

Eleanor Vaughan

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IHRP Internship Final Report

This summer, I worked and travelled in Canada, China and Korea with Toronto ALPHA, an organization dedicated to the study of the Second World War in Asia. Prior to this summer, I had very little exposure to the events of the War in the Pacific. Though my history classes growing up extensively taught the war in Europe, very little was said about events in Asia. ALPHA's mandate is to rectify this inequality and ensure that the tragedies of the war in Asia are not forgotten.

To this end, ALPHA generously sponsored me to conduct a research project for the summer. I chose to research a series of war crimes trials that occurred in Hong Kong following WWII. At the conclusion of the war, Allied nations convened a number of tribunals around the world to try alleged war criminals. While the most famous of these trials – namely, the Nuremberg and Tokyo Trials – have been extensively studied, the smaller trials have received very little academic attention. One of these so-called 'minor' war crimes trials, the Hong Kong trials prosecuted Japanese military personnel for war crimes and crimes against humanity allegedly committed during the Japanese invasion of Hong Kong in 1941 and the city's subsequent occupation. The trials were convened under British jurisdiction when the United Kingdom reasserted colonial power over the Hong Kong after Japan's surrender in 1945.

I began my summer with a few weeks in ALPHA's office in Toronto. There, I started to get up to speed on WWII Asian history. I began background research, spending several days at the Richard Charles Lee Hong Kong Library at the University of Toronto, and conducted preliminary interviews with scholars in history and international law. Everyone I spoke to, upon hearing of my research project, was extremely willing to help. Because these trials have been so understudied, there is generally great interest to learn more about them.

While in Toronto, I also conducted an interview with George MacDonell, a ninety-three year old Canadian veteran. As a sergeant with the Royal Rifles of Canada, Mr. MacDonell fought alongside nearly 2,000 other Canadians to defend Hong Kong from Japanese invasion. Upon surrender of the city to Japan, he was held as a prisoner-of-war (POW) for nearly five years and suffered through illness, hunger, and forced labor. Despite his age, he is currently working on his second book about his experiences. This interview was a turning point for me. With energy, eloquence, and optimism, Mr. MacDonell conveyed his experiences as a POW to me in a way that was more compelling than any book. Our interview invigorated my sense of purpose, of ensuring that memories of the war do not fade.

In early June, I travelled to Hong Kong, a spectacular city of mountains and skyscrapers. I took the opportunity to hike to former battlefields and visit museums in an attempt to piece together the city's wartime history. I also began conducting archival research via a database on the trials at the University of Hong Kong's Special Collections Library. The volume of material was somewhat overwhelming; 48 trials of 123 individuals had been held in Hong Kong between 1946 and 1949, and the case files numbered tens of thousands of pages, which have for the most part remained unstudied since. I quickly realized that to meaningfully study the trials I would have to narrow the scope of my research. Because part of my internship was to help Toronto ALPHA with its educational materials for Canadian schools, it was important to me to find a topic that would resonate with Canadian students. I decided to hone in on several trials which had a high degree of Canadian participation, with respect to both their prosecution and the victims to whom they sought to bring justice.

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One of the trials I studied was that of Col. Tokunaga Isao, Cpt. Saito Sunkichi, Lt. Tanaka Hitochi, and Int. Tsutada Itsuo, all of whom had been involved in the administration of POW camps in Hong Kong during the war. The trial represents a largely forgotten chapter in Canadian legal history. Following Hong Kong's surrender in 1941, hundreds of Canadian soldiers – along with their British and Chinese counterparts – were taken prisoner-of-war. Most suffered through deplorable conditions in POW camps for the war's duration. The trial of Col. Tokunaga et al considered whether the defendants could be held responsible for the maltreatment of these POWs. Many of the witnesses in the trial, as well as the lead prosecutor, were Canadian. As I began to read through the case files, I was struck by the tragedy of what occurred in the POW camps.

Each morning, I would go into the library and spend several hours reading through archived documents. I read trial transcripts, including cross-examination of alleged war criminals, and evidence submitted by prosecutors, including affidavits from surviving POWs testifying to their mistreatment in the camps. Each afternoon, as I sat down to write my research paper, I struggled to make sense of what I had read. The common thread was the human suffering that occurred in Hong Kong's POW camps, where violence, malnutrition, disease, and psychological trauma were the norm. Yet amidst the tragedy, I was also struck by how often individual heroism on both sides of the war had managed to triumph. In the Tokunaga case files, for instance, I uncovered the story of a British doctor and Japanese guard who bravely colluded to smuggle diphtheria serum into a POW camp, saving countless lives.

The goal of my project was not just to document the events of Hong Kong trials, but also to assess their efficacy in moving towards post-war reconciliation. At the center of my research was a normative question: Were these trials a simple case of 'victor's justice,' an opportunity for retribution by the victorious Allies? Or, did they achieve a meaningful sense of justice, helping both sides to move towards peace? At the end of these months of study, I am left with no clear answer. On one hand, the trials represented a return to legal order after the chaos of war, they gave survivors an opportunity to share their stories and begin to recover, and a good faith effort seems to have been made to ensure that the legal processes employed were robust. On the other hand, the trials also raise questions of fairness. The trials proceeded according to British military law with which Japanese defense lawyers were generally unfamiliar. Though 'special petitions' were available, Japanese defendants had no formal opportunity to appeal their convictions. Furthermore, the trials largely focused on crimes committed against Allied soldiers and mostly failed to address the atrocities suffered by Chinese civilians, raising questions of selective prosecution. Overall, the trials cannot easily be labeled a success or a failure of justice. Rather, they should be approached with measured skepticism, cognizant of the role that post-WWII war crimes trials have played in the ongoing development of international criminal law.

Of course, the Hong Kong war crimes trials represent only a tiny fraction of the events in Asia during the war. After my time in Hong Kong, I had the opportunity to contextualize my research by participating in a WWII study tour organized by Toronto ALPHA. The tour began with five days in Shanghai, where I found it very interesting to observe the myriad of differences between Hong Kong and Mainland China (not least of all, the air pollution). While in Shanghai, we visited museums and attended lectures to learn about the "War of Resistance Against Japanese Aggression" as it is known in China. Next, we travelled to Nanjing to learn about the infamous 1937 "Rape of Nanking." We then spent two days in Harbin, a city in Northern China, learning about Unit 731, Japan's chemical weapons research program which relied on Chinese civilians as test subjects. The tour concluded in Seoul, South Korea where we learned about the so-called "comfort women" who were forced into military sexual slavery during the war. A particular

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highlight was meeting surviving Korean “comfort women,” now well into their eighties, and hearing about on-going efforts to ensure that their memories are not forgotten.

Returning to Canada, I am incredibly grateful to have had the opportunity to spend this summer grappling with issues of law and history. Seventy years after the war’s end, its legacy continues to be felt in Asia. Disputes over wartime history continue to play a major role in shaping relations between China, Korea and Japan, and until these nations can reconcile themselves with their wartime pasts tensions between them seem unlikely to ease. International law offers one avenue to redress historical wrongs, by punishing perpetrators and bringing a sense of justice to victims. Participating in this internship has affirmed my belief that international law matters and that it can be a tool for peace.

At a personal level, I found it highly rewarding to develop my own research project and see it through, particularly without the oversight of a supervisor on the same continent. I also feel some sense of accomplishment at having learned to navigate a foreign place, climbed Victoria Peak, felt the wind in my hair on the Star Ferry, eaten the world’s best shrimp dumplings in Shanghai, and seen ancient palaces in South Korea. My horizons – both personal and professional – have been immensely broadened by this summer. My sincerest thanks go to Toronto ALPHA and the International Human Rights Program, without whose support this would not have been possible.



Visiting the Nanjing Massacre Museum with other members of the ALPHA Study Tour –
Nanjing, China

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Student holds sign at a demonstration asking the Japanese government to recognize and compensate Korean victims of military sexual slavery – Seoul, Korea



Walking along the Bund – Shanghai, China

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Gas masks on display at the Unit 731 Museum – Harbin, China