

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

Sworn Deposition

Deponent: SHIBA, Katsuo

Having been duly sworn in accordance with the procedure followed in my country, I do hereby depose and say as follows:

1. From November 1940 until January 1944, I served in the Section Two of the Naval Affairs Bureau, Navy Ministry. At the termination of the war I held the rank of Captain. During the time I was in the Naval Affairs Bureau, OKA was the Director of Naval Affairs Bureau.
2. From around September 1941, relations between the United States and Japan became very disturbed and the biggest problem was the question of withdrawal of Japanese troops from China. There was some opposition to this move, and we knew that the Americans insisted upon this point. I heard from OKA that he thought there was no harm acquiescing to the withdrawal.
3. OKA constantly advised his subordinates that we should avoid war by all means. In the middle of September there was a strong wave of feeling or sentiment, that these negotiations would fail, particularly

Def. Doc. #2762

in the Government. OKA used to come to us and try to pacify us, or encourage us, and say that we should not be discouraged, but should make every effort to successfully conclude the negotiations.

4. About October 16, 1941, the Third KONOYE Cabinet resigned en bloc, and on October 18, 1941, the TOJO Cabinet was formed. The TOJO Cabinet then decided to scrap all previous understandings and start afresh, and it considered the ways and means of this new approach all during the month of October. In November a proposed draft of new negotiations, being undertaken by the new Cabinet, was completed. There were two proposals: A and B, and the reply to these proposals came on November 26 from the United States. There was a great divergence between our note and the American reply.

5. When we received the American reply of November 26, 1941, I went into OKA's office and he said, "This is indeed regrettable and the negotiations are hopeless, and it might be difficult to avoid war." He shed tears and did not speak for sometime. Then he spoke to me again and said, "If war is unavoidable we must fight fairly and above-board."

6. If I remember correctly it was the 3rd or 4th of December that a mimeographed copy of the final note to the United States was turned over to by OKA for study. This draft, I was informed, was prepared by the Foreign Office. As to form I felt that the note was inadequate as an ultimatum, and I suggested that a clause be inserted that we reserved the right of free action, which would make it as clear as an ultimatum.

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Def. Doc. #2762

Then he said, "If that is so, I hope you will make the necessary revision in the note. I then wrote in blue pencil at the end of this draft that we reserve the right of free action. OKA expressed himself as being of the same opinion concerning the contents of the note and approved the suggested change.

7. The reason I suggested the revision of the note in order to make it a clear ultimatum was because of the expression of OKA in urging us previously to fight fairly and above-board, if it should become necessary.

8. Subsequently I had a further conversation with OKA, who stated that he had discussed the suggested change in the note with the Foreign Office representative, who informed OKA that the additional language was not necessary. OKA stated that he was further informed that the note was considered an ultimatum in diplomatic language, and that the additional phrase suggested would be unnecessary and superfluous. He further stated that it was a matter in which he was compelled to accede to the wishes of those in a better position to pass upon such questions. I know from my own personal knowledge that OKA worked faithfully and expended considerable effort towards maintaining peaceful relations with the United States.

9. In the Greater East Asia Conference held in November 1943, OKA Takazumi, S. TO, Kenryo and many others (including myself) were present as the attendants of TOJO, Hideki, the representative of Japan. But the Greater East Asia Ministry and the Foreign Office took the

Def. Doc. #2762

leading part in preparing and running the Conference, and the attendants to the representative merely attended the Conference and took no active part.

On this 10th day of Oct., 1947

At Tokyo

DEPONENT: SHIBA, Katsuo (Seal)

I, SOMIYA, Shinji 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 Tokyo

WITNESS: (signed) SOMIYA, Shinji (seal)

Def. Doc. #2762

OATH

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

(signed) SHIB.. Katsuo (seal)