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Def. Doc. No. 2945  
(Tōgō)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.

-vs-

ARAKI Sadao, et al.

- Defendants -

A F F I D A V I T

YAMAMOTO KUMAICHI

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I was director of or charged with the affairs of the East Asiatic Bureau of the Foreign Ministry from September 1940 to November 1942, during which time I was concurrently director of or charged with the affairs of the American Bureau from October 1941 to November 1942.

2. Chapter 26 of the Affidavit of Oka Takazumi (Exhibit No. 5473) states as follows in the beginning:

"Japan's final reply to the United States' note was drafted by the Foreign Office and was delivered to me by Mr. Yamamoto of the Foreign Office. As was customary, I ordered my subordinates to study the draft. As a result thereof I sensed that it was inadequate as a final note, and felt that it would be appropriate to insert the wording that we reserve the right to freedom of action. Accordingly, this wording was inserted in the draft and related to Mr. Yamamoto. However, when the draft of the final note was distributed by the Foreign Office at the liaison conference in early December (I do not remember the date) I discovered that the suggested revision was not made. After the conference I asked Mr. Yamamoto whether that could be regarded as the final note, to which he replied in the affirmative, and we parted."

3. The draft of the final memorandum to the United States which I sent to Director Oka of the Naval Affairs Bureau of the Navy Ministry was, as I have testified already in this court, prepared in accordance with what had been discussed at the Liaison Conference (Exhibit No. 2915), but I did not thereafter receive from Director Oka any draft with the addition that freedom of action be reserved, nor had I any discussion with him on such a question. I distributed the draft of the memorandum at the Liaison Conference of 4 December, but I do not recall having, at the adjournment of the Conference, been asked by Director Oka whether the memorandum was an ultimatum nor having made any reply to him.

O A T H

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

Yamamoto Kumaichi (seal)

On this 9th day of December, 1947

At Tokyo

Deponent: Yamamoto Kumaichi

I, Nishi Haruhiko, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Nishi Haruhiko (seal)

Translation Certificate

I, Nishi Haruhiko, of the defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko (seal)

Tokyo  
15 December 1947