
Zachary D. Kaufman

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THE NUREMBERG TRIBUNAL V.
THE TOKYO TRIBUNAL:
DESIGNS, STAFFS, AND OPERATIONS

ZACHARY D. KAUFMAN*

I. INTRODUCTION

While much scholarly literature has been dedicated to describing the establishment, proceedings, and impact of the International Military Tribunal (IMT),1 also known as the Nuremberg Tribunal, comparatively little has addressed similar aspects of the International Military Tribunal for the Far East (IMTFE), also known as the Tokyo Tribunal.2 In fact, some

* Law Clerk to the Honorable Juan R. Torruella, United States Court of Appeals for the First Circuit; Adjunct Professor of Law, University of Puerto Rico Law School. University of Oxford, DPhil (PhD) in International Relations expected 2011; Yale Law School, J.D. 2009; University of Oxford, MPhil in International Relations 2004; Yale University, B.A. in Political Science 2000. The author wishes to thank the following for feedback on an earlier draft of this Article: Fahim Ahmed, Adrienne Bernhard, Howard Kaufman, and Vipin Narang. For research assistance, the author is indebted to recent graduate Mishele Kieffer, Asian Law Reference Librarian Evelyn Ma, and Associate Librarian for Reference and Instructional Services John Nann, all of Yale Law School. Any errors are the sole responsibility of the author.


scholars and practitioners completely overlook the IMTFE's existence, incorrectly referring to the United Nations (UN) International Criminal Tribunal for the Former Yugoslavia (ICTY), established by the United Nations Security Council (UNSC) in 1993, as the first international war crimes tribunal since the IMT.4 In order to begin to correct this gap in the important history of transitional justice institutions generally, and international war crimes tribunals specifically, this Article compares the twin immediate post-World War II (WWII) ad hoc tribunals, noting their similarities and differences, which are summarized in Figure 1. This Article is purely descriptive. I conclude in Part IV by offering some suggestions for future analysis.

II. SIMILARITIES

In many ways, the IMT and the IMTFE were similar. These parallels were deliberate, as the design of the IMTFE was based on that of the IMT. As a U.S. government (USG) policy paper of October 25, 1945, directed:

Any such plan [for an international military tribunal for the Far

4. For example, in an address before the United Nations General Assembly, Theodor Meron, an ICTY Appeals Chamber judge who served as that tribunal's president from 2002 to 2005, referred to the ICTY as "the first international war crimes chamber since Nuremberg . . . ." Theodor Meron, President, Int'l Criminal Tribunal for the Former Yugo., Address to the United Nations General Assembly (Nov. 17, 2004), available at http://www.icty.org/sid/8339. See also Charles Trueheart, New Kind of Justice: The International Criminal Tribunal for the Former Yugoslavia is the World's First War-Crimes Tribunal since Nuremberg, ATLANTIC MONTHLY, Apr. 2000, at 80.
This Part focuses on those similarities, especially as they relate to the tribunals’ designs, staffs, and operations.

A. Designs

The overall structure of each tribunal was the same: both were *ad hoc* international military tribunals. Both tribunals asserted primacy over all individuals suspected of committing atrocities within their jurisdictions—all other individuals could be tried by alternative means, such as national tribunals. Both tribunals also could and did impose the death penalty. The subject-matter jurisdiction of each tribunal was the same: crimes against peace, war crimes, and crimes against humanity. Neither tribunal permitted the defenses of sovereign immunity or requisite obedience to superior orders. Furthermore, both tribunals contained mechanisms to review and, within limits, alter the sentences—but not verdicts—imposed by their respective benches. In other words, both the IMT and the IMTFE were courts of first and last instance, triers of fact and passers of final judgment.

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8. IMT Charter, supra note 7, arts. 7, 8; IMTFE Charter, supra note 7, art. 6.

9. See IMT Charter, supra note 7, art. 29 (providing that sentences “shall be carried out in accordance with the orders of the Control Council for Germany, which may at any time reduce or otherwise alter the sentences, but may not increase the severity thereof”); IMTFE Charter, supra note 7, art. 17 (providing that “[a] sentence will be carried out in accordance with the order of the Supreme Commander for the Allied Powers, who may at any time reduce or otherwise alter the sentence except to increase its severity”).
B. Staffs

Both the IMT and the IMTFE selected their respective senior staff from comparable pools. The prosecutorial and judicial staff of each hailed from a similar group of states: both sets were drawn from the victors of their respective theatres (whether European or Pacific) in WWII. However, as discussed in Section III.B, although the origins of those state groups were similar, their composition differed considerably.

C. Operations

Finally, the operations of both tribunals were similar in some ways. Both tribunals judged one defendant unfit for trial and had at least one defendant die during proceedings. Both tribunals also operated alongside other transitional justice methods, such as unilateral Allied ad hoc military tribunals and lustration,10 for addressing individuals suspected of committing atrocities within their jurisdictions.

III. DIFFERENCES

Despite the aforementioned similarities between the IMT and the IMTFE, the two tribunals differed significantly. The most important differences—again concerning the tribunals’ designs, staffs, and operations—are discussed in this Part. These differences between the tribunals are often attributed to their disparate circumstances. As Joseph Berry Keenan, the IMTFE’s chief prosecutor (called Chief of Counsel), and scholar Brendan Francis Brown argue, the differences between the IMT and the IMTFE were “not entirely a question of free choice . . . [they were] largely a consequence of diverse military, political, and social situations, leading to the overthrow of the power of Germany and Japan.”11

A. Designs

The negotiations and other steps concerning the establishment of the IMT and the IMTFE reflect disparate trends and logistics. The IMT was preceded by a high-profile diplomatic


11. JOSEPH BERRY KEENAN & BRENDAN FRANCIS BROWN, CRIMES AGAINST INTERNATIONAL LAW 1 (1950).
meeting, whereas the IMTFE was not. The USG’s public declarations that it would seek to hold Japanese suspected of committing atrocities accountable were less frequent than those the USG declared concerning Nazis. What public declarations regarding the Japanese the USG did make mostly occurred alongside its pronouncements concerning the Nazis. And those public declarations to hold Japanese war criminals accountable occurred relatively late compared to similar announcements about Nazis. As scholar Richard Minear observes, “[t]he major Allied concern (China excepted) throughout World War II had been with Nazi Germany, not with Japan. It was only when the European war had ended and when the Japanese defeat was imminent that the Allies publicly announced their intention to prosece Japanese war criminals.”

The methods by which each tribunal was created were also different. Although both were established by executive agreements or orders, the IMT was created by an agreement among the victorious quadripartite powers of the European theatre of WWII, while the IMTFE was established by an order of the Supreme Commander of the Allied Powers (SCAP), U.S. General Douglas MacArthur.

Unlike a later pair of contemporaneous tribunals, the ICTY and the UN International Criminal Tribunal for Rwanda (ICTR), which share an appeals chamber and, for the first several years of their existence, shared a chief prosecutor based in The Hague, the headquarters of the IMT and the IMTFE were completely

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13. Solis Horwitz, The Tokyo Trial, 28 Int’l Conciliation 474, 477 (1950) (“In striking contrast to the strong expressions of intent to prosecute and punish German war criminals there is a paucity of similar public declarations with regard to Japanese war criminals.”).

14. Minear, supra note 2, at 8.

15. Brackman, supra note 2, at 60.


separate. The permanent seat and location of the first (and only) trial of the IMT were different, whereas they were the same for the IMTFE. The IMT's proceedings were held at the Palace of Justice in Nuremberg, Germany, even though the permanent seat of that tribunal was designated as Berlin.\textsuperscript{18} The IMTFE was held in the auditorium of the old Japanese War Ministry in the Ichigaya neighborhood of Tokyo, Japan, which was designated as the permanent seat of that tribunal.\textsuperscript{19} The Palace of Justice was much grander, which led some observers to argue that the IMTFE's venue was inappropriate and second-rate in comparison.\textsuperscript{20}

There were two key differences in the jurisdiction of the two tribunals. First, the IMTFE required a nexus between the crimes allegedly committed by defendants and "Crimes against Peace,"\textsuperscript{21} whereas the IMT required no such prerequisite for prosecution. If individuals sought by the IMTFE had not allegedly committed "Crimes against Peace," then they would have to be addressed through alternative transitional justice options.\textsuperscript{22} The other of these differences concerned the ability of each tribunal to declare groups or organizations to be criminal: the IMT could do so, whereas the IMTFE could not.\textsuperscript{23}

Although, as noted above, both tribunals contained sentence reduction provisions, the authorizing body of each varied. In the case of the IMT, the authority empowered with considering a reduction in the severity of sentences was the Control Council of Germany, an organization comprising the principal victors of WWII's European Theatre. By comparison, in the case of the IMTFE, the SCAP was singularly empowered to consider reducing the severity of sentences. However, MacArthur could not unilaterally order modifications to IMTFE sentences; by a directive of the Far Eastern Commission (FEC) (Australia, Canada, China, France, India, the Netherlands, New Zealand, the Philippines, the U.K., the U.S., and the U.S.S.R.), he had to consult first with their representatives in Japan before exercising those powers.\textsuperscript{24}

There were differences in the number and type of official languages of the two tribunals. Both tribunals' charters required

\begin{itemize}
  \item \textsuperscript{18} IMT Charter, \textit{supra} note 7, art. 22.
  \item \textsuperscript{19} IMTFE Charter, \textit{supra} note 7, arts. 1, 14.
  \item \textsuperscript{20} MINEAR, \textit{supra} note 2, at 3.
  \item \textsuperscript{21} The IMTFE charter defined "Crimes against Peace" as "the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." IMTFE Charter, \textit{supra} note 7, art. 5(a).
  \item \textsuperscript{22} IMTFE Charter, \textit{supra} note 7, art. 5.
  \item \textsuperscript{23} IMT Charter, \textit{supra} note 7, art. 9.
  \item \textsuperscript{24} Horwitz, \textit{supra} note 13, at 482.
\end{itemize}
them to conduct proceedings in or to translate official documents into a language that the defendants understood, as well as any other language the tribunal deemed necessary or desirable.\textsuperscript{25} Perhaps counterintuitively, even though the IMTFE had more participating states representing a greater number of native tongues than the IMT, it had half as many official languages. The IMT’s proceedings were conducted—and all official documents were produced—in English, French, Russian, and the language of the defendant (German),\textsuperscript{26} whereas there was only one official language of the IMTFE, English, besides the language of the defendant (Japanese).\textsuperscript{27} The IMT’s languages were those spoken by the organizing authorities of the tribunal. A similar principle applied in the case of the IMTFE would have made translations and interpretations prohibitively unwieldy, so the participating states chose English as the only common language.\textsuperscript{28}

The charters of the IMT and the IMTFE differed on whether they explicitly prohibited complaints against their respective tribunal’s legality, jurisdiction, and senior judicial staff. The IMT Charter declares: “Neither the Tribunal, its members nor their alternates can be challenged by the prosecution, or by the Defendants or their Counsel.”\textsuperscript{29} The IMTFE Charter contained no similar prohibition.

Finally, there is a distinction between the names given to these two tribunals that were to adjudicate alleged atrocity perpetrators from Germany and Japan. The International Military Tribunal \textit{for the Far East} includes in its title a geographic focus of that tribunal, whereas the IMT does not. One reason may be that when establishing the IMT, the Allies had not yet made a decision to establish a transitional justice institution to address the Japanese. A second possible reason is that the Allies considered the IMT to be the dominant and central of the two tribunals.

\textbf{B. Staffs}

The staffs of the IMT and the IMTFE differed considerably. For one, the size of and selection system for the benches were different. The IMT had four judges and four alternates. One judge and his alternate were directly appointed by each of the signatories to the IMT Charter, the Big Four (France, the U.K., the U.S., and the U.S.S.R.). By comparison, the IMTFE had eleven judges and no alternates. One IMTFE judge was nominated by each of the eleven states that participated in Japan’s defeat and

\begin{itemize}
  \item \textsuperscript{25} IMT Charter, supra note 7, arts. 16(a), 16(c), and 25; IMTFE Charter, supra note 7, art. 9(b).
  \item \textsuperscript{26} IMT Charter, supra note 7, art. 25.
  \item \textsuperscript{27} IMTFE Charter, supra note 7, art. 9(b).
  \item \textsuperscript{28} Horwitz, supra note 13, at 485, 488.
  \item \textsuperscript{29} IMT Charter, supra note 7, art. 3.
\end{itemize}
was subsequently represented on the FEC, and was then confirmed by MacArthur.\(^{30}\) So, compared to the IMT, the IMTFE's bench had almost three times as many seats and was represented by almost three times as many states (including all of those states that were represented at the IMT), and the states that were represented on the IMTFE's bench theoretically could not—as had those that were represented on the IMT's bench—directly select their judicial delegates.

The nationality of, and selection system for, the chief judges, who served as the tribunals' presidents, varied by tribunal. The IMT Charter ordered that the chief judge/president of that tribunal was to be selected by a majority vote among the IMT's judges; was to rotate for successive trials (of which there were none); and, if not already, was to be the representative of the state within whose territory a trial session was held (which it never was since the first and only trial was held in Germany).\(^{31}\) The IMT judges elected a Briton, Sir Geoffrey Lawrence, to be chief judge/president of the IMT. MacArthur appointed an Australian, Sir William Flood Webb, the Chief Justice of the Supreme Court of Queensland, to be the chief judge/president of the IMTFE.\(^{32}\)

The number and nationality of, and selection system for, the chief prosecutors varied per tribunal, as well. The IMT had four chief prosecutors, one from each of the Big Four signatories to the IMT Charter, and each of these states directly appointed its own chief prosecutor.\(^{33}\) In contrast, the IMTFE had one chief prosecutor, an American (Keenan), whom MacArthur unilaterally appointed.

Additionally, there were differences between the number and nationality of, and selection system for, associate prosecutors. In the case of the IMT, just as with the chief prosecutors and judges, each of the Big Four organizing states could directly appoint its own associate prosecutors to assist their chief prosecutors. Although, as noted above, MacArthur appointed the chief prosecutor of the IMTFE, each of the “United Nations” that had been at war with Japan and subsequently comprised the FEC could appoint its own associate prosecutor to assist the chief prosecutor, subject to confirmation by MacArthur.\(^{34}\) As with their respective benches, in comparison to the IMT, the IMTFE's International Prosecution Section represented almost three times as many states (including all of those that were represented by

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31. IMT Charter, supra note 7, art. 4(b).
32. Horwitz, supra note 13, at 488; MINEAR, supra note 2, at 5; BALL, supra note 30, at 77.
33. IMT Charter, supra note 7, art. 14.
34. IMTFE Charter, supra note 7, art. 8(b).
associate prosecutors at the IMT) but could be rejected by MacArthur.

Finally, the tribunals differed in whether they included Americans as defense counsel. For the IMT, the USG did not provide Americans to serve as defense counsel alongside Germans, whereas for the IMTFE, the USG did provide Americans to serve as defense counsel alongside Japanese.

C. Operations

The most significant operational difference between the IMT and the IMTFE concerned their respective indictments. The IMT's indictment contained four counts, whereas the IMTFE's contained fifty-five. Additionally, the IMT's indictment charged twenty-four individuals and included six organizations, whereas the IMTFE's indictment charged twenty-eight individuals and did not include any organizations.

IV. CONCLUSION

The designs, staffs, and operations of the IMT and the IMTFE were clearly different in significant ways, calling into question just how accurate it is to describe them as "twin" tribunals. However, these divergent features should not be overstated. The IMT and the IMTFE were both narrowly multilateral ad hoc military tribunals established to address the same general war and with limited jurisdictions but the power to impose the death penalty. These two tribunals were thus more similar to each other than they were to any other international criminal tribunals since, such as the ICTY, the ICTR, the Special Court for Sierra Leone (SCSL), the International Criminal Court (ICC), and the


Extraordinary Chambers in the Courts of Cambodia (ECCC), all of which are civilian tribunals and were established with the involvement of the broader international community (whether through the UN or, in the case of the ICC, through a global conference) to address different conflicts, and none of which authorized capital punishment.39

Future research concerning the IMT and the IMTFE should consider whether and, if so, how these two tribunals' similarities and differences affected their results, including their durations and judgments. Whereas the IMT's proceedings spanned less than one year (from November 20, 1945, to October 1, 1946), the IMTFE's proceedings took approximately two and a half years (from May 3, 1946, to November 12, 1948). As such, the IMTFE's trial overlapped with but lasted about three times as long as the IMT's.

The IMT convicted nineteen individuals, twelve of whom were sentenced to death (ten of whom were actually executed40), while


40. Those sentenced to death by hanging were Hermann Wilhelm Goering (who committed suicide on October 15, 1946, two hours before his scheduled
the remainder were sentenced to various lengths of imprisonment (three to life imprisonment,\textsuperscript{41} two to twenty years imprisonment,\textsuperscript{42} one to fifteen years imprisonment,\textsuperscript{43} and one to ten years imprisonment\textsuperscript{44}). The IMT acquitted three individuals of all charges\textsuperscript{45} but did not sentence two individuals: one had committed suicide before the verdict\textsuperscript{46} and one had been judged unfit for trial.\textsuperscript{47, 48}

By comparison, the IMTFE convicted twenty-five individuals, seven of whom were sentenced to death (all of whom were executed\textsuperscript{49}), while the remainder were sentenced to various lengths of imprisonment (sixteen to life imprisonment,\textsuperscript{50} one to twenty years imprisonment,\textsuperscript{51} and one to seven years imprisonment\textsuperscript{52}). The IMTFE did not fully acquit any defendants and did not sentence three individuals: two died during the trial\textsuperscript{53}

\textsuperscript{41} Those sentenced to life imprisonment were Rudolf Hess, who died in prison in 1987; Walter Funk, who was released in 1957 and died in 1960; and Erich Raeder, who was released in 1955 and also died in 1960.

\textsuperscript{42} Those sentenced to twenty years imprisonment were Baldur von Schirach and Albert Speer, both of whom served their full sentences, being released in 1966. Schirach died in 1974 and Speer died in 1981.

\textsuperscript{43} The individual sentenced to fifteen years imprisonment was Konstantin von Neurath, who was released in 1954 (before serving his full sentence) and died in 1956.

\textsuperscript{44} The individual sentenced to ten years imprisonment was Karl Doenitz, who served his full sentence, was released in 1956, and died in 1981.

\textsuperscript{45} The individuals who were acquitted were Hjalmar Schacht, Franz von Papen, and Hans Fritzsche.

\textsuperscript{46} Robert Ley had committed suicide on October 25, 1945.

\textsuperscript{47} Gustav Krupp von Bohlen und Halbach had been judged medically unfit for trial.

\textsuperscript{48} On October 1, 1946, the IMT's president pronounced the sentences on the defendants. 22 TRIAL OF THE MAJOR WAR CRIMINALS BEFORE THE INTERNATIONAL MILITARY TRIBUNAL, NUREMBERG, 14 NOVEMBER 1945 -- 1 OCTOBER 1946, 587-89 (1948), available at http://avalon.law.yale.edu/imt/10-01-46.asp.

\textsuperscript{49} Those sentenced to death by hanging were Kenji Dohihara, Koki Hirota, Seichiro Itagaki, Heitaro Kimura, Iwane Matsui, Akira Muto, and Hideki Tojo.

\textsuperscript{50} Those sentenced to life imprisonment were Sadao Araki, Kingoro Hashimoto, Shunroku Hata, Kichiro Hiranuma, Naoki Hoshino, Okinori Kaya, Koichi Kido, Kuniaki Koiso, Jiro Minami, Takazumi Oka, Hiroshi Oshima, Kenryo Sato, Shigetaro Shimada, Toshio Shiratori, Teiichi Suzuki, and Yoshijiro Umezu.

\textsuperscript{51} The individual sentenced to twenty years imprisonment was Shigenori Togo.

\textsuperscript{52} The individual sentenced to seven years imprisonment was Mamoru Shigemitsu.

\textsuperscript{53} Yosuke Matsuoka and Osami Nagano died during the trial, in 1946 and 1947, respectively.
and one had been judged unfit for trial.\textsuperscript{54, 55}

Social science literature, including that focusing on international institutions, has often explored the extent to which organizational form affects function and to which process affects outcome.\textsuperscript{56} The differences in the lengths, verdicts, and sentences of the IMT and the IMTFE may be at least partially explained by their distinctive features. Additional research might help determine which characteristics of international criminal courts and tribunals contribute to their different results, and which may not. Such an exploration would further exemplify the intersection between the fields of international law and international relations.\textsuperscript{57}

\textsuperscript{54} Shumei Okawa had been judged medically unfit for trial.


\textsuperscript{56} See, \textit{e.g.}, \textit{THE RATIONAL DESIGN OF INTERNATIONAL INSTITUTIONS} (Barbara Koremenos, Charles Lipson & Duncan Snidal eds., 2004).

\textsuperscript{57} Dr. Anne-Marie Slaughter is a leader in exploring—and, as the current Director of Policy Planning at the U.S. Department of State, working at—the intersection of the fields of international law and international relations. See, \textit{e.g.}, Anne-Marie Slaughter Burley, \textit{International Law and International Relations Theory: A Dual Agenda}, \textit{87 AM. J. INT'L L.} 205 (1993).
**FIGURE 1: COMPARISON OF IMT AND IMTFE**

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>PERMANENT SEAT</th>
<th>IMT</th>
<th>IMTFE</th>
</tr>
</thead>
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<td>VENUE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOCATION</td>
<td></td>
<td>Berlin, Germany</td>
<td>Tokyo, Japan</td>
</tr>
<tr>
<td>VENUE</td>
<td>Palace of Justice, Nuremberg</td>
<td></td>
<td>Auditorium of old Japanese War Ministry, Tokyo</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUDGES</th>
<th>TOTAL NUMBER</th>
<th>IMT</th>
<th>IMTFE</th>
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</thead>
<tbody>
<tr>
<td>JUDGES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUDGES</td>
<td>4 main + 4 alternates</td>
<td></td>
<td>11 main + 0 alternates</td>
</tr>
<tr>
<td>JUDGES</td>
<td>Each of the Big Four directly appointed its own main and alternate judges</td>
<td></td>
<td>Each of the 11 states that was at war with Japan and then comprised the FEC nominated its own judge, confirmed by SCAP</td>
</tr>
</tbody>
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<tr>
<th># AND LIST OF STATES REPRESENTED BY JUDGES</th>
<th>IMT</th>
<th>IMTFE</th>
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</thead>
<tbody>
<tr>
<td># AND LIST OF STATES REPRESENTED BY JUDGES</td>
<td></td>
<td></td>
</tr>
<tr>
<td># AND LIST OF STATES REPRESENTED BY JUDGES</td>
<td>4 (1 main and alternate judge from each of the Big Four):</td>
<td>11 (1 from each of the states that was at war with Japan and then comprised the FEC):</td>
</tr>
<tr>
<td># AND LIST OF STATES REPRESENTED BY JUDGES</td>
<td>- France</td>
<td>- Australia</td>
</tr>
<tr>
<td># AND LIST OF STATES REPRESENTED BY JUDGES</td>
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<td>- Canada</td>
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<td>- China</td>
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<td>- India</td>
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<td></td>
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<td>- New Zealand</td>
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<td># AND LIST OF STATES REPRESENTED BY JUDGES</td>
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<td>- U.S.S.R.</td>
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<tr>
<th>NATIONALITY AND NAME OF CHIEF JUDGE / PRESIDENT OF THE TRIBUNAL</th>
<th>IMT</th>
<th>IMTFE</th>
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</table>

<table>
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<th>SELECTION SYSTEM FOR CHIEF JUDGE / PRESIDENT OF THE TRIBUNAL</th>
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<th>IMTFE</th>
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<td>SELECTION SYSTEM FOR CHIEF JUDGE / PRESIDENT OF THE TRIBUNAL</td>
<td>Chosen by majority vote among judges</td>
<td>Appointed by SCAP</td>
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<tr>
<td>PROSECUTORS</td>
<td>SELECTION SYSTEM</td>
<td>Each of the Big Four could directly appoint its own associate prosecutors</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td># AND LIST OF STATES REPRESENTED AMONG PROSECUTORS</td>
<td>4 (the Big Four)</td>
<td>11 (states that were at war with Japan and then comprised the FEC)</td>
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<td># OF CHIEF PROSECUTORS</td>
<td>4 (one from each of the Big Four)</td>
<td>1</td>
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<tr>
<td>SELECTION SYSTEM FOR CHIEF PROSECUTOR(S)</td>
<td>Each of the Big Four directly appointed its own chief prosecutor</td>
<td>Appointed by SCAP</td>
</tr>
<tr>
<td>SUBJECT-MATTER JURISDICTION</td>
<td>- Crimes against peace &lt;br&gt; - War crimes &lt;br&gt; - Crimes against humanity</td>
<td>- Crimes against peace &lt;br&gt; - War crimes &lt;br&gt; - Crimes against humanity</td>
</tr>
<tr>
<td>JURISDICTION</td>
<td>REQUIRED NEXUS WITH CRIMES AGAINST PEACE?</td>
<td>No</td>
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<tr>
<td>ABILITY TO DECLARE GROUPS OR ORGANIZATIONS CRIMINAL?</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td># OF COUNTS IN INDICTMENT</td>
<td>4</td>
<td>55</td>
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<td>DEFENDANTS</td>
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<td>------------</td>
<td></td>
<td></td>
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<tr>
<td>ORGANIZATIONS</td>
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<tr>
<td>INDICTED?</td>
<td>Yes (6)</td>
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<tr>
<td># OF INDIVIDUALS INDICTED</td>
<td>24</td>
<td>28</td>
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<tr>
<td># OF INDIVIDUALS CONVICTED</td>
<td>19</td>
<td>25</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO DEATH</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO DEATH AND EXECUTED</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO DEATH BUT NOT EXECUTED</td>
<td>2 (1 committed suicide and 1 was convicted and sentenced in absentia but was never apprehended)</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL # OF INDIVIDUALS SENTENCED TO IMPRISONMENT</td>
<td>7</td>
<td>18</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO LIFE IMPRISONMENT</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO 20 YEARS IMPRISONMENT</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO 15 YEARS IMPRISONMENT</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO 10 YEARS IMPRISONMENT</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td># OF INDIVIDUALS SENTENCED TO 7 YEARS IMPRISONMENT</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td># OF INDIVIDUALS ACQUITTED OF ALL CHARGES</td>
<td># OF INDIVIDUALS JUDGED UNFIT FOR TRIAL (CASE DISMISSED)</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td># OF INDIVIDUALS ACQUITTED OF ALL CHARGES</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td># OF INDIVIDUALS JUDGED UNFIT FOR TRIAL (CASE DISMISSED)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td># OF INDIVIDUALS DIED DURING TRIAL (CASE DISMISSED)</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>MAXIMUM PUNISHMENT</td>
<td>Death penalty</td>
<td>Death penalty</td>
</tr>
<tr>
<td>JUDGMENT AND SENTENCE</td>
<td>Yes, by Control Council for Germany, which could only lessen severity of punishment</td>
<td>Yes, by SCAP, who could only lessen severity of punishment</td>
</tr>
<tr>
<td>DURATION OF TRIAL</td>
<td>Nov. 20, 1945 – Oct. 1, 1946 (less than 1 year)</td>
<td>May 3, 1946 – Nov. 12, 1948 (approx. 2.5 years)</td>
</tr>
<tr>
<td>MISC.</td>
<td>Executive agreement among Big Four</td>
<td>Executive order of SCAP</td>
</tr>
<tr>
<td># AND LIST OF OFFICIAL LANGUAGES</td>
<td>4: - English - French - Russian - language of the defendant (German)</td>
<td>2: - English - language of the defendant (Japanese)</td>
</tr>
<tr>
<td>PROHIBITION AGAINST CHALLENGING TRIBUNAL OR SENIOR JUDICIAL STAFF?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>AMERICANS PROVIDED TO SERVE AS DEFENSE COUNSEL?</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>