

# The Tokyo Trials

MAY 1946 TO NOVEMBER 1948

History, Perspectives, and Significance

## THE ROAD TO TOKYO

### WHAT INTERESTS TOOK CENTER STAGE AT THE TRIAL?

Many Americans were infuriated by the attack on Pearl Harbor, where thousands of American naval and military personnel along with some civilians lost their lives. This attack also made the United States seem vulnerable to the world, as American colonial territories from the Philippines to Wake Island were attacked and occupied by the Imperial Japanese army. Like other European powers such as France, the United Kingdom, and the Netherlands, the US saw their colonial possessions taken over by Japan. However, at the end of the war, the Western powers had different ideas about what postwar justice should look like, and they differed on how or whether the various countries and colonies ought to be represented at the tribunal. While the U.S. entertained and adopted the rhetoric of self-determination and independence, Britain and other European powers were more interested in reverting to the status quo.



### CONFLICTING INTERESTS AND CONCEPTIONS OF JUSTICE AT THE TRIAL

While many in the United States were focused on retribution for the Attack on Pearl Harbor and other lives lost in battles across the Pacific, Asian countries which were occupied by Japan during the war witnessed and endured some of the most brutal atrocities under the Imperial Japanese Army. For India, the Philippines, and China, participating in the trial was an exercise of sovereignty. For the first time, their representatives would sit as equal players alongside the Western powers and the Soviet Union. Yet colonial interests still prevailing over the rest of Asia set real limits to the promise of self-determination. This would later come to head in the wave of decolonization struggles that followed in the postwar era.



### THE INFLUENCE OF NUREMBERG AT THE TOKYO TRIAL

The Nuremberg Trials in Germany from 1945-1946 set the tone for how the Tokyo trial ought to be conducted. General Douglas MacArthur (pictured on the right with Emperor Hirohito of Japan) adopted rules based on both what he thought went right and what went wrong at the Nuremberg Trial. As the Supreme Commander of the Allied Forces, MacArthur set up three broad categories of war crimes, under the categories of Class A, Class B, and Class C offenses. Class A crimes were "Crimes against peace," while Class B and C crimes were "Conventional war crimes and crimes against humanity." Class A Crimes aimed to prosecute Japanese military and government officials for instigating an aggressive war, and Class B and C charges were aimed at prosecuting the perpetrators of atrocities such as forced labour, mass rapes, and mass executions. (Vincent Pinti)



From the US National Archives: General Douglas McArthur, Supreme Commander of the Allied Powers (SCAP) with Emperor Hirohito of Japan. (September 27, 1945)

# The Tokyo Trial: A truly International tribunal?

## ASIAN REPRESENTATION AT THE TOKYO TRIAL

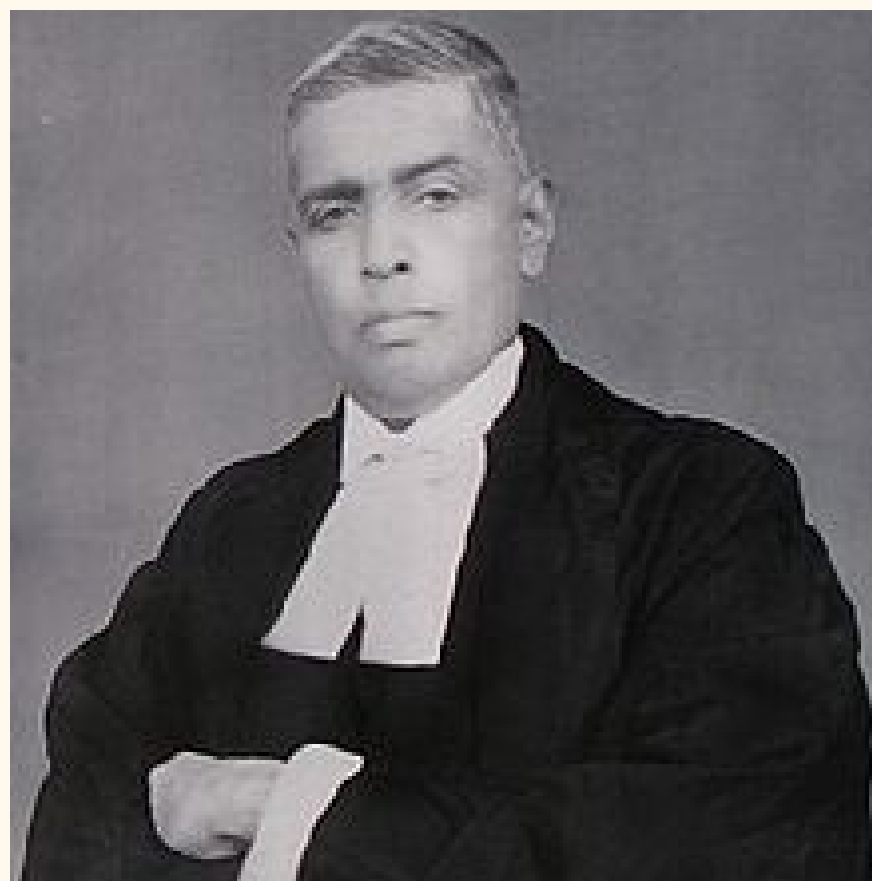
The jurisdiction and functions of the tribunal were outlined by the International Military Tribunal of the Far East (IMTFE) Charter. Britain along with Commonwealth countries Australia, Canada, and New Zealand each had their own judges. France, the Netherlands, the United States, and the Soviet Union each had judges of their own as well. China and the Philippines, two countries that sustained some of the most devastating losses of life and property under Japanese occupation, each had a judge, along with India, which had just won its independence from the British. Some scholars note that these Asian judges were last-minute appointments. During the trial, over 419 witnesses and over 4300 pieces of evidence were admitted. (Jasmin Jia)

## THE JUDGE DELEGATES FROM ASIA



### MEI RU'AO

Mei Ru'ao was China's judge delegate to the Tokyo Trials. He received his undergraduate degree from Stanford University in 1926 and his doctorate in law from the University of Chicago in 1928. Apart from his excellent command of the English language, Judge Mei Ru'ao had a solid legal education in the common law. During the trials, he successfully convinced other judges to impose the death penalty and lifelong imprisonment against Japan's major war criminals. He went on to be a Professor of Law and served as a diplomat. During the Cultural Revolution, he was persecuted for his "foreign education."



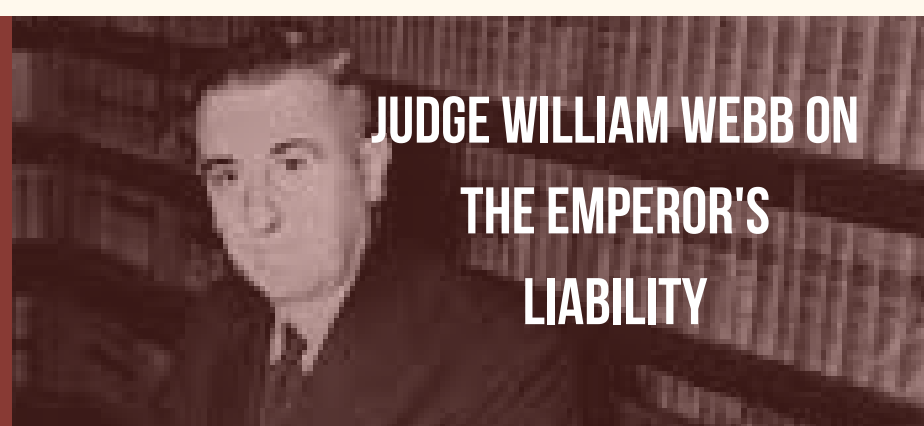
### RADHABINOD PAL

Pal controversially voted to exonerate all the accused Japanese defendants of all charges. Critical of colonial power and identifying with the Indian nationalist movement that opposed social oppression under British rule, he critiqued the violence embedded in European state sovereignty and racism. He believed that Japan was merely following the Western example after years of defending itself from Western colonial encroachment. Scholar Melinda Banerjee notes, in trying to protect Japanese sovereignty, Pal "seemingly defended (albeit in roundabout ways, and with many qualifications) the most brutal manifestations of Japanese imperialism and sovereign violence."



### DELFIN JARANILLA

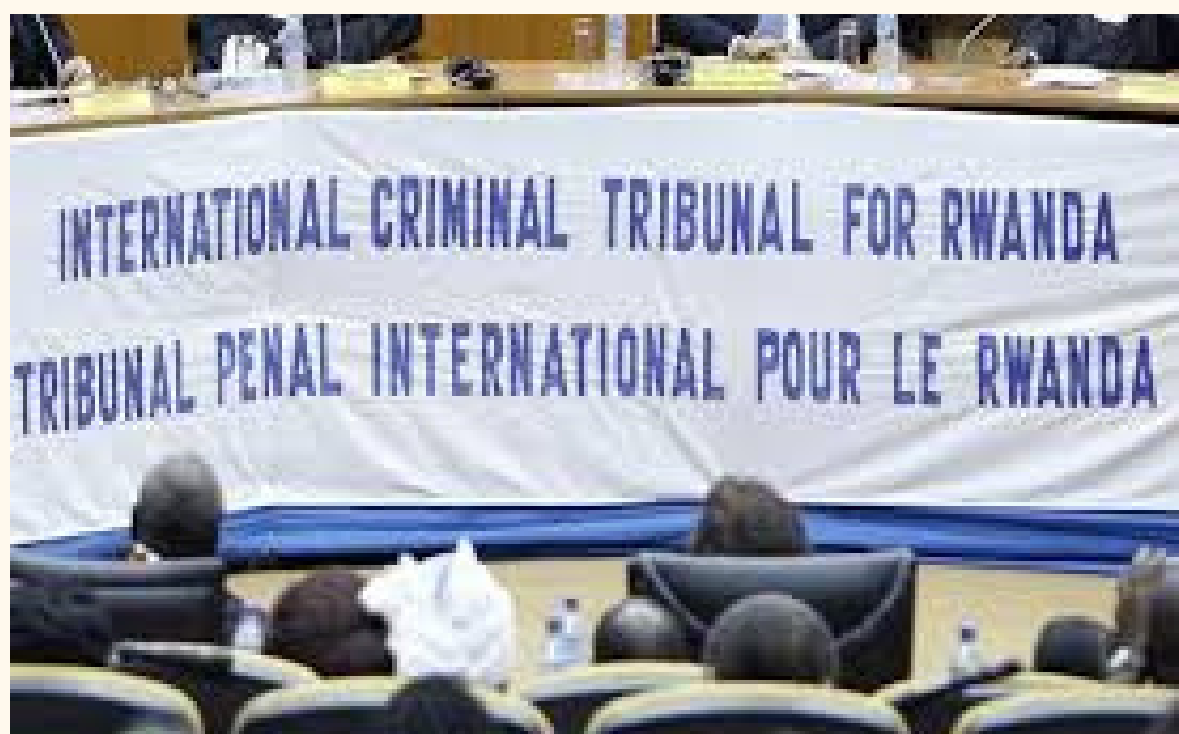
Delfin Jaranilla served as a judge in the Philippines. He graduated from Georgetown University with a diploma in law and returned to the Philippines after his studies. At the age of 37, he was appointed as a judge for the first group of the judicial district and began his career as a judge. During the war, Jaranilla was captured and detained by the Japanese. In fact, he was one of the survivors of the infamous 'Bataan Death March'. Not surprisingly, Jaranilla's concurring opinion defended the legitimacy of the trial. He also believed that the Tokyo Trial would provide an effective precedent in deterring potential atrocities.



### JUDGE WILLIAM WEBB ON THE EMPEROR'S LIABILITY

Sir William Flood Webb was the Australian judge and the President of the tribunal. The Webb Reports contain details of the evidence gathered from witnesses and the review of captured Japanese documents from 1943 to 1945. While the British and the Americans were against the indictment of Emperor Hirohito, scholars note that Webb entertained prosecuting the emperor as a war criminal.

# Reflecting on the Significance of The Tokyo Trials and the Legacy of International Criminal Tribunals



*Photos: From top left, Japanese defendants standing at the Tokyo Trial to hear the charges against them; top right, the Judges of the International Tribunal for the Far East (IMTFE) and a battery of court translators seated in front; bottom left, the courtroom of the International Criminal Tribunal for Rwanda (ICTR).*

Together with the Nuremberg Trial, the Tokyo Trials were the first international trials to prosecute the waging of aggressive war as a war crime. While the United Nations Charter contains principles against the use of force or threats, however, wars of aggression were only defined under the International Criminal Court Statute (ICC) in 2010.

The Tokyo Trials trials served as important models for subsequent International Criminal Tribunals. This was evident in the examples of the Former Yugoslavia and Rwanda. The trials will continue to set a precedent for international relations. Renewed and ongoing interest in the trial (scholarly or otherwise) is bound to raise fresh perspectives about its significance in our present moment. (Parker Friedrich)

## DISCUSSION QUESTIONS:

- How are the Tokyo Trials an example of "Victor's Justice"?
- What is the historical significance of the Tokyo Trials for the history of World War II in Asia?
- How are the Tokyo Trials important for the future of international relations?
- What are the implications of the Tokyo Trials omission of the issue of military sexual slavery?

*Additional Photo Credits: Archival Photos of the Tokyo Trials from the collection of the University of Virginia, the US National Archives, and a screenshot of the trial as seen in the Netflix series, the Tokyo Trial (p. 2).*

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