

# 正义的审判

纪念中国人民抗日战争胜利70周年

人民法院报社 编



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中文责任编辑 陈建德 林志农 郭继良 李安尼  
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## Preface

On 3 September 2015, the *People's Court Daily*, in commemoration of the 70th anniversary of the victory of the Chinese People's War of Resistance Against Japanese Aggression and the World Anti-Fascist War, openly published "Trials of Justice", a 70-page large-scale special memorial issue with a national circulation of over 440,000 copies. Through words, pictures and charts, this special issue revisits, represents and reviews the trials of justice against Japanese war criminals, from 1946 to 1956, from Tokyo to Shenyang, from all over China to Southeast Asia, from judges, prosecutors, counsels to war criminals, witnesses and interpreters, from part to whole.

Filling a large number of lacunae remained in the study on the trials against Japanese war criminals both at home and abroad, the special memorial issue of "Trials of Justice", is a report that, for the first time both domestically and internationally, has provided the most systematic, most comprehensive and extensive coverage on those trials. Through this special issue, we can have a clear picture of the trials against Japanese war criminals after World War II.

—International Military Tribunal for the Far East. On 19 January, 1946, the Allied Powers announced the establishment of International Military Tribunal for the Far East (IMTFE) in Tokyo, Japan, the members of which consisted of judges and prosecutors nominated respectively by 11 countries including the United States, China, the United Kingdom and the Soviet Union. From the first session starting on 3 May 1946 to the judgment announcement on 12 November 1948, the trial went through 817 sessions. Tojo Hideki and other 6 Class A war criminals were sentenced to death by hanging, Kido Koichi and other 15 Class A war criminals to imprisonment for life.

—Other Military Tribunals of the Allied Powers. Apart from the Tokyo Trial, the Allied Powers had trials against Class B and Class C War criminals in places, such as Manila, Singapore, Rangoon, Saigon and Khabarovsk. It was estimated that the Allied Powers prosecuted a total of 5,423 Japanese war criminals of all Classes, among whom 4,226 were given sentences, including 941 criminals sentenced to death.

## 序言

2015年9月3日，为纪念中国人民抗日战争暨世界反法西斯战争胜利70周年，《人民法院报》隆重推出70个版、全国公开发行达44万份之多的大型纪念特刊——《正义的审判》，从1946年到1956年，从东京到沈阳，从东南亚到中国南北，从法官、检察官、律师到战犯、证人、翻译，从局部到整体，以文字、图片、图表等形式，重访、重现、重温那场对日本战犯的正义审判。

《正义的审判》纪念特刊，填补了过去国内外对审判日本战犯研究的许多空白，是目前为止国内外首次最系统、最全面、覆盖范围最广的审判日本战犯的报道。透过它，我们可以发现，二战后审判日本战犯的情况陡然清晰：

——远东国际军事法庭。1946年1月19日，盟国占领军宣布在日本东京成立由美、中、英、苏等11国法官、检察官组成的远东国际军事法庭。从1946年5月3日第一次开庭到1948年11月12日宣判，历经817次庭审，最终判处东条英机等7名甲级战犯绞刑，木户幸一等16名甲级战犯无期徒刑。

——其他盟国军事法庭。除东京审判外，盟国还在马尼拉、新加坡、仰光、西贡以及伯力等地，对乙、丙级日本战犯进行审判。据统计，被盟国起诉的日本各类战犯总数为5423人，被判刑者4226人，其中被判处死刑者941人。

—Military Tribunals of the Chinese National Government. From the late 1945 to the end of 1947, the Chinese National Government had trials against Japanese War criminals at military tribunals set in ten cities including Nanjing, Beiping, Guangzhou and Shanghai. A total of 2,435 cases against Japanese war criminals were accepted, with 318 ended with rulings, 110 of which gave death sentences to over 140 defendants.

—Special Military Tribunals of the New China. After the founding of the People's Republic of China, the Special Military Tribunal of the Supreme People's Court tried 4 cases against 45 Japanese war criminals including Suzuki Keiku, Tominaga Juntarō, Jono Hiroshi and Takebe Rokusashi, from 9 June to 20 July 1956 respectively in Shenyang and Taiyuan.

The series of justice trials, by presenting undeniable facts, has responded to all wrong words and deeds that deny, distort or even prettify the history of aggression, and has stood firm for the truth, the justice and the axiom. As President Xi Jinping puts it, "History will not be changed with the course of time, and facts will never fade away due to repudiation from the artful tongue."

The series of justice trials marks not only a military victory in terms of power, but also a moral victory of humanity. After the defeated powers announced their unconditional surrender, the victorious Allies could have executed some major war criminals without trial. However, when the victorious Allies had trials on war criminals in accordance with legal procedures, it undoubtedly confirms the idea that "at least it is more just than executions without a trial".

The series of justice trials, contributes to the theory and practice of international law, international criminal law in particular, and promotes the establishment and development of international instruments on war. Once again after the Nuremberg Trial, the Tokyo Trial has demonstrated to the world that the waging of aggressive warfare by any nation, group or individual is a violation of international law, and that stern justice shall be meted out on them in a civilized society. It is peace not war, and cooperation but not confrontation that are the everlasting themes of progress and development of human society.

After its release, the special memorial issue of "Trials of Justice" is well received by the general public. To further expand its coverage and influence, the *People's Court Daily* published a Chinese-English bilingual book with the same name, *Trials of Justice: Commemoration of 70th Anniversary of the Victory of Chinese People's War of Resistance against Japanese Aggression*, so as to enable more people to know and learn about the history of those trials against Japanese war

——中国国民政府军事法庭。从1945年底至1947年底，中国国民政府对日本战犯进行审判，在南京、北平、广州、上海等10个城市设立军事法庭，共受理日本战犯案件2435件，判决318件，其中判处死刑的共计110件140余人。

——新中国特别军事法庭。新中国成立后，1956年6月9日至7月20日，最高人民法院特别军事法庭分别在沈阳、太原两地对铃木启久、富永顺太郎、城野宏、武部六藏等4个案件的45名日本战犯进行了审判。

这一系列的正义审判，用铁的事实，向一切否认、歪曲、美化侵略历史的错误行为和言论作出回应，坚定不移地捍卫了真相、捍卫了正义、捍卫了公理。正如习近平主席指出的那样：“历史不会因时代变迁而改变，事实也不会因巧舌抵赖而消失”。

这一系列的正义审判，不仅仅标志着权力优胜者的胜利，更标志着道德优胜者的胜利。在战败国宣布无条件投降后，战胜国本来能够不经审判就可以处决一些重要战犯。但是，当战胜国按照法律程序对战犯进行审判之后，无疑就实现了“它至少比未经审讯的处决更加正义”的论断。

这一系列的正义审判，发展了国际法特别是国际刑法的理论与实践，促进了战争法规的建立与发展。继纽伦堡审判之后，东京审判再一次向世界宣示，任何国家、集团和个人发动侵略战争，都是对国际法的违反，都必定要受到文明社会的严厉惩罚。和平而不是战争，合作而不是对抗。这才是人类社会发展与进步的永恒主题。

《正义的审判》纪念特刊发行后，社会各界反响良好。为进一步扩大传播面和影响力，人民法院报社集结出版中英文对照版同名图书——《正义的审判——纪念中国人民抗日战争胜利70

criminals by the Allied Powers domestically and internationally, to be vigilant and prevent the repetition of that historical tragedy, to foster a keen sense of a global community of shared future, to gather momentum into a powerful current safeguarding world peace.

“History serves both as the best textbook and dose of sobriety.” Prejudice, discrimination, hatred and war can only cause disaster and suffering, while mutual respect, equality, peaceful development and common prosperity represent the right path to take. Let us draw lessons from history, jointly uphold the international order and system underpinned by the purposes and principles of the UN Charter, build a new type of international relations featuring win-win cooperation and advance the noble cause of global peace and development, and make greater contribution to mankind.

Let us bear in mind the speech which President Xi Jinping delivered on 3 September 2015, at the Commemoration of the 70th anniversary of the victory of the Chinese People’s War of Resistance against Japanese Aggression and the World Anti-Fascist War: Justice will prevail! Peace will prevail! The people will prevail!

Zhou Qiang  
Chief Justice, President of  
the Supreme People’s Court of the People’s Republic of China  
March 2016

周年》，以期让世界上更多的人学习和了解二战后国际及各盟国审判日本战犯的历史，警惕和防止历史悲剧重演，牢固树立人类命运共同体意识，携手汇铸成维护世界和平的强大洪流。

“历史是最好的教科书，也是最好的清醒剂。”偏见和歧视、仇恨和战争，只会带来灾难和痛苦。相互尊重、平等相处、和平发展、共同繁荣，才是人间正道。让我们以史为鉴，共同维护以联合国宪章宗旨和原则为核心的国际秩序和国际体系，积极构建以合作共赢为核心的新型国际关系，共同推进世界和平与发展的崇高事业，努力为人类作出新的更大的贡献。

让我们牢记习近平主席 2015 年 9 月 3 日在纪念中国人民抗日战争暨世界反法西斯战争胜利 70 周年大会上的讲话：正义必胜！和平必胜！人民必胜！

中华人民共和国首席大法官、最高人民法院院长

周强

二零一六年三月



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