

## Her Majesty the Queen

The Provisional Court Martial at Batavia regarding the Military Auditor, *ratione officii*, against:

SONE KENITICHI, born in Yura Mura,  
1 Hidaka Gun, Wakajama Ken, Japan,  
36 years old, captain of the Japanese army.

Given the referral to the Provisional Court Martial by the Military Prosecutor at the Provisional Court Martial, Batavia dated July 5, 1946.

Given the order to convene the Provisional Court Martial on July 30th, 1946, on the basis of which document, the Defendant is charged by the Military Prosecutor, as set out at the hearing:

That he, in Batavia, in or about the period from September 20, 1942 to June 23, 1945, therefore in time of war, as a subject of adversarial power, Japan, serving as Camp Commandant, at first for the "Xth Battalion" Prisoner of War facility, from September 20 1942 to March 15, 1944, (approximately), and thereafter for the civilian internment camp, Tjideng, from about April 1, 1944 to about June 23, 1945,

regarding the Xth Battalion, Dutch, Ambonese, Australian, British and American Prisoners of war

and

in Tjideng concentration camp for civilian women and children committed war crimes and caused war crimes to be committed, in contravention of international law and the law of armed conflict, subjected them to bad treatment and a systematic reign of terror over the aforementioned persons

maltreated many of them repeatedly unnecessarily, in any case, in a way that far exceeded the limits of the normal exercise of discipline, to mistreat and cause them to be mistreated, to leave them standing for hours, even at night, on roll calls and to give them sufficient rest, food, medicines and nursing care and furthermore to have women and children perform excessively hard labour, which by and at the behest of him, the Defendant, exercised terror and/or ill-treatment, caused the death of many prisoners and internees, and caused physical and mental suffering of those persons.

Pursuant to the summons of the 31st July 1946, ordering the defendant to attend the trial of the Provisional Court Martial on Monday, the 5th August 1946 at 9 o'clock in the afternoon, scheduled in the premises of the former Supreme Court of the Netherlands Indies.

## Her Majesty the Queen

Respecting the charge read out by the Military Prosecutor and subsequently submitted to the Provisional Court Martial, to this effect:

that by the Provisional Court Martial the aforementioned defendant

SONE KENITCHI

will declare guilty of the war crimes:

- I. Systematic Terror.
- II. Bad treatment of prisoners of war.
- III. Bad treatment of civilian internees

and will therefore sentence him to the death penalty.

**Given** the documents presented at trial, insofar as they have been used, shown and presented.

**Taking into account** factors brought forward by the defendant in defense.

**Considering**, first and in advance that the defendant's defense counsel in pleading, insofar as the Council has interpreted in his favour—in spite of his faulty Dutch and incorrect distinction between primary and subsidiary charges—, arguments against the indictment, as presented at the hearing on August 5, 1946, and amended by adding the "word "American" between the word "English" and the subsequent word "prisoners of war", raising the *objectio obscuri libelli*<sup>1</sup> on the ground that the act of reference does not apply to a description required by law of accused imputed facts;

**Considering** that the Council does not share this view and is of the opinion that the war crimes, which the accused are accused of being: "systematic terror",<sup>7</sup> "bad treatment of civilian internees", confer Staatsblad 1946 No.44 article 1 sub 2, 30 and 35, have found a sufficient factual description in the designation of facts and fact complexes that read: "after all, them, many of them, repeatedly, unnecessarily, in any case in a way that far exceeded the limits of the normal exercise of discipline, and to have them mistreated, to leave them on rollcall for hours, even at night, and to withhold sufficient rest. Nourishment, medicine and medical care, and also to make women and children perform excessively hard labour", on basis of which description the accused should have reasonably been able to speak and should have been able to understand in an unambiguous manner which facts are charged against him;

**Considering** that defendant's counsel in the indictment, following his plea verbatim, reads an accusation;

---

<sup>1</sup> Literally "hidden message" Failure by the plaintiff to specify the details of the accusations

## Her Majesty the Queen

### Primary

1. of ill-treatment of prisoners of war and internees;
2. of the exercise over those persons of a systematic terror;

### Secondary

1. ill-treatment in a way that far exceeds the limits of the normal exercise of discipline;
2. excessive time spent on roll-call, even overnight;
3. withholding adequate rest, food, medicine and medical care;
4. imposition of undue hard labour, especially on women and children

and his *exceptio obscuri libelli* is mainly directed against the primary indictment and with respect to the secondary indictment, that the disposition is inadequate that that it should be set aside, thus not making it a legal issue, does not raise an *exceptio obscuri libelli* in this case;

**Considering** that this reading of the indictment is incorrect, since the indictment does not contain a primary and subsidiary indictment, but contains an indication of the war crimes – wrongly held by counsel for the primary indictment –and a description of complexes of facts, constituting the indicated war crimes, which the counsel wrongly regards as alternatively charged, so that on the basis of this erroneous *adstructio* the defense proposed by counsel for the defendant, the objection intended by him must be rejected;

**Considering**, finally, that the raised *exceptio obscuri libelli* was first presented by way of a plea, i.e. after the investigation at the hearing has been concluded, which conclusion was immediately preceded by the statement of counsel, that no further investigation was required, while during the extensive investigation at the hearing on his part and also by the defendant himself not the least has been put forward, from which the Court could conclude that the alleged facts have not been fully understood, as a result of which the defendant's defense would have been hampered, so that the *exceptio* (*obscuri libelli*) must be regarded as being raised completely *post hoc*.

**Considering**, with a summary of the foregoing considerations, that the *exceptio obscuri libelli* raised must be rejected on threefold grounds;

**Considering**, on the merits, that the defendant, at the commencement of the t the hearing denied that he was guilty of the charges against him, but made statements several times during the course of the investigation, without withdrawing his original denial, which include a full admission of a special point under investigation, so that the defense has not interpreted any of his statements to his detriment, if the point under consideration by the accused is not

## Her Majesty the Queen

pertinently acknowledged and the Board, in assessing the witness statements, only in that case acknowledges the accused taken into consideration,

**Considering** that the Court divided the evidence into two major groups, namely the period from September 20, 1942 to March 15, 1944 during which the defendant was camp commandant for the Xth Battalion, serving as a prisoner of war camp, and the period from March 15, 1944 to June 23, 1945 during which defendant was the camp commandant of the Tjideng camp, serving as an internment camp for civilians;

**Considering** that for both periods the provisioning of the camps, with regard to food and medicine, was centrally arranged by the Headquarters of the Japanese Army here in this country, without the various Camp commandants, including the Defendant, being able to exercise decisive influence thereon, so that in this case the defendant is not; but his superiors, in particular Ananie and Kawabo should first be held liable for food and medicine shortages;

**Considering** that from the long series of witness statements the Council does not consider legal and convincing proof of these two facts alleged against the accused - complete, so that it bears no liability for them, without this implying, however, that the accused as camp commander was ignorant of this abuse;

**Considering** that during the hearing the Court considered a number of written statements from witnesses, the Court is of the opinion that the witnesses did not need to appear at the hearing, for some of whom it could not be established that these statements were made under oath, while on some documents the signatures are missing, but the Court has nevertheless considered these written documents on the basis of the general agreement with the vast majority of the witness statements, which have been duly signed and which have been shown to have been taken under oath;

**Considering**, with regard to the 1st period Xth Battalion, that from the 23 statements read at the hearing and presented to the defendant with interpretation into the Japanese language, namely those of: Brummer, Feytes, Beroeadjään, Franke, van Ommen, le Clercq, Rijan, Bergin, Bullock, van Voorst tot Voorst, Robertson, Miller, Henry, Filgate, Saija, Atihuta, Halatoe, Thenu, Salau, Pattie, Nelson, Keilly and Dickerhoff, it has been legally and convincingly proven that the defendant has repeatedly and unnecessarily ill-treated many of the Dutch, Ambonese, Australian, English and American prisoners of war detained in the Xth Battalion in a manner that far exceeded the bounds of the normal exercise of order and discipline, seriously abused and caused to be abused not only with their bare fists as well as with hard objects, caused them to stand at roll-call for hours, even at night, deprived them of sufficient rest and relaxation, while the Court, on the basis of the statements of Feytes and Le Clerq, also holds the

## Her Majesty the Queen

defendant liable for the death of Morkelbach on account of his deprivation of urgently needed nursing and medical aid;

**Considering** that the witnesses mentioned above have testified;

**Witness** : Brummer: that a soldier and a sergeant, in connection with the escape of one of the prisoners of war were beaten and kicked on the head with sticks and belts by the defendant and a Japanese sergeant major, for more than an hour so that they were taken away with swollen and bleeding faces;

that he learned from Lieutenant van Goor, who had a broken arm, that the defendant had broken that arm with a stick, because Van Goor's hair was not cut short enough;

**Witness** Feytes: that he himself saw the Defendant smash Lieutenant Van Goor's wrist with a stick;

that he himself saw that the mil.sergeant.Cooke, who was held responsible for the escape of a land storm soldier, van Eersel, was beaten with a rattan stick causing bleeding from face and neck, after which he was kept locked up in a dark, stuffy, damp cell for a month, full of mosquitoes, without mosquito net;

that a friend of Van Dorsel's was so badly beaten that his face and head were swollen beyond recognition and formed a red mass of hemorrhages,

that the officers often had to stand at attention for hours on end;

that an elderly Lieutenant Reserve Corps fainted from this and had to lie, bleeding from his mouth with help strictly forbidden

that two prisoners of war, including Morkelbach, seriously wounded by a sentry, were denied any nursing or assistance between 3 am to 6:30 am, after which they were thrown onto a truck and driven away,

that the defendant mistreated an old sick man in the infirmary, who did not get up fast enough to greet in a frenzied manner,

that the defendant was a sadist who carried out his discipline in a cruel, barbaric and inhumane manner.

**Witness** Beruadjaän: that an Ambonese duty party upon returning in the pouring rain around 4 o'clock in the afternoon, sought shelter in the barracks where they were only allowed to enter at 4:30 pm. Was cause for the defendant to summons all Ambonese, including the sick, and beat everyone one by one with a belt studded with copper, with the result that many got wounds in the face and black eyes after which they had to stand in the rain for another two hours;

that there was a great deal of beating in the camp;

## Her Majesty the Queen

**Witness Franke:** that he was considered a doubtful case during a medical examination, after which he was given four blows by the defendant, which knocked his teeth and caused his left eardrum to burst;

**Witness van Ommen:** that defendant beat for about an hour with a jati wooden ruler and with his fists, some 15 Ambonnesse: and Menadonese soldiers until the blood dripped down their faces, because they had refused to sign a declaration of obedience to the Japan;

**Witness; le Clercq;** that the Defendant severely assaulted Sergeant Cooke for 1½ hours by means of full blows with his fists to the face:

that on 1 January 1943, two Dutchmen, seriously injured by the Japanese post, were not allowed to be nursed for four hours, after which they were taken away to an outside hospital and that on January 3, 1943, news of their death was received;

that the defendant was known as a real tyrant;

that the Governor General, Army Commander, Colonels and others were mistreated by him;

that Sergeant Cooke was vilely beaten by the defendant in the presence of all the officers for 1½ hours, until his face, eyes, nose, and mouth were swollen and bleeding;

that on one occasion, because some officers were playing chess in the barracks, the officers had to stand at attention without food, from noon to 8 p.m., while one of them was knocked to the ground and carried away unconscious.

**Witness:Ryan;** that an old sixty-year-old Ambonnesse fusilier, because he had hung clothes to dry in a forbidden place, was grabbed by the defendant by the throat and was shaken so hard causing him to fall unconscious to the floor, after which he received another kick to his ribs;

that the old man has been unconscious for about fifteen minutes;

**Witness Bergin:** that defendant, acted very roughly and brutally, was a cruel man according to stories and himself beat prisoners for nothing or next to nothing, provoking protests from: Brigadier Blackburn and Wing Commander Davis;

**Witness Bullock:** That the defendant was very cruel, that members of a duty crew who fell ill at work in a garden three miles away, were compelled to march back at a forced pace;

That he witnessed the defendant strike a Dutch officer 6 times in the face with a bundle of thick fence wire brought by him from another camp;

that the defendant destroyed all kinds of equipment during house searches:

## Her Majesty the Queen

that the sick received 2/3 rations: that the defendant himself examined surgical patients and had them wait for hours;

that the defendant had a large part of the mail burned;

that some doctors had told him that the defendant had broken their jaw open for a very minor offense, such as not getting up in time or fast enough to greet a passing guard ;

**Witness:** van Voorts tot Voorts: that the defendant had told the Governor General that he considered the beating of prisoners of war a bad habit;

that under the auspices of the defendant, however, a terrorism of beating arose in the camp also against officers and senior officers, with the defendant leading the way in the most brutal manner;

that with a piece of iron he broke the radius of the left arm of Lt. van Goor, for no reason, not because his hair wasn't cut short enough, but that he, van Goor, had his hair cut 2 or 3 days before,

that the Defendant struck ± 1000 Ambonese himself twice in the face with a wide leather belt;

that not a day passed without a great number of times being struck hard with a piece of iron;

that the mood of unrest and uncertainty in the camp was due to the defendant;

that all the senior officers, arranged in 2 rows opposite each other, were to shout out Japanese orders;

that everyone, even in the bathroom, had to respond to those commands that rang through all the time;

that there was a constant terror in the camp making life unbearable;

**Witness:** Robertson that Defendant beat F.O. Moorehouse, because the latter had accidentally switched on the electric light, him to the ground for a quarter of an hour, so that he was semi-conscious, unable to get up, after which he left him on watch at attention for some time;

**Witness** Miller: That Defendant on Feb. 5, 1944, entered the kitchen and had all the food and utensils brought out to the office, whereupon he entered the dysentery barracks and destroyed medical items and supplies, whereupon he ransacked the nursing ward and, finding a camera, that had already been found during previous inspections and had been left alone, seriously mistreated a number of nurses,

that he then closed the hospital for a few days and that the sick had to be cared for in the barracks;



## Her Majesty the Queen

that during inspections, in spite of being hospitalized, sick people were discharged from the hospital by him for performing conventional work;

**Witness** :Henry: that the defendant was a very bad man, always intervening personally;

that he transported to Thailand a group of Australians afflicted with dysentery and beat them beforehand,

that he closed the hospital for some days and beat the sick, because they claimed to be ill;

that he was eager for collective punishment and repeatedly closed the canteen for whatever motive.

**Witness** Fjlgate: that in May 1943, the defendant knocked to the ground six Australians who came to roll call a little too late due to illness,

that a number of Ambonese, who did not want to become Heiho, were brutally beaten;

that Moorhouse had been knocked to the ground several times, for having switched on the electric light by mistake, after which he had to stand at attention for a considerable time;

that defendant , in December 1943 held punishment roll call for officers, of whom he beat up one for 10 minutes with his fist because he had laughed,

that in August 1943 he had all the sick come to roll call, the worst on stretchers, and had them wait in the blazing sun for two hours;

that he limited the number of sick for the hospital,

that he very often inflicted corporal punishment, and on one occasion said to a number of officers on roll call that he knew he was breaking the conventions, but that he didn't care;

**Witness** Saija: that defendant had beaten him and nine other Ambonese relentlessly with a piece of wood, kicked them in the stomach because they had refused to serve in the Japanese army; after which they had to clean their privates with their hands, cut grass under barbed wire and then dig holes in the hard ground to bury glass shards;

that afterwards they were to stand at attention for two hours;

that they were afterwards examined by a Dutch doctor, and locked up overnight in a cell, and had to lie on the bare floor.

**Witness** Atihuta: that he saw that a dozen Ambonese, who did not want to sign for the Japanese army, were barbarously beaten by the accused with a piece of



## Her Majesty the Queen

wood until they bled, whereupon they had to stand at attention and be put in prison;

**Witness:** Halato; that the witness saw the defendant rage like a wild animal against Dr. Gunlach, who lay on the floor unconscious, bleeding from wounds to the head, after which Dr. Willinga was thrashed;

**Witness:** Thenu: that he saw Defendant lashing out at Dr. Gunlach, whom he knocked several times to the ground and practically passed through the courtyard of St. Vincent's Hospital, until Dr. Gunlach's face and head were a bleeding mass, after which Dr. Willinga was thrashed;

**Witness** Salau: that he saw a Dutch neurologist who was suffering from beri-beri a tall, thin man, beaten to the ground by the defendant for about an hour, until his face was disfigured beyond recognition;

**Witness** Pattie: that defendant at St. Vincent's hospital held roll call for sick people who do not move quickly enough to his liking, whereupon he let the stretcher cases stand up in order to knock them to the ground:

that Doucet was hard put to justify it (??)

that the defendant had also assaulted Dr. Gunlach and inflicted eightfive blows on the head and neck, which resulted in a bursting of the eardrum and a severe swelling in the neck, after which Dr. Gunlach was sentenced to prison and denied medical attention;

**Witness:** Nelson: that the Defendant had all English-speaking prisoners of war stand at attention for three hours under threat of machine-guns as a result of the shooting by the Japanese of two Dutchmen;

that the Defendant beat Reilly, who wished to make contact with the American Consul, and then imprisoned him for a month.

**Witness:** Reilly; that the defendant was a brute and sadist who beat people for no reason, and that this witness was beaten by him for 15 minutes and then put in jail for 10 days for giving details in a letter about the defendant's employment of dysentery patients;

**Witness** Dickerhof: that the canteen where food could be bought was repeatedly closed;

that by way of punishment the entire camp, all 3000 men, had to stand between 6:00 am and 24:00 hours, while the defendant himself; beat suspected delinquents with the fist or stick.

that the witness himself was beaten 6 or 7 times without cause and was once hanged by his hands from a pole for 2 hours and the defendant gave him another blow in the face while hanging;

## Her Majesty the Queen

to all of the above statements the defendant has replied not remembering the cases, denying them in part, declaring them exaggerated, in any case not making a full confession to them;

**Considering**, with regard to the 2nd period Tjidengkamp that from the statements of the four doctors, namely, Veenbaas, van Wulfften Palthe, Narcar-Alkema and Rijkebusch neé Lombert, which correspond substantially with each other and are in accordance with the statements of the witnesses Verhoogt-Steel, Muthert-Frijer, Cornelisse-van Eendenburg, van der Vlerk, 'Willemse-Tromp, Schaak-van Ree, van Baarsel-de Rave, Bolleurs-Joppe, Muller, Twigt and van Barneveld-Geelkerken, all of which statements have been read and given to the defendant with interpretation in the Japanese language have been presented as legally and convincingly proven.

that the defendant repeatedly, unnecessarily and gruesomely mistreated many of the civilians women and children interned in that camp, forced them to stand for hours on roll-calls, including at night, deprived them of adequate rest and medical care, and overtaxed with hard work many women and young girls. while the Court, taking into account the conclusions of the said doctors, which the Court had adopted, considered in connection and in conjunction, and also finds legally and convincingly proven judges that the defendant is directly responsible for the deaths of dozens of men, women and children,"

**Considering** that the witnesses mentioned above have stated:.

**Witness:**Veenbaas: that he had to deal with the defendant almost daily regarding food, housing and hygienic conditions;

that the defendant was the prototype of the Japanese European hater, and his criminal intent was to destroy whites intellectually and physically, to which he devoted himself wholeheartedly, to effect the deterioration of the camp by overcrowding the houses under primitive conditions, insufficient food, insufficient water for drinking or washing, neglected the cesspools and forced the internees, women included, to very hard physical labour;

that the defendant is liable both directly and indirectly for many cases of death;

that many women and old men had been mistreated by him and witness had several times carried victims, who had been knocked unconscious,

that a case of Mrs. de Jong was so serious that she had to stay in hospital for several weeks with a concussion,

that women and girls often had to stand for hours in the blazing sun and bow hundreds of times;

that doctor van Hasselt, more than 60 years old, not having bowed quickly enough to the defendant due to blindness, was beaten black and blue;

## Her Majesty the Queen

that the clergyman Kater was locked up in a small room with closed windows;

that at the end of September 1944 the defendant held roll call from 19 o'clock to midnight, for the whole camp, including the sick, which was repeated the next day from 13:30 to 23 o'clock

**Witness** Dr. van Wulfften Palthe: that the defendant was unpredictable in his behavior at full moon; that the feeding and camp conditions were appalling to say the least; the camp was overcrowded and women and children had to do all the work, which was atrocious on the rations provided;

that, in spite of the fact that there was money in the camp, the defendant, though empowered, gave no leave to buy food,

that it appeared that a method of slow starvation had been adopted and every effort was made to break the morale of the internees;

that in the sudden house moves, the women, who had to carry everything themselves, were finally exhausted, that roll call lasting hours were held for all, including the sick, in the sun;

that one of the worst humiliations was the cutting of women's hair, sometimes kneeling before him, sometimes by Heiho's; that this once happened in the presence of the defendant and some guests, all drunk, who were amused by the fact that someone was always beaten by the defendant with his own hand;

that the witness was called in January 1945 for consultation with a woman who suffered from a skull base fracture by being beaten by the defendant; that nothing was too mean for the defendant, and that he never did anything to alleviate the circumstances.

that about one month before the capitulation, despite his knowledge that the camp was starving, the food was withheld for 3 days, the incoming bread buried in gutters and holes and rendered useless for consumption;

that there were very many cases of death in the camp for which the defendant is, if not directly, at least indirectly responsible; that in the last three months the nutrition was far insufficient and that after the capitulation the good food came too late for many, because their emaciated bodies could no longer absorb the nourishment

that it is astonishing that no cases of insanity have occurred;

**Witness** dr. Marcar Alkema:

That Defendant suffered from fits of wildness at full moon, in which he was constantly drunk and everyone was in constant fear of him; that outside those flare-ups he was out to make life as miserable as possible for the internees; that

## Her Majesty the Queen

he was a natural organizer of chaos and that he overcrowded the houses and that he forbade any form of recreation, while the internees were slowly starved, that his favorite occupation was hitting and kicking;

that one day in March 1945, ladies van der Hengst and van der Vlerk, because their children had not bowed obediently, were beaten over a distance of 100 m in the avenue Trivelli until they were unconscious and were not allowed to receive medical treatment for the first two days,

that he left the women standing for hours in the blazing sun or in a downpour;

that the exhausting of women was pleasing to the defendant;

that he ordered them to work hard and confined them in smaller and smaller spaces, that he had them suddenly moved, that living conditions were terrible; that most suffered from diarrhea, the cesspits were out of use;

that on one of the roll-calls for the sick, Dr. Scheltema, because of protest on behalf of a sick person, was beaten;

that upon arrival of transports, the incoming persons were searched for hours;

that the defendant once ordered three days of starvation and no food was provided to the internees, that he then made the food in the kitchen useless and had the bread brought in buried by workers;

that even the sick and old were not given food;

that the defendant was said to have stated that the camp should liquidate itself, which corresponded entirely with his conduct;

that all the dogs were gathered at the gate and there they were clubbed or stabbed to death;

that the capitulation on August 15, 1945 came too late for many, that medicines were very scarce in the camp, and that malnutrition was the main cause of most deaths;

**Witness:** Rijkebusch-Lombert; that for many months the net amount of food lay far below the authorized level, resulting in nutritional edema and avitaminoses, for which the defendant did nothing, in response to repeated requests were made to the defendant from the medical service, with a request for improvement, but without result; (submitted a bundle of requests),

**that** on June 5, 1945, the food distribution was discontinued and the food and bread present destroyed, which lasted until June 7, 1945, that no fires were permitted. Although no direct causes of death have resulted, but this measure has had a very adverse effect on the sick and infirm; that medical care deteriorated sharply, the hospital space was insufficient, the water supply was

## Her Majesty the Queen

insufficient and the sanitary facilities in the hospital were very poor; that there was a complete shortage of medicines; that the accommodation was disgracefully bad and the hygienic condition also which was very bad for diarrhea.

**that** the people had to wait for hours in the blazing sun; that on 10 or 11 May 1945 a Bandoeng transport had to wait outside for hours and was searched by Heihos while the defendant mistreated several women of this transport, that the defendant beat a lot in the camp, that as a result Mrs. de Jong suffered a concussion, as did Mrs. Hengst, while Mrs. van der Vlerk had to place herself under the care of a surgeon;

**that** 70 to 80% of the deaths have been cases of under-feeding; that the defendant was aware of the situation through the applications and reports submitted;

**Witness** Verhoogt-Staal: that in the penal house an old lady was nailed in a garage by order of the Bully Sonei — the defendant; that doctor van Hasselt was brought in that same day with bloodstains on his coat and he was beaten there;

**that** the situation in the camp was extremely bad, repeated roll calls were ordered, also for the seriously ill; that once the camp was punished by the withholding of food to all, including the sick and children for 36 hours, while the food then still available was buried in the ground;

**that** mothers were horribly mistreated for their children's mistakes; that four Heihos were shamefully mistreated in front of four girls and the corners of their mouths torn apart because they allowed a team of workers contact with the outside world; that on August 22, 1944, children of about 13 years old had to club the dogs of the camp to death;

**Witness;**Muthert-Vrijer: that witness was a block leader; that the faeces drainage was hopeless, the cesspools continuously full and had to be emptied by internees; that the Defendant did not have rubbish and filth removed; that the water supply was most deplorable against which the defendant did nothing; that it often happened that on roll-calls, to which babies were also to be brought, one had to stand for an hour as a punishment; that on September 30, 1944 a roll-call was held for all the sick, lasting until midnight, during which Dr. Scheltema, who stood up for one of her seriously ill patients, was horribly beaten by the defendant; that assistance could be given to a lady who had fainted; that women were also assigned the heaviest chores, such as lugging drums with food, just at the time when the women were utterly exhausted;

**that** on May 16, 1945, ten ladies had to make coffins and girls were assigned to repair Japanese bicycles; that no religious services were to be held, and the clergy were first punished and then transferred (to another camp?); that music

## Her Majesty the Queen

and singing were forbidden and since September 2, 1944 the ladies were not allowed to take a rest in the afternoon;

**that** the defendant stole all kinds of utensils and money, while he simultaneously withheld milk and banana distribution; that the defendant smashed everything in a house adjacent to a kampong because flowers were thrown into the camp;

**that** old Mr. Tettelaar, 69 years old, was first beaten for alleged disrespect and then imprisoned for some time: that once a whole street had to be moved within forty minutes, after which the victims were allowed to return a few days later; that as punishment he scattered members of families over the camp;

**that** on August 22, 1944 all dogs were to be killed by interned boys; that the defendant was in the habit of intruding unexpectedly in the homes of ladies; that he put old men over sixty on roll call to transport them, which was done in a crude, merciless manner,

**that** after beating women black and blue, he gruesomely cut off their hair; that the defendant himself destroyed one of the two kitchens, as well as the goods of those who had just been moved;

**that** when he had girls working for him, had beaten them terribly because they came from Bandung; that several women who, driven by hunger, had bartered over the *gedek*, were punished in a particularly vile manner, after which the block leaders were beaten, the witness herself lost consciousness;

**that** witness himself was mercilessly clipped for the pleasure of the defendant and his guests; that on that evening he let the women work throughout the night on the *gedek* at the end of which— this was June 20, 1945 — he shouted at them: translated from the Japanese by the Japanese interpreter: *Njonja sama sekali mati sendiri*; that for the most serious mental cases, the worst accommodation had been selected;

**that** from June 5 to 7 the defendant had the distribution of food completely stopped, while the same happened on June 21, 1945;

**Witness:** Cornelissec-van Eendenburg: That witness was a block leader; that the defendant abolished the free *passar*; that the conditions in the camp deteriorated between October 1944 to March 1945, until at last it was unbearable; that at the end of 1944, for fourteen days, no supplementary food was given at all, while the defendant also frequently stopped the supply of fruit to the sick;

**that** about May-June the situation was at its worst, when no food was provided for two days, the bread was withheld for improper greeting; that he assigned the most arduous work to women, even patjolling (turning over soil) for vegetable gardening; that his intention was to exhaust the women;



## Her Majesty the Queen

**that** the defendant put the camp inmates into a real psychosis of fear, which he cultivated by beating left and right, roaring and screaming; that as a consequence of bartering, he beat dozens of ladies and duty girls mercilessly y and then shore off all hair in a terrible manner;

**that** punishment roll calls were often held lasting hours, even for the seriously ill; that he allowed great apes to break loose and bite in the camp, left and right; that the defendant, though moon sick (lunatic), knew very well what he was doing;

**Witness** van der Vlerk-Fens: That defendant had mistreated her as well as Mrs. van der Hengst because he thought that our children had called him a "Jap".

complained about on 27 December 1944. had mistreated him severely because he believed their children had called him Jap; that this abuse was systematically carried out with rubber heels and sticks, three of which he had broken on their bodies, after which they were transported from the punishment house to the hospital and back again and were left without medical care for more than three weeks and that again sometime later Mrs. van der Hengst was found to be suffering from concussion.

**Witness** :Wililemse-Tromp: That she was forced by the defendant to kneel on her knees on the hot asphalt and that he left her standing at attention for no reason from half past five until eleven o'clock in the evening

**Witness**;Schmale-van Ree: That the witness, together with dozens of other ladies, on the night of June 21 to 22, 1945, was barbarically shorn of her hair by the defendant using blunt clippers while several ladies were wounded;

**Witness**: van Baarsel-de Rave: That in June 1945 the whole Tjideng camp "—, 10700 strong, —was punished by deprivation of all food for two days, and the existing food supply was destroyed;

**that** on 21 June 1945, as a result of bartering over the *gedek* by ladies who had been drive to do this because of hunger, had their hair barbarically cut, that witness has seen that two ladies with clipped hair, one with a bleeding wound had march behind the defendant's bicycle; that the clipping was done at night accompanied by severe beatings and extreme humiliation;

**Witness**:Bolleurs-Joppe: That in December 1944 there was a dysentery epidemic during which all fruit and medicines were withheld from the sick, so that seven to nine persons per day died; that in the camp some thirty bedridden old men were beaten onto the trucks for transport to Grogol, after which several died within five days;

**Witness**:Muller: that on September 30, 1944, a roll-call was held for all the sick from two thirty until late at night, on which occasion Dr. Scheltema-Joustra stood up for a patient and was seriously mistreated; that in March 1945 half of the



## Her Majesty the Queen

nurses were discharged from the hospital, while food and drink were prohibited on watch;

**Witness:** Twigt: that he once made the food in the kitchen useless for the sick with stones and destroyed some electrical appliances for no reason; that the defendant is also to blame for the three days of starvation; that the nurses on duty at night were not allowed to eat or drink anything and the defendant had once punished Sister Hagenaar for this by making her stand from five o'clock to nine o'clock in the morning;

**Witness:** van Barneveld-Geelkerken: that defendant had once, late at night forced all the sisters to stand at attention at his office between four thirty and nine a.m., because they had toasted bread and made coffee and confiscated the food and knitting as well as about fifteen books;

**Considering** that the well-proven facts constitute a violation of the laws and customs of a war, and are in contraventions inter alia, with the Land War Regulations of 1907 and with the Geneva Convention, and during wartime, given this country's war against the Allies, which ended by the capitulation of Japan, on August 15, 1945, has been committed by the defendant, being a subject of the enemy power Japan, therefore these facts constitute war crimes;

**Considering** that the ill-treatments committed by the defendant, and those which he has caused to be committed, are so numerous, and in many cases so severe, that the victims have suffered grievous bodily harm, causing the entire camp population, both in the Xth Battalion, as well in the Tjideng camp, was seized by a psychosis of fear, the war crimes constitute "systematic terror", while the other offenses, viz. hour-long roll calls, deprivation of adequate rest and recreation, and having women and girls perform excessively hard labor, constitute the war crime "ill-treatment of prisoners of war" in so far as was committed by the defendant in the Xth Battalion, and commit a war crime "bad treatment of civilian internees" in so far as committed by the defendant in the Tjideng camp";

**Considering**, furthermore, that by the means of evidence described above, everything considered in mutual connection and as a whole, has also proven the guilt of the accused for these crimes, provided for and made punishable by Article 1 sub 2, 30 and 35 of *Staatsblad* 1946 no. 44, therefore the accused thereto should be found guilty and convicted;

**Considering** the penalty which the Court may wish to consider first, as the defendant himself has fully acknowledged, the Government of Japan has laid down the treatment and feeding of prisoners of war and internees, in regulations of which regulations copies have been submitted at the hearing, of which the Court has taken cognizance of;

## Her Majesty the Queen

**Considering** that these regulations were known to the defendant, and he was therefore aware of the obligations of camp commanders towards the persons in those camps;

**Considering** that the defendant repeatedly stated at the hearing that he wanted to prove himself an excellent officer of the Imperial Japanese Army and therefore handed out disciplinary punishments par excellence in order to maintain order in the camps, but that after about eight having had to live himself as a prisoner of war for months, has come to realize that his conduct has been less correct;

**Considering**, however, that, through the examination at the hearing, the Court has obtained the conviction that the defendant, in his attempt to justify his acts of violence by invoking the need to maintain order in the camps, is, as he expresses it, by means of disciplinary punishments, he violates the truth in a gruesome way, because in the first place no intention of prisoners of war and civilian internees has been shown, entrusted to his charge to seriously oppose the camp regulations and orders applicable to them, and furthermore, because of the horrific atrocities and other misconduct of the defendant in which he often made an entire camp of thousands suffer for the wrongdoing, whether alleged or not, of a few, can never find justification in the behavior of its victims;

**Considering** that the Court, in assessing the accused, takes into account that according to the views and customs of the Japanese army, of which the accused is a member, and which understandably has such views and customs as his own, the administering of physical punishment is a normal method of correction, but also according to this standard the excesses of the accused cannot be excused, since they must by far exceed the normal exercise of that correction;

**Considering** that, as a result of the examination at the hearing, the Council has come to the conviction that the defendant has an exceptionally cruel and hard-humid nature, and in addition the cunning of often going so far in his ill-treatments as to inflict the maximum of physical suffering on the victim. concerned, without immediately losing his life as a result of the ill-treatments suffered, so that the defendant, at least to his imagination, could never be accused of having killed a prisoner of war or interned;

**Considering** that in the period of the 10th Battalion it immediately becomes apparent that, according to the witness statement Filgate, the defendant did not care that he violated regulations concerning the treatment of prisoners of war, so that his statement that he wanted to be such an excellent Japanese officer - exposed from the angle of his misbehaviours — represents both an enormous insult to the Japanese army, which the Council does not regard, of course, and a brazen attempt to cover up his monstrous person;

**Considering** that during the period of the Tjideng camp the defendant was only able to fully enjoy himself and therefore made full and passionate use of the

## Her Majesty the Queen

opportunity offered to him to torment the internees entrusted to him, over a period well over a year, which he on 20 June 1945 concludes with: *Nonja sama sekali mati sendir*, (Nonja died entirely by herself)

**Considering** that his cowardice is demonstrated, by his actions in the Xth Battalion, to beat and humiliate defenseless men with impunity and that his cowardice bordering on sadistic cruelties committed towards weakened and starving women and the elderly, by knocking them to the ground to beat and barbarously mistreat and humiliate, by shaving the hair of the head resists any qualification;

**Considering** that the fact that the defendant, knowing how inhumane the situation in the Tjideng camp was, knowing how bad the food condition of the camp was, and knowing how badly the shortage of medicines must have brought the inhabitants to the brink of despair and starvation, notwithstanding left the camp without food for several days, establishes beyond any doubt that the defendant agreed with the system of systematic starvation, not only, but also labels him as co-executor of the will present in his superiors to kill as many people as possible and to make as many as possible unfit for society, both physically and mentally

**Considering** that counsel for the defendant has further pointed out that, as an excuse for the defendant, it may be taken into account that the war situation developing in an increasingly unfavorable sense for Japan had a very unfavorable influence on the equilibrium and moods of the defendant, and the internees were as a result affected, but the Court can hardly see this as a circumstance which alleviates the guilt of the defendant; for revenge for a situation felt or regarded as injustice on persons who are completely innocent of that situation and wholly defenseless against the aggression of the accused cannot possibly be interpreted in favor of the accused; as a gross abuse of power,

**Considering** that on the basis of the foregoing, desiring to restore the order and norms of humanity that have been consciously and deliberately disturbed by the defendant for 3 years uninterrupted, and to repay the unparalleled perfidy which has plunged thousands of people into deep misery, which in no way by the state of war was justified for Japan, the Court deems it to be the death penalty to impose the sentence on the defendant.

Having regard to Staatsblad 1946 No.44, 45, 46 and 47.

### JUSTIFYING :

Rejects the raised *exceptio obscuri libelli*;

Declares those named in this regard

Her Majesty the Queen

**SONE KENITCHI**

guilty of the war crimes of:

1. Systematic terror;
2. Bad treatment of prisoners of war;
3. Bad treatment of civilian internees;

Sentences him to the death penalty;

Bij Thus rendered the 14th of August 1946 at the worshipful J.H.Peter, Colonel, President, Mr. E. Rijckmans, Captain, and Major British Army J.F.Hartman, Members in the presence of Mr.J.G.H. van der Starp, le Lieutenant, Secretary and summed up and arrested on September 2, 1946.

To my knowledge:

The Secretary  
signed. Mr.J.G.H.van der Starp

The President  
Signed J.H.Peter  
Members  
signed. J.F. Hartman  
signed. E. Rijckmans

Today , 2<sup>nd</sup> September 1946 the above sentencing has been executed by me , Ch.W.A. Abbenhuis. Chief Commanding officer, A.N.A.C.B for West and Mid Java, Soerakarta and Djojakarta,

Signed Ch.W.A. Abbenhuis

Delivered at the session of the Temporary Court Martial of the 6th September, 1946, by Mr. J.H. Peter, Colonel, President, and in the presence of Mr. E. Rijckmans, Captain and Major British Army J. F. Hartman.

Members Mr.J.G.H.. van der Star, 1st Lieutenant,

secretary mr. R. J. Beer auditor Military, as well as in attendance van der. defendant and his defender.

To my knowledge:

The Secretary  
signed. Mr.J.G.H.van der Starp

The President  
Signed J.H.Peter  
Members  
signed. J.F. Hartman  
signed. E. Rijckmans

Her Majesty the Queen