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XXIV. Japanese Trial and Execution of American Aviators

Statement by the President

(Dept. of State Bulletin, April 24, 1943, Vol. VIII, No. 200)

It is with a feeling of deepest horror, which I know will be shared by all civilized peoples, that I have to announce the barbarous execution by the Japanese Government of some of the members of this country's armed forces who fell into Japanese hands as an incident of warfare.

The press has just carried the details of the American bombing of Japan a year ago. The crews of two of the American bombers were captured by the Japanese. On October 19, 1942 this Government learned from Japanese radio broadcasts of the capture, trial, and severe punishment of those Americans. Continued endeavor was made to obtain confirmation of those reports from Tokyo. It was not until March 12, 1943 that the American Government received the communication given by the Japanese Government stating that these Americans had in fact been tried and that the death penalty had been pronounced against them. It was further stated that the death penalty was commuted for some but that the sentence of death had been applied to others.

This Government has vigorously condemned this act of barbarity in a formal communication sent to the Japanese Government. In that com-

munication this Government has informed the Japanese Government that the American Government will hold personally and officially responsible for these diabolical crimes all of those officers of the Japanese Government who have participated therein and will in due course bring those officers to justice.

This recourse by our enemies to frightfulness is barbarous. The effort of the Japanese warlords, thus to intimidate us will utterly fail. It will make the American people more determined than ever to blot out the shameless militarism of Japan.

I have instructed the Department of State to make public the text of our communication to the Japanese Government.

United States Communication of April 12, 1943, to the Japanese Government

The Government of the United States has received the reply of the Japanese Government conveyed under date of February 17, 1943, to the Swiss Minister at Tokyo to the inquiry made by the Minister on behalf of the Government of the United States concerning the correctness of reports broadcast by Japanese radio stations that the Japanese authorities intended to try before military tribunals American prisoners of war, for military operations, and to impose upon them severe penalties including even the death penalty.

The Japanese Government states that it has tried the members of the crews of American planes who fell into Japanese hands after the raid on Japan on April 18 last, that they were sentenced to death and that, following commutation of the sentence for the larger number of them, the

sentence of death was applied to certain of the accused.

The Government of the United States has subsequently been informed of the refusal of the Japanese Government to treat the remaining American aviators as prisoners of war, to divulge their names, to state the sentences imposed upon them or to permit visits to them by the Swiss Minister as representative of the protecting Power for American interests.

The Japanese Government alleges that it has subjected the American aviators to this treatment because they intentionally bombed non-military installations and deliberately fired on civilians, and that the aviators admitted these acts.

The Government of the United States informs the Japanese Government that instructions to American armed forces have always ordered those forces to direct their attacks upon military objectives. The American forces participating in the attack on Japan had such instructions and it is known that they did not deviate therefrom. The Government of the United States brands as false the charge that American aviators intentionally have attacked non-combatants anywhere.

With regard to the allegation of the Japanese Government that the American aviators admitted the acts of which Japanese Government accuses them, there are numerous known instances in which Japanese official agencies have employed brutal and bestial methods in extorting alleged confessions from persons in their power. It is customary for those agencies to use statements obtained under torture, or alleged statements, in proceedings against the victims.

If the admissions alleged by the Japanese Government to have been made by the American aviators were in fact made, they could only have been extorted fabrications.

Moreover, the Japanese Government entered into a solemn obligation by agreement with the Government of the United States to observe the terms of the Geneva Prisoners of War Convention. Article 1 of that Convention provides for treatment as prisoners of war of members of armies and of persons captured in the course of military operations at sea or in the air. Article 60 provides that upon the opening of a judicial proceeding directed against a prisoner of war, the representative of the protecting Power shall be given notice thereof at least three weeks prior to the trial and of the names and charges against the prisoners who are to be tried. Article 61 provides that no prisoner may be obliged to admit himself guilty of the act of which he is accused. Article 62 provides that the accused shall have the assistance of qualified counsel of his choice and that a representative of the protecting Power shall be permitted to attend the trial. Article 65 provides that sentence pronounced against the prisoners shall be communicated to the protecting Power immediately. Article 66 provides, in the event that the death penalty is pronounced, that the details as to the nature and circumstances of the offense shall be communicated to the protecting Power, for transmission to the Power in whose forces the prisoner served, and that the sentence shall not be executed before the expiration of a period of at least three months after such com-

munication. The Japanese Government has not complied with any of these provisions of the Convention in its treatment of the captured American aviators.

The Government of the United States calls again upon the Japanese Government to carry out its agreement to observe the provisions of the Convention by communicating to the Swiss Minister at Tokyo the charges and sentences imposed upon the American aviators, by permitting the Swiss representatives to visit those now held in prison, by restoring to those aviators the full rights to which they are entitled under the Prisoners of War Convention, and by informing the Minister of the names and disposition or place of burial of the bodies of any of the aviators against whom sentence of death has been carried out.

If, as would appear from its communication under reference, the Japanese Government has descended to such acts of barbarity and manifestations of depravity as to murder in cold blood uniformed members of the American armed forces made prisoners as an incident of warfare, the American Government will hold personally and officially responsible for those deliberate crimes all of those officers of the Japanese Government who have participated in their commitment and will in due course bring those officers to justice.

The American Government also solemnly warns the Japanese Government that for any other violations of its undertakings as regards American prisoners of war or for any other acts of criminal barbarity inflicted upon American prisoners in violation of the rules of warfare accepted and

practiced by civilized nations as military operations now in progress draw to their inexorable and inevitable conclusion, the American Government will visit upon the officers of the Japanese Government responsible for such uncivilized and inhumane acts the punishment they deserve.