

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

TOKYO, JAPAN

CASE NO. 1.

THE UNITED STATES OF AMERICA  
THE REPUBLIC OF CHINA  
THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND  
THE UNION OF SOVIET SOCIALIST REPUBLICS  
THE COMMONWEALTH OF AUSTRALIA  
CANADA  
THE REPUBLIC OF FRANCE  
THE KINGDOM OF THE NETHERLANDS  
NEW ZEALAND  
INDIA  
AND THE COMMONWEALTH OF THE PHILIPPINES

-AGAINST-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro;  
HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki;  
HOSEINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori;  
KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki;  
MATSUI, Iwane; MINAMI, Jiro; MUTO, Akira;  
OKA, Takasumi; OSHIMA, Hiroshi; SATO, Kenryo;  
SHIGEMITSU, Mamoru; SHIMADA, Shigetaro;  
SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori;  
TOJO, Hideki; UMEZU, Yoshijiro.

AFFIDAVIT  
OF  
OSHIMA, Hiroshi

MILITARY ATTACHÉ IN BERLIN (1936); AMBASSADOR TO GERMANY,  
(OCTOBER 1938 to OCTOBER 1939) AND AGAIN FROM FEBRUARY 1941  
to APRIL 1945.

SHIMANOUCI, Tatsuki  
UCHIDA, Fujio  
USHIBA, Nobuhiko

JAPANESE COUNSEL

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Tokyo, Japan

THE UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

A F F I D A V I T - - OSHIMA, Hiroshi

1. MY MILITARY CAREER

I was born in 1886. I entered the Military Preparatory School at the age of thirteen, and, after graduating from the Military Academy was appointed in 1906 2nd Lieutenant of the artillery branch of the army.

In 1921 while I was a Captain I was appointed Assistant Military Attache and went to Berlin. After my return home in 1925 I was successively a Battalion and Regimental Commander, an instructor of the Army Heavy Artillery School, and a member of the Inspectorate-General of Military Training of the Army. During this period I was mostly concerned with educational matters. From August 1931 until the Spring of 1934 I was Chief of the Third Section of the General Staff with the rank of Colonel, and was in charge of internal defense matters including the fortifications and the anti-aircraft defense. I was then appointed Military Attache of the Japanese Embassy in Berlin. Having been appointed Ambassador to Germany, I resigned my commission and left the army in October 1938. I was then a Lt. General.

While I was in the army I never belonged to any clique, though I do not know if there was any such thing in existence.

2. MY RELATIONS WITH GERMANY.

1) In October 1921 I went for the first time to Germany as an Assistant Military Attache, and stayed in Berlin until February 1923, when I was appointed Military Attache in Vienna, Austria. Germany at that time was in the middle of depression and confusion after her defeat, and I got an unfavourable impression politically, economically, and militarily of the country.

When I went back to Berlin in May 1934 as the Military Attache of the Embassy, just one and half years after Hitler had come to power, I found that everything in Germany had changed and had considerably improved, compared to the time of my last sojourn. I felt that there were things in the new Germany which were worthy of serious consideration.

As Military Attache it was my duty to gather information and make reports to the General Staff in Tokyo concerning military matters, and in the discharge of that duty I naturally came in contact with leading members of the German army and airforce. With the exception of Ribbentrop, with whom I became acquainted through the preliminary contact for the anti-Comintern Pact, my contact was generally with German military leaders, among whom may be mentioned General Fritsch, well known for his anti-Nazi tendency, and General Beck and Admiral Canaris, who were both executed on account of their participation in the affair of July 20, 1944.

2) During my two tours as Ambassador, I found that the bulk of my time and energy had to be devoted to matters such as culture, trade, protection of the Japanese nationals, etc., purely diplomatic contact with the German Government being only a small fraction of the business of the Embassy

My direct approach to the German Government was naturally through Foreign Minister Ribbentrop. But Ribbentrop was very often absent from Berlin, especially after the war had begun because he had to stay with Hitler in the German General Headquarters, and the location of the Headquarters changed from time to time. I met Ribbentrop no more than five or six times a year. I met Hitler usually only upon his request, and that was possibly two or three times a year.

With Nazi leaders other than Hitler and Ribbentrop, I met only on ceremonial occasions or at social parties, and had no official relations with them. The German Foreign Office extremely disliked the foreign ambassadors and ministers making direct contacts with German leaders other than the Foreign Minister, or with branches of the government other than the Foreign Ministry. Ribbentrop having made his wishes in the matter quite clear to me, I was careful not to go over his head or that of his ministry.

3) There was the Anti-Comintern Pact in existence during my first ambassadorship, and the Tripartite Pact was already in effect prior to my second sojourn in Berlin. As the Japanese Ambassador to Germany I felt in duty bound to concentrate my endeavours on the maintenance and improvement of Japanese-German relations in the spirit of these agreements. I did my best to live up to this conviction, always acting in line of the policy of the home government then in power. For that purpose, I tried to maintain as close a relationship as possible with Hitler, Ribbentrop and others who happened to be the German leaders, in order to make myself an effective channel for smooth exchange of views between Japan and Germany.

I never approved the Nazi ideology or policy as a whole. Particularly I had no sympathy with the race theory of the Nazis, their anti-Jewish and anti-Christian policy, I also disapproved of their method of administration in the territories occupied during the war. Diplomatic decorum and discretion prevented me from expressing my views openly, but I think that they were sufficiently understood by the Japanese and Germans with whom I had dealings.

4) As to the cultural relations between Japan and Germany the Japanese-German Cultural Agreement was concluded in 1938. Works of German philosophy, natural science and music were extensively imported to Japan for many years prior to my time. I thought that the exchange of culture between Japan and Germany would benefit both nations, although I did not agree with many features of the cultural policy of the National Socialist Party. I supported the enterprises of the Japanese-German Cultural Society, and attended as often as possible cultural gatherings in various places in Germany; a considerable part of my time as ambassador was occupied with these enterprises.

3. CONCERNING THE DOCUMENTS TENDERED BY THE PROSECUTION AS EVIDENCE

1) The prosecution quoted extensively from my interrogations. These were conducted and recorded in English. As I practically have no knowledge of the English language and was entirely dependent upon interpreters, it was inevitable that some difficulties of understanding each other or some misunderstandings or misinterpretations occurred. This I found out later. Some of the more important examples thereof will be pointed out later.

2) Next I should like to state concerning the German documents as follows:

a) The prosecution tendered many German documents concerning my conversations with Hitler, Ribbentrop and other Germans. These conversations were conducted always in German, of course without interpreter. At my conversations with Hitler, Ribbentrop was always present. Stahmer or his successor was sometimes present at my interviews with Ribbentrop. There was however, no stenographer or recorder present. The records of those conversations must have been made afterwards from memory, some of them even several days after the conversations. Therefore, they cannot always be accurate.

With respect to the documents concerning my conversation with Ribbentrop I find that they were generally compiled in a one-sided vein favourable for Ribbentrop. Sometimes it is even stated that I agreed with him on certain matters while actually these matters were only talked about in the course of our conversations and I expressed no opinion thereon. I think this was because Ribbentrop had many enemies in the German Government as well as within the German military circles, and in distributing these documents to such people he had to resort to this sort of internal-political manouvering in order to show the success of the pro-Japanese policy initiated by him. Concrete examples will be given later.

b) I knew well that it was only Hitler and Ribbentrop who decided the German foreign policy, and that it was therefore of no use to talk to their subordinates. I always talked over important matters either directly with them or through the liaison man, Stahmer or his successor, in case Ribbentrop was absent from Berlin.

I met very seldom other officials of the German Foreign Office except on social occasions. I talked over routine matters with them, but rarely.

In the records prepared by such people as Weizsaecker, Erdmannsdorf etc. on my conversations with them, which are now in exhibit in this trial, there are many matters of which I have no recollection. They evidently drafted these documents, adding much to my informal chats and putting them in such a form as to make it appear as if they had important talks with me, and then presented them to Ribbentrop. I find several matters in these documents of which they must have obtained information from other sources.

c) Many telegrams or reports signed by Ambassador Ott were tendered, some of them referring to me.

I first made acquaintance of Ott in April 1934, prior to my going to Germany as Military Attache, when Ott arrived in Tokyo as the Military Attache of the German Embassy. Ott paid me a courtesy visit at that time. Thereafter, we were separated because I was in Berlin while he was in Tokyo. I had a personal contact with him during my stay in Tokyo between December 1939 and January 1941, when I left Japan for my second ambassadorial tour of duty. We had sometimes informal chats about matters concerning Japan and Germany. I never considered them seriously as I was completely retired from the public life at that time, did not know the view of the Government, and also had no inside information to give. I am much surprised that my name was often cited in the telegrams of Ambassador Ott.

4. MANCHURIAN INCIDENT

I was from August 1931 until March 1934 the Chief of the Third Section of the General Staff. As my post was in charge of such purely internal defense matters as the fortifications and the anti-aircraft defense, I had no connection with the Manchurian Incident or with the problem of Manchukuo. This situation continued also after I became the Military Attache in Berlin in March 1934.

5. MY APPOINTMENT TO MILITARY ATTACHE.

1) In March 1934 I was appointed Military Attache of the Japanese Embassy in Germany and arrived in Berlin in May of the year. As to the circumstances of my appointment I heard that I was chosen because I spoke the German language well and had some knowledge of Germany as a result of my previous stay in that country. The Chief of the General Staff at the time of my appointment was Prince Kan-in, and General Ueda, Kankichi, was the Deputy Chief of the General Staff.

Prior to my departure from Tokyo I received orally through General Ueda instructions of the Chief of the General Staff concerning my duty in Germany. I was ordered to watch and investigate, among other things, the stability of the Nazi regime, the future of the German army, relations between Germany and Russia, and particularly between the armies of the two countries. I was further instructed to collect information and report on Soviet Russia.

2) According to the Japanese system the Military Attache belonged directly under the Chief of the General Staff, and was not subordinate to the Ambassador (Defense Document No. 2855).



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

6. ANTI-COMINTERN PACT

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

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

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

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

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

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

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

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

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

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

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

#### 7. CHINA INCIDENT

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

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

8. HIMMLER'S MEMORANDUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. STRENGTHENING OF THE ANTI-COMINTERN PACT

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



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

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

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

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

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

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

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

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

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

#### 4) ITO MISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. MY ATTITUDE BEFORE LEAVING GERMANY

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

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

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

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

12. MY ATTITUDE AFTER RETURNING HOME

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

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

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

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

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

### 13. MY REAPPOINTMENT AS AMBASSADOR

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

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

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

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

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



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

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

14. SINGAPORE QUESTION AND OTHERS

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

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

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

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

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

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

15. FOREIGN MINISTER MATSUOKA'S VISIT TO GERMANY

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

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

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

the two countries.

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

16. RELATIONS WITH SOVIET RUSSIA

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

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

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

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

17. JAPANESE-AMERICAN NEGOTIATIONS

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

9) Receiving the decoration from Germany  
Shortly after the outbreak of the Pacific war I received

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

18. MILITARY AGREEMENT BETWEEN JAPAN, GERMANY AND ITALY

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

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

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

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

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

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

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

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

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

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

20. SUBMARINE QUESTION

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

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

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

21. GERMANY'S COLLAPSE AND MY RETURN HOME

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

22. CONCERNING CONSPIRACY CHARGES AND OTHERS

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

wars of aggression. This allegation is totally groundless.

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

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

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

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

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

officers of Japan and others to commit these criminal acts.

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

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

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



Ref. Doc. 2862

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

/s/ OSHIMA, Hiroshi

at the International Military Tribunal  
for the Far East

12 November 1947

Witness: SHIMANOUCI, Tatsuki  
UCHIDA, Fujio  
USHIBA, Nobuhiko

O A T H

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

/s/ OSHIMA, Hiroshi