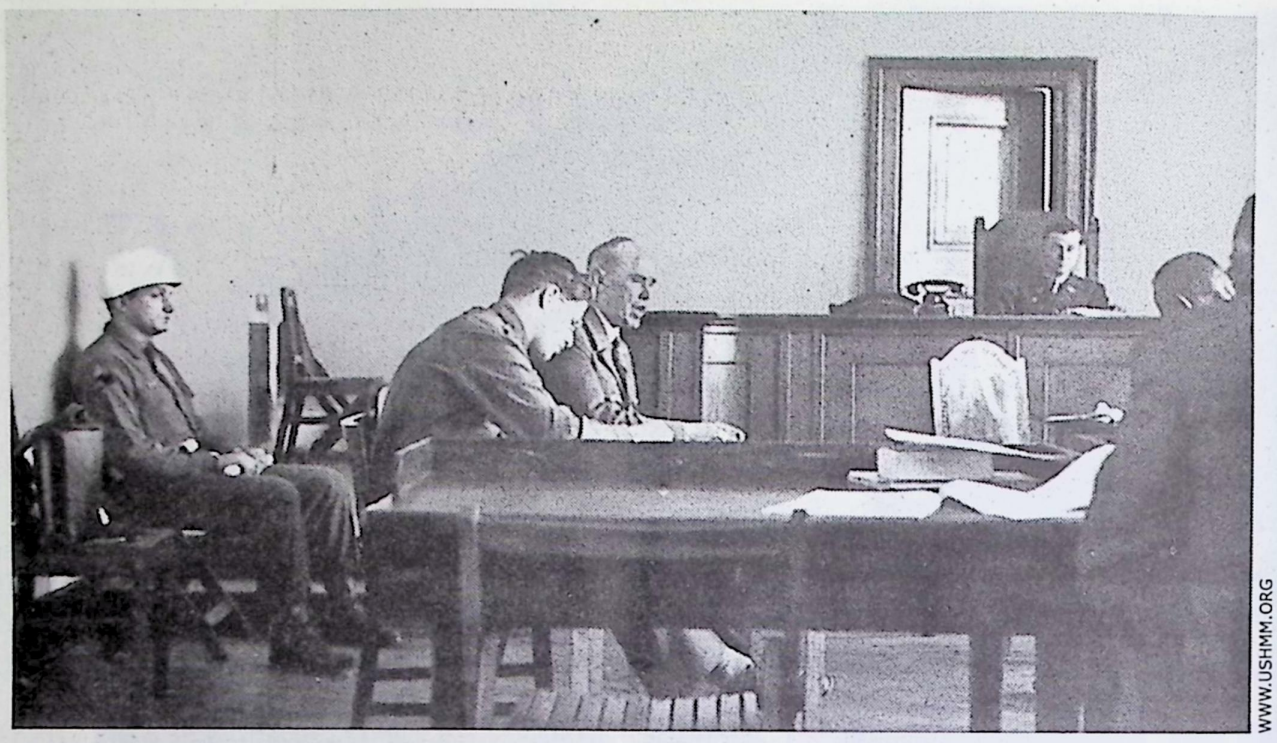


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three categories of distinct but not unrelated offences:

(1) **Crimes against peace** -- namely, planning, preparation or waging a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspirsacy for the accomplishment of any of the foregoing.

(2) **War crimes** -- which included violations of laws and customs of war, murder, deportation of slave labour, ill-treatment of civilian populations in occupied territories, wanton destruction not justified by military necessity, etc.

(3) **Crimes against humanity** -- which included murder, extermination, inhumane acts against civilian populations, enslavement, persecution on political, racial or religious grounds. The International Military Tribunal for the Far East was established by a separate proclamation in 1946.

The object of the London Charter was, of course, to fortify and adequately equip the existing international framework for the war crimes trials. Some eminent individuals, learned in the law and who emphatically did not condone the Axis atrocities, however, were not comfortable with the form and procedure of the trials. Chief Justice of the US Supreme Court, Harlan Fiske Stone, felt that Justice Robert Jackson, the chief US prosecutor at the International Military Tribunal for Germany, was conducting a "high-grade lynching party in Nuremberg."

Stone was not concerned about the fate of the accused Nazi leaders. He, however, considered the "pretense" that the Tribunal was a court conducted in accordance with the common law to be "too sanctimonious a fraud."

In a similar vein, Justice William O. Douglas thought the Allies had substituted "power for principle" at the Nuremberg Trials, that unprincipled laws had been created ex-post facto to suit the passion and clamour of the time. Senator Robert Taft, whose father had served as president and chief justice of the US, was assured that the Nuremberg Trials represented "victors' justice," that they were a violation of the most basic principles of American justice and internationally accepted standards.

Justice Radhabinod Pal of the Calcutta High Court was a member of the International Military Tribunal for the Far East. His was a dissenting judgment; he found all defendants not guilty of Class A crimes, or crimes against peace. Pal had no illusions about Japanese war-time conduct. He simply was not prepared to apply laws that were created ex-post facto. Judgment of the vanquished by the victors, even if clothed in the garb of law, he felt, would not be impartial justice, but mere retribution. Justice Pal would later serve on the International Law Commission.

The International Military Tribunals in Nuremberg and Tokyo