

Introduction to the Northcroft  
Collection, relating to the Tokyo War  
Crimes Trials (1946-48): Documents  
held at the Macmillan Brown Library,  
University of Canterbury, Christchurch,  
New Zealand

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Kyushu Institute of Technology

At the International Association for Japan  
Studies (IAJS) 12<sup>th</sup> annual conference,  
Art Research Center, Ritsumeikan University,  
Kyoto

10 December 2016 (amended 30 June 2021)

# Outline of Presentation

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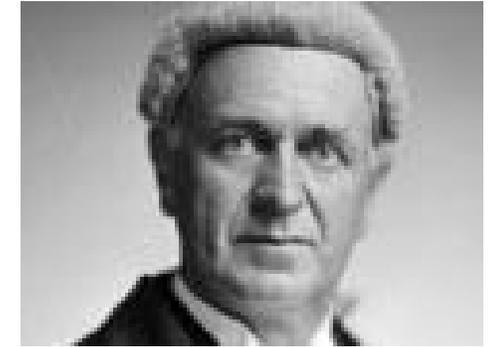
# 1. Who was Sir Erima Harvey Northcroft (1884-1953)?



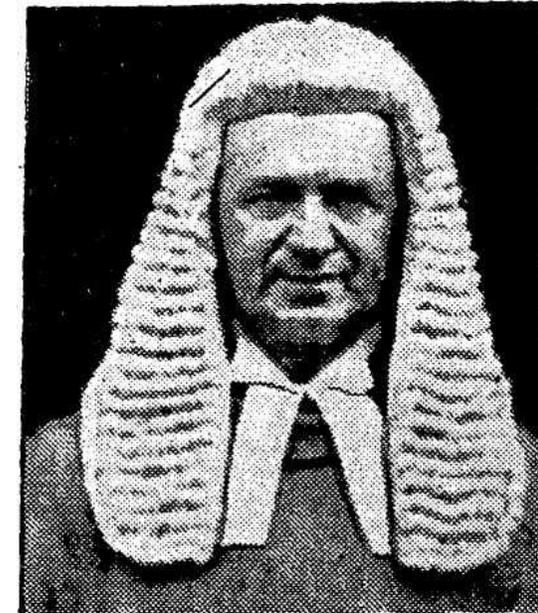
Erima as a young man (Erima” means “five” in Maori. The family was not Maori, but he was the fifth child.)

- Born in Hokitika on the West Coast of the South Island, New Zealand on 2 December 1884
- Son of Leonard Northcroft, a sharebroker, and his wife Louisa Pellow James. The fifth of seven children.
- Secondary school: Wellington College (state secondary school in Wellington, N.Z.)
- Enrolled at Auckland University College in 1903
- Commenced law practice in Hamilton in 1907
- Married Violet Constance Mitchell on 2 December 1908, on his 24<sup>th</sup> birthday.
- Law practice interrupted by World War One. He served as an artillery officer in the N.Z. Expeditionary Force. Mentioned in despatches, 1918. Attained rank of Lieutenant Colonel and awarded D.S.O. Briefly Director of Education for N.Z. troops in U.K.
- In 1919 he returned to New Zealand and resumed law practice in Hamilton.

- 1923 – he moved to Auckland to join a law firm there. Appeared as a barrister in various cases in all courts.
- 1934 – he took over from leading criminal lawyer A.C. Hanlon as senior counsel to defend William Bayly on charges of double murder. So his name became widely known.
- 1935 – appointed Judge of Supreme Court of N.Z. at Christchurch. “He was a great believer in common sense and the orderly dispatch of business. It was sometimes said that he ran his court like a military orderly’s room. He certainly was a quick worker and preferred to deliver judgement orally at the conclusion of argument rather than reserve his decision, as most other judges would have done. His work style enabled him to assist some of his somewhat more reflective judicial colleagues, although his judgements were workmanlike rather than erudite.”
- G. P. Barton. 'Northcroft, Erima Harvey', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, updated 10-Dec-2013  
<http://www.TeAra.govt.nz/en/biographies/5n16/northcroft-erima-harvey>



Barrister



Judge



Erima Harvey Northcroft in legal costume, 1935.

(S P Andrew Ltd :Portrait negatives.  
Ref: 1/1-018525-F. Alexander Turnbull Library,  
Wellington, New Zealand.

<https://natlib.govt.nz/records/23024072> )

- Member of Auckland University College Council, 1924-35
- 1927-33 Deputy Judge Advocate General of the N.Z. Army (i.e. military judge)
- 1933-35 Judge Advocate General
- 1939 – appointed district artillery officer, Southern Military District; later fortress commander of Lyttelton-Sumner area.
- His judicial and military background made him an obvious choice for N.Z. judge on the International Military Tribunal for the Far East (IMTFE).
- Despite lectures from Douglas MacArthur, he strove to maintain judicial independence and integrity in an unsympathetic, even hostile atmosphere. He tried to make a realistic military assessment of circumstances of defendants charged with war crimes.
- His service on the tribunal was unique in N.Z. legal history, and earned him a knighthood in 1949.
- On return to N.Z. in 1948 he continued judicial work as before, in Supreme Court and Court of Appeal.

“Northcroft had few reservations about his own abilities. He had a commanding presence and a voice of deep resonance, which was used to good effect in his advocacy. His principal recreation, particularly in his years in Auckland, was yachting – an activity he missed when he moved to Christchurch. Northcroft was a friendly man, sympathetic, understanding, and of broad humanity. Socially gregarious, he greatly enjoyed the camaraderie of colleagues and like-minded friends. He died in Christchurch on 10 October 1953, survived by his wife and two daughters, one of whom, Nancy [Anna Holmes Northcroft], was a leading New Zealand town planner.”

)

G.P. Barton (ibid.)



Sir Erima and his  
daughter Nancy  
Northcroft (1913-80)  
c. 1947

(Ref: PAColl-6303-56. Alexander  
Turnbull Library, Wellington, New  
Zealand.

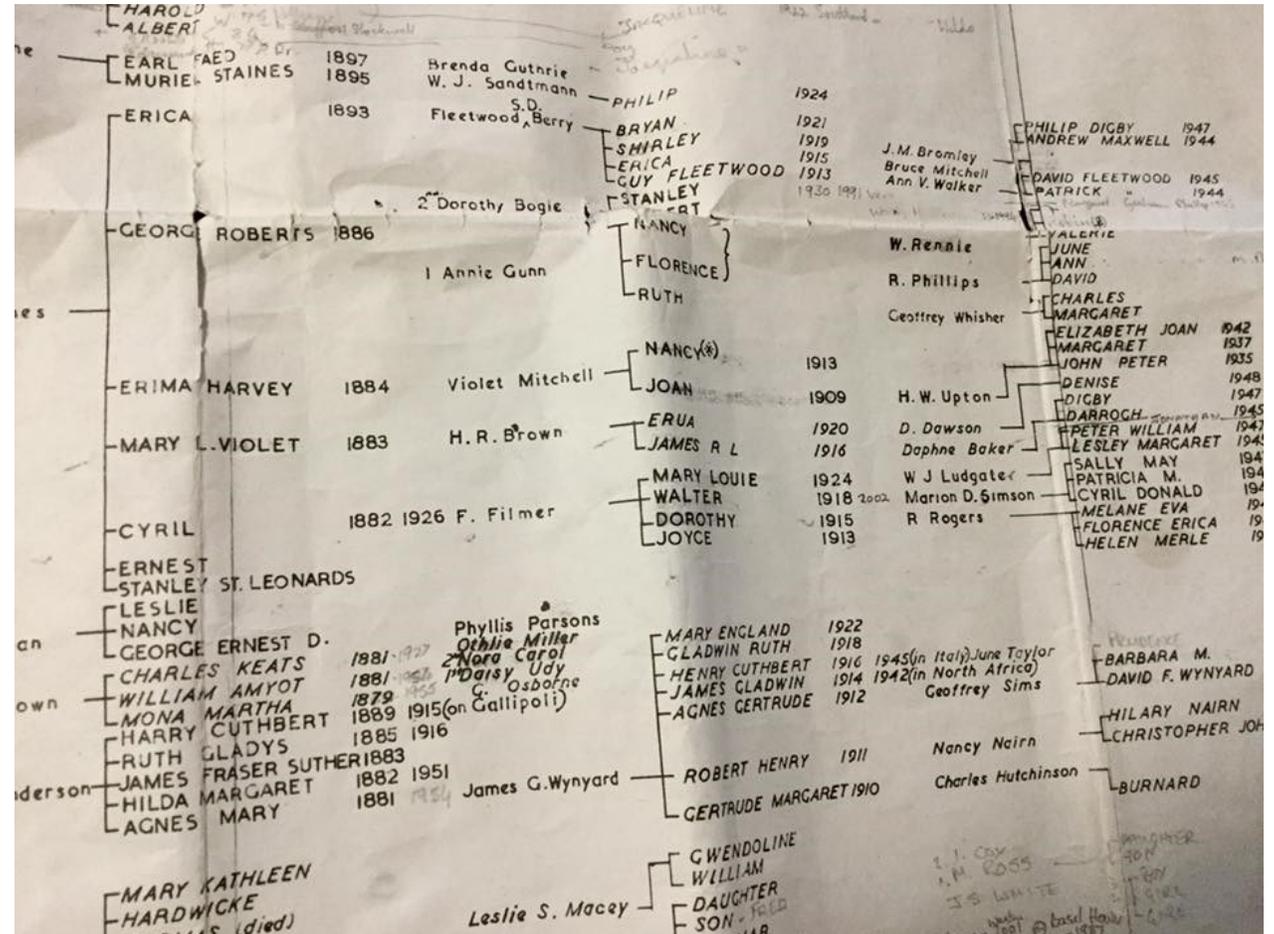
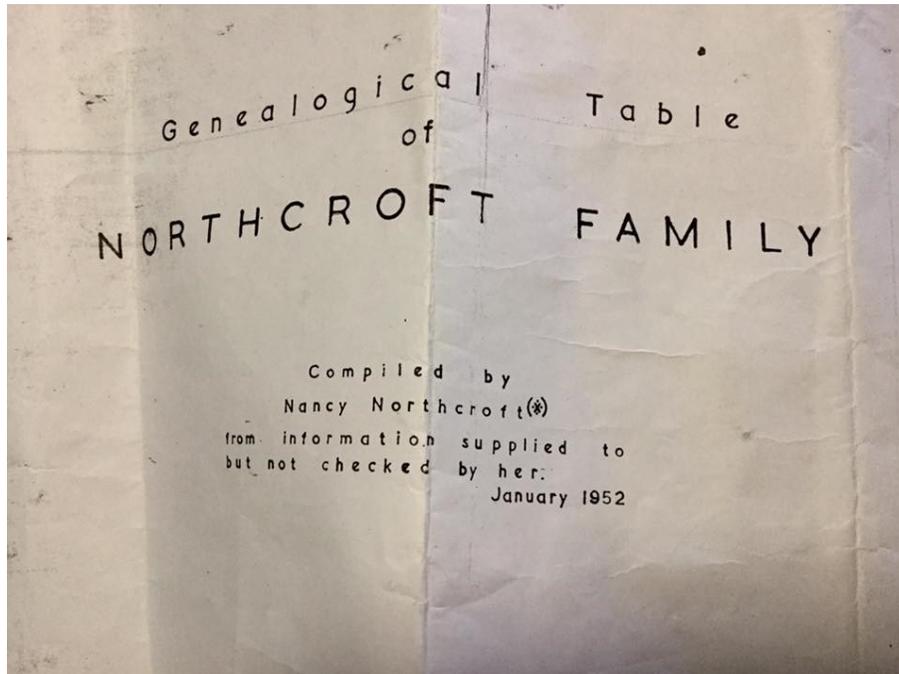
[https://natlib.govt.nz/records/230313  
84 \)](https://natlib.govt.nz/records/23031384)

Justice Northcroft resided at Ironside House, 383 Montreal Street, Christchurch – at or near this spot.



# Declaration of Personal Interest – Northcroft Family Connection

- My maternal grandmother was born a Northcroft, and she was a cousin of Sir Erima Northcroft. They both appear on the family tree compiled by Erima's daughter Nancy in January of 1952, the year before her father died. The first known Northcroft is William, found in a field in Scotland in 1705. This tree is now kept by Phoebe Field, nee Northcroft, in Christchurch, N.Z.



# Northcroft and Lord Patrick

- Family members and others have suggested that the IMTFE shortened Erima Northcroft's life, and it must have been a difficult assignment: away from his family for most of three years, in a land where very little English was spoken, and with personality clashes and disagreements between the judges.
- [Lord Patrick](#), the bachelor Scottish judge representing Britain was, like E.H.N. an experienced judge in the highest court within his jurisdiction (unlike some of the others). Together they formed, Northcroft wrote, a "United Kingdom – New Zealand bloc of two." They both disliked, and did not respect the legal acumen of, the Australian President Webb.
- They were about the same age, and veterans of World War One. They disliked the social activities of the expatriate community in Tokyo. They were both keen fishermen and outdoorsmen. Like Sir Ernest Satow and other foreigners (mainly diplomats) before them, they rented a cottage at the magnificent [Lake Chuzenji](#) north of Tokyo where they spent weekends walking, talking, arguing, drinking beer and – in Patrick's case – whisky. It seems the health of both men suffered.
- Source: Ann Trotter, '[William Donald Patrick at the International Military Tribunal for the Far East, 1946-48](#)' in *Britain and Japan: Biographical Portraits*, Volume VIII, Chapter 13, pp. 184-200 (Leiden: Global Oriental, 2013). See also Kirsten Sellars, '[William Patrick and "Crimes against Peace" at the Tokyo Tribunal, 1946-48](#)' in *The Edinburgh Law Review*, 15.2 (2011), pp. 166-196. (Edinburgh University Press)



Lord Patrick

From *The Scots Law Times* of 20 May 1939  
Photo by Drummond Young.

## 2. What is the Northcroft Collection and why is it important?

- The [International Military Tribunal for the Far East](#) (IMTFE), which presided over the [Tokyo War Crimes Trials](#), was in session from 29 April 1946 to 12 November 1948.
- The IMTFE was charged with bringing the highest levels of Japanese war criminals to trial.
- The Tribunal consisted of eleven members from eleven nations: Australia, Canada, China, France, Great Britain, India, New Zealand, the Philippines, the Netherlands, the Soviet Union and the USA.
- Justice Northcroft was chosen to represent New Zealand on the Bench of the IMTFE.
- After the trial in January 1949, he donated his nearly complete set of trial documents to the University of Canterbury College (now the University of Canterbury).
- It is now one of the most complete sets of IMTFE documents in the world. Almost 380 volumes; 110,000 pages.
- Its rarity and increasing importance (as other originals have dwindled, disintegrated and been lost) is acknowledged by UNESCO, which inscribed it in 2010 on its Asia Pacific Memory of the World (MOW) register.

## Typed letter from E.H. Northcroft to the Chairman of the College Council at Canterbury University College (dated 27 January 1949)

“Dear Sir,

I have been absent for three years in Japan where I was engaged as the nominee of the New Zealand Government on the International Military Tribunal for the Far East. The Tribunal undertook the hearing of indictments preferred by the Government of the United States of America and of ten other countries against certain major war criminals, Japanese nationals. These Trials were important as they, with those at Nuremberg, were the first trials in which International Criminal Law was being applied in this way. They were important also as much historical matter of present and future interest was presented and placed on record.

It seemed to me appropriate, in the circumstances, that my own set of records of the Trial should be given to your College to be placed in the library for the use of students. These are not likely to be of value or interest to ordinary degree students, but may be of assistance to research students both in International Law and, more particularly, in History. I have accordingly handed over the documents to your Librarian and hope they will be acceptable to your Council...”

He did not include his copy of the judgment, of which he had only one copy which he was lending to a friend at the time. He expected more copies to arrive in NZ soon, and that the British Foreign Office or US Department of State would publish it in due course.

# The Macmillan Brown Library at the University of Canterbury



*Te Puna Rakahau o Macmillan Brown*  
**Macmillan Brown Library**

<i>Tūwhera:</i> Open:	<i>Tau</i> Academic Year	<i>Raumati</i> Summer
Monday - Friday	8.30am-5pm	8.30am-5pm
Saturday	Closed	Closed
Sunday	Closed	Closed

*Kāti:*  
Closed:

- Christmas to New Year
- Waitangi Day
- Easter (including Tuesday)
- Anzac Day
- Queen's Birthday
- Show Day (Friday)

A very pleasant place to study, with a small reading room and helpful staff

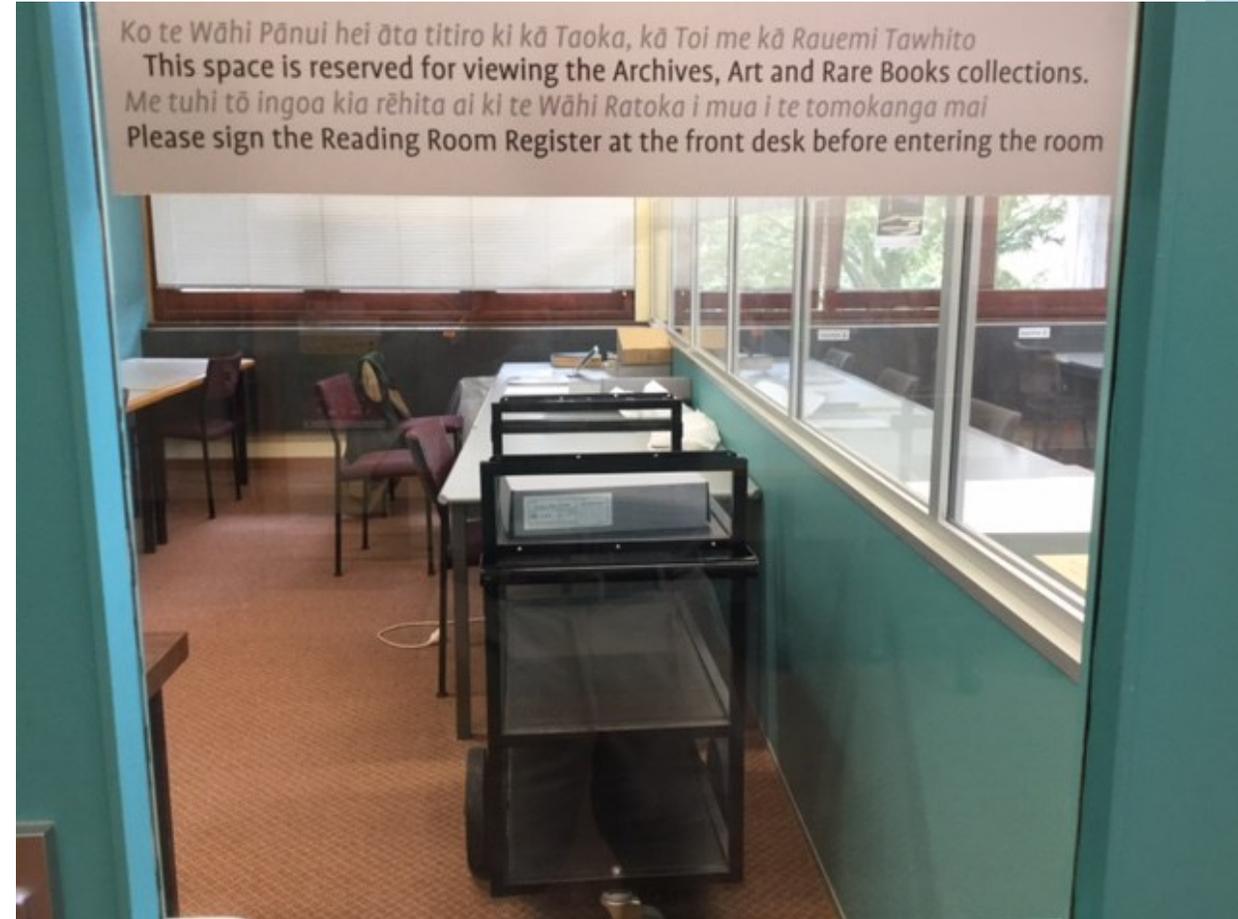
# Reading Room

## Wāhi Pānui Reading Room

Please keep door closed

*Ko te Wāhi Pānui hei āta titiro ki kā Taaka, kā Toi me kā Rauemi Tawhito*  
This space is reserved for viewing the Archives, Art and Rare Books collections.  
*Me tuhi tō ingoa kia rēhita ai ki te Wāhi Ratoka i mua i te tomokanga mai*  
Please sign the Reading Room Register at the front desk before entering the room

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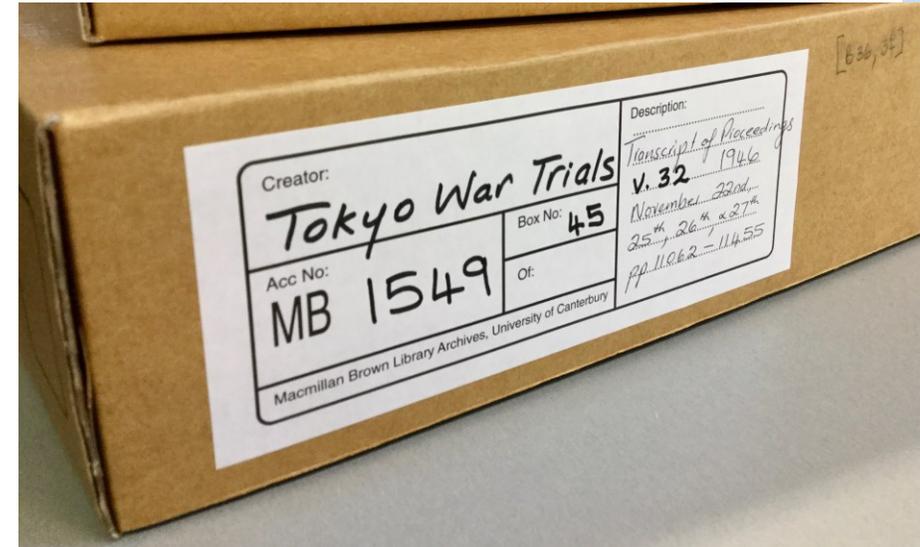
### 3. What are some of the highlights?

- In just two days (22-23 November 2016) and on my first visit it was impossible to do more than scratch the surface of the very extensive archive (ref. MB1549).
- However, there is a very good explanation of the Collection online. See [http://library.canterbury.ac.nz/mb/war\\_crimes/toc.shtml](http://library.canterbury.ac.nz/mb/war_crimes/toc.shtml)
- The Collection comprises 378 volumes, as follows: Index and Finding Guides (16 vols.); Transcripts of Proceedings (138 vols.); Final Addresses (29 vols.); Digest of Transcripts (16 vols.); Motions Presented to the Court (5 vols.); Rulings and Orders of the Court (3 vols.); Prosecution Documents (11 vols.); Proceedings on Chambers (6 vols.); Exhibits (93 vols.); Judgment and Annexes (10 vols.); Appendage Documents Related to Judgment (8 vols.); Separate Opinions of the Justices (6 vols.); Miscellaneous (9 vols.); Extra and Duplicate Material (28 vols.).

## I looked at the following items:

1. Volume 32 of Transcripts of Proceedings (pp. 11062-11455), 22-27 November 1946 (exactly 70 years ago!). The reason I started here was because I first looked up [Kishi Nobusuke](#) 岸信介 (1896-1987) in the index, and found a reference to him in this volume. Kishi, who later became prime minister of Japan twice, was not indicted, so unsurprisingly there is not much about him, but the reference led me to the diary of [Kido Kouichi](#) 木戸幸一 (1889-1977).

Kido kept a diary (of which a partial English translation has been published) from 1930 to 1945 which was voluntarily turned over to the prosecution and was relied on heavily during the Trial. He was Lord Keeper of the Privy Seal 1940-45, and the closest adviser of Emperor Showa. He was convicted of war crimes and sentenced to life imprisonment, but released in 1953.



# Photographs of Transcripts of Proceedings – first pages of Vol. 32

1 Friday, 22 November, 1946  
2 - - -  
3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan  
9  
10 The Tribunal met, pursuant to adjournment,  
11 at 0930.  
12 - - -  
13 Appearances:  
14 For the Tribunal, same as before with the  
15 exception of the HONORABLE R. B. PAL, Member from  
16 India, not sitting.  
17 For the Prosecution Section, same as before.  
18 For the Defense Section, same as before.  
19 The Accused:  
20 All present except OKAWA, Shumei, who is  
21 represented by his counsel.  
22 - - -  
23 (English to Japanese and Japanese  
24 to English interpretation was made by the  
25 Language Section, IMTFE.)

BALLANTINE CROSS

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.  
3 THE PRESIDENT: Mr. Smith.  
4 - - -  
5 J O S E P H W. B A L L A N T I N E, called as a  
6 witness on behalf of the prosecution, resumed  
7 the stand and testified as follows:  
8 CROSS-EXAMINATION  
9 BY MR. SMITH (Continued):  
10 Q Mr. Ballantine, irrespective of whether the  
11 A mau Statement of April 17, 1934, was authorized or  
12 not, are you aware that it had the approval in the  
13 English Parliament of Sir John Simon, who was Foreign  
14 Minister of State at that time?  
15 THE PRESIDENT: Sir John Simon's opinion  
16 does not appear to me to be relevant, Mr. Smith.  
17 MR. SMITH: I assume your Honor automatically  
18 allows me an exception to the ruling.  
19 THE PRESIDENT: You haven't even bothered to  
20 tell me why you think it is relevant.  
21 MR. SMITH: I didn't mean to take that at-  
22 titude, your Honor. This A mau Statement was played  
23 up in the American press as a so-called Japanese  
24 Monroe Doctrine.  
25 THE PRESIDENT: Well, its quality isn't a

Joseph William Ballantine (1888-1973) called as a prosecution witness about the “Hands off China” [A mau Statement](#) by the Japanese Government of April 17, 1934

## 2. Biographical Sketches of 11 Judges and 28 Defendants; Lists of Japanese Cabinet Members – Box No. 336 (Unique item in the Northcroft Collection)

BIOGRAPHICAL SKETCHES OF MEMBERS OF INTERNATIONAL  
MILITARY TRIBUNAL FOR THE FAR EAST.

(From Press Release of 23rd October 1946.)

THE HONOURABLE SIR WILLIAM WEBB  
President and Member from Australia.

William Flood Webb was born in Brisbane, Queensland, Australia on January 21st 1887. He was educated at Catholic schools and at Queensland University.

He was called to the Queensland Bar in 1913, became Public Defender in 1915, Official Solicitor and Public Curator in 1916, Crown Solicitor for the State from 1917 to 1922, and Solicitor-General for the State from 1922 to 1925. He became Judge of the Supreme Court and President of the Queensland Arbitration Court in 1925. In 1940 he was named Chief Justice of Queensland, and was appointed to the High Court Bench in April, 1946.

Sir William went to England in 1919 and in 1924 on Privy Council appeals. He served as Chairman of the Central Cane Prices Board from 1926 to 1942, and has been Chairman of the Australian Industrial Relations Council since 1942.

He was Chairman of the Royal Commission which inquired into the Traveston railway disaster in 1925; Transport in 1936; and the Sugar Industry in 1938. He was appointed by the Commonwealth Government in 1943 as President of the Australian Commission investigating Japanese war crimes. In this capacity he visited England in 1944.

Sir William was knighted in 1942. He was appointed by General MacArthur in January 1946, as President of the International Military Tribunal for the Far East.



The Hon. Sir William Flood Webb (1887-1972), President and Member from Australia

# The Judges appointed by General MacArthur

USA: [John P. Higgins](#) (replaced by [Major-General Myron Cramer](#) in July 1946)

USSR: [Major-General I.M. Zarayanov](#)

UK: [William Donald Patrick, Lord Patrick](#)

Netherlands: [Bernard Victor Aloysius \(Bert\) Röling](#) – wrote a dissenting judgment

Australia: [Sir William Webb](#) (President)

Canada: [Edward Stuart MacDougall](#)

China: [Mei Ju-ao](#)

France: [Henri Bernard](#)

Philippines: [Delfin Jaranilla](#)

New Zealand: Erima Harvey Northcroft

India: [Radhabinod Pal](#) - he produced a 1,235-page judgment (included in the Northcroft archive) in which he dismissed the legitimacy of the IMTFE as “victors’ justice” and stated that “each and every one of the accused must be found not guilty of each and every one of the charges in the indictment and should be acquitted...”

N.B. There was an active lobby in the UK questioning the legality of the trials in Nuremberg and Tokyo.



The Judges in Court (from Wikipedia): E.H. Northcroft is second from the right. Lord Patrick is fourth from the left. Pal is on the far left. Webb is in the centre.



The IMTFE Chamber, with the Tribunal in session: Bench of Judges on the right, Prosecutors in the back and Defendants on the left (from Wikipedia)

# Lists of Japanese Cabinet members from 1927 onwards (Northcroft Collection, my photograph)

# 566  
635

EX 24+

## LIST OF CABINET MEMBERS

○ ADDITIONAL POST      ● TEMPORARY ADDITIONAL POST  
 ▲ TEMPORARY SUBSTITUTE      ■ BUSINESS MANAGEMENT

NO	DATE OF ORGANIZATION	PRIME MINISTER	FOREIGN MINISTER	HOME MINISTER	FINANCE MINISTER	WAR MINISTER	NAVAL MINISTER	JUDICIAL MINISTER	EDUCATION MINISTER	AGRICULTURE AND FORESTRY MINISTER	COMMERCE AND INDUSTRY MINISTER	COMMUNICATION MINISTER	RAILWAY MINISTER	WELFARE MINISTER	GREATER EAST ASIA MINISTER	M. WITHOUT PORTFOLIO
27	20. APR. 1927	GIJUN	WAKAYAMA	KUWABARA	KUROKI	YOSHINOBU	SHIMAZU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU
28	2. JUL. 1929	YOSHINOBU	WAKAYAMA	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI
29	14. APR. 1931	YOSHINOBU	WAKAYAMA	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI
30	13. DEC. 1931	YOSHINOBU	WAKAYAMA	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI	KUROKI
31	26. MAY 1932	MUNEMITSU	KOKI HIROTA	TATEKAWA	KUROKI	SADAO ARAKI	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU
32	8. JUL. 1934	MUNEMITSU	KOKI HIROTA	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU
33	9. MAR. 1936	KOKI HIROTA	KOKI HIROTA	KUROKI	ELLERY	MUNEMITSU	OSAMI NAGANO	RAJASABHAI	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU	MUNEMITSU
34	2. FEB. 1937	SEISHIRO MATSUOKA	KOKI HIROTA	KUROKI	OKINORI RAYA	SEISHIRO MATSUOKA	MUNEMITSU	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA
35	4. JUN. 1937	FUMIMARO KONOE	KOKI HIROTA	ELIOTT	OKINORI RAYA	SEISHIRO MATSUOKA	MUNEMITSU	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA	SEISHIRO MATSUOKA
36	5. JAN. 1939	KUJIRO MATSUOKA	YOSHINOBU	KOICHI KIDO	YOSHINOBU	SEISHIRO MATSUOKA	MUNEMITSU	SEISHIRO MATSUOKA	SADAO ARAKI	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU
37	30. AUG. 1939	MUNEMITSU	YOSHINOBU	NAGAI	KUROKI	SHIMIZU	ZENGO	CHOSHU	KUROKI	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU
38	10. JAN. 1940	MUNEMITSU	YOSHINOBU	MUNEMITSU	YOSHINOBU	SHIMIZU	ZENGO	CHOSHU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU
39	22. JUL. 1940	FUMIMARO KONOE	YOSHINOBU	YOSHINOBU	YOSHINOBU	MUNEMITSU	ZENGO	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU	YOSHINOBU

Ministers (L to R):  
 Prime,  
 Foreign, Home,  
 Finance, War,  
 Naval, Judicial,  
 Education,  
 Agriculture &  
 Forestry,  
 Commerce &  
 Industry,  
 Communication,  
 Railway, Welfare,  
 Greater East Asia,  
 Without Portfolio



The Defendants in Court: of the 80 Class A suspects detained at Sugamo prison, only 28 were brought to trial at the IMTFE (photo from Wikipedia)

The 28 Defendants:  
(15 in Back Row, photo from Northcroft  
Collection)

HASHIMOTO Kingoro, KOISO Kuniaki \*, NAGANO  
Osami \*, OSHIMA Hiroshi, MATSUI Iwane \*

OKAWA Shumei, HIRANUMA Kiichiro \*, TOGO  
Shigenori \*, MATSUOKA Yosuke \*, SHIGEMITSU  
Mamoru

SATO Kenryo, SHIMADA Shigetaro, SHIRATORI Toshio  
\*, SUZUKI Te[i]ichi, ITAGAKI Se[i]shiro \*

\* = Enshrined at Yasukuni shrine secretly  
in 1978

BACK ROW.  
(Read from Left to Right)



HASHIMOTO,  
Kingoro. (page 1)      KOISO,  
Kuniaki. (page 2)      NAGANO,  
Osami. (page 3)      OSHIMA,  
Hiroshi. (page 4)      MATSUI,  
Iwane. (page 5)



OKAWA,  
Shumei. (page 6)      HIRANUMA,  
Kiichiro. (page 7)      TOGO,  
Shigenori. (page 8)      MATSUOKA,  
Yosuke. (page 9)      SHIGEMITSU,  
Mamoru. (page 10)



SATO,  
Kenryo (page 11)      SHIMADA,  
Shigetaro. (page 12)      SHIRATORI,  
Toshio. (page 13)      SUZUKI,  
Teiichi. (page 14)      ITAGAKI,  
Seshiro. (page 15)

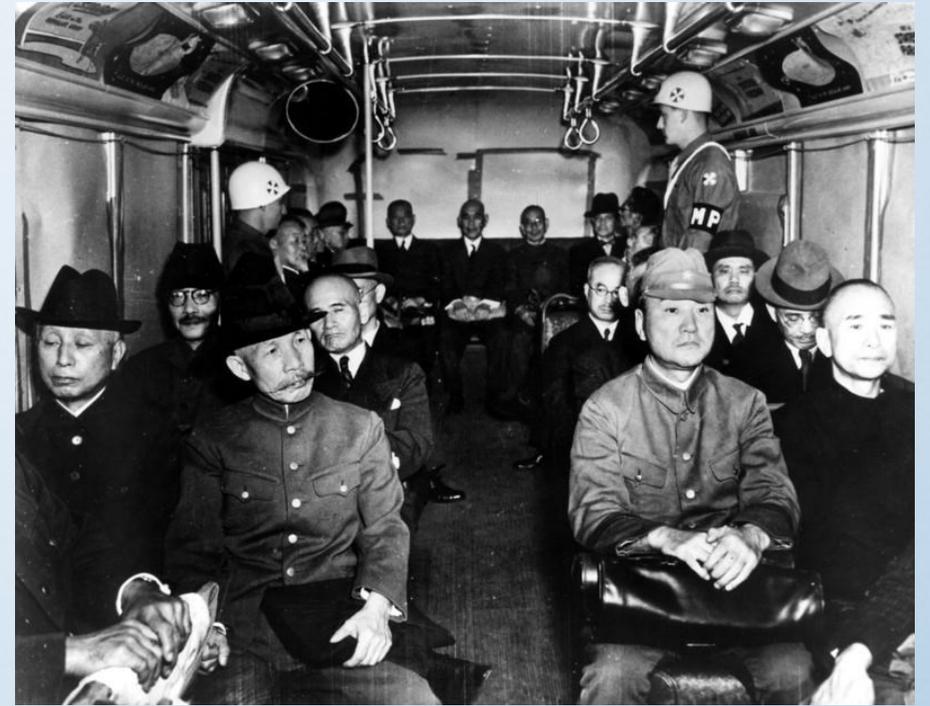
The 28 Defendants contd. (13 in Front Row)

DO[H]IHARA Kenji \*, HATA Shunroku,  
HIROTA Koki \*, MINAMI Jiro

TOJO Hideki \*, OKA Takasumi, UMEZU Yoshijiro \*,  
ARAKI Sadao, MUTO Akira \*

HOSHINO Naoki, KAYA Okinori, KIDO Koichi,  
KIMURA Heitaro \*





Same photo, darker but not cropped, including Umezu on left. Tojo behind Umezu, Araki on his left.

Defendants in a bus with windows obscured and Military Police escort heading to the IMTFE courthouse at Ichigaya from Sugamo prison, or vice versa (3 May 1946)

朝日新聞社「朝日歴史写真ライブラリー: 戦争と庶民1940-1949: 第4巻」より

## Defendants by profession

1. Civilian officials: Hirota, Hiranuma, Hoshino, Kido, Shiratori, Togo, Shigemitsu, Kaya, Matsuoka (died during trial) (9 persons)
2. Military officers: Tojo, Itagaki, Araki, Hata, Shimada, Sato, Koiso, Oka, Oshima, Nagano (died during trial), Minami, Doihara, Kimura, Matsui, Muto, Hashimoto, Umezu, Suzuki (18 persons)
3. Other: Okawa (political philosopher – found mentally unfit, charges dropped)

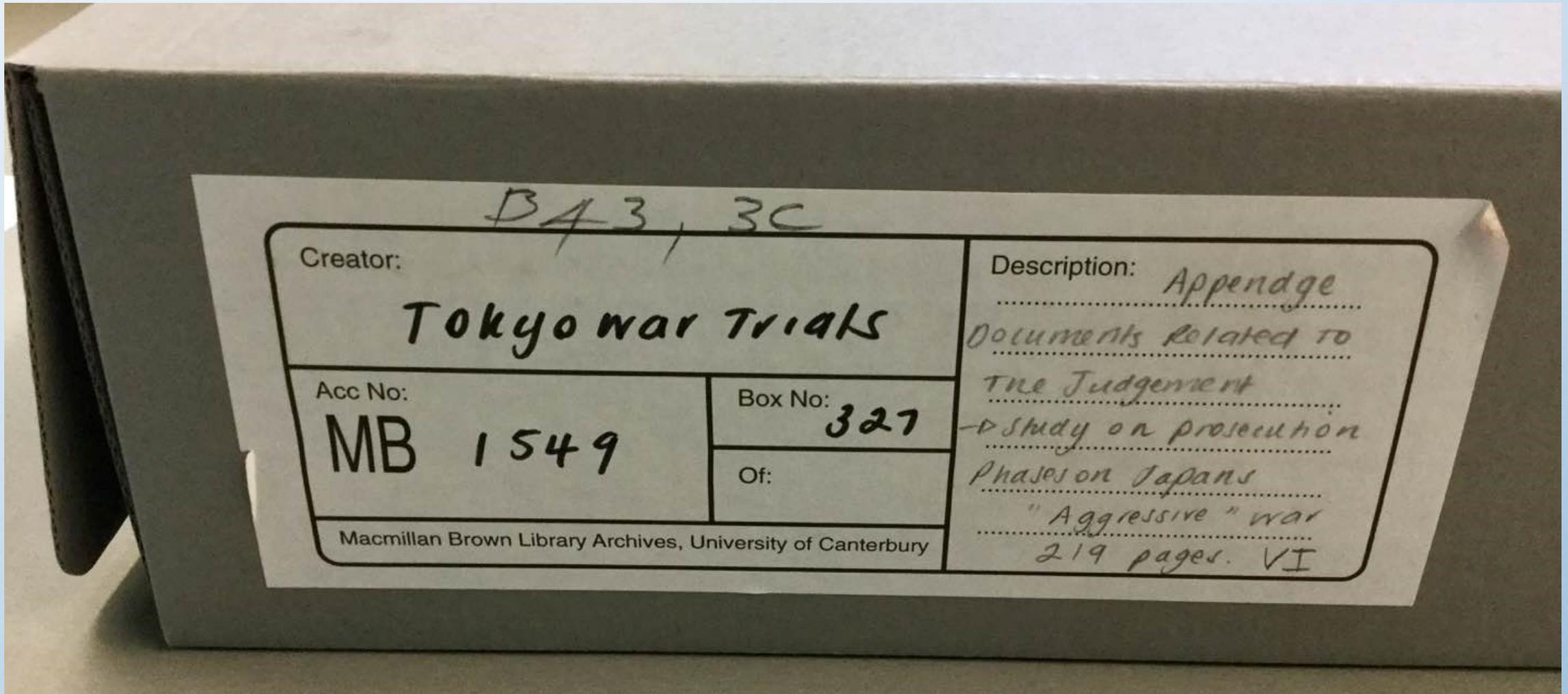
## CONTROVERSY

14 Class A war criminals (12 of whom had been convicted) were enshrined secretly as 'Martyrs of Showa' (昭和殉難者 *Shōwa junnansha*) on 17 October 1978 at [Yasukuni Shrine](#) after agreement in principle between the shrine and the Health and Welfare Ministry on 31 January 1969. This was revealed to the media on 19 April 1979, and a controversy started in 1985 which continues to this day.

Those enshrined as martyrs (the polar opposite of war criminals!) were:

- 1) Sentenced to death by hanging: DOIHARA Kenji, HIROTA Koki, ITAGAKI Seishiro, KIMURA Heitaro, MATSUI Iwane, MUTO Akira, TOJO Hideki (7)
- 2) Lifetime imprisonment: HIRANUMA Kiichiro, KOISO Kuniaki, SHIRATORI Toshio, UMEZU Yoshijiro (4)
- 3) 20-year imprisonment: TOGO Shigenori (1)
- 4) Died before judicial decision reached: MATSUOKA Yosuke (natural causes), NAGANO Osami (heart attack) (2)

3. Documents of particular interest to historians of Japan and international relations in the first half of the 20<sup>th</sup> century



\* The 'Appendage Documents Related to the Judgement' is made up of material believed to be unique to the University of Canterbury.

\* The Study on Prosecution's Phases on Japan's "Aggressive" War was created at the instigation of the office of the President, Sir William Webb.

- It is divided into two volumes:

- Volume I includes "Study on Prosecution's Phase on Domination of North China and China" (31 pages); "Preparation of Japanese Public Opinion, Phase II, Prosecution" (21 pages); "Japan's Southward Advance, Prosecution, Excluding Atrocity Phases: French Indo-China and other Continental Areas" (71 pages); "Japan's Southward Advance, Prosecution and Defence Phases: Great East Asia Co-Prosperity Sphere" (54 pages); and "Southward Advance, Prosecution, Exclusive of Atrocities: Netherlands East Indies" (42 pages).

- Volume II includes: "Japanese Military and Political Aggression in the Rest of China" (149 pages); "Economic Aggression, Prosecution's Case" (25 pages); and "Study of Prosecution's Phase on Military and Political Domination of Manchuria" (30 pages). Also General Cramer's Study of Evidence relating to Manchuria (205 pages); writings of Justice Röling (Netherlands) and Justice Henri Bernard (France).

PROSECUTION PHASE  
DOMINATION OF NORTH CHINA  
AND CHINA

The Chinese had met the Japanese occupation of Manchuria with a boycott of Japanese goods. (League of Nations Rpt., 3287) After the continuing advance in North China, students indulged in anti-Japanese demonstrations and a general ill-feeling persisted among the Chinese people. (Ching, 2385-6) The Chinese government, however, never refused to negotiate with Japan on the main issue, namely, the Japanese attempt to separate North China from China proper. (Ching, 2415)

In May 1935, on the excuse of the assassination of two Chinese in the Japanese concession at Tientsin, the Japanese demanded the removal of high ranking military officers and the withdrawal of various troops and government officers from the region. John Goette, experienced reporter of Far Eastern Affairs, was in Peiping at this time. Chinese officials drew his attention to Japanese despatches reporting large numbers of troops leaving Japan for North China. The officials stated that Japan had threatened full military occupation unless China acquiesced to the above demands and that, the Japanese had warned them against appealing to the United States

## Prosecution Phase on Domination of North China and China

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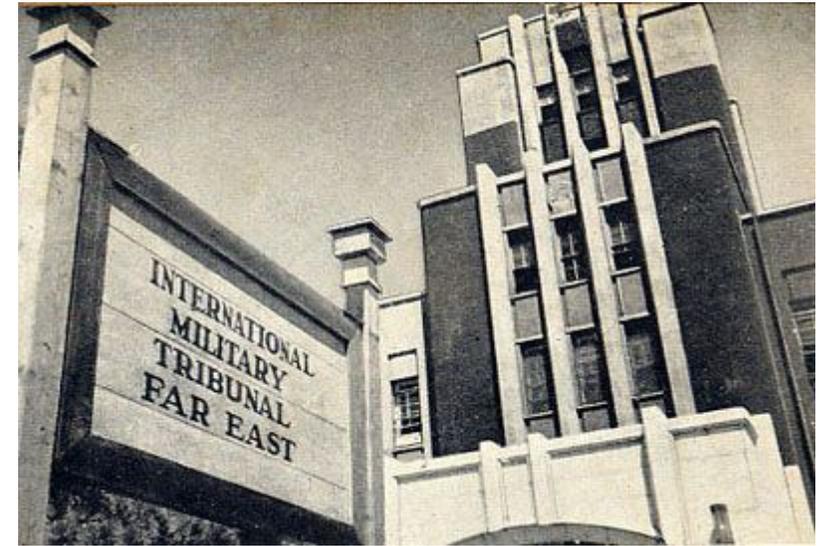
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## 4. Future Research

- This is not my main research, which is connected with [Sir Ernest Satow](#) (1843-1929) and Anglo-Japanese relations in the Bakumatsu and Meiji periods, though there are intriguing connections with it: e.g. Kido Koichi was a great nephew of [Kido Takayoshi/Koin](#) (1833-77) of the Choshu clan.
- I would like to spend more time with the Northcroft Collection, and perhaps develop a specific research topic from it. I feel strongly that others (Japanese and non-Japanese researchers) should also be encouraged to do so in the future, in keeping with the donor's original intentions.
- I saw nothing about atrocities in the two days during which I visited the archives, and I believe those have been well documented (in gruesome, appalling and controversial detail) by Lord Russell of Liverpool in his *Knights of Bushido: A Short History of Japanese War Crimes* (first published in 1958). Russell was a legal adviser at both Tokyo and Nuremberg, with a similar career background to that of Erima Northcroft.
- The trial documented here was of course of the elite, the war leaders in the Japanese cabinet, for their criminal responsibility under international law for the war. Very few - if any - of them would themselves have used a pistol, rifle or bayonet in anger during the war years (1941-45). But they gave the orders, or at the least did not countermand or stop orders by their subordinates from being carried out. Was such negligence criminal? This was one of the charges in the trial (Count 55).

## 5. Concluding Remarks

- I hope to have shown in this presentation why the Northcroft Collection is very important as a record of a major International Criminal Law trial of the 20th century.
- Legal scholars can examine the trial's jurisdiction, legality of proceedings, precedents etc.
- Historians of various fields (legal, military, imperial, diplomatic etc.), sociologists and anthropologists will find a vast array of primary source material, some of it only held in the Northcroft collection.
- See the online comments by James Burnham Sedgwick [introducing the collection](#) and [unique items](#).
- [NHK Special Drama on the Tokyo Trial](#) broadcast for the first time on four nights, 12-15 December 2016 (in Japanese)
- [Chinese documentary broadcast in 2015](#) (YouTube, in English)
- [NHK Programme on the Trial](#) (YouTube, in Japanese)



The IMTFE building at Ichigaya, Tokyo, formerly the Imperial Japanese Army HQ – now part of the Ministry of Defence (Bōeishō 防衛省)

The End

Thank you for your  
attention.  
ご清聴ありがとうございました。



# Appendix 1: Further Reading

1. Neil Boister & Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal* (Oxford University Press, 2008) includes:

Introduction

1 The Background of the Trial

2 The Tokyo IMT: Nature and Jurisdiction

3 The Accused and the Indictment

4 The Conduct of the Trial

5 Crimes Against Peace

6 The Murder Counts

7 War Crimes

8 General Principles of Liability and Defences

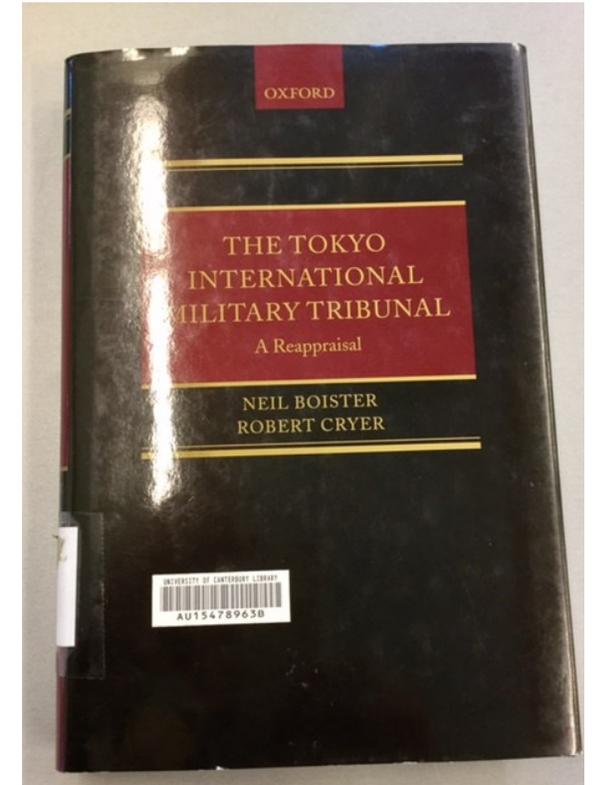
9 Sentencing

10 The Tokyo IMT and Legal Philosophy

11 The Functions and Legacies of the Tokyo IMT

Conclusion

2. N. Boister & R. Cryer (eds.), *Documents on the Tokyo International Military Tribunal: Charter, Indictment and Judgments* (OUP, 2008)



3. *The Diary of Marquis Kido, 1931-45: Selected Translations into English* (Maryland: University Publications of America, 1984). [No author's name given, nor indication of the basis of selections. No footnotes.]

The original is available in full in Japanese in two volumes:

木戸幸一日記 (Kido Koichi Nikki)

木戸幸一著；木戸日記研究会編集校訂 (Kido Koichi: Kido Nikki Kenkyukai henshu)

東京大学出版会, 1966.4-1980.7 (Tokyo Daigaku Shuppankai, 1966-1980)

4. Y. Tanaka, T. McCormack, G. Simpson (eds.), [\*Beyond Victor's Justice? The Tokyo War Crimes Trial Revisited\*](#), (Leiden: Brill, 2011) includes Chapter 6 on Justice Northcroft by Ann Trotter, pp. 81-91.

5. James Burnham Sedgwick, "Memory on Trial: Constructing and Contesting the 'Rape of Nanking' at the International Military Tribunal for the Far East, 1946-1948" in *Modern Asian Studies*, Vol. 43, No. 5 (Sep. 2009), pp. 1229-1254.

In the abstract he states: "The IMTFE exemplifies the inadequacy of trial-based post-conflict reconciliation."

6. Jeannie M. Welch, [\*The Tokyo Trial: A Bibliographic Guide to English-Language Sources\*](#) (ABC-CLIO, 2002)

## Appendix 2: List of Prosecutors

Chief Prosecutor: [Joseph Berry Keenan](#) (U.S.)

[Alan Mansfield](#) (Australia)

[Henry Grattan Nolan](#) (Canada)

[Hsiang Che-chun](#) (China)

[Robert L. Oneto](#) (France)

P. Govinda Menon (India)

W.G. Frederick Borgerhoff-Mulder (Netherlands)

Ronald Quilliam (New Zealand)

Pedro Lopez (Philippines)

[Arthur Strettell Comyns Carr](#) (U.K.)

Sergei Alexandrovich Golunsky (U.S.S.R.)

## Appendix 3: The Charges

Following the Nuremberg model, three categories were established:

1. “Class A” charges, alleging crimes against peace, were brought against Japan’s leaders, who had planned and directed the war.
2. “Class B” and “Class C” charges could be levelled against Japanese of any rank. They covered conventional war crimes and crimes against humanity, respectively.

Unlike Nuremberg, only those charged with Class A crimes against peace could be prosecuted by the Tribunal.

The indictment accused the defendants of promoting a scheme of conquest that “contemplated and carried out...murdering, maiming and ill-treating prisoners of war (and) civilian internees...forcing them to labor under inhumane conditions...plundering public and private property, wantonly destroying cities, towns and villages beyond any justification of military necessity, (perpetrating) mass murder, rape, pillage, brigandage, torture and other barbaric cruelties upon the helpless civilian population of the over-run countries.”

Chief Prosecutor Joseph Keenan issued a press statement along with the indictment in which he said: “War and treaty-breakers should be stripped of the glamour of national heroes and exposed as what they really are – plain, ordinary murderers.”

Count	Offence
1	As leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy to wage wars of aggression, and war or wars in violation of international law
27	Waging unprovoked war against China
29	Waging aggressive war against the United States
31	Waging aggressive war against the British Commonwealth (Crown colonies and protectorates of the United Kingdom in the Far East and South Asia, Australia and New Zealand)
32	Waging aggressive war against the Netherlands (Dutch East Indies)
33	Waging aggressive war against France (French Indochina)
35, 36	Waging aggressive war against the USSR
54	Ordered, authorised, and permitted inhumane treatment of prisoners of war and others
55	Deliberately and recklessly disregarded their duty to take adequate steps to prevent atrocities

# Appendix 4: Summary of Verdicts and Sentences

COUNTS	1	27	29	31	32	33	35	36	54	55	SENTENCE NOTE
ACCUSED											Life Imp.
ARAKI	G	G	X	X	X	X	X	X	X	X	Paroled 1955
DOIHARA	G	G	G	G	G	X	G	G	G	U	Death
											Life Imp.
HASHIMOTO	G	G	X	X	X	O	O	O	X	X	Paroled 1945
											Life Imp.
HATA	G	G	G	G	G	O	X	X	X	G	Paroled 1955
											Life Imp.
HIRANUMA	G	G	G	G	G	X	X	G	X	X	Paroled 1955
HIROTA	G	G	X	X	X	X	X	O	X	G	Death
											Life Imp.
HOSHINO	G	G	G	G	G	X	X	O	X	X	Paroled 1955
ITAGAKI	G	G	G	G	G	X	G	G	G	U	Death
											Life Imp.
KAYA	G	G	G	G	G	O	O	O	X	X	Paroled 1955
											Life Imp.
KIDO	G	G	G	G	G	X	X	X	X	X	Paroled 1955
KIMURA	G	G	G	G	G	O	O	O	G	G	Death
											Life Imp.
KOISO	G	G	G	G	G	O	O	X	X	G	Died 1950

<b>MATSUI</b>	X	X	X	X	X	O	X	X	X	G	Death Life Imp.
MINAMI	G	G	X	X	X	O	O	O	X	X	Paroled 1954
<b>MUTO</b>	G	G	G	G	G	X	O	X	G	G	Death Life Imp.
OKA	G	G	G	G	G	O	O	O	X	X	Paroled 1954 Life Imp.
OSHIMA	G	X	X	X	X	O	O	O	X	X	Paroled 1955 Life Imp.
SATO	G	G	G	G	G	O	O	O	X	X	Paroled 1956 7 years Paroled 1950 Appointed Foreign Minister 1954 Life Imp.
SHIGEMITSU	X	G	G	G	G	G	X	O	X	G	Paroled 1955 Life Imp.
SHIMADA	G	G	G	G	G	O	O	O	X	X	Died 1949 Life Imp.
<b>SHIRATORI</b>	G	X	X	X	X	O	O	O	O	O	Paroled 1955 20 years
SUZUKI	G	G	G	G	G	O	X	X	X	X	Died 1948
TOGO	G	G	G	G	G	O	O	X	X	X	Death Life Imp. Died 1949
<b>TOJO</b>	G	G	G	G	G	G	O	X	G	U	
<b>UMEZU</b>	G	G	G	G	G	O	O	X	X	X	

G - Guilty    X - Not Guilty    O - Blank    U - Other

**NAME IN RED = ENSHRINED IN 1978**