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Letter from the Jury

Esteemed prosecutors and defendants,

Welcome to APL MUN'24. It is our honour to facilitate the simulation of the Tokyo Trials. This committee is dedicated to holding Japanese leaders accountable for their crimes against peace and humanity during World War II. These proceedings follow the rigorous standards of international law, particularly those outlined in the charter of the International Military Tribunal for the Far East.

The Tokyo Trials were a significant moment in history, setting precedents for international justice and the prosecution of war crimes. As delegates in this simulation, you will have the responsibility of stepping into the roles of prosecutors and defendants (who are each representing themselves, with complete power of attorney as prescribed by the jury).

This background guide serves only as the starting point for your research. We have provided essential information to help you understand the context and framework of the Tokyo Trials. However, we strongly encourage you to research deeper into the topics, exploring various historical, legal, and ethical dimensions of the trials and your client. Comprehensive research will enable you to represent your clients and respective nations effectively, prioritizing their interests over personal beliefs or broader goals such as global peace.

Pre-trial submissions are mandatory. We expect student files for all individuals to submit them by **18/07/2024 - 4:59 P.M.(16:59 P.M.)**

At All THREE of the following emails: sowmiyanarayanan1234@gmail.com , jaresvar.s@gmail.com and hitansh.bhutani@gmail.in. The PTS' format and general expectations are in the Rules of Procedure section of this guide (Page)

If you have any questions or require further assistance, don't hesitate to reach out to the chairpersons.

Sincerely,

The Executive Board, Tokyo Trials

Sowmiya Narayanan - Justice Myron Cady Cramer (USA)

Hitansh Bhutani - Justice William Donald Patrick (UK)

S. Jaresvar - Justice Mei Ju-ao (ROC)

Introduction to Tokyo Trials

The Tokyo Trials, officially known as the International Military Tribunal for the Far East (IMTFE), were a series of military tribunals convened to prosecute the leaders of the Empire of Japan for crimes committed during World War II. Paralleling the Nuremberg Trials held in Europe for Nazi war criminals, the Tokyo Trials marked a significant moment in the post-war era, reflecting the Allies' commitment to justice and the establishment of a precedent for international law.

Prelude to the Trials

Japan's surrender on September 2, 1945, following the atomic bombings of Hiroshima and Nagasaki, concluded World War II in the Pacific. General Douglas MacArthur, the Supreme Commander of the Allied Powers, played a pivotal role in orchestrating the transition from wartime to peacetime, including the administration of justice for war crimes. Shortly after Japan's surrender, MacArthur ordered the arrests of prominent Japanese military and political figures, including General Hideki Tojo, Japan's wartime Prime Minister and a key architect of its military strategy.

The key objective of the trials was to hold accountable those responsible for the war's instigation and the atrocities committed during its course.

Establishment of the IMTFE

On January 19, 1946, General MacArthur issued a special proclamation establishing the IMTFE. This tribunal was tasked with adjudicating the cases against Japan's top military and political leaders. The legal framework and procedural rules for the Tokyo Trials were largely modelled on those used in the Nuremberg Trials, ensuring consistency in the application of international justice principles across both theatres of war.

The tribunal comprised judges from eleven Allied nations: Australia, Canada, China, France, India, the Netherlands, New Zealand, the Philippines, the Soviet Union, the United Kingdom, and the United States.

Charges and Legal Framework

The defendants at the Tokyo Trials faced three categories of charges: crimes against peace, conventional war crimes, and crimes against humanity.

1. *Crimes against peace* involved the planning, initiation, and waging of wars of aggression.
2. *Conventional war crimes* include violations of the laws and customs of war, such as the mistreatment of prisoners of war and the killing of hostages.
3. *Crimes against humanity* included widespread or systematic attacks against civilian populations, including murder, enslavement, and other inhumane acts.

To be tried by the tribunal, individuals had to have committed crimes against peace, primarily targeting those in the highest order of power who were instrumental in Japan's wartime aggression. This legal framework ensured that the most culpable leaders were held accountable for their actions.

Trial Proceedings

The trials officially commenced on May 3, 1946, in the former building of the Japanese Ministry of War in Ichigaya, Tokyo. This building, which had survived the extensive bombing of Tokyo, served as a symbolic venue, reflecting the transition from a centre of military power to a site of justice.

Throughout the trials, which lasted until November 12, 1948, the tribunal heard testimony from 419 witnesses and examined 4,336 pieces of evidence, including depositions and affidavits from 779 individuals. The prosecution aimed to demonstrate that the war crimes committed by the Japanese military were not isolated incidents but part of a systematic pattern of brutality and aggression.

Verdicts and Sentences

On November 12, 1948, the tribunal delivered its judgments. Seven defendants, including General Hideki Tojo, were sentenced to death by hanging. Sixteen others received life imprisonment sentences. The severity of the sentences reflected the gravity of the crimes and the tribunal's commitment to ensuring justice. Two defendants died during the trial, and one was declared unfit for trial due to mental illness, underscoring the complexity and challenges inherent in prosecuting such a large number of high-profile cases.

The Timeline of Events

September, 2, 1945 : The surrender of Japanese Troops, post the victory of the Allied Powers in World War II. There were major disagreements between the Allied administrations on the actual procedure on who to put on trial and how to try them.

September 9, 1945: General Douglas MacArthur—the Supreme Commander of the Allied Powers—ordered the arrests of Japanese suspects, including General Hideki Tojo (President of The Imperial Rule Assistance Association). Twenty-eight defendants, mostly Imperial military officers and government officials, were charged on the basis of different crimes

January, 19, 1946: General Douglas McArthur ordered the creation of the International Military Tribunal for the Far East (IMTFE) and approved the Charter.

April 25, 1946: The original Rules of Procedure of the International Military Tribunal for the Far East with amendments were announced.

April 29, 1946: Eleven countries came together to form the International Military Tribunal for the Far East (IMTFE), to try the leaders of Japan for joint conspiracy to start and wage war. They met at the former building of the Japanese Ministry of War in Ichigaya, Tokyo.

Before World War II, the building housed the Japanese Army Academy. It was principally a co-ordination centre for the troops of the Army and the Navy during World War II.

Major Cases and Charges

Day 1

The trial of Hideki Tojo:

Early Military Roles:

He served in various military capacities, including roles in the Kwantung Army in Manchuria, where he gained a reputation for being a strict and efficient officer.

Rise to Power Pre-World War II:

Tojo held several key military positions in the 1930s, including as Vice-Minister of War. He was involved in Japan's military actions in China and supported the alliance with Nazi Germany and Fascist Italy.

Becoming Prime Minister:

In October 1941, Tojo was appointed Prime Minister of Japan. He also served as the Minister of War, Home Minister, Education Minister, and Minister of Commerce and Industry at various points during his tenure.

World War II Leadership Pearl Harbor:

Tojo was a strong advocate for Japan's aggressive expansion and played a key role in the decision to attack Pearl Harbor on December 7, 1941, which led to the United States entering World War II.

Military Strategy:

As Prime Minister, Tojo directed Japan's war effort, overseeing numerous military campaigns across the Pacific and Asia. He was known for his hardline stance and dedication to Japan's military objectives.

Downfall and Post-War Decline:

By mid-1944, Japan was suffering significant defeats, and Tojo faced growing criticism. He resigned in July 1944 after the fall of Saipan, a crucial defeat for Japan. War Crimes Trials: After Japan's surrender in 1945, Tojo was arrested by Allied forces. He attempted suicide but survived and was later tried for war crimes.

Execution:

Tojo was found guilty of war crimes, including waging wars of aggression and permitting atrocities committed by Japanese forces. He was sentenced to death and executed by hanging on December 23, 1948.

Charges Against Hideki Tojo:

Crimes Against Peace Planning, Preparing, Initiating, and Waging Wars of Aggression: Tojo was charged with conspiring to plan, prepare, initiate, and wage aggressive wars against numerous countries. These countries included China, the United States, the British Commonwealth, the Netherlands, and the Philippines. The tribunal held that these wars were in violation of international laws and treaties, such as the Kellogg-Briand Pact, which Japan had signed and which renounced war as a means of resolving disputes.

Tojo was accused of being part of a group of Japanese leaders who conspired to engage in aggressive warfare. This included making decisions that led directly to acts of war, such as the attack on Pearl Harbor, which brought the United States into World War II.

Tojo was held accountable for numerous violations of the laws and customs of war as outlined in international agreements like the Hague Conventions. Under his leadership, Japanese forces committed atrocities against prisoners of war (POWs) and civilian populations in occupied territories. These crimes included Torture and Inhumane Treatment of POWs and civilians who were subjected to brutal treatment, including forced labour, starvation, medical experimentation, and summary execution.

Notable incidents like the Bataan Death March and the massacre of civilians in places such as Nanking (Nanjing) were highlighted as examples of the severe breaches of wartime conduct. Crimes Against Humanity. He was also charged with atrocities and persecution on Political, Racial, or Religious Grounds, crimes against humanity, including the systematic persecution and extermination of civilians. These charges covered a range of brutal acts, such as Forced Labour, Civilians and POWs were often forced into labour under extremely harsh conditions, leading to high mortality rates. Sexual Slavery. The establishment and operation of "comfort stations" where women were coerced into sexual slavery for Japanese soldiers.

Genocide and Mass Murder:

Various acts of mass murder and genocide committed against civilian populations in occupied territories. Tojo was one of the principal architects of the surprise attack on Pearl Harbor on December 7, 1941. This attack was a key factor in the United States entering World War II and was conducted without a declaration of war, constituting an act of aggressive war.

War in China: Tojo played a significant role in Japan's military actions in China, which included the invasion and occupation of Manchuria and the Second Sino-Japanese War. These campaigns were marked by widespread atrocities, such as the Nanking Massacre, where Japanese troops killed hundreds of thousands of civilians and prisoners of war. Also the Southeast Asian Campaigns where During his tenure, Tojo oversaw military operations throughout Southeast Asia, leading to the occupation of the Philippines, Malaya, Singapore, and the Dutch East Indies. In these areas, Japanese forces committed numerous war crimes, including the harsh treatment of POWs during the Bataan Death March.

Day 2

The trial of Kenji Doihara

Nature of the trials;

On day 2, the two trials will be notably different from the previously covered most geopolitically relevant; that of Hideki Tojo. The first of these is General Kenji Doihara, the chief of the intelligence service in Manchukuo. This trial will be characterised by the evidence being based on and revolving around the intelligence potency of Imperial Japan.

Doihara's work as chief of intelligence services;

While the official narrative portrayed a response to a fabricated Chinese attack (the Mukden Incident), Doihara had been meticulously laying the groundwork for a much longer time. He cultivated relationships with local warlords in Manchuria, manipulating them through bribery and intimidation to become allies of the Japanese. Doihara's intelligence network was extensive, using a web of spies and informants to sow discord within the Chinese administration and weaken their defences. He wasn't above using unconventional tactics – Koreans were encouraged to encroach on Chinese farmland, further stoking tensions. The Mukden Incident itself, likely staged by Doihara's own operatives, became the spark that ignited the flames of war. With meticulously planned attacks on strategic points throughout Manchuria, the Kwantung Army, heavily influenced by Doihara, swiftly overpowered the unprepared Chinese forces. Doihara even orchestrated the return of the deposed Qing Dynasty emperor, Puyi, as a puppet ruler, hoping to legitimise Japanese control through a facade of local support. The swiftness and ruthlessness of the invasion, fueled by Doihara's meticulous planning and manipulation, secured Manchuria for Japan, but at a terrible cost. It marked the beginning of a brutal occupation and a major step towards the wider Asian conflict that would devastate the region for years to come.

We leave the assimilation of the precise charge sheet, backed by legal corpus and preliminary evidence to the pre-trial submission of the Prosecution.

The trial of Shūmei Ōkawa

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RULES OF PROCEDURE

The docket for each day of court will be provided in advance, and before each trial, certain documentation must be prepared and submitted in advance for the purposes of discovery, by 11:59 PM of the day before which the trial is scheduled.

- Before trial, the prosecution is required to submit a charge sheet detailing the charges being pursued against the plaintiff, along with all available evidence, including material evidence as well as depositions and testimonies.
- Trial begins with an opening statement, of a duration of 120 seconds delivered by the prosecution. Any attorney on the side of the prosecution can volunteer to be recognized to present their opening stance, and recognition order will be at the discretion of the judges.
- Opening statements are followed by rebuttals from the defence, following the same pattern of recognition as opening statements
- Rebuttals are followed by questioning, first by the prosecution and then by the defence. Each side will be granted a total of 15 minutes for questioning, where attorneys are recognized to ask questions by the judges.
- Questioning is followed by a classified session which will be discussed during the committee. This is then followed by the closing statements. Only the attorneys that provided an opening statement can, and must provide a closing statement.
- Closing Statements are followed by 10 minutes of informal consultation post which the judges release their verdicts

Glossary of Key Terminologies

Allied Powers: The coalition of countries, including the United States, the Soviet Union, the United Kingdom, and China, among others, that opposed the Axis powers during World War II and later played roles in the Tokyo Trials.

Axis Powers: The coalition of Germany, Italy, and Japan, along with other nations that fought against the Allied Powers during World War II.

Testimony: Evidence presented orally by witnesses during the trial proceedings.

Affidavit: A written statement confirmed by oath or affirmation, used as evidence in court.

Deposition: Testimony of a witness taken under oath before trial and recorded for use in court at a later date.

Verdicts: The final judgments delivered by the tribunal regarding the guilt or innocence of the defendants.

Sentences: The punishments assigned to those found guilty by the tribunal, included death by hanging and life imprisonment.

Defendant: An individual accused of committing crimes and standing trial in a court of law. In the context of the Tokyo Trials, the defendants were Japanese military and political leaders prosecuted for crimes against peace, conventional war crimes, and crimes against humanity.

Prosecutor: The legal representative responsible for presenting the case against the defendants in a court of law. The prosecutor's role is to prove the guilt of the accused by presenting evidence and examining witnesses.

Role of Jury in Trials: The tribunal consisted of judges from eleven Allied nations who were responsible for evaluating the evidence, hearing testimonies, and delivering verdicts and sentences. (Note: In APL MUN Tokyo Trials, only 3 out of the eleven judges will serve as jurors.)

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That concludes this guide, reach out to us at aplmun@apl.edu.in for general conference queries and sowmiyanarayanan1234@gmail.com, hitansh.bhutani@gmail.com & jaresvar.s@gmail.com for committee-specific queries. See you soon!