

International Military Tribunal for the Far East

Dissentient Judgment of Justice Pal

Radhabinod Pal

— Summary —

Radhabinod Pal was one of the judges at the International Military Tribunal for the Far East (the “Tokyo Trials”) held in Japan in 1946 to judge those Japanese officials and officers charged by the Allies as Class-A War Criminals. Pal, unlike his colleagues on the bench, was a specialist in international law — and his views on the accused, the charges, the prosecution, and the trial itself, were marked by his unique specialization.

Unlike his colleagues, Pal questioned the very legitimacy of the trial itself, and found himself forced to conclude, **“I would hold that each and everyone of the accused must be found not guilty of each and every one of the charges in the indictment and should be acquitted of all those charges.”**

Pal wrote his own dissentient verdict wherein he explained his position, meticulously documenting each and every point of disagreement and providing a detailed history of the entire “Asian conflict” War beginning with Japan’s involvement in China in the 1920s. After the trial, for his pains and efforts, his views were censored by the Supreme Commander of the Allied Powers (Gen. Douglas MacArthur), his verdict lay unpublished, and his arguments went unheard.

However, only two and half years after the conclusion of the Tokyo Trial, Gen. Douglas MacArthur, the man who had been entrusted by the leaders of the Allied Powers with establishing the Tokyo Trials and had had the Charter for the Trials drawn up, virtually denied its conclusion. On May 3, 1951, at a meeting of the joint Senate Committee on Foreign Relations and Military Affairs — that is, in a public forum — he completely dismissed the alleged evidence of the Tokyo Trials. Of the Japanese, he said: **“Their purpose, therefore, in going to war was largely dictated by security.”** In other words, the Japanese war was a war of self-defense, not a war of aggression.. Pal’s judgment was vindicated.

At a reception to welcome Dr. Pal’s first visit to Japan since the Tokyo Trials, some Japanese expressed their deep thanks for his “sympathetic” judgment. At this he said: “It is a misunderstanding to think that I wrote my verdict as a sympathizer with Japan. I did not write it out of sympathy for Japan nor out of hatred of the West. I just wrote

what I believed to be right and just, neither more nor less.”

At the end of his verdict he wrote, quoting from Jefferson Davis:

“When time shall have softened passion and prejudice, when *Reason* shall have stripped the mask from misrepresentation, then justice, holding evenly her scales, will require much of past censure and praise to change places.”

It seems that *Reason* has not yet fully stripped the mask from misrepresentation. Pal’s judgment deserves our full attention and should be read again.