

WAR CRIMES TRIALS AND OTHER ESSAYS



Carlos Whitlock Porter

War Crimes Trials And Other Essays

Gerry Simpson



War Crimes Trials And Other Essays:

War Crimes Trials and Other Essays Carlos Whitlock Porter, 2018-10 Approximately 10 000 War Crimes Trials have been held since 1945 Trials of Japanese military personnel ended in 1949 yet war crimes trials of Germans and Eastern Europeans continue to date Almost invariably the charge is violation of the laws and customs of war derived in turn from international conventions signed at the Hague in 1899 and 1907 That these trials have little or no basis in law is clear from the wording of the treaties which are said to have been violated The illegalities of war crimes proceedings include the admissibility of oral and written hearsay the introduction of the concept of conspiracy into international law unknown prior to 1945 the total lack of any pre trial inquest or forensic evidence and trial before a court itself composed of actual war criminals To quote the writings of Telford Taylor The issues surrounding the war crimes trials are numerous and complex discussion and criticism of what was done should be welcomed by all who hope for a continuing development of international law but what should have been done instead is a problem generally ignored by those who condemn what was done in fact 99 The alternative is a fair trial before an impartial court under existing procedures and proper rules of evidence **War**

Crimes Trials and Other Essays Carlos Porter, 2013 Approximately 10 000 War Crimes Trials have been held since 1945 Trials of Japanese military personnel ended in 1949 yet war crimes trials of Germans and Eastern Europeans continue to date Almost invariably the charge is violation of the laws and Australia's War Crimes Trials 1945-51 Georgina Fitzpatrick, Timothy L.H. McCormack, Narrelle Morris, 2016-08-29 This unique volume provides a detailed analysis of Australia's 300 war crimes trials of principally Japanese accused conducted in the immediate aftermath of the Second World War Part I contains contextual essays explaining why Australia established military courts to conduct these trials and thematic essays considering various legal issues in and historical perspectives on the trials Part II offers a comprehensive collection of eight location essays one each for the physical locations where the trials were held In Part III post trial issues are reviewed such as the operation of compounds for war criminals the repatriation of convicted Japanese war criminals to serve the remainder of their sentences and reflections of some of those convicted on their experience of the trials In the final essay a contemporary reflection on the fairness of the trials is provided not on the basis of a twenty first century critique of contemporary minimum standards of fair trial expected in the prosecution of war crimes but by reviewing approaches taken in the trials themselves as well as from reactions to the trials by those associated with them The essays are supported by a large collection of unique historical photographs maps and statistical materials There has been no systematic and comprehensive analysis of these trials so far which has meant that they are virtually precluded from consideration as judicial precedent This volume fills that gap and offers scholars and practitioners an important and groundbreaking resource

Nuremberg and other War Crimes Trials R. Harwood, 1978 **War Crimes and Human Rights** William Schabas, 2008 This is a collection of essays and articles on human rights law and international criminal law authored by William Schabas

one of the most prominent contemporary scholars and practitioners Particular attention is given to such topics as the limitation and abolition of the death penalty genocide and crimes against humanity the establishment and operation of the International Criminal Court and the ad hoc international criminal tribunals truth and reconciliation commissions reservations to human rights treaties and the implementation of international human rights norms in domestic law

World Wars I & II and Other Essays Debo Prasad Barooah, 1978 Articles chiefly on world politics and its impact on the Indian freedom struggle

The Tokyo Trial Jeanie Maxine Welch, 2001-11-30 Overshadowed for many years by the Nuremberg trials the Tokyo Trial one of the major events in the aftermath of World War II has elicited renewed interest since the 50th anniversary of the war s end Revelations of previously hidden war crimes including comfort women and biological warfare and the establishment of international courts to try Yugoslav and Rwandan war criminals have added to the interest This bibliography addressees the renewed interest in the Tokyo Trial providing over 700 citations to official publications scholarly monographs and journal articles contemporaneous accounts manuscript collections and Web sites Also included are sources on the Trial s influence on international law and military law and unresolved issues being debated to this day Defining war crimes after the fact practicing victor s justice to punish enemies holding military commanders accountable for their troops actions these were issues confronted in the Tokyo Trial and other Asia Pacific war crimes trials They are still being investigated researched and debated today This bibliography helps to illuminate these issues from different perspectives providing a variety of ways to locate relevant English language sources The volume also includes citations to contemporary issues stemming from the Asia Pacific war crimes trials comfort women biological warfare and unresolved issues of reparations and official apologies The book is a useful guide to sources on all aspects of the Tokyo Trial

Researching Japanese War Crimes Records: Introductory Essays , Japanese war crimes committed in Asia and the Pacific between 1931 and 1945 concerned few Americans in the decades following World War II Japan s crimes against Asian peoples had never been a major issue in the postwar United States and with the notable exceptions of former U S prisoners of war held by the Japanese even remembrance of Japanese wartime atrocities against Americans dimmed as years passed American attitudes about Japanese war crimes changed markedly following the 1997 publication of Iris Chang s *The Rape of Nanking* 2 Chang s moving testament to the Chinese victims of the sack of Nanjing in 1937 graphically detailed the horror and scope of the crime and indicted the Japanese government and people for their collective amnesia about the wartime army s atrocious conduct The bestselling book spurred a tremendous amount of renewed interest in Japanese wartime conduct in China Korea the Philippines Southeast Asia and the Pacific The Rape of Nanking raised many issues that demanded further explanation Why were the Japanese not punished as severely as the Nazis for their crimes Did the United States suppress evidence of the criminal responsibility of activity by the emperor to ensure a smoothly running occupation of Japan Did the U S government protect Japanese medical officers in exchange for data on human experimentation Chang also charged the U S government

with inexplicably and irresponsibly returning confiscated wartime records to Japan before microfilming them making it impossible to determine the extent of Japan's guilt. 3 Others were convinced that the U.S. government retained highly classified documents that would prove Japanese guilt beyond doubt and implicate the highest levels of Japanese government and society in the crimes. These issues led concerned parties to investigate Japanese wartime records among the holdings at the U.S. National Archives and Records Administration (NARA) in College Park, Maryland, and at other U.S. government agencies. Thorough documentation of Japanese war crimes and criminal activities among these holdings seemed unavailable, leading to speculation of an official cover-up. Suspicions that the U.S. government was deliberately concealing dark secrets were fueled when, instead of finding the records they sought, researchers encountered a card stating the records had been withdrawn for security reasons as well as when they received a notice that requested information could not be located.

The Dismantling of Japan's Empire in East Asia Barak Kushner, Sherzod Muminov, 2016-12-08 The end of Japan's empire appeared to happen very suddenly and cleanly, but as this book shows, it was in fact very messy, with a long period of establishing or re-establishing the postwar order. Moreover, as the authors argue, empires have afterlives, which in the case of Japan's empire is not much studied. This book considers the details of deimperialization, including the repatriation of Japanese personnel, the redrawing of boundaries, issues to do with prisoners of war and war criminals, and new arrangements for democratic political institutions, for media, and for the regulation of trade. It also discusses the continuing impact of empire on the countries ruled or occupied by Japan, where, as a result of Japanese management and administration, both formal and informal patterns of behavior and attitudes were established that continued subsequently. This was true in Japan itself, where returning imperial personnel had to be absorbed and adjustments made to imperial thinking, and in present-day East Asia, where the shadow of Japan's empire still lingers. This legacy of unresolved issues concerning the correct relationship of Japan, an important energetic outgoing nation and a potential regional hub with the rest of the region, not comfortably settled in this era, remains a fulcrum of regional dispute.

Neonationalist Mythology in Postwar Japan Nariaki Nakazato, 2016-04-27 Radhabinod Pal was an Indian jurist who achieved international fame as the judge representing India at the Tokyo War Crimes Tribunal and dissented from the majority opinion holding that all Japanese Class A war criminals were not guilty of any of the charges brought against them. In postwar Japanese politics, right-wing polemicists have repeatedly utilized his dissenting judgment in their political propaganda aimed at refuting the Tokyo trial's majority judgment and justifying Japan's aggression, gradually elevating this controversial lawyer from India to a national symbol of historical revisionism. Many questions have been raised about how to appropriately assess Pal's dissenting judgment and Pal himself. Were the arguments in Pal's judgment sound? Why did he submit such a bold dissenting opinion? What was the political context? More fundamentally, why and how did the Allies ever nominate such a lawyer as a judge for a tribunal of such great political importance? How should his dissent be situated within the context of modern Asian history and the development of international criminal

justice What social and political circumstances in Japan thrust him into such a prominent position Many of these questions remain unanswered while some have been misinterpreted This book proposes answers to many of them and presents a critique of the persistent revisionist denial of war responsibility in the Japanese postwar right wing movement **Morality, Jus Post Bellum, and International Law** Larry May, Andrew Forcehimes, 2012-04-23 Leading legal political and moral theorists discuss the normative issues that arise when war concludes and when a society strives to regain peace **Human Rights in the Israeli-occupied Territories, 1967-1982** Esther Rosalind Cohen, 1985 Social cultural civil and political measures Part VI **The Sentimental Life of International Law** Gerry Simpson, 2021-11-11 The Sentimental Life of International Law is about our age old longing for a decent international society and the ways of seeing being and speaking that might help us achieve that aim This book asks how international lawyers might engage in a professional practice that has become to adapt a title of Janet Malcolm s both difficult and impossible It suggests that international lawyers are disabled by the governing idioms of international lawyering and proposes that they may be re enabled by speaking different sorts of international law or by speaking international law in different sorts of ways In this methodologically diverse and unusually personal account Gerry Simpson brings to the surface international law s hidden literary prose and offers a critical and redemptive account of the field He does so in a series of chapters on international law s bathetic underpinnings its friendly relations the neurotic foundations of its underlying social order its screened off comic dispositions its anti method and the life worlds of its practitioners Finally the book closes with a chapter in which international law is re envisioned through the practice of gardening All of this is put forward as a contribution to the project of making international law again a compelling language for our times **Philosophy of Nonviolence** Chibli Mallat, 2015-01-08 In 2011 the Middle East saw more people peacefully protesting long entrenched dictatorships than at any time in its history The dictators of Tunisia Egypt and Yemen were deposed in a matter of weeks by nonviolent marches Imprecisely described as the Arab Spring the revolution has been convulsing the whole region ever since Beyond an uneven course in different countries Philosophy of Nonviolence examines how 2011 may have ushered in a fundamental break in world history The break the book argues is animated by nonviolence as the new spirit of the philosophy of history Philosophy of Nonviolence maps out a system articulating nonviolence in the revolution the rule of constitutional law it yearns for and the demand for accountability that inspired the revolution in the first place **Reader's Guide to Judaism** Michael Terry, 2013-12-02 The Reader s Guide to Judaism is a survey of English language translations of the most important primary texts in the Jewish tradition The field is assessed in some 470 essays discussing individuals Martin Buber Gluckel of Hameln literature Genesis Ladino Literature thought and beliefs Holiness Bioethics practice Dietary Laws Passover history Venice Baghdadi Jews of India and arts and material culture Synagogue Architecture Costume The emphasis is on Judaism rather than on Jewish studies more broadly **Genocide, State Crime and the Law** Jennifer Balint, 2011-10-28 Genocide State Crime and the Law argues that genocide and other forms of state

crime must be located in relation to cultural political and legal processes if they are to be properly understood and addressed

I Am the People Partha Chatterjee, 2019-12-17 The forms of liberal government that emerged after World War II are in the midst of a profound crisis In *I Am the People* Partha Chatterjee reconsiders the concept of popular sovereignty in order to explain today's dramatic outburst of movements claiming to speak for the people To uncover the roots of populism Chatterjee traces the twentieth century trajectory of the welfare state and neoliberal reforms Mobilizing ideals of popular sovereignty and the emotional appeal of nationalism anticolonial movements ushered in a world of nation states while liberal democracies in Europe guaranteed social rights to their citizens But as neoliberal techniques shrank the scope of government politics gave way to technical administration by experts Once the state could no longer claim an emotional bond with the people the ruling bloc lost the consent of the governed To fill the void a proliferation of populist leaders have mobilized disaffected groups into a battle that they define as the authentic people against entrenched oligarchy Once politics enters a spiral of competitive populism Chatterjee cautions there is no easy return to pristine liberalism Only a counter hegemonic social force that challenges global capital and facilitates the equal participation of all peoples in democratic governance can achieve significant transformation Drawing on thinkers such as Antonio Gramsci Michel Foucault and Ernesto Laclau and with a particular focus on the history of populism in India *I Am the People* is a sweeping theoretically rich account of the origins of today's tempests

Essays on Education and Popular Culture Biko Agozino, 2019-03-13 This book is devoted to simple but deep readings of the subtle and not so subtle messages in films and to the interpretation of the silences that are strategically delivered through the mass media Readers are welcome to agree disagree or even offer new readings of other relevant texts for the promotion of mass literacy and mutual understanding The book will serve to equip the general public with skills for the development of literacy both within the walls of classrooms and beyond their boundaries in the outside world It is based on a selection of blog posts and journal articles that are updated and brought together in book form for the first time here

The Modern Law of Land Warfare Morris Greenspan, 2023-11-15 This title is part of UC Press's Voices Revived program which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1959 *Film and the Law* Steve Greenfield, Guy Osborn, Peter Robson, 2010-10-05 Described by Richard Sherwin of New York Law School as the law and film movement's founding text this text is a second heavily revised and improved edition of the original *Film and the Law* Cavendish Publishing 2001 The book is distinctive in a number of ways it is unique as a sustained book length exposition on law and film by law scholars it is distinctive within law and film scholarship in its attempt to plot the parameters of a distinctive genre of law films its examination of law in film as place and space offers a new way out of the law film genre problem and also offers an examination of representations of an aspect of legal practice and legal institutions

that have not been addressed by other scholars It is original in its contribution to work within the wider parameters of law and popular culture and offers a sustained challenge to traditional legal scholarship amply demonstrating the practical and the pedagogic as well as the moral and political significance of popular cultural representations of law The book is a valuable teaching and learning resource and is the first in the field to serve as a basic guidebook for students of law and film

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