

國際戰犯審判中的台籍戰犯

國際學術研討會

**International Conference on Taiwanese War
Criminals in International War Crime Trials**

會議論文集

會議地點：國立中正大學文學院 144 國際會議廳

會議日期：2013 年 12 月 20~21 日



國立中正大學歷史系

「國際戰犯審判中的台籍戰犯」國際學術研討會議程

International Conference on Taiwanese War Criminals in International War Crime Trials

2013 年 12 月 20 日 (星期五)

會議地點：國立中正大學文學院 144 國際會議廳

9:30—10:00	報 到			
10:00—10:10	開 幕 式			
10:20—11:50	主題報告：台籍戰犯的歷史脈絡及其研究現況 講者：和田英穗 Barak Kushner 藍適齊			
12:00—13:20	午 餐			
13:30—15:30	論 文 報 告 場 次 一			
	論 文 報 告 1	張建偉	戰後華南地區台籍戰犯審判及其處境 (中文)	與 談 人 湯熙勇
	論 文 報 告 2	藍適齊	Crime of Interpreting: Taiwanese Military Interpreters as War Criminals (英文)	與 談 人 鍾淑敏
	論 文 報 告 3	和田英穗	「台灣的戰後處理—以戰犯、漢奸、殖民責任為中心—」(日文)	與 談 人 徐泓馨
	問答與討論			
	報告人回應			
15:30—15:50	茶 敘			
	論 文 報 告 場 次 二			
	論 文 報	Barak Kushner	The Collapse of Empire and the Search for Colonial Guilt: Taiwanese War Criminals and the Conflict with International Law (英文)	與 談 人 謝國欣

16:00—18:00	告 4			人	
	論 文 報 告 5	Dean Aszkielowicz	The Australian Government's Pursuit of Korean and Formosan 'Japanese' War Criminals (英文)	與 談 人	劉曉鵬
	論 文 報 告 6	加治宏基	A Study of Shaping "War Crimes" in the United Nations War Crimes Commission (UNWCC) (英文)	與 談 人	蕭道中
	問答與討論				
	報告人回應				
18:00	閉幕				

2013 年 12 月 21 日 (星期六)	
10:00—12:00	(閉門會議) 未來研究計畫討論：僅限主辦單位邀請者 (論文報告人/與談人)

「國際戰犯審判中的台籍戰犯」國際學術研討會議事規則

※每篇文章 30 分鐘

一、 論文報告人(20')

- (一) 倒數 3 分鐘，一短鈴
- (二) 倒數 1 分鐘，一短鈴、一長鈴
- (三) 時間到，一長鈴

二、 與談人(10')

- (一) 倒數 1 分鐘，一短鈴
- (二) 時間到，一長鈴

「國際戰犯審判中的台籍戰犯」國際學術研討會芳名錄

【與會學者】(依姓氏筆畫排列)

編號	姓 名	職 稱
1	Dean Aszkielowicz	澳洲：Research Associate, Murdoch University
2	Barak Kushner	英國劍橋大學(University of Cambridge, United Kingdom) 副教授
3	加治宏基	日本：Research Fellow, Mie University, Japan
4	和田英穗	日本尚絅大學(Shokei Gakuen University, Japan)准教授
5	徐浚馨	清華大學亞洲政策中心博士後研究員
6	張建偉	中正大學歷史系副教授
7	湯熙勇	中央研究院人文社會科學研究中心研究員
8	劉曉鵬	淡江大學美洲研究所助理教授
9	蕭道中	輔仁大學歷史學系歷史研究所助理教授
10	謝國欣	中正大學法律學系助理教授
11	鍾淑敏	中央研究院臺灣史研究所副研究員兼副所長
12	藍適齊	中正大學歷史系助理教授

張建俤：戰後華南地區台籍戰犯審判
及其處境（中文）

廣東地區台籍戰犯的處境與審判

一、前言

台灣人在二次大戰結束以後，面對的是一個新的局面，不但台灣光復，旅外的台灣人，也在當地面臨重大的抉擇，是回到台灣還是留在當地？當地政府與社會對台灣人的態度，也往往是重要的因素。中國朝野長久以來稱呼台人為「台灣同胞」或「台胞」，但是經過抗戰以及期間的種種糾葛，到了戰後，所謂同胞的情誼是否依舊？該如何看待這些「台灣同胞」？及其與日本人的關係？而台人所面對的是什麼樣的處境？其中部分台人面對追捕甚至遭到審判，而台籍戰犯審判進行過程為何？這是本文希望探討的議題。

過去對於旅外台人的研究，較多偏重在日治時期所謂「台灣籍民」，如日本的中村孝志、栗原純，台灣的戴國輝、梁華璜、林滿紅、許雪姬、鍾淑敏、卞鳳奎等，以及大陸的陳小沖等，都有專文論述，其中中村孝志、梁華璜、鍾淑敏主要是討論廈門地區台灣籍民。戰後初期旅外台灣人的研究則有張建俤、簡笙簫、何鳳嬌、湯熙勇等人，其中何鳳嬌、湯熙勇研究範圍較為廣泛，湯熙勇曾發表關於海南島台人研究，簡笙簫曾有旅日台胞接運的研究，張建俤則曾發表廣州及香港、澳門三地台人的研究。

對於戰後大陸地區台人研究來說，台灣與旅居當地檔案、報紙資料的使用，是必不可少的，如僅以台灣所藏資料為基礎，所得觀察往往不能深入。本文希望以廣東地區台人處境及台籍戰犯審判為討論主題，而廣東則主要以廣州及汕頭地區為主，因為在事實上各地台人也逐漸往此兩地集中。

二、台灣人處境的變化

廣州地區

日本投降以後，廣州市秩序陷入混亂，除了搶劫層出不窮外，也有人假借國軍部隊名義，動輒封鋪捉人。¹在這種情況之下，臺胞也不能倖免，據說當時臺胞店鋪遭搶，日有數起，甚至有匪徒專以臺灣人為下手對象。²此時部分臺籍人

¹ 〈本市治安問題〉，《廣州日報》，1945年8月17日1版。

² 廣東法院檢察官便曾起訴一起這類案件，匪徒劉聯輝、李志仁、譚社根三人於日本投降後曾搶劫雞林附近臺灣人住宅2次，後又洗劫中華北路臺灣人住宅1次，次年經逮捕後，經檢察官提起公訴，但實際判決情形沒有後續報導；另一個案件則是張兆榕等3人侵入臺胞吳若瑟家中。先是勒索，後來竟綁架屋主，搶劫二萬元與衣物數十件，後張嫌被判有期徒刑7年，《廣州日報》，1946年8月12日5版；《大光報》1946年4月24日4版。

士開始籌組臺灣同鄉會，並組織自衛隊以保護臺胞自身的安全。³

當時中國國民黨臺灣黨部粵東工作團廣州工作站負責人葉克鏞，在團長丘念臺尚未抵達廣州時，便宜行事，以粵東工作團廣州站名義，替臺胞出面向當時代理廣州警備司令蔡春元請求保護臺胞生命財產，且將蔡氏允諾公諸報章，並發表〈敬告廣東民眾書〉，說明過去由於環境變遷，臺胞與國人幾乎由兄弟而變作仇敵，自此以後臺胞與大家又同是一家人，希望「大家不要存著半點歧視的心理」。⁴為了更有效維護臺胞權益，1945年9月5日旅粵臺灣同鄉會宣告正式成立，選出梁加升為理事長。⁵

由孫立人所率領的新一軍於9月7日進入廣州，社會秩序雖然較為穩定，但由於新一軍對臺胞態度似並不友善，故臺胞處境仍然艱難。⁶此時仍有臺胞遭廣州市民毆打情形，葉克鏞乃於廣州日報呼籲市民切勿逞一時意氣，毆打臺胞「因其以往受日人之毒素雖深，此日當已有所悔悟，吾人宜寬大心胸，將其啟發天良，重新教育」。⁷為了貫徹重新教育臺胞宗旨，葉氏決定由粵東工作團廣州站為臺胞舉辦短期的民眾教育班，開設黨義、公民、國文、國史等課程。⁸臺灣同鄉會也於同時成立簡易文化教育處，開設三民主義、國語、英語各科，表示其實施灌輸中國與盟國文化的決心。⁹

9月16日廣州舉行投降簽字儀式，第二方面軍司令官張發奎向日軍代表田中久一發佈受降命令，從此廣州、雷州半島、海南島的日軍正式向中國投降，此後不論日俘日僑都須進入集中營，接受第二方面軍戰俘管理處的管制，¹⁰臺籍軍屬此時也隨日俘日僑進入集中營。

此時在廣州地區的臺胞約有8,000多人左右，其中除了軍屬合計有2,000餘人外，其餘為一般平民，大部分應為商人及其眷屬。¹¹而丘念臺對當時正在集中

³ 王詩琅，〈臺灣光復前後旅居廣州的臺胞〉《臺灣人物表錄》，頁130。

⁴ 雖然丘念臺此時不在廣州，但葉克鏞仍以丘氏名義與其一起具名發表。《廣州日報》1945年8月30日2版。

⁵ 梁加升，台南市人，1899年生，1919年廈門同文書院經濟專門科畢業，曾在台南、台北等地公司任職，也曾加入臺灣民眾黨、臺灣新民報社，梁氏約於1932年，離開臺灣新民報社後，前來廣州經商，擔任南大洋行總經理，被認為是臺胞在廣東經商成功的案例。興南新聞社編，《臺灣人士鑑》（台北：興南新聞社，1943），頁446；《大光報》1945年9月6日4版。

⁶ 丘念臺，《嶺海微飆》（台北：中華日報社，1962）頁243；李漢沖，〈廣州受降接收紀實〉《廣州文史資料》4輯頁118-121。

⁷ 《廣州日報》1945年9月11日4版。

⁸ 《廣州日報》1945年9月13日4版。

⁹ 《大光報》1945年9月12日4版。

¹⁰ 李漢沖，〈廣州受降接收紀實〉《廣州文史資料》4輯，頁118-121。

¹¹ 關於廣州地區臺胞的人數有不同的說法，丘念臺認為有20,000人，鍾浩東則認為有8,000多人，根據史料研判，當以鍾說為是，參見丘念臺，前引書，頁241；〈三青團臺灣區團第三分團籌備處代主任鍾浩東公函〉，1945年11月29日，國史館藏《臺灣省政府秘書處檔案》450/184。

營中的臺籍軍人軍屬尤其關切。

起初第二方面軍對臺籍軍屬與日俘待遇並無區分，臺籍軍屬也與日俘一道送入集中營，後來經過丘念臺向司令官張發奎建議，臺胞應與日俘有別，不可以俘虜相待，始能分清體統。該項建議被張發奎採納，乃將原在日俘集中營的臺灣軍屬調出，集中於廣州花地，成立臺籍官兵集訓總隊，以廣東僑務委員會僑務組副組長符駿擔任總隊長，聘丘念臺為顧問，並由丘氏決定全部訓練計畫，其他教官由臺灣黨部粵東工作團人員出任。總隊下編為 9 個中隊，其中包括一個婦女中隊，¹²總計該總隊共有臺胞 2402 人。¹³

除了臺籍官兵集訓總隊外，其餘臺胞在市區自動集中居住，¹⁴總計直到 1946 年 1 月為止，臺胞大部分集中居住於廣州市內 59 個集宿所，居住於集宿所者有 4657 人，散居廣州市各處者有 146 人，二者共計 4803 人。¹⁵這些集宿所似屬臺灣同鄉會管理，可能由臺胞當中殷實商人所提供。¹⁶

廣州地區臺胞雖得倖免於遭受俘虜的待遇，但仍須面對兩方面的壓力。一是廣東軍政當局不顧張發奎的承諾，仍藉漢奸、戰犯罪名，對部分臺胞實施逮捕，其次則是廣州當地社會對臺胞的仇視。

當廣州地區完成受降以後，有許多當地人士指證臺籍軍屬為幫助日本作惡的漢奸，此外更有人檢舉往日部分臺籍平民，認其「曾經狐假虎威地對本國同胞實行威脅凌迫，亦屬彰彰名甚的漢奸行為」，因此要求政府嚴辦。丘念臺為此向廣東軍政當局陳情，指出確有漢奸行為者，只係少數，同時臺胞自清末割台兩年後，不願離去的台人，此後便成為日本臣民，並無中國國籍，若一概視為漢奸，不免有失公平。¹⁷丘氏的陳情似獲得廣東軍政當局的同情和諒解，¹⁸據丘氏自稱「除了部分下級人員不時找麻煩外，大致已可逐漸勉維安定了」，¹⁹後來丘氏與臺灣同鄉

¹² 《廣州日報》1945 年 10 月 4 日 4 版；李漢沖，〈廣州受降接收紀實〉《廣州文史資料》4 輯頁 125；丘念臺，前引書，頁 241。

¹³ 軍委會廣州行營參謀處編《廣東受降紀述》（廣州，廣州行營參謀處，1946）頁 95。

¹⁴ 根據丘念臺所指稱，戰後「對於臺籍僑民，政府准其在廣州市內自動集中，設立 16 個收容所來安置。」丘念臺，前引書，頁 241。

¹⁵ 〈臺灣分署收廣東分署代電〉，1946 年 1 月 10 日，附件〈臺胞各集宿所經濟狀況統計表〉，南京二檔館藏《善後救濟總署檔案》（以下簡稱善總檔）21/4508。

¹⁶ 臺灣同鄉會曾於 1945 年 11 月 28-30 日大光報上刊登啟事，要求散住各方會員於 30 日前儘速向同鄉會或就近散宿所，洽商加設散宿所事宜，後來廣東分署代表亦曾前往視察臺灣同鄉會管理之散宿所。《大光報》1945 年 11 月 28-30 日 1 版；〈廣東分署收方建平報告〉，1946 年 1 月 26 日，《善總檔》21/重 2590。

¹⁷ 丘念臺，前引書，頁 242。

¹⁸ 以張發奎為例，張氏對臺胞極表同情，他認為如果臺胞「有助桀為虐的行為，也是祖國放棄了他們才養成的罪惡」，參見：張發奎，〈抗日戰爭回憶錄〉，《廣東文史資料》55 輯，頁 83。

¹⁹ 丘念臺，前引書，頁 242。

會為被押臺胞交涉發還被封存財產，也獲得批准。²⁰

雖然經過丘念臺的多方奔走，臺胞的熱烈捐獻，使得廣東地區主政者對臺胞的觀感有所改善，在一定程度上保障了许多臺胞的生命、財產的安全，然而事實上仍有不少臺胞遭到逮捕。此外也有廣東負責肅奸、接收人員向臺胞進行勒索，而臺胞不論貧富為求自保，只能被人予取予求。²¹

其次則是由於廣州當地居民對臺胞頗不諒解，甚至「恨同敵寇」²²，臺胞面對的是一個充滿敵意的環境，臺籍住戶常被迫遷出，商店倒閉甚至被搶，許多臺胞淪於失業，只好住進散宿所或收容所，除少數富人外，大多數臺胞生活日益艱難。²³

汕頭地區

當 1945 年 8 月 15 日日本正式投降以後，日方在潮汕地區將領下令，所在潮屬日籍軍僑均撤回據點，集中縣城，聽候命令；於是粵東各地日台籍民紛紛逃回汕頭市。²⁴再加上前來接收的國府黨政軍人員，據稱在半月之間，汕頭市人口陡增四萬餘人。²⁵

10 月台灣黨部粵東工作團潮汕站，向國民黨汕頭市黨部提出「處理在汕台人意見」五點：一、指定台人住所收容台胞；二、調整台人在汕關係，解決產業糾紛；三、籌集款項救濟貧苦台胞；四、調集台人船舶遣送回台；五、清理台人物業歸還台胞。據稱汕頭市黨部決定予以援助，經轉呈軍方並致函汕頭市黨政接收委員會「持議實施」。²⁶

此外台灣黨部粵東工作團潮汕站與國民黨汕頭市黨部並推動在汕台人組織台灣同鄉會，10 月 12 日台灣旅汕同鄉會發佈啟事，表示現經籌備完畢，依法擬定章程，造具會員名冊；台灣同鄉會希望如有台灣同鄉尚未申請入會者，在通告三日內來會補申請，以便登記造冊，呈請當地黨政機關備案。²⁷除了台灣同鄉會

²⁰ 李漢沖，〈廣州受降接收紀實〉《廣州文史資料》4 輯頁 125；張發奎，〈抗日戰爭回憶錄〉，《廣東文史資料》55 輯頁 83。

²¹ 這是臺灣方面赴廣州商談救濟臺胞事宜代表黃鎮中的觀察：「臺胞過去於粵人之印象甚壞，而廣東重光後，肅奸與接收人員之對象，當然向臺胞身上著想，此乃發勝利財者之最好機會，臺胞狡猾者亦樂於逢迎，以苟延殘喘，而貧苦者已體無完膚矣」；丘念臺也曾提及有些單位趁機清算劫財。〈黃鎮中致錢宗起函〉，1946 年 5 月 10 日，南京二檔館藏《善總檔》21/4508；丘念臺，前引書，頁 243。

²² 此為鍾浩東所形容，〈三青團臺灣區團第三分團籌備處代主任鍾浩東公函〉，1945 年 11 月 29 日，國史館藏《臺灣省政府秘書處檔案》全宗號 450/184。

²³ 同上註。

²⁴ 饒宗頤，〈潮州志匯編〉（香港：香港龍門書店，1965），頁 700。

²⁵ 饒宗頤，〈潮州志匯編〉，頁 700。

²⁶ 《嶺東民國日報》，1945 年 10 月 7 日 3 版。

²⁷ 《嶺東民國日報》，1945 年 10 月 12 日 4 版。

之外，稍後亦有人籌組「台灣旅汕唐族會」，據此向台灣方面求援，²⁸但細節不清楚。

10月底有台灣商人楊柳、陳中原等前往閩粵贛總司令部，表示在光復後「連同來遊祖國，並購糖來汕濟銷」蒙軍方予以保護，在感激之餘，特捐獻國幣150萬元，以表敬意。時副總司令歐陽駒乃派部下林主任接見，以保護商民乃政府應盡之義務，無須感謝為由，退回捐款，據稱台商等人「讚謝不已」。²⁹

汕頭輿論對台人的評論與報導

10月31日《嶺東民國日報》刊出一則專欄評論，題為「嚴懲台灣敗類」，文中除了第一段肯定不少台胞守法本分，甚至不忘祖國「隨時隨地表露愛國的情緒」認為這種愛國台胞應予以格外愛護、格外保障；但是該文更痛批「台籍敗類」：「同時竟有一部份台籍浪人、奸商，利用暴日勢力，當密偵、做通譯、佔民房、辦組合、運烏礦、販毒品、開□□、包捐稅，殘害人民、□□□□□□□□，罄竹難書。現在潮人每一說起靡不□□切齒，要吸其血而寢其皮，這種敗類如果沒有置之重典，任其逍遙法外，怎麼能夠慰死難者的幽魂，平生者的憤怒，更何以伸國法而辨忠奸明是非呢？政府對於這些台籍敗類，應該盡法懲辦，斷不可因為台灣重入我國版圖，台灣人民便可不分良歹抹煞一切。」

所以，我們對於善良的台胞，固然要看做手足一樣的愛護，不得歧視，更不容許任何人的藉端敲詐，對於台籍的敗類，應該要和漢奸一樣看待，切實檢舉，籲請政府法辦，如有人敢包庇的，應該認作公敵，群起而攻之，那末民族的正氣和國家的法紀才得以伸張起來。」³⁰

汕頭輿論對於台灣人的惡感，部分與產業的強佔有關，日佔時期有部分台人仗勢強佔產業，戰後原業主或原租賃人便刊登啟事，要求佔住台人遷出交還，以確保權益，³¹有的產業先經台人佔住，戰後雖然收回，但又衍生出其他租賃糾紛。³²但有的案例則是有人冒台人名義請領敵偽產業，如有汕頭市民呂水田向報業公會密報，後被登諸報端，呂函指稱有官員在處理敵偽產業舞弊，有人用台人名義冒領機帆船，航行廣州汕頭航線牟利。³³

台人涉及產業糾紛的還有當舖，據稱在1942年以後，有一些日本人與台灣

²⁸ 〈汕頭蕭信棟致電陳儀〉，1945年12月，國防部史政編譯處藏《台胞回籍處理案》063.2-4010。

²⁹ 《嶺東民國日報》，1945年10月28日2版。

³⁰ 作者為「午」，文中空格部分係由於油墨過黑難以辨識，《嶺東民國日報》，1945年10月30日2版。

³¹ 如一則是針對改日本姓名的台人日□米□佔據原租賃人的店面與家具，另一則則是指控台人陳蕃薯在日佔時期脅迫業主簽訂永租合約，〈警告台籍日人〉，《嶺東民國日報》，1945年10月9日3版；〈催告業主楊樹林台人陳蕃薯〉，《嶺東民國日報》，1945年10月31日4版。

³² 〈緊要聲明〉，《嶺東民國日報》，1945年10月26日4版。

³³ 〈呂水田繼起揭發逆產又一冒領〉，《汕報》，1947年5月8日3版。

人在汕頭開設「質屋」，利息較一般當舖為高，據說「月尾赴當，月初往贖，二三日間，作二個月計算，極盡盤剝之能事。」抗戰勝利以後，這些「質屋」都無預警停業，將點當未滿期抵押品移匿潛藏，於是評論者批評造成市民損失，並呼籲政府當局應儘速清理日台人典當業。³⁴不過關於台人開設典當業情況，目前仍缺乏足夠資料可以說明，一則戰時報導曾經透露有某家台人開設當舖倒閉，³⁵顯示台人在汕頭經營當舖未必沒有風險。

此外由於汕頭本身有移民的特色，有的產業糾紛涉及的不止是台灣方面，例如有三名家人在汕頭報紙登載啟事，分別署名吧城謝信歆、謝裕歆，及台灣謝春生，以離鄉時將產業交親戚保管，近聞有擅賣情事，乃登報聲明如有買賣典押舞弊等情事一切不生效力。³⁶

三、肅奸過程及其對台灣人的影響

廣州方面原本廣州行營主任張發奎曾公開對外表示對朝鮮、臺灣人既往不究：「朝鮮、臺灣人多曾於日軍勢力下，為非作歹，惟目下朝鮮已解放，成為吾人之友邦，臺灣更劃入吾國版圖，其人民已屬吾人之同胞，以前種種，應本大國民之風度，不予深究，惟以後彼等如仍有非法行為，自可繩以國法，市民務須改正心理，勿存歧視，並盼新聞界能努力完成心理改正之任務。」³⁷

但省黨部和省政府方面仍堅持嚴懲臺籍漢奸，而新一軍方面對臺胞亦無好感，於是許多機關團體乃至個人便不顧張發奎的承諾，四出搜捕臺籍漢奸。許多臺胞一旦有漢奸嫌疑，若非遭到拘捕凌辱，財產被扣押、查封甚至沒收，否則就須接受勒索。當時情況已極為嚴重，使得兩廣監察使劉侯武不得不公開批評這種任意拘捕凌辱臺胞的行為，簡直就是「視同敵俘」，應予以糾正，劉氏重申：「現在臺灣光復，台民即是國民」因此一切懲奸罰惡，自應依法辦理。³⁸

此時中央方面對臺胞的處理辦法終於有所指示，1945年11月軍委會核定「處理在日軍服務之台人辦法」，³⁹該辦法共有5條，最為當時台人所詬病者為其主張集中台人，但對廣州臺胞而言，在此辦法頒佈之前，絕大部分臺胞早已集中安置，故此對其並無太大意義，反而是其中的第3條倒可能助長了廣州地區搜捕漢奸的聲勢：「上述臺灣人集中後，查明其曾任日軍特務工作，並有殘害同胞之行為者，依法懲處，其有憑藉日人勢力，凌害同胞，或幫同日人逃避物資，轉賣軍用品者，亦依法懲處。」這是因為其中可以任意解釋的空間很大，如所謂憑藉日人勢力，

³⁴ 這樣的主張在1945年底即曾有人主張，半堯，〈當局應清理本市當店質屋〉，《原子能報》，1946年8月17日1版。

³⁵ 《天行報》，1944年8月19日2版。

³⁶ 《汕報》1946年11月21日4版。

³⁷ 《廣州日報》1945年9月23日4版。

³⁸ 《廣州日報》1945年11月16日4版。

³⁹ 《大光報》1945年11月30日4版。

凌害同胞，便可能使得曾在日人機關團體任職臺胞，有入罪的可能。又如幫同日人逃避物資，轉賣軍用品，則可能使得曾與日人交易的台商，人人自危。

同月行政院核定「朝鮮人及臺灣人產業處理辦法」，規定一、凡屬朝鮮及臺灣之公產，均收歸國有；二、凡屬朝鮮人及臺灣人之私產，由處理局依照行政院處理敵偽產業辦法之規定接收、保管及運用，朝鮮及臺灣人民，凡能提出確實籍貫，證明其未擔任日軍特務工作，或憑藉日人勢力，凌害本國人民，或幫同日人逃避物資，或並無其他罪行者，經確實證明後，其私產呈報行政院核定予以發還。⁴⁰上述辦法在 1946 年 1 月由國民政府公佈，並責成各省市黨政機關執行辦理，消息傳來，在大陸的臺胞無不感到驚恐，這是因為上述辦法將臺胞視同朝鮮人，也就是將臺胞視同外國人，這種政策使得許多臺胞在大陸各地備受侮辱。⁴¹

在中央頒佈相關的命令後，張發奎的態度有了極大的轉變，1946 年 1 月 26 日張氏親自下令逮捕旅粵臺灣同鄉會理事長梁加升，理由是梁氏：「在敵人未投降前為敵運輸設計利用敵產，接管重要物資，積累資財億萬萬元，並曾獻送飛機 4 架，贈與敵人，日本投降後，利用資財獲任臺灣協會長職，且又吞蝕工會款項，近來行動詭秘異常。」1 月 31 日梁氏遭到逮捕，其家中財產遭到查封。⁴²梁氏的被捕對當時臺胞而言應是一大震撼，原本同鄉會經常出面保釋被捕臺胞，現在竟連理事長都遭逮捕，其餘臺胞豈非更無保障？同時這項逮捕行動也代表張發奎背棄了過去「既往不究」的承諾，至此許多臺胞將可能面對漢奸罪名的指控。

肅奸與戰爭罪犯的處置

目前研究者大多將漢奸與戰犯審判予以區分，但在當時執行實務上，除了外國人身份以外者，從檢舉到追捕乃至起訴過程，兩者在大部分是有所重疊的，也可以說這是一個可能持續發展演變的現象。

首先在處置漢奸部分，戰後負責廣東地區受降接收的第二方面軍在接收委員會內設立「審查組」，由第二軍法監部負責，其後又於 1945 年 11 月成立廣東肅奸專員辦事處，該處主要由情治人員組成，逮捕漢奸程序有檢舉、調查、審查、請發手令、會警等，至於審判仍須交由法院審理。肅奸專員辦事處在廣州市內五個地點懸掛檢舉箱，⁴³該處專責調查逮捕及看管漢奸工作，至 1946 年 3 月 1 日改

⁴⁰ 〈朝鮮及臺灣人產業處理辦法〉，張瑞成編，《光復臺灣之籌畫與受降接收》（台北：國民黨黨史會，1990），頁 208。

⁴¹ 行政院研究二二八事件小組，《二二八事件研究報告》（台北：時報文化出版公司，1994），頁 16-17。

⁴² 這次張發奎親自下令逮捕梁加升，是極不尋常的舉動，因為一般漢奸的逮捕均由廣州行營肅奸專員辦事處辦理，事後再呈給行營主任張發奎備案，此次逮捕行動則是由張發奎親自下令第二方面軍司令部第二處行動隊執行，肅奸專員辦事處僅派員會同辦理，〈第二方面軍司令官張發奎發本部肅奸專員辦事處電報及附件〉，1946 年 1 月 26 日，廣東省檔案館藏《廣東省高等法院檔案》7(1)/2562。

⁴³ 分別是海珠中路該處門口、廣大路廣大郵局、寶華路西關郵局、南華中路河南郵

組成立「廣東肅奸委員會」，除隸屬廣州行營外，由廣東省政府、廣州市政府、國民黨省市黨部，敵偽產業處理局等機構派代表出任委員，委員會下設秘書室、督察室、執行組、罪刑審查組、保管組；執行組下設偵察、執行兩隊，另設有拘留所。⁴⁴該委員會於1946年5月結束，所有漢奸案件依照處理漢奸案件條例，交由法院及軍法機關處理。⁴⁵

事實上前述改組整併的背景，正是由於有其他機構成立肅奸機構，如廣東省黨部亦曾設立「廣東省檢舉漢奸委員會」，⁴⁶並在省內21縣市設立分會（包括汕頭），特別注重調查、檢舉工作，根據其工作報告顯示，該會曾設置檢舉箱，印製檢舉表格，派遣調查員制訂檢舉逃避漢奸辦法；該會對於檢舉案件審核，係根據各調查員報告後，將各種證據及罪行，由審核組予以審核，其罪證確鑿者，即將全案移送肅奸會或高等法院。⁴⁷

在戰犯的部分，第二方面軍司令部於1945年11月設立戰犯調查組，擬定轄區內日本戰犯調查計畫綱要，劃定調查地區分另各機關部隊按照計畫積極實施；在區域方面，司令部調查組為調查總機構，並另聘有美方軍官協助，負責廣州市內所有日方戰犯之調查工作，並指導各調查單位將所得資料整理審查轉報；而廣州市外其他地區則是以各當地部隊為負責調查單位，由各單位指定參謀一員報核，負責各該區所轄區內日本戰犯調查工作，並將收集資料整理審查呈報。⁴⁸

戰犯調查工作由各部所屬現有情報人員及政治工作人員擔任，並發動地方民眾及社會各階層檢舉，至於調查所謂戰爭罪行類型，則有以下幾點：

1. 凡日本軍隊中隊長以上支各級部隊長於其佔領區內縱容其部屬任意虐殺我民眾及姦淫擄掠而不加以制裁者。
2. 日本各部隊及憲兵隊（含部隊中之法官）濫將民眾案件以軍事法律裁判執行者。
3. 凡日本各部隊憲兵隊及特務機關不依照國際公法虐待我盟軍俘虜任意加以酷刑或殘殺者。
4. 凡日本官兵任意殘殺或姦淫擄掠我民眾及非法吞佔各種公私物產加以變賣者。
5. 主持製造偽組織偽軍以圖危害我國民者。

局、長堤廣東郵務總局，《民族日報》（廣州）1946年1月6日1版。

⁴⁴ 另據報載廣東肅奸委員會於1946年2月12日正式成立，《廣東肅奸誌》，頁1-2；《民族日報》（廣州），1946年2月12日3版。

⁴⁵ 軍事委員會廣東行營參謀處編，《廣東受降紀述》（廣州：懷遠印刷廠，1946），頁124。

⁴⁶ 《民眾日報》（廣州），1945年10月17日4版；《光粵報》（廣州），1945年10月17日1版。

⁴⁷ 《廣東省檢舉漢奸委員會工作報告書》（廣州：廣東省檢舉漢奸委員會編印，1946），頁1-7；《民族日報》（廣州），1946年2月10日3版。

⁴⁸ 軍事委員會廣東行營參謀處編，《廣東受降紀述》，頁128。

6. 主持推行各種煙賭以圖毒害我國民者。

調查期限以兩個月為期，按照戰犯調查表，應有各單位主管及調查員姓名，且規定如各部隊調動，應將調查工作交接清楚，並繼續進行新派駐地區調查工作。⁴⁹

第二方面軍與後來的廣州行營除了主動調查外，另設「人民檢舉告發日本官兵罪行辦法」，規定凡本國人民於日軍佔領期內曾受日本官兵之非法侵害者，可向該司令部告訴；或獲悉他人曾受侵害者，亦得向該司令部檢舉告發；此項辦法在界定日本官兵應行檢舉告發罪行時，比上述戰犯罪行要多得多：

1. 凡日本軍隊各級部隊長於其佔領區內縱容其部屬任意虐殺我民眾及姦淫擄掠而不加以制裁者。
2. 日本各部隊及憲兵隊濫將民事案件以軍事法庭裁判執行者。
3. 殘殺或傷害人民身體及健康者。
4. 強姦婦女者。
5. 放火或決水者。
6. 擄掠婦孺者。
7. 強迫婚姻者。
8. 強劫財物者。
9. 濫施逮捕羈押非刑拷打者。
10. 施放毒藥者。
11. 詐欺取財者。
12. 擄人勒索者。
13. 毀損財物者。
14. 強住房舍迫走居民者。
15. 巧立名目橫征暴斂者。
16. 強拉伕役牲畜及強封舟車者。
17. 發掘墳墓或毀損屍體者。
18. 製造煙賭以圖毒害我國民者。
19. 其他有侵害人民各項法益之罪行者。

而日本官兵如犯有罪行，逃匿尚未入集中營者准予密告，或告發人扭送本部或指名逮捕；最後也最重要的一點是該項辦法適用於「凡供過日本軍隊之韓台籍軍民」

⁵⁰

除了上述以外，廣東高等法院也曾頒佈「敵人罪行調查辦法」，其中第三條規定「司法行政部應指定所屬地方法院檢察處、縣司法處、及兼理司法縣政府為辦理調查機關」；第七條規定「高等法院檢察處應即指派專員分途督飭所屬調查敵人罪行」。⁵¹廣州地方法院曾實際推動市民舉報敵人罪行。⁵²

⁴⁹ 軍事委員會廣東行營參謀處編，《廣東受降紀述》，頁128。

⁵⁰ 軍事委員會廣東行營參謀處編，《廣東受降紀述》，頁130-131；《民族日報》（廣州），1946年1月8日3版。

⁵¹ 《民族日報》（廣州），1945年12月5日4版。

在前述各項肅奸及處理戰犯的機構及辦法的背景下，於是廣東地區黨政軍特各機構紛紛大舉調查漢奸及戰犯嫌疑者，而民間密告風氣也隨之大盛。據報載當時全國人民檢舉戰犯，以上海最多，廣州次之。⁵³

在檔案史料中，密告原件信函數量甚多，不勝枚舉，例如台籍漢奸犯林榮春案，原為陳才所密告，陳才舉發指控林榮春為某紙廠廠長，戰時供給振中捲煙廠紙料，於日本投降初期，林氏聯合振中方面主管，低價買入大量菸葉，後來林榮春遭被告漢奸罪行，但廣東高檢處(以下簡稱粵高檢)認為此案屬戰爭罪犯範圍，將此案移轉廣州行轅。⁵⁴在報紙報導中也不乏檢舉個案，例如劉福清 32 歲，台灣人，戰時曾任西區密偵組長，在三元里等處開店，據稱「被害旅客不知凡幾」，又糾集黨羽「在南顧番各地，勸收行水」戰後劉氏與妻匿居惠福西路仙鄰巷 30 號，轉業商，經受害人具狀向高等法院檢舉告發，高等法院派員曾炳會同警察偽裝運貨商前往求見，時劉正用餐，不及逃避，乃遭逮捕，帶回分局轉解高等法院辦理。⁵⁵

除了書面密告，亦有報警檢舉案例，例如居住在廣州惠愛西路的理髮匠鄺鏡，據稱在戰時因看不慣台人范德馨強姦鄰女，糾眾出手救援，後來范氏懷恨在心，當鄺氏於 1941 年 4 月 8 日行經廣大路，遭范氏帶日軍將其逮捕，指為間諜帶回日憲兵隊審訊，經嚴刑拷打，范氏且親自以鐵棍毆打，後被拘兩月餘始獲釋；戰後 1946 年 4 月 19 日夜，鄺氏行經粵華路，見范氏由台灣同鄉會內而出，乃伺機尾隨，最後報警將其逮捕，經審訊，范德馨係 1938 年由台灣新竹來粵，曾擔任南支派遣軍有田部隊通譯，1940 年調中央憲兵隊通譯，范氏否認所控，但仍被分局訊後解辦。⁵⁶

由目前所存肅奸機構資料，可以發現其通過調查與檢舉，確實累積了大量漢奸名單，由曾任職省府到地方政府官員，到學校、社團幹部，乃至廣州行營亦曾數次公布通緝漢奸名單，該份通緝名單包括被通緝者姓名年齡籍貫職務罪行等甚為詳細。⁵⁷例如其中列出台籍的陳思齊，40 歲，福民堂總經理，其罪行是「買賣煙膏推行毒化禍國殃民」。而檔案中也確實存在對於陳思齊的密告文件，早在 1946 年 1 月便有對於陳思齊的密告，後由於陳氏輾轉逃往上海，但其在廣州仍有不少產業未經處理，直至 1947 年 4 月仍有人具名檢舉其所餘產業應係敵偽產業，對此粵高檢內部簽呈認為陳思齊與廖心石戰時開社福民堂製售鴉片供人吸食，陳任總經理廖任營業主任業經查明屬實，惟陳係台灣人當犯罪時尚未回覆中華民國國

⁵² 《民族日報》(廣州)，1946 年 2 月 8 日 4 版。

⁵³ 《大光報》(廣州)，1946 年 12 月 16 日 8 版。

⁵⁴ 此案如何發落無後續資料可考，但最後應不屬戰犯審判範圍。〈廣東高檢處發廣州行轅電報〉，1947 年 1 月 5 日，廣東省檔案館藏檔案 7-1-2231。

⁵⁵ 《越華報》(廣州)，1946 年 9 月 14 日 5 版。

⁵⁶ 《越華報》(廣州)，1946 年 4 月 21 日 5 版。

⁵⁷ 《廣東肅奸誌》頁 2-18。

籍，不以漢奸論罪，其犯罪部分應移轉廣州行轅軍事法庭處理。⁵⁸

如前述各肅奸機構通過所得名單，對於漢奸嫌疑犯進行逮捕、審訊，拘留，經調查罪證後，移送法院或軍法機關審理。然而有時在逮捕嫌疑犯以後，高檢處、軍事法庭認定該犯罪行屬性觀點不同，有時會造成互踢皮球的情況。

而廣州行營的戰犯名單，一部份是軍委會頒發，一部份為人民檢舉，戰犯經逮捕後，先解交戰犯拘留所拘押，同時將各戰犯按鍵交付軍事法庭，依法檢舉公訴，其在押的戰犯則分別完成調製指模冊及照相等程序。⁵⁹

根據不完全統計，在前述廣東肅奸機構從 1945 年 11 月到 1946 年 5 月 17 日止，共逮捕漢奸 240 餘名，而廣州行營方面截至 1946 年 6 月前共逮捕戰犯 622 人。⁶⁰直至 1946 年 6 月為止，軍事委員會委員長廣州行營（以下簡稱廣州行營）曾經逮捕 16 名臺籍戰犯，⁶¹這 16 名戰犯共有商人 10 名：林建章、沈曉雯、邱振恩、劉住、陳添、張兆安、涂洪林、張彩霖、梁加升、張坤地，其他 6 名：林高材、林博義、李安、曾進壽、鄭再添。⁶²當時統計共有 74 名臺胞曾遭逮捕，其中陳納豐等 30 名經臺灣同鄉會先後保釋，但當時仍有 44 人在押⁶³。

而汕頭地區在抗戰勝利以後，軍政當局開始逮捕有罪行台人，在台人男子集中以前共逮捕 12 人：

表十：

姓名	年齡	戰時職業	備註
王振謙	60	振謙醫院醫師	
簡積玉	48	大和醫院醫師	
陳瑞圖	48	汕頭市政府通譯	
李金木	34	汕頭憲兵隊通譯	在獄中病故
黃添信	36	潮安經營農場	
郭祖瑜	47	汕頭鐵工場主	
劉再興	31	海關稅務處職員	
劉耀煌	30	出光洋行店員	
郭爵魁	26	潮安憲兵隊通譯	

⁵⁸ 〈粵高檢簽呈〉，1947 年 7 月 18 日，廣東省檔案館藏《高等法院檔案》7-1-1271。

⁵⁹ 軍事委員會廣東行營參謀處編，《廣東受降紀述》，頁 131-132。

⁶⁰ 軍事委員會廣東行營參謀處編，《廣東受降紀述》，頁 132-133。

⁶¹ 其中有 10 名為商人，其餘六名職業不詳，參見〈廣州地區戰爭罪犯籍貫階級統計表〉，廣州行營編《廣東受降紀述》頁 132-133。

⁶² 其中邱振恩疑為邱振興之筆誤，劉住疑為劉生之筆誤，《越華報》（廣州），1946 年 5 月 15 日 5 版。

⁶³ 這是廣州臺灣同鄉會會長劉展平在返台時對記者所做估計。《臺灣新生報》，1946 年 6 月 19 日 5 版。

余林美祥	38		裕泰洋行余阿岑之妻
劉詠琴	48		女性
侯德春	40	西南商店店主	

資料來源：〈在汕台胞被拘姓名表〉，台灣文獻館藏《台灣行政長官公署檔案》，檔號 499200340099。

1946 年 1 月 6 日集中台人男子後，又逮捕 14 名：⁶⁴

表十一：

姓名	年齡	戰時職業	台灣住址
吳喜	35	永豐洋行汕頭分行長	台中縣北斗區田尾鄉海豐崙 73 號
陳馬鄭	32	雙葉洋行主	台南縣新豐區車路墘 192 號
李昆霖	34	饒平縣政府通譯	台南縣斗六區斗六鎮林內 49 號
詹文富	45	東和洋行主	新竹縣竹東區橫山鄉田寮坑
吳萬來	57	博來行主	新竹市西門町三丁目 73 號
卓天寶	27	昭和通商職員	台中市干城町 28 番地
何舟	47	汕頭市政府通譯	台北市日新町一丁目 36 號
魏溪方	51	博愛醫院醫師	台中縣員林區田中鎮 228 號
林柏樑	46	錦江洋行主、明華火柴廠社長	高雄縣恆春區恆春鎮恆春 208 號
蔡萬枝	42	汕頭薪家公會職員	高雄市旗後町一丁目 32 號
王秀男	37	日本聯絡部通譯	高雄縣鳳山區鳳山鎮縣口 318 號
顏佛助	38	俸給者	高雄市三塊厝 563 番地
何榕彥	26	潮安縣通譯	台北市日新町一丁目 361 號
涂全	36	小松原洋行店員	澎湖廳白沙庄大赤崁 1492 號

資料來源：〈在汕台胞被拘姓名表〉，台灣文獻館藏《台灣行政長官公署檔案》，檔號 499200340099。

被拘留的台人，除其眷屬得以搭乘 1946 年 2 月 11 日的台北號返台外，其本人仍然持續在獄中待審，然而等到 4 月，曾審訊過的台人僅有四名，其餘仍未經審訊，歸鄉更是遙遙無期，於是旅汕台灣同鄉會乃向台灣行政長官公署求援，抱怨汕頭肅奸會對於這二十幾人所舉罪名「居多不實」，並描述這二十幾人在獄中的慘狀：

「鬱坐囚獄，以一最狹小之面積，而拘禁二十餘人之多，晚間睡眠手足不可伸展，甚且廁所亦設其中，地方非常污穢，蚊虱蒼蠅滋衍繁生，其不衛生如此，致被禁二十餘人之台胞莫不患病，或皮膚病或瘡疾，危險萬分。」

旅汕台灣同鄉會指出台人在「歸附祖國」以後「自思必與祖國人民一視同仁，詎料待遇反不及敵寇，其用意何在，殊費索解。」要求長官公署電請中央迅飭汕頭

⁶⁴ 報紙記載為 13 名，缺林柏樑，這 13 名是由集中的台僑管理所被提出，押解到汕頭警察第三分局轉解究辦。《建國日報》（汕頭），1946 年 2 月 12 日 3 版。

主管機關速為查明釋放，俾可回籍。⁶⁵台灣行政長官公署在收文後，即將1月6日以前收押的王振謙等12名台人名冊，寄交汕頭當局，電請迅予查明其有無罪行。⁶⁶

此時看守所囚犯死亡率確實偏高，據媒體報導3月份犯人病死者24名，4月份40名，5月份40餘名，甚至看守所法警亦有4名感染傳染病死亡，看守所醫官侯心法亦染病。⁶⁷法院看守所死亡問題的嚴重，引發地方民意代表以及輿論的密切關注與討論。⁶⁸

在被囚台人中，李金木在四月中以前已經病故，⁶⁹陳瑞圖亦於獄中遭到其他資深犯人痛毆導致重傷，後由台灣同鄉會保外就醫，但仍因傷勢過重於5月17日逝世。⁷⁰或許是獄中囚犯死亡率高的關係，亦或者台人已有在獄中死亡案例，6月3日劉詠琴、侯德春兩人亦獲保外就醫。⁷¹

有的例子顯示各地部分台灣人在戰後潛逃他往，如台灣人林朝燦從廣州潛逃來汕，汕頭警方得到線報便將其逮捕移送法院審理。⁷²又如台人鍾日紅曾任汕頭市警局科長等職務，戰後逃回台灣，後台北地方法院檢察處受理鍾日紅殺人及戰罪一案，乃行文給汕頭市府，要求提供鍾日紅之罪證，以憑辦理。⁷³

同時汕頭報紙不斷報導有關逍遙法外台籍戰犯的消息，如《原子能報》曾有專欄追蹤報導一則駁艇意外事件，其中有十餘位台人，在發生意外後，僅男性三人生還，其中一人名鍾日釗，該專欄細數鍾日釗以往作為通譯所犯種種戰爭罪行，此外鍾氏又與陳萼娟、陳萼仙姊妹同居，得享齊人之福；抗戰勝利後，鍾氏匿居汕頭市海墘內街，但有知其藏匿處者，以其多金，乃不時予以勒索，均能如願，後鍾氏一度受召集中，之後遭到遣送返籍；鍾氏回台後以仍有財產在汕，保管於陳氏姊妹手中，於是乃又搭船返回汕頭，鍾氏本決定只帶姊妹陳萼娟及相關財物返籍，但在搭乘駁艇途中發生意外，陳萼娟及其他乘客滅頂，財物也沉落水底，鍾氏在游泳上岸生還後，乃改邀陳萼仙一同回台；專欄最後將陳萼娟與財物同時落海與杜十娘之百寶箱相比擬，認為「同一結果，海底孤魂，得勿飲恨年年

⁶⁵ 〈收旅汕台灣同鄉會籌備處主任委員官國幹呈文〉，1946年4月10日，台灣文獻館藏《台灣行政長官公署檔案》，檔號499200340096。

⁶⁶ 〈發閩粵贛邊區總司令部〉，1946年4月19日，台灣文獻館藏《台灣行政長官公署檔案》，檔號499200340088。

⁶⁷ 〈汕法院看守所犯人死亡〉，《汕報》（汕頭）1946年6月4日3版。

⁶⁸ 〈獄囚多斃之旁面影響〉，《原子能報》（汕頭）1946年6月22日2版。

⁶⁹ 〈在汕台胞被拘姓名表〉，台灣文獻館藏《台灣行政長官公署檔案》，檔號499200340090。

⁷⁰ 據說台灣同鄉會除報請檢查官派員驗屍外，並呈請將毆人囚犯究辦。《汕報》（汕頭）1946年5月18日3版。

⁷¹ 報紙記作劉韻琴，〈汕法院看守所犯人死亡〉，《汕報》（汕頭）1946年6月4日3版。

⁷² 〈台人林朝燦有嫌被拿〉，《原子能報》（汕頭）1946年4月20日3版。

⁷³ 〈台北地院函市府搜集鍾日紅罪證〉，《汕報》（汕頭）1947年5月30日3版。

乎？」⁷⁴

除此之外，也有台籍戰犯妻子亦因從事特務而遭到解送法院，⁷⁵也有報導其他漢奸犯曾經台人介紹擔任汕頭日本憲兵隊特務。⁷⁶或者報導在抗戰期間曾在汕頭活躍的台籍戰犯，如呂中原即是一例，《原子能報》曾刊出一篇講述呂中原生平及其下場的文章，有意思的是作者對於呂中原的性格才幹採取正面的敘述方式：「呂中原，一名河東修，籍隸台南，年約不惑，有幹才，能文字，嫻辭令，且素性慷慨，喜周人之急，故台人尊為領袖，實為虎俥中人才之傑出者，」⁷⁷原來呂中原先前曾在香港從事間諜工作，後於1939年隨日本粵東派遣軍參謀長大本大佐前來汕頭，任其私人秘書，後又擔任汕頭市善後委員會顧問、粵東綏靖噶辦公署副督辦，甚至督辦及後來市長周之禎亦為呂氏所推薦「於是華人及台人參加偽組織者，多奉呂為盟主，聲勢煊赫，不亞日人，以此遭偽委員會顧問官中澤等之忌，」1940年呂中原任改組後汕頭市政府參事，但由於此時大本大佐他調，呂遭到中澤等人排擠，乃離汕赴港；1941年呂中原又隨汪政權國府委員張永福來汕視察，一度在汕設立行政院僑務特派員公署，張自任特派員，派呂為參事兼管理處長，一時在汕頭極為活躍，但後來隨著張氏被派赴南洋宣慰僑胞，呂中原亦隨張氏前往越南，後於越南海防設立中南貿易公司；抗戰勝利後，呂氏一度擔任台民同鄉會會長，但隨著肅奸行動展開，呂氏亦於海防遭到逮捕，最後於羈押期間自殺，遺體由越妻領葬，其台妻則改嫁某軍人。

這篇文章是少見對於台籍戰犯生平報導甚為詳細的例子，而呂中原可算是在汕頭曾經活動最著名地位最高的台籍戰犯，甚至連汕頭市長都要聽他的擺佈，⁷⁸故其人雖然在戰後越南被捕且自殺，但汕頭媒體仍然追蹤報導他的生平及下場。

汕頭地區被拘捕台人後來多能獲得不起訴處分，如簡積玉、王振謙在4月以前便經高分院檢察處處分不起訴，予以交保釋放。⁷⁹後來有人在報紙批評在潮汕淪陷期間，「為虎俥之台籍戰犯，為數甚夥，未見判處，以平民憤。」如吳喜、陳馬鄭、簡積玉、王振謙等多名台人，因台籍關係未能構成漢奸罪「悉數予以輕

⁷⁴ 浮蒼〈陳萼娟沈沒百寶箱〉，《原子能報》（汕頭）1946年6月26日4版。

⁷⁵ 如劉耀寰（煌）的妻子趙惠與其父趙慶齡被肅奸處以漢奸罪解送法院。《汕報》（汕頭）1946年4月2日3版。

⁷⁶ 如陳谷丹曾由台人劉竹龍兄弟介紹充任汕頭日本憲兵隊二等密偵外派員。《汕報》（汕頭）1946年4月14日3版。

⁷⁷ 老夫，〈呂中原自戕越南〉，《原子能報》（汕頭）1946年6月29日2版。

⁷⁸ 後來汕頭市長周之禎在受審時，指出他是受呂中原之邀來汕任職，而他是服從日台人的命令，在1940年以前「日人作聯絡官，台人作通譯、秘書，一切的案件，都要經他們蓋章後始准照辦。」《原子能報》（汕頭）1946年6月19日3版。

⁷⁹ 在4月台灣行政長官公署電請汕頭方面查明有無罪行的〈在汕台胞被拘姓名表〉中，簡積玉、王振謙兩人上面有打勾記號，註明查緝，可知當時兩人已交保，且已有復行查緝的命令。〈行營分令所屬通緝簡積玉王振謙〉，《汕報》（汕頭）1946年8月9日3版；〈在汕台胞被拘姓名表〉，台灣文獻館藏《台灣行政長官公署檔案》，檔號499200340090。

縱，一時輿論沸騰，正氣為之黯然，寧不令人氣結。」認為這些台籍「諸僎」所犯罪行足以構成戰犯罪行，如廣州便有數十起台籍戰犯遭到求刑，比較起來，潮汕地區「豈能獨異！斯誠該輩虎俁之幸運，夫復何言！」該文更點名指出台人犯有戰罪者尚有漏網之魚，仍在汕頭市露面者如曾財、官阿聖、丘百宜等多名，呼籲有關單位迅予逮捕，之前輕縱者亦須勒保交人，科以戰犯罪，如此「不但人民夙恨能平，抑正氣之發揚，於國族前途，所關尤大也。」⁸⁰

或許是主張搜捕台籍戰犯的聲浪甚大，廣州行營也曾下令查辦通緝之前交保的簡積玉、王振謙，⁸¹但此後似無台籍戰犯在汕頭地區遭到捕獲。目前瞭解僅有上述 26 人中的兩名曾以戰犯罪名遭到起訴，一是劉耀煌，另一名是郭祖瑜。台人劉耀煌以戰犯罪名，於 1946 年 4 月 13 日由招商局海皖號解送廣州行營。⁸²後來經過廣州行轅審判戰犯軍事法庭審理判決無罪，於 1947 年 3 月 11 日交廣州台灣同鄉會保釋出獄。⁸³此外郭祖瑜亦曾經廣州行轅審判戰犯軍事法庭審判，以強佔財物罪行判處徒刑 7 年。⁸⁴

四、戰犯審判的過程與結果

廣東地區戰犯審判集中在廣州，1946 年 2 月廣州行營成立後，明確公開表示將成立審判日本戰犯法庭。⁸⁵而廣州地區戰犯處置情況又特別複雜，首先是嫌疑犯身份認定的問題，如上節所述，實務上廣州行營及其他機關同時間都在進行調查及接受檢舉密報，再陸續進行逮捕動作，在外國人嫌疑犯部分較為單純，都移送軍事法庭審理。但台灣人的身分較為特殊，在戰爭結束以前屬於日本國籍，戰後經過國府宣告恢復中華民國國籍，而戰後國府又有「懲治漢奸條例」，是以台人的戰爭罪行在其間便可能有不同處理的方式。

目前對於廣州戰犯審判的研究或資料調查，以茶園義男所編《BC 級戰犯軍事法庭資料——廣東編》與廣東省檔案館編的《日軍侵略廣東檔案史料選編》為主，但二者所得皆非全貌，根據檔案資料記載，台籍戰犯遭判處死刑並執行槍決者有陳添錦、姜延壽、李安等三人，其餘判處無期至有期徒刑者 6 人：

⁸⁰ 秉魚，〈台籍戰犯豈容輕縱〉，《原子能報》（汕頭）1946 年 7 月 13 日 2 版。

⁸¹ 〈行營分令所屬通緝簡積玉王振謙〉，《汕報》（汕頭）1946 年 8 月 9 日 3 版。

⁸² 饒宗頤，《潮州志匯編》，頁 702。

⁸³ 〈國民政府主席廣州行轅審判戰犯軍事法庭戰犯審判錄〉，《日軍侵略廣東檔案史料選編》（北京：中國檔案出版社，2005），頁 151。

⁸⁴ 國防部核准日期是 1947 年 12 月 7 日，預定刑期由 1946 年 1 月 12 日至 1954 年 9 月 18 日止。但〈國民政府主席廣州行轅審判戰犯軍事法庭戰犯審判錄〉，《日軍侵略廣東檔案史料選編》，頁 151。

⁸⁵ 《民族日報》（廣州），1946 年 2 月 9 日 3 版。

姓名	年齡	罪行	審判結果	國防部核准日期	執行日期	備註
楊阿漢	27	屠殺	無期徒刑	1947.8.18		
林茂春	36	傷害	1 年 6 月有期徒刑	1947.6.10	執行期滿開釋	
張坤地	52	傷害	11 年有期徒刑	1947.4.15	1957.2.23	商人
張兆安	34	搶奪財物	7 年有期徒刑	1947.7.28	1952.9.5	通譯
顏新富	34	濫施酷刑	15 年有期徒刑	1947.8.23	1961.3.31	華南憲兵
郭祖瑜	56	強佔財物	7 年有期徒刑	1947.12.7	1954.9.18	商人

資料來源：廣東省檔案館

經軍事法庭判決無罪者有 10 人：

姓名	年齡	罪行	處分日期	奉國防部核准日期	執行或遣送日期	備註
陳文蘭	37	供給日本彈藥		1947.5.1	1947.5.1	商人
劉耀煌	37	幫助殺人		1947.3.16	1947.3.11	店員
劉福清	34	傷害		1947.5.5	1947.5.17	
譚國華	46		1946.12.2	1947.3.26	1947.3.26	翻譯
廖樹木	27		1947.1.17	1947.4.1	1947.4.2	
鍾承傳	24		1947.1.15	1947.4.1	1947.4.2	
錢五	51		1947.4.9	1947.5.28	1947.5.29	商
林碩夫			1947.5.19	1947.6.21		不在押
王勝喜	34		1947.7.4	1947.8.21	1947.8.23	商
張錦助	29		1946.12.31	1947.3.19	1947.3.21	業農

說明：無罪者皆交由台灣同鄉會保釋；張錦助即林金城

資料來源：廣東省檔案館

經廣州行營審判戰犯軍事法庭審查核免列戰犯者有 14 人：

姓名	簽准日期	遣送日期	備註
林志光	1946.8.7	1946.7.15	
謝業龍	1946.8.7	1946.7.15	
陳丹培	1946.8.7	1946.7.15	
沈曉雯	1946.8.25	1946.8.25	
周忠	1946.8.25	1946.8.25	
陳安龍	1946.9.27	1946.10.14	
陳燦波	1946.6.25	1946.10.20	

邱振興	1946.6.12	1946.6.12	
涂洪林	1946.5.22	1946.8.21	
劉生	1946.7.5	1946.7.15	
張彩霖	1946.6.12	1946.7.15	
梁加升	1946.8.20	1946.8.20	
曾進壽	1946.7.18	1946.7.15	
鄭再添	1946.6.15	1946.7.15	

說明：皆交由台灣同鄉會保釋

資料來源：廣東省檔案館

此外台籍戰犯在審理過程中從拘押場所脫逃，如日本戰犯近藤新八在其 1946 年 5 月 1 日的獄中日記中便曾提到前一日兩名日本人一名台灣人逃走。⁸⁶而在檔案資料中記載有 5 名台籍戰犯脫逃：

姓名	年齡	職業	逃走時間	備註
林博義	37	醫務助手	1946.8.19	起訴後脫逃，呈報通緝在案
徐熊生	30		1946.8.20	起訴後脫逃，呈報通緝在案
陳信鳳	27	會社員	1946.6.25	起訴後脫逃，呈報通緝在案
李鴻圖	26	軍屬	1946.6.20	
林伯疇				

資料來源：廣東省檔案館

首先必須指出，上述台籍戰犯當事人，幾乎全部並非一開始便以戰犯罪名偵辦或起訴，例如張彩霖案，肅奸機關將此案送至廣東高等法院檢察處時（以下稱粵高檢），與其他漢奸案犯合併移送，粵高檢在完成偵察筆錄後，認為張彩霖曾任戰時廣東治安委員會復興處翻譯，自不適用懲治漢奸條例，將其移轉至廣州行營軍法處。⁸⁷類似的情形，後來被槍決的陳添錦是與其他 26 名嫌疑犯一併被移送至粵高檢偵辦，⁸⁸後來才轉為戰犯。

前述所判死刑共三人：陳添錦、姜延壽、李安：

姓名	年齡	罪名	國防部核准日期	執行日期	備註
陳添錦	26	殘殺人民推行毒品	1946.11.21	1946.11.25	商人
姜延壽	34	殺害平民	1947.7.31	1947.7.31	
李安	29	濫施酷刑	1947.4.16	1947.4.18	司機

⁸⁶ 茶園義男，《BC 級戰犯軍事法廷資料——廣東編》，頁 168。

⁸⁷ 〈粵高檢發廣東行營軍法處函〉，1946 年 2 月 13 日，廣東省檔案館藏《高等法院檔案》7-1-2004。

⁸⁸ 〈粵高檢發廣東行營軍法處函〉，1946 年 2 月 8 日，廣東省檔案館藏《高等法院檔案》7-1-2004。

在被判死刑的個案中，陳添錦，台灣新竹人，是廣州當地第一個遭判死刑的台籍戰犯，又名佐藤添雄，《大光報》對其起訴書作了詳細的摘錄：「被告原籍台灣，自幼受日本奴化教育，中毒甚深，全無祖國觀念，民卅二年來穗，被日本海軍武官肥後市次調充龍穴島漁船管理員兼該島警備隊長，助紂為虐，該島日軍曾逮捕中國平民數十人，指為游擊隊，被告親手殺害者亦有十餘人，並協助日軍販賣煙土，推行毒化政策。迨日降後，潛來本市河南大基頭歧興直街二號三樓居住，屢次偵訊雖不承認有殘殺行為，但被告在二方面軍肅奸會處及警察局供訊時，已曾任親手殺過六個游擊隊及三個漁民，並於其家中搜獲煙土單據一紙。」當法官詢問被告對起訴書有何辯論？陳添錦稱：「戰前係一商人，至民卅二年二月間被日本海軍徵用來市，充海軍雇員，及後由海軍大佐高田大山介紹，在渠公司充任事務員，該公司係商人集股經營，職務上時常來往廣州香港之間，絕無殘殺行為。」最後在法官傳喚證人陳述其曾充警備隊長，檢察官堅持證據確鑿後退庭。⁸⁹此案於兩週後宣判，陳添錦獲判共同殺人、販賣鴉片兩罪，各處以死刑，褫奪公權終身；⁹⁰判決後經呈奉國防部及廣州行營主任張發奎核准，陳添錦被判死刑後，廣州台灣同鄉會代理事長楊水龍等向廣州行營請求宥減更審，但行營批示：「案經判決，聽候國防部核准辦理，所請減輕，於法無據，應毋庸議，⁹¹於是乃於 11 月 25 日下午三時將陳添錦提堂驗明正身，押赴流花橋刑場執行槍決，陳添錦死時 26 歲，這是廣州地區審判戰犯槍決的第一人，報載「行刑時途人圍觀如堵，一時人心大快。」⁹²

陳添錦個案值得質疑的是一個年僅 26 歲的台籍戰犯，即使曾任龍穴島警備隊長，相較廣州地區眾多被押日華人戰犯來說，地位實在不高，而竟將其作為廣州戰犯審判第一執行死刑者，報紙亦予以密切關注報導，這實在不是尋常的事。

另一名台籍戰犯獲判死刑的李安，戰時擔任通譯，檔案內一說其為司機，其人列在肅奸委員會下令地方搜捕的名單之內，後經增城地方法院檢察處初步偵查，增城地檢處原擬移送粵高檢，但粵高檢認定李安犯罪時非中國人民，難以漢奸罪論處，要求增城地檢將其解送軍事機關辦理。⁹³最終李安獲判死刑，以一 29 歲司機獲判死刑，讓人對其犯罪事實感到好奇。

而此次戰犯審判中，更突顯了台籍戰犯對其自身身份的迷惑，涂洪林案在審訊時報紙的標題是：「公審台人涂洪林，竟自認願作日本人」，記載涂洪林受審經

⁸⁹ 《大光報》（廣州）1946 年 7 月 25 日 3 版。

⁹⁰ 《大光報》（廣州）1946 年 8 月 10 日 3 版。

⁹¹ 《越華報》（廣州），1946 年 8 月 29 日 2 版。

⁹² 《越華報》（廣州）1946 年 8 月 29 日 2 版。《大光報》（廣州）1946 年 11 月 25 日 8 版；《大光報》（廣州）1946 年 11 月 26 日 8 版。

⁹³ 〈粵高檢發增城地檢處指令〉，1946 年 3 月 25 日，廣東省檔案館藏《高等法院檔案》7-1-2004。

過：

「被告穿長西裝恤衫，足登木屐，態度摹仿日人，

推事吳□問：汝是否涂洪林？

答：是

問：多少歲？

答：卅四歲，

問：何處人？

答：台北人，

問：汝何以在檢察處供梅縣人？

答：民先代是梅縣的，

問：汝祖父是何名？

答：涂帝恩，

問：父親何名？

答：涂亞根，

問：汝是否中國人？

答：台灣人，

問：汝是否日本人？

答：已歸化日本，

問：汝若認日本人，即是戰爭罪犯，

答：知，

問：你何以識客家話？

答：台灣人有一部份是講客家話的，

問：與你同講潮州話的有多少人到廣州？

答：百餘人，

問：你是台灣人，何以打中國？

答：是被抽調出來的，

問：你既當兵，又何以為商？

答：因有病退伍，

問：你在軍當何職？

答：通譯，

問：現在台灣已入中國版圖，你願志願做中國人抑日本人？

答：中國人（停一會又供）日本人？

問：現在你在梅縣有無家庭？

答：無，

問：你父母現在何處？

答：父母及一子一女均在台灣，妻已死亡，

問：檢察官起訴書內說你是梅縣人，你承認否？

答：不承認。

詢至此，推事宣布此案要先調查被告國籍，再行審訊。」⁹⁴

涂洪林案是廣州報紙少見將台籍漢奸審訊經過公布的例子，其引人注目處在於涂洪林對於自己身份認同的猶豫，雖然明確知道若認是日本人即是戰爭罪犯，最終他只明白否認自己是梅縣人，但自己到底是中國人或日本人？被告跟法官當時都無法確認。按照上述表格，涂洪林最終京廣州行營審判軍事法庭審查核准免列戰犯，交由台灣同鄉會保釋出獄。

在目前可見檔案案例記載台籍嫌疑犯起訴移送審判的程序當中，可以發現廣東高等法院、軍法機關甚至其他單位對於台人涉及戰爭罪行所應論罪及其管轄法院曾有一段摸索磨合的過程，大致可以發現 1946 年 2 月是一個轉折點，在此之前處理的台籍案件，司法及軍法單位似乎有簡單的分工，認為台籍嫌疑犯如有軍人身分始歸軍法單位審理，如無軍人身分則歸粵高檢偵辦起訴，例如林清義案便是在此摸索磨合過程中產生的特殊人球案件。

林清義 48 歲台灣人，住廣州廣大陸一巷 11 號地下，到廣州七年，作車衣工作，在漢民北路開設牡丹洋服店，於 1945 年 11 月 13 日被第二方面軍第二軍法總監部拘捕，羈押了兩個月後，1946 年 1 月 16 日軍事檢察官對其召開偵查庭，同日第二軍法總監部電告粵高檢，以林清義並無軍人身分，自不屬軍法審判，將其解送粵高檢；1 月 23 日粵高檢致函給第二方面軍受降接收委員會台籍官兵集訓總隊，以林清義被告漢奸案要難適用懲治漢奸條例，要求解送該總隊查收；可能是沒有得到回應，兩天後 25 日上午 10 時粵高檢派員提解林清義及另一名台籍張兆安前往台籍官兵集訓總隊，遭到拒收，因此下午 3 時還押，台籍官兵總隊並有回函粵高檢說明該隊係接收日俘集中營之台籍官兵集中訓練，任何機關送來者皆不受理，且林張二人係屬台灣僑民身分，既訊明不是用懲治漢奸條例，建議轉解台灣同鄉會辦理；最後粵高檢只好又將林清義案丟回第二軍法總監部，表示林氏不適用漢奸案，惟此種人犯未便輕予釋放，故將人犯連同案卷送還，根據檔案中所附收據，第二軍法總監部收回了此案，於是經過了兩周的折騰，林清義案又被送回軍法單位。⁹⁵

張兆安案是經戰犯審判起訴判刑的一個例子，最初處理過程與林清義案類似，張兆安 34 歲，到廣州已有 6 年，商人，已婚有一子二女，其被控於戰時擔任通譯帶同日人前往南雄搶奪菸葉，在軍事檢察官審訊時，張氏否認擔任嚮導，在確認身分時，張氏堅持自己在台灣出生，母親仍在台灣，對於擔任日軍通譯一事，張氏只承認 1945 年 4 月 12 日曾受要求擔任曲江貨物廠通譯一次，協助採購菸葉；經軍事檢察官傳喚證人南雄菸業公會代表陳藻光，指證張氏帶同日人齒井前往南雄搶奪 8 千餘件菸葉，並未付費屬實；據上軍事檢察官再審訊張氏時，張氏承認日軍使其作通譯，至於錢數多少他不負責，沿途強奪菸葉及紙把係日軍之事張氏堅稱有交付 60 餘萬偽幣給當地維持會，收據在日人池井處；於是 1945

⁹⁴ 《中正日報》（廣州）1946 年 11 月 22 日 3 版。

⁹⁵ 各文件參看廣東省檔案館藏《高等法院檔案》7-1-2617。

年12月30日第二軍法總監部致電粵高檢，以張兆安非現役軍人，應移轉高院審判，1946年1月31日粵高檢將張兆安案又送回給第二軍法總監部。⁹⁶

此案值得注意的一個插曲是張兆安的家人通過台灣同鄉會向粵高檢遞送陳情書，提及張兆安之所以被控，是因為日軍投降之初，張氏希望將店內貨品售賣變現，於是聯繫朋友介紹買家交易，不料該買家盧偉竟帶同警備隊18人各懷手槍前來，不但將張氏家中所有財物洗劫一空，更將張氏毒打數次，並勒索贖金數百萬元，張同意後始獲釋放，但張籌不出贖款，於是彼等便捏告張氏欠款，使張遭到拘押，陳情當時已被押數月審訊5次，皆無結果。⁹⁷如上述表格張兆安案最後仍遭戰犯法庭判處7年有期徒刑。

綜合檔案記載案例顯示，在1946年2月以後粵高檢方面似乎形成統一見解，即台灣人不適用漢奸罪，而軍法部門也改變之前台籍嫌疑犯非軍人即不審理的態度，所以此後只要台籍嫌疑犯涉及戰爭罪行便移送軍法，如為一般刑事犯罪則由粵高檢審理。

周忠案是跨越上述認定轉折的極佳案例，周忠台灣台北人，43歲，居住廣州市珠光路倉前街蓑衣巷3號2樓，在台時原住台北市南門町六丁目四十二番地，17歲時由父親帶來大陸經商，1939年被日軍徵調來廣州做馬伕，3年後到大來洋行工作，1945年10月間遭控盜匪被拘押，控訴他在廣州光復初期盜劫珠光路倉前街常源糕粉廠，後又向該店司理強借2萬元，後因在警察局審訊期間，周氏遭到毆打以致被迫承認擔任過日本憲兵密偵，於是此案又節外生枝，被送至第二軍法總監部處理；1946年1月12日第二軍法總監部以周忠非現役軍人，在漢奸嫌疑部分移送粵高檢收；粵高檢在經過偵查傳證後，發現周忠盜匪罪嫌已經廣州地方法院判處無罪，而此間對於台籍案犯不是用漢奸罪件解已經形成，於是經過數月周折，1946年5月1日粵高檢發函廣州行營軍法處，以周忠不能依懲治漢奸條例予以受理，將此案移交給廣州行營軍法處。⁹⁸

所以周忠案經歷了刑事的搶劫罪、漢奸罪審理，獲得無罪判決及不受理，最後仍送到戰犯法庭審理，最後在被拘押了10個月以後，周忠獲得戰犯法庭核准免列戰犯保釋出獄。

而台籍戰犯的所謂罪行與其刑度，是否真的合乎比例？其與漢奸罪區別何在？例如鄧達人案當事人從1943年前來廣州經商，經營銅鐵錫礦及布料，賣與日本洋行，被認為運輸敵國製造軍用品，經粵高檢提起公訴，其妻妄揚言要對法院重金行賄，值得注意的是此案卻並非以戰犯罪論處。⁹⁹

⁹⁶ 各文件參看廣東省檔案館藏《高等法院檔案》7-1-1078。

⁹⁷ 〈粵高院發粵高檢公函〉，1946年2月8日，廣東省檔案館藏《高等法院檔案》7-1-2004。

⁹⁸ 各文件參看廣東省檔案館藏《高等法院檔案》7-1-1228。

⁹⁹ 《越華報》（廣州），1946年10月5日5版。

結論

戰後廣東地區的戰犯審判並非獨立的事件，其與肅奸及漢奸罪名是密切關相關的，台籍戰犯一開始其實是循著肅奸的程序遭到調查與逮捕，有部分最後案情升高轉至軍事法庭而成為戰犯嫌疑犯。

戰後可以接受檢舉、進行調查甚至進行逮捕(會同警察)的單位甚多，除了肅奸各機關外，各軍隊軍法單位、法院等司法單位、地方政府等都可能參與其中，而開放人民檢舉更加劇肅奸的風潮。而台灣人此時在廣東處境甚為不利，當地社會對其甚為仇視，再加上不肖分子伺機予以搶劫勒索，使得不少台人淪入牢獄之災，遭到刑事罪漢奸罪戰犯罪等罪嫌的偵查甚至起訴，固然台籍戰犯判決有罪者數量不多，但被拘押時間均達數月以上，對於無辜者來說時屬無妄之災。

所謂戰爭罪行在廣東台籍戰犯審理上，較日人更有爭議，目前遭到判決有罪者多數均無軍職，其餘多為通譯或商人，因與日人合作或共犯於是遭控戰犯，但是亦有案例顯示同樣行為卻不一定以戰犯論罪，因此戰犯論罪量刑的標準是很值得商榷的問題。

不少案例證明廣東地區的司法及軍法部門最初對於台籍嫌疑犯的身分認定，及漢奸戰犯審理歸屬也曾有疑惑，但從 1946 年 2 月以後雙方逐漸形成共識，就戰犯審判來說廣州行營軍事法庭認定台籍戰犯標準後來趨向較嚴，共有 24 人獲判無罪獲得核准免列戰犯，對於這些當事人及其家庭來說可謂不幸中之大幸。

然而就獲判有罪案例來看，不乏量刑過重之嫌，誠如前述有司機與通譯獲判死刑，但販賣鴉片或疑似替日方擔任間諜者卻可逍遙法外，或者不以戰犯論處，當時便有輿論大加撻伐，今日看來仍有不盡合情合理之處。

本文對於台籍戰犯審判提供一區域案例，但甚願在此提出進一步的提問，戰後的戰犯與漢奸審判，中國軍法及司法部門內部是否存在標準認定與討論，包括中央層級的司法與軍法部門當時是否有過對話？對於台籍戰犯審判是否存在一全國性的標準？或者廣東地區個案與其他地區有很大的歧異？在此提供學界作梗多的思考。

**藍適齊：Crime of Interpreting:
Taiwanese Military Interpreters as
War Criminals (英文)**

翻譯致罪：二次大戰後受到國際戰犯審判的台籍戰地譯者*

Crime of Interpreting: Taiwanese Military Interpreters as War Criminals

藍適齊 Shi-chi Mike Lan

National Chung Cheng University, Taiwan

摘要

二次大戰結束後，同盟國對軸心國進行了大規模的戰犯審判。在廣為人知的甲級戰犯(東京/紐倫堡審判)之外，各同盟國另外審判了超過 5,000 名的乙/丙級日籍戰犯，並將其中的 4,400 餘人判刑執行。鮮為人知的是，這當中包括了 173 名的台灣籍戰犯，而其中有 21 人遭判處死刑並處決。截止目前為止，少數有關台籍戰犯的研究多把研究重點放在台籍戰犯曾擔任過日軍俘虜營守衛，看管盟軍俘虜的經驗。但是值得注意的是，在這 21 名遭判處死刑並處決的台籍戰犯當中，有超過半數的 11 人受徵招上戰場的身分是通譯。本論文根據日本、台灣，以及澳洲所收藏的檔案資料發現，這些台灣人通譯大多隸屬於在東南亞以及華南各處日軍佔領地執行任務的憲兵隊。而在法庭上，台灣人通譯被指控的罪名則多為涉嫌對當地居民進行拷問虐待致死。本文同時也發現，多位遭判處死刑的台籍俘虜營守衛，在戰爭期間也被指派擔任翻譯的工作。無論是台灣人通譯或是擔任翻譯工作的台籍俘虜營守衛，他們之所以在戰場上被指派擔任此項工作，最主要的原因都是他們具備其他日本官兵所沒有的語言能力，包括中文以及其他的東南亞語言(例如馬來語)。以此，本文推論雖然台灣人戰犯被定罪的原因並不是通譯這項職位或是擔任翻譯工作，但是出任通譯或是擔任翻譯工作確實是導致這些台灣人成為戰犯的一項關鍵因素。

Personal

*Research for this paper was sponsored by grants from the following projects: 在國際戰犯審判中的台籍戰犯：被殖民者的戰爭與對「殖民戰爭責任」的一個新思考。國科會一般型研究計畫(個別型)，計畫編號：NSC102-2410-H-194-015-，2013 年 8 月—2014 年 7 月；“Post-World War Two Trials of the Taiwanese War Criminals”，Japan Society for the Promotion of Science 日本學術振興會(KAKENHI 23720356, Grant-in-Aid for Young Scientists B)，2011-2014；Research Grant for Project Professor, Graduate School of Arts and Sciences, College of Arts and Sciences, the University of Tokyo, Japan, May—August 2010

Abstract

During the Second World War, more than 200,000 Taiwanese—as colonial subjects—were recruited to serve in the Japanese military across Asia-Pacific. After the war, 173 were convicted as war criminals and among them 21 were executed. Among the 21 executed Taiwanese war criminals, 11 were convicted and consequently executed for crimes committed while serving as “military interpreters” during the war. The United Kingdom convicted and executed the most of them (6); 3 by the Republic of China; and 2 by the Netherlands. In addition, there were a handful of Taiwanese interpreters convicted as war criminals and having served various degrees of prison term after the war. While their number is small, the trials and punishment of these Taiwanese interpreters as war criminals provide a new perspective to understand the history of interpretation/interpreters in colonial context. Utilizing archival materials of Taiwanese colonial authorities (pre-1945) and Japan’s Ministry of Foreign Affairs (postwar), this paper first analyzes the cultural-social significance of Taiwanese serving as “military interpreters” under the Japanese colonial structure. Furthermore, this paper examines those cases of Taiwanese interpreters as executed by the United Kingdom, China, and the Netherlands. Trial records shows that most Taiwanese interpreters were convicted of crimes committed against “local civilians”. In addition, this paper studies several cases of Taiwanese put on trial by the Australian courts. It finds that while these Taiwanese were originally recruited as laborers, they were assigned to interpretation duty in the battlefields because of their language proficiency. This paper concludes that language proficiency and interpretation duty brought/forced Formosans serving in the Japanese military into a difficult position in the battlefields during the war as well as in the court rooms of war crime trial after the war.

After the Second World War ended in 1945, the Allied countries conducted extensive war crime trials against Germany and Japan. While post-war trials of the major (Class A) war criminals, such as the Nuremberg Trial and (to a much lesser degree) the Tokyo Trial, continue to attract a good deal of scholarly attention more than half a century after the trials,¹ trials of the minor (Class B/C) war criminals have been relatively under-studied.² In spite of their much larger number—more than 4400 were convicted,³ Class B/C war criminals have received disproportionately little attention in the academia.

¹ For example, see recent works on the Nuremberg Trial by Robert E. Conot, *Justice at Nuremberg* (New York: Harper & Row, 1983); Ann Tusa and John Tusa, *The Nuremberg Trial* (New York: Atheneum, 1984); Joseph E. Persico, *Nuremberg: Infamy on Trial* (New York: Penguin, 1994); Michael R. Marrus, *The Nuremberg War Crimes Trial, 1945-46: A Documentary History* (Boston: Bedford Books, 1997); Eugene Davidson, *The Trial of the Germans: an account of the twenty-two defendants before the International Military Tribunal at Nuremberg* (Columbia: University of Missouri Press, 1997); Whitney R. Harris, *Tyranny on Trial: The Trial of the Major War Criminals at the End of World War II at Nuremberg, Germany, 1945-1946* (Dallas: Southern Methodist University Press, 1999); Guénaél Mettraux, ed., *Perspectives on the Nuremberg Trial*. (Oxford: Oxford University Press, 2008). For the Tokyo Trial, see Tim Maga, *Judgment at Tokyo: The Japanese war crimes trials* (Lexington: University of Kentucky Press, 2001); Yuma Totani, *The Tokyo War Crimes Trial: the pursuit of justice in the wake of World War II* (Cambridge, MA and London: Harvard University Asia Center, 2008); Kayoko Takeda, *Interpreting the Tokyo War Crimes Trial: A sociopolitical analysis* (Ottawa: University of Ottawa Press, 2010). Interest in the Tokyo Trial is further extended by personal account of persons who were involved in the trial, see for example Drexel A. Sprecher, *Inside the Nuremberg Trial: A Prosecutor's Comprehensive Account* (Lanham, Md.: University Press of America, 1999); Norbert Ehrenfreund, *The Nuremberg Legacy: How the Nazi War Crimes Trials Changed the Course of History* (New York: Palgrave Macmillan, 2007); Elaine B Fischel, *Defending the Enemy: Justice for the WWII Japanese war criminals* (Minneapolis: Bascom Hills Books, 2009).

² The few exceptions are works by Philip Piccigallo, *The Japanese on Trial* (Austin, Texas: University of Texas Press, 1979); Alan B. Lyon, *Japanese War Crimes: The Trials of the Naoetsu Camp Guards* (Loftus, Australia: Australian Military History Publications, 2000).

³ A total of 5700 were put on trial, and 4403 were convicted. See 法務大臣官房司法法制調査部編刊, 『戦争犯罪裁判概史要』, 1973, 266-269頁, 轉引自内海愛子, 『キムはなぜ裁かれたのか: 朝鮮人BC級戦犯の軌跡』, 東京都: 朝日新聞, 2008, 7頁。

Among the Japanese Class B/C war criminals, it is particularly worth noting—though often neglected—that there were a significant number of former colonial subjects, namely Taiwanese/Formosans and Koreans who served in the Japanese military during the war. Not surprisingly, these Taiwanese/Formosans and Koreans war criminals have been rather marginalized if not neglected in historiography.⁴ According to existing documents, 173 Taiwanese were convicted in war crime trials after the war. Among these Taiwanese war criminals (TWCs), 26 were sentenced to death (and 21 were consequently executed).⁵ In comparison, there were a total of 148 Koreans war criminals (KWC), among them 23 were sentenced to death.⁶

To add: Background of TJS and wartime mobilization in Taiwan⁷

It is worth noting that in comparison, the total number of war criminals, the number of war criminals sentenced to death, and the impact of war recruitment and war crime trials on the population of Taiwan as a whole are greater among the Taiwanese than the Koreans. Yet,

⁴ Zhong Shumin has written several works on this topic, see Zhong Shumin, “Fulu shourongsuo: jindai taiwanshi de yiduan beige [Prisoners of war interment camps: a sad story in modern Taiwan history]”, in Cao Yonghe xiansheng bashi shouqing lunwenji bianji weiyuanhui, ed., Cao Yonghe xiansheng bashi shouqing lunwenji [papers compiled in honor of the eightieth birthday of Mr Cao Yonghe] (Taipei: Lexue shuju, 2001), pp.261-288 鍾淑敏。2001, 〈俘虜收容所——近代臺灣史的一段悲歌〉, 收於《曹永和先生八十壽慶論文集》, 頁 261-288。臺北: 樂學書局; 鍾淑敏, 2008, 〈POW—日本帝国の祭壇に祭られた犠牲者たち〉, 發表於日本早稻田大學台灣研究所與中央研究院亞太專題計畫中心合辦「東アジアの中の日本と台湾」研討會, 早稻田大學, 2008年3月18-19日; and Zhong Shumin, “Zhanzheng zuifan yu zhanhou chuli: yi fulu shourongsuo jianshiyuan wei zhongxin [war crime and postwar settlement: focusing on the guards at prisoners of war interment camps]”, paper presented at the International Conference on Social and Economic Transformation in Postwar Taiwan, Institute of Taiwan History, Academia Sinica, Taipei, December 23-24, 2009. In addition, Li Zhanping has conducted extensive interview with former TSJ and published two books based on oral history, see Li Zhanping, *Qianjin poluozhou: taiji zhanfu jianshiyuan* [Going to Borneo: Taiwanese-native guards of prisoners of war] (Nantou: Guoshi guan Taiwan wenxian guan 國史館台灣文獻館 Taiwan archive section, Academic Historica, 2005), and Li Zhanping *Zhanhuo wenshen de jianshiyuan: taiji zhanfu beige* [Camp guards tattooed by the war: Taiwanese prisoners of war] (Nantou: Guoshi guan Taiwan wenxian guan, 2007).

⁵ The number of Taiwanese war criminals sentenced to death is given as 26 in most accounts; see Zhong 2001, p.262 and Li 2005, pp.4, 6. However, the Japanese source that is quoted by Zhong further explains that 5 of the 26 were those who died, of illness or suicide, during imprisonment. See 東京裁判ハンドブック編集委員會編, 東京裁判ハンドブック tokyo saiban handobukku (Tokyo: Aoki, 1989), p.225. This account is confirmed by the Name List of Korean- and Taiwanese-native War Criminals, an official record compiled by the Bureau of Repatriation and Emergence Aid of Japan's Ministry of Health and Welfare (Kosei-sho) in 1955 (hereafter as *MHW Name List*) 日本厚生省引揚援護局, 《韓國臺灣出身戦争裁判受刑者名簿》(昭和30年12月1日現在), in which 2 under the Australian jurisdiction were listed as “death from accident”, 1 under the Australian jurisdiction was listed as “death from illness”, 1 under the Australian jurisdiction was listed as “death from suicide”, and 1 under the Chinese jurisdiction was listed as “death from illness” (pp.36-38). Thereby, this paper confirms the number of TWC actually executed as 21.

⁶ *MHW Name List*, p.4. The number is identical to the number given in other scholarly works, see Utsumi Aiko 内海愛子 1982, 朝鮮人BC級戦犯の記録 chosenjin bishikyū senpan no kiroku (Tokyo: Keisoshobo 勁草書房, 1982), p.ii; and 東京裁判ハンドブック編集委員會編, 東京裁判ハンドブック tokyo saiban handobukku (Tokyo: Aoki, 1989), p.225.

⁷ 近藤正己著, 許佩賢譯, 〈對異民族的軍事動員與皇民化政策——以臺灣軍夫為中心〉, 《臺灣文獻》46:2, (1995, 6); 近藤正己, 『總力戦と台湾: 日本植民地崩壊の研究』(東京: 刀水書房, 1996); 周婉窈, 《海行兮的時代: 日本殖民統治末期臺灣史論集》(臺北: 允晨文化實業股份有限公司, 2003)。

in existing scholarship, especially in Japanese scholarship, Korean war criminals (and Korean-native Japanese soldiers or KJS in general) have received a much greater attention than Taiwanese war criminals (and TJS).⁸ This issue is not only significant in the historiography of Taiwanese history and Korean history; it is also significant in writing the colonial and wartime/post-war history of Japan.

Having said that, it should be pointed out that in recent year, scholars have made significant progress in writing about Taiwanese war criminals. For example, in studying the history of Taiwanese POW camp guards,⁹ Zhong Shumin first points out that after the war many Taiwanese camp guards were tried and consequently punished as Class B/C war criminals. She adds that most of the 173 Taiwanese tried as war criminals were former camp guards.¹⁰ In Li Zhanping's work of oral history, most of the former TJS interviewed by Li had been tried and consequently punished as Class B/C war criminals after serving as camp guards in northern Borneo.¹¹ One of Li's works also provides an account of court records related to Taiwanese Class B/C war criminals.¹² While these recent studies of Taiwanese POW camp guards touch on the issue of Taiwanese war criminals, very few works have been devoted to the study of the TWCs as a group and fewer to the study of TWCs' wartime activities—or alleged crimes—beyond POW camp guards.

Based on the records available today, Taiwanese war criminals were put on trials at military tribunals by five different Allied countries: Australia, China, Holland, the United Kingdom, and the United States. Among them, Australia passed sentence on the greatest number of Taiwanese war criminals (95), followed by China (41), the United Kingdom (26), the Netherland (7), and the US/the Philippines (4).¹³ In war crime trial documents, various "acts of crime" committed by the TWCs have been recorded. While these acts represent only a fragment of what happened during the war, these records do provide us a chance to further understand what sort of activities TWC—and more broadly the TJS in general—had been involved during the war. What exactly did these TWCs do (more precisely, were *assigned* to do) during the war? What action was later accused of and considered as an act of war crime? One critical way to answer the above questions is to look at the job profile (and designation) of the TWCs as recorded in various official and/or trial documents.

⁸ For examples of monographs on KWCs, see 内海愛子、村井吉敬『赤道下の朝鮮人叛乱』勁草書房、1980年;内海愛子『朝鮮人BC級戦犯の記録』勁草書房、1982年;山本七平『洪思翊中将の処刑』文芸春秋、1986年;内海愛子『朝鮮人「皇軍」兵士たちの戦争』岩波書店(岩波ブックレット)、1991年;洪鐘黙(金蓬洙訳)『泰緬鉄道—朝鮮人捕虜監視員の手記』ぽんそんふぁ編集部、1991年;内海愛子 and 韓国・朝鮮人BC級戦犯を支える会、『死刑台から見た二つの国—韓国・朝鮮人BC級戦犯の証言』梨の木舎、1992年。In 岩川隆『孤島の土となるとも—BC級戦犯裁判』講談社、1995年, the discussion of KWCs also outweighs that of TWCs, see pp.777-789. For further reference, see information compiled by 韓国・朝鮮人元BC級戦犯者「同進会」を応援する会, available at <http://kbcq.web.fc2.com/siryo/siryo-bunken1.html#>.

⁹ For works on the general condition of POWs under the Japanese, see Gavan Daws, *Prisoners of the Japanese: POWs of World War II in the Pacific* (New York: William Morrow, 1994); Philip Towle, Margaret Kosuge, and Yoichi Kibata, eds., *Japanese Prisoners of War* (London: Hambledon and London, 2000)

¹⁰ Zhong 2001, p.262.

¹¹ Li 2005, p.11.

¹² Li 2005, pp.203-238; these records are translated by Xu Xiqing, supposedly based on documents compiled by Japanese scholar Chaen Yoshio. See works by Chaen Yoshio,

¹³ 日本厚生省引揚援護局,『韓国臺灣出身戦争裁判受刑者名簿』(昭和30年12月1日現在),4頁。

Scholars have pointed out that most of the 173 Taiwanese war criminals were former camp guards of the Allied prisoners of war (POWs) in Southeast Asia.¹⁴ And in the existing studies of former Taiwanese camp guards, it has been further pointed out that among these Taiwanese camp guards who were tried as war criminals, 8 were sentenced to death.¹⁵ The *Name List of Korean- and Taiwanese-native War Criminals*, an official record compiled by the Bureau of Repatriation and Emergence Aid of Japan's Ministry of Health and Welfare (Kosei-sho) in 1955 (hereafter *MHW Name List*), an detailed document compiled by the Japanese authority in charge of veteran affairs, also confirms that the majority of Taiwanese (and Korean) war criminals were former POW camp guards,¹⁶ followed by "interpreters" working for military police, and then "ordinary people". However, A closer look at the *MHW Name List* shows that in terms of the wartime designation and job profile of those Taiwanese war criminals who were sentenced to death, 9 POW camp guards were sentenced to death (number by countries: 1 by the United States, 8 sentenced to death by Australia but only 4 were executed).¹⁷ In comparison, the group of "interpreters" is no less significant than POW camp guards: a total of 11 "interpreters" were sentenced to death and executed (6 by Great Britain, 2 by Holland, 3 by China).¹⁸ The rest of TWCs executed consisted of 3 auxiliary military personnel who worked at warehouses, 2 police officers, and 1 businessman (please refer to Appendix I).¹⁹

While existing scholarship and oral history have studied and provided a better understanding of Taiwanese war criminals who had served as POW camp guards,²⁰ very few scholarly works have examined the Taiwanese "interpreters" in military service,²¹ in spite of the fact that working as interpreter has been recognized as one of the major motivations behind Taiwanese overseas activities.²² Furthermore, so far no work on war crimes has provided any explanation to the high number of former "interpreters" sentenced to death. While the killing and/or ill treatment of the Allied POWs has been identified in war crime tribunals—later understood as acts forced under command and/or coercion from higher Japanese military authorities in scholarly works—as the major reason behind the death

¹⁴ Zhong 2001, p.262; Li 2005, pp.6-7.

¹⁵ The number is 8 from a chart compiled by Zhong Shumin, based on 3 different works of war crime documents compiled by Japanese scholar Chaen Yoshio; see Zhong 2001, pp.280-281.

¹⁶ 日本厚生省引揚援護局, 《韓國臺灣出身戰爭裁判受刑者名簿》(昭和30年12月1日現在), 2頁。

¹⁷ 日本厚生省引揚援護局, 《韓國臺灣出身戰爭裁判受刑者名簿》(昭和30年12月1日現在), 4頁。

¹⁸ It should be pointed out that in other accounts, 2 of the 6 TWCs executed by Great Britain in Kuala Lumpur are listed in trial records as "employees [C: guyuan]", 1 in Singapore is recorded as "assistant [C: zhutuo]", and the other 3 in Penang are "interpreters [C: tongyi]". See Chaen 1988, pp.113, 121, 123, and Chaen 1989, pp.160, 248-249.

¹⁹ 日本厚生省引揚援護局, 《韓國臺灣出身戰爭裁判受刑者名簿》(昭和30年12月1日現在), 36-38頁。

²⁰ For works in Chinese, see Zhong 2001, Li 2005, and Zhong 2009. In comparison, there are many more Japanese works on the topic of Koreans serving as POW camp guards during the war, see note 6.

²¹ One exception is Xu Xueji's work that studies the general condition of Taiwanese serving as interpreters during the Japanese colonial period, see Xu Xueji, 〈日治時期台灣的通譯〉, 《輔仁歷史學報》, 第18輯, 2006, 頁1-35.

²² Xu Xueji 許雪姬, 〈日治時期台灣的通譯〉, 《輔仁歷史學報》, 第18輯, 2006, 頁1-35

sentence handed down to most Taiwanese camp guards,²³ no reason has been clearly defined or identified to explain the death sentence handed down to Taiwanese “interpreters” in military police forces. Zhong Shumin points out, in her most recent work on POW camps and Taiwanese camp guards, that many Taiwanese interpreters were prosecuted and later received severe sentence in war crime tribunals in China, Indonesia (the Dutch courts), and Malaya (the British courts). Zhong further identifies that the charges against these interpreters were often recorded in the available fragmented court records simply as “abuse” or “killing” of local residents.²⁴ But what exactly these “interpreters” did during the war that was later considered as a sufficient ground to indict them as war criminals and to sentence some of them to death? And why and in what context did these “interpreters” change their job responsibilities from undertaking interpretation, supposedly between the Japanese military/police forces and local residents, to committing “abuse” or “killing”? This paper will utilize archival materials and try to provide a fuller picture of Taiwanese war criminals who served as “interpreters” during the war.

Interpreters in general have attracted a great deal of scholarly attention. Many—if not most—interpreters recognized, and thereby studied by scholars, are individuals who interpreted for “great men”, such as the interpreters of Napoleon, George Washington, and Woodrow Wilson;²⁵ some were themselves close to become “great men” as they also served as diplomats.²⁶ As scholars point out, “Interpreting and diplomacy have tended to overlap”.²⁷ However, interpreters were required in many other occasions. In the time of wars, for example, interpreters were deployed long before diplomatic efforts came in to settle conflicts, and long after military conflicts were ceased. They were indispensable in occupation of a foreign land (and its people), in capture and interrogation of enemy soldiers, and in intelligence work, just to name a few examples.²⁸ But similar to the “unknown soldiers”,

²³ See personal account and recollection by former Taiwanese war criminals in Li 2005, p.14, 42-43, 56, 89, 91, 134. Scholars also made the same conclusion based on court records and archival materials, see Li 2005, pp.116-121, 138, 142, 153-154; Zhong 2001, pp.279-287; and Zhong 2009, pp.1, 11.

²⁴ Zhong 2009, pp.5-7.

²⁵ Jean Delisle and Judith Woodsworth, eds., *Translators through History* (Amsterdam: J. Benjamins, 1995), pp.267, 270

²⁶ Jean Delisle and Judith Woodsworth, eds., *Translators through History* (Amsterdam: J. Benjamins, 1995), pp.269-272

²⁷ Jean Delisle and Judith Woodsworth, eds., *Translators through History* (Amsterdam: J. Benjamins, 1995), p.274.

²⁸ See recent studies by Myriam Salama-Carr, ed., *Translating and Interpreting Conflicts* (Amsterdam and New York: Rodopi, 2007); Hilary Footitt and Kelly, Michael, eds., *Languages and the Military: Alliances, Occupation and Peace Building* (Basingstoke: Palgrave Macmillan, 2012), particularly Part IV. Alice Kaplan has produced two fascinating accounts of military interpreters in France in the Second World War, see *The Interpreter* (University of Chicago Press, 2005); and Louis Guilloux (Alice Kaplan, trans.) *Ok, Joe* (University of Chicago Press, 2003). For studies of wartime interpreters in the Asian context, see Hyung-ju Ahn, *Between Two Adversaries: Korean Interpreters at Japanese Alien Enemy Detention Centers during World War II* (Fullerton, California: Oral History Program, California State University, 2002); Yong Hyun Kim, Susanne Kim Nelson ed. *Into the Vortex of War: A Korean Interpreter's Close Encounter with the Enemy*. (Author House, 2008); 王宏志, 第一次鴉片戰爭中的譯者, 翻譯史研究 2011; 下篇: 英方的譯者, 翻譯史研究 2012; 關詩珮〈翻譯與調解衝突: 第一次鴉片戰爭的英方譯者費倫(Samuel T. Fearon, 1819-1854)〉《中央研究院近代史研究所集刊》第七十六期(2012年6月)

interpreters in war were often forgotten once the war ended, and thereby hardly recorded, recognized, or studied.

In this paper, I will discuss two groups of Taiwanese military interpreters who were tried as WCs after the war. **Group 1** consists of TWCs who had **interpreter status** during the war. They were TWCs recruited and designated as interpreters (*tongyi*). A number of TWCs who served as interpreters under the Japanese military police (*kempetai*) during the war and were tried and convicted after the war in the British and Dutch (and Chinese) courts constitute this group.

As mentioned earlier, 11 out of the 21 executed TWCs had the job classification as “interpreters”通譯; 6 were convicted and executed by the United Kingdom, 3 by ROC, and 2 by the Netherland (please refer to *Appendix II*).²⁹ If we look more closely at each Allied country’s trial, in the British trials, a total of 6 TWCs were convicted and executed between 1946 and 1948, and all of the 6 were interpreters. In addition, the British courts convicted 3 more Taiwanese interpreters (sentenced for imprisonment of 6 months, 3 years, and 8 years respectively). In the ROC trials, a total of 5 TWCs convicted and executed, and 3 of them were interpreters. In the Dutch trials, a total of 2 TWCs convicted and executed, and both of them were interpreters. These numbers show that the rate of conviction of death sentence was unusually high among TWCs who served as interpreters during the war.

In terms of job portfolio, 3 out of the 6 TWCs-military interpreters executed by the British served with the Penang Military Police (*kempetai*); one served with the Kuala Lumpur Military Police; one served in the military forces in Car Nicobar Island; the other served with the police force in Kuala Besut, Malaya.³⁰ The other 3 TWCs-military interpreters convicted to various terms of imprisonment in the British trials served respectively with the Penang Military Police³¹, Borneo Military Police³², and Singapore Military Police.³³ Conspicuously, Taiwanese who served as military interpreters were closely associated with the Military Police. It is well-recognized that during the Second World War, Japanese Military Police was widely deployed in the occupied areas to be in charge of maintaining social order, more often than not through means of terror against local residents. And this is consistent with the trial records of TWCs convicted by the British. According to rather limited records of the British trials available today, the alleged crimes of TWCs were mostly mistreatment/torture of local civilian residents. Among the 6 TWCs-military interpreters executed by the British, those 3 serving with the Penang Military Police were accused of “torturing, interrogating, and causing death of local residents” in Penang and “interrogating and causing death of civilians” in Taiping;³⁴ the one serving with the Kuala Lumpur Military Police was accused of “interrogating local residents”³⁵; the one serving in the military forces in Car Nicobar Island

²⁹ 日本厚生省引揚援護局，《韓國臺灣出身戰爭裁判受刑者名簿》（昭和30年12月1日現在），36-38頁以及附表「臺灣出身戰爭犯罪裁判死囚者一覽」（厚生省援護局），昭和43年8月26日。

³⁰ 日本厚生省引揚援護局，《韓國臺灣出身戰爭裁判受刑者名簿》（昭和30年12月1日現在），36-38頁以及附表「臺灣出身戰爭犯罪裁判死囚者一覽」（厚生省援護局），昭和43年8月26日。

³¹ 茶園義男編，解說，BC級戰犯英軍裁判資料(上)/東京都：不二出版社，1988，p.117。

³² 茶園義男編，解說，BC級戰犯英軍裁判資料(上)/東京都：不二出版社，1988，p.133。

³³ 茶園義男編，解說，BC級戰犯英軍裁判資料(下)/東京都：不二出版社，1989，p.164。

³⁴ 茶園義男編，解說，BC級戰犯英軍裁判資料(上)/東京都：不二出版社，1988，pp.112-113。

³⁵ 茶園義男編，解說，BC級戰犯英軍裁判資料(上)/東京都：不二出版社，1988，p.121。

was accused of “torturing, interrogating, and causing death of local residents”,³⁶ and the other one serving with the police force in Malaya was accused of “torturing and causing death of local residents”.³⁷ As for the other 3 TWCs-military interpreters convicted to various terms of imprisonment, the one serving with the Penang Military Police was accused of “torturing local residents”³⁸; the one serving with the Borneo Military Police was accused of “torturing Chinese”³⁹; and while the alleged crime of the one serving with the Singapore Military Police was not specified in the available record,⁴⁰ it is reasonable to assume, based on the typical activities of Military Police, that the alleged crime was also dealing with local residents.

The cases of TWCs-military interpreters convicted in the British trials clearly show that the job as interpreters brought these Taiwanese into close contact with local residents during the war, and their alleged crimes—and the consequence of conviction (and in some cases, execution) in war crime trials—were partly but obviously resulted from the involvement with local residents. The same can be found in the Dutch and ROC trials. One of the 2 TWCs-military interpreters executed by the Dutch was convicted in a trial in Batavia, for crimes committed in “organized terror in interrogation of civilians” while he was serving with the Military Police;⁴¹ the other was convicted in a trial in Medan, for crimes committed in “organized terror, mistreatment of suspects”, whom should be local residents, while he was serving with the Military Police in Sumatra.⁴² And in the ROC trials, one of the 3 TWCs-military interpreters executed served with the Guangdong Navy Military Police, who was convicted with “illegal arrest, confinement, and torturing” of local residents⁴³; and another one served with the South China Army Military Police.⁴⁴

Further archival research on the British, Dutch, and Chinese trial records is needed in the future to examine more details and provide a fuller picture of TWC-military interpreter. At the moment, this paper has to rely on secondary sources to study individual cases. One of the better-studied Taiwanese military interpreters/convicted TWCs is Yasuda Muneharu.⁴⁵ Yasuda was recruited into the Japanese military in November 1941, specifically as an “interpreter of Annamese (Vietnamese)” of the rank of *gunzoku* (military auxiliary personnel) (pp.39, 43). He was first dispatched to Malaya, then Sumatra, and was stationed in Car Nicobar Island, an island of the Andaman and Nicobar Islands in the Indian Ocean at the end of the war (pp.15-17, 44-45). After the Japanese surrender, Yasuda was arrested for alleged war crime and sent to Singapore for trial. He was convicted by the British court and sentenced

³⁶ 茶園義男編.解説, BC 級戦犯英軍裁判資料(下)/東京都: 不二出版社, 1989, pp.159-160

³⁷ 茶園義男編.解説, BC 級戦犯英軍裁判資料(上)/東京都: 不二出版社, 1988, p.123.

³⁸ 茶園義男編.解説, BC 級戦犯英軍裁判資料(上)/東京都: 不二出版社, 1988, p.117.

³⁹ 茶園義男編.解説, BC 級戦犯英軍裁判資料(上)/東京都: 不二出版社, 1988, p.133

⁴⁰ 茶園義男編.解説, BC 級戦犯英軍裁判資料(下)/東京都: 不二出版社, 1989, p.164

⁴¹ 茶園義男編, BC 級戦犯和蘭裁判資料-全巻通覧/東京都: 不二出版社, 1992, p.93; 巢鴨法務委員會編, 戦犯裁判の実相. 上巻. 東京都: 不二出版社, 1981, p.100

⁴² 巢鴨法務委員會編, 戦犯裁判の実相. 上巻. 東京都: 不二出版社, 1981, p.118.

⁴³ 茶園義男編, BC 級戦犯軍事法廷資料—廣東編/東京都: 不二出版社, 1984, p.175

⁴⁴ 茶園義男編, BC 級戦犯軍事法廷資料—廣東編/東京都: 不二出版社, 1984, p.179

⁴⁵ Unless noted otherwise, information about Yasuda is quoted from the Chinese edition of 木村宏一郎 (陳鵬仁譯), 被遺忘的戰爭責任 (台北: 致良出版社, 2010). Japanese original please refer to 木村宏一郎 Kimura Kōichirō, 忘れられた戦争責任: カーニコバル島事件と台湾人軍属 (Wasurerareta sensō sekinin: Kānikobarutō jiken to Taiwanjin gunzoku) (東京: 青木書店 Tōkyō: Aoki Shoten, 2001)

to death in March 1946; executed in Singapore in May 1946 (pp.16-17). Thanks to earlier research done by Japanese scholar Kimura Kōichirō, we are able to get a glimpse into the training before deployment and the actual activities and experiences of a Taiwanese military interpreter in the battlefields through Yasuda's case—particularly the trial records as hold in the Public Record Office in London.

Records show Yasuda was born in a village near Taipei in 1907, given the name of Lai Enqin. In 1941, at the Southern Association in Taiwan, Yasuda attended elementary-level Annamese (Vietnamese) classes in March and completed the classes in July; then he moved on to enroll in middle-level Annamese classes and Malay language classes in August, before being recruited as an "interpreter of Annamese (Vietnamese)" into the Japanese military in November (pp.38-39). His experiences before deployment show that in addition to the native language of Taiwanese (Chinese dialects of Minnan/Hokkien or Hakka) and the school language of Japanese, some Taiwanese military interpreters were trained and then assigned to interpret non-native languages. The choice of non-native language such as Annamese and Malay in language training was clearly an effort to (train Taiwanese as human resources to) fulfill the need of Japan's advancement into Southeast Asia. And even more significantly is the timing of Yasuda's training, which started nine months before Japan's attack of Pearl Harbor and military invasion of Southeast Asia; it shows the extent of Japan's planning for advancement into Southeast Asia.

Trial records also shed light on Yasuda's wartime activities as an interpreter in Car Nicobar Island. Most notably, Yasuda was assigned to take part in the interrogation—and consequently accused of committing war crime of "ill-treatment"—of local "civilian residents" who were suspected of espionage in July and August 1945 (pp.136, 146). According to the testimony by one accused Japanese sergeant, Yasuda was the only interpreter present at all three rounds of interrogation (pp.151-152).⁴⁶

In some cases, interpreter may be forced into a situation without one's own control or consent. As Delisle and Woodsworth point out in the case of German interpreter Eugen Dollmann, who served as interpreter between Hitler and Mussolini in World War Two, Dollmann "took pains to point out that he was made a member of the SS without having being consulted". In his own words, Dollmann recalled "I woke up one morning...to find myself in the SS".⁴⁷ In his own testimony, Yasuda admitted using violence during interrogation of civilian residents (pp.209-211), although he was convicted of murder in the court (p.229). Whether or not a war criminal like Yasuda was given a fair trial is not this paper's concern. What this paper wants to argue, based on the case of Yasuda, is to show how an interpreter may be forced into a situation without one's own control or consent. While the status/job portfolio as a military interpreter did not lead to the conviction or execution of any TWCs, the status/job portfolio as a military interpreter was nevertheless a critical factor that led/forced some TWCs such as Yasuda into a situation in which Taiwanese military interpreters were put in close contact with local civilian residents and subsequently (if not consequently) the

⁴⁶ It should be noted that in the testimony by one of the witnesses, Yasuda conducted interrogation in English (p.147).

⁴⁷ Jean Delisle and Judith Woodsworth, eds., *Translators through History* (Amsterdam: J. Benjamins, 1995), p.274

(alleged) was crime was committed. Thereby, the status/job portfolio as military interpreters was at least partially responsible for the conviction and execution of some TWCs.

Group 2 consists of TWCs who had **interpretation duty** during the war. They were TWCs originally recruited and designated NOT as interpreters (*tongyi*), but were assigned—because of language proficiency—to perform interpretation in war zones. As we explore further into archival documents, it becomes apparent that many more TWCs who were listed under the job designation of “servants”, “employees”, or “assistants” were actually performing the role of interpreters during the War and, as a result, were prosecuted and punished after the War for what they had done during the War. Notably, a good number of TWCs who originally served as laborers or POW camp guards during the war and were tried and convicted after the war in the Australian courts constitute this group.

Based on the available statistics, Australia is the most significant country in the trials of Taiwanese war criminals. In terms of the sheer number among all the Allied countries that put Taiwanese war criminals on trial, Australian courts convicted the highest number of TWCs, a total of 95,⁴⁸ among them 7 were sentenced to death and executed (which is the highest among all Allied nations in absolute number of TWCs sentenced to death and executed).⁴⁹ At this moment, examples from the Australian trial of TWC may be able to shed some light on TWCs with **interpretation duty**, i.e. those who were originally NOT recruited and designated as interpreters (*tongyi*) but were assigned to perform interpretation in battlefields.

One of the most notable examples of Group 2 TWCs (with **interpretation duty**) can be found in the trial of “Chinese POW killing”, conducted by the Australian court in Rabaul in 1946. On 16 April 1946, seven TWCs were pronounced to the sentence of death by hanging by the Australian Military Court at Rabaul, under the charge of “killing Chinese laborers”.⁵⁰ The alleged war crime in this trial was the killing of Chinese POWs by Japanese soldiers and Formosans guards in 1943. These Chinese POWs were part of the 88th Division, the 3rd Army, of the Nationalist Army. They were captured by the Japanese forces in China in July 1942,⁵¹ and subsequently sent to Rabaul in January 1943.⁵² Afterwards, in two separate occasions about 3rd and 11th March 1943, a good number of Chinese POWs (24 in the first occasion, 6 in the second) were shot and killed, allegedly by Japanese soldiers and Formosans guards. Two Japanese soldiers and seven Formosans guards were charged for the killing and put on trial, held in Rabaul, between 10 and 16 April, 1946. All the accused were sentenced to “death by hanging”.⁵³

The seven accused Formosans were:⁵⁴

⁴⁸ Kosei-sho 1955. Although the number adds up to 109, according to Chaen 1990 and Chaen 1991.

⁴⁹ Kosei-sho 1955

⁵⁰ Record of Military Court (Court, Place, Date and Formation): Rabaul, 10-16 Apr (19)46, 8 MD, in Proceedings of Military Tribunal, Sgt. Matsushima, Tozaburo and others, Department of the Army, A471.80915 (hereafter **A471.80915**), National Archives of Australia (NAA)

⁵¹ court testimony by Captain Liu Wei Pao, 10th April, 1946, in **A471.80915**.

⁵² court testimony by Major Lee Wai Sing, 11th April, 1946, in **A471.80915**. The full name of Matsushima is 松島藤三郎.

⁵³ Record of Military Court, Court, Place, Date and Formation: Rabaul, 10-16 Apr (19)46, 8 MD, in **A471.80915**

⁵⁴ Memorandum for Judge Advocate General, 14 May, 1947, in **A471.80915**

- Hayashi Hajime (AWC 2683) 林一 (林發伊)⁵⁵
- Kiohara (Kiyohara) Takeo (AWC 2913) 木代原武雄 (陳銘志)⁵⁶
- Okabayashi Eikyu (AWC 2685) 岡林永久
- Yanagawa Uetane (AWC 2914) 柳川植種
- Shimura Yuzo (AWC 2911) 志村勇三
- Furuya Eisuke (AWC 2912) 古谷榮助
- Takabayashi (*sic*, Takebayashi) Tsuruichi (AWC 2684) 武林鶴一

After the trial, Hayashi Hajime and Kiohara Takeo, together with the two convicted Japanese soldiers were hanged on 17th July, 1946. As for Okabayashi, Yanagawa, Shimura, Furuya, and Takabayashi, their sentences were commuted to life imprisonment on 27th June 1947, and “commuted sentences promulgated to (the) accused (on) 12 July 1947”.⁵⁷

From the trial records, we can learn more about these TWCs’ job as well as crimes these TWCs were accused of committing. Major Lee Wai Sing, one of the defense witnesses, testified that “Each of the 7 Formosans accused used either rifles or revolvers and shot into the pit” which a group of sick Chinese POWs were ordered to go into on 3rd March, 1943; and he added that the accused Formosans did the same thing again on 11 March, 1943.⁵⁸ Another defense witness Lieutenant Wong Yu Shing testified that from the time of the arrival of Chinese POWs in Rabaul in January 1943 and the time of the killing in March 1943, “the people who controlled us (the Chinese POWs) all the time were the (seven) accused (Formosans)”.⁵⁹ From these testimonies it is clear that the accused TWCs were assigned to be in charge of supervising Chinese POWs and, subsequently involved in the killing of some Chinese POWs.

But at the trial, several Chinese officers who served as witnesses in court also testified that the Formosans were usually unarmed. When asked “How many Formosans brought weapons with them to the (Chinese POW) camp” on the first occasion of the killing, witness Captain Liu Wei Pao testified that “As far as I remember the Formosans were not carrying arms when they entered our camp”; and the answer was the same when Captain Liu was asked about the second occasion of killing.⁶⁰ Major Lee Wai Sing also testifies that with the exception of one Formosan, “the only time the others (other Formosans) were armed was during the shooting”.⁶¹ A Japanese witness, Paymaster Major Shimizaki Masaomi, who was “in charge of general affairs” of the 26th Supply Depot, was called to the court and he further testified that “They (Formosans) were not given any military training, they were used wholly as labourers” and the use of firearm was never explained to the Formosans.⁶²

⁵⁵ 日本厚生省引揚援護局，〈韓國臺灣出身戦争裁判受刑者名簿〉（昭和30年12月1日現在）

⁵⁶ 日本厚生省引揚援護局，〈韓國臺灣出身戦争裁判受刑者名簿〉（昭和30年12月1日現在）

⁵⁷ Record of Military Court, Court, Place, Date and Formation: Rabaul, 10-16 Apr (19)46, 8 MD, in **A471.80915**

⁵⁸ court testimony by Major Lee Wai Sing, 11th April, 1946, in **A471.80915**

⁵⁹ court testimony by Lt. Wong Yu Shing, 11th April, 1946, in **A471.80915**

⁶⁰ court testimony by Captain Liu Wei Pao, 10th April, 1946, in **A471.80915**

⁶¹ court testimony by Major Lee Wai Sing, 11th April, 1946, in **A471.80915**

⁶² court testimony by Paymaster Major Shimizaki Masaomi, 15th April, 1946, in **A471.80915**

The above testimonies show that the Formosans were originally deployed as laborers; they were not given combatant duties or assignment that involved Chinese POWs. So why were some Formosans ended up being assigned to “control” other laborers such as the Chinese POWs in Rabaul? The answer is language proficiency, as shown in other trial records. First, let’s look at the account by the accused TWCs.

Hayashi Hajime was called to the court as the fifth witness for the defence on 12th April 1946. He testified that he belonged to the 26th Supply Depot, and his duty at the Chinese POW camp was making “Daily report concerning Chinese laborers” to Lt. Amada, who was in charge of the Chinese. When asked about the Chinese killing, Hayashi stated that “I am a Formosan and was never allowed to be present at the scene of any killing. The reason I knew about the death of Chinese was that I held the nominal roll and checked the personel (*sic*) daily”, and “At the time, I had been working almost every day in the orderly room (in the Chinese POW camp), and sometimes I will be at the scene of working as an (*sic*) Chinese interpreter”.⁶³ And in another statement signed by Hayashi, recorded on the same day as his court appearance, he stated: “At that time, I had been working almost every day in the orderly room, and sometimes I would be working at the scene as an Chinese interpreter”.⁶⁴ In addition, in an earlier interrogation report (1st February, 1946), Hayashi stated: “I was appointed to work in the Chinese labourers compound near Tobio in Jan (January) 1943. I was there as an interpreter as I spoke a little Chinese. My duties were to allot labourers as requested by various units”.⁶⁵ It should be noted that Hayashi seemed to be the leading interpreter dealing with Chinese POWs, as he was the only one among the seven accused Formosans at the trial identified as “Chinese interpreter” by two fellow Formosan witnesses.⁶⁶

Another accused Formosan, Okabayashi Eikyu, was called to the court as the sixth witness for the defence on 13th April, 1946. He stated that he arrived in Rabaul in November 1942 (together with the other accused TWCS, except Furuya Eisuke who arrived one month later), and was attached to the 26th Supply Depot. He testified that his duties at the “Chinese camp” were “to work along the Chinese labour” (*sic*), and added in an earlier written statement that “From Jan (January) to Sept (September) 43 (1943) I was employed as civilian interpreter at Gongo wharf area and was out daily with Chinese labourers”.⁶⁷ And similar to Hayashi, Okabayashi also stated in an earlier interrogation report: “In Jan (January) to Sept (September) 1943 I was employed as civilian interpreter....and was out daily with Chinese labourers”.⁶⁸

The above testimonies and statements by two accused TWCs directly identified language proficiency—and the resulted interpretation duty—as the critical factor that led to the assignment of Formosans to “control” Chinese POWs in Rabaul. Notably, language proficiency is found again in other documents related to TWCs as a deciding factor in Formosan’s job assignment in the battlefields. In 1954, the five TWCs who were commuted

⁶³ court testimony by Accused Hayashi, 12th April, 1946, in **A471.80915**

⁶⁴ Hayashi, Hajime, 12th April, 1946, in **A471.80915**

⁶⁵ Hayasi (*sic*) (Civilian), 1 Feb (February), 1946, in **A471.80915**

⁶⁶ statement by Tanioka Kunihiro, a Formosan, 15th April, 1946; and statement by Toyoda Toshio, a Formosan civilian, 15th April, 1946, both in **A471.80915**

⁶⁷ court testimony by Okabayashi Eikyu, 13th April, 1946, in **A471.80915**

⁶⁸ Okabayashi, 1 Feb (February), 1946, in **A471.80915**

to life imprisonment filed application for clemency while serving time in Sugamo Prison in Japan. In a document compiled for each application, the Japanese authorities, National Offenders Prevention and Rehabilitation Commission, explained the Formosans' role at the Chinese POW camp in Rabaul. It was stated: several Japanese "superior class privates" were in charge of "guarding and maintenance as well as employment" of the Chinese laborers. However, "as these superior class privates did not understand Chinese, 20 odd Formosans who had been selected from among the members of the said (Formosan special Labor) Volunteer's Corp who were comparatively proficient in language and clerical work were temporarily assigned to the said Company as their assistants and....employed for superintending and leading the said Chinese laborers in operations, and, at the same time, some of the capable Formosans were employed for clerical work".⁶⁹

The issue of language (proficiency) needs to be further explored. While some of the Formosans were assigned as "Chinese interpreters" in dealing with the Chinese laborers, the "Chinese" language they used—and consequently the interpretation process—was far more complicated. It would be a mistake to assume that "Chinese" is a homogeneous language. While the written Chinese is more or less one unified system, the spoken Chinese, however, consists of hundreds of dialects. On the Formosan side, while most of them should be able to write (some) Chinese characters, the "Chinese" language they typically spoke were the Chinese dialects of Minnan/Hokkien or Hakka. Then, what was the language spoken on the Chinese laborers' side? The answer can be found in a recent investigation report published by Taiwan's Ministry of Defense.⁷⁰ In 2008, Ministry of Defense set up a special taskforce to investigate the history of Chinese Nationalist soldiers in Rabaul,⁷¹ and eventually identified that those Chinese laborers sent to Rabaul consisted of three groups:⁷² 1) surviving soldiers from the forces defending Si Hang Depot in Shanghai in 1937, captured by the Japanese in December 1941; 2) surviving soldiers from the forces defending Quzhou Airport in Zhejiang province, captured in June 1942; 3) surviving members of the Loyal Righteous National Defense Army [Zhongyi jiuguo jun], a guerrilla force directed by Dai Li and active in Jiangsu and Zhejiang provinces. It was further reported that a total of more than 1,500 Chinese POWs were sent to Rabaul as laborers, among them more than 1,000 were from the Nanjing POW camp, more than 500 were from the Shanghai POW camp.⁷³ Based on the places of origin of

⁶⁹ Application for Clemency, 27 February, 1954, Document 3, Summary of the Case in which Chinese laborers were killed at Rabaul, page 5, in Japanese Ministry of Foreign Affairs Archive (hereafter as JMFA), D-1-3-0-3-9-2 After the Peace Treaty became effective, on the issue of pardon and appeal: Australia (Ministry of Justice: Confidential Special No.1066, 29, May 1954), pp.377-379

⁷⁰ Guofang bu [Ministry of Defense], ed., *Nanyang Yinglie: erzhan qijian Babuyaniujineiya jingnei guojun jiangshi jilu* [heroes and martyrs of the Southern Sea: records of generals and soldiers of the Nationalist Army in the territories of Papua New Guinea during the Second World War] (Taipei: Guofang bu shizheng bianyi ju, 2009). After the initial stage of investigation, the Ministry of Defense sent another mission to Papua New Guinea in February 2009. The mission identified and restored several gravesites of Chinese soldiers, and conducted memorial service at the site. The mission returned to Taiwan in March, carrying with it the tablet of "spirit of the ROC soldiers who died in Papua New Guinea". The Ministry of Defense subsequently conducted a formal state ceremony to receive the tablet and to enshrine the spirit at Martyr Shrine, see pp.137-149

⁷¹ Guofang bu, p.9.

⁷² Guofang bu, pp.12-13, 29-42

⁷³ Guofang bu, pp.42-43

these Chinese POWs, the language they spoke should be the dialects of Shanghai/Jiangsu, and/or Zhejiang. It should be further noted that even within Jiangsu province, there are several different distinct dialects. For example, people in Shanghai speak a language that is categorically different from the language spoken in the neighboring northern Jiangsu (*subei*) area. In addition, for those Chinese POWs who had taken formal school training, they might be able to communicate in Mandarin, the “national language” promoted by the Chinese Nationalist government.

Based on the information presented above, it would be fair to argue that the languages spoken by the Chinese laborers, be it the dialect of Shanghai/Jiangsu, Zhejiang, or Mandarin, were incomprehensible to the Formosans speakers of Minnan/Hokkien or Hakka dialects. Under these circumstances, unless the Formosans assigned as “Chinese interpreters” had taken special language training or obtained rare opportunities to learn to speak the dialects of Shanghai/Jiangsu, and/or Zhejiang, and/or Mandarin, they actually spoke “Chinese” languages that were incomprehensible to the Chinese laborers in Rabaul. No evidence has shown that the Formosans assigned as “Chinese interpreters” were given any special language training, before or after their deployment in the battlefields.

So how did the Formosans assigned as “Chinese interpreters” fulfill their interpretation duty? And exactly what language did they speak to the Chinese laborers? Unfortunately, there was no documentation to verify and answer these questions in the trial records. The only clue we can find nowadays is the recollection by surviving Chinese laborers. As one surviving Chinese officer stated:

“We were not under the direct supervision of Japanese officers; instead Taiwanese-native military employees (*junfu*) served as guards. When (we) want to communicate with the Japanese, we had to first ask the Fijian-native members of our team, who could speak Minnan (dialect), to explain to the (Taiwanese-native) guards; and then they (guards) would relay (the message) to the Japanese; and vice versa for the returning communication (from the Japanese). It showed how difficult it was to communicate with the Japanese”.⁷⁴

It shows that while language proficiency was a critical factor in the Formosan’s assignment as “Chinese interpreters” in dealing with the Chinese laborers in Rabaul, the language that really matters in the interpretation duty of these Formosans was their native Minnan dialect. And it was partly because the Formosans were proficient in this particular language, they were assigned as guards of Chinese laborers in Rabaul.

As pointed out in court testimonies, the Formosans were originally deployed as laborers. According to the aforementioned record of “The Name List of Korean- and Taiwanese-native War Criminals” (*MHW Name List*), both Hayashi and Kiyohara were first recruited into

⁷⁴ Interview record of Mr. Li Weixun, see Guofang bu, p.189

military service as members of Formosan Special Labor Volunteer's Corp 台灣特設勤勞奉公團.⁷⁵

To add: Background of 台灣特設勤勞奉公團

Attached to the 26th Depot in Rabaul,⁷⁶ Taiwanese war criminals such as Hayashi and Kiyohara were originally engaged in the unloading, transporting and collecting of goods. It is clear that these TWCs were initially recruited into the Japanese military service not as “interpreters”. It was under the contingency in the battlefield that these Taiwanese war criminals were (re-)assigned to serve as interpreters because of their language proficiency, supposedly their familiarity with the Chinese language/dialect. And more importantly, it is only because they were (re-)assigned to serve as interpreters, these Formosans were subsequently/consequently involved in activities that were considered “war crimes” after the War.

It should be noted, however, that not all Formosans were equals in language proficiency. In the same trial, 3 of the accused TWCs, Kiohara, Furuya, and Yanagawa all testified that they either have “forgotten Chinese (language)”⁷⁷ or “do not understand the Chinese language”.⁷⁸ Another TWC, Shimura, denied involvement with any Chinese laborer at the time of the killing in March 1943.⁷⁹ Having said that, I will argue that interpretation duty was partially responsible for the conviction of several TWCs, such as Hayashi Hajime and Okabayashi Eikyu in the Chinese POW killing trial. While the status as military interpreters or the assigned interpretation duty alone did not lead to the trials of these TWCs and none of the TWCs was convicted solely because of interpretation, the status as military interpreters and/or the interpretation duty did played a significant role in bringing/forcing a good number of TWCs into the situation in which they committed/were alleged to commit war crimes.

The work situation of Hayashi, the leading interpreter dealing with Chinese POWs and one of the two TWCs executed as the result of the trial of Chinese POW killing, may further

⁷⁵ Similar recruitment schemes were also found in 台灣勞務奉公團 / 台灣特設勤勞團, for further information, see 近藤正己著, 許佩賢譯, 〈對異民族的軍事動員與皇民化政策——以臺灣軍夫為中心〉, 《臺灣文獻》46:2, (1995, 6), 頁216-217; 歌聲漸稀——台籍日本兵的拉包爾之歌, 台灣光華雜誌 *Taiwan Panorama*, August 2005

[http://www.taiwan-](http://www.taiwan-panorama.com/show_issue.php?id=200589408080C.TXT&table=1&cur_page=1&distype=text)

[panorama.com/show_issue.php?id=200589408080C.TXT&table=1&cur_page=1&distype=text](http://www.taiwan-panorama.com/show_issue.php?id=200589408080C.TXT&table=1&cur_page=1&distype=text) (accessed in July 2013); 自由時報, 日本老戰友 濟助台籍軍伙, <http://www.libertytimes.com.tw/2005/new/feb/2/today-life4.htm> (accessed in July 2013); BBC 二戰結束 60 周年專題報道, 第七集: 為誰而戰的台籍日本兵, http://news.bbc.co.uk/chinese/trad/hi/newsid_4150000/newsid_4156600/4156632.stm

(accessed in July 2013); 2005 年台大醫學院的校友通訊誌, <http://www.rocnp.org/viewthread.php?tid=8723> (accessed in July 2013); 李維恂少校訪談,

http://bbs.creaders.net/military/bbsviewer.php?trd_id=877416&language=big5 (accessed in July 2013)

⁷⁶ 另附影印手稿, “戰爭裁判刑死獄死者 (台灣出身者)”, 日本厚生省引揚援護局, 《韓國臺灣出身戰爭裁判受刑者名簿》(昭和 30 年 12 月 1 日現在)。

⁷⁷ court testimony by Kiohara Takeo, 13th April, 1946; and court testimony by Furuya Eisuke, 13th April, 1946, both in **A471.80915**

⁷⁸ court testimony by Yanagawa Uetane, 15th April, 1946, in **A471.80915**

⁷⁹ court testimony by Shimura Yuzo, 13th and 15th April, 1946, in **A471.80915**

illustrate how language proficiency and interpretation duty brought/forced Formosans serving in the Japanese military into a difficult position in the battlefields during the war as well as in the court rooms of war crime trial after the war. Hagihara Sueriro, who presented himself as Hayashi's superior in Rabaul since November 1942, recalled in a signed document presented during the trial in April 1946 an earlier discussion he had with Hayashi concerning the latter's work situation:

"During wartime it seemed that the Chinese disliked Hayashi and after Armistice it was not infrequent that he was on the verge of being assaulted. Therefore it was towards the end of September 1945 that I asked him if there was any reason for this and his reply was as follows: 'During the time I was working at (*sic*) the Chinese labour party (.) I was very fluent in Chinese and in view of orders from superiors, I conveyed these orders to the Chinese and warned them from time to time. Then the stealing of military provisions by the Chinese at the scene of labour was frequent and on one occasion I said 'During your work you men are stealing tinned goods and eating them (.) This is just like a stray dog. If you carry on such acts, you will be punished'. And on another occasion the Chinese at their quarters were saying bad things about me, and then I said 'you were now saying bad things about me. If I reported this to the superior you will be punished (.) but if you will apologize to me now, I will overlook the matter'. Then they apologized. I think it is due to such incidents that I am disliked. I keenly felt that people who are in charge of persons are in a hatred (*sic*, hated) position'".⁸⁰

Clearly, it was Hayashi's language proficiency in Chinese (and Japanese) that led to his assignment as a Chinese interpreter in the battlefield in dealing with Chinese POWs. And subsequently, this work situation as an interpreter of Chinese-Japanese brought/forced a Formosan such as Hayashi into a delicate (and difficult) situation between his Japanese superiors and the Chinese POWs and worse, in his own words, "a hated position" facing the target audience of his interpretation who happened to be abused and hurt in the war such as the Chinese labourers in Rabaul. And Hayashi's situation as a Formosan interpreter is not an isolated incident. Takabayashi Tsuruichi, another TWC convicted in the same trial of Chinese killing but was commuted to life imprisonment, was also put into a similar situation facing Chinese POWs. Takebayashi's superior, Sato Yasushi, made the following statement in a signed document presented during the trial in April 1946, concerning Takebayashi's (personality and) work situation:

"Takebayashi had been gentle and had never quarreled with other Formosans or others but was so conceited that he interrupted sometimes my (*sic*) and other Japanese talking, therefore I think he was very conceited to Chinese, and he had been a Chinese interpreter for about one year as a result he was much disliked by the Chinese. Around the middle of October last year after the Armistice, the accused was beaten severely by many Chinese while walking...and wounded severely and took to bed for about 10 days so I went and saw him. He had wounds in his face and eyes".⁸¹

⁸⁰ statement by Hagihara Sueriro, a civilian, 15th April, 1946, in A471.80915

⁸¹ statement by Sato Yasushi, a civilian, 15th April, 1946, in A471.80915

In discussing the relationship between interpretation and power (and its consequence), Delisle and Woodsworth point out that "In the German army, interpreters held the rank of officers. This was not necessarily an advantage if the interpreter became a prisoner of war".⁸² The cases of TWCs as analyzed above show that during the war, language proficiency and interpretation duty brought a good number of Formosans to a peculiar work situation in the battlefields, in which they were seemingly given higher "power" vis-à-vis the Chinese POWs under their supervision or the local civilian residents under the terror of Military Police. But language and interpretation, unfortunately, became a burden on these Formosans as the latter were sent to the court rooms of war crime trial and either the scaffold or prison cells after the war. In battlefields, interpreters served as the messengers between two warring parties; but as the above cases of Taiwanese military interpreters illustrate, it was the messengers who got punished (and sometimes killed) in the postwar war crime trials.

Divergent paths:

On 16 April 1946, seven TWCs were pronounced to the sentence of death by hanging by the Australian Military Court at Rabaul, under the charge of "killing Chinese laborers".⁸³

1. Hayashi Hajime 林一 (林發伊):

hanged on 17th July, 1946.⁸⁴

2. Okabayashi Eikyu (AWC 2685) 岡林永久:

commuted to life imprisonment on 27th June 1947, and "commuted sentences promulgated to (the) accused (on) 12 July 1947".⁸⁵

Identified as 林水, 原籍地: 高雄市楠梓區後勁; serving in Manus Island under Australian custody as late as January 1, 1952.⁸⁶

Later on in 1953 was transferred to Japan;⁸⁷ released from Sugamo Prison on December 7, 1956, at the age of 35. After his release, he first resided in a collective housing, 大和友和寮, in 埼玉縣北足立郡大和町, Saitama-ken.⁸⁸

3. Takabayashi Tsuruichi (AWC 2684) 武林鶴一:

commuted to life imprisonment on 27th June 1947, and "commuted sentences promulgated to (the) accused (on) 12 July 1947".⁸⁹

⁸² Jean Delisle and Judith Woodsworth, eds., *Translators through History* (Amsterdam: J. Benjamins, 1995), p.274

⁸³ Record of Military Court (Court, Place, Date and Formation): Rabaul, 10-16 Apr (19)46, 8 MD, in A471.80915

⁸⁴ Record of Military Court (Court, Place, Date and Formation): Rabaul, 10-16 Apr (19)46, 8 MD, in A471.80915

⁸⁵ Record of Military Court (Court, Place, Date and Formation): Rabaul, 10-16 Apr (19)46, 8 MD, in A471.80915

⁸⁶ 濠洲服役者(台灣人), (昭和)27年1月1日, 收入戰犯資料(一), 眾議院法務委員會, 東京大學圖書館收藏。

⁸⁷ Dean Aszkielowicz, "Repatriation and the Limits of Resolve: Japanese War Criminals in Australian Custody", *Japanese Studies*, 31(2), September 2011, p.211.

⁸⁸ 財團法人友和會, 台灣出身戰爭受刑者名簿, 昭和31年12月21日現在。

Identified as 林東雲，原籍地：台中縣豐原區豐原鎮；serving in Manus Island under Australian custody as late as January 1, 1952.⁹⁰ Later on in 1953 was transferred to Japan;⁹¹ released from Sugamo Prison on December 7, 1956, at the age of 36. After his release, he first resided in a collective housing, 中野友和寮，in 東京都中野區新井町 Nakano-ku, Tokyo.⁹²

Appendix I: Execution of 21 TWCs⁹³

戰時所屬職位：

- 通譯 11：UK 6; ROC 3; the Netherland 2
- 俘虜收容所關係 5：Australia 4；USA 1
- 警察：ROC 2
- Rabaul 貨物廠：Australia 3

(*11 out of 21 executed TWCs were interpreters)

Appendix II: Execution of 11 Taiwanese Interpreters

Executed by the United Kingdom:

6 (out of 6 executed were interpreters)

戰時所屬職位：檳城憲兵隊通譯 3; Kaa Ni Ko Ba Lu 民政部通譯 1; Ma La Ya Ku A Li Pi Su 員警署通譯 1; 吉隆坡憲兵分隊通譯 1

本名（日本名） 空白（安田宗治）Yasuda Muneharu

生年月日 明 40。4。15

本籍 臺北州文山郡

裁判國 英

死亡地 新加坡

死亡區分 刑

⁸⁹ Record of Military Court, Court, Place, Date and Formation: Rabaul, 10-16 Apr (19)46, 8 MD, in A471.80915

⁹⁰ 濠洲服役者(台灣人), (昭和)27年1月1日, 收入戰犯資料(一), 眾議院法務委員會, 東京大學圖書館收藏.

⁹¹ Dean Aszkielowicz, "Repatriation and the Limits of Resolve: Japanese War Criminals in Australian Custody", *Japanese Studies*, 31(2), September 2011, p.211.

⁹² 財團法人友和會, 台灣出身戰爭受刑者名簿, 昭和 31 年 12 月 21 日現在.

⁹³ 日本厚生省引揚援護局, 《韓國臺灣出身戰爭裁判受刑者名簿》(昭和 30 年 12 月 1 日現在), 36-38 頁以及附表「臺灣出身戰爭犯罪裁判死囚者一覽」(厚生省援護局), 昭和 43 年 8 月 26 日。

死亡年月日 21。5。23

遺族續柄氏名現在所 妻 Ka Shi La

摘要 遺骨內還

*遺骨歸還：30。4。2，實骨（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：Kaa Ni Ko Ba Lu (Car Nicobar) 民政部通譯

本名（日本名） 許祺禪

生年月日 大 12。10。29

本籍 台南州曾文郡

裁判國 英

死亡地 檳城 (pe nan)

死亡區分 刑

死亡年月日 21。11。17

遺族續柄氏名現在所 父行

摘要 遺骨內還

*遺骨歸還：30。4。2，分骨（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：檳城憲兵隊通譯

本名（日本名） 郭張興

生年月日 明 43。2。20

本籍 台南州嘉義郡

裁判國 英

死亡地 檳城 (pe nan)

死亡區分 刑

死亡年月日 21。11。17

遺族續柄氏名現在所 妻 郭黃氏好

摘要 遺骨內還

*遺骨歸還：30。4。2，分骨（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：（同右）檳城憲兵隊通譯

本名（日本名） 楊樹木

生年月日 明 41。11。3

本籍 臺北市重慶北路一段 61 號

裁判國 英

死亡地 檳城 (pe nan)

死亡區分 刑

死亡年月日 21。12。17

遺族續柄氏名現在所 NO 603 F Balik Pulau PENANG 林秀娥

摘要 Road Ayer Otam 遺骨 遺族 手交濟

*遺骨歸還：30。3。26，分骨，同日遺骨收集團 遺族（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：（同右）檳城憲兵分隊通譯

本名（日本名） 鄭錦樹（藤山照芳）

生年月日 大 11。7。17

本籍 台南州嘉義市

裁判國 英

死亡地 吉隆坡 (kuala lonpulu)

死亡區分 刑

死亡年月日 22。1。11

遺族續柄氏名現在所 妻 鄭氏樓

摘要 遺骨內還

*遺骨歸還：30。4。2，代骨（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：Ma La Ya Ku A Li Pi Su (Kuala Besut?) 員警署通譯

本名（日本名） 劉長流（豐島長助）

生年月日 大 12。12。22

本籍 臺北州海山郡

裁判國 英

死亡地 吉隆坡 (kuala lonpulu)

死亡區分 刑

死亡年月日 22。1。28

遺族續柄氏名現在所 母劉楊氏蕙

摘要 遺骨內還

*遺骨歸還：30。4。2，代骨（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：吉隆坡憲兵分隊通譯

Executed by ROC:

3 (out of 5 executed were interpreters)

戰時所屬職位：廣東海軍警備隊通譯 1；華南陸軍警備隊通譯 1；通譯 1（海南島海軍警備隊巡查補 1；員警官 1）

本名（日本名） 陳添錦

生年月日

本籍

裁判國 中

死亡地 廣東

死亡區分 刑

死亡年月日 21。11。25

遺族續柄氏名現在所

摘要 通譯

*可能為 陳天金；遺骨未歸還（流花橋墓地）（見附表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和 43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：廣東海軍警備隊通譯

本名（日本名） 李安

生年月日 （手跡：大 6。3。7）

本籍

裁判國 中

死亡地 廣東

死亡區分 刑

死亡年月日 22。4。18

遺族續柄氏名現在所 父 李手港

摘要 通譯

*遺骨未歸還（流花橋墓地）（見附表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和 43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：華南陸軍警備隊通譯

本名（日本名） 陳煥彩

生年月日

本籍

裁判國 中

死亡地 北京

死亡區分 刑

死亡年月日 22。9。2

遺族續柄氏名現在所 中國天津市南關劉家胡同劉八奶奶

摘要 通譯

*遺骨未歸還（推定）（北京舊日本公墓墓番 37）（見附表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和 43。8。26，厚生省援護局）

Executed by the Netherland:

2 (out of 2 executed were interpreters)

戰時所屬職位: Shi Ya Ku 島 Po Huu Lu 憲兵分隊通譯 1; Su Ma Do Ra 憲兵分隊通譯 1

本名（日本名） 空白（玉峰長雄）

*本名：董長雄（見附表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和 43。8。26，厚生省援護局）

生年月日 大 5。5。16

本籍 高雄州潮州郡

裁判國 蘭

死亡地 (Shi Ya Lu Ta)

* 死亡地：(Ba Ta Bi A)（見附表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和 43。8。26，厚生省援護局）

死亡區分 刑

死亡年月日 23。6。22

遺族續柄氏名現在所 長男 董英明 (手跡：妻 玉峰 敏子)

摘要 空白

*遺骨歸還：35。9。6，東京港（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：Shi Ya Ku 島 Po Huu Lu 憲兵分隊通譯

本名（日本名） 空白（林石藏）

生年月日

本籍 臺北州海山郡

裁判國 蘭

死亡地 Medan (Mei Tan)

死亡區分 刑

死亡年月日 24。3。4

遺族續柄氏名現在所 父 林元植

摘要 空白

*遺骨歸還：35。5。6，東京港（見付表：臺灣出身戰爭犯罪裁判死歿者一覽，昭和43。8。26，厚生省援護局）

*另附影印稿手跡：戰爭裁判刑死獄死者（臺灣出身者）：Su Ma Do Ra (Sumatra) 憲兵分隊通譯

Bibliography

Primary sources:

- 日本厚生省引揚援護局，《韓國臺灣出身戰爭裁判受刑者名簿》（昭和30年12月1日現在）
- Proceedings of Military Tribunal, Sgt. Matsushima, Tozaburo and others, Department of the Army, A471.80915, Australian National Archive
- After the Peace Treaty became effective, on the issue of pardon and appeal: Australia, Japanese Ministry of Foreign Affairs Archive (JMFA), D-1-3-0-3-9-2,

Chinese:

- 自由時報，日本老戰友 濟助台籍軍伕，
<http://www.libertytimes.com.tw/2005/new/feb/2/today-life4.htm> (accessed in July 2013)
- BBC 二戰結束60周年專題報道，第七集：為誰而戰的台籍日本兵，
http://news.bbc.co.uk/chinese/trad/hi/newsid_4150000/newsid_4156600/4156632.stm
(accessed in July 2013)
- 國防部編。2009。南洋英烈：二戰期間巴布亞紐幾內亞境內國軍將士紀錄。台北：國防部史政編譯局。Guofang bu [Ministry of Defense], ed., *Nanyang Yinglie: erzhan qijian Babuyaniujineiya jingnei guojun jiangshi jilu* [heroes and martyrs of the Southern Sea: records of generals and soldiers of the Nationalist Army in the territories of Papua New Guinea during the Second World War] (Taipei: Guofang bu shizheng bianyi ju, 2009)

- 近藤正己著，許佩賢譯，〈對異民族的軍事動員與皇民化政策——以臺灣軍夫為中心〉，《臺灣文獻》46：2，（1995，6）
- 關詩珮，〈翻譯與調解衝突：第一次鴉片戰爭的英方譯者費倫(Samuel T. Fearon, 1819-1854)〉《中央研究院近代史研究所集刊》第七十六期（2012年6月）
- 李維恂少校訪談，
http://bbs.creaders.net/military/bbsviewer.php?trd_id=877416&language=big5 (accessed in July 2013)
- 李展平，前進婆羅洲：台籍戰犯監視員（南投：國史館台灣文獻館，2005）
- 李展平，戰火紋身的監視員：台籍戰俘悲歌（南投：國史館台灣文獻館，2007）
- 木村宏一郎（陳鵬仁譯），被遺忘的戰爭責任（台北：致良出版社，2010）。
- 台大醫學院校友通訊誌，2005年 <http://www.rocnp.org/viewthread.php?tid=8723> (accessed in July 2013)
- 台灣光華雜誌 *Taiwan Panorama*，歌聲漸稀——台籍日本兵的拉包爾之歌，August 2005 http://www.taiwan-panorama.com/show_issue.php?id=200589408080C.TXT&table=1&cur_page=1&distype=text (accessed in July 2013)
- 王宏志，第一次鴉片戰爭中的譯者，翻譯史研究 2011；下篇：英方的譯者，翻譯史研究 2012
- 許雪姬，〈日治時期台灣的通譯〉，《輔仁歷史學報》，第18輯，2006，頁1-35
- 鍾淑敏。2001，〈俘虜收容所——近代臺灣史的一段悲歌〉，收於《曹永和先生八十壽慶論文集》，頁261-288。臺北：樂學書局
- 鍾淑敏，2008，〈POW—日本帝国の祭壇に祭られた犠牲者たち〉，發表於日本早稻田大學台灣研究所與中央研究院亞太專題計畫中心合辦「東アジアの中の日本と台湾」研討會，早稻田大學，2008年3月18-19日
- 鍾淑敏，“戰爭罪犯與戰後處理：以俘虜收容所監視員為中心”，paper presented at the International Conference on Social and Economic Transformation in Postwar Taiwan, Institute of Taiwan History, Academia Sinica, Taipei, December 23-24, 2009.

English:

- Ahn, Hyung-ju, *Between Two Adversaries: Korean Interpreters at Japanese Alien Enemy Detention Centers during World War II* (Fullerton, California: Oral History Program, California State University, 2002)
- Conot, Robert E., *Justice at Nuremberg* (New York: Harper & Row, 1983)
- Davidson, Eugene, *The Trial of the Germans: an account of the twenty-two defendants before the International Military Tribunal at Nuremberg* (Columbia: University of Missouri Press, 1997)
- Daws, Gavan, *Prisoners of the Japanese: POWs of World War II in the Pacific* (New York: William Morrow, 1994)
- Delisle, Jean and Judith Woodsworth, eds., *Translators through History* (Amsterdam: J. Benjamins, 1995)
- Ehrenfreund, Norbert, *The Nuremberg Legacy: How the Nazi War Crimes Trials Changed the Course of History* (New York: Palgrave Macmillan, 2007)
- Fischel, Elaine B., *Defending the Enemy: Justice for the WWII Japanese war criminals* (Minneapolis: Bascom Hills Books, 2009)
- Footitt, Hilary and Michael Kelly, eds., *Languages and the Military: Alliances, Occupation and Peace Building* (Basingstoke: Palgrave Macmillan, 2012)
- Guilloux, Louis (Alice Kaplan, trans.) *Ok, Joe* (University of Chicago Press, 2003).

- Harris, Whitney R., *Tyranny on Trial: The Trial of the Major War Criminals at the End of World War II at Nuremberg, Germany, 1945-1946* (Dallas: Southern Methodist University Press, 1999)
- Kaplan, Alice, *The Interpreter* (University of Chicago Press, 2005);
- Kim, Yong Hyun, and Susanne Kim Nelson ed. *Into the Vortex of War: A Korean Interpreter's Close Encounter with the Enemy*. (Author House, 2008)
- Lyon, Alan B., *Japanese War Crimes: The Trials of the Naoetsu Camp Guards* (Loftus, Australia: Australian Military History Publications, 2000)
- Maga, Tim, *Judgment at Tokyo: The Japanese war crimes trials* (Lexington: University of Kentucky Press, 2001)
- Marrus, Michael R., *The Nuremberg War Crimes Trial, 1945-46: A Documentary History* (Boston: Bedford Books, 1997)
- Mettraux, Guénaél, ed., *Perspectives on the Nuremberg Trial*. (Oxford: Oxford University Press, 2008).
- Persico, Joseph E., *Nuremberg : Infamy on Trial* (New York: Penguin, 1994)
- Piccigallo, Philip, *The Japanese on Trial* (Austin, Texas: University of Texas Press, 1979)
- Salama-Carr, Myriam, ed., *Translating and Interpreting Conflicts* (Amsterdam and New York: Rodopi, 2007)
- Sprecher, Drexel A., *Inside the Nuremberg Trial: A Prosecutor's Comprehensive Account* (Lanham, Md.: University Press of America, 1999)
- Takeda, Kayoko, *Interpreting the Tokyo War Crimes Trial: A sociopolitical analysis* (Ottawa: University of Ottawa Press, 2010).
- Totani, Yuma, *The Tokyo War Crimes Trial: the pursuit of justice in the wake of World War II* (Cambridge, MA and London: Harvard University Asia Center, 2008)
- Towle, Philip, Margaret Kosuge, and Yoichi Kibata, eds., *Japanese Prisoners of War* (London: Hambledon and London, 2000)
- Tusa, Ann and John Tusa, *The Nuremberg Trial* (New York: Atheneum, 1984)

Japanese:

- 茶園義男編, BC級戦犯軍事法廷資料—廣東編/東京都: 不二出版社, 1984
- 茶園義男編.解説, BC級戦犯英軍裁判資料(上)/東京都: 不二出版社, 1988
- 茶園義男編.解説, BC級戦犯英軍裁判資料(下)/東京都: 不二出版社, 1989
- 茶園義男編, BC級戦犯和蘭裁判資料-全巻通覧/東京都: 不二出版社, 1992
- 洪鐘黙(金蓬洙訳)『泰緬鉄道—朝鮮人捕虜監視員の手記』ぽんそんふぁ編集部、1991年
- 岩川隆『孤島の土となるとも—BC級戦犯裁判』講談社、1995年
- 木村宏一郎, 忘れられた戦争責任: カーニコバル島事件と台湾人軍属 (東京: 青木書店, 2001)
- 巢鴨法務委員会編, 戦犯裁判の実相. 上巻. 東京都: 不二出版社, 1981
- 法務大臣官房司法法制調査部編刊, 『戦争犯罪裁判概史要』, 1973
- 東京裁判ハンドブック編集委員会編, 東京裁判ハンドブック tokyo saiban handobukku (Tokyo: Aoki, 1989)
- 山本七平『洪思翊中将の処刑』文芸春秋、1986年
- 内海愛子、村井吉敬『赤道下の朝鮮人叛乱』勁草書房、1980
- 内海愛子, 朝鮮人BC級戦犯の記録 (東京: 勁草書房, 1982)
- 内海愛子『朝鮮人「皇軍」兵士たちの戦争』岩波書店(岩波ブックレット)、1991年

- 内海愛子, 韓国・朝鮮人 BC 級戦犯を支える会, 『死刑台から見えた二つの国—韓国・朝鮮人 BC 級戦犯の証言』 梨の木舎、1992 年
- 内海愛子, 『キムはなぜ裁かれたのか：朝鮮人 BC 級戦犯の軌跡』, 東京都：朝日新聞, 2008

和田英穗：「台灣的戰後處理—以戰犯、漢奸、殖民責任為中心—」(日文)

台灣的戰後處理－以戰犯、漢奸、殖民責任為視角－

和田英穂(WADA, Hideho)

摘要

戦後の対日戦犯裁判において、台湾のケースは他の戦犯裁判とは一線を画す複雑なものだった。台湾における戦犯裁判の対象は多くが台湾人であり、特に警察官が裁きの対象となった。彼らはいわゆる「台湾華僑」によって告訴されたケースが多いが、単純に「戦争犯罪」の責任を追及する場ではなかった。日本という支配者が中華民国に代わる過程において、如何に自分たちの地位を確保するか、台湾人、台湾華僑、日本人の間で様々な思惑が交錯した。本論では、台湾人が台湾華僑によって告訴されたケース、台湾人が漢奸容疑で追及されたケース、日本人が台湾人に報復されたケースなどを例に、台湾の戦後処理について「戦争犯罪、漢奸、植民責任」について考えてみたい。

摘要

對於戰後的對日戰犯審判，台灣的案例與其他戰犯審判不同特別複雜。在台灣的戰犯審判大多數是台灣人，特別警察官成為審判的對象。他們較多是被所謂的「台灣華僑」控告，而不是純粹追訴其「戰爭犯罪」的責任。在「支配者日本」變成「支配者中華民國」的過程中如何確保自身的地位？在台灣人、台灣華僑、日本人之間交錯著各式各樣的想法。本論文，試著以台灣人被台灣華僑指控的案例、台灣人被追溯是漢奸嫌疑人的案例以及日本人被台灣人報復的案例為例，探討台灣對於「戰爭犯罪、漢奸、殖民責任」的戰後處理。

台湾の戦後処理について～戦犯、漢奸、植民地責任の視点から～

和田英穂

尚絅大学文化言語学部

はじめに

ポツダム宣言の受諾により戦後連合国により対日戦後処理が実施され、日本の戦争責任が追及された。極東国際軍事裁判（東京裁判）のいわゆる A 級戦犯裁判およびアジア各地で実施された BC 級戦犯裁判である。筆者はこれらの対日戦後処理の不徹底（裁判する側、される側双方共に）こそがその後の日本の歴史認識に多大な影響を及ぼし、現在に至る日中間や日韓間などに横たわる諸問題の原点になっていると考えてきた。中でも最も直接の被害を蒙った中国による対日戦犯裁判に焦点をあて、研究を続けてきた。そして、研究を進めていくうちに台湾人の存在に着目するようになった。台湾人は戦後処理の中で、時として「日本人」として扱われ、「母国」たる日本の戦争犯罪を負わされ、また時として「中国人」として、「祖国」たる中国に売国奴の罪「漢奸」に問われた。また、日本政府からは一方的に「非日本人」とされ、「日本人」には手厚く保障された各種恩給が与えられず、中華民国政府からは日本に「奴隸化」された人々と見なされ、またしても台湾の政治・経済の表舞台からは外されてしまった。戦後処理における台湾人はどこの庇護も受けられない、文字通り「棄民」状態だった。

台湾の戦後処理は中華民国政府による「脱日本化」「中国化」を一大方針とし、蒋介石の「以德報怨」の対日処理原則にもとづき、台湾からの迅速な日本人の引揚げを最優先としていた。このように台湾人が蚊帳の外に置かれる中で、戦後台湾で行われた対日戦犯裁判（以下、台湾法廷）では多くの台湾人警察官が有罪判決を受け、また、統治期に日本政府の弾圧を受けた台湾人が告訴するも起訴されることはなく、植民統治期の支配・被支配の関係が戦後処理に影響を及ぼす事態に陥っていた。

このような状況について、「戦争責任」の枠だけで論じることが次第に困難になってきたのが現状である。本報告ではこのような戦後処理における責任追及のケースを幾つかとりあげ、今後の研究の展望について論じてみたい。

台湾人戦犯に関する研究は日本、台湾共に依然としてあまり進んでいないのが現状である。詳細は拙稿「戦犯と漢奸のはざまで—中国国民政府による対日戦犯裁判で裁かれた台湾人」（『アジア研究』49巻4号、2003年11月）を参照にしていきたい。しかし、日本の国立公文書館での法務省からの移管分のBC級戦犯裁判関係や外務省外交史料館、或いは台湾の中央研究院近代史研究所档案刊の外交档案中に、台湾人戦犯をめぐる各国や各国間の処理に関する資料が存在していることが分かってきた。本論はそうした新たに収集した資料をもとに、新たな事実の解明を試みるものである。

1. 台湾人戦犯裁判

台湾人戦犯の判決状況は表1が定説である。しかし、当時現地で武装解除或いは刑期満了した台湾人は一旦日本に戻るケースと、そのまま台湾に戻るケースがあった。したがって、この人数は正確ではない可能性が高い。

【表1 台湾出身戦争犯罪受刑者状況表】ⁱ

	刑死者	獄死者	直接本国 送還者	満刑内還 者	巢鴨移送 者	合計
英国	6		1	11	8	26
米国 (フィリピン)	1				3	4
オランダ	2			1	4	7
オーストラリア	7	4		41	43	95
中国	6		35			41
合計	22	4	36	53	58	173

出典：[法務11 4A21-6344]「戦争裁判関係事務資料抜粋その十」（国立公文書館所蔵）

例えば、中国法廷における台湾人戦犯の有罪判決数は、これまで41名が定説だった。しかし、表2のように、国防部等の資料によると、58名に達する。下記の国史館所蔵の司法行政部档案中の「各審判戦犯軍事法廷判決台湾籍戦犯情况表」では、1948年8月7日付で53名、ただし、判決が未決のものが4名、刑期満了釈放済みの者は含まれないと記載されている。また、表には死刑の欄がない。同表は現在確認できる中国側の資料としては最も新しい日付のものである。

表1は厚生省引揚援護局法務調査室のまとめた表（1955年6月30日付）であり、定説の根拠となっていると思われる。同表は引揚援護局で収集、聞き取りした各種資料によっていると思われる。同表の注意書きには、「本表の外になお資料を整理することによって若干の刑獄死者及び直接本国に送還された者（主として中国関係）が判明するかもしれない」とあり、日本政府で把握できなかったケースが存在した可能性がある。

いずれにしても確実な数字ではないが、裁いた側の戦犯処理を担っていた国防部の資料の信ぴょう性は高く、60名弱の有罪判決が下されたと判断できよう。

【表2 中国法廷台湾人有罪判決数】

人数 刑期	軍 属	警 察	労働者	商	その他	合 計
死 刑	2	2	0	0	1	5
無 期	1	0	0	0	1	2
有 期	14	6	10	10	11	51
合 計	17	8	10	10	13	58

注：国防部軍法處編「判處死刑戦犯名冊」「判處徒刑戦犯名冊」（全宗号五九三卷号 179、

中国第二歴史档案館所蔵）をベースに、「本邦戦犯裁判関係雑件 外地ニ於ケル本邦人ノ軍事裁判関係 中国ノ部（10）判決関係～国防部軍法處戦犯處理組編“戦争罪犯審判録”第一冊」及び「同左 判決文綴り“中国関係戦犯判決文”」（外務省外交史料館所蔵）から前者と重複していないものを取捨選択し、司法行政部檔案「國防部請研究對臺籍戦犯處理政策案 國防部代電各審判戦犯軍事法廷判決臺灣籍戦犯情况表」（（台）國史館所蔵）を参照し作成。

その他には、公職、無職などが含まれる。軍属には、通訳、監視員などが含まれる。

台湾人戦犯全体の特徴として、軍属（看守、通訳）として従軍し、取り調べ中の拷問行為や捕虜虐待の場に居合わせ、顔がわれるケースが多いようである。中国法廷でも同様に、看守、通訳は顔を合わせる機会が多く、まして中国人と言葉が通じやすい台湾人の場合、名前と顔が一致しやすいため、告訴の対象になりやすかったのではないだろうか。しかし一方で、原告や証人も記憶に混乱が見られ、個人的な思い込みによる誤認と思われるケースもあった。それが中国における台湾人訴追のケースでは、「台湾人＝売国奴」という戦後の漢奸追及の状況からして、より先鋭化した可能性もある。（詳細は和田（2003）を参照）

2. 台湾法廷と「台湾華僑」

(1) 台湾法廷

台湾法廷は、中国の対日戦犯裁判において特殊であった。50年に及ぶ植民統治にあった台湾での戦犯裁判はいったい何が訴追対象となったのだろうか。やはり当初は戦犯というよりは、漢奸、あるいは通常の刑事告訴の類であった。実際、台湾法廷で訴追されたのは、軍人・軍属ではなく、警察及び商人が中心である（表3参照）。その告訴された警察が多かったのが抗日戦争中に多くの「台湾華僑」が検挙された事件の関係者である。（商人については不明）

【表3 台湾法廷判決表】

人数 刑期	警 察	商	無 職	そ の 他	合 計
死 刑	1	0	0	0	1
無 期	0	0	0	0	0
有 期	8	7	3	2	20
合 計	9	7	3	2	21

出典：拙稿「被侵略国による対日戦争犯罪裁判—国民政府が行った戦犯裁判の特徴—」（『中国研究月報』645号、2001年11月）表6より一部修正の上引用。うち、台湾法廷のものを抽出した。その他には、「市副議長」と「台湾公論社社長」が含まれる。

【傅阿添（台湾警察巡查）、吳堀霧（台湾警察巡查）の場合—台湾省警備総司令軍事法廷

ii)

被告は、1947年7月24日、戦犯裁判条例第3条第16項「非軍人に対して酷刑を加えること」の嫌疑によって起訴を受けた。原告は1939年1月、「興中会事件」ⁱⁱⁱ⁾の関係者として逮捕され、その訊問の際に拷問を受けたとして、戦後告訴に至った。

この裁判では特に「拷問の有無」という点で争われた。すなわち、原告側は、逮捕後から1941年にかけて、警察の留置場において訊問が行われ、日本人警官一人と被告二人に何度も棒で殴られ、水責めなどの拷問を受けた、と主張した。被告側は、自分たちは臨時の通訳にすぎず、拷問は行っていない、として起訴理由を一切否認した。裁判では原告の訴えが認められ、1947年8月13日に有期刑10年の判決が下された。この裁判に関しては次の幾つかの問題点を見ることができる。

- ① 原告側の証人の証言が非常に曖昧という点。証言は「～と思う」「～と見えた」などの推察にすぎず、裁判官の「実際に叩かれるのを見たのか」という問いには「見ていない」と答えている。弁護士は、証人はうつむいた原告を遠めに見て、度々行なわれていた拷問があった、と想像したに過ぎない、と主張した。

- ② 原告の矛盾。裁判記録と被告の陳述書によれば、原告は興中会の関係者として逮捕されたが、その際原告は自分が新竹警察に協力するスパイであることを自供した。日本人警官はこれ信じ、原告を留置場内で優遇した。被告側は、したがって拷問は行われなかった、と主張しているが、この状況を知った台湾総督府保安課によって原告が高雄に移されていることから、信憑性が高いことがうかがえる。
- ③ 一方的な裁判。①②のような疑問点について判決では一切触れられず、完全に原告側の主張が認められた。他の裁判と比較しても、以上のような疑問が存在していたのに関わらず、これだけ一方的で、起訴から一ヶ月も経たないうちに判決が下された例は確認できない。

以上は拙稿（和田,2003）で紹介した台湾法廷の1ケースである。通訳として取り調べの場に居合わせ、拷問を手助けした、或いは実際に手を下したという台湾人戦犯の典型的なケースである。ただし、他のケースに比べ非常に短期間のうちに「終わらせた」感が強く、何らかの力が働いた可能性がある。というのも、上述の「興中会事件」というのは、いわくつきの事件だったからである。菊池論文^{iv}では、「華僑事件」として紹介しているが、裁判資料によると当時彼らは「興中会事件」と呼んでいたようである。台湾中華会館および各支部が抗日救国団体を組織し、抗日運動を行っていた、という罪状で32名を逮捕、25名が有罪判決を受け、戦後生還できたのは17名だけだった。そのうちの桃園の潘依娣、新竹の陳炎崗が戦後当時の警察や検察を告訴した。うち台湾にいた台湾人通訳の2名が起訴されたのである。この裁判資料の速記録によると、この2名は容疑を完全に否認しているが、その中で陳炎崗について次のような陳述があった。

「鈴木啓助（新竹の警官）の通訳をしていた際、陳炎崗は次のように自供した。『（陳）は台湾で育った華僑で、新竹中華会館の会員です。秘密裡に日本の新竹警察署高等特務の密偵をしていました。新竹中華会館の同胞の動きは全て私が密告したものです。民国26年に台北中華総会館で全台湾華僑代表大会を開催した際も陳炎崗が新竹警察署高等特務の依頼を受け新竹中華会館の代表として台北に赴き、会議に参加しました。会議が終わり、新竹に戻るとすぐに新竹警察署高等特務に密告しました。（中略）私は好意で密告していたのに、警察当局が今日私が興中会を組織したというのは誤認であり、実に無念です』主任の鈴木啓助は陳炎崗の陳述を信じ、陳炎崗の密告には功があったと考え、彼に湯麺やタバコを買うなど優待しており、拷問を行ったことは絶対にありません。」^v

陳は台湾華僑で、台湾総督府の密偵だったのである。

(2)台湾における戦後処理と「台湾華僑」^{vi}

台湾華僑は5万人という規模をかかえ、一定の勢力を保持していた。しかし、50年に及

ぶ植民統治の中で、生活の基盤は完全に台湾にありながら、日本国籍の台湾人と中国籍の台湾華僑、そして日本人、三者の間には明確な格差が存在した。更には大陸における汪兆銘政権、蒋介石政権等との関係、そして満州国との関係、当時彼らの置かれた立場は非常に難しいものであった。

1931年9月18日の満州事変勃発後、台湾華僑は国民政府の指示を受け、抗日団体を組織した。上述のケースは台湾華僑が抗日運動を展開していた時期と重なる。このケースでは、台湾華僑の陳が警察の密偵だったことがより状況を複雑にしている可能性がある。菊池論文でも述べられているが、当時台湾軍参謀部は台湾華僑の動向を把握していたようであり、それはこうした台湾華僑内部の密偵が少なからず存在していたことがうかがえる。そして裁判中に傅阿添も陳述しているが、戦後彼らは逆に台湾人警察を告訴する形で、漢奸追求から免れようとしていたのではないだろうか。

しかし、その後の日本政府の圧力・弾圧によって、次第に日本政府に妥協していった。1937年12月26日には「台湾在住中華民国華僑大会」を開催し、大陸の蒋介石政権とは断絶し、日本の傀儡政権であった汪兆銘政権を支持する旨表明した。この選択は当時すでに台湾化が進んでいた台湾華僑にとって、日本が敵国にならず、台湾で安定した生活を営むためにはある意味では歓迎される選択でもあった。それ以降台湾華僑は日本政府及び汪兆銘政権と協力関係を維持し、終戦を迎えた。

しかし、終戦直後から大陸では漢奸粛清の嵐が吹き荒れ、戦犯追及の準備も進められた。漢奸の追及の中で、当初台湾人は「奴隸化」された中国人とみなされ追及の対象とされ、汪兆銘政権の関係者は末端の役人に至るまで粛清されようとしていた。この状況下において台湾華僑は当然ながら「漢奸」の対象となり得、戦々恐々としていたことは想像に難くない。台湾における漢奸粛清の状況については依然詳細が判明していないが、その対象から外れるべく画策しても不思議ではなく、上述の陳炎崗の台湾人警察の告訴も漢奸追求から逃れるための行動と見て取れる。

以上のように、台湾法廷ではその他の中国法廷における戦犯・漢奸追求とはまた異なる利害関係が存在した。日本人と台湾人と台湾華僑、台湾人と中国人、そして台湾華僑と中国人、複雑に絡み合った利害関係が台湾における戦後処理に多大な影響を与えたのである。

3. 「東港鳳山事件」から見る台湾の戦後

(1) 東港鳳山事件

上述のように台湾華僑が抗日運動の組織していた時期があったが、台湾人による抗日運動はそれ以上に長年にわたり継続していた。特に中国戦線が拡大の一途をたどり、太平洋戦争も勃発する1940年代、日本が次第に不利な状況に追い込まれる中、台湾における反政府活動等の取締まりが強化された。こうした状況下で発生した大規模な取締りが高雄州東港郡・鳳山郡における一連の弾圧事件「東港鳳山事件」であり、多くの逮捕者および死者

を出した。その概要は以下の通り^{vii}。

当時高雄には多くの日本人が移民しており、その差別待遇等について日本政府に不満を抱き、改善を要求する台湾人が少なくなかった。高雄の特高はそのような台湾人を「国体変革」を目的とする個人および組織と見なし、その中心人物として呉海水（高雄州議員・開業医）と欧清石（弁護士、早稲田大学卒、高文試験司法科・行政科に合格）を挙げ、検挙の機会をうかがっていた。前者は林献堂や蔣渭水らと台湾文化協会設立に関わるなど、台湾知識界の中心人物の一人であり、後者は台湾きっての秀才であり、人権派弁護士として知られていた。

事件の発端は個人的な怨みを抱いていた鳳山郡林園庄港子浦派出所の櫻井勇巡查と警防団団長の蘇木らが、その対象である人物宅で営まれた父親の死後百か日の集まりを呉海水らとの集会であり、「中国軍到来時には先ず櫻井巡查をやっつける」「中国軍が必ず勝利する」「中国軍上陸の際には、戦闘に参加する」等の言動があったと郡警察および高雄州特高に報告したことに始まる。特高はこれに乘じ 1941 年 11 月 8 日関係者 21 名を検挙し、徹底的な取り調べを行い、集会は「国体変革」を目的とする集まりであり、呉海水と関係があるという自白を得るに至り、呉海水は逮捕された。さらに 1942 年～43 年にかけて鳳山郡および東港郡において実施された計 11 回にわたる検挙により 190 名の台湾人が逮捕され、欧清石もその逮捕者からの自白により逮捕された。その後 11 名が裁判にかけられ、欧清石は死刑、呉海水は懲役 15 年の判決を受け、他に無期懲役 1 名、懲役 15 年 3 名、懲役 10 年 3 名、懲役 7 年 2 名、懲役 5 年 1 名の判決が下された^{viii}（【表 4】参照）。

【表 4 東港鳳山事件判決結果一覧】^{ix}

氏名	罪名	判決結果	備考
欧清石	治安維持法違反（結社）	死刑	爆死(ママ) ^x
張明色	同上	無期懲役	
呉海水	同上	懲役 15 年	
郭生章	同上	懲役 15 年	
許明和	同上	懲役 15 年	病死
陳江山	同上	懲役 15 年	
蘇秦山	同上	懲役 10 年	
張朝輝	同上（結社加入）	懲役 10 年	病死
周慶豊	同上	懲役 10 年	
王永漳	同上	懲役 7 年	病死
洪雅	同上	懲役 7 年	爆死(ママ)
陳月陣	同上	懲役 5 年	病死

以上が事件の概要だが、取調べの際の「国体変革」に関する供述や、呉海水・欧清石に関する供述は拷問により自白が強要された。特高による取調べの非人道的な行為はよく知られているが、台湾でも同様であった。自白を強要するために実行された拷問について、その告訴状には赤裸々にその方法や図が描かれており、特高の拷問行為がいかに峻烈なものだったかがうかがえる^{xi}。さらにこの拷問により4名が死亡していることもその行為の冷酷非道さを示していよう。また、判決を受けた11名のうち、4名が病死、2名が爆死を遂げていることから、刑務所内の環境がいかに劣悪であったかは想像に難くなく、同時に服役中も非人道的行為が継続されたこともうかがえよう。また一方では、日本が不利な状況に追い込まれる中で、重要な地理的位置にあった台湾における反政府活動の動きに過敏になっていたことも示していよう。

(2) 日本人殺人事件

東港鳳山事件から約3年後、日本は敗戦し、台湾は返還されることになった。一般的に台湾の終戦直後の状況は比較的平穏で、引揚げの際には台湾人も別れを惜しんだと言われる^{xii}。しかし、戦前治安維持の名のもとに厳しい取締を行った警察や特高は恨みの対象になりやすく、終戦後各地でリンチなど報復事件が起き、関係者は戦々恐々としていた^{xiii}。特に上述の東港鳳山事件は記憶も新しく、抗日運動も盛んだった地域ということもあり、不穏だった。そして事件は起きた。すなわち1946年1月3日、東港鳳山事件の中心人物の一人であった仲井清一（潮州郡特高警察課課長）が高雄市内で死体で発見された事件である。この事件は東港鳳山事件の被害者あるいは被害者の関係者による報復事件と目された。当時台湾接收の真っ最中であった台湾行政長官公署のこの事件に対する対応は非常に迅速で、先ず1月4日に高雄州接管委員会の黄祖耀委員から事件の第一報が報告され^{xiv}、1月7日には同委員会の謝東閔主任委員から同署の胡警務処長宛てに事件の善後策について以下のよう

「県政府成立にむけて準備が進行中である今、鳳山東港二郡で発生した日本人報復事件をめぐる状況は非常に厳しい。（中略）台湾同胞がこのような違法行為を継続すると、日本人が最後の勝負に出る恐れもある。そこで台湾同胞にはしばし耐えてもらい、敵視される日本人は法を制定し一箇所に集中させ、安易な自由行動は慎むように命ずることを長官公署に具申する。」^{xv}

これに対しその3日後の1月10日には胡処長は以下のように命じた。

- 「(一) 被害者の死体は法院に通知し検査する
- (二) 犯人と被害者の状況については、関係機関と協力して周到に処理する
- (三) 岡山等七人の非技術者については、日を早めて帰国させる

(四) 当該地区人民に対してはよく安心させる。日本人七名を警務局管理下に置くことは、対外的にはこうした日本人はすでに逮捕取調べを受けていると宣伝することができ、群衆が怒り重大事件を引き起こすことを防ぐことができる。」^{xvi}

戦犯裁判や在台湾日本人の帰国等の戦後処理を迅速に実施し、一刻も早く台湾を接收することが至上命題であった台湾行政長官公署は、殺害事件そのものの追及よりも、報復事件の連鎖反応およびその混乱から接收が遅れることを恐れ、東港鳳山事件の日本側関係者の保護を優先させたのである。

台湾行政長官公署が接收を優先に報復事件に対応する一方、同時に台湾民衆からはその原因となった東港鳳山事件に関する告訴がなされていた。報復事件の直接の原因が東港鳳山事件であることは、前述の1月4日の報告にもあり、その概要も知られていた^{xvii}。呉海水も含む被害者および関係者による告訴では、拷問および拷問致死のみならず、裁判における検察官と裁判官の違法行為、特高の汚職なども含まれていた^{xviii}。こうした告訴に対し、台湾行政長官公署は東港鳳山事件の解明には本腰をいれず、逆に事件に関与し告訴状等で挙げられた日本人を一ヶ所に集中させ、報復事件の続発を防止することに心を砕いた(1月31日付けの陳儀の指令では日本人66名の拘束という名の保護が命じられている^{xix})。「報復事件」により明るみに出た東港鳳山事件は、錯綜する戦後処理の中で再度埋もれていったのである。

(3) 報復事件の真相

日本人の保護が進む一方、報復事件の捜査も進展し、単純な報復事件ではなく、委託殺人という意外な形で真相が明らかになった。その概要は台湾省警備総司令部^{xx}から胡警務処長宛の秘密文書によれば以下の通りである^{xxi}。

戦前高雄市役所調停員兼高雄裁判所通訳だった郭国基が特高刑事だった弟の郭国清と共に仲井に虚偽の報告をおこない、その結果東港鳳山事件で呉海水、蘇秦山、郭生章らが逮捕された。台湾返還後、仲井が戦犯容疑で逮捕され、自分のことを供述されたら自分にも影響があると考えた郭は仲井暗殺を計画した。郭は台湾義勇隊分隊長だった「ㄚ余」(ニスイに余) 光明に5万元と就職の世話を見返りに仲井暗殺を委託した。「ㄚ余」は同郷の黄清水ら4名を誘い、憲兵隊になりすまして仲井を誘い出しこれを殺害した^{xxii}。

(4) 無視された台湾人

漢奸あるいは戦犯として追及された台湾人だが、卑見の限りでは台湾における戦前の東港鳳山事件に代表される弾圧事件等に対して、中国側はそれを追及することはなかった。戦前の台湾における事件は飽くまで「日本人」同士が引き起こしたものであり、戦争犯罪ではなく、漢奸に相当する行為でもないと言われた。戦後大陸においては、台湾人は時として中国人とされ、漢奸とされたが、台湾では日本人の台湾人に対する非人道的行為に対し

て、戦後それを追及することはなかったのである。したがって、報復事件で明るみに出た東港鳳山事件は追及されることはなかった。

確かに法的には戦前の台湾における事件は「日本人」同士の事件であり、戦後台湾を接收した中国側はそれを裁く法的根拠を持ち得なかった。しかし大陸では台湾人を漢奸として追及する法的根拠が無かったにも関わらず、執拗に追及する姿勢が見られたり、実際に裁きかけられたりしてしまっている^{xxiii}。一方、台湾におけるそれには、他の要因が存在したことがうかがえる。第一に台湾人軽視、第二に迅速な台湾接收と戦後の国際情勢が挙げられる。大陸における台湾人処理のように、台湾人は「中国人」と見なすならば、台湾においても「同胞」を害した行為を裁く意見、少なくとも台湾人の告訴内容を汲み取る行動があってもよさそうなものだが、一切見られない。台湾華僑のように飽くまで「中国籍」を有す場合に限り、その告訴を受け入れていたようである。

報復事件の後処理にもそれを見て取ることができる。前述の通り、報復事件について最優先かつ迅速に対応したのは報復の連鎖を恐れての日本人保護であり、事件内容や東港鳳山事件については後回しにされた。そこには大陸各地および連合国各国と足並みを揃え、接收を中心とする迅速な戦後処理をおこなう目的が強く影響したことがうかがえる。多数の日本人が残っていた当時の台湾において、報復事件が連鎖し、混乱を引き起こすのは台湾接收、ひいては戦後処理全体の大きな障害になり得たのである。

その後、報復事件については真犯人が判明するほど解明が進んだが、中国側の対応には東港鳳山事件について追及する姿勢は見られなかった。台湾接收最優先の中で、日本政府の弾圧の被害者は、加害者が中国側の保護のもとで帰国していくのを指をくわえて見ているしかなかった。祖国復帰を心待ちにしていた被害者たちは、中国側の政治的思惑の中で祖国にその期待を裏切られてしまったのである。

そのショッキングな内容とともにここで興味深いのは、特高の弾圧事件関係で日本人や台湾人が戦犯か漢奸か何らかの形で処分されると認識していた点である。対岸の福建省廈門において、1945年10月から10ヶ月の間に漢奸容疑で231名が逮捕、195名が起訴され、そのうち台湾人が96名存在した^{xxiv}。こうした台湾人も訴追の対象となるというニュースは台湾にも届いていたはずである。特高を告訴した台湾人がいた一方、訴追されると自分にも影響があると考えた台湾人もいたのである。台湾人が戦後の自分たちの立ち位置を必死になって推し量っているのをしり目に、中国側はそもそも特高の弾圧事件には見向きもせず、台湾人を完全に蚊帳の外に置いていたのである。

IV おわりに～「戦争責任」と「植民地責任」

以上の内容について、次のようにまとめることができる。

- ・台湾法廷の訴追対象は警察、商人等植民地における被支配者だった
- ・植民統治期の日本人、台湾人、台湾華僑の支配被支配の関係が戦後処理にも影響を及ぼした
- ・漢奸訴追における中国人の台湾感情が台湾法廷にも影響を及ぼした
- ・台湾華僑の置かれた立場は非常に困難だった
- ・特高の台湾人弾圧事件と戦後の報復事件
- ・中国側は徹底的に台湾人を軽視した

台湾法廷における訴追対象は警官と商人、無職が中心である。後者については詳細不明だが、植民地における被支配側の植民地人警官を支配側の戦争責任で訴追することには不条理を感じざるを得ない。少なくともその他大陸における法廷で訴追された台湾人は軍人・軍属が中心である。

他にも、林木根（元台南州会議員、嘉義市元町区長）のケースがある^{xxv}。1937年7月7日盧溝橋事件以降の日本軍の勢いについて、当時台湾総督だった小林躋造は台湾各地に「南京陥落」等の宣伝活動を実施する命令を発した。林は嘉義市役所の命を受け、仮装の祝賀パレードを行った。その際林は蒋介石と宋美齡によく似た人物を用意し、蔣と宋が日本軍に負け、囚われる様を演じさせた。戦後このことが取り上げられ、まず漢奸容疑で追及され、その後戦犯裁判にかけられ、7年の有罪判決を受けた（演じた2名もそれぞれ5年の有罪判決）。これも漢奸容疑にしても、戦犯容疑にしても理不尽と言わざるを得ないケースである。

これらの状況を生み出したこと、また、漢奸を生み出したのは日本の一種の戦争責任であるともいえるが、台湾におけるこれらのケースは、その枠のみでは論じ切れない。むしろ「植民地責任」の角度から論じるべきではないかと考えている。日本は戦後敗戦と同時に植民地を失い、また同時に「戦争責任」の追及も行われた稀有の国である^{xxvi}。その意味で日本の「植民地責任」と「戦争責任」は重なる部分も多い。しかし、他律的に「脱植民地化」が進行したために、これまで日本は植民地支配の責任についてはほとんど意識されることなくきてしまった。朝鮮人や台湾人への「非人道的」ともいえる補償のあり方がその典型的な例であろう。

では、「植民地責任」論とは何か、永原論文では扱う範囲を次のように分類している^{xxvii}。

- ①直接の当事者が現存する個別事件としての「植民地犯罪」とその被害
- ②直接の当事者の存在しない、過去における個別の「植民地犯罪」とその被害
- ③植民地体制下の政策等に発する世代を超えた被害
- ④歴史・文化の剥奪とその被害

現段階では多くを議論することはできないが、この枠組みをもとに上述のような台湾のケースを考察することで、これまで顧みられることのなかった事象を浮かび上がらせることができる可能性がある。例えば上述の「東港鳳山事件」は①か②に該当する可能性があり、上述の台湾人警官も含め日本政府の台湾人に対する各種補償についての冷淡な対応も③、④に該当する可能性を有している。植民統治下では「日本人」であっても、飽くまで抑圧され、差別された「二等国民」であり、そのような被支配側の台湾人が支配側の責任を負わされた様々な事例は、やはり③、④に該当するのではないだろうか。

一般的に日本人は加害者の意識は弱く、広島・長崎の原爆被害を代表するように被害者意識が強い。日本国内には加害の歴史を示すものはほとんど存在せず、単なる暗記科目、受験科目になっている歴史教育では加害の意識を持つことは非常に難しいのが現状である。また、脱植民地化についても他律的に「代行」された日本は、欧米旧宗主国が経験したような植民地独立までの脱植民地化の過程を傍観してきており、見つめ直す努力を怠ってきた。その結果が台湾、韓国或いは中国への補償問題であり、また時として日本の植民統治には貢献があったというように、相変わらず被支配側からの視点で捉えられない偏った考えが横行している。たとえ植民統治が現地に発展を促した側面があったとしても、台湾の人々がどれだけ親日であっても、そのことを拠り所として支配者側が植民統治を肯定的に捉えることはあってはならないだろう。日本の台湾への植民統治に対する「責任」を見つめ直し、「加害者」の視点で戦争を捉え直す必要があるのではないだろうか。

和田英穂(WADA, Hideho) yingsui185@gmail.com

i [内閣官房 20 4E7-111]「台湾出身戦争受刑者名簿（日本在留者）」（東京、国立公文書館所蔵）

ii [013.81 2324]「傳阿添戦犯審理案」（国防部史政編訳局（台北）所蔵）。

iii 詳細は不明だが、反日組織の秘密会議の取り締まりによって引き起こされた事件であることが、裁判記録によって推察できる。

iv 「抗日戦争時期における台湾「華僑」の動向とその特質」（『愛知学院大学文学部紀要』2006年、36号）

v 前掲[013.81 2324]「傳阿添戦犯審理案」

vi 「台湾華僑」とは、日本統治期における台湾在住の中国籍の華僑のことを指す。統治期の台湾華僑については、許雪姬「日治時期的『台湾華僑』（1937-1945）」（『中国海洋發展史論文集』所収、1997年3月）を参照。

vii 吳榮發「黎明前的焦慮：高雄陰謀叛乱事件（1941～1945年）」（『雄中学報』第八期、2005年11月）を参照。

viii [0035/057/.43/10]「東港鳳山事件ノ概要」（1946年1月4日高雄州接管委員会黃祖耀委員發台湾行政長官公署警務處胡處長宛報告の付表）および「始末書」（吳海水らによる台湾行政長官陳儀宛の文書）等を参照。前者は日本人による記述（檔案管理局（台北）所蔵）。

ix 前掲「東港鳳山事件ノ概要」より引用。

x 詳細は不明だが、拘留中に連合軍からの爆撃にあったのではないかと。

xi [0035/057/.43/10]「冤情訴書」（檔案管理局（台北）所蔵）。

- xii 例えば、当時の思いを語った『台湾引揚史』（『台湾引揚者関係資料集』付録 1、2012 年 4 月、不二出版）に多く見られる。
- xiii 例えば、「戦争目的の遂行のため内台人を問わず激励したのだから、敗戦という異変はまずただ事ではない。殺される」（新竹州の特高、同上『台湾引揚史』207 頁）、「かつての受刑者は釈放され、その後における彼ら犯罪者の報復的策動からの身辺危害を、日夜感じながら（後略）」（高雄州の警部、同上『台湾引揚史』321～322 頁）など。
- xiv [0035/057/.43/10]「1946 年 1 月 4 日高雄州接管委員会黄祖耀委員発台湾行政長官公署警務処胡処長宛報告」（档案管理局（台北）所蔵）。
- xv [0035/057/.43/10]「1946 年 1 月 7 日高雄州接管委員会謝東閔主任委員発台湾行政長官公署警務処胡処長宛具申書」（档案管理局（台北）所蔵）。
- xvi [0035/057/.43/10]「1946 年 1 月 10 日台湾行政長官公署警務処胡処長発高雄州接管委員会宛訓令」（档案管理局（台北）所蔵）。
- xvii [0035/057/.43/10]「1946 年 1 月 4 日高雄州接管委員会黄祖耀委員発台湾行政長官公署警務処胡処長宛報告」（档案管理局（台北）所蔵）。
- xviii [0035/057/.43/10]「東港人民呈訴抄本」（郭生章等による告訴状）、「始末書」（呉海水らによる台湾行政長官陳儀宛の文書）等（档案管理局（台北）所蔵）。
- xix [0035/057/.43/10]「1946 年 1 月 31 日台湾行政長官陳儀発高雄州接管委員会宛指令」（档案管理局（台北）所蔵）。
- xx 当時の台湾方面軍の総司令部。戦争犯罪に関する調査も実施しており、台湾における戦犯裁判をおこなった。陳儀が総司令官を兼ねた。
- xxi [0035/057/.43/10]「1946 年 7 月 13 日台湾省警備総司令部発胡警務処長宛秘密文書」（档案管理局（台北）所蔵）。
- xxii 郭はその後台湾省議員、立法委員等を歴任し、晩年仲井暗殺を告白した。「ㄚ余」はその後二二八事件で捕えられ銃殺された。
- xxiii 漢奸裁判判決後に戦犯裁判に移管されるケースが多く見られるが、羅久蓉「軍統特工組織與戦後「漢奸」審判」（『中央研究院近代史研究所集刊』第 24 期下冊、1995）では、軍統が執拗に追及したある台湾人は、戦犯裁判に移管とされながら、その後の判例は確認できていない、という内容もあり、漢奸裁判に関しては依然として不明な部分が多い。今後の研究課題としたい。
- xxiv 羅久蓉「軍統特工組織與戦後「漢奸」審判」（『中央研究院近代史研究所集刊』第 24 期下冊、1995）539 頁。
- xxv 「第八節 林木根」（顔尚文編『嘉義市志・卷七・人物編』、嘉義市政府、2003 年、340-341）
- xxvi 永原陽子「『植民地責任』論とは何か」（『「植民地責任」論～脱植民地化の比較史』所収（青木書店、2009 年 3 月）11 頁。）
- xxvii 同上 27 頁。

**Barak Kushner : The Collapse of
Empire and the Search for Colonial
Guilt: Taiwanese War Criminals and
the Conflict with International Law
(英文)**

The Collapse of Empire and the Search for Colonial Guilt: Taiwanese War Criminals and the Conflict with International Law

Barak Kushner, University of Cambridge

December 2013, Taiwan

The domestic history of Taiwan has been well documented, especially since the establishment of a democratic regime in the mid 1990s and the fall of the KMT from monopolizing state power. However, the interaction of Taiwan on the international stage, especially in relation to the postwar fate of its neighbors in Northeast Asia – China, Taiwan, North and South Korea, and Japan – is less well examined. My aim in this paper is to outline the connections of Taiwan (including the shifting idea of Taiwan) to the region, particularly focusing on how it was affected by the sudden occlusion of the Japanese empire and the establishment of a new nation states following Japan's surrender in 1945 and leading up to the KMT arrival in 1949. As much as we might ignore the fact, the modern construction of East Asia only fully came into existence following 1945 – first with the independence of Korea, China's victory and then its separation into Taiwan and China during the civil war, with a further split of the peninsula into North and South Korea. We need to emphasize the interaction of the region in reaction to the fall of the Japanese empire and the struggle for power within East Asia over the course of the ensuing decades to understand how the Chinese, Japanese, and Taiwanese discarded violence and searched for justice as a means to establish a new political paradigm.

One of the first issues Chinese officials faced, as they compiled lists of Japanese war crimes and those responsible for the war, was to determine the ethnicity of the alleged culprit. It might seem mundane or even a bit far-fetched to imagine in this day and age but in the second half of the 1940s determining "Chineseness" was a key element of the war crimes process to adjudicate Japanese war crimes. This dilemma was a microcosm of the problems that Japan's imperial decline created. From the very outset of the postwar KMT officials had to deal with the issue of Taiwan and what to do about Taiwanese living around the former empire. Since they were former members of imperial Japan but still living in Southeast Asia, Tokyo, Shanghai, Shenyang, Harbin, Beijing, etc., the issue was not relegated to only the small island. This policy struck at the heart of the KMT's efforts to demonstrate how its rule was more proper than Japanese colonial management had been, and superior to the CCP. At the same time, the KMT was competing with the former image of the colonial ruler throughout East Asia and the other Allies increasing disregard for Chinese goals. Taiwan was, thus, both a microcosm of the process through which Chinese wished to regain their postwar authority and how the Allies attempted to sweep Japan away. No where does this history come more into relief than in the treatment and adjudication of Taiwanese war criminals.

Barak Kushner teaches modern Japanese history at the University of Cambridge and has a PhD in History from Princeton University. He was recently awarded a 2012-2013 British Academy Mid-Career Fellowship which he used to complete his third book on the postwar adjudication of Japanese war crimes in China, entitled *Men to*

Devils and Devils to Men": *Japanese War Crimes and Cold War Sino-Japan Relations (1945-1965)* (forthcoming from Harvard University Press, 2014). He has just launched a 5-year European Research Council funded project: "The Dissolution of the Japanese Empire and the Struggle for Legitimacy in Postwar East Asia, 1945–1965." This 5-year grant will examine the impact of the fall of the Japanese empire in East Asia. The project will hire several postdoctoral research associates and offer two full scholarships to PhD students in an effort to investigate this important historical episode.

Kushner's second book, *Slurp! A culinary and social history of ramen - Japan's favorite noodle soup* (Brill, 2012), analyzed food and history within Sino-Japan relations. (A Japanese translation is forthcoming from Akashi Shoten publishers, 『音をたててすすろう！—ラーメンの社会・料理史』). Kushner's work on the history of ramen was awarded the 2013 Sophie Coe Prize for Food History, the longest-running and most generous prize for writing in food history in the English language. *The Thought War - Japanese Imperial Propaganda* (Hawaii 2006), Kushner's first book, delved into the history of wartime Japanese propaganda. (A Japanese translation is forthcoming from Akashi Shoten Publishers 『思想戦—日本帝国のプロパガンダ』).

Kushner's academic articles have appeared in *Past and Present*, *Journal of Contemporary History*, *Diplomatic History*, *The International History Review*, *Japanese Studies*, *Journal of Popular Culture*, and the *Historical Journal of Film, Radio and Television*. He has published book chapters in edited volumes dealing with: a postwar media history of Godzilla, kamishibai and children's wartime propaganda in Japan, the Chinese influence on Taisho notions of modern cuisine in Japan, Japan's 1940 Olympic plans, the image of Japan in Chinese humor, and other topics.

《帝國的瓦解與殖民罪疚的探尋：台籍戰犯及與國際法的衝突》*

摘要

Barak Kushner, University of Cambridge

December 2013, Taiwan

特別是從 1990 年代中期民主政權的建立以及國民黨獨裁政權的式微之後，台灣國內的歷史至今都得到了完善的紀錄。然而，台灣在國際間的互動，特別是指與其戰後命運有關的東北亞鄰國：中國、台灣、北韓與南韓、以及日本，是較未受到檢視的。這篇論文的主旨便是描繪台灣與區域之間的連結（包括「台灣」作為一個概念的變化），並且特別著重於台灣如何受到日本帝國突如其來的結束、以及隨著 1945 年日本投降後所新建立的民族國家、直至 1949 年國民黨政府遷台所受到的影響。可能我們常常忽略的事實是，隨著 1945 年朝鮮首先獨立、中國的戰勝及其於內戰期間分裂為台灣與中國兩岸、以及進而朝鮮半島分裂為南、北韓，現代的東亞才得被構建成型。我們必須強調這個區域的互動對日本帝國的衰落以及隨後數十年東亞彼此勢力的角逐為所做的回應，才能夠了解中國、日本、以及台灣等的人們是如何透過拋棄暴力、尋求公正以建立新的政治典範。

中國官方在列名檢舉日本戰犯與那些應負起戰爭責任者時，第一個所面臨的議題即是決定嫌犯的民族。這也許看似世俗、以今日角度而言甚至是難以想像的；然而在 1940 年代中後期，決定「中國性」(Chineseness)卻是戰犯審判過程中裁決日本戰犯的重要元素。這樣的困境是隨著日本帝國的衰退瓦解而造成的各種問題的縮影。從戰後之初，國民黨政權的官員們就必須處理台灣議題，以及處置仍生活在(日本)殖民地國各處的台灣人。由於這群人皆是前日本帝國的屬民，卻仍生活於東南亞、東京、上海、瀋陽、哈爾濱以及北京等地，因此這項議題不能被輕視為僅僅局限於台灣這座小島。對國民黨而言，這項政策是其試圖證明自己的統治比起日本殖民式的管理更為適當、並且優於共產黨的核心所在。在此同時，國民黨政權正在與過去殖民統治者縱橫東亞各地以及同盟國成員逐漸忽略中國追求的目標的這種形象競爭。也因此，台灣成為中國亟欲恢復戰後權威此一過程以及同盟國企圖掃蕩日本勢力的縮影。這樣的歷史，在台籍戰犯的處置與裁判當中最為顯著。

*中文翻譯倘有錯誤，概由主辦單位負責

Barak Kushner (顧若鵬), University of Cambridge

War is not about respecting boundaries but about breaking boundaries. The end of war, by contrast, centers on re-establishing those borders though usually in very different physical locations. Such dislocation can often serve to mask what really happens in the immediate postwar because our assumptions are no longer valid. As the Taiwanese novelist Wu Zhuoliu noted, due to this post-imperial disruption after Japan's surrender, the Taiwanese found themselves falling into the many "holes of history." Their identity and narrative had lost their place.ⁱ A recent bestselling history of WWII in the West further underscores this breakdown with the extreme example of Yang Kyoungjong.ⁱⁱ Yang was born Korean, drafted into the war as a Japanese, taken prisoner by the Soviets and forced into their military, only to be later captured by the Nazis and tucked into their forces where he surrendered to very confused Americans at the end of WWII. The popular historian, Antony Beevor, uses the story of Yang to make us uncomfortable about telling tales of easy alliance between ethnicity and allegiance. For scholars of East Asia, Yang's story is not that shocking because we are much more, or should be more, used to the vagaries of how imperialism confuses the historical narrative. As we are all aware, Taiwan holds many similar stories detailing the complexity of war and how it actually dissolves easy notions of nationalism into much more concrete layers of expediency, serendipity and fortune. For example, in the same vein as the Yang example, there is the story of a young Japanese soldier, Takahashi Shigeru, who found himself at the end of the war in Johor Bahru, just across the straits from Singapore. In December 1945, while the Japanese army was being demilitarized in the region, he slipped away from his platoon and stayed with a Chinese friend until March 1946. Then this former Japanese imperial subject had a new set of papers made for him by a Malay friend, which "proved" that he was Chinese. In this manner, the Japanese soldier went underground and worked for several years until December 1949 when his true identity was revealed. The authorities arrested the man as a Taiwanese, since that is what was on his papers and repatriated him from Singapore to Jilong, Taiwan. In Taiwan it was discovered that he was not, in fact, Taiwanese but Japanese, after corroborating evidence had been requested from Japan. The man revealed that postwar he had worked on rubber plantations and that the pay had been good. The Malays and Indians knew that he was Japanese but treated him very kindly. He had been arrested once before by the authorities, who released him but said if we find you again we have to send you back.ⁱⁱⁱ Identity is not always about ethnic identity but frequently colored by necessity, war, defeat and many other reasons we need to consider.

The domestic history of Taiwan has been well documented, especially since the establishment of a democratic regime in the mid 1990s and the fall of the KMT from monopolizing state power. However, the interaction of Taiwan on the international stage in relation to its postwar fate as a decolonizing element of Japan is less well examined. My aim is to outline the contours of Taiwan (including the shifting idea of Taiwan itself) to the region, particularly focusing on how it was

affected by the sudden occlusion of the Japanese empire and the establishment of new nation states following Japan. We need to emphasize the interaction of the region in reaction to the fall of the Japanese empire and the struggle for power within East Asia over the course of the ensuing decades to understand how the Chinese, Japanese, and Taiwanese discarded violence and searched for justice as a means to establish a new political paradigm.

To trace the post-imperial history of Japan forces us to reframe Taiwan as an element of Japan's decolonizing empire in a transnational context, not merely as a defeated country and not merely as the simple recollection of individuals celebrating the return to the motherland (光復). Much work has already been done in this field in Taiwan, including the excellent scholarship of Xu Yuming, Luo Jiurong, Caroline Ts'ai and many others, but I would hazard that much of this is done within a political Taiwanese historical framework looking at Taiwanese borders and not centering on an investigation of how Taiwan divorced itself through the process of war crimes trials away from its imperial heritage. Reassessing the end of World War Two in East Asia as a conflict that witnessed the demise of the Japanese empire forces us to question what happened to the Japanese in postwar China and how the Chinese resolved the issue of Japanese imperial governance. Here, the notion of law was immediately important to both the Chinese and the Japanese since both sides wanted to claim equal domain over being able to implement the application of justice in their own jurisdictions. As the examples I used in the introduction demonstrate, imperial identity was fairly malleable and the Japanese believed that they were still in some form of managerial control of parts of China while the Chinese needed to briskly establish courts to trumpet their own presence on the stage of international policy. "Chinese" policies, those the KMT government pushed both on the Chinese mainland and on Taiwan, were often times in complete conflict and for good reason. The Chinese had competing goals in disparate geographical areas – in Manchuria they needed to compete with the encroaching Soviets and Chinese communists, in Taiwan and other major occupied urban areas they needed to complete the surrender with the Japanese military still often in control, and with their own KMT generals in Shanxi, under General Yan Xishan, or other areas where rule was akin to an independent fief. A secondary problem for Japan's war in China is that it ended abruptly and thus East Asian views of the end of the war differ greatly from the Japanese – in particular who was victorious and who was defeated.

How were the Taiwanese seen by Japanese?

Kamisago Shōshichi had been a military police officer in Taiwan for thirty years and heard the August 15, 1945 imperial broadcast at 12 noon in the Kempeitai headquarters in Taipei. There was complete silence as people listened with pained expressions on their faces. He noted that in early October about 150 Chinese military police arrived in grand style at Danshui port, all dressed to the hilt with new equipment, and parading on the quay in a way that puzzled as much as impressed the Taiwanese who watched from the shore.^{iv} But then the author added that even though initial Chinese troops that landed looked well prepared, the Taiwanese afterward said, "as we thought...the Japanese military is better."^v Kamisago recalled that the Taiwanese initial response to the Chinese military landing was to send their daughters away and to shut their houses. Japanese authorities in Taiwan

kept careful postwar records of what was happening at the fringes of the empire – not all was lost nor was there great chaos. There was, in fact, at times social order depending on the locale. A military report from Taiwan high command in late October 1945 to Tokyo detailed that immediately after the surrender the situation remained calm on the island but then picked up and was marred by a rise in theft and acts against the police. The Japanese military had not yet handed over its weapons but the Japanese administration was quite worried about the near future of social stability in Taiwan. The Japanese military command also noted that there were thousands of demilitarized individuals in Taiwan – from naval laborers, soldiers, student workers who were employed by the military, injured soldiers, etc., who are all now in a predicament. There were also many Taiwanese families arriving at the Japanese military headquarters to request that the Japanese government return their loved ones home. The headquarters in Taiwan was forced to get in touch with offices in Manila, Indonesia, Southeast Asian areas where Taiwanese were frequently dispatched to find out what happened since news from Tokyo was scarce.^{vi}

A Japanese report of unknown provenance detailing the situation of Taiwanese and Korean stated that due to the change of circumstances Japanese authorities were most worried about potential incidents at places where many Korean and Taiwanese workers were stationed. In Akita Prefecture there was an incident at a mine where a dozen or so Korean workers were drinking on August 15th and yelled at Japanese supervisors, “Japan lost the war so now we will make you work in the mines!” Then they destroyed items in their dormitory and ran amok. It took 50 police and others to return calm to the area. There were other incidents at various mines and at a naval facility in Kanagawa where about 7,000 Taiwanese workers labored. On August 23rd they stopped work but food at the facilities was in short supply and the Taiwanese saw female employees and cafeteria workers absconding with food and accosted them. The dispatching of several hundred Kempeitai to the area was required to restore order.^{vii} The Japanese Ministry of Foreign Affairs investigated that for many expat Japanese living on Taiwan there had not been too great a change in lifestyle so things appeared relatively stable but no one could sell real estate and with prices rising due to stricter rationing, it was soon getting hard to make ends meet so the situation was precarious. A Japanese report from October 8, 1945 explained the budding friction between Japanese who stayed or, or were forced to in technical positions (留用) because local Taiwanese themselves were underemployed and wanted those jobs. “When the Japanese return home we should replace them in those jobs,” local Taiwanese said. There were, of course, also Taiwanese who returned from Japan to take care of aging parents but who left wives and children in Taiwan. (It is this idea of imperial mix that seems to have been completely erased from Japanese modern and Chinese modern history. There could be no mixing because they were, *sui generis*, always the enemy).^{viii}

War Crimes and Taiwan

While the impact of the Tokyo War Crimes Trial is still being debated, effectively the number of Japanese it put into the docket remained miniscule. For all of its lofty aims, and there were many, the Tokyo Trial was fundamentally Western oriented even though evidence about the Nanjing Massacre and the situation in

parts of Asia was submitted. A more fitting approach to investigation the war crimes puzzle at Japan's imperial periphery requires turning our attention to the 5,700 BC class war criminals who were prosecuted in some 2,244 cases that were adjudicated in forty-nine venues throughout Asia.^{ix}

The three categories of war crimes judged at Nuremberg, Germany which became the template for those later in Tokyo and elsewhere were "crimes against peace," conventional war crimes, and "crimes against humanity" – summarized as A, B, and C classes. Class A war criminals were the men who planned and executed Japan's "aggressive" war but did not necessarily sully themselves with the dirty job of directly putting the plans into action. The Tokyo War Crimes Trial was East Asia's sole Class A war crimes trial and given the duration and expenses incurred during the two and a half year trial it is important to remember there were only twenty-eight original defendants and that the trial remained confined to Japan.^x The BC class was reserved for B, "conventional war crimes" (rape, murder, illegal incarceration, abusing POWs, etc.) and C class, "crimes against humanity." The B and C class crimes are legally slightly unusual but not as distinct as the Class A. In traditional international law a defendant could not be tried by a third party for action against his own people or for actions committed before the war began. Such a law would have infringed on the concept of legal sovereignty. This new idea of using "international law" was a way to transcend the notion of national law and create the means to pursue an individual for a crime that the international community all assessed in the same manner. The creation of the new C class of crimes was a way to prosecute the act of genocide and maneuver around this legal barrier. The Japanese military did not implement a genocidal policy, like the Nazis planned, so its B class trials delineated conventional war crimes for those in charge, and C class was for those who actually executed the crime though mostly defendants were just charged as a combined category, "BC class."^{xi}

Although the statistics are not completely reliable, it is generally calculated that the KMT brought 883 Japanese defendants to court in 605 cases and found 355 men guilty. Only 149 men were executed and 350 men were found not guilty.^{xii} At the same time, BC class war crimes trials affected more than just the Japanese leadership, it expanded prosecutorial zeal to the common man throughout the empire. Importantly, it was not always clear who was Japanese or who should be charged because even the idea of "Japanese" was flexible during many of these trials. Of the total number of men charged in all the trials across Asia, approximately 173 individuals were Taiwanese, of whom 26 were executed. Korean and Taiwanese defendants made up 5.6% of all those convicted of BC class crimes.^{xiii} To be sure these figures are not exactly large but they are significant and the trials of Taiwanese war crimes are, in the end, a microcosm of the Japanese empire and a record of how the stated aims of the war were actually experienced at the local level beyond Japan's own borders. Consequently, the postwar adjudication of Japanese/Taiwanese soldiers demonstrates not only how the nationality and identity were perceived during the imperial reign but this also signifies the manner in which China attempted to appropriate such identity politics in the aftermath of surrender. This research and the aims of our conference assists us to examine Japan's imperial decline at the edge where it came into legal interaction with European imperial and

American hegemonic claims to political legitimacy in the search for justice in East Asia.

At the onset of the early Cold War, the legal restructuring of East Asia played a vital role in redressing colonial imbalances and imperial power claims to political authority. The Chinese and Japanese used the political shifts in the early Cold War to engage in new domestic and foreign propaganda and policies to solidify support for their camps. During the late 1940s and early 1950s new governments in East Asia shifted focus and raised the banner of "humanity and justice" as a means to fortify their own fragile legitimacy. Each nation tried to prove its level of "justness" by enacting what they deemed to be the proper and legal pursuit of Japanese war criminals in the immediate postwar.

One of the first issues Chinese officials faced, as they compiled lists of Japanese war crimes and those responsible for the war, was to determine the ethnicity of the alleged culprit. It might seem mundane or even a bit far-fetched to imagine in this day and age but in the second half of the 1940s determining "Chineseness" was a key element of the war crimes process to adjudicate Japanese war crimes. This dilemma was a microcosm of the problems that Japan's imperial decline created. From the very outset of the postwar KMT officials had to deal with the issue of Taiwan and what to do about Taiwanese living around the former empire. Since they were former members of imperial Japan but still living in Southeast Asia, Tokyo, Shanghai, Shenyang, Harbin, Beijing, etc., the issue was not relegated to only the small island. This policy struck at the heart of the KMT's efforts to demonstrate how its rule was more proper than Japanese colonial management had been, and superior to the CCP. At the same time, the KMT was completing with the former image of the colonial ruler throughout East Asia and the other Allies increasing disregard for Chinese goals. Taiwan was, thus, both a microcosm of the process through which Chinese wished to regain their postwar authority and how the Allies attempted to sweep Japanese imperialism away. Nowhere does this history come more into relief than in the treatment and adjudication those suspected to be Taiwanese war criminals. Part of this work I have detailed in a forthcoming book on Chinese war crimes trials of the Japanese but I will also add to that story here.^{xiv}

The key is how Japan changed its foreign policy from imperial to bilateral because this was really the first time that Japan was forced to treat the Chinese equally. The manner in which Taiwanese were treated, as war criminals or other, was symptomatic of how the war was defined by the Japanese themselves, as exploitative or benevolent. So, the Taiwan element has great meaning for modern Japanese history and not just domestic Taiwan, or a section of Republican history. It is, in fact, a history of decolonization that belongs to that genre. We must treat this episode as something larger than just the sum of its parts.

Taiwan may appear insignificant as an historical actor given its size and that it is no longer recognized as a sovereign country but the fact that it operates like one is precisely because this space is what historian Michael Szonyi calls a "Cold War island." Essentially, the island's core history helps explain East Asian's Cold War predicaments. Taiwan was a complex geographical entity, never fully confirmed as a legal entity of the Japanese empire or the Qing.^{xv} This legal liminality increased dramatically with Japan's surrender in 1945. Because the island was on the periphery of the newly established borders of Chinese Nationalist rule after 1945

Taiwan was at first not a priority for Chinese political management or military administration and would not become so until a few years into the Cold War. The moment that Taiwan was handed over to the KMT, the Chinese use the term *guangfu*, meaning "revert back to," Chinese authorities were planning how to "Sinify" or render the colony back to its Chinese roots. The fact that Taiwan had been the spearhead of Japan's international colonial efforts for close to half a century meant the task would not be easy.^{xvi} It was this cross that KMT authorities would bear, deciding whether the Taiwanese were Chinese and thus collaborators, or Japanese and thus war criminals, or imperial bystanders.

Taiwanese duality was bequeathed through the legacy of the empire and when that collapsed the very identity that undergirded the Taiwanese role in Japan's imperial enterprise quickly crumbled. Identity may not seem important when dealing with war crimes but it was crucial for two reasons: first if the Taiwanese saw themselves as only victims of KMT attempts to historically redress the situation then the Chinese Nationalist goal of retraining the island population and reintroducing them into the fold of the Chinese mother country would be jeopardized. Second, if the Nationalists did nothing to address the Taiwanese role in Japanese war crimes then the domestic mainland population would be potentially up in arms that the government was coddling the treacherous former Japanese imperial subjects. Third, after 1949 and the KMT's retreat to the island as their sole sanctuary, the identity issue as a source of conflict with millions of incoming mainland Chinese only escalated. Any policy could potentially lead to disaster and yet a failure to act at all would also be tantamount to political suicide. Something needed to be done – the Taiwan question required resolution and was fundamental to how Chinese defined the limits of Japan's empire. The subsequent political dilemma for the KMT pivoted on the issue of how to engage with Taiwan's historical role in Japan's imperial expansion and how to process such responsibility with an eye toward future inclusion. Either as volunteers or draftees Taiwanese soldiers in the Japanese imperial forces served in many capacities but often as translators or in low-level military jobs. Such positions frequently placed Taiwanese on the front lines in conflict with local Chinese or other ethnicities within Japan's Greater East Asian Co-prosperity Sphere. In essence Taiwanese had a double identity. Ethnically they mostly stood as Han Chinese but legally until the end of 1945 they were recorded as Japanese nationals.^{xvii} There was also a second category of Taiwanese, the aborigines, who were at times amalgamated into the Taiwanese group and drafted into the Japanese military. Many of these individuals found themselves postwar labelled as Japanese war criminals and caught up in legal webs of intrigue in trials run by the Allies.

For the Taiwanese there were two major issues impinging on war crimes trials: the ethno-political identity of those liable to be charged with war crimes and the question of collaboration. A third factor was the manner in which the Japanese responded; after all, there were several hundred thousand left in Taiwan at the end of the war, including colonists and soldiers. For the Nationalist party it was in their best interest not to deem all Chinese residents on the island as traitors, but neither could KMT leaders allow gross acts of Taiwanese collaboration to go unpunished. Given Taiwan's previous *longue durée* as a colonial state the conditions conducive to cleaving it away from Japanese rule and culture initially appeared daunting.

KMT debates on how to deal with Taiwan began before surrender. Most tellingly KMT leaders already admitted to themselves in 1944 that to reorient, as they termed it, Taiwanese back into being Chinese was not a simple task. The KMT's policies to culturally re-attach Taiwan to the mainland and eradicate Japanese colonialism were already underway by April 17, 1944 when the *Taiwan Investigation Committee* was set up within the ranks of the KMT to start thinking about Taiwan's potential return. This move was not based on histrionics; Chen Yi, the chair, former governor of Fujian and future governor of Taiwan after Japan's defeat, was serious. Chen Yi's right hand man was Qiu Niantai, a Taiwanese public intellectual of long standing and a major representative of Brotherhood of Taiwanese associations on the mainland.^{xviii} Chen Yi, like Chiang Kaishek and many other officers in the KMT, had studied military science in Japan, was proficient in the Japanese language and knew the country well, having spent a long time there as a student. Chen was thought to be a good choice to run postwar Taiwan when it eventually came back under Chinese dominion and the fact that he had a Japanese wife did not hinder his chances. Chen was clear about the mission, stating that he would not impede Japanese colonial policies where they were efficient, stop factories or create havoc but would focus on reforming Taiwan back to the motherland (*zuguohua*), which essentially meant the Sinification of culture, education, and language.^{xix}

It is obvious that in some ways KMT authorities believed that the Taiwanese could, with effort, reacquire a culture and simply return to being Chinese. The taint of being imperial Japanese could be rinsed away with proper education. On Friday, July 21, 1944, long before Japan surrendered and during the height of the imperial Japanese military offensive (Ichigō) that cut through the heart of China's mainland, KMT officials held a roundtable to discuss the issue of Taiwan. Here, in the record of the *Central Establishment Bureau's Taiwan Investigation Committee Round Table*, KMT officials and exiled Taiwanese residents of varying backgrounds gathered together to forge a set of policies concerning how to administer Taiwan after the war was finished. Chen Yi, close confidante of Chiang Kaishek, presided over the meeting and his opening salvo signified that the December 1, 1943 Cairo Declaration had already placed the return of Taiwan squarely back in KMT hands once Japan was defeated. Chen enunciated, "we need to decide how to handle the situation postwar." Chen then dramatically stated, "needless to say this is not merely a question of reclaiming Taiwan, we need to prepare in all areas...."^{xx} Chen explained to his roundtable "we all know" that the Japanese imperial military and industrial clique want to "exploit and oppress our Taiwanese brothers," and this is destructive, he said. But then he added a more sombre note that the Japanese had already created many excellent facilities that worked well and were good, Chen confessed. He admitted admiration after his own 1935 visit to Taiwan to see how it fared under Japanese colonial management. "I think that in transportation, agriculture and industry they [Taiwanese] are all stronger than the mainland," he felt compelled to stress to the group gathered. So once we take over Taiwan we will have to keep this in mind and be sure to do a better job or at least maintain what the Japanese were doing, he announced.^{xxi}

Another participant who rose to speak and confirm Chen's views was a member of the KMT diplomatic corps, Huang Chaoqin, who had studied prewar both in Japan and the US. Huang reasoned that for fifty years Taiwan had been

separated from the mother country so all its customs and the system of education were different. The changeover is going to take a bit of time but we have to make certain that we do a good job of governing and managing Taiwan because if we do not we can be sure the Japanese will use that as propaganda for themselves, Huang claimed.^{xxii} The immediate postwar was a chance for the KMT to shine, or fail, and international attention was mounting. One more speaker, Ke Taishan, was concerned that the discussion was a bit immature since the war had not yet ended and there were still many undecided factors that could affect the situation. He noted, for example, that the US could decide to land on Taiwan as part of its battle strategy (and in fact US forces considered this option during the battle for Okinawa in April 1945). Or the Americans could demand the destruction of industry on Taiwan for payment or retribution for the attack on Pearl Harbor and that would change the nature of the game and what the KMT would have at its disposal.^{xxiii}

Balancing the Good and the Bad – Technicians or War Criminals?

As much as the Chinese leadership wanted to pursue and punish Japanese war criminals and Chinese collaborators, mitigating circumstances also impeded easy blanket policies because the simple fact was the Chinese needed the Japanese to remain, and in particular to remain in key industries in Taiwan and on the mainland. The numbers of Japanese the KMT and CCP had to deal with in postwar China were staggering: a little more than two million, of whom slightly over one million were military POWs and 780,000 were civilians. Approximately 56,000 were defined as Korean, with 40,000 Taiwanese brethren added. Given the sheer quantity and their disparate locations the KMT quickly made a decision to retain Japanese train crews on staff. As Chinese Republican archives note, many prewar train lines in China were managed by foreigners, so immediately following Japan's surrender crews of Chinese were not available in enough numbers to run all the separate systems. "We must use these materials and Japanese technicians who are prisoners, (*rifu gongren*), to fix and maintain the tracks in this early postwar time," one report stated.^{xxiv} The Nationalist government, still stationed in Chongqing at the time of Japan's surrender, reasoned that with properly operating transport it would be able to more quickly receive the Japanese weapons that were supposed to be delivered to KMT hands and then actually repatriate Japanese deep from within the Chinese interior.

At the moment of the Japanese surrender in August 1945 no one – neither the Chinese, the Taiwanese nor the Japanese – could predict the future with any clarity. Commentary from the repatriates, *hikiagesha*, when they reached Japan's shores suggests that the Taiwanese harbored ambivalence toward the incoming mainland Chinese administrators and military, but that could have been Japanese colonial arrogance. Shiomi Shunji, a long-time Japanese economic specialist who worked in Taiwan for the colonial administration, returned to Taipei, the capital of Taiwan, from Tokyo by plane on September 9, 1945. He was sent to assist in the eventual handover in Taipei but detailed his anxiety in his diary about the process and what precisely the Japanese would try and keep or offer the Chinese.^{xxv} Many Japanese were at first worried they would find themselves on the receiving end of vicious retribution but once the situation calmed down the former colonial population grew more relaxed, and some Japanese even opted to stay in Taiwan. The pay was good

and technicians, those especially welcomed by the new Chinese rulers, believed they still had a lot more to "teach" the Chinese to help them modernize. The American military also grasped the subtleties of the situation. General Albert Wedemeyer, head of US military command in Chongqing, told KMT General He Yingqin that he wanted all Japanese out of China by the summer of 1946, with the exception that Taiwan could permit Japanese to remain until January 1947. Many Japanese in Taiwan wanted to stay; the Americans were acquiescent and the Chinese believed they needed Japanese technicians. In the end approximately 7,000 Japanese technicians and their families (totalling about 28,000 Japanese) stayed in Taiwan for the first few years after the end of the war.^{xxvi}

A large portion of Taiwanese (and Koreans) who served Japan's imperial efforts were not always soldiers but also hired as guards at the POW facilities across Japan's empire. These men were called *gunzoku yōnin*, or "civilians in the military employ." These positions were generally considered of a lower stature but these men were often in primary contact with Allied POWs and thus more easily remembered postwar when lists were drawn up of war criminals. In contrast, the Japanese *kempeitai*, military police, of whom the numbers were much larger, had a lower conviction rate in postwar trials compared to the Taiwanese draftees.^{xxvii} Why Japan's colonial soldiers more frequently met with a harsher fate is a major criticism of the manner in which BC class war crimes were pursued not only against the Japanese but against members of the colonies as well. However, Mayumi Yamamoto is quick to remind us that some Korean prison guards in many areas of the empire employed as *gunzoku* actually "received ¥50 per month while Japanese soldiers received ¥7. Many Koreans therefore went to restaurants and brothels frequently, and spent more than Japanese soldiers."^{xxviii} We may have to conceive of a less monolithic view concerning how non-ethnic Japanese lived and worked in various parts of the Japanese empire.

While the number of Taiwanese who were indicted and charged directly with war crimes was not overwhelmingly large in Taiwan or on the mainland, a large number were swept up in Australia's moves to quickly pursue war crimes that had been perpetrated against its citizens. With the exception of a few trials in the city of Darwin in northern Australia, most Australian trials did not take place directly on Australian soil but on territory managed away from the continent, keeping it far from the intense public scrutiny and calls that sentences were too lenient.^{xxix} Because Australia had been directly attacked by Japan and suffered casualties, while its soldiers were also taken as POWs in mass numbers, Australian attitudes toward Japan were spiked with fever. Trials were held in Hong Kong, Labuan, Singapore, Wewak, Rabaul, Morotai, Ambon, Port Darwin, and the last on Manus Island. Rabaul was the site for one of the biggest sets of trials that prosecuted 197 cases with 408 individuals.^{xxx} Rabaul was a township in New Britain, Papua New Guinea, and fell under Australian legal jurisdiction. Australian cases also concerned the largest sweep of Taiwanese for war crimes when Allied forces liberated POW camps in North Borneo, including the towns of Kuchin and Sandakan. According to investigators, the Allies rounded up the Japanese soldiers responsible for abuses and horrible treatment at these Japanese-run POW camps and housed the suspected war criminals in former POW camps in Labuan, which is now part of Malaysia. Eventually the numbers were whittled down and Australia indicted 146

men, of whom 102 were Taiwanese guards at the camps. Two were sentenced to death by hanging, twenty-seven to death by firing squad, five to prison for life, and ninety-four were handed other prison sentences. Later seven men who had been handed the death penalty had their sentences reduced. On February 28, 1946 those soldiers whose convictions stood were transported from Labuan to Morotai Island where the death penalties were carried out.^{xxxii}

***Hanjian* (Traitor) or War Criminal?**

The question of who faced indictment for being a traitor and who was charged as a war criminal was an important one in immediate postwar East Asia, as it continues to be today. At the outset there was no standard and each geographic region was told it would have to decide for itself how to try both traitors and Japanese war criminals but that they should do so in an even-handed and juridical fashion. The courts and police were told "discrimination will not be tolerated" and that the highest court in each region should try traitors. This was no small matter and the statistics of traitor's trials dwarf those of Japanese war criminals. According to Chinese Republican archives from November 1944 to October 1947, there were approximately 45,000 traitor cases which resulted in 30,000 indictments alone.^{xxxiii} These were handled by the regular Chinese courts. In contrast, war criminals were treated by special military courts set up for that purpose or measures were put into place to extradite such individuals through appropriate governments like the US since it managed Japan's occupation.

According to the Chinese dictionary definition, a *hanjian* was originally a loser in battle, a degenerate or scum of the Han race, or one who lived off of the invader's largesse or accepted tribute from the outside. This meaning then expanded to represent the dregs of the Chinese nation, so a traitor was one who acted against the state.^{xxxiv} It is not, however, a legal term but a label of stigma and as David Atwill has noted, the term has often taken on unlikely other historical definitions.^{xxxv} Wada Hideho clarifies the issue when he notes that the issue of war crimes in Taiwan was akin to being stuck between Scylla and Charybdis because one was actually cornered between choosing one of two evils, either war criminal or a traitor – it was a situation in which one could not emerge unscathed.^{xxxvi} One must remark that the Chinese understanding of *hanjian* is more malleable than the US legal definition of treason, which has no ethnic component within its mandate. *Hanjian* is deeply rooted in being Chinese. America is one of the few democratic societies to articulate the specific crime of treason in its constitution but this act is also notoriously difficult to assert and prove in open court. To sustain the charges at least two witnesses are necessary and the prosecutors must prove intent. This stipulation was not required with Chinese traitors and many cases of insinuation occurred where the disagreement concerned local quarrels. Often charges of collaboration had little to do with improper wartime behavior. Lin Qiuping notes that the difference between the more traditional Chinese definitions of traitor and the new postwar legalized definition was that previously being a traitor was defined by action, but after World War Two it was no longer based on one's actions but rather job title and position that classified someone as a traitor. War criminals were widely defined through crimes such as "murder, starvation, enforcing slave labor... selling drugs, abuse, etc."^{xxxvii}

Traitors, on the other hand, were thrown into a more vague set of categories legally summarized in one phrase as “those in China who cooperated with the enemy.”^{xxxvii}

The lines between being a traitor in China’s war of resistance against Japan and being deemed a war criminal were fuzzy at best. What’s more, who to try first was a dilemma – domestic criminals who could destabilize the fragile CCP-KMT united front, or Japanese who potentially had the power to rise again and continue the occupation of China? Near the start of the war, on August 8, 1938, the KMT government had already released a law, *Xiuzheng chengzhi hanjian tiaoli* (Amended Regulations for Punishing Traitors) which stated, in part, that passing information to the enemy or spies, or taking part in leftist activities, was synonymous with being a traitor, the penalty for which was death.^{xxxviii} The KMT might have softened its position after the war but by no means had the party clarified it. On November 23, 1945 the Nationalist government again released a law, *Chuli hanjian anjian tiaoli* (Regulations for Dealing with Cases of Treason) and it classified as traitors many officials who had worked for or with the Japanese. In its December 6, 1945 promulgation the KMT further defined the legal status of a traitor as “having participated or conducted activities for a puppet organization or related group; acted on behalf of enemy or puppet structures, acted in a manner that benefits the enemy or goes against the benefit of the country....” The subtlety of what constituted an act that benefitted a puppet organization was vague at best and impossible to delineate at worst. The whole nature of the *hanjian* issue was that virtually anyone with any connection or scant relation to the enemy or any Japanese controlled institution was inherently implicated.^{xxxix} Obviously, for postwar Taiwan this was a dilemma of enormous consequence. (Postwar Indochina and Korea showed similar difficulties in regulating these issues in unravelling empires.) Treacherous activities were characterized as plotting to oppose the nation or disturbing the peace. Black marketeers, those who profited from the disorder and sold food or juggled financial specie, were also included.^{xl} A well-known Chinese journalist watching traitors’ trials in Shanghai remarked that no military person was ever tried as a traitor and that many “economic traitors” escaped justice by using underhanded methods. Highly placed local traitors even retained their positions in the village official ranks while lower echelons were charged.^{xli} The CCP defined traitor more simply as an “enemy of the people.”

Both the KMT and CCP struggled at the outset with separating the two categories of criminal activity – collaborator and war criminal – and at times there was not much of a distinction. In the CCP media the term *zhanfan hanjian* (war criminal traitor) frequently occurred as one phrase. Such criminals included the enemy Japan as well as the *wei*, the “imposter” Nanjing government officials presided over by the Wang Jingwei clique, and those Japanese and Chinese bureaucrats who had staffed the puppet government of the “fake” country of Manchukuo.^{xlii} An October 20, 1946 memo from the KMT’s Control Yuan, the branch of government that kept the other four branches in check, detailed notes concerning Qiu Niantai’s comments on whether Taiwanese should be considered traitors or how they should be treated. In Qiu’s estimation the Taiwanese had been cut off by Japanese colonialism and exploitation for the last 50 years and the immediate postwar was the time the KMT needed to treat them benevolently, to create stability to bring them back into the embrace of Chinese culture. The way to restore

sovereignty to Taiwan was for all provinces to treat Taiwanese fairly and not bear grudges so that they would wish to return to the mother country. To do this Qiu suggested all coastal provinces release their Taiwanese brethren charged as war criminals and/or traitors. The central government, he wrote, has stipulated that Taiwanese should not be charged as traitors but if matters dictated they could be tried as war criminals.^{xliii} A follow-up memo from the Minister of Defense, Bai Chongxi, supported these motions and seconded the idea that Taiwanese should be afforded more immunity from prosecution because such pursuit was not in China's best interest.^{xliv} The *hanjian* issue worried Taiwanese and the discussion did not abate. A memo dated January 23, 1947 from the Xiamen City (Amoy) Taiwan Brotherhood Association to KMT officials pleaded that Taiwanese should not be pursued as war criminals because they were invaded by Japan and occupied for five decades. After years of resistance they were glad to resume Chinese citizenship and identity. This memo, sent to the KMT party headquarters, concerned the problem of Taiwanese legal status and whether such individuals could be charged as Japanese war criminals, considering their former status as colonized subjects and sudden change in national status following Japan's surrender.^{xlv}

The Liminality of Imperial Japanese Postwar Identity

One of the first Taiwanese arrested in Taipei as a war criminal and tried in a military tribunal on the island by the Chinese was Chen Shuiyun in October 1946. Chen was a police officer in the Taipei district and was tried for unlawful arrest, interrogation and causing the death of suspects in his custody. There were seven similar cases in the Taipei court concerning these sorts of charges. Five individuals belonged to the police or the colonial administration special police, one was a military policeman, or *kempeitai*, one was an assistant to a *kempeitai*, etc. Chen was sentenced to death at the end of the trial though it is not clear if the sentence was actually carried out. One of the other few direct cases in Taiwan involving Taiwanese was a Chinese policeman from Yilan city who also was tried for unlawful arrest and the death of two Yilan city residents from a case back dating back to December 1937. He and his Japanese counterpart were sentenced to several years in prison for their crimes.^{xlvi} There were several other Taiwanese also tried as war criminals in Taipei and it remains unclear why precisely these cases were pursued as "war crimes" when similar incidents would have been relegated to a conventional crimes, or maybe even a traitor trial. In one 1947 case where Huang Liangcheng, a 33 year old, was a translator for the Japanese Kempeitai, and faced charges of being complicit in the torture of several fellow Taiwanese from an incident in November 1944. He was given a sentence of ten years.^{xlvii} Another war crimes trial in Taipei in 1947 of Liao Zhengquan, 39 years old, was tried with a Japanese colleague under charges of torture and kidnapping. Liao was given 5 years for charges of torture but found innocent on the charge of kidnapping.^{xlviii}

Coming to Taiwanese on trial we arrive at the heart of the matter concerning identity, law and the ultimate demise of Japan's empire. It is in the gap between policy and implementation that a critical element of the story lays: the postwar Chinese grasp of law and justice. Part of the story surrounds the question of whether immediate postwar Chinese law attained a new international sense of justice? All the World War Two victors wanted to try Japanese war criminals but what did they

gain in the legal pursuit of such ends? Further confounding the issue of whom to pursue as a war criminal was the legal snafu of defining who was Japanese and Chinese. Oguma Eiji notes that the December 1945 change in the Japanese household registration (*koseki*) law confused the situation because it suddenly reverted a large number of Japanese citizens to their Chinese and Korean legal identities, instantly stripping them of Japanese rights.^{xlix} In one fell swoop this mass of colonial humanity was egregiously discharged from the Japanese empire. It was not, however, until 1947 that Koreans in Japan received legal status as foreigners. Later with the 1952 San Francisco peace treaty they were given foreign residential permits.ⁱ Japan summarily jettisoned its imperial appendages but that did not mean that they were accepted elsewhere and very often the barrier of "law" was used to impede such inclusion.

Just before the end of the war the KMT Ministry of Defense produced a clear policy outlining how it aimed to deal with Japan postwar, but the matter of Taiwan developed haphazardly and in fact became reliant upon Japanese assistance. Among other issues, the plan contained details advocating the need to change the emperor system and alter the Meiji constitution so that authority rested in the hands of the Japanese people. The policy stated that to help change Japan meant to eradicate the politics and education that produced the emperor-worshipping society, which included Shintoism and the militarization of society.ⁱⁱ While the KMT generated detailed plans for foreign policy toward Japan, the party found it more difficult to produce a similarly clear vision for its fellow Chinese countrymen on the island of Taiwan. In trials held under Nationalist jurisdiction before the KMT retreat to Taiwan in 1949, Nationalists often tried Taiwanese as "Japanese." Approximately one hundred and fifty Taiwanese were indicted in military tribunals for BC class crimes across East Asia and some two dozen were executed. Some Taiwanese, however, were fortunate to go before more lenient judges and there was little uniformity in dealing with former colonized peoples – their sentences were more often than not the result of serendipity instead of policy. In one of the first test cases where a Taiwanese stood trial as a collaborator the outcome was unusual. Zhuang Sichuan worked for a newspaper in Wuhan and was found not guilty in a Hubei court because, the judge said, as a Japanese national Zhuang had to obey orders and was not responsible for his actions.ⁱⁱⁱ

The Shibuya Incident

While Taiwanese on the periphery of empire met with a mixed bag of legal outcomes, in Japan early postwar incidents helped forge a criminal image of former colonial subjects that may have encouraged Japanese to also see them as war criminals. As historian Kawashima Shin details, the Shibuya Incident of July 1946 in Tokyo demonstrated the tortured process of Taiwan's decolonization and what he describes as "Japan's de-imperialization." Similar to the manner in which charges of war criminality or collaboration were hoisted on the Taiwanese population from an outside authority, the KMT, the Taiwanese people did not actually effectuate their own decolonization but it, too, was imposed by non-native forces.ⁱⁱⁱⁱ The problems began on July 14, 1946 when the Japanese Matsuda gang stabbed a Taiwanese stand owner on the way home through the Shimbashi area. Tensions had already been running high among mainland Chinese, Taiwanese (Formosans), Koreans and

Japanese gangs who were all vying for as much of the dwindling economic pie as they could acquire.^{lv} In the ensuing police investigation Taiwanese dissatisfaction led them to riot and protest violently in front of the Shibuya police headquarters. Shibuya and Shimbashi were the two main black market sections in Tokyo and thousands of Taiwanese operators had stalls in both areas. The battle in the Shibuya district between Japanese police officers and newly legally enfranchised Chinese/Taiwanese nationals quickly escalated into a riot pitting Japanese police and Japanese armed gangs against the Taiwanese gangs. Though the final count remains murky, the incident resulted in at least four dead and twenty or so injured, though conflicting reports suggest possibly hundreds injured.^{lv} The *Asahi* newspaper reported on July 21 in a headline "police and people from the province of Taiwan shoot it out leaving 16 casualties."^{lvi} The argument stemmed from the fact that during the war many Taiwanese had come to live in Japan as Japanese imperial subjects but after the collapse of empire their legal status was reduced to that of aliens, even though they legally belonged to the victorious Chinese nation.

Xu Yuming sees the situation from a different perspective. In his analysis the Shibuya Incident in Tokyo has less to do with de-imperializing Japan and is more connected to the Taiwanese spiral downward toward a dictatorship under the KMT after the February 28, 1947 incident (colloquially known as the 2.28 incident) in Taiwan.^{lvii} While the 2.28 incident exploded on a single day, domestic unrest throughout the island continued for months. During the instability, the KMT slaughtered an estimated several tens of thousands of Taiwanese to quell social disquiet (though many also argue that Japanese nationals made up part of these numbers as well). Through a series of riots and military "clean-ups," initially instigated by the Chinese Nationalist government trying to curtail unlawful sales of tobacco, a prime source of income for lower wage earning Taiwanese, the incident was a tragedy of epic proportions for the early history of a new Taiwan. The February 28 aftermath reflected the wide social chasm between those originally born in Taiwan under Japanese rule, *benshengren* in the Chinese language, and those born on the mainland who arrived after Japan's defeat, *waishengren*. (The majority of *waishengren* came after the KMT lost on the mainland in 1949.) It also underlined even more profoundly that the supposed bonds of Chinese ethnicity quickly frayed in the face of a larger conflict concerning who would rule postwar Taiwan and all of China. In East Asia this situation was significant because it reflected that experiences of other Asian groups also bogged down in civil wars with the disappearance of Japanese imperial rule, or still remain encumbered under re-imposed European rule such as in Malaya, Indochina and Indonesia. Chinese with a tainted Japanese upbringing struggled against the more "authentic" Chinese who were raised in the crucible of war against the Japanese on the mainland and who had brought the mantle of KMT rule to Taiwan. Xu argues that both the Shibuya and 2.28 incidents reveal a frustrated pattern of not being able to adequately repatriate imperial populations of Japanese out from Taiwan and Taiwanese out from Japan with enough speed to avoid political and economic confrontations with the "native" populations, newly enfranchised in both countries but also newly impoverished by Japan's sudden downfall.^{lviii}

The manner and process through which the international community, beyond the scope of the Tokyo War Crimes Trial, pursued war criminality was at times at

odds with the new international definitions of justice that Japanese and former imperial Japanese such as the Taiwanese faced. Unfortunately, the players were also often more worried about the pragmatics of realpolitik at the time than on the actual contradictions created by disparate legal systems quickly established to adjudicate a multitude of crimes throughout Japan's crumbling empire. The fact that BC class trials applied an unclear logic to non-Japanese, had vague lines of jurisdiction, and did not always demarcate between war crimes and collaboration should cause us to begin to chart new courses for historical inquiry away from an American-centered approach to East Asian history. Chinese and Japanese approaches toward war criminals and collaborators also needed to take into account issues of domestic stability and therefore justice as the end could not always justify the means for fear of tipping the balance too much. In this manner, as Deokhyo Choi has pointed out, we need to examine the decolonization of Japan's empire as a "mutually constitutive process that restructures both metropolitan and colonial societies."^{lix} The end of empire in Japan resonated in East Asia as much as those reverberations in reverse affected Japan. Foreign policy in East Asia developed under its own logic and for quite often different reasons than those motivating the European or American occupiers. More importantly, the legal and political decisions on which many of these trials were based continue to exert a formative pressure on how postwar Japanese experienced the destruction of their former empire and how Taiwanese and Chinese conceived of their early postwar reconstituted position in East Asia.

Aftermath of the trials

Even though the KMT continually waffled in its own internal policies toward Taiwanese war criminals, so too did the Japan. The Japanese made half-hearted attempts when in December 1952 to educate society about creating rest homes for Korean war criminals, called 清公会, and one for the Taiwanese known as the 友和会. These were designed to be places for the former war criminals to reside while they waited to transit back to their "own" country. The idea of empire, now of course, had been virtually erased in Japan.^{lx} There was a dorm in Nakano, and Murayama in Tamagawa, Tokyo. Most of the rooms were small but serviceable (about 4.5 tsubo), some were a bit larger, like a student boarding house of that era. One in Saitama Prefecture was the largest but all were merely stop gap measures to help the men transit through Japan to their final destination.^{lxi} There was public awareness but less direct public empathy.

Where the public clamored actively for more input was ironically for Taiwanese stories of suffering in war crimes trials at the hands of the Allies. At the same time that the Taiwanese were being transited through Tokyo, copies of their last wills and testimony were folded into the collection that made it a Japanese bestseller, known as the 『世紀の遺書』. This edited volume was a collection from all over Japan's former empire of last declarations written by Japanese soldiers who were executed in BC class war crimes trials. The list was by no means exhaustive but it did indicate that many former Taiwanese soldiers believed of themselves as imperial Japanese subjects and did not want to have died in vain. Many of their last writings were included and Japanese upped copies. Lin Jinlong (林金隆) was a Taiwanese military laborer who was tried by the US in Manila and executed on July

17, 1946. He wrote that it was the destiny of young Taiwanese to die on the field and "I have sacrificed myself for Imperial Japan and now go to heaven." 「私は大日本帝国の為に犠牲となりて天国へ行く。」 He wrote to his friends in an April 1946 letter, just after being handed his sentence, that although their assistance had been futile he appreciated their efforts.^{lxii} Li An (李安), a Taiwanese military laborer from Jiayi, was tried in Guangdong. Li penned a will to his father and said rather stoically, "I swear that I have not broken any national laws. I have a wife and child, no debts. Please make sure no one avenges my death" 「私誓って国法を犯さず、一妻一子あり、他人と金品の貸借なし、私処刑さるるも、何人と誰も之が報復を許さず。」^{lxiii} As with many of the Taiwanese rounded up in Southeast Asia, Lin Jiangshan (林江山) was a Taiwanese military laborer executed on Rabaul by an Australian court. Lin thanked his friends and then wrote that he had given his youth to the nation and was his body was destined to be spread on the fields of Rabaul "御国に捧げまつらん若桜ここラバウルに今散り行く." Lin then, in a measure out of character with many of the Taiwanese last testaments, followed with a separate message in the Chinese language where he thanked his friends for sending flowers. Their fragrant odor lessened my loneliness, he wrote. "People are like flowers in that no two are alike, at their peak they blossom and then fall to the ground in slumber."^{lxiv} Yasuda Muneharu (安田宗治) was one of the Taiwanese military laborers put to death by the UK at Changhi Prison in Singapore. Yasuda had been posted to Singapore, Sumatra and elsewhere since 1942 and was arrested by the Allies on suspicion of having committed torture. "The fact that my destiny has been decided in this way means that I have become a victim of having carried out my duties," Yasuda wrote. He informs his family about his bank account in the Shiminoseki branch back in Japan and asks that they please take out the money. Yasuda also asked his brother to carry on the family name.^{lxv} These were fall from all the Taiwanese war criminals rounded up and executed in lesser class war crimes trials but indicative of their spread around the empire and the fact that they were included in postwar books to gain sympathy for Japan's lost empire, while failing to gain solace from the population itself, speaks volumes about the manner in which their sacrifices are detailed depending on the geography of the narrative.

Conclusion

On October 2, 1950 Chiang Kaishek said in a speech that the real battle the Chinese Nationalists were fighting was not against the mainland but the Chinese people struggling against Soviet imperialism. With all the talk of traitors in China, from 1945 to the end of the civil war, it was probably ironic to the Taiwanese public to discover that five years after WWII ended traitors were no longer those who had sided with the Japanese but those that did not side with the KMT after the civil war had concluded! Chiang announced that history showed that the Chinese might not have the scientific prowess of the West but their "warm spirituality" allowed them to protect peace and provide that no invader could ultimately vanquish the nation.^{lxvi} The longevity of the traitor issue in Taiwan extended to the idea of war criminality as well because questions of loyalty and responsibility, as they did in the cases of Germany and Japan, continued to leak well into the postwar. In December 1952 when the PRC announced that there were more Japanese left in mainland China,

the KMT realized it was in a precarious position. After all, the KMT had allowed all its Japanese prisoners to be freed from Sugamo Prison after the implementing the August 1952 ROC-Japan Peace Treaty, and were also pushing for those incarcerated by Australia to be released. Taiwan wished to rest on its laurels as a benevolent partner to Japan and to employ that relationship to enhance its position in East Asia and in the world. Its legitimacy was at stake because competition for jurisdiction over war criminals remained a key issue even into the early 1950s. On February 12, 1952 a report from Chinese Mission in Tokyo detailed to the Ministry of Foreign Affairs office in Taipei ideas about strengthening Chinese Nationalist propaganda in Japan. The report lamented that the Japanese were cognizant of what was happening to Taiwan but that the KMT needed to connect more with the Japanese media. "We don't fund our own propaganda outreach to Japan enough and we are understaffed," the report noted. A March 5, 1952 plan for enhanced KMT propaganda toward Japan explained that there would soon be peace between the two countries but lingering suspicions were already eradicated. "We need to be aware of this so we can reap the benefits for ourselves but so that we can establish a greater East Asian bloc against Communism," the report espoused. The principles of Chinese Nationalist propaganda toward Japan should be thus: "since Japan's surrender until the signing of the peace treaty we have followed Chiang Kaishek's dictum of behaving benevolently toward Japan. The Chinese Nationalist Party did not take a haughty attitude of a victorious country toward a vanquished one because our nation's leader, Sun Yat Sen, said that Sino-Japanese relationship was key to stability and the future of East Asia, supported by the idea of pan-Asianism. We must work together to therefore advance this agenda. CCP bandits and Russian imperial communists plots on the Chinese mainland demonstrate they are Sino-Japan enemies. We need to make the Japanese come to understand this, that China and Japan are like lips and teeth, and need to work together and drive out Russian imperialism." The Taiwanese secret report detailed that the KMT needed to get small groups to go around Japan, investigate what was happening and report back. The KMT called for an increase of Free China institutes and anti-CCP and Russian movies and articles, with more exhibits in Japan of our products and more cultural exchange activities.^{lxvii} KMT plans further expanded when the CCP made its announcement to repatriate Japanese. On April 27, 1953 the KMT laid out its principles: to analyze the conspiracy behind this CCP decision and discern whether the goal is it to hide 5th columnists in the midst of the Japanese repatriates and get them into Japan? Or to turn Japan "red," meaning Communist.^{lxviii} It is clear that the KMT believed itself to be the true authority for China because it had taken the higher moral ground on the issue of postwar Japanese war crimes.

Taiwanese war crimes seemingly ended in 1954 with the last repatriations from Manus island but the legacy, like Japan's imperial hangover, continued. Not only was the KMT worried about ramping up its propaganda toward Japan in the early 1950s, when threatened with Communist Chinese moves to repatriate tens of thousands of Japanese who remained trapped on the mainland, but the Chinese Nationalist government itself never really came to terms with its own prisoners. The final sentences for Chinese war criminals convicted in Chinese Communist courts in 1956, in trials with the last Japanese war criminals, were not released until long after the last Japanese had been. The last three Japanese prisoners, Jôno Hiroshi, Saitô

Yoshio and Tominaga Juntarô, all returned to Japan in April 1964, about six years after the last prisoner was released from Sugamo prison in Tokyo, but a full decade before the last KMT prisoners captured by the Communists were let go. The PRC released its KMT prisoners in seven waves from December 1959 to the last group in March 1975!^{ix} The last wave was supposed to have returned to Taiwan, since they were now legally considered Taiwanese but the Chinese Nationalist government refused the men entry. The Japanese war criminals were eventually released but those who steadfastly remained loyal to the KMT, and ultimately were discharged as prisoners from the mainland as Taiwanese citizens, never made it home because the KMT was too afraid. In 1945 the idea of empire trumped ethnicity and many Taiwanese were treated as Japanese war criminals. During the 1970s and the height of Cold War politics Taiwanese identity was once again subordinate to political aims. Empire might have crafted Taiwan into a postwar state but identity remained in a state of flux due to both larger political pressures and ambiguity about Taiwan's own role in the Japanese empire itself.

ⁱ Peng Xiaoyan quotes Wu as he describes the Taiwanese awakening of nationalism during the February 28, 1947 incident in her book, Peng Xiaoyan, *Lishi henduo de luodong, cong zhang wojun dao Li Ang*, Taipei: Zhongyang yanjiuyuan Zhongguo wenzhe yanjiusuo Choubeichu, 2000, p. 51.

ⁱⁱ <http://www.dailymail.co.uk/news/article-2153688/Second-World-War--German-Japanese-soldier-stories-change-perception-ever.html>

ⁱⁱⁱ 「個別引揚関係、南方地域関係、台湾の部、Microfilm K'0020 (K'7-1-0, 19-1-4), 外交資料館, Tokyo.

^{iv} 上砂勝七 (Kamisago Shôshichi) 『憲兵三十年』東京選書, 1955, p. 18-19.

^v 上砂勝七 (Kamisago Shôshichi) 『憲兵三十年』東京選書, 1955, p. 20.

^{vi} 栗屋憲太郎, ed. 『資料 日本現代史 3 : 敗戦直後の政治と社会 2』大月書店、1981. 台湾からの報告、台湾軍管区参謀長 (1945. 10. 18-23), p. 281-282.

^{vii} 栗屋憲太郎, ed. 『資料 日本現代史 2 : 敗戦直後の政治と社会 1』大月書店、1980, p. 42.

^{viii} 「台湾の現況」外務省管理局総務部南方課, 昭和21・2・10、部外秘 Archive from: 外交資料館 Microfilm、K'0006.

^{ix} If we count the Chinese Communist trials of Japanese war criminals that were held last, in 1956, there were fifty venues for tribunals. See one of the first mainland Chinese books to delve into war crimes beyond the Tokyo War Crimes Trial, Guo Dajun and Wu Guangyi, *Yuxue banian shufengbei: shouxiang yu shenpan*, Guilin: Guangxi shifan daxue chubanshe, 1994, especially p. 349-383.

^x Two of the original defendants died before the court adjourned, former Foreign Minister Matsuoka Yôsuke and former ambassador Nagano Osami. A third, Ôkawa Shûmei was found legally incompetent to stand trial. Yuma Totani, *The Tokyo war crimes trial: the pursuit of justice in the wake of World War II*, Cambridge, Mass.:

Harvard University Asia Center, 2008, and Richard Minear, *Victors' justice: the Tokyo war crimes trial*, Princeton, 1971. See also Yuki Tanaka, Tim McCormack and Gerry Simpson, eds., *Beyond Victor's Justice? The Tokyo War Crimes Trial Revisited*, Leiden: Brill, 2011.

^{xi} Higurashi Yoshinobu, *Tôkyô saiban*, Kôdansha, p. 27-28; Yuma Totani, *The Tokyo War Crimes Trials*, Cambridge: Harvard University Press, 2008, p. 20-23. For basics on the BC trials in general see Tokyo saiban handobukku henshûinkai, ed., *Tokyo saiban handobukku*, Aoki shoten, 1989, p. 82-149.

^{xii} Statistics vary according to source, government, and time but these numbers are based on Hayashi Hirofumi's calculations in his *BC kyû senpan saiban*, Iwanami shinsho, p. 61 and 64.

^{xiii} BC class war crimes trials across East Asia had their own biases toward those colonized as Japanese soldiers, as scrutinized by Utsumi Aiko in her *Chôsenjin BC kyû senpan no kiroku*, Keisô shobô, 1982, p. ii.

^{xiv} I expand on these themes in Barak Kushner, *"Men to Devils and Devils to Men": Japanese War Crimes and Cold War Sino-Japan Relations (1945-1965)* (forthcoming from Harvard University Press, 2014).

^{xv} Officially, because Taiwan is not recognized as sovereign by the UN, it is defacto not legally a country even though it maintains its own independent government, foreign policy and economy. The international stature of Taiwan, thus, remains contested even today – does it represent itself or is it part of the Chinese mainland? The two major competing political parties of the DPP and KMT continually contest this issue and it remains at the forefront of the Taiwanese political debate. See Denny Roy, *Taiwan: A Political History*, Cornell University Press, 2003 and Shelley Rigger, *Why Taiwan Matters: Small Island, Global Powerhouse*, NY: Rowman & Littlefield Publishers, 2011.

^{xvi} Huang Yingzhe charts the processes that the KMT put into place for this process to return to being Chinese took. See his *Qu ribenhua zai zhongguohua: zhanhou taiwan wenhua chongjian (1945-1947)*, Taipei, Taiwan: Maitian, 2007.

^{xvii} Lo Jiu-jung, "Trials of the Taiwanese as Hanjian or War Criminals and the Postwar Search for Taiwanese Identity," in Kai-wing Chow, Kevin M. Doak and Poshek Fu, eds., *Constructing Nationhood in Modern East Asia*. Ann Arbor: University of Michigan Press, 2001, p. 285-286.

^{xviii} Qiu Niantai talks about some of the problems Taiwan faced, and in particular Taiwanese soldiers under the Japanese in Qiu Niantai, *Linghai weibiao*, Taipei, Taiwan: Zhonghua ribaoshe, 1962, p. 240-243.

^{xix} Sugano Atsushi, "Taiwan ni okeru bunka seisaku to kokumin tōgō (1945-1987): datsunihonka, chūgokuka, hondoka o meguru shiteki kōsatsu," PhD dissertation at Waseda University, Ajia taiheiyō kenkyūka, 2006, p. 23.

^{xx} Wei Yongzhu, ed., *Kangzhan yu taiwan guangfu shiliao jiyao*, Nantou: Taiwansheng wenxian weiyuanhui, 1995, p. 300-301. This was the record of a roundtable discussion concerning what to do with Taiwan after the war is over.

^{xxi} Wei Yongzhu, ed., *Kangzhan yu taiwan guangfu shiliao jiyao*, Nantou: Taiwansheng wenxian weiyuanhui, 1995, p. 302. See also: David Wang and Ping-hui Liao, eds., *Taiwan Under Japanese Colonial Rule, 1895-1945: History, Culture, Memory*, NY: Columbia University, 2006; Pang-yuan Chi, David Wang, eds., *The*

Last of the Whampoa Breed (Modern Chinese Literature from Taiwan), NY: Columbia University Press, 2004; Faith Yuan Kleeman, *Under an Imperial Sun: Japanese Colonial Literature of Taiwan and the South*, Honolulu: University of Hawaii Press, 2003.

^{xxii} Wei Yongzhu, ed., *Kangzhan yu taiwan guangfu shiliao jiyao*, Nantou: Taiwansheng wenxian weiyuanhui, 1995, p. 302.

^{xxiii} Wei Yongzhu, ed., *Kangzhan yu taiwan guangfu shiliao jiyao*, Nantou: Taiwansheng wenxian weiyuanhui, 1995, p. 306.

^{xxiv} Matsunami Jun, "Senryô kaikaku to shite no BCKyû sensô hanzai saiban," *Hôgaku kenkyû* (Osaka), dai 28kan, dai 1 gô, September 2001, p. 209.

^{xxv} Shiomi Shunji, *Hiroku shûsen chokugo no taiwan: watakushi no shûsen nikki*, Kôchi: Kôchi shimbunsha, 1979.

^{xxvi} Daqing Yang, "Resurrecting the Empire? Japanese Technicians in Postwar China, 1945–49," in Harald Fuess, ed., *The Japanese Empire in East Asia and its Postwar Legacy*, Munchen: Iudicium, 1998, p. 193. See also Yang Daqing, "Chûgoku ni tomaru nihonjin gijutsusha," in Liu Jie and Kawashima Shin, eds, *1945 nen no rekishi ninshiki*, Tokyo daigaku shuppankai, 2009, p. 113–139.

^{xxvii} Utsumi Aiko, *Chôsenjin BCKyû senpan no kiroku*, Keisô shobô, 1982, p. ii-iii.

^{xxviii} Mayumi Yamamoto, "Misplacing the Sakura Club in Postwar Colonial Imagination," *Journal of Asia-Pacific Studies* (Waseda University) No. 16 (May 2011), p. 86-87.

^{xxix} Dean Aszkielowicz, "Repatriation and the Limits of Resolve: Japanese War Criminals in Australian Custody," *Japanese Studies*, 31:2, September 2011, p. 215.

^{xxx} Iwakawa Takashi, *Kotô no tsuchi to narutomo: BCKyû senpan saiban*, Kôdansha, 1995, p. 249.

^{xxxi} Iwakawa Takashi, *Kotô no tsuchi to narutomo: BCKyû senpan saiban*, Kôdansha, 1995, p. 254-255. See also Mike (Shi-chi) Lan, "(Re-)Writing History of the Second World War: Forgetting and Remembering the Taiwanese-native Japanese Soldiers in Postwar Taiwan", *positions: East Asia Cultures Critique*, scheduled to appear in Vol.21, No.4, Fall 2013.

^{xxxii} Wei Hongyun, et al, eds., *Min guo shi ji shi ben mo*, vol. 7: Nanjing guomin zhengfu bengkuai shiqi, Shenyang: Liaoning renmin chubanshe, 1999, p. 109.

^{xxxiii} Lin Qiuping, "Hanjian de ciyi jieshi yu falu jieding," *Shehui kexue luntan*, February 2005, p. 154. Frederick Wakeman espouses the same definition. See his Wakeman, Frederick, "Hanjian (Traitor)! Collaboration and Retribution in Wartime Shanghai," in Wen- Hsin Yeh, ed., *Becoming Chinese: Passages to Modernity and Beyond*, Berkeley: University of California Press, 2000, p. 298-299.

^{xxxiv} Seminar talk, "The Enemies Within: Traitors, Collaborators, and Barbarians in 19th Century Qing China," at the Department of East Asian Studies, University of Cambridge on May 7, 2012, when he noted there were also (夷奸) and related terms.

^{xxxv} Wada Hideho, "Senpan to kankan no hazama de," *Ajia kenkyû*, October 2003, p. 75.

^{xxxvi} Wada Hideho, "Senpan to kankan no hazama de," *Ajia kenkyû*, October 2003, p. 76.

^{xxxvii} Meng Guoxiang and Cheng Tangfa, "Chengzhi hanjian gongzuo gaishu," *Minguo dangan*, dai ni qi, 1994, p.107.

^{xxxviii} Lin Qiuping, "Hanjian de ciyi jieshi yu falu jieding," *Shehui kexue luntan*, February 2005, p. 155.

^{xxxix} Lo Jiu-jung, "Kangzhan shenli hou zhonggong chengshen hanjian chutan," *Zhongyang yanjiuyuan jindaishi yanjiusuo jikan*, di 23 qi, Minguo 83 nian, 6 yu, p. 272.

^{xl} Wada Hideho, "Senpan to kankan no hazama de," *Ajia kenkyû*, October 2003, p. 77.

^{xli} Furumaya Tadao, "Sengo chiiki shakai no saihei to tainichi kyôryokusha," in Himeta Mitsuyoshi, ed., *Sengo Chûgoku kokumin seifushi no kenkyû: 1945–1949 nen*, Hachiôji: Chûô daigaku shuppanbu, 2001, p. 359.

^{xlii} Wada Hideho, "Senpan to kankan no hazama de," *Ajia kenkyû*, October 2003, p. 78.

^{xliii} A202000000A=0035=67=490=1=001=0001, (台灣檔案管理局).

^{xliv} A202000000A=0035=67=490=1=006=0001, (台灣檔案管理局).

^{xliv} 'Zhongguo lujun zongsilingbu shouxiang baogaoshu,' *Quanzonghao* 787, 16598, May 1946, (中國第二檔案館, 南京).

^{xlvi} Iwakawa Takashi, *Kotô no tsuchi to narutomo: BCKyû senpan saiban*, Kôdansha, 1995, p. 593-594. Iwakawa lists the trial as 1946 but the archives put the official record of the sentence in October 1947. "Zhanfan Chen Shuiyun deng panjueshu zhengben," October 16, 1947, B3750187701=0036=1571=34189930=1=043=0000081020001, (continues for ten pages), (台灣檔案管理局).

^{xlvi} B3750187701=0036=1571=30403340=4=004=0000082520002, (continues for another page) (台灣檔案管理局)

^{xlvi} B3750187701=0036=1571=30403340=4=002=0000082500002, (continues for two pages) (台灣檔案管理局)

^{xliv} Regarding the former status of Koreans in the Japanese empire, Amy Gurowitz has observed, "All Koreans became Japanese citizens in 1910, but a distinction based on lineage was maintained between ethnic Koreans and ethnic Japanese. Nonetheless, when male suffrage was passed in 1925, Korean men were given the vote." See Amy Gurowitz, "Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State," *World Politics*, 51:3 (1999), p. 425.

ⁱ Tessa Morris-Suzuki, *Exodus to North Korea – Shadows from Japan's Cold War*. New York: Rowman and Littlefield, 2007, p. 66.

^{li} Qin Xiaoyi, ed., *Zhonghua minguo zhongyao shiliao chubian: dui Ri kangzhan shiqi, di qibian, Zhanhou zhongguo*, volume 4, Taipei: Zhongguo guomindang zhongyang weiyuanhui dangshi weiyuanhui bianyin, 1981, p. 637-640.

^{lii} Lo, Jiu-jung, "Trials of the Taiwanese as Hanjian or War Criminals and the Postwar Search for Taiwanese Identity," in Kai-wing Chow, Kevin M. Doak and Poshek Fu, eds, *Constructing Nationhood in Modern East Asia*, Ann Arbor: University of Michigan Press, 2001, p. 290.

^{liii} Kawashima analyzes this complex relationship in Kawashima Shin et al eds., *Nittai kankeishi, 1945-2008*, Tokyo shuppankai, 2009.

^{liv} The riot took on the sort of stereotypical image one can recall in postwar Japanese yakuza films that depicted this era. In one such 1973 movie, *Jingi naki tataakai* (Battles Without Honor), American soldiers attempt to rape a Japanese lady eking

out a living selling scraps at a black market stall. The Japanese yakuza step in to restore order and after that one of the former Japanese soldiers gets involved in a life of crime because he really has no other way to make a living during such dire times.

^{lv} Yang Zizhen, "Zhanhou chuqi de rihua ritai guanxi – yi zhonghua minguo zhuri daibiao wei zhongxin (1946-1952)," *Zhanhou dangan yu lishi yanjiu xueshu taolunhui*, published by the Guoshiguan, Taipei, Taiwan, 29 November 2007, p. 13. Tang Shi-yeoung details that the statistics are still unclear though estimates hover between 5 and 6, with casualties upwards of 23 or so. See Tang Shi-yeoung, "Gongping duidai yu zhixu weichi zhijian: riben dongjing shigu shijian yu taiwanren de shenpan," *Yatai yanjiu luntan*, 35qi, March 2007, p. 7

^{lvi} *Asahi shimbun*, Tokyo morning edition, June 21, 1946.

^{lvii} Stefan Fleischauer, "The 228 Incident and the Taiwan Independence Movement's Construction of a Taiwanese Identity," *China Information*, p. 373-401.

^{lviii} Xu Yuming, "Zhanhou liutai riqiao de lishi guiji – guanyu shegu shijian ji ererba shijian zhongriqiao de jiyu," *Donghua renwen xuebao*, di 7qi, July 2006, p. 171. For a study on the evolution of the history of the 2.28 incident see Hou Kunhong, *Yanjiu ererba*, Taipei: Boyang wenhua shiye, 2011. There is now a small but well laid out museum, 2.28 Museum, in the center of Taipei devoted to the history of the incident and the aftermath, (<http://228.taipei.gov.tw/>).

^{lix} Deokhyo Choi, "Crucible of the Post-empire: Decolonization, Race, and Cold War Politics in US-Japan-Korea Relations 1945-1952," PhD Dissertation in the History Department of Cornell University, 2013, p. 3.

^{lx} 國史館 archive, 0200000014875A, Ministry of Foreign Affairs memo, 加強對日本宣傳.

^{lxi} 平 1 1 –法務 4 A-18-1831 「第三国人（韓国、台湾）戦犯者釈放問題、戦犯者援護問題関係書類, written July 1953 (Showa 28) by 丸山鶴吉, National Archives, Tokyo.

^{lxii} 巢鴨遺書編纂会編『世紀の遺書』, 講談社, 1984, p. 587.

^{lxiii} 巢鴨遺書編纂会編『世紀の遺書』, 講談社, 1984, p. 32.

^{lxiv} 巢鴨遺書編纂会編『世紀の遺書』, 講談社, 1984, p. 545.

^{lxv} 巢鴨遺書編纂会編『世紀の遺書』, 講談社, 1984, p. 437.

^{lxvi} 蔣總統言論彙編編輯委員會「蔣總統言論彙編」 Taipei:正中書局, 1956, p. 188-93

^{lxvii} 國史館 archive, 0200000014875A, Ministry of Foreign Affairs memo, 加強對日本宣傳.

^{lxviii} 國史館 archive, 0200000014875A, Ministry of Foreign Affairs memo, 加強對日本宣傳.

^{lxix} Liang Zhian, Chen Haibing, eds., *Cong zhanfan dao gongmin – yuan guomindang jiangling gaizao shenghuo de huiyi*, Beijing: Zhongguo wenshi chubanshe, 1983, p. 298-311.

**Dean Aszkielowicz : The Australian
Government's Pursuit of Korean and
Formosan 'Japanese' War Criminals
(英文)**

The Australian Government's Pursuit of Korean and Formosan 'Japanese' War Criminals

Dean Aszkielowicz

The Australian government was an enthusiastic participant in the post-war prosecution of Japanese Class B and C war criminals. Almost a thousand war criminals faced Australian military courts between 1945 and 1951. Around a hundred of those convicted were former Japanese colonial subjects of Korean or Formosan origin that had served in the Japanese military during the war. Japan lost its empire immediately after it surrendered to the Allies in 1945 and Korean and Formosan 'Japanese' subjects had their nationality restored to that of their country of origin. Nonetheless, the Australian government continued to regard war criminals of Korean and Formosan origin as Japanese subjects for the duration of their prosecution and imprisonment, since they had been at the time of their crimes. Some argued that the prosecution and imprisonment of war criminals of Korean and Formosan origin was unjust because it failed to recognise the difficult circumstances that colonial subjects serving in the Japanese military were in. The Australian government maintained its position on the Korean and Formosan war criminals until they were released from prison in the late 1950s, despite being under diplomatic pressure from the Japanese, Korean and Nationalist Chinese governments to change its stance on the war criminals at various times in the late 1940s and early 1950s. The government maintained that these war criminals needed to be punished for their crimes, regardless of the circumstances of their nationality. When the government did eventually show leniency to the Koreans and Formosans and release them, it was in line with leniency shown to all 'Japanese' war criminals and was for diplomatic gain, rather than acknowledgement of the war criminals' claims of injustice.

Dean Aszkielowicz received a PhD in History and Asian Studies from Murdoch University in 2013. His thesis, *After the Surrender: Australia and the Japanese Class B and C War Criminals, 1945-1957*, traced the political, social and diplomatic context of the Australian government's pursuit of Japanese war criminals after the Second World War. Aszkielowicz is currently part of an Australian Research Council funded project that is examining the repatriation and release of Japanese war criminals throughout Asia. His work on Japanese war criminals includes the article 'Repatriation and the Limits of Resolve: Japanese War Criminals in Australian Custody', *Japanese Studies*, Vol. 31, Issue 2, September 2011.

澳洲政府對朝鮮籍與台籍日本戰犯的追緝*

摘要

澳洲政府積極參與針對戰後日本 B/C 級戰犯的起訴。1945 年至 1951 年間即有將近一千名戰犯受到澳洲軍事法庭的審判，其中約有一百名罪犯是過去在戰時受到日本殖民而服役於日本軍隊的朝鮮人以及台灣人。日本在 1945 年向同盟國投降後喪失主權，同時原屬日本殖民地的朝鮮與台灣也恢復了原本的國籍。儘管如此，澳洲政府在審判戰犯的起訴與入獄期間，堅持朝鮮與台灣籍戰犯在當時實屬罪犯，而持續將他們視為日本士兵。對此有人提出異議，認為對朝鮮與台籍兵提出戰犯的起訴與入獄並不公允，因為澳洲政府並未釐清被殖民者服役於日本軍隊時的艱困情勢。然而澳洲政府仍維持其對朝鮮與台籍戰犯的立場，儘管自 1940 年代晚期至 1950 年代早期即受到日本、朝鮮、以及中華民國政府透過無數次的外交壓迫要求其改變對戰犯的態度，一直到 1950 年代晚期戰犯從獄中被釋放後澳洲政府才改變立場。但政府當局依然認為不論這些戰犯的國籍情況為何，都必須為他們的罪刑受罰。當澳洲政府最終對朝鮮與台灣人釋出善意並且將他們釋放，亦僅只是基於對所有「日本」戰犯做出善意的表現，並且藉此獲得外交利益，而非承認那些為戰犯感到不公的聲浪。

*中文翻譯倘有錯誤，概由主辦單位負責

Australia's Pursuit of the Formosan and Korean 'Japanese' War Criminals

Dean Aszkielowicz

Murdoch University

Japan surrendered in August 1945 and was subject to U.S. led Allied Occupation until the San Francisco Peace Treaty was enacted in April 1952. Immediately following the surrender of Japanese forces around Asia, the victorious Allies arrested thousands of Japanese soldiers, sailors and civilians on war crimes charges.

Twenty-five senior Japanese officials were convicted as Class A war criminals, at the Tokyo War Crimes Trial, a multinational tribunal, held in Japan between 1946 and 1948.¹ Roughly 5,700 other Japanese of lower ranks in the military or in civilian roles associated with the Japanese war effort were prosecuted as Class B and Class C war criminals. These trials were conducted by seven allied countries, the United States, the United Kingdom, the Netherlands, France, China, the Philippines and Australia, between September 1945 and April 1951. The prosecuting countries acted in loose co-operation with each other, but the trials were conducted as national trials rather than multinational, according to each country's own war crimes laws and procedures. Prosecutions were held at venues around the Pacific and in parts of Asia, usually at locations where Japanese forces had surrendered. Convicted

¹ For details of the Tokyo trials see Timothy Maga, *Judgment at Tokyo: The Japanese War Crimes Trials*, Lexington, Kentucky, University of Kentucky Press, 2001; Yuma Totani, *The Tokyo War Crimes Trials: The Pursuit of Justice in the Wake of World War Two*, Cambridge, Massachusetts, Harvard University Press, 2008; Richard Minear, *Victor's Justice: The Tokyo War Crimes Trial*, Princeton, New Jersey, Princeton University Press, 1971; N. Boister and R. Cryer, *The Tokyo International Military Tribunal: A Reappraisal*, New York, Oxford University Press, 2008; Timothy L.H. McCormack and Gerry J. Simpson (eds), *The Law of War Crimes: National and International Approaches*, The Hague, Kluwer Law International, 1997.

prisoners were either executed or held at or near the place of their conviction before being returned to Japan in the early 1949 to complete their sentences in Sugamo Prison, Tokyo and they were eventually all released by 1958. Australia was a leading participant in the investigation of war crimes and prosecuted almost a thousand Class B and C Japanese war criminals.

A number of the Japanese war criminals who faced Allied courts were not ethnically Japanese, but were former Japanese colonial subjects of Korean or Formosan origin, who had been served in the Japanese military. Japan had colonised Formosa in 1895 and Korea in 1910. After the outbreak of war with the Western powers in December 1941, Japanese forces occupied large territories in Southeast Asia, adding millions more people to the formal Japanese empire. When Japan surrendered, it immediately lost control of all of its colonial possessions, not just those acquired after 1941. Though Taiwan and Korea were freed from Japanese rule, however, 319 former colonial subjects were convicted as war criminals by the Allies in the Class B and C prosecutions.² All of the Allied courts considered these war criminals to still be Japanese and they were punished in the same way other Japanese war criminals were. The view among the Allies was that at the time of their offences, the war criminals had been Japanese subjects and therefore would be tried as Japanese subjects. In representations to the Allied governments, Taiwanese and Korean officials indicated they considered the prisoners victims of Japanese

² Utsumi Aiko, 'The Korean guards on the Burma-Thailand railway', in G. McCormack and H. Nelson (eds), *The Burma-Thailand railway*, Allen & Unwin, St Leonards, N.S.W., 1993, p. 134. Utsumi Aiko has written extensively in Japanese on Korean prisoners. Her major work on this subject is Utsumi Aiko, *Chosenjin BC-kyu Senpan no Kiseki (Why Was Kim Tried?: The Trajectory of Korean Class BC War Criminals)*, (Keiso Shobo, 1982). For the content of this book see Yuma Totani, 'Review of *Kimu wa Naze Sabakaretanoka: Chosenjin BC-kyu Senpan no Kiseki (Why Was Kim Tried?: The Trajectory of Korean Class BC War Criminals)*', by Utsumi Aiko', *Social Science Japan Journal*, (2010), 13, 1, pp. 174-176.

imperialist expansion, caught in circumstances beyond their control and therefore due some special consideration when it came to judging their alleged offences.

The focus of this article is on diplomatic discussions about the 100 or so Korean and Formosan 'Japanese' war criminals who were convicted in Australian war crimes courts. The Korean, Nationalist Chinese and Japanese governments lobbied the Australian government for special treatment for these prisoners after their conviction. Australia held eighty-seven Formosan prisoners; more than the other Allies. As early as 1947 the Nationalist Chinese government indicated that it viewed these prisoners as its responsibility and sought to have them transferred to Taiwan. This did not eventuate but the governments of both Taiwan and the Republic of Korea again raised the issue throughout the 1950s. Though Australia held far fewer Koreans than Formosans, Korean diplomatic pressure over the prisoners was vociferous and was significant in building anxiety around the issue. The Japanese government never really wanted to take responsibility for Korean and Formosan prisoners but when all war criminals were sent back to Japan between from where they had been tried between 1949 and 1953, the Korean and Formosan 'Japanese' were sent back also. On several occasions the Japanese government raised legal and humanitarian arguments to claim that Formosan and Korean prisoners should be released by the Allies and allowed to return to Formosa and Korea. Officials argued that foreign nationals could not be imprisoned under Japanese law, and that their suffering was greater than that of other convicted war criminals held in Japan because they were far from their homelands and families. Neither legal nor humanitarian arguments swayed the Australian government, nor any other convicting country, and the Formosan and Korean prisoners did not receive any special

clemency. They were convicted, repatriated to Japan and released along the same timeline as their Japanese counterparts.

For the most part, the Korean and Formosan 'Japanese' war criminals convicted by Australia were guilty of their crimes. The decision to treat them as 'Japanese' was a pragmatic one that allowed justice to be served. On the other hand, however, former colonial subjects not facing war crimes charges were regarded by the Allies as liberated people and victims of Japanese aggression. This apparent contradiction led to a feeling of injustice on the part of the war criminals and to lengthy diplomatic exchanges among the governments concerned. Australia and other prosecuting countries appeared to challenge the sovereignty of the Taiwanese and Korean governments by failing to distinguish between former colonial subjects and mainstream Japanese prisoners. For Australia, retaining custody of Formosan and Korean prisoners made it necessary for the government to deal with some of the complex politics of decolonising Asia. The issue of Korean and Formosan war criminals also forced the Australian government to acknowledge, whether implicitly or explicitly, that the Second World War in Asia could not be viewed solely through the prism of Allied participation in the conflict.³

The Australian War Crimes Trials

The Australian government maintained a particularly determined stance on Japanese war criminals from the closing stages of the war until the early 1950s. Australia's pursuit of Japanese war criminals began in 1943 when Sir William Webb, who would later be appointed as president of the Tokyo War Crimes Trial, was commissioned by

³ Historian Utsumi Aiko has also noted the failure of the Allied war crimes trials to account for Japanese imperialism in Taiwan and Korea, Utsumi Aiko, 'The Korean guards on the Burma-Thailand railway', in G. McCormack and H. Nelson (eds), *The Burma-Thailand railway*, Allen & Unwin, St Leonards, N.S.W., 1993, p. 127-138.

the government to undertake an investigation into alleged Japanese war crimes.⁴ When Japanese units began surrendering in 1945, Australian investigations gained further momentum and thousands of Japanese soldiers, including Formosans and Koreans, were classed as war crimes suspects. As Australian prisoners of war were liberated from Japanese camps, reports of atrocities committed by Japanese units during the war began to feature in the Australian press, especially during September 1945. Community sentiment and the mood of senior Australian government officials favoured swift and comprehensive justice for war crimes committed by the Japanese.⁵

In October 1945, the Australian parliament passed the *Australian War Crimes Act 1945*, which created the legal framework for Australian trials. The British government had offered to allow Australian trials to be held using its legal instrument, the British Royal Warrant, which could have been applied to Commonwealth countries also, but the Australian government chose to create legislation of its own and to hold Japanese war criminals to account under Australian law. There was a sense that perpetrators of crimes that had incensed the Australian community should be punished by Australian law.⁶

Trials began in November 1945. In the first few months, tribunals were held at Wewak in New Guinea, on Morotai in the Netherlands Indies, and in Labuan and Rabaul in Borneo. These early prosecutions coincided with the first US trials;

⁴ Sir William Webb, 'A Report on Japanese Atrocities and Breaches of the Rules of War', 1944, NAA, Canberra, A10943, 1580069.

⁵ See for example the speeches of prominent Australian Minister for External Affairs H.V. Evatt, *Australia in World Affairs*, Sydney, Angus and Robertson, pp. 141-146. For press reaction see for example Rohan Rivett, 'War Correspondent Indicts Japanese POW Authorities', *The Argus* (Victoria), 15/9/45, p. 8. Rivett later went on to produce a book, *Behind Bamboo*, Ringwood, Victoria, Penguin Books, 1946.

⁶ Caroline Pappas, 'Law and Politics: Australia's War Crimes Trials in the Pacific 1943-1961', Unpublished PhD Dissertation, Australian Defence Force Academy, UNSW, 2001, pp. 28-35, 42-43.

Australian trials were thus at the forefront of the Allied prosecutions. In March 1946, trials began in Darwin, scene of the most destructive Japanese wartime air raid on an Australian target, which had taken place in February 1942. The Darwin hearings were a public-relations disaster for the Australian government, so much so that they lasted less than two months, and war crimes trials were never held on mainland Australian soil again. The public responded angrily to what was perceived as light sentencing in the Darwin trials.⁷ Progress at other Australian courts was steady in the first twelve months. Further Australian trials were held at Singapore in 1946 and Hong Kong in 1947.

Australian prosecutions slowed in 1948 as shortages of legal personnel and other logistical problems emerged.⁸ By June 1948, 270 cases had been heard across all Australian venues. Thirty-five cases were ready and awaiting trial and a further 125 were open for investigation; officials estimated that to hear all of these cases would have taken roughly another two years.⁹ At this point, Hong Kong was the only Australian trial venue still open, but the Hong Kong venue was only available until August that year, as the lease on the premises was due to expire. All UK trials had ended in March 1948, meaning that Australia was the only country pursuing war crimes in Hong Kong at this stage. The Australian government was informed that it would be impossible to secure another venue in Hong Kong once the current premises became unavailable. The government investigated the possibility of

⁷ A full list of sentences including those handed down at each venue is in *'Japanese War Criminals Charged Under the War Crimes Act 1945 by Australian Military Authorities 30 Nov 1945 to Apr 1951 Against Whom Findings and Sentences were Confirmed'*, NAA, Melbourne, MP927/1, A336/1/29. For Darwin coverage see 'Mr Forde to Investigate Darwin Trials', 21/3/46, *The Canberra Times*, p. 2; 'The Darwin Trials', 19/3/46, *The Sydney Morning Herald*, p. 2; 'Vicious Japanese Evidence at the Darwin Trials', 21/3/46, *The Cairns Post*, p. 1; 'Demands for Sterner Darwin Trials', 18/3/46, *The Sydney Morning Herald*, p. 3.

⁸ Pappas, 'Law and Politics', p. 59.

⁹ 'Cabinet Agendum Item 1471', 14/6/48, NAA, Canberra, 5490451, pp. 1-2.

holding trials in occupied Japan, but in a further setback, U.S. authorities ruled that this option was out of the question.¹⁰

In wanting to continue trials at this stage, Australia was at odds with the other Allies. At the end of the war, Japan had been viewed by all of the Allies as a former enemy that needed to be held to account for the war.¹¹ Moreover, the governments of Australia and its allies were concerned that Japan could one day rise as a military power again and threaten security in the Pacific.¹² From 1947 onwards, however, the Western democracies began to regard Japan as a possible ally in the Cold War. The Australian government was slow to embrace this new direction for Japan, believing security in the Cold War and potential economic advantages should not come at the cost of reckoning with Japanese militarism.¹³ By 1948-1949, however, the government found it hard to find support from its major Allies for further punitive measures against Japan, including war crimes trials.

If it was to press on with war crimes trials, the Australian government would need to do it without the full support of its major allies. Throughout 1949 the Australian Labor government showed little sign that it might abandon plans for trials in order to fall in line with the new direction its Allies were taking on Japan. The

¹⁰ Chief of Legal Section - Memo for Record, February 1950, Decimal 290-12-04-06, SCAP Legal Section, National Archives and Records Administration (hereafter NARA), Washington DC, RG331, Box 1435; 'Department of Army (New Liberal Government) Cabinet Briefing on Actions Taken by Previous Government – Appendix A', January 1950, NAA, Canberra, 1334903.

¹¹ 'Initial Post Surrender Policy for Japan 29 August 1945', in Supreme Commander for the Allied Powers, Government Section, *Political Reorientation of Japan September 1945 to September 1948* (hereafter PROJ), Vol. II, Greenwood Publishing Company, Westport, Connecticut, 1970, pp. 423-426 and Peter Duus, *Modern Japan*, Boston, Houghton Mifflin, 2nd ed., 1998, pp. 253-273.

¹² Christopher Waters, 'War, Decolonisation and Post-war Security', in David Goldsworthy (ed.), *Facing North: A Century of Australian Engagement with Asia*, Melbourne, Melbourne University Press, 2001, pp. 106-118.

¹³ Richard Rosecrance, *Australian Diplomacy and Japan 1945-1951*, Parkville, Victoria, Melbourne University Press, 1962, p. 103; Waters, 'War, Decolonisation and Post-war Security', pp. 118-121.

government undertook discussions with U.S. authorities in Japan to ensure they realised that Australia intended to continue trials and to make sure the U.S. did not release war crimes suspects held on Australia's behalf in Sugamo Prison. U.S. officials were impatient with Australia's desire for more trials but they could not prevent trials from going ahead under Australian law outside Japan. The Australian Labor government lost the federal election in December 1949, but the incoming Coalition government of Robert Menzies promised to continue trials. Finding another trial venue was difficult but the Coalition built on earlier investigations into a location by the Labor government and selected a new venue at Manus Island, New Guinea.¹⁴ The trial program was rejuvenated and prosecutions began again in June 1950. Twenty-six further trials were held. Prosecutions ended in April 1951, bringing all Australian trials and in fact all Allied prosecutions of Japanese war criminals to a close.

Those prosecuted on Manus were imprisoned in the Manus war criminals compound, joining other Japanese war criminals who had been convicted by Australian courts elsewhere and had been moved to Manus by March 1949. The war criminals were used as labour to complete an Australian naval base.¹⁵ All the convicted criminals were eligible for remission of sentence under Australian regulations, but not parole. They could only get off Manus Island if their sentences

¹⁴ 'Memo to Department of External Territories', 21/2/50, National Archives of Australia (hereafter NAA), Canberra, 1550/7 Part Two; Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, Vol. 206, 24/2/50 'Prime Minister Menzies February Speech in Parliament', pp. 101-102; 'Coalition Cabinet Agendum on Continuation of War Crimes Trials', January 1950, NAA, Canberra, 1334903; 'Chief of Legal Section - Memo for Record', February 1950, Decimal 290-12-04-06, SCAP Legal Section, National Archives, Washington DC (hereafter NARA), RG331, Box 1435.

¹⁵ Pappas, 'Law and Politics', p. 81; 'Japanese War Criminals – Manus Island: An Earlier External Affairs Document Is Also Attached Including Notes on the Value of the Manus War Criminals to the Navy', 26/5/52, 10/7/52, NAA, Canberra, A1838, 3103/10/13/2, Part 2.

expired, after which they were returned to Japan as free men, or if they required extensive medical treatment, which they received after transportation to Japan. Fifty war criminals convicted by Australian courts in Singapore and Hong Kong did not go to Manus, but instead remained in prisons in Hong Kong and Singapore, before being repatriated to Japan in 1951 along with prisoners convicted in British courts, to serve out their time in Sugamo Prison.¹⁶

Early Discussions over the Return of the Korean and Formosan War Criminals

The first approach by a foreign government to Australia on behalf of prisoners of disputed nationality came in December 1947. The Nationalist Chinese government requested the Australian government to repatriate Formosan prisoners to Taiwan, simply on the grounds they were not Japanese.¹⁷ The Australian government refused, stating that the prisoners were Japanese at the time of their conviction and therefore would be treated as such for the entirety of their sentence. In the early diplomatic discussions, it was clear that Australian officials saw little reason why the nationality of the prisoners should make any difference and their Chinese counterparts could see little reason why it would not make some difference. Despite the divergent views and rigid Australian policy, the Chinese embassy in Canberra did receive some encouragement at this early stage. In reply to the embassy request of 1947, an Australian External Affairs official enquired whether, if there were to be repatriation, the Chinese government would ensure that sentences were carried out.¹⁸ There was no indication that a transfer to Taiwan was likely, but evidently some in External Affairs entertained the possibility at this early stage. It seems that any possibility of

¹⁶ 'Cabinet Agendum No. 347', September 1952, NAA, A1838, 3103/10/13/2 Part 4

¹⁷ 'Cabinet Agendum No. 347 – Korean and Formosan Prisoners', September 1952, NAA, A1838, 3103/10/13/2, Part 4.

¹⁸ External Affairs letter, 24/3/48, 273128

returning the prisoners to Taiwan was extinguished when the Chinese embassy failed to reply to the request from External Affairs for details of potential supervision arrangements in Taiwan.¹⁹

The matter arose again in July 1951 when the Chinese embassy in Canberra contacted Department of Territories to ask for special consideration for the Formosan prisoners. The embassy contacted External Affairs shortly after, asking for details of the Formosans' sentences and release dates. The reply from External Affairs included general details about the prisoners but no schedule for remission of sentences. During these discussions External Affairs pointed out to the Chinese embassy that requests for special consideration for the Formosan prisoners might be used by the Japanese government as a precedent for the release of other Japanese war criminals and that the Australian public was sensitive to this danger.²⁰ The exchanges were not hostile and the embassy was later provided with a formula for calculating the approximate date of release.²¹ There were also direct representations by the Chinese to the Australian navy, who were in charge of the prisoners on Manus Island.²²

In November 1951, External Affairs confirmed that seventy-four Formosan prisoners remained on Manus Island.²³ By then, a number of Formosans had left Manus, and three had died in captivity. Nine prisoners had been due for release. Toyoda Kokichi was flown back to Japan on 22 February 1948, a month after the expiration of his sentence. Fujimoto Yoshio, Fujita Yoshio, Nagayoshi Seiichi,

¹⁹ External Affairs Note Formosan War Criminals at Manus, 12/11/51, 273128

²⁰ 'External Affairs - Record of Conversation with Chinese Charge d'Affaires', 9/11/51, NAA, Canberra, A1838, 273128

²¹ Memo for department of territories, 7/9/51, 273128

²² 'Protocol note external affairs' 12/11/51, 273128. See also Chinese Embassy request for Releases, 18/9/51, 273128

²³ 'External Affairs - Record of Conversation with Chinese Charge d'Affaires', 9/11/51, NAA, Canberra, A1838, 273128.

Okamoto Shozo and Tomibayashi Teruo left in March 1949 on S.S. *Westralia*. Tanaka Kunio left on S.S. *Eastern Saga* on 31 January 1951. Takami Tsuneo and Takemaga Shigematsu left on S.S. *Nankin* on 22 March 1951. Toyoka Eijiro was flown to Japan on 22 February 1948 for medical treatment. He absconded from hospital in November. Kaneshige Yoshio, Yokota Kinzo and Yoshikawa Tatsuniko all died while on Manus Island in 1948 and 1949.²⁴

The tone of inquiries from Taiwan on behalf of the prisoners varied. Petitions from families or grass roots political groups in Japan were common, and the situation appears to have been similar in Formosa.²⁵ The Nationalist Chinese government in Taiwan informed External Affairs in November 1951 that it had received petitions from the families of war criminals, requesting their repatriation.²⁶ This was a very similar diplomatic action to that taken in 1952 by Japanese officials, who claimed that public pressure was forcing them to represent the war criminals' interests in discussions with the Australian government.²⁷ Information about conditions on Manus was scarce, and in February 1952, the Australian Mission in Tokyo contacted the Australian government requesting information on how the prison was run.²⁸ The Mission enclosed a copy of a November 1951 Formosan newspaper article forwarded by the British that claimed cruelties were being committed against

²⁴ 'Appendix A to 1951 letter updating previous correspondence from 1948', 12/9/51, 273128. Note: the names used in this list do not appear to match the trial records in all cases.

²⁵ For release campaigns in Japan see Sandra Wilson, 'Prisoners in Sugamo and Their Campaign for Release, 1952-53', *Japanese Studies*, Vol. 31, Issue 2, September 2011, pp. 171-190.

²⁶ External Affairs - Record of Conversation with Chinese Charge d'Affaires', 9/11/51, NAA, Canberra, A1838, 273128.

²⁷ 'Memo from Japanese Foreign Minister to Australian Government', 10/7/52, NAA, Canberra, A1838, 140817.

²⁸ 'Excerpt from Ai No Hikari', January 1952, NAA, Canberra, A1838, 3103/10/13/2, Part 2.

Formosan prisoners and referred to the efforts of the Taiwan Youth Cultural Association on their behalf:

Five years have elapsed since the conclusion of the 2nd war and more than four scores of Formosan war criminals are still being kept at the 'Detention Camp For War Criminals' at Manus Island an Australian island possession, the objects of various sorts of cruel treatment. As the Formosans concerned were conscripted into military service by force, the Taiwan Youth Cultural Association sends an appeal to the UN through... for the cause of justice to effect the release of such prisoners to permit them to return to Formosa.²⁹

The Chinese embassy also wrote to the Australian government in March 1952 asking for remission of sentence for Formosan prisoners on the grounds that several significant Japanese war criminals had recently received clemency, though the embassy officials did not mention which released war criminals they were referring to in particular.³⁰

The Australian government was not the only prosecuting country to feature in these early discussions on behalf of the Korean and Formosan prisoners. The Social Welfare Society for Residents of Great Korea in Japan, contacted U.S. Occupation officials in Japan in June 1950 and outlined the activities of the group. The group had been created on 10 January 1949 with permission of the Public Welfare Ministry of the Japanese government and ran two relief houses, was committed to assisting in the education of Korean children, stabilisation of Korean lives in Japan and creating jobs for those Koreans living in Japan. The letter was a request for fifty Koreans to

²⁹ 'Mission Letter and Article from Hsin Sheng Pao', 19/2/52, 273128

³⁰ 'Chinese Embassy to External Affairs', 25/3/52, NAA Canberra, 273128.

be released into the organisation's care, who were prepared to accept responsibility for their supervision.³¹

Article 11 and Further Diplomatic Dimensions

In the early 1950s, convicted war criminals being held in locations around Asia, such as British and Dutch colonies, were repatriated to Japan either as a result of diplomatic discussions with Japanese officials or due to economic or logistical imperatives. They joined the prisoners convicted by U.S. courts in Sugamo prison, Tokyo. Sugamo was under the control of the U.S. led occupation, specifically, US 8th Army, until April 1952. The San Francisco Peace Treaty was enacted in April 1952, which ended the Occupation, returned sovereignty to Japan and in the process transferred Sugamo into Japanese control. This did not, however, mean that Japan assumed control of the war criminals' sentences. Article 11 of the treaty specifically referred to war criminals and stipulated that decisions on the fate of convicted criminals remained the prerogative of the Allied governments that had prosecuted them, even after full sovereignty returned to Japan. Article 11 stated:

Japan accepts the judgments of the International Military Tribunal for the Far East [the Class A trials] and of other Allied War Crimes Courts both within and outside Japan, and will carry out the sentences imposed thereby upon Japanese nationals imprisoned in Japan. The power to grant clemency, to reduce sentences and to parole with respect to such prisoners may not be

³¹ 'Cho Sung-Ki – SCAP Legal Section', 26/6/50, RG331 SCAP Legal Section Law Division Parole Board Documents 1946-51, Chinese, Dutch and American Convictions to Parole Office memo, Box 1392, IMG_4038.

exercised except on the decision of the Government or Governments which imposed the sentence in each instance, and on recommendation of Japan.³²

Earlier drafts of the same article had suggested different arrangements, including a provision for decisions to be shared with the Japanese government. At the suggestion of Great Britain and Australia, Article 11 was changed, removing Japan's role in altering the sentences of war criminals and substituting only the power to 'recommend' clemency.³³

Article 11 and the Peace Treaty changed the dynamic of the discussions around all war criminals, including those of disputed nationality. There was no legal apparatus or separate diplomatic agreement that accompanied the treaty that compelled convicting countries to release prisoners or for those holding prisoners away from Japan to repatriate. Japan had been restored to the community of nations, however, and Japanese diplomats began to pressure the convicting countries for more lenient terms on war criminals. The way the prosecuting countries responded was mixed. In the case of the Nationalist Chinese, the treaty immediately led to the release of eighty-eight Japanese war criminals convicted in their courts in August 1952.³⁴

Along with the hope that Koreans and Formosans might benefit from the diplomatic pressure applied by Japan on behalf of the war criminals, there was also some interest in a potential legal problem that the treaty seemed to have created, that might work in favour of the Koreans and Formosans. To some extent it

³² Article 11, Treaty of Peace with Japan, in John M. Maki (ed.), *Conflict and Tension in the Far East: Key Documents, 1894-1960*, (University of Washington Press, Seattle, 1961), pp. 136-37.

³³ Sandra Wilson, 'Prisoners in Sugamo and Their Campaign for Release, 1952-53', *Japanese Studies*, (September 2011), 31, 2, pp. 171-90.

³⁴ 'Cabinet Agendum – Release of war criminals by Nationalist China', 20/8/52, NAA, Melbourne, MP729/8, 66/431/23 Part 2.

appeared that the wording of Article 11 provided scope for Japan to only accept the sentences of Japanese nationals. British officials initially were concerned that Article 2 of the treaty, in providing for renunciation of Japanese interests in Formosa and recognition of Korean independence, had removed the Japanese nationality of the prisoners and that now perhaps the Japanese did not have the ability to hold Korean and Formosan prisoners.³⁵ The Japanese government raised the matter with the British in April 1952 and were clearly of the mind that the non-Japanese war criminals should be released.³⁶ After consideration, the British position was that the Japanese had 'got their international law wrong'. The Koreans and Formosans did not automatically lose their nationality because they had a racial connection to a transferred territory. Furthermore, if the Korean or Chinese governments sought to confer nationality on the war criminals, they would become dual nationals and under the treaty would still be able to be held by the Japanese in Sugamo.³⁷ On 27 June 1952 the Foreign Office circulated the UK views to Washington and the Commonwealth countries, reiterating that the determining factor was that these men held Japanese nationality at the coming into force of the peace treaty.³⁸ The U.S. shared this view, but argued that the important point was not the date of the treaty but the date that sentence was passed.³⁹

The Allies were in agreement that the existing policy on the disputed nationality prisoners was not invalidated by the treaty, but the complex nature of the terms of imprisonment of the Koreans and Formosans was obvious. They were not Japanese but were considered Japanese nationals in the treaty and they resided in a

³⁵ War Criminals of Nationality other than Japanese, 8/5/52, FO 371-99516.

³⁶ British Embassy letter, 28/4/52, UK archives, FO371-99516.

³⁷ Pilcher to Tokyo, 10/5/52, UK archives, FO371- 99516.

³⁸ Foreign Office to Washington, 27/6/52, UK Archives, UK archives, FO371-99516.

³⁹ Washington to Foreign Office, 27/6/52, UK archives, FO371-99516.

Japanese prison, but were not under Japanese control. The legitimacy of this arrangement was tested not only in diplomatic discussions but also in the Japanese legal system. A case was brought before the Japanese courts in July 1952 on behalf of thirty disputed nationality prisoners that tested the Japanese government's right to hold these prisoners.⁴⁰ The Japanese government's legal counsel contended that the prisoners should be treated as Japanese nationals for the duration of their sentence, and the court case was ultimately unsuccessful from the point of view of the prisoners.

Though the Japanese legal counsel argued that the prisoners should retain their Japanese status for the duration their sentence, other actions indicate the Japanese government did not want anything to do with these prisoners, who were now really foreign nationals. When Formosan and Korean soldiers were demobilised after the war they had not been treated as Japanese citizens by the Japanese government and were not considered eligible for military pensions or financial aid.⁴¹ There is also some suggestion that the Japanese government was under pressure from the Korean government, who viewed the Japanese as unlawfully detaining Korean nationals as war criminals.⁴² For Japanese officials, the Korean and Formosan war criminals also provided an opportunity to question Allied war crimes justice and appeal for clemency for some of the convicted war criminals, without directly raising the issue of the justness of the trials. Japanese officials requested a

⁴⁰ 'Cabinet Agendum No. 347 – Korean and Formosan Prisoners', September 1952, NAA, A1838, 3103/10/13/2 Part 4; Minister of External Affairs and Minister for Army, 'Cable from External Affairs to Australian Mission in Tokyo', 23/6/52, NAA, Canberra, NAA, A1838, 140815. See also Utsumi Aiko, trans. Mie Kennedy, 'Korean "Imperial Soldiers": Remembering Colonialism and Crimes Against Allied POWs', in Takashi Fujitani, Geoffrey M. White, Lisa Yoneyama (eds), *Perilous Memories: The Asia-Pacific War(s)*, Durham, N.C, Duke University Press, 2001, p. 209

⁴¹ Utsumi, 'Korean "Imperial Soldiers"', p. 200.

⁴² 'Supplement to recommendation for clemency for war criminals of Korean origin', 13/10/52, NAA, Melbourne, MT1131/1, A336/1/17, 3250205.

pardon for nineteen Koreans and Formosans held by the British government and made similar overtures to the Australian and Dutch governments.⁴³ On a similar matter, the Japanese Foreign Ministry recommended to the Australian government that five prisoners of Korean origin who had been repatriated by the Australian government as special cases due to illness should be released from Sugamo prison.⁴⁴ While the Japanese government had accepted the Allied position on the nationality of the prisoners, they were also still agitating for their release. Australia and the other Allies remained resolute in their stance on the Korean and Formosan prisoners being 'Japanese' and the peace treaty and the impetus that it gave Japanese diplomats did little to change their minds.

The interest shown in the war criminals both through the courts and diplomatic channels had one undesirable outcome for the Korean and Formosan war criminals. Australian officials were in close discussion regarding potential repatriation of war criminals from Manus Island to Japan throughout late 1952 and early 1953. The negotiations were protracted and one of the holdups was Australian government uncertainty over whether Japan would ensure that prisoners completed their sentence. This was partly based on lingering mistrust of Japan and some perceived ambiguity in the peace treaty. A certain amount of Australian unease, however, was directly related to the Japanese requests for the release of Formosan and Korean prisoners. Repatriation did go ahead in August 1953, but only after the Australian government sought extra assurances from Japan that prisoners would not be released unless on the orders of Australian authorities.⁴⁵

⁴³ Koreans and Formosans Sentenced as War Criminals, 31/7/52, UK archives, FO371-99516; British Embassy Tokyo, 11/8/52, UK archives, FO371-99516.

⁴⁴ Ibid.

⁴⁵ 'External Affairs to Australian Embassy in Tokyo Regarding the Repatriation of War Criminals', 7/7/53, NAA, Canberra, A1838, 246874; 'Cabinet Minute Decision

After the initial activity after the peace treaty was enacted, diplomatic representations on the issue were again made near the end of 1953, this time by the Korean government that was becoming increasingly interested in the war criminals. On 27 November 1953, the Korean government contacted the UK foreign office and requested that although the government did not question the original trial verdicts or the arrangements of the peace treaty, they would like the UK government to consider offering clemency to the Koreans. The UK government advised the Korean government that the eleven Korean men convicted in British courts were considered Japanese nationals and that they would not receive special consideration for clemency.⁴⁶ The Korean government requested that if the prisoners were not to be released then could they be repatriated to Korea. Britain declined this request also. Evidently, the issue was becoming slightly heated as after repeated Korean requests, a British official commented in May 1954 that he would let the Korean minister 'cool off' before again declining the request.⁴⁷ There were only eleven Korean prisoners under British control, though the Korean government believed there were twenty-five, but six of them were convicted by Australian courts and a further eight had been released.⁴⁸ At play, however, was the fact that they had committed crimes in relation to prisoner of war camps and British officials feared a back lash from former POWs who remained bitter about Korean guards.⁴⁹ These exchanges illustrate the divergent views on the war criminals. The British felt there was no legal basis either in the war crimes courts or the treaty to regard the prisoners differently and the Koreans by this stage seem to agree. Their appeal for clemency from the Koreans

No. 731', 2/7/53, NAA, Melbourne, MP729/8, 452815; 'Cabinet Agendum No. 347', September 1952, NAA, Canberra, A1838, 140817.

⁴⁶ Reply to Parliamentary question, 9/2/54, UK archives, FO371-110514.

⁴⁷ War criminals of the Korean race, May 54, UK archives, FO371-110514.

⁴⁸ Draft briefing, UK archives, 26/4/54, FO371-110514.

⁴⁹ Note From Crowe, 7 May 54, UK archives, FO371-110514.

seems to have been based solely on their nationality being grounds for lenient treatment, but the view in the UK was not only that their nationality was irrelevant in legal terms but that it may in fact be a contribution to the case for not showing them leniency, given how the Koreans were viewed by British POWs.

While the early representations from Taiwan appear at least partly driven by community interest, in Korea, public interest seemed to be at best moderate. The British legation in Seoul wrote to the Foreign Office in August 1954 and advised that the issue was appearing in the press but that interest was low, outside state controlled discourse. The legation did note, however, that the emphasis on the issue from the state likely meant the issue was not dead.⁵⁰ It is uncertain what the prisoners themselves thought. The Korean government seemed to indicate the Korean war criminals were suffering prejudice in Sugamo, but one Korean that was due for release refused to leave since he did not want to face the hardships in the outside world.⁵¹

In 1954, the Korean government turned its attention to prisoners held by Australia. The government claimed to not challenge the legitimacy of the Australian view that war crimes proceedings had been lawful, nor did the government claim the prisoners were not legitimate war criminals. Instead, Korean government overtures through the Australian embassy in Japan evoked images of young Korean men becoming pawns of Japanese imperialism. In many of the war crimes trials, the accused claimed they committed their crimes under orders. None of the Allied countries considered the existence of orders from a superior to be a defence against guilt but if a guilty war criminal had truly been acting under orders then the court

⁵⁰ Letter from Seoul Legation, 5/8/54, UK archives, FO371-110514; There was a letter from the Korean Women's Association in Japan, 8/7/52, FO371-99516.

⁵¹ Press article and attached commentary, 30/12/54, UK archives, FO371-110514.

could impose a lighter sentence.⁵² In January 1954, Korean officials wrote to the Australian embassy and questioned the opportunity Korean soldiers had to choose between observing international law and following the orders of a superior officer. Korean officials claimed that Korean soldiers were conscripted into service and they were immediately compelled by the Japanese to harbour hatred for the Western powers. They were then placed at prisoner of war camps, as the lowest ranking guards and were not given detailed information on the international laws of war. They then had to follow brutal orders. Then, when they faced Allied war crimes proceedings, the Koreans were again left underprepared as the trials were conducted in English, with Japanese language assistance, but not Korean. The Korean government urged the Australian government to regard the Korean prisoners as 'the scapegoats of Japanese militarism'.⁵³

A Change in Direction

Ultimately, none of the early moves on behalf of the disputed nationality prisoners had much effect on any of the Allied governments. Nor could the Japanese

⁵² See Military Board (Australia), *Australian Edition of Manual of Military Law 1941 (Including Army Act and Rules of Procedure as Modified and Adapted by the Defence Act 1903-1939 and the Australian Military Regulations)*, Canberra, Commonwealth Government Printer, 1941, p. 288; 'The Trial of Class B and C War Criminals (includes forward)', 19/5/52, Decimal 290-15-15-05, SCAP Legal Section. Monographs, National Archives and Records Administration, Washington DC, RG331, Box 3676; Phillip R. Piccigallo, *The Japanese on Trial: Allied War Crimes Operations in the Far East 1945-1952*, Austin, Texas, University of Texas Press, 1979, p. 39; Sheldon Glueck, *War criminals: their prosecution and punishment*, New York: Alfred A. Knopf, 1944, pp. 140-142

⁵³ 'Korean Mission in Japan to Australian Mission', 28/1/54, NAA, Melbourne, MT1131/1, A336/1/17, 3250205. This perspective on the Korean prisoners is also explored in Yi Hak-Nae, 'The man between: a Korean guard looks back', in G. McCormack and H. Nelson (eds), *The Burma-Thailand railway*, Allen & Unwin, St Leonards, N.S.W., 1993, p. 120-126 and Utsumi Aiko, 'The Korean guards on the Burma-Thailand railway', in G. McCormack and H. Nelson (eds), *The Burma-Thailand railway*, Allen & Unwin, St Leonards, N.S.W., 1993, p. 127-138.

government persuade the Australian government that the prisoners deserved special consideration. The Australian government was in a sound legal position and during the discussions in the early 1950s considerations of the law, justice and the views of the Australian electorate outweighed politics and diplomacy on most decisions on the war criminals. Gradually, things began to change though and the Korean and Formosan prisoners did receive clemency, albeit not the special dispensation they desired. After the peace treaty a slow process to release Japanese war criminals, on parole or outright, began. Though the Australian government maintained a hard-line on war criminals for as long as other countries and was wary of negative Australian public views towards leniency for war criminals, it eventually began to create ever more lenient policies on war criminals to get them out of prison. Australia was one of the last countries to start paroling prisoners in any significant numbers.⁵⁴ An Australian system for reducing a prisoner's sentence for good behaviour had been in place before the war criminals had even been moved to Japan; small numbers of prisoners had had their sentences remitted under this system but there was not yet any provision for parole. In December 1953, External Affairs circulated a draft Cabinet submission to several government departments requesting their participation in setting up a Parole Committee for War Criminals. The Attorney-General, Department of External Affairs and the army all provided officials to sit on the committee, which recommended that an official Australian system of parole should be set up.⁵⁵ Around this time, Australian officials were again approached by Chinese embassy officials, who requested clemency for Formosan war criminals, now residing in Sugamo. The Australian response was more positive

⁵⁴ 'The Present Condition of Japanese War Criminals Sentenced by Australian Military Courts', 10/9/54, NAA, Canberra, A1838, 271955.

⁵⁵ 'Japanese War Criminals: Establishment of a Parole Committee', 26/1/54, NAA, Canberra, A1838, 271954.

than in previous exchanges, but the embassy was informed that any decision would have to wait until the general question on clemency for all war criminals was settled.⁵⁶

The early steps towards a functioning parole system were awkward but in April 1955 the government decided that prisoners would be eligible for parole after serving two-thirds of a sentence of less than fifteen years and in the case of a sentence greater than fifteen years, after serving ten years. The government consistently referenced the actions of its allies in policy on war criminals during the mid-1950s. The parole regulations were designed to match U.S. policy, but Cabinet decided that parole should only be granted on this basis if the rules matched the UK practice as well. This produced considerable confusion, and the caveat quickly proved to be unworkable as Australian eligibility for parole would be more lenient than the UK practice because the UK did not parole Japanese prisoners: it allowed only remission of sentences.⁵⁷ In the end, prisoners held by Australia were granted remission on a basis comparable to the UK practice. The UK altered its policy in August 1955, however, by reducing war criminals' sentences. Thereafter Australian officials felt that parole could go ahead because it would not appear more lenient than the UK practice.⁵⁸ Releases from this point were slow, without any significant progress until 1956.

Although there were still significant obstacles to overcome before widespread parole of Japanese prisoners occurred, the April 1955 Cabinet discussions were the starting

⁵⁶ 'Formosan War Criminals', 23/1/56, NAA, Canberra, A1838, 271960.

⁵⁷ 'Japanese War Criminals – External Affairs Note', 29/4/55, NAA, Canberra, A1838, 271956; 'Japanese BC War Criminals – External Affairs Note', 14/9/55, NAA, Canberra, A1838, 271957; 'Cabinet Submission – Japanese Minor War Criminals', 5/4/56, NAA, Canberra, A1838, 2711960 contains material relevant to 1955 also.

⁵⁸ 'Cabinet Submission – Japanese Minor War Criminals', 5/4/56, NAA, Canberra, A1838, 2711960.

point for an effort by the government to bring its policy on war criminals into line with Australia's new general policy for Japan, created in 1954: that is, the decision to foster good political and diplomatic relations with Japan. In April 1955, External Affairs and the Department of the Army submitted to Cabinet that Australia needed to adopt a more lenient stance on war criminals for seven reasons: Pacific security relied on Japan being aligned with the West; the Japanese government had indicated that the continued incarceration of war criminals was a major obstacle in improving relations with the West; Australian officials believed that a moderation in Australia's stance would create goodwill in Japan towards Australia; some Class A war criminals had already been released and the Australian public had not reacted badly; although Japanese foreign policy was firmly based on co-operation with the US the possibility that Communist propaganda might influence Japan could not be ruled out; Communist China had a far more lenient approach to war criminals than Australia (it is unclear on what basis the government believed this to be the case), which could generate goodwill towards Communist China in Japan; and, finally, the number of Class B and C war criminals held by Australia was small and they would not present a security risk if they were released, whereas they were currently treated as martyrs while in prison.⁵⁹

By the mid-1950s, issues concerning war criminals had exceeded consideration of individual cases and had become an openly political matter between Japan and Australia. By 1956, Australian policy on the release of war criminals was almost totally focused on promoting good relations with Japan, while still maintaining the integrity of Australia's system for dealing with the convicted criminals. The Japanese Embassy in Canberra approached the Australian government in March

⁵⁹ 'Cabinet Submission – Granting of Parole', 1/4/55, NAA, Melbourne, MP729/8, 452819.

1956 to request early release of war criminals convicted by Australian courts, noting that the Netherlands was expected to release its remaining prisoners soon, and the U.S. and UK were also working towards early release.⁶⁰ The Japanese authorities provided a detailed analysis showing that Australian releases were behind those of the other countries.⁶¹ The initial Australian parole system had indeed been slower to take effect than the parole systems of other countries for reasons that will be explained below; the Minister for External Affairs and the Minister for Army and Navy submitted to Cabinet in April 1956 that Australia needed to alter its system for parole and other forms of clemency to expedite the release of Japanese war criminals.⁶² External Affairs noted that by the end of the year, only prisoners convicted by Australian and U.S. courts would remain in custody in Sugamo Prison.

By this point, in the interests of developing relations with Japan, the Australian government wanted to avoid being out of step with the policies of other convicting countries. The Netherlands government had been releasing small groups of war criminals since 1952 and although Dutch officials assured the Australian government that a blanket release would not occur, they also stated in March 1956 that these releases would continue.⁶³ In fact, the last prisoners held under Dutch jurisdiction were released in July 1956, less than six months after agreement had been reached with the Japanese government on compensation. External Affairs was concerned that if it did not make changes, Australia would appear overly harsh, which could

⁶⁰ 'Memo No. 150 Copy of Japanese Embassy Request for Early Release of War Criminals', 12/3/56 (original received 7/3/56), NAA, Canberra, A1838, 271960.

⁶¹ 'Note Verbale on Release of War Criminals', 9/2/56, NAA, Canberra, A1838, 271960.

⁶² 'Cabinet Submission – Japanese Minor War Criminals'.

⁶³ 'Hague Memorandum No. 121 Netherlands Policy on Minor War Criminals', 9/3/56, NAA, Canberra, A1838, 271960.

harm attempts to improve relations with Japan.⁶⁴ This attitude shows that Australian policy on war criminals had changed since 1945 and even since 1950. In those years there had been little concern for how Australian policy appeared externally and more concern to ensure policy did not appear too lenient internally.

The slight differences between each government's sentencing and clemency regulations meant that the release of war criminals was not uniform among the Allies. Conformity with other nations in policy on war criminals was thus difficult to achieve. The External Affairs submission to Cabinet in April 1956 noted two issues. One was that Australia was slightly reducing the sentences of those imprisoned for more than fifteen years upon Japanese request, but was not showing leniency to those with shorter sentences. The submission recommended reducing all sentences above ten years, which would get prisoners released faster, though war criminals convicted by Australia would still remain in prison until 1961. One of the reasons that Australia's prisoners were remaining incarcerated for longer than those given the same initial sentences by the UK was that the UK applied sentences from the date of arrest whereas Australian courts imposed sentences from the date of the court proceedings. The difference between the two dates could be a significant one. Also, the UK appeared to be making a concerted effort to release war criminals as the government had recently reduced life sentences, and sentences of twenty years in prison, to fifteen years. In addition, the UK government was also applying further remissions, meaning that the few prisoners convicted by UK courts who remained in prison were to be released by the end of 1956.⁶⁵

⁶⁴ 'Cabinet Submission – Japanese Minor War Criminals'.

⁶⁵ 'Cabinet Submission – Japanese Minor War Criminals'. In fact the last prisoner held by the UK was released on 30 January 1957.

A second issue noted by External Affairs in April 1956 was that the status of Korean and Formosan prisoners had not been fully resolved. Granting parole to these prisoners would be difficult because they would not be able to serve their parole in Japan, as they were no longer Japanese citizens, and the conditions of their parole would therefore be less easily regulated and monitored. The Japanese government wanted Korean and Formosan prisoners to receive a general amnesty. In an indication that Australian officials were not yet prepared to forgo all of their rights over war criminals in order to secure better relations with Japan, however, External Affairs recommended that an amnesty not be granted and that instead the prisoners be allowed to serve out parole in their country of origin.⁶⁶ Eventually, the last war criminals convicted by Australian courts were released on 28 June 1957.

War Criminals in Post-war Australian Diplomacy

In the diplomatic exchanges with the Korean, Chinese and Japanese governments, Australian officials showed little regard for the origins of war crimes in Japanese imperialist expansion. The bellicose rhetoric of early post-war Australian statesman demonstrated that war crimes trials were part of a broader plan to bring Japan to account and to secure the Pacific from Japanese ambition. The Australian government clearly did not take into account the Japanese expansion of the late nineteenth and early twentieth centuries when planning for war crimes justice. Regarding the prisoners as Japanese served the purpose of punishing the Japanese aggression of 1941-1945 but did not encompass the imperialist incursion into Taiwan and Korea that had landed these war criminals in Australian courts in the first place.

⁶⁶ Ibid.

Australian officials did appear somewhat sensitive to the sovereign rights of the newly-emerging Chinese and Korean governments and recognised that although the prisoners remained Japanese, officials needed to deal with their countries of origin as well as Japan over their repatriation and release. Neither the Chinese nor the Korean government could guarantee that paroled prisoners or transferred prisoners could serve their sentences fully in prisons in those countries. The Australian government could not afford to take lenient steps on war criminals out of fear of public backlash. Even a small scale of clemency towards a select group of prisoners had the potential to lead to undesirable outcomes in the estimation of the government.

The manner of the eventual release of the war criminals provides one final contradiction in the complicated case of Korean and Formosan prisoners. Since 1947, the governments concerned had requested that the Australian government consider the political factors that had led to the men being in the Japanese military in the first place. Australian officials and those from other countries maintained that these factors were irrelevant and that crimes needed to be punished. The eventual release of prisoners, however, did come because of an acknowledgement of political factors: but the operative factor was Japan, rather than any other Asian countries. After 1954 the Australian government saw the benefits of good relations with Japan as outweighing the need to keep war criminals in prison. Japan was restored to friendship with the Western democracies and the war criminals were released. By the mid-1950s the political situation in Asia and in Australia had changed to the point that diplomatic and economic imperatives were much more salient to the Australian government where policy on war criminals was concerned. Just as Japanese imperialist expansion meant that Koreans and Formosans ended up in war crimes

courts in the first place, it was largely Japanese political and economic influence that resulted in their release.

References

Archival Sources

National Archives of Australia, Canberra

A1838, 3103/10/13/2 Part 4, 140817

A1838, 3103/10/13/2, Part 2

5490451

A1838, 271960.

273128.

1334903.

A1838, 246874

A1838, 271957

A1838, 271954

A1838, 271956

1550/7 Part Two

A1838, 140815

A10943, 1580069

A1838, 271955

National Archives of Australia, Melbourne

MP729/8, 66/431/23 Part 2.

MP729/8, 452815.

MP729/8, 452819

MP927/1, A336/1/29

MT1131/1, A336/1/17, 3250205

National Archives (United Kingdom)

FO371-99516.

FO371-110514

National Archives and Records Administration (Washington)

Decimal 290-12-04-06, SCAP Legal Section, RG331, Box 1435.

Legal Section Law Division Parole Board Documents 1946-51, Chinese, Dutch and American Convictions to Parole Office memo, RG331 SCAP, Box 1392

Decimal 290-15-15-05, SCAP Legal Section. Monographs, National Archives and Records Administration, Washington DC, RG331, Box 3676.

Secondary Sources

Aiko, Utsumi, *Chosenjin BC-kyu Senpan no Kiseki (Why Was Kim Tried?: The Trajectory of Korean Class BC War Criminals)*, (Keiso Shobo, 1982).

Utsumi Aiko, trans. Mie Kennedy, 'Korean "Imperial Soldiers": Remembering Colonialism and Crimes Against Allied POWs', in Takashi Fujitani, Geoffrey M. White,

- Lisa Yoneyama (eds), *Perilous Memories: The Asia-Pacific War(s)*, Durham, N.C, Duke University Press, 2001.
- Aiko, Utsumi, 'The Korean guards on the Burma-Thailand railway', in G. McCormack and H. Nelson (eds), *The Burma-Thailand railway*, Allen & Unwin, St Leonards, N.S.W., 1993.
- Boister, N. and Cryer, R., *The Tokyo International Military Tribunal: A Reappraisal*, New York, Oxford University Press, 2008.
- Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, Vol. 206, 24/2/50, 'Prime Minister Menzies February Speech in Parliament'.
- 'Demands for Sterner Darwin Trials', 18/3/46, *The Sydney Morning Herald*, p. 3.
- Duus, Peter, *Modern Japan*, Boston, Houghton Mifflin, 2nd ed., 1998.
- Evatt, H.V., *Australia in World Affairs*, Sydney, Angus and Robertson.
- Sheldon Glueck, *War criminals: their prosecution and punishment*, New York: Alfred A. Knopf, 1944.
- 'Initial Post Surrender Policy for Japan 29 August 1945', in Supreme Commander for the Allied Powers, Government Section, *Political Reorientation of Japan September 1945 to September 1948* (hereafter PROJ), Vol. II, Greenwood Publishing Company, Westport, Connecticut, 1970.
- Maga, Timothy, *Judgment at Tokyo: The Japanese War Crimes Trials*, Lexington, Kentucky, University of Kentucky Press, 2001.
- Maki, John M. (ed.), *Conflict and Tension in the Far East: Key Documents, 1894-1960*, (University of Washington Press, Seattle, 1961),
- McCormack, Timothy L.H. and Simpson Gerry J. (eds), *The Law of War Crimes: National and International Approaches*, The Hague, Kluwer Law International, 1997.

- Military Board (Australia), *Australian Edition of Manual of Military Law 1941 (Including Army Act and Rules of Procedure as Modified and Adapted by the Defence Act 1903-1939 and the Australian Military Regulations)*, Canberra, Commonwealth Government Printer, 1941.
- Minear, Richard, *Victor's Justice: The Tokyo War Crimes Trial*, Princeton, New Jersey, Princeton University Press, 1971.
- 'Mr Forde to Investigate Darwin Trials', 21/3/46, *The Canberra Times*, p. 2.
- Pappas, Caroline, 'Law and Politics: Australia's War Crimes Trials in the Pacific 1943-1961', Unpublished PhD Dissertation, Australian Defence Force Academy, UNSW, 2001. Rivett, Rohan, *Behind Bamboo*, Ringwood, Victoria, Penguin Books, 1946.
- Piccigallo, Phillip R., *The Japanese on Trial: Allied War Crimes Operations in the Far East 1945-1952*, Austin, Texas, University of Texas Press, 1979.
- Rohan Rivett, 'War Correspondent Indicts Japanese POW Authorities', *The Argus* (Victoria), 15/9/45, p. 8.
- 'The Darwin Trials', 19/3/46, *The Sydney Morning Herald*, p. 2.
- Rosecrance, Richard, *Australian Diplomacy and Japan 1945-1951*, Parkville, Victoria, Melbourne University Press, 1962.
- Totani, Yuma, 'Review of *Kimu wa Naze Sabakaretanoka: Chosenjin BC-kyu Senpan no Kiseki (Why Was Kim Tried?: The Trajectory of Korean Class BC War Criminals)*, by Utsumi Aiko', *Social Science Japan Journal*, (2010), 13, 1, pp. 174-176.
- Totani, Yuma, *The Tokyo War Crimes Trials: The Pursuit of Justice in the Wake of World War Two*, Cambridge, Massachusetts, Harvard University Press, 2008.
- 'Vicious Japanese Evidence at the Darwin Trials', 21/3/46, *The Cairns Post*, p. 1.

Waters, Christopher, 'War, Decolonisation and Post-war Security', in David Goldsworthy (ed.), *Facing North: A Century of Australian Engagement with Asia*, Melbourne, Melbourne University Press, 2001.

Wilson, Sandra, 'Prisoners in Sugamo and Their Campaign for Release, 1952-53', *Japanese Studies*, Vol. 31, Issue 2, September 2011, pp. 171-190.

Yi, Hak-Nae, 'The man between: a Korean guard looks back', in G. McCormack and H. Nelson (eds), *The Burma-Thailand railway*, Allen & Unwin, St Leonards, N.S.W., 1993.

**加治宏基：A Study of Shaping “War
Crimes” in the United Nations War
Crimes Commission (UNWCC) (英文)**

Title:

A Study of Shaping "War Crimes" In the United Nations War Crimes Commission (UNWCC)

KAJI Hiromoto (Ph. D.) , Research Fellow, Mie University, Japan

Summary:

In the early 1940s the Allied governments began to seriously address the issue of war crimes and their investigation. At a meeting of representatives of 17 of the Allied nations (without Soviet Union) in October 1943, the United Nations War Crimes Commission (UNWCC) was established. Its purpose was to collect, record and investigate evidence of war crimes and their perpetrators, to liaise with national governments to this end, and, at a later stage, to advise governments on the legal procedures to be adopted in bringing suspects to trial. It was the responsibility of the national governments concerned to act upon the evidence supplied to them by the Commission. The first official meeting of the UNWCC was held in January 1944, and the organization continued to be active until 1948.

The records of the UNWCC, its sub-commissions and committees are housed in the United Nations Archives in New York. Documentation on all aspects of the UNWCC's work occurs in the General Correspondence of the Foreign Office, mainly in that of the Political Departments. However, since July 2013, the International Criminal Court (ICC) Legal Tools Database has made available virtually all of the unrestricted records of the UNWCC, including its Far Eastern and Pacific Sub-Commission, and its three committees. The UNWCC documents shed light on the historical origins of international criminal law and the real politics of deciding the war crimes. The Commission played an important role in preparing the ground for war crimes trials in Nuremberg, Tokyo, and other locations following World War II. What did the 17 representatives of the Allied nations discuss under the emerging Cold War structure? This paper, according to these documents, verifies their interests, focusing on China's point of view and investigates the process of shaping "War Crimes."

Dr. KAJI received a B.A. in international relations from the University of Shizuoka and a M.A. and a Ph.D. in contemporary China studies from Aichi University. He was selected JSPS research fellow (DC) in 2003 and furthered his graduate studies on the China's diplomacy in the U.N. system. After completed doctoral course he worked in the International Center for Chinese Studies (ICCS) of Aichi Univ. in 2009, and began to teach Chinese diplomacy in the university. Since 2011 he has worked in Mie Univ., and taught peace studies in Chukyo Univ. and Chubu Univ..

Currently, he is academically interested in China's "development discourse" at UNESCO, WHO and UNDP. His major works include "The Determinants of Joining WHO—The Case of Taiwan's Quest for WHA Observer Seat—" (Institute of Foreign Affairs, Aichi Univ., 2009), "China's Embedment and Policy Evolution of the UN Development Discourse" (ICCS, 2010), in Japanese, 〈從中國世界遺產政策觀察國際社會對其政治境界與文化實體之承認〉馬場毅 黃英哲 謝政諭主編《文化民主與兩岸關係的東亞觀點》(松慧文化,2012), etc..

摘要

1940 年代早期，同盟國政府開始認真地處置他們針對戰犯的議題以及審查。1943 年十月在一場由 17 位同盟國代表國家（蘇聯除外）召開的會議中，成立了聯合國戰犯委員會（UNWCC）。它的主要目的為蒐集、紀錄以及審查戰犯與各國犯罪者的證據，並且與該國家政府聯繫，隨後以合法程序要求當局將嫌疑犯送上審判庭。而依循委員會所提出的證據行動則是各國政府的職責。聯合國戰犯委員會的第一場官方會議於 1944 年一月舉行，並且持續運作至 1948 年。

聯合國戰犯委員會及其次級委員會的檔案紀錄現存於紐約的聯合國檔案室。聯合國戰犯委員會各種觀點的文獻則主要存放於 General Correspondence of the Foreign Office 的政治部門裡。然而自 2013 年七月起，國際刑事法庭(ICC)的法律工具數據庫正式決議將聯合國戰犯委員會所有的檔案無條件開放，包括遠東及太平洋分會，以及其三個委員會。聯合國戰犯委員會的文件解釋了國際刑法的歷史起源以及判定戰犯的實際策略。而委員會在紐倫堡、東京、以及其他參與過第二次世界大戰的地區，為戰犯審訊準備證據過程中亦扮演著極為重要的角色。同盟國的十七位代表國家在冷戰架構浮現的背景之下都討論了些什麼？這份論文將根據這些文件釐清各方利益、聚焦於中國的觀點並且探討「戰犯」的形塑過程。

*中文翻譯倘有錯誤，概由主辦單位負責

A Study of Shaping "War Crimes" In the United Nations War Crimes Commission (UNWCC)

KAJI Hiromoto

1. Introduction

In the middle of W.W.II the Allied governments seriously began to address the issue of war crimes and their investigation. At the diplomatic conference of representatives of the 17 Allied authorities, some in exile in London, in October 1943, they decided to establish the United Nations War Crimes Commission (UNWCC). Its purpose was to collect, record and investigate evidence of war crimes and their perpetrators, to liaise with national governments to this end, and, at a later stage, to advise governments on the legal procedures to be adopted in bringing suspects to trial. It was the responsibility of the national governments concerned to act upon the evidence supplied to them by the Commission. After three unofficial sessions the group held the first meeting on January 11, 1944, and this organization continued to function until the end of March 1948. The 17 nations Commission gradually set up additional sub-commissions and committees during its operating period.

As a result, the Commission dealt with 36,000 international criminal cases. When the Commission finished, it transferred some 40,000 files of the records of the UNWCC, its sub-commissions and committees to the United Nations Archives, which established rules for access to those records. Thus the most documents and copies are housed in the National Archives of the U.K.. Documentation on all aspects of the UNWCC's work occurs in the General Correspondence of the Foreign Office, mainly in that of the Political Departments. Until 1986, the archives which had transferred to the U.N. were available only to Governments on specific requests, in connection with the investigation and prosecution of war criminals. The U.N. argued that the files should remain sealed because the material on specific individuals had not been submitted to judicial process, or otherwise subjected to legal evaluation. In most cases, the individuals had not been informed of the charges and thus had had no opportunity to reply.

On the initiative of Secretary-General Javier Pérez de Cuéllar, the original 17 members of the UNWCC consulted on the issue in September and October 1987, and agreed some of the secrecy shrouding the archives for 40 year should be dispelled. Then Governments could conduct general research, and the files may be opened to "bona fide research by individuals into the history and work of the UNWCC and into war crimes," said François Giuliani, Spokesman for the Secretary-General. Since July 2013, the International Criminal Court (ICC) Legal Tools Database has made available virtually

the whole records of the UNWCC, including its Far Eastern and Pacific Sub-Commission and its subordinate bodies. The records contain their meeting minutes from the Commission and its subordinate agencies, their working documents, and materials from the Research Office of Allied national authorities (Australia, Canada, China, Czechoslovakia, France, Greece, the Netherlands and Norway). More than 2,240 UNWCC documents, totally 22,184 pages have been added to the ICC Legal Tools Database.

The UNWCC documents shed light on the historical origins of international criminal law and the real politics on deciding the war crimes. The most of earlier studies had paid little attention to the Commission's function in the allied policy making process on the war crime issue. Telford Taylor (1994) examines that the most of delegations in the commission have represented their governments in exile¹. However, some recent articles prove the commission has played "a certain important" role in preparing for the ground of war crimes trials in Nuremberg, Tokyo, and other locations following World War II. Hayahshi (2004a, b) investigates that arguments in the commission have succeeded to the U.S. Army and formularized there as "crimes against humanity" and "crimes against peace²." What did 17 representatives of the Allied nations discuss under the emerging Cold War structure? This paper, mainly according to these documents of the UNWCC, verifies their interests, focusing on China's point of view and investigates the process of shaping "War Crimes."

2. Prologue of UNWCC

Whichever you consider from realism or constructivism point of view, the Great Powers in the United Nations were composed of the U.S. and the U.K. during W.W II. It was before the Attack on Pearl Harbor that their first action in denouncing the atrocities committed by the Axis Powers started. The U.S. President Franklin D. Roosevelt and the U.K. Prime Minister Winston Churchill simultaneously condemned the Nazis on October 25, 1941. President Roosevelt's message ran as follows: "Civilized peoples long ago adopted the basic principle that no man should be punished for the deed of another. Unable to apprehend the persons involved in these attacks, the Nazi

¹ 清水正義「先駆的だが不発に終わった連合国戦争犯罪委員会の活動 1944年—ナチ犯罪処罰の方法をめぐる」『東京女学館短期大学紀要』第20輯, 1998年. Shimizu refers to this former study. Telford Taylor, *Die Nuernberger Prozesse. Hintergruende, Analysen und Erkenntnisse aus heutiger Sicht*, Muenchen, 1994.

² 林博史 a「連合国戦争犯罪政策の形成—連合国戦争犯罪委員会と英米(上)」関東学院大学経済学部総合学術論叢『自然・人間・社会』第36, 2004年1月, pp.1-42、同 b「連合国戦争犯罪政策の形成—連合国戦争犯罪委員会と英米(下)」関東学院大学経済学部総合学術論叢『自然・人間・社会』第37, 2004年7月, pp.51-77。

characteristically slaughter fifty or a hundred innocent persons. Those who would 'collaborate' with Hitler and try to appease him cannot ignore this ghastly warning." And PM Churchill's declaration ran as follows: "The butcheries in France are an example of what Hitler's Nazis are going in many other countries under their yoke." "Retribution for these crimes must henceforward take its place among the major purpose of the war."

The Great Powers' declarations, however authoritative, couldn't compel the Axis Powers lawfully, and they must be transformed into a concrete scheme, officially supported by authority, suitable for practical realization and provided with the necessary machinery. Such statements and the following declaration of St. James's palace reinforced with each other. In January 1942, London was the home of nine exiled governments, Belgium, Netherlands, Yugoslavia, Norway, Greece, Luxembourg, Poland, Czechoslovakia, and the Free French. Practically all Europe had fallen to the Axis, but in the city itself the Allied governments and peoples' faith in ultimate victory remained unshaken. And, even more, they were looking beyond military victory to the postwar future. One of the important steps toward punishment for the Axis can be seen in the Declaration of St. James's palace on 13 of the month, in which the representatives of the nine governments-in-exile declared that the punishment for the Axis' criminal acts against civilian populations was the principal war aims of the signatories, and that the punishment would be decided through the trial of organized justice.

The nine governments' insistence urged the U.K. to host the Conference which was also attended by observers representing governments of the U.K., the Dominions (Australia, Canada, New Zealand and the Union of South Africa), India, China, the U.S. and the U.S.S.R. The British Foreign Secretary Anthony Eden became the chairperson and was presided over by Polish Foreign Minister General Sikorski. Although China wasn't a signatory, its representative Mr. Wunz King (金問泗)³ sent a letter to the conference stating that his Government subscribes to principles outlined in the declaration and intends to apply the same principle to the Japanese occupying authorities in China when the time came. The principle, in short, was noted that the crimes committed by the enemy occupying authorities were severely condemned and the authors were to be held accountable therefor⁴.

³ Mr. Wunz King (金問泗) was a specialist of tariff and attended at many international conferences as Chinese diplomat, for example, Paris Peace Conference in 1919 and Conference on Bretton Woods Agreements in 1944. Later he was assigned to the Netherlands, Belgium, Norway, Czechoslovakia and Luxembourg as Chinese ambassador or envoy.

⁴ UNWCC, *Punishment for War Crimes: The Inter-Allied Declaration Signed at St.*

This Declaration secured the agreement by the Governments of the occupied countries of Europe, and the inter-Allied Commission for the Punishment of War Crimes tried to examine questions of broad principle. This action, however, was somewhat premature, since the different questions could not be resolved immediately, mainly because none of the Great Powers were represented on the Commission. In spite of such political circumstance, certain important points were studied at the Commission⁵:

- (1) Should provisions concerning the arrest and trial of Germans or their allies, accused of having committed crimes against the laws and customs of war, be included in the terms of the Armistice?
- (2) Should the questions of quislings be treated separately from that of guilty Germans?
- (3) Should consideration be limited to those Germans accused of committing crimes against the Allies, or should it also include Germans guilty of crimes against German Jews?
- (4) Should the degree of criminality be based on the law of the tribunal responsible for the trial, or should it merely be based on the more general provisions of the Hague Convention of 1907?
- (5) Will the accused be entitled to plead superior orders? How are the different parties to the crime to be dealt with? Namely, those responsible for planning, inciting and carrying out the action, and those benefitting from it?
- (6) Should be sentences imposed be those within the normal competence of the court, or should they be on a separate scale of punishment?
- (7) Should the extradition of guilty Germans be agreed between the nine allied nations?
- (8) Should a ventral inter-allied organization be set up to collect evidence, detect and arrest the accused, with the aim of bringing the criminal before a competent tribunal?

The question (3) referred to a sensitive matter and enlarged the sight of the Declaration of St. James's. Their consultation concluded that the Declaration wasn't limited and that if no particular mention had been made of the suffering of the Jews, it was because it had been considered that such a mention would have been a recognition

James's Palace, London: His Majesty's Stationary Office, January 1942, FRUS, 851.00/2618:Telegram, The Ambassador to the Polish Government in Exile (Biddle) to the Secretary of State, London, January 14, 1942.

⁵ The UNWCC, *The History of the United Nations War Crimes Commission*, London: His Majesty's Stationary Office, 1948.

of German racial theories. This argument serves as a reference to investigate the policy making process for Taiwanese War Criminals.

Another important step toward the purpose of war was the publication of Declaration of the Four Nations on General Security (the Moscow Declaration) on November 1, 1943, in which the three principal powers, the Great Britain, the United States and the Soviet Union, solemnly committed themselves to the punishment of those responsible for war crimes. The Moscow Declaration distinguished between criminals whose acts were committed within the boundaries of specific countries and the "major criminals" whose "offenses have no particular geographical location and who will be punished by a joint decision of the governments of the Allies." In this context, this Declaration was the most important pronouncement made by Allied statesmen on the subject of war crimes, and one which set the pattern for the trial, not only of the major war criminals, but also of those responsible for atrocities in occupied countries.

The final section of the Moscow Declaration is entitled *Statement on Atrocities* and it was signed by the three Great Powers of the Allies. They noted "evidence of atrocities, massacres and cold-blooded mass executions which are being perpetrated by Hitlerite forces in many of the countries they have overrun and from which they are now being steadily expelled," and continued to state that Germans would be sent back to the countries where they had committed their crimes and "judged on the spot by the peoples whom they have outraged. As for those Germans whose criminal offenses had no particular geographical localization, they would be punished by joint decision of the governments of the Allies." This argument as well as, mentioned above, the question (3) of the commission in St. James's palace serves as a reference to investigate the policy making process for Taiwanese War Criminals.

The Allied Powers will pursue them to the highest end of the postwar world and will deliver them to the accusers in order that their own justice may be done. The Declaration of the Allied leaders following this often contained reference to the punishment of war criminals, but it was the Moscow Declaration which set the pattern that was followed after the war for the punishment of the guilty men, and the trial of the major war criminals.

3. Outline of UNWCC

The first international body to make preparations for punishment of the criminals is the United Nations War Crimes Commission (UNWCC). To establish this commission, the first debate was initiated by Lord Maugham, who had contributed actively to the deliberations of the London International Assembly, in the House of Lords on October 7,

1942, but Lord Simon, Lord Chancellor, in replying to the debate, made two announcements one year later. First, he announced the formation of a United Nations War Crimes Commission for the Investigation of War Crimes, whose task would be the naming and identifying, wherever possible, of the persons responsible for Nazi atrocities, and in particular of organized atrocities. Secondly, he announced that “named criminals wanted for war crimes should be caught and handed over at the time of and as a condition of the Armistice, with the right to require delivery of other as soon as the supplementary investigations are complete”.

On the same day, President Roosevelt made the following statement⁶: “I now declare it to be the intention of this Government that the successful close of the war shall include provision for the surrender to the United Nations of war criminals.” He continued “With a view to establishing responsibility of the guilty individuals through the collection and assessment of all available evidence, this Government is prepared to co-operate with the British and other Governments in establishing a United Nations Commission for the Investigation of War crimes,” then concluded “It is our intention that just and sure punishment shall to be meted out to the ringleaders responsible for the organized murder of violated every tenet of the Christian faith.”

A series of the Great Powers' initiative were caused by the increasing insistence of public opinion that war criminals should be brought to justice, which was sustained by lobbying of signatories of the declaration of St. James's palace⁷. Even so, as I mentioned above, it took whole year to discuss the establishment of the Commission. In October 1942 Lord Maugham had announced his intention of bringing the subject up in the British Parliament, but the date of the discussion had been postponed twice till the Lord Chancellor should be in a position to reply on behalf of the Government. In the discussion Lord Maugham reminded all those present that both Great Britain and the U.S. were pledged to the principle that retribution for war crimes was among the major purpose of the war, and the House of Lords finally concluded the agenda on October 7, 1943.

The British as well as the U.S. attitude included a certain reluctant, because they recalled the failure of Leipzig trials after W.W. I, and the both Governments worried about the circumstance on their national POW. In addition, the Great Powers already schemed to grip the international power balance in the coming Cold War era. The Soviet

⁶ UNWCC, *Punishment for War Crimes (2)*, London: His Majesty's Stationary Office for the Inter-Allied Information Committee, pp.9-10.

⁷ 林博史 a 「連合国戦争犯罪政策の形成—連合国戦争犯罪委員会と英米（上）」 関東学院大学経済学部総合学術論叢『自然・人間・社会』第36, 2004年1月, pp.1-42。

insisted on the membership of all the U.S.S.R. as well the British Commonwealth⁸. This was why, they were unwilling to be restricted by the wartime Allied frame even after postwar era.

The UNWCC hold the first three meeting (unofficial) on October 26, 1943, December 1, 1943 and January 4, 1944. Its objects were constituted to investigate the atrocities and record the names of the individuals responsible. After these preparatory meeting the Commission officially began to work in the month, and at 6th conference the Commission concluded creating three Sub-Committees:

Committee I investigated the facts and evidence of war crimes and was to examine the charges filed by the member governments (National Offices). In addition, it was to prepare and issue lists of war criminals for the different apprehending authorities in order that they might take the necessary action.

Committee II was concerned with "Enforcement", a term which comprised all measures considered necessary to ensure the detection, apprehension, trial and punishment of persons guilty of or responsible for war crimes.

Committee III, the Legal Committee, was to advise on legal questions. Owing to the significance of the legal questions which were subsequently examined, the Commission's advisory function tended, in the course of time, to exceed in importance its original task of investigation.

The Commission, especially in the Legal Committee, discussed in October 1944 to arrange the international tribunals not only for the war crimes of trans-border mass atrocities but also for the broad war crimes. However, the U.K. denied the plan. On the other hand, a Foreign Office memorandum of March 1943 had indicated that the empowered panel should enjoy the greatest possible degree of autonomous action consistent with the central coordinating functions of the Commission. On May 10, 1944 the Commission adopted a proposal by the Chinese Ambassador establishing a Far Eastern Sub-Commission as a branch of the UNWCC. I investigated that there was the policy gaps of attitude toward the UNWCC between the Governments of Great Powers and the representative members to the UNWCC. A study on these theme should be progress in the near future.

⁸ The UNWCC, *The History of the United Nations War Crimes Commission*, London: His Majesty's Stationary Office, 1948, p.111.

【工作人員】

研討會召集人：侯淑娟

秘書組組長：王 婷

組員：鄭崎藍、王雅恬、宋品璇、陳美容、林思琪

議事組組長：陳 爽

組員：李政儒、蕭先佑

招待組組長：白敏宏

組員：陳彥勳、王克斌、王伯祺、梁恩博、陳正庭

總務組組長：鍾佩庭

組員：劉玉菁

特別感謝歷史系辦的江啟安先生、賴玟宏小姐的協助

主辦單位：國立中正大學歷史學系

協辦單位：國立中正大學文學院、國立中正大學國際交流事務中心

經費支助：(日本學術振興會)科研費若手研究(B)「対日 BC 級戦犯裁判における台湾人戦犯の研究—中英仏豪の戦犯裁判を中心に—」

國科會一般型研究計畫(個別型)，在國際戰犯審判中的台籍戰犯：被殖民者的戰爭與對「殖民戰爭責任」的一個新思考。計畫編號：NSC102-2410-H-194- 015-。

國立中正大學文學院

國立中正大學國際事務交流中心



國立中正大學歷史系

「台籍戰犯」概述

藍 通 齊

《韓國臺灣出身戰爭裁判受刑者名簿》

昭和30年（1955）12月1日

日本厚生省引揚援護局

- 靖國神社的偕行文庫

Sources

- 澳大利亞政府方面的紀錄: 蒐藏在位於坎培拉(Canberra)
- 澳洲國家檔案館(National Archives of Australia)
- 戰爭紀念館(Australian War Memorial)
- 英國方面的資料: 英國國家檔案館(The National Archives).
- 日本外務省外交史料館
- 中華民國外交部檔案

「台籍戰犯」問題:

- 審判
- 關押和「發還原籍」
- 「赦免減刑」
- 釋放
- 遣返

臺灣戰犯 在戰爭中所從事的任務和工作

- 戰俘收容所的監視員: 5名戰俘收容所的監視員被判死刑並執行處決
- 通譯: 11 (+3) 名被判死刑並執行處決

澳大利亞

- 澳洲國家檔案館(National Archives of Australia)
- 戰爭紀念館(Australian War Memorial)

澳洲國家檔案館/戰爭紀念館的目錄

- 每一位「台籍戰犯」做為被告/受審人的名字是以日文名字英文拼音做為索引。
- 因此要查詢蒐集澳大利亞軍事法庭中有關「台籍戰犯」的審判紀錄,就必須先知道每一位「台籍戰犯」日文名字的英文拼音。
- 但是,在日本方面整理的資料當中,能看到「台籍戰犯」改姓名之後的日文漢字名字和部分的中文名字
- 而中華民國的外交檔案當中,又只列有「台籍戰犯」的中文名字。

- “NOMINAL ROLL OF FORMOSANS SENTENCED TO TERMS OF IMPRISONMENT as at 30 JUNE, 1947, in RABAU AREA”

(Australian War Memorial, Series number: AWM 54, Control symbol: 1010/2/38, DPI: 300)

- 《韓國臺灣出身戰爭裁判受刑者名簿》

- “台灣本籍資料: 濠洲 (マヌス) 服役者 (台灣人), 昭和 27 年 1 月 1 日”

(收入) 戰犯資料一二, 眾議員法務委員會《, 東京大學駒場校區アメリカ太平洋地域研究センター図書室藏) 當中所記載的「台籍戰犯」資料

英國

被判處死刑的六名台籍戰犯的審判資料:

- 檳城Penang 裁判中被判死刑的3名臺灣人通譯(1946年9月28日判處絞首):

許棋繩(禪)(本籍台南州曾文郡)

郭張興 (本籍台南州嘉義郡)

楊樹木(本籍台北市)

英國國家檔案館(The National Archives)的目錄

- 依據英文目錄當中可能的受審戰犯姓名閩南語拼音或姓名日本拼音

- 吉隆坡Kuala Lumpur裁判中被判死刑的2名臺灣人

憲兵隊雇員(1946年6月26日判處絞首): 劉長流(豐島長助)(本籍台北州海山郡);

Malaya Pahang 政廳陸(軍)警部雇員(1946年12月23日判處絞首; 1947年1月11日確定): 鄭錦樹(藤山照芳)(本籍台南州嘉義市)

- 新加坡 Singapore裁判中被判死刑的1名臺灣人
囑託(1946年3月26日判處絞首): 賴恩勤(安田宗治Yasuda Muneharu)(本籍台北州文山郡)



有關戰犯審判的檔案現狀

—大陸·台灣·日本—

日本尚絅大學
和田 英穗(WADA, Hideho)

大陸

- 第二歷史檔案館
「關於處理戰犯」
- 北京市檔案館、上海市檔案館、廣東省檔案館
…比較開放
- 山東省檔案館、遼寧省檔案館、福建省檔案館、福州市檔案館、廈門市檔案館等
….沒有開放

台灣

- 國史館

「國民政府檔案」「行政院檔案」「外交部檔案」「司法行政部檔案」等

- 國防部史政編譯局

「國軍檔案」…含實際的審判資料(速記錄、證據等)

- 中央研究院近代史研究所檔案館

「外交檔案」(亞太司)…含有關台籍戰犯釋放問題等

- 國民黨文化傳播委員會黨史館

日本

- 外務省外交史料館(「第14回公開分」)

「本邦戰爭犯罪人關係雜件」「本邦戰犯裁判關係雜件」「講和條約發效後における本邦人戰犯取扱關係雜件」

…含外務省收集的有關戰犯審判的資料

- 國立公文書館

「戰爭犯罪裁判關係資料」(1999年從法務省移交到公文書館)

…法務省大臣官房司法法制調查部整理的資料。

…含台籍戰犯問題。但很多資料屬於「要審査」, 需要提前申請。

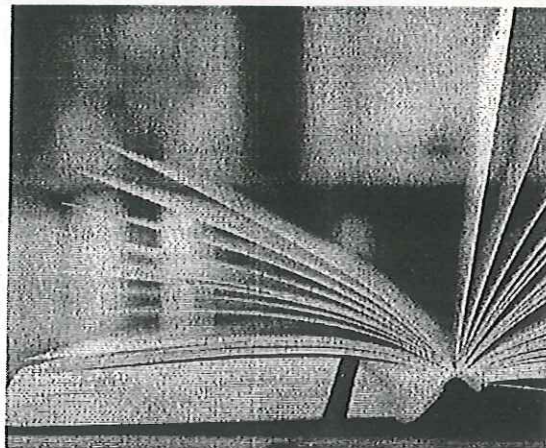
- 偕行文庫(靖國神社內)

「井上忠男資料」

アメリカ裁判關係 (514冊)
イギリス裁判關係 (269)
オーストラリア裁判關係 (228)
オランダ裁判關係 (442)
フィリピン裁判關係 (83)
フランス裁判關係 (40)
中華民国裁判關係 (361)

日本學界對戰犯問題的研究情況-以BC級戰犯為主-

日本尚綱大學 和田 英穗 (WADA, Hideho)



東京審判為主的戰犯研究

BC級戰犯審判是由於聯合國各國進行的，所以主要資料都在各國資料館。

…資料分散、沒有開放、研究環境不良

…BC級戰犯的研究很少根據原始資料進行的。

…以資料比較容易拿到的東京審判為中心發展

發展起來的BC級戰犯審判研究

隨著最近20年各國開放檔案，BC級戰犯研究也發展起來了(美國、英國、菲律賓法庭)

美國

- 横浜弁護士会《法廷の星条旗—BC級戦犯横浜裁判の記録》(日本評論社、2004年)
- 花岡研究会《花岡事件横浜法廷記録—BC級戦犯裁判の代表的事例》(総和社、2006年)

英國

- 林博史『裁かれた戦争犯罪—イギリスの対日戦犯裁判』(岩波書店、1998年)
- 同『BC級戦犯裁判』(岩波新書、2005年)

發展起來的BC級戰犯審判研究

菲律賓

- 永井均『フィリピンと対日戦犯裁判—1945—1953年』(岩波書店、2010年)

中國...沒有較全面的著作

- 宋志勇「戦後中国における日本人戦犯裁判」(『戦争責任研究』第30号、2000年12月)
- 伊香俊哉「中国国民政府の日本戦犯処罰方針の展開(上)(下)」(『戦争責任研究』第32号、33号、2001年6月、7月)
- 和田「被侵略国による対日戦争犯罪裁判—国民政府が行った戦犯裁判の特徴—」(『中国研究月報』645号、2001年11月)
- 和田「中国国民政府による戦犯裁判の問題点—内田元陸軍中将の裁判を中心に—」(『現代中国』第76号、2002年10月)

發展起來的BC級戰犯審判研究

台籍戰犯

- 和田「戰犯と漢奸のはざまで—中国国民政府による対日戦犯裁判で裁かれた台湾人」(『アジア研究』49巻4号、2003年11月)

台籍軍人・軍屬・補償問題

- 加藤邦彦『一視同仁の果て』(勁草書房、1979年)
- 磯村生得『われに帰る祖国なく』(時事通信社、1981年)
- 基佐江里編『旧台湾出身日本兵秘録 聞け血涙の叫び』(おりん書房、1986年)
- 林水木『戦犯に囚われた植民地兵の叫び』(自費出版、1988年)
- 福永美知子『心果つるまで』(文芸社、2002年)
- 田中宏「林水木国家補償等請求事件についての意見書」(『龍谷大学経済学論集』、2003年)
- 内海愛子『戦後補償から考える日本とアジア』(山川出版社、2002年)
- 田中宏他編『未解決戦後補償 問われる日本の過去と未来』(創史社、2012年)

日本學界對台籍戰犯研究的現狀

- 有關台籍戰犯的研究依然以回憶錄等「二次資料」為主
- 研究的對象以補償問題為主
- 與朝鮮戰犯比起來研究的進度較慢

…有關朝鮮戰犯的研究以內海愛子教授為中心有明顯的發展

- 內海愛子《朝鮮人BC級戰犯の記録》(勁草書房、1982年)
- 內海愛子《キムはなぜ裁かれたのか 朝鮮人BC級戰犯の軌跡》(朝日新聞出版、2008年)

台籍戰犯研究目前最需要的就是整理基本資料，把握各地檔案館的狀況以及各地研究狀況如何

研究台籍戰犯的意義

台籍戰犯的研究內容：

- 台籍戰犯審判
- 戰犯的服役·釋放問題
- 補償問題
- 中日和約第三條問題
- 台灣的戰後處理等

研究台籍戰犯的意義

台籍戰犯的研究不限於一個事例研究：

- 台籍戰犯的釋放與國際關係
- 補償問題與日華關係
- 在台戰後處理與日華關係
- 在台戰後處理與戰後台灣社會的形成
- 「殖民地責任」的角度重新研究日本對台灣的「責任」