

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd)

26 September, 1940 - Record p. 6,350; 7,926. The Investigation Committee of the Privy Council unanimously approved the Tri-Partite Pact on this date. (Exhibit 552) In reply to a question regarding Japan's preparations to meet the situation "when the worst turns up" TOJO replied that as far as the Army was concerned only a part of its strength would be deployed in a war against the U. S. (Record p. 6,353) Navy Minister OIKAWA said that preparations of Japan's ships for battle had already been completed and that she had enough war materials, crude oil, in particular to last "for quite a while", (on the basis of full scale fleet-to-fleet clashes Japan's stock will be exhausted in the course of half a year or one year (Record p. 6,365). OKA did not attend this conference, but as Chief of No. 1 Section, and subsequently Chief of Naval Affairs Bureau he must have known of the decision reached.

26 September, 1940 - Record p. 6,379. On this date the Privy Council unanimously passed a draft concerning the conclusion of the Tripartite Pact (Exhibit 553). OKA was not present but as Chief of No. 1 Section and subsequently Chief of Naval Affairs Bureau he must have known of the decision.

10-26 September, 1940 - Record p. 6328. At an Imperial Conference held between 10 September and 26 September, MATSUOKA explained the gist of the Tri-Partite Pact as follows: Japan would recognize and respect the leading position of Germany and Italy in building the New Order in Europe; Greater East Asia means "for the present, French Indo-China, Thailand, Burma, Strait Settlement, and such Oceanic Islands as NEI, New Guinea, New Caledonia and C"; that it did not at present contain Australia, New Zealand and (areas) to the South "although it will gradually extend itself with time". (Exhibit 550, Record p. 6,335)

27 September, 1940 - Record p. 6,391 - On this date Japan, Germany, and Italy concluded the Tri-Partite Pact calling for political, economic and military cooperation between the three nations. (Exhibit No. 43) Article 3 thereof provides, inter alia, that "if and when any one of the signatories be attacked by any Third Power not presently engaged in the present European War, or the China Incident, the other two shall aid her in any way, politically, economically, or militarily". (Record p. 6,392) By accepting the position of Chief of the Naval Affairs Bureau on 15 October, 1940, OKA adopted the policy which the second KONOYE Cabinet was pledged to carry out including the Tri-Partite Pact.

28 September, 1940 - Record p. 6,975 - A statement of Japanese Foreign Policy bearing this date contains a Tentative Plan for Policy Towards Southern Regions dated 4 October, 1940, states:

"Although the objective of Japan's penetration into the Southern regions cover, in its first stage, the whole area to the west of Hawaii excluding for the time being the Philippines and Guam; French Indo China, the Dutch East Indies, British Burma and the Strait Settlements are the areas where we should first control. Then, we should gradually advance into the other areas." (Exhibit 628, Record p. 6,977)

It also states:

"We should conclude a military alliance with Thailand and use Thailand as a rear base. However, in order to delay her in making preparations, it is

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well to pretend that the diplomatic relations between Japan and Thailand are not secure until we start military action." (Record p. 6,979) OKA cannot be connected with this document; however, as Chief of No. 1 Section, and subsequently Chief of Naval Affairs Bureau he must have known of the foreign policy laid down herein.

III. References dealing with the period from 15 October, 1940 to 1 August, 1944, during which OKA was Chief of the Bureau of Naval Affairs.

15 October, 1940 - Record p. 755 - On this date OKA was appointed Chief of the Bureau of Naval Affairs, Navy Ministry and also a member of the Board of Admirals. (Exhibit 120) He was also appointed a member of the Investigation Bureau for naval warfare preparations, Imperial Headquarters and standing attache to the Navy Minister in the Imperial Headquarters. (Exhibit 120)

7 November, 1940 - Record p. 755 - OKA was appointed Councillor to the Bureau of General Affairs, Commerce and Industry Ministry. (Exhibit 120)

8 November, 1940 - Record p. 756 - OKA was appointed Secretary of the National General Mobilization Council. (Exhibit 120)

21 November, 1940 - Record p. 756 - OKA was appointed Councillor to the Cabinet Planning Board and member of the Connecting Committee, Bureau of China Affairs. (Exhibit 120)

20 December, 1940 - Record p. 6,417 - Memorandum Agreement dated 20 December, 1940, was signed between Japan, Germany, and Italy providing for the establishment of a general commission and two technical commissions (a military and an economic one) pursuant to Article IV of the Tri-Partite Pact of 27 September, 1940. (Exhibit 559) OKA was appointed a member of this commission on 23 January, 1941.

26 December, 1940 - Record p. 756 - OKA was appointed Councillor of the Bureau of Southern Colonization, Overseas Affairs Ministry. (Exhibit 120)

1940 - Record p. 9090. Affidavits relating to the fortification of the Mandated Islands show Japan's preparation for war. One affidavit states that "at the beginning of 1940 anti-aircraft, coastal batteries, and other type of ordnance were installed at the Aslito Airfield. Also at that time the NKK train brought plane parts and guns, bombs, etc. from the pier to the Aslito Naval Air Base". (Exhibit 883) OKA as Chief of No.1 Section, Bureau of Naval Affairs must have known of this.

1940 - Record p. 9091 - Exhibit 884 states that "in 1940 I happened to see some Japanese navy men storing a huge amount of ammunition in some warehouses in Aslito Airfield". OKA must have been aware of this.

1941 - Record p. 9093 - Exhibit 886 states that "early in 1941 the Japanese started bringing in cement, lumber, many airplanes. In the summer of 1941 they started to bring in fighters, bombers and many drums of gasoline". OKA as Chief of Naval Affairs Bureau must have known of this.

1941 - Record p. 9106 - Exhibit 893 states that in 1940 the Japanese commenced

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building an air strip on the northwest tip of Moon Island. This strip was completed after December, 1941. OKA as Chief of the Naval Affairs Bureau must have known of this.

1941 - Record p. 9113 - Exhibit 895 states that "the gun emplacement at Ngremdiu, Urubthapel was constructed with forced labor" in February, 1941. OKA as Chief of the Naval Affairs Bureau must have known of this.

13 January, 1941 - Record p. 10,057 - A Liaison Conference was held on this date at which OKA attended as Chief of the Naval Affairs Bureau and MUTO as Chief of the Military Bureau. There is no evidence as to what took place at the conference other than an "exchange of views". (Exhibit 1103) It is submitted that the presence of OKA and MUTO at this and great number of other Liaison Conferences hereinafter mentioned indicates that they took an active part at such conferences. In his interrogation MUTO admitted that he and OKA acted as liaison between the Army and Navy and were present at Liaison Conferences in order to avoid any misunderstanding of action and to coordinate the efforts of both the Army and Navy. (Exhibit 2240, Record p. 16,150)

16 January, 1941 - Record p. 8,451 - On this date the Chief of the Financial Bureau, Ministry of Finance was requested by the Chief of the Intendance Bureau, War Ministry to prepare plates for military currency to be used in "certain unspecified areas". (Exhibit 852, Communication 1) Some of these plates were made by March, 1941 (Record p. 8,469). Although OKA is not mentioned in connection with the order of 16 January, 1941, he must have been aware of it as Chief of the Naval Affairs Bureau. Furthermore, OKA was one of the addressees of Communication 9 and 10 contained in Exhibit 852 relating to military currency. (See entry for 31 October, 1941, below)

18 January, 1941 - Record p. 757 - OKA was appointed Councillor of the Bureau of Manchurian Affairs. (Exhibit 120)

23 January, 1941 - Record p. 757 - and 6,421 - OKA was appointed an Imperial Member in the German-Italian-Japanese Mixed Experts' Committee provided for by Article IV of the Tri-Partite Pact. (Exhibit 120)

30 January, 1941 - Record p. 10,058 - A Liaison Conference was held on this date at which OKA and MUTO were present. There was an "exchange of informations and views". (Exhibit 1103) From an entry in KIDO's Diary for 1 February, 1941, it is learned that the Liaison Conference of 30 January, 1941, decided the policy towards French Indo-China and Thailand. The main outline of this policy seems to have been to "establish the leading position of the Empire in French Indo-China and Thailand by utilizing the opportunity presented by their having accepted our arbitration, in order to contribute to the preparation for the Southward policy. The Navy aims to use Camranh Bay and the air bases near Saigon. But as this cannot be stated openly, it has been decided to represent the action taken as aimed at the preservation of trade and communications * * *". (Exhibit 1303, Record p. 11,742) As a member of the Liaison Conference, OKA must share responsibility.

January, 1941 - Record p. 10,194. In his interrogation SHIMADA stated that Admiral YAMAMOTO, as Commander-in-Chief of the Combined Fleet, proposed his

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Pearl Harbor attack plan to the Naval General Staff in January, 1941, and was authorized by MAGANO to go ahead with it in May or June, 1941. He also stated that the Navy started developing a shallow water torpedo early in 1941 and practised with its use throughout the summer of 1941. (Exhibit 1128) OKA as Chief of Naval Affairs Bureau must have known of these preparations.

3 February, 1941 - Record p. 10,058 - A Liaison Conference was held at which OKA and MUTO were present and took part in an "exchange of views on matters of the day". (Exhibit 1103)

6 February, 1941 - Record p. 757 - OKA was appointed a follower to the Imperial Commissioner arbitrating the dispute on the border between Siam and Indo-China. (Exhibit 120)

13 February, 1941 - Record p. 10,058 - OKA and MUTO attended a Liaison Conference of which all that is known is that an "exchange of views" took place. (Exhibit 1103)

15 February, 1941 - Record p. 9311 - In a telegram from MATSUOKA to SHIGEMITSU a conversation between MATSUOKA and British Ambassador Craigie on 15 February, 1941, is described in the course of which Craigie asked whether Japan did not expect exorbitant compensation for acting as mediator in the Siam-French Indo-China conflict. (Exhibit 1046) OKA was appointed a follower of the Japanese Commissioner on 6 February, 1941.

20 February, 1941 - Record p. 10,059 - OKA and MUTO attended a Liaison Conference of which all that is known is that there was an "exchange of views on problems concerning latest international affairs." (Exhibit 1103)

23 February, 1941 - Record p. 10,059 - OKA and MUTO attended a Liaison Conference of which all that is known is that there was an "exchange of views on matters of the day". (Exhibit 1103)

24 March, 1941 - Record p. 6,478. A report to Ribbentrop concerning military preparations in Japan by OTT states that "according to inquiries with the Chief of the Navy General Staff Admiral KONDO, the Navy is vigorously preparing for an attack on Singapore. Preparations were expected to be concluded by the end of May." (Exhibit 576) OKA as Chief of Naval Affairs Bureau must have known of these preparations.

10 April, 1941 - Record p. 10,060 - OKA and MUTO attended a Liaison Conference of which all that is known is that there was an "exchange of views". Exhibit 1103)

April, 1941 - Record p. 11,751 - This document is the gist of Imperial Headquarters Army and Navy policy decided in early April, 1941, concerning measures to be taken in the South and shows that Imperial Headquarters had decided that in certain circumstances it would be necessary to resort to arms in carrying out national policy in the South. (Exhibit 1305) OKA was not an actual member of Imperial Headquarters but was a member of the Department of Naval Preparedness Examination, Imperial Headquarters and was also an assistant to the Navy Minister in Imperial Headquarters (Exhibit 120, Record p. 755) and hence must share the responsibility for the decision.

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17 April, 1941 - Record p. 10,060 - OKA and MUTO attended a meeting of the Liaison Conference of which all that is known is that there was an "exchange of views on matters of the day". (Exhibit 1103)

3 May, 1941 - Record p. 10,060 - OKA and MUTO attended a Liaison Conference meeting of which all that is known is that there was an "exchange of views". (Exhibit 1103)

8 May, 1941 - Record p. 10,060 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views". (Exhibit 1103)

12 May, 1941 - Record p. 10,061 - OKA and MUTO attended a Liaison Conference
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meeting. All that is known is that there was an "exchange of views".
(Exhibit 1103)

15 May, 1941 - Record p. 10,061 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views".
(Exhibit 1103)

22 May, 1941 - Record p. 10,061 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views".
(Exhibit 1103)

29 May, 1941 - Record p. 10,061 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views".
(Exhibit 1103)

May or June, 1941 - Record p. 10,193 - An excerpt from the interrogation of Admiral SHIMADA indicates that YAMAMOTO as Commander-in-Chief of the Combined Fleet began the training of a squadron in May or June, 1941, for the attack on Pearl Harbor. (Exhibit 1128-A)

6 June, 1941 - Record p. 10,061 - OKA and MUTO attended a Liaison Conference meeting "on problems of the day". (Exhibit 1103) An entry in KIDO's Diary indicates that the subject of discussion at the Conference was a telegram from OSHIMA stating that Hitler had decided to attack Russia and apparently desired Japan's participation in the war. (Exhibit 1084; Record p. 9,979)

11 and 12 June, 1941 - Record p. 10,062 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views on important matters of the day". (Exhibit 1103)

16 June, 1941 - Record p. 10,062 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views on important problems of the day". (Exhibit 1103)

22 June, 1941 - Record p. 6,561 - Germany invaded the Soviet Union on this date.

23 June, 1941 - Record p. 10,062 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was a conference "on matters of the day". (Exhibit 1103)

25 June, 1941 - Record p. 10,063 - OKA and MUTO attended a LIAISON CONFERENCE meeting on "matters of the day". (Exhibit 1103). The Liaison Conference decided to accelerate the Empire's measures toward French Indo-China and Thailand and to open diplomatic negotiations with French Indo-China to accomplish the stationing of troops and acquisition of air and harbor bases. Failing that, it was decided that Japan will obtain her objective by force of arms. (Exhibit 1095, Record p. 10,027; Exhibit 1306, Record p. 11,753)

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26 and 27 June, 1941 - Record p. 10,063 - OKA and MUTO attended Liaison Conference meetings on these dates. ALL that is known is that there was an "exchange of views on important problems of the day". (Exhibit 1103)

28 June, 1941 - Record p. 10,063 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views on the important problems of the day". (Exhibit 1103)

30 June, 1941 - Record p. 10,063 - OKA and MUTO attended a Liaison Conference meeting. All that is known is that there was an "exchange of views". (Exhibit 1103)

2 July, 1941 - Record p. 6,566 - The Imperial Conference of 2 July, 1941, adopted a resolution stating that Japan will adhere to the principle of establishing a "Greater East Asia Co-Prosperity Sphere" and will step up her Southward advance in order to establish a basis for self-existence and self-defense. Japan will accomplish the execution of the schemes against French Indo-China and Thailand for which purpose preparations shall be made for a war with Britain and the United States. (Exhibit 524 - Note: Same document put in evidence as Exhibit 779, Record p. 7904) OKA attended this meeting of the Imperial Conference (Exhibit 1107, Record p. 10,140), and hence must share responsibility for the decision. Exhibit 1108 is an extract from KIDO's Diary which confirms the fact that the conference was held and states that it was decided to "cope with the new situation accompanying the outbreak of the Russo-German War" (Record p. 10,144).

2 July, 1941 - Record p. 16,145. TANAKA, Shinichi, a prosecution witness, formerly Chief of the First Section (Operations) of the General Staff, testified that following the Imperial Conference of 2 July, 1941, he was directed by SUGIYAMA to make operational study of a campaign against Java, Borneo, Bismark, Dutch East Indies and Philippines. (Exhibit 2244) OKA as Chief of Naval Affairs Bureau and as one who attended the Imperial Conference of 2 July, 1941, must have known of this. Furthermore, TANAKA testified that by the nature of the rules and practices governing the relationship between the War Ministry and the General Staff, MUTO, as Chief of the Military Affairs Bureau must have known of these instructions. Accordingly, it can be inferred that OKA, as MUTO's opposite number, must also have known. (Record p. 16,145)

12 July, 1941 - Record p. 7,037 - On this date Foreign Minister MATSUOKA sent a telegram to the Japanese Ambassador in France which refers to a Cabinet decision to take possession of military bases and to dispatch Japanese forces to South French Indo-China. The telegram states that the Japanese Government was going to make a proposal to that effect to the French Government and that if the French did not accept by 20 July, 1941, force was to be used in carrying it out. (Exhibit 640) OKA was not a member of the Cabinet but as Chief of the Naval Affairs Bureau he must have known of this decision and approved of it.

14 July, 1941 - Record p. 7,043 - An intercepted telegram from Canton to Tokyo on this date states the military officials had given the following information:

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"The immediate object of our occupation of French Indo-China will be to achieve our purposes there. Secondly, its purpose is, when the international situation is suitable, to launch therefrom a rapid attack. This venture we will carry out in spite of any difficulties which may arise. We will endeavor to the last to occupy French Indo-China peacefully, but, if resistance is offered, we will crush it by force, occupy the country and set up martial law. After the occupation of French Indo-China, next on our schedule is the sending of an ultimatum to the Netherlands Indies. In the seizing of Singapore the Navy will play the principal part." (Exhibit 641)

Although OKA cannot be connected with this document, it shows the working out in military terms of the decision taken by the Imperial Conference on 2 July, 1941, for which OKA is responsible.

15 July, 1941 - Record p. 10,161 - An entry in KIDO's Diary shows that OKA and MUTO had direct influence on the formula to be used in the Japan-United States negotiations since KIDO states that if the Foreign Minister had no objection to "the formula prepared by the Director of Military Affairs and the Director of Naval Affairs, it would be pushed through by Premier KONOYE". (Exhibit 1115) This exhibit negatives any claim by OKA that he had no influence on the course of events and shows that he was the opposite number of MUTO in the War Ministry and worked in close touch with him.

28 July, 1941 - Record p. 7069, 7075 - OKA and MUTO attended a meeting of the Inquiry Committee of the Privy Council at which it was resolved that Japan and France should conclude a Protocol regarding common defense of French Indo-China and military cooperation. (Exhibit 649) At this meeting of the Privy Council TOJO stated that although Japan would be made responsible for the common defense with French Indo-China by the present agreement, the area of Japan's military activities should not be restricted. TOJO also stated that the amount of expenditures was estimated with an ample margin to cover the necessary expenses for the force of about 40,000 troops which were planned to be sent over. (Record p. 7,073) It is to be noted that OKA attended this conference as an Explainer, and prior to the decision by the Committee all Explainers retired. Consequently, OKA maintains that he bears no responsibility for the decision. (Motion of the accused OKA to dismiss dated 15 January, 1947, Record p. 16,508) On the same date a meeting of the Privy Council was held at which OKA was present as a member of the Committee. The meeting unanimously ratified the protocol between France and Japan for common defense of French Indo-China. (Exhibit 650, Record p. 7,074) The following measures to be taken for military cooperation based upon the Protocol were decided upon: The French Government shall admit (a) the dispatch of a necessary force of Japanese Army troops, war vessels and air forces to southern Indo China; (b) the use of Sienreap and seven other places as air bases and Saigon and Camrang Bay as naval bases; (c) the right of quartering and training the Japanese Army; (d) the French Government shall offer to the Japanese Army 23,000,000 Indo-China piastres for the current years. (Record p. 7,077) For the decision of ratifying the protocol, OKA must share the responsibility.

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6 September, 1941 - Record p. 6,566 - Exhibit 588 sets forth the resolution adopted at the Imperial Conference of 6 September, 1941, which stated that Japan will execute her Southern advance policy and will complete preparations for war with the U. S., Britain and Netherlands by the end of October. If negotiations prove unsuccessful by the beginning of October, Japan will immediately determine to wage war with the U. S., Britain and Netherlands. (Exhibit 588) OKA and MUTO were present at this Conference. (Exhibit 1107, Record p. 10,217)

6 and 7 September, 1941 - Record p. 11,230 - ATIS Research Report entitled "Japan's Decision to Fight" shows that on 6 and 7 September, 1941, at the Naval War College, the problem of attacking Pearl Harbor was debated. (Exhibit 809) It is inconceivable that OKA as Chief of the Naval Affairs Bureau did not have knowledge of this since of the 41 Naval Officers who attended, two officers (Captain TAKATA and Commander SHIKI) were from the Naval Affairs Bureau (also called Military Affairs Bureau, Navy Ministry). (Exhibit 809, p. 5)

October, 1941 - Record p. 7,359 - 7,399 - The witness Kazuo YATSUGI, formerly Chief of the Business Bureau of the National Policy Investigation Association (Kokusaku Ken'ya Kai Jimukyoku Cho) testified that in October, 1941, a Committee for Administration Measures submitted a report to the Navy Minister, among others. (Record p. 7,365) This report (Exhibit 684) stated that since Japan will inevitably expand in the near future either southward or northward, the Committee was formed to study and discuss problems and forward the results to the Government. (Record p. 7,407) Although OKA had no connection with this Association the fact that the report was submitted to the Navy Minister means that OKA must have known of it.

11 October, 1941 - Record p. 10,250, et seq. A statement dictated by Prince KONOYE sets forth the facts pertaining to the resignation of the 3rd KONOYE Cabinet. It states that on 11 October, 1941, OKA told KONOYE that with the exception of the Naval General Staff the brains of the Navy did not want war with the United States, but that in view of the Imperial Conference decision which the Navy approved the Navy could not say so, and accordingly the Navy Minister would propose to leave the decision in the hands of the Premier. (Exhibit 1148)

12 October, 1941 - Record p. 10,246 and 10,250 - At a conference of Premier KONOYE with the War Minister, Navy Minister, Foreign Minister and President of the Planning Board, TOJO stated that there was absolutely no hope for a successful conclusion of the diplomatic negotiations since it was impossible to withdraw the troops from China. Navy Minister OIKAWA stated that the Navy would leave the question of whether there was any hope for a successful conclusion of diplomatic negotiations in the hands of the Premier and the Foreign Minister and would comply with that decision. OIKAWA stated that if there was any hope for a successful conclusion of negotiations he wanted them continued. KONOYE also wanted negotiations continued. Further discussions took place which made it clear that the Navy's refusal to commit itself prevented the deadlock from being broken. (Exhibit 1148 and 1147)

14 October, 1941 - Record p. 10,250, et seq. - At a Cabinet meeting on 14 October, 1941, TOJO again stated that there was no hope for negotiations since it was impossible to withdraw troops from China. A complete deadlock had been reached. In the meantime, the Army took the position that the Navy must declare

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itself, stating that if the Navy says she cannot go to war a way could be found to dissuade the subordinate army officers. As a result, MUTO called on Chief Secretary TOMITA and requested that the Navy be asked to make a definite statement. This was relayed to OKA who reportedly stated that the Navy can say no more than that she will comply with the decision of the Premier. To break the deadlock, TOJO suggested on the evening of 14 October that everybody should resign and a new Cabinet should be formed under Prince HIGASHIKUNI. (Exhibit 1148) It is significant that after the

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deadlock between KONOYE, TOJO and OIKAWA, the attempt to settle the matter was by negotiation between MUTO and OKA which shows that OKA had considerable influence on the decisions made and hence must accept responsibility for them. When called upon by MUTO to take a position one way or another, OKA refused and left the decision to KONOYE. If OKA had declared his opposition it seems probable that war would not have broken out.

16 October, 1941 - Record p. 10,269 - KONOYE presented to the Emperor the resignation of his Cabinet. (Exhibit 1148)

18 October, 1941 - Record p. 685 - After the formation of the TOJO Cabinet, OKA was retained as Chief of the Naval Affairs Bureau, (Exhibit 102), obviously because he was acceptable to TOJO in helping to put into operation the long-prepared plan of attack. As of this date OKA held the following positions: Chief of Bureau of Naval and Military Affairs, Navy Ministry, Assistant to Navy Minister in Imperial Headquarters, Councillor of Bureau of Manchurian Affairs, and Imperial Member of Mixed Experts Committee.

18 October to 2 November, 1941 - Record p. 10,316 - Exhibit 1163 is a telegram from Foreign Minister TOGO to NOMURA dated 2 November, 1941, which shows that from the formation of the new cabinet to 2 November, 1941, a number of Liaison Conferences were held to consider fundamental policy. (Exhibit 1163) The names of those attending are not stated, but in view of the number of Liaison Conferences which OKA attended prior to 2 July, 1941, as shown in Exhibit 1103, it may be inferred that he continued to attend.

29 October, 1941 - Record p. 10,314 - An entry in KIDO's Diary indicates that a Liaison Conference was held on or about this date. (Exhibit 1162) The names of those present are not stated but again it may be inferred that OKA attended.

30 October, 1941 - Record p. 11,923 and 11,928 - Exhibits 1328 and 1329 contain a list of questions and answers drawn up for the Liaison Conference held at the end of October, 1941. The names of those present are not stated but again it may be inferred that OKA attended. Moreover, Exhibit 1328 indicates that the matter was considered by the Navy Ministry among others. OKA as Assistant to the Navy Minister in Imperial Headquarters must have been consulted.

31 October, 1941 - Record p. 8,456 - Exhibit 852 (Communication No. 9, p. 16) is a communication sanctioned 31 October, 1941, from the Chief of the Financial Bureau, the Head of the Treasury Division and the Acting Head of the Foreign Affairs Division addressed (among others) to OKA as Chief of the Naval Affairs Bureau which sets up the method of procedure for issuance of military currency notes in foreign denominations to defray war expenditures in the event of a military operation in southern regions and requests the approval of the Premier, Finance Minister, War Minister and Navy Minister, thereon. (Exhibit 852) Communication No. 10 is a communication sanctioned 31 October, 1941, from the same persons to (among others) OKA, as Chief of the Naval Affairs Bureau which refers to the institution of procedures for handling military currency in foreign denominations for the southern regions

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and again asks approval of the principal addresses thereon. The military currency notes are called Military Currency Notes of 1941 and their denominations are Gulden, Dollars and Pesos. The areas in which they are to be used are Dutch East Indies, British Malay, Borneo, Thailand, and Philippines. (Exhibit 852, Record p. 8,460) In both cases the seal (Han) of OKA indicates that the communication actually came to his attention.

End of October or early November, 1941 - Record p. 10,461 - In his interrogation Admiral NAGANO said that as Chief of the Naval General Staff he approved of the YAMAMOTO Plan to attack Pearl Harbor at the end of October or early in November after the plan had been perfected by preliminary maneuvers at sea and on paper. (Exhibit 1197-A) In this interrogation NAGANO states several times that the "Naval Affairs Bureau" participated in the discussion of the YAMAMOTO Plan. However, Defense Counsel objected that this was a mistranslation and that NAGANO actually referred to the Naval General Staff (Record p. 10,465). In any case, it is inconceivable that OKA did not know about this plan. This is confirmed by Exhibit 809, p. 67 (Record p. 11,230) where NAGANO and other officers of the Naval General Staff stated that the Chief of the Bureau of Naval Affairs knew a part of the plan in advance.

4 November, 1941 - Record p. 10,318 - A telegram from TCGO to NOMURA indicates that a Liaison Conference was held on or about 4 November, 1941, at which a counter-proposal was adopted for resumption of Japanese-American negotiations. (Exhibit 1164) The names of those present are not stated but it may be assumed that OKA attended.

5 November, 1941 - Record p. 10,332 - An entry in KIDO's Diary shows that an Imperial Conference was held on this date at which the policy toward the U. S., Britain and the Netherlands was decided. (Exhibit 1168) OKA is included in the list of those attending this conference. (Exhibit 1107)

5 November, 1941 - Record p. 10,333 et seq. Exhibit 1169 sets forth the policies decided at the Imperial Conference of 5 November, 1941, as follows -

- (1) When it is recognized that U. S.-Japanese negotiations are ended and war is inevitable (probably after 25 November) Germany and Italy are to be informed without delay of Japan's intention to open hostilities against the U. S. and Britain and negotiations are to be opened for their participation in the war.
- (2) Intentions toward Britain to be kept secret.
- (3) Negotiations with Netherlands East Indies to be opened in order to conceal intentions.
- (4) Negotiations to be continued with Russia.
- (5) Request Thailand to allow passage of troops but dispatch troops even if consent is not forthcoming.
- (6) Philippines, Netherlands East Indies (in part) and Burma to be made independent.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd))

5 November, 1941 - Record p. 10,347 - On this date Admiral NAGANO, Chief of the Naval General Staff, issued the order which caused the Pearl Harbor plan to be put in operation. (Exhibit 809, p. 75) It is submitted that OKA must have known of this since NAGANO and other officers of the Navy General Staff have stated that OKA knew at least part of the plan in advance. (Exhibit 809, p. 67)

5 November, 1941 - Record p. 11,196 - On this date Admiral YAMAMOTO, Commander-in-Chief of the Combined Fleet pursuant to NAGANO's order issued Combined Fleet Top Secret Operation Order No. 1 setting the plan for operations in the war against the U. S., Britain and the Netherlands including an attack on Pearl Harbor. (Exhibit 1252) It is submitted that OKA must have known of this since NAGANO and other officers of Naval General Staff have stated that OKA knew at least part of the plan in advance. (Exhibit 809, p. 67 - Record p. 11,230)

7 November, 1941 - Record p. 11,193 - On this date, Y day (approximate date for commencement of operations) was fixed as December 8 by Combined Fleet Top Secret Operation Order No. 2 issued by YAMAMOTO (Exhibit 1252, p. 55). It is submitted that OKA must have known of this for the same reason as set forth above (Exhibit 809, p. 67 - Record p. 11,230).

10 November, 1941 - Record p. 10,193 - SHIMADA in his interrogation admitted that NAGANO on 10 November, 1941, issued Striking Force Operation Order No. 1 which ordered all forces to complete battle preparations by 20 November, 1941. (Exhibit 1128-A) This is confirmed by Exhibit 809, p. 10 (Record p. 10,349). It is submitted that OKA must have known of this order for the same reason as above stated (Exhibit 809, p. 67).

11 November, 1941 - Record p. 9,361 and 10,363 - Exhibit 1175 is a draft adopted at the Liaison Conference this date setting forth "Principal Reasons Alleged for the Commencement of Hostilities Against the United States and Britain". This draft indicates that war was regarded as inevitable because "there is a fundamental opposition between the assertions of Japan and the United States in regard to the establishment of a lasting peace in the Far East." Exhibit 919 is the Liaison Conference Decision Plan adopted on 11 November, 1941 which states that "Japan will execute a swift war by force of arms and will overthrow the American, British and Dutch bases in East Asia and in the South Western Pacific, thereby ensuring herself a strategically dominant position". The names of those attending the conference are not stated but it may be assumed that OKA was present.

12 November, 1941 - Record p. 10,373 - Exhibit 1176 is a Foreign Office document entitled "General Outline for Hastening the Conclusion of War Against the U. S., Great Britain, Netherlands and the Chung King Regime" which states that a "No-Separate-Peace-Agreement" shall be concluded with Germany and Italy. There is no evidence linking OKA with this document but it shows the general plan of the conspiracy.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd))

and 10,366

13 November, 1941 - Record p. 8,994/- Another Liaison Conference was held on this date. A document entitled "Measures to be Taken Toward Foreign Countries Relative to the Outline for the Execution of National Policies" which was decided at the Conference on 13 November, 1941, states that after the breakdown of negotiations with the U. S. (probably after 25 November) Japan will notify Germany and Italy of Japan's intentions to start war against U. S. and Britain, and Japan will open negotiations with them to secure their participation (Exhibit 878). Attendance at the conference is not stated but it is submitted that OKA must have been present.

20 November, 1941 - Record p. 8,988 and 11,937 - A Liaison Conference was held on this date which adopted measures relating to the details of setting up military administration in southern occupied areas. Such areas are not named with the exception of Indo-China and Thailand but there are references to "American, British and Dutch nationals". (Exhibit 877) The attendants at this conference are not named but it is submitted that OKA must have been present.

21 November, 1941 - Record p. 19,391 - On this date an Investigation Committee of the Privy Council approved the renewal of the Anti-Comintern Pact. (Exhibit 1182) There is no evidence that OKA attended the meeting but he must have been aware of it.

26 November, 1941 - Record p. 10,421 - On this date the Task Force left for Hawaii (Exhibit 809, p. 72) SHIMADA in his interrogation (Exhibit 1128-A, Record p. 10,422) stated that the Task Force left Tankan Bay on 27 November but this was apparently an error as shown by Exhibit 809, p. 78, which sets forth The Combined Fleet Order directing the Task Force to move out on 26 Nov.

About 29 November, 1941 - Record p. 10,464 - NAGANO in his interrogation admitted that there was a Liaison Conference on 28 or 29 November at which OKA was present to consider the question of war against the United States. (Exhibit 1197-A)

30 November, 1941 - Record p. 10,480 and 10,483 - In his interrogation TOJO stated that the gist and subsequently the text of the final note to the U. S. were approved by a Liaison Conference on 30 November and by the Cabinet. All members present agreed with the substance of the message. (Exhibit 1201-A and 1202-A)

30 November, 1941 - Record p. 10,506 - Foreign Minister TOGO likewise stated in his interrogation that all members of the Liaison Conference and some members of the Cabinet were responsible for the final note. (Exhibit 1206-A) In another excerpt from his interrogation TOGO specifically stated that OKA and SHIMADA (among others) were responsible for the note as members of the Liaison Conference (Exhibit 1207-A, Record p. 10,509) TOGO says the Cabinet approved the note around 30 November. (Exhibit 1207-A, Record p. 10,511)

30 November, 1941 - Record p. 10,483 - TOJO stated in his interrogation that the Liaison Conference (presumably on 30 November) delegated to the two Chiefs of Staff and the Foreign Minister the task of setting the time for the delivery of the final note (Exhibit 1202-A). TOJO stated that it was also

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd))

settled at the Liaison Conference that the delivery of the final note would precede the attack (Exhibit 1158-A, Record p. 10,486). TOJO further stated that all members of the Liaison Conference knew that instructions were sent to Washington that the note was to be delivered at 1:00 P.M. 7 December, Washington time, (Exhibit 1207-A, Record p. 10,512).

30 November, 1941 - Record p. 10,493 - 10,504 - In his interrogation TOJO stated that at the Liaison Conference (presumably on 30 November) all members agreed with the Foreign Minister and TOJO that by the final note breaking off negotiations, Japan acquired freedom of action and that neither treaties nor international law prevented the opening of hostilities. (Exhibit 1204-A, Record p. 10,493) The Chiefs of Staff and the Foreign Minister discussed the question of how long before the actual attack the note was to be delivered. It was decided that it should not interfere with the success of the surprise attack on Pearl Harbor, but it had to precede the attack (from the Foreign Minister's point of view). (Exhibit 1204-A, Record p. 10,498) TOJO and presumably the Cabinet believed that the note would be delivered some time (from 1 1/2 hours to 1/2 hour) prior to the attack. (Exhibit 1204-A, Record p. 10,500).

1 December, 1941 - Record p. 10,518 - On this date an Imperial Conference was held at which OKA and SHIMADA were present. (See Exhibit 1107 and 1209-A) A resolution was adopted to the effect that negotiations with the U. S. pursuant to the Imperial Conference of 5 November having finally failed, Japan will declare war on the U. S. Britain and the Netherlands. (Exhibit 588, Record p. 10,519; Exhibit 1210, Record p. 10,523)

7 December 1941 - (8 December, Tokyo time) - Record p. 10,690. OKA attended a meeting of the Inquiry Committee of the Privy Council on this date at 7:30 A. M. at which the referenced bill regarding declaration of war was unanimously adopted. At this meeting SHIMADA reported on the outbreak of war against England and America at Hawaii and Singapore. (Exhibit 1241, Record p. 10,690 and 10,699) TOJO stated that since 1 December the negotiations with the U. S. were continued only for the sake of strategy. The document further indicates that at 8:00 P.M. on December 7 (Tokyo time) the Cabinet Secretaries were informed that the action would begin in the early morning next day and that during the day the declaration of war would be presented for Imperial sanction. It is to be noted that OKA was present as an Explaining Member and that prior to the actual decision by the Committee all Explainers left the meeting. Accordingly, OKA claims that he has no responsibility for the decision. (Record p.16,508)

7 December, 1941 - (8 December, Tokyo time) - Record p. 10,685 - On this date the Imperial Rescript declaring war on the U. S. and Britain was signed. (Exhibit 1240) OKA was not a signatory to this document although Navy Minister SHIMADA signed it. However, in his interrogation MUTO admitted that he collaborated with TOGO and OKA in preparing the draft of the Imperial Rescript which was then submitted to the Liaison Conference for approval. (Exhibit 2240, Record p. 16,121) In another excerpt from his interrogation MUTO stated that the draft

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the accused OKA) (contd))

was prepared by OKA, HOSHINO and himself. (Exhibit 2241, Record p. 16,126) In any case the evidence is clear that OKA helped to draft the Imperial Rescript. MUTO further admitted that OKA, HOSHINO and himself supported the decision of the Liaison Conference to wage war against the U. S. (Exhibit 2240, record p. 16,121)

10 December, 1941 - Record p. 11,303, 11,305 - Exhibit 1266 is the record of the meeting of the Investigating Committee of the Privy Council held this date regarding the treaty against a separate peace between Germany, Italy and Japan. OKA is listed as attending in the capacity of an Explainer and all Explainers retired from the meeting prior to the decision. Hence, OKA claims that he is not responsible for the decision. (Motion to Dismiss by OKA, Record p. 16,497). It is to be noted that even if OKA had no vote at this meeting this is of little importance since the proceedings were always unanimous. In any case, it is clear that he had full knowledge of the decisions to be made by virtue of his official position and he made no move to give up that position. The same date, a meeting of the Privy Council was held which unanimously adopted the treaty but OKA was not listed as being present. (Exhibit 1267, Record p. 11,305)

13 January, 1942 - Record p. 15,506 - On this date the Vice-Minister of Foreign Affairs sent to the Vice Ministers of War, Navy and Home Affairs a copy of a protest forwarded by the Swiss Minister from the U. S. Government concerning treatment of prisoners of war. (Exhibit 2170) The testimony of SUZUKI, Tadakatsu a former official of the Japanese Foreign Office shows that copies of protests forwarded by the Swiss Minister were customarily sent to the Navy Minister or Vice Minister (Record p. 15,506-533) The testimony of TANAKA, Ryukichi likewise shows that documents relating to prisoners of war were sent by the Ministry of Foreign Affairs to the War Office, the Home Office and the Navy Ministry. (Record p. 14,237) There is no direct evidence to show that OKA as Chief of the Naval Affairs Bureau ever saw this protest, but it is highly probable that he must have done so especially in view of the fact that a copy of at least one such protest is known to have been addressed to the Chief of the Naval Affairs Bureau. (See Exhibit 2174 below under date of 25 April, 1945)

18 January, 1942 - Record p. 6,681 - On this date Germany, Italy and Japan signed a Military Agreement in the spirit of the Tri-Partite Pact by which the world was divided into zones of military operation. Japan was assigned the zone east of 70° East Longitude and agreed to reinforce her commerce raiding in the entire area of the Pacific and the Indian Ocean. (Exhibit 49) The agreement was signed by a representative of the Japanese Naval General Staff. Although OKA had no connection with this document he must have been aware of it.

January, 1942 - Record p. 13,253 - The affidavit of J. F. McDonald, Jr. states that the Japanese Navy mistreated the prisoners on board the Nitta Maru and issued "Regulations for Prisoners" which threatened immediate death for minor infractions of the rules. (Exhibit 1640) OKA and SHIMADA by virtue of their official positions must be held responsible for such mistreatment of prisoners.

(Chronological Summary of Evidence Introduced by the Prosecution pertaining to the Accused OKA, Contd)

January, 1942 - Record p. 13,249 - The affidavit of Corporal S. L. Baker states that he was among 1300 prisoners of war and civilian internees transported on board the Nitta Maru from Wake Island to Woosung, China, about 10 January to 25 January, 1942; that the prisoners were forced to run the gauntlet and were beaten and received inadequate food and medical attention. (Exhibit 1639-A) OKA and SHIMADA by virtue of their official positions must be held responsible for this mistreatment of prisoners of war and civilian internees.

January, 1942 - Record p. 14,983 - The affidavit of Lt. Col. Rudisill containing a report by Capt. John Hamas states that approximately 1,100 prisoners of war were transported from Wake Island to Woosung, (Shanghai) China aboard the Nitta Maru from 12 January to 24 January, 1942; that during the voyage the prisoners were brutally clubbed with baseball bats, made to run the gauntlet, given insufficient food and medical attention; that three and perhaps five of the prisoners of war were beheaded; that the Japanese Navy published "Regulations for Prisoners" threatening immediate death for violation for such minor offences as using more than two blankets, talking without permission. (Exhibit 2037) OKA and SHIMADA by virtue of their official positions must have known of such illegal punishment and are responsible therefor.

January, 1942 - Record p. 14,992 - The affidavit of KOHARA, Yasuo, Chief Petty Officer, Japanese Navy, states that he was on board the Nitta Maru when it transported about 1200 American prisoners of war from Wake Island to Shanghai, China, January 13 to January 22, 1942; that acting upon the orders of Captain SAITO, the Guard Commander, he helped to execute five American prisoners of war by beheading. (Exhibit 2038) OKA and SHIMADA by virtue of their official positions must be held responsible for this atrocity.

22 February, 1942 - Record p. 15,070 - Exhibit 2067 is a letter from the Captain of the Netherlands Hospital Ship "Op Ten Noort" to Navy Minister SHIMADA protesting against the illegal seizure of the ship by the Japanese Navy contrary to the Geneva Convention. (Exhibit 2067) There is no direct evidence that OKA ever saw this protest but it is submitted that he must have done so.

17 April, 1942 - Record p. 8036 - Report by the Soviet Military Prosecutor of the Pacific Area relating to the illegal search and seizure by a Japanese destroyer of the Soviet merchant ship "Sergei Kirov" on this date. (Exhibit 815) As Chief of the Naval Affairs Bureau, OKA must have known of this.

May, 1942 to December, 1943 - Record p. 14,233- The affidavit of Captain A. L. Maher, USN states that he was imprisoned at Ofuna Naval POW Camp from 5 May, 1942 to 3 December, 1943; that Ofuna was not a regular prisoner of war camp but a Japanese Navy Interrogation Center; that severe punishment and beatings were administered by the camp guards (Japanese Navy enlisted men) upon the orders of the Camp Commandant (Navy Warrant Officer OUCHI and his successor, Warrant Officer IIDA) and their superior officers in the

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd)

Japanese Navy. (Exhibit 1933-A) OKA and SHIMADA by virtue of their official positions must have known of the existence of this camp and hence must be held responsible for the mistreatment of prisoners of war.

26 May, 1942 - Record p. 16,176 - Memorandum of transmittal of a report concerning the eight U. S. airmen shot down in Central China dated 26 May, 1942 and (among others) addressed to Chief of Army General Staff to be forwarded to the Chief of the Bureau of Naval Affairs and the Navy Minister, (Exhibit 2245). This is evidence that communications concerning prisoners of war were customarily sent to the Naval Affairs Bureau.

26 May, 1942 - Record p. 759 - OKA was appointed Government Commissioner on matters related to the Navy Ministry in the 80th Session of the Diet. (Exhibit 120)

24 June, 1942 - Record p. 8,033 - In a conversation with the German Foreign Minister in Berlin on this date, OSHIMA stated that twenty Russian merchantmen had been searched in the harbor of Vladivostok by the Japanese Navy since Japan entered the war and that the search revealed that no war material had entered Russia via Vladivostok. (Exhibit 778) OKA must have known of such illegal search contrary to the Neutrality Pact of 1941 under which Japan agreed not to do anything to hinder RUSSIA in her war with Germany.

June, 1942 - Record p. 5,513, et seq. In June, 1942, preparations for construction of the Burma-Thailand Railway utilizing prisoners of war were commenced by the Southern Army by order of Imperial ^{General} Headquarters. (Exhibit 475, Record p. 5,524) Construction work was begun in November, 1942, and completed in November, 1943. In February, 1943, Imperial Headquarters gave orders to shorten the term of the work by four months as a result of which there were approximately 10,000 deaths among the prisoners of war, or about 20% of the total number. (Exhibit 475, Record p. 5,568) As Chief of the Naval Affairs Bureau, OKA was presumably not an actual member of Imperial Headquarters but was a member of the Department of Naval Preparedness Examination, Imperial Headquarters and was also an assistant to the Navy Minister in Imperial Headquarters. (Exhibit 120, Record p. 755), and hence must share the responsibility for this decision resulting in the death of prisoners of war on the Burma-Thailand Railway.

16 October, 1942 - Record p. 15,018, et seq. - The statement of Captain OBARA, Yoshio describes the execution of nine prisoners of war on Kwajalein on 16 October, 1942. Captain OBARA stated that Vice-Admiral ABE on October 10, 1942, gave him the following direction:

"In accordance with a directive received from Central Headquarters, it has been decided to execute the Makin prisoners here and not send them back to Japan. You will take charge of carrying out this/execution/." (Exhibit 2055-A, Record p. 15,019)

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd))

Vice Admiral ABE in his interrogation testified that he ordered the execution of the nine U. S. prisoners of war on Kwajalein as the result of a visit from Lt. Commander OKADA, a staff officer from the General Staff in Tokyo, who told him not to ship the prisoners to Japan but to dispose of them on the spot. ABE stated that he took this to be the Navy policy. (Exhibit 2055-C, Record p. 15,028) ABE further stated that "A directive was issued to me from the Highest Naval Central Headquarters to dispose of them on my island, and I had nothing to do but obey it without question".(Exhibit 2055-C,Record p. 15,030) ABE stated that subsequent to the execution of the nine fliers, his staff officer made an oral report to the staff officer of the 4th Fleet at Truk (Exhibit 2055-C, portion not read in evidence).

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd))

20 October, 1942 - Record p. 12,093 - On this date OKA and SHIMADA attended the seventh meeting of the Investigation Committee of the Privy Council concerning organization of the Greater East Asia Co-Prosperity Sphere. Committee Chief SUZUKI stated that the draft was based not on the rules of righteousness but on the rules of might. (Exhibit 687) OKA took no part in the discussion as far as is known.

21 October, 1942 - Record p. 12,094 - OKA attended the eighth meeting of the Investigation Committee of the Privy Council concerning organization of the Greater East Asia Co-Prosperity Sphere. Nothing of any importance took place and OKA took no part. (Exhibit 687) In view of the fact that OKA attended only two of the eight meetings and since no decision was reached by the Committee this exhibit has little value.

1 November, 1942 - Record p. 759 - OKA was appointed member of the Connecting Committee of the Great East Asia Ministry. (Exhibit 120)

24 December, 1942 - Record p. 759 - OKA was appointed Government Commissioner on matters related to the Navy Ministry in the 81st Session of the Diet. (Exhibit 120)

March, 1943 - Record p. 15,186 - In March, 1943, OSHIMA had a conversation with Ribbentrop in Germany in which Ribbentrop told him that part of German submarine policy was to destroy crews of torpedoed vessels. (Exhibit 2106, Record p. 15,194) OSHIMA admitted conveying this information to the Japanese Naval Attache in Berlin. He also handled the negotiations by which Germany transferred two German submarines to the Japanese. (Exhibit 2106, Record p. 15,186)

20 March, 1943 - Record p. 15,184 - On this date 1st Submarine Force Secret Operation Order No. 2-43 was issued from the Flagship Heian Maru at Truk signed by MITO, Hisashi, Commanding Officer of the 1st Submarine Force. This order stated:

"Do not stop with the sinking of enemy ships and cargoes; at the same time that you carry out the complete destruction of the crews of enemy ships, if possible, seize part of the crew and endeavor to secure information about the enemy." (Exhibit 2105, Record p. 15,185)

OKA must bear his share of responsibility for the Navy policy of wantonly putting helpless prisoners of war to death.

29 April, 1943 - Record p. 8,039 - A report by the Soviet Military Prosecutor of the Pacific Area describes the search and seizure of the Soviet merchant ship "Ingul" on this date by a Japanese war ship (Exhibit 817). OKA must have been aware of this violation of the Neutrality Pact of 1941.

15 June, 1943 - Record p. 760 - OKA was appointed Government Commissioner on matters related to the Navy Ministry in the 82nd Session of the Diet. (Exhibit 120)

20 July, 1943 - Record p. 8,034 - A report by the Soviet Military Prosecutor of the Pacific Area describes the search and seizure of the merchant ship "Dwina" on this date by the Japanese Navy. (Exhibit 816)

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd)

18 August, 1943 - Record p. 11,364 - On this date a meeting of the Investigation Committee of the Privy Council was held to discuss the treaty between Japan and Thailand concerning the annexation by Thailand of the Shan states. MORIYAMA, the Director of the Bureau of Legislation stated that under international law an occupying nation could not conclude a treaty for territorial cession in the occupied area; however, there could be no objection under international law if Japan abolished its military administration in the occupied area and then let Thailand annex such territories. TOJO stated that "****International Law should be interpreted from the view point of executing the war according to our own opinions". (Exhibit 1275, Record p. 11,367) It is to be noted that OKA was present as an Expositor and as such retired before the Committee had approved the draft of the treaty.

(About) 7 October, 1943 - Record p. 15,046 - On or about this date Rear Admiral SAKAIBARA ordered the execution of 98 U. S. prisoners of war on Wake Island. (Exhibit 2057) Vice Admiral ABE in his interrogation admitted that he received a report from SAKAIBARA concerning the death of 96 of these Americans. (Exhibit 2055-C, Record p. 15,025)

25 October, 1943 - OKA was appointed Government Commissioner on matters related to the Navy Ministry in the 83d Session of the Diet. (Exhibit 120, p. 10)

6 November, 1943 - Record p. 12,098 - On this date the joint declaration of the assembly of Greater East Asiatic Nations was adopted. OKA and SHIMADA attended the assembly. Representatives of "the six independent nations of Japan, China, Thailand, Manchukuo, the Philippines and Burma" attended. (Exhibit 1346)

14 December, 1943 - Record p. 15,157 - The British merchant ship "Daisy Moller" was torpedoed and sunk by a Japanese submarine on this date and the survivors were machine-gunned in the water. (Exhibit 2094)

24 December, 1943 - Record p. 760 - OKA was appointed Government Commissioner on matters related to the Navy Ministry in the 84th Session of the Diet. (Exhibit 120)

12 February, 1944 - Record p. 15,513 - On this date the Vice-Minister of Foreign Affairs forwarded a U. S. Government protest received from the Swiss Minister regarding treatment of prisoners of war. The letter was addressed to the Ministers of War, Navy, Home Affairs, Greater Asia and Chief of POW Information Bureau. (Exhibit 2173) There is no direct evidence that OKA saw this protest but it is submitted that he must have had knowledge of it since he was the officer of the Navy Ministry responsible for prisoners of war.

22 February, 1944 - Record p. 15,159 - The British merchant ship "British Chivalry" was torpedoed and sunk on this date by a Japanese submarine and the survivors were machine-gunned in the water. (Exhibit 2095)

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA) (contd)

26 February, 1944 - Record p. 15,159 - The British merchant ship "Sutlej" was torpedoed and sunk on this date by a Japanese submarine and the survivors were machine-gunned in the water. (Exhibit 2096)

29 February, 1944 - Record p. 15,163 - The British merchant ship "Ascot" was torpedoed and sunk on this date by a Japanese submarine and the survivors were machine-gunned in the water. (Exhibit 2097)

18 March, 1944 - Record p. 15,182 - The British ship "Behar" was sunk by gun-fire of the Japanese cruiser "Tone" on 9 March, 1944 and the survivors were taken on board the cruiser and beheaded on 18 March, 1944. (Exhibit 2104)

26 March, 1944 - Record p. 15,169 - The Dutch ship "Tjisalak" was sunk by a Japanese submarine on this date and the survivors were clubbed and thrown overboard. (Exhibit 2099)

5 June, 1944 - Record p. 15,153 - On this date the Swiss Minister communicated to Foreign Minister SHIGEMITSU a protest by the British Government concerning the machine-gunning of the survivors of the "Daisy Miller", "British Chivalry", "Sutlej", "Ascot", "Nancy Moller", and "Tjisalak". (Exhibit 2092) In view of the practice of the Foreign Minister in forwarding copies of such protests to the Navy Minister, Vice Minister or Chief of Bureau of Naval Affairs, (see testimony of SUZUKI, Record p. 15,506 to 15,533), it is submitted that OKA must have had knowledge of this protest.

19 June, 1944 - Record p. 15,088 - On this date the Swiss Minister communicated to Foreign Minister SHIGEMITSU a protest from the U. S. Government concerning the machine-gunning of the survivors of the U. S. steamship "Richard Hovey" which was torpedoed on 29 March, 1944. (Exhibit 2076) It is submitted that OKA must have had knowledge of this protest (see testimony of SUZUKI, Record p. 15,506, et seq.).

2 July, 1944 - Record p. 15,140 and 15,145 - On this date the U. S. merchant ship "Jean Nicolet" was sunk by a Japanese submarine and the survivors were clubbed and thrown into the sea. (Exhibit 2087 and 2088. See also testimony of John A. McDougall, Record p. 15,109 to 15,139).

11 July, 1944 - Record p. 5,492 - On this date the Foreign Minister (Office for Affairs of Residents in Enemy Countries) wrote to the Chief of the POW Information Bureau concerning a protest from the International Red Cross as to the treatment of prisoners of war in Burma and Siam. A copy was sent to the Navy Ministry. (Exhibit 473) It is submitted that OKA as the officer in the Navy Ministry charged with matters concerning prisoners of war must have had knowledge of this protest.

17 July, 1944 - Record p. 11,372 and 11,377 - An entry in KIDO's Diary for this date relates the discussions pertaining to a reorganization of the Cabinet. He quotes Admiral YONAI who refused a Cabinet position as saying that OKA had told him of the general opinion of the Navy. (Exhibit 1277 and 1278) This shows that OKA acted as spokesman for the Navy and had considerable

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd)

influence. It also shows that OKA tried to bolster up the TOJO Cabinet by inducing YONAI to join it.

IV. References Dealing with the period 1 August, 1944 to 15 August, 1945.

1 August, 1944 - Record p. 685 - OKA was relieved of his duties as Chief of the Bureau of Naval Affairs, Navy Ministry. (Exhibit 102, p. 22)

29 October, 1944 - Record p. 15,148 and 15,150 - The U. S. merchant ship "John A. Johnson" was torpedoed and sunk by a Japanese submarine on this date and the survivors were machine-gunned in the water. (Exhibit 2089 and 2090) Although OKA was no longer Chief of the Naval Affairs Bureau, he must share responsibility for the Navy policy of wantonly killing survivors which was commenced during his term of office.

November, 1944 - to April, 1945 - Record p. 14,235 - The affidavit of W. R. Leibold states that he was a prisoner at Ofuna Naval POW Camp from 3 November, 1944 to 5 April, 1945; that the prisoners were given a cup of rice and a cup of water at each meal and no other food except a few Red Cross packages; that the prisoners were severely beaten and tortured by the Japanese Navy guards; that captured U. S. Navy pilots were beaten and given inadequate medical attention resulting in the death of three of them. (Exhibit 1934-A) OKA and SHIMADA by virtue of their official positions must have known of the existence of this camp and hence must be held responsible for the mistreatment of prisoners of war.

25 April, 1945 - Record p. 15,514 - A copy of a communication from the Office for Affairs of Residents in Enemy Countries (Foreign Office) dated 25 April 1945 relating to the U. S. Government protest re treatment of prisoners of war addressed to the Chief of POW Information Bureau was sent to the Chief of the Naval Affairs Bureau of the Navy Ministry. (Exhibit 2174) Although OKA had ceased to be Chief of the Naval Affairs Bureau, this document confirms the fact that protests concerning treatment of prisoners of war were customarily sent to the Naval Affairs Bureau.

25 or 26 August, 1945 - Record p. 14,973 - Lt. Commander TACHIBANA, Shoichi in a written statement concerning the execution of the 98 American POWs on Wake states that on or about the 25th or 26th of August, 1945, an inquiry came from the Bureau of Military Affairs concerning the prisoners on Wake. (Exhibit 2036-B) He was apparently referring to the Bureau of Naval Affairs, Navy Ministry (which is often called Bureau of Military Affairs). This document confirms the fact that the Naval Affairs Bureau was responsible for matters concerning prisoners of war.

DEFENDANT: OKA, Takasumi

7/21/47

for use only
sent further for
delivery

TO : Frank S. Tavenner, Jr.
FROM : Wiley and Cole
SUBJECT: Statement of Prosecution's evidence as to
OKA, Takasumi

The Indictment charges the defendant with the following violations:

Group 1 -- Crimes against peace

Counts 1 to 34 inclusive excepting
therefrom Counts 19, 25, 26 and 33.

Group 2 -- Murder

Counts 37 to 44 inclusive.

Group 3 -- Conventional War Crimes and Crimes
Against Humanity

Counts 53 to 55 inclusive.

The defendant's argument for dismissal:

The defendant contends that the Prosecution's contentions concerning OKA is that he acted in no other capacity, other than regard to his duties in the Navy of Japan. The Navy as late as the 3rd KONOYE Cabinet remained adamant that war should be avoided - wanted negotiations to continue but would comply with the decisions of the Prime Minister and Foreign Minister.

The Defense contends that there is no evidence that OKA voiced or expressed any opinion at any conferences or any meetings -- he acted as a Secretary or Liaison Officer and as such, was not a participating or responsible member. At no time did OKA command functions empowering him to issue orders respecting treatment of prisoners of war other than draft notes addressed to protesting powers and that he had no knowledge of mistreatment of prisoners of war.

DEFENDANT: OKA, Takasumi (cont'd)

Reply of Prosecution to the Motion to Dismiss:

The Prosecution contends that because of the various positions of importance held by OKA, he was in attendance at liaison and other conference meetings; that he should be held. He was present at these meetings to do TOJO's bidding for the Navy.

Assuming he had no voice at these meetings, this is of little importance because the proceedings were always unanimous. The important thing is that he was well informed as to the policies to follow and helped in shaping them.

Protests from protecting powers as to prisoners of war were sometimes directed to the Vice Minister (OKA); shows that the Navy's policies were to wantonly put to death all prisoners of war.

FACTUAL STATEMENT

(NOTE: In preparing the statement we have put OKA's activities in three time classifications:

1. That time elapsing between graduation from the Naval Academy to October 15, 1923, being the date of his first appointment as a staff officer.
2. From that date to October 15, 1940, being the date of his appointment as chief of Naval Affairs Bureau.
3. From that date, October 15, 1940, till the end of the war.)

FIRST PERIOD - To October 15, 1923

OKA is now 57 years of age. At the time of his arrest he was a bachelor, living alone in Yokohama. He was graduated from the Naval Academy on July 18, 1911, and considered as better than the average student. His progress through the various appointments to Navy officialdom progressed normally. Up to 1923 he was at sea most of the time and on one occasion traveled to Australia. During this period he attended various technical schools specializing in submarine construction and that type of naval warfare. He also acted at various times as instructor at various schools on naval matters. (See Exh 120, Record 761)

SECOND PERIOD - To October 15, 1940

In October, 1923, after graduating from naval college he received his first Navy General Staff appointment. In December of that year, he was appointed Lt. Commander. In May, 1924, he received the assignment of Resident Officer in France, and in July of 1925 was a member of the Executive Committee of the peace treaty, and in that month he also received another appointment to the Navy General Staff. In 1927 he received an advancement in the Navy General Staff and was made a member of the Naval Technical Council and instructor in the Navy Military College.

In December, 1928, he was appointed Commander, and in October of 1931 he again received an advancement in the Navy General Staff and received a decoration for his services at the London Naval Treaty. He was appointed a representative of the General Disarmament Conference in Geneva, and in November of 1933 he was appointed a Captain and appointed as a "follower to a Naval representative at the Consultative Committee concerning military, naval and air forces problems in the League of Nations" receiving at this time another advancement in the Navy General Staff. In December of that year he was appointed observer in the Navy General Staff and an observer for the Navy Ministry. (Exh 120, Record 761)

FACTUAL STATEMENT (cont'd)

Up to October 15, 1940, OKA held at least six Naval staff appointments. In addition to this he received the following cabinet appointments which kept him in touch with governmental activities outside of Naval Staff duties. These duties were performed while at home and in China and Manchuria. He was a member of the Committee in the Information Bureau of the Cabinet; he was in charge of the Secretariat of the 2nd and 3rd Committees; he was secretary of the Bureau of Manchurian Affairs; he was a reserve member of the ordinary Civil Service Limitation Committee; secretary of the Foreign Enterprise Investigation Committee; supporter to the Organizing Committee of the North China Development Co. and of the Central China Development Co.; secretary of committee appraising properties invested by the government in North and Central China Development Co.; secretary of the Electrical Communications Committee; secretary of the Connecting Committee of the China Affairs Bureau; secretary of the Overseas Colonization Investigating Council; secretary of the temporary council examining Manchurian colonists. (See Exh 120, Record 761)

While carrying on these various governmental duties, he progressed in Naval circles. In December of 1936 he was made Captain of the warship ZINGEI, and a year later was appointed observer in the Navy General Staff and observer in the Navy Ministry. On January 15, 1938, he was appointed Chief of No. 1 Section, Bureau of Naval Affairs. On January 19, 1939, he was appointed Government Commissioner on matters related to the Navy Ministry in the 74th Session of the Diet.

On October 15, 1940, he was appointed Chief of the Bureau of Naval Affairs which he held throughout the 2nd and 3rd KONOYE Cabinet, TOJO's Cabinet and part of KOISO's. From October 15, 1940, to July 30, 1944, this appointment brought him for the first time a position of high rank and responsibility.

OKA was well fitted for this new position because not only of his background in Naval affairs, but because of his experience in the positions he held in Chinese and Manchurian affairs. See "Law Concerning North China Development Co. and Central China Promotion Limited", (Exh 459, Record 7739), also the address of Prince KONOYE (Exh 460, Record 7740), and of the secretariats he held, with Manchurian Affairs Bureau Overseas Colonization Investigating Council, member of the Appraisal Committee of Properties invested by the government in North and Central China Development Cos. (Exh 120, Record 671). Although the Record does not list the names of those in attendance at the Imperial Conference on January 11, 1938, a conference at which the basic policies on the disposition of the China Incident were decided, at the Imperial Conference of September 26, 1940, at which the conditions of the Tri-Partite Pact was concluded (Exh 463-A), it can be assumed that OKA was in attendance at these meetings because of his knowledge of Chinese and Manchurian affairs. His position with the Imperial General Headquarters (IGH) informed him of the situation concerning Burma-Siam Railroad (Exh 475, Record 5513) in connection with the Anti-Comintern Pact of

FACTUAL STATEMENT (cont'd)

January 21, 1938; OKA was a member of the Committee in the Information Bureau of the Cabinet (Record 4900). It was in the 2nd KONOYE Cabinet in September, 1940, that he was promoted to Rear Admiral and made a member of the Navy General Imperial Headquarters.

OKA's policies during this 2nd period could be summarized as follows: He did a good job for those to whom he was responsible. He was considered a "yes man" for the Navy Department and answered to their bidding. It was at this time that TOJO's plans were commencing to take root and a man with influence from the Navy Department was needed for TOJO.

THIRD PERIOD

Although OKA was not a member of a Cabinet nor did he hold any other positions where his vote was instrumental in making decisions, however, he did play a very important part in the making of future policies. He continuously popped up in attendance after January, 1941, at various meetings of the Imperial Conferences, Liaison Conferences, Privy Council and Cabinet Meetings. He was in attendance at all of the Imperial Conference meetings during the year 1941 as Director of Naval Affairs Bureau. The conference of July 2 (see Doc. 0004, p. 10) held principally to talk over the Japanese-American negotiations and the present conditions of war in China. The conference of September 6, 1941 (see Doc. 0004, p. 13) held principally for the purpose of talking over diplomatic relations between Japan and America, Britain and Netherlands. It was here decided that if the present plans of the Japanese had no hope of fulfillment by the first part of October (Oct. 10 the latest), it was determined to wage war on the United States, Britain and Netherlands. TOJO, in his interrogatory, stated that this meeting was called to decide the question of what the national policy should be. Conference of November 5, 1941; in a communication sent to NOMURA, statement was made that this would be the last effort to improve diplomatic relations. Also decided to send KURUSU to the United States (see Doc. 0004, p. 18). Conference of December 1, 1941; the decision was to declare war on the United States, Britain and Netherlands (see Doc. 0004, p. 23).

He was in regular attendance at the various Liaison Conferences. The Liaison Conference of September 19, 1940 (Exh 541, Record 6307) does not mention the names of anyone present, but because of the high position he held it could be assumed that he was in attendance at this particular meeting. The decision of the meeting was to strengthen the Tri-Partite Pact.

During the Liaison Conferences in 1941 and from January 13 to July 21, 1941 (Exh 1103, Record 1057), the records of these conferences are complete as to attendance. There were 31 conferences held during that time and OKA attended all but 7.

FACTUAL STATEMENT (cont'd)

Record of attendance in the above conferences were published, but from July 21, 1941, till the declaration of war there is no record of attendance at these meetings. There were nine meetings during this period at which it could be assumed because of his regular attendance at previous meetings that OKA was in attendance. ✓

He attended the Privy Council meeting on 28 July 1941, where protocol between France and Japan was discussed regarding military cooperation. It was decided that clarification would be made to show that occupation of French Indo-China was in agreement with France and not by force, so that the United States would understand. Of course, this had in fact been brought about by pressure on the Vichy Government through German aid. The second meeting was held and agreement with France approved for military cooperation, air fields and naval bases, quartering of troops in French Indo-China and freedom of movement. (Exh 650, Record 7079)

On 14 October 1941, after a Cabinet Meeting which produced a deadlock, MUTO offered to give way if the Navy would come out definitely against war. OKA for the Navy refused to do this and left it to KONOYE, but TOJO and MUTO would not accept. (Record 10258-63) (Exh 1148). If he had declared opposition it seems the war would not have broken out. ✓

At 7:30 a.m. on 8 December 1941 he attended investigation committee of Privy Council where SHIMADA reported on the starting of war against the United States. At this meeting, TOJO said that "since the first of December negotiations were continued merely for the sake of strategy." (Exh 1241, Record 10690)

On 10 December 1941 he attended a meeting of the Investigation Committee of the Privy Council where agreement with Germany as to no separate peace was discussed. (Exh 1266, Record 11304)

On October 20, 1942, he attended a meeting of the Privy Council where the formation of the Greater East Asia Ministry was discussed, and another meeting on the 21st of October 1942. (Exh 687, Record 12070)

On 18 August 1943 he attended a meeting of the Investigation Committee of the Privy Council in connection with the Japanese-Thailand Treaty where the annexation of the Shan States by Thailand was discussed. At this meeting TOJO stated that Japan would recognize International Law as long as the enemy did so but would interpret it from the viewpoint of war according to her own opinions. (Exh 1275, Record 11364)

When the TOJO Cabinet was tottering in July, 1944, it was OKA and SATO who tried to save it, by inducing YONAI and others to join and bolster it up. (Exhs 1277-8)

FACTUAL STATEMENT (cont'd)

Record page 14,980-1 and Exhibit 2036-B show that the Military (or Naval) Affairs Bureau of the Navy Ministry was responsible for matters concerning POW and its functions were parallel to those of the Military Affairs Bureau of the War Ministry.

The testimony of SUZUKI, Todakatsu (Exhs 2170, 2173 and 2174, Record 15,506-533), show that copies of protests from the protecting power regarding treatment of POW were customarily sent to the Navy Ministry and sometimes addressed to the Vice Minister of the Navy, sometimes to the Minister of the Navy and sometimes to the Chief of the Naval Affairs Bureau.

Exhibits 2022, 2023, 2025-A and 2026 are protests from the protecting power regarding mistreatment of POW.

On 7 October 1943, Rear Admiral SAKAIBARA ordered the execution of 96 American POW on Wake Island (Exh 3036-A, Record 15,046). In October, 1943, Vice Admiral ABE received a report from Admiral SAKAIBARA of the death of the 96 POW at Wake Island (Record 15,025).

Captain OBARA testified that Vice Admiral ABE on October 10, 1942, gave him the following direction: "In accordance with a directive received from Central Headquarters, it has been decided to execute the Makin prisoners here and not send them back to Japan. You will take charge of carrying out this /execution/." (Record 15,019)

Vice Admiral ABE testified that he ordered the execution of nine American POW from Makin at Kwajelein in October 1942 as a result of a visit from Lt. Commander OKADA of the General Staff in Tokyo, "who told me not to ship POW back to Japan, but dispose of them on the spot, which I judged to be the Navy's policy." (Record 15,028)

Vice Admiral ABE further stated as to the nine American POW, "a directive was issued to me from the highest Navy Central HQ to dispose of them on my island." (Record 15,030)

During 1943-1944, the crews of the British ships "Daisy Moller," "British Chivalry," "Sutley," "Ascot," and "Nancy Moller," were destroyed. (Exh 2092, Record 15,154)

On 2 July 1944 the crew of the "Jean Nicolet" was destroyed. (Record 15,109, 15,126)

On 29 October 1944 the crew of the "John A. Johnson" was destroyed. (Record 15,148, 15,150)

FACTUAL STATEMENT (cont'd)

Record 15,186 shows OSHIMA's talk with RIBBENTROP re submarine warfare, Germany sent two submarines to Japanese and RIBBENTROP talked about failing to rescue survivors of torpedoed merchant ships and German U-Boat Order of September, 1942, that they would not rescue survivors. OSHIMA reported this to Japanese Naval Attache.

The following is a translation of an extract from a Japanese document captured at Kwajelein atoll: "Flagship Hainan Maru at Truk, 20 March 1943, Military, Ultra-Secret (Gunki) Copy 24 of 70 -- 1st Submarine Force Secret Opord #2-43" - "*** do not stop with sinking of enemy ships and cargo; at the same time that you carry out the complete destruction of the crews of the enemy's ships, if possible, seize part of the crew and endeavor to secure information about the enemy." (Exh 2105, Record 15,185)

CURRICULUM VITAE

Transcript page 761
Exhibit Number 120

Personal Record of OKA, Decorations
and other Immaterial Material
Deleted

OKA, Takasumi

DATE OF BIRTH: 11 February 1890

SOCIAL STATUS: Military Class

DOMICILE: Tokyo Prefecture

FORMER SURNAME: BEPPU

1908 Sept 14 Admitted to the Naval Academy as an officer candidate (Naval Academy).

1911 July 18 Awarded diploma from the above academy (Naval Academy); appointed as Naval Cadet (Navy Ministry); assigned to the battleship SOYA (Navy Ministry).

During this lapse of time, OKA spent most of his time at sea. Appointments in the Navy progressed normally. He attended various naval technical schools, did some teaching and later, became a specialist in submarine construction and warfare.

1923 Oct 15 Graduated from Naval College; appointed a member in the Naval General Staff (Navy Ministry).

1923 Dec 1 Appointed as Lt. Commander (Cabinet); discharged from the main office and appointed as instructor in the Naval Submarine School (Navy Ministry).

1924 May 20 Discharged from the main office and appointed a resident officer in France (Navy Ministry).

1925 July 13 Appointed a member of the Executive Committee of Peace Treaty (Cabinet).

1925 July 13 Discharged from the resident officer in France (Navy Ministry); appointed as member in the Naval General Staff (Navy Ministry).

1926 Sept 1 Discharged from both duties and appointed an officer attached to the command of the 1st Submarine Squadron (Navy Ministry).

1926 Dec 1 Discharged from the main office and appointed Captain of class "RO" - 61st submarine (Navy Ministry).

1927 May 20 Discharged from the main duties and appointed an officer attached to Yokosuka Naval District (Navy Ministry).

1927 Nov 15 Appointed staff within the Naval General Staff and also a member of the Naval Technical Council, the Naval Technical Department, as well as an instructor in the Naval Military College (Navy Ministry).

1927 Aug 1 Ordered as reserve personnel (Navy Ministry).

1928 July 17 Appointed as officer to be attached to the inspecting officer especially appointed by the Emperor (Navy Ministry).

1928 Aug 27 Discharged from the office of the inspecting officer (Navy Ministry).

1928 Dec 10 Appointed as Commander (Cabinet).

1931 Oct 10 Appointed as staff member in the Naval General Staff (Navy Ministry).

1931 Oct 31 Bestowed a silver cup for services in the conclusion of the London Naval Treaty.

1932 Oct 25 Appointed as representative to the Plenipotentiary attending to the General Disarmament Conference in Geneva (Cabinet).

1933 Nov 15 Appointed as Captain (Cabinet); Appointed as follower to the Imperial Naval Representative at the Standing Consultative Committee concerning Military, Naval and Airforce Problems in the League of Nations (Not registered in the Gazette).

1933 Nov 15 Appointed a member of the Naval General Staff (Navy Ministry).

1933 Dec 28 Discharged as representative to the Imperial Naval Representative at the Standing Consultative Committee concerning Military, Naval and Air Force Problems in the League of Nations (Cabinet);
Appointed an observer in the Naval General Staff and an observer in the Navy Ministry (Navy Ministry).

1934 Apr 26 Released from the following to the Plenipotentiary attended at the General Disarmament Conference in Geneva (Cabinet).

1936 Dec 1 Appointed Captain of the warship ZINGEI (Navy Ministry).

1937 Dec 1 Appointed an observer in the Naval General Staff and also an observer in the Navy Ministry (Navy Ministry).

1938 Jan 15 Appointed as Chief of No. 1 Section, Bureau of Naval Affairs and also a member of the Naval Technical Council (Navy Ministry).

1938 Jan 18 Appointed as member of the Civil Official Ordinary Disciplinary Committee (Navy Ministry).

1938 Jan 21 Appointed as member of the Committee in the Information Bureau of the Cabinet (Cabinet).

1938 Jan 22 In charge of the Secretary to the Second Committee (Not registered in the Gazette) (Cabinet);
In charge of Secretary of the 3rd Committee (Not registered in the Gazette) (Cabinet)

1938 Jan 25 Appointed as secretary of the Bureau of Manchurian Affairs (Cabinet).

1938 Jan 23 Appointed as reserve member of the Ordinary Civil Service Limitation Committee (War Ministry)

1938 Jan 27 In charge of the secretary of Aviation Enterprise Investigating Committee (Communications Ministry).

1938 Apr 30 Appointed as supporter to the Organizing Committee of the North China Development Co., Ltd, and the Central China Development Co., Ltd. (Not registered in the Gazette) (Cabinet).

1938 May 18 Appointed secretary of the Committee appraising properties invested by the government of the North China Development Co., Ltd., and the Central China Development Co., Ltd. (Cabinet).

1938 Sept 10 Appointed secretary of the Electrical Communication Committee.

1938 Nov 8 Released as supporter of the Organizing Committee of the North China Development Co., Ltd. and the Central China Development Co., Ltd. (Not registered in the Gazette) (Cabinet).

1939 Jan 19 Appointed a government commissioner on matters related to the Navy Ministry in the 74th Session of the Diet (Cabinet).

1939 Feb 21 Appointed Secretary of the Connecting Committee of the China Affairs Bureau (Cabinet).

1939 May 22 Released As Secretary of the 2nd Committee (not registered in the Gazette) (Cabinet).

1939 Aug 2 Appointed Secretary of the Overseas Colonization Investigation Council (Cabinet).

1939 Aug 3 Appointed Secretary of the Temporary Council examining Manchurian Colonists (Cabinet).

1939 Oct 19 Released from member of Committee in the Information Bureau of the Cabinet;
Released from the Secretary of the Electrical Communication Committee;
Released as Secretary of the Temporary Council examining Manchurian Colonists (Cabinet);
Discharged as Secretary of the Overseas Colonization Investigation Council (Cabinet).

1939 Oct 21 Released from duties as Secretary of the Bureau of Manchurian Affairs (Cabinet).

1939 Oct 23 Released from the duties of Secretary to the Committee Appraising Properties invested by the government to the North China Development Co., Ltd. and the Central China Development Co., Ltd.

1939 Oct 23 Released from the duties of secretary in the Connecting Committee, the China Affairs Bureau (Cabinet).

1939 Nov 15 Appointed as Rear Admiral (Not registered in the Gazette) (Cabinet).

1940 Oct 15 Appointed Chief of the Bureau of Naval Affairs, the Navy Ministry and also a member of the Board of Admirals; Discharged from the Naval Staff in the Imperial Headquarters and was appointed member in the Department of Naval Preparedness Examination, the Imperial Headquarters. /T.N. It is stated that Mr. OKA was "discharged from the Naval Staff in the Imperial Headquarters", but there is no statement that he was appointed to this post preceding this date./; Appointed standing follower to the Navy Minister in the Imperial Headquarters (Navy Ministry).

1940 Nov 4 Appointed member of the Celebration Committee in the Cabinet; Ordered the sub-chief of the 4th Reception Department, the Celebration Committee in the Cabinet (Cabinet).

1940 Nov 7 Appointed Councillor to the Bureau of General Affairs, the Commerce and Industry Ministry; Appointed member of the Materials and Resources Utilization Committee (Cabinet).

1940 Nov 8 Appointed Secretary of the National General Mobilization Council; Appointed Secretary of the Scientific Council (Cabinet).

1940 Nov 14 Appointed Member of the Iron Industry Committee (Cabinet).

1940 Nov 21 Appointed Councillor to the Cabinet Planning Board; Appointed member of the Connecting Committee, the Bureau of China Affairs (Cabinet).

1940 Nov 27 Appointed member of the Agriculture and Forestry Planning Committee (Cabinet).

1940 Dec 2 Appointed member of the Central Air Defense Committee.

1940 Dec 7 Appointed Councillor of the Fuel Bureau (Cabinet).

1940 Dec 24 Appointed Government Commissioner on matters related to the Navy Ministry in the 76th Session of the Diet (Cabinet).

1940 Dec 26 Appointed Councillor of the Bureau of Southern Colonization, the Oversea Affairs Ministry (Cabinet).

1941 Jan 13 Released as the Councillor of the Commerce and Industry Ministry (Cabinet).

1941 Jan 17 Discharged from the duties as Secretary of the Scientific Council;
Discharged from the duties of member to the Materials and Resources Utilization Committee (Cabinet).

1941 Jan 18 Appointed Councillor of the Bureau of Manchurian Affairs; Released from the duties of Secretary to the National General Mobilization Council (Cabinet).

1941 Jan 22 Released from the duties as member of the Agriculture and Forestry Planning Committee (Cabinet).

1941 Feb 6 Appointed follower to the Imperial Commissioner arbitrating the dispute on the border of Siam and Indo-China (Cabinet).

1941 Jan 23 Appointed Imperial Member in German-Italian-Japanese Mixed Experts Committee held in Tokyo (Cabinet).

1941 Feb 18 Discharged from the Councillor of the Fuel Bureau (Cabinet).

1941 Nov 15 Appointed Government Commissioner on matters related to the Naval Ministry in the 77th Session of the Diet (Cabinet).

1941 Dec 15 Appointed Government Commissioner on matters related to the Navy Ministry in the 78th Session of the Diet (Cabinet).

1941 Dec 17 Appointed Councillor of the Higher Prize Court (Cabinet).

1941 Dec 25 Appointed Government Commissioner on matters related to the Navy Ministry in the 79th Session of the Diet (Cabinet).

1941 Dec 26 Appointed Councillor in the Bureau of General Affairs, the Agriculture and Forestry Ministry (Cabinet).

1941 Dec 29 Appointed member of the Committee Managing Enemy Property (Cabinet).

1942 Feb 21 Appointed secretary of the Great East Asia Construction Council (Cabinet).

1941 Dec 9 Appointed Chief of the Department of Southern Administrative Affairs (Home Ministry).

1942 Mar 17 Appointed member of the Organizing Committee of the Southern Development Bank (Cabinet).

1942 Mar 17 Appointed Councillor of the Air Defense Bureau, the Home Ministry (The Bureau was abolished according to the Imperial Ordinance No. 804 in 1943) (Cabinet).

1942 Apr 2 Released from the duties as member of the Organizing Committee of the Southern Development Bank (Cabinet).

1942 May 26 Appointed Government Commissioner on matters related to the Navy Ministry in the 80th Session of the Diet (Cabinet).

1942 Nov 1 Appointed Member of the Connecting Committee of the Great East Asia Ministry (Cabinet).

1942 Nov 21 Appointed as member of the Connecting Committee, the Home Ministry (Cabinet).

1942 Dec 22 Appointed as Member of the Committee training essential personnel for the Great East Asia (Cabinet).

1942 Dec 24 Appointed as Government Commissioner on matters related to the Navy Ministry in the 81st Session of the Diet (Cabinet).

1942 Dec 10 In charge of members of the Temporary Production Increasing Committee (Not registered in the Gazette).

1943 June 15 Appointed as Government Commissioner on matters related to the Navy Ministry in the 82nd Session of the Diet (Cabinet).

1943 July 22 Appointed as member of the Committee judging specially recovered copper articles (Cabinet).

1943 Aug 4 Appointed as Councillor of the Race Research Institute (Cabinet).

1943 Sept 6 Appointed as Investigator in the Cabinet Planning Board as an additional post;
Raised to the First Class Imperial Appointee (Cabinet);
Appointed as officer attached to the Secretariat's General Affairs Chamber, attached to the President of the Cabinet Planning Board (Cabinet).

1943 Sept 7 Appointed as a follower to the Administrative Inspector FUJIWARA (Cabinet).

1943 Oct 25 Appointed as government commissioner on matters related to the Navy Ministry in the 83rd Session of the Diet (Cabinet).

1943 Oct 29 Released from following to the Administrative Inspector (Cabinet).

1943 Oct 30 Released from additional office.

1943 Dec 22 Appointed as Councillor in the Bureau of General Affairs, the Agriculture and Commerce Ministry (Cabinet).

1943 Dec 24 Appointed as government commissioner on matters related to the Navy Ministry in the 84th Session of the Diet (Cabinet).

1943 Dec 29 Appointed as War Supplies Officer in the War Supplies Ministry as an additional post (Cabinet).

1943 Dec 30 Appointed as assistant administrative inspector; Ordered as the assistant follower to the administrative inspector FUJIWARA (Cabinet).

1944 Jan 10 Appointed as Councillor in the Air Defense Headquarters (Cabinet).

1944 Jan 25

Appointed as member of the committee managing enemy property (Cabinet).

1944 Jan 27

Appointed as member of the Religious Culture Policy Committee (Cabinet).

1944 Jan 28

Appointed as member of the Price Council (Cabinet) /Council was abolished according to the Imperial Ordinance No. 114 dated 10 March 1940./

EVIDENCE CHRONOLOGICALLY ARRANGED
INTRODUCED BY THE PROSECUTION
AS TO DEFENDANT OKA

| Transcript Page | Exhibit Number | |
|--------------------|-------------------|--|
| 2006 | | Witness TANAKA stated that in 1931 OKA was Commander in Navy (October 10, Navy General Staff). |
| 8296 | | Liebert stated that on June 4, the first KONOYE Cabinet took office (6-4-37), that OKA was Captain of the Warship ZENGEI. |
| 9614 | 1002 | OKA decorated with First Class Order of Golden Kite, the highest military decoration. |
| 7739 | 459 | Law concerning the North China and Development Co., Ltd., and the Central China Promotion Limited, Tokyo Gazette August 1938. (OKA was member of organizing committee). |
| 7740 | 460 | Radio Address of Prince KONOYE and the Program of Economic Development of China, Tokyo Gazette, December 1938 - referring to the part played by the North China and Central Development Companies. |
| 5267 | 461 | Part II of the Program for Economic Development of China. |
| 5513 | 475 | Report of Japanese Government on Burma-Siam Railway refers to Imperial General Headquarters (I.G.H.) orders. OKA was a member of the I.G.H. |
| 5900 5904 | | In connection with Anti-Comintern Pact, OKA was a member of Committee in the Information Bureau of the Cabinet, 21 January 1938. |
| | 43 | The Second KONOYE Cabinet, September 1940. OKA was Rear Admiral and Member of the Navy Staff Imperial Headquarters. |
| 6269 6270 | | During the time of 2nd KONOYE Cabinet, when plans for military alliance with Germany were being formulated, OKA was: |

Chief of the Bureau of Naval Affairs
of the Navy Ministry.
Member of the Board of Admirals.
Councillor to the Bureau of General
Affairs.
Secretary to the National General
Mobilization Council.
Councillor to the Cabinet Planning
Board.
Councillor of the Bureau of Southern
Colonization, the Overseas Ministry.

| | | |
|--------------|------|--|
| 6418 6420 | 559 | A memorandum provided for the establishment of a General Commission and two Technical Commissions under the Provisions of Article IV of the Tripartite Pact. OKA was a member of the Commission. |
| 9768 | 1031 | In October 15, 1940, OKA was appointed Chief of General and Military Affairs Bureau of Navy Ministry and Assistant to Navy Minister in Imperial Headquarters and on 8 November Secretary to the National General Mobilization Council. |
| 8447 | 852 | Communication (No. 9)- October 20, 1941, concerning the issue of military notes in foreign denominations bears OKA's name. |
| 1267 | | November 21, 1940, OKA was appointed Councillor to the Cabinet Planning Board. |
| 10057 | 1003 | On January 13, 1941 at a Liaison Conference OKA was in attendance with TOJO and MUTO. |
| 8807 | 865 | On January 23, 1941 MATSUOKA, MUTO and OKA were appointed Japanese members of Joint Japan-Germany-Italy Committee in Tokyo. |
| 11057 | 1103 | January 30, 1941 - Liaison Conference was held in which OKA was in attendance. |
| 11057 | 1103 | February 3, 1941 - Liaison Conference was held in which OKA was in attendance. |
| 9811 | 1046 | This is a telegram from MATSUOKA to SHIGEMITSU 18-2-41, regarding the anxiety felt in Britain with regard to Japan's orientation policy. Craigie queried whether Japan |

Transcript page Exhibit Number

did not expect exorbitant compensation for acting as mediator of the Siam-French Indo-China conflict. On February 6, 1941, OKA was appointed member of Japanese Commission for mediator between Siam and French Indo-China.

| | | |
|-------|------|---|
| 9798 | 1043 | September 13, 1941 - Liaison Conference was held. OKA was in attendance. |
| 11057 | 1103 | Liaison Conference held February 30, 1941. OKA in attendance. |
| 11057 | 1103 | February 23, 1941 - Liaison Conference held. OKA in attendance. |
| 11057 | 1103 | April 10, 1941 - OKA in attendance at Liaison Conference held. |
| 11751 | 1305 | Decision by Imperial Headquarters of April 1941 concerning the aims of the measures to be taken in the South which are to promote the settlement of the China Incident and to extend overall national defensive power in the interests of self-existence and self-defence. The Defendant OKA was a member of this body as is revealed in TOJO's interrogation of 14 March 1946. |
| | | <u>Note:</u> In attendance at above Liaison Conferences were also TOJO, HIRANUMA and MUTO. |
| 11057 | 1103 | May 2, 1941 - Liaison Conference held, OKA in attendance. |
| 11057 | 1103 | May 8, 1941 - Liaison Conference held, OKA in attendance. |
| 11057 | 1103 | May 12, Liaison Conference, OKA in attendance. |
| 11057 | 1103 | May 15, Liaison Conference held, OKA in attendance. |
| 11057 | 1103 | May 22, 1941 - Liaison Conference held, OKA in attendance. |

| Transcript Page | Exhibit Number | |
|-----------------|--------------------|--|
| 11057 | 1103 | May 29, 1941 - Liaison Conference held, OKA in attendance. |
| 11057 | 1103 | June 6, 1941 - Liaison Confernce held, OKA in attendance. |
| 11057 | 1103 | June 11 and 12, 1941 - Liaison Conference held, OKA in attendance. Japan declared its willingness to enter into treaty with the United States at any time for neutralizing Philippine Islands when they became independent. |
| 11057 | 1103 | June 23, 1941 - Liaison Conference held, OKA in attendance. |
| 11753 | 1306 | Liaison Conference of 25 June 1941 decided to accelerate all preparatory measures in Thailand and French Indo-China such as stationing of troops, acquisition of air and navy bases. Diplomatic relations will be opened to accomplish this. Failing that, Japan will obtain her object by arms. |
| 11057 | 1103 | Liaison Conference held on 26, 27 and 28 June. OKA in attendance. |
| 11057 | 1103 | Liaison Conference held 30 June and OKA attended. |
| | | <u>Note:</u> In attendance at above Liaison Conferences were also TOJO, HIRANUMA and MUTO. |
| 6566 | 588 1107 779 | The Imperial Conference of 2 July attended by TOJO, SUZUKI, HIRANUMA and OKA related to Greater East Asia Co-Prosperity Sphere, the disposition of the China Incident and dealt with northern problems. In connection with the situation, Japan will remove all obstacles in attaining this policy. Japan will pursue her schemes against FIC and Thailand, continue negotiations with relevant nations in the south and take measures. While not taking up arms against |

| Transcript Page | Exhibit Number | |
|----------------------|-------------------|--|
| | | the Soviet, Japan will secretly arm and if the war progresses favorably, Japan will take arms to solve the problem. Japan must prevent the United States intervention in the war and if this fails, she will follow the Tripartite Pact deciding independently the time and method. Japan will continue pressure through southern regions to hasten surrender of CHIANG's regime and prepare for war with Britain and the United States. |
| 7069 | 649 | On July 28, OKA, TOJO, MUTO and SUZUKI were present at a Privy Council Meeting. Discussion regarding protocol in France and Japan concerning military cooperation. Clarification to be made that occupation was in agreement with France and not to be executed by force so as to avoid misunderstanding by foreign powers, especially the USA. Currency as at disposal of forces, as provided by French Indo-China will be adequate. |
| 8817 | 588 1107 | The Imperial Conference of September 6 attended by OKA, TOJO, SUZUKI and MUTO. Japan decided to execute her southern advance policy. Japan would therefore complete her preparations by the end of October aimed at war with the United States, Great Britain and the Netherlands. In the meantime, and in pace with this decision, Japan would strive to obtain fulfillment of her demands through diplomatic means. If the negotiations did not lead to success by the beginning of October, Japan would immediately start a war against the United States, Great Britain and the Netherlands. There would be a strong endeavor to check the formation of a Russo-American combined front against Japan. |
| 10258 to 10263 | 1148 | In KIDO's Diary of October 13th, he conferred with SUZUKI. The conclusion was that the Premier should make an effort to promote mutuality with the War and Navy Minister. At a Cabinet meeting on October 14, TOJO maintained the same view. It was a deadlock but leader MUTO for the Army offered to give away if the Navy would come out definitely against war. OKA for the Navy refused to do this and left it to KONOYE and TOJO and MUTO would not accept. |

| Transcript Page | Exhibit Number | |
|--------------------|-------------------|--|
| 10250 | 1148 | <p>This gives the facts pertaining to the resignation of the third KONOYE Cabinet by KONOYE and reviews the various stages of the Japanese-United States negotiations. There was disagreement between the Army and Navy and between TOJO and the Premier. OKA who was in the Naval Officers Bureau stated that with the exception of the Naval General Staff the Navy did not want war. However, in view of the previous approval of the Navy to the decision of Imperial Headquarters, the Navy Minister would like to leave the decision to the Prime Minister.</p> |
| 10291 | 1154 | <p>KIDO's Diary of October 17 that at a ex-Premiers' meeting, it was decided on KIDO's suggestion that he recommend TOJO as the new Premier with the additional position of War Minister.</p> <p>On the 18th day of October, OKA held the following positions: Chief of Bureau of Naval and Military Affairs, Navy Ministry, Assistant to Navy Minister in Imperial Headquarters, Councillor of Bureau of Manchurian Affairs, Imperial member of German-Italy-Japanese Mixed Experts Committee in Tokyo.</p> |
| 10333 | 1169 1107 | <p>The Imperial Conference of 5 November was attended by OKA. Major policy was again decided. It showed that at the Liaison Conference, a decision was made to notify Germany and Italy of Japan's intention to start war against the United States and Britain when the present negotiations with United States break down and war is inevitable. (presumed to be November 25) and as soon as preparations are ready, they will open negotiations for participation by the Axis in the war against the United States and for a no separate peace pact. An advance through Thailand was decided. First, passage of troops to be demanded. If this is refused, they will advance without it, but Japan will</p> |

Transcript
Page

Exhibit
Number

respect Thailand sovereignty (in respect to decision of Liaison Conference of February 1) and will try to turn negotiations to her advantage by suggesting a cession in the future of part of Burma or Malaya, this depending upon Thailand's attitude. Plan for dealing with international settlement made and a decision not to declare war against CHIANG.

6557

585

This exhibit is a document found at the Foreign Ministry giving information as to the national policies agreed on and the decision made at the Imperial Conference 1941. Japan would adhere to the Greater East Asia Co-Prosperity Sphere and would continue the move southward of the China Incident. Japan would continue negotiations with relevant nations for war with Britain and the United States. First she would carry out her scheme against French Indo-China and Thailand and secretly arm against the Soviet while continuing diplomatic negotiations with precautions.

10373

1176

General outline for hastening the conclusion of war against the United States, Britain, Netherlands and Chungking, dated November 12, 1941, provided in essence the plan to be adopted toward foreign powers as already set out in Exhibit 1169 pertaining to Imperial Conference on November 5, 1941.

1506
to
1513
10482
10509

1206-A

1207-A
1202

TOGO in his interrogation states the contents of the final note from Japan to the United States were decided by a series of Liaison Conference on or before 30 November and confirmed by the Cabinet shortly afterwards and that the instructions as to the time of delivery were known to all the members of the Liaison Conferences. TOGO admitted and executed the non-delivery of any warning whatever to Great Britain until after 0700 hours on 8 December when he handed a copy of the note to Ambassador Craigie by saying that he thought Washington would pass it on to London.

Transcript Page Exhibit Number

OKA was in attendance at these Liaison Conferences and Cabinet meetings.

10509

1207-A

Interrogation of TOGO of March 11, 1946, stating that the final note was written by the Foreign Office but responsibility for its composition rests with participating members of the Liaison Conferences and it was reported to the Cabinet without objection. There was an Imperial Conference on December 1st, there was a decision for war but previous to that Conference the main points of the note were reported to the Cabinet. As to the delivery of the note, instructions were sent previously to Washington stating that it was to be delivered at 1 p.m., December 7th, Washington time, to the Secretary of State. The instructions were sent by the Chief of the Cable Section of the Foreign Office and all members of the Liaison Conference knew of the sending of these instructions.

Reference: OKA was a member of the Liaison Conference cited by TOGO as thought to be responsible.

10461

1197-A

Interrogation of NAGANO on March 26, 1946, showing that he had approved attack on Pearl Harbor and the fleets started for Pearl Harbor on November 26th or 27th. On or about November 28th or 29th, a Liaison Conference was held which OKA attended.

10519

588
1107

On December 1, an Imperial Conference was held which decided that since negotiations with the United States regarding the execution of national policy decided on 5 November have failed, Japan will open hostilities against Britain, United States and Netherlands. According to TOJO (see Exhibit 1107) OKA was present.

10520

1209-A

In TOJO's interrogation of February 8, 1946, he states that those who attended the Imperial Conference on December 1st were himself as President of the Privy Council, all or nearly all Cabinet ministers, the two Chiefs of Staff. Also HOSHINO, MUTO and OKA.

| Transcript Page | Exhibit Number | |
|--------------------|-------------------|--|
| 11921 | 909 | "Japan's Decision to Fight." - October 1941. This document states the object of Imperial Headquarters of Army and Navy in setting forth clearly the division of duties and command in joint operations was to promote a maximum display of efficiency, The Defendant OKA was a member of this body as shown in TOJO's interrogation of 14 March 1946. |
| 10690 | 1241 | At an Inquiry Committee meeting of the Privy Council at 7:30 a.m. on December 8, SHIMADA reported on the starting of the war against the United States and England. In answer to a question as to the time of declaration of war, TOJO replied that it will be time as soon as the Imperial sanction is obtained. TOJO also stated that since December 1 negotiations were continued only for the sake of strategy and that Japan would not declare war against Holland in view of future strategic conveniences. At this meeting KAYA said there would be a special emergency war expense account. The Secretary reported that at 8 p.m. on 7 December they were informed at the Premier's residence that the action would began early morning next day and that during the day the declaration of war against the United States and England would be presented for Imperial sanction. OKA attended this meeting. |
| 16122 | 2240 | Interrogation of MUTO which stated that HOSHINO, OKA and himself could be said to have supported the decision of the Liaison Conference to wage war against the U.S. MUTO, TOGO and OKA participated in the drafting of the war declaration. |
| 11304 | 1266 | On December 10 the Investigation Committee of the Privy Council met to discuss the matters of no separate peace. It was queried whether the treaty should not be deferred until Germany and Italy had actually entered the war. TOGO and TOJO answered that it had been arranged with Hitler to |

announce German participation as soon as he signed the agreement and that they could trust the Germans. OKA was present at this meeting.

Note: On the same day a Privy Council meeting was held. OKA did not attend. SHIMADA was present. The discussion included an agreement between Japan, Germany and Italy regarding the waging of a common war against the United States and England and there would be no separate peace and a collaboration for the establishment of the New Order.

16176

2245

May 26, 1942 - Memorandum of transmittal of the report of investigation of the Doolittle flyers sent from NAKAMURA to SUGIYAMA with copies to War Minister, Chief Military Affairs Bureau and Chief of Naval Affairs Bureau OKA. Report concerned the investigation of eight US flyers forced down in Central China. Introduced for purpose to show officials were kept posted as to investigation.

16127

2241

Interrogation of MUTO in which he gave details of the participants (MUTO, OKA and HOSHINO) in the drafting of the Imperial Rescript declaring war.

12070

687

OKA was present at meetings of 20 and 21 October when the Ministry of Greater East Asia was set up to be under the Foreign Ministry. This was established by Imperial Ordinance No. 704 on the 1st of November. See Exhibit 90, Record 5186.

11364

1275

On August 18, 1943 a meeting of the Investigation Committee of the Privy Council was held to discuss the treaty between Japan and Thailand. This provided that Thailand should annex the Shan States from Burma but although this was contrary to international law, Japan would overcome the difficulty by releasing her military occupation and allowing Thailand to annex them.

| Transcript Page | Exhibit Number | |
|--------------------|--------------------------------|---|
| | | TOJO said Japan would recognize international law as long as the enemy did so but would interpret it from the viewpoint of the war according to her own opinion. |
| | | OKA was in attendance at this committee meeting. |
| 11372 | 1277 1278 | On July 17, 1944 an unofficial Senior Statesmen's Council held at HIRANUMA's house to discuss the reorganization of the Cabinet. YONAI who had been asked by OKA and SAITO declined to join the TOJO Cabinet. OKA was in attendance at this meeting. |
| 14980 | 2036-A | Exhibit shows that the military or naval affairs bureau of the Navy Ministry was responsible for matters concerning prisoners-of-war and its functions were parallel to those of the Military Affairs Bureau of the War Ministry. |
| 15506 15533 | 2170 2173 2174 | Exhibits show that copies of protests from the protecting power regarding treatments of POWs were consistently sent to the Navy Ministry and sometimes addressed to the Vice Minister of the Navy, sometimes to the Minister of the Navy and sometimes to the Chief of the Naval Affairs Bureau. |
| | 2022 2032 2025-A 2026 | Exhibits are various protests from the protecting powers regarding mistreatments of prisoners-of-war. |
| 15025 | 3036-A | On October 7, 1943, Rear Admiral SAKAIBARA ordered the execution of 96 American prisoners-of-war on Wake Island. In October of 1943 Vice Admiral ABE received a report from Admiral SAKAIBARA of the death of the 96 POWs at Wake Island. |
| 15028 | | Vice Admiral ABE testified that he ordered the execution of nine American POWs from Makin at Kwajalein in October, 1943 as a result of a visit from Lt. Commander OKADA from the General Staff in Tokyo "who told me not to ship POWs back to Japan but to dispose of them on the spot which I judged to be the Navy's policy." |

| Transcript Page | Exhibit Number | |
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15154

2092

During 1943 and 1944 crews of the British ships, Daisy Moller, British Chivalry, Sutler, Ascot, and Nancy Moller were destroyed.

15109
15126

On 2 July 1944 the crew of the Jean Nicollet was destroyed.

15148

On October 29, 1944 crew of the John A. Johnson was destroyed.

Mr. Satter

The defendant OKA

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

25 April 1947

MEMORANDUM FOR: Commander Cole
Mr. Wiley

FROM : Captain James Robinson
W. M. Edwards
Pedro Lopez

SUBJECT : Cross-examination of Defendant, OKA

1. We suggest that OKA be cross-examined on the following:

a. On pages 7, 8 and 9 of his 30 March 1946 interrogation, OKA stated in effect that the army had more influence than the Navy with the Cabinet, and that he and MUTO were in constant contact with the Foreign Ministry in connection with the drafting of the final Japanese note to the United States. The pertinent portion of that interrogation follows:

Pages 7, 8 and 9, Document #2890 -

Q. As I understand it, Chief of the Military Affairs Bureau is a very powerful position in the Government. Is that right?

A. Yes, it is.

Q. As Chief of the Naval Affairs Bureau your position was comparable in power to the Chief of the Military Affairs Bureau. Is that right?

A. Yes, it was comparable but the work which the Chief of the Military Affairs Bureau did was different - our duties were different.

Q. I understand that your duties would be different but your position as to power was comparable. Is that right?

A. Yes. As you know, the influence the Army had with the Cabinet was stronger than that of the Navy. In this respect, our strength differed.

Q. Akira MUTO was Chief of the Military Affairs Bureau at this time, was he not?


A. Yes, he was.

(Memorandum for Comdr Cole and Mr. Wiley)

- Q. Did not MUTO and you frequently contact the Foreign Office in connection with the drafting of the final notification to the United States?
- A. We didn't have any discussions.
- Q. Did you and MUTO contact the Foreign Office in connection with the drafting of the final notification?
- A. Yes, we did. However, I don't recall the contents of the message.
- Q. With reference to the final note that was delivered in Washington on December 7, 1941, did you have any part in preparation of this note?
- A. I only read it. I did not make any of it up.
- Q. Did you or MUTO make any revisions in the note during the period of drafting it?
- A. I do not know about MUTO but I didn't do anything to it at all.
- Q. When did you first read the note?
- A. I don't remember.
- Q. If Mr. TOGO should say that you and MUTO kept in constant touch with the Foreign Office and took part in revising the note before its final preparation, would you say he was mistaken?
- A. I really am not sure about it. I do admit I went to the Foreign Ministry quite often, also MUTO, but as far as correcting the final draft goes, I do not remember, so what Mr. TOGO says may or may not be true.

Captain James Robinson
W. M. Edwards
Pedro Lopez

By


Pedro Lopez

Higgins

OKA TAKASUMI

ANALYSIS

of the responsibility of the accused arising out of his official position for the facts stated in prosecution's phase " Aggression against the USSR."

Official position
(directly connected with the said phase)

Responsible
for the following facts:

1931 Oct. 10 Staff member of the Naval General Staff.

1938 January 1 Secretary of the Bureau of Manchurian Affairs:

1940 Oct. 15 Chief of the Bureau of Naval Affairs, the Navy Ministry, member of the Board of Admirals.

1940 Nov. 21 Councillor to the Cabinet Planning Board.

1940 Dec.26 Councillor of the Bureau of Southern Colonization, the overseas Affairs Ministry.

1941 Jan.18 Councillor of the Bureau of Manchurian Affairs.

1942 Feb. 21 Secretary of the Great East Asia Construction Council.

1942 Dec.22 Member of the Committee training essential personnel for the Great East Asia

3. Aggressive intentions of the imperialistic clique of Japan in regard to the USSR. (1928- 1945).

5. The seizure of Manchuria and turning it into a military base for an attack on the Soviet Union. Violation of provisions of the Portsmouth Treaty, and of the Peking Convention of 1925. (1931-1945)
C.17 of the Indictment.

29 January 1947

Memo to: Mr. Carlisle Higgins

From : Yale Maxon

Subject: Contention by MUTO, SATO and OKA in their motions for dismissal that they were, in effect, mere secretaries.

1. Counter evidence to the above claim is contained in Kido Diary entry for 11 August 1941, a rechecked copy of which is attached. This has never been offered in evidence.

2. Though it is arguable that the Emperor wished to exclude these individuals because of their non-importance, it is equally arguable and much more probable that the Emperor wished the vital question of war or peace to be discussed and decided at a safe distance from the fanatical exponents of expansion at any price. Why else could he not ask questions until he fully understood?

3. Perhaps it may be desired to introduce this evidence at a later stage in the trial when Kido is on the stand.

Yale Maxon

Copies to:

Capt. Robinson
Mr. Comyns-Carr
Mr. Hornane
Mr. Horwitz

August 11th, Monday, fine.

At 9:30 a.m., exchanged betrothal presents for the marriage-engagement of Takasumi and Nobuko. All the members of White Chrysanthemum Club came for congratulations.

At 10:30 went to the office.

From 10:40 until 11:40 was received in audience. Being very much worried over recent relations between Japan and the United States, the Emperor spoke to me to the following effect:

"If the conference with the President which the Premier reported to the Emperor the other day should be successful there will be nothing to worry about. But in case the United States does not accept Japan's proposals in a simple and straightforward manner, I think we must make a very serious decision.

"Previous Imperial Councils have been extremely formal, but this time I want to ask questions until I fully understand. So I suggest that it be made up for the most part of the following people and that administrative personnel such as the Chiefs of the Military Affairs Bureaus be not included: the Prime Minister, the Foreign Minister, the Finance Minister, the Ministers of the Army and the Navy, the President of the Planning Board, the Chiefs of the Army General Staff, and the Chief of the Navy General Staff. We had better add the three Gensui /Field-Marshal or Fleet Admirals/.

"Please talk over these points with the Premier too."

The above was what I was told.

At 3 p.m. Marchioness Komatsu came to see me with Nobuko and I had

a talk with them.

Invited Mr. Hiromichi for supper and we dined together.

Mr. Higgins

OKA, Takasumi

The following is a list of references to the Defendant
OKA in the Narrative Summary of the Record:

Page

Reference

BIOGRAPHY:

From 10 Oct 1931 to 25 Oct 1932, OKA was a Staff Member,
Naval General Staff.

From 15 Nov 1933, OKA was appointed a member of the
Naval General Staff.

On 29 Apr 1934, OKA was decorated for his services in
the Manchurian Incident.

From 15 Jan 1934 to 19 Oct 1934, OKA was a Member of the
Information Board.

From 25 Jan 1938 to 21 Oct 1939, OKA was Secretary of
Bureau of Manchurian Affairs.

From 30 Apr 1938 to 8 Nov 1939, OKA was a member of Organizing
Committee of North China Development Company and Central
China Development Company.

748

Exhibit 459: Law concerning the North China and Develop-
ment Co., Ltd., and the Central China Promotion Limited,
Tokyo Gazette Aug 1938. (OKA was member of organizing
committee).

748

Exhibit 460: Radio Address of Prince KONOYE and the Program
of Economic Development of China, Tokyo Gazette, Dec 1938 -
referring to the part played by the North China and Central
Development Companies.

OKA, Takasumi (Con't)

| <u>Page</u> | <u>Reference</u> |
|-------------|---|
| 752 | Exhibit 461: Part II of the Program for Economic Development of China. |
| 797 | Exhibit 475: Report of Japanese Government on Burmese Railway refers to Imperial General Headquarters (I.G.H) orders. OKA was a member of the I.G.H. |
| 857 | In connection with Anti-Comintern Pact, OKA was a member of Committee in the Information Bureau of the Cabinet, 21 Jan 1938. |
| 920 | During the time of 2nd KONOYE Cabinet, when plans for military alliance with Germany were being formulated, OKA was:-- Chief of the Bureau of Naval Affairs of the Navy Ministry. Member of the Board of Admirals Councillor to the Bureau of General Affairs Secretary of the National General Mobilization Council Councillor to the Cabinet Planning Board Councillor of the Bureau of Southern Colonization, the Overseas Ministry. |
| 950 | Exhibit 559: A memorandum provided for the establishment of a General Commission and two Technical Commissions under the Provisions of Article IV of the Tri-Partite Pact. OKA was a member of the Commission. |
| | <u>BIOGRAPHY:</u> 1 Nov 1942 to Surrender, OKA was a Vice Admiral. On 6 Sep 1943, OKA was appointed Investigator and Officer to Cabinet Planning Board. Exhibit 102 states that OKA was Vice Navy Minister from 18 Jul 1944 to 5 Aug 1945 (Exh 102 is unreliable). |
| 1245 | Exhibit 852: Communication (No. 9) concerning issue of military notes in foreign denominations bears OKA's name. |