

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

A F F I D A V I T

I, USAMI, Uzuhiro, state under oath as follows:

1. I was born in 1893. My present address is No. 616, 4-Chome, Koenji, Sugimami-Ku, Tokyo.

I graduated from the Tokyo Imperial University, faculty of law, in 1918, and entered the Foreign Office in 1920. After I had served as Secretary in the Japanese Bureau for the League of Nations in Geneva, Secretary in the Japanese Embassy in France, Chief of Section in the Foreign Trade Department of the Foreign Office, Consul General in Fuchow, Mukden, Geneva, etc., I was appointed Councillor of the Japanese Embassy in Berlin in October 1938.

2. I remember that I arrived in Berlin on 11 November 1938. I stayed in Berlin as the Councillor of the Embassy until my departure from there in May 1940, for my new post as the Minister in Egypt, and assisted Ambassador Oshima continuously until the end of August 1939 in the negotiations with

the German Government for strengthening the Anti-Comintern Pact. As all records of that time have been lost, I cannot tell accurately the contents of telegrams, etc. exchanged with the Foreign Office in Tokyo, but I remember the broad outline of the matter.

3. When I arrived in Berlin, Mr. Oshima had already become ambassador in the latter part of October; official negotiations for strengthening the Anti-Comintern Pact had been commenced and a tentative German plan had been cabled by Ambassador Oshima to the Foreign Minister.

According to what I heard from Ambassador Oshima the progress up to that time was as follows: While Mr. Oshima was still Military Attache, a request was received from Ribbentrop to ascertain the view of the Japanese Army as to the idea of a Japanese-German mutual assistance treaty. Oshima sent home Major-General Kasahara to convey this request to the Central Army authorities. The army brought the matter before the Five-Ministers Conference at the end of August, and on the basis of the decision of this Conference, cabled to Oshima that approval in principle was given to the German idea. Shortly thereafter, Major General Kasahara returned to Berlin and reported to the same effect. Attache Oshima, upon instruction of the Army, informed Ribbentrop of this. After Oshima became Ambassador, Ribbentrop presented officially a German draft proposal and asked for the official view of the Japanese Government

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Thereupon Ambassador Oshima sent a telegram to the Foreign Minister and was waiting for instructions in return.

The above-mentioned decision of the Five-Minister Conference at the end of August was also cabled at that time from the Foreign Minister to the Japanese Embassy in Germany, and I remember reading that telegram.

A telegram in reply to Ambassador Oshima's telegram transmitting the German draft proposal was received from Foreign Minister Arita shortly after my arrival in Berlin. It said in effect that this proposal was a capital idea "killing as it will three birds with one stone", that is to say it would be conducive to the speedy settlement of the China Incident, it would strengthen Japan's defensive position vis-a-vis Soviet Russia and it would improve our general diplomatic position.

The cable further stated that concrete plans were being studied by the government which would be cabled to Berlin as soon as decided upon. We on the spot got naturally the impression that the attitude of the control authorities were very positive in regard to this proposed treaty.

However, shortly thereafter a further telegram was received from the Foreign Minister stating that there seemed to exist a misunderstanding with respect to the objective of the treaty, namely, as to the question whether countries other than Soviet Russia should also be included in the object. However,

according to what I learned from Mr. Oshima the decision of the Five Ministers Conference at the end of August, which was conveyed to him by an army telegram while he was still Military Attache, approved in principle the German proposal of a general mutual assistance treaty without limiting the object, with the explanation that Soviet Russia was the primary and other countries were the secondary objects (Maj. General Kasahara confirmed also the point upon his return to Berlin at the end of Sept.) Therefore, Mr. Oshima requested the Foreign Minister forthwith by a telegram to clarify what the latter meant by stating that there was a misunderstanding. No clear answer was however received. I also remember in this connection that the telegram of the Foreign Minister transmitting the decision of the Five Ministers Conference at the end of August, which I read as mentioned above, did not contain any passage limiting the object, and that I also got the impression that the Government was going to conclude a treaty of general nature.

In this way, no progress in the negotiations with the German side was made until the arrival of special envoy Ito as mentioned below.

4. In the meantime, in the middle of December 1933 as I remember, Ambassador Oshima upon request of Ribbentrop went to Rome and saw Mussolini. Ribbentrop requested namely that, as Italy, although in principle consenting to participation to the

proposed treaty as a result of negotiations with Germany, nevertheless made reservation as to the time of its conclusion, the Italian intention be ascertained also by the Japanese side; and Ambassador Oshima therefore went to Rome after, of course, cabling the purpose of his trip to the Foreign Minister and securing the latter's approval, Ambassador Oshima told me after his return to Berlin that he met Mussolini only once, and that Mussolini's answer was to the effect that he approved the purpose of the treaty but could not say anything definite yet as to the time of its conclusion.

5. At the beginning of January 1939, there was a cabinet change in Japan and the Hiranuma Cabinet was formed. Shortly thereafter, a telegram was received from the Foreign Minister announcing that Minister Ito and other would be dispatched to Berlin in order to transmit instructions regarding the policy the government that he be informed by telegram of the outline at least of the government's decision, but the reply was that, in view of the necessity of secrecy and the difficulty to explain the matter by cable, the arrival of the Ito mission should be awaited. The mission consisted besides Minister Ito of Colonel Tatsumi Eiichi, of the army and Rear Admiral Abe, Katsuo, of the navy, and arrived in Berlin at the end of February 1939. As the instruction brought by them was addressed to both Ambassadors in Germany and Italy, Ambassador Shiratori also came to Berlin and

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heard together with Ambassador Oshima the explanations by the envoy. I also attended the conference.

The content of the instruction brought by the mission was, as far as I remember, as follows:

As to the treaty itself, it was a draft of a mutual assistance treaty of general nature without limiting the objective; in the preamble the purpose of the treaty was stated to be the defense against communistic menace in Asia and Europe. However, by a secret mutual understanding on a separate paper Japan wanted to reserve, although I do not remember the text literally, that she would as a matter of fact render no military assistance in case countries other than Soviet Russia became involved, and that, in case inquiries were made by third powers as to the nature of the treaty, explanations should be given that it was an extension of the Anti-Comintern Pact, thus limiting in fact the object of the treaty to Soviet Russia. Moreover, in the detailed explanation attached to this draft there was a passage to the effect that the government felt compelled to come down to this extent from its original standpoint, as Germany and Italy had been led to misunderstand Japan's intention.

As mentioned above, Ambassador Oshima had already informed the German side that Japan approved the draft treaty of mutual assistance with Soviet Russia as primary, and other powers as secondary objects; he thought it therefore necessary to clear up the question

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of his responsibility in view of the intimation of Tokyo that Germany and Italy had been misled, and cabled a request for explanation to the Foreign Minister at the outset of March. As to the content of the instruction itself, Ambassador Oshima and Shiratori after deliberate consultations, dispatched a telegram to Tokyo requesting the government to reconsider the matter. The gist of the telegram, as far as I remember, was as follows:

"The Japanese proposal for a secret understanding to limit the objective of the treaty practically to Soviet Russia, while stipulating in the text itself in a clearly general sense, would cast a slur on the good faith of Japan, as it would also contradict what had already been communicated to the German side, and would moreover never be entertained by Germany and Italy; therefore, Japan should conclude the treaty first without the proposed secret understanding, referring the definition of the duty of military assistance to be borne actually by Japan to later discussions by the contracting parties then envisaged in the proposed treaty.

The Foreign Minister replied at the end of March to the above mentioned telegram of Ambassador Oshima that no one in particular was responsible for the misunderstanding by Germany and Italy. Ambassador Oshima accepted this as settling the question for the time being; he never in connection with this

matter tendered resignation to the government at any period.

To the opinion expressed by the two Ambassadors there was a reply at the end of March. Its gist was to change the content of the secret understanding insofar as that although Japan acknowledged the duty for military assistance in regard to countries other than Soviet Russia, she would not be able to carry it out effectively for the time being, and that Japan would explain in case of inquiries by third powers that the actual menace to Japan was the destructive activities of the Comintern and, as far as Japan was concerned, she had nothing other than these in view in concluding the treaty.

6. Ambassador Oshima transmitted the content of the new instruction to the German side at the beginning of April and reopened the negotiations. Germany consented to the Japanese proposal insofar as the text of the draft treaty itself was concerned, but showed reluctance to accept the secret understanding and requested its withdrawal or at least the reducing of it to a mere oral understanding, stating that these matters should be referred to detailed agreements to be arranged after the conclusion of the treaty. She further insisted that, in case countries other than Soviet Russia became the objects, Japan should at least be ready to accept the duty of participation in the war, although Germany (and Italy) did not expect much from the military assistance by Japan.



The instructions of the Japanese Government showed, as far as I remember, while insisting on committing the secret understanding to black and white, certain readiness to concede in substance to the German view; especially, they never denied the duty of war participation. Nevertheless, they wanted to interpret the term of war participation in a much broader sense than usual, and tried to include in it cases which normally cannot be considered as war participation. Therefore, it was very difficult for us on the spot to understand them, and Ambassador Oshima experienced much difficulties in explaining them to the German side. In order to overcome these difficulties, I and Secretary Takeuchi in consultation with Gaus, Chief of the Treaty Department of the German Foreign Office, made in May a tentative draft as to the content of the secret understanding adopting in general the idea of the Japanese Government. Upon this basis there were several negotiations between Japan and Germany, without arriving at an agreement. Especially, as the German Government was opposed to the idea of making the secret understanding in writing, the negotiations were completely deadlocked since the end of June, and while no instructions were received from Japan, the German-Russian Non-Aggression Pact was signed on 23 August, whereupon the Japanese Government broke off the negotiations. Before this, the German-Italian Alliance was concluded at the end of May sur-

prisingly without any previous notice to Japan.

During these negotiations it happened sometimes that Ambassador Oshima, in order to fulfill his duty as the envoy on the spot, presented his opinion to the Foreign Minister, in accordance with the Civil Service Discipline Ordinance, and, as a result thereof, original instructions of Tokyo were changed. However, I do not remember that Ambassador Oshima ever refused to carry out the instructions, or exceeded the limit thereof. Also, there never has been the case that Ambassador Oshima tendered resignation, or threatened the Tokyo Government by indicating his desire to resign.

As far as I remember, most of the instructions of the Foreign Minister during the negotiations was based on the decisions of the Five Ministers Conference. Their meaning was very ambiguous, making it difficult for us on the spot to understand, and impossible to transmit, them to the German side. Therefore, Ambassador Oshima, pressed as he was by the necessity of conducting negotiations with Germany, sometimes requested fairly strongly the Foreign Minister to clarify the Government's attitude; he also endeavoured to transmit to Tokyo the true idea of the German Government. These things might have caused Oshima to be rumoured as recalcitrant to his Government, but the truth is as above described, and I as an official of the Foreign Office could not find, as a matter of fact, any impropriety in the conduct of Ambassador Oshima.

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Furthermore, Ambassador Oshima never communicated at that time directly with the War Ministry or the Army General Staff in Tokyo.

7. The conclusion of the German- Russian Non-Aggression Pact was a complete surprise for Japan; there was no previous notification before the matter had been decided upon, and we were at the same time very much surprised and angered. Ambassador Oshima, as far as I remember, protested orally when Ribbentrop gave him the first information from South Germany on or about 20 August by telephone, and repeated it when he saw Ribbentrop in Berlin on 22 August on the latter's way to Moscow.

At the end of August, an instruction was received from the Foreign Minister ordering a protest to the German Government. As Ribbentrop was not in Berlin at that time, Ambassador Oshima brought a note of protest to Wizaacker, the State Secretary (Vice Foreign Minister). However, upon an urgent request of the latter to postpone the handing of the note in view of the very grave diplomatic position of Germany, Oshima postponed the execution of the instruction until the middle of September when the prospect of the German-Polish war became somewhat clear, and handed the note of protest to Weizsaecker.

On this 10 day of Sept., 1947

At Tokyo.

DEPONENT USAMI, Uzuhiko (seal)

I, USHIBA, Nobuhiko hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness:(signed) USHIBA, Nobuhiko (seal)

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

USAMI Uzuhiko (seal)