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Def. Doc. # 1675 INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST No. I THE UNITED STATES OF AMERICA, et-al ARAKI, Sadao, et al AFFIDAVIT OF HEINRICH STAHMER, FORMER GERMAN AMBASSADOR TO CHINA (NANKING) AND JAPAN I. BACKGROUND I. Heinrich STAHMER, being just sworn on oath, do hereby depose and say: I was corn in Hamburg. Germany, on 3 May 1892. I entered the army in September 1911 as Ensign and became an officer in February 1919. After the war I left the service and became a businessmen. In that capacity I was a director in two German industrial companies of the electric branch. I was a member of the National Socialistic Porty since 1932, but having been a freemason, with out any possibility of a party career. In June 1935 Ribbentrop, at that time imbassador at large, engaged me as an employee of the German Government. Some time after entering upon my duties in the office of Rabbentrop, I received a delegation of British ex-servicemen, the first group of this kind to visit Germany. About a month later I as appointed the official representative of the German Ex-Servicemen's Organization in their relations to the similar organizations in foreign countries. I organized a central office of the different German ex-servicemen's groups after receiving a special appointment from Ribbentrop, and began to work with representatives of other nations, especially in England and France. The purpose of this move was to maintain peace and the organization was regarded by the German Government as of foremost importance. In the two following years I visited England, France, Italy, Hungary, and other countries of Europe and came in close contact with the leaders of the foreign ex-servicemen's organizations. In the latter part of 1936 at a meeting held in Rome, the representatives of the respective organizations unanimously accepted my proposal for the formation of an international organization of ex-servicemen, which was called, "Permanent International Committee of Ex-Servicemen". In February 1937, I organized the first international congress of ex-servicemen in Berlin. This grew to be a very successful meeting. Members of the International Committee of Ex-Servicemen included organizations of Germany, United States, Great Britain and the Commonwealth, France, Belgium, Italy, Austria, Czechoslovakia, Yugoslavia, Roumania, Greece, Bulgaria, Poland and other nations totaling 15 or 16 members in all.

Def. Doc. # 1675 Occasionally the Ambassadors had been summoned at any hour of the day or night, specifically, shortly before important events. These meetings, as far as I know, were always between Ribbentrop and the concerned Ambassador alone. 3. PARTICIPATION IN 1938-39 NEGOTIATIONS On account of my function as mentioned above I participated from time to time in the German-Japanese negotiations for a consultation and assistance Pact which took place in Berlin in 1938 and 1939. In 1938 the situation in Europe was getting rather tense for Germany after the sensation caused by the "Anschluss" of Austria, while Japan was in a difficult position as a result of the "China Incident". (These circumstances caused the two countries to consider the strengthening of the ties existing between Germany, Japan and Italy since the inti-Comintern Pact of 1936 and 1937.) The proposed treaty the negotiating powers had in mind in 1938 and 1939 was of a purely defensive nature, and I can definitely say that, although military matters were talked about during the negotiations, none of the three powers contemplated war or aggression. Their only purpose was to create a political instrument in order to strengthen their respective It is suggested that the negotiations were secret and I might say that all preliminary negotiations are always most secret; it is necessary in international relations. The negotiations progressed at first smoothly, and a rough draft of a defensive agreement was drawn up between Germany and Japan in the last part of 1938. Italy declared her willingness to join at the beginning of 1939. As far as I remember, it was a draft of a defensive pact of mutual consultation and assistance between Germany, Italy and Japan against a possible aggression of third powers. However, towards the end of 1938 and especially after the change of the Japanese Cabinet from Konoye to Hiranuma at the beginning of 1939, Japan was slowing down the negotiations and Germany got the impression that the administration in Japan was not seriously interested in a closer relation with Germany and Italy. A deadlock developed over the interpretation of Article III, which provided mutual help and assistance in case one of the signatories became the object of an unprovoked attack by a power or powers not party to this Pact. Japan wanted to have a written assurance from her partners' that Japan would virtually be exempted from this obligation in case Germany and/or Italy were attacked by a power (or powers) other than Soviet Russia (mainly Britain and France). Germany and Italy reflused to give any written assurance as they feared the leakage and the consequent weakening of the political effect of the Pact, although they declared that they fully understood Japan's difficulties and would not request impossibilities of her.

Def. Doc. # 1675 After the end of March, 1939, negotiations continued; but the cables from Tokyo arrived only in long intervals and it seemed no doubt that the new government in Japan had definitely changed its ideas about the aims of the planned treaty. While the negotiations were thus deadlocked, the general political situation for Germany grew more and more tense. Ribbentrop therefore took the opportunity of the presence of Ambassador Oshima and Shiratori at Hitler's 50th bithday party on 20 April 1939, to tell them quite frankly that he was not very optimistic concerning the conclusion of the above mentioned agreement; that, as Germany wished under all circumstances to maintain most friendly relations with Japan, he felt himself obliged to inform themconfidentially that under the then prevailing conditions Germany might feel herself forced to approach U.S.S.R. with the aim of concluding a non-aggression pact; he assured them, however, that nothing yet has been done heretofore. In order to find a way out of the deadlock, in May and June 1939 some officials of the Japanese Embassy in Berlin had several conversations with the Undersecretary of State D. Gauss, who was the legal expert of the German Foreign Office; but without success on either side. In May 1939 the Japanese Prime Minister Hiranuma sent a sort of message to Hitler and Mussolini, in which as far as I remember he manifested his good will to come to an understanding, but there were practically no consequences. Nevertheless, I did not hear that either the German or the Japanese Government stopped the negotiations till after the conclusion of the German-Russian Non-Aggression Pact, when the Japanese Government at the end of August 1939 filed a formal protest against this pact and declared the end of the negotiations of a Tri-Partite Pact between Japan, Germany and Italy. Although it is the duty of an ambassador to keep his government well informed on all that he does, see, hears and discovers, which might be of interest to his country, there is no duty on the part of the government or foreign office to impart any more information to the ambassador "on the spot" than it desires for him to know. Diplomacy, secrecy and efficiency requires this procedure in International Relations. This is the usual practice as I understand it and I remember, that Ambassador Oshima several times complained to me that he did not get information about the general political situation from his foreign office, nor even answers on several cables. The negotiations were conducted in Berlin between Germany and Japan, and contact with Italy was made mainly by Germany. The German Embassy in Tokyo was not informed for some time; however, when Ambassador Ott asked for information concerning this matter, which came to his attention via the German Military Attache through the Japanese Army General Staff, a telegram was sent to Tokyo informing him only of the general progress of the negotiations. As far as I recollect it was April 1939.

Def. Doc. # 1675 TERMINATION OF GERMAN-JAPANESE RELATIONS, 1939 The negotiations were completely broken off when the hon-aggression pact between Germany and the Soviet Russia was concluded on 23 August 1939. German-Russian negotiations resulting in this Pact were kept secret from the Japanese. When the matter was agreed upon between Germany and Russia. I was ordered by Ribbentrop to go to Ambassador Oshima and tell him the fact. The Ambassador's attitude was perfectly gentlemanlike, but he could not conceal that he was extremely disappointed, and he told me so. The Japanese Government protested vigorously stating that the German-Russian Pact was in contravention of the secret agreement attached to the Anti-Comintern Pact of 1936, and announced the complete break-off of the above mentioned negotiations. The effect of the German-Russian Pact on the German-Japanese relations was more far-reaching than that. Germany tried hard to keep Japan on her side, declaring her unchanged desire to promote the understanding with Japan. However, it was quite obvious to the German Government that the German-Russian Pact offended Japan so much and the Anti-German feelings in Japan were running so high that the relations between Germany and Japan underwent a complete cooling-off. Ambassador Oshima was replaced by Ambassador Kurusu, who was, although well liked, a so-called typical economic Ambassador, and the German Government understood well that this change should have been a symbol of the altered attitude of the Japanese Government, which tried at that time by all means to come to an understanding with the United States of America. 5. VISITS TO TOKYO I visited Japan for the first time in February, 1940, when I accompanied the President of the German Red Cross, the Duke of Koburg, on his visit to the United States. We travelled via Siberia and Japan, staying in Tokyo for four or five days only. On the return journey we touched Japan in May 1940 and stayed in Tokyo about a fortnight. That was my second visit. (The Duke of Koburg's visit to the United States was made in order to thank the American Red Cross for its activities in Poland and Germany during the German-Polish War in 1939, and to return the visits of some prominent members of the American Red Cross to him. No political purpose was hereby pursued.) ... During my stay in Tokyo we made courtesy calls on the Japanese Foreign Office and the Japanese Red Cross. On our way back through Japan the Duke and I delivered a congratulatory message to the Emperor of Japan on the celebration of · the 2600th anniversary of the Dynasty. I met my old friend Oshima and also Shiratori, whom I had met once or twice in Berlin before on social occasions. As far as I remember I saw them twice, once during a dinner in the German Embassy and a second time on occasion of a Japanese lunch in Tokyo, where I do not remember the host. We talked together, but not about political questions. Mr. Oshima

was then in complete retirement and did not take any part in

actual politics to my knowledge.

Def. Doc. # 1675 During my two visits together with the Duke of Koburg I sent one telegram each time to the Foreign Minister or to the Secretary of State in Berlin, wherein I gave a short survey of my impressions of the general political situation. After my return to Germany I made no further verbal or written report to anybody. My third visit to Japan was in the year 1940, when I upon instructions from Ribbentrop, arrived in Tokyo via Siberia on 7 September and stayed there until the beginning of October, 1940. During my stay in Tokyo, I together with Ambassador ett, negotiated with Foreign Minister Matsuoka on the Japanese side the Three Powers Pact. 6. NEGOTIATIONS-TPI PARTITE PACT In July, 1940, in Japan, the Yonai Cabinet was replaced by the Konoye Cabinet as a result of the increasing American pressure. As far as we know, Germany understood at that time the Konoye Cabinet was endeavoring to promote the idea of improving the relations with the United States; however, at the same time it wanted a closer contact with Germany with a view of strengthening Japan's political position in consummating the negotiations with the United States. Accordingly, Foreign Minister Matsuoka began to throw out his feelers very cautiously via the Japanese Ambassador Kurusu in Berlin and the German Ambassador Ott in Tokyo. Incoming telegrams from Ambassador Ott of the German Embassy in Tokyo and verbal information from Ambassador Kurusu in Berlin created a completely confused picture of the Japanese attitude from the viewpoint of the German Government, which eventually could not figure out what the Japanese Government had in mind. In view of the confused picture and under the pressure of time, I was ordered by Ribbentrop to go to Tokyo. Ribbentrop's order included the following main points: (a) To find out the actual intention of the Japanese Government towards Germany; (b) To take up immediately negotiations in presence of Ambassador Ott, should the Japanese show the intention to conclude a new agreement with Germany; (c) To report immediately every detail in case of negotiations, of which every item had to be approved by Berlin before continuing. After arriving in Tokyo on 7 September 1940, I was very cautious about my conduct in accordance with Ribbentrop's instructions. Above all, I avoided to talk to any Japanese other than Foreign Minister Matsuoka on my mission to Japan. I met him first on 9 September 1940, together with Ott, and explained to him the German intention to avoid any further spreading of the war, to keep the United States out of war, and create, if possible, a platform on which peace could be built. I declared further that Germany had no intention to draw Japan in the European war, and was ready, if requested by Japan, to use her good offices in order to promote friendly relations between Japan and Soviet Russia, and to contribute to the settlement of the China Incident.

Def. Doc. # 1675 Matsuoka agreed wholeheartedly. I reported this to Berlin, and received instructions in return from Ribbentrop to begin with the negotiations of an agreement. The negotiations showed quick progress and the Three Powers Pact was signed on 27 September 1940. In the course of the negotiations I had time to get a good personal impression of Minister Matsuoka. He spoke very good English and was very proud of having had an education in the United States. On the first meeting we had he began to talk about half an hour of his life, his career, his connections and his importance and told me himself, which I heard later several times confirmed "I, my, me, myself". He seemed to believe to be just the right man as political leader in this decisive time for Japan and my later private talks with him, when he visited Germany in the next year confirmed this impression. Mr. Oshima had no official position at that time, and no concern with these negotiations as far as I know. During my stay in Tokyo I called on him, because he was an old friend of mine, and met him on several social occasions. However, I neither revealed to him the negotiations for the Three Powers Pact nor asked I for his advice concerning the 7. AMBASSADOR OSHIMA'S RETURN TO GERMANY When Ambassador Oshima came to Germany for the second time as Japanese Ambassador on February 1941, I was again Liaison man between Ribbentrop and Ambassador Oshima. However, as in the previous time, I seldom attended personally the conversations between them. In his conversations with me ambassador Oshima never committed Japan to attack Singapore or U.S.S.R.; I have also no recollection that Ribbentrop ever told me that imbassador Oshima did so in conversation with him. Although I always was on friendly terms with ambassador Oshima during the whole period of my contact with him, he never told me any military plans or revealed me any secrets. Besides, I myself had nothing to do with military matters, these being the task of Generals and ..dmirals, neither did Ribbentrop officially. Ambassador Oshima was amny years in Germany and spoke German well. Being an outspoken personality, he was well liked by the German people generally. 8. FOREIGN MINISTER MATSUOKA'S CONFERENCE WITH HITLER When Foreign Minister Matsuoka visited Germany in March 1941, I was ordered by Ribbentrop one or two days before his arrival to accompany him during his stay in Germany, and travelled with him on his trip in Germany. I was not concerned with the preparation of the program of his trip, which had already been finished by the protocol Chief, Baron Doernburg, when I received the order. Immediately after that I left Berlin by special train and met Minister Matsuoka at Malkinia, a German-Russian border station. I accompanied him to Berlin and was present when he made his first courtesy call on Ribbentrop; however, I was not present at the subsequent political conversations between Foreign Minister Matsuoka and Hitler, Ribbentrop and Goering.

Ambassador Ott had obtained permission to come to Berlin from Tokyo, to be present at the time of Minister Matsuoka's stay in Berlin. He attended some of these meetings.

I went with Minister Matsuoka to Siemens-Schuckert Works in Berlin, which he specialty desired to see. When he left Berlin for Italy, I accompanied him as far as the Italian border, and after he returned from Rome I accompanied him again from Berlin to Malkinia. Personally, I had no political talks with Foreign Minister Matsuoka.

I did not talk at that time with Ribbentrop as to what purpose he was pursuing in his conversations with Foreign Minister Matsuoka, also I never heard from Ribbentrop that that Ribbentrop was always very seclusive and usually talked to one only of what was absolutely necessary for the work of the moment, my personal relation with Ribbentrop was rather strained at that time.

Before the arrival of Foreign Minister Matsuoka in Germany I heard nothing from Ambassador Oshima about the arrangements or the items to be taken up by Minister Matsuoka in Berlin, nor anywishes or ideas which he wanted to convey to Ribbentrop regarding the matter. During Minister Matsuoka's luncheons. I do not believe that Ambassador Oshima at various influence on Minister Matsuoka and I had the feeling that different personal relations were not close, both being very absolutely nothing about Ambassador Oshima.

9. RECORDS KEPT IN GERMAN FOREIGN OFFICE

It was the practice of the German Foreign Office that no stenographic records were taken of the conversations between Hitler and Ribbentrop and the prominent foreign statesmen or ambassadors. Only unofficial minutes were made afterwards either as dictated by Hitler or Ribbentrop or by attending interpretors, mostly by Minister Schmidt. These minutes were, as being unofficial, never handed to the foreign participants of the conversations or shown to them for confirmation.

For internal use these records were only regarded as a sort of aide memoire, but never as documentary proof. I remember, that I was present at one occasion during a reception of foreign ex-servicemen, when Minister Schmidt, who acted as official interpreter wrote down only five or six single words from a discourse of over twenty minutes and them began to translate. Though he had very good memory sometimes arose a difference of opinion between Ribbentrop and Schmidt about what was really said.

Ribbentrop disliked very much that the foreign representatives would make direct contacts with high German officials other than those in the foreign service. I remember several occasions when I was ordered by Ribbentrop to try as politely on account of this outspoken wish of Ribbentrop no official relations whatsoever existed in Germany between the foreign ministries other than the Foreign Office.

11. MELSSADOR STAHMER MOVED TO TOKYO

I was appointed German Ambassador to Japan in December, 1942 and arrived in Tokyo on 28 January 1943. During my personal relations with Foreign Minister Shigemitsu and other officials of the Japanese Foreign Office. The political and the commissions created by the Three Powers Pact was the two or three meetings when I was present I did not hear as well.

Although I was not concerned with military matters, as far as I know there existed between Germany and Japan no military or operational collaboration either. The main reason was, as I believe, the fact that while Germany was engaged in a life and death struggle with U.S.S.R. Japan and remained neutral to the War with the United States the two countries were so far apart and no regular means of communications existed except radio, making the personal traffic almost impossible.

12. ATTITUDE OF AMBASSADOR OSHIMA

During all of my conversations, negotiations and conferences with him, Ambassador Oshima took no positive personal stand on any of the controversial issues which we discussed but reserved his judgment until after he had submitted the matter to his government, unless he had received prior instructions.

In our discussions personal opinions or suggestions would have no bearing, for in diplomacy it is the government speaking and not the individual.

With our checks on information we nearly always knew the attitude of the Japanese Government before we received official communication thru Ambassador Oshima or any other ambassador.

When action was taken in Japan we knew of it at the same time or sooner than Ambassador Oshima or his predecessors or successors. Rarely did we find out anything really new from the ambassador. Hearing it from him merely verified or made official what other sources of information had supplied.

13. CIRCUMSTANCES SURROUNDING APPOINTMENT OF GENERAL OTT AS A BASSADOR

Ambassador v. Dirksen, who was in Tokyo already some years, could not stand the climate, suffering from bronchial asthma, and had asked several times to be transferred. Ott. who was in Tokyo since 1934 and Military Attache in 1935, was very interested to become ambassador. With the assistance of General Keitel and the party-leader in Japan Mr. Hillmann, who worked closely together, he was appointed Ambassador to Tokyo in the beginning of 1938. Ribbentrop, who became Foreign Minister in February, 1938, did not object. On the contrary, he assured Ambassador Ott several times of his full confidence. When the idea of strengthening the relations with Japan came up Ott was ordered to Berlin in the summer of 1938, and in his presence the new course was talked over with Hitler and Ribbentrop. At this occasion Hitler made him a member of the party, which he could not become earlier, being an officer, to whom membership of the party was forbidden. It was expected from the German Ambassador in Tokyo to maintain friendly relations with parties in power, to get a survey of the changing political situation, and to report in this line to the Foreign Office.

14. LACK OF EFFECTIVE COLLABORATION

The greatest efforts in Germany during my time were expended towards the establishment of closest possible ties with England and France. Much more work, money, propaganda, and persons were used in that line. The German-English Society and the German-French Society were always regarded as more important than the correspondent German-Japanese Society. After the failure of the first negotiations with Japan in 1939, Germany and Japan had not proposed any agreements for more than a year, until Japan from her side again began in July, 1940, to take up new diplomatic negotiations.

I cannot see any way where Japan assisted Germany in the war in any way. There was no joint German-Japanese war, in fact there were two wars, a German and a Japanese. This was due to the fact that there existed no joint high command, no plans for teamwork were worked out or even proposed, because there was no connection between the two countries except cables and occasional visits of submarines. For instance there cannot be even the slightest comparison with the excellent teamwork of the Generals Eisenhower and Montgomery in Europe and Africe, and MacArthur and Mountoatten in the Pacific and India. Besides, the Japanese had their own ideas about the Pacific war and never made serious efforts for instance to stop the transport of United States goods to the Soviet Union. Furthermore, the Japanese ideas of an ally were different than that of other countries. When I was in China, even in the official Japanese proclamations the Germans were noted as "friendly neutrals", not as allies.

CONCLUSION

When I was occupied with the negotiations of the German-Italian-Japanese Agreement it was the general idea in 1938 and 1939 to avoid threatening political isolation and to prevent war through forming a defensive alliance, and thereby strengthening the international political situation in general. In 1940, after Germany was already in the war, the idea was to avoid the further outspreading of the war by preventing the United States from entering the war, and to establish a platform for peace. Never have I heard from any side any word about aplan of dominating the world. The claim that the three nations, Germany, Italy and Japan sought to dominate the world through their international relations is absurd.

As I said beforehand, Germany regarded the United States as the predominant nation in the Western Hemisphere and respected her resources and her highly developed industry, and did everything possible to prevent her entry into the war.

Toward the British Commonwealth of Nations there was no real hostile feeling till the outbreak of the war, Germany hoped for years to come to a lasting understanding with England. There was a widespread affection for England and especially for Scotland. Among the countries of the Commonwealth, Germany wanted to keep up friendly relations with Canada, Australia, and New Zeland, recognizing their vast possibilities and the clever way in which the governments helped and guided their agricultural and industrial development.

As far as the Republic of France is concerned, there were many wars between these two countries, but there has never been real hate from the German side. This was especially evident in the connection between the Ex-servicemen of these countries, which were always more cordial between France and Germany as for instance between France and Italy. Besides all cultivated people in Germany respected and admired always the French language and the outstanding performances of French culture, literature and art.

After the attack of the Netherlands, Germany did not want to become in any way a successor of Dutch rights, also not as far as the Dutch possessions were concerned. The maintenance of close economical connections in time of peace were regarded as very important for both countries.

Friendly relations with China had always been traditional in Germany. Therefore, Germany was very much interested in acting as mediator in the China-Japanese affair, which was looked upon as an especially unfavourable development both for China and for Japan. In 1938 the then German Ambassador in China, Mr. Trautmann, tried to help in the outcome of an understanding, and in November, 1940, I negotiated in Berlin with the Chinese Ambassador Chen Chieh. When I had to go to China in 1941 as Ambassador to Nanking, it was always my secret hope that during my time there the unification of China could be perfected, sometimes it seemed not far away.

Def. Doc. # 1675 India always interested Germany very much. Not from the political point of view, but it was hoped to develop economical relations, besides there existed a great interest for Indian philosophies and languages. The Kingdom of Siam was regarded as an Asiatic country, of which the indpendence must be maintained, owing to the geographical situation and tradition of the Kingdom. In regard to the Commonwealth of the Philippines, Gemany favored very much the liberty of this nation. It was always hoped that the economic relations between Germany and the Commonwealth of the Philippines could be considerably enlarged. Many people in Germany and also I personally had since August, 1939, sincerely hoped that a lasting understanding could be reached between Germany and the Soviet Union, and that under completely changed political conditions the traditional friendship of the mineteenth century between these two peoples, which have so much in common, could be renewed. When crossing the German Italian border on the 22nd June, 1941, I heard by radio that Germany had attacked Russia. This was for me the worst surprise in my political career, and I knew that now the fate of Germany was sealed. I considered it most unfortunate that the two greatest nations of Europe could not find a way to avoid war and to live to gether peacefully. Heinrich Stahmer, Sworn to and subscribed by the abovenamed STAHMER, Heinrich, before the undersigned officer at day of