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978-1-107-08762-0 - Justice in Asia and the Pacific Region, 1945–1952: Allied War Crimes Prosecutions

Yuma Totani

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## 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-niji taisen go no hō to seigi no tsuikyū* (2008).

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# Justice in Asia and the Pacific Region, 1945–1952

*Allied War Crimes Prosecutions*

YUMA TOTANI

*University of Hawai'i*



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*To my parents, sisters, and brothers*

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## Acknowledgments

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I have been fortunate enough to enjoy the friendship and moral support of the following individuals in recent years: Jerry Bentley (late), Mary Elizabeth Berry, David Cohen, Mark Drumbl, Fujita Hisakazu (late), Sheldon Garon, Andrew Gordon, Tim McCormack, and Richard Sousa. Each of these individuals has given me encouragement for my career development in general and this book project in particular. I am also indebted to Iriye Akira for his warm endorsement of my previous book on the Tokyo Trial, which, in turn, served as the critical foundation of the present book project. Of these individuals, Jerry Bentley was a star historian and a dear colleague of ours in the Department of History at the University of Hawai‘i. He fell gravely ill at the end of 2011 and passed away on July 15, 2012. He used to be my go-to person when I needed some level-headed advice on career development, and his office door was always open for walk-in consultation, just a few doors down across the hallway. He is sorely missed in our department and in the larger community of world history

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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 gentlemanly, 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 contribution 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 (inaugurated 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.

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My final words of thanks go to Uncle Ryōji, 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.

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## 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 Katō 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.

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