

## LAW REPORTS OF TRIALS OF WAR CRIMINALS

SELECTED AND PREPARED  
BY THE UNITED NATIONS WAR CRIMES  
COMMISSION

One of the aims of this series of Reports is to relate in summary form the course of the most important of the proceedings taken against persons accused of committing war crimes during the Second World War, apart from the major war criminals tried by the Nuremberg and Tokyo International Military Tribunals, but including those tried by United States Military Tribunals at Nuremberg. Of necessity, the trials reported in these volumes are examples only, since the trials conducted before the various Allied Courts, of which the United Nations War Crimes Commission has had records, number over 1,600. The trials selected for reporting, however, are those which are thought to be of the greatest interest legally and in which important points of municipal and international law arose and were settled.

Each report, however, contains not only the outline of the proceedings in the trial under review, but also, in a separate section headed "Notes on the Case," such comments of an explanatory nature on the legal matters arising in that trial as it has been thought useful to include. These notes provide also, at suitable points, general summaries and analyses of the decisions of the courts on specific points of law derived primarily from a study of relevant trials already reported upon in the series. Furthermore, the volumes include, where necessary, Annexes on municipal war crimes laws, their aim being to explain the law on such matters as the legal basis and jurisdiction, composition and rules of procedure on the war crime courts of those countries before whose courts the trials reported upon in the various volumes were held.

Finally, each volume includes a Foreword by Lord Wright of Durley, Chairman of the United Nations War Crimes Commission.

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The volumes have been made as internationally representative as the available material has allowed and the legal matters which have received report and comment have included questions of municipal as well as international law. The Reports, together with the notes on the cases and the Annexes on municipal law, should, therefore, prove of value as source-books and commentaries not only to the historian and the international lawyer but also to all students of comparative jurisprudence and legislation, and in general the intention of the Reports is to ensure that the lessons of the War Crime trials held by the various Allied courts during recent years shall not be lost for lack of a proper record made accessible to the public at large.

Thirteen volumes of the Reports have been published and a further two are in production. The final volume contains a general analysis of the legal outcome of the series.

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CASE No. 76

TRIAL OF WASHIO AWOCHI  
NETHERLANDS TEMPORARY COURT-MARTIAL AT BATAVIA  
(JUDGMENT DELIVERED ON 25TH OCTOBER, 1946)

*Enforced prostitution a war crime.*

#### A. OUTLINE OF THE PROCEEDINGS

The accused, Washio Awochi, a Japanese hotel-keeper who ran a club-restaurant in Batavia from 1943 to 1945, was tried for having forced Dutch women to practice prostitution in the premises of the club.

##### 1. THE CHARGE

The accused was charged with having "in time of war and as a subject of a hostile power, namely Japan," and "owner of the Sakura-Club, founded for the use of Japanese civilians," committed "war crimes by, in violation of the laws and customs of war, recruiting women and girls to serve the said civilians or causing them to be recruited for the purpose, and then under the direct or indirect threat of the Kempei (Japanese Military Police) should they wish to leave, forcing them to commit prostitution with the members of the said club," which the women and girls "were not able to leave freely."

The prosecution asked the court to find the accused guilty of "the war crime of enforced prostitution" and to convict him to 15 years' imprisonment.

##### 2. THE EVIDENCE

The court heard as witnesses some 12 women or girls who were forced to prostitution by the accused. According to their testimony, given under oath and corroborated by other evidence, as well as statements made by the accused himself, the facts were as follows:

Awochi was established in Batavia from 1920 and returned to Japan prior to the aggression on Pearl Harbour, on 30th November, 1941. After the occupation of the Dutch East Indies by Japanese forces, he returned to Batavia in June, 1942. He first opened a restaurant called "Akiboro." Later on, in 1943, he rented a block of houses and opened a brothel to which a restaurant and a bar were attached. The place was known as the Sakura Club and was exclusively reserved for Japanese civilians. His assistant in the brothel business was a woman, Lies Beerhorst, with whom he had lived since 1943. With her help, girls were engaged to serve in the restaurant or in the bar as waitresses and then gradually forced to commit acts of prostitution with the customers. In most cases, when accepting to serve in the restaurant or bar, the girls were unaware of the existence of the brothel. In other cases they knew of it, but made specific arrangements

Dutch case: WWII  
Japanese  
military sexual  
slavery

>other cases  
classified?