

TRANSLATION BY Ghanna COMPLETED _____

CHECKED BY Suginna COMPLETED Dec. 10

TYPED BY _____ COMPLETED _____

International Military Tribunal for the Far East

The United States of America, et al

— Against —

ARAKI, Sadao, et al

Affidavit (translation)

NISHIO, Toshigo, Affiant

I, NISHIO, Toshigo, having ^{been} duly sworn

according to the customary formality in

this country, depose and state as follows;—

I was born at Tottori City, Tottori

Prefecture, on the 31st ^{of} October, the 14th

year of MEIJI, (1881) and joined

the army in December, the 33rd year
of MEIJI (1900). ^{after} In the 4th year of
SHOWA (1929) I ~~was appointed~~ ^{served as} Brigadier
of the 39th Infantry Brigade, ^{later} Chief of the
~~Investigation of Military Affairs~~ ^{Investigation} Commission
in the War Ministry, Chief of the 4th Depart-
ment of the General Staff Office, Chief of
the Staff of the Kwantung Army (in March
1934), Vice-Chief of the General Staff (in
April 1936), ^{and} Commander of the Imperial
Guard Division (in March 1937) and I
stayed in NORTH CHINA as Commander

of the 2nd Army from September 9 37 to
May 19 38, after ^{that} which I held the offices
of Inspector General of Military Education
and of Supreme War Council, ^{for,} ~~in addition~~
until September 19 39, and of ~~the~~ Com-
mander-in-Chief of the Expeditionary Army
ⁱⁿ to CHINA from October of the same year, ⁽¹⁹³⁹⁾ to
March ¹⁹⁴¹ ~~1937~~, and of Supreme War Council-
for until May 19 43, when I was enrolled
in the reserve army. And I held
the post of Chief of ~~the~~ Tokyo Metropolis
from July, 19 44 to August, 19 45.

As I understand it

"generals who are specially appointed
Supreme War Councillors"; Article 4 of
the Ordinance of ^{the} Supreme War Council
principally apply to ^{generals qualified}
~~were in principle~~ those who were to be
appointed commander-in-chief of an
army during ~~the~~ war-time ⁱⁿ So far as
the Army ^{was} concerned, but those who
served for long years were
sometimes appointed as such,

with the
view of ^{according} treating them ~~with~~ respect,

The ^{Supreme} War Councillors, ^{when} subjected to

~~the~~ Imperial Inquiry to the Supreme War
Council, hold ^{a Council meeting, that is,} a conference of the Supreme War

Councillors and following a resolution,
They had no ^{regular duties} constant business, except,
report ~~it~~ it to the Throne? when they were

appointed by the Imperial order temporarily

as a special inspector, ^{to} ~~who~~ inspect units

and schools, or ^{as} ~~&~~ commander of an

army in special grand ^{maneuvers} ~~manoeuvres~~,

or as Director ^{maneuvers} ~~manoeuvres~~.

Subject matters of Imperial Inquiries

were limited to those relating to military

affairs, and ^{the} Supreme War Councillors

had no authority to ^{participate} concern themselves
ⁱⁿ with such matters as the policies of the
State, or the conclusion of treaties. I
^{recall} remember that the matters which the
Emperor inquired ^{of} the Council throughout
^{the} three ~~years~~ and a half ^{years}, I held
the office of Supreme War Councillor.
were, three counts relating to the revision
or formulation of manuals ^{of the} various forces, that is,
military
education and training books, and
one count relating to the establishment
of ^{an} the Air Inspectorate General.

As these matters had been decided after deliberate consultation among the War Ministry, the ^{Headquarters of the General Staff Office} Staff General, and the ^{the} Office of Inspector General of Military Education, the Supreme War Council meetings did not attempt to amend the measures, though advisory opinions as well as questions were sometimes set forth. At the Council meeting held at the beginning of December, the 16th year of SHOWA (1941), when the Imperial Inquiry concerning the initiation of war was put, there was ^{rally} no room ~~left~~ ^{for the councillors}.

to protest, really, apart from being told
of the resolution of the Authorities of the Army
and the Navy.

Above all, Supreme War Councilors who
were neither Ministers, ^{nor} Chief of the General Staff
were not, ~~in~~ ^{not} in ~~such~~ ^a position as to ^(be able to) participate
and ~~exercise~~ influence over ~~the~~
in important plans of the Authorities of the
Army and Navy ~~(and to exert their influences~~
~~so much as to control them).~~

NISHIO, Toshizō,
Affiant.

SUGAMO Prison,

This 30th day of October, 1946

The Written Oath

I swear according to my conscience

to state the whole truth, concealing ^{nothing}

~~that I know, nor adding ^{and} anything ^{nothing.} that I~~

~~do not know.~~

NISHIO, Toshizo

(Signed and sealed)

I hereby certify that the affiant
swore to and subscribed before me,

SHIOBARA, Tokisaburo,

Witness

(Signed and sealed)

SUGAMO Prison,

This 30th day of October, 1946

Translation Certificate.

Richard S. Yoshino,
I, ~~Charles D. Sheldon, Chief~~ of the Defense Language Branch,
hereby certify that the foregoing translation described in the
above certificate is, to the best of my knowledge and belief,
a correct translation and is as near as possible to the meaning
of the original document.

Tokyo, Japan

Date 7 February 1947

~~Lt. Charles D. Sheldon~~
Sgt. Richard S. Yoshino

Jap. Doc. No. 239

Subject *The Affidavit of T. Nishio.*

Defence Counsel *清瀬先生*

Defendant ~~Atto~~ *東條英機*

Phase

(A) ~~Need not translate~~
As the official translation is attached to this,
it has only to be copied.

(B) Need translated and copy.

1) No translation is attached to this.

2) ~~Translation is attached to for reference.~~

Date

Dec. 6, 1946

Signg. D.C.

J. King

Acc. Dec. No.

宣 誓 書

良心ニ従ヒ眞實ヲ述ヘ何事ヲモ欺秘セズ又何事ヲモ附加セザ
ルコトヲ誓フ

西尾壽造 印

署名捺印

振東國所軍事裁判所

夏米利加合衆國其他

對

夏木貞夫 其他

宣 審 供 述 書

供 述 書^者

西尾壽造

自分供我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通り宣審ヲ爲シ
タル上夫ノ如ク供述致シマス

口供書

私ハ明治十四年十月三日鳥取縣鳥取市ニ生シ明治三十三年三月陸軍ニ入ツタ。昭和四年以來ハ步兵第三十九旅團長、陸軍省軍事調査委員長、參謀本部第四部長、關東軍參謀長(昭和九年三月ヨリ)、參謀次長(昭和十二年四月ヨリ)、近衛師團長(昭和十二年三月ヨリ)ニ歷任シ昭和十二年九月ヨリ同十三年五月マデ第三軍司令官トシテ北支那ニ在ツタ。之ヨリ昭和十四年九月マデハ教育總監兼軍事參議官トシテ同年十月ヨリ昭和十六年三月マデハ支那派遣軍總司令官トシテ在職シ、爾後昭和十八年五月豫備役に命ゼラル、マデ軍事參議官ノ職ニ在ツタ。又昭和十九年七月ヨリ同二十年八月マデ東京都長官ニ在任シタ

2
軍事參議院條例第四條ノ特ニ軍事參議官ニ補セ
ルノ將官ト云フハ陸軍ニ在リテハ戰時軍司令官ト
ナルベキ者ヲ充テラルハ本旨デアツタ併シ多年功勞
アリシ者ヲ優遇スル意味ニ於テ之ニ補セラルハトモアツタ
ト承知シテ居ル

軍事參議官ハ軍事參議院ニ御諮詢アル時始メ
テ參議會即チ軍事參議官ノ會議ヲ開キ議決ヲ
經テ意見ヲ上奏スルコトニナシテ居ル又臨時ニ勅命ニ依
リ特命檢閲使トシテ軍隊學校等ヲ檢閲シ或ハ特別大
演習ニ於テ軍司令官ヲ命ゼラレ又演習ノ統監ヲ命ゼラ
ルコトモアツタガ其他ニ於テハ一定ノ常務ヲ有スルモナラ
御諮詢ノ事項ハ軍事ニ關スルモノニ限テテ居リ國家ノ
政策或ハ條約ノ締結等ノ如キ事項ニ就テハ軍事參議

官何等関與スベキモノデナカッタ、私ノ軍事參議官ト
 之在任中前後ヲ通ジ約三年半ノ間ニ於テ御諮詢
 リシ事項ハ各兵ノ操典類即チ軍隊ノ教育訓練書ノ
 改正若クハ制定ニ関スルモノ三件、航空總監部ノ設置
 ニ関スルモノ一件ヲアツタト記憶ス、是等ノ事項ハ陸軍
 省參謀本部教育總監部ノ間ニ於テ十分協議ヲ盡シ
 決定セシタルモノデ、參議會ニ於テハ實議ノ外或ハ注意的
 意見ノ開陳セラルノ下ハアリシモ議案ニ修正ヲ加ヒトスルカ如
 キコトハナカッタ、昭和十六年十一月初メ行ハラル參議會
 ニ於テハ開戦ニ関スル御諮詢ナリシガ其實情ハ軍當局ノ
 決意ヲ承知シタル外異議ヲ扶ムベキ餘地ハナカッタ
 之ヲ專スルニ大臣、總長ノ如キハ別トシテ其他ノ軍事參
 議官ナルモノハ軍當局ノ重要施策ニ関與シ之ヲ在

外務省

右スルが如キ作用ヲ為シ得ル立場ニハ置カレテナカツタ

昭和二十一年十月三十日

西尾壽造^{ニシ} ^ヲ ^{トシ} ^ザ

立會人 塩原時三郎^シ

外務省

シ

昭和廿四年（一九四六年）十月三十日

於巢鴨杓置所

供述者

西尾 壽造

右ハ當立會人ノ面前ニテ宣誓シ且ツ署名捺印シタルコトヲ證

明シマス

同日

於巢鴨杓置所

立會人

塙五時三郎

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

The United States of America, et al

- against -

IRAKI, Sadao, et al

Affidavit (translation)

NISHIO, Toshio, Affiant

I, NISHIO, Toshio, having been duly sworn according to the customary formality in this country, depose and state as follows;--

I was born at Tottori City, Tottori Prefecture, on the 31st of October, the 14th year of MEIJI, (1891) and joined the Army in December, the 33rd year of MEIJI (1900). After the 4th year of SHOWA (1929) I served as Brigadier of the 39th Infantry Brigade, Chief of the Military Affairs Investigation Commission in the War Ministry, Chief of the 4th Department of the General Staff Office, Chief of Staff of the Kwantung Army (in March 1934), Vice-Chief of the General Staff (in April 1936) and Commander of the Imperial Guard Division (in March 1937) and I stayed in NORTH CHINA as Commander of the 2nd Army from September 1937 to May 1938. After that I held the offices of Inspector General of Military Education and of Supreme War Councillor, until September 1939, and of Commander-in-Chief of the Expeditionary Army in CHINA from October of the same year (1939) to March 1941, and of Supreme War Councillor until May 1943, when I was enrolled in the reserve army. and I hold the post of Chief of Tokyo Metropolis from July, 1944 to August, 1945.

D E F L 50 5 95

As I understand it "generals who are specially appointed Supreme War Council-
lor" Article 4 of the Ordinance of the Supreme War Council principally apply to
those generals who were qualified to be appointed commander-in-chief of an Army
during war-time in so far as the Army was concerned, but those who served for
long years were sometimes appointed as such with the view of according them respect.

The Supreme Councillors, when subjected to an Imperial Inquiry to the Supreme
War Council, held a Council meeting, that is a conference of the Supreme War
Councillor and following a resolution, report it to the Throne. They had no
regular duties, except when appointed by Imperial order temporarily as special
inspector, to inspect units and schools, or as commander an army in special grand
Maneuvers or as Director of Maneuvers. Subject matters of Imperial Inquiries were
limited to those relating to military affairs, and the Supreme War Councillors
had no authority to participate in such matters as the policies of the state, or
the conclusion of treaties. I recall that the matters which the Emperor inquired
of the Council throughout the three and a half years I held the office of Supreme
War Councillor were, three counts relating to the revision or formulation of
manuals of the various forces, that is military education and training books, and
one count relating to the establishment of an Air Inspectorate General.

As these matters had been decided after deliberate consultation among the War
Ministry, the Headquarters of the General Staff and the Office of the Inspector
General of Military Education, the Council meetings did not attempt to amend the
measures, though advisory opinions as well as questions were sometimes set forth.
At the Council meeting held at the beginning of December, the 16th year of Showa
(1941), when the Imperial Inquiry concerning the initiation of war was put, there

D E F D O C N 595

was really no room for the councillors to protest, apart from being told of the resolution of the authorities of the Army and Navy.

Above all, Supreme War Councillors who were neither Ministers nor Chief of the General Staff were not in a position as to be able to participate in and exert influence over the important plans of the authorities of the Army and Navy.

MISHIO, Toshiro

Affiant

SUGAMO Prison,

This 30th day of October, 1946.

D E F D O C W 595

The Written Oath

I Swear according to my conscience to state the whole truth, concerning
nothing and adding nothing.

MISHIO, Toshiro

(Signed and sealed)

I hereby certify that the affiant swore to and subscribed before me.

SHIOBARA, Tokisaburo,

Witness

(Signed and sealed)

SUGANO Prison,

This 30th day of October, 1946.

Translation Certificate.

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

/s/ Sgt. Richard S. Yonchiro

Tokyo, Japan
Date 7, February 1947.