



MacArthur Memorial Education Programs

The Other Nuremburg: The Pacific War Crimes Trials



Setting the Stage

What is a war crime? In what instances have war crimes been discussed in class? What do you think should be done to perpetrators of war crimes?

Produced by the MacArthur Memorial and Social Studies Teacher Lisa Pennington

Additional resources available at <http://www.macarthurmemorial.org/>

Background

Briefly review both theaters of World War II and war crimes against the civilian population in Europe. (Class C war crimes-Crimes against Humanity-stemmed from the treatment of Jews during the Holocaust.) Explain that crimes against civilians, as well as prisoners of war also took place in the Pacific theater of war. Read excerpts/primary sources aloud to students to introduce first-hand accounts of life as a prisoner of war in the Pacific. (attached, see pages 7-12)

Remind students about the Nuremberg Trials, and how they held responsible the planners, organizers, and perpetrators of aggressive war and the Holocaust. Explain to students that in Europe, the rate of death for POWs was 4%. In the Pacific, it was 27%. Ask students why they think the rate of death was so much higher in the Pacific. Do they think similar trials should have been held in the Pacific, and who should have been brought to trial?

Additional Background on the Tokyo Trials:

- In the Pacific, war crimes trials were held in several locations. The Class A trial, which tried the leaders and organizers of the Pacific war, including Hideki Tojo, was held in Tokyo. This was the only Class A trial to take place. There were over 2,200 Class BC trials, which tried over 5,700 defendants as war criminals.
- The goal of trying Japanese war criminals was set during the Potsdam Conference. The Potsdam Declaration states that the goal was not to enslave the Japanese or destroy them as a race, but “stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners.” The Potsdam Declaration also called for the Japanese government to remove all obstacles to the establishment of democratic principles among the Japanese. Therefore, with the goals of punishing war criminals and turning Japan into a democracy, the tribunals for the war crimes trials were established.
- When the Instrument of Surrender was signed on September 2, 1945, Japan was under the control of the Allied Forces. A Supreme Commander for the Allied Powers (Douglas MacArthur) was appointed to oversee the occupation and control of Japan. It was MacArthur who approved the Charter for the International Military Tribunal for the Far East (IMTFE).

- An early conflict concerning the Class A trial was over whether to try Emperor Hirohito as a war criminal. MacArthur successfully argued that Hirohito was needed to ensure a smooth occupation of Japan. He claimed that placing the Emperor on trial might result in an uprising, which would require a large expeditionary force and would endanger the occupation. Several other Allied nations, including the Philippines and Australia had pushed to place Hirohito on trial.
- The Charter, approved on January 19, 1946, outlined the basic organization of the Tribunal. Representatives from the US, Great Britain, France, China, Australia, New Zealand, the Soviet Union, the Netherlands, Canada, India, and the Philippines would serve as judges. One of the judges would act as President and moderator. Each country could also send lawyers and clerical staff. One lawyer would act as Chief of Counsel. The Australian representative, Sir William Webb, was appointed President of the Tribunal, and American lawyer Joseph B. Keenan was appointed Chief of Counsel.
- The indictment was filed on April 29, 1946 against 28 Japanese defendants who had held high level government and military posts between 1928 and 1945. The most well-known defendant was Hideki Tojo. The defendants had been responsible for overseeing POW camps, organizing Japan's educational system, publishing propaganda, organizing the alliance among Germany, Japan, and Italy, and organizing the occupation of Manchuria and Korea. All three classes of war crimes were represented in the indictment, covering events such as the invasion of Manchuria, the bombing of Pearl Harbor, and the mistreatment of POWs.
- The trial lasted for over two years. Verdicts and sentences were presented in November 1948. Many of the original charges against the defendants were thrown out due to lack of evidence, but ten of the original 55 charges remained. The main charge was for planning aggressive warfare. Of the 25 defendants who sat through the duration of the trial, all were found guilty on at least one charge. (Two defendants died during proceedings, and one was found mentally unstable and unable to stand trial. During the first day of court proceedings he smacked Tojo on the head and blamed everything on him.) Seven defendants, including Tojo, received the death penalty, and 16 received life in prison, with the other two receiving lesser sentences of 20 years and 7 years in prison.

Guided Practice

Look at the IMTFE Charter (attached, page 13-19) as a class and discuss.

- What are the three classes of war crimes?
- Why do you think war crimes were organized into these categories?
- Who issued the Charter, and on what date?
- Why do you think a Charter would need to be written for the IMTFE?

Independent Practice

Organize students into groups. Assign each group a section of the Charter. (Or a couple of sections, depending on class size.) Each group should read their sections and write a summary to share with the class. Things student should keep in mind when reading their sections: Why is this information included? What is the purpose behind the tribunal rules? How will these rules help/hurt the trial effort? Is anything in this section unfair? Should anything be changed? Why or why not? Do you think these sections could cause any problems during the trial?

After students have shared their summaries and the class has a general idea of the rules in the Charter, discuss as a class if anything in the Charter is unfair. Should anything be changed? Why or why not? (Possible controversies include admissible evidence, the permitted long term absence of judges, or the judges all representing Allied victors or “victim” nations, such as the Philippines.) What aspects of the Charter tried to create a fair trial for the defendants? (Possible answers include mandating English and Japanese as official languages, the translation of documents for the defendants as necessary, each defendant receiving a copy of the indictment in his native language, the right to select his own defense counsel, and the right to request witnesses or documents to aid his defense.)

Closure

Display a photo of the Tokyo Courtroom. Analyze the photo as a class. What do the students notice about the court room? How is it set up? Who is present? Is it an elaborate or simple court room? What does this say about the attitude toward the trials? (The courtroom was very elaborate and has been described as “Hollywood-esque.”)



Homework

Write a paragraph (or two) explaining why the Pacific War Crimes Trials were important. What did they hope to accomplish? Do you think the trials accomplished what they were supposed to? Why or why not? Do you think the trials were fair to the defendants? Why or why not?

First Hand Accounts

Excerpt from *Report No. 92 on the Murders, Mistreatment and Imprisonment Under Improper Conditions of Civilian Internees by the Japanese from January 1942-February 1945.*

FOOD

For the first six months the Japanese furnished no food at all to the internees (R 69), but paid into the camp fund seventy centavos daily per prisoner, and this was used to purchase food on the market. This was inadequate, but the internees supplemented this and got along fairly well by contributing their own money and also receiving some food and supplies from friends outside the camp through the "package line". This was a line of local friends who came daily in large numbers to give the internees some of the things they needed (R 9, 109). However in February 1944, the Japanese authorities prohibited outside contact with the internees, and from then on the Japanese undertook to feed the internees through quarter-master supplies (R 92, 109). Rations were never adequate and gradually decreased until by summer, internees were showing signs of malnutrition (R 94, Ex 5, 6). The shortage of food continued to increase (Ex 47) until near the end of their internment, the prisoners were dying at the rate of three or four a day (R 17), and the average weight loss was forty-two pounds (R 95). There was practically no garbage as the internees ate everything and even drank the dish water (R 20). In spite of vigorous and repeated protests concerning the inadequacy of the diet (Exs 15, 16, 42), no improvement in the food situation occurred (R 104).

TORTURES AND BEATINGS

Several internees were severely beaten and tortured for violation of various rules of the Japanese. On 29 February 1944 Earl Henry HORNBOSTEL, an American internee at Santo Tomas, was taken to the Japanese Military Police Station in Manila, handcuffed and questioned for three hours. After an hour's rest he was questioned again regarding his part in the dissemination of news in the internment camp. He was kicked in the shins and groin, seized by the hair, and shaken for three or four hours. The next day he was questioned for two hours and beaten about the shoulders with a bamboo rod. He was imprisoned for five weeks in a small cell with insufficient food and water, and no place to sleep except on the bare stone floor, and later was transferred to Old Bilibid Prison (R 80, 81).

Frederic H. STEVENS was taken from Santo Tomas on 7 October 1942 and held in custody at Fort Santiago until 23 April 1943. During two months of that period he was beaten with rubber hoses and sticks. Splinters were forced under his fingernails and toenails; he was burned, and his flesh was twisted with pincers (R 67, 68).

On 7 May 1944 Mr. I. PETERS and A. S. WELLS suffered severe injuries from beatings administered by the Japanese personnel of the camp for trading with people outside the camp for food (R 40, 53, 54, Exhibit 11). Others were also beaten (R 40, 51, 52, 54, 89).

Testimony of Earl Robert Short, 1st Lt. 31st Infantry

Q. 18. How long were you at the first Prisoner of War Camp?

Answer: 1 June '42 to 6 March '44

Q. 19. Describe the camp in considerable detail making mention of the manner of shelter provided, mess arrangements, sanitary arrangements, work assignments, punishment for infractions of camp rules, medical examinations and treatment, and all other comment which you have any reason to believe might be helpful or of interest in determining the measure of damages to be awarded you. Also give name or names and present address of persons who may corroborate your statements in whole or part. Give this answer on separate sheet of paper and mark "Annex 3."

No doubt the Committee is in possession of considerable material on Cabanatuan, which needs no repetition.

Q. 20. Were you ever denied any appropriate medical treatment?

Answer: 20 and 21. Yes. During the first six months of capture (1 June '42 to 1 Dec. '42 - Cabanatuan) there was little or nothing to eat besides rice. At the end of this period I was almost completely blind, had severe beri-beri, dysentery, pelegra, and other deficiency diseases. My weight was down from 165 lbs. to 127 lbs. No medical treatment was available. During Dec. '42 we received some Red Cross supplies and the Japanese ration allowance improved.

Q. 21. Describe in considerable detail your personal experience and the result on you physically and mentally.

After several months I regained some semblance of health.

Answer: Again, in Japan in February '45 I developed severe dysentery, and was passing large quantities of blood and mucous. No effective medicine was available until one of my own men produced 12 sulpha tablets which brought my diarrhoea under control. Eye trouble and beri-beri continued to bother me to a minor degree until liberation. Mentally I was depressed but not to the extent of most others because of my administrative responsibilities.



Testimony of Eleanor Williams

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DECLASSIFIED
E.O. 13526, Sec. 1.4
AND 775011
By RA/BC, NARA, Date 8/1/98

For the WAR CRIMES OFFICE
Judge Advocate General's Department -- War Department
United States of America

In the matter of the Execution of * Perpetuation of Testimony of Anna
Messrs. Carroll Grinnell, A. F. * Eleanor Williams, 1st Lt., N-703407.
Duggleby, E. E. Johnson, and *
Clifford Larsen, at or near Santo *
Tomas Internment Camp, Philippine *
Islands, subsequent to 25 Decem- *
ber 1944. *

Taken at: 1324 North 15th Street, Harrisburg, Pennsylvania

Date: 23 April 1945

In the Presence of: Irvin F. Shrode, Special Agent, Security Intelligence
Corps, Third Service Command.

Questions by: Irvin F. Shrode

Q. State your name, rank, serial number and permanent home address?

A. Anna Eleanor Williams, 1st Lieutenant, Army Nurse Corps, Serial No.
N-703407, 1324 North 15th Street, Harrisburg, Pennsylvania.

Q. State your education, special training and professional experience?

A. I graduated from the John Harris High School, Harrisburg, Pennsylvania,
in 1934, and I am a graduate of the Harrisburg Hospital, Nurses Training
School, Harrisburg, Pennsylvania, having been in nurses training at that
institution from 1935 to 1938. I was employed as a registered nurse
at the Harrisburg Hospital, Harrisburg, Pennsylvania from 1938 until
1940, during which time I performed private and general duty. From
April 1940 until October 1941 I specialized in orthopedic nursing at
the Walter Reed Hospital, Washington, D.C., in the Army Nurse Corps.
From November 1941 until 6 May 1942 I served as a nurse in the Army
Nurse Corps at Manila, Philippine Islands, Sternberg General Hospital,
Philippine Islands, and Hospital No. 2, Bataan, Philippine Islands.

Q. Have you recently been returned to the United States from overseas?

A. Yes.

Q. Were you a prisoner of war?

A. Yes.

Q. At what places were you held and state the approximate dates?

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DECLASSIFIED
 E.O. 13526, Sec. 1.1
 AND 775011
 By RAJ/BC, WRM, Date 8/15/78

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A. Corregidor, Philippine Islands, 6 May 1942 to 2 July 1942; Santo Tomas Internment Camp, Philippine Islands, 2 July 1942 to July 1943; Philippine General Hospital, Philippine Islands, July 1943 to September 1943; Santo Tomas Internment Camp, Philippine Islands, October 1943; Philippine General Hospital, Philippine Islands, November 1943 to February 1944; and Santo Tomas Internment Camp, February 1944 to February 1945.

Q. Did you continue your nursing duties after your imprisonment?

A. Yes, when the condition of my health permitted me to do so.

Q. Are you familiar with the circumstances of the execution of Messrs. Carroll Grinnell, A. F. Dugleby, E. E. Johnson, and Clifford Larsen, at or near the Santo Tomas Internment Camp, Philippine Islands, subsequent to 25 December 1944?

A. Yes. Messrs. Grinnell, Dugleby, Johnson and Larsen, all citizens of the United States, were civilian internees at the Santo Tomas Internment Camp. Mr. Grinnell was Chairman of the Internees Executive Committee at the Santo Tomas Internment Camp. Mr. Dugleby was also a member of the committee, which operated the camp under Japanese supervision. These four men were executed, according to information which I have received.

Q. State what you know of your own knowledge about that incident?

A. In December 1944, shortly before Christmas, Japanese soldiers entered the Santo Tomas Internment Camp and isolated Messrs. Grinnell, Dugleby, Johnson and Larsen. I did not see any of these persons after their isolation.

Q. State what was told you about that incident, and who told you?

I was told that these men were isolated until after the Christmas Holidays in 1944 and removed from the Camp shortly thereafter by the Japanese. I was further told that the bodies of four men were later found and identified as the victims mentioned by me, and that all of them had been beheaded. The isolation and subsequent removal of the victims from the prison camp was general knowledge at the camp and talked of by many of the internees. I was told by Miss Velma Ritter, an internee of the camp that the bodies of the victims had been found and identified and that they had been beheaded. Miss Ritter is prob-

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E.O. 12958, Sect. 1.4
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ably in San Francisco, California now, where she has a brother, Hubert Ritter, a watchmaker, at 209 Post Street, Room 1206. Miss Ritter had been connected with the Marsman Trading Company in Manila and she was also a radio news commentator there prior to the war. Miss Eva Grace Davis who Miss Ritter told me identified the bodies of these victims was a civilian internee at Santo Tomas. I do not know where Miss Davis is at present, but she has a sister, Lt. Dorothy Davis, Army Nurse Corps, and I think she is now in Manila.

Anna Eleanor Williams
Anna Eleanor Williams, 1st Lt., ANC

State of: Pennsylvania)
County of: Dauphin) SS

I, Anna Eleanor Williams, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

Anna Eleanor Williams
Anna Eleanor Williams, 1st. Lt., ANC

Subscribed and sworn to before me this 30th day of April 1945.

My Commission expires:

Herbert Rackmill
HERBERT RACKMILL
ASN O-339265
Captain, Infantry
Adjutant

~~SECRET~~

Additional Allied POW Testimonies

http://www.mansell.com/pow_resources/camplists/Nagoya/nag_10_fushiki/Otten.html

http://www.mansell.com/pow_resources/camplists/fukuoka/fuk_08_inatsuki/chick_statement-fuk_08.html (British POW)

http://www.mansell.com/pow_resources/camplists/philippines/ten_escape.html

http://mansell.com/pow_resources/camplists/philippines/pows_in_pi_report.html (section III, infractions of the Geneva Convention)

IMTFE Charter

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APC 500
26 April 1946

GENERAL ORDERS)

NO.....20)

General Orders No. 1, General Headquarters, Supreme Commander for the Allied Powers, 19 January 1946, subject as below, is superseded. The Charter of the International Military Tribunal for the Far East established by Proclamation of the Supreme Commander for the Allied Powers, 19 January 1946, is amended, and as amended, reads as follows:

CHARTER OF THE
INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

SECTION I

CONSTITUTION OF TRIBUNAL

ARTICLE 1. Tribunal Established. The International Military Tribunal for the Far East is hereby established for the just and prompt trial and punishment of the major war criminals in the Far East. The permanent seat of the Tribunal is in Tokyo.

ARTICLE 2. Members. The Tribunal shall consist of not less than six members nor more than eleven members, appointed by the Supreme Commander for the Allied Powers from the names submitted by the Signatories to the Instrument of Surrender, India, and the Commonwealth of the Philippines.

ARTICLE 3. Officers and Secretariat.

a. President. The Supreme Commander for the Allied Powers shall appoint a Member to be President of the Tribunal.

b. Secretariat.

- (1) The Secretariat of the Tribunal shall be composed of a General Secretary to be appointed by the Supreme Commander for the Allied Powers and such assistant secretaries, clerks, interpreters, and other personnel as may be necessary.
- (2) The General Secretary shall organize and direct the work of the Secretariat.
- (3) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of

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(GO 20, GHQ, SCAP, 1946)

the Tribunal, provide necessary clerical services to the Tribunal and its members, and perform such other duties as may be designated by the Tribunal.

ARTICLE 4. Convening and Quorum, Voting, and Absence.

a. Convening and Quorum. When as many as six members of the Tribunal are present, they may convene the Tribunal in formal session. The presence of a majority of all members shall be necessary to constitute a quorum.

b. Voting. All decisions and judgments of this Tribunal, including convictions and sentences, shall be by a majority vote of those members of the Tribunal present. In case the votes are evenly divided, the vote of the President shall be decisive.

c. Absence. If a member at any time is absent and afterwards is able to be present, he shall take part in all subsequent proceedings; unless he declares in open court that he is disqualified by reason of insufficient familiarity with the proceedings which took place in his absence.

SECTION II

JURISDICTION AND GENERAL PROVISIONS

ARTICLE 5. Jurisdiction Over Persons and Offenses. The Tribunal shall have the power to try and punish Far Eastern war criminals who as individuals or as members of organizations are charged with offenses which include Crimes against Peace. The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

a. Crimes against Peace: Namely, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

b. Conventional War Crimes: Namely, violations of the laws or customs of war;

c. Crimes against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed before or during the war, or persecutions on political or racial grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common

(GO 20, GHE, SCAP, 1946)

plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any person in execution of such plan.

ARTICLE 6. Responsibility of Accused. Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to order of his government or of a superior shall, of itself, be sufficient to free such accused from responsibility for any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

ARTICLE 7. Rules of Procedure. The Tribunal may draft and amend rules of procedure consistent with the fundamental provisions of this Charter.

ARTICLE 8. Counsel.

a. Chief of Counsel. The Chief of Counsel designated by the Supreme Commander for the Allied Powers is responsible for the investigation and prosecution of charges against war criminals within the jurisdiction of this Tribunal and will render such legal assistance to the Supreme Commander as is appropriate.

b. Associate Counsel. Any United Nation with which Japan has been at war may appoint an Associate Counsel to assist the Chief of Counsel.

SECTION III

FAIR TRIAL FOR ACCUSED

ARTICLE 9. Procedure for Fair Trial. In order to insure fair trial for the accused the following procedure shall be followed:

a. Indictment. The indictment shall consist of a plain, concise, and adequate statement of each offense charged. Each accused shall be furnished, in adequate time for defense, a copy of the indictment, including any amendment, and of this Charter, in a language understood by the accused.

b. Language. The trial and related proceedings shall be conducted in English and in the language of the accused. Translations of documents and other papers shall be provided as needed and requested.

c. Counsel for Accused. Each accused shall have the right to be represented by counsel of his own selection, subject to the disapproval of such counsel at any time by the Tribunal. The accused shall file with the General Secretary of the Tribunal the name of





(GO 20, GR, SCAP, 1946)

his counsel. If an accused is not represented by counsel and in open court requests the appointment of counsel, the Tribunal shall designate counsel for him. In the absence of such request the Tribunal may appoint counsel for an accused if in its judgment such appointment is necessary to provide for a fair trial.

d. Evidence for Defense. An accused shall have the right, through himself or through his counsel (but not through both), to conduct his defense, including the right to examine any witness, subject to such reasonable restrictions as the Tribunal may determine.

e. Production of Evidence for the Defense. An accused may apply in writing to the Tribunal for the production of witnesses or of documents. The application shall state where the witness or document is thought to be located. It shall also state the facts proposed to be proved by the witness or the document and the relevancy of such facts to the defense. If the Tribunal grants the application the Tribunal shall be given such aid in obtaining production of the evidence as the circumstances require.

ARTICLE 10. Applications and Motions before Trial. All motions, applications, or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal for action by the Tribunal.

SECTION IV

POWERS OF TRIBUNAL AND CONDUCT OF TRIAL

ARTICLE 11. Powers. The Tribunal shall have the power:

- a. To summon witnesses to the trial, to require them to attend and testify, and to question them.
- b. To interrogate each accused and to permit comment on his refusal to answer any question.
- c. To require the production of documents and other evidentiary material.
- d. To require of each witness an oath, affirmation, or such declaration as is customary in the country of the witness, and to administer oaths.
- e. To appoint officers for the carrying out of any task designated by the Tribunal, including the power to have evidence taken on commission.

ARTICLE 12. Conduct of Trial. The Tribunal shall:

- a. Confine the trial strictly to an expeditious hearing of

(GO 20, GHR, SCAP, 1946)

the issues raised by the charges.

b. Take strict measures to prevent any action which would cause any unreasonable delay and rule out irrelevant issues and statements of any kind whatsoever.

c. Provide for the maintenance of order at the trial and deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any accused or his counsel from some or all further proceedings, but without prejudice to the determination of the charges.

d. Determine the mental and physical capacity of any accused to proceed to trial.

ARTICLE 13. Evidence.

a. Admissibility. The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and shall admit any evidence which it deems to have probative value. All purported admissions or statements of the accused are admissible.

b. Relevance. The Tribunal may require to be informed of the nature of any evidence before it is offered in order to rule upon the relevance.

c. Specific evidence admissible. In particular, and without limiting in any way the scope of the foregoing general rules, the following evidence may be admitted:

- (1) A document, regardless of its security classification and without proof of its issuance or signature, which appears to the Tribunal to have been signed or issued by any officer, department, agency or member of the armed forces of any government.
- (2) A report which appears to the Tribunal to have been signed or issued by the International Red Cross or a member thereof, or by a doctor of medicine or any medical service personnel, or by an investigator or intelligence officer, or by any other person who appears to the Tribunal to have personal knowledge of the matters contained in the report.
- (3) An affidavit, deposition or other signed statement.
- (4) A diary, letter or other document, including sworn or unsworn statements, which appear to the Tribunal to contain information relating to the charge.





(GO 20, GHQ, SCAP, 1946)

- (5) A copy of a document or other secondary evidence of its contents, if the original is not immediately available.

d. Judicial Notice. The Tribunal shall neither require proof of facts of common knowledge, nor of the authenticity of official government documents and reports of any nation nor of the proceedings, records, and findings of military or other agencies of any of the United Nations.

e. Records, Exhibits, and Documents. The transcript of the proceedings, and exhibits and documents submitted to the Tribunal, will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

ARTICLE 14. Place of Trial. The first trial will be held at Tokyo, and any subsequent trials will be held at such places as the Tribunal decides.

ARTICLE 15. Course of Trial Proceedings. The proceedings at the Trial will take the following course:

a. The indictment will be read in court unless the reading is waived by all accused.

b. The Tribunal will ask each accused whether he pleads "guilty" or "not guilty."

c. The prosecution and each accused (by counsel only, if represented) may make a concise opening statement.

d. The prosecution and defense may offer evidence, and the admissibility of the same shall be determined by the Tribunal.

e. The prosecution and each accused (by counsel only, if represented) may examine each witness and each accused who gives testimony.

f. Accused (by counsel only, if represented) may address the Tribunal.

g. The prosecution may address the Tribunal.

h. The Tribunal will deliver judgment and pronounce sentence.

SECTION V

JUDGMENT AND SENTENCE

ARTICLE 16. Penalty. The Tribunal shall have the power to

(GO 20, GHQ, SCAF, 1946)

impose upon an accused, on conviction, death, or such other punishment as shall be determined by it to be just.

ARTICLE 17. Judgment and Review. The judgment will be announced in open court and will give the reasons on which it is based. The record of the trial will be transmitted directly to the Supreme Commander for the Allied Powers for his action. Sentence will be carried out in accordance with the Order of the Supreme Commander for the Allied Powers, who may at any time reduce or otherwise alter the sentence, except to increase its severity.

By command of General MacARTHUR:

RICHARD J. MARSHALL
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:

B. M. Fitch

B. M. FITCH,
Brigadier General, AGD,
Adjutant General.

