

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;
SHIGEMITSU, 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.

SHIMANOUCI, Tatsuki
UCHIDA, Fujio
USHIBA, Nobuhiko

JAPANESE COUNSEL

OWEN CUNNINGHAM

AMERICAN COUNSEL

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RETURN TO ROOM 361

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, 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 manouvering 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, Kankichi, 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).

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

6. ANTI-COMINTERN PACT

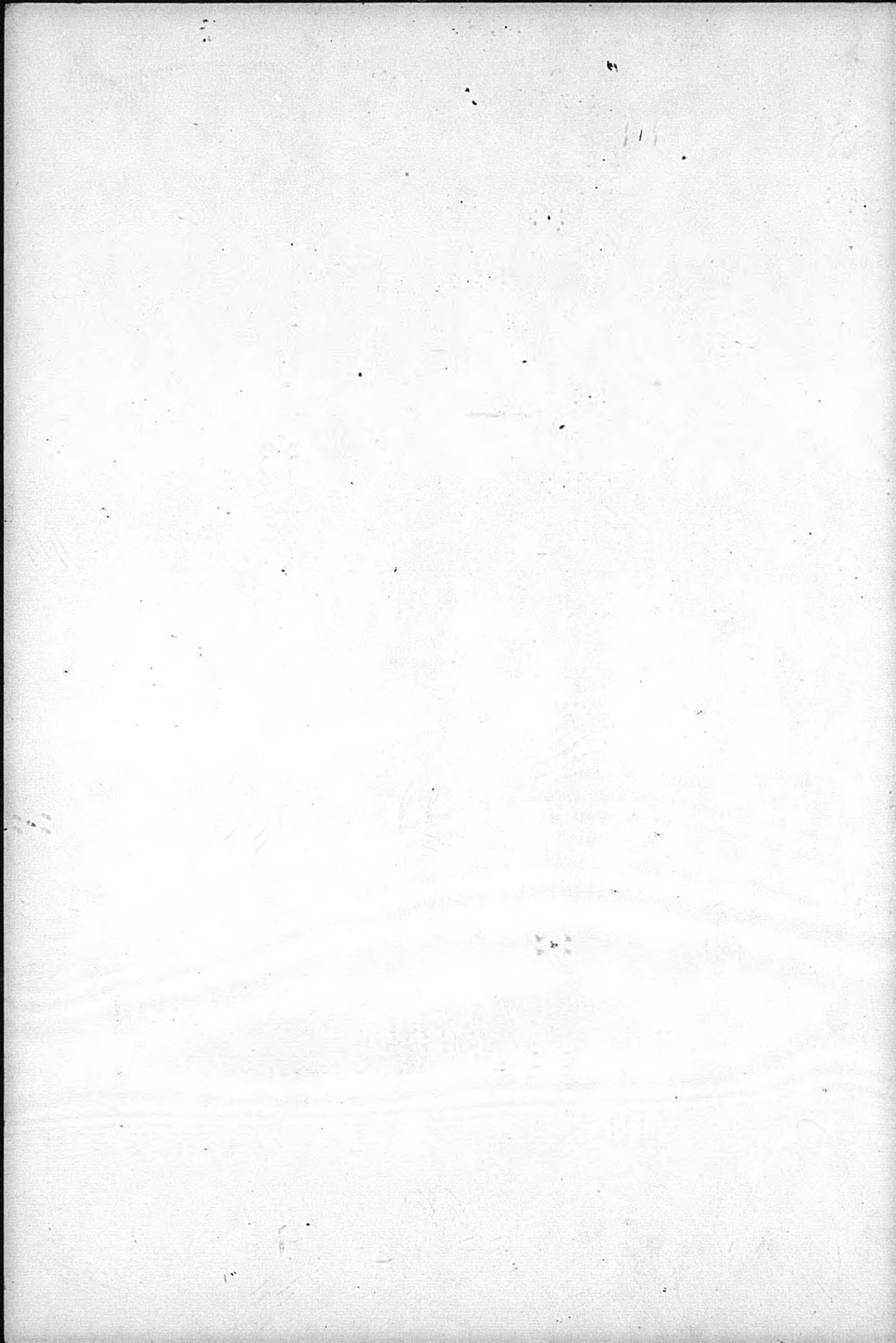
1) Concerning my contacts with Ribbentrop prior to the negotiations for the Anti-Comintern Pact which was concluded between Japan and Germany in 1936 the prosecution offered parts of my interrogation as Exhibits 477 and 478, transcript pages 5913-5916 and 5917-5918. I should like to point out regarding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

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

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

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

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



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

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

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

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

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

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

7. CHINA INCIDENT

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

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

8. HIMMLER'S MEMORANDUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. STRENGTHENING OF THE ANTI-COMINTERN PACT

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

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

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

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

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

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

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

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

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

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

4) ITO MISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b) In spite of these difficulties I tried to explain the Japanese point of view to Ribbentrop. Ribbentrop finally recognized the necessity for Japan to make the two reservations, and proposed that proper formulation for them should be studied from legal-technical point of view. Upon his request I sent, at the beginning of May, Councillor Usami to Mr. Gaus, Chief of the Treaty Bureau of the German Foreign Office, for consultation concerning the reservations, and a tentative draft drawn up by Gaus was cabled to Tokyo. Although I forgot the details, I think that Paper No. 2 and 4 of the Exhibit 2619, Transcript pages 22,539-22,550, correspond to this so-called "Gaus Plan".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. MY ATTITUDE BEFORE LEAVING GERMANY

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

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

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

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

12. MY ATTITUDE AFTER RETURNING HOME

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

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

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

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

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

13. MY REAPPOINTMENT AS AMBASSADOR

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

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

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

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

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

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

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

14. SINGAPORE QUESTION AND OTHERS

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

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

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

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

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

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

15. FOREIGN MINISTER MATSUOKA'S VISIT TO GERMANY

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

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

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

the two countries.

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

16. RELATIONS WITH SOVIET RUSSIA

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

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

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

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

17. JAPANESE-AMERICAN NEGOTIATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9) Receiving the decoration from Germany

Shortly after the outbreak of the Pacific war I received

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

18. MILITARY AGREEMENT BETWEEN JAPAN, GERMANY AND ITALY

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

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

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

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

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

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

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

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

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

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

20. SUBMARINE QUESTION

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

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

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

21. GERMANY'S COLLAPSE AND MY RETURN HOME

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

22. CONCERNING CONSPIRACY CHARGES AND OTHERS

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

wars of aggression. This allegation is totally groundless.

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

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

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

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

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

officers of Japan and others to commit these criminal acts.

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

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

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

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

/s/ OSHIMA, Hiroshi

at the International Military Tribunal
for the Far East

12 November 1947

Witness: SHIMANOUCI, Tatsuki
UCHIDA, Fujio
USHIBA, Nobuhiko

O A T H

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

/s/ OSHIMA, Hiroshi

大島關係辯證例文書 正誤表

一	辯證例文書第二〇八一號	若松只一供述書
二	辯證例文書第七行	「松山參謀次長」を「杉山參謀次長」と改む
三	辯證例文書第二六七一號	榎井思雄供述書
四	辯證例文書第九行	「旧杯」の次に「の野村」を加ふ
五	辯證例文書第二八六二號	大島浩供述書
六	第四頁五、六行	「解せざるため」を「解せず」と改む
七	第四頁十三行	「ヒットラーとの會談の時は常に」の次に「リッペン トロツプが立會ひ又リッペントロツプとの會談の時は」 を加ふ
八	第十一頁二行	「師化」を「師任」とす
九	第十四頁終より二行	「といか如さ」を「といふか如さ」
十	第十五頁七行	「友人あり」を「友人より」
十一	八行	「アフガニスタン將軍」を「アフガニスタン 三三三」
十二	第十六頁終より五行	「日獨間の相互協議並に援助味料」を「日獨間の相互援助條 約」と改む
十三	第二十頁一行	「義務は」の次に「事實上」を加ふ
十四	三行	「具體」を「具體」
十五	十行	「第二七六七乃至九號」を「第二七六九號」

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫其他

宣戰供述書

供述者 大島

浩

第二十頁末行より第二十一頁初

「と考へたので、私は有田外相」を「と考へたので、有田外相」

第二十四頁四行 「墓地」を「墓」

第二十六頁二行 「誓し」を「誓く」

第二十七頁終より二行 「もの」を「こと」

第二十九頁十行 「出たことも」を「出たことを」

第三十五頁十一行 「及」を「又」

第三十七頁八行 「私の権限のこと」を「私の権限外のこと」と改む

第三十九頁末行に「進言しようなどとリッペントロップに言つたこともな

ければ、又私が東京の政府に」を加ふ

第四十頁七行 「思ふが私が」を「思ふ私が」とす

第四十一頁より第四十五頁に。それより第四十二頁に續く

第五十五頁 「署名捺印」を「署名」と改む

正誤表

辯護別文字第二八六三

大

島

浩

口

供

書

左ノ酒リ訂正願マヌ

三十四頁十二行

詔勅の次に（法廷證字五五四號、記録六三九四一
六三九五頁）

三十四頁十二行

政府聲明の次に（法廷證字二七三四號、記録二四
二七七一、二四二七八頁）

四十二頁十五行

モツアルト祭の次に（辯護別文字第二八七六六號）

一 軍人としての経歴

私は一八八六年生れて、十三才の時陸軍幼年學校に入り士官學校を経て、一九〇六年陸軍砲兵少尉に任ぜられた。一九二一年大尉の時駐獨陸軍武官輔佐官として柏林に赴任し、一九二五年歸朝、大隊長、聯隊長、重砲兵學校、教育總監部に勤務し、専ら教育に關する事項に當つた。一九三一年八月より一九三四年春迄、參謀本部第三謀長として勤務した。實際の階級は大佐で、其職務は専ら要塞、防空等國內防衛に關する事項に限られてゐた。次いで駐獨大使館附武官に轉じて柏林に勤務し、一九三八年十月大使に任ぜられるに及んで陸軍を去つた。其時の階級は中將であつた。

私は陸軍に在る間、假にみつたとしても、派閥と稱せられるもの何れにも屬したことはなかつた。

二 私の獨逸との關係一般

私は一九二一年十月駐獨武官輔佐官として初めて獨逸へ行き、一九二三年二月ウイーン陸軍武官になる迄柏林に駐在した。當時の獨逸は敗戦後の無氣力と混亂の最中であり、軍事的には勿論、政治的經濟的にも良好な印象を受けなかつた。

然るに私が駐獨大使館附武官として、一九三四年五月柏林に着任した時は、ヒットラーが政權を掌握して一年半を経た後であつたが私の前同在任當時に比し、總ての點に於て改善せられ、種々研究の

對象たり得べきものを見出した。

私は陸軍武官の職務として、軍事情報を蒐集、之を參謀本部に報告するため獨逸陸軍及び空軍首脳部と接觸したことを勿論である。軍以外の者ではリツペンとロツプと防共協定交渉に關する豫備的接觸をなしたのみである。而して私の接觸した獨逸軍人中には、隱然たる反ナチ主義者として知られたフリツテユ大將、一九四四年七月二十日事件に連坐處刑せられたベツク大將、カナリス海軍大將等も含まれて居た。

□

私は駐獨大使として二回在任したが、大使の業務は本來の外交の外、文化、經濟、在留邦人の保護等諸種の仕事に亘り、實際獨逸政府との外交に關する交渉は大使館業務の一部であつた。私が獨逸政府と接觸する時の當面の相手方は外交の常例として當然リツペンとロツプ外務大臣であつた。然しながら彼は伯林を留守にすることが多く、殊に歐洲戰爭中は、ヒットラーに従ひ、屢々其所在地の移動した獨逸大本營に居つた爲、私が彼に會つたのは一年に五、六回を出でない。ヒットラーとは通常先方の希望があつた時に會見するに止つたが、其回数是一年に二、三回であつた。

右兩人以外のナチス要人とは、私は儀禮的機會、又は宴席等で知合にはなつたが、職務上の關係はなかつた。尚獨逸外務省は外國の大公使が外務大臣以外の獨逸要人、及び外務省以外の獨逸官廳と直

接接觸することを極端に嫌つて居つたので、私も彼等との接觸は避つて居つた。リッペントロップは此事を私にはつきり希望したことがあつた。リッペントロップは此事を私にはつきり希望したことがある。

月 私が第一回の大使の時には日獨間に防共協定が存在し、又第二回の大使の時には三國條約が存在してゐたので、私は駐獨大使として存在してゐた。此等條約の趣旨に基いて日獨國交の維持乃至増進に努力することを當然の職務と考へ、時の政府の政策に従つて此所信の下に行動した。之がため私は時の獨逸の首腦者たるヒットラー、リッペントロップ等と能ふ限り密接に接觸し、日獨双方の意思の疏通に努めた。然し、ながら私は、何も彼等の思想乃至政策を全般的に肯定してゐた譯ではない。殊にナチスの人種理論、反ユダヤ及び反キリスト教政策、又戰爭中の占領地行政政策等に對しては、私は強い反對意見を持つて居た。尤も私は外交上の慣習に従ひ斯かる反對意見を公に發表することはしなかつたが、此事は私と接觸した日獨人の間に充分知られて居つたと信ずる。

四 日獨の文化關係については、兩國の間に一九三八年締結された文化協定があり、又獨逸哲學、自然科學、音樂等は古くから日本に導入せられて居つたことではあるし、私はナチスの文化政策の全部を肯定した譯ではないが、日獨文化の交流は兩國の國民生活に裨益する所大なりと考へ、日獨文化協會の事業を援助し、又機會ある毎に文化

獨逸各地に於ける此種會合に出席した。實際私の大使としての時間の相當部分は、文化關係の仕事に費されたのである。

三 當法廷に提出された檢察側證據書類について

〔 檢察側は私の訊問調書を相當廣範圍に亘り證據として提出した。此等の訊問調書は英文を以て誌されてあるが、何分にも私は英語を解せざるため總てを通譯に依つたため、其間意思の疏通せざりし點乃至は誤解又は誤譯があつたことを今發見する。其重要なる點は後に述べるであらう。

〔 次に獨逸側の文書に付て述べる。

〔 檢察側は私とヒットラー、リツベントロップ其他獨逸人との會談を記載した多數の獨逸文書を證據として提出したが、此等の會談は常に獨逸語で行はれたもので、實際に通譯が居たことにはなかつた。私とヒットラーとの會談の時は常にスマーマー又は其後任者が時として立會つたが、速記者又は記録者が居つたことにはなかつた。従て此等の會談記録は後に記憶に基いて作成せられたものに相違なく、又會見後數日を経るに書かれたものもあり、其内容は必ずしも正確を期し得ないと思ふ。尚リツベントロップとの會談に關する文書について、大体が彼に都合よく書かれ、又話題に上つただけのことを私が同意した様に記されてある所すらある。之はリツベントロップが獨逸政府及び軍部内に多くの政敵を有して居たから、此等の要人に斯かる書類を配布するに

方り、彼が発案した對日接近策の成功を示さんとする對内的願感の影響したものであらう。其具体的事例は後に述べる。

(四) 私は獨逸の外交に關し決定權を持つてゐるのは、ヒットラーとリッペントロップだけで、他の下僚を相手にしても仕方がないことを良く知つて居たから、大切な事項はすべて彼等に直接話すこととし、リッペントロップが伯林不在の時は連絡者スターマー又は其後任者を通じて話した。それ以外の獨逸外務省官吏とは稀にルテイーンに關する話をする外、宴席以外では面會することも少かつた。

當法廷に提出せられたワイツセツカー、エルドマンズドルフ等の如き人々の署名した私との會談記録には私の記憶せざる多くの事項が記載せられてゐる。私は彼等が私の話を修飾して重要な會談をなしたかの如く作上げてリツベントロツプに提出したのではないかと思ふ。此等の文書の中には彼等が何れかより得たに違ひない情報を私が話したやうにして織込んである所があるのである。

（イ）オット大使の電報及び報告が多数法廷に提出せられ、其中には私に関するものも相當ある。

私がオット氏と知合つたのは、一九三四年四月私が駐獨陸軍武官として赴任する直前同氏が東京獨逸大使館附武官として着任し儀禮的に訪ねて來た時のことであつた。其後二人は任地の關係で伯林と東京とに離れて居つたが一九三九年十二月私か歸朝後一九四一年一月大使として再び獨逸に赴任する迄の間東京で私と彼とは個人的に交際してゐた。此間日獨間の問題が話題に上つたことはあつたが當時私は公的生活から全然退いて居つて政府の意圖も知らず何等情報の持合せもなく眞面目に斯かる問題等を議したことはなかつた。それにも拘らずオット大使の電報中に私々の名前が出て來るのは私の解し得ぬ所である。

四 滿洲事變との關係

前述の通り私は一九三一年八月から一九三四年三月迄參謀本部第三課長の職に在つたが其任務は要塞、防空等國內防衛に關する事項であつたから、北城務上滿洲事變、滿洲國の問題には何の關係もなかつた。之は一九

三四年三月私が伯林大使館附陸軍武官に任ぜられた後に於ても同様であつた。

五 陸軍武官就任

(一) 一九三四年三月私は駐獨大使館附武官に補せられ同年五月伯林に着任した。任命の理由は私が獨逸語を解し既に獨逸に駐在したことがあり獨逸の事情を知つてゐる爲であつたと聞いた。

私の任命の時の參謀總長は兩院官殿下、次長は植田謙吉中將であつた。赴任のため東京出發前私は植田次長を通じ口頭を以て獨逸に於ける私の任務に關する參謀總長の訓令を受けたが特に調査研究を命ぜられた事項はナチ政權の永續性、獨逸陸軍の將來の發展性、獨逸關係殊に獨逸陸軍間の關係及蘇聯情報の蒐集等であつた。

(二) 日本の制度では陸軍武官は參謀總長に直屬し大使との間には全然蘇聯關係はない。(辯護側文書第二八五五號) 従て陸軍武官は一に參謀總長の訓令に基き其任務を遂行し情報、報告等は大使を経由することなく直接參謀總長に提出すべきものである。

六 防共協定との關係

(一) 一九三六年に日獨間に締結せられた防共協定の交渉に先ち私とリツベントロップとの間に行はれた接觸について檢察側は法廷證第四七七號及び第四七八號として私の訊問調書の一部を提出した。(記録第五九一三一五九一六頁、第五九一七一五九一八頁) 此件に關し指摘したい

のは私の陳述したリツベントロツプ及びハツクとの接觸はいづれも陸軍武官としての主要任務の一たる情報蒐集の目的で行つたもので何等外交交渉の意味を持つたものではなかつたことである。當時一九三五年リツベントロツプは無任所大使の肩書を持つてゐたのみであつた。又ハツクといふのは外國同武器買込のブローカーで私の赴任前から陸軍武官事務所に入出入してゐた方であつた。

(イ) 法廷證第四七八號（記録第五九一七一五九一八頁）中、檢察官の「是等の人達（日本の陸海軍武官）はそれ自身の持つて居る陸軍武官としての地位に於て外國の軍部と交渉を開始し或は又國家間の協定、協約若は協約を結ぶ目的を以て交渉を開始する権限を持つものであるとすか」との問に對し私が「そうです若しそれが純粹に軍事的性質を帯びたものであるとすれば武官としては此等のものを大使を過せずして討議することが出來ます」と答へたと記載されて居る此點に關し私の供述の意味を明瞭ならしめるため、左に一言する

日本の陸軍武官は海軍武官も同様であるが純粹の軍事協定について任國の軍部と交渉し及び之を締結することが出来る。此場合には大使の關與は法規上許されない。其他のものに關しては陸軍武官は情報として資料を參謀總長に報告し得るのみで任國政府と交渉する權限はない。

(ロ) 同一の法廷證第四七八號中、私の供述として「當時日本陸軍は恐らく此協定を日本政府に賣付けただけの力を持つて居たことは事實

曰

でせう」又「私は如何なる條約と雖も若し日本の軍が欲しなかつたならば締結の可能性がなかつたらうと言ひ度いのであります」との記載があるが私はかかることを述べた覚えはない。私はリットンロツフが陸軍武官たる私に話掛けて來た理由として當時の事態に鑑み日本陸軍が本件に最も大なる關心を有するだらうと彼が思つたからであらうとの意味を述べたのであるか否らく之が誤解されたものであらう。

參謀本部に對し私がリットンロツフの希望を報告した後若松中佐が直接御趣政府及び陸軍の意圖を確めるために派遣せられ一九三五年十一月末頃伯林に到着したので私は同中佐をリットンロツフ及び國防相プロムベルグ大將と會見せしめた。此會見の際リットンロツフより同年モスコの第七回國際共產黨大會で日獨を敵とする旨の決議があり日獨兩國はその破壊工作に對抗せねばならぬ共通の利害關係を有してゐるから此際一般的に協定を結びたいとの申出があつた。之に對して私は實否の意見を述べなかつた。若松中佐は此等の情報を持つて同年十二月伯林を出發一九三六年一月下旬東京に歸つた。

四 當時武者小路駐獨大使は休暇で日本に滞在中であつたが、政府に於て本件に關する大綱を決定して後、一九三六年四月末柏林に歸化し爾

後は政府の訓令に基いて岡大使とリツペントロツプとの間に交渉が行はれ、防共協定並に附屬秘密協定が締結せられたのである。

再 此等協定締結の目的については私は政府の意圖を次の如きものと理解してゐた。

一 滿洲事變以來日本は國際的に孤立して了つたから一國でも與國を作つて不安感を除くこと

二 當時國際共產黨はスペインの内亂、支那共產軍に見る様に各國の國內組織に浸透して歐亞兩大陸に亘り破壊作用を逞しうしてゐたから、出来るだけ多くの國家が結集して、之が防衛策を講じなければならぬこと、殊に日獨兩國を敵視した前記一九三五年のモスコに於ける第七回コミンテルン大會の決議に鑑み日本としては此必要があること。

三 當時蘇聯は五ヶ年計畫の結果として重工業は盛に興り、其軍備は充實し、殊に極東に於ける蘇聯軍の増強によつて、日本は其重匿を感じてゐたから、蘇聯に對して利害を共通にしてゐた獨逸と協定を作つて、少しでも日本の地位を安全にすることに在るものと理解して居た。以上私の理解した本條約の目的に對し私は同意であつた。

(四)

檢察官は此防共協定並に附屬協定は、後に一九四〇年九月締結され
 た三國同盟の前驅をなすものであり、全民主國家に向けられた侵略的
 協定であり、殊に支那に對する侵略のために利用されたと主張してゐ
 るが、私は日本政府や陸軍が此等協定の締結に關し、斯くの如き考
 を持つてゐるといふことを嘗て聞いたことなく、私自身としてもそん
 な考を持つたことはなかつた。私は防共協定が共產主義の蔓延に對す
 る思想的の條約であり、又附屬秘密協定は日本又は獨逸が挑發に依ら
 ずして蘇聯よりの攻撃を受けた場合に蘇聯の負擔を輕からしめるやう
 な措置を取らないといふ極めて消極的な、協定の文字の示す通のもの
 と考へてゐたのであり、又此等の協定締結の當時、支那事變が起らう
 などとは夢にも思つてゐなかつたのである。

支那事變との關係

一九三七年七月の支那事變の發生は、當時一九三四年春以來、大坂
 館附陸軍武官として伯林に居て全然支那の事情に疎かつた私には全く
 意外な出來事であつた。私は事變發生後參謀本部からの電報によつて
 日本政府並に陸軍中央部の事件不擴大方針を承知し、之は問もなく一
 局地事件として片付くものと考へてゐた。
 然るに一向其模様が見えぬので、私は蘇聯の極東軍備に鑑み此儘で
 は日本の地位は危険に陥ると心配して居つた。一九三七年十二月末で

八

あつたと思ふが、參謀本部から訓令が来て、當時軍事顧問として中國に在つたファルケンハウゼン大將をして蔣介石首席に和平を説かしめるやう獨逸陸軍に申入れることを命ぜられたので、私は直ぐ之を申入れた處國防軍長官カイテル將軍も之に同意して其處置を始めたが、トラウトマン大使の和平斡旋中絶と共に、本件和平の企圖も其實現を見ず、無効に歸した。

ヒムラー覺書

法廷證第四八九號（記録第六〇二六一六〇二八頁）所謂ヒムラー覺書によれば、ヒムラーは一九三九年一月三十一日私を訪問して對蘇謀略に付て種々の話をしたといふことになつてゐるが、其頃ヒムラーが私を訪問したことはなかつた。

如何に回想しても、當時ヒムラーと會つた記憶がない。

私は滯獨約十年間、ヒムラーと職務上の關係がなかつたのは勿論、私的に特別な關係はなかつた。其訪問を受けたのは全部で二回しかない。即ち一九三六年冬、日本内務省の一官吏が共產主義取締研究のため來獨したので、ヒムラーを晩餐に招いてその援助を求めた時。一九四一年二月私が第二回駐獨大使として獨逸に赴任した際、ヒムラーが答禮に來た時。此二回だけである。

尙此ヒムラー覺書記載事項に關聯して左の通り説明する。

〇 私が陸軍武官の時代、一九三七年六月頃であつたと思ふ、伯林武官室では参謀總長の訓令に従ひ、蘇聯に關する情報を得るためと、萬一日蘇間に戦争が起つた場合に、宣傳や謀略に使用せんがために在伯林白系露人の利用に付て研究を始めた。そして此仕事は私の部下の蘇聯事情に通ずる白井中佐、後には馬奈木大佐の擔任であつた。而て此仕事は其性質上事務所なども別に設け經費及び参謀本部に於ける主任課も一般武官業務を取扱ふ課と異つてゐる等相當の獨立性を有して居つたから、私は彼等を指揮するよりは寧ろ監督するだけの立場に在つたし、しかしながら重要なことは報告を受けて居り、又此仕事に關する一切の責任は勿論私に在つた。尙謀略に關する参謀總長の訓令は固より之が平時に於ける實行ではなく、戦時の場合を顧慮しての研究にあつた。而て此業務については日獨兩陸軍が協力する話合が出来、獨逸に於ては此事務は國防省のカナリス海軍大佐(後に海軍大將)を課長とする防諜課の管掌であつて、國防省内でも嚴重に秘密を守つてゐるといふことであつた。ヒムラーは謀略に關する事務を取扱つて居らなかつた上に、カナリスとヒムラーとは犬猿も音ならぬ間柄であつたから、私は固より他の日本將校もヒムラー式は其部下と謀略に關する話をしたことはなかつた。尙附言するが、カナリスは今大戦争末期ヒムラー機關の者によつて針金で首を絞めて殺されたといふことである。

私は大使に就任した後は謀略事務には一切關與しなかつた。

三 私は右の白井中佐が伯林の郊外ファルケンゼーに不動産を買つて、小規模な反蘇宣傳文書印刷のため、白系露人を住はせてゐたことに付ては報告を受けたことを覚えてゐるが、それ以上のことは知らず、私自身ファルケンゼーに行つてみたこともなかつた。

四 波蘭から氣球で反蘇印刷物を蘇聯内に送込んだといふ話は私の全然知らぬことであり、聞いたこともなかつた。斯ることを實行するには波蘭政府の協力を要することであるが、當時の日波間に其様な話のあつたことを聞いたことがなかつた。尙私は當時の日本と波蘭との關係が爾く親密なものとは考へてゐなかつた。

五 ルーマニアから黒海を渡つてクリミヤに印刷物を送るためにモーターボートを買つたといふことも全然私の知らぬことであり、聞いたこともなかつた。私はモーターボートであるの廣い黒海を渡り得るとは會て考へたこともなかつた。尙斯様なことを實行するにはルーマニア官憲の協力なくして出来る筈のものでないが、當時の日羅關係はそんな話合が出来程親密な間柄にあるとは思つてゐなかつた。

六 スターリン暗殺のため爆弾を持たせて十人の露人を蘇聯内に送つたといが如き、私は此様なことを思付くことも出来なかつた。之は實に馬鹿げた話である。十人もの人間に爆弾を持たせて蘇聯内に送込んだ

(四)

ら逮捕、暴行は必至で日蘇國交に重大な結果を齎すに極つてゐる。此様なことは私には到底考へ付くことは出来なかつた。

アフガンスタン駐在の日本陸軍將校の事件については、私は直接にも間接にも何等の關係もなかつた。此將校は私の知らぬ人である。尙此覺書には右將校が回教徒運動に當りアフガン政府を轉覆せんとしてゐるとの嫌疑を受け國外に追放せられたと言いてあるが、私が伯林に居た右將校の友人あり當時私的に聞いたところでは右將校の反蘇的言動をアフガンスタン將軍が心配し歸國を求めたといふことであつた。

(八)

前述の通り、此ヒムラー電書記載の内容の大部分は私の知らぬこと
であり、之を他に話すことは不可能である。然るに此文書には私が其
話をしたといふことが書いてあるのだから、私は此文書の眞實性を疑
はざるを得ない。私はヒムラー或は其部下が何か獨逸側の内部目的に
使用するために、私の名前を利用して斯かる文書を勝手に作成したる
のではないかとさへも考へるのである。

九、防共協定強化問題

一九三八年より三九年に亘つて日獨伊三國間に防共協定強化に關する長い
交渉が行はれた。私は大使として之に關與した。此交渉は完全に失敗に
歸し何等の結果も得られなかつたのであるが、檢察側は本件に關し多數
の書等を提出してゐるので、私は左に此失敗した交渉について稍詳細に
述べたい。

(一) 一九三八年七月、リッペントロップより陸軍武官たりし私に對し、

日獨伊間の相互協定並に援助條約の簡單な案を示し、此考方にて日
本陸軍の意圖を聞いて貰ひたいとの申出があつた。依て私は參謀本部
の認可を得て、同月末笠原陸軍少將を直接報告のため日本に派遣した。
然るに同少將が東京に歸つて、參謀本部及び陸軍省に話すと、陸軍
は之を宇垣外務大臣に話し、同外相は更に同年八月末之を五相會議に

務るといふ急速な進展をした。此五相會議では、防共協定を強化するの
 趣旨に於て、蘇聯を主、蘇聯以外の第三國を従たる對象として、多少字
 句を修正するならば、原則として獨逸案を是認してよい、又此交渉は早
 遠正式の外交交渉に移すこととするが、差當り此旨陸軍より獨逸に傳へ
 てよいといふ趣旨の決定がなされたとのことであつた。以上のことは陸軍
 中央部よりの私宛電報と、笠原少將が九月下旬柏林に歸つてからの報告
 とによつて私の承知した所である。或初私としては唯陸軍の意嚮を聞く
 だけの心算であつたから、此議に事か意外の進展を示したのに驚いたが
 兎も角、右の趣旨を早速リッペントロップに通告した。

□

一九三八年十月私は大使に任命せられた。任命に先ち東京でこんな經
 緯があつたかは知らぬが、九月參謀本部から突然電報で、私を大使に任
 命したいといふ話があるが異存なさやと言つて来たので、私は固く辭退
 した。其理由は、私は外交官としての経験がなかつた上に、日本の制度
 として文官たる大使になれば同時に陸軍の現役を退かねばならなかつた
 から、幼年時代より軍醫に在つた私としては、之がために陸軍を離れる
 に忍びなかつたからである。然しながら其後參謀本部から再三強い説得
 があつたので、私は軍人として最早陸軍の榮譽に従ふの外なしと思つて
 遂に受諾した。任命の時の外務大臣は近衛首相の兼攝であつたが、此後

直ぐ有田氏が外務大臣に就任した。

私は駐獨大使に任命せられると共に、日本の制度に従ひ、直ちに豫備役に編入せられて、事實上陸軍との一切の關係を絶つた。當時の事情に鑑み、私としては防共協定強化に關する條約の締結が自分に課せられた主要な任務であると信じた。

曰 私の大使就任後十一月初、リッペントロップ外相は正式に獨逸側の條約試案を提示し、日本政府に對する之が取次を申出たので、私は之を有田外務大臣に報告した。

之に對し有田外相から、本件は支那事變の解決、對蘇防衛並に外交上の地位の強化に資すべき一石三鳥の名案で政府の具體的の對案決定次第電報するといふ回電があつた。私は此有田外相の電報と前述の八月末の五相會議の決定を併せ考へて、日本政府は原則的に獨逸案に賛成であるとの決定的な印象を得たのである。

處が其後間もなく東京から、本條約の對象について誤解があるやうなとの電報が來たので、私は之が諒解に苦しみ、其點を問合せたが、明確な回答はなかつた。又豫告された日本政府の具體案は、私の度々の督促にも拘らず到着しなかつた。斯うして結局翌一九三九年二月末、伊藤特使一行が柏林に到着する迄、私は獨逸側との交渉を進め得なかつた。

四 伊藤特使

(1) 一九三九年初、第一次近衛内閣の後を承けて平沼内閣が成立してから、有田外相より條約交渉に關する政府訓令の傳達と其説明のため、伊藤特使（元駐波蘭公使）一行を派遣するとの電報があり、右一行は二月末伯林に到着した。持参の訓令は、駐獨伊兩大使宛になつてゐたので、白鳥大使も伯林に来て、私と共に伊藤特使一行と會見した。

(ロ) 伊藤使節持参の日本側提案はその主要部分に於て大体法廷譯第二六一九號の一部、日獨伊間協議及援助條約案本文、署名議定書並に秘密附屬議定書（記録第二二五四—二二五五〇頁）の通であつたと記憶する。即ち此政府訓令に依れば、公表せらるべき條約本文に於ては相互援助義務に制限や條件を設けない一般的な相互協議及援助條約とするけれども、之に左の二つの秘密諒解事項即ち秘密留保事項を附加し、私共は此の諒解事項、即ち留保事項に付て獨伊政府の承認を尋るよりにせよと特に訓令されたのである。

- (1) 獨伊が蘇聯以外の國から攻襲せられた場合には、其國が赤化せらるゝてゐない限り、日本は武力援助を行はぬこと
 - (2) 日本は第三國に對しては此條約を防共協定の延長なりと説明すること
- 憲が右訓令に依れば、秘密諒解事項第一の存在の結果として、武力援

助の義務は蘇聯との戦争發生の場合

に限られること

になる。然しながら之は私が陸軍武官時代、東京からの電報に従て、獨逸側に申入れてあつた所と矛盾することになり、今此訓令を其綴り獨逸側に傳へることは、獨逸をして日本に對する不信の感を引き起さしめるのみならず、獨逸側が之を受諾しないことは確實と思つた。そこで私は外務大臣に對し、若し日本政府が眞に此條約の締結を欲するならば、此秘密諒解事項の一について再考を加へる必要があるとの見解を電報したのである。

日本め規則によれば官吏は其所管事務に關し上司に意見具申をなし得ることになつてゐる。(辯護團文書第二七六七乃至九號)私が此交渉中政府の訓令に對し意見を具申したのは皆此規則に基いたものであつた。

(2) 尙此伊藤特使持参の訓令の説明中に、本件については從來獨逸を對して日本の立場を誤解せしめた経緯があるの、日本政府としては已むを得ず讓歩した結果此條約案となつたものであるといふことが誌されてあつた。私は之は重大事として、若し私が眞に獨逸を誤解せしめたのであるならば、私は責任を執らねばならぬと考へたので、私

は有田外相に對し此點を明かにせられたいと電報した。之に對して三月末同外相より特に何人にも責任なしとの同電があつた。私は此時日本政府に對し辭職を申出はしなかつた。又此時に限らず、本件交渉中政府に對し辭意を洩したり、或は辭表を出したといふやうなことは一度もなかつた。

（イ）法廷証第五〇一號チアノ伯日記（記録第六〇九五―六〇九七頁）、同第

五〇二號リツペントロツプの電報（記録第六〇九七―六一〇二頁）は、私が辭職を以て東京政府を脅迫しながら、伊藤特使待參の訓令の執行を拒んだと言つてゐるが、之は全く事實に反するものである。

（ロ）法廷証第五〇二號に付て第一言すれば、最初の條約の案文がリツペントロツプとチアノと私との間の直接交渉に依つて作られたと記載せられてゐるのも事實に相違する。私は此間題でチアノに會つたことは一回もなかつた。此原案は從逸側で作成せられたもので私は之が作成には關與しなかつた。

（ハ）

（イ）伊藤特使待參の訓令に對する前述私の意見具申に對し、三月末東京から原案の秘密諒解事項を修正した新訓令が到着したので、私は四月初之をリツペントロツプに傳へた。

此新訓令の要旨は、私の記憶する所では、

前述の秘密諒解事項第一の内容を、獨伊が蘇聯以外の國から攻襲せられた場合に日本は對獨伊武力援助の義務を認めるが、しかし此義務は富分の間有效には履行し得ないといふ趣旨に変更し秘密諒解事項第二に於て、第三國より此條約に關して問合せがあつた場合には日本政府は日本に關する限本條約締結の目的としては共產インタナシヨ

ナルの破壊工作以外には考へてゐない、と説明する権利を留保したいといふのであつた。

(四)之に對しリッツベントロツプは、日本軍によれば、伊が獲得以外の四より攻撃せられた場合でも日本は原則的には参戦の義務を認めるものと思ふが如何と質問したので、私は前記新訓令に於て武力援助の義務を認めざる以上其範圍と方法は場合により異なるも原則としては参戦の義務を認むるものと答へた。

尚又リッツベントロツプは、此訓令の目的について日本だけが第三國に對し特別な説明をすることには同意し難いと言つたので、私は種々日本の事情を説明したところ、リッツベントロツプは兎も最早ヒツトラと相談してみようと言つた。

互結果、獨逸政府は條約本文、署名議定書、秘密附屬一定項については日本の提議を受諾するが秘密諒解事項を削除して貰ひたいと提議して來た。其地田は獨逸としては元來日本から能力以上のことを要求する心算はなく、又獨逸に於ても日本の爲に能力以上の事を爲し得ないのたから、條約國の負ふべき義務は秘密附屬議定書中に規定のある「締結後に行はるべき締約國間の所業」に限りたいといふに在つた。そこで私は以上の経緯を東京に電報したのである。松廷詰五〇二號が此時私が再び政府訓令の執行を拒んだやうに言つてゐるのは全然事實に相違する。

(二)

耳敏旨は、日本は獨伊が蘇聯以外の國より攻撃された場合でも、獨伊側に立つて可能な範圍で武力援助を與へる決心であるが、日本の現在の状況では留保をなさざるを得ぬ理由を述べ、日本は本協定を締結する執意を有する故、日本の誠意を信じて秘密諒解事項に付獨逸側に譲歩せんことを求めたもので、私がそれ迄行つて來た交渉のラインを強刀に支持したものであつた。此メツセージは東京でオット大使に手交されると同時に、私の許にも有用外相から電報されたので、私は念のため之を直ちに獨逸外務省に届けさせや。

此メツセージの到着した時、リツベントロツプは兩獨逸のヒツトラ一の許に在つた。彼は私に電話でヒツトラ一は之を言んで日本に對して決して多きを望まないか、日本の態度に判つきりせぬ點があるので、同意し難いと言つたと返事して來た。

獨逸側法廷證第二二三〇號（記録第一五九九〇—一五九九二頁—リツベントロツプがオット宛の電報で、私が五月末東京の訓令の執行を拒んだとなつてゐるか、之は此ガウス案に關する東京の訓令に對し私が意見具申をしたことに行つて私がリツベントロツプに語つた所を彼が誤解乃至曲解してオット氏に電報したものであると思ふ。

(外)猶右同洋廷議中の、私が板垣陸軍大臣から、随分は内閣の運命を賭して
 も論争する覚悟であるから私の有用外相に對する行動を暫し差控へよと
 いふ電報を受取つたとの記載は事實に反する。
 此點に關して次の様な事實があつた。當時伯林の陸軍武官河邊陸軍少
 將が此條約交渉に關する政府の不明確な態度を非難した電報を陸軍中央
 部に打つたところか、板垣陸軍相から、今五相會議の空氣は條約締結に傾
 いて來てゐるから、余り八釜しく言はぬ方がよい、我内閣を倒すなどと
 いふ考は自分にはないといふ趣旨の電報があつた。
 此事は當時私が同武官から聞いたところである。私に今明白な記憶はな
 いが、恐らく此話をリッツベントロツプにしたのであらう。いづれにせよ、
 私は此條約交渉に關し板垣陸軍相から直接は勿論間接にも電報を受取つた
 やうなことは確率にない。日本の制度上そんなことば許されてもゐなか
 った。尙前述の陸軍武官の電報往復は何等私の關係しなかつた所である。

(甲) 六月初更に日本政府よりガウス案修正に関する新訓令があり、私は之をリツベントロツプに傳へ説明につとめた。リツベントロツプは獨逸が蘇聯以外の國から攻撃せられた場合に日本は當分の間有效な武力援助が出来ないし、尙中立を待てることもあり得るとの日本の主張についてには之を諒解してゐたが、唯此等密諜事項を交換公文とすることについては、當時獨逸では東京に於ける機密漏洩に大なる危懼を懷いて居つた爲め、折かる種類の文書が漏洩するときには本條約の政治的効果を減殺するといふことで依然不知しなかつた。

六月中旬私は此意を日本政府に報告したが、政府よりは何の訓令も来なかつた、かくて八月二十三日獨逸不可侵條約の締結によつて本交渉は遂に終止するに至つたのである。

(丙) 本條約は成立しなかつたが其目的については私の理解した所、並に交渉に関する私の態度は左の通であつた。

(1) 此交渉を通じ私の常に考へてゐたことは

(1) 此條約は純防禦的のものであること

(2) 此條約は戰爭を目的とするものではなく、外交實施上の手段たるべきものであつた。

日本政府が此條約の締結を希望した理由として、私が當時東京からの

電報等により承知してゐた所は

(1) 日本は此条約により與盟を得ることによつて外交上の地位を強化し以て支那事變の解決を容易ならしめるといふこと

(2) 對蘇防衛態勢の強化。換言すれば日本は支那事變に因る其国力の消耗に際會し同盟盟を得て自力を蘇聯の侵出に備へる必要があるといふことであつた。

右の趣旨は私が獨逸側と交渉した結果としての条約案たる法廷證第二六一九號（記録第二二五三九一二二五五〇頁）中にも明瞭に現はれて居るので、其前文は、日獨伊の政府は「共產インターナショナルの國際的活動がヨーロッパ及アジアに於ける平和を脅威することを確信し防共協定の精神に於てヨーロッパ及アジアに於ける共產主義破壞に對する防禦を強化し並に三締約國の共同の利益を保護することを決定し左の諸規定を協定せり」となつてゐる。

(ロ) 此交渉中私は現地に在る大使の當然の任務として、日獨双方の見解の相違を橋渡すことに全力を盡した。

そのために私は日本政府の見解を忠實に獨逸側に傳へ之が貫徹に努めると共に、獨逸側の見解を真直に日本政府に傳達したし、又或る時には獨逸側を打診した結果、日本政府が直に本交渉の妥結を希望するなら

ば、獨逸に對して讓歩するを可とする旨を進言したこともある。日本からの訓令の意味が不明な時には、東京に對し正確な解釋を問合せて、其返事がある迄、訓令の執行を延期したこともあつた。しかしながら、政府の訓令に違反し、之を執行せず、乃至は之を逸脱する行動に出たやうな覺は全くない。事實私は本交渉中又其後に於ても外務大臣から一度も斯かる叱責乃至注意を受けたことはなかつた。

一〇 獨逸不可侵條約と辭意の表明

(一) 一九三九年八月二十日頃のこと、當時南獨フシユルに居つたリツベントロツプから私に電話があつて、獨逸は蘇聯と不可侵條約を結ぶ心算であること、並に之が歐洲の状況上已むを得ぬに出たことも説明した。

私は即座に電話で之は防共協定に違反する不信行爲であることを指摘し、更に一兩日後リツベントロツプが此條約調印のため蘇聯に飛出する途中柏林に立寄り私の來訪を求めて要請を表明した際、私は重ねて私の抗議を繰返したのである。

(二) 其後有田外務大臣から此問題について抗議方の訓令があつたので、私は早速抗議文書を作つて、當時リツベントロツプ外相に會ふことが出来なかつたら、之をワイツゼツカー外務次官に手交せんとした

我が同次官から今、獨逸は獨逸交渉で極めて重大な關頭に立つて居るから、暫く提出を猶豫して貰ひたいとの懇願があつたので私は遂に二度も直接リツベントロツプ外相に抗議してある事情も考慮して一旦同次官の懇請を容れ、一時猶豫の後、對波段の一段落着いた九月中旬此抗議文を提出した。

〔前記八月二十日頃リツベントロツプより獨逸不可侵條約締結の内報を受けると共に、私は東京に對して早速辭職を電附した。其後約一ヶ月を経て外務省から歸朝命令があり、十月柏林を出發して十二月日本に到着、同月二十七日頃を容れられて大使を免せられた。

〔私が辭表を提出した理由は、獨逸不可侵條約の締結を以てし得なかつたことに對して大使としての責任を感じ又此獨逸政府の不信行為に對し心證を害したからである。辭職は全く私が自發的に行つたので政府から求められたのでは無い。私は當時二度と獨逸へ行く氣などはなかつた。

〔リツベントロツプが日本政府に對し私の留任運動をしたことは私は當法廷で初て承認したことで、現在でも其眞偽を知らない。

一、歸朝前の行動
私は辭意表明後、一九三九年十月柏林出發迄大使の職務を執つて居た

此期間中、私は獨逸側と信任を云る大使としてルテインの仕事の外何等重要な會談は行はなかつた。

(一) 法廷證第五〇七號記錄第六一六—六一三〇頁によれば、私が歸朝前に、將來の日獨協力、日蘇諒解の斡旋等に關するリツベントロツプの話に全面的に賛成したとの記載がある。私は當時迄屢々起つた日蘇國境の衝突事件に鑑み、日蘇間に友好關係を成立せしめることは結構なことだと考へたから、私見としてリツベントロツプに此考を述べたのである。

(二) 法廷證第五〇八號記錄第六一三一—六一三二頁—ダニアマン達オツト大使宛電報について左の説明をする。私は獨逸國政府、リツベントロツプから獨逸に對する忠告でもあれば知らせて貰ひたいといふやうな話を聞いたやうに思ふが、此法廷證記載のやうな秘密通信等の話は何れも聞いたことにはなかつた。私は歸朝後の行動について何人とも何事も約束したやうなことは絶対にない。又歸朝後、私が東京の獨逸大使館を離れても、又は他の如何なる方法によつても、リツベントロツプと通信したことは全然ない。

一三 歸朝後の行動

(一) 一九三九年十二月歸朝、大使辭任後、一九四〇年十二月再び駐獨大

使に任命せられる迄の期間、私は何等の公的的地位にも就かず、又如
何なる政治的及思想的或は文化的口体にも關係しなかつた。又政府
の誰からも意見を求められたことばなく、公の書類等を見ることば
勿論全然なかつた

私は一九三四年春以來五年余日本を留守にしてゐたから、此機会に
閉居して内地の事情の研究に専念したいと考へてゐた。

此期間、政治的な會に加つてくれとか、公的の講演をしてくれと
か度々勸誘を受けたが、私は思つて之を断つてゐた。尤も當時歐洲戰
争中で、日本國內一般に獨逸事情に關心が深かつたので非公的の集
會ではその種の話をしたことばある。しかしその様な集會に於ても
私は人々の反英米感情を刺戟する様な話ばしたことはない。

曰一九四〇年九月に締結された三國條約の交渉及び締結は私の全然
係しなかつたところで、私は如何なる四谷の交渉が行はれてゐたか
も知らなかつた。松岡外相からも、オット大使又はスターマー氏か
らも此件に關して相談を受けたやうなことは一度もなかつた。

曰法廷證第一二九九號A（記録第一一七三四一一四七〇頁）即ち一
九四〇年十月二十七日の讀賣新聞に私の名を以て發表せられた一文
は、三國條約成立後、同新聞の一記者が私を來訪して私の話を聞き

之を私の名を以て發表したものである。
私は此新聞記者に對して、高橋政府の聲明等の意旨に従つて答へた
だけのことであつた。

一三、大使再任當時の諸事情

(一) 私は一九四〇年十二月再び駐獨大使に任命せられた。此任命について松岡外相から交渉があつた時私は再度辭退したが其懇請已むなむ遂に受諾した

法廷第五六〇號（記録第六四二一―六四二二頁）に於てオット大使は私の此辭退理由を、私が日本に留つて三國同盟のため政治的に働くためであると言つてゐるが之は全然誤である。私の此辭退の理由は私は僅か一年前に條約交渉の喧嘩に依り辭職した許りであり且五年余も日本を留守にした後再び老齡の父母を後に遠く外國に行くことは氣が進まなかつたからである

(二) 私が大使に再任した時既に數ヶ月前一九四〇年九月に締結された三國條約が存在した。私は條約締結の日に發せられた記勅、政府聲明等に依り此條約に基く日獨伊の提携が日本外交政策の基調をなすものと確信し、獨逸に於ける大使としての私の行動は先づ此原則によつて律せられねばならぬと考へた。又同條約の目的については私は松岡外相から聞いた所に依り米國の參戰防止と支那事變の解決にあるものと諒解してゐた。勿論私としては當時の世界的動搖の中に於て日本として萬一に備へる準備はしておかねばならぬと考へたが武力を以て他國

(三) の領土を侵害するやうなことを考へたことはない

一九四一年一月私が獨逸に赴任するに先ち近衛首相は新駐米大使野村海軍大將及び私のために首相官邸に會合を催した。出席した主なる人々は近衛公爵、平沼無任所大臣、東條陸軍大臣、及川海軍大臣、松岡外務大臣、杉山參謀總長、近藤軍令部次長等であつた。

此席上近衛總理大臣は三國條約に關する政府の立場を説明して平和を維持することは日本の希望であることを力説し外相、海相より萬一米獨逸争が発生した場合でも日本としては獨逸が攻撃せられたといふ事實が判つきり證明されない限りは參戰せず之が決定は東京で慎重に考慮せられなければならぬから出来るだけ正確な資料を蒐集し送付せられたといふことであつた。及歐洲戦争についての獨逸の企圖特に對英上陸作戰を行ふや否や、行ふとすれば其時期如何といふことを知らんとする希望が多くの列席者から述べられた。

(四) 私は一九四一年一月東京出發に先立ちオット大使の招待により東京の獨逸大使館に於て同大使及びスメタニレ駐日蘇聯大使と會見した。其際私は三國條約の趣旨に基き日蘇關係、改善の希望を述べたところがスメタニレ大使は大に贊意を表した。同大使の轉旋により私共一

行は極めて速に査證を取付けることが出来、蘇聯内に於ては特別車輛を提供された外、外國人旅行者として例外的に三日間モスコイ滞在を許可せられた

一四、シンガポール問題其他

私は一九四一年二月十九日伯林に到着し、二月二十八日ベレヒスガールデンに赴いてヒットラー總統に信任状を提出した

(一) 法廷誌第五七一號（記録第六四五九一六四六八頁）には一九四一年

二月二十三日私とリッツベントロツプとの會談について記載がある。此時リッツベントロツプが私に對して獨逸の不敗の態勢を述べ又日本をシンガポール攻撃に誘引するような話を持出したことは事實である。但し私はリッツベントロツプにシンガポール、香港等占領の準備が五月迄に完成するなどと言つた覺は全然ない。私自身かかることを聞いたことがなかつたのである。又私が松岡外務大臣に對してシンガポール攻撃の具体案を持つて伯林を訪問するやうに要請したことは絶対にない。斯かることは純粹な作戰事項で日本では統帥部以外の何人も關與し得ざるものなることを私は熟知して居たのである。リッツベントロツプがシンガポール攻撃の話を持出した時、私は彼の話に乘り私見を述べて適宜應酬した。其理由は私が在獨大使として獨逸の將來の企圖

特に對英態度を聞出すことは極めて重要であり之がためリツベントロツプの話は良い糸口である。又獨逸に對し日本が逃げを打つやうな印象を阻へぬことが必要であると思つたからである

□ 法廷證第五八〇號（記録第六五二二一六五三二頁）には松岡外相がリツベントロツプに對しシンガポール攻壁に關する獨逸の對日援助の問題を提出した時リツベントロツプは松岡外相に對し此問題は「大島とリツベントロツプとの間で既に相談済だと答へた」との記述があるが之は私の権限のことで私はかかる問題をリツベントロツプと話合つたことはなかつた

○ 法廷證第五七三號（記録第六四六九一六四七三頁）は一九四一年三月五日附總統司令部命令の日本との協力に關する第二十四號訓令である。其中には「三國締結に基く協力の目標は日本をして可及的速急に極東に於ける積極的行動に出でしむるに在らざるべからず云々」の記載があり檢察官は私が此總統訓令に何等かの關係があるかのやうに言はれたが私はかかる訓令についてヒツトラ、リツベントロツプを含む獨逸の何人よりも話を聞いたことはなかつた。私は此訓令のことを檢察官の訊問の際に初めて聞いたのである

一五、松岡外相訪獨

(一) 松岡外務大臣は一九四一年三月末伯林に到着、ヒットラー總統、リッベントロップ外相と數回の會談をした後、四月初司莫斯科に向き伯林を出發した

(二) 同外相の訪獨は私の東京出發前、議に上つては居たが、決定はしてゐなかつたので私は同外相と之に關し詳しい話をしたことはなかつた。又私の伯林着任後に於ても、同外相來獨後の會談の議題について獨逸側との協議を訓令されたこともなかつた。私は唯外務大臣からの訓令に従つて松岡氏の旅程について獨逸側と打合せただけであつた

(三) 私は松岡氏とヒットラーの最初の會談並に松岡氏とリッベントロップの最初の會談に列席しただけで其後の會談には列席しなかつた。私が列席した松岡、ヒットラー會談に於てはヒットラーが日獨協力の必要を強調し之に對して松岡氏が特有の雄辯を以て種々の抽象論をなし、その中にシンガポール攻撃の話も出たが其際松岡氏が陸海軍の作戰事項に付てヒットラーと何か約束したといふやうなことはなかつた

其後も松岡氏は獨逸要人と數回の會談を行つたが此等の會談について松岡氏が事前に私に相談したことはなく事後に於ても具体的な話

は殆ど聞かず私も強いて質問はしなかつた。之は私が松岡氏の話により同氏の歐洲諸國訪問の第一の目的は蘇聯と中立條約を結ぶことであつて對伊訪問は同盟國の首腦者と知合ふ以外に大した意味はないといふことを知つてゐたからである

四 此際私と松岡氏との關係について一言すれば私は同氏とは一九四〇年十一月大使就任の交渉を受ける迄は知合つてゐなかつた。其後に於ても同氏と會つたのは私の大使任命後日本出發迄約一ヶ月の間に數回と一九四一年四月同氏の伯林來訪の時に數回だけであつた同氏は外交に關し大なる自信を有し他人と相談することを好まず特に大使とは政策を協議せず必要なことは指示するといふ態度を極めて明瞭に保持してゐた。私の渡獨後の任務についても別に文書の訓令もなほ、三國條約に關する簡単な指示があつたのみで一般外交政策に付て同氏と嘗て話合つたことはなかつた

一六、蘇聯との關係

(一) 法廷證第五八七號(第一〇九六號と同一)並に第一〇九七號(記録第六五六二一六五六五頁。第一〇〇三三頁。第一〇〇三四一〇〇三六頁)は孰れも一九四一年六月二十八日附リツペントロツプ外相、オット大使間の電報であるが私は對蘇軍事行動を日本政府に

對してそんな勸告をしたことも絶対にない。此の點に關して此等の電報の記載内容は事實と相違する

(二) 獨逸開戦後、獨逸の進軍が停滯し始めた頃からリツペントロツプ外相は兩三回日本の對獨參戰を勸誘して來た。私は大使の職務として此希望を一々東京に取り次いだ。だがそれ以上のことはしなかつた。日本が太平洋戦争を開始した後でも獨逸側の此要望は繰返されたが一九四三年夏と思ふが私が日本政府の訓令に従つてはつきり獨逸側の要求を公式に拒絶してから後は再び此種の要求は繰返されなかつた。

(三) 法廷證第八一一號(記録第七九九四一七九九八頁)に於て野原といふ男が私の命により伯林大使館で機密情報を取り扱つてゐたとの證言をなしてゐる。此男は伯林大使館で何時であつかは記憶せぬが臨時に傭入れた日獨混血兒で日本語も充分出來ず勿論正式の大使館員ではなかつた。私は彼が外國ラヂオ放送の聴取に當つて居つたことを聞いてゐたが一度も話合つたことすらない男であつた。私が彼に機密事項を取り扱はしめたやうなことは絶対にない。

一七 日米關係

(一) 一九四一年四月に開始せられた日米交渉については、私は其開始後相當な時日を経た五月下旬頃、唯一回松岡外相から、日米交渉が始つてゐるといふ簡単な電報を受取つたのみで、其以後は東京の政府から何等の情報をも受けず、稀に事態を問合はす電報を出しても返電が來ない状況であつた。又一九四一年夏以降政府統帥部間の連絡會議^{生野前會議}の決定内容が、當時私に通報せられたことは一度もなく、私は之を當法廷で始めて知つたのである。その様な具合で私は日米交渉の経過とか日本政府の政策とか、將來の方針とかについては少しも判らなかつた。リツベントロップ等は屢々私に日米交渉の真相について問合せて來たけれども、右の通り私自身何も知らずに居たから、私は應待することか出來なかつたのである。

(二) 以上の如き状態であつたので私は日米交渉の内容に對し賞否を表明し得る地位にはなかつた。しかし私個人としては日米間の對立の主原因は元來支那問題にあり之が解決されない限り、日米間の對立を緩和することは困難であると考えてゐた。又三國條約は本來防禦的なものであるから、米國として理解し得るであらうと思つたし、同條約が日本の基本的外交政策となつた以上、日米關係の調整も勿論之を矛盾した範圍で行はるべきだと信じてゐた。

四

は斯かる會見の事實並に其内容について思出せない。しかし米國の傍受
 証が正確であるとすれば、私か記憶を失つたのは當時其會談が私に重要
 印象を與へなかつた爲と思ふ。リツペントロップが日米戦争が始まれば
 獨逸は直ちに参戦すると言つたことは覚えてゐたい。若しリツペントロ
 ップが斯かる言をなしたとすれば、彼は日本の對米態度を察らんとしたか
 或は日米交渉の結果日本が獨逸から離れはせぬかといふことを常に懸念し
 て居たから此時も強い表現を用ゐて日本に警かせようとしたのではな
 いかと思ふ。何れにせよ獨逸が此頃日米開戦の際直ちに参戦する決意のな
 かつたことは後述の通り救日後私が政府の訓令に基き彼に對し之を要求した
 時彼がヒットラーの裁断を仰ぐと稱して回答を遷延したのに徴しても明か
 であると思ふ。

一九四一年十一月二十九日頃私は突然東郷外相から十一月二十六日のハル
 國務長官の回答か極めて強硬であるといふ電報を受取つたが、從來の交渉
 の經過を知らぬ私としては戦争か切迫してゐるといふやうなことは考へず
 強定通り後て招待を受けてゐたウキーンに於て行はれたセツアルト察に大
 使館員數名を連れて出掛けてゐた、處が伯林大使館の河原参事官から電話
 で至急希伯を促されたので十二月二日朝だと思ふか伯林に歸り此處で始め
 て單獨不講和條約締結の交渉方に関する外務省訓電が來てゐることを知つ

(再)

た。私に同日直ちにリッツベントロツプに會見して其旨を申入れたのであ
る。此訓電には戦争の危険の存在することが示されてあつたが、日本の
準備は萬一の場合に對する準備であると思ひ、開戦の必然性若くは其切迫
してあることを考へなかつた。何分にも一切の政府訓令が急遽直下に來
たので事情が克く判らず、まだまだ交渉の余地が残されてあるものと考
てゐた。従つてリッツベントロツプに日米戦になるのかと聞かれた時、私
は實際戦争にたるとかどうかは不明であると思へたことを記憶してゐる。
私の此申出に對しリッツベントロツプは、日米開戦の場合に獨逸が直ちに参
戦するといふことは極めて重大問題であり、自分一存では回答出來ぬから
ヒットラーに指示を乞ふため暫く待つてくれとのことであつた。
此事情は法廷證第六〇五號一記録第六六五四一六六五六頁一十二月二日午
後私發東郷外相宛、三日東京着電報にある通りであるが、右電報でリツベ
ントロツプとの會見の日附が十二月一日となつてゐるのは明かに二日の誤
で之は電文の朋れに因するものと申ふ。私は眞例通り此リッツベントロ
ツプとの會見の日後東京へ電報したものであつて、前記電報の日附が十二月
二日午後であることから見ても此會見が二日に行はれたことは明かである
燕魚の逆襲を受けた戦線に作戦指揮のため出かけて居り、しかも大吹雪で

連絡はなかなかとれぬといふことであり、私は度々催促したが返事は一日と延び一九四一年十二月七日になつた。

其日午後私は東京から交渉促進方の訓電を受けたので夕刻館員の首脳部と協議の上、獨逸側の態度を詳細に説明した電報を起草し、發電を命じてから午後八時頃官邸に歸つた。十分か二十分して大使館員から倫敦のラヂオが日本海軍の真珠湾攻撃を放送したといふ電話があつた。私は余りに意外なことで非常に驚き知ど之を信ずることが出来なかつたが、兎も角直ぐ大使館に電話して前記の電報の發送を停めた。

それから間もなくリッツベントロツプから電話がか、つて右ラヂオ情報の眞偽を問合せて來たので、公電かないから返事の仕様がないと答へたがリッツベントロツプの求かあつたので直ちに外務省に赴いて彼と會見した。彼も日米開戦について是非常に驚き半信半疑の態であつた。しかし其後各方面のラヂオが同じ情報を放送したので、私も夜半頃に至り略々驚きと信ずるに至つた。

併八日朝私は東京から公電を受取り之をリッツベントロツプに譯へた。それから秒々は單獨不購和條約の起草にかゝつたが英文は龍盟なものであつたから直ぐ双方の意見が極り、十二月十一日此條約は締結せられた。

然るに此交渉中種々の風説があり獨逸側では三國條約が骨抜きになるのはたいかとの猜疑心を持始めたので、私は駐獨大使として若し日米交渉が甘く行かぬ場合には、日本は米國から侮りを受けるのみならず、獨伊からも信義を疑はれ、結局最悪の外交的孤立に陥りはせぬかと慮れたのである。尙私としては日米間の平和維持を希望したこと勿論であつた。

上記の如き私の意見は法廷證第一〇七五號及び第一〇七六號、一九四一年五月二十日附私發、松岡大臣宛の電報（記録第九九三二頁、第九九三三頁、第九九三四頁）に表明してある。リッペントロップは此時私に對し、日米交渉の内容に對して強い疑惑を述べたので私は該交渉に關し本國政府から何等通報は受けて居なかつたか、獨逸政府の意嚮を日本に報告することは大使の義務と信じて此電報を發したのであつた。猶私が日米交渉に關して本國政府に意見を具甲したのは此一回だけであつた。

此點に關しては獨逸としても日米の衝突を希望せず日米交渉が三國條約に影響なく且其結果米國が直に中立の態度を執るに至らば之に異議なき旨表明してゐた。實際獨逸の對米態度は非常に慎重であつて、獨逸は大西洋に於ける險惡な事態に慮し隱忍を重ねてゐたのである。

法廷證第六〇三號は一九四一年十一月二十九日附伯林發東京宛電報を傍受解讀したものと稱せられてゐるが（記録第六六四三―六六五〇頁）私に