

## Yi Hak-nae and the Burma-Thailand Railway

Gavan McCormack



**Yi Hak-nae, 1947 and 2007  
(Hankyoreh, 2007)**

### August memories

August in Japan is a time of remembrance—of family dead (honoured in the festival of Obon) and of war dead (those of Hiroshima and Nagasaki, in particular). Seventy-five years after the end of the war, the ranks of those who remember it have grown thin, but in August 2020 one story caught my eye. It was the story of Yi (or Lee) Hak-nae, born in the then Japanese colony of Chosen (Korea) in 1925 and

known during the war and during his trials by his Japanese name, Hiromura Kakurai. Now aged in his nineties, Yi is the last survivor of 148 Koreans convicted of war crimes in the Allied trials that followed the East Asian and Pacific wars and continued to 1947. His story, published by Reuters in 2020, was headed ‘The Survivor: Last Korean War Criminal in Japan Wants Recognition’.<sup>1</sup>

Yi, tried by an Australian court in Singapore, was first found guilty of war crimes and sentenced to death. Similarly convicted, twenty-three others were in due course executed. Yi’s sentence, however, was commuted to twenty years’ imprisonment. He was transferred in 1951 from Singapore’s Changi prison to Tokyo’s Sugamo, and eventually released in 1956, after ten years in prison. The guilty verdict cast a shadow over his subsequent life.

Following the Reuters account on 5 August, the story was retold in Japanese two days later, introduced by Yi himself on the NHK *Morning* show to a nationwide television audience, there focusing not so much on the ‘war crimes’ and the allegations of brutality as on the injustice of the discriminatory treatment afforded to ‘non-Japanese’ former convicted ‘war criminals’ (*senpan*) after the war.<sup>2</sup> On 14 August the daily *Tokyo shimbun* carried a further story focusing on that problem and on the movement Yi had long spearheaded demanding of the Japanese government equal treatment for non-Japanese (Korean) and Japanese ex-prisoners.<sup>3</sup> At around the same time, Japan’s monthly journal *Sekai* published an interview with Yi and an article addressing his case by a leading scholar in the field of war and treatment of prisoners.<sup>4</sup>

I researched and wrote about the Burma-Thailand railway and the Yi Hak-nae case almost thirty years ago,<sup>5</sup> so these stories in this August month of remembering, seventy-five years since the war's end, drove me to reflect once again: what was the Burma-Thailand railway? Why was a Korean, Yi Hak-nae, working there as a POW camp guard? How had he been punished and on what grounds? What 'recognition' does he seek, and with what right? In pondering these questions, I also felt that it was time to pay some attention to the recent work of Australian military historians on the Australian war-crimes trials, notably resulting in the 2016 publication of a substantial tome on the subject.<sup>6</sup>

### Building the railway

During the crucial war years of 1942-43, Japan's Imperial Army command attached high priority to the construction of a railway linking Thailand to Burma (as Myanmar was then known). The 'Burma-Thailand Railway', crossing 414.9 kilometres of jungle and mountain terrain between Ban Pong in Thailand (about 88 kilometres from Bangkok) and Thanbyuzayat in Burma, was designed to open a secure overland route for the transport of troops and supplies to Burma for the war against British India.

It was Japan's first large-scale, multinational engineering and construction project. A massive labour force was organised. Two regiments of the Imperial Japanese Army, some 10,000 men, were assigned around 55,000 Allied POWs from the roughly 250,000 who had fallen into Japanese hands since war began in December 1941, plus 70,000 or so locally recruited civilian Southeast Asian (Tamil Indian, Burmese, Thai, Malay) *romusha* (labourers), and even a squad of 300 elephants, for work in the jungle.<sup>7</sup> To guard the prisoners Japan recruited some 3000 Koreans from

Chosen. Work commenced in November 1942.

The task was hard enough, given the jungle and mountain conditions, but it was made even harder by the early and unusually severe onset of the monsoon and the afflictions that ravaged the workforce (cholera, malaria, dysentery, beriberi, ulcers). In February 1943 the projected construction time was cut from twelve months to eight and a 'speedo' campaign was launched that forced prisoners to work longer days with less rest. As the pace was stepped up, more than 12,000 Allied prisoners died, including 2646 of about 13,000 Australians, and a much greater but unknown number of *romusha*. They died of starvation, exhaustion, illness (cholera in particular) and general ill-treatment. There was said to have been one death for every sleeper laid for the line. At Hintok construction camp (adjacent to the infamous Hellfire Pass and about 150 kilometres from Banpong), where Yi was one of six Korean civilian camp guards, about 100 of 800 prisoners died. On the camp's worst days in mid-1943, that meant up to six each day.

No sooner was the line opened, in October 1943, than it was smashed by Allied bombing. Few trains ever ran on the line, and those that did carried defeated, wounded and sick Japanese troops back after the Battle of Imphal in India (which commenced in March 1944).

In Australia in particular, once the war ended and POWs returned home, war-crime trials, with their stories of forced heavy labour, beatings, general ill-treatment, hunger and disease, fed bitter, lasting negative images of Japan. In 1991, my Australian National University (ANU) colleague Hank Nelson, a specialist on the war experience in Australia, and I, a modern Japanese historian, together with Utsumi Aiko, a Japanese academic specialist on the war and Japan's relations with its Asian neighbours, convened a conference in Canberra that sought to bring together as many survivors as possible, i.e. including

formerly hostile parties, to reflect on the episode across the gulf of half a century.

Notable former Australian POWs included Edward ('Weary') Dunlop (1907-93), Tom Uren (1921-2015) and Hugh Clarke (1919-96). Dunlop was already a distinguished surgeon and widely revered national figure, Uren a prominent politician and former deputy prime minister, and Clarke a highly regarded novelist. From the 'other' side just *the Korean*, 'civilian auxiliary' or *gunzoku*, Yi Hak-nae, confronted and sought forgiveness from and reconciliation with his former charges. The book of this conference was published in English in 1993 and in Japanese in 1994.

### The trials

In 1946-47, Australia conducted twenty-three war-crimes trials in Singapore, with sixty-two defendants. It found eighteen guilty and sentenced them to death, acquitted eleven, and sentenced an additional thirty-three to varying prison terms. Yi was tried on 18 and 20 March 1947. The charges were that during part of the period March to August 1943 Yi had 'occupied the position of Camp Commandant' and during that period:

The prisoners of war lived under the most appalling conditions, shelter and accommodation were totally inadequate and most primitive. They were also denied sufficient food, medical supplies, clothing and footwear... [while being] forced to perform heavy manual labour on the railway line for which they were totally unfit by reason of their physical and medical condition... As a result of this treatment sickness and disease among the prisoners of war became rife and by the end of April 43.2% of the camp strength were in hospital...out of 800 Australian prisoners of war who went into the camp over 100 of them died there, and that the accused was responsible for their death.<sup>8</sup>

Found guilty of having 'inhumanely [sic]

treated prisoners of war'—in effect, guilty of mass murder—Yi was sentenced to death. His defence counsel petitioned the court and in October his sentence was commuted to life imprisonment.

Yi's trial was marked by multiple irregularities, but the overwhelming one was the assumption that he had been 'Camp Commandant', himself responsible for the 'appalling conditions'. It was a major mistake that should have been corrected at the outset. Because guards such as Yi were the principal point of contact between prisoners and camp authorities they tended to be seen as responsible, but they had zero control over the conditions of the camp, their status was lower than a private and they were themselves subjected to multiple abuses and discrimination from the Japanese military. Tasked with forcing POWs to work on the line construction, and under tremendous pressure from the Japanese army camp command to meet daily prisoner work norms, Yi had to *maximize* the labour force, while Dunlop, then a 36-year-old Australian army surgeon and the senior prisoner commander, had to *minimize* it, doing what he could to prevent prisoners who were ill or enfeebled from starvation or disease from being allocated to work detachments.

For some weeks in March-April 1943, in the absence or illness of regular Japanese authorities, Yi did indeed serve as acting camp commandant, but he was obliged to implement policy, not determine it. Though Yi was charged over matters to do with his having 'occupied the position of Camp Superintendent', a status that continued until August, in his account (discussed below) Colonel Dunlop made no such claim. He referred only to the very different charge, that in April-May 1943 'while *in charge of works parade arrangements* (italics added) [Yi was] forcing doctors to discharge patients from hospital to work'. He was clear and specific as to time, and made no reference to any beatings or brutality, or to any act of Yi's causing death. He added the names

of two other prisoners from whom details could be sought.<sup>9</sup> Since no statement from either appears in the file it would seem either that they were not asked or that they declined to answer.

Yi's account to the court confirmed Dunlop's statement. His spell as acting commander of the camp was indeed brief (March-April 1943). 'After May', he told the court (which did not dispute the fact), 'I was ordered to assist in the orderly room so I did not have any connection whatever with the work parade'. Dunlop's own diary, not published until much later but meticulous in its detail, makes clear his hatred for Yi as 'a proper little bastard' (17 March 1943), 'a terrible thorn in the side' (6 April 1943), who 'against all medical judgment, forced more sick men out to work' (12 April 1943), but he made no reference to ever having been beaten or personally ill-treated by him.<sup>10</sup> He also confirms that Yi's spell as acting camp commandant ended in April. The indictment was therefore fundamentally flawed by falsely charging Yi with overall responsibility for camp conditions continuing to August.

Much later, to the Canberra conference of 1991 and as if to settle the matter, Dunlop said:

I was bashed by others...but [Hiromura/Yi] he wasn't a basher. I didn't regard him as a major criminal. I regarded him as a pawn. His powers were very limited. Most of my real fights were with the Japanese engineers.<sup>11</sup>

Not only that but, far from being camp commandant at the time he was accused of committing the offences, Yi was an 18-year-old boy (born 1925), a fact that Colonel Dunlop and other former prisoners in the camp were shocked to learn when they re-met him in Canberra in 1991.

Perhaps even more remarkable, when Yi was

arrested and put on trial in 1947 it was on the same charges—ill-treatment of prisoners—over which he had been arrested and imprisoned, but then released, the previous year. On 17 October 1946, Lieutenant-Colonel Robert C. Smith, commander of 1st War Crimes section, Singapore, had minuted the Yi file: 'Case not serious enough to warrant trial. Close file'. He then wrote to headquarters, Singapore district, to say: 'It is now advised that the case against the above-named has been dropped as it is only of a minor nature'.

That should have been the end of the matter. Charges against him dismissed, Yi was duly released on 10 December 1946. Boarding a repatriation vessel, he got only as far as Hong Kong before being removed from the ship, re-arrested, and subjected to the same charges as those Lieutenant-Colonel Smith a year earlier had thought 'minor'. The major difference in charges was the addition of the following words: '...out of 800 Australian prisoners of war who went into the camp over 100 of them died there, and that the accused was responsible for their death'. In short, with Yi being found guilty in 1947 of the charge of mass murder that had been dismissed in 1946, the trial offended against the fundamental legal principle of *autrefois acquit*. Astonishingly, the court in 1947 was unaware of those 1946 proceedings until they were brought to its attention by Yi's counsel after the 1947 judgment and sentence.

The proceedings were brief, even summary in character, no small matter when the accused is facing a capital charge. There were no witnesses to be called or cross-examined, and just eight pieces of written testimony—seven sworn affidavits and one unsworn 'Q' form, discussed below. Yi estimates (and the transcript suggests that the figure is about right) that he confronted the tribunal for about forty minutes. Yi understood little of the proceedings save the three heavy words with which they concluded: 'death by hanging'.

The evidence was thin. Of the 600 or so former prisoners from Hintok camp, just seven (two majors, two captains, one lieutenant, one sergeant-major and one private) submitted sworn affidavits. Three in particular made serious allegations against Yi. Captain Cecil George Brettingham-Moore referred to ‘one classic occasion’ sometime between 25 May and 14 July, when conditions at Hintok were at their worst, on which Yi had beaten Dunlop with a bamboo stick after the latter had interceded to try to prevent sick men from being assigned to work brigades. Sergeant-Major Austen Adam Fyfe testified that Yi had often beaten him and he had witnessed one occasion in around July 1943 on which he had seen Yi bashing Colonel Dunlop severely across the head and body. Major Hector George Greiner referred in particular to an incident some days after Dunlop’s arrival in the camp (i.e. April 1943) in which Yi had attacked and beaten him. He also referred to Yi as having been ‘in charge’, and described him as ‘one of the most brutal guards I had experiences with’, the very phrase that in 2020 Reuters stretched into a general prisoner consensus: ‘Trial records reviewed by Reuters show prisoners [sic] remembered Lee (Yi/Hiromura), known as the Lizard, as one of the most brutal guards on the railway’. Although the Greiner charge was plausible, the problem with the Fyfe and Brettingham-Moore testimony is that it refers to a July bashing (Fyfe), and a ‘classic occasion’ between late May and July that Brettingham-Moore remembered, neither of which could have occurred on Yi’s watch.

Three other former prisoners made some mention of Yi. Major John Chauncy Champion de Crespigny said that Colonel Dunlop suffered abuse, slapping and humiliation at Yi’s hands practically daily but had no recollection of any ‘severe’ beating. Captain Richard Hastings Allen described Yi as ‘no worse than most of the camp staff where beating of PW was a daily occurrence’. Lieutenant Reginald Gilbert Houston referred to Dunlop having been

frequently ‘ill-treated’ by Hiromura/Yi, but he mentioned no specific incident. One further ex-prisoner was Private Harry Ashley Hugal. Though present at the camp throughout the period in question, and the only ordinary soldier to lay any complaint over his treatment there, Hugal made no mention of Yi at all in his affidavit.

The evidence was thus far from decisive, and Dunlop’s testimony, as senior officer in the camp and himself the subject of alleged beatings at Yi’s hands, was plainly crucial to the prosecution case. Yet there was no sworn statement from him but simply a pencilled ‘Q’ form (‘a piece of unsworn paper’, as defence counsel put it). The fact of his declining (or refusing) to submit any sworn accusation or to give direct evidence amounted, in this capital trial, to pointed silence. The only explanation for why the trial’s ‘Exhibit One’ was being presented in such an unsworn format would seem to be that the war was over and Dunlop had no interest in retribution.<sup>12</sup> The court likewise gave no explanation as to why the ‘Q’ forms of other prisoners were not before it.<sup>13</sup>

In an affidavit dated 27 June 1946, Dunlop referred to a Lieutenant Hirota [Eiji], a young engineer attached to the railway corps who had been responsible for work parties, ‘enjoyed a reputation for ruthlessness’, and was ‘directly responsible for many deaths’.<sup>14</sup> Brettingham-Moore and Hugal also mention Hirota in their depositions, and at one point in Brettingham-Moore’s deposition the letters ‘ta’ (of Hirota) have been crossed out and replaced by ‘mura’ (of Hiromura), so the possibility of mistaken identity in the judicial process, the confusion of Hiromura and Hirota, is real. Hirota, tried in September 1946 on charges of ill-treatment of prisoners, was found guilty, and executed on 21 January 1947.<sup>15</sup>

After the 1947 tribunal returned its guilty verdict (‘inhumane treatment of prisoners, causing death of more than one hundred’) and

sentence against Yi, however, both in Singapore and in Canberra doubt seems to have persisted. The case lacked a decisive piece of evidence. Exhibit One, Dunlop's Q form, was a remarkably thin basis upon which to warrant a death penalty. When the tribunal referred the file to the judge advocate-general in Canberra, L. B. Simpson, for advice, Simpson on 2 June wrote an initial opinion in which he saw 'no reason in the proceedings why the finding and sentence should not be legally confirmed' but then went on to add, almost as an afterthought, the following, contradictory, comment: 'In comparison with the other cases, this is not a particularly bad one, and I strongly urge the confirming authority to mitigate the sentence to imprisonment for a long period'.

Had Dunlop in 1947 added his voice to make serious accusations against Yi, either by a sworn deposition or by an appearance in person before the tribunal in Singapore, the death sentence would almost certainly have been confirmed and carried out. On the other hand, had he appeared in person and made clear—in either format—that Yi had been an underling rather than camp commandant and that several of the affidavits were problematic, it is conceivable that Yi might have been found not guilty, or guilty of some lesser charges. At least Dunlop's non-cooperation meant a reprieve for Yi. On 7 November 1947, after almost eight months on death row, he was advised that his sentence had been commuted to twenty years. In due course he served ten before release.

### The aftermath

The Japan into which Yi and other Koreans emerged after his release in 1956 was a country that they had never known, where they had no family or friends. Since in Korea they were thought of as Japanese 'collaborating' war criminals, and since the peninsula had been devastated by the Korean War while they were

in prison, they could not go home.

By a bizarre irony, very soon after Yi emerged from Tokyo's Sugamo prison Japan came to be headed by a former A-class (major war crimes) prisoner, Kishi Nobusuke (1896–1987). Where B- and C-class Koreans at the lowest level of the Japanese military system, regularly bashed and beaten themselves, with zero power or authority to delay or block orders, were required to serve out their sentences until 1956, Kishi, an undisputed member of Japan's militarist elite as architect of colonial policy and signatory to the declaration of war on the West in 1941, together with other A-class prisoners, was released in December 1948. Escaping the gallows and being suddenly freed on the very day that seven others of the A group were executed, Kishi went on to become prime minister in 1957, an invaluable US asset as occupation policy shifted from punishment to recovery and incorporation of Japan into the Cold War system.

Once freed, Yi organised a group of around seventy former Korean B- and C-class *senpan* into a mutual welfare society, setting up and running a taxi company in Tokyo. Yi became leader of the movement to secure compensation for the Koreans equivalent to that enjoyed by regular Japanese ex-soldier *senpan* (beginning in 1954 and in today's terms around \$41,000 a year), but since Japan's claims to Korea and Taiwan had been extinguished with the San Francisco Treaty of 1951, Koreans and Taiwanese, suddenly 'non-Japanese', were excluded from compensation. Today Yi is the last representative of those Koreans who were first mobilised and then punished as 'Japanese' but then involuntarily stripped of their 'Japaneseness' upon dissolution of the Japanese empire. He has been seeking recognition for more than sixty years since then.

In 1991, in an unforgettable scene, meeting for the first time in over fifty years on the campus

of the Australian National University, Yi proffered, and Dunlop graciously accepted, an apology:

From the bottom of my heart I wanted to apologise profoundly, as one of the aggressor side, to Colonel Dunlop and all the former POWs, for the bitterness and pain of the loss of so many of their comrades under such harsh circumstances. Before you all, I apologise from my heart.<sup>16</sup>

Two things in retrospect are notable about the Yi apology. First, he was clear and unambiguous about his share of responsibility for the pain and suffering caused to Allied prisoners. Second, he sought their understanding for the plight of the Korean *senpan*, powerless to influence the oppressive, violent nature of the war system, of which they, like the Australians, were victims. He asked them to understand that he, too, as a POW of the Allied forces, especially in Singapore, had been treated cruelly. Former POWs listening to Yi's talk to the 1991 conference were left surprised and uncomfortable by his insistence on the second of these points.

Yi was so overwhelmed by the 1991 meeting that he made one further trip to Australia a year later, visiting Dunlop at his Melbourne home to present him with a gold watch inscribed 'No More Hintok, No More War'.<sup>17</sup> Dunlop died shortly afterwards.



**'The Apology', Australian National University, August 1991 (Yi Hak-nae, Edward ('Weary') Dunlop, Tom Uren, and author Gavan McCormack as interpreter. Photograph courtesy Utsumi Aiko.**

### Seeking recognition

In November 1991, months after the Canberra conference, a group of seven compatriot *senpan*, including Yi, launched a suit in the Tokyo district court seeking compensation from the government of Japan equivalent to the emoluments they would have been entitled to had they been Japanese. Their suit was rejected in successive actions, but the Tokyo High Court in July 1998 added to its judgment a rider to the effect that it was up to 'those in charge of political affairs' to strive for an early and proper legislative resolution of the Korean claims. In December 1999 the Supreme Court again rejected their claim, but, while leaving it to the legislature, expressed understanding of their discontent at the lack of any legislative measures to resolve their grievances.

In 2008, responding to the urgings of the courts and the United Nations Human Rights Commission, the (opposition) Democratic Party of Japan framed a bill for the economic relief of the Korean *senpan*, prescribing a payment of three million yen each (about \$28,000).<sup>18</sup>

However, it failed to persuade the then governing Liberal-Democratic Party and was dropped without debate. Another bill, setting a slightly lower figure of 2.6 million yen per head, was proposed by the Japan-South Korea Parliamentarians League but got nowhere. Yi Hak-Nae, the last survivor, continues to press the B- and C-groups' case and the legislature continues to drag its feet.<sup>19</sup> 'Not a day passes', said Yi in 2020, 'without my thinking of the pitiable fate of those B- and C-class *senpan* who have already passed away. I insist that Japan respond properly to our claims'.

### **Guilt and reconciliation**

Shortly before he died in 1993, Dunlop took me aside during a function at the Australian War Memorial to ask about Yi. Whenever he looked at the gold watch Yi had presented to him, he said, he felt a certain 'guilt'. Surprised at his use of the word guilt, I put it to him that, given what he and other prisoners had been through at the hands of their captors, it was surely not for him to feel guilty. He gently demurred. Leading me to a nearby chair, he sat me down and told me the following story. It is one that, it seems, he had not told before, and one that many might find shocking, as did I.

I quote here from the *Sydney Morning Herald* of 10 July 1993 (though I am the source of this story):<sup>20</sup>

Sir Edward Dunlop died with guilt in a corner of his heart. 'Weary', the Australian hero who knew there was no future in hatred, revealed a few months before he died...that he had once hated a man so intensely that he had planned to kill him. On the Burma-Thailand railway 50 years ago, the Australian surgeon had fashioned a club to kill the Korean guard known as the Lizard, whom Dunlop called in his diaries 'a proper little bastard'. Dunlop planned to ambush the Lizard and 'beat

his brains out'. The moment Dunlop planned to go to the ambush site, however, he was summoned to attend to business in the prisoner-of-war camp.

It was an astonishing revelation. It should be corrected now in just one detail. As I recall the conversation, Dunlop had actually taken up a position to carry out his plan, hiding behind a rock or a tree near the camp entrance to await Yi's return, when he was suddenly called to the camp office. Dunlop would have known very well that the act he contemplated would, had he carried it out, have attracted savage retaliation, not just on himself but on all POWs. Yet he was, he implied, so boiling with rage and hatred as to be temporarily blind to such consequences. The moment passed, but it left a weight on his conscience.

Worlds apart in culture, status and life experience, Dunlop and Yi were linked by fate and shared humanity, each touched by the encounter with the other. Meeting Yi first at Hintok in early 1943, Dunlop conceived of a hatred for him that he could only barely contain. Four years later, by choosing not to cooperate with the Singapore tribunal, he 'spared' (or, it could be said, *re-spared*) Yi, his non-cooperation mute testimony to his disquiet. Eventually, in 1991, the two were reconciled, with an apology offered by Yi and accepted by Dunlop. The reconciliation was sealed the following year by the gold watch.

On learning of Dunlop's death, Yi sent a message of condolence:

...I owe you my life...you were gracious enough to accept those apologies...and you showed understanding of the position of Koreans under Japanese imperialism. After speaking together of the unhappiness of war, you shook hands with me and the warmth of your large hand still remains with me. From my heart I thank you, and I pray that you may rest in peace.<sup>21</sup>



## The history

Yi is one of a tiny minority in Japan to apologise for his role in the war and to seek out those towards whom he feels particular guilt, even though his responsibility for what happened in the camp, including the deaths of ‘over 100’ Australians, was at least attenuated by the fact that he was at the time an 18-year-old discriminated-against menial at the lowest level of the Japanese military machine. That he was non-Japanese should also have been taken into consideration. For the Koreans, Japan’s defeat in war spelt liberation and liquidation of Japan’s colonial empire. Yi’s defence counsel at the 1947 trial attempted to make the defence that as an allied national he should not be tried as a Japanese (enemy) subject,<sup>22</sup> but the court briskly dismissed that objection. It was no more interested in the oppressive, colonial nature of the Japanese–Korean relationship than it was in Yi’s being a juvenile.

Today, Weary’s statue stands in front of the Australian War Memorial in Canberra. Seeing his image, recollecting his grasp of history, his personal warmth and his sense of justice, I bow in respect and remembrance. In 1995 the government of Australia conferred upon him the extraordinary honour of minting 16 million 50-cent coins with Queen Elizabeth on one side and Weary on the other. I recall him speaking to the Canberra gathering in 1991, saying:

I personally felt that the Japanese had an excuse for getting involved in the last war. I think the Americans put them down as a tinpot economy and really screwed them down as a minor power. [But] As one who was quite prepared to forgive the Japanese and get on with business with them in the world, one thing has just irritated me a little: they do not seem to me to really teach history.<sup>23</sup>



**Edward ('Weary') Dunlop, statue by Peter Corlett, 1995, Australian War Memorial, Canberra. Photograph: Gavan McCormack, March 2021**

On 23 April 1993, the book of the 1991 conference was launched at the Australian National University by Prime Minister Paul Keating, who spoke memorably and movingly to

the assembled former POWs of his own family's experience of wartime loss, his uncle having been a casualty of the Sandakan Death Marches in the Philippines in early 1945. Only long after the expiry of his allocated time could his minders detach the prime minister from his intimate conversations and shared family stories with the former soldiers. These were years in which Hellfire Pass was gradually taking its place alongside Gallipoli and Kokoda as a key site in the formation of the modern Australian identity.

In the years since that 1991 conference and the 1993 book publication, one by one the participants, especially the old soldiers, have passed away. The last survivor, Yi Hak-nae, cannot be far behind. Since the publication of the 1991 conference proceedings, at least two major books have been published; one was subsequently turned into a film and the other, Richard Flanagan's *Narrow Road to the Deep North*, won the Booker Prize.<sup>24</sup>

The most substantial (865-page) tome, however, has been the 2016 publication of *Australia's War Crimes Trials 1945-1951*. Enjoying the financial backing of the Australian War Memorial, the Australian Research Council and the Australian Department of Defence's Legal Division, it might be seen as the considered opinion of official Australia on the Singapore trials, a comprehensive 'not guilty' (to any suggestion of impropriety by Australia) verdict. However, while one might reasonably have expected that important cases such as that of Yi would be given thorough analysis, that is not the case. The trial is briefly outlined, but no mention is made of the fact that Yi was convicted in 1947 on charges that had been dismissed in 1946, or of the contradictions and flimsy, hearsay character of the evidence. Other surely significant cases pass without analysis, including the 'F' Force trials over matters arising from the camps on the Burma side of the railway, which recorded the highest of all prisoner death rates (29 per cent, or 1060

deaths among 3600 prisoners),<sup>25</sup> in which four death sentences were handed down (although all were later commuted). Another large trial, of Lieutenant-Colonel Nagatomo Yoshitada and others, led to the execution of three Japanese, including Nagatomo, and three Koreans, one of whom, Cho Mun-san (Japanese name: Hirahara Moritsune), was the subject of a documentary film by the national broadcaster, NHK, in August 1991.<sup>26</sup> It too escapes mention.



**Three Korean Guards, Hiromura/Yi on left, Thailand, 1943**

Posing the question 'Were the Australian trials fair?', two of the editors of this volume offer their own answer, saying: '*en masse*, the Australian trials were as fair as might be expected given the particular circumstances of the immediate postwar period and in comparison to other Allied military practices'<sup>27</sup> and 'There is a certain satisfaction, as we come to the end of our project on the Australian war crimes trials, in attaining our conviction that no systematic abuse occurred in these trials'.<sup>28</sup>

Such a conclusion can only be reconciled with the Yi case (and the F Force, Nagatomo and other cases) by putting heavy weight on the words '*en masse*', 'as might be expected', and 'systematic'. It is a formula for forgiving abuses that were somehow less than *en masse* or

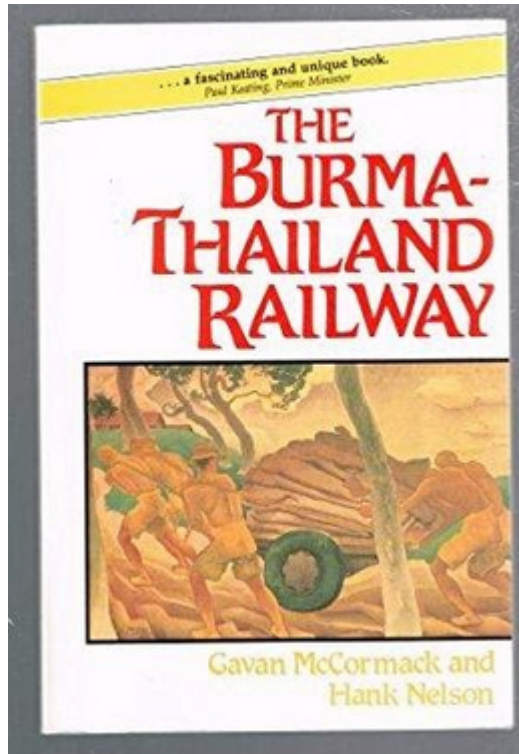
‘systematic’, while the phrase ‘as might be expected’ is too conveniently exculpatory and too readily allows Australian responsibility to be diminished. For what is clearly intended to be the ‘official history’, such equivocation is not good enough. The conclusion of this volume that the trials were basically fair hangs as a heavily begged question over the promised ‘comprehensive law report for each of the 300 trials conducted by Australia’ yet to come.

I formed the view in 1991, after reading the available documents and talking with survivors, that the trial of Yi (and others, especially other Koreans) was a travesty. Now, thirty years later, and contrary to the 2016 Australian volume, I see nothing to make me change my mind. Furthermore, reflecting on Yi Hak-nae’s

long struggle to gain recognition and compensation from the government of Japan, I have a further, troubling concern: should he not also have a claim of some sort against the government of Australia over the deeply flawed judicial hearings to which it subjected him more than seventy years ago?

**Note:** As this article was being revised for publication in March 2021, Yi Hak-nae died in Tokyo, aged 96, after a short illness. A slightly earlier version of this paper, without notes, was published in the Autumn 2021 issue of the Melbourne journal, *Arena*, pp. 72-78. A Japanese version, translated by Yoshinaga Fusako, was published in the July 2021 issue of *Sekai*, No 946, pp. 227-238.

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## Notes

<sup>1</sup> Ju-min Park, [‘The Survivor: Last Korean War Criminal in Japan Wants Recognition’](#), Thomson Reuters, 5 August 2020.

<sup>2</sup> [‘Moto BC-kyu senpan no gaikokujin 95-sai kokunai saigo no shogensha’](#), ‘Ohayo Nippon’, NHK 7 August 2020. NHK published the same story in English a month later: ‘Seeking Answers to Clarify Wartime Chaos’, NHK World, 14 September 2020.

<sup>3</sup> ‘Nakama no munen harshitai’ Chosen hanto shusshin moto BC-kyu senpan ga uttae, sengo 75 nen susumanu ho seibi’, *Tokyo shimbun*, 14 August 2020.

<sup>4</sup> Yi Hak-nae, ‘Chosenjin BC-kyu senpan keishisha no munen ni kotaete hoshii’, *Sekai*, September 2020, pp 198-204, and Utsumi Aiko, ‘Shogen to shiryō: Yi Hak-nae san no baai’, *ibid.*, pp 205-8. For a short, authoritative account of the state of scholarship on the issues, see also Utsumi Aiko and Okuta Toyomi, ‘Taimen tetsudo—gisei to sekinin’, *Osaka keizai hoka daigaku Ajia Taiheiyo kenkyu senta nenpo*, No. 16, 2019, pp 26-33.

<sup>5</sup> Gavan McCormack and Hank Nelson (eds), *The Burma-Thailand Railway: Memory and History*, Sydney: Allen and Unwin, 1993, Chiang Mai, Thailand: Silkworm Books, 1993, revised and expanded Japanese translation *Taimen tetsudo to Nihon no senso sekinin* (Gavan McCormack, Hank Nelson and Aiko Utsumi, eds), Tokyo: Akashi shoten, 1994.

<sup>6</sup> [Georgina Fitzpatrick](#), [Tim McCormack](#) and [Narrelle Morris](#), *Australia’s War Crimes Trials 1945-51*, Brill Nijhoff, 2016.

<sup>7</sup> On these details, including the elephants, see Utsumi and Okuda.

<sup>8</sup> ‘Proceedings, Military Court—Trial of Japanese war criminal Korean guard Hiromura Kakurai’, Singapore, 18 and 20 March 1947. National Archives of Australia, NAA, A471,

81640.

<sup>9</sup> Trial transcript, pp 57–9. The two he named were Major E. L. Corlette of the medical corps and Sergeant B. P. Harrison-Lucas of 2/2 Casualty Clearing Section.

<sup>10</sup> [Sir] Edward Dunlop, *The War Diaries of Weary Dunlop: Java and the Burma-Thailand Railway 1942–1945*, Melbourne: Nelson, 1986 (2005), pp 203–4.

<sup>11</sup> Tony Stephens, ‘Desire for Vengeance Touched Even “Weary”’, *Sydney Morning Herald*, 10 July 2020.

<sup>12</sup> For details of the tribunal, see the trial record cited above. See also Gavan McCormack, ‘Apportioning the Blame: Australian Trials for Railway Crimes’, in McCormack and Nelson, pp 85–119. (See especially ‘The Case of Yi Hak-nae’ at pp 91–5.)

<sup>13</sup> Trial transcript, defence counsel, ‘Closing address’, pp 48–54.

<sup>14</sup> Dunlop restated this complaint about Hirota in his paper for the 1991 conference. Edward Dunlop, ‘Reflections, 1946 and 1991’, in McCormack and Nelson pp 144–50.

<sup>15</sup> ‘War Crimes—Military Tribunal—Hirota Eiji’, Singapore, 18–21 September 1946. National Archives of Australia, A471, 81301.

<sup>16</sup> From the address he delivered to the conference; see McCormack and Nelson, p. 120.

<sup>17</sup> Author communication from Yi. I have no idea what happened to this watch after Dunlop’s death, but I assume it will surface one day in the Australian War Memorial or some other museum. It deserves to be seen as a symbol of reconciliation.

<sup>18</sup> ‘Nakama no munen’ gives the figure of three million, but Yi (Sekai, September 2020) says two million.

<sup>19</sup> Yi Hak-nae, *Kankokujin moto BC-kyu senpan no uttae*, Tokyo, Nashinokisha, 2016, pp, supplement, pp 4–5.

<sup>20</sup> Stephens.

<sup>21</sup> Message to this author, reproduced in Stephens.

<sup>22</sup> Captain D. F. H. Sinclair, assisting defence counsel, Hiromura trial transcript, 18 March 1947, pp 29–30. See also Georgina Fitzpatrick, ‘The Trials in Singapore’, in *Australia’s War Crimes Trials*, p. 592.

<sup>23</sup> McCormack and Nelson, p. 148.

<sup>24</sup> Eric Lomax, *The Railway Man*, Vintage, 1995 (the film of the same name was released in 2013); Richard Flanagan’s *Narrow Road to the Deep North* (Random House, 2013) won the Booker Prize in 2014. A Japanese translation of Flanagan’s book was published in 2018 under the title *Oku no hosomichi e*.

<sup>25</sup> Hank Nelson, ‘Appendix A: Australian forces on the railway’, in McCormack and Nelson, pp 160–61. For details on the ‘F’ Force case, see McCormack and Nelson, pp 18, 100–10.

<sup>26</sup> For details on the Nagatomo case, see McCormack and Nelson, pp 97–100.

<sup>27</sup> Narrelle Morris and Tim McCormack, ‘Were the Australian Trials Fair?’, in Fitzpatrick, McCormack and Morris, pp 781–809, at p. 789.

<sup>28</sup> Morris and McCormack, p. 809.