet of flame was issuing from the galley door, but he went through the alleyway to the after deck with a wet blanket round him; the ship was then settling by the head; he floated off as she went down; he saw the loom of Cape Moreton light about 27 miles away; the "Centaur" sank about 150 miles from where the "Ormiston" was attacked; the following night he heard the drum of engines a couple of hundred yards away, like motors running or batteries charging, similar to a submarine charging her batteries; he heard it for about half an hour; it was about 3 a.m.

William Cornell was a Sergeant in the 2/12 Field Ambulance; the ship's markings were illuminated at night; he went to bed between 10 and 10.30 p.m. on May 13; he got up at about 2 a.m. and returned to bed; the next thing he heard was an explosion and he was knocked out of his bunk; the steam pipes burst and pinned him and Charlie Lambert down; as the ship appeared to be going down he was released; his hands were burnt; he saw a light and went through what he thought was a torpedo hole; the light was from burning oil on the water; the hole was an irregular one on the port side; he felt the water rushing in; his watch stopped at 4.20 a.m.; he was picked up and put on a raft by Keith Lang.

Marcus Jonassen was the Captain's steward on the "Centaur"; the green band and red crosses were floodlit at night; he went to bed at about midnight on May 13; he was awakened at about 4 a.m. by a sudden jolt; he rushed on deck; the vessel was ablaze; he was up to his knees in water; he jumped over the starboard side; he was on an oil drum for some time; he was then helped on to a raft by Crockett; the next night he heard the chug-chug of an engine at least half a mile away, but did not see anything.

William McIntosh was a fireman's attendant on the "Centaur"; he was one of a delegation of four who waited on Captain Murray, the master; they told the captain that if there was any ammunition on board they would not take the ship to sea; the Captain said there were 60 rifles but no ammunition for them; the ship's crew then consented to take the vessel to sea; the ship's markings were quite clear at night because of the lighting; they could be seen for miles; he went to bed about 10.45 p.m. on May 13; he was awakened when he heard a crash; he jumped up and heard a further explosion; he went on deck; the ship was sinking fast forward; the flames were coming out of the funnel, which fell off; he rushed below for his life jacket, got it, and groped his way to the deck; he went over the side as the ship was going down; he was struck on the head but came up on an awning spar; afterwards he got on half a life boat and then on a raft; the following night, just before dawn, he saw the silhouette of a submarine about a mile and a half away; it was about 150 feet, was stationary, and had a very dark red light on the port side about amidships; he lit a flare but got no response; he then doused all lights and could hear the engines charging their batteries; the submarine then moved off; she was under observation about one hour and a half.

James Alexander Rawlings was cook on the "Centaur"; the markings were lighted at night; he went to sleep about 11 p.m. on May 13; he was awakened about 4.10 a.m. by Frank Reid who said the ship had been hit; he seized a life belt and ran aft; the ship was starting to go down by the nose; he saw flames amidships and an irregular hole right through the port side amidships, just near the bridge; he dived over the side, came up, and saw the last end of the ship go down; he got on a raft; on the following

night he heard something like a plane about 75 to 100 yards away, on the water level; flares were lit and the motors stopped; the flares were put out, and the motor was heard again; it was heard for about 10 or 15 minutes altogether.

Ronald Charles Isherwood, was an orderly on the staff of the 2/3 Australian hospital ship "Centaur"; the red crosses and green band were illuminated at night; he went to bed at about 9.30 p.m. on May 13; he was awakened at 4 a.m. and dozed off again; then there was a terrific explosion and blazing oil began to drop through the hatch; he jumped out of bed and hit the deck; the ship rolled to starboard, breaking his arm; he went back and seized his life belt, returned to the deck, when the ship sank, sucking him under; he came up and seized the red cross neon sign floating in the water; he then swam to a raft; about 5 a.m. the following morning he heard a purring sound moving on the water like a submarine; he thought he could see the shape of a submarine pass him about 100 yards away, but it was very dark.

Jesse Douglas Stutter was a steward on the "Centaur"; the ship's markings were illuminated at night; he went to bed about 11 p.m. on May 13 and was awakened by an explosion about 4.10 a.m. on May 14; he heard another explosion; he went to the deck on the port side; the whole ship was ablaze; it was coming from No. 2 hold; between the explosions and the sinking, two or three minutes elapsed; he went down with the ship; he then came up; about three or four o'clock the following morning he heard the sound of batteries being charged; he was half blinded with oil and could not see anything.

NX47368 Eric George Wallace Taylor was a member of the 2/3 Australian hospital ship "Centaur"; the ship's markings were illuminated at night; he went to bed at about 11 p.m. on May 13 and was awakened at about 1.30 a.m. on May 14; he went back to bed and slept; he heard some one shout; he was then standing in the middle of the floor; he made for the top deck; he could see a fire through a hole in the forward deck; he released a raft and dived overboard for it; he got on to a raft; about 4 a.m. Saturday morning he saw a submarine - the conning tower - and heard muffled sounds of diesel engines about 300 or 400 yards away.

QX42608 James Carmichael Johnston was a regimental sergeant major on the "Centaur"; the ship's markings were illuminated from sunset to sunrise; he went to bed at about 10.15 p.m. on May 13; he was awakened by a sudden stoppage of the ship and a loud explosion; he was thrown on the floor. He seized a life belt, rushed to the aft deck, and dived overboard; the forward part of the ship was submerged; it was all on fire amidships; the stern was up in the air; he swam fifty yards and reached a raft; about 2 a.m. on Saturday, May 15, he noticed a light well over a mile away and heard engines; the light came to within about 150 yards; it was about 18 inches long, about 12 inches wide, rounded or oval at the ends; in the centre of that light was a line and calibrations across; just like the lines of a ladder; about a quarter of an hour later the light gradually submerged with the water lashing against it; two ship's officers, Banks and Rippon, were on the raft.

NX50674 John Howard Argent was a member of the "Centaur" staff; the ship's markings were illuminated at night; he went to bed at 9.30 p.m. on May 13 and was awakened about 4 a.m. to hear chattering sounds in the forward section; he raced to the main deck on the port side, then to starboard, as the ship was leaning that way; on the starboard side he saw a gaping hole with flame and smoke issuing from it, covering two-thirds of the forward portion.

of the ship; he jumped overboard; the following night, when floating on a raft, he saw a single light about 75 to 100 yards away, for about five minutes; it appeared stationary; a flare was lighted, but then he heard the sound of engines; the flares were put out and the noises stopped.

QX6475 Leslie MacDonald Outridge, Lieutenant Colonel, was Commanding Officer of the 2/12 Field Ambulance on the "Centaur"; he said that rifles are part of the equipment of the Army Service Corps detachment of a field ambulance, that is to say, of the drivers, including ambulance drivers; he was instructed to carry his full war equipment table, being approximately 2,000 rounds of ammunition and 52 rifles; there were no other warlike stores on the ship; on conversations with ship's officers, more particularly the medical staff, all his officers thought that trouble was expected, and he arranged with the ship's captain for additional boat drills; on the night of 12 May the Captain said that air observation reported a submarine off Smoky Cape; Outridge had heard rumours that there might be reprisals for alleged attacks on Japanese hospital ships; at 4 p.m. on May 13 the quartermaster of the ship's staff, pointing to the port side and in shore, said "That is the submarine"; Outridge saw an object about five miles away, which might well have been a submarine; it alternately appeared to be completely submerged and he could see what he took to be a conning tower; there was quite definitely a spray; it appeared to have a periscope and to be moving south; the markings of the ship were illuminated clearly; he went to bed at 10.30 or 11 p.m. on May 13 and was awakened, half-stunned, when the whole structure of the inside of the ship was outlined in fire; an instant later he heard a crash which might have been caused by the top bridge; he made towards No. 2 hold, which had a grating overhead; he had just about reached the grating when a tongue of flame came down the companionway and threw him back towards his back; very few of the men stirred, and he started to rouse them; out of seven or eight, only two showed signs of life, the others appeared unconscious or possibly dead; whilst doing this, the water began to come through the floor with a loud noise; the vessel was obviously breaking; the ward filled up quickly; he struck the roof with his head; he appeared to be in an airlock under the deck, then was thrown violently into the water and washed rapidly forward; he caught on the wire rope protecting the well of the hole but managed to get off that, and up the companionway to the deck; only about 15 or 20 feet of the forward part of the deck was then showing; he got mixed up in some cordage there; then he saw people pushing a raft off and swam to it; about 3 a.m. next day he heard an engine; but he was having difficulty with one of the men, who was ill; lights were shown, and shortly after he heard the engine noise again, then it gradually ceased.

NX73722 George Sydney Murphy was on the staff of the 2/3 Australian hospital ship; the ship's markings were flooded with electric light at night; he went to bed at 11.30 p.m. on May 13; and he was awakened by a loud explosion which shook him out of bed; the forward part of the quarters were on fire on the port side; he went to the starboard side of the promenade deck; he went into the water on a rope ladder; the forward part of the ship had disappeared; about 24 hours later, on the Saturday morning, he heard the sound of an engine, and in the direction of the sound saw what seemed to be the silhouette of a submarine; he could see the uppermost part of the hull and the mid-structure; there was a very small light attached to that; it was within 100 yards; he saw it for about a quarter of an hour; a flare was sent up; the motor started again and then it disappeared.

QX23837 Clifford George Jones, a private, was on the staff of the 2/3 Australian hospital ship; the red crosses were illuminated but he does not think the green band could be seen at night; he went to bed at about 10 p.m. on May 13; he was thrown out of bed; the ship was bearing down at the nose; he went to the rail and dived in; half of the ship was out of water then; she was tilting slightly to the port side; the following midnight he heard engines; a flare was thrown into the water and the sound of the engines stopped for about 10 or 10 minutes, then started up and faded out again.

NX33029 George Wilfred McGrath was a member of the 2/12 Field Ambulance on the 2/3 Australian hospital ship; the ship's markings were illuminated at night; he went to bed at about 1 a.m. on May 14 and was awakened by a terrific crash; he was thrown out of bed; flames were everywhere; he ran to the boat station at the stern of the ship; he jumped over and swam around for 10 minutes; about one and a half minutes elapsed between the explosion and his diving into the water; about midnight on May 14 a sound like the roar of a motor engine came out of the water about 100 yards away where a little red light was shining; a flare was lighted and the light submerged.

NX59771 Kenneth George Murray was a Lance Corporal in the 2/12 Australian Field Ambulance on board the 2/3 Australian hospital ship; he went to bed early on the night of May 13; the ship was lighted externally all night that night; he was awakened by being blown out of bed and hitting the wall; behind him was a mass of flames; the ship tilted and threw him back towards the flames; he went on deck and all he could see was flames; the ship tilted again and he jumped overboard; from the time he was thrown out of bed until he was in the water, about two minutes elapsed; the oil in the water blinded him, but he got on a raft; next night he heard engines, a flare was lit, and the noise stopped.

P13/A/J/13

7.2.45

Mr C B

Division of General I

Submitted

1. 30 Japanese Div. HQ.
2. 20 " " Infantry HQ
3. 19 " " Infantry Regt.
4. 80 " " " HQ
5. 1 Batt. 80 Jap. Inf. Regt.
6. 20 Jap. Engineer Regt.
7. 3 Batt. and HQ 26 Fair Artillery Regt.
8. 3 Batt. 11 Japanese Inf. Regt. + 238 Jap. Inf. Regt.

P13/A/J/13

(For the Use of the Secretariat)

Registered Number

Date of receipt in Secretariat

P13/A/J/13

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 13

Name of accused, his rank and unit, or official position.	300 Japanese (as yet unidentified) belonging to one or more of the following units:- (1) 20 Japanese Division Headquarters under command of Lt. General AOKI, Shigenasa (now deceased). (2) 20 Japanese Division Infantry Headquarters under command of Major General YANAGIGAWA, Shinichi (3) 79 Japanese Infantry Regiment under Colonel HUYASHIDA, Kaneki (4) Headquarters 80 Japanese Infantry Regiment under Colonel MIYAKE, Sadahiko (5) 1 Battalion 80 Japanese Infantry Regiment under Captain KONNO, Otoichi (probably deceased). (6) Headquarters 20 Japanese Engineer Regiment under Lt. Colonel KOIZUMI, Yoshimzi (7) 3 Battalion and Headquarters 26 Field Artillery Regiment under Colonel SAIKI, Joshiro (8) 3 Battalion 11 Japanese Infantry Regiment and 238 Japanese Infantry Regiment under Colonel KASHIWAGI, Towa (now deceased).
Date and place of commission of alleged crime.	25 February, 1943, at But Mission in the Australian Mandated Territory of New Guinea.
Number and description of crime in war crimes list.	Murder - systematic terrorism (1).
References to relevant provisions of international law.	Article 46 of the Hague Rules.

SHORT STATEMENT OF FACTS

On 25 February, 1943, about 300 Japanese soldiers at But Mission killed by shooting Father Jacob and Brother Emanuel.

SUMMARY OF EVIDENCE IN SUPPORT

Brother Wiedmann of the Order of the Mission of the Holy Ghost, also stated that a Mission boy named Joseph Mobugumbam from the But Mission came to the Wewak Mission and handed to him a cup and saucer belonging to Father Jacob of the But Mission. The Mission boy reported that on the 25th February, 1943, about 300 Japanese soldiers came to the But Mission and, instead of asking natives to climb for coconuts they chopped down the trees. Father Jacob and Brother Emanuel became annoyed at this and asked the Japanese not to do it. According to the Mission boy, the Japanese made some natives dig graves at a place about 10 minutes walk from the Mission Station. They then took Father Jacob and Brother Emanuel to the edge of the grave and shot them. Brother Wiedmann said that the Mission boy would not have brought the cup and saucer to him unless something had happened to Father Jacob.

Father Anthony Cruisberg of the Order of the Mission of the Holy Ghost, said that the Mission boy Joseph had also given him a similar account of the killing of Father Jacob and Brother Emanuel. He had previously known Joseph and considered him reasonably reliable for a native.

Sister Helena (Henlaefer Achata) and Major James Lindsay Taylor of Angau also gave evidence of native reports dealing with the killing of Father Jacob and Brother Emanuel.

P14/A/5/14

Members of Japanese Air Force

Submitted Decision of Committee I

7.2.45

C R

P14/A/5/14

(For the Use of the Secretariat)

Registered Number

P14/A/J/14

Date of receipt in Secretariat

3 FEB 1945

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 14

Name of accused, his rank and unit, or official position.

Members of the Japanese Air Force not yet identified.

Date and place of commission of alleged crime.

Early 1942 at Madang in the Australian Mandated Territory of New Guinea.

Number and description of crime in war crimes list.

(a) Deliberate bombardment of undefended place (xix)
(b) Deliberate bombardment of hospital (xxiii)

References to relevant provisions of international law.

Articles 25 and 27 of the Annex to the Hague Convention.

SHORT STATEMENT OF FACTS

On six or seven occasions early in 1942 the Japanese Air Force bombed the civilian hospital at Madang, which was marked with the conventional red cross. At the time Madang was a completely undefended town.

SUMMARY OF EVIDENCE IN SUPPORT

Sub-Lieutenant A. KIRKWELL SMITH, Royal Australian Naval Volunteer Reserve, His Majesty's Australian Ship "Moreton", said that Japanese planes bombed the civilian hospital at Medang on six or seven occasions early in 1942. At the time all the patients had been evacuated from the hospital. The hospital was marked with a cross of red flowers bordered by white stones, the arms of the cross being about 15 feet in length. The dispensary was completely wrecked and one bomb hit the cross. The bombing was done from an average height of 15,000 feet. Medang at the time was an undefended town.

P15/AJ/15

Surviving members of a Japanese Marine unit

Submitted

7.245

Decision of Committee I

C 8

P15/AJ/15

(For the Use of the Secretariat)

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20 FEB 45

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 15

Name of accused, his rank and unit, or official position.

The surviving members of a Japanese Marine Unit that landed at Kessa Plantation, Buka Island, but who have not yet been identified.

Date and place of commission of alleged crime.

17 March, 1942, at Kessa Plantation, Buka Island in the Solomons Group.

Number and description of crime in war crimes list.

Murder - systematic terrorism (1).

References to relevant provisions of international law.

(a) Article 14 of the Annex to the Hague Convention 1907.
(b) Article 2 of the Geneva (Prisoners of War) Regulations 1929.

SHORT STATEMENT OF FACTS

On 9 March, 1942, a Japanese Naval Squadron of about seven ships came to Buka Island. They there questioned a planter, named Percy Goode, and placed him on parole. The Japanese Squadron left on 10 March, but returned on 16 March. On the following day Goode was done to death by the Japanese by shooting and battering.

SUMMARY OF EVIDENCE IN SUPPORT

Lieutenant William John Read, Royal Australian Navy, said he was in Bougainville on March 30, 1942, when the island was invaded by the Japanese. He had been a district officer at Buka Passage since June 1929, spoke the native languages fluently, and understood the native habits and tendencies. He said that Percy Goode was a planter on Kessa plantation, Buka Island, and a coast watcher, on March 9, 1942, when a Japanese naval squadron of about seven ships came there. As appeared from Goode's diary (which Read lost when the Japanese attacked his camp), the Japanese Commander asked Goode if he ever had a telerradio equipment in his possession, and Goode replied that he had three weeks before passed it back to the Government. Goode had in fact given it to Read. The diary disclosed that Goode was placed on parole by the Japanese, the terms of which were that he was not to leave the place or communicate with anybody. The squadron left about March 10, and returned on 16th idem. On 18th idem, natives reported to Read that they thought Goode had been killed by the Japanese. Read and a party of nine Europeans went to Kessa, opened a grave, and found Goode's body. The jaw was broken, and a bullet appeared to have entered the left ear and to have come out over the right eye. There was another mark just over the heart on the left side of the chest. Goode had been dead three or four days. Nobody claims to have seen him killed. When the Japanese squadron returned on March 16 they took Goode to a cruiser. On 17th idem they took Goode ashore to his house, where Goode told his head servant to pack his clothes, as he thought he was being taken away. The servant proceeded to do so, when a Japanese party, believed to be marines, came to the house from a jetty about a quarter of a mile away. Goode advanced to meet their leader, when the Japanese, who numbered about fifty, broke formation and attempted to mob him. However, a Japanese officer forced them back into formation, and they left. Goode then told his head servant that he thought the Japanese were going to kill him. He went into his house, and about an hour later the Japanese returned and entered the house. This was about three or four p.m. They told the natives by signs to clear off, and the natives then went to another house about two hundred yards away from Goode's house. At dusk they saw a lot of flashlights around Goode's house. They also saw people carrying flashlights marching to the ships, which left during the night of 17th idem. At daybreak Goode's personal servant and two or three other of his house-boys entered Goode's house, and were confronted with a very large pool of blood, which Read afterwards saw. This was in a small passageway. In a small pantry off that passageway the boys saw another very large pool of blood, but they could find no trace of Goode. A police boy, hearing the story, came to the plantation, but could not find the body, and then reported the matter to Read at Buka Passage. Read organised a party comprising himself, Messrs. Archer, Long and Guthrie, a mission brother named Joseph, and three or four members of an Australian Imperial Force unit. They arrived at Kessa about March 18 or 19. Meanwhile the natives had located Goode's body buried outside the house under a few inches of soil. The boys noticed his toes were protruding above the ground and re-buried him. Read opened this second grave, and was able to identify Goode.

The body had a swollen appearance, but was not decomposed. The face bore bruise marks, and the impression left on Read's party was that Goode had been mobbed in the house and more or less battered to death. On March 30 the Japanese occupied this island, and have continued to occupy it, and so the natives referred to are not available as witnesses.

Read said that a possible explanation of the Japanese conduct towards Goode was to be found in a British Broadcasting Company and Australian Broadcasting Company announcement after Goode was put on patrol that a Japanese naval squadron was at Kessa. Actually this information was given to Read by Mr. Archer of the Yame plantation, and radioed by Read to Port Moresby. Apparently the Japanese thought Goode was responsible and decided to kill him. Unfortunately there was, underneath Goode's house, indications that he was a wireless expert, namely, wireless junk of all descriptions which he had not bothered to remove.

Read said that Goode was a high-principled man who would not break the terms of his parole.

Read's party also saw the second pool of blood in the pantry. They reconstructed the scene, and concluded Goode had been knocked unconscious in the passageway and lain there for a long time, as there was a pool of blood at that spot about 3 feet x 2 feet. They thought that at night time he was carried into the pantry, where there was an even larger pool of blood. They also thought that Goode was being buried outside when the natives saw the torch flashes. Although the natives were only about one hundred yards away from the house, none heard any shots, but one thought he heard a scream. It was close to the pounding surf, however, and the roar of the surf was enough to drown any noise in the house.

P16/A/17/16

Fifteen Japanese Harms

Submitted

7. 2. 45

Decision of Committee I

C B

P16/A/17/16

(For the Use of the Secretariat)

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P16/A/5/16

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 17

Name of accused, his rank and unit, or official position.

Fifteen Japanese Marines (not yet identified) members of a patrol which was operating in the Finschafen area.

Date and place of commission of alleged crime.

14 March, 1943, in the villages of Lakona, Kamloa and Satelberg in the Finschafen area in the Australian Mandated Territory of New Guinea.

Number and description of crime in war crimes list.

Rape (v)
Pillage (xiii)

References to relevant provisions of international law.

Articles 46 and 47 of the Annex to the Hague Convention.

SHORT STATEMENT OF FACTS

About 14 March, 1943, 15 Japanese marines entered the village of Lakona in the Finschafen area and took possession of all the village pigs. At the same time and place ~~one~~ native woman was raped by 10 Japanese and died as a result. Another native woman was raped by 5 Japanese.

The Japanese also took possession of all the pigs in the villages of Kamloa and Satelberg in the Finschafen area.

SUMMARY OF EVIDENCE IN SUPPORT

Sub-Lieutenant K.H. McColl, Royal Australian Naval Volunteer Reserve, His Majesty's Australian Ship "Moreton", said that on approximately March 14th, 1943, a German Missionary, Adolph Wagner, and several natives reported to him that a party of fifteen Japanese Marines entered the village of Lakona in the Finschafen area, and took possession of all the village pigs. Whilst at the village the Japanese saw two native women. One woman was raped by ten Japanese. She died as a result of the treatment. The other woman was raped by five Japanese. The natives who came from Lakona reported the matter to McColl about four or five days after it happened.

McColl also said that the Japanese took possession of all village pigs from Kamloa and Sateberg, villages in the Finschafen area, without compensating the natives.

P17/A/J/17

5 Japanese at Cape Gloucester

Submitted	Decision of Committee I
7.2.45	C B

P17/A/J/17

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P17/A/5/17

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 18

Name of accused, his rank and unit, or official position.

5 Japanese who landed from one or two Japanese warships at Cape Gloucester in the Australian Mandated Territory of New Guinea on 16 December, 1942, and who have not yet been identified.

Date and place of commission of alleged crime.

On or about 16 December, 1942, at the village of Meraka, Cape Gloucester, in the Australian Mandated Territory of New Guinea.

Number and description of crime in war crimes list.

(a) Murder - systematic terrorism (1).
(b) Ill-treatment of prisoner of war.

References to relevant provisions of international law.

(a) Articles 1 and 2 of the Geneva (Red Cross) Convention 1929.
(b) Article 4 of Annex to the Hague Convention 1907.
(c) Article 2 of the Geneva (Prisoners of War) Convention 1929.

SHORT STATEMENT OF FACTS

On about 16 December, 1942, five Japanese shot and wounded an Australian coast watcher, named Obst, while he was sleeping and then tortured him by sticking a bayonet an inch or two into him in many places. They then killed him by bayoneting him through the heart.

Another Australian coast watcher, named Buttress, who intervened, was taken prisoner by the Japanese, had his hands tied behind his back, and was put on board a Japanese pinnace.

SUMMARY OF EVIDENCE IN SUPPORT

ANDREW KIRKWELL SMITH, Sub-Lieutenant His Majesty's Australian Ship "Moreton", said that in December 1942 he was in charge of a party consisting of himself and two men named Obst and Buttress, in the Cape Gloucester area. On December 16, 1942, the party saw from a village called Meraka two Japanese warships coming to the anchorage at Cape Gloucester. Next morning he left to investigate and returned to Meraka on the 18th. He was then informed by several natives that Obst had been killed. Obst and Buttress had hidden in the bush when the Japanese came to Meraka village. Thinking the Japanese had left the village, Obst came out of hiding and said to a native "I am all in, I want to sleep, you can look after me and hide me". Obst was then taken to a native hut. Shortly afterwards about five Japanese in the village were informed of Obst's whereabouts. They went to the hut and found Obst asleep. One Japanese crawled under the floor of the hut (which was 3 or 4 feet from the ground) and shot Obst while he slept. Obst staggered out of the hut and Japanese came along and started bayoneting him in many places - not trying to kill him, just putting the bayonet in an inch or two at a time. Buttress who was watching from the bush rushed out and hit the Japanese who was bayoneting Obst. The Officer in charge then killed Obst by bayoneting him through the heart. Buttress was taken prisoner and his hands tied behind his back. He and Kirkwell Smith's personal boy, who had also been captured, were then taken on board a Japanese pinnace. The native boy escaped from the pinnace, and said Buttress at the time of his escape was still tied up on board.

Before leaving the village Buttress asked the natives to bury Obst and this was done before Kirkwell Smith's return. Smith said he had no heart to disturb Obst's grave. He saw no reason to doubt the story told to him by the natives.

P20/A/J/20

Members of Japanese Air Force

Submitted Decision of Committee I

7.2.45

C B

P20/A/J/20

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P20/A/J/20

6 FEB 1946

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 20

Name of accused, his rank and unit, or official position.

Members of the Japanese Air Force not yet identified.

Date and place of commission of alleged crime.

About 6 June, 1943.

Number and description of crime in war crimes list.

Deliberate bombardment of hospital (xxiii)

References to relevant provisions of international law.

Article 27 of the Annex to the Hague Convention 1907.

SHORT STATEMENT OF FACTS

On about 6 June, 1943, the Japanese Air Force deliberately bombed and machine gunned the 2/2 Field Ambulance Station at Wau, which was clearly marked with the conventional signs, as required by the Geneva (Red Cross) Convention of 1929, and was not in the vicinity of any legitimate military target.

PARTICULARS OF EVIDENCE IN SUPPORT

Pte. W.L. BLISS was a patient in the hospital (2 Fd. Amb.) at Wau between June 4 and 6 1943, suffering from Malaria. The Japanese were attacking the Wau aerodrome. One plane peeled off from the main body and flew over the hospital and strafed it. The hospital was clearly marked with a red cross about twenty to thirty feet square. The strafing was from about sixty feet, perhaps less. Two strafing runs were made. There were no military objectives or radio stations in the hospital. The attack was made at 10a.m. on a fine clear sunny morning.

PTE. JOHN McCRIMMON, I. Coy. 2/5 Aust. Inf. Bn. was in the hospital at Wau when it was attacked. The plane passed over it twice - a single engined Japanese fighter. The attack was made at about 10 o'clock on a Sunday morning. The weather was fine. There were no legitimate targets nearby. The plane attacked from about 300 feet, diving down. There was a big red cross, 20 feet square, painted down in a cleared patch.

PTE. P. A. BALLANTINE 2/5 Aust. Inf. Bn. was in the 2/2 Fd. Amb. at Wau when it was strafed some time in March (sic) 1942. It was a low level attack. There was a big red cross on the lawn. The strafing was done from about 150 to 200 feet. The planes attacked the drome which was about three-quarters of a mile away on the same day. Ballantine is of opinion that it was a deliberate attack on the hospital.

CPL. F. J. DEWSBURY 2/5 Aust. Inf. Bn. said that he saw a Japanese plane at Wau fly off in the direction of the hospital and strafe something. He was told afterwards that the hospital had been strafed.

LT. P. T. GUDE, 2/7 Aust. Inf. Bn. said that on about June 6 1943, about 18 or 20 planes were carrying out an attack on the Wau aerodrome. One left the main group and flew off in the direction of the hospital. When over the vicinity of the hospital, at a height of 2,000 feet the plane suddenly banked and dived on to the hospital area with the forward guns blazing. As it passed over the hospital, the rear gunner fired a burst from his guns. The plane dived to a height of about four hundred feet. The hospital was marked with a large red cross laid out on a white background on the ground. The roof of the main building had a red cross on it. Gude is confident that the red crosses would be visible from 2,000 feet. The attack was carried out at about ten or eleven o'clock in the morning on a perfectly clear day.

Gude was at his battalion headquarters about three-quarters of a mile away directing machine gun fire on the planes at the time of the attack. There was a Light Aid Detachment about half a mile away on the main road. Previously this detachment had been at the bottom of the drome about a mile to a mile and a quarter away from the hospital. It had been moved only recently.

The hospital was strafed, and there would be little doubt that the plane strafed the target which it was intended to hit.

The tentage of the hospital formed a hollow square, and Gude was told by members of his unit that, at the time of the strafing attack, the square was filled by patients, members of the staff, and possibly working parties. Gude suggests that possibly the pilot's attention was attracted by this large course of people. Gude does not suggest that the pilot's view of the red cross was obstructed by the people, but

he considers that the movement may have attracted the pilot's attention, and he may have decided to shoot up whatever it was he saw.

PTE. J. CARMICHAEL, 2/7 Aust. Inf. Bn. was a patient in the hospital at Wau some time in June or July 1943, when he saw an attack on the aerodrome. The planes circled round, more or less over the hospital, and one of them came down and put a burst of fire into the hospital. There was only the one plane. It was about ten o'clock on a very clear day. There was a big red cross clearly displayed on the lawn in front of the hospital. Only one strafing run was made. There was an ack-ack position on the hills above the hospital. C Coy, 2/7 Aust. Inf. Bn. was actually on a hill about four or five hundred yards away behind the hospital.

R. J. SMITH, 2/5 Aust. Inf. Bn. was in 2/2 Aust. Fd. Amb. at Wau somewhere between June 19 1943 and the end of the month, when a Japanese plane came down and strafed the hospital. One plane from among about fourteen peeled off and made the attack. There were no military objectives near the hospital. There was a lawn in the front of the hospital, and a big red cross on it. There was a big red cross on the roof. The red crosses were taken away after the attack.

PTE. S. S. FELLOWS, 2/6 Aust. Inf. Bn. saw the Japanese bomb the C.C.S. at Wau. The incident took place after the Wau show had finished, and it would have been about the tenth raid on Wau. Fellows was at a camp about half a mile away from the hospital at the time. There were six dive-bombers in the raid. They started to bomb the aerodrome, and, whether they went for

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the hospital or the L.A.D. which was about a quarter of a mile away on the opposite side of the hospital, Fellows cannot say, but they dropped a string of bombs along the hospital and on the L.A.D. side. Fellows does not know whether the Japanese would be able to recognise the L.A.D. as such, because it was in an old farmhouse, and there was quite a bit of cover there from trees and so on.

There was a big red cross on the roof of the hospital. Fellows had seen it for himself. Fellows thinks that they had a big red flag outside the hospital and thinks the hospital was marked at the time of the attack, but is not quite sure on the point. Fellows would estimate that the bombers dived to a height of eight hundred feet. The hospital was unmistakable from the air. Fellows had seen it from transports. The hospital had previously been a home.

Fellows does not think that there was any machine gunning on that occasion. About three or four bombs were dropped in the hospital area at the beginning of the string.

L. J. BARNETT, 2/6 Aust. Inf. Bn. said that he was a patient at the C.C.S. at Wau, suffering from malaria when it was strafed on August (sic) 5, 1943. The hospital was in the form of a square around a red cross twenty feet square. Barnett had flown over the hospital, and the cross was quite visible. The plane would be only a few thousand feet up. The strafing attack was made from a much lower height.

There were no military objectives around the hospital. An attack was being made on the drome and one plane apparently saw movement in the hospital and came over and strafed. All the indications are that the attack was deliberate. The attack was made about 11 o'clock in the morning on a clear day.

P21/A/J/21

Members of Japanese armed forces.

Submitted Decision of Committee I

7245

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P21/A/J/21

(For the Use of the Secretariat)

Registered Number

Date of receipt in Secretariat

P21/A/J,21

6 FEB 1945

UNITED NATIONS WAR CRIMES COMMISSION

Australian Charges against Japanese War Criminals

Charge No. 21

Name of accused, his rank and unit, or official position.

Members of the Japanese armed forces not yet identified.

Date and place of commission of alleged crime.

September 1943
at Kaiapit in the Australian Mandated Territory of New Guinea.

Number and description of crime in war crimes list.

(a) Murder - systematic terrorism (i).
(b) Torture of civilians (iii).

References to relevant provisions of international law.

The laws or usages of war as stated in Article 46 of the Annex to the Hague Convention.

SHORT STATEMENT OF FACTS

On about 19 September, 1943, members of the Japanese forces tied three natives to uprights of a native hut and wounded them several times with bayonets in the stomach and chest, causing their deaths.

PARTICULARS OF EVIDENCE IN SUPPORT

VX63117 Reginald Lewhurst Thompson, a sergeant of 2/7 Australian Cavalry Commando Squadron, 2/6 Field Squadron said that his unit on 19th September 1943, engaged at Kaiapit Japanese who withdrew from the village, and the Australians contacted them on the other side of it; he saw three natives tied to three uprights of a native hut; their legs were not tied; two were alive and one dead; all were wounded several times in the stomach and chest; they were bayonet wounds and very new; he did not hear any shots; he did not cut them down.

GX 1923 Maurice Tait Davies, a Lieut. of 2/7 Regt., 2/6 Cav. Comm. Sqn., said that he entered Kaiapit on 19 December 1943; he was Intelligence Officer; one native was tied to a centre of a pole, another to a log on the ground, a third to a portion of the hut structure; all were dead; he touched one and he found him pretty warm; all were bayoneted in the chest; all were tied; he reported it to Lieut. Stewart of the Papuan Infantry Battalion and was then informed that some natives had been hanged in Kaiapit for betraying these natives.

NX 44702 Kenneth Pickering Eridge, was a trooper from the same unit as Davies; he saw three natives bound and bayoneted; one was dead; one just about dead their hands were tied behind their backs and their arms tied to their bodies with rope; they were tied to poles that were the uprights of huts; two of them seemed to be appealing to the Australians but they could not halt because they were in contact with the enemy, who were firing on them; the sections behind could release them.

This case will, with your approval, be placed before the United Nations Commission in the desired form.