

EXHIBIT

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI Sadao, et al

AFFIDAVIT

by NOMURA Naokuni,
No. 1, 2-chome, Kitazawa,
Setagaya-ku, Tokyo.

(Born on 15 May, 1935)

I, the above named, after having duly sworn as shown in the separate paper in accordance with the form observed in Japan, do depose as follows:

1. German-Japanese Military Cooperation Before the Outbreak of the Pacific War.

When the German-Italian-Japanese Tripartite Alliance Pact was concluded I was appointed military committee member of the Mixed Technical Commission which had been set up in accordance with Article 4 of the Pact, and in this capacity I left Tokyo for Germany in December, 1940. On my departure the Navy Minister's instructions were handed to me by Toyoda, Teijiro the Vice-Minister of the navy. They read: "The Tripartite Alliance Pact aims at precluding a war with the United States, and, by improving our diplomatic relation with that country, it is to give an impetus to an early settlement of the Sino-Japanese Conflict.

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Such being the case, the primary duty of the Military Commissioner is to pass correct judgement from the military viewpoint on the question of 'whether or not an act of offense has been launched upon one of the parties of the alliance' as provided in Article 3 of the Pact. In view of the fact that this pact is for an **alliance for defensive** purposes care must be taken to avoid immaturely reaching the decision that 'an act of offense has been committed' and thereby drawing this country into the abyss of a war. Since the final decision will be made in Tokyo, **the** problem must be handled with utmost caution and wisdom and all efforts must be exerted to investigate and report the real circumstances involved."

I arrived at Berlin on January 3, 1941, but the Mixed Commission was not inaugurated for a long time. In the meanwhile, the German government did not accord us due treatment as Commissioner, and all opportunities were denied us for opening official discussion. Consequently there was no occasion for us to deal with the question of 'whether or not an act of offence has been launched' or to submit a report to Tokyo on the question.

Although the Mixed Commission was hastily inaugurated after the outbreak of the Pacific War, it was not more than a perfunctory meeting and was held only two or three times in the earlier stage of its introduction, to be followed by no meeting at all later on. Under these circumstances the existence of the Commission was only nominal, though I continued to stay in Berlin in the capacity

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of Military Commissioner until March, 1943, when I was relieved of the office and left Germany for home. During my stay in Berlin I acted exclusively as military adviser to the Japanese ambassador there. However, with regard to problems concerning purely military operation, I consulted directly with the Military authorities concerned, thus making them clearly distinct from political matters. And even in the disposition of these military matters, our military commissioners acted merely as a liaison office between Tokyo and Berlin.

The only work in which the military commissioner had acted under explicit directions from Tokyo concerned the conclusion of the Military Agreement which was originated by the instruction of the Japanese Government given to him in January, 1942, i.e. immediately after the outbreak of the Pacific War. No other direction was given from Tokyo at all.

During the period of the American-Japanese diplomatic talks, not even information relative to the above negotiation could be received by us from our Central Office. (T.N. Japanese Government in Tokyo). Aroused by loud talks in the air as reverberated through papers of neutral states I referred the matter to Tokyo more than once by telegraph, because of my great anxiety. As a response to my repeated inquiry, if I remember right, just a single answer was received some time in July or August of 1941, to the effect that the Japanese Government was conducting negotiations with the United States in strict conformity with the spirit

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of the Tripartite Alliance Pact which aimed solely at the prevention of the American participation in war and at the settlement of the Sino-Japanese Conflict.

2. Concerning the Military Agreement.

On January 19, 1942, Showa 17, shortly after the commencement of the Pacific War, the Military Agreement was concluded by Germany, Italy and Japan. Because this was purely a military accord among the Supreme Commands of the three powers, the Japanese ambassador took no part in the agreement. According to the provisions of the agreement, Japan was to destroy the enemy in the Pacific Ocean and the Indian Ocean east of Longitude 70 degrees east, and Germany and Italy were to destroy the enemy in the Atlantic Ocean, the Mediterranean Sea, and the Indian Ocean west of Longitude 70 degrees East. The basic idea of this accord was that the best coordinated operational result might be expected through independent activities of each navy in its respective designated area. Therefore each navy conducted its operations entirely under its own plans and abilities, apart from those of the colleague powers; and no special mutual talks were held for the coordination of the operational activities of the three. Though, of course, as will be mentioned later, there were several occasions when one party or another made proposals regarding a partner's methods of operation, as is naturally the case with a wartime alliance, these proposals were nothing but the expression of the desire of the party so proposing, all deciding authority over the actual conduct of the operations being always

reserved by the party responsible for the operations.

3. Military Cooperation, including Submarine Warfare, after the Outbreak of the Pacific War.

Based on the information that around March or April, 1942 the United States had commenced transportation activities on a large scale to the North African theatre via the Cape of Good Hope, the navies of Germany and Italy made repeated proposals to the effect that they were desirous of seeing the Japanese navy intensify its activities in the Indian Ocean including offensive action against the American transportation activities and reinforce its forces strongly in this theatre. In this proposal, their desire was for a powerful reinforcement of the Japanese fleet in this theatre with strong surface vessels as the main strength rather than a mere encouragement of the submarine campaign as heretofore conducted by the Japanese navy.

Whenever these proposals were made I tried to persuade the German authorities on the basis of directions from Tokyo that the Japanese fleet were too fully occupied with the operations in other theaters to divert much of its strength to the Indian Ocean. Nevertheless the same proposal was repeated again and again with the increase of difficulty in maintaining the German military position in North Africa. In some cases they expressed their desire to have Japan at least strengthen the submarine forces in the Indian Ocean to a great extent. As a reply

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to this sort of proposals + always explained to them assiduously that the Japanese submarines were being employed for the most part in operations of main fleet and that in view of the smallness of their number the dispersion of more submarines to the Indian theater on the part of Japan was very difficult.

Although I do not know what the German naval authorities expected of Japan in connection with Hitler's offer to Ambassador Oshima of the donation of two German submarines to Japan, but from what had been explained to us, it originated entirely in Hitler's own mind and was utterly unconditional. In return for this offer no request was made for more intensified submarine warfare on the part of Japan. The following are the Fuhrer's words as told me by Ambassador Oshima: "Lately the German submarines have been strikingly improved in their maneuverability and especially, underwater capacity. Hoping the Japanese navy will be benefited in her submarine construction, I wish to donate two of the new German submarines to Japan at this time." These words by the Fuhrer were carried in the ambassador's telegram addressed to Japan at that time; and a message from Tokyo in response to this telegram explicitly stated that Japan would accept with gratitude this Hitler's offer. Further, in the telegram I received from Tokyo in those days in connection with the bringing of these submarines to Japan, no allusion was made to such a subject as the encouragement of the submarine warfare; the naval authorities in Tokyo simply instructed me by telegram

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that, as the primary objective of bringing the German submarines to Japan lay in the contributory effect of these new submarines upon Japanese submarine-building technique three German submarine technicians should be brought to Japan with submarines. In short, as far as the Japanese navy and I myself were concerned, it was understood that the submarine offer was made solely along the line of the above mentioned words of Hitler and that no intensified activities of submarine warfare on our part was entailed condition in this offer, not to mention our acceptance of such request.

One of these two submarines was lost on the way to Japan, and only one safely reached her destination. However such a difficult problem as the improvement of our submarine construction techniques could not be solved in a short period. During the course of time, on the other hand, an opinion became prevalent, pressed by the need from the forces on the front, that this type of submarine with its inferior underwater speed would not meet our purpose and that an entirely new idea was instead needed in our submarine construction. Such being the case, these submarines brought about after all no practical benefit to Japanese submarine operations.

About such a policy as annihilating the crew-members of enemy vessels sunk by submarines, nothing was ever suggested to us by the Germans. I never heard of such a suggestion either or from Ambassador Oshima from anyone else. On the occasion of the London Disarmament Conference which I attended as a member of

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the Japanese delegation, I myself personally participated in the discussion of the problem of how crew-members should be treated when their ships had been sunk by a submarine, accordingly, if I ever had heard talk of this kind, It would surely have remained in my memory. I have no memory of such talk. Of course no telegram was dispatched by me to our authorities in Tokyo regarding such subject.

On this 10 day of April, 1947

At Tokyo.

DEPONENT NOMURA Naokuni (seal)

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

On the same date
at same place.

Witness: (signed) YASUDA Shigeo (seal)

OATH

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

NOMURA Naokuni (seal)

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TRANSLATION CERTIFICATE

I, Charlie S. Terry of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/S/ Charlie S. Terry

Tokyo, Japan

Date May 26, 1947