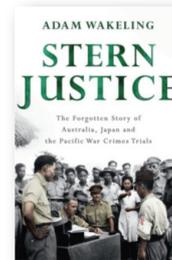


BOOK REVIEW:

Stern justice: the forgotten story of Australia, Japan and the Pacific war crimes trials

by Adam Wakeling

Penguin Random House: Sydney, NSW; 2018; 390 pp; ISBN 978014379333-5 (softcover);
RRP \$34.99; Ursula Davidson Library call number 413.1 WAKE 2018



At 2.49 am on 14 August 1945, the first confirmation of the Japanese surrender reached Washington, D.C. The Emperor had decided to accept the terms of the Potsdam Declaration following the tragic loss of life resulting from the destruction of Nagasaki and Hiroshima by atomic bombs.

The end of the war with Japan signalled the commencement of war crimes trials by the Allies. They put on trial members of the Japanese Military Forces and the Japanese Cabinet whom they held responsible for committing or sanctioning atrocities against Allied servicemen and members of subjugated populations. Much to the chagrin of the Australian Government they did not include the Emperor. The Allies had decided not to try the Emperor, but to use him as a tool to rebuild Japan as a democratic country.

Adam Wakeling addresses the failure of the war crimes tribunal process following World War I. He notes the incentive they provided to the Allies to obtain a clear and effective process to ensure that war criminals were brought to justice following the end of World War II.

Stern Justice provides an interesting insight into the rise to power of the Militants over the Japanese Government, a process of “government by assassination” – an inexorable path to war and one which determined the manner in which the war was waged. Providing an excellent narrative of the development, progress and conduct of the war trials held by the Allies, the author addresses the challenges of constituting judicial benches, conducting trials in remote localities and the language and cultural barriers that divided victors and vanquished.

The trials were conducted in three classes. Class A trials were conducted in Tokyo with seven of the Allied powers represented on the bench and heard charges for conspiracy to wage and start war. Class B trials addressed violations of the laws and customs of war and C for crimes against humanity. Trials were held by the governments of Australia, Britain, China, France, Holland, the Philippines and the United States at various locations throughout the Pacific.

An Australian judge, Sir William Webb, was president of the Tokyo Trial of Japan’s wartime political and military leaders; however, there was considerable disharmony amongst the 11 members of the bench arising from different opinions regarding the application of a legal system that was largely without recognised precedent and a clash of cultural backgrounds. The disharmony was so strong that it almost undermined their credibility and the credibility of the of the whole war crimes tribunals and trials process.

As the many wartime atrocities were made known, there was a violent anti-Japanese sentiment across the Australian community following the end of the war. There were outcries to bring the perpetrators to justice, many reflecting a strong desire for revenge. In London, Evatt, Attorney-General and Minister for External Affairs in the Chifley Government, stated: “in its demand that all Japanese war criminals be brought to trial, the Australian Government is actuated by no spirit of revenge, but by profound feelings of justice”.

Australia conducted 249 trials throughout the Asia-Pacific region – at Ambon, Morotai, Labuan, Wewak, Darwin, Rabaul, Singapore, Hong Kong and Manus Island – between November 1946 and April 1951, trying 949 suspects. These trials dealt mainly with crimes against prisoners-of-war, downed aircrew and members of local populations. Of the defendants, 280 were acquitted and 644 convicted – 138 were executed and 498 were given prison sentences. Of interest, the acquittal rate of Australian tribunals was 29 per cent, the highest of the Allies. The American acquittal rate was 13 per cent and the British 11 per cent.

The author outlines the context for the conduct of the trials, while commentary on the trials themselves is limited to the charges and the difficulty in proving them. The structure and the composition of the court is explained, revealing the failure of the trial process to bring clear justice to many war criminals on trial.

Stern Justice addresses the morality of conducting war crime trials. The ethics of conducting such activities was increasingly challenged the longer the trials ran following the cessation of hostilities. Many Japanese defendants stated that they were on trial as war criminals only because they had lost the war.

Adam Wakeling was born in Brisbane in 1986 and grew up in Queensland. He studied law at Griffith University and works as a risk and a compliance professional in Victoria. He writes for, peer-reviews and edits publications for the Law Institute of Victoria, and is a volunteer in the Victorian State Emergency Service.

Stern Justice is a most interesting account of Australia’s role in the conduct of the Japanese war crimes trials, a set of activities which is largely forgotten by or, I venture to suggest, is completely unknown to, most Australians. It provides a balanced perspective of these events, set within the standards of the time – a challenge well met. This book will appeal to those interested in Australia’s wartime history and in the morality, ethics and application of the principles of justice.

Bob Treloar