ARI Seminar Series

Japanese Defence Counsel in the Singapore War Crimes Trials (1946-1948):
A Historical and Socio-legal Study of Defence Participation Challenges
By Dr Cheah Wui Ling

Date : 3 Feb 2016
Time : 16:00 - 17:30
Venue : Asia Research Institute Seminar Room
        Tower Block Level 10, 469A Bukit Timah Road
        National University of Singapore @ BTC

CHAIRPERSON

Dr Nurfadzilah Yahaya, Asia Research Institute, National University of Singapore

ABSTRACT

This paper is part of a larger project, entitled Justice for Strangers: The Singapore War Crimes Trials, 1946-1948, which is
an in-depth historical and socio-legal analysis of 131 war crimes trials conducted by the British in Singapore after the
Second World War (the Singapore trials). Drawing on Ann Swidler's definition of culture as ‘tool kit’ and using a mix of
historical and sociological methods (e.g. qualitative, coding) to analyse trial transcripts and other trial-related documents, I
explore the challenges encountered by participants in the Singapore Trials as a result of their diverse backgrounds.

The Singapore Trials involved diverse participants who spoke different languages and hailed from different legal systems
and cultures: British and Allied judges and prosecutors; Japanese, Taiwanese and Korean accused; Japanese defence
counsel; and hundreds of Asian witnesses from as far afield as the Andaman and Nicobar Islands in the Indian Ocean. By
examining culturally related communication problems encountered by participants in these trials, my project sheds light
on the challenges of organising war crimes trials that involve multicultural participants—challenges that international
courts continue to face today.

In this paper, I examine the problems encountered by Japanese defence counsel when participating in the British-run
adversarial common law trials. The majority of accused were represented by Japanese defence counsel who were
unfamiliar with British law, courtroom procedure, the adversarial system or Western legal culture. This paper analyses
how Japanese defence counsel demonstrated a lack of basic legal knowledge, poor strategic choices, and failures to adopt
an adversarial stance. It assesses how judges responded to Japanese defence counsel's overt unfamiliarity with British law,
and whether this addressed or exacerbated the power imbalance between the prosecution and the defence. I will
conclude by highlighting the lessons of my historical study for war crimes courts of today.

ABOUT THE SPEAKER

Cheah Wui Ling is Assistant Professor at the Faculty of Law, National University of Singapore (NUS) since 2007. She is also
Senior Adviser of the Forum for International Criminal and Humanitarian Law and Adviser of the Case Matrix Network, an
independent international non-profit organisation that specialises in the strengthening of national capacity to prosecute
core international crimes. She was educated at National University of Singapore (LL.B., LL.M.), Harvard Law School (LL.M.),
European University Institute (Diploma in Human Rights Law, one of two diplomas awarded), and Oxford University
(D.Phil., ongoing). She is a qualified lawyer (called to the New York Bar) and holds a diploma in arbitration (Queen Mary
University of London). Wui Ling's research and publications focus on international criminal law, human rights law, and
criminal justice. For more information and copies of her publications, please visit her academic website at
http://nus.academia.edu/WuiLingCHEAH.

REGISTRATION

Admission is free. We would greatly appreciate if you RSVP to Ms Tay Minghua via email: minghua.tay@nus.edu.sg.