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U.S. Naval War College (Editor)

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II. TRIALS OF WAR CRIMINALS

1. International Military Tribunal for the Far East, Indictment No. 1, 29 April 1946 (Excerpts)

NOTE. On 19 January 1946, the Supreme Commander for the Allied Powers issued a proclamation establishing an International Military Tribunal for the Far East, and approved a Charter of the Tribunal. The texts of the proclamation and of the Charter as amended on 26 April 1946 were published in Naval War College, International Law Documents, 1946-47, pp. 317, 319. Nine members of the Tribunal were appointed by the Supreme Commander on 15 February 1946, "from the names submitted by the signatories to the Instrument of Surrender" of 2 September 1945 (Naval War College, International Law Documents, 1946-47, p. 139); and two additional members from India and the Philippines were later appointed.

Each of the Governments of the States whose nationals were members of the Tribunal appointed counsel. An indictment signed by these counsel was served on twenty-eight defendants and lodged with the Tribunal on 29 April 1946, in which these "nations" accused the defendants of crimes against peace, war crimes, crimes against humanity, and common plans or conspiracies to commit those crimes, as defined in the Charter of the Tribunal. Only those counts on which defendants were convicted are reproduced here.

(Department of State Publications 2613.)

THE UNITED STATES OF AMERICA, THE REPUBLIC OF
CHINA, THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND, THE UNION OF SOVIET
SOCIALIST REPUBLICS, THE COMMONWEALTH OF
AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE,
THE KINGDOM OF THE NETHERLANDS, NEW ZEA-
LAND, INDIA, AND THE COMMONWEALTH OF THE
PHILIPPINES.

against

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kin-
goro; HATA, Shunroku; HIRANUMA, Kiichiro;
HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Sei-
shiro; KAYA, Okinori; KIDO, Koichi; KIMURA,
Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MAT-
SUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira;
NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei;

OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro.

Accused.

GROUP ONE: CRIMES AGAINST PEACE

The following counts charge Crimes against Peace, being acts for which it is charged that each of the persons named are individually responsible in accordance with Article 5 and particularly Article 5 (a) of the Charter of the International Military Tribunal for the Far East, and in accordance with International Law.

Count 1

All the accused together with other persons, between the 1st January, 1928, and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries bordering thereon and islands therein, and for that purpose they conspired that Japan should alone or in combination with other countries having similar objects, or who could be induced or coerced to join therein, wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against any country or countries which might oppose that purpose. . . .

Count 27

All the accused, between the 18th September, 1931, and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China. . . .

Count 29

All the accused, between the 7th December, 1941, and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United States of America. . . .

Count 31

All the accused, between the 7th December, 1941, and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the British Commonwealth of Nations. . . .

Count 32

All the accused, between the 7th December, 1941, and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of the Netherlands. . . .

Count 33

The accused ARAKI, DOHIHARA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO, SHIGEMITSU and TOJO, on and after the 22nd September, 1940, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of France. . . .

Count 35

The same accused as in Count 25,¹ during the summer of 1938, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Union of Soviet Socialist Republics. . . .

Count 36

The same accused as in Count 26,² during the summer of 1939, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Mongolian People's Republic and the Union of Soviet Socialist Republics. . . .

GROUP THREE: OTHER CONVENTIONAL WAR
CRIMES AND CRIMES AGAINST HUMANITY

The following Counts charge conventional War Crimes and Crimes against Humanity, being acts for which it is charged that each of the persons named are individually responsible, in accordance with Article 5 and particularly Article 5 (b) and (c) of the Charter of the International Military Tribunal for the Far East, and in accordance with International Law.

Count 54

The accused Dohihara, Hata, Hoshino, Itagaki, Kaya, Kido, Kimura, Koiso, Muto, Nagano, Oka, Oshima, Sato, Shigemitsu, Shimada, Suzuki, Togo, Tojo and Umezu, between the 7th December, 1941, and the 2nd September, 1945, ordered, authorised and permitted the commanders-in-chief and other persons mentioned in Count 53 to commit the

¹ Araki, Dohihara, Hata, Hiranuma, Hirota, Hoshino, Itagaki, Kido, Matsuoka, Matsui, Shigemitsu, Suzuki, and Togo.

² Araki, Dohihara, Hata, Hiranuma, Itagaki, Kido, Koiso, Matsui, Matsuoka, Muto, Suzuki, Togo, Tojo, and Umezu.

offences therein mentioned and thereby violated the laws of War.

In the case of the Republic of China the said orders, authorizations and permissions were given in a period beginning on the 18th September, 1931, and the following accused were responsible for the same in addition to those named above: Araki, Hashimoto, Hiranuma, Hirota, Matsui, Matsuoka, Minami.

Count 55

The accused Dohihara, Hata, Hoshino, Itagaki, Kaya, Kido, Kimura, Koiso, Muto, Nagano, Oka, Oshima, Sato, Shigemitsu, Shimada, Suzuki, Togo, Tojo and Umezu, between the 7th December, 1941, and the 2nd September, 1945, being by virtue of their respective offices responsible for securing the observance of the said Conventions and assurances and the Laws and Customs of War in respect of the armed forces in the countries hereinafter named and in respect of many thousands of prisoners of war and civilians then in the power of Japan belonging to the United States of America, the British Commonwealth of Nations, the Republic of France, the Kingdom of the Netherlands, the Commonwealth of the Philippines, the Republic of China, the Republic of Portugal and the Union of Soviet Socialist Republics, deliberately and recklessly disregarded their legal duty to take adequate steps to secure the observance and prevent breaches thereof, and thereby violated the laws of war.

In the case of the Republic of China, the said offence began on the 18th September, 1931, and the following accused were responsible for the same in addition to those named above: Araki, Hashimoto, Hiranuma, Hirota, Matsui, Matsuoka, Minami.