Mr BENJAMIN BROCK-HAWE  
Special Tribunal for Lebanon

In 2008 Benjamin Brockman-Hawe received his JD from Boston University, where he graduated with honours in the concentration of Public International Law. Since then he has conducted research for the British Institute of International and Comparative Law, the American Bar Association's Rule of Law Initiative in Kosovo and the American Society of International Law. Presently he is interning with the Office of the Prosecutor at the Special Tribunal for Lebanon in The Hague.

From Might to Right; the Affair of Kham Muon and the Franco-Siamese Mixed Court in historical perspective

In the last quarter of the nineteenth century French expansionary sentiment focused on Siam, and a series of political and military missions were organised by the French Chambers of Deputies for the purpose of annexing the east bank of the Mekong River. Rather than inducing France to moderate its behaviour, Siam's forceful resistance to armed French incursions and counteractions to French political missions fed the ambitions of the parti colonial and hardened its resolve to fold the country into its ‘Asian empire’ as a French protectorate. The death of the Inspecteur de la Garde Civile Grosgrurin at the hands of troops commanded by the Siamese Mandarin Phra Yot during one of these operations resonated with particular force among the French body politic, and was relied upon as a pretext by the colonial party to further justify France's proposed annexation of Siamese territory. These events culminated in the ratification of the Franco-Siamese Convention of 3 October 1893, which preserved Siam's independence but forced it to handover territory and pay a large indemnity to aggressive France.

The circumstances of Grosgrurin's death and question of Phra Yot's guilt have long since disappeared from Western memory, but in the late 19th century, as the trial of Phra Yot before an ad-hoc court comprised of French and Siamese judges progressed (as provided for in Article III of the Convention) these issues dominated the world press and captivated the European public. The creation of the Franco-Siamese Mixed Court was a radical departure from precedent, which had favoured prosecution of an accused before a national court of any of the countries involved in an armed conflict. The purpose of this presentation is to examine the origins, operation, verdict and impact of the Mixed Court, explain the existence of the court as a manifestation of the progressive forces that defined international law in the late 19th century, and identify the relevance of the Phra Yot case to contemporary discussions on international law.

ASSOCIATE PROFESSOR SUZANNAH LINTON  
University of Hong Kong

Associate Professor Suzannah Linton teaches Public International Law, International Criminal Law and related topics at the University of Hong Kong. Prior to this, she worked extensively on international justice and human rights issues with international organisations (eg. ICTY, OSCE, UNOCHR, UNTAET, etc). She is widely published internationally, and particularly enjoys working on ‘forgotten’ or ‘neglected’ places and issues (eg. Cambodia, East Timor, Bangladesh, Hong Kong’s War Crimes Trials).
**Hong Kong’s War Crimes Trials**

Associate Professor Suzannah Linton will speak about her Hong Kong government-funded project on Hong Kong's War Crimes Trials, held in the territory from 1946-1948. She will, inter alia, discuss how there came to be British war crimes trials in Hong Kong, trace links to related trials of Japanese accused, such as the Chinese trials in Shanghai, Canton and Nanjing, as well as at the IMT Tokyo. She will present some of the statistical data about Hong Kong's War Crimes Trials. Associate Professor Linton will then introduce a number of areas where the project's future research will be focused, such as concerning the procedure used; jurisdiction; superior orders; modes of responsibility; war crimes; and fair trial and due process issues. She will wrap-up with a preliminary indication of what the early examinations of the trial records are showing, as well as highlighting issues on which data and information remain un-discovered. In the spirit of the conference, the presentation will conclude with an account of the story of Li Kam-moon, a forgotten but now re-discovered wartime hero of Hong Kong.

**PROFESSOR YUKI TANAKA**

*Hiroshima Peace Institute*


**Japanese Atrocities on Nauru Island during the Pacific War: The Murder of Australians, the Massacre of Lepers and the Ethnocide of Nauruans**

On 26 August 1942, Japanese troops landed on Nauru Island, a small island (21 square km with a coastline of 30 km) with rich phosphate resources under Australian trusteeship, and occupied the island until the end of the war in 1945. The Japanese eventually sent more than 3,700 soldiers and construction workers to this island that had a native population of 1,800. Shortly after the first bombing of the island by US forces on March 25 1943, the Japanese killed the remaining five Australians there. A shortage of food caused the Japanese to remove a group of 598 Nauruans to the Truck Islands on June 30 1943, and in August that year another group of 602 Nauruans was also moved to the same Islands. In other words, 67% of the Nauruan native population was forced to leave their homeland. These migrants, forcibly removed from Nauru, were ill treated by the Japanese for three years, and by the end of the war, 461 had died, a death rate of 38.4%. Of the 461 who died, 190 or 41%, suffered from starvation and malnutrition. In July 1943, the Japanese took a group of 39 Nauruan leprosy patients who were living at the segregation station, out to sea by boat. When Nauru Island could no longer be seen from the launcher that was towing them, a cannon was used to sink their boat and all the patients were massacred.

My paper analyses these three crimes that the Japanese committed against Nauruans and Australians, and demonstrates how war brings not only devastating physical breakdown, but also serious moral and cultural destruction, even to a small nation like Nauru.

**ASSOCIATE PROFESSOR YUMA TOTANI**
University of Hawai‘i

Yuma Totani earned her PhD in 2005 from the University of California, Berkeley, and currently teaches history as an Associate Professor at the University of Hawai‘i. She is also affiliated with the UC Berkeley War Crimes Studies Center. Her representative publication is *The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II* (Harvard University Asia Center, 2008).

Two Successive Proceedings at Tokyo (1948-1949)
The eastern counterpart of the Nuremberg Trials, the Tokyo War Crimes Trial (1946-1948) was a watershed moment in the history of the Asia-Pacific region. It brought to full public view voluminous oral and documentary evidence of the war of aggression and atrocities that were committed by the Japanese armed forces during the Asia-Pacific War (1931-1945). This trial, in this respect, marked a crucial starting point for the Japanese confrontation with war guilt. The Tokyo Trial carries special significance also in the field of international law. The Tokyo Tribunal – officially known as the International Military Tribunal for the Far East – delivered a landmark judgment that determined individual criminal responsibility not only of military commanders but also of state leaders for war crimes.

This paper turns to successive proceedings at Tokyo (1948-1949), which are perhaps less known in case-law literature of WWII war crimes trials than the aforementioned international proceedings but by no means less significant. The trials consisted of two separate proceedings involving the following two defendants: Adm. Toyoda Soemu, Commander-in-Chief of the Combined Fleet and Chief of the Naval General Staff in the last year of the Pacific War; and Lt. Gen. Tamura Hiroshi, Chief of the Prisoner-of-War Administration Bureau and concurrently Chief of the Prisoner-of-War Information Bureau of the War Ministry in the last year of the war. Both were charged with dereliction of duty with respect to widespread war crimes committed by the Japanese navy and army servicemen respectively. This paper will explore the unsettling legacy of the two trials – particularly the Toyoda Trial – whose judge panel rejected some of the central legal and factual findings of the Tokyo Tribunal, especially the latter’s ruling on the doctrine of criminal negligence.