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ABSTRACT

In 1946, a British military court in Singapore tried a Korean national named Cho Un-kuk for war crimes against Allied prisoners of war on the Thailand–Burma Railway during the Second World War. The evidence against Cho was scanty, but he had been part of a group of Korean guards notorious for brutality towards prisoners. In expedited proceedings relying heavily on affidavit material, Cho was found guilty and sentenced to fifteen years in prison. The trial revealed both Cho’s unexpected transnational background as a dentist in pre-war British India and the complex position of Korean guards on the Railway. Often characterized as universally brutal as a result of their own ill-treatment by the Japanese colonial system, the guards responded in many different ways to the pressures and opportunities of service subordinate to the Japanese military. After sentencing, Cho served time in Singapore and Japan. He left prison a broken man in 1955. Like other Koreans who had been in Japanese military employment, he was spurned by other Koreans as a collaborator. Only in 2006, after his death, was he officially recognized as an unwilling conscript into Japanese service. His case illustrates the difficulty of distinguishing victims and perpetrators in the tangled circumstances of the Second World War.

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Introduction

On August 12, 1946, just under a year after the end of the Second World War, a Korean man stood as a defendant before a British military tribunal in Singapore. In court, the man went by the name of Kumoi Eiji, but he was one of many Koreans who had adopted a Japanese name during the colonial period. The defendant’s original name was Cho Un-kuk and he stood in court alongside nine other charged with:

… committing a war crime in that they at Tamuang POW camp Siam between March 1, 1944 and January 31, 1945 while employed as members of the staff of the said POW camp in
violation of the laws and usages of war was concerned in the ill-treatment of British, Australian and Dutch POWs [prisoners-of-war] interned in the said camp.²

The court considered a range of evidence presented against Cho, found him guilty, and sentenced him to fifteen years in prison. He was held initially in Singapore’s Changi Prison, but was subsequently transferred to a prison in Tokyo before being released in 1955.

The life of Cho Un-kuk illustrates the transnational entanglement of Koreans with the Japanese imperial project during the colonial era. Trained as a dental professional by Japanese colonial institutions in his home country, Cho became a member of the expatriate middle class in British India. The circumstances of the Second World War led him to work as a labor camp guard in Thailand on behalf of the Japanese military. Caught up in the brutal treatment of Allied prisoners of war, he was identified as a war criminal, tried in a post-war military tribunal in Singapore, and sentenced to a prison term which he served in both Singapore and Japan, where it appears he spent the rest of his life after his release.

Cho’s trial illustrates the problems of establishing guilt for war crimes in the aftermath of the Second World War. Without expedited proceedings such as those that led to Cho’s conviction, many fewer of the perpetrators of egregious brutalities on the Japanese side would have been brought to account. The trial process identified and punished men who had gone far beyond the demands of military necessity to inflict needless suffering on captives. Yet it also swept up men such as Cho who, although not innocent, were unremarkable in their crimes. His case confounds any easy distinction between perpetrators and victims in wartime.

According to the Japanese military records translated for the trial, Cho was born on August 16, 1913 into a farming family in prosperous Chungcheongnam province in southwest Korea. Three years earlier, Korea had been forcibly annexed by Japan to become the colonial territory of Chōsen, and thus Cho grew up as an imperial subject of Japan. Nothing is known of his early life except that as a young man he trained as a dental technician. The Japanese colonial authorities established Korea’s first dental college in 1922 and Cho presumably studied there.³ Japan needed professional Koreans to work in an increasingly complex colonial society, and Cho was evidently one of those who saw opportunity in the facilities the colonial administration offered.⁴ After completing his education, he became one of the many dentists of Japanese nationality who set up practice in British India. There was no modern dental training in the British colony and no regulation of dental practice.⁵ European-trained dentists were few and they mainly served members of the European and Indian elites. For the rest of the population, dental care was mainly in the hands of traditional practitioners. In 1905, however, the British government had issued an order under the Medical Act of 1886 allowing Japanese medical practitioners

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²Trial of Usuki Kishio and nine others, Singapore, 12, 13, 19 & 22 August 1946, National Archives (UK) [hereafter NA (UK)], WO 235/918, p. 2. This file contains the trial record, documents submitted to the court, and documents arising from the verdict and sentences. The pages are numbered 1–526. In this article, the trial record is cited as Trial of Usuki Kishio and nine others, with page number; ancillary documents are cited by title or other identifier, with Usuki trial and page number.


⁴On professional and higher education in the colonial period, see Abe 1971, 174–196.

⁵“Introduction,” 2011, 1.
to practice in British territory. Under this arrangement, Japanese dentists tended the teeth of both the emerging Indian middle class and British troops serving in the Indian Army. British military authorities occasionally expressed unease at the possibility that Japanese dentists might be collecting military intelligence on behalf of the Japanese government. A British army officer commented, “There was a Japanese dentist in every garrison town in India looking after the teeth of the British Other Ranks and their families . . . . They provided cheap and excellent treatment and no doubt learned much military information.” According to later reports, Cho claimed that his practice was located in the exclusive European residential district of Malabar Hill in Bombay (Mumbai), though this may have meant that he had an arrangement such as that of another Japanese dentist, Y. Yakoshira, who set up his chair in the lobby of a hotel. Cho also claimed that he had visited all the major British military establishments in the course of his dental practice.

Cho appears to have left India in late 1941 just before the outbreak of the Second World War in Asia. He was reported to have said later that the British authorities identified him as an intelligence risk and gave him twenty-four hours to leave the country, as a result of which he lost both his livelihood and his dental equipment. In any case, he would have been well advised to leave. The clouds of war were gathering and British authorities in India had introduced measures to freeze Japanese assets. Cho was potentially at risk of losing whatever savings he had managed to accumulate in India. In Britain, moreover, moves were under way to rescind the recognition of Japanese medical qualifications in British colonies. Whether Cho was aware of these moves or not, the atmosphere in India must have seemed increasingly unwelcoming. In late 1941, under a reciprocal agreement between British colonial authorities and the Japanese government, hundreds of Japanese citizens were repatriated in exchange for a similar number of Indians who had been resident in Japan. At any rate, Cho was back in Korea in May 1942, when the Japanese authorities placed advertisements in Korean newspapers seeking men for training as guards for Allied prisoners-of-war and internees in Southeast Asia. His trial record indicates that by this time he was married but without children.

The victory of Japanese military forces in Southeast Asia in the lightning campaigns of late 1941 and 1942 had led to the unforeseen challenge of managing the 140,000 prisoners-of-war who had fallen into Japanese hands upon the surrender of British, Dutch, United States, and Australian forces in the region. Early in 1942, the Japanese authorities decided that the prisoners would be used as laborers in various parts of the Japanese Empire. Koreans and Taiwanese were chosen as guards because the Japanese army needed to send trained and reliable Japanese troops to the front line and not waste their skills on guard duties.

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6Michael Heseltine (Registrar) to Sir Rupert B. Howorth, Privy Council Office, September 23, 1941, NA (UK), CO 859/62/11.
7Quoted in Everest-Phillips 2007, 243. See also Ten Years of Japanese Burrowing in the Netherlands East Indies [1942].
8Brand 1938, 109. This letter was dated October 9, 1919.
9Blackater 1948, 81.
10Blackater 1948, 81.
12See the extensive discussion in NA (UK), CO 859/62/11. The rescission was not formalized until February 9, 1942, well after the outbreak of the Anglo-Japanese hostilities in Asia.
14Wilson 2017, 23; Cho 2011, 16–17. I am grateful to Choi Hyaewol and Shin Hee-seok for assisting me with access to this report.
15Wilson 2017, 23.
We cannot know the considerations that led Cho to apply for work as a guard but the promised wages were presumably attractive: once posted abroad, prisoner-of-war guards, though low in status in other respects, received fifty yen a month (equivalent at the time to approximately ten U.S. dollars), about the same pay as a sergeant in the Japanese army.\(^\text{16}\) Large-scale forced recruitment of Korean laborers for projects to assist the war effort had not yet begun, but forced recruitment on a smaller scale had been under way for some time and there was public talk of conscription.\(^\text{17}\) Cho may simply have been looking for work after his return from India, he may have hoped to avoid being forced later into less congenial work, or he may have been pressured to take this job. Under interrogation after the war, Korean guards sometimes described themselves as having been “called into” the Japanese army.\(^\text{18}\) Cho asserted much later that he had been “compulsorily requisitioned.”\(^\text{19}\) In reminiscences long after the war, another Korean guard, Yi Hak-nae, reported that there was a quota of guards to be recruited from each district so “in effect we were impressed,” but he also noted that applicants had to pass an oral and written examination before admission, suggesting a degree of voluntary participation.\(^\text{20}\) In these circumstances, it is likely that Cho willingly applied, and was selected for the program partly because he could speak English.

**Dispatch to the railway**

Cho received training near Busan under Colonel Noguchi Yuzuru from June 15 to August 21, 1942 before being confirmed as a gunzoku, or civilian employee of the Imperial Japanese Army.\(^\text{21}\) The training that he and his 3000 fellow recruits received emphasized military discipline and hierarchy rather than skills specific to guarding prisoners. Japanese junior officers and non-commissioned officers (NCOs) trained in the same camp. It seems improbable that the guards were instructed in the provisions of the 1929 Geneva Convention Relative to the Treatment of Prisoners of War.\(^\text{22}\) Japan had signed this Convention, but had not ratified it. Early in the war, the Japanese government had undertaken to respect the provisions of the Convention *mutatis mutandis* (“depending on circumstances”),\(^\text{23}\) but responsibility for determining the effect of “circumstances” lay high in the military hierarchy, not at the level of the guards.

Noguchi’s Korean trainees were dispatched to Southeast Asia in August 1942. Around half went to Java, where they were given the task of guarding both prisoners-of-war and the tens of thousands of European settlers who were being interned by the occupation authorities. The remainder of the guards went in approximately equal numbers to

\(^{16}\)Utsumi 2008. I am grateful to Sandra Wilson for her translations of Utsumi’s Japanese-language work.

\(^{17}\)On Korean labor for and employment by the Japanese authorities, see Naitou 2006 and Palmer 2013.


\(^{19}\)Application for parole, Kumoi Eiji, n.d., NA (UK) FO 371/105433.

\(^{20}\)Yi 1993, 121.


\(^{22}\)See also Yi 1993, 121.

Thailand and what had been British Malaya. Cho was among those sent to Thailand, where their task was to supervise prisoners-of-war who were being forced to work on constructing a railway line between the Thai town of Nong Pladuk and the Burmese town of Thanbyuzayat. The construction project was driven by Japanese strategic considerations. Allied mastery of the seas meant that Japanese forces needed an overland route to carry supplies and equipment to troops in Burma, who were then engaged in a war of attrition against British forces on the border with India. Before the war, the British had considered a similar construction project as a means of linking their colonial possessions in Burma and Malaya, but they had abandoned the project as technically too difficult because of the steep terrain and thick jungle. To carry out the project, Japanese authorities dispatched tens of thousands of Asian laborers and Allied prisoners-of-war and internees, accommodating them in makeshift camps along the planned route of the railway and sending them out every day to clear the jungle, build bridges, excavate cuttings, and lay tracks.

Cho arrived in Thailand in October 1942 and was posted to Wangyai camp, 125 kilometers from the Thai railhead at Nong Pladuk. Wangyai was close to Tarsao (Tha So), one of the operation centers for the construction program. Most guards moved location several times as the focus of the construction shifted; Cho’s eighteen months in Wangyai, if the record is correct, was unusual.

Conditions were extraordinarily difficult. The rations supplied to the workers were meager, tools and clothing were in short supply, and accommodation was often ramshackle. Illness from endemic malaria and dengue fever was compounded by periodic outbreaks of cholera and diphtheria, as well as the prevalence of dysentery, tropical ulcers, and beriberi. In order to maintain an ambitious construction schedule, Japanese authorities kept the laborers at work for long hours, sometimes insisting that the ill and infirm report for duty rather than convalesce.

For the most part, the Allied prisoners were organized in “forces” (teams) of several hundred under the command of Allied officers. In theory, these officers had primary responsibility for discipline within their forces and they negotiated with the Japanese commanders and engineers to deliver working parties of fifty to a hundred men who were sent out each day for specific tasks. In practice, as disease and weakness took their toll among the prisoners, there was sometimes little scope for negotiation. Junior Japanese officers and NCOs intervened to identify the men they wanted in work parties. As construction proceeded, the teams were moved up and down the long construction site. As a result, most prisoners had experience in several camps.

The task of maintaining discipline in the workforce—ensuring that the prisoners did not slacken in their work, escape, or commit acts of insubordination—was in the hands of platoons that typically consisted of a Japanese junior officer and a Japanese NCO in

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26 The brief statement of Cho’s service record in a post-war list of detainees at Bangkwang Jail indicates that he was also at Arrow Hill (km 110) and Banpong (km 3) in mid-1943. See “War Service Histories of War Criminal suspects held at Bangkwang Gaol, Bangkok,” n.d. [July 1946] NA (UK), WO 208/3829, 39.
27 A vast literature describes the experiences of prisoners on the railway. Cost 1946 and Rivett 1946 were early and influential examples of a genre of writing which emphasized the cruelty of the treatment meted out to prisoners and the hardship caused by the difficult environment. Other early memoirs sometimes gave a more balanced picture. For a recent fictionalized account, see Flanagan 2013.
command of a dozen or so Korean guards. At one point, on the railway as a whole, the Japanese supervision force consisted of forty officers and eighty-five NCOs commanding 1280 Korean guards, suggesting that guards initially posted to Java and Malaya had moved with their prisoners to the railway construction zone.28 Guards sometimes remained with the same group of prisoners for most of the war.29

The balance of power differed among the platoons. In some, the junior officer was unambiguously in charge; in others, the NCO was the real power; in yet others, one or more of the Korean guards was effectively in control. In some platoons, Korean guards were sympathetic to the plight of the laborers. Seeing the Japanese commanders as unreasonable and out of touch, they would stretch the rules in favor of the prisoners. Captain John Richardson noted that one of the camps at Tongchan “was under control of Korean guards who were helpful but controlled by Lt. Haturo.”30 Other guards more or less mechanically carried out orders from above and reacted harshly to the least sign of resistance. Some stole the meager supplies delivered for the prisoners by the Japanese authorities and sold these on the black market.31 Still others took out their resentments on the prisoners, persecuting the weakened men even when there was no obvious use in doing so.

A major reorganization took place after construction of the railway was completed in October 1943. Many of the Allied prisoners were transferred to Japan to be assigned to laboring tasks there and it seems likely that some of the Korean guards were dispersed to other parts of Southeast Asia.32 The remaining prisoners and guards were then concentrated in a camp at Tamuang (Tha Muang), located thirty-nine kilometers from the Thai railhead and close to the town of Kanchanaburi (Figure 1). From there they were dispatched on working parties to maintain the railway line, repair damage caused by Allied bombing, and construct defensive works in anticipation of an Allied attack.

In April 1944, Cho arrived in Tamuang, where he joined a platoon under the command of Second Lieutenant Usuki Kishio, who was twenty-seven years old. Usuki had worked briefly in private enterprise before joining the Japanese army. He had been trained in the camp guard program in Korea at the same time as Cho. Usuki’s NCO, Sergeant-Major Hiramatsu Aitaro, thirty-eight years old, had been a timber merchant before joining the Japanese army in 1937 to fight in the Sino-Japanese War. He had subsequently served in the Japanese garrison in Korea and had also been trained under Noguchi. After the Railway was completed, he escorted prisoners-of-war being transferred to Japan to continue hard labor there, before returning to Tamuang.33 On June 25, 1945, Cho was transferred with a group of the remaining prisoners and other Korean guards to the Thai town of Pratchai in the Saraburi region, north of Bangkok. There the prisoners were set to work building defensive tunnels in preparation for an Allied attack.34 Cho was in Saraburi when the Japanese government surrendered on August 15, 1945.

29See A.F. Gates to Judge Advocate General, 21 March 1946, NA (UK), WO 311/547.
30John Richardson, Q-form, n.d. (Usuki trial, 128).
31J. Davie to Judge Advocate General, 18 March 1946, NA (UK), WO 311/547.
32See Yu Jose 2012.
33Particulars of Accused, Usuki Kishio, Hiramatsu Aitaro (Usuki trial, pp. 506–509).
Investigating war crimes

Reports of widespread Japanese ill-treatment of prisoners-of-war and internees had reached the Allies early in the war, and they were determined to prosecute perpetrators as soon as possible after the war. Before they could prosecute alleged war criminals, however, Allied authorities faced the substantial task of identifying suspects among the vast numbers of surrendered Japanese troops who had come under their control. At the end of November 1945, British forces in Thailand reported holding 113,094 Japanese troops, of whom 1515 were pre-emptively identified as “war criminals and personnel in custody.” These Japanese personnel were carefully distinguished from 1258 Koreans and twenty-four Taiwanese who were also being held. As a matter of policy, all former camp staff were arrested and earmarked for further investigations.

The decision of the Allied occupation forces in Japan not to prosecute the Japanese Emperor for war crimes, along with the Allies’ failure to convict a number of senior officers with powerful connections such as General Okamura Yasuji, led to a perception that

Figure 1. Tamuang camp from the air, October 1945. Credit: Australian War Memorial photo collection no P01932.003.
men in the lower ranks were prosecuted more vigorously than their commanders. Gavan McCormack has asserted that “blame concentrated especially on the Koreans,” making them a “convenient scapegoat.” Anti-Korean sentiment was indeed strong among former prisoners. Statements by released prisoners shortly after the war often identified Korean guards as especially deserving of prosecution. During the war, they were on the spot, in direct contact with prisoners for hours every day. They occupied the lowest rungs of the Japanese military hierarchy and were themselves subject to harsh discipline if they failed to maintain order in the camps or to keep construction work on schedule. In many accounts from former Allied internees, Koreans were described as more brutal than Japanese soldiers.

Although the official policy was that an accused prisoner could not offer as a defense that he was following orders, in practice investigators were reluctant to mount cases against who had merely done what they had been told to do by their superiors. In the immediate aftermath of the war, the brutal behavior of Koreans in the camps was sometimes attributed to their own experience of brutal treatment as colonial subjects of Japan. Investigators seem to have taken account of reports that cast Korean guards in a favorable light. One former Allied prisoner, for instance, noted that “one of the Korean guards … befriended the entire camp by his untiring efforts to improve conditions … . He strongly opposed the bashings meted out to the defenseless men and was never known to ill-treat a prisoner.” Cho’s misfortune, however, appears to have been that in Tamuang he had been a member of a platoon which included a handful of Korean guards notorious for their brutality. Accordingly, after a summary process in Saraburi to establish his identity, Cho was amongst seventy to eighty Koreans and hundreds of Japanese military employees who were transferred under British guard to Bangkwang Prison in Bangkok in October 1945 (Figure 2).

Detaining suspects by category, like prison guards, was one thing; developing a case that might be upheld in a military tribunal was another. With Cho and his companions in detention, investigators began to comb through hundreds of “Q-forms,” on which released prisoners had stated their knowledge of war crimes, whether as victims or witnesses, through hearsay, or by circumstantial evidence. Many of these reports were very general, referring only to unspecified “acts of brutality.” Others were specific but were missing key details such as the names of the alleged perpetrators or the victims. For every location, however, the investigators gradually put together a dossier of statements constituting prima facie cases against suspects. The investigators also approached many former prisoners with requests for clarification. If they obliged and provided useful information, they were then asked to provide a sworn affidavit on the facts of the case as they knew them. In most cases, these affidavits were obtained from men who had already returned to Britain or Australia. The deponents would appear at an agreed time at a police station or elsewhere, formally identify the suspects on the basis of anonymized photos, and provide a statement which was typed in multiple copies and dispatched by air to the investigation team in Southeast Asia. Not all potential witnesses recognized

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39McCormack 1993, 112.
43Bancroft and Roberts [1945], 94.
suspects from photographs, and some affidavits thus remained vague. Unfortunately, the investigation photograph of Cho does not appear to have been preserved, and in the sole known photograph from the camps, he has his back to the lens. The only account we have of his appearance is in a brief statement from a prisoner who describes him as short, thick-set, and wearing spectacles (Figure 3).

The investigation file relating to Tamuang camp is around two hundred pages in length. It opens with a list of ninety-seven suspects, some of them identified only by nickname (e.g. “The Duckling,” “Happy Days”), others by surname, with or without a nickname (e.g. Hayashi “The Maggot”). Rank or status is sometimes recorded. Of the ninety-seven suspects, twenty-five were Koreans. “Kumoi” (Cho’s Japanese name) is not listed, but next to the nickname “Bombay Duck” are written two surnames, “Komai” and “Konoye.” He is not identified as Korean. The file also included approximately four hundred statements collected from former prisoners. These were followed by letters from former prisoners in response to requests for further information. Some are detailed and precise; others offer apologies for being unable to be specific.

Cho appears in this file only sporadically and briefly. A letter from Bombardier E. Motley refers to a Korean guard named Yamamoto (nicknamed “Bombay Duck”):

This man professed to being a dentist in Bombay before the war, hence the name. Very similar to Donald Duck in appearance, spoke English fairly well, liked an opportunity to beat prisoners.

Figure 2. Former Korean guards on parade at Saraburi, September 1945. Credit: Australian War Memorial photo collection no P00634.003.

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45 George James Kemp, affidavit, February 11, 1946 (Usuki trial, 464).
46 Tamuang, Siam (Railway camp), NA (UK), WO 311/547.
47 E. Motley to Judge Advocate General, March 22, 1946, NA (UK), WO 311/547.
Another former prisoner, Stanley Taylor, distinctly remembered incidents “coupled with” the name Kumoi.\(^48\) In the end, the investigators assembled twenty affidavits relevant to the charges at Tamuang, but only two of them referred unambiguously to Cho. Reginald Bulled recorded:

> I also saw three Koreans who were nicknamed Donald Duck, The Bombay Duck, and The Silver Bullet. These three men were extremely brutal and delighted in attacking the prisoners with fists, hands, feet or any available implement. I saw these men commit many savage assaults on the prisoners but it is difficult to isolate any particular incident.\(^49\)

Arthur Stimson for his part noted:

> Other guards who were persistently cruel by kicking and beating prisoners were a Japanese Lieutenant nicknamed “Kanyu Kid” and Korean guards named Uki [Yuki] and Montaharma [Motoyama], and three nicknamed “Silver Bullet,” “Duck,” and “Bombay Duck.” I have been shown twenty-five photographs No. 20-137 and do not identify any of them as the persons mentioned in this statement.\(^50\)

\(^{48}\) S. Taylor to Judge Advocate General, March 15, 1946, NA (UK), WO 311/547.
\(^{49}\) Reginald Charles Bulled, affidavit, May 4, 1946, NA (UK), WO 311/547.
\(^{50}\) Arthur Stimson, affidavit, April 24, 1946, NA (UK), WO 311/547.
Taylor, whose Q-form had “coupled” Kumoi’s name with unspecified incidents, did not mention him in his affidavit. Motley maintained his identification of “Bombay Duck” as “Yamamoto.”

Despite this meager evidence, the investigators included Cho amongst twenty-six camp staff from Tamuang charged with war crimes. The charges included “murder, brutality and neglect, forcing prisoners-of-war to do dangerous work, forcing the sick to work, and withholding supplies.” There are no documents to explain why other Korean guards whose names appear sporadically in the investigation file were not also charged. “Pinocchio” and “Rocking Horse,” for instance, had allegedly beaten men for trivial reasons but they were not brought before the court. It appears that many Korean guards who had been transferred elsewhere after the completion of the main rail construction project in Thailand could not be traced. Perhaps some had absconded or simply could not be identified reliably, including “Pinocchio,” despite his reportedly distinctive nose. Others likely had died; for example a Korean guard called Yuki escaped trial because he had been beaten to death by a Japanese sergeant at Tamuang.

In the end, only sixteen Koreans were tried in British courts for crimes committed during the construction of the Thailand–Burma Railway. Another twenty-eight Koreans appeared as defendants in British trials relating to crimes in other locations, either as individuals or alongside Japanese. Cho’s trial was the only occasion when an entire platoon of Korean guards was prosecuted in a British court for war crimes on the Railway. Despite their general reputation for brutality, Koreans were not especially targeted in the war crimes trial process.

The trial

Cho/Kumoi was tried with nine other defendants: Lieutenant Usuki, Sergeant-Major Hiramatsu, and seven other Korean guards. Thanks to the trial records, we know a few biographical details of the Korean guards who joined him in the dock in Singapore. Kim Yong (identified in court as “Motoyama Kinzo”), Cho Su Han (“Tomotama Jugen”), Pak Kum Hong (“Morimoto Kinei”), and Cha Jun Suk (“Minaka Shunsaku”) had been farmers. Hong Jong Mok (“Tokuyama Mitsuo”) had been a barber; Kang Te Yong (“Iwaya Taikyo”) had been an ironsmith. Most of the men were married with one or two children. Choi Myang San (“Matsumoto Meizan”) was single and had been briefly employed in business before becoming a guard. Thirty years old when he arrived in Thailand, Cho/Kumoi was the oldest of the Koreans; at twenty, Choi/Matsumoto was the youngest. By a considerable margin, Cho/Kumoi held the highest professional qualifications. The defendants had worked in eleven prison camps in Thailand — Kanyu (Kanu, Konyu), Kinsayok, Krian, Pratchai, Pungyisho, Rinteng (Rintin), Tamarkan, Tampi, Tarsao, Tongchan, and Wangyai.

Allied prisoners in the camps had referred to their Japanese and Korean guards mainly by nicknames. The two Japanese soldiers on trial had been known as “the Kanu Kid” and “the Tiger,” respectively. For the Koreans, there was a rich assortment of names. Kim/Motoyama was “the Black Prince,” apparently because he was darker than most Koreans. Choi/Matsumoto was “Silver Bullet”; one report said it was because he struck hard, another that he had been a well-known runner in Korea before the war, yet another that he kept a silver bullet on a chain around his neck, still another that he was treated for syphilis using silver-colored tubes of medicine. Hong/Tokuyama was “Donald Duck” because his voice reportedly resembled that of the cartoon character. Kang/Iwaya was “the Mad Mongrel.” Pak/Morimoto had two nicknames: “the Mad Bugler” and “Make Me Beautiful,” the latter because he used a prisoner as his servant to clean and polish his equipment. Cha/Minaka was “the Singing Master” because he insisted that the prisoners sing Japanese patriotic songs. Cho/Kumoi was “Bombay Duck,” as he reportedly resembled Hong/Tokuyama, known as “Donald Duck” (both wore spectacles). Only Cho/Tomotama had no reported nickname.58

The holding of joint trials was standard practice in the war crimes prosecution process: 73 of the 130 British trials conducted in Singapore after the war involved two or more defendants.59 Prosecutors took this path partly because evidence against defendants often overlapped, partly as a way of expediting procedures. The crimes to be prosecuted were numerous, staff engaged in the investigations and prosecutions were few, and there was a strong feeling that the trial process should not be allowed to drag on indefinitely.

Presiding at the trial was Lieutenant-Colonel E.N. Blacklock, who had been a solicitor in Scotland in civilian life. He had been principal judge in several trials already. Blacklock was assisted by an experienced military lawyer named Major S.F. Hodgens of the Royal Australian Artillery and Flight-Lieutenant D.W.M. Partington of the Royal Air Force. An Australian judge was included because the alleged victims included Australian prisoners-of-war, though no evidence from Australians was presented at the trial. The prosecutors were also Australian—Major A.A. Hibbert (Royal Australian Armored Corps) and Captain Grant McIntyre (Australian Imperial Forces). The defense was led by Kawazoe Toshioki, a district judge in Kusaba (Oita prefecture) in Japan whose expertise appears to have been in commercial law.60 He was one of a small group of Japanese lawyers sent by the Japanese government to Southeast Asian locations where trials were taking place to ensure that the defendants were best able to present their cases. Kawazoe’s record as a defense lawyer was not strong; prior to his appearance on behalf of Cho and the others, he had defended two Japanese accused in Singapore, one of whom had been sentenced to death, the other to life imprisonment. Kawazoe was assisted by a British officer, Major F.G. Fortescue, whose task was to advise the defense on points of British law and legal procedure.61

The common thread in the cases against the ten men was their presence in Tamuang camp between March 1944 and June 1945 and their alleged involvement in ill-treating

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58Trial of Usuki Kishio and nine others, 25.
60Kawazoe was the author of Beikoku ni okeru han-torasuto ho no kenkyu: Study of anti-trust law in America (Tokyo: Saiko saiban-sho, Shōwa 24 [1949]). Record from Worldcat.
61Trial of Usuki Kishio and nine others, 24.
prisoners-of-war there. The investigators justified emphasis on this common thread in terms of the camp’s reputation:

This camp has one of the worst records of any P.W. Camp on the Railway. The Camp Commandants appear to have been utterly callous and indifferent to the sufferings of the P.W., beatings, severe assaults resulting in serious bodily harm, and excessive punishments being the order of the day.62

Documents in the investigation file, however, suggest that Tamuang’s reputation was less clear-cut. Harry Tootell commented, “The camp was well laid out, living conditions were good, food was reasonable and medical supplies up to standard, except that quinine sometimes ran low.”63 Bombardier Motley, cited above, was concerned that Tamuang’s good reputation might work in favor of the defendants: “Really Tamuang was one of the better camps,” he said. “I hope those arrested will not be judged by their Tamuang records.”64 Alfred Knights, who commanded the prisoners at Tamuang, expressed a relatively positive view of conditions there, at least in retrospect:

Tamuang was a good camp compared with Tasao [Tarsao]. We had become quite skilled by now in the erection of native type huts; there was evidence of this in the more robust construction and better construction [sic] of our new homes. Hospital requirements were better catered for, twenty large huts being allocated for this purpose, and there were indications of an improvement in the rations for sick personnel. In fact shortly after my arrival the Japanese made an allowance of 1000 eggs per day extra for what they termed “Heavy sick” men. The camp itself was delightfully situated amongst shady trees, banana and other tropical fruit groves, the proceeds of which were gathered as soon as the ripening stage arrived. There were also fields of tobacco plants.65

In addition to the Tamuang charge which all defendants faced, the court also heard another seven charges relating to other camps, each involving a smaller number of defendants. Thus, Hiramatsu alone was charged with crimes at Tongchan and only Kim/Motoyama was charged with crimes at Pungyisho. Usuki, Hiramatsu, and Hong/Tokuyama were not charged with crimes at Kinsayok and Kriankrai. The charge against Cho/Kumoi referred to alleged crimes at Kanyu, Kinsayok, and Kriankrai, even though his service record, attached to the trial documents, suggested he had not been in any of those places. The four-day trial thus involved a patchwork of different cases and different pieces of evidence relating to different combinations of defendants.66

The proceedings in Singapore War Crime Court number 6 opened on Monday, August 12, 1946. After the defendants had pleaded not guilty, most of the first day was taken up with the examination and cross-examination of the first witness, Private James Truscott. At the end of the day, the prosecutor also tendered nine affidavits in further support of the case. On the following morning, the prosecution submitted an additional thirty-six affidavits, twenty-eight unsworn statements, and twenty-four copies of Q forms, as well as certified photographs of the accused. The court then proceeded to hear the examination and cross-examination of a second prosecution witness, a former civilian prisoner named John

62 “Tamuang camp. Also known as or including camps known as Talat-tah-Muang and Wangkanai,” NA (UK), WO 311/547.
63 Harry Tootell, affidavit, April 27, 1946 (Usuki trial, 94).
64 E. Motley to Judge Advocate General, March 22, 1946, NA (UK), WO 311/547. See also Francis Edward Hugonin, affidavit, November 26, 1945, NA (UK), WO 311/547.
65 Knights 2013, 144.
66 Trial of Usuki Kishio and nine others, 3, 22–23.
Kendall Gale. The day ended with the prosecution’s submission of another twenty-six affidavits, two unsworn statements, and twenty-one Q forms. The court then adjourned to allow the judge to preside at another trial; proceedings resumed on August 19. A third witness, Claude Andrew Ferreau, briefly testified, after which the prosecution submitted yet more documents: four affidavits, two unsworn statements, two Q forms, and the interrogation records of four of the defendants.

The direct evidence against Cho/Kumoi related to an incident at Tarsao camp in which a British prisoner named Hilton was brought back to camp from his work site after allegedly hitting a guard. Once inside the camp, according to Truscott, he had been beaten up by several guards. Subsequently, Truscott reported, “Bombay Duck” and another guard had approached Hilton from behind and one of them had struck him on the back of the head with a rock, after which they both ran away. Truscott could not say which of the guards had struck Hilton. He also claimed without offering further details that “Donald Duck” and “Bombay Duck” had beaten him up on another day.67 Concerning Cho’s actions at Tamuang, Truscott was vague:

Q. Now we come to Kumoi the “Bombay Duck.” Did you ever have any personal experience with him at Tamuang?

A. No, I did not have anything to do with him at Tamuang.

Q. What did you hear about him at Tamuang?

A. He was not very much in Tamuang. He used to go up and down the river. He was never stationed at Tamuang.

Q. Do you know anything against this man?

A. Not in Tamuang.68

R.C. Bulled’s affidavit identifying “Bombay Duck” among three “extremely brutal” guards appeared among the documents, as did Stimson’s.69 George Kemp supplied an affidavit describing Bombay Duck as one of several Korean guards who “frequently struck prisoners-of-war with their fists, with bamboos, pick handles, and anything else that was handy.”70 The only other evidence against Cho came in brief transcripts from unsworn Q-forms. A Dutch artillery man, J.C.B.M. van der Linde, reported that his eardrum had burst after he was struck by “a little bespectacled Korean: rank – three stars, notorious for his beating with fists. Nickname: ’Bombay Duck.’” According to Private W.J.D. Boyd, “Bombay Duck’s boast was that he beat a prisoner every day and he did.” Corporal J.W.C. Donald John and Lance-Bombardier C. Tipping included “Kumoi (Bombay Duck)” in short lists of Korean guards responsible for “striking and kicking daily to Officers and Other Ranks” and “beating, torture, unjustified violence, at any opportunity, many times causing death.”71

67Trial of Usuki Kishio and nine others, 26–27, 29.
68Trial of Usuki Kishio and nine others, 33–34.
69R.C. Bulled, affidavit, May 4, 1946 (Usuki trial, 89); A. Stimson, affidavit, April 24, 1946 (Usuki trial, 96).
70George Kemp, affidavit, February 11, 1946 (Usuki trial, 465).
71J.C.B.M. van der Linde, Q-form, n.d. (Usuki trial, 139); C. Tipping, Q-form, n.d. (Usuki trial, 137); W.J.D. Boyd, Q-form, n.d. (Usuki trial, 150); J.W.C. Donald John, Q-form, n.d. (Usuki trial, 319).
Whereas the testimonial evidence against Cho was general and meager, that against several of his co-defendants was abundant, specific, and damning. The accusations encompassed several charges commonly leveled against commanders and guards who had worked in camps along the railway. The conditions in some camps were appalling, and this state of affairs was held to be the responsibility of the Japanese officers in charge of those camps. Gale described conditions in Kanyu camp as follows:

The huts at Kanu were falling down to pieces. Rain was coming through continuously. I was absolutely shocked at the conditions. They [the prisoners] were almost the whole suffering from Beri Beri in advanced stage. Most of them had dysentery or diarrhea. They could hardly walk about. Food was bad. Practically no clothing. Some of my friends I failed to recognize. Food for the camp at the top of the cliff had to be carried up from the river and they were maki[n]g the sick men to carry loads of vegetables and rice up the cliff.72

Testimony against Usuki also included claims that he beat prisoners when drunk.73 Gale also testified that Hiramatsu had forced sick men to work long hours quarrying rock with picks and shovels.74 This complaint against Hiramatsu was echoed in several affidavits and statements, such as this by R.W. Long:

The “Tiger” while not treating the working men too badly, (except for occasional fits of temper when he would beat them up badly), was very cruel to the sick, driving them to work and trying to get those in hospital out by threats and beatings. He was responsible, although not personally killing any P.O.W., for most of the deaths in the camp. Men just gave up an[d] died, through malnutrition and over-work.75

The evidence did not suggest that any of the Korean guards was responsible for the poor camp conditions or for sending sick men out to work. Rather, former prisoners claimed that they had harshly and capriciously beaten or otherwise punished the prisoners. By far the largest number, and the most specific, of these claims referred to Kim/Motoyama (the “Black Prince”) Choi/Matsumoto (the “Silver Bullet”), and Kang/Iwaya (the “Mad Mongrel”). POWs claimed that these three guards had repeatedly beaten men so badly that they were hospitalized for days or weeks. The beatings were sometimes done with fists or boots, sometimes with lengths of wood, bamboo, or other objects. Many of the beatings continued for more than a quarter of an hour at a time, leaving the victim at least bloodied, often unconscious, with broken bones or ruptured organs. Some of the beatings were said to be without any obvious reason, whereas others were in response to relatively trivial infringements of camp and work discipline such as failure to salute or for not moving fast enough. The statements reported many separate incidents, some that the testifiers had experienced themselves, others that they had witnessed. For the most part, the incidents involved just one guard, who victimized just one prisoner, though there were a few reported incidents in which a group of guards had bashed a prisoner who had committed some serious infringement, such as striking a guard. The accounts made clear that the three Koreans stood out among the guards for their cruelty. By contrast, Hong/Tokuyama (“Donald Duck”) and Pak/Morimoto (the “Mad Bugler”) were less often mentioned, though they too

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72 Trial of Usuki Kishio and nine others, 44. See also John Ross, affidavit, May 10, 1946 (Usuki trial, 265).
73 Leonard Appleby, affidavit, May 6, 1946 (Usuki trial, 294); James Davie, affidavit, March 31, 1946 (Usuki trial, 299).
74 Trial of Usuki Kishio and nine others, 43.
75 R.W. Long, affidavit, n.d. (Usuki trial, 146); punctuation follows the original text.
were reported to have initiated violent assaults. Cha/Minaka (the “Singing Master”) and Cho/Tomotoma, like Cho/Kumoi, were only occasionally reported to have taken the initiative in specific incidents, though they were sometimes characterized as generally brutal. Cho/Tomotoma was said to have attempted to ingratiate himself with Allied officers by presenting himself as anti-Japanese. Yet he also was accused of stealing medicine intended for the prisoners. He was also said to have forced prisoners to remain aboard a train during an Allied air raid in December 1944, as a result of which several prisoners were killed.  

The defense counsel began its response to these accusations on the afternoon of Monday, August 19, the third day of the trial. Kawazoe’s strategy appears to have been threefold. First, he called two senior Japanese officers from the railway project to testify that Usuki and Hiramatsu had been junior in military rank and therefore bore no responsibilities for the conditions in which the prisoners had been placed. Second, he argued that the scale of the prisoners’ suffering had been exaggerated and that physical conditions in Tamuang had been reasonable, given the circumstances. And third, he argued that the evidence presented was seriously unreliable. He noted that in many cases the documents did not make clear whether the testimony was directly from a witness or consisted of hearsay.

Reliance on affidavits and unsworn statements was one of the more contentious aspects of the war crimes trials conducted by the Allies in Asia. Legal systems based on British law rely on cross-examination as the procedure most likely to establish the reliability of a witness’s testimony. For the war crimes trials, however, military tribunals were given unusually wide latitude to accept evidence on the basis of its “probative value.” Although the use of affidavits was considered warranted because of the cost and inconvenience involved in bringing witnesses to the court, reliance on affidavits was widely considered to bring the fairness of the process into doubt.

All the defendants declined to take the witness stand, probably because testifying under oath in the Japanese legal system was commonly considered a confession of guilt. There is some hint in the interrogation reports of Hiramatsu, Motoyama, Iwaya, and Matsumoto that if they had taken the stand they would have asserted that their treatment of the prisoners had been mild. Kim/Motoyama told his interrogator, “I was not in the habit of torturing POWs. I cannot remember any such a case. I do not think I maltreated POWs in any other way,” while Kang/Iwaya claimed, “I never maltreated POWs. I only remember one case in February 43 at Kanyu when I slapped a POW because he did not put out the lights.”

“I have never beaten any sick man,” stated Choi/Matsumoto, “for that purpose I always selected the strong ones.”

On Thursday, August 22, the fourth day of the trial, the court heard the concluding statements of the prosecution and defense. After adjourning briefly, the judges found all of the defendants guilty of at least one charge each. Cho/Kumoi was acquitted of the

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76Henry John Marsh, affidavit, January 23, 1946 (Usuki trial, 122); H.J. March, Q-form, n.d. (Usuki trial, 152); Thomas Litherland, affidavit, February 19, 1946 (Usuki trial, 417).
77Kawazoe Toshioki, “Closing address in defence of the accused” (Usuki trial, pp. 482–488).
78Cross-examination “is beyond any doubt the greatest legal engine ever invented for the discovery of truth” according to the authoritative Wigmore 1940, vol. 5, 29.
79Motoyama Kinzo, sworn statement, March 15, 1946 (Usuki trial, 477); Iwaya Taikyo, sworn statement, March 18, 1946 (Usuki trial, 478).
80Matsumoto Meizan, sworn statement, March 15, 1946 (Usuki trial, 480).
charges relating to Krian and Kinsayok, where he had evidently never been posted, but he was found guilty of ill-treatment of prisoners at Kanyu. Usuki, Hiramatsu, Choi/Motoyama, Kang/Iwaya, and Cho/Tomotoma were each acquitted on one charge but convicted on others.

Post-war British military tribunals did not record the reasoning behind their decisions. From broader policy discussions, however, and from arguments presented in other trials, it can be concluded that Usuki was held responsible for the appalling conditions in Kanyu camp, which he failed to ameliorate although it was deemed within his power to have done so. Hiramatsu appears to have been found guilty primarily because he sent sick men out to work, thereby exacerbating their illnesses and probably causing many deaths. In other trials, this accusation was the basis of several convictions. The charges against the Korean guards, including Cho/Kumoi, related overwhelmingly to repeated incidents of the unwarranted beating of prisoners and there can be little doubt that the 143 documents tendered against them persuaded the court of their collective guilt.

In terms of procedural justice, the trial of Cho/Kumoi and his fellow defendants was a travesty. The accelerated proceedings, absence of close attention to the separate incidents making up each charge, disregard for uncertainties of identification and for inconsistencies in the testimony, and reliance on affidavits and unsworn testimony all meant that the trial fell far short of normal standards, even for a military tribunal with expedited procedures. That said, there is no indication of collusion among witnesses and no indication of stories being carefully honed by witnesses with an eye to achieving a conviction, as happened in some trials. Rather, the rough-hewn uncertainty of the majority of testimonies gives them some plausibility as the direct voice of experience.

In terms of substantive justice—the correct identification and punishment of culprits—the outcome is less clear-cut. Usuki and Hiramatsu were convicted for what might in other circumstances have been described as criminal omission. In carrying out their duties, they had been willfully and thus culpably blind to the suffering they were causing and failed to act to alleviate those sufferings. The Korean guards, by contrast, were found guilty because the violence they inflicted on prisoners was judged unwarranted and excessive. In his 1973 report on the so-called Stanford Prison experiment, psychologist Philip Zimbardo attributed brutal behavior by guards to environmental factors, rather than to individual personality. Historians Utsumi Aiko and Gavan McCormack have presented this argument in relation to Korean guards on the Thailand–Burma Railway, noting especially Koreans’ status as oppressed subjects within the Japanese Empire, the extraordinarily difficult physical conditions on the Railway, and the presumed rigid insistence on unquestioning obedience within the Japanese military. These arguments, however, fail to account for the wide variety of behavior which the Korean guards exhibited. Kim/Motoyama, Choi/Matsumoto, and Kang/Iwaya behaved much worse than the majority of Korean guards who served during the war. Whereas some guards behaved generously towards their captives and some merely followed orders in driving weakened prisoners hard in difficult circumstances, a handful of Korean guards reveled in their power to

82On the distinction between procedural and substantive justice, see Sadurski 1985, 49–56.
83Hughes 1958.
84Haney, Banks, and Zimbardo 1973.
85Utsumi 2008; McCormack 1993, 86–87, 92, 112.
inflict suffering. They went beyond what was asked of them by their Japanese superiors, beyond any need arising from workplace discipline, and indeed beyond human decency. They terrorized, tormented, maimed and killed weakened, defenseless men.86

To which category did Cho/Kumoi belong? He appears often enough in the testimonies in lists of brutal guards to warrant concluding that he was not blameless. Yet only two of the testimonies link him to specific incidents. In one of these cases, his role is ambiguous; in the other, there is no explanation of circumstances. Unlike Kim/Motoyama and Choi/Matsumoto, Cho does not appear regularly in subsequent prisoner memoirs of the railway.

A British medical officer, C.F. Blackater, however, recalled him as brutal:

Came the “Bombay Duck.” I am not naturally vindictive, but I hope this man has not lived to return to his home… We were at his mercy. At Tarsoa [i.e. Tarsao] he had constantly slapped and humiliated our people, snooping round camp-fires and huts in the dark, strutting and bullying by day, and telling us: “British no good.” The arrival of this man in our midst was a major disaster.87

After delivering a guilty verdict and before pronouncing sentence, the presiding judges invited the defendants to speak on their own behalf. Maintaining their earlier silence in court, they declined to do so. The defense lawyer Kawazoe simply said, “I sincerely wish that this Court will accord a courteous and generous judgement on the accused.” It was not to be. Usuki, Hiramatsu, Kim/Motoyama, Hong/Tokuyama, and Kang/Iwaya were sentenced to death by hanging. Choi/Matsumoto, Pak/Morimoto, and Cha/Minaka received life sentences. Cho/Kumoi was sentenced to fifteen years in prison and Cho/Tomotoma to ten years.88

British military tribunals did not permit any appeal to a higher court, but all decisions were reviewed by a legal officer of the Judge Advocate General. The task of this officer was to verify that the proceedings had followed due process and to recommend either confirmation or reduction of the sentences, in the light of general equity across the trial process and in view of any petitions received from the convicted men. In practice only those condemned to death submitted petitions. Hong/Tokuyama had been convicted for crimes at Rintin camp, but claimed he had never been there. He also noted the life sentence given to Choi/Matsumoto, who had been accused in many more affidavits. In comparison, “everyone could not help thinking it [Hong’s death sentence] much too heavy.” Kang/Iwaya claimed that only one of the affidavits suggested that he had ever caused the death of a prisoner. Kim/Motoyama simply suggested that his crimes had been no worse than those of Choi/Matsumoto, who had received a life sentence. Hiramatsu pointed to relatively favorable mention he had received in some of the affidavits. Usuki repeated his claim that he had not been responsible for the conditions which led to so many deaths.89 In review, however, the legal officer was persuaded only by the arguments of comparability. He recommended that the death sentences against Kim/Motoyama and Hong/Tokuyama be commuted to life imprisonment.90 Usuki, Hiramatsu, and Kang/Iwaya were hanged at Changi Prison in Singapore on November 22,

86See also Wilson 2017, 29.
87Blackater 1948, 81. Subsequent mentions of Cho in this memoir, however, portrayed him as innocuous (Blackater 1948, 82, 85, 173, 175–176).
88Trial of Usuki Kishio and nine others, 79.
90DJAG, ALFSEA to Commander Singapore District, September 28, 1946 (Usuki trial, 8–10).
1946. Cho and the others were sent back to Changi and subsequently transferred to Outram Road prison.\(^91\)

The British authorities concluded their trials of Japanese war criminals in December 1948 and almost immediately implemented a review of all verdicts.\(^92\) The review, ostensibly intended to ensure that similar crimes received similar sentences, led to a reduction in the sentences of more than one hundred war criminals. Pak/Morimoto’s life sentence was reduced to fifteen years, but for the rest, Cho’s unit was judged “notorious for its ill-treatment of prisoners of war”:

Hitting of prisoners was not confined to the usual face slapping given in the heat of ill-temper, but consisted of buffeting with rifle butts, heavy bamboos and spades which sent the victims to hospital for weeks at a time with broken ribs or split skulls or ruptured ear drums.\(^93\)

In 1949, however, as a matter of policy the term of a life sentence was set at twenty-one years. As a result, of the seven surviving guards, only the two with the shortest sentences – Cho/Kumoi and Cho/Tomotoma – received no reduction. They therefore all remained in Outram Road for nearly five years before being transferred to Japan aboard the SS Tairea in August 1951, in accordance with an agreement between the British and Japanese governments that repatriated convicted war criminals. Upon arrival in Tokyo, they were incarcerated in Sugamo Prison, along with men convicted at the Tokyo Trial, the war crimes trials held by the United States in Yokohama and elsewhere, and by Britain in Hong Kong, Rangoon, and elsewhere.\(^94\) Along with his fellow convicts, Cho/Kumoi was still in Sugamo in April 1952 when the San Francisco Peace Treaty formally ended the Second World War and restored sovereignty to Japan.

Under Article 11 of the Peace Treaty, Japan agreed to uphold the sentences imposed on all convicted war criminals. The question immediately arose, however, of whether Japan could legally detain war criminals who were not of Japanese nationality. At the time of the trials, the Allied powers had determined that Korean suspects, as subjects of Japan since 1910, and Taiwanese, subjects of Japan since 1895, were to be tried on the same footing as Japanese suspects. In 1947, however, the Japanese government, still under Allied Occupation, issued an Alien Registration Ordinance which classified Koreans and Taiwanese in Japan as foreigners, as Japan had lost its colonies in 1945. By the time Cho and his fellow inmates arrived in Tokyo, moreover, two Korean sovereign states had been established, meaning that all Koreans had access to a Korean nationality. Subsequently, under the Peace Treaty, Japan formally surrendered its sovereignty over Korea and thereby any residual citizenship authority over Koreans. These changed circumstances raised the question of whether the Japanese government could legally detain Koreans under the sentences laid down in the war crimes trials.

In June 1952, within weeks of the coming into force of the Peace Treaty, twenty-nine Korean convicted war criminals and one Taiwanese petitioned the Tokyo District Court for release on the grounds that they could no longer legally be held.\(^95\) In support of the

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\(^{91}\) Application for parole, Kumoi Eiji, n.d., NA (UK), FO 371/105433.
\(^{92}\) Pritchard 2006, 308–311.
\(^{95}\) Copy of Note Verbale from Ministry for Foreign Affairs, Tokyo, July 22, 1952, NA (UK), FO 371/99516.
case, the Korean Women’s Association in Japan wrote to the British ambassador, requesting his assistance and commenting, “These Koreans are not deserve their sentences after so many Japanese War Lords and Criminals were released or lifted their ban for holding public offices in Japan.”\textsuperscript{96} The initiative, however, was unsuccessful. Japan’s Supreme Court rejected the petition\textsuperscript{97} and British, Dutch, and Australian authorities rejected the suggestion that the men’s circumstances had changed to such an extent that they should be released.

At the same time, the Japanese government’s National Offenders’ Prevention and Rehabilitation Commission (NOPAR) recommended to the three powers that had convicted the thirty petitioners (Britain, the Netherlands, and Australia) that the prisoners be released. The men were under strain, the Commission said, because of uncertainty over the fates of their families after the outbreak of the Korean War. “It is deemed that this deserves sympathy … Furthermore they are deeply reflecting on the crimes they have committed, and their behaviors as prisoners are very excellent.”\textsuperscript{98} In addition, NOPAR endorsed an application for parole from each man separately. In Cho’s application, he described himself (with some disregard for the truth) as having been uneducated and ignorant at the time of his war service, claiming that he had acted “strictly in accordance with the orders of my superior officers whom I held supreme.”\textsuperscript{99} In this petition, he referred to his wife who was said to be living with her parents in Korea in extreme poverty, as well as his brother, who had a large family. The brother was sickly and poor, having lost all his property, except a small rice field and a house, to confiscation by communists during the Korean War. Cho also claimed to be suffering from tuberculosis. If released, he proposed to bring his wife to Japan and to resume work as a dental technician in Kagawa Prefecture on the island of Shikoku, where a Japanese friend had offered him shelter. He planned to learn bone-setting, moxibustion, acupuncture, and massage from that same friend. Cho submitted his application in July 1952, but the British authorities considered it only in May 1953. Although they rejected compassionate release to a sanatorium for Cho because of his lung condition, they recommended a one-year reduction in his sentence which, in combination with a standard remission of one-third for good behavior, meant he could be released in July 1955.\textsuperscript{100}

Cho’s association with war criminals such as Choi/Matsumoto, regarded by British authorities as among the worst of those who had not been executed, worked against his early release. So, too, did his fifteen-year sentence. As time passed, the former Allied powers became more and more eager to find grounds for reducing the longest sentences. The presence in Japan of Japanese prisoners under Allied sentence was a growing cause of friction with Japan, whose government Australia, the United States, and others were keen to secure as a Cold War ally and business partner. In these circumstances, the long-term detention of war criminals from the Japanese Imperial forces appeared increasingly anomalous. Efforts to find grounds for early release, however, focused on those whose sentences were longest. Cho finally walked out of Sugamo in July 1955 upon the normal expiry of his

\textsuperscript{96}Korean Women’s Association in Japan to British Ambassador, July 8, 1952, NA (UK), FO 371/99516.
\textsuperscript{97}Supreme Court of Japan, “Decision in the Habeas Corpus case involving Korean and Formosan war criminals,” July 30, 1952, NA (UK), FO 371/99516.
\textsuperscript{98}NOPAR, “A decision on recommendation for release,” June 30, 1952, NA (UK), FO 371/99516.
\textsuperscript{99}Application for parole, Kumoi Eiji, n.d., NA (UK), FO 371/105433.
\textsuperscript{100}Guard Eiji Kumoi,” n.d.; Decision on recommendation for parole, Kumoi Eiji, July 25, 1952, NA (UK), FO 371/105433; British Embassy in Tokyo to Foreign Office, November 4, 1953, NA (UK), FO 371/105448.
sentence, only three months before Choi/Matsumoto, Cha/Minaka, Hong/Tokuyama, and Kim/Motoyama, all of whom had had received life sentences, were freed under special clemency granted by the Queen of England.101

There is no known record of Cho’s subsequent fate. Hostility in Korea towards former Korean employees of the Japanese military was strong and, consequently, many of those who had a place to live in Japan, as Cho had claimed to have in his application for parole, stayed on.102 Inside Sugamo, they had formed a mutual-help association called Dongjinhoe (Doshinkai), which became the basis for a cooperative taxi company in Tokyo employing former Korean war criminals who would otherwise have found it difficult to survive after release from prison. In 1991, the group commenced legal action in the Tokyo District Court, demanding support because of its members’ wartime service to Japan. The action went as high as Japan’s Supreme Court, where it failed in 1999.103

The focus of the campaign then shifted to South Korea, where former war criminals campaigned for recognition that the guards had been unwilling conscripts rather than willing recruits. The movement came in the context of intensifying demands within South Korea for compensation from Japanese firms for the forced labor of Koreans on company-organized projects during the war.104 In 2007, the South Korean government’s “Truth Commission on Forced Mobilization under Japanese Imperialism” released a report which concluded that the former war criminals were indeed victims of Japanese imperialism, rather than accomplices. The report strongly implied that the trials had unfairly ignored the colonial status of the Koreans in reaching guilty verdicts and handing down sentences.105 Although the formal intention was only to establish the men’s innocence of voluntary collaboration with Japanese colonialism, and thereby to create a possible basis for compensation claims as forced laborers, the conclusion was widely but incorrectly interpreted as meaning that the South Korean government had annulled the verdicts against the convicted Koreans.106

Cho’s story, recorded in the documents prepared for his trial and generated by the process leading to his release, gives a glimpse of the complex ways in which Koreans were engaged in Japan’s enterprise in Asia in the twentieth century. It is also a telling mirror of the difficulties in establishing culpability for acts of violence in wartime.

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102Chatani 2008; Underwood and Hankyoreh 2010.
104Kim 2014, 15–34.
105Cho 2011, 50.
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