

Interv. To Jo (7 Mar. 46)

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**DEPARTMENT OF THE ARMY**  
**THE ADJUTANT GENERAL'S OFFICE**  
**WASHINGTON**



**DEPARTMENTAL RECORDS BRANCH, T.A.G.O.**



CONTINUED INTERROGATION OF

General Hideki Tojo

Date and Time: 7 March 1946, 1345-1640 hours.

Place : Sugamo Prison, Tokyo, Japan.

Present : General Hideki Tojo  
Mr. John W. Fihelly, Interrogator  
Commander Yale Maxon, USNR, Interpreter  
Miss Myrtle B. Mills, Stenographer

Questions by : Mr. Fihelly.

\* \* \* \* \*

Q Were not the purposes of the Nine-Power Treaty different from those of the New Order in East Asia and the Greater East Asia Co-Prosperity Sphere?

A The main purpose of both was the stabilization of East Asia. In that respect they were the same, I think. We Japanese felt that that was the purpose of the Nine-Power Treaty, but for the fulfillment of this purpose, the ideas of the Europeans and the Americans, on the one hand, and the Japanese on the other, were very very different. If you ask in what respect they were different, I would like to reply by explaining the matter from the point of view of the East Asiatics, since I am an East Asiatic.

Q At this moment, I don't intend to ask the question "why". I wish now to pursue the matter along my own line of interrogation. If you wish to make a supplementary statement later, you may feel free to do so.

A If you wanted to know "why" they were different, I could tell you why, but the big purpose, I think, was the same.

Q In the case of the Nine-Power Treaty, is it not true that there were nine Powers, including Japan, seeking the stabilization of East Asia, whereas in the Greater East Asia Co-Prosperity Sphere and the New Order, there was only Japan and the other countries you have mentioned.

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A Yes. The countries that were included in the Greater East Asia Co-Prosperity Sphere were Japan, China, Manchuria, the Philippines, Thai, and Burma. There is one thing I wish you would notice - that is that the countries did not definitely come into this Greater East Asia Co-Prosperity Sphere until after the outbreak of the Greater East Asia War.

Q Were not the three purposes of the Nine-Power Treaty the stabilization of conditions in the Far East, the safeguarding of the rights and interests of China, and the promotion of friendly intercourse between China and other Powers upon the basis of equality of opportunity?

A Yes, those three were. I think also that respect for the sovereignty and the territorial and administrative integrity of China was very important. That was the primary object, I think.

Q Did not the Nine-Power Treaty specify the manner in which it was to be enforced?

A Minor matters like that are the responsibility of the Foreign Minister. I, as Prime Minister, cannot answer detailed questions of fact on matters of this sort, but I admit that these four points were important parts of the Treaty. Those four points were the frame-work of the Treaty. The manner of carrying it out and other things of the sort were details that were the responsibility of the Foreign Ministry. I want to say just one thing more; Japan carried out faithfully the terms of the Washington Conference treaties. If you request me to, I can give you an example.

Q Why do you say that the other provisions of the Nine-Power Treaty were minor matters?

A Since I was Prime Minister, I had the responsibility for the more important matters only; for the less important matters on down the line, there were others responsible.

Q Do you know what the various articles of the Nine-Power Treaty of 6 February 1922 provided?

A I know what the important ones were. I have them written, here.



Continued

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Q Was it not one of the provisions of the Treaty that the various parties thereto agreed to maintain the principle of equal opportunity for commerce and industry of all nations throughout China?

A Yes. There is something I would like to say on that. Since the Greater East Asia Co-Prosperity Sphere came into being after the Greater East Asia War had broken out, the Nine-Power Treaty no longer was directly relevant. After the war had started, the Nine-Power Treaty was not directly applicable since it was not international law then. It was our duty to uphold international law, but the Nine-Power Treaty was not international law then. /Read back to the witness who agreed as to its correctness./ The matter of equality of opportunity is in the Treaty all right, but, because of the reason that I have stated, the Treaty was not applicable at that time.

Q On entering the war with the United States and Great Britain, and prior to that on entering the war with China, was it not the duty of Japan to respect all principles and provisions of international law?

A Yes, but the Nine-Power Treaty was not international law. Don't make a mistake about that because if you do it will lead to trouble.

Q Who decided for Japan what constituted international law during those periods?

A It is a matter of common sense; also, there were specialists in the Foreign Office who studied those matters.

Q While you were Premier, who decided for the Japanese Government what international law was valid and what was not valid?

A In the Foreign Ministry there was a Treaty Bureau /kyoku/ where specialists studied such subjects.

Q While you were Premier, did Japan respect the provisions of the various Geneva and Hague Conventions?



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- A At the time Japan entered the war, the various treaties and international law that applied were studied by me and were respected by Japan. However, I am not the Foreign Minister and I am not the head of the Treaty Bureau of the Foreign Office. Therefore, I do not know about the details.
- Q But you were responsible, were you not?
- A I was not the Foreign Minister or head of the Treaty Bureau so I cannot remember all of the details.
- Q Before you, as Premier, took any action involving international law or treaties, you had the advice of the Foreign Office and your own researches to go by, had you not?
- A Yes, of course.
- Q Is it your opinion that Japan followed international law or treaties in all respects during the time you were Premier, especially in regard to warfare between Japan and England and America and the fighting between Japan and China?
- A Japan followed international law, of course.
- Q What about international treaties?
- A There are many, you know.
- Q Did Japan follow them?
- A She followed them up to the time of the outbreak of war.
- Q Did Japan follow /sonchō/ international law in all respects during the time you were Premier?
- A Yes, of course she did.
- Q When you were Premier, did you have the advice of the Foreign Office and also your own researches in respect to actions involving treaties?



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A Yes. The Foreign Office was of assistance in study and recommendations in regard to treaty matters. Under the Japanese system, the prime responsibility for advice to the Throne in treaty matters rests with the Foreign Minister. I relied on the Foreign Minister for these matters when they related to my own work.

Q But, as you have stated, you also made a study of the matters involved?

A Foreign matters are properly the province of the Foreign Minister. I, as Prime Minister, received assistance from the Foreign Minister who had that responsibility. Under the Japanese system, each cabinet minister is responsible to the Emperor, but it was my responsibility to coordinate the affairs of the various ministries. After the war began, there was a tremendous amount of coordination to do if victory were to be achieved. Therefore, I had to rely on the various cabinet ministers. Each cabinet minister had the responsibility for the affairs in his ministry, of course, but, naturally, I had the responsibility for coordination.

Q In relation to international treaty matters, while you were Premier, in addition to advice from the Foreign Office, did you not, as far as possible, also study them yourself before taking action?

A I did, but the greater part was based upon the work of the Foreign Office which had the responsibility. This organization in Japan is different from that of your country in that each cabinet minister is responsible for advising the Throne directly on matters within his province.

Q Before you became War Minister or Premier, you had known for many years of the various provisions of the Nine-Power Treaty, had you not?

A Before that I was just an ordinary soldier.

Q Don't ordinary soldiers know about such things?

A No - just what they read in the papers.



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Q Have you not already told us that, from the time of the signing of the Nine-Power Treaty, many people in Japan were dissatisfied with its provisions?

A Yes, I know that. It was out in the papers, but when I spoke to you before of the dissatisfaction in regard to the treaty, I was not speaking from the point of view of my official responsibility but only that there was such a feeling.

Q But this question does not apply to the time when you were Premier or War Minister. Had you not known from the time of the signing of the treaty of its general provisions and purposes?

A I knew of the big matters, such as the naval limitations agreement, the withdrawal of troops from Shantung Province, the restoration of rights in Tsingtao to China, the break up of the Anglo-Japanese alliance, the fortification limitations /bōbi seigen/, and the abrogation of the Ishii-Lansing Agreement, but I did not know of all the small details.

Q Had you not known from the time the Nine-Power Treaty was signed until the time you became War Minister, that, in general, the five following points relating to China were a part of it?

- 1) The stability of the Far East;
- 2) Safeguards for the rights and interests of China;
- 3) Promotion of friendly intercourse between China and the other Powers on the basis of equality of opportunity;
- 4) Maintenance of the sovereignty, independence, and territorial and administrative integrity of China;
- 5) Maintenance of the principle of equal opportunity for commerce and industry of all nations throughout China.

A This is a common sense answer, you know. Generally speaking, I did know about those five points that you have mentioned. I knew about them, not from the point of view of responsibility, but in a common sense way.

Q Was not this point, in substance, a part of the Nine-Power Treaty: That the contracting Powers would refrain from permitting acts which would be harmful to tranquility of friendly countries or from utilizing conditions in China in order to seek special rights which would abridge the rights of citizens of friendly states?



A Yes.

Q Was there not also a point to the effect that no contracting Power would enter into any agreements which would impair the Nine-Power Treaty?

A I don't remember for sure. The Nine-Power Treaty was signed by Japan, and I know that it had to be respected. During the time I was Prime Minister, many treaties were signed, but that was after the war had started. At that time, the Nine-Power Treaty was not applicable. In order to be victorious, many treaties with the Philippines, and so forth, were signed; not only Japan, but England and America also did the same thing. There are many examples of it.

Q Did not the Nine-Power Treaty provide that if, in the future, any problem with regard to it were to arise, there would be a full and frank discussion between the parties concerned?

A I don't remember distinctly. This is the work of the Treaty Bureau. It is the Foreign Minister's work.

Q Was it not your belief, as Premier, at the time of the beginning of the war between Japan and America and England that the Nine-Power Treaty was invalid?

A Do you mean just before the war, or at the time of the war?

Q Both.

A In regard to the time before the war, I had no such idea. We respected the Treaty. After the war had begun, I believe that the Nine-Power Treaty had no direct application.

Q Why, since the Nine-Power Treaty was still valid at that time, was the treaty of November 1940, providing for a New Order in East Asia, signed between Japan, the government of WANG Ching-wei and the government of Manchukuo?



A The reasons for it are in the preface to the Japan-Manchukuo-China Joint Proclamation. I have spoken of it before. At that time, I was not Premier - I was War Minister, but the responsibility for it was that of the Foreign Minister.

Q Is there a single word in that treaty referring to the Nine-Power Treaty?

A I think that I am not the one to answer that. That is the Foreign Minister's business. I was the War Minister.

Q Do you know of any provision, regardless of your responsibility?

A That is a matter involving responsibilities. I am not trying to avoid responsibility, but I don't want to give a vague reply.

Q You have with you a copy of this particular treaty?

A No, I have not.

\* \* \* \* \*



Certificate of Interpreter

I, Yale Maxon, Cmdr., USNR, 11-35-72  
(Name) (Serial Number)

being sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that the above transcription of such questions and answers, consisting of 8 pages, is true and accurate to the best of my knowledge and belief.

Yale Maxon  
Yale Maxon, Cmdr., USNR

Subscribed and sworn to before me this 12 day of August, 1946.

John W. Fihelly  
John W. Fihelly

Duly Detailed Investigating Officer,  
International Prosecution Section, GHQ, SCAP

Certificate of Stenographer

I, Myrtle B. Mills, hereby certify that I acted as stenographer at the interrogation set out above, and that I transcribed the foregoing questions and answers, and that the transcription is true and accurate to the best of my knowledge and belief.

Myrtle B. Mills  
Myrtle B. Mills

Certificate of Interrogator

I, John W. Fihelly, certify that on 7<sup>th</sup>  
day of March, 1946, personally appeared before me TOJO  
Hideki, and according to Commander Yale Maxon, USNR,

Interpreter, gave the foregoing answers to the several questions set forth therein.

John W. Fihelly  
John W. Fihelly

TOKYO  
(Place)

12 August 46  
(Date)



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- Q Do you know what the various articles of the Nine-Power Treaty of 6 February 1922 provided?
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