

DEFENDING THE ENEMY

JUSTICE FOR THE WWII JAPANESE WAR CRIMINALS



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Defending The Enemy Justice For The Wwii Japanese War Criminals

Ken Dooley



Defending The Enemy Justice For The Wwii Japanese War Criminals:

Defending the Enemy Elaine B. Fischel, 2010-02 From 1946 48 Elaine B Fischel worked in Tokyo alongside the American attorneys assigned to defend the Japanese war criminals held responsible for the torture and deaths of millions of civilians and prisoners of war She recounts the post WWII transition in Japan to the country's occupation by their former enemy and the subsequent surprise on the part of the Japanese citizenry that the U S allegiance to democracy meant providing a fair trial even to the men considered the most evil perpetrators of atrocities In letters to her family at the time the author as a young woman tries to explain her relationships with the defendants and her own surprise at the growing fondness she felt for many of the villains of WWII particularly prime minister and general Hideki Tojo known during the war as Razor Defending the Enemy is also the story of a young woman who wants to make the most of her time in a country so full of beauty Fischel interweaves the activities and intrigues of the trial alongside her tales of travel throughout Japan her social engagements with high ranking military and civilians and her unique enduring relationships such as her friendship with Emperor Hirohito's brother Prince Takamatsu In doing so Fischel illuminates the paradoxes inherent during this period in history Elaine B Fischel was born in New York Her widowed mother moved her girls out of the big city and raised Elaine and her sister in Southern California In addition to honors grades in high school Elaine's athletic abilities led to a number one ranking in Junior tennis and while representing UCLA she became a National Intercollegiate Tennis Champion The end of World War II found Elaine working in Tokyo for two and a half years at the trial of the twenty eight accused Japanese war criminals General Douglas MacArthur the leader of the Occupation recruited American lawyers to defend the fallen leaders to insure that history would say this was a fair trial Elaine's assignment to the Defense enabled her to interact with the fallen leaders who had become clients and with military leaders diplomats the Japanese royal family and Japanese citizens from all walks of life When the trial was over Fischel returned home and attended the University of Southern California School of Law She went on to practice law for fifty seven years Book jacket *Japanese War Criminals* Sandra Wilson, Robert Cribb, Beatrice Trefalt, Dean Aszkielowicz, 2017-02-14 Beginning in late 1945 the United States Britain China Australia France the Netherlands and later the Philippines the Soviet Union and the People's Republic of China convened national courts to prosecute Japanese military personnel for war crimes The defendants included ethnic Koreans and Taiwanese who had served with the armed forces as Japanese subjects In Tokyo the International Military Tribunal for the Far East tried Japanese leaders While the fairness of these trials has been a focus for decades Japanese War Criminals instead argues that the most important issues arose outside the courtroom What was the legal basis for identifying and detaining subjects determining who should be prosecuted collecting evidence and granting clemency after conviction The answers to these questions helped set the norms for transitional justice in the postwar era and today contribute to strategies for addressing problematic areas of international law Examining the complex moral ethical legal and political issues surrounding the Allied

prosecution project from the first investigations during the war to the final release of prisoners in 1958 Japanese War Criminals shows how a simple effort to punish the guilty evolved into a multidimensional struggle that muddled the assignment of criminal responsibility for war crimes Over time indignation in Japan over Allied military actions particularly the deployment of the atomic bombs eclipsed anger over Japanese atrocities and among the Western powers new Cold War imperatives took hold This book makes a unique contribution to our understanding of the construction of the postwar international order in Asia and to our comprehension of the difficulties of implementing transitional justice

Showdown in the Pacific War Ronald E. Martell, 2015-03-06 Showdown in the Pacific War Nimitz and Yamamoto This unique book combines a carefully researched history with an easy to read analysis of the war in a fictional meeting between staff officers close to Admirals Chester Nimitz and Isoroku Yamamoto They trace the events leading to the Pacific War and the heroic struggles following the attack on Pearl Harbor to the eclipse of the Japanese war machine at Coral Sea Midway Guadalcanal and beyond Showdown reveals Yamamotos opposition to Japans waging a war it could not win along with his planning of her early successes and Admiral Nimitzs patient and careful reversal of the Empires offensives Showdown presents an even handed view of the nations that waged combat in the early stages of historys most famous naval war Ron Martell has given us a new and very interesting look at World War II in the Pacific Instead of simply retelling history he puts the reader in a fictitious yet plausible latter day conference between two of the conflicts high ranking adversaries key staff officers of the American and Japanese navies Its a genuine page turner for any fan of World War II history Ronald Russell author of No Right to Win A Continuing Dialogue with Veterans of the Battle of Midway Showdown in the Pacific is a thoroughly enjoyable read If someone asks me for a single book to read on how the Pacific War started and then was fought for the first 18 months I will heartily recommend this one Thom Walla Editor and Host of The Battle of Midway RoundTable

The Evolution of International Criminal Procedure Giovanni Chiarini, 2024-07-23 This book examines the evolution of international criminal procedure from the 1945 1946 Nuremberg and Tokyo trials to the present period It is largely based on a normative jurisprudential approach to the procedural rules comparing both norms and case law of the relevant courts and tribunals The book shows the possibility of classifying international criminal procedure as an autonomous concept and field of study which is constantly evolving due to the interaction of different legal cultures that characterizes this subject matter and is derived from the varied procedures as established in both statutory law and jurisprudence Far from being an autonomous entity international criminal procedure now represents a great compromise between the legal traditions of different ICC member States What emerges is the historical evolution of an international criminal procedure with a unique identity a very real third way between the traditional dichotomy of common law and civil law between the Anglo Saxon and the European Roman Law oriented legal traditions The book will be of interest to academics scholars and researchers working in the areas of international criminal law comparative law criminal procedure and legal history as well as judges and international legal

professionals **Men to Devils, Devils to Men** Barak Kushner, 2015-01-05 The Japanese Army committed numerous atrocities during its pitiless campaigns in China from 1931 to 1945 Focusing on the trials of Japanese war criminals Barak Kushner analyzes the political maneuvering and propagandizing in both China and Japan that would roil East Asian relations throughout the Cold War with repercussions still felt today The Tokyo Tribunal: Perspectives on Law, History and Memory Marina Aksenova, Diane Marie Amann, David Cohen, Robert Cribb, David M. Crowe, Donald M. Ferencz, Narrelle Morris, Diane Orentlicher, Kuniko Ozaki, Christoph Safferling, Franziska Seraphim, Gerry Simpson, Kayoko Takeda, Yuma Totani, Beatrice Trefalt, Sandra Wilson, 2020-10-27 The International Military Tribunal for the Far East IMTFE held in Tokyo from May 1946 to November 1948 was a landmark event in the development of modern international criminal law The trial in Tokyo was a complex undertaking and international effort to hold individuals accountable for core international crimes and delivering justice The Tribunal consisted of 11 judges and respective national prosecution teams from 11 countries and a mixed Japanese American team of defence lawyers The IMTFE indicted 28 Japanese defendants amongst them former prime ministers cabinet ministers military leaders and diplomats based on a 55 count indictment pertaining to crimes against peace war crimes and crimes against humanity The judgment was not unanimous with one majority judgment two concurring opinions and three dissenting opinions The trial and the outcome were the subject of significant controversy and the Tribunal's files were subsequently shelved in the archives While its counterpart in Europe the International Military Tribunal IMT at Nuremberg has been at the centre of public and scholarly interest the Tokyo Tribunal has more recently gained international scholarly attention This volume combines perspectives from law history and the social sciences to discuss the legal historical political and cultural significance of the Tokyo Tribunal The collection is based on an international conference marking the 70th anniversary of the judgment of the IMTFE which was held in Nuremberg in 2018 The volume features reflections by eminent scholars and experts on the establishment and functioning of the Tribunal procedural and substantive issues as well as receptions and repercussions of the trial *Relentless Pursuit* Ken Dooley, 2015-07-16 On December 7 1941 the United States was pathetically unprepared for war The battle fleet intended to keep the Pacific Ocean an American lake lay in smoking ruins at Pearl Harbor Ironically the devastating Japanese surprise attack revealed the path to victory above the sea not on it At the time U S air power was inferior even to our now crippled sea power Somehow thousands of men many of them too young to vote were selected and trained to defeat an enemy who flew faster more maneuverable airplanes They fought under General George C Kenney who commanded The Forgotten Fifth Air Force a name resulting from the priority assigned to the war in Europe Even today books focusing on the European war far outnumber those devoted to the Pacific war This book is about one group of men the 39th Fighter Squadron of the Fifth Air Force Rushed through training and flying planes greatly inferior to those flown by experienced Japanese pilots they held their own with raw courage determination and unflinching patriotism As they received better airplanes they pushed the Japanese back but always at terrible cost It took

great courage to climb into those cockpits Pilots lost over the sea and jungles were rarely found Those captured by the Japanese were routinely tortured and beheaded The war ended but searing questions remained Would justice ever be served for those pilots executed by the enemy Until now that question was never fully addressed With this book we explore the air war crimes investigations and punishments

The Oxford Handbook of Women and International Law Associate Professor of Political Science J Jarpa Dawuni, J. Jarpa Dawuni, Nienke Grossman, Professor of Law and Co-Director Center for International and Comparative Law Nienke Grossman, Associate Dean for Research and I Herman Stern Research Professor Jaya Ramji-Nogales, Jaya Ramji-Nogales, H  l  ne Ruiz Fabri, 2025 The Oxford Handbook of Women and International Law interrogates women's interrelationship with international law's institutions norms and theoretical approaches Its 35 chapters feature diverse and interdisciplinary contributions from across the globe from leading scholars international judges and legal practitioners

New Insights in the History of Interpreting Kayoko Takeda, Jes  s Baigorri-Jal  n, 2016-03-10 Who mediated intercultural exchanges in 9th century East Asia or in early voyages to the Americas Did the Soviets or the Americans invent simultaneous interpreting equipment How did the US government train its first Chinese interpreters Why is it that Taiwanese interpreters were executed for Japanese war crimes Bringing together papers from an international symposium held at Rikkyo University in 2014 along with two select pieces this volume pursues such questions in an eclectic exploration of the practice of interpreting the recruitment of interpreters and the challenges interpreters have faced in diplomacy colonization religion war and occupation It also introduces innovative use of photography artifacts personal journals and fiction as tools for the historical study of interpreters and interpreting Targeted at practitioners scholars and students of interpreting translation and history the new insights presented in the ten original articles aim to spark discussion and research on the vital roles interpreters have played in intercultural communication through history Now Open Access as part of the Knowledge Unlatched 2017 Backlist Collection

Fitness to Plead Ronnie Mackay, Warren Brookbanks, 2018-06-14 The law relating to fitness to plead is an increasingly important area of the criminal law While criminalization may be justified whenever an offender commits a sufficiently serious moral wrong requiring that he or she be called to account the doctrine of fitness to plead calls this principle into question in the case of a person who lacks the capacity or ability to participate meaningfully in a criminal trial In light of the emerging focus on capacity based approaches to decision making and the international human rights requirement that the law should treat defendants fairly this volume offers a benchmark for the theory and practice of fitness to plead providing readers with a unique opportunity to consider differing perspectives and debate on the future development and direction of a doctrine which has up till now been under discussed and under researched The fitness to plead rules stand as an exception to notions of public accountability for criminal wrongdoing yet despite the doctrine's long standing function in criminal procedure it has proven complex to apply in practice and has given rise to many varied legislative models and considerable litigation in different jurisdictions Particularly

troublesome is the question of what is to be done with someone who has been found unfit to stand trial. Here the law is required to balance the need to protect those defendants who are unable to participate effectively in their own trial, whether permanently or for a defined period, and the need to protect the public from people who may have caused serious social harm as a result of their antisocial behaviour. The challenge for law reformers, legislators and judges is to create rules that ensure that everyone who can properly be tried is tried while seeking to preserve confidence in the fairness of the legal system by ensuring that people who cannot properly engage in the criminal trial process are not forced to endure it.

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