

SUGGESTIONS RE TOGO DOCUMENTS ON  
FIRST ORDER LIST AS THEY <sup>A</sup>EFFECT OSHIMA

Defense Documents 2744 and 2852:

Def. Doc. 2744, paragraphs 5 and 6 relate to the military alliance negotiations of 1938. Paragraph 6 is introductory to Def. Doc. 2852. These two documents together show more conclusively than any evidence the Prosecution has that the Army and even the Navy were combining their efforts to put OSHIMA in a position where he could successfully negotiate this alliance. Doc. 2852 is also good evidence against ITAGAKI.

Def. Doc. 2743, paragraphs 3, 4 and 5 relate to this subject. Paragraph 3 goes so far as to charge that TOGO termed the action of the Army and Navy as a conspiracy to take over the Embassy. Paragraph 5 shows that OSHIMA again by-passed the Ambassador by making certain economic proposals to Ribbentrop. This is far stronger than any evidence the Prosecution has on this subject.

Def. Doc. 2745, paragraphs 3 and 4 deal with this subject.

Def. Docs. 2742 and 2669 deal entirely with this subject.

In preparing the cross examination of OSHIMA I became convinced that TOGO opposed the application of the alliance to countries other than Russia. OSHIMA had stated in his interrogation that TOGO was opposed to the alliance except to the extent that it was aimed against Russia but he denied this on cross examination.

I thought it of value to the case to show that the Army and Navy connived at ousting TOGO and promoting OSHIMA and these documents, in my opinion, prove the point beyond any question of doubt.

With the exception of the <sup>two</sup>~~three~~ short documents which deal solely with this question, the documents deal with other matters which are relevant, so I suggest that this evidence be let in without objection.

*P. S. Possibly some of these documents could be admitted in evidence in rebuttal if rejected or withdrawn now.*

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\* DIRECT EXAMINATION OF OSHIMA, Hiroshi  
BY MR. CUNNINGHAM

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The accused identified and verified Exhibit 3508, as his affidavit.

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\* The affidavit stated that the accused was born in 1886, was graduated from the Military Academy; in 1921 was appointed Assistant Military Attache in Berlin, and after his return home in 1925 held various military posts in which he was most concerned with educational matters. From Aug. 1931 until the spring of 1934, he was Chief of the Third Section of the General Staff in charge of internal defense matters. He was then appointed Military Attache in Berlin and after being appointed Ambassador to Germany, resigned his commission as a Lieutenant General. While in the Army \* he never belonged to any clique nor did he know if there was such a thing in existence.

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In Oct. 1921 he went for the first time to Germany as Assistant Military Attache, remaining there until Feb. 1923, when he was appointed Attache in Vienna. Because Germany was in the midst of depression and confusion after her defeat, he got an unfavorable impression politically, economically and militarily of the country. When he returned to Berlin in May 1934 as Military Attache one and one-half years after Hitler came to power, he found everything changed and considerably improved, and felt there were things in the new Germany worthy of serious consideration. As Attache it was his duty to gather information and report to the General Staff in Tokyo concerning military matters. In this duty he naturally came into contact with leading members of the German Army and air force, with the exception of Ribbentrop, with whom he became acquainted through the preliminary contact for the anti-Comintern Pact. His contact was generally with military leaders. During his two tours as Ambassador, he found that the bulk of his time and energy had to be devoted to matters such as culture, trade, protection of Japanese nationals, etc., and diplomatic contact with the German Government was only a small fraction of the business of the Embassy. His direct approach to the Reich was through Ribbentrop. Ribbentrop was often absent from Berlin and OSHIMA met him no more than five or six times a year. He met Hitler usually upon his request and this was possibly two or three times a year. Other than Hitler and Ribbentrop, he met other Nazi leaders only on ceremonial and social occasions and had no official connections with them.

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\* The German Foreign Office disliked foreign diplomats making direct contacts with leaders other than foreign ministers or with branches of the government other than the foreign ministry. Ribbentrop having made his wishes in the matter quite clear to OSHIMA, he was careful not to go over his head.

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33979 The Anti-Comintern Pact was in existence during his first ambassadorship, and the Tri-Partite Pact was already in effect prior to his second sojourn in Berlin. As Ambassador, he felt duty bound to concentrate his efforts on the maintenance and improvement of Japanese-German relations in the spirit of these agreements and always acted in line with the home government's policy. For this purpose he tried to maintain as close a relationship as possible with Hitler, Ribbentrop, and other German leaders to make himself an effective channel for smooth exchange of views. He never approved Nazi ideology or policy as a whole, and particularly had no sympathy with the Nazi race theory or their "anti-Jewish and anti-Christian policy. He disapproved of their administration in occupied territories during the war but diplomatic discretion prevented him from expressing his views openly although he thought it was sufficiently understood by the Japanese and Germans with whom he dealt.

The Japanese-German cultural agreement was concluded in 1938. OSHIMA thought the exchange of culture between the two nations would benefit both, although he did not agree with any features of the Nazi party's cultural policy. He supported the enterprises of the Cultural Society and a considerable part of his time was occupied with these enterprises.

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\* Regarding the parts of his interrogations which had been quoted by the prosecution, since he had practically no knowledge of English, it was inevitable that some misunderstandings or misinterpretations occurred and he found this out later. The prosecution tendered many German documents concerning conversations with Hitler, Ribbentrop and others. The conversations were in German, without an interpreter, and at those with Hitler, Ribbentrop was always present. Stahmer or his successor was sometimes present at the interviews with Ribbentrop at which there was no recorder present. The records of the conversations must have been made afterward from memory and could not always be accurate.

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\* Regarding the documents concerning his conversations with Ribbentrop, they were generally compiled in a vein favorable for him. Sometimes it was even stated that OSHIMA agreed with Ribbentrop on certain matters while actually they were only talked about and he had expressed no opinion. He thought this was because Ribbentrop had many enemies in the German Government and military circles and in distributing the documents to them he had to resort to internal political maneuvering to show the success of his pro-Japanese policy. The accused knew well that it was only Hitler and Ribbentrop who decided German foreign policy and it was no use to talk to their subordinates. He always talked over important matters either directly with them or through the liaison man, Stahmer, or his successor, when Ribbentrop was absent. Very seldom did he meet other foreign

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Page office officials and rarely talked over routine matters with them.  
33982 In the records prepared by Weizsaecker, Erdmannsdorf, etc. of his conversations \* with them, there were many matters of which he had no recollection. They evidently drafted the documents to make it appear as if they had important talks with him and then presented them to Ribbentrop.

33983 He first made the acquaintance of OTT in Apr. 1934 prior to going to Germany as Military Attache, when OTT arrived in Tokyo as the Attache of the German Embassy. He had personal contact with OTT during his stay in Tokyo between Dec. 1939 and Jan. 1941 when OTT left Japan for his second tour of duty as Ambassador. They sometimes had informal chats but OTT never considered them seriously as he was completely retired from public life at the time, did not know the government's view, and had no inside information to give. He was much surprised that his name was often cited in Ambassador OTT's telegrams.  
\* From Aug. 1931 until Mar. 1934 OSHIMA was Chief of the Third Section. Since he was in charge of purely internal defense matters, he had no connection with the Manchurian Incident or with the Manchukuo problem, and this situation continued after he became the Attache in Berlin in Mar. 1934. After being appointed Attache, he arrived in Berlin in May 1934. He heard he was chosen because he spoke German well and had some knowledge of Germany as result of his previous stay there.

33984 At that time the C/S was Prince KAN-IN and the Deputy Chief was General UEDA. Prior to his departure, OSHIMA received oral instructions from UEDA concerning his duty in Germany. He was ordered to watch and investigate \* the stability of the Nazi regime, the future of the German army, relations between her and Russia, and was further instructed to collect information and report on the Soviet.

According to the Japanese system, the Military Attache belonged directly under the C/S and was not subordinate to the Ambassador.

33985 Exhibit 3509, a certificate showing military attaches and assistant attaches to Embassies and Legations were under the command of the C/S in compliance with military orders, was received in evidence. The affidavit continued and it was stated that regarding OSHIMA's contacts with Ribbentrop \* prior to the negotiations for the Anti-Comintern Pact concluded in 1936, the prosecution had offered parts of his interrogation (Exhibits 477 and 478). Regarding this, the contacts he had with RIBBENTROP and Hack as narrated there, were for the sole purpose of collecting information, one of the attache's main duties. They were nothing in the nature of negotiations.

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When he met Ribbentrop in 1935, he had the title of Ambassador unattached. Hack was a salesbroker of arms for foreign countries.

In Exhibit 478 it was made to appear that in answer to the question: Were the Japanese military and naval attaches authorized by virtue of their position to enter into negotiations with the military of another nation, looking toward a pact or treaty or an international agreement between the two nations, he had stated, yes, if it was a strictly military matter, they might discuss those matters without going through the Ambassador.

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\* To clarify his answer in the above interrogation, the Japanese military or naval attache was authorized to negotiate for and conclude purely military agreements. In this case no participation of the Ambassador was tolerated. As to other matters, the attache could only send information to the General Staff but was not authorized to negotiate.

In Exhibit 478 it was also made to appear that he had stated it was quite true that the army had enough power very probably to sell the pact to the Japanese Government and that he would say no treaty could possibly have been made if the army had not wished it. Regarding this, OSHIMA had no recollection of stating such things. He had only said as to the reason RIBBENTROP approached him was that he might have thought that the Japanese Army was mostly interested in such a matter and this statement must have been misunderstood.

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After he reported RIBBENTROP's desire to the General Staff, Lt. Col. WAKAMATSU was despatched to find out the views of the German Government and Army. \* He arrived in Berlin at the end of November 1935 and OSHIMA took him to RIBBENTROP and Minister of Defense General Blomberg. In the interview RIBBENTROP proposed an Anti-Comintern Pact on the ground that the 7th 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 therefore the two countries had common interests to defend themselves. OSHIMA expressed no opinion to this proposal. WAKAMATSU left Berlin with this information and arrived in Tokyo at the end of Jan. 1936. At that time Ambassador MUSHAKOJI was on leave in Tokyo. He returned to Berlin at the end of Apr. 1936 after the main points of the matter had been decided in Tokyo. Thereafter, negotiations were conducted by MUSHAKOJI with RIBBENTROP in accordance with government instructions and the Anti-Comintern Pact and Secret Agreement with Germany were concluded.

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Concerning the Japanese Government's purpose in concluding the Pact and Secret Agreement, OSHIMA's understanding was \* that inasmuch as Japan was internationally isolated after the Manchurian Incident, it was desirable to remove that uneasy feeling by finding an ally or allies. Also, since the destructive activities of the Comintern were rampant in U.S. and Asia, it was felt advisable that as many nations as possible should join hands and take counter-measures, especially in view of the resolution of the 7th Comintern Congress of 1935. In addition, Japan was keenly feeling pressure from the Soviets. Russia had developed her industries under the 5-Year Plan and increased her armament to a great extent and 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 the Soviet to make her position more secure. With this purpose of the Pact, OSHIMA was in complete agreement.

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\* The prosecution had alleged that the Anti-Comintern Pact and Secret Agreement were forerunners of the Tripartite Pact and were aggressive agreements directed against democratic countries and particularly used in the aggression against China. He never heard that the Japanese Government and Army ever had such thoughts nor did he himself. He believed the Anti-Comintern Pact was ideological to check the spread of communism and at the Secret Agreement was of a very peaceful nature, only stipulating that Japan or Germany would not carry out any measures which would relieve the position of the Soviet if one of the two were attacked unprovokedly. The text clearly showed this, and OSHIMA also did not dream of the outbreak of the China Incident at the time the Agreements were concluded.

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\* The outbreak of the China Incident in July 1937 was a complete surprise to him. He had been in Berlin as attache since the spring of 1934 and was completely out of touch with the China problem. He learned by telegraph from the General Staff after the outbreak of the non-aggravation and non-extension policy and believed it would be settled locally soon. It gradually became clear that it would not be settled quickly and he was much concerned at Japan's position being endangered because of Soviet armament in the Far East.

At the end of Dec. 1937, he received an instruction from the General Staff to request the German Army that peace be offered to Chiang Kai-shek through General Falkenhausen, the military advisor to Germany. OSHIMA approached the German Army at once and General Keitel agreed and initiated action to that end. This peace attempt did not materialize and had to be abandoned when the efforts of mediation by Ambassador Trautmann were terminated.

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\* Exhibit 489, Himmler's memorandum, said that Himmler visited OSHIMA on 31 Jan. 1939 and talked with him concerning

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counter-intelligence activities against the Soviet, but Himmler never visited him then and he could not remember even seeing him then. During his 10 years in Germany he had no special relations with Himmler. He received visits from him only twice: in the winter of 1936 when an official of the Japanese Home Office came to Germany to study measures for controlling communism and OSHIMA invited Himmler to a dinner party to solicit his assistance on behalf of the Japanese official; the other occasion was in Mar. 1941 when OSHIMA went to Germany as Ambassador for the second time and Himmler paid him a courtesy call. About June 1937 while OSHIMA was attache, his office in accordance with the C/S's instructions \* began to study the use of White Russians in Berlin to collect information about the Soviet and for propoganda and counter-intelligence purposes in case of war between Japan and Russia. The task was entrusted to Lt. Col. USUI and later to Col. MANAKI of OSHIMA's staff. This was a fairly special service and their office and expenditure account were separated from OSHIMA's, and in the General Staff Office in Tokyo, the section in charge of this service was different from the one handling general matters concerning attaches. OSHIMA's function was to supervise rather than direct, although since he received reports, final inspection for the service rested with him. Instructions of the C/S concerning counter-intelligence were that this matter was only to be studied in consideration of war and not to be executed in peace time.

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There was an understanding between the German and Japanese Armies to collaborate in this. On the German side it was exclusively handled by the counter-intelligence section \* and was kept strictly secret, even within the Defense Ministry.

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Himmler was not concerned with counter-intelligence and he and the Chief of the Counter-Intelligence Section were on bad terms. Therefore, neither OSHIMA nor other Japanese officers ever talked with Himmler or his subordinates about this matter, and OSHIMA never concerned himself with counter-intelligence after becoming Ambassador. He received reports from USUI that he had bought real estate in a Berlin suburb and kept White Russians there who were engaged in small scale printing of anti-Soviet pamphlets. OSHIMA knew nothing more than that and never visited the place. He never knew nor heard of the sending of anti-Russian pamphlets into Soviet territory by balloons from Poland. To carry this out it would have been necessary to secure Poland's collaboration, but he never heard that such talks were conducted with her. He never heard of the buying of motor-boats to send pamphlets into Crimea from Roumania across the Black Sea. To do this Roumanian collaboration would have been necessary and he didn't think relations with her were so cordial as to permit such talks. As to the story of sending 10 Russians with bombs into the Soviet to assassinate Stalin, the contention was fantastic and ridiculous.

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\*As to the Japanese army officer stationed in Afghanistan, OSHIMA had no connection with his affair. In this memorandum it was stated he was expelled because he was suspected of wanting to overthrow the Afghan Government but according to what OSHIMA heard he was requested by the Afghan Army to return to Japan as a result of his anti-Russian remarks. The greater part of the memorandum contained matters he did not know about and in view of the fact that the memorandum nevertheless stated OSHIMA talked about them he denied the authenticity of the document and even thought that Himmler or his subordinates concocted the document utilizing his name for some internal purpose.

In 1938 and 1939 lengthy negotiations took place between Japan, Germany and Italy for strengthening the anti-Comintern Pact in which OSHIMA participated as ambassador. The negotiations ended in complete failure and no result was obtained.

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\*In July 1938 while he was Military Attache Ribbentrop showed him what is purported to be a brief draft of a treaty of mutual consultation and assistance between Japan, Germany and Italy and asked him to find out how such an idea might strike the Japanese Army. OSHIMA dispatched Major General KASAHARA at the end of July 1938 to Japan for a first hand report. After KASAHARA reported to the General Staff and War Ministry things developed with unexpected rapidity. The army brought it to the attention of the Foreign Minister UGAKI, who presented it to the Five Ministers' Conference at the end of August.

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At the conference it was agreed that subject to verbal alterations general approval could be given the German proposal provided the Soviet was considered as primary and other countries the secondary objectives, it being understood that the basic idea was amplification of the anti-Comintern Pact. \* It was agreed the matter should be transferred to formal diplomatic channels but there would be no harm in communicating to the Germans in the meantime through the army channel the above mentioned decision. This was what OSHIMA learned from telegrams sent him from army authorities and from KASAHARA's report after he returned to Berlin at the end of September. OSHIMA was surprised at the unexpected turn the matter had taken but conveyed this promptly to Ribbentrop.

He was appointed ambassador in October 1938 and did not know what happened in Tokyo prior to his appointment. In September he unexpectedly received a telegram from the General Staff asking whether he had any objection to the appointment and he firmly declined because he would have to resign from active military service and besides had no diplomatic experience.



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\* After repeated urgings from the General Staff he finally gave in because as a soldier he could not refuse to comply with the army's wish. The Foreign Minister at the time was Premier KONOYE who held the post concurrently and shortly thereafter ARITA was appointed Foreign Minister. Upon his appointment OSHIMA was placed on the reserve list and practically all his army connections were cut off. He considered it his primary task to bring the proposed treaty between Japan, Germany and Italy to fruition.

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At the beginning of November after becoming ambassador Ribbentrop formally presented a German draft of the treaty asking OSHIMA to transmit it to his government and he sent it by telegram to ARITA. ARITA replied that it was a capital idea and would facilitate the settlement of the China Incident, be effective in strengthening defense against the Soviet and improving \* general diplomatic position. ARITA's telegram further stated that the government was contemplating a concrete counter proposal which would be cabled as soon decided upon. From this telegram and from the Five Ministers' Conference at the end of August OSHIMA gained the impression that his government was in agreement in principle to the German proposal. Shortly thereafter however a telegram was received which stated there seemed to be a misunderstanding as to the objective of the proposed treaty. OSHIMA cabled back for an explanation but received no clear answer. The Japanese announced counter proposal did not arrive despite his repeated requests and he could not proceed with the negotiations until the arrival of the ITO mission at the end of February 1939.

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After HIRANUMA replaced the first Konoye Cabinet at the beginning of 1939 ARITA sent a telegram announcing the dispatch of a mission headed by ITO, a former \* minister to Poland, as a special envoy to convey and explain the government's instructions. The mission arrived in Berlin at the end of February and as the instruction was addressed to both the ambassadors in Germany and Italy SHIRATORI came to Berlin and they met the ITO mission together. The Japanese counter proposal corresponded in its main part to the draft treaty of mutual consultation and assistance between Japan, Germany and Italy, the signing protocol and the secret accessory protocol. (Exh. 2619) As far as the treaty 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 and it was to these they were instructed to try to obtain the concurrence of the German and Italian Governments. These secret understandings were that Japan would not render military assistance if Germany and Italy were attacked by countries other than the Soviet unless these \* countries turned Communistic and the explanation would be given to third parties that the treaty was a strengthening of the anti-Comintern Pact. According to this instruction, secret understanding No. 1 was going to limit the duty of military

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34004 Page assistance to Japan to cases where the Soviet was involved. OSHIMA thought this would contradict what he had already committed to the Germans in accordance with the telegrams received from Tokyo when he was Attache. To present this proposal would not only cause Germany to doubt Japan's sincerity but OSHIMA was also sure that they would not accept it. He therefore cabled his view to Tokyo that if Japan wished the successful conclusion of the treaty it would be necessary to reconsider Secret Understanding No. 1. According to Japanese law an official can present his view to his superior concerning the business under his charge. Exhibit 3510 an excerpt from the Foreign Ministry Year Book being an Imperial Ordinance issued 30 July 1892 in support of OSHIMA's contention was received in evidence. \* The affidavit continued and stated that when OSHIMA presented his observations he was only following this principle. In the detailed explanation attached to the instructions was the remark that Japan was compelled to make concessions to the extent of the draft treaty because Germany and Italy had been misled concerning Japan's position in the course of the negotiations. OSHIMA thought this a grave matter for if he had misled Germany he had to take responsibility and therefore he cabled ARITA asking to clarify this point. ARITA replied at the end of March that no one in particular was responsible.

OSHIMA did not tender his resignation at that time nor indicate any wish to resign nor tender his resignation during the whole course of the negotiations.

34005 \*Exhibit 501, an excerpt from Ciano's diary and Exhibit 502, a telegram of Ribbentrop stated that OSHIMA refused to carry out the ITO mission's instructions and threatened the government by resignation, but this clearly was not the case. As to 502, it was quite untrue the original draft of the proposed treaty had been drafted by direct negotiations between Ribbentrop, Ciano and himself. He never talked with Ciano concerning it and the draft was drawn up by the Germans without his participation. In answer to OSHIMA's observations as to the instructions brought by ITO, a new instruction revising the original text of the secret understandings was received at the end of March which he immediately conveyed to Ribbentrop. That new instruction provided that Secret Understanding No. 1 was revised and made to read that although Germany accepted the duty of military assistance if Germany and Italy were attacked by countries other than the Soviet she would not be able to carry it out effectively \* for the time being. As to Secret Understanding No. 2 Japan wanted the reservation that if inquiries were made by third parties Japan would explain that as far as she was concerned she had nothing in view but the destructive activities of the Comintern in concluding the treaty. Ribbentrop stated it was his interpretation that by the proposal Japan accepted in principle participation in war if Germany and Italy were attacked by countries

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34007 other than the Soviet and asked OSHIMA if this interpretation was correct. He replied that since Japan accepted the duty of military assistance he thought she accepted in principle the duty of war participation although the scope and mode of it would differ from time to time. Ribbentrop said he could not consent to Japan's making a different and independent explanation to third countries concerning the treaty's purpose. OSHIMA tried hard to explain Japan's situation. After consultation with Hitler, Ribbentrop stated that although he would accept the proposal so far as the treaty, the signing protocol and the secret accessory protocol were concerned, \* he desired that Japan withdraw the proposal for secret understandings. He suggested that as Germany did not intend to ask Japan to go beyond her capacity details of the obligations should be referred to conferences envisaged in the secret accessory protocol. In short he asked reconsideration on the part of Japan and OSHIMA cabled Tokyo in that sense.

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\*Tokyo's instructions thereafter never denied the duty of war participation. Only they gave a very broad interpretation to the term by including measures which could not be interpreted normally as war participation and instructed OSHIMA to secure Germany's consent to that interpretation. The instructions were ambiguous and difficult to understand and OSHIMA was sometimes hard put as to how to make them clear. He found out later that the ambiguity was due to the fact that the instructions were drafted as a result of oral compromise while the difference of opinions remained unreconciled. In spite of these difficulties he tried to explain the Japanese point of view to Ribbentrop who finally recognized the need for Japan to make the two reservations and proposed that proper formulation for them should be studied from a legal point of view. At his request OSHIMA sent, at the beginning of May, Councillor USAMI to Chief of the Treaty Bureau Gaus \* for consultation concerning the reservations and a tentative plan drawn up by Gaus was

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cabled to Tokyo. (Exh. 26917) About the time OSHIMA cabled the Gaus plan Premier HIRANUMA sent a personal message to Hitler and Mussolini through the German and Italian Ambassadors in Tokyo, in which he stated that Japan was resolved to stand at the side of Germany and Italy and render military assistance within her capacity even if the two were attacked by countries other than the Soviet but under the circumstances she was compelled to make certain reservations. He requested Germany to make concessions as to the secret understandings and trust Japan's sincerity. The purport of the message was strongly in support of the negotiations which OSHIMA was pursuing. The message was wired him by ARITA simultaneously with its delivery to Ambassador Ott in Tokyo and he had it delivered at once to the Foreign Office. \* When the message arrived, Ribbentrop was staying with Hitler in South Germany and telephoned OSHIMA, saying that Hitler upon reading the message had said that although he was not asking much from Japan he could not agree because of some remaining ambiguities. Exhibit 2230, telegram from Ribbentrop to Ott stated that at the end of May OSHIMA again refused to carry out instructions. OSHIMA told Ribbentrop

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at that time that he cabled Tokyo his observations to an instruction concerning the Gaus plan. Ribbentrop must have misunderstood that and wired Ott in that sense.

It was untrue that OSHIMA received, as stated in Exhibit 2230, a telegram from War Minister ITAGAKI in which ITAGAKI requested him to hold off until later against ARITA in order not to disturb the discussions in Tokyo and that the army was firmly resolved to fight the matter out even at the risk of a cabinet overthrow. Concerning this OSHIMA recalled that Military Attache KAWABE in Berlin wired central army authorities criticizing the government's equivocal attitude. ITAGAKI replied to him that as the atmosphere of the Five Ministers' Conference was inclining to favor the conclusion of the treaty he better keep quiet. ITAGAKI stated he had no intention to overthrow the present cabinet. OSHIMA heard this story from KAWABE and thought he told it to Ribbentrop. He never received telegrams from ITAGAKI concerning these negotiations for this was not permitted and he was not concerned with the exchange of telegrams between KAWABE and ITAGAKI.

34012 At the beginning of June Tokyo sent a new instruction requesting the German Government to revise the Gaus plan. OSHIMA explained in detail to Ribbentrop who showed understanding as to the Japanese view that Japan could render no effective military assistance for some time and might, according to circumstances, remain neutral if Germany was attacked by countries other than the Soviet. \* However, Ribbentrop again rejected the exchanging of notes concerning the secret understandings, on the ground that if the notes leaked out the treaty would be deprived of political effect. He said Germany was very anxious about the leakage of secrets in Tokyo. In mid June OSHIMA reported that but received no instruction. The negotiations ended due to the German-Russian Non-aggression Pact on 23 August 1939.

34013 During the whole negotiations OSHIMA's constant idea was that the proposed treaty was purely defensive and its object was not war but was meant to be used as a means in diplomatic negotiations. According to his understanding the reason why Japan wished the conclusion of the treaty was to strengthen her diplomatic position to \*facilitate the settlement of the China Incident and to improve her defensive position vis-a-vis the Soviet. This intention was also clearly expressed in the treaty draft drawn up as a result of OSHIMA's negotiations. (Exhibit 2619) In the preamble of this it was stated that Japan, Germany and Italy, in the conviction that the activities of the Comintern threatened peace in Europe and Asia determined in the spirit of the Agreement to strengthen defense against the communistic disintegration and preserve their common interests, had agreed upon certain provisions. As was proper for an ambassador, OSHIMA did his best during the entire period of the negotiations to bridge over the opposing views of the two governments.\* For this purpose he conveyed the German views accurately to his own government, while interpret-

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Page ing the Japanese point of view truly to the Germans. Sometimes he represented to his government after sounding German views that if it desired the successful conclusion of the negotiations it was preferable to make some concessions. While the instructions from Japan were equivocal he requested clarification and postponed executing the instructions until the wires were answered. However, he had no recollection of having contradicted or having refused to carry out instructions or going beyond their scope. He received no censures from the Foreign Minister in this respect during and after the negotiations.

34015 About 20 August 1939 Ribbentrop called on OSHIMA by telephone informing him of the decision of concluding the Non-aggression Treaty with the Soviet, explaining this had been made inevitable by the exigencies of the European situation. \* OSHIMA told Ribbentrop this was in contravention of the Anti-Comintern Pact and an act of extreme bad faith. When Ribbentrop passed through Berlin on his way to Moscow for signing the treaty OSHIMA repeated his oral protest.

Thereafter ARITA instructed him to lodge a formal protest and he drafted a note of protest and saw Secretary Weizsaecker to hand it to him as he could not see Ribbentrop at that time. Weizsaecker begged OSHIMA to postpone presenting the note because Germany was in a difficult position in connection with the negotiations with Poland. OSHIMA thereupon consented to the request and postponed presentation of the note until mid September when the war situation in Poland was somewhat clarified.

34016 Having received the notification from Ribbentrop about 20 August that the conclusion \* of the Non-aggression Pact was imminent he immediately cabled Tokyo offering his resignation. One month later he received orders to return to Tokyo and arrived in Japan in December 1939, and his request for resignation was granted and he was relieved on 27 December. The reason he offered his resignation was because he felt he had not fulfilled his duty in not anticipating the Non-aggression Pact, also he was annoyed at Germany's volte face. He resigned on his own initiative and had no thought of going to Germany ever again. He learned for the first time in the Trial that Ribbentrop worked on the Japanese Government to keep him at his post. He was functioning as ambassador after offering his resignation until his departure from Berlin in October 1939. During this period he had no important conversation with the Germans except over routine \* matters.

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Exhibit 507 said that before OSHIMA's departure he expressed full approval to Ribbentrop's theory concerning future Japanese-German collaboration and German good offices for improving Japanese-Russian relations as he thought it desirable at that time to bring about friendly relations with the Soviet. He expressed this idea as his private opinion to Ribbentrop.

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As to Exhibit 508, a telegram from Weermann to Ott, OSHIMA explained that before his departure from Germany he thought Ribbentrop asked him to give any advice for Germany which he thought fit, but OSHIMA never heard from anybody about the secret communications, etc., as described in that telegram. He never committed anything to anybody concerning his conduct after his return to Japan and he never communicated with Ribbentrop through the German Embassy in Tokyo after his return home or through any other means.

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\*From his resignation in December 1939 until reappointment as ambassador in December 1940, he never occupied any official position and had no connection with any political, ideological or cultural groups. He was never consulted by anyone in the government nor did he ever see any official documents. As he had been away from Japan for more than five years he wanted to retire completely and devote himself to studying Japan's internal situation. He received invitations to join political parties or make public speeches but he consistently refused. He did make a few private speeches. He never made any remarks to stir up anti-British or anti-American feeling on these occasions. He had nothing to do with the conception, negotiation and conclusion of the Tripartite Pact in September 1940. He did not even know what kind of negotiations were taking place and was never consulted by Foreign Minister MATSUOKA, Ambassador Ott or Stahmer.

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\*Exhibit 1299A, an article published under his name in the Yomiuri Shimbun of 27 October 1940 was an interview he gave to newspaper correspondents and he gave it in accordance with statements issued by the government.

In December 1940, he was again appointed ambassador to Germany. When MATSUOKA offered him his post he refused more than once but because of his strong urging he ultimately accepted it.

34020

Exhibit 560, Ott said OSHIMA refused because he wanted to stay in Japan and work politically for the Tripartite Pact but this was completely untrue. He refused because it was hardly a year since he had resigned and he did not want to go again to a distant foreign country. His reappointment took place after conclusion of the Tripartite Pact in September 1940. \* The Rescript on the day of its conclusion (Exhibit 554) and the government statement (Exhibit 2734) indicated the pact would form a cardinal point in Japan's foreign policy and he was convinced that his actions as ambassador must be guided by the pact. As to its purpose, he understood from MATSUOKA it was to keep the United States out of the war and facilitate settlement of the China Incident. He naturally thought Japan should be prepared for all eventualities but never advocated the use of armed force for any but defensive purposes.

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34021

In January 1941 prior to his departure he was invited by Premier KONOYE to a party, together with Admiral NOMURA, the new ambassador to the United States. Among those present were Minister, without portfolio, HIRANUMA, War Minister TOJO, Navy Minister OIKAWA, Chief of Staff SUGIYAMA and Deputy Chief of Staff KONDO, etc. At the party KONOYE explained the government's attitude toward the Tripartite Pact, emphasizing \* what Japan's prime desire was. The Foreign and Navy Ministers stated that even if the United States-German war should break out Japan would not enter the war unless it was determined clearly that Germany was attacked and asked OSHIMA to collect and report as many accurate data as possible. Besides desires were expressed that Germany's intentions in the European war be ascertained, especially as to landing operations against England.

34022

In January 1941 he met Ott and the Russian Ambassador Smetania at the German Embassy at Ott's invitation. On this occasion OSHIMA emphasized his desire for improving Japanese-Russian relations in accordance with the idea of the Tripartite Pact to which Smetania agreed. As a result of Smetania's communication to his government OSHIMA and his party got Russian visas quickly and this provided other special favors.

\*OSHIMA arrived in Berlin on 19 February 1941 and went to Berchtesgaden on 28 February to present his credentials to Hitler.

34023

Exhibit 571 described his conversations with Ribbentrop on 23 February. It was true that Ribbentrop in the interview tried to lead conversations in the direction of inducing Japan to attack Singapore. However, OSHIMA had no recollection of telling Ribbentrop that preparations for attack on Singapore, Hongkong, etc. would be completed by May and he had never received any information on such subjects, nor did he ask MATSUOKA to visit Berlin with a concrete plan to attack Singapore. He knew that such a matter was purely an operational matter in charge of the High Command and no outside intervention was tolerated. When Ribbentrop touched the question of an attack on Singapore OSHIMA expressed his personal opinion and let the talk go along the line Ribbentrop suggested because he as ambassador considered it important to ascertain German intentions, especially toward Britain and thought \* these talks would be a good clue for this purpose. He thought also it was to some extent necessary not to give the impression of Japan's assuming an evasive attitude.

Exhibit 580 said that MATSUOKA asked Ribbentrop for help in the attack on Singapore. Ribbentrop told MATSUOKA the question had already been discussed with OSHIMA, however, OSHIMA never talked with Ribbentrop about such matters which were outside his competence.

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Exhibit 573, a directive issued by Hitler's Headquarters on 5 March 1941 concerning collaboration with Japan said that the aim of cooperation with her based on the Tripartite Pact must be to bring Japan, as soon as possible, to active operation in the Far East. OSHIMA never heard anything about this directive from Hitler, Ribbentrop or any other Germans and learned about it for the first time during his interrogations.

34024

\*MATSUOKA arrived in Berlin at the end of March 1941 and after several conversations with Hitler and Ribbentrop left Berlin for Moscow in early April. Prior to OSHIMA's departure from Tokyo the Foreign Minister's visit to Germany had already been talked about but as the matter was not yet decided he did not talk with MATSUOKA about it in detail. After his arrival in Berlin he was never instructed to arrange an agenda of conversations for MATSUOKA and only arranged MATSUOKA's itinerary according to instructions. He attended only the first conversations of MATSUOKA with Hitler and Ribbentrop. At that conversation Hitler emphasized the desire for closer Japanese-German relations and MATSUOKA responded without suggesting anything concrete. There was talk about the attack on Singapore but MATSUOKA made no commitments.

34025

Thereafter \* MATSUOKA had several talks with German leaders but never consulted OSHIMA prior to them nor tell him anything about their particulars. OSHIMA did not ask MATSUOKA about that because he knew the primary object of MATSUOKA's trip was a conclusion of a Neutrality Treaty with the Soviet and no importance was attached to his journey to Germany and Italy. OSHIMA never met MATSUOKA prior to their meeting in November 1940 when he urged him to accept the post of ambassador. During the month before his departure to Germany and when MATSUOKA visited Berlin he saw him only several times. OSHIMA's impression was that MATSUOKA was a man of strong self confidence and did not like to consult anyone. OSHIMA received before his departure from Tokyo no written instructions but only brief oral instructions concerning the Tripartite Pact and he had no conference with him on Japan's foreign policy in general.



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34026 \* Exhibits 587 and 1097 were telegrams exchanged on 28 June 1941 between Ribbentrop and Ott. OSHIMA never told Ribbentrop he would recommend to his government military action against the Soviet, nor did he ever make such recommendations, and the contents of those telegrams were not true. After the outbreak of the German-Russian war and after the German army's onslaught began to slacken, Ribbentrop two or three times urged Japan's joining in that war. OSHIMA conveyed this request to Tokyo in execution of his ambassadorial duties and did nothing more.

After the Pacific war's outbreak, also such German requests were repeated, but after OSHIMA refused, upon instruction of the Japanese government this request in the summer of 1943, they were never repeated.

34027 In exhibit 811, one NOHARA testified he was in charge of secret military information concerning the Soviet in the embassy in Berlin. \* This man was a Japanese-German half-breed temporarily employed, could not speak English well, and was not a regular member of the embassy.

Exhibit 3511 in support of this statement certified re NOHARA, Komachi, who was not formally a member of the embassy, although in its service, was received in evidence. OSHIMA heard that NOHARA was following overseas radio broadcasts, but did not know him personally nor did he talk with him, and absolutely did not allow him to touch secret matters. As to the Japanese-American negotiations, at the end of May 1941, some time after their commencement, OSHIMA received a brief telegram from MATSUOKA informing him that the negotiations had commenced.

34028 Thereafter no information was received from the government and no reply was received to OSHIMA's inquiries. \* The decisions of the liason and imperial conferences after the summer of 1941 and their contents were never communicated to him and he learned of them for the first time in the trial. He was left completely in the dark as to the progress of the negotiations, government's policy and intentions, etc. Ribbentrop often asked OSHIMA about the real situation of the negotiations but, because he was completely ignorant, could give him no information. OSHIMA was not in a position to express concurrence or opposition in the matter of the negotiations. His opinion was that the China problem was the primary cause of Japanese-American difficulties and it would be difficult to ease the tension, unless that problem was solved. As to the

Page tripartite pact, he thought it would not be difficult for the U.S. to understand it as it was purely defensive. He believed that if the pact had been made on Japan's Pacific policy, adjustment of American negotiations could be made only so far as  
34029 it did not contradict the pact. \* During the negotiations, rumours were rampant and Germany grew suspicious lest the pact be rendered meaningless. OSHIMA feared that if the negotiations should fail, Japan would fall into worse diplomatic isolation than ever as the U.S. would look upon Japan and Germany and Italy would not trust her any more.

It was his same conviction and hope that peace would be maintained with the U.S. and this opinion was expressed in telegrams to MATSUOKA dated 20 May 1941 (exhibits 1075 and 1076). Ribbentrop told him his strong suspicion as to the contents of the negotiations, and OSHIMA sent those telegrams as he thought it his duty to report the German view, although he had received no communications concerning the negotiations. This was the only time he presented his observation to his home government concerning them.

34030 \* Germany also did not wish for a collision between Japan and the U.S. and approved the negotiations so far as they did induce the U.S. to observe neutrality without affecting the tripartite pact. He thought, in fact, that Germany tried to appease America in spite of the dangerous situation in the Atlantic.

Exhibit 603-A was allegedly an intercepted telegram sent on 29 November from Berlin to Tokyo. He did not recall the interview with Ribbentrop referred to in it, nor its contents. If the interception, decoding, and translation by the U.S. authorities was correct, his loss of memory must be due to the fact that the conversation made no strong impression on him. He did not remember Ribbentrop's telling him Germany would join the war immediately if Japan became engaged in a war within the U.S. If Ribbentrop made such a statement, OSHIMA thought it was because he wanted either to ascertain the Japanese attitude towards the U.S. or to influence Japan by strong expressions, as he was always afraid lest Japan would turn away from Germany as a result

34031 \* of the Japanese-American negotiations.

Germany's determination not to join the Japanese-U.S. war at once was clear from the fact that Ribbentrop postponed the answer on the pretext of consulting Hitler when OSHIMA approached him on this subject a few days later on instruction of his government. About 29 November 1941 OSHIMA suddenly received a telegram from foreign minister TOGO saying that Hull's reply of 26 November was strong and

Page 34033 uncompromising, but as OSHIMA was unaware of the progress of the negotiations, he did not dream of the imminence of war and went to Vienna to attend a Mozart Festival. \* In Vienna he received a telephone call from KAWAHARA, councillor, asking him to return to Berlin at once and upon his return, the morning of 2 December, he first learned that a telegram from TOGO had arrived instructing him to initiate negotiations for the Non-Separate Peace Treaty. He immediately communicated this matter to Ribbentrop.

34034 Although the danger of war was mentioned in the telegram, he did not believe the danger of war was inevitable nor imminent, thinking that Japan's intention was only to make preparations for an eventuality. OSHIMA thought there was still possibility of continuing negotiations and the instructions arrived so suddenly he could not grasp the situation. \* When Ribbentrop asked him whether war was going to break out with the U.S., he replied it was clear.

To this proposal, Ribbentrop said it was a grave question whether Germany should immediately declare war if war broke out between Japan and America and he must consult Hitler. This situation was described in exhibit 605, OSHIMA's telegram to TOGO, sent the 2d and arriving in Tokyo on 3 December 1941. The date of OSHIMA's visit to Ribbentrop in the telegram, 1 December, was obviously wrong and must be the 2nd. The fact that the telegram was sent in the afternoon of 2 December clearly indicated that he saw Ribbentrop on that day.

34035 At that time Hitler was at the front near Moscow conducting operations himself, \* and it was extremely difficult to contact him. Thus despite OSHIMA's urging, the German reply was postponed until 7 December. The afternoon of that day, OSHIMA received an instruction to hasten the negotiations. After consultation with the embassy staff, he drafted a telegram explaining the German attitude, ordered the dispatch thereof, and returned to his residence about 8 p.m. After 10 or 20 minutes he received a telephone call from one of the embassy staff, informing him that the London radio had broadcast the attack on Pearl Harbor. He was very surprised and could hardly believe it, but as a precautionary measure, ordered the embassy to withhold dispatch of the telegram to Tokyo.

Some time later Ribbentrop asked him by telephone whether the broadcast was true and he replied he could not answer lacking official information. Upon Ribbentrop's

Page request, OSHIMA saw him at the foreign office and he also was much surprised and seemed not to believe the outbreak of war. 34036 As the same report continued \* to be broadcast, by midnight OSHIMA began to think it might be true. On the morning of the 8th, he received an official telegram informing him of the outbreak of war and conveyed the news to Ribbentrop and they began drafting the Non-Separate Peace Treaty which was signed 11 December.

The proposal of the treaty was not made to Germany until he received these instructions from the foreign office, and prior to that there was no talk concerning it. As to exhibits 601 and 602, he heard for the first time in the trial that such contacts were made in Tokyo between General OKAMOTO and General Kretschmer, the German Military Attache, in November 1941. Ribbentrop never told him about that.

34037 In answer to a question during his interrogation, he had made detailed statements as to the circumstances in Berlin at the time of the outbreak of the war (exhibit 3512),\* an excerpt from OSHIMA's interrogation was received in evidence in support of this statement.

34042 \* Shortly after the outbreak of the war, he received a German decoration and thought it a gesture, since the two countries were now allies. It was customary in Germany that any foreign diplomat received a decoration after 2 years' stay in Berlin.

On 18 January 1942 the military agreement between Japan, Germany, and Italy was concluded in Berlin. It concerned matters belonging exclusively to the high command and no intervention by OSHIMA as a civilian was tolerated. He had no connection with it. He, as ambassador, was ex-officio in accordance with the memorandum concerning the commission's organization (exhibit 559), a Japanese member of the Mixed Special Commission in Berlin based on Article 4 of the Tripartite pact.

34043 \* The commission was never convened prior to the outbreak of the war and even after the war it convened not more than three times. The agenda was confined to an exchange of ceremonial greetings and to general explanations of the war situation by the German members, and no material discussion concerning combined operations took place.

With respect to communication between Japan and Germany, the route through Siberia was closed as a result of the German-Russian war. After the outbreak of the Japanese-American war the communication became more difficult. Only a

Page few Japanese succeeded to get a Soviet visa and the difficult voyage by German blockade runs or submarines became next to impossible. Communication by air was found impractical and the only means left was radio, which was very inadequate. After the outbreak of the Japanese war, he never received from his government any communication concerning political and military plans.

34044 \* As far as he knew, the military and naval attaches received no information either, and it was almost impossible to collaborate with the Germans. No special desire of the government in this respect was communicated to him.

After the outbreak of the Pacific war, military matters were often brought up during his conversations with Hitler and Ribbentrop. As operational matters were outside his duty, and as he received little information from Tokyo, all he could do was offer his personal views on the war situation from general knowledge of military matters and on the strength of other meager information.

The Japanese-German Economic Agreement was concluded in January 1943 and was signed in accordance with government instructions. As he did not have sufficient knowledge concerning economic matters, he entrusted it to a minister attached to the embassy who was a specialist. He did not know the details of the negotiations nor how it worked out after its conclusion. So far as he knew, the agreement remained nothing but a piece of paper, because communication with Japan \* was difficult and transport of goods practically impossible.

34045

Either at the end of February or at the beginning of March 1943, Ribbentrop told him that Hitler wished to offer two German submarines as a present to Japan. He told him that Hitler would like to make the present as the efficiency of German submarines was very much improved. OSHIMA conveyed this to NOMURA, vice admiral, then resident in Berlin, and the naval attache YOKOI, and also cabled it to the Foreign Office. Naval authorities in Tokyo telegraphed NOMURA that Japan would be glad to accept the gift. NOMURA asked OSHIMA to convey the acceptance to Hitler, but as Hitler was not then in Berlin, he met Ribbentrop for that purpose. Thereafter, all talks concerning the transfer were conducted by NOMURA and YOKIO without his participation.

In his interrogation (exhibit 2106) were several errors owing to failure of memory and the misunderstanding of the interpreter. The prosecutor said he would receive OSHIMA's statement drawn up on the basis of his corrected memory, and OSHIMA presented him a memorandum on \* 19 February 1946. Exhibit 3513, OSHIMA's statement of this date was received in evidence.

34046

Page  
34047 In January 1942 he heard from Hitler that \* he was going to issue an order to annihilate crews of torpedoed merchant ships. As the matter concerned the German navy only, OSHIMA did not object. He did not convey this story to his government as this was purely a naval question not concerning the foreign office nor ambassador. When the offer of the two submarines was made in March, 1943, neither Hitler nor Ribbentrop talked about annihilating crews of torpedoed merchant ships.

34048 \* In April 1945, when danger became imminent to Berlin, the German government requested the diplomatic corps to move to south Germany and they left on April 14. In mid May the U.S. forces entered the area and they were placed under American custody and were then sent to the U.S. After their internment in Germany until their return home, OSHIMA was always treated by the U.S. as a diplomat under custody.

34049 The prosecution had alleged that he participated in a conspiracy with the other accused and divers other persons, or with German and Italian leaders, to secure the domination of a part of China and the whole world by unlawful acts, and planned, prepared, initiated, and waged with these people wars in violation of treaties or wars of aggression. This allegation \* was totally groundless. First, he was as ambassador or attache or an agent on the spot, and not in position to determine government policy. He did not even receive information concerning overall government policy. Secondly, he never acted with the knowledge that Japan was waging any unlawful or aggressive war. He was firmly convinced it was the highest duty of an ambassador or military attache or Japanese citizen to contribute to the preservation and development of Japan in accordance with government policy.

34050 The prosecution alleged he participated in a conspiracy of initiating hostilities without proper notice against the U.S. and other countries, and committed murder by ordering, causing, and permitting Japan's forces to make such attacks on 7 or 8 December, 1941. However, he never desired the initiation of the Pacific war and was surprised on hearing of \* these attacks after they took place. He never consulted with anyone concerning them prior to their taking place, nor suggested nor ordered them. He was merely an ambassador with no power to order forces to attack nor to prevent such attacks.

The prosecution alleged he participated in the conspiracies to murder POWs and others, and of committing acts contrary to the laws of war and humanity, and ordered, caused, or permitted the commission of these criminal acts. However, he never consulted anyone concerning this matter, nor suggested, ordered, nor authorized anyone to commit them. He was only an

Page ambassador and had no power to do so. He did not know these acts were permitted nor was he in a position to prevent them. He was indicted on account of the allegation that he participated in a conspiracy with the co-assused, however, from 1934 until 1945 he was only \* in Japan one year and had no chance to exchange political views with most of the accused. He had no acquaintance or communication with HIROTA, HOSHINO, KAYA, KIDO, OKAWA, and SATO. He was slightly acquainted with ARAKI, DOHIHARA, HASHIMOTO, HATA, ITAGAKI, KIMURA, KOISO, MATSUI, MINAMI, MUTO, and SUZUKI. With TOJO and UMEZU he served together in the general staff about 1931 and 1932, but their assignments were different and he had no intimate relation with them.

34051

He met HIRANUMA only once prior to his departure for Germany in 1941. He had only a very slight acquaintance with OKA. SHIMADA was in the naval general staff in about 1933 when OSHIMA served there concurrently with his assignment in the army general staff, but he knew him only slightly. He became acquainted with SHIGEMITSU in 1938 or 1939 in Europe. He was with TOGO in Berlin in 1938. He became acquainted with SHIRATORI in 1939 when they were engaged in the same negotiations.

34052

During his two tours of ambassadorial duty, the Japanese foreign minister changed nine times and with any, except TOGO, he had no closer \* relations than brief acquaintances. He never discussed with any of the accused nor anyone else on matters contained in the indictment, nor never suggested such matters to anyone.

34053

\* Exhibit 3509, which was introduced during the reading of his affidavit, certified that military regulations concerning the organization of general staff headquarters were destroyed by fire.

34054

\* Exhibit 3510 (introduced T. 34,003) stated that government officials shall obey public laws and orders and discharge their duties, observe the orders from the chief officials to whom they were assigned, but could express their own opinion relating to such orders.

34055

Exhibit 3511 (introduced T. 34,027) certified that NOHARA, Komakichi, was in the embassy service but not a \* formal member of the foreign office.

34057

\* Exhibit 3513 (introduced T. 34,346), being OSHIMA's revised statement after his interrogation, stating that the

Page previous interrogations had consisted of two points: (1) In 1943 Ribbentrop asked him if the Japanese navy intended strengthening the submarine warfare in the Pacific and proposed to present two submarines to the Japanese as suitable models. (2) He informed OSHIMA that orders had already been issued to kill the crew of any U.S. vessels sunk by German submarines.

34058 Regarding these points: (1) The first point was a fact. OSHIMA immediately notified naval commissioner NOMURA and navy attache YOKOI and they cabled Japanese naval authorities. OSHIMA sent a telegram \* to the foreign minister asking him to transmit it to the other naval authorities, who then cabled instructions to the two admirals to negotiate the transfer. Though OSHIMA informed Ribbentrop of this telegram at the admirals' request, he had nothing to do with the matter since the negotiations were exclusively between the admirals and the Germany navy. While under the German system Ribbentrop had authority to talk over such military matters and take part in them, it was entirely different to the Japanese system and neither the foreign minister nor ambassador could do this, as the navy had exclusive jurisdiction. They only transmitted information to the navy and that is why they had received no telegram from navy or foreign ministers.

34059 As to (2), he must have misunderstood and somehow mixed the first and second points. \* But after tracing his memory, he recalled that this was told by Hitler in January 1942 in newspaper articles, but was sure the matter was not mentioned at the interview with Ribbentrop in 1943. He did not cable this to his government, because the German government had only told him about such steps without any official request to Japan. Such a measure was against Japan's traditional spirit and not worth serious consideration.

34060 \* The problem was under the sole jurisdiction of the navy and not in his authority. He may have mentioned it to NOMURA and YOKOI, but his memory was not clear. When asked on his interrogation if he had received a cable from the Japanese navy dated 20 March 1943, he could positively assert he never received it. He was never notified about the sinking of an American ship on the Indian Ocean on 2 July 1944, and with regard to the massacre of the crew, he had no talks with the German government. Such a problem was under the sole jurisdiction of the navy and foreign ministers had nothing to do with it. In so far as he knew, Japan navy authorities never talked about it with German navy authorities.



Page 34062 \*On further oral examination, reference was made to exhibit 3503, a telegram from Ott to the German Foreign Minister dated 31 December 1939 in which Ott stated that OSHIMA was working for the cabinet's collapse. Asked if he had any idea what was meant by this statement, he replied he knew nothing. Shortly before the date of the telegram, on 10 December OSHIMA returned to Japan after five years abroad and had no knowledge of the domestic conditions. Thus there would be reason whatsoever for him to participate in such movements for the collapse of the government. He might have met Ott but certainly never spoke of such a matter with him.

34063 \* Not only then but later he had never participated in any movements to bring about the downfall of the government.

Reference was made to exhibit 3503, a telegram from Ott to the German foreign office dated 23 January 1940, which referred to OSHIMA's opinion as to the handling of the Asama-maru incident. Asked if he recalled in this connection, he stated his recollection was that he had not talked with Ott on this incident ever. At that time he had already resigned as ambassador, the foreign office was not supplying him with any information, and he learned of the incident only from newspapers. He did not express his views to others and presumed probably Ott used his name because the Asama-maru affair did not progress as he had hoped and he feared a reprimand from Ribbentrop.

34064 Reference was made to the telegram from Ott to Ribbentrop dated 26 January 1940 attached \* to exhibit 3503, in which Ott stated he asked for OSHIMA's opinion concerning the visit of the Duke of Coburg to Japan. Regarding this, the accused stated he recalled Ott called on him and told him that the Japanese foreign office had requested the Duke's visit but postponed it until after the Diet's recess. At that time OSHIMA was not receiving any information from the foreign office and learned of the matter for the first time from Ott. Not being an important matter, he probably told Ott he might do just as the foreign office advised.

Being only one month after his return to Japan, he had no knowledge whatsoever of a anti-British movement in Japan and there could have been no occasion nor information for his speaking to Ott about it.

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34065 OSHIMA presumed, that to make his telegram more acceptable \* Ott probably included the anti-British movement at his own arbitrary discretion.

34066 \* DIRECT EXAMINATION BY MR. FURNESS  
Counsel for SHIGEMITSU

The accused was reminded that KAWABE had testified regarding a trip OSHIMA made to London and the accused acknowledged he made such a trip in the course of which he discussed with Ambassador SHIGEMITSU the proposed pact. OSHIMA gained the impression that SHIGEMITSU disapproved the proposed pact. The trip was not made for investigation in connection with the pact but largely a pleasure tour and so they did not go into details.

Page Cross-Examination by Mr. Tavenner.

34068 The accused stated that while he was Section  
Chief in the General Staff from August 1 1931 to April  
1939, there were occasions on which he conferred with  
34069 \* War Ministry officials when such matters were in his  
charge. During this period, ARAKI, as War Minister,  
MINAMI as War Minister, KOISO as Director of the Bureau  
of Military Affairs, and SUZUKI as a member of that bureau  
were in the War Ministry.

Reference was made to the affidavit where it  
stated that he served with TOJO and UMEZU on the General  
Staff, and he was asked if MATSUI and MUTO were not also  
members of the General Staff while he was in it, and he  
replied that MATSUI was not there at the time, but MUTO  
was there briefly, although he had no direct dealings  
with him. He had not come in contact with HATA, Inspector  
of Artillery from August 1931 to 1933.

34070 \* With respect to German officials, Weizsaecker  
was Vice-Minister of Foreign Affairs while OSHIMA was  
Ambassador in Berlin, Knoll was an officer of a low level  
in the Japanese section with whom OSHIMA had no contacts;  
Tiehl was Director of the Commerce Bureau of the Foreign  
Office, Woermann was Director of the Political Affairs  
Bureau, Erdmanskorf was Chief of the Japan Section;  
34071 Makensen preceded Weizsaecker as Vice-Minister, Scholl was  
\* a major or lieutenant colonel once stationed in Japan  
and later attached to the German Legation in Siam. He  
didn't recall who Neumann was, but Thomas was probably a  
German general who was Director of Technical Headquarters  
of the Ministry of Defense. Rintelen was first a subordin-  
ate to Woermann, and later became a member of the Secretariat  
of Ribbentrop, and was later Ambassador-at-large. Schleier  
34072 held the diplomatic rank of \*minister, and was Charge d'  
affaires at Paris.

The accused was asked if in addition to the  
instructions he had stated he received from the General  
Staff concerning his duties in Germany, if he was not  
instructed with regard the proposed pact with Germany,  
that he should try to discover what Germany would do in  
case of war with Germany and Russia before he left Japan  
for his post. He stated there were no detailed instructions  
of that kind, but in performing his duties he naturally  
looked into such matters after arriving in Berlin. He was  
not told, however, to try to discover what Germany would do  
in case of such a war.

- Page 34073 The accused was reminded that exhibit 477 was an excerpt from his interrogations showing conferences between himself and one Hack \* regarding a Japanese-German alliance. The accused stated that the Hack mentioned was not a representative of the Henkel Airplane Company, but was merely in the airplane brokerage business.
- 34074 To the accused was quoted a part of his interrogations in which he stated that in regard to this pact, before he left Japan for Germany he had been told by the General Staff to keep an eye out on how German-Soviet relations were and to try to discover what might happen so far as Germany was concerned in case of war with the USSR. Asked if he made this statement, the accused stated \* he thought the explanations somewhat insufficient. He had stated in his affidavit that he was told to be particularly observing in connection with German-Soviet relations.
- 34075 Asked again if he made the statement read to him from his interrogation, he replied he didn't recall whether he used those exact words. As he had stated in his affidavit, he was told by the General Staff before leaving Tokyo to watch German-Soviet relations, particularly to those between the two armies. Therefore, it would be natural that an investigation would be made as to what Germany would do in the event of a German-Soviet war. \* So in answer to the prosecutor's question, he stated he naturally investigated into German-Soviet relations and how a war between them would develop. He did not deny the interrogation, but he would like to add that the instructions given him prior to his departure for Germany did not so specify.
- 34076 Hack had spent many years in Japan, and was at one time adviser to the SMR. \* Asked if prior to December 1935, the only treaty contemplated in OSHIMA's discussions with Hack and Ribbentrop was one providing that in the event of war with the USSR, the other party should agree not to carry out any measure which would relieve the USSR's position, the accused stated in explanation that in the event Russia attacked either Germany or Japan without provocation, the other party was not to take any measures lightening Russia's burden. The accused was again asked if that was not the only treaty discussed between himself, Hack, and Ribbentrop prior to December 1935. He stated he had no discussions with Ribbentrop and Hack at that time. Hack had nothing to do with this, and there were no repeated negotiations with Ribbentrop on it. At the time the matter had advanced only to the stage where Ribbentrop asked him to find out what the Japanese army thought of this idea.

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34077

\* These were the only matters not discussed prior to December 1935. With regard to the treaty contemplated and discussed before that date, in the event of war with the USSR there would be consultation between Japan and Germany on measures they should take for their common interest.

Asked if it was 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, at Germany's suggestion, was changed to an anti-Comintern Pact, he replied that not only Germany but also Japan had no intention of making it public because the pact was directed entirely against communism.

34078

The accused was reminded that he had stated that prior to December 1935, the only pact considered and discussed was the one mentioned, and that he was now being asked whether or not the whole plan was changed at the instance of the German Army, which didn't want a military pact made public and therefore suggested it be converted \* into an anti-Comintern Pact. He replied that was not so, and explained that the matter first discussed was a secret pact which was not a military alliance. As was suggested, the purpose of the pact was not to the extent of lightening Russia's burdens. The purport of the pact was that it carried only light obligations on the parties.

34079

\* It was not true that Germany suggested that the arrangement discussed should be converted into an anti-Comintern Pact. To the accused was quoted a part of his interrogations, in which when asked if while conducting these negotiations they were contemplating there would be two treaties instead of one he had replied that prior to December 1935 and the arrival of WAKAMATSU in Berlin, the only treaty contemplated was the one wherein the two nations would agree not to enlighten the USSR in case of war. The Germans, however, said this would be a very weak treaty, and thus suggested the anti-Comintern Pact, and this was the \* first time that matter came up. Asked if he made that statement, he replied he did not and it was contrary to the facts.

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The accused was asked if WAKAMATSU expressed his views with regard to the results to be obtained by Japan in concluding an anti-Comintern Pact with Germany, when WAKAMATSU testified that by the conclusion of such a pact Japan could forestall Germany from drawing closer to Russia, obtain necessary intelligence and new type weapons from Germany, and keep Germany from taking sides with China.

Page The accused answered that he had heard WAKAMATSU's testimony, but had no occasion to speak on such matters with him. There were various fruits to be obtained by the conclusion of a pact, but the purpose of the anti-Comintern Pact was as he had stated in his affidavit. Asked again whether WAKAMATSU's views were his own views, he replied yes, such fruits would accompany the pact.

34081 \* Asked if at the time of the conclusion of the pact, 25 November 1936, Germany had not yet emerged as the powerful nation she later became, he replied that Germany was then in the midst of revival and did later become strong. He knew and recognized at the time the potential military might of the new Germany dominated by Hitler and the Nazi party.

It was not true that he sponsored and aided the conclusion of the anti-Comintern Pact believing 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 being executed in North China.

34082 \* About a year later Italy joined the pact, but he had no connection with that. Asked if he likewise knew that at the time of the admission of Italy to the anti-Comintern Pact and during the negotiations for it, the League of Nations had, on 7 October 1935, declared Italy an aggressor against Ethiopia and that Italy, following Japan's example in Manchuria, occupied Ethiopia on 2 May 1936, he replied that he didn't recall, but supposed the dates were correct. As he had said before, he had no part in the negotiations vis-a-vis Italy joining the pact, but there was nothing to prevent her from common defense against communism.

34083 Asked if by admitting Italy into the pact he believed and recognized that by so doing Japan would further strengthen her hand in China and secure her rear \* against Russia so as to have a free hand in China, he replied that as a public official he had no part in these negotiations. At the time the pact was concluded, there was no intention of applying it or utilizing it in connection with China. The preamble of the pact obviously showed its purpose was to form common defense against the communists, who were interfering in internal affairs of other countries. It was not the purpose of the treaty to interfere in the communist parties of each country.

Page Asked what was the real motive back of the pact, he stated there was nothing underneath or in back of it. While the negotiations for the pact were pending, General Ott \* returned to Germany, but not in connection with the anti-Comintern Pact, but did so to attend war maneuvers in \* Germany. Asked if during the negotiations the then Ambassador to Sweden SHIRATORI made frequent trips to Berlin for conversations with him discussing the pact, he stated that SHIRATORI was never at any time connected with the negotiations or conclusion of the anti-Comintern Pact. SHIRATORI did make visits, but on other matters, and when he visited Berlin they did not discuss matters relating to the pact. He had not stated in his interrogation that he had discussed the pact several times with SHIRATORI in Berlin, but had stated there that SHIRATORI, during that period, came to Berlin and that the matter of the pact had been mentioned to him, but no discussion as to its contents was held between the two.

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Asked if he was drawing a distinction between mentioning the pact to him and discussing it, he replied that when SHIRATORI came to Berlin, it was mentioned to him that such a pact was under negotiation, but no mention was made of its contents or what was to be done in the future or any discussions held in connection therewith. This was the first time he had ever met SHIRATORI.

The accused was told that in exhibit 497, an excerpt from his interrogation, he had stated that in January 1938, Ribbentrop asked him if there was not some way in which Germany and Japan could be brought closer together. Asked if he learned about this time that Germany, which had hitherto opposed Japanese aggression in China, reoriented its view and began to support Japanese policy there, he replied that he didn't think the policy changed after January 1938. \* Asked if he didn't know that about this time Hitler assumed his full role as dictator, assumed command of the army, ousted Neurath and appointed Ribbentrop Foreign Minister, he replied there were such personnel changes in February 1938 and he knew about them.

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Asked if they were not very significant changes, he stated that of course, as a result various policy changes took place. It would be more correct to say that men came underneath Hitler who were capable of executing his policy. He didn't think it was correct to say there was any fundamental change of policy.

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With regard to China Policy, there were various arguments pro and con within Germany after the outbreak of the China Affair, especially was there opposition in German economic circles, but their influence waned. This personnel change took place and as a result some policy changes were made, but there was no radical change.

Mention was made that the accused had stated that the influence of economic circles had waned, and he was asked if as a matter of fact it disappeared entirely when Hitler assumed command of the army in February 1938, as far as China was concerned. He replied it was weakened, but did not disappear.

34089 \* Asked if he had not advocated and supported in every possible way the conclusion of a military alliance with Germany, a nation that he knew in 1938 was bent on aggressive action, he replied it would be difficult to \* reply unless he had an understanding as to the character of the military alliance referred to. If the prosecutor was referring to a pact entered into between two countries in which the exercise of armed force was stipulated, he could reply yes or no; but if the prosecutor referred to a military alliance in which the contracting powers stipulated offensive or aggressive action of any kind, then he would have to answer in accordance with that definition.

34090 \* Asked if he did not in fact advocate an alliance between Japan and Germany which would obligate Japan to engage in war in the event of war between Germany and Russia, he replied that Japan was obligated to render Germany armed assistance if she was attacked by Russia without provocation. In his negotiations with Germany he contended that the exercise of armed resistance depended entirely on the situation at the time, and that Japan was not obliged to perform such obligations automatically.

34091 \* He did not advocate an alliance which obligated Japan to participate in the European war between Germany and England whether Russia was in the war or not, at any stage of the negotiations. Asked if he opposed Ribbentrop's request that Japan unite \* in an alliance obligating Japan to engage in a European war in the event England was at war with Germany, he replied that Ribbentrop made no such request. Asked if he did not oppose Ribbentrop's views and what Ribbentrop was requesting, he replied no question arose in connection with the British involvement.

34092 The accused TOGO was Ambassador to Germany during the negotiations for the alliance up to October 1938. Asked if shortly after he was advised the decision of the Five-Ministers' Conference of August 1938, he was directed to



Page inform TOGO of all matters relating to the proposed alliance, and if he was directed to continue the negotiations in his capacity as military attache, he replied that he had  
34093 directions with regard to certain parts. He was informed by the army the result of the Five-Ministers' Conference and directed to transfer negotiations to official channels as soon as possible, and report the progress up to that time to TOGO. While requesting the German side to transfer the matter to official channels, he reported to TOGO the  
34094 progress of the talks only one time. \* No other reports were made, because he was not carrying on negotiations, and he was not directed to continue them as military attache.

To the accused was quoted a part of his interrogations in which he was asked if matters had reached the stage that he was to keep TOGO informed of what was going on, but still keep negotiations going on in his capacity as military attache, to which he had replied, yes. Asked if he did so answer, he replied that that was not so, because no instructions came, and in their absence there would be no occasions for him to do anything of the kind. The contents of that interrogation were contrary to the facts, and he did not make that reply.

He conferred with TOGO and reported the information regarding the proposed alliance as soon as he was notified of the Five Ministers' decision, as he was instructed to, the first part of September. He did not discuss these matters with TOGO prior to nor after that  
34096 time. \* He didn't report to TOGO all the information regarding the proposed alliance, but only the highlights. TOGO was already in receipt of a telegram from the Foreign Ministry giving the general purport of the matter.

Asked if he discussed the general purport with TOGO, he replied that there was no discussion because there was no desire on TOGO's part, and he merely reported to him. Asked if TOGO expressed himself in accord with the plan of the proposed pact, he replied he had no discussions on this matter with him, but his impression was that TOGO  
34097 disapproved of it, \* but he could not say what points he disapproved and which he did not.

Asked if in his interrogation he had stated that TOGO wished to have the proposed pact only so far as Russia was concerned, he answered not in exactly those words, but only to some extent to that effect. That did not accurately represent his answer. Asked in what way his answer differed from what had been quoted him, he stated that he had said his impression of TOGO was that he could say with certainty he disapproved of expanding the matter to include Britain and France.

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34098 As to his being in favor as far as Russia was  
34099 concerned, OSHIMA had no discussion with him, nor did he  
ask \* for his opinions to the extent that he could say so  
unequivocally. \* Asked if it was a matter of disagreement  
on TOGO's part to extend agreement to England and France  
if there must have been then discussed between them a plan  
by which Japan would be obligated to participate in the  
event of a German-English war, he replied there was no  
discussion. Germany's first proposal included all countries.  
From the provisions of the treaty proper, it would appear  
that the pact was directed at all countries, but in order  
to put restrictions on this a secret understanding was  
proposed.

34100 OSHIMA did not advise the General Staff and War  
Minister ITAGAKI of TOGO's views that he was not in favor  
of extending the pact against England and France. \* It was  
shortly after his conference with TOGO that he received a  
communication from the General Staff suggesting he become  
ambassador. Asked if War Minister ITAGAKI consulted the  
Foreign Minister about his appointment, he replied he had  
no knowledge as to what kind of discussions took place and  
did not know if his appointment was urged by the War  
Ministry and General Staff.

34101 \* He took with him to Germany his credentials  
when he was appointed ambassador the second time, but not  
the first time because he was in Germany then, and it was  
sent and addressed to Hitler. Asked if the credentials  
were merely a standard form used for ambassadors, he replied  
he could not reply with assurance because he had never  
34102 \* compared his with others, but he supposed they were in  
the same form as all credentials issued by his government.

34103 After the conference with TOGO he did not carry  
on negotiations with Ribbentrop regarding the proposed  
alliance while he was still attache, nor did he discuss  
the matter with Ribbentrop because there was no data on  
which to pose such discussions. The first time he consulted  
Ribbentrop about the receipt of information regarding the  
action of the Five Ministers' Conference was one or two  
days after, in the latter part of August 1938. Asked when  
was the next time he saw him and talked to him about the  
pact, \* he replied there was talk about it but no discussion  
about the time KASAHARA returned to Berlin around 20  
September, while he was still military attache. Asked if  
he conveyed to Ribbentrop certain information regarding  
the pact without consulting the ambassador, he replied that  
the instructions he received from Japan were to convey the  
information to Ribbentrop.

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34104 Asked if he was not then directed to continue the negotiations as attache, he replied he had no such direction. \* A rather detailed report on the conference decision was sent him. The main points of the instructions was that he should talk to Ribbentrop and see to it that the matter was transferred to official diplomatic channels as quickly as possible. Also, there were a number of revisions made to the German proposal.
- 34105 He didn't recall exactly the date of the instructions from Japan to which he was now referring, but thought it was at the end of August or the 1st of September. The \* instructions received were to hand the Japanese revisions to Ribbentrop informally and request him to draw up a proposal incorporating the revisions proposed by Japan. Although progress on the matter was rather rapid in Japan, the Germans were not prepared as the proposal had been informal, and they had not discussed the matter or taken it up with Italy, and therefore desired a short wait. Asked if he had not stated that when Ribbentrop submitted the proposal to him in July, 1938, Ribbentrop suggested a mutual aid treaty aimed not only at the USSR but at all countries, he replied that while the text of the treaty so stated, actually it was not so \* and there were restrictions applied to it.
- 34106
- 34107 Ribbentrop did not make a proposal to him in July 1938, suggesting a mutual aid treaty aimed at all countries, and he had not told a prosecutor in his interrogations that he did. He only told him of the limitations placed on the proposed treaty. To the witness was quoted a purported answer he made to a question in his interrogation in which he said that to the best of his knowledge, Ribbentrop \* had said on this occasion that what he was saying was not based on talks with Hitler or any other official, and he felt Germany would not approve a treaty agreeing to consult only and was somewhat one-sided and not strong enough, but suggested a mutual aid treaty aimed not only at the USSR, but at all countries. In other words, what Ribbentrop meant was that a German-Japanese pact would, if strong enough, hope to preserve world peace.
- 34108 Asked if he made this statement, he said he was supposed to have said that and did. \* He didn't recall the date of the Five Ministers' Conference which considered the proposal brought by KASAHARA, but thought it was late in August.

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34112 \* To the accused were quoted certain questions and answers from his interrogation in which when asked if it was not a fact that the military urged his appointment as ambassador, he replied yes, he thought so. When asked what military officials urged or suggested it, he had replied he believed it was General Staff Headquarters and the War Ministry. He did not know of any other organizations. Those advocating it were the army in particular.

34113 In the fall of 1938 without his knowledge, the army apparently put forward his name for the ambassadorship and he received a telegram from General Staff Headquarters requesting him to take the position. He refused, saying he was a soldier and not a diplomat, but after repeated urgings he finally was more or less \* forced to take the job. At that time TADA was C/S and Headquarters had such men as Major General KASAHARA and General HOMMA. There were no others urging his appointment and he was not a member of any army group. The War Minister who urged his appointment he believed was ITAGAKI. When asked if those questions had been asked and if he made the above answers, the accused replied yes.

34114 Reference was made to his testimony on cross-examination (P. 34104) that around or between the 29th of August and 2nd of September, he received a detailed report on the Five Ministers Conference decision, in which revisions were made to the German proposal, the accused stated he did not recall whether the report was made in one or two telegrams \* but thought there was more than one. When shown a document purporting to be a copy of the telegram, he stated that it seemed to jibe with the circumstances but he had no definite recollection whether the entire document was correct. He did not know what else was incorporated in the telegram nor know what explanations were added to it and could not confirm the document. He was certain he received a telegram the end of August or 1st of Sept.

34115 \* The telegram shown him was dated 1938 and contents to the effect were in the telegram but whether the one he received contained the exact information as here or whether there were explanations added, he could not say.

34116 \* Exhibit 3514, the telegram identified by the accused, stated that both the army and navy agreed with the purport of the treaty plan brought by KASAHARA. The opinion to adopt it was made upon the following conditions:

"a. Add the following essentials as the preamble.

"b. Change 'diplomatically' of Article 2 to 'economic.'

Page

"c. Change in 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 the methods of execution and limit 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."

34118 When shown another document and asked if he did not receive this telegram the same day he received Exhibit 3514, he replied that the contents were generally the same \* but he could not say for sure whether it was exactly so.

34119 Exhibit 3515, the telegram identified by the accused being an explanation concerning the previous telegram (Exhibit 3514), he stated \* that "The Preamble Draft" was that this treaty was an extension of the Anti-Comintern Pact and a plan making clear the intent that the Soviet was the chief target. Care was taken so as not to give the impression from its wording that England and U.S. were its greatest enemies. The Text Plan, Obligation of Military Aid in Article 3, was not instantaneous or unconditional. To nullify the danger of being involved in a purely European problem against their will, the principle was a conference before entering with military aid.

To allow the purport of this treaty to take on a defensive character "menace and attack" would be limited to "provocation." The text of the plan was at present under consideration.

The accused stated that in compliance with instructions, he communicated the revisions at once to Ribbentrop.

34120 Regarding his trip to England and Belgium, it was shortly after becoming ambassador \* somewhere around Feb. 1939 before the arrival of the ITO Mission. He entered England with an official visa in his capacity as Ambassador. When asked if he had any official mission to the British Government requiring him to be officially received, he said that ordinarily such a thing did not take place according to diplomatic precedent and he was not so received. When asked if his presence in those countries was made known publicly, he stated he went in openly with a visa issued by  
34121 English authorities \* and his presence in England and Belgium was open.

- Page No conference of Japanese ambassadors and ministers in Europe was held in Berlin in 1939. In addition to SHIRATORI, other ambassadors visiting Berlin in 1939 were KURIYAMA, Minister to Sweden and AMAU, Minister to Switzerland.
- 34122 \* He thought the latter came in 1939 after the ITO Commission's visit. There was also occasion for Ambassador TOGO to come from Moscow and SHIRATORI from Italy. He did not recall the occasion for TOGO's coming but this was not so long after the ITO Commission was there and
- 34123 the Commission arrived late in February. \* He could not remember the exact date the ITO Commission arrived. Ambassador SAKO from Poland also came to Berlin after the ITO Commission came. All these ambassadors came at different times. It was a custom of officials of the Foreign Office to take opportunities to visit other posts for liaison and exchange of information.
- 34124 \* TOGO came at his own initiative and he thought that SHIRATORI was present at the time. Asked if it was not true that he held a meeting at which at least TOGO and SHIRATORI were present and that he and SHIRATORI expressed the view that Germany and Italy were rising powers in Europe and to align with them would allow Japan to improve her position in East Asia, he replied it was possible that the three met because SHIRATORI attended the conferences when the ITO Commission came to Berlin and TOGO came about that time. He did not remember what they talked about nor what SHIRATORI said but since he himself entertained such ideas, he believed as a matter of course that he expressed them.
- 34125 \* There were no other ambassadors from Europe present at this meeting. Asked if he did not learn that he and the army had been severely criticized in early Feb. 1939 by Foreign Minister ARITA for carrying on diplomatic negotiations without his consent, he replied he was never cautioned. According to the Japanese system, there could have been no possibility of ARITA criticizing the army. Besides, he remembered no occasion of conducting negotiations without the Foreign Ministry's consent.
- 34126 Asked if he did not learn that the Foreign Minister charged in Feb. 1939 that OSHIMA sent a telegram to General Staff Headquarters concerning strengthening the Anti-Comintern Pact, the contents of which had not been made known to him, \* the accused replied he had never heard of it and there was no such fact. When he was military attache, he sent no wires to the Foreign Office but only to the army. After becoming ambassador, he sent none to the army but only to the Foreign Office. He thought that NAKAJIMA was Deputy Chief of the General Staff in Feb. 1939. Asked if the Deputy Chief in early 1939 warned him that supreme authority of diplomacy was vested in the

Page Emperor, he replied that the Deputy Chief had no authority to warn him nor was there ever such a fact, and he did not communicate with him either directly or indirectly about his conduct as ambassador.

34127 \* Asked if SHIRATORI accompanied the ITO Commission from Italy to Berlin where he had various conferences with OSHIMA regarding the proposed Pact, he replied that he arrived later than the Commission but a conference was held. Asked if there were not many conferences between himself and SHIRATORI while the Commission was in Berlin, he stated that after the Commission's arrival, SHIRATORI and he listened to their explanations for two or three days.

34128 \* There was no occasion of himself and SHIRATORI having frequent conferences while the ITO Commission was there. Asked if when the Commission delivered a draft to him of the Compromise Proposal if after studying it he made the statement to ITO that he was unable to convey such a proposal to the German Government for he deemed it far short of what he expected it to be, he replied no, he did not say so to him. Asked if ITO insisted on his delivering a proposal and upon receiving the German Government's opinion instead of his own, he replied that ITO said nothing of the kind.

(Reference was made to Exhibit 497.)

34129 The accused was reminded that if as he had stated the Commission arrived in Feb. and he did not receive a counter-proposal from Japan until the latter part of March, that there was an interval \* of more than a month. He was asked if in this interval he officially delivered to RIBBENTROP the draft proposal presented by the ITO Commission. He stated it was only natural that he should not have delivered officially the proposal inasmuch as he was in the midst of addressing opinions to the home government. He did not officially deliver to RIBBENTROP the draft proposal. In this interval he did not receive telegrams from ARITA instructing him to do as recommended by the government.

34130 Reference was made to the affidavit where it was stated that a new instruction was received the end of March, revising the instructions brought by the ITO Commission, and where he described the alleged revision. When asked if the revision described in the affidavit was a revision attempted in June 1939 after the Five Ministers Conference of June 5, he replied it was absolutely not so. \* The reply he received in March stated that matters should remain the same as far as Russia was concerned and was the same as in the original ITO Commission report. Asked if the reply stated that in regard to other countries, Japan would go farther than simply stating that the pact would be aimed at nations embracing communism in that Japan would give aid against those countries which would consist of military

Page advice,\* he replied that was not so. Asked if by military advice  
34131 was meant trading of intelligence, temporary leasing of bases,  
export of fuel oil and other commodities, and in general all aid  
outside of actual participation, he replied no.

(Reference was made to Exhibit 497)

34132 \* Asked if he conferred at Rome with SHIRATORI and an  
Italian representative about 2 Apr. 1939 regarding the pact, he  
replied he did not remember the exact date but about that time he  
did go to Rome for a discussion. Asked if it was another meeting  
on the following day with RIBBENTROP who had been unable to reach  
the conference the day before, he replied that the Rome discussions  
were participated in only by SHIRATORI and himself, and that Italians  
and Germans did not participate. A day or two after he returned he  
met RIBBENTROP. SHIRATORI and himself had with them at their con-  
ference in Rome the ITO Commission Directive of Jan. 23 and the  
final directive of Mar. 25 which was the Japanese compromise pro-  
posal.

34133 \* Asked if he did not recall that at the first conference  
either himself or SHIRATORI informed Count Ciano of the nature of  
the directives which he and SHIRATORI had received from Japan, he  
replied that he had never met or talked with Ciano. It was not a  
conference. He merely called on SHIRATORI and no Italians were  
present. SHIRATORI also did not confer with Ciano or any Italian  
representative. He heard that Ciano transmitted the directive and  
he did not inquire as to what Ciano replied when he received them.

34134 Asked if the matter was not important enough for him to inquire as  
to the result of his \* conference as far as Italy was concerned,  
he replied that the directives were transmitted after he returned  
to Berlin. Asked if he made any inquiry as to the result of the con-  
ferences between SHIRATORI and Ciano, he replied that he received  
notice that the directives had been transmitted from SHIRATORI.  
There was no need of any further notification unless there were  
changes. Asked again if he inquired as to what occurred between  
SHIRATORI and Ciano or whether he afterward learned what occurred,  
he replied he did not learn. Asked if at the conference the next  
day with RIBBENTROP, if RIBBENTROP made the statement to him that  
34135 the proposed pact was weak and \* this was very disturbing, he replied  
that RIBBENTROP expressed his opinions but not that.

Asked if RIBBENTROP asked him if Japan was to participate  
in the war and he replied she probably would participate, the accused  
answered that that was not the reply he made, although it was the  
question RIBBENTROP asked him.



Page

34136

\* Regarding his reply, the instructions he received from Japan was that although armed resistance would be given, it would not be effective. The instruction was that he was to convey that. That was vis-a-vis Third Powers outside Russia. Thereupon, RIBBENTROP asked him if Japan was going to participate in principle, and OSHIMA replied that inasmuch as Japan was speaking of armed assistance, it was recognized that she would participate in principle. However, inasmuch as the particulars would be incorporated in the secret protocol as to what Japan would do in specific cases when war actually arose, the fact that Japan recognized the point in principle might be understood. It was OSHIMA's understanding that Japan recognized participation in principle.

34137

Asked if he learned that early in Apr. 1939 he was severely criticized by the Emperor for usurping the Emperor's prerogative in expressing an intention of participating in war, he replied he had never heard of it \* and there was no possibility of such a thing arising. Asked if he did not also learn that the Foreign Minister recommended to the Emperor and to the Five Ministers Conference that the statements made by him and SHIRATORI should be rescinded as actions overstepping their limits, he replied he had never heard of it and no message was received as to rescinding anything.

34138

He met with SHIRATORI on Hitler's birthday, Apr. 20, 1939, in Berlin, SHIRATORI having been invited. Asked if following this meeting he and SHIRATORI requested the government to recall them from Germany and Italy and the matter was considered at the Five Ministers Conference of 25 Apr. 1939, he replied there was no special occasion and there was no time when both of them tendered their resignations. Shortly after the Five Ministers Conference of 25 Apr. 1939, a further compromise proposal in the form of the HIRANUMA Declaration of \* May 4 was delivered to the German and Italian plenipotentiaries in Tokyo, but it really could not be called a compromise proposal.

The accused was asked if within several days after the delivery of the HIRANUMA Declaration, if RIBBENTROP called him on the telephone from Munich on his way to meet Count Ciano and asked OSHIMA if when a contracting nation went to war against another, and even if there was no military aid from Japan, would it be permissible to recognize Japan as being in the state of war, to which OSHIMA had replied in the affirmative, the accused stated that he did not recall whether such a question was asked him by RIBBENTROP but granted he did reply that, since Japan had already recognized in principle her obligation to participate, there would be no possibility for him to go outside that scope in replying. Asked if RIBBENTROP arranged for a joint conference with him and SHIRATORI

Page in Berlin for 16 June 1939, he replied that about that time SHIRATORI  
34140 came to Berlin and that both were invited to luncheon by RIBBENTROP  
but he did not recall the exact date. \* He did not recall if at the  
conference, SHIRATORI said that the government's obstinacy in the  
question of exchanging notes as regards Japan's limited military capa-  
city, forced him to conclude that the government was still making  
mental reservations with regard to a military alliance. OSHIMA said  
he held a conference with SHIRATORI the latter part of July or first  
of August at Lake Como. Asked if before holding the meeting, he  
and SHIRATORI issued a joint communique publicizing that such a con-  
ference was to be held, he replied that no joint communique was  
issued but he faintly recalled that newspapermen called on him.  
SHIRATORI, and not he, met the press.

34141 \* Asked if the government neither suggested nor authorized  
the holding of such a conference or issuance of any public statement  
regarding it, he replied that there was no authorization or suggestion.  
He knew nothing about War Minister ITAGAKI's threatening to resign  
in early Aug. 1939 because of his inability to successfully advance  
a very strong military alliance with Germany and Italy which ITAGAKI,  
OSHIMA and SHIRATORI had been working for.

To the accused was quoted part of Exhibit 2198, a telegram  
of 11 Aug. 1939, from Ambassador OTT to RIBBENTROP, which stated that  
Chief of the Central Section of War Ministry, MACHIJIRI, who on the  
afternoon of 10 Aug. 1942, had requested he be received jointly by  
OTT and the Italian Ambassador, transmitted the following communica-  
tion of the War Minister ITAGAKI: The army had resumed a bitter  
battle for alliance at the Five Ministers Conference of 8 Aug. but  
made no progress beyond the Japanese proposal of 5 June. The army  
had urgently striven for conclusion so as to reach an early and  
successful end to the China conflict, conform to popular wishes and  
alleviate present tension and prevent a serious reaction in the direc-  
tion of an economically tempting settlement with England. These reasons  
were so compelling that ITAGAKI was resolved as a last resort to risk  
resignation which would almost certainly entail the resignations of  
OSHIMA and SHIRATORI. This action might gradually improve the basis  
for alliance, but would at first produce violent setback. Nevertheless,  
resignation was the only possible decision and was due to be reached  
15 Aug.

After the above was read to him the accused was asked if  
it did not refresh his recollection regarding ITAGAKI's threat to  
resign, and he stated he had never heard of this.

34143 \* From the same telegram, an additional part was quoted to  
the accused which stated that since the Cabinet confirmed the  
proposal of 5 June, ITAGAKI deemed an early conclusion attainable with

28 November 1947

DEFENSE

OSHIMA - Cross

Page the following mutual concessions: Berlin and Rome would declare to the Japanese Ambassador that the proposal of 5 June was acceptable with the provisos that they provide that no mental reservation was behind the wording; and that the verbal form of a Japanese supplementary statement be found. War Minister ITAGAKI than expected to express confirmation of this interpretation regarding the proviso concerning the mental reservation. Concerning the verbal form of the settlement, the verbal statement to be set forth in the protocol would be prominently mentioned. MACHIJIRI almost entreatingly requested concession before 15 Aug. ITAGAKI would communicate his demarche to O and SHIRATORI bypassing the Foreign Ministry.

34144 \* After the above was read to OSHIMA, he stated he had never heard of it.

34145 \* To the accused was read a part of a second telegram, Exhibit 2198, of 18 Aug. 1939, from OTT to RIBBENTROP, which stated that the domestic political following in the alliance question continued undiminished. Press reports of supposed compromise possibilities between the Foreign and War Ministers were inexact. In the last Five Ministers Conference, ARITA was assigned the task of again clearly fixing the text for the Japanese proposal of 5 June without any essential change. This draft was to be distributed among the participating Ministers and if accepted at the next Five Ministers Conference, was to be transmitted to the Ambassadors in Berlin and Rome for written delivery to governments.

ITAGAKI rejected the Foreign Minister's proposal and continued 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 deemed a resignation unavoidable, according to the information from the War Ministry. ITAGAKI was strengthened by the pressure of junior officers, who were demanding unconditional alliance.

The accused was asked if reading the above did not refresh his recollection of ITAGAKI's views, and he stated he had not even heard of this.

34146 \* In July 1939, OSHIMA's Naval Attache in Berlin was Capt. ENDO. The accused was asked if sometime in July, ENDO explained the Navy's position in regard to 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 and Italy and England and France, it would be fine if Japan maintained a friendly neutrality and that upon learning this from ENDO, OSHIMA became angry and inquired of STAHER if RIBBENTROP knew it. He stated that this was not so.

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34147 Wiehl was Director of the Commerce Trade Bureau. He had no recollection of having a conference with him in Berlin on 21 Dec. 1938 in which Wiehl said 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. Asked if Wiehl stressed in the conference that Germany was entitled to preferential treatment \* not only politically but also economically and morally because of her aid given China, such as recall of military advisor, stoppage of war materials and losses resulting therefrom, he replied he had no recollection whether Wiehl said anything like that. Economic matters were in the hands of economic experts and even if they were brought to the Embassy's attention, it would be only by those experts. He did not recall declaring that he had always urged preferential treatment and that the Japanese Army was in favor of it.

34148 Asked if he recalled that in that conference, he told Wiehl that he had sent a wire report to Tokyo on 9 Dec. that preferential treatment should be granted in writing, he replied he had no recollection and by that he meant that any negotiations with Wiehl were conducted in principle \* by the economic experts in the Embassy. However, it might be possible that the official in charge of economic affairs might have talked with Wiehl about such matters but he had no recollection of himself talking with Wiehl as he had almost no knowledge of economics. He may have sent such a wire to Tokyo on 9 Dec. but as such matters were entirely in the hands of the Economic Department, he had no recollection.

34149 Asked if he further informed Wiehl that he had sent letters to the same effect to leading personalities of the Japanese Army through a Japanese general who had recently visited Berlin, he replied he might have. Asked if, while a representative of the government, it was not true that he was Chief of all Japanese diplomatic representatives and intelligence \* services in Europe, he replied no, that all ambassadors and ministers were independent of each other.

34150 \* In his affidavit, he had characterized the conclusion of the German-Russian Nonaggression Pact as an act of extreme bad faith on the part of Germany and had not later changed his views on that subject.

34151 Asked if he had not stated in his interrogation that one of the reasons he resigned as Ambassador was that he mistrusted the German leaders, \* he replied that what he had stated was that they had hurt his feelings. He did not change his views in that regard either. Asked if he considered that the conclusion of the Pact created an extremely critical situation between the two governments, he replied he did not think so but it did cool their sentiments. He said the Japanese only filed a protest against Germany, and he lodged a protest twice with receipt of notification. \* He identified the document which was Jan. 1940 issue of the "Bungei Shunju" and in it was an article entitled "The Idea of German Diplomacy" written by himself.

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34153 \* Exhibit 3516-A, the document thus identified by the accused stated that German diplomacy was Hitler's diplomacy. Hitler mentioned honor, equality, and freedom as the three principles of diplomacy and, in other words, endeavored bravely to improve such things as impaired Germany's honor, hindered her equality, and took her freedom away. The Versailles Treaty was against these principles. Germany tried hard to break off from this regime and the declaration of rearmaments, the denunciation of the Locarno Treaty, the occupation of the Rhineland, etc., had all come from these principles. Any obstacle to Germany's honor, equality, and freedom must be swept away.

34154 Practical affairs did not always conform with principles and each country had her own diplomatic principles. Weak countries are too powerless to carry out their ideals, while strong ones entrench themselves behind their principles. Germany, however, \* might be said to be one of those countries steadily carrying out its ideals and principles. Lookers on might think they were being carried out too hastily and somewhat overbearingly but at least Hitler himself was convinced he was carrying out sound diplomatic policies at opportune moments.

34155 As an example, it was clearly shown in Hitler's diplomatic document exchanged with Britain in the well-known "blank document" in the Polish trouble. Britain desired the withdrawal of the German forces when they advanced into Poland suggesting that Germany and Poland negotiate on a fresh slate and proposed that Britain also join in these negotiations. Hitler, however, flatly refused this request. The German forces might give ear to such requests of Britain and France after they had secured victory, but while the objective of their advances was not achieved, for the sake of German honor it was impossible to withdraw her troops even for the convenience of diplomatic \* negotiations. This showed how important they thought of honor.

In the complicated international relations of today, mere speech could not secure a country's safety. It could be understood that she had tried to maintain a strong army in a short time to carry out her diplomacy of three principles. She had often achieved bloodless victory because she attended to affairs, being prepared for war. The difficult work of the present reconstruction of Germany had been accomplished entirely because of the sagacity of the statesmen to perceive the development of things.

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34156 Decisions in the right moment, powerful army, perfect command with the whole nation under it. It deserved admiration that Germany had made herself what she was. Could it be considered that the bloodless diplomacy which dealt with Austria and dealt with Czecho-Slovakia twice, failed in its diplomacy by giving rise to the second world war by finally making a foe of England and France by annihilating \* Poland on the pretext of the Danzig problem?

Diplomacy presupposes the other party. About its nature, it was adaptable to any changes to suit the occasion, and it was not necessarily right to think that German diplomacy failed or made a miscalculation in coming to the present war. Germany was always prepared for war and carried out all policies on that basis. She was determined to resort to arms at any moment according to the other parties' attitude to her when she carried out her own positive policies. In this way the victory of bloodless diplomacy came about and her firm resolution was the same as before.

There was nothing more necessary at present than such close connection of diplomacy and military force. The conclusion of the Nonaggression Treaty between Germany and Russia gave an impression that both countries were two crafty. OSHIMA thought that they could not rightly oppose 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. Was not the Soviet at present desiring merely to advance to the Baltic Sea and reach a rapprochement with Japan in the Far East on the other? Diplomacy admitted of no conjectures, but he thought it possible at this juncture to make the Soviet wash her hands of China.

34157 Hitler carried on diplomacy himself with Ribbentrop as a good assistant. While Hitler had had no experience as a diplomat, he had become a first-class personage and diplomat in the world. He studied histories and philosophical works while busy in state affairs, meditated hard and was devising all policies from the principles which had crystallized in his head. Ribbentrop was one \* with Hitler and had a good understanding of Hitler's diplomatic belief, and it was not too much to say that German diplomacy lay in the hands of those two. Such being the case, quick daring diplomacy could be carried out which astonished the world. Ribbentrop had an acute intellect and a quick perception which Germans seldom had. He had a very strong will and was exactly the right diplomatic assistant who had no match in the positive diplomacy which was the upshot of the Nazis ideology.

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34158 Ribbentrop's trait was to spare no pains and he was truly a modern international statesman who handled matters quickly. Being active, he did not stick to trifles but tried to grasp main points in negotiations or disputes, and OSHIMA recognized his quick perception and he was quite a different type of statesman \* from the so-called petty officials.

OSHIMA had much intercourse with Goering and other military men while a resident officer, and had been acquainted with Ribbentrop and other diplomats since becoming ambassador. These men impressed him that the Nazi leaders were settled in resolution and were young. Since the Munich disturbance in 1923 the Nazis had been under the oppression of communism and social democracy, had exposed themselves to constant danger, and had busied themselves to make the defeated Germany what she was today. This had trained them and made them statesmen, sincerely anxious about their country's future.

34160 As Germans usually did, Hitler strongly trusted and respected Japan. He had political interests, but he depended much upon the Japanese nationality and character. Hitler paid attention to German history and traditions. Perhaps \* because he knew a man could not perform his duty as a citizen unless he respected his country's history. It was quite natural that he respected Japanese history of 2600 years.

Hitler taught constant bravery and his speech of 1 September in the Reichstag 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." He then went immediately to the front. The Japanese were likewise very brave and did not fear death. It was quite natural that even the parties concerned should be unable to foretell what would become of the European War. The prevalent view was that a modern war was a protracted national war and Germany was well aware of this.

34161 Since she had entered into war it might be thought she was prepared for a protracted war and also had confidence in her operations to win it in a short time. However, victory was an uncertain affair. It was dangerous to judge the present war by \* the standards of past wars. Each country was trying to localize the war and they must constantly watch how the world was moving, study war and ponder its results. Whether they were participants or not, all powers were affected by the war in question. The Japanese government at this juncture must establish national policies and exert itself to carry them out.

Page Japan's policy toward the U.S. and the Soviet must be grasped in a wide sense as links of their world policy. A far-sighted policy had 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, and everyone must take this opportunity to lead Japan to greater prosperity in the world.

34162 The accused was asked if in January, 1940, the month after his return from a 5½ year sojourn in Germany if he knew of the founding of the Gestapo under Goering in 1933 and he replied that he didn't know when it was founded but knew of its existence. When asked if he knew Hitler's Mein Kampf, \* teaching the right of pure Germans to dominate all races, and that force was necessary to solve international problems, had been used in the schools and colleges throughout Germany and distributed to all government officials, he replied he knew the book was widely read, but not that it was distributed in this way.

He knew it but did not know the cause of the murder without warning of those opposed to Hitlerism doctrines in the "Blood Bath" of June, 1934. Asked if this blood bath had its counterpart in Japan in the various assassinations between 1931 and 1936 of those who opposed the policy of the Japanese army, he replied that since he was not in Japan after 1934 he had no knowledge on which to base opinions with regard to these incidents.

34163 \* Asked if he also witnessed the establishment of the notorious concentration camps in Germany and if he was familiar with the line of terror following, he replied that he knew of the camps but had never seen them and had heard rumours of maltreatment but had never investigated the facts. The accused was asked if with all this knowledge and more on his part, he prepared this article relating to the so-called Hitler diplomacy of honor, equality, and freedom for the purpose of aligning more closely the Japanese government and people with Hitlerite Germany, he replied no, there was no particularly deep meaning for writing the article. He wrote it because the Japanese at that time were interested in conditions in Germany and about German leaders. He wrote it to introduce the German's better side. In all things there were good and bad aspects and in this case he introduced the good aspects.

34164 \* Reference was made to the article in which OSHIMA had asserted in effect that Germany had established a strong army in order that Hitler's three principles of honor, equality, and freedom would have the support of real power



Page and by it Germany had often achieved bloodless victories. He was referring to such events as the Nazi Putsch in Vienna in July 1934 when Dolfuss was assassinated, the occupation of the Rhineland in March 1936, the Austrian Anschluss in March 1938, and the incorporation of Austria into the Reich in March 1938, and the occupation of the Sudeten area of Czechoslovakia in October 1938.

34165 Asked if he considered these incidents and, as he had stated in his article, the annihilation of Poland on the pretext of the Dansig problem were the better parts of Germany he wanted to recommend to the Japanese people, he replied that in his thinking such matters as the significance of an incident of this kind should await the comments of future historians. Reminded that he himself was not awaiting on future history to comment and was imparting his conception \* of Germany to both his government and people through this article, he explained that he wasn't urging it on the Japanese people nor was he helping history along by encouraging it and presenting it to them.

34166 What he had written in the article was the actual state of affairs. It was not true that he was trying to warm up relations between Germany and Japan, which had cooled off because of the Nonaggression Pact. He wrote it because there were many Japanese who desired to know about German conditions. He did not write it on his own volition, but the magazine company asked him to. He was never asked by \* the General Staff or anyone connected with it.

Reference was made to the article where it described that Germany as a nation was prepared for war and was determined to resort to arms to carry out her positive policies. Asked if the same thing was not true in Japan after the Manchurian Incident, he replied that he thought any country was armed for any eventuality. Asked if in the article when he added "There is nothing more necessary at present than such close connection of diplomacy and military force" if he was advocating a military partnership between Japan and Germany in order that both might better carry out their positive policies, he replied that this was not a diplomatic document but article written at the behest of the magazine and had no deep significance. It was not written to influence Japanese policy.

34167 \* It was not written with the purpose of advocating a military partnership to enable the two nations to carry out their positive policies.

Page Reference was made to the affidavit where it was stated that his constant idea was that a military alliance between Japan and Germany was meant to be used as a means in diplomatic negotiations, and he was asked if he did not actually mean, in keeping with the sense of this article, he would not hesitate to hold a loaded pistol to the head of his neighbor determined to pull the trigger if he refused to obey directions, he stated there was no connection between what he wrote in the magazine article and what he wrote in his affidavit with regard to this as a means in diplomatic negotiations.

34168 Asked if his statement in the article that Japan at this juncture must establish national policies and exert herself to carry them out was intended as a criticism and attack on those in the government who were opposed to the Tripartite alliance, he replied that because he was unfamiliar with conditions in Japan \* he was not offering any concrete plans. He merely wrote in a very abstract manner that the Japanese should not be disturbed or remain confused. He was not advocating any alliance.

Asked if this public demand made by him that the government establish national policies reached fruition in the replacement of the YONAI Cabinet by the Second KONOYE Cabinet in July, 1940, and the conclusion by it of the tripartite pact on September 27, 1940, he replied that these incidents occurred one after another but he had no connection with them. Asked if after he returned to Japan from Germany he had conversations with SHIRATORI in which he discussed various aspects of the tripartite pact, he replied that being acquaintances they of course met but at no time did they combine together to promote a tripartite alliance.

34169 \* Asked again if they talked on occasions about various aspects of the tripartite alliance, he replied that he thought there might have been such occasions but they never discussed any concrete measures for it. SHIRATORI at that time was still ambassador without assignment. SHIRATORI did not discuss with him from time to time about what was going on about the pact. The accused was asked if he hadn't stated shortly before that they had talked on the matter on occasions, and he replied that that wasn't so, that because they were acquaintances they had met socially and the subject might have come up, but they never discussed the subject of the tri-  
34170 partite pact in \* particular.

Asked if Stahmer, special envoy of Ribbentrop, conferred with him in Japan the summer of 1940, he replied that he met Stahmer in early September shortly after he arrived, but had no occasion to discuss with him. There were no

Page negotiations for the pact begun at that time and Stahmer did not talk to him about it. OSHIMA said he had told Stahmer to go and discuss the matter with MATSUOKA. Stahmer said he had come with preparation to talk on the matter, to which OSHIMA replied he was in no position to be concerned with it so he had better see MATSUOKA. He thought Stahmer then went to see  
34171 MATSUOKA. \* Shortly after that OSHIMA was invited to dinner at the German embassy and Stahmer told him at that time that he was negotiating with MATSUOKA about the pact. He said that negotiations were under way and MATSUOKA wanted to issue a statement to which he, Stahmer, said that that would be troublesome or objectionable.

OSHIMA did not hear the contents of the matter broached by Stahmer, and they did not go further into the question. OSHIMA merely told him that he had better see MATSUOKA for he himself was not in a position to give assistance in the matter.  
34172 \* Stahmer was not asking for his advice regarding the step in the negotiations, and he did not advise Stahmer to express his views clearly to MATSUOKA. If he were to give him advice he would first have to know the contents of the German proposal and what MATSUOKA said in regard thereto. When he told Stahmer to express his views to MATSUOKA clearly to matters it was not advice, it was merely only a reply in the course of the conversation.

Asked if he was drawing a distinction between advising him and telling him to do it, he replied he was only saying that he did not feel that he gave any views. Asked if MATSUOKA or either of the diplomatic councilors of the Foreign Office, SHIRATORI and SAITO, were present at the conference at the  
34173 German \* Embassy, he replied that no one was there. Only he himself was invited to the dinner. However, Ott was present.

34174 \* He did not know if the signing of the tripartite pact and the formation of the IRAA was jointly celebrated by Japanese and Germans throughout Japan on Sunday morning, 13 October 1940. He was not present at any such occasion. Asked if he was in favor of the tripartite pact, he replied that he supported it because it had been decided on national policy and supported by the Japanese at large. At the time of its conclusion he expressed favor of it.

34175 Asked if there were substantial elements in Japan which did not approve of the pact he replied that since this question was important, he knew there were some who opposed it, he \* thought there would be some opposition to it, but he didn't realize there were as many opponents as he learned about before this Tribunal. Asked what means were used by government leaders to silence this opposition, he replied that being out of office he knew nothing.

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Asked if he did not know that an Imperial edict was secured which had the effect of compelling the Japanese nation to follow the provisions of the alliance, and if he didn't so inform Hitler or Ribbentrop, he replied that he made no such report, but the Imperial Rescript was used to unify the people and of this he had informed the leaders of Germany upon his return to that country.

34176 Asked if he advised the Emperor be used in this manner, he replied that being out of office he had no connection with such matters. To the accused was quoted a part of exhibit 562, a telegram from Ott of 31 January 1939, which stated that "Unity of government and nation\* behind the Tripartite Pact has been unmistakably proved in the Diet negotiations." Asked what he did to secure the unity of the Government and nation behind the pact, he replied he did nothing.

34177 \* When handed a document, the witness conceded that it was a copy of the November, 1940, issue of the magazine  
34178 Dai-Asia Shugi, \* which included an article entitled, "Tripartite Alliance and the United States" written by him. He had no recollection as to ever having given such a talk to a representative of the magazine. It appeared that the article was based on something he said somewhere else. Asked if he had not said in his article that he had published an article in the fall of 1940 in this magazine, he replied that his recollection was that he spoke of two other magazines and not the "Dai-Asia Shugi Magazine."

34179 His name was printed here, but he had no recollection of the article. Probably it was the society in which the accused MATSUI was associated, but \* he had no connection with this society at all. After looking at the contents of the article, however, the accused stated it appeared to be something written by him and it appeared that the magazine was published by the Greater Asia Association. It was true that it stated there that the following accused were officials of this association: MATSUI, Iwane, HIROTA, Koki, SHIRATORI, Toshio, and MATSUOKA, Yokusuke, and SUZUKI, Teiichi.

34180 Exhibit 3517-A, the document so identified stated  
34181 that the fact that the tripartite alliance was concluded recently and the Imperial Rescript graciously \* promulgated, truly fills one with gratitude. As was made clear in the rescript, the object of the recent alliance treaty differed greatly in spirit from that of other alliance treaties. In Japan they had always striven for the manifestation of Hakko Ichiu. The Sino-Japanese War, the Russo-Japanese War,

Page and the Manchurian Incident were carried out with this spirit. Needless to say the present China Incident was too being carried out with the idea of improving China and trying to establish a new order in East Asia. \*In Europe too the object of Germany and Italy in starting the recent war was quite different from those of previous ones. Hitler had said God did not create the world for one or two races and those that were born into the world had the right to live at the same time. The world's resources existed to realize the right of mankind to live. The term "right" was an incorrect expression, but his idea was to enable all people to obtain their place in the world. After the commencement of the European War, Hitler said that its aim lay in the establishing of a new order in Europe which excluded the restrictive interference of England.

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34183 In this way, the war aims of Germany and Italy lie in correcting the illogicality of the old system. It was similar to the Japanese object in dealing with the China Incident and this is why the alliance was concluded. In other words, Germany and Italy also comprehended the manifestation of Hakko Ichiu, which is the great spirit of the Japanese national foundation. Consequently the alliance differed from the previous ones. \*Looking at history they could see that, up until now, there had been many treaties with various nations, but they were all concluded to fulfill personal desires and Britain was a good example of this.

34184 \* The fact that the recent alliance was concluded with the grand object of establishing a new world order was a great feature of the treaty. They must fully realize this and OSHIMA believed that the entire nation must unitedly support the government to make the treaty effective and appropriate. Concerning its contents, in it Germany and Italy recognized and respected Japan's leadership in Greater East Asia. Since the Meiji Era, Japan, as the stabilizing force, had contributed to the happiness of the peoples of East Asia, and was striving further for this.

34185 If Japan did not exist, what would have been the condition of East Asia. There were countries in the world where culture developed early. These countries had advanced to Africa, America, and finally to Asia, and many Asiatics had been conquered by \* the leading European and American nations. Conditions of semi-colony or of slavery have come about, and natural resources had been monopolized. The fruits of the natives had been taken away by the American and European nations. Their force knew no limit, and at one time the partitioning of China was even advocated. However, Japan by herself had been stopping and preventing the greed and ambition of them.

Page Recent changes in the world situation had intermingled the interests of the various nations. Since the establishment of the new order in East Asia was influenced by situations in Europe and America, he believed that the conclusion of the alliance was extremely advantageous for accomplishing their plans. The alliance was advantageous to Japan. But they must give cooperation to the establishment of the new order of Germany and Italy and responsibilities had become greater.

34186 How to realize Japan's leading position \* or what sort of a new order should be established in leading East Asia? This was a grave mission. The conditions in NEI and FEI and perhaps India and the South Sea Islands must be improved. It was essential that they immediately plan with Germany and Italy an established concrete policy. The question of the understanding in the treaty concerning attacks made by third Powers not connected with the present conflict was in line with frequent government statements that the treaty would not have war as its object. Anyone could see this by reading the text. But according to the newspapers and cables, it seemed that the people of the U.S. claimed the treaty was a challenge.

34187 This was puzzling since it was common knowledge that Japan had never thought of laying a hand on any U.S. territory or made any preparations for it. \* For three years Japan had devoted herself to settling the China Incident and so what need had she of making an enemy of the U.S. The U.S. herself should fully understand this. They could not help but conclude that to regard this treaty as a challenge to the U.S. meant either that she was unhappy about the establishment of a new order in East Asia or that she harbored an ambition towards East Asia.

34188 The U.S. was by no means the judge of the world. If she, rich in resources and productive power, crossed the Pacific and thought of advancing into East Asia, it would violate the law of nature and would be fully punished by Heaven. The preamble of the treaty mentioned that there should be no hesitancy to cooperate with any country wishing to establish a new order. If the U.S. truly desired peace, she would cooperate in a new order in East Asia. If the U.S. thought she could make Japan \* yield by threats, it was a great mistake. The U.S. attitude was practically unbearable ever since the outbreak of the China Incident, but Japan had been devoting itself to settlement and had been awaiting tolerantly the U.S. to reconsider. The U.S. must consider the tripartite alliance an opportunity for her reconsiderations. The Japanese were a patient people, but there was a limit. If the U.S. with her rich resources would

Page endeavor to establish a new order on the American continent and would carry out a fair policy of exchanging resources with other continents, then not only she would contribute to world peace, but also much happiness would be brought to the American people.

34189 \* Japan had made a start towards new diplomacy with the alliance. Success or failure would not only decide the destiny of Japan and the welfare of the peoples in East Asia, but also would have much effect upon the establishment of world justice. All the Japanese people should make combined efforts for the \* great Imperial ideal of the establishment of a new order in Greater East Asia in accordance with the Imperial wishes which had been recently promulgated.

Asked if in the previous article (exhibit 3516-A) the great weight of his influence was again used in another critical period in an effort by this article to unify both the Government and the Nation behind the Tripartite Pact, he replied he did not think those two articles could have such an influence on society. The latter article was written on the basis of the Imperial rescript and the statement issued by the Japanese Government generally.

34190 \* Reference was made to the article where it was stated that the alliance was concluded with the object of establishing a new order constituting the great feature of the treaty, and he was asked what provisions of the treaty provided for this. He answered that not being a drafter of the treaty, all that he knew was what he learned later, and from his own studies of this alliance pact. In the article there is a phrase, "To enable each and every people to have their proper place in the world," and the ideal of the new order was expressed therein. That was what he was referring to in his article.

34191 To the accused was read the exact language of the provision of the preamble relating to the new order which stated that the three governments had made it a fundamental principle to establish a new order for coprosperity of its own race in Great Asia and Europe, and to maintain the same end had reached the decision to cooperate and coassist each other in carrying out this basic fundamental in each respective field. Asked if this was the provision which constituted the great feature of the treaty, he replied that since several years had elapsed since the conclusion of the pact, he could not recall with exactitude \* the language in the preamble. However, the expression the "new order" was the new feature of the treaty.

Page To the accused was quoted another part of the treaty which stated that Japan, Germany and Italy would agree to cooperate with one another in carrying out the aforementioned policy. Asked if this new feature he spoke of was the new order provided for in the preamble and which was implemented by the provision just read, he replied that the three Powers should cooperate for the new order was **not** all. Its establishment was the ideal and for this purpose various steps were to be taken.

34192 \* He had been asked in what sense does this pact contain new features, and so he spoke of the conception of the new order as mentioned in the preamble, but he had not spoken as to what the new order meant. \* The new order expressed the desire to create a new and unoppressed society. 34193 Asked what Hitler and Mussolini did to carry out this fundamental principle of a new order, he replied he thought that what they were doing accorded with the principle.

34194 Asked if, in other words, Hitler and Mussolini continued to wage the war of aggression in Europe at the time of the conclusion of the pact, \* he replied that depended on different individuals in the way they look at it. He himself did not necessarily consider this action aggressive. As to the matter whether this was an aggressive war, he replied that it had no direct connection with Japan so he had made no detailed investigation.

34195 \* There were efforts made at Geneva to define the word aggression and a treaty was created but not one country ratified it. Asked if with all his experience and knowledge of German affairs if there was any doubt in his mind that the annihilation of Poland on the pretext of the Danzig 34196 affair was aggressive or defensive, \* he replied that even Geneva was unable to decide the meaning of the word so it was unreasonable to ask him to define the term. However, it was undeniable that it was Germany that opened the attack on Poland.

34197 The accused was reminded that Hitler's General Order No. 24 (exhibit 573, T. 6470) provided that the aim of the cooperation based on the Three-Power Pact must be to bring Japan as soon as possible to active operations in the Far East. Asked if in his interrogation he had not stated that by the issuance of this order, Hitler may have intended to invoke the statement in the preamble about the building of a new order in East Asia. He replied that he did not answer in that sense. He did not know how the other party replied and did not even know of such an order.



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34198 When the question was repeated, he replied that he never thought of it in that way and did not know how Hitler thought. He had no recollection of making such a reply in his interrogation. To the accused was read a part of his interrogation why Hitler did issue such an order and base collaboration upon the Pact unless there was something in it or an understanding \* between Japan and Germany, he replied that he did not know why Hitler said so. Maybe he intended to invoke the statement in the preamble about the building of a new order in East Asia but he did not know.

Asked if he made that answer to the question that had been read to him, he replied there must be some mistake. He had no recollection of having made such a reply. It was true that he showed Hitler a military map of Singapore containing the location of field fortifications and gun emplacements, but he never discussed with him the method of attack. Hitler asked how long it would take to reduce Singapore but there was no discussion of the difficulties of an attack.

34199 The accused was asked if in his interrogation he did not justify the delivery of the map by stating that it was in accord with the agreement \* at the time of the conclusion of the tripartite pact. Even if he did say so, however, he thought that what he did was justifiable for there should nothing wrong in showing them a map in answer to their wish.

Asked if that was what he considered to be in conformity with the fundamental principle of the pact relating to the establishment of a new order, he replied there was no connection whatsoever.

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34201

\* Asked what Japan did to carry out the fundamental principle of the pact relating to the establishment of the new order, he stated that although the idea of the principle was one of the pact's purposes, work did not proceed to the point where it was concretely materialized. Asked if this was because they lost the war, he replied it was his interpretation that Japan engaged in a war of self-defense and not for the purpose of creating a new order.

Asked if Japan did not continue the war with China which had been in progress for many years prior to the conclusion of the pact, he stated that Japan referred to these hostilities as the China Affair, but it was true that they continued. Asked if Japan continued its efforts to establish the new order in East Asia under the pact's provisions by military occupation of FIC, where naval and air bases were secured, he replied that because he was then in Germany he could not testify with regard to the details of what Japan was doing or for what purpose she did certain things, because he was not informed.

34203

Reminded that in his article in the November 1940 issue of Dai-Asia Shugi (exhibit 3517), he informed the Japanese nation it was necessary that they cooperate \* in the establishment of the New Orders of Germany and Italy, he was asked if this was not based on these provisions of the Pact. He answered that the pact had been concluded and a Rescript and government statement issued, and his statement in the article was a mere repetition of what had already been announced. He had not referred to what must be done concretely to carry out the pact, but was mentioning these matters more as an idea.

The accused was asked if Article 3 of the pact, regarding aid in the event of an attack by a power not presently engaged in war was, in fact, designed as a cloak and shield to protect the participating powers in the course of conduct in which they were then engaged in Europe and China, and he stated that not having participated in the drafting of the pact he did not know what the actual intentions were, but his understanding was that there was no intention of concealing anything.

34204

\* The accused was reminded that exhibit 559 was a memorandum between Japan, Germany, and Italy dated 20 December, 1940, providing for the establishment of a military commission and an economic commission. Asked if he was head of the General Commission embracing these two, he stated, yes, but just as a member as there was no chairman.

Page

His commission was not charged with the responsibility of determining in the event of war whether a party to the pact had been attacked within the meaning of Article 3. Its work was to assemble all possible data, report it to the home government, and the decision was to be made by the latter.

34205

\* To the accused was quoted a part of his interrogation. In it he had been asked if it was not a mutual aid pact providing in effect that if one of the three was attacked then the other two would help the one attacked. He had replied that in substance he knew that was what it meant. The right to decide whether one of the signatories was attacked and whether the others would furnish aid was left to the commission. If the U. S. and Germany had gone to war, for instance, Japan was not obligated to furnish aid unconditionally. The commission was to decide whether the attack had occurred or not.

34206

Asked if the above question and answer had not been given, he stated that such a question and answer took place, but there must have been some misinterpretation. The memorandum clearly stipulated that the decision was to be made by the contracting powers. \* It would be quite possible for the question as to who attacked would come up for discussion at the general commission conference, but the procedure was that reports of the data be sent to the home governments to make the decision. The general commission was never called into session to determine who was the aggressor between a party to the pact and a third power.

34207

He was asked if he received a joint order from the War, Navy, and Foreign Ministers when the commission was established under the pact which changed the existing rule relating to ambassador's duties by providing that in the case of the ambassador to Germany permission was given to discuss matters of a military nature with German officials if the military and naval attaches and members of the military commission accompanied the ambassador to such conferences. The accused explained that the duties were not changed, and there was no change in the principle that the ambassador, being a civil official, was not to participate \* in military matters; because, however, high command matters were not handled in Germany and Italy as they were in Japan, if such matters were ever to come up for discussion at the meeting of the general commission it was unavoidable that the ambassador must take up the matter and restriction was placed so that the ambassador on such occasion must be accompanied by the attaches.

Page

Told that the question was not confined to the meetings of the commission but referred to discussions generally with German officers, the accused stated that this was the power given to the ambassador in discussing at the general commission, and he was not given power to discuss military matters with German officials generally.

34208

Asked if he did not frequently discuss military matters with Hitler, Ribbentrop, and other high ranking Germans without having present at such conferences any of the officials required under the joint order, he replied \* that at times the Germans brought up matters of general nature, but they were never discussed when they came up as they did not require negotiations with the Japanese government, he transmitted them to the military and naval attaches, who in turn communicated with their Tokyo headquarters.

34209

\* Asked if, in other words regarding military matters he was a mere embassy messenger, he replied that military matters were spoken of, but the scope was very wide. There were some such matters in the competence of a civil official, but there were also military matters of a very special nature requiring handling by military men. With respect to the latter, he did act as a sort of messenger boy. As far as most matters were concerned, they were discussed and disposed of between the attaches and the competent military and naval officials of the German side.

34210

Asked if on 2 January 1942, he informed Ribbentrop that he had received instructions permitting him to concentrate in his hands all questions regarding the general line of cooperation in a common war, and that only \* questions of details in military and economic fields would be dealt with by the military and economic member of the special commission under the Tripartite Pact, he stated he received no such instructions. The Germans did desire that he have such instructions, but the Japanese system did not permit them. The general commission, the economic commission, and the military commission were independent. The general commission could seek the cooperation of the others, but had no power to command.

34211

Asked again if he didn't recall that at this conference Ribbentrop said he welcomed the concentration of authority in his hands because it switched the center of gravity of the Tripartite Commission to Berlin, he replied he didn't recall exactly, but did know that \* Ribbentrop had such ideas.

Page

He didn't recall that at a conference with Hitler on the next day, 3 January, Hitler said he would discuss military affairs only with OSHIMA personally. He didn't say to Hitler at that occasion that he was empowered by his government to discuss the prosecution of the war with Ribbentrop. He was only empowered with handling political aspects, and he thought he naturally told Hitler this.

34212

\* Asked if he didn't further state to Hitler that while individual questions might be discussed between the army, air force, and navy, it was of prime importance that the principal policy be laid down exclusively by himself and the Foreign Minister, he replied that he didn't know the expression used, but he thought he himself said that policy matters were under his charge. Asked if this was not in fact actually done and often matters of prime importance and principal policies were settled by him and Ribbentrop, he replied that they talked, but there was no case of deciding new policy.

34213

He didn't recall stating to Hitler that this same method should be applied to economic and political questions, but it was within his authority to handle them. Prior to Pearl Harbor, Japan and Germany, on a small scale, exchanged raw materials for use in the wars then being waged by those two countries. \* So far as his own participation was concerned, they did not exchange military and technical knowledge prior to Pearl Harbor. If this took place, it probably was between the respective armies and navies.

34214

\* He had stated in his affidavit that he approved the exchange of culture between Japan and Germany, but this did not include scientific knowledge and inventions useful in the waging of war. Asked if many German agents migrated to Japan between 1938 and 1942 in the guise of business men, technicians, teachers, etc., for the purpose of instructing the Japanese in the Nazi way, he replied that so far as he knew there was no case in which Germans were employed as teachers in Nazi methods. He knew that some technicians were employed to study technical matters. The period referred to included the period in which he was a military attache in Germany. At least during his tenure, not one German officer came to Japan as an instructor.

34215

Asked if there were not many officers in the army and navy sent to Germany for study, he replied that \* they sent young officers not only to Germany, but to France, Italy, U. S., Britain, and other countries. So far as he knew, there was no Japanese army officer who studied at a German university.

Page Civilians studied at various universities, and there may have been some at Munich University. Asked if Karl Haushofer was known as the leading German authority on Japan and if his works were read and studied by Japanese both in Germany and Japan, he replied that in Germany he was one of those who knew Japan, but could not say whether his works were read widely in Japan. Asked if he had not stated in his interrogation that his works were read widely by Japanese students in Japan and Germany, he  
34216 \* replied that his works were read by Germans in Germany and to some extent by Japanese in Germany, but they had no influence whatsoever in Japan.

The accused was told that in his news article of January 1940, (exhibit 3516-A), he had referred to the possibility that the Soviet desired to reach a rapprochement with Japan in the Far East after the conclusion of the German-Russian Non-Aggression Pact. Asked if it was to  
34217 \* be understood by this that in January 1940, he favored a rapprochement with Japan and the USSR, he stated he had no recollection, but did desire it.

Asked if shortly after his return to Germany in February 1941, on his second mission as ambassador, if he learned of the probability of a German attack on Russia, he stated he did not imagine such a thing at that time. He had no conference with Hitler in February or March 1941, in which Hitler advised him that Germany probably would attack Russia. However, when MATSUOKA came to  
34218 Berlin, \* either Hitler or Ribbentrop said something to that effect, although very vaguely, at a meeting which he attended.

34219 \* Asked if he recalled telling his naval attache, YOKOI, in March 1941, of a conference with Hitler in which Hitler told OSHIMA of the probability of a German attack on Russia, he replied that he probably told YOKOI of a conversation between MATSUOKA and the German leaders, but the meaning was different. The question suggested that the German attack on Russia was already decided, but the expression used by Hitler or Ribbentrop was not that certain, but very vague. Aside from any direct statement to him by German leaders on this matter, OSHIMA did have reason to believe from the concentration of large bodies of troops on the Russian border and extensive military preparations that Germany would probably attack Russia. The reason he considered this probability was on the basis of the great increase in forces, but could not arrive at the conclusion that such movements would inevitably lead to war.

Page  
34220

\* It was his impression the latter part of March and early April that the relations between Germany and Russia were undergoing a change. Asked if he did not conclude that in the light of that situation it would be better to think things over carefully before Japan and Russia should enter into a non-aggression pact, he replied they must not be too hasty.

34221

\* When he accompanied MATSUOKA to the border when he left Germany for Moscow, he advised MATSUOKA accordingly.

34222

\* After MATSUOKA arrived in Moscow, he recalled receiving two telegrams regarding the progress of the negotiations with Russia for the non-aggression pact. MATSUOKA did not always advise him regarding the progress of his negotiations with other countries.

34223

Reminded that he had testified, (T. 34147), that economic matters were entirely in the hands of economic experts and that (T. 34148) he had almost no knowledge of economics, he was asked if it was not true that he was very active in economic cooperation in the joint pursuit of war. He replied that with the war traffic between Germany and Japan completely suspended, there was no economic cooperation. Regarding his activities and negotiations relating to economic matters, he handled these when instructions came from the government, but because of the suspension of traffic he had no recollection with regard to his activities in this, as there was nothing to negotiate about.

He didn't recall, but might have presented a memorandum suggesting certain concrete negotiations regarding the mutual use of German and Japanese economic power, at a conference with Ribbentrop on 2 January 1942. Asked if he recalled presenting a plan providing for a German credit to Japan of one billion yen and a provisional credit of fifty million yen to enable Japan to obtain machines and factory equipment, he replied he didn't recall, but there may have been such. Plans on matters of this kind were prepared and drawn up by the economic section of the embassy, and he merely took the document when he approached German officials.

34225

\* Asked if he acted purely on his own initiative in presenting the plan and without government authority, he replied he had no correct recollection, but that was not quite possible. He did not recall if Ambassador Ott and Wohltat, on 23 January 1942, questioned his authority to initiate the plan. He had never seen the telegram from Ribbentrop to Ott questioning the authority, nor heard of it through German sources.

Page Asked if MATSUSHIMA, head of the Economic Division, informed Wiehl on 24 January 1942 that OSHIMA had presented a draft of the economic treaty of assistance without his  
34226 \* government's approval, because OSHIMA believed it would unduly delay the credit arrangement if the Japanese government's consent would have to be obtained first, he replied it was true that MATSUSHIMA was in charge of Embassy economic questions and was drawing up various plans, but he didn't recall their contents. However, assuming this was so, it was quite possible for such matters to be brought up in bargaining with the Germans, but he could not give any definite views.

34227 Asked if he didn't present that plan of economic assistance without first obtaining authority from his government, he replied he didn't recall, and there would be no possibility of an occasion for it. \* He didn't recall himself and Ribbentrop discussing future economic cooperation between the European-African sphere under Germany and Italy's leadership and the East Asia sphere under Japan's leadership, at a conference on 23 March 1942. He didn't recall their contemplating the establishment of an economic agreement between the three aimed at establishing advantages and privileges to the exclusion of the U. S. as much as possible.

Asked if he recalled at a conference between himself and Ribbentrop on 9 May 1942, that Ribbentrop's position was that the Tripartite Pact was the starting point for all economic and political discussions and plans for international relations, even after the period of the war, he replied Ribbentrop might have, but he didn't recall, nor did he recall enthusiastically concurring in Ribbentrop's statement.

34228 \* He didn't recall that he envisaged war with the U. S. in the field of economy by a Japanese-German pact, to be enforced after the shooting war ended. He didn't recall in this conference of 9 May 1942, discussing the facilitation of economic cooperation between the two great economic areas defined in the Tripartite Pact by establishing strict control of the economy of those nations. Asked if the discussion did not even extend to the question of how they would control the economy of independent states located within the spheres defined under the pact, he replied there would be no occasion for discussing such a thing, nor did he recall discussing it.

He didn't recall a discussion going to the extent that it involved a plan on the part of the Axis to exert influence on independent states so as to compel regulation of their individual economies.



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34229

\* He didn't recall himself and Ribbentrop at this conference agreeing that so far as the U. S. and Central and South American countries were concerned, a binding arrangement should be made that after the war the resumption and continuation of economic relations should only take place after mutual agreement between Japan, Germany, and Italy.

34230

When handed exhibit 50, an announcement by the Board of Information of the agreement between Japan and Germany concerning economic cooperation, he recalled that \* there was an economic agreement similar to that mentioned in the document, and it was also true that all economic agreements signed in Germany were signed on his own responsibility. He thought he signed this exhibit. He did not handle economic negotiations, but had the responsibility for them. He thought probably that this was the same economic agreement of assistance to which he had referred in his affidavit as being concluded in January 1943, but didn't recall the contents.

34231

\* Asked whether there was a secret protocol, he replied he didn't think there was any secret agreement attached to an economic agreement, and didn't recall there being a secret protocol. After MATSUOKA's return to Japan in April 1941, he received notification for the first time in the latter part of May, that talks were being conducted between Japan and the U. S., nor was he aware before this that talks were being conducted.

34232

\* He didn't oppose the diplomatic policy of MATSUOKA with regard to the U. S. Asked if he didn't inform MATSUOKA that in his opinion Japan would lose the chance of establishing her leadership in East Asia if Japan concluded the anticipated agreement with the U. S., he replied he didn't state anything to him in that manner, nor his opinions on it. \* He did submit to MATSUOKA two plans he prepared from the German viewpoint, one contemplating the refusal of the U. S. proposal and the other binding the U. S. to abandon the convoy patrol plan. He also reminded MATSUOKA that the European war was developing favorably for Germany, and in a few months very important developments were expected.

34233

He said something to MATSUOKA that if Japan should lose the confidence and trust of Germany and Italy it would be very unfortunate for Japan.

Page                    Asked if he didn't also suggest to MATSUOKA that his policy was two-faced diplomacy which would lead Japan to international isolation during the critical period which might arise after the war, he replied he didn't think that MATSUOKA's policy was two-faced, but did say that this \* would result if he did undertake a two-faced diplomacy. 34234                    It was not true that he was doing all he could in presenting his views to MATSUOKA to discourage and defeat a rapprochement between Japan and the U. S.

                          Asked if he did not explain to MATSUOKA his apprehension that should Japan lose this opportunity to expand southward and the possibility of attacking Singapore she would invite the contempt of England and America and also Germany and Italy and if he did not urge this explanation to discourage negotiations between Japan and the U. S., he replied he made no efforts to discourage anything. He informed MATSUOKA of these matters, but there were important preliminary remarks.

                          Asked if he did not charge that if MATSUOKA persisted in this policy it would mean Japan had abandoned her mission to establish a new order in East Asia, he replied he didn't say the mission would be abandoned if MATSUOKA's diplomacy were continued. The opinion which he sent to MATSUOKA was to secure neutrality of the U. S. and seek a rapprochement with her. Asked if he didn't then call upon MATSUOKA to establish the idea of the Tripartite Pact by upholding the principle that Japan was to facilitate the battle of Germany and Italy against Britain, he replied that this was Japan's natural obligation under the Tripartite Pact, and for this purpose it was necessary to have the U. S. remain neutral. As Ambassador in Germany, he was instructed to act with the Pact as the standard, and it was therefore his obligation to see to it that Japan did not violate this, but he did not undertake to control the diplomacy of the government by his communications to MATSUOKA.

34236                    \* Asked if he did not state to MATSUOKA that he begged him to take these circumstances under consideration, he replied he sent a wire to MATSUOKA with the intention that he would give it his consideration. (Attention of the Tribunal was called to exhibit 1075).

                          He didn't know if early in May 1941, MATSUOKA contemplated a trip to the U. S. regarding these matters. When handed a document purporting to be a telegram of 4 May 1941, from OSHIMA to MATSUOKA marked "secret", he stated the message was sent from the Embassy in Berlin and naturally would come under his direction, but it was purely a rumor.

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34238

\* Exhibit 3518, the document so identified, stated that a rumor that MATSUOKA was planning to go to the U. S. was lately in circulation, and on 30 April the Domei newspaper carried the speech of ISHII to the effect that Germany and Italy would be asked if they objected to MATSUOKA's trip to the U. S. and that the U. S. was a neutral nation. This gave the people an impression that the rumor was well grounded. It was now common sense that the U. S. had completely become a hostile country against Germany and Italy by aiding Britain. At this time when German papers were severely attacking Britain and the U. S. the German Government had made no expression of her will outwardly on this rumor and the papers are keeping silence. It could be judged that they had great concern inwardly. OSHIMA asked MATSUOKA therefore to inform him of the truth by return cable.

34239

\* He thought his military attache in May 1941 was Lt. Gen. BANZAI. Asked if he discussed with BANZAI his objection to MATSUOKA's proposed visit to the U. S., he replied he had not objected to it. He didn't recall discussing the question with BANZAI, nor did he convey any information to BANZAI to lead him to the conclusion that there was a possibility of his resigning as ambassador.

34240

When handed a document, he stated it was a telegram sent by the attache to the General Staff. He had no knowledge of it whatsoever. The military attache, BANZAI, on his own, entertained a feeling whether MATSUOKA's proposed trip would come to pass. It was written by BANZAI, but he did not know with what meaning he wrote it. \* It appeared to be a document from the Army to the Foreign Office for reference, but was not in the normal Foreign Office form. There was a Foreign Office seal on the document, but it was an army telegram, and he thought it was referred to the Foreign Office for reference.

It said "Vice-Minister" on it, and it might be that OHASHI saw it, but he could not say.

(The document was rejected in evidence.)

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34243 \* The accused identified a document handed him as a  
telegram dated 5 May 1941 from Foreign Minister MATSUOKA to  
34244 OSHIMA. \*Exhibit 3519, the document so identified being a reply  
to exhibit 3518, OSHIMA's telegram, stated that concerning this  
matter, MATSUOKA had received several inquiries from the Ger-  
man and Italian Ambassadors in Japan. Though the U.S. may pre-  
sumably want him to visit America, he had no such intention.  
He replied to both ambassadors to this effect and had them  
cable this to their governments.

When he was asked questions by Japanese pressmen he  
answered that since he was very well acquainted with matters  
concerning the U.S., there was no necessity to visit there but  
would rather have Roosevelt and Hull visit Japan to rectify  
34245 their cognizance of Japan. \* OSHIMA was to let both attaches  
know about this.

The accused stated that he did not recall but naturally  
thought he informed Attache BANZAI about MATSUOKA's message.  
When he informed BANZAI he did not discuss with him the reason  
for the message from MATSUOKA to him and he did not learn then  
that BANZAI had sent through a message to Japan regarding the  
matter. The reply from the foreign office was to his own tele-  
gram and he presumed he showed it to the two attaches. He did  
not talk with BANZAI about it.

34246 When handed a document \* the accused recognized it as  
a copy of the secret protocol in connection with the economic  
agreement for assistance between Japan and Germany and it was  
received in evidence as exhibit 3520. (Read in evidence later,  
34248 T. 34267.) \* The accused stated that he conferred with Ribben-  
trop on 23 February 1941 but did not know whether he discussed  
with him plans for close cooperation in all spheres of activity  
in carrying on the war. There were plans discussed, particu-  
larly with regard to new service and newspapers.

He did not recall Ribbentrop's suggestion that coopera-  
tion should be in the same manner as was already being done in  
Italy, Rumania, Hungary, Slovakia, and Bulgaria, although that  
matter was discussed. He did not recall himself stating that  
he intended to create a plan for more intensive Japanese pro-  
paganda. His reason for so stating was that such matters were  
brought up for discussion but because they were not carried out,  
they did not remain in his memory.

Asked if he recalled setting up a newspaper division  
within the embassy and Minister SAKUMA was brought over from

Page:

34249 Japan to take \* charge, he replied it was true that SAKUMA came to the Japanese Embassy as chief of the press division, but he did not come for that purpose. He did this as a part of his work. The results of the propaganda work in the embassy in Berlin were not sent to Japan. Asked what the source of the information used in the propaganda was, he replied that publicity activities were actually not carried out but they gave information coming from Japan to the news agencies in Germany.

34250 He did not recall discussing a general plan of extension in Japan of the propaganda idea with Ott in Germany in March, 1941. The question \* might have been broached but he had no recollection. (Reference was made to exhibit 571.) He did not recall in his discussion with Ott approving a plan drafted by the German Foreign Ministry which provided in part for the building of a demonstration hall in Tokyo, however he wanted to state that because there was a project under discussion with reference to the erection of a Japan-German Association building in Japan, the subject might have been brought up.

34251 The purpose of intensification of propaganda was to foster good will between Germany and Japan. Asked if he had a conversation with Ribbentrop shortly prior to 4 January 1942 regarding cooperation between the Axis and Japan in the field of propaganda directed especially toward India and the Arabian countries, \* he replied that he recalled discussion in connection with India and other countries, but none of the things discussed were ever carried out.

Asked if a joint military commission was set up in December 1941 to decide matters of tactics and operations, he replied he did not participate in the establishment of it, and as far as he knew he had not heard that it was held. He had never heard of the military commission of which NOMURA and YOKOI and BANZAI were the Japanese members, and Keitel and Doenitz the German representatives. This was not a military commission because the Italian representatives were not mentioned in connection with it.

34252 \* Such persons often met, but this was entirely outside the scope of his duties and they had no responsibility to report to him. The group should not be called a military commission for they merely undertook the discussion of routine matters between the military and naval attaches and the military and naval authorities on the German side.

Page. The agreement between Japan, Germany, and Italy of 18 January 1942, dividing the world into two zones for military and naval operations, was not merely a military agreement. OSHIMA, as a civil official, had nothing to do with it. Asked if it was not true that a common code was arranged for the use of the Japanese and German navies, he replied that after the agreement was concluded, he heard informally that methods of communications had been decided upon.

34253 \* Asked if he was informed in a conference between himself and Hitler of 3 January 1942 of the German invention of a new armor-piercing hollow grenade, and if it was not offered by Hitler to Japan, he replied there was some talk of a matter of a similar nature. This talk was that a new shell that was capable of piercing a tank had been created and was to be presented to Japan. He talked of the matter to the military attache and all negotiations thereafter with the German army were conducted by the attache. He did hear that this shell was given to Japan.

34254 He had no recollection but thought Hitler entertained such an idea as stressing the importance of the exchange of military activities. Asked if he did not enthusiastically agree with this idea and if he did not state that the Japanese army was skilled in landing operations, having carried them out for 50 years, and offered to the German army Japanese officers who were experts in army operations, he replied he had no recollection, but \* since the carrying out of operations had been decided, he presumed he mentioned something to that effect.

He did not recall that the Japanese army did seek to occupy Burma, and he considered it important that Germany and Japan make a joint declaration against India. He did not recall saying that once English bases in India were eliminated Japan could easily send convoys to the Persian Gulf. What he meant was that whenever he met Hitler, he was asked by the army to say certain things to him and was requested by the two attaches to bring up certain matters. Therefore, he might have said such a thing to Hitler but had no exact recollection.

34255 \* He did not recall but probably did, at the conclusion of the conference, express the hope that Germany and Japan would enter into close cooperation after the war. Asked if he recalled Hitler stating to him that this was probably the first time in history that two such powerful military powers were situated far apart and were engaged in joint battle, he replied that Hitler might have said so, but he did not recall.

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34256 \* He did not recall Hitler's stating that this situation created the possibility of producing a smoke screen over military activity which must have a considerable reaction on the enemy as the latter would be forced to keep shifting his main effort and scatter his forces hopelessly. Asked if he did not tell Ribbentrop on 6 March 1943 that in the near future Japanese, clothed as couriers and embassy secretaries, would come to Berlin to deliver particulars concerning the military situation and Japanese forces and plans, he replied he did not recall saying this, but such persons did come. They  
34257 didn't present any plans with regard to \* future operations and this was a matter outside his duties.

What he heard of was the economic conditions in Japan and what he felt was necessary was reported to the German government. Military matters were conveyed by the military and naval attaches to the German army and navy authorities with regard to secret matters or plans for the future. From what he heard later, nothing of the kind was brought up by the Japanese attaches to the Germans. There were no occasions for discussion with Hitler on 3 January 1942 on the naval war situation in the Atlantic. He did not recall hearing anything of the kind.

34258 He did not recall Hitler stating in 1942 that the most important task was to get the submarine war going at full blast. Nor did Hitler confine it either to the \* German or Japanese side getting the submarine warfare in full blast, but later in 1943 he advised whether or not Japan would participate in such warfare but he never heard of anything like that in 1942. Asked if he did not recall that on 3 January 1942 Hitler told him that merchant vessels were being sunk by Germany without warning in order that as many as possible of the crew should perish, he said that Hitler said something about annihilating crews of merchant vessels, but that was a matter which Germany alone was thinking about and was not recommended to Japan.

Asked if Hitler expressed the idea also that this course would cause America to have difficulty in recruiting crews because of the time required to train seafaring personnel, he replied he recalled Hitler saying something to the effect that replacements would become difficult. He did not recall Hitler saying he had ordered his submarines to surface after torpedoing and shooting up the lifeboats.

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34259 Asked if he did not concur in these statements and if he did not say that the \* Japanese were forced to follow these methods, he replied he did not say anything of the kind. He had no recollection of a conference with Ribbentrop on 9 July 1942 to which he urged Japan to secure more submarines as well as cruisers and other large units to the Indian Ocean to intercept supplies for the British in Egypt. In Germany Ribbentrop was in a position to attend military conferences. But on the Japanese side, such matters were entirely outside the scope of his duties and authority. Assuming that Ribbentrop said so, OSHIMA did naturally submit such matters to the naval attache.

34260 He did not recall advising Ribbentrop that the English and American reinforcements to Egypt were being impeded by the activity of Japanese submarines. Assuming that he said so, it was because the naval attache might have asked him to convey the matter. Being a civil official, he was not receiving any official report as to the location of Japanese submarines. \* Asked if he did not agree with Ribbentrop that he would pass these suggestions on to Tokyo, he replied that he might have done so, but the channel through which such reports were transmitted was from the Japanese naval attache to the naval authorities in Tokyo. In passing on these suggestions, he did not recommend their acceptance as such matters were handled by the naval attache and the Tokyo Foreign Office did not handle such matters either.

34261 \* Asked if he was informed that prior to 26 February 1943, NOMURA stated to German officials that the Japanese navy was planning to use submarines against merchant shipping and that he had asked OSHIMA and Ribbentrop to request that two German submarines be put at Japan's disposal, he replied that the Japanese navy desired the transfer but he had never heard anything about torpedoing merchant shipping. He thought the Germans were already torpedoing merchant ships at that time. He heard of the desire to have two submarines \* but  
34262 heard nothing about submarine warfare nor the use of submarines against merchant shipping, but presumed that both Japan and the U.S. were already doing that.

Asked if he was not informed that Hitler was in favor of releasing one submarine but did not decide the matter before he was officially asked to do so, he replied he said nothing about it.



Page: Asked if on 6 March 1943 at a conference with Ribbentrop he stated that Japan intended to increase submarine attacks and would set about immediately making the necessary preparations, he replied if he did so he was conveying the intentions of the Japanese navy. Asked if he did not mention the Japanese submarines were not suited for shipping attacks and the navy had to revamp its construction program, he replied that he may have and if he did he was conveying the message of the navy authorities. Being an ambassador abroad he 34263 knew nothing about submarine construction and \* if he did say anything of the kind, he was conveying the message of the naval authorities.

34264 \*Asked if he stated that the Japanese navy would be grateful if it could obtain two submarines from the German navy, he replied the navy desired the transfer of them. Asked if Ribbentrop agreed with him and stated that he would speak to Admiral Doenitz about it, he replied he did not know what Ribbentrop actually said -- told Doenitz, because after that the matter was transferred to the naval attache and he conducted negotiations. He presumed Ribbentrop may 34265 have \* said that, but he didn't know.

Asked if he recalled that Ribbentrop again summoned him explaining that the government, after a consultation with the navy, was prepared to place one or two U-boats at the disposal of the Japanese navy, he replied that Ribbentrop, quite a while before, had said that Germany was prepared to give one or two submarines, but he had no recollection whether he repeated that again.

34266 Asked if at this time Ribbentrop further stated to him that the German government further offered these submarines on condition that the Japanese navy tackle immediately submarine construction on a large scale and carry mass production into effect, he replied he did not know what Ribbentrop later said, but in connection with the transfer, no conditions were attached. Ribbentrop expressed the desire that Japan utilize submarines for the purpose of \* destroying lines of communications and also the hope that Japan would expand the construction of submarines, but he did not attach any conditions with the presentation of the U-boats.

Asked if about that time there was a distinct change in policy in Japanese naval warfare which placed emphasis upon the destruction of tonnage warfare, he replied that was something with which the ambassador had no connection whatsoever and was never informed.

Page 34267 \* Exhibit 3520, the secret protocol in connection with the economic agreement for assistance between Japan and Germany (in evidence, T. 34246) stated that in carrying through article 2 of the agreement, Germany and Japan did guarantee mutually for three years the payment of 586 million Reichsmarks and of a thousand million yen. Each would respect the guidance of the other in economic activities and their economic spheres. In building up their interior economic sphere for economic exchange, each would respect the needs of the other in preference to lands outside the spheres.

34268 \* The parties would treat goods from the other party's sphere as far as possible more favorably compared with goods outside the two spheres. In territories occupied by them, they would grant the protection to each other's nationals and firms in the spirit of the tripartite pact and would accord preferential protection over nationals and firms outside the international spheres. With regard to detailed agreements after the war, they were to consult each other. At the end of the war, they would resume economic relations with those states which were at war with them or with whom they had broken off diplomatic relations, only after mutual consultations.

34269 The parties will take these principles into consideration in their treaty agreements with each other as well as with the remaining independent states of the economic spheres \* and work toward having these principles respected by the other independent states. If one of the parties reached treaty accords with independent states of the other economic spheres, it should consult with the other party in advance.

This protocol had a force of the inseparable constituent part of the treaty between Germany and Japan on economic cooperation, but it should be kept a secret. The accused stated that this was the secret protocol to the agreement but had no sure recollection. Reference was made to the affidavit where it stated that Germany first officially requested Japanese participation in the war against Russia in the summer of 1943, and he was asked if this was not in the summer of 1942. He stated that the last official representation from Germany on the matter and the last time that Japan officially denied the request was in the summer of 1943.

34271 \* Only one official request was made for Japanese participation and the request was made in the name of the government. He still thought that the official request was made in the summer of 1943. Even after a statement in his interrogation in which he said that in the summer of 1942 Germany officially

Page requested Japan to enter into the Soviet war was read to him  
34272 he still thought 1943 was correct. \* He had never expressed an  
opinion in favor of a Japanese attack on Russia prior to the  
summer of 1942. Several times he had conveyed German desires  
in this regard. Asked if, prior to the summer of 1942, he  
34273 had numerous conferences with various German \* officials re-  
garding the progress of the war against Russia, he replied  
that regarding its progress, he gained information from the  
army who got it from the German army and from talks with  
Ribbentrop.

At the end of July or the beginning of August 1942, if  
when he asked Ribbentrop concerning the progress of the war,  
he called Marshal Keitel in and had him explain the war situa-  
tion. Asked if he spoke to the German civilian officials  
about the progress of the war in Russia other than Ribbentrop  
and Keitel, he replied that he did hear secondhand from the  
military attache but he himself had never heard anything from  
the German Army except from Keitel.

34274 \* He would ask from time to time about the progress  
of the war, but had no recollection of ever conducting dis-  
cussions with persons other than Ribbentrop on that point.  
Asked if shortly prior to 17 November 1941 he had a conference  
with Erdsmandorf of the Japanese section of the foreign office  
relating to the war against Russian, he replied that there  
was never any occasion on which an ambassador would talk with  
a section chief and he had never asked Erdsmandorf anything  
34275 in regard to this. He might have had informal conversations  
with him but had never discussed that matter with him.

34276 He determined that Erdsmandorf obtained such infor-  
mation from conversations held at social gatherings. \* He did  
not recall telling Erdsmandorf that he had no information con-  
cerning the intention and deliberations of the Japanese Gov-  
ernment, but according to OSHIMA's personal opinion, Japanese  
military operations against the Soviet could take place only  
on a limited scale. Asked if in a conference with Ribbentrop  
on 23 March 1942 the latter mentioned to him that an advance  
of Japanese armies against Vladivostok towards the Baikal  
Sea would be advisable if Japan felt that she was strong  
enough, he replied that may be so, but he did not remember it.

34277 Asked if he did not fully agree with Ribbentrop's  
suggestion and state that although he had received no official  
communique, he favored an advance against Vladivostok within  
East \* Siberia within the year as he was of the opinion a  
more opportune time might never arrive again, he replied he  
had no recollection of saying this and had never had such

Page thoughts. He did not recall any conversation with Weiszaecker on 21 April 1942 stating that it seemed then that Japan should attack the Russians in East Asia. Asked if in this conference he assured Weiszaecker that he was working hard to put an end to a unnatural situation in which Japan was still living in peace and neighborliness with the Russian Army so furiously engaged by Germany, he replied he never had such a conference. He knew more than anyone else that it was impossible for Japan to fight a war on two fronts. He did not make such remarks.

34278 \* According to his recollections, the official request for Japanese entry into the Russian War was made in 1943. If a request was made on 9 July 1942 he believed it was denied and not official. He did not recall at this conference stating he was well pleased with developments in Russia and North Africa and that he was convinced of the imperativeness of a Japanese attack on Russia. Asked if he did not indicate to Ribbentrop that he was very enthusiastic over the idea and would immediately report the request to Tokyo, \*he replied 34279 that if on that date there was a request from the German side he must have transmitted it to the Japanese government.

Asked if he also indicated he was enthusiastic over the idea of Japan participating in the Russo-German War, he replied he didn't convey anything except expressions of diplomatic courtesy. He did not mean to say that his approval of Japan's entry was anything more than a diplomatic gesture. The duty of an ambassador was to faithfully convey whatever one government wanted to convey to another. What he said was that even though he knew in his own heart that Japan was unable to carry on war on two fronts, it was his duty to convey any German request in this regard, and to preserve the formal diplomatic procedure.

34280 \* But he did not advise Ribbentrop that he was en-  
34281 thusiastic of the prospect of Japan entering the war. \* Ask-  
ed if on 30 July 1942 he conveyed to Ribbentrop the Japanese reply to the official request for participation in the Russo-Japanese War, he replied that if on 9 July Germany actually made that request, naturally at some later date the Japanese government would have sent refusal. He thought he must have conveyed this refusal saying it was impossible. At the time he conveyed the reply to Ribbentrop, he did not recall advising Ribbentrop he had cabled Tokyo details of the last talk with him and he had his own point of view that an early intervention against Russia and intensive action to paralyze English shipping in the Indian Ocean was proper.

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34282

\* He did not recall on this occasion stating to Ribbentrop that he had personally shared Germany's understanding that a uniquely favorable opportunity presented itself to Japan to deal a blow to the Russians and moreover that the Japanese Army had always advocated the opinion that such action against Russia was necessary. He did not recall telling Ribbentrop that undoubtedly there were various opinions in Japan on this matter and that he did not consider the answer that had been given to be final. He did not also state that he had proposed again and again to utilize the opportune moment and this would be borne in mind in Japan.

34283

He did not remember stating that in spite of the large operations in the south he favored conducting a thrust against Russia too. He had no recollection of closing his remarks at this conference with the assurance that in his opinion the advance to the north was Japan's fateful question which OSHIMA had always reiterated to his government. He did not recall at a conference with Ribbentrop on 6 March 1943 he advised Ribbentrop that although OSHIMA did not know the intentions of the military leaders in Japan, he knew for a long time Japan had the intention of turning against Russia.

He did not recall at a conference between he and Ribbentrop at Fusel on 18 April 1943 he stated that he knew the Japanese Embassy at Sofia had reported to Tokyo rumours about a separate peace between Germany and Russia in consequence of which OSHIMA had arranged for all such telegrams from Sofia to be given to OSHIMA and that he had taken measures against its repetition.

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\* He did receive in September 1944 an instruction from his government suggesting conclusion of a separate peace between Germany and Russia. Asked if in his conversation with Ribbentrop regarding this matter, if he stated that Japan would fight on Germany's side until the final victory, he replied he didn't recall making this statement but since Japan was Germany's ally, it was but natural that he should have. Asked if he approved Japanese exploitation of FIC in September 1941, he stated that he never heard of that. He received home instructions that the government desired the German government through its ambassadors in France to support Japanese representations vis-a-vis French Indo China. He conveyed these instructions and that is as far as he knew of the matter.

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\*Asked if the Japanese government was not endeavoring at this time to use the German government to bring pressure on France to accept Japanese demands on FIC, he replied he didn't believe that Japan had any strong desires in that direction.

Asked if MATSUOKA took the position that armed force would be used by the 20th of September unless his demands were accepted, if he meant to say that this was not a determined view, he replied that no such news was conveyed to Germany. If he had been in Japan he might have heard of that but in Germany he didn't hear about that at all.

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- 34288 \* The accused stated he did not recall saying to Weiszaecker about 12 July 1941 that he had recently advised MATSUOKA again to break off negotiations with Washington. He was convinced he did not say such a thing. \* Asked whether he received a wire from MATSUOKA on 17 Feb. 1941 requesting him to take appropriate measures to bring about German pressure on France to accept Japanese mediation in the FIC-Thailand dispute, he replied that at that time he was not yet in Germany. When shown a document purporting to be a copy of this telegram, he stated it arrived in Berlin before he arrived there and believed the Charge d'Affaires took care of it. He thought he must have seen it after assuming his post but had no clear recollection. Since the telegram bore neither the seal of the Foreign Office nor of the recipient, he could not verify it was from the Foreign Office. At the time the telegram was received in Berlin, he was enroute to there from Japan.
- 34289 \* His recollection was that he assumed his post on 19 Feb. 1941.
- 34293 Exhibit 3521, the telegram from MATSUI to OSHIMA in Berlin, dated 17 Feb. 1941, stated \* that concerning the current mediation in the Thailand-FIC border dispute, OSHIMA was to propose to Germany to use its good offices to have Vichy accept the mediation plan after explaining that the success or failure of Japanese mediation would not only gravely affect the political situation in East Asia but the positions of all Axis powers. This was not merely a local problem, for in case of rupture of the mediation, fighting between Thailand and FIC would inevitably start again and might lead to Japanese armed intervention. In such case it would be impossible to obtain the products of that area necessary to both Japan and Germany. This not only would be a great obstacle to the national policies of both nations but would enable England and America to take advantage of this opportunity to throw the South Seas into confusion through intensification of their activities toward NEI and FIC and through carrying out their favorite propaganda. This would upset Japanese southern policy and cause a serious setback in the operations of Germany and Italy. In this instance, the situation would be such that it would be difficult to guarantee England would not steal a march on them and take action to occupy strategic Thailand points. If the mediation was a success, they would be able to peacefully establish their influence in Thailand and FIC and establish the grounds upon which to request various conveniences besides leaving no room for the activities of England and America. The question as to whether Japan's position in East Asia would be strengthened depended directly on the success of this mediation and also affected the question of the extension of Axis influence against England and America.
- 34295

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The question as to whether Japan's position in East Asia would be strengthened depended directly on the success of this mediation and also affected the question of the extension of Axis influence against England and America.

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\* There was too great a gap in French and Thailand assertions and there appeared no sign of their compromise. Further delay in settlement was not permissible and after taking the assertions of both into consideration, they decided on this mediation plan. Its gist was to return to Thailand the greater part of the territory lost in 1904 and 1907. The former was taken by France as compensation for the abolition of extraterritoriality. It was illogical to make Thailand cede this territory and it should be corrected. The latter was taken from Thailand as an exchange for several small areas but there was no basis for it. It was merely a case where France stole it.

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In the Japanese mediation plan, they had decided to return only a small portion of the latter to Thailand in the form of a sale and reserve for FIC the historic sites of Cambodia and \* recognition of FIC's cultural achievements. Reasons for deciding on a mediation plan were that for France the question of restoration of lost territory having no natural connection when considered from all aspects, but for Thailand it was a problem of her domain and racial alienation.

Although France pointed out that Thailand had suddenly enlarged upon her demand made prior to acceptance of Japanese mediation and asserted it was unreasonable, that there might be such a change with the development of military action was inevitable. Hence, the question lay in whether the present Thailand--FIC border was correct.

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Although Thailand was defeated in sea battles, she had been victorious on land \* and if the Japanese had not proposed to mediate, the Thailand Army would have over-run all Cambodia. Japanese soldiers inspecting the locality unanimously stated that the morale of the Thailand Army was high, while the FIC Army had no fighting spirit and the same opinion existed among the French officials. In view of this and from the fact that the FIC Army was unable to oppose the Thailand Army while the Japanese Army was stationed north of Hanoi as at present the defeat of the French was nearly certain. Consequently, it would be wise for France to forget sentimental arguments and seek a rapid solution with the magnanimity worthy of a great nation, rather than discuss peace after being defeated. In regard to the territory lost by Thailand in 1904, although it seemed France had a true intention toward restitution on the whole, she showed considerable disapprobation in regard to the territory lost in 1907. \* As for Thailand, there was a view that the former could have been acquired without depending on Japanese mediation and if Japan had not intervened,

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Page they would have been able to take back more territory in the Cambodia area. The British were supporting this view to dampen Japan's mediation, and since this would lead to the alienation of Japanese-Thailand collaboration, the possibility of Thailand regarding mediation as troublesome and resorting to arms again was great if restoration of lost territories was restricted to that lost in 1904. Hence, they were confronted with the necessity of making the French make some concession in regard to that lost in 1907 and preventing Thailand from ceding their camp and joining the Anglo-American camp. According to Thailand's explanation, when she sought German help in regard to the question of restoring the lost territories, Ribbentrop had replied that since problems of FIC had all been left in Japan's hands, Japan should be consulted and Thailand was thinking of acting according to Japan's views. However, there had been manifested no such intention from Germany. Also, France had hinted that as a result of the German French armistice, they had no right to dispose of such problems until the peace conference.

34302 It was deemed then that the difficulty for the completion of the mediation lay with France. Because the success of mediation would greatly affect the execution of the Axis national powers, it was necessary to bring this immediately to success and establish influence and stamp out American and English activities. If they did not satisfy Thailand to a certain extent, there was a danger of her swinging away from Japan. For this, it was necessary to apply pressure on France and make her accept the plan, and it was deemed \* there was no alternative but to rely upon the speedy and effective good offices of Germany toward the Vichy Government. Hence, appropriate measures were desired to be devised immediately.

The Chief of the Bureau of South Seas Affairs had shown the mediation plan to the German councillor in Tokyo on the 17th and had requested Germany's good offices.

34303 \* Asked if he assumed his duties in Berlin on 19 February,  
34304 the accused replied his duties could not commence \* until after he presented his credentials and he did not begin his duties until the 28th of February, having actually arrived in Berlin on the 19th.

Asked if he held conferences with Ribbentrop as early as 23 February, before presenting his credentials, he stated this was in a different capacity. He could not meet Ribbentrop in an official capacity until after presenting his credentials, but since they were old friends, he asked OSHIMA to come to see him and this visit was entirely contrary to diplomatic usage although it did occur.

He did not recall that the German representatives in accordance with this telegram brought pressure to bear on Vichy, France,

Page nor did he recall later communicating with Tokyo in regard to this. Asked if he approved Japanese establishment of naval and air bases in South FIC in 1941, he replied that his opinion was never asked in this matter and since he had no knowledge of \* oriental affairs at the time, he never thought of that. Asked if he did not as early as 12 July 1941, advise Weiszaecker that the occupation of certain positions in South FIC as bases for aircraft and warships was an urgent Japanese need, he stated he must have conveyed to him instructions arriving from Japan. He did not learn as early as July 12, 1941 that Japan contemplated the establishment of air bases and naval bases in South FIC. He knew of such thoughts in Japan for the first \* time through instructions he received. If it was true that he saw Weiszaecker on 12 July 1941 and talked to him on this matter, it must have been based on instructions. If he had received no instructions by that date the report of that conversation must have been false.

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34307 He didn't recall the exact date he first received instructions but it must have been some time in July. This matter \* was not handled by the Embassy for an extended period and only once did they receive instructions from the government on this matter. He did not recall ever being informed of the penetration of Japanese troops into FIC and asked if he approved that action he stated he was not consulted on that matter and didn't think he ever in fact approved it.

34308 When handed a document, the accused acknowledged that it was an issue of the Tokyo Nichi Nichi of 27 Sept. 1941 in which was a newspaper article, datelined Berlin, 25 Sept. 1941, quoting a speech OSHIMA made in commemorating the first anniversary of the conclusion of the Tripartite Pact \* and included a picture of him. In regard to this, the accused stated that he did not make a speech but thought he talked to a newspaper reporter and couldn't take any responsibility for the contents of the article. (The document was rejected in evidence.)

34311 \* The accused stated that he was not of the opinion that the Japanese Government, in establishing the new order in East Asia under the Tripartite Pact, planned to use armed force for its accomplishment. He did not recall stating in a conference with Erdsmandorf around 18 Oct. 1941 that in his opinion the government in concluding the pact must have been certain that the Great East Asiatic area could be achieved only by advance with the sword to the south. He did not recall stating at that conference that action had been prepared and the question was only one of time. He did not recall further stating that the attack might possibly be simultaneous with German operations against Britain.

Page

- 34312 \* He did not recall also stating that it would be advantageous to establish a land connection between Germany and Japan by Japanese advance into East Siberia and that he had proposed this repeatedly to his government. He had no official conferences with Erdsmandorf at all. His belief was that Erdsmandorf merely pieced together what he told him at social functions with other information. He did not recall stating to Erdsmandorf around 17 Nov. 1941, his personal view that an advance by Japan toward the south was unavoidable, especially because of the pressing need for petroleum.
- 34313 \* Asked if in this conference with Erdsmandorf he also explained that by advance to the south he meant the seizure of Borneo, above all, was necessary. He replied he never made such an explanation. It was not true that he and Erdsmandorf examined the map to determine how far it was from Borneo to the nearest Japanese troops in South FIC and that they determined the distance was 1000 kilometers.
- 34314 \* He did not recall discussing the nature of Singapore fortifications nor suggesting that an attack on it would be most effective. He did not recall telling Erdsmandorf that the three Japanese infantry divisions on Hainan Island he assumed were being trained for landing operations and combat in tropical regions.
- 34318 \* Asked if he had a conference with Gaus about 11 Oct. 1941, with regard to the prolongation of the Anti-Comintern Pact, he stated he didn't recall whether his conversation was with Ribbentrop or Gaus but knew he did have such a conversation. He did not recall advising the person with whom he conferred that he had wired Tokyo repeatedly about the matter. Nor did he recall discussing the advisability of playing up the \* occasion of prolonging the pact in a big manner.
- 34319 In accordance with instructions from his government, he signed the agreement prolonging the pact on Nov. 25, 1941. In commemoration of its signing, he believed a reception was held at Hitler's but he did not speak on that occasion nor have any public word to state at the reception or the time of the signing. The form adopted when the prolongation was decided on was that each participating country was to make a declaration of its intent. When Japan's turn came, he made this declaration. The signing of the pact by writing was not done for a declaration of Japan's position was equivalent to a \* written signing. No other Japanese spoke on that occasion in addition to himself, and he spoke in German. When handed a document, he stated it did not represent the speech he made for his statement was very simple and he did not recall making the statement handed him.
- 34320
- 34321 \* He made no speech at the commemoration reception but merely a declaration at the ceremony taking place after the signing. He had no recollection of making such a speech at a meeting in commemoration

Page of the signing, although the document showed on its face that it  
34322 was a speech or an article made or written \* on some occasion commemorating the signing of the Prolongation Agreement. The speech was not a diplomatic pronouncement but a speech made on a social occasion. Asked if the speech was made by him or by someone else  
34323 with his approval on any occasion, \* he replied he had no recollection of the speech at all nor any knowledge of the document.  
34324 \* When he arrived in Berlin on 19 Feb. 1941, there was no reception at the train, but State Secretary for Foreign Affairs Weiszaecker met him. When shown a letter prepared by Weiszaecker, bearing date of 17 Feb. 1941, he stated it refreshed his recollection and that he arrived on 17 Feb. instead of the 19th. Asked if the telegram he had previously stated arrived before he got in Berlin did not actually arrive after he got there, he replied he did not know because he wouldn't look at a telegram immediately upon arriving.

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\* EXAMINATION BY THE TRIBUNAL

The accused stated that the non-aggression pact between Germany and the USSR was not aimed at Japan nor were any Japanese interests prejudiced by this. Asked for what reasons he was dissatisfied with this pact, he replied that first, it was against the Anti-Comintern Pact. Also it was concluded in the midst of negotiations for the strengthening of the Anti-Comintern Pact and without previous notice to Japan. At no time did he advocate a declaration for war against the USSR by Japan and Germany.

REDIRECT EXAMINATION BY MR. CUNNINGHAM

Reference was made to the affidavit where it referred to the instruction given by OSHIMA at the end of March 1939 that Japan accepted in principle the duty of military assistance if Germany was attacked by countries other than the Soviet and the witness was reminded of his interrogation ( Exhibit 497, P. 6065) where it appeared he stated that according to this instruction, aid would be confined to military advice such as trading of intelligence, etc. Asked to explain the discrepancy, he replied he thought there was a misinterpretation and that "military assistance" was translated "military advice." The instructions he received were that Japan would accept the duty of giving military assistance. In his interrogation, the contents of his statements were abridged. Instructions regarding details of military assistance or entering the war came later. In this part of the interrogatories there were points which were confused and on which there were mistakes, and so he decided to make a general correction in his affidavit instead of trying to correct all those errors.

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\* FURTHER EXAMINATION BY THE TRIBUNAL

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Asked if he conducted negotiations in Berlin with the aim of obtaining land and a house for the Embassy where he could carry out intelligence and subversive activities against the USSR, he replied that when he was military attache, one of his subordinates did buy a house and he thought this real estate was bought in the name of an officer in the Ministry of National Defense and paid for by the Japanese Army. Asked if he confirmed that this estate was then the headquarters of the White Russian spies where anti-Soviet pamphlets were printed to convey to the Soviet and where the different subversive measures were worked out against the USSR,\* he stated he did hear that a small number of people were carrying on printing work there but did not know what they achieved nor did he think the house was ever made headquarters for any subversive activities.

34333

Asked if he was aware that in 1938 and 1939 the Embassy in Berlin sent saboteurs and terrorists into USSR by way of Turkey to kill Stalin, he replied there were no such facts. Asked if he had a talk with Himmler on 31 Jan. 1939 to the effect that together with German spies and with the assistance of White \* Russians, he was undertaking a large-scale sabotage and terroristic work and that he sent ten of his agents with bombs across the Caucasus in order to assassinate Stalin, he replied he never had any such conversation with Himmler.

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\* OSHIMA's counsel referred to certain exhibits and testimony in connection with certain parts of his affidavit, as follows:

Exhibits 484, 486-A, 506, 582, 2487, 2488, 2497, 2619, 2735-A, 2744, 2762, 2763, 3000.

Test.: 26,119; 26,579; 26,599; 26,678; 26,919.

Page

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- 34340 \*Exhibit 3523/dated 16 September 1938 from Foreign Minister UGAKI to Premier KONOYE re the Emperor's appointment of OSHIMA as ambassador to Germany stated that with reference to appointing military attache OSHIMA as ambassador as already arranged with KONOYE \* informally UGAKI relied upon KONOYE to obtain the Emperor's approval at his earliest convenience so he would be able to proceed with this matter.
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- 34342 \*Exhibit 3523A, all from KONOYE to UGAKI dated 22 September 1938 re Imperial approval re the appointment of OSHIMA as ambassador to Germany acknowledged UGAKI's request and informed him that Imperial approval had been informally obtained on the 22nd. Exhibit 3523B, all from KONOYE to War Minister ITAGAKI dated 6 October 1938 concerning the appointment of OSHIMA as ambassador to Germany
- 34343 \*asked whether it was objectionable on the part of the War Ministry. Exhibit 3523C, all from ITAGAKI to KONOYE dated 7 October 1938 regarding the appointment of OSHIMA as ambassador replied to the above letter and stated there was no objection on the part of the War Ministry.
- 34351
- 34352 \*In Exhibit 3524A, excerpt from the official transcript of the Nurnberg trial, being the direct examination of Ribbentrop was asked, "Did Japan before her attack on Pearl Harbor \* notify Germany of her intentions?" He stated that this was not the case. At that time Ribbentrop tried to move Japan to attack Singapore. A peace with England did not seem possible and he knew it would be militarily possible to do this. Hitler instructed him to do everything to weaken England's position so that peace might be brought about. He believed this could be done best through a Japanese attack on England's possessions in East Asia and therefore Ribbentrop tried to influence Japan to attack Singapore.
- 34353
- 34354 \*After the outbreak of the German-Russian war he also tried to have Japan attack Russia for a quick ending of the war. Japan however did not do that. She did neither of the two things Germany wanted her to do but did a third - attacked the United States at Pearl Harbor. The attack was for the Germans a complete surprise. They had considered the possibility that Japan might attack Singapore, Hongkong or England but never that she would attack the United States. They knew that in an attack on England the United States would intervene and they hoped that would not happen. He received news of the attack on Pearl Harbor through the press and then received a Reuter's dispatch from OSHIMA. All other reports were completely untrue. Even this attack was a surprise to OSHIMA as OSHIMA said it was a \* complete surprise to him also.

Page

- 34372 \*Exhibit 3503B, the redirect interrogatory for Ott ( the direct and cross interrogatory introduced at T 33925 as Exh. 3503 by the Defense) stated that in Ott's telegram dated 31 December 1939 he had declared that according to opinions of Ambassadors OSHIMA and SHIRATORI who were strongly working for the collapse of the present cabinet etc., Ott was asked to state what actions OSHIMA took in this respect. \*
- 34373 And he answered it was a general situation report reflecting the political pressure in Japan. The cabinet was inefficient and being attacked from various sides. The opposition of OSHIMA and SHIRATORI was not a determining factor and he did not remember the details of his actions on the basis of his knowledge. Asked on what occasion OSHIMA made his statement in the telegram that still 2 or 3 more transition cabinets would be necessary he replied that it was generally accepted that the Japanese cabinet should follow a more conciliatory course. It was mentioned by OSHIMA in an unofficial discussion with respect to the telegram from Ott dated 23 January 1940. He was reminded that he had stated in this telegram regarding the settlement of the question of Germans taken away from the Asama-Maruru by the \* British and that step by step tactics were the only ones with prospect of success and this was in accordance with the strong advice of OSHIMA and SHIRATORI. Asked on what occasion this advice of OSHIMA was given he replied that OSHIMA's personal advice on this complicated matter was expected to be helpful. With regard to Ott's telegram dated 26 January 1940 he was reminded that in it he had stated OSHIMA's opinion on the relations between the visit of the Duke of Coburg to Japan and anti-British movements there. Asked on what occasion this opinion was expressed by OSHIMA he replied he visited OSHIMA to get his advice and find a way out of the resistance of the Japanese Government to the Duke's mission. He expected a more favorable reaction by Ribbentrop by expressing also \* OSHIMA's opinion but did not suggest to OSHIMA that he might quote him on the matter.
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- 34375

DEFENSE WITNESSES - OSHIMA

| DOC. NO.          | NAME OF WITNESS       | EXAM. ATTY. |
|-------------------|-----------------------|-------------|
| 2671              | YOKOI, TADAO          |             |
| 2542              | TANAKA, SHINICHI      |             |
| 2662              | TATSUMI, EIICHI       |             |
| (REV.)<br>2081    | WAKAMATSU, TADAICHI   |             |
| 2651<br>2652(REV) | KAWABE, TORASHIRO     |             |
| 2783              | KOMATSU, MITSUHIKO    |             |
| 2630              | USAMI, UZUHIKO        |             |
| 2842              | MAKATA, HIDEHIKO      |             |
| 2084              | SUGIURA, HIROSHI      |             |
| 2724              | KASAHARA, YUKIO       |             |
| 2083              | TAKAHASHI, MICHITOSHI |             |
| 2862              | OSHIMA, HIROSHI       |             |
| 2864              | NISHI, HISASHI        |             |



Order of Proof  
Defendant OSHIMA  
Running Commentary

After Defense Document 2862, Affidavit of Oshima, Hiroshi.

In order to corroborate the statement of Oshima, I should like to call the attention of the Court to the following exhibits and witnesses:

1. As to paragraph 6, (5), b, concerning Oshima's understanding of the purpose of the Anti-Comintern Pact

1) Ex. 484, Transcript pages 22,480-22,482 and 22,483-22,488, explanation by Premier Hirota and Foreign Minister Arita at the Privy Council session.

2) Ex. 2,762, Transcript pages 24,739, affidavit of Ribbentrop, in which Ribbentrop stated that "he never had an impression that Japan might use the pact in her policy toward China or the South Sea area."

3) Ex. 486A, Transcript pages 5,976, showing the view of the German Government that the China Incident is in contravention of the Anti-Comintern Pact.

4) Ex. 2,487, Transcript page 20,623, and Ex. 2,488, Transcript pages 20,671-20,675, which show that the General Staff sent instruction to the troops on the spot not to aggravate the matter.

5) Ex. 2,497, Transcript pages 20,818-9, to show that the Japanese Government endeavored to limit the scope of the China Incident and to settle it locally.

2. As to paragraph 7 of the affidavit:

Ex. 2,762, Transcript pages 24,739, Ribbentrop's affidavit, in which Ribbentrop says that "I remember also talking quite frequently to Oshima about the attempt to make peace with China, and Oshima showed a desire in the same direction.

3. As to paragraph 9, (8), concerning the purpose of the treaty between Japan, Germany and Italy which Oshima negotiated in 1938-9:

1) Ex. 2619, Transcript pages 22,542, the draft of the treaty which was the result of Oshima's negotiations.

2) Ex. 2,735A, Transcript page 24,290, in which Prince Norbyo stated that there was a fundamental difference of nature between the treaty negotiated under the Hiranuma Cabinet and the Tripartite Pact concluded in September 1940.

4. As to paragraph 10,(2), protest of the Japanese Government to the German Government concerning the Non-Aggression Treaty between Germany and Russia:

Ex. 506, Transcript pages 6,124-6, memorandum of Weizsaecker, in which Weizsaecker stated that Oshima was evidently honestly endeavouring to hand the note of protest to the German Government.

5. As to paragraph 11, (2), testimony of Stahmer, Transcript pages 24,554-24,555, where Stahmer says that Oshima never sent Telegrams or letters to Ribbentrop through the German Embassy in Tokyo.

6. As to the paragraph 12, (1), Ex. 2744, Transcript page 24,402, Stahmer's affidavit, in which Stahmer says that Oshima after his return from Germany was completely retired and was never engaged in political activities.

7. As to paragraph 12,(2), Ex. 2744, Transcript page 24,404.

8. As to paragraph 14, (1):

1) Ex. 2,762, Transcript pages 24,740-1, affidavit of Ribbentrop.

2) Testimony of Admiral Kondo, Vice Chief of the Naval General Staff, Transcript pages 26,678-26,683.

3) Testimony of Captain Miyo, member of the operational section of the Naval General Staff, Transcript pages 26,919-26,920, and 26,916. Ribbentrop testified here that "I cannot imagine that Oshima told me that the plan to attack Singapore would be ready by the end of May 1941. In the first place, Oshima would hardly have known. If Oshima had known, he most certainly would not have told me, because the Japanese never tell such things. If this was said it was for propaganda purposes and was not proposed by Oshima."

Kondo and Miyo say that the Japanese Navy made no preparation for an attack on Singapore prior to May 1941, and the operational planning was not commenced until after 6 September 1941. General Tanaka of the Army General Staff also made the same statement.

9. As to paragraph 15, (3), namely, concerning the fact that Matsuoka did not tell Oshima the contents of his talks with the German leaders in Berlin:

Ex. 582, Transcript pages 6,543-4, where Matsuoka said to Hitler and Ribbentrop that he could not utter in Japan a single word of all that he had expounded before Hitler and Ribbentrop, and that this would cause him serious damage in political and financial circles.

10. As to paragraph 16:

Ex. 2762, Transcript page 24,742, affidavit of Ribbentrop, in which Ribbentrop said that "Judging from the attitude of Oshima and the Japanese Government, I got the impression that Japan did everything possible to keep out of the conflict with Soviet Russia."

11. As to paragraph 17, (1), concerning the testimony of Oshima that he was never informed by the Japanese Government concerning the Japanese-American negotiations, the Liaison and the Imperial Conferences:

1) Testimony of witness Yamamoto, Transcript pages 26,119-26,121.

2) Ex. 3000, Transcript pages 26,570-1, affidavit of Admiral Nomura.

12. As to paragraph 17, (5), concerning Oshima's testimony that the outbreak of the Japanese-American war was a complete surprise to him and the Germans:

1) Ex. 2762, Transcript page 24,742, Ribbentrop's affidavit

2) Ex. 2763, Transcript page 24,749, testimony of Schmidt in Nurnberg Trial.

13. As to paragraph 18 of the affidavit, testimony of Admiral Nomura to the effect that Oshima was not concerned with the Military Agreement Japan-Germany-Italy, Transcript pages 26,599-26,600.

14. As to paragraph 19:

Affidavit of Admiral Nomura, Ex. 3000, Transcript page 26,569, in which Nomura testified as to the inactivity of the Mixed Commission of the Tripartite Pact.

15. As to paragraph 20:

Testimony of Admiral Nomura denying the murder of crews of the torpedoed merchant ships by submarines, Transcript pages 26,579-26,581.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

TOKYO, JAPAN

CASE NO. 1.



THE UNITED STATES OF AMERICA  
 THE REPUBLIC OF CHINA  
 THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND  
 THE UNION OF SOVIET SOCIALIST REPUBLICS  
 THE COMMONWEALTH OF AUSTRALIA  
 CANADA  
 THE REPUBLIC OF FRANCE  
 THE KINGDOM OF THE NETHERLANDS  
 NEW ZEALAND  
 INDIA  
 AND THE COMMONWEALTH OF THE PHILIPPINES

-AGAINST-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro;  
 HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki;  
 HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori;  
 KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki;  
 MATSUI, Iwane; MINAMI, Jiro; MUTO, Akira;  
 OKA, Takasumi; OSHIMA, Hiroshi; SATO, Kenryo;  
 SPIGEMITSU, Mamoru; SHIMADA, Shigetaro;  
 SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori;  
 TOJO, Hideki; UMEZU, Yoshijiro.

AFFIDAVIT  
 OF  
 OSHIMA, Hiroshi

MILITARY ATTACHE IN BERLIN (1936); AMBASSADOR TO GERMANY,  
 (OCTOBER 1938 to OCTOBER 1939) AND AGAIN FROM FEBRUARY 1941  
 to APRIL 1945.

SHIMANOCHI, Tatsuki  
 UCHIDA, Fujio  
 USHIBA, Nobuhiko

JAPANESE COUNSEL

OWEN CUNNINGHAM

AMERICAN COUNSEL

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Tokyo, Japan

THE UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

A F F I D A V I T - - OSHIMA, Hiroshi

1. MY MILITARY CAREER

I was born in 1886. I entered the Military Preparatory School at the age of thirteen, and, after graduating from the Military Academy was appointed in 1906 2nd Lieutenant of the artillery branch of the army.

In 1921 while I was a Captain I was appointed Assistant Military Attache and went to Berlin. After my return home in 1925 I was successively a Battalion and Regimental Commander, an instructor of the Army Heavy Artillery School, and a member of the Inspectorate-General of Military Training of the Army. During this period I was mostly concerned with educational matters. From August 1931 until the Spring of 1934 I was Chief of the Third Section of the General Staff with the rank of Colonel, and was in charge of internal defense matters including the fortifications and the anti-aircraft defense. I was then appointed Military Attache of the Japanese Embassy in Berlin. Having been appointed Ambassador to Germany, I resigned my commission and left the army in October 1938. I was then a Lt. General.

While I was in the army I never belonged to any clique, though I do not know if there was any such thing in existence.

2. MY RELATIONS WITH GERMANY.

1) In October 1921 I went for the first time to Germany as an Assistant Military Attache, and stayed in Berlin until February 1923, when I was appointed Military Attache in Vienna, Austria. Germany at that time was in the middle of depression and confusion after her defeat, and I got an unfavourable impression politically, economically, and militarily of the country.

When I went back to Berlin in May 1934 as the Military Attache of the Embassy, just one and half years after Hitler had come to power, I found that everything in Germany had changed and had considerably improved, compared to the time of my last sojourn. I felt that there were things in the new Germany which were worthy of serious consideration.

As Military Attache it was my duty to gather information and make reports to the General Staff in Tokyo concerning military matters, and in the discharge of that duty I naturally came in contact with leading members of the German army and airforce. With the exception of Ribbentrop, with whom I became acquainted through the preliminary contact for the anti-Comintern Pact, my contact was generally with German military leaders, among whom may be mentioned General Fritsch, well known for his anti-Nazi tendency, and General Beck and Admiral Canaris, who were both executed on account of their participation in the affair of July 20, 1944.

2) During my two tours as Ambassador, I found that the bulk of my time and energy had to be devoted to matters such as culture, trade, protection of the Japanese nationals, etc., purely diplomatic contact with the German Government being only a small fraction of the business of the Embassy

My direct approach to the German Government was naturally through Foreign Minister Ribbentrop. But Ribbentrop was very often absent from Berlin, especially after the war had begun because he had to stay with Hitler in the German General Headquarters, and the location of the Headquarters changed from time to time. I met Ribbentrop no more than five or six times a year. I met Hitler usually only upon his request, and that was possibly two or three times a year.

With Nazi leaders other than Hitler and Ribbentrop, I met only on ceremonial occasions or at social parties, and had no official relations with them. The German Foreign Office extremely disliked the foreign ambassadors and ministers making direct contacts with German leaders other than the Foreign Minister, or with branches of the government other than the Foreign Ministry. Ribbentrop having made his wishes in the matter quite clear to me, I was careful not to go over his head or that of his ministry.

3) There was the Anti-Comintern Pact in existence during my first ambassadorship, and the Tripartite Pact was already in effect prior to my second sojourn in Berlin. As the Japanese Ambassador to Germany I felt in duty bound to concentrate my endeavours on the maintenance and improvement of Japanese-German relations in the spirit of these agreements. I did my best to live up to this conviction, always acting in line of the policy of the home government then in power. For that purpose, I tried to maintain as close a relationship as possible with Hitler, Ribbentrop and others who happened to be the German leaders, in order to make myself an effective channel for smooth exchange of views between Japan and Germany.



I never approved the Nazi ideology or policy as a whole. Particularly I had no sympathy with the race theory of the Nazis, their anti-Jewish and anti-Christian policy, *instead of* I also disapproved of their method of administration in the territories occupied during the war. Diplomatic decorum and discretion prevented me from expressing my views openly, but I think that they were sufficiently understood by the Japanese and Germans with whom I had dealings.

4) As to the cultural relations between Japan and Germany the Japanese-German Cultural Agreement was concluded in 1938. Works of German philosophy, natural science and music were extensively imported to Japan for many years prior to my time. I thought that the exchange of culture between Japan and Germany would benefit both nations, although I did not agree with many features of the cultural policy of the National Socialist Party. I supported the enterprises of the Japanese-German Cultural Society, and attended as often as possible cultural gatherings in various places in Germany; a considerable part of my time as ambassador was occupied with these enterprises.

3. CONCERNING THE DOCUMENTS TENDERED BY THE PROSECUTION AS EVIDENCE

1) The prosecution quoted extensively from my interrogations. These were conducted and recorded in English. As I practically have no knowledge of the English language and was entirely dependent upon interpreters, it was inevitable that some difficulties of understanding each other or some misunderstandings or misinterpretations occurred. This I found out later. Some of the more important examples thereof will be pointed out later.

2) Next I should like to state concerning the German documents as follows:

a) The prosecution tendered many German documents concerning my conversations with Hitler, Ribbentrop and other Germans. These conversations were conducted always in German, of course without interpreter. At my conversations with Hitler, Ribbentrop was always present. Stahmer or his successor was sometimes present at my interviews with Ribbentrop. There was however, no stenographer or recorder present. The records of those conversations must have been made afterwards from memory, some of them even several days after the conversations. Therefore, they cannot always be accurate.

With respect to the documents concerning my conversation with Ribbentrop I find that they were generally compiled in a one-sided vein favourable for Ribbentrop. Sometimes it is even stated that I agreed with him on certain matters while actually these matters were only talked about in the course of our conversations and I expressed no opinion thereon. I think this was because Ribbentrop had many enemies in the German Government as well as within the German military circles, and in distributing these documents to such people he had to resort to this sort of internal-political maneuvering in order to show the success of the pro-Japanese policy initiated by him. Concrete examples will be given later.

b) I knew well that it was only Hitler and Ribbentrop who decided the German foreign policy, and that it was therefore of no use to talk to their subordinates. I always talked over important matters either directly with them or through the liaison man, Stahmer or his successor, in case Ribbentrop was absent from Berlin.

I met very seldom other officials of the German Foreign Office except on social occasions. I talked over routine matters with them, but rarely.

In the records prepared by such people as Weizsaecker, Erdmannsdorf etc. on my conversations with them, which are now in exhibit in this trial, there are many matters of which I have no recollection. They evidently drafted these documents, adding much to my informal chats and putting them in such a form as to make it appear as if they had important talks with me, and then presented them to Ribbentrop. I find several matters in these documents of which they must have obtained information from other sources.

c) Many telegrams or reports signed by Ambassador Ott were tendered, some of them referring to me.

I first made acquaintance of Ott in April 1934, prior to my going to Germany as Military Attache, when Ott arrived in Tokyo as the Military Attache of the German Embassy. Ott paid me a courtesy visit at that time. Thereafter, we were separated because I was in Berlin while he was in Tokyo. I had a personal contact with him during my stay in Tokyo between December 1939 and January 1941, when I left Japan for my second ambassadorial tour of duty. We had sometimes informal chats about matters concerning Japan and Germany. I never considered them seriously as I was completely retired from the public life at that time, did not know the view of the Government, and also had no inside information to give. I am much surprised that my name was often cited in the telegrams of Ambassador Ott.

4. MANCHURIAN INCIDENT

I was from August 1931 until March 1934 the Chief of the Third Section of the General Staff. As my post was in charge of such purely internal defense matters as the fortifications and the anti-aircraft defense, I had no connection with the Manchurian Incident or with the problem of Manchukuo. This situation continued also after I became the Military Attache in Berlin in March 1934.

5. MY APPOINTMENT TO MILITARY ATTACHE.

1) In March 1934 I was appointed Military Attache of the Japanese Embassy in Germany and arrived in Berlin in May of the year. As to the circumstances of my appointment I heard that I was chosen because I spoke the German language well and had some knowledge of Germany as a result of my previous stay in that country. The Chief of the General Staff at the time of my appointment was Prince Kan-in, and General Ueda, Kenkichi, was the Deputy Chief of the General Staff.

Prior to my departure from Tokyo I received orally through General Ueda instructions of the Chief of the General Staff concerning my duty in Germany. I was ordered to watch and investigate, among other things, the stability of the Nazi regime, the future of the German army, relations between Germany and Russia, and particularly between the armies of the two countries. I was further instructed to collect information and report on Soviet Russia.

2) According to the Japanese system the Military Attache belonged directly under the Chief of the General Staff, and was not subordinate to the Ambassador (Defense Document No. 2855).