Justice in Asia and the Pacific Region, 1945–1952

Allied War Crimes Prosecutions

This book explores a cross section of war crimes trials that the Allied Powers held against the Japanese in the aftermath of World War II. More than 2,240 trials against some 5,700 suspected war criminals were carried out at 51 separate locations across the Asia-Pacific region.

This book analyzes fourteen high-profile American, Australian, British, and Philippine trials, including the Yamashita Trial (1945) and the two international proceedings (1948–1949) that followed the Tokyo Trial. By delving into a large body of hitherto underutilized oral and documentary history of the war as contained in the trial records, Yuma Totani illuminates diverse firsthand accounts of the war that were offered by former Japanese and Allied combatants, prisoners of war, and the civilian population. Furthermore, the author makes a systematic inquiry into selected trials to shed light on the highly complex—and at times contradictory—legal and jurisprudential legacy of Allied war crimes prosecutions.

Yuma Totani is associate professor of history at the University of Hawai‘i. She is a recipient of the Postdoctoral Fellowship in Japanese Studies granted by the Edwin O. Reischauer Institute of Japanese Studies, Harvard University, in 2005–2006; the Abe Fellowship granted by the Social Science Research Council in 2010–2011; and the Frederick Burkhardt Residential Fellowship for Recently Tenured Scholars in 2012–2013, during which time she took up residence at the Center for Advanced Study in the Behavioral Sciences at Stanford University. She is the author of The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II (2008) and rendered its Japanese-language translation, Tōkyō saiban: dai-miji taisen go no hō to seigi no tsuikyū (2008).
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Allied War Crimes Prosecutions

YUMA TOTANI

University of Hawai'i
To my parents, sisters, and brothers
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Acknowledgments

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of which he was a pioneer. I came to know Fujita Hisakazu as an authority on
international humanitarian law and a professor emeritus at Kansai University
in Kobe, Japan. An impactful intellectual, yet entirely unassuming and gentle-
manly, he passed away rather suddenly, on November 7, 2012. He was working
on a new project, which he mentioned to me when he stopped by to say hello
during my visit to Kansai University in May 2011. I am saddened by the news
that he is no longer with us, and he is sorely missed.

The post-WWII Allied war crimes trials as a field of study has been in the
making for some time. But how it came about and why it grew the way it has in
recent decades would be inexplicable if one fails to recognize the unique con-
tribution of David Cohen. He began exploring the archives of former Allied
Powers in earnest in the 1990s in order to locate the records of thousands of
trials that the Allied authorities held in Europe and in the Far East. It was
largely a solitary research activity in the early years, since few remembered
that these trials had ever taken place or, even if some did, took little interest in
that fact (with the exception, of course, of the people in Germany and Japan).
His archival work culminated in the establishment of the War Crimes Studies
Center at the University of California, Berkeley, in 1999, in order that the new
center could give an institutional framework to his continuing effort to collect
the trial records and build the archives of these trials. His research activities
have branched out into other fields since, including monitoring programs of
present-day international criminal proceedings and human-rights initiatives in
Asia. Presently serving as director of the Worldwide Support for Development
(WSD) Handa Center for Human Rights and International Justice (inaugu-
rated in 2014) at Stanford University, Cohen remains the world’s foremost
scholar in historical studies of war crimes trials. This book is a tribute to his
singular contribution in the field.

On September 3, 2013, I saw news footage of Diane Nyad, 64, wading out
of the water to declare to the world that she finally did it – she swam across
the Straits of Florida, between Cuba and Florida, without a protective cage,
in her fifth attempt in thirty-five years. Her face sunburned and swollen after
swimming in the open sea for nearly fifty-three hours, she seemed somewhat
dazed but still lucid. She told the reporters that she had “three messages” for
them, which were these: “One is we should never, ever give up. Two is you
never are too old to chase your dreams. Three is it looks like a solitary sport,
but it’s a team.” I have not had the honor of meeting Ms. Nyad, nor would
I consider attempting long-distance endurance swimming myself. However,
the third of her messages made a deep impression on me, as the same could
be said of our profession. This field, too, is so gigantic, so complex, and so
intractable that one person cannot handle it alone; it requires teamwork. I
have discovered since I joined the studies of war crimes trials that there are
many who feel the same. As I continue exploring this field, I look forward to
working with present and future colleagues for the further advancement of
war crimes studies.
Acknowledgments

What follows is a rather artless way of expressing my appreciation, but I would like to recognize the following friends and colleagues for sharing with me their research expertise in war crimes trials and related fields: Dean Aszkiełowicz, Milinda Banerjee, Morten Bergsmo, Anja Bihler, Gideon Boas, Neil Boister, Timothy Brook, Steve Bullard, Chang Cai, Sharon Chamberlain, Wui Ling Cheah, Monique Cormier, Robert Cribb, Robert Cryer, Helen Durham, Sarah Finnin, Georgina Fitzpatrick, Cathy Hutton, Bing Bing Jia, Nina Jørgensen, Barak Kushner, Judge O-Gon Kwon, Konrad Lawson, Kerstin von Lingen, Suzannah Linton, Judge Liu Daqun, Mike Mochizuki, Jim Morrow, Narrelle Morris, Lisa Nguyen, Valentyna Polunina, Siegfried Ramler, Ann-Sophie Schoepfel, Lisette Schouten, Kirsten Sellars, Gerry Simpson, David Sissons (late), Beatrice Trefalt, Sandra Wilson, Daqing Yang, and Yi Ping. In addition to these individuals, I have come to know over the course of my research a number of students, historians, legal scholars, lawyers, and citizen activists who dedicate significant portions of their intellectual lives to researching war crimes and engaging in educational activities in Japan. I would like to acknowledge the following individuals in particular: Arai Shinichi, Awaya Kentaro, Hayashi Hirofumi, Higurashi Yoshinobu, Honda Katsuichi, Ikô Toshiya, Ishida Yûji, Kobayashi Motohiro, Kasahara Tokushi, Nakano Satoshi, Nakazato Nariaki, Philipp Osten, Saji Akito, Shibataensuke, Takeda Kayoko, Tanaka Yuki, Tawara Yoshifumi, Tawara Yoshitaka, Udagawa Kôta, Ushimura Kei, Usumi Aiko, Watanabe Haruki, Yamada Masayuki, Yoshida Yutaka, and Yoshimi Yoshiaki. I have had the privilege of meeting new friends and colleagues in China, too, while participating in the International Symposium on the Tokyo Trial on November 12–14, 2013, hosted by Shanghai Jiao Tong University and cohosted by Soochow University, and the Inauguration of the Fudan International Criminal Law Center and the Symposium on Old Evidence Collection and War Crimes Trials in Asia on March 5–6, 2014, hosted by the Fudan University Law School. I look forward to future opportunities to work with all of those who participated in these events. I would like to acknowledge the following individuals in particular: Chen Aiguo, Chen Haoran, Cheng Zhaoqi, Gao Hong, Jiang Fu, Ma Jing, Mei Xiaokan, Xiang Longwan, Yang Lijun, Zhang Lan, Zhao Yuhui, and Zhu Wenqi. Belatedly, I would like also to acknowledge the following individuals for providing me with invaluable guidance during my field research many years ago: A. M. Battacharjee, Sugata Bose, Partha Chatterjee, Rajeev Dhavan, Sudipta Kaviraj, Bart van Poelgeest, Ashis Nandy, Debi Prasad Pal, Prasanta Kumar Pal (late) and his brothers and sisters, Sumit Sarkar, and Peter Romijn.

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My final words of thanks go to Uncle Ryoji, my maternal great uncle, who presently lives in northern Japan within a few-hours ride of the bullet train from Tokyo. He took an interest in my book on the Tokyo Trial some years back and, despite his advanced age (at 94), he read through it and returned to me, by way of my mother, a short yet incisive comment in a handwritten letter. I am hoping that the Japanese translation of this book will make it to him by 2015 when he turns 101 years old.
Note to the Reader

All translations of Japanese-language sources into English are my own unless indicated otherwise. All Japanese personal and place names are transliterated in accordance with the standard style Romanization. But different types of Romanization may appear in historical sources, such as Tojo Hideki instead of Tōjō Hideki, Ohta Seiichi instead of Ōta Seiichi, Homma Masaharu instead of Honma Masaharu, Kato Rimpei instead of Kato Rinpei and kempeitai or kempei tai instead of kenpeitai (military police force). The former types of Romanization are retained in the case of direct quotes from sources. Most Chinese personal and place names are transliterated in accordance with the internationally accepted pinyin system of Romanization. Exceptions are made for those names that are better known with alternative Romanization, such as Chiang Kai-shek instead of Jiang Jieshi, and the Kwantung Army instead of Guandong Army. Japanese and Chinese names are given in the traditional manner throughout this book, that is, the family name precedes the personal name.

The Japanese word “rikugunshō” is commonly translated as the “War Ministry” in historical sources. But this book will use the “Army Ministry” as the translation of rikugunshō in light of the fact that this ministry was in charge of administrative matters of the army organizations only. For administration pertaining to the navy organizations, there was a navy counterpart, kaigunshō (the Navy Ministry). The English-language translation of words related to rikugunshō, such as its chief minister, vice minister, ministry officials, and documents issued by this ministry, will be similarly translated as army minister, vice minister of the army, army ministry officials, army ministry notifications, and so on, and not war minister, vice war minister, war ministry officials, war ministry notifications, and so on. Exceptions apply, however, in the case of direct quotes from sources where the terms, “War Ministry,” “war minister,” and so on, may be used.
Note to the Reader