

He carried out his duties solely in accordance with instructions of the Chief of the General Staff, and reported or sent information directly to him instead of going through the Ambassador.

6. ANTI-COMINTERN PACT

1) Concerning my contacts with Ribbentrop prior to the negotiations for the Anti-Comintern Pact which was concluded between Japan and Germany in 1936 the prosecution offered parts of my interrogation as Exhibits 477 and 478, transcript pages 5913-5916 and 5917-5918. I should like to point out regarding this matter that the contacts I had with Ribbentrop and Hack as narrated here were for the sole purpose of collecting information. This was one of my main duties as Military Attache. They were nothing in the nature of diplomatic negotiations. When I met him in 1935, Ribbentrop had the title of Ambassador un-attached. Hack was a salesbroker of arms for foreign countries who had been visiting the office of the Japanese Military Attache in Berlin long before my arrival.

2)  
a) In Exhibit 478, transcript pages 5917-5918, it is made to appear that, in answer to the question "Are they (the Japanese Military and Naval Attaches) authorized by virtue of their position as military attache to enter into negotiations with the military of another nation, looking towards a pact or a treaty or an international agreement between the two nations?" I stated: "Yes, if it was a strictly military matter they may discuss these matters without going through the ambassador." I should like to state the following in order to clarify this point:

The Japanese Military (or Naval) Attache is authorized to negotiate for and conclude purely military agreements with the military of the country of his residence. In this case, no participation of the Ambassador is tolerated, according to the Japanese system of law. As to other matters, the Military Attache can only send information to the General Staff, but is not authorized to negotiate with the government of the country of his residence.

b) In the same Exhibit 478 it is made to appear also that I stated that "that is quite true that the army had enough power to very probably sell the pact to the Japanese Government," and that "I would say that no treaty could possibly have been made on this if the army had not wished it." But I have no recollection of stating such things. I only said as to the reason why Ribbentrop approached me, the Military Attache, that he might have thought that the Japanese army was most interested for such a matter in view of the general situation at the time. This statement must have been misunderstood.

3) After I had reported on the desire of Ribbentrop to the General Staff in Tokyo, Lt. Col. Wakamatsu was dispatched to find out the views of the German Government and the German army first hand. He arrived in Berlin at the end of November 1935. I took him to Ribbentrop and General Blomberg, German Minister of Defense. In this interview Ribbentrop proposed conclusion of an Anti-Comintern Pact, on the ground that the Seventh Congress of the Communist International in Moscow of that year brought out a resolution to the effect that Japan and Germany were its primary enemies, and that Japan and Germany had common interests to defend themselves against destructive activities

of the Comintern. I expressed no opinion to this proposal. Lt. Col. Wakamatsu left Berlin with this information in December 1935, and arrived in Tokyo at the end of January 1936.

4) At that time, Ambassador Mushakoji was on leave in Tokyo. He returned to Berlin at the end of April 1936, after the main points in this matter had been decided upon in Tokyo. Thereafter, negotiations were conducted by Mushakoji with Ribbentrop in accordance with instructions of the Government, and the Anti-Comintern Pact and the Secret Agreement with Germany were concluded.

5) a) Concerning the purpose of the Japanese Government in concluding the Anti-Comintern Pact and the Secret Agreement with Germany my understanding was as follows:  
First: Inasmuch as Japan was internationally isolated after the Manchurian Incident, it was desirable to remove that uneasy feeling by finding some ally or allies:  
Secondly: Since the destructive activities of the Comintern were rampant in Europe and in Asia at the time, eating into the internal structure of nations as seen in the Spanish civil war and the communist rebellion in China, it was felt advisable that as many nations as possible should join hands and take countermeasures; this was especially necessary for Japan in view of the resolution of the Seventh Congress of the Comintern in Moscow in 1935 which declared Japan and Germany as its primary enemies; and  
Thirdly: Japan was keenly feeling pressure from Soviet Russia at the time. Russia had developed her heavy industries by the Five Year Plan and had increased her armament to a great extent. She had considerably reinforced her army in the Far East.

Therefore, Japan wanted to come to a political agreement with Germany which was similarly situated vis-a-vis Soviet Russia, in order thus to make her position more secure against the Russian pressure.

With this purpose of the Pact as understood by me I was in complete agreement.

b) The prosecution alleges that the Anti-Comintern Pact and the Secret Agreement were the forerunners of the Tripartite Pact of September 1940; that they were aggressive agreements directed against the whole democratic countries and were particularly used in the aggression against China. I never heard that the Japanese Government and the army ever had such thoughts in connection with the conclusion of these agreements, nor had I such thoughts myself. I believed that the Anti-Comintern Pact was an ideological pact against the spread of communism, and the Secret Agreement was of a very passive nature only stipulating as it does that Japan or Germany would not carry out any measures which would, in their effect, be apt to relieve the position of Soviet Russia in case one of the two countries was attacked by her unprovokedly. The text clearly shows this. I also did not dream of the outbreak of the China Incident at the time of the conclusion of these agreements.

#### 7. CHINA INCIDENT ?

The outbreak of the China Incident in July 1938 was a complete surprise to me. I had been in Berlin as Military Attache since the Spring of 1934 and was completely out of touch with the China problem. I learned by telegrams from the General Staff after the outbreak of the incident of the non-aggravation and non-extention policy of the Japanese Government and the central army authorities, and believed that it would soon be settled locally.

It became gradually clear that it would not be settled quickly, and I was much concerned that the position of Japan would be endangered in the face of the Soviet armament in the Far East. At the end of December 1937 I received an instruction from the General Staff to request the German army that peace be offered to Chiang-Kai-Shek through General Falkenhausen who was in China as the military advisor to the Chinese Government. I approached the German army at once. General Keitel, Chief of OKW, agreed, and he initiated some action to that end. This attempt at peace did not materialize and had to be abandoned when the efforts of mediation by Ambassador Trautmann were terminated.

8. HIMMLER'S MEMORANDUM

1) The prosecution Exhibit 489, Himmler's memorandum, Transcript pages 6,026-6,028, says that Himmler visited me on 31 January 1939 and talked with me concerning counter-intelligence activities against Soviet Russia. But Himmler never visited me at that time. I cannot remember seeing him then, however hard I try to refresh my memory.

(1) During my ten years' stay in Germany, I had no special relations with Himmler either privately or officially. Only twice I received visits from him; namely, in the winter of 1936, when an official of the Japanese Home Office came to Germany in order to study measures for controlling communism, and I invited Himmler to a dinner party to solicit his assistance. This was done on behalf of this Japanese official. The other occasion was in March 1941, when I went to Germany as Ambassador for the second time, and Himmler visited me to return my courtesy call.

Concerning the matters enumerated in this memorandum of Himmler I should like to explain as follows:

2) In or about June 1937 while I was the Military Attache my office in Berlin began, in accordance with instructions of the Chief of the General Staff, to study the question of using White Russians in Berlin in order to collect information about Soviet Russia, and for propaganda and counter-intelligence purposes in case of war between Japan and Russia. This task was entrusted to Lt. Col. Usui, and after him to Col. Manaki, of my staff. They were experts on Russian matters. In its very nature it was a fairly special service. Their office was separated from mine, the expenditure account was also separated, and in the General Staff Office in Tokyo, the section in charge of this service was different from the section which handled general matters concerning Military Attaches. My function was only to supervise rather than to direct it, although, since I received reports on more important matters, the final responsibility for the service rested with me. The instructions of the Chief of the General Staff concerning the counter-intelligence were to the effect that this matter was only to be studied in consideration of war time, and not in any way to be executed in peace time.

There was an understanding between the armies of Japan and Germany to collaborate concerning this matter. On the German side it was exclusively handled by the counter-intelligence section of the Defense Ministry whose chief was Navy Captain (later Admiral) Canaris, and, as I heard at the time, was kept strictly secret even within the Ministry itself.

Himmler was not concerned with counter-intelligence service. He and Canaris were on extremely bad terms. Therefore, neither I, nor other Japanese officers ever talked with Himmler or his subordinates about this matter.

I heard that Canaris was strangled to death by wire by Himmler's subordinates in the last stage of this war.

I never concerned myself with the counter-intelligence business after I became Ambassador.

3) I received reports from Lt. Col. Usui that he bought some real estate at Falkensee in the suburb of Berlin and kept there White Russians who were engaged in a small scale printing of anti-Soviet pamphlets. But I knew nothing more than that. I myself never visited the place.

4) I never knew, nor heard, the story of sending anti-Russians pamphlets into Soviet Russia by balloons from Poland. In order to carry out such a program, it would have been necessary to secure collaboration of the Polish Government, but I never heard that such talks were conducted between Japan and Poland, nor thought that the Japanese-Polish relations at that time were so cordial as to render possible such collaboration.

5) I also do not know, nor have I ever heard, of the story of buying motor-boats in order to send pamphlets into Crimea from Roumania across the Black Sea. I never thought it possible to cross the Black Sea in motor-boats. In order to carry out this, collaboration of the Roumanian authorities would have been necessary. I did not think that the Japanese-Roumanian relations were so cordial as to permit such talks.

6) As to the story of sending ten Russians with bombs into Soviet Russia in order to assassinate Stalin, I could not even think of it. Such a contention is most fantastic and ridiculous. I could never have thought of such scheme

as of sending ten people with bombs into Soviet Russia, as they would surely have been arrested, the plot discovered, and the result would have been most grave and destructive of the Japanese-Russian relations.

7) As to the Japanese army officer stationed in Afghanistan, I had no connection with his affair, directly or indirectly. Besides, in this memorandum it is stated that he was expelled from Afghanistan because he was suspected of wanting to overthrow the Afghan Government in connection with the Mohammedan movement. But according to what I heard from a friend of that officer in Berlin at that time, he was requested by the Afghan army to return to Japan as a result of his anti-Russian remarks and attitude which caused concern in that army.

8) As mentioned above, the greater part of this memorandum contains matters which I did not know about, and it was impossible for me to talk about them to anybody; nevertheless, in this memorandum it is written that I told them. In view thereof, I must deny the authenticity of this document. I even think that Himmler or his subordinates concocted this document utilizing my name in order to use it for some internal purpose.

9. STRENGTHENING OF THE ANTI-COMINTERN PACT

In 1938 and 1939 lengthy negotiations took place between Japan, Germany and Italy for the strengthening of the Anti-Comintern Pact, in which I participated as Ambassador to Germany. These negotiations ended in a complete failure; no results were obtained. Since however the prosecution tendered many documents concerning this subject, I should like to deal with these abortive negotiations rather in detail in the following pages.



1) In July 1938 while I was Military Attache Ribbentrop showed me what purported to be a brief draft of a treaty of mutual consultation and assistance between Japan, Germany and Italy, and asked me to find out how such an idea might strike the Japanese army. I dispatched at the end of July 1938, with the permission of the German Staff, Major General Kasahara to Japan for a first hand report in this matter.

After Kasahara had reported the matter in Tokyo to the General Staff and the War Ministry, things developed with an unexpected rapidity. The army brought it to the attention of Foreign Minister Ugaki, and Ugaki presented it to the Five Ministers Conference for discussion at the end of August.

At the Five Ministers Conference it was agreed that, subject to verbal alterations, approval in a general way could be given to the German proposal, provided that Soviet Russia were to be considered as the primary, and other countries as the secondary objectives, it being understood that the basic idea was the amplification of the Anti-Comintern Pact. Further, it was agreed that this matter should be transferred to the formal diplomatic channel, as soon as possible, but that there would be no harm in communicating to the Germans in the meantime through the army channel the above-mentioned decision. The above was what I learned from the telegrams sent to me from the central army authorities, and also from the report of Major General Kasahara who returned to Berlin at the end of September. I was rather surprised at the unexpected turn the matter had taken, because I had been trying to find out the view of the army; however, I conveyed the above promptly to Ribbentrop.

2) I was appointed Ambassador in October 1938. I did not know what had happened in Tokyo prior to my appointment. I received in September unexpectedly, a telegram from the General Staff asking whether I had any objection to being appointed Ambassador, an idea which it was said was being suggested in Tokyo, and I firmly declined. The reason why I declined was that, besides the fact that I had no experience as a diplomat, I would have to resign, according to the Japanese system, from the active military service simultaneously with my appointment to the post of Ambassador, which is a civilian post. I did not want to leave the army which was the profession of my choice since my boyhood. Upon repeated urgings from the General Staff, however, I finally gave in, because as a soldier and officer I could not possibly refuse to the last to comply with the wish of the army. The Foreign Minister at the time of my appointment was Prime Minister Prince Konoye, who held the post concurrently. Shortly thereafter Mr. Arita was appointed Foreign Minister.

Upon my appointment as the Ambassador to Germany I was at once placed on the reserve list of the army, and practically all of my connections with the army were thereby cut off. In view of the circumstances at that time, I considered it my primary task to bring the proposed treaty between Japan, Germany and Italy to fruition.

3) At the beginning of November after I had become Ambassador, Ribbentrop formally presented a German draft of the treaty, and asked me to transmit it to the Japanese Government, I sent it by telegram to the Foreign Minister Arita.

Foreign Minister Arita replied by a telegram stating that this was a capital idea which would serve to kill

three birds with one stone, inasmuch as it would facilitate the settlement of the China Incident, and would be effective in strengthening our defense vis-a-vis Soviet Russia and also in improving our general diplomatic position. In this telegram it was stated further that the Japanese Government was contemplating a concrete counter-proposal which would be cabled as soon as decided upon. Reading this telegram, and considering the above-mentioned decision of the Five Ministers Conference at the end of August, I gained a definite impression that the Japanese Government was in agreement in principle to the German proposal.

Shortly thereafter, however, a telegram was received from Tokyo which stated that there seemed to exist a misunderstanding as to the objective of the proposed treaty. As I could not understand what it meant, I cabled back for explanation, but received no clear answer. On the other hand, the announced counter-proposal of the Japanese Government did not arrive despite my repeated request, and I could not proceed with the negotiations with the German side until the arrival of the Ito Mission in Berlin at the end of February 1939.

#### 4) ITO MISSION

a) After the Hiranuma Cabinet had replaced the 1st Konoye Cabinet at the beginning of 1939, Foreign Minister Arita sent a telegram announcing the dispatch of a mission headed by Mr. Ito, former Japanese Minister to Poland, as a special envoy, in order to convey and explain the instruction decided upon by the Japanese Government. The mission arrived in Berlin at the end of February. As the instruction brought by them was addressed to both ambassadors to Germany and to Italy, Ambassador Shiratori came to Berlin and we met the Ito mission together.

b) The Japanese counter-proposal conveyed by this mission corresponded in its main part, as far as I remember, to the draft Treaty of Mutual Consultation and Assistance between Japan, Germany and Italy, the Signing Protocol and the Secret Accessory Protocol, which are now in evidence as a part of the Exhibit 2619, Transcript pages 22,539 - 22,550. Insofar as the treaty which was to be published was concerned, no limitation or condition was placed on the duty of mutual assistance. However, two secret understandings were to be annexed to the treaty, and it was to these understandings or reservations that we were specially instructed to try and obtain the concurrence of the German and Italian Government. These secret understandings were:

(1) That Japan would not render any military assistance in case Germany and Italy were attacked by countries other than Soviet Russia, unless these countries had turned communistic, and

(2) The explanations would be given to third parties to the effect that this treaty was an extension of the Anti-Comintern Pact.

According to this instruction, the secret understanding No. 1 was in fact going to limit the duty of military assistance to Japan to cases where Soviet Russia was involved. This I thought would contradict what I had already committed to the German side in accordance with telegrams received from Tokyo when I was Military Attache; to present this proposal to Germany as it was would not only cause Germany to doubt Japan's sincerity, but I was also sure that she would not accept it. Therefore, I cabled my view to Tokyo that, if the Japanese Government in fact wished the successful conclusion of the treaty, it would be necessary to reconsider the secret understanding No. I.,

According to the Japanese law, an official can present his view to his superior concerning the business under his charge (Defense Document 2769). When I presented my observations in connection with instructions of the home Government during these negotiations I was only following this principle.

c) Moreover, in the detailed explanation attached to this instruction there was a remark that the Japanese Government was compelled to make concessions to the extent of the draft treaty above given because Germany and Italy had been misled concerning Japan's position in the course of negotiations up to date. I thought that this was a very grave matter, for if I had misled Germany I had certainly to take my responsibility for it. Therefore, I cabled to Foreign Minister Arita asking to clarify this point. Arita replied at the end of March that no one in particular was responsible. I did not tender my resignation at this time, nor did I indicate my wish to resign or tender my resignation during the whole course of negotiations for this treaty.

d) The prosecution Exhibit 501, diary of Count Ciano, Transcript pages 6,095-6,097, and 502, telegram of Ribbentrop, Transcript pages 6,097-6,102, state that I refused to carry out the instruction brought by the Ito mission and threatened the Tokyo Government by resignation; however, this was clearly not the case.

e) As to the prosecution Exhibit 502, it is also quite untrue that the original draft of the proposed treaty had been drafted by direct negotiations between Ribbentrop, Ciano and myself. I never talked with Ciano concerning this question. The draft was drawn up by the German side without my participation.

5) a) In answer to my observation as to the instruction brought by Ito a new instruction revising the original text of the secret understandings were received at the end of March, which I immediately conveyed to Ribbentrop.

The purport of this new instruction was according to my memory as follows:

The secret understanding No. 1 was revised and it was made to read that although Japan accepted the duty of military assistance also in case Germany and Italy were attacked by countries other than Soviet Russia, she would not be able to carry it out effectively for the time being. As to the secret understanding No. 2, Japan wanted to reserve that, in case inquiries were made by third parties, Japan would explain that, as far as Japan was concerned, she had nothing in view but the destructive activities of the Communist International in concluding this treaty.

b) Ribbentrop stated that it was his interpretation that by this proposal Japan accepted in principle the duty of war-participation in case also of Germany and Italy being attacked by countries other than Soviet Russia, and asked me whether this interpretation was correct. I replied that, since Japan according to the instruction accepted the duty of military assistance, I thought Japan accepted in principle the duty of war-participation, although the scope and mode thereof would be different from time to time. Ribbentrop said also that he could not consent to Japan's making a different and independent explanation to third countries concerning the purpose of the treaty. I tried hard to explain the situation Japan was <sup>placed</sup> in.

Thereupon Ribbentrop said that he would consult Hitler. As a result of that consultation, he replied that, although he would accept the Japanese proposal insofar as the Treaty itself, the Signing Protocol and the Secret Accessory Protocol was concerned, he desired Japan would withdraw the proposal for secret understanding. He suggested that, as Germany had no intention of requesting Japan to go beyond her capacity for she herself could not do anything beyond her own capacity for Japan, the details of the obligations of the contracting powers should be referred to the conferences among the parties which were envisaged in the Secret Accessory Protocol to the treaty. In short he asked reconsideration on the part of the Japanese Government, and I cabled to Tokyo in that sense. The contention in the prosecution Exhibit 502 that I refused again at this time to carry out the instructions is not true statement of the fact.

6) The instructions from Tokyo Government thereafter never denied the duty of war-participation. Only, they gave a very broad interpretation to this term by including in it such measures as could not be interpreted normally as war-participation, for instance the supply of materials, the lease of military bases, etc., and instructed me to secure the consent of Germany to that interpretation. The instructions of the government concerning these negotiations were very ambiguous and difficult to understand, and I was sometimes hard put to it how to make them clear to the German side. This ambiguity was, as I found out later, due to the fact that the instructions were drafted in Tokyo as a result of a compromise in words only among the Ministers concerned while the difference of opinions on this question remained un-reconciled.

b) In spite of these difficulties I tried to explain the Japanese point of view to Ribbentrop. Ribbentrop finally recognized the necessity for Japan to make the two reservations, and proposed that proper formulation for them should be studied from legal-technical point of view. Upon his request I sent, at the beginning of May, Councillor Usami to Mr. Gaus, Chief of the Treaty Bureau of the German Foreign Office, for consultation concerning the reservations, and a tentative draft drawn up by Gaus was cabled to Tokyo. Although I forgot the details, I think that Paper No. 3 and 4 of the Exhibit 2619, Transcript pages 22,539-22,550, correspond to this so-called "Gaus Plan".

c) At about the time when I cabled the Gaus Plan to Tokyo, Premier Hiranuma sent a personal message to Hitler and Mussolini through the German and the Italian Ambassadors in Tokyo. In this message Hiranuma stated that Japan was resolved to stand on the side of Germany and Italy and render military assistance within her capacity even in case the two powers were attacked by countries other than Soviet Russia, but under the prevailing circumstances she was compelled to make certain reservations. He requested Germany to make concessions as to the secret understandings trusting upon the sincerity of Japan, as she was most earnestly desirous to conclude this agreement. The purport of this message was thus strongly in support of the line of negotiations which I was pursuing at that time. This message was wired to me by Foreign Minister Arita, simultaneously with its delivery to Ambassador Ott in Tokyo, and I had it delivered at once to the German Foreign Office for assurance sake.



When the message arrived, Ribbentrop was staying with Hitler in South Germany. He telephoned to me saying that Hitler upon reading the message said that although he was not asking much from Japan he could not agree because some ambiguities still remained.

d) The prosecution Exhibit 2230, telegram from Ribbentrop to Ott, Transcript pages 15,990-15,992, states that at the end of May I again refused to carry out instructions. I told Ribbentrop at that time that I cabled to Tokyo my observations to an instruction concerning the Gaus plan. Ribbentrop must have misunderstood this, intentionally or unintentionally, and wired to Ott in that sense.

e) It is also untrue that I received, as stated in this Exhibit 2230, a telegram from War Minister Itagaki in which Itagaki is said to have requested me, to hold off until later against Arita in order not to disturb the discussions among the various factors in Tokyo, saying further that "the army is firmly resolved to fight the matter out quickly and even at the risk of a cabinet over-throw." Concerning this matter I recollect the following fact:

Major General Kawabe, the Military Attache in Berlin, wired to the central army authorities criticizing the equivocal attitude of the Government concerning the negotiations for the proposed treaty. War Minister Itagaki replied to him by a telegram stating; "As the atmosphere of the Five Ministers Conference is inclining to favour the conclusion of the treaty, better keep quiet now. I have no intention whatsoever to over-throw the present cabinet."

I heard the story from Kawabe, and I think, although I have no clear recollection, that I told it to Ribbentrop. At any rate I never received telegrams from War Minister Itagaki, directly or indirectly, concerning these negotiations. That was not permitted in the Japanese system. I was also not at all concerned with the exchange of telegrams between Kawabe and Itagaki as mentioned above.

7) At the beginning of June, a new instruction was received from Tokyo requesting of the German Government a revision of the Gaus Plan. I conveyed it to Ribbentrop and explained it in detail. Ribbentrop showed understanding as to the Japanese point of view that Japan could render no effective military assistance for some time to come and might, according to circumstances, remain neutral when Germany was attacked by countries other than Soviet Russia. However, he strongly rejected as before the idea of exchanging notes concerning the secret understandings, on the ground that, if such notes leaked out, the treaty would be deprived of its political effect. He told me that Germany was very anxious about the leakage of secrets in Tokyo. In the middle of June I reported the above to the Japanese Government, but received no instruction thereafter. The negotiations were terminated due to the conclusion of the German-Russian Non-Aggression Treaty on 23 August 1939.

8) Although these extended negotiations failed to result in any agreement, I think it might not be amiss here to state my attitude and my understanding of the purpose of the treaty.

a) During the whole negotiations my constant idea was that:

- (1) this proposed treaty was of a purely defensive nature, and
- (2) its purpose or object was not war but it was meant to be used as a means in diplomatic negotiations.

According to my understanding based upon telegrams from Tokyo, the reasons why the Japanese Government wished the conclusion of this treaty were:

(I) to strengthen the diplomatic position of Japan by securing allies in order thereby to facilitate the settlement of the China Incident, and

(2) to improve our defensive position vis-a-vis Soviet Russia. In other words, it ~~was necessary~~ for Japan to find allies and secure herself against the possible attack from powerful Soviet Russia as Japan's resources were being exhausted in the China Incident.

This intention is also clearly expressed in the treaty draft which was drawn up as a result of my negotiations with the German Government, Exhibit 2619, Transcript pages 22,539-22,550. In its Preamble it is stated that the Government of Japan, Germany and Italy, "in the conviction, that the international activities of the Communist International threaten the peace in Europe and Asia, determined in the spirit of the Agreement against the Communist International to strengthen the defense against the communistic disintegration in Europe and Asia, and to preserve the common interests of the three contracting powers, have agreed upon the following provisions."

b) As was proper for an Ambassador on the spot, I did my best during the entire period of the negotiations to bridge over the opposing views of the both Governments of Japan and Germany.

For that purpose I conveyed the German views accurately to the Japanese Government, while of course interpreting the Japanese point of view truly to the Germans and endeavouring to carry it through. Sometimes I represented to the Japanese Government after sounding the German views that, if it in fact desired the successful conclusion of the negotiations, it was preferable to make some concessions to the Germans.. When the instructions from Japan were equivocal, I requested Tokyo for clarification and postponed the execution of the instructions until I received answer from Tokyo to my inquiry. However, I have no recollection of having contradicted or having refused to carry out instructions, or going beyond the scope of instructions. In fact I received no censures from the Foreign Minister in this respect during the whole negotiations and later.

10. GERMAN-RUSSIAN NON-AGGRESSION TREATY AND MY RESIGNATION

1) On or about 20 August 1939 Ribbentrop, who was staying at Fuschl in South Germany, called me on the telephone and informed me of the German decision of concluding the Non-Aggression Treaty with Soviet Russia, explaining that this had been made inevitable by exigencies of the European situation. I at once told him that this was in contravention of the Anti-Comintern Pact and an act of extreme bad faith on the part of Germany.

Shortly thereafter, when Ribbentrop stopped in Berlin on his journey to Moscow for the signing of this treaty, he asked me to call him and explained the matter. I repeated my oral protest on this occasion to him.

2) Thereafter I received an instruction from Foreign Minister Arita to lodge a formal protest with the German Government regarding this matter.

I drafted a note of protest at once and saw State Secretary Weizsaecker in order to hand it to him, as I could not see Foreign Minister Ribbentrop at that time. However, Weizsaecker begged me earnestly to postpone the presentation of the note for a while because Germany then was in a very difficult position in connection with the negotiations with Poland, and I, considering that I had already protested twice directly to Ribbentrop, consented to his request, and postponed the presentation of the note until the middle of September, when the war situation in Poland was somewhat clarified.

3) Having received the notification from Ribbentrop on or about 20 August that the conclusion of the German-Russian Non-Aggression Treaty was imminent, I immediately cabled to Tokyo offering my resignation. About one month thereafter I received order to return to Tokyo. I left Berlin in October and arrived in Japan via the United States in December 1939. My request for resignation was granted and I was relieved on my post on 27 December 1939.

4) The reason why I offered my resignation was because I felt that I had not fulfilled my duty as ambassador, not having been able to anticipate the conclusion of the Non-Aggression Treaty by Germany with Soviet Russia. The other reason was that I was much annoyed at the volte face of Germany. I resigned solely on my own initiative without being request by the Government. I had no thought of going to Germany ever again.

5) I learned for the first time in this Tribunal that Ribbentrop worked on the Japanese Government to keep me on my post. I do not know even now whether it is true or not.

11. MY ATTITUDE BEFORE LEAVING GERMANY

I was functioning as Ambassador after offering my resignation until my departure from Berlin in October 1939. During the period I had no important conversation with the German side except over routine matters as was proper for an Ambassador leaving his post.

1) In the prosecution Exhibit 507, Transcript pages 6,126-6,130, it is said that before my departure I expressed my full approval to Ribbentrop's theory concerning future Japanese-German collaboration and German good offices for the improvement of the Japanese-Russian relations. As I thought it desirable at that time to bring about friendly relations between Japan and Soviet Russia in view of the repeated clashes along the Manchurian-Russian border, I expressed this idea as my private opinion to Ribbentrop.

2) As to the prosecution Exhibit 508, Transcript pages 6,131-6,132, a telegram from Woermann to Ambassador Ott, my explanation is as follows:

Before my departure from Germany, I think that Ribbentrop asked me to send to him any advice for Germany which I thought fit, but I never heard from anybody about the secret communications etc., as described in this telegram. I never committed anything to anybody concerning my conduct after my return to Japan. I never communicated with Ribbentrop through the German Embassy in Tokyo after my return home, or through any other means.

12. MY ATTITUDE AFTER RETURNING HOME

1) Since my resignation in December 1939 after returning home until my reappointment as Ambassador to Germany in December 1940, I never occupied any official position and had no connection with any political, ideological or cultural groups. I was never consulted by anybody of the Government, nor did I ever see any official documents. As I was away from Japan for more than five

years since the spring of 1934, what I wanted was to retire completely on this occasion and to devote myself to the study of the internal situation of Japan.

I received during this period several invitations to join political parties or to make public speeches, but I consistently refused. As interests in Japan for the situation in Germany were very keen at that time, on account of the European war, I made a few speeches at private and exclusive parties. I never made remarks to stir up anti-British or anti-American feelings of the people on those occasions.

2) I had nothing whatsoever to do with the negotiation, the negotiation, and the conclusion of the Tripartite Pact in September 1940. I did not even know what kind of negotiations were taking place. I was never consulted by Foreign Minister Matsuoka, Ambassador Ott, or Mr. Stahmer.

3) The prosecution Exhibit 1299A, Transcript pages 11,734-11,740, an article published under my name in the Yomiuri Shimbun of 27 October 1940, was an interview I gave to one of the correspondents of that newspaper who visited me, wrote down what I told him, and published it under my name. I gave this interview largely in accordance with various statements issued by the Government.

### 13. MY REAPPOINTMENT AS AMBASSADOR

1) In December 1940 I was again appointed Ambassador to Germany. When Foreign Minister Matsuoka offered me the post I refused more than once, but by dint of his strong urging he ultimately prevailed upon me to accept it.

In prosecution Exhibit 560, Transcript pages 6,421-6,422, Ambassador Ott says that I refused because I wanted to stay in Japan and work politically for the Tripartite Pact. This is

completely untrue. The reason of my refusal was because it was hardly one year since I resigned as a result of the failure of negotiations, and, after having been away from Japan for more than five years, I did not want to go again to a distant foreign country leaving my aged parents alone.

2) My reappointment as Ambassador to Germany took place after the conclusion of the Tripartite Pact in September 1940. The Imperial Rescript issued on the day of its conclusion and the statement issued by the Government indicated clearly that this Pact would form a cardinal point in Japan's foreign policy, and I was firmly convinced that my action as the Ambassador in Germany must above all be guided by this Pact. As to the purpose of this Pact, my understanding on the ground of what I heard from Foreign Minister Matsuoka was to keep the United States out of the war and to facilitate the settlement of the China Incident. I thought naturally that Japan must be prepared for all eventualities in the world of tension and uneasiness, but I never advocated the use of the armed forces for any but defensive purpose.

3) In January 1941, prior to my departure for Germany, I was invited by Premier Konoye to a party at his official residence together with Admiral Nomura, new Ambassador to the United States. Among those who were present were Prince Konoye, Minister without Portfolio Hiranuma, War Minister Tojo, Navy Minister Oikawa, Chief of the General Staff Sugiyama, Deputy Chief of the Naval General Staff Kondo, etc. At this party Premier Konoye explained the attitude of the Government toward the Tripartite Pact and emphasized that the maintenance of peace was the prime desire of Japan; the Foreign Minister and the Navy Minister said that, even if the American-German war should break out, Japan would not enter the war unless it was determined clearly that Germany was attacked



and asked me, as the decision had to be made in Tokyo after most careful consideration, to collect and report as many accurate data as possible. Besides, desires were expressed by many attendants that the intention of Germany in the European war be ascertained, especially whether she was going to carry out landing operations against England, and, if so, when the operations would be launched.

4) In January 1941, prior to my departure from Tokyo, I met Ambassador Ott and Mr. Smetanin, Russian Ambassador to Japan, at the German Embassy upon invitation of Ambassador Ott. On this occasion I emphasized my desire for improving the Japanese-Russian relations in accordance with the idea of the Tripartite Pact, to which Ambassador Smetanin heartily agreed. As a result of his communication to the Russian Government, I and my party could get the Russian transit visas very quickly; the Russian Government provided us with special railway cars in the Soviet territory and permitted us to stay for three days in Moscow, which was an exceptional favor at that time.

#### 14. SINGAPORE QUESTION AND OTHERS

I arrived in Berlin on 19 February 1941, and went to Berehtesgaden on 28 February in order to present my credential to Hitler.

2) In the presecution Exhibit 571, Transcript pages 6,459-6,468, there is a description of my conversation with Ribbentrop on 23 February 1941.

It is a fact that Ribbentrop in this interview tried to lead the conversation in the direction of inducing Japan to an attack on Singapore. However, I have no recollection about telling to Ribbentrop that the preparations for attack on Singapore, Hongkong, etc., would be completed by May. I had never received any information on such subjects. Also I never asked Matsuoka to vi:

Berlin with a concrete plan of an attack on Singapore. I knew too well that such a matter was of a purely operational nature in charge of the High Command, and in our country no outside intervention was tolerated. When Ribbentrop touched the question of an attack on Singapore, I also expressed my personal opinion thereto and let the talk go along the line he suggested. This was because I as the Ambassador to Germany considered it most important to find out and ascertain the German intention for the future, especially her attitude towards Great Britain, and thought that these talks of Ribbentrop could be a good clue for this purpose. I thought also that it was to some extent necessary for that purpose not to give the impression as if Japan was assuming an evasive attitude.

2) In the prosecution Exhibit 580, Transcript pages 6,552-6,532, it is said that, when Foreign Minister Matsuoka asked Ribbentrop for German help in the attack on Singapore, Ribbentrop told Matsuoka that that question had already been discussed between Oshima and himself. However, I never talked with Ribbentrop about such matters, which were outside of my competence.

3) The prosecution Exhibit 573, Transcript pages 6,469-6,473, is the directive No. 24 issued by the Fuehrer Headquarters on 5 March 1941 concerning the collaboration with Japan, in which it is said that: "The aim of the cooperation (with Japan) based on the Three-Powers Pact must be to bring Japan, as soon as possible, to active operation in the Far East." The prosecution alleged as if I had some connection with this order of the Fuehrer. In fact, I never heard anything about this directive from Hitler or Ribbentrop or any other Germans. I learned of this order for the first time during my interrogation by the prosecutor.

15. FOREIGN MINISTER MATSUOKA'S VISIT TO GERMANY

1) Foreign Minister Matsuoka arrived in Berlin at the end of March 1941, and, after having several conversations with Hitler and Ribbentrop, left Berlin for Moscow at the beginning of April.

2) Prior to my departure from Tokyo, Foreign Minister's visit to Germany had already been talked about. However, as the matter was not yet definitely decided upon, I did not talk with Matsuoka about it in detail. After my arrival in Berlin also, I was never instructed to arrange with the German side the agenda of conversation for Matsuoka in Berlin. I only arranged the itinerary of Matsuoka with the German side in accordance with the instructions received from the Foreign Minister.

3) I attended only the first conversations of Matsuoka with Hitler and Ribbentrop, and was not present at the later conversations. At the conversation between Matsuoka and Hitler which I attended, Hitler emphasized the desire of closer Japanese-German relations, and Matsuoka responded with his characteristic verbosity bringing out various abstract theories but suggesting nothing concrete. There was also talk about the attack on Singapore, but Matsuoka certainly did not make any commitments. Thereafter, Matsuoka had several talks with German leaders, but he never consulted me prior to these conversations, nor did he tell me anything about the particulars after the conversations. I did not ask him about that either. This was because I knew, as Matsuoka told me, that the primary object of his trip was the conclusion of a neutrality treaty with Soviet Russia, and no special importance was attached to his visit to Germany and Italy, except to make acquaintance with the leaders of

the two countries.

4) I should like to say a word concerning my relations with Mr. Matsuoka. I had never met him prior to our meeting in November 1940 when he urged me to accept the post of Ambassador. Thereafter, I saw him only several times during the one month before my departure to Germany and when he visited Berlin in April 1941. My impression was that he was a man of very strong self-confidence in the matter of diplomacy, and did not like to consult anybody. Especially towards the Ambassadors, he made it quite clear that he was not going to consult policy with them, but would give orders when necessary. I received from him before my departure from Tokyo no written instructions, but only very brief oral instructions concerning the Tripartite Pact. I had no conference with him on Japan's foreign policy in general.

16. RELATIONS WITH SOVIET RUSSIA

1) The Prosecution Exhibit 587, Transcript pages 6,562-6,565, (identical with 1096, Transcript pages 10,031-10,033), and 1097, Transcript pages 10,034-10,036, are telegrams exchanged on 28 June 1941 between Foreign Minister Ribbentrop and Ambassador Ott. I never told Ribbentrop that I would recommend to the Japanese Government military action against Soviet Russia, nor did I ever make such recommendations to the Tokyo Government. The contents of these telegrams are not true.

2) After the outbreak of the German-Russian war and especially after the onslaught of the German Army was beginning to slacken, Ribbentrop urged two or three times Japan's joining in the war against Soviet Russia. I conveyed this

request to Tokyo in execution of my ambassadorial duty, but did nothing more than that. After the outbreak of the Pacific War also such German requests were often repeated, but after I refused officially and clearly upon instruction of the Japanese Government the German request, as I think, in the summer of 1943, such requests were never made again.

3) In the Prosecution Exhibit 811, Transcript pages 7,994-7,998, a person named Nohara testified that he was in charge of secret military information concerning Soviet Russia in the Japanese Embassy in Berlin. This man was a Japanese-German half-breed temporarily employed by the Embassy in Berlin, since when I do not remember, could not speak Japanese well, and was not in any sense a regular member of the Embassy, (Defense Document 2787). I heard that he was following radio broadcasts from overseas, but I did not know him personally, nor talk with him at all. It was a matter of course that I absolutely did not allow him to touch secret matters.

#### 17. JAPANESE-AMERICAN NEGOTIATIONS

1) As to the Japanese-American negotiations I received at the end of May 1941, some time after the commencement of the negotiations, a brief telegram from Foreign Minister Matsuoka informing me that negotiations between Japan and America had been commenced. Thereafter, no information was received from the Tokyo Government; no reply was even received to my telegraphic inquiries which were sent from time to time. Also the decisions of the Liaison <sup>and the Imperial</sup> Conferences since the summer of 1941, or the contents thereof, were never communicated to me. I learned of them for the first time in this Tribunal. Therefore, I was left completely in the dark as to the progress

of the Japanese-American negotiations, the policy and the intentions of the Japanese Government, etc. Ribbentrop often asked me about the real situation of the Japanese-American negotiations, but because I was completely ignorant as mentioned above, I could give him no information.

2) Such being the circumstances, I was not in a position to express my concurrence or opposition in this matter of Japanese-American negotiations. I was of the opinion that the China problem was the primary cause of the Japanese-American difficulties, and that therefore it would be difficult to ease the tension unless the China problem itself was solved. As to the Tri-Partite Pact, I thought it would not be difficult for the United States to understand it, because it was purely defensive in nature. I believed further that, as the Tri-Partite Pact had been made the basic diplomatic policy of Japan, the adjustment of the Japanese-American relations could be made only insofar as it would not contradict the Tri-Partite Pact. During the negotiations, rumors were rampant and Germany grew suspicious lest the Tri-Partite Pact should be rendered meaningless. I feared very much that if the Japanese-American negotiations should fail, Japan would fall into a worse state of diplomatic isolation than ever, as the United States would look down upon Japan and Germany and Italy would not trust her any more. It was, however, my firm conviction and hope that peace would be maintained between Japan and the United States. This opinion of mine is also expressed in my telegrams to Foreign Minister Matsuoka dated 20 May 1941, the prosecution Exhibits 1075 and 1076, Transcript pages 9,918-9,932 and 9,933-9,934. Ribbentrop expressed to me at that time his strong suspicion as to the

contents of the Japanese-American negotiations, and I dispatched these telegrams as I thought it a duty of Ambassador to report the view of the German Government to Tokyo, although I had received no communication from the home Government concerning these negotiations. This was the only occasion that I presented my observation to my home Government concerning the Japanese-American negotiations.

As far as I know, Germany also did not wish for a collision between Japan and the United States, and expressed her approval to the Japanese-American negotiations insofar as they would induce the United States to observe neutrality without affecting the Tripartite Pact. I think that in fact Germany tried to appease America, in spite of the dangerous situation in the Atlantic Ocean.

3) The prosecution Exhibit 603-A, Transcript pages 6,643-6,650, is allegedly an intercepted telegram dispatched on 29 November from Berlin to Tokyo. I do not recall the interview with Ribbentrop referred to in this telegram, nor the contents thereof. If the interception, decoding and translation of the telegram by the American authorities is correct, my loss of memory must be due to the fact that the conversation gave no strong impression to me. I do not remember that Ribbentrop told me that Germany would join the war immediately if Japan should become engaged in a war against the United States. If Ribbentrop should have made such a statement, I think that that was because he wanted either to ascertain the Japanese attitude towards the United States, or to influence Japan by strong expressions as he was always afraid lest Japan would turn away from Germany as a result of the Japanese-American negotiations. At any rate, that

Germany was not determined to join the Japanese-American war at once is clear from the fact that Ribbentrop postponed the answer, on the pretext of consulting Hitler, when I approached him on this subject a few days later by instruction of the Home Government as shown in the following pages.

4) On or about 29 November 1941, I suddenly received a telegram from Foreign Minister Mogo saying that the reply of Secretary of State Hull of 26 November was very strong and uncompromising, but as I was unaware of the progress of the negotiations, I did not dream of the imminence of war. I went to Vienna with some of the Embassy members in order to attend the "Mozart Festival" as arranged previously. In Vienna I received a telephone call from Councillor Kawahara of the Embassy asking me to return to Berlin at once, and upon my return in the morning of 2 December, I, for the first time, learned that a telegram from the Foreign Minister had arrived instructing me to initiate the negotiations for the Non-Separate-Peace Treaty. I immediately called on Ribbentrop in order to communicate this matter.

Although the existence of a danger of war was mentioned in this telegram, I did not feel that war was inevitable or imminent as I thought that the intention of the Japanese Government was only to make preparations for an eventuality. I thought that there was still possibility of continuing negotiations; the instructions of the Government arrived so suddenly that I could not grasp the situation. Therefore, when Ribbentrop asked me whether the war was going to break out with America, I replied that it was not clear.

5) To this proposal of mine Ribbentrop said that as it was a very grave question whether Germany should immediately declare war in case war broke out between Japan and America,



he could not determine it by himself and must consult Hitler, and asked me to wait for a while.

This situation is described in the prosecution Exhibit 605, Transcript pages 6,654-6,656, my telegram to Foreign Minister Togo, dispatched from Berlin in the afternoon of the 2nd, and arrived in Tokyo on the 3rd, December 1941. But the date of my visit to Ribbentrop in this telegram, the 1st of December, is obviously wrong. It must be the 2nd, and I think this mistake was due to the garbling of the coded text of the telegram. I dispatched the telegram to Tokyo immediately after the interview with Ribbentrop. The fact that the telegram was dispatched in the afternoon of 2nd December clearly indicates that I saw Ribbentrop on that day.

At that time Hitler was at the front near Moscow where the Russians were counter-attacking, and conducting the operations himself, as Ribbentrop told me. Moreover, there was a heavy snow storm raging, and it was extremely difficult to contact him. Thus, despite my urgings the German reply was postponed day by day until 7 December.

6) In the afternoon of that day I received an instruction from Tokyo to hasten the negotiations. After consultation with the higher Embassy staff, I drafted a telegram explaining in detail the German attitude, ordered the dispatch thereof, and returned to my residence at about 8 o'clock in the evening. After 10 or 20 minutes I received a telephone call from one of the Embassy staff informing me that the London radio broadcast the attack of the Japanese Navy on Pearl Harbor. I was very much surprised as I had never expected it, and could hardly believe it. However, as a precautionary measure I rung up the Embassy office and ordered to withhold the dispatch of the telegram to Tokyo.

Some time thereafter, Ribbentrop asked me by telephone whether the radio broadcast was true, and I replied that I could not answer lacking an official information. I went and saw him at the Foreign Office upon his request. He was also much surprised and seemed not to believe the outbreak of the Japanese-American war. However, as the same report continued to be broadcast from various radio stations, by midnight I began to think that it might be true.

7) On the morning of the 8th, I received an official telegram from Tokyo informing me of the outbreak of war. I conveyed the news to Ribbentrop and we began drafting the Non-Separate-Peace Treaty. As the text was very simple, we came quickly to an agreement, and the treaty was signed on 11 December 1941.

8) The proposal of the Non-Separate-Peace Treaty was not made to the German Government until I received the above-mentioned instruction from the Japanese Foreign Office. Prior to that, there had been no talk between Japan and Germany concerning this treaty, as far as I know.

As to the prosecution Exhibit 601 and 602, Transcript pages 6,638-6,642, I heard for the first time in this Tribunal that such contacts were made in Tokyo between General Okamoto and General Kretschmer, German Military Attache, in November 1941. Ribbentrop never told me about that.

I might add that I made in February 1946 in answer to the interrogation by the prosecutor detailed statements as to the circumstances in Berlin at the time of the outbreak of the Japanese-American war (Defense Document 2820).

9) Receiving the decoration from Germany

Shortly after the outbreak of the Pacific war I received

a decoration from the German Government. I thought this to be a gesture shown by Germany to Japan since the two countries were now allies in war. In Germany it was a custom that any foreign diplomat, whether Ambassador, Minister or others, received a decoration after two years' stay in Berlin.

Decoration of the foreigners was a very formal matter.

18. MILITARY AGREEMENT BETWEEN JAPAN, GERMANY AND ITALY

On 18 January 1942 in Berlin the Military Agreement between Japan, Germany and Italy was concluded. This was an agreement concerning matters belonging exclusively to the High Command, and according to the Japanese system no intervention by me as a civilian official was tolerated. I had, therefore, in fact no connection with this agreement.

19. MIXED COMMISSION AND MY ATTITUDE AFTER THE OUTBREAK OF WAR

1) I as the Ambassador to Germany was ex-officio, in accordance with the memorandum concerning the organization of the Commission, the prosecution Exhibit 559, Transcript pages 6,417-6,420, a Japanese member of the Mixed Special Commission in Berlin based on Article 4 of the Tripartite Pact.

This Commission was never convened prior to the outbreak of the Japanese-American war; even after its outbreak, it was, according to my memory, convened not more than three times. The agenda of the sessions was confined to the exchange of ceremonial greetings of the delegates of the three countries and to general explanations of the war situation by the German members; no material discussions whatsoever concerning future plans or combined operations took place. In short, this Commission was nothing but of nominal existence.

2) With respect to the communication between Japan and Germany the route through Siberia was closed as a result of the

German-Russian War; since the outbreak of the Japanese-American War the communication between the both countries grew more difficult. Only a few Japanese succeeded to get the Soviet v to travel via Siberia, and the difficult and hazardous voyage by German blockade runners or submarines became next to impossible as the war progressed. Communication by air was found impracticable. Therefore, the only means left open was radio, which was very inadequate for the exchange of views between Japan and Germany.

3) Since the outbreak of the Japanese-American War, I never received from the Government any communication concern political and military plans for the future. As far as I know the military and the naval attaches received no information either. Therefore, it was almost impossible for us in Berlin to collaborate with the German side politically, militarily or otherwise. No special desire of the Japanese Government in this respect was communicated to me.

Since the outbreak of the Pacific War, military matters were often brought up during my conversations with Hitler or Ribbentrop. As operational matters were outside the scope of my duty, and moreover, as I received little information from Tokyo, all that I could do on such occasions was to offer my personal views on the war situation in the Pacific from my general knowledge of military matters and on the strength of other meager general information in my possession.

4) The Japanese-German Economic Agreement was concluded in January 1943. I signed it in accordance with instructions of my Government. As I had no sufficient knowledge concerning economic matters, I entrusted this matter to a Minister who was attached to the Embassy as a specialist on economics.

Therefore, I did not know the details of the negotiations or the working of the agreement after its conclusion. As far as I know, this agreement remained nothing but a piece of paper, because communication between Japan and Germany was very difficult and transport of goods was practically impossible.

20. SUBMARINE QUESTION

1) It was either at the end of February or the beginning of March 1943, that Ribbentrop told me that Hitler wished to offer as present two German submarines to Japan. He told me that Hitler would like to make this present, as the efficiency of the German submarines was very much improved recently. I conveyed this to Vice-Admiral Nomura then resident in Berlin and Rear-Admiral Yokoi, the Naval Attache, and also cabled it to the Foreign Office in Tokyo. The central naval authorities in Tokyo promptly sent a telegram to Vice-Admiral Nomura that Japan would be glad to accept the German gift. Nomura asked me to convey to Hitler Japan's acceptance, but, as Hitler was not in Berlin then, I met Ribbentrop for that purpose. Thereafter, all talks concerning the transfer of the submarines were conducted by Nomura and Yokoi without my participation.

2) In my interrogation dated 1 February 1946 which is now the prosecution Exhibit 2106, Transcript pages 15,186-15,195, there are several errors owing to the failure of my memory and the misunderstanding of the interpreter. As Captain Robinson who interrogated me on this matter was good enough to say that he would receive my statement, drawn up on the basis of my corrected memory, I presented to him a memorandum on 19 February 1946, which is now the Defense Document No. 2845.

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3) I heard in January 1942 from Hitler that he was going to issue an order to annihilate crews of torpedoed merchant ships. As that was a matter concerning the German Navy only and had no direct relation with Japan, I did not object. I never conveyed the story to the Japanese Government as this was in Japan a purely naval question and did not concern the Foreign Office or Ambassador. When the offer to present two submarines to Japan was made in March 1943, neither Hitler nor Ribbentrop talked about the annihilation of crews of torpedoed merchant ships.

21. GERMANY'S COLLAPSE AND MY RETURN HOME

In April 1945 when danger became imminent to Berlin the German Government requested the entire Diplomatic Corps to move to Bad-Gastein in South Germany. I left Berlin on April 14 together with the Embassy staff. In the middle of May the American forces entered Bad-Gastein, and we were placed under the American custody. We were then sent to the United States, leaving Bad-Gastein on 1 July 1945, and taken to Bedford, Pennsylvania. We were directed to stay in a hotel there. We left Bedford at the end of November, and arrived at Uraga on 6 December 1945. Since our internment in Germany until our return home I was always treated by the American Government as a diplomat under custody.

22. CONCERNING CONSPIRACY CHARGES AND OTHERS

1) a) The prosecution alleges that I participated in a conspiracy with the co-accused and diverse other persons or with the German and Italian leaders for the purpose of securing the domination of a part of China<sup>China</sup> and the whole world by means of unlawful acts, and planned, prepared, initiated and waged with these people wars in violation of treaties or

wars of aggression. This allegation is totally groundless.

b) First, I was as Ambassador or as Military Attache nothing but an agent on the spot, and was not in a position to determine by my own action or opinion the policy of my home Government. I did not even receive information concerning the general over-all policy of the Japanese Government.

c) Secondly, I never acted with the knowledge that Japan was waging any unlawful or aggressive war. Also I never acted with such desire or intention. I was firmly convinced that it was the highest duty of an Ambassador or a Military Attache on the spot, or a citizen of Japan, to endeavor to contribute to the preservation and the development of Japan in accordance with the policy determined by the home Government.

2) The prosecution alleges that I participated in a conspiracy of initiating unlawful hostilities or hostilities without proper notice against the United States and other countries and committed the crime of murder by ordering, causing and permitting the armed forces of Japan to make such attacks on 7 or 8 December 1941.

However, I never desired the initiation of the Pacific War and was surprised on hearing of these attacks after they had taken place. I never consulted with anybody concerning these attacks prior to their taking place nor did I suggest or order them to anybody. I was merely an Ambassador on the spot, and had no power to order the Japanese armed forces to attack, nor had I any power to prevent such attacks by them.

3) The prosecution alleges that I participated in the conspiracy of murdering the prisoners of war and others, or of committing acts contrary to the law of war and humanity against them, and ordered, caused or permitted the army and navy

officers of Japan and others to commit these criminal acts.

However, I never consulted anybody concerning this matter, nor did I suggest it to anybody. I never ordered or authorized anybody to do these acts. I was merely an Ambassador on the spot and had no power to do so. I did not know that these acts were committed, nor was I in a position, equipped with power and duty, to prevent such acts.

4) I am indicted on account of the allegation that I participated in a conspiracy with all the co-accused of this Trial. However, during the period from 1934 until 1945 I was only for one year in Japan, and had no chance to exchange political views with most of the accused. With Hirota, Hoshino, Kaya, Kido, Okawa, and Sato I had no acquaintance or communication. With Araki, Doihara, Hashimoto, Hata, Itagaki, Kimura, Koiso, Matsui, Minami, Muto, and Suzuki, I was only slightly acquainted because we were in the army. With Tojo and Umezu I served together in the General Staff in or about 1931 and 1932, but our assignments were different and I had no intimate relation with them. I met Hiranuma only once, that is, prior to my departure for Germany in 1941. With Oka I had only very slight acquaintance. Shimada was in the Naval General Staff in or about 1933 when I served there concurrently with my assignment in the Army General Staff, but I knew him only very slightly. With Shigenitsu I became acquainted in 1938 or 1939 in Europe. With Togo I was together in Berlin in 1938. With Shiratori I became acquainted in 1939 when we were engaged in the same diplomatic negotiations.

During my two tours of ambassadorial duty the Foreign Minister of Japan changed nine times, namely, Konoye, Arita, Abe, Nomura, Matsuoka, Toyoda, Togo, Tani, and Shigenitsu.



With any of them except Togo, who was in Berlin with me, I had no closer relations than brief acquaintances. At any rate, I never discussed with any of the accused or anybody else on matters contained in the Indictment, nor did I ever suggest such matters to anybody.

/s/ OSHIMA, Hiroshi

at the International Military Tribunal  
for the Far East

12 November 1947

Witness: SHIMANOUCI, Tatsuki  
UCHIDA, Fujio  
USHIBA, Nobuhiko

O A T H

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

/s/ OSHIMA, Hiroshi

26 November 1947

Re: Japanese-German Cooperation  
Under Tri-partite Pact

A. Propaganda and News Service

✓ 1. Did you have a meeting with Ribbentrop on 23 February 1941? 45

✓ 2. Were not plans discussed at this meeting for the closest cooperation in carrying on the war? 45

✓ 3. And were not plans discussed, particularly with regard to news services and newspapers? 45

✓ 4. And was it not determined that the cooperation would be in the same manner as was already being done in Italy, Rumania, Hungary, Slovakia and Bulgaria? 45

5. And did you not state that you intended to create a plan for more intensive Japanese Propaganda?

6. And to that end was not a newspaper division set up within the Italian Embassy and Minister Sakuma brought over from Japan to have charge of it? 45

(Oshima interrogations, pages 252-3)

B. Joint Military Commission - December 1941

✓ 1. Was not a joint military commission set up in December 1941 to decide matters of tactics and operations? 46

✓ 2. Were not admirals NOMURA and YOKI and Lt. Gen. BANZAI, Japanese members of this Commission; and were not Field Marshal Keitel and Admiral Doenitz German representatives on this Commission? 46

(OSHIMA interrogations, page 13)

✓ C. Military Agreement Between Germany, Italy, and Japan, dated 18 January 1942. (Exhibit 49, read in evidence at R. 6,681) ✓ 46

Since this agreement is in evidence and other witnesses have been questioned on the matter extensively, it may not be wise to press OSHIMA on it other than to show the fact that under this agreement the spheres of operation were divided between Germany and Japan. To that end a few questions might be laid on the agreement itself.

D. Submarine Warfare and Gift of Submarines

It was at the insistence of Germany that Japan intensified submarine warfare and changed its tactics from attacking armed vessels to a war against tonnage. Questions on this subject appear on the following lists:

- (a) Questions 9 to 13 based on interview between OSHIMA and Hitler 3 January 1942.
- (b) The questions based on the interview between OSHIMA and Ribbentrop on 9 July 1942.
- (c) Gift of submarines, part a, based on the report of the Fueher's conferences 26 February 1943.
- (d) Gift of submarines, part b - 28 questions based on the interviews between Ribbentrop and OSHIMA 6 March 1943 and 18 April 1943.

E. Common Code

- ✓ 1. Was not a common code arranged for use of the Japanese and German Navy? (Serial 79, page 4) ✓ 46

F. Exchange of New Methods and Inventions

- (a) Germany's offer of new type of grenades. (Questions 7 and 8, conference 3 January 1942) ✓ 46

(b) Japanese offer of officers skilled in landing operations. (Questions 26 and 27, conference 3 January 1942)

Also add:

✓ 1. Did you not tell Ribbentrop on 6 March 1943, that in the near future Japanese officers, clothed as couriers and Embassy secretaries, would come to Berlin from Tokyo to deliver particulars concerning the military situation and Japanese forces and plans? 48

✓ 2. Did these officers come to Berlin? 48

✓ 3. Were these plans and particulars delivered to the German Government? (Exhibit 812-A, page 3, portion not read) 48

G. Continued Conferences on Conduct of War

Questions based on these arise out of all the conferences between OSHIMA and Ribbentrop and OSHIMA and Hitler. Final questions on this subject might be:

1. Were you not received by Hitler on 27 May 1944 for a discussion of German-Japanese cooperation on the joint conduct of the war? }

2. Did not Ribbentrop take part in this discussion? }

3. Did you not visit the head office of the foreign organization of the Nazi Party on 26 March 1945? }

4. Were you not accompanied on this occasion by Vice Admiral ABE and Admiral KOJIMA? }

5. And did you not speak on Japan's determination to fight to common victory? (Serial 8, page 3) }

Reference  
to  
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Copy of Draft

25 November 1947

Re: OSHIMA Cross-Examination  
Conf. OSHIMA-Hitler 3 January 1942  
IPS Doc. #4096

1. Did you have a conference with Hitler on 3 January 1942?
2. Was Ribbentrop present at this conference?
- ✓ 3. Did not Hitler state that he would discuss military affairs only with you personally? 132
- ✓ 4. Did he not outline to you the operations of Rommel in Africa and the operations against Russia on the eastern front? 132
5. Was not Hitler critical of the assistance Germany was receiving from Italy?
6. And did he not ask you not to mention his statements to the Italians?
- ✓ 7. Did he tell you of the new weapons invented by the Germans? 41
- ✓ 8. Did he not offer to deliver to Japan new types of grenades which could destroy panzers? 42
- ✓ 9. Did he discuss with you the naval war situation in the Atlantic and did he not state that the most important task was to get the submarine war going at full blast? 49
- ✓ 10. Did he not mention that merchant vessels were being sunk by Germany without warning in order that as many as possible of the crew should perish? 49
- ✓ 11. And did he not express the idea that this course would cause America to have difficulty in recruiting crews because of the time required to train seafaring personnel? 49

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✓ 12. And did not Hitler say that he had ordered his submarines to surface after torpedoing and shoot up the life boats? 49

✓ 13. Did you not concur in these statements of Hitler and did you not say that the Japanese were forced to follow these methods? 49

✓ 14. Did you not express the opinion that the Japanese Army would seek to occupy Berma and you considered it important in this connection that Germany and Japan make a joint declaration against India? 47

✓ 15. And did you not say that once English bases in India were eliminated Japan could easily send convoys to the Persian Gulf? 47

✓ 16. Did not Hitler emphasize that Japan should secure the southwest Asia region to prevent England from using Australia and New Zealand as centers from which to fight Japan? 47

✓ 17. Did you not agree with this opinion of Hitler's? 47

✓ 18. And did you not add that Japan must also secure the north region and would occupy bases in the Alutians in the spring? 47

✓ 19. Did you tell Hitler that you were empowered by your Government to discuss the prosecution of the war with the German Foreign Minister? 132

✓ 20. And did you not suggest that while individual questions might be discussed between the Army, the Air Force and the Navy, it was of prime importance that the principal policy be laid down exclusively by you and the Foreign Minister? 132

✓ 21. Did you not state that the same method applied to economic and political questions? 132

22. Did Hitler suggest to you the danger to Japan should the United States and England strengthen their position on the Australian continent?

# I

23. Did you not agree with this and state that Japan would very soon secure bases for herself in Australia?

24. Did not the Fuehrer compliment Japan for its surprise attack on America?

25. Did you not state that if English and American diplomats in Japan had opened their eyes they could have noticed the readying and mobilization of the fleet?

✓ 26. Did Hitler stress the importance of the exchange of military discoveries between Japan and Germany? ✓ 47

✓ 27. Did you not enthusiastically agree with this and did you not state that the Japanese Army was skilled in landing operations, having carried them out for fifty years, and offer to place at the disposal of the German Army Japanese officers who were experts on landing operations? ✓ 47

✓ 28. And did you not at the conclusion of the conference express the hope that Germany and Japan would enter into close cooperation after the war? 47

NOTE: These questions are based on notes of conversation between Hitler and Oshima in the presence of Ribbentrop, 3 January 1942. IPS Doc. #4096.

III

25 November 1947

Re: OSHIMA Cross-Examination  
Gift of Submarines  
Section 20 of Affidavit

Part A

1. Prior to February 1943, did Germany urge Japan to use submarines against merchant shipping? ✓
2. In response to this, did not the Japanese Navy plan to stress tonnage warfare? ✓ 130
3. Did Admiral NOMURA suggest that you ask Germany for two submarines? ✓
4. Was not the Commander-in-Chief of the German Navy reluctant to comply with this request?
5. Is it not a fact that <sup>at</sup> a conference between Hitler and the high officials of the German Navy on 26 February 1943 the suggestion of your request for the submarines was discussed?
6. And is it not a fact that the Commander-in-Chief of the German Navy opposed the idea on the ground that Japan lacked the necessary materials to produce submarines in large number?
7. And did not Hitler approve the idea of releasing one submarine, partly to repay the shipments of rubber from Japan?
8. And is it not a fact that Hitler determined not to offer the submarines until he was asked directly? ✓

NOTE: These questions are based on "Fueher's Conferences on Matters dealing with the German Navy - 1943", page 14, item 4.



IV

24 November 1947

Re: OSHIMA - Cross-Examination  
Gift of Submarines  
(Section 20 of Affidavit)

1. Did you have a conversation with Ribbentrop on 6 March 1943?
2. Did not Ribbentrop ask you if you had any new information from your government on the submarine question?
3. Did he not ask you what Japan really intended to do?
4. Did you not reply that the Japanese Government intended to increase the submarine shipping attacks and would immediately set about making the necessary preparations?
5. And did you not mention the fact that Japanese submarines were at that time not suited for shipping attacks and that the Navy had to revamp its construction program?
6. And did you not state that the Japanese Navy would be grateful if it could obtain two submarines as models from the German Navy?
7. And did you not tell him that you had discussed the new submarine construction program with Admirals NOMURA and YOKOI?
8. And did you not tell him that Admiral NOMURA had been ordered back to Japan and suggest that it was important that he, NOMURA, discuss all the details with Admiral DOENITZ before his departure?
9. And did not the Foreign Minister agree with you and state that he would speak to Admiral DOENITZ?
10. Later on the same day, 6 March 1943, did not Ribbentrop again summon you to a conference?

IV

11. And did he not on this occasion explain to you that the German Government, after consultation with the Navy, was prepared to place one or two U-boats at the disposal of the Japanese Navy?

12. And did he not state at that time that the German Government offered these submarines on condition that the Japanese Navy tackle immediately submarine construction on a large scale and carry mass production into effect?

13. And did you not state that the Japanese Government was prepared to do this?

14. And did you not express the gratitude of the Japanese Navy and state that you would now direct Admiral NOMURA to discuss the details of this matter with the German Navy?

NOTE: These questions are based on notes of the interview between Ribbentrop and OSHIMA held 6 March 1943, IPS Doc. 2312. Portions of this document were introduced as Exhibit 812-A; R. 8014. The paragraphs on which the above questions were based were omitted from the translation of this document.

15. Did you have a conference with Ribbentrop at Fushl on 18 April 1943?

16. Did you tell him on that occasion that the first U-boat would sail about May 10 with Admiral NOMURA on board and that upon his return to Tokyo Admiral NOMURA would be the chief person responsible for the submarine construction program?

17. And did you state that it was planned that German engineers go on the first boat which would be commanded by a German crew?

IV

18. Did not Ribbentrop state that a successful U-boat war would be the most convenient and safest method for Japan to pursue?
19. And did you not tell Ribbentrop that the Japanese Navy had reached the same conclusion?
20. Was not Admiral NOMURA received by Ribbentrop on the same day in your presence?
21. And did not NOMURA thank Ribbentrop for the deep understanding and constant assistance Ribbentrop had shown to the Japanese on all naval questions?
22. And did not Admiral NOMURA say that he had discussed frequently with Admiral Fricke, ~~and~~ other members of the German High Command and with General Jodl the submarine question and the war against tonnage?
23. And did he not state that a plan was completed in October of 1942 to undertake a large Naval operation in the Indian Ocean?
24. And this plan had been frustrated by the American attack off the Solomon Islands.
25. Did not Ribbentrop explain to Admiral NOMURA the views of the Fuehrer concerning tonnage warfare?
26. And did he not mention the discussions which had taken place between you and Ribbentrop concerning the necessity of Japan conducting tonnage warfare?
27. And did not NOMURA reply that this change of policy was exactly what was needed by the Japanese Navy?
28. And did not Admiral NOMURA state that plans and preparations for construction of new models had already been made and that the new U-boats were expected to be ready for use by the end of the year?

IV

29. Did not Admiral NOMURA state that he considered tonnage warfare the most important since America had to send troops over all the seas of the world and that the cutting of lines of communication was to the great advantage of Germany and Japan?

NOTE: These questions are based on the notes of the interview between Ribbentrop and OSHIMA held at Fushl on 18 April 1943, the latter part of which was attended by NOMURA. IPS Doc. 520, introduced as Exhibit 839 for identification only, R. 8,174. A portion of this document not pertinent here was introduced in the Russian phase, Exhibit 839-A, R. 8,175. The part introduced in the Russian phase is from page 4 of the English typewritten copy.

November 25, 1947

MEMORANDUM TO: Mr. F. S. Tavenner, Jr.  
FROM: Kurt Steiner  
SUBJECT: OSHIMA'S ACTIVITIES FOSTERING SEDITION IN INDIA  
AND THE MOHAMMEDAN COUNTRIES

In addition to documents mentioned in my memorandum of November 19, 1947, to wit, IPS Doc. 4096 (complete translation available), IPS Doc. 4075, Item 4 (rough translation available), IPS Doc. 1395 (complete translation available), and Case File No. 203, Serial 104 (no documentary substantiation available), IPS Doc. 1372 contains further proof of OSHIMA's activities fostering sedition in India. This is a memorandum of a conference he had with RIBBENTROP on 24 June 1942. Parts of it relating to other matters were introduced as Exhibit 778.

In this conference OSHIMA thanked RIBBENTROP for the agreement of the German Government to have BOSE brought to East Asia. He, OSHIMA, suggested to Tokyo to have BOSE brought to Bangkok on the known special route. RIBBENTROP asked OSHIMA whether connection exists between Gandhi and the Japanese agencies dealing with fostering sedition in India. OSHIMA replies that his government plans to give a new government to Burma and trusts that the example of an independent Burma would have a strong influence on the Indian nation. His opinion of Gandhi is negative, as he already informed Tokyo. At this moment, an Italian suggestion to transport BOSE by airplane via Rangoon was delivered to RIBBENTROP. OSHIMA criticizes the Indian national SCHEDAI subventioned by Italian government for seditious work in India. This man received financial assistance from the Japanese Embassy in Rome until very recently, but OSHIMA ordered this to be stopped. Details of BOSE's transportation to East Asia are then discussed.

K. STEINER  
1st Lt., Inf.

MEMORANDUM

19 Nov. 1947

To: Mr. Frank S. Tavenner  
From: Lt. Kurt Steiner  
Subject: OSHIMA's AFFIDAVIT

The following documents may be of interest in connection with OSHIMA's cross-examination on the portions of his affidavit indicated.

- 1) Page 11 - Connection between Anti-Comintern Pact and Tripartite Alliance. (IPS Document 4065 - Item 11)

In a conversation with GAUS, OSHIMA suggests that the Anti-Comintern Pact be prolonged without the secret protocol which is now "replaced by the Tripartite Alliance" (Page 4 of my memorandum dated 13 November 1947).

- 2) Page 12 - General FALKENHAUSEN's participation in Japanese peace negotiations with China:

a) IPS Document 1269 - Frame 145808 - Telegram from TRAUTMANN 10 January 1938. FALKENHAUSEN informed him that he always advocated to the Chinese that it is better to conclude some sort of an acceptable peace rather than prolong the war.

b) IPS Document 1269 - Item 3 - A telegram from FALKENHAUSEN, Berlin, 5 January 1938, containing among other points approval of a statement to be made by FALKENHAUSEN through the Chinese describing the results of a continuation of the war. (Processed but not used) *risks*

c) IPS Document 1271 - Item 3 - Telegram from TRAUTMANN 13 January 1938, stating that FALKENHAUSEN had a two-hour talk with General CHANGCHUN in which he emphatically explained to him the necessity of beginning negotiations with the Japanese.

- ✓ 3) Page 15 - OSHIMA's occupation with propaganda for a Mohammedan and Indian independent movement.

a) IPS Document 4096 - In a conference with HITLER on 3 January 1942, OSHIMA suggested a joint German-Japanese declaration regarding India (HITLER had expressed his intention of helping the Arabian independent movement).

Memorandum to Mr. Tavenner - OSHIMA's Affidavit continued:

- ✓ b) IPS Document 4075 - Item 4: In a conference with RIBBENTROP on 4 January 1942, OSHIMA Discussed an increase in Propaganda for India and the Mohammedan countries.
- ✓ c) IPS Document 1395 - In a conference with RIBBENTROP on 30 July 1942, German-Japanese cooperation in bringing the Indian Nationalist leader BOSE from Europe to Japan is discussed (BOSE was brought to Japan, organized the independent Indian army to fight against Great Britain, and appeared with other Japanese puppets at a Greater East Asia conference in Tokyo in 1943).
- d) According to Case File 203, serial 14, OSHIMA conveyed a message from GRAND MUFTI AL HAJJ ALMIN AL-HASAYN, of Jerusalem, who was then in Berlin, to General KOISO on 3 October 1944.
- 4) Page 27 - On OSHIMA's attitude in regard to the German-Russo-non-aggression treaty.
- a) IPS Document 4047: Item 20 is most about the conference with OSHIMA after RIBBENTROP's phone call had informed the latter of the impending conclusion of the non-aggression pact. Far from charging Germany with an "act of extreme bad faith" OSHIMA determined, together with WEISZAEKER, "the arguments by which he (OSHIMA) might convince his government of the necessity and indeed the advantages of the present step", and how OSHIMA could mitigate the violent effects of the non-aggression pact in Japan.

The contents of this memorandum were forwarded by wire to Tokyo. (IPS Document 4033 - Item 1: See page 4 of my memorandum of 3 November 1947. A typed translation is attached to IPS 4033 - Item 1.)

- b) IPS Document 4047 - Item 23: Telegram from WEISZAEKER 22 August 1939 about OSHIMA's talk with RIBBENTROP when the latter passed through Berlin. No mention is made of an oral protest by OSHIMA. OSHIMA informed RIBBENTROP confidentially that he has offered his resignation. OSHIMA's stay in Berlin is an asset which the Germans would not like to forego. OPT is requested to see to it that OSHIMA remains at his post.
- c) IPS Document 4077 - Item 34: Memorandum regarding WEISZAEKER's conference with OSHIMA on 26 September 1939. No mention is made of postponement of protest because of the Polish difficulty. WEISZAEKER requested

Memorandum to Mr. Tavenner - OSHIMA's Affidavit continued:

that OSHIMA should ponder for 24 hours on the question of how to get around instructions from his government which are not beneficial for both countries. OSHIMA, who did not present his protest, was worried because his instructions from Tokyo were unequivocal.

- d) Exhibit 546 is WEISZAEMER's memorandum about his conference with OSHIMA on 18 September 1939, to which OSHIMA presented the protest. OSHIMA stated that he had postponed its presentation until the end of the Polish campaign. He had previously telegraphed to his government that he had followed his orders. In talking to RIBBENTROP he had added that this paper could disappear in the documents of the German Foreign office according to the judgment of that office.
- 5) Page 43: OSHIMA's official position after the outbreak of the war. IPS Document 4075, Item 9 (Paragraph 7B of my memorandum of 13 November 1947) and IPS Document 4096 (Item 2 of my memorandum of 13 November 1947) deals with the increased scope of OSHIMA's authority in connection with the conduct of the war.
- 6) Page 43: The Japanese-German Economic Agreement; OSHIMA's participation in the drafting of an economic agreement is shown in IPS Documents 1230 and 1373 (Items 1 and 3 of my memorandum of 3 November 1947).
- 7) Page 45: (Top) Submarine question: OSHIMA refers obviously to his conference with HITLER on the 3 January 1942 (IPS Document 4096). According to the memorandum about this conference he "somewhat concurred in the statement of the FEUHRER and said that the Japanese too are forced to follow these methods" (Item 2 of my memorandum of 13 November 1947).

Lt. Kurt Steiner



Excerpt from notes taken at a conference of the  
Commander-in-Chief, Navy with the Fuehrer in his  
Headquarters at Vinnitsa on 26 February 1943.

Present: Admiral Krancke  
Lt. General Jodl  
Captain von Puttkamer

\* \* \* \* \*

The Commander-in-Chief, Navy reports that the Japanese Admiral NOMURA had mentioned that the Japanese Navy was planning to use submarines against merchant shipping and that he had asked Ambassador OSHIMA and Foreign Minister v. Ribbentrop to request that two German submarines be put at Japan's disposal. The Commander-in-Chief, Navy explained that nothing would be gained in a military way by turning over the submarines, since he did not believe that they could be produced in large numbers in Japan because they lacked the necessary materials.

The Fuehrer favored the idea of releasing one submarine partly to repay the shipments of rubber from Japan. It would be easier for us to give up a submarine than high grade steel and finished products, such as machine tools. He will not decide the matter until he is asked directly.

\* \* \* \* \*

(From: "Fuehrer Conferences on Matters Dealing  
with the German Navy - 1943", p. 14, item 4.)

20 August 1947

MEMORANDUM TO: Mr. D.N. Sutton

FROM : Lt. K. Steiner

SUBJECT : Agreement <sup>of views</sup> Between German and Japanese Navy  
Concerning the Use of Submarines.

1. The opening statement of Mr. Brannon contains on p. 7 the following sentences:

"Japan at no time accepted the German policy of submarine warfare. Japan sought to confine the activities of its underseas craft to destruction of Allied war vessels and not commercial shipping and supply lines. This was the great principle in disputes between Germany and Japan."

2. The affidavit of Admiral Paul W. Wenneker (Defense Document 1972) states in this regard on p. 2:

"Relative to cooperation between Germany and Japan in regard to submarine warfare, I wish to say that the utter lack of cooperation would be the better topic for discussion. Germany did attempt to school Japanese naval officers in the thought that submarines should be used to attack enemy merchant shipping and thereby to cut off the supply lines. The Japanese Navy contended that they could better use their submarines for direct attack against fighting vessels of the enemy. Hence our proposal was completely rejected."

3. Admiral NOMURA in his affidavit (Defense Document 1606) limits himself to the German requests for increased Japanese submarine warfare in the Indian Ocean in connection with the North African Campaign (March, April, 1942).

4. Your attention is invited to par. 1d of my memorandum of 18 August 1947, which mentions Exh. 839-A, as showing (in a portion which was not read into the Record) that the Japanese Navy accepted the viewpoint of the German Navy regarding the importance of submarine warfare against merchant shipping after the Guadalcanal Campaign in October 1942, and promised to use all its powers for cargo warfare.

Memo to: Mr. D.N. Sutton  
From : Lt. K. Steiner  
Subject: Agreement Between German and Japanese Navy  
Concerning the Use of Submarines.

5. To show that Japanese submarines were actually used against embargo vessels thereafter in conformity with this changed ~~the~~ viewpoint of the Japanese Navy, the Court's attention may be directed to the following exhibits:

a. Exh. 2092 (p. 15153), which is a protest by the British Government, dated 5 June 1944, against the attacks made upon survivors of six merchant vessels torpedoed by Japanese submarines containing the names of said vessels.

b. Exh. 2076 (p. 15088), which is a protest by the United States Government, dated 20 June 1944, against the attack made upon survivors of United States merchant ship; the U.S.S. RICHARD HOVEY, torpedoed by Japanese submarine.

K. STEINER  
1st Lt., Inf.

*Copy & Grant*

*Ans.*

INTERNATIONAL PROSECUTION SECTION

*8/21*

MEMORANDUM

17 June 1947 ✓

TO : Mr. Frank S. Tavenner  
FROM : D. N. Sutton  
SUBJECT: Cross-examination of NOMURA, Naokuni  
Def. Doc. No. 1606

I. Military Agreement between Germany, Italy and Japan dated 18 January 1942. (Section 2 of the affidavit)

Who conducted the negotiations on behalf of Japan which preceded the execution of the military agreement between Germany, Italy and Japan dated 18 January 1942?

Over what period of time did these negotiations extend?

Where were they conducted?

Was Ambassador Oshima advised of the progress of these negotiations?

From whom did you receive instructions in connection with the preparation of this agreement?

Did you execute this agreement on behalf of Japan?

Note: The military agreement between Germany, Italy and Japan dated 18 January 1942, Exhibit 49, was read in evidence at R. 6681.

*Copy of J.P.S. Doc 520  
from which 4839A was taken  
forwarded grant. with the original  
of this -*

II. Military Cooperation Including Submarine Warfare after the Outbreak of the Pacific War. (Section 3 of the affidavit)

A. Cooperation between Germany and Japan.

Were there not frequent conferences between you, Admiral Fricke and other members of the German Naval Command, as well as with General Jodl, on the submarine question and the war against tonnage?

You state in Section 3 of your affidavit that Germany and Italy repeatedly proposed that the Japanese Navy intensify its activities in the Indian Ocean and that you tried to persuade the German authorities that the Japanese fleet was too fully occupied in other theaters to divert strength to the Indian Ocean. Was not a plan completed in October 1942 to undertake a large naval operation in the Indian Ocean?

And was not this plan frustrated at the time by the American attack off the Solomon Islands?

Did not you notify the members of the German Naval Command that in connection with the battle of the Solomon Islands and Guadalcanal the greatest importance was to be attached to the cutting of enemy lines of communication and, consequently opinion on the employment of the U-boat arm had also changed?

And did not Ambassador Oshima about the same time conduct discussions with Foreign Minister Von Ribbentrop on the necessity of Japan conducting tonnage warfare?

4 - Did not Foreign Minister Von Ribbentrop explain to you in April 1943 the views of the Fuehrer on the subject of naval warfare? And did he not tell you on that occasion that the Fuehrer considered the big battleship in its present form too vulnerable an object as it had constantly to be surrounded by a convoy of ships to protect it?

And did he not tell you that the American fleet would not enter into a large naval engagement?

And did he not likewise tell you that it was the Fuehrer's opinion that a big U-boat arm was the best protection for Japan and the surest means of winning the war quickly?

Did you agree with this change of policy which the Fuehrer suggested through Foreign Minister Von Ribbentrop?

(If the answer to the above question is negative:

Did you not state that this change of policy was what was needed by the Japanese Navy, which up to that time had

concentrated only on sinking as many enemy battleships as possible?

And did you not state that the Japanese Navy would there-  
after order all fighting forces, cruisers, torpedo carrying  
aircraft and the U-boat arm to wipe out enemy tonnage?

And did you not report that in half a month over 100,000  
tons had been sunk and did you not further state that  
recently a number of U-boats left for operation outside  
the Persian Gulf?

Were not the discussions between you and the German Foreign  
Minister on 18 April 1943 held in the presence of Ambassador  
Oshima?

And did you not on this occasion <sup>18 Apr 1943</sup> thank the Foreign Minister  
for his "reliable cooperation and particularly for the deep  
understanding and constant assistance which he had shown  
toward the Japanese in all naval questions?"

And did not the Ambassador on that occasion express to you  
in the presence of Ambassador Oshima the "hope for further  
satisfactory cooperation in the interest of the common cause?"

Note: These questions are based on notes of the interview between  
Von Ribbentrop and Oshima held at Fushl on 18 April 1943,  
the latter part of which interview was attended by the  
witness NOMURA, IPS Doc. No. 520, pages 9, 10 and 11.  
This document was introduced as Exhibit No. 839 for iden-  
tification only, R. 8174. This portion of this document  
has not been introduced in evidence. If the witness  
substantially denies any of the foregoing questions,  
then the exact language of the document might be put  
to him and he be asked if that does not refresh his  
memory. (Page 4 of this document was introduced as  
Exhibit No. 839-A, R. 8175, in the Russian Phase of  
the case. It is not pertinent here.)

B. Donation of Two German Submarines to Japan.

You state in Section 3 of your affidavit that you do not know what the German Naval authorities expected of Japan in connection with Hitler's offer to Ambassador Oshima to donate two German submarines to Japan, and you further state that "in return for this offer no request was made for more intensified submarine warfare on the part of Japan."

Is it not a fact that the gift of the submarines was for the purpose of enabling Japan to effect the change of policy which had been suggested by the Fuehrer through Von Ribbentrop to you, to the end that the Japanese Navy would concentrate on wiping out enemy tonnage?

Did not Von Ribbentrop discuss with Oshima the matter of the importance of submarine warfare and the policy of strong cooperation between the Japanese Navy and the German Navy in the matter of submarine warfare?

And did not Von Ribbentrop at that time, March 1943, state that Germany would be willing to let Japan have its new type of submarine? (This question is based upon Exhibit No. 2106, R. 15186.)

Did you not handle details of the negotiations concerning the delivery of the two German submarines for Japan after this had been agreed upon between Von Ribbentrop and Oshima?

(If the answer to the above question is negative:

I read you an excerpt from the interrogation of the defendant Oshima, Exhibit No. 2106:

"Q. Directing your attention to March 1943, what was said by you and by him (Ribbentrop) in regard to the importance of the submarine warfare?

"A. I do not know whether it was this meeting or not, but I do recall where he suggested that Japan institute submarine warfare as Germany had been doing, and in this regard they would be willing to let us have a new type German submarine.

"Q. In fact they sent you two German submarines, did they not?

"A. Yes. The negotiations were done by me, but the details were handled by the Japanese Navy, and I believe that one of the submarines was sunk before arriving in Japan.

"Q. What officer of the Japanese Navy had charge of the negotiations?

"A. I believe it was Admiral Nomura. The actual matters dealing with military matters are not supposed to be handled by the Ambassador. I heard about this matter and the rest of it was handled by Admiral Nomura. "

Does that refresh your memory?

Did not Von Ribbentrop urge Oshima to have Japan make more use of the submarine?

And was it not in this connection that Germany offered to give Japan the two submarines?

And did not Oshima convey this information to you as a representative of the Japanese Naval authorities?

(If the answer to the above question is negative or evasive, the following questions are suggested:

I quote you the following excerpts from the interrogation of the defendant Oshima, Exhibit No. 2106, and ask if these refresh your memory:

"Q. \* \* \* On the matter of policy Ribbentrop indicated to you that he was convinced that the submarine campaign alone could force a successful conclusion of the war along 1943 and perhaps 1944, did he not?

"A. I do not remember whether he said we could win by this alone, but I do know that he stressed the importance of submarine warfare as being very, very valuable.

"Q. And therefore urged that Japan make more use of the submarine?

"A. Yes, in general, he stated that we should make more and better use of our submarines, and in this regard offered to give us two submarines. If you wish, I will tell you some of the promises made between the two military branches."

On page 5 of this same exhibit, Oshima stated: " \* \* \* I do remember telling them\*about Germany's proposal to intensify submarine warfare and of their offer to give us two submarines."

\*(Nomura and Yokoi)



And on page 6 of this exhibit:

"Q. And further that you did convey that information to Japanese naval authorities?

"A. I conveyed to the Naval representatives the matter of the two submarines that they offered to give us, and the request that we intensify submarine warfare, but whether I actually spoke to them about this order that you are stressing I do not recall, as I never felt that the order was anything that should be followed. In this regard, I would wish that you speak to either Nomura or Yokoi to see whether I did convey this to them or not."

Did Ambassador Oshima discuss with you and Admiral Yokio in the early part of 1943 the increased production of Japanese submarines?

Did you receive a telegram around the first of March 1943 ordering you back to Japan?

Was your recall in connection with the submarine construction plan?

Did you discuss with Admiral Doenitz the plan for increased submarine construction?

Did not Ambassador Oshima on 6 March 1943, in an interview with Foreign Minister Von Ribbentrop, state that the Japanese Navy had to revamp its construction program and would be grateful if it could obtain two submarines as models from the German Navy?

And did not Von Ribbentrop on that same date (6 March 1943) again summon Ambassador Oshima and explain to him that the German Government, after consultation with the Navy, was prepared to place one or two U-boats at the disposal of the Japanese Navy?

And was it not proposed at that time that you discuss the details of this matter with Admiral Meisel?

And did not the German Government offer these boats on condition that the Japanese Navy tackle immediately submarine construction on a large scale and carry mass production into effect?

And did not Ambassador Oshima state to Von Ribbentrop that the Japanese Government was prepared to do this?

Did Ambassador Oshima direct you to discuss the details of the transfer of these submarines with the German Navy?

Did you discuss the matter with the offices of the German Navy?

Note: These questions are based upon two portions of the record of the conference between Von Ribbentrop and Oshima held 6 March 1943, IPS Doc. 2312, being portions of the document which were not translated and, of course, not introduced in evidence. A part of this document was introduced as Exhibit 812-A, R. 8114. However, that portion is not pertinent here.

Trip on German Submarine - Decoration.

Questions might be laid upon the following:

The publication "Japanese Government Officials 1937-1945", prepared by Military Intelligence Section, War Department, Washington, D. C., undated, formerly classified as secret information, which classification has now been cancelled, a brief curriculum vitae of NOMURA, Naokuni with a short paragraph at the end from which the following sentences are quoted:

"During his stay in Germany, NOMURA, wearing a German naval officer's uniform, was on board a submarine in an engagement in which an Allied ammunition ship was torpedoed. For this he received the Iron Cross, First Class."

It is a fact that on 10 August 1944 Nomura was decorated with the "Order of Eisen Kreuz, 1st Class" on the recommendation of the Foreign Ministry and the achievement is recited as Japanese-German amity. (Other decorations received by this witness appear in the attached resumé prepared by Mr. Cunningham.)

If it is deemed proper to develop this line of cross-examination, the witness might be asked if he did not have occasion to visit German submarine nests; whether he inspected German submarines; whether he ever made a trip on a German submarine; and should his answers be favorable he might be asked what uniform he wore on that occasion and what, if anything, unusual occurred.

The Bungei Shunju  
Jan. 1940

The Idea of German Diplomacy  
OSHIMA Hiroshi

German diplomacy is, as a matter of fact, Fuehrer Hitler's diplomacy. Hitler mentions honour (Ehre), equality, (Gleichheit) and freedom (Freiheit) as the three principles of diplomacy. In other words, he means to bravely endeavour to improve such things as impair the honour of Germany, hinder her equality and take her freedom away.

For instance, the Versailles Treaty is against these three principles. Therefore Germany tried to break herself off from this regime, and the declaration of re-armaments, the denunciation of the Locarno Treaty, the occupation of Rhineland and other daring acts with which Germany is now throwing the world into utter amazement--they have all come from these three principles. Any obstacle to the honour of Germany, to the equality of Germany, and to the freedom of Germany must be swept as soon as possible.

Practical affairs of course do not always conform with principles. Each country has her own fine diplomatic principles. Weak countries are too powerless to carry out their ideals, while strong ones, depending upon their power, entrench themselves behind the shield of their principles. Germany, however, may be said to be one of those countries which are steadily carrying out their ideals and leading principles. Lookers-on may think that their state ideals are carried out too hastily and somewhat overbearingly, but at least Hitler himself is convinced that he is carrying out sound diplomatic policies at opportune moments.

This way of thinking is revealed in various diplomatic policies. To cite an example, it is clearly shown in Hitler's diplomatic document exchanged with the British Government in the well-known "blank document" in the recent Polish trouble. That is to say, Great Britain desired the withdrawal of the German

forces when they advanced into Poland, suggested that Germany and Poland should negotiate afresh on a blank slate and proposed that the British Government should also join in these negotiations at such time. Hitler, however, flatly refused this request.

As answered the German forces might give ear to such requests of Great Britain and France when they had accomplished the aim of their advances, namely after they had secured victory, but while the objective of advances with good reasons is not achieved, for the sake of German "honor", it is impossible to withdraw her troops, even for the convenience of diplomatic negotiations. This shows us how important they think of honour.

In the complicated international relations of today, however, mere speech cannot secure the safety of a country. It can be understood that she /Germany/ has endeavoured to maintain a strong army in a short time as a support to back her and to carry out her own diplomacy of the three principles under the support of this real power. She has often achieved bloodless victory because to accomplish her purposes, she attended to affairs being prepared for war in the worst case. The difficult work of the present reconstruction of Germany has been accomplished entirely because of the sagacity of the statesmen to perceive the development of things, decision at the right moment, a powerful army, perfect command with the whole nation under it and /the nation's/ trust /in the command/. It deserves our admiration that Germany has made herself what she is under the complicated situation of Europe.

Can it be considered that the bloodless diplomacy, however, which annexed Austria, and dealt with Csecho /-Slovakia/ twice, failed in its diplomacy by giving rise to the second Great World War by finally making a foe of England and France by annihilating Poland on the pretext of the Danzig problem?

Now, diplomacy presupposes the other party. It is by nature adaptable to any changes to suit the occasion, and it is not necessarily right to think that German diplomacy made a failure or a miscalculation in coming to the present War. Germany was always prepared for war and carried out all policies on that basis. That is to say, she was determined to resort to arms at any moment according to the other party's attitude towards her when she carried out her own positive policies.

In this way the victory of bloodless diplomacy came to be talked about, and her firm resolution was the same this time as before.

There is nothing more necessary at present than such close connection of diplomacy and military force.

The conclusion of the Non-Aggression Treaty between Germany and the Soviet Union gives us an impression that both countries were, evilly-speaking, too crafty. I think this infuriated not a few of the people. I think we cannot, however, rightly oppose /denounce/ this as the last measure Germany resorted to in her critical situation when by this means she would either be forced to make operations on two fronts or by only one front, or be able to avoid war. Is not the Soviet Union at present desiring merely to advance to the Baltic Sea on one hand and to reach a rapprochement with Japan in the Far East on the other? Diplomacy of course admits of no conjecture, but I think it may be possible at this juncture to make the Soviet Union wash her hands of China.

Fuehrer Hitler carries on German diplomacy himself. Ribbentrop is a good assistant to him. Hitler himself was a superior private in the World War /I/ and has no experience whatsoever as a diplomat. He has become from his particular character a first-class personage and diplomat in the world.

He takes to histories and philosophical works while busy in state affairs, meditates hard and is devising all policies from the principles which have crystallized in his head. Ribbentrop is quite one with Hitler and has a good understanding of Hitler's diplomatic belief, and it is not too much to say that German diplomacy lies in the hands of these two. Such being the case, quick daring diplomacy could be carried out which astonished the world. Ribbentrop has an acute intellect and a quick perception--a thing which Germans seldom have. He also has a very strong will and is a type of man who never fails to go through what he has determined to do. He is exactly the right diplomatic assistant who has no match in the positive diplomacy that is the upshot of the present "Nazis' ideology". Ribbentrop's trait is, to be more exact, to spare no pains. Usually no policies are carried out without some obstacles or other. He is truly a modern

international statesman who is ready, in such cases, to fly to Rome or London and handles the matter quickly. Being such a type of active man, he does not stick to trifles or care about minor details in negotiation or dispute, but tries to grasp main points. In this sense, I could not but recognize his quick perception in my various actual negotiations.

He is not a very early riser, as foreigners go, but tenaciously sits at work very late at night. He is quite a different type of statesman from the so-called petty officials.

I had much intercourse with Goering and other military men while I was a resident officer, and I have been acquainted with Ribbentrop and other diplomats and statesmen since I was an ambassador. These men gave me an impression that the Nazi leaders were all settled in resolution and that they were young.

Since the München disturbance in November, 1923, the present Nazis have been under the oppression of communism and social democracy, have often lingered on the verge of death, have exposed themselves to danger from morning till night--they have busied themselves so much to make the defeated Germany what she is today--a fact which I think has had an effect upon their character, has trained them and has made of them statesmen who are sincerely anxious about the future of their country and grapple with their national crisis.

As Germans usually do, Fuehrer Hitler strongly trusts and respects Japan. It is true that he had political interest, but he depends much upon the Japanese nationality and the character of the Japanese.

Hitler paid attention to German history and the traditions of the foundation of their country, upon which school education also laid stress. This is perhaps because he knew that a man could not perform his duty as a citizen of his country unless he respected the history of his country. It was quite natural that he respected our history of 2600 years.

He also teaches, "Be always brave". In his speech in the Reichstag of Sep. 1, he said, "Let Goering be commander when I am killed at the front; let Hess succeed Goering when he dies; and choose the bravest Nazi when Hess dies," and went immediately to the front and to

the first line. The Japanese are likewise very brave, a people who do not fear death. Hitler was thus faithful to his belief and loved to be bold and daring.

It is quite natural that even the parties concerned should be unable to foretell the saying, "what will become of the European War". The view is prevalent that a modern war is a protracted national total war. Germany is now of course well aware of this. And yet she has entered into war, so we might think that she is prepared for a protracted war and at the same time has confidence in her operations to win the war in a short time.

Victory is, however, as is called, an uncertain affair. Nobody can tell which side will win.

It is dangerous to judge the present war by the standards of past wars. What were operations on two fronts before are now operations on one front, and each country is trying to localise the war. We have to constantly watch how the world is moving, to make a good study of war and to ponder quietly upon its results. Whether they are participants or not, all Powers are affected by the war in question. Our Government, at this juncture, must establish national policies and to exert itself to carry them out.

Our policies towards the United States and towards the Soviet Union must be grasped in a wide sense as links of our world policy. A far-sighted policy has to be formulated for future Japan so as to win the consent of the people.

The European War occurred after a lapse of 25 years. Everybody must take this opportunity to lead Japan to greater prosperity in the world.



The following telegram is War Ministry Telegram No. 235:

1. Both the Army and Navy are in agreement with the purport of the treaty plan which was brought by Maj. Gen. KASAHARA. The opinion to adopt this concurred upon the following conditions:
  - a. Add the following essentials as the preamble. (Plan for preamble omitted).
  - b. Change 'diplomatically' of Article 2 to 'economic'.
  - c. Change the end of Article 3 from: 'there is an obligation to perform' to 'will enter into a conference immediately'.
  - d. The phrases, 'menace and attack', of Articles 2 and 3 will be designated as: 'unless provoked'.
  - e. It is our opinion that we would like to prescribe clearly and in detail, the methods of execution and limit of the sphere of the conditions of military aid to be given in accordance with the secret treaty to be attached to the main treaty.
2. Since we desire to conclude this treaty as promptly as possible, we wish Germany would take steps to submit this plan formally soon.

Explanations concerning War Ministry telegram, No. 236:

1. 'The Preamble Draft' is that this treaty is an extension of the existing Anti-Comintern Pact, and is a plan which makes clear the intent that the Soviet Union is the chief target. Care was taken so as not to give the impression from the wording that England and the United States are the greatest enemies.
2. The Text Plan, 'Obligation of Military Aid in Article 3, is not instantaneous or unconditional. In order to nullify the danger of becoming involved in a purely European problem against our will, a conference before we enter with military aid is the principle.
3. In order to allow the purport of this treaty to take on a defensive character, 'menace and attack' will be limited to 'provocation'.
4. Furthermore, the text of the plan is at present under zealous consideration.

DEFENSE DOCUMENT 613-A-14

The Prosecution objects to the introduction of this excerpt from the interrogation of MATSUOKA.

A similar excerpt from the interrogation of MATSUOKA (Def. Doc. 613-A-10-13 and 2) was offered on 17 June 1947 and rejected (R. 24,570-2). The ruling of the Court at that time was as follows:

"MR. COMYNS CARR: Your Honor, the position as far as I recollect it is, certainly on the first occasion, when an excerpt from MATSUOKA's interrogation was tendered the Tribunal rejected it on my objection that the only basis or justification for using a part of this interrogation could be that the prosecution had used a part of it and therefore that the defense was entitled to do so; and, as the prosecution did not use any part of MATSUOKA's interrogation, I successfully objected to the defense doing so.

"THE PRESIDENT: We have fully considered that matter, and by a majority we came to the conclusion that the interrogation of any of the accused can be used for or against himself only. That is what it amounts to. Of course, where one of the other accused heard what he said and admitted its truth, it could be used against him. But, we know of no such case yet.

"MR. COMYNS CARR: MATSUOKA no longer being amongst the accused I assume the ruling means that his interrogation cannot be used by either side.

"THE PRESIDENT: That is the Court's decision and we will hear no discussion about it."

*See also*

*R 24,576*

DEF. DOC. 2728 (and the next 14 documents)

The Prosecution objects to this document and to each of the next 14 documents on the present order of proof on the grounds

1. That it is not necessary to prove the rules of international law before this Tribunal as has been repeatedly determined by the Tribunal (R. 17,601-17,606; R. 17,665-17,685; R. 17,688-17,689).

2. These documents present pure legal arguments which are not proper at this stage of the proceedings and these excerpts from and citations of authorities if pertinent should be submitted in final summation.

RE: Proof of International Law--last 15 documents OSHIMA phase.

These documents are objected to on the ground that it is not necessary to prove the rules of international law before this Tribunal and that these excerpts, if proper, should be submitted in the final summation.

In offering Doc. 475-B (R. 17,601) Blakeney said, "I propose that the Tribunal should receive this and similar material to assist it in determining what is the international law under which these defendants stand accused."

In the discussion on this subject the President at R. 17,605 said, "The common law, of course, is not to be ascertained by the way of evidence, not by this Tribunal which administers international law relating to war. You might as well contend that the common law of England has to be ascertained by evidence." and later at R. 17,606 Blakeney suggested that he did not know whether evidence should be introduced of the customary law of nations or whether judicial notice would be taken of the actions which go to make up the customary law and the President replied, "I venture to say that the common law would be ascertained by this Tribunal as the common law would be ascertained by English and American courts; and the treaties would be proved in the usual way subject to our power to judicially notice them under the Charter."

2

The same rule was re-affirmed by the Court at the time of the rejection of the report presented to the preliminary peace conference by the Commission on the Responsibility of the Authors of War and on the Enforcement of Penalties dated 29 March 1919, Def. Doc. 353, and at the time of the rejection of the United Nations Charter, Def. Doc. 548, R. 17,665-17,685.

Objection was made to Def. Doc. 115, a report of the 23d Parliamentary Conference held in 1925 on "The Criminality of Wars of Aggression and the Organization of International Repressive Measures" on the ground that it was a matter that relates to legal argument and not a matter that should be presented to the Tribunal in the form of evidence. The objection was sustained (R. 17,688-16,689).

Sutton

~~1. General OSHIMA, do you understand English?~~

2. While you were a Section Chief of the Army General Staff Headquarters from August 1, 1931, to April, 1934, did you confer with officials of the War Ministry?
3. Were the following accused connected with the War Ministry during this period: ARAKI as War Minister, MINAMI as War Minister, KOISO as Director of the Bureau of Military Affairs, and SUZUKI as member of the Bureau of Military Affairs?
4. You state on page 47 of your affidavit that you served with TOJO and UMEZU on the General Staff. Were not MATSUI and MUTO also members of the Army General Staff during the period that you were a General Staff Officer?
5. Did you not also come in contact with Lt. General HATA, Inspector of Artillery, from August, 1931, to August, 1933?

## II

1. Will you please state what official position in the German Government was held by the following persons whose names were signed to various telegrams and memorandums admitted in evidence:

Weizsaecker  
Knoll  
Wiehl  
Woermann  
Erdmansdorf  
Makensen  
Scholl  
Neumann  
Thomas  
Rintelen  
Schleier



2. In addition to the instructions you state you received from the General Staff concerning your duties in Germany, page 7 of your affidavit, were you not instructed with regard to a pact with Germany that you should try to discover what Germany would do in case of a war between Japan and the USSR? (Page 20 of interrogation)
3. Exhibit 477, page 5,913 of the Transcript, is an excerpt from your interrogations showing various conferences between you and a German National by the name of HACK regarding a Japanese-German alliance. Was HACK a representative of the HEINCKEL Airplane Company and was he extensively engaged in selling airplanes and parts to Japan?
4. Had HACK spent many years in Japan where he was at one time advisor to the South Manchurian Railway Company?
5. Is it not true that prior to December, 1935, the only treaty which had been contemplated in your discussions with HACK and RIBBENTROP was one which provided that in event of war with the USSR the other party should agree not to carry out any measure which would in effect relieve the position of the USSR? (Based on page 25 of interrogation.)
6. Is it not also true with regard to the treaty which had been contemplated prior to December, 1935, that in the event of war with the USSR there would be immediate consultation between Japan and Germany on measures to preserve their common interests?
7. Is it not also true that the German Army did not want a military alliance with Japan made public at that time, and in consequence the pact was changed to an anti-Comintern pact at the suggestion of Germany?

8. (If he denies #7) Was Admiral KOJIMA on your staff at that time, and, if so, in what capacity?
9. (If he denies #7) Is it not true that Germany suggested the alliance be changed to an anti-Comintern pact? (Based on page 25 of interrogation.)
10. It is a fact, is it not, that the original idea of a Japanese-German alliance, which had been discussed by you with HACK and RIBBENTROP prior to December, 1935, was ultimately incorporated in the secret agreement attached to the Anti-Comintern Pact?
11. (Depending upon the answer of WAKAMATSU to Question #\_\_\_\_\_) Did WAKAMATSU express your views with regard to the results to be obtained by Japan in concluding an Anti-Comintern Pact with Germany when he stated that by the conclusion of such a pact Japan could forestall Germany from drawing closer to Russia, obtain the necessary intelligence and new type weapons from Germany, and also keep Germany from taking sides with China?
12. At the time of the conclusion of the Anti-Comintern Pact, 25 November, 1936, Germany had not yet emerged as the powerful and aggressive nation she later became. Is that not so?
13. However, you knew and recognized at that time the great potential military might of the New Germany dominated by HITLER and the Nazi Party, did you not?
14. It is true, is it not, that you sponsored and aided the conclusion of the Anti-Comintern Pact in the belief that by linking Japan to Germany in the midst of huge military preparations, Japan would be aided and strengthened in its position in Manchuria and in its policy which was then being executed in North China?

15. Is it not true that on 6 November 1937, Italy was recruited as a member of the Pact?
16. You likewise knew at the time of the <sup>admissions of Italy to</sup> ~~conclusion~~ of the Anti-Comintern Pact, and during the period of negotiations with regard thereto, that the League of Nations had on 7 October 1935 declared Italy an aggressor against Ethiopia and that Italy, following the example of Japan in Manchuria, accomplished the occupation of Ethiopia on 2 May 1936, didn't you?
17. By admitting Italy into the so-called Anti-Comintern Pact you believed and recognized, did you not, that by so doing Japan would further strengthen her hand in China and at the same time would further secure her rear against Russia?
18. While the negotiations for this alliance were pending, was General OTT, Military Attache in Japan, recalled to Germany?
19. During the period of negotiations did SEIRATORI, then Ambassador to Sweden, make frequent trips to Berlin where you and he had conversations regarding the pact?

### III

1. Exhibit 497, page 6,051 of the Transcript, is an excerpt from your interrogation in which you state that in January, 1938, RIBBENTROP asked you if there was not some way in which Germany and Japan could be brought closer together. At about this time you learned, did you not, that Germany, which had hitherto opposed Japanese aggression in China, reoriented its views toward the China conflict and began to support Japanese foreign policy in China?

2. You also knew, did you not, that at about this time Chancellor HITLER was successful in assuming his full role as a dictator, had assumed command of the German Army, had ousted NEURATH, and had appointed RIBBENTROP as Foreign Minister?

3. Notwithstanding these signs of the times, you advocated and supported in every possible way a military alliance with Germany, a nation known by you to be bent on aggressive action, did you not?

(NOTE: Will probably omit 4, 5 and 6.)

4. In fact, you advocated a Japanese-German military alliance which obligated Japan to participate in a European war, even if the USSR was not involved, did you not?

5. And you had become such a devotee of German imperialism that you tried to impress upon your own government your views and those of the German Government. Is that not true?

6. (Depending upon the answer) If the Tribunal please, with regard to the subject of this question I will content myself at this time by making reference to the following Exhibits: Exhibit 501, page 6,096; Exhibit 502, page 6,100; Exhibit 2230, page 15,990; and Exhibit 506, page 6,124 of the Transcript.

7. Was the accused TOGO the Japanese Ambassador to Germany during the period of the negotiations for this military alliance up to October of 1938?
8. Shortly after you were advised of the decision of the Five Minister Conference held in the latter part of August, 1938, were you directed to inform Ambassador TOGO of all the matters relating to the proposed alliance, and were you further directed to continue the negotiations in your capacity as military attache? (Page 50 of the interrogation.)
9. Did you receive these directions through a telegram and, if so, from whom was it sent and what was its date?
10. Had you conferred with Ambassador TOGO prior to the receipt of this direction and, if so, state the time of your conferences and the character of them.
11. How soon after the receipt of your directions to pass on all information to TOGO did you confer with him?
12. On this occasion did you give to TOGO all information you had on the subject of the Pact?
13. Did you discuss with him the telegram which had been sent from the Foreign Ministry to him in the latter part of August?
14. Did TOGO agree with your view that Japan should conclude an alliance which would obligate her to participate in a European war, even though the USSR were not involved?

15. (If the answer is yes.) Did you not state in your interrogation that TOGO favored the Pact only in so far as the USSR was concerned? (Page 50 of his interrogation.)
16. Did you immediately advise the General Staff or the War Minister of TOGO's view and attitude regarding the proposed Alliance?
17. What was the date of your message?
18. How long after your conference with TOGO was it that you received communications from the General Staff suggesting that you become the ambassador? (Page 50 of the interrogation.)
19. Did not War Minister ITAGAKI consult the Foreign Minister about your appointment as Ambassador, and was not your appointment urged by the War Minister and the General Staff?
20. After the conference in which you gave TOGO all the information relating to the proposed Pact, in compliance with the instructions given you, were the negotiations with Ribbentrop conducted exclusively by you?
21. When you sent Major General KASAHARA back to Japan in August, 1938, to inquire of the views of the Army regarding the proposed military alliance, did you direct him to consult Prince KANIN, Chief of Staff, and ITAGAKI, War Minister? (Page \_\_\_\_\_ of interrogation.)
22. When Ribbentrop submitted his proposal to you in July, 1938, did he suggest a mutual aid treaty aimed not only at the USSR but at all countries? (Page 44 of interrogation.)

23. What was the date of the Five Ministers Conference which considered the proposal brought by Kasahara?
24. Exhibit 3487B and others were introduced in evidence for the purpose of showing that the document, consisting of the German proposal, which Major General Kasahara brought from Berlin to Tokyo in August, 1938, is not available. Did this document contain a preamble?
25. How many articles were set forth in the document?
26. Did the proposal contain ~~a reference to a secret agreement?~~ ~~or understanding?~~
27. What was the date of the Five Ministers Conference which considered the proposal brought by Kasahara?
28. How soon thereafter did you receive your first communication regarding the action of the Five Ministers Conference?
29. How many telegrams did you receive in August after the Five Ministers Conference was held, or in the first part of September, relating to the action of the Five Ministers Conference?
30. You state in the last paragraph on page 16 of your affidavit that the Five Ministers Conference approved the proposal in a general way provided that Soviet Russia was to be considered as the primary and the other countries as the secondary objectives.
31. Did you ~~advise Ribbentrop~~ immediately inform Ribbentrop of the approval of the German proposal subject to this condition?

32. Did you advise RIBBENTROP that there were other conditions attached to the Japanese approval?
33. Were there other conditions reported by the Japanese government in its directions to you?
34. In the telegram informing you of the approval of a German proposal, do I understand that the desire was expressed that the treaty be concluded as promptly as possible and a request was made that Germany take steps to formally submit the plan at an early date?
35. We have heard a number of witnesses mention the fact that some conditions or reservations were imposed by the Five Ministers Conference and I would like to ask you a few questions about them. Was a condition imposed requiring an addition to the preamble to the Pact and, if so, what was it?
36. (If equivocal answer) Was it not suggested that the following language be added to the preamble, "in order to preserve the peace of Europe and Asia"? (Page 49 of the interrogation.)
38. Were you not advised that a condition of acceptance required the substitution for the provision in Article 3 in the German proposal relating to obligation of performance of a weaker provision to the effect that the participants will enter into a conference?
39. Were you not also advised in this telegram that another condition was that Japan reserved the right to prescribe in detail the methods of execution and the limit of the sphere of the conditions of military aid, contemplated to be given in the Pact?



40. I hand you prosecution document 3269 in the Japanese text, which purports to be a copy of a telegram. Do you recognize it? (If witness identifies document, offer in evidence and read.)
41. (If document admitted in evidence.) Following the receipt of the last-mentioned telegram, did you receive another telegram explaining it?
42. Did this explanation relate in part to the preamble in the draft of the German proposal?
43. Did it explain further the Japanese government's position as to involvement in a purely European problem, and that Article 3 should not provide for instantaneous or unconditional participation in an European War.
44. Did it state that the text of the plan was being given zealous consideration?
45. I hand you IPS Document 3271 which purports to be a copy of a telegram. Do you recognize it? (If identified, offer in evidence and read.)
46. The Record discloses your evidence relating to your conferences regarding the military alliance with Mussolini in December, 1938, and with SHIRATORI in Italy in early January, 1939. You have not told us about your trip to the principal countries of Europe. Was this trip prior to the arrival of the ITO Commission or was it made while the ITO Commission was endeavoring to carry out its mission in Italy and Germany?
47. Were you directed in the first instance by your Government to make this trip or was it proposed by you?

48. (Base questions on OSHIMA-SHIGEMITSU conference.)
49. What other countries did you visit at that time besides England and Belgium, and who were the Ambassadors or Ministers with whom you conferred?
50. Were you officially received by the Governments of these countries you visited, and was your presence in these countries made known publicly or kept secret?
- 50-A. Did SHIGEMITSU and KURUSU, or either of them, indicate to you that they favored a military alliance between Japan and Germany which would obligate Japan to participate in a European war between Germany and England?
- 50-B. Was the suggestion made at the conference with either SHIGEMITSU or KURUSU that they, or either of them, should or would advise the Foreign Office in Japan as to the course that should be followed with respect to the proposed alliance?
- 50-C. What did SHIGEMITSU and KURUSU tell you they would do?
- 50-D. Was a conference of Japanese Ambassadors and Ministers to European countries held in Berlin?
- 50-E. Did you call the conference?
- 50-F. Who attended this conference?

- 50-6. Did not you and SHIRATORI speak at this conference and express your opinions to this effect that Germany and Italy were rising powers in Europe and to align with them would be allowing Japan to improve her position in the Far East?
51. Did you not learn that you and the Army were severely criticised in early February, 1939, by Foreign Minister ARITA for carrying on diplomatic negotiations without the consent of the Foreign Minister?
52. Did you not learn that the Foreign Minister charged in February, 1939, that you sent a telegram to the General Staff Headquarters concerning the strengthening of the Anti-Comintern Pact, the contents of which had not been made known to him?  
(Questions 51 and 52 based on "H", page 2,443.)
53. Who was the Deputy Chief of the Army General Staff in February, 1939?
54. Did not the Deputy Chief of Army General Staff in the early part of the year 1939 warn you that the supreme authority of diplomacy is vested in the Emperor?  
(Question based on "H", page 2,438.)
55. Did SHIRATORI accompany the ITO Commission from Italy to Berlin and there have various conferences with you regarding the proposed pact?

56. When the ITO Commission delivered you a draft of the compromise proposal of the Japanese Government, did you, after studying it, make the statement to ITO that you were unable to convey to the German Government such a proposal which you deemed was far short of what you expected it to be?
57. Did Mr. ITO insist on your delivery of the proposal to the German Government and upon receiving the German Government's opinion instead of your opinion?
58. With regard to the mission of the ITO Commission, reference is made to Prosecution Exhibit 497, pages 6,065 to 6,066 of the Transcript, which is an excerpt from OSHIMA's interrogation. If, as you state, the ITO Commission arrived in February and you did not receive a counter-proposal from the Japanese Government until the latter part of March, there was an interval of more than a month. In this month interval of time did you officially deliver to RIBBENTROP the draft proposal presented you by the ITO Commission?
59. In this interval of time did you not receive telegrams from the Foreign Minister instructing you to do as recommended by the Japanese Government?  
(Question based on "H", page, 2,469.)
60. On page 21 of your affidavit you state a new instruction was received at the end of March revising the instructions brought by the ITO Commission, and you proceed to describe the alleged revision. As a matter of fact, General OSHIMA, is it not true that the revision you describe here was a revision that was attempted in June, 1939, after the Five Ministers Conference of June 5, and that the conference you state was had with RIBBENTROP was actually the conference in June and not a conference in the latter part of March or the first of April?

61. Is it not a fact that this reply received by you in the latter part of March, 1939, to your objections to the ITO Commission draft specify, first, that the matter of Russia remain the same, and second, that in regard to other countries Japan would go further than simply stating that the Pact would be only aimed at nations embracing Communism, and that as to nations other than Russia, aid consisting of military advice would be given, and by military advice was meant trading of intelligence, the temporary leasing of bases, the export of fuel oil and other commodities and in general all aid outside actual participation?
62. If it please the Tribunal, I desire to refer to the interrogation of OSHIMA, Exhibit 497, pages \_\_\_\_\_ to \_\_\_\_\_ of the Transcript.
63. Did you confer in Rome with SHIRATORI and an Italian representative on or about April 2, 1939, regarding the pact?
64. Was another meeting held on the following day with RIBBENTROP who had been unable to reach the conference on the day before?
65. Did not you and SHIRATORI have with you the directive of January 23, which was the ITO Commission directive, and the final directive of March 25, which was the Japanese compromise?
66. (If the witness denies the conference or states that he does not remember, refresh his recollection.)  
Do you not recall that on the occasion of the first conference mentioned, either you or SHIRATORI informed Count CIANO of the nature of the directives which you and SHIRATORI had received from your government?

67. Do you not recall, and is it not true, that Count CIANO stated:  
"Such a weak attitude is disturbing. Is Japan going to participate  
in the war?" To which SHIRATORI replied that Japan would.
68. Do you not recall, and is it not also a fact, that on the following  
day RIEBENTROP met with you and SHIRATORI, on which occasion  
RIEBENTROP asked the same question as that propounded by Count  
CIANO, namely, "Is Japan to participate in the war?" To which you  
replied, "Japan will probably participate."
69. Do you not recall, and is it not a fact, that on the following day  
RIEBENTROP said to you: "When I explained matters to HITLER, he  
said that is fine if participation is Japan's decision. That must  
have been the result of great controversey in Japan. Just so Japan  
is of such a spirit there need be no squabbles over the minor  
details. However, Japan must give the same sort of explanation as  
Germany and Italy. Japan's plan is acceptable."  
(Previous questions based on "H", page 2488-2490.)
70. Did you learn that early in April, 1939, you were severely criticized  
by the Emperor for usurping the Emperor's prerogative of diplomacy  
in expressing an intention of participating in war?
71. Did you not also learn that the Foreign Minister recommended to the  
Emperor and also to the Five Ministers Conference that the state-  
ments made by you and SHIRATORI should be rescinded as actions  
overstepping your limits as Ambassadors?  
(Questions 70 and 71 based on "H", pages 2494-6.)
72. Did you confer with SHIRATORI again on Hitler's birthday, April 20, 1939?

73. Following this meeting you and Ambassador SHIRATORI requested the Japanese Government to recall you from your posts as Ambassadors, and the matter of your recall was considered at a Five Ministers Conference held on the 25th of April, 1939. Is that not so?  
(Based on "H", page 2,506.)

74. This threat of resignation by you and SHIRATORI was designed to bring pressure upon the Japanese Government to bring them in line with your views regarding the German proposals for a military alliance which would obligate Japan to participate in an European war even though the Soviet Union were not involved. Is that not so?

75. And following this threat of resignation, a further compromise proposal in the form of the HIRANUMA Declaration of May 4th was delivered to the German and Italian plenipotentiaries in Tokyo. Is that not true?

76. Within several days after the delivery of the HIRANUMA Declaration did not RIBBENTROP call you on the telephone from Munich on his way to meet Count CIANO at Como and ask you this question: "When a contracting nation goes to war against another, and even if there is no military aid from Japan, would it be permissible to recognize Japan as being in a state of war?" to which you replied in the affirmative, and did you not communicate this question and your answer to Tokyo?  
(Based on "H", page 2,515.)

77. Were you advised of the Five Ministers Conference decision of June 5 to the effect that although Japan would give armed assistance in the event of war between Germany and the Soviet Union, she was unable to give any effective military assistance in the present or in the near future in the event of war between Germany and other powers?

78. Was there a second question presented by this June 5th decision, namely, that Japan insisted that diplomatic notification regarding the Pact as well as the matter of the military assistance to be given under the provisions of the Pact should be presented to the German side in writing and not orally as demanded by RIBBENTROP? (ITAGAKI - 30,508-9)
79. How isn't that the exact manner which you erroneously described on page 21 of your affidavit as being the substance of the March revision of the ITO Commission draft?
80. Did you submit the June 5th decision of the Five Ministers Conference to RIBBENTROP on the 14th of June, and in your conference with him on that date state that Japan declares her willingness to assist Germany and Italy also in a war in which Soviet-Russia does not participate, to make public this will of assistance, and to render such military help as lies within her realm of possibility, but that there were certain exceptional cases in which Japan desired the right to consult and come to an agreement among the three powers? And did you not further state that these exceptional cases did not at all constitute a reservation on the part of the Japanese Government?
81. Is it not a fact that RIBBENTROP agreed to a pact based on your declaration, but did not agree that the diplomatic explanation be reduced to writing?
82. Did RIBBENTROP arrange for a joint conference with you and SHIRATORI in Berlin for the 16th of June, 1939, and at this conference did not SHIRATORI say that the obstinacy of the Japanese Government on the question of exchange of notes as regards Japan's limited military capacity forced him to the conclusion that the Japanese Government was still making mental reservations with regard to the alliance and



that he was skeptical as to whether the Japanese Government would take into account the German position which he himself absolutely shared?

83. Did not SHIRATORI make the further proposal that Japan's obligation to give assistance would set in automatically only if the USSR or America were to participate in the war, and that if both these countries remained neutral Japan's conduct would be determined by consultation of the three powers?

(Above questions based on Defense Doc. 2629, which is IPS Dec. 4019, Item 6.)

84. Did you hold a conference with Ambassador SHIRATORI in the latter part of July or the first of August, 1939, at Villa Esthe, Lake Como?

85. Before the holding of this meeting did you and SHIRATORI issue a joint communique publicizing the fact that such a conference was to be held?

86. Is it not a fact that the Japanese Government neither suggested nor authorized the holding of such a conference or the issuance of a communique regarding it?

(Questions 85 and 86 based on IPS Dec. 4047, Items 9 and 11.)

87. Did not War Minister ITAJAKI threaten to resign in the early part of August, 1939, because of his inability to successfully advance the strong military alliance with Germany and Italy which he, you and SHIRATORI had been working for?

88. Let me refresh your recollection.

I hand you Prosecution Exhibit 2198 and call your attention to a telegram of 11 August, 1939, from Ambassador OTT to RIBBENTROP which has not been read in evidence. I will ask you to follow the reading of it to the point where I desire to ask you several questions.

"Chief Central Section of War Ministry, General MACHIJIRI, who on afternoon 10 August had requested that he be received jointly by me and Italian Ambassador, transmitted to us following communications of War Minister:

"Army had resumed bitter battle for alliance at five-minister conference 8 August but had made no progress beyond the Japanese proposal of 5 June. Army urgently striving for conclusion in order to:

"1. Reach an early successful end of the China conflict, for which it /Army/ is responsible to nation,

"2. Conform to wishes of broad popular masses and thereby alleviate present tension,

"3. Prevent a dangerous reaction in direction of an economically tempting settlement with England.

"These reasons are so compelling that War Minister is resolved as a last resort to risk his resignation, which would almost certainly entail resignation OSHIMA SHIRATORI. This action might of course gradually improve the Japanese basis for alliance, but would produce violent set-back at first. Nevertheless, resignation was only possible decision. Decision due to be reached 15 August..."

Does not the reading of this exhibit refresh your recollection regarding the threat of ITAGAKI to resign, and do you not now recall it as a fact?

89. Were you in communication with the War Ministry either directly or indirectly in August, 1939, regarding either the War Minister's threat to resign or the measures he was advocating before the Five Ministers Conference?

90. Let me continue to read from the same telegram:

"Since Cabinet confirmed renewed proposal of 5 June, War Minister deems early conclusion attainable with following mutual concessions:

"Berlin and Rome declare to Japanese Ambassador Japanese proposal of 5 June acceptable with the provisos:

"1. That they provide that no mental reservation is behind the wording;

"2. That verbal form of a Japanese supplementary statement be found. War Minister then expects to put through:

"Re 1: express Japanese confirmation of this interpretation,

"Re 2: verbal statement, which was to be set forth in the protocol to the treaty would be prominently mentioned. General NAGHIJIRI almost entreatingly requested concession before 15 August. War Minister will communicate fact of his demarche with us to O. and SHIRATORI, bypassing Foreign Ministry. ..."

Does this refresh your recollection regarding the views of the War Minister and his communication with you, and are not these matters true?

91. With further reference to the views of the War Minister ITAGAKI I direct your attention to the telegram of 18 August 1939, from Ambassador OTT for the German State Secretary, being the second telegram in Exhibit 2198, which likewise was not read in evidence. I will ask you to follow the reading of the first and a part of the second paragraphs, which is as follows:

"Domestic political following in the alliance question continues undiminished. Press reports of supposed compromise possibilities between Foreign and War Ministers inexact. In last five-minister conference Foreign Minister was assigned task of again clearly fixing text of Japanese alliance proposal of 5 June without any essential change. This draft is to be distributed among the

participating ministers and in case of acceptance at next five-minister conference transmitted to ambassadors Berlin, Rome for literal, written delivery to governments.

"War Minister rejected project of Foreign Minister as unacceptable and continues to insist on going beyond the proposals of 5 June since he was unable to break through the unanimous front of the other ministers, he deems his resignation unavoidable; according to reliable information from the War Ministry. He is strengthened by the pressure of junior officers, who are demanding unconditional alliance. ..."

Does this not refresh your recollection regarding the views of War Minister ITAGAKI, and are they not now recognized by you as being true and correct?

92. Was Captain ENDO your Naval Attache in Berlin in July, 1939?

93. Do you recall, and is it not a fact, that sometime in July, 1939, Captain ENDO made an explanation of the position of the Japanese Navy in regard to the strengthening of the Anti-Comintern Pact to the Chief Secretary of the German Navy Ministry, wherein he stated that if war should break out between Germany-Italy and England-France it would be fine if Japan maintained a friendly neutrality, and that upon learning of this from Captain ENDO you became very angry and inquired of STAHMER if RIBBENTROP knew that?

(Question based on "H", pages 2598-2599.)

94. What office in Germany was held by WIEHL?

95. Did you have a conference with him in Berlin on 21 December 1938 in which he informed you that RIBBENTROP insisted that preferred treatment be given Germany as compared with third powers in China and that this should be stipulated in writing in the pro memoria regarding German-Japanese cooperation in China?