

Routledge Advances in Translation and Interpreting Studies

INTERPRETERS AND WAR CRIMES

Kayoko Takeda



Interpreters and War Crimes

Taking an interdisciplinary approach, this book raises new questions and provides different perspectives on the roles, responsibilities, ethics and protection of interpreters in war while investigating the substance and agents of Japanese war crimes and legal aspects of interpreters taking part in war crimes. Informed by studies on interpreter ethics in conflict, historical studies of Japanese war crimes and legal discussion on individual liability in war crimes, Takeda provides a detailed description and analysis of the 39 interpreter defendants and interpreters as witnesses of war crimes at British military trials against the Japanese in the aftermath of the Pacific War, and tackles ethical and legal issues of various risks faced by interpreters in violent conflict.

The book first discusses the backgrounds, recruitment and wartime activities of the accused interpreters at British military trials in addition to the charges they faced, the defence arguments and the verdicts they received at the trials, with attention to why so many of the accused were Taiwanese and foreign-born Japanese. Takeda provides a contextualised discussion, focusing on the Japanese military's specific linguistic needs in its occupied areas in Southeast Asia and the attributes of interpreters who could meet such needs. In the theoretical examination of the issues that emerge, the focus is placed on interpreters' proximity to danger, visibility and perceived authorship of speech, legal responsibility in war crimes and ethical issues in testifying as eyewitnesses of criminal acts in violent hostilities. Takeda critically examines prior literature on the roles of interpreters in conflict and ethical concerns such as interpreter neutrality and confidentiality, drawing on legal discussion of the ineffectiveness of the superior orders defence and modes of individual liability in war crimes. The book seeks to promote inter-sectoral discussion on how interpreters can be protected from exposure to manifestly unlawful acts such as torture.

Kayoko Takeda is a Professor in the College of Intercultural Communication at Rikkyo University in Japan and teaches Translation and Interpreting Studies.

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Kayoko Takeda



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First published 2021

by Routledge

2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge

52 Vanderbilt Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloguing-in-Publication Data

Names: Takeda, Kayoko, author.

Title: Interpreters and war crimes / Kayoko Takeda.

Description: Abingdon, Oxon; New York, NY: Routledge, 2021. |

Series: Routledge advances in translation and interpreting studies |

Includes bibliographical references and index. |

Identifiers: LCCN 2020045323 (print) | LCCN 2020045324 (ebook) |

ISBN 9780367557492 (hardback) | ISBN 9780367557508 (paperback) |

ISBN 9781003094982 (ebook)

Subjects: LCSH: War crimes trials--Pacific Area--History--20th century.

| Military courts--Great Britain--History--20th century. | World War,

1939-1945--Atrocities--Pacific Area. | Translators--Legal status, laws, etc.--

Criminal provisions--History--20th century. | Japan--Armed forces--Official

and employees--Legal status, laws, etc.--Criminal provisions--History--20th

century. | Criminal liability (International law)--History--20th century.

Classification: LCC KZ1185 .T35 2021 (print) | LCC KZ1185 (ebook) |

DDC 341.6/90268--dc23

LC record available at <https://lcn.loc.gov/2020045323>

LC ebook record available at <https://lcn.loc.gov/2020045324>

ISBN: 978-0-367-55749-2 (hbk)

ISBN: 978-0-367-55750-8 (pbk)

ISBN: 978-1-003-09498-2 (ebk)

DOI: 10.4324/9781003094982

Typeset in Galliard

by Deanta Global Publishing Services, Chennai, India

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Acknowledgements

In these challenging times of the COVID-19 pandemic, I appreciate my good fortune in staying healthy and being able to complete this book. Undoubtedly, this was not possible without the support, assistance and encouragement I received from many individuals and institutions. First, I have to thank people who read the manuscript of this book in part or in its entirety and returned to me effective and thoughtful feedback. Shi-chi Mike Lan, who has taught me how trained historians think and work over the years, provided insightful comments on Part I and generously shared materials sourced from Taiwan. Cheah Wui Ling kindly and expertly commented on Chapter 7 as a legal scholar. Above all, I am greatly indebted to Kaede and John who read multiple versions of the manuscript as my forever first reader/critic/proofreader duo.

I have been fortunate to discuss my research with esteemed historians at different stages of this project and receive their kind advice and suggestions. My heartfelt thanks go to Barak Kushner and his team, Beatrice Trefalt, Eiichiro Azuma, Hideho Wada, Kerstin von Lingen, Robert Cribb, Sandra Wilson, Wolfgang Form and Yuma Totani. I would also like to extend my sincere appreciation to the following scholars for sharing their valuable input on my work and being my sources of inspiration: Anthony Pym, Craig Smith, Hilary Footitt, Jesús Baigorri Jalón, Kirsten Malmkjær, Lucía Ruiz Rosendo, Michael Cronin and Theo Hermans. I am deeply grateful to the institutions and people that gave me opportunities to present early drafts of this book: Akiko Sakamoto at the University of Portsmouth, Andrea Rizzi at the University of Melbourne, Chuan Yu at Monash University, Hideko Russell at the Middlebury Institute of International Studies at Monterey, the International Nuremberg Principles Academy, Kaoru Ueda at the Hoover Institution, Kathryn Bachelor at University College London, Lawrence Wong at the Chinese University of Hong Kong, Minhua Liu at Hong Kong Baptist University, Rachel Lung at Lingnan University, Ryoko Sasamoto at Dublin City University and the Taiwan Association of Translation and Interpretation. I benefitted from the feedback I received from their communities in building, organising and adjusting my arguments in this book.

During my sabbatical year as a visiting fellow at Cambridge, my wonderful colleagues and the students and staff at the Faculty of Asian and Middle Eastern Studies and Wolfson College helped me expand my intellectual curiosity while

also making my stay pleasant and special. Thank you! At Wolfson I learned how to explain my research in twenty seconds to people from a variety of disciplines. In particular, many thanks to Claudio, David, Ed, James, Kristin and Ram for showing genuine interest in my work and introducing me to different perspectives.

My sincere gratitude is also extended to the Japan Society for the Promotion of Science (KAKEN 17K02988), the Hoover Institution at Stanford University and Rikkyo University for their generous financial support. I owe a great deal to my colleagues and students at Rikkyo for their support and patience throughout this project, especially to Tetsuya Shimozaki who assisted me in collecting and organising archival documents. My special thanks to Ariel and Hyangjin for keeping my body and spirits sound every week. Most of all, I am thankful to my family on both sides of the Pacific for their steadfast support. Lastly, I would like to express my great appreciation to Katie Peace and Jacy Hui at Routledge for their kind guidance and assistance.

Note on names and terms

In the Japanese naming convention, family name comes first, followed by given name. For the sake of consistency, this book adopts the Western order of given name before family name as it largely draws on archival documents written in English. The only exceptions are the names of Dutch interpreters in nineteenth-century Japan, which are presented in the traditional Japanese name order because they are historical figures. There are slight inconsistencies in how the names of some Japanese defendants are spelled within the relevant documents of the British military trials for Japanese war crimes. The standard spelling for transliterated Japanese names is used in those instances. The spelling and name order of Chinese and other non-Western names found in the archival documents are preserved. For Japanese-language titles of works cited, translations are provided by the author of this book.

There are a number of references to the Asia–Pacific War, *Kenpeitai* and *Nisei* throughout this book. The Asia–Pacific War refers to the wars Japan engaged in covering the period from the Manchurian Incident (1931) through the Second Sino-Japanese War (1937–1945) and the Pacific War (1941–1945). The *Kenpeitai* (sometimes spelled as *Kempeitai*) was the military police of the Japanese Army. In Japanese-occupied territories during the Asia–Pacific War, the *Kenpeitai* was notorious for its brutality in the name of maintaining public order. The *Kenpeitai* is referred to as Military Police, MP or Gendarmerie in some archival documents in English. For consistency, the term *Kenpeitai* is used in this book. *Nisei* (literally, second-generation) refers to individuals born in the United States and Canada to parents who immigrated from Japan in the context of this book. *Kibei* is a subgroup of American *Nisei* who received some schooling in Japan and then returned to the United States.

Introduction

Shooting the messenger?

Interpreters are generally expected to be “invisible”. Metaphors to describe them, such as conduit, ghost, air and *kuroko* (stagehands dressed in black in Japanese traditional performing arts), indicate a societal supposition of interpreters being nothing but automatons receiving words in one language and rendering them in another. There is even a narrative that the more skilled interpreters are, the more they disappear into the background. Despite this common expectation of interpreters to be faithful language converters hidden in the shadows, over a hundred wartime interpreters came under the spotlight as key actors in the courtroom during war crimes trials against the Japanese in the aftermath of the Asia–Pacific War (1931–1945).

On 26 July 1945, towards the end of the war, the United States, Britain and China issued the Potsdam Declaration, calling for Japan’s surrender and laying out terms of the surrender. Included was a forewarning of “stern justice” against “all war criminals, including those who have visited cruelties upon our prisoners”.¹ Following the defeat of Japan, thousands of Japanese were prosecuted for war crimes in international and national courts. The most prominent was the International Military Tribunal for the Far East (more commonly known as the Tokyo War Crimes Trial or Tokyo Trial)—the Japanese counterpart of the Nuremberg Trial. The Tokyo Trial took place from May 1946 to November 1948, with 23 former Japanese military and political leaders as the accused,² and was presided over by judges representing 11 nations. In addition, there were separate military trials administered by individual Allied nations: Australia, China, France, the Netherlands, the Philippines, the Soviet Union, the United Kingdom and the United States. Excluding those held by China under the Communist Party and the Soviet Union, there were a total of 2,244 trials against 5,700 defendants in 51 locations in the Asia Pacific over the period between February 1946 and April 1951.³ They are referred to as minor trials or Class BC trials as they dealt with Class B (war crimes) and Class C (crimes against humanity) crimes as opposed to Class A (crimes against peace), which were addressed at the Tokyo Trial.

Little known is that over a hundred wartime interpreters associated with the Japanese military were prosecuted in these Class BC trials. Most were convicted as war criminals, and at least 32, including 11 Taiwanese and 6 Koreans, were

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executed. Table 0.1 shows the numbers of prosecuted and convicted interpreters, organised by country presiding over the trials.⁴

As indicated above, in British trials, which took place in ten locations from January 1946 to December 1949, at least 39 interpreters were prosecuted and 38 of them were convicted—more than any other Allied nation. All of the convicted interpreters, except three with military rank, were civilians who were mobilised and attached to military units or hired locally for temporary assignments. Their backgrounds were diverse and included 17 Taiwanese (as Japanese colonial subjects), 5 Southeast Asian-born Japanese, 2 Japanese Americans and 2 Japanese Canadians. Despite a common view of interpreters as mere automatons who are detached from the content and consequences of the words they deliver, the

Table 0.1 Number of convicted interpreters by country

<i>Presiding country (Locations of trials with interpreters as defendants)</i>	<i>Interpreters prosecuted</i>	<i>Interpreters convicted</i>	<i>Interpreters executed</i>
United Kingdom (Hong Kong, Singapore, Penang, Taiping, Jesselton, Kuala Lumpur and Alor Star)	39 (incl. 18 Taiwanese)	38 (incl. 17 Taiwanese)	10 (incl. 6 Taiwanese)
China (Beijing, Guangdong, Shenyang, Nanjing, Xuzhou and Shanghai)	21 (incl. 3 Taiwanese and 8 Koreans)	17 (incl. 3 Taiwanese and 6 Koreans)	12 (incl. 3 Taiwanese and 6 Koreans)
United States (Yokohama, Manila, Shanghai and Guam)	18	18	4
The Netherlands (Batavia, Banjarmasin, Balikpapan Medan, Ambon, Kupang and Manado)	14 (incl. 2 Taiwanese)	14 (incl. 2 Taiwanese)	6 (incl. 2 Taiwanese)
The Philippines (Manila)	6	6	0
France (Saigon)	4	4	0
Australia (Darwin)	3	2	0
Total	105 (incl. 23 Taiwanese and 8 Koreans)	99 (incl. 22 Taiwanese and 6 Koreans)	32 (incl. 11 Taiwanese and 6 Koreans)

accused interpreters at British trials were mostly charged for having been jointly “concerned in” the ill-treatment of local civilians in Japanese-occupied territories and Allied prisoners of war (POWs). What did the interpreters actually do? Did they engage in unlawful acts beyond the scope of their presumed duty as linguistic mediators? Or was linguistic mediation itself viewed as a war crime? Did the British kill the messengers? What implications does this historical precedent cast on contemporary interpreters in war and conflict zones?

Another unfamiliar aspect of the British military trials is that there were war-time interpreters who took the stand in court as witnesses for the prosecution, describing what they saw at the sites of alleged war crimes in the course of their work as interpreters. Most were local civilians who had been taught Japanese and recruited as interpreters by the Japanese military for its dealings with local civilians in Japanese-occupied areas in Southeast Asia. Some of the accused also gave incriminating evidence against their former superiors and other members of their units. While the confidentiality expected of professional interpreters today cannot be simply referenced against these untrained, ad hoc interpreters in extraordinary circumstances such as war, the implications of interpreters breaking the principle of secrecy to report unlawful or potentially unlawful acts, of which they gained knowledge while on duty, is an intriguing yet under-researched area in Interpreting Studies. What impact would the possibility of interpreters divulging their clients’ criminal activities have on the interpreting profession as a whole? In particular, what are the implications of locally hired interpreters testifying against their former foreign employer in armed conflict? For extreme cases such as war crimes, are there any guidelines interpreters can follow concerning the issue of confidentiality?

Interpreters as criminals

There have been historical and contemporary incidents in which interpreters were convicted for actions they engaged in as part of their work. Views of historians, interpreting scholars and professional interpreters on these cases vary from sympathetic to highly critical.

The Siebold Incident

By a canal in the historic university town of Leiden in the Netherlands lies the former residence of Philipp Franz von Siebold, a German doctor who was stationed at a Dutch trading post in Dejima, an artificial island in Southern Japan, from 1823 to 1829. The doctor’s home has been turned into Japan Museum SieboldHuis, exhibiting a portion of over 10,000 objects and artifacts Siebold brought back from Japan. Hidden behind the display of pictorial maps of Japanese towns and the archipelago is a story of three Japanese interpreters who paid the ultimate price for assisting Siebold in Japan. In 1828, when Siebold was about to leave his post, Japanese officials discovered that the items he was taking away included maps of Japan. As it was strictly forbidden to take Japanese maps out of Japan,

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Siebold was suspected of being a spy and eventually expelled from Japan. At the same time, dozens of Japanese were punished for being involved in Siebold's effort to obtain the maps, including 18 *Oranda tsuji* (Dutch interpreters).

Based in Dejima, *Oranda tsuji* worked as interpreters and customs officials in dealings with the Netherlands, then the only Western country allowed to trade with Japan. Coming from about twenty designated families, *Oranda tsuji* were under strict control by the shogunate, with hierarchical ranks assigned in accordance with their experience and skills. They were also pioneers in introducing Western sciences and inventions they learned through exchanges with the Dutch. One such contact point was Siebold's school, which was housed in the clinic he was permitted to run outside Dejima in order to attend to Japanese patients. At this school *Oranda tsuji* gained knowledge of Western medicine and general sciences from Siebold. Instructed by the Dutch government to gather information on Japan, Siebold also collected plants, animals and a range of artifacts while visiting his patients and the shogunate in Edo (present-day Tokyo). All these activities necessitated the linguistic assistance of the 12 *Oranda tsuji* assigned to him. When the Japanese involved in Siebold's acquisition of maps were arrested, all three interpreters, Baba Tamehachiro, Yoshio Chujiro and Inabe Ichigoro, received the harshest punishment, exile and life imprisonment in a remote place. They had helped arrange for the handing over of the maps, as well as with the transfer itself. This incident illuminates not only Siebold's complete reliance on interpreters to carry out his tasks (Katagiri, 2017) but also the risk of interpreters being held responsible for enabling their clients' unlawful acts through interpreting. In later years, after Japan had opened to more Western nations, Siebold's expulsion was rescinded and Siebold himself, the instigator of the crime, welcomed back to Japan, yet all three interpreters, men who had merely followed orders of said instigator, would die in prison. Historian Kazuo Katagiri (*ibid.*) and interpreting scholar Kumiko Torikai (2016) share a sympathetic view of these interpreters as powerless victims of unfortunate circumstances.

Holocaust denier

Although it is unknown to what extent Siebold's interpreters were cognisant of the risk of facilitating unlawful transactions their client-teacher desired, the contemporary case of Günter Deckert presents "a clever manipulation" (Pym, 2012, p. 37) of the commonly held notion of the interpreter being a mouthpiece of the source speaker and not responsible for the content of the speech. Deckert was the leader of a far-right political party in Germany. He translated Holocaust-denying publications in French and English into German (Atkins, 2009, p. 111) and in 1991 organised a meeting featuring Fred A. Leuchter, an American Holocaust denier. Deckert provided interpreting of Leuchter's speech, which included his claim that there were no gas chambers at Auschwitz-Birkenau. Deckert and Leuchter were both charged for violating Germany's laws against the incitement of racial hatred. Leuchter fled back to the United States, leaving Deckert to become the focus of the trial. The court examined how Deckert

translated Leuchter's speech and found evidence of both anti-Semitic intent and an effort to avoid anti-Semitic language in certain disparities between the source speech and Deckert's translation (Kahn, 2015, pp. 88–89). Ultimately, Deckert was sentenced to one year in prison.

In discussing the shift in Translation Studies from the traditional text-based inquiry to more contextualised, translator-focused approaches, Theo Hermans (2009) points to the Deckert case as an example that attracted scholarly attention to choices translators and interpreters make and their ethical accountability. Anthony Pym (2012), for instance, refers to immunity generally granted to messengers or diplomats and argues that immunity would not apply to Deckert because he was clearly serving his own political agenda and appealing to his neo-Nazi followers by taking advantage of the perceived immunity of interpreters.

The Yousry case

In contrast, the case of Mohamed Yousry in post-9/11 America shows an interpreter being punished for unwittingly becoming involved in an alleged illegal act. Born and raised in Egypt, Yousry is a naturalised US citizen who worked as a federally approved Arabic interpreter and translator while pursuing a PhD in Middle Eastern Studies at New York University. He was assigned as an interpreter to the defence team of Omar Abdel Rahman, an Egyptian Muslim leader convicted in 1995 for conspiring to commit acts of terrorism on landmarks in New York City. Yousry interpreted meetings between Abdel Rahman and his lawyer Lynne Stewart in prison. In one of those meetings, Yousry orally translated for Abdel Rahman a letter from his followers and interpreted his response for Stewart. Although Abdel Rahman was under Special Administrative Measures (SAMs) which prohibited certain prisoners from communicating with the outside world, Stewart shared Abdel Rahman's response with a journalist. This was considered a violation of SAMs. Yousry, along with Stewart, was convicted in 2006 for providing material support for terrorism and conspiring to defraud the United States. Although Yousry was not a signatory of SAMs and understood that lawyers were in charge of handling SAMs-related matters and that he would never become a target of SAMs (Hussain, 2016), the jury accepted the prosecution's argument that Yousry must have been aware of the nature of what he was doing and the dangerous aspect of Abdel Rahman's message (his opinion on the ceasefire initiative in Egypt). Ultimately, he served 16 months in prison before being released in 2011.

Maya Hess (2012), a criminal justice researcher and activist, states that this is the first case in US legal history that an interpreter was held responsible for the acts of a lawyer he worked for and the content of attorney–client conversations he translated, suggesting political expediency was at play in the post-9/11 world. Literary scholar Emily Apter (2009) also views Yousry as a scapegoat amid the political climate of Arabophobia and anti-Islam in the United States after the terror attacks in 2001. Emphasising that even the prosecution acknowledged that Yousry was not a practising Muslim and did not support Rahman's

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extremist views, the media generally presented Yousry in a sympathetic light (e.g. Preston, 2005; Powell and Garcia, 2006) as well. On the other hand, the American Translators Association (ATA) and the National Association of Judicial Interpreters and Translators (NAJIT) stated that they would not take any position as to the guilt or innocence of individuals involved in criminal cases but pointed out unprofessional aspects of Yousry's conduct.⁵ As for academic inquiry into this case, Angelelli and Osman (2007) reveal, based on their discourse analysis of extracts from taped exchanges between Abdel Rahman and Stewart, that Yousry exercised his agency as an active co-participant in creating the Arabic-centred discourse that placed Abdel Rahman in authoritative and Stewart in marginalised positions. Angelelli and Osman (*ibid.*) question the validity of the notion of interpreters being "neutral and objective" prescribed by professional organisations and suggest the development of guidelines for interpreters exercising their agency. In response, Phelan (2019) points to the lack of professional training as a critical factor, arguing that if Yousry had been a trained interpreter and learned about ethical behaviour, he would have never fallen into co-participation.

All these cases involve interpreters' choices. The *Oranda tsuji* could have declined the requests from their client-teacher. After all, they were controlled by the shogunate, not Siebold. Deckert's case unmistakably represents the interpreter's choice. He himself was the instigator of the crime. And lastly, Yousry could have reflected more carefully on the conflict of interest when accepting the assignment while working on doctoral research on Abdel Rahman. Under extreme, strenuous, high-pressure situations like war and violent conflict, however, interpreters may have little power to exercise their agency in deciding what tasks they accept and how they carry them out. This book shines light on interpreters placed in situations in which individual ethical decision-making is constrained in violent hostilities under the military principle of obedience to orders, focusing on those convicted as war criminals at British military trials against the Japanese.

Interpreters as witnesses of abuse

"Speaking up for migrant workers"

Another topic still being explored in scholarly inquiry into interpreter ethics is the issue of breaking the code of confidentiality to report suspected abuse and criminal acts of which interpreters gain first-hand knowledge in the course of their work. The 2008 case of Erik Camayd-Freixas has been a frequent subject of debate among professional interpreters on maintaining or breaking confidentiality when faced with abuse and injustice (e.g. Hennessy, 2008; Phelan, 2019). Camayd-Freixas is a professor of Hispanic Studies and a federally certified Spanish interpreter. In May 2008 he worked as an interpreter in the largest immigration raid and prosecutions in US history. While on interpreting duty, he became concerned about the broken system violating the rights of over three hundred migrants, mostly illiterate, indigenous people from Guatemala and Mexico, who

worked in a meatpacking plant in Postville, Iowa. After he completed his assignment and the cases were closed, he wrote a personal account of what he had witnessed and shared it with a judge and interpreter colleagues. Quickly, this essay spread to many more people, leading up to a *New York Times* front-page article (Preston, 2008), which featured Camayd-Freixas as an interpreter who broke the confidentiality code to speak up for migrant workers. He also testified in a congressional hearing on this Postville case.

Although he received supportive responses to his essay from a range of people, including individual interpreters and lawyers (The Postville Project, 2009), questions were raised among other interpreters on the appropriateness of his behaviour, namely publicly commenting on what he learned while working as an interpreter. Hennessey (*ibid.*), for example, asks if there were better ways to deal with the issues of conflict of interest (when he became concerned about what he was witnessing on the job) and confidentiality (when he circulated his essay). Camayd-Freixas (2009) issued “Statement to the Profession” aimed at the community of professional interpreters in July 2008 to justify his decisions, respond to critical questions and call for NAJIT to review his case. Further, Camayd-Freixas (2013) defends his case, criticising the supervisory nature of the current codes of ethics for judicial interpreters, arguing for interpreters’ professional discretion in ethical decision-making and interpreters’ rights and responsibilities as officers of the court and citizens, and calling for professional organisations to revisit their codes of ethics. Camayd-Freixas has been recognised with humanitarian awards by various organisations. Interpreting scholar Moira Inghilleri (2011) also views Camayd-Freixas’ decision as “a welcome and highly commendable act” (p. 69) based on his “justice-seeking ethics” and moral responsibility which led to the “abandonment of professional neutrality and non-accountability” (p. 70). However, professional associations in the United States, namely ATA and NAJIT, did not take an official position on the Camayd-Freixas case. Camayd-Freixas (*ibid.*, p. 19) views them as “unprepared to deal with a major ethical challenge”, and thus reckons that interpreters “stand alone” in ethical decision-making.

Compelling an interpreter to testify

While the case of Camayd-Freixas concerns an individual interpreter’s decision-making in handling the issue of confidentiality when faced with abuse, there are instances in which interpreters have almost no power to exercise their agency in highly political situations controlled by the institutional power. In 2018 there was an attempt by Democrats in the US Congress to subpoena the State Department’s Russian interpreter who worked in closed-door meetings between President Trump and President Putin. They hoped to obtain undisclosed content of what was discussed through her testimony and notes she took for interpreting. Although this never materialised, professional interpreters reacted strongly against the possibility of interpreters being compelled to divulge what they learn through work, pointing out that they strictly follow the confidentiality code and interpreters’ notes are taken to support short-term memory and not for record

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keeping (e.g. Burian, 2019; Martinez, 2019). The International Association of Conference Interpreters (AIIC) issued a statement⁶ in July 2018 to reiterate the principle of confidentiality “enshrined” in Article 2 (a) of the AIIC Professional Code of Ethics:

Members of the Association shall be bound by the strictest secrecy, which must be observed towards all persons and with regards to all information disclosed in the course of the practice of the profession at any gathering not open to the public.

The statement, signed by the current and past nine AIIC presidents, concludes that:

If statesmen are to speak freely, they must be able to trust interpreters unreservedly not to reveal confidential information. Hence the importance of upholding the cardinal principle applied worldwide since WWII, that interpreters should never be obliged to give testimony.

Clearly, the community of professional interpreters were concerned about the possible impact of the Russian interpreter’s testifying on the trustworthiness of the profession as a whole.

As to the possibility of interpreters testifying in legal proceedings as eyewitnesses of criminal acts, attention should be paid to the Ramzi bin al-Shibh case, a US military commissions trial at Guantanamo Bay. In a pretrial hearing of this case in 2015, the defendant bin al-Shibh, an alleged co-plotter of the 9/11 terror attacks, recognised the Arabic interpreter in the courtroom. Revealing the interpreter’s name, bin al-Shibh said to the court, “The problem is I cannot trust him because he was working at the black site with the CIA and we knew him from there” (Rosenberg,⁷ 2015). The CIA operated a secret prison network called “black sites” outside the United States where detainees were interrogated using “enhanced interrogation techniques”—a euphemistic term for torture.⁸ Once it was acknowledged that the court interpreter was indeed the same interpreter bin al-Shibh and other 9/11 defendants encountered while being detained and tortured at black sites, arguments between the defence and the prosecution over the examination of the interpreter ensued. Why did a black site interpreter hired by the CIA end up being a court interpreter for the defendant? Can he reveal what happened to bin al-Shibh at the black site as an eyewitness? In response to defence seeking an open-court examination of the interpreter, the prosecution has insisted on keeping it secret and restricted as much as possible due to national security concerns (Rosenberg, 2019b). As of September 2020, there is no public record indicating that this interpreter has been examined.

This Guantanamo Bay case would have been a rare contemporary instance to spur discussion on issues of interpreters reporting or testifying about criminal acts they learn of while on assignment. Drawing mainly on interpreters who testified at British military trials as eyewitnesses to torture and other war crimes, with

some references to cases of attempting to compel an interpreter to give evidence as a witness in legal proceedings in today's context, this book explores ethical concerns and implications of maintaining or breaking the code of professional secrecy to reveal abuse and criminal offences, especially in the context of war crimes.

Research on interpreters in war and conflict

Interpreting and translation have been a crucial part of war and conflict through history in a range of aspects, including intelligence gathering and analysis, communication within multinational forces, interrogations of POWs, propaganda, peace negotiations, military occupation, peace-keeping operations and war crimes trials. Referring to the role of interpreters and translators in Allied military intelligence during the Pacific War, Douglas MacArthur's intelligence officer, Charles Willoughby, stated, "the *Nisei*⁹ saved one million American lives and shortened the war by two years. ... The information received through their special skills proved invaluable to our battle forces" (Bradsher, 2006, p. 161), attesting that interpreters and translators contributed significantly to the victory of the Allied powers. More recently, in the context of developing schemes to assist those interpreters exposed to danger because of their association with British troops, the UK government reiterated its gratitude for "the hard work and bravery" (p. 22) of locally employed civilian interpreters who served in UK operations during the Afghanistan conflict (The Defence Committee, The House of Commons, 2008).

In fact, against the backdrop of the wars in the former Yugoslavia, Afghanistan and Iraq, post-conflict humanitarian operations such as those by the International Committee of the Red Cross (ICRC) in Africa and war crimes trials at international tribunals, close attention has been paid to interpreters in contexts of war and conflict for the past two decades. There has been steady output of scholarly work on a variety of topics concerning interpreting (and translation) in war, conflict and postwar settings, including special issues of journals (*The Translators*, 2010;¹⁰ *LANS-TTS*, 2016¹¹), edited volumes (e.g. Salama-Carr, 2007; Bielsa and Hughes, 2009) and monographs (e.g. Inghilleri, 2011; Guo, 2016). With a number of titles under the Palgrave Studies in Languages at War (co-edited by Hilary Footitt and Michael Kelly) and entries in an encyclopaedia and a handbook (e.g. Inghilleri, 2015; Moser-Mercer, 2015a, 2015b), inquiry into interpreting in conflict and its aftermath now occupies a solid place in Interpreting Studies. Since the 1990s, research into interactional aspects of interpreter-mediated communication, interpreters' agency and ethical concerns in community interpreting have transformed and expanded the breadth and depth of Interpreting Studies, which was founded mostly with interests in cognitive and training aspects of conference interpreting. Now, distinct features of interpreting in war and violent conflict, such as the non-existence of "neutrality", the overriding power of military doctrine and international politics, exposure to physical danger and risk of becoming involved in unlawful acts, may be challenging further the ways interpreting

scholars approach the purpose of interpreter-mediated communication, the role of interpreters and issues of interpreters' ethics and responsibility.

A range of topics concerning interpreters in historical and contemporary contexts of war and conflict have been addressed, including issues of interpreters' role (e.g. Delgado Luchner and Kherbiche, 2018), identity and ethics (e.g. Inghilleri, 2008, 2009, 2010, 2011), training and practice in particular settings (e.g. Kelly and Baker, 2012), the typology of interpreters (e.g. Ruiz Rosendo and Barea Muñoz, 2017) and the image of interpreters in the media (e.g. Fernández-Ocampo and Wolf, 2013). Approaches and methods taken by these studies vary, representing historical, sociological, cultural, discursive and pedagogical perspectives, and data gathered through archival research, interview, text analysis and observation.

Prior studies relevant to this book can be found in the following domains. First, in the studies of interpreters in the Asia–Pacific War, for instance, Guo (2016) examines how interpreters were trained and deployed in China during the Second Sino–Japanese War; and Luo (2016) analyses the work of interpreters in the China–Burma–India Theatre by applying military theory. Second, as for war crimes trials, Gaiba (1998), Takeda (2010), Tobia (2010) and Elias-Bursać (2015) present the interpreting arrangements and issues encountered at the Nuremberg Trials, the Tokyo Trial, British trials against the Nazis and the International Criminal Tribunal for the Former Yugoslavia, respectively. Lastly, ethical issues and moral struggles of interpreters have been a main theme in studies of interpreters in particular conflicts. Most prominently, Inghilleri (2008, 2009, 2010, 2011) examines the positionality and ethical concerns of military and contract interpreters in the Iraq War, with reference to philosophical discussion of ethics in military professions and just war theory. Further, in her archival research of interpreters in a Nazi concentration camp, Tryuk (2016) presents the view of interpreting as a means of survival under terror, which completely negates the premise of today's ethical codes for interpreters. Drawing on a military interpreter training course in Italy, Monacelli and Punzo (2001) point out that military interpreters' ethical behaviour is a matter of “immediate coping” situated in dynamic environment, rather than conforming to pre-established norms. These studies among others indicate the peculiar nature of ethical concerns for interpreters in war and conflict.

In addition to ever-growing academic inquiry into interpreters in war, conflict and its aftermath, there have been journalistic depictions of the taxing situations faced by interpreters locally hired in Afghanistan and Iraq (e.g. Packer, 2007; Anderson, 2014; Rosen, 2018), and personal memoirs written by military and contract interpreters who worked in the “War on Terror” (e.g. Saar and Novak 2005; Fair 2016). Further, in response to the plight of local interpreters who worked for the US and other coalition forces, non-profit organisations have acted to support and protect those embedded interpreters. For instance, RedT, together with AIIC and the International Federation of Translators (FIT), published a field guide in 2012 for civilian translators and interpreters in high-risk settings and users of their services.¹² Another volunteer organisation, No One

Left Behind, works to ensure the United States keeps its promise to locally hired interpreters who served US troops in Iraq and Afghanistan by assisting Special Immigrant Visa recipients.

What has not been discussed fully among scholars, journalists and advocates yet is the risk of interpreters becoming involved in war crimes and being prosecuted for war crimes or called on to testify as eyewitnesses of war crimes. In high-pressure, violent situations under the military principle of absolute obedience, interpreters (military or civilians) are exposed to the possibility of being compelled to take part in unlawful acts such as torture and ill-treatment of prisoners, physically or just by interpreting. Consequently, interpreters could be held responsible for criminal acts their units commit, as happened to the accused interpreters at British military trials for Japanese war crimes. Is there such a thing as “just interpreting” in violent conflict? Can interpreters refuse a superior order to take part in unlawful acts such as torturing a detainee to extract critical information? Should interpreters report unlawful acts they witness in the course of their work? With the CIA admitting to the torture of detainees at secret black sites and the case of an interpreter as a potential witness to torture in a trial at Guantanamo Bay, these issues are real and current. By examining the cases of wartime interpreters who were prosecuted and convicted at British military trials, this book seeks to gain insight on these under-researched questions surrounding interpreters participating in or enabling criminal acts in war and violent conflict.

Objectives

This book focuses on interpreters as war criminals and witnesses of war crimes—two extraordinary situations interpreters could face yet which are underexplored in Interpreting Studies. By examining the cases of accused interpreters at British military trials for Japanese war crimes, this study tackles issues of various risks interpreters face in navigating their roles, responsibilities and ethics in armed conflict. It follows the principles of translation history proposed by Anthony Pym (1998) by focusing on people (interpreters) with close attention to the contextual factors as to why these interpreters were needed in the first place and why they were ultimately convicted as war criminals, and to the relevance to the issues faced by interpreters in war and conflict today.

The objectives of this study are two-fold. One is to document a historical precedent of interpreters being convicted as war criminals and testifying as eyewitnesses of war crimes in a detailed and comprehensive manner. To provide in-depth description of the little-known facts of the 39 interpreters being prosecuted at British military trials, their backgrounds, recruitment, activities within their military units, identification as suspects, charges, defences and verdicts are examined. Special attention is paid to the historical context, including the Japanese military aggression and language policy in its colonies and occupied areas, transnational migration and commerce, and colonial powers in Asia in the first half of the twentieth century. It is hoped that the findings will contribute to the growing

body of academic inquiry into interpreters in war and conflict as well as offer new perspectives to the study of war crimes trials by historians and legal scholars.

It should be noted that there are two groups of interpreters in connection with the British trials whose details are not addressed in this study. One is the court interpreters for the proceedings in the courtroom, consisting of locals, Allied personnel and Japanese nationals dispatched by the Japanese government. There are many references in trial transcripts to the challenges of obtaining competent court interpreters, such as the issue of using a prosecutor witness as the court interpreter.¹³ Although general issues surrounding court interpreters at Class BC trials are touched on in Takeda (2016), focused examination on court interpreters at British military trials must await future research. The other group of interpreters this study does not fully address is those who worked in the same or similar military units as the accused interpreters but were not put on trial. Prior studies of interpreters in war (see various articles in *LANS-TTS* (2016)) indicate that there have been interpreters who functioned as mitigating agents of aggression rather than enablers of violence through history. As the focus of this research is interpreters as war criminals, a fuller picture of interpreters embedded in the Japanese military during the Asia–Pacific War will be explored in future research.

The other objective of this book is to provide in-depth analysis and theoretical reflection on the main issues that emerge from the findings of the first objective. It mostly draws on the cases of the accused interpreters at British military trials, but references are also made to contemporary cases of military and contract civilian interpreters in conflict zones. The focus is placed from two different perspectives. One is distinct features of embedded interpreters in relation to other actors in military encounters, namely interpreters' proximity and visibility in war, violent conflict and military occupation. Attention is also paid to the nature of words interpreters deliver in examining how interpreters are perceived by the other parties of interpreter-mediated communication in hostile situations. The other perspective is ethical concerns of interpreters in war, conflict and its aftermath, namely interpreters' joint responsibility in war crimes and interpreters' testifying or reporting as witnesses of war crimes. Emphasising the relevance of these issues to interpreters and users of their services in today's conflict zones, it is hoped that this study yields new insights that stimulate further discussion on interpreters' role, responsibility, ethics, exposure to war crimes and protection in a broader range of conflict situations.

Method

Why British trials?

In examining interpreters being convicted as war criminals and testifying as witnesses of war crimes, this book focuses on British military trials against the Japanese in the aftermath of the Pacific War. The primary reason for studying the British trials is that, as previously mentioned, they convicted the largest number of interpreters (at least 38) of all the Allied nations (see Table 0.1). Presumably,

all these cases followed the same applicable law and trial regulations stipulated by the British military commissions, which makes it possible to discuss their selection of defendants, the nature of charges and severity of judgements among other matters within a single legal framework.

In addition, the diverse backgrounds of the accused interpreters and interpreter witnesses, such as colonial subjects, dual nationals and local civilians, provide a broader picture of how the Japanese military recruited its interpreters, what attributes it sought in them and how it utilised their services during the war. The interpreters' complex backgrounds also suggest unique power dynamics within military hierarchies and relations to local civilians in Japanese-occupied regions to be considered in examining their behaviour during wartime and the postwar investigation and prosecution of war criminals.

It should also be noted that the trial transcripts and other relevant archival documents of these cases are readily accessible at archival institutions in the United Kingdom, Japan (to some extent) and trial locations. Footitt (2019) discusses the challenge of finding archival documents on war that contain language-related information due to the nation-state historiographies and the ephemeral nature of oral communication. In archival records of British military trials, however, in addition to references to court interpreters, a great deal of information is available on the backgrounds and activities of wartime interpreters because of the pretrial statements and in-court testimonies by and on the accused interpreters. Despite the problematic aspects of Class BC trials (see Hayashi, 2005, 2010; Totani, 2015; Kushner, 2015; Wilson et al., 2017, for instance), such as expedited procedures, shortages of competent legal staff and interpreters, arbitrary selection of defendants and inconsistencies in the weight of sentences, as Totani (*ibid.*, p. 4) points out, the verbatim transcripts of these trials and other related archival documents are a “rich trove” of personal accounts of the war, which serves well for the person-centred approach of this study.

Lastly, the British cases present features that are relevant to investigation into contemporary cases of interpreters in war and conflict, such as interpreters involved in torture and the recruitment of interpreters with dual backgrounds and of locally employed interpreters. Particular relevance can be found in the hierarchical positions, behaviour and trust issues of various interpreters, such as military and civilian interpreters, heritage language speakers, foreign-born interpreters and dual nationals. Also pertinent is how local civilians perceive interpreters who share linguistic and cultural heritage with them and those hired locally.

Numbers of prosecuted and convicted interpreters

As mentioned earlier, the numbers of Class BC trials and defendants vary slightly between different archival documents. It should be noted here how the present study identified cases with interpreters as the accused, and arrived at “at least 39 and 38” as the numbers of prosecuted and convicted interpreters respectively. Britain held a total of 330 trials against 978 defendants in war crimes trials against the Japanese (Hayashi, 1998). Since it was determined that sifting through all the

cases of 950 defendants to find interpreters was impractical, the lists of British trials compiled by Chaen (1988, 1989a) were first reviewed to extract cases with “interpreter”, “civilian (*gunzoku*)” and “employee (*koin*)” as the title of a defendant, with the assumption that the interpreters were mostly civilians. The numbers of those cases were 25, 20 and 10, respectively. These cases were cross-referenced with the trial transcripts and other relevant records held at the British National Archives as well as the databases of ICC Legal Tools and the International Research and Documentation Centre for War Crimes Trials at Philipps University Marburg in Germany to verify if they were indeed cases with interpreters as the accused. As a result, 39 cases were identified, while 1 “interpreter” case was dismissed as it was not found in the British records. Realising the possibility of cases in which defendants had a title of military rank, such as “Private” and “Sergeant” but were charged for actions they took while functioning as interpreters, the present study consulted the data available on academic websites for the British trials in Singapore and Hong Kong (*Singapore War Crimes Trial*¹⁴ and *Hong Kong’s War Crimes Trials Collection*¹⁵) and searched charges involving the act of interpreting. Through this process, it was confirmed then that there was one such case. Thus, the present study arrived at the numbers of at least 39 interpreters prosecuted and 38 of the 39 convicted.

Sources

To fulfil the first objective of presenting a detailed description of the trials with interpreters as the accused, this book mostly draws on close reading of archival materials obtained at the British National Archives, the British Library, the Japanese National Archives, the Yasukuni Kaiko Bunko, the US National Archives and Records Administration, Hong Kong Public Records Office and other archival collections. As mentioned earlier, it also consults internet resources such as *Singapore War Crimes Trial*, *Hong Kong’s War Crimes Trials Collection*, the ICC Legal Tools as well as the database at Philipps University Marburg. The documents used include: Verbatim transcripts and other records of relevant trials; documents describing trial preparations, procedures and rules, and clemency of the convicts; and the Japanese government’s general summaries of the war crimes trials, and notes and interviews of defence lawyers and convicts from the British trials.

In addition, in order to enhance the understanding of the historical, political, social and legal contexts, secondary sources in the areas of history, law and language policy are also consulted; namely, works on Japanese war crimes trials by historians (e.g. Totani, 2015; Kushner, 2015; Lan, 2016; Wilson et al., 2017) and by legal scholars (e.g. Linton, 2013; Cheah, 2016), transnational movements of Japanese immigrants and their offspring (e.g. Murakawa and Kumei, 1992; Azuma, 2005) and Japanese language policy in colonial and occupational contexts (e.g. Matsunaga, 2002; Kratoska, 2018), among other relevant topics. The present study also makes use of newspaper articles reporting wartime interpreters and war crimes trials in Hong Kong, Singapore and Malaya, and memoirs and published interviews of participants of the relevant trials.

To address the second objective of presenting in-depth analysis and theoretical reflection on issues that emerge from the findings of the first research objective, this book critically examines prior research on features of face-to-face dialogue interpreting, interpreters' visibility, discourse-based models of interpreters' role and interpreter ethics. It also draws on legal scholars' discussions on doctrines such as the superior orders, Joint Criminal Enterprise and aiding and abetting in war crimes. In an attempt to apply the theoretical discussion to contemporary contexts, this book also consults legal proceedings at international tribunals and military commissions, journalistic reports on interpreters in conflict zones and politically sensitive situations, and activities of professional interpreter/translator associations.

Structure

Following the introduction of the background, objectives and method of the present research, this book is divided into two sections. Part I consists of four chapters and provides a detailed description of interpreters as defendants and as witnesses at British military trials against the Japanese. Chapter 1 presents the backgrounds, recruitment and tasks of the accused interpreters within wartime Japanese military organisations. It pays attention to their diverse backgrounds and the specific linguistic skills the Japanese military sought in them. Chapter 2 explains how war crimes suspects were identified, what charges were brought against interpreters as defendants and what evidence the prosecution presented. It also features interpreters as witnesses, giving evidence against their former superiors and other members of their units. Chapter 3 describes how the accused interpreters defended themselves against the charges, drawing on their pretrial statements and in-court testimonies, as well as their counsel's arguments. Lastly, Chapter 4 presents the fate of the accused interpreters—their verdicts, sentences, executions and commutations of the terms of imprisonment—followed by a summary of Part I.

Comprising four chapters, Part II presents in-depth analysis and theoretical reflection on critical issues that emerge in Part I, focusing on distinct features of interpreting in military encounters and interpreter ethics and responsibility in war crimes. Chapter 5 discusses the implications of interpreters' proximity to the primary speakers of communicative events in war and violent conflict. Chapter 6 examines interpreters' visibility and the performative nature of utterances they deliver in hostile settings, and how these factors influence the receiving end's perception of the interpreters. Drawing on legal doctrines and ethical concerns, Chapter 7 explores the issues of individual interpreters' legal responsibility and ethical choices in connection with war crimes. Chapter 8 discusses implications of interpreters breaking their code of professional secrecy and reporting or testifying about abuse and crimes they witness in the course of their work. In the Conclusion, the main arguments of the book are summarised, and suggestions are made for possible approaches to continuous discussion in future research.

Notes

- 1 The Allied nations started discussing postwar justice against war criminals and established the United Nations War Crimes Commission in 1943. See Wilson et al. (2017) for details on the wartime discussions for preparing war crimes trials.
- 2 There were 26 defendants at the start of the trial, but 1 was found unfit to be tried and 2 died during the trial.
- 3 These numbers vary slightly between different archival documents. The numbers used in this study draw on Senso-hanzai saiban gaishiyō [Concise history of war crimes trials] (Homusho daijin kanbo shiho hōsei-chōsa-bu [The Judiciary and Legislation Investigation Bureau, Secretariat of the Minister of Justice], 1973).
- 4 These numbers are based on lists compiled by Yoshio Chaen (1984, 1985, 1986, 1987, 1988, 1989a, 1989b, 1990, 1991, 1992a, 1992b), extracting the accused identified as “interpreter”. In addition, as Lan (2016) indicates, there were defendants who acted as interpreters but are identified as “civilian” or “labourer” in trial documents. Those interpreter defendants are not included in this table except for the British cases. See pages 13 to 14 for how the author arrived at the numbers of interpreters prosecuted and convicted at British military trials.
- 5 *The Statement on the Mohammed Yousry Case by the Board of the American Translators Association and the National Association of Judiciary Interpreters and Translators* (1 March 2005) implies that Yousry was not following the proper protocol of professional interpreters (Proteus, 2005). Further, NAJIT pointed out specific problems with Yousry’s work found in the transcripts, such as summarising the speakers’ communications and carrying on lengthy personal conversations with the client in a foreign language (Kristy, 2006).
- 6 “The Principle of Confidentiality for Professional Interpreters: Statement by the Executive Committee of AIIC”, 10 July 2018 (<http://members.aiic.net/p8618>). Accessed 30 September 2020.
- 7 A partial transcript of this proceeding is available (<https://assets.documentcloud.org/documents/1657917/911-pretrial-hearing-feb-9-2015.pdf>) from Rosenberg (2015) (<https://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article9600110.html>).
- 8 See the *Senate Intelligence Committee Report on Torture* (2014), a redacted version of *Report of the Senate Committee on Intelligence Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program* (2012), which provides some details of the torturing of detainees by the CIA.
- 9 *Nisei* literally means second generation. In this research, it refers to individuals who were born in the United States and Canada to immigrant parents from Japan. In this particular quote, it refers to Japanese Americans.
- 10 Inghilleri and Harding (eds.) Translation and Violent Conflict, *The Translator*, 16:2.
- 11 Ruiz Rosendo and Persaud (eds.) Interpreting in Conflict Zones through History, *Linguistica Antverpiensia, New Series: Themes in Translation Studies*, 15.
- 12 *Conflict Zone Field Guide for Civilian Translators/ Interpreters and Users of Their Services* (<https://red-t.org/our-work/safety-guidelines/english-english/?get=s>). Accessed 30 September 2020.
- 13 This trial, known as the Car Nicobar spy case, is examined in Chapter 2. See also Cheah (2014) for more details on the issues of court interpreters in this case.
- 14 The *Singapore War Crimes Trials* website describes the British military trials for Japanese war crimes in Singapore, including background, case summaries and legal information. <https://www.singaporewarcrimestrials.com/>
- 15 The *Hong Kong’s War Crimes Trials Collection* website provides details of case files of the British military trials for Japanese war crimes in Hong Kong. <https://hkwtc.lib.hku.hk/exhibits/show/hkwtc/home>

Part I

**Interpreters as defendants
at British military trials for
Japanese war crimes**



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1 The accused interpreters

At British military trials against the Japanese in the aftermath of the Pacific War, 39 wartime interpreters were prosecuted and 38 of them were convicted as war criminals.¹ The trials with interpreters as the accused took place in Singapore, Hong Kong, Kuala Lumpur, Penang, Jesselton, Kuala Kangsar, Taiping and Alor Star. Table 1.1 shows the dates and numbers of those trials and the numbers of interpreter defendants, with a breakdown of those who were initially recognised as Japanese and those initially recognised as Taiwanese. Taiwan was under Japanese colonial rule from 1895 to 1945, and these Taiwanese interpreter defendants were among over 200,000 Taiwanese who had been mobilised for the Japanese war effort as imperial subjects during the Asia–Pacific War (Utsumi, 2002, p. 38). Although they were no longer Japanese subjects after the end of the war, these wartime interpreters were prosecuted as “Japanese” at the British military trials.

Drawing on the records of the relevant trials and other primary and secondary sources on the historical contexts and individual defendants, this chapter presents the backgrounds of the accused interpreters, including their place of birth, family, education and prewar occupation, and discusses how they were recruited as interpreters by the Japanese military and what kinds of tasks they engaged in during the wartime.

Backgrounds of the accused interpreters

Although there are some references to locally hired female interpreters in the trial transcripts,² the accused interpreters were all male. Their average age at the time they committed the alleged war crimes was 30.9, the youngest being 18 (Kazuo Miyazaki³ and Chan Eng Thiam) and the oldest being 53 (Otojiro Takemoto). Of the 39 interpreter defendants, 21 (51%) were initially recognised as Japanese and 18 (49%) as Taiwanese. These Taiwanese interpreters were recruited (forcibly or otherwise) as Japanese imperial subjects, and more than half of them used Japanese names within the military organisations they served. Reasons for needing Taiwanese interpreters in the Japanese war effort are discussed in the next section. Beyond being Japanese or Taiwanese, attention to where these interpreters were born and lived, who their parents were, where they were educated and what occupation they held before the war builds a complex and diverse picture

Table 1.1 British trials with interpreters as the accused

<i>Trial location</i>	<i>Dates</i>	<i>Number of trials</i>	<i>Japanese defendants</i>	<i>Taiwanese defendants</i>	<i>Total interpreter defendants</i>
Singapore	02/46 – 06/47	9	10	2	12
Hong Kong	03/46 – 02/47	6	7	0	7
Kuala Lumpur	07/46 – 08/47	12	0	11	11
Penang	08/46 – 09/46	1	1	3	4
Jesselton	12/46	1	0	1	1
Kuala Kansar	08/47	1	1	0	1
Taiping	09/47 – 12/47	2	2	0	2
Alor Star	09/47 – 11/47	1	0	1	1
Total		33	21	18	39

of their backgrounds. The following examination is based on the statements and testimonies of the accused interpreters contained in the relevant trial records⁴ unless indicated otherwise.

Foreign-born Japanese

Among the 21 Japanese interpreters, 8 (about 38%) were born outside Japan to at least 1 parent from Japan: Namely, 3 in Malaya (Miyazaki, Ichiro Mine⁵ and Kunio Kuroki) and 1 each in California (Masayoshi Nigo), Hawaii (Susumu Hashida), British Columbia (Kanao Inouye), Bangkok (Genichiro Miyakawa⁶) and Singapore (Itsuo Tsutada).

Kazuo Miyazaki was born to a Malay father and a Japanese mother in Perak, Malaya, in 1924. At age ten, he was registered by his mother as Japanese at the Japanese Consulate in Singapore. He had a Malay name, but started using his mother's surname, Miyazaki, when his father died. Following the outbreak of the war in December 1941, his mother, Shimo Miyazaki, was arrested by the British authorities and detained in a Japanese internment camp in India. The lists of Japanese interned in India (Public and Judicial Department, 1944) show that Shimo had a son named Ahmet Bin Hashim in Malaya, which indicates that the British were aware of Kazuo's existence but did not recognise him as Japanese.

Ichiro Mine was born in Penang, Malaya, in 1904 to a Chinese father and a Japanese mother. His mother registered him as Japanese at the Japanese Consulate in Singapore when he was around 13, and again in 1936 Mine registered himself as Japanese at the Consulate. When the war broke out, Mine was detained in a jail in Penang and had his Japanese passport confiscated by the British.

Kunio Kuroki was born to Japanese parents in Seremban, Malaya, in 1922 and registered as Japanese at a local police station. At age 14, he was separated from his parents, and at age 15 started using a Malay name, Aziz bun Abdullar. When he was 16, Kuroki registered himself at a police station as a younger brother of the Chinese Muslim boxer who trained him.

Although these three Malayan-born interpreter defendants had never been to Japan, their Japanese parents registered them as Japanese. Owing to their place of birth and residence (i.e. Malaya under British colonial rule), however, they could have been considered British subjects. Two of them even had Malay names as well. How the issue of dual nationality played out at the trials is discussed in Chapter 4.

According to the Japanese-American Internee Data File and ship passenger lists from Japan to the United States available at the US National Archives,⁷ Masayoshi Nigo was born to Japanese immigrant parents in California in 1919. He was in Japan for about two years and came back to Los Angeles in 1933, which makes him a *Kibei*,⁸ American-born *Nisei* who received some schooling in Japan and returned to the United States. Nigo worked as a truck-farmer before being interned in August 1942 at the Gila Valley War Relocation Center in Arizona (one of the camps where nearly 120,000 persons of Japanese descent were incarcerated as enemy aliens after Japan's attack on Pearl Harbor). Urged on by his father who had returned to his hometown in Hiroshima, Nigo took advantage of the arrangement his father had made to leave the camp and board an exchange ship with his mother to move to Japan in September 1943. There were two exchanges of civilians between Japan and the United States, who were on the "wrong" side when the war broke out in December 1941. There were over one hundred *Nisei* (individuals born in the Americas to Japanese immigrant parents), including Nigo, who were on the second exchange ship (Murakawa and Kumei, 1992). Boarding the exchange ship meant that Nigo renounced his American citizenship and chose to be a Japanese national exclusively. When the ship made a stop at Singapore, Nigo and other *Nisei* were recruited as interpreters by the Japanese military.

Susumu Hashida was also *Nisei*, born in Hilo, Hawaii, in 1913. In 1940 he moved to Japan for university (Nippu Jiji, 1940), carrying his American passport. Hashida was a student until September 1942, when he was conscripted by the Japanese military as an interpreter. During the 1930s there was a spike in the number of *Nisei* studying in Japan (Yamashita, 1935, 1938), prompted by anti-Japanese sentiment in North America, the cheaper yen (Morimoto, 1995) and their parents' idealistic vision of *Nisei* becoming a bridge between the United States and Japan (Azuma, 2005). Hashida was one of those students at the tail-end of this "study-in-Japan boom" among *Nisei*. It is not known if he was stranded in Japan or chose to stay in Japan when the war broke out.

A Canadian *Nisei*, Kanao Inouye was born in Kamloops, British Columbia, in 1916.⁹ The name Kanao comes from Kanagawa (his father's birthplace) and Canada (his birthplace)—a reflection of his family's wish for Kanao to serve as a bridge between the two countries. His father, To Inouye, also known as Tadashi Tow Inouye, was a son of Tokutaro Inouye.¹⁰ Tokutaro was a founder of Keio Electric Railway and a member of the House of Peers in Japan. To was born in 1882 or 1883¹¹ and immigrated to Canada as a young man. After working in a sawmill and as a merchant, he enlisted in the Canadian Army and was sent to Europe in 1916. He was severely wounded and awarded the Military Medal for

bravery in battle in 1919. Through his military service, To earned Canadian citizenship and land ownership. He was visiting his family in Japan when he became ill and died in 1926. In 1935 Tokutaro convinced his grandson Kanao to move to Japan out of concern for his well-being without his father. Kanao enrolled in Waseda International Institute (a preparatory school for entering Waseda and other Japanese universities) in Tokyo to learn Japanese in 1936, only to leave after a term.¹² Around that time, Kanao, along with a *Nisei* journalist he knew, was brought in by the *Kenpeitai* for interrogation, which included waterboarding that resulted in lasting health issues.

Genichiro Miyakawa was born in Bangkok in 1920 to Japanese parents. His father, Ganji Miyakawa, was a successful businessman in Bangkok with strong connections with influential Thais. Ganji acted as a liaison between Japanese government officials and pro-Japanese Thais (Murashima, 2017). Ganji remarried a member of the Thai royal family. Genichiro was working for his father's trading business when the Japanese military invaded Thailand.

Lastly, Itsuo Tsutada was born in Singapore in 1916. He was educated at the Anglo-Chinese School in Singapore. He moved to Tokyo at age 19 but returned to Singapore in the following year and took the Senior Cambridge Examination. At age 22 he moved to Japan again, and worked as a clerk in an import and export firm.

Foreign-born Taiwanese

Of the 18 interpreters initially recognised as Taiwanese, Toh Swee Koon and Hideo Tagawa appealed to the court during the trials that they were not Japanese subjects as they had been born outside Taiwan. At the beginning of the trial, Hideo Tagawa, alias Chang Siew Foo, stated that he was born in Canton, China, to Chinese parents in 1918. When he was two, the family moved to Taiwan. Tagawa stayed in Taiwan until he was recruited by the Japanese in 1944.

Towards the end of the trial Toh Swee Koon claimed that he was a Chinese national born in Singapore and his permanent address was Fukien, China. He had learned Japanese through working at a Japanese bicycle shop in Singapore for 15 years (Morning Tribune, 1946). When the war broke out, the British authorities assumed Toh was Taiwanese and interned him along with other Japanese in Changi Prison. A directory of Japanese businessmen in Singapore published in 1937 (Nanyo oyobi Nihonjin-sha) includes Toh as Taiwanese. It is uncertain if he was indeed born in Singapore.

Overseas experience

Besides those who were born outside Japan or Taiwan, there were interpreter defendants who spent substantial time overseas. Six of these individuals were Japanese (Yasuichi Takahashi,¹³ Kichitaro Okamoto, Otojiro Takemoto, Sekitaro Ohtsuka, Genichiro Niimori and Sentaro Motosugi) and one was Taiwanese

(Yeow Chew Bok). These defendants had spent between 10 and almost 40 years outside Japan or Taiwan before working as interpreters for the Japanese military.

Yasuichi Takahashi was born in Fukuoka in 1895. In 1911 he moved to Canada and studied at a commercial college, obtaining Canadian citizenship in 1921. According to the Canadian Immigration and Naturalization Records, he lived in Cumberland, British Columbia and was the secretary of the Japanese Association at that time.¹⁴ He had a life insurance business, but in 1926 started working in the passenger department at Dollar Steamship Line. In 1936, Takahashi went to Japan on assignment and ended up staying there due to maritime strikes preventing his return.

Genichiro Niimori was also from Fukuoka, Japan. Born in 1894, he moved to the United States at age 18. After living in New York and Connecticut, Niimori arrived in Mount Vernon, Iowa, where he attended Cornell College, a Methodist college, for 18 months starting at age 24. The focus of his study was factory management, requiring classes such as English, science, math, mechanical drawing, chemistry and parliamentary law. He became Christian during his college days. Niimori then worked as a sales manager of an amusement park in Dayton, Ohio, for 18 years, ultimately returning to Japan to head the physical culture department of an amusement park in Tokyo from 1939 to 1941. He had lived in the United States for 28 years.

Otojiro Takemoto was born in Kyoto, Japan, in 1891 or 1892. He had lived in Hong Kong for 27 years as a businessman since he was 22. He was in the scrap iron business. According to his testimony during the trial, about 3 months prior to the outbreak of the war, there were about 500 Japanese residents in Hong Kong but they gradually dispersed. Takemoto also left Hong Kong in September 1941. He returned to Hong Kong in November 1942 as the manager of the South China branch of Nissan Fire & Marine Insurance Co.

Sekitaro Ohtsuka was born in 1900 or 1901. He arrived in Hong Kong in 1906 and returned to Japan for education in 1916. He attended St. Joseph's College. In 1921 he was back in Hong Kong as an employee of Mitsubishi Trading Co. In 1927 Ohtsuka left the company and started his own firm. After dissolving the firm in 1932, he started working as a clerk at Nippon Suisan Kaisha. In 1938 he was transferred to the Shanghai Branch of the company. In 1943 he was in Hong Kong again and worked as the head clerk of the company until Japan's surrender.

Kichitaro Okamoto was born in Wakayama, Japan, in 1908. He lived in Hong Kong for more than twenty years as a businessman and was a managing partner of Chuwa Trading Co. in Hong Kong when conscripted in 1945. Okamoto was also active in assisting the Japanese Residents Association, the Japanese Chamber of Commerce, a Buddhist temple and other Japanese organisations in Hong Kong.

Sentaro Motosugi was born in Yokohama, Japan, in 1889. He was a painter and moved to Singapore in 1910. In 1925, Motosugi arrived in Penang and worked as a fisherman until 1942 when he was called up by the Japanese military for service as an interpreter. After being released, Motosugi worked as an interpreter in Antaku Timber Co. in Singapore from 1943 to 1945.

Yeow Chew Bok was born in Taiwan in 1907. In 1931 he arrived in Penang as a violinist in an opera company. He left the company and ran a bicycle shop in Penang until 1935 when he joined the Municipal Band. Although he was a volunteer of the Third Battalion Band of the Straits Settlements Volunteer Force, Yeow was arrested and interned by the British authorities, as he was Taiwanese when the war broke out.

Educational backgrounds

In the trial records, there are some references to the educational backgrounds of 11 Japanese defendants and 7 Taiwanese defendants. As for the Japanese, all of them had at least a secondary school education. For example, Nigo went to high school in California; Tsutada studied at the Anglo-Chinese School in Singapore and took the Senior Cambridge Examination; Mine and Ohtsuka graduated from Standard St. Xavier School in Penang and St. Joseph's College in Hong Kong, respectively; and Inouye graduated from a technical high school in British Columbia and attended Waseda International Institute in Tokyo. There were six defendants with tertiary or vocational education beyond secondary education. Yoshio Hanagaki received training for hotel management at the International Hotel School of Tokyo YMCA. As previously mentioned, Hashida attended a university in Japan, Takahashi studied at a commercial college in Canada and Niimori at a college in the United States. In addition, Yoshiharu Mikami studied law and economics at university. And Kiyoji Iida graduated from Hosei University and Tokyo School of Foreign Languages and became a high school English teacher.

As for the Taiwanese interpreters, most of them had four to six years of primary education in Taiwan only. The exceptions are Muncharu Yasuda¹⁵ and Shigenobu Hirota. According to Kimura (2001), Yasuda entered Taipei Normal School (a teachers college) in 1922. Due to illness, however, he dropped out in 1925. Then he went to Amoy in 1927 to study at the Anglo-Chinese College, founded by a British missionary. He finished his studies there in 1931. From March to August 1941, Yasuda took Annamese (Vietnamese) classes and later Malay classes offered by the Taiwanese Association of the South, an organisation established with support from the Governor-General of Taiwan to train people who would contribute to Japan's Southern Expansion (*nanshin*) policy. Shigenobu Hirota was the only Taiwanese defendant who had attended university.

Occupation before service in the Japanese military

Excepting three defendants, the records of the relevant military trials include information to varying degrees on the prewar occupation of the accused. There are also other sources, such as local newspaper articles on war crimes trials and prewar business directories of Singapore and Malaya (Nanyo oyobi Nihonjinsha, 1937), that include references to what kind of work some of the defendants used to do. According to these sources, none of the accused interpreters were employed as interpreters before their service to the Japanese military. About

one-third of them, however, engaged in work that presumably utilised their bilingual or multilingual skills, such as teaching English, translating, working in international trade, and running stores catering to the Japanese community in Singapore and Malaya. As for the other defendants, there were seven farmers (all in Taiwan), three students, two mining and metal workers (both in Taiwan), a fisherman, a musician, a photographer, a barber and a florist.

Recruitment of interpreters

Of the 39 prosecuted interpreters, only 3 held a military rank and the rest were civilians at the time they committed alleged war crimes. During the Asia–Pacific War, the Japanese military was faced with shortages of interpreters for dealing with local civilians, especially anti-Japanese elements, in areas under Japanese military occupation, and Allied POWs detained in camps. The accused were recruited by the Japanese mostly to meet the need for Hokkien, Malay, English, Hakka, Cantonese and Thai interpreters. The recruitment took place in three main locations: Japanese-occupied territories, Taiwan and Japan. Sixteen interpreter defendants were mobilised locally in Hong Kong, Singapore, Malaya, North Borneo and Thailand, either by formal enlisting or for temporary assignments. There were 13 Taiwanese who were mobilised in Taiwan, including those initially employed as labourers then later turned into interpreters. Lastly, eight Japanese were conscripted or volunteered in Japan and sent to various locations in Asia as civilian interpreters attached to the military.¹⁶ The information presented below is based on the accused interpreters' pretrial statements and in-court testimonies contained in the trial records unless indicated otherwise.

Interpreters with military rank

There were three interpreter defendants who held a military rank at the time their alleged war crimes took place.¹⁷ In order of enlistment date, they were Yoshio Hanagaki, a private first-class in the Army; Kiyoji Iida, a sergeant in the Navy; and Kichitaro Okamoto, a private second-class in the Army. As a series of revisions of the Military Service Law were pushed through to expand the scope of enlistments for the ever-intensifying Japanese war effort during the Asia–Pacific War, these three individuals were enlisted specifically for their language ability.

While working as a clerk at Dai-ichi Hotel in Tokyo,¹⁸ Yoshio Hanagaki was recruited in June 1942 to serve as a civilian interpreter at a prisoner-of-war (POW) camp in Taiwan. He was then formally conscripted and enlisted as a private second-class in the Japanese Army in Taiwan in March 1944. Hanagaki was promoted to private first-class in September 1944. He worked as an English interpreter at the headquarters of the POW camps and two camps in Taiwan where Allied POWs were interned and forced to work.

After graduating from university, Iida worked as a high school English teacher for 15 years. Due to the mental illness he developed at age 24, Iida had some intervals between jobs at 3 different schools and eventually quit teaching.

Iida also translated Wilhelm Stekel's book on psychoanalysis into Japanese, published in 1941. English classes were virtually abolished as it was deemed an enemy language during the war (Erikawa, 2008), which could be another reason for him being unemployed at the time of the enlistment. At age 40, he volunteered as an interpreter for the Navy and was sent to the Andamans in the Indian Ocean in February 1943. He was assigned to be the head clerk of the General Affairs Department at the Navy's Civil Administration in Port Blair and functioned as an English interpreter in interactions with local inhabitants. After a little over a year, however, he was sent back to Japan for treatment of bipolar disorder.

Kichitaro Okamoto was a managing partner of a trading company in Hong Kong when he was called up in April 1945, just four months before the end of the war, to join a training unit of the Hong Kong Defence Force under the Governor-General of Japanese-occupied Hong Kong. He was then deployed in a garrison on the Lantau Island as a private second-class and assigned to investigation of local villagers as an interpreter, presumably of Cantonese.

Local interpreters

Over 40% (16) of the accused interpreters were recruited locally by the Japanese military in its occupying areas. Excepting Okamoto, discussed above, they all worked as civilian interpreters, nine initially identified as Japanese and six initially identified as Taiwanese. Most of them were temporary interpreters who were called up for assignments as needed. The circumstances under which they were recruited are described by region as follows.

Immediately after the Japanese occupation of Singapore started in February 1942, the *Kenpeitai* carried out a brutal purge of alleged anti-Japanese elements among ethnic Chinese residents¹⁹ and continued cracking down on anti-Japanese activities in the local community and within Changi Prison. Many arrests were made, and interpreters were urgently needed to interrogate those detainees. There were three interpreter defendants who were recruited locally by the *Kenpeitai* in Singapore: Kazuo Miyazaki, Toh Swee Koon and Masayoshi Nigo. As mentioned earlier, Miyazaki was born in Malaya to a Japanese mother and a Malayan father. Toh worked for a Japanese business in Singapore for many years and was detained by the British in a jail as Japanese. And Nigo was an American *Nisei* who was en route to Japan after fleeing an internment camp in the United States.

Miyazaki was told by the *Kenpeitai* to start working as a Malay interpreter at its headquarters in March 1942. He was a temporary interpreter and worked at the *Kenpeitai* detachment in Kallang as well. Toh was also sent as an interpreter to the *Kenpeitai* headquarters in March 1942 after being released from jail by the *Kenpeitai*. According to his testimony, interpreters were in great demand since over 50 Europeans and 20 Chinese had been arrested and interpreters were needed for their interrogation. Toh worked as a temporary interpreter of Hokkien, Malay and sometimes English. Nigo was recruited from the exchange

ship at the port of Singapore in November 1943. On the ship there were over one hundred *Nisei* (Murakawa and Kumei, 1992). Military officers would visit the ship repeatedly, threatening young *Nisei* with conscription into the army as soldiers upon arrival in Japan if they declined to disembark and work as interpreters. Thus, some *Nisei* felt compelled to take the job (ibid.). Nigo did not want to fight Americans in combat and thought it would cause less harm to join as a civilian interpreter than risk being forcibly conscripted as a soldier in Japan (ibid.). Nigo ultimately worked for the *Kenpeitai* in Singapore and Thailand. In October 1944, he was inducted into the Japanese Imperial Army. At the time of Japanese surrender, Nigo was a private first-class.

In Hong Kong, there were three interpreter defendants who were called up to work as interpreters while working as company employees. They all had lived in Hong Kong for an extensive time. As discussed above, Okamoto was conscripted into a garrison in April 1945, while the remaining two, Otojiro Takemoto and Sekitaro Ohtsuka, were recruited as temporary interpreters by the *Kenpeitai* in June 1943. The commanding officer of the Special Intelligence Department at the Hong Kong *Kenpeitai* was looking for English interpreters for an investigation because he could not interrogate suspects without interpreters. He then found Takemoto and Ohtsuka and made them work for him. The agreement was that they would assist the *Kenpeitai* as interpreters as far as it did not interfere with their regular work. There was a time, however, when Takemoto refused to work on an assignment and a *Kenpeitai* officer threatened to make Takemoto officially attached to the *Kenpeitai*.

In Penang, there were four accused who were locally hired by the *Kenpeitai* as temporary interpreters: Sentaro Motosugi, Ichiro Mine, Kunio Kuroki and Yeow Chew Bok. Motosugi was asked by the Penang *Kenpeitai* to render assistance as interpreter as needed. He worked on temporary assignments from October 1941 to January 1943. Mine had been interned in a jail by the British authorities but released with more than 50 other Japanese when the Japanese occupation started in January 1942. Being the only English speaker in the group, Mine was forced to work as interpreter to the Japanese Military Governor of Penang until May 1942. He left the job on account of sickness. Kuroki was forced to work as a temporary interpreter at the *Kenpeitai* in Sungei Patani from January 1942 to March 1943. He spoke Urdu, Malay and some English. Yeow was in the Penang Municipal Band and a stretcher-bearer attached to the Penang Volunteer Corps. However, when the war broke out, he was interned by the British authorities because he was Taiwanese. He was then released by the Japanese military. Yeow was lying low because he was afraid that the Japanese would find out about him having been a British volunteer and kill him as a traitor. In February 1942, however, a local Japanese association located him and recommended him as an interpreter to the *Kenpeitai*. Toh testified that he was compelled to work for the *Kenpeitai* for his safety and the safety of his family.

As for other locations in Malaya, there were four accused interpreters locally recruited as temporary interpreters for the Japanese military: One Japanese and

three Taiwanese. In Taiping, when Chokichi Yamashiro went to the *Kenpeitai* detachment to obtain a license for opening a grocery store in July 1942, the detachment chief told him to work as an interpreter when he was not busy because they were short of interpreters. He worked as a Malay interpreter when he was called up by the *Kenpeitai*. Tan Ten Chuan, originally from Taiwan, was running a brothel-turned-hotel in Kuala Lipis when the *Kenpeitai* “forced him to work” as an interpreter in September 1943. He thought if he did not cooperate, his life would be in danger. He worked as a temporary interpreter at the *Kenpeitai* detachment in Batang Tangu through the Japanese surrender. He spoke Hokkien and Cantonese.

Shigenobu Hirota was a Taiwanese businessman in Kuala Lumpur. Previously, as a university student in Tokyo, he had been “conscripted against his will” in June 1940 and attached to the 18th Regiment in Canton. In March 1942 he was transferred to the Information Station and the Propaganda Division at the Japanese Military Government in Kuala Lumpur, where he worked censoring Chinese newspapers. After being discharged from service in February 1943, Hirota started his own business in June, operating a trading firm and later a rubber plant. In June 1943 an officer of the Kuala Lumpur *Kenpeitai* started asking him to translate documents, mainly from Chinese into Japanese, as needed. At that time the *Kenpeitai* had no translators. In May 1944, when the officer also asked Hirota to collect information on communists, he introduced a Chinese informant to the officer. Hirota acted as interpreter when the informant presented reports to the officer in Hirota’s house. According to Hirota, if he had not cooperated with the *Kenpeitai*, he would have been conscripted into the *Kenpeitai*, as a friend of his had been, and forced to abandon his business. Hirota stated at the trial that the circumstances at that time did not allow him to refuse the demands of the *Kenpeitai*. He spoke several varieties of Chinese including Cantonese and Hokkien.

According to the British government’s clemency documents,²⁰ Tan Teong Koo was born in Taiwan in 1919, moved to Bangkok to work as a broker in 1940 and arrived in Alor Star in 1942. Tan was a businessman when he was asked to work as a temporary interpreter for the *Kenpeitai* in 1942. He did so only when his service was needed until the end of 1944. Then, he moved to Sungai Patani and assisted the *Kenpeitai* there as an interpreter from time to time.

In Bangkok, Genichiro Miyakawa worked as a part-time Thai interpreter for the *Kenpeitai* from August 1943 to August 1945, while working at his father’s store. Whenever an interpreter was needed at the *Kenpeitai*, they would ring him up or someone would come to the store to collect him.

Yoichi Nakamura arrived in Jesselton in North Borneo as an employee of the Taiwan Colonization Company (Taiwan Takushoku Kaisha, a quasi-state corporation to promote Japanese economic expansion into Southeast Asia) in September 1943. Since there was no interpreter at the *Kenpeitai* in Jesselton at that time, the head of the Borneo *Kenpeitai* asked the Colonization Company to release Nakamura to the *Kenpeitai*. Thus, he was “forced to work” as a civilian interpreter for the *Kenpeitai* in January 1944.

Taiwanese civilians recruited in Taiwan

There were 13 Taiwanese recruited in Taiwan, accounting for 36% of the civilian interpreter defendants at the British trials. Half of them were recruited between July 1941 and May 1942 against the background of the Japanese invasion of French Indochina and military campaigns in Southeast Asia. The rest were mobilised around April 1944 specifically for policing anti-Japanese resistance movements in various locations in Malaya. These Taiwanese acted mostly as Hokkien interpreters. Drawing on their statements and testimonies presented at the trials, here is a summary of how the accused started working as interpreters for the Japanese military in order of recruitment date. It should be noted that terms such as “conscripted against will” and “forced to work” are maintained here as reflected in the trial records despite possible discrepancies with the official military laws and ordinances imposed on Taiwanese during the relevant periods,²¹ which will be discussed in Chapter 3.

Kwek Tiong Hin was born in 1909 and was a farmer when he was “conscripted against his will” to join the Japanese Army and deployed as a civilian interpreter for a garrison in Saigon in July 1941. It is assumed that Kwek, as a Hokkien speaker, was dealing with Hokkien-speaking locals in French Indochina after the Japanese invasion. Kwek moved to Malaya in December 1941 with the Army. It coincides with the time when the Japanese Southern Expeditionary Army Group, which was formed in Saigon in November 1941, started military campaigns in Southeast Asia. In February 1942, Kwek was assigned to a *Kenpeitai* unit as an interpreter in Alor Star, which was moved to Penang in March 1942. He was employed there through the end of the war.

Chan Eng Thiam was working in a customs house as a clerk in Taiwan when “conscripted” by the Japanese Army as a civilian interpreter in November 1941. He explains how he was recruited as follows.

I was going to be seventeen when I joined the Kenpei Tai [sic]. When the Japanese came, I entered a Japanese technical school. I got fed up with school life because there was nothing to learn, so I went to the Municipality to register myself as a hospital dresser with some of my friends. Mr. Shinozaki told us to turn up on a fixed date. On the day of interview there were a few hundred boys. Shinozaki sat beside the Japanese Military Police [*Kenpeitai*] who had dressed themselves as civilians. We had no idea that they were MPs. When we passed in front of the table where they sat, thirty of us were picked out by the MP, who told us to come again on a given date. We all turned up, and four MPs dressed in uniform took us to the MP station, where we were all forced to sign a two-year contract.

(Sumida Trial,²² p. 53)

Chan was sent to Singapore in the following month, and then worked as a Hokkien interpreter for the *Kenpeitai* from March 1942 to the end of the war.

Muncharu Yasuda was called up for service as an Annamese (Vietnamese) interpreter in November 1941 and attached to the Second Guards Division of

the Japanese Army. It is assumed that he worked in French Indochina using his Annamese as his division took part in the Japanese invasion there. He was then assigned to the 25th Army Headquarters in Malaya from December 1942 to January 1943, the 15th Garrison Headquarters in Sumatra from January to February 1943, the 18th Independent Garrison Headquarters in Manila from February 1943 to April 1944 and the 36th Independent Mixed Brigade Headquarters in Car Nicobar from April 1944 to the end of the war. When the alleged war crimes were committed in Car Nicobar, he was working as an English interpreter. It should be noted that he formally changed his Taiwanese birth name, Lai Enqin, to a Japanese name, Muneharu Yasuda, in February 1941 (Kimura, 2001), well before he started working for the Japanese Army. As part of the Japanese effort to “Japanise” its imperial subjects (*kominka*), laws were passed to encourage Taiwanese to adopt Japanese names in 1940. It was not mandatory, but some Taiwanese adopted Japanese names in an effort to receive better treatment in society under Japanese colonial rule. The fact that only about 1% of the Taiwanese had adopted Japanese names by the end of 1941 (Chou, 1996, p. 57) may suggest Yasuda’s eagerness to be part of the Japanese colonial policy and war effort.

Tadao Hirota, alias Ui Man Shin, was 19 when he was “conscripted” by the Japanese Army in January 1942. In his testimony at the trial, Hirota described how he was recruited as follows:

I received a notice stating that on such and such a date, I should report myself to such a such a place and board a steamer at such and such a time. ... In Taiwan there were five states and each state had to enroll 100 members into the Service Corp and in this manner, I was asked to go on the boat on 15 Feb. ... The captain was Matsutarai [sic] ... When I arrived in Singapore, I received instructions from Matsutarai [sic] to work in the shipyard to load and unload goods.

(T. Hirota Trial,²³ pp. 88–89)

Presumably, Hirota was referring to the recruitment of labourers for the Japanese military by the Taiwan Governor-General, which started in 1937 (Kondo, 1996). As indicated above, he was initially recruited as a labourer, not as an interpreter. In fact, Hirota learned Japanese for only four months while he was selling flowers and spoke very little Japanese at first. He was with a service unit to work as a “coolie” for the Japanese forces in Singapore from March to August 1942. When this unit was dissolved, Hirota was attached to the *Kenpeitai* Headquarters in Singapore for a few weeks, then transferred to the *Kenpeitai* headquarters in Kuala Lumpur in September.

Just like Tadao Hirota, Nagasuke Toyoshima, alias Low Thong or Low Hong Hor, was conscripted at age 18 in February 1942 in Taiwan to be part of a service unit and sent to Singapore in March. In August he was discharged and in September was ordered to be stationed at the Singapore *Kenpeitai* and later transferred to the *Kenpeitai* in Kuala Lumpur. He worked there as an Hokkien interpreter through to the end of the war.

Khor Kee Sian, born in 1922, was a metal worker when “conscripted against his will” to serve as an interpreter in April 1942 for the Japanese Army’s Administration Command in Taiwan. In May 1942 he was transferred to Burma. In August 1943 he was sent to the *Kenpeitai* in Singapore, and then assigned to the *Kenpeitai* detachment in Penang as an interpreter. He stayed there until the end of the war.

Kiyoyoshi Takamine was “conscripted” in May 1942 and worked as a clerk and interpreter at the Headquarters of the Japanese Army in Rangoon, Burma. Just like Khor, in August 1943 Takamine was ordered to be attached to the Kuala Lumpur *Kenpeitai* as a civilian interpreter and worked there until the end of the war.

The remaining 6 Taiwanese were all “conscripted” at some point between the ages of 21 and 26 sometime between March and April 1944. They were Ee Fook Seong, Teruyoshi Fujiyama (alias Teikin Joo), Masanori Matsuoka (alias Hiu Nien Huin), Hideo Tagawa (alias Hang Siew Foo), Shigeru Katsurayama (alias Ang Kai Ttong and Kooi San) and Cheah Kam Sang (alias Kinichi Nagata)—all prosecuted in Kuala Lumpur. They were among the over one hundred Taiwanese who followed the same route to becoming civilian interpreters of Hokkien, Cantonese, Hakka and Malay at police stations in various locations in Malaya. Under the Japanese military administration in occupied Malaya, these police forces were cracking down on communists, communist supporters and other anti-Japanese elements among local residents.

In 1944, at age 23, Ee Fook Seong was helping with his father’s business when visited by a police official and told that his services were required as a police interpreter on overseas duty. In March 1944 he received written instructions to report to a local police station and from there left Taiwan with 102 other Taiwanese for the Southern regions. He did not know his destination. He arrived at Johore, Malaya, in April 1944. According to Tagawa, they left Kaohsiung for Saigon, and took a train from there to Malaya. Tagawa’s defence lawyer also mentions during the trial that Tagawa and Matsuoka came to Malaya in a party of 162 Taiwanese to act as interpreters for the Japanese occupation. Katsurayama and Tagawa testified that they were given Japanese names when they arrived in Malaya. In Johore they received one month of training at a police training school, learning Malay and the geography of Malaya. According to Cheah, they practised Japanese-style military drills as well.

In June 1944 they were deployed to different police stations under the Japanese military administration as civilian interpreters. Ee was stationed at the Balik Pulau Police Station in Penang and worked as an interpreter to the Japanese Chief Police Officer until the end of the war. Fujiyama was assigned to Kuala Lipis Pahang as interpreter to the head of the police department. In April 1945 he was transferred to the Kuantun Border Police as a passport officer and interpreter and was there until the end of the war. Matsuoka was in Kuala Lumpur through September 1944 and assigned to the Kajang Police from September to December 1944 and to the Kuala Lumpur police from December 1944 to September 1945. According to Tagawa, he and a dozen other Taiwanese were

sent from Johore to Kuala Lumpur. He was transferred to Kuala Kubu Bharu, Sleanor, and worked there until January 1945. He then worked at the Kajang Police Station until Japan's surrender. Katsurayama was assigned to the Ipoh Japanese Military Administration, and then posted as a civilian interpreter at the Lelok Anson Police Station. In January 1945 he was transferred to Kuala Kangsar and worked there until the end of the war. Lastly, Cheah was appointed interpreter with the Kampar police from June 1944 to February 1945, then at the Sungai Siput Police Station through August 1945.

Japanese enlisted as civilian interpreters in Japan

There were eight Japanese who were enlisted as civilian interpreters attached to various units of the Japanese military (*gunzoku*). The exact locations of recruitment for three interpreters are unclear: Masahiro Uchida who started serving the 25th Army in Malaya in May 1942; Yoshiharu Mikami who served in the Navy's Civil Administration in the Andamans in October 1942; and Masao Fujita who joined the Army in December 1943 and was attached to the 37th Independent Mixed Brigade in Nicobar in June 1944. The remaining five were recruited in Japan. They all spent extensive time overseas—two young *Nisei*, two Japanese who spent over a quarter century in North America and a Singaporean-born Japanese.

Born in British Columbia, Kanao Inouye was a student in Japan when he was conscripted in 1936 and enlisted in the Manchuria Independent Garrison Unit in January 1937. In July 1938 he was admitted to an Army hospital in Tokyo to receive treatment for lung problems, which he indicated during the trial resulted from the water torture he had previously endured at the hands of the *Kenpeitai*. In January 1939 he was dismissed from active military service. In February 1942 the Japanese government required *Nisei* living in Japan to report to the Japanese authorities and have their addresses and occupations registered. Inouye complied. Then, in May 1942 he was enlisted as a civilian interpreter and sent to Hong Kong, where he worked as an interpreter at POW camps through December 1943. He was then sent to Singapore and Japan and discharged in Osaka in March 1944. In June he moved back to Hong Kong with the hope of reuniting with his Chinese lover. Inouye testified that upon his arrival in Hong Kong he was taken by the *Kenpeitai* to work for them as an interpreter. Kunio Shiozawa, an army officer, testified during Inouye's treason trial,²⁴ however, that Inouye arrived in Hong Kong without any paperwork and applied for a job at the *Kenpeitai*. He served the *Kenpeitai* through February 1945.

Originally from Hawaii, Susumu Hashida was a university student when he was conscripted as a civilian interpreter in February 1942. He was attached to the police department in the Andamans. Genichiro Niimori, who had lived for nearly 30 years in the United States, was recruited and sent by the Japanese Army as an interpreter to Hong Kong. He was given a status of *shiseikan* (provisional civil administrator in a Japanese occupied territory), equivalent to second lieutenant

in military ranks. He worked as an interpreter at POW camps in Hong Kong and on transport ships at sea. Yasuichi Takahashi, a naturalised Canadian citizen, was “made to serve” in the Japanese Army in 1944 and attached to the 18th Army Headquarters in Bangkok as a civilian interpreter. In August 1944 he was sent to the Kamburi *Kenpeitai*.

Lastly, Itsuo Tsutada, born in 1916 in Singapore and mostly educated there, was working as a clerk at a trading firm in Japan when he was conscripted as a civilian interpreter in April 1942. Besides English and Japanese, he spoke Indonesian, Thai and a little Mandarin. He was posted at POW camps in Hong Kong from April 1942 to August 1943. After that he was attached to the Army’s Fourth Division as an interpreter and mostly worked in reconnaissance in Sumatra, Indochina and Thailand through to the end of the war.

Tasks of interpreters

The specific war crimes these accused interpreters allegedly committed are discussed in detail in Chapter 2. Here, for general understanding of settings in which they worked, this section presents what military organisations they worked for, whether there were other interpreters in their units, what tasks they generally performed, what languages they used, how often they worked on assignments in the cases of temporary interpreters and how much money they were paid.

Kenpeitai, police and POW camps

More than half of the accused interpreters (12 Taiwanese and 10 Japanese) worked at the headquarters and detachments of the *Kenpeitai* in various locations, including Hong Kong, Singapore, Kuala Lumpur, Penang, Taiping and Bangkok. About 60% of them were locally hired, most of whom as temporary interpreters. One of the major operations of the *Kenpeitai* in Japanese-occupied territories was to crack down on anti-Japanese activists and their supporters in the name of public safety and the maintenance of order and peace. Interpreters were needed when they investigated alleged anti-Japanese activities, made arrests and interrogated those detained. For interrogation, interpreters were also directed to collect detainees from prison cells and return them back to the cells. Tadao Hirota and Kanao Inouye stated they also did some odd jobs like running errands for *Kenpeitai* officers. Yasuichi Takahashi testified he escorted POWs detained by the *Kenpeitai* to towns on occasion.

There are some references in the trial records to how many interpreters worked in respective *Kenpeitai* units. For instance, Kazuo Miyazaki stated that there were about 14–15 interpreters at the *Kenpeitai* headquarters in the YMCA building in Singapore as of September–October 1943. Toh Swee Koon also acknowledged that there were over 15 English interpreters at the time of the Changi raid (the Double Tenth Incident)²⁵ in October 1943, including extra hands from large Japanese commercial firms, and about 10 of them worked during the interrogations. There were seven to eight Hokkien interpreters as well. Masayoshi Nigo

testified that, when he arrived at the YMCA in the middle of November 1943, there were about nine to ten English-speaking interpreters, three or four of whom being American *Nisei*.

According to Otojiro Takemoto, there were three Chinese interpreters and four English interpreters in the Hong Kong *Kenpeitai*. The statements of three interpreter defendants at the Penang trial²⁶ indicate that besides 2 regular interpreters (Khor and Kwek), there were at least 14 local civilians (Japanese, Taiwanese, Chinese and Malays), including 1 woman, who worked on temporary assignments for the *Kenpeitai* in Penang. At the Taiping *Kenpeitai*, according to Chokichi Yamashiro, besides him there were an “old” Japanese woman, a Taiwanese and two Chinese interpreters who were hired as temporary interpreters.

As for police interpreters, six interpreter defendants were attached to police stations under the Japanese military administration in various locations in Malaya. They were all Taiwanese who received training at a police training school in Johore. They generally worked as interpreters for the commanding police officer, and in the investigations, arrests, and interrogations of communists, other anti-Japanese activists and their supporters in respective local communities. Cheah Kam Sang testified that he also trained new police recruits in Japanese-style drills which he had learned during the training in Johore. These Taiwanese interpreters seem to have worked as the only full-time interpreter under the Japanese chief at each police station. Some local detectives and civilians also functioned as ad hoc interpreters as needed. The trial records indicate that some Taiwanese interpreters kept in close contact with leaders of local Chinese communities.

A total of four interpreter defendants worked at POW camps that held British, Canadian, Dutch, American and other Allied prisoners. Three worked in Hong Kong, where they interpreted for the daily management of POWs such as roll calls, parades and letter censorship. The trial records indicate that there were at least six interpreters at the Sham Shuipo Camp in Hong Kong. Genichiro Niimori was the chief interpreter, directly working for the Camp Commander. Kanao Inouye, a Canadian *Nisei*, faced many POWs from the country of his birth. A character witness for Itsuo Tsutada testified that Tsutada was on friendly terms with some of the POWs, even playing mahjong with them. Among the other interpreters was the Reverend Kiyoshi Watanabe or “Uncle John”, a Lutheran minister who is known to have secretly passed medicine to POWs (Nolan, 1966). In Taiwan, Yoshio Hanagaki mainly dealt with POWs who were forced to work in construction, conveying orders and instructions to them as interpreters.

There were other settings in which the accused interpreters worked, including Japanese military administration offices, security operations by occupation forces and garrisons, legal proceedings against local civilians administered by the Japanese, transport ships for POWs, and military reconnaissance operations. In addition to the tasks discussed above, the trial records offer a glimpse of other types of work the accused interpreters undertook: For instance, Kichitaro

Okamoto worked hard to smooth the relations between the Chinese villagers and his military unit and Masao Fujita went into jungles to investigate spies as an interpreter for his unit. The statements of Yasuda, Mine and Kuroki suggest that some interpreters carried guns. The circumstances under which these three interpreter defendants used guns are described in the next chapter.

Besides the trial records, there is a memoir by G. E. D. Lewis (1991), a British schoolteacher in Malaya, which contains references to Masaharu Uchida. Before being sent to Car Nicobar, Uchida was in Singapore, working in the army headquarters. While incarcerated in Changi Prison, Lewis was recruited as a Malay–English speaker and worked with Uchida, who spoke English but not Malay, in dealing with prisoners and intelligence gathering. Lewis remembers Uchida as a friendly and polite Japanese interpreter. They developed a close relationship and taught Japanese and Malay to each other. According to Lewis, Uchida always carried a sword, but he was in fact a cultured and unaggressive person. Lewis says he treasures his memories of Uchida but does not mention what happened to Uchida after the war.²⁷

Languages used

Besides Japanese, the accused interpreters spoke Hokkien, English, Malay, Hakka, Cantonese, Thai and Urdu, among other languages. The interpreters of Hokkien, Malay, Cantonese and Hakka were mostly utilised for dealing with local civilians by the *Kenpeitai*, police and civil administrators of areas under Japanese military occupation. Excepting Muneharu Yasuda who served as an English interpreter, all the Taiwanese defendants were Hokkien interpreters.²⁸ Hokkien is a Southern Min language, a variety of Chinese that originates in the Fujian Province in Southeast China and is spoken in Taiwan, Singapore, Malaysia and other regions in Southeast Asia. It was this language that made Taiwanese particularly valuable to the Japanese military's control over the local Chinese population of the areas they occupied. The accused Malay interpreters were mostly local hires who worked on assignments as requested. About 40% of the accused interpreters used English on assignment. They worked in dealings with Allied POWs at camps in Hong Kong and Taiwan and those detained by the *Kenpeitai* for interrogation in Singapore, Hong Kong and Thailand. They also dealt with English-speaking locals as interpreters attached to the occupation forces and civil administration office in the Andamans and Nicobar.

The trial records indicate that there was a practice of relay interpreting. For instance, Masao Fujita, Susumu Hashida and Yoshiharu Mikami interpreted Japanese into Malay or English, which was then translated by Burmese and other locals into Hindustani (Urdu) and other local languages for residents in the Andamans and Nicobar. Chokichi Yamashiro, a Malayan interpreter, communicated to Hokkien speakers via a Malay–Hokkien speaker. And Khor Kee Sian, a Hokkien interpreter, used a Hokkien–Cantonese interpreter to communicate with Cantonese speakers. Kanao Inouye was also assisted by a Cantonese interpreter to talk to some detainees in Hong Kong.

Pay for interpreters

Although very limited, the trial documents include references to how much money interpreters were paid for their service. As for enlisted, full-time interpreters, Nagasuke Toyoshima, a Taiwanese interpreter, was paid a daily salary of 2.30 yen when he was transferred to the Kuala Lumpur *Kenpeitai* in 1942. At the same *Kenpeitai* unit, Tadao Hirota was earning 130 Straits dollars (Malayan dollars) a month and sending 90 Straits dollars to his family in Taiwan at the time of Japanese surrender, while Chan Eng Thiam, an interpreter for the Singapore *Kenpeitai*, was receiving 170 yen a month at the end of the war. In Kuala Lumpur, Katsurayama's monthly salary was 57 yen as a police interpreter and he additionally received government-issued clothing and food. The local inspector in charge of the special branch at the same station received about 150 or 160 Straits dollars a month.

Some temporary interpreters did not receive any remuneration for assisting the *Kenpeitai*, including Shigenobu Hirota who helped a *Kenpeitai* officer in Kuala Lumpur to communicate with his Chinese informant, Tan Teong Koo who worked part-time for the Alor Star *Kenpeitai*, and Otojiro Takemoto and Sekitaro Ohtsuka who were called up by the Hong Kong *Kenpeitai* as needed. Takemoto and Ohtsuka did not work more than sixty days over a period of two years.

On the other hand, there were temporary interpreters who received some remuneration. Yeow Chew Bok, a Hokkien and Malay interpreter, was hired for six months in 1942 by the Penang *Kenpeitai* with a monthly salary of 80 yen. Chokichi Yamashiro was called up by the Taiping *Kenpeitai* as a Malay interpreter three to four times, sometimes up to seven to eight times, a month from 1942 to 1943. He was not on the *Kenpeitai*'s payroll but received 30 to 40 Straits dollars a month from the commanding officer's own pocket money.

It is difficult to assess the value of these salaries and wages against the cost of living in Singapore and Malaya at that time because inflation was rampant during the Japanese occupation. By the end of the war, prices had gone up almost 11,000 times since December 1941.²⁹ For instance, the Japanese military administration paid 1 Straits dollar a day (plus lodging and food) for construction labourers in 1942, but it went up to 20 Straits dollars a day by 1945 (Kratoska, 2018, p. 191). When the occupation started, the Japanese military currency was introduced, which was set at par in value with the Straits dollar even though the prewar value of the yen was half that of the Straits dollar (*ibid.*, pp. 212–213). Therefore, Chan's monthly salary of 170 yen can be regarded as 170 Straits dollars at that time. Although it may look modest compared to the wages of construction labourers, the interpreters' pay was not particularly low, considering the fact that Hirota was able to send almost 70% of his salary to his family in Taiwan.

In a Hong Kong court, Niimori testified that, when he volunteered for the Japanese Army in March 1942, the starting salary was 150 yen a month plus a uniform, and later increased to 160 yen with rations and accommodations. By 1944 his salary was raised to 190 yen. According to Niimori, the monthly salary

of a major at that time was 160–220 yen, suggesting that the pay for Niimori as a civilian interpreter was comparable to that for a major. As for Taiwanese interpreters, newspaper ads to recruit interpreters in Taiwan in 1941³⁰ indicate the Japanese military promised a civilian Taiwanese interpreter would be treated with the same conditions as a petty officer (130 yen a month plus food, lodging and uniforms).

Conclusion

At British military trials for Japanese war crimes, a total of 39 wartime interpreters associated with the Japanese military were prosecuted: 21 defendants initially identified as Japanese and 18 as Taiwanese. None of them had worked as interpreters prior to the war, nor did they receive any formal training for interpreting. Besides Japanese, they spoke Hokkien, Malay, English, Cantonese, Hakka, Thai, Urdu and some other languages. Their family, educational and occupational backgrounds indicate how they developed their bilingual or multilingual skills. For instance, the primary language for the accused Taiwanese interpreters was Hokkien, but most of them had received education in Japanese under Japanese colonial rule. More than half of them would even use Japanese names³¹ within the military organisations they were attached to as interpreters. In addition, Muneharu Yasuda studied Ammanese and Malay in line with the Japanese Southern Expansion policy, which considered Taiwan as a base for Japan's economic advancement into Southeast Asia and the South Seas. Two-thirds of the Japanese interpreter defendants were born outside Japan (in the United States, Canada, Singapore, Malaya and Thailand) or had lived overseas for an extended time (in North America, Hong Kong and Malaya). For instance, Canadian-born Kanao Inouye and Hawaiian-born Susumu Hashida were in Japan for education, and Californian-born Masayoshi Nigo was on an exchange ship headed for Japan after fleeing an internment camp in the United States. These backgrounds of the accused interpreters reflect the historical contexts of the time, such as Japanese colonial policy and imperial ambitions, immigration and people's movements for economic opportunities and anti-Japanese sentiment and policy in North America.

Aside from three interpreters who held a military rank, all the accused were civilian interpreters at the time the alleged war crimes were committed, who were formally attached to Japanese military organisations (*gunzoku*) or hired locally for temporary assignments. The recruitment of the 39 accused interpreters by the Japanese military took place in Japan, Taiwan and Japanese-occupied territories from July 1941 (before Japan's Southeast Asian campaign) to as late as April 1945 (four months before the surrender). Over 40% of the interpreter defendants were recruited, forcibly or otherwise, in areas under Japanese military occupation and most of them worked as temporary interpreters of Malay, Hokkien, and English mostly for the local *Kenpeitai* units. Thirteen Taiwanese were mobilised in Taiwan as Japanese imperial subjects and sent mostly to various locations in Malaya, where they worked as Hokkien/Cantonese/Hakka interpreters attached

to the *Kenpeitai* or police. The trial records reveal the systematic recruitment of over a hundred Taiwanese to be deployed as interpreters in Singapore and Malaya in 1944, which is an indication of the Japanese military's specific linguistic need and policy to mobilise Taiwanese to that end at the time. Lastly, those enlisted in Japan were mostly English interpreters, such as *Nisei* and returnees from North America. They were assigned to POW camps in Hong Kong and Taiwan, *Kenpeitai* units in Thailand and Hong Kong, and occupation forces and administrations in the Andamans and Nicobar.

The accused interpreters worked in hostile and violent settings. More than half of the interpreter defendants worked for the *Kenpeitai* in various locations. They assisted as interpreters in *Kenpeitai*'s investigations, arrests and interrogations of anti-Japanese elements in local communities and POWs. Six Taiwanese defendants were attached to police stations as interpreters in Malaya and mostly worked in arrests and interrogations of communists and other anti-Japanese activists among the local population. Four of the accused interpreters worked at POW camps, dealing with the daily operations of the camps and forced labour of Allied POWs. Other accused interpreters worked in military administration offices, occupation forces and transport ships for POWs. Wherever they worked, the accused interpreters were exposed to hostility and violence as they had to assist the Japanese military's effort to overpower their foes and suppress anti-Japanese activities. How did they take part in the alleged war crimes? The next chapter examines in detail the charges these accused interpreters faced at the trials.

Notes

- 1 One case was dismissed because the accused claimed to be of Chinese nationality. Three convictions were overturned by the confirming officer because the accused were found to be British subjects. They were eventually convicted in local civil courts. Details are discussed in Chapter 4.
- 2 For instance, see the Kwek trial in Penang, the Yamashiro trial in Taiping and the T. Hirota trial in Kuala Lumpur. The trial documents for each interpreter defendant are indicated in the Bibliography.
- 3 Kazuo Miyazaki is spelled as Kasuo Miyasaki in some of the trial documents in English.
- 4 See the Bibliography for the details of these archival documents by defendant.
- 5 The name Mine is spelled as Minnie in some of the trial documents in English.
- 6 Genichiro Miyakawa is spelled as Myakawa Gengichiro in some of the trial documents in English.
- 7 Japanese-American Internee Data File, <https://aad.archives.gov/aad/fielded-search.jsp?dt=3099&cat=WR26&tf=F&bc=,sl>. *Passenger Lists of Vessels Arriving at San Pedro/Wilmington/Los Angeles, California*; NAI Number: 4486355; Record Group Title: *Records of the Immigration and Naturalization Service, 1787-2004*; Record Group Number: 85. The National Archives at Washington, DC; Washington, DC.
- 8 In the United States, *Kibei* were the most suspected of being disloyal to America because of their experience in Japan, but they were the most effective linguists in the US military intelligence because of their knowledge of the Japanese language and culture (McNaughton, 2006; Takeda, 2010).

- 9 The records in the Inouye trial note his birth year as 1916. However, Japanese publications (e.g. Iida, 2000) indicate that he was born in 1914.
- 10 Tokutaro Inouye is wrongly presented as “Chotara Inouye” in the records of the Inouye trial and other publications in English.
- 11 Japanese publications (e.g. Kojima, 1990) indicate that To Inouye was born in 1882, but a Canadian military record says he was born in 1883 (Inouye, Tow, Soldiers of the First World War, Military Heritage, Library and Archives Canada).
- 12 Kojima (1990) believes that her cousin, Kanao Inouye, could not keep up due to his poor Japanese.
- 13 Yasuichi is spelled as Yauichi in some of the trial documents in English.
- 14 Yasuichi Takahashi, Naturalization Records 1915–1951, Citizenship and Naturalization Records, Library and Archives Canada.
- 15 Muneharu is spelled as Munehara in some of the trial documents in English.
- 16 Civilians attached to the Japanese military were called *gunzoku*. For more details on *gunzoku*, see Chapter 2.
- 17 Masayoshi Nigo was a civilian interpreter at the time the war crimes he was charged with took place, but later was inducted into the Japanese Army as a private.
- 18 The Dai-ichi Hotel was built in 1938 in preparation for the 1940 Tokyo Olympics, which was subsequently cancelled because of the war. The hotel was requisitioned by the US occupation forces after the end of the war and used by Allied military officers and defence lawyers of the Tokyo Trial.
- 19 This incident is called “Sook Ching (purging)” or “Singapore Overseas Chinese Massacre”. For details, see Blackburn (2000) and Hayashi (2009), among others.
- 20 1953 Japanese Minor War Criminals: Encloses translation of Gaimusho Note of May 21 recommending the parole of TAN TEONG KOO, also supporting documents (FO371-105444, UK National Archives).
- 21 To be precise, the Japanese government did not start the conscription system in Taiwan until September 1944. The full-scale universal conscription of Taiwanese started in January 1945.
- 22 “Sumida Trial” refers to the transcript and other documents of the “Double Tenth Trial” or the “Sumida et al. Case” in Singapore, in which interpreters Nigo, Toh, Miyazaki and Chan were among the 21 defendants (WO235/891, UK National Archives).
- 23 “T. Hirota Trial” refers to the transcript and other documents of the “Tadao Hirota Case” in Kuala Lumpur, in which Tadao Hirota was the sole defendant (WO 235/929, UK National Archives).
- 24 The guilty verdict at Inouye’s war crimes trial was overturned because he was found to be a Canadian (British subject). Afterwards Inouye was put on a local civil trial for high treason. See Chapter 4 for details.
- 25 See Chapter 2 for details of this incident.
- 26 All 4 interpreters were tried in the same proceeding along with another 31 defendants in the Penang court.
- 27 As discussed in Chapter 4, Uchida was one of the eight interpreters who were executed as war criminals.
- 28 Tan Ten Chuan used Cantonese and Ee Fook Seong used Hakka as well.
- 29 This is based on Singapore’s cost of living in Kratoska (2018, pp. 206–207), drawing on the Sliding Scale of Values of the Japanese Dollar Throughout the Period of Occupation, CO 852/7226/3.
- 30 For instance, see ‘Honto-jin no gun tsuyaku boshu’ [Recruiting Taiwanese interpreters] (*Taiwan Nichi-nichi Shimpo*, 15 October 1941).
- 31 Most of them were given Japanese names by the Japanese military when they started working for them.

2 Charges against interpreters

In preparation for postwar justice against war criminals, the Allied nations started gathering information and evidence of Japanese war crimes even before the end of the war,¹ especially on brutalities inflicted on POWs and civilian residents in areas the Japanese military invaded and occupied. Following Japan's surrender in August 1945, Australia, China, France, the Netherlands, the Philippines, the United Kingdom and the United States loosely coordinated among themselves to establish separate national courts to try Japanese war criminals. In contrast to the Tokyo Trial that dealt with Class A war crimes (crimes against peace) with wartime Japanese leaders as defendants, these national courts addressed individual criminal responsibility in conventional war crimes (i.e. violations of the laws and customs of wars such as killing civilians, torture and ill-treatment of prisoners). The British jurisdiction covered Hong Kong and a large area of Southeast Asia, including Burma, Thailand, Malaya, Singapore, Sumatra, the Dutch East Indies and French Indochina (Hayashi, 1998), which meant that the British returned to their former colonies to condemn Japanese who wronged their former subjects.²

The British investigation of war crimes and identification of suspects were mostly carried out by screening of surrendered Japanese troops, identification parades and photographs, and statements and questionnaires taken from victims and witnesses (Hayashi, *ibid.*; Wilson et al., 2017). *Kenpeitai* members were almost automatically arrested.³ Commanders and guards of camps for prisoners of war (POWs) and detained civilians, and those involved in interrogations and sea transport of POWs were also among the individuals targeted for arrest. Victims and witnesses of Japanese atrocities in local communities were encouraged through newspaper ads and other public notices to come forward to give statements and identify suspects in parades, while repatriated POWs filled in sworn questionnaire forms, gave statements on Japanese brutalities they suffered and witnessed, and identified suspects among circulated photos. The trials were administered in military courts in accordance with the Royal Warrant dated 14 June 1945 and the Regulations for the Trial of War Criminals annexed to the Royal Warrant, which was essentially a modified version of British court-martial procedures. It is outside the scope of this study to have comprehensive discussions on the procedural issues in the arrests and prosecution of war crimes suspects at British war crimes trials. For the purpose of this study, however, it

should be noted that the arrests and prosecutions were mostly based on testimonial evidence (i.e. the identification of suspects by the victims and other witnesses and their statements on the offences committed by the suspects). This aspect of the prosecution is discussed later in conjunction with the visibility of wartime interpreters.

As discussed in Chapter 1, the accused interpreters worked for the *Kenpeitai*, police, POW camps and occupation forces and administration, and were placed in hostile and violent situations when interpreting in investigations, arrests and interrogations of anti-Japanese suspects in the local communities and dealings with Allied POWs at camps and forced labour sites. Consequently, almost all the charges against the interpreters were linked to the ill-treatment and torture of local civilians and POWs. This chapter first provides an overview of those charges brought against the accused interpreters, with a brief discussion of the wording “concerned in” used in the charges. Then, a more focused investigation is presented on how victims and witnesses perceived and described the wartime actions and roles of the interpreter defendants within their military organisations, exploring the issue of “mistaken impression”. Lastly, an examination is offered on wartime interpreters who had worked for the Japanese military and then for the British effort to prepare for and administer war crimes trials after the Japanese surrender. Particular attention is paid to those non-Japanese, non-Taiwanese local interpreters who testified for the prosecution as eyewitnesses of Japanese war crimes at the trials of the accused interpreters.

Interpreting and beyond

The accused worked mostly as Hokkien, Malay and English interpreters for the *Kenpeitai*, police and occupation forces and administration in their effort to control the local population and suppress anti-Japanese activities in various Asian territories under Japanese occupation. They also interpreted in dealing with Allied POWs at the camps and forced labour sites. In such hostile settings, the accused interpreters were exposed to potentially violent situations such as arrests and interrogations. Thus, almost all the charges against the interpreter defendants were connected to the ill-treatment and torture of local civilians and Allied POWs, some of which resulted in deaths. Excepting two charges against Kanao Inouye and one charge against Sekitaro Ohtsuka in trials in Hong Kong, all the charges included the wording “concerned in” or “together concerned in” (with other members of their units). A typical charge read as follows:

Committing a war crime in that they [the accused], at Port Blair between 22 January 1943 and 31 March 1943 being in the service of the occupying Power were, in violation of the laws and usages of war, *together concerned in* the ill-treatment of civilian residents of Port Blair aforesaid resulting in the death of ... and in physical suffering to other civilian residents of Port Blair aforesaid and in particular to ...

(Sugihara Trial⁴; emphasis added by the author)

According to legal scholar Nina Jørgensen (2013), the term “concerned in” at the British war crimes trials was a broad umbrella to include anyone having anything whatsoever to do with the crimes, and it basically meant “taking part in”. It was also a convenient way to have a trial with multiple defendants, with the exact degree of involvement of each offender expected to emerge during the trial. This way, members of the unit who gave orders, such as commanders, and those who aided, such as interpreters, could also be viewed as acting jointly with the unit committing a crime. The following is an overall picture of the charges brought against the accused interpreters. Since some interpreters were prosecuted for charges involving the same, related or similar incidents that took place in the same area, the description of the charges against interpreters is presented by the location and nature of alleged war crimes, based on the statements and testimonies by and on the accused interpreters contained in the relevant trial records⁵ unless indicated otherwise.

Trials in Singapore

In Singaporean courts, 12 interpreters were prosecuted. Six of them were involved in the investigation of alleged spies in the Andaman and Nicobar Islands, four in the arrests and interrogations of suspected anti-Japanese elements in Singapore and two in *Kenpeitai* investigations in Thailand. Excepting Kiyoji Iida who stood as the sole defendant in court due to his illness, all the other interpreter defendants were put on trial along with other accused, mostly *Kenpeitai* officers and other military members, sharing the same defence counsel.

Spy cases in the Andaman and Nicobar Islands

As a strategically important base for sea transport as well as its alliance with the Indian National Army, the Japanese military started occupying the Andaman and Nicobar Islands in the Indian Ocean in March 1942. In the midst of food shortages, isolation from the rest of the Japanese military and increased air raids by British brigades, the Japanese occupiers rounded up and tortured local residents as suspected spies to extract “confessions” of spying for the British and implicate others from 1943 through to the Japanese surrender (Cheah, 2014; Washimi, 2015; Narang, 2019). Six interpreter defendants were involved in the investigations, interrogations and torture of those suspects, which resulted in several deaths. The accused interpreters are presented below in chronological order of the alleged war crimes.

In Port Blair where the Japanese occupiers’ civil administration was headquartered, Yoshiharu Mikami, Susumu Hashida and Kiyoji Iida were involved as interpreters in a series of investigations in the spy cases from 1943 to 1945. According to his statements, Mikami mostly worked as chief accountant and supply officer in the administration, but several times he was called in to assist as an interpreter in the investigation of alleged spies. As indicated before, in the trial of Mikami and Navy Lieutenant Akira Sugihara, both (Sugihara as an interrogator and

Mikami as an interpreter) were charged for being together concerned in the beatings and torture of civilian residents with other Japanese military personnel (who had fled the islands before the end of the war, including the one who led the investigation). There were in-court testimonies and statements given by victims and witnesses about Mikami beating the victims. Mikami denied the charges. Likewise, Iida testified that he was the chief of general affairs in the civil administration and was asked to assist as an interpreter for a month in the investigation of a spy case. He denied the charges of ill-treating and torturing civilians. Susumu Hashida, on the other hand, partially admitted to the charges that he beat and tortured spy suspects while working as an interpreter under the orders of his superiors. He even admitted to driving red hot pins beneath the fingernails of a victim. Witnesses who testified included local interpreters who assisted Hashida as Hindustani (Urdu) speakers to investigate the suspects.

Muneharu Yasuda and Masahiro Uchida were prosecuted in the well-known Car Nicobar case,⁶ in which 16 defendants were together charged for being concerned in the ill-treatment and torture of civilian residents in July and August 1945, resulting in six deaths. Yasuda did not testify in court but in pretrial statements he admitted to some of the offences he was accused of. He insisted, however, that these actions were to lesser degrees than the allegations made by the victims and that shooting a runaway suspect did not result in his death. According to a 1951 writing by his co-defendant, Toyosaburo Washimi, Yasuda was given an old revolver for protection, but as a civilian he had never used a gun before this shooting incident (Washimi, 2015, p. 193). Like Yasuda, Uchida did not give evidence in court, but his statement indicated that he did take part in the beatings. Around the same time, a month before Japan's surrender, Masao Fujita allegedly took part in the ill-treatment of civilians on Nancowry Island. Against the evidence given by the victims and witnesses including a local interpreter, Fujita admitted to slapping but denied committing any other physical abuse.

Double Tenth Trial in Singapore

In response to incidents of sabotage against the Japanese, including a major Anglo-Australian raid on Singapore Harbour which blew up six Japanese ships, the *Kenpeitai* started arresting civilian detainees in Changi Prison as suspected culprits on 10 October 1943 (the Double Tenth Incident). In the ensuing months, many civilians were arrested and tortured by the *Kenpeitai*. In the trial concerning this incident, 21 defendants, including 4 interpreters (Nigo, Toh, Miyazaki and Chan), were charged with ill-treating and torturing 57 civilians, resulting in the death of 15. Attracting great attention from the public, the courtroom was packed, and newspapers reported on the proceedings daily.⁷

Masayoshi Nigo, a Californian-born *Nisei*, was referred to as an “American-speaking” interpreter by witnesses. Several statements and testimonies presented by the prosecution indicated that Nigo took detainees out of their cell to interrogations, while some testimonies mentioned his physical participation in torture. Nigo was involved as an interpreter in the incident of Dr. Stanley, a detainee who

jumped off a balcony, presumably to escape torture. In his unsworn statement, Nigo admitted to being present and working as an interpreter in interrogations but denied taking part in torture. As for Toh Swee Koon, a local interpreter, evidence was given by victims that Toh assisted the interrogators in torturing them with the use of water, fire and electrocution. Toh testified that he was present at interrogation as an interpreter but did not participate in the ill-treatment. Malayan-born Kazuo Miyazaki was condemned by the Bishop of Singapore and other victims in their statements and in-court testimonies for participating in beatings while working as an interpreter during their interrogations. Miyazaki denied the allegations. Lastly, the evidence against Chan Eng Thiam, a Taiwanese interpreter, characterised him as a bully towards detainees in the cells. Chan denied the allegations.

***Kenpeitai* in Thailand**

Two interpreters associated with the *Kenpeitai* in Thailand were prosecuted in Singaporean courts. Genichiro Miyakawa, a local interpreter, and four members of the *Kenpeitai* in Bangkok were charged with being together concerned in the ill-treatment of anti-Japanese activists from 1944 to 1945. During the trial, evidence was given of beating, electrocution and other physical abuse of the detainees by the defendants as a whole, but there was no substantial evidence particular to Miyakawa who worked as an English interpreter in dealing with Indian spy suspects. Miyakawa denied or did not remember any of the allegations. Yasuichi Takahashi was the only interpreter attached to the *Kenpeitai* in Kamburi at the time of his service. Three *Kenpeitai* officers and Takahashi were charged with being together concerned in the ill-treatment of British, American and Dutch POWs, such as beatings and water and finger torture, from January to March 1945. These POWs were suspected of circulating news on the war and smuggling money into the camp. Prosecution evidence indicated Takahashi took part in the beatings, but he denied or had no memory of the allegations.

Trials in Hong Kong

In trials in Hong Kong, a total of seven interpreters were prosecuted. Both Kanao Inouye and Genichiro Niimori were the sole defendants in their respective trials, with several charges involving multiple settings. Two interpreter defendants were involved in investigations by the *Kenpeitai*, and another two were interpreters attached to POW camps. Lastly, there was an interpreter who worked in mass round-ups of local villagers as a member of a garrison.

“Did assault” officers in full view

Kanao Inouye and Sekitaro Ohtsuka were the only interpreter defendants at British military trials who were accused of direct responsibility in unlawful acts. Instead of the wording “concerned in”, the first two of the three charges against Inouye

stated that he “did assault” two Canadian officers in full view of other POWs in the camp in Hong Kong, deriding and humiliating the officers in front of their subordinates (Inouye Trial,⁸ Charge Sheet). Despite the overwhelming evidence of Inouye beating Captain Norris and kicking Major Atkinson, the Canadian *Nisei* testified that he merely slapped Norris on his superior’s order, as was the routine practice in the Japanese military, and that he did not kick Atkinson. The third charge alleged that Inouye was concerned in the ill-treatment and torture of civilian residents, including a European woman, as an interpreter attached to the *Kenpeitai* in Hong Kong. Testimonies by victims and witnesses indicated that Inouye took part in beatings and torture, including burning the woman’s face with a cigarette. Inouye denied the allegations.

Crimes on the high seas

Genichiro Niimori was prosecuted on seven counts, three of which were charges connected with the transport of POWs on the high seas and the rest were his actions in a POW camp and a hospital in Hong Kong. Viewed as the interpreter responsible for the well-being of POWs, Niimori was accused of being concerned in the ill-treatment of POWs on a transport ship in 1942, such as battering them, which resulted in many deaths and physical and mental suffering; beating and kicking British POWs who escaped from the sinking transport ship in Shanghai; and beating and kicking a Canadian POW on a transport ship in 1943, which resulted in his death. As for his acts in Hong Kong, Niimori was charged with being concerned in the ill-treatment of POWs at a hospital and a camp in 1943 and 1945 and the stealing of parcels from the Red Cross from 1942 to 1945. Prosecution evidence was presented by dozens of witnesses in the forms of affidavits and in-court testimonies. Niimori admitted to the poor conditions of the transport ships but denied being responsible for them because of his status as a mere civilian interpreter. He also testified that he only slapped and inflicted mild punishments on POWs on the orders of his superiors and denied the theft allegations.

Assisting interrogation by *Kenpeitai*

Otojiro Takemoto and Sekitaro Ohtsuka were prosecuted along with a *Kenpeitai* officer in Hong Kong for being together concerned in the ill-treatment and torture of civilian residents in custody at the *Kenpeitai* in 1943. In addition, one of the charges against Ohtsuka stated that he “did ill-treat” an English woman in custody by taking part in her torture, beating and starvation in 1944, denoting his direct responsibility. Statements and testimonies by victims indicated that the defendants engaged in water torture, burning, hanging-up and beating of civilians suspected of being spies. Both Ohtsuka and Takemoto admitted to assisting the *Kenpeitai* as a temporary interpreter in the interrogations but denied participating in the ill-treatment and torture.

Abuse in POW camps

Besides Inouye and Niimori, two other interpreters were prosecuted in Hong Kong courts for being concerned in the ill-treatment of POWs. Itsuo Tsutada was put on trial along with four officers at a POW camp in Hong Kong, including the camp commander, for inhumane treatment of British, Canadian and Dutch POWs, resulting in deaths and physical suffering to others. Tsutada admitted to slapping Dutch POWs who were discovered with a radio device in the camp as punishment on the order of his superior in 1943. Yoshio Hanagaki and seven other defendants, including the camp commander, were jointly charged for being concerned in the ill-treatment of Allied POWs in Taiwan, forcing them to work and live in harsh conditions without adequate food or medicine, causing deaths and physical suffering. Evidence given by victims and witnesses indicated that Hanagaki engaged in beating and kicking POWs who were forced to work. Hanagaki admitted to slapping and lightly striking a few POWs.

Lantau Massacre

Although it was after Emperor Hirohito's announcement of surrender on 15 August 1945, in response to an attack by Chinese guerillas, the Japanese garrison assigned to the Lantau Island in Hong Kong arrested 300 residents, killing some of them, and burned and looted villages from 19 to 27 August. Fifteen defendants, including Kichitaro Okamoto, were charged with being together concerned in the beating, torture and ill-treatment of local villagers. More than 30 victims testified in the trial, in which Okamoto was identified as an interpreter participating in the arrests, interrogations and beatings. Okamoto admitted to slapping and pushing, and being present in interrogations, but denied or did not remember taking part in beatings and torture.

Trials in Kuala Lumpur

In the courts in Kuala Lumpur, 11 interpreters were put on trial. They were all Taiwanese. Whether they worked for the *Kenpeitai* or police, all defendants were charged with being concerned in the ill-treatment of civilian detainees in various locations in Malaya, resulting in the death of some and physical suffering to others. There were four interpreter defendants who were prosecuted along with their superiors as co-defendants, while the remaining seven stood in court as the sole defendant.

Police interpreters ill-treating locals

Six police interpreters were prosecuted in Kuala Lumpur. All these defendants were accused of being concerned in the ill-treatment and torture of local civilians in Malaya at different times between 1944 and 1945. Teruyoshi Fujiyama and Cheah Kam Sang were put on trial with their superior (police chief) as their co-defendant, respectively, and the charges against them included the death of

some victims. In all these trials against the interpreters, victims and witnesses who used to work at the police stations generally testified that the accused interpreters arrested, interrogated, ill-treated and tortured local civilians perceived as communists and other anti-Japanese activists. They allegedly engaged in beating, kicking and torture such as burning with cigarettes and water torture. In most cases, the prosecution witnesses indicated that the defendants played a leading role in the police operations, such as directing local detectives to interrogate and torture detainees and being the second-in-command after the Japanese police chief.

Shigeru Katsurayama completely denied the allegations. Fujiyama and Masanori Matsuoka admitted being present as the interpreter at interrogations and torture committed by the commanding police officer and local detectives but denied ill-treating the suspects or directing local detectives to ill-treat them. Cheah admitted to slapping and ill-treating the victims under the orders of the commanding police officer but insisted that it did not lead to any deaths. Ee Fook Seong also admitted to slapping and assisting interrogations as an interpreter but denied taking part in torture. Hideo Tagawa claimed that he was a Chinese national and the case was dismissed.

***Kenpeitai* interpreters ill-treating locals**

In Kuala Lumpur, there were six trials against five interpreter defendants who worked for the *Kenpeitai*. They were charged with being concerned in ill-treating and torturing civilian residents in custody in several locations in Malaya between 1943 and 1945. Kiyoyoshi Takamine (in one of his two trials), Nagasuke Toyoshima and Tan Ten Chuan had a *Kenpeitai* officer as their co-defendant, respectively. Testimonies of the victims during the trials generally described the defendants arresting, interrogating, beating and torturing them by water, hanging-up from the ceiling, and burning with cigarettes as suspected communists or pro-British activists. In the cases of Takamine and Tadao Hirota, there was an alleged death resulting from the ill-treatment. Some victims also claimed that Tadao Hirota, Tan and Shigenobu Hirota played a prominent role in directing or engaging in the arrests, interrogations and torture.

Except for Tadao Hirota and Shigenobu Hirota who totally denied the charges, the accused interpreters admitted to the allegations to a certain extent. Takamine in one case admitted to taking part in torture as an interpreter on his superiors' orders, but to lesser degrees than the prosecution's evidence, and in the other case denied the allegations and claimed that, in the case of the death, this was caused by his superior at the *Kenpeitai*, who committed suicide following the Japanese surrender. Tan admitted to slapping the victims a few times but denied taking part in their beating and torture. Lastly, Toyoshima admitted to being present as an interpreter for his superior's interrogation of locals and taking part in ill-treating them on the orders of his superior, such as slapping, beating with sticks and carrying out water torture.

Trials in Penang and other locations

In Penang, there was a single military trial for Japanese war crimes with 35 defendants associated with the Penang *Kenpeitai*, including 1 Japanese and 3 Taiwanese interpreters. They were altogether charged with being concerned in the ill-treatment of civilians in custody, causing the death of hundreds and physical suffering to others. Over sixty witnesses, including victims and locals formerly employed by the *Kenpeitai* testified for the prosecution during the proceedings. These victims were perceived by the *Kenpeitai* as communists and other anti-Japanese activists.

Assisting in torture

More than a dozen witnesses, including victims and local interpreters hired by the *Kenpeitai*, testified against the four interpreters, stating that they played prominent roles in the beating and torture of victims, such as burning with cigarettes, water torture and hanging-up. Khor Kee Siam was accused of beating a naked woman, and assisting the *Kenpeitai* in committing water torture, hanging, beating and ill-treating detainees. Kwek Tiong Hin was accused of similar acts, including cutting off a woman's breast and having her dragged behind a motorcycle, which resulted in her death. Yeow Chew Bok was accused of assisting with water torture, beatings and hanging up detainees. As for Sentaro Motosugi, testimonies by five witnesses included a reference to him as "a specialist in beating" and allegation of him taking part in water torture.

In their pretrial statements, the four accused interpreters generally admitted to being present and witnessing torture carried out by *Kenpeitai* officers almost daily. Khor and Kwek even explained various methods the *Kenpeitai* used in torturing detainees. But they defended themselves by stating that they acted on the orders of their superiors and they could not resist the orders. Khor admitted to helping secure a detainee with a rope in preparation for suspending but denied taking part in the beating and torture. Kwek stated he did not want to ill-treat persons in custody but was compelled to obey orders of the *Kenpeitai*. He also mentioned that he himself never beat detainees but was forced to assist in securing them during water torture. Yeow stated that he never beat anyone of his own accord. Motosugi's defence was primarily based on the infrequency of him working for the *Kenpeitai*.

From beatings to killing in other trials

Yoichi Nakamura was the sole defendant in his trial in Jesselton. He was charged with being concerned in the ill-treatment of two civilian residents in North Borneo in 1945. The victims testified that they were beaten by Nakamura. Nakamura admitted to beating them but insisted that he was pressured to do so by his superior, a *Kenpeitai* officer.

In the Kuala Kansar court, Ichiro Mine was charged with killing a local civilian who had committed a theft in 1942. Mine testified as follows (Mine Trial,⁹ pp.

34–36) that his superior, the governor of the Penang civil administration, tried to execute the thief with a sword but failed three times. Mine thought of shooting the thief in order to end his suffering but failed because he did not know how to use a pistol. His superior then snatched the pistol and shot the thief dead.

In Taiping, Chokichi Yamashiro was prosecuted along with 11 *Kenpeitai* members for being concerned in the ill-treatment of civilian men and women in 1942 and 1943. Victims and witnesses of the alleged crimes, including local interpreters and detectives, indicated that Yamashiro arrested, interrogated and ill-treated them by slapping, beating, burning with cigarettes and assisting with water torture. Yamashiro admitted to minor offences such as slapping and squeezing fingers between pencils but denied the rest.

Kunio Kuroki was also put on trial in Taiping together with his *Kenpeitai* superior. He was charged with killing a civilian detainee and ill-treating several residents in 1943 and 1944. Kuroki testified that he was ordered by his superior to shoot the victim, but the first attempt was a misfire and the second attempt missed the victim because he had never shot a gun. His superior made the fatal shot. Victims and locals who used to work for the Japanese, including interpreters, testified that Kuroki ill-treated civilian residents by beating and assisting with water torture, but Kuroki denied the allegations.

Lastly, in the Alor Star court, Tan Teong Koo was prosecuted along with 13 *Kenpeitai* officers for being concerned in the ill-treatment of civilian residents, sometimes resulting in death in 1945. About a dozen victims and witnesses gave evidence against Tan, in the form of statements and in-court testimony. Tan admitted to a large portion of the allegations, including ill-treating the victims by beating and assisting in water torture on the order of his superior and at times of his own accord.

Victims' perception of interpreters

An overview of the charges against interpreters at British military trials for Japanese war crimes reveals that the accused interpreters were mostly prosecuted for taking part in the ill-treatment of local civilians in Japanese-occupied regions and POWs in camps and on transport ships. Almost 80% of the interpreter defendants were accused of being concerned in torture to varying degrees, from being present, interpreting interrogations accompanying torture and assisting the torturer by holding the victims, to participating in the physical act of torture. Susumu Hashida, Nagasuke Toyoshima, Yoichi Nakamura and Tan Teong Koo practically admitted to the allegations against them by qualifying that their actions were under the orders of their superiors,¹⁰ while the remaining defendants partially or completely denied the charges. Some cases presented overwhelming evidence against the defendants through a number of corroborated testimonies and affidavits, but there were other cases that exposed inconsistencies and even contradictions in testimonies given by prosecution witnesses and questionable identifications of the accused. For instance, the language of the defendant was misrepresented. Tadao Hirota did not speak Cantonese, but the prosecution evidence indicated

he was a Cantonese interpreter. Similarly, Nagasuke Toyoshima did not speak English, but he was alleged to have interrogated a European suspect in English. In the case of Tadao Hirota, the lack of corroborating evidence, feasibility of the alleged acts (such as striking a suspended victim's testicles) and non-existence of the alleged dead body were additional problematic aspects of the prosecution evidence. The prosecution evidence in the case of Chokichi Yamashiro also had major discrepancies among different witnesses and very little evidence directly pointing at him. The case of Takamine also saw contradicting testimonies by prosecution witnesses on the alleged crime. Failed or problematic identification from among the parade of possible perpetrators was also pointed out in the cases against Genichiro Miyakawa, Shigenobu Hirota and Shigeru Katsurayama, respectively.

Examining the overall procedural issues of the British military trials against the Japanese is not the purpose of this study. Also, it is impracticable to investigate what each interpreter defendant exactly did and determine who was truthful and who was not in their statements and in-court testimonies. Rather, the focus here is directed at how victims and witnesses perceived and described the wartime actions and roles of the interpreter defendants within their military organisations. As indicated in the previous section, many of their statements and testimonies pointed to leading or prominent roles the accused interpreters allegedly played in the arrests, interrogations, torture and ill-treatment of civilians and POWs, despite the interpreters' seemingly low-level, civilian status within their units. Before discussing such "mistaken impressions" the victims and witnesses held of the interpreters, this section first establishes the position of the accused interpreters within military hierarchies.

"Below pigeons"

In terms of employment status, the accused interpreters can be largely divided into three groups: Japanese conscripted as members of armed forces; Japanese and Taiwanese formerly enlisted as civilian interpreters and attached to Japanese military units; and Japanese and Taiwanese civilians locally hired for temporary assignments. The three defendants with military rank were low-level enlisted servicemen who were assigned to function as interpreters. Civilian auxiliary employees attached to various military units as interpreters were called *gunzoku*. Within the Japanese military system, *gunzoku* comprised a wide range of civilian positions from civil officers officially appointed by the Emperor to labourers tasked with menial work (Hata, 1991). In the cases of the accused *gunzoku* interpreters, they were hired for their linguistic skills and given no official rank, except Niimori who had the status of *shiseikan* (provisional civil administrator in Japanese occupied territory), equivalent to second lieutenant in the military. As a civilian, however, Niimori, let alone other *gunzoku* interpreters, had no authority or power to direct military personnel and had to obey the orders of military officers. One military song at that time illuminates how *gunzoku* in general were looked down

on within Japanese military organisations, being placed below animals in the priorities of military transport: “Private Second-class, military horses, military dogs, military pigeons, (and then) *gunzoku*” (ibid., p. 692). Obviously, temporary interpreters were not official members of the military units and had no say in the actions taken by the units.

There is another aspect that should be considered in understanding the position of the accused interpreters in their military organisations, which is their backgrounds. These interpreters were bilingual or multilingual because of their family, educational and occupational backgrounds, and many of them had extensive experience living in North America and former British colonies. As such, the statements and testimonies of the accused interpreters reveal that some of them were not fully trusted by Japanese military members. For instance, Kanao Inouye testified that he was not trusted because he was a *Nisei* and his father had received a military medal from the Canadian government. He also avoided contact with English-speaking “third nationals”¹¹ in Hong Kong because he might have been suspected of passing along confidential information. According to Kazuo Miyazaki,¹² he and other interpreters were never assigned as guards for the cells at the *Kenpeitai* in Singapore because they were not trusted. Similarly, Toh Swee Koon testified that he was never told to take a detainee out of the cell because he was Chinese and not trusted by the Japanese. Even for Japanese nationals, some interpreters came under the suspicion of their superiors because of their ability to communicate with POWs, for example. Though not a defendant, Hikosaku Yoshida revealed in his affidavit for the trial of Yoshio Hanagaki that he was questioned by his superior about his nationality because Yoshida as an interpreter was “too friendly and sympathetic toward the prisoners” at the POW camp (Uete Trial,¹³ Yoshida Affidavit). The defendant Hanagaki during his testimony also referred to a regulation of POW camps that stated “interpreters, in performing their duties, should not let POWs take advantage of them” (ibid., p.414). This was presumably based on the Japanese military’s concern over interpreters becoming friendly with POWs because of their ability to communicate with the prisoners. Hanagaki understood it was meant as “not to let the interpreters speak unnecessarily during wartime” (ibid.). As for Taiwanese, enlisted civilians serving the Japanese military as colonial subjects were at the bottom of the hierarchies and not even recognised as *gunzoku* in terms of the status and pay scale until 1943. They had been treated as military labourers (*gunpu*) (Kondo, 1996, p. 352).

In sum, the accused interpreters had weak standing within the Japanese military organisations because of their status as civilians and low-level servicemen. In addition, some of them were mindful of being under a cloud of suspicion and not fully trusted by the Japanese military because of their bilingualism, race and family backgrounds. Thus, it is assumed to be implausible that these accused interpreters overrode military personnel’s positions and took leading or prominent roles in the investigations, arrests, interrogations, ill-treatment and torture of the victims as some of the prosecution witnesses contended.

“Mistaken impression”

Despite the commonsense assumption that the accused interpreters as civilians and low-level servicemen, let alone two-thirds of them being Taiwanese and foreign-born Japanese, had no authority to initiate arrests and interrogate anti-Japanese suspects, the prosecution evidence contains many references to interpreters seemingly acting on their own without their superiors’ instructions or orders and in some cases directing or supervising other members in various operations. Here is an example from the trial of Tadao Hirota of how a witness described the circumstances under which his arrest was made. The following exchange occurred during the cross-examination of prosecution witness Yap Pah Kee:

- Q. Who was in charge of the party when you were arrested?
 A. Hirota.
 Q. How did you come to know that?
 A. I saw him come into my room and I recognised him.
 Q. Is that the only reason?
 A. The only reason.
 Q. When you were brought to the *Kenpeitai* Headquarters, did Hirota appear to be in charge of that party?
 A. Yes.
 Q. How did you come to know that?
 A. He said that I was a bad character on the way, and he said he arrested me because I was a bad character, but I denied.
 Q. Is that the only reason?
 A. Yes.
 Q. Was there any Japanese *Kenpei* soldier at that time?
 A. There were some inferior soldiers, subordinate soldiers.
 Q. What do you mean by inferior soldiers?
 A. Those armed soldiers.
 Q. Did those soldiers wear a badge or rank?
 A. It was at night so I could not see, but I knew they were soldiers.
 Q. Did you realise that they were Japanese?
 A. Yes.
 Q. Hirota was merely the interpreter of the *Kenpeitai*, the most junior man, and naturally it is impossible that he took command of the party – how do you think about it?
 A. I do not know but what I knew was he directed the people to come and arrest me.

(T. Hirota Trial, pp. 56–57)

This testimony indicates that the witness had the impression that Hirota was leading his arrest because the witness knew Hirota and Hirota seemed to be giving instructions to the *Kenpeitai* members, though the witness did not understand Japanese.

Besides arrests, some of the interpreter defendants were alleged to have acted of their own accord in taking prisoners out of the cells and interrogating them (e.g. the cases of Nigo, Toh, Inouye, Takamine, Fujiyama, T. Hirota, S. Hirota, Matsuoka, Tan TC, Cheah, Ee, Yamashiro and Tan TK). According to witnesses, that was at least the impression, imagining or opinion they held of the interpreters (e.g. the cases of Hashida, Inouye, Hanagaki, Takamine and S. Hirota). Some accused interpreters admitted to being present in such situations as arrests and interrogations but insisted that they were accompanying military members of their units in the capacity of interpreter under the orders of their superiors.

Further, some witnesses testified that interpreters gave orders and instructions to other members of their units and supervised interrogations and torture carried out by others. In police settings where the unit consisted of a Japanese commanding officer, his interpreter (Taiwanese) and local Chinese and Malay detectives, the interpreter was depicted by those detectives and victims as the “second-in-command” who oversaw interrogations. The accused interpreters and their former superiors denied such allegations during the trials, saying that the interpreters were too young (mostly in their twenties) and inexperienced (having never done police work before) to assume such positions. The defence counsel for Takamine challenged prosecution witness Mohamed Zaman Bin Kundor in his cross-examination who claimed that Takamine was senior to an experienced local detective at the police station:

- Q. How could it be understood that an old man and also a big shot, as you say, Mr. Wong [a local Chinese detective] is 35 years old receiving instructions from a much younger man who is approximately about 20 years old?
- A. Although the man is younger, he has got a higher rank.
- Q. What kind of rank did he have?
- A. I do not know but people used to call him as one of the *Kenpeitai*.
- Q. Well then, consequently you cannot say you know the rank of Wong and also the accused?
- A. I took it that the man in the dock [Takamine] to be Japanese so I took him to be the headman or a higher rank officer.

(Takamine Trial (2) (938),¹⁴ pp. 14–15)

In the closing address by the prosecution, it was argued that Takamine was “conscripted” and, as such, a member of the Japanese Army; therefore, the witnesses’ claim that he appeared to have authority over the Chinese seemed natural and proper (p. 78). Similarly, in the trial of Yamashiro, a prosecution witness identified the defendant, a temporary interpreter, as a *Kenpeitai* member because he worked for the *Kenpeitai*.

In defence, the accused interpreters and their counsel suggested why these witnesses had “mistaken impressions” of the interpreters’ power and authority. Generally, the defence referred to the high visibility of interpreters who were in close contact with the victims and directly speaking to them in the language they understood as well as the nature of the source speech content and the position

of the source speaker. For instance, Hashida testified that one of the prosecution witnesses mistakenly thought Hashida was giving orders to the soldiers because he was interpreting for the Japanese military judges. Niimori stated that because he was the only one who could speak English among the Japanese on the transport ship, the POWs thought the words came from him (i.e. Niimori being the author of the words). Niimori also mentioned that, as the personal interpreter for the camp commander, he had to be in all places with the commander and he had to say things people did not like as a messenger. Niimori implied that he was a bearer of the bad news but was not responsible for its substance. Teruyoshi Fujiyama, a Taiwanese interpreter, testified that, because his duty was to go to the interrogation room to translate the statements taken from detainees into Japanese, they might have mistaken him for being in charge of the interrogations, directing or supervising the detectives who conducted the interrogations. In response to his alleged victim's accusation of ill-treatment, Sekitaro Ohtsuka stated in a plea for mitigation in a Hong Kong court as follows:

[S]he [the victim] is in a serious confusion regarding me as if an accomplice with Sergeant Komino by only reason that I accompanied him as an interpreter on the occasion of his interrogation. She does not state that I personally did anything to her, while she places me, a mere interpreter, on the same line with Sergeant Komino, the interrogator, claims that we tortured her altogether, without giving details of the fact. Under what authorization could I, a temporary interpreter, starve her? On what condition could I, not an interrogator, be insufficient with her answer, and give her beating or water-torture?

(Yabuki Trial,¹⁵ Otsuka's Petition)

It seems that, because of the nature of the source speech they had to deliver (i.e. orders and interrogations which would call for certain actions on the listeners' end) and the position of the source speaker they served (i.e. commanding officers and interrogators), interpreters were viewed as authoritative and powerful beings and fully integrated members of the military enterprise they worked for. The defence counsel for Masayoshi Nigo argued in their closing address as follows:

[W]hen interrogations are conducted, it is unavoidable that the one who does the interrogations would assume some dignity towards the one who is subjected to his interrogations. And if an interpreter tries faithfully to make the intention of the interrogator clear to the one interrogated, it is quite natural that the tone or force of the expressions and the attitude of the interrogator may be reflected in the expressions and attitude of the interpreter. We believe that such qualities in the interpreter are demanded of him on the part of the interrogator. Under such circumstances as this, it is quite likely that the one subjected to the interrogation might have received the mistaken impression that the interpreter had the similar views as the interrogator.

(Sumida Trial, Closing by Defence, p. 32)

The counsel added, “the persons interrogated looked upon the interrogator and interpreter viewed as being the one and same person” (ibid.).

Along this line, Kichitaro Okamoto in his testimony admitted to raising his voice and showing anger when his superior talked in a loud voice in the interrogations, suggesting that it contributed to the victims’ misperception of his role. In the case of Niimori, the defence counsel pointed out that “his own self-important attitude” amplified the impression to the listeners of the orders he delivered as being his own (Niimori Trial,¹⁶ closing by defence, p. 2). Kiyoji Iida’s defence counsel stated in his closing address as follows:

The accused acted only as interpreter all the time and did not take part in the investigation. But as a person under investigation speaks through an interpreter, not directly to the investigator, he falls in such an illusion as if he was investigated by the interpreter.

(Iida Trial,¹⁷ closing by defence, p. 5)

Similarly, the defence counsel for Yoshiharu Mikami pointed to an “illusory misunderstanding” because the interrogations were carried out through Mikami’s mouth (Sugihara Trial, Closing by Defence, p. 6). Mikami also pointed out the fact that, because he knew English, he was in daily contact with local inhabitants in the Andamans and easily recognisable.

Interpreters testifying for the prosecution

The trial records of the accused interpreters indicate that some wartime interpreters associated with the Japanese military, such as *gunzoku* and locally hired temporary interpreters, worked for the postwar British effort to prepare for and conduct its military trials for Japanese war crimes in the aftermath of the Japanese surrender. This section discusses how this “switching sides” happened and what these interpreters did for Allied war crimes investigators and prosecutors in British war crimes trials. Special attention is paid to local interpreters who used to be in the employ of the Japanese military occupiers and testified for British prosecutors in court during the trials of the interpreter defendants. It first presents how some of the interpreter defendants assisted the Allied military in various postwar operations in the territories the Japanese military used to occupy, and then examines statements and testimonies given by interpreters, including several interpreter defendants, as eyewitnesses of Japanese war crimes.

“Switching sides”

Takeda (2016) examines English-speaking Japanese who started working as translators and interpreters for the Allied forces in occupied Japan right after the end of the war, and presents their quick “switching sides” as a means of survival in the midst of hunger and unemployment in war-ravaged Japan, albeit a struggle with stigma attached to working for the former enemies. Just as there was an

urgent need for interpreters and translators for various operations of the Allied occupiers in Japan, the British faced a pressing need for linguistic assistance in the aftermath of Japan's surrender in order to investigate Japanese war crimes and to prepare trials. Although the British had their own linguists trained in Japanese¹⁸ and Canadian *Nisei*,¹⁹ due to the severe shortages of effective interpreters they had no choice but to rely on those who had worked for the Japanese military during the war.

In fact, some of the accused interpreters in British custody awaiting possible trial were utilised in various situations, such as disarming Japanese troops, investigating war crimes and taking statements from war crimes suspects. For instance, Genichiro Niimori served as an interpreter when the investigator took a statement from Rikie Yabuki, a *Kenpeitai* officer prosecuted along with Otojiro Takemoto and Sekitaro Ohtsuka in Hong Kong. Niimori's name and signature appear on the certificate of interpreter attached to Yabuki's statement. In his plea for mitigation, Yoshiharu Mikami touched on his postwar service for the British as follows:

When war ended, I was called as liaison officer to the Allied forces and helped the Indian officers in all the matters which were required in landing of the main forces [on the Andamans]. When the land forces came, I was the interpreter to surrender ceremony and the subsequent negotiations that were carried on between the Allied forces and the Japanese to bring about speedy occupation of the islands and handing over the arms. This took more than one month and when this work was finished, I was brought as a war criminal. When I was brought to Changi [prison] for two months, I assisted the British, Dutch and Australian officers in interpreting war crimes.

(Sugihara Trial, p. 70)

This statement indicates that Mikami interpreted for the British investigation of other war crimes suspects—his compatriots—while being detained in prison as a suspect himself.

Similarly, according to Itsuo Tsutada's statement, he was in Thailand engaging in reconnaissance when the war ended. From January to February 1946 he worked as an interpreter for the CRE (Combat Reconnaissance Element) of the ALF (Allied Land Forces, South East Asia) in Bangkok. In March 1946 he was ordered to go to Singapore to act as an interpreter in the War Crimes Court. He was there until he was arrested as a war crime suspect in June 1946. Tsutada's experience implies that the British did not mind taking advantage of special skills of their former enemies, including those who were suspected of having committed war crimes.

Presumably, the use of wartime Japanese interpreters was part of the controversial policy the British military adopted, which utilised Japanese Surrendered Personnel (JSP) for its postwar operations including war crimes investigations. Faced with severe shortages of personnel, the British resorted to JSP as labourers for military and civilian projects as well as military forces fighting together against

nationalist insurgencies in the areas they both used to rule (Connor 2010).²⁰ It is assumed that these interpreters were obliged to work for the British war crimes investigations under such circumstances, possibly in the hope of leniency in potential charges against themselves by assisting the trial conveners.

Accused interpreters accusing their former superiors

Evidence given by the accused interpreters includes references to the acts of other members of their units since they faced various situations in the capacity of interpreters, such as arrests, investigations, interrogations and torture of civilians and POWs. In fact, about half of the interpreter defendants presented incriminating evidence against their superiors and other members of the units in their pretrial statements and in-court testimonies, giving their names and actions in varying degrees of detail. The most revealing evidence was provided by Khor Kee Siam, Kwek Tiong Hin and Yeow Chew Bok in the Penang trial, which included lists of torture methods used by the *Kenpeitai*, their interpreters and informers, as well as specific offences their superiors committed. Some accused interpreters testified how brutal their superiors were and under what circumstances they were forced by the superiors to engage in the ill-treatment of detainees (e.g. the cases of Takamine, Fujiyama, Matsuoka, Toyoshima, Nakamura, Mine and Kuroki). Ohtsuka testified that he hated the Japanese interrogator for his violence. In Singaporean courts, extensive information on several members of the Japanese military mentioned in the statements of Nigo, Toh and Hashida was often used by the prosecution as evidence against them in the trials. Toh was even praised by the investigating officers for giving “valuable and accurate information”, including a full account of the *Kenpeitai* in Singapore (Sumida Trial, p. 2). The investigators stated that they were able to carry out a full round-up of all 35 *Kenpeitai* members thanks to the information Toh divulged. Toh also offered his own view of the *Kenpeitai* commander during his testimony, saying “many lives would have been saved if the chief (the primary defendant of the trial) is a sensible man” (ibid., p. 261). Since Toh started claiming during the trial that he was born in Singapore, thus a British subject, it was imperative for him to demonstrate that he was in full cooperation with the British prosecution.

Yet, records of post-trial interviews with Japanese defence lawyers and convicts conducted by the Japanese government²¹ reveal that there were cases in which all the defendants decided or were instructed by their superiors to completely deny the charges in concert and never divulge anything to do with anyone other than themselves. For instance, in the case against Bangkok *Kenpeitai* members and Genichiro Miyakawa, one of the convicted officers admitted in a post-trial interview by a Japanese government investigator that the alleged torture did indeed take place but all the accused agreed to utterly deny the charges and not to discuss any *Kenpeitai* members besides themselves (Toyoda, 1960). The trial records reflect that Miyakawa exactly followed this agreement, denying the charges against him and stating that he did not remember when asked about the charges against other defendants.

It should also be noted that none of the accused interpreters with military rank testified against their superiors or other members of their units. In contrast, the four Japanese *gunzoku* interpreters who gave incriminating evidence against their superiors were all foreign-born (Nigo, Hashida, Inouye and Tsutada), and about 60% of the Taiwanese defendants testified against their superiors as well. Although each case is different in terms of what incidents were mentioned in the charges, who were involved in those alleged incidents and under what circumstances those incidents took place, these facts could suggest the possibility that foreign-born Japanese and Taiwanese civilian interpreters may have felt less bound by the normative behaviour of Japanese military personnel.

Local interpreters accusing the interpreter defendants

In addition to the accused interpreters, several local civilians who used to work as interpreters for the *Kenpeitai* and other Japanese military occupiers testified for the prosecution as eyewitnesses of Japanese war crimes, especially in cases with local civilians as victims. They were present as interpreters in situations where the victims were ill-treated and tortured. As British subjects born in former British territories such as Singapore and Malaya, these local interpreters were not prosecuted at military trials since the trials were held for war crimes committed by the enemies, not by British subjects. Some of them, however, were charged in local civil courts for taking part in the Japanese brutalities. Regardless, they were presumably effective witnesses because of their proximity to the alleged crime scenes and their understanding of the languages used in the scenes.

The local interpreters who testified as prosecution witnesses represented a range of backgrounds. As discussed in Chapter 1, some of them worked together with the accused interpreters as speakers of Hindustani (Urdu), Cantonese, Malay, etc. in the form of relay interpreting. For instance, for a Hindustani speaker as a suspect, a Hindustani interpreter rendered interpretation between Hindustani and English, and an accused interpreter delivered interpretation between English and Japanese, using English as the pivot language (e.g. the cases of Fujita, Hashida and Mikami). In some cases, local police officers played this role of language assistance for the accused interpreters.

There were also local youngsters who were taught Japanese and became interpreters for the Japanese occupiers to communicate to local civilians. Kansoi, a witness in the Car Nicobar case, testified against Muneharu Yasuda among other defendants, detailing their brutal acts. During his testimony (Itsuki Trial,²² pp. 19–20), he shared at the request of the defence counsel and the court how he learned Japanese. When the Japanese occupation of the Andamans started, the civil administration in Port Blair established a Japanese language school on its premises with a boarding facility for students. The head of each village had to select some boys to attend the school. The students were provided food, and their days were divided equally between work and study. After eight months of study, Kansoi started working as an interpreter as needed while doing other work for the Japanese. Hari Ram, a prosecution witness in the Hashida case, also

mentioned this Japanese school in Port Blair. According to him, the students who passed the schoolwork in this Japanese school all became interpreters under the order of the civil administration (Nagaosa Trial,²³ pp. 102, 107).

It was not only in the Andamans, but also in other places controlled by the Japanese military, that teaching Japanese to locals was integral to its occupation policy. The Japanese military administration in the occupied areas promoted Japanese language education, imposing Japanese in primary education and operating various Japanese language schools for teachers and the adult population (Matsunaga, 2002). The Japanese military had an imperial ambition of making Japanese the common language of the “Greater Eastern Asia Co-Prosperity Sphere” and promoting Japanese culture and “spiritual teaching” in the area (Kratoska, 2018, pp. 138–155). Due to shortages of qualified teachers and proper textbooks, the use of Japanese among locals did not spread as the Japanese occupiers had expected (*ibid.*). However, there were local civilians who learned Japanese and worked in various positions under the Japanese military administration using their newly acquired language skills. Kulanda Vello, a prosecution witness aged 19 in the Penang case, was one of them. He testified that he learned Japanese in 1943 and became an interpreter for the Penang *Kenpeitai*.

As alluded to by some defence counsel and defendants, these local interpreters may have given evidence of Japanese war crimes, at least partly, in order to escape their own prosecution or seek leniency if prosecuted in local courts, and to reject local suspicion of them being traitors. Since they engaged in similar acts as the interpreter defendants, however, there were cases in which these interpreter witnesses for the prosecution advertently defended the accused interpreters. For instance, here are some exchanges between Kulanda Vello and the defence counsel in his cross-examination.

- Q. Then, did you on your own account take part in ill-treating suspects, or help to ill-treat suspects?
- A. Well, I used to assist them to.
- Q. Then you assisted in the same way as the interpreters in the dock now – is that right?
- A. Yes, I have been assisting with them for some time with No. 9, 13 and Nagata [*Kenpeitai* defendants].
- Q. Then you say you were ordered by the *Kenpeitai*, and did the same ill-treatment as the interpreters did?
- A. Well, when an interpreter, if you did not beat the prisoners you would get it – I would get it!
- Q. And so, in the same manner, because you were scared of the MPs [*Kenpeitai*], you assisted them, is that right?
- A. Yes.
- Q. Then, from your experience as the interpreter of the *Kenpeitai*, and you know the feelings of the *Kenpeitai*, these three, Nos. 32, 33 and 34 [Khor, Kwek and Yeow], these three also had the same fear as you, and they also had to assist the *Kenpeitai* men – is that not right?

A. Yes.

Q. Because you feared your superior *Kenpeitai* men, you were obliged to assist in ill-treating the suspects, is that not right?

A. Yes.

Q. And also these three, 32, 33 and 34 had the same feelings did not they?

A. Yes.

(Higashigawa Trial, p. 262)

Similarly, K. Selladorai, a prosecution witness in the trial against Kunio Kuroki and his superior, ended up giving evidence that corroborated Kuroki's contention that he was treated harshly by the *Kenpeitai* and tried to run away several times. Selladorai used to be a court interpreter and was called up occasionally by the *Kenpeitai* in Sungei Patani, and he was now a prisoner, presumably waiting for prosecution in a local court for assisting the *Kenpeitai* (Kuroki Trial,²⁴ pp. 25–26).

Conclusion

To the extent indicated on the charge sheets, the 39 accused interpreters were not prosecuted simply because they were interpreters. Rather, they were mostly charged for being together “concerned in” the ill-treatment of local civilians and POWs. It meant that they took part together with other members of their units in the alleged war crimes. Since the interpreter defendants mostly worked for the *Kenpeitai*, police, POW camps and military occupation forces and administration, they were exposed to hostile and violent settings while dealing with anti-Japanese elements in local communities and Allied POWs at camps and forced labour sites in the capacity of interpreters. Prosecution evidence indicated that the accused interpreters took part in the investigations, arrests, interrogations and torture of civilians and POWs, resulting in the death of some victims. While some interpreter defendants completely denied the allegations, others partially or mostly admitted to the charges by qualifying that their actions were under the order of their superiors. The issue of superior orders in the accused interpreters' defence will be discussed in the next chapter.

Despite the accused interpreters' status as civilians and low-level servicemen, some prosecution witnesses indicated that interpreters played leading or prominent roles in the war crimes, supervising and ordering other members of their units. The defence attributed this “mistaken impression” the victims and witnesses held of interpreters to the high visibility of wartime interpreters and the nature of the messages they had to deliver and the source speakers they had to serve. Since the interpreters were in close contact with the victims and witnesses, speaking directly to them in the language they understood, the interpreters were more recognisable and left lasting impressions. Another possible reason for the “mistaken impression” of interpreters as instigators was that the substance of the messages the interpreters rendered was mostly performative, such as ordering actions and seeking responses, and that the interpreters “spoke on behalf” of the commander or other military personnel. The defence pointed out that those witnesses mistook

the interpreter as the interrogator, for instance. The issues of interpreters' visibility and perceived authorship of speech will be revisited in Chapter 6.

One distinct feature of the prosecution at British military trials against the Japanese was that many wartime interpreters associated with the Japanese military testified for the prosecution as eyewitnesses of war crimes during the trials. In fact, some of the accused interpreters gave incriminating evidence against their former superiors and members of their units as they were present at the alleged crime scenes in the capacity of interpreter. Several local interpreters who used to work for the Japanese military also testified against some of the interpreter defendants as well, a breach of what is now known as the ethical code of confidentiality for professional interpreters under normal circumstances. The implications of interpreters reporting or testifying about abuse and unlawful acts they witness while on duty will be discussed in detail in Chapter 8.

Notes

- 1 For details on the Allied wartime discussions in preparation for war crimes trials, see Wilson et al. (2017).
- 2 See Lan (2016) for a geopolitical analysis of the British military trials against the Japanese.
- 3 "Trial of War Crimes, Aug-Dec 1945" (WO 203/4926A, UK National Archives) designates certain categories of personnel for immediate arrest. *Kenpeitai* is at the top of the list.
- 4 "Sugihara Trial" refers to the transcript and other documents of the "Sugihara et al. Case" in Singapore (15–18 May 1946), in which interpreter Mikami was a co-defendant (WO235/850, UK National Archives).
- 5 See the Bibliography for the details of these archival documents by defendant.
- 6 Among the other defendants was Hisao Kimura, whose story as a philosophy-major university student conscripted into the military and ultimately executed as a war criminal has been featured in several Japanese books. During this trial, urged by the commander, the defendants presented a fabricated story about spy trials against local civilians that never happened (Washimi, 2015). This case is often referred to as an example of senior officers escaping serious sentencing and low-ranking and civilian members of the unit being used as scapegoats. It inspired a stage play (*Natsu: Nampo no romansu* [Summer: Romance in the South] by Junji Kinoshita, 1972) in Japan.
- 7 See various articles in *The Straits Times* and *Malaya Tribune* from March to April 1946 on the archival database of the *NewspaperSG* website (<https://eresources.nlb.gov.sg/newspapers/>).
- 8 "Inouye Trial" refers to the transcript and other documents of the "Inouye Case" in Hong Kong (22–27 May 1946), in which Inouye was the sole defendant (WO235/927, UK National Archives).
- 9 "Mine Trial" refers to the transcript and other documents of the "Mine Case" in Kuala Kansar (8–9 August 1947), in which Mine was the sole defendant (WO235/1086, UK National Archives).
- 10 Tan also admitted some of his actions were on his own initiative.
- 11 Inouye refers to Portuguese, Russian and Chinese with British documentation as examples of "third nationals" (Inouye Trial, p. 89).
- 12 Miyazaki faced two trials. This statement is from the "Sugimoto Case" in Singapore (5–7 February 1946), in which Miyazaki was a co-defendant (WO 235/821, UK National Archives.)

- 13 “Uete Trial” refers to the transcript and other documents of the “Uete et al. Case” in Hong Kong (13 November 1947–16 January 1948), in which Hanagaki was one of the eight defendants (WO235/1105, UK National Archives).
- 14 “Takamine Trial (2)” refers to the transcript and other documents of the “Takamine Case 2”, the second of the two trials Takamine faced as the sole defendant in Kuala Lumpur (8–10 October 1946) (WO235/938, UK National Archives).
- 15 “Yabuki Trial” refers to the transcript and other documents of the “Yabuki et al. Case” in Hong Kong (2–9 August 1946), in which interpreters Takemoto and Ohtsuka were among the three defendants (WO235/937, UK National Archives).
- 16 “Niimori Trial” refers to the transcript and other documents of the “Niimori Case” in Hong Kong (28 August– 1 October 1946), in which Niimori was the sole defendant (WO235/892, UK National Archives).
- 17 “Iida Trial” refers to the transcript and other documents of the “Iida Case” in Singapore (6–9 July 1946), in which Iida was the sole defendant (WO235/909, UK National Archives).
- 18 The two main Japanese programmes in Britain were the translator and interrogator training programme at the School of Oriental and African Studies (SOAS) and the codebreaker and translator training programme in Bedford. See Takeda (2018) for details.
- 19 The Canadian government resisted the British request to “borrow” *Nisei* linguists through early 1945, thus their activity took place mostly in the postwar operations, such as working as interpreters in war crimes investigations and trials. See Adachi (1976) and Ito (1984) for details.
- 20 This was controversial because of the potential breach of the Geneva Convention to protect POWs (Connor, 2010).
- 21 The records of these interviews are included individually in the files of war crimes trials at the Japanese National Archives.
- 22 “Itsuki Trial” refers to the transcript and other documents of the “Car Nicobar case” or the “Itsuki et al. Case” in Singapore (11–26 March 1946), in which Yasuda and Uchida were among the 16 defendants (WO235/834, UK National Archives).
- 23 “Nagaosa Trial” refers to the transcript and other documents of the “Nagaosa et al. Case” in Singapore (22 April–7 May 1946), in which Hashida was one of the eight defendants (WO235/844, UK National Archives).
- 24 “Nishimura Trial” refers to the transcript and other documents of the “Nishimura et al. Case” in Taiping (16–19 December 1947), in which Kuroki was a co-defendant (WO 235/1111, UK National Archives).

3 Interpreters' defences

At British military trials against the Japanese, the accused interpreters were charged mostly for being (together) concerned in the ill-treatment of local civilians and prisoners of war (POWs) while working as interpreters for the *Kenpeitai*, police, POW camps and military occupation forces and administration. During the trials in Singapore, Hong Kong, North Borneo and various locations in Malaya, 31 out of the 39 accused interpreters defended themselves against the charges by testifying in court under oath, being cross-examined by the prosecutors and responding to questions asked by the court. Reasons for the remaining eight defendants opting not to give a sworn testimony in court are unspecified in the trial documents. It should be noted, however, that those interpreter defendants were put on trial along with a large number of co-defendants (in total 15 to 35), including high-level military officers. Isamu Terata (1952, p. 560), a former *Kenpeitai* officer convicted in the Penang trial held against 35 defendants, reveals in his post-trial writing that the defence counsel directed the in-court testimonies to be limited to those by defendants who had held positions of authority and who had been involved in key incidents. This decision by the defence lawyers could explain why only Kwek Tiong Him out of the four interpreter defendants in the Penang trial gave evidence in court.

Besides in-court testimonies, pretrial statements taken by British investigators (with the assistance of an interpreter if the accused did not speak English) and signed by the accused interpreters were presented during the trials. In addition, Masayoshi Nigo made an unsworn statement in court. Presumably, he opted not to testify under oath in order to avoid being cross-examined by the prosecution. Such unsworn statements, however, carried less weight compared to testimonies under oath. Further, most of the interpreter defendants gave statements pleading for mitigation and petitions before and after the sentencing.

These testimonies, sworn and unsworn statements, pleas and petitions elucidate how the accused interpreters defended themselves against the evidence presented by the prosecution. Equally important are the opening and closing addresses by the defence counsel. The defence counsel for the accused interpreters were all Japanese assigned by the Japanese government, except for the cases of Kazuo Miyazaki (in one of his two trials), Kichitaro Okamoto and Kanao Inouye, who were defended by British officers. In most cases the Japanese counsel were provided

an advisory officer from the British military, but it is unknown to what extent these advisory officers were involved in defending the accused.¹ The closing addresses by the defence counsel typically included a contextual overview of the roles and positions of the accused interpreters in their military organisations by referring to their backgrounds (e.g. being Malayan-born or Taiwanese and forcibly recruited), the nature of their work (e.g. suppressing anti-Japanese elements and dealing with Allied POWs), geopolitical contexts of the alleged incidents (e.g. communist and anti-Japanese guerrilla activities) and the Japanese military's hierarchies and practices (e.g. absolute obedience to superiors and the infamy of the *Kenpeitai*).

The accused interpreters and their defence counsel presented complete or partial denials of the charges against them, generally citing the unreliability of some prosecution witnesses, exaggerations, inconsistencies and falsehoods in the prosecution evidence and mistaken identities of the accused. As for wrongful identifications, Yoshiharu Mikami and Teruyoshi Fujiyama in separate cases, for instance, alleged that witnesses easily zeroed in on interpreters to be held responsible in place of true offenders who had left the area or died; and that the witnesses wanted any individuals associated with the Japanese military to pay for their sufferings regardless of what the alleged perpetrators did or not. Grudges and revenge against the accused and the Japanese military were also mentioned by the defence as purported reasons for false or exaggerated evidence given by prosecution witnesses in the cases against Shigeru Katsurayama, Cheah Kam Sang, Otojiro Takemoto and Sekitaro Ohtsuka.

Since the prosecution was largely based on statements taken from the victims, some interpreter defendants pointed to their visibility as a key factor. Mikami mentioned that the local residents remembered his face and name because he was always in close contact with them, but they did not know the names of those who actually assaulted them (Sugihara Trial, p. 69). Okamoto claimed that, because as an interpreter he was seen often by villagers, they easily identified him (Kishi Trial,² p. 508). As discussed in the previous chapter, the high visibility of interpreters also contributed to the mistaken impression the witnesses held that the accused interpreters were instigators of the offences. For instance, the defence counsel for Mikami, Susumu Hashida and Kiyoji Iida, respectively, claimed that prosecution witnesses had the illusion that interpreters and interrogators were one and the same.

In addition, there was a defence argument on the act of slapping as a routine practice of the Japanese military and not worthy of inclusion in determining criminality. The defence argued that slapping was extended to POWs and local civilians as they were treated in the same way as members of the Japanese military. As indicated in the previous chapter, some interpreter defendants did admit to slapping detainees. In the Hong Kong trials of Itsuo Tsutada, Inouye, and Takemoto and Ohtsuka, respectively, slapping was explained by the defence as commonly occurring and not considered to be improper or illegal by the Japanese. Some of the interpreter defendants were also slapped by their superiors. The British counsel for Inouye even stated, "Slapping a person is second nature to the Japanese" (Inouye Trial, p. 159).

Further, some of those accused interpreters who were born outside Japan or Taiwan claimed that they were British subjects and of Chinese nationality in order to seek dismissal of their cases or leniency in the court's findings and sentencing. The British military trials were for war crimes committed by the enemies, not by citizens of the Allied nations. The issue of dual citizenship and jurisdiction in the cases of some interpreter defendants will be discussed in detail in Chapter 4.

For the purpose of the present study, this chapter focuses on two principal defences the accused interpreters and their counsel relied on: One is that the accused was "only interpreting" and had no power or authority to conduct arrests, interrogations or torture, and therefore should not be held responsible for acts committed by other members of the unit; and the other is that the accused had to "follow the orders" of his superiors under the strict Japanese military rule of absolute obedience. In the following sections, these two main themes in the defence are discussed in detail by examining the arguments by the defence counsel and the statements and testimonies by the accused as well as the arguments by the prosecution. Special attention is paid to how the accused Taiwanese interpreters defended themselves in connection with the complex and difficult circumstances they faced because of their status as colonial subjects as well as the fact that they shared racial, linguistic and cultural backgrounds with the Chinese locals.

"Only interpreting"

In their defence, most of the accused interpreters insisted that they were only interpreting and engaged in nothing else without instructions or orders from their superiors. They also emphasised that as civilian interpreters they had no right or authority to initiate arrests, investigations or interrogations, nor had they the power or obligation to intervene or stop the offences committed by military members. In response to the defence contention that the accused interpreters should not be held responsible for acts of their superiors and other members, the prosecution argued for their joint responsibility in the acts committed by their unit as a whole.

Interpreters as "machines"

Throughout the records of the British military trials against interpreters, language downplaying the role and agency of interpreters can be found frequently in the statements by the accused and their defence counsel, such as the accused being "only an interpreter", "nothing but an interpreter", "just an interpreter" and "merely acting as an interpreter". The analogous terms used to highlight the interpreters' function as a mere utility include "a medium", "an organ", "a machine", "a parrot" and "a messenger". For instance, the defence counsel for Masayoshi Nigo remarked in his closing address as follows:

The interpreter is a medium through whom speakers of different languages carry on conversation. ... the interpreter has nothing to do with the content

or the nature of the interrogation itself, not to speak of his power in framing the interrogation. His position requires of him, regardless of his own ideas of views, to correctly interpret the interrogations, and, similarly, the answers. The interpreter is a mere medium pure and simple, acting without allowing any interference by his own personality.

(Sumida Trial, Closing by Defence, p. 32)

This argument is akin to a classic discourse of interpreters being “conduits”, just mechanically converting words from one language into another.³

Similarly, the lawyers for Yoshiharu Mikami and Kiyoji Iida in separate trials stated that the interpreter was used only as an organ to convey the intentions of the interrogator in foreign languages. The counsel for Kanao Inouye and Genichiro Niimori respectively referred to the role of interpreters as that of a machine as well. Inouye himself testified, “I was just like a machine which speaks. If he [the interrogator] asked me to ask a question, I just did it. I did not ask any questions on my own and I translated every word asked” (Inouye Trial, p. 101). Inouye sounds like a faithful follower of the present-day code of ethics for court interpreters.⁴ Inouye added that he was told by his superior that interpreters were parrots (*ibid.*, p. 82). And finally, Ichiro Mine in his testimony called himself an interpreter as well as a messenger, implying that he delivered the messages of his superior without his presence on occasion, but detached himself from the substance of the message he delivered.

These remarks were always followed by another statement emphasising how powerless and out-of-the-loop these interpreter defendants were in the decision-making and actions by their units: They had no authority, right or power to engage in acts other than interpreting on their own, such as arrests, interrogations and torture, nor had they the right or obligation to interfere with or stop the wrongdoings of their unit members. The interpreters spoke on behalf of others but did not have their own voice. Nigo’s defence counsel presented the accused as a helpless onlooker by saying as follows:

Nigo himself neither subjected himself to the torture nor assisted in it. Unfortunate to be there. He could not do anything. He was an interpreter and as such he had but to act as an interpreter, and that was all he could do. There was nothing he could do otherwise. He had no alternatives.

(Sumida Case, Closing by Defence, p. 33)

Similarly, in defending Toh Swee Koon in the same trial in Singapore the defence counsel pointed out that being present at a crime scene cannot stand as grounds for prosecution. The defence argued that the accused interpreters should not be held responsible for the content of the words they delivered, such as ordering torture, because the words originated from someone else; nor should they be held responsible for the consequences associated with those words, such as torture, because they were simply delivering what they heard in one language into another like a machine and had no authority or power to act otherwise.

Interpreters' joint responsibility

The prosecution mostly focused on their evidence pointing to the accused interpreters' individual engagements in the offences laid out in the charges, such as physically taking part in the ill-treatment and torture of local civilian detainees and Allied POWs. In addition, some prosecutors specifically argued for the "joint responsibility" of the accused interpreters in the crimes their units committed as a whole. To the prosecution, regardless of how the interpreters might have been involved in the incidents, being a part of the *Kenpeitai* even as a civilian interpreter was enough to be found guilty because they committed the crimes as a unit. For instance, the prosecution in the Double Tenth case (with Nigo, Toh, Miyazaki, Chan Eng Thiam and 12 others as defendants) in Singapore stated:

[T]hese prisoners [defendants] are all charged jointly with the commission of a war crime – a crime committed by the unit as a whole, with all the prisoners acting in concert throughout the whole of the transaction. It is apparent from the evidence that the prisoners customarily worked as interrogators and torturers singly, or sometimes in pairs, usually also together with an interpreter. But this fact, in my submission, does not in any way detract from the joint responsibility of them all. All these prisoners have been identified as being members of the *Kenpeitai* during the relevant period. That fact alone is, I submit, sufficient to establish a prima facie⁵ for them to answer.

(Sumida Trial, p. 436)

This argument supposes that the members of the *Kenpeitai* in Singapore made a concerted effort to achieve their common purpose (i.e. suppressing anti-Japanese elements in the area with force), and that the interpreters were part of this enterprise. In the case of Niimori, the prosecution argued that Niimori was not a simple spectator but "took part in or had a part in" (i.e. being "concerned in") the ill-treatment of POWs as an interpreter (Niimori Trial, Closing by Prosecution, p. 296).

Similarly, in the Penang trial against 35 defendants associated with the *Kenpeitai*, the prosecution stated in the closing address as follows:

The part they [all the defendants] have played is not confined merely to the physical acts of their own hands but extends to the degree of willing cooperation and indifference to suffering that they are proved to have exhibited and the whole is the sum of these individual parts and it is for the whole that the accused are now on trial; that is, for the mass murder of over a thousand persons and the ill-treatment of hundreds more. ...

If people are together at the same time, taking part in a common enterprise which is unlawful, each one in their own way assisting the common purpose of all, they are all equally guilty in point of law. ...

Gentlemen, over a thousand died, and so many suffered. Here, only 35 stand their trial for the blood of these hapless men and women; slaughter on such a scale could only be affected by a coordinated unit working closely

together and all having full knowledge of the tortures and conditions and the deaths. And each is actually guilty and guilty in the same degree.

(Higashigawa Trial, Closing by Prosecution,
Part II, pp. 2, 8, 14)

In this argument, the interpreters constituted an integral part in their units' actions as a whole and therefore could not escape responsibility for the criminal acts the units committed.

In response to the prosecutions' proposition of joint responsibility as indicated above, defence lawyers for the accused interpreters (e.g. the cases of Kiyoyoshi Takamine, and of Nigo, Toh, Miyazaki and Chan) maintained that the accused should not shoulder the responsibility for unlawful acts of other members simply because they were interpreters of that unit or they took part as interpreters in the arrests and interrogations of suspects. The findings reached by the judges and the decisions by the confirming officer in this regard will be discussed in the next chapter.

“Just followed the orders”

The other main theme the defence focused on in the arguments against the charges was that the accused interpreters were bound to follow the orders of their superiors under the strict Japanese military rule of absolute obedience, thus some of them were involved in the offences inflicted on local civilians and POWs on the orders of their superiors. This defence of superior orders was rejected by the prosecution who cited the applicable law of the British military trials for war crimes.

No choice but to obey

As mentioned in the previous chapter, some accused interpreters totally denied all the charges (e.g. Teruyoshi Fujiyama, Tadao Hirota, Shigenobu Hirota, Masanori Matsuoka and Shigeru Katsurayama), while others partially admitted to some of the charges, such as slapping, beating and even torture. Of those who made partial admissions, some acknowledged that they engaged in such offences out of temper (Yoshio Hanagaki), based on standing permission from a superior to use force to obtain confessions from suspects (Muneharu Yasuda and Masahiro Uchida) or occasionally on his own initiative (Tan Teong Koo). About two-thirds of the interpreter defendants, however, pointed to superior orders in defending themselves against the charges. They were all civilians, mostly Taiwanese and foreign-born Japanese. As civilian interpreters in auxiliary positions within the Japanese military organisation and under the military's strict rule of absolute obedience, those accused stated that they had no choice but to obey the orders of their superiors. Thus, they ended up participating in slapping, beating, torture and even attempted killings. Susumu Hashida testified in court that he beat and burned suspects on the orders of his superior who also taught him how to administer torture (Nagaosa Trial, pp. 209–211). Kiyoyoshi Takamine, Tan Ten Chuan and

Nagasuke Toyoshima each admitted to torturing suspects solely upon instructions and orders of their superior *Kenpeitai* officers. Masao Fujita, Itsuo Tsutada and Genichiro Niimori testified in separate trials that they were ordered by their superiors to slap detainees and suspects as disciplinary punishment. Yoichi Nakamura stated he was forced to beat suspects on the orders of his *Kenpeitai* superior, which was indeed corroborated by this officer during his testimony in the trial. Finally, Kunio Kuroki was even ordered by his superior to shoot a prisoner.

These interpreters claimed that they essentially lived in fear, terrified of what would happen if they disobeyed superior orders, especially within the *Kenpeitai* units. Kwek Tiong Hin stated that there was no way out, and once involved in the *Kenpeitai* it was like being caught in “a spider web of terror” (Higashigawa Trial, Kwek Petition). Similarly, Yeow Chew Bok described the situation he and other Taiwanese interpreters faced as a sword hanging above their heads (*ibid.*, Yeow Petition). There were some interpreters who tried to escape. Khor Kee Siam submitted his resignation to his *Kenpeitai* superior, but it was rejected. Kuroki was treated harshly by the *Kenpeitai* and tried to run away four times. He was caught, brought back and beaten by *Kenpeitai* officers every time. When he ran away for the fourth time and was detained, his father came to collect him. According to a defence witness, Kuroki was even suicidal (Nishimura Trial, p. 25). Yeow stated that he was able to leave the *Kenpeitai* out of “sheer luck” (Higashigawa Trial, Yeow Petition).

According to these interpreter defendants, any refusal to carry out superior orders would have resulted in severe disciplinary punishment. Toyoshima testified, “If I did not interrogate suspects, then I would be terribly rebuked by Komatsu [his superior], so I ill-treated them” (Ogasawara Trial,⁶ p. 5). Takamine’s defence lawyer argued that Takamine was solely the agent of his superiors, and he absolutely had to obey the superior orders because he was attached to the brutal, infamous *Kenpeitai* (Takamine Trial (1),⁷ p. 36). Some interpreter defendants indeed had themselves experienced being ill-treated and beaten by their superiors for dealing with prisoners and detainees leniently. Nakamura was one of them. He was beaten and threatened with being court-martialed by his *Kenpeitai* superior when he tried to disobey. His defence counsel argued that Nakamura carried out superior orders “mechanically”, “not of his own free will”, under the pressure of threats from his *Kenpeitai* superior (Nakamura Trial,⁸ pp. 9, 14).

Likewise, the defence counsel for Kanao Inouye stated the following:

He [Inouye] acted on orders, perhaps it might be contended that he did not oppose those orders with as much strength and determination as he might have done. I ask the Court to remember the situation, the true nature of the Japanese system, how little opportunity there is for one caught in the wheel to revolt against the machine.

(Inouye Trial, p. 148)

The defence emphasised the near impossibility of the accused interpreters, especially civilian and temporary interpreters, disobeying superior orders.

Superior orders defence rejected

In response to the superior orders defence, the prosecution in some cases pointed to the testimonial evidence that the accused interpreters did act of their own accord and played a leading role in the alleged crimes. In other cases, the prosecution drew on the applicable law to reject the proposition of superior orders as an absolute defence even when they seemed to acknowledge the vicious nature of certain Japanese superiors the interpreters served. Previously, the British military had not considered those acting on orders of their superiors to be war criminals. However, in 1944, during the war, the Manual of Military Law was amended radically to remove the superior orders defence.

The amended Manual read as follows:

The fact that a rule of warfare has been violated in pursuance of an order of the belligerent Government or of an individual belligerent commander does not deprive the act in question of its character as a war crime; neither does it in principle, confer upon the perpetrator immunity from punishment by the injured belligerent. Undoubtedly, a court confronted with the plea of superior orders adduced in justification of a war crime is bound to take into consideration the fact that the obedience to military orders, not obviously unlawful, is the duty of every member of the armed forces, and that the latter cannot, in conditions of war discipline, be expected to weigh scrupulously the legal merits of the order received. The question, however, is governed by the major principle that members of the armed forces were bound to obey lawful orders only and that they cannot therefore escape liability if, in obedience to a command, they commit acts which both violate unchallenged rules of warfare and outrage the general sentiment of humanity.

(United Nations War Crimes Commission, 1948,
p. 282)

Essentially it meant that the superior orders defence could be applied only if the order was lawful and that those who committed unlawful acts (patently wrong or unethical acts) would be held criminally liable. Thus, if the accused interpreter participated in manifestly unlawful or inhumane acts, such as the torture and killing of civilians and POWs, they would be held responsible even when such acts were committed under the orders of their superiors. For instance, the prosecution in the case against Nakamura did refer to the brutal nature of Nakamura's superior, but argued that a plea for superior orders was completely ineffective in law if the order was illegal.

Similarly, the prosecution in the Double Tenth case (with Nigo, Toh, Miyazaki, Chan and 12 others as defendants) in Singapore rejected the superior orders defence by citing the above passage on superior orders in the amended Manual. The prosecution in the Penang case (with Khor, Kwek, Yeow,

Motosugi and 31 others as defendants) also presented the following in their closing address:

No international Law is in existence which provides that a soldier who has committed a mean crime, can escape punishment by pleading as his Defence, that he followed the commands of his superiors. This holds particularly true if those commands are contrary to all human ethics and opposed to the well-established international usage of warfare.

Indeed, out of concern about the possibility of German and Japanese soldiers escaping criminal charges, not only Britain but also the United States and other Allied Powers amended their military rules and regulations to reject the superior orders defence in preparation for war crimes trials (Wilson et al., 2017). This newly devised approach to the defence of superior orders was also reflected in the Charter of the Tokyo Trial (Article 6 Responsibility of Accused) as follows:⁹

Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to order to his government or of a superior shall, of itself, be sufficient to free such accused from responsibility from any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

As the superior orders defence was rejected by the law of the British military courts, it may be understood that the defence presented it to the court for consideration as a factor in mitigating the punishment. How the court and the confirming officer dealt with the issue of the superior orders defence as a possible mitigating factor will be examined in detail in the next chapter.

Being Taiwanese interpreters

In conjunction with being powerless civilian interpreters attached to Japanese military organisations and the military principle of absolute obedience to superior orders, special attention should be paid to another layer of contextual factors in order to understand the behaviour of certain interpreter defendants and the ways the defence characterised such behaviour: That is, the backgrounds of the accused interpreters, such as family, residency and race. The linguistic skills of the accused interpreters were essential for the Japanese military to govern the areas they occupied and suppress anti-Japanese elements, whether for the *Kenpeitai*, police, occupation forces and administration, or POW camps. At the same time, the very reasons why they were equipped with such skills (e.g. colonial language policy, and dual backgrounds in family, residency, education and occupation) could be a source of concern for the Japanese military. As mentioned in the previous chapter, Kazuo Miyazaki and Toh Swee Koon, as locally hired interpreters, and Kanao Inouye, as a Canadian *Nisei*, stated during their trials that they were

not fully trusted by the Japanese because of their presumed connections to the enemies (i.e. born and bred as British subjects and ethnically Chinese). Therefore, they behaved in such ways as to not fuel the suspicion of the Japanese military. Here, special attention should be paid to the Taiwanese interpreter defendants who were placed in complex and difficult situations due to their backgrounds. These extraordinary circumstances were often brought up by the defence during the trials of the Taiwanese interpreters.

Speaking for the colonial ruler against fellow Chinese

Out of the 18 Taiwanese interpreter defendants, 8 stood alone in respective court proceedings, while the remaining 10 faced trial with their superiors and other members of their units as co-defendants. They were all defended by the Japanese counsel who were shared by all the defendants in each case. Most of the accused Taiwanese interpreters emphasised in their statements and in-court testimonies that it was not their wish to work for the Japanese military, saying they were “conscripted against their will” and “compelled to” work as interpreters by the Japanese. To be precise, the Japanese government did not start formally conscripting Taiwanese as soldiers until 1944.¹⁰ The military deployment of Taiwanese interpreters, however, started with the outbreak of the Second Sino-Japanese War in 1937. According to historian Shichi Lan (Lan and Takeda, 2017, pp. 111–114), the Governor-General of Taiwan started placing ads to recruit interpreters in 1939. Interpreters were also mobilised from teachers at public schools. Those recruited interpreters were highly educated, multilingual elites, such as doctors, in Taiwanese society and mostly employed by the Japanese Navy and sent to Southern China. For the Japanese, having Taiwanese elites working as interpreters in the military was good publicity to further promote Taiwanese participation in the Japanese war effort. In 1941, however, the Japanese Army started mobilising a much larger number of Taiwanese interpreters who would be needed for their southern advancement campaigns. By 1942 the conditions for recruitment had been greatly relaxed, from “high-school graduate level” in 1941 to “healthy men under age 60”.¹¹ Most of the Taiwanese interpreter defendants in the British trials joined the Japanese Army during this expansive recruitment period. Although not formal conscription, the recruitment was carried out in a forcible manner, as some of the accused interpreters described (see Chapter 1 for details).

In addition to being civilians as well as colonial subjects, many of these Taiwanese interpreters were young (in their twenties) and not highly educated. At the time of the alleged crimes, the average age of the Taiwanese interpreter defendants was 28 (Chan Eng Thiam being youngest at 18 and Tan Ten Chuan being oldest at 39). As for educational backgrounds, while Shigenobu Hirota studied at Chuo University in Tokyo and Muncharu Yasuda attended a teachers' college and language schools, the remaining 16 interpreters received just a primary school education. Thus, ostensibly, these Taiwanese interpreters were indeed powerless within the Japanese military organisation, and it was not plausible for them to take leading or prominent roles in their units.

More importantly, most of the tasks assigned to the Taiwanese interpreters by the Japanese were in the context of suppressing anti-Japanese elements in local Chinese communities.¹² In their capacity as Hokkien, Cantonese and Hakka interpreters, they were present for the arrests and interrogations of those Chinese locals. This means that these Taiwanese interpreters were working in hostile settings using linguistic skills that were deeply rooted in the culture that was shared by the very people their units persecuted. As interpreters, they were in close contact with victims who were aware that these Taiwanese interpreters had the same linguistic and cultural heritage as they did, which fueled the victims' resentment towards Taiwanese interpreters as "traitors" (Lan, 2016). Since some of the Taiwanese interpreters used their Chinese names, it was easy for Chinese locals to remember them. It should be noted that the Taiwanese defendants who used Japanese names within the Japanese military were often identified using their Chinese names by the victims and witnesses at the trials.

No way out

The complex situations under which the Taiwanese interpreter defendants were placed are explained in their statements, testimonies, pleas for mitigation and petitions as well as their defence lawyers' closing addresses. In seeking lenient court findings based on the special circumstances they faced, the Taiwanese interpreter defendants and their counsel mainly focused on two aspects. One was that as imperial subjects they were treated with prejudice and discriminated against by the Japanese. Terms such as "slave", "unhuman" and "animal" were used to depict their low status. Thus, it was argued that there was no way for the Taiwanese to escape from the Japanese military or to disobey their orders.

For instance, Kiyoyoshi Takamine's counsel argued in his closing address as follows:

[H]e [Takamine] had no power, no rights, no freedom, nothing. He was used and treated like a slave forever at the bidding of his superiors, and he was looked upon with apathy, he drudged along in a gloomy life with no hope. Why? Just because his nationality was Taiwanese.

(Takamine Trial (1), p. 36)

Similarly, Khor Kee Siam in the Penang trial stated in his plea for mitigation, "There was no way out, for the *Kenpeitai* men despised us, treated us unhuman and we were compelled to drag along by orders" (Higashigawa Trial, Khor's Petition). In the same trial in Penang, Kwek Tiong Him pleaded that he was compelled to work for the Japanese military under the oppressive colonial policy of Japan (ibid., Kwek's Petition). In their closing address, the defence counsel in the Penang trial invoked the hardship these Taiwanese defendants experienced:

[T]hey [Taiwanese] were looked upon by these people [Japanese military] as no [sic] co-operating with the Japanese and having unfriendly ideas. So was it

in the *Kenpeitai* where manners were strict, discipline rigid and ideas generally perverted to prejudice. ... In order to live under such unfavourable conditions and circumstances...[t]hey were compelled to carry out the orders from their peculiar position due to the mere reasons of having a Taiwanese Nationality. I hope the Court will take this [sic] extenuating circumstances into consideration and give the three Taiwanese who were always assistants a lenient finding.

(Higashigawa Trial, Closing by Defence, pp. 23–24)

Nagasuke Toyoshima's counsel referred to the historical context of Taiwanese being subjugated by the Japanese as follows:

As you know Taiwan, formerly Formosa previously belonged to China and was ceded to Japan due to the Sino-Japanese war long ago. The Taiwanese generally have been looked upon prejudicially for having unfriendly ideas against Japanese especially after the outbreak of the Sino-Japanese Incident, 1937, and also have always been suffering from such prejudice. Toyoshima being a Taiwanese was also one of these suffering victims.

(Ogasawara Trial, Closing by Defence, p. 4)

Here, and in the arguments above, the defence seemed to call for the court's sympathetic consideration of the Taiwanese defendants as they too were victims who suffered from Japanese imperial aggression in this war.

To impress the Japanese superior

The other point the defence stressed was the agonising dilemma the accused Taiwanese experienced in dealing with the local Chinese population. As Hokkien speakers, most of their tasks were connected to the suppression of suspected anti-Japanese activists in the local Chinese communities. Thus, the Taiwanese interpreters faced the taxing situation of being placed between the Japanese colonial ruler and the fellow ethnic Chinese. According to their statements and testimonies, the Taiwanese interpreter defendants feared that the Japanese military and the local Chinese both distrusted them: The Japanese suspected that the Taiwanese interpreters might be lenient and sympathetic towards Chinese locals because of their common ethnic background, while local Chinese viewed the Taiwanese as pro-Japanese and traitors to the Chinese (*hanjian*). Thus, the defence argued that some Taiwanese felt compelled to impress their Japanese superiors and prove their loyalty to them by "overdoing" their assignments on occasion.

The following is from the closing address by Kiyoyoshi Takamine's counsel, explaining the dilemmas Takamine experienced in dealing with local Chinese while on assignment as an interpreter:

Takamine was always in a state of mental suffering, for any lenient treatment towards the suspects would immediately put him in a very difficult situation;

for on one hand, he would be regarded as pro-Chinese, and on the other, as not faithfully co-operating with the Japanese.

(Takamine Trial (1), p. 36)

The three Taiwanese interpreters in the Penang trial also mentioned the distress they suffered in connection with their assignments in dealing with anti-Japanese suspects in the Chinese community. If they treated suspects leniently because of their affinity with local Chinese, that would have resulted in retaliation and possibly their own death. Khor in his petition after the sentencing pleaded:

Under the circumstances of being a Taiwanese, it was obliged to be strict or even take drastic measures sometimes only to obtain the favour of the superior who rebuke me horribly if I neglected.

... How could I beat my own nationality the Chinese with pleasure?

One soft handed treatment to the suspects on my side would bring an unexpressible beating upon myself.

(Higashigawa Trial, Khor's Petition)

Similarly, Kwek Tiong Hin said the following in his plea in mitigation, stressing his connection with Hokkien-speaking local Chinese.

When I arrived in Penang, fortunately there were many Hokkiens and I myself know Hokkien. When I interrogated suspects, I did not wish to ill-treat them nor did I like it. I was compelled to obey orders of the *Kenpeitai*, and if I did not do so, I would receive severe punishment. They would order me to beat a suspect 10 times and I would only strike once or twice. When I arrived in Penang, I intended to stay here and make my living here and so I did not wish to illtreat my own nationality, the Hokkiens.

(Higashigawa, Khor's Plea)

In his petition after the sentencing Kwek reiterated the struggle he experienced in dealing with his fellow Chinese in the local community:

Under the most unfavourable conditions of being a Taiwanese, I was compelled to take drastic measures against my will, for the mere reasons of trying to get the favour of my superior or otherwise I myself would be killed or horribly rebuked. The *Kenpeitai* regarded us as animals....

To treat the suspects leniently would mean death.

There is a general prejudice that the Taiwanese did everything bad but it was quite the contrary, for when in not the presence of the superiors we would do our utmost to make the suspect at home.

(Ibid., Khor's Petition)

On behalf of the three Taiwanese interpreter defendants in the Penang case, the defence counsel argued the following in his closing address:

To obtain the favour of their superior *Kenpeitai* officers they were compelled to do what they were ordered, in such a manner that at times drastic measure

could not be helped. But was this their will? Did they do it to please themselves? Was it a pleasure for them to ruthlessly ill-treat their own nationality, the Chinese? Absolutely no. They were compelled to do so just to obtain favour from their superior officers, which was the only path they could take, in order to keep up in the *Kenpeitai*, otherwise they would be subjected to a terrible reprimand ...

And so, during the interrogation, if they took soft, easy going methods, towards the suspects, they would not only be looked upon as anti-Japanese and non-cooperation [sic] but would receive a horrible rebuke. However, they were also despised, looked upon with apathy as pro-Japanese, by their own Chinese fellow countrymen.

In this way, they must have been thrown into a dilemma of mental sufferings which hovered about in their unfortunate life in the *Kenpeitai* and this invisible yoke forced them to obey the orders which were inevitable.

(Ibid., Closing by Defence, p. 23)

In his mitigation plea, the defending lawyer of Tadao Hirota described as “a tragedy” this unfolding history in which Hirota was forced as a colonial subject to harm Chinese “brothers” for the imperial ruler and be held responsible for it:

If he has to bear all the responsibility arising from the war, it would be too cruel for him and a tragedy of human life. He is a Taiwanese whose body flows the same blood as that of the Chinese brothers.

(T. Hirota Trial, Hirota's Plea)

In the plea in mitigation, Ee Fook Seong's defence lawyer touched on the suffering of his family in Taiwan due to the calamity that Japanese imperial ambitions had created by involving Taiwanese.

He has to help his old father to look after his seven brothers and sisters in a country recently returned to the Chinese. The Chinese in Formosa have been persecuting families that had been forced to work for the Japanese, and the accused would like to be with his family in these times of trouble. ... I hope the Court will show every regard to the prisoner's state of family.

(Ee Trial, Ee's Plea, p. 40)

Now that Taiwan was governed by the Chinese Nationalist Party, Japan's war-time enemy, the Taiwanese who worked for the Japanese military during the war were considered Japanese collaborators, and thus traitors to the Chinese. This condemnation was extended to their families as well.

Upon Japan's surrender, Taiwanese were no longer Japanese imperial subjects. However, the Taiwanese interpreter defendants were still put on trial by the

British as Japanese. The fate of these Taiwanese defendants under these extraordinary circumstances will be discussed in the next chapter.

Conclusion

At the British military trials for Japanese war crimes, the 39 accused interpreters were mostly charged for being (together) concerned in the ill-treatment of civilians in Japanese-occupied territories and Allied POWs. Through statements, in-court testimonies, pleas in mitigation and petitions, the interpreter defendants countered the prosecution evidence of their taking part in offences carried out by members of the *Kenpeitai*, police, POW camps and occupation forces. The defence counsel pointed to, among other things, the unreliability of certain prosecution witnesses, inconsistencies and falsehoods in the prosecution evidence, and mistaken identities of the accused. The main defences, however, were that the accused were just interpreting and that the accused had to follow superior orders.

Referring to interpreters as machine, medium and messenger, the defence presented the accused as mere tools with no authority to conduct arrests or interrogation of anti-Japanese suspects on their own, and as helpless onlookers who had no power to intervene in the wrongdoings of military personnel. Thus, the defence argued that the accused interpreters should not be held responsible for the criminal acts committed by other members of their units. As for superior orders, the defence emphasised the near impossibility of the accused interpreters refusing the orders of their superiors under the strict military rule of absolute obedience. Being auxiliary civilians at the bottom of the military hierarchies, the interpreter defendants had no choice but to follow orders. They testified that they would have been killed or severely harmed if they had not obeyed the orders and instructions from their superiors.

The prosecution rejected both the propositions the defence presented. In the prosecution's case, the primary focus was placed on testimonial evidence of individual interpreters committing criminal acts and even playing prominent or leading roles in those acts on occasion. In addition, some prosecutors brought up the accused interpreters' joint responsibility as they contended that the offences were committed jointly by their units as a whole. In other words, the prosecution argued that by virtue of being members of a unit that committed a crime the interpreters should also be held responsible for the crime since they shared common goals and acted in concert as a military enterprise. As for the defence proposition of superior orders, the prosecution drew on the law of British military trials for war crimes rejecting the immunity of members who followed the superior orders unless the orders were lawful. It meant that, even on the order of a superior, an interpreter would be held criminally responsible for engaging in an unlawful act. The implications of the interpreters' joint responsibility in criminal acts and the ineffectiveness of the superior orders defence will be examined in detail in Chapter 7.

Special attention should also be paid to how the accused Taiwanese interpreters defended themselves against the charges. The Taiwanese accounted for almost half of all the accused interpreters. In most of the trials against the Taiwanese interpreters, the complex and difficult circumstances they faced were put forward by the defence in seeking leniency in the verdict and sentencing. Most of the Taiwanese defendants were forcibly recruited as colonial subjects by the Japanese military and attached to the *Kenpeitai* or police units as civilian interpreters or tasked with temporary assignments as needed. They were mostly young and not highly educated. Working as civilian interpreters as well as imperial subjects, these Taiwanese were at the bottom of the Japanese military hierarchies. The defence argued that they were treated with prejudice and discrimination within the military organisations and could not escape. Further, the defence emphasised that, since the Taiwanese interpreters were mostly assigned to dealing with local Chinese, they were faced with difficult psychological dilemmas, being placed between the Japanese military, their colonial ruler, and local Chinese, who shared linguistic and cultural heritage with the accused. While the Japanese may have suspected that the Taiwanese were sympathetic to local Chinese, the local Chinese viewed the Taiwanese interpreters as Japanese collaborators and traitors to the Chinese. It was suggested that the Taiwanese interpreters sometimes acted with excessive force towards Chinese suspects in order to impress their Japanese superiors and curb their distrust. The complex position of heritage language speakers and colonial subjects as interpreters in war and its possible impact on their behaviour will also be touched on in Chapter 8.

Notes

- 1 See Zahar (2013) for more details on British advisory officers in Hong Kong courts.
- 2 “Kishi Trial” refers to the transcript and other documents of the “Kishi et al. Case” in Hong Kong (38 March 25–April 1946), in which interpreter Okamoto was one of the 15 defendants (WO 235/993, UK National Archives).
- 3 Based on empirical research, especially in dialogue interpreting and community interpreting settings, the notion of interpreters as conduits has been debunked by interpreting scholars. See Wadensjö (1998) and Roy (2000), for instance, for the discussion of interpreters’ role as co-participants in constructing discourse of interpreter-mediated communicative events.
- 4 See the Code of Ethics and Professional Responsibilities issued by the National Association of Judicial Interpreters and Translators in the United States (<https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>), for instance.
- 5 *Prima facie* means legally sufficient to establish a fact or raise a presumption unless it is disproved or rebutted.
- 6 “Ogasawara Trial” refers to the transcript and other documents of the “Ogasawara et al. Case” in Kuala Lumpur (27–28 June 1947), in which interpreter Toyoshima was a co-defendant (WO 235/991, UK National Archives).
- 7 “Takamine Trial (1)” refers to the transcript and other documents of the “Takamine Case (1)” in Kuala Lumpur (11–12 July 1946), the first of the

two trials Takamine faced as the sole defendant (WO 235/904, UK National Archives).

- 8 “Nakamura Trial” refers to the transcript and other document of the “Nakamura Case” in Josselton (5–6 December 1946), in which Nakamura was the sole defendant (WO 235/956, UK National Archives).
- 9 The entire Charter (The Charter of the International Military Tribunal for the Far East, 19 January 1946, amended 26 April 1946) can be accessed on the ICC Legal Tools Database (<https://www.legal-tools.org/doc/a3c41c/pdf>).
- 10 See Kondo (1996) for details.
- 11 In 1938, only the graduates of specialised schools could apply for interpreter positions (Lan and Takeda, 2017, p. 113).
- 12 The only exception is the work by Muneharu Yasuda who used English in dealing with islanders in Car Nicobar.

4 Fates of the accused interpreters

The previous chapters have discussed the backgrounds of the wartime interpreters prosecuted at British military trials for Japanese war crimes, the charges they faced and their defences against the charges. In this chapter, the examination is focused on what verdicts and sentences were handed down to the accused interpreters by the court and how the sentences were carried out, with attention to the judges' comments on the defence arguments such as superior orders and the issue of dual nationality for some interpreter defendants.

At British military trial against the Japanese, there were normally three judges assigned to each case, consisting of a lieutenant-colonel, a major and a captain from the British military.¹ At least one of them had to hold legal qualifications. Following the closing addresses by the prosecution and the defence, the presiding judge handed down a verdict. Some defendants, or defence counsel on their behalf, made a plea in mitigation. In some cases, character witnesses also testified about the “good character” of the accused. After sentencing, the defence was allowed to submit a petition within 14 days to overturn or mitigate the judge's findings in the final confirmation, which sometimes included statements from members of the communities and even former POWs. Like the US and Australian courts, judges were not required to give a detailed statement as to how they arrived at the verdict and sentencing, but some did make comments during the sentencing. The verdict, sentence, plea for mitigation and petition (if any) were reviewed by a judge advocate,² who prepared a report consisting of a summary of the trial proceedings and his recommendation for confirming or non-confirming to the convening officer. There were cases in which the confirming officer overturned the conviction due to jurisdiction issues, mistaken identities, procedural issues and so forth (Hayashi, 1998; Wilson et al., 2017). Around 17% of the verdicts at the British trials were amended by reducing sentences or ordering the defendant to be released (Wilson et al., *ibid.*, p. 99). If a death sentence was confirmed, the execution was carried out swiftly, by hanging or shooting. In Singapore and Hong Kong, the bodies were cremated and disposed of at sea (*ibid.*, pp. 102–103). The overall UK conviction rate was 88%, 223 were executed, 556 were sentenced and 116 were found not guilty in a total of 330 cases against 978 defendants (Hayashi, *ibid.*, pp. 4–5). Those convicted with termed sentences started serving in local civil prisons.

In 1949 the British government established a board to review the sentences of convicts in prison based on trial records and conduct while in prison, resulting in some remissions and a general recommendation to remit one-third of the sentence based on good conduct.³ It was also determined that a life sentence would be understood as 21 years' imprisonment (Hayashi, 1998, p. 282). In 1951, 257 convicts still in Hong Kong, Singapore and other local prisons were sent to Sugamo prison in Tokyo to continue serving (*ibid.*, p. 284). When the San Francisco Peace Treaty became effective and the official occupation of Japan ended in 1952, the Japanese government started campaigning actively for the release of convicted war criminals. With the pressure from the Japanese and concerns about relations with the new Japan as an ally in the Cold War era, the British started deliberating clemency based on the merit of each case, with consideration, among other things, to any inconsistencies and unwarranted severity in sentencing, as well as the age, health and conduct of the convicts (*ibid.*; Wilson et al., 2017). According to Hayashi (1998, pp. 290–291), when the British started granting early release in 1952, the number of war criminals convicted by the British serving in Sugamo was 116. By 1957 there were none. Those originally sentenced to imprisonment served no longer than ten years.

In this chapter, an overview of verdicts and sentences against the accused interpreters at the British trials is presented, and then the issue of nationality and jurisdiction for some interpreter defendants is examined. It draws on the records of the relevant trials, archival documents on British clemency of Japanese war criminals, trial reports prepared by the Japanese government, writings by convicted Japanese war criminals as well as prior research on relevant issues. Special attention is paid to the judges' comments on the defence arguments on superior orders and the nationality of some of the interpreter defendants.

Verdicts and sentences

At the British military trials against wartime interpreters, three judges were assigned to each case, excepting the Penang trial which had four judges. Presumably it is due to the large number of defendants, which totaled in 35, including 4 interpreter defendants. Notably the presiding judge of the cases against Itsuo Tsutada and Yoshio Hanagaki concerning the ill-treatment of allied POWs in Hong Kong and Taiwan, respectively, was R. C. Laming, who had himself been a POW for three and a half years on the Thai–Burma Railway.⁴ Although a trial report by the Japanese government⁵ does refer to this fact, insinuating potential bias from Laming, there is no clear evidence that directly links his experience as a POW and the findings he reached.

Kazuo Miyazaki, Yoshiharu Mikami and Kiyoyoshi Takamine each faced two trials. Miyazaki and Mikami were acquitted due to insufficient evidence in one of their two trials.⁶ Hideo Tagawa's case was dismissed after the trial started since the court concluded that his nationality was Chinese. In the remaining cases, the judges found the defendants guilty of all or some of the charges.

Guilty verdicts

At British military trials, some interpreter defendants faced multiple charges within a case and received different verdicts for different charges. For instance, of the three charges against him, Genichiro Miyakawa in the Bangkok *Kenpeitai* case was found guilty of two charges (ill-treatment of Indian residents) but not guilty of the third one (ill-treatment of a Chinese resident) (see Shimada Trial⁷). The other defendants who received mixed verdicts were Susumu Hashida, Sekitaro Ohtsuka, Genichiro Niimori, Hanagaki, Tan Ten Chuan, Chokichi Yamashiro and Tan Teong Koo. In twelve trials, the guilty verdict was presented with amended charges, such as dropping the references to the death of victims and the names of certain victims, and amending the time frame of the defendant's involvement in the alleged crimes. For instance, for both Tsutada and Hanagaki, "resulting in the deaths of some and in physical sufferings of others" was altered to "resulting in physical sufferings", dropping the reference to deaths (see Tokunaga Trial⁸ and Uete Trial). In the case of Niimori, out of the eight charges, he was found guilty of four charges, not guilty of one charge, and guilty of two charges excepting the words "responsible for the well-being" of POWs and "contributing to the death" of the victim, respectively (see Niimori Trial). The guilty verdict of three defendants was overturned due to their nationality, Miyazaki and Toh Swee Koon being British subjects and Kanao Inouye being Canadian (i.e. a British subject). Their cases will be discussed in detail in the next section along with the cases of Tagawa and others with dual citizenship.

Death sentence

Of the 38 interpreter defendants found guilty, 11 were given the death sentence by the judges. There were no clear sentencing guidelines in the British military trials for Japanese war crimes (Hayashi, 1998, pp. 129–130; Zahar, 2013, pp. 58–59). Historians have discussed the issue of inequities in the verdicts and sentences for similar offences and the sentences being arbitrary (e.g. Pritchard, 1996; Hayashi, 1998; Wilson et al., 2017). It was generally assumed during the trials, however, that death sentences were tied to death cases, such as ill-treatment of detainees resulting in their deaths (Hayashi, 1998, p. 147). Inouye was the only exception among the accused interpreters who received a death sentence without being convicted of being concerned in the death of a victim.⁹ The remaining ten interpreter defendants were indeed found to have taken part in ill-treatment that contributed to the deaths of certain victims.

Although Toh and Inouye were among the 11 interpreters who received the death sentence, their verdicts were overturned because of the jurisdiction issue as mentioned earlier. Tan Teong Koo's sentence was reduced to life in prison at the confirmation stage as well. The remaining eight were executed by hanging promptly after the confirmation of the sentence. Six out of the eight executed were Taiwanese (Muncharu Yasuda, Teruyoshi Fujiyama, Nagasuke Toyoshima,

Khor Kee Siam, Kwek Tiong Hin and Yeow Chew Bok), while the remaining two were an American *Nisei* (Hashida) and a Japanese (Masahiro Uchida).

According to a report compiled by the Japanese Ministry of Health and Welfare (Koseisho, 1955), a total of 26 Taiwanese were prosecuted and all found guilty at British war crimes trials. Among them, the six interpreters mentioned above were the only Taiwanese who were executed. Paying attention to Taiwanese defendants at all Allied trials against the Japanese to the extent the records are available, a total of 190 Taiwanese were found guilty and 21 were executed; and 11 out of the 21 executed Taiwanese were interpreters—6 at British trials, 3 at Chinese trials and 2 at Dutch trials (Lan, 2016, p. 188). All these facts, especially the point that more than half of the executed Taiwanese were interpreters, reiterate the peculiar aspect of the Japanese mobilisation of Taiwanese for their war effort (i.e. dealing with anti-Japanese elements in the Chinese population in Japanese-occupied areas) and the risks those Taiwanese interpreters were exposed to in their assignments (i.e. interpreting in hostile and violent settings such as arrests and interrogations of suspects).

Termed sentences

As for the termed sentences given to 28 interpreter defendants, the lengths of the sentences varied from life (Masayoshi Nigo) to six months (Ee Fook Seong). In actuality, a life sentence was treated as 21 years' imprisonment (Hayashi, 1998, p. 282). In the case of Ee, the judge advocate wondered in his review if it was worth a trial because of the lightness of the sentence (Ee Trial, JAG Review, p. 4). This reflection should be noted with reference to the British interest in completing the trials in an efficient and expeditious manner and its initial plan to pursue only cases likely to lead to sentences of seven years and longer (Wilson et al., 2017, p. 63).

Miyazaki was sentenced to 15 years' imprisonment, but it was not confirmed because it was determined that he was a British subject as he was born in Malaya. Miyakawa was the only interpreter defendant who was fined as well. His sentence was one year of imprisonment, which he had already served by the time of the verdict, and 2,000 Malay dollars as a fine. In a post-trial interview by the Japanese government (Toyoda, 1960, p. 183), a former *Kenpeitai* officer convicted in the same Bangkok trial speculated that the judge was impressed by Miyakawa's character witness who testified that Miyakawa was related to Thai royalty. His father had remarried a Thai princess (Murashima, 2017), and this princess reportedly arranged the payment of the fine for Miyakawa and flew to Singapore with the money (Toyoda, *ibid.*).

Judges' comments

Although the judges were not required to give reasons for their findings on the record, some judges in the trials against the accused interpreters did ask questions in the examination of some interpreter defendants and make comments during

the sentencing. The court findings indicate that most of the judges accepted the prosecution's case against the accused interpreters and rejected the defence arguments such as "only interpreting" and "just followed the superior orders". For instance, here is the presiding judge's remark during the sentencing against Hashida:

To some extent the orders of your superior maybe accepted in mitigation, but I cannot accept that the unfavourable conditions of the war situation can be in any way mitigating. It is easy enough to obey rules when you are winning. The testing time is when you are losing and that is the whole object, the source of the laws and usages of war. Because you were privy to all that went on, because you were fully concerned in this chapter of misdeeds, the sentence of the court in the case of all of you accused that stand before me is subject to confirmation, that you suffer death by hanging.

(Nagaosa Trial, p. 245)

The judge seems to be telling Hashida that he should have rejected his superior's orders, however unrealistic it would have been. In the trial of Inouye, the presiding judge also pressed Inouye during his testimony as to why he did not refuse the orders of his superiors (Inouye Trial, pp. 130–131). Further, the judge asked Inouye whether the principles of Christianity he learned in Canada would be consistent with his behaviour in burning and water-torturing a woman (*ibid.*).

In the Double Tenth case in Singapore, the judge commented on each interpreter defendant, briefly giving reasons for their sentences as follows:

Prisoner No. 13 Sugimoto Kozo [a *Kenpeitai* Sergeant], and Prisoner No. 21, Chan Eng Thiam: you two men were not among the worst of the torturers in this case. Your crimes were crimes of brutality which you committed apparently for the sheer pleasure of doing so, but they were not nearly so frightful as some of the others. ... You, Chang Eng Thiam, were described as one of the worst of those who went around bullying people. You are a young man, and the Court has taken that into consideration in deciding your sentence. The sentence of the Court in both your cases [Sugimoto and Chan] is, subject to confirmation, that you suffer imprisonment for eight years.

... Miyazaki Kazuo: you have been convicted of brutality. In your case the evidence against you is not to the effect that you were one of the worst torturers. That you enjoyed your part in the bullying that went on, the Court has no doubt. Your counsel endeavored to plead in mitigation on your behalf that you were a citizen of this country. In this opinion of this Court, that is a matter of considerable aggravation of your crime. For that reason, the Court's sentence is, subject to confirmation, that you suffer imprisonment for fifteen years. You will leave the Court.

... As for you, Nigo, the Court has no doubt whatever that you not only took part in tortures, but that you enjoyed doing so. Nevertheless, the Court does not consider that your crimes were so serious as some of your fellow

accused; and to that fact again, you owe your life. The Court's sentence against all of you is, subject to confirmation, that you suffer imprisonment for life. ...

You, No. 19, Toh Swee Koon, were something more than a bully – you were a traitor as well. You, too, must die.

(Sumida Trial, pp. 445–446)

Here, the judge acknowledges that the accused interpreters were not the prime offenders but accepted the prosecution's case that the interpreters did take part in the ill-treatment of the detainees.

The judge's references to the local connections of Miyazaki and Toh suggest that their offences were considered even more serious because they betrayed the community they belonged to and worked for the enemy instead. The judge explicitly called Toh a traitor. A similar sentiment is reflected in the judge advocate's report on the interpreter defendants in the Penang case as well:

In my opinion the fact that two at least of the above (the last named) [Kwek and Yeow] were residents of Penang before the war makes their crimes all the more repellent, and I can find no glimmer of humanity in their conduct which would justify commutation of their sentences. I advise confirmation of the death sentence in all three cases [Khor, Kwek, and Yeow].

(Higashigawa Trial, JAG Review, p. 7)

It appears to suggest that local interpreter defendants should be condemned more harshly than other interpreter defendants even for the same offences. A question remains if the court's decisions were influenced by the sentiment of local residents against the Taiwanese defendants.

Reduced sentences

For 7 out of the 28 interpreters given termed sentences, the confirming officer reduced the length of the sentence to varying degrees. Masao Fujita received a five-year sentence, but it was remitted by five months. Otojiro Takemoto and Ohtsuka's sentences were reduced from three years and six years to one year and four years, respectively. Takamine's 17-year sentence was remitted to 12 years because he had already received a 5-year sentence in another case. Masanori Matsuoka's sentence of seven years was remitted by one year. In the case of Yoichi Nakamura, the five-year sentence was reduced to three years. Ichiro Mine's five-year sentence was remitted to six months. Although the confirming officer provided almost no explanation as to reasons for reduced sentences, some factors may have been considered. They were all civilian interpreters. Takemoto and Ohtsuka had only part-time engagements with the *Kenpeitai* over a limited time. All the other interpreters had pleaded superior orders, and the defence had presented supporting evidence including the testimonies of the superiors themselves. The superior orders defence was possibly a mitigating factor in the reduced sentences at the confirmation stage.

Early releases

As for clemency for those serving in prison, in addition to the condition of having served two-thirds of the sentenced terms, consideration was given to the convicts' good conduct in prison and their age, health and family situation as well as the sentencing reviews (Hayashi, 1998, p. 282). A total of eight convicted interpreters were released before completing full terms. The British clemency records for Japanese war criminals¹⁰ indicate that three interpreter convicts serving in Sugamo prison in Tokyo were granted early releases: Sentaro Motosugi, Tan Teong Koo and Nigo. Motosugi was originally serving 15 years in a prison in Malaya but moved to Sugamo in 1951 and was going to be released 5 years early in 1956. However, he died of cerebral haemorrhage in prison in August 1953.¹¹ Tan Teong Koo was serving a life sentence (i.e. 21 years), first in a prison in Malaya and then in Sugamo after being transferred in 1951, just like Motosugi. Having been from Taiwan, this may have been Tan's first time in Japan. Since he was the only Taiwanese convicted by the British serving in Sugamo at that time, there were voices sympathetic to his circumstances.¹² As discussed in Chapter 3, Tan stated during the trial that he was proud to have worked for the Japanese military and he occasionally ill-treated suspects of his own accord. Thus, Tan having been "a whole-hearted collaborator" was a sticking point for the review board.¹³ Ultimately, though, Tan was released in 1956 because of his good conduct in prison and the fact that he did not bear much responsibility as an unpaid, part-time civilian interpreter in the *Kenpeitai*. Nigo was serving in Singapore, but like Motosugi and Tan he was moved to Sugamo in 1951. Nigo was scheduled to complete his sentenced term in 1966 but was released in 1961. Nigo maintained his innocence throughout. His clemency application included documents supporting his good conduct in prison, his having been useful as a translator and a reference to his mother being sick due to the atomic bombing and living in Hiroshima alone.¹⁴ It also pointed out the undue severity of Nigo's sentence in comparison to two other interpreters (Miyazaki and Toh) in the same case, who received 15 months and 4 years, respectively, in subsequent civil trials.

The other five released interpreters, Mikami, Tadao Hirota, Shigenobu Hirota, Takamine, and Cheah Kam Sang, were serving in prisons in Singapore and Malaya. According to a list of war criminals in prisons (1953),¹⁵ Mikami, T. Hirota and S. Hirota left the prisons two years before completing their sentenced terms. Mikami was originally serving for seven years but was released and repatriated to Japan in 1951, while T. Hirota and S. Hirota left the prison in 1951 and 1952, respectively. Takamine was to leave the prison in 1954 after serving eight years—two-thirds of the confirmed term. Cheah was sentenced to 15 years but was to be released in 1957 after serving for 10 years. Table 4.1 below shows a summary of the verdict and sentence, confirmation and post-confirmation events such as a subsequent civil trial and early release for each interpreter defendant.

Table 4.1 Summary of sentences of the accused interpreters

<i>Defendant</i>	<i>Verdict and sentence</i>	<i>Confirmation</i>	<i>Post-confirmation</i>
<i>Singapore</i>			
Miyazaki (Sugimoto Case)	Not guilty		
Yasuda	Death by hanging	Confirmed	Executed in May 1946
Uchida	Death by hanging	Confirmed	Executed in May 1946
Nigo	Life (21 years)	Confirmed	Transferred to Sugamo in 1951; Released in 1961 (15 years)
Toh	Death by hanging	Not confirmed	Sentenced to 4 years in civil court
Miyazaki (Sumida Case)	15 years	Not confirmed	Sentenced to 15 months in civil court
Chan	8 years	Confirmed	
Hashida	Death by hanging	Confirmed	Executed in May 1946
Mikami (Nagaosa Case)	Not guilty		
Mikami (Sugihara Case)	7 years	Confirmed	Released and repatriated in 1951 (5 years)
Fujita	3 years	2 years and 7 months	Repatriated in July 1948
Iida	10 years	Confirmed	
Miyakawa	1 year and 2,000 Malay \$	Confirmed	Repatriated in Dec 1947
Takahashi	7 years	Confirmed	Repatriated in Jan 1948
<i>Hong Kong</i>			
Okamoto	2 years	Confirmed	Repatriated in Oct 1947
Inouye	Death by hanging	Not confirmed	Sentenced to death in civil court; executed in Aug 1947
Takemoto	3 years	1 year	Repatriated in March 1948
Ohtsuka	6 years	4 years	Repatriated in March 1948
Niimori	15 years	Confirmed	Transferred to Sugamo in 1951
Tsutada	2 years	Confirmed	Repatriated in July 1948
Hanagaki	3 years	Confirmed	Released in Jan 1950

(Continued)

Table 4.1 (Continued) Summary of sentences of the accused interpreters

<i>Defendant</i>	<i>Verdict and sentence</i>	<i>Confirmation</i>	<i>Post-confirmation</i>
<i>Kuala Lumpur</i>			
Takamine (1)	5 years	Confirmed	
Takamine (2)	17 years	12 years	Released om 1954 (9 years)
Fujiyama	Death by hanging	Confirmed	Executed in Jan 1947
Hirota, T.	8 years	Confirmed	Released in 1951 (6 years)
Tan, TC	5 years	Confirmed	
Hirota, S.	7 years	Confirmed	Released in 1952 (5 years)
Matsuoka	7 years	6 years	
Tagawa	Dismissed	Confirmed	
Toyoshima	Death by hanging	Confirmed	Executed in Jan 1947
Katsurayama	4 years	Confirmed	
Cheah	15 years	Confirmed	Released in 1957 (10 years)
Ee	6 months	Confirmed	
<i>Penang</i>			
Khor	Death by hanging	Confirmed	Executed in Dec 1946
Kwek	Death by hanging	Confirmed	Executed in Dec 1946
Yeow	Death by hanging	Confirmed	Executed in Dec 1946
Motosugi	15 years	Confirmed	Transferred to Sugamo in 1951; to be released in 1956, but died in prison in 1953
<i>Jesselton</i>			
Nakamura	5 years	3 years	
<i>Kuala Kansar</i>			
Mine	5 years	6 months	
<i>Taiping</i>			
Yamashiro	8 years	Confirmed	
Kuroki	4 years	Confirmed	Repatriated to Japan in 1950
<i>Alor Star</i>			
Tan, TK	Death by hanging	Life (21 years)	Transferred to Sugamo in 1951; Released in 1961 (15 years)

Yasuda's military savings account

The lives of convicted interpreters after their release from prison are unknown. The only information available at this time is about Muncharu Yasuda, a Taiwanese, and Kanao Inouye, a Canadian *Nisei*, who were ultimately executed. Yasuda left a note for his family before being executed in May 1946. Yasuda told his family to accept his fate because he was “sacrificed under the responsibility of the public

service” and to reclaim the money in his military savings account (Kimura, 2001). According to Koichiro Kimura who interviewed Yasuda’s wife and children in Taiwan, they did not receive the money left in the account until 1995, fifty years later. They also received two million yen (about 14,485 US dollars then) as “condolence money” from the Japanese government in 1989.

The Taiwanese who served in the Japanese military as soldiers and civilians were ineligible for military pensions and other payouts from the Japanese government because they were no longer Japanese colonial subjects after the end of the war. Convicted Japanese war criminals were compensated by the Japanese government in addition to their regular pensions—compensation that was doubled for those who had served in prison outside Japan (Kimura, *ibid.*, p. 316). Although treated as Japanese during the war crimes trials and subsequent imprisonment, the Taiwanese were treated as non-Japanese in terms of protection and support from the Japanese government (Wada, 2017). It took decades of lobbying and lawsuits seeking recovery of unpaid salaries, pensions and life insurance money from the Japanese government for Taiwanese to receive some type of payment for their service (*ibid.*). The Taiwanese who served in the Japanese military and their surviving families also faced condemnation in Taiwan, which after the war was ruled by the Chinese Nationalist Party who had fought the Japanese, for being Japanese collaborators (*ibid.*).

Inouye was hanged at Stanley Prison in Hong Kong in August 1947. Although it is understood that Inouye’s body was cremated and disposed of at sea in Hong Kong just like other executed war criminals, his family tombstone in Kanagawa, Japan, acknowledges Kanao as To’s first son, his age at the time of death, and the date and place of his death (Iida, 2000).

Dual nationality

There were 11 interpreter defendants whose backgrounds could have some bearing on the issue of nationality and jurisdiction at the British military trials against wartime interpreters because the prosecution targeted Japanese nationals, not citizens of Allied nations. As previously mentioned, the cases of the four interpreter defendants were either dismissed by the judge or overturned by the confirming officer because of their nationality. They were Hideo Tagawa who claimed to be a Chinese national, Kazuo Miyazaki who was born in Malaya, Toh Swee Koon who claimed to be born in Singapore and Kanao Inouye who was born in Canada. In addition, Yasuichi Takahashi, a naturalised Canadian citizen, and Kunio Kuroki, a Malay-born Japanese, brought up their dual nationality as a jurisdiction issue or a mitigating factor during their trials, but their argument was dismissed. The remaining five interpreter defendants (American *Nisei*, Singaporean-born, Thai-born and Malay-born) did not make their nationality an issue during the trials.

Cases dismissed or overturned

At the beginning of the trial against police interpreter Tagawa in Kuala Lumpur, the defendant made a plea, stating that he was born in China, moved to Taiwan

with his family as an infant and was of Chinese nationality, and therefore was not guilty (Tagawa Trial,¹⁶ pp. 4–9). He did not have documentation proving his nationality and the only witness he designated (his aunt) had not been located. The prosecution argued that Tagawa previously stated that he was conscripted by the Japanese in Taiwan and he never told any Japanese that he considered himself to be of Chinese nationality. However, the prosecution could not produce any evidence disproving Tagawa's claim. Therefore, the presiding judge concluded as follows:

It has been established that the nationality of the accused is of Chinese. This court has jurisdiction only over persons of Japanese nationality or of Japanese satellite nationality and has therefore no jurisdiction over the accused person. The Court recommends that this case is handed over to the Chinese Military authorities without delay.

(Tagawa Trial, p. 11)

The judge advocate who reviewed this case called the judge's decision "a gratuitous recommendation" and stated, "since there is nothing to suggest that the accused was ever a member of a Chinese military force this recommendation appears to be wholly inappropriate" (Tagawa Trial, JAG Review). Ultimately, the reviewing officer concluded that it would serve no purpose to bring Tagawa to trial again before a new court and recommended the accused be released and the charge against him dropped. It is not known if Tagawa was ever put on trial under Chinese jurisdiction.

Toh's nationality was not very clear, either, as far as the Japanese sources were concerned. During the trial Toh claimed that he was born in Singapore, but Japanese documents, including a directory of Japanese businesses in Singapore in 1937 (*Nanyo oyobi Nihonjin-sha*) and a collection of memoirs (*Malaya yo harukanari* Editorial Board, 1989) indicate that Toh was Taiwanese. Regardless, the confirming officer concluded that Toh was a British subject, thus his verdict was nullified. Toh was then sent to a local civil court in Singapore. *The Morning Tribune*, a local newspaper, reported on 9 October 1946, that Toh was sentenced to four year's rigorous imprisonment for hurting three local Chinese during the Japanese occupation. According to this report, Toh stated at this civil trial that he tried to leave the *Kenpeitai* several times, but he was beaten on one occasion and threatened with imprisonment on another occasion. He denied taking part in torture, but three witnesses testified otherwise. The four-year sentence was a markedly lighter punishment compared to the death sentence initially handed down by the judge of the military war crimes trial.

As mentioned in Chapter 1, Miyazaki was born in Malaya to a Malay father and a Japanese mother. He had never been to Japan. He had a Malay name, Ahmad bin Hashim, but started using his mother's surname, Miyazaki, after his father died and his mother registered Miyazaki as a naturalised Japanese at the Japanese consul in Singapore when he was ten. When his mother was interned by the British authorities in a camp in India in 1941, Miyazaki stayed in Malaya as

a British subject. In one of the two trials he faced, Miyazaki was acquitted. The presiding judge stated the following:

You have enjoyed the hospitality of this country for 22 years, a large part of which you were an alien. Despite that when the enemies of this country came here, you went into their service. Whether you did so voluntarily or forcibly is not a matter for this Court to decide. It may be that an investigation will be made upon that aspect. I can assure you that whatever the Court's views on that matter it has not been influenced in the slightest. You have been most admirably defended in this Court and I hope that in the future you may compare the British justice which you have received with what you saw of Japanese justice whilst you were in the employ of the *Kenpeitai*. The Court has found that the evidence against you is not sufficient to convict you with that certainty which the Law requires. You are acquitted of the charge. You will leave the Court.

(Sugimoto Trial, Findings by Court)

This rather condescending attitude was carried through another trial against Miyazaki (Double Tenth Trial or Sumida Trial) by the same judge.¹⁷ As discussed earlier, the judge considered Miyazaki's crime was aggravated because of the fact that he was a citizen of Malaya, and thus a British subject. The confirming officer overturned the judge's verdict and sent Miyazaki to a local civil court in Singapore. *The Straits Times* on 27 September 1946 reported that Ahmad bin Hashim alias Miyazaki Kazuo was sentenced to 15 months' rigorous imprisonment on the charge of causing harm to two local residents. Again, this was a substantially lighter sentence compared to the sentence of 15 years' imprisonment he had received in the military war crimes court.

During Inouye's trial, a number of questions were asked about his upbringing in Canada by the defence, prosecution and court. Inouye responded that he enjoyed his childhood and generally experienced the same treatment as any other youngster in Canada. He received free education with mostly female "English" teachers, and his friends called him a teacher's pet. He was treated badly in Japan because he was a *Nisei* who spoke English and had Western ideas. As a student in Japan he was water-tortured by the *Kenpeitai*, which resulted in chronic health issues. He wanted to go back to Canada, but his grandfather advised him to finish his education first (Inouye Trial, pp. 81–106). As mentioned earlier, the presiding judge also questioned Inouye about not refusing to torture a woman despite having learned Christian principles in Canada.

In a plea for mitigation, Inouye referred to his father who had served in the Canadian Army during the First World War and received a Military Medal, which does not seem to have impressed the court. The presiding judge handed down the death sentence to Inouye at the end of the five-day trial in May 1946. The judge commented during the sentencing:

Your culpability is greatly aggravated by the fact that you were the guest of the Dominion of Canada in your youth and there you received kindness and

free education which should have impressed on your mind the decent ways of civilised people and made it impossible for you to be concerned, directly or indirectly, in such an outrage against humanity.

(Inouye Trial, p. 149)

Here again, like the cases of Miyazaki and Taiwanese interpreter defendants in the Penang trial, the judge viewed Inouye's offence as even more serious because of his background being connected to his victims, Canadian military officers. Even though Inouye was born in Canada to naturalised Canadian parents (including a father recognised as a war hero by the Canadian government), the judge did not treat him as a Canadian and called him a "guest of the Dominion of Canada". The judge also displayed his prejudice by holding Canadians to be civilised and just compared to Japanese. His attitude (and that of the prosecutor who was a Canadian officer) can be viewed as hypocritical, considering the Canadian government's racist policy of forcibly relocating Japanese Canadians in British Columbia to internment camps and prisons as enemy aliens during the war.

In his petition after the sentencing, Inouye pleaded that his defence counsel had obtained documented proof of Inouye's Canadian nationality and he should be tried under Canadian Law. Six months later in November 1946, the confirming officer accepted Inouye's claim and overturned the judge's findings. Inouye was then sent to the Supreme Court in Hong Kong on the charge of high treason (Inouye Trial, JAG Review). In this civil trial¹⁸ in April 1947, Inouye presented a completely different account, stating that he was a Japanese citizen devoted to the Emperor and he suffered prejudice and discrimination while in Canada. Ultimately, the judge found Inouye guilty of high treason and sentenced to death. In August 1947, he was hanged in Hong Kong. Inouye is known as the first Canadian charged with war crimes and one of the only two Canadians ever hanged for high treason.

Mark Sweeney (2013, p. 163–202), a historian who studied Canadian involvement in war crimes trials against the Japanese, suggests that Inouye's lawyer might not have brought up the jurisdiction issue had the death sentence not been handed down in the war crimes trial. The death sentence against Inouye could be considered too severe considering that he was not convicted for causing a victim's death. Also, Inouye was not given opportunities to have his witnesses testify in court. There may be room for debate as to whether a death sentence was warranted for Inouye's convictions at the war crimes trial. In the end, it is assumed that assaulting and humiliating Canadian officers in full view of other POWs and ill-treating a European woman among others was viewed as serious and perhaps symbolic for Canadians who suffered ill-treatment and the poor conditions in the POW camps in Hong Kong, demanding stern justice. A Japanese government report on the Inouye trial (Ishiyama, n.d.) suggests that bringing up Inouye's Canadian nationality was the defence counsel's desperate attempt to delay his execution as long as possible with the hope that the original death sentence might be altered.

In Canadian narratives, Kanao Inouye is mostly depicted as a sadistic, cruel, evil man who betrayed his country.¹⁹ However, one could point to the hypocrisy of a government charging with high treason a member of a group it designated as enemy aliens—a major reason why the Canadian government did not want to hold the trial in Canada (see Sweeney, *ibid.* for details). According to Roy Ito (1984, p. 270), a Canadian *Nisei* linguist assigned to the war crimes investigations and trials in Hong Kong, he was approached by a Canadian officer and asked to prepare to testify in case the defence brought up the issues of discrimination and prejudice against Japanese Canadians. Ultimately, he was not called to the stand. He and his fellow *Nisei* linguists stationed in Hong Kong were sympathetic to Inouye and discussed the fact that the Canadian government never treated *Nisei* in Canada as Canadians but as Japanese. However, they concluded that presenting this argument in court was not in the interests of Japanese Canadians as a whole. Ito says,

If the Inouye trial had been held in Canada the sentence would probably not have been as severe as the death sentence. But it would have exposed Japanese Canadians to further outbursts of terrible abuse, hatred, and threats painful to contemplate even from a distance of many years.

(Ito, *ibid.*, p. 272)

Though Japanese narratives of Inouye's story may be few, they generally refer to Inouye's demise as the tragic death of a dual citizen entangled in and overwhelmed by a fierce war (Kojima, 1990; Iida, 2000). They are sympathetic to Inouye for the abuse and discrimination he endured from both warring parties. In keeping with the Japanese sentiment towards convicted Japanese war criminals, they find that Inouye's behaviour was not that extraordinary in light of how the Japanese military generally treated POWs and locals during the war. They view Inouye's as a particularly pitiable case because he had the misfortune of being an interpreter, whose face and voice were familiar to the victims, many of whom happened to be Canadian. In an investigative report on Japanese war crimes trials commissioned by the Japanese government, Kanao Inouye is presented as an admirable Japanese man, who shouted, "Tenno Heika Banzai!" (Long live the Emperor!) and sang *Umi Yukaba* (a Japanese patriotic song) on the way to execution (Ishiyama, *ibid.*).

Dismissed claim of dual citizenship

In addition to these four defendants whose cases were either dismissed or overturned, there were two interpreter defendants who raised the issue of their nationality as possible grounds for dismissal of the cases during the trials: Yasuichi Takahashi and Kunio Kuroki. Takahashi, who became a naturalised Canadian citizen in 1921, claimed just before his counsel's closing address at the trial that he was a British subject. His counsel stated that Takahashi had two nationalities but could not present proof of him being a British subject at the moment; and that

Takahashi had asked his wife in Japan to look for proof of his Canadian citizenship (Ueda Trial,²⁰ p. 60). The prosecution brushed this argument off by reminding the court that in an earlier examination by the prosecution about his nationality Takahashi responded that he was Japanese. Thus, the discussion of Takahashi's nationality and jurisdiction ended, and the trial carried on. Takahashi's trial took place in June 1947. By that time, Inouye's treason trial had been concluded. It is unknown if Takahashi was aware of Inouye's fate.

Similarly, Kuroki touched on his nationality in his plea in mitigation, stating, "I have the nationality of this place although my mother is in Japan now, I couldn't go back to Japan" (Nishimura Trial, p. 47). His counsel also said in a plea in mitigation that Kuroki was born and brought up in Malaya. When the court reopened after deliberation on findings, the presiding judge asked Kuroki a series of questions about his birthplace, parents and the registration of his birth. The prosecution addressed the president as follows:

This question of nationality sir, it is a recognised thing in international law that a person of a certain nationality born in a country does not necessarily become a national of that country sir. ... He [Kuroki] is a Japanese national because his parents at the time of his birth were Japanese and apart from registering his birth locally, they did not register him as a Malay but as their own child.

(Nishimura Trial, p. 48)

The prosecution then asked Kuroki if the parents had abandoned him, and Kuroki responded he did not know. The defence counsel said he had nothing to say about Kuroki's nationality and expressed his wish to have Kuroki tried as Japanese (*ibid.*). Although Kuroki was born in Malaya, had never been to Japan and spoke Japanese only poorly, the fact that his parents were Japanese and they did not register Kuroki as a Malay at birth led to the conclusion that he should not be treated as a British subject in the trial. It should be noted that Kuroki was repatriated to Japan in 1950 after completing his term (four years' imprisonment).²¹ It may have been his first time in Japan.

Nationality not an issue

Although they were born in the United States, Thailand, Singapore and Malaya, respectively, five interpreter defendants, Masayoshi Nigo, Susumu Hashida, Genichiro Miyakawa, Itsuo Tsutada and Ichiro Mine, made no attempt to present their nationality to challenge the jurisdiction or to seek mitigation during the trials. In the cases of Miyakawa and Tsutada, they were born in Bangkok and Singapore, respectively, but their parents were Japanese, and they had even lived in Japan for a short time. Considering also the fact that both of them repatriated to Japan after completing the sentenced terms,²² it is unlikely that Miyakawa and Tsutada intended to claim a nationality other than Japanese. Mine was born in Penang to a Chinese father and a Japanese mother. When he was around 13, his

mother registered him as Japanese at the Japanese Consulate in Singapore. He was carrying a Japanese passport when British authorities arrested and detained Japanese in 1941. Incidentally, Mine is recognised in Japanese documents as “*Penanjin*” (a Penangite), not as Japanese (e.g. Chaen, 1989a, p. 187). He did not repatriate to Japan, either. Presumably, Mine did not need or wish to claim to be a British subject, given the support he received from local people in his petition²³ and the relatively light sentences (remitted to six months at confirmation).

On the other hand, Nigo and Hashida received severe punishments: Life in prison and death by hanging, respectively. Nigo was a Californian-born *Nisei*, but presumably renounced his US citizenship when he boarded the exchange ship to Japan; thus, he could not claim that he was American. Hashida was carrying a US passport when he went to Japan for education in 1939.²⁴ By joining the Japanese army even as a civilian interpreter, his American citizenship was technically lost according to law. Besides, unlike the Canadian defendants, Hashida may have been unsure about the implications of claiming to be an American in British military court.

Considering the likelihood of interpreters having dual or multiple backgrounds, the issue of nationality can be complex for military linguists should they be involved in legal proceedings such as war crimes tribunals, even today. Dual backgrounds can affect their status in military organisations and the scope of their task due to security concerns as well.

Conclusion

Besides Hideo Tagawa, whose case was dismissed due to his nationality being Chinese, the remaining 38 accused interpreters were all found guilty at British military trials. At the confirmation stage, three verdicts were overturned due to the jurisdiction issue. These defendants, recognised as British subjects (Kazuo Miyazaki, Toh Swee Koon and Kanao Inouye), were sent to civil trials in Singapore and Hong Kong. Ultimately, whether in military or civil court, all the interpreter defendants (except Tagawa) faced execution or imprisonment. A total of nine interpreters were put to death by hanging, of which six were Taiwanese and two were *Nisei*. The disproportionate number of executed Taiwanese interpreters vis-à-vis the mix of the accused interpreters (21 Japanese and 18 Taiwanese) indicate the peculiar aspect of the Japanese military’s mobilisation of Taiwanese interpreters.²⁵ Taiwanese interpreters were enlisted mostly to deal with anti-Japanese elements in the Chinese population in Japanese-occupied regions because of their unique language capability (Hokkien/Cantonese/Hakka and Japanese). As civilian interpreters, they were exposed to violent settings such as arrests and interrogations of anti-Japanese suspects. In this role, they were more recognisable and condemned as traitors by local Chinese, who would eventually testify against the accused Taiwanese interpreters in trial. Further, it should be noted that as the case of Muneharu Yasuda indicates Taiwanese convicts and their families did not receive due support from the Japanese government after the trials because

they were no longer Japanese imperial subjects in the aftermath of the Japanese surrender.

Defences of “only interpreting” and “just followed the superior orders” were rejected by the judges, but superior orders seem to have been viewed as a mitigating factor in amending sentences at the confirmation stage. Some judges suggested that the accused interpreters should have resisted superior orders, however impracticable it might have been. Also, some judges and prosecutors alluded to the offences being graver when committed by interpreter defendants who harmed their compatriots. Further, there were rather condescending comments by certain judges suggesting the British and Canadians were civilised and just compared to the Japanese.

About half of the convicted interpreters with termed imprisonment had their sentences reduced by the confirming officer or were released early through clemency after 1951. The convicted interpreters served in civil prisons in the areas where the war crimes trials took place, and some were transferred to Sugamo prison in Tokyo in 1951 to continue serving. When the Allied occupation of Japan ended in 1952, the Japanese government started campaigning actively for the release of war criminals serving in prison. For British clemency, consideration was given to conduct in prison and sentencing reviews, among other individual factors. Consequently, eight convicted interpreters left prison after completing two-thirds of their sentenced terms. The average length of the imprisonment for the convicted interpreters was five years and five months.

There were 11 interpreter defendants whose backgrounds could have had some bearing on the issue of nationality and jurisdiction. The claim of being British subjects or a Chinese national by four defendants was accepted by the court or the confirming officer, which resulted in the dismissal of one case, and three defendants being sent to local civil courts. Two defendants (one naturalised Canadian and one Malay-born) brought up the issue of their nationality in seeking the dismissal of their cases, but their claim was rejected. The remaining five interpreters did not make their nationality an issue at the trials. Dual citizenship of military interpreters can bring out complex issues even today, in terms of the scope of their work and jurisdiction in legal proceedings such as war crimes tribunals.

Connecting to today's context

Through an examination of wartime interpreters prosecuted at British military trials for Japanese war crimes in the aftermath of the Asia–Pacific War, several critical issues relevant to interpreters in current war and conflict emerged. For instance, in order to recruit effective interpreters in response to urgent linguistic needs, the concerned parties, military or otherwise, may resort to immigrants, heritage language speakers (those born to immigrant parents) and locally available bilinguals in war and conflict zones. Their backgrounds, however, can add to issues related to their visibility, trust, behaviour and loyalty. As discussed in the previous chapters, the accused interpreters at British trials were recruited by the

Japanese military for language skills that were mostly formed through dual backgrounds. The Taiwanese defendants spoke Hokkien/Cantonese/Hakka, their mother tongue, and Japanese, the language imposed on them by a colonial ruler. The *Nisei* defendants, born to Japanese immigrants in the United States and Canada, were educated in their birth country, and received some schooling in Japan. There were defendants born in Southeast Asia to at least one Japanese parent and who lived there almost permanently, speaking Malay, Thai, English and Japanese. Considering the likelihood of interpreters having dual or multiple backgrounds, the issue of nationality can be a complex matter for military linguists should they be involved in legal proceedings such as war crimes trials even today. Dual backgrounds could affect their status within military organisations and the scope of their task due to security concerns as well. The records of the British trials against wartime interpreters indicate that because of their backgrounds some of these interpreter defendants were highly visible and recognisable, were not fully trusted by the Japanese military and felt pressure to assuage the Japanese military's doubts about their loyalty.

In fact, visibility was a general concern among the accused interpreters. Since they were in close contact with local civilians and POWs who were targets of ill-treatment, speaking directly in the languages they understood and carrying familiar names in the case of some Taiwanese, these interpreters were more recognisable than other members of their units. On top of the interpreters' proximity to the victims, the performative nature of the words they interpreted (i.e. interrogating and giving orders) contributed to a mistaken impression that the interpreters were the authors of the words, leading to witnesses testifying that the accused interpreters played prominent or leading roles in the alleged offences. The questions of interpreters' proximity, visibility and illusory authorship call for critical re-examination of how interpreters are perceived by the users of their services and at the receiving end of their deliveries, especially in war and violent conflict.

Related to the issue of mistaken impressions of interpreters in hostile settings, interpreters' joint responsibility in criminal acts should be further discussed. The British trials against the accused interpreters indicate that the mistaken impression the witnesses held encompassed the idea that the accused interpreters were fully integrated members of the *Kenpeitai* and police despite the fact that they were civilians working in auxiliary functions or on a part-time basis. The prosecution and the court generally embraced this perception of interpreters forming an integral part of their units; therefore, interpreters were deemed culpable for the criminal acts their units committed as a whole. The superior orders defence was ineffective at the British military trials because it could never apply if the order was unlawful (or patently wrong or unethical). The exposure of civilian interpreters attached to military units to violent hostilities is real even in today's context. Whether those civilian interpreters are aware of the risk of taking part in potentially unlawful acts and being held criminally liable is another concern that should be discussed.

Finally, there is an issue of interpreters reporting unlawful or potentially unlawful acts they learn of while on duty. At British military trials, a number of wartime

interpreters, especially those locally hired by the Japanese, gave statements and testimonies as witnesses of war crimes. Some of the accused interpreters gave incriminating evidence of the wrongdoings carried out by their superiors and other members of their units. Several locals who used to work for the Japanese military as interpreters testified for the prosecution against some of the accused interpreters. Although they were not professionally trained interpreters with an awareness of what is now known as the confidentiality code in professional ethics, the implications of interpreters disclosing information on abuse and criminal acts they witness while interpreting should be discussed in today's context as well. The issue of interpreters testifying as witnesses of war crimes by breaking the professional code of confidentiality is a great concern not only for individual interpreters but also for their clients and the entire community of professional interpreters.

All these issues that emerged through the examination of interpreters as war criminals at British military trials are real and relevant even in today's conflicts and wars, yet are under-researched areas in Interpreting Studies. Part II will present an in-depth analysis and theoretical reflection on these themes by critically revisiting prior research and existing narratives in the discussions on interpreters in war and conflict zones.

Notes

- 1 See Hayashi (1998) and Zahar (2013) for details on the court structure and trial procedures.
- 2 The acquittal cases were not reviewed.
- 3 See Hayashi (1998) and Wilson et al. (2017) for details on the post-trial developments concerning the treatment of the convicts.
- 4 Lieutenant Colonel Robert Cecil Laming (Barrister, Department of the Judge Advocate General, India) presided over 20 trials in Rangoon and 52 trials in Hong Kong (Hayashi, 1998, pp. 136–137). He was quickly promoted to lieutenant colonel so that he could serve as the president of the court (WO 373/103/1077, UK National Archives). In his interview, Major Murray Ormsby, who worked as a judge and a prosecutor in the Hong Kong trials, refers to Laming, saying he was surprised that someone who had been tortured was presiding over POW cases as a judge (Linton, 2013, pp. 242–243).
- 5 BC-kyu (eikoku saiban) Hong Kong saiban [Class BC (UK) Hong Kong Trials], No. 41, pp. 25–26 (National Archives of Japan).
- 6 The acquittals happened in “Sugimoto et al. Case” in Singapore (5–7 February 1946), in which Miyazaki was one of the three defendants (WO 235/821, UK National Archives), and “Nagaosa et al. Case” in Singapore (22 April–7 May 1946), in which Mikami was one of the eight defendants (WO 235/844, UK National Archives).
- 7 “Shimada Trial” refers to the transcript and other documents of the “Bangkok *Kenpeitai* case” or “Shimada et al. Case” in Singapore (2–7 January 1947), in which Miyakawa was one of the five defendants (WO 235/1051, UK National Archives).
- 8 “Tokunaga Trial” refers to the transcript and other documents of the “Tokunaga et al. Case” in Hong Kong (17 October 1946–14 February 1947), in which Tsutada was one of the five defendants (WO 235/1012, UK National Archives).

- 9 Inouye was not even given a chance to have his witnesses testify in court because of their “unavailability” (Inouye Trial, Inouye’s Petition, pp. 1–2).
- 10 Recommendations by the Japanese National Offenders Prevention and Rehabilitation (NOPAR), Commission for parole of Japanese minor war criminals (1953) (FO 371/105440, 105444, 105445, UK National Archives).
- 11 Report that Japanese war criminal Sentaro Motosugi died of cerebral haemorrhage (FO 371/105447/166/253, UK National Archives).
- 12 Decision on Recommendation for Parole by NOPAR, p. 3, Tan Keong (sic) Koo Code FJ file 1661/173 (1953) (FO 371/105444/1661/173, UK National Archives).
- 13 Tan Keong (sic) Koo Code FJ file 1661/173 (1953), p. 36 (FO 371/105444/1661/173, UK National Archives).
- 14 Decision on Recommendation for Parole by NOPAR, Clemency for Japanese minor war criminals: Further details about criminals; copies of recommendations for Masayoshi Nigo and Yasuo Moriguchi. Code FJ file (1953) (FO 371/105444/1661/207, UK National Archives).
- 15 List of Japanese War Criminals in the Federation of Malaya, Clemency for Japanese minor war criminals: further details about criminals; copies of recommendations for Masayoshi Nigo and Yasuo Moriguchi. Code FJ file (1953) (FO 371/105444/1661/207, UK National Archives).
- 16 “Tagawa Trial” refers to the transcript and other documents of the “Tagawa Case” in Kuala Lumpur (5 May–20 July 1947), in which Tagawa was the sole defendant (WO 235/1010, UK National Archives).
- 17 Judge S. C. Silkin, Lieutenant Colonel, Royal Artillery, Barrister-at-law.
- 18 For details, see *Supreme Court of Hong Kong, Rex v. Inouye Kanao*.
- 19 See, for instance, Ito (1984, pp. 269–272), Mackay (2014) and Veterans Affairs Canada (n.d.) “Remembering the Kamloops Kid”, www.veterans.gc.ca/eng/video-gallery/video/6524 (accessed 30 September 2020).
- 20 “Ueda Trial” refers to the transcript and other documents of the “Ueda et al. Case” in Singapore (13–18 June 1947), in which Takahashi was one of the four defendants (WO 235/1005. UK National Archives).
- 21 Kagoshima sewa-ka homu-kankeisha meibo [Kagoshima Assistance Section’s name list of persons related to legal matters] (Koseisho, 1951).
- 22 Miyakawa: Kanagawa sewa-ka homu-kankeisha meibo [Kanagawa Assistance Section’s name list of persons related to legal matters] (Koseisho, 1951). Tsutada: Tokyo sewa-ka homu-kankeisha meibo [Tokyo Assistance Section’s name list of persons related to legal matters] (Koseisho, 1951).
- 23 Statement by Heah Joo Seang, President of Overseas Chinese Association and leader of the Chinese Community, Mine Trial (WO 235/1086, UK National Archives).
- 24 *Passenger Lists of Vessels Departing from Honolulu, Hawaii, compiled 06/1900 – 11/1954*; National Archives Microfilm Publication: A3510; Roll: 132; Record Group Title: *Records of the Immigration and Naturalization Service, 1787–2004*; Record Group Number: RG 85, National Archives and Records Administration (NARA), Washington, D.C.
- 25 See Lan (2016) for detailed analysis on Taiwanese war criminals in the context of colonial powers in Asia in the twentieth century.



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Part II

Interpreters in war and conflict zones



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5 Interpreters' proximity to violence

Through the examination of wartime interpreters who were prosecuted as war criminals at postwar British military trials against the Japanese (1946–1948), several issues on interpreters' roles, ethics and responsibility in war emerged that call for further analysis. Not only are these themes relevant to situations interpreters face in contemporary war and conflict zones, but they also can offer different perspectives on theoretical models of the interpreter role and ethical concerns for interpreters. In this chapter, the focus is placed on interpreters' proximity to participants of communicative events. Although the use of remote interpreting has been on the rise in the midst of the COVID-19 pandemic, one of the major differences between interpreting and translation (in the narrow sense of written translation) under normal pre-pandemic circumstances is interpreters' physical presence at the communicative events they are mediating. In contrast, translators are not usually required to be physically present during the use of their translated texts. Of various types of interpreting setting, face-to-face dialogue interpreting most exemplifies the close distance between the interpreters and the communicating parties, which affects what interpreters may do beyond linguistic mediation and how they do it.

This chapter examines the effect of interpreters' proximity on the scope of their tasks and the accompanying risks they may face, especially in hostile settings such as violent conflict and military occupation where asymmetric power relations exist among the primary speakers and the interpreter. After presenting an overview of the discussion on the notion of interpreters' proximity in prior research, it looks into the general implications of interpreters being situated close to the speakers in communicative events in terms of how interpreters behave. Then, by drawing on the cases of interpreter defendants at British military trials and other historical and contemporary cases, it examines potential dangers interpreters are exposed to because of their proximity to the concerned parties in war and conflict zones. Although their physical proximity to the receiving end of the messages they are delivering can also mean that the interpreters are visible to the addressees, the focus here is the effect of the physical nearness among the communication participants on interpreters' behaviour. Interpreters' visibility and its impact on how the addressees form their perception of interpreters' role and power will be discussed in the next chapter.

Proximity in interpreter-mediated events

Research into face-to-face dialogue interpreting has mainly focused on analysing pragmatic shifts and discourse management in healthcare and other public service settings (e.g. Wadensjö, 1998; Roy, 2000; Mason, 2009), yet the aspect of the interpreter physically being near the primary speakers of a communicative event has not been prominently addressed. As discussed later, however, in the cases of wartime interpreters put on trial by the British military, their proximity to the speaker and the addressees was a critical factor in terms of what tasks the interpreters were ordered to undertake and how they carried them out. This section examines prior discussions on proximity as a factor in understanding characteristics specific to face-to-face interpreter-mediated communication. The nature of interactions and feedback and its implications on the interpreters' behaviour is highlighted, with attention to encounters between parties with conflicting interests.

Being near the speaker and the addressees

In translation research, proximity has been largely discussed in terms of linguistic, socio-cultural and geographical distance or closeness between the source culture and the target culture for analysing features of the translation process and product in relation to the source text (e.g. Hanna, 2005; Sturge, 2007; Makutoane, Miller-Naude and Naude, 2016). This perspective is also employed to analyse the output of interpreting in a specific language combination (e.g. Bakti and Bóna, 2014). Here, for the purpose of this research, proximity refers to interpreters physically being near the speaker and the addressees. The on-site physical presence of interpreters has been mostly addressed in the studies of remote interpreting as a comparative reference point in terms of output quality and interpreters' working conditions and attitudes (e.g. Moser-Mercer, 2003; Mouzourakis, 2006; Roziner and Shlesinger, 2010; Braun and Taylor, 2011). With the surge of remote interpreting in the midst of the COVID-19 pandemic, research into remote interpreting from different perspectives is now expected to grow. The newly recognised concern of infectious disease transmission for interpreters on duty has also generated discussions on the safety and health of interpreters working with a partner in a booth or working close to the speaker¹ in the professional interpreter community (e.g. AIIC, 2020; AUSIT, 2020²), which is likely to reach the research arena as a new topic in the study of interpreter proximity.

When it comes to the effect of interpreters' proximity on the interactional behaviour of the participants of a communicative event, however, few studies have been conducted in depth. One exception is Bistra Alexieva (1997), who examines "distance vs. proximity" between the speakers, the addressees and the interpreter as one of the seven parameters in her proposed typology of interpreter-mediated events. In terms of interpreters' proximity, Alexieva (*ibid.*, pp. 159–160) argues that, in liaison interpreting as opposed to conference interpreting, for instance, the exchanges tend to be spontaneous, the contact between

the primary participants and the interpreter is direct, interaction among them is intense, behaviours beyond speaking such as eye contact and body language demand greater attention from participants and feedback is immediate. It should be noted that Alexieva (*ibid.*) also discusses “equality/solidarity vs. non-equality/power” and “shared goals vs. conflicting goals” between the parties as parameters for determining the types of interpreter-mediated events, which is relevant to studies of interpreters in war and conflict. According to Alexieva (*ibid.*, p. 170), an event with “distance”, “equality/solidarity” and “shared goals” as its features would call for the interpreter to act simply as “interlingual mediator”, while a situation with characteristics of “proximity”, “non-equality” and “conflicting goals” would require interpreters to play additional roles such as “repairer” of communication glitches, making the interpreter more visible. To play such a role, Alexieva argues (*ibid.*), the interpreter needs to hold a certain power or latitude, which is more likely to be given to staff interpreters and expert employees, as opposed to freelance interpreters, due to their assumed loyalty to the employer. Further, Alexieva (*ibid.*, p. 171) states that expert employees may enjoy a greater sense of power and act more like primary participants. This perspective is relevant to interpreters attached to military units in war and conflict zones as examined later.

“Proximity of alternative non-linguistic action”

From another point of view, drawing on the video of a Pashto interpreter working for US military personnel in an encounter with a local Afghan villager (*Lost in Translation – Afghanistan*, 2008) as an extreme case, Anthony Pym (2016) discusses the “proximity of alternative non-linguistic action” in face-to-face interpreter-mediated events as a feature specific to interpreting as opposed to written translation. Referring to the likelihood of interpreters working in “risk-laden situations”, Pym (*ibid.*, p. 248) introduces a hypothesis: “*the more spoken the situation, the greater the risk of alternative non-linguistic action*” (italics in original). In situations where high “visual awareness of all actors and their possible interactions” (*ibid.*, p. 256) exists, interpreters are more likely to need to manage the risks of non-linguistic action. According to Pym (*ibid.*), “[w]hen people are in front of each other, they are concerned not just with what is said or not said, but also with what can be *done*, physically” (italics in original).

Although Pym uses the term “proximity” here to describe immediate exposure to consequences of interpreter-mediated communication and not the interpreter’s physical nearness, his discussion is based on the assumption that the interpreter is nearby and exposed to different types of risks, including threats and violence, depending on how they interpret and interact with the parties present in front of them. Pym (*ibid.*, p. 260) also suggests that the “effect of the proximate action can only be seen in the situations where the physical action occurs or is felt to be close”, warranting examination of high-risk contexts such as war and conflict zones.

Additionally, Pym (*ibid.*, p. 250) points to “individuation” of communicative participants because of their visibility and communicative exchanges in

interpreter-mediated events, with “the’ interpreter” becoming “*this* particular interpreter” (italics in original). This goes along with concerns about trustworthiness, different interests of different parties and ways to serve specific interest, including the interpreter’s own interest. This notion of interpreters visually recognised and its implications will be revisited in the discussion of interpreter visibility in the next chapter.

Interpreters’ proximity to war crimes

As indicated above, with regard to features of dialogue interpreting with parties in close proximity, both Alexieva (1997) and Pym (2016) point to greater interaction and immediate feedback between the participants including the interpreter and their attention not only to what is said but also to what physical action may occur. Alexieva (ibid.) argues that when such communicative events take place between the parties in asymmetric power relations and with conflicting interests, expert employees as interpreters, in comparison to freelancers, play a greater and more visible role, exercising power and acting more like primary participants to facilitate the communication. Similarly, Pym (ibid.) discusses high-risk situations like the interpreter-mediated military encounter he analyses, where the potential for physical action is felt by participants in close proximity. In such cases, cooperation is not a shared interest, and the interpreter’s behaviour may be dictated by self-preservation. These insights are particularly relevant to the discussion of interpreters’ proximity in war and violent conflict. Drawing on the cases of wartime interpreters prosecuted at British military trials against the Japanese and other historical and contemporary cases of interpreters in war and conflict zones, the following examines how interpreters’ proximity affects the nature and scope of their tasks and various risks they are exposed to.

Interpreters’ proximity to the military employer

As discussed in Part I, excepting several local civilians who worked for the occupying Japanese forces as interpreters on an as-needed basis, all the accused interpreters at British military trials were embedded in Japanese military units such as the *Kenpeitai*, police forces, occupation administration and prisoner-of-war (POW) camps. About 70% of the embedded interpreters were formally enlisted (mostly as civilians), and the rest were temporary hires. Regardless of their status, all the interpreter defendants worked for their superiors and other Japanese members of their military units side by side, lending linguistic assistance in raids, investigations, arrests and interrogations of anti-Japanese suspects, and supervision of prisoners. In other words, the interpreters on duty were constantly in close proximity with their employer, the Japanese military.

Proximity to the employer also meant that those interpreters were readily available to the Japanese military for whatever non-linguistic needs arose in front of them as well. The interpreters were at times pressed to engage in actions other than mere linguistic mediation such as taking prisoners out of cells, participating

in the punishment of POWs by slapping them, assisting with torture by holding the victim down and even shooting a prisoner (see the cases of Nigo, Tsutada, Cheah and Kuroki in Chapter 2, for example). In particular, civilian interpreters formally attached to military units were utilised for a wide range of tasks such as procuring food and goods and running errands (see the cases of Hashida, Mikami and Inouye in Chapter 2, for example). It seems that the Japanese military expected those embedded interpreters to be completely at their disposal, whenever, whatever and however. Although the accused interpreters claimed during the trials that they were only interpreters and had no right or authority to arrest, interrogate or do anything beyond interpreting, most of them did participate in those activities under the instructions and orders of their superiors. If the interpreters tried to refuse to follow the orders or followed them half-heartedly, their superiors' response was immediate, intense and physical because of their proximity—the interpreters were dealt violent rebukes with threats of more severe consequences (see the cases of Hirota, Nakamura and Khor in Chapter 3, for example). Irrespective of their civilian status, as the interpreters were situated in the middle of the military operation by the units they worked for, they could not detach themselves as neutral beings and had to align themselves with the objectives of the units. In other words, the interpreters were expected to be fully committed to the Japanese military's cause and actions and were treated by their units accordingly.

Although these interpreter defendants were not exposed to full-scale combat, there were interpreters embedded in other Japanese military organisations who were fully engaged in violent military operations during the Asia-Pacific War (1931–1945). There are a number of wartime newspaper articles on “brave” and dedicated interpreters who were literally on the frontline of the Japanese military's aggression into various areas of China and Southeast Asia. For instance, there are interviews of ten interpreters in Rabaul on the Island of New Britain (presently in Papua New Guinea) by the *Asahi Shimbun* (a national newspaper in Japan) (Tendo and Yoshioka, 1942), who discuss the wide range of their tasks beyond interpreting, including piloting the landing of Japanese troops, guiding them through the area, persuading defeated enemy soldiers to surrender, negotiating with local villagers to procure food, pacifying local civilians and helping with the occupation administration. The articles report that these interpreters were constantly in contact with local civilians and Chinese, Australian and other prisoners and that they were experiencing danger and hardship no less than combat soldiers. The *Yomiuri Shimbun* (another Japanese national newspaper) (1937) calls interpreters attached to combating military units “mouth soldiers” (*kuchi no heishi*) and the “language vanguard” (*kotoba no sempei*) (Maruyama, 1942) for braving fierce fighting and spearheading their units into new territories.

Even in contemporary war and conflict zones, embedded military interpreters work on the frontline of violent conflict, such as in raids, patrols, ambushes and security missions (e.g. Anderson, 2014; Myre, 2020). There is even a story of an interpreter taking up a rifle and shooting the enemy to save the lives of American soldiers in his unit when ambushed by the Taliban (Myre, *ibid.*). In her examination of ethical choices of interpreters working for the US forces in the

Iraq War, Moira Inghilleri (2011) refers to interpreters functioning like combatants, dressed in military fatigues and sometimes carrying weapons. Exposed to extreme danger and the violence of war, interpreters have little choice but to align themselves with the side that hired them and to act in accordance with the common goals of the organisation they are attached to. Serving the US and coalition forces (even as contractors) in close proximity, those locally hired interpreters also assume roles of informants and cultural brokers for the forces they are embedded in. According to Inghilleri (*ibid.*, p. 101), a bond may develop between interpreters and members of their units just like that among soldiers within a platoon. This bond is often featured in reports on veterans advocating for their former interpreters in Afghanistan and Iraq in their effort to obtain visas to the US and other coalition countries to escape the threats of attacks by Taliban, ISIS and the like (see the activity of No One Left Behind³ in the United States, for instance).

Interpreters' proximity to the enemy and the occupied

In the cases of the accused interpreters at British military trials, the addressees of the utterances the interpreters delivered were also in close proximity to the interpreters, whether they were local civilians under Japanese military occupation, anti-Japanese suspects or POWs. In raids, investigations, arrests, interrogations and administrative operations, the interpreters functioned as the direct interface between the Japanese military and their targets. Local civilians and prisoners as the receiving end of the messages in hostile settings were not only physically exposed to the immediate consequences, such as beatings and torture, but also took note of the interpreters' conduct and attitude up close. Some interpreter defendants admitted during the trials that they raised their voice against detainees under interrogation to project seriousness and had a self-important attitude in front of suspects and prisoners (see the cases of Nigo, Okamoto and Niimori in Chapter 2, for instance). The behaviour of the interpreters was readily observable for those subjected to the hostile exchanges. Additionally, some physical actions the interpreters were ordered to perform together with other members of their units such as slapping and beating were directly inflicted on those civilians and prisoners. As part of the group engaging in the abuse and assault, the interpreters represented the Japanese military and their brutalities to the victims. As seen in Part I, this perception towards the interpreters is reflected in the statements and in-court testimonies by prosecution witnesses, which will be revisited in the framework of interpreters' visibility in the next chapter.

Confronting the enemy in close proximity also means that interpreters share the risk of being attacked. Outside of the context of British military trials, there are reports of interpreters embedded in the Japanese military being killed in battlefields and attacked by resistance activists in Japanese-occupied territories during the Asia-Pacific War. There are no official records of how many interpreters attached to the Japanese military were injured or killed, but newspaper articles on such incidents suggest that these interpreters were risking their lives on the front line with soldiers in combat and as targets of anti-Japanese elements. For

instance, the *Yomiuri Shimbun* reported in November 1937 that three students from Takushoku University in Tokyo who volunteered as Chinese interpreters embedded in the Japanese Army were killed by mortar fire in a fierce battle near Shanghai. Also, the *Asahi Shimbun* reported in January 1938 that a Japanese interpreter attached to the Japanese occupying forces in Shanghai was shot several times and killed by several Chinese activists. As for Taiwanese interpreters, Lan and Takeda (2017) present a number of relevant Taiwanese newspaper articles: Those from 1937 to 1940 mostly featured highly educated, elite Taiwanese proudly and successfully working as interpreters of Cantonese, Hokkien, Mandarin and English for the Japanese forces in China, while those after 1941 frequently reported the “honourable” death of Taiwanese interpreters on the front lines of battlefield, including the story of the first Taiwanese to be memorialised in the Yasukuni Shrine⁴ in Tokyo (Taiwan Nichinichi Shimpō, 1943). These articles were meant to promote Japanisation (*kominka*) of Taiwanese as colonial subjects and urge them to join the Japanese war effort. In fact, over 28,000 Taiwanese civilians attached to the Japanese military, including interpreters, were killed or went missing during the Asia-Pacific War (Utsumi, 2002). Just like combat soldiers, embedded interpreters were risking their lives while on duty.

In today's context as well, there have been numerous reports of interpreters embedded in US and coalition forces in Afghanistan and Iraq who were killed on the front line of violent hostilities and on the street singularly kidnapped and tortured to death as traitors and infidels by local actors (e.g. Frail, 2016; Thorne, 2018). Close proximity to the military employer and the enemy creates dangerous situations for interpreters just as it does for combat soldiers in war and conflict zones. In particular, interpreters recruited locally are easily identified by other locals since interpreters also function as cultural mediators, drawing on their familiarity with local culture and customs including people's body language and other nonverbal communicative features they observe in proximity. Even after the termination of their contracts or withdrawal of the troops, local interpreters are still targeted as collaborators with the enemy by the Taliban, ISIS and the like. They are not protected by their employers anymore. In 2014, the International Refugee Assistance Project estimated that one Afghan interpreter was being killed every 36 hours (Frail, *ibid.*).

Interpreters' proximity to war crimes

Examination of interpreters' proximity to the participants of communicative events in war and conflict zones leads to discussion of its implications in the context of war crimes, namely the fact that interpreters embedded in military operations face three types of risk concerning war crimes by being near their employer and those confronted by the employer in violent conflict settings: The risk of being involved in war crimes, the risk of being viewed as participants of war crimes and the risk of being called to testify as witnesses of war crimes.

To begin with, interpreters can be placed in situations in which they are compelled to participate physically or otherwise in violent hostilities, which may

include unlawful acts such as killing civilians and conducting torture. As indicated in the historical cases in the Japanese military context of the Asia-Pacific War and contemporary cases in Afghanistan and Iraq wars, it may be unrealistic to expect those embedded interpreters to stay detached from violence their units engage in. The examples discussed in Part I and this chapter suggest that there is hardly any room for embedded interpreters to disobey superior orders or to think and act on their own against the shared goals and tasks of their units. Willingly or unwillingly, the accused interpreters at British military trials were present at unlawful acts such as torture and the ill-treatment of prisoners, facilitated such war crimes as linguistic mediators and at times participated in violent acts jointly with their unit members. Although instances of US torture of detainees such as those carried out in Abu Ghraib prison have not been formally addressed as war crimes, it is assumed that their "enhanced interrogations" involved interpreters,⁵ who could potentially be investigated for taking part in war crimes. At least the British trials attest that interpreters can be prosecuted and convicted if they are concerned in war crimes.

Also, in the event of war crimes investigations, interpreters may be easily identified as perpetrators by the victims because of their constant proximity to each other during hostile engagements. As discussed above, because embedded interpreters accompany and work closely with military members of their units and function as the interface between their units and the enemy, local civilians or whomever they deal with, those interpreters are easily recognised and can become targets of attack as traitors by local actors. Likewise, those interpreters can be identified easily in postwar investigations by the victims of atrocities they are concerned in. Even if the interpreters do not engage in any physical assault, they are still among the perpetrators to the victims because they are present and linguistically facilitate such acts. Interpreters are exposed to the possibility of being viewed as full members of a criminal enterprise.

Further, interpreters may be asked to testify as eyewitnesses of war crimes committed by their units in investigations and trials. Because of their proximity to the actions their units take, embedded interpreters gain first-hand knowledge of what members do individually and jointly, including what (criminal) acts are committed, how those acts are committed, who participates and what roles they play. The cases of interpreter defendants at British military trials reveal that some of the accused and other wartime interpreters were effective witnesses who presented evidence of war crimes committed by members of the units they worked for. Presumably, these interpreters were willing to testify partly because they wanted to make a good impression on the British by cooperating with their effort to prosecute Japanese war criminals as well as to defend their actions on the basis of having been ordered by their military superiors. On the other hand, there were interpreter defendants who chose not to testify, were pressured not to testify or compelled to give untruthful evidence in concert with other defendants (see the cases of Yasuda, Uchida, Miyakawa and Penang *Kenpeitai* interpreters in Chapter 3, for example). Either way, interpreters may have experienced the moral dilemma of whether to present their first-hand account of what they saw up

close as interpreters on duty. As seen in the case of the Guantanamo court interpreter discussed in the Introduction, interpreters may lack the agency to testify as witnesses because of pressure from institutional and political forces. The ethical concern of confidentiality and interpreters becoming witnesses of war crimes will be discussed in detail in Chapter 8.

Conclusion

Interpreters embedded in military units in war and violent conflict are exposed to multi-faceted risks due to their proximity to their employer and those the employer engages with. First, since interpreters accompany combatants and other military members and work for them in close proximity, they are exposed to the frontline danger of armed fights along with the soldiers. The enemy does not discriminate in attacking the opposing forces whether or not civilian interpreters are attached to them. Second, interpreters embedded in military units may be asked, compelled or forced to engage in various assignments beyond linguistic tasks, which may include physical actions against the opposing parties. Some interpreter defendants at British military trials were ordered to take part in the ill-treatment and torture of anti-Japanese suspects and POWs because they were already there as linguistic mediators and their employers expected interpreters to perform additional tasks as needed in the moment. In today's context as well, embedded interpreters were reportedly dressed in combat uniforms and carried weapons at times, functioning like combat soldiers under certain circumstances in the Iraq War (e.g. Inghilleri, 2011; Anderson, 2014). It may be unrealistic to expect interpreters to detach themselves from the military members of their units and limit their work only to linguistic tasks even in urgent situations. Third, these interpreters can become targets of attack since they are more recognisable as the interface in close proximity to both sides of conflict. It has been reported that local interpreters in Afghanistan and Iraq have been exposed to intimidation, threats of and actual kidnapping, torture and murder by insurgents and other local actors as traitors and infidels. In British investigations of Japanese war crimes, interpreters were easily identified by victims and the public, with their consistent and immediate presence making their faces and names more recognisable to local civilians and POWs than those of other members of their units. And lastly, interpreters may be called upon to disclose unlawful or potentially unlawful acts of their military units they witness in close proximity. Unless interpreters received training in understanding the scope of their duties and responsibility and ethical standards for professional conduct, they may lack a framework for making informed decisions in such circumstances. In particular, in extreme cases such as war crimes investigations and subsequent legal proceedings, interpreters' motivations to speak up, their ethical choices and intervention by the institutional power can become great concerns for interpreters.

Alexieva's view (1997) on features of face-to-face dialogue interpreting can certainly be applied to understanding characteristics of interpreting in war and conflict zones. The contact is more direct, the interaction is more intense, nonverbal

communication is more relevant and the feedback is more immediate. Alexieva (ibid.) further argues that, when conflicting interests and asymmetric power relations exist among the parties in a communicative event, the interpreter plays a greater and more visible role in contributing to the success of the communication. In particular, staff interpreters or expert employees exercise their power and act more like primary participants because of their loyalty. Embedded interpreters may certainly exercise their agency to facilitate the communication to the interest of their employer, but, given the position of civilian or contracted interpreters within the military hierarchy and power relations, the extent of exercising their agency is limited, and their duties, responsibility and protection are likely to be in the hands of their military employer. Also, Alexieva (ibid.) does not touch on the possibility of interpreters engaging in the physical assault of participants. Presumably, Alexieva (ibid.) did not consider extreme, hostile settings such as war and violent conflict in her analysis of various types of communicative events. Pym (2016) in contrast starts his discussion on distinct features of interpreting by analysing a military encounter in Afghanistan. His examination of greater interaction and immediate feedback covers the possibility of physical action that may follow the interpreter-mediated communication, which is felt by the parties of a given encounter. This awareness of proximate physical action can certainly determine how interpreters may behave in high-risk settings. Such decision-making, however, may have to occur in a split second in intense and dangerous situations, driven by interpreters' need for safety and self-preservation. Such is the reality of interpreting in war and violent conflict.

Notes

- 1 See, for instance, the Breasette and Nexstar Media Wire (2020) report on the sign language interpreter fearing having been infected by the Oklahoma governor, and NPR's interview (25 July 2020) with a Spanish interpreter helping COVID-19 patients in an emergency room in Chicago.
- 2 See "AIIC Best Practices for Interpreters during the COVID-19 Crisis", guidelines the International Association of Conference Interpreters (AIIC) announced in March 2020, <https://aiic.org/document/4840/AIIC%20best%20practices%20for%20interpreters%20during%20the%20Covid-19%20crisis%20-%20ENG.pdf> (accessed 30 September 2020); and "Recommended Remote Video Interpreting Protocols for Community Interpreting Assignments", announced by the Australian Institute of Interpreters and Translators (AUSIT) in 2020, <https://ausit.org/wp-content/uploads/2020/07/Recommended-Remote-Video-Interpreting-Protocols.pdf> (accessed 30 September 2020).
- 3 No One Left Behind is a non-profit organisation in the United States that supports interpreters from Iraq and Afghanistan who served the US military, helping with applying for the Special Immigration Visa (SIV) and supporting its recipients (<https://nooneleft.org/>).
- 4 Yasukuni Shrine is a *shinto* shrine in Tokyo dedicated to memorialising the war dead. Japanese politicians' visits to Yasukuni have routinely spurred criticism from neighbouring countries victimised by Japanese wartime aggression because it enshrines Class-A war criminals convicted at the Tokyo Trial.
- 5 See Chapter 7 for more discussion on interpreters working in interrogatory torture.

6 Interpreters' visibility and perceived authorship of speech

The previous chapter discussed the implications of interpreters' proximity to the parties of communicative encounters in war and violent conflict, in particular the risks those interpreters embedded in military units are exposed to. The focus of this chapter is interpreter visibility and its influence on how the role and power of interpreters are perceived on the receiving end of interpreted utterances in hostile settings. The concept of interpreter visibility overlaps with that of interpreter proximity. As established in Chapter 5, proximity in this research denotes the physical closeness between the interpreter, the speaker and the addressee, which should naturally correlate with interpreters' visibility to the parties present. In the cases of the accused interpreters at British military trials against the Japanese, for instance, interpreters were highly visible to local civilians and prisoners of war (POWs) during the war because they consistently worked in close proximity to them. However, since the discussion in this chapter extends beyond communicative events in close proximity among the participants and includes public recognition of interpreters in general as well, visibility is understood here as occurring up-close or at a distance, synchronously or asynchronously, as in videos of interpreters at work available on the internet, for instance.

This chapter first touches on prior literature on interpreter visibility and then examines empowering and disempowering aspects of interpreter visibility and invisibility. Also analysed is how visibility may influence the perception of interpreters by the public and the receiving end of interpreter-mediated messages, especially in violent hostilities. Drawing on the cases of interpreter defendants at British military trials where a "mistaken impression" of interpreters was presented by prosecution witnesses, the discussion centres around the perceived authorship and nature of utterances interpreters deliver. Attention is paid to who originated those utterances, how they were delivered by interpreters and what actions were enabled by their renditions.

Visibility of interpreters in hostile settings

Interpreters' visibility and invisibility have been discussed by various researchers, but how "visibility" is conceptualised is not consistent among them. This section first reviews two main approaches to interpreter visibility in prior research

concerning interpreters' roles, social status and professional identity, and then describes how visibility is defined in the present study. By referring to historical and contemporary examples, empowering and disempowering aspects of interpreters' visibility are discussed, leading to examination of various exposures interpreters face in adversarial settings.

Approaches to interpreters' visibility

The application of the notion of visibility varies among different translation and interpreting scholars. Translator visibility has been mainly studied in terms of how it is reflected in the translated text. Thus, the focus of analysis is placed on translation strategies and other features of target texts rather than the physical presence and behaviour of translators. In literary translation, for instance, Lawrence Venuti (1995) most prominently discussed the translator's invisibility in his critical examination of domesticating practices in translation to prioritise fluency in the Anglo-American context. On the other hand, in the discussion of interpreter visibility, attention is paid to interpreters' physical presence and actions. Generally, there are two approaches to the use of the term interpreter visibility: One concerns interpreters' agency in communicative events, and the other relates to public recognition of interpreters. The first approach has been introduced and advanced chiefly by Claudia Angelelli (2004) to describe as visible the engaging of interpreters in anything other than the delivery of the source speech in the target language. It focuses on interpreters' marked actions, such as speaking on their own behalf and coordinating speakers' turns, as evidence against the purported invisibility of interpreters in the conduit model. In this framework, the "seeing" party is the researcher, who examines interpreters' agency during a communicative event and pronounce their visibility when they depart from mere delivery of what is said in the source speech in another language. Although it may be viewed as being overbroad (Bartłomiejczyk, 2017) and uncritically based on the "myth" of interpreters' invisibility (Ozolins, 2016),¹ this proposition has been drawn on to account for interpreters' agency as cultural brokers and co-constructors of discourse in healthcare, judicial and other dialogue interpreting settings (e.g. Valero-Garcés, 2007; Zhan and Zeng 2017).

The other approach concerns public recognition and the professional identity of interpreters. The "seeing" is performed by all parties, whether present at a given communicative event or not, including the direct users of interpreting services, the public and researchers. Irrespective of interpreters exercising their agency, visibility is determined by whether these parties notice the existence and actions of interpreters, either positively or negatively. For instance, Elizabeth Ellcessor (2015) discusses the visibility of American Sign Language (ASL) interpreters in mainstream US media in recent years, pointing to the danger of spectacularising ASL interpreters, while Kumiko Torikai (2009) touches on the invisibility of interpreters in history, noting that Japanese newspapers have typically omitted interpreters in photo captions of interpreted events with dignitaries. Some researchers suggest that interpreters are generally unrecognised and the only

time they become visible is when there is a communication failure or they allegedly made an error (e.g. Apostolou, 2009; Torikai, 2009), while Bartłomiejczyk (2017) reports appreciative and other types of comments on interpreters made by the speakers in the European Parliament.

Since the present chapter focuses on how the roles and power of interpreters are perceived in hostile settings such as violent conflict and military occupation, the second approach to interpreter visibility (i.e. the public recognition of interpreters' existence and actions) is drawn on. Specifically, interpreters' visibility here refers to how readily interpreters are seen by the direct recipients of interpreter-enabled communication. Drawing on statements and in-court testimonies by the accused interpreters and prosecution witnesses at British military trials for Japanese war crimes and other historical and contemporary instances, the following discussion focuses on how conspicuous interpreters may appear in the eyes of the parties in violent adversarial settings.

Interpreters' invisibility

If visibility is defined as the degree to which the public notices the presence and actions of the subject, invisibility as its opposite concept would mean that the subject does not attract attention and stays inconspicuous. Interpreters' invisibility (i.e. being unnoticed) has been touched on in academic, professional and media discourses, at times with accompanying metaphors of interpreters being conduits, ghosts, telephones or channels. In Japan, their role is sometimes likened to that of *kuroko* (stagehands dressed all in black) to signify that interpreters are at once indispensable yet expected to be unobtrusive. The invisibility of interpreters, however, is a complex notion that can project conflicting narratives, idealised at times and denounced at other times.

On the one hand, interpreters' invisibility is discussed, for instance, in connection with the lack of recognition for the important role public service interpreters play (e.g. Morris, 1999; Hale, 2007), drawing attention to the need for advancement of their status and improvement of working conditions. On the other hand, interpreters' invisibility is often presented as an indicator of professionalism in terms of competence and ethical conduct. The narrative of "the better job the interpreter does, the more they disappear in the background" or "the best compliment interpreters can receive is that the users of their service did not notice their presence" can be found among professional interpreters² as well as in the media (e.g. Zweig, 2016), suggesting that interpreters demonstrate mastery by being unnoticed. The positive take of invisibility also extends to ethical concerns such as interpreter neutrality, impartiality and transparency. Standards of professional conduct for judicial interpreters, for instance, call for interpreters to refrain from appearing aligned to any party of a given setting, such as carrying on a private conversation with the defendant, and from attracting attention with conduct and appearance inconsistent with courtroom protocols (e.g. NAJIT³). The idea of invisibility in this sense distances interpreters from other parties and projects them as disinterested, thus achieving impartiality. In this way, invisibility can also

be used to protect interpreters from being held responsible for the substance and consequences of the words they interpret.

Interestingly, as discussed in Chapter 3, some interpreter defendants and their counsel at British military trials explained the mechanical nature of interpreters' work by using such metaphors as "machine", "medium", "organ" and "parrots" in order to emphasise the interpreters as neutral, transparent beings removed from the intentions and consequences of the utterances they delivered. At the same time, the defence pointed to the interpreters' visibility as a cause for the "mistaken impression" held by the prosecution witnesses that the interpreters engaged in violent offences of their own accord. Even when interpreters intend to act as purported invisible beings in the background, they can still be visible and conspicuous to the addressees under certain circumstances such as face-to-face communication in adversarial settings.

Visibility as power

As indicated in Chapter 2, the accused interpreters at British military trials were indeed highly visible to the public during the war, especially to local civilians and POWs they directly encountered. The interpreters accompanied Japanese military personnel in raids, arrests and investigations and were constantly present at the sides of the interrogators, torturers and commanders of the *Kenpeitai*, police, POW camps and other Japanese military organisations. Directly speaking to locals and prisoners in the languages they understood, the interpreters were far from being inconspicuous. In some cases, interpreters acted as messengers, delivering words without the presence of those who originated them (see the cases of Mine and Niimori in Chapter 3, for instance). Besides their physical presence, some interpreter defendants attracted attention because of the ways they talked and looked. In the statements of prosecution witnesses, some of the accused interpreters were described with such nicknames as Yankee (Inouye) and Big Pig (Niimori) and such features as American-speaking (Nigo), Flat Nose (Motosugi) and Gold Teeth (Tadao Hirota). Taiwanese interpreters especially stood out as Hokkien speakers with Chinese names.

Because of the optics of constant association with Japanese military personnel, the public viewed the accused interpreters as part of the military or at least as having access to its power structure. In the trials of Taiwanese police interpreters Shigeru Katsurayama and Masanori Matsuoka, there were references to local civilians having approached them to beg for release and leniency, respectively, in the treatment of family members who had been detained as suspected anti-Japanese activists. Those interpreters were perceived to be in a position enabling them to relay requests from the public to the powers-that-be and to influence their decision-making. A Chinese local testified, for instance, that upon his release he gave two bottles of brandy to Katsurayama in order to avoid being taken again (Katsurayama Trial,⁴ p. 28). Katsurayama and Matsuoka, respectively, alleged that, because they could not actually respond and help, they were unduly targeted by vengeful locals in the identification and prosecution of war crimes suspects.

At the same time, there were interpreters who took advantage of their visibility for monetary gain. Sentaro Motosugi in Penang and Tan Teong Koo in Alor Star were locally recruited in their respective locations to work part-time for the *Kenpeitai*. Although these interpreters were not official members of the *Kenpeitai*, prosecution witnesses testified that they had presented themselves as *Kenpeitai* to local civilians and extorted money from them under threat of arrest and torture. Similar stories are reported by Ting Guo (2016, pp. 125–131) in her study of local interpreters who worked for the Japanese military in China during the Second Sino-Japanese War (1937–1945). Guo (*ibid.*) states that interpreting for the Japanese was a powerful and profitable job at that time, referring to some Chinese locals who pretended to be interpreters for the Japanese military in order to blackmail locals for protection as well as to impress and court women. These historical cases indicate that, in situations where asymmetric power relations exist such as military occupation and incarceration, interpreters working for the party in power are highly visible to those who are ruled and oppressed and can therefore be perceived as part of the power.

Visibility as exposure

Interpreters' visibility can carry empowering aspects as well as disempowering ones (Brighenti, 2007). These days, thanks to the videos of interpreted events available on the internet, the existence and role of interpreters and their professionalism may be recognised and appreciated more than ever. This can be empowering for interpreters in advancing their social recognition and professional identity. The same visibility, however, can also expose interpreters to a range of consequences they cannot control, including negative ones. Despite the ephemeral nature of interpreters' work (i.e. interpreters fundamentally engage in communication for "here and now" (Pöchhacker, 2014, p. 10), their performance can be replayed online repeatedly and exposed to public scrutiny.⁵ Interpreters' conduct and appearance may also become a subject of spectacle for public consumption (see the cases of ASL interpreters (Ellcessor, 2015) and the doctored video of President Trump's Italian interpreter in 2019 (Violet, 2019), for instance).

In war and conflict zones, interpreters may experience extreme exposure due to their visibility as they encounter risks ranging from being targeted by the opposing actors to being identified as war criminals as examined in the previous chapter. The accused interpreters at the British military trials may have been empowered by their visibility during the war as part of the occupying Japanese forces, which also provided them economic and physical security. It was the same visibility, however, that contributed to them being convicted as war criminals after the end of the war. Some statements and in-court testimonies by prosecution witnesses indicate that interpreters were more recognisable to local civilians and prisoners than other members of the Japanese military (see the cases of Mikami, Hashida, T. Hirota and Takamine in Chapter 2, for instance). While witnesses may not remember the faces and names of the true instigators behind

the brutalities, as they were transferred between posts and not always on the front line, interpreters were consistently interfacing with locals and prisoners at the same locations, working for different officers over time. For instance, Kiyoyoshi Takamine served four different superiors during his two-year service at the Kuala Lumpur *Kenpeitai*. Nagasuke Toyoshima (a police interpreter) and Takamine alleged during the trials that their superiors camouflaged their own wrongdoings by putting the interpreters to the fore and having them deliver orders and instructions on their behalf. Some interpreter defendants also claimed that they were made scapegoats for the Japanese military officers who had instigated unlawful acts but were not found at the time of war crimes investigations by the British because they had left the crime locations or killed themselves after the end of the war (see the cases of Mikami, Ohtsuka, Takamine and Matsuoka in Chapter 3, for instance).

Similarly, Guo (2016) discusses local Chinese interpreters who had worked for the Japanese military and were put on trial by the Chinese Nationalist government as traitors (*hanjian*) following the end of the war. According to Wada (2003), the Chinese Nationalists also convicted 17 Taiwanese civilians attached to the Japanese military, including interpreters, at *hanjian* trials because they were directly in contact with Chinese POWs and incited indignation from the prisoners. Even in today's context, as mentioned in the previous chapter, there have been reports of local interpreters who worked for the US and other coalition troops in Afghanistan and Iraq being targeted by the Taliban, ISIS and other local actors as traitors and infidels (e.g. Frail, 2016; Horton, 2019).

These interpreters attached to military units in the context of the Asia-Pacific War were not in a position to choose whether to be visible or invisible, unlike some of their superiors who hid behind the scenes. Regardless of their status, whether conscripted civilians or contractors, being embedded in military operations and directly facing local civilians, insurgents and POWs made the interpreters appear inseparable from their military units in the eyes of the receiving end of the communication they enabled. In particular, in the cases of interpreters with close cultural, linguistic and ethnic connections to those they are confronting, such as Taiwanese interpreters in Japanese-occupied Malaya, Chinese interpreters locally hired by the Japanese military and Afghan and Iraqi interpreters hired by the coalition forces, their visibility can be amplified by memorability and a sense of "betrayal". Thus, interpreters are placed in vulnerable positions with the risk of being attacked as perceived members of the enemy, enablers of the opposition's operations and traitors, and of eventually being prosecuted as among the perpetrators.

Perceived authorship of performative speech

At British military trials for Japanese war crimes, some interpreter defendants pointed to their high visibility as a primary reason they were identified as war criminals by the victims of Japanese brutalities. Accused interpreters also indicated that there was a "mistaken impression" held by prosecution witnesses that

interpreters led their arrests, investigations, interrogations and torture despite the fact that interpreters were not in a position to play such roles since almost all of them were civilians, half of them were Taiwanese (colonial subjects) and most of the local interpreters were temporary hires. This section explores what factors besides their high visibility helped shape this impression by analysing the nature of the utterances the interpreters were delivering.

Confused identity of the speaker

In interpreter-mediated communication, confusion that may occur on the receiving end of a given message as to who authored the source message has not been studied as much as how interpreters may shift their footing (Goffman, 1981) or clarify who is speaking what. Interpreters' shift of footing can be observed when they switch between interpreting the source speech and speaking on their behalf for clarification and so forth for discourse management (e.g. Wadensjö, 1998). This shift may make the participants of a given communicative event more aware of the authorship of interpreter utterances. Identification of the source speaker can also be signalled by interpreters' switch from direct speech (using the first-person pronoun) to reported speech (using third-person pronouns, such as "she said"). Generally, the use of direct speech is viewed as the prescribed standard practice for professional interpreters, while the use of reported speech is associated with untrained or non-professional interpreters (Harris, 1990). However, there has been research pointing out the use of reported speech even by professional interpreters and analysing its rationales and implications (e.g. Diriker, 2004; Bot 2005; Cheung 2012, 2014; Ng 2013). Such studies suggest that deviation from the professional norm of direct speech to reported speech is prompted by the interpreters' desire to distance themselves from the source speaker, to add the significance of the speaker's status (such as saying "the judge said") for aligning with the speaker and enhancing illocutionary force, or to avoid accountability for the substance of the speech when it is disagreeable (e.g. Diriker, 2004; Cheung 2012, 2014; Ng, 2013). Cheung (2014) also presents a comparative study of direct speech and two types of reported speech (using third-person pronouns and professional titles, respectively) in terms of its effect on the perceived neutrality of court interpreters. These studies, however, do not address the possibility of the confusion that may occur on the receiving end of utterances as to the identity of the primary speaker.

Why did some prosecution witnesses at British military trials perceive the interpreters as having originated the interrogations and orders they were interpreting? Since there are no records of wartime interpreters' actual renditions while working for the *Kenpeitai*, for the police or in POW camps, it is practically impossible to know if they were using direct speech or reported speech as interpreters. The accused were all untrained interpreters, and it is presumed that they did not have any guidance or standard to follow as to how to interpret. It is also plausible that those prosecution witnesses may have exaggerated the power the interpreters may have exerted. It should be noted that most of the extreme testimonies about the

leading or primary roles interpreters allegedly played were concentrated in the Kuala Lumpur courts. The accused interpreters were all Taiwanese in their early twenties who had worked for the *Kenpeitai* or police force in Malaya. Despite their youth and status as Japanese colonial subjects, almost all the prosecution witnesses (victims and former local employees of the Japanese *Kenpeitai* and police) testified to the effect that these interpreters ordered, directed and supervised the investigations, arrests, interrogations and torture as the seconds-in-command after their Japanese chiefs. The defence claimed that these untruthful testimonies were due to the witnesses' vengeance against the Japanese military and self-preservation (in the case of former employees of Japanese military organisations). After the primary perpetrators were killed, took their own lives or escaped, these interpreters who stayed in the crime locations became easy targets in the identification of war crimes suspects.

There are, however, some similar testimonies by prosecution witnesses in other trial locations, characterising interpreters as initiators of arrests, investigations, interrogations and torture. As discussed in Chapter 1, the accused interpreters were all civilians except for a few low-ranking military members, many of whom were colonial subjects (Taiwanese) and part-time local hires. They did not have the right or authority to initiate arrests, investigations or interrogations. Factors that may have contributed to the mistaken impression some victims held about the roles and power of interpreters are explored below.

For whom to interpret

Although no recordings or transcriptions have been found of wartime interpreters' renditions in Japanese-occupied territories, some glimpse of how they may have performed interpreting tasks can be gleaned from the verbatim transcripts of the British trials against the accused interpreters. For instance, Masayoshi Nigo's defence stated that Nigo was told by the interrogator to interpret as accurately as possible and convey the interrogator's intention with dignity. Kichitaro Okamoto admitted in his testimony to having raised his voice and shouted at locals while relaying his superior's words. Genichiro Niimori's counsel spoke of a self-important attitude Niimori bore towards Allied POWs in prison and on transport ships. Further, Yeow Chew Bok, a Taiwanese interpreter locally hired by the Penang *Kenpeitai*, revealed that he was rebuked by a superior who had found Yeow's renditions feminine. These statements suggest that interpreters had to align with Japanese military commanders and interrogators, render the same illocutionary force as the source speech and project themselves as agents of the Japanese military imbued with some measure of its power.

Despite the auxiliary status of civilian interpreters within the Japanese military, the status of those they interpreted for (i.e. *Kenpeitai* commanders and officers, police chiefs, occupation administrators and prison directors and officers) and the illocutionary force they tried to reproduce in interpreting may have been a contributor to the "mistaken impression" prosecution witnesses held of interpreters playing primary roles in Japanese military operations. Niimori is a

good example. He was the chief interpreter of a POW prison in Hong Kong and directly attached to the prison director. He accompanied the director everywhere and conveyed orders and instructions to the prisoners with an overbearing attitude. Niimori testified that he also had to deliver messages the prisoners did not want to hear. Due to these circumstances, during the war crimes investigation by the British, many former POWs identified Niimori as the person responsible for the prisoners in the camp and on transport ships, which was ultimately dismissed by the court at the trial since Niimori as a civilian did not hold such power and authority (see the case of Niimori in Chapters 3 and 4; Banham, 2006). Hashida also mentioned that, since he interpreted for judges in court against local dissidents and rendered their rulings, he was viewed as someone who could exercise the power of the ruler (see the case of Hashida in Chapter 3). Further, Nigo's defence lawyer claimed that prosecution witnesses had the illusion that Nigo and the interrogator shared the same thinking as his renditions conveyed the interrogator's tone (see the case of Nigo in Chapter 3).

Performative speech

In addition to the hierarchical positions of the interpreters' employers and the illocutionary force interpreters were expected to reproduce in their renditions, it is plausible that the substance and nature of the speech they delivered was a factor in how the victims and witnesses of Japanese brutalities formed their perception of interpreters' roles and power during the wartime. With the *Kenpeitai*, with the police or in prisons, source utterances the interpreters conveyed to local civilians and POWs were mostly performative (Austin, 1976) in nature, calling for action such as obeying orders and admitting to allegations. Interpreters rendered the words of Japanese military personnel in hostile settings, being present during arrests, the removal of detainees from cells, interrogations and torture. The utterances interpreters delivered were directly linked to the action unfolding in front of everyone present and enabled whatever was inflicted upon the victim, whether harsh interrogation or hard labour. Although the interpreter was only a part of the group that carried out the acts, the receiving end of utterances presumably could not separate the interpreter as a neutral conduit from the rest as he was the representative directly interacting with the victim. The interpreter may have been "just interpreting", but in power asymmetries of communication, he was viewed as the military occupier, inflicting pain and suffering, physically and mentally, on detainees and suspects. To them, interpreters were illusory instigators of action (or inaction). The victims and witnesses indicated that interpreters acted through their own initiative, even when following superior orders and conveying the source utterances originated by their employers. For instance, there were statements and testimonies, such as "Nigo took out Mr. Nelson from the cell", "Hirota arrested me", "Yamashiro tortured me" and "Niimori refused to give us food", referring to interpreters by name as the agents of these actions even though they as civilian interpreters had no authority to initiate these orders. Because of the immediate physical consequences brought about through the

words delivered by the interpreters, the victims viewed the accused interpreters as initiators of action, such as arresting; as enablers of evil acts, such as torture; and as deniers of help, such as securing food and medicine (see the cases of Niimori and Hanagaki in Chapter 2, for instance). To them, interpreters were part of the enterprise that committed unlawful acts rather than disinterested intermediaries.

The experience of Eric Lomax, a former British POW who survived severe torture by the *Kenpeitai* in Thailand, is a telling account concerning interpreter visibility. In his autobiography, *The Railway Man* (1995/2012), Lomax describes the *Kenpeitai* interpreter Takashi Nagase as the main tormentor who haunted him for decades. He hated Nagase more than the *Kenpeitai* officers who orchestrated and carried out the physical torture because “it was his voice that grated on and that would give me no rest” (p. 144). The interpreter is “the centre-stage” (p. 236) of his memories and “represented all of [the torturers]”. The interpreter was a consistent and immediate presence for Lomax whenever he was tortured, and a very visible agent. As Pratt (2009, p. 1529) notes, “language is torture’s constant companion”. To a victim of torture, an interpreter can be seen as an enabler of the evil act, which means that the interpreter indeed constitutes the torturer.

Conclusion

Interpreters’ visibility, as understood to be the degree to which an interpreters’ existence or action is noticed, has empowering and disempowering aspects. In today’s context, thanks to the readily available videos of interpreters at work on the internet, public awareness of the important role interpreters play may be raised, potentially leading to the advancement of their professional status and improvement of working conditions. The higher visibility of interpreters, however, can also increase their exposure to various consequences. Their performance may become an object of scrutiny and spectacularisation, for instance. In hostile settings such as military occupation and violent conflict, interpreters may feel empowered if employed by the party in power. Not only does this provide them with economic and physical security but it may also enable them to take advantage of their access to power for various reasons such as helping or blackmailing local civilians. However, the consequences of the exposure those interpreters face can be extreme, from becoming targets of opposing actors to being identified as suspects in war crimes investigations. In fact, there have been a number of reports of local interpreters for the coalition forces in Afghanistan and Iraq being attacked and killed by local actors, as examined in Chapter 5. In the context of the Asia-Pacific War, the high visibility of wartime interpreters was a contributor to their identification as suspects and prosecution at war crimes trials by Allied nations and *hanjian* trials by the Chinese.

The accused interpreters at British military trials were also highly visible in Japanese-occupied areas during the war because they were constantly dealing with POWs and local civilians, directly interacting with them in the languages they understood. In particular, the visibility of locally hired interpreters was intensified because they were a source of contempt for some locals because of

their service to the Japanese military occupiers. The interpreter defendants at British trials worked side by side for the commanders and other Japanese officers and delivered their utterances presumably with the same interlocutory force as the source speech. The optics of interpreters always accompanying the Japanese military personnel in power and projecting themselves as proxies of the Japanese military made it difficult for the receiving end of the utterances to separate interpreters from the rest of their military units and view them as transparent, unbiased intermediaries. Additionally, the utterances these interpreters delivered were performative in nature. They were directly connected to the actions unfolding in front of them, such as arrests and interrogations. Effectively, the interpreters were enabling or facilitating violent undertakings, including unlawful acts such as torture.

The defence for the accused interpreters pointed to the “mistaken impression” some prosecution witnesses held that interpreters played the primary or leading roles in the wrongdoings of the Japanese, despite the fact that the interpreters (mostly civilians with many being Taiwanese and local hires) did not have the right or authority to order or supervise investigations, arrests, interrogations and torture. To the victims, however, the words the interpreters delivered directly and immediately led to severe pain and suffering being inflicted on them. One of the implications of embedded interpreters being viewed as part of the military enterprise, enabling its operations which may include abuse and unlawful acts, is that interpreters may be held jointly responsible for the acts their military units commit even when they are just interpreting. The next chapter will address the legal aspects of interpreters’ joint responsibility in war crimes and their ethical choices when faced with unlawful or potentially unlawful acts their units commit.

Notes

- 1 To address the vagueness of the term visibility in this framework, Downie (2017) proposes the use of the term “agency” instead of “visibility” to refer to interpreters acting of their own accord and exerting their power.
- 2 See Buri (2015) among other postings on the website of the International Association of Conference Interpreters (AIIC) (<https://aiic.net>) and various postings on the invisible interpreter on the website of the National Association of Judicial Interpreters and Translators (NAJIT) in the United States (<https://najit.org/the-invisible-interpreter/>), for instance. Accessed 30 September 2020.
- 3 NAJIT Code of Ethics and Professional Responsibilities (<https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>).
- 4 “Katsurayama Trial” refers to the transcript and other documents of the “Katsurayama Case” in Kuala Lumpur (20 June and 1-4 July 1947), in which Katsurayama was the sole defendant (WO 235/1017, UK National Archives).
- 5 During the first outbreak of COVID-19, sign language interpreters for government announcements and briefings on TV were highly visible in Japan, which led to the discussion of how the quality of interpreting could be improved (NHK, 2020). The performance of Sharon Choi, the interpreter for film director Bong Joon Ho (*Parasite*), attracted great attention and was featured in a number of media outlets (e.g. Coleman, 2020).

7 Interpreters' joint responsibility in war crimes

Chapters 5 and 6 examined interpreters' proximity and visibility to the parties of communicative encounters as key factors in understanding interpreter participation in war crimes and the victims' perception of the interpreters. It was argued that interpreters embedded in military units in war and violent conflict are exposed to various risks in connection to war crimes: They may be required to interpret for members of their military units performing unlawful acts such as torture, compelled to physically participate in such unlawful acts together with other members of their units, easily identified as perpetrators by the victims during war crimes investigations and eventually convicted as war criminals, and called on to testify as witnesses of war crimes. In this chapter, the focus is placed on individual interpreters' legal responsibility and ethical choices in the context of war crimes: Namely, the taking part in war crimes by interpreters is analysed in two different scenarios. One is the physical participation of an interpreter, willingly or unwillingly, in criminal acts such as the torture and ill-treatment of prisoners and civilians, and the other is their mere presence and linguistic mediation during such criminal acts. Special attention is paid to the military rule of absolute obedience to superior orders, and to the argument that interpreters should not be held accountable for the content and consequences of utterances they deliver.

Mostly drawing on the trial records of cases against interpreters at British military trials for Japanese war crimes, with some references to interpreters in today's conflict zones, this chapter first discusses interpreters' defences as to why they engaged in physical assaults on prisoners and detainees beyond their linguistic tasks as interpreters in violent hostilities, with a focus on superior orders. It then examines the question of interpreters' immunity as mere linguistic intermediaries when enabling or assisting in unlawful acts physically committed by others. In addition to a brief discussion on legal concepts regarding criminal liability relevant to interpreters, issues of interpreters' ethical choices as individuals in high-pressure, violent situations and their presumed unawareness about exposure to criminal responsibility are explored.

Participation in physical assault

As examined in Chapter 2, almost all of the 39 accused interpreters at British military trials were charged with being (jointly) concerned in the ill-treatment

of local civilians in Japanese-occupied areas and Allied prisoners of war (POWs). Essentially, they were accused of physically taking part in violent offences against detainees and prisoners together with other members of their military units. About half of the defendants completely denied the allegations while the rest admitted to some or most of the charges, such as slapping, beating and even torture. The majority of them, however, qualified their admission by stating that they engaged in the alleged offences under the orders of their superiors. In this section, how the interpreters defended themselves for physically taking part in assault is briefly reviewed,¹ and the implications of the ineffectiveness of the superior orders defence are discussed. References are made to contemporary cases of embedded interpreters in conflict zones as well.

Superior orders defence

Of those accused interpreters who partially admitted to the charges against them at British military trials, some acknowledged that they engaged in such offences out of temper, based on standing permission from a superior to use force to obtain confessions from suspects or occasionally on his own accord. Additionally, the defence counsel for some Taiwanese interpreters argued that, as imperial subjects, they had to act overzealously in order to dispel the Japanese military's suspicion that they might be sympathetic and lenient to Chinese detainees and to impress their superiors (see the Penang trials in Chapter 3, for instance).

About two-thirds of the interpreter defendants, however, pointed to superior orders in defending their actions. They were all civilians, mostly Taiwanese and foreign-born Japanese. As civilian interpreters in auxiliary and powerless positions within the military and under its strict rule of absolute obedience, these interpreters claimed that they had no choice but to obey superior orders, including orders to slap prisoners and assist in torture by holding the legs of victims. They pleaded that disobeying the orders would have resulted in severe disciplinary punishment and threats of court-martial. In fact, some interpreter defendants were beaten by their superiors for appearing to be unwilling to follow the orders or being lenient with prisoners and detainees (see the case of Yoichi Nakamura in Chapter 3, for instance). Thus, the defence counsel argued that these interpreters mechanically carried out whatever was ordered by their superiors. Bound by the military doctrine of obedience to orders and under the pressure of intense hostilities, these interpreters as individuals presumably could not afford a moment of ethical reflection on what they were about to do.

Although the court was not required to provide reasons for its judgements, comments by some judges during the examinations and the ultimate verdicts indicate that the judges accepted the prosecution's argument for rejecting superior orders as an absolute defence. While the British military had not previously considered military members acting on orders of their superiors to be war criminals (Finch, 1921), in 1944 the British Military Manual was amended radically to deny that acting in accordance with superior orders would automatically exculpate an accused.² Trial discussions showed that the superior orders would exculpate an accused only if the order was lawful and that those who committed an unlawful

(patently wrong or unethical) act would be held criminally liable. Thus, if the accused interpreter took part in manifestly unlawful or inhumane acts, such as the torture and killing of civilians and POWs, they would be held responsible even if such acts were committed under the orders of their superiors. Prosecutors and some judges implied that accused interpreters should have resisted orders that clearly went against a sense of common humanity.³ It should be noted that the proposition of the superior orders, though ineffective as a defence, was taken into consideration as a mitigating factor in sentencing and subsequent commutation.⁴

The rejection of the superior orders defence was conceived during the war out of concern about the possibility of German and Japanese soldiers escaping criminal charges, and not only Britain but also the United States and other Allied nations amended their military rules and regulations to remove the superior orders defence in preparation for war crimes trials (Wilson et al., 2017). It is highly unlikely that the accused interpreters were aware of the possibility of being held criminally liable for actions taken on the orders of their superiors. It is also doubtful if they even knew of international conventions on the treatment of POWs. Though it did not ratify the 1929 Geneva Convention concerning POWs, Japan indicated in December 1941, in response to Allied inquiries, that it would follow the Convention's provisions *mutatis mutandis* (having changed what needs to be changed). The trial records of the accused interpreters at British trials do not contain any references to their awareness of the Geneva Convention. Although some of the interpreters did express their personal disgust at the Japanese military's brutalities they witnessed and took part in (see the case of Sekitaro Ohtsuka in Chapter 2 and the case of Kwek Tiong Him in Chapter 3, for instance), they claimed that they had no right or authority to stop or protest the systemic abuses of civilians and prisoners inflicted by the Japanese military. It has been argued that Japanese military personnel, including prison guards and other civilians attached to the military, considered that personally taking immediate disciplinary action against prisoners and detainees was more humane than putting them through formal disciplinary procedures (Tachikawa, 2007). Slapping and beating thus became a common daily practice, which was tacitly approved by commanding officers.⁵ Embedded in this toxic environment, some interpreters may have become part of the system by participating in the slapping and beating of prisoners and detainees. According to Tachikawa (*ibid.*), civilians attached to the Japanese military were indoctrinated, just like its soldiers, to obey superior orders but did not receive any training in international conventions on the treatment of prisoners and rules of war.

In the trials related to POW camps in Hong Kong, however, there are references to Red Cross delegates visiting the POW camps to inspect the living conditions and treatment of prisoners as well as the distribution of relief supplies for prisoners sent by the Red Cross.⁶ It is plausible that interpreters at the POW camps became aware of the international attention to and concern about the treatment of prisoners they were dealing with. In his in-court testimony, Kanao Inouye stated that Hong Kong was a propaganda centre and ill-treating Europeans would be bad publicity for Japan (Inouye Trial, p. 89).

Knowing international conventions

Legal scholars inform us that the superior orders defence has been treated in varied ways in different times and jurisdictions (e.g. Osiel, 1999/2017; Dinstein, 2012). As mentioned above, it was an absolute defence (i.e. only superiors are liable) in British military regulations prior to Nuremburg. The applicable law during the British military trials for Japanese war crimes provided that the superior orders defence was applied only for lawful orders and subordinates would be criminally liable if they followed patently unlawful and unethical orders. At the Tokyo Trial, the superior orders defence was treated only as a mitigating factor in determining punishments.⁷

Legal scholar Yoram Dinstein (2012, p. 88) in his seminal book on superior orders states:

the fact of obedience to orders constitutes not a defence *per se* but only a factual element that may be taken into account in conjunction with the other circumstances of the given case within the compass of a defence based on lack of *mens rea*, that is, mistake of law or fact or compulsion.

Here, it is argued that the superior orders defence is ineffective as an absolute defence but should not be excluded as it may be linked with other defences such as duress (forced to do something by threat), mistake of law (error in understanding law) and mistake of fact (mistaken belief).

As for international conventions that may be relevant to interpreters working in armed conflict, the 1998 Rome Statute of the International Criminal Court (ICC) provides for a limited defence of superior orders. Article 33 “Superior orders and prescription of law” states:

1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless: (a) The person was under a legal obligation to obey orders of the Government or the superior in question; (b) The person did not know that the order was unlawful; and (c) The order was not manifestly unlawful.
2. For the purposes of this article, orders to commit genocide or crimes against humanity are manifestly unlawful.

Further, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also rejects the superior orders defence in Article 2(3): “An order from a superior officer or a public authority may not be invoked as a justification of torture.”

To interpreters and interpreting researchers, grasping the full scope and nuances of these complex legal discussions on the superior orders defence would be an arduous challenge. The capacity of ordinary soldiers (or embedded civilian personnel, for that matter) to judge what constitutes “manifestly unlawful”

orders has also been questioned (e.g. Osiel, 1999/2017; Frowe, 2015). However, regardless of the vagaries of particular jurisdictions that interpreters, whether military or civilian, may be subject to when working in armed conflict, it would be advisable that they be at least informed and educated about the general ineffectiveness of the superior orders defence in case they face situations in which they are instructed or ordered to engage in unlawful or potentially unlawful acts. Osiel's suggestion (1999/2017, pp. 312–313) for soldiers to seek clarification from superiors on the orders (to discern the legality of an order) and request written reiteration of oral orders from superiors could be something to be addressed in the training of interpreters embedded in military units or any other setting for that matter.

Complex case of contract interpreters

As mentioned in the Introduction, there were over one hundred wartime interpreters prosecuted at Allied military trials for Japanese war crimes, including 39 defendants at British trials. According to the database of the International Research and Documentation Centre for War Crimes Trials at Philipps University Marburg in Germany, a total of 20 wartime interpreters were convicted as war criminals at European trials for collaborating with the Nazis. Since then, no interpreters have been prosecuted for war crimes to the present author's knowledge. During the Abu Ghraib torture and prisoner abuse scandal in 2004, however, there were at least two interpreters implicated in torture, assault and rape: Adel Nakhla, an Egyptian-born American, and John B. Israel, an Iraqi-born American. They were both hired by private military contractors as Arabic interpreters and assigned to Abu Ghraib prison in 2003. Just like those Taiwanese interpreters who were urgently mobilised for dealings with the Chinese population in Japanese-occupied areas during the Asia-Pacific War, a great many civilians, inexperienced and untrained, with almost no security clearance, were quickly recruited as Arabic interpreters and translators in the early stages of the Iraq War (Budiansky, 2005; McKelvey, 2006). At Abu Ghraib prison, interrogations of detainees were conducted by a three-member team known as a "tiger team" consisting of one interrogator, one interpreter and one US government agent (Worden, 2004, 2005). Despite the US signatory status in the UN Convention against Torture and the Geneva Convention, the systemic use of torture in Abu Ghraib, Guantanamo and other US detention centres as a government-approved policy during "the War on Terror" has been widely reported in the media and formally acknowledged by the US government (US Senate Select Committee on Intelligence,⁸ 2014). Given the makeup of the interrogation teams, it follows that an interpreter was a constant presence during interrogatory torture.

During the army's investigations, Nakhla reportedly acknowledged that he helped the interrogator by holding down a detainee and was present while various abuses were being committed (Brinkley, 2004; Taguba,⁹ 2004), while Israel denied any knowledge of abuses, contrary to several witness statements (Taguba,

ibid.). Due to their contractor status, Nahkla and Israel were not charged for criminal liability by the US Justice Department,¹⁰ but class action lawsuits were brought against them and their former employers (private contractors).¹¹ With war experiencing greater privatisation, clarifications may be due for how the rules and regulations of war and international conventions apply to civilian contract interpreters, recruited from a range of places and working for different national and international forces.

Interpreters' responsibility in interrogatory torture

As mentioned earlier, about half of the accused interpreters at British military trials admitted to being present at arrests, investigations and interrogations as interpreters but completely denied the charges of physically ill-treating local civilians and POWs. They pointed to the falsehoods, inconsistencies and exaggeration in prosecution witnesses' statements and testimonies against them, and accused the witnesses of scapegoating the interpreters as vengeance against the Japanese military.¹² In response, prosecutors argued that just being present and interpreting as a member of a unit that jointly committed unlawful acts could be sufficient grounds for conviction.¹³ Examined in this section are interpreters' legal responsibility and ethical choices in being present and working as interpreters while a criminal act is committed and enabling such acts by interpreting.

Other modes of liability

At British military trials against the Japanese, the defence for accused interpreters who denied the allegation of physical offences argued that they were merely interpreters who had no authority to engage in actions beyond interpreting and should not be held responsible for the actions of other members of their military units. Aside from the evidence of alleged individual offences presented by their witnesses, the prosecution essentially contended that the interpreters were equally guilty since they were present and their interpreting supported unlawful acts intended to achieve ends they shared with their units. The prosecution also pointed to the interpreters' willing cooperation in facilitating brutalities and their indifference to the suffering of the victims. In her examination of superior orders defence at Singapore trials, Cheah Wui Ling (2015) highlights the prosecution's argument that the absence of manifest disapproval of superior orders is an endorsement or at least tacit approval.

Since the end of the war crimes trials against the Japanese in the aftermath of the Asia-Pacific War, there has been no case brought against interpreters for their joint responsibility, or any responsibility for that matter, in war crimes. Extensive discussion on complex legal issues concerning interpreters' joint responsibility in war crimes is beyond the scope of this research as well as the present author's expertise. However, given the fact that US military and contract civilian interpreters did work in interrogatory torture during the wars in Iraq and Afghanistan and the possibility of interpreters becoming involved in

potential war crimes in current and future conflict zones, it is worth highlighting some legal aspects to consider in future discussion on the responsibility and protection of interpreters in conflict, preferably in cooperation with legal scholars.

Interpreters' joint liability in acts committed by their units as a whole may be viewed as comparable to the legal doctrine of Joint Criminal Enterprise (JCE) which was most prominently applied by the International Criminal Tribunal for the Former Yugoslavia (ICTY) (1993–2017). The JCE doctrine is a mode of collective criminality that essentially allows bringing charges against members of a group that is responsible for a crime even if these individuals did not physically engage in the act, provided they knowingly participated in the group acting with a common purpose. It is viewed as a controversial theory that has divided tribunal judges and scholars of international criminal law (e.g. Cassese, 2007; Damgaard, 2008). Legal scholar Nina Jørgensen (2013) examines whether the umbrella concept of being (together) “concerned in”, used in British military trials against the Japanese in Hong Kong, was an embryonic form of JCE. According to Jørgensen (*ibid.*), the Hong Kong cases do not exactly align with JCE as they do not take into account the state of mind of the accused nor whether the crime would have been carried out even without the accused's participation. Here, key notions that draw our attention are whether a given interpreter knowingly participated in an unlawful act to serve a common purpose and whether the commission of the crime was contingent upon the interpreter's contribution. Questions still remain about whether interpreters would be capable of judging these legal aspects.

The ICC Rome Statute does not adopt JCE, but the doctrine of co-perpetrator has been used. Here, the clause concerning assisting and abetting should be noted as it seems more relevant to interpreters who presumably would play accomplice roles rather than act as principal perpetrators in unlawful or potentially unlawful acts. Article 26 Individual Criminal Responsibility, 3(c) states that a person shall be criminally responsible and liable for punishment for a crime if that person, “(f)or the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission”. Legal scholars' discussions (e.g. Werle 2007; Ventura, 2019) inform us that this is also a controversial doctrine, and the issues to be noted for interpreters and interpreting scholars for future consideration include whether the assistance made a substantial contribution to the commission of the crime, whether the assistant was aware that their contribution was supporting the crime and whether the crime would still have been committed even without the assistant's contribution.

Interpreter ethics in war

Apart from these legal aspects, ethical challenges individual interpreters face in war and violent conflict warrant attention from interpreters and interpreting scholars. Are ethical codes for professional interpreters, such as neutrality, applicable to

interpreters embedded in military units, for instance? Neutrality or impartiality is one of the canonical principles stipulated in codes of ethics for professional interpreters (e.g. AUSIT; NAJIT; NRPSI¹⁴). It has been challenged, however, by researchers and practitioners of interpreting as inconsistent, unattainable and disempowering (e.g. Maltby, 2010; Lambert, 2018). In particular, in healthcare and other public service settings where asymmetric power relations exist, empirical evidence indicates that interpreters do “intervene” as cultural brokers and co-constructors of the discourse in the effort to achieve the goal of a given communicative event (e.g. Wadensjö, 1998; Roy, 2000; Angelleli, 2004). Some even call for interpreters to be advocates for patients, the deaf, asylum seekers, defendants and the like to support their rights (e.g. Barsky, 1996; Mikkelsen, 1998), and play activist roles in addressing social injustice and political violence through linguistic mediation (e.g. Baker, 2006, 2009). Tymoczko (2009, p. 186), for instance, argues that the code of neutrality undermines “translators’ ethical and ideological self-awareness” and “empowered agency”. On the other hand, professional associations, especially those with judicial interpreters, subscribe to neutrality or impartiality as essential for maintaining the trust of clients and the public.

As for embedded interpreters in war and armed conflict, however, there seems to be a general consensus that interpreters are required to be aligned with the party they agree to work for and cannot stay “neutral” (Baker, 2010; Inghilleri, 2011). Snellman (2016) concludes, based on his interviews with Finnish military (soldier) interpreters, that they are not expected to be neutral but rather loyal to the military. Even in the case of civilian interpreters, because of the proximity to dangerous hostilities, those interpreters presumably have no choice but to align their actions with those of the military units they are attached to for their own safety. Thus, embedded interpreters can be viewed as combatants like soldiers by the opposing parties. According to Bazargan (2018), anyone who contributes to the war effort, including cooks, administrative staff and lawyers, qualifies as a combatant that can be legally targeted by the enemy. In fact, as Inghilleri (*ibid.*) observes, civilian contract interpreters for US troops during the Iraq War wore military fatigues, carried weapons and participated in combat at times. They became “*de facto* players in a conflict” (Inghilleri and Harding, 2010, p. 168). Examination of the accused interpreters at British trials and various reports on interpreters in the Afghanistan and Iraq Wars indicate that in war no one is exclusively an interpreter.

Interpreter defendants at British military trials claimed that they absolutely had to obey their military superiors’ orders and engaged in various tasks beyond interpreting despite their civilian or part-time status. Their statements and testimonies indicate that there was virtually no room for them to engage in personal, ethical reflection on their actions. In the case of the Iraq War, Inghilleri (*ibid.*) suggests, based on her examination of blog entries by and journalistic reports on various interpreters, that ethical choices civilian contract interpreters would make were in line with those by soldiers under tremendous pressure and the contingent nature of war. Memoirs of former military and contract interpreters in Afghanistan and Iraq seem to support Inghilleri’s view (e.g. Saar and Novak,

2005; Fair, 2016). The content of the training these contract interpreters receive prior to being given assignments is unknown. On this topic, a former Abu Ghraib interpreter told US investigators that he was not sure if they received training concerning the treatment of prisoners covered by the Geneva Convention (Worden, 2005). Regardless, given the socialisation process these contract interpreters went through in their military units (which reportedly led to bonding with soldiers),¹⁵ it is plausible that their standards of conduct became close to those of soldiers.

On the overlapping aspects of ethical choices soldiers and civilian interpreters make, Moser-Mercer (2015b) presents a slightly different view in her examination of different types of interpreters in conflict (with more focus on humanitarian interpreters). She makes a distinction between military “linguists” (language specialists) and contractor civilian interpreters and states that to call military linguists interpreters may be misleading, citing van Hoof’s argument (1962, p. 42) that they are subject to military rules, as enlisted soldiers in many cases, and do not belong to the interpreting profession as “their neutrality and impartiality cannot be guaranteed” (p. 309). Moser-Mercer (*ibid.*, p. 310) adds that contract civilian interpreters, on the other hand, face “more significant ethical challenges” because of their moral dilemmas about being seen siding with international forces and being unable to shun their allegiance to the local community. Besides the validity of van Hoof’s argument that interpreters are not professional if unable to maintain neutrality and impartiality, as far as the historical cases examined in this research are concerned, it is uncertain if embedded soldier interpreters, embedded civilian interpreters and locally hired part-time interpreters had widely different approaches to how they came to terms with their own individual ethical and moral values in high-pressure, violent situations and under military command.

Interpreting torture

In the case of the accused interpreters at British military trials, contrary to the prosecution evidence that depicted them as primary actors exercising their agency, the interpreters claimed that they mechanically carried out the orders, including the task of interpreting interrogatory torture. Regardless of what they actually did or did not do, they asserted this non-person “neutral” position of interpreters to justify their taking part in war crimes or to conceal their agency in doing so. In fact, this view of interpreters being disinterested automatons has been used by interpreters in other contexts to circumvent ethical accountability for questionable acts they enabled. As discussed in the Introduction, the case of far-right activist Günter Deckert, who interpreted a speech by a Holocaust denier, was “a clever manipulation” (Pym, 2012, p. 37) of the commonly held notion of the interpreter being a mere mouthpiece of the source speaker. Franz Pöchhacker (2006), in his examination of interpreters and ideology, discusses the cases of Paul Schmidt, who was Hitler’s interpreter and became an interpreting professor after the war, and Kurt Waldheim, who was an interpreter and intelligence officer in the German army before becoming the UN Secretary-General and President of Austria. He questions the validity of not having held

these two prominent figures accountable for their work with the Nazi regime based on the view that they were just rendering a professional service as neutral interpreters.

That interpreters are not responsible for the content of the speech they deliver is a generally accepted notion. Anthony Pym (2012), in his seminal book on translator ethics, refers to immunity generally granted to messengers and diplomats. He argues that translators (interpreters) are not authors (source speakers), and thus not ethically responsible for the content of the text (speech); however, translators are responsible for the decisions they make on whether to translate (interpret) a given text (speech) and for the probable effect of their translation (interpretation). Pym's discussion on translator ethics is based on the view of translating (and interpreting) as a form of cooperation and argues that translator (and interpreter) ethics should be driven by the aim of promoting cooperation. Although it may not be entirely applicable to extraordinary situations such as hostile and dangerous encounters in war and violent conflict, some insight may be gained by applying Pym's proposition on translators' ethical responsibility to the cases of the accused interpreters at British military trials who interpreted in interrogatory torture. Again, they were "only interpreting" on the orders of their superiors. Under Pym's framework, the interpreters would not be responsible for the content of what the interrogators said but would be responsible for their decision to accept the task of interpreting interrogatory torture and the effect of their work. This view may be problematic because the interpreters supposedly did not have the option of refusing orders. As for the effect of their work, however, the interpreters were instantly aware of the consequences of their renditions because the effect was immediate and visible. Observing the suffering that resulted before their eyes, could the interpreters still claim their innocence because they were "only interpreting" like machines?

As Pratt (2009, p. 1529) notes, "language is torture's constant companion". There must be an interpreter present in interrogatory torture if the interrogator and the subject do not speak the same language. Pressed to interpret in unlawful or inhumane acts, interpreters should reject the convenient shield provided by the pretence of being neutral linguistic mediators and engage in ethical reflection on what they are enabling or assisting through interpreting. In the case of interrogatory torture, although some crucial information may be extracted,¹⁶ interpreters are also contributing to the pain and suffering of another human being. Besides, torture and abusive interrogation techniques are illegal under international law. Interpreters should at least be aware of the possibility of being prosecuted for assisting in manifestly unlawful acts such as torture.

Conclusion

Interpreters embedded in military units in war and violent conflict, whether conscripted or contract civilian interpreters, may be exposed to the risk of becoming involved in unlawful or potentially unlawful acts their units commit. In the case

of the accused interpreters at British military trials against the Japanese, some admitted to physically participating in the ill-treatment of detainees and prisoners under the orders of their superiors. Others acknowledged that they were present and interpreted in raids, investigations and interrogations but denied the allegation of physically participating in the ill-treatment of the victims. As discussed through this chapter, attention should be paid to some legal aspects of interpreters' taking part in torture and other abusive treatment of detainees and prisoners, as well as individual interpreters' responsibility and ethical choices in doing so.

Discussions in British military trials indicate that superior orders would not automatically exculpate an accused, providing that it applied only when the order was legal. Thus, even under the strict rule of the Japanese military to obey orders, interpreters were held liable when they committed patently unlawful or unethical acts. The narrow ambit and therefore ineffectiveness of superior orders as a defence is reflected in current international conventions as well, including the Rome Statute of the ICC and the UN Convention against Torture. The Rome Statute provides that the superior orders defence may be applied if the person did not know the order was unlawful or if the order was not manifestly unlawful. One of the key issues here is whether interpreters, military or civilian, are trained and informed about these conventions. If they are, whether they have the capacity to judge the legality of the orders they receive is another question.

Different modes of liability could also be relevant to holding embedded interpreters in war and violent conflict accountable. At British military trials, some prosecutors argued that interpreters should also be held responsible for the crimes other members of their military units physically committed as they shared common goals and planned as a whole. To the present author's knowledge, no interpreter has been prosecuted for joint responsibility in war crimes since the end of the Allied trials for Japanese war crimes. Attention should be paid, however, to legal doctrines such as Joint Criminal Enterprise and co-perpetrator adopted in international courts today. There is also a clause on assistance in individual criminal responsibility under the Rome Statute. It essentially refers to individual liability in assisting and contributing to the commission of a crime committed by another person, which could be relevant to interpreters in war and violent conflict. As for civilian interpreters hired by private contractors and assigned to various locations in connection with the wars in Afghanistan and Iraq, because of their contractor status, those implicated in torture and abuse in Abu Ghraib prison, for instance, were not criminally charged by the US government.

These are complex legal issues. Most embedded interpreters, however, may not be aware of the possibility of becoming subject to criminal liability. Military interpreters presumably receive training as soldiers in the rules of war, including the Geneva Convention on the treatment of prisoners. It is not known, however, what content contract civilian interpreters receive in training prior to assignment. Here, some suggestions and propositions scholars and activists provide in relation to these legal issues may be helpful in discussion of how interpreters could protect themselves from becoming involved in criminal acts of the military they work for.

As mentioned earlier, legal scholar Mark Osiel (1999/2017) suggests that soldiers seek clarification from superiors on concerning orders (to discern their legality) and request written reiteration of oral orders from superiors, which can be referenced in the training of interpreters. Comparative Literature professor Emily Apter (2009) proposes official policy be in place to protect interpreters from being asked to work as intermediaries in the cruel and inhuman treatment of detainees and to safeguard interpreters' right to abstain from interpreting under circumstances that violate human rights and the Geneva Convention. Further, there is the Conflict Zone Field Guide for Civilian Translators/Interpreters and Users of Their Services¹⁷ issued by RedT (a non-profit organisation that advocates for the protection of translators and interpreters in high-risk settings), together with the International Association of Conference Interpreters (AIIC) and the International Federation of Translators (FIT). This guideline informs translators and interpreters that they have the right to refuse a task that compromises their professional or personal standards and ethics and/or unduly endangers their safety and advises users of their services to be aware that translators/interpreters have this right.

Aside from legal issues concerning interpreters' risk of being held criminally liable in war crimes, there should be critical discussion on individual interpreters' responsibility and ethical choices in war and conflict zones. In war and violent conflict, codes of ethics and standards of conduct for professional interpreters, as we know them today, do not seem to carry much weight. As for the accused interpreters at British trials, they were mostly untrained and inexperienced civilian interpreters, working under the Japanese military's principles. Their actions were bound by military rules. In the case of the Iraq War, Inghilleri (2011) suggests that the ethical choices of contract civilian interpreters in Iraq were aligned with those of soldiers. Under the pressure of intense hostilities, interpreters have no choice but to align their actions with those of soldiers of the units to which they are attached for their own safety. These embedded interpreters in the past and present were never expected to be neutral as codes of ethics for professional interpreters prescribe under normal circumstances today.

It should be noted, however, that some accused interpreters defended their actions by resorting to the notion of interpreter "neutrality" at British trials. They claimed that they mechanically carried out the superior orders, including interpreting interrogatory torture. The idea of a non-person "neutral" position of interpreters was used here to justify their taking part in war crimes or to conceal their agency. If Pym's proposition (2012) on translators' ethical responsibility is applied, the interpreters might not be responsible for the content of what the interrogators said but would be responsible for their decision to accept the task of interpreting interrogatory torture and the effect of their work. Apart from the difficulty of refusing the superior order to interpret while torture is occurring, attention should be directed to interpreters' ethical responsibility for the consequences of their interpreting task. The effect in this context was immediate and visible suffering. The interpreters' claim of innocence because they were "only interpreting" like machines should be critically examined. The pretence of being

neutral linguistic mediators may be used by interpreters to shield themselves from ethical reflection and to attempt to escape criminal liability. Interpreters should be aware, however, that torture and abusive interrogation techniques are manifestly illegal under international law and they could be prosecuted for assisting torture through interpreting.

Notes

- 1 See Chapter 2 for details of the charges against the accused interpreters and Chapter 3 for details of how they defended themselves against the charges.
- 2 See Chapter 3 for how this manual was referenced in the trials against interpreters. Also see Jia (2013) and Cheah (2016) for detailed legal analysis of how the British Military Manual addresses superior orders.
- 3 See Cheah (2015) for detailed legal analysis on the superior orders defence in the Singaporean trials.
- 4 See Chapter 4 for details of judges' comments, verdicts, sentencing and subsequent commutation.
- 5 Cheah (2018) examines trial participants' culturally influenced arguments, including on the issue of slapping, in the Singapore war crimes trials.
- 6 The Japanese government received numerous inquiries and protests about the ill-treatment of POWs from the Allied Powers and the International Red Cross Committee during the war but did not respond to them fully. For instance, the United States made 746 inquiries through Switzerland, but two-thirds of them were ignored (Tachikawa, 2007, p. 110).
- 7 See Article 6 of the Charter of the International Military Tribunal for the Far East, 19 January 1946, amended 26 April 1946 (<https://www.legal-tools.org/doc/a3c41c/pdf>).
- 8 The *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, or the "Torture Report", was issued by the United States Senate Select Committee on Intelligence in 2012, which provided details of the torturing of detainees by the CIA. A heavily redacted version was made available to the public in 2014.
- 9 Generally known as the Taguba Report, *Article 15-6 Investigation of the 800th Military Police Brigade* was principally authored by Major General Antonio Taguba and published in 2004. It reported findings of an official army investigation into the Abu Ghraib prison abuse. <https://fas.org/irp/agency/dod/taguba.pdf> (accessed 30 September 2020).
- 10 In 2006 an amendment was made in the US Uniform Code of Military Justice to make it possible to subject civilian contractors working for the US government to the jurisdiction of US military courts. In 2008 a civilian contract interpreter, Alaa "Alex" Mohammad Ali, was court-martialled for aggravated assault of another interpreter (US Central Command, 2008). Bartolini and Ferracci (2020) discuss that this was particularly important as the first case involving a civilian contractor charged by a military tribunal.
- 11 According to Center for Constitutional Rights (2017), the case *Saleh, et al. v. Titan, et al.*, filed in 2004, included Nahkla and Israel as co-defendants for conspiracy to torture and mistreat prisoners. The case was ended in 2011 when the Supreme Court denied the plaintiffs' petition for certiorari. The case *Al-Quraishi, et al. v. Nahkla and L-3 Services* (formerly Titan Corporation, now Engility) was filed in 2004 and settled in 2012.
- 12 See Chapter 3 for details on "scapegoating" claims, especially in the Penang trial.

- 13 See Cheah (2016) for legal analysis on organisational membership as an independent offence in Singaporean trials.
- 14 See the Code of Ethics set forth by the Australian Institute of Interpreters and Translators (AUSIT), the Code of Ethics and Professional Responsibilities by the National Association of Judicial Interpreters and Translators (NAJIT) in the United States and the Code of Professional Conduct by the National Register of Public Service Interpreters in the United Kingdom.
- 15 See Chapter 5 for more discussion on the socialisation and bonding of contract interpreters.
- 16 It should be noted that one of the key findings in the 2012 US Senate Torture Report was that the CIA's use of enhanced interrogation techniques (torture) was not an effective means of acquiring information or gaining cooperation from detainees.
- 17 As of 30 September 2020, it is offered in 25 languages. For the English version, see <https://red-t.org/our-work/safety-guidelines/>.

8 Interpreters as witnesses of crimes

The previous chapter examined interpreters' legal responsibility and ethical choices in war and violent conflict, focusing on their joint responsibility when taking part in interrogatory torture and the ethical issue of claiming immunity based on interpreter neutrality. Continuing on the theme of interpreter ethics in war, this chapter addresses issues related to interpreters divulging first-hand information they learn of while on duty for criminal investigations and legal proceedings. As discussed in Chapter 2, one distinct feature of the cases against interpreters at British military trials for Japanese war crimes is that there were wartime interpreters associated with the Japanese military who provided evidence for the prosecution as eyewitnesses of war crimes during the pretrial investigations and trial proceedings. Some of the accused interpreters provided incriminating evidence against their former superiors and members of their units, and several local interpreters who used to work for the Japanese military also testified against some of the interpreter defendants as well as their superiors. Although the confidentiality expected of professional interpreters today cannot be simply referenced against these "chance" interpreters (untrained, non-professional and ad hoc interpreters) in extraordinary circumstances such as war, attention should be paid to the implications of interpreters' testifying and reporting on unlawful or potentially unlawful acts they witness in the course of their work.

This chapter first reviews briefly the backgrounds of the interpreters who gave evidence against the Japanese military in the British trials as well as their possible motives for doing so. The issue of loyalty to the military is discussed in connection to confidentiality. Then two contemporary cases of attempting to compel an interpreter to give evidence in legal proceedings are examined, with consideration to the institutional power that controls the participation of interpreters as witnesses. Further, drawing on cases that spurred debate on the principle of secrecy among professional interpreters, various views on the professional code of confidentiality are examined in today's context. Finally, exceptions to the code of confidentiality included in current codes of ethics for professional interpreters are discussed, with a focus on the possible ineffectiveness of such clauses on interpreters in war and violent conflict.

To testify or not

At British military trials against the Japanese, some of the accused interpreters (mostly foreign-born Japanese and Taiwanese civilians) provided pretrial statements and in-court testimonies that included descriptions of what their superiors and other members of their military units did in connection with the charges of ill-treatment and torture of local civilians and Allied prisoners of war (POWs). Also, several locals who had been trained in Japanese and hired as interpreters by the Japanese military occupiers took the stand in court as prosecution witnesses in cases against accused interpreters and other defendants. This section provides an overview of the backgrounds of these testifying interpreters and examines their possible motives for giving evidence, taking into consideration the issue of interpreters' loyalty to the military. Also examined are a case at the International Criminal Tribunal for the Former Yugoslavia (ICTY) and a US military trial in Guantanamo from institutional viewpoints on compelling interpreters to provide witness testimonies in trial proceedings.

Assisting the former enemy/coloniser

In her examination of interpreters who worked for foreign military occupiers in postwar Japan, Takeda (2016) discusses how quickly the Japanese government and citizens embraced the Allied military occupation following the end of the Asia-Pacific War in 1945 and how eager English-speaking Japanese were to work as translators and interpreters for former enemies in occupied Japan. For them, it was a means of surviving in the midst of hunger and unemployment in war-ravaged Japan, however stigmatising it was for those who felt ashamed of working for once-hated enemies and afraid of being viewed as traitors by their compatriots. A somewhat similar development (i.e. Japanese working for their former enemies in postwar operations) was observed in the areas the Japanese military used to occupy. The British, a former coloniser of the areas, returned and faced the pressing need for linguistic assistance in postwar undertakings, including investigations and trials for Japanese war crimes. Due to the severe shortages of effective interpreters within the British military, they had to rely on interpreters who had been attached to the Japanese military. Some of the accused interpreters in British custody awaiting possible trial were utilised in various tasks such as disarming Japanese troops, investigating war crimes and taking statements from war crimes suspects (see details in Chapter 2).

About half of the accused interpreters provided incriminating evidence against their former superiors and other members of their units, including details of various torture methods employed by the *Kenpeitai*. In addition, several local civilians who used to work as interpreters for the Japanese military occupiers testified for the prosecution as eyewitnesses of Japanese war crimes, such as the ill-treatment and torture of suspected anti-Japanese detainees. They also described how they worked with accused interpreters as a team in relay interpreting. Defendants

or not, these wartime interpreters were presumably effective witnesses for the prosecution because of their close proximity to the alleged crime scenes and their understanding of the languages used by the parties involved. Also, those interpreters who gave evidence in English conveniently eliminated for the investigators and the court the onerous process of sourcing and depending on interpreters for taking evidence from the interpreter witnesses. (See Chapter 2 for details.)

Interpreters' "loyalty"

It should be noted that the four Japanese *gunzoku* (civilians formerly attached to the Japanese military) interpreters who gave incriminating evidence against their superiors were all foreign-born (three *Nisei* from the United States and Canada and one Singaporean-born). About 60% of the Taiwanese defendants testified against their Japanese superiors as well. None of the three accused interpreters with military rank testified against their superiors or other members of their units, although it bears noting that each case is unique in nature, especially in terms of who is referred to in the charges. There were also cases with multiple defendants in which some of the defendants did not testify in court, reportedly in response to instructions or pressure from the military higher-ups (see the Penang case and the Car Nicobar case in Chapter 2, for instance). These profiles of the interpreter witnesses, however, could suggest that foreign-born Japanese and Taiwanese civilian interpreters may have felt less bound by the normative behavior of Japanese soldiers or did not feel a strong allegiance to the Japanese military to the extent that they would feel obligated to withhold evidence disadvantageous to their former superiors and other members of their military units. Two of the *Nisei* interpreters (Kanao Inouye and Susumu Hashida) were born and raised in Canada and Hawaii, respectively, and moved to Japan in their twenties for schooling in 1936 and 1940, respectively. At that time, foreign residents including *Nisei* were under intense surveillance by the Japanese government (e.g. Azuma, 2005). They happened to be in Japan when the Pacific War broke out and were eventually conscripted as civilian interpreters by the Japanese Army because of their bilingual skills. Inouye mentions in his testimony, though, that he was not trusted within the Japanese military because he was *Nisei* (see the case of Inouye in Chapter 2 for details). In the case of Masayoshi Nigo, another *Nisei* interpreter from California, he was unexpectedly recruited, by his account under duress, at the port of Singapore on the way to Japan via an exchange ship from the United States in 1942 (see the case of Nigo in Chapter 2 for details). Itsuo Tsutada was born and raised in Singapore and educated in the English system almost entirely through his life. It is plausible that these foreign-born Japanese had a different sensibility and attitude towards the Japanese military from those who received the emperor-worshiping militaristic education predominant in Japan. They may have felt less restraint about disclosing the activities of their military units in order to protect themselves, even if it meant pointing to the former superiors who had given them orders and instructions. It is also possible that they gave evidence in the hope of receiving leniency in potential

charges and sentencings that British war crimes prosecutors and judges might level against them.

For Toh Swee Koon, who was initially prosecuted as Taiwanese, once he started claiming that he was a British subject by virtue of his birth in Singapore, it became vital that he demonstrate his eagerness to assist the British prosecution by giving substantial information (see the case of Toh in Chapter 2 for details). As for the other locals who had worked for the Japanese as interpreters and testified against them in the postwar trials, they claimed that being born in former British territories such as Malaya and the Nicobar Islands made them British subjects and thus precluded them from prosecution at British military war crimes trials. Some of them, however, were charged in local civil courts with taking part in the Japanese brutalities. As some defence counsel alluded to, these local interpreters may have offered evidence of Japanese war crimes at least partly in order to escape prosecution themselves or seek leniency if prosecuted in local courts and to mitigate their compatriots' view of them as traitors (see Chapter 3 for more details). Although some Japanese defendants were bitter about the "betrayal" of these locals who were under their employment (e.g. Washimi, 2015), for these former interpreters it was probably just a matter of survival to align with the group in power, the Japanese during the war and the British thereafter.

The ethical codes of confidentiality for professional interpreters as we know them today cannot be simply drawn on to analyse the cases of these ad hoc interpreters in the war that took place eighty years ago. It should be noted, however, that not all accused interpreters gave incriminating evidence against their superiors or other members of the Japanese military (see the case of Miyakawa, for instance, in Chapter 3). The cases examined above suggest that the degree of allegiance to the nation or military institution due to individual backgrounds could become a factor in how interpreters behave when pressed to give information learned in the course of their work in the military. For military employers, although interpreters' bilingual skills and cultural, social and geographical knowledge of foreign conflict zones are crucial to their success, the very backgrounds that formed their bilingual and bicultural skills could breed concern about interpreters' "loyalty".¹

Protecting the interpreter: A case at ICTY

In the absence of institutionalised ethical codes for interpreters and based on the fact that these witnesses engaged in a variety of tasks within their military units beyond interpreting, it is assumed that whether interpreters (who would be expected to maintain secrecy under normal circumstances) should be allowed to testify was an issue for neither the British military courts nor the Japanese defence teams. In contemporary contexts, attention should be paid to two cases in which the issue of compelling an interpreter to give evidence was discussed in legal proceedings related to war crimes. One is a 1997 court decision against the defence motion to subpoena an interpreter as a witness at the International Criminal

Tribunal for the Former Yugoslavia (ICTY), and the other concerns the defence request to call an interpreter as a witness in pretrial proceedings in connection with the 9/11 terrorist attacks at the US military commissions in Guantanamo Bay in 2015.

The ICTY case concerns an interpreter who worked in pretrial interviews with a defendant, rather than being present at war crimes scenes like the interpreter witnesses at British military trials. This instance, however, provides a rare on-the-record discourse as to how a court perceives issues around compelling an interpreter to give evidence on what they may have learned in the course of their work. By examining the court's decision, useful insight can be gained not only for the debate on professional interpreters' code of confidentiality but also for discussions of the status and duty of court interpreters in general. In the Čelebići Camp case at ICTY, one of the defendants, Zdravko Mucić, submitted a motion to seek the subpoena of an interpreter to testify as a witness for his defence in 1997. Mucić was a commander of the Čelebići prison camp in Bosnia and Herzegovina, which was operated by the Bosnian Muslim and Bosnian Croat forces in 1992. In 1996, he was indicted for his role in crimes committed against Serbs in the camp.² When he was interviewed by investigators of the Office of the Prosecutor in 1996, Mucić agreed to be interviewed without counsel present. The defence alleged, since Mucić had earlier insisted on the presence of counsel, his sudden change of mind must have resulted from the pre-interview conversation between him and the interview team. Since the content of the alleged conversation was not contained in the records of the proceedings, the defence moved to seek an order compelling the interpreter who worked through the interview to testify as a witness for the defence. The interpreter was an employee of the Conference and Language Services Unit of the ICTY.

In the decision³ that rejected this motion, the trial chamber provides a definition of the word "interpreter", analysis of the status and duty of the interpreter and the position of the interpreter. Since the word "interpreter" is not defined in the ICTY Statute or Rules, based on "the ordinary dictionary meaning" the court states, "an interpreter may be defined as one who interprets from either an official or un-official language of the International Tribunal into official languages", serving as "*merely the means* through which the parties and the Trial Chamber are made to understand each other and follow the proceedings" (emphasis added by the author). As for the status and duties of the interpreters, the decision views the interpreter as an officer of the ICTY with the status of an impartial third party "required to make a solemn declaration to interpret faithfully, independently and impartially and with full respect for the duty of confidentiality". This view of the interpreter's role (i.e. "merely" engaging in rendering the source speech in another language) resembles that of a neutral conduit for "here and now" communication with no room for interpreters to exercise their agency.

Although the decision, in principle, rejects an interpreter being called by any of the parties to give evidence because it could compromise the interpreter's independence and impartiality, it provides certain conditions under which the interpreter in this case could testify: First, the interpreter had to have the legal

duty to make a record of her renditions; second, there is no other way to obtain the evidence than the testimony of the interpreter; and third, the decision should depend on the content of the evidence given by the interpreter. The second and third conditions may be subject to argument between the parties, but the first condition (i.e. the interpreter's legal duty to make a record) is grossly out of the normative practice of interpreters. The decision also provides the following view on the nature of the interpreter's work and protection. The interpreter "merely passes information to either party of what the other has said" and has "no duty to keep a record of what is said by either party". Thus it is extremely difficult for the interpreter to testify about what exactly was said and the interpreter should not be relied on to testify on evanescent words; it is not only "undesirable but also invidious to compel an interpreter into the arena of conflict on behalf of either party"; and it is important to "insulate the interpreter" from "the possibility of being personally involved in the arena of conflict". This court opinion on the record concerning the function of interpreters, the scope of their duties and factors to consider in compelling them to give evidence is significant for its rarity and weight as a reflection of how interpreters are viewed by a prominent international tribunal. It should be drawn on in future debate on interpreters' participation as witnesses in legal proceedings.

For national security: A case in Guantanamo

As for the ethical concerns of interpreters giving evidence in legal proceedings as eyewitnesses of criminal acts, a key contemporary discussion of this issue centres around the Ramzi bin al-Shibh case at the US military commissions in Guantanamo Bay. As described in the Introduction, in a pretrial hearing of this case in 2015, the defendant bin al-Shibh, an alleged co-conspirator of the 9/11 terrorist attacks, recognised the Arabic interpreter sitting alongside him and said to the court, "The problem is I cannot trust him because he was working at the black site with the CIA and we knew him from there" (Rosenberg, 2015). It was acknowledged by the prosecutor later that this government-provided interpreter was indeed the same interpreter bin al-Shibh and other 9/11 defendants encountered while being detained and tortured in black sites. The defence sought an open-court testimony of this interpreter, who might be able to give eyewitness evidence on the torture bin al-Shibh and other defendants suffered and explain how he became an interpreter for the defence team. The prosecution, on the other hand, insisted on keeping the examination of the interpreter secret and restricted as much as possible due to the possibility of classified information being revealed, thereby compromising national security, the interpreter's identity and the safety of the interpreter and his family (Rosenberg, 2019b). As of September 2020, there is no record available that indicates that this interpreter has been examined.

The defence alleged that the assignment of this interpreter to the defence team was another effort by the prosecution to exploit attorney–client communication. The prosecution's attempts to infiltrate the defence team or obtain information

on their attorney–client communication have been documented (e.g. Weill and Robinson, 2020). One incident involved an interpreter whose services the defence team used to retain. In 2013, this contract interpreter made a phone call to bin al-Shibh’s brother in Yemen upon bin al-Shibh’s request and his lawyer’s instruction. The lawyer reportedly said that gaining the trust of his client and family was his duty (Rohde, 2015). This can be compared to the 2005 case of Mohamed Yousry. Yousry was an Arabic interpreter who worked in communication between a convicted terrorist and his attorney. The attorney subsequently shared its content with the press, thus making it available to his followers (see Introduction for more details). According to the defence counsel of bin al-Shibh, however, the five-minute phone conversation the interpreter facilitated was an innocuous discussion of routine family matters (*ibid.*). The interpreter was interviewed about this incident by a military investigator. He was then stripped of his security clearance and fired for committing a security violation (*ibid.*). Consequently, a new interpreter had to be hired. Since the new interpreter’s security clearance was taking time to establish, the former black site interpreter was assigned by the government to fill in temporarily in the pretrial hearing. It turned out this interpreter had worked on other defence teams as well, including that of Ali Abdul Aziz Ali (also known as Ammar al-Baluchi), another defendant in the same case. Abdul Aziz Ali filed a motion to seek information as to whether this interpreter was privy to privileged and work product information that belonged to Abdul Aziz Ali and his counsel.⁴ Another alleged attempt by the government to infiltrate the defence team concerns an interpreter for another defendant in the same case. According to the defence, the US government secretly interviewed the interpreter assigned to Khalid Shaikh Mohammad under the guise of reauthorising his security clearance. The defence alleges that the government obtained confidential, protected information through this interview.⁵

It seems that the US government has addressed the issue of interpreters divulging information gained while on duty inconsistently, in the name of the interest of national security at the time in each case. While the government has allegedly obtained or attempted to obtain confidential information from the defence by secretly examining their interpreters, it has been vigorously arguing against the interpreter at issue (who used to work in black sites) giving evidence for the defence in open court. Weill and Robinson (2020, p. 256) state that military courts have “exceptional and specifically designed rules”, including “expansions in the power of the executive and military agencies, as well as the relaxation of due process protections”, with “flaws that prevent them from being effectively independent, impartial, accessible, and transparent”. The prosecution’s handling of interpreters as witnesses or informants can be understood as an example of these characteristics of military commissions. In particular, since torture has become the central issue in the trial (i.e. the inadmissibility of confessions obtained through torture could jeopardise the entire prosecution case) (e.g. Rosenberg, 2019a; McDermott, 2020; Pfeiffer and Martin, 2020), allowing an interpreter with first-hand knowledge of torture to testify could lead to serious consequences for the government. The institutional policies and priorities override and complicate the

discussion of interpreters maintaining and breaking the ethical code of confidentiality in this context.

Ethical code of confidentiality

The two cases discussed above provide examples of how courts and parties in legal proceedings view the issue of compelling interpreters to give evidence based on what they witness in the course of their work. Although these cases did not attract much attention from the professional interpreter community, there have been instances concerning the code of confidentiality that generated vigorous debate among interpreters. As mentioned in the Introduction, the 2008 case of Erik Camayd-Freixas in the United States and the case involving the US State Department's Russian interpreter in 2018 are the most notable in the contemporary context. Following a quick review of these cases and reactions from the professional interpreter community, this section explores different insights into the issue of breaking the code of confidentiality to report unlawful or abusive acts of which interpreters gain first-hand knowledge while on assignment. It draws on the clauses of exceptions to confidentiality in existing codes of ethics for professional interpreters as well as some of the comments included in the above-mentioned ICTY decision regarding challenges in calling an interpreter to testify.

Interpreter communities' stand

The 2008 case of Erik Camayd-Freixas spurred active discussions among professional interpreters on maintaining or breaking confidentiality when faced with abuse and injustice (e.g. Hennessey, 2008; Phelan 2019). Camayd-Freixas, a certified Spanish interpreter, worked in immigration prosecutions in Iowa. While on interpreting duty, he became concerned about the rights of over 300 migrants being violated and wrote a personal account of what he witnessed after the case was closed. This essay attracted great attention from communities of professional interpreters, legal professionals and the media (e.g. Preston, 2008). While there were voices supportive of Camayd-Freixas among interpreters and lawyers, the inappropriateness of his conduct as a professional interpreter (i.e. publicly commenting on what he learned on assignment) was condemned by others (e.g. Hennessey, *ibid.*; Phelan, *ibid.*). In response to the questions of conflict of interest and confidentiality, Camayd-Freixas (2013) defended his actions, arguing for interpreters' professional discretion in ethical decision-making and interpreters' rights and responsibility as officers of the court and citizens while also calling for professional organisations to revisit their current codes of ethics. Professional associations in the United States, namely the American Translator Association (ATA) and the National Association of Judicial Interpreters and Translators (NAJIT), did not take an official position on the Camayd-Freixas case⁶ (see Introduction for details).

In contrast, the response to the case of the State Department's Russian interpreter was virtually united within the professional interpreter community. While the Camayd-Freixas case concerns an individual interpreter's decision-making in

handling the issue of confidentiality, the Russian interpreter in this case was not in a position to exercise her agency in a highly political situation controlled by the institutional power. Against the failed attempt by members of the US Congress to subpoena the interpreter with the hope of obtaining undisclosed content of Trump–Putin meetings through her testimony and interpreting notes, professional interpreters expressed strong opposition by citing their ethical code of confidentiality. They argued that it would set a dangerous precedent that might affect future diplomatic talks and could harm public trust in the profession of interpreting as a whole (e.g. Olsen in CNN, 2018). They also drew attention to the fact that interpreters’ notes are to aid short-term memory and not for recordkeeping, and thus would be useless for recalling the exact words said in the meetings (e.g. Burian, 2019; Martinez, 2019). Major professional organisations such as the International Association of Conference Interpreters (AIIC) and the International Federation of Translators (FIT) issued statements⁷ to reiterate the principle of confidentiality “enshrined” in their codes of ethics.

Of a number of comments made by professional interpreters about the absolute importance of maintaining the code of confidentiality in connection with this Russian interpreter’s case, there have been few reflections concerning what circumstances might justify the disclosure of information interpreters learn while on duty. One exception is Edgar Weiser (2018), an AIIC member. Fully supporting the AIIC statement on professional secrecy, Weiser briefly explores possible exceptions to the confidentiality code. As an example found in other professions, he points out that a case of child abuse learned in doctor–patient communication must be reported. Weiser states that an interpreter who learns of the planning of a crime or is suspected as an “accomplice” in a crime may be subject to examination. Weiser suggests interpreters consider how to protect themselves by learning from practices in other professions such as journalism and promoting an international convention to protect interpreters from any force that might jeopardise their professional secrecy.

Additionally, Kamerow and DiGiovanni (2018) refer to mandatory reporting for physicians, counsellors and other professionals on child abuse, harm to others and harm to self in the United States and state that such exceptions to the code of confidentiality could be applied to interpreters as well. Kamerow and DiGiovanni (*ibid.*) point to a confidentiality exception for interpreters established by the Unified Judicial System of Pennsylvania, which states (unpaged):

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not a party to the proceeding and seek advice in regard to the potential conflict in professional responsibility.

They then suggest that the interpreter should not be compelled to disclose any details of the communication she mediates “unless the interests of the American people are not being faithfully represented”.

Although not from the interpreter community, political commentator David Frum (2019) presents a similar but much stronger proposition. Even though he acknowledges the need of interpreters to adhere to the professional code of confidentiality and the dangerous impact of a precedent of subpoenaing an interpreter on future diplomacy, Frum argues for subpoenaing the Russian interpreter because this is “very possibly the worst scandal in the history of the U.S. government”. He compares its significance to high-profile cases in history such as that of Julius and Ethel Rosenberg. This view suggests that it is justified for an interpreter to divulge confidential information if it impacts matters of far-reaching significance like national security.

Incidentally, the Resolution Condemning and Deploring Torture adopted in 2007 by ATA and NAJIT⁸ has a clause requiring their members to report any torture they become aware of. The Resolution states:

[ATA/NAJIT] explicitly defines knowing participation in, facilitation or countenancing of, cooperation with, or *failure to report torture or other mental or physical abuse or degradation of any human being as unethical behavior* that violates [ATA’s Code of Professional Conduct and Business Practices/NAJIT’s Code of Ethics and Professional Responsibilities];

[ATA/NAJIT] requires that its members who become aware that torture has occurred, is occurring, or is intended, *promptly report* those facts to a person or persons capable of taking preventive or corrective action.

(Emphasis added by the author)

It should be noted that this resolution was adopted before the Camayd-Freixas case in 2008. Presumably, the associations did not view the abuse Camayd-Freixas reported in his essay as “other mental or physical abuse or degradation of any human being”. This resolution requires the reporting of torture but not “other mental or physical abuse or degradation of any human being”. It may be a reflection of the associations’ concern about individual interpreters’ capacity to delineate what constitutes “abuse or degradation” without clear guidance. Nonetheless, attention should be paid to the fact that these associations do consider an interpreter’s failure to report torture and abuse as unethical.

Exceptions to confidentiality

Different professional interpreter associations have their own code of ethics, addressing needs and requirements specific to a given sector, such as health-care, judicial, sign language and conference interpreting (e.g. Ozolins, 2015). Although there are slightly different perspectives on such tenets as “accuracy” and “impartiality” among different sectors, one principle universally subscribed to throughout these codes is that of confidentiality. Of the confidentiality clauses, some refer to exceptions such as passing a patient’s medical information to a new doctor with the permission of the patient. As far as reporting to law enforcement officials or testifying in legal proceedings are concerned, references are

made to cases of abuse and potential harm. For instance, A National Code of Ethics for Interpreters in Health Care (The National Council on Interpreting in Health Care, 2004)⁹ in the United States refers to special cases such as child or elder abuse and direct threats of harm to self or to others. The code states that, although there are no legal requirements for reporting by interpreters at the national level, individual states may have such requirements and interpreters should be aware of them. Interestingly, the code goes as far as to suggest the need for interpreters to explain cultural backgrounds if necessary when reporting:

[T]hey [interpreters] also have the added responsibility to let those to whom they report such information know when the signs of abuse or indicators of potential harm could be confounded by cultural factors so that the proper investigation can be made in a way that respects cultural differences.

(p. 12)

It may not be too far-fetched to compare this to an interpreter divulging the Japanese military's ill-treatment of prisoners and adding that slapping was nothing out of the ordinary even within the Japanese military. The Ethics and Standards for the Community Interpreter developed by TCI (a community interpreter training programme in the United States)¹⁰ also provides four conditions for exceptions to confidentiality, one of which concerns legal requirements: "A law, statute, legal requirement or workplace requirements compels the interpreter to disclose otherwise confidential information" (p. 12). It then lays out an example of this condition applied in practice:

After interpreting for a rape survivor and a therapist, Ana received a subpoena to testify in court about the session. A lawyer for the sexual assault center informed Ana that she was legally required to testify. Ana testified only after she made sure she understood why she was legally required to do so.

(Ibid.)

Other codes and standards address exceptions to confidentiality in the area of reporting an unlawful act or testifying on it in more general terms. For instance, the Code of Professional Conduct set forth by the National Association of the Deaf and the Registry of Interpreters for the Deaf in the United States states under Confidentiality, "Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas".

Interpreters may face a challenge, however, in effectively addressing these exceptions to confidentiality in the case of being subpoenaed to testify in investigations and legal proceedings. Presumably, these exceptions were developed in line with the mandatory reporting statutes and other exceptions provided for professions such as physicians, therapists and social workers, including child, elder and dependent adult abuse and neglect and threat to others and the self (e.g. HIPAA Privacy Rule,¹¹ Ethical Principles of Psychologist and Code of

Conduct¹²). One significant difference between these professions and interpreting is that, while these professionals gather information on their clients, analyse and keep records over the course of their engagements with the clients, interpreters' tasks do not involve recordkeeping or long-term analysis of such information under normal circumstances. The above-mentioned decision by the ICTY also clearly documents that keeping a record or authentication is not an interpreter's duty. Interpreters instantaneously process information, deliver output right away and move on. Excepting in-house or institutional interpreters, including those attached to military units, whose work is more routine and long-term, freelance interpreters' engagement with each client is generally short-term and could be one-time and last only for half an hour. Without keeping records, interpreters should not be expected to remember the content of every communication they facilitate. As mentioned earlier, notes interpreters take for interpreting are not verbatim but usually consist of symbols and keywords to support short-term memory and communication for "here and now", and are thus unlikely to be of much use for later reference. Interpreters might be able to present general descriptions of certain assignments but unable to reproduce exact words used during the meetings.

Conclusion

In her study of interpreters in the Korean War, María Manuela Fernández Sánchez (2012) indicates that interpreters in war are often eyewitnesses and victims of brutalities. Indeed, interpreters associated with the Japanese military did testify to witnessing the ill-treatment and torture of civilians and POWs committed by members of their units during the Asia-Pacific War. At British military trials, some of the interpreter defendants (mostly foreign-born Japanese and Taiwanese civilians) gave incriminating evidence against their former superiors, and local interpreters who used to work for the Japanese military testified as prosecution witnesses of offences their former employers committed. The present research suggests that these wartime interpreters revealed damaging information on the Japanese military since they, as foreign-born Japanese, Taiwanese and local civilians, felt less bound by the Japanese soldiers' principle of absolute loyalty to the military institution and found it necessary to protect themselves by fully cooperating with the British. This historical precedent may be worth the attention of military forces that depend on civilian interpreters with dual backgrounds and local interpreters in conflict zones should they ever engage in potentially unlawful acts.

Neither the ICTY case nor the Guantanamo case has resulted in an interpreter testifying in court, but these cases represent vastly different contexts and do not support direct comparison. While the subject interpreter in the ICTY case was on the staff of this prominent international institution, the interpreter in the Guantanamo case was a contract interpreter hired by a private company and assigned to US military commissions. The ICTY interpreter was a potential witness of a procedural matter at a war crimes trial. On the other hand, the interpreter in Guantanamo was a potential witness of torture. The procedural rules

and proceeding records are transparent at the ICTY, and thus the defence motion seeking to subpoena the interpreter and the court's decision to reject it are available to the public for examination. The interpreter is identified by name as well. It should be noted that the court's decision presents a view of interpreters as impartial and independent beings who "merely" pass on in the target language what is said in the source language, and thus should be shielded from being exposed to conflict on behalf of either party. It also clearly states that recordkeeping or authentication is not the duty of interpreters. Critical reflection on the ICTY's seeming disregard for interpreters' agency (thus, embracing the conduit model) may be warranted, but it should be acknowledged that the underlying tenor in this decision is that of respect for the role interpreters play and of protecting them as officers of the court. In contrast, the information on the proceedings available to the public is very limited in the case at the Guantanamo military commissions. The identity of the interpreter is classified. The prosecution's argument against allowing the interpreter to testify in open court seems to focus only on national security concerns, namely the handling of classified information, with no reference to their view of the role and duty of interpreters. Ultimately, in either case, it is the court that decides on the participation of interpreters as witnesses in proceedings, and it has nothing to do with interpreters voluntarily reporting abuse and criminal offences.

Notably, two major organisations of professional interpreters and translators in the United States adopted in 2007 an anti-torture resolution that requires members to report torture they become aware of. The question is whether this resolution reaches those interpreters who might actually be exposed to instances of torture. More broadly, would those interpreters who might be exposed to unlawful acts in war and violent conflict be aware of any of the existing ethical codes for professional interpreters, in particular to exceptions to the code of confidentiality? Historical and contemporary cases indicate that embedded interpreters in armed conflict are generally soldier interpreters (members of the military) and untrained, non-professional civilian interpreters. Soldier interpreters are bound to follow military rules and regulations, including unique provisions on confidentiality and testimony in military courts. In today's context, civilian interpreters who are private contractors may sign a non-disclosure agreement with their employer, but it is unknown whether the agreement informs interpreters of obligations in line with existing codes of ethics set forth by professional associations of interpreters or the conflict zone field guide issued by RedT, AIIC and FIT¹³ for that matter.

The 2018 case of the Russian interpreter attracted attention not only from the community of professional interpreters but also from the media, political commentators and the public. A debate ensued on whether the interpreter should be compelled to testify, extending to include topics rarely considered in depth by the public such as the role of interpreters, their professional code of secrecy and the cognitive aspects of their task such as note-taking and short-term memory. This discourse may have contributed to raising the public's recognition of what transpires in the profession of interpreting. In circles of

professional interpreters, it resulted in the reaffirmation of adherence to the confidentiality code but seems to have failed to inspire serious debate as to when it is justified for interpreters to divulge what they witness and learn on assignment. There are historical and contemporary instances of interpreters giving evidence or reporting on abuse and criminal offences and of them being stopped from doing so. The ICTY decision presents conditions that would allow interpreters to be subpoenaed. Some professional associations do recognise exceptions to the confidentiality clause in existing codes of ethics for professional interpreters. The anti-torture resolution adopted by ATA and NAJIT does include the requirement that interpreters report torture. Given current and future possibilities of interpreters witnessing abuse and unlawful acts in the course of their work, the various instances and views examined through this chapter may contribute to a continuing dialogue necessary to clarify the requirements and limitations of interpreters testifying on and reporting manifestly unlawful acts such as torture in war and conflict zones.

Notes

- 1 A British navy officer with experience using local interpreters in Afghanistan shared this concern during the author's seminar at University of Cambridge in October 2016. For further discussion of the military's suspicion of disloyalty among local interpreters or heritage language interpreters, see Takeda (2010) on *Kibei* linguists and Packer (2007) on Iraqi interpreters. In the case of *Kibei* linguists, there was no single incident of "disloyalty", and they along with other *Nisei* linguists have been recognised by the US government with medals and citations for their patriotism and tremendous contributions to the Allied military intelligence during the Pacific War (Takeda, 2010, 2018).
- 2 Mucić was convicted for grave breaches of the Geneva Conventions and violation of the laws or customs of war, and sentenced to seven years' imprisonment in 1998. In 2001 the Appeals Chamber increased his sentence to nine years' imprisonment. In 2003 he was granted early release having been given credit for serving since his arrest in 1996. See *Case Information Sheet (IT-96-21)* (<https://www.icty.org/en/case/mucic>) for an overview of the case.
- 3 Decision of the Motion *Ex Parte* by the defence of Zdravko Mucić Concerning the Issue of a Subpoena to an Interpreter (8 July 1997) (<https://www.icty.org/x/cases/mucic/tdec/en/70708SP2.htm>).
- 4 CMCR 19-002 Ali Abdul-Aziz Ali, aka Ammar Al Baluchi, Petitioner v. United States, Respondent, 28 June 2019, <https://int.nyt.com/data/documenthelper/1615-cmcr-interpreter-order/85c64ecb97e1d995333a/optimized/full.pdf>, accessed 30 September 2020.
- 5 AE 595G/292, Ruling, Defense Motion to Compel Material and Information Related to the Qualifications of Judge Keith Parrella and Defense Request for Voir Dire of Military Judge in a Closed *Ex Parte* Hearing, dated 10 October 2018, <https://www.justsecurity.org/wp-content/uploads/2019/01/19-1012-Petition-for-Writ-of-Mandamus-for-Order-of-Abatement-with-Appendix.pdf>, accessed 30 September 2020.
- 6 Incidentally, in 2005 ATA and NAJIT issued a joint statement on the Mohamed Yousry case, stating that they do not comment on Yousry's innocence or guilt but pointing out unprofessional aspects of his behaviour or "ethical errors" (see Introduction for details).

- 7 See “The Principle of Confidentiality for Professional Interpreters: Statement by the Executive Committee of AIIC”, 10 July 2018 (<http://members.aiic.net/p8618>); and “FIT stands in solidarity with the interpreter of the meeting Trump/Putin”, 20 July 2019 (<https://www.fit-ift.org/>).
- 8 See “Resolution of American Translator Association” (ATA Chronicle, November/December 2007, p. 11) and “Resolution Condemning and Deploing Torture adopted by the membership of the National Association of Judiciary Interpreters and Translators at the 2007 NAJIT Annual Meeting May 19, 2007 – Portland, Oregon” (*Proteus*, Fall 2007, p. 16).
- 9 “A National Code of Ethics for Interpreters in Health Care” (The National Council on Interpreting in Health Care, 2014, <https://www.ncihc.org/assets/documents/publications/NCIHC%20National%20Code%20of%20Ethics.pdf>, accessed 30 September 2020).
- 10 *The Ethics and Standards for the Community Interpreter* (Garcia-Beyaert et al.), https://www.aidebilingualservices.com/TCii_Ethics%2Band%2BStandards.pdf, accessed 30 September 2020.
- 11 See “When does the Privacy Rule allow covered entities to disclose protected health information to law enforcement officials?” in the HIPAA (Health Insurance Portability and Accountability Act) Privacy Rule website, <https://www.hhs.gov/hipaa/for-professionals/faq/505/what-does-the-privacy-rule-allow-covered-entities-to-disclose-to-law-enforcement-officials/index.html>, accessed 30 September 2020.
- 12 See “Section 4 Privacy and Confidentiality” in the Code on the American Psychological Association [https://www.apa.org/ethics/code#:~:text=\(a\)%20Psychologists%20may%20disclose%20confidential,patient%20unless%20prohibited%20by%20law](https://www.apa.org/ethics/code#:~:text=(a)%20Psychologists%20may%20disclose%20confidential,patient%20unless%20prohibited%20by%20law), accessed 30 September 2020.
- 13 See Chapter 7 for more discussion on the *Conflict Zone Field Guide for Civilian Translators/Interpreters and Users of their Service* (<https://red-t.org/our-work/safety-guidelines/>).

Conclusion

Protecting the interpreter

In the aftermath of the Asia-Pacific War (1931–1945), the Allied powers established international and national tribunals to prosecute wartime Japanese leaders and other individuals for war crimes. The most prominent was the International Military Tribunal for the Far East (the Tokyo Trial) held against Japanese political and military leaders, with judges and prosecutors from 11 countries. Lesser known are the over 2,000 military trials administered by individual Allied nations, such as China, the United States, the Netherlands, the United Kingdom and Australia, against a total of 5,700 defendants. These trials, also known as Class BC trials, were held in 51 locations across the Asia-Pacific between 1946 and 1951. One of the extraordinary features of the Class BC trials was that over a hundred wartime interpreters were prosecuted and at least 99, including 22 Taiwanese and 6 Koreans, were convicted as war criminals. In contrast, according to the war crimes database at Philipps University Marburg, a total of twenty interpreters were convicted in the trials in Europe around the same time, mostly for collaborating with the Nazis. Comparative analysis with the cases of convicted interpreters in Europe was beyond the scope of this research. Preliminarily, though, the difference in the number of convicted interpreters may be attributed to the fact that the Japanese military faced a much greater need for interpreters in dealing with local civilians in the territories they invaded and occupied in Asia and with Allied prisoners of war (POWs); and that the accused interpreters were mostly attached to the *Kenpeitai*, police force and POW camps, which were notoriously brutal towards prisoners and suspected anti-Japanese civilians.

This book focused on the cases of wartime interpreters at British military trials against the Japanese as the British convicted the greatest number of interpreters among all the Allied nations. The objects of this research were two-fold. One was to present a historical precedent of interpreters being convicted as war criminals and testifying as eyewitnesses of war crimes in a detailed and comprehensive manner. The other was to provide in-depth analysis and theoretical reflection on main issues that emerge from the findings of the first objective.

Broader contextualisation

First examined were the backgrounds of the accused interpreters and their recruitment by the Japanese military, with keen attention to the geopolitical context of that time. Three main themes come to light from this contextualised analysis. First, the complex and difficult position of the Taiwanese interpreter defendants should be reiterated. Almost half of the accused interpreters (19 out of 39) were Taiwanese. Taiwan was under Japanese colonial rule from 1895 to 1945, and these interpreters were among over 200,000 Taiwanese who were mobilised for the Japanese war effort. Deployment of Taiwanese as Hokkien, Cantonese and Mandarin interpreters for the Japanese military operations in Southern China started in 1937. Initially, these interpreters were highly educated elites who volunteered to serve as exemplary imperial subjects. Subsequently, the recruitment of Taiwanese as interpreters became more systematic, forcible and broader as the Japanese military advanced further south and faced shortages of linguistic assistants in dealing with local civilians and insurgents in the newly occupied areas in Malaya and Singapore where a large population spoke Hokkien. As speakers of Hokkien (their mother tongue)¹ and Japanese (the language imposed by the colonial ruler), these Taiwanese interpreters played an integral part in the Japanese military occupation, particularly for cracking down on Chinese insurgents. For Taiwanese interpreters, it was a taxing situation because they had to support arrests and interrogations of anti-Japanese suspects in the local Chinese community who shared their linguistic and cultural heritage. They were viewed as traitors by locals while being suspected by the Japanese of sympathy towards Chinese detainees. During the trials, the defence counsel claimed that Taiwanese interpreter defendants acted overzealously when ordered to take part in harsh interrogations and torture in order to dispel Japanese suspicion and gain favour from Japanese superiors. The situations the Taiwanese interpreters faced illustrate a coloniser making full use of its language policy to expand its imperial ambition, language playing a crucial role in war and the dilemmas of bilingual speakers using their language skills against people who share their linguistic heritage.

Second, attention should be paid to the circumstances under which the *Nisei* interpreters were thrown into war against their birth countries. Among the 21 interpreter defendants initially recognised as Japanese, 8 were foreign-born: 5 in Southeast Asia and 3 in the United States and Canada. The three *Nisei*, Kanao Inouye, Susumu Hashida and Masayoshi Nigo, were born and bred in Hawaii, British Columbia and California, respectively. Inouye crossed the Pacific for education in Japan in 1937, Hashida in 1940. They were among about 4,000 *Nisei* students attending high school or university in Japan to study the language and culture of their ancestral land, which also meant escaping the anti-Japanese sentiment and severe economic downturn in their home countries. In the midst of the heightened militarism in Japan, fearing conscription by the Japanese military, several hundreds of *Nisei* had rushed back to their birth countries by the end of 1940. Like Inouye and Hashida, those *Nisei* who stayed by choice or were

stranded in Japan eventually were either conscripted or compelled to join the Japanese war effort as soldiers and civilian linguists in the military and government. As for Nigo, he fled a Japanese American internment camp in Arizona where he was incarcerated as an enemy alien after Japan's attack on Pearl Harbor and was on his way to Japan via an exchange ship in 1942 when he was forcibly recruited as an interpreter along with other *Nisei* at the port of Singapore. Their fate of being convicted for war crimes or treason and being executed or imprisoned is in stark contrast with that of the *Nisei* linguists who served the other side—the Allied forces. Despite the initial adversity of being detained in internment camps and then not fully trusted within their own military, the tremendous contribution the *Nisei* linguists made to the victory of the Allied powers has been officially recognised by the US government and is a source of admiration, especially in the Japanese American community. By choice or otherwise, where *Nisei* were at the time the war broke out seems to have determined their fates. Being dual citizens of the warring parties, let alone using the skills deeply rooted in both parties against one of them, is a complicated matter expected to accompany international conflict, with unanswered questions about their identity, trust issues and psychological burden.

Lastly, it should be noted that the backgrounds of some accused interpreters reflect economically driven transnational movements of the first half of the twentieth century and provide perspectives on the question of what kinds of people function as linguistic intermediaries when interpreters originating from systematic training in language and interpreting are unavailable. As far as the records of the British military trials are concerned, the Japanese military greatly relied on Japanese and Taiwanese living in the areas they occupied as Malay, Hokkien, Thai and English interpreters who were familiar with the local language, culture, customs and geography and were readily available. They were mostly businessmen, working for local branches of Japanese corporations or for themselves in trade and other businesses catering to the Japanese population. Their presence signifies people's movements for commercial activities along with the Japanese government's policy of the Southern Expansion. There were three interpreter defendants in Malaya whose Japanese parents were married to locals. Although not included in the accused, trial records and newspaper reports indicate that Japanese women were also locally hired as interpreters in Malaya. Those Japanese women, who were in their fifties, had lived in Malaya for over 30 years since coming from their home villages in southern Japan as young adults (e.g. Yamada, 1942; Yamanobe, 1942). These descriptions fit the typical profiles of *Karayuki-san* (literally, Miss going abroad), who were trafficked to various locations in Asia as prostitutes in the late nineteenth and early twentieth centuries (e.g. Warren, 2003). Historian Masashi Hirose (2013) indicates that border-crossing people, such as migrants, slaves and persons of "mixed-blood", have often functioned as linguistic intermediaries throughout history. Some interpreters locally hired by the Japanese military seem to fall into this category. This is another reminder of the need to be more expansive in discussion of who interprets.

Expanding perspectives

This research also examined the charges the accused interpreters faced, their defences and the decisions handed down by the courts. The interpreter defendants were mostly charged with being (jointly) concerned in the ill-treatment of local civilians in Japanese-occupied territories and POWs. The defence arguments were mainly that the interpreters were wrongly targeted in the identification of suspects due to their high visibility; they were only interpreting and never engaged in physical assaults; if they took part in any offence, it was on the orders of their superiors; and evidence given by prosecution witnesses was based on the “mistaken impression” that the interpreters played the leading role in the offences. The superior orders defence was rejected because the orders were manifestly unlawful. The prosecution also argued for the interpreters’ joint responsibility in the crimes committed by their military units as a whole. Notably, some interpreter defendants and local interpreters gave incriminating evidence against their former superiors and other members of their units. Due to the issue of the defendant’s nationality, three cases were dismissed or sent to civil court. Ultimately, 9 interpreter defendants (including 6 Taiwanese and 2 *Nisei*) were executed for war crimes or treason, and 29 served for various lengths in prison. Based on these findings, main issues were further analysed to address the second objective of this book from three perspectives: Characteristics of interpreters attached to the military in relation to the parties of communication they mediate in war and violent conflict; legal implications of interpreters taking part in war crimes; and ethical responsibilities and choices of individual interpreters when faced with abuse and unlawful acts in the course of their work.

First, drawing on the cases of the accused interpreters at British military trials and other historical and contemporary cases, characteristics of embedded interpreters in war and violent conflict were studied, focusing on interpreters’ proximity and visibility. Due to their close proximity to their military employers and the parties with whom the employers interact, embedded interpreters are exposed to physical danger on the front line; they may be pressed to engage in tasks beyond linguistic mediation, including violent and unlawful acts; they may be exposed as targets of attack as they are more recognisable as the interface between the parties; and they may be compelled to disclose what they witness for post-conflict investigations and subsequent legal proceedings. As for interpreters’ visibility, in hostile settings such as military occupation and violent conflict, the consequences of embedded interpreters’ high visibility can be extreme, from becoming targets of opposing actors to being identified as suspects in war crimes investigations. The optics of interpreters accompanying military personnel and projecting themselves as its proxies can make it difficult for the addressees of the communication to separate interpreters from the rest of their military units. Also, the utterances the interpreters deliver can be mostly performative in nature, possibly leading to direct and immediate physical suffering on the receiving end of the communication. One of the implications of embedded interpreters being viewed as part of the military enterprise by enabling its operations is that interpreters may be held

jointly responsible for the acts their military units commit even when they were just interpreting. These perspectives on interpreters in relation to the parties of communication they mediate have not been examined extensively in the discussion of the role of interpreter in a communicative event. Going beyond discourse studies of language-focused interactions, greater attention to the implications of interpreters' physical proximity and visibility in hostile and violent settings can broaden our horizons in understanding interpreters' behaviour and the perception of the interpreters held by the parties of a given communicative event. It could also add to the discussion of fundamental differences between interpreting and written translation.

Second, in light of the risk of embedded interpreters becoming involved in unlawful or potentially unlawful acts, this book also discussed some legal aspects of interpreters being held liable for war crimes, including the ineffectiveness of the superior orders defence, and other modes of liability such as assisting and abetting in individual criminal responsibility. Like the applicable law at the British military trials, current international conventions generally provide that the superior orders defence may be applied if the person did not know the order was illegal and the order was not manifestly unlawful. Another legal doctrine that may be relevant to embedded interpreters in war is that of collective responsibility, such as Joint Criminal Enterprise and co-perpetrator, adopted in international courts today. Key notions here are whether a given interpreter knowingly participated in an unlawful act to serve a common purpose and whether the commission of the crime was contingent upon the interpreter's contribution. There is also a clause on assistance in individual criminal responsibility under the Rome Statute of the International Criminal Court, which essentially refers to individual liability in assisting and contributing to the commission of a crime committed by another person. Key considerations to be taken are whether the assistance made a substantial contribution to the commission of the crime, whether the assistant was aware that their contribution was supporting the crime and whether the crime would still have been committed even without the assistant's contribution. These are complex legal discussions. Questions remain if interpreters, military or civilian, are aware of these conventions as well as what constitute manifestly unlawful orders, common purpose or substantial contribution. It should be encouraged that any discussion on protecting embedded interpreters in war and violent conflict seek consultation with experts in international criminal law.

Lastly, this book discussed individual interpreters' responsibilities and ethical choices in war and conflict zones. Codes of ethics for professional interpreters, as we know them today, do not seem to carry much weight for embedded interpreters in war. Whether conscripted or contracted, civilian interpreters' actions and choices are likely to be ruled by military doctrine or aligned with those of soldiers. They are not expected to be neutral, but the pretence of being neutral linguistic mediators may be used by interpreters to shield themselves from ethical reflection and to attempt to escape criminal liability. Attention should be directed to interpreters' ethical responsibility for the consequences of their interpreting tasks. The effect of interpreting in interrogatory torture is immediate and

visible suffering. The interpreters' claim of innocence because they were "only interpreting" like machines should be critically examined. Interpreters should be aware that torture and abusive interrogation techniques are manifestly illegal under international law and they could be held liable for assisting torture through interpreting. Another ethical issue this research addressed was interpreters breaking their code of professional secrecy and reporting or testifying about abuse and crimes they witness in the course of their work as interpreters. Attention was paid to the conditions an international tribunal presents for subpoenaing interpreters as witnesses, the institutional power to control the participation of interpreters as witnesses of politically sensitive matters in legal proceedings, exceptions to the ethical code of confidentiality and the requirement of reporting torture set forth in a resolution adopted by professional associations. Questions were raised as to whether these discussions reach and inform those interpreters who may actually be exposed to unlawful or potentially unlawful acts, such as the torture and ill-treatment of prisoners and detainees, in the context of war and violent conflict.

Future research

Building on the findings and discussion of this book, future research could follow two main avenues. One is to re-examine the existing framework of interpreter-mediated communication by paying more attention to the physical aspects and non-existence of neutrality in the work of embedded interpreters in war and violent conflict. And the other is to take an interdisciplinary and cross-sectorial approach to the discussion of issues faced by interpreters in current war and conflict zones.

Through the examination of the cases against wartime interpreters at British military trials, this research presented two extraordinary situations interpreters could face in war and its aftermath. One is that interpreters can be convicted for war crimes if they take part in patently unlawful or unethical acts, such as the torture and the killing of civilians, committed by their military units, whether they are just interpreting or they participate in the offences on the orders of their superiors. The other is that interpreters may volunteer or be pressed to give evidence on war crimes they witness in the course of their work as interpreters. These cases defy the view of interpreters as mere messengers who are detached from the content and consequences of the words they deliver and the view of interpreters faithfully observing the professional code of secrecy. In fact, the characteristics of embedded interpreters in war this book presented challenge the existing discussions of the role and responsibility of interpreters under normal circumstances mainly on two facets. One is the proximity to violence in terms of interpreters being close to danger, their risk of being pressed to take part in physical assault and the possibility of their renditions directly and immediately resulting in violent acts. The other is that interpreters are perceived as part of the military enterprise, not as neutral intermediaries, due to the optics of accompanying military members and the nature of the words they deliver. Some researchers may suggest treating embedded interpreters in war as an exception in studies of

interpreters and interpreting phenomena. Interpreting in the military, however, is a prototypical interpreting activity documented since antiquity (e.g. Baigorri Jalón, 2011; Ruiz Rosendo and Persaud, 2016). Greater attention should be paid to physical aspects of interpreters' work, the non-existence of neutrality and perceived authorship of the speech found in this enduring form of interpreting, which may yield new insights into the interpreters' role, responsibilities and ethics in future studies.

This research touched on the issues faced by embedded interpreters in current war and conflict zones in the discussion of various risks interpreters are exposed to, legal aspects of interpreters taking part in unlawful acts and interpreters' ethical responsibilities when witnessing abuse and criminal acts on duty. Some international conventions and legal doctrines that are considered relevant to interpreters were presented. Also mentioned was non-profit organisations' efforts to support and protect interpreters in high-risk settings. For future research, interpreting scholars should be seeking more collaborative work with experts in international criminal law to clarify legal issues surrounding interpreters who may be exposed to physical danger and compelled to take part in unlawful acts such as interrogatory torture and to give evidence on crimes they witness. It is also important for interpreting researchers to tackle the challenge of effectively communicating their findings to the most relevant people—interpreters in war and conflict zones and their employers and supporters—and of gaining more information on their first-hand experiences and insights. It is hoped that interdisciplinary approaches and inter-sectorial communication can contribute to protecting interpreters from physical danger and involvement in interrogatory torture and other war crimes.

Note

- 1 Some Taiwanese defendants spoke Cantonese and Hakka as well.

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