

ICJ

International Court of Justice



President: Manuela Isaza

Vice President: Luciana Araque

(Correo electrónico del comité)

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1. Letters from the chair

1.1. Letter from the President

Honorable Delegates,

Welcome to the International Court of Justice, COSMUN 2025; my name is Manuela Isaza and this year it is my pleasure and privilege to be your President. I am truly excited to work alongside all of you and to make this experience a great one.

COSMUN has taught me many things about culture, about the world and its issues, but most importantly, it has helped me grow as a person, to be more disciplined, and responsible, and has built up my confidence. With this being said, I want to invite you all to take the risk of participating, and that someday you too will make great leaders and advocates of this world.

This year I am tremendously thrilled to work alongside Luciana Araque, to make this committee an unforgettable one. We expect you to come prepared and do your best, but most of

all enjoy the work we'll do. We know that you are all outstanding individuals, that will deliver a great debate. Nevertheless, I want to remind you all that this is an academic space in which we expect that you research, come with the best attitude, and have active participation. Don't be afraid to ask us any questions and remember to trust your skills.

If you have any concerns please contact us at our email listed above. I am delighted to have you all on our committee, and wish you all the good luck!

Best regards,

Manuela Isaza Ramírez

President of ICJ

1.2. *Letter from the Vice president*

Dear Delegates,

We welcome you to COSMUN 2025.

It is an honor for me, Luciana Araque, to be part of your chair for this version of the Columbus School's model of the United Nations COSMUN. I am immensely excited to have you on our Committee and make part of this year's journey. The topics discussed are dense and difficult but they are also full of history, which is why we expect a lot of preparation beforehand, as well as participation, in order to bring this judgment forward and to reach a verdict fully knowing you will do an excellent job the next few days.

As your vice-president, I will be at your disposal at all times to help guide you when you need it, and so that every delegate can give the best of themselves. Remember you can always let me

know when you need help or support; I will be ready to encourage every delegate in any way I can.

Manuela and I really hope you enjoy every second of the debate and that you are as enthusiastic for the next 3 days as we are about being your chairmen and accompanying you all.

Thank you for choosing this wonderful committee, I promise to do everything possible to make it as amazing as your chair has prepared it to be.

Best regards,

Luciana Araque

Vice President of ICJ

2. Introduction to the committee

2.1. *History*

The ICJ has a rich history that goes back to the early 20th century. It was first established in 1920 as the Permanent Court of International Justice (PCIJ) by the League of Nations, designed to solve disputes between nations and provide advisory opinions on international fiscal issues. However, the PCIJ experienced a decline in activity during the 1930s due to growing international tensions, and its operations effectively ended during World War II. Following the war, the United States and the United Kingdom jointly declared support for establishing or re-establishing an international court. In 1943, the UK chaired a panel of jurists to discuss the matter, recommending that the new court retain an advisory jurisdiction and be based on the PCIJ's statute. The ICJ was then formally established in June 1945 by the Charter of the United Nations, beginning its work in April 1946 and succeeding the PCIJ. The ICJ's jurisdiction is limited to disputes between states willing to accept its authority on matters of international law. Its decisions are binding, but it has no enforcement power; appeals must be made to the UN Security Council. The court consists of 15 judges elected by the UN General Assembly and Security Council for nine-year terms, with no more than one judge of each nationality serving at the same time. The ICJ is seated in the Peace Palace in The Hague, Netherlands, and operates in both English and French.

Over the years, the ICJ has been involved in numerous notable cases, including the 2004 advisory opinion on the Israeli separation barrier, the 2020 case against Myanmar for the treatment of the Rohingya minority, and the 2024 case brought by South Africa against Israel for alleged genocide. Additionally, the International Commission of Jurists (ICJ), established in 1952, has played a leading role in promoting international human rights law and standards.

The ICJ's history reflects the evolution of international jurisprudence and the ongoing efforts to establish a more just and peaceful world, providing a forum for nations to resolve disputes without resorting to conflict.

2.2. Functions and objectives

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations, serving as the world's preeminent court for the settlement of disputes between states.

The International Court of Justice (ICJ) has two main functions:

Contentious jurisdiction: The ICJ settles legal disputes between states. Only states can bring cases to the ICJ, and the court's decisions are binding on the parties involved. The ICJ decides cases in accordance with international law as reflected in treaties, international custom, general principles of law, judicial decisions, and scholarly writings.

Advisory jurisdiction: The ICJ provides advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies. These opinions are non-binding but carry significant legal weight.

The key objectives of the ICJ are:

Promoting the peaceful settlement of international disputes: By providing a forum for states to resolve conflicts through legal means rather than force.

Interpreting and developing international law: The ICJ's judgments contribute to the continuous development of international law and help clarify its principles and application.

Upholding the rule of law in international relations: The ICJ aims to ensure that states abide

by their legal obligations under international law.

Maintaining international peace and security: By helping to diffuse crises and normalize relations between states, the ICJ contributes to the UN's broader mission of preserving global peace and security

2.3. Relevant Information

The main court system under the United Nations is the International Court of Justice (ICJ). It is situated in The Hague, Netherlands, and was founded in 1945.

Some important ICJ facts are :

- The 193 UN Member States can only resolve their issues before the International Court of Justice (ICJ). It gives nations a means of resolving disputes without starting hostilities.
- "Controversial cases," or legal disputes between States, and "advisory proceedings," or requests for advisory views on legal matters presented to it by UN bodies and agencies, are the two categories of cases that the ICJ has the authority to rule on.}
- The UN General Assembly and Security Council elect the fifteen judges that make up the International Court of Justice (ICJ) to nine-year terms. The world's major legal systems must be represented by the judges.
- The International Criminal Court (ICC) prosecutes people for crimes against humanity, war crimes, and genocide; in contrast, the ICJ resolves disputes between nations.

The parties to a given case must abide by the ICJ's rulings and opinions, even though the court lacks the authority to execute its rulings.

In conclusion, the International Court of Justice (ICJ) is the primary UN judicial body that mediates disputes between states and renders advisory opinions on matters of international law, contributing significantly to the advancement of world peace and security.

3. Topic A: The Prosecution v. Adolf Hitler, leader of Nazi Germany

3.1. *Introduction to the topic*



Following World War II the Allied powers established a series of military tribunals known as the Nuremberg Trials in order to prosecute Nazi Germany's political, military, and economic leaders for war crimes, crimes against peace, and crimes against humanity.

The trials set new legal guidelines for holding people accountable for crimes committed during conflict, making them a historic event in international law. They were overseen by an International Military Tribunal (IMT) made up by judges from France, the United Kingdom, the United States and the Soviet Union.

The most well-known trial was the worldwide Nuremberg Trial, which took place between 1945 and 1946 and looked into the illegal activities of 22 senior Nazi officials. Twelve of these defendants received death sentences, three were found not guilty, and the remaining ones were given jail terms.

Following that, from 1946 to 1949, the United States prosecuted hundreds of other Nazi officials, doctors, and industrialists in 12 more trials conducted in Nuremberg. Among the offenses accused were:

- Crimes against peace
- War crimes
- Crimes against humanity

The Nuremberg Trials were groundbreaking in establishing individual criminal responsibility for state actions, prosecuting "crimes against humanity", and providing a global platform to

expose the horrors of the Holocaust. However, they also faced criticism for retroactively applying new laws and relying on the victors' justice.

3.2. Origin

As previously mentioned, the Allied forces established a series of military courts known as the Nuremberg Trials following World War II to try Nazi Germany's political, military, and economic leaders for war crimes, crimes against peace, and crimes against humanity.

The trials began with many incidents and choices...

For example:

- Proposals for Investigating Nazi Crimes: Following World War I, there were demands for the war crimes trial of German Kaiser Wilhelm II; however, the terms of the Treaty of Versailles did not provide provisions for individual prosecution. This prompted efforts to create a legal framework for the prosecution of Nazi atrocities following World War II.
- Allied Agreement on Trials: In mid-1945, France, the Soviet Union, the United Kingdom, and the United States agreed to convene a joint tribunal in Nuremberg, Germany to try the most important surviving Nazi leaders.
- Establishment of the International Military Tribunal (IMT): The IMT was composed of judges from the four Allied powers and was given the legal authority to indict and try the defendants under the Nuremberg Charter.
- Nuremberg Charter: This legal instrument, signed on August 8, 1945, defined the IMT's jurisdiction and the specific crimes it could prosecute - conspiracy, crimes against peace, war crimes, and crimes against humanity.

- Symbolic Location: Nuremberg was chosen as the site for the trials, as it was the location of major Nazi rallies and the city was relatively intact compared to the devastation in Berlin.

The Nuremberg Trials established individual criminal responsibility for state actions and prosecuted "crimes against humanity" for the first time.



3.3. Development

a. Story of the nuremberg trials:

Even prior to the end of World War II, there had been discussions of bringing trials for Nazi war crimes. The Treaty of Versailles did not establish a system for trying German Kaiser Wilhelm II as a war criminal, despite appeals for this to happen after World War I. During World War II, the Allied powers—the US, UK, USSR, and France—began to give serious thought to how to make the Nazi leadership responsible for the extent of their atrocities. The Allies published the "Declaration on German Atrocities" in 1943 during the Moscow Conference, promising to bring legal action against individuals guilty.

The legal basis for the trials was established during a meeting in London in 1945 by officials of the four Allied nations. As a result, the London Charter was created, outlining the Tribunal's purview and the particular offenses—crimes against humanity, war crimes, and crimes against peace—that it was authorized to prosecute.

Then, justices from each of the four Allies formed the International Military Tribunal (IMT). The most well-known Nazi leaders, such as Hermann Göring, Rudolf Hess, and Albert Speer, were to be tried by the IMT.

The main Nuremberg Trial started on November 20, 1945, and ended on October 1, 1946, after almost a year. The trial featured testimony and evidence about the Holocaust, other war crimes, and the Nazis' preparation and execution of an aggressive war.

The trial was unique in a number of ways. For the first time, someone was charged with "crimes against humanity" by an international tribunal, which includes killing, eradicating, enslaving, and other cruel acts against civilian populations. It also led to a significant change in international law by establishing the idea of individual criminal liability for state activities.

Between 1946 and 1949, the United States conducted 12 more IMT trials in Nuremberg following the conclusion of the first one. In these latter trials, hundreds more Nazi officials, physicians, businessmen, and military commanders were put on trial.

The trials revealed the entire scope of the illegal activities of the Nazi dictatorship, ranging from the preparation of aggressive wars to the deliberate killing of millions of people during the Holocaust. They created new legal precedents that would influence the evolution of international criminal law in the ensuing decades and offered a worldwide venue for the documentation of these atrocities.

b. Timeline of Nuremberg Trials

Pre-Trials (1943-1945)

- **October 1943:** The Moscow Declaration is signed by the Allied powers, pledging to prosecute Axis war criminals.
- **August 1945:** The London Charter is signed, establishing the International Military Tribunal (IMT) and defining its jurisdiction over crimes against peace, war crimes, and crimes against humanity.

The Main Nuremberg Trial (1945-1946)

- **November 20, 1945:** The main Nuremberg Trial begins, with 21 high-ranking Nazi officials as defendants.
- **November 21, 1945:** The defendants plead "not guilty." Justice Robert Jackson delivers the opening statement for the prosecution.
- **November 29, 1945:** The prosecution introduces graphic film evidence of Nazi atrocities, causing shock in the courtroom.
- **December 13, 1945:** The prosecution presents gruesome evidence from the Buchenwald concentration camp.
- **January 4, 1946:** Colonel Telford Taylor makes a strong case against the German High Command.
- **January 28, 1946:** French journalist Marie-Claude Vaillant-Couturier provides harrowing eyewitness testimony of Auschwitz.
- **February 11-12, 1946:** Field Marshal Friedrich Paulus testifies, implicating top Nazi leaders.
- **March 8, 1946:** The defense begins presenting its case.

- **March 13, 1946:** Hermann Göring testifies.
- **October 1, 1946:** The Tribunal delivers its verdicts, convicting 19 defendants.

Subsequent Nuremberg Trials (1946-1949)

- **December 1946 to April 1949:** The U.S. holds 12 additional trials, prosecuting 177 lower-level Nazi officials.
- **1947:** Prisoners sentenced to incarceration are sent to Spandau Prison in Berlin.
- **1950s:** Many of the prisoners are released early due to pardons.

The 21 high-ranking Nazi officials who were defendants in the main Nuremberg Trial (Case #1) were:

1. Hermann Göring - Reichsmarschall, Luftwaffe Commander
2. Rudolf Hess - Deputy Führer
3. Joachim von Ribbentrop - Foreign Minister
4. Wilhelm Keitel - Chief of the High Command of the Wehrmacht
5. Ernst Kaltenbrunner - SS Commander
6. Alfred Rosenberg - Nazi Party Philosopher, Reich Minister for the Occupied Eastern Territories
7. Hans Frank - Governor-General of Occupied Poland
8. Wilhelm Frick - Minister of the Interior
9. Julius Streicher - Gauleiter of Franconia, Editor of Der Stürmer
10. Walter Funk - Minister of Economics, President of the Reichsbank
11. Hjalmar Schacht - Reichsbank President, Minister without Portfolio
12. Karl Dönitz - Grand Admiral, Commander-in-Chief of the Kriegsmarine
13. Erich Raeder - Commander-in-Chief of the Kriegsmarine

14. Baldur von Schirach - Leader of the Hitler Youth, Gauleiter of Vienna
15. Fritz Sauckel - Plenipotentiary General for the Deployment of Labor
16. Alfred Jodl - Chief of the Operations Staff of the Wehrmacht High Command
17. Franz von Papen - Former Vice-Chancellor
18. Arthur Seyss-Inquart - Reich Governor of Austria, Reichskommissar of the Netherlands
19. Albert Speer - Minister of Armaments and War Production
20. Constantin von Neurath - Reich Protector of Bohemia and Moravia
21. Hans Fritzsche - Head of the Radio Division of the Reich Ministry of Public Enlightenment and Propaganda



c. Legal basis

The London Charter, an agreement reached in August 1945 by the four Allied powers—the United States, the United Kingdom, France, and the Soviet Union—provided the Nuremberg Trials with a strong legal basis. This international treaty defined the authority of the International Military Tribunal (IMT) and the relevant law, providing the legal foundation and framework for the trials.

The London Charter granted the IMT jurisdiction over three main categories of crimes:

1. **Crimes against Peace:** Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances.
2. **War Crimes:** Violations of the laws or customs of war, such as murder, ill-treatment or deportation of civilian populations, murder or ill-treatment of prisoners of war, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, and devastation not justified by military necessity.
3. **Crimes against Humanity:** Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the law of the country where perpetrated.

Furthermore, the Nuremberg Trials set the precedent that criminal responsibility for breaches of international law rests with individuals rather than merely states. This development went against the conventional wisdom regarding state sovereignty.

The London Charter declared that defendants' official status—even as heads of state—did not absolve them of culpability, and it specifically rejected the defense of sovereign immunity.

Additionally, it disregarded the justification of "just following orders" and stated that one might make a moral decision. made certain that defendants had the presumption of innocence, the ability to present a defense, and the chance to cross-examine witnesses during a fair trial.

d. Specific Cases

1. Doctors Trial (Case #1)

Prosecuted: 23 leading German physicians and administrators for their involvement in war crimes and crimes against humanity.

Dates: October 25, 1946 – August 20, 1947

Included: The Euthanasia Program and medical experiments on concentration camp prisoners.

Verdict: Sixteen doctors found guilty, seven sentenced to death, and the rest received prison sentences.

2. Milch Case (Case #2)

Prosecuted: Erhard Milch, Field Marshal of the Luftwaffe

Dates: January 2 – January 17, 1947

Included: Milch's role in the exploitation of slave labor and the medical experiments on concentration camp prisoners

Verdict: Milch was found guilty and sentenced to 15 years in prison

3. Justice Case (Case #3)

Prosecuted: 16 officials of the German Ministry of Justice, senior prosecutors, and judges for war crimes, crimes against humanity, conspiracy, and membership in criminal organizations.

Dates: December 9, 1947 – April 10, 1948

Included: Imprisonment or murder of political opponents, sterilization, euthanasia, deportation, and plundering of private property.

Verdict: One defendant committed suicide, one mistrial, four acquitted, and ten received prison sentences.

4. Pohl Case (Case #4)

Prosecuted: Oswald Pohl and 17 other SS officials

Dates: April 8 – November 3, 1947

Included: Pohl's role as head of the SS Main Economic and Administrative Office, overseeing the concentration camp system

Verdict: Pohl was found guilty and sentenced to death, while the other defendants received varying prison sentences

5. Flick Case (Case #5)

Prosecuted: Friedrich Flick and 5 other industrialists

Dates: April 19 – December 22, 1947

Included: The Flick conglomerate's use of slave labor and plunder of property in occupied countries

Verdict: Flick was sentenced to 7 years in prison, while the other defendants received shorter sentences

6. I.G. Farben Case (Case #6)

Prosecuted: 24 officials of I.G. Farben

Dates: August 27, 1947 – May 12, 1948

Included: I.G. Farben's role in the exploitation of slave labor and the production of Zyklon B gas used in the Holocaust

Verdict: 13 defendants were convicted, with sentences ranging from 1.5 to 8 years in prison

7. Hostage Case (Case #7)

Prosecuted: 12 German generals and military officers

Dates: July 8, 1947 – February 19, 1948

Included: The murder of hostages, reprisals against civilians, and the deportation of civilians in occupied territories

Verdict: 7 defendants were convicted, with sentences ranging from 10 years to life in prison

8. RuSHA Case (Case #8)

Prosecuted: 14 SS race and resettlement officials

Dates: October 20, 1947 – March 10, 1948

Verdict: 12 defendants were convicted, with sentences ranging from 3 to 25 years in prison

Included: The forced Germanization of occupied territories, the kidnapping of "racially valuable" children, and other crimes related to the Nazi racial ideology

Verdict: 12 defendants were convicted, with sentences ranging from 3 to 25 years in prison

9. Einsatzgruppen Case (Case #9)

Prosecuted: 24 Gestapo and SD officers

Dates: September 29, 1947 – April 10, 1948

Included: The mass murder of Jews, Roma, and other civilians by the mobile killing squads known as Einsatzgruppen

Verdict: 14 defendants were convicted, with 4 receiving death sentences and the rest receiving prison terms

10. Krupp Case (Case #10)

Prosecuted: 12 Krupp industrial officials

Dates: December 8, 1947 – July 31, 1948

Included: The Krupp conglomerate's use of slave labor and the plunder of industrial assets in occupied countries

Verdict: 9 defendants were convicted, with sentences ranging from 2 to 12 years in prison

12. Ministries Case (Case #12)

Prosecuted: German bureaucrats from various ministries, including the Foreign Office, for their roles in Nazi crimes.

Dates: February 10, 1948 – April 10, 1949

Included: The use of forced labor, looting, and funding SS atrocities.

Verdict: Many defendants received prison sentences, and some were acquitted.

3.4. Previous Resolutions



Following World War II, the Nuremberg Trials emerged as a pivotal moment in establishing international law and accountability for war crimes. While not a single verdict, the trials delivered a series of groundbreaking resolutions.

Firstly, they firmly defined "crimes against humanity," "war crimes," and the previously unheard-of "crime of aggression." This made it explicitly illegal to wage wars of aggression and target civilians during wartime.

Following the trials the idea of international leaders not being held accountable for wartime atrocities was revoked. This principle paved the way for the International Criminal Court (ICC) established in 2002. The ICC functions as a permanent tribunal dedicated to holding individuals accountable for the most serious international crimes. Nuremberg's legacy continues to shape international law, ensuring leaders are held responsible for their actions on the world stage.

Even though these trials were crucial for the development of international law there are still controversies surrounding the outcome and development of the trials. Critics argue they were a form of "victor's justice," solely targeting the defeated. Additionally, the trials didn't prevent future conflicts like the Cambodian genocide or the Rwandan genocide.

The Nuremberg trials are part of international law's legacy, and accountability following times of war. It established the core principle that even the most powerful leaders are answerable for

crimes against humanity. This principle continues to be a cornerstone of international law, sparking debate and influencing complex situations in today's world.

3.5. Expectations for debate

The topic in matter, represents a crucial time for the historic precedents of international justice. Therefore, during the debate we expect the evaluation of the trials at hand, as well as the prevention of any future war or crisis. Each representative will defend their position, and will be expected to follow their agendas accordingly. Finding a fitting outcome for the individuals being addressed at the tribunal, whilst still considering the common wellbeing of the nations and the people.

Each member of this committee is expected to dive deeper into what the war meant for each individual and how the conclusion of World War II is relevant to the tribunal. As the chair we expect each member of the court to find arguments and evidence to support their positions and bring professional input to this committee. Representatives will bring critically developed arguments to the debate, as well as analysis for the political, military and cultural impact these trials represent. Come to conclusions that will protect the international community and account for the thousands of lives lost during the war.

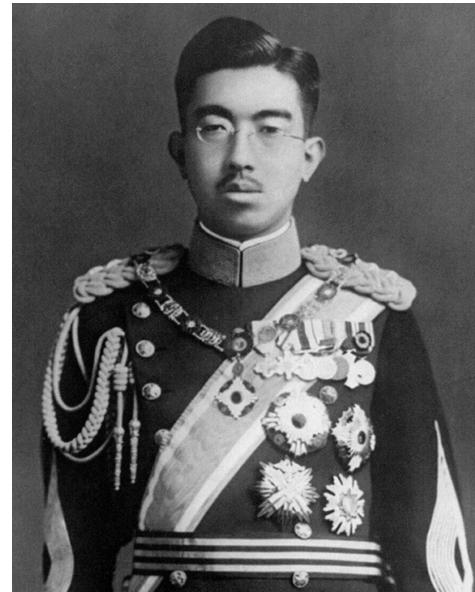
3.6 Useful resources

- The National WWII Museum | New Orleans <Https://www.nationalww2museum.org> › ...The Nuremberg Trials
- Britannica <Https://www.britannica.com> › eventNürnberg trials | Facts, Definition, & Prominent Defendants
- History.com <www.history.com> Nuremberg Trials - Definition, Dates & Purpose
- Office of the Historian (.gov) <https://history.state.gov> › milestonesThe Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948)
- United Nations <Https://legal.un.org> › a_cn4_5PDFThe Charter and Judgment of the Nürnberg Tribunal

4. Topic B: The Prosecution v. Hirohito, Emperor of the Japanese Empire

4.1. Introduction to the topic

Michinomiya Hirohito, was the 124th Emperor of Japan, ruling since 1926 (Britannica, 2022). During the period of World War II, Hirohito was in charge of various emblematic and honorary important actions as emperor of Japan. He was in charge of leading the invasion of China, the bombing of Pearl Harbor, and the Japanese surrendering against its Allies in the war. Hirohito and the Japanese empire became Allies with Germany and Italy during World War II, however, most were dominated by the Nazi power militarists. Through the Tripartite Pact, signed after a year of the start of WWII, Italy and Japan officially joined Nazi Germany, to fulfill a purpose; deter and defeat the United States from entering the land and conflict.



One week after the surrender of the Japanese empire to the Allied forces in September 1945, General Douglas Mc Arthur, the supreme commander of the Allied Powers military ordered the arrests of Japanese suspects, 28 defendants, mostly imperial military officers and government officials, were charged. From May 3, 1946 to November 12, 1948, the trial heard testimony from 419 witnesses and saw 4,336 pieces of evidence, including depositions and affidavits from 779 individuals. Seven defendants were sentenced to death by hanging and 16 defendants were sentenced to life imprisonment (National WW2 Museum). At first there were major disagreements of the terms between Allied administrations about who to put on trial and how to try them. These however concluded in the trial trying to assimilate or use protocols very similar to those at the Nuremberg Trials in Germany.

4.2. Origin

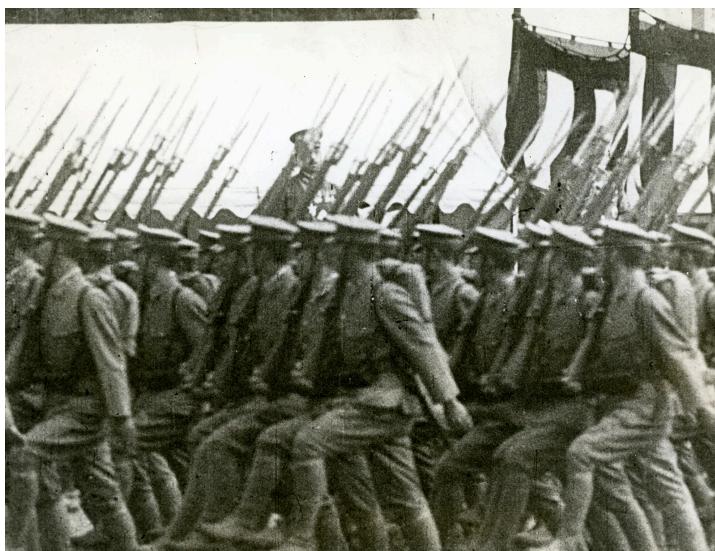
As mentioned above, the trials held against Japanese officials followed similar procedures and protocols as those used for the Nuremberg Trials. These established different categories in which individuals were charged with. The trial was held in the former building of the Japanese Ministry of War in Ichigaya, Tokyo. On May 3, 1946, the prosecution opened its case charging the defendants with crimes against peace, conventional war crimes, and crimes against humanity.

- Class A: Charges against Japan's top leaders alleging crimes against peace. This included all of those who were involved in the organization of the war or took decision of importance in the continuance of it or that carried out strategic tasks for the victory of the Axis Powers as well as those who ordered actions

considered War Crimes, Crimes against Humanity, Crimes against peace and others highly prohibited by the International Community

- Class B and Class C: Charges at Japanese of any rank covered conventional war crimes and crimes against humanity. These charges were directed against any of those who performed the will of the Class A criminals and therefore played a minor role in the disruption of peace, the war crimes and any other illegal actions in the name of the Japanese empire or the Axis Powers.

Unlike the Nuremberg trials, the charge of crimes against peace was a prerequisite to prosecution (only those individuals whose crimes included crimes against peace could be prosecuted by the Tribunal). The prosecution had to prove three things: that war crimes were systematic or widespread; that the accused knew that troops were committing atrocities; and the accused had power or authority to stop the crimes. Prosecutors presented their case for 192 days, finishing on January 27, 1947, having a great number of American former POWs (Prisoners of War) provide testimony for the trials.



4.3. Development

a. Story of the trials

The aftermath of World War II saw the Allied powers determined to hold the leadership of the Japanese Empire accountable for their aggressive expansion and the atrocities committed during the conflict. The International Military Tribunal for the Far East (IMTFE), modeled after the Nuremberg Trials, was established to prosecute Japanese officials responsible for war crimes. The charges brought against the defendants included crimes against peace, war crimes, and crimes against humanity. The tribunal defined these crimes broadly, encompassing planning, initiating, and waging aggressive war; violations of the laws and customs of war; and atrocities committed against civilians and prisoners of war.

However, a pivotal figure was conspicuously absent from the indictment: Emperor Hirohito. While many called for his prosecution as the symbolic head of the Japanese state, the decision was ultimately made to grant him immunity. The occupation authorities, led by General Douglas MacArthur, believed that prosecuting the Emperor could destabilize Japan and hinder the process of postwar reconstruction. This decision, though controversial, allowed Japan to transition to a peaceful and democratic nation under the Emperor's continued reign.

b. Timeline of the Trials Against Japanese Officials

1945: Japan Surrenders

- **August 15, 1945:** Japan surrenders unconditionally to the Allied powers.

- Occupation of Japan begins under General Douglas MacArthur.

1946: Establishment of the International Military Tribunal for the Far East (IMTFE)

- **January 19, 1946:** The London Charter is signed, establishing the IMTFE.
- **May 3, 1946:** The IMTFE trials begin in Tokyo. The 28 indicted Japanese leaders, including Prime Minister Hideki Tojo, face charges of crimes against peace, war crimes, and crimes against humanity.

1948: Conclusion of the IMTFE Trials

- **November 12, 1948:** The IMTFE concludes with the sentencing of 25 defendants. Seven are sentenced to death, including Hideki Tojo.

The 28 high-ranking Japanese military and political leaders indicted by The International Military Tribunal for the Far East (IMTFE) were:

Civilian officials

1. Kōki Hirota, prime minister (1936–37), foreign minister (1933–36, 1937–38)
2. Kiichirō Hiranuma, prime minister (1939), president of the privy council
3. Naoki Hoshino, chief cabinet secretary
4. Kōichi Kido, Lord Keeper of the Privy Seal
5. Toshio Shiratori, Ambassador to Italy
6. Shigenori Tōgō, foreign minister (1941–42, 1945)
7. Mamoru Shigemitsu, foreign minister (1943–45)
8. Okinori Kaya, finance minister (1941–44)
9. Yōsuke Matsuoka, foreign minister (1940–41)

Military officers

10. General Hideki Tōjō, prime minister (1941–44), war minister (1940–44), chief of the Imperial Japanese Army General Staff Office (1944)
11. General Sadao Araki, war minister (1931–34)
12. General Kenji Doihara, chief of the intelligence service in Manchukuo
13. Colonel Kingorō Hashimoto, founder of Sakurakai
14. Field Marshal Shunroku Hata, war minister (1939–40)
15. General Seishirō Itagaki, war minister (1938–39)
16. General Heitarō Kimura, commander of the Burma Area Army
17. General Kuniaki Koiso, prime minister (1944–45), governor-general of Korea (1942–44)
18. General Iwane Matsui, commander of the Shanghai Expeditionary Force and Central China Area Army
19. General Jirō Minami, governor-general of Korea (1936–42)
20. Lieutenant General Akira Mutō, chief of staff of the 14th Area Army
21. Fleet Admiral Osami Nagano, navy minister (1936–37), chief of the Imperial Japanese Navy General Staff (1941–44)
22. Vice Admiral Takazumi Oka, chief of the Bureau of Naval Affairs
23. Lieutenant General Hiroshi Ōshima, ambassador to Germany
24. Lieutenant General Kenryō Satō, chief of the Military Affairs Bureau
25. Admiral Shigetarō Shimada, navy minister (1941–44), chief of the Imperial Japanese Navy General Staff (1944)
26. Lieutenant General Teiichi Suzuki, chief of the Cabinet Planning Board

27. General Yoshijirō Umezu, commander of the Kwantung Army, chief of the Imperial Japanese Army General Staff Office (1944–45)

Other defendants

28. Shūmei Ōkawa, a political philosopher and ideologue

c. Legal basis

The International Military Tribunal for the Far East (IMTFE), were based on the following legal foundations:

1. Charter of the International Military Tribunal for the Far East: This document outlined the court's composition, jurisdiction, and procedures. It defined the crimes to be tried, which included crimes against peace, conventional war crimes, and crimes against humanity.
2. Nuremberg Charter: The Tokyo Trials were modeled after the Nuremberg Trials, which prosecuted Nazi Germany's leaders. The Nuremberg Charter provided a legal framework for defining and prosecuting war crimes.
3. Proclamation by General Douglas MacArthur: As Supreme Commander for the Allied Powers, MacArthur issued the proclamation establishing the IMTFE. This proclamation granted the tribunal the authority to "try and punish Far Eastern war criminals."

The Tokyo Trials were a significant step towards establishing international law and holding individuals accountable for war crimes. The trials expanded the concept of crimes against peace to include the planning and initiation of aggressive war. The legacy

of the Tokyo Trials continues to influence international law and the prosecution of war crimes.



4.4. Previous Resolutions

The Tokyo Trials, while a significant step in international justice, faced limitations in achieving comprehensive accountability. The primary focus was on the top leadership, with many lower-level perpetrators escaping prosecution. Moreover, the trials were heavily influenced by the political climate of the time, leading to inconsistencies in the application of justice.

Despite these shortcomings, the Tokyo Trials laid the groundwork for the development of international criminal law. The concept of crimes against humanity, including genocide and torture, was solidified. The trials also established the principle that individuals, not just states, can be held accountable for war crimes. These principles were later enshrined in the Geneva Conventions and the Charter of the International Military Tribunal for the Nuremberg Trials.

It is essential to note that while the Tokyo Trials resulted in convictions and punishments for some of the most prominent Japanese war criminals, they did not fully address the broader issue of Japanese militarism. The occupation of Japan by the Allied Powers, primarily the United States, aimed to demilitarize and democratize the country. The subsequent drafting of the Japanese Constitution, which renounced war as a sovereign right, was a significant step in preventing future aggression.

4.5. Expectations for debate

Delegates should be prepared to analyze the legal foundations of the trials, the evidence presented, and the verdicts reached. It is essential to critically examine the implications of the trials for the development of international law and human rights. Furthermore, discussions should extend beyond the courtroom to explore the broader context of the war, the occupation of Japan, and the long-term consequences of the trials.

Some potential topics in which delegates should focus on and therefore investigate include the fairness of the proceedings, the adequacy of the charges, the role of the United States in shaping the trials, and the effectiveness of the Tokyo Trials as a deterrent to future aggression. Delegates should also consider the challenges of prosecuting international crimes, the importance of historical accuracy, and the ongoing relevance of the Tokyo Trials in contemporary international law and politics. As well as focus on the

prosecution of Hirohito and the impact this trial could've had for international security and further development of international law.

4.6. Useful resources

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5. QARMAS

5.1. *Topic A*

1. How does your delegation view the legality and fairness of the Nuremberg Trials, given the new precedents set in international law?
2. Does your delegation prioritize collective or individual responsibility for Nazi crimes?
3. How does your delegation interpret the precedent set by the Nuremberg Trials in establishing individual criminal responsibility for crimes against humanity, and how does it apply this principle?
4. How does the delegate think evidence from concentration camps should be considered when assessing responsibility for the crimes committed?
5. How does your delegation see this trial shaping future international justice?

5.2. *Topic B*

1. How did the political and geopolitical climate of the post-World War II era influence the structure, proceedings, and outcomes of the Tokyo Trials?
2. How is your character involved with WWII and in what way are you influenced by the Tokyo trials?
3. What were the biggest challenges your character encountered during WWII and how have they changed after it ended?
4. Does your character have any charges related to war crimes?
5. Did the Tokyo Trials adequately address the issue of command responsibility, and how does this compare to the subsequent development of international law in this area?

6. What position did your character take in the conflict?

6. Bibliography

6.1. *Topic A*

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6.2. *Topic B*

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