

LAST DAYS OF THE SINGAPORE COURTS, 1942.

About the end of December 1941 or early in January 1942 by arrangement with the Chief Justice A. R. P. Headquarters were accommodated on part of the ground floor of the Supreme Court. About the same time permission was given to store sacks of rice in the building. The sacks were built up like walls in the entrance hall and in the Registry in such a way as to afford some protection to persons on the ground floor from bomb splinters and flying bits of glass and stone. Thousands of bags were thus stacked, and in addition a very small emergency court room was constructed of rice bags on the ground floor. A sitting in Court or Chambers could be transferred during an air raid or alert to this improvised court room which was declared to be an open court.

On 26th January 1942 the Court of Appeal sat during an alert between the filing cases in one of the Record rooms to deliver a judgment reserved from the December sittings.

Civil litigation dwindled almost to vanishing point, partly no doubt owing to many advocates and witnesses being engaged on more urgent work. But there was

some Chamber work and the Supreme Court sat in Prize and in Bankruptcy and to hear appeals from Magistrates.

The Chief Justice sat in the Court of Bankruptcy on Friday 13th February 1942, the last sitting of the Supreme Court. The Magistrates' Courts in Singapore functioned until about the same time, and may even have sat on the 14th. By the middle of January the Judges from Penang, F.M.S., Kedah and Johore were in Singapore in addition to the Judges normally stationed there, so there were plenty of Judges and very little for them to do.

When air raids threatened people would flock from the streets into the Supreme Court Building. It may be doubted whether it was an effective shelter, but any kind of cover gave a feeling of protection however unwarranted such feeling might be.

A small bomb could easily have penetrated to the ground floor at the back of the building while a heavy bomb bursting anywhere near the building might have blown the walls in too, as many of the walls were little more than substantial panels between the uprights of the steel framework which carried the weight of the building. They could be blown in without doing serious damage to the framework.

When the fighting approached Singapore a great deal of glass was removed from windows and doors lest flying splinters should cause hurt, but it was not possible to remove all the glass.

On 21st January there was a heavy air raid in the immediate vicinity of the Court house. Fortunately the bombs were not large ones but they demolished shops in the streets beside and behind the Court and a considerable number fell in Empress Place and on the Padang just in front. A motor car was blown through a window of the Cricket Club a few yards away. A heavy mass of concrete ceiling over the entrance porch of the Court house was brought down and some of the remaining windows were smashed. This was a daylight raid and the building was fairly full of people but no one in it was injured. A fire was started near by and one was proud to see the Singapore Fire Brigade copy its London brother by arriving on the spot before the smoke and dust caused by the bombs had blown away. The morale of Europeans and Asiatics of all races was high in Singapore.

The only other damage the Court suffered was on the afternoon of 13th February when a small shell

struck the office of the Commissioner of Estate Duties and Stamps near the top of the building and this damage was not serious.

In the last few days preceding the fall of Singapore many people including several of the Judges whose houses were in outlying parts of the City brought foodstuffs and slept in the building. Water had to be carefully conserved as the main water supply at Pontian Kechil in Johore was in Japanese hands.

On the afternoon of Sunday the 15th a battery of twenty-five pounders was firing from the far side of the Padang almost over the Court.

Next afternoon the Japanese occupied the Supreme Court.

P. Mc.

THE NUREMBERG JUDGMENT.

"To initiate a war of aggression is not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole".

It is of interest to recall that when in 1918 the question of trying the Kaiser came up before the British War Cabinet, the Attorney-General (who was later to become Lord Birkenhead) reported in favour of trying him for having committed offences against international law by the violation of the guaranteed neutrality of Belgium and by authorising unrestricted submarine warfare, but advised against prosecution for "the crime against humanity of having caused the war," not on the ground that such a charge was legally inadmissible, but because "we do not wish to be confronted by a meticulous examination of the history of European politics for the past twenty years."

Lord Birkenhead indeed saw clearly that a charge of war guilt involves a record of national policies, and that such a record may not leave unscathed the reputations of the prosecuting governments.

In the Nuremberg case such a historical record has actually been written; the judgment clearly claims or at any rate will be claimed — to stand as an adequate history of the great events with which it deals as well as being a legal verdict on the accused. This aspect of the trial cannot be overlooked in any estimate of what has been achieved by the judicial process.

It has in fact been easy on the evidence to obtain a conviction of the Nazi leadership on the charge of planning and initiating aggressive wars. The prosecution has had at its disposal, not only the record of

German acts which was available to the Allied Governments before the end of the war but also a great mass of documentary material captured in Germany.

In the minutes of a secret conference held in the Reich Chancellery on November 5th 1937, Hitler is recorded as saying to his Foreign Minister (then Freiherr von Neurath), his War Minister and the commanders-in-chief of the three fighting services: "The question for Germany is where the greatest possible conquest could be made at the lowest cost". This declaration was preceded by an allocution on economic theory and racial biology justifying a policy of acquiring fresh "living space" for the German nation.

Hitler maintained that neither autarky nor international trade could provide Germany with a satisfactory economic life and scope for its capacities. He went on:

"The only way out, and one which may appear imaginary, is the securing of greater living space, an endeavour which at all times has been the cause of formations of States and movements of nations. It is explicable that this tendency finds no interest in Geneva and in satisfied States... every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable; neither formerly nor to-day has space been found without an owner: the attacker always comes up against the proprietor...."

The Nuremberg judgment uses these documents to establish beyond challenge the calculated aggressiveness of Nazi policy. It is indeed proved conclusively that Hitler and his responsible ministers and military commanders undertook aggressive wars with the utmost premeditation — which is all that needed to be proved for the legal condemnation of those of them brought before the Nuremberg Tribunal.

However, at one point in the record of events included in the judgment a curious oblivion seems to have affected the judges with regard not only to facts which have long been known but also to important evidence given during the trial itself.

As we approach the subject of the German-Soviet Non-Aggression Pact of August 1939, some inhibition appears to interrupt the flow of narrative and the whole episode is passed over with the bald statement that "the defendant Ribbentrop was sent to Moscow to negotiate a non-aggression pact with the Soviet Union."

During the trial the defence lawyer Seidl produced witnesses, including Baron von Weizsaecker, permanent Secretary of State in the German Foreign Office from