



## MacArthur Memorial Education Programs

Who is Responsible for War Crimes?



General Yamashita



Japanese Soldiers

This guy?

Or these guys?

In a war situation, who should be held responsible for the war crimes that are committed? The commanding officer? Or the soldiers who actually carried out the crimes? Why?



After World War II, a Japanese General, Tomoyuki Yamashita, was tried for failing to control his troops and end the atrocities they were committing in the Philippines.

### **The charge against Yamashita:**

“...unlawfully disregarded and failed to discharge his duty as commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against people of the United States and of its allies and dependencies, particularly the Philippines ; and he, General Tomoyuki Yamashita, thereby violated the laws of war.”

### **The categories of atrocities committed:**

- (1) Starvation, execution or massacre without trial and maladministration generally of civilian internees and prisoners of war;
- (2) Torture, rape, murder and mass execution of very large numbers of residents of the Philippines, including women and children and members of religious orders, by starvation, beheading, bayoneting, clubbing, hanging, burning alive, and destruction by explosives ;
- (3) Burning and demolition without adequate military necessity of large numbers of homes, places of business, places of religious worship, hospitals, public buildings, and educational institutions. In point of time, the offences extended throughout the period the accused was in command of Japanese troops in the Philippines . In point of area, the crimes extended throughout the Philippine Archipelago, although by far the most of the incredible acts occurred on Luzon.”

### **Evidence for the Prosecution:**

- The defense did not deny the atrocities committed.
- A witness testified that Yamashita ordered any areas of the Philippines supporting the Americans should be wiped out.
- Yamashita was the Commander-in-Chief of the Japanese army and navy in the Philippines.

### **Evidence for the Defense:**

- A witness testified that Yamashita told him to be fair in all dealings with the Filipino population.
- Yamashita had no power to discipline, demote, promote, or remove members of the naval land forces.
- Communications were disrupted and Yamashita could receive or distribute information/orders easily.

### **The Verdict:**

“ This accused is an officer of long years of experience, broad in its scope, who has had extensive command and staff duty in the Imperial Japanese Army in peace as well as war in Asia, Malaya, Europe, and the Japanese Home Islands . Clearly, assignment to command military troops is accompanied by broad authority and heavy responsibility. This has been true in all armies throughout recorded history. It is absurd, however, to consider a commander a murderer or rapist because one of his soldiers commits a murder or a rape. Nevertheless, where murder and rape and vicious, revengeful actions are widespread offences, and there is no effective attempt by a commander to discover and control the criminal acts, such a commander may be held responsible, even criminally liable, for the lawless acts of his troops, depending upon their nature and the circumstances surrounding them. Should a commander issue orders which lead directly to lawless acts, the criminal responsibility is definite and has always been so understood. The Rules of Land Warfare, Field Manual 27-10, United States Army, are clear on these points. It is for the purpose of maintaining discipline and control, among other reasons, that military commanders are given broad powers of administering military justice. The tactical situation, the character, training and capacity of staff officers and subordinate commanders as well as the traits of character, and training of his troops are other important factors in such cases. These matters have been the principal considerations of the Commission during its deliberations.

“ General Yamashita : The Commission concludes : (1) That a series of atrocities and other high crimes have been committed by members of the Japanese armed forces under your command against people of the United States, their allies and dependencies throughout the Philippine Islands ; that they were not sporadic in nature but in many cases were methodically supervised by Japanese officers and non-commissioned officers ; (2) That during the period in question you failed to provide effective control of your troops as was required by the circumstances.

“ Accordingly upon secret written ballot, two-thirds or more of the members concurring, the Commission finds you guilty as charged and sentences you to death by hanging.”

**Questions:**

1. What was Yamashita accused of? What acts did his troops commit in the Philippines?
2. What was Yamashita's verdict and sentence?
3. How did Yamashita's status as a general lead to his verdict?
4. Do you think the verdict was fair? Why or why not?