Werk

Titel: Allied POWs, Japanese captors, and the Geneva convention

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Ort: Hamburg

Jahr: 1992

PURL: https://resolver.sub.uni-goettingen.de/purl?886042747_0011|LOG_0014

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ALLIED POWs, JAPANESE CAPTORS, AND THE GENEVA CONVENTION

Charles G. Roland

> "You are unfortunate in being prisoners of a country whose living standards are much lower than yours. You will often consider yourselves mistreated, while we will think of you as being treated well."
>
> Unidentified Japanese officer, 1942[1]

After World War Two ended, Allied POWs in the Far East complained of the lack of food and medical supplies, the forced labor, the brutality -- all problems that can be categorized as stemming from Japan's lack of concern for the spirit of the Geneva Convention. The specifically medical offenses objected to by Allied POWs, and often the basis of war crimes trials in the second half of the 1940s, included the following: (1) failure to supply medical necessities -- eg., drugs, bandages, space for a hospital; (2) failure to permit succour by the local Red Cross, the International Committee for the Red Cross, various Protecting Powers, other organizations, and local citizens; (3) failure to provide adequate food for the sick, or the opportunity for rest and recovery, while sick men often were forced to work; (4) interference with the work of Allied POW medical personnel, who sometimes were not permitted to carry out medical duties at all; (5) in a few instances, performance by Japanese physicians of unethical experimentation on POWs.

This paper attempts to demonstrate how the Japanese government (which was under military control), and individual Japanese military personnel, responded to the 1929 Geneva

Convention on prisoners of war, both in terms of official policy and in terms of actual behavior by Japanese medical officers, orderlies, and others in POW camps in the Far East.

It will be suggested that there was a marked dichotomy between official Japanese policy with respect to the treatment of prisoners of war under their control, and the actual treatment these men received. Sufficient documentation survives to show that Imperial Japan had, on paper, a policy that could have resulted in reasonable living conditions for Allied POWs, though certainly not adhering strictly to the Geneva Convention. However, even official policy contained inconsistencies.

POWs of the JAPANESE DURING WW2: THE CAPTORS' VIEW

After the war, on instructions from the victors, the Japanese prepared a report on the treatment of POWs in camps within Japan. This document contains the following declaration:

> Our basic policy of the treatment of the prisoners of war aimed at giving a just and fair treatment to them according to various regulations relative to the treatment of prisoners of war. Our superintendents of the prisoners of war, strictly observing this basic policy, made every effort to treat them fairly.[2]

Most Allied POWs would greet such a statement with derision. But it is essential to discover what official Japanese policy was. Because the Geneva Convention is central to such study, it may be apposite to begin by examining Japan's attitude to that fundamental expression of a broadly based (though not universal) international determination to standardize and optimize the way

belligerents looked after captured enemy personnel.

The 1929 International Convention Relative to the Treatment of Prisoners of War was signed in Geneva on 27 July 1929. Among the signatories were Isaburo Yoshida,[3] Sadamu Shimomura, and Seizo Miura, the official representatives of the Emperor of Japan; Yoshida was Envoy Extraordinary and Minister Plenipotentiary of Japan at Berne, the other two were military officers.[4]

Signed at the same time was a Convention dealing with the treatment of the sick and wounded in the field. Japan signed this document also. However, there are two stages in the process of accepting an international agreement of this type and formally committing a nation to adhere to it. The first is represented by having one or more officials, appointed by the government, sign the Convention on behalf of their country. The second, and equally vital, is for each individual government to ratify the agreement in parliament. Only then does that government formally undertake to abide by the Convention.

After the signing in Geneva, the Japanese parliament ratified the Convention on treatment of the sick and wounded in the field, but did not ratify the Convention on POWs. In discussions within the Japanese government in 1934, the army decided to "...refrain from petitioning the Emperor for his ratification...."[5] No specific rationale was given. The navy was more explicit, itemizing four reasons why ratification would work to Japan's detriment. Since Japanese soldiers "...do not expect any possibility of becoming war prisoners..." the obligations of the treaty would be unilateral on Japan; the expectation of lenient treatment by the Japanese might encourage

such acts as bombing raids from distances so great that the fliers could not return to their base; permitting unobserved interviews would harm the war effort; and treaty provisions on punishment of POWs were more advantageous to POWs than corresponding Japanese law would be to Japanese soldiers, thus necessitating a change in Japanese codes and laws.[6] The Convention was not ratified.

Thus Japan had no legal obligation in international law to follow the precepts of the 1929 Convention. Technically, since Japan had subscribed to the 1907 Hague Convention, it was bound to honor that agreement. However, that Convention's provisions had not proven completely satisfactory, which was why the Geneva Convention was created. Naturally, this failure to ratify the 1929 Convention was a source of great anxiety to the governments of those nations whose troops faced the Japanese and attempted to stem their rapid advances dating from December 7/8, 1941. On 3 January 1942, in a communication undoubtedly spurred by the capitulation of Hong Kong on Christmas Day, 1941, and the rapid advance of the Imperial Japanese Army (IJA) in Malaya, the Argentine Ambassador in Tokyo, Erasto M. Villa, wrote to Shigenori Togo, Minister for Foreign Affairs. He conveyed to Togo the information that the governments of Great Britain, Canada, Australia, and New Zealand "...will observe towards Japan the terms of the International Convention on the treatment of prisoners of war...." and inquired on behalf of these governments whether Japan was prepared to make a similar declaration.[7] A similar representation was made on behalf of the USA. On 29 January 1942, the views of the Imperial Japanese Government with respect to the treatment of prisoners of war were announced. The

pertinent item is translated as follows:

> The Imperial Government has not yet ratified the Convention relating to treatment of prisoners of war of 27 July 1929. It is therefore not bound by the said Convention. Nevertheless it will apply mutatis mutandis the provisions of that Convention to ... prisoners of war in its power.[8]

In a later communication to the Swiss Minister, Togo further stated that his government intended to take into consideration the national and racial customs of POWs and civilian internees when distributing provisions and clothing.[9] In considering these international commitments, which should have assured reasonably good conditions for the prisoners of the Japanese, and which were broadly speaking not adhered to, one must wonder what decisions or external circumstances led to their abandonment or to their being ignored. Was Togo's statement a cynical lie, or did Japan truly intend to conform to the Convention? If the latter, what happened?

BEHAVIOR TOWARDS POWs IN WARS BEFORE WORLD WAR TWO

In considering the numerous instances of cruelty to POWs during World War 2, one must confront the charge, commonly reiterated during and after the war, that the Japanese were by nature brutal and barbaric; that they were fundamentally different from Europeans and North Americans.[10] If this was the case, the brutality that Allied POWs suffered during captivity could be viewed as inevitable (and therefore, perhaps, even blameless). Some evidence as to whether the Japanese were

inherently cruel can be found by examining the history of their treatment of prisoners of war before World War 2.

In the Russo-Japanese War of 1904-1905, Japan inflicted a decisive defeat on the Russians, to the shocked surprise not only of the Czar and his countrymen, but also to all the Western world and, perhaps, to the Japanese. Thousands of Russian soldiers and sailors were prisoners of the Japanese. How were these men treated? The evidence suggests a picture quite different from what we might have expected on the basis of events in the 1940s.[11] Medical treatment offered was excellent, with the result that only 2.4% of the wounded POWs died.[12] Camps were well organized and complaints seem to have been minimal. The world was favorably surprised and impressed: "The Japanese themselves were quite aware and proud of the extent to which they followed the laws of the Geneva and Hague Conventions[13] and their own literature on the Russo-Japanese war is full of this fact."[14]

Ten years later, in World War 1, Japan was an ally of Britain and, ultimately and uneasily, of the USA. In the course of that war, Japan held as POWs a substantial number of Germans captured at Tsingtao in 1914 after a siege lasting some weeks. These men were held captive in Japan till after the war ended; how were they treated?[15]

An American observer recorded in 1916 that "...the Imperial Japanese Government had shown a desire to safeguard every prisoner's health and welfare,"[16] though there were complaints and problems in the beginning. These were corrected, and in at least one camp, constructed in Bando in 1917 and amalgamating several previous camps, conditions seem to have been almost idyllic (if that word can be used to describe any prisoner-of-war

camp).[17] But all camps improved, so that late in the war they had "...sports facilities, libraries, instructions in all types of academic and non-academic subjects and theater groups."[18] Perhaps the ultimate statistic is mortality. Of 4592 German and Austrian POWs captured in 1914, only 82 died before the men were released five years later, and of these 82, many died of the worldwide influenza pandemic.[19] This is a mortality rate of 1.8%, to be compared with figures for World War 2 of 4% for Allied POWs in Europe and 28% for Allied POWs in Asia.[20]

This evidence shows that the Japanese had an early-20th-century historical record of behaving humanely towards POWs, and disposes of the theory of inherent and inevitable barbarity.

JAPANESE PHILOSOPHY ABOUT POWs

The Japanese attitude to the concept of becoming a prisoner of war was diametrically opposed to the humanitarian ethos implicit in the Geneva Convention. The principle that no Japanese fighting man should permit himself to be taken captive, and that he should commit suicide should he be captured unconscious after being wounded, was a fixed part of Japanese attitudes in the 1930s and 1940s.[21] Hideki Tojo testified to this point during his trial as an alleged war criminal:

> The Japanese idea about being taken prisoner is different from that in Europe and America. In Japan, it is regarded as a disgrace. Under Japanese criminal law, anyone who becomes a prisoner while still able to resist has committed a criminal offense, the maximum punishment for which is the death penalty.[22]

The effect of such a policy was profound, and impacted on both the Japanese soldier and the Allied POW. This Japanese assumption that dishonor was intimately related to surrender was displayed dramatically as recently as 1971, when the distinguished Japanese novelist, Shohei Ooka, refused to accept a prestigious literary award because of the shame he continued to feel over having been a prisoner of war 26 years earlier.[23] It should be noted that Japan was not the only combatant nation in the Second World War that officially disowned its own nationals who were taken prisoner; the USSR held that any Soviet soldier taken prisoner "...was ipso facto a traitor and deserved no protection from his government...."[24] However, there does not seem to have been any broad cultural acceptance of this verdict within Russia that would correspond with the Japanese situation. In Japan, a soldier's family retained a sample of their son's hair and nail clippings when he went to war, and considered him dead, even to the point of not wishing to receive news of him.[25]

GOVERNMENT POLICY AND ITS IMPLEMENTATION

Before examining how individual Japanese citizens understood and responded to the Geneva Convention, it is pertinent to inquire what governmental actions were taken after the initial, seemingly positive, promises were made early in 1942. Despite the massive destruction of records at the end of the war,[26] sufficient materials have survived to make it clear that in many ways, Japan took action in a manner appropriate to permit adherence to the Convention. The government promulgated regulations for the basic administration of POW camps on 24

December 1941,[27] and the organizational underpinnings of a Prisoner of War Information Bureau were specified officially on 29 December 1941.[28] The first Chief of that bureau, Lt. Gen. Mikio Uemara, was appointed on the latter date.[29]

The POW Information Bureau was one of two agencies involved in POW matters. In regulations promulgated 27 December 1941, the scope of Bureau responsibilities was laid down to encompass investigation of exchanges, escapes, admission to hospital, deaths, maintenance of records, and all communications with the outside world about POWs held by Japan. The Bureau functioned under the direction and supervision of the Minister of War but was outside the Ministry.[30]

Within the Ministry of War there was a Prisoner of War Administration Division.[31] To this Division was entrusted the responsibility of actually operating POW camps, providing the commissariat, authorizing and arranging for transportation of POWs and their labor in civilian enterprises, punishment of POWs, and all related matters.[32]

Individual camps in Japan, Korea, Manchuria, and Formosa, authorized by the Ministry of War, were administered by the various Army District Headquarters; camps in other parts of the Co-Prosperity Sphere came under the responsibility of the appropriate Army.[33] The Navy was supposed to turn POWs over to the Army for incarceration, though temporary camps were in operation under naval supervision, ultimately reporting to the Minister of the Navy.[34]

Regulations for the management of such camps, and for the direction of the day-to-day lives of their occupants, were created early in the war and were modified and expanded on

several occasions during the war. The first such regulations were only slightly amended from those set up during the Russo-Japanese War in 1904.[35] Later revisions were promulgated on 31 March 1942[36] and on 21 April 1943.[37] Among numerous other regulations were those governing pay,[38] labor,[39] and the dispatch of prisoners.[40]

Government and military regulations also affected medical care directly, and these are of particular relevance for this study. With rare exceptions, the information available in English on this topic is derived from evidentiary material provided by the Defense in the Tokyo war crimes trials conducted by the International Military Tribunal for the Far East. These documents consist of several types: extracts from testimony at the trials; extracts from various monthly bulletins issued during the war by the POW Information Bureau; and reports of Japanese medical activities related to conditions in POW camps.

Perhaps the most suspect category of evidence is testimony by Japanese nationals in behalf of their fellow-countrymen at trials such as those held at Tokyo after the war. This is not to suggest that such evidence is valueless, but merely that specific statements must be examined carefully for conscious or unconscious bias. For example, Tadashi Odajima testified at length on POW camp conditions, a topic about which he presumably knew much since he had been a senior official both in the POW Information Bureau and in the POW Administration Department of the Ministry of War.[41] Much of this testimony is supported by other documentation, but expressions of opinion convey an impression that does not accord well with contrasting testimony by former POWs (though, of course, this testimony also must be

subjected to critical analysis). For example, with respect to rations, Odajima states that by "...the strenuous efforts of the POW camp staffs and the cooperation of the POW labor employers, the feeding of POWs was carried out smoothly, and the ration issued to an individual POW amounted to 3000 calories or more in nutritive value...."[42] Whether or not food was delivered "smoothly" is a moot point, but certainly estimations by Allied POW MOs largely disagreed that caloric value reached 3000 even occasionally.

In general, medical care for Allied POWs in Japanese hands was provided by POW MOs and medical orderlies. However, there are some instances of direct Japanese involvement. For example, beginning in February, 1943, a "squad" from the Japanese Army Medical College was assigned to investigate POW camps in the Tokyo area. There were two chief goals: to prevent epidemics, and to do bacteriologic and other examinations in connection with malnutrition in the camps, and compare these with malnutrition occurring among the Japanese population. A list of tests performed shows that the investigations were intended to reveal parasitic infestations, malaria, typhoid fever, syphilis, diphtheria, tuberculosis, and anemia. The anonymous author of this report suggests that in addition to the scientific usefulness of the work, "...it is also a highly noticeable result that these examinations made the hostile nationals realize to the fullest extent the superiority of the Japanese military medical science."[43] For this specious statement, no corroborating evidence was offered.

There is, however, a lengthy document which, though undated, seems to be a detailed report based on the findings of the above

mentioned squad. The preamble to this report contains the pragmatic observations that "...from the point of view of the utilization of their [POWs'] labor it proves necessary to preserve their health and ensure their working ability by creating good living conditions....It is not only for their health but also for the safety of our own people that we should give thorough considerations to maintaining them in good health."[44] POWs are acknowledged to be malnourished, some having lost up to 30 percent of their pre-war weights. The report analyzes POW rations, recommending that both rice and barley be given, as well as rice-bran (rice polishings) to help prevent or cure beriberi.[45] Amebic dysentery carriers were found in all the camps, prevalence ranging from 7 to 21 percent.[46] These and other observations suggest that this squad functioned in an acceptable scientific manner, carrying out the appropriate studies and making sensible recommendations. How influential this report was is not known, though there is little evidence of dramatic change for the better in those camps for which substantial information exists.

In the Tokyo area camps, attempts seem to have been made to isolate carriers of various diseases, particularly amebic and bacillary dysentery, diphtheria, and -- oddly enough -- malaria, an entirely non-infectious and non-contagious disease. Because of the difficulty in effecting isolation facilities at each camp individually, it was recommended that a combined isolation facility be created.[47] So far as is known, this was not done, though the intent could have been sincere.

At the Mukden POW camp, there was a similar expressed concern about medical services, which occasioned a Kwantung Army

Order in February 1943, directing a medical team to proceed to the camp and to attempt to prevent epidemics.[48] Three weeks later, the special squad submitted a detailed report of its work and findings.[49] According to this study, carried out with "...prisoner-surgeons of America and Britain as assistants,"[50] chronic colitis and malnutrition were particularly serious problems; 247 had diarrhea (defined as existing in POWs having more than three movements daily) among 1305 POWs. Recommended treatment included the provision of milk to give protein, and "incessant" blood transfusion might be needed also.[51]

The ubiquitous nature of diarrheal diseases, especially dysentery, in these camps is emphasized by the final document to be mentioned here, a detailed thesis on diarrheal diseases at the Osaka POW Camp, by two naval medical officers.[52]

Thus there is clear evidence of at least some effort to respond to the grim reality of disease and death in the Japanese POW camps. What cannot be established with certainty is whether these efforts should be seen as genuine attempts to help, even though small-scale and inadequate, or as deliberate attempts to create propaganda for immediate or post-war use.

TREATMENT OF POWs DURING WW2: The Allied POWs' Side

There is no need to provide detailed proof for any statement that transgressions occurred. They are well known, providing much of the evidentiary basis to the war crimes trials held by the Allies in the Far East after the war.[53] What may be of interest, however, is to investigate what the Japanese thought about the Convention, and in what circumstances it may have been

applied.

There is considerable evidence that in some war zones, adherence to the Geneva Convention, or to some clauses of that document, did occur in the period immediately after surrender occurred. In Malaya, during the fighting, an Australian officer was convinced that the Red Cross emblem was being respected by the Japanese in his area, and that lives were saved thereby. But this was during hostilities.[54] In 1942, in Changi Camp in Singapore, the Australian Red Cross representative within the camp was able to borrow money from the local ICRC delegate. The logistics required much hard work on the part of this officer, but eventually he was able to borrow $90,000, though after 1943 this route was no longer effective.[55] However, without the admittedly reluctant cooperation of the Japanese, nothing could have been done. It was at Changi, also, that correspondence occurred between British POWs and the British War Office in London -- strictly censored by the Japanese -- on matters of rank and similar questions.[56]

Albert Coates, an Australian medical officer captured at Padang, Sumatra, was treated courteously in the beginning of his captivity, and he noted that the Japanese army medical authorities "...acted according to the principles of the Geneva Conventions."[57] Paul Ashton, an American surgeon captured at Bataan, also found his Japanese captors friendly and affable in the immediate post-surrender period; this apparently occurred because of the character of one Japanese general who happened to come to Hospital No. 1.[58] The reasonable interlude was of short duration.

At Hong Kong, in contrast to the various atrocities that

occurred between 19 December 1941 and Christmas Day, the Japanese generally honored the Red Cross armband and permitted relatively free movement of medical personnel and the transfer of patients around Hong Kong Island in the few days after the surrender.[59] Donald Bowie, an RAMC surgeon at Hong Kong, believed that the Japanese fighting units were withdrawn quickly because they were needed for other campaigns, minimizing the time they were on the island and thus limiting atrocities;[60] however, this explanation is unconvincing because such excesses customarily occur during and immediately after a surrender, not days or weeks later. Even during the worst episodes of battlefield execution of POWs, decent behavior could exist; one young Japanese officer was instrumental in saving the life of a Canadian medical officer in the midst of carnage at Hong Kong in December 1941.[61]

Lt. Col. E.E. Dunlop, AAMC, noted a two-week period of relative calm at Bandoeng, Java, immediately after the Allied forces surrendered there. Then the situation deteriorated. His senior, a combatant officer, had in his possession a letter from the local Japanese commander, Gen. Muriamo, "...promising that the Japanese would not only behave as a signatory to the Geneva Convention; but also observe the Hague Convention for POWs...." Despite this written assurance, a Capt. Nakazawa continued his brutal behavior, asserting that Muriamo had signed no such letter. Nothing would induce him to alter his attitude, and conditions worsened steadily.[62] Insubordination along these lines occurred repeatedly within the experience of POWs of the Japanese, a fact that conflicts with the stereotype of the Japanese as being blindly obedient to orders. This point is emphasized by an exPOW who noted that in 1942 and 1943, "...the

average Japanese claimed to know nothing of the Hague or Geneva Conventions. Those who admitted to some knowledge of International Law and these conventions, expressed what can be taken as the Japanese Army attitude that a signature to the Hague Convention by Japan was only binding on the Government and not on the Army."[63]

Another example of insubordinate behavior occurred in a camp along the Burma-Siam railway. A Japanese medical officer and his British counterpart agreed that 37 prisoners were unfit to travel; "...the corporal of the guard would consent to only ten remaining. The production of a letter from the Japanese medical officer had no effect on the obdurate guard."[64] In this instance, the Japanese army seems to have functioned more or less as the British army did up to a century before, when medical officers held only nominal rank and could not enforce direct orders. Here, the denouement was that the corporal beat up the medical officer and other officers who were protesting the matter, upon which the men themselves volunteered to go to work, stating that they would not see their officers treated so badly. They went, and at least one died soon after.[65]

At a camp in Japan, at Sakata, one medical officer found much more reasonable treatment than in Siam; Japanese physicians, civilian and military, tried to help, "...medical conditions were fair in the camp, and essential instruments and medicines were supplied and maintained by the Japanese."[66] Such examples could be multiplied several times over.[67]

In Sham Shui Po POW Camp, in Kowloon, a Japanese medical officer routinely carried with him a length of rubber enema tubing, with which he beat any POW -- officer, NCO, or Other Rank

-- who transgressed the rules of the camp. On one occasion he beat the senior medical officer, a Canadian major, about the face and head because he and his men had proven "negligent" in their medical duties -- as "proven" by the fact that so many of their charges were dying of dysentery and diphtheria.[68]

Yet in this same camp and elsewhere among the Hong Kong POWs there occurred one of the most courageous attempts to follow the humanitarian code inherent in the Geneva Convention. Kiyoshi Watanabe was an interpreter at Hong Kong, and a Christian minister. At great personal risk he smuggled medical and other supplies into the camps as a gesture of pure humanity, and continued to do so throughout the war.[69]

Though less remarkable, similar humanitarian sentiments were observed at least occasionally at camps within Japan itself. For example a Capt. Seid, surgeon to the POWs at Seitetsu Hospital, wrote an evidently sincere letter of appreciation to the staff of that hospital, thanking them for assistance over a two-year period. Since this letter was written after the war ended, there is no reason to suspect the motives of the author.[70] And in a desposition made in 1947, another American officer characterized the commandant of another camp as being "...hard and strict, a true professional soldier, who took care to safeguard lives and health. He had little food and medicines to do it with, and condoned repeated thieveries from the [Mitsubishi] Mine of fuel, trading with the civilians, and violations of Army orders."[71]

Such helpful attitudes and behavior were seen occasionally in the Philippines also:

> Fortunately the Japanese Superintendent of our camp, Captain Saegusa, was an Americanized English

> speaking gentleman, a Reserve Officer in the Japanese Army, who had been the office manager of the N.Y.K. Japanese Steamship Company in San Francisco for the five years immediately preceding the outbreak of war. He did his best to make our existence livable, in providing extra food, and rendering fair and just treatment.[72]

This was at American Prisoner Camp No. 11, Manila. At Changi, David Nelson, who ran the unofficial and largely clandestine Bureau of Records and Enquiry within the camp, identifies several Japanese officers and men whom he considered to be fair and reasonable.[73] And Dunlop several times in his war diaries puts some tidbits of good in balance against a mountain of bad: for example, on 22 February 1944: "I saw the new Nippon interpreter today -- an American accent and mentality and very courteous -- and explained the difficulties about tools and construction. A sympathetic reception and very business-like action taken...."[74]

Despite these accumulating instances, however, the point must be obvious: these remain isolated occurrences, often cited by POW-authors out of a sense of fairness, a desire to demonstrate that not all Japanese were barbarous or cruel. These instances shine out in an otherwise gray panorama of injustice, indifference, and inhumanity. Transgressions of the Geneva Convention were commonplace and, in many locations much of the time, the rule.

In one of its aspects at least, the Geneva Convention was flouted from the beginning, apparently with the authority of Imperial headquarters in Japan. The Convention expressly states

that POWs must not be forced to work on projects directly related to the war effort (Article 31). Yet Vice-Minister of War Kawabara stated in 1942 that white POWs should be put to work at "military labor."[75] Moreover, although the 1904 Japanese code prohibited work by officers and non-commissioned officers, the war office deleted the prohibition because "the present condition of the country" does not allow anyone to "lie idle and eat freely."[76]

A document of importance is the instruction promulgated by War Minister Tojo on 30 May 1942, when he was inspecting the Zentsuji Division, which had responsibility for large numbers of POWs:

> To this Division is attached a prisoner of war camp. Prisoners of war must be placed under strict discipline as far as it does not contravene the law of humanity. It is necessary to take care not to be obsessed with a mistaken idea of humanitarianism or swayed by personal feelings towards those prisoners of war which may grow in the long time of their imprisonment. The present situation of affairs in this country does not permit anyone to lie idle doing nothing but eating freely. With that in view, in dealing with the prisoners of war, too, I hope you will see that they may be usefully employed.[77]

The evidence suggests that most POW camp commandants and their men took to heart the admonition not to permit humanitarian ideals to soften their attitudes towards their POWs. Of course, abstract statements such as Tojo's provide ample scope to permit their auditors to be selective in which parts they emphasize and

which they ignore -- deliberately or subconsciously -- certain in their own minds that they are fulfilling Imperial instructions. Incompetence, misunderstanding, or overzealous interpretation of instructions, as well as central maladministration of the POW system or parts of it, are problems in all large bureaucracies, both totalitarian and democratic. For example, in 1942 Minister of War Tojo admonished the newly appointed commanders of POW camps to "...not let them [POWs] remain idle even for a single day, so as to utilize most effectively their manpower and technical ability for the expansion of our industries and to contribute to the execution of the great Eastern Asia War."[78] Such a statement could be translated into harsh action by overzealous or inhumane persons, for example by forcing sick men to work, on the grounds that such actions indicated that the Japanese were following Tojo's instructions assiduously.

CONCLUSION

> "The Japanese...are as war made them, not as God did, and the same is true of the rest of us."[79]

I do not believe, nor suggest, that the well-publicized abuses of Allied POWs did not occur. The shocking treatment of prisoners in the Philippines, Hong Kong, the Burma-Siam Railway, the Dutch East Indies, and in Japan itself, are thoroughly documented; the war crimes trials resulted in conviction and punishment of at least some of the guilty parties (though many who should have come to trial never did, and some of those who did received remarkably light sentences). I simply wish to make the point that not all Japanese, and not even all Japanese who

were in positions of authority in POW camps, behaved alike.[80] What also can be concluded from the evidence is that despite some memoranda, there is little evidence to document any official pressure to adhere to the Geneva Convention. The attempts that are recorded show individuals responding to basic feelings of humanity, or to international codes such as the Convention, but apparently acting as individuals -- which, in the military-dominated Japan of the early 1940s, was a commendable action in itself, and one that carried some risk.

I have attempted to provide specific instances of adherence to the Geneva Convention. What conclusions can be reached? First, the substantial volume of Japanese governmental memoranda and similar documents suggests that there was at least a nominal attempt to conform to Togo's note of 29 January 1942 indicating that Japan would honor the Convention "mutatis mutandis." The massive failure to do so is even more voluminously documented, and the reasons for this failure are the subject of a larger study.[81] Individual and some collective efforts to conform to the humanitarian ideals embodied in the Convention have also been shown to occur, proving both that barbarity was not a universal characteristic of the Japanese people in the 1940s, and also that no authoritative instruction to ignore the Convention had been conveyed to these people from government or Emperor. That these humanitarian efforts existed in such relatively small numbers was a major reason for the tragic ill-treatment of Allied POWs in the Far East during WW2, resulting in a mortality rate in excess of 25%, and untold and continuing post-war misery amongst a significant proportion of the survivors.

NOTES

1. A.B. Feuer (edit.), Bilibid Diary: The Secret Notebooks of Commander Thomas Hayes, POW, the Philippines, 1942-45 (Hamden, CT: Archon Books, 1987), p. 52.

2. International Military Tribunal for the Far East (hereafter IMTFE) IMTFE Exhibit No. 3128, Reports on Treatment of POW in Prisoner's Camps in Japan Proper, undated but on internal evidence, late 1945, p. 1. Note that documents in the IMTFE Exhibit series numbered 1 to 2282 are Prosecution Exhibits; those from 2283 on are Defense Exhibits.

3. All Japanese names have been transposed into western style, so that the given name appears first and the family name second.

4. Anonymous, International Convention Relative to the Treatment of Prisoners of War, Geneva, July 27, 1929 (Ottawa: The King's Printer, 1931), pp. 31.

5. IMTFE Exhibit No. 3044, Secret Memorandum of 6 September 1934, Toranosuke Hashimoto, Vice-Minister of War, to Mamoru Shigemitsu, Vice-Minister of Foreign Affairs.

6. IMTFE Exhibit No. 3043, Secret Memorandum of 15 November 1934, Vice-Minister of Navy to Vice-Minister of Foreign Affairs.

7. IMTFE Exhibit No. 1494, Ambassador Villa to Minister for Foreign Affairs Togo, 3 January 1942. After the USA entered the war, and thus could not continue to represent the British Commonwealth, Argentina had agreed to represent these Allied countries as the Protecting Power.

8. IMTFE Exhibit No. 1490, Memorandum from Togo to the Swiss Minister, 29 January 1942. The USA considered several countries as potential Protecting Power, and selected Switzerland; by December 9 the Swiss Minister in Tokyo, Camille Gorge, informed US Ambassador Grew that he (Gorge) was to supervise American interests in Japan. P. Scott Corbett, Quiet Passages: The Exchange of Civilians Between the United States and Japan during the Second World War (Kent, OH & London: Kent State University Press, 1987), p. 42.

9. IMTFE Exhibit No. 1493, Togo to Swiss Minister, 2 March 1942.

10. This broad theme has been explored with cogency and with a laudable absence of bias by John W. Dower in his War Without Mercy: Race and Power in the Pacific War (New York: Pantheon Books, 1986).

11. Ilza Veith, "Humane warfare and inhuman war: Japan and its treatment of war prisoners," Bulletin of the History of Medicine 19: 355-374, 1946.

12. Veith, "Humane warfare," 357.

13. The 1929 Geneva Conventions with which students of World War Two are principally concerned were by no means the first to have this generic designation. Geneva Conventions were ratified in 1864 and in 1906-07; the so-called Hague Conventions of relevance to POW affairs were codified in 1899 and 1907. Details of the interrelationship of these various Conventions can be found in Geoffrey Best, Humanity in Warfare: The Modern History of the International Law of Armed Conflicts (London: Methuen, 1983), passim.

14. Veith, "Humane warfare," 359.

15. Charles Burdick and Ursula Moessner, The German Prisoners-of-War in Japan, 1914-1920 (Lanham, New York, London: University Press of America, 1984), pp. xvii+128

16. Burdick & Moessner, The German POWs, 63.

17. Burdick & Moessner, The German POWs, 73ff.

18. Burdick & Moessner, The German POWs, 92.

19. Burdick & Moessner, The German POWs, 99.

20. IMTFE Exhibit No. 2028-2033, Statistical Tables on POW Casulties for Australia, Canada, the UK, New Zealand, and the United States; these are official documents submitted by the respective governments. In the Far East there were 27,256 deaths in a total POW population of 95,134.

21. In a novel about a Japanese officer captured by the Russians in 1945, the author describes the collective suicide of a group of tank crewmen, who wire their tanks together and detonate a massive explosion. The protagonist attempts to persuade them not to kill themselves, but it is significant that his appeal depends on the fact that the Emperor ordered them all to surrender, thus obviating the need for feeling disgrace -- not because of any perceived defect in the code itself. Tokoyo Yamasaki, The Barren Zone, trans. James T. Araki, (Tokyo:

Kodansha International Ltd., 1985), pp. 29-30 and 34.

22. IMTFE Exhibit No. 1981A, Interrogation of Hideki Tojo, 26 March 1946.

23. Agatha Dillard Hahn, Commentary on Ooka Shoehei's Prisoner of War Memoirs (Furyoki) (Stanford University, PHD Thesis, 1983), 33.

24. Alexander Dallin, German Rule in Russia, 1941-1945: A Study in Occupation Policies (London: Macmillan & Co. Ltd., 1957), p. 420.

25. Anonymous, Report of the International Committee of the Red Cross on Its Activities During the Second World War (September 1, 1939-June 30, 1947), vol. 1, General Activities (Geneva: ICRC, 1948), p. 438-9.

26. The order for this wide-ranging destruction was contained in a memorandum of 14 August 1945 from the Director-General of Military Police, reproduced in Yoshio Chaem, Dainihon Teikoku Naichi Furyo Syuyojo [Prisoner-of-War Camps Inside Imperial Japan] (Tokyo, 1986), p. 90.

27. IMTFE Exhibit No. 92, Imperial Ordinance No. 1182, "The Prisoner of War Internment Camp," 24 December 1941.

28. IMTFE Exhibit No. 92A, Imperial Ordinance No. 1246, "The Prisoner of War Information Bureau," 29 December 1941.

29. IMTFE Exhibit No. 102, List of Important Government Officials in Japan, 1930-1945.

30. IMTFE Exhibit No. 1965, Laws, Rules, and Regulations Pertaining to Prisoners of War: Document on Organization of the POW Information Bureau, 27 December 1941, p. 1.

31. The ICRC stated, soon after the war, that the Information Bureau and the Administration Bureau were two branches of a single division of the War Department. However, the ICRC also found that "[r]elations with this Bureau were so difficult that it was only at the close of hostilities that the delegation was able to know exactly how it was organized." Anonymous, Report of the ICRC, p. 446.

32. IMTFE Exhibit No. 1965, Laws, Rules, and Regulations Pertaining to Prisoners of War: Document on Regulations for the Treatment of Prisoners of War, 31 March 1942, p. 2.

33. IMTFE Exhibit No. 3056, Statement on POW Administration by Army and by Navy, Submitted by T. Katsube to GHQ, SCAP, 27

January 1946, p. 5.

34. IMTFE Exhibit No. 3056, p. 7. Although most naval camps may have been temporary, a notorious exception was Ofuna, an interrogation camp of substantial brutality within which POWs were kept for very lengthy periods. See Hannah Chair, McMaster University, Oral History Archives (hereafter HCMU/OHA), interview of Leonard J. Birchall by Charles G. Roland, HCM 5-86, 22 February 1986, p. 13 ff.

35. The original document is IMTFE Exhibit No. 3055, Regulations: The Treatment of Prisoners of War, 17 February 1904, 4 pp; the amended rules are in IMTFE Exhibit No. 93, 24 December 1941.

36. IMTFE Exhibit No. 1965, Laws, Rules, and Regulations Pertaining to Prisoners of War, Document dated 31 March 1942, pp. 1-2.

37. IMTFE Exhibit No. 1965, Laws, Rules, and Regulations Pertaining to Prisoners of War, Document dated 21 April 1943, pp. 7-12.

38. IMTFE Exhibit No. 1965, Regulations for Prisoner of War Allowances, 20 February 1942, pp. 12-14.

39. IMTFE Exhibit No. 1965, Regulations on the Work of Prisoners of War, 20 May 1943, pp. 14-16.

40. IMTFE Exhibit No. 1965, Regulations for the Dispatch of Prisoners of War, 21 October 1942, amended by War Ministry Order No. 23, 1943, pp. 22-25.

41. IMTFE Exhibit No. 3109, Deposition of Tadashi Odajima, 29 August 1947, in Connection with the Trial of Sadao Araki et al, 11 pp.

42. IMTFE Exhibit No. 3109, p. 5.

43. IMTFE Exhibit No. 3110, Army Medical College Investigations into POW Disease, Monthly Report of POW Intelligence Bureau, May 1943, 3 pp.

44. IMTFE Exhibit No. 3111, Investigation Squad of Army Medical College, Suggestions Regarding Improvement of Health Conditions of Prisoners of Tokyo War Camp, [undated but from internal evidence, first half of 1943], 5 pp.

45. IMTFE Exhibit No. 3111, p. 2.

46. IMTFE Exhibit No. 3111, p. 3.

47. IMTFE Exhibit No. 3112, Isolation of Contagious POWs;

Extract from Tokyo POW Camp Monthly Bulletin, May 1943.

48. IMTFE Exhibit No. 3113, Kwantung General Operation Order No. C-90, Medical Services, Mukden POW Camp, 1 February 1943, 2 pp.

49. IMTFE Exhibit No. 3114, Monthly Report of Mukden POW Camp, Report of Work Situation of the Temporal [sic] Prevention Epidemic Squad, 21 February 1943, 8 pp.

50. IMTFE Exhibit No. 3114, p. 4.

51. IMTFE Exhibit No. 3114, p. 8. The caliber of translation varies widely amongst these IMTFE documents, and this one is particularly awkward.

52. IMTFE Exhibit No. 3120, Thesis: Causes of and Counter-Measures for the Chronic Cases of Diarrhea Among the Prisoners of War, by Surg.Lt. Shoichi Nosu and Surg.Lt. Hyojiro Ohashi, [undated but on internal evidence, second half of 1944], 13 pp.

53. Several sources provide details of Japanese war crimes and the trials conducted to determine the guilt of alleged perpetrators. See, for example, P.R. Piccigallo, In the Shadow of Nuremberg: Trials of Japanese in the East, 1945-1951 (Ph.D. thesis, City University of New York, 1977), and his book The Japanese on Trial: Allied War Crimes Operations in the Far East, 1945-1951 (Austin & London: University of Texas Press, 1979); A.C. Brackman, The Other Nuremberg: The Untold Story of the Tokyo War Crimes Trials (New York: William Morrow & Co. Inc., 1987); and several papers by R.J. Pritchard, including "The Nature and Significance of British Post-War Trials of Japanese War Criminals, 1945-1948," Proceedings of the British Association for Japanese Studies 2: 189-219, 1977, "The Historical Experience of British War Crimes Courts in the Far East, 1946-1948," International Relations 6: 311-326, 1978, and "Lessons from British Proceedings Against Japanese War Criminals," Human Rights Review 3: 104-121, 1978.

54. Allan S. Walker, Middle East and Far East (Canberra: Australian War Memorial, 1962), p. 503.

55. IMTFE Exhibit No. 1478A, affidavit of W.G.C. Guest, 10 October 1946, p. 1-2.

56. R. John Pritchard and Sonia Magbanua Zaide (eds.), The Tokyo War Crimes Trial: Vol. 3, Transcript of the Proceedings in Open Session, Pages 4680-7245 (New York & London: Garland

Publishing Inc., 1981), Testimony of C.N.D. Wild, 19 September 1946, p. 5839.

57. Albert Coates and Newman Rosenthal, The Albert Coates Story (Melbourne: Hyland House, 1977), p. 85.

58. Ashton, Bataan Diary, pp. 154-5.

59. London, Public Record Office, WO 222/20A, Diary of Lt. Col. C.O. Shackleton, RAMC, OC Military Hospital, Bowen Road, p. 22.

60. Donald C. Bowie, "Captive Surgeon in Hong Kong: The Story of the British Military Hospital, Hong Kong, 1942-1945," Journal of the Hong Kong Branch, Royal Asiatic Society 15: 150-290, 1975; see p. 162.

61. Ottawa, Public Archives of Canada (hereafter PAC), Department of National Defense, RG 24, C2(f), vol. 8019, file TOK-5-4, Investigation Section -- Col. Rudisill; memorandum by Lt.Col. Oscar Orr, 22 April 1946. The officer was Capt. S.M. Banfill, RCAMC, Royal Rifles of Canada, one of three survivors of a brutal battlefield massacre of medical orderlies and others at Shaukiwan on Hong Kong Island.

62. E.E. Dunlop, The War Diaries of Weary Dunlop: Java and the Burma-Thailand Railway, 1942-1945 (Melbourne: Nelson Publishers, 1986), p. 6-7.

63. Hugh V. Clarke, A Life for Every Sleeper: A Pictorial Record of the Burma-Thailand Railway (Sydney: Allen & Unwin, 1986), p. 24. The independent and often seemingly treasonous course of the Imperial Japanese Army is presented vividly in the biography of Koki Hirota, the only civilian among the seven major war criminals executed in 1948. Saburo Shoroyama, War Criminal: The Life and Death of Hirota Koki, trans. John Bester (Tokyo, New York, & San Francisco: Kodansha International Ltd., 1980).

64. Lionel Wigmore, The Japanese Thrust (Canberra: Australian War Memorial, 1968), p. 573.

65. Pritchard & Zaide, Tokyo War Crimes Trial, p. 5457-5458.

66. Walker, Middle East and Far East, p. 658.

67. See, for example, United States Army Center for Military History, 870-5g ANC 383.6, Wibb E. Cooper, Medical Department Activities in the Philippines from 1941 to 6 May 1942, and Including Medical Activities in Japanese Prisoner of War

Camps (unpublished, 1946), p. 15: there was "...an intention and effort on the part of the Japanese [on Corregidor] to observe the decencies and general provisions of international law outlined in the Geneva Convention." Brig. F.G. Galleghan, senior officer of Australian POWs at Changi, noted that of the various Japanese commanders at Changi, one named Saito was the best: "When our representations did get to him...he would always either act or send back and say that he was not going to do it or could not do it" (IMTFE Exhibit No. 1517A, Evidence given by Brig. Galleghan 22 November 1945, p. 12). At one camp in Java, a newly appointed Japanese Adjutant discovered that the IJA quartermaster had been misappropriating supplies intended for the POWs; the infuriated adjutant corrected the situation and soon after, cattle were brought into the camp; see Operational Archives, Naval Historical Center, Washington DC, R.D. Millar, Narrative of Personal Experiences in the Far East (unpublished, 1946), p. 19. And at Batavia, an Australian MO identified a Dr. Mitsufutsi as sympathetic: "I am sure he was ashamed of his country's treatment of Prisoners of War and during the time we knew him at St. Vincentius he tried his utmost to help us"; see Leslie Poidevin, Samurais and Circumcisions (Adelaide: L. Poidevin, 1985), p. 96.

68. HCMU/OHA, Interview of A. Raymond Squires by Charles G. Roland, 9 June 1983, HCM 21-83, p. 18.

69. See, especially, the biography of Watanabe by Liam Nolan, Small Man of Nanataki: The True Story of a Japanese Who Risked his Life to Provide Comfort for his Enemies (New York: E.P. Dutton & Co., Inc., 1966), pp. ix+162; this man was mentioned with great affection by the head of Hong Kong's civilian public health department, Dr. Selwyn Selwyn-Clarke, as a truly noble character: see the latter's biography, Footprints (Hong Kong: Sino-American Publishing Co., 1975); his efforts are recorded also by the British surgeon at Bowen Road Hospital (see Bowie, "Captive Surgeon," particularly 226).

70. IMTFE Exhibit No. 3122, Letter of Appreciation, Capt. Sidney E. Seid, MC, USA, to Medical Director and Staff, Seitetsu Hospital, Hirohata, Japan, [undated but on internal evidence, September 1945].

71. IMTFE Exhibit No. 3137, Deposition of Charles Ream Jackson re. Medical and Other Conditions at Hamowa POW Camp, 11

August 1947, p. 6.

72. G.G. Harrison, "Foreword," in Robert W. Levering, Horror Trek: A True Story of Bataan, The Death March and Three and One-Half Years in Japanese Prison Camps (Dayton: Horstman Printing Co., 1948), p. v.

73. David Nelson, The Story of Changi, Singapore (West Perth, Australia: Changi Publication Co., 1974), passim.

74. Dunlop, War Diaries, p. 332.

75. IMTFE Exhibit No. 2010, Memorandum from Vice-Minister of War Kawabara to Higuchi, COS, Taiwan Army, 6 May 1942.

76. IMTFE Exhibit No. 1961, Memorandum re. Labor Imposed upon Prisoner of War Officers and Non-Commissioned Officers, 3 June 1942.

77. IMTFE, Exhibit No. 1960, War Minister Hideki Tojo's Instructions to the Commander of the Zentsuji Division, 30 May 1942.

78. IMTFE Exhibit No. 1963, Instructions of War Minister Hideki Tojo to the Newly-Appointed Commanders of the Prisoner of War Camps, 7 July 1942.

79. Agnes Newton Keith, Three Came Home (Boston, Little Brown & Co., 1947), p. [ix].

80. Note Coates' observation: "I believe that there were Japanese medical officers who were capable of showing human sympathies, but when acting as a small part of a soulless military machine they were afraid to show their normal reactions": A.E. Coates, "Fundamental Principles in Medical Practice," Medical Journal of Australia 2: 762, 1946.

81. Briefly, the following factors must be taken into account in explaining the bad treatment of Allied POWs: bad faith; revenge for racial slurs by western nations and individuals; lack of respect for POWs because of Japanese belief that being taken prisoner is totally disgraceful; maladministration by the relevant Japanese government departments and military services; logistical failure due to over-stretched lines of communication and to increasingly effective Allied attacks on these lines; individual cruelty; and others.

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