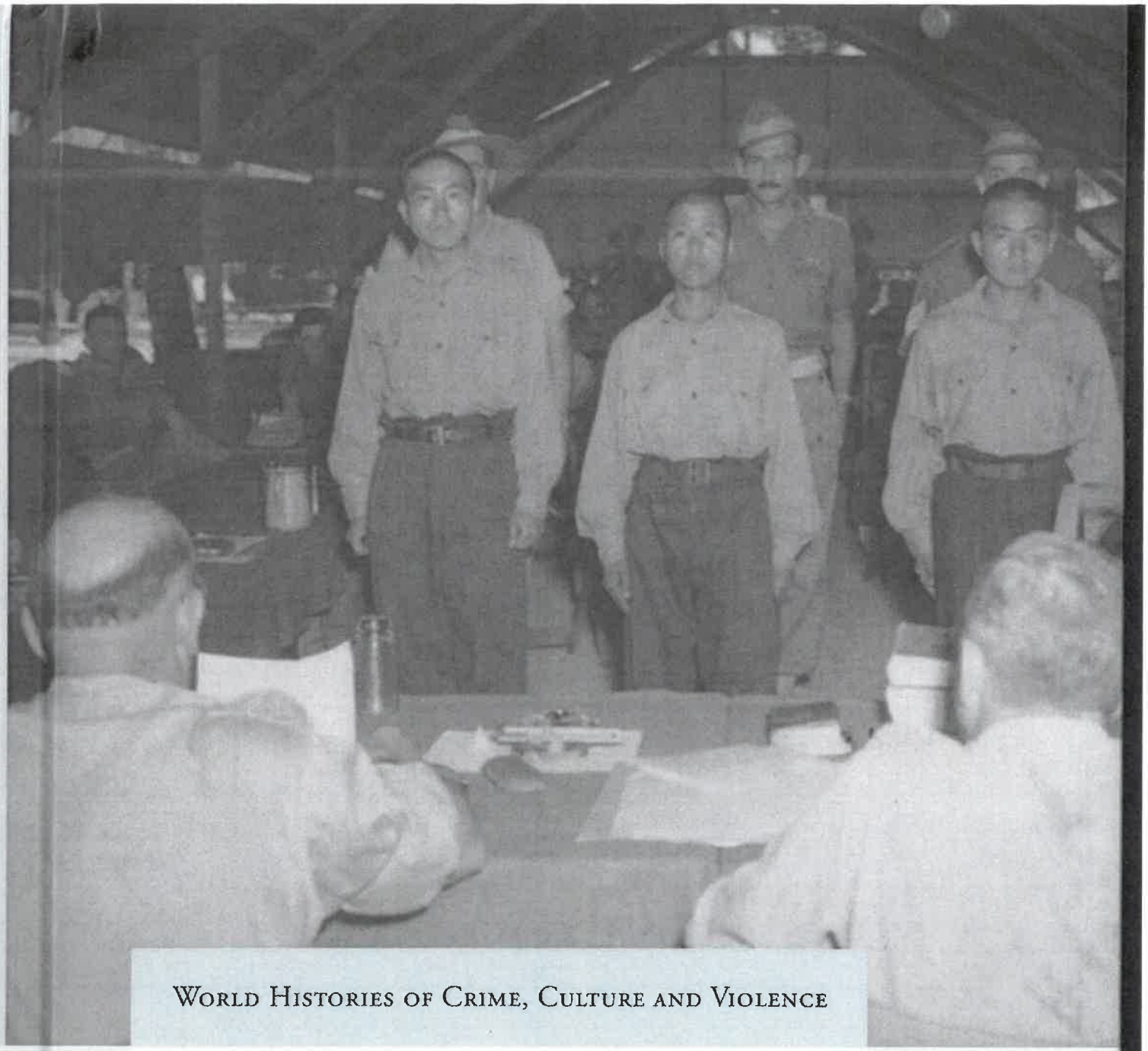

World Histories of Crime, Culture and Violence

WAR CRIMES TRIALS IN THE WAKE OF DECOLONIZATION AND COLD WAR IN ASIA, 1945-1956

Justice in Time of Turmoil

Edited by

Kerstin von Lingen

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Editor

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Contents

CHAPTER 12

Resurrecting Defeat: International Propaganda and the Shenyang Trials of 1956

Adam Cathcart

In the People's Republic of China, the topic of Japanese war crimes trials never seems particularly far away. The International Military Tribunal for the Far East (Tokyo Trials) and the international meetings that preceded them are referenced with increasing regularity in Chinese academic discourse, even forming a cornerstone of popular culture and mass media.[1] The reconstruction of war crimes trials within Communist Party of China (CPC) mass communication was particularly evident on 3 July 2014, when Beijing rolled out a propaganda campaign whose centerpiece was the daily online publication of written testimonies or affidavits collected for the

[1] Bingbing Jia, 'The Legacy of the Tokyo Trial in China,' in: Yuki Tanaka, Tim McCormack, Gerry Simpson, eds., *Beyond Victor's Justice? The Tokyo War Crimes Trial Revisited* (Leiden: Martinus Nijhoff, 2011), 207–25.

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tribunal of 45 war criminals in Shenyang and Taiyuan in 1956.[2] Affidavits had been collected from prisoners who, mostly, had spent four years of captivity in the Soviet Union, and then another four to six years of captivity in northeast China, primarily in Fushun, a hub industrial city of Shenyang best known for its massive coal deposits.[3] Released online daily for 45 days in summer 2014, the CPC's interpretation of the documents focused on the inhuman atrocities committed by the Japanese defendants during the War of Resistance (1937–1945). Rape, bacteriological weapons experimentation and random killings of defenseless civilians were regularly at the fore over the course of Beijing's information campaign, ostensibly meant to counteract Japanese war amnesia. Only secondary attention was paid in these releases to Manchukuo, the Japanese-sponsored puppet state in northeast Asia from 1931 to 1945, which had been another critical aspect of the trials. Instead, state television seemed more interested in reviving attention to the atrocities and the contrition expressed by the defendants at Shenyang. The information campaign was highlighted by the unveiling of a new exhibition of wax statues in Shenyang, depicting Japanese defendants bowing in grateful humiliation in the 1956 courtroom.[4] At a time when pressure was needed on Japan's Liberal Democratic Party and its leader, Japanese Prime Minister Abe Shinzo, it seemed clear that the Shenyang materials had proven to be the instrument of clear convenience. A press conference by Li Minghua, deputy director-general at China's Central Archives, made the matter rather clear.[5] While denunciations of key cultural figures in the "Hundred Flowers Campaign" later in 1956 or

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[2] Bi Mingxin, 'Xinhua Insight: Japanese war criminal confessions renew Chinese anger,' *Xinhua Online*, 15 July 2014. http://news.xinhuanet.com/english/indepth/2014-07/15/c_133485556.htm (accessed 1 June 2015).

[3] Limin Teh, 'From Colonial Company Town to Industrial City: The South Manchuria Railway Company in Fushun, China,' in *Company Towns: Labor, Space, and Power Relations across Time and Continents*, Marcello Borges, ed. (New York: Palgrave Macmillan, 2012), 69–90.

[4] Liu Ce, 'War criminal trials recreated for exhibition,' *China Daily Europe*, 29 August 2014, 5; see also Anonymous, 'Zhongguo (Shengyang) shenpan Riben zhanfan fating jiuzhi chenlieguan shenpan xianchang quanbu fuyuan' ['Exhibition in China (Shenyang) recreates trial of Japanese war criminals in full'] '中国(沈阳)审判日本战犯法庭旧址陈列馆审判现场全部复原,' *Sohu*, 25 September 2014. http://roll.sohu.com/20140925/n404640820.shtml (accessed 1 June 2015).

[5] Michael Martina, 'China cites Japan wartime 'confessions' in propaganda push,' Reuters, 3 July 2014. http://www.reuters.com/article/2014/07/03/us-china-japan-idUSKBN0F-80M320140703 (accessed 1 June 2015).

of the much more ambitious 'Anti-Rightist Campaign' of 1957 are still very much wrapped in an archival shroud, the Shenyang Trials—or a very specific version of them—have now more or less emerged fully into the light of day with much state support. The documents from the Central Archives, however, were not entirely new: they were published in printed version in 2009, as part of stream of official documentation which has been opened to researchers or published since the 60th anniversary of the end of the War of Resistance in 2005.[6] And this documentary flood should interest historians, in part, because of the very contingent, and in some ways unlikely, fashion in which the Shenyang Trials came about.

During the International Military Tribunal for the Far East in Tokyo (1946–1948, hereafter Tokyo Trials), the CPC was rather busy with more immediate matters. In the summer of 1946, whilst Joseph B. Keenan and the International Prosecution Section was laying out its case in Tokyo, the CPC was locked in existential battle with Guomindang armies, the party's power base effectively exiled from any center of substantial Chinese population other than Harbin.[7] The Chinese public in cities like Shanghai were taking a keen interest in the trials, but even the communist cadre tasked with handling the party's foreign and urban underground affairs were besieged with more survivalist concerns, and paid the Tokyo Trials relatively little heed.[8] From the moment of the resumption of the Chinese civil war in August 1945, the CPC showed far more prevalent concern for Japan's possible 'militarist revival' and Guomindang's alleged impotence

[6] In 2009, the full handwritten confessions of the 45 Japanese defendants were published in ten huge volumes (including Chinese and Japanese versions) by the Central Archives Bureau. See *Riben qinHua zhanfan bigong* zhongyang dang'anguan chu li, zhongguo dang'anguan chubanshe, 2005 (hereafter Central Archives, *Written Confessions*).

[7] For a pessimistic prognosis for the CPC in Harbin, see G. A. Wallinger, Memorandum re: Burdett's Conversation in Mukden with Chang Kia-gnau, 1 January 1947, British National Archives, FO 371/63332.

[8] On 15 December 1945, the CPC's main organ, the *Jiefang Ribao* (Liberation Daily) called for swifter prosecutions to be brought by the Americans in Japan; see Barak Kushner, 'Chinese War Crimes Trials of Japanese, 1945–1956: A Historical Summary,' in *Historical Origins of International Criminal Law: Volume 2*, Morten Bergsmo, Cheah Wui Ling, and Yi Ping, eds. (Brussels: Torkel Opsahl Academic EPublisher, 2014), 253. The Shanghai press was more focused on Japanese elections and purges than the Trials themselves, although coverage of the beginning of the proceedings was substantial; see Adam Cathcart, 'Urban Chinese Perspectives on the U.S. Occupation of Japan, 1945–1947,' *Studies on Asia* Series II, Vol. 3, 2 (2006), 21–48.

in preventing such a revival.[9] Perhaps for obvious reasons, the CPC chose not to echo its War of Resistance-era (1937–1945) united front. There was no practical way or venue to bolster China's prosecution at Tokyo, such as providing evidence, as this might have been seen as overt support which might aid Chiang Kai-shek and the Republic of China in reinforcing their relatively high stature within Keenan's transformational matrix of the forces of 'civilization' responsible for exacting justice from Japanese defendants at Tokyo.[10] Indeed, as the Tokyo Trials drew to their conclusion in the shortening days of late 1948, the CPC was endeavoring to accomplish the utter destruction (or *fanshen*/'turning over') of the very Chinese Republic whose judge, Mei Ru'ao, was sitting on the bench of international judges in Tokyo.[11]

The difficult and churning reality of the Chinese civil war was referred to but seldom at the Tokyo proceedings themselves, apart from a handful of semi-desperate yet wholly unapologetic lines from the defense about wartime Japan's desire to prevent Asia from going communist.[12] Tojo Hideki's written affidavit at Tokyo contained the ominous prediction that 'certainly the China Incident II and the China Incident III' would follow from a communist victory in China in the aftermath of Japanese withdrawal.[13] Yet, even in his apocalyptic vision of an East Asia freed from Japanese influence, Tojo could not refer to Mao directly, nor did the former war minister seem to comprehend that various segments of Chinese public opinion might be cheer his death rather than laud his anti-communist zeal.[14] As for Mao Zedong,

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[9] For CPC involvement in cities of the anti-Japanese movements of 1948, in which dissatisfaction with war crimes prosecutions played only a seemingly small part, see Hong Zhang, *America Perceived: The Making of Chinese Images of the United States, 1945–1953* (Westport, Connecticut: Praeger, 2002).

[10] John Dower, 'Victor's Justice, Loser's Justice,' in *Embracing Defeat: Japan in the Wake of World War II* (New York: Norton: 1999), 443–84.

[11] On Mei and his split Chinese cohort, see Kushner, 'Chinese War Crimes Trials of Japanese, 1945–1956,' 247–8.

[12] International Military Tribunal for the Far East (IMFFE), *The Tokyo Major War Crimes Trial: The Transcripts of the court proceedings of the International Military Tribunal for the Far East*, R. John Pritchard, ed., (Lewiston, NY: Edwin Mellen Press, 1998), 20,869 and 36,482 (hereafter IMTFE Transcript).

[13] IMTFE Transcripts 36,302.

[14] Apart from unfortunate references to Chinese women as lecherous and deceitful in the lower Yangzi valley, Tojo and his fellow defendants at Tokyo largely seem to have seen Chinese people as falling into three types: enlightened collaborators, elements of easily-

amid his voluminous and often volcanic writings from the period of the Chinese civil war, there are no essays dedicated to the Tokyo Trials. An attack on the Guomindang trial of General Okamura Yasuji, itself laden with references to alleged war crimes carried out under Nationalist auspices, is as close as we come to Maoist concern with the subject.[15] Mao clearly understood that Okamura was a useful counterfoil.[16] The CPC would share little of the muted triumph at Tojo's 23 December 1948 hanging at Sugamo, since in the CPC's strategic vision and public propaganda, the war with Japanese militarism had never really been justly concluded anyway.[17]

The Nationalist trials of Japanese war criminals in postwar Nanjing were, similarly, anathema to the CPC's aims of the Chinese civil war. There could be no acknowledgement of Chiang Kai-shek's ability to extract real vengeance on Japanese perpetrators; if anything, the government which had moved from Chongqing back to Nanjing on 5 May 1946 was pictured as loaded with collaborators (*hanjian*).[18] Mao and his comrades were attempting to mobilize the same kind of popular anger at collaborators as the Nationalists had done during the war, but the trials in Nanjing did not aid Chiang Kai-shek in monopolizing anti-Japanese discourse or the veneer of justice. Yun Xia concluded that the government's anti-*hanjian* campaigns 'exposed the corruption and incompetence of the Nationalist government,' while Shao Dan has similarly concluded that postwar trials

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whipped-up anti-Japanese mobs and bandits or guerillas who needed to be destroyed. For a eulogy on pro-Japanese collaborators as Manchukuo was coming to an end, see Matsui Tanatsu's testimony at Tokyo. IMTFE Transcript, 20,174.

[15] Mao Zedong, 'On Arresting Okamura and Guomindang Civil War Criminals,' January 1949, in *Selected Works* (Beijing: Foreign Languages Press, 1978), Vol. 4, 327.

[16] Citing Weng Youwei and Zhao Wenyuan (*Jiang Jieshi yu Riben de enen yuanyuan* (Beijing: Publisher, 2008), 296) Kushner notes: 'In March 1950, only several months before the outbreak of the Korean War, US General Douglas MacArthur supposedly warned Okamura that if he were going to go to Taiwan to train men to fight the CCP, such acts were against the law and if discovered the US would prosecute. This declaration proved to be mere rhetoric and occupation authorities never moved forward with any prosecution or investigation.' Barak Kushner, 'Ghosts of the Japanese Imperial Army: The 'White Group' (*Baituan*) and Early Post-war Sino-Japanese Relations,' *Past and Present* (2013), Supplement 8, 123.

[17] On execution methods at Sugamo, see John L. Ginn, *Sugamo Prison* (City: McFarland, 1992).

[18] Adam Cathcart, 'Chinese Nationalism in the Shadow of Japan, 1945–1950,' PhD dissertation, Ohio University, 2005.

of other collaborators in Nanjing only stoked the flames of conspiracy.[19] Communist Party of China critiques of such procedures were more aimed at the Nationalist state at the macro level, connected to underground urban movements of students and intellectuals, not some prelude to a presumably acceptable form of war criminal prosecution led by the CPC.

There was therefore little 'victor's justice' to be accrued specifically to the CPC from the Tokyo Trials. Although war crimes trials were still going on in Japan and around Asia in 1949, these did not appear to spark major controversy among or comment by the CPC.[20] After the formal establishment of the People's Republic of China (PRC) in 1949, the party was flush with captured men from the wrong side of the Chinese civil war, but was not really in possession of a suitable number or type of Japanese defendants for its own proceedings. In one particularly strange case, a Japanese doctor who had worked for Unit 731 was actually working for the CPC in a military hospital in Harbin.[21] For the most part, the party was busy in consolidating its control over the mainland in a wave of local trials or summary tribunals of local collaborators. These prosecutions were enabled by the expansion of alarmingly flexible categories of crimes both conventional and 'counter-revolutionary.'[22] In 1949, the CPC could not move immediately into the space once reserved for the Republic of China in claiming the legitimacy and justice of the Tokyo Trials, or the trials of Tani Hisao and pro-Japanese collaborators in Nanjing in 1946–47. The opportunity for judicial proceedings in which Chinese victims faced Japanese perpetrators had not been lost completely, but it was not a priority for

[19] Yun Xia, '"Traitors to the Chinese Race (*Hanjian*)": Political and Cultural Campaigns against Collaborators during the Sino-Japanese War of 1937–1945,' PhD dissertation, University of Oregon, 2010, v; Shao Dan, *Remote Homeland, Recovered Borderland: Manchus, Manchoukuo, and Manchuria, 1907–1985* (Honolulu: University of Hawai'i Press, 2011).

[20] Sandra Wilson, 'War Criminals in the Post-war World: The Case of Katō Tetsutarō,' *War In History*, vol. 22, 1 (January 2015), 87–110; Sandra Wilson, 'After the Trials: Class B and Class C Japanese War Criminals and the Post-War World,' *Japanese Studies*, Vol. 31, 2 (2011), 141–9.

[21] Central Archives, Written Confessions, Vol. 2, Affidavit of Sakakibara Hideo, 234, 299, 323.

[22] Luo Chenxi, 'Construction of Counterrevolutionary Criminals in Suppressing Counterrevolution in Poyang County: An Institutional Path,' paper presented at 'Cold Front: The Chinese Cold War Experience in Comparison,' Chinese University of Hong Kong, 15 September 2014.

the government.[23] All that could be done in the early months of the PRC was to point out, over and over, the flaws in the US occupation of Japan, particularly its failure to prosecute Emperor Hirohito, and its release of men like Kishi Nobusuke who had been released from Sugamo Prison.[24]

This dynamic changed significantly in late December 1949 when the Soviet Union tried 12 men for crimes that had been overlooked at the Tokyo Trials, focusing on Japan's bacteriological weapons research program led by Ishii Shiro. The Khabarovsk Trials sparked an externally stimulated wave of propaganda about Japanese war crimes which crested in early 1950 and coincided neatly with Mao's time in Moscow.[25] Khabarovsk also alerted the Chinese public to the notion that it was possible under the socialist system to try Japanese war criminals for crimes against humanity, and that the concerns exhibited about Japanese militarism at Tokyo could have a judicial life beyond the execution of Tojo and his cohort.[26] Within months, the Soviet Union was the source of another gift: In July 1950, it bequeathed about 1000 Japanese prisoners from the Soviet Union, and the former 'Emperor' of Manchukuo, Pu Yi to the CPC. Pu Yi had proven himself to be an exceptionally difficult witness at Tokyo.[27] Yet merely possessing him, along with many officials of the puppet state, gave the Communist Party of China an important card that could be played at the appropriate time.

The historiography of the trials that followed was sparked by the release of documents in Beijing in 2005 and 2006. Some of the earliest work from this period drew from the newly opened Ministry of Foreign Affairs (MFA)

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[23] Barak Kushner, *Devils to Men: Japanese War Crimes and Chinese Justice* (Harvard: Publisher, 2015).

[24] Jia Bingbing, in Yuki Tanaka, ed., *Beyond Victor's Justice?*, 208.

[25] Valentyna Polunina, 'Soviet War Crimes Policy in the Far East: The Bacteriological Warfare Trial at Khabarovsk, 1949,' in *Historical Origins of International Criminal Law: Volume 2*, Morten Bergsmo, Cheah Wui Ling, and Yi Ping, eds. (Brussels: Torkel Opsahl Academic EPublisher, 2014), 539–62; Adam Cathcart, '"Against Invisible Enemies": Japanese Bacteriological Weapons in China's Cold War, 1949–1952,' *Chinese Historical Review* Vol. 16,1 (Spring 2009), 101–29.

[26] *Materials on the Trial of Former Servicemen of the Japanese Army Charged with Manufacturing and Employing of Bacteriological Weapons* (Moscow: Foreign Language Press, 1950), 9.

[27] The following exchange with Pu Yi seems to typify the obdurate and unproductive nature of his appearance at Tokyo: 'Q. On what date was Manchukuo established as a country? A. Please don't ask me any more about the question of dates.' He would have no such problems at the Shenyang Trials. IMFTE Transcript, 4,085.

Archive to look at the role of local memories of anti-Japanese sentiment as a backdrop, and then the back story of diplomatic work of Japanese normalization drove events.[28] Jing Chen, a political scientist teaching in the USA, used the PRC MFA documents to show how the Chinese investigation for the trials was in many respects complete in February 1955, but political events necessitated another 15 months of waiting and preparation. Justin Jacobs emphasized how Zhou Enlai's careful timing of the trial was calibrated with respect to Chinese cultural delegations, while Jing's discussion of the Taiwan connection helps to shed light on why the crimes tried at the Shenyang Trials overflowed the conventional periodization of the War of Resistance.[29] As Nash and the present author have pointed out previously, several of the defendants at Shenyang and the parallel procedure at Taiyuan were tried for crimes committed after the nominal surrender of September 1945; including Guomindang-linked warlord and Shanxi strongman Yan Xishan. Jing Chen points out that the incorporation of these crimes and the lenient treatment afforded to the defendants was a clear signal to the Guomindang on Taiwan, writing that 'this administrative measure was aimed at cultivating support in Taiwan for the cause of China's and Taiwan's eventual reunification.'[30] All of these articles tend to agree that the Shenyang Trials were very much colored by China's international political needs at the time. The Ministry of Foreign Affairs Archive materials showed PRC benevolence to the men who had been in custody since 1950, as might be expected for a selective launch at a tenuous time. The documents also revealed the very pragmatic use to which the war criminals were put in the 1950s and how they were essentially pawns in a larger game of international politics. The major expansion of documentary evidence available after 2005 has added much to the understanding of the diplomatic traffic around the trials, and the way in which the party sought to use them as international propaganda. The CPC was very clearly using the trials as a means of bending Japanese public opinion toward a more favorable viewpoint of China, putting the war in the rear view while moving forward toward normalization. Seen in

[28] Adam Cathcart and Patricia Nash, 'War Criminals and the Road to Sino–Japanese Normalization: Zhou Enlai and the Shenyang Trials, 1954–1956,' *Twentieth-Century China*, 34, 2 (April), 89–111.

[29] Justin Jacobs, 'Preparing the People for Mass Clemency: The 1956 Japanese War Crimes Trials in Shenyang and Taiyuan,' *China Quarterly* Vol. 205 (March 2011), 152–172.

[30] Jing Chen, 'The Trial of Japanese War Criminals in China: The Paradox of Leniency,' *China Information* Vol. 23, 3 (2009), 451.

a more continuous light of Sino–Japanese propaganda themes, their being raised again in 2014 should be no surprise whatsoever.

But when it comes to international propaganda and the trials, the perception of China as the invariable initiator (or manipulator) does need to come into question. Criticism of the USA for premature release of suspected and convicted war criminals like Shigemitsu Mamoru had been a signal theme of the early 1950s, not least because the Soviet Union had demanded attention to it.[31] The idea that China was not negotiating in depth for their return, and that it was something of a surprise for the foreign affairs bureaucracy, can be seen in an MFA document, which describes the process of transfer from the Soviet Union, and the poor preparation on the PRC side in terms of arranging an appropriate facility for this large number of men.[32] Zhou Enlai had been forced to play for time, and the reception of the war criminals was not made into a public event until late 1954, nearly four years after it had happened. Zhou Enlai and his ministry (indeed, various ministries) had been dealing with questions of Japanese repatriates and prisoners of war rather often in 1950 and beyond.[33] Yet it appears clear that on the issue of repatriating these Japanese war criminals, the CPC was often reactive rather than proactive.

The reactive nature of the CPC toward the issue might also have much to do with questions of state building and capacity in the judicial sector in the years just after the establishment of the People's Republic. Liaoning province, the host for the Shenyang Trials, bordered the very hot Korean War until mid-1953. Communities in eastern Manchuria had

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[31] MFA Archives, 105-00022-04, *'Yijiuwuyi nian er yue Sulian zhengfu jiu Maikeahse feifa shifang Zhong Guangkui deng Riben zhanfan zhi Meiguo zhengfu zhi zhaohui chaojian,'* (February 1951 Handwritten Note from Soviet Government to US Government Regarding MacArthur's Illegal Release of Zhong Guangkui and other Japanese War Criminals), 15 February 1951; MFA Archives, 105-00022-01, *'Sulian zhengfu jiu zhuRi mengjun tongshuai Maikeahse nishi fang Zhong Guangkui deng zhanfan gei Meiguo zhengfu zhi zhaohui yiwen yi wo waijiaobu dui cizhi yijian,'* (Translated Note from Soviet Government to American Government regarding Supreme Commander for Allied Powers in Japan Douglas MacArthur's Intended Plan to Give Free Rein to Zhong Guangkui and Other Japanese War Criminals and Our Foreign Ministry's Views on this Matter), 12 May to 13 May 1950, 7.

[32] MFA, 118-00151-01, 'Guanyu Sulian yijiao Riben zhanfan de laiwang wendian (Telegram regarding Soviet transfer of Japanese war crimi nals),' 27 June 1951 to 30 November 1951, 1, 5.

[33] MFA Archives, 118-00352-01, *'Guanyu Beijing, Taiyuan deng Riben qiaomin ji Riben zhanfu huguo wenti de chulishi,'* (Regarding the matter of Japanese POWS in Beijing, Taiyuan, etc., Returning to Japan) 1950.

only recently been engaged in mass 'people's courts' or 'accusation meetings' (*kongsuhui*) in order to mete out violence to landlords, Nationalist holdouts, and the politically recalcitrant. The movement to Suppress Counter-revolutionaries, in combination with the Three-Anti, Five-Anti movements placed heavy emphasis on public security organs and policing, without a great deal of concomitant clarity in the courts.[34]

Ultimately, war crimes trials of the Japanese defendants became possible in the PRC, and they were of course useful from an international propaganda standpoint. As Anne Marie Brady has noted, the CPC was keen to manage external perceptions of itself, particularly through people-to-people contacts and visitors (of whatever stripe) who came to the PRC to return home to diffuse the good news of the communist revolution.[35] Starting in 1954, the Japanese inmates became very much part of the CPC's external relations strategy, serving as model convicts with a vastly widened scope of contact with the outside world. In August 1954, China unilaterally repatriated over 400 prisoners to Japan and set the table for negotiations over 1,069 men incarcerated at Fushun.[36] China's Health Minister and representative to the Red Cross Li Dequan announced the names of the inmates in Tokyo in November 1954, and the next spring mail service was introduced. This development resulted in a stream of very carefully crafted letters coming from the Japanese in Fushun to their compatriots back in Japanese cities.[37] These letters were closely read and commented on by Chinese staff not just at the prison but in the Ministry of Foreign Affairs, who sought to use the inmates to burnish China's image in Japan and beyond. Here it might be useful to recall that participants in

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[34] Luo Chenxi, 'Construction of Counterrevolutionary Criminals in Suppressing Counterrevolution in Poyang County: An Institutional Path,' paper presented at 'Cold Front: The Chinese Cold War Experience in Comparison,' Chinese University of Hong Kong, 15 September, 2014; Julia Strauss, 'Paternalist Terror: The Campaign to Suppress Counterrevolutionaries and Regime Consolidation in the PRC, 1950–1953,' *Comparative Studies in Society and History*, Vol. 44, No. 1 (January 2002), 80–105; Yang Kuisong, 'Reconsidering the Campaign to Suppress Counterrevolutionaries,' *The China Quarterly*, No. 193 (March 2008), 102–121.

[35] Anne-Marie Brady, *Making the Foreign Serve China: Managing Foreigners in the People's Republic* (Oxford: Rowman and Littlefield, 2003).

[36] MFA Archives, 105-00064-01, '*Wo Waijiaobu fayanren jiu Riben zhengfu suowei 'guifan Riben guomin de yaoqiu' fabiao shengming,*' (Our Foreign Ministry spokesperson in response to the Japanese government's published declaration for the so-called 'request to return Japanese citizens') 16 August 1955.

[37] Fushun Center Materials, 80.

non-communist trial proceedings were also highly sensitive to press coverage, occasionally even revealing as much during the trial.[38]

In Yanan, the CPC had used the Japanese turncoats or converts to communism as local propaganda, and their desire to turn the returnees to their advantage was explicitly stated in 1950 with respect to Japanese more sympathetic to the CPC cause. A note within the Chinese Foreign Ministry indicated:

> With regard to Japanese with revolutionary zeal, they should be sent back to their country before or after March of this year to become soldiers of struggle in the Japanese revolution. [...] They can also stimulate Japan's revolutionary movement, improve [...] China's position in the Far East and stimulate the two nation's revolutions. [...] This means that prior to [their] going back, we must continue the satisfying education work so that like those who came back from the Soviet Union, the Japanese who return from China can in their language and actions increase greatly the power of democracy.[39]

Roger Swearingen takes this propagandizing notion back even further, writing: 'Ever since the Siberian expedition [...] Russia had realized the importance of mobilizing anti-militarist elements in Japan to hamper, and, if possible, to contain Japanese expansion on the continent.'[40] The CPC was merely, then, picking up on an earlier strand pioneered by the Soviets.

Zhou Enlai's major speech on the matter considered questions of precedent as well as Soviet aid, saying that one 'possible solution' was to handle the matter 'according to international law organizations and international military courts.' In other words, China had the ability to mount a counterpart prosecution, along the lines of Nuremburg and Tokyo, both of which Zhou referenced, saying that that the latter had tried 'far fewer' defendants than the former. Surprisingly, Zhou cited the Guomindang trial of the Japanese general Yasuji Okamura as being of international import

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[38] On 31 December 1947, Chief Prosecutor Kennan asked Tojo a question in the form of a statement: 'I want to ask you if this affidavit [...] that you have given through your counsel at the lectern for the preceding three or four day has been intended for the purpose of convincing this Court of your innocence or has been intended to be a continuation of imperialist, militaristic propaganda to the people of Japan.' IMTFE Transcript, 36,535.

[39] MFA Archive, 118-00086-09, 'Riben zhan fu he Riqiao zai Huabei (Japanese prisoners and immigrants in North China),' 1 March 1950.

[40] Roger Swearingen and Paul Fritz Langer, *Red Flag in Japan: International Communism in Action 1919–1951* (Cambridge, MA: Harvard University Press, 1952), 59.

(even though Mao had criticized it severely in 1949), and ultimately concluded that China 'could not go the route of international courts' with the nine hundred-plus defendants transferred by the Soviets.

> Apart from these we have some defendants captured in the War of Liberation (i.e. the Chinese civil war), those men Chiang Kai-shek wanted to use to carry out civil war. Regarding these war criminals, we will use national military courts to try them. At the present time, ten years has already passed, and we have yet to handle the problem. This is because in the past the war criminals had to be moved to the Northeast, and so many of these criminals' files were spread all over China, and investigating them was a very difficult matter. Outside of this problem, China and Japan are still technically in a state of war, having not signed a peace treaty nor reestablished helpful relations. Again, already ten years have passed, we must complete this matter, and now is the time we have decided to handle it. We cannot rely on international courts to handle it, and our preparation of national courts to handle the matter is adequate.[41]

If the propaganda campaign was not entirely new, nor was the notion of conspiracy which was raised with regularity in the Shenyang affidavits. The concept of a voracious, all-encompassing and inevitable imperialism stemming from Japan in the 1930s was mentioned with regularity. In this sense, the Shenyang proceedings held a certain kinship with the conspiracy counts of the prosecution's case at Tokyo, although without the same vocabulary. Referring to imperialism as an indistinct yet unavoidable force allowed the defendants to, in a sense, retreat behind the idea that they were victims of forces beyond their control. It was a strategy which would have been reasonable at the time, certainly conforming to the PRC world view. It would also have been not necessarily so different from the defendants at Tokyo, who at times depicted themselves in the same way. Hideki Tojo tried to avoid being tagged with responsibility for labeling 'the China Incident' when he admitted that it was in fact a war.[42] The discussion of Japanese plots to dominate Manchuria had been a common theme at the Tokyo Trials. But at Shenyang, they were also reinforced by tropes in the

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[41] Zhou Enlai, '要认真处理好国内外战犯问题,' [Yao renzhen chuli hao guoneiwei zhanfan wenti 'To Genuinely and Correctly Handle the Problem of Chinese and Foreign War Criminals,'] 30 March 1956, *Zhou Enlai Junshi Wenxuan*, Vol. 4 (Beijing: Renmin Chubanshe, 1997), 371–378.

[42] IMTFE Transcript, 36,566 and 36,567.

PRC (presumably borrowed from the Soviet Union) about counterrevolutionary plots, or *fan ge ming yin mou*. When it came to conspiratorial emphasis at Shenyang, the intent was different with regards to defendants who had worked with the Nationalists after 1945 in Shanxi province.

Practical considerations were also pressing in Shenyang: as Sandra Wilson notes in her consideration of Kato, who had been tried in 1949 and released on parole in 1958: 'Cold War considerations had trumped the desire to punish war criminals. US trials of Japanese suspects were winding down, and American prosecutions of suspects in Germany, too, were all but over' in 1949.[43] Certain practical aspects beyond diplomatic needs were also pushing the CPC toward a resolution of the men held at Fushun. Like other countries detaining Japanese for long periods of time, the cost and manpower needed to be accounted for. The Korean War had also caused a need to move the men in late 1950 from Liaoning province, close to the front in North Korea, to Heilongjiang province until the following year. Likewise, at Sugamo Prison in Tokyo the Korean War had resulted in a rapid reduction in the number of staff, requiring a redistribution of tasks and even the explicit consent of the men under guard that they would be more responsible for their own care.[44] Even in prison, the men had hardly been inured to external political and military shocks, and did keep up with the news, although of course filtered through camp guards.[45] In fact, the USA was facing similar pressure from the Japanese with reference to detainees still at Sugamo Prison in Tokyo.[46]

To what extent had the Fushun convicts been inculcated and coached in the Soviet Union already? Judging by the available sources, it had been relatively extensive. Japanese prisoners of war in Siberia and the Soviet Far East had, prior to 1949, already been subject to smaller war crimes trials

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[43] Wilson, *War and History*, 100–1.

[44] John L. Ginn, *Sugamo Prison, Tokyo: An Account of the Trial and Sentencing of Japanese War Criminals in 1948, by a U.S. Participant* (London: McFarland, 1992), 10–1.

[45] Asked in court if he had been keeping up with Japanese newspapers while imprisoned, Tojo responded 'Yes, of course'; the Fushun convicts were likewise expected to be well read in terms of Xinhua propaganda materials. IMTFE Transcript, 36,599.

[46] Of the 577 men still being held in Allied custody in Sugamo Prison in 1955, 'the largest group is composed of the 210 men sentenced by the United States, of whom 123 are serving life terms. Australia follows with 149 and the Netherlands with 131.' Consulate of Japan in Seattle, 'Japan Report: For Publication and Background Use' 1, 2, 23 August 1955, 4–5 (accessible at University of Washington Library, Seattle).

(smaller than Khabarovsk).[47] The Soviet prosecutor at Tokyo appeared to refer to these directly in 1947 in a session.

What role did the Emperor Hirohito (or rather, his evocation) play at the Shenyang Trials? Because the proceedings were far less wide-ranging and sloppy than the Tokyo Trials, there was far less interest in this question. In the Shenyang Trials, there were few parallels to Tokyo's cross-examination of Tojo which dipped into Hirohito's role, whether it was the type of language used by the monarch or the extent to which he had been involved in crafting an aggressive policy toward China. This was likely because, as Justin Jacobs has noted, the CPC undid its 'uncompromising invectives against Emperor Hirohito, who only a few years earlier had been besmirched in China as a war criminal.' Jacobs continues: 'Now Hirohito's younger brother Prince Takahito was a distinguished guest at [Mei Lanfang's] performances, and rumors that the Emperor himself had watched a performance on television were interpreted as an honor.'[48] The CPC was willing to tone down its anti-emperor rhetoric for the sake of diplomacy, but not entirely.

Rather than try Hirohito in absentia, as had been done more or less at Khabarovsk in December 1949, Pu Yi, being the closest approximation of the Japanese model, testified at the event in Shenyang. The fabled 'last emperor' of the Qing dynasty had been a poor witness at Tokyo from the standpoint of revealing new data. His appearance at Shenyang, while exciting from a visual standpoint, did not reveal much new by way of understanding or unearthing how the state of Manchukuo had functioned or the crimes that had been committed, presumably, in his name. Instead, the emphasis again was unrelenting on how the CPC had been benevolent in the face of his ostensible crimes.[49]

More interesting than Pu Yi's appearance from a factual standpoint is the affidavit by Fujita Shigeru, which goes rather beyond what is

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[47] Central Intelligence Agency Records Search Tool, National Archives and Records Administration, College Park, MD, CIA-RDP65- 00756R000400030003-2, Kermit G. Stewart, Office of the Chief of Military History, US Army, 'Russian Methods of Indoctrinating Captured Personnel: World War II,' April 1952.

[48] In support of this contention, Jacobs cites Mei Lanfang, 'Dong you ji' ('Journey to the east'), *Xin guancha*, 17 (1 September 1956), 24. See Jacobs, 166.

[49] David Chipp (Reuters special correspondent to Fushun), 'Pu Yi Tells Story of Disappearance: Ex-Puppet Emperor Says He Sinned, but Now Lives as a Human in China Prison,' *New York Times*, 10 August 1956, 4.

emphasized in the Fushun Center materials.[50] Fujita was a striking individual who had cultivated a very large Meiji-style mustache in captivity in the Soviet Union, but he was clean shaven in the photo presumably taken after 1954.[51] In recent press releases about Fujita from the Chinese government, the materials highlight his atrocities from 1938 to 45 in China, and do not mention much beyond these dates. His affidavit, in clearly stating the crimes of which he is guilty, begins with the standard invocation of 'invading Northeast China.' But the second point of guilt moves us immediately into difficult terrain from the standpoint of periodization of the trials themselves. The second point of Fujita's guilt—as he was encouraged to see it—was the crime of collecting intelligence in Jilin in 1913, in order to further the 'invasion plot' of imperialism.[52] Unlike his fellow 'China hand' Matsui Iwane, who was wounded in the conflict, Fujita had been too young to participate in the Russo–Japanese War of 1904–05. His 1913 voyage was his first documented trip to China, where he took an interest in agriculture; work in Tianjin in 1923 followed. The meticulousness with which the investigators worked was both impressive and problematic. If the Japanese were guilty of crimes dating back to the dawn of the twentieth century, is there any evidence that could not be introduced at the trial? By contrast, this makes Tokyo's choice of 1928 as a starting point for the criminal conspiracy leading to crimes against peace look positively disciplined and moderate.

The final crime listed in Fujita's affidavit is extremely curious and suggestive. These are no longer crimes against the Chinese people (as in Shandong in early 1945), but instead crimes against 'the Korean patriotic movement.' Fujita, as it turns out, was apprehended by the Soviet Red Army not in Manchuria, but in Wonsan, northern Korea, on 25 August 1945. Commanded to do so by General Yamada Otozo, he appears to have been attached briefly to Unit 731 as it moved into Korea during flight from the Soviet northern invasion. One section of his affidavit has some additions made to the biological warfare section.[53] When in Korea, the confusion of Japanese settlers who needed protection along with the need to destroy Korean infrastructure (apparently including medicine

[50] See also Fushun War Criminals Management Center, eds., *Place of New Life of Japanese War Criminals* (Beijing: China Intercontinental Press, 2005), 41–3.

[51] Central Archives, *Written Confessions*, Vol. 1, 75.

[52] Central Archives, *Written Confessions*, Vol. 1, 179.

[53] Central Archives, *Written Confessions*, Vol. 1, 265 is where Yamada is mentioned as the source of his orders, see also Central Archives, *Written Confessions*, Vol. 1, 165, 257.

factories) kept Fujita rather busy.[54] Likewise, Suzuki was captured in flight, but his 1954 affidavit also indicated that he was moving with a 'so-called comfort unit' and five Japanese women.[55] To my knowledge, there was no raising of this last issue at the trial itself.

The Shenyang Trials also took pains to place the CPC at the forefront of resistance, or victimization as the case may be. The Fushun Center materials juxtapose Japanese war crimes with specific martyrs. The point appears to be that sometimes victims had the chance to face perpetrators, but in many cases the victims had already been dead for 15 or more years. Several small handwritten additions to Fujita's affidavit were made, inserting phrases like 'the anti-Japanese people' next to the 'anti-Japanese army.' Such edits served to elide more contemporary concerns about citizen militias into the text, none too subtly projecting backwards a united front between the countryside and the CPC armies.[56] The entirety of the Taiyuan proceedings, which ran in parallel to Shenyang, emphasized this with far greater explicitness; here the specter of Yan Xishan and nominally Guomindang collaboration with Japanese troops in the postwar was a centerpiece.[57]

Occasionally materials or recollections from the period of detention in the Soviet Union will come through. Fujita, a native of Hiroshima, recalls how he was provided with 'abundant reading materials' in the Soviet Union detention camp which instructed him on how destructive the war had been for his home city of Hiroshima. Although the convict is careful to wedge this into a lesson about the evils of Japanese imperialism, the ability to recollect the Soviet experience is interesting, as is the role and reflection of the bomb itself in the camp experience.[58] The CPC propagandists played unsubtly upon Fujita's origins when they arranged the rehearsal and performance of a play, 'The Son of the Atom Bomb Explosion' for the convicts. In front of a set depicting the post-explosion wasted milieu of Hiroshima, Fujita watched the performance and was said to weep heavily, saying 'These compatriots, as well as my elder sisters and nephews were personally killed by me and by Mikado—the Emperor of

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[54] Central Archives, *Written Confessions*, Vol. 1, 266–269.
[55] Central Archives, *Written Confessions*, Vol. 1, 32.
[56] Central Archives, *Written Confessions*, Vol. 1, 209.
[57] Konrad Lawson, 'Wartime Atrocities and the Politics of Treason in the Ruins of the Japanese Empire, 1937–1953,' PhD dissertation, Harvard University, 2013.
[58] Central Archives, *Written Confessions*, Vol. 1, 167 on Hiroshima, Vol. 1, 77 on origins.

Japan!'[59] This theme was also clearly aimed at Japanese public opinion, seeking various outlets to interpret the atomic trauma of the war and its long aftermath.

Sasa Shinosuke was an interesting example of different concerns and approach of the Chinese prosecutors and legal staff at Shenyang. His affidavit, like those of his colleagues, shows a great deal of attention into his class origin and family background. Born in the same year as Mao, from Fukuoka, with a wife considerably younger than he and several children, Sasa had ties to the colonial project beyond Manchuria: his father had tried his hand at farming in Korea for some years just prior to the 1910 annexation, but had lost everything due to floods and come back to Kyushu.[60] The tendency of the defendants to consistently amplify their own crimes was a certain reversal of the trend at Tokyo. The sequence of importance seems to be: awareness of crimes, then, awareness of imperialism and its evils. In other words, the convicts seemed quickly to realize that visualizing and performing their own consciousness and feelings of guilt over the crimes was in fact the main exhibition, rather than the crimes themselves.

If this was so, then why would the CPC today so heavily emphasize the crimes, and not the more redeeming features of the trials and subsequent repatriation and clemency of the war criminals? The Chinese government clearly feels it has to protect the perceived legacy not just of Tokyo but also the post-Tokyo trials. The 2014 data dump online and propaganda push was however not the first revival of Shenyang Trials. The 2005 anniversary of the end of the Second World War (or War of Resistance, in the PRC parlance) brought a wave of related official interest and publications. In 2006, the opening of the Chinese Foreign Ministry Archive played a central role in allowing historians to access a fraction of the documents around the trial. Today, the explicit reason behind publishing the Shenyang materials is in part to 'stimulate their use by scholars.'[61]

Initially, viewers would find the unsubtle and rather gory public relations strategy towards Japan to be predictably grisly, one quite familiar to viewers of Nanking Massacre propaganda. In one of the first 'confessions,' Chinese and global readers were reminded of the awful limits of wartime

[59] Fushun Center Materials, 87.

[60] Central Archives, *Written Confessions*, Vol. 1, 448.

[61] Xinhua News Agency, '*Guojia dang'anguanju luxu gongbu 45 ming Riben zhanfan qin-Huaxing zigong*' (National Archives Bureau to publish a series of 45 confessions of Japanese war criminals' illegal acts in invading China) *Nanfang Zhoumo* (Southern Weekend), 7 July 2014. http://www.infzm.com/content/102100 (accessed 1 June 2015).

depredation; it included rape, murder, and even chemical weapons. Yet no one seemed terribly concerned that his confession had been gathered after four years of Soviet captivity and then another four years of Chinese indoctrination. Barak Kushner notes that 'after 15 August 1945, Japan faced thousands of war-crimes trials which flipped the former imperial hierarchy of the region in which China now held a legal upper hand.'[62] But having now assumed control of that upper hand, the Communist Party of China seemed to feel insecure of its position.

It was unclear if the bureaucrats in the Central Ministry of Propaganda in Beijing, in combination with their colleagues in archives, expected the re-release of Shenyang Trials propaganda to move hearts and minds in Japan today, serving a pedagogical function for a Japanese public numbed to any collective memory of atrocities in wartime China. If so, it would not be the first time. In the Ministry of Foreign Affairs archives in the mid-1950s the CPC earnestly worked to guide Japanese press coverage of the prisoners, asking them to write letters home, and to anti-Japanese newspapers. Their trials in 1956 in Shenyang were preceded by half a year of public tours and intensive coaching such that they begged for the death penalty and praised the CPC. Today, the party has brought back the war criminals as a retrospective on the violence of the 15-year war. Treating their affidavits as supplementary to the more extensive Tokyo Trials, and understanding some of the less commented on aspects of those documents, may bring some scholarly value to the enterprise, even as state propaganda resurrects them as national humiliation.

[62] Barak Kushner, 'Ghosts of the Japanese Imperial Army: The 'White Group' (Baituan) and Early Post-war Sino–Japanese Relations,' *Past and Present* 218 (2013), 119.