

ERRATA SHEET

CKH

DOCUMENT 2828 - PAGE 8 - Next to last sentence on the page - correct to read as follows:

"This was the customary procedure but because of the general situation within the Country, it was very difficult to formulate a drastic plan."

PAGE 26 - In last sentence in paragraph 32 - change "collaborated" to "corroborated".

PAGE 32 - First line - changed "Third" to "Second" and "Second" to "Third".

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

AFFIDAVIT - OKA, Takazumi

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

1. I was born on 11 February 1890, and entered upon my naval career when I was admitted to the Naval Academy in 1908. From this date until 1923 I spent most of my time studying as a student in various Naval schools such as the Naval Torpedo School (Junior Course), Naval Gunnery School (Junior Course), Naval College (Class B Student), Naval Torpedo School (Advanced Course), Naval College (Class A Student), in addition to acting as a member stationed in France for the research of military affairs, and a instructor in the Naval Torpedo School, the Naval Submarine School, and the Naval College.

2. I was decorated in November 1915 for merit in the German-Japanese war, in November 1920 for merit in the European War, in April 1934 for merit in the Manchuria Incident, and in May 1942 for merit in the China Incident, respectively. These awards were the same as those made to many thousands of navy

men and were of a nature intended only for pure soldiers. In addition, the awards made to me were all below the order made to the most meritorious. Accordingly, the fact that I was decorated is no indication of my participation in the common conspiracy, etc., as contended by the Prosecution (Record Page 16,963).

The fact that many thousands of naval men received the same Awards should be sufficient to destroy this contention, unless all such recipients are also indicted and placed on trial as aggressors and conspirators.

3. At the time the Manchurian Incident broke out in Sept. 1931, I was Navy Commander and a member of Section Two, Division One of the Naval General Staff. This Section was concerned only with armaments, and had no connection with military operations. Therefore, it did not participate in the Manchurian Affair.

4. In October of the same year I was assigned for duty in the Naval General Staff and concurrently in the Navy Ministry, and was transferred to the Investigation Section of the Navy Ministry which was temporarily organized. From October 1932 to April 1934 I was stationed in Paris and Geneva as a member of the Japanese Navy delegation on the League of Nations Permanent Military Commission and as a member of the general Disarmament Commission of the Japanese delegation. During that

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period I was promoted to Captain. Upon my return to Japan I again served in the Temporary Investigation Section of the Navy Ministry. In December 1936, I was appointed commander of the warship "JINGEI" attached to the Second Fleet and served on coastal patrol duty in Japan.

5. On December 1, 1937 I was assigned for duty in the Naval General Staff and concurrently in the Navy Ministry. During the foregoing period I was not connected with any of the current problems in the course of my duties. Therefore, with respect to the Manchurian Incident, conclusion of the anti-comintern pact and the outbreak of the China Incident, I did not participate and knew nothing directly in connection with the Navy's attitude concerning these matters at that time.

6. From January 15, 1938 to October 14, 1939 I served as Chief of Section One, Naval Affairs Bureau, Navy Ministry. When I assumed this position six months had elapsed since the outbreak of the China Incident and it was after the fall of Nanking. During this time my appointment as secretary to the Manchurian Affairs Board was a routine appointment which was merely nominal, and was coexistent with my tenure in that office from January 1938 to November 1939; also I do not recall attending any meetings of the Board. Secretaries to the Manchurian Affairs Board and also the councillors to the same Office were automatically appointed from the Navy and I, in

view of my duties in the Navy, was appointed to those positions, but primarily the Navy had little to do with the Manchurian Affair and consequently I did not do any actual work concerning it.

7. The National General Mobilization Law was enacted in early April 1939. Its enactment was brought about in view of the situation within the country which called for the production of war materials and supplies in conformity with the gradual expansion of the China Incident and the increasing scale of operations. The operation of the national general Mobilization Law was in the hands of the Planning Board and it was only in case of some matter of interest to the Navy that a reference would be made to the proper section, being Section Two, Naval Affairs Bureau, at that time and I, as Chief of Section One, was not connected in any way. For my part I never thought or heard that the General Mobilization Law was set up in preparing for a war of aggression.

8. The Cabinet Information Board with which I was connected during the period that I was Chief of Section One was different and on a very small scale as compared with the Information Board which existed at the time of the surrender, and was utilized only for the exchange of information among the section chiefs from each Ministry who had gathered once a week during lunch hour. No discussions were touching upon the strength-

thening of the anti-comintern pact or international questions nor was gathering in a position to discuss these matters. I do not believe that the chief of the Information Board was permitted to participate in a discussion of these problems.

9. I became Chief of the Third Division in the Naval General Staff on October 15, 1939, was promoted to Rear Admiral on December 1, 1939, and held the post until October 15, 1940. The Third Division, Naval General Staff, had charge of gathering and investigating military intelligence and was not connected either with question of operations or disposition of current problems. Therefore, I did not participate in the Japanese-Netherlands East Indies Negotiations, the Japan-French Indo-China protocol, the advance of Japanese troops into North French Indo-China, or the Tri-Partite Pact between Japan, Germany and Italy which arose during this period.

10. I became Director of the Naval Affairs Bureau on October 15, 1940, and served in this capacity until July 18, 1944. (Document 0001, Page 333 is in error. Exhibit No. 120 has last page missing. Correction on this date as well in Exhibit No. 102) That I served as Director of General Affairs Bureau concurrently as charged in the personal history section of the Indictment, is also a mistake as there is no General Affairs Bureau in the Navy Ministry. In December 1, 1942, I became a Vice Admiral.

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11. On July 13, 1944 I was appointed Navy Vice Minister and served until August 5, 1944. On September 9, 1944 I was appointed Commander of the Chinkai Naval Station and retired on June 23, 1945.

12. As set forth in the government organization regulation the Naval Affairs Bureau, like other bureaus in the Navy Ministry, receives instructions and orders from the Navy Minister, and performs its routine functions under the supervision of the Navy Vice Minister. The Director of the Naval Affairs Bureau, like other directors, assumes responsibility in his official duties to the Navy Minister and to nobody else. (Exhibit No. 75 and Exhibit No. 2930, par. 3 and 4.)

With reference to matters pertaining to the decision of the Navy Minister, the director and Chief of a Bureau merely perform the routine procedure and they are consistently regarded as being nothing more than organs in the nature of aides to the Navy Minister. Thus from the point of view of duties they can be considered as being physically part and parcel of the Minister. Therefore, the Director of Naval Affairs Bureau was never in a position to assume any independent responsibility vis-a-vis outside contacts.

13. I assumed the post of Director of Naval Affairs Bureau after the Tri-Partite Pact between Japan, Germany and Italy had been signed. The China Incident had expanded considerably, the relations with the United States and Britain had become strained, Japan was embarrassed by the economic pressure,



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and it was a time when something should have been done to cope with the situation through diplomatic channels.

I was informed that Foreign Minister MATSUOKA had planned to turn relation with the United States to the good on the basis of the three-power alliance, but with the lapse of time, MATSUOKA diplomacy took the opposite turn and the relations with the United States became in an inverse proportion to the Japanese-German rapprochement. Also because the American-Japanese negotiations, which started in the spring of 1941, did not progress satisfactorily Foreign Minister MATSUOKA was forced to resign. The Third Konoye Cabinet was formed, and Premier KONOYE poured forth his full strength in the American-Japanese negotiations, and to that end Admiral TOYODA was especially chosen as Foreign Minister.

At that time Navy Minister OIKAWA held high hopes that the American-Japanese negotiations would be concluded and exerted everything in his power to that end. As Director of the Naval Affairs Bureau, I had charge of the routine handling of this matter in the Navy Ministry and exerted my best efforts towards the successful conclusion thereof.

14. The outbreak of the second European War, American-British aid to China, American-British pressure on Japan, Tri-Partite Pact between Japan, Germany and Italy, and Foreign Minister MATSUOKA's diplomatic policy vis-a-vis the United States, involved many delicate problems within the country with respect to the negotiations with the United States. General public opinion, and that within the Government as well as in the Supreme Command was high, and therefore fear existed that if a misstep was made, a great disturbance would have been created in Japan.

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But as for the Navy Ministry, it was most vital that a compromise in the negotiations should be reached during this period, so it constantly cooperated with Premier KONOYE, who entertained an ardent hope in finding a way to resume American-Japanese relations. Thus, upon the appointment of Admiral NOMURA as Ambassador, and of Admiral TOYODA as Foreign Minister as being the most appropriate persons to readjust the American-Japanese relations, Navy Minister OIKAWA did everything in his power to support them. I know that Navy Minister OIKAWA urged Premier KONOYE to use his political judgment in arriving at a decision in the American-Japanese negotiations and the Navy always gave its wholehearted support.

15. With respect to the domestic procedure in the negotiations, first of all the Foreign Office drafted the plan of such negotiations. Upon the basis of the plan prepared by the Foreign Office it was deliberated upon by the various quarters concerned, including the Supreme Command, and a unanimous decision reached, and then it would be telegraphed to the Ambassador. This was the customary procedure within the Country but by the effect of the general situation within the Country, it was very difficult to formulate a drastic plan. It was not within the province of my department as suggested by the Prosecution

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in referring to Exhibit 1115. (Record Page 16,970.) This construction of said Exhibit has also been denied by the defendant KIDO, Record Page 31,238. This is borne out by Exhibit 1207A, which is an extract from the interrogation of Shigenori TOGO, then Foreign Minister. This extract is with reference to a note written by the Foreign Office of the Japanese Government concerning negotiations with the United States in which appear the following statements:

"The note itself was written by the Foreign Office, but the responsibility for the composition rests with the participating members of the liaison conferences \* \* \*."

In the same document is the additional statement:

"As I have said at a previous meeting, members of a liaison conference who were responsible for the study and discussions on the matter were TOGO, SHIMADA, SUGIYAMA, NAGANO, TSUKADA, ITO, KAYA, SUZUKI, and the three secretaries - HOSHINO, NUNO and OKA. As to the member of the cabinet, under the constitution they were responsible for decisions of the cabinet even on matters outside of their respective offices \* \* \* ."

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The same testimony is contained in the testimony of YAMAMOTO, Kumaichi on Page 25,901 of the Record. (Exhibit 2915).

The idea that a Director of a Bureau could possibly be responsible for drafting the complete formula for the Government is preposterous on its face. It is this erroneous conception of the power and magnitude of my office which has lead the Prosecution to build a fallacious understanding of my real duties and to present an erroneous picture of my actions.

16. At this juncture, around August 1941, as I recall, Premier KONOYE announced his intention of personally conferring with President Roosevelt in order to find a way for a compromise at a single stroke.

Because the American-Japanese negotiations made no headway, I presumed that he (KONOYE) keenly felt that no opportunity should be lost as it was realized that this was the most appropriate way to bring about a successful conclusion of the negotiations.

17. At that time the Navy had confidence in KONOYE and believed that if the Prime Minister were clothed with full power and given wide discretion a drastic proposal could be formulated, and thus pave the way for concluding these negotiations. It pinned its hopes on such a course. I was ordered by the Navy Minister to secretly have a

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merchant ship stand by, and made preparations for it to sail at any time. However, the contemplated interview did not materialize despite the fact that the United States had designated the place of the conference, because it seemed that it first desired to fix the basic principles, after which to put the finishing touch at the conference, which idea was contrary to Premier KONOYE's intention of determining all vital issues at the conference.

18. The Navy then took the view that with reference to the American-Japanese negotiations the wholesale withdrawal of troops from China and elsewhere would not be prejudicial. I understand that Admiral YAMAMOTO, Commander-in-Chief of the Combined Fleet, also made this suggestion to Premier KONOYE, and Navy Minister OIKAWA frequently urged the Premier to take such decisive action.

It seemed that there existed strong opposition within a quarter of the Supreme Command of the Army at that time to such a move. The general situation was such that utmost caution was required so as not to bring about disunity between the army and navy. Therefore, it was dealt with as a political issue among the Ministers. I believe that was one of the reasons why the Navy Minister maintained the position that it should be entrusted to the Premier.

19. The position of the Navy in opposing all times been well defined. As late as the Third KONOYE Cabinet it remained adamant in its position that war should be avoided if at all possible. Reference is made to page 10,254 of the transcript of evidence for November 12, 1946, wherein the then Navy Minister OIKAWA made plain the Navy's position. This particular part of the evidence is a quotation from the Memoirs of the then Prime Minister KONOYE who states that OIKAWA made the following statements which are here quoted and are extracts from the transcript of evidence.

"Let us leave the decision as to whether there is any hope for a successful conclusion of the diplomatic negotiations in the hands of the Prime Minister and the Foreign Minister, and as for the Navy, she will comply with that decision \* \* \* ."

"If there is any hope for a successful conclusion of the diplomatic negotiations we want the negotiations to be continued \* \* \* ."

"That is if we are to rely on diplomatic negotiations we would like it to be carried out thoroughly \* \* \* We want to make it a success at all costs - - - We want the decision

of the Prime Minister\*\*\*\*. We want to comply with this decision."

Continuing with his statement the then Prime Minister KONOYE made an additional remark which appears of record at Page 10,263 of the transcript of the evidence and which is here quoted.

"In the meantime it became gradually known \* \* \* that since the Navy herself had not the will to fight, but couldn't say so herself, she was appealing to the Premier through Bureau Chief OKA by the way of Chief Secretary TOMITA for the Premier to express it \* \* \* ."

"As an outcome of it, Chief MUTO of the Military Affairs Bureau called on Chief Secretary TOMITA and reportedly requested that the Navy be asked to make a definite statement at this time. Hence, when Chief Secretary TOMITA relayed this to Chief OKA of the Navy Affairs Bureau, Bureau Chief OKA reportedly stated that the Navy, as usual, cannot say it and that she can say no more than that she will comply with the decision of the Premier \* \* \* ."

Although the statements above quoted are not exactly correct

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they are cited here to prove that at the time when the negotiations referred to were being carried on between the Prime Minister and the Navy Minister, it is clear from the evidence that my participation in the foregoing negotiations were my official acts as liaison officer and I was merely delivering messages of higher officials.

20. The Navy Minister stated that the resignation of Premier KONOYE would bring about hopelessness in the conclusion of the American-Japanese negotiations so he desired that he should assume a tenacious attitude. The Premier also entertained a strong determination. In the early part of October 1941, I heard from Chief Secretary of the Cabinet TOMITA that Premier KONOYE was firmly determined to attempt to continue the negotiations, and under no circumstances would be personally resign, so I was very much encouraged, but about the middle of October the en bloc resignation of the cabinet suddenly took place.

21. I was informed by the Navy Minister that after the cabinet meeting held on the morning of October 14, it was proposed to hold a conference of four Ministers, namely, Premier, Foreign, War and Navy, in the afternoon. During the said cabinet meeting there was a heated argument between the War Minister and the Foreign Minister, and as a result of this incident, it was felt that no useful purpose could be served by holding the proposed meeting of the four Ministers



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later in the day, and in fact such meeting was never held. The Navy Minister also advised me that it was intended that at the contemplated conference of the four Ministers, he, (the Navy Minister) would reiterate the Navy's stand expressed to Prince KONOYE at his residence in OGIKUBO that the "Navy will leave the matter as to whether it could wage war against the United States or not" in the hands of the Prime Minister.

That night TOMITA, Chief Secretary of the Cabinet, called on me and informed me of the decision that the Cabinet would resign en bloc. TOMITA told me that he was asked by the Director of Military Affairs Bureau to inquire of the Navy that if the Navy would state that it would be unable to fight then the Army could be quieted. TOMITA told me that he replied to the Director of Military Affairs Bureau that it would be difficult for the Navy to state as to such a matter and I agreed with him. Then I asked TOMITA about my opinion to hold the Four Ministers' Conference to confer with each other on this matter, to which he replied that it was too late in view of the impossible situation brought about at the cabinet meeting in the morning.

22. Thus the Navy became seriously apprehensive over the prospect of the negotiations, and assumed great concern over the next cabinet. After the resignation of the cabinet, Navy Minister OIKAWA had heard from Prince KONOYE that Prince HIGASHIKUNI would head the next cabinet, so we were wondering what the Prince's idea would be in connection with the American-Japanese negotiations. Then suddenly a report reached us that War Minister TOJO was commanded to form a new cabinet. This was really surprise news to the Navy, and the Navy Minister and the rest of us were taken aback.

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I felt that for the War Minister to become the Prime Minister at such a time would make the prospect of the American-Japanese negotiations all the more difficult. I found it hard to understand what was in the minds of the senior statesmen, who were advisors to the Throne, or wherein their intention lay with respect to these negotiations. Immediately thereafter I discussed the foregoing with former Chief Secretary of Cabinet TOMITA, who said that according to Prince KONOY<sup>E</sup> the step taken would be the best policy in coping with the American-Japanese relations. When I heard this, I felt the position was inconsistent, and was hard put to understand it.

23. Since War Minister TOJO was ordered to form a cabinet, it became necessary for the Navy to exert its efforts all the more inereafter towards the American-Japanese negotiations. For this purpose I thought that it would be best for Admiral OIKAWA, who was conversant with the past development in the negotiations, to remain in the new cabinet. While I had hoped for this, he refused to remain and Admiral SHIMADA was appointed the new Navy Minister to tackle the current difficulties.

24. When Admiral SHIMADA became the new Navy Minister, there was no change in enthusiasm with respect to the negotiations. As one of the conditions for accepting the portfolio of Navy Minister, Admiral SHIMADA urged upon Premier TOJO

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that the American-Japanese negotiations should be expedited. Also immediately upon assumption of his post he instructed the Vice Minister and directors of the bureaus that utmost effort should be made to avoid war with the United States, and that the way should be paved to consummate the Japanese-American negotiations by overcoming all difficulties.

25. In view of the foregoing it is clear that the Navy did not want or desire war, and that it was their desire to bring the negotiations to avert war to a successful conclusion. Thus no logical conclusion can be drawn from the evidence which would support the charges against me that I aided, abetted, assisted, participated or otherwise engaged in any common plan or conspiracy to wage aggressive war, or a war of any kind. On the contrary I and my superior officers diligently endeavored to avert war.

At this point it might be helpful to point out to the Tribunal the extent of my association with my alleged fellow conspirators prior to the date of the Indictment. I never met and consequently never spoke to the defendants KIDO, ARAKI, DOIHARA, HATA, KOISO, MATSUI, MINAMI, OSHINA, UMEZU, OKAWA, SHIRATORI and HIROTA.

26. Japan's final reply to the United States' note was drafted by the Foreign Office and was delivered to me by Mr. YAMAMOTO of the Foreign Office. As was customary, I ordered my subordinates to study the draft. As a result

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thereof I sensed that it was inadequate as a final note, and felt that it would be appropriate to insert the wording that we reserve the right to freedom of action. Accordingly, this wording was inserted in the draft and related to Mr. YAMAMOTO. However, when the draft of the final note was distributed by the Foreign Office at the liaison conference in early December (I do not remember the date) I discovered that the suggested revision was not made. After the conference I asked Mr. YAMAMOTO whether that could be regarded as the final note, to which he replied in the affirmative, and we parted.

At that time I was of the opinion that the problem of diplomatic procedure should naturally be carried out upon the responsibility of the Foreign Office, and because I personally lacked any knowledge of the correct diplomatic procedure I therefore relied upon the Foreign Office authorities.

The Navy Ministry was not involved in the problem concerning the dispatch of the final note to an enemy country prior to the outbreak of war. To my knowledge neither the discussions were had with the Navy Minister or the Vice Navy Minister nor was our Ministry asked by the Naval General Staff pertaining to such a problem, and I assumed that the Foreign Office would adopt the appropriate necessary procedure. Such being the situation at that time, I did not give it much thought. I was vague as to the exact nature of Japan's reply

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and believed it to be the so-called "ultimatum", and in all probability the Navy Minister and the Navy Vice Minister thought likewise.

However, after the war this matter became an issue, and when I asked Mr. TOGO, the then Foreign Minister, at Sugamo Prison with respect to this question I was told that Japan's reply to the United States was not the so-called "ultimatum", but "last notification". Mr. TOGO explained that according to the then circumstances it had the same significance as a declaration of war. When I heard this explanation I understood for the first time what Mr. YAMAMOTO meant when he said that the draft was all right.

With regard to the time in which the final note should be delivered to the United States, I recall that, at the liaison conference, Premier TOJO stated that it would be entrusted to the consultation between the Foreign Office and the Supreme Command. Later I heard that it would be delivered to the American Government in Washington one hour before the opening of hostilities. I do not remember the date, from whom, or where I heard this information, except the strong impression remaining in my mind that it was to be delivered one hour prior to the opening of hostilities. However, I was not aware that the the time was changed to 30 minutes, but I learned for the first time after the war that Mr. ITO, the then Deputy Chief

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of the Naval General Staff, and the Deputy Chief of the Army Staff called on the Foreign Minister, and after consultation with the Foreign Minister the time was altered to 30 minutes prior to the opening of hostilities.

At that time I had not heard from any source whatsoever that the Naval General Staff entertained any idea that it would commence hostilities without notice. Inasmuch as I thought the Foreign Office would take the proper procedure I did not anticipate that any such question would arise, and therefore I entertained no concern over its progress. It was long afterwards when I learned that apparently through the fault of the Japanese Embassy in Washington, the note to the United States was not delivered at the expected hour, and I was very much surprised.

27. The personnel affairs of the naval officers were in the hands of the Navy Minister. The basis of the shore service of naval officers was usually two years for the same service and place. At the time the TOJO Cabinet was formed both the Vice Minister of Navy and the Director of the Naval Affairs Bureau had served for approximately one year and it did not come within the time for making a shift. It was customary for the Navy not to make any shift in the Vice Navy Minister, much less the Director of Naval Affairs Bureau, even if the Navy Minister was changed. Therefore, the change in Premier

could not affect the personnel below that of the Vice Minister, and there was absolutely no precedent for such changes. Even though a cabinet other than the TCJO cabinet had appeared or a person other than Admiral SHIMADA had become the Navy Minister at that time, such an appointment would not have altered the personnel below the rank of Vice-Minister at all. Thus, the Prosecution's premise that my remaining in office is proof of my participation in the conspiracy is once again an erroneous conception and falls of its own weight. As a matter of fact I offered my resignation to Admiral OIKAWA, but he refused to accept it.

28. During my service in the Navy I have not once been assigned for duty in connection with operations. I have been assigned for duty in connection with routine planning of an armaments program several times, and have been one of the naval officers connected with it for many years. Due to lack of material I cannot testify by presenting figures, but I shall testify with respect to the planning policy as I am able to recall from my personal experiences arising out of my duties.

29. In Japan the national defense plan is drafted by the Supreme Command of the army and navy. After imperial approval is obtained, it is submitted to the Prime Minister for his confidential reading. Its contents is not a war program

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but the principal objective is the planning of an armament program. As for the Navy its principal objective is the planning of a minimum force which would enable it to cope with the strongest naval power which might attack Japan from the western Pacific area. As far as I know this objective was the policy of the naval supreme command which had been conceived prior to the Washington Conference without any alteration until immediately preceding the Pacific War. It would be more accurate to regard it in the defensive sense rather than the aggressive sense.

30. The Naval General Staff studies the armaments which are necessary after taking into consideration various domestic conditions; goes into details and plans for the classification, types and number of warships, land and water facilities, principal war materials, and personnel; then drafts the proposal and makes a request upon the Navy Ministry about every four or five years. The Navy Ministry makes an investigation and considers the expenditure, materials, technical aspect, industrial power and personnel connected therewith. It consults and negotiates with the Naval General Staff and prepares a joint plan with the Naval General Staff. This plan is discussed with the parties concerned in the Government, and when unanimously agreed upon among the three quarters it will be put into operation. The plan finally agreed upon is



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usually one-half or less than that requested by the General Staff. Therefore the actual strength of Japan's navy is generally far below that requested by the Naval General Staff.

While I am unable to indicate by figures, the result of Japan's construction after the Washington Conference was very insignificant as compared with that of the American Navy. There was no way of coping against the 1st, 2nd, 3rd Vinson Plan and the Stark Plan. When we came to this point the Operational authorities became all the more negative, and the situation was such that they went to the great trouble of counteracting the American plan by utilizing the limited number of big battleships or devising midget submarines. There was considerable deficiency in the production of aircraft, domestic materials and industrial capacity.

Also the long drawn out China Incident gave further pangs to naval preparation. It was evident that under such circumstances when we keenly felt the deficiency in military and national strength in defensive war against the United States alone, we could not possibly think about operating against the American and British navies. The annual operational plan which is prepared by the Naval General Staff, or the annual plan prepared by the Naval General Staff, which is put into effect as the maneuvers by the combined fleet, were not formulated as operations against the United States

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and Britain. I have never seen or heard of any plan or idea to wage such a war and I am convinced that they were not formulated as such.

Such being the state of affairs it was natural for the Navy to have been constantly apprehensive of relations with the United States and Britain becoming aggravated, and the Navy desired its adjustment by exerting itself to that end from the outset.

31. However, while the Japanese Navy was being worried by the series of American naval expansion programs, the China Incident extended with no prospects of its termination, American-British aid to China became vigorous and economic pressure on Japan became intense placing her in a very embarrassing position and finally making her feel the threat militarily. It was believed that if these matters were allowed to follow their course the China Incident could never be settled, and we would face a serious critical situation by being attacked by a third power at any time. The Navy believed that there was no other way than the successful conclusion of the American-Japanese negotiations, and accordingly made efforts to that end. The Naval General Staff which was responsible for the national defense, in light of such a situation, had to study how to act in case it might become necessary to wage war against the United States and Britain, and it was natural for it to make plans against such an eventuality.

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I believe such a survey might have been gradually accelerated under the pressing circumstances.

I am unable to state exactly when the foregoing studies started, and what development took place because I did not personally participate in them, but it seems to me that nothing was done within the Naval General Staff during 1940. About the first or middle part of October 1941, I heard for the first time what purported to be the view of the Naval General Staff in piecemeal from LTC, deputy chief of the Naval General Staff, to be as follows:

"In the event of war against the United States and Britain, the Naval General Staff had confidence in the early stage of the operations and there was a possibility of continuing the war for about a year and half thereafter, but that it could not make a definite statement after that as it would depend upon what the total war capacity of the national would be. Therefore, if war could not be avoided, the sooner the better, and if it should be next year we would be challenged by the United States and Britain and we would have to make a blanket submission without exchanging blows."

Then I heard the foregoing observation at that time, I keenly felt the need of accelerating the American-Japanese negotiations. Conditions being as stated above, it was not the ideology or plan of operations of the Japanese Navy to wage war against the United States and Britain. It arose out of the China Incident when the country was faced with a critical situation and stood between the failure or existence of the state. Then for the first time the matter was studied

as a last resort and was not a plan of long preparation, which could be clearly gathered from the history of the navy's armed preparation.

32. The Prosecution has argued that during the closing days of the TOJO Cabinet in July 1944, SATO (one of the Accused) and I had been maneuvering against YONAI and others to save the said cabinet. However, this must have been predicated on the language of Admiral YONAI contained in KIDO's Diary.

This matter refers to the request which Premier TOJO made to the Navy Minister to sound Admiral YONAI, who was a naval officer, whether he would accept a portfolio in the cabinet. (This procedure is customary in such a case.) Since I was Vice Navy Minister at that time, I sounded Admiral YONAI after being ordered to do so by Admiral NOMURA, the Navy Minister, and SATO did not accompany me on that visit. Admiral YONAI's statement at that time was that he could not join as a cabinet member but he would be glad to assist the Navy Minister as a military councillor. He was also desirous of having Admiral SUETSUGU as military councillor to assist the Chief of Naval Staff. The matter was simply as stated above: I have never called on any one other than Admiral YONAI, and I have not upon my own accord without orders from the Navy Minister conducted myself otherwise. This fact has been corroborated by my superior at that time, Admiral NOMURA.

33. While I was Director of the Naval Affairs Bureau, with the exception of three or four times due to illness, I attended the Imperial and Liaison conferences as "KANJI" or

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secretary, and the Investigation Committee of the Privy Council as "SETSUNEI-IN" or explainer. However, in none of these conferences or committee meetings was I authorized to participate in the discussions or exercise the right to vote.

The Liaison conference is not based on government organization regulations, therefore it is not a decision-fixing organization. It is merely a liaison conference in the nature of a round table discussion to circularize and exchange opinions on problems which are common to the Headquarters and the Government. When a concurrence is reached the Supreme Command and the Government will, through their specific organs, carry out their respective tasks.

In my capacity as "KANJI" or official clerk of the conference I was not a member of the Conference, therefore, I could not affix my signature to any matters taken up at the Conference. I could only make explanations when asked to do so by a member thereof and my primary duty was to supply information when called upon to do so.

Therefore, the secretary's position was different from that of the members of the liaison conference, and he was not at all responsible for matters taken up at the conference. At the Liaison Conference, it will be seen from Exhibit 1103, that I was never present without my superior in the person of the Navy Minister. This same Exhibit shows that I never attended without my superior although it will also disclose that I failed to attend some of the meetings which were attended by the Navy Minister. (Also Exhibit 1107).

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Reference is made to Exhibit 1209 which is an extract from an interrogation of Hideki TOJO concerning a similar Imperial Conference held on December 1st or 2nd in which he gives the names of certain persons who attended such conferences and states concerning them,

"Those were the responsible people who were there...."

In continuing his statement he says,

"There were also probably three other persons in the capacity of secretaries, for these three usually came to the Imperial Conferences. The three were the Chief Cabinet Secretary Naoki HOSHIKAWA, Chief of the Military Affairs Section of the War Ministry, Mr. Sho MUTO, Chief of the Military Affairs Section of the Navy Ministry, Vice Admiral OKA.... I am not positive that they were there...."

This remark becomes significant in view of the fact that only responsible persons who attended such conferences could be recalled by Hideki TOJO who was not even certain that I was present but that I may have been because there were secretaries that usually attended.

34. The Prosecution has also placed undue significance on my attendance at the meetings of the Investigation Committee of the Privy Council, but I attended them only in the company of the Navy Minister as "explainer" for actually when the

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Minister spoke I accompanied him in order to submit materials which he needed. It will be evident upon examination of the Exhibits mentioned hereafter. In any case, the "explainer" did not express himself nor participate in the decisions.

These "explainers" merely accompanied these Ministers, and there were many of them from the various Ministries and they played no important role whatever at those meetings.

(Exhibits #649, 1241, 1266, 1275, and 687.)

The Prosecution also stated, without offering any proof, that I attended the cabinet meetings, but I have never attended any cabinet meetings, nor was I privileged to do so.

35. It is the practice for the Naval General Staff to draw up and draft plans of operations, after which only the outline is shown to the Navy Minister. According to the service regulations of Imperial Headquarters, the Navy Minister handles all navy administrative matters and the Vice-Navy Minister, the Director of the Naval Affairs Bureau, the Director of the Mobilization Bureau and others are members of his suite. Yet they do not participate in the discussions pertaining to the plan of operations or in matters within the province of the Naval General Staff or of the Imperial Headquarters matters which are discussed at Imperial General Headquarters meetings. The personnel are called in as a matter of convenience for the

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purpose of enabling them to contact the Imperial Headquarters when it makes requests of the Navy Ministry in connection with the disposition of naval administration matters which are handled by the Navy Ministry according to the Navy Ministry Organization regulations. As a matter of fact I have not even once attended the conference of Imperial Headquarters, nor have I served in the Imperial Headquarters.



Nobody from the Navy Ministry was connected with the plan of operations of either the Imperial Headquarters or of the Naval General Staff.

36. The Imperial Headquarters is divided into two classes: Army section and navy section and the orders are also similarly divided. They are not simply called Imperial Headquarters orders. The order pertaining to the Burma-Thailand Railroad was the order of the army section, Imperial Headquarters. From the nature thereof the order was not connected with the naval operations of the Naval General Staff, which was the navy section in the Imperial Headquarters, must have been not aware of its contents. As for the Navy Ministry, beginning with the Navy Minister, nobody had participated in this matter and they were absolutely not connected therewith. Consequently any suggestion that the Naval Affairs Bureau was involved in this incident is entirely unfounded. (See Exhibit 475, Page 8.)

37. With reference to the Tri-Partite Alliance and the Anti-Comintern Pact, the Prosecution has alleged that as a member of the Military Affairs Committee, I was connected with the strengthening of the Tri-Partite Alliance and the Anti-Comintern Pact. However, the meeting of the Military Affairs Committee was not of vital importance. It is composed of about 15 members headed by the Foreign Minister, and included Vice Foreign Minister, Bureau Directors of Foreign Office, Directors of the Military Affairs Bureau of the Army and Navy, Chiefs of

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the Third Section, Army General Staff and of the Second Section Naval General Staff. It was an extremely perfunctory gathering and took a very ceremonious character wherein the attache's from the Germany Embassy and Japanese Staff Officers aforementioned would attend the luncheon at which time they would explain past events in the war. All told there were only two gatherings. The explanation of the war situation took the form of reading a written report.

The committee with which I was associated as indicated above, had nothing to do whatever with the triple alliance or the strengthening of the anti-comintern pact.

53. The various Ministries of the Government are interrelated with each other with respect to matters coming within their respective jurisdictions. Frequently, there are matters which require collaboration with other Ministries. For this reason every Ministry creates committees on such matters as the need arises, and each Ministry appoints members to serve on such committees. As for the Navy Ministry, it appoints committee members depending upon the nature of the matters involved, from among the appropriate bureaus.

In such a case, as a rule, the Director or one of the Chiefs of the Section of the appropriate Bureau, is chosen to serve on such committees. But actually most of these committees merely go to the extent of being a liaison, and as for its importance to the Navy, it is sufficient if the Navy knows what has taken

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place and where the conference was held. Thus, in most cases, the man in charge of the matter or the chief of the section would attend, and I, as Director of the Bureau, seldom attended. As a matter of fact, I do not even recall being mentioned as a member of many such committees because they were too numerous. Again when I was about to be appointed, in many cases I accepted the appointment on condition that I should not be required to attend any conferences.

A similar situation prevailed with regard to council meetings. At these meetings matters pertaining to important state policy were never deliberated. I was never present at these meetings.

39. There was no special department in the Navy Ministry for the handling of prisoners of war; therefore, prisoners captured by the Navy were turned over to the Army. Prisoners who were captured by the naval units were all handled by agencies of the Army such as the War Prisoners Information Bureau and other units connected with prisoners of war. However, in case it became impossible to immediately deliver to the Army the prisoners of war captured by a naval unit, they were provisionally interned by the naval unit on the field, or if it were in Japan, as a matter of convenience, by the naval station under the jurisdiction of the commanding officer of said naval station. Of course, further procedure was carried out under the command of the superior commanding officer and I assumed the handling of the prisoners of war was conducted according to the laws and regula-

tions.

40. The Prosecution argued that I am responsible for mistreatment of POW's by quoting testimony of SUZUKI who stated that the note of protest respecting the treatment of prisoners of war was dispatched to the Navy Ministry. However, attention is called to Page 15,527 of the Record wherein this witness admits that the documents were sent to the Chief of the Prisoners of War Information Bureau and the Chief of the Ministry Affairs Bureau and or Vice Minister of War. The only document in evidence wherein a copy was sent to the Naval Affairs Bureau is dated April 11, 1945 which is about one year subsequent to my vacating the post. (Exhibit 2174) One of the matter which comes within the jurisdiction of the Naval Affairs Bureau is the report under the regulations covering the names and rank of any prisoners held by any units, and we would thus be able to furnish information thereon to the Foreign Office. However, during my tenure in office as Director of the Naval Affairs Bureau, I have never heard, seen or recall any note of protest.

41. With reference to the alleged atrocities of the naval units, as an officer in the Japanese Navy I cannot but help feel sincere regret. In view of the history and education of the Japanese Navy it is incredible and I cannot understand how such acts ever occurred. The naval units, whether on sea or ashore,

were attached entirely to the channel of the supreme command. As for their operational movements the Navy Ministry had no knowledge whatsoever. Therefore it had no knowledge concerning the orders of the commanding officers or reports concerning troop movements. Thus I had no knowledge concerning the foregoing incidents while I occupied the post of Director of the Naval Affairs Bureau, and I learned of it for the first time when it was related before the Tribunal. Especially is the fact that the commanding officer ordered these atrocities beyond my comprehension. Similarly, at the time I was Director of the Naval Affairs Bureau I had never seen any telegram or correspondence pertaining to the alleged request by Germany with respect to submarine warfare or consultation thereon, nor had I heard anything relating thereto.

42. With reference to the killing of 96 POW's on Wake Island in 1943, I had no knowledge of it, and in fact I again learned of it for the first time before this Tribunal. This incident also concerned the combat unit on the spot, and the Navy Ministry was not contacted or connected with it. It would be absurd to hold the Director of the Naval Affairs Bureau responsible as he was in no position to issue orders to the combat units.

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43. The same can be said with reference to the POW's on Makin wherein the Prosecution quoted the testimony of Rear Admiral ABF in an attempt to place the responsibility on the Central Command. Again I have learned of this incident for the first time in this Tribunal. The statement to the effect that oral instructions came from the central command is inconceivable. This is particularly so in the light of the testimony given by the witness TOMIOKA in Exhibit 3057.

44. Next the Prosecution attempted to fix the responsibility for the sinking of merchant ships on the Director of the Naval Affairs Bureau, but this too is absurd. Needless to state the Navy Ministry, much less the Naval Affairs Bureau does not participate in matters pertaining to combat strategy, and therefore this problem could not involve the Ministry. This is beside the point but the Prosecution has failed to produce any evidence of a policy adopted by the Central Command to wantonly kill survivors of sunken ships, or to mistreat prisoners in any manner Exhibit No. 3054-C and similar orders show exactly the contrary to be true.

45. It is not suggested that the action taken by the Prosecution against me is wilfully malicious or intentionally misconceived. It is rather an unintentional misconception of the importance of the office held by me as Director of the Naval Affairs Bureau. This was a clerical bureau at all times

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subordinate and responsible to the Navy Minister, and I was never in a position to determine or finally approve of matters of State policy. My presence at many of the policy making conferences was always in the capacity of a secretary, as heretofore outline, and it is not difficult to understand how this attendance on my part may have been misconstrued.

I am aware of the fact that stories and rumors may have been circulating after the war concerning my alleged power and influence among a so-called "group" but there is no basis in fact for such rumors. Basically, I have always been opposed to groups and factions, and the mere suggestion of my participation in such a group is erroneous and revolting to my very nature. I was always devoted to performing my duties in the Navy in accordance with the regulations and was at all times careful to guide the actions of myself and my subordinates under the best traditions of the Navy for the maintenance of military discipline.

I was never in a position, politically or otherwise, and consequently did not conspire with any other military or political figures to initiate or wage any wars of aggression or to commit any of the remaining crimes charged against me. I have spent my life in the service of my country, as a naval officer, and have never swerved from the path of duty, in time of peace or war.

On this 3rd day of Nov. 1947

At Tokyo

DEFENDANT: /s/ OKA, Takazumi (seal)

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I, Shinji SOMIYA hereby certify that the above statement was sworn, signed and sealed by the deponent in the presence of this witness.

on the same date

At Tokyo

Witness: Shinji SOMIYA

OATH

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

Takazumi, OKA