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# UNWCC

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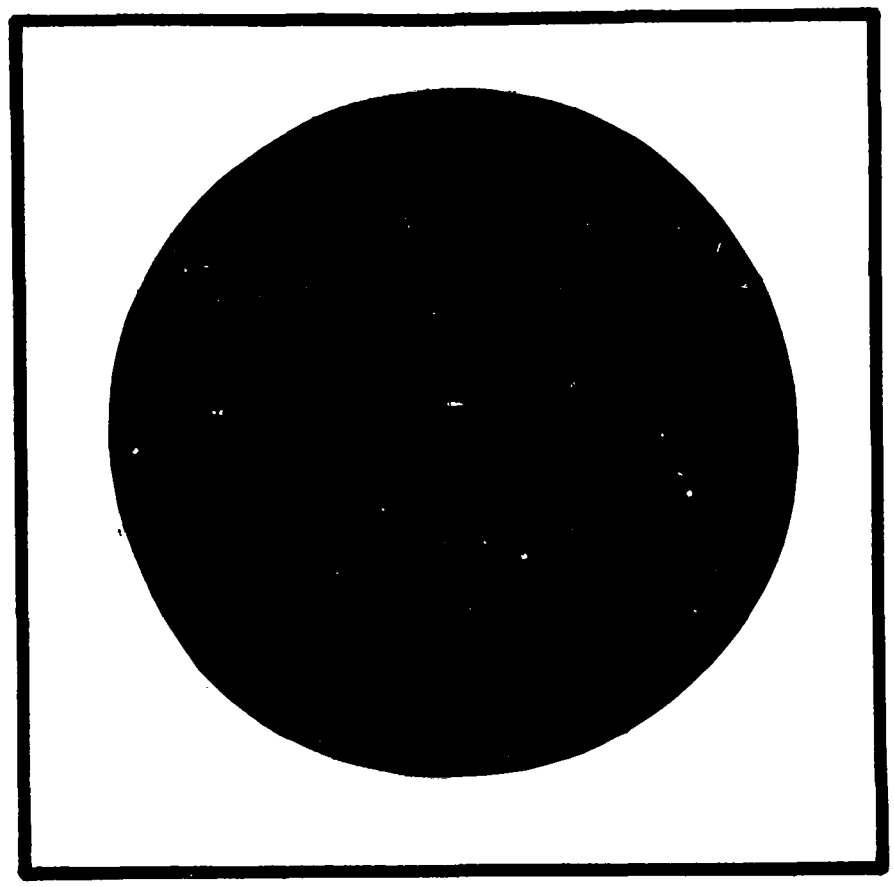
# no.

# 155



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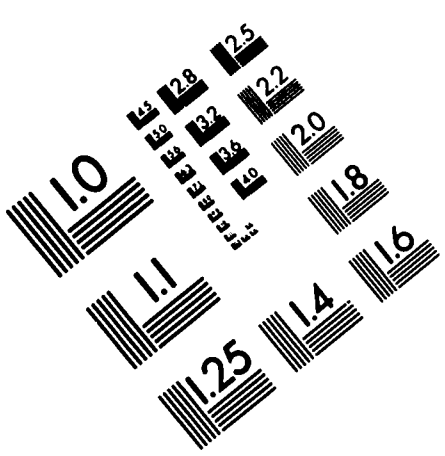


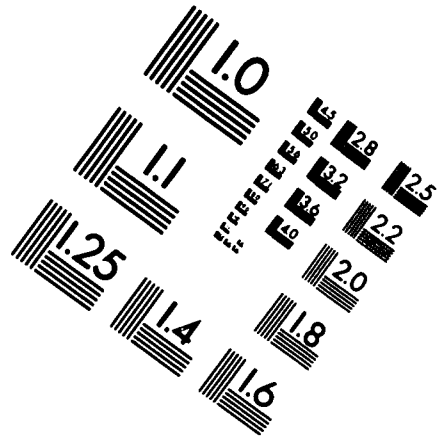


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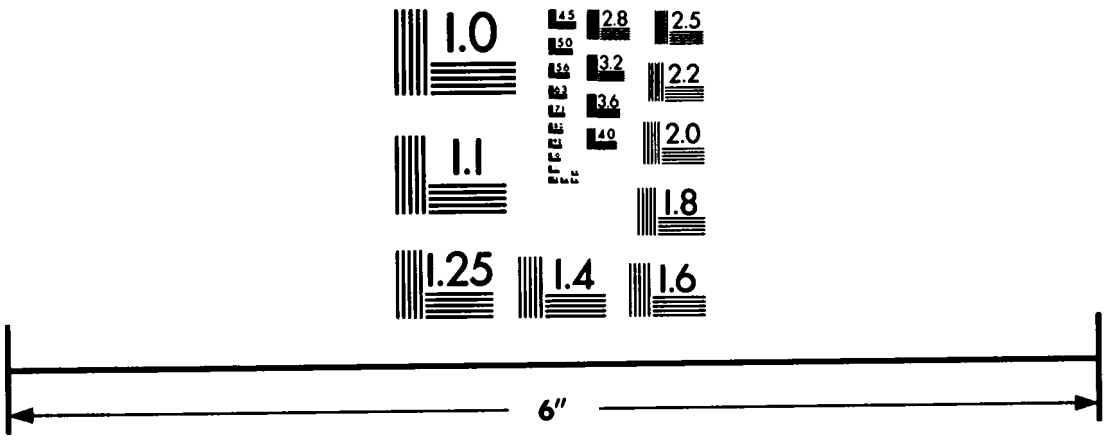


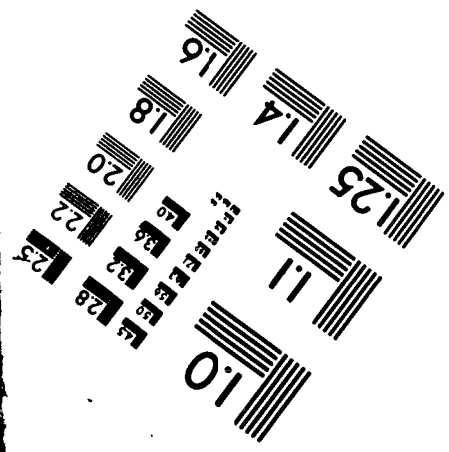


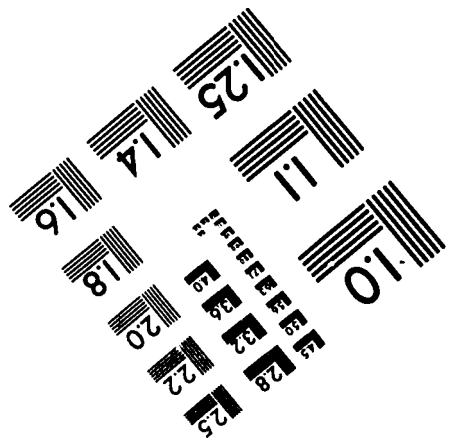


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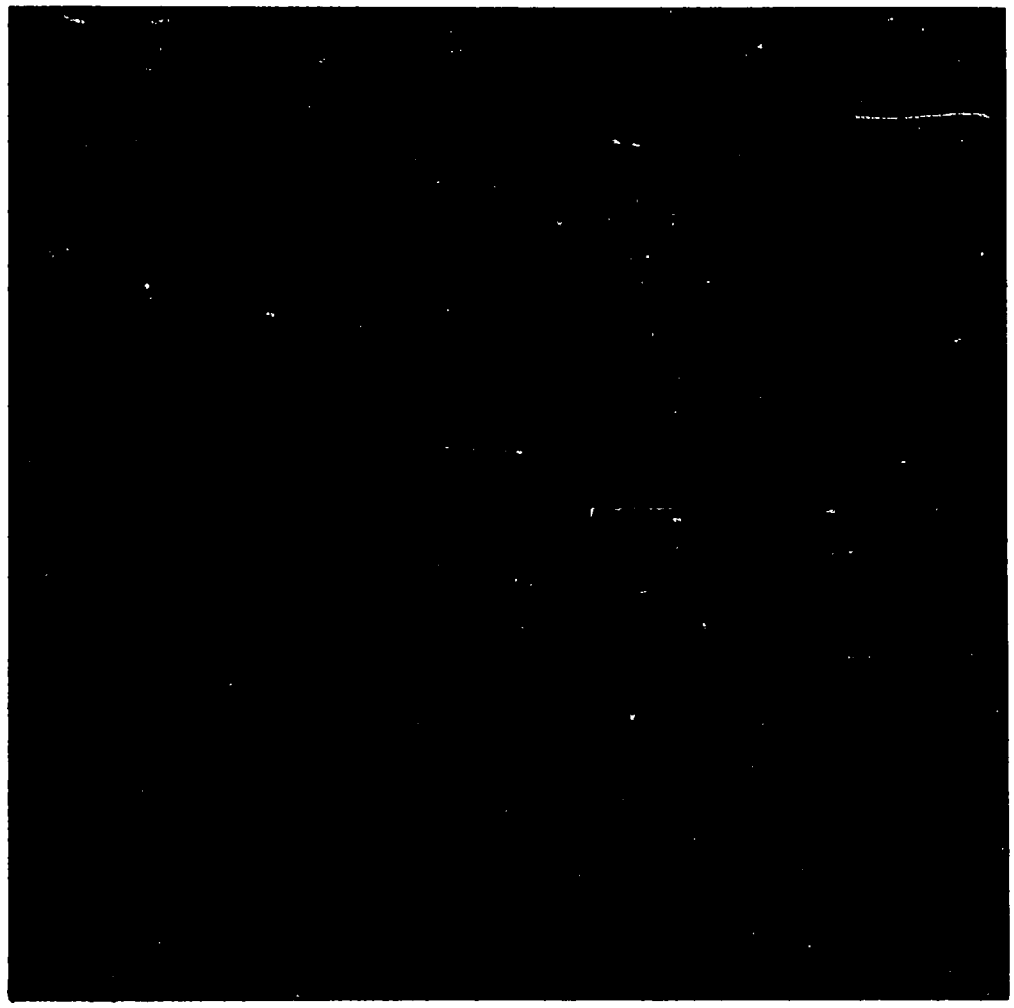

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IPS DOC. NO. 316-A



Top Secret Communication No. 18 from 8th Submarine Squadron Commander to the Ministry of the Navy dated 30 July 1944 (Excerpt from file entitled Headquarters No. 5, Naval Air Materials Unified, Outline Of Meritorious Records in the Greater East Asia War, 1 Dec 1943 - 31 May 1944)

To Minister of the Navy:

/Personal Secret/

Reported on the 30th July, by Rear-Admiral ICHIOKA Hisashi, the Commander of the 8th Submarine Squadron; at the Headquarters of the 8th Submarine Squadron.

/The Seal of the Commander of the 8th Submarine Squadron/

/ Naval Secret/

/ The 8th Submarine Squadron Secret No. 18/

/Received on Aug. 14 1944/

The Periodical Report on Outlined Meritorious Deeds of the Great Eastern Asia War
(From Dec 1 1943 to May 31 1944)

Demarcation . Headquarters of the 8th Submarine Squadron

Grades of Meritorious Service: 2nd Grade
Period: From Dec 1 1943 to May 31 1944

| Operational Actions, Services related to War and others | Descriptions |
|---|---|
| (1) From the last month on, this squadron continued to stay at the base of PENANG as the Southwestern Area Submarine Squadron. With the submarines under my command, squadron prevented enemy's reinforcement for counter-attack from Indian Ocean and crushed its tactical attempt to attack vessels; cooperated with and supported the Army in preventing enemy's reinforcement from the sea towards INDIA-BURMA border; cooperated successfully in transporting spies and men on special missions who were stealing in to feel out enemy's situation in INDIA reconnoitered and ravaged enemy's transportation route from AUSTRALIA and the eastern coast of AFRICA to the ADEN Bay, Arabian Coast, INDIA and the Bay of BENGAL: greatly contributed to judgment of enemy's conditions in the western area by carrying out reconnaissance and patrol on all strategic points under joint operation with "HO" Reconnaissance Planes Group. | (1) The 14th Submarine Division was de-activated on Dec. 13th and Sub. "I" No. 27 and Sub. "I" No. 37 were attached to the Squadron.<br><br>(2) The Sub. "Ro" No. 112 (on Dec. 15) the Sub "Ro" No. 113 (on Dec. 31) and the Sub "Ro" No. 114 (on Feb 20) were newly added to the 30th Submarine Division as reinforcements. The Sub "Ro" No. 112 which had been operating in the ARAFURA Sea area north of Australia and the Sub "Ro" No. 113 and 114 which had been under the command of the Commander in Chief of the Convoy Escort were released on March 25th.<br>The Sub "I", No. 166 and "I" No. 165 were attached to the Squadron. The Sub "I" No. 162 was transferred to the KURE Submarine Squadron, and others were transferred to the 51st Submarine Division upon being separated from this Squadron. |

| Operational Actions, Services related to War and others | Descriptions |
|---|---|
| (2) A part of the submarines under my command (Sub "I" No. 8, Sub "I" No. 29, Sub "I" No. 52, and Sub "Ro" No. 501) were despatched to the Atlantic Ocean and European waters on special duty and engage in joint operation for a long period to keep on liaison between Japan and Germany. | (3) The Sub "I" No. 29 and "I" No. 528 sailed out from SINGAPORE on December 16th and April 23rd, respectively, and are now operating in the Atlantic Ocean and European waters on special duty shown in Imperial Headquarters Navy Section Instructions Nos. 273 & 322. |
| (3) My advice and guidance were given for the maintenance and supply as well as for training of crews so that submarine operation could successfully be carried out to bring about brilliant war results. | (4) The Sub "I" No. 10 was transferred to the 6th Fleet on Jan. 1st, and was attached to the advance force. |
| (4) For the German submarines which had hastily been dispatched for Japanese-German joint submarine operations in Indian Ocean, sufficient cooperation was given in liaison as well as in such preparation as maintenance and supply, thus German submarines were enabled to show their efficiency in the Japanese-German joint operation advantageously, resulting in a great contribution to the success of the strategic plan for the destruction of transportation in the Indian Ocean Area. The material battle-results during this period are as follows:<br>Sunk: Merchant ships 20 (190,000 tons)<br>Sailing Vessels 8 (1,200 tons)<br>Damaged: One Merchant ship of large size.<br>Prisoners: 9 enemy crew, besides an English Captain. | (5) The Sub "I" No. 8, having accomplished on Dec 20th the special duty shown in Imperial Headquarters Navy Section Instruction No. 205, returned from Europe; it left KURE on Feb. 21st and is now operating in this area.<br>(6) During this period:<br>1. The Sub "I" No. 34, on the way to PENANG on a special mission, had a conflict with the enemy on Nov. 13th in the MALACCA Strait, in which all the crew except 13 survivors were killed and the ship was withdrawn from this Squadron on Feb.-5th.<br>2. The Sub "Ro" No. 110 and the Sub "I" No. 27 sailed out from PENANG, on Feb. 2 and Feb. 4, respectively, and were engaged in strategic operation for destruction of communications in the BENGAL Bay and the Indian Ocean. During this period they fought the enemy and both the Sub "Ro" No. 110 (on Mar. 15) and the Sub "I" No. 27 (on May 15) are presumed to have been sunk, losing all their crew. |

Page 127:- The Opinion of Chief (Commander) under whose command the Squadron is:

# C E R T I F I C A T E

## Statement of Source and Authenticity

I, I. KAWAI hereby certify that I am officially connected with the Japanese Government in the following capacity: Director of Personnel Division, Second Demobilization Bureau and that as such official I had custody of the document hereto attached consisting of 163 sheets, dated 15 July 1944, and described as follows: Bound file entitled "Headquarters, No. 5 (Naval Air Materials Omitted) Outline of Meritorious Records in the Greater East Asia War, 1 December 1943 - 31 May, 1944". I further certify that the attached record and document is an official document of the Japanese Government, and that it was part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Personnel Bureau, Navy Ministry, Japanese Government.

Signed at Tokyo on this

14th day of October, 1947 /sgd/ I. KAWAI
Signature of Official

Witness: I.Yokoyama /sgd/ Director of Personnel Division, S.D.B.
Official Capacity

## Statement of Official Procurement

I, J. G. LAMBERT hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this

14th day of Oct. 1947 /sgd/ J. G. Lambert
NAME

Witness: Johnson F. Munroe /sgd/ Investigator, IPS
Official Capacity

No. 1　Exc 3841　軍機　秘人　Doc. 3146-A

司令部（航空関係ヲ除ク）
（第五四）（其ノ一抜萃）

海軍大臣殿

八潜戦機密第一八号　三二　七月三十日進達

第八潜水戦隊司令部

大東亜戦争定期功績調査表（自昭和十八年十二月一日 至同 十九年五月三十日）

第八潜水戦隊司令部 第八潜水戦隊司令官海軍少将 市岡寿

10.8.14 接受

| 区分 | 功績等級 | 期間 | 作戦行動戦果関係事蹟等 | 記事 |
|---|---|---|---|---|
| 第八潜水戦隊司令部 | 等級二 | 自十二月一日 至五月三十一日 | 一、前月ヨリ引続キ南西方面潜水部隊トシテ彼南基地ニ在リテ麾下潜水艦ヲシテ印度洋方面ヨリスル敵反攻増援阻止艦船ノ攻撃ニ作戦企図、撃砕及陸軍ニ策応支援シ敵ノ印緬国境方面ニ対シ海上ヨリ兵力増援阻止並ニ印度国内ノ敵情偵知ノタメ諜者並ニ特殊工作員ノ輸送潜入ニ協力成功シ濠州及亜弗利加東岸ヨリ「アデン」海峡「アラビヤ」沿岸ニ至ル敵輸送路ノ [illegible] | 一、第十四潜水隊十二月十五日附解隊伊三七、伊一六六ハ附属トナル 二、第三十潜水隊ニ呂[illegible]、ニ（十二月十五日）呂一一三、（一月二十日）呂一一四（一月二十日）新ニ増勢セラレ呂一一三ハ濠北アラフラ海方面ニ作戦、呂一一三同一一四ハ海上護衛隊司令長官ノ指揮下ニ在リシル処三月二十五日解隊トナリ伊一六六、伊一六五ハ戦隊附属 |

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RETURN TO ROOM 361

No. 2

乙、第1476-A

まで引き続いて行なわれた所、八月
二十一日（現地時間）伊二六潜水艦
は、ロンボク海峡東口において、特殊任務を有する
一潜水艦を発見、これに対し、魚雷攻撃を行ない、
その後引き続き、同海峡において、敵艦船の
捜索に従事中、八月二十四日、南緯八度
三三分、東経一一五度一〇分の地点において、
三隻の敵艦船を発見、これに対し、魚雷攻撃を
実施、内一隻を撃沈、訓練
を終了して、八月二十六日、南西方面に
派遣され、爾後、特殊任務に従事
し、十月十六日、南西方面に於ける
作戦行動を終了して、十月二十日、呉
に帰着、整備、補給を実施、訓
練に従事中、昭和十九年一月、伊二六潜水艦隊
に編入され、再び南西方面に派遣され、戦
備を完了して、一月末、トラック島に進出、
爾後、同方面において、作戦行動に従事
中、二月十七日、トラック島空襲の際、
同島において、敵艦載機の攻撃を受け、
沈没、戦死した。

二、本期間中ニ於ケル、有形的戦果

撃沈　商船　二隻（一五、〇〇〇瓲）

〃　帆船　八隻（一、二〇〇瓲）

撃破　大型商船　一隻

撃墜　英人船長　外敵航空機搭乗員　二名

三、本期間中ニ於ケル、特別任務ヲ含ム作戦行動ノ概要

（一）伊二六潜水艦ハ、昭和十八年十月十六日、呉ヲ発シ、
十月二十一日、伊二六潜水艦隊ニ編入サレ、爾後、
同隊ニ於テ、南西方面ニ於ケル、特殊任務ニ従事シ、
十二月十六日、南西方面ニ於ケル作戦行動ヲ終了シ、
十二月二十日、呉ニ帰着、整備、補給ヲ実施、訓練ニ
従事中、昭和十九年一月、伊二六潜水艦隊ニ編入サレ、
再ビ南西方面ニ派遣ヲ命ゼラレ、一月末、トラック島ニ
進出、爾後、同方面ニ於ケル作戦行動ニ従事中、
二月十七日、トラック島空襲ノ際、同島ニ於テ、
敵艦載機ノ攻撃ヲ受ケ、沈没、戦死ス。

（二）伊二六潜水艦ハ、昭和十八年十月十六日、呉ヲ発シ、
十月二十一日、伊二六潜水艦隊ニ編入サレ、爾後、
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練ニ従事中、昭和十九年一月、伊二六潜水艦隊
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備ヲ完了シテ、一月末、トラック島ニ進出、爾後、
同方面ニ於ケル作戦行動ニ従事中、二月十七日、
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二、本期間中ニ於ケル、有形的戦果

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十二月二十日、呉ニ帰着、整備、補給ヲ実施、訓練ニ
従事中、昭和十九年一月、伊二六潜水艦隊ニ編入サレ、
再ビ南西方面ニ派遣ヲ命ゼラレ、戦備ヲ完了シテ、
一月末、トラック島ニ進出、爾後、同方面ニ於ケル
作戦行動ニ従事中、二月十七日、トラック島空襲ノ
際、同島ニ於テ、敵艦載機ノ攻撃ヲ受ケ、沈没、
戦死ス。

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Legal Section
and
International Prosecution Section.

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

| | |
|---|---|
| In the matter of operations of the I. J. N. Submarine I-8 in the Indian Ocean in 1944, particularly in sinking the SS TJISALAK on 26 March 1944; and the SS JEAN NICOLET on 2 July 1944, while Admiral Shigetara SHIMADA was Chief of Naval General Staff and Navy Minister. | Affidavit of NAKAHARA, Jiro former civilian radio monitor employed by Naval General Staff. |

I, Jiro NAKAHARA, being duly sworn upon oath, make the following statement:

1. My name is Jiro NAKAHARA. I was born in the Territory of Hawaii, of Japanese parents, in 1920. I came to Japan in 1938. My registered domicile is Yamaguchi Ken, Oshima Gun, Shiroki-Mura, Tononyu.

2. The Japanese Naval General Staff in November 1942 called me in to work as a civilian radio monitor at the Japanese Naval Foreign Broadcast listening post. In February 1943, I was ordered to go to Truk Atolls. I returned to Japan in October 1943, and worked on the listening post in the Naval Headquarters at Tokyo until February 1944. In that month Commander ARIIZUMI of the Japanese Submarine I-8 went to the Navy Ministry in Tokyo and asked for a civilian radio monitor for the I-8, and I was assigned to that duty on written order sealed by the Vice-Chief, Naval General Staff.

3. I boarded the I-8 at Kure and we left Japan in February 1944, and headed for Penang We stayed in Penang for a week and then went into the Indian Ocean on a patrol south of Ceylon, which lasted from March until May 1944.

4. In March 1944, the I-8 sank a Dutch ship named TJISALAK. About a half hour after the torpedos hit the ship, the submarine surfaced. Commander ARIIZUMI ordered me to come to the conning tower and to call by megaphone to the lifeboats to come to the submarine. I was told to tell the people in the lifeboats to board the submarine one by one, to go to the foredeck and sit down there, and that they would be shot if they looked back. As they boarded the submarine they were stripped of life belts, watches and all other possessions except their clothes. There were about 100 persons consisting of passengers and crew.

5. The Captain of the ship, the radio man, the engineer officer, about four other men, and a woman passenger were taken below in the submarine.

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6. As the prisoners boarded the submarine, their hands were tied behind their backs. After most of the prisoners had been seated on the deck forward, four members of the submarine crew went up and brought the prisoners back, one by one, and they were killed. As soon as I heard what was going on, I went below to the officers' messroom. I was called up again by the Senior Officer to tell them again that they would be shot if they looked back. I did not actually witness the killings, but according to the members of the crew, the survivors of the torpedoed ship were clubbed, slashed with swords and shot to death. This continued for about one hour. The Senior Officer, Lieutenant HONDA, told me to stay on the foredeck and kept telling me to tell the prisoners to face toward the front, otherwise they would be shot if they looked back.

7. I had returned to the officers' messroom when the submarine submerged. Commander ARIIZUMI ordered me to act as interpreter in questioning the prisoners who had been taken below. The interrogations were held in the officers' messroom. He first questioned the woman. She was then taken to the forward crews' quarters. About an hour later I went to that room. I asked the woman if there was anything that she wanted. The only thing she said was that she wanted a cup of water, so I brought it to her. She told me that she was in Japan for some time before the war started, that she was an American Red Cross worker, and that she was on her way to Bombay, I think. While I was talking to her the Senior Officer and four sailors came in. They had two rifles. The Senior Officer said to me in Japanese that she would have to be shot. I did not tell her but I think she knew what was going to happen. It was then night time. The sailors took the prisoners up on deck one by one and shot them; at least I think so, because some of the crew afterwards told me that they were shot. Just before she was taken, I couldn't look her in the face. She told me that she knew what was going to happen. The Senior Officer told me to ask her if she wanted to be blindfolded and her hands tied. She said she didn't and he said that was okay. Just before she left she said, "Sayonara," the "Sayonara" was addressed to all of the crew. I do not remember whether they completed the interrogations of the men prisoners before the woman was executed or not.

8. The Master of the Dutch Ship had been brought below with his hands tied behind his back. He told me to tell Commander ARIIZUMI that it was contrary to International Law to have his hands tied. When I interpreted that statement to ARIIZUMI, he said "Bakayaro (fool), this is war." The Master of the TJISALAK also asked ARIIZUMI to be kind and lenient with the crew of the Master's ship. After they finished interrogating him, I think they took him to the forward crews' quarters. I saw him there at the time I was talking to the Red Cross worker.

9. When ARIIZUMI finished interrogating the Master of the Dutch ship, the radio officer of that ship was interrogated by the Communications Officer of the submarine, and I acted as interpreter. Then an Engineering Officer was interrogated by the First Officer of the submarine. I never saw any of the prisoners after I left the forward crews quarters.

10. I heard Commander ARIIZUMI telling Lieut. HONDA and the medical officer and one other officer in the officers' mess of the I-8 on the day after the sinking of the TJISALAK that the Naval General Staff had ordered that all survivors of the sunken ships were to be killed. I think HONDA passed this order to the crew. All of us obeyed orders from ARIIZUMI because we knew he was ruthless. His nickname among the crew was GYANGU, meaning gangster.

11. Commander ARIIZUMI had told me during the interrogation of the Master of the ship that the Japanese Naval Headquarters had issued an order that everyone on board enemy vessels was to be slain. He also told us not to tell anybody about the slaying of the prisoners.

12. As soon as the first patrol was finished we came back to the base at Penang. When we got back I told Commander ARIIZUMI that I couldn't go on another trip because I was suffering from spinal sclerosis, and I am supposed to wear a cast. He told me if I didn't go I would be court-martialed. I knew I could not be court-martialed because I was a civilian.

13. We left Penang on the second patrol after spending about three weeks there making repairs. This second patrol continued from early June until early August 1944. This patrol was in the same area as the first. In July the I-8 sank the SS NICOLET. In this second sinking it was exactly the same story as in the sinking of the TJISALAK three months' earlier. As soon as the submarine fired the torpedoes, it surfaced. Upon orders of Commander ARIIZUMI, I called through the megaphone for the survivors to come aboard the submarine. Again survivors were stripped of all their belongings except their clothing, were bound, and sent forward under guard to sit down on the foredeck. There were about 80 survivors who came aboard the submarine. After the Master of the NICOLET and other prisoners had been taken below, the rest of the survivors, according to what I heard from the crew, were brought back one by one and killed by shooting, bayonetting, clubbing or by slashing with swords.

14. The Master of the NICOLET, the radio man, an engineer, a State Department man and maybe some others who had been taken below, were interrogated. The Master of the NICOLET was questioned by Commander ARIIZUMI, the radio man by the Communications Officer, and the engineer by the engineer of the submarine. They were the same people who did the questioning

on the first patrol. Again I was the interpreter. I heard that all the prisoners were executed aboard the submarine, except the Master and the State Department man, and the only prisoner whom I later saw leaving the submarine was the State Department man. The State Department man was thin and had a beard. He asked me for a razor but the Captain told me I could not give him one, and I told a Petty Officer, who, I think, gave him a razor. I told the State Department man that he would get along better if he would cooperate more with the Japanese personnel. He thanked me. This was while we were anchored at Penang but I had not gotten off the ship. I remember we brought him back to Japan in the I-8. I later saw him at Yokosuka.

15. I did not see any of the executions but I was told by other members of the submarine crew that some of the prisoners that were taken belowwere beheaded and that Commander ARIIZUMI did some of the beheading personally. I saw the Engine Room Divisional Officer wiping blood off of his sword after some of the executions and wash his hands in disinfecting water.

16. Since I was a civilian on the ship and also because I was a Nisei, I was not trusted by many members of the I-8 crew and they did not tell me everything that happened.

17. I returned to Japan on the I-8 in September 1944 and resumed my work as a civilian radio monitor at the Naval General Staff, where I worked until August 1945. Soon after I reported back at Naval General Staff I was told by the Chief of the Third Section not to relate my experience overseas. I heard later that Captain ARIIZUMI killed himself at the end of August 1945. I have read in ARIIZUMI's official naval personal service record that he was promoted to Captain in October 1944.

18. I have never been questioned at the Naval General Staff, or elsewhere by Japanese Naval or Foreign Office personnel in regard to the events which I have described in this statement. I never heard that any of the members of the I-8 crew were questioned in regard to these events by Japanese Naval or Foreign Office personnel. I was first interrogated in regard to these events by Lt. W. Salter, Royal Naval Volunteer Reserve, of the Legal Section, General Headquarters, Supreme Commander for the Allied Powers, on 13 June 1947, and then at later dates by Mr. Thomas C. Fisher of the Legal Section, GHQ, SCAP.

(s) Jiro Nakahara.

Tokyo, Japan.

I, Jiro NAKAHARA, being duly sworn on oath, state that the foregoing statement has been read by me, and that this statement, consisting of four pages is true and correct to

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the best of my knowledge and belief.

Jiro Nakahara.

Subscribed and sworn to before me this 6th day of January 1948.

W. Salter
Lieut. RNVR

Exhibit No. [illegible]　　I. P. S. Doc No. 3347

連合国最高司令官 總司令部 法務部 各

国際 [illegible]

元海軍 [illegible] 極 [illegible] 裁判所 [illegible] 間ラチ モニタ 原次郎ハ宣誓

[illegible]

一九四四年ニ於ケル日本帝国潜水艦イノ8号ノ印度洋上ノ行動ニ関シ特ニ編集 繁太郎 海軍大將 軍令部 總長兼海軍大臣在任中ノ一九四四年三月二十六日 汽船「ジサラック」同年七月二日 汽船「ジーン・ニコレット」撃沈ノ件ニ関シ私中原次郎ハ正式ニ宣誓ノ上左ノ如ク陳述致シマス

1. 私ノ名前ハ中原次郎デアリマス 私ハ一九二〇年 日本人ヲ兩親トシテ「ハワイ」領土ニ於イテ生シ 一九三八年 日本ニ本マシタ 本籍ハ山口縣大島郡白木村トノニューデアリマス

2. 一九四二年十一月 日本海軍軍令部ハ私ヲ民間ラヂオ、モニタイトシテ 日本海軍 外国放送聽取所デ働カスタメニ呼ビ寄ヲセマシタ 一九四三年二月「トラック、アトルス」ニ行ク事ヲ命ゼラレ 同年十月 日本ニ帰リ 東京ノ海軍本部ノ聽取所ニ於イテ 一九四四年二月マデ勤メマシタ 同月 日本潜水艦イノ8号ノ有泉中佐東京ノ海軍省ニ出頭シ イノ8号ノ為ニ民間ラヂオモニターヲ求メタノデ私ハ軍令部次長捺印ノ辞令ニ依リ其ノ職ニ任ゼラレタノデアリマス

3. 私ハ呉ニテイノ8号ニ乗艦シ一九四四年二月「ペナン」ニ向ケテ日本ヲ出発シタノデアリマス 「ペナン」ニ一週間碇泊ノ後

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印度洋ニ出テ「セイロン」島以南ノ哨戒ニ當リマシタガコレハ一九四四年ノ三月ヨリ五月マデ續イタノデアリマス。

4. 一九四四年三月イノ8号ハ「ジサラック」トイフ和蘭船ヲ撃沈シマシタ。魚雷ガ船ニ命中シテヨリ約三十分ノ後、潜水艦ハ水面ニ出マシタ。有泉艦長ハ私ニ司令塔ニ出テ来テメガフォンデ救命艇ニ向ッテ潜水艦ニ入ル様呼ビカケヨト命ジタノデアリマス。私ハ命令ニ依リ救命艇ニ居ル人々ニ向ッテ一人ヅツ潜水艇ニ乗リ移リ前甲板ニ集ッテ坐ルヨウ。又若シ後ヲ振返ヘルト射殺サレル旨ヲ告ゲタノデアリマス。彼等ガ潜水艦ニ乗移ルヤ彼等ノ救命帯、時計、其他衣服以外ノ持物ハ凡テ剥ギ取ラレタノデアリマス。彼等ハ約百名デアリ、乗客ト船員デアリマシタ。

5. ソノ船ノ船長、無線電信技師、機関科士官他ニ約四人ノ男子ト一人ノ婦人ガ潜水艦ノ内部ニ連行サレマシタ。

6. 捕虜達ハ潜水艦ニ乗移ルヤ後手ニ縛ラレマシタ。殆ンド全部ノ捕虜達ガ前甲板ニ坐ラセラレタ後、四人ノ潜水艦乗組員ガヤッテ来テ一人ヅツ捕虜ヲ後甲板ニ連レテ行キ、彼等ヲ殺シタノデアリマス。私ハコノ事態ヲ聞クヤ否ヤ士官食堂ニ降リテ行キマシタ。私ハ先任将校ノ命ニヨッテ再ビ上ニ登リ彼等ニ向ッテ若シ後ヲ振リ向ケバ射殺サレルト告ゲタノデアリマス。私ハ殺ス所ヲ目撃シタ譯デハアリマセンガ乗組兵員ノ話ニ依ルト魚雷デ撃沈サレタ船ノ生存者ハ棍棒ニテ打タレ刀ニテ斬ラレ、射殺サレタノデアリマス。コレハ約一時間續キマシタ。先任将校ノ本田大尉ハ私ニ前甲板ニ留マル様

命ジ且ツ捕虜カニ前面ヲ向イテルヤウ若シ後ヲ振向ケバ射殺サレルト告ゲヨト私ニ命ジ續ケタノデアリマス

7. 潜水艦ガ潜水シタ時ハ私ハ士官食堂ニ帰ッテオリマシタ有泉艦長ハ私ニ命ジテ下ニ連行サレタ捕虜達ノ訊問ニ際シテ通訳ヲサセタノデアリマス 訊問ハ士官食堂デ行ハレマシタ 彼ハ先ヅ婦人ヲ訊問シマシタ 彼女ハソレカラ前方兵員室ニ連行サレマシタ 一時間後 私ハ其ノ部屋ニ行キマシタ 私ハ婦人ニ何カ欲シイモノハナイカト尋ネルトタバコガ一杯欲シイト云フノデ私ハソレヲ持ッテ行ッテヤリマシタ 彼女ハ私ニ向ッテ戰爭ノ始マル前暫ク日本ニ居タ事ガアリ、国赤十字社ノ勤務者デアリ 「ボンベイ」ニ行ク途中デアッタノダト私ニ語ッタト思ヒマス 私ガ彼女ト話シテヰル際先任將校ト二人ノ水兵ガ這入ッテ来マシタ 彼等ハ二挺ノ鏡ヲ持ッテヰリマシタ 先任將校ハ日本語デ私ニ彼女ハ射殺サレネバナラヌト申シマシタ 私ハ之ヲ彼女ニ話シマセンデシタガ何ガ起ルカ解ッテ居ルト私ニ語リマシタ 彼女ガ今ヤ連レテ行カレントスル際私ハ彼女ヲ正面ニ見ル事ハ出来マセンデシタ 彼女ハ何ガ起ルカ解ッテ居ルト私ニ語リマシタ 先任將校ハ私ニ命ジテ彼女ガ目隠シヤ後手ニ縛ラレル事ヲ望ンデ居ルカドウカ尋ネサセマシタ 彼女ハ「イイエ」トイヒ彼ハ「ヨロシイ」トイッタノデアリマス 彼女ハ去ル前ニ「サヨナラ」ト申シマシタガコノ「サヨナラ」ハ乗組員全部ニ対シ

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テ云ッタノデス。ソノ婦人ガ処刑サレル前ニ男子ノ捕虜ニ[illegible]
訊問ガ完了シタカドウカハ記憶ガアリマセン。

8. 私蘭船ノ船長ハ後手ニ縛リ上ゲニシテ艦内ニ連レ下サレマシタ。彼ハ私ニ彼ノ手ヲ縛ルノハ国際法違反デアルト云フコトヲ有泉中佐ニ話スヤウニ申シマシタ。私ガソノ旨ヲ有泉ニ通譯シタ所、彼ハ「馬鹿野郎、コレハ戦争ダ」ト云ヒマシタ。「ジラサック」號ノ船長モ亦有泉ニソノ船長配下ノ船員ニ親切デ宜ク仁デアッテモラヒタイト願ヒマシタ。彼等ハ彼ノ訊問ヲ終ヘタ後、彼ヲ艦ノ前部兵員室ニ連レテ行ッタト私ハ思ヒマス。赤十字勤務者ト私ガ話シテ丹タ時、私ハソコデ彼ヲ見マシタ。

9. 有泉ガ私蘭船ノ船長ノ訊問ヲ終ヘタ時、ソノ船ノ無電係士官ハ潜水艦ノ通信将校ニヨリ訊問ヲ受ケ、私ガソノ通訳ヲ致シマシタ。ソレカラ機関科士官ガ潜水艦ノ上級将校ニヨリ訊問ヲ受ケマシタ。私ハ艦ノ前部兵員室ヲ去ッテカラ後ハ捕虜ハ一人モ見マセンデシタ。

10. 「ジラサック」號ノ沈没シタ翌日潜水艦イノ8号ノ士官食堂デ海軍軍令部ガ沈没船ノ生存者ハ全部殺害セヨト命令シタ旨有泉中佐カ本田大尉、軍医官及ビモ一人ノ士官ニ話シテルノヲ私ハ聞キマシタ。本田ガコノ命令ヲ兵員達ニ傳ヘタノダト私ハ思ヒマス。有泉ノ残忍ナコトヲ知ッテ丹マシタノデ、私達ハ皆ソノ命令ニ従ヒマシタ。彼ノ乗組員ノ間ニ於ケル綽名ハ「悪漢（ギャング）」デシタ。

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11. コノ船ノ船長ノ訊問中有泉中佐ハ私ニ日本ノ海軍本部ハ敵船上ノ者ハ凡テ殺害セヨトノ命令ヲ出シタノタト語リマシタ。彼ハ又私達ニ捕虜ヲ殺害シタコトヲ誰ニモ云ッテハナラナイト告ゲマシタ。

12. 第一回ノ哨戒ガ終ルヤ否ヤ私達ハペナンノ基地ニ帰リマシタ。帰リマシタ時、私ハ有泉中佐ニ私ハ脊椎硬化症ヲ病ンデ居リ、背當ヲ着用シテイルト思ハレテ居タカラモ一度哨戒ニハ行カレナイト云ヒマシタ。若シ私ガ行カナイナラ、私ハ軍法会議ニ附セラレルト彼ハ私ニ云ヒマシタ。私ハ民間人タカラ軍法会議ニハ附セラレナイト云フコトヲ私ハ知ッテヰマシタ。

13. 艦ノ修理ニ約三週間ヲ過シテカラ、私ハ第二回目ノ哨戒ノタメペナンヲ立ケマシタ。コノ第二回目ノ哨戒ハ一九四四年ノ六月ノ初旬カラ八月ノ初旬マデ続キマシタ。コノ哨戒ハ第一回目ト同一海域ニ行ハレマシタ。七月中潜水艦イノ8號ハ汽船ニコレット號ヲ沈メマシタ。コノ第二回目ノ要況ニオイテモ、状況ハ三ヶ月以前ジサラック號ノ要況ノ場合ト全ク同一デシタ。潜水艦ハ真當ヲ發射スルヤ否ヤ、水上ニ浮ビ揚リマシタ。有泉中佐ノ命令デ、私ハメガネンデ生存者ニ潜水艦上ニ来ルヤウニ呼ビカケマシタ。又モ生存者ハ衣類ノ外ハ凡テノ所有物ヲ剝ギ取ラレ、縛バラレソシテ前甲板ニ座ルヤウニ番矢ヲ付ケテ前方ニ連レテ行キマシタ。潜水艦上ニ来タ生存者ハ約八十名デシタ。ニコレット號ノ船長及ビ他ノ捕虜達ガ艦内ニ連レテ

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ハ丁船ノ船長ノ訊問中有泉中佐ハ私ニ、日本ノ海軍本部ハ敵船上ノ者ハ凡テ殺害セヨトノ命令ヲ出シタノダト語リマシタ。彼ハ又私達ニ俘虜ヲ殺害シタコトヲ誰ニモ云ッテハナラナイト告ゲマシタ。

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13. 艦ノ修理ハ約三週間デ遅レマシタガ、私ハ第二回目ノ哨戒ノタメペナンヲ立チマシタ。コノ第二回目ノ哨戒ハ一九四四年ノ六月ノ初旬カラ八月ノ初旬マデ続キマシタ。コノ哨戒ハ第一回目ト同一海域デ行ハレマシタ。七月中潜水艦ハ一隻ノ汽船ニコレット號ヲ沈メマシタ。コノ第二回目ノ襲撃ニオイテモ、状況ハ三ヶ月以前ジサラック號ノ襲撃ノ場合ト全ク同一デシタ。潜水艦ハ魚雷ヲ發射スルヤ否ヤ水上ニ浮ビ揚リマシタ。有泉中佐ノ命令デ、私ハメガホンデ生存者ニ潜水艦ニ来ルヤウニ呼ビカケマシタ。又モ生存者ハ衣類ノ外ハ凡テノ所有物ヲ剥ギ取ラレ、縛ラレソシテ前甲板ニ座ルヤウニ番兵ヲ付ケテ前方ニ連レテ行キマシタ。潜水艦上ニ来タ生存者ハ約八十名デシタガ、ニコレット號ノ船長及ビ他ノ捕虜達ガ艦内ニ連レテ

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行カレマシテカラ衆込員カラ私ガ聞キマシタ所デハ、生存者ノ
殘ノ者ニ一人ヅヽ連レ戻サレテ、鉄デ無ツヤラ銃劍デ刺
スヤラ棍棒デ打ツヤラ或ハ日本刀デ斬ツテ殺害サレマ
シタ。

14、「ニコレツト」ノ船長、無電係機関士、國務省ノ役人及ビ
多分下ニ連行サレテイタ他ノ数名ノ者達ガ訊問ヲ受ケ
マシタ。「ニコレツト」ノ船長ハ有泉中佐ニ訊問サレ、無電係
ハ通信將校カラ、又機関士ハ潜水艦ノ機関科將校
カラ夫々訊問サレマシタ。彼等ハ最初ノ哨戒ノ時ニ訊
問ヲシタノト同ジ人々デアリマシタ。又モ私ガ通訳ヲ致シ
マシタ。船長ト國務省ノ役人トヲ除イタ俘虜ノ全部ハ
潜水艦上デ処刑サレタサウデス。ソシテ潜水艦ヲ去ツテ行クノ
ヲ後デ私ガ見タ俘虜ハ國務省ノ役人ダケデアリマシタ。
コノ國務省ノ役人ハ痩セテノイテ頭髪ヲ生セシテノイマシタ。
彼ハ私ニ剃刀ヲ貸シテクレト頼ミマシタガ、艦長ガ貸シ
テハナラヌト云フノデ私ハ下士官ニ話シ、ソノ男ハ彼ニ剃刀ヲ與
ヘタト思ヒマス。私ハ國務省ノ役人ニ差シ彼ガモツト日本人ト
調子ヲ合セルナラ彼ハモツト具合ヨク行クダラウト話シマシタ。
彼ハ私ニ感謝致シマシタ。コレハ我々ガペナン碇泊中ノ事
デシタガ、私ハ下艦シテ居タ訳デハアリマセン。私ハ慥カ我々ガ
イノ八号デ彼ヲ日本ニ連レテ来タト記憶シテ居リマス。後デ
私ハ彼ヲ横須賀デ見受ケマシタ。

P.5 IPS Doc. No. 3347

11. コノ船ノ船長ノ訊問中、有泉中佐ハ私ニ、日本ノ海軍本部ハ敵船上ノ者ハ凡テ殺害セヨトノ命令ヲ出シタノタト語リマシタ。彼ハ又私達ニ捕虜ヲ殺害シタコトヲ誰ニモ云ツテハナラナイト告ゲマシタ。

12. 第一回ノ哨戒ガ終ルヤ否ヤ私達ハベナンノ基地ニ歸リマシタ。歸リマシタ時、私ハ有泉中佐ニ私ハ脊椎硬化症ヲ病ンデ居リ、背當ヲ着用シテイルト思ハレテ居タカラモ一度哨戒ニハ行カレナイト云ヒマシタ。若シ私ガ行カナイナラ、私ハ軍法会議ニ附セラレルト彼ハ私ニ云ヒマシタ。私ハ民間人ダカラ軍法会議ニハ附セラレナイト云フコトヲ私ハ知ツテヰマシタ。

13. 艦ノ修理ニ約三週間ヲ過シテカラ、私ハ第二回目ノ哨戒ノタメベナンヲ立ケマシタ。コノ第二回目ノ哨戒ハ一九四五年ノ六月ノ初旬カラ八月ノ初旬マデ続キマシタ。コノ哨戒ハ第一回目ト同一海域ヲ行ハレマシタ。ヤ日中潜水艦イノ8號ハ汽船ニコレット號ヲ沈メマシタ。コノ第二回目ノ最後ニオイテモ、状況ハ三ヶ月以前ジサラツク號ノ最後ノ場合ト全ク同一デシタ。潜水艦ハ真雷ヲ發射スルヤ否ヤ、水上ニ浮ビ揚リマシタ。有泉中佐ノ命令デ、私ハメガホンデ生存者ニ潜水艦上ニ來ルヤウニ呼ビカケマシタ。又モ生存者ハ衣類ノ外ハ凡テノ所有物ヲ剝ギ取ラレ、縛バラレソシテ前甲板ニ座ルヤウニ番矢ヲ付ケテ前方ニ連レテ行キマシタ。潜水艦上ニ來タ生存者ハ約八十名デシタ。ニコレット號ノ船長及ビ他ノ捕虜達ガ艦内ニ連レテ

J.P.S Doc. No. 3317

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15 私ハ処刑ヲ目撃シタニハアリマセンガ、潜水艦ノ他ノ乗組員
連カラ、下ヘ連レテ行カレタ仔細ヲ聞キマシタ。
中佐自ラノ中ノ或ル斬首ヲ行ッタトイフ事ヲ聞キマシタ。
私ハ機関室分隊士官ガ、処刑ノ後自分ノ劍ノ血ヲ拭ヒ
消毒水デ手ヲ洗ッテイルノヲ見マシタ。
16 私ハ艦ヲデノ民間人デアリ、又ニセデアッタ為イノ八号ノ乗
組員ヨリノ人達カラ信用サレマセンデシタ。又彼等ハ起ッタ事
ノ凡テヲ私ニ話シテクレマセンデシタ。
17 一九四四年九月、私ハイノ八号デ日本ニ帰リ海軍軍令部デ
民間人ラジオモニタートシテ再ビ私ノ仕事ヲ始メ、ソコデ一九
四五年八月迄働キマシタ。私ガ海軍軍令部ニ復命シテ間
モナク、第三部長カラ海外ニ於ケル私ノ経験ヲ語レト
トノ云ハレマシタ。私ハ後デ有泉艦長ガ一九四五年八月ノ末自
殺シタト聞キマシタ。私ハ有泉ノ海軍服役履歴書デ
彼ガ一九四四年十月ニ大佐ニ進級シタ事ヲ讀ミマシタ。
18 コノ口供書ニ於テ私ガ述ベタ事件ニ関シテハ、私ハ海軍軍
令部、或ハ他ノ如何ナル所ニ於テモ日本ノ海軍ヤ外務省
ノ人カラ訊問ヲ受ケタ事ハアリマセン。又此等ノ事件ニ関シテハ
イノ八号ノ乗組員中ノ誰カガ日本ノ海軍ヤ外務省ノ人カラ訊
問ヲ受ケタトイフコトヲ聞イタ事ハアリマセン。此等ノ事件ニ関シ
テ私ハ一九四七年六月十三日ニ連合国最高司令官總司
令部法務部ノ英国海軍義勇隊 W.ソルター大尉
ニ始メテ訊問ヲ受ケ、更ニ後日連合国最高司令官
總司令部法務部ノトマス・C・ライッシヤー氏ニ訊問ヲ受

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I.P.S. Doc No. 3347

ナマテ

中原次郎

日本東京

私中原次郎ハ正式ニ宣誓ノ上前述ノ陳述ハ私ガ之ヲ閲讀シタ事及ビ四頁カラ一九ニテ陳述ハ私ノ最善ノ知識ノ信念ニ照シテ真実且正確ナル事ヲ申上ゲマス。

中原次郎

一九四八年一月六日本宣ノ面前ニテノ署名サレ宣誓サル。

W. ソルター

英国海軍上武勇隊大尉

IPS Document No. 1552 (item 30) Exhibit No. 3803

Draft of Telegram (Code - Urgent) drafted on April 10, 1942.
P.O.W. Information Bureau.

Director - Seal of KAMIMURA
Seal of YAMAZAKI

Re: Inspection of the Shanghai P.O.W. Camps by the Swiss Consul-General in Shanghai and the representatives of the International Red Cross Committee.

To: Chief of Staff of the 13th Army.

Telegram No. 182 dispatched from P.O.W. Information Bureau.

1. Although permission had been requested some time ago by the Swiss Consul-General in Shanghai and the representatives of the International Red Cross Committee to inspect the Shanghai P.O.W. Camps and report on its condition to the nations concerned after having personal talks with the prisoners of war, in consideration of the fact that the preparation and equipment of the camp had not been completed at that time so soon after the fighting, we have kept it postponed until this day.

2. It is our presumption that you have completed arrangements by now and so in accordance with international provisions intend to permit the tour of inspection of our Shanghai P.O.W. Camp in the near future. Please let me know your opinion on the matter as soon as possible.

Signature of NASU 643

April 10, 1942

Seal of AOKI

FILE COPY
RETURN TO ROOM 361

Doc 1552 (Item 30)

| | |
|---|---|
| 起案年月日 | 昭和十七年四月十日　俘虜情報局 |
| 長官 | 長官 |
| 件名 | 在上海瑞西總領事及赤十字國際委員會代表ノ上海俘虜收容所視察ニ關スル件 |
| 宛名 | 第十三軍參謀長 |

山府 連帶　俘虜情報局

電報案（暗號、平文、至急、親展）

俘情發電第一八二號

一、表ニ在上海瑞西總領事及赤十字國際代表ガ上海俘虜收容所ヲ視察シ俘虜ト會談ノ上其ノ狀況ヲ關係國ニ通報致シ度キ希望アリタルモ、作戰直後ニテ收容所ノ整備未タ全カラサルヲ思ヒ今日迄延期シ來レリ

二、今ヤ貴方ノ準備完成セル頃ト判斷セラルルニ付國際條規ニ基キ近ク上海俘虜收容所ノ視察ヲ許シ度キ意向ナリ貴方ノ之ニ對スル意見至急通報アリ度シ

那須

643 昭和拾七年四月拾日 青木

COPY
RETURN TO ROOM 361

IPS Document No. 1552 (item 4C) Exhibit No. 3843-A

No. 59 Received by the P.O.W. Information Bureau on the 14th of April, 1942. No. 2C1

Director: Signed illegible

Secretaries: Seal of YAMAZAKI
Seal of SAITO

[Secret]
Telegram From Shanghai

Dispatched at 15:39 - 13th April
Received at 17.50 -- 13th April

From: Adjutant of the 13th Army

To : Chief of the P.O.W. Information Bureau

"To Fuku" Telegram No. 189
Answer to telegram No. 182

As to the inspection of the camp by the Swiss Consul-General in Shanghai and the representatives of the International Red Cross Committee, I am of the opinion that it should be postponed for a while because the arrangement of the camps, such as the dispensary, sick-room, kitchen, bath and other places concerned, are not yet completed, and also the fact that a part of the P.O.W. room is being renovated. Besides these things the present mental attitude of the prisoners is not reasonable.

(End)

FILE COPY
RETURN TO ROOM 361

Doc. 1552 (Yten 40)

| 記書 | 官務事 | | 長官 |
|---|---|---|---|
| | 書 | 浮 | 松 |

3843-A

秘

電報譯 四月一三日午前後一五時三八分發
四月一三日午前後一七時五〇分著

發信地 上海

檢閱者 [illegible]

陸軍

俘虜情報局長宛 發信者 第十三軍副官

登副電第一八九號

俘情發電第一八二號返

上海埠?西總領事及赤十字國際代表ノ收容所視察ノ件ハ收容所ノ整備例ヘバ醫務室病室炊事場入浴場關係個所設備末ダ完成セズ又俘虜兵室ノ一部改造中ニシテ且俘虜ノ現在ノ心境。穩當ナラザルモノアルヲ以テ暫ク延期セラレ度?意見ナリ

(終)

取番 59

FILE COPY

IPS Document No. 1552 (item 35) Exhibit No. 2843-B

Draft of Telegram (Code, Urgent)

Drafted on 16th of April, 1942 - P.O.W. Information Bureau

Director - Seal of YAMAZAKI (temporarily in charge)

Secretary - Seal of YAMAZAKI

Re: The Speeding up of Improvements on Installations at the Shanghai P.O.W. Camps.

Chief of the P.O.W. Central Bureau

TO: Chief of Staff of the 13th Army

Telegram No. 208 dispatched from P.O.W. Intelligence Bureau

1. The inspection of the Hongkong P.O.W. Camp by the delegates of the International Red Cross Committee is to be permitted early in May.

2. The various installations of the Shanghai P.O.W. Camp should be improved as quickly as possible so that there may be no trouble on the occasion of the inspection to be made by the foreigners.

3. When you consider the proper time for inspection has been reached please let me know immediately.

April 16, 1942

Seal of NASU 30

Seal of YAMASHITA

Doc. 1552 Item 35

Ex 3843-B

連帶

| | |
|---|---|
| 起案年月日 | 昭和十七年四月十六日　俘虜情報局 |
| 長官 代 山崎 | 事務官 山崎 |
| 件名 | 上海俘虜收容所ノ施設改善促進ニ關スル件　俘虜管理部長 |
| 宛名 | 第十三軍參謀長 |

俘虜情報局

電報案（暗號、平文、至急、親展）

俘情發電第二〇八號

一、香港俘虜收容所ハ五月上旬赤十字國際委員會代表ニ其視察ヲ許可セラルル筈ナリ

二、上海俘虜收容所ハ成ルヘク速ニ諸施設ヲ改善シ外人ノ視察ニ差支ナカラシムル樣配慮相成度

三、視察可能ノ時期予想セラルルニ到ラハ至急通報セラレ度

那須 30

昭和十七年四月十六日

山下

COPY

IPS. 3176
Evidentiary Document No.

Exhibit No. 2444

IN THE MATTER of War Crimes

IN THE MATTER of Keijo, Jinsen, Konan, Prisoner of War Camps, Korea.

War Crimes Commission No.....

Reference No .....

I, CECIL RAYMOND FARLEY formerly WX.10068 of the 2/6th Field Park R.A.E. but now of George Street, North Beach in the State of Western Australia being duly sworn make oath and say as follows:-

1. I was taken prisoner of war by the Japanese at Singapore on the 15th February 1942 and thereafter was interned in Jinsen Camp from September 1942 to February 1945. I was then taken to Keijo Camp for one week and thereafter remained in Konan until liberated.

2. While prisoner in Jinsen I was given various clerical duties to perform including the duties of pay clerk in connection with the prisoners in the Camp and on that account I had continuous contact with the Japanese interpreters and most of the Japanese officers and guards. Through this contact I also came to know the correct names of many of the Japanese and many of the incidents which happened in the Camp are quite clear in my mind as I was able to keep a rough diary of events which at the time seemed to me to be important.

3. I remember in particular a Japanese Lieutenant named Mizuguchi who was medical officer and was stationed at Jinsen for about eight or nine months covering the latter end of 1944 and the beginning of 1945. Mizuguchi also took his turn as Camp Orderly Officer and I remember an incident which occurred one morning when the prisoners were paraded for roll call. Mizuguchi came up to where the officer prisoners were paraded and without any reason known to me commenced to batter Major Holohan who was the senior English officer amongst the prisoners. Mizuguchi knocked him to the ground knocked his cap and glasses off and pushed him and slapped him on the face. Mizuguchi then moved on to the squad I was in and approached Sergeant Herbert another English prisoner. Sergeant Herbert was suffering from beri-beri and was in a very weak condition but Mizuguchi again without any warning or any reason to my knowledge simply attacked the Sergeant knocked him over and kicked him while he was on the ground. Then at the end of the line Cpl Lee who was suffering a more severe attack of beri-beri than Sergeant Herbert and could barely stand on his own feet was brutally attacked by Mizuguchi/with his sword and sheath. The attacks on these three men were particularly brutal as Mizuguchi as medical officer had been treating them for beri-beri and knew the condition from which they were suffering.

/knocked to the ground and battered by Mizuguchi

4. Later in the same day Major Holohan said in my presence that he was going to report the incident to the Camp Commandant a Japanese officer by the name of Okazaki. He later returned to the hut where I used to perform my clerical duties and said that as a result of his interview the Camp Commandant had said he would look into the matter. Nothing further was heard but three days later when Mizuguchi was again Orderly Officer he made straight for Major Holohan at roll call and again

attacked him bitterly with hands and feet knocking him down. Mizuguchi told the Major through an interpreter "you must not complain" or words to that effect. I do not know of any reason why these attacks were made and no reason was given by Mizuguchi. Later on again in the hut where I used to work Major Holohan announced that it was apparently useless to make further complaint as further reprisals would no doubt follow.

5. I remember another incident which happened on or about the 15th November 1943 when a representative of the International Red Cross made a visit to Jinsen Camp. We all had some knowledge of the proposed visit from information gained by the prisoners from various sources and also from the hasty efforts of the Japanese to make the Camp look a little more presentable than it usually was. The representative duly arrived - he was not a Japanese - and was shown around the camp. The Camp Commandant called up Major Holohan Captain MacGillivray and W/O Clapp (all persons from an English regiment) to interview the Red Cross representative in the Japanese lines. As representatives of the prisoners these officers had a long list of complaints which they intended to place before the Red Cross representative if possible but after being taken to the interview they were prevented by the Japanese in charge from saying anything more than a few words and the interview closed very abruptly as far as they were concerned. Apparently in the short space of time while the interview lasted they were able to impress upon the representative the poor condition of the prisoners. Two days afterwards the three prisoners above were summoned to the Japanese lines to appear before Okazaki the Camp.Commandant. He charged them with making untrue statements to the Red Cross representative and then sentenced them with terms of solitary confinement as follows:

Major Holohan 10 days
Capt MacGillivray and W/O Clapp 2 days each.

The Japanese officers explained to us through their interpreter that the sentences were for "giving all bad tales about Camp and nothing good".

6. I remember another incident which concerned an attempted escape by Lieutenant Moore and Sergeant Bosworth on the 30th July 1943. They were recaptured at 0200 hours on 1st. August 1943 and the Camp was called out to be informed of their unsuccessful attempt. The escapees were held in solitary confinement in separate guard-houses at Jinsen for about seven days during which they were subjected to rigorous methods of interrogation. During that time also they were given practically no food. We knew this because there were prisoners at the time on duty in the cookhouse and no food was allowed to be taken to the escapees. The two men were tried by Colonel Noguchi at Jinsen and then taken to Keijo. On September 23rd 1943 prisoners were paraded and Okazaki read out the sentences that had been imposed as follows:-

Moore 8 years imprisonment
Bosworth 6 years imprisonment;

some of the other officers who had assisted them were also sentenced to varying terms as follows:-

Lieut Mullins 3 years
Captains Collinson Kershaw and Jacobs
and Lieutenants Butler and Wood 2 years each;

all of these officers except Butler came from English regiments.

Later we heard through some of our prisoners who had been speaking to an inmate of Keijo gaol who had been transferred to Keijo hospital that the conditions in the gaol were very severe and that Moore and Bosworth were suffering severely from illtreatment and the general effects of their imprisonment. On April 23rd 1944 Lieutenant Moore died in Keijo prison and his remains were later buried at Jinsen Camp.

SWORN by the abovenamed Deponent at Perth in the State of Western Australia this 6th day of August 1947: Before me: ) (Sgd) Cecil H. Farley.

Howard A. Sopmon (Sgd)
A Commissioner of the Supreme Court of Western Australia for taking Affidavits.

CERTIFIED TRUE COPY

Thomas F. Osborne .....Lt.Col.

EXHIBIT

IPS Doc. No. 15[illegible] - Item 32.

Period to be held in file: Permanent
Decision authorized by: Vice Minister
Action authorized by: War Ministry
Transmit to: Administrative Official Secretary - Before-After Decision

Receipt No. 1-1383 - Originating Office (Section) Foreign Ministry
Subject: Request by Consul-General at Shanghai to Visit Prisoner of War Camp.
Minister Delegated: Parliamentary Vice Minister, Councillor, Secretary Draft Recorder.
Vice Minister: Senior Adjutant, Adjutant in Charge: Intendance Officer for the Secretariat: Chief of Competent Bureau. Chief of Competent Section: Member of Competent Section: Competent Bureau and Section No. FU KAN HATZU No. 6 / TN: POW Administration Despatch No. 6./ Rec'd. Submitted: 23 April 1942 - Joint Bureau Chief: Director of Military Affairs, Section Chief. War Affairs Section, Military Affairs Section. Ministers' Secretariat: Rec'd. Terminated: Distribution after Action. (Decision) Bureau Chief: Section Chief:

KIKU A FU / Army Asia Ordinary / No. 275- 27 April 1942.
Draft of Reply from Vice Minister to Vice Foreign Minister.

Referring to your letter JO SAN FUTSU/ Treaty-3-Ordinary/ No.344, dated 4 April 1942, re the above captioned matter, we beg to inform you that, in view of the recent escape of POW's at Shanghai, we have decided not to allow any contact of POW's with outsiders for sometime to come for the purpose of holding control. We desire that you communicate with the Swiss Minister accordingly.

To War Vice-Minister 4th April, 1942.
From Foreign Vice-Minister
The Visit of Swiss Consul General at Shanghai to British and American POW Camps.

Regarding the above, I am informed by the Swiss Minister in Tokyo as stated on attached sheet. I will forward to you copy of the letter translation attached. Kindly be good enough to take note of it and inform me of your opinion. Copy of this letter sent to POW Information Bureau. Translation of Letter from Swiss Minister in Tokyo to Foreign Minister TOGO dated 27th March.

I have the honor to inform you that as Switzerland is to represent the interests of U.S.A. and Great Britain at Shanghai with the consent of the Japanese Government, the Swiss Consul-General at Shanghai desires permission to visit the camps of the American and British POW's. Regarding this matter, the Consul-General has repeatedly negotiated with the Japanese Consul-General at Shanghai, but his request has not been granted until now.

I gather that the military authorities concerned at Shanghai may give consent to the representative of our consulate to negotiate among themselves directly to study how certain requests of the above POW's will be met. According to the information gained by the Swiss Consul-General through the favorable mediation of the Japanese Kempei when the Japanese military authorities concerned visited POW's, they asked for fruit, sugar, salt and some other food and pocket money through Captain Ashurst in the American Marines. I shall be greatly obliged if Your Excellency forwards this request to the Swiss Consul-General to the War Ministry and requests them to study whether there is any possibility for favorable handling of this request.

RETU[illegible]

Asking for your consideration in the matter, I avail myself of this opportunity to renew to Your Excellency the assurance of my highest esteem and courtesy.

Doc. 3176 3844

FILE COPY
RETURN TO ROOM 361

國際檢察部書類第三一七二八號

證據書類第　號

戰爭犯罪ノ件

及

朝鮮京城、仁川、興南俘虜收容所ノ件

戰爭犯罪委員會第　號

參照番號第　號

一元「オーストラリア」軍技術隊第二／六野戰材料廠WX一〇〇六八、現西「オーストラリア」州「ノース・ビーチ」「ジョージ」街「セシル・レイマンド・フアーレイ」ハ正當ニ宣誓ノ上左ノ如ク陳述ス。

(一)私ハ一九四二年二月十五日、「シンガポール」ニ於テ日本側ニヨツテ俘虜トサレ以後一九四二年九月カラ一九四五年二月迄、仁川收容所ニ抑留サレテ居リマシタ。ソレカラ私ハ一週間ノ間京城收容所ニ移サレ、ソノ後釋放サレル迄興南ニ留置サレテ居リマシタ。

(二)仁川ニ於テ俘虜タリシ間、私ハ様々ナ事務的仕事ヲ與ヘラレマシタガ、ソノ中ニハ同收容所内ノ俘虜達ニ對スル給金支拂係トイツタ仕事モアリ、ソノ關係デ日本側通譯及大部分ノ日本將校ヤ衛兵

Xloe.3176



遠ト常ニ接觸シテ居リマシタ。コノ接觸ニ依ツテ私ハ多數ノ日本人ノ正確ナ名前ヲ知ルニ至リ、ソシテ當時重要ト思ハレタ出來事ニ就テ、アラマシノ日記ヲツケルコトガ出來マシタノデ、同收容所内デ起キタ多クノ事件ヲ極メテハツキリト覺エテ居リマス。

（以下次頁へ續ク）

Xloc. 3176

(二)軍醫デ、一九四四年ノ後半カラ一九四五年ノ始メニカケテ凡ソ八、九ケ月ノ間仁川駐屯シテヰタ水口トイフ一日本人中尉ノコトヲ、私ハ特ニ記憶シテ居リマス。水口ハ又收容所當直將校ノ任務モ交替デ勤メテ居リマシタガ、私ハ或ル朝俘虜達ガ點呼ノタメニ整列シタ時ニ起ツタ一事件ヲ覺エテ居リマス。水口ハ將校俘虜ノ並ンデヰル所ヘヤツテ來、私ニハ理由ハ少シモ分リマセンデシタカ、俘虜達ノ中英軍ノ先任將校デアツタ「ホロハン」少佐ヲ毆打シ始メマシタ。水口ハ同少佐ヲ地面ヘ毆リ倒シ、ソノ帽子ト眼鏡ヲタヽキ落シ、ソシテ突キトバシ、顏面ニ平手打ヲ加ヘマシタ。ソレカラ水口ハ、私ノヰタ分隊ノ方ヘヤツテ來、別ノ「イギリス」人俘虜デアル「ハーバート」軍曹ノ所ヘ近ヅイテ行キマシタ「ハーバート」軍曹ハ脚氣ニカヽツテ居リ、非常ニ衰弱シテ居リマシタガ、水口ハ再ビ、私ノ知ル所デハ何等ノ警告モ何等ノ理由モナシニ唯襲ヒカヽリ軍曹ヲ毆リ倒シ、倒シテヰル所ヲトバシマシタ。次ニ列ノ終リデ、「バーバート」軍曹ヨリモ、セツトヒドイ脚氣ニカヽツテ立ツテヰルノモヤツトノ「リー」伍長ガ水口ニ襲ハレ、地面ニ毆リ倒サレ同人カラ鞘ニハツタマヌコツピドク打据エラレマシタ。コノ三人ニ對ス

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ル暴行ハ、水口ガ軍醫トシテ彼等ノ脚氣ノ治療ニ當ツテ居リ、ソノ病狀ヲ知ツテヰタダケニ特ニ殘念キハマルモノデアリマシタ。

四、同日後刻「ホロハン」少佐ハ私ノ面前デ、岡崎ト云フ俘虜收容所長デアル日本將校ノトコロヘ本件ヲ報告ニ行ク積リダト申シマシタ。彼ハ後デ私ガイツモ事務ヲ執ルコトニシテヰタ小屋ヘ立チ歸リマシテ、會見ノ結果收容所長ハ本件ノ調査ヲスルト申シタ旨ヲ語リマシタ。更ニ精ハシイコトハ何モ聽カレマセンデシタガ然シ三日ノ後水口ガ再ビ日直將校デアリマシタ時彼ハ點呼ノ際「ホロハン」少佐ノ前ニ行キ再ビ彼ヲ打チ倒シテ手ト足ヲ以テ散々ニ酷イ目ニ會ハセマシタ。水口ハ一通譯ヲ通ジテ「御前ハ苦情ヲ言ツテハナラナイ」若シクハ夫レト同ジ趣旨ノ言葉ヲ同少佐ニ申シ傳ヘマシタ。

私ハコノ打チ打擲ガ何故行ハレタノカ何等ノ理由モ知リマセン又水口カラモ何等ノ理由モ聞カレマセンデシタ。ソノ後再ビ、私ノ仕事小屋デ、「ホロハン」少佐ハ、コレ以上苦情ヲ述ベルコトハ必ズコレ以上報復ヲ招クコト、ナルダラウカラ明カニ無益ナコトダト言ヒマシタ。

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五、私ハ一九四三年十一月十五日若シクハ其頃國際赤十字ノ一代表ガ仁川俘虜收容所ヲ訪問シタ時起ツタ今一ツノ事件ヲ記憶シテ居リマス。

各方面カラ俘虜達ニ依ツテ得ラレタ報告ニヨリ又日本側ノ此ノ收容所ヲ平生ヨリモ幾分体裁ヨク見セカケヨウトスル大急ギノ努力ニヨリ我々モ皆ハコノ申出ノアツタ訪問ニ就イテハ多少知ツテ居リマシタ。

代表ハ定メノ時刻ニ到着シ一彼ハ日本人デハアリマセンデシタ一收容所ノソコココヲ案内サレマシタ。俘虜收容所長ハ「ホロハシ」少佐「マツクギリヴレエイ」大尉及ビ「クラツプ」準士官（皆英國聯隊ヨリ來レル者）ヲ日本人ノ居ル處デ赤十字代表ト會見セシムル爲メニ呼ビ出シマシタ。俘虜ノ代表者トシテ之等ノ將校ハ不滿ノ點ヲ審キ通ネタ長イ表ヲ持ツテ居マシタ。ソシテ其表ヲ右シ出來ルナラバ赤十字代表ノ前ニ提出スル積リデアリマシタ。然シ會見ニ連レ出サレテ後彼等ハ二言三言喋ルトソレ以上ハ係リノ日本人ニ遮ゲラレテコノ會見ハ彼等ニ關スル限リハ極メテアツケナク終ツテシマヒマシタ。ガ、一見シタ處コノ會見ノ行ハレタ短時間ノ間ニ彼等ハ俘虜ノ悽レム可キ狀態ヲ代表ニ感銘セシメルコトガ出來タヤウデアリマシタ。

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二日ノ後、前記ノ三名ハ收容所長岡嶋ノ前ニ出頭スルタメ日本人ノ居ル所ニ呼ビ出サレマシタ。彼ハ赤十字代表ニ對シ不正ノ陳述ヲ爲セル理由ヲ以テ彼等ニ罪ヲ負ハセ次イデ左ノ如キ獨房監禁ノ刑期ヲ申シ渡シマシタ。

「ホロハン」少佐十日及ビ「マックギーヴレエイ」大尉竝ニ「クラップ」準士官各二日。

（以下次頁へ續ク）

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日本將校ハ通譯者ヲ通ジテソノ文章ハ「收容所ノ惡評計リデ、何等良イ點ヲ傳ヘルモノデハナカツタ。」ト我々ニ說明シマシタ。

六、私ハ一九四三年七月卅日ニ「ムアー」中尉ト「ボスワース」軍曹トガ試ミタ逃亡ニ關スル他ノ事件ヲ記憶シテ居マス。彼等ハ一九四三年七月卅日ノ〇二時ニ再逮捕サレマシタソシテ收容所全員ハ彼等ノ不成功ニ終ツタ逃亡ニツイテノ顚末ヲ聞カセラレル爲メニ召集サレマシタ。逃亡者ハ約七日ノ間仁川デ各別ノ監察室ニ隔離收容サレテ長問殿重ナ訊問ヲ受ケマシタ。

其間又彼等ハ殆ンド食事ヲ與ヘラレマセンデシタ。吾々ガコレヲ知ツタノハ當時炊理場ニ働イテ居ツタ捕虜ガアツタノト逃亡者ニハ食物ヲ與ル事ガ許サレナカツタコトカラデス。上記二人ノ捕虜ハ仁川デ野口大佐ノ訊問ヲ受ケタ後京城へ連行サレマシタ。一九四三年九月廿三日ニ捕虜達ハ整列サセラレ岡崎ガ處刑ノ判決ヲ次ノ通リ續ミ上ゲマシタ。

「ムアー」監禁八年　「ボスワース」監禁六年

彼等ヲ幇助シタ他ノ將校ノ中アル者ハ又次ノヤウニ種々ノ判決ヲ受ケマシタ

「マリレス」中尉　三年

「コリンソン・カーショウ」及ビ「ゼコップス」及ビ「バトラー」及ビ「ウッド」兩中尉　各二年

上記將校ノ中「バトラー」以外ハ全部英國聯隊カラ來タ人テシタ。其後京城病院ヘ移サレテ京城監獄ニ居タ一友人ニ語シタ若干ノ陳述ノ補足並ノ言ニ依レバ監獄ノ實状ハ極メテ苛酷デ「ムアー」及「ボスワース」ハ虐待及ビ監禁中ノ一般的影響ノ爲メニ非常ニ苦シンデ居ツタトノ事デシタ。一九四四年四月十三日ニ「ムアー」中尉ハ京城監獄テ死亡シ、彼ノ遺體ハ其ノ後仁川刑務所デ葬ラレマシタ

セシル・R・ファーレイ（署名）

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Xcoc. 3176

前記供述者ニ依リ、一九四七年八月六日、西「オーストラリヤ」洲「パース」ニ於テ、余ノ面前ニテ宣誓セラレタリ。

西「オーストラリア」洲最高裁判所供述書作成委員

ハワード・A・サプマン（署名）

真正ナル寫本ナルコトヲ證明ス

陸軍中佐トーマス・F・モルネーン（署名）

Doc. No. 3337 Exh. No. 3845

Drafted: November 12, 1942

Approved: November 14, 1942

from: Section 2 of the
Treaties Bureau

Draft Submitted for Approval of Higher Office "Matter Relating to the Establishment of an Office Concerning JAPANESE Residing in Enemy Countries and Enemy Nationals Residing in JAPAN."

In the present GREATER EAST ASIA War, the Foreign Ministry finds it necessary to ensure the protection of JAPANESE interned in enemy countries and also make the world aware of JAPAN's moral principles by treating the enemy nationals under our jurisdiction and control in a fair and just manner. Since the treatment of JAPANESE Nationals interned in enemy countries and the treatment accorded enemy nationals under our jurisdiction have an inseparable and close relationship, it is necessary that matters relating to the above, which are now being dealt with by various bureaus and sections, be unified and dealt with in a comprehensive manner. Therefore, it is requested that a new office be established under the direct jurisdiction of the Vice-Minister, and composed mainly of repatriated diplomats; and have this office deal with the afore-mentioned matter.

We hereby request your approval.

I. Work to be handled by the new office. (Full liaison shall be maintained with bureaus and sections concerned.)

(1) Matters relating to investigations and improvements of the conditions of JAPANESE nationals who are prisoners of war, internees, and internees in concentration camps in enemy nations.

I[illegible] shall have the Interests Protecting Representative Nation; the International Red Cross Committee; the exchanged repatriates, or the Vatican, report on the conditions. As regard unsatisfactory treatment, requests for improvements and protests shall be presented through proper channels, or relief funds and goods shall be forwarded by the Government, the JAPANESE Red Cross Society, Overseas Japanese Associations, etc., to improve conditions.

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The location and safebeing of the aforementioned JAPANESE (excluding prisoners of war) shall be investigated, and a list of names shall be made which will be announced in newspapers and the Official Gazette, or communications made with families residing in JAPAN.

(2) Matters relating to exchange of residents with enemy nations.

(3) Matters relating to enemy nationals who are internees, prisoners of war, or interned in concentration camps under JAPANESE jurisdiction.

Looks after business related to the treatment (clothes, food, living quarters, inquiries and answers as to safety, communication of the "list" (T.N. of their names), appointment of, and calls on, the nation representing their interests and the delegation of the International Committee of Red Cross, communications, relief, labor, punishment, repatriation, etc.) of the above mentioned enemy nationals. Among the abovementioned business shall be included, replying to proposals from enemy countries and other sources.

(4) In dealing with the abovementioned business, shall handle negotiations with and guidance to the interest protecting power, International Committee of the Red Cross or Vatican, and to give guidance to relief bodies at home and abroad.

(5) Business related to Liaison and Consulting Association for affairs of non-combatant internees.

(6) Though the protection of the Japanese who are not interned or are not made to live in a concentration camp, or of those living in countries with which diplomatic relations are severed, is to be looked after by the Political Affairs Bureau, it shall keep in close touch with this office.

II. Personnel constituting the new office will, for the time being, be as follows:

| | |
|---|---|
| Minister Class | 1 |
| General Consul Class | 1 |
| Consul Class | 2 |
| Vice-Consul Class | 3 |
| Hannin officials | 5 |
| Officials of non-regular status | 5 |
| Miscellaneous employees | 5 |
| Laborers | 8 |

Non-regular service officials, miscellaneous employees, and laborers shall be, as a matter of principle, selected from those within the Ministry.

Data for Explaining at Cabinet Meeting
re Internee and P.O.W. Duties (November 19, 1942 "JOW-2)

The Foreign Ministry has, with Minister SUZUKI who returned recently to JAPAN from EGYPT and who has been ordered to engage temporarily in FOREIGN Ministry Duties - as their chief, arranged to have several diplomats and Consulate members, who have returned to JAPAN from enemy countries, engage in the following duties, maintaining liaison with the Bureaus and Sections concerned:

1) Duties regarding Investigations and Improvement of the Conditions of Japanese held as Internees, Concentration Camp Internees or POW's in Enemy Countries.

The Interest Protecting Powers, the International Red Cross Committee, Exchanged Repatriates or the Vatican shall make reports regarding their condition (clothing, food and living quarters, hygiene, labor, punitive measures, communication with their home country, etc.); to submit demands or protests through suitable channels regarding any bad treatment; or to try to improve their conditions by sending Relief goods from the Government, Japan Red Cross Society and Overseas Compatriot Societies /T.N. KAIGAI DOHO KYOKAI/ etc. Investigating the addresses and state of health of the aforesaid JAPANESE (excluding P.W.'s) and compiling Name-Registers, or publishing same in the newspapers or the "Official Gazette" or enabling them to communicate with their family members in JAPAN.

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2) Business with enemy countries concerning the exchange of residents.

3) Business relative to the prisoners of war, internees or enemy countries' nationals who are now in concentration camps as internees within the influence of JAPAN.

Business will be handled pertaining to the treatment of enemy nationals, the visit by the representatives of the interest-protecting powers or by the members of the

Red Cross Society's International Committee, Shipments from enemy countries of relief supplies and remittance of money, inquiry and information as to the status of the persons affected.

The above busine s includes such jobs as dealing with protests or any other representations that may be submitted by enemy countries and others.

4) With regard to the prosecution of the aforementioned business: liaison with various government agencies in JAPAN, negotiations with the protecting powers, the International Committee of the Red Cross Society and the Vatican, and guidance of such negotiations; guidance for the relief associations at home and abroad.

Further, the affairs relative to the protection of Japanese-owned assets in enemy countries will, just as heretofore, be put under jurisdiction of the Foreign Trade Bureau of the Foreign Office; and also matters relative to disposal of assets owned by enemy nationals in JAPAN under the jurisdiction of the Finance Ministry just as in the past.

Thus these matters will be handled by the Enemy Assets Control Commission formed by the relevant officials of various ministries.

IPS Doc. No. 3337 Exhibit No. _____

# C E R T I F I C A T E

I, HAYASHI, Kaoru, the chief of the Archives Section, the Secretariate of the Foreign Minister, do hereby certify on the strength of the documents in the custody of this Section, that the Office concerning Japanese residing in enemy countries, which was established through the sanction on Nov. 14, 1942, commenced conducting its duties on Dec. 1, of the same year.

/s/ HAYASHI, Kaoru
SEAL

Chief of the Archives Section
the Secretariate of the
Foreign Minister

This 9th day of January 1948

# C E R T I F I C A T E

IPS No. 3337

## Statement of Source and Authenticity

I, SATO, Jakegoro, hereby certify that I am officially connected with the Japanese Government in the following capacity:

Ass't. Chief of the Archives Section, Japanese Foreign Office, and

that as such official I have custody of the document hereto attached consisting of 7 pages, dated 14 Nov. 1942, and described as follows:

"Draft Submitted for Approval of Higher Office "Matter Relating to the Establishment of an Office Concerning Japanese Residing in Enemy Countries and Enemy Nationals Residing in Japan."

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at Tokyo on this

22nd day of December, 1947.

/s/ T. SATO
Signature of Official

SEAL

Witness: /s/ H. SUZUKI

Ass't. Chief, Archives Section
Official Capacity

## Statement of Official Procurement

I, Henry Shimojima, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Gover ment in the conduct of my official business.

Signed at Tokyo on this

22nd day of December, 1947.

/S/ Henry Shimojima
Name

Witness: J. G. Lambert /s/

Investigator, IPS
Official Capacity

Exhibit No. 3845

I.P.S Doc No. 3337

昭和十七年十月　日起案
昭和十七年十月　日決裁

高裁

RETURN TO ROOM

COPY

在敵國邦人及我方在住敵國人關係事務部（假稱）
設置ニ關スル件

今次大東亜戰爭ニ於テ外務省トシテハ在敵國抑留邦人ノ保護ニ遺憾ナキヲ期スルト共ニ我權内ニ在ル敵國人ヲ公正ニ取扱ヒ帝國ノ道義ヲ世界ニ知ラシムルノ要アル處在敵國刑留本邦人ノ取扱ヒ帝國ノ權内ニ在ル敵國人ノ取扱ヒト、密接不可分ノ關係アルヲ以テ現在各局課ニテ處理シ居ル右取扱關係事務ハ之ヲ統一シ綜合的見地ヨリ處理スルノ要アリ仍テ別紙ノ通次官直屬ノ臨時機關トシテ主トシテ歸朝外交官ヲ以テ構成スル新事務部ヲ設置シ之ヲシテ右事務ノ處理ニ當ラシムルコトト致度

右仰高裁

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IPS DOC No. 3337

一、新事務部ニ於テノ処理スヘキ事務（関係局課ト充分連絡スルモノトス）

(一) 敵国ニ於テ俘虜、抑留者又ハ集団生活者トナリ居ル邦人ノ状況ノ調査及改善ニ関スル事務

利益代表国、赤十字国際委員会、交換帰朝者又ハ法王廳ヲシテ其ノ状況ヲ報告セシメ其ノ待遇ノ不良ノ点ニ付適当ノ機関ヲ通シ改善ヲ要求シ抗議ヲ提出シ又ハ政府、日本赤十字社、海外同胞協会等ヨリ救恤金、救恤品ヲ送付シ其ノ状態ノ改善ヲ計ル前記邦人（俘虜ヲ除ク）ノ居所安否ヲ調査シ名簿ヲ作成シ新聞又ハ官報ニ之ヲ公表シ又ハ本邦ニ在ル家族トノ通信ヲ行ハシム

(二) 敵国トノ居留民交換事務

(三) 帝国ノ権内ニ在ル俘虜、抑留者又ハ集団生活者トナリ居ル敵国人関係事務

右敵国人ノ待遇（衣食住、安否問合、「リスト」ノ通報、利益代表国、赤十字国際委員会代表ノ設置及其ノ訪問、通信、救恤労働、処罰、送還等）ニ関スル事務ヲ行フ

右事務ハ敵国其ノ他ヨリノ申出ニ対シ応酬スル事務ヲ含ム

(四) 前記事務ノ実施ニ関シ利益代表国、赤十字国際委員会及法王廳トノ交渉及指導、国内及国外ノ救恤団体ノ指導

(五) 抑留非戦斗員事務連絡協議会関係事務

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(六) 敵國ニアル抑留又ハ集団生活セシメラレ居ル邦人及断交国ニアル邦人ノ保護ハ政務局ニ於テ之ヲ行フモ本事務部ト充分連絡ス

注 新事務部ノ構成人員不取敢左ノ員ヲ以テス

公使級 一名
總領事級 一名
領事級 二名
副領事級 三名
判任官 五名
嘱託 五名
雇員 五名
傭人 八名

嘱託雇員傭人ハ省内ニテ融通スル建前トス

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閣議説明資料

抑留者及俘虜ニ関スル事務ニ関スル件

（昭一七、一二、一九　條二）

外務省ニ於テハ交換船ニヨリ歸朝シ臨時ニ外務省事務ニ從事スルコトヲ命セラレタル鈴木公使ヲ主班トシ敵國ヨリ歸朝シタル外務外交官領事官數名ヲ以テ關係局課ト連絡ノ上次ノ事務ニ當ラシムルコトトセリ

一、敵國ニ於テ抑留者、集團生活者又ハ俘虜トナリ居ル邦人ノ状況ノ調査及改善ニ關スル事務

利益代表國、赤十字國際委員會、交換歸朝者又ハ當局ヨリ其ノ状況（衣食住、衛生、勞働、處罰、母國トノ通信）ヲ報告セシメ其ノ待遇不良ノ點ニ付適當ノ機關ヲ通シ改善ヲ要求シ抗議ヲ提出シ又ハ政府、日本赤十字社、海外同胞協會等ヨリ救恤金品ヲ送付シ其ノ状態ノ改善ヲ計ル

前記邦人（俘虜ヲ除ク）ノ居所生死ヲ調査シ、右簿ヲ作成シ新聞又ハ官報ニ之ヲ發表シ又ハ本邦ニ在ル家族ト通信ヲ行ハシム

二、敵國トノ居留民交換事務

三、帝國ノ權内ニ在ル俘虜、抑留者又ハ集團生活者トナリ居ル敵國人ニ關係スル事務

右敵國人ノ待遇、利益代表國、赤十字國際委員會ノ訪問、敵國ヨリノ救恤金品ノ送付、安否ノ問合等ニ關スル事務ヲ行フ

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右事務ハ敵國其ノ他ヨリノ抗議其ノ他ノ申出
ニ対シ應酬スル事務ヲ含ム

四、前記事務ノ実施ニ関シ國内諸官廳トノ連
絡、利益代表國、再十字國際委員會及法
五廳トノ交渉及指導國内及國外ノ救恤
團体ノ指導

尚、敵國ニ在ル本邦人ノ財産保護ノ問題ハ従
来通外務省通商局ニ於テ主管シ又日本ニ
在ル敵國人財産ノ處理問題モ従来通リ
大藏省ニ於テ主管シ各省ノ関係官ヲ
成ル敵産管理委員會ニ於テ處理ス

I.P.S Doc. No. 3337

# 證　明　書

昭和十七年十一月十四日決裁を経て設置された在敵國居留民関係事務室は同年十二月一日より事務を開始した

右當課保存の記錄によつて證明する

昭和二十三年一月九日

外務大臣官房文書課長

林　馨　㊞

Exhibit No.

I.P.S. Doc. No. 3337

# 證明書

「ワシントン」文書局 第 號

國際檢察部 第三、三三七號

典據及ビ公正ニ関スル證明

余、佐藤武五郎ハ余ガ下記ノ資格ニ於テ、即チ一文書課長代理トシテ、日本政府ト公的関係ニ在ルモノナルコト、並ニ該官吏トシテ余ガ茲ニ添附セラレタル、七頁ヨリ成ル、千九百四十二年ノ昭和十七年ノ十一月十四日附、下記題名、即チ在敵國邦人及我方在住敵國人関係事務部(假稱)設置ニ関スル件ノ文書ノ保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記錄及ビ文書ガ日本政府ノ公文書ナルコト、並ニ右ガ下記名稱ノ省又ハ部局ノ公式書類及ビ綴ノ一部ナルコトヲ證明ス。

(若シアラバ綴番號又ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名稱ヲモ特記スベシ) 外務省

千九百四十七年ノ昭和二十二年ノ拾貳月貳拾貳日

東京ニ於テ署名

佐藤武五郎 (佐藤)

当該官吏署名欄

右ノ者ノ公的資格 外務事務官(文書課長代理)

證人 鈴木齊

公式入手ニ関スル證明

余、HENRY SHIMOJIMA ハ、余ガ聯合國最高指揮官總司令部ニ関係アルモノナルコト、並ニ上記題名ノ文書ハ余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタルモノナルコトヲ茲ニ証明ス。

千九百四十七年ノ昭和二十二年ノ十二月二十二日

東京ニ於テ署名

氏名欄 Henry Shimojima (ヘンリー シモジマ)

右ノ者ノ公的資格 Investigator I.P.S. 國際檢察部調査官

證人 J.G. Lamber (ジー・ジー・ランバート)

Exhibit No.　　I.P.S. Doc. No. 3337

私、外務大臣官房文書課長林馨ハ、決裁ヲ仰グ為
上申セラレタ「在敵國居留民並ニ在日敵國人関係事
務室設置ノ件」ト題スル案(書類第三三三七号)ガ一九四二
年十一月十四日決裁ヲ経タ事、並ニ該事務室ハ決裁ヲ
経タ規定(其ノ案ハ一九四二年十一月十四日ニ決裁ヲ受ケタ)
ニ基キ「鈴木タダカツ」ヲ主任トシテ同年十二月一日又ハ
其ノ頃ヨリ事ノ務ヲ開始シタ事ヲ茲ニ証明スル

昭和二十三年一月二十二日　於東京

林馨 (林)

右署名捺印ハ自分ノ面前ニ於テ為サレタリ

同日於同所

立会人　佐藤武五郎 (佐藤)

Doc. 3356

Ex 3846

1

# 檢察側文書第三三五六號

「一九四六年一月十七日橋本欣五郎ニ對スル訊問抜萃」

「問、貴方ガレデイバード／LADYBIRD／號ヲ砲撃シタ時、誰ノ命令デ行動シマシタカ

答、柳川／YANAGAWA／中將ノ命令デアリマシタ。コノ命令ハ次ノ如クデアリマス。「南京ハ包圍ノ狀態ニアリ敵軍ハ上流ニ向ツテ逃亡ヲ企テル模樣ニ付橋本大佐ハ國籍ノ如何ヲ問ハズ南京ニ向ツテ航行スル船ヲ全部撃沈スベシ云々。コノ命令ハ南京陷落ノ二日前ニ發セラレタト思ヒマス。ソレハ一九三七年十二月十日頃デアツタト思ヒマス。命令ハ私ガ蕪湖／WUHU／下流、約五キロカ六キロノ所ニ居タ時二時頃受ケ取リマシタ。命令ヲ受ケテカラ私ハ蕪湖／WUHU／ニ歸リ私ノ砲／數門／ノ準備ヲ致シマシタ。翌朝、河ハ濃霧ニ閉サレテ居リ、十時頃霧ガ上ツタ時、江面ニ四艘ノ船ヲ認メマシタ。ソノ中三艘ハ灰色デ一艘ハ白ク塗ツテアリマシタ。私ハ直ニソレ等ニ砲撃ヲ始メマシタ所三艘ノ灰色ノ船ハ下流ニ逃亡致シマシタ。白イ船ハ我々ノ陣地ニ向ツ

FILE COPY
RETURN TO ROOM 361

テ來マシタ。ソシテソレガ英国ノ電報「レディバード」／LADYBIRD／ガデアル事ガ解リマシタ。他ノ三隻ハ江岸デ艦隊ヲ上陸サセテキタ中国ノ船デアリマシタ。レディバード／LADYBIRD／ガ私ノ手許デ抑留中パネー／PANAY／ガ他ヲ受ケテ被弾シタ旨彼等ガ無線通信ヲ受信シタノハ明カデ、レディバード／LADYBIRD／ノ艦長ハ、パネー／PANAY／ノ救助ニ行ク為私ノ許可ヲ得タイト申出デマシタ」

---

IPS Doc. No. 3356 Exhibit No. 3846

EXCERPT from INTERROGATION of HASHIMOTO, Kingoro

17 January 1946

Q. Under whose orders did you act when you shelled the Ladybird?

A. This was under orders from Lt. Gen. YANAGAWA. These orders read as follows: "Nanking being in a state of siege, and it appearing that enemy troops will attempt to flee upstream, Colonel HASHIMOTO is to sink all vessels proceeding towards Nanking without regard to nationality." I believe these orders were issued two days before the fall of Nanking. I believe that was about the 10th of December 1937. These orders were received about 0200 when I was about 5 or 6 kilos downstream from Wuhu. Having received the orders I returned to Wuhu and prepared my guns. The next morning the river was heavily fog bound and when the fog lifted at about 1000 I noticed four ships were in the stream, three of which were gray and one ship was painted white. I immediately started shelling them and the three gray ships fled downstream. The white ship came towards our position and it turned out to be the British gun-boat, "Ladybird." The other three were Chinese ships which had been landing troops on the shore. While the Ladybird was in my custody, evidently they received a wireless communication to the effect that the Panay had been hit, and the Commanding Officer of the Ladybird asked my permission to go to the rescue of the Panay.

FILE COPY
RETURN TO ROOM 305

IPS Doc. No. 3360 Exhibit No. 3147

FILE COPY
RETURN TO ROOM

TELEGRAM
open

WIESBADEN, 8 August 1940, 1730
Arrival: " " " 1745

No. 114 SECRET

With reference to today's long-distance telephone conversation with Legation Secretary Grote Cipher

1. /I/ reproduce below the strictly confidential wording of the report of General Von Stuelpnagel to the OKW /Oberkommando der Wehrmacht 'High Command of the Armed Forces'/ on his conversation with General HUNTZIGER concerning the Japanese demand of right of way through Indo-China:

"General HUNTZIGER made the following oral report to General Von Stuelpnagel on his /Gen. HUNTZIGER's/ return from Vichy on the evening of August 7:-- On 1 or 2 August the Japanese Government dispatched a note to the Governor-General of French Indo-China in which it was demanded that the French Government should grant the Japanese in Tongking all the requisite facilities for their waging of war against China. In the first place /TN: all underlining in pencil in the original photostat/ the Japanese wished to have the Haiphong-Yunnan Railway placed at their disposal for troop transport to Southwest China in order to be able to carry out the shutting off of Chungking from the southwest. The Japanese demand was in ultimative form, but without a time limit. In case of rejection Japan reserved for herself further measures.

The French Government on 3 August ordered the Governor-General in Indo-China to reply to the Japanese that the Japanese demand meant a violation of French sovereignty. The French Government had given no grounds for this, since it had already stopped the arms traffic through Tongking to China some eight or nine months earlier. The French Government could therefore in no case meet the Japanese demand in this form. Eventual concessions could only be made on the basis of free agreement with Japan. The sovereignty of the French colonial empire must, however, in no manner be infringed thereby.

General HUNTZIGER stated that the French Government had informed the U.S.A. of these events. He had the further request to make that the German Government communicate the French point of view to the Japanese Embassy, since neither the French Government nor the Japanese Embassy in Vichy had an unobjectionable connection to Tokyo. The French Government was of the opinion that on the basis of the armistice agreement the German Government must have an interest in having no new warlike complications develop in the French colonial empire. They would, however, be unavoidable in case of a Japanese move by force against French Tongking. General HUNTZIGER remarked

in this connection that it must surely be in general European interest to prevent a further push-back of the influence of the white race in East Asia.

No position was taken by General Von Stuelpnegel /sic/ vis-a-vis these statements. It was promised, however, to transmit them to the German Government. /TN: There is an illegible initiel in the upper right-hand corner of the first page. The frame numbers are 147568 and 147569. At the bottom of page 1 appears the filing notation Fr (V). The following distribution appears in the lower left-hand corner of the first page.

Hencke

Drawn up in 10 copies,
of which there were distributed:

No. 1 to Pol VIII (Work Sheet)
" 2 " German Foreign Minister
" 3 " Secretary of State
" 4 " Chief of A.O.
" 5 " B.R.A.M. /Bureau of the German Foreign Ministry?/
" 6 " Under Secretary of State Political
" 7 " Under Secretary of State Legal
" 8 " Min/isterial/ dir/ector/ of Pers/onnel/
" 9 " Dg. Pol.
" 10 " Min. Dir. W.

This is No. 3

/Frames Nos. 147568-69/

I.P.S. Doc. No. 3360 Exh. No._____

Certificate of Origin

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Tokyo, 21 January 1948

I, General PECHKOFF, Ambassador of France, Head of the French Mission in Japan, hereby certify:

1) that Frames Nos. 147568 and 147569, being 2 sheets, are a photo copy of a telegram No. 114, dated 8 August 1940, from Hencke, at Wiesbaden, to German Foreign Minister;

2) that that frame was received by me from the French Foreign Office as being a true and correct copy of a German document found in the file of the German Foreign Office, captured by the American Military Forces in Europe and transmitted by the American Authorities to the French Government.

/s/ PECHKOFF

Exhibit No3847

IPS Doc No. 3360

COPY
FILE COPY
RETURN TO ROOM 3233

一九四五年八月八日十七時三十分
〃 十七時四十五分着
秘
第一一四号

符号ノ公使館書記官ガクローテ(GROTE)ト本日ノ正午頃
距離電話ニ付
日本ノ初伸
進駐権ニ関スル
フォン
スチュルプナーゲル(STUELPNAGEL)将軍ノウーグ
前着ノ全陸軍統帥部
会談ニ関スル
即チ
極秘報告ヲ以下復報ス。
日ウンチャール将軍八月七日夜(ウィーヨリ帰還後、
フォン スチュルプナーゲル将軍ニ口頭デ次ノ情報ヲ
傳ヘタ。
即チ、日本ハ八月二日、日本政府ハ佛國政府
ガトニヨン(FONTAINEBLEAU)所在ノ日本軍ニ対シ戦争
遂行上必要ナル便宜ヲ与フベキ事ヲ要求セル覚書ヲ

P.2

I.P.S Doc. No. 3360

佛印総督ニ宛テ発シタ。第一日本側ハ南西方面ヨリ
スル対重慶封鎖ノ実施ヲ可能ナラシメル為、南
西中国ヘノ軍隊輸送ノ目的ニ（[illegible]）海防ー雲南
鉄道ヲ提供スルコトヲ要求シタ。日本側ノ要求ハ最後
通牒的ナ形ヲトッテイルガ期限ハ附セラレテイナカッタ。
拒絶ノ場合ニ備ヘル日本ハ今後ノ対策ヲ留保シテイル。
佛蘭西政府ハ八月三日佛印総督ニ対シ、日本
ノ要求ハ佛蘭西ノ主権侵害ヲ意味スルモノナル旨
ヲ日本側ニ回答スルヨリ訓令ヲ発シタ。トンキン、奈田
ニヨル中国ハ武器輸送ハ既ニ八、九ヶ月前停止サレテ
イルノデ佛蘭西政府ハ右要求ニ対スル何等ノ根據
モツクラナカッタノデアル。随テ佛蘭西政府ハ日本
側ノ此種要求ニハ全ク応ジ得ナイノデアッテ、結
局ノ応諾ハ日本側トノ自由ト協定ノ基礎ト
シテノミ為サレ得ルデアラウ。併シ之ニ依リ佛蘭
西植民地帝国ノ主権ガ侵害サレルコトハ全然許
サレナイ。
ウンチゲール将軍ハ佛蘭西ノ所鉛筆ニテ植入
政府ガ アメリカ合衆国側ニ此等ノ

I.P.S Doc. No. 3360

拾通作製　配布先右ノ通リ

第一号　政務第八（敦務局長）

第二号　外務大臣

第三号　次官

（ソノ他　ノ署名）

/HENDERSON/

事態ニ就テ通報シタル旨ヲ述ベタル処、同伯爵ハ伊蘭両国及ビウイルヘルミナ陛下ノ御政府ハ日本大使ノ申入ニ対シ深甚ノ感謝ノ意ヲ表シ且ツ日本大使ノ御好意ニ依リ伊蘭両国ノ利益ヲ保護セラルル事ニ付テハ日本大使ノ指示ヲ待ツ迄モナク伊蘭両国政府ハ伊蘭領東印度ニ於ケル戦争ニ関シ厳正中立ヲ守ル事ニ付テハ既ニ充分ノ措置ヲ講ジ居ル次第ニシテ、特ニ日本側ノ協力ヲ煩ハス必要ハナキ旨ヲ述ベタル上、尚伊蘭領東印度ニ於ケル日本人ノ利益ニ関シ日本大使ノ御配慮ヲ煩シタキ旨ヲ附言シタリ。

仍テ斯ル場合ニ於ケル日本側ノ措置ニ付テハ何等ノ指示ヲ与ヘラレザリシモ、本使ハ伊蘭領東印度ニ於ケル日本人ノ利益ニ関シ特ニ御配慮ヲ煩ハシタキ旨ヲ述ベタル上、尚伊蘭領東印度ニ於ケル日本人ノ利益ニ関シ日本大使ノ御配慮ヲ煩シタキ旨ヲ附言シタリ。

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右ニ付、ウンチャート将軍ハ東亜ニ於ケル白人勢力ノ此上ノ後退ヲ阻止スルヨウ計ルハ一般欧洲ノ利益ニ投スルモノトナルベシトノ意見ヲ有ツ旨ヲ述ベタル。

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叙上ノ言ニ対シフオンスケエルプナールト特使ハ通ジ何等ノ態度決定ヲ為サレズカツ但シ之ヲ独逸政府ニ傳達スルコトハ勿論ナリシヲ以テ本使ハ伊蘭領東印度ニ於ケル日本人ノ利益ニ関シ日本大使ノ御配慮ヲ煩シタキ旨ヲ附言シタリ。

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IPS doc No. 3360

第四号　A.O.首脳者
第五号　外務大臣官房
第六号　次官補　政務
第七号　次官補　法務
第八号　人事局長
第九号　政務　[illegible]
第十号　局長　W

本書八第三号ナリ

一四七五六八一九

P.5

I.P.S Doc No. 3360

# 典據ニ関スル證明書

駐日フランス使節團長、フランス大使タル余、ペチコフ將軍ハ茲ニ左記證明ス

一、二頁ヨリ成ル、文書第一四七五六八及一四七五六九号ハ昭和十五年八月八日附ヘンテ発（ウイスバーデンニ於テ）独逸外務省宛電報第一一四号ノ寫眞複写ナルコト

二、右文書ハ、ドイツ外務省ノ文書綴中ヨリ発見シ在ヨーロッパアメリカ軍隊ノ押收シアメリカ当局者ヨリフランス政府ニ回附シタル、ドイツ側文書ノ眞実且正確ナル写本トシテ、余ガフランス外務省ヨリ受領セルモノナルコト

年　月　日

於　東京

（署名）ペチコフ

IPS Doc. No. 3364 Exh. No. 3848

Doc. No. 147678

FILE COPY
TO BE KEPT UNDER LOCK
RETURN TO ROOM 361

TELEGRAM
( open )

Special Train Heinrich, 23 Feb. 1941 1915 hours
Arrival : 23 Feb. 1941 1935 hours.

89 No. 23/2 Most Urgent !

Note
Relayed to
Paris Embassy
with No. 626
23 Feb. 41, 1955 hours

The German Foreign Minister requests you to get in touch with Ambassador de Brinon or Darlan and to transmit the following communication to him. The Japanese Government has communicated to the German Government its offer of mediation in the territorial conflict between Thailand and Indo-China with the request to use its influence with the French Government for the acceptance of this offer. The German Government points out the dangers which threaten France in the event of the non-renewal of the armistice expiring 25 February. It considers it as being in the French interest, therfore, to accept the offer of mediation.

The German Foreign Minister requests you to get in touch with him by telephone again directly upon receipt of this teletype but before carrying out delivery of the communication to de Brinon.

Fuschl, 23 February 1941

Rintelen.

/ illegible initials, probably St. S. for Staatssekretar /

Indoch.

[Frame # 147678]

/ Distribution List /

Chief of Organization for Germans Abroad
Under State Secretary for Politics _
Under State Secretary for R /?/ _
Ambassador RITTER _
Head of Personnel Section.
" " Economic "
" " Culture "
" " Press " _
" " Germany "
Chief of Protocol
Dg. Pol. /?/ _
Work Sheet with Under State Secretary for Politics

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I.P.S. Doc. No. 3364 Exh. No. ____

Certificate of Origin

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Tokyo, 21 January 1948

I, General PECHKOFF, Ambassador of France, Head of the French Mission in Japan, hereby certify:

1) that frame No. 147678, being 1 sheet, is a photo copy of a telegram No. 89, dated 23 February 1941, from Rintelen, to German Representative at Paris;

2) that that frame was received by me from the French Foreign Office as being a true and correct copy of a German document found in the file of the German Foreign Office, captured by the American Military Forces in Europe and transmitted by the American Authorities to the French Government.

/s/ PECHKOFF

FILE COPY

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IPS Doc. No. 3364

Exhibit No. 3848

電報 (訳文)

特命全権 [illegible] /HEINRICH/ [illegible]

昭和十[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

仏国外務大臣 /de [illegible] VON/ 大臣 /ORLANI/ [illegible]

会談ノ際 [illegible]

日本政府 [illegible]

[illegible] 政府 [illegible] 政府 [illegible]

[illegible] 政府 [illegible]

[illegible]

[illegible] 政府 [illegible]

[illegible]

[illegible] 外務大臣 [illegible]

[illegible]

I.P.S. Doc. No. 3364

P.2

セラレルヤウ依頼スル

フシュル/FUSCHL/

四一年二月二十三日

リンテレン/RINTELEN/

/配布先 左ノ通リ/

海外在留独逸人團体会長

/次官補 政務

/次官補 R./政務?/

/ルタイ大使

人事課長

経済課長

文化 〃

報道 〃

独逸 〃

文書課長

/政務 Dg /?/

政務 次官補/T.W. 鉛筆ニテ挿入/事務用寫

次官/T.W. イモヤル 鉛筆ニテ挿入/

印度支/T.W. 鉛筆ニテ挿入/

一四七六七八

I.P.S Doc No. 3364

# 真壁ニ関スル証明書

駐日フランス便節團長、フランス大使タル
余、ペチコフ將軍ハ茲ニ左記証明ス

一、一頁ヨリ成ル文書第一四七六七八号ハ昭和十六年
二月二十三日附[illegible]発在バリ獨代表宛電
報第八九号ノ寫真複寫ナルコト

二、右文書ハ、ドイツ外務省ノ文書綴中ヨリ発
見シ在ヨーロッパアメリカ軍隊ノ押收シアメリカ
当局者ヨリフランス政府ニ同附シタル、ドイツ側文
書ノ真実且ツ正確ナル寫本トシテ、余ガ
フランス外務省ヨリ受領スルモノナルコト

F.3

年　月　日　於東京

署名　ペチコフ

IPS Doc. No. 3363 Exh. No. 3847

To be kept under lock

T E L E G R A M
(open text)
(G/ abbr. for geheim 'secret'?/writing)

Paris, 1 March 1941 - 2045 Distribution Chief, Auslands-Organisation.
Received: 1 March 1941 - 2225 Proposal Under Sec. of State, Political
for GFM " " " "
R/meaning/

Ambassador Ritter
Head Personnel Sec.
" W /?/ "
" Cultural "
" Press "
" Germany "
Chief of Protocol
Dg. Pol. /?/
Work Sheet with GFM

No. 716 of 3/1 Most Urgent

Dr. Schwarzmann, Minister Bureau
For the Foreign Minister
S. Dr. Schwarzmann

Ambassador de Brinon delivered this afternoon at 1800 hrs. a communication received from Admiral DARLAN concerning the Japanese offer of mediation in the Indo-China dispute, with a request in accordance with the last paragraph of this communication to appeal to the influence the Reich's Government has in Tokyo, in order that the slight alleviations which the French Government asks for may not be denied them.

The wording of the Communication is as follows:

"Through my telegram of 26 February you are acquainted with the reasons on account of what the French Government does not find itself in a position to accept the offer of a mediation which was delivered to it on 25 February by the Japanese Government in its capacity as go-between in the conflict between France and Thailand. As concerns this refusal Mr. MATSUOKA has taken up a new attitude by appearing no longer as a go-between but as an arbitrator (he) has given his claim the character of a formal demand and has added that in case of a refusal, Japan would abandon the mediation and depart from the position laid down in the Franco-Japanese agreement of 30 August in order to guarantee the settling of the affair by other means.

Since France is not in a position to withstand this threat, nothing remains to the Government but to yield to the peremptory demands which have been presented to it in this way. Appropriate instructions were transmitted yesterday evening to our Ambassador in Tokyo.

The Japanese offer of mediation has accordingly been accepted as a whole.

147691

The only alterations the French Government requests are the following:

1) Rejection of the indemnity of 10 million ticals and instead the extension of the demilitarization and settlement clause, which is considered by Mr. MATSUOKA only for the area included in Article 1 of the Treaty of 1907 to all the ceded territories.

2) Two small rectifications in the proposed boundary delineation:

(a) One in the North in order to retain the region opposite the town of LUANG-PRABANG where are the Royal tombs.

(b) The other in Cambodia in order to free the right bank of the Mekong opposite the town of STRUNG-TRENG.

3) Specifications regarding the settlement of the question of the islands in the MEKONG.

4) Clarification of the significance and object of the Japanese Guarantee.

Finally we have, so far as the form goes, asked that an exchange of letters between France and Japan precede the final agreement in order to show that France has determined to accept the immediate solution regarding Japan's demands.

These requests have as their sole object the alleviation to a certain extent of the reaction of the natives, the aggravation of which would redound to the interest of neither Japan nor ourselves.

I would therefore be thankful to you if when informing the German Ambassador of the latest development of the question you would appeal to what authority the Reich exercises in Tokyo, so that these slight alleviations be not denied.

For Fleet Admiral Rochat."

Schleier

Note:
Relayed under
No. 763 by special train

Tel. Control, 2 March 1941 147692

I.P.S. Doc. No. 3363 Exh. No. ____

Certificate of Origin

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Tokyo, 21 January 1948

I, General PECHKOFF, Ambassador of France, Head of the French Mission in Japan, hereby certify:

1) that Frames Nos. 147691 and 147692, being 2 sheets, are a photo copy of a telegram No. 716, dated 1st March 1941, from Schleier, German Representative at Paris to German Foreign Minister Dr. Schwarzmann;

2) that that frame was received by me from the French Foreign Office as being a true and correct copy of a German document found in the file of the German Foreign Office, captured by the American Military Forces in Europe and transmitted by the American Authorities to the French Government.

/s/ PECHKOFF

INTERNATIONAL PROSECUTION SECTION
Document Division

22 January 1948

C O R R E C T I O N

1. In Line 6 of the certificate to IPS Doc. No. 3363, served on you this date, the fifth word, "Minister", should be corrected to read "Ministry".

Chief, Document Processing Unit

FILE COPY
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必ズ総務ニ… 係官ノ… 総務

次官補 秘書
次官補 政務
リッター大使
人事課長
経済一課長
文化課長
報道課長
総務課長
文書課長
政務 [illegible]
外務大臣 事務[illegible]

主ロハマン博士 談ヲ書挿入
外務ノ室ニ対スル提案 談ヲ書挿入

電報
（平文）
（秘密印書）

Exhibit No. 3849

IPS Doc No. 3363

I. P. S Doc. No. 3363

乙第

一九四五年三月一日　二の時四五分
〃　〃　一日　二二時二五分　着
特別至急
三月一日附　第七一六号

大臣官房

ベルリン　SCHWARZMANN　博士以下

独逸外務大臣（

/de BRINUS/

ドゴブリンノ　大使ハ本日午前十一時半頃ノ人時ノ席ニ於テ左ノ問題ニ就テノ日本側ノ説明ヲ提言シ且ツ之ニ関スル日本側ノ意見ヲ伝達セラレタキ旨ヲ申入レタリ

一、日本ハ重慶政府ト和平交渉ヲ行ヒツツアルヤ

二、日本ハ重慶政府ヲ通ジ米国ト和平交渉ヲ行ヒツツアルヤ

三、日本ハ重慶政府ヲ通ジ英国ト和平交渉ヲ行ヒツツアルヤ

右ノ通信ノ内容ハ次ノ通リ。

日本ハ蘭印政府ノ問題ニ関シ（日本ハ蘭印ノ帰属ニ関シ）独逸ノ調停ヲ希望スルヤ

三、於テ三月十日ノ日本政府ノ声明ハ蘭印ノ主権ヲ尊重スルノ意ヲ明ニシタルモノト解シ得ルヤ

右ノ通信ニ関シ独逸政府ハ次ノ如キ回答ヲ与ヘタリ。

一、日本ハ重慶政府ト和平交渉ヲ行ヒツツアルヤ

独逸政府ハ此ノ問題ニ関シ何等ノ情報ヲ有セス

二、日本ハ重慶政府ヲ通ジ米国ト和平交渉ヲ行ヒツツアルヤ

独逸政府ハ此ノ問題ニ関シ何等ノ情報ヲ有セス

三、日本ハ重慶政府ヲ通ジ英国ト和平交渉ヲ行ヒツツアルヤ

独逸政府ハ此ノ問題ニ関シ何等ノ情報ヲ有セス

四、日本ハ蘭印問題（独立ノ問題）ニ関シ独逸ノ調停ヲ希望スルヤ

独逸政府ハ此ノ問題ニ関シ何等ノ情報ヲ有セス

五、於テ三月十日ノ日本政府ノ声明ハ蘭印ノ主権ヲ尊重スルノ意ヲ明ニシタルモノト解シ得ルヤ

独逸政府ハ此ノ問題ニ関シ何等ノ情報ヲ有セス

右ノ通リ独逸政府ハ日本ノ蘭印ニ対スル政策ニ関シ何等ノ情報ヲ有セサル旨ヲ答ヘタルモ其ノ実ハ重慶政府ヲ通ジ米英ト和平交渉ヲ行ヒツツアルヤ否ヤ又蘭印ノ帰属ニ関シ独逸ノ調停ヲ希望スルヤ否ヤ等ノ点ニ付テハ独逸政府ハ既ニ充分ノ情報ヲ有シ居ルモノト認メラレ候

右ハ独逸ノ対日和平斡旋ニ関スル重大ナル意図ヲ有スルモノト認メラレ候

尚ホ右ハ独逸ノ対日和平斡旋ニ関スル重大ナル意図ヲ有スルモノト認メラレ候

右ハ独逸ノ対日和平斡旋ニ関スル重大ナル意図ヲ有スルモノト認メラレ候

I.P.S Doc. No. 3363

佛蘭西トシテハ此ノ威嚇ニ抗シ得ナイ立場ニアルノデ、政府ハ此種ニ提起サレタ否応ヲ云ハサヌ絶対的要求ニ応ズル以外途ガナイノデアル。

右ニ対処スル訓令ハ昨夕在来ノ我大使ニ通達サレタ。

随テ、日本ノ調停提案ハ全面的ニ承認サレタノデアル。佛蘭西政府ノ求メル唯一ノ修正ハ次ノ通リデアル。

(一) 壱千万「ケカル」ノ賠償拒絶、但シ其代償トシテ松岡氏ガ一九〇七年ノ條約第一條ニ包含サレタ地域ノミニ対スルモノト考ヘテヰル非武装及租界関係ノ條款ヲ割譲地域ノ凡テニ延長スルコト。

(二) 提案ノ境界劃定ニ関スル次ノ二ツノ小修正

(A) 一ツハ北部ニ於ケルモノニシテ/LUANG-PRABANG/ルアノーフニバン市ニ相対シテ位置シ王室墓所ノ所在スル地域ヲ保有セントスルモノ、

(B) 他ノ一ツハ/KAMBODSCHA/カンボチヤ、ニアルモノニシテ/STRUNG-TRENG/ストラン-トレン市ニ面スル/MEKONG/メーコン河右岸ヲ解放セントスルモノ。

(三) メーコン島岐問題ノ解決ニ関スル細目。

(四) 日本側保障ノ意味ト対象ニ関スル細目

最後ニ佛蘭西ガ日本ノ要求ニ関シ即時解決ニ応ズルニ決スルコトヲ示スタメ最終協定ニ先ダチ、形式上日佛間ニ書面ノ交換ヲ行フコトヲ我方ハ要求シタ。

右ノ要求ハ原住民ノ反応激化ハ日本並ニ我方自身ニトリ何等利スル所ナキヲ以テ、専ラ斯カル反応ヲ或ル程度緩和セントスル目的ニ出ヅルモノデアル。

P. 4

I. P. S Doc. No. 3363

随テ此問題ヲ綴ガル最近、情勢ヲ独逸大使ニ伝ヘラレル際、
此軽微ナ緩和ガ拒絶サレルニトキヤウ独逸側ガ東京ニ於テ有
スル勢力ニ訴ヘラレル様貴下ニ於テ差ヒ処アラバ幸甚至リデアル。

海軍元帥

/ROCHAT/
ロシヤー 一為日

シニライエル
/SCHLEIER/

註。特別列車ニテノ
第七六三号中ニ継報セリ。管制電報
四年三月二日
印度支那一TK 鉛筆ニテ挿入
西七六九一ニ

P. 5

I.P.S Doc No. 3363

# 典據ニ関スル証明書

駐日フランス使節團長、フランス大使タル余、ペチコフ将軍ハ茲ニ左記証明ス

一、二頁ヨリ成ル、文書第四七六九二(一四七六九二号)ハ昭和十六年三月一日附在パリ獨代表シュライコー(Schleier)発獨外務大臣ヘユワルツマン宛電報第七六号ノ寫眞複寫ナルコト(Schwarzmann)

二、右文書ハ、ドイツ外務省ノ文書綴中ヨリ発見シ在ヨーロッパ、アメリカ軍隊ノ押收シ、アメリカ当局者ヨリフランス政府ニ回付シタル、ドイツ側文書ノ、眞実且ツ正確ナル寫本トシテ余ガフランス外務省ヨリ受領セルモノナルコト

年　月　日　於東京

署名　ペチコフ

國際檢察部文書課

一九四八年／昭和三十三年／一月二十二日

訂正

一、右日付ヲ以テ差上ゲタル國際檢察部書類
第三三六三号 證明書第六行目 ノ第五語
Minister's Ministry ヲ訂正セラレタシ

文書複寫係長

IPS Doc. No. 3361 Exhibit No. 3810

To be kept under lock

T E L E G R A M

(Open)

FUSCHL, 2 March 1941 1915 hours
Arrival, 2 March 1941 1915/or 1935?/ hours

No. 134 of 2 March Teletype

To the Minister Bureau, Berlin, via State Secretary to Under State Secretary WOERMANN and Ambassador STAHLER.

Re Telegram No. 716 from Paris of 1 March, with regard to the French attitude in the Indo-Chinese dispute, the German Foreign Minister has directed that the French request contained in the telegram not be acceded to. In view of the new state of affairs arising from the telegram the Japanese ambassador should be informed by Ambassador STAHLER as a follow-up of the conversations so far of the fact that the German Foreign Minister does not intend to support the French request, but intends to leave the position to be taken entirely with the Japanese Government.

RINTELEN

/ Distribution List /

Chief of Organization for Germans Abroad
Under State Secretary for Politics-
Under State Secretary for Law
Ambassador RITTER-
Head of Personnel Section
" " Economic "
" " Culture "
" " Press "
" " Germany "
Chief of Protocol
Dg. Pol.
Work sheet with Pol/U.St.S. for Politics/
Ambassador STAHLER / in handwriting/ -
Indoch.
St. S./ in handwriting /

(Frame 147697)

FILE COPY
RETURN TO ROOM 361

I.P.S. Doc. No. 3361 Exh. No. _____

Certificate of Origin

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Tokyo, 21 January 1948

I. General PECHKOFF, Ambassador of France, Head of the French Mission in Japan, hereby certify:

1) that Frame No. 147697, being 1 sheet, is a photo copy of a telegram No. 134, dated 2 March 1941, from Rintelen, to the Minister's Bureau Berlin;

2) That that frame was received by me from the French Foreign Office as being a true and correct copy of a German document found in the file of the German Foreign Office, captured by the American Military Forces in Europe and transmitted by the American Authorities to the French Government.

/s/ PECHKOFF

IPS doc No. 3361

/FUCHS/

/WEERMANN/ /STAHMER/

Exhibit No. 3750

/RINTELEN/

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I.P.S Doc No. 3361

典據ニ関スル証明書

駐日フランス使節團長、フランス大使タル
余、ペチコフ將軍ハ茲ニ左記証明ス

一、一頁ヨリ成ル、文書才一四七六九七号ハ昭和十六年
三月二日附リンテレン発ベルリン大臣官房宛電
報才一三四号ノ寫眞複寫ナルコト

二、右文書ハ、ドイツ外務省ノ文書綴中ヨリ発見
シ在ヨーロッパアメリカ軍隊ノ押收シアメリカ当局
者ヨリフランス政府ニ回附シタルドイツ側文書ハ
眞実且ツ正確ナル寫本トシテ余ガフランス
外務省ヨリ受領セルモノナルコト

年　月　日　於東京

署名　ペチコフ

IPS DOC. NO. 1952

EXHIBIT NO. 385-A

EXCERPTS
From the Minutes of the Trial

On August 31 and on September 1, 1935, the Assizes of the Supreme Court Military Collegium of the USSR in Irkutsk, in the premises of the "VOR" club, in an open court consisting of:

the President of the Court -- comrade Nikitchenko
Members of the Court: comrades Zaryanov and Serpuhevitin
Secretary of the Court comrade Kulikov
Defense counsels from the member of Defense Collegium of Irkutsk comrades Ryabkin and Patushinsky

heard the case of espionage, sabotage and terrorist group of secret agents illegally transferred into the Soviet territory from abroad:

1. Kobylkin Innokenty Vasilievich
2. Pereladov Eulampy Lukyanovich

both charged with the crimes set forth in Articles 58-4-6-8-9 and 10 of the Criminal Code of the R.S.F.S.R.

3. Oleinikov Victor Vasilievich charged with the crime set forth in Article 58-1 "a" of the Criminal Code of the R.S.F.S.R.

1. Kobylkin Innokenty Vasilievich - born in 1888 in the town of Chita, of former Zabaikalsky District, now East-Siberian Region, from a cossack family, formerly an officer, had no property, but his mother owned a house and an out building. His father was an officer in the rank of colonel. Kabylkin graduated from a military preparatory school in Khabarovsk and later from a military cavalry college in Nicholaevsk. Then he was appointed a cossack-hundred commander. During the World War I he served as a captain of Cossacks, and during the Civil War as a colonel of the White Army from 1917 to 1922, and took active part in the fight against the Soviet Power. He was twice promoted in rank for his services during this period. He fled from the Soviet Union together with the army and was interned in China. There he belonged to the political organizations of the "Russian General Military Union" and ideologically to the "Brotherhood of Russian Truth". Besides he belonged to the organization "Cossack Village of Zabaikalye" in Kharbin, to "Chitinskoye Zemlyachestvo" , and to the "Union of Khabarovsk Cadets". All these organizations are actually political organizations. He was apprehended on the night of March 9, 1935 and since then has been held in custody.

2. Pereladov Eulampy Lukyanovich - born in 1905 in the village of Kork; former Tobelsky District, in a middle-class family, his father during the Russo-Japanese war served as a private, and later, being crippled, was discharged from the army. His father was of a middle-class family. Pereladov does not know whether his father owned land, house or other property, because being yet little child he left Soviet Russia. He graduated from a Kharbin cadet school in 1920 and in 1927 from a military college in China.

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From 1920 to 1922 he served as a volunteer in the White Army in the Maritime Province first in the Enisey cossack-division and then in the Ovsk regiment as a cadet-volunteer . After he had graduated from the Shandung military college in 1927, he was commissioned a sub-lieutenant by Grand Duke Nikolai Nikolaevich. He was graduated from the Soviet Union in 1919 to Vladivostok together with his corps and in 1920 fled to the Pogranichnaya station together with the White Army units and up to 1922 participated in the fight against the Soviet Power. He did not get any reward for this. When in China he was a member of the following political organization -- the "National Union of the New Generation" and the "Union of Musketeers" "Russian General Military Union" and "Brotherhood of Russian Truth". He was apprehended on the Soviet territory on January 21, 1935 and since then has been held in custody.

3. Oleinikov Victor Vasilievich - born in 1914, in the town of Chita, clergyman's son,of elementary education. From 1931 a worker at the Abugaituevsky mine in the Borzinsky district, being young did not serve in the Red Army. He was apprehended on the Soviet territory on May 28, 1935, and since then has been held in custody.

Explanations given by the defendants.

1. Kabylkin - I penetrated into the Soviet territory on the night of March 6, 1933. I was ordered to do so by the military mission of a certain power, which set the following task before me to establish personal connection with the counter-revolutionary organizations, existing in the Zabaikalye. According to the task set before me by the mission of this state, I had to transfer three pistols with cartridges, two incendiary cartridges, counter-revolutionary literature, letters and money, which were given to me, to a counter-revolutionary organization. I received 60 American dollars and 1800 gold rubles. I received the incendiary cartridges at the editorial office of the newspaper "Kharbinskoye Vremya" (Kharbin Times) from the head of this office Osawa. I received the pistols in the flat of Timofeev Dmitry Ivanovich, a superviser at the police department. The letters addressed to the persons, living in the U.S.S.R., which were sent with me, were given to me by the secretary of a certain military mission. I received the counter-revolutionary literature from police department superviser Timofeev. Besides, the secretary of the mission set the following task before me: The organization which existed on the territory of the Soviet state should not stop its counter-revolutionary work, but just the opposite, it should develop and maintain the connection with white-guard organizations, which were abroad. The counter-revolutionary organization had to carry out anti-Soviet propaganda among the population of the Soviet Union, using for this purpose the literatures, secretly transferred by us. The weapons had to be used for the purpose of commiting terrorist acts on the territory of the Soviet Union, but I was not told, who were the persons against whom these acts were planned. I had general instructions -- to use all means of fighting, depending upon the circumstances, and at a convenient moment against the Soviet responsible officials. The indendiary cartridges were to be used to set on fire all kinds of constructions, having military significance. The secretary of a certain

mission told me this. I spoke to him personally and personally received these instructions. The secretary of the mission told me I had to rely upon the counter-revolutionary organization and upon my own experience of fighting against the Soviet Power, while carrying out these tasks.

The arsons were to be effected at the time right before the beginning of war and the signal was to be given from Manchuria. Besides the tasks of carrying out sabotage and terrorist acts, just before crossing on to the Soviet territory I received a task of espionage and reconnaisance nature. I had to get information concerning the disposition of the Red Army units in the Zabaikalye, the economic conditions of the Soviet Union and political sentiments of the Soviet people. I had to pass this information on to the military missions in Kharbin and in the town of Manchuria. Timofeev was formerly a captain of the Russian artillery. Now he is a supervisor at the police department and at the same time a secret agent of the Kharbin military mission. I know it from his own words and it is true.

Osawa, head of the editorial office of the "Kharbinskoye Vremya", is closely connected with the military mission. In all the cases when the secretary of the mission had business talks with secret agents of the mission, he always used the editorial office, where Osawa has his flat. All the conversations concerning the transferring of men and weapons to the USSR took place in the editorial office of the "Kharbinskoye Vremya". From this fact I drew the conclusion that the editorial office is the underground quarters of the secretary of the mission.

I received the weapons and money from Timofeev at these underground quarters. We acted upon the instructions from the military mission and from Osawa. Besides, fulfilling the task set before me by the military, I transferred certain people who were sent into the territory of the Soviet Union with the purpose of reconnaissance and sabotage. The mission agreed to send Pereladov onto the Soviet territory. At the same time the secretary of the mission gave me two rifles and 8 incendiary cartridges, and I returned to Djalainor, informing Pereladov, that the mission agreed to have him sent to the Soviet Union. I received the rifles for the purpose of self-defense, while escorting people to the frontier to transfer them to the Soviet Union. The incendiary cartridges were received with the purpose of committing arsons and were sent with Pereladov at the disposal of the counter-revolutionary organizations in the Zabaikalye. Before sending the incendiary cartridges onto the territory of the Soviet Union, we tested their efficiency...

I used to receive money, weapons and counter-revolutionary literature from the military mission beforehand and when Oleinikov or some other people, whom I transferred across the frontier, came to Djalainor station, I furnished them with these and conducted across the frontier.....

Altogether twelve pistols of different systems -- "Mauser", "Astra", "Nagan" with rounds, ten incendiary cartridges and a great amount of anti-Soviet literature were transferred with my help to serve the counter-revolutionary purposes.

He took no part in transferring Kustov and Mikhail Oleinikov, as he was on the Soviet territory at the time.

Fulfilling the tasks set by the mission of a certain power and transferring people, weapons, literature and money onto the Soviet territory with the purpose of committing terrorist acts and acts of sabotage, I did it consciously because the aims of the military mission coincided with my striving towards the overthrowing of the Soviet Power and establishing another political system".

Kobylkin (continues giving his testimony and answers questions):

"The missions of a foreign state and local authorities, on whose territory the political organizations named by me carried out their work, knew that these organizations carried out sabotage and terrorist work on the territory of the U.S.S.R. The local authorities helped them.

We received all the weapons, which are exhibits to the case and which are lying here in the court-room, from the foreign mission through Timofeev. I brought two "Mausers" and one "Astra" pistol onto the territory of the U.S.S.R. 5 or 6 "Browning" pistols were sent with other people. Besides, I brought two incendiary cartridges, a parcel of counter-revolutionary literature and 8 letters addressed to different people. The other weapons were sent with Pereladov and Oleinikov.

Altogether I received from a certain foreign mission 150 American dollars and 5000 Soviet gold roubles for the underground organization. All our activities were directed to prepare for the intervention against the Soviet Union. I, myself, was a scout of the future war.....

I, Personally, came here to prepare and commit arson and terroristic acts against the leaders of the Soviet Power and to cause possible damage to the Soviet state. The aim of a certain foreign state coincided with the aims of the organizations to which I belonged.

Pereladov - My task was to collect reconnaissance information of economic and political nature, gain full information of the stationing of the Red Army units, commit sabotage and terrorist acts under the direction of the underground organization. These tasks were set by the military mission of a certain state, with which our organization was in contact..All our whiteguard organizations on the Manchurian territory are supported and helped by the military missions of a certain state. We could not exist without it, because we have neither funds nor weapons. All activities of our organizations were approved of by the mission of a certain state.

For instance, my trip with Kobylkin for meeting delegates from Zabaikalye was approved by the military mission, gendarmery and frontier guard's detachment. While serving in the frontier guard's detachment I went several times to the frontier line to meet our agents.

Agents coming from the Soviet Union were to bring definite information for handing them through Kobylkin to the military mission of a certain

power both in Manchuria and Kharbin.....

Before leaving I got permission from the military mission of a certain power for crossing the frontier into the Soviet Union and a special task for collecting espionage information and for preparing arsons....

The aim, pursued by the power which assisted in transferring terrorists and saboteurs onto the Soviet Union territory, was known to me, for I knew that weapons, cartridges and incendiary cartridges, supplied by the military mission, were to be used for weakening the Soviet Power and creating favorable conditions for cutting off the Soviet Maritime Province and Kamchatka. I learned about this from the conversations with my colleagues who showing the map spoke of these intentions. The emigrants alone could not capture Primorye and Kamchatka, for they had no means to achieve it...

I started working for a certain power to help realize anti-Soviet aims because these aims coincided with mine. Like all the whiteguard emigrants. I believed that the capturing of a part of the Far East by a foreign power, is a minor evil for Russian than the Bolsheviks....

I, personally, had no political program when I went to the Soviet territory with the weapons for fighting against Communism and overthrowing the Soviet power by means of sabotage and terror. I only knew that I had to be worthy of that government's trust which helped us in our fighting against the Soviet power and supplied us with money and weapons.

Prior to establishing the contact with the military mission in Kharbin, I trained personnel. I was an instructor in one of the armies which were to attack the Soviet Union.

3. Oleinikov - I and a secretary of a certain military mission whom I personally knew were interested in transportation of weapons and counter-revolutionary literature for the Zabaikalye counter-revolutionary organization.

I first met the secretary of the mission in June or July in 1933, when I escaped abroad and came to General Shilnikov in whose house I stayed.

Shilnikov, being ill, asked me to take a letter to the secretary of the military mission, the contents of the letter was unknown to me. Since then I established my personal acquaintance with the secretary. The secretary of the mission did not ask me whom the letter was from, but asked me what I could tell him of the Red Army and the sentiments of the population. I did not tell him anything important, not having enough data on the subjects the secretary was interested in.

At that time I did not get any tasks from the secretary of the mission. At the end of 1933 while crossing the frontier for the second time, I received the task from Shilnikov and the secretary of the mission, to transfer espionage information on the Red Army stationing and other questions. While returning onto the Soviet territory for the second time I received, from the secretary of the mission, a "Mauser", which was given to me by him

in the building of the military mission -- in his private office. I was to pass the Mauser to Serebryakov to commit terroristic acts on the Soviet territory.

Altogether 2 "Mausers", 3 "Nagans" and 4 "Brownings" with corresponding amount of rounds for them, were brought by me.

Besides, I brought a camera with films which is presented here as an exhibit to the case. The camera had been received by Shilnikov from the secretary of the military mission and was passed on to me.

The camera was to be used for taking pictures of military and other constructions which were to be used for espionage purposes.

Besides, I brought counter-revolutionary literature which was supposed to be distributed among the population calling them for overthrowing the Soviet power.

All the information, collected in the Soviet Union by Serebryakov I was obliged to pass on personally to Shilnikov or to the chief of the military mission in the town of Manchuria.

In the town of Manchuria from the same chief of the military mission I received the task on my returning to the U.S.S.R. to ask Kobilkyn to go to the stations at Zilovo and Stretensk and start collecting espionage information there. At that time Kobikyn was already on the territory of the Soviet Union.

Every time crossing the frontier I carried some letters from Serebryakov, the contents of the letters were unknown to me and I passed them on to Shilnikov and to the chief of the military mission in the town of Manchuria...

True there was one case when in Autumn of 1934 the secretary of the military mission in Kharbin came by plane to the town of Manchuria to meet Serebryakov, a representative of a counter-revolutionary organization from the U.S.S.R. At that time the chief of the military mission in the town of Manchuria had a conference at which the chief of the military mission of Hailar was present. That information, which Serebryakov and I had brought from the Soviet Union that time, was discussed at this conference, after that Serebryakov left for Kharbin.

Additional testimony of the defendant Kobilkya.

At the beginning of June or at the end of May, 1934, Oleinikov, having crossed the border, came as always to Djalainor with Ivanov (same Serebryakov). Only Serebryakov was summoned to Manchuria, but Oleinikov was not summoned to the town of Manchuria.

The secretary of the military mission in Kharbin came by plane to this conference. The conference took place at the gendarmery department in the town of Manchuria. Besides me and the secretary of the military mission

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of Kherbin there were: Chief of the Military Mission of the town of Manchuria, chief of the Military Mission of Khailar, Chief of the police detachment of the town of Manchuria, a military persons who could speak Russian, and an interpreter.

At this conference a question of another transportation of a load of weapons, money, counter-revolutionary literature and cartridges for the counter-revolutionary organization in the Zabaikalye, was discussed. Besides, at the same conference a question of collecting information of military nature was discussed. Official representatives of the military missions and other offices of a certain state promised to assist sabotage and terrorist activities of the counter-revolutionary organization which was on the territory of the Soviet Union....

Continuation of Oleinikov's Explanations.

Before Kobilkya was sent to the Soviet Union, a conference took place at the editorial office of the Kharbinskoye Vremya, and Timofeev D. I., Kebilkya and I were present there. After coming to the editorial office I stayed in the reception room, and they went to another room where the secretar of the military mission was. In about half an hour I was called to the secretary of the mission, who began asking me whether the Chita aerodrome actually existed and where it was situated; the place of taking off and landing grounds. He asked me of the fortifications and their nature, the armament of the fortified points and the disposition of military units, at the same time verifying the data he had. I reported to the secretary of the mission everything I knew from my own observations or from the reports of the agents.

I got one "Mauser" and cartridges from General Shilnikev, one "Browning" from the chief of the military mission in the town of Manchuria, two "Brownings" in the town of Kharbin from Timofeev, who at that time worked as a secret agent of the military mission and as a supervisor at the police department.

An experiment with incendiary shells was carried out together with Petounov, chief of the gendarmery department, and an interpreter of the military mission in Kharbin.

I reported of the results of the experiments to Kobilkya, warning him that I was not satisfied with the experiments. Timofeev declared that he would try them himself together with the secretary of the military mission.

Explanations of the defendants at the closed session in the Court.

Kobilkyn: The State which I and all the defendants called "a certain" was Japan. I received the tasks from Suda, Secretary of the Japanese Military Mission in the town of Kharbin -- and from the Sakurai, Chief of the Japanese Military Mission in the town of Manchuria, -- and Saito Chief of the Military Mission in Khailar, and from Osawa, the head of the editorial office of the newspaper "Kharbinskoye Vremya".

Besides the tasks I have told you about, I received from Suda and Sakurai the task to recruit 10 men and transport them to the Zabaikalye to carry out arsons, terroristic acts and espionage.

The weapons, I got through Osawa and Timofeev were forwarded to me according to the order of Suda, the secretary of the Japanese military mission in Kharbin. The Japanese military missions were greatly interested in the questions concerning the aviation and the situation of aerodromes on the territory of D.V.K. (Far Eastern Area) how near the aerodromes were to the frontier of Manchukuo and the military units quartered on the stations of Olovyannaya and Zilevo.

Then they were interested in the types of aircraft, especially fighters and reconnaissance planes. Instructions were given to secret agents as for instance to Oleinikov personally by Suda, Secretary of the military mission in Kharbin or Sakurai, Chief of the Military Mission in Manchuria, to whom I always sent the people who came from the U.S.S.R.

I fully confirm all my testimony given at the preliminary investigation and in the court, both regarding my counter-revolutionary activities and the Japanese Khailar, Kharbin and Manchurian missions whose tasks I carried out. My testimony is sincere and true to facts. I gave it honestly of my own will and nobody brought pressure upon me, while I was giving my testimony.

I must add that I considered the fulfillment of these tasks - collecting information of espionage nature, carrying out sabotage and terroristic acts -- as the preparation for intervention which as we were expecting would take place in the near future and we took an active part in thi preparation.

Pereladov: I, myself was not directly connected with officiel representatives of the Japanese military mission.

When in my testimony at the court interrogation I was speaking of counter-revolutionary organizations being dependent on the military missions of a certain state, I meant Japan.

When I was at the station Pogranichnaya, I met Voschilo there, a member of the "National Union of the New Generation" and Shipunov, a member of the Union "Brotherhood of Russian Truth". They were carrying out special tasks of the Japanese military mission on collecting espionage-reconnaissance information about the Primerye.

Always, when a band for transportation to the U.S.S.R. was being prepared, official representatives of the Japanese military mission took part in this and approved the crossing of the frontier. This is confirmed by the fact that when I expressed my desire to cross the border and Kobilkyn consented to transfer me, I had to give an obligation to carry out special tasks of the Japanese military mission of sabotage-terroristic and espionage-reconnaissance nature and then my crossing was approved by the Manchurian mission represented by Sakurai, and the Kharbin mission represented by Suda.

When I made an attempt on the Soviet representative Bogenelov, I was not informed that Japan was interested in this as I had received this task from Zarin, through Popev, the representative of the "National Union of New Generation".

Oleinikov: While being abroad I was in contact with Suda, the secretary of the Japanese mission in Kharbin, Sakurai, the chief of the military mission in the town of Manchuria, Timofeev, the superviser at the police department, who concurrently was a secret agent in the Japanese military mission and Kulikov, the supervisor at the criminal- detective bureau in Kharbin.

I gave information to and received tasks from Suda and Sakurai, who paid me money for this.

I also received the revolver "Mause" from Suda....

President of the Court - Nikitchenko

Secretary - Kulikov

Correct: Chief of Secret Cyphering Department
of Military Collegium of Supreme
Court of U.S.S.R.

Major of the Judicial Corps
(Vaintroub)

CERTIFICATE OF TRANSLATION OF THE ABOVE DOCUMENT:

I, M. Menshova, hereby certify that I am thoroughly conversant with the Russian and English languages; and the above is a correct and true translation of the indicated Document.

Signature: Menshova

Sentence no. 95

In the name of the Union of Soviet Socialist Republics, the Assizes of the Military Collegium of the Supreme Court of the USSR befor President of the Court Nikitchenko, members of the Court Zaryanov and Serpukhovitin, secretary Kulikov at open sessions in Irkutsk on August 31 and September 1, 1935, with State Counsel for Prosecution, Military Prosecutor Malkis and with Counsels for Defense: the members of Irkutsk Defense Counsel Collegium Ryabkin and Patushinsky.

Heard the Case of:

1. Kobylkin Innokenty Vasilievich, born in 1888 in the town of Chita, former Colonel of Ataman Semenov's whiteguard army, from 1922 to 1935 in emigration, member of the counter-revolutionary emigrant organizations of the "Russian General Military Union" and of the "Brotherhood of Russian Truth".

2. Preladov Eulampy Lukyanovich, born in 1905 in the town of Kurgan, formerly sub-lieutenant of the white army, from 1922 to 1935 in emigration, a member of the counter-revolutionary emigration organizations of the "Russian General Military Union", of the "Brotherhood of Russian Truth" and of the "National Union of the New Generation".

Both charged with the crimes set forth in the articles 58-4-6-8-9 and 10 of the Criminal Code of the R.S.F.S.R.

3. Oleinikov Victor Vasilievich, born in 1914 in the town of Chita, son of a clergyman of elementary education, citizen of the USSR.

Charged with the crime set forth in article 58-1a of the Criminal Code of the R.S.F.S.R.

by investigation established that in 1935 the white guards I.V. Kobylkin and E.L.Pereladov, having secretly penetrated into the Soviet Union territory through Manchuria with the aim of carrying out espionage, sabotage and terrorist acts, were respectively apprehended at various dates in the East Siberian Region, having arms, incendiary cartridges and counter-revolutionary literature on them.

Later on at the end of May, 1935, Victor Oleinikov was apprehended in the Zabaikalye while crossing the frontier. He too, had secretly penetrated into the Soviet territory together with two other terrorists; Michail Oleinikov and Kustov who were shot when attacking a border guard post. Revolvers, poisons,and counter-revolutionary literature were found on the shot men and on Victor Oleinikov as well.

It is established by the documents of the case and by the confession of the defendants that Kobylkin and Pereladov who turned out to be a whiteguard colonel and a white guard sub-lieutenant, respectively, living in emigration in Northern Manchuria since the rout of the white bands in the Soviet Far East in 1922 until 1935, and being members of various whiteguard counter-revolutionary organizations took an active part in their activities in preparing an armed attack on the Soviet Union with the aim of overthrowing the Soviet Power and of restoring of capitalism with the help of foreign intervention.

Having counter-revolutionary convictions and pursuing these aims of his own free will as one of the chiefs of the Eastern Department of the "Russian General Military Union", Kobyikin also received and obeyed instruction of the Secret Service officers of a certain foreign power, being its secret agent. Besides, Kobylkin holding an official position in the police, helped and personally organized the smuggling of armed bands, weapons and individual agents from Manchuria to the Soviet territory to carry out espionage, and sabotages and terrorist acts.

So, during the time when Kobylkin worked as a police supervisor at the station of Djalainor, five armed bands were smuggled from Manchuria to the Soviet Territory.

In January, 1935, Kobylkin, following instructions of secretary of the military mission of a certain power in Kharbin, with the knowledge of the head of the military mission of the same power in the town of Manchuria, smuggled to the Soviet Union territory the whiteguard Pereladov with the task of carrying out espionage, sabotage and terrorist acts.

Pursuing the same counter-revolutionary aims and following the instructions of the already mentioned secretary of the military mission in Kharbin, Kobylkin himself, with the help of the head of the military mission in the town of Manchuria, crossed the Soviet frontier line with weapons on him in March, 1935, but was held up. There were on him two "Mauser" and one "Astra" pistols, a large quantity of counter-revolutionary literature, and incendiary cartridges to be used for setting on fire stores and constructions of military importance.

In the organizations of the transfer of agents of the secret service of a certain power and of representatives of counter-revolutionary organizations into the Soviet territory, and in transportation of weapons and receiving espionage information, Kobylkin was assisted by Victor Oleinikov, who, since 1933 had maintained through General Shilnikov close contact with the military mission of a certain power in Kharbin.

When General Shilnikov who being chief of the Eastern Department of the Russian General Military Union had simultaneously been a secret agent of the said military mission in Kerbin, died in 1934 the direction of the activities of the whiteguard organization of the "Russian General Military Union" passed on to Kobylkin, and Victor Oleinikov received his instructions, both from Kobylkin and from the secretary of the military mission in Kerbin, directly, and from the heads of the military missions in the towns of Manchuria and Hailar,

With the help of Victor Oleinikov, who had repeatedly crossed the frontier himself and smuggled Pereladov, Kustov, Michail Oleinikov and even Kobylkin himself, the latter transferred onto the Soviet territory 12 pistols with a large supply of rounds for committing terrorists acts, ten incendiary cartridges for sabotage acts, a camera with films for espionage work and poisons; strychnine and atropine, for the same terrorist acts.

Kobylkin, as he himself stated in his confession and which is conformed Peredov's and Oleinikov's evidence, got all these things, intended for carrying out espionage, sabotage and terroristic tasks on the Soviet Union territory, from official representatives of the Military Mission of a certain power in the towns of Kharbin and Manchuria directly or through the head of the editorial office of the newspaper "Kharbinskoye Vremya."

The same persons gave Kobylkin money for carrying on counter-revolutionary sabotage work.

Considering the said, the Assizes of the Military Collegium of the Supreme Court of the U.S.S.R. found I. V. Kobylkin and E. I. Pereledov guilty of crimes set forth in articles 58-4-6-8-9 and 10 of the Criminal Code of the R. S. F. S. R., and V. V. Oleinikov guilty of high treason, i. e., of crime s forth in the article 58-1a of the Criminal Code of the R. S. F. S. R. and sentenced.

Kobylkin Innokenty Vasilievich and Pereladov Eulampy Lukjanovich according to crimes set forth in the article 58-8 of the Criminal Code of the R. S. F. S. R., and Oleinikov, Victor Vasilievich according to the articles 58-10 of the Criminal Code of the R. S. F. S. R., all three of them to capital punishment - shooting with confiscation of their personal property.

This sentence is final, not subject to appeal.

PRESIDENT OF THE COURT: NIKITCHENKO

MEMBERS OF THE COURT FYLNOV & SERTUKHOVITIN

CORRECT

CHIEF OF THE SECRET-CIPHERING DEPARTMENT OF THE MILITARY COLLEGIUM OF THE SUPREME COURT OF THE U.S.S.R.

MAJOR OF JUDICIAL CORPS

vaintrub.

CERTIFICATE OF TRANSLATION OF THE ABOVE DOCUMENT:

I, M. GILDENBLAT, hereby certify that I am throughly conversant with the Russian and English languages; and the above is a correct and true translation of the indicated document.

/S/M. GILDENBLAT

IPS DOC. NO. 1952

CERTIFICATE

I, Major N. A. Bazenko, Chief of the Document Room of the Soviet Division of the International Prosecution Section, hereby certify that the Prosecution Document No. 1952 was received by me from the Archives of the Military Council of the Supreme Court of the U.S.S.R. on 15 October 1947.

/s/ Major N. A. Bazenko
MAJOR N. ... BAZENKO,
Chief of the Doc. Room of
the Soviet Division of
I.P.S.

21 November 1947

Exhibit No. 3851-A

I.P.S. Doc. 1952, 1

「裁判記錄 抜萃

一九三九年八月三十一日及九月一日ソ联邦最高裁判所軍事委員会イルクーク市派出会議「コール」倶楽部 [illegible]

恐ニテ左ノ構成ニヨリ公開施行ス

議長 ニキフチェンコ

議員 ザリヤノフ及セルプホウィティン

書記 クーリコーフ

辯護人 イルクーク市辯護会々員 リヤブキン及プタシンスキー

審議事件ハ非合法的ニソ联領内ニ潜入セルスパイ、テロ陰謀團事件ニシテ被告次ノ如シ

1. コブイルキン、イン、ケンティー、ワシーリエウィチ

2. ペレラドフ、エウラムピー、ルーキヤノーウィチ

上記両名ハロシヤ社会主義ソヴェト联邦共和國刑法第五十八條、第四、第六、第八、第九及第十項ニ該当スル犯罪ナリ

3. オレイニコフ、ウィクトル、ワシーリエウィチハロシヤ社会主義ソヴェト联邦共和國刑法第五十八條第一項(a)ニ該当スル犯罪ナリ

1. コブイルキン、イン、ケンティー、ワシーリエウィチハ一八八八年旧「ザバイカル州」現在ノ東部西伯利亞地區「チタ」市ニ生レタル「カザック」ニシテ將校タリシコトアリ本人

FILE COPY
RETURN TO ROOM 361

ハ資産ナキモ、母ハ家屋ノト別荘ノヲ有シ、父ハ将校ニシテ大佐ナリキ、本人ハ「ハバロフスク」幼年学校及「ニコラエフスク」騎兵士官学校ヲ卒業シ「カザック」騎兵中隊長トナリ、帝制露軍ニ於テハ一等大尉、國内戦ニアリテハ大佐トシテ一九一七年ヨリ一九二二年マデノ白軍ニ勤務シ、「ソヴェト」政権ニ対シ、積極的ニ斗争ニ参加シ、其功ニヨリ二階級ヲ進メラル、白軍ト共ニソ联領内ニ逃レテ支那ニ留マル、支那ニ於テ被告ハ「ロシヤ」軍人联合会（ロッシースキー、オブシチェウォインスコエ、オブシチェスツウォ）ノ政治諸団体ノ会員トナリ、思想上「ロシヤ」正義友愛会（ブラーツスツウォ、ルースコイ、プラウヅィ）ニ属シ、尚「ハルビン」市ニ於ル「ザバイカル、カザック」団（ザバイカーリスカヤ、カザーチェスタニーツア）「チタ」同郷人会（チティンスコエ、ゼムリヤーチェスツウオ）及「ハバロフスク」幼年学校同窓会ニ属シタリ、此等ノ諸団体ハ何レモ政治的性質ヲ有ス、一九三五年三月八日夜「ソウエト」領内ニ於テ捕ヘラレ以来拘禁中ナリシモノナリ、

2. ペレラドフ、エウラムピー、ルーキヤノーウィチハ一九〇五年旧「トボリスカヤ」縣「コルカ」村ニ生シタル平民ニシテ、父ハ日露戦争ニ兵卒トシテ従軍シ、廃兵トナリシヲ以テ其后ノ兵役ヲ続行スルコトナカリキ、父ハ平民ナリ、父ガ土地家屋及其他ノ財産ヲ有セシヤ否ヤハ被告ハ幼年時代ニ「ソウエト、ロシヤ」國外ニ退去セシヲ以テ之ヲ知ルコトナシ、一九二〇年「ハルビン」ニ於テ幼年学校ヲ一九二七年

A3　　　　　IPS. Doc 1950, 1

ナリ ニ於テ官憲技校ヲ卒業セリ、一九二〇年ヨリ一九二三年マデノ
仕ナル義勇兵トシテ加ハリ「ニセイカブリ」師団、次ニ騎兵
学校出身ノ義勇兵トシテ「オームスキー」聯隊ニアリテ勤務
シ一九二七年ニハ東路軍士官学校ヲ業修、総司令官「コ
ラ ニコラエウィツ」大佐ノ承認ヲ得テ少尉トナル、一九二九年
ソ聯領外ニ移リ、軍団ト共ニ満洲ニ撤退シ一九三〇年白
露軍団ト共ニ「ホヴァート キャ」派ニ属シ一九三三年マデ「ソヴェト」
政権ニ対スル斗争ニ参加セリ、但、何等賞典ヲ受ケズ
支那ニアリテハ新人民族同盟（ナシオナリスト ソユーズ、ノーワゴ
ポコーレニヤ）及統一同盟（ソユーズ ハシカトリー コラ）等ノ政治
団体ノ会員トナル、一九三五年一月三十日ソ聯邦ニ於テ抑
留セラレ以来拘禁中ナリシ者ナリ、

オレイニコフ、ウヰクトル、ワシーリエウヰチハ一九一四年「チタ」
市ニ生レ、僧侶ノ子ナリ、一九三一年ノ初「ホルゾンスキー」
鉄道「アバガイトフスキ」鉱山ノ労働者タリシコトアリ、
於倉庫ノ助手ナリシ次テ赤軍ニ於テ勤務セズ一九
三三年五月二十八日ソ聯領土ニ於テ抑留セラレ以来拘禁
中ナリシ者ナリ、

被告ノ供述

コブイルキン、余ハ一九三五年三月五日ニ在某國陸軍
特務機関ノ任務ヲ受ケテソ聯領内ニ潜入ス、特務
機関ガ余ニ與ヘタル任務ハザバイカル地方ノ反革命
団体ト直接連絡ナトルニアリ、此ノ任務ニヨリ余ハ
該國機関ヨリ與ヘ

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ラレタル拳銃ニ拠及附属物弾丸、焼夷筒二個、及革命文書、
信書、及金銭ヲ左事命団体ニ交付スルコトニヨリ、受領シル
金額ハ六〇、未満ト一八〇、〇ケルウォン、ルーフルヲリ、焼夷筒ハ、ハル
ピンスコエ、ウレミヤー」紙編集部ニ於テ同主筆ー大澤ヨリ又拳
銃ハ警察部監督ノ「ライモフェーラドミートリー・イワイーシイチ」ノ
宅ニ於テ受領セリ、金ノ携行セル信書ハソノ職務ニ基ク人々ニ
宛タルモノニシテ、某國陸軍機関発書ヨリ之ヘニレ反革命
文書ハ警察部監督ノ「テイモフェーエフ」ヨリ受領セリ、以上ノ外
金ハ特務機関秘書ヨリソノ職務内ニ現存シ団体ニ対シ其反革
命工作ヲ停止又ハ変更セシメ之ヲ拡大シ外国ニアル白衛軍団体
ト連絡ヲ保持スルノ目的ニ及革命煽動ヲ行フベキ之ガタメ
メニ交付セラレル文書ヲ利用スベキ任務ヲ受ケタリ、武器ハソノ職
領内ニ於テ「テロ」行為ヲ為スベキ情況ニ応ジ用ヒンガ為ノメ用ヒタルモノニシテ其反革
命団体ノ確カナル指導者ニ対シ行フベキソノ選択ニ及ビ指導
技ニ主トシテソノ工作ノ遂行ニ関シ指導ヲ受ケタリ、以上ガ某國特務機関秘書ヨリ金ニ
言ヒキ、焼夷弾ハ防衛上重要ナル價値ヲ有スル日本術工
物ノ放火スルノメノモノナリ、以上ガ某國特務機関秘書ヨリ金ニ
シテ金ハ親シク同人ト話シ、親シク同人ヨリ指示ヲ受ケタルモ
リ、機関秘書ハ金ニ反革命団体協力ノ金ノ反ソ闘争ニ於
ケル経験ヲ持ツ任務ヲ遂行スベキヲ云ヘリ、
放ハ準戦時時代ノ状況ニ合致セシムベク其実施ハ満洲
ニヨリソノ信号ヲ受ケテ決行スルヲ要スルヲリ、
テハ騒乱行為ノ外金ハソウエート領ニ向ケ発スル前密領
ノ任務ヲ有スル任務ヲ受ケタガハイカル」ニ於ケル帝軍部

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際ノ自衛用ニ受領セルモノナリ、燒夷彈ハ放火決行ノ目的ヲ有シ「ペレラドフ」ト共ニ「ザバイカル」ノ反革命團体ノ配下ニ送ラレ、之ヲソ聯領内ヘ送ルニ先ケ我等ハ其役ニ立ツヤ否ヤノ試驗ヲナシタリ、金錢、武器及反革命文書ハ事前ニ陸軍特務機関ヨリ受領シオキ「オレイニコフ」其他余ノ手ニヨリ國境ヲ通過シテ送ラルル者ガ「ジヤライノール」駅ニ来ルトキ之ヲ与ヘ彼等ヲ道ヲキテ國境ヲ通過セシメタリ余ノ協力ニヨリ反革命ノ目的遂行ノ為送付セラレタルモノハ「モーゼル」「アストラ」「ナガン」等ノ各種拳銃十二挺及附属実彈燒夷彈一〇〇〇多数ノ反ソ文書ナリ

彼ハ「クーストフ」及「オレイニコフ、ミハイル」ノ送付ニハ参加セズ、足シソ聯領内ニアリシヲ以テナリ

余ハ某國特務機関ノ任務ニヨリ行動シソ聯領ニ人員、武器、文書及金錢ヲ騒乱テロ行為決行ノ為送リタルモノナルガ陸軍特務機関ノ目的ガ「ソヴェト」政権ノ西復ヘシ別種ノ政体ヲ樹立セントスル予ノ目的ニ合致スルモノナルヲ以テ自覚ノ下ニ之ヲ決行セリ

「コライルキン」ノ引続キ陳述シ且訊問ニ答フ／

余ハ指摘セル政治団体ノ行動領域ノ地方官憲並ニ外國特務機関ハ此団体ソ聯領内ニ於テ騒乱テロ行為ヲナシツツアルヲ知悉シアリタルモノニシテ地方官憲ハ我等ニ協力セリ本事件ノ物的證據トシテ現ニ法廷ニ横タハル武器ハ凡テ、我等ガ「ティキフェーエフ」ヲ経テ外國特務機関

ヨリ受領セルモノナリ、余ガソ聯領内ニ携行セルハ「ピ
ゼルレ」挺「アストラ」式一挺ニシテ他ノ人々ト共ニ送リ
タルハ「ブローニングF」五乃至六挺ナリ、其外余ハ焼
夷弾二発、反革命文書一束、宛名人ヲ異ニセル
信書八通ヲ携行セリ、其他ノ武器ハ「ペレラトフ」
及「オレイニコフ」ニヨリ送附セラル、
ソ聯領内ノ非合法團体ノタメ某外國特務機関
ヨリ受領セル金額總計八約一五、〇〇〇米弗及五、〇〇〇
我等ノ行爲ハ凡テソ聯ニ対スル外國ノ干渉ヲ準備
スルヲ目的トシ、余自身ハ将来戦ノ偵察者タリシナリ
放火トツソウエト政權指導者ニ対スル テロ行爲ヲ準
備シ、且遂行シ、以テツソウエト」國家ニ爲シ得ル限リ
ノ損害ヲ與フルタメ、余ハ自身現場ニ赴キタリ、
某國ガ余ニ課シタル目的ハ余ノ属スル團体ノ目的ト合
致セルモノナリ、

「ペレラトフ」余ノ任務ニ属スルハ経済並ニ政治上ノ
偵察、情報ノ蒐集、赤軍部隊ノ配置ニ関スル完全
ナル情報ノ蒐集、地下秘密團体ノ指示ニヨル騒乱及
テロ行爲ノ決行ニシテ此等ノ仕務ハ我等ノ團体ト連
絡ヲ有スル某國陸軍特務機関ヨリ與ヘラレタル
モノニシテ満州領内ニアル我等ノ白衛軍團体ハ凡テ某國
陸軍特務機関ノ支持ト援助ヲ受ケ居タリ
我等ハ資金モ武器モ有セザルヲ以テ此事ナクシ
テハ生活シ得ザリシナリ、我等諸團体ノ行動ハ

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凡テ某國特務機関ノ認可ノ下ニ行ハレタリ、
例ヘバ余ガ「コブイルキン」ト「ザバイカル」ヨリ来レル者
迎フルタメ出向スルニツキ陸軍特務機関憲兵及
國境守備隊ノ認可ヲ必要トセシ如キ是レナリ
余ハ國境守備隊滞在間我等ノ密偵ヲ迎フ
タメ数回國境ニ出向キタリ
ソ聯ヨリ脱出シ来ル密偵ハ必ズ一定ノ情報ヲ所
シアルヲ要シ此等ノ情報ハ「コブイルキン」ヲ介シテ
満洲里及「ハルビン」ノ某國陸軍特務機関ニ傳達
ラレタリ、
出發前余ハ某國陸軍特務機関ヨリ國境ヲ越
エテ、ソ聯ニ入ルベキ許可トスパイ情報ノ蒐集及
放火準備ニ関スル特別任務ヲ受ケタリ
ソ聯領ヘノテロリスト及騒乱者送致ニ協力セシ
某國ガ目的トスル所ハ陸軍特務機関ノ給スル武
器、弾薬及燒夷弾ガ「ソウエト」政權ノ力ヲ弱
沿海州及「カムチャツカ」ヲ奪取スルニ有利ナル條件ヲ
作為スルニアルヲ知レルニヨリ余ニハ明白ナリキ、
余ハ此事ヲ同僚ガ地図ヲ示シ、其意図ヲ語レル
ニヨリ知ルヲ得タリ、何物ヲモ有セザル亡命者ノミヲ
以テ沿海州ト「カムチャツカ」ヲ奪取スルハ不可能
ナリキ
余ガ反ソ目的実現ノタメ某國ノ勤務ニ就キ
ルハ其目的ガ余ノ目的ト合致セシ故ニシテ、余ハ凡
テノ白系亡命者ノ如ク外國ガ極東ヲ領スルハ

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ーリシニウイキーニ比スレバ小ナル事ナリト思考セノ
コンムニズムト闘ヒ騒乱及テロ行爲ヲ以テ「ソウエト」政權ヲ再復滅スルタメ、武器ヲ執リ「ソウエト」領内ニ入ルニ際シ余ハ何等政治上ノ計畫ヲ有セズ唯対ソ政權闘爭ヲ援助シ我等ニ全銭ト武器ヲ與ヘル其國ノ信頼ニ應ベヘントスルノ一事アルノミナリシナリ

在「ハルビン」陸軍特務機関ト連絡スル迄余ハ幹部ノ養成ニ從事シ、聯進攻ノ任務ニ服スベキ某軍ノ教官ニタリヒ

3、オレイニコフ」武器及反革命文書ヲ「ザバイカル」ニアル反革命團体ニ送附スル件ニ関係セルハ余並ニ余ト面識アル某陸軍特務機関ノ秘書ナリキ

余ガ初メテ特務機関秘書ニ会ひタルハ一九三三年六月或ハ七月ニシテ當時余ハ哨兵線ヲ突破逃走シテ「シーリニコフ」將軍ノ許ニ身ヲ寄セ同家ニ寄宿シアリシ時ナリ「シーリニコフ」將軍ハ病ニ罹リ内容ハ知ラザレトモ書翰ヲ陸軍特務機関秘書ニ持行クコトヲ余ニ依頼セシニヨリ余ハ同人ト面識ヲ得タリ

特務機関秘書ハ何人ヨリノ書翰ナルヤテ尋ヌルコトナス赤軍並ニ地方民ノ氣風ヲ問ヒタリ

余ハ特務機関秘書ガ興味ヲ有スル諸問題ニツキ十分ナル資料ヲ有セガリシヲ以テ何等取立テ、告知スルコト能ハザリヒ

此時余ハ特務機関秘書ヨリ何等任務ヲ受領セズ

A.R.S Doc. 175211

三三年末余ガ再度、暗号兵隊ヲ天映ルトキ「シーリニコフ」
ニ陸軍特務機関秘書ヲ勤ム、農林事ノ配置其他
関スル、スパイ情報ヲ得達スベキ任務ニ受ケタリ
ルガ再ビソスト領土ニ帰還スル際陸軍特務機関
ノ秘書ノ書斎ヲ秘書ヲ「ヤ、ゼル」ヲ渡サレ之ヲ
ウ上領内ニ於ケル「アニ行」ノ為ノ「セレブリヤ
ノ」ニ渡スコトヽナリタリ
余ガ携行セルハ「モ、ゼル」ニ対シ「アガン」ニ対及「プローニング」
ノ姓及相当数ノ弾薬ニシテ其外現ニ事件ノ物的証
據トシテ存スル寫眞機及フイルムトリ寫眞機ハ「シーリ
コフ」ガ陸軍特務機関秘書ヲ受取リ余ニ渡セ
ルモノナリ
寫眞機ハスパイ目的ニ利用スルタメ宜用術工物
其他ノ施設ヲ撮影シ寫眞ヲ得ルタメノモノナリ
余ハ住民ニ配布シ「ソ」ノ政権ノ覆滅ニ蹶起セ
シムルタメノ反革命ノ文書ヲ持行ス
ソ聯内ニ於テ「ヒ、ヤ、ゼ、ヤ」ガ蒐集セル情報ハ凡
テ余ガ「シーリニコフ」又ハ満洲里市ノ陸軍特務機関
長ニ直接手交スルヲ要シタリ、満洲里市ニ於テ余ハ
上記陸軍特務機関長ヨリソ聯ニ帰還シ「コブイル
ヤ」ニ「ジーロ字」駅又ハ「ズレーテンスク」駅ニ往キ同
所ニ於テスパイ情報ノ蒐集ニ當ルヘク依頼スベシト
任務ヲ受ケタルガ此時「コブイルヤ」ハ既ニソ聯ノ領
内ニ在リタリ
國境ヲ越ル際ノ余ハ其度毎ニ「セレブリヤコフ」ヨリノ

I.P.S. DOC 1952,1

書翰ヲ携ヘ其内容ハ知ラザレドモ之ヲ「シーリニコフ」又ハ
満州里市ノ陸軍特務機関長ニ渡シタリ
一九三四年秋、在「ハンビン」陸軍特務機関秘書ガ
ソ聯ヨリ来リタル反革命団体代表「セレブリヤコフ」
ト会見スルタメ飛行機ニテ飛来セルコトアリ其時
満洲里市ノ陸軍特務機関長ノ許ニ会議開カレ、
海拉爾陸軍特務機関長モ之ニ列席シ、余ガ
「セレブリヤコフ」ト共ニ、其時ソ聯ヨリ携ヘ来レル情報ヲ
審査セリ「セレブリヤコフ」ハ其後「ハルビン」ニ向ケ出発セリ、
被告「コブイルキン」ノ補足陳述
一九三四年五月末又ハ六月初ナリ
「オレイニコフ」ガ国境ヲ越エントシテ例ノ如ク「イワノフ」
(「セレブリヤコフ」ノコト)ト共ニ「ジヤライノール」ニ来リシガ満
州里ニ招致セラレタルハ「セレブリヤコフ」一人ニシテ「オレイニコフ」
ハ満洲里ニ招致セラレザリシコトアリ
此会議ニハ「ハルビン」陸軍特務機関秘書飛行機ニテ
飛来シ、会議ハ寝兵司令部ニテ開カレ余ト「ハルビン」陸
軍特務機関秘書ノ外、満洲里陸軍特務機関
長、海拉爾、陸軍特務機関長、満洲里警察
隊長、露語ヲ話ス一軍人及通訳一人参列セリ
此会議ニ於テ次回発送ノ「ザバイカル」ニアル反革命
団体用ノ武器金銭、反革命文書及弾薬ニキ
議セラレタル外、軍事的情報、蒐集ノ問題モ審議
セラレタリ、

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某国ノ陸軍特務機関 其他機関ノ公式代表者ハソ聯領内ニアル及革命団体ノ騒乱及テロ行為ニ協力ヲ与フルヲ約シタリ

「オレイニコフ」陳述ノ続キ

「コブイルキン」ノソ聯ヘノ出発前「ハバビン スコエウレーミヤー」紙編輯部ナル我等ノ許ニ於テ会議ヲ開キ「ディモフエーエフ、デーイー」「コブイルキン」及余之ニ列席セリ、余ガ続輯部ニ至リ応接室ニテ待テアル間ニ彼等ハ陸軍特務機関秘書ノ居ル他室ニ入リシガ約三〇分後余特務機関秘書ニ呼バレ「チタ」ニ飛行場アリヤ其所在地ハ何処ナリヤ、飛行機ノ飛昇及着陸位置ハ何処ナリヤヲ問ヒ又設堡工事ト其種類、設堡地点ノ武装及軍隊ノ配置ヲ問ヒ同人ガ所持スル情報ヲ点検セリ、而シテ余ハ自ラ実見セルコト及密偵ヨリ聞キタルコト凡テヲ特務機関秘書ニ告ゲタリ

余ハ「モーゼル」一挺ト弾薬ヲ「シーリニコフ」将軍ヨリ「ブローニング」一挺ヲ満洲里陸軍特務機関長ヨリ、「ブローニング」二挺ヲ当時陸軍特務機関ノ秘密協力者並ニ警察部ノ監督トシテ活動シ居タル「ディモフエーエフ」ヨリ「ハルビン」市ニ於テ受取リタリ

焼夷弾ノ試験ハ在「ハルビン」陸軍特務機関ノ通訳ニシテ憲兵部長タル「ペツーノフ」ト共ニ実施セリ

(Ponyweno !!)

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J.P.S Doc.1952-1

十一百類第一九五三号ノ一（裁判記錄抜萃）

證

余平野英雄ハ余ガ露西亜語及ビ日本語ニ精通セル者ナルコト並ニ露語原文及ビ日本語原文ヲ対照シ上右ノ本書類ヲ眞実ニ且正確ニ飜譯セルモノナルヲ確證セルコトヲ茲ニ證ス

署名　平野英雄　（平野）

昭和二十一年八月七日

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I.P.S Doc 1952-2

『非公開裁判ニ於ル被告ノ陳述

「ブイルキン」余並ニ他ノ全被告ガ呼ビタル某國トハ日本ナリ、余ハ「ハルビン」市ニ於ケル日本陸軍特務機関秘書須田及満洲里市日本陸軍特務機関長櫻井、海拉爾陸軍特務機関長齋藤及「ハルビン フコエ、ウレーミヤー」紙編輯局長大澤ヨリ任務ヲ与ヘケタリ、

上述任務ノ外、予ハ更ニ須田及櫻井ヨリ「放火」「テロ」行為及「スパイ」ヲ決行スルタメ「ザバイカル」ニ送ルベキ者十名ヲ募集スベシトノ任務ヲ受ケタリ、

今ガ大沢及「ティモフェーエフ」ヲ介シテ受ケタル武器ハ「ハルビン」陸軍特務機関秘書須田ノ指令ニ依リ今ニ手渡サレタモノナリ。日本陸軍特務機関ノ極東地方ニ於ケル空軍及飛行場ノ配置ニ對シ特別ノ関心ヲ有シ此等飛行場ガ満洲ノ國境ニ如何ニ接近シアルヤ、又「オロヴヤンナヤ」及「ジロウオ」駅ノ軍隊ノ有無ニツイテモ大ナル関心ヲ有シタリ』

次ニ彼等ガ関心ヲ寄セタルハ飛行機特ニ戦闘機及偵察機ノ型式ナリキ、

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例ヘバ「オレイニコフ」ノ如キ密偵ニ対スル非干「ハルビン」ニアル陸軍特務機関ノ秘書[illegible]ハ在満洲里陸軍特務機関長柳井ガ自身之ヲ与ヘ余ガソ聯ヨリ来着スルトキハ必ズ此等人々ノ許ニ到ラシメラレタリ、自ラノ反革命行為並ニ余ガ其賦課任務ニ活動セル海拉爾「ハルビン」及満洲里ノ日本陸軍特務機関ニツテ豫審並ニ本裁判ニ於テノ述ベタルモノハ完全ニ之ヲ認ム、余ノ陳述ハ誠実ニシテ且眞実ニ合致ス、余ハ自由意志ヲ以テ潔白ニ陳述セルモノニシテ陳述ヲナスニ際シ何人ヨリモ又何等ノ圧迫ヲ受ケタルコトナシ、

余ガ附言スルヲ要スルハスパイ的情報ノ蒐集、騒乱ヲ口行為ノ決行等ノ諸任務ガ余ノ見解ニヨレバ外國干渉ノ準備ニアリ我等ハ其干渉ノ近キヲ期待シ進ンデ此準備ニ参加セルコトナリ

「ペレラドフ」余ハ日本陸軍特務機関ノ公式代表者ト直接ノ連絡ヲ有セザリキ

余ガ法廷訊問ニ於テ反革命團体ガ某國陸軍特務機関ニ依存セルヒ日述ベタルガ某國トハ日本ノ意ナリシナリ、余ガ「ポグラニーチナヤ」駅ニ到リタルトキ同所ニ於テ新人民族ソウエト」（ナチオナーリヌイ、ソウエート、ノー穿ゴ、ポコレーニヤ）會員「シチーロフ」及「ロシヤ」正義友愛會」（ブラートスツヴヤ、ルースコイ、プラウドゥイ）員「シプーノーフ」ニ會ヒタルガ彼等ハ沿海州ノスパイ偵察情報蒐集ニ関スル日本陸軍特務機関ノ特殊任務ヲ遂行シ居タリ

ソ聯潜入團ノ準備ヲナシタル際ニハ必ズ日本陸軍特務機関ノ公式代表者之ニ参劃シ且其國境通過ニ認可

この画像は著作権保護されています。

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I.P.S Doc 1952-2

書類第一九五二号ノ二

證

余 平野英雄ハ余ガ露西亜語及ビ日本語ニ精通セル者ナルコト並ニ露語原文及ビ日本語原文ヲ対照ノ上右ハ本書類ヲ眞実ニ且正確ニ飜譯セルモノナルヲ確證セルコトヲ茲ニ證ス

但シ露語原文第九頁ヨリ傍聽禁止公判ニ於ケル被告者ノ陳述ヲ中最初ノ十五行ノミヲ正確ナル飜譯トシテ認メル。

平野英雄 (平野)

昭和二十一年八月六日

I.P.S Doc 1952-3

事件番号 No.〇七七　判決No.九五

「ソヴィエート」社会主義共和國聯邦ノ名ヲ以テ行フ「ソ」聯最高法院軍事委員会派出裁判ハ次ノ構成ヲ有シ

裁判長「ニキツケエンコ」

裁判官「ザリヤノフ」及「セルプホウィチン」

書記「クーリコーフ」

一九三五年八月三十一日及九月一日「イルクーツク」市ニ於テ公判ヲ開キ検事トシテ、特別赤旗極東軍事検察官「マルキス」、辯護人トシテ「イルクーツク」辯護士会員「リヤブキン」及「パトウーシンスキー」ガ加ハリ、次ノ被告ニ対スル告発事件ヲ取調ベタリ。

1、「コブイルキン、インノケンティーワシーリエヴィチ」一八八八年「チタ」市ニ生レ、「セミョーノフ」統領ノ自衛軍元大佐ニシテ、一九二二年ヨリ一九三五年マデ七命シ、七命反革命團体「ロシヤ」軍人聯合会及「ロシヤ」正義友愛会ノ会員タリ。

2、「ペレラドフ、エウラムピー、ルーキャノーヴィチ」一九〇五年「クルガン」市ニ生レ、自衛軍元少尉ニテ、一九二二年ヨリ一九三五年マデ七命シ、反革命團体「ロシヤ」軍人聯合会ノ「ロシヤ」正義友愛会及新人民族同盟ノ会員タリ、

以上両人ハ「ロシヤ」社会主義聯邦「ソヴィエート」

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共和國刑法第五八條第四、第六、第八、第九項及第十條ノ罪ニ該當ス

3「オレイニコフ、ウイクトル、フシーリエヴイチ」一九一四年「チタ」市ニ生レ、僧侶ノ子ニシテ教養低ク「ソ」聯、市民ナリ、「ロシア社会主義聯邦「ソヴィエート」共和國刑法第五八條一ル項ノ罪ニ該當ス

而シテ法定審問ニヨリ次ノ事実ヲ認定セリ

即チ一九三五年東部西伯利亜地区ニ於テ財ヲ異ニシテ白衛軍人「コブイルチンイー、ヴエー」及「ペレラドフ、エエル」ハ武器、焼夷弾及反革命文書ヲ携ヘ「スパ」騒乱及「テロ」行為決行ノタメ満州里ヲ経テ「ソ」聯領内ニ非合法的潜入ヲ行ヒ、抑留セラレタリ

其後一九三五年五月末「オレイニコフ、ヴイクトル」ハ二名ノ「テロリスト」「オレイニコフ、ミハイル」及「クースト」ト共ニ同ジク非合法的ニ國境ヲ越エントシテ「ザバイカ」ニ於テ抑留セラレタリ、「オレイニコフ、ミハイル」及「クースト」ハ國境警戒哨ヲ襲ヒテ殺害セラレタリ此等死者及「オレイニコフ、ヴイクトル」ハ拳銃、毒薬及反革命文書ヲ所持シ居タリ

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事件ノ資料及被告自身ノ原述ヨリ白衛軍大佐タリシ「ペレラドフ」及少尉タル「コブイルキン」ハ極東ニ於ケル白衛軍一派ノ潰滅後、九二二年ヨリ一九三五年ニテ北滿ニ亡命シ名種日系亡命、反革命團体ノ會員トナリ外國ノ干渉、資本主義ノ援助ノ下ニ「ソヴイエート」政權ヲ覆ヘン帝制ヲ復活スル目的ヲ以テスル「ソ」聯ニ対スル武力攻撃ノ準備ニ関スル此等諸團体ノ行動ニ進ンデ参加セシコト判明セリ

「ロシヤ」軍人聯合會東方部ノ一指導員トシテ、自反革命意識ヲ有スル「コブイルキン」ハ一方某国情報機関密偵トナリテ、其任務ヲ受ケ、此等目的ノ為行動シ警察ニ於ケル職務上ノ地位ヲ利用シ「スパイ」騒乱及ビ「テロ」行為決行ノ目的ヲ以テ武装團武器及單獨人密偵ノ滿洲内ヨリ「ソ」聯領ヘノ送致ニ協力シ又自ラ之ニ從事セリ、即チ「コブイルキン」「ジヤラダイール」駅ノ警察監督ノ職ニ在リシ間滿洲ヨリ「ソヴイエート」領ニ送ラレタル武装團ハ五組ヲ算シ

一九三五年一月「コブイルキン」ハ左「ハルビン」市某国陸軍特務機関秘書ヨリノ賦課任務ニ依リ、在滿洲里市同國陸軍特務機関長ノ承認ヲ受ケ「スパイ」騒乱「テロ」行為決行ノ目的ヲ以テ、白衛軍人「ペレラドフ」ヲ「ソヴイエート」領内ニ送リタリ

同ジ反革命目的ト左「ハルビン」市前掲陸軍特務機関秘書ノ賦課任務トヨリ在滿洲里市陸軍特務機関長ノ協力ノ下ニ「コブイルキン」自身三月「ソ」聯領ヘノ武装越境ヲ企テ「モーゼル」拳ノ銃ニ挺「アストラ」式一挺ト倉庫及

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防禦術工物放火用燒夷弾等ニ多數ノ反革命文書ト共ニ抑留セラレタリ。

「オレイニコフ、ヴイクトル」、某國ノ密偵及反革命團体ノ代表及武器ノ「ソヴナ」上領ヘ送致並ニ「スパイ」情報ノ入手ニツキ「コブイルキン」ニ協力セリ。

彼ハ一九三三年以来「ニーリニコフ」特軍ヲ介シ、左「ハルビン」某國陸軍特務機関ト連絡シ居タルモノナリ。

「ロシヤ」軍人聯合會東部々長ニシテ同時ニ左「ハルビン」市前記陸軍特務機関密偵タル「ニーリニコフ」特軍ガ一九三四年死去シ「ロシヤ」軍人聯合会ノ自衛軍團体ノ指導ガ「コブイルキン」ノ手ニ移ルヤ「オレイニコフ、ヴイクト」此ハ「コブイルキン」ノ任務ニヨリ、或ハ左「ハルビン」陸軍特務機関秘書満洲里市及海拉爾市所在陸軍特務機関長直接ノ賦課任務ニヨリ行動スルコトトナリタリ。

「オレイニコフ、ヴイクト」此ハ自ラ數回ニ亘リ國境ヲ越エ

以下次頁

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又「ペレラドフ」「フスト」「オレイニコフ、ミハイル」並ニ「コブイルキン」ヲ誘導セル者ナルガ彼ノ協力ニ依リ「コブイルキン」ノ手ニヨリ「ソヴィエト」領ニ送致セラレタルモノハ「テロ」ノ目的ニ供スル拳銃十二及附属弾薬多数、騒乱ノ目的ニ供スル焼夷弾十ノ「スパイ」用ノ実直機及同「フイルム」並ニ「アトロ」用ノ毒茶「ストリキニーネ」及「アトロピー」ナリ。

此等「ソ」聯領内ニ於ケル「スパイ」及騒乱「テロ」行為用資材ハ「コブイルキン」自身ガ認メ、又「ペレラドフ」及「オレニコフ」ガ陳述スルトコロニ依レバ在「ハルビン」市及在満洲里市ノ某国陸軍特務機関ノ公式代表ヨリ直接ニ或ハ「ハルニスコエ、ヴレーミヤ」紙編輯局長大澤ヲ介シ「コブイルキン」ガ受領セルモノナリ。

「コブイルキン」ハ此等人物ヨリ及革命爆破工作実施用ニテ、金銭ヲモ収受シアリタリ。

上記ノ陳述ニ基キ「コブイルキン、イー、ウェー」及「ペレラドフ、エル」ノ罪ハ「ロシヤ」社会主義聯邦「ソヴィエート」共和国刑法第五十八條、第四、第六、第八、第九項及ビ第十條「オレイニコフ、ヴェー」ノ罪ハ祖国ニ対スル叛逆罪ナ「ロシヤ」社会主義聯邦「ソヴィエート」共和国刑法第五十八條一a項ニ該当スルモノト認メ、「ソ」聯邦最高法院軍事委員会派出裁判ハ次ノ如ク判決セリ

「コブイルキン、イニノケンティー、ワシーリエヴィチ」及「ペレラドフ、エヴラムピー、ルーキアノーヴィチ」ハソノ罪ヲ刑法第五十八條第

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項ニ包括セラルヽモノトシ又「オレイニコフ、ウィクトル、ワシリエウィチ」ハ「ロシヤ」社会主義併邦「ソヴィエート」共和国刑法第五十八條一a項ニ基キ三名共ニ最高刑罰トシ、銃殺ニ処シ本人ノ財産ヲ没収ス

本判決ハ最終判決ニシテ上告ヲ許サズ

裁判長「ニキッチエンコ」

裁判官「リリヤーフ」及「セルブホヴィチ」

寫本ノ正確ナルヲ認ム

ソ聯邦最高法院軍事委員会

秘密暗号課長

法務少佐（ワイニッルーブ）

署名

ソ聯最高
法院軍事委員会
印

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書類第一九五二号ノ三

# 證

余 平野英雄ハ余ガ露西亜語及ビ日本語ニ精通セル者ナルコト並ニ露語原文及ビ日本語原文ヲ対照シ之ヲ本書類ヲ眞実ニ且正確ニ飜訳セルモノナルヲ證證セルコトヲ茲ニ證ス

平野 英雄 (平野)

Doc. 1972.

Cert.

文書第一九五二號

證　明　書

余、ソ連検察部記録室長陸軍少佐「エヌ、アー、パゼンコ」ハ茲ニ検察側文書第一九五二號ハ余ガ一九四七年十月十五日「ソヴイエト」連邦最高裁判所軍事部ノ記録部ヨリ受領シタルモノナルコトヲ證明スル。

極東國際軍事裁判所
ソ連検察部記録室長
陸軍少佐「エヌ、パゼンコ」
（署名）

一九四七年十一月二十一日

# AFFIDAVIT

The U.S.A. etc., versus Sadao ARAKI, et al., in the International War Tribunal, Far East.

I, Masatane KANDA, Lieutenant General of the Japanese Army, taking an oath, make the following statement:

From April 1924 to April 1925, I served in the Fourth Division of the Second Section of the Japanese General Staff Office.

In April 1925, I was transferred to the Headquarters of the Kwantung Army on the recommendation of the Chief of the Second Section of the Japanese General Staff Office in order to aid in the business of collecting material at the Harbin Intelligence Office on the military topography of North Manchuria and the U.S.S.R.

At the same time, getting the permission of the Chief of the Second Section, I was to investigate methods /of drawing up/ and anti-Soviet subversive plan at the Harbin Intelligence Service Office.

I was in the Harbin Intelligence Service from April 1925 until December 1927 and studied the problems of strategic activity against Soviet Russia.

I wrote a report on the study of methods of strategy against Soviet Russia at the end of 1927 while I was a member of the Harbin Intelligence Service. At the end of 1927, I sent the report to Colonel KAWAMOTO, /officer/in charge of intelligence of Kwantung Army Headquarters and the full text of the same document as secret documents direct to Major KASAHARA, Chief of the Russian Department of the Second Section of the General Staff, whose function was handling Russian problems. The reason I sent this report was that I wished to inform Kwantung Army Headquarters and the quarters concerned in the General Staff of all the problems stated in it.

I hereby affirm with confidence that the document entitled "Research Materials for a Strategic Plan Towards Russia" which has just been presented to me is a photographic copy consisting of 50 pages and that it is really the whole text of the secret document which I had drawn up in 1927 and sent to Colonel KAWAMOTO, /officer/ in charge of intelligence of Kwantung Army Headquarters and also to Major KASAHARA, Chief of the Russian Department of the Second Section of the General Staff Office.

FILE COPY
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The document presented consists of 6 items and additional remarks:

1. The outline of a strategetic plan towards Russia.

2. Summary of an espionage plan which is to be carried out in Siberia and points east.

3. Agencies which are to be established for the purpose of carrying out the strategic plan in Siboria and eastwards and their activities.

4. That part of the strategic plan relating to the means of communications in North China.

5. That part of the strategic plan connected with the collection of resources in North China.

6. A collection of reference materials.

Appendix: Peace-time establishments necessary in the Far East for the strategic plan covering Russia.

To certify the above-mentioned facts, I hereby sign and date the back of each page of the document I have confirmed.

This Affidavit was drawn up in my own hand and is at no variance with the facts in every particular.

Masatane KANDA

Sworn and subscribed to before the undersigned officer by the above-named Kanda Masatane at the War Ministry Building, Tokyo, Japan this 19th day of May, 1947.

/sgd/ T. D. White
Capt. T.D. White
Summary Court Officer

CERTIFICATE

I, 1st Lieutenant Oyama, Hiromi hereby certify that I am fully conversant with the Japanese and English languages, and that this day, the said Kanda Masatane was duly sworn in my presence and signed said affidavit under oath in my presence; and that all proceedings incidental to the administration of said oath and the signing of said Affidavit were truly and correctly translated from Japanese into English and English into Japanese and fully understood and comprehended by said Affiant.

Dated this 19th day of May, 1947, at Tokyo, Japan.

/s/ Hiromi Oyama
Oyama, Hiromi
1st Lt. Infantry
Central Interrogation
Section

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極東國際軍事裁判所亞米利加合衆國其他
荒木貞夫其他ニ對スル宣誓口供書

私日本陸軍中將神田正種宣誓ノ上次ノ陳述ヲ爲シマス。

大正十三年四月ヨリ大正十四年四月迄私ハ日本參謀本部第二部第四課ヲ勤務シマシタ
大正十四年四月私ハ日本參謀本部第二部長ノ指揮ニ依リ哈爾濱特務機關ニ於テ北部トソ聯邦ノ兵要地誌ニ關スル資料蒐集事務竝佐ノタメ關東軍司令部ニ轉職セラレマシタ。
同時ニ私ハ第二部長ノ許可ヲ得哈爾濱特務機關ニ在リテ對ソ謀略計畫ノ手段ヲ研究スルコトニナツ

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テ居マシタ。

私ハ大正十四年四月ヨリ昭和二年十二月迄哈爾濱特務機關ニ在ツテ對ソ謀略活動ニ關スル問題ノ研究ニ從事シマシタ。

昭和二年末私ハ哈爾濱特務機關勤務中對ソ謀略手段ノ研究ニ關スル報告書ヲ作成シマシタ。

私ハ昭和二年末關東軍司令部ノ情報主任河本大佐宛又右書類ノ全文ヲ直接ロシア問題ヲ取扱ツテ居ル參謀本部ノ第二部ノロシア班長笠原少佐宛ニコノ報告ヲ機密トシテ出シマシタ。

コノ報告ヲ出シタノハ關東軍司令部ト參謀本部ノ

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關係方面ニ私ノ報告中ニ扱ハレタル全部ノ問題ニ付テ通知スル爲テアリマシタ。

今回私ニ提示セラレタ對ソ謀略計畫ノ研究資料ト稱スル書類ハ五十頁ノ寫眞寫テアリ眞ニ私カ昭和二年中作成シテ同年中關東軍司令部情報主任河本大佐宛日本參謀本部第二部ロシア班長笠原少佐宛發送サレタル機密書類ノ全文ニ相違ナキコトヲ確信ヲ以テ認メマス。

御提示ノ書類ハ六項目及附說ヨリ成ツテ居リマス。

卽チ

一、對露謀略ノ大綱

二、西伯利以東ニ於テ行フ謀略ノ主要事項

三、西伯利以東ニ於ケル謀略ノ爲メ配置スヘキ機關及其行動

四、北滿ニ於ケル交通線ニ關スル謀略

五、北滿ニ於ケル物資蒐集ニ關スル謀略

六、參考資料蒐

附說 對露謀略上極東方面ニ於テ必要ナル平時施設

以上述ヘタル事實ヲ證明スル爲私ハ玆ニ私ノ認メタル書類ノ各頁ノ裏面ニ自筆署名シ且ツ日附ヲ附ケマシタ。

本宣誓口供書ハ私ノ自筆ニ依リテ作成セラレ完全ニ事實ニ相當シテ居リマス

神田正種

Doc 3087

此ノ口供書ハ千九百四十七年五月十九日、日本國東京陸軍省ビルデング内デ下記署名ノ士官ノ面前デ上記ノ前田正稔ハ宣誓署名シマシタ。

即決裁判所士官

テー・デー・ホワイト大尉

（署名）

Doc. # 3087

文書第三、〇八七號

證　明

余、中尉、オオヤマ・ヒロミ／　OYAMA, Hiromi　／ハ余ガ日本語並ニ英語ニ精通シ居ルコト、及ビ本日右カンダ・マサタネ／　KANDA, Masatane　／ガ余ノ面前ニ於テ正規ノ通リ宣誓セルコト而シテ余ノ面前ニ於テ宣誓ノ下ニ右供述書ニ署名セルコト、並ニ右宣誓ノ執行及ビ右供述書ノ署名ニ伴フ一切ノ手續ハ眞實且正確ニ日本語ヨリ英語ニ、及英語ヨリ日本語ニ飜譯サレ右宣誓者ニ依リ充分理解サレ且納得サレタルコトヲ茲ニ證明ス

日本國東京ニ於テ

千九百四十七年五月十九日附

中央訊問部歩兵中尉　オオヤマ・ヒロミ

オオヤマ・ヒロミ／署名／

IPS Doc. No. 2329-B

Ex. 3853



COPY
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Extracts from the Book

"GREAT MANCHURIAN EMPIRE"

Published on account of the ten year jubilee
by the State Organization Kyo-Na-Kai
and the Chief Bureau of the Russian Emigrants Affairs
of the Manchurian Empire
In Kharbin 1942

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The problem of racial harmony and spiritual unity of East Asiatic Nations

The Manchurian Empire is bound to the Japanese Empire with spiritual bonds of uninterrupted relationship. The sacred duty of the Yamato race is to preserve the inviolable law of the uninterrupted relations of both countries and to do their best to create New Order in East Asia.

What measures should be taken to put into practice the idea of Van-Dao to create the powerful spiritual unity of nations and the racial harmony of co-existence.

The most important factor for the realization of this idea is an emigration of the Yamato race to the continent. That emigration should be encouraged and increased.

The Nipponese emigrants should be guided by sound ideas and have strong health which will serve as a support and a pattern of life for the Manchurian population.

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..... uniting the high culture of Nippon with the culture of Manchukuo into a single unit its initiators created the new great continental culture on a completely modern foundation.

To complete this great historic mission it is urgently necessary for the Yamato race to emigrate to Manchuria and settle down there permanently.

Wherever the Yamato race is it will always be the main leader of all Asiatic nations.

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The spirit of the foundation of state

..... if Manchurian events assisted the birth of the new state its appearance on the map of East Asia was an impetus to the renovation of Inner

Mongolia and to the establishment of the Autonomous Mongolian Federation. The liberation of Northern China and, finally the establishment of the new power in renovated China took place later on. Those are the stages of the renovation of greater East Asia.

The holy war between Nippon on the one hand and England, USA and their allies on the other is being waged nowadays.

The aims and purposes of greater East Asia war are first of all to cast off the anglo-saxon yoke and free from it the subjugated east asiatic nations in order to establish for them the great sphere of mutual prosperity and welfare and bring new culture and civilization into the world. The solution of this problem of great importance commenced ten years ago in the days of Manchurian events. From that point of view Manchurian events are of profound historic importance.

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## General Affairs Board of the State Chamber

General Affairs Board implements state acts which are under the jurisdiction of the Prime Minister.

In accordance with the law about the State Chamber the Board has seven Departments.

Director of the General Affairs Board is an assistant of the Prime Minister and is called chief of the General Affairs Board. He has three assistants. One of them is a senior assistant holding the post of an executive.

At present this post is held by Mr. TAKEBE who is Vice Prime Minister ex officio. He has three assistants: Messrs. MATSUKI, Wang and FURUMI.

At the General Affairs Board of the State Chamber there is an administrative office which has three sections and several councillors. The General Affairs Board comprises the following Departments:

1). Originating Department
2). Legislation Department
3). Personnel Department
4). Finance Department
5). Statistics Department
6). Local Administration Department

All the above-mentioned Departments have councillors among their personnel.

Besides there is 7) Information Department, Chief of which is Mr. MUTO.

The General Affairs Board plays a very important role in the life of the State.

The Chief of the Board chooses members of the Conference of the State Chamber for the purpose of the orderly carrying out of the work. The conference is held once a week on Tuesdays for a preliminary discussion of matters pertaining to the activities and functions of the State Chamber. The members of the Conference are: Assistants of the Chief of the General Affairs Board, assistants of the heads of the Ministries and chief of the General Affairs Bureau of the Central Headquarters of the Concordia Society.

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Record of the Jubilee Celebrations
(1942)

This year a number of jubilee celebrations were held all over the Empire. The Central Jubilee Committee was set up in the capital for the purpose of organization, carrying out and supervision of the celebrations.

The Prime Minister, Marshal Chang-Ching-hui is President of the Committee; Director of the General Affairs of the State Chamber TAKEBE and Chief of the Central Headquarters of the Concordia Society General MIYAKE are its Vice Presidents.

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From May 19 through May 20 a grandiose youth mobilization rally was held in Hsinking. 65,000 members who came from all parts of the Empire participated in the youth mobilization rally.

On May 21 a grandiose review of the participants of the rally was held in the Imperial presence.

During the rally the capital was decorated with the flags of Manchoukuo and Nippon, with slogans and artistically made arches and show-windows. Youth units of Nippon, China, Tai, the Mongolian Federation and French Indo-China took part in the rally. 1,200 musicians of various nationalities marched in the musical review. 100 representatives of the Russian emigrant organizations also took part in the rally.

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His Imperial Highness Prince Takamatsu-no-mia arrived at the Manchoukuo capital on a special train on May 28 at 5.45 hours. The high guest was met at the Tokyo station by His Majesty, the Emperor, who friendly shook hands with his Imperial Highness, by the Commander of the Kwantung Army General Umezu, by members of the Government, representatives of the friendly foreign powers and highest state dignitaries.

...., On May 30 His Imperial Highness visited the Commander of the Kwantung Army General Umezu, the Imperial Nipponese Embassy and the diplomatic representatives of the friendly powers.

On the same day a solemn youth rally in which 30,000 representatives of the Empire's Youth took part, was held at the Nanking Stadium in honour of His Imperial Highness, Prince Takamatsu-no-mia's visit in the presence of the High Guest, members of his suite, Government of Manchoukuo, highest state officials and dignitaries.

On the next day, May 31, the review of special troops was held. It was received by His Imperial Highness Prince Takamatsu-no-mia.

..... On July 22 the East Asiatic teachers' conference was opened. Its sessions lasted for three days. More than 500 representatives of the nations of East Asia attended the conference.

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On August 5, the Jubilee Congress of newspapermen of the Greater East Asia opened in Hsinking. It lasted for four days.

The sessions of the Congress were opened with an address delivered by the Information Bureau Chief T. MUTO; then the floor was taken by Prime Minister Chang-Ching-hui, by the Director of the State Chamber and by the Kwantung Army Chief of Staff M. MIYAKE, Chief of the Central Headquarters of the Concordia Society read the greeting received by telegraph from General TOJO, Head of the Government of Nippon; Wang Ching-wei, Head of the Government of China, Prince De Wan, Head of the Autonomous Government of the Mongolian Federation, and M. TANI, Director of the Information Bureau of the Nipponese Government.

The Congress adopted a declaration concerning the current historic events of the Greater East Asiatic War. In this declaration the delegates of the newspapermen's Congress pledged to assist in every possible way to victoriously finish the fight for the Greater East Asia.

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In connection with the commencement of Chinese events of July 7 (the 4 year of Kan-De) the Central Headquarters of the Kyo-Wa-Kai for the purpose of national mobilization of spirit sent to all provincial and district headquarters instructions as to the rousing of national spirit in masses of the population, propagation of economy, unselfish service, renovation of life, etc. Those instructions were strictly carried out in conformity with local conditions and that contributed to quietening the population and to conducting general state mobilization of spirit for the period in what the events would take place. One of such measures was having on first day of each month a day of service devoted to the Greater Asia for which purpose all members of local branches of the Concordia society assemble in shrines. Furthermore all provincial and district headquarters of the Concordia society conducted organizational meetings at which were explained the reasons for the outbreak of the Chinese incident.

5th year of Kangte (1938)

In connection with the commencement of Chinese events the Concordia society headed the movement for collecting donations in the country for building aircraft for military purposes.

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In connection with the establishment of diplomatic relations with friendly European countries, Manchu-Di-Go on the initiative of the Concordia Society sent to those countries its official mission for strengthening friendship and economic relations with them as well as for establishing a common powerful anti-communist bloc. To the end of August of the 5th year of Kande there were 123 district and town Headquarters of the Concordia Society, 3000 branches with 1000000 active members.

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The Concordia Society in Nomonghan events

We must separately deal with an important and responsible work of the Concordia Society in the period of "Nomonghan events" called so after the name of the area in which they took place.

Japan and Manchukuo in conformity with their treaty of friendship joined forces and came forward to protect the frontiers of the state. The Concordia Society from the very commencement of the events took an active part in the defense of the state and established close relations with the Government and its local organs.

First of all the Concordia Society took measures to maintain peace within the country, to fight and prevent provocations and sabotage, and was especially active in the field of mobilization of the spirit of the population of the country and mainly in the Hailar district close to the scene of events.

A special committee was formed by the Hailar authorities for this purpose. The Concordia Society undertook also propaganda and information activities.

Volunteer detachments were organized under the direction of the Concordia Society; they rendered great help in the defense of the city, in the consolidation of the rear and in assisting the fighting army.

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The 8th year of Kangte (1941)

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Volunteers' public units consisted of 1800 detachments with 257,000 men. 2,491 persons graduated from the Central Courses of the Concordia Society in Hsinking.

The enlarged net of the Concordia Society consisted of 3,569 branches with 2,050,000 members in the whole country.

On December 8, 1941, the Holy War for the Greater East Asia broke out. Following the Rescript of His Majesty Tenno declaring war on the USA and Britain, His Majesty, the Emperor, graciously promulgated a Rescript about the support of the righteous cause of the kindred Nipponese Empire.

On the same day Director of the State Chamber TAKEBE promulgated a declaration in the name of the Government in which it was stated that the people of the Empire must render every possible spiritual and physical help to Nippon which consisted of:

1). Strengthening of Spirit
2). Inseparable ties between Manchoukuo and Nippon

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3). Strengthening of the joint defense of Nippon and Manchoukuo.
4). Helping with resources, personnel man power; materials and products.
5). A Unified effort of sacrificial work of all groups of the population.
6). Keeping secrecy, suppressing rumours and provocations.
7). Economizing staple products and controlling of supply.

The statement containing full support of the basic policies of the Government was promulgated by the Central Headquarters of the Concordia Society on the same day.

The 9th year of Kangte (1942)

The carrying out of defensive maneuvers and the strengthening of the personnel for defense were the principal items of the Concordia Society activities.

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Work done by the Concordia Society of the Manchurian Empire embrace the whole life of our country, and because of this the structure of the Concordia Society is such that at present there is no place in the whole vast area of our Empire where there are no members of the society who guide the life of the people of that place. Thus, the objectives of the Concordia Society in the sphere of purely internal policies were the strengthening of defense demanding the mobilization of all resources and the strength of the people; the strengthening of close ties between the Imperial Government and Concordia Society and especially the strengthening of the Kyo-Wa-Kai movement among the

young people of different races and the bringing of the nation to the state of full mobilization preparedness for various emergency cases.

The state taking paternal care of our welfare at the same time makes it our duty to accomplish in complete unity the great objective - the establishment of the New Illuminous Order in East Asia.

Manchoukuo inseparably connected with the Great Imperial Nippon by the ties of the Holy Alliance is the vanguard of the movement for the establishment of the New Order and of the Greater East Asia Co-prosperity Sphere.

At the present time the whole world is enveloped in the flames of the cruel war between the forces of the old obsolete order on the one hand and the forces of the New Order aiming at the liberation of the subjugated nations and at the establishment of justice for mankind.

At such a juncture, when the complexity of the world's international situation demands the straining of all spiritual and material resources of the country. we must have full confidence in the power of Nippon and Manchoukuo which revealing the great spirit of the foundation of the State are striving to accomplish the lofty and pure ideals of the creation of moral peace and eternal prosperity in East Asia.

The whole spiritual strength of our state is united under the general guidance of the Concordia Society in such organizations as, for instance, the volunteers' public units, youth and young men's organization, the State Defense Assistance Women's Society, the Neighbour Mutual Assistance Union, etc.

The Volunteers' Public Units of the Concordia Society have a great importance for the state defense and for the establishment of order in the country.

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## The Business Structure of the Concordia Society

### Original Structure of the Concordia Society

In the first period of the existence of the Concordia Society the supervision of it was exercised by the Board Committee of the Concordia Society. Executive functions were concentrated in the Central Bureau of the Concordia Society in Hsinking. The executive organs in the provinces were the District Bureaus, and in the districts and the towns branch bureaus.

The post of the president of the Concordia Society was held by the Prime Minister. The High Executive accepted the post of the Honorary President. The Commander-in-Chief of the Kwantung Army was an Honorary Councillor.

The Concordia Society Board consisted of: The President of the Board, members of the Board and members of the Board Committee. Members of the Board were elected by the All-State Congress of the Concordia Society delegates, and the members of the Board Committee were appointed by the president of the Board.

The Conference of the members of the Board consisting of the members of the Board and of the members of the Board Committee was the highest directing organ. The Conference was convened twice a year and settled all important matters concerning the Concordia Society activities.

The Central Bureau consisted of several members of the Committee, Chief of the Central Bureau, his Deputy and Sections Chiefs. At first there were four sections in the Central Bureau: General Affairs Section, Organization Section, Propaganda Section and Inspection Section. Each section had divisions and subdivisions.

Investigation Committee working directly under the President of the Board was in charge of investigation and study mainly of political and economic matters. This Committee consisted of several members appointed by the President of the Board.

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Reforms of the 3d year of Kangte (1936)

In the 3d year of Kangte (1936) the external and internal conditions of Manchoukuo, because of the existing grave situation, urgently demanded more intensive activities on the part of the Concordia Society. In order to intensify the Concordia Society activities reforms of historic importance were carried out in that year, being necessitated mainly by drastic changes in the conditions of the state construction and life. Stable order was established almost everywhere on the vast territory of the State. The State started reconstruction of the economic life in accordance with the five-year-plan of the development of the Manchurian industry. The external position of Manchukuo became more stable after the first visit of His Majesty, the Emperor of Nippon. The Royal visit of the Emperor of Nippon completely established the spiritual substance of the New State based on the inseparable ties with Nippon.

Touching upon the amendments of the Regulations it is necessary to point out the most substantial matters. In virtue of the amendments of the Regulations the right to become members of the Concordia Society was given to all those who though not residing in Manchoukuo adhere to the ideals of the Concordia Society. Thus the international importance of the Concordia Society was augmented.

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The business structure was also greatly changed as a result of the reforms

On July 25 the Concordia Society received the name of the "Manchurian Imperial Kyo-Wa-Kai" (The Concordia Society), and that was an act of great importance.

The Central Bureau was given a new name and was called the Concordia Society Central Headquarters.

Chief of the Central Bureau, Welfare Minister Lin was replaced by Lt. General INOUE. Deputy Chief of the Central Bureau HIRAJIMA was relieved from this post and appointed Chief of the General Affairs Section. The conference of the Members of the Board was abolished. The Conference of the Concordia Society Central Headquarters Committee members became the highest directing organ of the Concordia Society. Chief of the Concordia Society Central Headquarters became President of the Committee members Conference.

Members of the Conference were appointed by the Concordia Society President on recommendation of the Chief of the Concordia Society Central Headquarters.

Beside this Conference there were Advisory Committees consisting of representatives of various circles established at the Concordia Society Central Headquarters. Members of the Advisory Committees were appointed by the Concordia Society President or by the Chief of the Concordia Society Central Headquarters.

With the reconstruction of the business structure of the Concordia Society the names of the executive organs were also changed.

Thus the Provincial Bureauswere called the Provincial Headquarters, Branch Bureaus became the District Headquarters in the districts and Town Headquarters in towns. The Metropolis Headquarters was established in Hsinking.

After the reforms had been carried out the Concordia Society Central Headquarters was divided into four sections: the General Affairs Section, the Guidance Section, the Originating Section and the Inspection Section.

By the time of the completion of the said reforms the Concordia Society activities began to evelope Russian emigrants. The Special Department was set up in Harbin for the supervision of the Concordia Society activities.

Reforms of the 5th year of Kangte (1938)

In the 5th year of Kangte (1938) the reform of the business structure of the Concordia Society Central Headquarters was carried out. It was implemented by the Chief of the Concordia Society Central Headquarters General HASHIMOTO, his Deputy, Mr. Sun and the Chief of the General Affairs Section AKAKASU. Presiding Council of the Section Chiefs of the Central Headquarters and Board of the Members of Inspection Committee were set up at the Central Headquarters.

The Concordia Society Headquarters consisted of the General Affairs Section, the Originating Section, the Education Section and the Effectuation Section.

The General Affairs Section consisted of the following divisions: the General Affairs Division, the Finance Division, the Personnel Division and the Information Division.

The Education Section consisted of the following divisions: the Education Division in charge of the activities pertaining to the education of youth; the Mobilization Division - in charge of the Volunteers' Public Units', the Welfare Division - in charge of the State Defense Assistance Women's Society, religious societies and public societies.

The Effectuation Section consisted of the following Divisions: the Effectuation Division, the Organization Division, the Congresses' Division, and the Division of Education and Training of the Concordia Society employees.

In the 7th year of Kangte (1940) the Effectuation Section was reorganized and called the Directing Section. The Division of Education and Training of the Concordia Society employees was abolished.

Special courses for the education and training of the Concordia Society employees were established in its place.

Reforms of the 8th year of Kangte (1941)

In the 8th year of Kangte was a considerable sharpening of international relations. The second European war threatened to become the second world war and that forced Manchukuo to concentrate its efforts on the strengthening of state defence as a guarantee in case of any emergency.

In order that Manchukuo could properly meet the difficulties that might arise the further strengthening of relations between the government and the Concordia Society was necessary.

For that prupose considerable reforms were carried out and a great number of the Concordia Society employees were transferred to the administrative bodies where their mission was by taking part in their work to promote closer cooperation between the administration and the Concordia Society.

As a result of the reforms the number of the Concordia Society permanent employees were considerably reduced. Instead of them responsible administrative employees were drawn into the work and as members of the Concordia Society began to take a more active part in it.

To strengthen the ties between the administration and the Concordia Society the governors were appointed to the posts of Chiefs of provincial headquarters of the Concordia Society. Their deputies - vice governors - were appointed deputy chiefs of the headquarters. Similar measures were carried out with regard to district and town headquarters of the Concordia Society. In virtue of this reform in the hands of those who headed the administrative set-up was concentrated the direction of the work of local branches of the Concordia Society. The part played by the chiefs of administrative bodies became more important. Along with that increased their responsibility for the work of the Concordia Society as its development fully depended on their attitude to their new duties.

First of all it was necessary for them to do their work actively and to be actively guided by the spirit of the Concordia Society.

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Only under such conditions could they justify the hopes of the Concordia Society and the government. If those new chiefs had discharged their duties in the Concordia Society only formally it would have been a great mistake resulting in enormous consequences.

In order to prevent the occurrence of such an event Mr. MIYAKE, Chief of the central headquarters of the Concordia Society and commanding general of the Kwantung Army repeatedly instructed new governors of provincial, district and town headquarters of the Kyo-Wa-Kai and pointed out that such errors should never happen.

As to the reform of the structure of the central headquarters of the Concordia Society it must be said that as a result of new changes the headquarters was divided into four sections: General Affairs Section, Directing Section, Educational Section and Inspection Section.

The General Affairs Section comprised three sub-sections: General Affairs sub-section, Finance sub-section and Information and Propaganda sub-section.

The Directing Section comprised four sub-sections: Organization of Congresses Sub-section, Town Sub-section, Rural Sub-section and Special Sub-section.

The Educational Section comprised three sub-sections: Sub-section of Public Volunteer Detachments and Mobilization Sub-section.

The inspection section comprised four former sub-sections.

The Revision Board underwent no changes.

There were great changes in the status of the conference of members of the Concordia Society Central Headquarters Committee.

The importance of the Conference greatly increased after it became the supreme directing body of the Concordia Society. Because of this some of its members were appointed permanent members of the committee to strengthen the work of the Conference.

All permanent members of the committee formed the presidium of the committee which was convened twice a month.

At those meetings were preliminarily worked out the subjects which would later on be discussed by the conference of the committee members holding its sessions also twice a month.

After the reforms a great number of good and active employees of the Concordia Society went to work in administrative bodies. That gave good results in strengthening the ties between the Government and the Concordia Society.

However, appraising the activity of the Concordia Society during the last year when it became especially important due to the outbreak of the Great East Asia War and the war between the U.S.S.R. and Germany, we must say that as far as practical work is concerned the Concordia Society has a number of difficulties to overcome which is very difficult taking into consideration its present personnel.

It is seen from the foregoing that the reforms of the 8th year of Kangte (1941) gave beneficial results as well as some negative ones.

At present this is taken into consideration by the leading organs and it is proposed to strengthen the Concordia Society movement by increasing the number of the permanent Kyo-Wa-Kai employees. The realization of proposed reforms will undoubtedly enable the Concordia Society to develop more successfully its many-sided activity.

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The Concordia Society membership regulations adopted when the state was founded

When the Concordia Society was founded according to item 5 of its membership regulations every citizen of Manchukuo had the right of entering the Concordia Society provided the order set forth in the regulations be observed.

In item 6 of the same regulations the members of the Concordia Society were divided into three categories: regular members, candidates and sympathizers. The regulations provided that all those who were in agreement with the theses and objectives of the Concordia Society could apply for admission on the recommendation of not less than three regular members of the Concordia Society.

After the appropriate resolution of the Chairman of the Board of the Concordia Society such a person could consider himself accepted as a sympathizer. In order to be transferred to the second category of the members of the Concordia Society it was necessary to have a year's training and education after which one could become a regular member.

One may conclude from the foregoing order of admission of members that at that time the Concordia Society paid more attention not to their number, but to their quality trying to draw into its ranks the best and active elements.

The Concordia Society membership regulations adopted in the 4th year of Kangte (1937)

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According to item 1 of the amended regulations all those who reached the age of 20, are able - bodied and ready to serve the cause of the Concordia Society may become its members. Furthermore according to this item all those

who are in agreement with the ideas of the Concordia Society may become its members even if they do not live in Manchukuo and do not belong to its population.

The order of admission of the mombers of the Concordia Society was changed in item 2 of the amended regulations, namely, those who want to become members of the Concordia Society should apply for admission to the local headquarters through the chief of the Concordia Society branch and secure the permission of the chief of the headquarters.

Item 3 sets forth that all members of the Concordia Society should pay membership dues.

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It is pointed out in the directive of general YEDA, commander-in-chief of the Kwantung Army that the Concordia Society sets itself the task of being a leading organ in carrying out state policy amidst the population. Besides, the Concordia Society considers it its duty to maintain order in the country while it carries out the state policy.

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## The 3d All-Manchurian Congress of the Concordia Society (1936)

On the same July 25 (1936) in Hsinking, in the "Da-Tung" Square a review and a ceremony were held on the occasion of the opening of a new branch at the Centre and the creation of the Central Headquarters of the Concordia Society.

Members of all branches of the Concordia Society attending the all-Manchurian Congress in Hsinking, representatives of the Army and of 39 Government Departments, in total more than 30,000 people, participated therein.

General UEDA, Commander of the Kwantung Army, general ITAGAKI, the Kwantung Army Chief of Staff, Admiral HAMADA, the Prime Minister, Marshal Chang-King-hui and MATSUOKA, President of the South Manchurian Railroad, took the review.

His Majesty's rescript addressed to the Concordia Society and directives of the Commander-in-Chief of the Kwantung Army were read at the review.

Thus, the 3d All-Manchurian Congress of the Concordia Society was held in a highly solemn atmosphere.

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## The 4th All-Manchurian Congress of the Concordia Society in the 4th year of Kangte (1937)

The All-Manchurian Congress of the Concordia Society of the 4th year of Kangte was opened on September 11, i.e. with a slight delay in comparison with the previous Congresses in the capital of the Empire, in the State Chamber Building. It continued five days, from September 11 to September 15

The chairman was Mr. Chang, the vice chairman - Messrs. WATANABE and Shi, both from the number of 170 delegates attending this congress.

On the first day of the Congress proceedings which were honoured by the presence of his Majesty, the Emperor, all the delegates and members of the Concordia Society Central Headquarters received the high honour of being granted high audience by His Majesty.

Then General UEDA and the Prime Minister Marshal Chang King-hui gave a banquet party to the delegates.

The 8th All-Manchurian Congress of the Concordia Society in the 8th year of Kangte (1941)

..... The special character of the congress influenced also the subjects on the agenda which were exceptionally important and constructive and closely connected with great political events of that time. Such subjects were: the solution of the problem of supplies, labour problem, the Concordia Society, its role and status in the state constitution,

Prime Minister and President of the Concordia Society Chang Ching-hui in his speech made at the opening of the congress pointed out exactly that the most important mission of Manchoukuo at the given historical moment was to create and strengthen by all means and quickly the defensive capacity of the state.

In his speech IKEBE, Chief of the General Affairs Department of the State Chamber, in his turn called upon the members of the Concordia Society to do their best to assist the country and its government.

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Mr. TANABE offered to the congress detailed explanations of plans of different Government measures, such as; the five-year plan of industrial development, a plan of adjustment of supplies in the country, the increase of taxes, the collection of agricultural products, the solution of the labor problem, the defense of the country.

The extraordinary congress of the Concordia Society (1942)

..... TANABE, Chief of the General Affairs Department, pointed out to the congress the principles of the activity of the government which as a whole aimed at the effectuation of the august will be expressed in the Imperial Rescript. A number of delegates of the population made speeches at the congress expressing the determination of the people to do their duty to the end.

The congress carried a resolution about the current period of time in which was expressed the determination of the 43 million population of the country to give all their strength to the great cause of building the New Order, to effectuate the principle of peaceful cooperation and strengthen their firm, unshakable belief in the victory of that righteous cause for the sake of which the great Japanese Empire had to draw her sword.

Among others at the All-Manchurian congress of the Concordia Society a long speech was made by M. A. Matkovsky, delegate of the Russian Emigrants....

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## The central youth affairs inspection department of the Concordia Society

The official establishment of the central youth affairs inspection department of the Concordia Society took place on April 1 of the 8th year of Kangte (1941) in Hsinking.

The chief of that department concurrently with the tenure of their other offices were appointed: General MIYAKE, chief inspector of the central inspection department concurrently chief of the central headquarters of the Concordia Society, his assistants Mr. Gu Tsu-siang, concorrently minister of education and Mr. IWAMATSU concurrently chief of the department of education at the Japanese embassy in Manchukuo.

Mr. Iwamatsu's appointment to the post of the assistant inspector was especially significant. It indicates the strengthening of the activity of the Concordia Society with regard to the spreading of the principles of brotherly cooperation of nations amongst the Japanese youth residing in the Manchurian Empire.

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In order to guarantee the success of new youth-guiding organs the central headquarters of the Concordia Society announced on April 1 of the 8th year of Kangte (1941) the transference of 600 employees of the Concordia Society headquarters to the newly established organs of the inspection of youth organizations of the Concordia Society (Seisionendan).

In order to successfully conduct the reorganization in the capital a special conference of chiefs of central institutions of the country was held on April 13 at which was formed a uniform view as to the importance of the reform which was being conducted and the future work connected with the development of the youth movement. Following that conference during two days was held a congress from all provinces of the country. The issues connected with the reorganization as well as the basic plan of work for the 8th year of Kangte were discussed at the sessions of the congress.

The plan adopted by the congress of inspectors in substance amounted to the necessity of strengthening the guidance of inspection departments and the establishment of the still greater connection and cooperation with government

offices with regard to the issues bound up with the work of the youth. Prior to the formation of the Central Inspection Department Sionendan and Seinendan were main youth organizations at educational institutions. A decision was taken at the congress of inspectors to adopt a system of district organizations drawing in unschooled young people in order to extend the work of youth organizations to all strata of youth thereby still more developing the activity of these organizations.

A decision was taken to increase the number of Seisionendan detachments up to 5,720 (with 856,000 members) as compared to 3,730 detachments (with 667,000 members) as of March 1 of the 8th year of Kangte (1941)

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The real state of the youth movement with all its successes, drawbacks and objectives attracts serious attention of the central headquarters of the Concordia Society and the central youth affairs inspection department of the Concordia Society. In the 5th year of Kangte in order to eliminate the drawbacks and develop the youth movement the Concordia Society and Tokanbu worked out the basic plan the realization of which aimed at bringing youth organizations up to the mark and making them the basic factor of the state.

This plan provides above all the necessity of educating young people in conformity with the spirit of the present time. It is necessary that young people should fully realize the importance and aims of the war of liberation that is being carried on and be ready at any time to sacrifice their strength in order to overcome all the obstacles on their way.

## Russian emigrant youth organizations of the Concordia Society

On March 1 of the 6th year of Kangte (1939) along with the organization of state youth organizations all over the country similar organizations were created at primary and high schools of Russian emigrants.

The city of Kharbin and the districts of Sahinganya were the main points of the concentration of work of state organizations among young Russian emigrants.

The guidance of Russian organizations has also undergone changes in connection with state reforms of the youth affairs department of the Concordia Society which resulted in the creation of the Main Youth Affairs Inspection Department.

Chief of the main emigrant bureau cavalry general B. A. Kislitsin assumed the post of assistant chief inspector of the Kharbin branch of the inspection department.

The direct guidance of the activity of Russian organization Seisionendan was concentrated in the 4th section of the Kharbin branch of the inspection department which was specially organized for that purpose. P. I. Gribanovsky,

chief of the education department of the Kharbin municipality, was appointed chief of that section.

P. KATA, chief of the special department of the Concordia Society headquarters, was appointed Gribanovsky's assistant.

As a result of the participation of Chiefs of the Emigrant Bureau of the Concordia Society headquarters and of the education department there was achieved full harmony between the organizations directly connected with youth education.....

Taking into consideration great educational importance of military preparation, the Kharbin youth affairs department of the Concordia Society, acting in contact with various government bodies, included military lessons into the program of activity of the organizations.

The educational work of the Concordia Society amidst Russian emigrant youth was not confined to students, school-boys and school-girls only. It included also young people who were not learning. The work with that category of Russian youth was carried on at the Concordia Society courses for the education of Russian emigrant youths.

For the first time the Concordia Society courses for Russian emigrant youths were established in Trehreches in the 5th year of Kangte (1938).

In the 7th year of Kangte (1940) similar courses were established in Harbin and Hailar and in the 8th year (1941) in Mutankiang.

The Concordia Society courses aim by means of proper education and training of cadets to strengthen the spirit of the state idea, the spirit of the union with Japan as a leader of East Asiatic nations and the spirit of self-sacrifice for the idea of peaceful cooperation.

These courses aim at educating young people in such a way as to give them sufficient training for practical public work, at developing high moral and physical qualities necessary for the members of the Concordia Society. Taking into consideration the peculiar features of Russian nationalism and the tasks confronting the emigrants as a body the courses aim at strengthening these best characteristics and educating such reliable personnel who could actively participate in general emigrant activities.

## The youth movement and the emergency period

During four years of activity of youth organizations the youth movement has greatly developed all over the country and become an important factor of public life.

Youth organizations have over one million members. Due to this the creative force of youth organizations has increased and this enabled them since last year to take an active part in practical work of improving public life and building the state.

The emergency period our country is living through sets responsible practical tasks before youth organizations. They amount to this: at present our youth along with the grown-up population must persistently move forward and overcome all the obstacles confronting our nation as well as East Asiatic nations. Bringing the holy East Asiatic war with the Anglo-Saxons to a victorious end and the creation of mutual co-prosperity of East Asiatic nations require that all strength be concentrated on that sacred cause.

The government taking into consideration the importance of present tasks of Manchukuo conducts a policy aimed at solving these vital problems. It is trying to increase the amount of agricultural products and the extraction of natural resources by means of developing local branches of industry and to strengthen the defense of northern frontiers of the country.

To the successful conduct of its policy the government took a decision to introduce general labor conscription in Manchukuo throughout the emergency period.

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TANABE, chief of the State Chamber, in his report on the general course of the government policy made at the All-Manchurian congress of the Concordia Society pointed out as regards three foregoing tasks that in the opinion of the Government their successful solution must be based on the sacrificial work for the state of all young people required to work in accordance with the labour conscription.

Passing over to the success of their work Mr. TANABE pointed out that it entirely depended upon personnel that is to say upon the skilful guidance of those who were called upon to practically take care of the tasks connected with the activity of labour detachments and on those who were rank and file members of the detachments.

If all the chiefs and rank and file members of the detachments are aware of the importance of their service for the state it is natural that youth labor detachments can make a valuable contribution to the creation of the state helping it to successfully overcome all the obstacles existing in the present emergency period.

## Public Volunteer detachments of the Concordia Society

A conference of representatives of military command, government and the Concordia Society was called in Hsinking on April 23, 1938 on the question of the establishment of mobilization organizations of the population which were to include youth as well as grown-up population.

At subsequent meetings was fully worked out a plan of the creation of the government-public defensive organization Public Volunteer Detachments (The Concordia Society Giuhookootai). On July 14, 1938 the State Chamber issued an order about the formation of Volunteer detachment in accordance with which

they became closely connected with the youth movement of the Concordia Society and included into the general plan of education of the population.

Later on at the conference of government representatives and chiefs of the Concordia Society held on December 26, 1940, a decision was taken that the preparatory period of organization was over and in virtue of that Volunteer Detachments of the Concordia Society could become a basic organization of the defense of the country by the population.

The best age for the rank and file members of Volunteer Detachments is considered to be between 20 and 40.

Volunteer Detachments complete the plan of the general mobilization of the population.

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The formation of the emigrant bureau

Since 1932 numerous organizations of Russian emigrants cropped up everywhere where existed the Russian population, especially in Kharbin.

The government of Manchukuo issued a decree dated December 28 of the 1st year of Kangte (1934) in accordance with which was created a special organ vested with regard to Russian emigrants with certain administrative functions.

That organ was called "Russian emigrant bureau in the Manchurian Empire", and before it the government set the following tasks:

1. To contribute to the strengthening of the material and legal status of Russian emigrants living in Manchukuo;
2. Relations with the authorities of the Empire with regard to questions concerning the emigrants;
3. Rendering assistance to competent authorities with regard to questions concerning the emigrants.

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When the Bureau was formed the post of its president was assumed by V. V. Richkov, lieutenant-general of the General Staff. The Bureau comprised four sections:

1. The first section dealing with the agricultural settlement of the emigrants and settling them on the land allotted by the government. This section was headed by lieutenant-general A. P. Baksheev concurrently vice president of the Bureau;

2. The second section dealing with information matters. The section was headed by K. V. Rodzaevsky;

3. The third section dealing with administrative matters. The section was headed by N. P. Grasse;

4. The fourth section dealing with economic and finance matters. The section was headed by M. N. Gordeev.

Besides at the Bureau was J. J. Smirnov, chief of clerical office and secretary engineer M. A. Matkovsky.

As an advisory organ attached to the president was established a council the members of which became popular emigrants.

Already after six months since the activity of the Bureau began its president general Richkov in his statement to the press pointed out that the Bureau had achieved much with regard to strengthening the legal and economic status of the emigrants. In this work the bureau was assisted by Manchurian and Japanese authorities and public circles. During that short period considerable work was done in some sections of the Bureau.

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## The Bureau and the Concordia Society

Representing the interests of Russian emigrants the Chief Russian Emigrant Bureau contributes thereby to the cause of building the young empire and realizes the idea of the cooperation of all nations inhabiting the country. The outward expression of this government-political aims of the emigrants is a close connection between the Bureau and the All-Manchurian organization of the Concordia Society.

P. KATO, Chief of the special department of the Hsinking headquarters of the Concordia Society is concurrently advisor of the chief bureau.

General Kislitsin, president of the chief bureau, is a director of high courses of the Concordia Society.

Generally speaking on a number of matters the chief bureau works in close contact with the Concordia Society.

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The attitude of general YANAGITA, chief of the Japanese Imperial Military mission in Kharbin, is especially valuable for the bureau and for all the emigrants as in all matters he has shown himself a real friend and patron of Russian emigrants.

Ex. 3853
A&C 2329-73

一、「大滿洲帝國」
十周年紀念ニ際シテ
國家承認ノ滿洲帝國皇帝陛下ハ滿洲帝國皇帝陛下ニ
ハルピン一九四二年（昭和一七年）
第五十一頁
東亞ノ人種的和合及民族ノ精神的自治ノ
道

滿洲帝國ハ日本帝國ト不可分ノ關係ニ在ル精神的
結合ヲ以テ結バレテ居ル、大和民族ノ神語ナル皇
命ハ兩國ニ係ハラズ不變ノ權威ヲ保チ且東亞
ニ於テ新秩序ヲ確立セントガ爲メ互ニ犧牲的國ナル精神的國結及人種的和
ル、共存上民族ノ發展ヲ遂行シ且之ヲ永
合ヲ圖ルヲ以テ、王道ノ實現ヲ期スベキモノナリ
ニ道德セシムルニハ如何ナル措置ヲ講ズベキヤ
カ、コノ點徹底ノ必要ナルハ大和
民族ノ大皇移住ヲ實施シ且之ヲ
大スベキヤ、尙日本ハ滿洲ニ移民ハ絕對ニ
テ滿洲セラレソシテ
ヌ、コレハ滿洲住民ニトリ
トナルヤ否トナリ
ト云フ。

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第五十二頁

・・・日本ノ高度ナル文化ヲ滿洲帝國ノ文化ト統一シテ一丸トナシタル文化ノ創造者ハ全ク近代的建設ヲ以テ新ナル偉大ナル大東文化ヲ建ツルノデアル。大和民族トシテハコノ歴史的大使命ヲ完遂スル目的ヲ以テ永住ノタメ滿洲ニ移住スルコト焦眉ノ急務デアル、ソシテ大和民族ハ何所ニ在リトモ常ニ現テノ亞細亞民族ノ主ナル指導者デアロウ。

五十七頁

建國ノ精神

滿洲事變ガ新國家ノ發生ニ寄與シ得タトスレバ、ソレハ東亞ノ地圖上ニ滿洲國ガ現ハレタコトガ內蒙ノ再建・・・・

自治蒙古聯盟ノ獨立ニ對シテ刺戟トナツタトユウコトデアル、更ニ北支ノ解放ガ行ハレソシテ[illegible]ニ新興支那ニ於ケル新政權ノ獨立ガアツタ、以上ガ大東亞興生ノ途上ニ在ル段階デアル。今ヤ一方ヲ日本トシ他方ヲ英、米及ソノ同盟國トスル國ノ間ニ聖戰ガ行ハレツツアル、大東亞戰爭ノ目的ト使命ハ先ツ以テ英、米ノ羈絆ヲ破壞シ、ソレヨリ彼壓迫東亞民族ヲ解放スルニ在ル、以テ

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東亞民族ノ共榮ト福祉ノ廣域ヲ設ケテ世界ニ新文化ト新文明ヲ與ヘントスルニ在ル、コノ意義重大ナル問題ノ解決ハ十年前滿洲事變ノ時ニ於テ着手サレタノデアル、コノ事態ヨリシテ滿洲事變ハ深キ歴史的意義ヲ有スルモノデアル。

第七十八頁

國務院總務廳

總務廳ハ總理大臣ノ權限ニ屬スル國務ノ實施ニ伴フ事務ヲ行フ。本廳ハ國務院ニ關スル法令ニ依リテ七局ヲ有スル。

總務廳事務ノ長官ハ總理大臣ノ補佐テアリ、總務廳長ト稱セラレル。廳長ノ下ニ次長三名アリ、内一名ハ古參者ニシテ官房長ノ職ニ在ル。現在右ノ職ニ在ルハ武部氏ニシテ、氏ハソノ地位上副總理テアル。氏ハ松木氏、王氏及古海氏ノ三次長ヲ有スル。

國務院總務廳ニハ官房ガアツテ三部ト數名ノ顧問ヲ有スル。總務廳ニ左ノ各局ガアル。

一、企畫局

二、立法局

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三人事局
四財務局
五統計局
六地方管理局

前記各局ハ全部ソノ中ニ顧問ヲ有スル。右ノ外第七情報局アリテ武藤氏之ニ長トナツテヰル。

國務院總務廳ハ國務上ノ重要ナル役割ヲ演ジテ居ル。

最高長官ハ事務ノ計畫的遂行ノタメ委員ヲ選ビ之ヲ以テ國務院會議ヲ組織スル。國務院ノ活動及職務ト關連ノアル問題ヲ徹メ檢討スルタメ前記會議員ノ會議ヲ毎週火曜日ニ開催スル。國務院會議ハ總務廳次長、各省次長及協和會中央本部總務部長ヲ以テ構成セラレル。

第百四十頁

紀念大祭雜報（一九四二年）

本年ハ全帝國ニ亘リ一週ノ紀念大祭ガ行ハレタ。コレガ組織、實施及指導ノタメ首都ニ於テ紀念大祭中央委員會ガ設ケラレタ。

委員長ハ總理大臣[illegible]元帥、副委員長ハ國務院長武部氏及協和會中央本部長三宅[illegible]デアル。

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第百四十二頁

五月十九日ヨリ五月二十二日ニ亘リ新京ニ於テ
[illegible]青年ノ大[illegible]ナル[illegible]召集ガ行ハレ
タ。右青年[illegible]召集ニハ六[illegible]五千[illegible]ガ[illegible]
[illegible]ノ有スル土[illegible]ヨリ[illegible]加シタ。
五月二十一日[illegible]下[illegible]ノ下ニ召[illegible]ニ[illegible]
[illegible]シタル者ニ[illegible]スル[illegible]大ナル[illegible]式ガア
ツタ。

右召集ニ際シ首都ハ[illegible]日本ノ
[illegible]、[illegible]並ニ[illegible]ニ[illegible]ラレタル「アーチ」[illegible]
[illegible]ヲ以テ[illegible]サレテヰタ。右召集ニハ日本、
支那、「タイ」、[illegible]印度支那ノ青年
[illegible]ガ[illegible]加シテ居ツタ。[illegible]ノ[illegible]ニハ[illegible]
[illegible]ノ[illegible]一千二百名ガ行[illegible]シタ。コノ召集ニ
ハロシヤ[illegible]ノ代表[illegible]百名モ[illegible]加シタ。

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第百四十三頁

五月二十日五時四十五分高松宮殿下ガ特別列車デ滿洲帝國ノ首都ニ到着セラレタ、

賓客ハ首都ノ驛頭ニ於テ親シク皇帝陛下ノ出迎ヘヲ受ケ、陛下ハ殿下、關東軍司令官梅津將軍、政府閣員、親交外國各代表者及高官ト親善的ノ握手ヲ交換セラレタ、五月三十日殿下ハ關東軍司令官梅津將軍ヲ日本大使館ニ訪問セラレ又親交各國ノ外交代表者ヲ訪問セラレタ、

同日「ナンリン」ノ競技場ニ於テ貴賓、隨員滿洲帝國政府、高級國務員及高官臨席ノ下ニ高松宮殿下御滯在ヲ機トシテ青年ノ盛大ナル召集ガ行ハレ之ニハ帝國ノ青年代表三万ガ參加シタ、翌日、五月三十一日、特務軍隊ノ閱兵式行ハレ高松宮殿下之ヲ閱兵セラレタ、

七月二十二日新京ニ於テ東亞教育家會議開催セラレ同會議ハ三日間續行サレタ、會議出席者ハ東亞各國ノ代表者五百名余デアツタ、

第百四十四頁

八月五日新京ニ於テ大東亞記者記念大會開催セラレ同會議ハ四日間續行サレタ、大會ノ會議ハ武藤情報局長ノ歡迎ノ辭ヲ以テ始マリ、次デ張景惠總理大臣

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國務院長官及關東軍參謀長ノ演說ガ行ハレタ三宅協和會中央本部長ハ日本政府首班東條將軍、支那政府首班王精衛、蒙古聯盟自治政府首班德王及各日本政府情報部長ノ挨拶電報ヲ讀上ゲタ、

大會ハ目下行ハレツヽアル歷史的出來事タル大東亞戰爭ニツイテノ宣言ヲ採決シタ、

該宣言ニ於テ記者大會參加者ハ有ユル努力ヲヲ以テ大東亞戰爭ノ勝利的完遂ニ協力スベキ旨ノ約言ヲ與ヘタ、

第百七十七頁

康德四年（一九三七年）七月七日ノ支那事變發生以來協和會中央本部ハ全國的精神動員ノ目的ヲ以テ總テノ縣本部及郡本部ニ對シ國民大衆ノ中ニ民族精神ノ振興、節約淑私奉公、生活改善等ニ關スル訓令ヲ配布シタ、此等訓令ハ現地ノ事態ニ即應シテ敏重ニ遂行セラレ、右ハ支那事變ノ全期間ヲ通ジテ民心ノ安定及一般國家的精神動員ノ實施上資スル所ガアツタ、前記指摘ノ一トシテ、毎月一日ヲ大亞細亞奉公日ト定メソノタメ協和會支部員全部ガ寺院ニ集合スルコトトシタ

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コノ外協和會省本部及郡本部全部ニヨリテ組織的
集會開催セラレ席上支那事變發生ノ原因ノ說明ガ
行ハレタ、

康德五年（一九三八年）

支那事變發生ニ伴ヒ協和會ハ戰爭ノ必要ニ應ジテ
飛行機建造ニ要スル寄附金ヲ國內ニ於テ募集スベ
キ愛國的運動ヲ主宰シタ、
滿洲帝國ハ歐洲ノ親交國トノ外交關係樹立ニ國聯
シテ協和會ノ提唱ニ從ヒ前記各國トノ友交及經濟
關係ヲ鞏固ナラシムルタメ並ニ統一セル有力ナル
反共產主義聯合ヲ設クルタメ此等各國ニ對シテ公
式代表機關ヲ派遣シタ。康德五年八月末現在國內
ニハ協和會郡本部及市本部日二十三、支部三千、
正會員一百万ト算ヘラレテ居タ、

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第百七十九號

ノモンハン事件ト[illegible]

別ニ[illegible]生[illegible]ノ[illegible]上ニノモンハン事件ト[illegible]セラレタル[illegible]ノ[illegible]ニ於ケル[illegible]ノ[illegible]ニツイテモ一言スルノ必要ガアル

日本ト[illegible]トハ及[illegible]ニ[illegible]ノ兵力ヲ以テ[illegible]ニ[illegible]シタ

[illegible]ハ[illegible]生ノ時ヨリ[illegible]ニ[illegible]ヲ[illegible]フルタメ[illegible]ニ[illegible]モ[illegible]入リシテ[illegible]加シタ、ソシテ[illegible]ニソノ[illegible]ト[illegible]ナル[illegible]ヲ[illegible]ツタ、

先ツ以テ[illegible]ハ[illegible]内ニ先[illegible]ナル平[illegible]ヲ[illegible]待スルタメ、[illegible]行[illegible]及有[illegible]行[illegible]ヲ[illegible]止シソノ[illegible]ヲ[illegible]ルタメ手段ヲ[illegible]ジタ、ソシテ[illegible]ニ[illegible]内、[illegible]トシテ[illegible]ニ近[illegible]シテ右ル[illegible]附近ニ於テ[illegible]方[illegible]ノ[illegible]ヲ[illegible]スル方[illegible]ニ於テ大ナル[illegible]力ヲ[illegible]ツタ、

[illegible]ノ[illegible]ニ[illegible]リ前記ノ[illegible]ヲ以テ[illegible]ガ[illegible]サレタ、[illegible]ハ又[illegible]及[illegible]工作ヲ[illegible]ツタ

[illegible]ノ下ニ[illegible]ガ召[illegible]セラレ、右ハ市ノ[illegible]、[illegible]ノ[illegible]ニ[illegible]シ[illegible]ヲ[illegible]フル[illegible]ノ工作ニ於テ[illegible]大ノ[illegible]ヲ[illegible]ヘタ、

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第百八十頁

康德八年（一九四一年）

第百八十一頁

義勇奉公隊ハ一千八百隊、二十五萬七千名ニ達シタ、在新京協和會中央訓習所ヲ卒業シタル者二千四百九十一名デアツタ、

協和會ノ機關ハ擴張セラレテ全國ニ亘リ支部三千五百六十九ケ所、會員二百五萬名ヲ有シテ居タ、

一九四一年十二月八日大東亞戰爭ガ開始セラレタ、

天皇陛下ノ對米英宣戰ニ關スル詔勅ニ關ヒテ皇帝陛下ハ親族關係ニアル日本帝國ノ正當ナル事業ヲ支持スベキ旨ノ詔勅ヲ布告セラレタ、

同日武部國務院總務廳長ハ政府ノ名ニ於テ宣言的聲明ヲ公布シタガ、右ニ於テハ帝國ノ人民ハ日本ニ對シテ左記ノ如キ有ラユル精神的及物質的援助ヲ實現セネバナラヌト述ベテアツタ、

一、精神ヲ軍國ナラシムルコトニ於テ

二、滿洲帝國及日本間ノ關係ヲ不可離ナラシムルコトニ於テ

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第百八十二頁

三、日本、滿洲帝國共同防衛ヲ軍國ナラシムルコトニ於テ

四、資源、人材、勞働力、資材、生産物ヲ以テ援助スルコトニ於テ

五、人民ノ總テノ階級層ノ職業的作業ヲ統一的ニ勃興セシムルコトニ於テ

六、機密ノ保持ニ於テ、奸猾ナ風評及挑發ノ阻止ニ於テ

七、需要食料品ノ節約ニ於テ、又供給ニ對スル統制ニ於テ

同日國和會中央本部ハ政府事業ノ基本主義ヲ完全ニ支持スル旨ノ聲明ヲ發表シタ、

康德九年（一九四二年）

防衛演習ノ實施及防衛用人材ノ强化ガ國和會ノ事業ノ中心デアツタ

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第百八十三頁

協和會ガ滿洲國ニナシタル事業ハ我國ノ生活ノ有ユル内容ニ亘リテ及ンデ居ル、故ニ協和會ノ機關其モノモ現時帝國ノ版大ナル範圍ニ亘リ關係地方民ノ生活ヲ指導シテ居ル會員ノ居ラナイ場所ハ一ケ所モナイトイウ樣ニ組織立テラレテ居ル、斯ク テ純國内政策ノ部門ニ於テ協和會ノ使命ハ國防力ヲ強固ニスルトイウコトデアッタ、ソレハ總テオ國民ノ力及資源ヲ動員スルコト、帝國政府及協和會間ノ密接ナル精神的連絡ノ強化、特ニ各種ノ人種ヨリ成ル青年ノ間ニ協和ノ運動ヲ確立スルコト及全國ヲシテ万一ノ場合ニ備ヘテ完全ナル動員準備態勢ニアラシムルコトヲ必要トシタ、國家ハ慈愛ヲ以テ我々ノ福祉ヲ考ヘ、同時ニ吾等總テニ對シ偉大ナル目的即チ東亞ニ光明アル新秩序ノ建設ヲ實現スルタメ完全ニ團結スルノ義務ヲ負ハシメテ居ル

新秩序ノ創造及東亞共榮圏ノ設定ノ運動ノ先鋒ハ大日本帝國ト神聖同盟ニ依リテ不可分ニ結ハレテ居ル滿洲帝國ニアル現在全世界ハ一方ニ於テ靜命ヲ終ヘタ舊秩序ノ力ト他方ニ於テ彼ノ迫民族ノ解放及一般人類ノ正義ノ樹立ニ向ッテ居ル新秩序ノ力トノ即チ力ト力トノ劇烈ナル爭ノ焔火ニ包マレテ居ル

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デアル、斯クノ如ク世界ノ國際狀態ノ複雜性ガ國ノ有ユル精神的及物質的資源ノ緊張ヲ必要トスル時ニ當リテ吾々ハ絶對ニ日本及滿洲帝國ノ能力ニ信賴シナケレバナラナイ、日滿兩國ハ建國ノ大精神ヲ現ハシツヽ東亞ニ於テ道德ノ世界及永遠ノ安寧ヲ造ルベキ崇高ニシテ、明朗ナル理想ノ實現ニ志シテ居ルノデアル

我國ノ總テノ精神力ハ協和會ノ一般指導ノ下ニ存スル所ノ例ヘハ義勇奉公隊、青年及少年團体、女子國防援助會、隣組相互援助會等ニ統合セラレテ居ル、協和義勇奉公隊ハ國防力及國內秩序維持ノ問題ニ於テ極テ重要ナル意義ヲ有シテ居ル、

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# 協和會ノ事務的組織

第百八十九頁

## 協和會ノ初期組織

協和會設立後ノ最初ノ間ノ指導機關ハ協和會事務局本部委員會デアツタ、執行權ハ新京ニアル協和會中央事務局ノ手ニ集中セラレテ居タ、省ニ於ケル執行機關ハ區事務局、郡及市ニ於テハ事務局支部デアツタ

協和會總裁ノ地位ハ總理大臣コレヲ占メテ居タ

皇帝ハ名譽總裁デアリ關東軍司令官ハ名譽顧問デアツタ

協和會本部員ハ本部長、本部員及本部委員會員デアツタ、本部員ハ協和會代表全國大會ニ於テ選擧セラレ又本部委員會員ハ本部長之ヲ任命シタ最高指導機關ハ本部員及本部委員會員ヨリ成ル本部員會議デアツタ、事務ノタメ會議ハ年二回集會シソシテ協和會ノ活動ニ關聯アル總テノ重要問題ヲ解決シタ

中央事務局ハ委員會員數名、中央事務局長、同次長及部長ヨリ成ツテヰタ、最初中央事務局ハ其ノ内ニ總務部、組織部、宣傳部及檢査部ノ四部ヲ有シテ居タ、各部ハ課及班ニ分ケラレテ居タ、本部長附トシテ本部長直屬ノ調査委員會ガアツタ主トシテ政治及經濟問題ヲ

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調査及研究スルノ事務ヲ行ツテ居タ、本委員會ニハ、部長任命ニ係ル委員數名ガ參加シテ居タ

康德三年ノ改革　（一九三六年）

第百九十頁

康德三年（一九三六年）中、滿洲帝國ノ對外關係並ニ國內ノ事態モ當時發生シタル重大事情ニ關聯シテ協和會ノ一層ノ積極的活動ヲ益々必要トスルニ至ツタ、協和會ノ活動ヲ旺盛ナラシムルタメ此ノ年歷史的改革ヲ實行シタ、ソノ必要ハ主トシテ國家ノ建設及生活ノ條件ノ改變ヨリ生ジタモノデアツタ、殆ド全國ノ廣大ナル地域ニ亘リテ鞏固ナル秩序ヲ確立シタ、國家ハ國內產業發展五ケ年計畫ノ計畫ニ基ヒテ經濟生活ノ改善ニ着手シタ、滿洲國ノ對外關係ハ皇帝陛下ノ日本帝國ヘノ第一回訪問後更ニ鞏固トナツタ、陛下ノ日本帝國訪問ハ日本トノ不可分ノ關係ヲ基礎トスル新國家ノ精神的本質ヲ決定的ニ定メタモノデアツタ、會則ノ變更ニ關シテ最モ本質的ノモノヲ示ス必要ガアル、會則ニ對シテ行ハレタ修正ニ從ヒ滿洲國內ニ居住セザル者モ協和會ノ思想ニ賛同ノ者ハ總テ協和會會員トシテ入會スルノ權利ヲ附與セラレタ、右ニ依リテ協和會ノ國際的意義ハ向上シタ

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第百九十一頁

改革實施ノ結果トシテ事務的機構モ大變化ヲ來ツタ。

七月二十五日協和會ハ「滿洲帝國協和會」ト命名セラレタ、コレハ多大ノ意義ヲ有スル出來事デアル。

中央事務局ハ協和會中央本部ト改稱サレタ、中央事務局長「リユー」厚生大臣ニ代リテ井上中將ガ之ニ當リ、中央事務局次長平島ハ總務部長ニ轉任セシメラレタ。

本部員會議ハ廢止セラレタ。協和會中央本部委員會員會議ハ協和會ノ最高指導機關トナツタ、委員會員會議ノ議長ニハ協和會中央本部長ガナツタ、會議ヘノ委員ノ任命ハ協和會中央本部長ノ奏請ニヨリ協和會總裁之ヲ行フコトトナツタ。

前記會議ノ外協和會中央本部附屬トシテ各界ノ代表者ヨリ成ル評議委員會ヲ設置シタ、評議委員會ヘノ任命ハ協和會總裁若クハ協和會中央本部長之ヲ行ツタ。

協和會ノ事務的機構ノ改造ニ伴ヒ執行機關ノ名稱モ改變サレタ。

卽チ省事務局ハ省本部ニ、事務局支部ハ都ニアリテハ都本部ニ、又市ニアリテハ市本部ト改稱サレタ、新京ニ於テハ首都本部ガ組織セラレタ、協和

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會中央本部ハ改革後總務部、指導部、計畫部及檢査部ノ四部ニ分カルルコトニナツタ。

前記改革ノ實現迄ニ協和會ノ活動ハ「ロシア」避難氏ニモ擴張セラレ始メタ、協和會ノ事業ヲ指導スルタメ哈爾賓市内ニ特務部ガ設ケラレタ。

康德五年（一九三八年）ノ改革

康德五年（一九三八年）中協和會中央本部ノ事務的機關ノ改革行ハレ、右ハ協和會中央本部長橋本將軍、其ノ次長「スン」氏及總務部長甘柏ニヨリテ實現セラレタ。

中央本部附屬トシテ中央本部部長幹部會及監査委員會員室ガ組織セラレタ。

協和會中央本部ハ總務部、計畫事務局、養成部、實現部ニヨリテ組織セラレタ。

總務部ニハ總務課、財務課、人事課及情報課ガ入ツテ居タ。

養成部ニ入ツテ居タノハ青年ノ養成事務ヲ取扱フ養成課、義勇奉公隊ノ事務ヲ取扱フ動員課、國防援助婦人會、宗教團体及社會的性質ノ事務ヲ取扱フ福祉課デアツタ。

實現部ハ實現課、組織課、大會課及協和會議員養成及準備課ヲ包含シテ居タ。

康德七年（一九四〇年）中實現部ハ改制セラレ指導部ト改稱セラレタ、協和會職員養成及準備課ハ廢止サレタ、同課ニ代リテ協和會職員養成及準備ノ特別講習所ガ設ケラレタ。

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## 康德八年（一九四一年）ノ改革

康德八年（一九四一年）ハ國際關係ノ大ニ險惡ナ年トシテ記念サレテ居タ。勃發シタ第二歐洲大戰ハ第二世界大戰ト、化スル虞レガアツタ、ソノタメ滿洲帝國ハ有スル不慮ノ場合ニ備フルタメニ國防ノ强化ニソノ力ヲ集中スルノ必要ニ逼ラレタ。

滿洲帝國ガ發生スベキ虞ノアル困難ヲ立派ニ突破シ得ルタメ先決問題トシテ政府ト協和會ノ相互關係ヲ更ニ益々鞏固ナラシムル必要ガアツタ、コノ目的ヲ以テ大改革ヲ實行シタ、協和會職員ノ多數ハ行政機關ノ事務ニ轉ゼラレ、同所ニ於テ彼等ハ行政機關ノ活動ニ直接參加シテ行政ト協和會ノ一層密接ナル一致ヲ助ケル任務ヲ有シテ居タ。改革ノ結果トシテ協和會ノ常任職員ノ數ハ著シク減少シタ、彼等ニ代リテ行政機關ノ有責職員ガ協和會ノ事務ニ就カシメラレタガ彼等ハ協和會ノ者トシテ一層積極的ニ會務ニ從事スルコト、ナツタ。行政ト協和會間ノ連絡ヲ鞏固ナラシムル目的ニテ省長ハ協和會省本部長ニ任命セラレタ、ソノ次長タル省次長ハ省本部次長ニ任命サレタ、同樣ノ措置ハ協和會都本部及市本部ノ指導關係ニ於テモ實施サレタ、コノ改革ニ依リ行政機關ノ指導者ノ手中ニ協和會事務ノ現地ニ於ケル指導モ集中セラレタ、

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行政機關ノ指導者ノ役割ハ甚ダ増大シタ、コレト同時ニ協和會ノ事務ノ狀態ニ對スル彼等ノ責任モ増大シタ、何トナレバ右事務ノ發展如何ハ全ク彼等ノ新職責ニ對スル態度ト關聯ガアツタカラデアル、彼等トシテハ自己ノ新事務ニ對シ先ツ以テ積極的ニ働キ且協和會ノ精神ニ依ルノ必要ガ生ジタノデアル、彼等ハ斯カル條件ニ依リテノミ協和會及政府ノ期待ニ副フコトガ出來タノデアル、若シ夫レコレ等新指導者ガ協和會ニ於ケル自己ノ職責ニ對シ單ニ官吏トシテ接スルコトニナツタトシタナラバ之ニヨリテ彼等ハ重大ナル過失ヲ犯シソノ結果ハ廣大ナル成行ヲ來シタデアラウ、斯カル現象ノ發生ヲ豫防スル目的デ協和會中央本部長三宅氏及關東軍司令官ハ一再ナラズ新任協和會省、郡、及市本部長ヲ訓戒シ斯カル過失ノ無カランコトヲ注意シタ

協和會中央本部機構改革ニ關シ新變更ノ結果トシテ本部ハ總務部、指導部、養成部及檢査部ノ四部ニ分ケラル、コトニナツタコトヲ指摘スルノ必要ガアル、

總務部ニハ總務課、人事課、財務課ノ三課情報及宣傳事務室ガ入ツタ、

指導部ニハ大會通報課、都市課、農村課及特別課ガ入ツタ、

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養成部ニハ青年團体課、義勇奉公隊課及動員課ガ包マレテ居タ、

檢査部ニハ從來ノ四課ガ入ツテ居タ

監査委員會室ハ從前ノ基礎ニ於テ執務スルコト、ナツテ居ツタ

協和會中央本部委員會員會議ノ狀態ニツイテ多大ノ變更ガ行ハレタ

右會議ノ意義ハ同會議ガ協和會ノ最高指導機關トナツタ以來特ニ著大シタ、ソノタメ本會議ノ事務ヲ簡化スルタメソノ委員ノ一部ヲ委員會ノ常任委員トシテ承認スルコトヲ認メタ、常任委員全部ヲ以テ委員會幹部會ヲ組織シ幹部會ハソノ事務ノタメ月二回會合スルコト、シタ、コノ會議ニ於テ議メ問題ヲ研究シ次テ委員會員會議ノ審議ニ移サレルノデアル、コノ委員會議ニ同樣月二回開催サレルノデアル、

改革後協和會内ノ善良ニシテ且積極的ナル職員ノ多數ノ者ハ行政機關ノ事務ニ廻ツタ、コレハ政府ト協和會間ノ連絡ヲ圓メル意味ニ於テ確實ナル結果ヲ得タ然シ協和會ガ大東亞戰爭及ソ獨戰爭ノ發生ト共ニ特ニ責任アルモノトナツタ時ノ最近ノ一ケ年間ニ於ケル同會ノ過去ノ活動ヲ評價シテ見ルト我々トシテハ實際ノ仕事ノ關係ニ於テ

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ハ協和會ノ面前ニ幾多ノ困難ガ生ジテコレヲ處理スルニ現在ノ職員ノ頭腦ヲ以テシテハ頗ル困難デアルトニフコトヲ認メザルヲ得ナイノデアル、

右ニ示ス所ニヨリテ康德八年（一九四一年）ノ改革ハ有益ナル結果ト同時ニ或ル不成績ヲ齎ラシタコトガ判ルノデアル、コノコトハ現在迄ニ指導機關ニ依リテ考慮セラレテ居リソシテ協和會ノ行動ヲ確固タラシムルタメ協和會ノ常任職員ノ數ヲ增加セントシツヽアルノデアル、企圖サレタ改革ガ實施サルレバ勿論協和會トシテハ一層好成績ニソノ多方面ニ亘ル事業ヲ發展セシメルコトガ出來ルデアラウ

（以下次頁ニ續ク）

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第百九十三頁

建國ニ際シ採決サレタル協和會ノ會員ニ關スル會則

協和會設立ニ當リ協和會會員ニ關スル會則第五項ハ、滿洲帝國ノ各市民ハ會則規定ノ手續ニ依リ協和會ニ入會スルノ權利ヲ有スル、ト述ベテ居ル。

同會則第六項ハ協和會ノ會員ヲ別テテ正會員、會員候補及同情者ノ三種トナストシテ居ル。會則ニハ協和會ノ命題及目的ニ賛成ノ者ハ何人ニテモ正會員三名以上ノ紹介ヲ得テ協和會會員ニ加入ノ申込ヲ爲スコトヲ得ルト規定シテ居ル、右ノ如キモノハ協和會本部總裁ノ相當裁決ヲ經タル後同情者ノ中ニ加入セシメラレタルモノト考ヘルコトガ出來タ。

協和會ノ第二種ノ會員ニ移ルタメニハ一ケ年ノ養成及準備調査ヲ經ルノ必要カアツタ、ソシテソノ後ニ於テノミ正會員ノ部類ニ移ルコトガ許サレタ、前記會員入會ノ方法ハ當時協和會トシテハソノ會員ニ優良ニシテ活動的ナル分子ヲ引キ附ケント努力シテ居リソノ會員ノ數ニ對シテ當リモソノ素質ニ對シテ多大ノ注意ヲ拂ツタトユフコトヲ示スモノデアル。

康德四年（一九三七年）採決

決ノ協和會會員ニ關スル會則

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テ中央部ニ協和會ノ新ナル部ヲ開設シ及協和會中央本部ヲ組織スルノ機會ニ於テ閱兵式及儀禮ガ行ハレタ。

協和會ノ各部ノ職員、新京ニ於ケル全滿大會出席者、軍部代表者及政府機關三十九個所ノ代表者總計三万人余ガ參加シタ。閱兵ヲ行ツタ者ハ關東軍司令官植田將軍、軍參謀長板垣將軍、濱田提督、張景惠總理大臣及松岡滿鐵社長デアツタ。閱兵式ノ席上協和會ニ對スル勅語及關東軍司令官ノ指令ガ[illegible]上ゲラレタ。斯クテ協和會第三回全滿大會ハ極メテ盛大裡ニ行ハレタ。

第二百二頁

協和會第四回全滿大會、康德四年（一九三七年）

康德四年ニ於ケル協和會全滿大會ハ九月十一日即チ從來ノ大會ニ比シ多少遲レテ帝都ノ國務院ノ建物内ニ於テ開カレタ。ソシテ九月ノ十一日ヨリ十五日迄五日間續行セラレタ。張氏議長トナリ副議長ニハ渡邊及「シ」ノ兩氏コレニ當リコノ兩人ハ本大會ニ出席シタ代表委員百七十名ノ中ヨリ出テタルモノデアル。大會開會ノ第一日ニハ皇帝陛下臨席セラレ、大會ノ全代表委員及協和會中央本部員ハ陛下ニ謁見ヲ賜ハツタ。次テ植田將軍及總理大臣張景惠元帥主催ノ代表委員ニ對スル宴會ガアツタ。

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第百九十四頁

改正會則第一項ニハ年齢二十歳ニ達シ身体強健ニシテ協和會ノ事業ニ盡力スルノ用意アルコトヲ示ス者ハ何人モソノ會員トナルノ權利ヲ有スルトアル。コノ外本項ハ滿洲帝國ニ居住セズ又ソノ住民ニ屬セザル者ト雖協和思想ニ賛成ナルニ於テハ之ニ協和會會員ニ加入スルノ權利ヲ與ヘタ。

右改正會則第二項ニヨリテ協和會入會ノ方法ガ變更セラレタ。即チ、各希望者ハ協和會支部長ヲ經由シテ地方ノ本部ヘ死テ申込書ヲ提出シ該本部長ヨリ許可ヲ受クルコトニナツテ居タ。

第三項ニハ協和會員總テニ對スル會費支拂ノ義務ヲ規定シタモノデアツタ。

第百九十七頁

關東軍司令官植田將軍ノ命令ニハ協和會ハ住民ノ間ニ國策ヲ實行スルノ指導機關タルコトヲ使命トスルモノデアル、トアル。右ノ外協和會ハ國策ノ遂行ニ當リテ住民間ニ平靜ヲ保持スル樣行動スルノ義務ヲ負ツテ居ル。

第二百一頁

協和會第三回全滿大會（一九三六年）

同ジク七月二十五日新京「ダー・トウン」廣場ニ於

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第二百五頁

協和會第八回全滿大會

康德八年（一九四一年）

大會ノ特質ハ議事問題ノ內容ニモ反映シ、問題ハ特ニ重要ナル意義及建設的性質ヲ帶ビテ居リ且目下ノ政治的時期ノ大事變ト密接ニ關係ヲ有シテ居タ。コレ等問題トナツテ居タノハ、供給問題ノ調節、勞働問題、協和會及ソノ國家憲法ニ於ケル役割ト立場テアツタ。

總理大臣兼協和會總裁張景惠ハ大會開會ノ席上述ベタル演說ノ中テ、現在ノ歷史的時期ニ於ケル滿洲帝國ノ最重要使命ハ有ユル可能ノ力及方法ヲ以テ國家ノ防衛能力ヲ急速設定シ及鞏固ニコレヲ組織スルノ任務デアルト正確ニ示シテ居ル。

武部國務院總務廳長ハ彼トシテソノ演說中ニ於テ

第二百〇六頁

協和會ノ全會員ニ向ヒ國家及政府ニ對シテ援助スル爲ノ全勢力ヲ盡スベキデアルト呼ヒカケテ居タノデアル。尙武部氏ハ大會ニ對シテ各種ノ國家的措置、卽チ工業發展五ケ年計畫ニ就テ、國內供給ノ調節計畫ニ就テ、稅ノ引上ケニ就テ、農事經營生產物ノ收穫ニ就テ、勞働問題ノ解決ニ就テ、國防ニ就テ詳細ナル說明ヲ提出シタ。

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協和會臨時全國大會（一九四二年）

第二百七頁

武部國務院総務長ハ大會ニ對シ政府當務ノ方針ニ就テ示ス所アツタガ右ハ全ク功詰ニ述ベラレタル陛下ノ意思ヲ國民ニ於テ遂行スヘキコトニ向ケラレタモノデアツタ。

大會ニ於テハ人民側ヨリ若干ノ代表委員現ハレ最後迄自己ノ責務ヲ果スベシトスル人民ノ決意ヲ表明シタ。

大會ハ時局ニ直面シタル決議ヲ採決シタガ右決議ニ於テ新秩序建設ナル大事業ニ全力ヲ傾注シ、平和的建設ノ三段ヲ實現シ、及大日本帝國ガソノ劍ヲ拔カサルヲ得サルニ至ツタ正義ノ事業ノ最後ノ勝利ニ向ヒテ確固不動ノ信念ヲ固ムベシトスル四千三百萬ノ人民ノ覺ノ如キ決意ガ表明セラレタノデアル。

特ニ協和會全國大會ニ於テ「ロシア」避難民代表委員「エム、アー、マトコフスキー」ハ大演說ヲナシタ。

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第二百十一頁

協和青少年事務中央監察局

協和青少年事務中央監察局ノ公式設置ハ康徳八年（一九四一年）四月一日新京ニ於テ行ハレタ。本局ノ高級指導者トシテ各自ノ本職ト兼務的ニ次ノ如ク任命セラレタ。即チ中央監察局総監トシテ協和會中央本部長三宅秀氏、民福祉大臣「グツシヤンレー」氏及在満日本大使館教育部長岩松氏ガ任命セラレタ。

特ニ重要ナル意義ノアツタノハ岩松氏ガ副総監ノ職ニ任命セラレタコトデアル。右ハ満洲帝國在住ノ日本青少年間ニ國民ノ兄弟的親愛ノ主義ヲ貫メントスル協和會ノ行動ガ強化セル事ヲ印シ附ケルモノデアル。

（以下次頁ニ續ク）

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第二百十二頁

協和會中央本部ハ青少年指導ノ新機關ノ成功ヲ確保スルタメ康德八年（一九四一年）四月一日協和會ノ各本部ノ職員六百名ヲ新ニ設置セラレタル青少年團監察機關ノ方面ニ專任セシムルコトヲ發表シタ、

帝都ニ於ケル改組ノ圓滿ナル實現ヲ期スル目的ヲ以テ四月十三日國家中央機關指導者ノ特別會議開催セラレ、席上實施サルベキ改革ノ意義ニ對シ交青少年運動發展ノ事業ト關聯アル將來ノ工作ニ對シテ統一セル意見ガ決定シタノテアツタ

右會議ノ後二日間ニ亘リ國內ノ各省ヨリ召集セラレタル新任監察局監察官ノ大會ガ行ハレタ、本大會ノ會議ニ於テ改組ニ關聯アル事務的問題並康德八年（一九四一年）度事業基本計畫ガ審議セラレタ、

監察官大會ニ依リテ採決サレタル計畫ハ根本ニ於テ監察局ニ依ル指導補足ノ必要及青少年事業ト關聯アル問題ニ於テ國家機關ト一層大ナル連絡及統一ヲ設定スルノ必要ニ關聯シテ平タ、中央監察局ノ成立ニ至ル迄ハ青少年基本機關ハ學校附屬ノ少年團及青年團ノ機關テアツタ、監察官大會ニ於テハ區團体制度ニ移リ、コレ等團体ニ學生ニアラサル青少年ヲ加入セシムルコトトシ依リテ以テ青少

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年團体ノ事務ヲ青少年ノ有ユル層ニ擴張シソシテ更ニコレ等團体ノ行動ヲ一層發展セシムルコトニ決定シタノデアツタ、青少年團部隊ノ總數ヲ康德八年（一九四一年）三月一日現在存シテヰタ三千七百三十部隊六十六万七千名ニ比シテ五千七百二十部隊八十五万六千名ニ增加スルコトニ決定セラレタ、

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青少年運動ノ眞相ハ、總テノ成功、缺陷及本運動ニ課セラレタル任務ヲ總計シテ見テ、協和會中央本部及協和青少年事務中央監察局ノ深甚ナル注意ヲ惹イテ居ル、青少年運動ノ缺陷ヲ除キ且右運動ヲ發展セシムルタメ康德九年（一九四二年）中協和會及統監部ハ基本計畫ヲ建テ、之ヲ實行シテ青少年團体ヲシテ必要デル高度ニ達セシメ且之ヲシテ國家ノ基本要素タラシムベシトシタ、

右計畫ハ先以テ青少年ヲ現在ノ氣分ニ應シテ養成スルノ必要ヲ認メテヰル、全青少年ガ目下行ハレテヰル解放戰ノ意義ト目的トヲ完全ニ了解シ、ソシテ亞細亞民族ノ進路上ニ遭遇スベキ有ユル障碍ヲ突破スルタメニ何時ニテモ自己ノ刀ヲ犧牲ニ供スルノ用意ヲ十分ニ持ツテ居ルヤウニスルコトガ必要デアル。

NOC-229-B



## 協和青少年「ロシア」避難民団体

康徳六年（一九三九年）三月一日、全國ニ亘リ青少年ノ國家的團体ヲ組織スルト同時ニ、コレト類似ノモノヲ總テノ「ロシア」避難民ノ下殺及中級學校ニ附屬シテ組織シタ、「ロシア」避難民青少年ノ間ニ於ケル國家的團体ノ活動ノ重要地點ハ哈爾賓市ト後興安地方ノ地域デアル。

協和青少年ノ事務管理ノ全國的改革行ハレタル結果青少年事務中央監察局ノ設置ヲ見タノデアルガ、コレト同時シテ「ロシア」人團体ニ對スル指導モ同様ニ變更セラレタノデアル、避難民中央事務局長騎兵將軍「ベー・アー・キスリーツイン」ト哈爾賓監察局ノ副監察官トナツタ青少年團「ロシア」團体ノ行動ニ對スル直接ノ指導ハ之ガメメ特ニ設置セラレタル哈爾賓監察局第四部ニ集中セラレテアツタ、ソノ部長ニハ哈爾賓市役所教育部長「ペー・イー・グリバノフスキー」任命セラレソノ次長ニハ協和會本部特別部長加藤ガ任命セラレタ

避難民事務局、協和會本部及教育部ノ指導者ガ參加シタル結果「ロシア」團体ノ行動ヲ指導ス

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ル問題ニ於テハ直接少年ノ[illegible]及[illegible]ニ[illegible]ア
ル石[illegible]機關ガ完全ニ一致シメノデアル、[illegible]和青少
年哈[illegible]賀事務局ハ、草[illegible]上ノ準備トユウ[illegible]ハ
大ナル禁成的意義ヲ有スルモノデアルトユウコト
ヲ考慮ニ入レ、各種國家機關ト協同シテ[illegible]体ノ
事業「プログラム」ノ中ニ[illegible]青ヲ含メメノ
デアツタ。

「ロシア」避難民青少年間ニ於ケル[illegible]和會ノ[illegible]
成工作ハ青年學生ノミニ局限セラレテ居ラナイ
石工作ハ學生ダラザル青少年ニモ[illegible]セラレテ
居ル、斯種ノ「ロシア」青少年ニ對スル工作ハ
「ロシア」避難民青少年[illegible]成用[illegible]和會[illegible]所ニ
於テ行ハレテ居ル

「ロシア」避難民青少年用ノ[illegible]和會[illegible]所ハ最
初康德五年（一九三八年）中三[illegible]方ニ設ケラ
レタ、次デ七年（一九四〇年）ニナリテ[illegible]ノ
[illegible]所ガ哈[illegible]及[illegible]ニ設ケラレ、ソシテ八
年（一九四一年）ニナリテ「ムダンジタン」市
ニ設ケラレタ、[illegible]和會[illegible]所ハ次ノ[illegible]ヲ[illegible]ス
ル[illegible]生ニ相當ノ[illegible]ト準備トヲ施スコトニ
ヨリ東亞民族ノ[illegible]トシテノ[illegible]ノ[illegible]
日本ト[illegible]ノ[illegible]及平和[illegible]ノメメ[illegible]
ヲ[illegible]ニスル[illegible]ヲ[illegible]メルコト、又青少年ヲ[illegible]

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成スルコトニヨリテ[illegible]上ノ社會事業ノメメ必要ナル準備ヲ與ヘ、[illegible]負トシテ必要ナル高度ノ精神的及肉体的素質ヲ發達セシメ、又一ロシア」民族主義ノ[illegible]一ロシア」[illegible]全体トシテ有スル任務ヲ考慮シテコレ[illegible]ナル[illegible]ヲ[illegible]ナラシメ且[illegible]生ヲ以テ一[illegible]民[illegible]ニ[illegible]加ヲナスコトガ出來ルダウナ信[illegible]シ[illegible]人材ヲ養成スルコトヲ目的トスル

## 青少年運動ト非常時

青少年團体ノ活動四ケ年間ニ於テ青少年運動ハ全國ニ亘リテ多大ノ發展ヲシメ、ソシテ國家生活ノ有力ナル要素トナツメ。青少年團体ハソノ組織ノ中ニ百萬人以上ノモノヲ統合シテ居ル、コノメメ青少年團体ノ創造力ハ昂上シメ、[illegible]ニ昨年以來彼等ニ對シ、將來ニ於ケル國家生活ノ完成及國家ノ建設ニ振リ向ケラレタル實際的活動ニ積極的ニ參加シ得ル可能性ヲ與ヘタノデアル。我國家ガ体驗シツツアル非常時ハ青少年團体ニ對シテ責任アル[illegible]ヲ[illegible]シテ居ルソノ主ナル內容ハ現時我青少年ハ[illegible]年タル人民ト均シク戰爭ニ進ミソシテ我國家ノ前ニ將又

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東亞全民族ノ前ニ存スル有ユル障碍ヲ突破シナケレバナラナイトユウコトニ歸結シテ居ル、大東亞聖戰ヲ「アングロ、サクソン」ニ對スル勝利ノ結末ニ到達セシメルコト及大東亞民族ノ共榮圈ヲ建設スルコトハ總テノ力ガコノ聖ナル事業ニ集中セラルヘキコトヲ要求シテ居ルノデアル、政府ハ滿洲帝國ノ面前ニ顯ハレタル任務ノ重要性ヲ考慮シ、目下コノ生活ニ關係アル任務ノ解決ニ處スヘキ政策ヲ講シツツアル、政府ハ農産物ノ增産及地方産業ノ發展ニ依ル國內天然富源ノ採掘增進ヲ確保シ竝ニ國ノ北邊ニ於ケル防衛能力ヲ鞏固ナラシムルコトニ努力中デアル政府ハ國策ノ圓滿ナル實現ヲ期シ、非常狀態ノ全期間ヲ通ジ滿洲帝國ニ於ケル總体勞働賦役ヲ實施スルノ決定ヲナシタ。

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即チ協和義勇奉公隊設置案ガ完全ニ作成セラレタ、一九三八年七月十四日義勇奉公隊組織ニ　スル国務院令ノ發布ヲ見、コレニヨリテ義勇奉公隊ハ協和青少年運動ト密接ノ關係ニ置カレ、ソシテ人民養成ノ一般計畫ニ含マル、コトニナツタ、其後一九四〇年十二月二十六日政府代表者ト協和會指導者トノ會議ニ於テ團体準備時代ハ終了シタルモノト認メ得ル旨及ソノタメ協和義勇奉公隊ハ人民ノ國防ノ基本的團体トナルノ力アルモノト決定セラレタ、義勇奉公隊員トシテハ二十才乃至四十才ノ年齢ガ最良ト認メル義勇奉公隊ハ全國民動員計畫ヲ完成スル

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第二百十三頁

武部[illegible]長ハ協和会全[illegible]大会ノ席上行ヒタル「第一線方針ニ関スル報告ノ中ニ於テ前記三者云任務ニ言及シテ曰ク、政府ノ意思ニ依レバコレ等任務ノ困難ナル解決ハ、全青少年ヲシテ勤労服役ヲ行ハシメ[illegible]ノ　計画ニ対スル積極的勤労奉仕ヲ行ルコトニセネバナラヌト、

勤労服役ニ従事セシメラルベキ者ノ作業成功ニツイテノ問題ニ移リ、武部氏ハ次ノヤウニ言ッタ、右成功ハ一ニ人ノ如何ニ係ハルノデアル、即チ勤労隊ノ作業ニ関係アル任務ヲ実際上実現スルタメニ召集サレレタ人々ノ結束セル団結ニ係ハリ、又コレ等勤労隊ニ加入スル人々ノ如何ニ係ハルノデアル、若シ、総テノ指導者及勤労隊ノ隊長ガ国家ニ対スルソノ奉仕ノ真[illegible]任ヲ自覚スルニ於テハ当然青少年勤労隊ハ国家建設事業ニ貢献スルコトガ出来、ソシテ国家ヲシテ現在ノ非常時ニ発生シタ総テノ困難ヲ成功裡ニ突破スルヤウ援ケルコトガ出来ルノデアル

協和義勇奉公隊

一九三八年五月二十三日[illegible]都京ニ於テ青少年及成年ノ人民ヲ隊員トシテ包有スベキ人民動員団体ノ組[illegible]問題ニ関シ[illegible]、政府及協和会ノ代表者ノ会議ヲ開催シタ、其後行ハレタル会議ニ於テ人民動員団体、

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一九三二年ヨリ満マリ「ロシア」在住民ノ居ル地テノ土地、就中満洲国ニガテ多数ノ「ロシア」通民団体ガ設立スルヤウニナツテ、満洲帝国政府ノ総務庁ハ昨年（一九三四年）十二月二十八日閣命令ニ依リ、「ロシア」通通民ニ関シテ一定ノ行政ヲ行ヒ、且ツ分散サレタル移民団ガ団結ケラレテアツテ、

コノ移民ハ一面ニ於テ満洲帝国ハ「ロシア」通通民ヲ以テ「ロシア」通通民移植局ヲナルベク速カニ設立シ、ソノ活動ヲ支ケ、ソシテコレニ政府ヨリ左記ノ任務ガ与ヘラレテ居ル、

一、満洲帝国内ニ於ケル「ロシア」通通民ノ物質上及精神上ノ状態ヲ調査シ、且ツ之ガ統一ヲ図ルコト、

二、通通民ノ移住ニ関スル事務ヲ処理スルコト

三、通通民ノ移住ニツキ官庁ト交渉スル事項ニツキ、通通民ヲ代表スルコト

四、通通民ノ移住ニ関シ必要ナル調査ヲナスコト

五、通通民ノ移住ニ関シ必要ナル指導ヲナスコト

六、通通民ノ移住ニ関シ必要ナル斡旋ヲナスコト

七、通通民ノ移住ニ関シ必要ナル保護ヲナスコト

八、通通民ノ移住ニ関シ必要ナル救済ヲナスコト

九、通通民ノ移住ニ関シ必要ナル教育ヲナスコト

十、通通民ノ移住ニ関シ必要ナル衛生ヲナスコト

十一、通通民ノ移住ニ関シ必要ナル産業ヲナスコト

十二、通通民ノ移住ニ関シ必要ナル交通ヲナスコト

十三、通通民ノ移住ニ関シ必要ナル通信ヲナスコト

十四、通通民ノ移住ニ関シ必要ナル金融ヲナスコト

十五、通通民ノ移住ニ関シ必要ナル保険ヲナスコト

十六、通通民ノ移住ニ関シ必要ナル貯蓄ヲナスコト

十七、通通民ノ移住ニ関シ必要ナル投資ヲナスコト

十八、通通民ノ移住ニ関シ必要ナル融資ヲナスコト

十九、通通民ノ移住ニ関シ必要ナル担保ヲナスコト

二十、通通民ノ移住ニ関シ必要ナル保証ヲナスコト

二十一、通通民ノ移住ニ関シ必要ナル仲介ヲナスコト

二十二、通通民ノ移住ニ関シ必要ナル代理ヲナスコト

二十三、通通民ノ移住ニ関シ必要ナル委託ヲナスコト

二十四、通通民ノ移住ニ関シ必要ナル受託ヲナスコト

二十五、通通民ノ移住ニ関シ必要ナル預金ヲナスコト

二十六、通通民ノ移住ニ関シ必要ナル貸付ヲナスコト

二十七、通通民ノ移住ニ関シ必要ナル手形ヲナスコト

二十八、通通民ノ移住ニ関シ必要ナル小切手ヲナスコト

二十九、通通民ノ移住ニ関シ必要ナル為替ヲナスコト

三十、通通民ノ移住ニ関シ必要ナル両替ヲナスコト

三十一、通通民ノ移住ニ関シ必要ナル売買ヲナスコト

三十二、通通民ノ移住ニ関シ必要ナル交換ヲナスコト

三十三、通通民ノ移住ニ関シ必要ナル賃貸ヲナスコト

三十四、通通民ノ移住ニ関シ必要ナル賃借ヲナスコト

三十五、通通民ノ移住ニ関シ必要ナル使用ヲナスコト

三十六、通通民ノ移住ニ関シ必要ナル収益ヲナスコト

三十七、通通民ノ移住ニ関シ必要ナル処分ヲナスコト

三十八、通通民ノ移住ニ関シ必要ナル消費ヲナスコト

三十九、通通民ノ移住ニ関シ必要ナル生産ヲナスコト

四十、通通民ノ移住ニ関シ必要ナル加工ヲナスコト

四十一、通通民ノ移住ニ関シ必要ナル修理ヲナスコト

四十二、通通民ノ移住ニ関シ必要ナル改良ヲナスコト

四十三、通通民ノ移住ニ関シ必要ナル発明ヲナスコト

四十四、通通民ノ移住ニ関シ必要ナル特許ヲナスコト

四十五、通通民ノ移住ニ関シ必要ナル意匠ヲナスコト

四十六、通通民ノ移住ニ関シ必要ナル商標ヲナスコト

四十七、通通民ノ移住ニ関シ必要ナル著作ヲナスコト

四十八、通通民ノ移住ニ関シ必要ナル出版ヲナスコト

四十九、通通民ノ移住ニ関シ必要ナル興行ヲナスコト

五十、通通民ノ移住ニ関シ必要ナル興業ヲナスコト

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ー、ペー、バクシエーフ」中將、同中將ハ副總裁テアル、ガ就任シテ居ル、(二)第二情報部「カー、ウエー、ロザエフスキー」之ニ長テアル(三)第三行政部、「エヌ、エル、グラツセ」之ニ長テアル及ビ(四)第四經濟財務部、長トシテ「エム、エヌ、ゴルテーエフ」任命セラル、コノ外事務局ニハ官房長「ヤー、ヤー、スミルノフ」大佐及書記技師「エム、アー、マトコフスキー」ガアツタ、

事務局總裁附語問機關トシテ人氣アル達難民活動家ガ參加シテ居ル官職ガ設置セラレテアツタ、既ニ事務局ノ業務一ケ年半ニシテソノ總裁「ルイチコフ」將軍ハ新聞ニ對スル言明ノ中デ、事務局トシテハ達難民ノ權利上及經濟上ノ狀態ヲ圖ムル方向ニ於テ多クノモノヲ達成シ得タシ、コノ事務ニ於テ事務局ハ滿洲國及日本ノ官憲並一般各方面ヨリ多大ノ援助ヲ受ケタト稱揚シタ、右ノ短期間ニ事務局ノ或ル部ニ於テハ着シイ仕事ガ實施セラレタノデアツタ、

第三百頁

事務局ト協和會

「ロシア」達難民中央事務局ハ「ロシア」達難民ノ利益ヲ代表シテ、若キ帝國ノ建設事業ニ自ラ寄與シ、ソシテ國內在住ノ總テノ民族ノ獨立ノ思想ヲ實現シテ居ル、達難民ノコノ國家政治的矣達ノ

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外面的現レハ關ヲ事務局ト全滿的團体ヲル協和會トノ間ニ存スル密接ナル連絡ナアル、特ニ協和會濱江本部特別部長加藤ハ同時ニ甲矢事務局ノ顧問トモナツテ居ル、甲矢事務局長「キスクーチン」將軍ハ協和會高等師習所ノ所長ナアル一般ニ多クノ問題ニツイテ甲矢事務局ハ協和會ト密接ニ接觸シテ執務シテ居ル、

第三百一頁

特ニ事務局及達難氏全般ニトリテ貴重ナルコトハ在哈爾賓日本帝國特務機關長柳田將軍ノ態度ナアツテ、同將軍ハ總テノ問題ニ於テ「ロシア」達難民ノ眞ノ親友ナアリ又高キ保護者ナアル、

（終）

7. The border was restored and is now being guarded just as it was prior to the outbreak of hostilities. It runs as provided for by the Hunchun Protocol of 1886 along the watershed, i.e., along the hilltops which form a mountain range on the western bank of Lake Khasean. The eastern slope of the Znamennaya Hill belongs to the Soviet Union while the western slope is Manchurian.

To determine the border on the terrain in that area is no problem, and our border guards knew precisely where the border ran. both before and after the fighting in the vicinity of Lake Khasean this border line was in full conformity with the data as shown on the map attached to the Hunchun Protocol of 1886.

Major-General GREBENNIK

Interrogated by Colonel Smirnov
Assistant Prosecutor for the U.S.S.R. at
the International Military
Tribunal for the Far East

CERTIFICATE

January 5, 1948
Tokyo.

I, the undersigned, Major-General Grebennik Kuzma Yevdokimovich, have given this certificate to Colonel Smirnov, Assistant Prosecutor for the U.S.S.R. at the International Military Tribunal for the Far East to the effect that having been called for interrogation as witness in the case of major Japanese war criminals I promise to testify only truth and nothing but the truth.

I have been duly warned of the responsibility for giving false testimony under Article 95 of the Criminal Code of the R.S.F.S.R.

Witness: Major-General
Grebennik

IPS DOC. NO. 3383 Exh. No. 3384

**Affidavit**

**of Major-General Grabennik**

January 5, 1948
Tokyo.

I, Colonel Smirnov, Assistant Prosecutor for the U.S.S.R. at the International Military Tribunal for the Far East, interrogated as witness the person named below who having been warned of the responsibility for giving false testimony testified as follows:

| | | |
|---|---|---|
| Surname, name, father's name | : | GRABENNIK, Kuzma Yevdokimovich. |
| Time of birth | : | 1900 |
| Present Occupation | : | Commander of the Home Ministry Border-Guard Forces of the Ukrainian Military District. Member of the U.S.S.R. Supreme Council. |
| Military rank | : | Major-General. Hero of the Soviet Union. |
| Address | : | The town of Lvov. |
| Citizenship | : | Citizen of the U.S.S.R. |

The certificate of the witness showing that he was duly warned of the responsibility for giving false testimony is attached to this affidavit.

1. From 1937 through 1942 I was at the Maritime border of the Far Eastern Region in the capacity of the Commander of the 59th Khasanan Border-guard detachment.

The detachment was guarding 236 kilometres of the land border facing West and 400 kilometres of the sea border facing East.

The land border started in the north from the border mark "Letter P", two kilometres to the south-west of the point Hunfang, and ran to the south up to the Sea of Japan itself, ending at the town of Chikasimi.

The sea sector of the border started in the north at the Peschanaya bay and ran to the south up to the town of Chikasimi.

The 59th Khasanan border-guard detachment comprised the border-guard outposts Podgornaya and Pakshikori which had the direct responsibility

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of guarding the border sector to the west of Lake Khasan.
Heroes of the Soviet Union Lt.-Colonel Tereshkin and Majors Satershin and Chernoyyatko were my subordinates, when the events in the Lake Khasan area occurred.

2. The eastern slopes of the Zaozernaya Hill and the Bezymyannaya Hill (west of Lake Khasan) had always been guarded by the Soviet border-guard forces. Prior to July 1938 there were no Japanese border guards on the western slopes of the Zaozernaya Hill. I am well acquainted with this sector of the border, because I often went there attaching to it great importance (as it was the place where three borders of the U.S.S.R., Manchuria and Korea met).

3. At the beginning of July 1938 the Japanese started massing infantry and artillery in the Zaozernaya Hill area. Japanese troops kep arriving at the area of the villages of Khasaku and Higasheli.
However, prior to 29 July 1938 there were no armed clashes in the vicinity of the Zaozernaya and Bezymyannaya Hills. In particular, there were no military clashes between the Soviet and the Japanese troops on July 11, 1938.

4. On July 15, 1938 there was a case of violation of the state border by Japanese gendarmes, during which one of the trespassers, Matsushima, Shakuni, was killed.
The circumstances of this occurrence were as follows:

On July 15, 1938 Commander of the border-guard outpost Podgornaya, Lt. Tereshkin, reported to me on the telephone, that a group of Japanese soldiers had crossed the state border on the Zaozernaya Hill. The border-guard patrol stationed there had spotted the trespassers, who at the shout: "Halt" started to run back to their territory.
One of the running men was shot dead with a rifle.
A pistol with 8 cartridges, a camera, a note-book in which the results of the observation were written down, and a visiting card in the name of Matsushima, Shakuni were taken from him. A detailed investigation was conducted in accordance with my order.
In particular an examination of the foot-prints of the Japanese soldiers at the spot where the border had been trespassed was made. The film found in the camera which had been on the killed gendarm was developed. The examination of the locality revealed foot-prints of 5 persons who had penetrated into the U.S.S.R. territory, and foot-prints of 4 persons leading in the opposite direction, i.e. from the U.S.S.R. to Manchuria. The developed film from the killed Japanese's camera showed 8 pictures, part of which were pictures of our territory, and , in particular, of the Zaozernaya Hill.
Soon afterwards (I don't remember the date at present) the Japanese sent two Chinese disguished as truce flag bearers to us,

to the sector of the outpost named after Krainov ( Karantin ). They were holding poles with white flags, and had an envelope addressed to the Commander of the border-guard detachment. These men were detained and brought to me. When the envelope was opened, it turned out that it contained a letter in Japanese. It was translated into Russian, and it was found out that it contained the demand to withdraw our border-guards from the sector west of Lake Khassan addressed "to the Commander of the Soviet Border-Guard Detachment at Kraskino from the Commander of the Japanese Hanchun Detachment".

About five days later a white flag and a letter in the Korean language were found lying on the ground in the vicinity of Kevoya-Zerevnya, approximately in 100-150 metres from the border.

The letter was brought to me. Its text corresponds to the text given in the telegram of July 23, 1938 shown to me ( It is attached to Exhibit No. 753).

It was an anonymous letter bearing no date and no signature.

Having got such indications we started to prepare against an attack on us in the Lake Khassan Area.

On July 26 I together with a group of officers went to the sector of the Zaozernaya outpost in order to observe on the spot what was happening. Since about July 26 or 27 I personally saw the Japanese troops crossing on boats to the eastern bank of the Tumen-Ula river and massing in the area west of the Zaozernaya Hill. As the result of the observation of our outposts of the actions of the Japanese it was estimated that more than 3800 men had crossed the river in 3 days during day-time. We were unable to see what these Japanese troops were doing, as they were hiding behind natural rises.

We tried to avoid giving any, even smallest causes for disputes. No fortification work was done by our border-guards on the western slopes of the Zaozernaya Hill.

On the hill itself there was only an observation post. This post did not hoist a red flag. On the contrary, it was secretly watching the Japanese.

5. About 1600 hours on July 29 from the Zaozernaya hill I heard the sounds of machine-gun, rifle and mortar fire and grenade explosions in the vicinity of the Bezymyannaya hill. I received a message over the telephone that there appeared a Japanese unit of a company size which had deployed into two groups and launched an attack on the Bezymyannaya hill where there was a patrol of 11 border guards under Lt. Makhalin.

At first I could not personally observe that, in as much as although the distance between the Zaozernaya and Bezymyannaya hills amounted to not more than 1 1/2 km - there was a fog which considerably reduced visibility. But shortly thereafter after the fog had somewhat lifted I personally saw a platoon of the Japanese infantry which had crossed to our territory between the Bezymyannaya and Zaozernaya hills.

I ordered that Sen. Lt. Katnikov who was attached to me with a group of border guards from the Zaozernaya hill outfit (one of the members of that group was Maj. Katershin who was then a border guard section leader) support Makhalin's patrol from the south.

At the same time I ordered over the telephone that Sen. Lt. Lykhovtsev, Commanding Officer of the Pakshikori outpost alert his outpost and use his entire personnel to support Makhalin's patrol from the north.

It was at that time that I sent a telephone message to the regular Army authorities asking for support since being aware of the strength of the Japanese troops which had crossed the border I felt that I would not be able to hold out against them with my own forces. As a result of this engagement 5 border guards were killed and 6 were wounded. Lt. Makhalin was killed.

Due to the support of the groups under Katnikov, and Lykhovtsev which had arrived in good season the Japanese troops were repulsed off the Beryayanaya hill and our unit consolidated there.

Crossing and concentration of Japanese troops on the eastern bank of the Tuman-Ula river in the vicinity of the Zaozernaya hill were going on on 30 July. On the night of 30-31 July the Jananese launched a vigourous attack on the Zaozernaya and Beryayanaya hills with artillery support and hurling into action the whole of the 19th Infantry Division. By that time the reinforcements of field troops were only reaching the battlefield and the Beryayanaya and Zaozernaya hills were defended only by the border guard outfits which had been somewhat reinforced by the reserves I had at my disposal. (There were 92 border guards on the two hills which includes 60 men on the Zaozernaya hill).

At 0625 on July 31 the Japanese occupied the Beryayanaya and Zaozernaya hills. Almost the whole of our border guard garrison fell on the battlefield.

Lt. Tereshkin, the Garrison Commander andconcurrently the Commanding Officer of the outpost was wounded. Later on our field troops arrived on the spot and the subsequent operations were conducted under the direction of the regular army authorities.

In 10 days fighting our regular troops wiped out the units of the 19th Japanese division and repulsed the Japanese off our territory while the remnants of the Japanese troops withdrew to the far bank of the Tuman-Ula river.

While on the Zaozernaya hill I commanded my unit in combat since the outbreak of hostilities and I can positively state thatnone of our border guards ever crossed the border line and that the Japanese were the first to start the attack without being in the slightest degree provoked by our border guards. After the defeat of Japanese 19th Infantry Division the Japanese made no claims as to the withdrawal of our troops from the Zaozernaya hill.

Ex. 3854
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# 訊問調書

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一九四八年一月五日、東京

余、極東國際軍事裁判所ソ連補助檢察官大佐「スミルノフ」ハ左ニ示ス者ヲ證人トシテ訊問シマシタ、同證人ハ虚偽ノ證言ヲ與フルコトニ對スル責任ニ付テ注意ヲ受ケタル上次ノ證言ヲ與ヘマシタ。

姓名、父稱　「グレベンニク・クジス・エフドキモウイチ」

生レ年　一九〇〇年

現在ノ職業　内務省ノ「ウクライナ」管區國境警備軍司令官、ソ連最高會議議員

軍人ノ官　陸軍少將ソ連邦英雄、「リウオフ」市

國籍　ソ連市民

虚偽ノ證言ニ對スル責任ニツキ證人ニ注意シタルコトニ關シテ證人ガ出シタ請ケ書ハ本調書ニ附屬セシメラレテアリマス。

一九三七年カラ始メテ一九四二年迄私ハ極東地方沿海州國境ニ於テ第五十九「ハサン」國境警備隊長ノ職ニ在リマシタ。

コノ警備隊ハ西方ニ面シテ居ル陸境二百三十六粁ト、東方ニ於ケル海面國境四百粁ヲ警衛シテ居リマシタ。

陸境ハ北方デハ『「ペー」字』界標カラ始マツテ

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居リマシタ、コノ界標ハ部落「フシヤン」ノ西南方二粁ニ在リ、ソシテ南方日本海迄部落「チカシミ」迄行ツテ居リマシタ。海面ノ國境部分ハ北方「ペスチヤナヤ」灣ニ始マツテソシテ南方「チカシミ」部落迄行ツテ居リマス。

第五十九「ハサン」國境警備隊ノ管内ニハ「ボドゴルナヤ」及ビ「パクシホリ」兩國境警備哨ガ入リコレハ「ハサン」湖ノ西方ニアル國境ノ部分ヲ直接警衛シテ居リマシタ。

ソ連邦英雄陸軍中佐「テレシキン」並陸軍少佐「バタルシン」及ビ同「チヨルノピヤトコ」ハ「ハサン」湖事變ノ當時私ノ部下デアリマシタ。

10oc 3343

二、「ザオジヨルナヤ」高地ノ東部斜面及ビ「ベズイミヤンナヤ」高地（「ハサン」湖ノ西方）ハ常ニソ側國境警備隊ニヨツテ警備サレテ居リマシタ。日本側國境警備兵ハ一九三八年七月迄ハ「ザオジヨルナヤ」高地ノ西方斜面ニハ居リマセンデシタ。國境ノコノ部分ハ私ニハ良ク知レテ居リマス。何故ト言フニ私ハコノ部分ニ對シテ大キナ意味ヲ附シマシテ（此所ニハソ連、滿洲及朝鮮ノ三國境ノ接點ガアルノデアリマス）一再ナラズ同所へ行キマシタ。

三、日本側ハ一九三八年七月ノ初カラ「ザオジヨルナヤ」高地ノ附近ニ歩兵及ビ砲兵ヲ集結シ始メマシタ、日本軍隊ハ「ホムスク」村附近及ビ「ジガシエリ」村附近ニ到着シマシタ。然シナガラ一九三八年七月二十九日迄ハ「ザオジヨルナヤ」及ビ「ベズイミヤンナヤ」高地附近ニ於テハ武力衝突ハアリマセンデシタ。特ニ一九三八年七月十一日ニハ何等ソ側日本側兩部隊ノ武力衝突ハアリマセンデシタ。

四、一九三八年七月十五日日本憲兵ガ國境ヲ侵犯シタ事件ガアリマシタガ其時侵犯者ノ一人デアル「松島シヤクニ」ガ殺サレマシタ。

此ノ事件ハ次ノ樣ナ狀態デ起リマシタ。

Doc. 33 ヵ 3



一九三八年七月十五日「ボドーゴールナヤ」國境警備哨長「テレーシキン」少尉ガ、日本兵ノ一群ガ「ザオジヨルナヤ」高地ニ於テ國境ヲ越エタト電話デ私ニ報告シマシタ。同所ニ在ツタ國境警備兵ハ國境侵犯者ヲ認メ「止レ」ト叫ビマシタ所、侵犯者ハ自國領土ニ逃走シマシタ。逃走者ノ一人ハ小銃射擊ニ依ツテ殺サレマシタガ、其者カラ拳銃、同彈藥八發、寫眞機、觀察ノ結果ヲ記入シタ手帖及「松島シヤクニ」ト云フ名前ノ名刺ヲ沒收シマシタ。私ノ命令ニ基キ詳細ナ調査特ニ日本兵越境地點ニ於ケル證跡檢査ガ行ハレ、又死者ノ持ツテ居タ寫眞機中ニ在ツタ「フイルム」ガ現像サレマシタ。土地ヲ檢査シタ結果「ソ」連領土ニ侵入シタ五人ノ證跡及反對方向即チ「ソ」連邦カラ滿洲方面ニ向ツテ附ケラレタ四人ノ證跡ガ發見サレマシタ。殺サレタ日本兵ノ寫眞機ニ在ツタ「フイルム」ヲ現像シタ所、ソレニハ六枚ノ寫眞ガ撮ツテアルコトガ判リ、其一部ニハ我ガ領土特ニ「ザオジヨルナヤ」高地ガ撮影サレテアルコトガ判リマシタ。

Xiae 33ヘ3



此ノ事件ノ後ヤガテ（私ハ唯今日時ヲ記憶シマセン）日本側ハ「クライノフ」（「カランテイン」）哨所地區ノ吾方ニ軍使ノ形デ二人ノ支那人ヲ寄越シマシタ。彼ハ白旗ヲ附ケタ棒ヲ手ニ持ツテ居マシタ。此ノ國境侵犯者ハ國境警備隊長宛ノ封書ヲ持ツテ居マシタ。之等ノ人々ハ捕ヘラレテ私ノ所ニ屆ケラレマシタ。封書ヲ開封シマシタ所日本語ノ手紙ガ這入ツテ居マス。此ノ手紙ヲ「ロシヤ」語ニ飜譯シマシタ所其手紙ニハ日本揮春部隊長カラ「ソ」連「クラヌキノ」國境警備隊ニ對シ「ハサン」湖西方地區ヨリ吾ガ國境警備兵ヲ撤去スルコトニ關スル要求ガシテアリマシタ。

此ノ後五日位經テ「ノーワヤ、デレウニヤ」地區デ、國境ヲ距ル約一〇〇乃至一五〇米ノ所デ地上ニ白旗ト朝鮮語ノ手紙ガ發見サレマシタ。手紙ハ私ニ屆ケラレマシタ。

手紙ノ文句ハ私ニ提示サレタ三八年七月二十三日附電報（法廷書證第七五三號附屬）ニ記サレテアルモノト一致シテ居リマス。

手紙ハ無名、無日附、無署名ノモノデアリマシタ。

Xloe 3353



此ノ徴候ヲ得テ吾々ハ「ハサン」湖地區ニ於ケル吾ガ方ニ對スル攻撃ニ對シ準備ヲ始メマシタ。私ハ七月二十六日現地ニ於テ事件ヲ觀察スルタメ將校群ヲ從ヘ「ザオジヨルナヤ」哨所地區ニ向ヒ出發シマシタ。概ネ七月二十六日カ或ハ二十七日カラ私ハ如何ニ日本軍ガ舟艇ニ乘ジ圓們江東岸ニ向ツテ渡河シ「ザオジヨルナヤ」高地西方地區ニ集中シテ居タカヲ親シク觀察シマシタ。吾哨所ハ日本軍ノ行動ヲ觀察シテ三日間ノ晝間ニ三千八百名以上ガ渡河シタコトヲ算エマシタ。之等日本軍ガ何ヲシテ居タカハ彼等ガ地髮ノ藤ニ隱レテ居タノデ觀ルコトガ出來マセンデシタ。

吾々ハ紛爭惹起ノ最小ノ原因ヲモ避ケルコトニ努メマシタ。吾ガ國境警備隊ハ「ザオジヨルナヤ」高地西方斜面ニ何等ノ集城工事ヲ行ヒマセンデシタ。高地頂上ニタヾ監視所ガ在ツタノミデアリマス。此哨所ハ高地ニ赤旗ヲ擧ゲズ反ツテ隱レテ日本軍ヲ監視シテ居マシタ。

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五、七月二十九日、十六時頃「ザーオジヨルナヤ」高地ニ居タ私ハ「ベズイミヤンナ」高地方面ニ機銃、小銃、迫撃砲ノ射撃ノ音ヲ聞キマシタ。電話ニヨツテ約一ケ中隊ノ日本兵ガ二個ニ分レテ「マハーリン」小尉ノ指揮スル十一名ノ國境警備兵ノ「ベズイミヤンナヤ」高地ヲ攻撃シタトイウ報告ヲ私ハ受ケマシタ。

最初、私ハ直接コレヲ見ル事ガデキマセンデシタ。何故ナラバ「ザーオジヨルナヤ」高地ト「ベズイミヤンナヤ」高地ノ距離ハ僅ニ約一、五粁デスガ視界ヲサエギル物ガアツタカラデス。シカシ、霧ガ少シ晴レク時、私ハ直接我領土内ニ越境シテ「ベズイミヤンナヤ」高地ノ間ヲ行ク日本軍ノ歩兵一ケ小隊ゼルナヤ」高地ト「ザーオヲ見ルコトガ出來マシタ。

私ハ「ザーオジヨルナヤ」守備隊カラ數名ノ國境警備兵ヲ「ラートニコフ」中尉ノ指揮下ニ南方カラ「マラーヒン」ノ部隊ヲ救援スルヨウ派遣シマシタ。（コノ際名ノ中ニハ當時國境警備隊分隊長デアツタ「バタルシン」少佐モ入ツテイマシタ）

同時ニ私ハ「バクシコール」哨所長「ウイホフエツエフ」中尉ニ對シ哨所ハ急遽武器ヲ取リ其ノ全兵力ヲ擧ゲテ北方ヨリ「マハーリン」小尉ノ救援

Doc, 3377



ニ向フヨウ電話デ命令シマシタ。ソシテ私ハコノ事ヲ電話デ野戦司令部ニ報告シ救援ヲ乞イマシタ何故ナラバ渡河シテ來タ日本軍ノ兵力ヲ知ツタ私ハ手持ノ兵力ダケデハ勝算ガナイト考ヘタカラデス。此ノ戰闘ノ結果「ベズイミヤンナ」高地デ國境警備兵ノ五名ハ戰死シ六名ハ負傷シマシタ。到着シタ「マハーリン」小尉モ戰死シマシタ。「ラートニコフ」、「ウイホフツエフ」兩隊ノ支援ノ下ニ日本軍ハ「ベズイミヤンナヤ」高地カラ撃退サレ其後我ガ部隊ハ同高地ヲ確保シマシタ。

七月三十日、日本軍ハ渡河竝ニ圖們江東岸「ザーオジヨルナ」高地地區ヘノ兵力ノ集中ヲ續ケマシタ。三十日カラ三十一日ヘノ夜、日本軍ハ第十九歩兵師團ノ全兵力ヲ擧ゲテ砲兵射撃ヲ含ム強力ナ攻撃ヲ「ザーオジヨルナヤ」、「ベズイミヤンナヤ」兩高地ニ向ツテ開始シマシタ。當時野戰部隊救援隊ハヤツト戰闘地域ニ到着シツツアリ、「ザーオジヨルナヤ」、「ベズイミヤンナヤ」兩高地ハ私ノモツテイタ警備部隊ニヨツテ幾分增強サレタ國境警備兵部隊ノミニヨツテ守備サレテキマシタ（兩高地ニハ九十二名ノ國境警備兵ガイ、約六十名ガ「ザーオジヨルナヤ」高地ニイマシタ。

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戰闘ノ結果、七月三十一日六時二十五分日本軍ハ
「ベズイミヤンナヤ」「ザ、オジョルナヤ」兩高地
ヲ占領シマシタ。ワガ國境警備兵部隊ハ殆ド全滅シ
マシタ。「ザ、オジョルナヤ」部隊長デアリ、同時
ニ「ボドゴルナヤ」哨所長デアッタ「テレシキン」
少尉ハ負傷シマシタ。ソノ後野戰部隊ガ到着シ、以
後ノ戰闘ハ野戰司令部ノ指揮下ニ行ワレマシタ。ワ
ガ野戰部隊ハ十日間ノ戰闘デ日本軍第十九師團ノ部
隊ヲ撃滅シワガ領土カラ日本人ヲ一掃シマシタ。殘
余ノ日本人ハ圖們江對岸ニ退却シマシタ。
「ザ、オジョルナヤ」高地ニ在リ、最初カラ戰闘ヲ
指揮シタ私ハ、ワガ國境警備隊ノウチ、何人トイエ
ドモ國境線ヲ侵犯セズ、何等ワガ國境警備兵側ヨリ
ソノ理由ヲ與ヘナカツタニカヽハラズ日本軍ガ最初
ニ攻撃ヲ始メタノデアル事ヲ證言デキマス。
第十九歩兵師團ノ壞滅後、日本側ハ何ラワガ部隊
ノ「ザ、オジョルナヤ」高地ヨリノ撤兵ニ關スル要
求ヲ聲明シマセンデシタ。

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六、國境ハ回復セラレマシタ、ソシテ戰鬪行動ノ初メ迄ト同一ノ狀況ニ於テ警衛セラレテ居リマス國境ハ一八八六年ノ琿春議定書ニ從ヒ分水嶺ニ沿ツテ即チ「ハサン」湖ノ西岸ニアリ、山ノ脊推ヲ形チ造ツテ居ル山ノ最上線ニ沿ツテ、通ツテ居リマス。ソ側ニハ「ザオジヨルナヤ」高地ノ東部斜面ガ屬シテ居リ、滿洲側ニハ西部斜面ガ屬シテ居リマス。

コノ附近ノ土地ニ於テ國境線ヲ定メルコトハ何等困難ヲ伴ハナイデアツテ我方國境警備兵ハ國境ガ何所ヲ通ツテ居ルカ確實ニ承知シテ居リマシタ。コノ國境線ハ「ハサン」湖附近ノ戰鬪ノ前迄モ又ソノ後ニ於テモ一八八六年ノ琿春議定書ニ附屬ノ地圖ニ示サレテアルモノト正確ニ一致シテ居リマス。

陸軍少將　「グレベンニソク」

訊問シタルハ

在東京國際軍事裁判所

ソ聯補助檢察官

佐　「スミルノフ」

六、国境ハ同復セラレマシタ・ソシテ戦闘行動ノ初メ迄ト同一ノ状況ニ於テ警衛セラレテ居リマス国境ハ一八八六年ノ琿春議定書ニ従ヒ分水嶺ニ沿ツテ郎チ「ハサン」湖ノ西岸ニアリ、山ノ脊稚ヲ形チ造ツテ居ル山頂ニ沿ツテ、通ツテ居リマス。ソ側ニハ「ザオジョルナヤ」高地ノ東部斜面ガ属シテ居リ、満洲側ニハ西部斜面ガ属シテ居リマス。

コノ附近ノ土地ニ於テ国境線ヲ定メルコトハ何等困難ヲ伴ハナイデアツテ我方国境警備兵ハ国境ガ何所ヲ通ツテ居ルカ確実ニ承知シテ居リマシタ。コノ国境線ハ「ハサン」湖附近ノ戦闘ノ前迄モ又ソノ後ニ於テモ一八八六年ノ琿春議定書ニ附属ノ地図ニ示サレテアルモノト正確ニ一致シテ居リマス。

座章少将　「グレベンニソク」

訊問シタルハ、

在東京国際軍事裁判所

ソ聯補助検察官

佐　「スミルノフ」

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XCoc.3353

請書

一九四八年一月五日

東京

余、下記署名ノ陸軍少將「グレベンニク、クジマ、エフドキモウイチ」ハ茲ニ、自分ハ日本主要軍事犯罪人事件ノ證人トシテ訊問サルルタメ召喚セラレタセノデアルガ、自分トシテハ眞實ノミヲ證言スベキ義務ヲ負フセノデアルトユウコノ請書ヲ極東國際軍事裁判所ソ聯補助檢察官「スミルノ」大佐ニ提出スルセノデアリマス。

余ハ虚僞ノ證言ヲ與フルコトニ對シテハ露西亞社會主義連邦「ソヴイエト」共和國刑法第九十五條ニ依リソノ責ニ任ゼラルベキ旨ノ注意ヲ受ケテ居リマス。

證人陸軍少將（「グレベンニク」）

請書ヲ取リタル者

極東國際軍事裁判所ソ聯補助檢察官

大佐（「スミルフ」）

Doc. 3294-10

Cert A

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ、ア、パゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第十六號トナツテヰル左記地圖ヨリノ寫眞寫ノ擴大サレタル一部ナルコトヲ證明スル。

東部亞細亞圖「「カツペレン」世界地圖書」(Cappelens Verdens Atlas)「カツペレン」(Cappelens)三三頁(II)、一九三七年版「オスロ」

ソ聯檢察部記錄室長陸軍少佐「エヌ、パゼンコ」

Cert.-B.

Doc. 3294-16

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ。ア。バゼンコ」ハ茲ニ別添ソ聯邦軍參謀本部軍事測量局長臨時代理工兵少將「ゲラシーモフ」ノ一九四七年九月十七日附調査書ハ同書ニ示サレタル附屬十六、（檢察側文書第三二九四號）ト共ニ余ガ一九四七年十月十五日ソ聯邦軍參謀本部ヨリ受領シタルモノナルコトヲ證明スル。附屬寫眞寫ノ作成セラレタル地圖ノ原圖ハ參謀本部地圖記錄部ニ保管中デアル。

ソ聯檢察部記錄室長

陸軍少佐「バゼンコ」（署名）

MONGOLIA
KENTEI-OLA
CHAN
BOGDO
San Beise Urgo
Kerulen
Chailar
Muktor
Tsitsichar
MAND

Cert.

Doc. 3294-15

# 證　明

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ・ア・ゼゼンコ」ハ玆ニ別添地圖寫眞寫ヘソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査番ニ附屬第十五號トナツテ居ル左記地圖ヨリノ寫眞寫ノ擴大サレタル一部ナルコトヲ證明スル

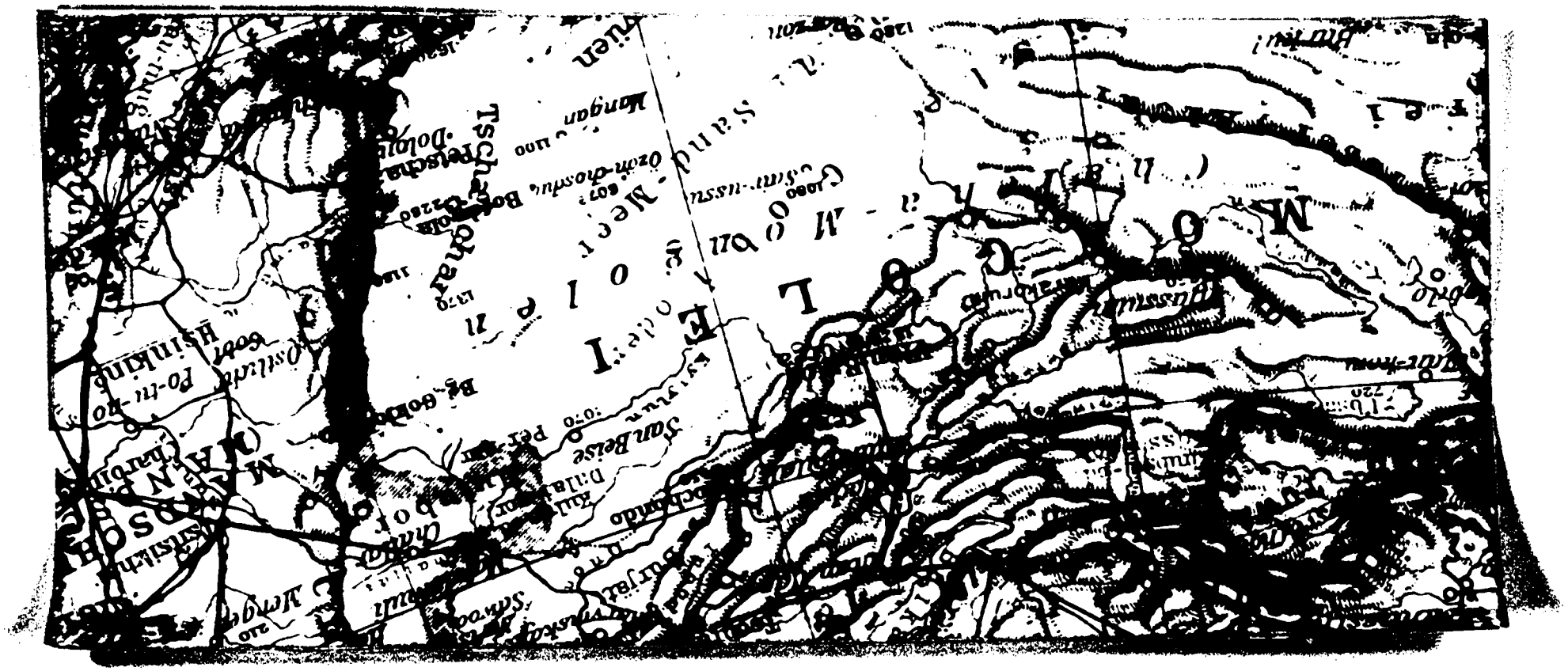
「亞細亞、諸國及交通概覽」圖

「「コロンムブ」世界地圖帳」(Columbus Weltatlas)

「ボール、エステルガルド」(Paul Oostergard)

第四七ー四八頁、一九三七年版伯林

ソ聯檢察部記錄室長陸軍少佐「エヌ・バゼンコ」



Cert

Doc 3244-14

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長國軍少佐「エヌ・ア・バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第十四號トナツテ居ル左記地圖ヨリノ寫眞寫ノ擴大サレタル一部ナルコトヲ證明スル。

支那及日本地圖、「市民世界地圖書」

（The Citizen's atlas of the world）

「バルトロミユー」（Bartholomew）一一二一

十一三頁、一九三五年版、倫敦、

ソ聯檢察部記錄室長國軍少佐「エヌ・バゼンコ」

Western Khin
Gurum Nor
Kerulen
BATOR HOTO)
Eduden kolko
TSETSEN-KHAN
Iantu
L I A O
I A
Jorji kobur
Tuerin
K
Busein
Chelu
H
Karu-manghai
Mubulin
Sangsen
Tarkira
Khol
Cham gu

Doc 3294-13

Cert

# 證明書

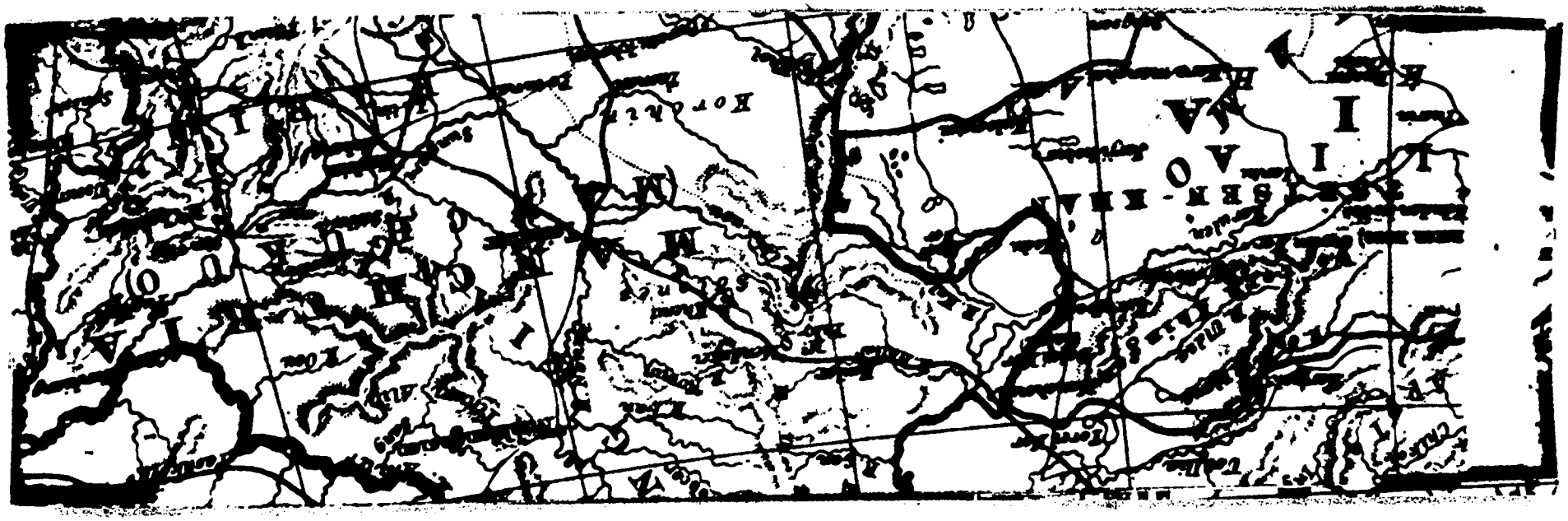
余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ・ア・バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第十三號トナツテ居ル左記地圖ヨリノ寫眞寫ノ擴大サレタル一部ナルコトヲ證明スル。

支那及日本地圖「タイムス」卓上地圖書

（The Times Handy atlas）

「ジョン・バルトロミュー」（John Bartholomew）第六四ー六五頁、一九三五年版、倫敦、

ソ聯檢察部記錄室長陸軍少佐「エヌ・バゼンコ」



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Doc 3294-12

ソ聯政府部隊員鑑定調査少佐「エヌ、バゼンコ」

三二一一九三三年廣告

三二一一五三頁、一九

Mc Naly and Company)」三二一一五三頁、一九

atlas)「ランド、マクナリー」商會(Rand

英郵及日本郵便、「世界郵便會」(World

證明スル。

鈴木ソ聯郵事參謀本部調査局長ニ補職ノ通天サレタル一部ナルコトヲ

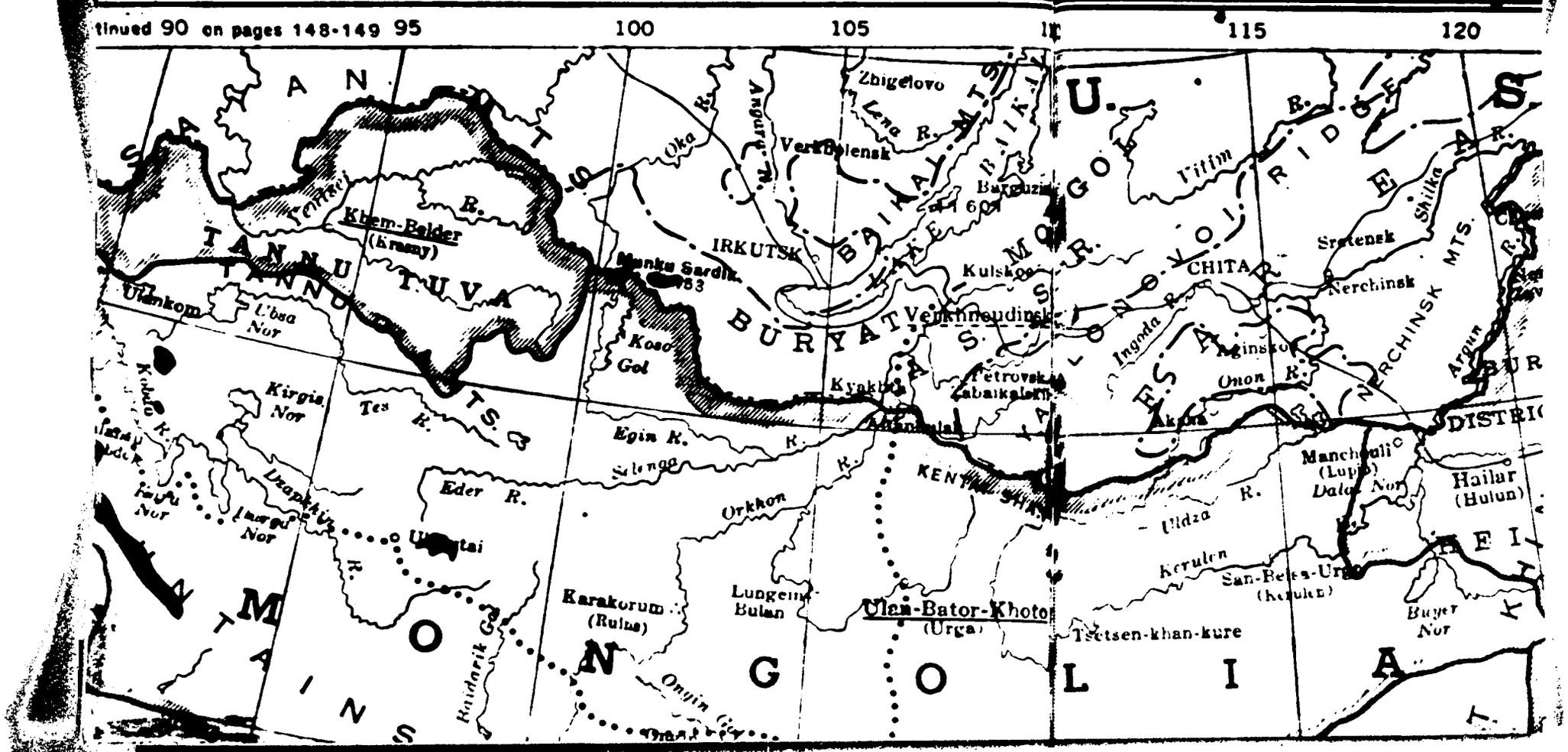
少佐「エヌ、アヽバゼンコ」ハ茲ニ別添鈴木ソ聯政府部隊員鑑定調査

公、官吏商務事務競爭所ソ聯政府部隊員鑑定調査

證明書

# CHINA AND JAPAN

tinued 90 on pages 148-149



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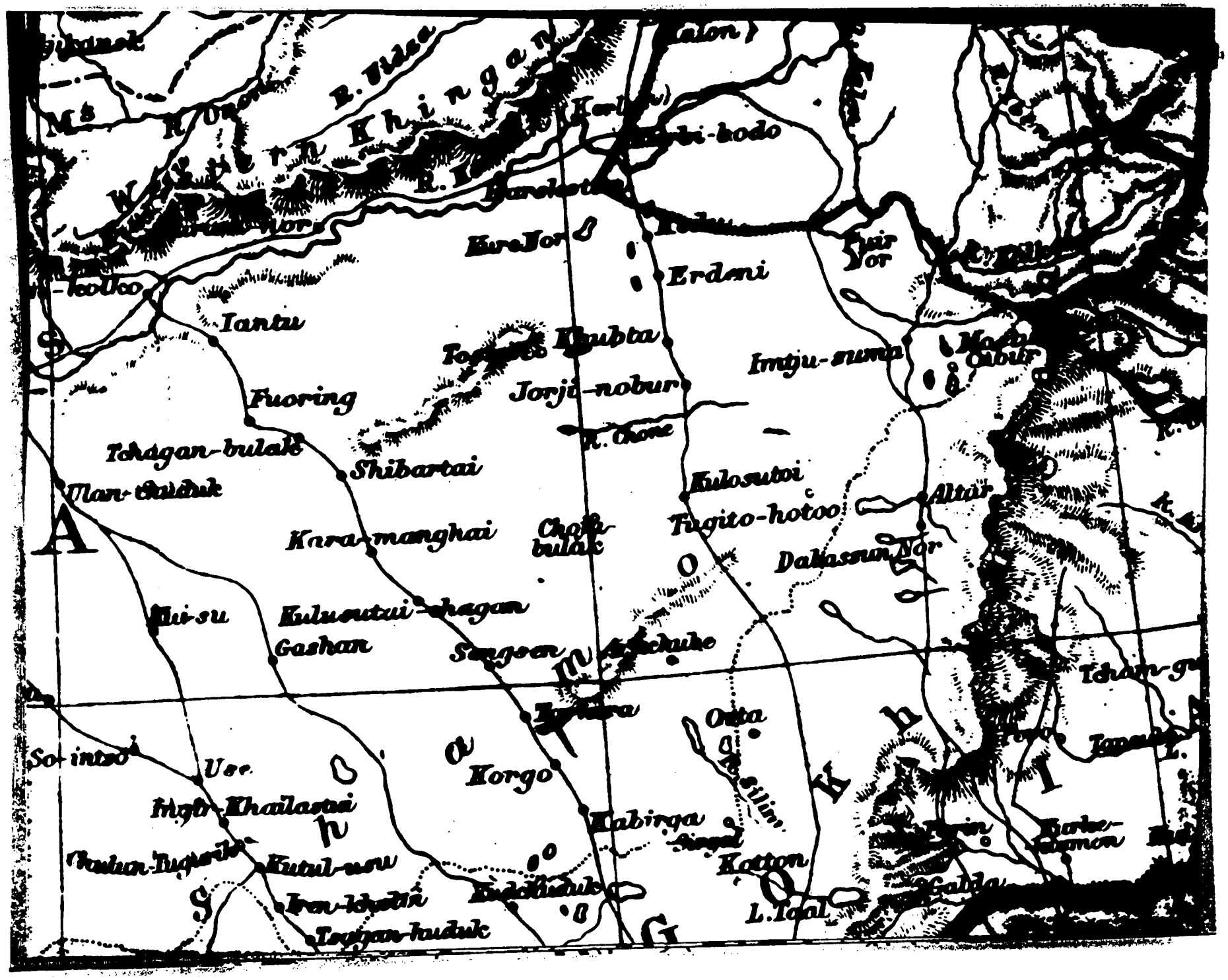
Doc. 3294-11

證明書

余、極東国際軍事裁判所ソ聯検察部記録室長国軍少佐「エヌ、ア、パゼンコ」ハ茲ニ別添地図寫眞ハソ聯邦軍参謀本部測量局長ノ一九四七年九月十七日附調査書ニ附属第十一號トナツテ居ル左記地図ヨリノ寫眞寫ノ擴大サレタル一部ナルコトヲ證明スル。

支那地図「新草上一般地図書」（The New Handy general atlas）「ジョージ、フイリツプ」、（George Philip）一二三－一二四頁、一九三〇年版、備考、

ソ聯検察部記録室長国軍少佐「エヌ、パゼンコ」



Khingan
Erdeni
Iantu
Fuoring
Tchagan-bulak
Shibartai
Kara-manghai
Gashan
Korgo
Kabirga
Kotton
L. Taal
Jorji-nobur
Imtju-suma
Altar
Tugito-hotoo
Kulosutoi
Dabassun Nor
Kutul-usu
Tsagan-huduk
Ulan-chuduk
So-intso
Use
Kure Nor
Khubta
R. Chone
Orta
Galda

Cert.

Doc 3294-10

証明書

余、極東国際軍事裁判所ソ聯検察部記録室長陸軍少佐「ユヌ、ア、バセンコ」ハ茲ニ別添地図寫眞寫ハソ聯邦軍参謀本部測量局長ノ一九四七年九月十七日附調査書ニ附属第十號トナツテ居ル左記地図ヨリノ寫眞寫ノ最大サレタル一部ナルコトヲ証明スル。

東部西伯利地図「（スチーラー）卓上地図書」
(STIELERS HAND-ATLAS)

「ユスツス、ペルテス、（YUSTUS PERTHES）
五八頁、一九〇五年版「ゴタ」

ソ聯検察部記録室長陸軍少佐「ユヌ、バゼンコ」

Dalai nor
Kulun S.
Baljutai Geb.
Aki Gobi
Kundulun
Tschik tschiraki
Altan Nomor B.
Handschur
Chaila sutai
Kyrylun
Tak
Tabun tologoi
Arsin chuduk
Kedu
Bör S.
Burd nor
Erdeni
Borro Torom
Hatagaly Alin
Luk sira
Hosun
Chubtu
Sandmeer
Huron bulak
Tolgoi
Chulussutai
Schabartai
Imoné
Chaschentun
Kusuen elesu
Angbirtu
Ichin-Elesu
Tschohe Elesu
Altyn obo
Hanschur Sumä
Chaschentun
Bajan chailassutai
Barun Arasa B.
Chara Gama
Chudu, 1520
Chombu kure
Suguria chudu
Chaila
Chailar
Ongun
Kerlon
Muljan chara B.
Chuchka
Tschagaldschi
Chalcha-gol
Nula
Ulan
Chaschatu sumo
Ursukin
Tschol choto
Hurutar B.
Pa-la-ha su-tai
Hu-shu
Ho-jen ko la
Holin H.
Ha-la-hua
Holin Gau
Daschamar
Tula-chun
Kaschatu
Hu-ku-li
Tarbagatai
Zugan Pass
Tur-tschi
Chuchur
Hadschin
Nin-zr-schan
Muntschi
Kiung gu
Man tse
Bri
Ta
Kurchi
Mendschuken
Chingan
Dutcha
Barim Pass
Daitsin
Sarakten Pass
Chalantun
Sara
Tschagan
Muktor B.
Kalchi
Chui Tologoi
Chui Bude
Chaschatu sumo
Ulan chara B.
Ongun
Zagan
Bain Zagan B.
Burachi
Kop
Chaila
Kerlon
Tschik tschiraki
Kundulun
Dalai nor
Kumoin bulak
Tak
Tabun tologoi
Kyrylun

Doc 3294-9

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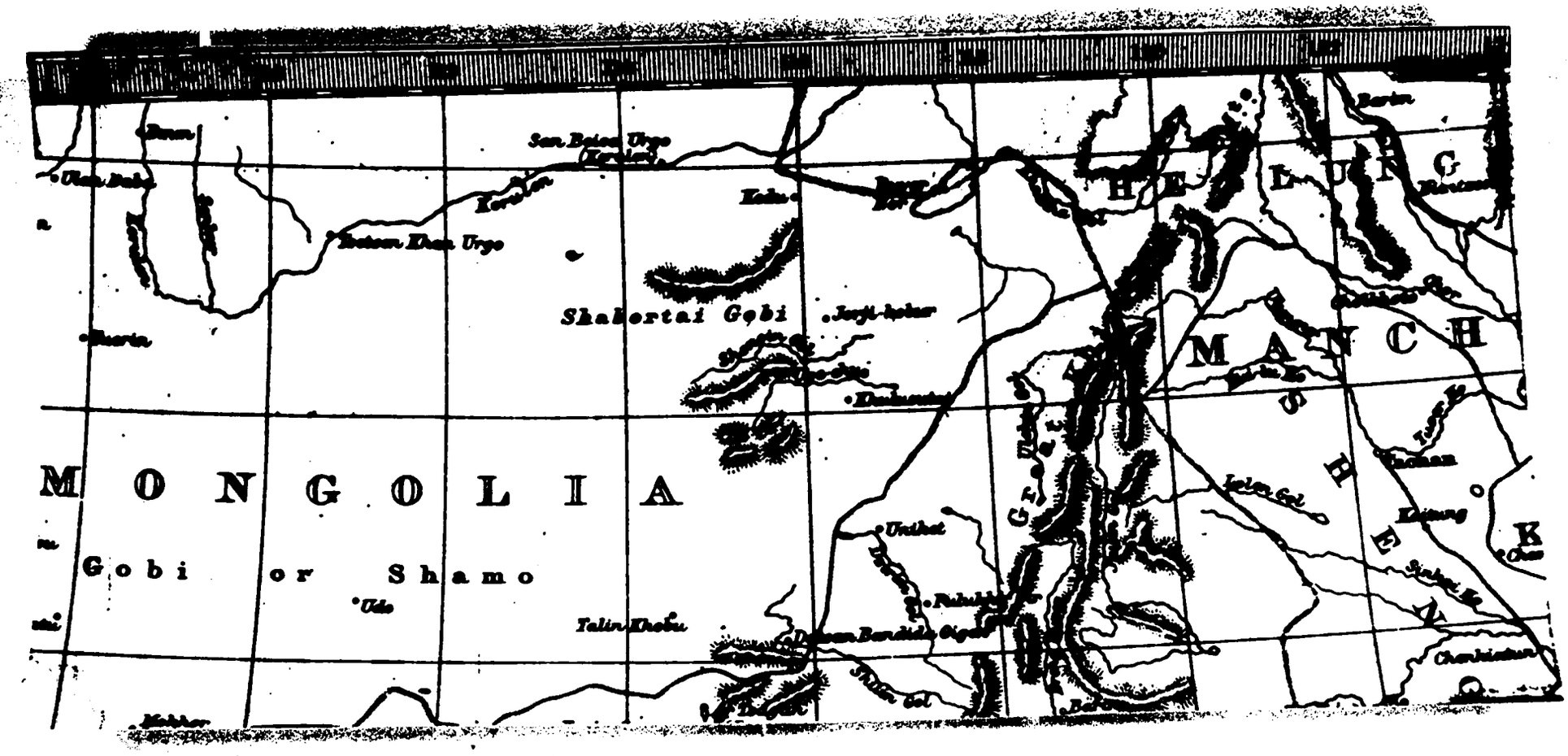
# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「ユヌ、ア、バセンコ」ハ茲ニ別添地圖寫眞ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第九號トナツテ居ル左記地圖ヨリノ為眞寫ノ擴大サレタル一部ナルコトヲ證明スル。

支那地圖「王國近世地理卓上地圖書」
(THE HANDY ROYAL ATLAS OF MODERN GEOGRAPHY)
「ジョンストン」(JOHNSTON)
第六二一六三頁、一九二七年版倫敦

ソ聯檢察部記錄室長陸軍少佐「ユヌ、バセンコ」


MONGOLIA
Gobi or Shamo
Shabortai Gobi
Talin Khobu
Udo
Unihet
Shilin Gol
Barin
Chenkiatun
Kaitung
Sinkai Ho
Lolon Gol
Tacman
Tuerin
Ulan Daba
Kodu
Jorji-hobur
Khukusutai
Tootsen Khan Urgo
San Beisa Urgo
Korulen
Mokhor

Doc. 3294-8

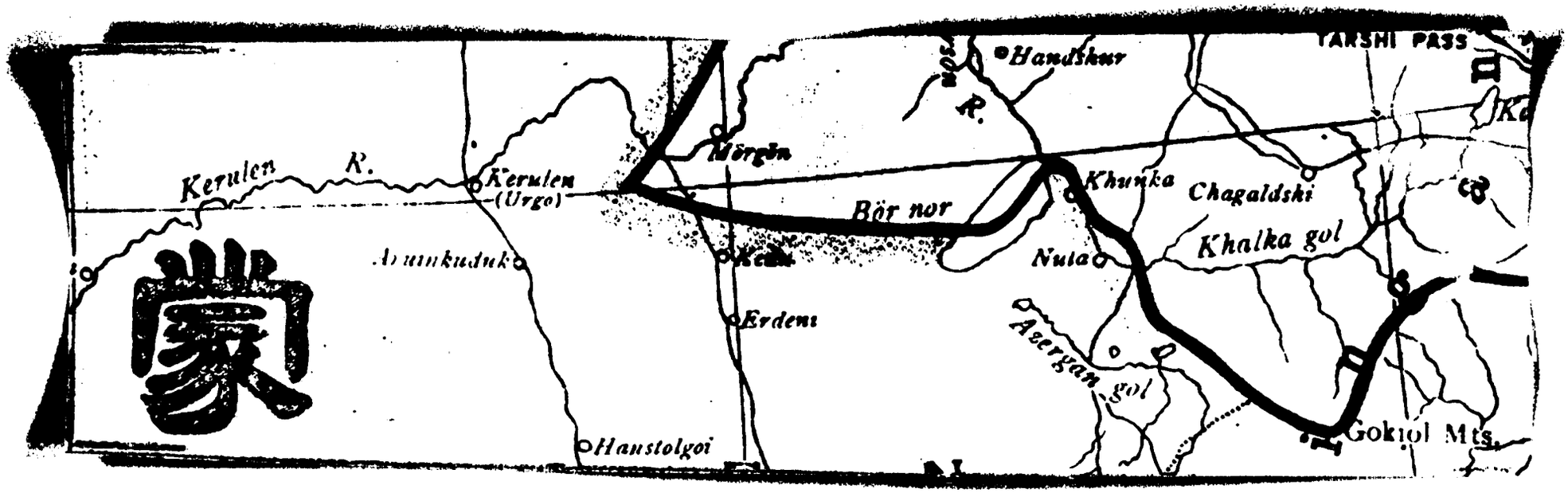
Cert.

證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ・ア。バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第八號トナツテ居ル左記地圖ヨリ寫眞寫ノ擴大サレタ一部ナルコトヲ證明スル。

蒙古人民共和國地圖。上海市出版

ソ聯檢察部記錄室長陸軍少佐「エヌ・バゼンコ」



TARSHI PASS
Handshur
R.
Kerulen R.
Kerulen
(Urgo)
Mörgön
Khunka
Chagaldshi
Bör nor
Khalka gol
Nula
Erdeni
Azergan gol
Gokiol Mts.
Hanstolgoi

Cert.

Doc. 3294-7.

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ・ア。バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第七號トナツテ居ル左記地圖ヨリノ寫眞寫ノ擴大サレタル一部ナルコトヲ證明スル。

二十万分ノ一縮尺圖。蒙古人民共和國教育用圖、ライプチツヒ」市出版

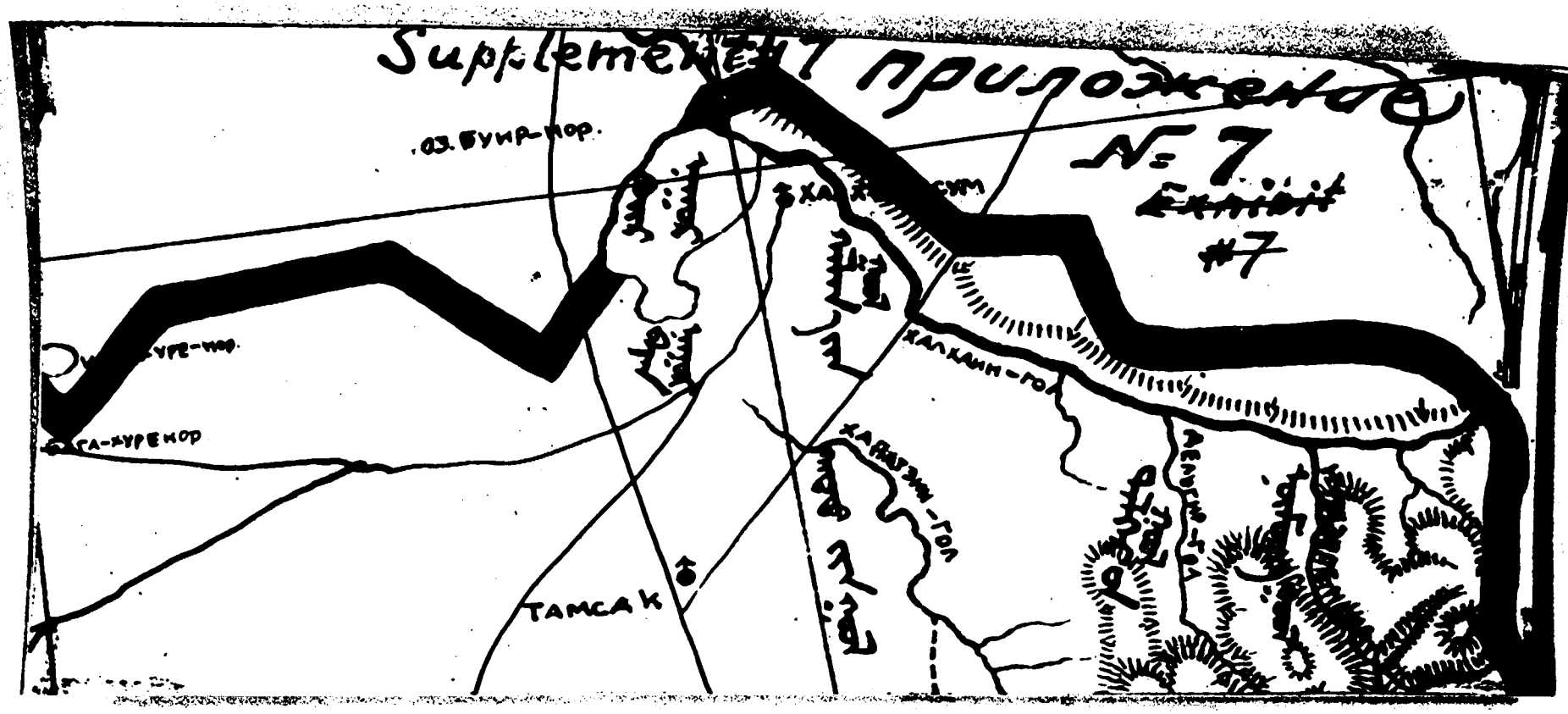
ソ聯檢察部記錄室長陸軍少佐「エヌ。バゼンコ」

Supplement приложение

№ 7

Exhibit

#7



Cert. -A

Doc. 3244 - 6

# 證　明　書

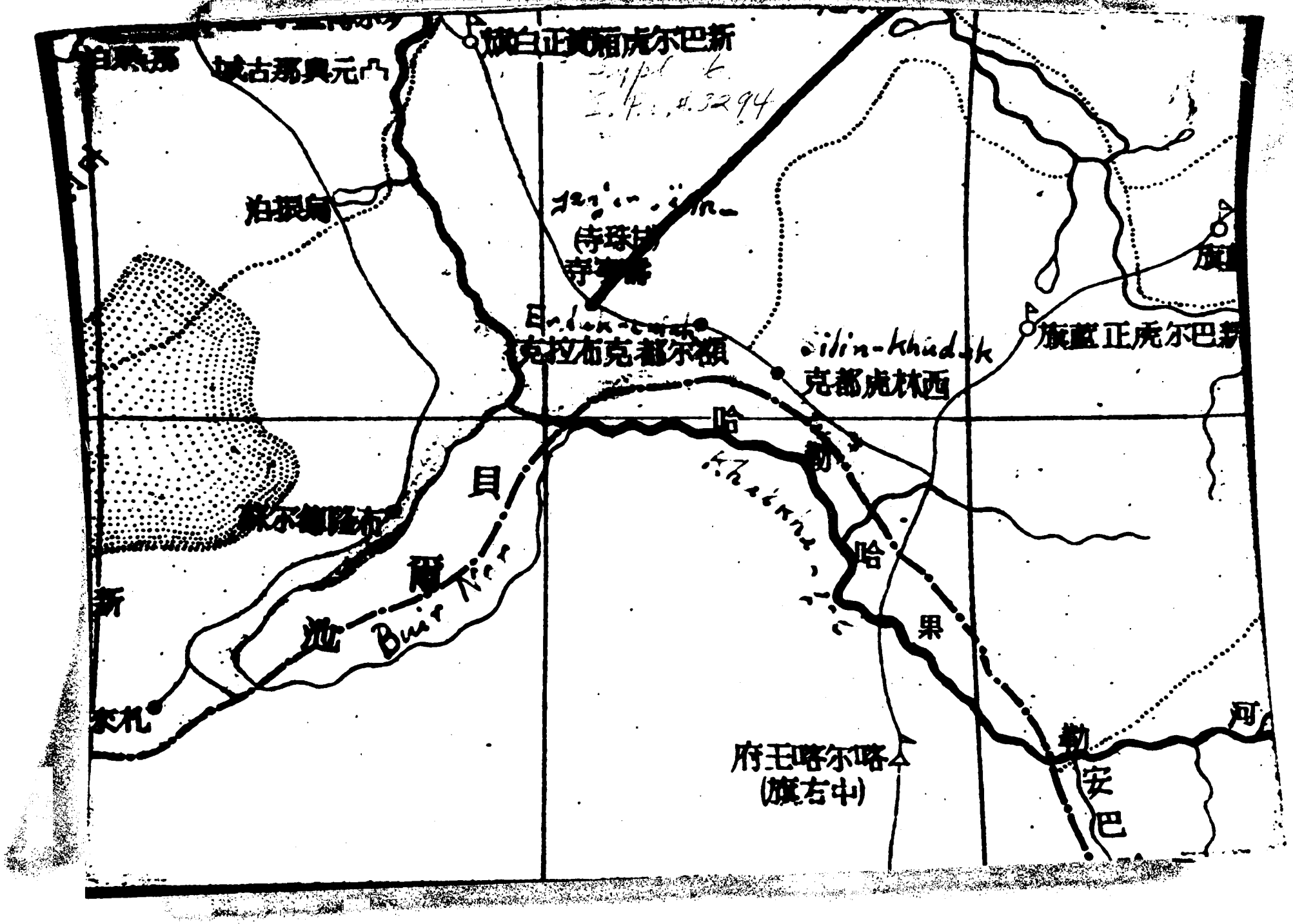
余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ、ア、バゼンコ」ハ玆ニ別添地圖寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附副書書ニ附属第六號トナツテ居ル左記地圖ヨリノ寫眞寫大サレタル一部ナルコトヲ證明スル。

ソ聯檢察部記錄室長陸軍少佐「エヌ、バゼンコ」

黒龍江明細地圖

亞新地學社印行

縮尺二百万分之一



新巴尔虎正黄旗
城古那興元凸
泊振扁
克拉布克都尔額
克都虎林西
旗蓝正虎尔巴新
哈
勒
哈
果
勒
安
巴
河
貝
爾
池
Buir Nor
新
木札
府王喀尔喀
(中右旗)

Cert.

Doc. 3294-5

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ、ア、パゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第五號トナツテ居ル左記地圖ヨリノ縮少サレタル一部ナルコトヲ證明スル。

二十万分ノ一、縮尺圖ノL第一五〇—一III

東半勞農赤軍軍事地形測量局一九三六年版

ソ聯檢察部記錄室長陸軍少佐「エヌ、パゼンコ」

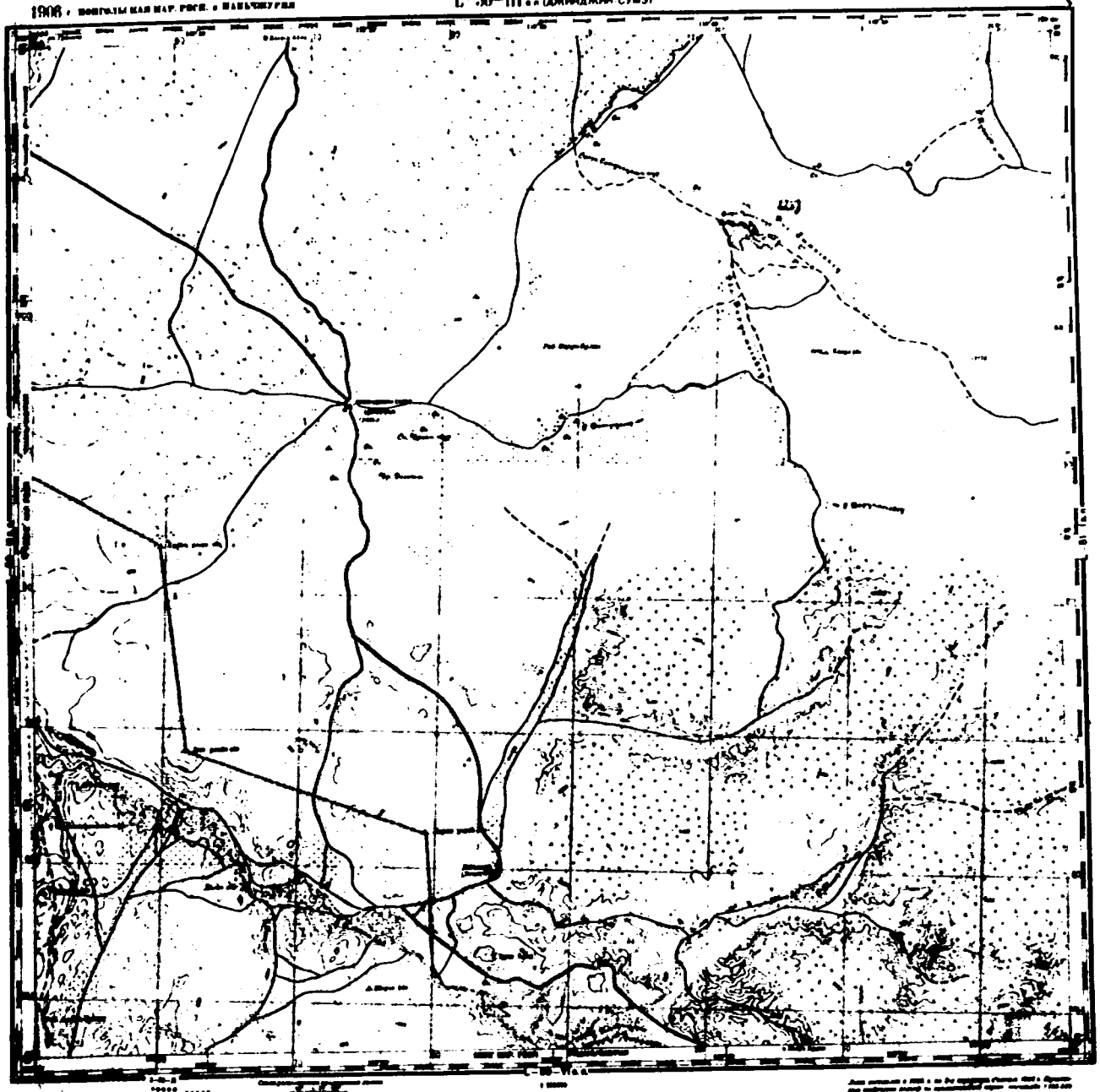
IPS doc #3294

Supplement #5

Приложение N-5

УПРАВЛЕНИЕ ВОЕННЫХ ТОПОГРАФОВ РККА

L 50-III



Cert

Doc. 3294-4

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ・ア・バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第四號トナツテ居ル左記地圖ヨリノ續少サレタル一部ナルコトヲ證明スル。

五十萬分ノ一縮尺圖ノ五葉—五十—Ⅰ(ベ)勞農赤軍軍事地形測量局一九三六年版

ソ聯檢察部記錄室長　陸軍少佐　「エヌ・バゼンコ」

IDSdoc#3294

УПРАВЛЕНИЕ ВОЕННЫХ ТОПОГРАФОВ РККА

Масштаб 5 километров в 1 сантиметре

ОЗ. ВУНР-НУР

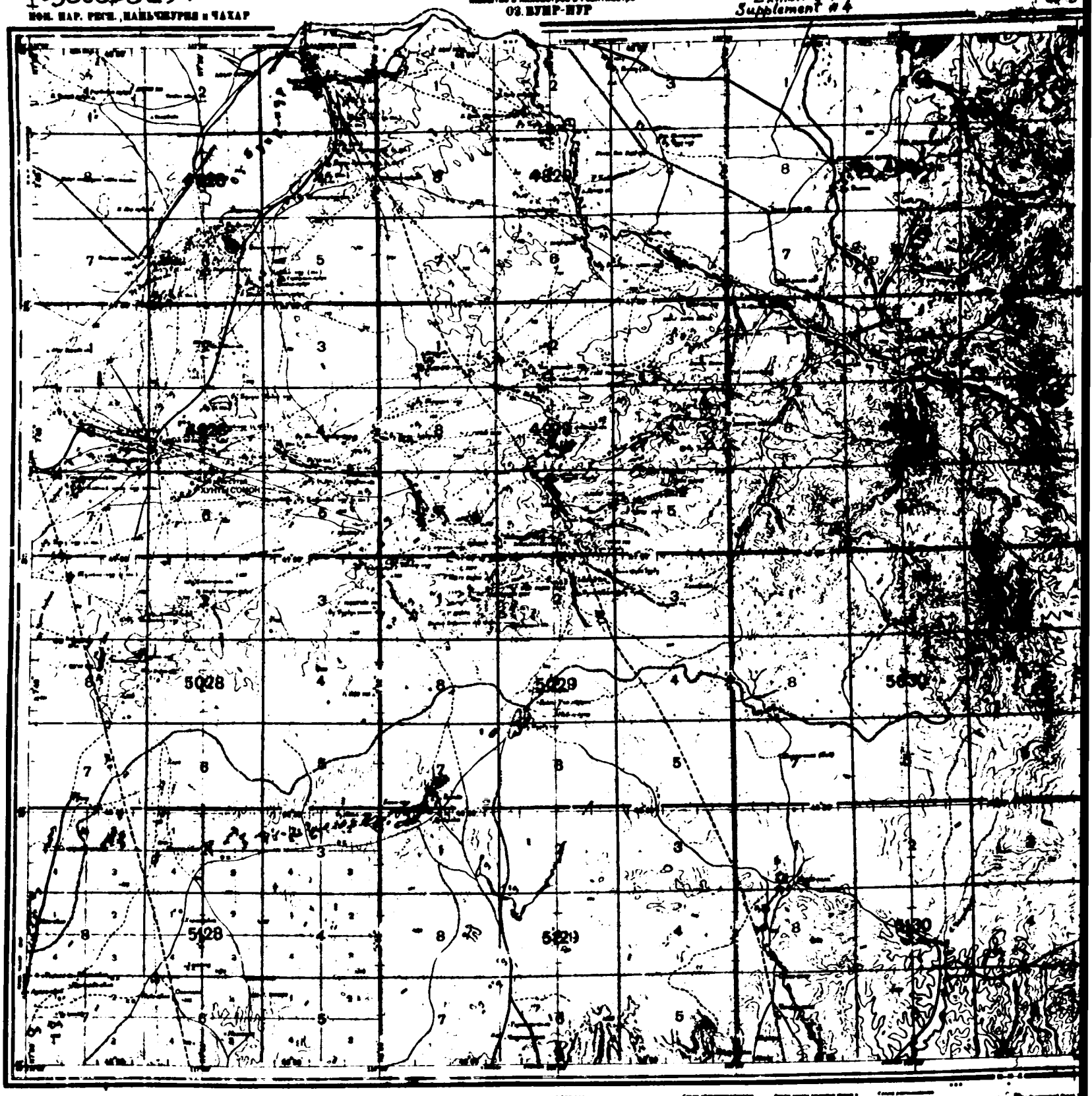
Приложение №4.

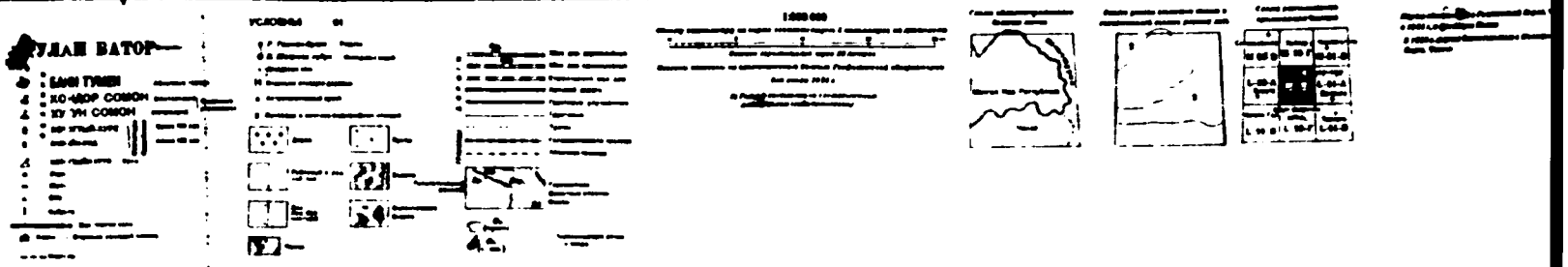
~~Exhibit #4~~

Supplement #4

НЕ ПОДЛЕЖИТ ОГЛАШЕНИЮ

МОН. НАР. РЕСП., МАНЬЧЖУРИЯ и ЧАХАР



Doc#3294

УПРАВЛЕНИЕ ВОЕННЫХ ТОПОГРАФОВ РККА

Масштаб 5 километров в 1 сантиметре

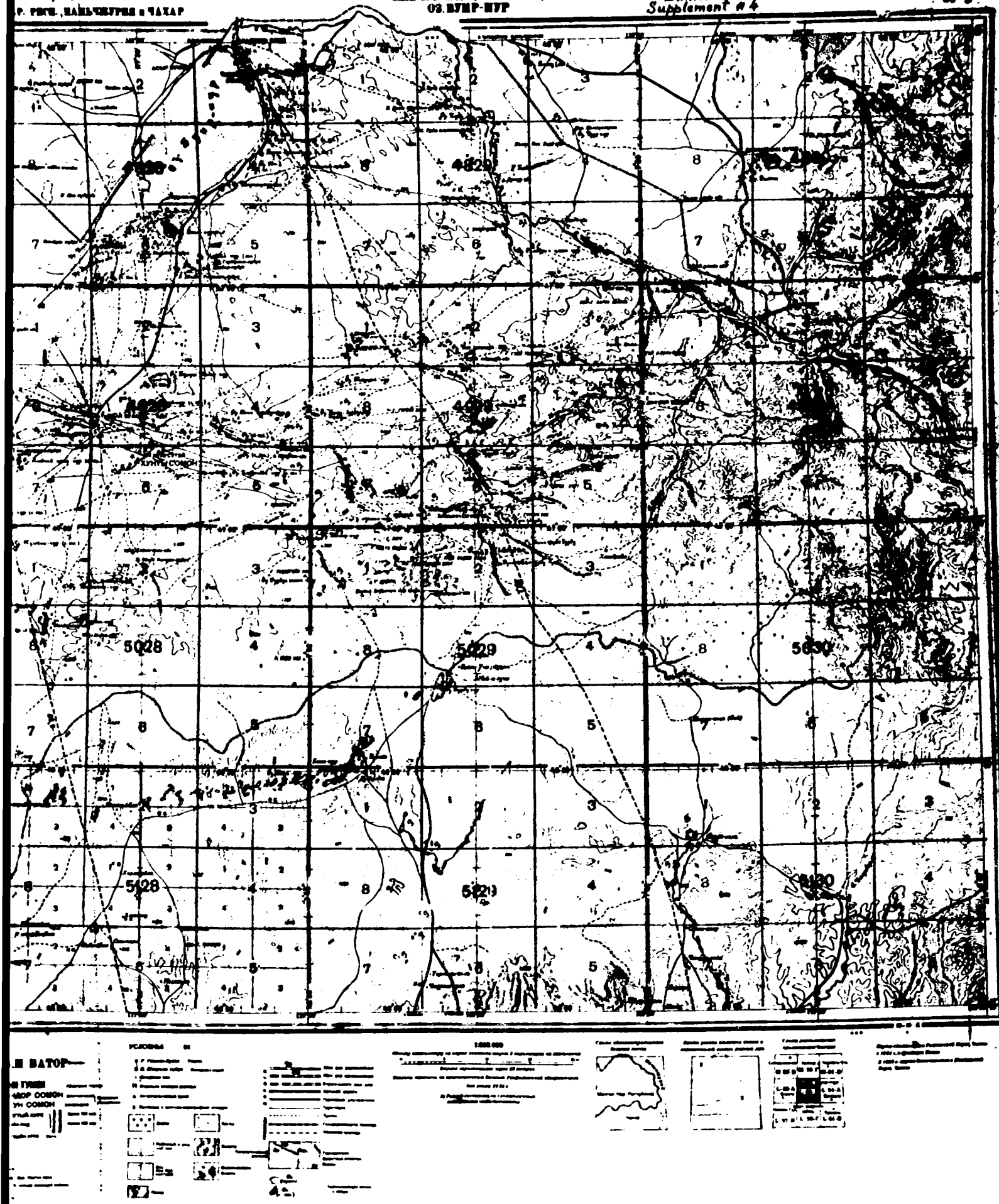
ОЗ. ВУНР-НУР

Приложение №4.

~~Exhibit #4~~

Supplement #4

НЕ ПОДЛЕЖИТ ОГЛАШЕНИЮ



IPS doc #3

Cert.

Doc. 3294-3

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「ユヌ・ア・バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第三號トナツテ居ル左記地圖ヨリノ縮小サレタル一部ナルコトヲ證明スル。

四十「ヴヨルスト」地圖第七葉（「ブラテヴエシシチエンスク」有々哈爾）勞農赤軍軍事地形測量局一九三五年版

ソ聯檢察部記錄室長　陸軍少佐「ユヌ・バゼンコ」

IPS doc # 3294

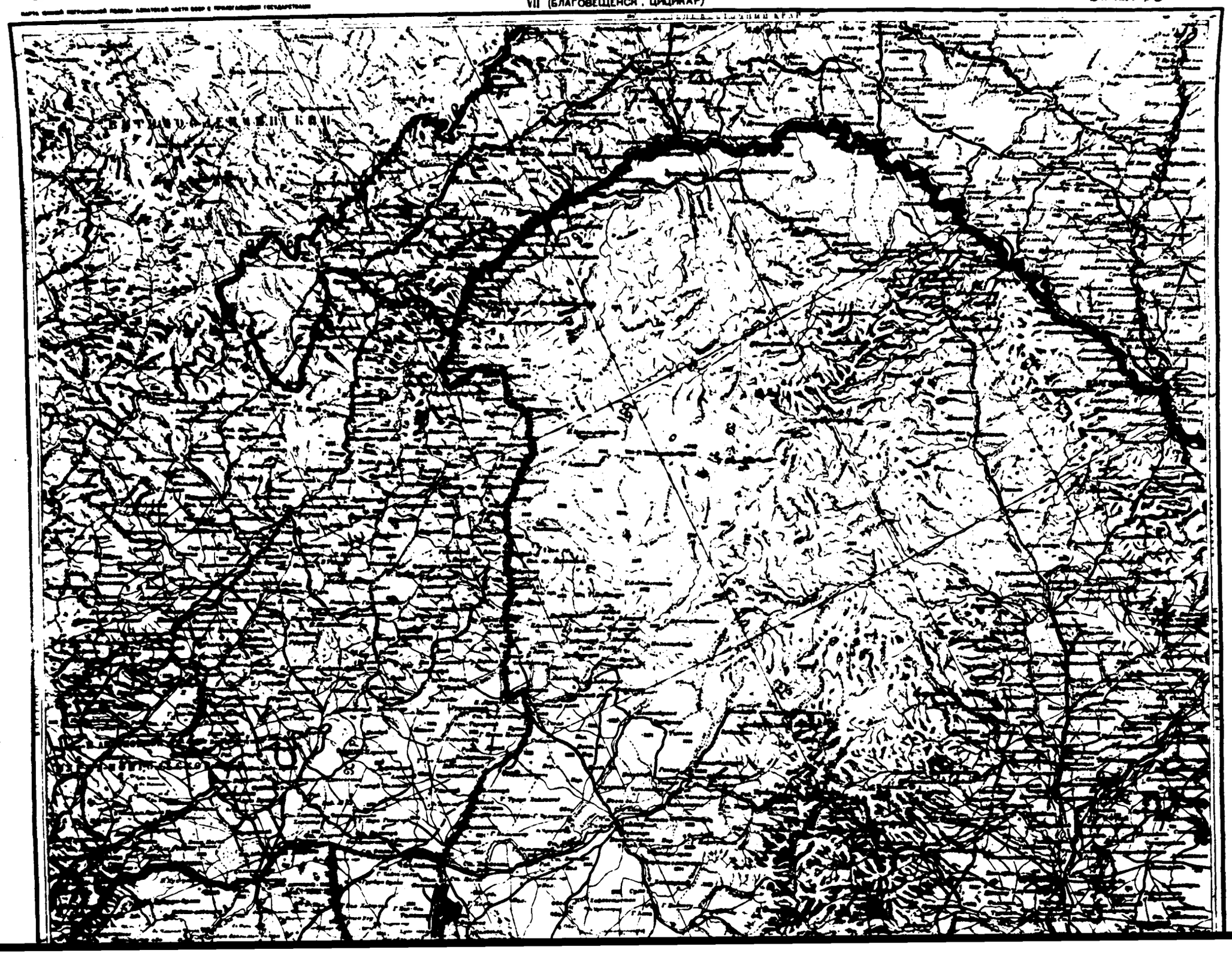
Supplement #3

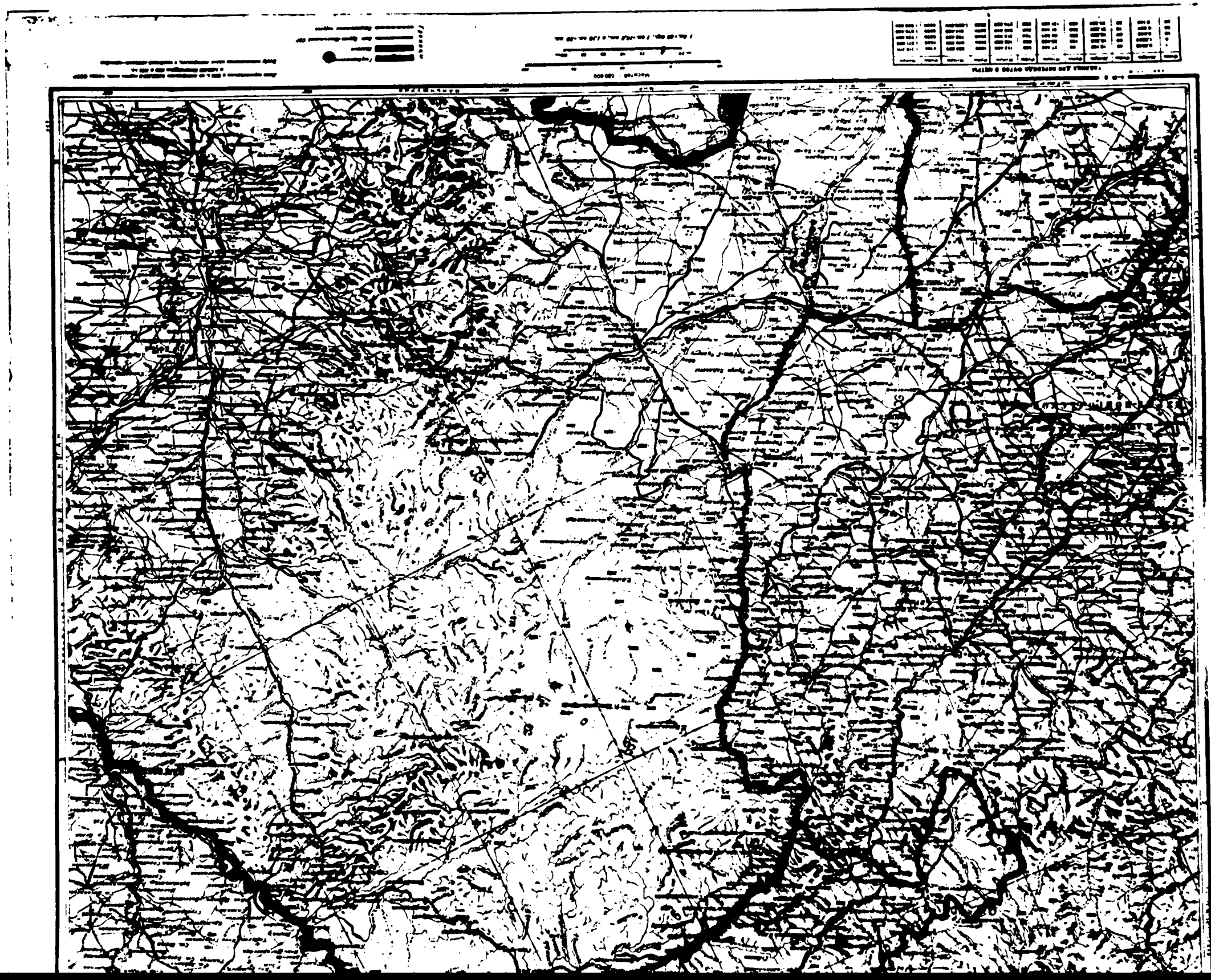
Приложение N-3

~~Exhibit #3~~

УПРАВЛЕНИЕ ВОЕННЫХ ТОПОГРАФОВ РККА

VII (БЛАГОВЕЩЕНСК, ЦИЦИКАР)





Cert.

Doc. 3294-2

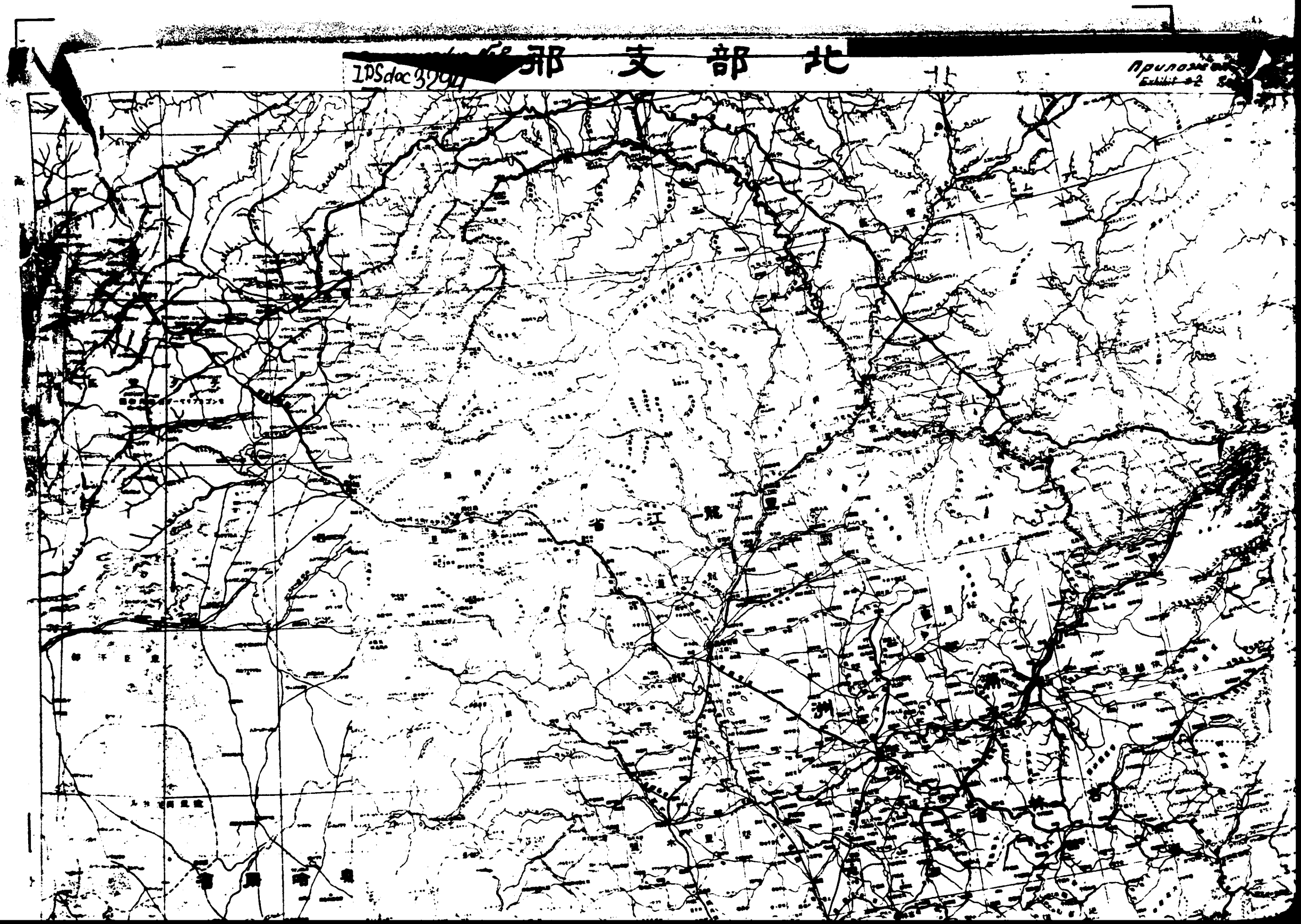
証明書

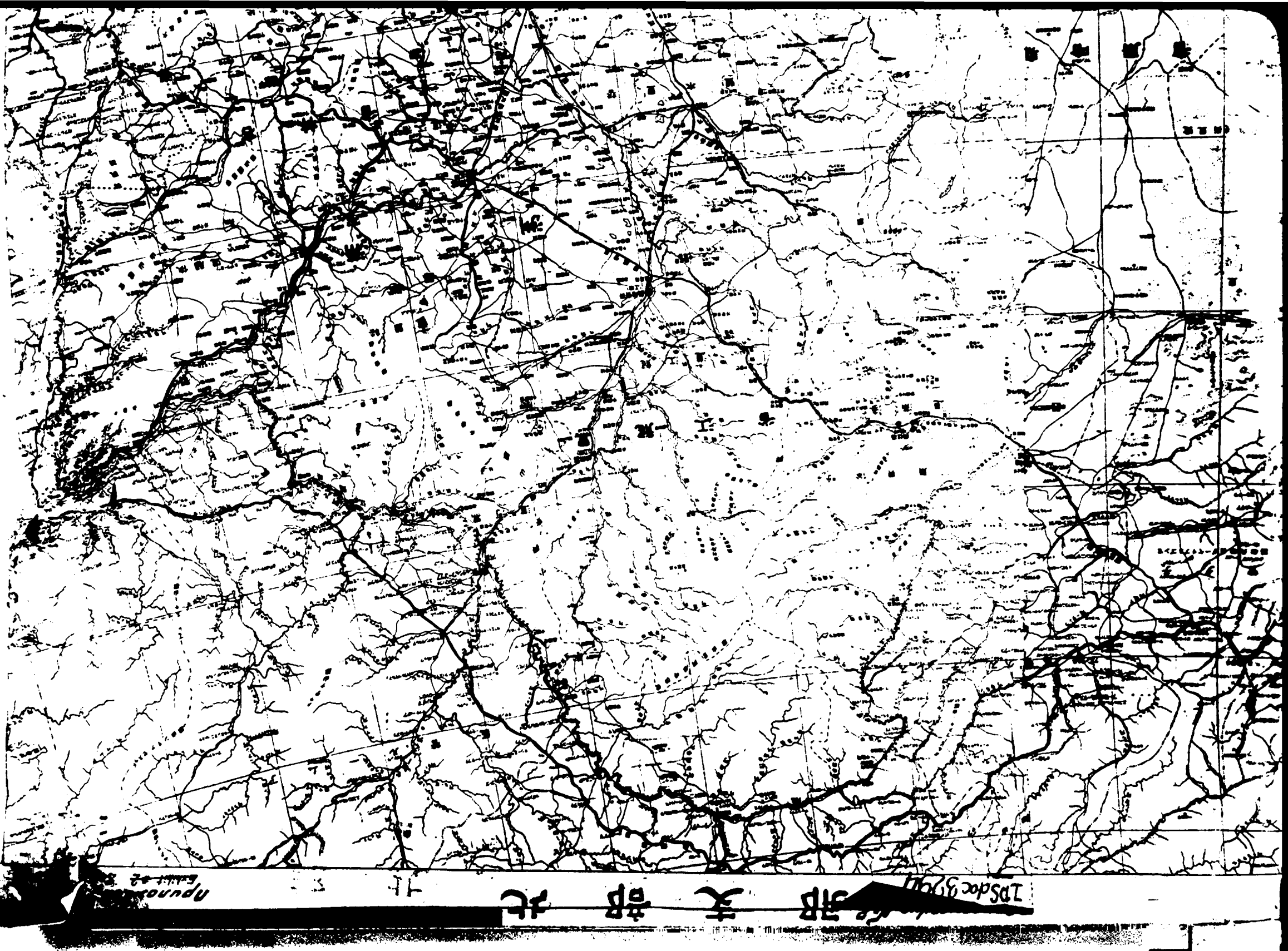
余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ。ア。バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第二號トナツテ居ル左記地圖ヨリノ寫眞寫ノ縮小サレタル一部ナルコトヲ證明スル。

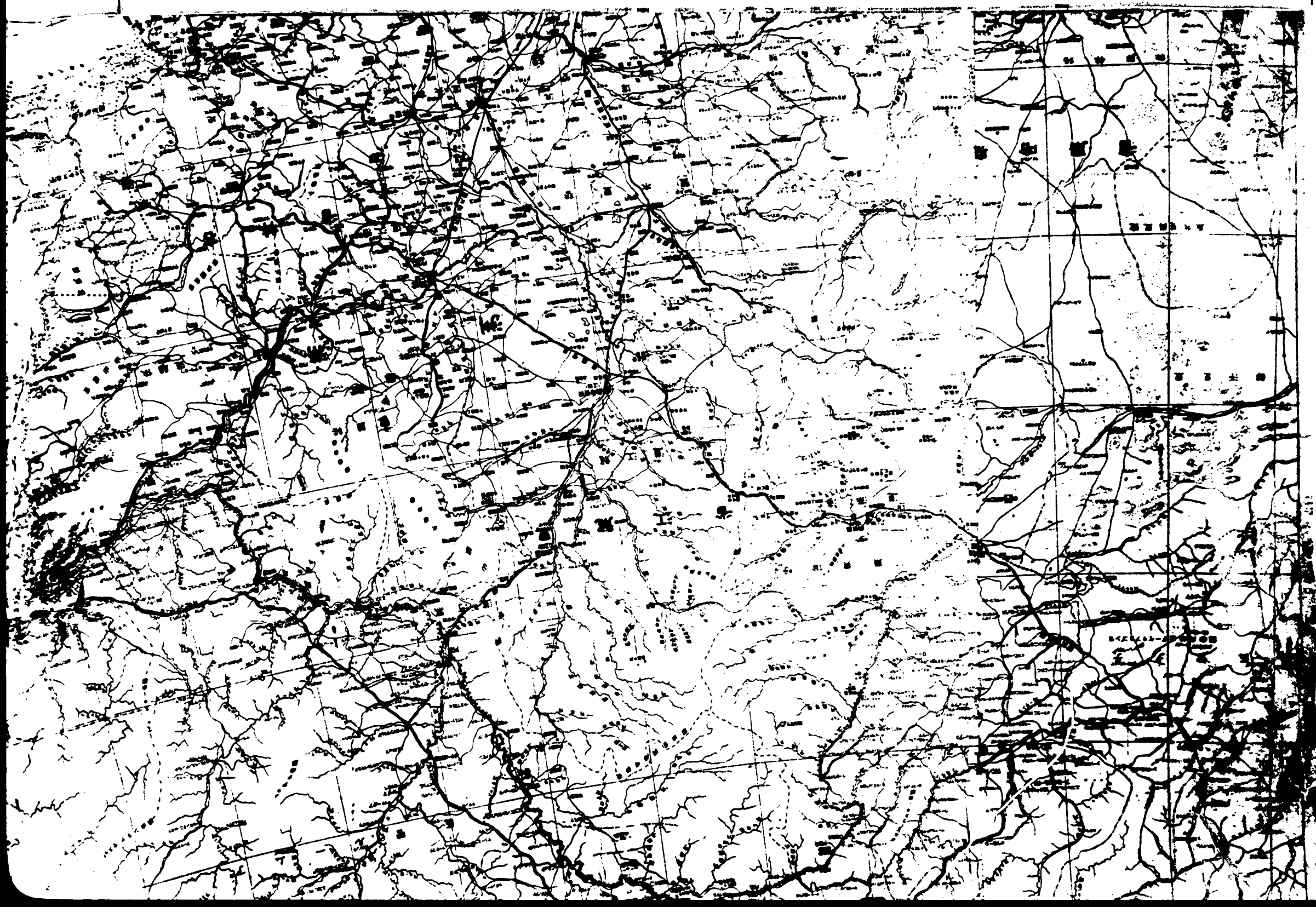
二百五十萬分ノ一縮尺圖「滿洲、北支那及朝鮮」

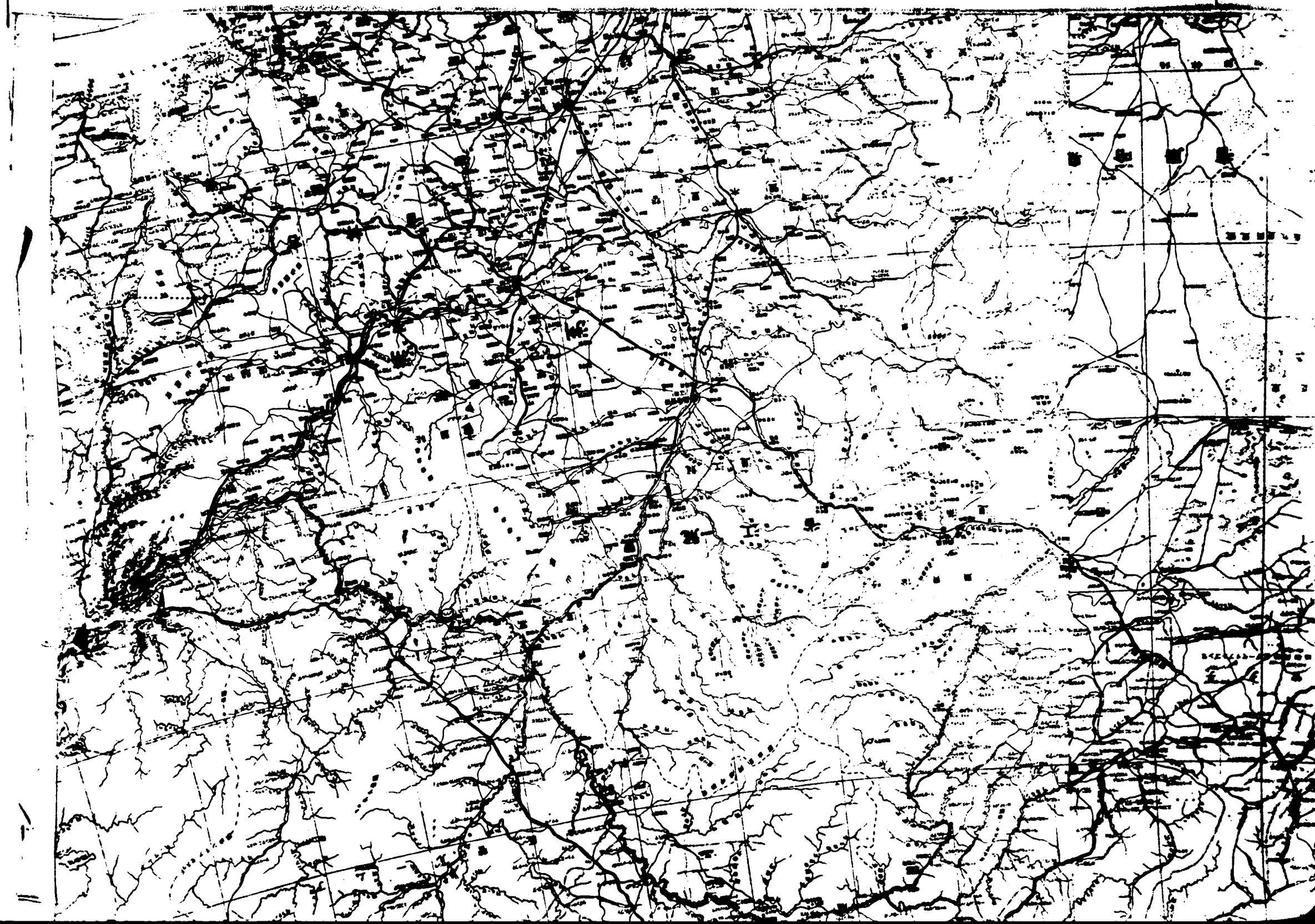
一九三一年中製圖部出版

ソ聯檢察部記錄室長陸軍少佐「エヌ。バゼンコ」


北部支那
IPS doc 3294
Exhibit #2
省江龍
洲
哈爾濱







Cert.

Doc. 3294-1

# 證明書

余、極東國際軍事裁判所ソ聯檢察部記錄室長陸軍少佐「エヌ。ア。バゼンコ」ハ茲ニ別添地圖寫眞寫ハソ聯邦軍參謀本部測量局長ノ一九四七年九月十七日附調査書ニ附屬第一號トナツテ居ル左記地圖ヨリノ寫眞寫ノ縮小サレタル一部ナルコトヲ證明スル。

五十萬分ノ一縮尺圖、「滿洲、察哈爾省、外蒙古」一九三三年中滿洲國軍統帥部出版

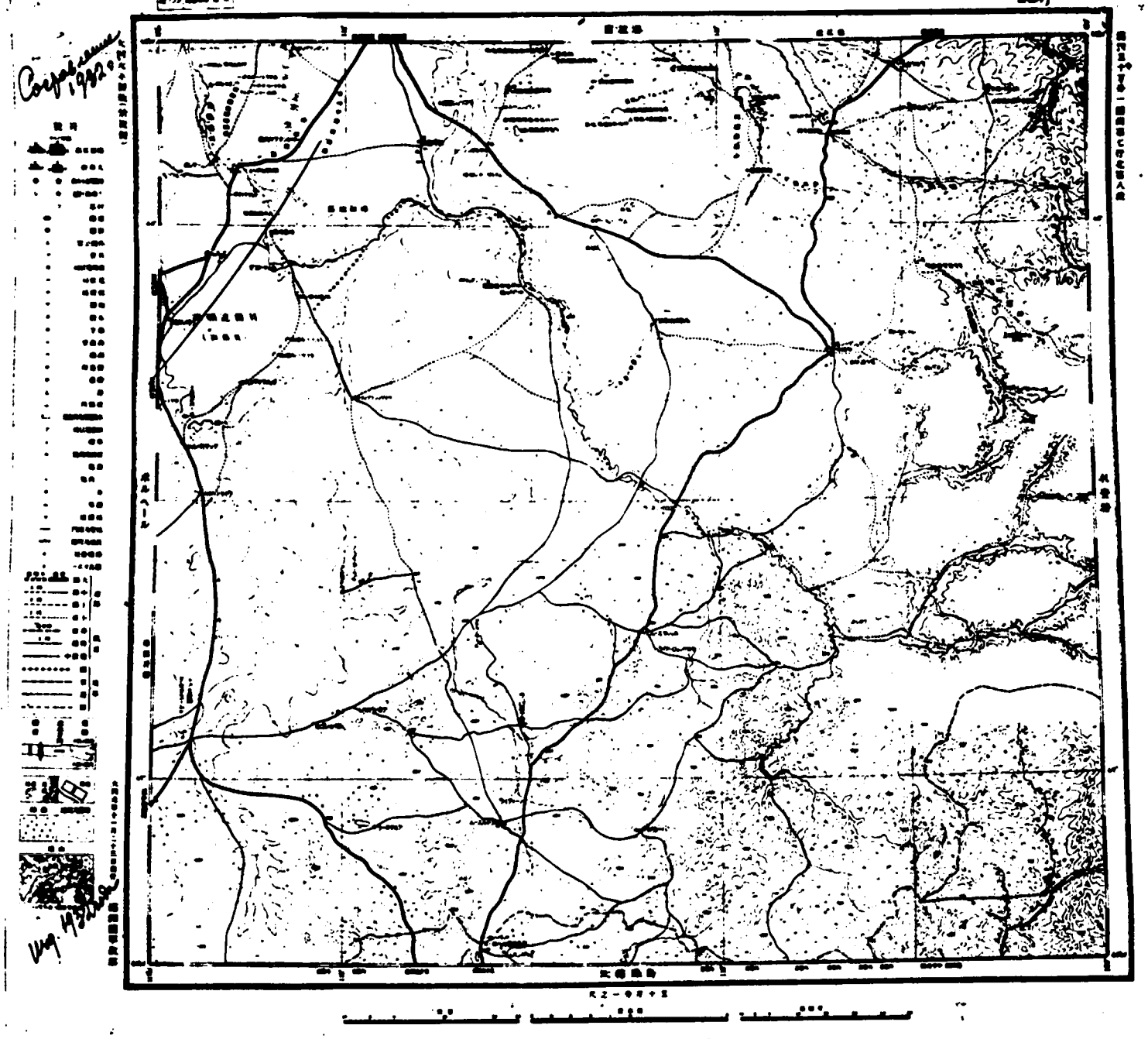
ソ聯檢察部記錄室長陸軍少佐「エヌ、バゼンコ」

IPS doc 3294

Приложение N-1.
~~Exhibit #1~~
Supplement #1

VIII-7

パッサ



Doc. 3294

## 調査書

一九三三年中ソ聯邦「アジア」部ノ百「ヴヨルスト」地圖第七集ガ畫版セラレタ。

コノ第七集ニ於テ「ブイル、ヌール」湖地區ニ於ケル蒙古人民共和國ト滿洲間ノ國境ハ誤ツテ「ハルハ」河ニ沿フテ記入セラレタガ國境ハ「ハルハ」河カラ東方ニ在ル地區ヲ走ルベキデアル。

蒙古人民共和國及滿洲間ノ國境記入ニ際シテ左記ノ日本地圖ヲ利用シタ。即チ

「五十万分ノ一縮尺圖、「滿洲察哈爾省、外蒙古

一九三三年中滿洲國軍統師部出版（附屬第一號）

二百五十万分ノ一縮尺圖、「滿洲、北支那及朝鮮」一九三一年中製圖部出版（附屬第二號）

第七集再版後蒙古人民共和國及滿洲間國境記入ニ誤アルコトヲ發見シタ。ソシテ關係アル記錄中ノ製圖資料、各國ノ地理地圖書及「ブイル、ヌール」湖地區ニ對スル蒙古人民共和國政府ノ書類資料ノ研究ニ對シテ措置ヲ講シタ。

コレ等資料ハ百「ヴヨルスト」地圖第七集ニアル蒙古人民共和國及滿洲間ノ國境ガ誤リテ示サレア

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二、五十万分ノ一縮尺圖ノL集ー五〇ー五

勞農赤軍軍事地形測量局一九三六年版（附屬第四號）。

三、二十万分ノ一縮尺圖ノL集ー五〇ー四東半

勞農赤軍軍事地形測量局一九三六年版（附屬第五號）。

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一、黒龍江明細地圖縮尺二百万分ノ一、亞新地學社印行

二、二十万分ノ一縮尺圖、蒙古人民共和國教育用圖「ライブチヒ」市出版（附圖第七號）。

三、蒙古人民共和國地圖、上海市出版（附圖第八號）

四、支那地圖、『王國近世地理卓上地圖書』、（The Handy Royal Atlas of Modern Geography）、第六二ー六三頁、一九二七年版、倫敦、（附圖第九號）

五、東部西伯利地圖、『「スチーラー」卓上地圖書』（Stielers Hand Atlas）、「ユスツス、ペルテス」（Yustus Porthes）、第五八頁、一九〇五年版、「ゴタ」、（附圖第十號）。

六、支那地圖、新卓上一般地圖書（New Handy General Atlas）「ジョージ。フィリップ」、（George Philip）一二三ー一二四頁、一九三〇年版、倫敦、（附圖第十一號）

七、支那及日本地圖、『世界地圖書』（World Atlas）、「ランド、マクナー」商會、（Rand Mc Nally & Company）一五二ー一五三頁、一九三三ー一九三四年版紐育（附圖第十二號）。

八、支那及日本地圖、『「タイムス」卓上地圖書』（The Times Handy Atlas）、ジョン。バルトロ

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4

ミュー」（John Bartholomew）六四ー六五頁、一九三五年版、倫敦、（附屬第十三號）。

九、支那及日本地圖、市民世界地圖書（The Citizens Atlas Of the World）、「バルトロミュー」（Bartholomew）、一一二ー一一三頁、一九三五年版、倫敦、（附屬第十四號）

一〇、『亞細亞、諸國及交通概覽』圖、『「コロンムブ」世界地圖書』（Columbus Weltatlas）、「ボール。エステルガルド」（Paul Eostergard）四七ー四八頁、一九三七年版、伯林（附屬第十五號）。

一一、東部亞細亞圖、『「カッペレン」世界地圖書』（Cappelons Vordons Atlas）「カッペレン」、（Cappelons）三三頁（ ）、一九三七年版「オスロ」、（附屬第十六號）、

附錄

前記三十七葉ニ示サレタルモノ

「ソヴイエト」聯邦軍參謀本部軍事地形測量局長

臨時代理

工軍少將（「ゲラシーモフ」）

第二部長　大佐（「マルチャーノフ」）

右相違ナシ　「バゼンコ」（署名）

一九四七年五月十七日

Ec. 3855

Doc. 3294

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二、二百五十万分ノ一縮尺圖、「滿洲、北支那及朝鮮」一九三一年中製圖部出版（附屬第二號）

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右相違ナシ　「バゼンコ」（署名）

一九四七年五月十七日

3856A

Doc. No. 2993-C

Certificate

I, Shigemasa MURAO, Chief of the First Section of the Imperial Library, hereby certify as follows;

1. Name of Document; Latest Great Map of the Chinese Republic

Author: Hidehisa NISHIYAMA

Publisher: ŌSAKAYA-GO Book Store.

Year Published; April, 1932.

Case and Shelf No. 422/128

No. 1 sheet

Above is owned by the Imperial Library, but was let out to the International Prosecution Section, GHQ, at the request of the said Section, on April 3, 1947.

May 2, 1947

/Signed and sealed/
MURAO, Shigemasa /Seal/

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2

Certificate

I, A. I. Maurin, Chief of Archives and Documents Section, Soviet Division, I.P.S., International Military Tribunal for the Far East, hereby certify that the attached photo-map is a photograph of a part of the following map.

Name: Latest Great Map of the Chinese Republic

Case and Shelf No. 422/128 One sheet.

Maker: Hidehisa NISHIYAMA

Publisher: ŌSAKAYA-GO Book Store.

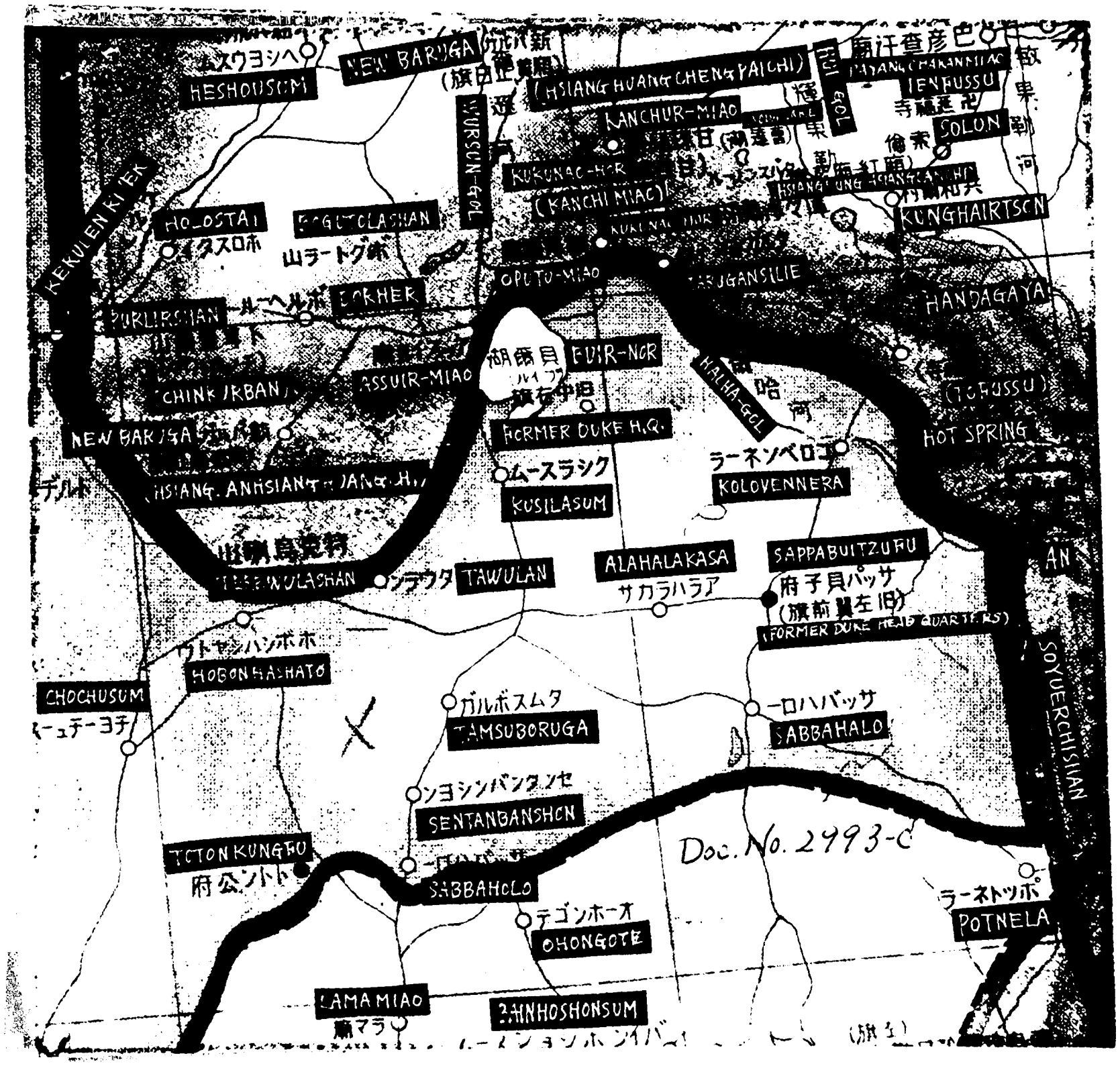
Year published: April, 1932 /7th year of Showa/.

Received from: Imperial Library

May 10, 1947

/signed/ A. I. Maurin,

Chief of Archives and Documents Sec.,
Soviet Div., I.P.S.,
International Military Tribunal
for the Far East.



HESHOUSUM
NEW BARUGA
(HSIANG HUANG CHENG PAICHI)
KANCHUR-MIAO
SOLON
KUKUNAC-HOR
(KANCHI MIAO)
KUNGHAIRTSON
HOLOSTAI
BOGUTOLASHAN
山ラートグボ
KEKULEN RIVER
OPUTU-MIAO
HANDAGAYA
BORHER
ASSUIR-MIAO
FUIR-NOR
HALHA-GOL
(TOFUSSU)
HOT SPRING
NEW BARUGA
FORMER DUKE H.Q.
ムースラシク
KUSILASUM
ラーネンベロコ
KOLOVENNERA
TAWULAN
ALAHALAKASA
サカラハラア
SAPPABUITZUFU
府子貝パッサ
(旗前翼左旧)
(FORMER DUKE HEAD QUARTERS)
SOYUERCHISHAN
HOBON HASHATO
CHOCHUSUM
ガルボスムタ
TAMSUBORUGA
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SENTANBANSHON
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POTNELA
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No. 1 3856A

# 證明書

予は帝國圖書館第一部長村尾成允でありますが左の如く證明致します

即ち

一、書名 最新中華民國大地圖 著者 西山榮久
發行所 大阪屋號書店 發行年 昭和七年四月
一枚 函架番號 222/128

は帝國圖書館ノ所藏でありますが昭和二十二年四月三日聯合軍司令部國際檢察部の要請に基き同檢察部に貸出しました

昭和二十二年五月二日

村尾 成允 (村尾)

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# 證明書

余、極東國際軍事裁判検事局ソヴエート部文書課長ア・イ・マウーリンハ当文書ニ附加セル寫眞地圖ハ左ノ地圖ノ一部分ノ寫眞ナルコトヲ茲ニ證明ス

名稱、最新中華民國大地圖一枚 函架番号 422/128

製作者、西山榮久

発行所、大阪屋號書店

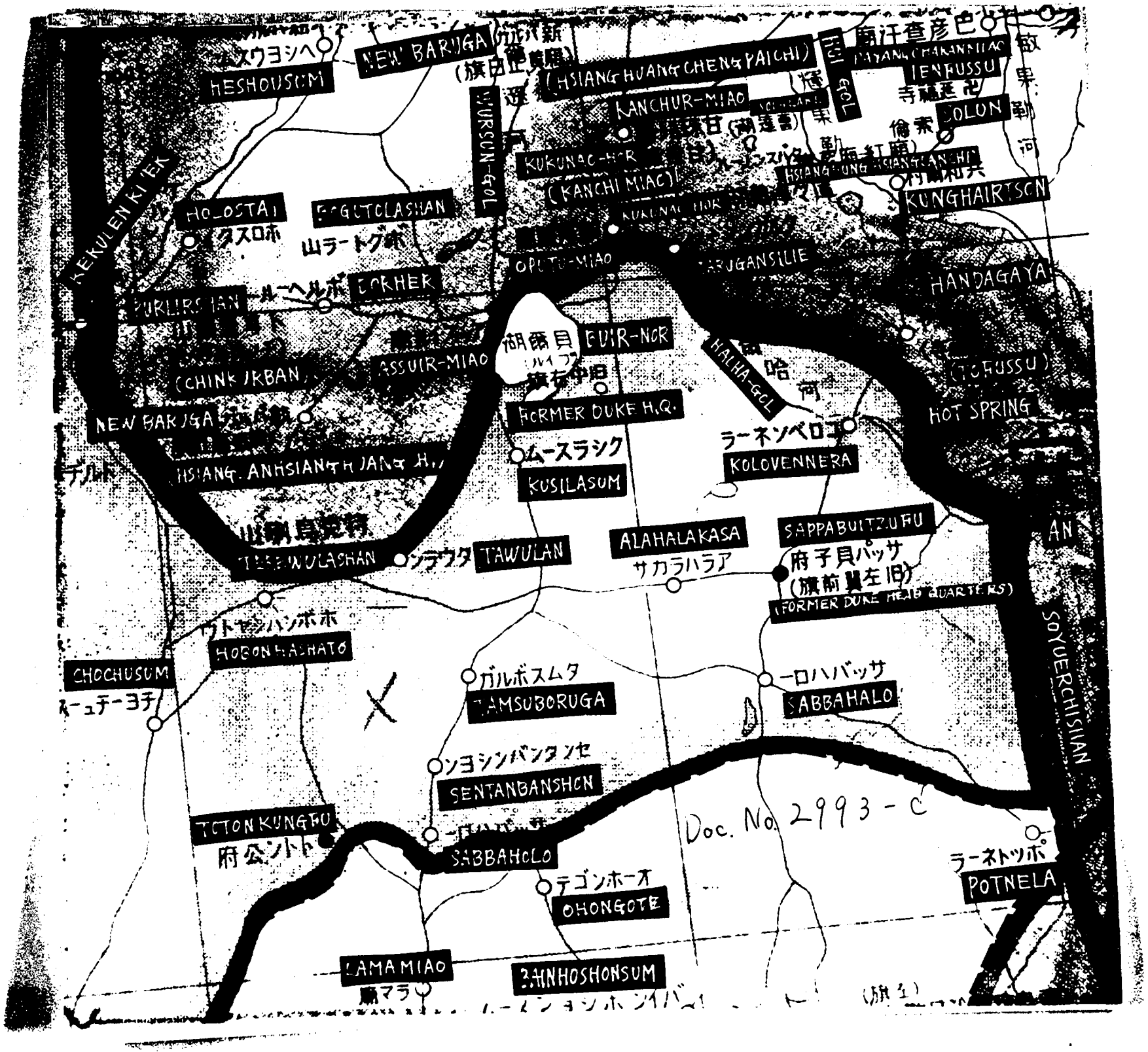
発行年 昭和七年四月

受領先 帝國圖書館

昭和二十二年五月十日

極東軍事裁判検事局ソヴエート部文書課長

(ア・イ・マウーリン)



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BAINHOSHONSUM
SOYUERCHISHAN
Doc. No. 2993-C

IPS Doc. No. 3151 Exhibit No. 3857

AFFIDAVIT

of the witness Bykov Afinogen Erastovich

The City of Tokyo, January 7,1948

I, Colonel Smirnov, Assistant Prosecutor for the U.S.S.R. in the International Military Tribunal for the Far East, interrogated as a witness the undersigned who testified:

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| | | |
|---|---|---|
| Surname, First name, Second name | : | Bykov Afinogen Erastovich |
| Military rank | : | Major |
| Age | : | Born in 1906 |
| Place of employment | : | Second in command of a regiment |
| Address | : | A group of Soviet Occupation forces in Germany |
| Previous trial | : | I have never been under trial. |

The witness has been warned of the responsibility for giving false testimony under Article 95 of the R.S.F.S.R. (The Russian Socialist Federative Soviet Republic).

The oath of the witness is attached to the affidavit.

1. In 1939, I served in the Soviet forces on the territory of the Mongolian People's Republic. At that time my rank was senior lieutenant and I commanded a mechanized rifle battalion of the 11th tank brigade stationed in the town of Undur-han.

On March 1, 1939 Major-General Yakovlev, brigade commander put me in command of a mixed detachment and ordered to march with the detachment to the area of the Mongolian town Tamtsak-Bulak 120-130 kilometers west of the Halhin-Gol river. As Major-General Yakovlev explained to me the purpose of sending the mixed detachment was as follows: in the Halhin-Gol river area, on the sector guarded by the 7th Mongolian frontier guard outpost increased the cases of the boundary line being crossed by the Japanese troops and there were cases when the Japanese kidnapped the Mongolian tsiriks (soldiers) and officers and took them to the Manchurian territory. The purpose of having the Soviet mixed detachment in that area was to prevent the Japanese from similar unlawful actions directed against the Mongolian border-guards.

My mechanized rifle battalion reinforced with an armoured-car (BA-6) company, with a battery of 76 mm. self-propelled guns (4 guns) and with a battery of 122 mm., howitzers (4 howitzers) was a part of the mixed detachment placed under my command.

On May 28, 1939, this detachment was the first unit of Soviet regular troops which engaged in battle with the Japanese Manchurian troops crossing the border of the Mongolian People's Pepublic east of the Halhin-gol river and seizing the part of the Mongolian territory on the eastern bank of that river.

2. On March 5, 1939, the detachment arrived in the area of the town Tamtsak-Bulak and was stationed there.

In the town Tamtsak-Bulak was also stationed the 6th Mongolian cavalry division.

East of Tamtsak-Bulak were neither Mongolian nor Soviet regular troops, but only the Mongolian border-guard outposts.

3. Insofar as the violations of the border were perpetrated by the Japanese on the sector guarded by the 7th Mongolian border guard outpost I went to that outpost in March 1939 in order to investigate the situation at the border.

The 7th border guard outpost guarded the sector of the state border of the Mongolian People's Republic east of the Halhin-gol river beginning from Eris-Ulin-Obo and further to the north in a straight line to Hulat-Ulin-Obo and from that place also in a straight line to Nomongan-Burd-Obo.

In such a way the territory guarded by the outpost was on the eastern bank of the Halhin-gol river 20-22 kilometers in depth in the direction of Nomongan-Burd-Obo east of the river.

The sector of the border guarded by the outpost ended a few kilometers north of the place Nomongan-Burd-Obo.

The bulk of the outpost was on the western bank of the river in the Sumburin-Tsagan-Nur lake area. The outpost daily sent patrols to and set posts on the eastern bank of the river.

The eastern bank of the river was very carefully guarded by Mongolian border guards especially in connection with systematic violations of the state border in that area perpetrated by the Japanese-Manchurian troops beginning from January 1939.

4. On the night of May 15, 1939, the headquarters of the 6th Mongolian cavalry division received a report from the 7th border guard outpost to the effect that on May 11 the Japanese-Manchurian cavalry unit more than 200 men strong crossed the border in the Nomongan area and advanced 15-18 kilometers into the Mongolian territory.

In a clash with that unit several Mongolian border guards were killed. On May 12, 1939, border guard reserves drove the violators of the border into the Manchurian territory.

However on May 14, 1939, up to two squadrons of the Japanese, and Manchurians again crossed the border and advanced into the Mongolian territory on the eastern bank of the Halhin-gol river driving back the border guards.

In connection with that report the Command of the 6th Mongolian division and I decided to go to the location of the 7th border guard outpost to investigate the situation.

About 35-40 kilometers from the 7th Mongolian border guard outpost we came across 2 mounted tsiriks (soldiers) riding on horseback at top speed in the western direction. We stopped them. The tsiriks were carrying a message from the chief of the outpost to the effect that 5 Japanese single-engined dive-bombers raided the outpost and made four bombing runs. During the first two runs the outpost was bombed and then during the last two the outpost was machine-gunned from the air.

We went to the outpost at once and I myself saw the damage inflicted by the Japanese. Three tsiriks were killed, 25 were injured. I saw myself the traces of machine-gunning. On the same day we returned to Tamtsak-Bulak (we had motorcars). I put in a through call to the corps headquarters in Ulan Bator and reported about what had happened.

5. On May 18 by order of the command the Mongolian division went to the Hamardaba mountain area on the western bank of the Halhin-gol river.

By order of the corps headquarters my reconnaissance platoon went together with the 6th Mongolian cavalry division. The first minor clash of Soviet troops with Japanese-Manchurian troops took place on May 22 or 23 when in accordance with the instructions of the corps headquarters I ordered my reconnaissance platoon to cross the Halhin-gol river to its eastern bank and to conduct the reconnaissance inforce on the Mongolian territory seized by the Japanese. I gave strict orders to the platoon commander under no circumstances to cross the state border line.

The reconnaissance platoon went 7-8 kilometers to the east without hindrance and being 12-13 kilometers from the state border line was fired upon by the enemy, surrounded, and fighting broke through the encirclement and withdrew to the western bank of the Halhin-gol river.

6. On May 25 the 6th Mongolian cavalry division crossed the Halhin-gol river to its eastern bank and took up the defensive position 8-10 kilometers from the state border line. My detachment arrived at the Halhin-gol on May 24, 1939.

in accordance with

On May 26 I received an order to put across the river to its eastern bank two mechanized rifle companies, a battery of 45 mm. guns and a few armoured cars. On May 27 I transferred our command post to the eastern bank of the Halhin-gol river, about 9-10 kilometers from the state border line.

On May 26 and 27 Soviet-Mongolian units had no battle contacts with the Japanese. We thought that the border incident was closed.

7. However, on the night of May 28 the Japanese took up the offensive.

It began at about 3 a.m. As I know from the testimony of those taken prisoner the offensive was conducted by a group (which was a part of the 23d infantry division and Bargut cavalry) under the command of Colonel Yamagata, commender of the 64th infantry regiment of the 23d infantry division.

The group contained a part of the 64th infantry regiment, a reconnaissance detachment of the 23d division under the command of Lt.-Colonel Azuma, a motorized company under the command of Captain Kawano, the 8th cavalry regiment and the units of the 1st and 7th Bargut cavalry regiments.

The Japanese tried to outflank the Soviet troops from the left flank to appear in our rear and get to the Halhin-gol river crossing cutting off our way of retreat.

Regular fighting took place in the course of which my detachment lost 65-70 officers and men. At the end of the day of May 28 a regiment of the 36th rifle division under the command of Major Remizov arrived at the Halhin-gol river. That regiment from the march was thrown into action.

This day may be considered as the date of the opening of large-scale hostilities on the Halhin-gol river between the Japanese who violated the border and the units of the Soviet army. Prior to May 28 major clashes of regular troops did not take place.

8. I participated with my detachment in further battles and stayed in that area till the cessation of hostilities and the conclusion of truce. As a participant of those battles I can testify that in all the operations I had strict orders not to cross the state border line and those orders were never broken by me.

I know that the commenders of other units had similar strict orders. I definitely know that during the hostilities there was not a single case of a border-violation on the part of our troops or Mongolian units.

As an eye-witness of the cessation of hostilities I can testify that after the Japanese had been defeated we did not follow them across the border though we had a chance of going forward up to Hailar without encountering resistance. After the cessation of hostilities we took up the defensive along the state border line which remained exactly in the same place in which it had run prior to May 11, 1939.

The affidavit is written in my own hand.

/s/ Major Bykov

Interrogated: Colonel Smirnov
Assistant Prosecutor for the U.S.S.R.
In the International Military Tribunal
For the Far East.

Oath of Witness

The City of Tokyo, January 7, 1948

I, the undersigned Major Bykov Afinogen Erastovich, give this oath to Colonel Smirnov, Assistant Prosecutor for the U.S.S.R. in the International Military Tribunal for the Far East, to the effect that I, being called as witness in the case of major Japanese war criminals, pledge myself to tell the truth and nothing but the truth.

I have been warned of the responsibility for giving false testimony under Article 95 of the Criminal Code of the R.S.F.S.R.

Major Bykov
Afinogen Erastovich

The text of the oath was given to me.

Colonel Smirnov
Assistant Prosecutor for the U.S.S.R.
in the International Military Tribunal
for the Far East.

Doc. 3151 Ex 3867

1

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TO ROOM 361

證人訊問調書

東京、一九四八年一月七日

余、極東國際軍事裁判所ソ連檢察官補佐官大佐「スミルノフ」ハ證人トシテ左記ノ者ヲ訊問シ、同人ハ次ノ如ク證言シタ。

姓名及父稱　「ブイコフ、アファイナゲン、エラストウイチ」
軍人トシテノ官　陸軍少佐
生年　一九〇六年
職　聯隊長代理
住所　在滿洲ソ側占領軍國
前科　ナシ

證人ハ虚偽ノ證言ニ對シ「ロシア」社會主義聯邦ソヴエト共和國刑法第九十五條ニ依リテ生ズル責任ニツキ注意ヲ與ヘラレテ居ル。

（證人ノ請書ハコレヲ訊問調書ニ附属シテアル。）

「一九三九年中私ハ蒙古人民共和國領域内ニアルソ側軍隊ノ中ニ勤務シマシタ。「當時私ハ陸軍中尉ノ官ニ在リマシタ、ソシテ「ウンドウルハン」市ニ駐在シテ居タ第十一戰車旅團ノ機械化狙撃大隊ヲ指揮シテ居リマシタ。

2.

Doc. 3157

一九三九年三月一日私ハ自分ノ旅團長「ヤーコフレフ」少將カラ混成部隊ノ指揮ヲ採リコレヲ率ヒテ「ハルヒン、ゴール」河西方一二〇—一三〇哩ノ蒙古都市「タムツアク吉ブラク」地區ニ進ムヤウ命令ヲ受ケマシタ。「ヤーコフレフ」少將ノ私ニ對スル說明ニ依レバ混成旅團派遣ノ目的ハ次ノ通リデアリマシタ。即チ第七蒙古國境警備哨所ノ警衛シテ居ル地區內「ハルヒン、ゴール」河附近ニ於テ日本側軍隊ノ越境ノ場合ガ頻繁ニ發生シ且ツ日本側ガ蒙古側兵士及將校ヲ捕ヘ及彼等ヲ滿洲方面ヘ拉致シタ事實ガアル。ソ側混成部隊ガコノ地區ニ存立スルコトハ蒙古側國境警備兵ニ對スル日本側ノコノヤウナ不法行爲ヲ抑制スル筈デアル。

2.

Doc. 3157

一九三九年三月一日私ハ自分ノ旅團長「ヤーコフレフ」少將カラ混成部隊ノ指揮ヲ採リコレヲ率ヒテ「ハルヒン、ゴール」河西方一二〇ー一三〇粁ノ蒙古都市「タムツアク吉ブラク」地區ニ進ムヤウ命令ヲ受ケマシタ。「ヤーコフレフ」少將ノ私ニ對スル説明ニ依レバ混成旅團派遣ノ目的ハ次ノ通リデアリマシタ。即チ第七蒙古國境警備哨所ノ警衛シテ居ル地區内「ハルヒン、ゴール」河附近ニ於テ日本側軍隊ノ越境ノ場合ガ頻繁ニ發生シ且ツ日本側ガ蒙古側兵士及將校ヲ捕ヘ及彼等ヲ滿洲方面ヘ拉致シタ事實ガアル。ソ側混成部隊ガコノ地區ニ存立スルコトハ蒙古側國境警備兵ニ對スル日本側ノコノヤウナ不法行爲ヲ抑制スル筈デアル。

2.

Kyoc. 3157

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Doc. 3147

私ノ指揮シタ混成部隊ハ私ノ機械狙撃大隊ガ入ツテ居リ、コノ大隊ハ裝甲自動車中隊（裝甲自動車六）、七六　自走砲中隊（砲四）及ビ一二二粍榴彈砲中隊（砲四）ヲ以テ強化サレテ居リマシタ。コノ部隊ハ「ハルヒン。ゴール」河ノ東方蒙古人民共和國ノ國境ヲ越ヘソシテコノ河ノ東岸ニアル蒙古側領土ノ一部ヲ奪取シタ日滿軍隊ト一九三九年五月二十八日戰鬪ヲ交ヘタ

二、部隊ハ一九三九年三月五日「タムツアク。ブラク」ソ側正規軍部隊ノ中ノ第一ノ部隊デアリマシタ。

市ニ到着シソシテ其所ニ駐屯シマシタ。「タムツアク」市ニハ第六騎兵師團モ駐屯シテ居リマシタ。「タムツアク。ブラク」ノ東方ニハ蒙古正規軍部隊モソ側正規軍部隊モアリマセンデシタ。唯蒙古國境警備兵ノ哨所ダケガアリマシタ。

三、國境ノ侵犯ハ日本側ガ第七蒙古國境警備哨所ノ警備シテ居ル部分デコレヲ行ツタモノデアリマスカラ私ハ一九三九年三月中國境ノ狀況ヲ視察スルタメコノ哨所ヘ赴キマシタ。第七國境警備哨所ハ「ハルヒン。ゴール」河東方ノ蒙古人民共和國ノ國境ノ一部ヲ警備シテ居リマシタ、コノ國境ハ「エリス。ウルイン。オボー」

Doc. 3151

4

部落カラ始マツテソノ先キ北方へ直線デ「フラト。ウルイン。オボー」迄行キ、ソシテコノ地點カラ又直線デ「ノモンハン、ブルド、オボー」ニ到ツテ居リマス。斯様ニシマシテ哨所ノ警衛シテ居タ領域ハ「ハルヒンゴール」河ノ東岸ニ在リ「ノモンハン、ブルド、オボー」ノ方向ニ於テ河ノ東方へ二十乃至二十二粁深入リシテ居リマス。哨所ノ警衛シテ居ル國境ノ部分ハ「ノモンハン、ブルドー、オボー」地點ノ北方數粁ノ所デ終ツテ居リマス。

哨所ノ本部ハ河ノ西岸「スムブリン、ツアガン、ヌル」湖附近ニアリマシタ。河ノ東岸ニハ哨所カラ毎日巡察及歩哨ヲ出シテ居リマシタ。

東岸ハ蒙古國境警備兵ガ極メテ注意深ク警備シテ居リマシタ。特ニ日滿側軍隊ガ一九三九年一月以來ヤルコトニナツタ國境侵犯ガコノ地方ニ於テ常習的ニ行ハレテ居タ關係上注意深ク警備シテ居リマシタ。

Doc. 315!

一九三九年（昭和十四年）五月十四日夜蒙古騎兵第六師團司令部ニ五月十一日二百名ヲ越ユル日滿騎兵部隊ガ「ノモンハン」地區ニ於テ國境ヲ通過シ十五乃至十八粁蒙古領内ニ進出シタト云フ報告ガ到着シマシタ。此ノ部隊ト衝突シタ際蒙國境警備兵波名ガ殺サレマシタ。一九三九年（昭和十四年）五月十二日侵犯者ハ國境警備隊除ニ依リ滿洲領内ニ撃退サレマシタ。然ルニ一九三九年（昭和十四年）五月十四日約二中隊ノ日滿軍ハ新タニ國境ヲ越エ蒙古領内「ハルヒンゴール」東岸ニ進出シマシタ。此報告ニ關連シテ蒙古第六師團首脳部ト私ハ情況ヲ調査スル爲メ第七國境警備哨所在地ニ向ッテ出發スルコトニ決シマシタ。

蒙古第七國境警備哨ヲ距ル三五乃至四〇粁ノ地點ニ至ラントスルトキ吾々ハ全速力デ西方ニ向ッテ馬ヲ追フ二名ノ騎兵ニ遭遇シマシタ。吾々ハ彼等ヲ留メマシタ。兵ハ日本急降下爆撃機五機ガ哨所ヲ襲撃シ四回ノ攻撃ヲ行ヒマシタガ始メノ攻撃ニ於テ哨所ヲ爆撃シ後二回ノ攻撃デ低空カラ機銃掃射ヲ行ッタト云フ哨所長ノ報告ヲ持ッテ行クトコロデアリマシタ。吾々ハ直チ

ニ哨所ニ至リマシタガ私自身日本軍ニ依ツテナサレタ破壊ノ目撃者デアリマシタ。三名ノ兵ハ戦死シ二十五名ノ兵ハ負傷シマシタ。私ハ自ラ機關銃射撃ノ痕ヲ見マシタ。

吾々ハ同日「タムツアク、ブラク」ニ歸リマシタ。（吾々ハ自動車ニ乘ツテ居マシタ）。私ハ直チニ直通線デ「ウラン、バトル」ニ在ル軍司令部ニ事件ヲ報告シマシタ。

（以下次頁ニ續ク）

7

Xl.oc. 3151

五、統帥部ノ命令ニ從ヒ五月十八日蒙古師團ハ駐屯地ヲ撤去シ「ハルビン、ゴール」河西岸「ハマルダバ」山地區ニ向ヒマシタ。軍團師令部ノ命ニヨリ蒙古騎兵第六師團ト共ニ吾ガ斥候小隊モ出發シマシタ。「ソ」連軍ト日滿軍トノ最初ノ小衝突ハ五月二十二日或ハ二十三日我ガ軍團司令部ノ指示ニ從ヒ自分ノ斥候小隊ハ「ハルヒンゴール」河東岸ニ渡リ、日本軍ニヨリ占領サレテ居ル蒙古領内ノ武力偵察ヲ命ジタ時ニ起リマシタ。私ハ小隊長ニ對シ如何ナル場合モ國境線ヲ越エテハナラヌト云フ嚴重ナ指示ヲ與ヘマシタ。斥候ハ抵抗ヲ受ケルコトナク東方ニ七乃至八キロ前進シ、後國境ヲ距ル一二乃至一三キロノ地點ニ至ラントスル中、敵ヨリ射擊ヲ受ケ包圍サレ、戰鬪シテ包圍ヲ脱出シ「ハルヒンゴール」河ニ退却シマシタ。

六、五月二十五日蒙古騎兵第六師團ハ「ハルヒンゴール」河東岸ニ渡河シ、國境線ヲ距ル八乃至十キロノ線ニ在ツテ防禦陣地ヲ占領シマシタ。私ノ隊ハ一九三九年（昭和十四年）五月二十四日「ハルヒンゴール」ニ到着シマシタ。五月二十六日命令ニ從ヒ私ハ機械化狙擊

Xcoc. 3151



兵二ヶ中隊四十五ミリ砲兵一中隊及装甲自動車若干ヲ東岸ニ渡河サセマシタ。五月二十七日私ハ私ノ部隊ノ指揮所ヲ東岸ニ移シ、國境線ヲ距ル約九乃至十キロノ地點ニ置キマシタ。

（以下次頁）

9.

XDoc. 3197

五月二十六日及ビ二十七日ニハ「ソ」蒙部隊ハ日本軍ト戦闘ヲ交エマセンデシタ。吾々ハ國境事件ハ解決シタト考ヘテ居マシタ。

七、然シ二十七日ノ夜日本軍ハ攻撃ニ轉ジマシタ。之レハ夜三時頃始マリマシタ。私ハ捕虜ノ證言ニ依リ知ッタノデアリマスガ攻撃ハ歩兵第二十三師團山縣歩兵第六十四連隊長「級指揮ノ許ニ歩兵第二十三師團及ビ「バルグ!ト」騎兵隊ノ一團ガ行ッタモノデアリマス。此ノ一團ニハ歩兵第六十四聯隊ノ一部、東アスマ中佐ノ指揮スル歩兵第二十三師團偵察隊、河野大尉ノ指揮スル機械化中隊、騎兵第八聯隊並ビニ「バルグート」騎兵第一及第七連隊ニ屬スル部隊ガハイッテ居マシタ。日本軍ハ「ソ」連部隊ノ左翼ヲ迂回シ、「ハルヒンゴール」溝河點ノ背後ニ進出シ吾ガ退路ヲ遮斷セントヲメマシタ。眞ノ戦闘ガ開始サレ其ノ間我隊ハ六十五乃至七十名ノ將兵ヲ失ヒマシタ。

五月二十八日夕刻「レミーゾフ」少佐ノ指揮スル狙撃第三十六師團ノ連隊ガ「ハルヒンゴール」河ニ到着シマシタ。此連隊ハ行軍中ヨリ戦闘ニ加入シマシタ。此日カラ「ハルヒンゴール」河上ニ於テ國境ヲ侵犯シタ日本軍ト「ソ」連軍部隊トノ間ニ大規模ナ軍事行動ガ開始サレタト云フコトガ出來マス。

Kloc. 3151.



五月二十八日迄ハ大ナル狙撃常備軍部隊ハ少シモ居ナカツタノデアリマス。

八、私ハ此ノ地區ニ軍爭行動ガ終ル迄デ居リ且ツ停戰協定ガ締結サレル迄自分ノ隊ヲ率ヒテ爾後ノ戰鬪ニ參加シマシタ。私ハ此等ノ戰鬪ニ參加シ者トシテ私ガ凡テノ作戰ニ於テ國境線ヲ越エルナト云フ嚴重ナ命令ヲ受ケテ居タコト並ビニ私ガ一度モ此命令ヲ破ラナカツタコトヲ證言出來マス。

以下次頁へ續ク

Doc. 3151

11.

私ハ他ノ部隊長等ガ同様ニ斯様ナ絶對的命令ヲ受ケテ居タコトヲ知ツテ居マス。戦闘間吾ガ部隊又ハ蒙古部隊ガ越境シタコトハ一度モ無カツタト云フコトヲ良ク知ツテ居マス。

戦闘行動終了ヲ目撃シタ者トシテ日本軍ガ破レタ後ニ抵抗ヲ受ケズシテ海拉爾迄行ケル完全可能性ヲ持ツテ居タノデスガ吾々ハ國境線外ニ追撃ヲ行ハナカツタコトヲ證言スル事ガ出來マス。戦闘終了後吾々ハ國境線ノ防禦ニ就キマシタガ夫レハ一九三九年（昭和十四年）五月十一日迄夫レガ通ツテ居タ正ニ其ノ場所デアツタノデアリ・マス

調書ハ目分ノ手デ書キマシタ。

陸軍少佐　（「ブイコフ」）

訊問者

極東國際軍事裁判所檢察官補佐官

大佐　（「スミルノフ」）

Cert.

Doc 3171

請　書

余、下記署名ノ「ブイコフ・アファノゲン・エラストーウイチ」少佐ハ極東軍事國際軍事裁判「ソヴエト」連邦補佐檢察官「スミルノフ」大佐ニ對シ日本主要戰爭犯罪人審理ノ證人トシテ眞實ノミヲ述ベル事ヲ約シ、コノ請書ヲ提出ス。

虛僞ノ證言ニ對スルロシヤ共和國刑法第九十五條ノ責任ニツイテハ余ハコレヲ承知ス。

少佐　（署名）

請書受領者

極東國際軍事裁判「ソヴエト」連邦

補助檢察官大佐　（スミルノフ）

Ex. 3858

# AFFIDAVIT OF THE WITNESS

## FRITZ VON PETERSDORF

Moscow, May 12, 1947.

Colonel Rosenblit, assistant Soviet prosecutor of the International Military Tribunal for the Far East interrogated through an interpreter captain Gerasimova as a witness Fritz Petersdorf, prisoner of war, member of the former German army.

Question: Your name?
Answer: Fritz von Petersdorf.

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Q: Your age?
A: 47.

Q: Your last rank?
A: Lieutenant-colonel.

Q: Are you a prisoner of war?
A: Yes, I am.

Q: When and where were you taken prisoner?
A: In 1945 south of Berlin.

Q: What was your post in the German army?
A: I was assigned to the headquarters of an infantry division.

Q: Where is your domicile at present?
A: POW Camp No. 27.

Q: Have any charges been brought against you by Soviet prosecuting or judiciary authorities?
A: No, no charges have been brought against me.

- - - - - - - - - - - - -

The witness is warned that he must tell the truth and nothing but the truth. He is also warned that he bears criminal responsibility for false testimony under article 95 of the criminal code of the R.S.F.S.R. (The Russian Soviet Federative Soviet Republic).

The interpreter captain Gerasimova is warned of the responsibility for a deliberately wrong translation and secretary - stenographer Kubeeva of the responsibility for a deliberately wrong recording of the interrogation.

...tificates of the witness von Petersdorf, interpreter captain Gerasimova and secretary - stenographer Kubeeva are attached to the minutes of the interrogation.

Q: When where you in Japan?
A: From September 1938 to January 1943.

Q: What official posts did you hold in Japan?
A: At first I was language - trainee officer and from December 1938 to December 1942 assistant military attache of the German Embassy in Tokyo.

Q: Who was your predecessor in the post of the assistant military attache?
A: Major, later lieutenant-colonel, Schol.

Q: Who was your successor in that post?
A: Colonel Niemeler, I believe.

Q: Who was your chief?
A: Colonel Mazki before December 1940 and colonel, later major - general Krechmer, after that date.

Q: With what officers of the Japanese General Staff are you personally acquainted.
A: With lieutenant - colonel Saigo, major Kandori, lieutenant - colonel Yamagata, lieutenant - colonel Akita, general Sugiyama Gen, major - general Okamoto and Prince Kanin.

Q: What post did those officers hold?
A: Prince Kanin and general Sugiyama were chiefs of the Army General Staff; major - general Okamoto - chief of one of the divisions of the General Staff; lieutenant - colonel Saigo and lieutenant - colonel Yamagata - chiefs of the German division of the Japanese General Staff; major Kandori and lieutenant - colonel Akita worked in the German division of the Japanese General Staff.

Q: Were you personally acquainted with general Tojo?
A: Yes, I was.

Q: When and under what circumstances did you make his acquaintance?
A: I made his acquaintance in November 1938 during an outing on horseback in the outskirts of Tokyo which was arranged for foreign military attaches and their assistants on the occasion of the conclusion of the anti-comintern pact.

Q: What post did Tojo hold then?
A: I do not know exactly, but I believe that he was commander of the army air force.

Q: How many times did you meet Tojo?
A: I met him several times at official receptions.

Q: When did you see general Tojo last?
A: On January 1, 1943 when I paid him a farewell visit.

Q: Are you acquainted with general Oshima?
A: Yes, I am.

Q: When did you make his acquaintance?
A: I made his acquaintance as far back as the Olympic in Berlin in 1936.

Q: Did you meet him in Japan?
A: Yes, I did.

Q: When did you meet him in Japan?
A: Only once in May 1939, 1940 or 1941. I do not remember the year exactly, but I remember well that it was in May at the farewell dinner given by Oshima at the restaurant "Hoshiga Oka".

Q: Were you acquainted with general Muto Akira?
A: Yes, I was.

Q: When and where did you make his acquaintance?
A: I made his acquaintance and met him several times in the house of the military attache and at the minister's.

Q: What was Muto Akira's position then?
A: He was chief of the military - political department of the Japanese War Ministry.

Q: Why do you call this department military - political?
A: That is how our translators translated the name of that department.

Q: Did you read any official Japanese documents containing military plans of Japan against the Soviet Union?
A: No, I did not read any official documents, but I heard about it during the confidential conversation of the German Ambassador Ott with general Tojo.

Q: Tell in detail about that conversation. When did it take place, on what occasion and what was the subject of the conversation?
A: It was in the summer of 1942 in June or July when Tojo asked Ott to receive him for a confidential talk. Ott agreed and the conversation took place in Ott's office in the Embassy.

Ott, military attache Krechmer and I as an interpreter were present at this conversation from the German side. Prime Minister Tojo, two generals, whose names I do not remember, and captain Yamazaki who acted as an interpreter were present from the Japanese side. At

that time German troops were very successful in North Africa and the Japanese supposed that the German army would reach the Suez Canal. At the same time German troops were successfully advancing in the Caucasus.

Tojo said that German troops should advance as far as Aden and Basra and the Japanese to India and Ceylon via Burma and the border line of their sphere of interests would lie along 70° East.

Then Tojo said that the Anglo-Saxons should be driven out of East Asia and that all the sources of raw materials there would provide Germany with the raw materials necessary for her industry.

Then the conversation turned upon the Soviet Far East. I do not remember exactly whether Ott asked Tojo something or Tojo spoke about the Soviet Far East himself. Tojo said that Japan was a mortal enemy of Russia and that Vladivostok was a permanent threat to Japan from the flank and that in the course of that war there was an opportunity of removing that danger. He said that it was not so difficult to do that as there was an excellent Kwantung army which included the best troops. Tojo gave to understand that Japan intended to make a surprise attack on Vladivostok from land, sea and air at the same time carrying on a diversive operation against Blagoveshensk. I heard the confirmation of that plan of attack on the U.S.S.R. at different times and under different circumstances from the interpreter Kogure, major Kandori and lieutenant - colonel Yamagata.

When in 1942 I visited Yamagata in the Japanese General Staff in reply to my question how the Japanese intended to attack the Soviet Union showed me in silence the Vladivostok and Blagoveshensk directions on the map.

Q: Was it discussed during the conference in Ott's office how far Japan intended to send its troops on the territory of the Soviet Union?
A: During that conversation Tojo gave to understand that it was not sufficient to occupy Vladivostok and Blagoveshensk and that it was necessary to extend the Japanese sphere of influence up to the lake Baikal.

Q: How long did the conference at Ott's office last?
A: About two hours.

Q: What was Ott's and Krechmer's view of the Japanese plan as expounded by Tojo?
A: They kept silence during the conference. During the conference it was Tojo who talked almost exclusively. I know from subsequent conversations with Krechmer that he was in a pessimistic mood. He thought that the Japanese were dispersing their forces. He hoped that a concentrated blow would be struck at the Far East, but not at India.

Q: What in your opinion was the object of Tojo's visit to Ott?
A: I think that Tojo wanted to know from the German ambassador and the military attache whether German troops would reach Aden and Basra at that time. Before launching the offensive Tojo wanted to ascertain if Germany was sufficiently sure of her successes. He wanted to find that out from Ott and the military attache.

Q: Tell about your meeting Oshima at a banquet in the restaurant "Hoshiga Oka".
A: Such dinners are given openly in Japanese restaurants and there are many outsiders. Therefore the Japanese never talk about serious matters during such dinners and all serious matters are discussed with the main guests before dinner. I recall Oshima raising his goblet and saying facetiously "for your Ural and for our lake Baikal", but I know that behind that facetious toast was his real opinion.

Q: How do you know that that was his real opinion?
A: Almost all the officers I talked with said that Oshima was the main representative of aggressive circles advocating an attack on the Soviet Union.

Q: Have you ever heard Muto express any political views?
A: No, I have never heard Muto express any such views as he was very reserved. But his officers said that he also belonged to the aggressive circles; it was intended even to make him the Minister of War due to his business ability.

Q: Did you receive information of military nature pertaining to the Soviet Union from the Japanese General Staff in 1941, 1942?
A: Yes, I did. I received that information from major Kandori and other officers of the German division of the General Staff.

Q: Tell in detail how often you received information and about what?
A: I received all military information about the Russian Far Eastern army, namely: disposition of troops, their strength, military transportations, the details about the reserves, movements of Soviet troops at the European front as well as the data concerning the war industry in the Soviet Union.

Q: How often did you receive information about the military and economic position of the Soviet Union?
A: Prior to my leaving the post of assistant military attache I daily visited the Japanese General Staff in order to furnish them with information about the position on German fronts and if they had information for us from the Russian division it was furnished to me. At first that information was not received so often, but later on I received it twice or three times a week.

Q: What use was made of that information?
A: That information by means of a ciphering machine was transmitted to the attache department of the OKW in Berlin.

Q: Did you often transmit that information to Berlin?
A: That information was transmitted as soon as it was received, first rarely and later on oftoner. Especially important pieces of information passed through the ciphering bureau of the Embassy.

Q: Were you in Manchuria?
A: Yes, I was.

Q: How many times were you in Manchuria?
A: Three times. First time I was in Manchuria with colonel Mazki from May 12 to July 1939. The second time I stayed there for a very short time in May or June 1940. The third time I was in Manchuria in February or in March 1941 also only for a few days when Krechmer was introduced to the Manchurian government he being concurrently the military attache in Manchuria as well.

Q: Are you aware of the strength of the Kwantung army in different periods?
A: Yes, I am.

Q: From what sources do you know that?
A: Partly from the Japanese General Staff, from the German correspondent Richard Zorge from whom we received exact data as to the number of Kwantung army divisions and some of their numbers. From the German mission in Manchuria we also received some data as to the strength of the Kwantung army.

Q: How did you estimate the strength of the Kwantung army as of the beginning of 1941 during your third visit to Manchuria.
A: Approximately 20-30 Japanese divisions.

Q: Do you mean the number of divisions or the number of troops necessary for forming 20-30 divisions?
A: The Japanese said that they had such a number of divisions, but I do not know whether each division was 10 or 20 thousand strong.

Q: In accordance with your observation did the Kwantung army strengthen or on the contrary become weaker after the outbreak of the German-Soviet war?
A: The Kwantung army became stronger in all respects: from the point of view of its personnel, their training, the construction of barracks as well as the construction of fortifications.

Q: Where did you obtain these data?
A: We obtained these data from the German mission in Chungking. Besides I personally received information from General Staff Officers,

particularly from major Kandori. Besides I knew that the Japanese [illegible]s were sent not to China but to Manchuria. The Germans [illegible] from Manchuria said that they had seen troop trains bound for Manchuria. The railway passenger traffic from Japan to Korea and Manchuria discontinued several times. All this was after the outbreak of the German Soviet war in 1941.

Q: What information had you about the strengthening of the Kwantung army during the summer of 1941? You said that at the beginning of 1941 there were 25-30 Japanese divisions. Did their number increase or decrease as of summer 1941?

A: The number of divisions, it seems, was not greatly increased, but the existing divisions were strengthened. Besides the Manchurian troops who existed along with the Japanese were better trained and organized than before. The Japanese officers and NCO's were in charge of that training.

Q: Do you know anything about the technical equipment of the Kwantung army in that period?

A: Major Kandori, for instance, told me that the grenade presented by Hitler to the Japanese General Staff was to be mainly used on the Manchurian place d'armes.

Q: Tell in detail about the grenade.

A: That was a hollow grenade of great piercing capacity which was to pierce the armor up to 8 centimeters thick.

Q: Under what circumstances did Hitler present the Japanese General Staff with that grenade?

A: In spring 1942 lieutenant - colonel Niemeler and captain Merkel, both from the Armament Department arrived in Tokyo on ships breaking through the blockade and brought with them a specimen of a hollow shell with drawings and designs. In a very solemn atmosphere that shell was turned over by them to the Chief of the Japanese General Staff as Hitler's present to the Japanese Emperor. After that Niemeler and Merkel worked in a special Bureau with Japanese officers from the armament department in order to arrange the serial production of that shell in Japan.

Q: How do you know that?

A: I learned about that from the conversations of the military attache with Niemeler during which I was present. Besides I personally received for decoding some telegrams addressed to Niemeler from which his mission in Japan was clear.

Q: Do you know colonel Kaila, the Finnish military attache?

A: Yes, I do.

Q: What do you know about his activity in Manchuria?
A: Colonel Kaila in the autumn of 1942 visited Manchuria at the invitation of the Kwantung army in order to make them familiar with warfare in winter conditions.

Q: How do you know that?
A: I was present when colonel Kaila paid a farewell visit to the military attache Krechmer before going to Manchuria and spoke just about that.

Q: Did you see colonel Kaila after his return from Manchuria?
A: I do not recall that exactly. I may have seen him as he returned from Manchuria to Tokyo before my departure to Germany.

Q: Do you know the results of colonel Kaila's trip to Manchuria?
A: Krechmer told me about the results of that trip. Colonel Kaila told him that he was pleased with the results of his visit and thought that he had instructed the Japanese army well about the conduct of military operations in winter conditions and that his instructions were of value for the Japanese army.

Q: You said that you saw Tojo during your farewell visit to him on January 1, 1943. Describe that visit.
A: I saw Tojo in his office on account of his invitation of all foreign attaches and their assistants to attend the new year's festival of 1943.

Q: Did Tojo say anything during your visit about the plans of Japan as regards the Soviet Union?
A: No, he did not. Tojo only said that Japan would support Germany with different raw materials at her disposal from the occupied areas. As to Germany she had to provide the transport for exporting all those raw materials.

Q: Were any raw materials exported during the war from Japan to Germany?
A: Yes, many raw materials were exported on German ships breaking the blockade.

Q: From whom do you know about that?
A: From admiral Weneker, German naval attache, and also because in January 1943 I was going to Germany on one of the ships breaking the blockade.

Q: What was the name of that transport and what raw and other materials did it carry?
A: It was an Italian ship "Pietro Orseolo". She carried over 1000 tons of rubber, 1000 tons of tin and 100-200 tons of tea.

Q: Where were rubber, tin and tea taken on board?
A: They were taken on board in Singapore.

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The minutes of interrogation were read to me in German, which is my mother tongue.

The record is true and correct which I certify with my signature.

Witness (signed: Petersdorf)

Interrogated: Assistant Soviet Prosecutor of the International Military Tribunal for the Far East.

Colonel (Rosenblit)

Interpreter captain (Gerasimova)

Secretary-stenographer (Kubeeva)

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# C E R T I F I C A T E

I, the undersigned stenographer N.D. Kubeeva, give this certificate to colonel Rosenblit, Assistant Soviet Prosecutor of the International Military Tribunal for the Far East and pledge myself to record correctly the interpreted testimony given by Fritz von Petersdorf relating to the case of major Japanese war criminals.

I have been warned that for a deliberately false recording I bear criminal responsibility under article 95 of the Criminal Code of the R.S.F.S.R.

(Kubeeva)

May 12, 1947

The certificate was given to me.

Assistant Soviet Prosecutor of the International Military Tribunal for the Far East.

Colonel (Rosenblit)

# CERTIFICATE

I, the undersigned interpreter captain L.I. Gerasimova, give this certificate to colonel Rosenblit, Assistant Soviet Prosecutor of the International Military Tribunal for the Far East and pledge myself to interpret correctly the testimony given by Fritz von Petersdorf relating to the case of major Japanese war criminals.

I have been warned that for a deliberately false interpretation I bear criminal responsibility under article 95 of the Criminal Code of the R.S.F.S.R.

(L. Gerasimova)

May 12, 1947

The certificate was given to me.

Assistant Soviet Prosecutor of the International Military Tribunal for the Far East.

Colonel (Rosenblit)

# C E R T I F I C A T E

I, tho undersigned Fritz von Petersdorf, give this certificate to colonel Rosenblit, Assistant Soviet Prosecutor of the International Military Tribunal for the Far East and pledge myself to give true and correct testimony relating to the case of major Japanese war criminals.

I have been warned that for giving false testimony I bear criminal responsibility under article 95 of the Criminal Code of the R.S.F.S.R.

(Fritz von Petersdorf)

May 12, 1947.

The certificate was given to me.

Assistant Soviet Prosecutor of the
International Military Tribunal for
the Far East.

Colonel (Rosenblit)

Interpreter - captain Gerasimova

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# 訊問調書

「モスクワ」ニ於テ一九四七年五月十二日極東國際軍事裁判所ソ聯檢察部次長「ロレゼンブリト」大佐ハ通譯「グラニーモフ」大尉參加ノ下ニ証人トシテ軍事俘虜前紘遠軍「フオン、ペテルス、ドロフ、フリツ」ヲ訊問セリ

問、姓名ヲ申立テナサヘ

答、「フオン、ペテルス、ドルフ、フリツ」

問、何歳デスカ

答、四十七歳、

問、アナタノ最後ノ階級ハ何デシタカ、

答、中佐、

問、アナタハ軍事俘虜デスカ、

答、ソーデス、

問、何時何所デアナタハ俘虜トシテ捕ハレマシタカ

答、一九四五年中、伯杯カラ南方デス、

問、アナタハ此時何ノ資格デ紘之軍ニ勤務[illegible]マシタカ、

答、私ハ或ル歩兵師団司令部附デシタ

問、現在アナタハ何所ニ居リマスカ、

答、軍事俘虜收容所第二十七号

問、アナタハソ聯ノ檢察機関若クハ裁判機関ニヨリテ何等カノ犯罪ニ対シテ責任ヲ問ハレテ居リマスカ

答、イヤ、問ハレテ居リマセン

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No 2

証人ハ眞実唯一ツヲ証言スベク、眞実ノ外ニハ何事モ証言セヌヨウ注意ヲ與ヘラレタ、証人ハ又虚偽ノ証言ヲ與ヘルコトニ対シテハ「ロシア」社会主義聯邦「ソヴィエト」共和國刑法第九十五條ニ依リ刑法上ノ責任ヲ負ハサルベキコトニツイテモ注意ヲ與ヘラレタ、

通譯「ゲラシーモワ」大尉ハ知ツテ居ナガラ正シカラザル通譯ヲ為シタルコトニ対シ、又書記兼速記者「クベーエワ」ハ知ツテ居ナガラ正シカラザル証言記録ヲ為シタルコトニ対シテ、責任ニツイテ注意ヲ與ヘラレタ、証人「フオニ、ペテルドルク」、通訳「ゲラシーモワ」大尉及書記兼速記者「クベーエワ」ノ証書ハ調書ニ附属セシメラレテアル、

問、何時アナタハ日本ニ居リマシタカ、

答、一九三八年九月クラ一九四二年一月迄

問、アナタハ日本ニ居タ時如何ナル公職ニ在リマシタカ、

答、最初私ハ語学研究将校デアリ、一九三八年十二月クラ一九四二年十二月迄ハ在東京独乙大使館附陸軍武官輔佐官デアリマシタ、

問、アナタノ前任者トシテノ誰ガ陸軍武官輔佐官ノ職ニ在リマシタカ、

答、少佐デ、其後中佐ニナツタ「ショーリ」デス。

問、アナタノ後任トシテ誰ガソノ職ニ在リマシタカ、

答、タシカ「ニメレル」大佐デアツタト思ヒマス、

問、アナタノ長官ハ誰デシタカ、

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答、一九四〇年十二月迄ハ「マツキ」大佐、其後ハ大佐デ其後少将ニナツタ「クレチメル」デアリマス、

問、日本参謀本部ノ将校中ノ誰トアナタハ個人的ニ知合デシタカ、

答、西郷中佐、「カンドリ」少佐、山ガタ中佐、秋田中佐杉山元将軍、岡本少将及閑院宮ト知合ヒデシタ、

問、アナタガ今言ハレタ人々ノ官職ヲ言ツテ下サイ、

答、閑院宮ト杉山将軍ハ参謀総長デアリマシタ、岡本少将ハ参謀本部或部長デアリマシタ、西郷中佐及山ガタ中佐ハ日本参謀本部独乙課長デアリマシタ「カンドリ」少佐及秋田中佐ハ日本参謀本部独乙課ニ勤務シテ居マシタ、

問、アナタハ個人的ニ東條将軍ト知合デアリマシタカ

答、ハイ、知合ヒデシタ、

問、何時又ドニナ事情デアナタハ東條ト知合ニナリマシタカ、

答、私ハ一九三八年十一月東京郊外ニ於ケル乗馬散策ノ際知リ合ヒニナリマシタ、コノ催シハ防共協定締結ノ機会ニ於テ外國陸軍武官及ソノ輔佐官ノタメニナサレタモノデアリマシタ、

問、当時東條ハ何デシタカ、

答、確タルコトハ言ヒ兼マスガ当時彼ノ人ハ航空総監デアツタカト思ヒマス、

問、東條ト何回會ヒマシタカ、

答、公式會合ノ席上数回デス、

問、アナタガ東條将軍ト會ツタ最後ノ場合ハ何時デスカ、

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答、一九四三年一月一日私ガ彼ノ所ヘ別レノ挨拶ニ行ッタ
叶デス、
問、大島將軍ト知合ヒデスカ
答、ハイ、
問、何叶彼ト知合ヒニナリマシタカ、
答、一九三六年中伯林デ「オリンピク」ガアッタ時 當 既ニ知合
ヒデシタ、
問、日本デ彼ニ會ヒマシタカ、
答、ハイ、會ヒマシタ、
問、何時彼ト日本デ會ヒマシタカ、
答、一九三九年、一九四〇年カ一九四一年ノ五月中唯一回デス、
年ハ正確ニ想ヒ起シマセン、然シソレハ五月中ノコトデ星
ケ岡茶寮デ大島ノヤッタ送別會ノ席上デアッタコト
ハ良ク覺エテ居リマス、
問、武藤章將軍ト知合ヒデスカ、
答、ハイ、彼ト知合ヒデシタ、
問、何時何處デ彼ト知合ヒニナリマシタカ、
答、陸軍武官邸ト公使ノ所デ知合ヒニナリ数回會
ヒマシタ、
問、当時武藤章ハ何ノ職ニアリマシタカ、
答、日本陸軍省軍事政治局ノ指導者、
問、何故アナタハコノ局ヲ軍事政治局ト呼ビマスカ、
答、自分等ノ所ノ日本人通訳達ハコノ局ノ日本名稱
ヲ左様ニ訳シテ居リマシタ、

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No 5

問、何カ日本ノ対ソ戦争計画ノコトヲ記述シテアル日本側ノ公式文書ヲ讀ム場合ガアリマシタカ、

答、イヤ、私ハ公式文書ヲ讀ムコトハナカッタノデスガ、独乙大使「オット」ト東條将軍トノ秘密会談ノ時ソノコトヲ聴キマシタ、

問、ソノ「オット」東條会談ニツイテ何時行ハレ、ドンナ場合ニ又ドンナコトヲ話シタカ詳シク話シナサイ、

答、ソレハ一九四二年六月カ七月ノ夏ノコトデ東條ガ秘密会談ノ為メ会ッテ呉レト「オット」ニ申出テタ時デアリマシタ、「オット」ハ之ニ同意シテ会談ハ大使館内「オット」ノ事務室デ行ハレマシタ、コノ会談ニハ独乙側ヨリ「オット」、陸軍武官「クレチメル」及通訳トシテ私ガ出席シマシタ、

日本側カラハ東條首相、将軍二名、ソノ性ハ今想ヒ出シマセン、外ニ山崎大尉ガ通譯トシテ出席シテ居マシタ、当時独乙軍ハ北阿デ大成功ヲ収メテ居マシタ、ソレデ日本側ハ独乙軍ガ「スエズ」運河ニ達スルト見タノデス、同時ニ独乙軍ハ成功シツツコーカサス」ニモ進ンデ居タノデシタ、

東條ハイヒマシタ、即チ独乙軍ハ「アデン」及「バスラ」迄進マネバナラヌ、又日本側ハ「ビルマ」ヲ経テ印度及「セイロン」ニ行カネバナラヌ、ソシテ彼等ノ利益圏ノ境界ハ東経七十度ニ沿ッテ通ルノデアリマス

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更ニ東條ハイヒマシタ、即チ「マンゲロ、サクソン」人ハ東亜
ヨリ駆逐セラルベキデアル、又此所ニ存スル原料
ノ有スル産地ハ独乙ニ対シテソノ工業用トシテ
必要ナル原料ヲ供給スルデアロウト、
次テ談話ハ極東ソ領関係ニ入リマシタ「オット」
ガ何カ東條ニ聞イタノデアッタカ、若クハ東條
カ自身ダケデ極東ソ領ノコトヲ話シタノカソノ
点自分ハ正確ニ想ハヒセスコト出来ナイ、
東條ハイヒマシタ日本ハ「ロシア」ノ本来ノ敵デアル、
又浦塩斯徳ハ日本ニトッテ帝ニ側面カラ、脅
威トナッテ居ル、又コノ戦争進行中ニ右危険
ヲ除クタメ都合ノヨイ機会ガアルノデアルト彼又イ
ヒマシタ即チコレヲヤルニトハ格別困難デナイ、ソノタメ
ニハ優秀ナ軍隊ヲ包含シテ居ル立派ナ関東
軍ガアルト、東條ハ日本トシテハ突然、空、海
陸ノ各方面ヨリ浦塩斯徳ニ対シテ攻撃ヲ加ヘ同
時ニ武市ニ対シテ牽制策戦ヲ行ハフトシテ居
ルノデアルト云フ了解ヲ與ヘマシタ
色々ナ時ニ又様々ナ事情ノ下ニ私ハ小暮
ヲ通訳「ガンドリ」少佐及山ガタ中佐カラ右ノソ聯
攻撃計画ヲ確メル話ヲ聞キマシタ山ガタハ一九
四二年中或時私ガ彼ヲ参謀本部ニ往訪
シテ私カラ日本側ハ対ソ攻撃ヲトシテ風ニ定現
シマウトシテ居ルノカト質ネタ時之ニ答ヘトシテ

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N07

默ッタ儘地図ノ上デ浦塩ト武市トヘノ方角ヲ示シタコトガアリマス。

問、「オット」ノ事務室デ会談ノ叶、日本ハドノ位深クソ領ヘソノ軍隊ヲ動カス積リデアルカニツイテノ話ガアリマシタカ。

答、コノ会談ノ叶東條ハ浦塩ヤ武市占領丈ケデハ不十分デ日本ノ勢力圏ヲ「ハイカル」湖迄拡張スル必要ガアルトイウ了解ヲ與ヘマシタ。

問、「オット」ノ所ノ会談ハドノ位長ク續キマシタカ。

答、約二叶間。

問、東條ノユウタ日本側計画ニツイテ「オット」及「クレチメル」ガドンナ考ヲ述ベマシタカ。

答、会談ノ叶彼等ハ默ッテ居マシタ、コノ会談デハ殆ンド東條独リ話ヲシマシタ、其後ノ「クレチメル」トノ会談カラシテ私ハ彼ガ悲観的デアッタコトヲ承知シテ居リマス、彼ハ日本側ガ其ノ力ヲ浪費シテ居ルト考ヘタノデス、彼ハ極東ニ対スル集中的打撃ヲ期待シテ居タノデアッテ印度ニ対シテデハナカッタノデアリマス。

問、アナタ自身トシテハ東條ノ「オット」訪問ノ趣旨ヲドンナ風ニ了解シマシタカ。

答、自分ノ考ヘデハ、東條ハ現在独乙軍ガ「アデニ」ヤ「バスラ」迄達シ得ルカドーカニツイテ独乙大使及陸軍武官カラ知リタイトシテ居タモノト思ヒマス。東條ハ攻撃ヲ始メル前ニ独乙ガ果シテ自分

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N08

成功ニ十分ノ自信ガアルカドーカヲ確メタイト思ッテ居マシタ、彼ハ之ヲ「オット」及陸軍武官ノ所デ明ニシタイト思ッテ居マシタ、

問、星ガ岡茶寮ノ宴會ノ席上アナタガ大島ト会ッタコトニツイテ話シテ下サイ

答、日本料理店デヤル斯種会食ハ開放的ナモノデアリ又関係ノナイ聽手ガ多数居ルソレ故日本人ハコンナ会食ノ席上デハ重要ナコトハ決シテ話サナイ、重要ナ問題ハ總テ会食迄ニ主ナル客トノ間ニ論議サレマス、私ハ大島ガ酒杯ヲ挙ゲテ冗談ニ「アナタノ「ウラル」ノタメニ、ソシテ我々ノ「バイカル」湖ノタメニ」トユウタコトヲ覚ヘテ居マス、然シコノ冗談ノ乾杯ノ背後ニ彼ノ眞ノ意図ガ隠レテ居タト承知シテ居マス

問、ドーシテアナタハソレガ大島ノ眞ノ意見デアッタト承知シマスカ

答、我々ガ話シヲシタ将校ハ殆ト全部大島ハ対ソ攻撃ヲ主張シテル侵略者方面ノ主ナル代表者デアルトユウテ居マシタ、

問、アナタハ何時カ武藤ノ何等カノ政治問題ニ関スル言明ヲ聞キマシタカ

答、武藤カラハ私自身ソノ様ナ言明ヲ耳ニシタコトハ全クアリマセン、トユウノハアノ人ハ非常ニ用心深カカッタノデス、然ッシ彼ノ将校達ハ彼ガ矢張リ侵略者一味ニ属シテ居ルトユウテ居マシタ、彼カ事務的ナル点カニ彼ヲ陸軍大臣ニ擬シタコトスラアリマシタ、

問、一九四一―一九四二年中アナタハ日本参謀本部カラソ聯関係ノ軍事情報ヲ受取リマシタカ、

答、ハイ、受取リマシタ、私ハ日本参謀本部独乙課ノ「カンドリ」少佐及其他ノ将校カラコノ情報ヲ受取リマシタ、

問、ドレ程屢々アナタガ情報ヲ受取リ又何ニ関スルモノデアッタカ詳シク話シテ下サイ、

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答、私ハ「ロシア」ノ極東軍関係ノ総テノ軍事情報即軍隊ノ配置、ソノ数、軍隊輸送、コト並ニ予備軍ニツイテノ詳細、欧洲戦線ヘノ軍移動ノ詳細並ニソ軍ノ軍事工業ニ関スル資料ヲ受取リマシタ。

問、ソ聯ノ軍事及経済状況ニツイテノ情報ヲ度々受取リマシタカ。

答、私ハ私ガ陸軍武官輔佐官ノ職ヲ去ル迄ノ間独乙戦線ノ状況ニツイテノ情報ヲ傳ヘルタメニ毎日日本参謀本部ヘ行キマシタ。ソシテ茲ニソノ時ソコニ「ロシア」班カラ我々ヘノ情報ガアツタラソレヲ私ニ渡シテ呉レマシタ。最初ハコノ情報ハ比較的稀ニ入手シマシタガ後ニナツテハ私ハ毎週二三回受取リマシタ。

問、ソレ等情報ハ何ニ使ヒマシタカ。

答、コノ情報ハ我々カラ暗号機械デ伯林ノ「オーカーウエー」武官部ニ傳達シテ居マシタ。

問、アナタハ度々ソノ情報ヲ伯林ニ傳達シマシタカ。

答、コノ情報ハ受取ルニ伴ツテ傳達シテ居マシタ。最初ハ比較的稀ニ、後デハ段々頻繁ニ、特ニ重要ナ情報ハ大使館ノ電信室経由デヤリマシタ。

問、アナタ自身ハ満洲ニ居マシタカ。

答、ハイ。

No9 問、アナタハ何回満洲ニ行キマシタカ。

答、三回、第一回ハ一九三九年五月十二日カラ六月迄「マツキ」大佐ト一緒ニ満洲ヘ行キマシタ。第二回ハ一九四〇年五月カ六月中極短

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期間行キマシタ。第二回ハ一九四一年二月カラ三月中満洲へ行キマシタ。
「クレメル」ガ在満陸軍武官ヲ兼ネ居タノデ満洲国政府ヘ挨
拶ニ行ッタ時デ総計数日間デシタ。
問、関東軍ノ兵数ハ知ッテマスカ。
答、ハイ、知ッテマス。
問、ドコカラアナタハ之ヲ知ッテマスカ。
答、一部ハ日本参謀本部カラデス、其ノ外獨乙通信員「リハ
ルド、ゾルゲ」カラデス、我々ハコノ人カラ関東軍師團数ニツイ
テ正確ナ資料並師團或ル番號ニ得マシタ。従満獨乙公
使館カラモ関東軍ノ兵数ニツイテ或ル資料ヲ受取リマシタ。
問、一九四一年初迄ニアナタガ第三回満洲訪問ヲ終ル時関東軍兵
力ヲドウ見積リマシタカ、
答、約二十ノ乃至三十個師團。
問、アナタノ言フノハ師團ノ数デスカ。ソレ共二十五乃至三十個師團
ヲ組織スル二十分ナ軍隊ノ数デスカ。
答、日本人ハコノ様ナ数ノ日本師團ガ満洲ニ在ルトカ言フテ居マ
シタガ師團ヲ一万人トシタカ二万人トシタカ私ニハワカリマセン。
問、アナタノ観察デハ獨ソ戦ノ始マル後関東軍ニ増加シマシタ
カ、ソレ共又対ニ減少シマシタカトーフス。
答、有ル関係ニ於テ関東軍ハ人員上、又ソノ教練ニ於テ兵
舎建設上、又防禦施設建設上強化サレマシタ。
問、何所カラアナタノ所ニソンナ資料ガ入リマスカ。
答、吾々ハコレ等資料ヲ在長春獨乙公使館カラ受取リマシ
タ外ニ私自身日本参謀本部将校、就中「カントリ」ヲ佐

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答、私ハ「ロシア」ノ極東軍関係ノ総テノ軍事情報即軍隊ノ配置、ソノ数、軍隊輸送ニ付、並ニ豫備軍ニツイテノ詳細、欧洲戦線ニソノ軍移動ノ詳細並ニソノ軍事工業ニ関スル資料ヲ受取リマシタ。

問、ソ聯ノ軍事及経済状況ニツイテノ情報ヲ度々受取リマシタカ。

答、私ハ私ガ陸軍武官輔佐官ノ職ヲ去ル迄ノ間独乙戦線ノ状況ニツイテハ情報ヲ傳ヘルタメ毎日日本参謀本部ヘ行キマシタ。ソレテ若シソノ時ソコニ「ロシア」班カラ我々ヘノ情報ガアッタラソレヲ私ニ渡シテ呉レマシタ。最初ハコノ情報ハ比較的稀ニ入手シマシタガ後ニナッテハ殆ド毎週二、三回受取リマシタ。

問、ソレ等情報ハ何ニ使ヒマシタカ。

答、コノ情報ハ我々カラ暗号機械テ伯林ノ「オー、カーウエー」武官部ニ傳達シテ居マシタ。

問、アナタハ度々ソノ情報ヲ伯林ニ傳達シマシタカ。

答、コノ情報ハ受取ルニ伴ッテ傳達シテ居マシタ。最初ハ比較的稀ニ、後デハ段々頻繁ニ、特ニ重要ナ情報ハ大使館ノ電信室経由デヤリマシタ。

問、アナタ自身ハ満洲ニ居マシタカ。

答、ハイ。

問、アナタハ何回満洲ニ行キマシタカ。

答、三回、第一回ハ一九三九年十五月十二日カラ六月迄「マツキ」大佐ト一緒ニ満洲ヘ行キマシタ。第二回ハ一九四〇年五月カ六月中極短

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カラ情報ヲ入手シマシタ。コノ外私ハ日本新聞ガ支那ヘ送ラレテイデ満洲ヘ送ラレタノヲ承知シテ居マシタ。満洲カラ来タ獨乙人ハ満洲ニ向ッテ日本ノ通送船ニ會ッタト話シテ居マシタ。日本カラ朝鮮及満洲ヘノ鉄道旅客輸送ハ数回中止セラレマシタ。コレ等ハ皆一九四一年中獨ノ戦爭ノ始マッタ後ノコトデシタ。

問。一九四一年夏ニ於ケル関東軍ノ強化ニツイテドンナ資料ガアナタノ所ニアリマスカ。アナタハ一九四一年初ニ満洲ニ二十五乃至三ヶ個日本師團ガアッタト言ハレタガ、ソレハ一九四一年夏迄ニ増ヘタノデスカ。

答。師團ノ數ハドーモ著シク増ヘテハ居ナカッタ様デス。然シ当時ナシテ居タ師團ハ強化サレマシタ。ソノ外日本軍ト返ンデナ在シテ居タ満洲軍ガソノ時迄ヨリモ一層良ク訓練サレ又一層良ク組織サレテ居リマシタ。右教練ニハ日本人将校及下士官ガ當ッテ居マシタ。

問。右ノ時期ニ於ケル関東軍ノ技術上ノ装備ノ強化ニツイテアナタハ何カ知ッテ居マスカ。

答。例ヘバ「カンドリ」又ハ「ヒトラー」カラ日本参謀本部ニ贈ラレタ榴彈ハ立トシテ満洲戦場ニ於テ使用サレルベキデアルト私ニ話シテ居マシタ。

NO11

問、ソレハドンナ榴彈デスカ、詳シク話シテ下サイ。

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答、ソレハ八ツセンチ」迄ノ装甲ヲ撃チ抜ケベキ大キナ貫徹力ヲ有スル装薬ナキ榴弾デアリマシタ。

問、ドンナ事情デ「ヒトラー」ガソノ砲弾ヲ日本参謀本部ニ贈ッタノデシタカ。

答、「ニメレル」中佐ト「メルケリ」大尉、共ニ装備局カラ一九四二年春対鎗線ヲ破ッタ船ニ乗ッテ東京ヘ到着シマシタ。ソシテ装薬ナキ榴弾ノ見本ト、ソノ設計図及絵図トヲ持ッテ来マシタ。コノ砲弾ハ「ヒトラー」ヨリ日本天皇ヘノ贈物トシテ右両人カラ厳粛ナル式ヲ経テ日本参謀総長ニ渡サレマシタ。其後「ニメレル」「メルケリ」ハ日本デコノ砲弾ヲ「シーリーズ」製産ニ入レル目的ヲ以テ装備局ヲ別ノ事務所ニ働イテ居マシタ。

問、アナタハコノコトヲ何所カラ知リマシタノカ。

答、コノコトハ陸軍武官トシテ「ニメレル」トノ會談ヨリ私ニ知レタノデス。コノ會談ニ私ハ出席シテ居マシタ。ソノ外「ニメレル」宛ノ或ル電報ヲ暗号解読ノ為ニ受取ッタガ之ヨリテ彼ノ日本出張ノ目的ガ判明シマシタ。

問、アナタハ若蘭陸軍武官「カイラ」大佐ヲ知ッテマスカ。

答、ハイ。

問、コノ人ノ満洲ニ於ケル行動ニツイテ何カ知ッテマスカ。

答、「カイラ」大佐ハ一九四二年秋関東軍ノ招キニ応ジテ満洲ヘ旅行シマシタ。ソレハ冬季ノ軍事行動ノ條件ヲ関東軍ニ知ラセルタメデアリマシタ。

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問、何所カラアナタハソノコトヲ知ッテマスカ、

答、「カイラ」大佐ガ満洲ヘ旅行スル前「クレチメル」陸軍武官方ヘ別レニ來タ時ニ私ハソコニ居マシタ其時ニアノ人ハ丁度ソノコトニツイテ話シテ居マシタ、

問、「カイラ」大佐ガ満洲カラ歸ッタ後會ヒマシタカ

答、確カナコトハ覺ヘテマセン、私ガ独乙ヘ出發スル迄ニアノ人ハ満洲カラ東京ヘ歸ッテ居マシタカラ私ハアノ人ニ會ッテ居ルカモ知レマセン、

問、「カイラ」大佐ノ満洲旅行ノ結果ヲアナタハ知ッテマスカ、

答、コノ旅行ノ結果ニツイテハ「クレチメル」ガ私ニ話シマシタ、「カイラ」大佐ハ自分ノ旅行ノ成功ニ満足デアリ、ソシテ冬ノ軍事行動ヲ行フコトニツイテ良ク日本軍ニ教ヘテヤッタシ又ソノ指示ハ大ニ日本軍ニ大切デアッタト「クレチメル」ニイヒマシタ

問、アナタハ一九四三年一月一日アフタガ東條ノ所ヘ離任ノ挨拶ヲシニ行ッタ時東條ト會ッタト證言シマシタ、ソノ會見ニツイテ話シテ下サイ

答、私ハ一九四三年正月ノ祝ニ東條ガ外國陸軍武官及輔佐官全部ヲ招待シタ時東條ノ事務室デ彼ヲ見マシタ

No 13

問、東條ハ右會見ノ時日本ノソ聯ニ關スル計畫ニツイテ何カ言ヒマシタカ、

答、イヤ東條ハ唯日本ハ其占領地域カラ得テ其ノ

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手ニ收メテ[illegible]ル原料品ヲ以テ独乙ヲ支持スルト言ッタ丈ケデシタ。独乙ハ[illegible]原料輸出ノ[illegible]

問、運送船ヲ確保シテケレバナラヌト言ヒマシタ。

問、戰爭中、日本カラ独乙ノ為メニ何カ原料品ヲ輸出シマシタカ

答、ソーデス、封鎖突破シタ独乙船デ多クノ原料品ガ輸出サレマシタ

問、ドコカラアフタハソノコトヲ知ッテマスカ

答、独乙海軍武官「ウエネケル」提督カラデス、又一九四三年一月中私ガ封鎖ヲ突破シタ船ノ一ツニ乗ッテ独乙ヘ行ッタカラデス

問、ソノ運送船ハ何トユウ名前デシタカ、ソシテソノ船ハ原料品ヤ其他ノ材料ノ中何ヲ独乙ヘ輸送シマシタカ

答、伊太利船「ピエトロ、オルセオロ」號コノ船ニハ「ゴム」一千匹、錫一千匹及茶ガ[illegible]ニ百匹アリマシタ

問、何所デ「ゴム」錫及茶ヲ積取リマシタカ

答、「ゴム」錫及茶ハ新嘉坡デ積込ミマシタ

本調書ハ身ニ對シ自國語、独乙語ニヨル飜訳ヲ以テ讀マレマシタ。證言ハ確實ニ正シク記述セラレテアルコトヲ茲ニ認證シマス。

證人 「ペテルスドルフ」（署名）

右訊問シタリ

極東國際軍事裁判所ソ兼檢察部次長

大佐 「ローセンブリット」

通譯ー大尉 「ケラーモフ」

書記ー婦人通記者 「クベーエワ」

No. 15

Doc. 3145

# 證　書

余左記署名ハ「フオン・ペテルスドルフ・フリツ」ハ日本主要戰爭犯罪人事件ニ關シ眞實ナル證言ヲ與フルノ義務ヲ負フベク、右ニ付極東國際軍事裁判所ノ檢察部次長「ローゼンブリト」大佐ニ對シテ茲ニ本證書ヲ提出スルモノデアリマス。

余ハ虛偽ノ證言ヲ與フルコトニ對シテハ「ロシア」社會主義聯邦「ソヴエト」共和國刑法第九十五條ニ依リ刑事上ノ責任ヲ自分ニ負ハサルベキ旨ノ注意ヲ與ヘラレテ居リマス。

（フリツ・フオンペテルスドルフ）

一九四七年五月十二日

證書受理ス

極東國際軍事裁判所、檢察部次長

大佐　（ローゼンブリト）

通譯大尉　ゲラシーモフ

No. 16

Doc. 3145

# 證書

私ハ左記署名ノ婦人通譯大尉「エル、イー、グラシーモワ」ハ日本主要戰爭犯罪人事件ニ関シ「フオンベテルスドルフ、ブリツ」ノ證言ヲ正確ニ飜譯スルノ義務ヲ負フベノ右ニ付極東國際軍事裁判所ノ聯檢察部次長「ローゼン・ブリト」大佐ニ對シテ茲ニ本證書ヲ提出スルモノデアリマス。

私ハ知ツテ居ナガラ虚偽ノ通譯ヲナスコトニ對シテハ「ロシア」社會主義聯邦「ヴエー」共和國刑法第九十五條ニ依リ刑事上ノ責任ヲ自分ニ負ハサルベキ旨ノ注意ヲ與ヘラレテ居リマス。

（エル、グラシーモワ）

一九四七年五月十二日

證書受理ス

極東國際軍事裁判所ノ聯檢察部次長

大佐　ローゼンブリト

No 17

Doc. 3145

# 證書

私、左記署名ノ婦人速記者「ヌアーノベーエワ」ハ日本主要戰爭犯罪人事件ニ関スル「フオンベテルストルフフリツ」ノ證言ノ飜譯ヲ正確ニ記錄スルノ義務ヲ負フベノ、左ニ付、極東國際軍事裁判所ノ聯檢察部次長「ローゼンブリト」大佐ニ對シテ茲本證書ヲ提出スルモノデアリマス。

私、知ツテ居ナガラ正シカラザル記錄ヲナスコトニ對シテハ「ロシア」社會主義聯邦「ソヴエト」共和國刑法第九十五條ニ依リ刑事上ノ責任ヲ自分ニ負ハサルベキ旨ノ注意ヲ與ヘラレテ居リマス

（フベエワノ）

一九四七年五月十二日

證書受理ス

極東國際軍事裁判所聯檢察部次長

大佐　ロゼンブリト

EXCERPTS

FROM THE REPORT OF THE FRONTIER CORPS DEPARTMENT HOME MINISTRY, MONGOLIAN PEOPLE'S REPUBLIC, ON THE INCIDENTS AND PENETRATIONS OF THE JAPANESE ARMED FORCES AND JAPANESE SECRET AGENTS INTO THE TERRITORY OF THE MONGOLIAN PEOPLE'S REPUBLIC ON THE SECTOR OF THE FRONTIER FROM TULUN-ULDI-OBO UP TO [redacted] OF SHIR-OBO DURING THE PERIOD FROM 1935 AND UP TO AUGUST, 1945

"50. On January 31, 1939, a group of armed Japanese 60 men strong violated the state frontier, occupied the area of Homun-Han-Burd-Abo and remained there up to February 2, 1939. From this region the Japanese made attacks on our frontier guard patrols.

"52. On February 19, 1939, a group of armed Japanese 60 men strong having three trucks at its disposal violated the state frontier in the area two kilometers north-west of Nomon-Han-Burd-Abo. The Japanese penetrated 3 kms into the territory of the Mongolian People's Republic and attacked our frontier guard outpost.

"54. On March 17, 1939, a mounted group of Japanese soldiers 24 men strong headed by an officer crossed the state frontier in the area of Hulat-Ulyin-Abo, penetrated 4 kms into the territory of the Mongolian People's Republic and fired upon our frontier guard patrol with small arms.

"55. On March 21, 1939, 28 trucks with Japanese infantrymen, accompanied by 3 tanks and equipped with 2 guns, 8 machine-guns and a wireless set, crossed the state frontier in the area of Boyan-obo-hid. This motor column was supported by a Japanese plane. The above-mentioned group of Japanese troops penetrated 15 kms into the territory of the Mongolian People's Republic, and on March 22, 1939, entered into fighting with reserve units of the Home Ministry, the Mongolian People's Republic. The Japanese plane dropped three bombs.

FILE COPY
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"56. On March 23, 1939, at 5 p.m. a Japanese military plane violated the state frontier in the area of Chulun-Huduc, penetrated 100 kms into the territory of the Mongolian People's Republic and made reconnaissance of the area of Bain-Tumen.

"57. On April 13, 1939, a column of 50 trucks with Japanese infantrymen about 900 men strong crossed the frontier in the area of the Harackchin-ula mountain. The infantrymen were equipped with 2 guns and 4 machine-guns and were supported by a plane. The column penetrated 30 klm into the territory of the Mongolian People's Republic.

"58. On May 4, 1939, an armed group of Japanese 15 men strong violated the frontier in the area of Hulat-ulyin-obo, penetrated 15 kms into the territory of the Mongolian People's Republic and suddenly attacked our frontier guard outpost Banzarahchi, a frontier guard was heavily wounded by the Japanese.

"59. On May 11, 1939 Japanese troops 400 men strong armed with rifles, machine-guns and light machine-guns invaded the territory of the Mongolian People's Republic in the area of Nomun-Han-Burd-obo. The Japanese troops penetrated 8 kms into the territory of the Mongolian People's Republic, surrounded a frontier guard outpost and commenced firing. As a result two frontier guards were killed and one frontier guard was wounded by the Japanese. The Japanese captured 2 rifles, 1 grenade gun, 5 magazine cases with cartridges, 1 cavalry horse and 1 saddle.

"60. On May 12, 1939, Japanese soldiers numbering 60 men armed with rifles, machine-guns and light machine-guns violated the state frontier in the area of Shiren-obo and fired upon our frontier guard patrol. As a result of that one horse was killed by the Japanese.

"61. On May 15, 1939, Japanese troops more than 700 cavalry strong invaded the territory of the Mongolian People's Republic in the area of Hulat-Ulyin-obo. The above-mentioned Japanese troops penetrated 8 or 9 kms into the territory of the Mongolian People's Republic and supported by 5 bombers attacked our frontier guard outpost. The Japanese bombers dropped 51 bombs on the outpost. As a result of the attack we lost one officer and 4 men killed and 18 men heavily wounded.

"62. On May 16, 1939, three Japanese planes violated the stat frontier in the direction of the lake of Bain-Nur, penetrated 90 kms. into the territory of the Mongolian People's Republic and made reconnaissance in the area of Tamtsack-Bulak. The above-mentioned planes returned to their base.

"63. On May 21, 1939, at 10:00 a.m. three Japanese bombers violated the state frontier in the area of Nomon-Han-Burd-obo, penetrated 15 kms. into the territory of the Mongolian People's Republic and attacked a frontier guard outpost. As a result of the bombing, one officer was killed and four frontier guards were injured. Three cavalry horses were killed and 17 horses were injured.

"64. On May 22, 1939, two Japanese bombers violated the state frontier in the area of the Hailastin-gol river and bombed our frontier guard outpost. As a result of it Lhagva, a frontier guard, was killed and one rider was heavily wounded.

"65. On June 23, 1939, four Japanese military planes violated the state frontier in the direction of Holbo-Undur-abo, penetrated 20 kms. into the territory of the Mongolian People's republic, reconnoitered the terrain in the area of the Halkin-Undur mountain and then came back.

"66. On June 23, 1939, at 12:00 noon four Japanese military planes violated the frontier in the area of Chulun-huduk penetrated 10 kms. into the territory of the Mongolian People's Republic and reconnoitered the location of our frontier units.

"67. On the 27th of June, 1939, a Japanese plane violated the frontier line in the direction of Hara-nur reached Bain-Ula and returned to its base.

"68. On June 27, 1939, five Japanese planes violated the frontier line in the area of Hornoltin-obo, penetrated into the territory of the Mongolian People's Republic and fired upon the town of Bain-Tumen.

"69. On June 29, 1939, a Japanese company equipped with field guns and tanks and supported by planes violated the state frontier in the area of Sharen-obo, suddenly attacked Halkin-sume and started fighting with our frontier unit. As a result of the fighting, two of our frontier guards were killed.

"70. On June 29, 1939, a Japanese military unit violated the state frontier in the area of Hulat-Ulyin-obo and suddenly attacked our frontier guard patrol, located at Sumbur-obo. As a result of the fighting, the chief of the patrol and one frontier guard were killed. The Japanese captured 15 frontier guards, 1 light machine gun, 15 magazine cases with cartridges, 4 spare machine gun liners, 13 rifles, 15 sabres, 1 Nagan gun, 14 Nagan cartridges,

3700 rifle cartridges, 18 sets of underwear, 15 overcoats, 10 fur coats, 11 saddles, 40 horses, 5 camels, 5 wagons, 2 tents, 3 yurts, 16 mess tins, 15 mugs, 3 scoops, 1 gramophone and different publications.

Major General Dorzhi
Chief of the Frontier Corps
of the Home Ministry of
the Mongolian People's Republic.

December 3, 1946.

CERTIFICATE.

I, A. MAURIN, Chief of the Document Division of the Russian Section of the I.P.S. hereby certify that the document entitled: "Report of the Frontier Corps Department of the Home Ministry of the Mongolian People's Republic concerning incidents and invasions of the Mongolian People's Republic territory by the Japanese armed forces and agents at the frontier sector between Tulun-Uldiobo and the town of Shir-obo during the period from 1935 to August 1945," drawn up in the Mongolian language, was received by me on March 26, 1947 from the Ministry for Foreign Affairs of the Mongolian People's Republic and is now in the custody of the Document Division.

(signed) Maurin
A. MAURIN,
Chief of the Document Division of
the Russian Section of the I.P.S.

Tokyo, Japan
March 26, 1947.

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EX 3859A Doc 3164

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一九三五年ヨリ一九四五年八月ニ至ル「トウルン・ウルデ・オボ」ヨリ「シル・オボ」市ニ至ル國境地區ニ於ル事件及ビ日本武裝兵力並ニ日本間諜ノ蒙古人民共和國領土内ヘノ侵入ニ關スル蒙古人民共和國内務省國境警備隊管理局覺書抜萃。

五十、一九三九年一月三十一日武裝日本人六十名ハ國境ヲ侵犯シテ「ノムン・ハン・ブルド・オボ」地區ヲ一九三九年二月二十六日迄占領シ、同地區ヨリ我國境警備隊ニ對スル攻擊ヲ行ツタ。

五十二、一九三九年二月十九日自動車三台ニ分乘シタ武裝日本人六十名ハ「ノムン・ハン・ブルド・オボ」西北二粁ノ地點ヲ越境、蒙古人民共和國領土内ニ三粁侵入、我國境警備哨所ヲ攻擊シタ。

五十四、一九三九年三月十七日將校ヲ長トスル日本兵騎兵隊二十四名ガ「ンラツト・ウリイン・オボ」地區ヲ越境シテ蒙古人民共和國領土内ニ四粁侵入我國境警備隊ニ對シテ小銃、機銃射擊ヲ加ヘタ。

五十五、一九三九年三月二十一日駛車三台、砲二門重機八挺、無線局一ケヲモツ、二十八台ノ自動車ニ分乘シタ日本軍歩兵ノ一團ガ「ボヤン・オボ・ヒド」地區ヲ越境シタ。空カラハ日本軍用機一機ガ上記ノ自動車縱隊ヲ掩護シテイタ。蒙古人民共和國領土内ニ十五粁侵入シタ上記ノ日本軍部隊ハ

Doc 3164



一九三九年三月二十二日蒙古人民共和國內務省軍備部隊ト交戰シタ。コノ時日本軍用機ハ爆彈三ケヲ投下シタ。

五十六、一九三九年三月二十三日、一七時、日本軍用機ガ「テニルン・ブドワック」地區ヲ越境、蒙古人民共和國領土內ヘ一〇〇粁侵入「バイン・トウメニ」市地區ノ偵察ヲ行ツタ。

五十七、一九三九年四月十三日砲二門、重機四挺ヲモツ、五十台ノ自動車ニ分乘シタ日本軍歩兵約九百名ガ日本軍用機ノ掩護ノ下ニ「ハラクテン・ワラ」山地區ヲ越境蒙古人民共和國領土內ニ三十粁侵入シタ。

五十八、一九三九年五月四日武裝日本人十五名ハ「フラット・ウリイン・オボ」地區ヲ越境、蒙古人民共和國領土內ニ十五粁侵入、我國境警備隊ヲ急襲シテ、國境警備隊員「バンザラフチ」ニ重傷ヲ負ハセタ。

五十九、一九三九年五月十一日小銃、重、輕機銃ヲ武裝シタ約四百名ノ日本兵ガ「ノムン・ハン・ブルド・オボ」地區ノ蒙古人民共和國領土內ニ侵入シタ。

日本軍ハ蒙古人民共和國領土內ニ約八粁侵入シ國境警備隊所ヲ包圍シテ射擊ヲ開始シタ。ソノ結果

3

Doc 3164

國境警備隊員二名ハ戰死シ、一名ハ負傷シタ。日本軍ハ小銃二挺、擲彈筒一、彈藥筒五、軍馬一、病兵一ヲ奪ツタ。

六十、一九三九年五月十二日、小銃、重、輕機銃デ武裝シタ日本人六十名ハ「シレン・オボー」地區デ越境、我國境警備隊員ニ對シテ射撃ヲ加ヘタ。ソノ結果軍馬ガ一頭射殺サレタ。

六十一、一九三九年五月十五日、七〇〇名以上ノ日本軍騎兵ハ「ンラット・ウリイン・オボー」地區デ蒙古人民共和國領土内ニ侵入、八ー九粁前進シテ爆撃機五機ノ支持ヲ得テ我國境警備哨所ヲ攻撃シタ。日本軍爆撃機ハ哨所ニ對シテ五十一ノ爆彈ヲ投下シタ。攻撃ノ結果、我方ノ損害ハ戰死將校一、及兵四、重傷十八。

六十二、一九三九年五月十六日日本飛行機三機ガ「ブイル・ヌール」湖方面デ國境ヲ侵犯シテ、蒙古人民共和國領土内ニ約九十粁侵入、「タムツアク、ブラック」方面ヲ偵察シタ。前記飛行機ハ歸還シタ。

六十三、一九三九年五月二十一日、一〇時、日本軍爆撃機三機ハ「ノムン・ハン・ブルドー・オボー」地區ニ於テ「ヌンブル・オボー」ヲ通ツテ國境ヲ侵犯シ蒙古人民共和國領土内ヘ約十五粁侵入、國境警備哨所ヲ攻撃シタ。爆撃ノ結果將校一戰死、兵四負傷、軍馬三死、十七負傷。

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六十四、一九三九年五月二十二日、日本軍用機二機ハ「ハイラストイス・ゴル」河地區テ國境ヲ侵犯シテ我國境警備隊所ヲ爆撃シタ。ソノ結果國境警備隊員「ルハグワ」ハ戰死シ、軍馬一頭ハ負傷シタ。

六十五、一九三九年六月二十三日日本軍用機四機ハ「ホルボ・ウインドウル・オボ」ニ向ツテ國境ヲ侵犯蒙古人民共和國領土内ニ約二十粁侵入「ハルヒン・ウンドウル」山地區ヲ偵察シタ。

六十六、一九三九年六月二十三日十二時、「チユルン・フドウク」地區テ日本軍用機四機ガ國境ヲ侵犯シ、蒙古人民共和國領土内約十粁侵入シ我國境警備部隊ノ配置狀況ヲ偵察シタ。

六十七、一九三九年六月二十七日「ハラ・ヌール」ニ向ツテ日本飛行機ガ國境ヲ侵犯シテ「バイン・ウラ」迄到達シテ歸還シタ。

六十八、一九三九年六月二十七日日本飛行機五機ハ「ホルホイトイン・オボ」地區テ國境ヲ侵犯、蒙古人民共和國内部ニ侵入「バイン・トウメニ」市ニ對シテ掃射ヲ行ツタ。

六十九、一九三九年六月二十九日統領隊ノ挑戦ヲ受ケタ砲、戦車ヲ含ム日本軍一ノ中隊ハ「シヤレン・ゴボ」地區ヲ越境シテ、「ハルヒン・スメ」ヲ急襲、我國境警備隊ト交戦シタ。我方ノ被害戦死二名。

七十、一九三九年六月二十九日、日本軍部隊ハ「ンラツト・ワイリン・ゴボ」地區ヲ越境、「スンブル・ゴボ」ニ配置サレタ國境警備隊ヲ急襲シタ。戦闘ノ結果警備隊長並ニ警備隊員一名ガ戦死シタ。日本人ハ警備隊員一五名ヲ捕虜トシ砲一挺、擲彈筒十五、機銃銀座銃身四、小銃十三挺、「サーベル」十五、短銃一、短銃彈十四、小銃彈三七〇〇、下着十人人分、軍用外套十五、毛皮外套十、「ガザツク」鞍十一、軍馬四十頭、駱駝五頭、車五台、軍隊天幕三、鍋十六、茶碗十五、杯子三、書書籍一其ノ他各種書籍ヲ奪ヒ去ツタ。

現古人民共和國內務省
國境警備軍司令官
少將　「ドルジ」（署名）
（官印）

一九四六年十二月三日

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（アーマウリン）

被事局　「ロシヤ」文書課長

於　日本、東京

一九四七年三月二十六日

當文書課ニ保管シアルコトヲコヽニ證ス。

三月二十六日、蒙古人民共和國外務省ヨリ受領シ

局覺書「トルスル蒙古語ノ書類ハ余ガ一九四七年

人ニ認スル蒙古人民共和國內務省國境警備隊管理

兵力並ニ日本間諜ノ蒙古人民共和國領土內ヘノ侵

ボ「市ニ至ル國境地區ニ於ケル事件及ビ日本武裝

ウーリン」ハ「一九三五年ヨリ一九四五年八月ニ

至ル「トウルン・ウルデ・オボ」ヨリ「ジル・オ

余、被事局「ロシヤ」部文書課長「アンイシマ

證明書

6

IPS DOC. NO. 1230-C

Exh No. 3460

1.) TELEGRAM IN CODE (G. Ch. V.)
Foreign Office, Berlin.
No. ____ of February 1943.

To the Foreign Minister.

From conversations which I had recently with the Prime Minister, Ministers of the Navy, Chiefs of the Naval Staff and of the General Staff, with Ministers Aoki and Suzuki, etc. I gained the following overall impression:

All parties stressed their firm conviction in victory and expressed the desire for the closest possible cooperation with Germany, as well as their complete confidence in the accomplishments of our Armed Forces and those of our people. The necessity and importance of direct contact between Japan and Germany in any manner possible was stressed and that this be given special prominence in view of the propaganda effect on our enemies. All visits were extremely cordial and personal, lasting longer than was originally planned.

Prime Minister Tojo stated that he was not concerned by the situation in Russia. He was convinced of the ultimate victory of German arms. At the moment he was particularly interested in the situation in North Africa, Turkey and Spain. He would be grateful for bulletins on all important events and would also be prepared to give us any information whatever quite freely. The war at present is a war of weapons and nerves, and the closest cooperation possible is absolutely essential, particularly in retrospect to enemy propaganda which seeks to use all possible means to weaken Japanese-German friendship. In this connection he mentions neutral diplomats who were spreading false and damaging rumors. The Prime Minister then discussed the Chinese situation with me and requested that we continue these discussions in the future. I request your approval of this.

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DO NOT REMOVE

Prime Minister Tojo who as Minister of War played an important role in the conclusion of the Tripartite Pact, is unquestionably the strongest personality in the Japanese Cabinet, thanks to his leadership abilities. Despite these characteristics and his popularity with the people he has been attacked several times (See Telegram No. 478 as of 6.2). This is due to the unique existing circumstances. Previous centuries of vague representations of the Emperor as a purely spiritual figure led to the belief, since the Meiji Restoration, in comparatively frequent changes of government, so that no outstanding predominating character could in any wise assume the aspects of the Emperor. Under these circumstances it is not inconceivable that Tojo even if his policies are

approved of at present may have to withdraw after a given time. Such a withdrawal would be regrettable from the German point of view, since Tojo, as described above, is adynamic personality and an outspoken friend of Germany. On the other hand the change in government would not affect the Japanese policy under the Tripartite agreement since it is universally recognized here that Japan's fate is bound up with the Axis Powers.

STAHMER

EX 3860 Doc. 1230-C.

P.1

1・暗號亀報（暗號式）

伯林・外務省・　第　號

一九四三年二月

外務大臣宛

最近ハ首相海軍大臣・軍令部總長・參謀總長・青木・鈴木各大臣等トナシタル會談ヨリ余ハ次ノ全般的印象ヲ得タリ。

全員其ノ必勝ノ信念ヲ強調シ・勿論ト出來得ル限リ最モ緊密ナル協力ニ對スル希望亞ニ我ガ軍及ビ我ガ國民ノ成果ニ對スルソノ完全ナル確信ヲ表明セリ。アラユル出來ル限リノ方法ヲ以テスル日獨間ノ直接提携ノ必要並ニ重要性カ強調サレ又・我等ノ敵ニ對スル宣傳效果ニ鑑ミ・是ヲ特ニ重視スベキコトカ強調セラレタリ。

訪問ハ・總ベテ極メテ心カラナル打解ケタルモノニシテ・最初ノ計畫ヨリ長ク續キタリ。

東條首相ハ露西亞ニ於ケル狀況ヲ心配シ居ラズト述ベタリ。ソノ際彼ハ北「アフリカ」土耳古及ビ西班牙ノ狀況ニ特ニ關心ヲ持ツ。彼ハ凡ユル重大ナル出來事ニ關スル報告ヲ感謝スベク又如何ナル情報ヲモ全ク自由ニ我々ニ與ヘル用意アルベシ。

現在ノ戰爭ハ武器並ニ科經戰爭ニシテ出來得ル限

COPY

Doc. 1230-C

P. 2.

リノ故モ緊密ナル協力ガ、特ニ、日獨ノ友誼ヲ顧メルタメ凡ユル手段ヲ用イントスル敵ノ宣傳ニ顧ミ、絶体ニ必要ナリ。之ニ関連シテ、彼ハ虚偽ニシテ有害ナル流言ヲ放チ居ル中立国ノ外交官達ニグ。首相ハ次イテ余ト中国狀勢ヲ論ジ、ソシテ我々ガ將來此等ノ会談ヲ継続スル様要望セリ。余ハ是ニ對スル御承認ヲ乞フ。

（以下次頁へ續ク）

No. 1230.

盟相トシテ三國同盟ノ締結ニ重要ナル役割ヲ果セル東條首相ハ、其ノ統御能力ニ依リ、疑セナク日本ノ内閣ニ於ケル最モ強力ナル人物ナリ。是等ノ特質及ビ國民ニ對スル氣氣ニモ拘ラズ、彼ハ屢々攻撃サレタリ（六月二日附電報第四七八號參照）。是ハ特異ノ現存ノ狀況ニ依ル。數世紀來ノ天皇ヲ全ク現神トシテ象徴セル事ガ、明治維新以來如何ニ類著ナル權勢家モ比較的頻繁ナル政府ノ交迭ヲ良シトスル信念ヲ生ジタリ。決シテ天皇ノ意相ヲ取リ得ザル爲ニ斯カル事情ノ許ニハ東條ハ、其ノ政策ハ現在承認セラレ居ルトハ云ヘ、一定期間後ニハ、拄冠スルヲ要スベキ事ハ想像シ得ザル事ニアラズ。斯カル拄冠ハ、前述ノ如ク東條ハ原動力的人物ニシテ且ツ又獨逸側ヨリ見レバ、道徳ナル意ナキ友ナルニ依リ、獨逸側ヨリ見レバ、道徳ナルコトナルベシ。他方、政權ノ更迭ハ、日本ノ運命ハ樞軸諸國ト結バレ居ルコトガ當地ニテハ一般ニ承認サレ居ルニ依リ、三國條約下ニ於ケル日本ノ政策ニハ影響ヲ及ボサザルベシ。

「スターマ」

IPS DOC. NO. 1230-D

Exh. No. 3861

Telegram in Code
To Tokyo 7. 9.44 08:00
Citissimo
Embassy Tokyo
2028 of 6.9.44
Disclosure B
Very Secret
Exclusively to the Ambassador personally on your Telegrams
2325 of August 25
2347 of August 28

Japanese suggestion for separate peace with Russia.
4) Following the conversation concerning these military questions OSHIMA brought up the Japanese suggestion of a separate peace between Germany and The Soviet Union and needs the same as in the form that Shigemitsu made to you. He underlined hereby that the Japanese Government had in no way contacted the Soviet Union as concerns the possibility of a separate peace, as this could be attributed to us as a sign of weakness. The Japanese government is furthermore determined to continue the war under all circumstance on the side of Germany, until final victory has been achieved. Moreover, the Red Army has now arrived at the borders of 1940, will probably occupy Finland and the Sea Narrows soon, and as the Soviet Union must now think in terms of reconstruction the Japanese government deems it not impossible, that Stalin may be prepared to give in now.

The "Fuhrer" has presented our standpoint following these suggestions which I have gathered as follows, at the conclusion of the discussion with the concurrence of the "Fuhrer".

A) We have no indications that the Soviet Union is prepared for an understanding with Germany, according to our opinion Stalin will only then attempt to come to an understanding when he has convinced himself that he no longer can fight successfully or that his strength does not in any case suffice to beat Germany.
B) When these preconclusions take place by Stalin, this will be shown, then a new political situation will have arrived and then it would be time to see what to do about it.
C) For this reason we ask the Japanese Government, to refrain from taking steps of any kind in this connection with the Soviet Union.

Oshima declared to this that the Japanese Government would take no steps in this direction without our concurrence. On his question whether we had changed our war aim toward the Soviet Union, the "Fuhrer" answered that when a state falls apart there with everything falls apart. The Infantry of the Soviet Union is bad and when once the entire

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structure of the Soviet Union begins to totter, then everything will fall apart, as happens again and again among the Slavs. Stalin did not capitulate when we stood at the Don, the same now holds true for Germany. The Carthaginians stood before Rome once, but the Romans did not capitulate and finally dragged a ploughshare over Carthage. When again we would go on the offensive against the Red Army cannot be said at the moment. But we cannot be on the defensive on all fronts at the same time. Oshima declared once more that Japan would fight on the side of Germany until final victory had been achieved and that it would use its last troops to realize this, as there is only one road for Japan, which it will follow to the end. The "Fuhrer" closed the conversation then with assurance that the same will for fight and victory remained also with the Germans and that with such determination of the two powers victory must be theirs.

Von Ribbentrop

EX 3861

Doc. 1230-D

P.1

一二三〇D

暗號電報

東京宛四四年九月七日、八時〇分

最大至急

東京大使館

四四年九月六日附第二〇二八號

密緘B

極秘

貴下電報ニ關シ大使宛親展

八月二十五日附第二三二五號

八月二十八日附第二三四七號

「ロシヤ」トノ單獨講和ニ對スル日本ノ提案

四、是等ノ軍事問題ニ關スル會談ニ引續キ大島ハ獨蘇ノ單獨講和ニ關スル日本側提案ヲ持出シ、重光ガ貴下ニ爲シタト同ジ形式ニテ――――――。彼ハ、コレニ依ツテ、日本政府ハ、單獨講和ノ可能性ニ關シテハコレハ、我々ノ側ニ弱點ノアル證左ト考ヘラルルヲ以テ蘇聯ト全然接觸シ居ラザル旨力說セリ。日本ハ更ニ、最後ノ勝利ヲ得ル迄ハ、獨逸側ニ立チ、アラユル情勢下ニ於イテ戰爭ヲ繼續スル意ヲ有ス。尙又赤軍ハ今ヤ一九四〇年ノ國境ニ達シ、恐ラクハ日ナラズシテ「フインランド」及ビ海峽ヲ占領スベク、故ニ蘇聯ハ今ヤ再建ヲ考ヘザルベカラザルニ依リ日本政府ハ「スターリン」ガ目下屈服スル用意アルヤモ知レザルコトハ不可能ナラズト思考ス。

FILE COPY
RETURN TO ROOM 361

Doc. 1250-D

總統ハコレ等ノ提案ニ次イデ、討議終了ノ際、總統ノ同意ヲ得テ余ガ次ギノ通リ推斷セル我々ノ立場ヲ陳述セリ。

(イ)、我々ハ蘇聯ハ獨逸ト了解ノ用意アリトノ徴候ヲ認メズ、我々ノ見ル所ニ依レバ、「スターリン」ハ彼ハ最早有利ニ闘フコト能ハズ又ハ彼ノ力ハ獨逸ヲ破ルニ決シテ充分ナラズト確信セル時ニ至リ始メテ了解ニ到達セント試ムベシ。

(ロ)、此等ノ豫想ガ「スターリン」ニ起ル場合ハ、是ヲ示スベシ、ソノ時ハ新シキ政治狀勢ガ到來シ居ルベク、又ソノ時ハ之ニ就キ如何ニ處スベキカヲ見ルベキ時ナルベシ。

(ハ)、コレ故ニ、我々ハ日本政府ニ蘇聯ニ對シコレニ關連シテ如何ナル種類ノ手段モ採ラザル樣要請スル。

大島ハ、此レニ對シテ、日本政府ハ、我々ノ同意ナク、此ノ方面ニハ何等ノ指導モ執ラザルベシト聲明セリ。我々ハ對蘇聯手目的ヲ變更セシヤ否ヤトノ彼ノ質問ニ、總統ハ、國家ガ分裂スル時ハソレト共ニ一切ガ分裂スト答ヘタリ。

P.3.

Doc. 1290-D

蘇聯ノ歩兵ハ悪シク、而シテ一度ビ蘇聯ノ全構成ガグラツキ始ムレバ、ソノ時ハ、「スラヴ」民族間ニ再三起ル如クアラユルモノハ、分裂スベシ。

「スターリン」ハ我々ガ「ドン」河ニ立チシ際ニハ降セザリキ、今ヤ獨逸モ同様ナリ。「カルタゴ」軍ハ、一度ハ「ローマ」ヲ指呼ノ間ニ苦ミタルモ、「ローマ」人ハ降伏セズ、遂ニハ「カルタゴ」ヲ屈伏セシメタリ。何時再ビ我々ガ赤軍ニ對シ攻勢ニ出ヅルヤハ目下言ヒ得ズ。併シ、我々ハ、同時ニ、全戰線ニ於イテ守勢ニ出ヅル能ハズ。大島ハ、重ネテ、日本ハ最後ノ勝利ヲ得ル迄ハ獨逸側ニ立チテ戰フベキコト並ニ日本ハ、コレガ實現ノタメ、日本ノ最後マデ行クベキ道ハ只一ツノミナルニ依リ最後ノ軍隊ヲモ使用スベキコトヲ聲明セリ。

總統ハ次イデ獨軍ニモ亦戰闘並ニ勝利ニ對スル同様ノ意志後存シ又兩國ノ斯カル決意ヲ以テスレバ、勝利ハ彼等ノモノタルベシトノ確信ヲ以ツテ會談ヲ終了シタリ。

「フオン。リツベントロツプ」

EX 3852

IPS Doc. No. 3157



**Affidavit**
**OF WITNESS PUNTSUGIN CHOGDAN.**

December 6, 1946
Ulan-Bator

The interrogation began at 9.15

I, chief of the Investigation Division, of the State Security Department of the M.P.R. Ministry of Home Affairs Lt.Col. Sambunima, this date have interrogated as a witness Puntsugin Chogdan, born in 1915 in 7th bag Bukhomurunsomon aimar Obsomer M.P.R., Khalka-Mongol by nationality of Arat descent. The Witness Puntsugin has been duly warned of the responsibility under art. 113 of the Criminal Code of the Mongolian People's Republic for giving false evidence.

Q. How long and in what position did you serve in the Khalkhin-Gol frontier Guard detachment of the troops of the Ministry of Home Affairs of the M.P.R.?

A. I served in the frontier guard detachment of the troops of the Ministry of Home Affairs of the M.P.R. from October 1938 till October 1940 and occupied various positions, having started as a private and finally become Commander of the frontier guard detachment.

Q. What was your position in 1939?

A. I was Commander of the frontier guard outpost near lake Samburin Tsagan Nur.

Q. Where was the frontier guard outpost you were commander of, and where did the state border line run on the territory of the outpost?

A. The frontier Guard outpost of the Khalkhin Gol frontier guard detachment, where I served, up to June 5, 1939 was one Klm. west of Samburin Tsagan-Nur, which is 30 Klm west of the state border line. By order of the command on June 5, 1939, our outpost of the Khalkhin Gol frontier guard detachment was transferred to a point 1 Klm. south-west of Khulat Ulun - obo. The state border line on the territory of our frontier guard outpost ran from Eris Ulun-obo in a straight line northward up to Khulat Ulun-obo. Farther on from Khulat Ulun-obo the state border line went straight northwest up to Namur Khan Burd - obo.

RETURN TO ROOM 361

Q. Give a detailed account of whether there were instances of violations of the state frontier of the Mongolian People's Republic and of attacks against your outpost from the adjacent territory during your service in the frontier guard outpost near lake Sumburin Tsagan-Nur?

A. During the time of my service in the outpost near lake Sumburin Tsagan-Nur our outpost was subjected to repeated attacks both from Japanese Bargut detachments and units of the Japanese forces. For instance on the night of May 11, 1939 a temporery frontier guard patrol 20 men strong under the command of political instructor of the outpost Tsedjipa was dispatched by me to the area 6 klm. south west Namun-Burd-obo. At about 8 o'clock in the morning on May 11, 1939 a Japanese, Bargut cavalry detachment 300 men strong, armed with machine guns and sub-machine guns, rifles and grenades, accompanied by 4 trucks crossed the state frontier in the area Namun Khan Burd-obo and attacked the frontier guard outpost.

During the fighting against the reconnaissance detachments of this unit a soldier of our frontier guard Batachir and the grenadier Duvshin-Norbo were killed and private Ochirbat was wounded. Besides, three horses were killed.

Under the pressure of superior enemy forces our frontier guard patrol was forced to retreat into the Mongolian territory. The Japanese - Bargut unit advanced 20 klm. deep into our territory, but was stopped in the area Nuren-obo, 18 klm. south of Namun Khan Burdobo by our reserve frontier guard unit, that arrived at that time, and then toward the evening of May 12, 1939 was driven back on to its territory.

On May 14, 1939 in the morning, while being dispatched to the outpost in the area of lake Sumburin Tsagan-Nur from the frontier guard patrol, stationed 3 klm. west of Namun Khan Buard-obo, I received a report stating that, approximately, at 5 o'clock in the morning a Japanese-Bargut cavalry unit 600 men strong, armed with machine-guns and sub-machine guns, rifles and grenades and accompanied by 10 trucks, had crossed the state frontier in the Namun-Khan Burd-obo area and was moving into our territory along the right bank of the river Khailastjin Gol.

Having received that report, I together with a group of soldiers 40 men strong, went to the Dungur-obo area, 15 klm. south-west of Namun-Khan-Burd-obo, leaving part of the

military personnel under the command of my deputy on political matters, political instructor Tsedjip. In the Dungur-obo area we got engaged with the vanguard detachments of the Japanese Bargut unit, and by means of a stubborn mobile defense I succeeded to slow down the advance of the enemy. The enemy was stopped by the arriving reserves of our frontier guard unit on the border of Dungar-obo-Nuren-obo and was forced to take to the defensive.

On May 15, 1939 at about 10 o'clock in the morning there appeared 5 Japanese bombers from the east; they crossed the state frontier and covering a distance of 30 klm. over our territory, raided our outpost in the vicinity of lake Sumburin Tsagan-Nur by dropping 65 bombs. After that the planes machine gunned our outpost at a low flight.

As a result of the air raid medical N.C.O. officer Vadma and privates - Tumunbair and Dashiossor were killed and 25 privates were wounded.

On May 15, 1939 at 1700 hrs. the frontier guard patrols reported that in the Khulat-Ulan-obo 2 cavalry regiments of Japanese - Bargut forces, accompanied by a tank and 7 armoured cars crossed the state frontier. Following those cavalry detachments 90 trucks with Japanese infantry troops crossed the state frontier in the same area.

The military units, that had crossed the frontier, advanced into the territory of the Mongolian People's Republic towards Nuren-obo, where they joined the Japanese Bargut unit, which had crossed the state frontier on May 14, 1939 in the morning and was occupying defensive positions on the border of Dungur-obo Nuren-obo.

Under the pressure of superior enemy forces our frontier guard reserves were forced to retreat to the western bank of the Khalkhin Gol river; but later on units of the Mongolian Army came to our assistance, and finally the Japanese-Bargut units were thrown back to the adjacent territory.

I deem it necessary to testify that during the period between the 15th the 28th of May, 1939 our outpost stationed in the vicinity of lake Sumburin Toagan Nur was subjected to frequent,/several times a day,/ air raids on the part of the Japanese airforces. For instance, on May 22, 1939 during one of the air raids on our outpost my deputy on political

matters, political instructor Tsedjip, was killed and 6 frontier guard privates were wounded. After political instructor Tsedjip was killed, his post was filled by political instructor Nanzat who arrived early in June 1939.

On June 5, 1939 I received an order to transfer the outpost from the vicinity of lake Sumburin - Tsagan - nur to an area 1 klm. south - west of Khalat-Ulun-obo. On June 7, 1939 our outpost was moved there.

On June 28 at approximately 8 o'clock in the morning I sent a frontier guard patrol of 5 men under the command of my deputy on political matters Nanzat with the object of taking positions 4 klm. south west of Khulat-Ulan-obo and guarding the state frontier. At about noon of the same day, the man on duty at the outpost heard firing, that was going on in the area where the frontier guard patrol had been dispatched to. When I arrived with a group of soldiers at the spot where the firing was taking place, political instructor Nanzat reported to me, that a group of Japanese cavalry 8 men strong, having violated the state frontier, made a surprise attack against our frontier guard patrol. During the ensuing engagement our patrol killed 6 Japanese soldiers, a Japanese officer was taken prisoner and one managed to escape to the adjacent territory. I examined the dead. They were all of Japanese nationality and were wearing uniforms of the Japanese army. The Japanese officer who was brought by me to the outpost and interrogated, testified that his detachment had been sent out with the object of carrying out reconnaisance and that it made part of a unit (the number of which I don't remember) of the Japanese troops.

On June 29, 1939 at about 10 o'clock in the morning the guard at the outpost, looking towards the state frontier, noticed a cavalry group, 30 men strong, crossing the state frontier from the adjacent state in the area 2 klm. south of the mount Khylat Ulun-obo and moving towards the outpost. The guard reported to me about it. The alarm having been sounded, the personnel of the outpost occupied positions of defense. The said cavalry group at a distance of 700 mt. from the outpost dismounted and launched an attack against the outpost. During the engagement that followed a Japanese soldier was killed and one was taken prisoner. The others hurriedly retreated to their former position.

The personnel of the outpost under my command pursued

the retreating Japanese group up to the state border line, and then, in strict obedience to the order of our command that under no circumstances should there be any violation of the state frontier, stopped the persecution.

Both the soldier who was killed and the one who was taken prisoner were Japanese by nationality and wore uniforms of the Japanese Army.

Together with attacks against our outpost by groups of Japanese land forces, from June 29, 1939 air raids against our outpost by the Japanese aircraft became more frequent. On June 30, 1939 in the morning at about 10 o'clock I received a report from a frontier guard patrol stationed 3 klm. north west of Khulat Ulun-obo that a column of troops was moving along the road which lead from Bain Tsagan sums towards the state frontier. The column was preceded by 8 Japanese tanks and 4 armoured cars. The tanks were followed by a infantry regiment behind which artillery driven by horses was moving. Having received the report I prepared the outpost for defense; I myself together with the political instructor occupied an observation point and with the help of field glasses proceeded to observe the advance of the column: in the course of the observation I noticed that the column was moving towards our outpost. From a distance of 1 klm. I clearly saw the marching order of the Japanese infantry, who wore summer Khaki uniforms, shoes with puttees and kits behind their backs. In the Khulat Ulun-obo area the tanks were the first to cross the state frontier of the Mongolian People's Republic, and at a distance of approximately 800-900 mt opened machine gun fire. Being aware of the obvious superiority of the enemy as to the strength and technique I decided without engaging in fighting to retreat with the outpost southward.

Having gone in the said direction, I was observing the movement of the column being in the rear patrol; the personnel of the outpost under the command of my deputy on political matters, political instructor Nanzat, retreated and occupied defensive positions 12 klm. south of Khulat Ulun obo.

Watching further the advance of the column I saw that following the tanks the infantry column with artillery also crossed the frontier, occupied our outpost and continued moving into the territory of the Mongolian People's Republic in the south-western direction.

Having covered a distance of 15-16 klm. into the territory of the Mongolian People's Republic the said column took up a position on the eastern bank of the Khalkin - Gol river.

In the evening of the same dey I received an order from my superior command and proceeded to carry out another task.

I have nothing to add to my testimony. It has been written down correctly and has been read to me. The interrrogation ended at 16.30 on the 6th of December 1946.

Chogdon

Interrogator: Chief of the Investigation Department of the M.H.A. of the M.P.R.

Lt. Col. Sambunima

Translator (Jargalon)

The signeture of translator Gargolon is certified herewith.

Secretery of the Minister of Home Affeirs of the M.P.R.

Senior Lieutenant: Ochirdara

December 6., 1946

OATH

I, the undersigned Puntsugin Chagdon, pledge myself to tell the truth while being interrogated as a witness.

I have been duly warned of the responsibility under art. 113 of the Criminal Code of the Mongolian People's Republic for giving false testimony.

Puntsugin Chogdan

6 December, 1946

Translated (Jargalon)

The signature of translator Jargalon is certified herewith

Secretary of the Minister of Home Affairs M.P.R.

Sen. Lt. (Ochirdere)

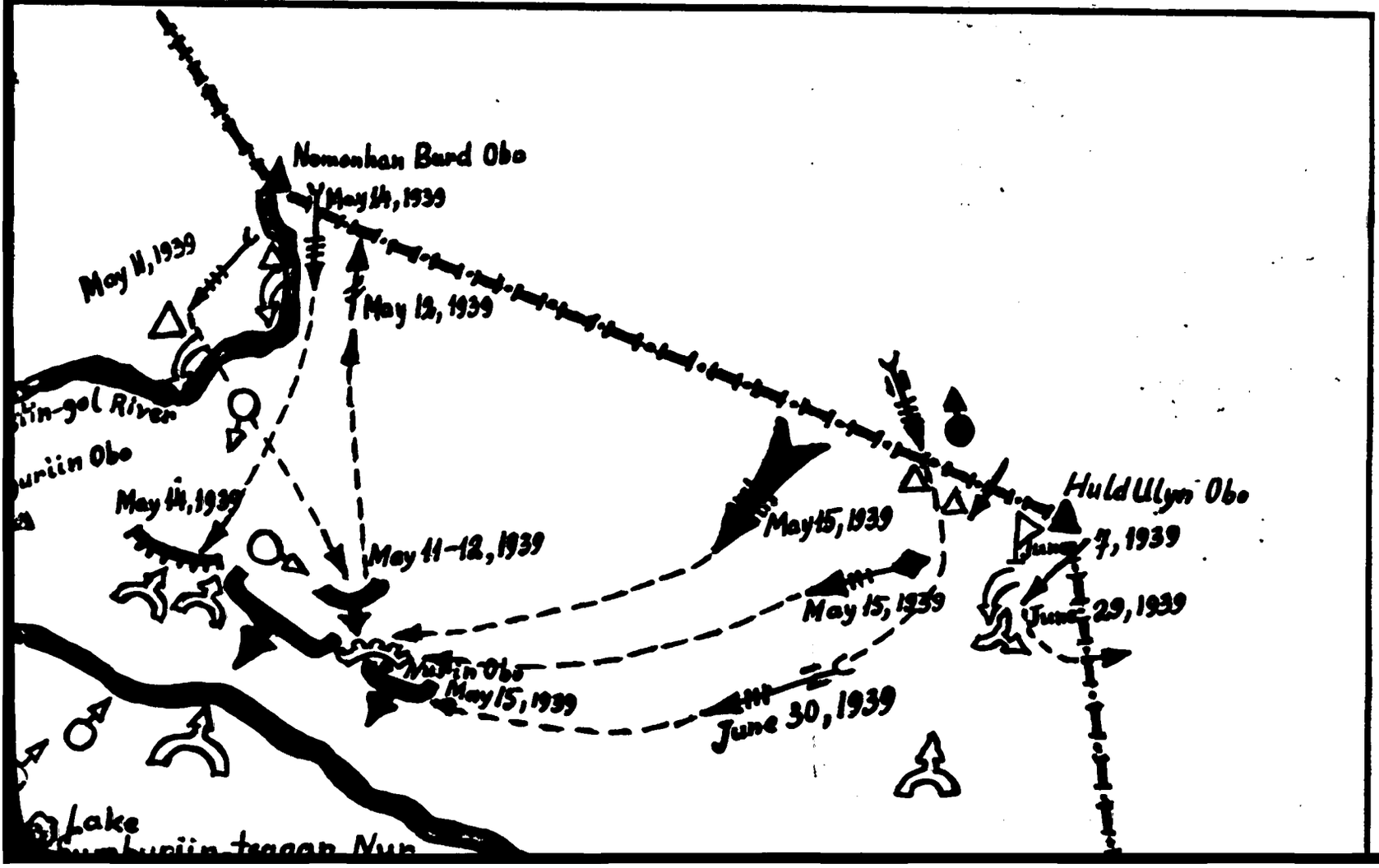
6 December, 1946.

Doc 3157

# Chart

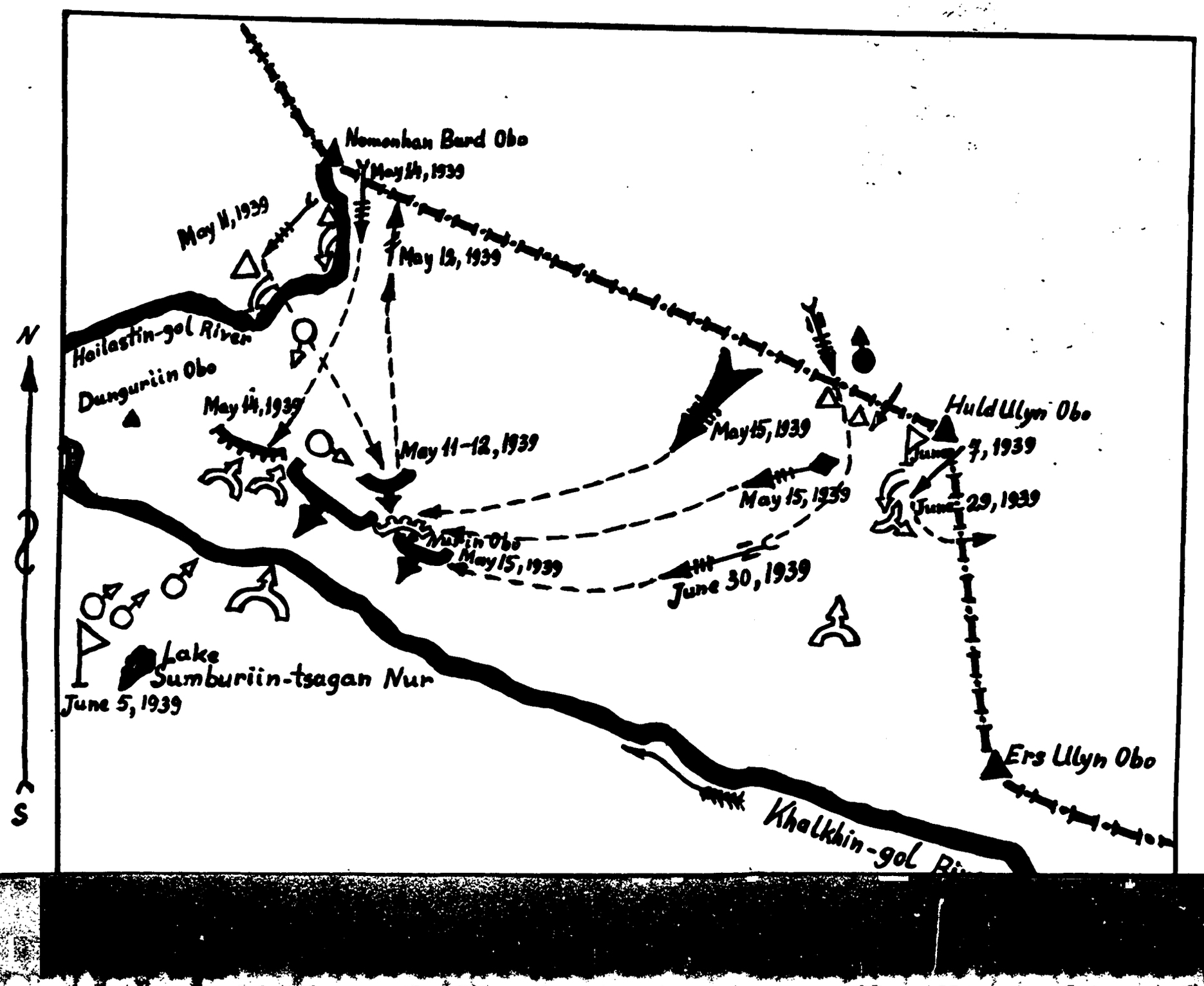
## to the witness Chogdon's testimony

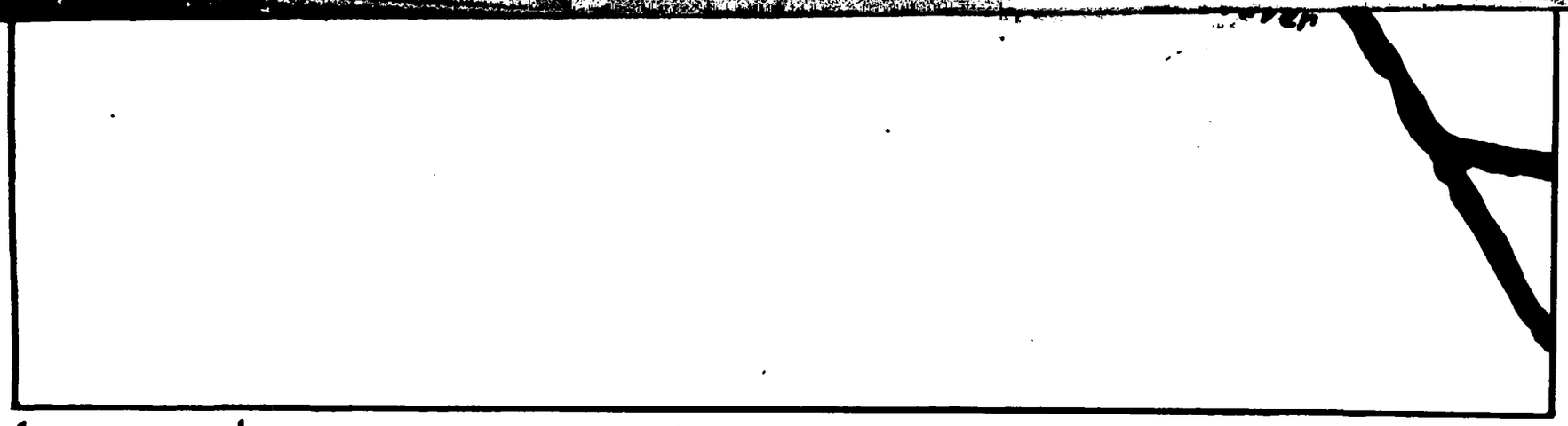
December 6, 1946



# to the witness Chogdon's testimony

December 6, 1946





Legend:

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0 2 4 6 8

State frontier

Frontier guard patrol

Defense of frontier guard units

Movement of frontier guard patrol

Retreat of frontier guard patrol and frontier guard outpost

Japanese infantry regiment reinforced with artillery

Japanese cavalry regiments reinforced with tanks and armoured cars

Japanese infantry unit intruding on 90 trucks

Japanese cavalry group 300 men strong which

The chart to the testimony has
by the witness Major Chogdo
(Ch

d:

1:200.000
0 2 4 6 8

State frontier

Frontier guard patrol

Defense of frontier guard units

Movement of frontier guard patrol

Retreat of frontier guard patrol and frontier guard outpost

Japanese infantry regiment reinforced with artillery

Japanese cavalry regiments reinforced with tanks and armoured cars

Japanese infantry unit intruding on 90 trucks

Japanese cavalry group 300 men strong which

The chart to the testimony has been made by the witness Major Chogdon

(Chogdon)

Defense of frontier guard units
Movement of frontier guard patrol
Retreat of frontier guard patrol and frontier guard outpost

Japanese infantry regiment reinforced with artillery

Japanese cavalry regiments reinforced with tanks and armoured cars

Japanese infantry unit intruding on 90 trucks

Japanese cavalry group 300 men strong which intruded on may 11, 1939.

2 Japanese cavalry regiments which intruded on may 14, 1939.

Japanese reconnaissance group
Defense positions occupied by Japanese-Bargout forces, which intruded into the territory of the Mongolian People's Republic on may 15, 16 and 17, 1939.

EX3862
Doc. 3157
No. 1
E COPY
RU TO ROOM 361

# 宣誓口述書

證人「プンツ ギン、チヨグドン」

一九四六年十二月六日 於「ウラン・バトール」

九時十五分訊問開始

余、蒙古人民共和國内務省國家保安管理局審理部長「サムブニマ」中佐ハ本日證人トシテ「プンツ ギン、チヨグドン」— 一九一五年、蒙古人民共和國「オブソンヌール・アイマリ」「ブフムルン・ソモン」第七「バグ」ニ生ル。農民出身。「ハルハ」蒙古人。妻帶者。妻「ツェングル」。長男「バサンドルジ」三才。中等教育終了。蒙古人民革命党員。前科無シ。蒙古人民共和國内務省國境警備隊ニ勤務、現在ニ至ル。

兵卒ヨリ國境警備隊哨所長ヲ経、蒙古人民共和國内務省「ハルヒン・ゴル」國境警備隊長トナル。身分ー少佐。一九三九年「ハルヒン・ゴル」ニオケル戰功ニヨリ蒙古人民共和國政府ヨリ「軍事赤旗」勲章、「北極星」勲章ヲ授與サル。後ニ蒙古人民共和國政府ヨリ「軍功」勲章、「ハルヒン・ゴル戰斗参加」「我等勝ネリ」「日本ニ對スル勝利」、「蒙古人民共和國二十五年」等ノ記念章、ナラビニ「功労内務部員」ノ徽章ヲ授與サル。現在蒙古人民共和國内務省「ハルヒン・ゴル」國境警備隊々長。勤務地ニ在住ス。

證人「プンツ ギン、チヨグドン」ニ對シテハ不正陳述ニ

Doc. 3157

No. 2

関スル蒙古人民共和國刑法第二一三條ニ基キ生ズル責任ニツイテ申シ渡シテアリ。

「プンツギン・チョグドン」

問、貴方ハ蒙古人民共和國内務省「ハルヒン・ゴル」國境警備隊ニ何時、如何ナル職務ヲモツテ勤務シテイマシタカ。

答、蒙古人民共和國内務省「ハルヒン・ゴル」國境警備隊ニ私ハ最初ハ兵隊トシテ、最後ニハ國境警備隊長トシテ、色々ノ職務ヲ遂行シナガラ一九三八年十月ヨリ一九四六年十月迄勤務シテイマシタ。

問、一九三九年ニハ貴方ハドンナ職務ヲ遂行シテイマシタカ。

答、一九三九年ニハ私ハ「サンブリン・ツアガン・ヌール」湖國境警備隊哨所ノ哨所長デシタ。

問、一九三九年ニ貴方ガ指揮シテイタ國境警備隊哨所ハ何所ニ在リ、ソノ哨所ノ區域内ノ國境線ハ何所ヲ通ツテイマシタカ。

答、私ノ勤務シテイタ「ハルヒン・ゴル」國境警備隊哨所ハ一九三九年六月五日迄ハ國境線西方三十粁ノ「サンブリン・ツアガン・ヌール」西方一粁ノ地點ニ在リマシタ。

一九三九年六月五日附ノ司令部ノ命令ニヨリ「ハルヒン・ゴル」國境警備隊ノ哨所ハ一九三九年六月七日「フラツト・ウリイン・オボ」南西一粁ノ地點ニ移ノ勤シマシタ。我哨所區域内ノ國境線ハ

No. 3

Doc 3157

「エリス、ウイン、オボ」カラ直線デ北方ヘ「フラット、ウルイン、オボ」迄。「フラット、ウルイン、オボ」カラ直線デ北西ヘ「ヌムンハン、ブルド、オボ」迄デシタ。

問、貴方ガ「スンブリン、ツアガン、ヌール」ノ國境警備隊ニ勤務シテイル間ニ隣接地域ヨリスル蒙古人民共和國々境ノ侵犯、貴方ノ哨所ニ対スル攻撃ガ行ワレタカドウカ詳細ニ話シテ下サイ。

答、私ガ「スンブリン、ツアガン、ヌール」湖ノ哨所ニ勤務シテイル間ニ我哨所ハ日満部隊、或ハ日本軍正規部隊ヨリ数回ニワタソテ攻撃サラ受ケマシタ。

例ヘバ一九三九年五月十日カラ十一日ハノ夜、私ハ「ナムンハン、ブルド、オボ」南西六粁ノ地点ニ哨所政治部員同志「ツェドイプ」ヲ長トスル二十名ヨリナル一時的ナ國境警備哨ヲ派遣シマシタ。一九三九年五月十一日朝八時頃、重機、軽機、小銃、手榴弾デ武装シタ日満騎兵隊約三〇〇名ガ貨物自動車四台ヲトモナッテ「ノムンハン、ブルド、オボ」地區デ國境ヲ越エテ我哨ヲ攻撃シマシタ。

コノ部隊ノ偵察隊トノ戦斗ニオイテ哨兵「バトチル」手榴弾兵「ドフシン、ノルボ」ハ戦死シ、兵「オチルバト」ハ負傷シマシタ。尚軍馬三頭ガヤラレマシタ。

優勢ナ敵ノ攻撃ヲ受ケテ我哨ハ蒙古領土内奥深ク後退シマシタ。日満軍ハ我領土内ニ二〇粁

No. 4　　Doc 3157

侵入シマシタガ到着シタ我國警備隊豫備隊ニヨッテ「ナムン、ハン、ブルド、オボ」南方十八粁ノ「ヌレン、オボ」地區デ停止サレ、一九三九年五月十二日ノ晩迄ニハ國境外ニ撃退サレマシタ。

一九三九年五月十四日朝、「サンブリン、ツアガン、ヌール」湖ノ哨所ニアッタ私ハ「ナムン、ハン、ブルド、オボ」西北三粁ノ國境警備哨ヨリ、朝五時頃、重機、軽機、小銃、手榴彈デ武裝シタ約六〇〇名ノ日満騎兵隊ガ貨物自動車十台ヲトモナッテ「ナムン、ハン、ブルド、オボ」地區デ國境ヲ突破シ、我領土内ヲ「ハイルアステン、ゴル」河右岸ニ沿ッテ行進中トノ報告ヲ受ケマシタ。

コノ報告ヲ受ケタ私ハ哨所ノ指揮ヲ政治部代理政治部員「ツェドイブ」ニマカセテ四〇名ノ兵力ヲモッテ「ナムン、ハン、ブルド、オボ」南四十五粁ノ「ドウングル、オボ」ニ出動シマシタ。「ドウングル、オボ」方面ニ於テノ敵ノ前衛部隊ト接觸ニ入リ執拗ナ機動性ヲモッテ防禦戰ノ結果、敵軍ノ前進ヲ弱メルコトニ成功シマシタ。到着シタ我國境警備隊ノ豫備軍ニヨッテ敵ハ「ドウングル、オボ」―「ヌレン、オボ」ノ線デ停止サレ、防禦ニ移リマシタ。

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一九三九年五月十五日朝一〇時頃東方カラ日本軍爆撃機五機ガ
飛来シ国境ヲ越エテ約三十粁我領土内ニ入リ「スン
ブリ」「ハルガン・ヌール」湖地区ノ我哨所ヲ爆撃シテ
爆弾六十五ヶヲ投下シ、低空飛行テ我哨所ニ機銃
掃射ヲ行ヒマシタ。
爆撃並ニ機銃掃射ノ結果 看護助器「バドロ」
兵「ミムシ」「ハイル」「オツル」ハ戦死シ兵二十五名ガ負傷
シマシタ。
一九三九年五月十五日 一七時国境警備哨ハ「フ
ラットウ・イニ・オボ」地区ニ於テ戦車一台 装甲自
動車七台ヲトモナウ日満騎兵二ヶ聯隊ノ越境
ヲ報告シテ来マシタ。上記部隊ニ續イテ貨物自動
車九〇台ニ分乗シタ日本歩兵部隊ガ同地区ヲ越
境シマシタ
越境部隊ハ蒙古人民共和国領土内ヲ「ヌレン・オボ」
ニ向ッテ前進シ 一九三九年五月十四日越境シテ「ド
ウングルオボ」「ヌレン・オボ」ノ線ニ在ル日満部隊ニ合
流シマシタ。
優勢ナ敵攻撃ヲ受ケテ我国境警備隊豫備軍ハ「ハルヒン・
ゴル」河ノ西岸ニ後退シマシタガ満蒙規軍部隊ノ増援ヲ得テ五月ノ終
リニ日満部隊ハ国境外ニ撃退サレタノデアリマス。
一九三九年五月十五日カラ二十八日迄ノ期間「スンブ
リン・ツアガン・ヌール」湖地区ニアッタ我哨所ニタイシテ連續
日ニ数回ニワタッテ爆撃ノアッタコトヲ證言スル必要ガ

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記ト思イマス一九三九年五月二十二日ニ我哨所ニタイスル爆撃ニ於テ私政治部員「ツェドイア」ガ戦死シ六人ノ兵ガ負傷シマシタ。政治部員「ツェイドゥピ」ノ戦死後ハ一九三九年六月ノ始ニ政治部員トナッテ「ナンガット」ガ政治部代理トシテ着任シマシタ。

一九三九年六月五日私ハ「サンブリン、ツアカニ、スール」湖地区カラ「フラット、ウリイン、オボ」南西一粁ノ地点ニ移動スルヨウ命令ヲ受ケマシタ。一九三九年六月七日我哨所ハ上記、位置ニ移動シマシタ。

一九三九年六月二十八日八時頃私ハ政治部代理「ナンガット」以下五名ノ国境警備哨ヲ国境防備ノ為「フラット、ウリン、オボ」南西四粁ノ地点ニ派遣シマシタ。十二時頃哨所当直ハ警備哨派遣地帯ヨリ、銃声ヲ耳ニシマシタ。其ノ一個ト交射地点ニ到着シタ私ニ政治部員「ナンガット」以下八名ヨリナル日本兵騎馬隊ガ越境シテ我警備哨ヲ急襲シタコトヲ報告シマシタ。交戦ノ結果我警備哨ハ日本兵六名ヲ射殺シ、将校一名ヲ捕虜トシ、兵一名ハ隣接地域ニ逃ゲ去リマシタ。私ハ戦死者ヲ見マシタ。彼等全部ガ日本人デアリ日本正規軍ノ服装ヲシテイマシタ。哨所ニ運行シ訊問シタ結果捕虜日本軍将校ハ彼ノ部隊ハ偵察ノタメニ派遣サレタモノデアリ、日本正規軍部隊（部隊番号ハ記憶シテイマセンガ）ニ属シテイルト陳述シマシタ。

政治部代理

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No. 7

一九三九年六月二十九日、朝十時頃国境ヲ監視中ノ哨所番兵ハ隣接地域ヨリ騎兵団約三〇騎ガ「フラット、ウリイン、オボ」山南北二粁ノ地点デ國境ヲ越エ哨所ニ向ッテ前進中ナルコトヲ発見シマシタ。番兵ハ私ニコノコトヲ報告シマシタ。警報ニヨリ哨所員ハ防備体勢ヲトリマシタ。上記ノ騎兵団ハ哨所前方約七〇〇米ノ所デ下馬シ、哨所ヲ攻撃シマシタ。交戦ノ結果我々ハ日本兵一名ヲ射殺シ、一名ヲ捕虜トシマシタ。ソノ他ハ急遽據点ニ後退シマシタ。

哨所員ハ私ノ指揮下ニ國境線迄退却スル日本軍部隊ヲ追撃シマシタ。ソシテ、ドニテ場合デモ國境線ヲ犯シテハナラヌトイフ我方司令部ノ命令ヲ厳守シテ追撃ヲ中止シマシタ。

戦死シ及ビ捕虜トナッタ兵隊ハ日本人デアリ、日本正規軍ノ服装ヲシテイマシタ。

我哨所ニタイスル日本正規軍地上部隊ノ攻撃トナラニテ一九三九年六月二十九日カラハ我哨所ニ対スル日本航空部隊ノ攻撃ガ頻繁ニナリマシタ。

一九三九年六月三〇日朝十時頃、私ハ「フラット、ウリイン、オボ」北西三粁ニ位置シタ國境警備哨ヨリ隣接地域ヨリ、「チンゲン、スメ」ニ向フ道路ヲ国境ニ向ッテ日本軍戦車八台、装甲自動車四台ヲ先頭トスル正規部隊ガ行進シテイルコトヲ報告シテ来マシタ。戦車ノ後ニハ約一ケ聯隊ノ歩兵、ソノ後ニハ馬ニ引カセタ砲ガ

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續イテイマシタ。コノ報告ヲ受ケトツテ、私ハ哨所ヲ防備隊形ニ置キ、自身ハ政治部員ト共ニ監視哨ニオイテ敵軍縱隊ノ望遠鏡ニヨル監視ヲ行イマシタ。監視ノ結果私ハ上記ノ縱隊ガ我哨所ニ向ツテ行進シテ来ルコトヲ確認シマシタ。約一粁ノ距離カラ私ハ「カーキ」色ノ夏服ヲ着、日本正規軍ノ軍帽ヲカブリ、軍靴ニ「ゲートル」ヲ巻キ、背中ニ背嚢ヲ背負ツタ日本軍歩兵ノ行動隊形ヲ明ニ見トリマシタ。「フラットウリイン、オボ」地色ニオイテ、マヅ戰車ガ第一ニ蒙古人民共和國國境ヲ突破シ、約八〇〇―九〇〇米ノ地点カラ我哨所ニタイシテ機銃掃射ヲ行イマシタ。私ハ敵ノ数、並ビニ技術ノ明ヲ優勢ヲ見テトリ、戰ヲ回避シテ哨所ト共ニ南方ニ向ツテ退避スルコトニ決定シマシタ。

上記ノ方向ニ退避シナガラ、私ハ後衛兵トシテ縱隊ノ行動ヲ監視シ、哨所員ハ私ノ政治部代理ヲ「ナサツト」ノ指揮下ニ後退シ「フラットウリイン、オボ」南方十二粁ノ地点ニ陣地ヲ設置シマシタ。

敵ノ監視ヲ續ケテガラ私ハ戰車ニ續イテ、砲ヲ含ム歩兵部隊モ越境シ、我哨所ヲ占領、蒙古人民共和國領土ヲ南西ニ向ツテ前進ヲ續ケテイルノヲ確認シマシタ。

約十五―十六粁蒙古人民共和國領土内ニ侵入シタ上記部隊ハ「ハルヒニ、ゴル」河東岸ニ陣地ヲ設置シマシタ。

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ソノ日ノ晩、私ハ上官ヨリ命令ヲ受ケ、他ノ任務遂行ニ移リマシタ。

コレ以上、自分ノ証明ニハ何ノ追加スルコトハアリマセン。

証言ハ私ノ言葉ヲ正確ニ記録シタモノデ、私ニ讀ンデ聞クサレマシタ。

訊問 八九四六年 十二月 六日

十六時三〇分終了シタ。

「イチヨクドン」

訊問者 ― 蒙古人民共和國内務省

國家保安管理局審理部長

「サムブニマ」中佐

右通譯セリ

「ジヤルガロン」

通譯者「ジヤルガロン」ノ署名ヲ証明ス

蒙古人民共和國内務省 書記官

中尉「オチルターラ」

一九四六年 十二月 六日

官印

No. 10

Doc 3157

# 附錄

余、下記署名ノ「プンツヤン、チヨグドン」ハ證人トシテ訊問サルヽニ當リ正確ナル證言ヲ行ウコトヲ茲ニ誓約スル

不正證言ニ関スル蒙古人民共和國刑法第一一三條ニ基キ生ズル責任ニツイテハ申シ渡サレテアリ

「プンツギン・チヨグダン」

一九四六年十二月六日

右通譯セリ

「ジヤルガロン」

「ジヤルガロン」通譯ノ署名ヲ証明ス

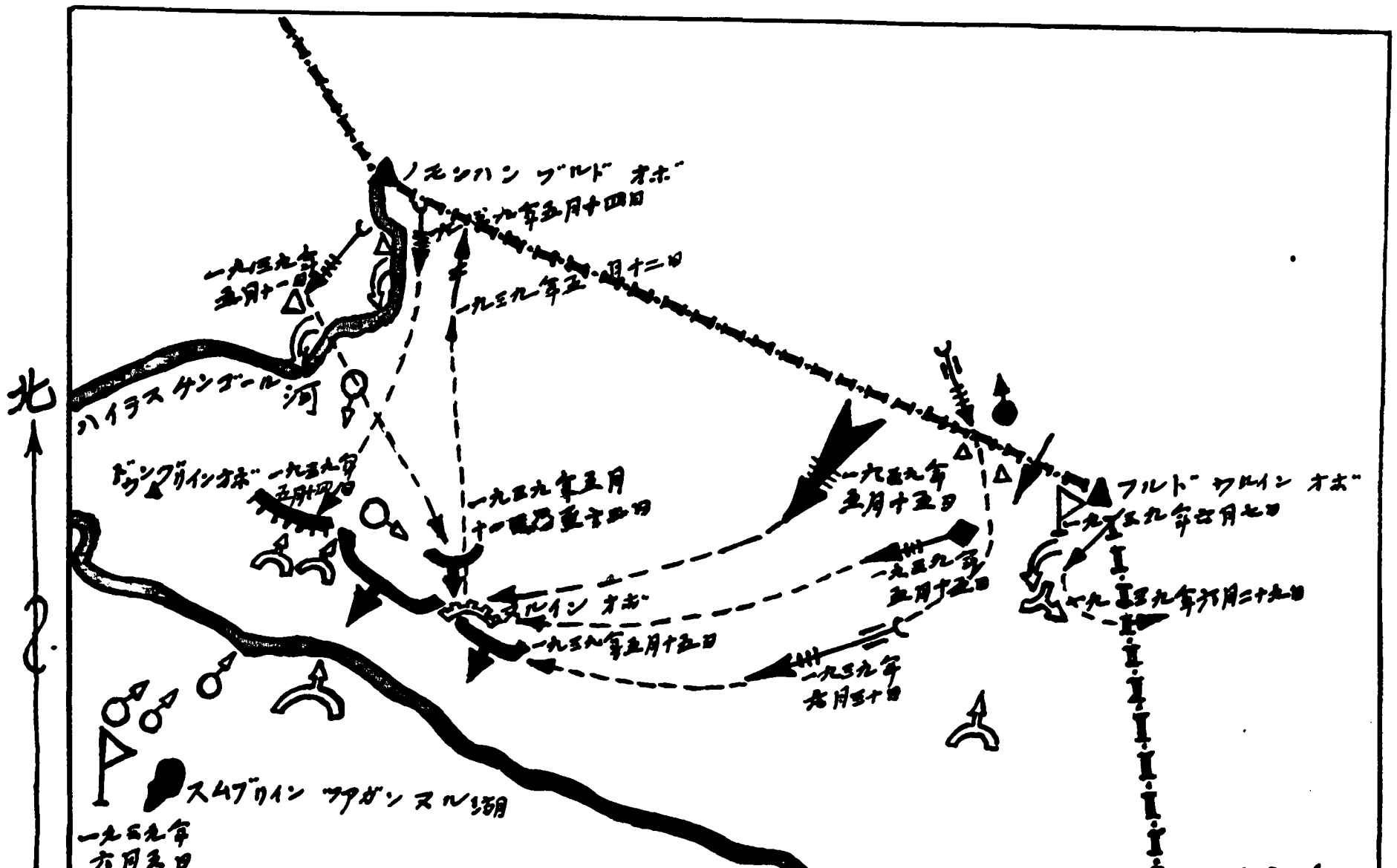
蒙古人民共和國内務省書記官

中尉「オチルダラ」

一九四六年十二月六日

證人チョグドン，證言ニ係ル，要圖

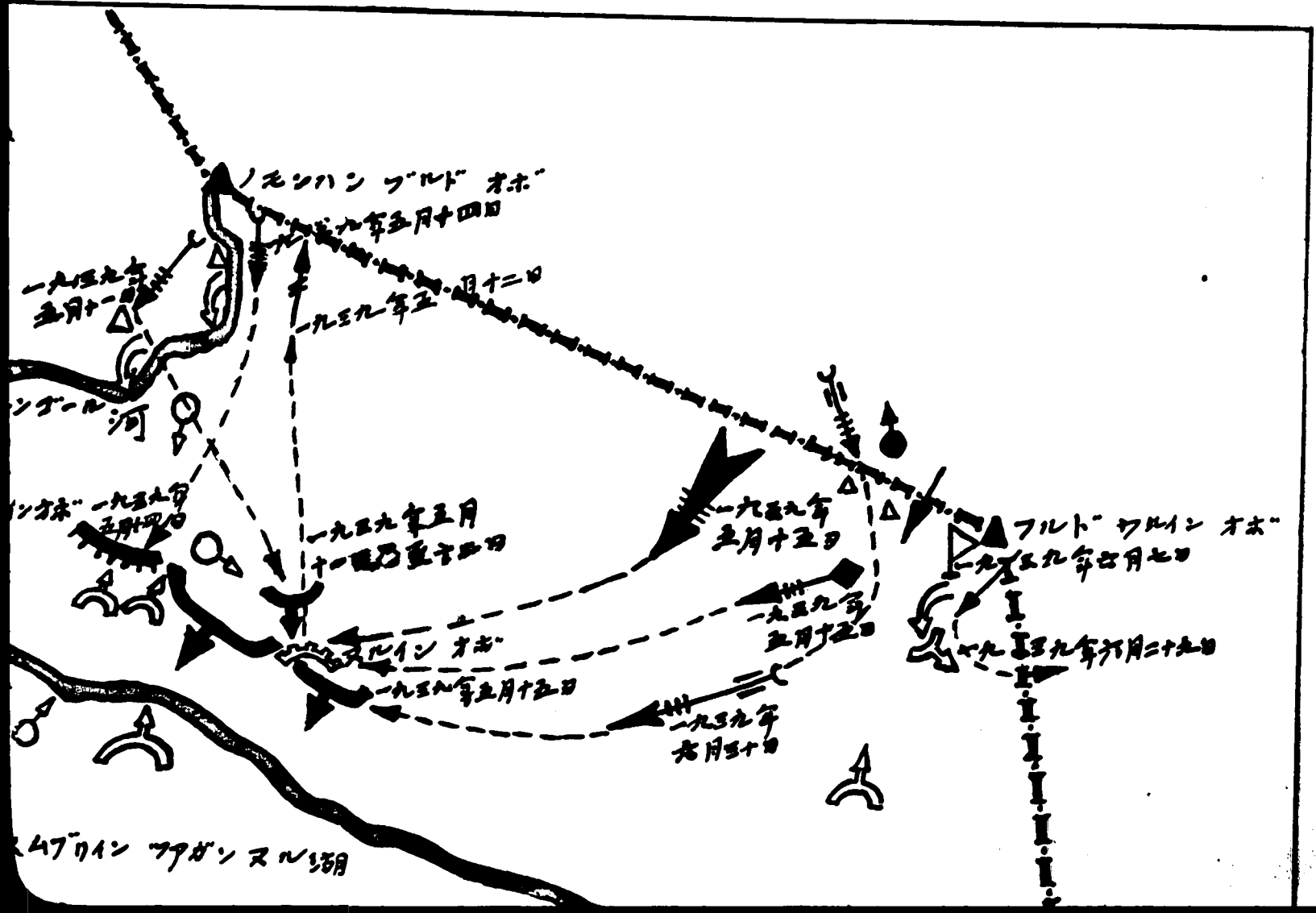
一九四六年十二月六日

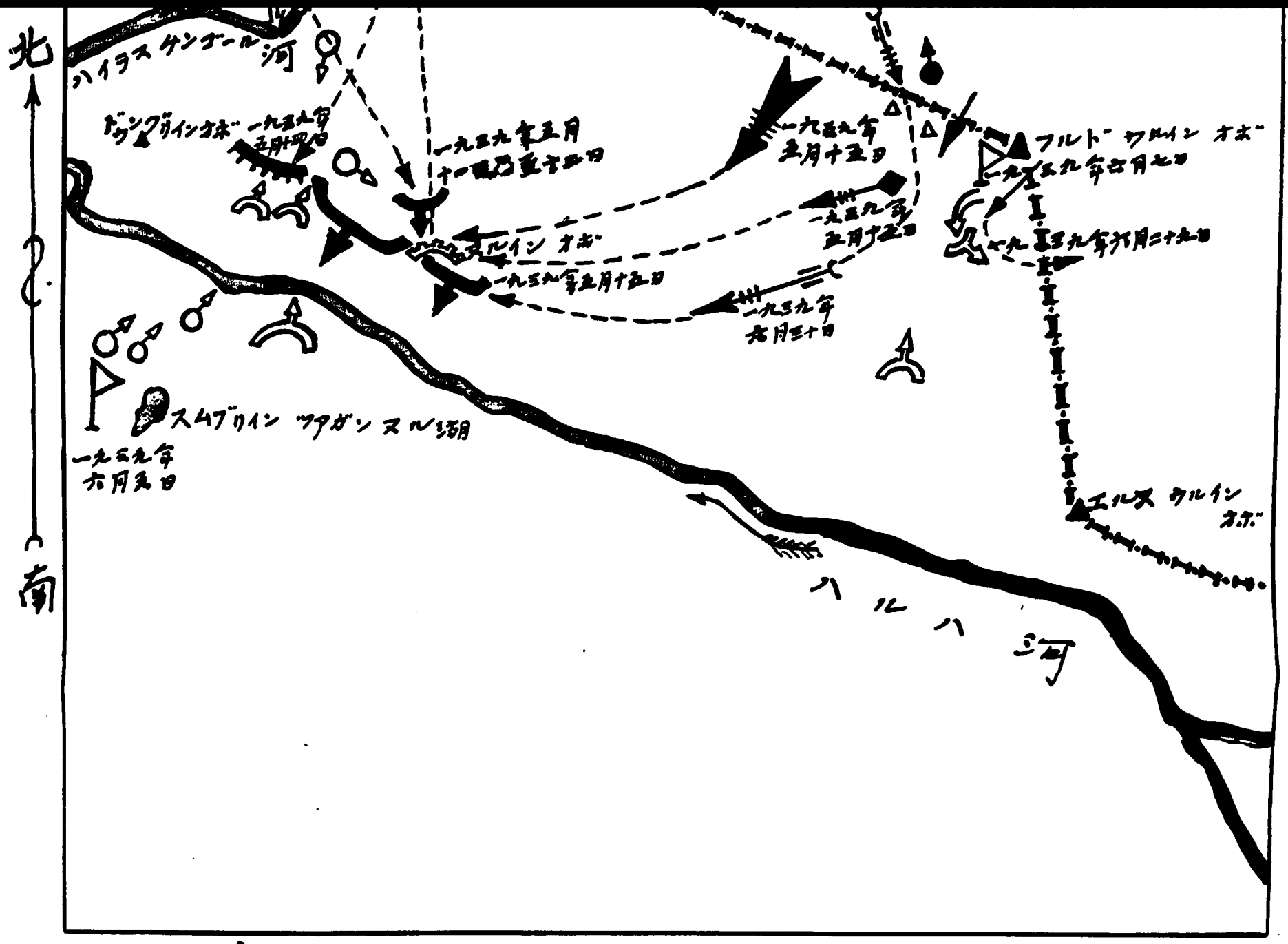


Do. 1

# 證人チヨグドン ノ證言ニ附属ノ要圖

一九四六年十二月六日






凡例

縮尺二十萬分ノ一

2 0 2 4 6 8粁

自分ノ證言ニ附屬トシテコノ要圖

作成シタリ 證人少佐 チヨグド

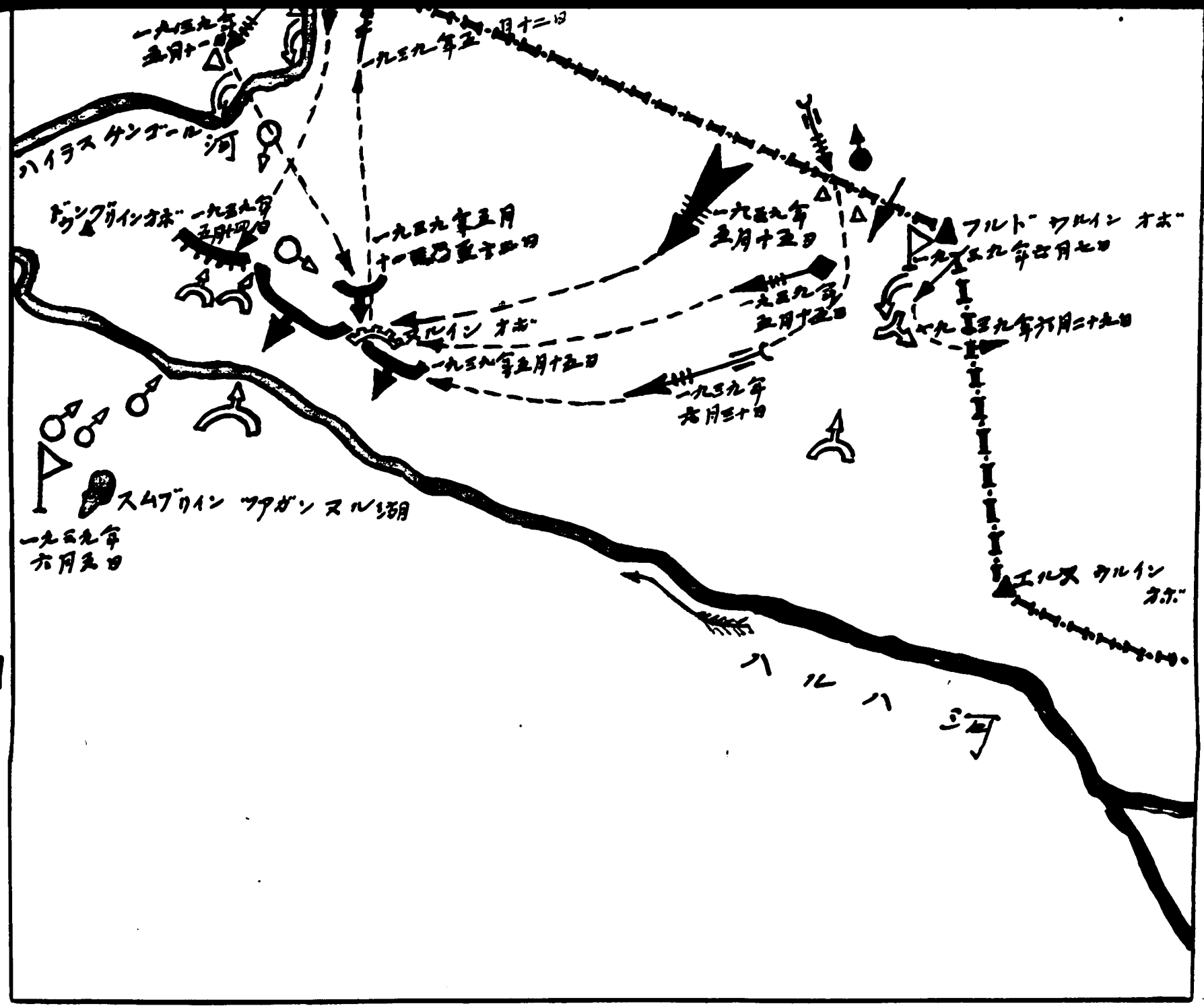
國境

國境監視哨

國境警備班

國境警備部隊ノ防禦

國境警備班ノ行動




凡例

縮尺二十萬分ノ一

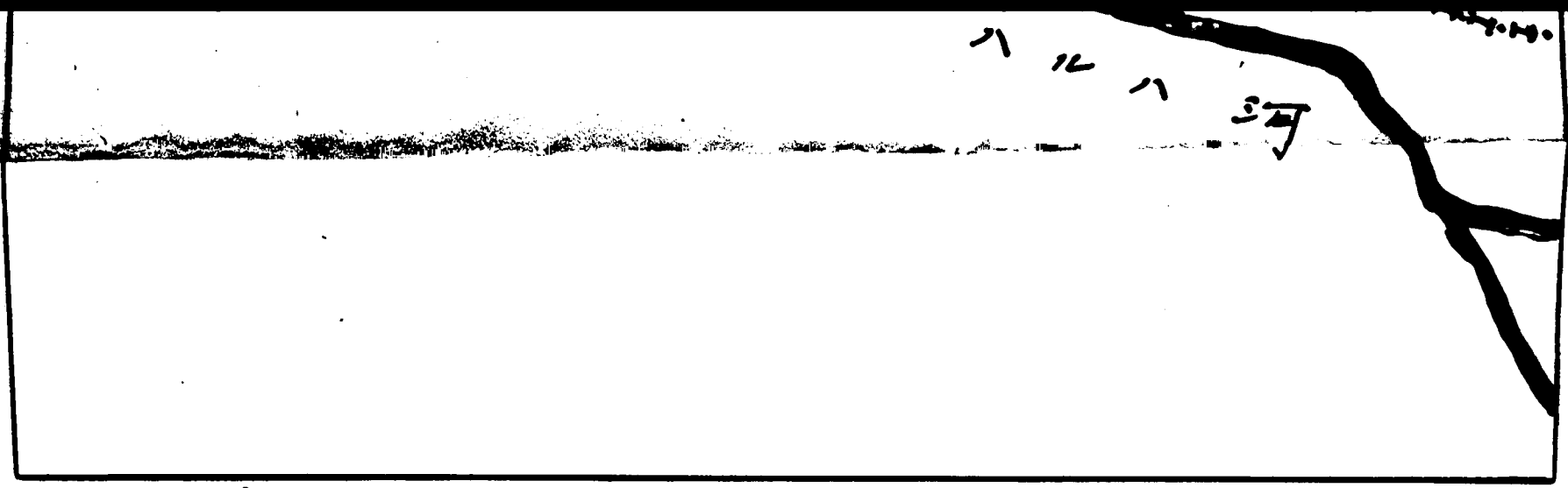
2 0 2 4 6 8粁

自分ノ證言ニ附屬トシテコノ要圖ヲ作成シタリ 證人少佐 チヨグドン.

國境

國境監視哨

國境警備班




凡例

縮尺二十萬分ノ一
2 0 2 4 6 8粁

自分ノ證言ニ附屬トシテコノ要圖ヲ
作成シタリ 證人少佐 チョグドン

- 國境
- 國境監視哨
- 國境警備班
- 國境警備部隊ノ防禦
- 國境警備班ノ行動
- 國境警備班及監視哨ノ退却
- 砲兵ヲ以テ補強セラレタル日本歩兵聯隊
- 戰車及裝甲車ヲ以テ補強セラレタル日本騎兵聯隊
- 自動車九十臺ヲ以テ侵入シタル日本歩兵部隊

凡例

縮尺二十萬分ノ一
2 0 2 4 6 8粁

自分ノ證言ニ附屬トレンコノ要圖ヲ
作成シタリ 證人少佐 チヨグドン.

國境

國境監視哨

國境警備班

國境警備部隊ノ防禦

國境警備班ノ行動

國境警備班及監視哨ノ退却

砲兵ヲ以テ補強サレタル日本歩兵聯隊

戰車及裝甲車ヲ以テ補強サレタル日本騎兵聯隊

自動車九十臺ヲ以テ侵入シタル日本歩兵部隊

作成シタリ　證人少佐　チョク

國境

國境監視哨

國境警備班

國境警備部隊ノ防禦

國境警備班ノ行動

國境警備班及監視哨ノ退却

砲兵ヲ以テ補強サレタル日本歩兵聯隊

戰車及裝甲車ヲ以テ補強サレタル日本騎兵聯隊

自動車九十臺ヲ以テ侵入シタル日本歩兵部隊

三百名ヨリ成リ一九三九年五月十一日侵入シタル日本騎兵隊

一九三九年五月十四日侵入シタル日本二個騎兵聯隊

日本偵察隊

一九三九年五月十三日、十六日及十七日蒙古人民共和國領域ヘ侵入シタル日滿軍ハ
依リテ占領セラレタル防禦線

Def. Doc. No. 3020 3020

E-1.3864

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

SWORN DEPOSITION

Deponent: KUMAGAI, Jiro

Having first duly sworn an oath on attached sheet, and in accordance with the procedure followed in my country, I hereby depose that I have answered Attorney KUSANO. Hyoichiro's questions as follows:

1. Q. Do you know that on August 25-29, 1938, SATO, Chief of Press Section of the War Ministry, delivered a lecture at the Chief of Prefectural Police Conference in the Home Office?

A. Yes, I do. When conferences of Chiefs of Prefectural Police were held at the Home Office, people from various circles were often requested to give lectures on the current questions of importance. It is in accordance to this circumstance, I think, that Colonel SATO, Chief of Press Section of the War Ministry, was invited by the Police Bureau of the Home Office to give a lecture on the occasion of the said conference of Prefectural Police Chiefs concerning the actual state of the China affair, so that the police chiefs might be able to dispel the rumours running by making use of the information thus given.

2. Q. Did you prepare this document (Ex. 270/2235) yourself? If so, tell us how you prepared it, and especially how accurate the statement is.

A. I am no stenographer. However, during the session of the conference above referred to, two lectures, I believe, if I remember right, were given. These lectures did not necessarily agree with each other, it seems to me. After the lectures were given, I jotted down roughly about 100 pages, which, I am inclined to think, I arranged in about 50-60 pages.

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Def. Doc. No. 3020 (cont.)

The fact is, Colonel SATO spoke very fast and I remember finding it extremely hard to take memos of what he said. The present document was not subjected to Mr. SATO's review, and so fearing that there may be something that may not exactly accord with his speeches, I attached at the beginning of the present document a note saying - "the responsibility for the wording of the document rests with the witness."

Such is the case as far as I remember of the time.

On this 22nd day of January,1948
at Tokyo.

Deponent: KUMAGAI, Juro (SEAL)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

On the same date.
At the same place.

Questioner & Witness: KUSANO, Hyoichiro

OATH

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

KUMAGAI, Juro (SEAL)

Ex. 3865

INTERNATIONAL PROSECUTION SECTION
Document Division

Doc.3367

29 January 1948

C O R R E C T I O N

1. Please correct the English copy of IPS Doc. No. 3367 on page 1, line 3 of the text beginning September 22, to read:

"had a letter of ultimatum for the High Command"

2. The attached is a certificate to cover Doc. No. 3367, served on you this date.

Document Processing Unit

FILE COPY
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IPS DOC. NO. 3367 Ex. No._____

Indo-China Command
- - -
General Staff, G-2

HANOI, 15 October 1940

Secret

No. 3015/2B

DRAFT OF CABLE TO THE DEPARTMENT
Reply to State Telegram No. 520/R of 11 October 1940

from

COLONIES to GOUGAL

Review of Events at Langson

- - - - -

22 September - At 1400 hrs. The General Officer commanding the Japanese Division at LONGTCHEOU had a letter intended for the High Command, sent to the Commanding Officer at DONG DANG, giving the information that the Japanese troops would enter Indo-China peacefully and would pass through HANOI and that no armed resistance should be offered.

At 2200 hrs. The Japanese enter Tongking in battle formation on the front BINHI CHIMA. Sergt. DUBUC on duty near DONG DANG, wounded by a bayonet at 2210 hrs, fired after challenging.

The Corporal of the blockhouse at NAMQUAN on duty about 22.25 hrs fired shots in the air after challenging on noting suspicious movements.

Attack on the NAMQUAN blockhouse and positions at DONG DANG by artillery and tanks during the night and morning 22/23 September

23..../.../..

23 September - The post DONG DANG occupied in the morning.

At 0700 hrs.- Intervention by Colonel KOIKE, General NISHIHARA's Chief of Staff, to stop firing; could only apply to elements of the first line who did not know of the agreement (or were purposely ignoring it).

23 September (Con'd)

French ceased fire on condition Japanese troops did not pass the line reached before the incident was settled.

At 0845 hrs. - Japanese planes flew over LANGSON and dropped leaflets. "Stop fighting. The Japanese are returning to China."

At 1010 hrs. - LANGSON airfield bombed.

At 1500 hrs. - Second bombing of Langson Kylu

Japanese movement on LANGSON resumed at the end of the afternoon of 23rd while an invasion via DIEMHE, west of LANGSON, manifested itself.

At half past one the same day, the CHIMA post was attacked. Its garrison retired on LOC BINH as arranged. French intervention under a flag of truce at 9 o'clock in order to have the agreement made known. Japanese advance in force resumed at 1600 hrs. LOC BINH evacuated by the French after heavy fighting at 17.45 hrs.

The same day a Japanese column made a drive from DONG DANG on NACHAM. The post was reached in the evening, was attacked next morning and evacuated on the evning of the 24th after vigorous resistance.

BINHI attacked at 2300 on 22 September; Garrison retired on THAT KHE which place the Japanese reached and occupied on 24 September.

24 September. - Japanese heavy losses at NACHAM-LOC BING-DONG DANG. Night and early morning calm. Japanese infiltration became more acute into the LANGSON position by the middle of the morning; and in spite of orders not to fire until absolutely unavoidable, the position was obliged to open artillery fire.../.../...

24 September (Con'd)

DIEM BE taken by the Japanese during 24 September. A large scale invasion into the LANGSON position commenced in the East in the same way by Japanese elements.

End of the evening - Flanking French force near LANGSON shut themselves in with the garrison of the KYLUA position.

25 September.- KYLUA-LANGSON bombed and shelled from 0530 to 0930. General MENNERAT authorized at 1040 to enter and contact Japanese forces to make known the agreement which had come about and arrange maintenance of the status quo while the incident was being settled.

Profiting by the cessation of fire and the fact that negotiations were going on the Japanese expedited their advance and encircled the position and penetrated the defences at a point on the North front. In view of this "fait accompli" and under threat of a violent ultimatum General MENNERAT was obliged to sign the articles of surrender at 1600 hours though the Japanese breach of faith had hopelessly compromised their terms.

Fighting ceased on the whole front THATKE -NACHAM-LANGSON-LOC BINH, the objective of the Japanese Division on the evening of the 25 September.

Lt. General MARTIN,
Commander-in-Chief of troops of the Indo-China Group.

/s/ Martin

TRUE COPY
The Chief of Staff G-2
Signed R. LEMAITRE
Seal: Indo-China Forces
General Officer Commanding in Chief

IPS Doc. No. 3367
Cert

CERTIFICATE OF ORIGIN

Tokyo, 29 Jan 1948

I, the undersigned General Pechkoff, ambassador of France, Chief of the French Mission in Japan, certify that the document numbered 3015/SB composed of three pages dated 15 October 1940 emanating from the Commander-in-Chief of the Indo-China Forces entitled "Review of Events in Indo-China" is a true copy of an original document coming from the archives of the French Government Secretariat General of National Defence in Indo-China.

s/ Pechkoff

Exhibit No. 3865 IPS Doc. No. 3367

FILE COPY
RETURN TO ROOM 361

参謀本部、G-2
印支支那司令部
秋
第三〇/五号ノ三

"省宛海底電信、草案

「ハイイ」一九四二年一月十五日

一九四二年十月十日附國家第五二号
IRニ対スル返電

拓務省
「ブーガンビル」宛

「イアンソン」ニ於ケル事件ノ経緯

九月二十三、午前〇時〇分、「ロニヨ」発長八景高司令官宛最緊急通報、「花コトンダン」司令官ニ送リ、日本軍ハ午前〇時〇分「ムリコバノ」ヲ通過スベキヲ通告ス、ヲ通告セリ

二十二時〇分、日本軍ハ戦斗隊ノ主ヲ「コヒヒ」ヲ通過シ「トキシニ」ニ向ヒ「トンダン」ヲ経テ「ガブツ」ニ向ヒ進ミ、勤務中ノ十分鏡、剣三隊ケラル、後行ハ発砲セ

「ナムカンレ」ノ防舎ノ伍長、勤務中、二十二時十五分頃怪シキ行動ヲ認メ誰何後空中ニ射撃セリ。

「ナムカンレ」防舎並ニ「ドンダンレ」ノ陣地ニ対スル九月二十二日二十三日ノ夜及ビ朝ノ砲兵及ビ戦車ニ依ル攻撃。

〇〇/〇〇〇/〇〇〇 二三

九月二十三日 午前「ドンダンゲンゲン」営地占領サル。

〇七、〇〇時、十一両爲勝軍ノ参謀長小銃大佐ノ射撃停止ノ調停アリタリ。協定ニ何キ何事モ知ラザル才一組分子成レハ故意ニ夫ヲ無視セル者ニノミ奉ヤハエル事ナリ。

佛軍ハ日本軍ハ事件落着前ニ日本軍ガ到着セル線ヲ越エズトノ條件ノ下ニ射撃ヲ停止セリ。

〇八、四時 日本ノ航空機ハ「ランゲソンレ」上空ヲ「飛行」ノ戦斗停止。日本軍ハ中國ニ引キ上ゲル。ト印刷シタル「チラシ」ヲ撒布セリ。

一〇、一〇時、「ランゲソンレ」飛行場爆撃サル。

一五、〇〇時、第二回「ランゲソン、クルアレ」爆撃。

日本軍ノ「ランゲソン」攻撃ハ二十三日夕刻再ビ開始セラレ、一方「ランゲソン」西方「ディエ、ヘレ」ヲ経テノ進撃モ顕著トナレリ。

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同日一時半、「ナマ」営地攻撃セラル。同地守備隊ハ豫定通リ「ロクビこ」ニ後退セリ。協定成立ヲ知ラサンガ為九時ニ停戦協議ヲ為シ「フィンスビ」側ヨリ調停セリ。一六〇〇時日本軍大挙シテ進撃ヲ再ビ開始セリ。激戦ノ後、[illegible]時、濠軍ハ「ロクビこ」ヨリ撤退セリ。
同日、日本軍艦隊「トンブダ」ヨリ「ナナム」ニ突撃セリ。

（以下次頁）

I.P.S Doc. No. 3367

P4

夕刻同営地ニ到着、翌朝攻撃開始セラレ、頑強ナル抵抗ノ後二十四日夜撤退セリ。九月二十三日二三、〇時「ビニ」攻撃サレタリ。守備隊ハ「マガトゲ」ニ撤去シ、日本軍ハ同月二十九日同地到着右ヲ占據セリ。日本軍ハ「ナヤム」「ロクビンダ」「マドンダ・タンダ」ニテノ死傷者多数ヲ出セリ、九月二十四日夜往ニ早朝静穏ナリ、絶対ニ止ムヲ得ザル時ニノ発砲スベカラズトノ命令アルニモ拘ラズ、日本軍ノ「ランガン」地点潜入ハ丑前二時ニ発見セラレ劇烈化シ同地点ハ全儀ナク発砲セリ「ディエンビー」九月二十四日中ノニ日本軍ニ奪取サル。日本側ハ分子ニヨリ「東部」ニ於テノ「ランソン」陣地ヘ大規模侵入同様開始サル

夕早ノ終リ頃——「ランソン」近クノ「フランス」側防軍ハ「キルア」陣地ノ守備隊ト共ニ附ニ斃ル

九月二十五日

五時ヨリ分ヨリ九時三十分ニ至ル間「キルア—ランソン」爆撃ヲ施撃ヲ受ク十時四十分「マンネイ」大佐ヨリ妥結セル協定ヲ知ラセ事件解決中ノ現状維持ヲ取極メノタメ日本軍トノ連絡ニ入ルヲ許サル、発砲ハ依ト反シ交渉進行ノ事実ニ乗ジ日本軍ハ其ノ進撃ヲ進捗シ陣地ヲ包囲シ且ツ北方戦線ニ於ケル一切点ニ於テ防禦線ニ入リ込ム。此ノ日ノ諒承事実ハ二ヲ鑑ミテ激越ナル最後通牒ノ加ヘ閣下ニ「マンネイ」大佐ハ日本軍ノ信義ニ反シ彼等ノ条件ヲ見込ナク危クナルニモ拘ラズ降伏規約ニ署名セザルヲ得ナカツタ。

P. 5

I.P.S Doc. No. 3367

九月二十五日夕景、日本師團ノ対象地タル「タワトシ」ー「ナチャム」ー「ランソン」ー「ロックビン」ノ全戦線ニ於ケル戦斗中止ス。

陸軍中将「マルタン」
印度支那軍團最高指揮官

G-二 参謀長ノ原文
署名 「アー・ルメートル」(R. Lemaitre)
封印、印度支那軍最高指揮官。

I.P.S. Doc. No. 3367 Cert.

# 典據ニ関スル証明

一九四八年一月二十九日

於東京

余、下記署名、日本派遣佛蘭西大使、ペシコフ（PECHKOFF）将軍ハ、印度支那総司令官ヨリ入手セル、三頁ヨリ成ル、一九四〇年十月十五日附、文書番号第三〇一五ノ二号、下記題目、即チ「印度支那ニ於ケル事件概観」ナル文書ハ、印度支那ニ於ケル佛蘭西政府国防事務総長室ノ文庫ニ在ルデータ原文書ノ眞実ナル写シナルコトヲ証明ス。

署名 ペシコフ（PECHKOFF）署名

Doc. No. 3026

Ex. 3866

Excerpt from Saionji-Harada Memoris.

Chapter 103
(24 October 1933)

The general outline of the five ministers' conference held on October 25th was given to me in strict secrecy by the Prime Minister. I was requested to transmit the following to the Prince (SAIONJI):

1. Concerning international relations, measures are to be taken for the consumation of our plans pleacefully and by diplomatic means. We must endeavor as much as possible to avoid a collision.
2. Concerning national defence expenditures, they must be adjusted to our national resources, so that we may not suffer from threats of other nations nor be held in contempt by foreign countries.
3. Concerning domestic problems, with each ministry devoting its efforts toward solving difficult issues under their jurisdiction, enccurage deliberations among the ministers concerned and plan thus for national stability and propare for adequate national defence.

Def. Doc. No. 3003 (Excerpt from Ex. 3834) Exhibit No. 3867

EXCERPT FROM THE RECORD OF THE TRIAL
UNITED STATES OF AMERICA vs SHIGERU SAMADA, et al

Before the
MILITARY COMMISSION
Convened by the
COMMANDING GENERAL
United States Army Forces
CHINA

| | |
|---|---|
| UNITED STATES OF AMERICA | |
| -vs- | PUBLIC TRIAL |
| SHIGERU SAMADA | |
| YUSEI MAKO | |
| RYUHEI OKADA | |
| SOTOJIRO TATSUTA | |

VOLUME III

PAGE 301

SHANGHAI, CHINA DATE 1 MAY 1946

* * * * *

Defense Transcript Exhibit No. 10
Affidavit by General SHIMOMURA, Sadamu - 8 March 1946

* * * * *

8 Oct 1942

On this day, orders were issued for the change in command of the 13 Army. Lt Gen SAMADA was in SHANGHAI at the time, while Lt Gen SHIMOMURA, commandant of the Army General Staff College up to this date, was in Saitama province, engaged in manuevers which had been going on since 1 Oct. However, he was immediately recalled to Tokyo and assigned as Army commander.

9 Oct 1942 - Lt Gen SHIMOMURA makes, courtesy call to Imperial Headquarters. (p. 1)

* * * * *

Up to this day (9 Oct) Lt Gen SHIMOMURA absolutely had no connection with this incident. Therefore, he asked for a more detailed explanation and was given the following answer by the Chief of the General Staff:

"This affair has been thoroughly investigated and the final decision has been made in Tokyo. As a result, there is nothing that SHANGHAI or NANKING can do about this decision, except carry it out. As to the details and procedures of the trial, you can get a report from the one responsible at the time, when you reach SHANGHAI." (p. 2)

RETURN TO ROOM 361

Ex. 3868

Def. Doc. No. 2996 (Excerpt from Ex. 3834) Exhibit No.

EXCERPT FROM THE RECORD OF THE TRIAL
UNITED STATES OF AMERICA vs SHIGEKAU SHIMADA, et al

Before the
MILITARY COMMISSION
Convened by the
COMMANDING GENERAL
United States Army Forces
CHINA

| | |
|---|---|
| UNITED STATES OF AMERICA | : |
| -vs- | : |
| SHIGEKAU SHIMADA | : |
| YUSHIRO | : |
| RYUHEI OKADA | : |
| SOTOJIRO MATSUTA | : |

PUBLIC TRIAL

VOLUME IV

PAGES 401 TO 404

SHANGHAI, CHINA. DATE 1 MAY 1946

* * * * *

OKADA RYUHEI
was called as a witness on his own behalf.

* * * * *

Q. Were you at one time a member of the 13th Army in China?
A. Yes. (p. 401)

Q. In August of 1942, what duties were you performing in the Army?
A. I was serving as one of the members of the staff.

* * * * *

Q. Were you appointed in August 1942 to a military tribunal for the trial of the Doolittle fliers?
A. Yes. (p. 402)

* * * * *

Q. What did Major Hata tell the court?
A. I do not know the exact words that he did say but he first mentioned the names of the eight fliers, then named the various evidences and questioning of the fliers and said that it is evident that they are guilty in a view of military law therefore I request that the penalty be death sentence. That was said in his closing argument.

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361

Ex 3868

Def. Doc. #2996

辯護側書證第二九九六號

法廷證第　號

亞米利加合衆國對澤田茂其ノ他ノ裁判記錄ヨリノ抜萃

在中國合衆國陸軍司令官ノ召集ニカヽル軍事委任會ニ於テ

米國對　澤田茂

第四卷

中國上海

岡田和光ユーヤイ

×　×　×

岡田隆平　公判

龍田外次郎

四〇一頁ヨリ四〇四頁ヽデ

一九四六年五月一日

×　×　×

右ハ自己ニ就イテノ証人トシテ出廷ヲ命ゼラレタリ

隆平

FILE COPY
RETURN TO ... 361

Def. Doc. No. 2996

問　貴君ハ曾テ支那ニ於テ第拾参軍ノ一員デアリマシタカ

答　ハイソウデアリマス

問　一九四二年八月中貴君ハ陸軍デドウユウ職務ヲ爲シテ居リマシタカ

答　私ハ参謀ノ一員トシテ職務ニ就イテ居リマシタ

×　×　×

問　貴下ハ一九四二年八月ニドウリットル飛行士ノ裁判爲メ陸軍法務官ニ任命サレマシタカ

答　サウデアリマス（一四〇二頁～

×　×　×

問　畑少佐ハ裁判所デ何ント言ヒマシタカ

答　畑少佐ガ言ヒマシタ通リノ言葉ハ判リマヤンガ最初八名ノ飛行士ノ名前ヲ申シマシタソレカラ種々ナ證據ヲ上ゲマシテ飛行士

Def. Doc. 2996

ニ於イテ尋問ヲ行ヒマシタソウシテ軍法ニ照ラシテ有罪ナルコト明カナリ故ニ余ハ被告ハ死刑ヲ宣告スル事ヲ要求スト言ヒマシタ。之レガ檢告ノ結末トシテ述ベラレマシタ。

Defense Document 3010-B

E-3869

SAIONJI-HARADA MEMOIRS

Chapter 103 (24 October 1933)

I met the Foreign Minister (Hirota) and he said: "I desire to conduct matters so as not to arouse diplomatic difficulties. I wonder if the time isn't coming when America will recognize Russia and, accompanied by China, will subject Japan to an ordeal just as they did at the Washington Conference. In order that such a situation will never develop, in other words, so that Japan will not be confronted with such a situation, we must act now on Japan's relations with America, China and also Russia. In order to bring the Manchurian problem to a solution, Russia must be handled harmoniously and the existing issues settled. These ideas are the Chinese Eastern Railway and armaments. Furthermore, there is no other recourse than to settle the Simla Conference and improve our relationships with England."

Errata sheet (PHILIPOTA)

FILE COPY

正誤表

| | |
|---|---|
| 辯護側文書 | 三〇一〇－B |
| 和文本文 | 第一行「時に」は「的に」の誤り<br>第六行「國防」にしては「國務」にしての誤り |
| 辯護側文書 | 三〇一一號－D |
| 和文本文 | 第二行「イギリスを」は「イギリスと」の誤り<br>第十一行「全て」は「全で」の誤り |
| 辯護側文書 | 三〇一三－A |
| 和文本文 | 第一行「その立場」は「公の立場」の誤り<br>第九行「にも話し」は「とも話し」の誤り |

Defense Document 3011-D

FILE COPY

1 2 2 3 8 7 a-A

SAIONJI-HARADA MEMOIRS

Chapter 146 (29 August 1934)

On the morning of the 29th I went to the Premier's residence - - -. The Premier replied: "- - - - the Foreign Minister strongly asserted that in Anglo-Japanese relations it would be unreasonable to have Great Britain possess only the same amount as Japan. Even if there should be a difference of sixty or seventy thousand tons or of several thousand tons more, it would be very well if there were no protest. He didn't want to irritate Britain but desired to be on friendly terms. - - - - - I met the Foreign Minister on my way home. He said: "- - - - -'In Anglo-Japanese relations I would like to handle matters so that there is room for compromise.' I said all these things to the Navy Minister and although he gave no defini reply, I think that he will agree." - - - - -

The Foreign Minister also said: "I want this kept top secret. I told the Prime Minister that I could not accept any future responsibilities if I were told to carry out strait-laced diplomacy. In that case the only solution would be to resign. However, if I were allowed a small amount of leeway I would cooperate as much as possible. These were grave times, so in settling matters I favored conferences in the Imperial presence. When I said this the Prime Minister replied: (Conferences in the Imperial presence are very dangerous. The Cabinet wants to handle this as its own responsibility. Don't talk about resigning; how about continuing until next year's conference?' We departed after this." "If there is no reference to this from the Prime Minister, will you keep it to yourself?"

Er 3871

Errata Sheet
(Hirota)

Def. Doc. #3011-C

"Chapter 146 (August 24, 1934)" should be read as

"Chapter 145 (August 20, 1934)"

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Defense Document 3011-C

SAIONJI-HARADA MEMOIRS

Chapter 146 (August 24, 1934)

Foreign Minister Hirota told me: "The Navy Minister seems to have proceeded to the Fleet and calmed down the young officers, saying 'You may feel assured; for the Government is firm in the determination.' The Foreign Ministry's plan for naval disarmament is how to realize our demand for parity. Some people claim for a necessity for having quite a prolonged term, and suggest a term of 10 or 12 years to be first proposed and then to be cut halfway into a 6 year's period or so. If we wish to reach an agreement at all, I (Hirota) hope we will go about it fully ready to make concessions if necessary."

Ex 3272-A

Def. Doc. #5011-G (Revised)

SAIONJI-HARADA MEMOIRS

Chapter 155 (14 November 1934)

I met the Foreign Minister and asked him about the Chinese Eastern Railway negotiation.-------"In other words, negotiations were being carried on very slowly. Regarding the Disarmament Conference in London, the disarmament plan had been drafted, but the United States and Great Britain could not openly oppose the plan submitted by Japan. It appears that the United States and Great Britain are changing their course toward a political standpoint. Intirely apart from this problem, the Ministry is trying to bring about a rapprochement between Japan and Britain. It would not come right out and make an alliance, but it was going to form something like a Four-Power Pact. At the present time Ambassador Matsudaira was making approaches to the British Government. Those invested with full powers had been given instructions to 'suppress gradually the question of disarmament, and to take a calm attitude to the end.'

It appeared that they were carrying out their instructions. These plans of rapprochement with England were of the utmost secrecy and were not even discussed in the Cabinet meetings."

RETURN TO ROOM 361

Ex 3873-A

Defense Document 3011-H

SAIONJI-HARADA MEMOIRS

Chapter 161 (December 30, 1934)

I saw the Minister who said to me: "I am going to give out a statement explaining the circumstances of Japan's abrogation of the Washington Treaty and also her intrinsic desire for naval disarmament so that we may have the world understand Japan's true intentions. In any case, around March next year various questions will crop up. Therefore we have got first of all to keep a sharp and careful watch on China's attitude. But at the same time we have to note the fact that the powers are apprehensive lest Japan should, on her abrogation of the Naval Disarmament Treaty, deal with China in her own free way. With a view to dispelling their misgivings, I would like to have some treaty concluded with China through direct negotiations with her thereby evincing forcibly the security of China's territorial integrity and clarifying Japan's true attitude therein."

RETURN TO

3013

Tr. 3774-A

SAIONJI-HARADA MEMOIRS

Chapter 246

27 July 1937 (the 12th year of Showa)

Later I met Foreign Minister Hirota and asked him about various conditions. Hirota said, "For the time being, I would like to carry out a non-expanding settlement of this Incident; however, since any direct negotiations with the Army on my part have been unfavourable, I have been negotiating with them through the Navy Minister. From now on, I would like to act without taking the Army's feelings into too much consideration. But this is a very delicate problem. Regardless of this, the fact that the interior of the Army is unsettled is very disadvantageous." - - - - -

Around the 24th, 25th and 26th, another trouble broke out in North China, and the Japanese Army had taken a beating from the Chinese Army. Therefore, angered by their losses, the Air Corps had bombed the military installations around Peiping. This made the situation so difficult that greatest anxiety was felt about the future.

Case Document 3013-D

Ex. 3975-A

SAIONJI-HARADA MEMOIRS

August 4, 1937 - 247

On August 3 Matsudaira, Chief Secretary to the Lord Keeper of the Privy Seal, told me that on August 2 the Chief of the General Staff proceeded to the Palace and said to the Emperor that the Army would send the troops as far as the Paoting line but would not extend the battle-field farther than that.

FILE COPY
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Exh. NO. 3875-A

Dof Doc #3013—D

西園寺原田日記　十二年八月四日　二四七回

三日に松平内大臣秘書官長の話によると
二日に参謀総長が参内されて陛下に
「先づ保定の線までは出しますけれどもそれ以上事態を拡大させる事は致しません」と云ふことを言上された

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Defense Document 3017

FILE COPY

SAIONJI-HARADA MEMOIRS

December 6, 1937

"We have got an understanding with the other side that the terms will vary with the change of the war situation, but the junior officers of the Army, entirely ignorant of such circumstances, said that the fault was with Hirota who has too early confided our real intention to the other side. We are annoyed to have the members of the General Staff, including Kagesa, threatening clamorously since yesterday that Hirota should be killed, or apprehended. Just at noon on December 8, the War Minister came and said that he would dine with the Prime Minister Konoye. When he told it to the War Minister, the latter said that he would tell the Chief of the Second Section beforehand to keep it secret, for it would be troublesome if the middle-class officers should hear about it. Already at that time, however, the junior officers, including Kagesa, of the General Staff and the War Ministry were exceedingly angry to learn it."

After that I went back home, and about half past four, I called again at the official residence of the Minister of the Navy. As I spoke of the above-mentioned matter in the presence of the Minister and the Vice-Minister of the Navy, they both answered to the following effect: The fault was rather with the Army. Both the Army and the Navy once wanted to cease war as soon as possible, when the General Staff was so intent on a peace move through the medium of Major-General Ott, the military attache to the German Embassy at Tokyo, that it pressed the Foreign Ministry for negotiation. Since then, the negotiation has been continued by the Foreign Minister. As I have repeatedly stated, the Army, Navy and Foreign Ministers have once a week dined together to talk about diplomacy and arrived at a mutual understanding. Accordingly, nothing should happen so long as the Army is well controlled. We will argue for the Foreign Minister that such a hitch has

taken place because the Army failed to inform the Foreign Ministry, even if through the medium of the Prime Minister, of the change of the operations plans according to the change of the war situation, in order to keep a close communication with the diplomatic authorities. So we ought not to reproach the Foreign Minister only.

At any rate, Foreign Minister Hirota has previously sought an understanding with the other side that we might present new terms, so there is no objection to submitting newly stronger terms. The fact is, those who wanted to attack and exclude Hirota took this opportunity to cause trouble, in spite of the fact that there was no question whatever because we have an understanding with the other side that the above-mentioned terms corresponded to the then situation and that the former would vary according to the change of the latter. The Lord Keeper of the Privy Seal was also angry at the embarrassing attitude of the Army toward the present problem on diplomacy.

Defense Document 3012-A

FILE COPY
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SAIONJI-HARADA MEMOIRS

Chapter 260 (19 January 1937)

"When I spoke to the Foreign Minister by phone on the 18th morning, he said: 'As the Chinese Government failed to accept the proposal (determined by the Japanese Government), the Council held in the presence of His Majesty arrived at a decision to launch into the alternative plan.' 'The foregoing was related to the German Ambassador and his reply was; 'To be sure, there is probably nothing more that could be done under the circumstances. I shall explain it in details to the Ambassadors and Ministers of all nations.' . . ."

Def. Doc. 3035

Excerpt from Saionji-Harada Memoirs
Chapter 3[illegible] (1 September 1939)

"Kido, Konoye and the Lord Keeper of the Privy Seal have agreed that Hirota was the number one candidate. The three have sent me with the message to ask you to sound out Hirota's personal opinion. Before that, will you please go to Gotemba and solicit the Genro's (Prince Saionji) opinion. It is the request of the Lord Keeper of the Privy Seal and the others that if the Genro has no objection, they would like you to go immediately and secretly to see Hirota."

- - - -

On the 24th, I (Harada) visited Prince Saionji at Gotemba. I gave him a complete report from beginning to end, such as: Hirota, the former Premier, was the number one candidate and General Ugaki was number two.

In the afternoon I made arrangements with Hirota and met him at his relative's villa at Kugenuma. From 3:30 P.M. until around 4:30 P.M., we discussed various matters. I felt somehow that he was undependable.

- - - -

There was an indication that he wanted to receive more concrete instructions from the Lord Keeper of the Privy Seal about the formation of the Cabinet, and I felt that he wouldn't be any help. We know that Hirota, from the standpoint of character and experience, is a very righteous man. However, he is a diplomat, and is very ignorant about internal affairs. With the feeling that this was very disheartening, I left, promising Hirota I'd give the matter careful consideration.

- - - -

On the night of the 24th, when I (Harada) returned home, there was a phone call from Tokyo telling me: "Feelings of ostracism against Hirota are high at General Staff Headquarters. The Army, as a whole, is starting an expulsion movement against Hirota". . . . I, (Harada) phoned Hirota and said: "I talked to you for a short while yesterday. The Army is very clamorous, and you were worried about the Army. It would be advantageous in every respect if you would give us a definite answer." He replied: "The fact is, I was just thinking of phoning you and declining definitely. Will you please inform the Lord Keeper of the Privy Seal that I do not have the confidence at this time." I transmitted his request to Matsudaira; and Matsudaira transmitted it to the Lord Keeper of the Privy Seal.

FILE COPY
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3879
EX ~~3415~~

Defense Document 2989

Excerpt from the Diary of Marquis KIDO - February 27, 1937

At half past eight HARADA called at my home. I was greatly surprised to learn that he was suffering from nervous prostration and that the left half of his body was semi-paralysed. I advised him urgently to take care of himself.

FILE COPY
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Defense Document 3045 Ev. 3280

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

FILE COPY
TO ROOM

Sworn Deposition

Deponent: Rempei SASSA

I, Rempei SASSA, having first been duly sworn, do depose and say:

I have been duly licensed to practice medicine in Japan for the past 33 years specializing in internal medicine only. I am not a specialist in arterio-sclerosis or diseases of the brain. I knew Baron HARADA as a friend for many years but I never treated him professionally until March 15th, 1941.

I have practically all of my medical records of my treatment of patients since the earthquake of 1923. In reviewing my records I find the following appearing therein with respect to my treatment of Baron HARADA, Kumao. The following is found in my 145th volume:

INITIAL DIAGNOSIS OF MR. HARADA, Kumao

On 15th March 1941
From 3:05 P.M. - 6:12 P.M.
At OISO-machi, Komadera-shita

About 2 or 3 years ago he experience being suddenly reduced to a condition incurring difficulty in speaking in front of the OISO Station.

Dr. Ryuko SASAKI came to examine him, as a result of which he was forbidden to take meat and to smoke.

Last summer he had a sudden attack of asthma. Dr. SONEDA gave him some injections which was able to ease his pain. The following day he rose up but would soon feel tired. The next attack came on 9 February when he was tidying up a store room at OKITSU, which, however, was eased after being given some injections.

On the 11th, he returned home. Temperature, then, was 38 degrees, with coughing and expectorating noticed. However he did not keep to bed. Recently he has become short of breath when ascending stairs.

Defense Document 3045

8 March: He consulted Dr. KATSUNUMA of the NAGOYA UNIVERSITY.

Extreme enlargement of heart noticed.
Two pieces of X-ray photographs taken.
An examination was made of the electro-cardiogram.
Condition worse since last night. Pulse rapid, shortness of breath felt with some coughing and expectorating.

Condition. Fat, obesity; traces of cyanosis, visible; pulse - up to 120, regular, alternating pulse; blood-pressure - 180 - 130; rapid breathing; apex heat; impalpable, about two finger's breadth outward by percussion note.

Second aortic sound, accentuated; lung region: in the lower part on both sides, especially in the right part, râle, audible, moderate; liver, palpable, lower border of liver; impalpable; traces of oedema in lower limbs.

Diagnosis:

Cardiac-weakness, as a result of high blood-pressure with fat-heart.

Treatment:

Prognosis - good; continuous attention for a week or two necessary.

During 1941 I treated Baron HARADA on the following dates: March 15, 1941; March 27th, 1941; April 26th, 1941 and May 31st, 1941. The next time I saw him professionally was August 22, 1942. My clinical diary from the 19[illegible]nd volume shows the following:

Saturday, 22 August, 1942
(1:40 P.M. - 5:20 P.M.) Mr. HARADA, Kumao
Age 55

FINAL DIAGNOSIS - 31 May Last year.

This time his condition changed for the worse on his way back to Tokyo from Karuizawa when passing somewhere around ANNAKA. Hereupon he went to SHIMBASHI accompanied by his wife (who had come to meet him at the UENO Station) where he was shown into the station-master's room, and sent for Mr. MURAYAMA. Then, he left for OISO with Mr. MURAYAMA. He was seen yawning in the train. Somewhere around at TSUJIDO, half the part of his body was seen in bad condition and his tongue rather thick. Got off at OISO at night (10.28 p.m.) Mr. ( ) was at the station to meet him. He was unable to speak but could walk quite well. He lay down for about ten minutes on returning home, owing to which his tongue condition improved and his words, though inarticulate, were more or less understandable.

A dose of O.I. (grams or c.c.) of Ruminahr (T.N.) was taken by him. Little sleep. This morning, speaking inarticulate. No fever. About five or six years ago, his left arm and leg became numb, but had recovered after a week or so.

Defense Document 3045

Main Complaints:

Unable to speak. Something wrong with his right hand. Legs normal. Blood pressure as usual - 150 - 95.

Consciousness clear; countenance natural; tongue - extremely to the right, unable to speak; pupil - nothing peculiar; pulse 80, regular; tension of pulse, rather strong; apex heat, two fingers' breadth outward from the 6th intercostal space and mamillary line; lung - nothing abnormal; no vedema in lower limb; knee jerk - strong; both right and left equal; cremasteric reflex - left (+ +) right (+); perception - normal; grip - left hand stronger than right; unable to write with the right hand - left, normal.

Diagnosis:

Paresis of the right half part of body and there is fear of aphasia (thrombosis of the brain).

The complete list of the various dates on which I treated Baron HARADA appears on the attached sheet marked Exhibit A and is taken from my clinical diary.

From 1942 on Dr. SONEDA was the doctor in charge of Baron HARADA's case and Dr. HURIYAMA also treated Baron HARADA and each knew that the other was treating him.

Defense Document 3045

Exhibit A

1941 (16 Showa) Age 54

15 March - Initial Diagnosis.
Difficulty in speaking experienced, some 2 or 3 years ago, at in front of the OISO Station.

Last summer - an attack of Asthma
9 February, an attack of Asthma

27 March
26 April - Calms down
31 May

1942 (17 Showa) Age 55

22 August - Thrombose
1 September
12 September - Thick Tongue
26 September
16 October
24 October

1943 (18 Showa) Age 56

20 February
13 April
7 July

1944 (19 Showa) Age 57

3 May

1945 (20 Showa) Age 58

7 September - Cardiac weakness
13 October
22 December

1946 (21 Showa) Age 59

6 January
19 January
28 January

(Died on 26 February)

Defense Document 3045

On this 31st day of January 1948

At NISHIKATAMACHI
BUNKYOKU, Tokyo, Japan

DEPONENT: Dr. Rempei SASSA

I, Rempei SASSA hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place.

Witness (signed) KIDO, Takahiko (seal)

OATH

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

Rempei SASSA (seal)

FILE COPY

Def. Doc. 3044

Exh. No. 3881

Translated by
Defense Language Branch

Excerpt from Saionji-Harada Memoirs

Chapter 259

27 December, 1937

On the 23rd, I went to Okitsu and submitted to the Prince the reports of my above-mentioned interviews. The Prince said: "Is this 'German Mediation' to be carried on by the German government or by some German individuals? Moreover it seems that we should definitely punish the responsibles for the bombardment of the British ship as it would likely open up for us a favorable way for subsequent diplomatic negotiations." The Prince was also greatly concerned about the reasons for and the manner of hurrying through these peace negotiations.

FILE COPY
RETURN TO ROOM

西園寺原田日記　第二百五十九回抜萃

昭和十二年（一九三七年）十二月二十七日

それから廿三日興津に行つて公爵に逢つてからの報告をした處が公爵は「ドイツの中介と云ふのは、トイツの政府がやつて居るのか、それともドイツの個人がやつて居るのか。尚ほイギリスの貿易を砲撃したもの、處罰をはつきりやつて置けば後の外交が非常にやりよくなりはしまいか」と云ふ事で公爵も一體どうして此和平解決に進むかと云ふ事に就ては非常に心配して居られた。

Def. Doc.# 3046-A

T-x.3883

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition

Deponent: ABO, Kiyotane

Having been duly sworn in accordance with the procedure followed in my country, I do hereby depose and say as follows:

1. I have no occupation at present and reside at 483 Narimune-Sanchome, Suginami-ku, Tokyo.

2. In 1931, I was the Navy Minister in the second AKATSUKI Cabinet. I attended all the Cabinet meetings held until the resignation en masse on Dec. 10th, 1931.

3. Neither at any of the said Cabinet meetings nor on any other occasion did I hear War Minister MINAMI say such words as "It is better for Japan to withdraw from the Leagud of Nations", or "There is no need for paying deference to the League of Nations", or "Should Japan be determined to wage war against the whole world, this can be done".

4. If there is any discrepancy between any words of Baron SHIDEHARA and the so-called Memoirs of Baron HARADA, I would believe implicitly in Baron SHIDEHARA, because he was always with me at the said Cabinet meetings.

Jan. 28th, 1948, at Tokyo.

Deponent: ABO, Kiyotane.
(signed and sealed)

I, KONDO, Giichi, hereby certify that the above statement was sworn statement was sworn by the Deponent, who affixed his signature and seal thereto in my presence.

On the same date at Tokyo.
Witness: KONDO, Giichi.
(signed and sealed)

OATH

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

ABO, Kiyotane
(signed and sealed)

FILE COPY
RETURN TO ROOM 361

Def. Doc. 2993 Exhibit No. 3283

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

RETURN

THE UNITED STATES OF AMERICA, et al.

- vs -

ARAKI, Sada[o] et al

FILE COPY
RETURN TO ROOM 361

SWORN DEPOSITION (Translation)

Deponent: ISHIWATA, Sōtarō

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country, I hereby depose as follows:

1. I, ISHIWATA, Sotaro, occupied the post of Chief Secretary of the YONAI Cabinet from January to July, 1940.

2. The resignations of the members of the YONAI Cabinet were tendered on 16 July, 1940. On the following day, the 17th, War Vice-Minister ANAMI paid me a visit to convey the view of the Army as to filling the vacancies in the membership of the Imperial nominees of the House of Peers. But I gave him a refusal, saying that a decision had already been made on the part of the Cabinet. This was my first and last interview with Vice-Minister ANAMI in those days. And on the occasion in question (General MUTO's visit to me) I am positively sure that Director MUTO of the Military Affairs Bureau was alone and was not accompanied by Vice-Minister ANAMI.

3. It is my recollection that often I did not tell Baron HARADA all the precise details of matters, as I believed that Premier YONAI was not pleased to see him because of and for fear of HARADA's thoughtlessness and frivolity in speaking.

4. MUTO, Director of the Military Affairs Bureau, being a soldier and type of man who was always very careful about his choice of words, never said anything to the effect that Minister HATA would be asked or made to resign, HATA being his superior officer. I remember that he said that Minister HATA might be forced by the circumstances to resign.

Def. Doc. 2993

O A T H

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

/s/ Sotaro Ishiwata (Seal)
ISHIWATA, Sotaro

On this 23rd day of January 1948,
at the Shrine Office of the
Yasukuni Jinja,
Chiyoda Ward, Tokyo

DEPONENT: ISHIWATA, Sōtarō (Seal)

We the undersigned, hereby certify that the above statement was sworn by the deponent, who affixed his signature and seal thereto in the presence of these witnesses.

On the same date

At the same place

Witnesses: /s/ Roger F. Cole

/s/ Seiji Hara (Seal)

Def. Doc. 3007 Exhibit # 3814

FILE COPY
RETURN TO ROOM 361

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.

- vs -

ARAKI, Sadao, et al.

SWORN DEPOSITION (Translation)

Deponent: NAKAMURA, Masao

1. Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country, I hereby depose as follows:

1. My name is NAKAMURA, Masao. I am an ex-Lieutenant Colonel. I was a member of the Military Affairs Bureau of the War Ministry from April 1940 to March 1943 and was under Lieutenant General MUTO when he was Director of the Military Affairs Bureau.

2. In those days my duty was to make liaison with and reception of Foreign Attaches, and similar matters.

3. With reference to the matter that an American officer called on Director MUTO sometime in the first ten days of October 1941, I recall the following points:

A. At that time a certain American officer who was attached to a regiment of the Japanese Army at Hirosaki (I am sure he was then called Captain Morrill) came to say farewell to Director MUTO, as he was being transferred to the Philippines. I was present at the time in the Director's office. On cross-examination, MUTO stated that he met somebody from the United States Military Attache's office, and that it was a young captain, "a very hale and hearty fellow, who came to see me because he was returning to his country in October". (Record p. 33,208). This is the very same instance.

B. The American officer being quite a joyful and merry fellow, we had a very good impression of him. The Director was very busy in those days and therefore his interviews were usually ended in about five minutes. This interview, however, lasted an hour or so, and they both made straightforward remarks from the standpoint of soldiers in a very smooth atmosphere throughout.

C. He talked a good deal about the happy experiences he had had both in his official and private life during his attachment to the regiment in Hirosaki. At that time we had respect for him, knowing that he had studied and was well acquainted with the real situation of Japan and the Japanese Army.

D. Such being the case, his chat with MUTO naturally was prolonged. During the talk, MUTO laid stress on the necessity of good-will between Japan and America under the then-prevailing taut circumstances, and repeatedly explained how he had been trying his best to bring about a peaceful conclusion of the negotiations between Japan and America for that particular reason.

E. If my memory is not mistaken, MUTO then referred to the issue of infringement on American rights in China caused by the Japanese Army during the hostilities as being one of the important reasons which interferred with the Japanese-American negotiations. He mentioned, I recall, something to the effect that it was difficult to have the whole case understood merely through the explanations given by the diplomats; but that "such military personnel as you, who are well acquainted with the true situation of Japan and the Japanese Army, can well understand the whole case. Therefore, please make your explanation of the situation to your superior officers. From such a mutual understanding of the Japanese-American military circles, the crisis of a Japanese-American collision can be averted".

F. MUTO further stated that in case this mutual understanding unhappily could not be reached, there were possibilities that the situation might expand into war, and that that was the point about which he was worrying. I remember that he added, half in jest, to the effect that "in case we arrive at such an unfortunate situation, since you are now going to Manila, we might meet again there -- isn't that so?"

G. During their interview, there was absolutely no statement by MUTO to the effect that "you will be fighting us in six weeks in Manila". The real situation was that in those days the whole staff of the Military Affairs Bureau, including Director MUTO, had been trying their utmost, by order of War Minister TOJO, to bring about a satisfactory conclusion of the Japanese-American negotiations. Moreover, that was still in the period in which no decisions whatsoever had yet been made to make war. Also, MUTO was the type of man whose utterances and behaviour were based on common sense. It is impossible that he should have stated such an unscrupulous matter as above-mentioned.

Def. Doc. 3007

O A T H

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

/s/ Mitsuo Nakamura (Seal)
NAKAMURA, Mitsuo

On this 23rd day of January 1948

At Ichigaya, Sanbancho Ward, Tokyo

DEPONENT: NAKAMURA, Mitsuo (Seal)

I, HARA, Seiji, hereby certify that the above statement was sworn by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /s/ Seiji Hara (Seal)

DEF. DOC. #3021

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al.

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: HASHIMOTO Gun.

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

I, Hashimoto, Gun, state under oath as follows:

1. My present address in No. 456, 4 chome, Kitazawa, Setagaya-ku, Tokyo.
2. I was Chief of the Operational Division of the General Staff from January 1938 until September 1939. My rank at that time was, first, Major General, and, later, Lieutenant General.
3. As Chief of the operational division I saw of course all the telegrams dispatched or received by the General Staff, or exchanged between the General Staff and Mili

Attachés or others stationed in foreign countries.

4. In Japan the Foreign Office, the War Ministry and the Navy Ministry were using different telegraphic codes each other. Therefore, it was impossible to make direct exchange of telegrams between the General Staff and the Japanese Ambassador in Germany, keeping such exchange secret from the Foreign Office.

5. In about January or February 1939 no telegram was dispatched from the General Staff to Ambassador Oshima stating that the prerogative of diplomacy belonged to the Emperor etc., as mentioned in the Exhibit No.3795 A.

6. In about January or February 1939 the General Staff did not dispatch any telegram to Ambassador Oshima concerning the question of strengthening the Anti-Comintern Pact, nor was no telegram received by the General Staff from Ambassador Oshima.

7. Military Attachés stationed in foreign countries belonged directly to the General Staff. Concerning the negotiations for a treaty between Japan, Germany and Italy the General Staff never sent in 1939 a draft of such a treaty by telegram to the Japanese Military Attaché in Germany.

/S/ HASHIMOTO, Gun (seal)
26 January 1948, in Tokyo.

Witness: /S/ SHIMANOUCHI, Tatsuki

DEF. DOC. #3021

On this 26 day of Jan. 1948

At Tokyo

DEPONENT: HASHIMOTO Gun (seal)

I, SHIMANOUCHI Tatsuki, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /S/ SHIMANOUCHI Tatsuki (see

OATH

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

/S/ HASHIMOTO Gun (seal)

Def. Doc. # 3029

Exh. No. 1 6

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: KAWABE, Torashiro

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

I, KAWABE, Torashiro, state under oath as follows:

1. My present address is Jindai-mura, Kitatama-gun, Tokyo.
2. I was stationed in Berlin from 1 December 1938 until February 1940 as Military Attaché of the Japanese Embassy. My rank at that time was Major-General. Mr. OSHIMA was Ambassador from October 1938 until October 1939.
3. As in Japan the telegraphic codes of the War Ministry, the Navy Ministry and the Foreign Office were completely different from each other, it was technically impossible for the General Staff to send directly telegrams to the Japanese Ambassadors in foreign countries. Therefore, if

telegrams were exchanged between the General Staff and the Ambassador, it must have taken place through me as Military Attaché.

4. In about January or February 1939 no telegram was sent from the Deputy Chief of the General Staff to Ambassador OSHIMA stating that the supreme authority of diplomacy is rested in the Emperor, as appears in Exhibit No. 3795 A.

5. In about January or February 1939, no telegrams were exchanged between Ambassador OSHIMA and the General Staff, secretly from the Foreign Office, concerning the question of strengthening the Anti-Comintern Pact.

6. With respect to negotiations for a Japan-Germany-Italy treaty, I as the Military Attaché never submitted a draft of a treaty to the German Foreign Office as mentioned in the Exhibit No. 3801 A. Moreover, during my sojourn in Berlin no draft of a treaty was sent to me from the War Ministry or the General Staff in Tokyo. Of course I was never ordered to submit such a draft to the German Foreign Office.

On this 23 day of Jan. 1948 . I . H.

At Tokyo.

DEPONENT: /s/ KAWABE, Torashiro (seal)

Def. Doc. # 3029

I, SHIMANOUCHI, Tatsuki, hereby certify that the above statement was sworn by the Deponent, who affixed his signatu and seal thereto in the presence of this witness.

On the same date,

at the same place.

Witness: /s/ SHIMANOUCHI, Tatsuki (see

OATH

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

/s/ KAWABE, Torashiro (seal)

Ref. Doc. # 3038

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

FILE COPY
RETURN TO ROOM 361

UNITED STATES OF AMERICA, et al

vs.

ARAKI Sadao, et al

SWORN DEPOSITION

Deponent: YAMAMOTO, Kumaichi

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

I, YAMAMOTO, Kumaichi, state under oath as follows:

1. My present address is No. 9, 3-chome, Shimouma-machi, Setagaya-ku, Tokyo.

2. I was appointed on 2 September 1940 the Director of the East-Asiatic Department of the Foreign Office. I held concurrently the post of the Director of the American Department since 28, October 1941, and was the Vice Foreign Minister from 18 September 1942 until 31 October of the year.

3. As I was one of the highest responsible officials of the Foreign Office during the above-mentioned period, I saw

all important telegrams sent from Ambassador OSHIMA to the Foreign Office. It is a fact that after the outbreak of the German Russian War several reports arrived from Ambassador OSHIMA to the affect that Germany was desirous of a Japanese attack on Soviet Russia. However, I do not remember that OSHIMA ever advocated as his personal opinion such an attack positively to the Japanese Government.

On this 30 day of Jan. 1948.

at Tokyo.

DEPONENT: /s/ YAMAMOTO, Kumaichi (seal)

I, SHIMANOUCHI, Tatsuki, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

at Tokyo

Witness: /s/SHIMANOUCHI, Tatsuki (seal)

OATH

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

/s/ YAMAMOTO, Kumaichi (seal)

3888

DHI, DOC #3C57

# 機護御文書第三〇五七號

昭和十四年四月十八日

陸軍軍縮と西園寺公第三百二十一回ヨリノ抜萃

で斯くの如く非常に注意されて居るので、自分も公然有田を訪ねると却つてうるさいと思つたから、[illegible]の通夜に行つて晩にゆつくり有田と話したら有田の處にも岩黒大佐から人を以て頻りに例の軍事同盟を成立させることを慫慂して、さうして有田の譲歩を望んで居つた。それで有田は「譲歩も何も自分としてはこれ以上出來ないのみならず善處して居るんだから、默つて見て居るやうに言づけを以て話してやつた處が先づ岩黒も分つたやうだが岩黒は豫て小磯大將を擔いで居る男であつて岩黒は小磯大將からも事實がもうこれより行かない以上は何と言つても已むを得ないじやないかといふことでやられて岩黒はもう落付いたやうな具合であつた。結局何と云つても總理の肚が大事である」と有田も云つて居た

RETURN TO ROOM

Def. Doc. # 3057 Exh. No. 3888

Excerpt from

"Harada Saionji Memoir" Chapter 321

(18 April 1939)

Since I was watched that closely, I thought it bad policy to visit ARITA publicly, so I met him at the wake services for SAITO (foot notes on margin of original document: the remains of Ambassador on 17th April) Col. IWAKURO had also sent a man to ARITA to urge the establishment of the military alliance. They desired ARITA's co-operation on the matter. ARITA said: "I can do any more; let it be compromise or anything else.

Furthermore, the situation is favorable now so sit tight. I (ARITA) told this to them and IWAKURO seemed to do satisfied with my answer. IWAKURO had always supported Gen KOISO but IWAKURO had been pressed by KOISO that since the situation concerning this matter would not, in reality, progress any further, it was absolutely unavoidable. Therefore, IWAKURO has also calmed down. In any event, the decision of the Premier is important.

DEF. DOC. #3059

Exh. No. 3887

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: ISHIWATA, Sotaro

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1) From January 1939 to August 1939 I was Minister of Finance in the HIRANUMA Cabinet.

2) It is quite inconceivable that concerning the falsification of Chinese papermoneys, a matter affecting so seriously the credit of Japan, a member of the cabinet should have made a careless statement without any arrangement beforehand with the finance minister. As Finance minister I was never consulted by Overseas Minister KOISO on subjects of this kind. Nor do I remember Mr. KOISO making such a statement at any Cabinet Conference.

On this 28day of Jan. 1948

At Tokyo

DEPONENT: ISHIWATA, Sotaro (seal)

I, Matsuzaka, Tokihiko,
hereby certify that the above statement was sworn by the Deponent, who affixed his signature and so thereto in the presence of this witness.

On the same date

At Tokyo

Witness: /s/ MATSUZAKA, Tokihiko (seal)

DEF. DOC. #3059

OATH

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

/s/ Ishiwata, Sotaro (seal)

3819

Def. Doc. #3059

極東國際軍事裁判所

亞米利加合衆國　其他

對

荒木貞夫　其他

宣誓供述者

供述者　石渡莊太郎

自分儀我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通リ宣誓ヲ爲シタル上次ノ如ク供述ヲシマス

Def. Doc. #3059

石渡莊太郎口述書

一、私は一九三九年一月より一九三九年八月迄平沼内閣の大藏大臣でありました

二、中國の紙幣を膺造するが如きは國家の信用に關する由々しき問題でありますので閣僚が大藏大臣に何等の打合せもなくして其場で發言すると云ふ樣なことは到底考へられぬことであります。私は大藏大臣として右樣な問題に付て小磯拓務大臣から何等の挨拶を受けたことはありません、又閣議の席上小磯拓務大臣が其樣な發言をされたと云ふ樣なことは全然記憶にありません。

Def. Doc. 3059

昭和二十三年（一九四九年）一月廿八日
於　東京都世田ケ谷區成城町四五五

供述者　石渡荘太郎

右ハ立會人ノ面前ニテ宣誓シ且ツ署名拇印シタルコトヲ証明シマス

同日於同所

立會人　松坂時彦

Def. Doc. #3059

宣誓

良心ニ從ヒ眞實ヲ述ベ何事ヲモ隱秘セズ又何事ヲモ附加セザルコトヲ誓フ

署名捺印

石渡莊太郎

DEF. DOC. #3040

Exh. No. 3890

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: YAMAGATA, Arimitsu

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1. From October, 1939, to the end of February, 1941, I was on the staff of the Second Section (in charge of information) and in March, 1941, appointed aide-de-camp to the Emperor. Later I held posts as Air Brigade Commander, etc. I was a colonel when I retired after the termination of

DEF. DOC. #3040

the war in 1945.

2. When I was still on the staff of the Second Section of the General Staff Office, Fritz von Petersdorf, a language officer of the Military attaché Section of the German Embassy and assistant military attaché to the Embassy, called several times at the Army General Staff Office for information. He wanted me to furnish information chiefly regarding the progress of hostilities in the China Incident, and, inreturn, gave us information on the development of Germany's operations in Europe. He referred to me in his affidavit (Doc. #3,858) presented to the Court, stating as follows (Rec. P. 38,424):

"When in 1942 I visited YAMAGATA in the Japanese General Staff in reply, to my question how the Japanese intended to attack the Soviet Union showed me in silence the Vladivostok and Blagoveschensk directions on the map."

The real fact, however, was entirely different from his statement.

As stated above, I was appointed aide-de-camp to the Emperor in March, 1941, and served in this officeuntil December, 1944. So during the year of 1942 I did not serve at the General Staff. Accordingly it was impossible for him to visit me at the General Staff Office during that year. Besides, the Second Section, to which I belonged, handled information. In Japan, affairs concerning military operations were handled by the First Section, and belonging to the Second Section I was in no position to have any connection with what was called the plan of anti-Soviet operations. For the above reasons, the above portion from Petersdorf's affidavit is utterly at variance with the facts.

On this 30 day of Jan. 1940

At I.M.T.F.E., Tokyo.

DEPONENT: YAMAGATA, Arimitsu (seal)

I, UCHIYAMA, Hiroshi, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness/s/ UCHIYAMA, Hiroshi (seal)

OATH

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

/s/ YAMAGATA, Arimitsu (seal)

Def. Doc. # 3061 Exh. No. 3891

Certificate Concerning the Duties
of Former Colonel YAMAGATA, Arimitsu

YAMAGATA, Arimitsu, a former Colonel, was appointed Military Aide-de-Camp to The Emperor on 1 March, 1941 and continued in office until 21 December 1944. It is accordingly certified that he held no office on the Army General Staff during the above-mentioned period. The said fact became known on consulting the "Army List" in the custody of the Personnel Section of the Demobilization Bureau.

This 31st day of January, 1948

/s/ [illegible] Yozo (seal)
Chief of the Archives
Section, Demobilization
Bureau, Welfare Ministry

I hereby certify that the above signature and seal were affixed hereto in my presence.

The same date and place.

Witness:-- /s/ UCHI[illegible] Hiroshi (seal)

Def. Doc. # 3062

Exh. No. 3892

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

SWORN DEPOSITION

Deponent: AKITA, Hiroshi

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

(1) I was Chief of the German Section of the Japanese General Staff Headquarter's Second Section, or Intelligence, from April 1941 to March 1943. I was successor to Colonel YAMAGATA. Major KANDORI was my subordinate.

(2) In the sworn deposition of the witness FRITZ von PETERSDORF, produced at this Tribunal on Jan. 29 of this year, my name is mentioned and it relates on matters concerning my having obtained information concerning the Soviet Union in 1941 - 42 from the Japanese General Staff Headquarters. I shall hereby mention those points of the above that are at variance with the facts.

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(3) If the aforesaid PETERSDORF had obtained any information from General Staff Headquarters from March 1941 till the time of his departure to his country, there would have been no other way than to have obtained them through the Chief of the German Division, which was myself, or through my subordinate, but as a matter of practise Colonel KLETCHMAR used to come to me about twise a week for this purpose. It was only when KLETSHMAR was unable to come on account of travel or for some other reason that PETERSDORF used to come. As I recollect the matter such occasions were extremely few. Further in such cases, I did not meet him, but KANDORI did. And after an interview with him, it was the practise for KANDORI to report to me on the conversation that took place.

(4) So called intelligense at that time was in gaining information from the German side about the European war situation, and from our side reporting on the Pacific War. It was very seldom that we furnished the German side information concerning the disposition of the Soviet Far Eastern Army, its nurber, transportation, reserve forces etc. About the only time I remember is when I was asked by Military Attache KLETSHMAR once if there was any news regarding the transfer of a unit belonging to the Far Eastern Soviet Army to the western

front, as the Germans had discovered such a unit in the European battle line. I inquired with the Russian Section on this matter, but as there was no positive proof, I replied to him to the effect that "I have no definite knowledge on the matter".

(5) It is true that we reserved from Germany samples of grenades and their construction plan. However these were not a present to the Emperor but were presented to General Staff Headquarters. And it is not true that the grenades were turned over the Chief of General Staff in a solemn ceremony. To say also that it was decided that these be used chiefly on the Manchurian front is absolutely unfounded.

On this 2nd day of Feb., 1948

at I.M.T.F.E.

DEPONENT: /s/ AKITA, Hiroshi (seal)

I, MIYOSE, Ichiro, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date,

at the same place.

Witness: /s/ MIYOSE, Ichiro (seal)

Def. Doc. # 3062

OATH

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

/s/ AKITA, Hiroshi (seal)

Def. Doc. # 3041

Exh. No. 3893

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA et al

-vs-

..hAKI, Sadao et al

SWORN DEPOSITION

Deponent: URESHINO, Michinori

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

From the outbreak of the Great East Asia War in December 1941 until its end in August 1945, I was continuously in the service of the 10th Section of the Army General Staff, my last rank being Lieutenant-Colonel.

The 10th Section, Army General Staff, was in charge of shipping and railway transportation.

Transportation from the field of operations to Japan proper was handled by the Army General Staff. It was controlled by such personnel as Director of Transportation and Communications, Chief of Shipping Command, and Chief of Shipping Transportation Command under the Chief of General Staff.



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Def. Doc. # 3041

These prisoners of war who were in PW camps in the field were controlled by the local Army Commanders under the supervision of the War Minister. In transporting to Japan Proper such PW's who were under the General Control of War Minister, the War Ministry made a request for their transportation to the General Staff (usually to Chief of Shipping Transportation) and, thus, such sea-transportation was carried out at the responsibility of the General Staff. While aboard the ship in the course of such transportation the Chief of PW Camp, or the Acting Chief, in charge of the PW group being transported, comes under the supervision of the War Minister. However, as far as the general matter of transportation (including rations) is concerned, he comes under the Chief of Transport Command and the General Staff. The notification concerning PW transportation, RIKUAITSU No. 1504, that is: Court Exhibit 1965, was sent from the Vice-War Minister and the Vice-Chief of General Staff in 1942 to the units concerned. This was sent because, as mentioned above, the relationship between War Ministry and General Staff with regard to the transportation of PWs from the field to Japan Proper was such that it required cooperation from both of them.

Def. Doc. # 3041

It does not mean that the War Minister issued an order as to the High Command with regard to the latter's affairs.

On this 29th day of January, 1948

at the International Military Tribunal For the Far East

Deponent: /s/ URESHINO, Michinori (signed)

I, KAWAKITA, Kenjiro, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date,

at the same place.

Witness: /s/ KAWAKITA, Kenjiro (seal)

OATH

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

/s/ URESHINO, Michinori (written seal)

For Ident.

DEF. DOC. #29[illegible]

3894

The Letter addressed
to Foreign Minister YOSHIDA
from SHIRATORI, Toshio

December 10, 1945

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Dear Mr. Yoshida:

It was more than sixteen years ago that Baron Shidehara, as Foreign Minister and yourself as vice-minister, were good enough to nominate me as weekly lecturer on foreign affairs before the Emperor. That privileged post which I held for nearly three years afforded me the rare opportunity of observing and studying the personality of our Sovereign at a close range. As a result, I could thoroughly convince myself of his innate love of peace, his thirst for truth, and his genuine anxiety for the welfare of his people. Especially Keen, I found, were his interest in foreign affairs and his desire for good relations with other nations. It seemed to me that he had an instinctive mistrust of the military and that nothing worse became him than his title of Generalissimo and the military uniform in which he had always to appear in public.

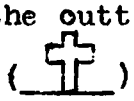
When the Manchurian affair occurred his reaction to it was unmistakable. I learned at the time on good authority that, for the first few months, both the War Minister and the Chief of General Staff, were taken sharply to task almost at every turn

whenever they were received in audience by His Majesty for report on matters under their jurisdiction. I myself remember his asking me several times ehether such and such decision by the Government had been taken on the initiative of the Foreign Office or of the War Ministry. In short, I felt that he was in every respect true to type as Tenno of Japan. But the current of affairs set in motion by the Manchurian imbroglio rapidly gathered such a momentum that it carried everything before it. No man, however wise or virtuous could have stopped it before it had run its course. It did run its course to a finish and here we are amidst the abyss.

Stupefied by the fearful blow dealt them, the Japanese people are for the moment altogether at a loss what to think or believe. Hitherbo, we called this country of ours "the land of Gods" and the Emperor the Son of Heaven and with a light heart, believed in Divine help in case of real need. Kamikaze in their sense, however, did not come after all. They were visited, instead, by earthquakes, typhoons, floods, and famine. What they liked to call a holy war ended in an egnominious defeat and the country, for the first time in its history, is placed under the occupation of foreign armies. In face of these dire facts, the disillusionment of the people is complete. Disappointed and exasperated, they are throwing to the winds what faith they had in Kami-Sama, and their evaluation

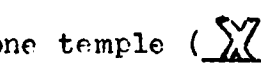
this nation's history and of the Tenno system is naturally at its lowest ebb. The state of things prevailing in Japan today reminds one forcibly of that gloomy chapter in Hebrew history where, their country lost and groaning under the Roman yoke, the people eagerly longed for the coming of the prophesied Messiah who would give them back their ancient glory under David and Solomon. It was Jesus of Nazareth, however, who did come, an entirely different sort of Messiah who told them to "render unto Ceasar that which is Ceasar's and unto God that which is God's". That was exactly the contrary of their expectation. So they finally lent themselves to the commission of that irrevocable crime of murdering their Christ on the cross. Similarly, are not the Japanese people of today, having asked of their Deity and of their Tenno what they ought not to have asked and not getting it, so deeply chagrined that they are on the point of giving themselves over to an everlasting nay? While it seems to me that now, if ever, is the time for us all to turn to Heaven in all humbleness of heart and in profound repentance, the actual tendency is quite the reverse. That is the most deplorable phase of the whole situation.

Take an oblong sheet of paper and, folding it twice as when making paper cranes, get it into a shape like this ; cut it along the dotted lines

into five parts of equal width and you will have nine pieces of paper like those enclosed herewith. You will find that they can be put together so as to form the two Chinese characters signifying Japan (日本). Take it to pieces again and arrange the cuttings in another way and you will get a cross (  ) and the word hell (HELL).

Please do not imagine, dear Mr. Yoshida, that I am trifling with you, for I am quite serious. I read about this puzzle several years ago in a book entitled "The Three J's Proposition" (Japan, Jesus, and Jews), by the late Mr. Sakai, head of the Japano-Jewish Association. The puzzle is said to have been invented by an English hospital nurse during the first World War. How a foreigner, with perhaps little knowledge of Japan and the Japanese language, could have made it may in itself be considered somewhat of a mystery. At any rate, for us Japanese reduced to the present predicament, it is too grimly suggestive to be lightly dismissed as a mere piece of amusement. Indeed I venture to think that it may not be too much to say that the future of Japan largely depends upon how we solve this puzzle and what we read into it. The palpable implication of the riddle is that, to begin with, the whole make-up of the old Japan (日本) must be taken to pieces and that all chaffs, abuses, sins and impurities must be discarded

and borne away to the shades below (HTII), until, after the great purge, that only remains which is symbolized by the cross ( ). The process of disintergration has been going on in full swing under our very eyes. Dull would he be of mind who were to fail to discern in all that the unseen hand of the Almighty. No less patent must it be that that same hand shall guide the building up of the new structure. Thus the marrow and essence of the whole problem before us would seem to be the cross. What exactly may that mean? May that imply that Japan is to be Christianized outright? It might or it might not, for religion is admittedly too complex a matter to be settled out of hand one way or the other.

Now the cross is generally supposed to be the symbol exclusively of Chrisitanity. Seeing, however, that Jesus told his desciples on several occasions to "take up their cross", it does not, to my mind, necessarily represent the wooden cross on which Christ was crucified. Rather may it not be presumed that the Hebrew people had always regarded it as symbolic of the Supreme Being, omnipresent through time (vertical) and space (horizontal), which is variously called in various ages and climes? It is said that the two Shrines at Ise which together make one temple (  ) also represent, by the different ways in which the cross-beams on their respective roofs are cut out, a cross, i.e. time (the Inner Shrine) and

space (the Outer Shrine). It is moreover said that on the back of the Sacred Mirror of the Inner Shrine is to be found a writing in which apparently is the Hebrew alphabet; and, again, that one of the gates to the temple at Jerusalem bears the Crest of Chrysanthemum with sixteen petals. It is perhaps because of these and many other similarities in matters pertaining to the worship of God, besides marked affinities in racial traits, that the Japanese and Jewish peoples are considered to be closely related to each other by some observers both native and foreign. To what extent such a surmise may be verified by strictly scientific researches remains to be seen. Be that as it might, there is in my opinion one aspect in this connection which is of immediate concern to this nation at the present juncture. As it is to the deterioration of their ideas about God and especially their idolatrous tendency that the downfall of the Israelites as a nation is generally attributed, so may it not be said that the root cause of our present debacle is the beclouding and abuse of the true spirit of Shinto on one hand, and on the other, the apathy to matters of worship or its utter materialization on the part of so large a section of the people? Just as Hebraism taught by Moses had become so twisted or reduced to formalism at the hands of later Israelites that God sent down Christ among them "not to destroy but fulfil the law", so for Shintoism of Japan, if it really means the

"Way of God", a thorough-going overhaul is long overdue. And since there cannot be, in the nature of things, two universal Gods nor two ways of one God, and inasmuch as the true attributes of the Supreme Being have nowhere so unmistakably been made manifest as by Jesus who "spake as never man spake", I for one see no reason why the teachings of Christ should not be accepted by us Japanese without any reserve. Quite a few Shintoists freely admit that a genuine and true interpretation of Shintoism would bring it bery near Christianity. Now that the diehards are out of the way, the metamorphosis might prove much easier of accomplishment than is commonly imagined.

Although a wide dissemination of Christianity among the people as a religion in its accepted form will not be ar easy affair and will in any case take a long time, the history of Buddhism in Japan shows that it would by no means be impossible. The question only is if we can afford to wait such a tedious development or to bear with a sort of repetition of the uninteresting Buddhist history of Japan. In this connection it strikes me, indeed it must occur to every Japanese who ponders on the matter at all seriously, that a key to a quicker solution of the whole question might be found in the Tenno system. Suppose the Emperor were thoroughly to Christianize himself in spirit and, in person, to lead the entire nation in that direction. Would not that result in practically

Christianizing Japan wholesale and at a stroke? A Tenno speaking to his people in the spirit and language of Christ and practicing the Gospel doctrines both in Court and Government would be far more in keeping with the scheme of things in undistroted Shintoism than the figures of some of our former monarchs who wore black robes, read sutras, and prayed for their own rebrirth in some paradise afar off.

The people of Japan are now called upon to decide whether or not to continue the Tenno regime in future. Given freedom of expression, the answer in all probability would be in the affirmative. But that would not appear to me to be the whole question nor even the most important part of it. The crux of the matter must rather be; what kind of a Tenno shall we accept anew as our sovereign? Two thousand years ago, the Hebrew people had a similar question put to them. The answer they gave is a matter of history. What shall we do? Shall we accept Christ in the person of the Tenno, so to speak? It would not do to put the matter before the people as a religous issue, although, as far as the general public are concerned, their very indifference to religion might, if anything, facilitate the acceptance of the proposition. Instead thereof, might it not be made so to dawn upon them gradually that, when they are aware, the sun is well up in the sky? We have our Pharisees and scribes, no doubt, but the decision in

our case largely rests with the Emperor himself. If forms and rituals are not insisted upon, if it is mainly a question of spirit and substance, I do not suppose that His Majesty will mucy hesitate to espouse the Christian doctrine. For many centuries our Emperors were educated in Chinese Classics, the so-called "Imperial Learning" consisting, as I understand, largely in Confucian teachings about the "Kingly Way"; and the Imperial rescripts are to this day so full of classical Chinese expressions and quotations which many of the people do not understand at all. It is almost incomprehensible why, while we imported so freely the fruits of Western Culture and civilization, little or no notice has hitherto been taken of the Christian religion by the Imperial Court. The time is more than ripe for a drastic change in this respect. A beginning might forthwith be made with the education of the Crown Prince.

Democracy is the watchword of the day and naturally all possible efforts must be bent to the democratization of the nation and the government. Democracy, however, is not a question of form or machinery merely; it is one of spirit and of general outlook. Where, for instance, would the American democracy be without its spiritual and idealist background? In spite of the communist tenet denying God and denouncing religion as opium, not only had Soviet Russia to give back

to the people the freedom of worship, but there is said to be on foot a movement for a new religion in that country. Extremes meet, and I should not be surprised if the atomic age upon which we have just entered were to prove at the same time a religious age par excellence. It would not do, therefore, for the new Japan to be taken up exclusively with political, economic and social reforms alone, important though they undoubtedly are.

In regard also to the question of the revision of the Constitution, attention seems to be concentrated at present on the limitation of the prerogatives of the sovereign and the extension of the rights of the people. That is all very well, but those matters are fully defined in constitutions of other countries upon which we can draw at will. So the problem may after all be comparatively simple. Are we not, however, going to be a "peace at any price" nation? The foundation for eternal peace, as the Imperial rescript of August 15th has it, must surely be laid in the new Constitution. Provisions containing a solemn promise on the part of the Emperor never, under any circumstances, to make his subjects fight a war, the right of the people to refuse military service in any form under any government, and the non-application to martial use of any part of the resources of the country, must form the corner-stone of the fundamental law of the new Japan if it is seriously meant to make her a land of eternal peace. That would be a

totally new departure in constitutional legislation. After the crushing defeat in war, and weltering in a quagmire of misery resulting from a protracted campaign overseas, we are now in such a subdued mood that no one ever dreams of another war in any measurable future. But there be many among us to whom renouncing war of any sort, under any circumstances whatever and for all time to come, might appear quite another thing. Honest misgivings might be entertained for wanton attacks from our continental neighbours, or vain hopes might still lurk in some dishonest bosoms for a fundamental change in international interests and relations. Surely it would require all the courage and determination we can muster to take the fateful decision once and for all. Unless animated by a strong religious faith, we might find the difficulty insurmountable even under the existing circumstances. Here also, or rather in this connection particularly, the Tenno system would prove an invaluable, nay almost indispensable factor in our new governmental structure. Honestly I do not see how, without Tenno, a peace clause could effectively be wrought into the framework of the new Constitution. Only by binding up that clause indissolubly with the provisions concerning the Emperor and by making that chapter of the code unrevisable except through downright revolution, can we secure eternal peace for this nation.

Taking the Prussian constitution as a model, our statesmen of the Meiji Era provided in the present Constitution for the prerogatives of the Tenno to head the army and navy and to declare war, as if it were a matter of course for a sovereign. If they had more deeply studied into the history of Japan, they would have found out that no Emperor since the foundation of the country ever became the Chief of a standing army or navy and that not a single instance of any importance could be cited where the Emperor ordered the nation to engage in a foreign war of any sort. It is a pity indeed that on account of these provisions in the Constitution the sovereign, from Emperor Meiji down, was made apparently responsible for the many wars this nation fought and for the resultant expansion of territory, until the impression came to prevail abroad that the Tenno system, along with

DEF. DOC. #2919

Shintoism, is the principal source of Japanese militerism and agression. Nothing is further from the truth. As is well known, in our Shinto literature especial emphasis is persistently and invariably laid on the Tenno's mission to reign over this land in peace and tranquility. In fact, besides the commandment always to regard the sacred mirror as the spirit of his heavenly ancestor, this about his peace mission is the outstanding injunction ordained upon the Tenno as the ruler of his people. That is why I believe that for the Tenno to identify himself, before his people, with the "Prince of Peace" as Christ is called, would not only be perfectly natural but be in fulfilment of the commandment of his ancestor. With a Tenno so conceived, a new Constitution framed in that spirit, and a Christian democratic habit of mind cultivated by the monarch and the people alike, this country will before very long be turned into a veritable land of eternal peace in fact as well as in name.

I am sorry, Mr. Yoshida, to have singled you out for a target of this lengthy epistle. You probably did not expect any such verbosity on my part when you told me to put my ideas in writing. Nevertheless, if you have not given it up midway and thrown it into the wastepaper basket, will you kindly have a copy made of it and sent round to Premier Shidehara? I am anxious to know what he may say to my suggestion about the new Constitution.

With best wishes and warmest regards, I am,
Yours most faithfully,
/s/ T. Shiratori

Def. Doc. # 3003 3895

IN THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al )
)
vs. )
)
ARAKI, Sadao, et al )

# A F F I D A V I T

## MATSUMOTO, Shun-ichi

I, MATSUMOTO, Shun-ichi, after having been duly sworn according to the Japanese formula, make the following statement freely and voluntarily of my own free will:

1. I, MATSUMOTO, Shun-ichi, am of lawful age, and reside at No. 639, Yukigaya-machi, Ota Ward, Tokyo, Japan.

2. I was Vice-Minister for Foreign Affairs from November 1942 until October 1944.

3. In the autumn of 1942, with the progress of the war, the duties of the Foreign Ministry concerning management of matters relating to Japanese nationals resident in enemy countries became so onerous that, in view of the fact that such matters were within the jurisdiction of the Foreign Minister, the Chief of the Second Section of the Treaty Bureau of the Foreign Ministry was charged with drafting a plan for the establishment of a bureau in the Foreign Ministry to assume specific responsibility for these matters. Thus in November 1942 a plan was drawn for the "Bureau in Charge of Japanese Nationals Resident in Enemy Countries," and in the middle of that month the Bureau was established, commencing to function from 1 December. Its title, as it was established, did not include the words "and Enemy Nationals Residing in Japan."

4. The Bureau in question was a mere intra-ministerial office of the Foreign Ministry. It was not such a bureau (kyoku) as was established by the Government Organization Law, but was a mere administrative office(jimushitsu) within the Foreign Ministry, and was thus only a semi-official office. Its very name, Zai Tekikoku Kyoryumin Kankei Jimushitsu, indicates

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its semi-official status. This bureau was therefore one to which was designated certain matters already within the competence of the Ministry, but it was not established by that Cabinet or Government action which signifies the assignment of new or different responsibilities to a Government organ (it was established wholly by this ministerial action not by regulations, ordinance or law). The Bureau was established with the approval of the Foreign Minister. No approval for its establishment by any source higher than the Foreign Ministry was needed or obtained. I have been shown Exhibit No. 3,845, which in the English translation refers to "approval of "Superiors". The words of the original Japanese, "Kosaian," as they are used constantly in the Foreign Ministry, mean a draft submitted for "approval of the higher officials" within the Foreign Ministry. This approval may be given by the Minister, or by the Vice-Minister on his behalf, according to the nature of the matter involved; in this case, the draft was approved by the Foreign Minister. Such action did not, could not, and was not intended to assume new or expanded duties beyond the competence of the Foreign Ministry, which competence did not include treatment of prisoners of war, visits to camps except insofar as liaison and correspondence was concerned.

5. During my tenure of office as Vice-Minister, the Bureau dealt with matters relating to Japanese nationals resident in enemy countries-correspondence concerning their status and condition- as matters falling within the duties of the Foreign Ministry. Matters concerning the treatment of enemy prisoners of war and internees, visits to camps etc., which were the concern of the Bureau only insofar as it had to conduct the liaison with the authorities in charge of these enemy nationals subject to Japanese authority and, as representative of the Foreign Ministry which is the agency dealing with external affairs, to conduct the correspondence with foreign countries, Red Cross organizations, and their representatives concerning such matters. The work of this Bureau was the same as that theretofore conducted by the Treaty Bureau relating to such matters.

6. I have been shown Defence Document No. 3022, which I identify as a proposal relating to expansion of the Bureau in Charge of Japanese Nationals Resident in Enemy Countries, and which correctly states the scope of the duties of that Bureau as they existed and were discharged during my tenure of office as Vice-Minister.

7. I have been shown Defense Document No. 3064, which I identify as a circular addressed by Minister Suzuki, Chief of the Bureau above mentioned, to the Directors of Bureaus and Chiefs of Sections of the Foreign Ministry informing them of the change in the name of the Bureau from that proposed in the original draft to the name under which it functioned.

Def.Doc., 3063.

On this 2nd day of
Febryary, 1948.

DEPONENT M.TSUMOTO, Shun-ichi (seal)

I, MIURA, Kazuichi, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date
at the same place

WITNESS: (signed) MIURA, Kazuichi (seal)

.....

O A T H

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

M.TSUMOTO, Shun-ichi (seal)

Secret Def. Doc. #3022 3896

January 14, 1943,
The Bureau in Charge of Japanese
Nationals in Enemy Countries.

Reasons for the Necessity of Continual Functioning of the Bureau in Charge of Japanese Nationals in Enemy Countries as Office Established Specially during the War-time, and the Necessity of an Increase of the Staff of Chancellors Allotted to the Bureau.

In the present Great East Asia War the Foreign Office finds it necessary not only to endeavor to leave nothing to be desired in the protection of Japanese nationals interned in enemy countries, but also to treat enemy nationals under Japanese authority in a fair and just manner, so that the world may be aware of our rectitude. As the treatment of Japanese nationals in enemy countries is so closely and indivisibly related to the treatment of enemy nationals under Japanese authority, necessity has arisen to unify the duties connected with such treatment which up to the present have been severally dealt with by different Bureaus and Sections of the Foreign Office, and to carry it out from a comprehensive viewpoint. For this purpose the Bureau in Charge of Japanese Nationals in Enemy Countries has been established in the Foreign Office since December 1, 1942, as an office set up specially during the war-time.

The scope of the duties with which the Bureau in question is charged is as follows:

(1) Business relating to investigation and improvement of the conditions of those Japanese nationals who are prisoners of war, interrees, or residents in camps in enemy countries.

In other words, business to have the countries representing interests, the International Committee of the Red Cross, exchanged repatriates, or the Vatican inform on the conditions of the above-mentioned, to request improvement through proper channels, and file protests in cases where their treatment is unsatisfactory, or to cause relief goods to be sent by the Government, the Japan Red Cross Society, the Japan Overseas Association, etc., and thereby to improve their conditions, to investigate the location and safety of the above-mentioned Japanese nationals, to make lists of their names, to publish in newspapers and the Official Gazette, and to facilitate correspondence with their families residing in Japan.

(2) Business relating to exchange of nationals with enemy countries.
(3) Liaison business relating to enemy nationals who are prisoners of war, internees, or residents in camps under Japanese authority.

Liaison business relating to the treatment of the above-mentioned enemy nationals (clothing, food, living quarters, inquiries into their safety, furnishing of lists, appointment of, and visits by the countries representing their interests and representatives of the International Committee of the Red Cross, correspondence, relief, labor, punishment, repatriation, etc.).

Such liaison business includes that of the handling of outgoing communications to representations from enemy countries and other sources.

(4) Negotiation with, and the guidance of the countries representing interests, the International Committee of the Red Cross, and the Vatican, as well as the guidance of relief organizations at home and abroad, arising in connection with the transaction of the above-mentioned business.

(5) Business relating to the Liaison Council for Affairs of Non-combatabt Internees.

The establishment of the Bureau in question is quite recent, and it is functioning, having taken over duties from the Bureaus and Sections which up to the present have been in charge. The following are the duties the Bureau is at present discharging:

(1) Regarding the investigation of the conditions of internees or residents in camps, as well as the improvement of their treatment, the location of the internees and residents in camps is being found out on the basis of information obtained occasionally from the countries representing our interests, representatives of the International Committee of the Red Cross, exchanged repatriates and others, and a list is now being compiled. At the same time, occasional information is being received change of the status of new internees, their transfer, death, release, etc., being from time to time published in newspapers and similar publication, and inquiries from relatives and acquaintances in Japan are being replied one by one according to the above-mentioned information.

As to our protests requesting improvement of unsatisfactory treatment, replies have been received to those protests previously filed with the Governments of the United States, Canada, and India by Political Affairs Sections, and traces of improvements are observable. Measures are now being taken where the result is unsatisfactory.

(2) With regard to the matter of exchange of residents in enemy countries, negotiations are being conducted. Preparations are assiduously being made, so that, if the second exchange ship should be dispatched, the matter might be taken up immediately, and the exchange executed.

(3) Regarding the business concerning enemy prisoners of war, internees, etc., under Japanese authority, the Bureau is discharging the intermediatory function concerning visits to interment camps by agents of

the countries representing interests, etc., inquiries into safety, transmission of correspondence and relief goods to enemy nationals. This intermediation is carried out by transmitting communications concerning the enemies from the countries representing interests, the International Committee of the Red Cross, or the Vatican to the Japanese authorities concerned, and by forwarding, case by case, the intentions, or replies where they are needed, of our authorities concerned to the countries representing interests, the International Committee of the Red Cross, or the Vatican.

(4) The business of the Bureau in question is confined to matters necessitating negotiations with the authorities at home, the countries representing interests, the International Committee of the Red Cross, the Vatican, etc. But at the same time, contact with, and co-operation of the Japan Red Cross have been sought, and more recently, connection has been set up with the Committee for Measures vis-à-vis Compatriots Resident in Enemy Countries, which has been organized by the participation of 25 different bodies closely concerned with Japanese residents abroad. It is intended that public opinion should be sounded through this organization, so as to obtain useful hints for the conduct of the duties of the Bureau, and that the Committee should be caused to carry out relief of interned Japanese and other appropriate measures.

(5) Under the auspices of the Bureau the Liaison Council for Affairs of Non-combatant Internees is to be convened periodically once a month, and if necessary pro re nata, with the participation of the officials in charge of the Ministries concerned, so that, such Ministries may be consulted on the current business.

The staff of the Bureau charged with the duties above-mentioned consists of one Minister Plenipotentiary, one Consul-General, 4 Consuls, 2 Vice-Consuls, 3 Secretary-Interpreters, one person commissioned by the Ministry with a high status, 5 chancellors, one person commissioned by the ministry, and 4 employees. Most of them except those commissioned by the Ministry and the employees, are diplomatic and consular officials, and secretary-interpreters on the waiting list, as well as chancellors who have posts in countries where residence has been rendered impossible owing to the present war.

The Greater East Asia War has gradually begun to assume an aspect of a protracted war, and it is not difficult to imagine that the duties of the Bureau will be increased all the more. It is necessary to meet this contingency by filling up the staff of the Bureau.

The duties now assigned by the Bureau are as mentioned above. It is in the nature of its duties that the number of letters received from various Government office and foreign missions in Tokyo, etc., during the 40 days between the establishment of the Bureau on December 1 last year and January 13 this year, amounted to over 200, including more than 100 notes received from the Swiss Legation in Tokyo.

Besides, about 200 pending documents have been taken over from the Bureaus and Sections concerned at the time of the establishment of the Bureau, and they all require prompt disposal. As a matter of fact, letters dispatched during the same period were 130 in number. Of all these documents only very few can be dealt with by the Bureau itself, while most of them need contact with the authorities concerned or the Bureaus and Sections of the Foreign Office concerned. Moreover, documents received must be translated, and for that a comparatively large staff becomes necessary.

The above refers only to letters which the Bureau deals with. There are besides many matters disposed of by telegram. On the other hand, more than ten meetings have been held for the purpose of connection and consultation with the Bureaus and Sections of the Ministries concerned. Hence the Bureau is not in a position, even at present, to execute its proper function with its staff as above mentioned. It is natural that the Bureau should become much busier, if the question of the second exchange ship between Japan and the United States and Great Britain should materilize in the future. Especially press of business among the chancellors is very heavy in the matter of preparation of lists, classification of information, publication of transfer of internees, inquiries into safety, and other affairs. Moreover, matters for connection, negotiation, mediation, or reply must each of them be translated into Japanese before their transmission or dispatch to the Ministries concerned, and the interested organizations of individuals. The translation business is already lagging behind, and it follows that the five chancellors who have now been allotted are too few to cope with the business. It must be said that an increase of two more chancellors is urgently necessary.

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No. 3022

# C E R T I F I C A T E

## Statement of Source and Authenticity

I, KAORU HAYASHI, Chief of Archives Section, Japanese Foreign Office, hereby certify that the document attached hereto in Japanese, consisting of 8 pages and entitled "Reasons for the Necessity of Continual Functioning of the Bureau in Charge of Japanese Nationals in Enemy Countries as Office Established Specially during the War-time, and the Necessity of an Increase of the Staff of Chancellors Allotted to the Bureau" is a true and correct copy of the official document in the custody of the Japanese Foreign Office.

Signed at Tokyo on this
January 27, 1948.

Signed by K. Hayashi
Signature of Official

Signed by Witness: (Signed) K. Urabe

Def. Doc. # 3022

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在敵国居留用関係事務官
昭、ニ、ハ、ニー

在敵国居留用関係事務官ハ左ノ事務ヲ掌ル

一、在敵国ニ居留スル日本国民ノ引揚ニ関スル事項

二、在敵国ニ居留スル日本国民ノ送還ニ関スル事項

三、在敵国ニ居留スル日本国民ノ財産ノ管理ニ関スル事項

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三百四十六、在敵国ニ居留スル日本国民ノ財産ノ保険ニ関スル事項

三百四十七、在敵国ニ居留スル日本国民ノ財産ノ年金ニ関スル事項

三百四十八、在敵国ニ居留スル日本国民ノ財産ノ恩給ニ関スル事項

三百四十九、在敵国ニ居留スル日本国民ノ財産ノ扶助ニ関スル事項

三百五十、在敵国ニ居留スル日本国民ノ財産ノ救済ニ関スル事項

三百五十一、在敵国ニ居留スル日本国民ノ財産ノ援助ニ関スル事項

三百五十二、在敵国ニ居留スル日本国民ノ財産ノ保護ニ関スル事項

三百五十三、在敵国ニ居留スル日本国民ノ財産ノ管理ニ関スル事項

三百五十四、在敵国ニ居留スル日本国民ノ財産ノ処分ニ関スル事項

三百五十五、在敵国ニ居留スル日本国民ノ財産ノ移転ニ関スル事項

三百五十六、在敵国ニ居留スル日本国民ノ財産ノ没収ニ関スル事項

三百五十七、在敵国ニ居留スル日本国民ノ財産ノ賠償ニ関スル事項

三百五十八、在敵国ニ居留スル日本国民ノ財産ノ返還ニ関スル事項

三百五十九、在敵国ニ居留スル日本国民ノ財産ノ補償ニ関スル事項

三百六十、在敵国ニ居留スル日本国民ノ財産ノ処理ニ関スル事項

三百六十一、在敵国ニ居留スル日本国民ノ財産ノ調査ニ関スル事項

三百六十二、在敵国ニ居留スル日本国民ノ財産ノ評価ニ関スル事項

三百六十三、在敵国ニ居留スル日本国民ノ財産ノ清算ニ関スル事項

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四百六、在敵国ニ居留スル日本国民ノ財産ノ没収ニ関スル事項

四百七、在敵国ニ居留スル日本国民ノ

Def, Doc. No. 3024

今次大東亜戦争ニ於テ外務省トシテハ敵國抑留邦人ノ保護ニ遺憾ナキヲ期シ
スルト共ニ我國内ニ在ル敵國人ヲ公正ニ取扱ヒ帝國ノ道義ヲ世界ニ知ラシ
ムル要アルトコロ在敵國抑留本邦人ノ取扱ト帝國ノ國内ニ在ル敵國人ノ取
扱トハ衡平ヲ不可分ノ關係ニアルヲ以テ從來外務省内各局課ニテ處理シ居タ
ル右取扱關係事務ハ之レヲ統一シ綜合的見地ヨリ處理スル要アリ之レガ爲
メ我時特設ノ議閣トシテ昭和十七年十二月一日ヨリ外務省内ニ在敵國人留
民關係事務室ノ設置ヲ見タリ。

同事務室ニ於テ擔當スル事務ノ範圍ハ
敵國ニ於テ俘虜、抑留者又ハ集團生活者トナリ居ル邦人ノ狀況ノ調査及
改善ニ關スル事務。
即チ利益代表國、赤十字國際委員會、交換船關係者又ハ法王廳ヲシテ此ノ
狀況ヲ報告セシメ其ノ待遇ノ不良ノ點ニ付適當ノ處置ヲ講シ改善ヲ要求
シ流言ヲ提出シ、又ハ政府、日本赤十字社、海外同胞援護會等ヨリ救恤品
ヲ送付シ其ノ狀態ノ改善ヲ計リ前記邦人ノ消息安否ヲ調査シ名簿ヲ作成
シ新聞又ハ官報ニ之ヲ公表シ本邦ニ在ル家族トノ通信ヲ行ハシムル事務

(一)在敵國抑留者又ハ集團生活者ノ狀況調査竝ニ待遇改善ニ付テハ利益代表國赤十字國際委員會交換歸朝者等ヨリ隨時受ケ居ル情報ニ基キ抑留者及集團生活者ノ居所ヲ知リ之カ名簿ノ作成ニ着手セリ之ト共ニ隨時情報ヲ整理ノ上新聞等ニ新規抑留者移動、死亡、釋放等ノ變化ヲ時々發表シ又在本邦親戚知己等ヨリノ問合照會ニ對シ右情報ニ基キ一々回答シ居レリ。

又待遇不良ノ點ニ關スル改善要求ノ抗議ハ米國、加奈陀、印度ノ各政府ニ對シ當時ノ擔當政務各課提出ノ分ニ對シ回答モアリ改善ノ跡見ユルモ尚足ラサル點ニ就テハ之カ對策ヲ講シツツアリ

(二)在敵國居留民ノ交換問題ハ相手國ト折衝中ノモノモアリ交渉經リ第二次交換船ヲ出ス場合ハ直ニ之ニ對處シテ交換ノ實行ニ掛リ得ル樣折角準備中ナリ。

(三)帝國權內ニ在ル俘虜、抑留者ノ敵國人關係事務ニ就テハ利益代表

Doc. No. 3032

國代表等ノ收容所訪問安否問合、通信ノ取次斡旋人ニ對スル救恤品ノ取次仲介ニ當リ右ノ取次仲介ハ敵側ニ關スルモノハ利益代表國、赤十字國際委員會又ハ法王廳ヨリノモノヲ我國係當局ニ又我國係當局ノ意嚮ノ傳達又ハ回答ヲ要スルモノハ利益代表國、赤十字國際委員會又ハ法王廳ニ對シ夫々應諾シ居レリ。

(四)同事務室事務ニ關シテハ國內諸官廳、利益代表國赤十字國際委員會、法王廳等ト當然交涉ニ當ラサルヘカラサル筈ノミナルカ又日本赤十字社トモ連絡協力シ更ニ最近ニ於テハ海外居留民ト密接ナル關係アル三十五ノ諸國体ノ參加シ結成セラレタル敵國在留同胞對策委員會ト連絡シ之ヲ通ジ民間ノ聲ヲ聞キ當事務室ノ事務實施上ノ參考ニ資シ且右委員會ヲシテ抑留同胞ノ救護等適當ノ施策ヲ行ハシメンコトヲ期シ居レリ。

(四)同事務室主催ノ下ニ關係各省主任官ヨリ成ル抑留非戰鬪員事務連絡協議會ヲ毎月一回定期的ニ又必要ニ應ジテ臨時的ニ開催シ當面ノ事務ニ付關係各省トノ連絡協議ニ當リツツアリ、

而シテ目下之等ノ事務ヲ擧掌スル職員ハ公使一名、參事一名、領事四名、副領事二名、通譯官三名、高級囑託一名、外務書記生五名、囑託一名、雇員四名ニシテ右ノ內囑託及雇員ヲ除キテハ大部分ハ待命外交官、領事官、通譯官及今次大戰ニヨリテ任動不能トナリタル

28. 06. 2022

地ニ任地ヲ有スル外務書記生ナリ。
大東亜戦争ハ新次長期戦ノ様相ヲ備ヘ来レルトコロ右状勢ニ伴ヒ今後同事務室ノ事務カ愈々繁激ヲ来スヘキハ想像ニ難カラサルトコロニシテ更ニ同事務室ハ充實ヲ計ルヲ以テ此ノ要求ニ應スルコト肝要ナリトス。

Def. Doc. # 3022

同事務室ニテ現ニ處理シツツアル事務ハ前述ノ如クナルカ其ノ事務ノ性質上日々接到スル信書ノ數ノ如キモ客年十二月一日同事務室開設以降本年一月十三日ニ至ル約四十日間ニ於テ内地諸官廳及在京外國公館等ヨリ接受セル書類ハ二百余通ニ及ヒ内在京瑞西公使館ヨリ受ケタルモノ百余通ノ多數ニ上リタルカ、右ノ外同事務室開設ニ當リ關係局課ヨリ引繼キタル未處理ノ書類約二百余通アリ是等ハ何レモ速カニ處分ヲ要スルモノノミニシテ現ニ同期間ニ於テ發送セル信書ノ數ハ百三十通ニ過ヤリ而モ右等書類ハ同事務室ノミニテ處分ヲ了シ得ルモノハ極メテ尠ク多クハ關係官廳又ハ省内關係局課ト連絡ヲ要スルモノニシテ殊ニ接受スル右書類ノ多クハ飜譯ヲ要スル次第ニシテ之レカ爲比較的多クノ職員ヲ必要トスル譯合ナリ。

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右ハ單ニ同事務室ニテ處理スル信書ノミニ付述ベタルモノナルモ此ノ外電信ニ依リ處理スル事務亦多數ニ上リ他方關係官廳局課トノ連絡、協議ノ爲メ會議ヲ開催セルコト十數回ニ及ヒ現在ニ於テスラ既ニ前記ノ構成人員ヲ以テシテハ同事務室本來ノ機能ヲ克ク發揮シ得サル狀況ナルカ將來日米英第二次交換問題ガ進展スルニ於テハ同事務室ハ愈々無忙ヲ加フルコト必然ニシテ就中名簿ノ作成、情報ノ整理及抑留者移動ノ發表、安否問答等ノ用務ニ於テ書記生級ノ事務最モ無忙ヲ極ムルノミナラズ連絡、交渉、仲介回答ノ案件ハ邦文ヲ一々翻譯ノ上關係各省關係團体又ハ個人ニ移牒又ハ通牒スルモノニシテ此ノ翻譯事務既ニ澁滯ヲ來シツツアリ依テ現在ノ外務書記生五名ニテハ甚シク不足ニシテ更ニ二名ノ書記生ノ增員ハ緊急事ナリト言ハサルヲ得ス。

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文書ノ出所並ニ成立ニ關スル證明書　（三[illegible]）

自分、林[illegible]ハ外務省文書課長ノ職ニ居ル者ナル處、茲ニ添付セラレタル日本語ニ依ツテ書カレ八頁ヨリ成ル（題名左記ノ通）ト題スル書類ハ日本政府（外務省）ノ保管ニ係ル公文書ノ拔萃ノ正確ニシテ眞實ナル寫シナルコトヲ證明ス

昭和二十三年一月二十七日　於東京

林[illegible]

右署名捺印ハ自分ノ面前ニ於テ爲サレタリ

同日於同所

立會人　浦部勝馬

題名、在敵國居留民關係事務室ヲ戰時特設ノ機關トシテ存置スルノ必要ト同事務室ニ配屬サレタル外務書記生ノ增員ヲ必要トスル理由

3877

Def. Doc. # 3064

December 1, 1942.

To: Directors of Bureaus and Chiefs of Sections
Ambassadors and Ministers Room

from Minister Suzuki

Re: Change of the Name of the Bureau in Charge of War-time Internees

The commencement of the business of the Bureau in Charge of War-time Internees has been notified by our circular of the 30th ultimo. This is to inform that the name of the same Bureau has been changed as follows:

The Bureau in Charge of Japanese Nationals in Enemy Countries

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CERTIFICATE

Statement of Source and Authenticity

I, KAORU HAYASHI, Chief of Archives Section, Japanese Foreign Office, hereby certify that the document attached hereto in Japanese, consisting of 1 page and entitled "Re: Change of the Name of the Bureau in Charge of War-time Internees" is a true and correct copy of the official document in the custody of the Japanese Foreign Office.

Signed at Tokyo on this
February 2, 1946.

Signed by K. Hayashi
Signature of Official

Signed by Witness: (Signed) H. Suzuki

RETURN TO ROOM 361

Exhibit # 3878

Def.Doc. #2848

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al )
vs )
ARAKI, Sadao, et al )

AFFIDAVIT

SUZUKI, Tadakatsu

I, SUZUKI, Tadakatsu, after having been duly sworn according to the Japanese formula, make the following statement of my own free will:

I am 52 years of age, and reside at No. 183, Motomachi, Honmoku, Nakaku-ward, Yokohama City, Japan.

1. I was Japanese Minister to Egypt from 1940, and returned to Japan in August, 1942, by boat on the occasion of the exchange of British and Japanese diplomats, and until August, 1945, I was Chief of the Bureau in Charge of Japanese Nationals in Enemy Countries, which was established in December, 1942. I am at present Head of the Yokohama Branch of the Central Liaison Office.

2. I held the post of Chief of the Bureau in Charge of Japanese Nationals in Enemy Countries under Foreign Minister Shigemitsu, from April, 1943, to April, 1945, and under Foreign Minister Tōgō, from April, 1945, to August of the same year. The Bureau in Charge of Japanese Nationals in

COPY
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Def.Doc. #2648

Enemy Countries was in charge of matters concerning the protection of Japanese residents in enemy countries, which matters were under the jurisdiction of the Foreign Minister, and formed part of his duties to protect Japanese residents in foreign countries. Matters pertaining to prisoners of war in Japanese hands belonged to the jurisdiction of the War Minister, while matters concerning enemy civilian internees who were located in Japan Proper belonged to the authority of the Home Minister. In view, however, of the collateral relations between the duties of my Bureau to protect Japanese residents in enemy countries and the matter of the treatment of prisoners of war and civilian internees in Japanese hands, Foreign Minister Tani, who first established the Bureau of which I was Chief, as well as Foreign Ministers Shigemitsu and Tōgō, his two successors, charged my Bureau, for convenience' sake, with the duties of transmitting requests for information and protests concerning prisoners of war and civilian internees, which came from enemy countries through neutral representatives of enemy interests, to the above-mentioned competent authorities.

3. Mr. Shigemitsu who became Foreign Minister in April, 1943, showed a special interest in the matter of prisoners of

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war and civilian internees. He often mentioned to me a maxim: "War is only temporary, but humanity permanent." I always endeavored to live up to what Mr. Shigemitsu meant.

A great difficulty, however, was felt in realizing Mr. Shigemitsu's idea owing to the complete lack of jurisdiction on the part of the Foreign Ministry over prisoners of war and civilian internees. When, for instance, the Foreign Ministry was requested by any foreign country to supply information regarding prisoners of war or civilian internees, or had received protests against their alleged ill-treatment, the Foreign Ministry had no means to make direct inspections, or directly to collect information concerning them. When the Foreign Ministry was approached by neutral representatives with requests for permission to visit camps or to send goods for relief to prisoners of war and civilian internees, the Foreign Ministry had no competence to permit the desired visits, nor had it the means to transport relief goods, the o only thing which the Foreign Ministry was in a position to do being to transmit such requests to the competent authorities and await their action. In spite of all this, Mr. Shigemitsu ordered me to do my best on every occasion in order to contribute to the amelioration of the treatment of prisoners

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of war, and in compliance with this order I did my best.

4. Whenever a communication was made by an enemy country in regard to the matter of prisoners of war, my Bureau transmitted the matter to the competent authorities promptly and accurately, as soon as Japanese translation of such communication had been made, by official note, and sometimes also orally. In case replies were not received in due course, my Bureau endeavored to press for them.

The method of transmission by writing was described in my Affidavit, Exhibit No. 2782. In order to transmit or press orally, I often took advantage of the conferences of the officers and officials in charge of the Ministries concerned, regarding the protection of Japanese residents in enemy countries, held in my Bureau usually twice a month. These conferences were attended by officers or officials in charge of the War, Navy, Home Affairs, Transportation, Communications, Finance and other Ministries. From the War and Navy Ministries, officers in charge of the Prisoner-of-War Information Bureau, the Military Affairs Section of the Military Affairs Bureau of the War Ministry, and the 2nd Section of the Naval Affairs Bureau of the Navy Ministry joined these conferences.

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It is true that these conferences were concerned, as stated above, with the duties of the Foreign Ministry to protect Japanese residents in enemy countries, and that on these occasions we were not at liberty to take up the matter of prisoners of war as such. But I referred indirectly to matters concerning prisoners of war in connection with the question of protecting Japanese residents in enemy countries, or after the conferences my subordinates or I myself talked tête-à-tête with the officers of the competent authorities in charge of these matters.

5. Whenever the Foreign Ministry had occasion to transmit request for information, or a note of protest, regarding prisoners of war, it made efforts to see that their treatment be improved. I may cite an instance. When the long protest of the United States Government, Exhibit No. 2024, was received in February, 1944, Foreign Minister Shigemitsu himself called the attention of the War Minister, and ordered me to avail myself of the occasion of this protest for home consumption in order to assure a better treatment of prisoners of war. He stated that I should on this occasion call the attention of the competent authorities to this matter with the object of (1) correcting the situations.

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if the facts contained in the protest should happen to be in any way true, and more than that, (2) of expediting the solution of the question of visits to camps, for which neutral representatives had frequently requested without obtaining satisfactory results, of pressing for replies to unanswered inquiries about information on various subjects, and of facilitating solution to other matters. I endeavored in compliance with this order. As the result of this, improvements were achieved, viz. relief goods were accepted from the Allied Powers in order to distribute them among prisoners of war, relief funds were delivered to prisoners of war and civilian internees, facility was given to them to dispatch telegrams, and steps were taken towards the solution of the question of permission to visit camps in occupied territories.

Further, in calling the attention of the competent authorities to matters concerning prisoners of war and civilian internees, Mr. Shigemistu ordered us to use as materials information from enemy sources also, even if not based on official protests. One instance was the telegram from Minister Shichida in Afghanistan, being Defense Document

#2849, which was then sent to the Chief of Prisoner-of-War Information Bureau.

6. As far as matters of prisoners of war were concerned, the Foreign Ministry had no competence over their treatment or to collect information regarding them. Mr. Shigemitsu, however, thought of a plan, about April or May, 1944, to set up in the Cabinet something like an international laws and customs committee to have it discuss the question of prisoners of war. Dr. Yamakawa, Tadao, ex-Director of the Treaty Bureau and an authority on international law, together with myself, worked on this plan under Mr. Shigemitsu. The substance of this plan was to organize a committee, under the jurisdiction of the Prime Minister, consisting not only of members of the Army and Navy Ministries, but of Foreign Ministry officials, and authorities on international law, and to have them study questions concerning war-time international laws and customs, and matters concerning prisoners of war too. This plan, however, was not brought to a successful end, since the administration of matters relating to prisoners of war was under the jurisdiction of the Army.

7. In addition, Mr. Shigemitsu took up the matter of prisoners of war at the Supreme Council for Direction of War

in October, 1944. At this meeting Foreign Minister Shigemit pointed out to the members who were present that, according to recent information from enemy sources, it was reported that the Japanese treatment of prisoners of war left much to be desired. He further stated that the humanitarian treatment of prisoners of war had been from old times a virtue of our country, and that this was a matter of importance from the point of view of our international reputation and future relations. As it was a matter for profound reg if by any possible chance we should have committed the slightest possible fault in this matter, he desired that direction should be issued to the responsible persons among the competent authorities, so that the matters might be fully dis cussed. The Supreme Council for Direction of War was composed of the Prime Minister, the Army and Navy Ministers, th Chiefs of the General Staffs of the Army and Navy, and Foreign Minister. Soon after I had heard Mr. Shigemitsu repeat to me his statement as mentioned above, I was told by a liaison officer of the Prisoner-of-War Information Bureau that the same Bureau had dispatched its members to prisoner-of-war camps, and had instructed responsible officers to be considerate in the treatment of prisoners of war.

Def.Doc. #2848

8. Foreign Minister Shigemitsu sincerely and earnestly worked for the matter of the exchange of nationals resident abroad, as well as for the transportation and distribution of American, and British relief goods by an exchange ship. He was at last successful in executing the second exchange of American and Japanese nationals resident respectively in the other party's territories, in October, 1943, at Port Marmagao (Goa). On that occasion, large quantities of Allied relief goods were transported by the exchange ship Teia Maru, and they were distributed among the prisoners of war and civilian internees who were located in places in Japanese hands. Further, when a request was made late in 1943 by the United States Government for the transportation of relief goods from Vladivostok, to which port the United States Government would forward such goods, and for their delivery to prisoners of war in various places, Mr. Shigemitsu immediately transmitted that request to the competent authorities, and eagerly urged us, his subordinates, to request such authorities to solve the matter. As the result the American request was granted by the competent authorities, the goods being transported first to Kobe, and then to China,

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Hong Kong, French Indo-China, Singapore, and other ports.

9. As to permission for visits to prisoner-of-war camps in occupied territories, Mr. Shigemitsu made all possible efforts vis-à-vis the competent authorities. I endeavored long and earnestly, under instructions from Minister Shigemitsu orally as well as by note, to obtain permission from the competent authorities to visit such camps. The military authorities made it a policy not to permit visits to camps in occupied territories, and did not readily comply with our requests. In the meantime, neutral representatives several times eagerly requested for the permission, and the Foreign Ministry continued unceasingly to make such requests to the Army authorities. As a result, in December, 1944, they consented at last to permit representatives of the International Committee of the Red Cross to visit the camps in the southern areas, and Minister Shigemitsu was able to send a note, on December 8, conveying such decision respectively to the Swedish and Swiss Ministers (v. Def.Doc. #2850, #2850 A and B).

Def.Doc. #2848

10. Mr. Tōgō had, like his predecessor Mr. Shigemitsu, deep concern over the problem of prisoners of war, and instruc me to transact such affairs with utmost care, and to endeavor take advantage of every opportunity for the improvement of the treatment of prisoners of war, from a humanitarian viewpoint. On my part, I exerted all my efforts in the transaction of this business in conformity with his instructions, in the same manner as at the time of Mr. Shigemitsu.

Ever since Mr. Tōgō became Foreign Minister for the second time, he had been very busily occupied with various important problems in connection with the situation of the war of those days. Nevertheless he did not fail to pay due attention to the treatment of prisoners of war. For instance, on June 3, 1945, the Swiss Minister handed to Mr. Tōgō a protest of the United States Government concerning atrocities to American prisoners of war at Puerto Princessa on Palawan Island (Exhibit No. 2107). Mr. Tōgō immediately took steps to have it transmitted to the competent authorities, and at the same time he personally called the special attention of War Minister Anami to the subject, and further urged him to accord fair and generous treatment to prisoners of war in general, to which he got the latter's consent. I was so told by Mr. Tōgō at that time.

//

Def.Doc. #2848

11. In spite of such attitude of Mr. Tōgō's, the war situation became very stringent during the second time of his tenure of office, rendering the management of the questions of prisoners of war increasingly difficult. Toward the spring and summer of 1945, the situation of the Japanese Army on the fronts in the Philippines, Burma and other southern areas deteriorated considerably. As the Allied forces advanced into these districts, the Japanese forces retreated, and fresh protests began to be lodged concerning the treatment accorded by the Japanese Army to the prisoners of war and internees in these regions. The Foreign Ministry transmitted them to the competent authorities without failure. According to the [illegible] explanations of officials of the War Ministry, however, as a result of the defeats of the Japanese Army, telegraphic communication between the central military authorities and the forces at the front became very difficult and often impossible, and even when such communication was possible, the confusion within the Japanese forces at the front rendered investigations into the matters of prisoners of war almost impossible, and accordingly, in spite of the frequent requests of the Foreign Ministry, the cases increased where we could not

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receive sufficient answers which would be satisfactory to the Allied countries. In the meantime the so-called Awa Maru incident of April 1 occurred, exciting the military and adversely affecting the solution of the questions of prisoners of war. During the time of Foreign Minister Shigemitsu, I very often saw in Tokyo the Ministers of the neutral countries representing the interest of the enemy countries, for liaison business. But at the time of Foreign Minister Tōgō these Ministers had evacuated to Karuizawa, and in accordance with Mr. Togo's instructions, I often took measures of keeping speedy contact with these Ministers by exchanging letters through couriers, or by often proceeding to Karuizawa personally, thus exercising all possible efforts in order to meet the situation by taking recourse to expedient measures in time of emergency. Instances of our answers to the Ministers of the neutral countries by means of personal letters or oral communications, which I utilized for expediency in those days instead of official notes of the Foreign Ministry, may be seen in Exhibits 2016-A-71 and 2016-A-72.

In the meantime, the Foreign Ministry received from the military authorities no information whatever concerning the

Def.Doc. #2348

trials of the Allied fliers such as those which took place in the middle of July, 1945. (Exhibit 1994)

12. As for visits to the prisoner-of-war camps in the occupied areas by the representatives of the International Committee of the Red Cross, as mentioned in Section 9 of this affidavit, Mr. Tōgō endeavoured to see to its realization without delay, and regardless of the fact that by the beginning of June, 1945, the acceptance of the conditions of reciprocity which had been imposed upon permission for such visits had not yet been officially notified to us by all the Governments of the Allied countries concerned, the permission for visits to the camps in Thailand was actually notified to the Swiss Minister on June 5. As for the visits to the camps in Singapore, there arose some questions regarding the status of the visitors and the selection of qualified persons, but I was informed by the military authorities that the visit was actually made on the spot. As far as concerns visits to the camps in Manila, the city had been recaptured by the spring of 1945, and American nationals there liberated (Exhibits 2016-A-64, 2016-A-68, 2016-A-69, 2016-A-72, 2016-A-73).

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Def. Doc. #2343

On this 21st day of Nov., 1947

At Tokyo

DEPONENT SUZUKI, Tadakatsu (Seal)

I, YANAI, Hisao hereby certify that the above statement was sworn by the Deponet, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: (signed) Hisao Yanai (Seal)

OATH

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

Tadakatsu Suzuki (Seal)

15

Def. Doc. 3047 (revised) Exh. No. 3899

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

SWORN DEPOSITION

Deponent: UGAKI, Kazushige

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my couhtry I hereby depose as follows.

1. I, UGAKI, Kazushige. a former general, presently live at Shorai-So, Nagaoka Onsen Izu Province, Shizuoka Prefecture.

2. I was Foreign Minister in the 1st Konoe Cabinet during the period from the end of May, 1938 until the end of September of the same year. General ITAGAKI, Seishiro became War Minister early in June, 1938 and remained in office after I resigned the Foreign Minister.

3. I was read the alleged "Collection of Decisions at the Five-Minister Conference" from Court Exhibit No. 3,457 (Prosecution Document No. 2,570-B) by the

Japanese Defense Attorney for Defendant ITAGAKI.

4. I will here state the nature of the Five-Minister Conference of which I and ITAGAKI were members. The Five-Minister Conference was not a formal institution established according to law. It was a meeting of the five ministers who had the closest relations with each other (namely, the Premier, Foreign, Finance, War and Navy Ministers). They gathered about twice a week (for instance on Tuesday and Friday of a week) from about 10 o'clock in the morning until lunch time generally ----- sometimes the meeting was prolonged until after luncheon --- to discuss questions freely over tea cups. Upon arrival at some conclusion or at the coincidence of opinions, they transferred matters to the cabinet meeting or to the ministries concerned, in accordance with the nature of the affairs, to have them executed by the competent ministries on their own responsibility. Nobody other than five ministers took part in the conferences and no record was ever taken in connection therewith.

D. f. Doc. # 3047

5. At times proposals were submitted to the Five-Minister Conference in written form. On such occasions, in respect of whose proposals which had same relation or other to the national policy, I used to sign the documents and hand them over to my subordinates. Therefore, if any documents are held at the Foreign Office they are not true originals unless they bear my signature.

6. The Five-Minister Conference was, for the most part, held with the attendance of the five ministers. When any of the five ministers was unable to attend, it was generally adjourned. When matters of but little connection with the absent minister happened to be discussed, the conference was held among the three or four ministers present.

7. To return to Exhibit No. 3,457 which is mentioned above, and to speak on the alleged "Measures to be taken in case of Surrender of the Present Central Government of China, as described in this document under item No. 2 (decided on July 8, 1938 at the Five-Ministers' Conference), such a decision was highly improbable. Most conspicuous in which was the retirement of CHIANG Kai-sek from public life as mentioned as the forth condition of the surrender

of the present Chinese central government in item No. 3. When I accepted the post of cabinet minister, I asked Premier KONOE to cancel the KONOE statement declared on January 16, 1938 when the occasion required and made this a condition in the acceptance of my post. Premier KONOE willingly accepted this condition, saying that it was alright to cancel it. Therefore, there was no reason for me to take up the question of CHIANG Kai-sek's retirement from public life on July 8 of the same year not long after I entered the cabinet. It was indeed absolutely an improbable thing.

Next, with regard to the alleged "Strategy toward China in Conformity with the Current situation under item No.4, ( the dicision of the Five-Ministers' Conference on July, 1938). I do not remember that I ever made such a decision, As for the item where I was to have the Chinese Central Government ruin itself financially by means of acquiring Chinese funds abroad, atc. I am at a loss as to what it even means. In view of the attendance of the Finance Minister, I can not think that such a decicion could have ever been made.

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As for the alleged "Policy to guide the --- establishment of a New Central Government of China" under item No. 5 (decided on July 15, 1938 at the Five-Ministers' Conference), I believe that it was improbable considering my ideas at that time. I never thought of the establishment of a new central government at that time. I devoted myself to the solution of the affair by ~~establishing~~ supporting a Hankow government (CHIANG Kai-sek's regime) and negotiating with this government. Hence I had no reason to consent to such a decision and I should have strongly opposed such a proposal if there were any. And if there were any such proposal or decision, I would have remembered it, and since it is not in my memory, I am sure that such a question was not taken up at all at that time.

With regard to the alleged Special Commission on Chinese Affairs (decided on July 26, 1938) under item No. 12, neither a committee like that was ever instituted nor any decision made by the Five-Minister Conference. Particularly in view of the fact that the Five-Minister Conference is not a legistative organ or anything else, and it is absurd that an executive organ would be created

under the jurisdiction of the Five-Ministers' Conference.

As to the alleged "Outline for the Establishment of the Joint Committee" (decided on September 9, 1938 at the Five-Ministers' Conference) under items No. 15, as I have already mentioned above, since I had no idea of establishing a central government and as I was of the opinion that we should carry out our national policy by respecting the CHIANG Kai-shek government, there is no reason for having discussed such a matter as this.

8. I have related on the most conspicuous questions among the contents of the above Exhibit but I believe that in more than a few instances it will generally be the same with the other items also. I am inclined to believe that this document was compiled after my resignation by some one based on an opinion of somebody, and that of the caliber of a minor clerk and from a rough draft at that.

On this 31st day of January, 1948

At Nagaoka Onsen, Shizuoka Prefecture.

- 6 -

DEPONENT: /s/ UGAKI, Kazushige (seal)

Def. Doc. # 3047

I, BANNO, Junkichi hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness:/s/ BANNO, Junkichi(seal)

OATH

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

/s/ UGAKI, Kazushige (seal)

Def. Doc. #3047 (Revised)　　Exh. No 3877

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫其他

宣誓供述書

供述者　宇ウ　垣カキ　成ナズシゲ

自分儀我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通リ宣誓ヲ爲シタル上次ノ如ク供述致シマス

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Def.Doc.#3047 (Revised)

一、私、宇垣一成は元陸軍大將で現在靜岡縣伊豆長岡溫泉、松濱莊に住んでゐる。

二、私は第一次近衛內閣の時、一九三八年（昭和十三年）五月下旬頃より同年九月下旬迄外務大臣であつた。板垣征四郎將軍は同年六月初旬より陸軍大臣となり私が外務大臣をやめた後も陸軍大臣であつた。

三、私は板垣被告被當の日本辯護人より法廷證第三、四五七號（檢察側文書第二、五七〇號B）五相會議決定事項集なるものを讀み聞かされて承知した。

四、私が其の一員であり板垣陸相も其の一員であつた本件五相會議について申し上げる。五相會議は法制上の規則があつて設けられた正式のものでなく最も關係深い五相（總理大臣、外務大臣、大藏大臣、陸軍大臣、海軍大臣）が毎週二回位（火曜日、金曜日といつた例）概ね午前十時頃より晝食頃迄一時には晝食後に及ぶこと

Def.Doc.#3047 (Revised)　　Exh.No 3877

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫其他

宣誓供述書

供述者　宇垣一成

自分發我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通リ宣誓ヲ爲シタル上次ノ如ク供述致シマス

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ありーお茶を飲みながら自由に問題について話し合ひ一應の結論又は意見一致を見ると之を事柄の性質に應じ或は正式の閣議にかけ或は主務省に理付して主務省の委任に於て實施に移すといふ風にしていた。此の會議は五相以外の者は誰も加はらず記錄も取るといふことはなかつた。

五、當時板垣陸相は一番若いのであるから幹事役をつとめるように申しそのやうに致していたのである。五相會議事項につき文書が提示されるとともあつたが此の際は私は少くとも閣議に關係あるものには必ず自分のサインをして之を下僚に渡した。從つて主務省に保管せられありとするもこの私のサインのあるものでない限りは原本のぼんものではない。

六、五相會議は大抵五相が揃つて會議した。五相の中誰かゞ出席出來ないときは或る流會になつた。時には缺席大臣に關係のない事項を諮するときは其の大臣缺席で四相又は三相で開いたとも

七、そこで先の法廷證第三、四五七號についてであるが其の中の第二支那現中央政府屈伏の場合の對策（昭和十三年七月八日五相會議決定）と稱するものに付申せば此の樣な決定はあり得べからざることである。就中顯著なことは其の第三支那現中央政府屈伏の認定條件の四として蔣介石の下野とあることで、私は入閣に際し近衛首相に昭和十三年一月十六日の近衛聲明は必要に際しては之を取消してよいかということを一つの條件にした。之に對して近衛首相は其の條件は克く諒承した。取消してもよろしいといつたのである。從つて入閣後問もない同年七月八日に私は夢にも考へていない蔣介石の下野など問題とする譯がなく全くあり得ないことである。

次に第四時局に伴ふ對支謀略（昭和十三年七月八日五相會議決定）と稱するものについてであるが斯る決定をなしたことは覺えがな

いのである。この中に支那の在外資金を取得すること等に依り支那現中央政府を財政的に自滅せしむとあるが如き何のことかわからない。大藏大臣も出席していてこの様なことを決定するといふことは考へられない。

次に第五支那新中央政府樹立指導方針（昭和十三年七月十五日五相會議決定）と稱するものについてであるが之は當時の私の思想からして全くあり得ないことであると思ふ。私は新中央政府樹立といふやうなことは當時全然考へていなかつた。漢口政府（蔣介石政權）を立て之と交渉して早く事件を解決しようと專念していたのである。從つてこんな決定に同意する訣がなく又そんな提案があれば强く反對した筈で記憶にも殘る筈であるがそんな記憶もない。從つて問題とせられたことはないと思ふ。

次に第十二對支政策別委員會（昭和十三年七月二十六日五相會議決

Def. Doc. #3047 (Revised)

定）と稱するものに付てであるが斯るものを設置したことは全然なく又五相會議で決定したこともない。殊に三相會議は議決機關でも何んでもないのに之に屬せしめて或る種の實行機關をおくといふことは滑稽なことである。次に第十二聯合委員會樹立要綱（昭和十三年九月九日五相會議決定）と稱するものについてであるが先にも言つた如く私は中央政府樹立の思想なくどこまでも蔣介石政府を立てて國策を推進する考へであつたからこんなことを議する譯がないのである。

八、以上同法廷證内容中目立つたものについて申したのであるがその他の事項についても大体同じことが多いと思ふ

此の文書は誰かの意見それも一部下僚共の考へ乃至は草案程度のものを誰かがもつていて私の辭任後に取まとめたといつた程度のものでないかと思ふ

Def. Doc. # 3047 (Revised)

昭和二十三年（一九四八年）一月三十一日　於静岡縣長岡溫泉

供述者　宇垣一成

右ハ當立會人ノ面前ニテ宣誓シ且ツ署名添印シタルコトヲ證明シマス

同日於同所

立會人　坂巻淳吉

Def. Doc. #3047 (Revised)

長心ニ從ヒ眞實ヲ述ベ何事ヲモ秘セズ又何事ヲモ附加セザルコト
ヲ誓フ

宣誓者

署名捺印

宇垣一成

7

3899

Def. Doc. # 3047 (REVISED)
ITAGAKI

正誤表

辯護側文書第三〇四七訂正號

宇垣一成口供書

左ノ通リ削除願マス

第二頁第六行最初ヨリ第七行終リ迄

「當時板垣陸相は、、、

そのやうに致していた」

FILE COPY
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3900

Def. Doc. 3070

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI Sadao, et al

- Defendants -

# A F F I D A V I T

## HŌGEN SHINSAKU

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. In 1941 I was assigned to the Second Section of the European-Asiatic Bureau, and served as a secretary of the Foreign Ministry, acting as interpreted of all conversations between Foreign Minister Tōgō and German Ambassador Ott during October and November 1941.

2. Memoranda of the conversations referred to in the preceding paragraph were prepared by me immediately after each conversation, and after being (in most cases) submitted to the Foreign Minister for his corrections were recopied in form for filing. I do not now, of course, remember the details of each conversation, but I do retain the memory of the general outlines thereof.

3. I have been shown Exhibit 3,835, purporting to be a record from the Foreign Ministry files of the conversation between the Foreign Minister and Ambassador of 27 October 1941. This memorandum is not in my handwriting, but the contents of the first 7 pages (in the Japanese copy--through the second paragraph of page 4 of the English) conform to my memory of the conversation, which I interpreted. The last page, however, dealing with the dispatch of Ambassador Kurusu to Washington, contains matters not discussed at that time. The first knowledge which I had of the dispatch of Ambassador Kurusu was after his departure from Tokyo on 5 November, having never heard of the matter before, either at a conversation with Ott or elsewhere. I remember that the matter was discussed between the Foreign Minister and Ambassador Ott, who had asked for an interview, on the following day--that is, 6 November--as is shown by the Ambassador's report, Defence Document 3,053, which I have been shown and identify as a correct report of the general subjects discussed at that time, though incorrect in particulars. The last page of Exhibit 3,835 is a page of the Foreign Ministry memorandum of this conversation.

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Def. Doc. 3070

AFFIDAVIT

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

Hōgen Shinsaku (seal)

On this 3rd day of February 1948

At Tokyo

Deponent: HŌGEN Shinsaku

I, Shichida Motoharu, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Shichida Motoharu (seal)

Translation Certificate

I, Shichida Motoharu, of the defense, hereby certify that I am conversant with the English and Japanese languages and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Shichida Motoharu

Tokyo
4 February 1948

DEF. DOC. #3019

[Exh. No. 3900
Rejected]

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAS

UNITED STATES OF AMERICA et al

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: USAMI, Okiie

Having first duly sworn an oath as on attached sheet and in accordance with the procedu followed in my country I hereby depose as follows.

1. I, USAMI, Okiie was formerly a Lieutenant General of the Japanese Army and now live at No. 1,924, 1-chome, Miyamotocho, Funabashi-city Chiba Prefecture.

2. From March, 1936, till May, 1939, I, served Close to the Emperor as Chief of the military Aide-de-Camp.

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During my service as such Lieutenant General ITAGAKI, Seishiro was War Minister from early in June, 1938 until about the end of August 1939.

3. While serving close to the Emperor always the chief of the Military Aide-de-Camp, as a r ' was in presence of the Emperor when military matters were reported to the Throne by the Minister concerned, the Chief of the General Staff or the Chief of the Naval General Staff. That is to say, according to the presedent set since the Emperor Meiji's time, all reports to the Throne were carried out at the Study-room in the presence of the Chief of the Military Aide-de-Camp. When the Emperor specially offered a seat after a report was made the chief of the Aide-de Camp often retired from the scene, leaving the two alone and the Emperor used to ask questions to whoever made the report.

While a report was being made to the Throne, the Emperor always stood at attention no matter how long it took. But the Emperor seemed

to show his friendliness by his very generous attitude.

Furthermore, the Emperor respected the authority of each minister, and never did interfere with them or give lectures to the ministers. The Emperor asked questions until he was able to fully understand anything that was brought up. But at no time did he raise his voice to scold his subordinates. He always showed his kindness towards them. The above attitude of the Emperor was what I saw and observed during the three years while I was in attendance close to him, and his attitude was always the same.

Generally speaking, in making a report in the Emperor's presence carefully chosen words are used in a solemn manner and the report is accurately and truthfully made. It is, therefore, unimaginable for a Japanese subject to make a false report to the Emperor or to violate the sacredness of His Majesty the Emperor.

DEF. DOC. #3019.

4. The counsel for defendant ITAGAKI showed me Exhibit No. 3795 A (Prosecution Document No. 3150-313 B), an excerpt from HARADA-SAIONJI "Memoirs" and I read it. I do not remember that at that time, as the Chief of the Military Aide-de-Camp to His Majesty, I went to the General Staff Headquarte and conveyed the message in regard to the political problem that is stated in the "memoirs" of the Exhibit.

5. The same counsel showed me Exhibit No. 3798 A (Prosecution Document No. 3150-321 A) an excerpt from the same "memoirs", and I read it. I cannot recollect whether War Minister ITAGAKI made a report to the Throne on or about 10 April, 1939. But it was generally a very rare event for any War Minister to visit the office of the Chief of the Military Aide-de-Camp after retiring from His Majesty's presence. War Minister ITAGAKI is said to have said indignantly, "Who on earth did give the full account?" I can definitely state that this is not true.

DEF. DOC. #3019

On this 26 day of Jan. 1948

At Tokyo

DEPONENT: USAMI, Okiie (seal)

I, BANNO Junkichi, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: /s/ BANNO, Junkichi (seal)

OATH

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

/s/ USAMI, Okiie (seal)

3901

Def. Doc. 3053

TELEGRAM
(Secret Cipher V)

Tokyo, 6 November 1941, 10:50 P.M.
Arrived, 7 November 1941, 17:50 o'clock

No. 2354 of 6/11 Most Urgent!

Secret!

Foreign Minister Tōgō, to whom I have spoken about the sudden dispatch of Ambassador Kurusu to Washington, explained to me that Ambassador Admiral Nomura had asked for the dispatch of an experienced professional diplomat to support him in the present difficult situation. In the press and world publicity optimistic comments have been made in connection with this dispatch. He does not share this optimism, because the differences of opinion between Japan and the United States are very great. He regretted that he could not inform me of the details of the Kurusu instructions now. But he wanted to sum up his personal guesses as to the future in this way, that an intensification of the coöperation with Germany and Italy could soon become necessary.

I replied to the Foreign Minister that Ambassador Kurusu must certainly have received the direction also to express the warning which the Japanese Government had in view against Roosevelt's going further upon the way of aggression. Tōgō declared upon this that he had examined the matter in the meantime and confirmed that the delivery of the declaration contained in the speech prepared by his predecessor had been given up. (7 groups mutilated or failed, correction is asked) he had taken notice of the German desire, but he had to take into account the general situation at the moment. More important than a mere warning addressed to America, the effect of which seemed doubtful to him, would be a firm attitude of Japan, and this attitude is expressed also in the instructions to Kurusu. Strict limits are set to him, so much he could tell me, for his negotiations in the United States, which he could not overstep.

The dispatching of Kurusu has been decided only recently, as I learned confidentially and as is proved also by his overhasty departure. In the long-drawn-out discussions in the Cabinet, about which I have reported, an idea prevailed that what is designated as the last attempt should be made for a peaceful agreement with the United States. The proponents of the understanding have certainly in mind to gain time, even if little time, by doing so, and to win a moment of rest for the coming session of the Diet.

The acceptance of the mission by Kurusu suggests that he has not regarded this undertaking as altogether hopeless, even if the instructions contained restrictions on the negotiations in substance (above all on the China question) and also in time. The fact that the Privy Council met, with the Emperor presiding, for a twenty-minutes session before his dispatch further shows that the Government had a need to protect itself. That the press brought out the fact that Kurusu had played apparently an important role in the conclusion of the Tripartite Pact, is also indicative in this direction. As the Army and the Navy would hardly be, as heretofore, in a position to accept demands presented by the United States regarding China, I should like to judge the chances for these important gestures also to be doubtful.

Ott



TO ROOM

Def. Doc. 3053

Translation Certificate

I, Matsumoto Kaoru, of the defense, hereby certify that I am conversant with the English and Japanese languages and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Matsumoto Kaoru (seal)

Tokyo
2 February 1948

C E R T I F I C A T E

O F O R I G I N

I, Yale Maxon, Chief of the Document Division, IPS, hereby certify:

1. That I am Chief of the Document Division of the International Prosecution Section, GHQ, SCAP, and as such have possession, custody, and control of originals or copies of all documents obtained by the said Section.

2. That frames 60819, 60820, 60821, being 3 sheets of a photostatic copy of a telegram from Ambassador Ott, dated 6 Nov. 1941 and contained in IPS Document 4072, were received by the IPS from the Office of the Chief of Counsel of the Nurenburg War Crimes Trials.

/s/ Yale Maxon

Def. Doc. 3039

E, 3902-A

The Treaty Bureau,
Foreign Ministry

December 1941

# Report of Activities For the Year 1941

Excerpted from p. 46

## Section XVIII

**Protocol Relative to the Extension of the Term of Validity** of the Agreement against the Communist International

1) The Circumstances Leading to the Conclusion of the Protocol

The agreement concluded on 25 November 1936 at Berlin between Japan and Germany, that is the so-called Anti-Comintern Pact, was joined by Italy as an original signatory on 6 November 1937. Hungary, Manchoukuo and Spain also participated therein afterwards. Article III of the Pact had fixed its term of validity to be five years, and stipulated that the contracting Powers should, prior to the expiration of that term, come to an understanding as to the form of coöperation between them thereafter. Inasmuch as the term was to expire on 24 November 1941, it had been expected that the contracting Powers would hold consultation with respect to the handling of the Pact.

In the meantime, the German Foreign Minister revealed, to Foreign Minister Matsuoka who visited Germany in March 1941, the desire on their part to have the term of the Anti-Comintern Pact extended. On 24 October, the German Ambassador at Tokyo, in accordance with the instructions of his home Government, officially proposed to extend the term of validity of the Anti-Comintern Pact by five years. And again on the 27th of the same month, the Italian Ambassador at Tokyo also conveyed to the Japanese Government that the Italian Government was of the same opinion as the German Government.

The Japanese Government, upon investigating the desires of the German and Italian Governments, considered it proper to open negotiations for the extension of the term of validity of the Pact, in consideration of the fact that even today, five years after its conclusion, the necessity is still keenly felt for coöperation for defence against the Communist destruction, which constitutes the object of the Anti-Comintern Pact. And on 30 October, the reply of the Foreign Minister was given to the German and Italian Ambassadors at Tokyo to the effect that the Japanese Government agreed to the commencement of the negotiations for the extension of the term of validity. It was decided, at the same time, that negotiations concerning particulars should be made at Berlin. After that, our Ambassador at Berlin negotiated with the German and Italian sides, and obtained the final draft. Further a proposal was made, under joint signature of the three original signatories, Japan, Germany and Italy, to Hungary, Manchoukuo and Spain, to extend the term of validity of the present Anti-Comintern Pact. The sanction of the respective Powers being obtained, the Protocol



RETURN TO ROOM 225

was signed by the above-mentioned six Powers.

Simultaneously, secret official notes were exchanged to abrogate the agreement annexed to the Anti-Comintern Pact.

Translation Certificate

I, Nishi Haruhiko, of the defense, hereby certify that I am conversant with the English and Japanese languages and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko (seal)

Tokyo
29 January 1948

Ex 3902-A

Def. Doc. #3039

昭和十六年十二月

昭和十六年間執務報告

外務省條約局

（抜萃　四六頁）

第十八款　共産「インターナショナル」ニ對スル協定ノ效力延長ニ關スル議定書

一、議定書締結經緯

昭和十一年十一月二十五日「ベルリン」ニ於テ日獨兩國間ニ締結セラレタル共産「インターナショナル」ニ對スル協定即チ所謂防共協定ハ昭和十二年十一月六日原署名國トシテ「イタリヤ」國ノ參加アリ爾後「ハンガリー」國、滿洲國及「スペイン」國ノ參加ヲ見タル處同協定第三條ハ協定ノ效力ヲ五年ト定メ且締約國ハ右期間滿了前爾後ニ於ケ



FILE COPY
RETURN TO ROOM 3

Def. Doc. #3079

ル條約國協力ノ態度ニ付了解ヲ遂グベキコトヲ決定シ居リ右期間ハ昭和十六年十一月二十四日ヲ以テ滿了スルコトトナルヲ以テ本協定ノ取扱ニ付テハ前記期間ニ協議セラルベキコト豫想セラレ居タリ

昭和十六年三月「ドイツ」國ヲ訪問セル松岡前外務大臣ニ對シ同國外務大臣ヨリ「ドイツ」國ハ防共協定ノ效力延長ヲ希望シ居ル旨洩シタルコトアル處十月二十四日在京「ドイツ」國大使ヨリ本國政府ノ訓令ニ基キ防共協定ノ期間ヲ更ニ五年延長方ニ關シ正式ニ申入アリ更ニ同月二十七日在京「イタリア」國大使ヨリモ「イタリア」國政府ハ本件ニ關シ「ドイツ」國政府ト同意見ナル旨ノ申入アリタリ尚國政府トシテハ獨伊兩國政府ノ希望ヲ檢討ノ結果共產「インターナショナル」ニ關スル協定ノ目的トスル共產主義的破壞ニ對スル防衛ノ爲ノ協力ガ協定締結後五年ヲ經タル今日モ益其ノ必要ヲ痛感セラルル次第ナルニ鑑ミ同協定ノ效力延長ニ關スル交渉ヲ開始スルヲ適當ト認メ十月三十日外務大臣ヨリ在京獨伊兩國大使ニ對シ帝國政府ハ本件效力延長ニ關スル交渉開始ニ同意ナル旨ヲ回答スルト共ニ細目ノ交渉ヲ「ベルリン」

Def. Doc. #3039

ニ於テ行ハシムルコトトシ爾來在獨大使ニ於テ獨伊側ト折衝ノ結果諸定書ノ案文ヲ確定セリ尚原署名國タル日獨伊三國共同ニテ「ハンガリー」國、滿洲國及「スペイン」國ニ對シ本件防共協定ノ效力延長方ヲ申入レ各國ノ同意ヲ得タルニ依リ諸定書ハ六國ノ署名ヲ見ルコトト爲レリ

尚同時ニ共產「インターナショナル」ニ對スル協定ノ附屬協定廢止ノ爲日獨間ニ秘密交換公文ヲ交換スルコトト爲レリ

Ex 3903

Def. Doc. # 2978

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

vs.

ARAKI, SADAO, et al

# AFFIDAVIT

## TAWARA, RYUKICHI

I, TAWARA, Ryukichi, after having been duly sworn according to the Japanese formula, make the following statement freely and voluntarily of my own free will:

1. I am of lawful age, and reside at No. 627, Hatsudai, Yoyogi, Shinjuku Ward, Tokyo, Japan.

2. As I testified in my affidavit of 15 May, 1947 (Exhibit No. 2620), I was, at the time of the Chang-ku-feng Incident, commanding officer of the 25th Mountain Artillery Regiment, 19th Division. The only Japanese artillery in the vicinity, either before or during hostilities, consisted of rifles, 75 millimeter caliber, pack horse carried, and mortars, 15 centimeter caliber, short range, except a battery of railroad artillery which on 8 August came to a point 8 kilometers to the north of Kogi which is to the west of the Tumen River, and which did not fire until 9 August. All artillery, both before and during hostilities, remained to the west of the River Tumen, at no time crossed the River, and no artillery positions were constructed to the east of the River.

3. When I returned, having been ordered back, on 28 July, 1938, i.e., before hostilities started, to our headquarters at Hanan, Korea, which is about 100 kilometers from Chang-ku-feng, all men and guns under my command, the rifles above referred to, returned to that place with me, leaving only the 15 centimeter mortars in the vicinity of Chang-ku-feng. When I returned to the west bank of the River Tumen at 5 A.M. on 31 July, 1938, all the other artillery, i.e., the 15 centimeter mortars, was placed under my command, and when the railroad artillery arrived, it was also placed under my command.

4. Prior to 26 July, 1938, the only Japanese troops in the vicinity to the east of the River Tumen consisted of 40 border guards, infantry troops, armed with no heavier armament than light machine guns. Other infantry troops crossed the River Tumen from the west bank to the east 26 July, but all these latter troops were withdrawn to the west of the River Tumen on 27 July, and did not cross again until 29 July after the skirmish on that day

RETURN TO ROOM 361

commenced. None of the latter troops took part in any hostilities until after they started again on the morning of 31 July. The infantry at no time before or during hostilities had any heavier armament than antitank guns, 37 millimeter caliber, man carried, and trench mortars, 75 millimeter caliber, muzzle loading, short range, and man carried.

5. When I returned at 5 A.M. on the morning of 31 July, I saw two Russian tanks which had been disabled by the 15 centimeter mortars on the northern slope of Chiang-chun-feng, well within Manchoukan territory, even under the Russian claims. Three more Russian tanks were disabled that day on the northwestern slope of Sha-tsao-feng (Bezimyannya), also well within Manchoukan territory, under the Russian claims. All five of these remained in their disabled conditions on Manchoukan territory, even under the Russian claims throughout the hostilities. In all ten Russian tanks crossed the border as claimed by the Russians into Manchoukan territory on 31 July. When I arrived at 5 A.M. on 31 July, Russian artillery was firing on objectives to the west of the River Tumen, and several shells scored hits on my men and guns.

6. The Russian military headquarters was at Yen-chu(Novokievsk), about 20 kilometers (12½ miles) from Chang-ku-feng.

---

On this 2nd day of February, 1948,
At Tokyo

DEPONENT TANAKA, Ryukichi (seal)

I, MIURA, Kazuichi hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: (signed) MIURA, Kazuichi (seal)

OATH

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

TANAKA, Ryukichi (seal)

3904

Def. Doc. no. 3084

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

- Defendants -

# A F F I D A V I T

## YANO MITSUJI

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I have already testified before this Tribunal, on 26 May 1947, concerning my trips of inspection of the Manchoukuo-Mongolia border (Exhibit 2,650). As I testified at that time, I visited the area in October 1938 (I had also been through the area by automobile in September 1936), following the Haluha River from near Handagaya to near Nomotsohrin without finding Mongolians on the right bank of the river.

2. I have been shown Exhibits 3857 and 3862, in which the witnesses Bykov and Chogdan respectively have testified that the Manchoukuo-Mongolia boundary was to the east of the Haluha River, and their testimony on cross-examination in which they state that that boundary was marked with border-markers before the "Nomonhan incident" of 1939.

3. From my two inspections of this area I can testify positively that there were no border-markers of any nature between obos, nor were there in either 1936 or 1938 any markers or poles on top of the obos bearing inscriptions in Mongolian. In fact, a feature of that country is the extreme scarcity of wood of any description. The country is steppe, there is nothing to obstruct the view, except where there are occasional small hills; in my tours I made various side-trips from the route, and constantly examined the surrounding country through 8-power field-glasses. I saw neither inscribed markers on the Nomonhan Burd, Huld Ulyn and Ers Ulyn obos, nor poles or border markers of any description between these obos, all of which however I did visit and inspect. At Nomonhan Burd obo there was a building of the Nomonhan branch of the Manchoukuo police, in which resided seven or eight police.

4. I have traveled also on other borders of the so-called Mongolian People's Republic, but have never in any area seen wooden border-markers on these borders. On such parts of the border as are marked with stone obos, those obos are erected in pairs. Nomonhan Burd obo is, as testified to by Chogdan, a pair of obos; but when they are used for border-markers the pairs of obos are not confined to one pair, but are continuous. There are other instances, in various border-areas of Mongolia, of a single pair ( or even triplet or more) of obos, but these do not mark the borders, because one pair alone does not establish a line.

5. During my 1938 trip I met Manchoukuoan cavalry, border-guards or police at Handagaya, Nomotschrin, Arkoro and Nomonhan burd.

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Def. Doc. no. 3074

OATH

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

Yano Mitsuji (seal)

On this 6th day of February, 1948
On this 6th day of February, 1948
at Tokyo

Deponent: Yano Mitsuji

I, Ikeda Sumihisa, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Ikeda Sumihisa (seal)

Translation Certificate

I, Nishi Haruhiko, of the defense, hereby certify that I am conversant with the English and Japanese languages and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko (seal)

Tokyo
7 February 1948

3905

Def. Doc. no. 3013

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI Sadao, et al

- Defendants -

# A F F I D A V I T

## YOKOI TADAMICHI

Having first duly sworn an oath as on the attached sheet, accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I am a former major-general of the Japanese Army, at present residing at Tokyoto Meguroku Tairamachi 118. From May 193 to 28 July 1939 I served as chief of the Hailar Military special Service detachment.

2. Immediately after taking office at Hailar, I made a trip through the area of the eastern bank of the Heluhe River to inspec conditions around the border. That country is a steppe area with undulating terrain features, without trees, and a wide view is therefore to be had. I made frequent excursions for some distance toward the river, and to within a few kilometers of it, inspecting the whole country adjacent to it both in person and with field-glasses.

3. At that time I found Manchoukuoan or Japanese units stationed in the area to be as follows:

| | |
|---|---|
| Issursum (northwest of Buir Nor) | 1 Manchoukuoan cavalry squadron (about 100 men) |
| Ankoro | several Japanese M.P.'S<br>about 20 Manchoukuoan police |
| Nomotsohrin | 1 Manchoukuoan cavalry se<br>(about 20 men and horses) |
| Nomonhan | 7 Manchoukuoan police |
| Hondagaya | 2 correspondents of Hailo<br>Special Service detachmen<br>about 10 Manchoukuoan poli |

I found no Outer Mongolian border-guards at all on the East or right bank of the Heluhe River. No one molested my party or attem pted to prevent us from travelling in the area. Nor did I see any trace of border-markers, either in the form of paired obos (except the one pair at Nomonhan Burd) or in the form of wooden or other border monuments. From my inspection of the area I can say that such markers were non-existent.

FILE COPY
RETURN TO ROOM 361

Oath

In accordance with my conscience I swear to tell the whole truth, without [illegible] and [illegible].

Yokoi Tadamichi (seal)

Def. Doc. no. 3023

On this 7th day of February, 1948

At Tokyo

Deponent: Yokoi Tadamichi

I, Ikeda Sumihisa, hereby certify that the above statement was sworn to by the deponent, who affixed his signatu and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Ikeda Sumihisa (seal)

Translation Certificate

I, Nishi Haruhiko, of the defense, hereby certify that I am conversant with the English and Japanese languages and that correct translation of the original document.

Nishi Haruhiko (seal)

Tokyo
7 February 1948

3906

Def. Doc. No. 3002

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI Sadao, et al

- Defendants -

FILE COPY

TO ROOM 361

# A F F I D A V I T

## SHIBAYAMA KENSHIRO

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. From March 1937 to July 1938 I occupied the post of Chief of the Military Affairs Section of the War Ministry, my function being that of handling business relating to China affairs (I being the section chief concerned), such as liaison business, with respect to policies, between the War Ministry and the front troops, all of which went through my hands.

2. I have been shown Exhibit 3,269, from which it appears that Vice-Minister Umezu was reported to have gone to China, taking the outline of the decision of the Imperial Conference. This is quite incorrect. Other matters referred to in the same document likewise are not true--as for example that Commander Terauchi requested the visit of the War Minister or Vice-Minister to Tientsin It is true that Vice-Minister Umezu went to China at that time; however, his trip was made in the following circumstances.

3. The Japanese Government had at that time decided upon a policy of undertaking through German Ambassador Trautmann negotiations with Chiang Kai-shek for peace between Japan and China. By order of the War Minister I drew up, working with Director of the Foreign Ministry Bureau of Eastern Asiatic Affairs Ishii and Chief of the 1st Military Affairs Section of the Navy Ministry Hoshina, a plan for the peace negotiations. The Government meanwhile carried on discussions with Trautmann.

4. Since it was feared that some disturbance might occur among the soldiers at the front if the plan was realized, it was considered that it might be better if a preliminary understanding could be reached at the front. To carry out this intention of the War Minister, it was decided that the Vice-Minister, Lieutenan General Umezu, should be dispatched to the China front. I was ordered to accompany him.

5. We left Tokyo on 9 January 1938, visited Tientsin, Peking, Changchiakow, Taiyuanfu, Shihchiachwang and Tsinan, conveying the intention of the central Army authorities mostly to army and division commanders. There was nothing conveyed to anyone in China of any such intention as it suggested in Exhibit 3,269, of not dealing with Chiang Kai-shek. We had in fact obtained agreement of the commanders in the field to the intention of the central authorities, mentioned above, of attempting to make peace with Chiang through the medium of Trautmann, and were ready to return to Japan, convinced that no disturbance would occur among the forces in the field when on 16 January the "Konoe Declaration" of "no further negotiation with Chiang Kai-shek" was issued, entirely nullifying our work.

Def. Doc. no. 3092

OATH

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

Shibayama Kenshirō(seal)

On this 4th day of February, 1948

At Tokyo

Deponent: Shibayama Kenshirō

I, Ikeda Sumihisa, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Ikeda Sumihisa (seal)

Translation Certificate

I, Nishi Haruhiko, of the defense, hereby certify that I am conversant with the English and Japanese languages and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko (seal)

Tokyo
6 February 1948

3907

DEF. DOC. #3077

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

Sworn Deposition

Deponent:--SAITO, Yoshiye

Having duly sworn an oath, I, SAITO, Yoshiye, hereby depose as follows:

1. My present address is No. 42, Shoto,Shibuya Ward, Tokyo.

2. From July 1940 to July 1941, I was a Counsellor of the Foreign Office and assisted Foreign Minister MATSUOKA regarding the conclusion of the Tripartite Pact in the way of office work.

3. According to the Tripartite Pact, in case any one party out of the three contracting parties be attacked by another power or powers who are not involved in the European War or the China Incident at the time of concluding

this pact the remaining contracting parties shall aid the party so attacked by means of political, economic and military measures. But the problem of judging as to whether one of the contracting parties was attacked as stipulated in the pact, viz. whether the remaining parties were to aid, was a matter the Japanese, German or Italian Government was to decide individually, and the commission incidental to the said pact was not empowered to decide on such a matter. Further, the Japanese Government never did authorize the commission to decide on such a matter.

4. As a result of the Tripartite Pact, three commissions, namely, the general commission, military commission and economic commission were to be established in Tokyo, Berlin and Rome respectively, but, these commissions, organized by the Foreign Minister of the country where the commissions were established, with the Ambassadors, military and naval attackés and others as members were nothing more than liaison organs for the Japanese,

German and Italian Governments, and these commissions were not authorized to decide matters building their Governments.

On this 5th day of February, 1948
At Tokyo.

Deponent SAITO, Yoshiye, (Seal)

I, SHIMAOUCHI, Tatsuki, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date
At same place.

Witness: /S/ SHIMANOUCHI, Tatsuki, (Seal)

OATH

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

/S/ SAITO, Yoshiye (seal)

Def. Doc. # 3078 Exh. No. 3925

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

SWORN DEPOSITION

Deponent: USAMI, Uzuhiko

I, USAMI, Uzuhiko swear an oath and depose as follows:

1. My present address is No. 616, 4-chome, Koenji, Suginami-ward, Tokyo.

2. From November 11th, 1938, to May, 1940, I served at Berlin as counsellor of the Japanese Embassy to Germany. During this period I helped Ambassador OSHIMA in connection with the negotiations for the Japan-Germany-Italy Treaty.

3. As I have stated at length in my affidavit (Exh. # 3494), it is true that in reply to the Government directive concerning the above negotiations which had been brought late in February, 1939, by Mr. ITO, the Minister Extraordinary Ambassadors OSHIMA and SHIRATORI submitted their opinions to Foreign Minister ARITA early in March and that

late in March the Foreign Minister in turn wired a new directive. It is however not true that in the meantime, that is, between the beginning and end of March, 1939 Foreign Minister ARITA sent a directive to our Embassy in Berlin, urging us to carry on the negotiations pursuant to the original directive brought by Mr. ITO, the Minister Extraordinary.

On this 5th day of Feb., 1948

At Tokyo

DEPONENT: /s/ USAMI, Uzuhiko (seal)

I, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /s/ SHIMANOUCHI, Tatsuki (seal)

OATH

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

/s/ USAMI, Uzuhiko (seal)

DEF. DOC. #3079 Exh. No. 3909

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EA

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao et al.

SWORN DEPOSITION

Deponent: MAEDA, Minoru

I MAEDA, Minoru, upon being duly sworn, depose as follows:

1. From 15 Oct., 1940 to 15 May 1942, as chief of the 3rd Section of the Naval General Staff, I was in charge of collecting and arranging all information with reference to the Navy. The rank I held then was Rear-Admiral.

2. During my tenure of the above-mentioned office of the Navy were never informed, directly or indirectly, by the German Govt., by Ambassador OSHIMA, our Naval Attaché to the Embassy in Berlin nor by any other Naval Personnel stationed

DEF. DOC. #3079

in Germany, of any such intentions as to use submarines to massacre crews of merchant vessels, or to kill the surviving crew of such vessels that were sunk by submarines, by shooting or otherwise. In addition, the Navy never received any report from anybody to the effect that Ambassador OSHIMA had such talks with Hitler concerning the killing of crew members in the manner as stated in the above.

3. I shall further add, that during my tenure of office of the above, I never heard anything discussed as to the intention on the part of the Japanese Naval Central Authorities to adopt such measures in killing crews as in the foregoing, nor ever received any information that the Japanese Navy committed such acts.

On this 4 day of Feb., 1948

At Tokyo

DEPONENT: MIEDA, Minoru (seal)

I hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date
At Tokyo

Witness: (signed) SHIMANOUCHI, Tetsuki (seal)

DIF. DOC. #3079

OATH

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

MAEDA, Minoru (seal)

Def. Doc. #3080

Exh. No. 3910

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

SWORN DEPOSITION

Deponent: MATSUSHIMA, Shikao

I, MATSUSHIMA, Shikao, state under oath as follows:

1. My present address is No. 2931, Katase-machi, Fujisawa-shi, Kanagawa Prefecture.

2. I was from April 1936 until November 1939 the Director of the Trade Department of the Foreign Office. Thereafter I was stationed in Sweden as the Japanese Minister until March 1941. From March 1941 until May 1945 I was in Berlin as the Envoy at large for Europe, and was principally in charge of economic matters.

3. The Japanese-German Economic Agreement and the accessory Protocol (Exhibit No. 3520) concerning the exchange of goods between Japan and Germany, which also included matters pertaining to the institution of ¥ 1,000,000,000 mutual credit for three years, were



RETURN TO ROOM 361
COPY

order to secure concessions from Germany. Of course the contents of these talks were previously agreed upon between Oshima and the Foreign Office.

6. The question of defining the sphere of application of this Economic Agreement, namely, the extent of the economic sphere under the leadership of Japan and Germany, was raised by Ribbentrop, according to what I heard from Oshima at that time. Concerning this question also Ambassador Oshima as well as I conducted talks with Germany always after obtaining instructions of the Japanese Government.

7. The signing of this agreement took place after the full approval had been given by the Japanese Government beforehand.

On this 5th day of Feb., 1948

At Fujisawa

DEPONENT: /s/ TATSUSHIMA, Shikao (seal)

I, SHIMANOUCHI, Tatsuki, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /s/ SHIMANOUCHI, Tatsuki (seal)

IMTFE DOC. NO. 4091-A Exh. No. 3911

Commander-in-Chief of the Navy
B. No. 1 SKI, Ib 600/43
GK of the Chief

Berlin, 5 March

Secret Command Matter

Important! Only by Office

Notes Taken at a Conference of the Commander-in-Chief, Navy, with the Fuehrer in his Headquarters at Vinnitsa, on 26 February 1943.

* * * * * *

Page 14. Paragraph 4.

The Commander-in-Chief, Navy, reports that the Japanese Admiral NOMURA had mentioned that the Japanese Navy was planning to use its submarines against merchant shipping and that it had asked Ambassador OSHIMA and Foreign Minister V. Ribbentrop to request that two German submarines be put at Japan's disposal. The Commander-in-Chief, Navy, explained that nothing would be gained in a military way by turning over the submarines, since he did not believe that they could be produced in large numbers in Japan for materials reasons.

The Fuehrer favored the idea of releasing one submarine to the Japanese because we had to make return-shipments for the rubber. If we found it difficult to carry out these return-shipments in high grade steel and finished products, such as machine tools, it would be easier to deliver a submarine. He will not decide the matter until the demand has taken a more concrete form.

Signed: Doenits

Countersigned: Lt. Comdr. Pfeiffer.

IPS DOC. NO. 4091

OFFICE US CHIEF OF COUNSEL

CERTIFICATION OF ENLARGEMENT PRINT

OF MICROFILM

I, Heinz Lychenheim, Research Analyst, Dept. of enlargement print with the microfilm described as:

Oberbefehlshaber der Kriegsmarine.
Neiderschrift uber den Vortrag des Ob. d. M. beim Fuhrer in Fubrörhauptquartier
Vinneza am 26. II 1943.

(Commander in Chief of the Navy. Notes taken at a conference of the Commander in Chief, Navy with the Fuhrer in his Headquarters at Vinnitsa on 26 February 1943)

ONI London, Reel T-15B, PG 32188

4 pp

that the said enlargement print is a true and correct copy of the said microfilm and that the microfilm is one of the documents located in the Tambach Archives, OP-32-F 114, Dept. of the Navy.

5 November 1947
Date

/s/ Heinz Lychenheim

Ex. 3911

1

Doc. 4091A

B. NV. I. SKI. 16. 660/43. gkdos chefs

海軍總司令官

ベルリン一九四三年三月五日

重要書類
士官經由

一九四三年獨逸海軍ニ關スル事項ニ就イテノ
總統會議

一九四三年二月二十六日在「ウインザ」總統本部
ニ於ケル總統ト海軍長官トノ會議ノ際ノ覺書

／備忘錄／

第十四頁、第四節

海軍長官ハ野村提督ガ日本海軍ハ商船ニ對シテ
ソノ潜水艦ヲ使用セント計畫中デアリ、又日本
海軍ハ大島大使及「フォン。リツベントロツプ」

Niederschrift über den Vortrag des Ob.d.M. beim Führer im Führerhauptquartier Winniza am 26 11 1943.

（海軍司令長官、一九四三年十一月廿六日、ヴィニツツヤノ総統司令部ニ於ケル海軍司令長官ト「総統」トノ會談ニ於テノ記錄ヲ取レリ）

ONI London, Reel T-158, PG 32188
4 PP

Cert.

一九四七年十一月五日

パインツ・リイチエンバイム

Doc. 4091

米國檢事長室

顯微鏡寫眞フイルムノ擴大寫ニ關スル證明

余即チ陸軍部調査分析員タル「ハインツ・リイチ・エンハイム」ハ左記顯微鏡寫眞フイルムト添附セル擴大寫トヲ比較シ、該擴大寫ハ該顯微鏡寫眞フイルムノ眞正ナル寫ナルコト並ニ顯微鏡寫眞フイルムハ海軍部タンパック文書課、OP-32-F 1114 、ニ保存セラル、文書ノ一ナルコトヲ證ス

Oberbefehlshaber der Kriegsmarine.

Def. Doc. # 3051

Exh. No. 3912

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

SWORN DEPOSITION

Deponent: OKADA, Keisuke

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1. I, OKADA, Keisuke, was appointed admiral in 1924 and placed on the reserve list in January, 1933, I was appointed Prime Minister in July, 1934, from which post I resigned in March, 1936 when the Cabinet resigned en bloc. I was a Senior Statesmen in 1944 and 1945.

2. Before the end of the Tojo Cabinet in July 1944, I thought it necessary to have one who would identify himself with restoration of peace by the termination of hostilities join the Cabinet as a Minister of State. I broached my idea to Baron Wakatsuki, Prince KONOYE, Baron HIRANUMA and Marquis KIDO, then Lord Keeper of the Privy Seal and obtained their approval. To attain this, I made endeavors to

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have Admiral YONAI reinstated in active service and appointed Navy Minister to succeed Admiral SHIMADA, then Navy Minister and concurrently Chief of Staff of the Navy and spoke to many people to accomplish this, but in vain.

3. My efforts to have Admiral YONAI reinstated in active service were successful when the KOISO Cabinet was formed. The so-called KOISO-YONAI coalition Cabinet came into existence with Admiral YONAI reinstated in active service and appointed Minister of the Navy. When the SUZUKI Cabinet was formed on April 5, 1945 I worked hard and talked with many people, I did my best to have Admiral YONAI and Mr. TOGO join the Cabinet as Minister of the Navy and Minister of Foreign Affairs, respectively, for the purpose of restoring peace, by terminating hostilities, and they did assume these posts.

4. Sometime in April 1944 Marquis KIDO and I had an extremely confidential talk about termination of the war. The very nature of this subject required extreme caution on our post. His ideas and mine coincided that efforts should be made to end the hostilities as quickly as possible, but that we would have to wait for an opportune moment as it was not a matter which could be forced. I had previously discussed this matter with Marquis MATSUDAIRA and asked him to transmit my thoughts to Marquis KIDO. I

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had many talks with Marquis KIDO thereafter about early termination of the war. His efforts in this direction have been recorded elsewhere, so I shall not repeat them here, except to, congratulate him for the success of his heroic services.

On this 31 day of Jan. 1948

at Tokyo

DEPONENT: OKADA, Keisuke (seal)

I, KIDO, Takahiko, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

at the same place

Witness:/s/ KIDO, Takahiko
(seal)

O.TH

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

/s/ OKADA, Keisuke (seal)

DEF. DOC. #3050

Exh. No. 3913

Translated by
Defence Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: HIROSE Hisatada

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

I, HIROSE, Hisatada, make oath and say as follows:

1) In February, 1945, I was appointed Minister of State without Portfolio and concurrently Chief Secretary to the KOISO Cabinet, from which posts, however, I resigned the same month. In August, 1945, I was appointed Mayor of Tokyo Metropolis, from which post I resigned in January, 1946. I am not connected with any Government office now. I have known Marquis KIDO intimately since 1938.

2) Owing to my above mentioned relation with Marquis KIDO, I thoroughly knew that Marquis KIDO had been watching for a long time for a chance to conclude the recent war, making great efforts. Especially, I may mention the following facts; the circumstances under which he endeavoured to appoint admiral YONAI, a pacifist, as Vice Prime Minister when the KOISO Cabinet was formed in July, 1944; that during the term of the said cabinet he repeatedly expressed to me his desire for an opportunity to realize peace; that he made efforts for forming the cabinet headed by Admiral SUZUKI, Kantaro, a pacifist, April, 1945 and that he co-operated with Admiral YONAI, the chief pacifist of SUZUKI Cabinet, in making efforts to realize peace.

Above all, sometimes I undertook to effect communication between Navy Minister YONAI and the Marquis for their co-operation. In those days, when Marquis KIDO had to communicate with Navy Minister YONAI that he wanted to have an informal tal with the latter concerning the peace problem, I immediately transmitted this to Navy Minister YONAI and obtained his consent. As shown in this instance,

I thoroughly know how hard the two men worked for peace secretly under the circumstances in those days. I distinctly remember that after the conclusion of the War Navy Minister YONAI said, " after all, Marquis KIDO is more responsible than any other for the conclusion of the war."

On this 28 day of Jan. 1948

At Tokyo

DEPONENT: HIROSE Hisatada (seal)

I, KIOD Takahiko, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /S/ KIDO Takahiko (seal

OATH

In accordance with my conscience I swear to tel the whole truth withholding nothing and adding nothin

/S/ HIROSE Hisatada (se

Def. Doc. # 3052

Exh. No. 3975

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition

Deponent: ISHIWATA, Sotaro

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1). I held the office of the Imperial Household Minister from June 4, 1945 to January 16, 1946.

2). When on July 3, 1945, I was asked to take the office of the Imperial Household Minister, KIDO spoke to me emphasizing the pressed war situation and the necessity of grasping the earliest possible chance for peace negotiations. Accordingly, with a firm resolve to work with him, I consented to take up this office.

3). After my appointment as Imperial Household Minister I saw KIDO, Lord Keeper of the Privy Seal, at least two or three times a week, as he had his office room in the Imperial Household Minister [illegible] family

Def. Doc. # 3052

Building so that we could easily call on each other. He told me he was firmly determined to bring the war to a close, and bravely, patiently and painfully fought oppositions until the war was finally terminated on August 15. He was one of the people who contributed most to the quick realization of the capitulation. The detail of his service in that field is truthfully given in his affidavit.

4). With the desperate situation that came to be clearly marked around July 20, 1945, KIDO prepared himself for any violence such as assassination that might be used against him by the army.

He told me he hoped that he might be spared until the war had been successfully brought to a close. But feeling the uncertainty of his life he consulted me twice or three times about the person who would possibly succeed him as Lord Keeper of the Privy Seal in case he should be killed. The person KIDO had in his mind was Baron SHIDEHARA, Kijūrō.

5). Since the beginning of August, Lord Keeper KIDO and I had been talking about requesting the Emperor to broadcast as we thought it was perhaps the best way under the circumstances to keep to the minimum limit the internal confusions that might follow the capitulation. On August 11, KIDO called on me. He said that he had talked with the Emperor about His Majesty's broadcasting the report of the termination of war, at which time the Emperor had told KIDO to consult the Imperial Household Minister. Hence he called on me, I told KIDO that

as representative of the Imperial Household Ministry, I had no objection whatsoever to this plan.

Again, on the evening of that day, KIDO called on me and told me that the Emperor was ready to broadcast. Thereupon I communicated with the government and at once made necessary preparations for the Imperial broadcasting.

6). On August 14, 1945 a unit of the Imperial Guards Division sieged the Imperial Household Ministry Building, and scattered some mimeographed bills. One of the items listed on them was: "To rid the Throne of the Lord Keeper of the Privy Seal, who is a traitor, trying to terminate the war!" KIDO was one of their black-listed persons.

The leader of the insurgent army that night was tracking KIDO and me. My subordinates in my office led me to the vault in the basement of the Imperial Household Ministry Building. It was about 3 a.m. on August 15 when I got to that room. KIDO came to the same room some 10 minutes later. KIDO said: "We may be discovered and killed any time. But history has already turned to a new direction.

The war will be closed. I am completely ready to be killed now!"

General TANAKA, Commander of the Eastern Area Army, hastened to the spot and forced the insergent army to withdraw.

So KIDO and I came out of the vault about 8 o'clock on the morning of the 15th.

On this 1st day of February, 1948

At Tokyo

Deponent: /S/ ISHIWATA, Sōtaro (seal)

I, KIDO, Takahiko, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At same place

Witness: /S/ KIDO, Takahiko (seal)

OATH

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

/S/ ISHIWATA, Sōtaro (seal)

Def. Doc. # 3068

Exh. No. 3714

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA et al

-vs-

ARAKI, Sadao et al

SWORN DEPOSITION

Deponent: HOSOKAWA, Morisada

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

I, HOSOKAWA, Morisada, make oath and say as follows:

(1) I married KONOYE, Yoshiko, daughter of Prince KONOYE, Fumimaro in April 1936, and as his son-in-law I naturally had many confidential and private conversations with Prince KONOYE.

I assumed the post of Secretary to the Prime Minister under the second and third KONOYE Cabinets from July 23, 1940 to October 16, 1941.

Later, during the war, I acted as private secretary to Prince KONOYE, in addition to other duties and I assumed the post of Secretary to Prince KONOYE who

was Minister of State without portfolio in HIGASHIKUNI Cabinet from August 16, 1945 until the resignation of the cabinet en bloc.

(2) Prince KONOYE told me "Marquis KIDO's efforts for terminating the war, "Marquis KIDO's efforts for terminating the war have been indeed magnificent." I recall that Prince KONOYE often paid this compliment to Marquis KIDO from the time when the Prince was chosen as special envoy to the Soviet Union (though he did not go to the Soviet Union) to Japan's surrender.

On this 3rd day of Feb. 1948

At Zaimokuza, Kamakura

DEPONENT: /s/ HOSOKAWA, Morisada (seal)

I, HOZUMI, Shigetake, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date,

at the same place.

Witness: /s/ HOZUMI, Shigetake (seal)

OATH

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

/s/ HOSOKAWA, Morisada (seal)

Def. Doc. #2987

最初一般辯論（法律論）

檢察側ノ國際法論ニ對スル辯護側ノ反駁

高柳賢三起稿

FILE COPY
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Def.Doc.#2987

裁判長並に裁判官各位

法は共通の義務意識である。

刑法はこれを無視したら罰を受ける義務を伴ふ共通の義務意識である。

政治家は、共通の國際法上の義務意識の下に、その比類なく重要な任務を行ふのである。

しかしこれまで政治家は、國際法上の義務に違反したら軍法によつて專斷的に刑罰を課せられるといふ共通の義務意識の下にその任務を行つてはゐなかつたのである。

かゝる刑事責任意識か存在しないことか明白な事實であるため、かゝる刑法は成立してゐないのである。かゝる刑事責任意識が存在すべきであるかどうかは本件には索聯性がない。かゝる法なきにかゝわらず刑罰が課せられるとすれば、それは無法なる暴力行爲に外ならない。

Def. DOC#2907

被告人のうち「スピクマン」教授や「ウォルタア・リップマン」氏のように戦略的立脚點から世界の政治外交を眺め、かかる戦略のみから三国軍事同盟（スピクマンはそれを世界情勢の物理的断結だとした）の促進とか、「大東亜共榮圏」の樹立とかについて共同謀議を行つたものが假りにあつたとするならば、こうした行動は蘇聯米国又は英国の感情を極度に刺戟する種類のものであらう。又世界政治にたいするこうした態度は、戦争そのものの廃止といふ理念の下に完全なる軍備撤廃を規定している日本国新憲法の明文及び精神とは氷炭相容れないものにちがいない。しかしこうした政治的行動は心ある人人から見れば好ましからざるところであるにせよ、それは言論及び結社の自由の範囲に属する事柄であつて、国際法はこれを禁止し又はこれを犯罪とはしてゐないのである。又もしも日本政府の爲したなにらかの行爲が国際法上違法であつて、日本がその判決に服することにあらかじめ同意した国際的機関によつてそれが違

Def. DoC#2907

被告人のうち「スピクマン」教授や「ウォルタア・リップマン」氏のように戦略的立脚點から世界の政治外交を眺め、かかる機構のみから三国軍事同盟（スピクマンはそれを世界情勢の[illegible]理的断結だとした）の促進とか、「大東亜共榮圏」の樹立とかについて共同謀議を行つたものが假りにあつたとするならば、こうした行動は蘇聯米国又は英国の感情を極度に刺戟する種類のものであらう。又世界政治にたいするこうした態度は、戦争そのものの廃止といふ理念の下に完全なる軍備撤廃を規定している日本国新憲法の明文及び精神とは氷炭相容れないものにちがいない。しかしこうした政治的行動は心ある人人から見れば好ましからざるところであるにせよ、それは言論及び結社の自由の範囲に属する事柄であつて、国際法はこれを禁止し又はこれを犯罪とはしてゐないのである。又もしも日本政府の爲したなにらかの行爲が国際法上違法であつて、日本がその判決に服することにあらかじめ同意した国際的機構によつてそれが違

法と宣言されたような場合又は日本が敗戦したような場合には、國民全体がその結果を甘受せねばならぬ。日本國民は或は損害を補塡し、賠償を支拂ひ、或は領土を奪はれることになる。かような場合における日本の指導者達の政治上の失策について、自己民にたいする政治上の責任はまことに重且つ大であるに相違ない。しかしかれらの行爲が國際法の法則に照して犯罪を構成するかどうかは、これとは全く別個の問題なのである。もしそれが犯罪を構成するならばこれら日本の指導者達は、同じような事情の下において、「アメリカ」や「イギリス」やソ聯の指導者達がうけるであらうと同様に、國際法の定める刑罰をうけねばならない。しかしもしそれが國際法上の犯罪を構成しないのなら、かれらは國際法そのものの名において、無罪の宣告をうくべきである。

又國際法の認めるなにらかの犯罪を被告人が犯したことが合理的疑をのこさぬ程度に證明せられない以上無罪であると[illegible]されるべき

Def. DoC#2907

である。

本條例の犯罪規定が單に實力行爲であるなら、すなわち降服文書の條項と一般に承認せられた國際法上の法則とにかかわらず、聯合國が發した命令にすぎないのなら、辯護人側が國際法に照して本條例の規定を論議することはたしかに無駄な努力である。しかし、首席檢察官の劈頭陳述によると檢察側もこうした立場に立つてはいない。被告人の行爲が聯合國政府の政策に基いて一方的に決定せられた犯罪規定に該當するがゆえにてはなく、それらが國際法上犯罪を構成するがゆえに「有罪」の宣言が與へらるべきである★というのが檢察側の主張である。檢察側はかような立場から、その博識と犀利な論理を縱橫に駆使しつつ★本條例の犯罪規定が現行國際法の法則を宣明したものであることを論證せんとしているのである。辯護人側は、本條例の規定はこれを國際法に照して解釋すべきであるとの檢察側の見解に心から贊同する。しかしながら上述の犯罪規定が

現行国際法を宣明したものであるとの見解には絶對に承服できないのである。

「ニュルンベルグ」裁判においては、裁判所は該規定に關する檢察側の解釋を一部排斥している。このことは辯護人側として意を強うせしめるものがある。辯護人側の見解によれば、楊逸と日本とでは事實的事態從て又は法的事態が全く異るのであつて、本裁判において降服文書と條例の規定との關係を決定するといふより大なる任務を裁判所はもつのである。又「ニュルンベルグ」裁判所の條例とは異り、本裁判所條例は國際法の眞の法則と原理を確定するがための便宜的指標にすぎぬのであつて、被告人等の有罪無罪は國際法の眞の法則と原理によつてのみ定まるのである。

かくしてわれらは、首席檢察官が一九四六年六月四日の勞頭陳述（英文記錄三八三乃至四七五頁、特に三九四乃至四三五頁）中に解明された本條例の犯罪規定に關する解釋を、逐一的に且つ全体とし

て反駁するため、主として國際法との關連において該規定を論述する。われらはなるべく首席檢察官による主張展開の順序を追ふこととし、本論を次の八項目に分ける。

一、降服文書と本裁判所條例
二、共同謀議
三、侵略戰爭
四、條約等を侵犯する戰爭
五、殺人の罪
六、「通例の」戰爭犯罪
七、個人責任
八、檢察側の提唱する新國際法理論

なほ最初辯論において檢察側の提出した新しい諸法論はないしては第二部において別にこれを反駁するであらう。

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第一部　首席檢察官の冒頭陳述中の法律論の反駁

一　降服文書と裁判所條例

「ニユルンベルグ」裁判の判決はその裁判所條例の規定について次の如く述べる

「本裁判所條例の制定は獨逸國が無條件降伏をなした諸國の至上立法權の行使に他ならない。これら諸國がその占領地域にたいして立法を行う權利をもつことは、從來文明世界の認めるところであることについては疑の余地がない。」（「ニユルンベルグ」記錄一六八七一頁）

獨逸政府は一九四五年五月連合國の征服によつて、國際法において通常用ひられる用語に從へば、「デパラチオ」によつて消滅するに至つた。從つて連合國はその完全な支配下にある地域にたいして主權を行使しうるのである。連合國は該地域においてその思うがままの統治を行いうる。いはば「ルイ」十四世のような專制君主の如く振舞うこともできるのである。從つて又、裁判所を設けて、自己

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の好まさる人物をいたゆる事後の法律によつて處罰することもできる。けだし、かゝる事後立法を行つてはならぬとの法則は正義の原則であつて、必ずしも連合國の主權を拘束するものではないからである（ニュルンベルグ記錄一六八七一頁）。いな、さらにすすんで全然裁判を行はず行政處分によつて、これらの人達を處理することもできる。少くともかくのことき主權の行使は國際法の原則に抵觸するものではないといえるであらう。それ故「侵略戰爭の計畫、準備もしくは開始が倫敦協定以前において、個人的責任を伴ふ國際法上の犯罪であつたか否かを考慮することは必ずしも當裁判所にとつて必要一ではなかつたのである。（ニュルンベルグ記錄一六八七一頁）。從つて、ニュルンベルグ判決における、國際法上の論議は英米法律家のいなゆる、「オピタデイクタ」すなはち判決自体には必ずしもこれを必要としない附隨的論議である。少くとも、ニュルンベルグ判決は右のような立論をその論據とするものである。われわれは、連合國の各政府と日本政府と

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の法的關係は連合國と獨逸との間のそれとまつたく異る基礎の上に立つという明白な事實について、まづ裁判所の注意を促そうとする

連合國政府の權限、及び連合國によつて最高司令官として任命せられ降服條項實施のため適當と認める一切の措置を執る權限を附與された一マッカーサー一元帥の權限は、まことに廣汎なものといへるのである。とはいえこれらの權限は無制約的のものではない。一マッカーサー一元帥は降服條項實施に適當且つ必要と認められる範圍において、至上權を附與されているにすぎない。それ故尊けいする同元帥によつて代表せらるる連合國の地位は「ルイ」十四世のそれに似たものではなく、むしろ、「ウイリアム」及び「メリー」のような近代立憲君主のそれに類似するものである。

獨逸と日本との間のかかる法的地位の根本的相違は、休戰に至つたそれぞれの經緯の差違に基くのである。日本は獨逸と異り、降服當時未だ連合軍のじうりんするところになつてはいなかつた。日本

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本土はまだ占領されてはいなかつた。なおしばらくはつよい武力抵抗を行つて連合軍に若干の損害を与えうる立場にあつた。かかる状況の下において、日本政府は連合国の和平申入れを受諾することとなつたのである。そして受諾の条件は「ポツダム」宣言の条項に示されている。降服文書自体も正式に明文を以て「ポツダム」宣言の条項を援用している。すなわち「下名はここに「ポツダム」宣言の条項を誠実に履行すること並に右宣言を実施する為連合国最高司令官の要求することあるべき一切の命令を発し且かかる一切の措置を執ることを天皇、日本政府及その後継者の為に約す。」又「天皇及日本政府の国家統治の権限は本降服条項を実施する為適当と認むる措置を execute する連合国最高司令官の制限の下に置かるるものとす。」とあるのがこれである。

この文書は「降服文書」という形式をとつてはいるが、日本国際の無条件降服のみならず、その他締約国等国を拘束する若干の条項を定めた一つの国際協定の性質をもつものである。

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降服文書に基く連合國にたいする日本國の義務が無制限のものでなく、既文書の條項に限られているのであるならば、獨逸の場合と異り、連合國各政府が日本にたいしてなしうる要求に一定の限度があるわけである。日本はこれからの制限の遵守を要求する權利を有する。さうだとすれば、連合國においてもまた遵守せざるべからざる、これに照應する義務が存することになる。何故ならおよそ法律關係は一方的たることをえないからである。そしてかかる相互的な權利及び義務の準據は降服文書の不可缺的な一部をなすポツダム宣言の條項中に示されているのである。

東京灣頭の降服文書調印式における聯合國最高司令官の高邁な次の言葉は降服文書にあらはされた約束を誠實に遂守することの重要性を強調するものではないか。「人類の大多數を代表するわれらは、不信、惡意乃至憎惡の心を以てここに會合して居るのではない。いなむしろ勝者にると敗者にるとを問わず、

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ひとしくわれらはより高い道義的純潔の境地にわれらの精神を昂むべきである。ひとりそれのみが、われらすべての國民を挙げてこれに貢献せんとする約束の忠實なる遂行を無條件に言詰して、われらの奉仕せんとする神聖な目的を達せしむるものであろ一

極東國際軍事裁判所における今次の裁判の法的根據は、降服文書中に表明せられたポツダム宣言中の「我等ノ俘虜ニ對シ烈虐行爲ヲナシタル者ヲ含ム一切ノ戰爭犯罪人ニ對シテハ嚴酷ナル裁判ガ行ハルベシ」なる條項に存する。

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(甲)「戰爭犯罪」

さて、本訴訟の現段階においては、裁判權の問題としてでなく、全く別の觀點、即ち條例の規定の解釋といふ點から、前掲章句中の「戰爭犯罪」なる辭句の解釋につき裁判所の考慮を促したい。

(イ)「戰爭犯罪」及び「戰爭犯罪人」なる言葉は、國際法においてすでに充分に確立している術語である。「オツペンハイム」によれば、戰爭犯罪とは軍人その他の個人の行爲にして、敵國が犯行者を捕えた場合、處罰することのできる敵對行爲その他の行爲をいうのである。「ラウタアパクト」編（一九三五）の「オツペンハイム」著「國際法」第五版第二卷四五二―四五三頁）この場合「戰爭犯罪」なる言葉は道德的意味においてではなく、技術的な法律上の意味に用いられている。それは武裝軍隊の一員その他の者が、從來認められた交戰に關する特定の法規に違反する行爲をその內容とするものであつて、俘虜の虐待、武裝軍隊の構成員に非ざる個人が武器

を通じて行う一切の交戦行為、間諜、戦時叛逆及び掠奪を含むものである。戦争犯罪は戦時中、又特に戦場において犯される行為でなくて、通常は軍事裁判所において簡易手続によつて處断される。

いわゆる「戦争犯罪」のうちにどういふ種類の行為が含まれるかについては、学者の間に多少の意見の相違があるとしても、戦争物故前になされた行為は、たとい戦争と歴史的関係があるとしても、これに含まれないことは確かである。かくの如き法律問題が外交文書中に用いられている場合には、他にこれと異る趣旨であるときが立證されないかぎり、法律に關する周知の準則に従つて、その術語の意味に即してこれを解釋しなければならない。

(ニ) 右の解釋が正當であることは、前掲章句の後に續く「我等の俘虜に對し殘虐行爲を爲したる者を含む」なる辭句によつて、さらに明かにされる。俘虜の虐待は術語上の意味における「戦争犯罪」の一つの型態にすぎないからである。

を通じて行う一切の交戦行為、である。戦争犯罪は戦時中、又特に戦場において犯される行為でなくて、通常は軍事裁判所において簡易手続によつて處断される。

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(ニ) 右の解釋が正當であることは、前掲章句の後に續く「我等の仔虜に對し残虐行爲を爲したる者を含む」なる辭句によつて、さらに明かにされる。仔虜の虐待は術語上の意味における「戦争犯罪」の一つの型態にすぎないからである。

「ポツダム」宣言にいわゆる「戦争犯罪」がかかる通常の一般に認められた意味に用ひられたものであることは、該宣言が俘虜の虐待（おそらく非戦闘員による物合をも含めて）の如き戦争犯罪中の特定種類のものを包含せしめんとして、その點を表示することに意を用い、わざわざ右行爲が戦争犯罪中に含まれる旨特記している事實によつても明らかである。もしいわゆる「平和に對する罪」及び「人道に對する罪」をもこれに含ましめんとの趣旨なら俘虜の虐待ではなく、そのことこそ、これを包含するむねが特記されたであらう。



(三) 右の解釋の正しいことは、連合國政府及びその指導的政治家等が樞軸各國に對して發したいわゆる「警告」なるものを照合考察することによつて、さらに明かとなる。（グリュック、「ニュルンベルグ裁判と侵略戦争」ハーヴアド、ロオ、レヴユウ第五十九巻、三九二、四一八、四一九頁、註七五參照）

各國政府及びその指導者等が爲した宣言及び演説を、それが如何なる機會になされたものであるかを考慮しつつ注意深く吟味するならば、彼等が樞軸各國民が犯したと稱する犯罪に言及している場合、常に戰爭中に爲された行爲、例へば占領地の一般國民に對する虐待とかの行爲に關するものであることが明かになるであらう。われわれの知つておるかぎり、それら警告のうち一としていわゆる平和にたいする罪に觸れているものはない。」一九四三年十一月のモスコー宣言において「其犯罪が一定の地域に限定せられざる重大戰爭犯罪人」に言及した場合においてすら、その前後の關係から判斷すれば、それは單に、その愛した命令が「一地域又は一戰場において遂行せられたに止まらず、數個の聯合國軍隊に對する軍事行動に影響を及ぼしたる」如き首腦部の人士を指すに止まり、そのいうところは明かに創者すなはち戰爭中に爲された行爲に關連するのであつて、後者すなわちいわゆる「平和に對する罪」

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に關連するのではない。一九四五年八月八日の倫敦協定は、このモスコー宣言の擴張解釋にその基礎を置いているようではあるが、かような解釋は同宣言の歴史的經緯からみれば頗る不自然な解釋であるといへよう。いづれにせよ、モスコー宣言はひとり獨乙のみにたいしてなされたものであつて日本にたいするものではなく、またその後に發せられたポツダム宣言の條項は、「戰爭犯罪」なる字句の本來の意味を「モスコー」宣言によつて一方的に變更するような解釋を正當づけることはできないのである。

この點は「ハーヴアード、ロオ、スクール」の「シエルドン、グリユツク」教授の「ニユルンベルグ裁判と侵略戰爭」と題する論文中の一節（前掲三九七頁）によつて一層強く證明せられる。

教授はいう。

「從來公刊せられた諸種の資料のうち現在利用しうるものに基いて判斷すれば、樞軸諸國が責を負うべき犯罪のうちに、侵略戰爭

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の開始と「平和に對する罪」を含ましめんとする考へは、米國の政策に關する限り、眞大戰爭犯罪人訴追の米國代表首席檢察官が、一九四五年六月七日大統領に對して爲した報告書に由來する。「ロバート、ジャックソン」判事は右報告書中において、今や侵略戰爭を爲すことが違法にして且犯罪を構成するとの法的原則に基いて行動すべき機は熟した、と述べてゐる。」

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同じ頁に掲げられた註の中で「グリュック」教授は次の如く告白してゐる。

「筆者の著書たる「戦争犯罪、その歴史と理論」（一九四[illegible]年）」中では、未だ筆者は侵略戦争の開始遂行の行為を国際犯罪となしうるやについて全然確信をもたなかった。筆者は主として一九二八年巴里において調印せられた戦争の抛棄に関する條約（「ブリアン・ケロッグ」條約）の厳格解釈に基いて、この問題に関し消極的結論を下したが、それは又實際的な政策の考慮によりても影響を受けた。戦争の法規慣習に関する周知の原則及び海牙條約、静府條約に照して皆様的なナチの罪人どもの責任が明白であったので、[illegible]の余地ある理論を含み、且[illegible]手[illegible]に落せざる長期間の歴史的調査をも要しかねない[illegible]戦争の「罪」に関する[illegible]の如きは、徒らに不必要且危[illegible]な紛糾を招くだけであると考へたのである。しかしこの問題をさらに[illegible]した結果筆者は[illegible]戦争を国際犯罪と考える上において、巴里條約は、[illegible]の[illegible]約並びに決[illegible]と相戻って、国際法として認めるに充分な[illegible]ど発展した慣習を[illegible]するものと認めうるとの結論に達した。」と。

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「アーネスト・デイー・ハウザア」の「ニュルンベルグの[illegible]」（「サタデー・イーヴニング・ポスト」誌[illegible]外版、一九[illegible]六年二月號所[illegible]）には、六[illegible]にわたる[illegible]変[illegible]において「ジャックソン」[illegible]の[illegible]奇な[illegible]は[illegible]合[illegible]代表の反對にあい[illegible]定に具体化せられた[illegible]につき[illegible]後に意見の一致を見たのは[illegible]く八月八日のことであつたと[illegible]かれてゐる。右の決定も「ニュルンベルグ」[illegible]に[illegible]して[illegible]されたのである。[illegible]合[illegible]政府が東京[illegible]判についても同[illegible]の方[illegible]をとることに一[illegible]したのはそれよりさらに[illegible]のことに[illegible]すると[illegible]定しうるのである。「ボツダム[illegible]は一九[illegible]五年七月二十六日公表された。[illegible]の、「グリユツク」[illegible]は一九[illegible]年において、[illegible]を[illegible]した者どもを[illegible]せんとのかれの[illegible]を「[illegible]爭[illegible]」なる[illegible]知の[illegible]を[illegible]することによつて[illegible]しうるかどうかにつき大いに悩んでいた。「ジャクソン」[illegible]は、一九[illegible]五年において、かかる[illegible]全く[illegible]なことであることを認めてゐるのである。そして右[illegible]を[illegible]した適合[illegible]の[illegible]は[illegible]にわたる[illegible]の後、[illegible]く一九[illegible]五年八月八日に至つて[illegible]めて[illegible]せられたのである。[illegible]らば同年七月二十六日の「ボツダム」[illegible]中

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の[illegible]何をば、かかる[illegible]せられた意味に[illegible]することは不可[illegible]なことであるといわねばならない。

(四)、それ[illegible]かりでなく「ポツダム」に集まった[illegible]合[illegible]の[illegible]が日本の[illegible]治[illegible]及び[illegible]人をしてその[illegible]を[illegible]てさせようとする[illegible]に[illegible]すべき[illegible]力に[illegible]つて、[illegible]任ある[illegible]者なら[illegible]すものは[illegible]んどない[illegible]中の[illegible]行といふ[illegible]知の[illegible]とは[illegible]に「[illegible]人」として[illegible]にこれら[illegible]者を[illegible]するようなことをその[illegible]件の一つとしたものであると主[illegible]する如きことは、とりも[illegible]さず[illegible]合[illegible]の[illegible]治的[illegible]にたいする大きな侮辱となるであらう。當時の[illegible]況に[illegible]み、かかる[illegible]が必[illegible]的に日本の[illegible]者を[illegible]的ならしめ、かれらを[illegible]つて最後[illegible]いぬくことを日本[illegible]に[illegible]せしめる危[illegible]を伴うものであることを、これらの[illegible]治[illegible]は[illegible]分に見[illegible]いていたに[illegible]いない。それ[illegible]かれらが、「ポツダム」官[illegible]中にこの[illegible]の[illegible]句を[illegible]入することを欲したと[illegible]へたとしても、かれらは[illegible]を[illegible]するためこれを[illegible]けたであらう。[illegible]つて日本の[illegible]的[illegible]治家及び[illegible]人をして右の[illegible]句をいわゆる「平[illegible]に[illegible]する[illegible]」を含むものと[illegible]せしめることは[illegible]合[illegible]の[illegible]治[illegible]の意思ではなかったと結[illegible]して[illegible]支えない。それは又常[illegible]上[illegible]する[illegible]の

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結論である。

(四)、右のやうな考察にも拘らず裁判所においてなお疑問ありとし、戦争犯罪なる語は不明確で二様の意味にとられうるとせられるなら、われわれは「不明確な文書はこれを作成せる者に不利益に解釋すべし」といふ周知の解釋規則に裁判所の注意を促したい。この法律言が国際的性質をもつ制定の[illegible]についても適用せられる法の一般原則であることは、常設国際司法裁判所の判決によつて明かにされている。「ブラジル」公使事件において、同裁判所は、文書の意味が不明なときは、[illegible]者に不利に解釋するのが文書解釋の一般原則であると表示した。

(同裁判所刊行物第一[illegible]第二〇、二一[illegible]、二一[illegible]頁)

さらに「ロオザンヌ」[illegible]の[illegible]に[illegible]する勧告的意見は、[illegible]の[illegible]項の字句が不明確な[illegible]合には、許される解釋のうち[illegible]者にもつとも少い[illegible]を負わせるような解釋を採用するのが正しい原則であると[illegible]べてゐる。(第二[illegible]、[illegible]十二號、二[illegible]頁)われわれは「一[illegible]項の表示は[illegible]の[illegible]項を[illegible]す。」といふ右と同しく[illegible]の解釋に[illegible]する[illegible]に[illegible]所の注意を[illegible]したいこの[illegible]もまた常設国際司法裁判所によつ

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つて適用せられているのである。（第一、第二輯、第四二號、一二一頁）乙「[illegible]判」

「ボツダム」宣言は「「しゆん[illegible]なる[illegible]判」が行はるべし」といふ。行はるべき[illegible]判は、それがいかにしゆん[illegible]であり、[illegible]悲によつて[illegible]されないものであるとしてもとにかく「[illegible]判」でなければならない。

文[illegible]においては、[illegible]判は法による[illegible]判を意味する。すなはちたとへ[illegible]官がいかに[illegible]良であり又[illegible]であつてもその[illegible]判官の[illegible]人的な正[illegible]の念によるのではなく、[illegible]立された法の規則及び原則によつて[illegible]を[illegible]うべきことを意味する。

本[illegible]判所が[illegible]人のみでなく適合[illegible]民中から[illegible]ばれた極めて[illegible]名な法律[illegible]によつて[illegible]成せられている[illegible]は、適合[illegible]目[illegible]、又法に[illegible]つて右の「[illegible]判」を行はんとの意[illegible]をもつことを要[illegible]きするものである。

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特に刑事裁判において、裁判は確立した法規に則つて行うべしとの準則の正當性は、多年にわたる政治的經驗その他によつて既に試驗済みである。英國における「スター・チエンバア」の歴史は、時の權力者が、最も忌むべき似而非なる裁判によつて自己の嫌う政治的集團、もしくは政治家を抑壓、虐除乃至「清算」するために刑事法の機構を利用する傾向あることを證明して餘りあるものである。事後法禁止の法則はすべての文明國において刑事裁判の準則として承認せられている。そしてこの準則は國際的又は國内的政治犯罪に關する事件においては、特に尊重せられなければならないのである。

英國議會はその無制約的權能にもかゝはらず一六八八年以降においては政治犯人を原罰するため事後立法を行つたことはない。又「アメリカ」合衆國憲法は、州法たると聯邦法たるとにかゝはらず、ひとしく事後法を禁止している。そして「アメリカ」の立法史を通じて、政治犯に關する事後立法はきはめて稀であるやうである。南北戰爭後かような事後立法が行は

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れ、南部聯邦の援助者の處罰を定めた州法及び聯邦法に訴連した二つの事件が合衆國最高裁判所に提起されたことがあるが、高裁判所は當時の興奮した民衆感情のたゞ中にあつて、フイールド判事を通じ州法聯邦法ともに違憲であると判示し、その歴史に水遠の榮光をそへたのである。（「カミングズ」對「ミズーリ」州、「ウオレス」判例集第四巻、二七七頁（一八六六））一エキス・パーテイ・カーカランド」、「ウオレス」判例集第四巻三三三頁（一八六六）、一九四四年二月二十四日「アメリカ」法學協會に對して提出された基本的人權に關する報告書第九條には、「何人と雖も犯罪として訴追を受けたる行爲が其の行爲の當時施行せられたる法律に違反せざるかぎり有罪の宣告を受くることなく又犯行當時科し得たる刑より重き刑を科せらるゝことなし」とある。（「クインジイ・ライト」「戰爭犯罪人」アメリカ國際法雜誌、第三十八巻、二五七頁、註三の引用による。）そしてこれとほぼおなじ内容の原則は三十ケ國の憲法に規定されてゐるということである。「法律なければ刑罰なし」といふ原則は又憲法上の明示

つた場合に於ては、其の一人の為めに、市町村又は国民全体が、其の責任を負ふ事は、公平の観念から見ても、決して許すべからざる事であります。

次に、第五条は、国家賠償の原則を規定したものであります。即ち、公務員が、その職務を行ふに付き、故意又は過失に因つて、違法に他人に損害を加へたときは、国又は公共団体が、その賠償の責に任ずるといふのであります。

此の規定は、国家賠償の原則を明かにしたものでありまして、国家賠償の範囲は、国家賠償法の定むる所に依つて、之を決定するのであります。

次に、第六条は、国家賠償の方法を規定したものであります。即ち、国又は公共団体が、賠償の責に任ずる場合に於ては、原則として、金銭を以て、之を賠償するといふのであります。

次に、第七条は、国家賠償の時効を規定したものであります。即ち、国家賠償の請求権は、被害者が、損害及び加害者を知つた時から、三年間これを行はざるときは、時効に因つて、消滅するといふのであります。

次に、第八条は、国家賠償の代位を規定したものであります。即ち、国又は公共団体が、賠償の責に任ずる場合に於ては、加害者に対して、求償権を有するといふのであります。

次に、第九条は、国家賠償の訴訟を規定したものであります。即ち、国家賠償の訴訟は、民事訴訟法の定むる所に依つて、之を行ふといふのであります。

次に、第十条は、国家賠償の訴訟の管轄を規定したものであります。即ち、国家賠償の訴訟は、被害者の住所地又は加害者の住所地の裁判所の管轄に属するといふのであります。

次に、第十一条は、国家賠償の訴訟の提起を規定したものであります。即ち、国家賠償の訴訟は、被害者が、損害及び加害者を知つた時から、三年以内に、これを提起しなければならないといふのであります。

次に、第十二条は、国家賠償の訴訟の審理を規定したものであります。即ち、国家賠償の訴訟は、迅速に審理しなければならないといふのであります。

次に、第十三条は、国家賠償の訴訟の判決を規定したものであります。即ち、国家賠償の訴訟の判決は、理由を附して、これを言渡さなければならないといふのであります。

次に、第十四条は、国家賠償の訴訟の上訴を規定したものであります。即ち、国家賠償の訴訟の判決に対しては、民事訴訟法の定むる所に依つて、上訴をすることができるといふのであります。

次に、第十五条は、国家賠償の訴訟の再審を規定したものであります。即ち、国家賠償の訴訟の判決に対しては、民事訴訟法の定むる所に依つて、再審の訴を提起することができるといふのであります。

次に、第十六条は、国家賠償の訴訟の費用を規定したものであります。即ち、国家賠償の訴訟の費用は、民事訴訟法の定むる所に依つて、之を負担するといふのであります。

次に、第十七条は、国家賠償の訴訟の仮執行を規定したものであります。即ち、国家賠償の訴訟の判決は、仮執行の宣言をすることができるといふのであります。

次に、第十八条は、国家賠償の訴訟の和解を規定したものであります。即ち、国家賠償の訴訟は、和解をすることができるといふのであります。

次に、第十九条は、国家賠償の訴訟の調停を規定したものであります。即ち、国家賠償の訴訟は、調停に付することができるといふのであります。

次に、第二十条は、国家賠償の訴訟の督促手続を規定したものであります。即ち、国家賠償の訴訟は、督促手続に付することができるといふのであります。

次に、第二十一条は、国家賠償の訴訟の強制執行を規定したものであります。即ち、国家賠償の訴訟の判決は、強制執行をすることができるといふのであります。

次に、第二十二条は、国家賠償の訴訟の保全処分を規定したものであります。即ち、国家賠償の訴訟は、保全処分をすることができるといふのであります。

次に、第二十三条は、国家賠償の訴訟の公示催告を規定したものであります。即ち、国家賠償の訴訟は、公示催告をすることができるといふのであります。

次に、第二十四条は、国家賠償の訴訟の証拠保全を規定したものであります。即ち、国家賠償の訴訟は、証拠保全をすることができるといふのであります。

次に、第二十五条は、国家賠償の訴訟の検証を規定したものであります。即ち、国家賠償の訴訟は、検証をすることができるといふのであります。

次に、第二十六条は、国家賠償の訴訟の鑑定を規定したものであります。即ち、国家賠償の訴訟は、鑑定をすることができるといふのであります。

次に、第二十七条は、国家賠償の訴訟の証人尋問を規定したものであります。即ち、国家賠償の訴訟は、証人尋問をすることができるといふのであります。

次に、第二十八条は、国家賠償の訴訟の当事者尋問を規定したものであります。即ち、国家賠償の訴訟は、当事者尋問をすることができるといふのであります。

次に、第二十九条は、国家賠償の訴訟の書証を規定したものであります。即ち、国家賠償の訴訟は、書証をすることができるといふのであります。

次に、第三十条は、国家賠償の訴訟の準備書面を規定したものであります。即ち、国家賠償の訴訟は、準備書面をすることができるといふのであります。

を與へたのである。首席檢察官が援用せんとする「文明の要求に應じ、一般人の良心の明白な表現である原理」なるものは、法的訓練なき人には「刑法の基本概念と健全なる國民感情に照し刑罰に値する」なる「ナチス」的原理と同樣に當然の原理であると考へられるかもしれない。しかし刑事裁判におけるこのような曖昧な原理は實際上は「ナチス」的理論とひとく壓制的な原理である。又「シャム」國の裁判所が一九四六年三月二十四日戰爭犯罪人處罰に關する新しい法律は事後法であり、遡及的に適用することを得ないといふ理由で「ビブン」元帥と今次戰爭中日本と協力した十一人の主要「戰爭犯罪人」を釋放したよしである。この報道が眞實なら、それはまさに「シャム」國裁判所の榮譽であり、その信頼を高むるゆえんである。事後處罰は裁判の假面をかぶつた私刑に他ならないという感情は、歐洲におけるいわゆる啓蒙期の所產ではなく、東西そして今を通ずる普遍的な正義觀念をあらはすものである。尤もそれは「ネロ」から「ヒツトラー」に[illegible]古今の[illegible]の暴君によつて屢々やふられはしたが。今後文明諸國が、

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国際法上の義務に違背した個人を處罰する法典を制定することがあるとすれば、非刑法定主義はその根本原理の一つとせられるであらう。またそうせられなければならない。

從てわれわれは、共同謀議の罪、いわゆる平和に對する罪及び人道にたいする罪（「戰爭犯罪」の一部をなす場合はこれを別として）は未だ國際法の認めざるところであると主張する。かりにそれが戰時中に各國民を拘束する法となつたと假定しても、本件で問題となる行爲がなされた當時の法ではなかつたのである。いやしくも正義の問題が反省される場合には常に不正とされる事後法だること明白である。かくの如き事後法を被告人にたいして適用することは、文明的裁判ではなく、文ポツダム宣言のいわゆる「裁判」でもない。

一方において戰爭犯罪なる用語の自然な解釋にもとづき、他方において文明的な裁判の通念とに照して、われわれは本裁判所條例中の共同謀議、「平和に對する罪」及び「人道に對する罪」―それがいわゆる「戰爭犯罪」―

中に包含せられざる限りは規定する部分は本裁判所の適用すべき法ではないと主張する。あたかも連邦議會法律中合衆國憲法に違反する部分、英國の委任勅令中議會制定法によつて委任せられた範圍を踰越する部分が無效である如く。本裁判所條例中。基本文書ー即ち降服文書中にもその條項が挿入されているところの「ポツタム」宣言ーに違反する部分は無效であると宣言せられねばならぬ。當事者の一方が約諾した義務は。相手方において勝手にこれを加重しんないことは。遍く認められる法の一般原則である。

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二、共同謀議

首席檢察官は、共同謀議を犯罪とする基礎が、國際法上の一制度であると明言してはいない。しかし首席檢察官がこのことを前提とするものであることは、「本裁判所條例中の本項の規定は別に新しい法を創設したものではない」（英文記錄三九六頁）と述べているに徴して明白である。右にいわゆる「法」とは「國際法」を指すものとすべきである。しかしこの場合につい ては、侵略戰爭の場合と異つて、首席檢察官は多數國家の參加した會議において、共同謀議が國際法上の「犯罪」であることを認めた學例を一つも擧げておらない。又共同謀議を犯罪と定めた條約、宣言、乃至決議の如きをも擧げておらない。ただ單に「マリノ」對合衆國事件における合衆國聯邦控訴院の意見を引用するに止まる。そしてそれから次の如く結論する。

「本犯罪は大多數の文明國の熟知し且承認するところであり、その姿態においては各國ともきわめて類似しておるので、本犯罪の一般概念を適切に言いあらわしたものとして、合衆國の上級聯邦裁判所が下

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した定義を採用しても差支ないと思はれる」と。（英文記録四〇二頁）

これは誠に驚くべき議論である。比較法に志す法律家ならすべてみな共同謀議を犯罪とする原則が英國法制史獨得の所産であることを熟知してゐる。（「ステイブン」、英國刑事法史第三卷二〇二ー二二七頁、「ウインフイルド」、「コンスピラシイ」と訴訟濫用の歴史（一九二一）R。S。「ライト」、「クリミナル。コンスピラシイ」の法（一八七三）、「フランシス。B。セイヤー」「クリミナル。コンスピラシイ」「ハアヴアド。ロオ。レヴユウ」第三十五卷三九三ー四二四頁）それはおそらく他の法体系には存在しない刑法理論である、そして國際的に安富するためには全ての法体系の認めるところでなければならないに拘わらず、そうでないことは少くとも確かである。

「ハアヴアド。ロオ。スクール」の「フランシス。B。セイヤー」教授は、「共同謀議の理論は變則的、地方的な理論であると共に、そのもたらす結果もかんはしからぬものである。羅馬法はかような理論を知らず、又それは現代大陸諸國の法典中にも見當らない。大陸の法

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律家でかような理論を聞知している者は稀である」と述べている。（「セイヤー」前掲四二七頁）議會政治や法の優位や刑事訴訟や人身保護令狀や信託などの場合とは異つて、大陸法系の法律家は「アングロ・サクソン」獨得のこの制度を余り高く評價してはいない。特に「共同謀議者の全てが外部行爲に參加する必要はない。その一人がかかる行爲をなせば、それは全員の行爲となる」（英文記錄四〇四頁）といふ理論の如きは不當であり、著しく法的良心に反するものであることは明白である。

われわれは、右の如き理論は人類の部族時代に行われた集合的責任主義に逆戻りするものとの感を抱かざるをえないのである。しかもかかる理論を一切の平和に對する罪、戰爭犯罪及び人道に對する罪にまで推し及ぼそうとするのであるから、益々以て不當である。なぜなら右の理論によれば、一度ある戰爭が侵略戰爭又は國際法もしくは條約を侵犯する戰爭と宣言せられれば、自國に對して戰時的奉仕をなした者は全て、他人が犯した殺人その他のおそるべき犯罪に

つき、たとえ何時、何處で、誰かかかる罪を犯したのであるか全然知らなくても、これについて責任を負わねばならぬこととなるからである。

英米の法律家自身大陸法系の法律家に對し、共同謀議の理論は、時の權力者の好まざる集團を處罰するに熱心な檢察官や裁判官にとつて誠に便利な法律上の武器であると語つているのである。かれらは又、英國においてはこの理論が「アダム。スミス」の著書に描かれているように—「アダム。スミス」、諸國民の富に關する研究、第一巻第十章第二部二二一頁)、十八世紀において、又故「パスフィルド」卿の指摘するように—「シドニー。ウエッブ」、勞働組合運動史第二版(一九二〇)七三頁)、十九世紀の前半期において、當時の支配階級に好ましからざりし社會的集團であつた勞働組合の組合員を處罰するため實實效的に利用されたというであろう。さらに進んで、又英語國民の間においても進歩的な裁判官や法學者達は、この理論を英米普通法に光彩を添えるものとは考へていないとつけ加へるであろう。

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州對「ドノウヒウ」事件（「ケンタッキー」州判例集第二百五十卷三四三頁、「サウス・ウエスタン」第二輯第六十三卷三頁）の反對意見中には、「その主たる危險は、それが將來において常に人々の夢想だにしなかつた新しい犯罪をつくり出す基礎となることに存する」と述べられている。

「ハアヴアド・ロオ・スクール」の「セイヤー」教授は本問題について綿密な研究をなした後次の如く述べる。

「その輪廓きわめて曖昧、その根本性格頗る不明確なこの理論は法にに對しなんらの力も光輝も添えるものではない。それは紛れもなく猫の眼のように變る意見や生硬な思想の浮砂に人を捲込む理論である」（「セイヤー」、前掲三九五頁）

「かかる原則の下においては、何人と雖も他人と協力した場合、後日未知の裁判官の豫斷的な好惡や社會的偏見によつて自己の自由が左右

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されることとなりかねないのである。かくの如きは正に法による裁判と對蹠的なものである」。（「セイヤー」、前掲四一三頁）

「共同謀議の理論は、その用いられる全ての場合においてわが英米法の中の自由なることを實證した理論である。私はこの理論が、過去の判例の間にひしめく混沌にすぎなくなる時代の近からんことを祈るものである」。（「セイヤー」、前掲四二四頁）

かくも嫌悪すべき理論を國際社會に導入せんとの提議に對し、英國後法的導入方法は別とするも、英國の故「キロウエン」の「ラッセル」卿や、米國の故「オリヴァ・ウエンデル・ホームズ・ジュニア」判事の如き卓越した法律家は果して何と言うことであらう。またこれに賛同して「ハドスン」判事のかれは言う、「國際裁判所の裁判官が、たまたま自己の熟知してある特殊な國内法体系の原理を國際法に導入しても差支ないと考える

が如きは、まことに危険なことといわなければならない。●○○●○〔」（「マンリ・O・ハドスン」、「常設国際司法裁判所の適用する法」「ヘンリイ・ビイル」及「サミュエル・ウイリストン」記念「ハマヴアド」法學論集（一九三四）一三三、一三七頁）

次に特に奇異なのは、首席檢察官が「進行的共同謀議」と命名した共同謀議理論の應用形式である。

「ドイツ」の第三帝國の場合と異り、被告人等が「相互に意見の合致せる集團」を形成していたことを證明することは勿論不可能であり、首席檢察官も又「被告人の間には意見の鋭い對立と烈しい爭が存したものの如くである」ことを認める。（英文記錄二七一頁）しかもなお、首席檢察官はまことに檢察官らしく、「岩石のうちにも教訓を讀みとる」態度で「國家の重備や、國家利益の保護のための武力行使や、戰爭という制度が未だ過去の遺物となつていない世

界において一國民の國際的經歷にあらわれる一切の發展的事態の中に共同謀議、いな擬制的共同謀議を發見しようとするのである。もしも首席檢察官の理論が正しいものとするなら、英、佛、南各國の膨張の中にも、「ロシア」帝國の發展の中にも、さらに又「アメリカ」の原始十三州から現在の偉大な「アメリカ」共和國への漸次的發展の中にも、同じように進行的共同謀議を認め、それら諸國の主要な政治家及び將軍は、かれらの政治的信條が帝國主義的であつたと反帝國主義的であつたとにかかわらず、共同謀議罪を犯したものと論斷することもできるわけである。

「ニュルンベルグ」の裁判所は、その基本法たる裁判所條例の下においては、狹義の戰爭犯罪又は人道に對する罪を犯す共同謀議に參加した者を處罰する權限をもたないと裁定した。（同裁判所記錄一六八八四頁）そればかりでなく同裁判所は、ナチ黨もしくはナチ

「ボツダム」宣言中に盛篇に明定せられ神服文書に取入れられた様

鏡足は「アメリカ」の鏡字篇足はと同じく、より高次の姿、即ち

考えられてゐるに、同鏡は共同鏡の理論の鏡所に於ては、鏡鏡所は鏡の

たゞしかし「ニュルンベルグ」の鏡鏡所に於ては、鏡鏡所は鏡の

ひとつの部分を、同鏡は共同鏡の理論の鏡所に於ては、鏡鏡所は鏡の

の者を階れるに復刻ではなく鏡鏡の鏡所に於ては、鏡鏡所は鏡の

なら「と言ひてゐる。」同鏡鏡所は鏡の鏡所に於ては、鏡鏡所は鏡の

ず、又鏡鏡は、その鏡法を目的の鏡所に於ては、鏡鏡所は鏡の

ゐるために、その鏡法を目的の鏡所に於ては、鏡鏡所は鏡の

ゐるために、その鏡法を目的の鏡所に於ては、鏡鏡所は鏡の

敗府の活動に重要な鏡奥を含んでゐる。

鏡足は「アメリカ」の鏡字篇足はと同じく、より高次の姿、即ち

項に従かくしておかれたいコニーハンドルのついた
開ずる扉に対し同心の環状に設けた取付孔を
通ずる固定台座に対し回転自在に支持された
ハンドルの軸端に偏心して固着されたカム
とを有し、該カムの作用によつて前記ラッチ
ボルトを出没させるようにしたことを特徴とする
ラッチ錠。

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## 第三、侵略戰爭

甲、侵略戰爭は國際犯罪か。

首席檢察官は次に「侵略戰爭」を論ずる。

先づ「侵略戰爭は國際法上の犯罪であるか、起訴狀の全期間を通じて、かかる犯罪であると考えられていたか」と設問し、これに對し首席檢察官は然りと答える。そして「一つには、この問題に關して國際法が存在すること、二つには、それは國際法によつて犯罪とされていること」の二點を證明せんとする。（英文記錄四〇五頁）

首席檢察官は先づ最初に「カルドオゾ」判事、「ライト」卿、「サー、フレデリック、ポロック」、英樞密院司法委員會、常設國際司法裁判所規程、米獨混合仲裁委員會の裁決等の如き尊重に値すべき權威が國際法の慣習による發展といふことについて披瀝した一般的見解を引用しているが、國際慣習の生成の問題についての以上の見解の大部分は國際法學徒なら誰でも熟知している月並な見解にすぎない。

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そして首席檢察官は次の如く結論する。

「以上によつて、、、多數の文明國によつて全体の副社に關する事項について一定の行動がとられれば、それによつて國際法の原則が成立するに至ることが證明されたので、今や侵略戰爭の問題は極めて多數の國家により考慮され、その結果違法とされたのであるから、それら國家の全員一致の評決は國際法の一般原則たるの權威を荷うに至つたことを證明するであらう」と。（英文記錄四一五頁）なるほど上述の諸大家の見解を援用することによつて首席權察官は、一の歷史的過程として多數文明國の一致した行動が國際法の原則を確立する傾向のあること、及び國際司法裁判所は國際法について一定の法源を認めており、その法源中には國際慣習も含まれていることを證明したものといえるであらう。然し全体の福祉に關する事項についての多數文明國の一致した行動が、單にそれだけの事實だけで國際法の一般原則を樹立するといつたような法的原則はなんら證明されておらず、又證明することをえないであらう。又首席權察官の採用した諸權威も、かくの如き法理を樹立せんとする

通旨ではないことは勿論である。例へば有名な巴里宣言がとつてみよう。

「商船私掠ハ今後之ヲ廃止スル」というのが、一八五六年の巴里会議において海法に関し採擇された宣言の一部となり、爾来北米合衆國、「スペイン」及び「メキシコ」を除く全ての文明國が右宣言の調印國となつた。然らば多数文明國がなした一八五六年のこの宣言は、商船私掠の禁止を國際法の原則にまで高めたのであるか。右宣言はすべての國際法学者によつて、単に調印各國相互間においてのみ拘束力があり、右の三ケ國による、もしくはこれに對して行われる商船私掠は適法であるとみとめられをことは周知の事實ではない。

一八九八年合衆國政府は、今後商船私掠を行わず巴里宣言の規定を遵守する旨の意思を表明した。この事實は、かかる意思表示なきかぎり合衆國は商船私掠を差控える義務なかりしものなることを示すものではないか。又「スペイン」が拿捕免許状を發する權利を固守したとき、それは正當な行爲であつてなんら國際法の原則に反したものではないとされはしなかつたか。

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さらに又一九二九年七月二十七日の俘虜の待遇に関する「ジエネヴア」條約は、多数の文明國によつて調印せられた。例えば非調印國たる「ソヴイエツト」聯邦は、該條約の規定は國際法の一般原則を具現しているものとして、自らもこれに拘束を受けると考えているであらうか。

然るに首席檢察官はあえて、前記命題を以て歴史的過程の問題としてでなく、法的原則としても妥當することを前提とするものごとくである。そしてかかる前提に基いて、多くの國際條約を採用し、これらの條約によつて侵略戦争がすでに久しい以前から國際法上の犯罪であつたことを證明しうると主張する。然しその援用する證據はこの主張を證明するものでないことは明白である。

首席檢察官が第一に援用する條約は第一次海牙條約である。（英文記錄四一六頁）首席檢察官の考えている各規定中の「成ルベク」とか「事情ノ許ス限リ」とかの字句は、首席檢察官の主張とは反對に、調印國が未だ國際紛争を平和的手段によつて解決すべき法的義務を負うだけの用意なかりしことを示している。「死活的利益」及び「國家ノ名譽」を別としても、正當防

衛ハ考慮は締約國ハ右ハ如き法的義務ハ受諾を許さなかつたであらう。こハことは例えば本起訴狀附屬書A第十節ハ和蘭ハ主張たる「從つて和蘭政府は、最後に述べた攻擊を受くるや直に自衛ハため日本に對して宣戰した」を見ても明かである。

(二) 首席檢察官ハ次に援用する條約は第三海牙條約である。（英文記錄四一六頁）首席檢察官は、右協定によつて開戰ハ宣言なき戰爭は國際法上ハ犯罪たる烙印を捺されたらハであると主張する。然しこれはもとより首席檢察官ハ獨斷論にすぎないハである。

明瞭且事前ハ通告なくして戰爭を開始すべからざることを認めた本條約は、主として戰爭狀態が同時に發生したかを明瞭ならしめるためにそれが望ましいことに由來する一つハ技術的規定である。右通告と戰爭開始とハ間に二十四時間ハ期間を設くべしとハ和蘭ハ提案が本會議において否決された事實は、こハことを物語るらハである。從つてそれは戰略上ハ目的ハためになされる「奇襲」に犯罪ハ烙印を捺すとかいふ趣旨ハ規定ではないハである。背信ということは主として良心ハ問題であり、戰爭は開戰宣言

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ハ有無に拘わらず背信行爲でありうるのである。洋ハ東西を問わず古代及び中世ハ社會においては、開戰ハ宣言は武士道と關聯するものであつた。かかる武士道的觀念は、今日においても一般人ハ感情ハうちに生きてをり、それが又、周知ハ如く、敵國を「不信」呼ばわりすることによつて戰時宣傳ハ目的に百パーセント利用されている。「グロテイウス」はその著「戰爭と平和ハ權利」ハ中で、「諸國民が適法な戰爭開始ハために開戰ハ宣言を要するものとするに至つた理由は、二、三ハ論者ハ主張するように、秘密裡に事を運んだり、功妙な詭計を用うることを禁ずるためではない。けだし若干ハ國民は戰いハ時と場所をも指定したと言われるか、かかる問題は法ハ問題ではなく、むしろ武士道ハ問題であるからである。そうではなく、その理由は戰爭か私人によつて勝勝に行われるハではなく、双方ハ國民もしくはその元首ハ意思になつて行われるハであることを明確ならしめんとするにあつたのである。なぜなら開戰宣言は、匪賊同士ハ鬪爭や國王と臣下とハ間ハ鬪爭ハ場合には生じないような特殊な效果を生ぜしめるからである」と述べている。

（第三卷第三章第七節）

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近代國際社會において、宣戰が望ましいと考える主な理由は、もはや武士道ではなくーこれは主觀的良心の問題であるー戰爭狀態のもたらすさまざまの效果を決定するための法技的な手段にすぎないのである。「グロティウス」の時代以來、かれの禁止にも拘わらず多數の大國が宣戰なくして戰鬪を開始している。英國の「モーリス」名譽中佐は、一八八三年「宣戰を伴わざる戰爭」(「ロンドン」、政府印刷局一八八三年)と題する勞作を公刊して、一七〇〇年から一八七二年までの間に起つた多くの戰爭の開始を檢討したが、一九〇四年四月、「十九世紀以後」誌のうちに次のように書いている。「數字的にいえば、私の比較的詳しく檢討した期間を通じて、英國は三十回、「フランス」は三十六回、「ロシア」は七回(但し「トルコ」及び支那を含む隣接「アジア」諸國に對する慣行的な無宣戰戰爭は算入しない)、「プロシア」は七回、「オーストリア」は十

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二回、北米合衆國は少くとも五回、戰爭開始の宣言を伴わない戰爭行爲を行つている」と。

英國、「フランス」、「ロシア」、「プロシア」、「オーストリア」、北米合衆國の如き大國がかかる國際法の技術的勸告に從わなかつたとの故を以て、戰爭に關する背信と裏切行爲の常習犯人であつたと主張するのは誠に滑稽といわざるをえない。

日本、「アメリカ」及び「イギリス」を含む各國政府の見解の如何に拘わらず、第三海牙條約が調印國に對して法的義務を負わしめたものであるかどうかは、學說上爭のあるところである。「ローレンス」、「ウエストレーク」及び「ペロット」の如き英國の著名な國際法の諸權威は、右條約の「フランス」語の原文の辭句（ne doivent pas）は調印國に對しなんらの法的義務を課したものでないことを示していると考えている。「ウエストレーク」は、右條約は本

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問題に關するそれ以前の法を大して變更したものではないと考えている。又古典的な「ピット・コベット」の「主要國際法判例集」（「ヒュー・エッチ・エル・ベロット」編纂の一九二四年版）の第二巻第十八頁には次の如く述べられている。

「同時に調印國は、事前の宣戰なくしては絶對に戰爭行爲をなさざる旨を誓約したのではなく、單に、交戰國相互間においては、戰爭行爲を"事前且明瞭なる通告なくして開始すべきではない ought"ことを認めたにすぎない。その目的が開戰の宣言を發する權限を有する者との通信が困難な場所か、又は相手方が不意打であるといつて非難する理由の存せざることが明白な狀況の下において戰爭準備もしくは行動を抑壓するために、即時實力を行使する必要が生ずるような場合を除外せんとするにあつたことは明かである」

と。そして「ベロット」は慣習及び條約の課する制限にも拘わらず

戰爭行爲の開始は結局主として戰術の問題にすぎないようであるといつてその議論を結んでいる。

右に引用した一節は、他の學者の編纂にかかる同書の一九三七年版においても變更されてはいない。

然しながら他方、第三海牙條約の調印國は法的義務を負擔したのだと主張する論者もある。例えば「オツペンハイム」は、「海牙條約の結果、事前の開戰宣言もしくは條件附最後通牒なくして戰爭行爲を行うことが禁止されるに至つたことは疑ないい」と言い、(「オツペンハイム」國際法第二卷第九十六節二四九頁)さらに國家が計劃的に、事前の開戰宣言もしくは條件附最後通牒を發せずして敵對行爲を開始したる場合は國際法上の義務違反となる、との趣旨を述べている。しからば「オツペンハイム」のいわゆる「國際法上の義務違反」は「國際犯罪」と同義であるか。この點については學者自

身、國際上の義務違反はいわゆる「國際法に反する犯罪」とも、又いわゆる「國際犯罪」ともこれを混同してはならないことを注意しているのである。」、「オツペンハイム」、第一巻第百五十一節二七五頁）

それ故かりにこの後の學説が正しく、この國際法の技術的な規則の違反が國際法上の義務違反となるものとしても、かかる違反行爲は、「オツペンハイム」の見解を以てしても單なる契約違反、もしくはたかだか民事上の不法行爲の性質をもつにとどまり、首席檢察官の主張するごとく「國際犯罪」の性質をもつものではない。第三海牙條約の調印國が、右の技術的規定の違反に關與した政治家に刑事責任を負わしめ、況やこれを死刑に處することに合意せるものと考えたような國際法學者は絕無である

(三) 首席檢察官はさらに進んで、「一九一九年日本を含む戰勝國は

國際條約の侵犯が可罰的犯罪であることに意見一致した」と述べる。

（英文記錄四一六頁）

首席檢察官はおそらく「ヴェルサイユ」條約第二百二十八條乃至第二百三十條ではなく、第二百二十七條に言及しておるのであらうなぜなら前者は、聯合國並びに結盟國の軍事裁判所が、戰時法規慣習を侵犯する行爲（卽ち「通例の」戰爭犯罪）をなした者に對して行うべき裁判を取扱つているものだからである。第二百二十七條は「ホーヘンツオルレン」家の「ウイリアム」二世を「國際道德並に條約の神聖に對する最大の犯行につき」起訴すべきこと、及び特別に構成する裁判所によつて公正なる裁判を行うべきことを規定している。然し右規定は、侵略戰爭もしくは條約侵犯の戰爭を「國際犯罪」乃至はなにらかの法律上の犯行とはなしてはおらず、單に道德と信義に對する犯行としているにすぎないことを注意せねばならぬ。

和蘭政府が「ドオルンの鄕紳」の引渡を拒否したのは全く適法な行爲であつた。なぜならかかる犯行は、犯罪人引渡條約に据げられた犯罪のうちには含まれていなかつたからである。萬國會議における「ウイルソン」大統領の法律顧問であつた「デエームス・ブラウンスコツト」は、「和蘭は明かに政治的な犯行について獨乙皇帝を引渡すことを拒むことによつて世界に大きな寄與をなした」とすら考えたのであつた。(「スコツト」「カイゼルの裁判」、「ハウス」並「ヤイムヴア」、巴里會議の眞相(一九二一)所載二三一頁)十五人委員會の「アメリカ」及び日本代表委員が國家元首に對する裁判に反對したことは、ここに改めて述べる必要もないほど周く知られている事實である。但し右委員會が、「ルクヤンブルグ」及び「ベルギー」侵入の如く、條約上の義務違反を構成するところの「世界大戰を惹發した行爲及びその開始に伴う行爲」を以て、その責任者

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たる官憲及び個人に對し刑事上の責任を問う充分なる理由と認めることを拒否したことは注目に値する。第二百二十七條の規定はかような背景に照してこれを理解しなければならない。

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四次に首席檢察官は、一九二四年の壽府議定書の前文及び一九二七年九月二十七日の第八次（~~第十八次の誤。~~）國際聯盟總會の宣言をとりあげる。これらの文書のうちに「侵略戰爭は國際的罪惡である」という字句が存するのである。この字句は超國家的「イデオロギー」が支配した當時の「ジェネヴァ」の空氣を反映したものである。然し「ソヴィエット」聯邦は當時「反共產主義的な」聯盟の外にあつた。又北米合衆國も又歐洲政治に捲込まれることをおそれてこれに加盟していなかつた。合衆國における國際法の最高權威たる「ジョン・バセット・モーア」は、「ジェネヴァ」的國際法及びこれに刺戟された壽府議定書は、國家內における法と、主權國家から構成される社會を規整する國際制度との間に緊密な類似性が存するものと考える安易な假設から生れたものであつて、それは健全な國際法を破壞する「狂的な理論」であるとしてこれを攻擊したのではなかつたか。英國自身も未だ强制調停を認める用意がなかつたこと

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及び本條約の實際上の作用如何が疑問であるという理由から、議定書の批准を拒否したのではなかつたか。かくして右議定書は遂になんら法的效力を發生するに至らなかつたのである。又聯盟總會は世界を拘束する權能をもつものではなかつたのみならず、右條約の前文中における「國際的罪惡」という辭句は、丁度「齒楊子を使わない」ことは衞生上の罪惡である」とか、「アルバート記念碑は美學上の罪惡である」とかいう言葉と同じく、單に非難の意を強く表現するために用いられているのである。首席檢察官自身、その勞頭陳述において、「許すべからざる罪惡」という言葉を使つているが（英文記錄三九三頁）、これもおそらく右のような强調的意味に用いられたものであらう。同樣の事は又、首席檢察官の引用した（英文記錄四一七頁）一九二八年二月十八日の第六次汎アメリカ會議の決議における、「侵略戰爭は全人類に對する國際的罪惡を成す」との宣言についても言いうるのである。かくの如き非難は、政治的もしくは

道徳的考慮に由來するものではあつても、法的意味は全然もたないのである。

(四)最後に首席檢察官は、一九二八年の巴里條約に言及する。「ブリアン」氏が特定の政治的目的のために提案した米佛相互條約から發展したこの有名な多面的條約は、周知の如く、その眞の意味如何について政治的及び法的見地からいろいろな論議を惹起した。該條約の本文は、一般に國策の手段としての戰爭を排し、一切の紛爭を平和的手段によつて解決することを約する極めて簡單且つ抽象的な表現をとつている。

この條約を以て、傳統的な國際法の全ての規定を時代遲れなものとする如き新社會秩序が到來したものであるとし、或は歷史上の新紀元を劃するものであるとし、或は又人類の心理における革命であるとする一派の論者もあつた。然しこの條約にたいし鋭い分析を行つた懷疑派は、友好通商條約に規定されている、條約國相互間には

「永久の平和」あるべしとか、「完全且つ不可侵の平和」あるべしとかいう、より断言的な宣言と同じように、該條約のうちに平和への意志の敬虔な表現以外の何ものをも認めなかつたのである。

「ブリアン」氏の加き安敬な欧洲の政治家は、該條約のうちに國際聯盟及び欧洲政界に參與するの用意を表白した合衆國の「デエスチュア」を看取したのである。現に「ブリアン」の友人である「ポンクール」は、「ブリアンにとつては、右條約は何よりも先づ合衆國を國際聯盟にひきこむ手段であつた」とはつきり言明しているのである。(一九三二年四月十日附ニューヨーク・タイムス紙記事、「ジョン・バセツト・モーア」「理性に訴う」「フオリン・アフエアズ」誌第十一卷四號(一九三三年六月)五五四頁より引用)

該條約の「テキスト」ばかりでなく、列國の間に交された事前の交換文書を注意深く分析した多くの著名な國際法學者は、同條約は古典的な「正當なる戰爭」を「防衛戰爭」なる語を以て置

きかへる、單なる國際法用語の變更をもたらしたにすぎないという結論に導いている。中には該條約は戰爭を違法とするどころか、反つてこれとは逆に防衛戰爭の適法性を確認したものであるとする者さえもあつたのである。

こうした周知の歷史的背景を念頭に置きつつ、われわれは、調印國に日本國が負擔した法的義務、日本が違反したと檢察側の主張することの法的義務の正確な意味内容を分析しよう。

國際條約を解釋するにあたつては、當事者の眞意を捕捉せねばならぬことは、全ての國際法學者の認めるところである。又かゝる眞意は單に條約文自体にとゞまらず、さらにその豫備的資料をも參照して確定せねばならぬことも遍く承認されるところである。そして實際上も司法裁判所や仲裁裁判所や外交官等は、條約の解釋について大に豫備的資料を尊重している。

「ラルストン」はその權威的著作「國際裁判所の法と手續」の中

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で次の如く述べる。

「條約の調印に至る事件は、該條約を締結した當事者の意思を說明するものとしてしばしば援用され、當事者の意思を決定する上に最も重要性をもつ場合が多い。」（同書第二十六節一八頁）

一九一二年、一方合衆國と、他方英國及佛國との間の仲裁條約案が米國上院に提出された際、ルート氏は次のように條約解釋について の定則を明瞭に述べてゐる。彼は言つた。若しもこれら條約が批准された場合には、その正しい解釋を決定するにつき、いつでもそれ以前の事解の記錄を參照しうる。國際交通に關する法は法律及契約に干する國內法よりも自由である。條約の解釋については、署名前又は署名の當時なされた宣言、及び兩國の代表者の交換文書及び意見の表示を考慮すべきことは、過去及現在において普く認められてゐる。文書中にふくまれる規定の範圍及び效果ーーを決定するため、これら宣言によつて條約本文が解釋されないような事態は、決

して發生しえないのである（議會議事錄第四十五卷二九三五頁（一九一二年））

（本裁判における檢察側法律顧問）「フイリップ・マーシャル・ブラウン」は、アメリカ國際法雜誌一九二九年四月號所載の「戰爭拋棄に關する一般條約の解釋」と題する周知の論文において、特に巴里條約に關聯して次の如く述べている。

「國際法の原則中、條約の解釋は當事者の意思に照してこれをなすべきであるとの原則ほどはつきりと確立したものはないようである。かゝる意思は當然條約文自体のうちに表示されていると推定されるが、その他にも、調印もしくは批准の際に條約に附加される特別の留保が、又は批准に先立つ交渉の間になされる解釋、說明、了解、制限、條件等を授用することも可能である。それ故戰爭拋棄に關する一般條約によつて負擔した義務の性質につき、將來なんらかの意見の相違が生じた場合には、當然交渉に關する公の交換文書の

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みならず、「サー・オースティン・チェンバレン」、「ブリアン」「ケロッグ」国務長官、「ボラー」上院議員のような政府代弁者の言明を参照せざるをえなくなると思われる。本條約に對するこれらの人々の解釋は、最も綿密な吟味と尊重に値するのである。合衆國の公約に歸するかぎり、「アメリカ」による此條約となつた該條約の「眞の解釋」なるものを保享している上院外交委員會の報告書は、司法裁判所による場合であると、國際共約による場合であるとを問わず、ひとしく考慮されねばならぬところである。ーー。

條約の各調印國の意思を確定するため、又各調印國をして本條約に基くその公約を嚴密に勤行せしめるために、各調印國が批准前にこの重要な宣言について下した解釋を充分に尊重且つ信頼することは當然の點からいつても倫理的見地からしても將又法的觀點からしてもなされねばならぬことと考へられる」。（同誌三七九頁）

また「チャールス・C・ハイド」教授の次の言葉も銘記すべきで

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ある。

「さてこれから――――國際及び國内のいづれたるを問わず、司法裁判所が、これと異る當事者の意思を示す他の證據が存するに拘わらず、合意を記載した文書のみが當事者の義務の性質を決定するものとみなす如き解釋公式の影響を排除しようとした努力に特に注意を拂わなければならない。」（ハイド・國際法第二版（一九四五）第二巻第五百三十一節一四七二頁）

さてわれわれは、右の如き一般に認められた解釋の準則に從つて當時の責任ある政治家のなした聲明を顧みることとしよう。

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(イ) アメリカ合衆國

「ケロッグ」國務長官は、一九二八年四月二十八日の演説において次の如く述べる。

「アメリカの作成した不戰條約案中には、自衛權を制限乃至毀損するが如き點は少しも存しない。自衛權はすべての獨立國に固有のものであり、又あらゆる條約に內在している。各國家はいかなる場合においても、又條約の規定いかんにかゝわらず、攻撃もしくは侵略から自國の領土を防衛する自由をもち、自衛のために戰爭に訴える必要があるかどうかは、その國のみがこれを決定し得るのである正當な理由ある場合には、世界はむしろこれを賞讃し、これを非難しないであらう。」

次で「ケロッグ」國務長官は、右條約調印を勸告せられた各國政府にあてた一九二八年六月二十三日の覺書において、「フランス」の強調した六項目の重大な「考慮事項」に關連して條約に對する彼

自身の「解釋」を明かにした後次の如く述べたのである。

「かかる事情の下に、余はここに貫政府の考慮をわずらわすため、上述した變更を含む戰爭地域に關する多邊的相互條約の草案を傳達するの光榮を有するものである。」

合衆國においては、周知の如く、本條約の「モンロー」主義に及ぼす效果につき大きな懸念が抱かれたのであつたが、「ケロッグ」氏は、一九二八年十二月七日上院外交委員會に對して、「モンロー」主義の保障は、本條約が自衛行爲を排除せず、且つ自衛行爲であるか否かは合衆國のみがこれを判定する權利をもつことのうちに含まれてゐるから大丈夫だといつた。氏はさらに、「アメリカ」政府は國家の防衛又は國家に危險を及すべきおそれある事態を防止するため必要と信ずる處置をとる權利を有すると述べ、この法則は全て他國國家にも均しく適用せられることを認めた。國務長官は又、「アメリカ」政府は自衛の問題の決定をいかなる裁判所に委ねることをも承認しないであらう、

又他國政府もこの點については何樣承認しないであらうと述べた。

「ポラー」上院議員は、一九二九年一月三日の上院における演說及び討論において、何が攻撃となるか又何が防衛の正當性を理由づけるかを自ら決定する權利を留保する國はないであらうと述べ、又合衆國は、他國の行動が合衆國自身に對する攻撃の性質を帶びないかぎり、これに關して自衛問題を決定することには關與しないであらうと明言した。（議會議事錄第二會期一二六頁及び一二七一頁）

そして「モーア」判事は「私は從來常に（ポラー）上院議員が一般に『戰爭追放』の擁護者として知られている以上に大きな役割を演じたものと豫測していた。氏が一九二八年における大統領選擧において勿論戰爭の廢棄を補強せんがためではなく、合衆國をして既に完璧を期して保障された自衛權の行使をば可能ならしむるために、たえず有力な海軍の存置を要望したのを見たとき特にそうであつた」というている。（モーア、前掲五五三頁）

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(ロ) 英國

一九二八年五月十九日、英國政府は「アメリカ」政府に對して、國策の手段としての戰爭を抛棄する部分を引用した後、一定の地域の疆域と傳統とは英國政府の平和と安全にとつて特別の、且つ死活的な利害をもつものであること、並びにかかる地域に對する攻擊に對してこれを守ることは自衞手段に他ならぬ故、右地域に對するいかなる干渉もこれを甘受しえざる旨を宣言した覺書を手交した。右覺書中かかる地域の何たるかは指定されておらず、將來いかなる地域を以てかかる地域とするかについて完全な自由が留保されている ことに注意すべきである。右の覺書は「ケロッグ」國務長官の演說中に解說されている「自衞權」に關する英國政府の、より具體的な「解明」であつた。「オーステイン、チエンバレン」は將來の異議乃至紛爭に對して效果的な先手をうつために、七月十八日の覺書に次の如き明確な條件を附している。曰く、

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「五月十九日附覺書中、一定の地域の福祉と統合が英國の平和と安全にとつて特別の且つ死活的な利害をもつことに關する部分については、英國政府は、新條約が右の點に關する英國政府の行動の自由をなにらそこなうものでないことの諒解のもとにこれを受諾するものである旨再言するに止める」。

なるほど「ソヴイエツト」政府及び「ペルシア」政府は英國の留保を認めることを拒絶した。しかし將來英國政府が「ケロツグ、ブリアン」條約違反の責を問はれた場合に、かくも細心な注意をもつて起草され、條約の本文と共に正式に國際連盟に寄託せられた自衛に關するその解釋を採用しないというが如きは、想像できないこと、考へられていたのである。

(ハ) フランス

「ブリアン」は七月十四日の覺書において左の如く言明した。

「これに加えて、共和國政府は「フランス」の立場から述べた各

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種の所見を滿足せしめるため、合衆國政府が新條約にたいして與へた見解を了承することを欣快とする。――

かゝる事態において、又かゝる條件の下に、共和國政府は合衆國にたいして、今や本條約に調印する完全な意圖を有する旨を通告しうることを欣快とする――――」。

(二) 日本

一九二八年七月二十日、東京において田中義一男爵から駐日「アメリカ」代理大使「エドウイン、エル、ネヴイル」氏に手交した覺書において、日本外務大臣は「ケロツグ」氏が四月二十八日に爲した前述の演說に言及して、「貴下は――四月二十八日の演說中に於いて國務長官の爲したる說明を詳細にわたり再說せられ候」といゝ、さらに左の如く述べる。

「帝國政府は本年五月二十六日附「マクヴエー」閣下宛書翰中に陳述せる如く去る四月提出せられたる條約原案に對する帝國政府の

了解は「アメリカ」合衆國政府の了解と實質上同一なるを以て今般提議せられたる修正に對し衷心贊同し得ることを欣快とする旨貴下に通報するの光榮を有し候仍て帝國政府は右の了解の下に今般提示せられたる案文の通本條約に署名方訓令を發するの用意有之候」

一九二九年六月十七日及び六月二十六日樞密院會議に「ケロッグ、ブリアン」條約草案が提出された際、久保田、富井兩顧問官から、自衛は領土の防衛のみに限定されるものであるかどうか、支那及び特に滿洲において實力行使が必要となつたような場合に該條約がこうした實力行使に適用せられうるか、さらに英國と同樣この點を明瞭にしておくのがよくはないかとの趣旨の質問が爲されたに對し、政府の回答に、自衛は領土の防衛にとどまらず領土外にも及ぶものであるというにあつた。實力手段による滿洲その他の地域における權益の保護は、本條約は自衛行爲を排除するものではないことによつて充分認められているというのであつた。この點は戰爭抛棄に關

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する一般的批准に關する樞密院會議の審査報告書中に明記されてある。

Pex. Doc #2907

それ故　自衛の性質について日本の外務大臣が樞密院會議において爲した說明は「アメリカの上院においてケロッグ國務長官が爲した說明と實質的には同一であつたのである。　勿論各國政府は、眞面目にとりあげるに足りない單なる「ジエスチユア」としてこれらの宣言や言保をなすものではない。　寧ろそれとは反對にそれらは締約せられた義務について各政府の諒解の卒直且眞劍な公式聲明である。　あたかもそれが本條約第一條に書き入れられたと同樣に條約上の義務の固有且本質的な部分を構成するものである。

各國の指導的政治家の言明　特に「アメリカ」上院における「ケロッグ」長官及び「ホラー」上院議員の明瞭且つ疑の余地を殘さない、條約案の說明に照して、巴里條約國の意思が次の如きものであつたことは明かである。

(1) 本條約は自衛行爲を排除しないこと

(2) 自衛は領土防衛に限られないこと

(3) 自衛は、各國が自國の國防又は國家に危險を及ぼす可能性ある如き

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事態を防止するため、その必要と信ずる處置をとる權利を包含すること

(4) 自衛措置をとる國が、それが自衛なりや否やの問題の唯一の判定權者

(3) 者であること

(5) 自衛の問題の決定はいかなる裁判所にも委ねらるべきでないこと

(6) いかなる國家も、他國の行爲が自國に對する攻擊とならざるかぎり該行爲に關する自衛問題の決定には關與すべからざること。

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首席檢察官は右條約の本文に「犯罪」といふ語が用ひられていないことを認めるが（英文記錄四一七頁）右條約の本文のみならず交換公文書のどこにもこうした觀念は見出し得ないのである　聯盟式「制裁」觀念は「アメリカ」國務長官にとつては禁物であつた。　首席檢察官はこの條約によつて締約國は侵略戰爭を「違法」としたのだと主張する。（英文記錄四一七頁）「侵略戰爭」という響の好い言葉は後に明かにされるように曖昧で捕促し難く且つ定義し得ざる言葉である。

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然し假に一歩譲つて交戦國自身の非自衛戦争と認めた戦争は本條約によつて違法であるとしよう。　首席檢察官は次いでそれが國際「犯罪」だと言明するのである。　首席檢察官の論理はわれわれの到底理解し得ないところである。　われ〳〵は條約當事國が交戦者自身の自衛行爲と認めた戦争を違法なりとすることに合意したとの事實は、かゝる條約の違反を當然犯罪としたものではない。　それは契約違反もしくは民事上の不法行爲ではあつても決して犯罪ではない。　あることを違法とする約束は當然にそれが犯罪を機成すると何故いえるのか。

當事者の意思を探究することを第一次的原理とする契約解釋の根本原則に裁判所は特に注意を拂つていたゞきたい。　果して本件において引用せられたすべての契約的文書の當事者の意思はそれらの契約の條項違反が個人に對して懇意的に決定される刑事責任を伴ふものといふにあつたと考へることができるか。　もしも當事者が眞にかゝる意思を有したのであつたとしたら必ずその旨を明示したのであらう。　政治家に刑罰を科するといふような全然新奇な事態にふさはしい段階的刑罰と手續とを定めたであらう

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なるほど、第一次世界大戦以後一派の國際法學者が侵略國に對する共同制裁の遂行といふことに世界平和への道を見出さんとしたのは事實である。この派の人達は、中立に關する規則を嚴守し、これによつて國際關係と無秩序の局地化をはかるといふことに平和への道を見出さんとした正統學派の見解にはげしく挑戰した。前者は現行の中立に關する諸法則を修正することによつて、聯盟規約に規定せられた制裁を實施し且つ「ケロッグ、ブリアン」條約を補強せんと努力した。そして一九三四年九月「ブダペスト」における國際法學會の會合においてこのやうな試みがなされたのであつた。右會合では巴里條約違反の法的效果についての討論の後周知の「ブダペスト解釋條項」が作成せられた。

（國際法學會、第三十八回議報告書六六頁）

さらに一九三六年以降一群の「アメリカ」の法學者によつて、右と全然同じではないがこれと同樣な試みがなされ、彼等の研究の結果は、「アメリカ」國際法學會が「ハアヴアド」國際法研究の一部として一九三九年

十月に「侵略の場合における國家の權利義務に關する條約案」となつて公にされた（ア

（アメリカ國際法雜誌第三十三卷第四號追錄）。

「ブダペスト」解釋條項は、その解釋の當否については激しい爭があり（例えば一九三五年二月二十日の「イギリス」閣僚における「ブダペスト」條項討議、上院議事錄第九十五卷第五輯一〇〇七段以下）又かゝる解釋5は巴里條約の締約國を拘束するものでないことは勿論である。然し兎も角それは現行法を明かにせんとする趣旨であつた。これに反して一九三九年の右條約案は將來の法に關するものである（前掲八二八頁）それは「現行法ではなく將來いかなる法の發展が可能であるかを示唆せんとするもの」學究的な試みである（前掲八二六頁）右の條約案にはさらに次のやうなことわり書がついている。

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「侵略の場合における國家の權利義務に關する條約案を考察するにあたつて、該案の全體的構成、その基礎理論及びその多くの個々的規定並び

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に原則に關して根本的な見解の相違が生じた。それにも拘わらず本研究會が本條約案を提示する所以のものは、本問題に關する本研究會の討論がこの問題を更に解明するために全世界の學者によつて繼續されることを希望するからに他ならず、ここに公にする條約案が顧問委員の一致した意見を反映するものであるとの意味は全然もつていたいのである」

（前掲　八二七頁）

右條約案の内容に賛成すると否とに拘わらず、「フイリップ・シイ・ジエサップ」教授その他の顧問委員諸氏が「政治的な争や感情の紛糾を伴うこの問題」の研究を命ぜられるに際し、「一時的な外交上の趨勢や熱狂的支持や偏見に動かされることなく」遂行したことに對しては大に敬意を表すべきである。

「ブダペスト」解釋條項も、巴里條約の侵犯もしくは「侵略」が國際犯罪を構成するとは言つていないことを特に注意すべきである。右條約等の起草者は、一定の心理的色彩を帶びるに至つた「侵略」なる言葉を用いたことについて説明をすら行つていないのである。それは又、右條約案の目的は、一國が武力を行使せざる法的義務に違反して武力に訴え、しかも當該違反行爲のあらかじめ定められた場合における、國家相互間の法的關係を規定するにあると述べていることが正式に決定せられたことを意味するものであるとか、「共同安全保障」の制度にたいする賛否の意見を表明したり、

前盟規約や巴里條約の如き特定の條約を「補強」したり、「正當な」戰爭「不當な」戰爭の問題に立入つたりすることはその意圖するところではないのであるとするのである（前掲八二五頁）

さらに又、「ブダペスト」解釋條項及び右條約案の作成に關與した共同制裁支持に傾く法學者達すら、巴里條約を侵犯する戰爭又は侵略戰爭の法的結果を考察するにあたつて、かかる戰爭の責任者たる個人の處罰というが如き見解は毫も表明しなかつたことを注意すべきである。この事實は現代的思想如何の問題について、實際上決定的な意義をもつものである。そこでは個人の刑事責任の問題は全く排除せられているのである。いなそれに關する議論すら行われなかつたのである。

以上述べたところによつて、首席檢察官の擧示した證據によつては侵略戰爭が文明諸國によつて承認された慣習によつて國際的犯罪となつたとの主張はなにら證明されていないこと明白である。

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首席檢察官は、自らの結論が國際法學說の承認を受くるものなることの證據として、「ライト」卿の「戰爭犯罪と國際法」についての論說を引用している。（英文記錄四一八－四一九頁）「ライト」卿はたしかに著名な法律家であり、卿の見解に對しては大に敬意を拂わなければならぬ。然し卿は世界の立法者ではない。卿は本論文においては、裁判官としてではなく辯護人として自國の政府の主張を支持する目的で明かに一方的な議論を展開しているのである。こうした役割を演ずることは無論不當なことではない。じかし卿の強い判斷は國際法に精通した法律家の一致した意見を代表するものではない。國內裁判所たるとも國際裁判所たるとを問わず、この問題に關する國際慣習の在否を判斷するについては、國際法學者の一致した意見ある場合にのみこれに依據しうべく、各國政府の政策やその公然たる支持者の見解に依存することは許されないのである。「一羽の燕で夏を卜する」ことができないように、卿の獨斷論によ

つて国際法をトずることはできないのである。

假に「ライト」卿の立場が一九四八年における全ての現代の国際法學者の承認するものであるとしても（そんなことは絶對にないのであるが）、そして又国際法が今次大戰中において急速に且つ われわれは全くそれを知らなかつたが）、かかる新奇な法規を當法廷の被告人に對して適用することは明かに遡及的適用であつてそれは不當である。

首席檢察官は、侵略戰爭が國際犯罪であるとの立場を證明するために、明かにそれだけでは不充分な各國際條約そのものよりはむしろ國際慣習をその證據としているようである。然し一定の行爲が國際法上義務又は權利である行爲をなす明白且つ確立的な習慣が生じた場合にのみ國際仲裁者は國際慣習ありとしていることを注意しなければならない。

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（オツペンハイム、國際法第二巻二四頁）常設國際司法裁判所規程第三十八條は「法トシテ認メラレタル一般慣行ノ證トシテノ國際慣習」を國際法の法源として認めている。右の用語はあまり洗練されておらず裁判の余地を存するものであるが、然し全ての國を拘束する國際慣習が存在することを證明するためには、法的信念のみならず一般の慣行が立證されなければならぬことは極めて明白である。

國際官廳や條約の前文においてなされた漠然たる、そして屢々單に修辭的な宣言のみでは不充分である。われわれは須らく心素（主觀的要件）即ち各國の一般的な慣行に着目せねばならぬ。然るに各國の實際上の慣行は、侵略戰爭が責任ある國家もしくは國家の中の責任ある個人の刑事責任を伴うものであるとの命題を否定するものである。「イタリー」の「エチオピア」侵入は國際聯盟によつて侵略戰爭とみなされたが、聯盟の科した制裁は經濟斷交にすぎなかつた。「ムツソリーニ」及びその內

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間は勿論のこと、「イタリー」に刑罰を科することを提案した者は一人もいなかつた。一九三九年の「ソヴイエツト」露亞亞の「フインランド」侵入も聯盟によつて侵略戰爭の烙印を捺されたが、これに對してとられた唯一の手段は單なる除名處分であつた。そして「ソヴイエツト」聯邦又はその指導的な政治家軍人を處罰することを考えた者は一人もなかつたのである。

最後に、本裁判においては、日本國家の有罪無罪ではなく個々の被告人の有罪無罪が爭點であることを强調しなければならぬ。この兩者は全然別個の問題である。首席檢察官は、侵略戰爭の張本人個人を處罰するための條約が締結せられたことも、又かかる國際慣習が確定されたことも立證していない。これは檢察側主張にとつて致命的であるとわれわれは考えるのである。

法的概念としての侵略戰爭

侵略(7)戰爭は國際犯罪であるとの首席檢察官の命題の今一つの重大な

難路は「危険な場所」とされている。

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先づ最初に首席檢察官の引用に係る「ウエブスター」辭典の「最初の攻撃」といふ單純素撲な辭書的定義をとりあげてみよう。（英文記錄四一九頁）侵略者といふのは最初に發砲した者の謂である。「ブリアン」曰く、「大砲の一發はまさに大砲の一發だ」そして「それは聞えるし、屢々その痕を殘す。」まさにその通りである。然しこれは單に物理的な標準にすぎない。それはなんら道德的もしくは法的な意味內容を有たないのである。從てこの定義に從へば更に「正當な侵略」と「不當の侵略」の區別をする必要が生ずるであらう。モーア判事は「國家は戰爭を始める場合には、常に外部行爲を排除するために戰爭を始めると稱するが、かゝる行爲のために戰爭を始めるのでない場合が多い。他に援助してくれる武力があるといふ確信は必然的に戰爭をしようとする傾向を強めるであらう。

加之、侵略を理由付けるため往々巧みに相手の外部行爲を挑發することのあるといふ事は顯著な事實である」と述べてゐる。（モーア前掲五六八頁）「ウエブスター」辭典が上述の定義に代る定義として「挑

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發せられざる攻擊」を掲げるのはおそらくかかる理由に基くのであらう。然し近代國家にしてなにら挑發によらないで戰爭を始めるような國があるか。例えば一九四一年十二月八日の日本の戰鬪開始は右の定義に該當するだらうか。「日本外の高官のある者」は休戰前すでにそこには重大な挑發があり、このことを否定することは歴史の歪曲であると云つた。

「モーア」判事は語を繼いでいふ

「、、最初に實力行動に出ることが、安全の爲の唯一の手段たる場合もある。この原則の重要性は各國若くは國家的集團があくまで軍事力の優越を維持せんと努める場合ますます增加する。そして「ポルトガル」は佛、西兩國の混合軍隊が一七六二年自國の國境を徘徊してゐた際、右の原則に基いて行動した」（前掲五六八頁）

次に同じく首席檢察官の引用する別な定義に考察を加へてみよう。

「侵略者とは既に紛爭を平和的解決に委ねることに合意したるにかか

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ならず、かかる書約に違反して戦争に訴ふる國をいふ」（英文記録四一九頁）

これは明かに不完全な定義である。何故なら仲裁條約が存しない場合においても侵略戦争の可能性はいくらでもあらうし、又それは仲裁手續に待ねることに合意した國家が後日自衛のための重要行動の必要を認むる可能性や、さらに紛争は存せず單に重大な脅威のみ存する場合を無視してゐるからである。右の定義の下に「メキシコ」及び南米諸國及び支那においてかつて屢々行はれたように不統一國家において秩序を維持するために軍隊を上陸せしむることは正當といへるかとうか。（ハーバート、アーサー、スミス　大ブリテンと國際法　國際法上の問題に關する英國政府の見解を示す公文書集、第一巻（一九三二第二節（不統一國家）一八一三〇頁）　米墨兩國共平和的折衝を試みることなく、又平和的折衝が失敗した場合に、仲裁手續を先づ試みないで實力に訴えてはならぬ旨を明文を以て規定した一八四八年の米墨

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條約にかかわらず、一九一四年米軍は突然「ヴェラ、クルズ」を襲つてこれを占領したが、この場合合衆國は侵略國であるかどうか。又英國が一九二五年、國際聯盟規約所定の解釋方法をとらずに支那へ軍隊を派遣したことは侵略行爲であるかどうか。（この點に關する英國政府の法的辯明については「スミス」前掲二五―二九頁に引用せられた「サー、オーステイン、チエンムバレン」の一九二七年二月八日附聯盟事務總長宛覺書參照）

われわれは首席檢察官の引用していない長短さまざまな幾つもの定義づけの試みについてここに詳しく論ずる必要はない。最も長いソ聯政府の詳細をきはめた定義は明晰であるよりも辭書的であるとして批判された。又最も短い「自國外における軍隊の存在」といふ「フランス」の提案は「フラー」少將をしてこの提案を考案した人は「氣狂か又は「ユーモリスト」にちがいない」といわしめたのである。それらはみな定義しえざるものを定義せんとして失敗したのである。「オー

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ステイン、チエムバレン一卿は、「それ故余はかかる侵略者の定義づけの企てに對し依然として反對するものである。蓋しかかる定義は無實を陷れるわなとなり、罪ある者に對しては道標となるから」といつた。又ケロツグ國務長官は「ケロツグ、ブリアン一條約が討議された際、不戰條約の範圍を侵略戰爭に限定せんとの佛國の提案に對して、一つはまさに右の理由によつてこれに反對したのではなかつたか。（ケロツグ、合衆國の戰爭防止政策、アメリカ國際法雜誌第二十二卷、第二號二五九頁）

前記「侵略の場合における國家の權利義務に關する條約案」の起草者は「侵略」を單に形式的に定義するに止めているのは賞明である。草案は次の如く規定する。

「（本條約ニイワユル）

ハ「侵略」トハ一國ガ行フ武力行使ニシテ該國ガ承認スベキ方法ニヨリ義務違反ヲ構成スルト決定セラレタルモノヲイウ」

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右の條約案は單に將來の法のみを問題としてゐるものである。「バリ」條約においては締約國は廣汎な自衛權を留保し、しかも自衛權に屬するかいなかはこれを行使する國のみがこれを判斷すべきものとした。締約國は當時他の一國若くは數國又は國際的機關をして、武力行使が「國策ノ手段トシテ」爲されたか自衛權の行使であるわを決定せしめる意志はなかつたのであることを想起すべきである。かかる法の狀態を改善せんとするのが右の條約案の目的の一つであつた。國際聯合憲章によれば、安全保障理事會は侵略の問題を決定する權限を與えられた。しかし安全保障理事會においてその決定に全員一致を必要とするとの原則に關し、果しのない論議が續けられていることは、現在の國際情勢の下において侵略の問題に關する決定が專ら特定の國家にたいする政治的政列關係の如何によつて左右されるつよい傾向のあることを示すものである。それは又あらゆる戰爭を世界戰爭化せんとする世界平和に關する刑事的構想に本質的な限界あることを物語るもの

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である。

それはとも角として、國際連合憲章の規定は何が侵略であるかについて何ら精確な知識をわれわれに與えないのである。

「モーア」判事は言う。

「侵略者の問題を最初の一瞥で決定しようとすることが正義を無視したものであることは經驗によつて決定的に證明された。從てわれわれの目的が不淨なものでないかぎり、事實の公平な調査にたよらねばなれぬ。然しそれには時日を要する。國際聯盟總會は日支事變について管轄權を取得し、「リットン」委員會の報告書は一九三二年九月四日支那の北平で調印せられ、總會は一九三三年一月十七日自己の任命した委員會の報告書を採擇した。この手續が實際に費した期間は十七ケ月に及び、しかもなほ最後の結論は未だ得られなかつたのである。」（「モーア」前掲、五六八、五六九頁）

又「リットン」報告書自身その最後の章において次の如く述べてある。

「前章を讀んだ者にとつては、本紛爭の包含する問題は、しばしばいはれるように、簡單でないことが明であらう。

Doc, Doc, #2907

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いな問題は著しく錯雜して居り、全事實とその歴史背景について精しい知識を有つ者のみが、これら問題について、はつきりした見解を述べる資格を有するのである。

本件は一國が事前に國際聯盟規約所定の和解手續を盡すことなく他國に宣戰したといふごとき事案ではなく、又一國の國境が隣國の軍隊によつて侵されたというような簡單な事件でもない。蓋し滿洲には、世界中の他の如何なる地にも見出しえないような特徴が多々存するからである。」

又二十世紀前半期の國際組織の實情の下にあつては、全ての良心的な政治家は、必要な自衛行爲と認める行爲をなす國家の權限の範圍に關して重大な問題に直面せざるを得なかつたのであることを注意しなければならない。

「アメリカ」、「イギリス」、「フランス」、日本の政治家達が、「ケロッグ、ブリアン」條約に調印するにあたつた廣汎な留保をなし

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たのは、かような理由に基くのではなかつたか。ヒットラアの行つた戰爭は、或は他から攻擊される差迫つた危險があると考えていない人達によつて開始せられたのであつたかも知れない。

從て、その侵略性の問題は「ニュルンベルグ」裁判所にたいして余り困難な問題を提示しなかつたのかもしれない。

しかし、本裁判の記錄は、獨乙の場合と日本の場合とが、他のいろいろの點と共に、この點についても全く異つており、日本の行つた戰爭が「侵略的」性質のものであるか「防衛的」性質のものであるかを、しかく速斷することは、一般大衆の偏見に盲從するものであるとか、故意に歷史を歪曲するものであるとの非難は、受けないとしても、少くとも「獨斷論」の りを免れないことを明白に示してはいないが。

政治家がもつとも「デリケイト」な政治的決定をなすにあたつて、犯した過誤の故に、かれらにたいして犯罪人とか極惡人とかの惡名を被せることは著しく正義に反するものといわねばならぬ。

いはゆる侵略戰爭かどうかは畢竟見解の問題である。見解の問題について意見を異にするからといつて人を殺人者とすることは言葉を以て人を殺すものである。

政治家がもつとも「デリケイト」な政治的決定をなすにあたつて、犯した過誤の故に、かれらにたいして犯罪人とか極惡人とかの惡名を被せることは著しく正義に反するものといわねばならぬ。

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衡平ー自然法ーは民事裁判においてはともかく、少くとも国内的又は国際的政治と密接な關聯をもつ性質の刑事裁判については正に「屍物」である。

われわれが侵略を定義することをやめ、問題を個々の事件毎に特定の戰爭が侵略的であるか防衛的であるかを裁判所の決定に一任するとすれば、かかる裁判所の判決は據るべき何等の基準がないため、必然的に時代の政治的偏見に支配される傾向を伴うであらう。なぜなら「侵略者」といふ言葉は、「アメリカ帝國主義」とか「赤色帝國主義」とかいふ言葉と均しく國際政治において、全世界から相手方を仲間はずれにさせるために用ひられる讒謗の言葉だからである。

以上の考察に鑑み、われわれは首席檢察官の說論はこれが現行法でないばかりでなく、又これを法とすべきでないと主張したいのである。一見首席檢察官の提言は事情に通ぜず且思慮なき人達を惹きつける力をもつてゐる。

Dor,Doc,#2907

しかしわれわれがこれに熟慮を加へるとき、それは實際上不正を招來せざるを得ない法原理である。その適用の結果は、不正が征服せられたといふ印象ではなく、むしろ「最征服者は不正であることが浮世のおきてだ」といつた「ブルワー」の言葉が依然として正しいのだといふ印象を一般人に與へることとなる。かかる原理を適用することは、將來の戰勝侵略者がその被害者の犧牲において利益を收めるための最も危險な先例となるであらう。われわれはかかる法理は、國際法の神聖なる境域から追放せらるべき似而非なる法的原則であると主張したいのである。

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## 四、國際法條約等を侵犯する戰爭

次に首席檢察官は、國際法、條約、協定及び保障を侵犯する戰爭の計劃、準備、開始若しくは遂行に關する「平和に對する罪」なるものを論ずる。そして「この點について、法は充分に確立しておつて世代にわたつて實施されている」といふのである。（英文記錄第二〇頁）

嘗て「ケロッグ」條約成立の當時、「アメリカ」國務長官が自衛行爲の制限は無數の先例によつて明瞭に確立していると述べたのに對して、國際法學徒は、これ等の無數の先例が何であるか分れば誠に興味深いことであると言つたが、かれらの好奇心は遂にみたされなかつた。同樣に、いわゆる「平和に對する罪」中この部分は「充分に確立しておつて世代にわたつて實施されている」との言葉に接して、國際法學徒はいづれも目をこすつて自らの驚くべき無知を嘆くことであらう。

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國際法及び條約が遵守せるべきことは、被告人をも含めて、いやしくも分別ある者の少しも疑わないところである。首席檢察官は、「これら被告人は、これら（即ち條約の規定）が全く無意味な言葉にすぎぬと主張するのであらうか」と問われる。（英文記錄四二二頁）然し國家は國際法や條約を無視してもかまわないと考えるほど、被告人が低劣な道德の持主であるとするのは著しく不當である。なるほど國家は特定の場合に國際法及び條約について、國際上意見を異にすることもある。又時には一國が他國に對して法違反もしくは約束違反を云爲することもある。然しこれは公正な裁判所が決すべく、又かかる裁判所によって始めて判定しうべき事項である。一般國際法の規定もしくは條約の條項の違反があった場合に、何人もそれが違法であることを疑う者はない。然しある國家の行爲を違法であると宣言することと、かかる行爲を發起した個人たる指導者を有罪とし、これに極刑を科すること

との間には大きな懸隔がある。全ての文明国は契約違反もしくは民事上の不法行為を悉く犯罪とはしない。前者に對しては賠償が後者に對しては處罰が通常の救濟方法である。

首席檢察官は一例として第三海牙條約を引用する（英文記錄四二一頁）。われわれは先に述べたことを再びここで繰返そうとはしない。假に百歩を譲つて右條約の違反があらゆる場合に違法であるとしても、それは責任者たる個人の犯罪を構成するものではない。

條約を犯する「平和に對する罪」の處罰の如きは國際法に未知のことである。かかる主張はさきにも述べたように、「ヴエルサイユ」會議において採用しがたきものとして排斥されたのである法はむしろ首席檢察官の主張とは反對の方向に確立している。被告人は首席檢察官の主張するように（英文記錄四二一頁）、自己の行動が「犯罪」であることを勿論「知つて」はいなかった。な

ぜなら何人も被告人が国際法上犯罪人ではないことを「知っていた」からである。

上記「[illegible]の場合における国家の權利義務に[illegible]する條約案」には、本文に關する註釋中に次の如き章句のあることを注意すべきである。

(1) 合衆國は一九〇七年の第三海牙條約の締約國であるが、同條約第一條は、理由を附したる開戰官言の形式又は條件附開戰官言を含む最後通牒の形式を有する明瞭且事前の通告なくして戰爭を開始すべからざることを規定している。合衆國が最後通牒もしくは開戰官言なくして戰爭を開始してもそれは本條約にいわゆる「侵略」を行ったことにはならない。

(2) 日本は一九二二年の華府九國條約の締約國であるが、同條約第一條は、締約國が「支那の主權、獨立並びに領土及び行政の保全を尊重」することを規定している。日本が正當の理由なくして支那の領土を征服しこれを併合しても、それは本條約にいわゆる「侵略」を行

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つたことにはならない。

右の記明は、「侵略」に對して、自己があらかじめ承諾した手續によつて侵略國たる決定を與えられた國家に不利益な、特定の法的效果を付與せんとする將來の法を提案した條約の起草者等も、單に第三海牙條約とか九箇國條約の如き條約に違反したというふだけでは、その戰爭を右の意味の「侵略」に該當するものとは認めなかつたことを意味する。それは又、國際檢察官の主張するような廣汎な原則を樹立した法と認めてはおらず、又その提案する將來の体制の下において、右の如き條約違反の責任者たる個人に直ちに刑劍を科することを提案してもいないことを意味する。

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三　殺人の罪

ヲにわれわれは、被告人が殺人の罪を犯したものであるするすこぶる奇異な訴訟事由に関する首席検察官の釈明に遭遇する。

首席検察官は日本の刑法典を引用して、法律上正当の理由なくして故意に人を殺害することは、文明国においては殺人の罪を構成すると論ずる。

（英文記録四二三頁）

この論旨を承認するについては重大な問題を必要とする。即ち不法なる殺人は、英米においても必ずしも死刑に該当する訴訟事件ではなく、それは単に故殺罪（マンスロオター）として一ヶ月の拘禁刑又は罰金刑を科するを以て足りるとされている場合もあることである。そして又ある国では殺人罪に対し死刑は科せられていない

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ことである。首席検察官は話を次のように言う。「本件においては、死亡は全く戦の結果として生じたものであり、戦争が違法な戦争であったから、本件の殺人を行為から自然に且つ当然ずる結果も又違法性を帯びる。」と。この法則は日本の法律においても認められている。」

われわれは首席検察官の詭法に承服することをえない。首席検察官は先に「違法な」という曖昧な形容詞を用いる。そこでは「国際法上違法な」という意味で用いられる。次に同じ言葉を、「国内法上違法なる行為の結果を一切伴う違法」の意味をもたして用いるのである。

然し国際法学徒は誰でも、国際法の原理はそうでないことを知っている。戦争が一国際法もしくは條約に違反して開始されたとしても、戦争状態は発生して、交戦国のいづれの側も戦争法規の保護を受くる権利を取得するということが、国際法学者の一致した見解である。

「ローレンス」教授は、なんらの警告をも発せず又事前の外交交渉をも行わずして攻撃を加えるという行為な場合を引いて次のように説いている。

「完全な平和裡にあつて豫め自己の要求を知らしめず、又外交手段で話合をうる努力もしないで他国を攻撃することは「言語道断行為に外ならない。又おそらくそれはこうした取扱を受けるであらう。」

然しわれわれは附加える。

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「然しかかる情計べき手段によつて開かれた事態は、それにもかかわらず戦争であつて、双方とも戦争法規に従つてその軍事行動を行うことが期待される」（ローレンス、国際法原理、第七版（一九二五年）「パーシイ・ウインフィルド」校訂、三二三頁）

なるほど海賊は全人類に對する犯罪人として厚遇される。然し海賊はいかなる政府からも授權を受けずして行動するものである。政府の授權に基いて行動する正規の軍隊の一員や、戦争開始につき政治的責任を有する者を、單に戦争が違法な方法で開始せられたというだけの理由で殺人犯人として取扱うというが如きは、頗る奇異な教説である。

完全に組織された社會である国家内部において内亂を計劃、準備、開始した者は違法な行爲を犯すものであることは明白である。国内法は當然これらの者を大逆罪の犯人として取扱う。然し国内法ですら通常これらの者を政治犯人として取扱うのであつて、通常の「兇漢」もしくは「殺人犯人」としては取扱わず、国際法も又これを犯罪人引渡から除外してゐる。

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首席檢察官はさらに第四海牙條約の各規定を引用する（英文記錄四二五－四二七頁）。

そのうち同條約第二十三條はいう。

「特別ノ條約ヲ以テ定メタル禁止ノ外特ニ禁止スルモノ左ノ如シ。

(ロ)敵國又ハ敵軍ニ屬スル者ヲ背信ノ行爲ヲ以テ殺傷スルコト」

首席檢察官は右の規定から次のような結論を引き出すのである。

「從て、日本と平和關係にあつた他國に對する無警告の攻擊は、最も惡質な背信行爲であり、海牙條約の規定によつて、かゝる攻擊中に人を殺害した行爲は殺人罪となるに至つたのである。」（英文記錄四二七頁）

然し先にかかげた「ウエストレイク」や「ベロット」の如き著名な權威の意見に鑑みても、重大な挑撥を受け、長期にわたる外交交渉の努力を重ねた末、一國が他國に對して突然戰略的攻擊を加へた場合に、しかも相手方において事態が極めて緊迫し、戰鬪の開始を豫期し、且これに備えてゐたような場合に、かゝる攻擊が第三海牙條約によつて違法とされ、且又「最も惡しな

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る背信行爲」とよばれうるかどうかは頗る疑問である。然し法律論を進めるために百歩を讓つて、かりにこの提言を肯定するとしても、首席檢察官の結論は右の規定から直に演繹されえない。何故なら「背信の行爲を以て殺傷する」との辭句は明かに、「既に行はれつゝある戰爭中」にという意味である。然らざれば右にかかげた法文中の「敵國又は敵軍」なるものは存し得ないであらう。第三海牙條約の規定する、宣戰を伴はない戰鬪開始に關する行爲のごときは、もとより首席檢察官の引用する右規定にふくまれるものではない。

「兎の手品」の比喩は今日の流行であるようだ。「イギリス」國會において國內輸送機關の國有に關する政府の計劃を批判するにあたつて「レディング」卿は、政府は比較的短い期間に「國有という帽子の中から社會主義の兎を」とり出す事に頗る堪能であることを示したといつた。又全印議會において「アチヤリア。クリバラニ」氏は、「イギリス」側の提案した憲法草案を批判して、「ヒンドスタン」語で「イギリス」人は都合の好いときにいつでも帽子の中から兎や卵をとり出すといつた。私もこの世界的流行を眞似て檢

祭団の議論を特徴づける精巧に編み上げられた論理の網を一気に粉砕せしめる鳥の兎の手品にたとへる事を許されたい。手品師は通常の帽子を借りてきて、これを、テーブルの上に置く。そしてこれに向つて何やら呪文を唱へる。さて帽子をとりあげるとテーブルには小さな兎が、うようよ走りまはつてゐる。帽子の中にもともと兎があたのではない。手品師が兎をその中に入れたのでもある。

検察側の議論はまさにこれと同様である。検察側は普通の帽子、即国家国民を拘束する国際法といふ論理なそして上品な周知の「シルクハット」を持つてきて、これをテーブルの上に置いて呪文を唱える。そしてこれに向つて呪文を言葉が次第に大きくなつてくる。そして「通法」とか「犯罪的」とか「殺人」とかいう判所の中には、国内法のここかしこから借りてきた新生の国際法理論が現はれて、観衆を驚かせる。どこからそれらをもつてきたかは言葉ではない。もともとそれらの理論が「シルクハット」の中にはかつたことだけは確かである。検察側に於てそれらを、「シルクハット」の中に入れたのである。

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六、「通例の」戦争犯罪

「通例の」戦争犯罪及び「通例の」戦争犯罪の一語をなすかぎりにおいての「人道に対する罪」については、「国際法の確定法廷に従て有罪が立証された場合に、これを処罰すべきものであることはわれわれもこれを認める。

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由來戰爭は非人道的なものである。人間がこれに付與した一切の理由づけや辯解を除去して「汝殺す勿れ」といふ誡命の示された最高道徳から判斷すれば戰爭は防衛的であらうと侵略的であらうとにかかはらず、必然的に殺人行爲を判ふ制度と認むべきである。戰爭に伴ふ血なまぐさい筆舌行動が、これに認與する者を殘忍ならしめそのため敵國の戰鬪員のみならず一般市民にたいしても、特に彼等に敵對行動の嫌疑ある場合には、慘虐行爲が加えられる傾向のあることは、戰史の汎く示すところである。これら慘虐行爲は戰爭に必然的に隨伴する誠に悲しむべき現象である。しかし、罪ある者にたいしては刑罰を科すべきことは國際法の命ずるところであり、且又かかる犯罪の遂行者にたいして嚴嚴な裁判が爲さるべきことは、日本政府がその名譽にかけて履行を誓約した降服文書の條項によつて疑ない。戰爭の法規慣例に違反して慘虐行爲を現實に犯し又は之を命令した者を、正當に構成された裁判所にお

いて處罰することは然るべきことである。但し「ヴエルサイユ」會議に於ける十五人委員會における「アメリカ」代表委員は「消極的犯罪」、すなわち「通例の」戰爭犯罪を防止しなかつたことにたいする責任の理論を全面的に否定して居ること、又英國法においては他人の死亡を防止しなかつたことにつき過失あつてもそれは死刑に該當しない故殺（マンスロオタ）にすぎない點について裁判所の注意を促して置きたいのである。

おそらく首席檢察官は、獨乙の場合と日本の場合とが同じであるとの安易な假定に基いて、樣々の戰場において違反者達が犯したかもしれない全ての交戰法規違反の行爲について被告人等からの命令があつたものと想像しているのであらう。しかしかかる「上からの命令」はこれを證明することができない。そこで首席檢察官は、その「上からの命令」なる訴追事由につき「推定」を、しかも「推定」

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のみを根據としてゐるのである。蓋しその結論にいう。

「これらの殺人行爲は、以上述べたる如き極めて廣範圍な地域において極めて長期間にわたり又極めて相類似せる型に則つて行はれ且幾つもの抗議が中立國によつて確實に傳達せられた後においても、多數の犯行が繰返された證からみて、われわれは上からの、すなはち被告席にある被告人の積極的命令のみが、かゝる犯行を可能ならしめたものと推定せざるを得ない。」（英文記錄四二九頁）

しかし被告人がいかなる段階の地位において命令を發したかが明かにされねばならない。段階の如何を問はず、もしくは一定段階以上の者はすべて、有罪なりとの無差別的推定を爲すことは、正義の本質に背馳し全世界の良心の反撥を招くことであらう。

檢察側の主張する慘虐行爲もしくはその他の違反行爲が、かりに同一の行爲類型をとつてゐるとしても、それは當然にかかる推定を

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理由づけるものではない。かかる型は國民性もしくは民族性の反映であるにすぎぬのかもしれない。犯罪は藝術上の作品とひとしく、種族の慣習を反映する一定の特徴を示すのである。又、地理的、經濟的及軍事的條件が相互に類似してゐることも、ある程度かゝる被察側の主張する慘虐行爲その他の違法行爲の「類型性」を説明することもあらう。本件のごとき重大事件においては、上からの命令なる推定、並に何人からそれが發したかの點は合理的疑問の余地を殘さぬ程度に立證せられなければならない。

慘虐行爲に關する證人の證言をきいてみると、これらの行爲が同一の類型をとつておらず、むしろ證人の國籍に應じてさまざまな型を示しているとの印象が強い。かゝる事實は「上からの命令」を否定するのみならず全然別個の事實を物語るものである。

「通例」の戰爭犯罪の裁判や判決についても、後代の人達は被害

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者の同國人である裁判官のみによつて構成せられた裁判所は當然一種の偏見をもたざるをえないとの非難をうけるかもしれない。われわれは勿論これと反對に、「コンモン・ロオ」及び「ロオマ」法兩法系の光輝ある傳統を代表する著名な法律家によつて構成せられ、平和的な雰圍氣の中に開かれてゐる本裁判所は、一切の國家的偏見から全く解放され、その事實認定においても、將又確立した國際法の解釋及び適用においても、公正であることを確信するものである。

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## 七、個人責任

首席檢察官はさらに進んで、被告人の個人責任について論ずる。

首席檢察官は、國際法もしくは國際條約を侵犯する戰爭の計劃、準備、開始、遂行が個人責任を伴うとの「テーゼ」を理由づけるために、かの「サボタージュ」事件である「エクス・パーテイ・クイリン」事件に對する合衆國最高裁判所の判決を引用する（英文記錄四一五頁以下）。然し「エクス・パーテイ・クイリン」事件は、合衆國議會がその制定する法律において、戰爭法規違反の全ての犯罪を細目にわたつて不動の形式に法文化することの代りに、裁判所の承認し適用しうる範圍で軍事裁判所の運用すべき普通法の体系を採用することが可能であるかどうかという事件なのである。これは、違憲でないかぎりその欲するような形式によつて立法を行いうる聯邦議會の法律の解釋の問題であるにすぎない。聯邦議會の意志に對し

て最高裁判所が下した解釋は、他國民を拘束することにはならないのである。

さらに又從來の慣習によつて、軍事裁判により個人を處罰してきたような、既に充分確立した交戰に關する普通法を援用の方法によつて採用することと、國際法及び條約を侵犯する戰爭の計劃、準備開始、遂行は當該國家の責任のみでなく、當該國家のために行動した個人の刑事責任を伴うものであるという。全く革命的な理論を採用することの間には大きな隔りがある。かかる刑事責任は、國際法學者及び國際慣習によつてはつきりと否定されてきており、又いづれの國の責任ある政治家でも、國際條約を商談する際、右の如き原則に考え及んだ者は絶對にないのである。もしも右の如き解釋が商議の際提案されたとしたら、それらの條約は成立に至らなかつたことであらう。例えば「ケロッグ」條約の當事國は、これに違反して

戰爭をなした場合、かれらが殺人罪を犯したことになるという意思を有したものであると考えることができるか。國際聯合憲章のうちにもかくの如き理論を見出すことはできない。もしもかかる趣旨の規定が置かれたとしたら、同憲章自体が採擇されるに至らなかつたであらう。

次に個人責任に關する國際法の原則を一瞥しておこう。裁判所も熟知されるように、國際法は主權國家から成る社會を規律するに、頗る柔軟且つ非侵略的な法体系である。現代の獨立國家から成る國際團体が世界政府にまで發展することともなれば、われわれの知つている國際法は當然に消滅し、世界法がこれに代ることとなるであらう。「ルネッサンス」以降の「ヨーロッパ」社會の現實を母胎として生れたかような國際法の本質的性格は、その後數世紀にわたる發展と他の大陸への地域的擴大にもかかわらず、今日においても依然

として變つていない。それ故國際法を強行するものは世界政府ではなく、各自の領土に對して實效的統制を行い、自己の主權に服する全ての者の行爲、及び自己自身の行爲に對して責任を負う能力を有する。組織ある國家なのである。

國際的責任に關する原理は、この極めて特殊な法体系における右のような根本的事實を充分に認識して初めて眞の姿においてこれを把握しうるのである。

義務と責任は國家及び國民に對してのみ課せられるものであり、個人に對しては課せられない、というのが國際法の一般原則である國際的義務の違反は、違反國家の團体責任を生ぜしめる。戰爭や報復の如き國際法の制裁は、國際法違反の行爲を行つた個人に對してではなく、該國家の構成員全体に對して向けられる。世界法を有する世界國家出現の暁には、あたかも「ニューヨーク」州のある市民

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が犯した叛逆行爲に對する處罰が罪ある當該市民に對してのみ科せられ、同州の人民全体に科せられることがないと同様に、刑事及び民事上の制裁の對象は、正義の要求として當然罪ある者のみに限られ、無辜の市民に及ぶことはないであらう。然し今日の國際社會を支配する法体制における責任の法理は、かくの如きものではないのである。

尤も、戰時及び平時における國際交通の實際的經驗から、個人責任の課せられる若干の例外（それらが眞に例外とみるべきか否かは別として）が認められるようになつた。最も古い例外は海賊行爲の場合である。近代國際法の成立以前から存在する國際慣習によつて海賊は法の保護を受けない者、「人類全体の敵」とみなされた。國際法上海賊はその母國の保護を受ける權利を失い、全ての國は自由にこれを捕えて處罰することができる。この例外的規則によつて、

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その海賊の屬する國はこれを保護するために公海自由の原則を援用することができず、他方他の國が海賊行爲を働いた人又は船の所屬する國家に對して報復又は戰爭に訴えることは許されないのである。次に同じく周知の例外的場合は、封鎖破りと戰時禁制品の運搬である。國際法は封鎖破り及び禁制品運搬者に對して、積荷の沒收という形で特別の制裁を認めており、捕獲國の捕獲審檢所によつてこれを强制しうることとなつている。第三の例外は、交戰法規の違反、即ちいわゆる「戰爭犯罪」であり、この場合には一國の正規の軍隊に屬しない個人に對してその國の軍事裁判所は略式手續によつてこれを處罰しうるのである。

國家は自己の行爲、換言すれば個人が政府の命令に從い又はその承認をえてなした國家行爲に對し團体責任を負う。ある行爲が國家行爲であるというのは、問題の行爲がその國家に歸屬せしめられ、

實際にこれを爲した個人に歸屬せしめられない、ということを意味する。かような行爲によつて害を受けた國家は、右の國家に對してのみ國際不法行爲上の責を問うことができるということは、充分に確立した國際法の原則である。右國家の同意をえずして行爲者個人の責任を問うことは國際法違反である。有名な「マクレオド」事件[119]においては、一八三七年に「カロライン」號を捕獲するため合衆國に派遣せられたイギリス軍隊に所屬していた「マクレオッド」が、一八四〇年に「ニューヨーク」州において捕えられ、「アメリカ」市民を殺害した廉によつて起訴された。國務長官「ウエブスター」氏は、一八四一年三月十五日附法務長官「クリッテンデン」氏に對して次のような書面を送つた。

「現在余の謂わんと欲するところは次のことに盡きる。即ち「カロライン」號攻撃は國家の行爲であるから、もし合衆國政府が右の

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行爲並に自己の義務に關して下す判斷により適切と考える場合には
それは報復又は全般的戰爭に訴えることを正當づけるものである。
然しこの場合提起される問題は、公的な政治的な問題、卽ち獨立國
相互間の問題であつて、これに關係した個人を逮捕し、恰も國內法
違反に對すると同樣に通常裁判所の審判に付することは許されない
のである。當政府が主張しているように、「カロライン」號攻擊が
國家の行爲として不當であるとすれば、これに對する法的救濟は國
際法の規定によつて認められた救濟にこれを求むべきである」（モ
ア、國際法先例集第二卷第百七十九節）

「國際法の漸進的法典化に關する專門家委員會」が一九二七年三月乃至四月の第三會期において採擇した報告書は次のように述べている。

「裁判所が外國政府の主權行爲に關して裁判權を行使しないという法則は、被告人が……したとえ訴訟當時には官吏たるの資格を保持していなくても……かかる資格においてなした行爲……又は主權國家から與えられた權限に基いてなした行爲……について個人として訴追せられる場合にも適用せらるべきである。」（國際聯盟公表、法律部、一九二七年、米國國際法雜誌一九二八年第二十二卷補遺一二五頁）。

「カルル、ストルップ」編纂の國際法外交辭典（一九二五年）第二卷二頁にも次のように述べられている。

「國家はその全ての國家機關に對して責任を負うが、右機關は國家機關としての資格において行動するかぎり自らは責任を負わない」。

然しこの國際法の根本法則にも周知の例外が若干存在する。例えば間諜や戰時叛逆は明かにこれに該當するものであつて、この場合にはたとえ敵國政府の命令に基く行爲であつても「戰爭犯罪」としてこれを處罰するのである。然しかような個人無責任の一般的法則に對する例外は、慣習又は合意に基く國際法の特別の法則によつて明白に立證されなければならないのである。

國家の行爲又は私的行爲に對する個人責任は國際條約によつてこれを規定することができる。奴隷賣買、海底電線切斷、遠海海豹捕獲の如きがそれである。個人無責任の一般原則に對するかような例外を樹立せんとした（結局流産に終つたが）比較的最近の試みは、一九二二年二月六日「ワシントン」における潜水艦使用に關する條約である。同條約第三條は、商船の攻撃、捕獲、もしくは破壊に關する本條約の規則を侵犯したる國家公務員は、上官の命令に基きたるといなとを問わず戰爭法規を侵犯したるものとみな

し、海城行爲の場合と同じく裁判處罰を受くべく、その現存する地域を管轄する國家の軍事又は非軍事官憲の裁判に付らるることを待つ」と規定した。

各國が右の國際法の基本原則に對する例外を認めることを非常に澁り、國際協定によつてかような例外を定めるにあたつては極めて細心な注意を拂つていることから判斷して、第三海牙條約も「ケロッグ、ブリアン」條約も、首席被告官の主張するごとく、國家の行爲に對する個人責任をとり入れることによつて右の一般原則に對する例外を認めんとするものでなかつたことは極めて明白であるといわねばならぬ。條約國の眞の意思がかような例外を認めんとするにあつたのであれば、條約中にそれを明示したはずである。

上述せる如き國際責任の制度は、現代の國際社會の現實に基礎づけられたものであり、それは、國際社會の現實にてらして實際上正義に合致する機能を營みうる唯一の制度である。國内法から得た概

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念にとらわれた事で、又世界國家が現在の事實であることが直ぐにもこれを樹立しうるとかいうような不當な假定の上に立つて、この責任制度を批判する如きは愚かである。國内法にも精通し且つ人類の福祉に對する眞摯な熱意を抱いた人たちが、現在の制度を樹立したのである。この制度の下に「國家の行爲」ということが大きく浮び出ているとすれば、それは元來主權國家を完全に認めることによつて平和と秩序が維持せられている國際社會の現實の反映に他ならず世界各國は未だかような國際社會に代るべき世界國家の主權と世界法の支配に對する用意を有するものとは認められないのである。國家の官吏が他日異國の裁判官によつて「戰爭犯罪人」と宣告せられることを免れるために、自國政府の命令が果して國際法、條約、協定、保障に違反しないかどうかを一々自ら決定しなければならぬ如き狀態の下において、國家の政治的經濟的乃至軍事的任務が遂行されうると考える如きは、國際社會の現實に對して盲目なるものであ

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る。

他日戰勝國によつて侵略戰爭乃至は國際協定を侵犯する戰爭と宣言されるおそれのある戰爭の共同謀議、準備、開始及び遂行を、その國の政治家及び軍人の個人責任を伴う犯罪であるとする如き條約が提案された場合に、少くとも右の事實は、多くの國をして容易に調印を肯ぜしめないであらう有力な理由の一つとなるであらう。いづれにせよ、國際協定によつて特にかゝる刑事責任の存在を明白に規定せざる限り、國際法上個人責任を伴う平和に對する罪なるものが存在しないことは明かである。

「ケロツグ・ブリアン」條約や「ヘイグ」及「ジエネヴア」條約のような條約は、政治家に對して刑罰を課する趣旨であつたと考へることを得ない他の一つの理由がある。それは國際關係は極めて相互的に密接に結びつけられているために、關係當事國と他の國家との關係に重大な危險を齎さずには裁判所における證據では眞の事態は明にしえないといふことである。又獨立主權國家から證據を得ることは必ずしも出來ることではなく、又全然不能なことも屢々ある。何故ならこれらの國家はその國家に迷惑を及すような秘密な事項を公表することを好まず、これが提出を拒否するからである。右のよ

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うな考慮は國内の刑事訴追に於ける辯護側の妨害となることは極めて稀なのである。

右のような事態は、一國の政治を行ふ政治家と、政治とは何ら關係關のない一般人との責任について重要な差異を來すのである。國際法及國際條約の著名國がこの重要なる事實を了解して居つたことは明白である。世界を動亂に導くような證據を提出せしむることなしには、政治家に對する公平な裁判は出來ないのである。それは非民主的な政治家に對する優遇ではない。又それは舊式な法人格擬制を國家に適用される結果ではない。それは政治家の行動は右のような非常なる危險なしには辯護ができないといふ眞理の正しき認識にもとづくものである。各國が危險に曝されることを欲しないが故に、政治家の行動は裁判所に於て適當に辯護しえないのである。それが外國干係に依存する彈效事件、とか「ビルス・オブ・アッテンダ」とか「ビルス・オブ・ペインズ・エンド・ペナルティズ」が一致して嫌はれ、排斥された理由の一つである。被告は外國の官廳から證據を得ることの不可能なことと、外國との關係を攪亂することの危險によつて手をしばられることとなるのである。

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「パナマ」收賄事件、「ドレイファス」事件、「カイヨー」事件等は、國際政治的要素が間接に關係して居る場合に眞の公平な裁判が困難であると云ふ眞理の極めて稀薄な反映にすぎない。政治家免責の原理は單純な傳統ではなく、それは必要に基くものである。

國際法たると國内法たるとを問わず、凡そ法は立法によつて發達すると共に、判例によつても發達する點については、われわれは心から首席檢察官の意見に賛同するものである。然し、裁判判例による法の發展は、ある法体系の根本精神と、その基本原理の枠の中で行われるものであり、又行わるべきである。われわれが歐米における法の歴史を一瞥するならば、裁判所がその適用する法を發展せしむるに當つていかに注意深く且つ控え目であつたかゞ分るであらう裁判所の働きは、恰も大自然の運行と同じく、徐々に人目につかない程度に行われてきたのである。決して突然に又亂暴に行われたのではない。かゝるが故にかれらの行蹟は恒久性をもつのである。裁

判所は確立した法を施行するために存在する。裁判所はその下す判決によつて法に革命的な変革を齎すべきではなく、現行法を適用すべきである。そしてもしも裁判所が法を変革しようと試みるならば、それは正に立法府の機能を簒奪するものである。

なるほど裁判所が往々法の假面の下に實質的に立法する場合もある。然しかかる司法的立法は、試験的に且つ細心な注意を払つて、27
ある場合にはこれを包攝し他の場合にはこれを排除するやり方で徐1
々に行われるのであつて、その執行する特定の法体系中の基本原則を變えすというような方法でそれは行われるのではない。「ホームズ」判事は、「前太平洋會社對「ジエンセン」事件（合衆國最高裁判所判例集二一七年、二四四巻二〇五頁二二一頁）において次の如く述べる。

「私は裁判官が立法することを認めるに躊躇するものではない。然し裁判官は法の間隙を埋めるために立法しうるにすぎない。その

機能は大塊から幼子への微細化作用に限定されている。「コンモン、ロオ」の裁判官は、自分は「コンシダレイション」の理論は無意味な歴史的遺物にすぎないと考えるから、自分の法廷ではこれを認めないと言うことはできない、又限定管轄権を持つ海事裁判官も同様に、自分は主人と傭人に關する「コンモン、ロオ」の法則は立派な法則だと考えるから、本裁判所においてもそつくりこれをとり入れたいと思う　ということは許されない」。

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往々國際法に新しい犯罪を導入しようとする現在の試みと、中世「イギリス」法における新犯罪の導入とが類推的に論ぜられる。然しかかる類推は皮相的で、これに基く理由づけは明かに誤謬である。中世の「イギリス」刑法は、社會生活のうちに浸潤していた唯一つの信仰ー即ち「ローマ」教會のーによつて緊密に統一せられた小さな社會を規律するためのものであつた。これに反して國際法の規律對象たる社會は、さまざまの文化と相異なる社會觀政治權をもつ多數の主權國家から成る全世界的社會である。中世の「イギリス」においては、裁判官は多く「カトリック」の僧侶であり、刑事問題に關するかれらの判斷は、中世の正義觀念を反映するものであつた。然るに當法廷における著名な裁判官各位は、異つた宗教、社會、政治觀念と、異つた法傳統をもつ諸國家を代表しておる。中世の「イギリス」において王座裁判所がとり入れた新しい犯罪は、いづれも「キリスト」教の道德律によつて極惡の烙印を捺されたものであり、又そのとり入れ方も既存の、裁判所によつて運用されていた法体系を漸次的に擴張する方法によるものであつた。從つて裁判所がこ

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れを犯罪として取扱い、適當な處罪を科しても、それは何人に對しても驚愕や不滿を與えるものではなかつた。

全然新奇な犯罪を認めたといつて非難する理は聞かれなかつた。被告人自身すら、全然新奇な事態について審判せられ斷罪せられるものであるとの不平を述べる者はなかつた。かれらは幾余の人々と同樣、自己が犯罪者であると感じていたのである。然るに本裁判において新しく犯罪とせられるものは、その當否につき意見の分れうる政治的行爲であり、檢察側の擬計する原則は全ての確立せる原理に反し、從來の全ての概念及び慣行からみればまことに驚くべきものがある。そして全世界の學者達は、かような手續はその新奇さの故にこれを承認しがたいものであり、それは人をその意見の故を以て處罰し、政治的經濟的理論を法の一方的な宣言によつて決定せんとする試みに他ならぬと宣言してゐるのである。これらの大法律家の宣言の當否はここに問題ではない。少くともかような宣言がなされてゐて、これを無視しえないことは事實であり、これによつて一派の記者の主張する類推論は完全に解消せざるをれないのである。

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革命的な法の變更は、全關係者をして改正提案に對する賛否の論議を盡さしめた後、初めて妥當に行いうるのである。かくの如き法の變更は、これを正當とする證據も又これを非とする證據も著しく制限され、結局當事者の無論人においてたまたま利用しうる施設と知識とに依存するところ大ならざるをれない裁判所の、到底よくするところではないのである。もしも國際法になんらかの根本的變更が必要であるならば、國際聯合のような國際團体が世界立法府にまで發展するとすれば、こうした團体がこれを行うに適した機關である。それはたしかに、國際司法裁判所や、又は國内的もしくは國際的軍事裁判所の仕事ではないのである。首席檢察官は、破壞技術の發達の程度に照して世界は末梢的な法律論を年つてはいられないという（英文記錄四六一頁）。然し法は末梢事ではない。變世紀にわたつて經驗を重ね理性の吟味を經て築きあげられた國際法の規則と原理は、しかく無雜作に「法的末事」として捨て去らるべきではない。おそらく首席檢察官は、この點において、大戰爭の後自らが歴史における中極的な位置を占めているとの自負心をいだく世代を特徴づける、あの新秩序への熱情に捉はれているのであらう。然しわれ

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われは、「新秩序」とか「非常時」とかいう觀念が、時の勢力者によつて適當な法の手段を經過するための周知の手段であることに留意しなければならない。もし首席檢察官の主張する如く、人類の惨禍を未然に防ぐために世界各國間の交通を規律する新しい原理を樹立しなければならぬといふ意味が、實に各國民の間に遍く存するものとすれば、かような目的のための方法として既に確立してゐる多邊的條約編纂の方法によつて、容易にこれを達成することができるであらう。われわれはこの際、一六四一年「テイグビイ」卿が「ストラフオード」の「ビル・オヴ・アテインダア」に對してなした有名な全言において、裁判所の記憶を喚起しておくことは不適當ではあるまい。

「ビル・オヴ・アテインダア」による議會の權限には、人間の生死を左右する二重の勢力が含まれている。その一つは司法權であり、他の一つは立法權である。前者の規矩は何が法的に正義であるかであり、後者の準繩は分別と文質の見地から見て何が全体の利益と生存に適して、いるかである。然し判決においては兩者を混同してはならない。われわれは遠法性の缺陷をば良心の問題によつて補充してはならない、又政策的な

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考慮からすれば妥當性を缺くことを法的正義の口實を以て補遺してはならない

或は既にこれらの政府高官に個人責任を負わしめるとの原則を國際法に導入すべき一時機に立至つているのかもしれない。　然し征服者の一方的見解であるかの如き外觀を呈するやり方でかかる原則を國際法に導入することは、その價値について世人の疑惑と不信を招かずにはおかないので絶對にこれを避けなければならない。　かゝるやり方によつて反てこの原則の確立そのものが何世紀も遲れることになるであらう。

首席檢察官は、裁判所に對して國際法の體系に根本的變革を加うべきことを要請した後再び例の共同謀議罪の理論を恰もそれが既に國際法の一制度をなすものとして援用し裁判所條例の犯罪規定についてのその論議を結ぶのである。　かくして首席檢察官は極めて妥當な個別、刑事責任の原理を無視して「日本政府においてしその地位により違法な戰爭を共謀し且つ計劃、準備、開始、遂行したこれらの人は、かゝる行爲の結果生じた全ての犯罪行爲の一つ一つにつき責任を有する」と言明するに至つた。　（英文記錄四三三B至四三四頁）

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首席檢察官は又、若干の法域において認められているようにみえる、犯罪の計劃に關與した者は全てみな、その遂行中共謀者が犯罪を犯した場合自らかかる犯罪の事實を知ると否とにかかわらず、又かかる行爲を禁じたと否とにかかわらず、これらの犯罪の全部につき又各々他者の行爲について責任を負ふといふ、別個の國内刑法の理論を引用し、これによつてその立論を强めようとする。（英文記錄四二四頁）

共謀罪の法理と同種のこの法理についても又數人の者が違法な計劃の實行に當つた場合これがいかに些細なものであつても、かかる計劃の遂行中その一人が犯した犯罪に對して右犯罪の大小如何にかかわらず、又たとえ自らは右犯罪の事實を知らず該犯罪が自己の與へた注意に反して行われたにせよ、これに對して責任を負ふといふ非論理的な英米法理論が、國際法の一部をなすものでないとして排斥されんことを我々は裁判所に對して要請する。この理論によれば、例えば獵に出かけた一團の人々が違法に獵を行ふ際そのうちの一人がこれを妨害した者人を故意に殺害した場合に他

者は全てみな、たとえかかる行爲を理當に知らなくとも又これを知つたなられこれを防止するために万全を盡したであらう場合であつても、殺人の罪を犯したものとするのである。　純歴史的な理由に基いてかくの如き特殊且つ不當な理論が世界の全ての國民によつて法として受けとられると考えることは、常識に對する冒瀆である。

首席檢察官は唯一つの點、即ち公の地位は被告人を保護せずとの理論を除いては、本裁判所條例中に規定された法は、條例起草の當時でなく、被告人の行爲當時の國際法の規則と原則であつたと主張する。　この立論によれば、事後立法の問題は本件では問題にならず、被告人を處罰することは不當ではないといふのである（英文記錄四七四頁）。

この事後法の問題についても又、我々は全面的に首席檢察官の主張を爭いこの點についての裁判所の判斷を仰ぎたい。　ここに具體的な例を擧げて例證しよう。　假に本裁判の被告人の一人が米國に送られ、米國大統領が單獨又は他國と共同して創設した軍事裁判所によつて共同謀議乃至侵略戰

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事の罪を問はれたとしよう。　そして禁錮刑の言渡を受け、聯邦裁判所判事に對して「ヘイビアス・コオパス」令狀を求めたとしよう。　この場合首席檢察官は、被告人は聯邦憲法第一節第九條の事後法禁止の規定に反して拘禁せられているとの理由で釋放を受ける權利はないと眞面目に主張されるのであるか。　「カルダア」對「ブル」事件における「チエイス」判事の古典的な解釋によれば、右の場合は明かに前記の條項に該當するのではないか。　右の解釋による事後法は次の如くである。　「第一法制定前にされた行爲で、行爲の當時無罪であつた行爲を犯罪とし、かかる行爲を處罰する法律。　第二犯罪を重くし行爲の當時より重大なものとする法律　第三、刑罰を變更し、行爲の當時犯罪に對して法の定めた刑罰よりも重い罰を科する法律。　第四犯人を處罰するため、證據規則を變更して犯罪を行つた當時必要とした證言を減少又は變更する法律。

事後處罰禁止の法則は「アメリカ」法獨得の技術的規則ではない。それは自然的、普遍的正義に基く法則である。　華府においても東京において

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も、火は燃え水は流れる。それと均しく、右法則の侵犯は、洋の東西を問わず均しく不正且つ厭制的であると感ぜられるのである。我々はここに繰返して、「通例の」戦争犯罪の場合を除き、本裁判所條例の犯罪規定は明白に且つ全部事後の法であり、従つて「ボツダム」宣言における「峻厳なる裁判」ではなく、法による裁判の正反對である「ヒツトラー」式の漠然とした「一般感情」による裁判として、排斥せられていることを主張するものである

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八検察側の主唱する新国際法並に條約や侵犯する敵手は国際犯罪人であつて、かゝる犯罪人にたいしては、普該国家のために行動した個人にたいする通常の凶悪の受くべき処罰を科しうるものであるとする。これは全く新奇な、そして首席検察官自らが、歴史的新判決によつて創造することを求めているところのものである。（英文記録三八九頁）。

国際法に至大の影響を及ぼすべきかくのごとき主張が受け入れられる前に、われわれはそれを単なる空想的なそして無思慮な追憶感情の表現としてではなく、又国家的ないし政治的な目的の下にではなく、主権国家から構成された被告人の弁護の下において、現実に作用する法原則として、これを吟味せねばならぬ。

我々によつてかきたてられた一般民衆の感情が未だ沈静せず、かつ軍国的な扇動によつて、ある国際的団体が全員一致でかようにつよく支持されている時期にあつて、

な提案を採用することは可能なことである。しかし大国たると小国たると
を問わず全ての国家が、それが實際的意味合を充分認識してこれを承認し
うるような條約の形に、この提案が、技術的に構成されうるかは大に疑問
であるとせねばならない。

戰時にあつて「侵略者」という言葉は交戰國の双方が獨善的に又世界輿
論の同情をひくがために、相手方に對してあびせかける形容詞であること
は、かくれもない事實である。そして交戰國の一方が敗れた場合、果して
戰勝國自ら自國が侵略者たることを認容して、その責任者たる政治家及軍
人を處罰するであらうか。人間性に根本的な變革がもたらされないかぎり
侵略者、又は國際法及び條約の侵犯者であると宣告されるのは、常に戰敗
國である。戰敗國は遠い昔から、領土の喪失と賠償の支拂によつて處罰さ
れている。そして戰敗國の政治家や軍人は、或言の失墜、社會的生命の喪
失、また愛する祖國が廢墟となるのを目撃する苦痛によつて充分に罰を受
けるのである。これらの罰に加えてさらに之に對して刑罰を科することは

洋の東西を問はず。戦争の終了を特徴づけた憎悪の永久的な忘却。赦免、宥恕という高い精神からはるかに後退することを意味するものである。そしてそれはかへつて平和的国際交通にたいして攪乱的要素を導入することとなるであらう。けだし国民は結局人間の集合体であつて、道徳的に完全無缺でもなく、又利害関係や偏見から超然としてもいない。個人から犯罪者として死刑を科せせられたことを永久に想起させられるのは、人情上喜ばしいことではないからである。戦争は全部これを違法とし尚も戦争の準備を為した者は、戦争が目標的であると侵略的であるとを問はず、国際法及国内法によつて處罰さるべきものとすることは、「ケロッグ・ブリアン條約のごとき制限的なしで曖昧な約束よりも正常且合理的であり、又世界平和を促進するゆえんでもあらう。然し違法とさるべき「戦争」なる名詞にて「侵略的」とか「国際法もしくは條約に違反する」とかの形容詞をつけ加へることは、抽象的には頗る合理的にみえるが実際的には「無事に對しては自己、罪ある者に對しては道徳」として作用する重大な危険をそのうちに包含す

るものである。

われわれは又、かかる根本的變革が國際法及び國内法に對して重大な影響を與えるものであることを認識しなければならぬ。一九三七年二月二十日に東京帝國大學でなされた「法の將來」と題する講演において、「ロスコオ・パウンド」敎授は、規範體系の中における一つの變化は他の多くの點にも影響を及ぼし、これによつて經濟秩序の安定が大に傷つけることがあることを指摘して、熱心ではあるが經驗な法律改革論者に對し重大な警戒をなしたのである。敎授は、任意が行う場所についての被傭者の既得權を主張する「坐り込みストライキ」についての所討な想[illegible]か場所の所有者がもはやそこで働く人間の管理と監督とかできなくなるために、従来一般的安定を維持してきた個人の刑事的民事的責任に屬する多年固定した二つの「コンモン・ロオ」上の原則の基礎を動搖せしむることになることを指摘したのである。「アメリカ」法以外のこの重要は、國内法における比較的小さな變化によつて生ずる影響に言及したにとゞまつた。然し、戦爭が討

劃し準備し開始し遂行した者を含む。戰爭の張本人の刑事責任を認め、且つこれに加えて英米の共同謀議の法理の應用によつてさらにこれを擴大する如き變革が國際的分野にとり入れられるなら、それは國際法の他の部分に重大な影響を及ぼすはかりでなく、國內法に對しても豫期しえざる影響を齎らすであらう。なぜならそれは國際法の多くの原理がよつて立つ土壤そのものを動搖せしむる變革であり、政治上經濟上軍事上の國務遂行に對して、紛糾と混亂を齎らすからである。實明諸國が數世紀にわたつて辛苦を重ねつつ發展せしめた國際法の基本原理を、一時的な行政府の政策的要請によつて變更するのは誠に危險な正である。「イギリス」の樞密院司法委員會が、指導的判決であるザモーラ事件において「樞密院（キング・イン・ラウンシル）における王、いな凡そ行政府が、わが國における裁判所の適用すべき法を定め、又はこれを變更する權限をもつというような觀念は、わが國憲法の原理と調和しない」と王に進言したことは、きわめて實明且つ達識な態度ではなかつたか（「ロオ・リポーツ」一九一、六年上告部第二卷七七頁）。獨逸の「カール

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シュミット」一般の學者が獨逸第三帝國の政治的要請に合致するやうな新國際法を創造せんとしたことは周知の事實である。かかる企圖は法を政治に從屬せしめんとするものであつて、光輝ある法曹の傳統にふさはしからずとして一般に重視されたのである。かかる企圖は、その動機は如何に善良であつても、戰爭中の憎惡と偏見の減退せざる今日に於ては特に避けねばならないのである。各世代は次の世代にたいする深甚な責任感を以て、そして感情的偏善の影響の下に正義を裝つて誤つた行動に出ることのないように、その行動にたいし反省することを要するといはれた。我々は我々の子孫の爲にこゝに暫く歩を停めて、「地獄への道は善惡で敷衍される」といふ有名な「ドクタ・ジョンソン」の鍼言、又、「この世における賢者の仕事は、善人のもたらした善惡を修正するにある」と、「ウオルタ・バジエオット」のいかじくも表現した逆說に深く思いをいたすべきではないか。

首席検察側は「復讐及び返報といふ卑しい下劣な目的」を力強く否定する。（英文記録三八七頁）然し、第一次世界大戦の歴史を研究した者は、いわゆる講和式「シュレックリヒカイト」によつて連合国の間に惹起された一般的憤懣の念が戦争の張本人処罰を要求する囂々たる聲を捲き起し、聯合国の指導的政治家も、少くとも一時は、かくの如き民衆感情を満足せしめざるを得なかつたことを想起することが許されるであらう。第二次大戦に於ても、この点に関し歴史は繰返されてゐるのではないか。そして検察官諸氏は、意識的たると無意識的たるとを問はず、同じような民衆の感情に唱和して行動しつつある各連合国政府の政策を実行するために、最善を盡くしてゐるのではないか。

首席検察官はかくの如き原理の確立が将来の侵略者を抑制するために必要であると主張する。然しそれは、まことに望ましいかやう

な目的達成のために少しも必要ではない。なぜなら、敗戰を豫想しながら侵略戰爭を始めるような政治家はないであらうし、又、自國が戰に敗れないかぎり處罰を受けるおそれがないからである。一九七〇年もし「フランス」が勝つたら軍事裁判所によつて審理處罰されるかも知れないといふ恐怖によつて、ビスマルクは戰爭を止めたであらうか。又激昂する國民にたいし、その指導者達の處罰といふ國際的威嚇を加えることは、恰も沸騰せる鍋に蓋をかぶせると均しい。正義を求める強い國民感情の存するかぎり、決してこれは平和を保障するゆえんではない。正しいそして平和的な變化をもたらすに適當な機構が設けられないかぎり、不平不滿によつて紛爭は必然的に釀成される。又敗戰の危險はそれ自体戰慄すべきものがあり、それがもつとも有力な抑制となる。處罰は勝つた場合には何らの抑制とはならない。なぜなら勝利者はかかる刑罰を甘受することなく

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かへつてこれを相手方に科するであらうからである。いな指導者の個人的犯罪を認めるかかる原理は、反つて將來の戰爭をますます慘酷且つ非人道的なものたらしめるといふもつとも慎しむべき結果をもたらすであらう。なぜなら、交戰國の指導的な政治家や軍人は、單にその同胞の生命のみならず、己の首を救うために、手段を選ばずに迅速な勝利をうることに專心するであらう。そしてかような戰爭においては「ヘーグ」又は「ジエネウア」條約によつてみとめられた交戰に關する法規慣習は、いづれの交戰國からも「法的瑣末事」として無視されることとなるであらう。軍事的必要、「クリーグス・レーソン」の理論が支配的となるであらう。世界平和への途はこれとは別の方向即ち人類の經濟的社會的改善への國際的協力、及び國際紛爭の起つた場合において友好と正義の精神に基いて紛爭當事者を和解せしむることにあるのである。

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第二部　検察側の最終辯論中の法律論の反駁

検察側

頭陳述中の法律論に對する反駁である。

~~新たな法律論を提出した。~~
~~提出された新たな法律論にたいし答へようと思ふ。~~
~~たが我々は次の順序でこれに答へようと思ふ~~

二　パン條約上日衛確
三　共同謀議
四　殺人
五　通常の戰爭犯罪
六　被告人の責任

人」

れたポツダム宣言中の戰爭犯罪人と云うのは諸種の爭犯罪人と解すべきことは既に述べた通りである。

(一)　B－二節に於て検察側は木戸日記を引用して日本政府は該字句が「戰爭勃發責任者」を意味するものなることを認識して居たと云つてゐる。日本語の「戰爭責任者」と云ふ言葉は休戰前には「戰爭勃發責任者」のみならず「戰時中に於ける責任者」をも意味したのである。而して木戸被告は後者の意味でこれを使用してゐた樣である。天皇の御

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## 第二部　検察側の最終辯論中の法律論の反駁

以上は首席検察官の冒頭陳述中の法律論に對する反駁である。

以下検察側は最終辯論で提出された新たな法律論を提出した。新たな法律論にたいし答へようと思ふ。

又は別の法律論を補充した。我々は次の順序でこれに答へようと思ふ

### 一、「戰爭犯罪人」

降服文書中におりこまれたポツダム宣言中の戰爭犯罪人と云うのは諸種の點から論じて通常の戰爭犯罪人と解すべきことは既に述べた通りである。

(一) B－二節に於て検察側は木戸日記を引用して日本政府は該字句が「戰爭勃發責任者」を意味するものなることを認識して居たと云つてゐる。日本語の「戰爭責任者」と云ふ言葉は休戰前には「戰爭勃發責任者」のみならず「戰時中に於ける責任者」をも意味したのである。而して木戸被告は後者の意味でこれを使用してゐた樣である。天皇の御

意味として表示されてゐる記事も戰爭責任者を後者の意味と解釋しても何等矛盾はないのである。即ち天皇の信任されてゐた將軍や提督に累が及びうることがあるからである。

日本政府に戰爭法規違反者の裁判を委任すると云う提案の良好先例は第一次世界大戰後ドイツ政府のなした要求であつて、これは日本政治家の熟知してゐたところである。右の歴史的事例に於て裁判をうくべき者は戰爭勃發責任者でなく戰時中の戰爭犯罪人であつた。

裁判所よりの質問に對する東郷被告の等も後の解釋を確認したのである（記錄　頁）そして鬼に角木戸の日記の右條件提案に關する記事は傳聞に過ぎないのである。

以に百歩を讓つて戰爭責任者は「戰爭勃發責任者」を意味するものとしても日本當局者が過例の戰爭責任者以外にも及ぶのではないかと考をあくらしては如らない理由はない。

本此の如き重要な事件に於ては些細なそして不明確な言葉は被告人に有利に解釋さるべきは當然である。

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(二)検察側は「當時幾分でも疑があつたならば質問を発することに依つてこれを明かにすることが出來た筈である」といふ。これに對しては、右に立證した如く、第十項の字句の自然的意味は極めて明瞭であつて、この點に關しては疑を抱く余地はなかつたのであることを指摘する。

(三)検察側は又言ふ「辯護側が本裁判所條例又はそれに基く起訴狀の各項目を攻撃せんとするならば―かかる攻撃がこの時期に許されるとしても―解釋上ポツダム宣言の字句は戰爭勃發責任者を含み得ないといふことを立證する必要がある。」然し辯護側は既に戰爭犯罪の自然的且一般に理解された意味と七月二十六日のポツダム宣言發表に伴ふ事情とに鑑みポツダム宣言に使用された字句は二様の意味を持ち得ないことを立證したのである。然らばこの自然的且一般に理解された意味がポツダム宣言に使用された字句の意味でないことは検察側において立證すべきである。然し検察側の提案した唯一の證據は次の二つである。(一)カイロ宣言、これは論點の解明について何等價値なきものである。(二)木戸日記の漠然たる記事、

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聯合國政府を代表する檢察側はポツダムにあつた聯合國政治家が右字句の使用により何を意味したかを明確にするためにそれら政治家の宣誓供述書を提出することは極めて容易であつた筈である。

斯る證據は勿論それ丈で決定的といふわけではないが檢察側の有力なる證據として役立ち得たであらう。檢察側として特に容易に取り得たこうした提供を採られなかつたとの事實は、檢察側の主張を深い疑惑投げこむものである。

しかのみならず本件の如き歴史的事件に於て、この重大なる論點を訴訟技術的な舉證責任の規則に委する如きは輕率且不當である。この論點は眞理性と正義の見地から必要ある場合には裁判所の職權によつても明確にすべきである事を主張する。

(四)檢察側がなす樣に、ドイツの戰犯被告人に關する八月八日ロンドン協定及び裁判所條例についての議論をその儘本件に適用することは出來ない。なぜならば日本が條件付降服の條件を受諾したときはドイツの場合とは異つた取扱を受けることを必然的に豫期してゐたからである。又第七頁の議論も右の議論と同樣價値なきものである。なぜなら、ニューベルグ

法廷が侵略戰爭とヘーグ條約違反との非道性の輕重に關する意見は此處ではなにら問題ではなく、問題は本件の被告が「戰爭犯罪人」なる辭句をどう解釋する權利をもつかである。

辯護人團の主張では戰爭犯罪といふのは戰場に於ける軍隊の行動と戰時中に起つて同樣の行爲に關する戰時法規の犯罪的違反をいふのである。今迄で一般に了解されてゐたこうした解釋を擴大することは壓制的であるといふのである。

(四)(一B一七節)(一B一一四頁に於てドイツ皇帝は專制君主であつたと言はれてゐる。これは承認しえない。ドイツ帝國憲法が聯邦憲法であつたことによつてもさうでないことが明でである。ドイツ各邦の君主又は國務大臣は起訴されなかつた。B一一五頁において未遂に終つたドイツ皇帝訴追(この訴追が不成功に終つたのはそれが良心に違反する種類のものであつたからであるー)は「權利を確立した」と言ふ主張は排斥さるべきである

(六)戰爭物發責任者を通常の戰爭犯罪人と同視すること(一B一九節B一一五頁)

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は早計且つ無根據である。後者に對する取扱は長年に亘つて確立し、その罰則もきまつてゐる。更にその處理は復仇に依つて制約されてゐる。然るに前者には復仇による制約がない。

T.A.ウオーカ博士は其の「國際法學」に於て、既に十六世紀の宗教戰爭の際交戰法規を全面的に廢止して見た。然るに復仇が斷然增加して困つたので「古來の習慣を憧憬」するに到り戰爭法規が復活したと我々に教へてゐる。然るに交戰國が侵略者を處罰せんとする場合には、これに對し自らの感情以外何等制約がないのである。この點丈を考慮しても檢察側がなにら差別なきものとしてゐる二者の間には劃然たる區別あることが分るのである。

(七) B十五項B-二一頁に於て檢察側は被告人の信じたところには相當な根據がなければならないといふことを根本的要件の一つに數へてゐる。それは一般刑法理論として行き過ぎである、この議論で行くと眞面目であつても馬鹿な又は思ひ過ぎた錯覺の爲に死刑に該當する罪に問はれることになる。これは不合理であつた事丈で人を犯罪人とすることである。

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## 二　パリ條約と自衛權

パリ條約と國家の自衛權に關してはすでに十分云ひ盡して居る。然し乍ら檢察側から新しい議論が提出されたのでそれに對し言へて置く必要がある。檢察側はB－一〇節及び一二節において許容されるべき自衛權とは領土侵入に對してのみであると云ふ。これはグロッグ國務長官が上院外交委員會で明確に説明して居る點、上院外交委員長ボーラー氏が上院でなした演述、更にオースチン、チェンバレン卿がグロッグ、ブリアン條約受諾に際しなした聲明に暗默にふくまれるところと全く相反するものである。これらの諸言明は既に引用したところである。自衛權は支那滿洲に繼屯した日本軍の防衛に及ぶものでありそれは米國パナマ海峽地帶繼屯のアメリカ軍隊防衛に及ぶのと同樣である。此處で一九三二年五月二日に締結された佛ソ相互援助協約に言及しておく、これは兩國いづれかゞ他の歐洲諸國より挑發なき侵略を受けたるときは或る條件のもとに他の一國は直に其の援助をなすことを規定した條約であるが、この場合の侵略はフランス又ハソ聯の國土を侵された場合に特に限定してゐる。これは明かに侵略行爲に對する自衛權援助が領土侵略に對する防衛に限らないことを證明してゐるのである。B－一四節、B二一頁には自衛なりやいなやは裁判所の決定すべき事項であるとする。これは米國の最高政治家が頻度し聲明したところと矛盾す

國全部の同意なくして其の内容を變更することは出來ない。」これはパリ宣言や一九二九年のジェネバ條約や不戰條約のような國際法の一般規定に關し締結された多邊的條約の場合でも同樣である。」

同B一一四節、B一二一頁に於ける檢事の主張は自衞權の發動は相當に廣範圍にされる武力的領土侵入の場合のみで武力由來とか此や經濟包圍の場合には及ばないと主張するのである。これはケロッグ兩務長官が上院外交委員會でなした陳述に背反することについては他の準據人より詳論することとなつてゐる。」

更に我々は此に引用した上院外交委員會が各國は同が自國に適する攻撃であるかを決定する權利をもつと言明したる點につき再び別言各位の注意を促すものである。」

三　共同謀議

(一)「共同謀議」と云ふ言葉が如何なる意味であるかといふことは既に屢述して國際法上の犯罪を創造するとかいかに危險であるかの點に關なることを說明し來つたことによれば共同謀議は一つの重罪に對する特殊な罪名で非合法的行爲を合同して企んだ場合を云うのである。」そして首席檢察官はその冒頭陳述に於てこれに關する軍事裁判所の判例を引用したのである。これは所謂「ミスデミナー」であつて英法では最長期二ケ年の刑に處せられる罪である。」この意味に於ては英米法上特の罪

であらうと云ふたのである。

しかし一般的にはこの言葉は最も極悪な犯罪、即ち暴力を用ひて政府を倒壊するを目的とする共同計畫を指して用ひられる。即ち端的にいへば叛逆罪である。檢察側はこの言葉を用ひて訴追して居ない。何故か。それは本裁判の被告達はこの罪名の下に到底有罪となり得ないことは誰にでも分ることになるからである。けたし叛逆の對象たる世界國家なるものは存在しないからである。

斯くして檢察側は特殊な輕罪たる共同謀議罪を以て國内法中最も重大なる罪を問ひ極刑を求めて居ることになるのである。これは輕罪たる共同謀議罪の類推ではなく叛逆罪陰謀の類推である。然るに被告は叛逆罪に問はれて居ない。刑事訴訟の傳統は檢察側は常に最も明瞭且つ簡明な方法で立證をなしコデツケ的論法を絶對に排除することにある。從て檢察側は國際的に適用されねばならぬと想像し希望するだけでなくそれが適用さるべき理由を示さなければならない。辯護側は適用なきこと明白なことを確信するか、ここに積極的に國際社會と國家との本質的差異によつてその適用が排除さるべきことを論證する。

(一)叛逆罪の場合にはこれに關係する人々は充分に確立した社會の組織員で

ある。そしてその社會は彼等の生活のあらゆる部面で彼等に面接する。又彼等のなす行爲、そのとる食物についてもこれに依據するのである。それが彼等の歸する國家である。大叛逆罪はその國家を結び付けて居る組織を破壞して暴力によつて彼等の好む組織をもつて之に代えんとする企圖である。從つて之に對する尚、の念に刺戟されてある國又は恐らく多くの國に於て、かかる計畫を惡惡非道の犯罪とする。これに對する强い恐怖から更に進んで計畫に少しでも關係した者又はこの計畫を知らなかつた者をも等しく責任あり有罪であるとしたことは、さほどあやしむに足りない。こうした場合罪の輕重を問はず又計畫が實行されたと否とは問題としない。從つて總てが抱く叛逆罪であり總てが均しく有罪であるとする。

然し本件では右の場合とは全然その趣を異にする。世界國家は存在しない。他國の便益を顧慮しないでその輸出品にたいし關稅を課し、又は將來他國に對して適用される可能性のある軍備を具へる國を抑制し又はこれを處罰することは結構なことである。全世界の教育家が若人の心のうちに世界社會の感念を育成する。しかし世界社會の感念は今尚ほ弱い。そして世界政治は今なほ主權國家から成る國際社會の前提の下に運營されてゐる。われわれはこの事實を悲しむかも知れない。しかしそれが事實であり現實である。そして國際の規範はこうした現實を前提として成立するのである。

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國際戰爭は誠に恐るべき害悪であり又その害悪は增加してゐる。何人もこれを嫌ひ、これを恐れる。戰爭をしないように國家間に條約が締結された。何人もかかる條約に價値を置き條約が遵守されることを希望する。

然しその叛逆者と他方に對する戰爭所謂「侵略戰爭」をなす共謀者とを同列に置くことができるか。叛逆者は社會の全機構を破壊しその中種神經に觸れるものである。戰爭の計劃者は[illegible]子と小羊と共存する[illegible]な希望をうらぎつてゐる丈である。われわれはこうした[illegible]な希望を[illegible]する意圖のないことは勿論である。われわれのことに指摘せんとするのは只一方戰爭の準備を行ふことと他方大逆罪の陰謀をなすこととを同列に置くべきでない。

(3) 叛逆罪の陰謀に伴ふ慘虐な刑罰を獨立の政治家軍人の行爲に新奇且つ驚くべき方法で適用することを正當化するような類似性はその間にないと云ふ點である。

(3) 共同謀議の名のもとに叛逆罪を導入せんとすることは忌憚の譬に基いた封建的のイギリス法の慘忍な規則即ち少しでも叛逆罪に[illegible]した者にたいし最大の罪を無差別的に[illegible]せしめる法理を[illegible]法に導入せんとする試みである。然しこれは[illegible]法及び[illegible]法によつて排除せらるべきであることは[illegible]である。[illegible]法が個人の罪を認める場合があるとすれば、それは個人の行動に依つて個人の罪を計らねばならぬのである。

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(ロ)檢察側の最終辯論において始めて提出された共同謀議論に對してはわれわれは次のことを付け加えることを許されない。共同謀議が「起訴及責任立證の形式」であるとの議論は[illegible]頗る薄弱である。手續の複雜のもとに[illegible]犯罪たることの立證されてないような死刑該當の罪に對し、これを起訴し、これに對して責任を負はせんとすることは驚くべきことである。

[illegible]側の主張によれば、比較刑法によつて共同[illegible]議は國際犯罪たることを立證せんとした[illegible]檢察側の試みは完全なる失敗である。檢察側は共同謀議罪は文[illegible]によつて承認された法の一般原則として國際法の規則であることを立證する目的で[illegible]の刑法典を引用する。そして法の一般原則は國際刑法の淵源をなすものであるとする。檢察側のこの[illegible]は英米法における四つの事項を注意深く[illegible]別することによつて容易に論[illegible]することができる。

(イ)叛逆罪の[illegible]。これはその[illegible]叛逆罪なのである。犯罪中最も重い叛逆罪においては、この罪に少しでも[illegible]した何人をも逃さず又これに對して[illegible]刑が科せられるかも知れない。然し[illegible]の[illegible]家に於いて[illegible]家の安全とその基本的制度との安定が[illegible]ての[illegible]家によつて[illegible]

れが使犯者に對する極刑によつて保護されてゐると云ふ事實は、本件に於いて何ものをも立證することにはならない、けだし叛逆罪の陰謀を含む叛逆罪の成立の基底となるべき世界的家が存在しないことは明白であるからである。

(ロ)共同謀議罪。これはある違法な行爲（ある場合良俗に反する行爲）をなす共同計劃をその本質とする。これが既に述べたように判判官、法學者の猛烈に非難の對象となつてゐる犯罪である。共同謀議罪に對する英米のような廣汎な理論はわれわれの知る限りローマ法系に於いては認められてゐない。ローマ法系の諸國中ある國では重罪の陰謀を罰し他の國ではこれを罰してゐないことは檢察側もこれを想像する。從つてこの場合に於ては、文獻學の認める法の一般原則は存在しない。

(ハ)刑事代位責任もしも數人が共同の不法計畫をなす場合には、この計畫の遂行中行はるる犯罪、計畫されたる犯罪に對してのみならず行はれたる犯罪に對して責任を負ふ（その行爲が計畫されたる犯罪より重い罪であると否とに拘らず）と云ふ珍奇な原則。これは刑事代位責任の原則と名づけ得るであらう。この原理は歴史的理由に基

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いて成立する英米法を待のものである。被察側は多数刑法學者から非難をうけてゐる日本大審院の共犯に干する判例を引用するが、これも被察側の主張するような英米法の共同謀議罪理論の廣汎ではない。それは兎に角、英米法の刑事代位責任の原則が普遍的であることは被察側によつて少しも立證されてゐない。しかのみならず、この原則は明白にわれわれの正義心に背反するものである。とにかくそれが文明國の承認する法の一般原則とは看做し得ないことは明かである。

(三)民事代位責任の原則　これによれば使用者はその使用人又は代理人（機關）の職務執行中なした民事違法行爲に對し責任を負ふ。この近代的英米の無過失責任の原則が現在（一九四八年）各國の民事立法に採用された程度を述べることはわれわれとして困難である。大多數の立法例は多分古典的な過失責任主義を今尚ほ固守してゐることであらう。この原則は英國及米國に於てさえも刑法には適用ない。唯極めて微罪の場合に於てのみ使用者はその部下の犯罪に對して刑罰を科せられる。この原則は國員の刑事責任を支持するために被察側によつて使用されて居るようであるから（B、一七節以下）こゝに觸れておいたのである。

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円板察側が一法の一般原則一に頼よらざるを得ないと云ふ事實その
ものが、その主張は國際法上何等の根據なきものであることを明瞭
にする。けだし右の國際法の法源は實定國際法が見出されない場合
にのみこの法源を援用する趣旨であるからである。それはフーヴア
ー判事の有名な言葉「不明瞭の裏小路」に對して使へる趣旨即ち裁
判所が適用すべき法がないと云ふ理由で裁判を拒否することを防止
する趣旨である。それは國際法によつて國家間の紛爭を處理するた
め或る場合有用な法源であらう。そしてそれが一九二〇年常設國際
司法裁判所の原例起草者の目的であつた。それは國際刑法に於ては
援用しえない法源であり又援用してはならない法源である。これが
援用は明白に文明國の通則たる罪刑法定主義に違反する。
檢察側はヒツトラー立法の下におけるが如く、その主張は類推のみ
に基くのであることを明言する。然し國內法における叛逆罪の法源
の類推は世界國家が現實の存在となるまでは常にあやまつた類推で
ある。

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## 四　殺人

正當な理由なくして故意に人を殺した者を各國が殺人罪として取扱ふからそれは國際犯罪を構成すると云ふ檢察側の議論（B－二一節）が正しいとすれば、場所と人とに關らず又は檢察側の所謂「國際的性格」（その意味は不明である）の有無にかかはらず世界のいかなる場所でもそれは犯罪であることになる。これは英國並に米國によつて終始支持され又有名なロータース事件においてフランスも又强力に主張した「犯罪は地域的なり」といふ提言は全然消失して了うことになる。これは到底認容することは許されないことであると辯護側は主張する。

更に殺人罪に對する免責事由は各國の法制上その軌を一にしない。死刑を廢止した國家は裁判所の命令をもつて免責事由とはせぬであらう。侮辱をうけた夫が間男を殺した場合ある國では廣い範圍の免責を認めるが他の國ではそれを認めない。如何にしてかうした雜多な法の狀態をそのまま國際法規範としてこれを國際的に執行し得るであらうか。それによつてわれわれは自家撞着と變態的事態に堪へぬこととなるであらう。

A國ではXを殺人犯となしB國ではXを死刑に處するのは殺人と考へるかも知れぬ。極刑を課する國際法上の殺人罪なるものはどうしても世界國家と世界法の存在を前提としてのみ成立する。斯る世界國家は存在してゐない。又世界法は戰時における間に合せとして一般に行はれて居る

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戰爭法規違反者の處罰等少數の場合以外には存在しない。「殺人」はペルシヤとフランスでは夫々異つた取扱を受ける。普遍的な要素丈を取つて國際法上の殺人を構成するといふことは事實にもとづかずして抽象を以てこれに代えることになる。しからば先づ抽象的國際的殺人罪を作つてそれに各國國內法の內容をこれに附着せんとする檢察側の試みについては如何。

殺人罪の免責事由は各國まちまちである。檢察側が殺人罪はいかなる場所でも同じであると言ひうるためには、すべての國家で侵略戰爭の遂行は免責事由とならないことを立證する必要がある。各國裁判所はこれを免責事由とすべきではないことを立證してみても何等役に立たない。具体的に各國裁判所がこれを免責事由としないことを立證しない限り世界中何處でも侵略戰爭は死刑に該當する犯罪として取扱はれて居るなどゝ推定することは許されない。そしてその證據は少しも提出されてゐない。檢察側の主張は全世界が彼等の見解と同樣であることの立證を必要とする。スキス國又はペルシヤ國の裁判所が無思慮に戰爭を始めたと云う理由で總理大臣を殺人罪として處罰するであらうかどうか。

(二) B－二一節にある如く殺人罪は國際法の一部であると云ふのは單なる推定に過ぎない。

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諸權威特に一九二〇年の國際裁判所條例を起草した著名な法學者の國際法の廣汎な法源理論は單に國家國民を拘束する國際法の法源に關するのである。

其の法源は(一)國際條約(二)國際慣習(三)文明國家間で認められた法の一般原則(四)判例(五)國際法學者の教說(六)正義、衡平法と信義誠實これである。個人行爲に關する原則が國際法の一部なりとする議論が提出されて居ると知つたら右の分類の起草者は恐らく驚倒するであらう、「文明國家が認むる法の一般原則」が掲げられたのは國家の行爲に適用される意味で類推的に加へたのである。是れ以外の意味はありえないのである。

國際法上に殺人罪が存在しーしかもそれは國際的性格をもたねばならぬと云ふ說明なき不明確な條件を附してー世界各國の裁判所が（夫々の原則に基きといふことらしいが）處理しうるといふ主張は全然不當である。はげしく論爭された管轄權の問題は是こでは不問に附せられてゐる若しこの犯罪が國際法上の犯罪なのなら何故各裁判所がこれを取扱ひえないのであるか。檢察側の論旨の全が推定と架空の總合である。國內法しかも蒸溜された國內法が國際法上に大量に移入されたと知つたら故フキルモー卿はその一九二〇年の同樣と共に仰天するであらう。

(四)戰爭が殺人罪を阻却するにはそれが合法的でなければならぬと云ふことは支持しえない提言である。けだし檢察側の議論は正當なる理由がなければ殺人は死刑に該當する罪として各國によつて取扱はれるといふ過

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對的同意に依據するがゆえである。なんとなれば、國家にとつて不法だとの意味において戰爭行爲が不法であるなら免責事由とはならないことすべての國家が同意してゐることは立證されてゐないしそうした蓋然性すらないなどある。

是して檢察側の論議の基底が斯るあやしい提言に對し各國が完全に同意してゐるといふことにあるからである。

円B－二五節においては檢察側は戰時中と戰爭開始前に行はれた不法行爲との間に何等差異なしとする。これは問題の論點を逸してゐる。論點は行爲の違法性の輕重ではなく單に條約へイグ條約の適用範圍いかんの點にあるのである。戰爭の遂行に何等關係なき行爲にも及ぶものとすることはできないなどある。

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## 五　通常の戦争犯罪

通常の戦争犯罪は「俘虜摘要」（J－一－一六一節）中に論ぜられてゐる。これに關する法の問題は「被告の責任」（K）で取あつかひ「俘虜摘要」では單に事實の要約に止めるといふ趣旨である。しかし右の摘要中には法に關する一定の推定を前提としてゐるので、ここにはかかる推定の若干の面について批評を加へることに止める。

(一)「ジエネヴア」條約の準用に關する所謂日本の約束

被察側はそこに日本を拘束する國際的合意があつたものと推定してゐる。辯護側の見解によればこれは誤りである。米國及英國が一九四二年に云つたことは、自分達はジエネヴア條約に從ふつもりだから、日本もこれに從ふことを要望するといふのである。右兩國のなしたその他の宣言もやはり同種のものであつて、やはり同じように理解せられねばならないのである。それはたゞ現在の態度に關する「ステートメント」であつて法的拘束力をもつ約束ではない。それらは日本の行動を條件としたものではなく、全然獨立、自發的であつて約因のないものである。日本がこれを了承してもそれによつて米國及英國を拘束することにはならないのである。そこには「アグリーメント」とか「プロミス」（J－一一六〇B節）とかはないのであつて日本の聲

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明も兩國の意向を了承し同樣の意志を表明したのにすぎないのである。この意志表示は前の意志の對價としてなされたのでなく、隨意に行つたのである。從つてこの「カウンター、プロポーザル」を「約束」であるといふのは不正確である。これをなしたことが日本にとつて有益であつたとか、又「準用」の意味いかんとかの點は全然兼聯注のない問題である。あたかも旅行者が他の旅行者にたいして「自分は明日歌舞妓座に行くつもりだが君はどうか」と云ひ、これにたいし「そう自分もやはりそのつもりでゐる。」と答へた場合、そこには、道德的にも法律的にも「合意」とか「引受」とかは全然ないのである。右の例が法の範圍外れだといふなら他の例をとらう株式所取引員が他の株式所取引員にたいして「自分は今週銅を出來値次第で買りに出るつもりだが君はどうか」と云ひ、これにたいし「左樣自分もそのつもりだ」と答へた場合この二人のいづれもその思ふがままにふるまいうるので銅を買はうが買ふまいが全然その自由である。

(ニ)「ジエネヴア」及「ヘイグ」條約（J－六）B－一六一節）

檢察側は「とに角一九二九年「ジエネヴア」伴尊條約は一九〇七年「ヘイグ」條約のうちにすでに內在してゐたところを明示的に規定したものにすぎない」と云ふ。しかし、一九二九年の條約は單に

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現行法を成文化した文でなく伊藤の状態を改善するために之を修正したのであることは明かである。「ヘイグ」條約前文の一般的宣言は豫見すべからざる場合の處理について、直指令官の不當な行爲につき國家に賠償責任あることを示さんとしたのであること　以上のことをそれから引出すことは許されない。それは國家がこれらの場合を豫見し直指令官に命令を發することを國家に期待してはいないのである。前文の宣言は右の條約はかく網羅的でなく、豫期すべからざる事件が起つた場合に適用すべき法について直指令官の判斷が終局的だと國家が主張することは許されないということをいつてゐるにすぎないのである。凡そ條約の前文なるものは、いかなることも制定することはできないのである。そしてこの前文はその次の本文の條項が網羅的でないことを宣言したのである。一九〇七年「ヘイグ」條約の主たる目的は國家の責任を確保するにあつたのである。傳統によつてみとめられた少數の場合にだけ認められる個人の責任については、殆んど注意がはらはれなかつたのである。況んや政府高官の責任などは全然考へてゐなかつたのである。前文における問題は將校の「グループ」と他の「グループ」直指揮官を内閣の何れに責任を歸せしめるかといつたような問題ではなく、國家責任を確保するといふ問題であつたのである。

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かるが故に署名國は單指揮官の專斷的な判斷にかくれて責任を免れることをえないものとしたのである。かかる宣言ーその次に違反國は賠償を支拂ふべきことを規定し、大臣の責任などには少しもふれてゐないーをゆがめて、政府高官に個人責任があるといふような解釋がなされるとすれば、それは將來の政治家にたいし英國の「チヤンサリ、パリス々」が拂ふような細心の注意を以て起草しないと國際條約は危險極まるものであることの警戒となるであらう。しかし、從來國際條約は同樣な思想的背景をもつ反人間の協約であつて寬大な精神で起草されたのであることを忘れてはならない。

最後に檢察側は「ヘイグ」條約中の「ガヴアンメント」と云ふ字句の使用から條約遵守についての閣員その他の個人責任を引き出してゐる。

「ヘイグ」條約に於ける「ガヴアメント」といふのは色々の資格でその時々統治をいとなんでゐる個人をいふのではない。この言葉は「ステイト」の「シイノニム」として用ひられる。最近の責任によれば條約は「ガヴアンメント」間に締結されるといふ風に書かれてゐる。然し何人も大臣の職務を行てゐる個人、いはんやその下僚が條約の當事者であるなどとは考へないのである。英國における「ドイツ」伴は「アトリー」氏や「モリスン」氏や「ミス・ウイルキンスン」によつて個人的に管理されてゐるとは誰も考へない。それは國家を意味するのである。何人も「サア・スタフオド・クリツプス」や「ジオセフ・ウエスウツド」や「ジオウイス」卿が伴に扶養の費用を支拂ふ義務あるなどとは考へない。しかし「ヘイグ」條約第七條には伴に對をその權力内にもつに至つた「ガヴアンメント」は伴に對の扶養のための費用を支拂ふ義務がある

検察側の主張は「ガヴアメント」の二つの意味即ち
(1)「統治を行つてゐる人」と(2)「国家主権の非人格的体化」との間の混同にもとづいた誤りかしてゐること一目瞭然たるものがあるのである。条約の条項違反に対して責任があるのは国家なのである。「ヘイグ」条約のいかなる個々の文言が交戦行為を監督し制御する義務があるとか又いはんや交戦規則違反の罪を分つ責任があるとかのことを示唆するものは絶無なのである。「ヘイグ」条約はかかる問題と責任とを解決することによつて、全統治機構を直接の下に置くことも勿論可能であつたのである。然しその制定者はそうしたことをしないだけの聡明さをもつてゐたのである。そしてふくべき傾向によつて条約制定者が表示にさけたところを試みないことが賢明であることも勿論である。

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(五)

檢察側の思想は「一般的斷定には欺瞞が隱されてゐる」といふ格言を無視してゐるようである。それは「共同計劃」又は「中央官憲から發した命令」の證據としての「共通の型」の理論に特に顯著に現はれてゐる。檢察側は「日本人の行つた犯罪は日本及日本人の占領した多くの場所においてその性質についても又手口についても同一であつた事實は犯罪が各々の犯行者の思ひつきで行はれたのではなく「共同計劃の」一部として行はれたといふ殆んど不可避的な推論に導くものである。又それら犯罪はそのための特別訓練又は少くもある中央官憲から發した命令の結果であることをつよく證明するものである」といふ。

これでは重大な刑事的訴追の基礎とするには余りにも漠然としてゐる。けだし檢察側は所謂「型」なるものが到るところで劃一的に存在するとさへも云つてゐない。ある場合にはそうでないことを自認するのである。それは「[illegible]」の目的の爲の特別訓練」及び「少くもある中央官憲から發した命令」の推定を打破してゐることになるのだ。それだけでなく檢察側のかゝるいはゆる各「型」を熟視するならば逆にそれはその犯罪なるものは突發的なものであること且つ「共通の計劃」もまたある「中央官憲からの命令」なるものも全然存在しないことを立證することとなつてゐるのである

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(1)逃亡せざる宣誓又は約束（J三一乃至三九節）これ等各節の敍述は眞に强制のめつた事件を示さんとする趣旨である。　そして「シンガポール」（三件）香港（二件）ボルネオ、ジャブア、普通寺及び臺灣以外の場所に關して、たんら事件が挙げられてゐない點は重要である。印度「ビルマ」及比島に干しては何もいつてゐない、從つてこの型は大きな「ギアツプ」を示してゐる。又上所謂强制行爲のやり方について共通なるものはないあるときは脅迫あるときはその結合である。　どこに共通の型があるのか勿論そこには重要の要求といふ共通の特徴はある。然しこれは嚴格な監視を免れるがための公正な報償として許さるべく且つ正當な處置である。　又これらの事件なみな一九四二年の最初の九ケ月に起つてゐる。　このことは反つて不法な强制をやる公的政策のなかつたことの有力な證據ではないのか。　若しこれらの强制を處置がとられたとすればそれは各地の下級將校の個人的行爲であつたのである

(2)殺人（J一四一―一四四節）

(イ)色々な方法で行なはれたとされてゐる所謂殺戮について「型」を發見することは困難である。　檢察側もそこに型を發見することができないのである。　それをある動機で結びつけることを囘避してゐるからである。やつかいをさける爲であるとか、住民に恐怖を起させるための

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て推量はしてゐる。　然しそこに型があるとは主張してゐない。　そこに述べられた事件が假に證明されたとしてもそれは一九四二年の三ケ月間に一定數の殺戮事件が起つたといふことである。　たとへかかる事件が起つたとしてもそれは「ある中央官憲から發した命令によつた」といふよりも寧ろそれは直ちに抑止されたことを示すものである。

(ロ)

（ヨー一四五節）この節に敍述されてある殺戮事件は假にそれがあつたとしても殆んど總て一九四三年にボルネオで行はれたものであつて地方的な叛亂の抑壓の際に起つたもののようである。　武力による叛亂鎭定は仲々なまやさしい方法でできるものではない。　暴力、いはゆる「叛逆者」を前にしての軍事的處刑はあらかじめ裁判の方法を必要とする場合には該當しないのである。

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(八) J－一四六、七、八節の叙述は何等の「型」を示してはをらない。それらが假りに證明されたとしても、それは敵の侵入が近づいた際、時として俘虜が殺されたと云ふことを示すのに過ぎない。檢察側は、それは俘虜による幇助の供與を防止する爲であつたらうとその動機について推量するが、それは檢察側が自認する如く、一つの推量に過ぎない。「推量」によつて「型」を證明することは出來ないのである。かかる場合における俘虜の殺戮は時としては適當且つ許さるべき軍事的豫防手段であるかもしれないのだ。次に檢察側は侵入を「豫見的」事件を取扱ふといひながら、直ちに「空襲後起つた」殺戮事件（タンラク）を引用してゐるのは矛盾である。とにかくこの「豫見的」型の事件の發生は極めて少數しか主張されてをらない。それらの事件から何等の「型」を見出すことは出來ないのである。俘虜による脅迫の話や、書記による密令の話などは「強い傍證」ではなくして、それは極めて薄弱な證據に過ぎないのである。もしも「中央」「最高」の日本の政策なるものが存在したのであつたならば、それは少數の場所においてではなく、劃一的に、常に如何なる場所に於ても適用されたことであらう。

とにかく、假想された「最高の政策」を「日本の」とし、表示するこ

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とは不十分であつてこれについて、如何なる日本人が責任があるのかを特記することが必要がある。

日本軍隊のとる原則は、俘虜に對する義務は日本將兵の生命の保持に優先せずといふにあつたことは有りうべきことである。又、個々の場合に於て、指揮官がこの原則を不當に擴大したこともあり得べきことである。然しそれは、それら指揮官がそうした命令を受けたことを意味しない。そして右の原則そのものは、「ヘイグ」條約及び未批准の一九二九年の「ジエネヴア」條約に反するものではないのである。

憲兵隊の使用した寫問に關して、J－一五六節は次の如くいふ。「その劃一性に照しそれらは偶然に發生したはずはない。それは共通の訓練の結果であつたに相違ない。然しもしもかかる共通の訓練が與へられたとするならば、それは政府の政策事項であつたに違ひない。」

右の「共通訓練」の推論は常識上ありえないことである。又寫問といふことは或る職業にともなふ共通の職業心理に起因するのかも知れないからである。更に進んでなされた右の訓練は「政府の政策事項」であつたといふ推論は、訓練は「軍事訓練」を意味することになるので、これ又誤つた推論である。軍事訓練の詳細を監視することは政府の任務では

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ないからである。

(四) 檢察側がこの摘要を通じて廣汎且つ不分化の「日本政府」といふ字句を使用したことは檢察側の責任理論に照應するのであるかもしれない。「日本政府」といふのは「閣員のみならず、陸海軍將校、大使及び高級官吏を包含した廣い意味で」使用されてると云ふ。且つ日本政府といふ言葉はこの「サンメーション」を通じ觀察するとこの簡單らしく見える定義に更に「又はそれらの或るもの又は全部」といふ言葉をそつと附け加へたかの如くに使用されてゐるのであることを發見する。こうした特記なくして概括的字句を用ひて刑事責任の存在を主張することが個人としての被告人に對する刑事裁判に於て、きはめて不當であることは明白である。こうした技術は國內裁判所に於ては許容されないところであらう。例へば、或る戰爭犯罪その他の事項が「日本政府」に知られて居つたといふ場合には、實際は少數の者しか知らなかつたに拘らず、以上の定義に包含せられる者全部が知つてをつたといふ誤つた推論に導きやすいのである。又一定の政策が「政府の」政策であると云ふ場合には、實は單に海軍の軍略的政策にすぎないので、他の閣僚や、大使や、高級官吏は何等それに關係しなかつた場合でも、彼等すべてがそれに對して

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責任があるかの如く考えるのである。

通常の刑事訴訟に関する訴追については、推定に基いて被告人に有罪の立証に基かねばならない。我々は、質問なる裁判所が本件(プロシージョン)に充満する「推定」によつて誤られないことを要望するものである。

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(五) 」。六節において次の如くいはれてゐる。

「他方本部門では檢察側において證據を提出しなかつた俘虜收容所員の他の場所に關する辯護側の證據を無視してゐる。これは裁判長の辯護側に向けた言葉「（チャージ）かなされた事項にたいして各辯しなさい。「チャージ」かなされて居ない場合。そこに缺點かなかつたことを立證しようと試みてはいけない」によつたのである」

檢察側が辯護側のそうした證據を無視することは明白に不公正であるか。これは檢察側の推測を基礎とする責任理論と關聯するものであらう。辯護側はよい狀態の證據を提出してはならない黒い狀態の「チャージ」に對應せねばならないといふのか裁判長の見解であるとするなら。このことはそれら特定の場所における將校に對する「チャージ」に對しては尤もである。より高級の將校に關してはその管理下の他の場所において。狀態がよかつたことの立證は關聯性あること明白である。それは非難をうけた場合においても狀態は良かつたとの推論に導くからである。監督の欠缺があつたとされる被告の場合には。その「チャージ」にたいしてかれの監督が一般的に效果的であつたことの立證は關聯性があるものとせねばならない。反カトリック運動に關與したこと起訴された場合。被告が法王の侍從長であつたことを立證することは關聯性がある。

五、被告人の責任

(1) 叛逆罪の誤つた類推

「何人も諸犯罪の發生した原因である日本の侵略政策について幾分でも責任があつたのでなければ、平和に對する罪、通常の戰爭犯罪、又は人道に對する罪について起訴しなかつた。」といふ。（k－三節）

これは戰爭の蓋然性又はそれら犯罪の發生することを期待又は豫見してゐなかつた場合でもなほそうである！

これが起訴狀全部にしみ渉つてゐる誤つた全理論の秘密を開くための「マスター・キー」である。そしてこれは國内法にたいする叛逆罪の陰謀の設計圖によつて示唆された觀念である。

檢察側はいつも「推定」をこうしたアナロジイの根據とする。しかし生命をかけて裁判を受けてゐる被告はかうした安易な方法で有罪とされるべきではない。しかも尚ほ檢察側も曖昧たることを免れえないのである。政策の形成に少しでも關與した者はその政策から派生したあらゆる結果にたいし責任を負ふといふ十六世紀的な奔放振りを發揮しつつ、尚ほ且つ更に進んで、一定の個人が政策形成に少しも關與してゐないのに、政策關與があつたかの如く責任を負はすのである。「無罪の默認」はこれが形成と「均しい」といふのである。

(2) 檢察側の理論は外交使節に關する全理論を裏滅せしめる。（k－四節）

この點については他の辯護人から評論の豫定であるから省略する。

(3) 終局的權能を與へられた者の責任（k－六節）。この節は諸種の誤つた推定の下に立つてゐる。

第一に內閣と樞密院と內大臣は夫々の權限內で政策の形成について最高の責任を附與されてゐるものとする。しかし樞密院は政策決定の義務はなく、單に之を批評する義務をもつだけである。內大臣の場合には「イニシアテイヴ」はさらに少ない。

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第二に終局的責任を負へられてゐる者は部下の権力濫用に対して責を負ふといふ我々のつよく抗議する原則の存在を指定してゐる。英米法においてすら、ある人が使用人や代理人又は機関の行為にたいして刑事責任を負ふのは、厳罰の場合だけである。「パーテン」が時間外に「ビール」を買つた場合放館の主人が罰金を課せられるのと同じである。英「ヤスコット」ランドでは、この原則適用はこの程度であると我々は理解する裁判所もその主張する提言についてなにら確信をもつてゐないらしい。けだしある裁判所では、ある場合に「然にそう」であるといつてゐる。ある提言は正しいか正しくないか何れかであらねばならない。時としては「然にそうである」といふのは、単純な擬制としてそれが受け入れ易いものであることを承認することさなるのである。

第三に同僚や部下の決定を試認することは自らその責任を

行使したのに「均しいものと見做しうる」と述べる。「ポリース・コオト」や「ジユージユ・ヂペイ」の慣行以外に根據となることのない代位刑事責任を死刑罪について推定するなといふことは、心あるものにとつて堪ゆべからざるところである。

(4) 上官の責任（K－八節）

本節もなほ刑事代位責任の理論の推定によつて議論を進めてゐる。事態によつては上官の匡正的干渉が必要であり、事態を充分に知り、且つ匡正の機會をもちながらこれを怠つた場合國内法上責任を負ふことのあるべきはこれを否定したい、しかし國際的責任については我々は勿論全面的にこれを否定する

(5) 部下の責任

本節は下僚の責任を取扱つてゐるが、下僚はその主張する政策は又は行動が間違であることを明かにするに足る充分な情

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報を必ずしももつてゐないといふ事實を考慮に入れてゐない
しかもなほ檢察則はかゝる官吏は非難の對象となつた行爲に
全然關與しないか、又はこれに反對し又はこれに反對の進言
をしなければ刑事責任を負ふものとするのである。

(5) 閣員の責任

本節もすこぶる大膽な推定をあえてする。

閣員はその同僚の主管する事項についてはその同僚の方が
自分よりも熟知してゐるものとして、少くとも辭職するとい
ふ程度まで自己の意見をつよく主張する丈の能力はないと思
ふこともあらう。閣員は必ずしも外交關係や外交政策につい
て、その職務上「エキスパート」である必要はない。或はあ
る提案について疑をいだいて閣議で決を求めることもできる
しかし同僚殊に主管大臣の方が自分よりも事柄を良くわきま
えてゐるものと推定しても少しも差支ないのである

檢察則が閣員は「惡いといふことについて完全な認識をも

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ち」、「そう信じてゐる」とするのは著しく不當である。かれはそれが悪いなどとは考へてゐない。かれは内閣の同僚からそれは悪いことでない、君は心配しすぎてゐるといはれ、それを承認したとしても、少しも不當ではない。陸軍大臣と外務大臣とがそのとりすぐれた知識にもとづいて君は間違つてゐるといはれた場合、どうして農林大臣は侵略戰爭について責任があるのか。現地を視察した取締役の報告にもとづいて「ニューギアーナ」にある財産について誤つた報告書を出すことに他の取締役が同意を與へたとしても、かれを犯罪人とすることができないのと同樣である。

或は云ふであらう。「侵略戰爭」は明々白々たる事柄で容易にこれを認識しうるから詳でもこれを拒絶せねばならぬといな。それとは逆に、それは国家の性質とか物權的地役權の存在とその防衛とが、国家の利權にたいする脅威とか、又すこぶるつきの難問である自衛權の存否とかに依つてきまるの

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であつて、決定はすこぶる困難である。長林大臣は政策の皮相的面に動かされ、閣議で決を求めることもできよう。しかしかれは問題はきはめて難しく、自己は間違つてゐるだらうと想像しても少しも差支ないのである。かれは自己の主張にたいするうわぼれの念にかけられて、早急に辭職する必要は勿論ないのである。しかるに檢察則はこのことを要求する。

勿論閣員が辭職を断行せねばならぬような場合もあるであらう。しかし本件の場合はそうした場合には該當しない。それは複雑且つ不確定な自衛權の問題であつて、自衛權の定義については、いかなる國家も滿足な理論を與へえない種類の問題であるからである。

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(7) 統帥部と内閣

この点で検察側は統帥部の外交政策に及す絶大の圧力を強調するにかかはらず、この圧力を制御しえない内閣に責任があるとする。内閣は辞職して國を改府なきままの状態に委すべきであつたのか、又財政的支出を拒否して國を軍除なき状態にもくべきであつたのか。内閣が軍の意見に從つたからといつてそれは必ずしも非難さるべきではなく、又内閣又は閣員がその開與しえざるすべての計劃について責任を負はさるべきでないことはきはめて明白である。検察側も亦（K－二九第）「ある行爲にたいする責任は行爲をなす力と並行に伴ふ」といつてある。そして内閣は統帥部を抑制する力はなかつたのではなかつたから

(8) 樞密院

樞密院は米國の上院さか英國の貴族院さは異つて、ただ一定の重要な事項について意見を開陳する丈である。しかるにいはゆる「侵略政策」の形成に開與しえない樞密院を一定の事項についてのその行動が「侵略政策」の「形成に導いた」といふ理由で處罰すべしといふのである。こうし

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た責任の負はせ方は、そのきはまるところを知らないであらう。すべての共産主義的著作者は「共産主義政策の形成に導いた」ともいへるであらう

(9) 内大臣

内大臣に關し「ある行爲にたいする責任はその行爲をなす力と義務とから流出するといふ通常の推定、ある」といふのはや　早計な推定である

ここにいふいはゆる「推定」の意味はA（日本皇帝又は日本の一般公衆）にたいし民事刑事の責任を追及なれずに自由に進言をなす義務を行ふ者はB（新追者たる聯合國）にたいして刑事責任を負ふといふ意味に外ならない。各國において自由な進言をなす義務あるものは、自由にてはなく、その及すべき影響の制約の下に、進言をなす義務があるといふならそれは「通常の推定」は通常どころか、不當なるして壓制的な推定なのである

さらに進んでは公衆を啓發することをその任務とする新聞記者はその自由な言論に對し刑事責任を負はねばならぬと主張することになるであらう。

これでは「フリー・プレッス」はその姿を消すこととなるであらう」

内大臣は刑事責任の顧慮なく絶対自由に進言しうるのである。即ち内大臣は英米法にいはゆる「アブソリユト・プリヴイリッヂ」を享有するのである。

そして検察側は英米において法律顧問の享有するこの特権を何等の理由なしに否定し去らうとするものである

本訴では検察側はその主張の基底をは全部くつかへして了ふような自白をしてゐる。元來検察側は被告の行爲は法違反であると主張してゐるのである。しかるに内大臣が日本法上責任ある場合には、その責任は法によつて課せられるが、法によつて責任が課せられなければ「事實上の責任」があると検察側は明白に云つてゐる。かくして「事實上の責任」と「法によつて課せられた責任」とを同一視するのである。云ひかへれば、被告に幾務と責任ありの検察側の主張は實は法にもとづくものではないことを示すのである

一寸蹄もて天下の秋を知る、検察側は不用意にも自らの主張する責任と法的責任とを全く對立せしめることによつて、自らの主張の基礎が空虚であることを暴露したのである

本節は内大臣による細理大臣の指揮は日本慣習法の一部をなしてゐる

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この推定をなしてゐるが、これは誤りであることを極めて明白な推定である。何人かがかかる推論をなす慣習はあつたそれも英米における「憲法上の約束」と均しく慣習法ではない。かかる推論が内大臣によつてなされるさいふことは、憲法上の約束できへなくい、木戸侯爵がそうした意見を求められた最初の人であつたのである

Def. Doc #2987

## 結　語

裁判長並に裁判官各位。極東國際軍事裁判所は、技術的には「軍事」裁判所とよばれている。しかしそれは敵國の報復のおそれを除いてはその放恣的傾向を抑制する何ものもない武力闘爭の事態の下に、略式手續によつて戰爭犯罪を處理する、法的な訓練も經驗も、將又法的な公正や忍耐をも缺いてゐるお粗末な間に合せの軍事裁判所ではない。本裁判所は、敵對行動がすでに終了しそれが復活するおそれのいささかもないきわめて平和的な雰圍氣のうちに裁判を行つている。それ故全世界の人々は本裁判所が熟達した法律家から成る裁判所の機能を有つと共に世界政治一般特に極東政治の實際に精通した政治家、外交官、軍人歷史家から成る特別陪審の資格を具へてゐることを期待する。被告人は通常の兇漢ではなく、高級の政治家軍人であつてその世界政治觀は夫々異るとしても、總べてその知見に應じて、極東政治の荒波の中に國政を動かして來た人達である。しかもその極東政治は過去一世紀における東洋と西洋列强との政治的交涉に由來する歷史的所産であつた。極東における安定勢力としての日本は既に過去の

そして極東における平和と秩序とを確保する責任は、他の指導的國民が擔ふこととなつた。こうした事態の下において、被告人の面接した困難がいかなるものであつたかの眞相は、正しく評價されることとなつたであらう。極東諸國民、いな全人類の視線は、すべて本裁判所の歴史的な判決に注がれている。

本裁判の開始以前に、わが法曹界では、いわゆる裁判所條例なるものは裁判所にたいし敵國の指導者を處罰する權限を與え且つこれを命ずるために、現行國際法の法則にお導いなく、包括的用語を以て規定せられた專斷的な裁判指針にすぎないとか、いわゆる裁判所なるものは、司法的機關ではなく、刑罰をふり當てる行政的機關にすぎぬとか、條例に表現された聯合國政府の政策と低觸する場合には國際法は當然無視されるであらうから、今更むさになつてもはじまらないといつたような意見がしばしばさやかれたのであつた。

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しかし一九四六年五月三日本裁判の開廷に當つて裁判長が述べられた「本日ここに會合するに先立ち、各裁判官は、法に從つて恐れることなく、偏頗の心をもつことなく、裁判を行ふ旨の合同誓約に署名した」、「われわれの大きな任務にたいして、われわれは事實についても法についても虚心坦懐にこれを考慮する」、「檢察側は合理的な疑の存せぬ程度に有罪を證明すべき立證責任を負う」との言葉（英文記錄二一一二二頁）によつて左のような迷想は殆ど解消したのである。法に優越する何者をも認めない英米の法傳統を知る者にとつては、裁判長のこれらの言葉の意味は明々白々であつた。懷疑主義者はたしかにこれには面食つたが、しかしなお「法に從つて」とは「國際法に從つて」という意味に用いられたのではなく、「條例に規定せられた法に從つて」という意味にすぎないのだと言い張つた。しかしさらに首席檢察官がその劈頭陳述において、被告人達は國際法に關する行政府の決定によつてではなく、現行の國際法そのものによつて斷罪せらるべきであり、本條例はかかる現行國際法を宣明せんとするものに過ぎないゆえんを明白にされた。これによつてこの疑は完全に解消した。

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首席検察官自ら、「コンモン。ロオ」に育まれた著名な法律家である。私人に對する政府の特權を何ら認むることなく、行政府の法解釋も公正な裁判所によつて排斥されることを認めるといふ英米司法裁判の特徴をなす「フエア。プレイ」の精神を体得しておられるのであるそして政府の代表者も判決に於て自らの主張が全部排斥された場合にも、欣然としてこれに服するのである。

かるが故に辯護人側は、裁判所が被告人の有罪無罪を決定するに対つて、單なる條例の規定の字義通りの解釋によらず、「これによれば一戰爭犯罪人」としての責任追求を加へうる日本人は殆どないことになる」被告人をも含めて萬人周知の確立した國際法に依て裁判されるべきものと考へたのである。かくして辯護人側は検察側の挑戰に應じて、現行國際法の法則によれば、被告人は釋放せらるべきであることを證明せんと努力したのである。

かくして、検察側及び辯護人側の双方の共通信念によれば、本裁判は、被告人のみならず、全世界の政府が畏敬すべき國際法の尊嚴を象徴すべきである。

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「バアラマーキ」が二百年前（一七四七年）にいつたように、國際法は諸國民又はこれを支配する主權者が服從すべき、それ自体において拘束力をもつ法である。（「バアラマーキ」自然法の原理、第二部第六章第六部）本裁判は、一方檢察官諸賢によつてきわめて有能に代表されてゐる戰勝國政府の政策と、他方敗れたりとはいえなお自尊心を失わない國家の政治家及び軍人たる被告人の自由と生命―いなより適切には國際面における基本的人權を爭點としてゐるかかる基本的人權の擁護のためにこそ本裁判の「アメリカ」辯護人諸氏は來朝されたのである。

われわれはこの歷史に先例のない刑事裁判において、その劃期的判決をなすにあたり確立した國際法のみに基くべきことを裁判所にたいして強く要請する。法の認めない犯罪にたいして事後法に基き嚴刑を科するがごとき、正義にもとる處置は、必ずや來るべき世代の人々の心情のうちに遺痕を殘し東西の友好關係と世界平和とにとつて不可缺な缺くべからざる恒久の和樂を阻害する原因を作ることとなるであらうことは、賢明にして學識ある裁判所は万々御承知のことであらう。

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來るべき世代の東洋の人々がーいな人類全体がー、この劃期的判決を廣い歴史的視野からふり返つて眺めるとき、三世紀にわたる典間において西洋の政治家や將軍がその行つた東洋地域の侵略について懲罰をうけたことが一回もなかつたことを想起して、かれらは、東洋の一般の指導者にたいし事後法に基く懲罰を行うたことについて大いなる不正が犯されたとの感想を抱くに至るかもしれない。

英國占領軍の嚴格なる監視の下に審理された處刑を受けたオルレアンスの一少女ジヤン・ダルクは、彼にはフランス國民から殉教者、聖女と見做さるるようになつた。

これと均しく、征服者の治下において、被告人の一人にたいし極刑が加へらるることがあるとすれば、それは平凡な一日本人をして、國民の殉教者、いなアジヤ係の殉教者たらしむる危險を包藏するものである。政治的又は宗教的指導者に科せられた死刑が、彼の罪科を淨めるだけでなく、さらに魔術的にその平凡なる生涯に光輝を添へることとなつた。

歴史的事例が多多存することは、試判所の熟知される通りである。

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かかる事後法的處罰は又、今や最高司令官の鮮明な指導の下に、新憲法の嚴格な遵守、從つて又その不可缺の一部をなす事後法による處罰禁止の規定の嚴格な遵守を誓約している日本國民にたいして、殘酷な模範を示し、かれらの殊勝な熱意を冷却せしめることともなるのであらう。かくしてそれはかれらに、勝利者の法と被征服者の法とは別物であるとの深い印象をあたへるであらう。かかる不正は、それは正しい法の文記なる「一つの世界」の建設に役立つことのない權力政治のあらわれに過ぎぬものとみられるであらう。

そればかりでなくさらに、この歴史的なそして又劇的な裁判において、かような前例が設けられることは、本裁判所に代表せられてゐる戰勝諸國における「事後」判の將來にも深刻な影響を與へることとなるかもしれない。そうした場合には、「血なまぐさい教訓は、必ずもとに戻つて教訓者を苦しめる」という格言が妥當することもあるからである。それ故嚴格に法を遵守することこそは、司法的勇猛心の表現である許りでなく、裁判所のとるべき正しく且つ賢明な道である。周知のそして確立した國際法の原理を固守することによつて、又これによつてのみ、「文明」そのものの不可分の要因をなす法至上の燈光は、永久に國際社會を照らし、搖く灯としてでなく、不動の燈明臺として嵐吹きすさむ世界に指標を與えることとなるのである。

P.1

# Errata Sheets (Russian)

## 檢察側尼答 其ノ一

### 三 誤表

一、「記錄第……頁」トアルハ、英文速記錄第……頁」ト訂正

二、「法廷証第……号」トアルハ「法廷書証第……号」ト訂正

三、

| 頁 | 行目 | 誤記 | 訂正 | 備考 |
|---|---|---|---|---|
| 二 | 末尾ヨリ六 | 国際研究会 | 国策研究会 | |
| 〃 | 〃 三 | 国際遂行上 | 国策遂行上 | |
| 四 | 〃 八 | ル | 「ハ」前行ノ末尾ニアル日本ノ対「ソ」ニ下敷行トス | |
| 五 | 〃 六 | 実現サレテハ | 実現サレテ | |
| 八 | 九 | ルートノ証據 | ルートノ証據 | |
| 九 | 末尾ヨリ四 | 辨論 | 論告 | |
| 一〇 | 九 | 良解 | 良解 | |
| 一一 | 八 | 無理強ヒラレカラ | 無理強ヒラレカラ | |
| 一二 | 三 | 受理ナイヤウニスル | 受理ナイヤウニスル | |
| | | 自分 提言 | 自分 提言 | |
| 一三 | 一 | 言及ナル | 取[illegible] | |
| 一五 | 末尾ヨリ九 | 伊太利間 | 伊太利間 | |
| 一六 | 一〇 | 中間 | 中間 | |
| 一八 | 末尾ヨリ一〇 | 弁護 | 弁護側 | |
| 〃 | 〃 一 | 弁護証人 | 弁護側証人 | |
| 一九 | 一〇 | 調査委員会 | 審査委員会 | |
| 二〇 | 一一 | 檢察論告 | 檢察側論告 | |
| 二一 | 一一 | 以テ企図 | 以テハ企図 | |

P.2

G. of Jo. Sheet 5 (Russian)

P 3

Errata Sheets (Russian)

| | | | |
|---|---|---|---|
| 七七 | 六 | 「……」ハ此等ノ | 「……」ハ此等ノ |
| 七九 | 六 | 斯ウテ吾々ハ弁護側ハ | 斯ウテ弁護側 |
| 〃 | 七 | 何カ | 何モ |
| 〃 | 八 | モノト主張シ得ルノデス | ト云フコトガ明白デアリマス |

P.3

書證第三三七一号）ト説教シタ時、彼ノ前任陸軍大臣、南ガ、一九三二年一月天皇親臨ノ宮中会議デ演説シタ時、明ニ「ソ」領沿海地方占領ヲ豫見シタ『日本海ヲ化シテ日本ノ湖水トスベシ』トユウ課題ヲ提出（法廷書證二二五一号）シタシ、コレガ後ヲ追フテコレラノ会ヤ機関、又同ジヤウナ他ノ日本ノ会ヤ機関ガ、対「ソ」戦争ノ任務ト関係ノアル実際的工作ヲ作成シタシ、適当宣傳ガ行ハレタシ、又日本ノ参謀本部及ビ関東軍司令部ハ一般ニ抽象的ナ戦争計画デナクテ対「ソ」侵略戦争ノ戦略的任務ヲ決定スルタメノ進撃作戦計画ヲ作成シタノデアリマス。即チコノヤウナ戦争計画ノ作成ニツイテハ検察側ハ之ヲ立證シマシタ。且ツ五日ハ十分ニ立證シタト考ヘテ居リマス。（辯護側ガ事実ヲ無視シテコレ等計画ハ参謀本部ガ『萬一ノ場合ニ備ヘテ』作成スル普通ノ計画デアルトシヤウト試ミタコト、ソレニソノ結果ガドウナツタカハ後ニ五日々ガ述ベルコトニシマス。）

コレハ侵略戦争ノ計画及ビ準備ノ極テ本質的ナ要素デナイデシヤウカ。コレハモハヤ侵略戦争ノ計画及ビ準備其ノモノデアルノデナイデシヤウカ。コノ後ニナツテドウシテ、コノヤウナ戦争計画ノ作成ガ條例ノ適用ヲ受ケナイト言ヒ得ルデアリマシヤウカ。「ハサン」湖事変及ビ「ハルヒンゴール」河事変ガ無宣戦侵略戦争デアリ、弁護側ノ名ヅケテ居ルヤウナ『國境事件ノ形式ヲ有シテ居ル戦闘』（英文速記録第　頁）デナイトユウコトニツイテハ追テ述ベマス。唯今ノ関聯ニ於テハ、コレ等事変ハ無宣戦侵略戦争トシテ、法律的意味ニ於テ

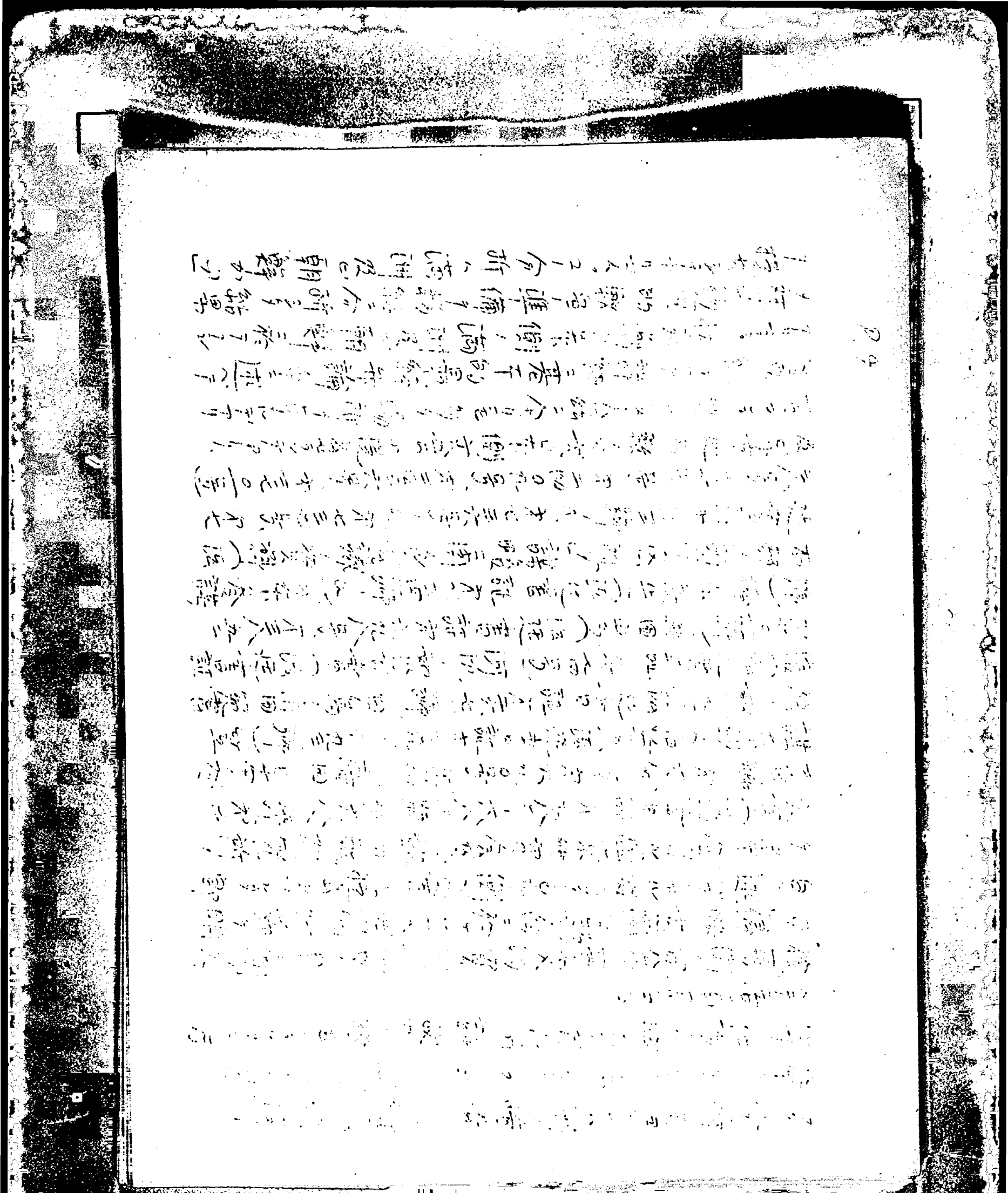
日本ニ対シテ「ソ」側カラ侵略ノ脅威ガアツタト立證スル證據トシテ弁護側ハドンナモノニツイテ論ジテ居リマスカ？

コレヲ確認シヤウトシテ、國家産業文化振興ノ使命ヲ遂行シタモノトシテ、一般ニ知ラレテ居ル所ノ「ソ」聯五ヶ年計画ノ成功ヲ引用スルガ如キハ笑止千萬デアリマス

（英文速記録第　頁）。

又一九三五年十一月七日「モスクワ」赤色廣場ノ閲兵式ニツイテ外國通信員ガ彼ノ感想ヲ書イタモノヲ證據ト考ヘルガ如キハ笑止千萬デアリ賢明ナ話デハナイト率直ニ言ハネバナリマセン

（英文速記録第四三、二三二―三三頁）



P.2

條例ニヨレバ、此ノ点ハ全ク明白ニ次ノ通リ言ツテ居リマス。
『左ニ掲グル一又ハ数個ノ行為ハ本裁判所ノ管轄ニ属スル犯罪トス……
宣戦ヲ布告セル又ハ布告セザル侵略戦争ノ計画、準備開始又ハ実行……』
随テ弁護側ノ主張セル如ク直接的ニモ又ハ隠蔽セル形ニ於テモ侵略戦争ノ準備乃至計画ノ犯罪性ヲ疑問トスル権利ハ与ヘラレテ居ナイノデアリマス。

起訴状ノ第十七項ハ[illegible]侵略戦争……ヲ計画シ且ツ準備シタルコトニ於テ被告等ノ罪ヲ問フモノデアリマス。被告等ハ斯ル侵略戦争ヲ『計画シ且準備シタ』ノデアルソノ告訴ハ[illegible]多数ノ証拠ニ依ツテ確認セラレテ居リマス。コノ点ハ[illegible]ニ関スルモノデアリ随テ[illegible]軍事裁判所ノ注意ヲ[illegible]入レテアリマス。日本ノ支配階級ノ我ガ「ソ」聯邦ニ対スル侵略意図ノ存在ニツイテハ検察側ニヨリ論証セラレ侵略意図ハ疑ヒモナク戦争ノ計画及ビ準備ノ重要ナ要素デアリマシテ準備セラレタ戦争ノ性質ヲ[illegible]モノデアリマス。

「国際[illegible]」ナル総力戦研究所ノ如キ形ノ機関ガ日本政府ノ[illegible]ニ依リ「ソ」聯領土ノ占領ニ対スル『理論的』基礎ヲ与ヘタ時、荒木陸軍大臣ガ一九三三年地方長官会議ノ席上デ日本ハ自己ノ国際遂行上「ソ」聯邦トノ衝突不可避デアルト、日本トシテハ戦争手段デ沿海州、後バイカル地方及ビ西伯利ヲ占領スル必要ガアル（法廷

P.3

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獨立的ナ意義ヲ持ツテ居ルハ隨テコレニハ特ニ起訴状ノ訴因
二五、二六、三五、三六、五一及五二ヲウタツテアリマス）、ノミナラズ更ニ
対「ソ」侵略大戰爭準備ノ要素並ニ発展段階トシテ考
慮セラルベキモノデアリ、隨テコノ意味ニ於テモ本裁判所ノ管轄
權ニ属スルモノデアリマス。
検察側ハソノ最終論告ノ中デ詳細ニ亘リ幾多ノ重要ナ
文書ヲ以テ、次ノコトヲカ證シマシタ。日本支配階級ハソノ対
「ソ」侵略戰爭ノ計画ヲ完全ニハ実現シナカツタ。コノ意味
ニ於テハ弁護側ノ主張ノ如ク『戰爭ヲ行ハナカツタ』ノデアル。
コレハソノタメニ好都合ナ時期、最モ有利ナ情勢ガ来ナカツタ
カラデアル。然シナガラ日本ハ、対「ソ」侵略戰爭ニ対シテ極テ積
極的ナ自己ノ戰爭準備ヲ行ツタ。コノ戰爭ヲ開カント企テ
タケレドモ反撃ヲ受ケテ追テ来ル時迄ソノ計画ノ実現ヲ延
期セザルヲ得ナカツタノデアル。対「ソ」侵略ノタメ國際的謀議
ヲ行ヒ、ソシテ対「ソ」侵略戰爭ニ於テ「ヒトラー」獨逸ニ対シ
積極的ニ援助シタ、即チ事実上コノ戰爭ニ参加シタノデア
ル。日本ノ対「ソ」侵略戰爭計画ハ完全ニハ実現サレテナカツ
タノデアリ、ソシテ日本側帝國主義者達ノ待ツテ居タ好
都合ナ情勢ハ遂ニ到来シナカツタノデアリマス。何故トユウニ
「ソ」聯ハ絶ヘズ日本側ヨリノ攻撃ノ脅威ノ下ニ在リ、平和的
勤労及ビ建設事業カラ自國國防ノタメニ多大ノ力ヲ
割イテオツタカラデアリマス。結局ノ處、「ソ」軍ハ獨逸ノ強
奪者等ヲ壊滅シ、次デ帝國主義的日本ヲ対手トスル
聯合國ノ戰爭ニ積極的ニ参加シテ侵略者ノ計画ヲ打破

日本ニ対シテ「ソ」側カラ侵略ノ脅威ガアッタト立證スル證據トシテ弁護側ハドンナモノニヲイテ論ジテ居リマスカ？

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（英文速記録第四三、二三二―三三頁）

『ソノ聯両部國境諸國ノ運命』ニツイテノ無責任ナ誹謗的暗示ニツイテハ（英文速記錄第四二七八頁）コノ前弁護側ガ出シタ『証拠』ヲ法廷ガ断乎却下シ此ノ上コノ問題ニハ触レナイ様ニト申渡サレテアルニ不拘（英文速記錄第一七、六三五頁）今又コレヲ証拠トシテ持チ出スノハオカシナ話デアリマス。若シコノ法廷ノ決定（吾々ハ実行スベキモノト心得テ居ルケレドモ弁護側ハ明ラカニ之ヲ無視シテ居リマス）ガナイナラバ検察側トシテハコノヤウナ弁護側ノ言ヒ分ハ誹謗的性質ノモノデアルコトヲ証拠ヲ十分ニ提出シテ明ニシタコトデアリマセウ。ソシテ弁護側ノ考ヘテ居ルコトガト思ハル「ソ」聯ノ一九三九―四〇年ノ行動ハ波蘭、「エストニア」、「ラトヴィア」、及ビ「リスアニア」ガ「ヒトラー」独逸ノ奴隷的殖民地ト化スルコトヲ防止シタシ、コレ等ノ國々ノ自由ナ発展ヲ保障シタシ、ソノ上独リ「ソ」聯ノタメノミナラズ米英両國民モ含メタ世界全般ノタメニ「ファシス」止侵略対手ノ闘争ヲ援ケタモノデアルトイフコトヲ示シタデアリマセウ。コノ日本ヲ脅威シタカノヤウニイフ侵略ニツイテノ事実ハ全クナカツタコトデアリ、弁護側トシテ何等眞正ナ証拠ヲ提出シ得ズ、サリトテ日本側ノ対「ソ」戦争ニ対スル廣大ナ準備工作ヲ否定シ得ズ、ソレガ余リニモ明白ナコトデアツタノデ、弁護側ハ自分デ立証シヤウト努力シテヰルソノ主張ソノモノヲ証拠トシテ持チ出サウト試ミテヰルデアリマス。弁護側証人、前日本大臣達、将軍連提督達、外交官達等、即チ平和ニ反スル重大ナ犯罪ニツイテ被告等ノ最モ近イ戦友デアリ協力者デア

[illegible]

[illegible]（南京）記録ヲ[illegible]

[illegible]弁護側ノ誹謗的攻

撃ヲ又[illegible]許シタルカ。

五人ノ日本人証人ハ彼ノ法廷ニ於テ観タ証言ヲ与

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ハタモノデアリマスガ（松村友勝、英文速記録オ八一三六八一八一五五頁、瀬島龍藏、英文速記録オ八〇九三一八一二六頁、武部六藏、英文速記録オ三八二四一三一九三一頁、松浦九州雄、英文速記録オ三一九三二一三一九九六頁、村上啓作、英文速記録オ三一九九六一三二〇六八頁）、弁護側ガ有ラユル直接的及ビ誘導的質問ヲ以テ証人ガ弁護側ニ望マシイ答弁ヲ与ヘルヤウサセヤウト色々努力シタケレドモ無理強ヒシテイルトイフコトヲ暗示スルコトカカツテモナカツタノデアリマス。

當テ反対訊問ノタメ日本人証人ヲ召喚スル問題ヲ審議スル際「ブレークニー」弁護人ガコノ不当ナ攻撃ヲナシタノデアリマスガ其時当法廷ハ[illegible]証言ヲ与ヘシムルタメ証人ニ対シテ圧迫ガ加ヘラレタトイフ「ブレークニー」少佐ノ言明ヲ正当ナラシムル証拠ハ全然ナイ。法廷ハ繰返シテ今一度当事者双方ニ向ツテ双方ガ根拠ノナイ言明ヲシナイヤウ警告ヲ発スルト決定シマシタ。（英文速記録オ二四五一八頁）。

ソノ後ニナツテドウシテ弁護側ハ再度今回ノヤウナ誹謗的主張ガ敢テデキタノデアリマセウカ。弁護側ハ他ノ検察側証人タル日本人三宅、草場、吉多、及ビ野原ノ証言ハ空証価値ガナイモノト考ヘルコトヲ提言シテ居リマス（英文速記録オ四二七〇九頁）、之等ノ人ノ宣誓口述書ヲ法廷ハ証人ヲ反対訊問ニ呼ビ出スコトナク受理シマシタ。法律用語ノ意義ニ関ス

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問題ノミニカラカッタ論議ノ外弁護側ハ慎重ノ審議ノ末法廷ガ受理シタ宣誓口述書ヲ弁護側ガ満足スルタメ受理シナイヤウニスルタメノ自分ノ提言ニ対スル他ノ何等ノ根拠ヲモ述ベマセンデシタ。

検察側ハ三宅、草場、喜多、及ビ野原証人等ノ証言ハ他ノ証人ノ証言並ニ文書ニ依ッテモ確認サレルモノ即チ従ッテ彼等ノ証言ノ信憑性ニ就テハ疑義ハ有リ得ナイトイフコトニ就テ同ジク法廷ノ注意ヲ喚起致シマス。

当時検察側ハ本問題ヲ充分ニ説明シマシタカラ今更之ヲ繰返ス必要ハナイデアリマス（英文速記録第二三八〇六ー八三五頁）

弁護側ハ其最終弁論ニ於テ日本ト「ソビ」連邦ト過去ニ於テハ「ロシヤ」トノ歴史的関係即チ一九〇四年（明治三十七年）ノ旅順ニ於ケル「ロシヤ」艦隊ニ対スル日本ノ無宣戦攻撃並ニ一九一八年乃至二二年（大正七年乃至十一年）ノ「ソビ」連極東ニ於ケル日本ノ干渉ト云フ周知ノ事実ヲ反対ノ形ニ示ソウト大キナ努力ヲ拂与シタ。検察

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動ヲ理解スル為メノ意義ヲ認メテ自分デ自身ヲ裏切ツタノデコトニナルノデアリマス。弁護側弁論ノ中心点ノ一ツハ予期シタ如ク帝国主義的日本ト「ヒットラー」独乙及ビ「ファシスト」伊太利トノ対「ソ」侵略謀議ノ否定デアリマス。一般ニ自分ノ根據ノ無イ否定ト検察側立証ヲ反駁セントスル効果ノナイ試ミニ忠実デアツタ弁護側ハ考慮ニ値スル若干ノ新タナ策動ヲ行ヒマシタ。弁護側ハ所謂防共協定ハ「ソ」連邦ヲ目標トシテ居タコトヲ認メマシタ。弁護人「カンニンガム」ハ『協定ガ「ソ」連邦ヲ目標トシテ居タト云フコトニ就テ誰モ論争シテ居ナイ……』（英文速記録第四二九五二頁）。且ツ又同弁護人ハ『吾々ハ防共協定ニ就テ謝罪スル必要ハナイ』（英文速記録第四二八五四頁）ト附ケ加ヘマシタ。従ツテ被告等ハ一九三六年（昭和十一年）対「ソ」協同活動ノタメ「ヒットラー」独乙及ビ「ファシスト」伊太利間ト同盟ヲ結ンダコトヲ承認シ此事ニ就テ決シテ後悔シテハ居ラズ且ツ此事ニ就テ全責任ヲ負フ覚悟ナノデアリマス。之レハ法廷ニ取ツテ甚ダ重要ナコトデアリマス。当時弁護側自身ガ『……本協定ハ「ソヴイエット」連邦ヲ目的トスルモノデハナイ……』（法廷書記第二三七一号）ト云フ防共協定ニ関スル一九三六年（昭和十一年）十一月二十一日附日本外務省ノ声明ヲ提出シタノデアリマス。即チ事実ハ之ヲ反駁スルコトハ全ク不可能ニナツタ程

夫程明白且ツ論争ノ余地ナク検察側ニ依テ立証サレタノデアリマス。弁護側ハ以上ノ如ク承認シテ「ソ」連邦ト「コミンテルン」ニ関スル談議ノ始メ此処ニ日本ノ行動ヲ正当化セントシタデアリマス。然シ法廷ハ古ビテ陳腐デ且ツ俗悪ナ唄ノ外ハ何モ聞キ得マセンデシタ。而シテ其唄ハ之等談議ノ作者ノ自己幻想ガ作リ出シタモノカ又ハ所謂防共協定ノ責任者デアリ従ッテ自然ニ侵略同盟ヲ共産主義ニ対スル『防禦』ナリト表現セント努メタ所ノ被告達及ビ其他ノ日本指導者中間ノ政治家達（廣田、有田、林其他）ノ根據ナキ言ヒ分デアリマス。（英文速記録第四二九六三ー六四頁）従ッテ法廷ハ相手方カラ予期スル抵抗ヲ受ケルノデ自分ノ行ツタ武力攻撃ヲ『防禦』ダト云ッテ言訳ヲスル強盗ノ企図ヲ何レノ裁判モグ取扱フト同様ニ「ヒットラー」独乙及ビ「ファシスト」伊太利トノ間ノ所謂防共協定ノ締結ニ関スル日本指導者仲間ノ行動ノ此ノ弁明ヲ取扱フベキデアリマス。弁護側ハ『防共協定ノ効果ニ関スル検察側ノ凡テノ主張ハ正シクナイ』ト申シマス（英文速記録第四二、九五三頁）斯クノ如ク弁護側ハドウシタ所デ所謂防共協定ヲ国際的協調ノ正当ナル手段デアルトスルコトガ不可能デアルト云フコトヲ予期シ本協定ハ何等重要ナ結果ヲ齎ラサナカッタト云フ

抜ケ穴ヲ見付テ出サウト企テ居リマス。ソウガトンタラ
本協定ヲ根據ニ[illegible]行[illegible]謂防共協定參
加者等ノ侵略行動ニ関シ検察側ガ立証シタ事
実ヲ[illegible]取扱フノデアリマスカ？　弁護側ハ『回顧
的見地ヨリスレバ防共協定ノ締結ニ依テ日独間ニ生ジ
タ連絡ガ其后ニ於ケル日本ノ対外政策ニ影響ヲ及
[illegible]ト云フコトハ正シイ、然シ問題ハ将来ニ於ケル日独
関係ガ予見サレテ居タカ又防共協定締結時ニ夫等
ニ就テ決議ガ十サレテ居タカ否カニ在ル。ソレデ吾々ハ
コノ問題ニ対シテ一否ト云フ確定的ナ答ヲ與エル』
ト申シマス（美文選記録第四三、〇二六頁）然シ平
沼ハ彼ガ一九三九年五月四日「ヒットラー」ニ彼ハ『防共
協定ガ[illegible]課セラレタル使命ノ遂行ニ当リ如何ニ
有効デアツタカヲ確認スルコトハ私ニトリ喜ビデ
アリマス』ト書キ送ツタ時ニ『然リ』ト答エタノデアリ
マス（法史書記第五〇三号）平沼ハ彼ガ枢密
院議長トシテ所謂防共協定ヲ承認シタノデアリ
マスカラ[illegible]コトヲヨリ良ク知ツテ居リマス。弁護側
ハ其ノ実ニ迄ニ三国同盟ガ「ソ」連ヲ目標トシテ居タ
コトヲ否定シ続ケテ居マス。彼等ハ申シマス、一九三八年
（昭和十三年）及一九三九年（昭和十四年）ニ於ケル更
ニ密接ナ同盟ノ締結或ハ弁護側自身ガ云フ
『防共協定強化ニ関スル』独日間ノ交渉ハ実
際ニ行ハ且ツ対「ソ」協同行動ヲ其目的トシテ

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居タ（英文速記録第四二九六九―七一頁）ガ協定ハ既ニ恰モ「ソ」連邦ニ関係ノナイ他ノ目的ヲ以テノ締結セタト申シマス。（英文速記録第四二九六九頁）論理的ニ全ク矛盾シタコトニナリマス。即チ協定ノ締結ニ関シ二年三年ト交渉ガ行ハレ「ヒットラー」独乙「ファッシスト」伊太利及ビ帝国主義的日本ノ協同行動ノ対象ハ日本指導者他ノ同ガ主張シタ如ク単ニ「ソ」連邦ノミトナスカ或ハ「ヒットラー」ガ提案シタ如ク他ノ諸国ヲモ含メルカト云フ点ニ就テノミ論議ガ行ハレ、其后協定ハ締結サレ而シテ突然夫レハ「ソ」連邦ヲ目標トシテノ居ラナイノデアリマス。ドウシテコンナコトニナッタノデアリマセウカ？　第一ニ無護側ハ独乙ハ一九三九年（昭和十四年）八月「ソ」連邦ト不可侵條約ヲ締結シ之ニ依ッテノ日本ニ対シ『背信』ヲシタト申シマス。今トナッテ無護ハ此事ハ『日本ノ全ク予期シナカッタコトデアッタ』ト主張シ（英文速記録第　頁）而シテ日本ノ態度ヲ変化サセタト申シマス。（英文速記録第　頁）然シ無護側主張ノ無根底ナコトハ無護側ガ自ラ提出シタ証據特ニ無護証人「ミタムメル」ノ宣誓口述書ニヨリ明白デアリマス。其口述書ニハ「リッベントロップ」ハ一九三九年（昭和十四年）四月既ニ大島、白鳥両大使ニ対シ独乙ガ「ソ」連邦ト不可侵條約ヲ結ブカモシレナイト秘密裡ニ予告シタト云フコトガ述ベラレテアリマス（英文速記録第二四三九九頁）

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一九四一年（昭和十六年）三月二十七日「リッベントロップ」松岡会談ニヨリ日本ハ大島大使ヲ通ジ「ソ」連邦ト不可侵條約ヲ締結セントスル独乙ノ企図ニ就テ知ッテ居タト云フコトガ明白デハナイノデセウカ（法廷書証第七八三号）？

即チ如何ナル『背信』モナカッタノデアリマス。第二ニ、弁護側ハ三国同盟條約中ニハ條約ハ「ソ」連邦トノ関係ニ及バナイト云フ第五條ガアルト申シマス（速記録第四二九八四頁）

弁護側ハ検察側ガ提出シタ文書例ヘバ松岡ガ此ノ條約第五條ニ就イテ『……独「ソ」戦ノ時ハ日本ハ援助シ日「ソ」戦ノ時ハ独逸ハ日本ヲ援助ス』ト可成開放的ニ語ッタ一九四〇年（昭和十五年）九月二十六日枢密院調査委員会議事録ヲ默過シマシタ。（法廷書証第五五二号）

吾々ハ検察側ノ他ノ文書即チ伯林駐在来栖大使ガ一九四〇年（昭和十五年）九月二十六日附デ独側ハ條約ガ『軍事ノ戦争ノヲ予想スルニアラズト国内新聞ヲ指導スル方針ナルガ『他面牽制ノ意味ヲ以テ東方ニ兵力ヲ集中シ居レリ』ト云フ（法廷書証第七八六一a）東京宛秘密電報ニ就テモ弁護側カラ何モ聞キマセンデシタ。

弁護側ハ一九四一年（昭和十六年）七月二日ノ前会議決議ノ意味デハ日本ハ即チ本三国條約ニ依リ「ソ」連邦ニ対シ独乙側ニ加擔スル義務ガアルト考ヘテ居タ（『独「ソ」戦ニ対シテハ三国枢軸ノ精神ヲ基調トスルモ暫ク之ニ介入スルコトナク……』（法廷書証第七七九号））ト云フコト而シテ其ノ様ナコトヲシナカッタノハ只ダ各方面ノ準備ヲ行ヒ遂

ニ容易ニ勝テ得ルト云フ有利ナ状勢ガ到来シナカツタニ過ギナイト云フコトヲ故意ニ沈默シテ居ルノデアリマス。

上述ノ二ツノ状態ニ基キ三国條約ハ「ソ」連邦ヲ目標トシテ居ナカツタカノ如ク云フ弁護側ノ主張ハ恰モ鷄ノ脚上ニ建テラレタ伽噺ノ小屋ニ似テ居リマス。夫レハ批判ノ價値ナキモノデアリマス。

対「ソ」侵略者国際同盟ニ関シテ弁論シタ「カニンガム」弁護人ハ「ソ」連検察官ノ最終論告ハ非常ニ遅シテ提出サレタノデ弁護側ハ自分ノ完全ナ論証ヲ提出スル事ガ出来ナカツタト訴ヘマシタ。(英文速記録第四三〇三頁)

調査ノ結果ヲ甲シマヤウ。検察ノ論告ハ二月十七、十八日ニ行ハレタノデアリマスガ「カニンガム」氏ハ三月九日ト十日ニ其弁論ヲサレマシタ。明白ナ論証ヲ作成スルノニ弁護側ニ時間ガ少ナカツタト云フコトニ誰ガ同意スルデヤウカ?

弁護側論証ノ薄弱ナコトハ夫レニ因ルモノデハナク事実ヲ反駁スルコトハ不可能デアルコトニ依ツテ説明サレルノデアリマス。

弁護側ハ「ハサン」湖及ビ「ハルヒン・ゴール」河ニ於ケル無宣戦侵略戦争ノ件ニツイテ二回、即チ山岡弁護人ノ弁論ノ『起訴状』ノ中デ又「ブレクニー」「フアーネス」両弁護人ガ起訴状ノ「ソ」連関係ノ章ニツイテ論ジタ弁論ノ中デ言及シテ居リマス。後ノ方ノ人々ハ前記ノ事変ニツイテソノ弁論ノ約三分ノ二ヲ割イテ居リマス。コノコトハコレ等ノ事実ガ平和反スル犯罪ヲ暴露スル上ニ於テ持ツテ居ル

重要性ヲ弁護側デ認メテ居ルコトヲ明ニ証明シテ居ルノデアリマス。

弁護側ガ裁判審理当時保ダントシテ居タ立場カラ遠ク離レナケレバナラナイトユウコトハ特徴ノアルコトデアリマス。弁護側ハ前ニハ日本ハ「ソ」聯ニ対シテ防衛シタノデアルト云フテ居タ（英文速記録第二三八―一九頁）ガ最終弁論ニ於テハ弁護側ハ双方共誠実ニ思ヒ違ヒヲシテ居ツタ、即チ

「国境ハ半ノアルモノデアツタ……何等侵略ノ意図ハナカツタ、一方ノ国民ガ他方ニ対シソノ領土ヲ獲得セントスル目的ヲ以テ企図ハ無カツタ」（英文速記録第四二七三頁）

ト述ベテ居リマス。

之ハ何等カノ妥協案ヲ提出シタコトニ頗ル似テ居リマスガ吾々トシテハ之ヲ絶対的ニ拒否スルモノデアリマス。

検察側ノ証據ハ日本軍部ガ豫メコレ等ノ武力行動ノ準備ヲシタモノデアリ且ツ最初ニ軍事行動ヲ開始シタモノデアルコトヲ反駁ノ余地フク立証シテ居リマス。

「ハサン」湖事変問題ニ於テハ、国境ハ湖水ノ西方ニアル山山ノ頂上ヲ通ツテ居ル故ニ湖水ノ西岸ト山山ノ頂上トノ間ニアル地域ハ「ソ」聯ニ属シテ居ルトユウ主張ガ正当デアルカ、夫レトモ国境ハ直接湖岸ニ沿ツテ通ツテ居リ随ツテ前記ノ区域ハ満洲ニ属スルト主張シタ日本側ガ正シイカヲ具体的ニ決定スルノ必要ガアルノデアリマス。

軍事行動ノ原因ヲナシタ形式的側面ハ即チ右ノ点ニアツ

クノデアルトユウコトハ未ダ嘗テ弁護側トシテ論争シナカッタノデアリマス（英文速記録第四三七頁）。

国境ノ通路ニツイテニツノ国ノ協定ガアル場合ニハ即チソノ協定ガ問題ヲ決定スルモノデアルトユウコトニツイテハニツノ意見ガアリ得ナイノデアリマス。吾々ガ斯カルコトロハ此ノヤウナコトニツイテ述ベナケレバナラナイトユウノハ前ニ重光被告ガ給ヒ争ヲ煽リ立テ、コノヤウナ国境問題解決上全ク自然ナソシテ簡単ナ態度ト思ハルルコトヲ拒否シタカラデアリ（英文速記録第七六三頁）又吾々ガ追テ詳細ニ述ベマスヤウニ弁護側ハコレ等文書ノ事務的審理ニ対シテハ去ルガケ注意ヲ払ハナイヤウニシ弁護側ノ証人等ノ根拠ノナイ陳述ヤ抽象的判断ニ信頼シヤウトシテ居ルカラデアリマス。

現在ノ場合「ハサン」湖地区ノ国境決定ノタメニハ露支間締結ノ一八八六年ノ琿春議定書及ビ之ニ附属ノ地図ガアルノデアリマス（法廷書記第七五三号、第二七五号）弁護側ハコノ議定書ニツイテ論争シマシタガ否論争シテ居リマセン。反対ニ弁護側自身中国政府ガ本議定書ヲ以テ完全ニ公式ノ效力ヲ持ッテ居ルモノデアルトシテ居ルコトヲホス文書ヲ提出シマシタ（法廷証第三五四五号ノC）弁護側ハコノ議定書ニ対シテ何等カ他ノ文書ヲ以テ対抗サセマシタカ。否、対抗サセマセンデシタ。意見ノ相異ハ琿春議定書内容ノ解釈カラ始マッテ居リマス。コノコトニツイテ法廷ハ数学的ニ正確ヲ以テ解決シ得ルデアリマセウ。

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議定書ハ露文ト支那文トデ作成[illegible]
露西亜語全文ニツイテハ吾々カラ法廷[illegible]
寫眞版ヲ提出シテアリマス。（法廷書証[illegible]）
コノ議定書ノ内デ吾ニ関係ノアル部分ニ関スル露西亜文
ノ書キ方ニ依ルト国境ハ『哈桑湖ノ西側[illegible]山岳ヲ
北西ニ』走ツテ居ル（法廷書証第七五三号）[illegible]国境
ガ「ハサン」湖ノ西側ノ上ニ在ル山山ニ沿ツテ通[illegible]
ハ疑ヲアリ得ナイコトデアリマス。ソーデナケレハ[illegible]
法ニ従ツテ『「ハサン」湖ノ岸ニ沿ツテ』ト言ヒ[illegible]
セウ。
弁護側ハ露西亜文ニ対シ支那文ヲ[illegible]
居リマス。ソウシタラドウイフコトニナルカトユウ[illegible]
ニ吾々トシテハ弁護側ガ提出シタノハ議定書[illegible]
原文デナク又原文ノ寫眞版デナク又[illegible]関ノ
証明シタ寫シデスラナク全ク本議定書[illegible]
製シタ書籍ニ過ギズ、シテ地図ハ出版者[illegible]
書ノ中ニ之ヲ入レナカツタノデ地図ハナカツタトユウコトニ[illegible]
ナラナイノデス。序ニ御注意迄ニ申シマスガ、コノ書籍ハ上
海ノ個人出版業者ガ出版シタモノデアリマス。弁護側ガ
提出シマシタ議定書ノ本文ノ中ニハ附図ニ言ヒ[illegible]居リ
マスガ、ドウシテコノ本ノ中ニ地図ガ発表サレテナイノカ吾々ニ
ハ知レテ居リマセン（法廷書証第三五四五号ノ七、支文速
記録第三四四九八頁第三四五〇七頁）コノ複製ハ議定
書ノ原本ト同一性ヲ持ツテ居ルモノト看做シ得ナイモノデ

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ヤリ、総シテ言ヘバ斯ノ様ナ事態ノ下デハ吾々提出シタ原本方ヲ選ブベキデアリマス。弁護側ハ支那文ノモノニ依ルトハ「ハサン」湖附近国境ニツイテノ問題ノ場所ハ別ノ意味即チ国境ハ直接西岸ニ沿フテ通ツテ居ルト解釈スルコトガ出来ルト主張シテ居リマス。処ガ吾々ハ弁護側モ認メザルヲ得ナイヤウナ事実即チ支那文ノモノニ於テモ又英訳文ニ於テモ『岸』トユウ辞デナク『側』トユウ一層広イ意味ヲ持ツテ居ル辞ガアルノデアルトユウコトヲ申述ベマス。若シ国境ガ岸ニ沿フテ通ツテ居タナラバコノ簡単ニシテ解リ易イノシテドシテ国語ニモアルト思ハルル辞デアル処ノ『岸』ヲ使フヨリヤサシイコトガカツタデアリマシヤウ。随テ弁護側ガヤルヤウナ琿春議定書ノ露西亜文ノモノト支那文ノモノトノ間ニ何等カ差別ヲソケルヤウナコトハ人工的ニノミ考ヘ出シ得ルコトデアリマス。吾々ハ決定的ナ論証即チ琿春議定書附図ニ対シテ法廷ノ注意ヲ喚起シマス。（法廷書証第七五三号第二七五号）

コノ地図ヲ一眼見タダケデ国境ハ「ハサン」湖ノ西側ニ在ル山山ノ頂上ニ沿フテ走ツテ居ルコトガ解リマス。ソレ故「ハサン」湖附近ニ於ケル国境通路ノ問題ニツイテハ眞理ハ言フ迄モナク「ソ」側ニ在ツタノデアリマス。コノコトハ歴史的文献ガ物語ツテ居リマス。コレ以外ニ何等カノ帰結ハナシ得ナイノデアリマス。言語上ノ差別ヲ捕ヘ議定書ヲ取巻イテ抽象的判断ノ議論数頁ヲ積上ゲルコトガ出来タトシテモ地図ハコノヤウナコトヲサセナイトイフコトヲ弁護側ハ理

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解シテイルノデアリマス。総テノ国語ニ於テ地図ハ一律一ツノコトヲ意味シテ居リマス。即チ湖水ハ湖水デアリ、山ハ山デアル、明白ナ筋デ示サレタ国境線ハ国境線デアリ、ソシテソレハ湖水ノ西側ニ在ル山々ノ頂上ニ沿ツテ通ツテ居リ、山岸ニ沿ツテ通ツテハ居ラナイノデアリマス。コノコトカラシテ弁護側ハコノ地図ヲ『露西亜側』地図ト稱シコノ文書ガ単ニ條約締約国ノ一方デアル露西亜側ダケノモノデアルコトヲ示サウトシテ居ルノデアリマス。(英文速記録第四二七三七号)吾々ハ辞ヲ信ゼラレンコトヲ願フノデハアリマセン。裁判官各位、コノ地図(法廷書証第七五三号第二七五号)ヲ御覧下サイ。コレハ『露西亜側』地図デナイコトガアナタ方ニ解ルデアリマシヤウ。コレハ琿春議定書ノ附図ノ原本デアリ、ソノ上ニハ露西亜語ト支那語トデ以テ標示ガ施サレ且ツ露支両国政府代表者ニヨリテ署名サレタモノデアリマス。コレハ『露西亜側』モノデアルト同ジヨウニ『支那側』地図デモアリマス。コレハ双方ノタメノ地図デアリマス。誰モ、一言デモ、コノ文書ヲ非難シヤウトシマセンデシタ。最後ニ弁護側ハ最後ノ議論トシテハ基本トナスベキハ地図デナクテ『協定ノ明文』(英文速記録第四二七三七頁)デナケレハナラヌト言ヒ出シテ居リマス。露西亜人ハコウイフ場合ニハコウ言ヒマス。『健康ヲ祝スルコトニ始マツテ、オ悔ミニ終ヅタ』ト。最初弁護側ハ議定書ノ原本ガ不明瞭デアツタカラ双方ガ誤解シタノデアルト立証シ、後ニナツテハ原本ハ明瞭デアルソシ

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テコレダケヲ基礎トスベキデアルト主張シテ居リマス。法廷トシテハ、琿春議定書ノ本文ト附図トノ間ニ何等矛盾ガナイコト、『「ハサン」湖ノ西側ヲ通リ山岳ヲ』走ツテ居ル国境ニツイテ議定書ノ中ニ一般的ニ示シテアルコトハ明瞭ニ地図ノ上ニ表ハサレテアツテ、「ソ」側主張ノ通リ即チ「ハサン」湖ノ西方ニ在ル山々ノ頂上ニ沿ツテ国境ガ現場ヲ通ツテ居ルコトニ絶対ニ何等疑ヒノナイコトヲ知リ得ルデアリマシヨウ。同様ニ「ハルヒン・ゴール」河地区ニ於ケル国境ヲ定メテ居ル検察側提出ノ証據文書モ論争ノ余地ノ無イモノデアリマス。弁護側ハ余リ賢明ナハ言ヘナイ次ノ陳述ヲナシテコレ等証拠ヲ甘ク逃レヤウトシマシタ。即チ『吾々ハ証拠トシテ提出サレテヰル数十枚ノ地図ニツイテハ、単ニ我方見解ノ説明トシテ「ノモンハン」事件迄ハ誰モ国境ガコノ方面デ何所ヲ通ツテ居タカ知ラナカツタトユウコトヽシテコノ法廷ニトツテハコレヲ決定スルコトハ不可能ナコトデアルトコウコトヲ申述ベマス』(英文速記録才四二七六二ー六三頁)コノ言明ハ弁護側ガ明ニ、日本側ノ正当ナルコトヲ地図ニ依リテ裏附ケルコトガ出来ズコレヲ抛棄シタモノデアルコトノ証拠デアリマス。吾々ハ自分ノ立場ヲ確証スルタメニ地図ヲ用ウルコトヲ止メルモノデナクテ、コレガ唯一正当ナ途デアルト考ヘテ居リマス」先ツ何ヨリ先ニ吾々ハ双方カラ提出サレタ『数十枚ノ地図』ノ中カラドレガ確実ナリシテ最モ信用シ得ル証拠デアルカトイウコトヲ決定シナケレバナリマセン。蒙古人民共和国ハ嘗テ支那ノ一部デアツタノデアルカラ勿論支那ノ

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地図ニ優先権ヲ与ヘルベキデアリマス。コレニツイテハ主義上弁護側モ同感デアルト考ヘルコトガ出来マス。（英文速記録第二三四九頁）国境決定上根拠トナリ得ベキ支那側地図ハ或ハ公式出版ノモノカ、或ハ少クモ公式又ハ確実ナル出所カラ出タモノデナクテハナラヌコトハ当然ノコトデアリマス。検察側ハ法廷ニ対シテ右ノヤウナ公式ノ支那地図ヲ二枚提出シマシタ。ソシテ双方共「ハルヒン・ゴール」河戦斗開始ノ余程前ニ出版サレタモノデアリマシタ。両地図ハ法廷ニ依リ証拠トシテ受理セラレテアリマス。一枚ノ地図ハ一九一九年中北京ニ在ル中国郵政総局ニヨリテ出版セラレタモノデアリマス（法廷書証第七六三号）コノ地図ニハ国境ハ明瞭ニ「ハルヒン・ゴール」河ノ東方即チ蒙古及ビ「ソヴイエト」側主張ト完全ニ合致シテ示サレテアリマス。コノ地図ノ性質ガ公式デアルコト又之ニ示シテアル国境線ガ決定的デアルコトニツイテハ日本側間牒矢野光治ノヤウナ弁護側ノ明ニ傾向的ナ証人スラ否認出来ナカツタデアリマス。（英文速記録第二三七〇三頁）コノ国境ノ線ノ引キ方ハ其後ニ於テ何等ノ変化ヲ見ナカツタノデアリマス。公式ノ支那側地図ハ蒙古人民共和国樹立ノ後モソノ国境ヲ「ハルヒン・ゴール」河地区ニ於テハ河東方ニ示シテノ居リマス。一九三〇年上海デ出版セラレタ地図デ、ソシテソレニアル記入デ解ル通リ『遠東地理局ノ行ツタ日取新且ツ最モ確実ナル測量ニ基イテ作成セラレ』タ地図ハ証拠トシテ法廷ニ受理セラレテアリマス（法廷書証第三八五五

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号附属第八）コノ地図ニテル国境ノ引キ方ハ一九一九年北京出版ノ公式地図ト全然一致シテ居リマス。コレ等公式文書ニ対抗シテ弁護側ハ何ヲ提出シ得マシタカ？何モアリマセン、ソレハ完全ニコノ言葉通リデアリマス。弁護側ハ我方ノ公式地図ニ対抗シテ二枚ノ非公式デ著者不明ノ地図ヲ提出シヤウトシマシタガ法廷ハ証拠トシテ之ヲ受理シマセンデシタ（英文速記録第二三六八。一二三十二頁、第二三八二九一二三八四八頁）吾々ハ法廷ガ総ジテコノヤウナ証拠トシテ受理シタコトノナイ又「単ニ識別ノタメノ」宣誓口供書ノ番号ヲ附シタ地図ヲ考慮ニ入レルコトノナカランコトヲ願フモノデアリマス。（識別ノタメノ宣誓口供書第二六五一号、英文速記録第二三九九九頁、同様ノ宣誓口供書第二六五二号、英文速記録第二三、〇〇〇頁）

ソノ最終弁論ノ中デ『世界ノ地図学者等』ハコノ地区デハコノ国境ガ『彼等ノ手許ニ在ル資料ニ依リテ在リ得タ』所ノ場所ニ国境ヲ引イタモノデアルトユウコトヲ述ベマシタ。（英文速記録第四二七六三頁）。吾々ガ世界中ノ最モ権威アル地図書カラ取ッタ一組ノ地図ヲ提出シタノハ即チ先ヅ以テ「ハルハ」河地区ノ戦闘開始ノ余程前ノ時代ニ於テ最モ有名ナ権威者ノ手許ニ在ッタ資料ニハ国境ガ河ニ沿ッテデナク河ノ東方ヲ通ッテ居ルコトヲ証明シテ居タトユウコトヲ示サンガタメデアリマシタ。又コレ等地図書ノ編纂者達ハ支那側ノ出所カラ取リ、ソシテ彼等ノ手許ニアル公式資料ヲ総括シタモノカラ作成シナケレバナラナカッタコトモ明カデアリマス。（法廷書証第三八五五号附属）

第二ニハ法廷ニ提示セラレタ地図ハ専門ニ満洲占領地域ノ行政組織問題ニ従事シテ居ッタ日本側ノ公式機関即チ蒙古人民共和国ト満洲トノ間ノ国境ノ通リ方ノ問題ニ最モ精通シテイタ機関デサヘモ「ハルハ」河ニ沿ッテデナク河ノ東方ニ国境ヲ示シテ居ッタコトヲ証明シテ居リマス。即チコノ目的ノタメニ吾々ハ関東廳及ビ関東軍ノ出版シタ一九一一年（法廷書証第二七一〇号）一九二六年（法廷書証第二七〇九号）一九三四年（法廷書証第七六四号ノA）発行ノ満洲地図ヲ提出シタノデアリマス。

弁護側ガコレ等ノ地図ニハ「旅行案内記以上ノ價値ハナイ」ト言ハントシタノハ特色トユウコト以上ノコトデアリマス（英文速記録第四二七六六号）。日本帝国主義者達ハ侵略ヲ計画シ国境ヲ「ハルハ」河ノ東方カラ河ノ其ノモノニ勝手ニ移動シ

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斯クシテソノ時迄ニ出版サレテアッタ公式ノ總テノ地圖トノ矛盾ニ陥ッタ訳デアリマス（法廷書証第七六四号ノB）

第三ニハ日満国境問題ニ専門ニ從事シテ居ッタ日本側ノ特ニ研究會ガ「ハルヒン・ゴール」河地区ノ国境ハ何處ヲ通ッテ居ルカトイフコトニ付テ何等ノ疑ヲ持タズシテ右国境ヲ河ノ東方即チ我方主張通リニ示シテ居ッタコトハ事実デアルトイヘルベキデアリマス　吾々ハ満洲国文會調査局作成ノ即チ内蒙古大地図デ一九三二年十一月ニ出版サレ（法廷書証第二七二号、英文速記録第二七〇二頁）ソレニハ国境ガ河ノ東方ニ示サレテアルモノヲ法廷ニ提出濟デアルコトヲ茲ニ申添ヘマス。

第四ニハ一七一号ノ地図カラシテ明白ナコトハ、関東軍司令部ハ国境ガ一般従前ノ地図ノ中デ「ハルハ」河ノ東方カラ同地ノモノニ終ッテアッタ後ニナッテモ国境ノ標ニ即チ「ハルヒン・ゴール」河ノ東方ニ示シテ居ル秘密地図ヲ複写シテ出版シテ居タトイフコトデアリマス。コノヤウナ地図ハ一九三一年十二月ニ出版サレ関東軍参謀長三宅少将ヨリ陸軍省梅津美治郎宛ニ公式ニ送附セラレタモノデアリマス（法廷書証第二九号B及二九号ノB）

第五ニハ、最後ニ「ハルヒン・ゴール」河地区デ戦闘ヲ開始シタ日本軍隊スラモ依然正シク国境線ヲ河ノ東方ニ示シテ居ル地図ヲ持ッテ居リマシタ。コノ地図ハ検察側証人「[illegible]」ノ供述ノ証言デ解ル通リ日本第二十三師団ノ偵察隊長東

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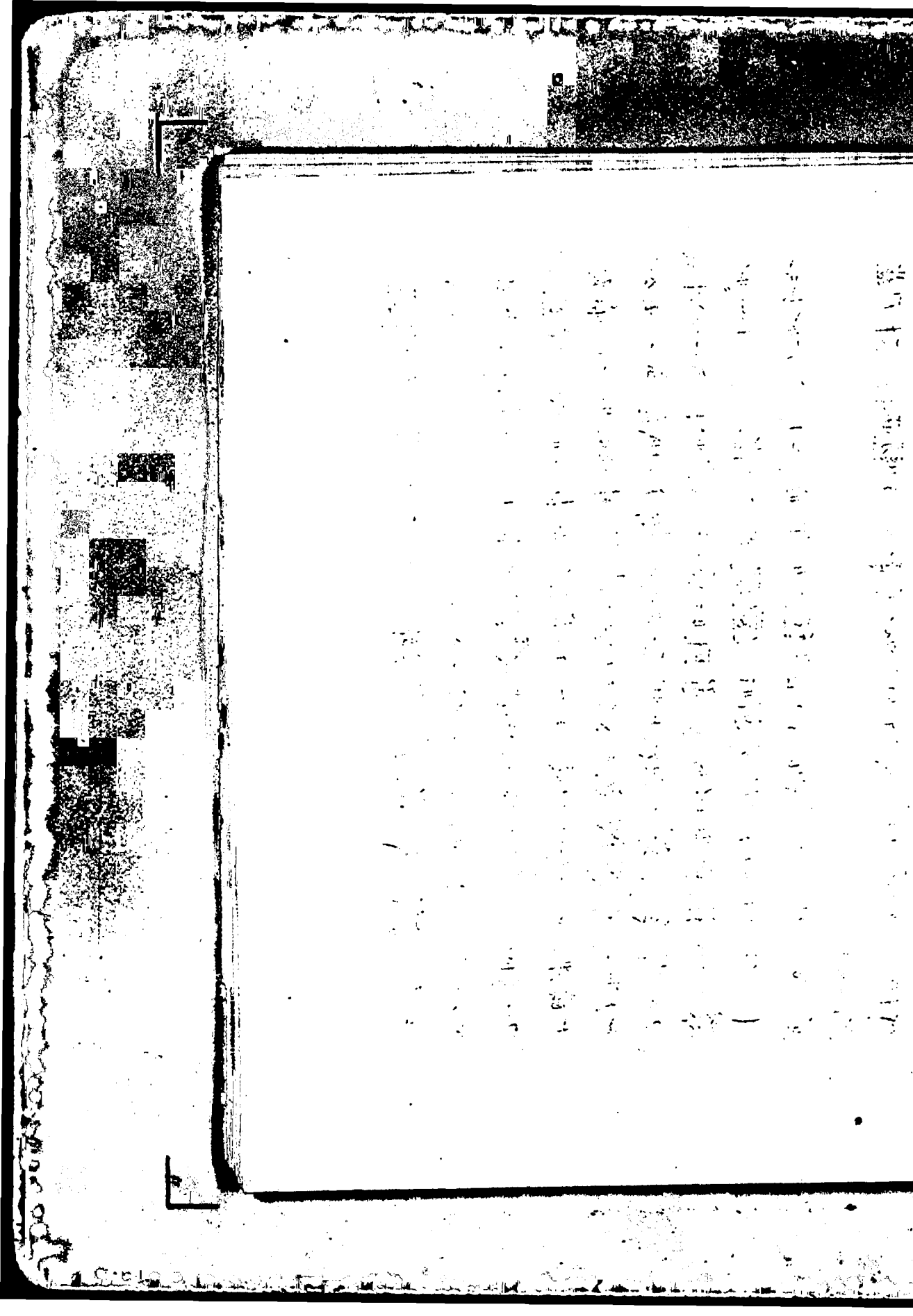

[illegible]

コノ地方ニ於テ常習的ニ行ハレタノ関係上 注意深ク警衛シテ居ルマシタ。（英文速記録第二八ニ六三頁）

弁護側ハ「ソ」聯人及ビ豪古人証人ノ証言ノ中デアルモノナイ子宿ノ見出サウトシテ大袈裟ニ、例ヘバ「ザオジョルチヤ」高地ニ「ソ」側「ハ」境警備兵ガ何人居タカ、ミナニ名カニナ名カトノウヤノナ問題ヲ明ニスルコトニ多大ノ注意ヲ拂ヒマシタ。然シ後ノ戦斗ノ場所トナッタ地域ハ名ニ「ソ」側ハ豪古側守備兵ノ秘ノテ警備ヲシテ居ッタトユノ所記証人等ノ証言ニツイテハ弁護側ハ簡単ニ沈黙ヲ守リ、斯クテノ「ソ」等証言ニ全然トカッタトハ一ツ風ニシヤウトシマシタ。

（以下次号続ク）

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口供書ニハ七月十五日頃ニ「ザオジョールナヤ」高地ニアラ
タ三十名ノ国境警備兵ニ関シ又第一回武力衝突
時即チ七月三十一日ニ於ケル六十名ノ兵（国境警備兵
三十名及ビ予備ナ隊）ニ就テ述ベラレテ居リマス。
「ゲルノピヤトコ」証人ハ同様ニ彼等ガ七月三十一日
ニ至ル夜ノ武力衝突ニテ一連隊カラハ三十名ノ国境警
備兵ト同ジク約三十名ノ予備ノ隊ガ参加シタト申シ
マシタ。証人ハ最初（英速記録）即チザオジョールナヤ高地ニハ
三十名以下デシタケレドモ十六日以後ニハ三十名三十ナリ
マシタト陳述シマシタ（英文速記録第三二一七五頁）
而シ一番ニ之ハ正シクアリマセンカ即チソビエット
側ノ国境警備兵ガ少ナイノ戦斗ニ参加シタトイフコトハ
トノ問ニ対シ彼ハ
「イイエ、ソウデハアリマセン。ソノ夜我々ノ方ニ一個小隊
ガ増強サレテイマシタガ、ソノ一個小隊ハ矢張戦斗ニ参
加シテオリマセヌ。野戦部隊ノ一個小隊ガ…ト結合シテ
居マス。
問、紛争ガ多分ニ昂進シテ居タ時デハアリマセンカ。
答、ソウデアリマス。三十名（英文速記録第三二
一八六頁）
「ガレバンニク」少将ノ宣誓口供書ニハ同ジク「パタルヒ
ン及ビ「ゲルノピヤトコ」証人ガ述ベタ数字ト全部一致
スル数字ガ述ベラレテ居マス。此ノ後ノ二人ノ証人ハ「ザオ
ジョールナヤ」高地ニ於ケル国境守備兵ノ数ヲ述ベマシ

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タガフグレベンニウリ」ハ「サオジョールナヤ」高地カラ「ベズ
イミヤンナヤ」高地ニ至ル全戦線ニ於ケル国境警備
軍数ニ就テ証言ヲシタトデアルマス。尚ガレベンニウ」
証人ハ「当時野戦部隊教授隊ハヤウト戦斗地域ニ
到着シツツアリ、サオジョールナヤ」「ベズイミヤンナヤ」
両高地ハ私ノモウテ居リ予備部隊ニヨツテ幾分
増強シ国境警備兵部隊ニヨツテ守備サレテ
居ルコトヲ「両高地ニハ九十二名ノ国境警備兵ガ居
約二十名ガ「サオジョールナヤ」高地ニ居ルコトヲ」証言
シマシタ（英文連記録第三八二九六頁）
以上ノ如ク繰返シテ申シマスガ「ハタルシ」「左ルノピヤ
トフ」「ガレベンニウリ」証言ノ間ニハ何等ノ矛盾
ヲアリマセン。

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「ハサン」湖附近及ビ「ハルヒンゴール」河畔ニ於ケル無宣戰侵略戰爭ノ眞ノ意義ハ日本ノ対「ソ」一般侵略政策ノ一部トシテ暴露サレルノデアリマス。此等ノ事件ハ日本帝國主義等ノ対「ソ」大侵略戰計画及ビ準備ノ一般方式ト密接ナ関係ガアルモノトスルヨリ他ニ考ヘルコトハ出来ナイノデアリマス。

辯護側ハ「誰ニモ罪ハナ」トノ説及ビ「事件デアリ戰爭デハナイ」トノ説ハ甚ダ心細イト理解シタト見エ責任問題ハ戰爭行動停止ニ関スル相互ノ協定ト一九四一年（昭和十六年）ノ中立條約ニ関連シテ消滅シタト考ヘナケレバナラナイト云フ第三ノ説ヲ作リ上ゲマシタ。

吾々ハ結言ニ於テ述ヘタコトヲ再説スルノ余儀ナキニ至リマシタ、即チ「此ノ主張ハ成立チマセン。何故ナラバ責任ヲ免カルル爲メニハ之ニ継ダ何等カノ外交文書ニ依ル特赦ノ特別指示ガ必要デアッタデアロウカラデアリマス。斯クノ如キ指示ハ周知ノ如ク決シテ無カッタノデアリマス。尚又「ハサン」事件ハ部分的ニ孤立シタ事実デハナク日本帝國主義等ノ対「ソ」侵略行動ノ一般方式中ノ一環デアリ更ニ帝國主義國家群ノ民主國家群ニ対スル侵略ノ一環デアリマス。

最後ニ若シ辯護側ガ責任問題ハ一九四一年（昭和十六年）四月ニ締結サレ恰モ過去ノ関係ニ一線ヲ画スルモノデアルカノ如キ日「ソ」中立條約ニ依ッテ消滅シタノデアルト考ヘヨウトホッスルナラバ斯カル論據ハ前述ノ考察ノ他、後ニ完全ニ立証サレル如ク、此條約ハ日本ニ依ッテ

背信的目的ヲ以テ締結サレタモノデアリ従ッテ本條約ハ法的ニモ道徳的ニモ之レニ言及スル何等ノ根據ヲ与ヘナイト云フコトニ依ッテ成立シナイノデアリマス」（英文速記録第三七八五三頁）

辯護側ハ同ジコトヲ繰返スノミデ何等新シイ意見ヲ全然提出セズ、辯護側ハ其論証ヲヨリ説得的ナモノニ改レマセンデシタ。

吾ニハ辯護側ガ自己ノ辯論ヲ「ヒットラー」独乙ヒ帝國主義的日本ニ対スル戦争ニ参加シタ國家群ノ一ツ即チ蒙古人民共和國ニ対スル侵略ヲ看過スルコトガ出来ナイノデアリマス。此ノ場合辯護側ハ古キ以前カラ自己ノ侵略目的デ蒙古人民共和國ノ主權ヲ侵害シテ居タ日本帝國主義者等ノ宣傳的ナ言ヒ廻シヲ敢ヘテ繰返シタニ過ギマセン。

辯護側ニ依ッテ蒙古人民共和國ハ恰モ「ソ」連邦ト相互援助條約ヲ締結スルコトガ出来ズ従ッテ「ハルヒンゴール」河畔ニ於ケル日本ノ行動ハ対「ソ」侵略デハナイト根據附ケ様トシテ居マス。

吾ニハ比較的弱イ蒙古軍ト事ヲ構ヘタノデナク「ソ」連軍ト事ヲ構ヘタトイフコトガ被告等ニトッテ多論非常ニ不愉快デアッタコトヲ理解シマスガ然シ乍ラソレハ最早別ノ問題デアリマス。

蒙古人民共和國ノ独立ハ一九四六年（昭和十六年）一月七日公式ニ中國政府ニ依ッテ承認サレタ。然シソレヨリモ遠イ以前ニ蒙古共和國ハ其ノ領土住民政府ヲ有スル独立國家デアリ他國ト交渉ヲ有シテ居タノデアリマス。中國

日本家 謀本部ガ蘇聯邦ニ対スル戦略ニ作戦計
画ヲ作成セル事實及ビソノ内容ハ検察側ニ於テ述
ベラレタコトヲ弁護側ハ認メザルヲ得ナカツタ[illegible]スガ（記
録四二七九ノ四二七九三頁）弁護側ハ此等計[illegible]侵略計
画デハナク従ッテ何等ノ責任ヲ伴フモノデナ[illegible]ヲ証明ス
ク全力ヲ傾ケ[illegible]デ[illegible]弁護側ハ此ノ目的[illegible]ベク明ニ
デマゴーグ[illegible]手法ヲ用ヒタノデアリマス。ソノ一例ヲ[illegible]デマスト参
謀本部ニ在スルスベテノ国ガ作戦計画ヲ[illegible]ルノハ普
通ノコトデアッテ又之ニ立案スルコトハ参謀[illegible]日常ノ仕
事デアルト指摘シ弁護側ハ国策ノ方向ニ[illegible]ヲ[illegible]スル計画
ノ内容ヲ述ベルコトナク（若シ同時ニ此ノ任務ヲ[illegible]行スルコトガ
他国ニ対スル犯罪ト看做サレルトスルナラバソレニ[illegible]ニ軍職ニ
アルコトデ犯罪トシテノ烙印ヲ押サレタ云々ト云フ[illegible]理論ノ宣
明ニ依ッテノミ出来得ルコトデアル）ト述ベテ本[illegible]アリマス
（記録四二七九一ノ九二頁）若シ弁護側ガ一度[illegible]識ヲ無
視シ若シ独乙ノ指導者達ガ次ニ日本ノ政治[illegible]軍人外
交官ヲ刑法二ノ責任ニ問フ[illegible]スベテノ国[illegible]職務ハ犯
罪タト云フ新理論ガ宣明サレタコトヲ意味スル[illegible]デアルト申
カテル全ク合理ニ近彼等ノ論争ヲ持ッテ行[illegible]トモ我々ハ
驚カナイデヤウ。我々ハ此ノマラウ[illegible]レ手法ニ答ヘ[illegible]「狼ヲ打
殺スノハ、狼ガ灰色ノカラデアルカラデアル、羊ヲ食ッテ[illegible]カラデアル」
ト云フ露西亜ノ諺ヲ[illegible]スルコトデアリマス。
弁護側ノ他ノ凡テノ議論モ同じ程度ニ「デマ[illegible]ーグ」ナモノ
デアリ又之ヨリ少シモ信憑性ヲ[illegible]ルモノデハアリマセ

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邦侵略戦争準備ニ対スル凡ユル手段ノ全体ニ於ケル[illegible]
ナ一環トシテ参謀本部ノ戦略並ニ作戦計画ニ[illegible]
シマシタ。（H.11-H.50、H.56-H.62）ノ応ニテ[illegible]テ又ハ参謀本部[illegible]
人ガ証言シタ様ニ、「作戦計画ハ参謀総長[illegible]
課本部ガ之ヲ作成シ、ソシカラ修正セラレ天皇ノ裁可ヲ受
ケル後公式化セラレタ作戦計画トナル」ト云フコトガアリ[illegible]
録八二一頁／陸軍省ハ勿論参謀本部モ蘇聯邦ニ
対スル侵略戦争ノ計画並ニ準備ニ多大ノ注意ヲ拂フニ
タ侵略陰謀ノ組織者達ガソノ首脳デアッタト云フコトヲ思
ヒ出ス必要ガアルノデス。本裁判ノ被告二十五名中十五名ガ元
ノ日本軍指導者デアリ、ソノ内一名ガ元帥、十二名ガ将官デ
一名ガ海軍人将デアリマシテ、彼等ガ日本参謀本部ノ戦
略並ニ作戦計画ノ作成或ハ遂行ニ何等カノ関係ガアッタ
ト云フコトハ偶然デハナイトデアリマス
弁護側ハ参謀本部ノ戦略並ニ作戦計画ハ単ニ蘇聯邦
ニ対シテノミナラズ、合衆国英国及ビ中国ニ対シテモ作成
サレテヰタト云フ事実ヲ指摘シテヰマス（記録四二七九番）
シカシナガラ、之ニコッテ何ノ変ッタコトガアリマセウヤ。問題ハ此等
計画ノ性格ガ何デアッタト云フコトデアリマス。将ニ日本参謀
本部ノ此等計画ガ中国ニ対シ勝又太平洋戦争ニ於テ実行
サレタコトヲ、我々ハ知ッテヰルシ又検察側証據ガ立証シテヰル
デス。（記録八一一二頁）

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和ニ対スル陰謀計画ニ従ツテ、対蘇聯邦侵略戦争ニ対スル戦略並ニ作戦計画ヲ作成シ、ソノ計画実現ニ最適ノ好機ヲ待ツテヰタノデシタ。豫期シタ如ク、弁護側ハ関特演計画ニ特別ナ注意ヲ拂ヒマシタ。此ノ計画ハ一九四一年ニ独乙ガ西方ヨリ背信的ニソ聯邦ヲ攻撃シタ後即チ、蘇聯邦ニ対スル東方ヨリノ斯ル攻撃ニ対スル情勢ガ日本ニトツテ最モ有利ニ展開シテヰタ時ニ参謀本部陸軍省並ニ関東軍司令部ガ之ヲ作成シタモノデアリマス。本法廷モ知ル如ク、既ニ一九四一年七月二日、市ノ前会議ガ開カレ、「関特演」ガ作成サレタソノ基底ヲ決定シタノデシタ。

（法廷証第七七九号）弁護側関特演ハ対蘇聯邦侵略計画デハナカツタ甲立テノヰマスガ、関特演ニ関スル弁護側ノ主ナ証據ハ田中新一及ビ笠原両証人ノ証言ニ帰スルモノデアリマシテ、法廷証第二六七六及ヒ二六七〇号）ソノ両人共ハ此等被告ノ為メヨリモ寧ロ自分自身ノ為メニヨリタクノ証言ヲシテヰルノデアリ、之ハ事実、彼等ガ被告ノ活潑ナ共犯者デアツタカラデアリマス。彼等ノ証言ヲ用ヒテ弁護側ハ「関特演」ハ七月二日（一九四一年）ノ国策ヲ展開スル場合ノ関東軍増強ヲ使命トシタモノデアリ」（記録四二八一四頁）又「蘇聯邦ニ対スル備ヘヲ強化スル」手段トシテノ計画サレタモノデアルト主張シテヰリマス（記録二三三二九頁）

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一九四一年七月二日ノ御前会議ノコノ決議ヲ述ベテ弁護側ハ
決議ノ趣意ガ独乙ノ対蘇聯戦争ニ不介入デアルコトヲ見ント欲
シテヰルノデス／記録四二八三九頁／ シカシテドウ之ガソウデハナ
コトヲ明白ニスルニハコノ決議ヲ通讀スレバ十分デアリマス 弁護
側ガヤッテヰル如キコノ決議ノ出鱈目解釋ヲ避ケルタメニ我々ハ
一度ソノ内容ヲ引用シマセウ。即チ「三国枢軸ノ精神ガ独蘇戦ニ
対スル我々ノ態度基調ヲ成スデアラウガ我々ハ當分ノ間介入
セズ蘇聯ニ対シテ秘密ニ武器ヲ準備スルコトニ依ッテ自発的処置
ヲ講ズルデアラウ。ソノ間我々ハ細心ノ警戒ヲ以テ外交交渉
ヲ續行シ、若シ独蘇戦尚ガ日本ニトリ有利ニ進展スレバ我々
ハ北方問題解決ノタメ武器ヲ執リ以テ北方地区ノ安定ヲ確保セント
スルモノデアル」ト云フノデアリマス（法廷証第七七九号）
従ッテ此ノ蘇聯邦ニ対スル日本ノ国策ヲ決定シタ最モ重要ナル決
議ハ即チ
第一ニ三国同盟ニ依ッテ日本ハ蘇聯邦ニ対シ独乙側ニツク義務ハ
カアルコトヲ定メ
第二ニ日本ハ当分間／即チ所定ノ時機迄／此ノ戦争ニ介入セザル
ベキコトヲ決定シ
第三ニ日本ハ対蘇戦ノタメニ密ニ準備ヲ行フベキコトヲ定メテ
ヲ又
第四ニハ蘇聯邦攻撃ノ時機ヲ独蘇戦線ニ於ケル状態ガ有利ニ
ナッタ時ト決定シテヰルノデアリマス
一九四一年七月二日即チ独乙ノ蘇聯邦攻撃ヲ直後デアリ又直接
実聯シテ採択サレタ日本ノ国策ガ正ニ斯ノ如キモノデアリ而モ

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之ガ実行サレテ居タノデス

弁護側ハ此ノ決議ノ命令ヲ見セカケヲ如何ナル[illegible]ノ経歴ニ
ノ明白ナル内容ヲ変ヘル事ハ出来ナイコトヲ悟リ[illegible]ノ其ノ主張ハ
明確デアリ何等ノ証明書カ要ルモノ[illegible]ノ記録[illegible]（省）[illegible]
テ、此ノ文書ニ影ヲ投ゲカケヤウトシテ居ルノデアリマス
日本外務省文書課長ノ発行セル法廷ヘ提出済[illegible]証明書ハ
廷証第五八八号証明書参照）ヨリ明カナル[illegible]ノ決議ハ日本
政府ノ公文書デアリマス。

故ニ此ノ出典ニ如何ナル疑ヲ存在シ得マセウヤ
最後ニ弁護側ハ此等ノ事ヲナシタ如ク[illegible]ハ日本ハ[illegible]
[illegible]対シ辛苦シテ取[illegible]ラウ[illegible]タ[illegible]カナ[illegible]
[illegible]一九四二年[illegible]ノ決議ニ[illegible]ノ記録
[illegible]弁護側ハ[illegible]誤謬ヲ深[illegible]テ[illegible]記録ニ[illegible]
[illegible]即チ勅[illegible]最初ノ[illegible]ヲ引用[illegible]
[illegible]テアリマシタ[illegible]
「[illegible]日本ハ[illegible]夫ニハ[illegible]場合ハ[illegible]日本ハ[illegible]
[illegible]答[illegible]
[illegible]記[illegible]（省）[illegible]深[illegible]
[illegible]決議ハ政策ニ[illegible]ノ回答ヲ述[illegible]デアリマス
[illegible]用語ハ[illegible]「露西亜人ヲ[illegible]
[illegible]ノ為メニ[illegible]回答[illegible]同一[illegible]デアリマシタ。
[illegible]記[illegible]弁護側[illegible]七月二日
[illegible]展開ノ目的ニ[illegible]実特[illegible]記録[illegible]
一四頁ノ之ガ一九四一年七月二日ノ決議遂行ノ[illegible]作成サレ[illegible]

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ト言フ理由ダケニテ対蘇聯邦侵略計画ノ[illegible]
ノデス

検察側最終論告ニ述ベタ実特演計画ノ[illegible]
ハコノ唯一ツ正當ニシテ[illegible]
結論ヲ支持スルモノデアリマス

弁護側ハソノ最終弁論ニ於テ[illegible]
検察側ノ論証批判ニ多大ノ場所ヲサイテ[illegible]
偏見的ナ根拠ノナイ性格ヲ示スニハ若干ノ[illegible]
分デアリマセウ

例ヘバ第場証人ノ証言ノ記録オ四二八〇三頁[illegible]
側ハ実特演ノ名称ノ翻訳ノ問題ニツイテ議論[illegible]
四二八〇二～三頁右計画ノ定ムル処置ノ内[illegible]
ガ独乙ノ対蘇聯邦攻撃ニ[illegible]
ノ証言ヲ黙過シタノデアリマス／記録オ八一六九[illegible]
隆造ノ証言ニ関シテ弁護側ハ日本ニ於ケル[illegible]
万ノ動員ガ単一般ノ補充ノタメデハナイ「実[illegible]
特別ノ目的ノ為メニ行ハレタ」／記録八一〇一[illegible]
述ベマシンデシタ

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関特演計画ニ当テニレタノ部ニ於テ（記録一四二八〇二頁）
再ビ一九四二年ノ計画ニ関スル証人村上ノ証言ヲ引用シ
作ラ（中一回ハ此ノ証言ハ記録四二七九七頁ニ引用セラレタ）
弁護側ハ関特演計画ニ直接関連スル彼ノ回答ハ
引用シテカラノデアリマス。（記録三二〇三一頁）検察側
ノ証人松浦ハ当法廷ニ於テ彼ノ宣誓口供書ニ述ベ
ラレテヰル証言ヲ完全ニ確認シマシタ。（法廷証第八三三
号）弁護側ハ反対訊問中ニ此ノ証人ヲ浪乱サセ
ヤウトシテノ失敗シタノデス。彼等ハ彼ノ証言ヲ彼等
ノ証人小谷（法廷証第三七二八号）及ビ服部（法廷
証第三七二九号）ノ証言ト対照シタノデアリ彼等ノ確
言ハソノ客観性ニ関スル合理的疑念ヲ起スル
モノデアリマス。ソレニモ拘ラズ弁護側ハ彼ノ証言ガ
被告ヲ暴露シタトイフガケノ理由デ此ノ証人ヲ不
適格トシテ彼ノ証言ヲ信憑シ難イモノト特徴
ヅケル為メニ努力ヲ惜マナカラタノデアリマス。検察側ノ
提出セル日本ノ対蘇聯単事準備ニ関スル東京
ヨリ伯林ヘ送ラレタ独乙大使並ニ駐蘇試官ノ報
告ヲ無差別的ニ非難セント企図シ弁護側ハ
日本人ガ「クレチマー」ニ与ヘタ情報ハ彼ノ自認ニ
依レバ「無價値」デアッタ（記録四二八〇五頁）ト
云フコトヲ引用シタノデアリマス。若シ「クレチマー」宣誓
口供書ノ第三点ニ留意スルナラバ（記録一四六一九頁）
次ノ事ガ先ヅ第一ニ容易ニ解ルノデアリマス。即チ

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ソコデ彼ハ右情報ハ「屡々無價値」デ[illegible]
タノデアリ、只今弁護側ガ主張スル[illegible]
價値ニデアツタデハナカツタ[illegible]
ノ記事ハ関特演計画実現ノ[illegible]
準備ノ[illegible]日本軍自身ガ[illegible]
軍ノ問題ニ関係ハ[illegible]
「オツト」及ビ「クレケマー」ヨリ出ル報告ハ[illegible]
ソノ自認ニヨレバ当時「[illegible]
ヘ出入シテ[illegible]」（記録[illegible]）
ラガ記録シテアリ、丁丸四七年四八年ノ会[illegible]
チマー」ノ註釈ヲ必要トシテ[illegible]
レケマー」ハ今ヤ情勢ノ変化ト[illegible]
ケルマミニアラユル努力ヲ傾注[illegible]
「政体ノ補神上ノ潤落ガ[illegible]
極東軍ニ対スル日本ノ軍事行動[illegible]
ガニハ期待出来ナイ」（法廷記[illegible]
録第一九六九頁）ト通報シ[illegible]
関東軍ノ増強並ニ其ノ他[illegible]
関スル通報ヲ内容トスル[illegible]
報打破ノ[illegible]日ヲ全過[illegible]
七九九号、記録七九六六[illegible]
弁護側ハ斯ウシテ此等ノ[illegible]
ヲ基本シヤウトシタノデアリマスガ[illegible]
丁度報（法廷記第七八八号[illegible]

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ケラレテ来マシク、即チ日本ノ侵略段階ニ関スル歴史的検討ノ後、日本ノ蘇聯邦ニ対スル侵略意図及ビ侵略戦争ノ宣傳ガ述ベラレ（記録三九、七六〇―三九、七六〇頁）然ル後ニ蘇聯邦ニ対スル侵略政策ガ日本支配階級ノ行動ノ「プログラム」デアリ、又ハ日本ノ軍事計画及ビ対蘇聯邦侵略戦争ノ準備ニ満洲及ビ朝鮮ニ於ケル軍事基地ノ創設ニ反映シテ居リマス。（記録三九、七六〇―三九、八〇四頁）此ノ証拠ハ、スベテ有機的一体ヲナスノデアリマス。例ヘバ、軍事計画又ハ満洲、朝鮮ノ軍事基地ニ就イテ述ベテ、[illegible]設及ビ処置ハ準備シテ居タ戦争侵略的性格ヲ立証シタモノデアリマスガ、シカモ、弁護側ハ検察側ノ証拠ノ種々ノ面ヲ、コノ場合ハ、日本ニ依ル蘇聯邦侵略ノ軍事的並ニ物質的準備ヲ立証スル証拠ヲアリマスガ、之ヲ個々別々ニ考慮シテ、個々ニ取リ上ゲタ証拠ノ各々ノ面ハ日本ノ侵略意図ヲ証明シイ申立テ、ヲリマス。

之ヲ支持スル為メ弁護側、関東軍ハ防衛ノ目的ニ依テ満洲ニ駐屯セシメラレ、又スベテノ軍事施設ハ、何一ツ目的ニ供サレテヰタト云フ検察側証人武部ノ証言ヲ引用シタノデスガ、(記録四二八三二頁)しかし下ラ弁護側ハ「防衛」ト云フ言葉ハ非常ナ広汎ナ意義ヲ持ツト言フコトガ出来、例ヘバ、日本ノ満洲占領モ亦防衛呼バレテ出タト説明シタ時ニコノ証人ガ考ヘテ居タ「防衛」ノ持種ノ解釈ノコトハ述ベマセンデシタ。(記録三一九二〇頁)

今一度当法廷ノ注意ヲ喚起シ度イコトハ満洲及ビ朝鮮ニ於ケル軍事目的物ノ建設ハソノ性質上攻撃的デアツタコト及ビ一九四一年迄ニハ日本軍閥ガ大陸ニ建設シタ軍事基地ハ日本軍ノ「ソヴィエト」領ヘノ侵入ノ可能性並ニ大規模ノ侵略作戦ノ実施ヲ確保シタノコトハ検察側ノ証據ニ依ツテ確証サレタト云フコトデアリマス。(法廷証第八三八号、第七二号、第七二五号) 此ノ点ハ最終論告ニ詳述サレテ居リ之ヲ繰返ス必要ハナイノデアリマス。弁護側ハ前述ノ日本ノ蘇聯邦攻撃ノ軍事的準備ノミナラズ独蘇戦ノ進展並ニ期待セル蘇聯邦ノ軍事的敗北ト関聯スル日本ガ期待シタ自己ニ有利ナ兵力ノ相互関係ノ激変ノ如キ重要ナル要素ヲモ無視シテヰルノデス(法廷証第八三〇、八〇一A、八〇六号、三七〇〇号)

日本ト蘇聯邦トノ力軍事力並ニ潜在能力ノ推定比較問題ヲ取上ゲテ弁護側ハ第二次世界大戦終戦後殆ンド三ヶ年経過シタ一九四八年ノ今日「日本ニトツテ

蘇聯邦ニ対スル戦争ヲ準備スルコトハ犯罪ヲ構成スル行為デアラウ……」（記録四六八頁）ト述ベテ居リマスガ現ニ今日ノ世界ノ諸国ニ於テ一体之ガ今ヨリ何年カ前ニ行ハレタト思ハレル事ヲ考ヘテ居ル者ガ何人アルデセウカ。況ンヤ之ヲ犯罪ト考ヘテ居ル者ハ一人モナイデセウ。

然シ乍ラ事実ハ事実デアリマス。即チ日本ハ支那ニ対スル侵略ノ陰謀ヲ秘匿シ乍ラ平和ヲ口実トシテ軍備ヲ増強シ、其ノ軍備ガ整ヒ次第ニ支那ニ対スル侵略ヲ開始シ、之ヲ以テ東亜ノ支配者タラントシ、更ニ進ンデ世界ノ支配者タラントシテ居ルノデアリマス。

此ノ点ニ於テ日本ハ独逸ト全ク同一デアリマス。独逸ハ一九三三年ニ政権ヲ握ルヤ否ヤ再軍備ヲ開始シ、一九三五年ニハ再軍備ヲ完了シ、一九三六年ニハ非武装地帯ヲ侵略シ、一九三八年ニハ墺太利ヲ併呑シ、一九三九年ニハ遂ニ世界大戦ヲ惹起シテ世界ヲ征服セントシテ失敗ニ帰シタノデアリマス。

日本ハ一九三一年ニ満洲ヲ侵略シ、一九三七年ニハ支那ニ対スル全面的侵略戦争ヲ開始シ、一九四一年ニハ遂ニ世界ヲ征服セントシテ失敗ニ帰シタノデアリマス。

独逸ハ一九三六年ニ日独防共協定ヲ結ビ、一九三七年ニハ日独伊三国防共協定ヲ結ビ、一九三九年ニハ日独伊三国軍事同盟ヲ結ビ、一九四一年ニハ日独伊ソ四国ノ協定ヲ結ビ、世界ヲ征服セントシテ居ルノデアリマス。

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独逸ハ一九三九年ニ蘇聯邦ト不可侵条約ヲ結ビ、一九四一年ニハ遂ニ之ヲ破棄シテ蘇聯邦ヲ侵略シ、蘇聯邦ヲ征服セントシテ失敗ニ帰シタノデアリマス。

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述ベテヰルヤウニ（記録四二、八四一頁）
問題ハ明白ダト思ハレルデアリマセウ。シカシ弁護側ハ中立
條約ノ他方タル蘇聯邦ノ行為ノ中ニ此等行動ノ法的
弁明ヲ発見シヤウトシテヰルノデス。
弁護側ハ若シ「検察側ノ議論ハ日本ノ中立條約ノ違
カソノ義務ヨリ之ヲ免除シタト云フ推論ニ基イテヰルナラバ之
ニ蘇聯ガ條約違反ノ行為ヲ[illegible]
違反ヲ承知シテヰルト云フ[illegible]
リマス（記録四二、八四五頁）
弁護側　法廷ヲ混乱ニ導カナイヤウニ検察側ノ立場
ヲ述ベルニ当リ正確デナケレバナラナイデアリマスガ、コノ場合我
々ノ立場ハ弁護側自身ノ面モ歪曲サレタ解釈ニ於テ述
ベラレテヰルノデアリマス。
我々ノ最終論告デハ次ノ如ク述ベラレテヰルノデアリマス。即チ
「シカルニ、我々ノ説ニ立証シタ如ク日本政府ハ不信ノ目的
ヲ以テ中立條約ノ尊重ヲ意図シタ之ヲ締約シタ日
本政府ハ友々面モ甚ダシク條約ニ違反シタノハ故ニ
ソレト政府ハ同條約ノ三條ニ規定セル廃棄時期ノ
[illegible]
（記録三九七四八）ソレデハ政府ハ中立條約ニ違反ス
ル如何ナル行為ヲ行ハナカツタデス。
弁護側ハ唯一ノ書類即チ米合衆國軍「ディーン」少将
ノ宣誓口供書ヲ引照シテヰルノデアリマスガソノ中デ彼ハ日本ニ
対スル米、英、蘇ニヨル協同動作準備ニ関シテ

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一九[illegible]年六月以来之々露西亜側ハ[illegible]
[illegible]日本[illegible]移動及ヒ展開ニ関スル若干[illegible]
シテ[illegible]述ベテ[illegible]マス。ハ記録二三六四〇頁
検察側ハコノ弁護側書類ヲ論駁スルコトヲ[illegible]
[illegible]何トナレバソノ[illegible]
月以降ハ日本ガ完全ニ侵略者トシテノ実[illegible]
日本侵略者トシテ闘争ノ組織シ人類ニ[illegible]
[illegible]ハ[illegible]二次世界大戦ノ終止ヲ促進スベ[illegible]
[illegible]ガ諸大國連合ノ歴史的使命デアッタ時期ニ属シ
タカラデアリマス。
此ノ方面ニ於テ[illegible]ト[illegible]如何[illegible]
[illegible]違反デアリマス。
法廷ハコノ問題ニ対シ「法廷ハ露西亜ノ[illegible]ニ関スル証[illegible]
ハ関聯性[illegible]ト云ハ[illegible]記録二二五七五頁[illegible]
判定[illegible]
弁護側ハ[illegible]法廷ハコノ判定ヲ[illegible]
ト認メテ[illegible]弁護側ト本問題ノ討論[illegible]
[illegible]信ズルモノ[illegible]何トシテ
之ハ我々モ亦法廷ノ判定ヲ無視スルコトヲ無視スルコトヲ
意味スルデアラウカラデアリ我々ハ弁護側ノ[illegible]
ヲ敬[illegible]マス。
弁護側ガソノ最終弁論デ次ノ如ク述ベ[illegible]
[illegible]船舶（「[illegible]」「[illegible]」「[illegible]」「[illegible]」「[illegible]」
[illegible]「[illegible]」「[illegible]」「[illegible]」「[illegible]」

和々ガラ拔萃ノ第ニ部分ニ関心ヲ持ツテヰルノハ今議論サレテヰナイ損害賠償問題ノ問ニ[illegible]合ニハ日本政府自身スラソノ出先ガ「ソ」側ノ船舶無法ノ罪ヲ犯シタノ事実ヲ否認シ得ナカツタコトノ容認スルモノトシテアリマス。コレ等出先ノ者ガ行動シタソノ命令ニツイテハ本裁判ノ経験デ明ナ通リ被告等ハコレ等ノ命令ヲ保存シテヰルヤウナソンナ無邪気ノモノデハナカツタノデアリマス。然シナガラコレ等ノ犯罪ニ対シテ日本ノ最高統帥部及ビ総テノ支配網就中此等被告ニ責任ノアツタコトハ何等ノ疑ヲナシテヰルデアリマス。砲撃サレテ沈没シタ船舶九隻ヲ数ヘニデタノデス。全部デハアリマセンガ此等ノ行為ニ於テ日本最高無事当局及ビ政府ガ果シタ組織的役割ヲ除外スルニハ今ナリニモ感銘深イモノガアリマス。法廷ニ依リ確定サレタ「ソ」側船舶砲撃及ビ爆撃事情ハ日本武装兵力ノ個々ノ部隊ガ各々ノ場合ニ彼等ノ任意デ行動シタトイフ推測ヲ除去シテヰルデアリマス。周知ノ如ク例ヘバ汽船「マイコプ」号及ビ「ペンコプ」号ガ日中見透シガ良クキイテ船舶国籍ヲ誤マル惧ノ全クナイ時ニ日本飛行機大集団ニ依ツテ爆沈セラレタノデス。（法廷書記第八三号）英文速記録第三二五七〇―七七頁、法廷書記第八三号）最后ニ今ヤ法廷ノ知悉スル日本政府ノ「ツヴィニート」船航行ニ対スル一般的態度ト関聯シテ日本軍

弁護側ノ証據全部ガ既ニ締切ラレタ後ノ一九[illegible]年四月二日ニ至ツテ弁護側ノ最終弁論中マーシャル（MARSHALL）元帥ノ供述書（法廷証第二七五一B号）ヲ提出シテ一一ヲ人。弁護側ノ見解ニヨルト此文書ハ「三国」（日独伊）ノ「世界制覇ヲ目指シテ協同動作ヲ[illegible]ヲ検察側ノ訴追理由ヲ明瞭且ツ的確ニ論[illegible]ヲアリ、且ツ何等ノ協力モ[illegible]タコトヲ示ス」モノデ

マーシャル元帥供述書提出ノ真ノ目的ハ[illegible]ニタルカハカニングハム（CUNNINGHAM）弁護人ノ言ヘルノ中ニ現ハレテイルノデアリマス。同弁護人ハ右供述書提出ニ当リ当裁判所宛ノソノ許可申請ヲ支持[illegible]現在ノ世界的ナ諸事件ノ圧迫[illegible]ニ言及シ[illegible]アリマス（記録四六四二）

斯ウシテ弁護ハ彼等ガ此供述書ノ当面ノ国際情勢ニ関スル同文書ノ筆者自身ノ政局観及ビ関心ヲ表明スルソノ政治的文書ト見做シテイルコトヲ全ク明ラカニシタノデアリマシテ、日本ノ主要戦争犯罪人等ノ弁護ノタメニ提出サレタ此供述書提出ノ政治的効果ヲ第一ノ組織トシテイルノデアル人。併シ此文書自体ハ斯様ナ点ニ関スル弁護側ノ立場ヲ支持スルヤウナモノハ毫モ有ツテイナイノデアリマス。イヅレニシテモ斯様ナ問題ハ当裁判所ニハ何等関係

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云ッテモマーシヤル元帥ハ独逸ト日本トノ間ニ何等協定ガ無カツタトハ言ツテ居ナイコトハ注意サルベキデアリマス。然レ共彼ハ連合国ノ兵力ヲ戦略的ニ分割スル目的ハ単ニ日本ガ参戦シタトキニノミ成就サレタノダガ緊密ナル戦略ノ協調ヲ示ス何物ハナカツタト言ツテオルノデアリマス。此ノ作戦方法ハ独逸ト日本トノ間ノ特別ノ約定ノ結果デアツタコトヲ記憶セナケレバナリマセン。然シナガラマーシヤル元帥ノ備忘書ハ一部ハ反対ニ結論ヲ導クベキ情報ノ欠如ニ基イテ居ルコトハ注意スベキコトデアリマス。事実ニ於テ此点ニ関スルマーシヤル元帥ノ持ツタ情報ハ当裁判所ノ有スル記録ニ含マレタ僅少デアリマス。マーシヤル元帥ハ一九四六年ニ合衆国大統領ニソノ報告ヲ提出シタトキニハ当時ニ全ク知ラナカツタ情報ヲ当裁判所ハ持ツテ居リマス。

反対訊問ニ於テ質問一ニ対スル答ノB項ニ於テ証人ハ日本ノ宣伝ト政治的論調ハソ聯背後ヲ日本ガ攻撃スルト云フ趣旨ヲ含ンデ居ルベキデアリマシタト(記録四六七八一九)シカシ之ハ証人ノ意見デハソ聯ノ背後ヲ日本ガ攻撃スル公算ハ存在シナカツタトイフコトヲ意味シマス。

然シ書類ハ日本政府及独逸政府ガ繰リ返シテ特別ニ日本ノソ聯背後攻撃ニ関スル問題ヲ政治的戦略的見地カラ討議シタコトヲ示シテ居リマス。

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就ニツイテトガ書類無ツテ見ルニシテ　即チ在ベルリン日本ハ六月ト日本ハ外務ハ至秘密ガソ聯ニ対スル独逸ノ攻撃ノ準備ニツイテ知ッテヰタト云フコトハソシテ私ノ聞ガ日本ノ独逸ニ味方シテソ聯ト戦ウト云フ保証ヲ与ヘタ。[illegible]　[illegible]　[illegible]　七六九　七八三　七九〇　六八九　[illegible]　一〇六八　一〇七五）

ソ聯ニ対スル独逸ノ攻撃ノ後一九四一年七月二日ノ御前会議ノ[illegible]ナ情勢ガ現レタ時ハソノ情勢ヲソ聯ニ対スル戦争ノ秘密ノ準備ニ[illegible]ル独逸ノ[illegible]ル成功ト連結シテ攻撃ヲ[illegible]ソ聯ニ対スル戦争ノ秘密ノ準備ニツイテノ六月ニ達シマシタ（書証七九）

多ク[illegible]ノ余地ノ書類ハソ聯ニ対スル日本ノ戦争[illegible]ニ行ハレタコトヲ示シテヰマス。然シソ聯[illegible]日本ノ攻撃ハソビエートノ軍隊ガ独逸ノ侵略者ニ[illegible]日本帝国主義者ノ計画ヲ粉砕シタ為ニ[illegible]ガシタ。此ノコトハ吾々ノ一般最終弁論（記録[illegible]九二八）中ニ詳細ニ記述ガシテヰマス。

其上一九四一年十一月二十八日ニ大島グリンベンドロップ（Kittentrop）ノカイテル（Kittel）カラノ連領土ヘノ独乙進ヘノ歩度ノ緩ヤカトコトニ付テノ説明ヲ聞イタト云フ大島ノ証言ハ独乙ト日本トノ行動ノ協力ノ証拠デハナイデセウカ。（書証七七六）

一九四一年九月三十日附東京発ベルリン宛電報ハカル協力ヲ証スルモノデハナイデセウカ。私ハ引用シテ申上ゲマス。「吾々ノ現在ノ開進ニヨッテ、吾々ハ「ソビエート」ニ対スル圧力ヲ弛メテシマウコトヲ意味シナイト假定シヨウ」（書証第八〇二号）

『リッペントロップ』ガ日本ハ「……極ッテ近日中ニ『ウラシオストック』ヲ攻撃スル決意ハ到達スベキデアル。……然シ茲ハ日本ガ此ノ種作戦ニ対シ充分強力デアルトノ前提ニマッタク基ヅイテオリ……若シモ日本ニカル作戦ヲウマク擔当シ得ルニ必要ナ力ガナケレバ、其ノ時ハ日本ハ『ソビエート・ロシア』ト中立関係ヲ維持スル方ガ当然ヨイデアルガ……ト勧告シテ一九四二年五月十五日ニ東京宛送ッタ電報ハ行動ノ協力ヲ物語ルニアラザレバ何ヲ物語ルデアリマセウ。（書証第八〇七号）

ソ聯邦ニ対スル独乙及日本ノ行動ノ協力ノ問題ハ一九四一年、一九四二年及ビ一九四三年ニ大島ト「リッペントロップ」間ノ幾多ノ会談ノ際ニ討議セラレタコトガ分ッテオリマス。（書証引例、第七六九号）

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ヤセモテシマス。テモ二八三一号ヲ八……

文書ハ六カ月ノ関東軍……ヒツ

ニ対ソ戦争ニ於イテ一蘇聯ヲ……テ…

アリ得ヘキ極東ニ於ケル蘇聯ノ侵略

要任務トシテイルトマツタク明瞭ナル

ニ存在シタコトヲ示シマス。（書証引例、

第八〇七号、第八一二一A号）

此等ハ蘇聯邦ニ関シ日独間ノ軍事

的協力ノ存在ヲ証明シ且弁護側ノ

氏ノ主張ヲ反駁スル事実デアリマス。証

供述書第一回答ニ於イテ節ニ於テ、

款物ヲ負ウ「ウラジオストツク」ニ通ジ

船ニ対シ日本ハ厳正中立ヲ保ツタ

ス。我々ハ如何ナル根拠デ証人ガ之ヲ

判リマセン。

然シナガラ多数ノ……船ガ日本

サレ撃沈サレタ事ハ日本政府ハ……ビテ

ニ於ケル海運ノ邪魔ヲシ種々ナ重大

ニシテ就中彼等ガ……大規模ナ

実行ハ海峡ヲ閉鎖シ不便且危

航路ヲ閉設シタコトハ之ヲ確認スル無

ヲ本裁判所ハ勿論……ガ知リテ

（記録三九、九四一―九……頁）

独……

テルマデ……

リ……

日独間

六……

ノ反駁ニ……

ア……

ノ……

対リ個

モー……

テ居ツ

スルノカ

攻撃

ノ極東

害ヲナシ

所留ヲ

独制的

事実

アリマス。

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此名ハ紙料ニ臆測的ナ性質ノモノデアリマス。記者ハ[illegible]分析ニ立ヘラナイデ唯「ソ聯」ノ南側ノ他[illegible]ノ面ノ衝カトスル欲求タケデハ充分デナイデアッテ、ソレニハ[illegible]「ビットラー」ノ「ドイツ」ニツイテ云ヘバ「ムルマンスク」カラ「[illegible]」ニ亘ル戦線ニ於ケル「ソビエット」聯邦トノ戦闘ノ泥沼ニ陥ッテ居リ且「ソビエット」陸軍ニ依リ滅サレツヽアッタ[illegible]軍隊又、日本ニツイテ云ヘバ、太平洋及ビ中国ニ忙殺サレ[illegible]洲及ビ朝鮮ノ軍事基地カラノ「ソ聯」攻撃ヲ準備シテヰタ現実ノ軍隊ガ必要デアッタノデアリ、且、日本ニ[illegible]ソ[illegible]ガ「ソ聯」ヲ南側面ヨリ衝クコト」以上ニ重要デアッタノデアルトイフコトヲ指摘スルダケニ留メマス。

[illegible]、記人ガソノ答弁ノ手項ニ於テ為シタ陳述ハ「[illegible]」本ノ間ノ協力ガ缺ケテヰタコトヲ示スモノトシテハ役ニ立ツ[illegible]ナイモノデアリマス。

斯クノ[illegible]重要ナ結論ヲ支持スル為記人ニヨリ提出セラレタ[illegible]人ソレ自体絶対ニ根據ナキモノデアリ且事実ニ基ヅルノデアリマス。従ッテ、弁護側ガ一層広汎ナ解釈ヲ與ヘテ[illegible]又如ト見做サント切望シテヰル「緊密」ナ協力ノ欠如トイフコトニ関スル記人ノ結論ハ「緊密」ナル協同ニ付テノ理解ニ関スル「マーシャル」将軍ノ陳述ニ照ラシ又当裁判所ガ有[illegible]居リ「マーシャル」将軍ガ有セズ且有シ得ナカッタノ記録[illegible]ラシテ観察サレネバナラナイノデアリマス。

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吾々ハ其最終意見開陳ニ於テ検察側ノ基本問題ヲ取リ上ゲマシタ。極メテ重要ナ問題例ヘバ日本帝國主義者等ノ対「ソ」破壊行動ノ東支鉄道ニ於ケル「サボタージュ」並ニ破壊工作ノ組織ノ如キ問題ニ関シテハ弁護側ガ其一般最終弁論ニ於テ其等ヲ黙過シマシタカラ吾々ハ之ニ言及シマセンデシタ。斯クテ吾々ハ弁護側ハ之等ノ問題ニ関シテハ検察側ノ証拠ニ何カ実質的ナモノヲ以テ対比スルコトガ出来ナイモノト主張シ得ルノデス。斯クテ我々ハ弁護側ガ最終弁論ニ於テノ述ベタ議論ハ検察側ノ主張ノ如何ナルモノヲ揺ルシ得ナカツタト申立テルコトヲ此理由ヲ持ツモノデアリマス。

(8)

Enter Sheets Russ Pkes

DEFENSE SUMMATION "M" (DEFENSE DOC. NO. 3093)

Misstatements of Fact
or
Incorrect Citations - Pages 3 through 23

(References are to page and line of the Def. Doc.)

| | Page | Line | |
|---|---|---|---|
| (1) | 3 | 10-13 | No citation. |
| (2) | 3 | 15-16 | The Exhibit does not mention an "re-codification of domestic and military laws" but only an "amendment of such codes and laws as the Navy disciplinary, Navy penalty code, navy code martial law, and the Navy ordinance concerning imprisonment". (Exh. 3043, T. 27180) |
| (3) | 6 | 1-15 | No citation. (Probably should be T. 27140) |
| (4) | 7 | 17-21 | No citation. (Should be T. 35769-70) |
| (5) | 15 | 11-13 | The Exhibit mentioned (Exh. 1972-A, T. 14509) shows that the labor was directly concerned with military operations but stated that it was designed to neutralize the labor shortage "suffered in the military works". |
| (6) | 19 | 9 from bottom | The part quoted is not an explanation "why it was necessary to require an oath not to escape" but why the rules of the War Prisoners' Punishment Act were considered inadequate. (Exh. 1966A, T. 14478-84) |
| (7) | 20 | 11 and following | This Exhibit (Exh. 3354, T. 31693) also does not refer to the oath but to the raise of penalties in the revised law pertaining to the punishment of POWs. |
| (8) | 20 | 23-26 | The wording of article 5 (Exh. 1965, T. 14439) refutes the defense contention. It shows that the oath was mandatory, the sanction being the presumption of an intention to escape and corresponding treatment, namely, "placement under strict surveyance". |

(Defense Summation "M", Cont'd)

| | Page | Line | |
|---|---|---|---|
| (9) | 20 | 31-32 | Disproved by the statement in the same Exhibit (Exh. 1966A, T. 14483) that the regulation regarding violation of oath is only a rearrangement of the regulation hereto enforced. |
| (10) | 23 | 15-23 | The figure cited in the Prosecution summation (J 126-p. 64) is correct and includes only sentences for violation of non-escape oath. The death sentence was inflicted for breaking parole in one case (p. 5 of the Exh.) and life imprisonment for violation of oath in eight cases. (pp 6 and 7 of the Exh.) |
| (11) | 23 | Last 3 lines | See remarks referring to p. 20, lines 31-32 above. |
| (12) | 26 | 12-15 | There are no citations to evidence admitted showing that in many instances the allotment of food for POWs was more than for Japanese laborers; and the statement "evidence was offered" leads to the inference that no such evidence was admitted. |
| (13) | 26<br>27 | 28-31<br>1-7 | Exhibit 3128 was offered for the purpose of showing fair and just treatment was the Japanese POW policy and deviation from it was punished. The document itself shows the Japanese Government knew the stated policy was not getting the results pretended to be desired. It stated there was improper treatment of POWs (T. 27895). It regretted that "some supervisors directly in charge of prisoners dealt out illegal punishment" (T. 27897). It admitted that "the authorities of the Army had already been cognizant of the serious evils of such private punishment which trampled on human rights.....and made every effort to remove such an evil practice, repeatedly giving strong warnings, but with all their efforts, conditions failed to improve as much as expected". (T. 27898) On page 5, the Exhibit gives the high mortality and invalid rates of POWs and regrets that we "cannot justify ourselves for this". (not read into the transcript) The entire document also shows that punishments were ridiculously light. |

(Defense Summation "M", Cont'd)

| | Page | Line | |
|---|---|---|---|
| (14) | 28 | 25-27 | There is no citation and the example taken from Exhibit 3128 does not support the contention. |
| (15) | 29 | 26-29 | Prosecution did not say the Defense admitted 5,000 were massacred at Singapore, only that the Defense admitted a massacre had occurred. This is supported by the witness SUGITA (T. 27404). |
| (16) | 30 | 1-2 | SUGITA admitted YAMASHITA issued the order to mop up Chinese merchants (T. 27409). Lines one and two are, therefore, incorrect as statements of what the Defense admitted. |
| (17) | 30 | 4-6 | The affidavit of SUGITA (Exhibit 3068) did not say the Japanese sustained a "50 percent loss" at Singapore, as alleged, but that the losses there amounted to 50 percent of all their losses in Malaya. |
| (18) | 30 | 8-12 | The witness SUGITA did not deny that 5,000 Chinese were killed and did not state that Gen. YAMASHITA's instructions were to avoid unnecessary destruction in the mopping up campaign (T. 27399-405). |
| (19) | 34<br>35 | last 2 lines;<br>1-4 | Incorrect citation. Lines 1-4 are not in Exhibit 15, which is the Hague Convention, 1907. |
| (20) | 37<br>38 | 22-27<br>1-22 | The citation in support of this testimony refers only to the period December 1940, to October 1942, when the witness SAWADA, Shigeru, was in command at Shanghai (T. 27444), but the inference is a general one and therefore incorrect. |
| (21) | 40<br>41 | 28<br>1-4 | The statement that cases of mistreatment were reported is misleading as showing a general policy. The testimony shows this occurred as to only one case (T. 27216). |

(Defense Summation "M", Cont'd)

| | Page | Line | |
|---|---|---|---|
| (22) | 41 | 14-26 | This recital of a letter of recommendation from a U.S. Army doctor is misleading because the letter expressly stated that it was written because that particular Japanese staff had been much better than others. This part of the letter was omitted (T. 27846). |
| (23) | 43 | 25 | Citation incorrect. Should read: T. 27355. |
| (24) | 44 | 2-12 | Citations given refer to naval technical administration and do not support the statement that they show a definite policy of fair and equitable treatment of POWs. |
| (25) | 47 | 14-16 | The statement that the Prosecution offered no evidence that POWs in Manchuria were mistreated is incorrect. Prosecution evidence on this matter is in POW Summation J, at J-5, p J-2, J-6, p J-2, App. B, pp 26, 45, 64, 80, 94, 111. |
| (26) | 48 | 12-15 | The last mentioned citation is Defense evidence and not Prosecution evidence as stated. |
| (27) | 49 | 9-13 | The citation of Exhibit 3089, T. 27575, does not support the contention made. The exhibit refers only to Burma (T. 27575) and communications were not disrupted until March, 1945, at the earliest (T. 27579). |
| (28) | 49<br>50 | 25-29<br>1-6 | There is no citation to evidence showing replies from the POW Bureau of the War Ministry proving that refusals to grant permission to visit camps was done by authority of those having custody of the prisoners and was based on reasons of military security. |
| (29) | 50 | 24 | Exhibit citation incorrect. It should read: Exh. 1488. |
| (30) | 51 | 22 | The citation does not support the contention. Both page and exhibit deal with different subjects. |

(Defense Summation "M", Cont'd)

| | Page | Line | |
|---|---|---|---|
| (31) | 51 | 25 | The article quoted does not refer to the organization of the POW information Bureau as stated but to the Imperial Ordinance on POW camps. |
| (32) | 53 | 13-18 | The inference left that TOJO stated treatment of POWs was the responsibility entirely of the Army commanders is annihilated by his statement made at the same time but not quoted that "I am completely responsible". (T. 14576) |
| (33) | 53 | 25-32 | Defense fails to point out that the POW administration and camp commander, upon whom the responsibility is sought to be deposited, took orders from Tokyo (T. 5389). |
| (34) | 55 | 6 | Citation incorrect. It should read: Exh. 3140, T. 27949. |
| (35) | 55 | 20-22 | This sentence alleging no Prosecution evidence regarding treatment of POWs in Korea and Manchuria is incorrect. See Paragraph above referring to Page 47, lines 14-16. |

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Def. Doc. No. 3,102

辯護側文書第三、一〇二號

日本陸海軍の準備（第二部）

# 海軍の活動

ジョン ジー ブラナン
高橋美次
小野清一郎

P. 3

Def. Doc. No. 3102

ているからである。

ニュールンベルグに於ける獨逸の辯護人は之を巧に表現して次の如く述べてゐる。

「軍備は假令それが安全と防衛のために行はれたとしても侵略戰爭の場合と全然同じように見えるかも知れない。否、事実見えるに違いない」と。

（ニュールンベルグ法廷記録、七月八日附、一三、一一八頁）

同辯護人はまた参謀總長としてのマーシャル將軍の報告の抜萃を引用して

「自然は弱きを嫌ふ傾向がある。弱きものは強きものにとって余りにも大きな誘惑を提供する……思ふに吾々は安全政策は戰爭政策ありとする悲しむべき誤解を先づ正す必要がある。」と述べている。

（米陸軍参謀長、マーシャルの報告（一九四五年、六一一七号）、ニュールンベルグ法廷記録七月八日附一三、一二六頁引用）

検察側は日本海軍々備の批判を始めるに當つて日本が戰爭準備のため華府及倫敦海軍條約を廃棄したということを証據もなく申立てているが之だけでは何等非難したことにはならない。（検察側論告F！五四項、法廷記録三九、三九五）

犯罪活動を示すためには日本の究極の目的が防衛といふ普通の安全方策以上のものであるにこと、即ち戰爭といふより更に一歩進んで事実は侵略戰爭にあったことを疑義の餘地なく証明しなければならない。（法廷記録二三）

Def. Doc. No. 3102

一九四一年十二日七日以前の日本海軍の活動

戰爭準備は裁判所條令上の犯罪ではない。世界の歴史に於て、如何なる國も嘗てそのように考えたことはない。今日、世界各國の政府首脳部は自國の軍備狀況に絶大なる関心を持っているのである。「戰爭準備」と「再軍備」とは同じことを意味する言葉である。ニュールンベルグに於ける類似の裁判は再軍備がその裁判所條令に触れる犯罪ではないことを明確に裁決した。

（ニュールンベルグ判決 一三七頁）

従て戰爭準備若くは再軍備という有形の行動が本質的にそれのみで犯罪でもなく不正でもないとするならば、それが侵略戰爭遂行の目的で行われた時にのみ犯罪となり不正となるのであって（同上判決）一國の軍備及これを一の能ならしめる諸種の計畫が果して犯罪であるか否かの決定は最も深遠なる問題を提起するものである。

所謂「ハイレドサイト・ルール」即ちものごとを結果的にみて云々するやり方によれば、行はれ来った戰爭よりはじめて過去に遡り一國の物質的戰力を形成した種々の動かくを指摘することも可能となる。これこそ疑ひもなく当法廷の檢察側の採用した理論づけの方法なのである。何故なら彼等は問題の期間中に於ける日本陸海軍の歴史の一齣々々を侵略戰爭準備の証據として取り上げ

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ているからである。

ニュールンベルグに於ける獨逸の辯護人は之を次に表現して次の如く述べてゐる。

「軍備は假令それが安全と防衛のために行はれたとしても侵略戰爭の場合と全然同じように見えるかも知れない。否、事実見えるに違いない。」と。

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同辯護人はまた参謀總長としてのマーシャル將軍の報告の抜萃を引用して

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（米陸軍参謀長、マーシャルの報告（一九四五年、六一一七号）、ニュールンベルグ法廷記録七月八日附一三、一二六頁引用）

検察側は日本海軍々備の批判を始めるに當つて日本が戰爭準備のため華府及倫敦海軍條約を廃棄したということを証據もなく申立てているが之だけでは何等非難したことにはならない。（検察側論告F！五四項、法廷記録三九、三九、五）

犯罪活動を示すためには日本の究極の目的が防衛といふ普通の安全方策以上のものであるにこと即ち戰爭といふより更に一歩進んで事実は侵略戰爭にあたることを疑義の餘地なく証明しなければならない。（法廷記録二三）

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検察側の立証責任の決定について吾々は此處にこれを概括してみよう。検察側が強調するところによると該期間中邪悪であり我儘であったという日本が若しも侵略行為に専念していたにすれば、何故に海軍を満制限條約などという些細なことに関心を持つたか第三者には おそらく不可解となる。その點に関し日本の行動は検察側の議論と全然反對に諸條約に対する尊敬を示すといふ推論をすることは何としても熱心なる検察側を喜ばすことにはなるまい。又この島國が海軍力を以て國土安全の唯一のたのみに考へたであろうとの提言は検察側の推論、否むしろ向ふみずな陳述と相容れないものがあろう。更にこの短期間の間に進歩的、指導的國家として國際的に認められるに至った日本が國土安全上海軍力の一層、平等なる配分の要求を忌憚なく世界に向つて公言したのだといへば或ひは某だしく当を失するに考へられるかもしれない。

しかし吾々辯護側としてはあくまでこの問題をおいてもあらゆる海軍條約に関する日本の行動の討議に移る。一九二二年華府海軍條約実施当時は日米、英、佛の間には友情の絆と信頼とがあった。この友情と信頼は第一次世界大戦中の同盟を通じて結ばれたものであつたが、当時存在したこのような國際感情は日本がその海軍力を英米以下に制限されたことに拘らず之を甘受したことに対して真摯に強い批評を起させなかったのがひない。然し単に海軍という立場からのみこの條約を考へた人々は日本に関する事をくれ

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た軍備の内容には必ずしも満足を感じてはいなかった。

（法廷記録 二六七九七）

一九三〇年に於て海上よりする攻撃の可能性から國土を保全するの重責を双肩に担っていた海軍の首脳者達が條約の制限を更に痛く憂慮したことは認むるに難くない。最初の調印後八年の間に戰爭の武器は変り、國際状勢も一変し、米英とつい最近同盟を結んだという安全感から来る日本の満足ではかなく消え去った。

（法廷証 三〇一号、法廷記録 三四、五一二、三四、五二四）

すなはち華府條約の規定によって日本に許されていた主力艦、航空母艦の数は更に米英のそれの六〇%に制限されたのである。（法廷記録 二六、六六〇）

従って軍令部の唱道した要求事項を満足するような修正を何等加えることなく取り決められた一九三〇年の倫敦條約の結末に対し反對が起ったことは餘りにも当然であった。然し日本國内に於ける國際的の不満、それは多く政府行政の穏健なあらはれであったが、それにも拘らず條約は締結され、而も軍令部も之を承認した。（法廷証 三〇一一）

一九三〇年より一九三六年まで海軍がこの條約制限から脱け出んとして大いに努力したとの検察側の起訴事項は証據のこぢつけ以上の何ものでもない。（検察側論告 F-五五項、法廷記録 三九、三九六）即ちその証據とは日本が同條約の修正を求めたこと（法廷証 二六七八二）また更に厳しい制限を置くことを求めたことであってもしこの

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要求が容れられたならば各國の侵略行爲の可能性は排除され、ざるをえなかつたであろう。（法廷証 二六、六六。）

補助艦艇に対する一九三〇年の條約制限は主力艦による六〇%の制限によるより生ずる不安を（小艦艇の建造によつて）補わんとする可能性を抑止したも同然であつて日本にとつては誠に手きびしい制限となつた。（法廷記録二六、六六。）一九三〇年の海軍條約後間もなく、丁度米國の建艦計畫を唱道したスチムソン國務長官の所謂「脱帽」演説の行われた頃に、日本の海軍々令部は條約制限に触れない六〇〇噸以下の艦艇を以て海軍を補充せんと企圖した。この試みは結局大失敗に終り悲劇的事故が相次ぎ武装を強化したこれら水雷艇が転覆した爲多くの犠牲者を出したことなども数えられた。（法廷記録二六、六六。）

次に一九三四年英國の招請によつて開催された倫敦の海軍豫備会議の段階に来ると検察側は日本が五月に発せられた招聘に應じることを遅らせ十月に至る迄代表を送らなかつたとして非難しているが、（検察側論告F一五七項、法廷記録三九、三九九）これもまた事実と矛盾している。何故なら英國の招待状を日本は五月十七日に受け申込受諾を同月三十日に発しているのである。（法廷記録二六、七八三）當時の駐英大使（松平）がその代表に指名され、英國との会談は六月十八日に始まり、米國とは同十九日に始まつた。（法廷記録 二六、七八三）

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この會談は十月二十三日に再開することの了解を得て七月十二日に一應中止となつた。この十月二十三日の会談には山本中將が代表に追加任命され所定時間に審議を行うため直ちに開催地に到着した。（法廷記録 二六、七八二）

この一九三四年の豫備会議及之に續く一九三五年の会談に於ける日本の提案の理由は、專門家としてすべての海軍会議に出席した恐らく唯一の生存者である辯護側証人の個人証言に於て述べられたところである。（法廷記録 二六、七八〇）即ち右証人の口からこれら会議に於て公式報告書には詳細に記録されていない意志の交換及論議の詳細につき当法廷に於て正確に言い表わきんとしたのである。辯護側としては、檢察側がこの機会を捉えて斯かる著名有識の証人を反対訊問するよう提案さえしたのであつた。（法廷記録 二六、七七九）が彼等はついにこの機会を利用しなかつた。（法廷記録 二六、八二〇）

不幸にして右証言はその長き故を以て、特に反対だと謂ふ異議が受諾され（法廷記録 二六、七七七）その結果原文の小部分のみに制限されたために日本を條約廃棄に導いた諸事件を充分了解するに必要な貴重な裏面の新事実であると五日の考えたところのものはすべて失われてしまつた。（法廷記録 二六、七八〇）

一九三四年の倫敦豫備会談及翌年の倫敦会議に於て日本代表が提案した所謂「共通最大限兵力量」が唐突な提案であるばかりでなく、單に日本の利益のみ

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を計算しての提案であると考える者が多い様であるが、（起訴状附属書A五(a)節）斯かる意見は正当でもなく立証出来るものでもない。

歴史的に言つてもこれを日本の計画であるとは言えない。蓋し計画の当初の思いつきは他國に於てこそ、その源を発しているという方が一層眞実に近いと思われるからである。一九二三年八月七日駐日英國大使は巡洋艦及潜水艦の最大限度を決定した條項を含む英佛妥協案を日本政府に送つた。（法廷証三〇一一号）これは一九二七年の國際連盟軍縮準備委員会に於て更に検討の後ポール・ボンクール案として知られるものとなつた。（法廷記録二六、七九三）

これと同様の今一つの案は一九三二年十一月寿府一般軍縮会議に於て英國代表の提案したものであり、これは列強の空軍力を当時第五位にあつた英國の水準に引下げることを要求したものである。（法廷記録二六、八〇三）然し此處に受諾される筈もない提案を提出した英國を誰も未だ問題にしてゐない。

又一九三二年の寿府会議に提出された米國の所謂「フーヴァー案」なるものがあり、海軍々備を三分の一より四分の一に大幅に引下げることを要求したものであるが、誰一人として不当なる案を悪意を以て提案したとして米國を攻撃したものがない。（法廷記録二六、八〇三）

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斯様に日本はその提案を作成するに[illegible]
で右に述べた提案のすべてを考慮に入れたのである（[illegible]二六八
三）。而して日本代表は相当長期間に亘って直ちに右提案を受諾に移す
ことを先づ主張するやう指示をうけてゐたので同提案[illegible]諾不公然
ものとも本質的に不当なものとも感じなかったのであった（[illegible]記録二六八〇三）
関係各國の外部からの攻撃に対する脆弱性には差があるが之に関
しての討議に於て（即ちこの差は安全保障のための海軍力の割
当にも当然差を生ぜしめるものであるが）日本代表永野大将は
英國に関しての修正の必要を認め、英國の海軍力は共通（ニモ）最大（アパ）
限（リミット）兵力量として考へられ得る。而してこの基準には現実問題とし
ては同等といふことはあり得ないであらうとの意見を開陳した。彼は更
に日本は英國がこの共通最大限度を超過しても[illegible]へ云った。
然しそれには慎重にやらねばならぬと云った（法廷記録二六八二―二六
八三）。更にまた米英の間には脆弱性に差が存在するにも拘らず同
じすの率であることをも指摘した（法廷記録二六七八六）。斯くして指
摘されたことは、米國が英國よりも脆弱性の少ないのに同率であるなら
ば假令日本が米國より脆弱性の少ないことを認めるとしても日米
の海軍力の間に何故大きな差があるかといふことであった（法廷記
録二六七八六）。日本はしかし米國よりも脆弱性の多いことを主張して譲
らなかった（法廷記録二六七八六）。吾々としては列強に割当てられた海軍
力の正当性に関する議論に没頭するよりも単に日本が最恪にとつ
た行動が條約の條項に基き合法的なものであったことを指摘
するに止めた方が賢明である（法廷記録一一三一）。而して日本が一九三四
年の會日議を脱退すべき招待状ともなったものを受け[illegible]（法廷

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記録二六五一、二六八五）會議[illegible]政府に電報を打って指示し、[illegible]（法廷記録二六八一五）[illegible]の後日本はその見解を更に説明することを主張したが拒否され而も会議を云こず、尚十五ヶ國が潜水艦の使用の[illegible]可能と思はれる事項に同意する様唱道したのであったが、英國はこの提案に反対した（法廷記録二六八一六）。日本代表は次に、この会議の[illegible]を列く代りに同会議の無期延期を提案したが、これまた英國の反対する所となった（法廷記録二六八一七）。日本の提案が確定的に拒否されて初めて日本は脱退したのである（法廷記録二六八一八）。然し依頼に応じて日本はオブザーバーを残してゐる（法廷記録二六八一九）。斯くすることによって日本は飽く迄條約の第二十二條第一項に定められた規定に基いて行動したのである。

一九三六年から一九三七年に亘って海軍大臣及次官として相当長期に亘り相共に海軍に仕へた山本、永野の両名は夫々一九三四年會議、一九三五年會議の日本代表であるが、右両名に関して謀議を捏造せんとして又謀議ということを暗示する様な事項を提出せんとした検察側の[illegible]が明らかにされてゐる（法廷記録二一八三）。検察側の推理によれば海軍の高官として右両名が密接に結びつき謀議を進めてゐたといふのであるが、反対訊問の結果、相当長期に亘りといふのは六十日間のことであることが判明した。

又永野が航空母艦こそ海軍の侵略武器の主たるものであると語ったとのことであったが、これも反対訊問の結果、永野は戦艦や其の他の主力艦をも航空母艦同様攻撃的武器なりとして挙げたことが明らかとなった（法廷記録二一三八）。検察側証人

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は当時当法廷の被告の一人であった永野大將の言を引用しふれを出来るだけ悪い意味に解釋しようと試みたが所用提共されたこの引用は眞実の引用でもなくまたその出所たる書類の全文に照し合はせて見て全く異ったものであることが反対訊問の結果明らかとなった（法廷記録一二四四）。

吾々は検察側法廷証第九一四号に注意を喚起したいと思ふ。右法廷証の一部分が法廷記録に九二四一頁から見えてゐるが、これは豊田副武大將の見解である。豊田は一九三七年に海軍省軍務局長であり同省の意見を代表する地位にあった。一九三七会計年度の日本の追加計画のことに触れて彼はたとえ日本が倫敦海軍條約に参加してゐたとしても取換の形で五三、〇〇〇噸の艦艇を建造することは許されたであらうし、またその時は條約に縛られてゐなかったが翌年度の計画は五三、〇〇〇噸を遙かに下廻る噸数を建造したにすぎなかったことを指摘した（法廷証九一四号二一頁）。彼は

「日本……は米國をおびやかしたり、建艦競争を激勵したりするような計画を作らうなどとは夢にも考へてゐない」（法廷証九一四号二一頁）

と云った。斯かる代表者と通じて次の如く語る海軍は果して侵略的なものであったらうか。

「若し日本が将来互ひに戦ふなれば、その戦争は日本にとっては生死の問題とならうが米國にとってはそうではない。即ち米國にとっては繁栄の戦争であり、日本にとっては生死の問題となる」

日本人は海軍造艦情報を相互に交換しやうとする米、英、佛よりの提案を拒絶したことを非難されるが（検事側論告下五九頃

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法廷記錄三九四〇一、これに対しその答は簡單である。日本は條約の規定が日本の望む安全を与へてくれるには不適当であると考えたから條約の制限に従ふことを拒絶した。海軍造艦情報の交換を継続することは、日本が條約の制限下に縛られた場合と事実同じであったらう。これは眞に優れた米英の工業力、建艦能力のため、條約の規定する通り、建艦に於て常に日本を遥かに凌駕し得たからである。それ故同條約は英米が彼等自身より弱い海軍の発展を阻止するために用ふる一つの道具であるとして解釈された。即ち條約が無條約かとの脅迫と取ったのである（法廷記錄九二四六）

## II 海軍の拡張及強化

その証拠及議論から見て検事側は一國の海軍力及建艦が或る種の犯罪を示してゐると断定して来てゐるので、吾々としては彼等の断定に一応解答せざるを得ない。予算に於ける数字の上昇が日本海軍が戦争準備を明示してゐるといふ証拠を検事側は誇らしげに指摘しているが彼等は一九三一年米國に於ける予算割当上の同じやうな上昇については眼を閉ぢてゐる。即ちこの予算では三五八、〇〇〇、〇〇〇弗を示してをり上昇は一九四一年に三、五〇〇、〇〇〇、〇〇〇にまで達してゐる（法廷証三〇〇四号法廷記錄二六六五二）。而して日本海軍兵員の増員に関する彼等の述ぶるところも米國のそれと比較すれば根拠から崩れ去つてしまふ。準備の最高潮に達したと云へる一九四〇年には米

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國海軍兵員は日本の二一五、二七三名に比して一八〇〇人一名である
（法廷証三〇〇三号　法廷記録二六、六五二）
日本海軍が如何に大規模なしかも侵略的な計画を樹立したかを
証拠づけをして必死になってゐる検察側は二つの統計を引合ひに出
した。一つは元米艦隊司令長官であり遇然しもこの段階に本人出
頭した唯一の証人であるリチャードソン提督の口頭証言（法廷証
一二四九　法廷記録一一八四）によるものであり、今一つは日本政府の作成
した図表である（法廷証九一六、九一七、九一八、法廷記録九二五一、九二五
三、九二五四）。この尊敬されてゐる証人は日本政府の公表した数字を
検事側法廷証として法廷に提出した後証言を行ったのであるが、
日本の海軍力に関する彼の証言を変更するを適当と考へず、
反対訊問に遭って（法廷記録一一二六〇）初めて最初の航空母
艦に関する自己の間違ひを告白した。彼は検事側自体の証言
に於て日本の海軍力を二六、〇〇〇噸も多く見積ってゐることを認め
た。この二六、〇〇〇なる数字が剴切なものと考へるや否やを訊されて
彼は「剴切だと思ふ」と答へた（法廷記録一一二六〇）。潜水艦に関
しても日本は一九三一年に四四隻、一九四一年に七四隻持ってゐたと述べて法
廷に間違った報告を行ったことを告白したが、潜水艦の一九三一年
の六七隻、一九四一年の六五隻の実数に対しては直ちに之を認めると述べ
た。要するに彼の証言の効果は三〇隻の増よりは二隻の減を示し
たことであった（法廷記録一一二六一）。然しながらもしこの陳述が弁護
団に挑戦されなかったとしたならば、それがそのまゝ記録にのり、日本海軍
に不利なものとなったであろう。
駆逐艦に関しても、この証人は日本が一九三一年に五二隻、一九四一年に

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は一〇二隻になった裁判所に誤って報告したことを認めた彼は
その正確な数字は実は一九三一年に一一〇隻、一九四一年に一二隻であり
如何にも増加を見てゐるが、彼が最初に述べて十ヶ月に五〇隻の増加で
はなく、たった二隻の増加である（法廷記録一一二六〇、法廷記録一一二八
参照）

右証人は船の噸数は近似的に且精審にその船の搭載し得る
航空機の数と整合一致するものであることを述べた（法廷記録一一二
六一）。証拠の示すところによれば真珠湾攻撃の当日現在米國航
空母艦の総噸数は一六二、六〇〇噸で日本の総噸数は一五二九七〇噸
であって（法廷記録二六、六四七）、これはもし検事側証人が正しければ
米國は假令艦は少くとも一層多くの飛行機を搭載することが出
来たことを示してをり、かたこのことが航空母艦の特に真珠湾攻撃
の場合の行動に関して最も重要な要素であったことを示してゐ
る（法廷記録一一二五七）。次に証拠によると日本の航空母艦の平均
搭載量は四八〇機（法廷記録一一二六九）米國が四九六機（法廷
記録一一二六七）であった。確かに航空母艦の侵略者はその搭載し
得る飛行機数によって左右される。然らば日本いづれの艦隊が最
も効果的なる活動を可能としたであらうか。

此処に再び証拠を挙げるならば日本の航空母艦「鳳翔」は華府
及倫敦海軍條約の規定に依れば旧式艦であり廃艦であった
ことが明らかであるが（法廷記録九一六、法廷記録九五一、法廷記録三〇〇六、
法廷記録二六六六三）この老朽練習艦「鳳翔」を日本の海軍力
編輯に当り航空母艦の一つとして含めてゐるにも拘らず検事側は
米國にあるこれと同様の艦「ランガレー」を米國の航空母艦兵力の

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中から抜いてゐるのである（法廷証三〇一 法廷記録二六六一一 法廷記録一一二七八）。リムヤードは提督は彼が証拠として本法廷に提出した報告は米國政府の統計に基いてゐると述べたが故に我等は米國海軍省よりの公式統計（法廷記録二六六一二）と認められた法廷証三〇一と該証人の証拠とをそれ等の統計が何であったかに一致比較検討せしむことを本法廷に要求する。両者の間に喰違ひの存することは明かである。日本側の数字は検事側自身の証拠に基き、米國海軍省は米國海軍省の公式発表（法廷記録二六六四五、二六六四七）に依つて両者を比較すると一九四一年十二月七日現在に於て航空母艦は日本の一〇隻に対し米國八隻である（法廷記録二六六四七、法廷記録一一一八五参照）又米國側が各艦種の噸数に於ても優つてゐることを示してゐる。即ち総噸数に於ては米國約一二七三〇〇〇噸対日本四九〇〇〇噸（法廷記録二六六四八）換言すれば米國は日本に対し殆んど三対一の優位に在り且つ艦艇の隻数に於ても非常に優勢であった。

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一九四一年十二月七日現在建造中の艦艇については米國は噸数に於ても隻数に於ても遥かに日本を引き離してゐたと云ふを以て足れりとすべくこれ以上殆んど蛇足を加へる必要はない。統計によれば日本の八八隻三七五、〇〇〇噸に対し米國一、三三隻二、〇〇〇、〇〇〇噸である。（法廷記録二六六五〇。）

実に「……一九四一年末に於て米國は戦艦、航空母艦、巡洋艦、駆逐艦及潜行艦を含む大型軍艦に建造中のもの二〇〇〇、〇〇〇噸以上に達した。」（法廷記録二、二七七）と述べたのは外ならぬリチャードソン提督その人だった。彼は猶ほ曰はく、米國側の数字によれば当時日本は建造中のもの五〇〇、〇〇〇噸に達してなかったと。（法廷記録二、二七七）既述の如く、両國間の当時現有並に近き将来の海軍力の比較に用ひる基礎的数字については検事團側からも弁護團側からもこれまで疑義を挟んだことはなかった（法廷記録二六、六一三）即ち日本側に関する数字は元来検事團自身の提出に係り、従ってその証拠としての資格は勿論充分の筈であったし、米國側に関する数字は前述の如く華府の米國海軍省の公文書に基いたものであったからである。両國海軍力の現有勢力及将来勢力を比較することが如何に重要であるかに就ては裁判長が「我々にとって日本勢力に関する陳述は我々が米國側について知る処がないなら何の價値もない」（法廷記録一一、二七〇）と言はれた。裁判長は又

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を得なかった（法廷記録二六、一六九）ことの記述と吾人は持つてゐるのではなかる。

此等の諸件は他の諸件と相俟つて遂に一九四一年五月の海軍臨時追加補充計画の成立を見ることになつたことを示してゐる。（法廷記録二六、六八八）

かゝるが故に、日本だけが海軍の準備に没頭したとかその海軍の指導者達の心配は杞憂に過ぎなかつたとか云ふ批評は許さるべきではない。日本の海軍の指導者達は米國及英國が急速に勢員し其の尨大なる國力を活用し得る能力を忘れることは断じてなかつたのである（法廷記録二六、六七一）

日本は米英の戰力に比して特殊の事情にあつた。例へば他の列強に比して軍用に転換し得る民間機は無かつたし（法廷記録二六、六七一）商船の軍用に転換し得るものも極めて少かつた如きが即ち云ふである。（法廷記録二六、六七〇―二六、六七一）

日本の海軍特校等が航空母艦も戰艦と同じく最も攻撃的な武器であると世界に向つて公然と宣言したことは彼等が心ならずもしたことだと考へるべきだらうか。（法廷記録二、一八五）それとも全世界に聞えるやうに公然とさうしたことは彼等の美徳だと考へるべきだらうか。日本の真珠湾攻撃を以て検事側の話の筋の最后を飾らうとの意図のもとに検事側はその記述固めをした。彼等は日本が航空母艦（複数）を建造し「圧倒的」又は「決定的優位

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（法廷記録二、一八五）を得んとしたと云ふ。それでもつて日本の行動、計画及目的に一貫性を持たせようと試みた。

この称な虚構の説は眞実の光に照らせば雲散霧消するであらうし、又例へば日本の航空母艦は日本近海に於て活動する様に造つたもので決して遠くに攻撃に出る為に造つたものではなかつた（法廷記録二六、六七二）と云ふことも注意して然るべきである。その記拠にはこれ等の空母は長巨高作戦に耐へ得るだけの燃料搭載量すらも持つて居なかつた。（法廷記録二、二七二）検事側自身の証人たるリチャードソン提督も彼の証言として日本がその空母（複数）を真珠湾の如き遠巨高作戦の為に作らなかつたと結論することは正しいと述べてゐる」（法廷記録二、二七二）「而して他方に於て彼は米國の空母（複数）は容易に日本の海岸へ進み且つ自力で帰還し得た（法廷記二、二七二）と記言した。「検事側は太平洋には米國海軍の部しか居なかつたそ小故日本が米國に対する自衛的立場から其の海軍を建設したと統計上から演繹することは意味をなさぬと云ふ。（検事側論告下ー六二部ー、法廷記録三九、四〇六）併し上述の記拠に依れば米國海軍は其の両洋防衛の義務を果し得る為に優勢であつたことは明かであるが、他面検事側は近代海軍の運動性ー殊にパナマ運河の通過によるーも全く無視してゐる。

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而も自分勝手に無視して居る。何故ならさうしないと彼等の論據は崩れてしまうからである。

大西、太平洋を阿彌陀ヶ原ーなければならぬ米國が日本とのみ交戰したとき、米國が日本に對しては その太平洋艦隊を使用しないであらうといふ前提した結論に依賴することは 公平に見て日本にとつて殆んど安全の保障にならなかつたであらう。一九三六年に米國の大西洋艦隊は獨逸と交戰しなければならぬから 日本は その安全の爲に 大海軍を使用しないと予言することが出來たら それは實に大した先見の明であつたに違いない。

吾人は又、米國の傳統的興國たる英國が太平洋に幾許かの艦隊を置くだらうし すうこうも素太平洋に海軍力を置くといふことに 日本が氣が附かぬ筈はなかつたと思ふ。若し此の兩者が合して日本に當る場合、當時の日本海軍は氣の毒な程小さく見えたであらう。

檢事側は米國艦隊が獨逸と交戰中の諸國の爲めに艦船を建造しなければならなかつたし、又米國が日本を攻撃又は威嚇せんとする意圖を持つておつたといふ何等の證據も存在せぬと言ひ張つて（檢事側論告 法廷記錄三九四〇ページ下一六行目）日本の建艦計畫が米國の莫大な建艦に比べると餘人に劣しかつたことを度外視しようとした。

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吾人は明に日本を威嚇せんとの目的を以て行はれた米海軍の八ワイへの（法廷記錄一三三九五）移動を再審情摘し且つ又現在檢事側の主張してゐる結論と反対だとすき明白な理由を日本が有して居たとき、從來行はれた他の議論に於て引用された証拠に法廷の注意を惹かんとするものである。

## III 南洋委任統治諸島

日本が国際聯盟條約第二十二条又は日米条約（法廷証二三、法廷記錄九〇八一 法廷証二九、法廷記錄九〇八四）に違反して南洋群島に要塞を築いたかどうかといふことは茲では本当の論点とはならぬ

檢事側は『日本海軍の拡張が侵略戦の目的でなされたことは日本が南洋群島を不法に防備したことで克く証拠立てられる』（檢事側論告 法廷記錄三九、四〇八、下十六四節）と非難するけれども これは論理にも合はないし亦本法廷に持ち出された論点（複数）を理解してゐることを示すものではない

彼等が『日本は防備權なき故に仮令自己防衛の為なりとは謂へこれ（南洋群島の要塞）は自己防衛の為にしたのだといふ論点より得ぬ』（檢事側論告 法廷記錄三九、四〇八、下六四節）といふ如きは根拠の淺い論法である。これは宛も人が

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法律に違反して銃器を携帯してゐたり自己防衛の為に之を使用しても彼は自己防衛の権利は無いといふようなものである。自己防衛の為めはづみでは条約違反は起り得ぬそしてそう言ふ小違反の行為は自己防衛権を破壊するものであるとかいふことが正当に議論出来ようか。確かに検事側は関係論点(複数)のみに留る可きである。再び所謂要塞(複数)は侵略戦の目的の為に設けられたか否かの問題に帰るが、弁護側がこれ迄主張し又現に主張する所は南洋群島には要塞は全然無かつたし若しあつても、夫れは自己防衛の名の付くものがあつたとしても、夫れは自己防衛の行為の結果であつて侵略戦の為では無かつたといふに在る。

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若し告訴の要点が日本は該群島を侵略戦を行はんが為に軍事用に準備したとゝ、ふに在るならば吾人は証據に明かに直面して何處にその告訴の誤があるか或は反駁されたかを指摘しよう。

日本海軍の態度に関しては、同海軍は南洋群島を以て地理的に日本防禦の城壁を成すものだと認めてゐたことを正直に述べなければならぬ。（法廷記録二六、四六八）若し同群島が敵手に陥ったならば夫れは日本にとって必然の敗北を意味するものと思はれてゐた。（法廷記録三六、四六八）條約の制限さへなかったならば海軍が該群島に防備を施したであらうことは疑ふ余地のないことである。（法廷記録二六、四六九）是等の正直な告白は国家に対して与へられた機能―海上の安全を保証すること―を果すべき責任を賦与された機関の実際的態度を明白に示すものである。若しこれが侵略思想の現れだとしたならば世界の他の軍事当局（複數）にも日本海軍の仲間があることになる。

検事側は枢密院は既に一九三七年一月二十日南洋群島の行政官に海軍将校を任命し得る決定を認可したと非難してゐる。彼等は亦一九三二年以後、殊に一九三六年以後各種の海軍の軍事的工事が広範囲に行はれたと非難してゐる（検事側論告　法廷記録三九、四九、F六五節）并護側は南洋群島の行政庁たりし南洋庁の一九三三年乃至一九三六年の長官で

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あいた杯壽夫代を召喚した。(法廷記録二六、四九一)
同証人は「私は私の在職中南洋群島には何等の
軍事施設(複數)も存在しなかったことを確言する」と
証言した。(法廷記録二六、四九一)
証據の示す所に依れば当時の海相大角岑生大将
は商業の目的の為に該群島に飛行場を建設する
ことは国際聯盟と面倒を惹起する虞があるから放
棄した方がよいと忠告した。(法廷記録二六、四九一)
同証人は交通並に商業上の事項に関し全く赤
裸々の詳しい説明をしてゐる。彼は南洋庁が日本郵
船会社に外人旅客を乗せぬ様命令したといふことを
否認した。又更に海相も外相も未だ嘗てこの様なこ
とを提議したことも命令したこともないと云った。(法廷記
録二六、四九二―二六、四九四)
検事側が一九三二年以来日本が該群島に陸海軍
事施設をしたと不気で云ひ張ってゐるなら彼等は確
かに此の甚だ聰明でハッキリものを言ふ証人を反対訊
問したであらうのに、彼等はこれをすることを怠った。(法
廷記録二六、四九四)
南洋庁は文化及び産業施設を建設するに当り
海軍に援助を求めたが、これは単に海軍以外には政
府の他の部門に頼る所がなかったからにすぎない。(法
廷記録二六、四七〇)一九三四年該庁は同群島間に
通商並に海難に備へて空路開拓の計画に乗り

出した。（法廷記録二六、四七〇）而して海軍は同計画の発展に対し『圏係諸條約に拘束せず又海軍の本務遂行を妨げぬ範囲内で』（法廷記録二六、四七〇）之に参加した。此の時に於てすら海軍は支那に於ける事情の為めに大した援助をすることが出来なかった海軍が技術上、物質上、労力及運輸上援助し得る様になったのは支那事変が一應安定してからのことであった。（法廷記録二六、四七一）茲に於て海軍は該庁に援助を与へることが條約の條件に反すると解釈される虞がありはせぬかとうかといふことを決定する研究を遂行し、その結果島の上に飛行場の如きものを新設することは戦時に際しては軍用に轉換され得るとはいへその性質上軍事施設ではないといふ事実は委任制限條約の範囲内に在るといふ結論に達した。（法廷記録二六、四七二）

記人吉田はその海軍に於ける地位上此の様な事柄に直接関係して居たのであるが群島の各島上の正確な施設について相当詳細に亘って記言した。而して彼の陳述は検事側の反対訊問によって矛盾をあらはさなかった。（法廷記録二六、四八七）

一九四一年十一月五日以後海軍は始めて南洋群島に防禦工事構築を遂行するに決したと率直に認めた。併し実際に設営隊が内地を出発したのは十一月中旬以後であった。（法廷記録二六、四七七）併しこれは日本と西欧列強との間の状態が爆発の危険点に

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達した後始めて斯うなつたのであり日本海軍としては何もせずに拱手傍観の態度を續けることは軍事的に馬鹿々々しいことであつたであらう。如何に檢事側が此の正常の行爲の圣過を犯罪的と見做し度くとも、此の程度の事柄を判断するに当つては法理上の解釈と並行して常識をも援用しなければならぬ。若し日本にして米英若しくは其の他の国(複数)に侵略戦の意図を抱懐してゐたとしたならば日本の生命線に此の様な軍事施設を始めるのに此の絶対絶命の日迄待つことはなかつた筈だ、

リチャードソン提督の南洋委任群島に関する証言は弁護側からは日本の一海軍将校によつて答へられてゐる。今人は日本は該群島上の補給施設を戦争前若くは戦争の初期には完結させて居なかつたと指摘した。(法廷記録 二六、四七八)一九四一年十二月七日開戦後該群島を軍事目的に使用することは日本にその権利がなかつた。(檢察側論告 法廷記録 三九、四一三、下六八節)との檢事側の主張は吾人の見解によれば、殆んど滑稽に近い。戦時條約を遵守してゐたら必ず敗北することが殆んど明かなときにでも国家は無爲に條約を守り續ける可きだと彼等は正直に論争するだらうか。リチャードソン提督がその報告に於てとりわけ連合艦隊命令第一号に於てなした微細な非難の全部に充分の回答をすることは吾人の目的ではない。只彼が連合艦隊命令第一号を需品は群島内に貯蔵されて

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ゐたと解するのは該命令の讀み誤りであり、又その附表の数字は
需品の存在を証明するものであることを示すものは該命令中には
何にも無いと指摘してゐることを云へば充分であつた。統計は只こ
れ等の島嶼上に艦隊が貯藏せんとした計画数量を示すに
止まり使用す可き方法については何も示してゐなかつたことを明か
にした。（法廷記録二六、四八〇）法廷は本件について研究せんと
欲するなら旧海軍將校吉田の詳しい証言を含む法廷記録
の頁（複数）を採用せられ度い（法廷記録二六、四六七―二六、四八）
弁護側は一九四〇年より一九四三年迄南洋庁の長官であ
つた近藤駿介を証人台に立たせた。（法廷記録二六、四九五）吾
人が斯うしたのは只檢事側の告訴に含まれた期間に関し証言
の継續的説明を法廷に提供せんが為であつた。彼は委任
統治群島の多くのものに関しその状況について証言し、且つそ
れを彼自身の経験に基いてなした。彼は該群島開発十
年計画について語り、且つそれが包含する内容について語つ
た。彼は檢事側の主張した軍事施設或は防備を否定
した。然るに檢事側は反対訊問によつて彼に挑むことを適
当と認めなかつた。（法廷記録二六、四九八）サイパンに軍事施設
を構築したといふ檢事側告訴に対する直接の答として、
吾人は南洋方面に事務所を有する大株式会社の重役の
小原潤一（法廷記録二六、四九九）を証人台に立たせた。彼は
赤裸々且つ明瞭に全地の状態について述べたが、檢事側
は又彼を反対訊問することを欲しなかつた。（法廷記録二六、五〇二）
檢事側は来遊者達が各島嶼を訪れることを阻止された

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る実があると指摘してゐる（検事側論告法廷記録三九、四一五、下六九節）併し弁護側の疑ふ余地は無き証拠は斯る制限があったといふのは誇張だと云ふ。

る実、本国の支配下にあるゲーム島にて務めて持てゐた日本の一会社たる南洋貿易会社は数々の差別的制限の故に全地を去り且つ一九三六年に日本人は本国の意により全地に渡航することを禁止された旨が証言せられた（法廷記録二六、五〇二）

検事側証人全部の証言は書類のみによって行はれた。而してこれ等は検事側も容認し本法廷も熟知する如く殆んど全部が幾つかの島嶼の無学文盲の二人から採った簡略された形式の陳述より成り（検事側論告法廷記録二九、四一〇、下六七節）反対訊問しようにも策の施しようのものばかりである。これ等の二人のもの以外に彼等が直接に拠として提出した唯一の宣誓供述書は若松と称する日本人のものである。（法廷記録九、九〇二）該証人は日本に住し検事側が出廷させようと思へば出廷させることが出来る筈である。如何となれば弁護側は簡単に尋ねた又は彼の居所は判明したからである。吾人は磨頭陳述に於て本証人の証言は検事側の提出に係る彼の書類証言と著しく相違して居る。そのため彼は直理を曲げるものとも難詰されねばならぬが、或は又検事側証拠の虚偽証人台に証人を立たせず紙に書いた証言を受理することの判である。ことを示す顕著な一例となるであらう（法廷記録二六四〇六）

と抗辯した。此の証人が彼に帰せられ又檢事側が証拠として提供した檢事側の陳述を完全に西復した際（法廷記錄二六、五三二）檢事側は反対訊問をする機会が有ったが、彼等は彼の証言に何等か影響を与へんと不徹底の試みを致したが、完全に失敗した。

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検事側は次の何れの証據が最も信頼し得るものであるかの選定を法廷に委ねることを提議して彼等の証據提出の此の厄介な部面を性急に覆はんと努めて居るのである

即ち一人一人次ぎ〳〵に本法廷に自ら現れて反対訊問に應じた所の辯護側の証人によって提供された証據と、検事側が此の高級の裁判所に信頼し得る眞の証人として出廷させることは恥しくもあり気も進まぬ故に、本法廷には自身出頭して証言し得ない無学の群島の土人の紙に書いた証言と、そのいづれかといふのである。

検事側が、八人の辯護側証人をば、委任統治群島に関する検事側の告訴の反駁の証言に関し云ひ抜けの廉を以て責めた（法廷記録三九四一 検事側論告 F六七節）ときには検事側はふざけて居るとしか信ぜられない。殊に辯護側が証人を出廷させたとき、検事側はその六人に対しては、之を反対訊問することを完全に怠り、残りの二人は不熱心に訊問したに過ぎなかった。

| | 法廷記録 | 反対訊問 | なし |
|---|---|---|---|
| 林 | 二六、九四九 | 〃 | 〃 |
| 近藤 | 二六、四九八 | 〃 | 〃 |
| 小原 | 二六、五〇二 | 〃 | 〃 |
| ムカワ（六川さ） | 二六、五〇七 | 〃 | 〃 |
| 鈴木 | 二六、五一二 | 〃 | 〃 |
| 後藤 | 二六、五二一 | 〃 | 〃 |
| 岩崎 | 二六、五二七 | 〃 | 〃 |

吾人も亦、法廷に向って、辯護側の提出に係る証據の型と検事側提出の証據の型とを比較されんことを申入れ度い。此の点に関して、吾人は辯護側が反対訊問し得た唯一の証

人は辯護側が自ら獲得して直接証人台に立たせた一人の証人であった事実に注意を拂はれたい。宣誓供述書の形式で提出された斯かる証言に対しては検事側から異議は当然挿さまれた。(法廷記録九、〇九〇)

証人鈴木は検事側から反対訊問はされなかったが、最終論告に於て『彼は軍事施設として用ひ得る又は軍用に容易に転用し得る何物も見なかったと証言しなかったことは注目さるべきである』(法廷記録三九、四一三 検事側論告下六七節)との批評を受けてゐる。之は証人がその島には何等軍事的防備はなしなかったとの直接証言に対してである。該島の防備並に其處に基地(複数)が在りしや否やの係等点に関するリチャードソン提督の提出に係る検事側の証據(法廷記録一一、一九七)は、彼自身の知識に基いたものではなくして、確められず且つ甚だ疑はしい情報に基いたものであった。(法廷記録一一、一七五)凡てこれ等は反対訊問に依っては少しも信用を墜さなかった一証人によって強調的且つ直接的に答へられた。(法廷記録二六、四八〇)

検事側は一般段階に於ける其の証明が徹底的に又完全に失敗したのを見て取って、反証の假面の下に、彼等の常套手段に従ひ、米國海軍將校からの宣誓供述書を提出することにより新たな証言を持出さんと試みたが、又もや辯護側に反対訊問の権利を與へることを怠った。(法廷証三、八四〇 法廷記録三八、一一五) 吾人は誠意を以て法廷に切望する。本件の

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此の部分に関する証據を觀察するに当って本判の助けとなる様に証據を提出する檢事側と辯護側とは法を比較されむことを、且亦、これと同時に辯護側が檢事側の証據の提出を正直に寛容に処理したその誠実さと率直さとを想起されむことを。

## IV 戦略的計画

海軍の戦略及び戦術的計画並びに準備に関する檢事側の議論（檢事側論告F七〇節 法廷記録三五四一六）に就いては、将来敵とすることあるべき國に対して第一の際の戦争計画を準備し且つ之を保持することは條約上も亦常識的にも何等犯罪を構成しないといふことを指摘することが必要になって来る。米國は日本に対して第一の際日本に対して執るべき戦争計画に於て高度に詳細な点に規定してゐたといふことが明かに証據立てられてゐる。（法廷証二八五一A、法廷記録二五、九四七）

檢事側の唯一の海軍証人リチャードソン提督は彼の高い資格に於て近時の強國間に於ては万一の場合の敵國に対して執るべき海軍計画を予定しおくことは海軍の手續きとして公認された事実だと本法廷に通告した。（法廷記録二一、二九〇）檢事側は眞珠湾攻撃の海軍計画及同準備に関する証據を提出するに当り、此の甚だ細密なる事柄を聞く所によると単に日本兵曹長の記憶に基いて調製するといふ馬鹿げた事をした。（法廷証一二六五 法廷記録二一、二八九）辯護側は正直に率直に其の足らない個所（[illegible]）をば該攻撃を行ふに至るまでの日本海軍の込み入った計画を法廷に提出する

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ことによって補った。（法廷記録二六、七〇五及以下）
その当時法廷からは毎度側は開戦初期の計画の件に
関し何故斯く詳細に亘らんとするかとの質問があったが
（法廷記録二六、七四三）その理由は二つある先づ第一には記
録の各頁に対し能力の許す限り正確な事実（複数）
を法廷に提供しようとした事に第二には七進珠湾攻撃
の計画（複数）即ち連合艦隊命令第一号に含まれた
計画（複数）は長期に亘って準備されたものでなく、軍
事的時間の点から見るに不充分な準備を以って重
大な海軍作戦を行おべく余儀なくされたことし、これは
該作戦は戦争を予想して長期に亘った準備の結
果行はれたとの説を明らかに覆すものであるがしを示す
ためであった。
開戦即ち七進珠湾攻撃は開戦前ほんの短期間
に決定されたものである。（法廷記録二六、七一〇）該案夫れ
自身は一九四一年五月頃連合艦隊司令部で始め
て起草されたものらしい（[illegible]録二六七一〇）夫れは米国との万一
の戦争の際使用するかも知れない且冒険的な計
画にすぎなかったし海軍は常に米国との戦争は回避
し得ると確信して居た。（法廷記録二六、七一一）
海軍の各部局によって各種の戦争計画に対し、これは
得策だがあれは不得策だと意見が色々であったと事
実は重要性の著しく低いものである。七進の問題は斯
くの計画（複数）が侵略的計画であり侵略戦への

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準備たり得るやゐやの点である。証拠の二十す処に依れば真珠湾攻撃案は連合艦隊命令第一号と共に連合艦隊司令長官山本五十六大将の案出に係ること、及この案には軍令部総長永野が反対であったことが示されて居る（法廷記録二六、七一七）該証拠によれば更に此の種の案画及準備は軍令部及連合艦隊の所掌に属し海軍省の関知せざる所だることは動かすべからざる事実である（法廷記録三〇〇七、法廷記録二六、七一四）吾人が日本の空軍が全く訓練を欠除し或は訓練時間のなかった憫れな状態を見ると（法廷記録二六、七九）日本が西欧列強に対して尋常戦の計画又は準備をしたとか斯る戦争を仕度がってゐたなどと想像するさへ困難である。証拠の更に示す所によれば日本軍艦の燃料補給といふ甚だ重要な問題があり、日本の空母（複数）は間に合せの手段によらなければ彼等に負はされた使命を達成するに足るべき十分な行動半径を持って居なかったとの事実を明白に示してゐる（法廷記録二六、七二〇）その作戦準備行動中に於てさへも一九四一年十二月八日以前に平和的解決に到達し得たなら該艦隊を呼び戻すといふ用意周到な命令が発せられてゐた（法廷記録二六、七二〇）海軍は真珠湾攻撃に展開された機動部隊が攻撃開始の三、四十分前米軍の偵察によって看破されることを充分予期してゐた。又一時間以上前に

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タノデス。若干ハ他ノ諸国ノ指導者及ビ[illegible]者達ハ
ソテ平和ニシテノ善良ナル人トシテ高ク崇ヘ[illegible]ナル人ヲ
デアリマシタ。此等ノ人々ハ善悪ノ別ヲ[illegible]ナタノデス。
彼等ハ彼等ガ厳カニソノ国ニ誓ツタ義務[illegible]ナタノデス。
充分知悉シテヰル。彼等ハ自ラ悪ヲ選択[illegible]ノ義務ヲ無
視シ彼等ノ自国民及ビ其ノ他ノ者ガ彼等ニ持ツテヰタ
信念ヲ裏切ツタノデス。又充分知リツヽ、彼等ハ多数
百万ノ人類ニ死ト傷害ヲ齎シ彼等ノ宣言ガ行ケトコロ
何処ニ於テモ破壊ト憎悪ヲ齎シタ戦ガ[illegible]途ヲ辿ル
ベク選択シテノデアリマス。彼等ハ彼等ノ国民ノ運命ヲ
賭シテ賭博ヲセツタノデアリマシテ、何処ノ一般重罪犯人ト
同様彼等ニ保護ヲ委任シテヰタ人々ニ死ト傷害ト破
壊ト混乱ノミノ齎ラシタノデアリマス。此ノ選択ニ対シ
此等ノ人達ハ今当法廷ニ立テ判決ヲ[illegible]ヰル。
彼等ハ彼等ノ行動ガ斯クアリ、又彼等ガ企図セシト
シテヰタコトニ対シテ判決サルベキデアリマシテ、此等ノ行
動ハ彼等自身ノ選択ニ従ツタモノデス。彼等ハソノ
選択ヲ侵略ヘ戦争ヘトトノタノデアリ彼等ハ之ヲ自由ニ
且ツ自発的ニ行ツタノデアリマシテ、此ノ選択ニ対シ彼等ハ
罪ヲ負ハネバナラナイノデアリマス。

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若シ我々ガ此等ノ計画ノ主要立案者及実行者ヲ列挙スルトスレバ、再ビ被告全部ノ名ヲ唱ヘネバナラヌデアリマセウ。

106. 此等ハ決シテ偶発事件デモナケレバ、不利ナル出来事デモナカッタノデス。此等ノ被告ハ単ナル自働人形デハナカッタノデアリマシテ、彼等ハ機械ニ於ケル取替ヘラレ得ル歯車デハナク、決シテ救ヒ難イ未来ナイ運命ノ「メルストロム」大渦巻」（アルフエー論序ノ大渦巻）(?)ニヨッテ運命ノ「オモチャ」デハナカッタノデアリマス。此等ノ人達ハ一帝国ノ頭脳デアリ、彼等ハ一国ノ運命ヲ決スル指導者デアッタノデス。彼等ノ国ハ起[illegible]相互ノ平和ナ合法的ナ手段ヲ以テ解決サレ得ル諸国家、[illegible]家族ト共ニ生活ヲ送リ、将又彼等ノ国ガ他ノ国家ノ[illegible]戦争ノ計画ニ乗リ出[illegible]今世紀ノ運[illegible]トナッタ選択ハ彼等デアリマス。[illegible]選択ニ行ッタノデス。此ノ選択ハ彼等ノ犯罪[illegible]ナラデス。而シテソノ犯罪ハ世界ノ全[illegible]法廷ニ上ッタ如何ナル種類ノ者ノ罪ヨリ大キイモノデアリマス。此等ノ人達ハ犯罪ノ方法ニ完全ニ熟達シ、ソノ犯罪以外ノ方法ヲ知ラナイ犯罪環境ニ[illegible]「[illegible]」裁判ニ立ッタ一部ノ有名ナ者ノ如キ[illegible]漢デハナカッタノデアリマシテ、此等ノ人達ハ国家ノ[illegible]国家ノ運命ガ確信的ニ委任サレテ居タ[illegible]指導者ト考ヘラレテ居

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争ノ実現ヲ破ッタノデアリマス。彼等ハ叙上ノ国ニ具体的ナ和平條件ヲ與ヘルコトヲ拒ミ、武力ニ依ル総合的政権ヲ除去スルコトニ決シタノデアリマス。蒋介石ニ代ルベキ傀儡ニ彼等ハ政治組織及経済ヲ計画シ、ソレニ細部ニ亘ッテ遂行サレマシタ。彼等ハ中国ノ傀儡政権ヲ計画シ、当初ハ臨時ニ、後ニハ南京ニ之ヲ移シ汪兆銘政権設立ノ諸階段ヲ計画シタノデアリマス。彼等ハ之ノ計画ヲ遂行致シマシタノデアリマス。共謀被告ハ一人ノ例外モナク夫等ノ計画ノ一ツ又ハ其ノ全部ニ参加シタノデアリマス。最モ重要ナル役割ヲ果シタ者ハ畑、梅津、荒木、橋本、板垣、平沼、広田、星野、賀屋、木戸、松井、南、武藤、鈴木及東条デアリマス。其他ノ者モ亦夫々ノ役割ヲ演ジテ居ルノデアリマス。

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其ノ目的ノ達成ノ為ニ採択セシ如何ナル方法ヲモ即チ為シ得ル戦争ヲ行ヘテモ達成セシムベキモノトシテ決定シタノデアリマス。此ノ計画ヲ遂行スルニ当リ、彼等ハ中国ニ於ケル蘇聯邦及ビ西洋諸国ニ対シテモ戦争ヲ誘ヘナケレバナラナイカモ知レナイト考ヘテ居ッタノデアリマス。ソレ故ニ日本ハ戦争ヲ準備スル必要ガアッタノデアリマス。此ノ計画ニ関シテ謀議者達ハ戦争ニ対スル日本経済動員ノ大規模ナ計画ヲ準備シタノデアリ、此等ノ計画ガ細部ニ亘リ遂行サレタノデアリマス。彼等ハ陸

最后ノ章ニ至ルヲ来リ越ヘ亦政府ニ[illegible]支配[illegible]獲得[illegible]
共同謀議者達ハ決シテ其ノ支配權ヲ[illegible]ガナイ[illegible]
確固タルモノニシタノデアリマス。彼等ハ絶対[illegible]彼等ノ支
配下ニアル彼等ノ仲間ノ一人ヲ常ニ陸軍[illegible]シテ[illegible]
政府ニモ入閣サセルコトヲ確実[illegible]以后彼
等ハ絶ヘズ政府ヲ統御シ亦[illegible]内閣[illegible]共同
計画ノ一々ノ段階ヲ計画シ遂行[illegible]
ダケ彼等ノ支配力ヲ失ハウトシタ[illegible]
ハ半面ガ内閣ヲ組織スルヲ防ゲコトニ依[illegible]
危機ヲ脱シタノデアリマス。廣田内閣ハ共[illegible]
根本国策トシテノデアルガ同内閣ハ右ノ共[illegible]計画ト
外交政策ト国防ニ依テ並綱ニ大陸ニ[illegible]日本ノ地
位ヲ確保スル事ノ如キニ日本ガ両洋ニ[illegible]発表ス
ルコトデアルト規定シタノデアリマス。同内閣ハ入共部中
華民国ノ完全ニ支配ト搾取ノ明細[illegible]画ヲ樹テ
タノデアリマス。

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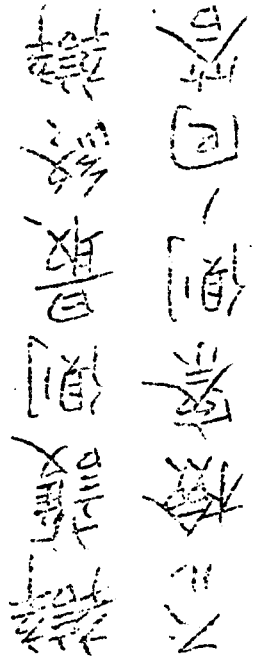
共同謀議者等ハ此支配ニ於テ[illegible]計画[illegible]的遂成
スルコトガ我等ノ彼等ノ武力ノ[illegible]
リマス。再ビ彼等ハ事中ヲ計画シ、再[illegible]ヲ創リ
出シ計画ニ従テ作戦ヲ行ツタノデアリマス。彼等ハ計画
ニ従テ解決地方事業トシテ[illegible]カラテ
解決ヲ不可能ツラシメルコトヲ放意ニ決[illegible]デアリマス。
彼等ハ大規模ニ戦斗ヲ遂行シ到ル[illegible]決定戦

辯護側最終辯論ニ對
スル檢察側ノ回答

其ノ三



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ノデアリマス。事実カカル例ハ明ニナ数ガ[illegible]見テ
証拠ノ資料上緒ニカカル資料ヲソレガ却下セラレタト フ事ノ
実ニ言及ハルトアリ且為サレタ陳述ノ典拠ノ所ニ示シコトナク
包含スルトイフヤリ方ガ広ク行ハレテ居リマス。一般最終弁論ノ
中國段階ハ此ノ点ニ於テ有名デアリマス。此ノ長イ部分ハ記
録ノ引ニ[illegible]ヲ殆ド含ンデ居リマセン。事実陳述ハ毎頁毎頁
何ラソノ証拠中ノ根拠ヲ示サレトノ試ミモナシニ為サレテ居リ
マス。事実ノ陳述ノ中ニハ労力ト時間ヲ不相応ニ費消シ
コトニヨリ記録ノ証明セラレ得ルモノモアルデアリマセウ。証拠ノ
中ニ或ル根拠ヲ有スルモノガ含ルカモ知ルモノガ多シソノ現ハレテ居ル
文章ノ前後ノ繋ガリカラ分離サレテ居ルコトガ明カニ示サレ得ルモ
ノモアリマセウ。裁判所ニヨリ証拠トシテ却下セラレタ資料カラ
取ラレタコトガ示サレ得ルモノモアリマセウ。尚又記録中ニモ或ハ却
下セラレタ文書中ニモ何等ノ根拠ヲ有セズ、単ニ著者ノ不
当ナ陳述、非難及ビ主張トシテノミ存在スルモノモアリマス。若
シ此ノ部分ニ註解セラレテヰル僅カナ引用ヲ照合スルナラバ

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体燃料ハ産業上及國防上不可欠デアリ、且同法案ハ産業ノ発展及國防ヲ促進スルモーデアルトイフ事トヲ比較セラレ度イ。

(5) 同様ニ技術ノ此レ以上ノ例トシテハ書證第二七八六号、及二七八七号ニ関スル丁四三節、書證第二七九二A号ニ関スル丁四五節、書證第二七九三号ニ関スル丁四八節、書證第二七九五A号ニ関スル丁五一節、書證第二七九六A号ニ関スル五八節、書證第二七九六B号ニ関スル丁六〇節、書證第二七七七A号ニ関スル六二節ニアル陳述ト書證自体トヲ比較セラレ度イ。

夫々ノ例ニ於テ、國防ガ措置ニ対スル一ツノ理由トシテ著シク特筆サレテ居リマスガ、此等ノ辯護側文書ニ現ハレタ如キ其ノ事実ニ関シテハ、最終弁論ノ何處ニ於テモ言及サレテヰナイノデアリマス。

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5 弁護側ノ主張ヲ支持スル事実ノ基本的陳述ニ関シテ、述ベラレタ考察ニ一般的警告トシテ留意シテ、検察側ハ、数多ノ誤謬ニ付テハ假令ソレガ重要且緊要デアッテモ詳細ニ更ニ論ゼズシテ弁護側ニヨッテ提出サレタ主要ナル主張ノ考察ニ直接移リマス。分析ノ為メ弁護側ノ主張ハ三箇ノ總括的範疇ニ大別サレマス。(1) 検察側ハ其ノ申立ヲ立証スル責任ヲ果サナカッタトイフ主張。(2) 法律問題ニ関スル諸種ノ主張。(3) 肯定的並ニ個人的主張。

A、検察側ハ其ノ申立ヲ立証シナカッタトイウ弁護側ノ主張

6、我々ガ論議ノ目的上カラ弁護側弁論ノ二ツノ事實的要素ヲ分離シテ其ノ間ニ弁護側ノ法律論ノ討議ヲ挾ムコトハ少シク奇妙ニ思ワレルカモ知レマセン。右ハ本件ノ事實ニ関スル内容ガ分割ヲ要求シテ居ル為メデハナク、検察側ガ其ノ申立ヲ立証スル責任ヲ果サナカッタトイウ第一ノ主張ニ付テノ弁護側ノ論法ハ性質上類例ノナイモノデアリ且ツ其ノ観点カラ考察サレルコトニヨリ非常ニ容易ニ考量ニ得ルカラデアリマス。此ノ主張ヲ立証セント試ミルニ当リ弁護側ハ検察側証據ニヨリ立証サレ且ツ弁護側自身ノ証據ニヨリ大部分確認サレタ基礎的事實ヲ争ウコト若シクハ右ノ事實カ論理上演繹シ得ル推論ノ反駁ニ多クノ場合関心ヲ有シナカッタノデアリマス。彼等ハ右ノ事實及推論ガ許追サレタ犯罪ノ凡ベテノ構成要素ヲ立証シテイナイトイウコトヲ示スコトニ関心ヲ有シナカッタノデアリマス。

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彼等ノ攻撃ハ証據ノ性質ニ関スル攻撃及検察側ニ対スル攻撃ニ大部分限定サレタノデアリマス。

7. 我々ハ弁護側ノ弁論中、随時度サレタ検察側ニ対スル非倫理的行為ノ非難ヲ答弁ノ價値ナシトシ、又裁判所ハ待ニ当裁判所ノ尊厳ニ全ク相当セザルモノトシテ不問ニ附シマス。若シモ検察官ノ論告ガ根據薄弱デアルナラバ、ソレハ本件ヲ決定スルニ当リ当裁判所ヲ援助スルモノデナク、又検察官ニ対スル非礼ナ語句ノ使用ハ其ノ論告ヲソレ以上ニ不確実ニシマセン。然シ論告ガ確実デアリ、証據ニヨリ正シクノ支持サレルナラバ、検察側ニ対スル非礼ナル語句ノ使用ハ其ノ論告ノ有効性ヲ弱メズシテ、其ノ証明ヲ示スモノニ過ギナイノデアリマス。

8. 検察側ノ証據ニ対スル弁護側ノ攻撃ハ極メテ専門的性質ノモノデアッテ、ソノ主張ヲ容レル事ハ総テノ証明力アル証據ヲ受理スルトイフ本裁判所條例ノ明白ナ命令ニ本裁判所ガ完全ニ放棄スル事ヲ意味スルデアリマセウ。検察側ノ証據ニ対スル攻撃ノ各場合ニ於テ、弁護側ハ或ハ項目ノ証據ガ英米法廷デハ証據排斥ノ細則ニ依リ排斥サレルカモ知レストイフ事ハ此ノ証據ノ項目ニ証明力ノ無イ事ヲ証明スルトイフ理論ニ述ベ続ケマシタ。然シ乍ラ

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9 更ニ説判官各位御承知ノ如ク、辯護側ノ主張シタ專門的事項ハ證據ノ受理ニ関シ最モ嚴格ナ規則ヲ適用スル法廷ニ於テスラ承認サレテ居ラヌノデアリマス、若シモ辯護側ノ主張ナ法規トシテ施行セントスルナラバ存在スル如何ナル法廷モソノ任務ヲ果シ得ヌ事ハ容易ニ推定セラレマス、最モ嚴格ナ英米法廷ニ於テスラ必ズシモ總テノ傳聞證據ガ排斥サレハシナイデアリマス、傳聞證據ノ規則ニハ無數ノ例外ガアリマス、共同謀議ノ過程ニ於テ共同謀議者ノナシタ陳述及ビ到達ニ反スル陳述ハ以ク認容サレテ居リマス、マシテ檢察側ガ提出シ傳聞證據ノ規則ニ違反スルト攻擊サレタ證據ハ何レモ此ノ二ツノ例外ノ何レカ又ハ双方ニ該当シマス



10. 檢察側證據ノ或ル部分ニ対シテ加ヘラレタ最モ一般的非難ノ一ツハ此等ガ新聞紙其他ノ出版物カラ採ツタ記事カラ作ラレテヰルトイフ事デアリマス、之ハ若シモ出版ノ無制限ナ自由ノ原則ガ自由ニ遵守サレツヽノ記事ガ拘束モ檢閲モ受ケヌ著者及ビ発行者ノ判断ヲ表シテヰル國ニ於テ発行セラレタ新聞紙其他ノ出版物カラ採ツタ記事ヲ我々ガ此ノ場合取リ扱ツノヰルナラバヒ眞剣ニ考慮スベキ事カモ知レマセン、本件ニ於テハソレハソウデハナイデアリマス、檢察側ガ其ノ他ノ國々カラ此ノ種ノ出版物ノ記事ニ用ヒタ僅カナ例ニ於テソレハ事件ヲ証據立テル目的ニハ用ヒズ、事件即チ記事ソノモノガ一日本政府機関ノ公文書中ニ見出サレルカ、又ハカラ承知シテ居ルトイフコトヲ正式ニ認メタモノガ含マレテ居ルカ、ドチラカノ事実ニヨツテ明ラカニ推断シ得ラレル事実デアルトコロノ事件ノ発生ヲ日本人ガ公式ニ承知シテ居ツタトイフコトヲ示スタメニ

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提出シタモノデアリマス。検察側ハ記事ニ記事ノ大部分ハ日本デ発行セラレタ新聞其ノ他ノ出版物カラ採ラレタモノデアッテソレラノ名ヲタハ日本政府ノ公表カラ採ラレタモノデアリマス、公表ニ発表サレタ記事ニツイテハ何等問題ガアル筈ハアリマセン。ソレラハ公式ノ政府ノ声明デアリマス。此処デハ吾々ハ官吏達ガ彼等ノ政府ノ権力ヲ用ヒタ不法ナ目的ノ廉デ彼等ヲ裁判シテ居ルノデアリマス。彼等ノ行為ノ不法ナルコトヲ示スタメニハ政府ニヨロノ或ハ政府ノ許可ノ下ニ公式ニ発表サレタ声明程証明力ノ高イ証據ハアリ得ナイノデアリマス。日本ノ非政府出版物ヲ証據ニ採リ入レラレタ記事モ亦同様公式政府声明トシテ見做サレナケレバナリマセン。検察側ハソノ論告ノ不可缺ノ部分トシテ日本ノ新聞ハ自由新聞デナク日本政府ニヨロノ完全ニ支配サレ統制サレテヰタモノデアルトイフコトヲ示シテ居リマス。新聞社ハ政府ノ機関ガ許可シ且許可サレタル方法ニヨロテノミ印刷スルコトガ出来タノデアリマス。弁護側ノ一般段階ニ於テモ個人段階ニ於テモ此ノ検察側ノ証據ヲ反駁スルタメニカシモ証據ガ提出サレナカッタ事ニ注意スルコトハ興味アルコトデアリマス。何レノ弁論ニ於テモ本論争ニ就テノ検察側ノ証據ニ関シテハ唯ノ一語モ述ベラレテ居リマセン。反駁サレズ政敵ヲサレナカッタ此ノ証據ハソレ故ニ真実デアルト解サレベキデアリマス。此ノ証據ニ徴スレバ日本ノ出版物カラ引用サレタ記事ハ重大ナ証明力ヲ有スルモノデアリマス、カヽル記事ハ実際上普通ノ政府ノ公式発表ニ過ブ所ガアリマセン。官僚達ガ是等ノ記事ガ公表サレルコトヲ欲シタノデナケレバ其等ハ印刷サレナカッタデアリマセウ。

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カヽル事情ノ下ニ於テハ其等ハ政府ノ名ニ於テ出シタ政府ノ公式発表ト同一ノ方法ニテ同一ノ効果ヲ持ツタ公式ノ政府ノ所説ト看做サレマヤウリマス

（次頁ニ続ク）

〃 是等ノ新聞記事ニ関スル副次的非難ハ検察側ガ或被告人ノ場合ニ於テ被告人ノ供述ヲ利用シ又ハ供述ノ新聞記事ヲ使用シタニ外ナラナイト云フニアリマスガ、新聞記事ハ供述ノ説明記事ガ供述ヲ歪曲シタニ過ギナイト云フ仮定ニ基ク事実デアルト云ツテ差支ナイノデアリマス。新聞説明記事ガ本ノ供述ヲ歪曲デアルカドウカハ本裁判所自ラガ参理記事ヲ供述ト対照スルコトニ依ツテ速ニ決定スルコトガ出来ル事柄デアリマス。併シ新聞記事ガ歪曲サレタノ新聞ノ説明記事ガ議実デアルト仮定シテ、或ハ歪曲サレタ新聞ノ説明記事ガ議會ニ於テナサレタモノト同ジク政府ノ行為デアルト云フコトヲ志ヒテハイリマセン。シカシ政府当局ガ公表サレルコトヲ欲シタ方法デ公表カラレテアリマス。シカシ政府ノ行為ヲ考量スルトキハ其ノ供述ソレ自体ト同等ノ記明カラ看スルデアリマス。

12 弁護側 検察側ノ訊問ノ大部分ガ文書デアツテ、若ド訊人ハ訊ネル具ニアラズシテソレナクシテハナラナイト云フ理由デ、其等ヲ回避シテイタノ、彼等ガ本裁判所ニ提綱セラレタ度イト望ンデ居ルコト八検察側ノ主張ヲ立証スル為ノ訊人ヲ見アスコトガ出来ナカツタト云フ事デアリマス。カカル推論ハ固ヨリ論ズル迄モナク當裁ノ前ニ於テ如何ナル實質ヲ持ツテイヨウトモ本裁判所ノ認メ得ベカラザルモノデアリマス。検察側ハ文書ヨリモ口頭ノ証言ヲ論告ハ事柄ガ文書ニ書カレタ場合、其ノ文書ハ如何ニ重要デアツテモ、其ノ文書ノ内容及事実ノ証據デアルトニ拘ラズ、法律原則ニ基ヅク最モ強イ論告デアリマス。理論ニ従ツテ、検察側ノ論告ハ大部分文書ノデアリマス。訴訟百件ニ於テハ、数ヒ切レヌ証人――文書ニ――ハ

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生ケル証人ヨリモ信頼シ得ル証人デアリマス。彼等ハ如何ナル人間ノ弱点ニモ支配サレテヰナイノデ、彼等ハ彼等ノ話ヲ陳述シテ其レニ加ヘルコトモ減ズルコトモシナイノデアリマス。彼等ハ忘レルトイフ事ガアリマセンシ。彼等ハ不意打ヲ喰フコトモアリマセン。彼等ハ自ラ充分ニ証明シ彼等ニ関シテ他人ガ言フコトニ依ツテ影響ヲ受ケナイノデアリマス。人為ニ依テ変更サレル以外ニ彼等ハソノ所説ヲ変ヘナイノデアリマス。変更サレタ場合デスラ彼等ハソノ変更サレタ事ヲ全テ明カニスルノデアリマス。此ノ弁護側ノ主張ハ今マデニドノ裁判所ニモ提出サレタコトノナイ最モ奇妙ナル議論ノ一ツデアリマス。其ノ計画自体ヨリモ更ニヨイドンナ証拠ガ侵略戦ノ計画ニ関シテ存在シ得ルデアリマセウカ。戦争開始ヨリ九ケ月以上前ノ日附ノ南方地域用ノ軍票印刷ノ計画及命令文書ヨリモ更ニ大キナ強ミト確信トヲ以テ、イブレノ証人ヲ記言スルコトガ出来ルデアリマセウカ。

13 假リニ一係文書ニ依ル証拠ガ最モヨイ証拠デアラウカト云フ疑問ガアルナラバ、其ノ疑問ハ本件ノ出来事ニ依ツテ永久ニ葬ラレルベキデアリマス。我々ハ当法廷ニ於テ、一九三七年十二月船運ヲ通ジテノ中国ニ対スル要求ノ重要ナル立案者ノ大部分ナ被告人木戸ガ其ノ条件ヲ思ヒ出ス事ガ出来ナイト述ベルノヲ見タコトガアリマス。(a)

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13 (a) 記録 三四二三一五

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若シ其ノ要求ノ主要ナ起草者ノ一人ガ其ノ條件ヲ想ヒ出シ得ナラバ其條件ガ記載シテアル公文書ト同様ニ此等ノ條件ヲ以テ裁判所ニ対シ充分ニ敍述シ得ルドンナ証人ガアリ得ルデアリマセウ。生キテ居ル証人ノ証據ヨリモ文書ニ依ル証據ガ優秀デアルト云フ最モ興味アル例ノ一ツガ土肥原及他ノ者達ガ溥儀ヲ滿洲ヘ伴シテ来ル活動ニ関シテ桑島領事ガ外務大臣宛発シタ一聯ノ電報ニ関聯シテ見出サレルノデアリマス。其レハ外務省ノ情報及用途ノタメニ同省ニ宛テタ一聯ノ公式報告書デアッタノデアリマス。此ノ証據カラ少サクセンガタメニ桑島ガ弁護側ヨリ喚問サレ彼ハ彼ノ情報ハ例ヘバ新聞、日本人及中国人トノ談話及噂ノ如キ利用シウル筋カラ得タモノデアルト証言シ、デアリマス。(b) 要スルニ桑島ハ彼ノ情報ノ出所ニ関スル總括的ナ陳述ニ依ッテ彼自身ノ公式報告書ヲ覆ヘサント企圖シタワケデアリマス。不幸ニモ桑島ハ彼ノ報告書中ノ各々ノ場合ニ於テ彼ガ当時電送シテ居タ情報ノ特殊ナ部分ノ出所ヲ明カニシテ居タコト及噂乃至ハ新聞ニ基クノ此等ノ記事ト情報ノ更ニ確実ナ出所ニ基クモノトノ間ノ区別ヲ立テルヤウニ非常ニ注意シテ居タコトトヲ完全ニ忘却シテ居タノデアリマス。此等ノ活動ニ関シテ彼ガ提出シタ九通ノ報告書中二通ノミガ新聞ヨリ出タモノデアリマス。(c)

13 (b) 書証第三七九号、記録二八六四九ー五。
(c) 〃 二九二 〃 四三七五
〃 二九三 〃 四三七六

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[illegible]

| | | | |
|---|---|---|---|
| (ii) | 書証 | 第二八九号 | 記録 四三六四 |
| (iii) | 〃 | 第二九〇号 | 〃 四三六七 |
| (iv) | 〃 | 第二九五号 | 〃 四三八一 |
| (v) | 〃 | 第三〇四号 | 〃 四四〇二 |
| (vi) | 〃 | 第二八七号 | 〃 四三六〇 |
| (vii) | 〃 | 第二九一号 | 〃 四三七三 |
| (viii) | 〃 | 第三〇〇号 | 〃 四三九四 |

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性ヲ疑ハ如何ナル理由ニヨリテヤト裁判長ヨリ訊ネラレタル際
本証人ハ何等疑フ理由ナシト答ヘタノデアリマス。検
察官ガ書証ヲ一々読ミ上ゲ、之ヲ記録スル談話ニ関スル
部分ヲ読ミ聞カセ乍ラ彼ノ其ノ上ニ何等答弁スル事ノ
ナキ旨ニ証言シタノデアリマス。従ッテ又右ノ者ノ証言ハ本裁
判所ガ各文書ニ就イテ其等ノ文書ノ中カラ既ニ知リ得
タ事ニ何等附加スル所ガナカッタノデアリマス。彼ノ証言ハ
何等特ニ本件ヲ進捗セシムルモノデハナカッタノデアリマス。

(註)此ノ個ノ論議ガ別ノ形デ繰返サレタコトハ未ダナイデアリマス。或
弁護側証人等ガ反対ノ証言ヲ為シ且検察側
ガ其証人等ヲ反対訊問ニ付サナカッタ場合ニ、本裁判所ハ検
察側ノ提出セル文書ニ拠ル証拠ヲ無視スルヤウ繰返
シ要求サレタノデアリマス。或弁護側証人等ハ反対訊問ハ
如何ナル点ヨリ見ルモ訴訟手続ヲ進捗セシムルモノデハ
アリマセンカラ、検察側ハ彼等ヲ反対訊問シナカッタ旨
ヲ弁護側証拠提出ノ進行ヲ通ジテ検察
側ハ幾度モ明白ニシタノデアリマス。其ノ上弁護側証拠ヨ
リ極メテ明白デアルカト思ウ二ツノ理由ニヨリ、多数ノ弁護
側証人ハ冗長ナル反対訊問ヲ行フコトハ無駄デアリマ
シタ。先ヅ第一ニ殆ンド提出サレタ検察側証拠ハ全
トシテ公文書ヲ以テ作成サレタモノデアリマス。此等ノ文書

(イ) 記録 二八六六五
(ロ) 〃 二八六六六

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[illegible]十五日ノ我々ノ覚書ニ対スル回答
[illegible]日ニ長官ニ対シ聲明ヲ行ヒ[illegible]
[illegible]問題ニ果シテドコ迄深ハシ得ル
カ討ス[illegible]ヲ投ゲタノデス。
問「貴下ノ本[illegible]ノ声明ガ何ンナキノデアツタカ貴下鬼ニシ
[illegible]ナイマセンカフ」
答「[illegible]ハ会談ノ覚書ノ記録ニアリマス。私ノ記憶デハ
[illegible]日本政府ハ中国ニ於テ課シテノ来タ
[illegible]何モ出来ナイト云ヒ、彼ハ戦後日本政
府[illegible]得ルカニ関シテ何等約束スルコトガ出来ナカ
ツタ又英国務長官ガ日本政府ハ原則トシテ之等
[illegible]得ルカ否カト尋ネタ時何等ノ確定
[illegible]」
「[illegible]記憶ガ確カデアリマセンカラ直接記録カラ取ラル
[illegible]」

19 (a) 法華録 一七九四二・三

GENERAL REPLY

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…テ「ベ[illegible]」ハ正ニ之デアリマセウ。[illegible]
事ヲ[illegible]サレナケレバナリマセン(ム)　彼ノ答弁ハ誤
言ヲ[illegible]間ニ対シテ率直且ツアカサマニ應答シタノモノ
デアリマス。彼ノ答弁ハ木栖氏ノ声明ガ十一月十八日ニ為
サレ彼ハソノ内容ヲ反復シタノデアルカラ何等意見
ヲ述ベタト云フ詞ヲ聴キモセズ。確ニ彼ガ木栖声
明書ソノ会談ノ覚書カラ取ツタノガヨイト云ツタ
彼ノ陳述ハ何等回避ヲ認メルモノデハアリマセン。ソレハ単
ニコノ事ガコツテモツテ証言シタ正確ヲ期スル非常ノ
ナル熱意ト努力ニ間違ヒガアレバ訂正サレタイト云フ彼ノ
希望ヲ反映シテ居ルニ過ギナイノデアリマス。然ルニ下ラ此ノ
正直ナ開ソウトシタ非常ナ関心サハ「バカゲタ」ト氏
ガ言ヒ去ツタノト云フ非難デアリマスニシテモソノ暗示ノ基
礎サヘアルノデス。弁護側ハ陳述ヲ読ンダノ彼ガ自分
ノ試験ニ信ジナカッタノハ至極尤モノ様デアッタ何トナレ
バ断ジテ疑ヒ何モ提出サレナカッタカラデアル。若シ提出サ
レタノナラ我々ハソレニ照シ未熟ノ言辞ノ主旨ニ付テ
ノバクタイニ氏ノ陳述ハ人ガ必ズ通ニ彼ノ結論ヲ受容
レルベク論議ガ與ヘラレテ然ルベキデアルト期待シテ差支ナイ
ナイトノコトヲウニト云ツテヲリマス。

19.(4) デノクラニー 二十七章、DSK 二十八頁

GENERAL REPLY

速記録 二六、〇二

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GENERAL REPLY

[illegible]側證據[illegible]
[illegible]拜シテ證[illegible]
[illegible]論ヲ考慮スル際ニ[illegible]證據ノ
今[illegible]或ハソレヲ非常ニ擬イテ取扱ヒ或ハソレヲ
時[illegible]適用シ得ルモノトシテ取扱フコトニ注意
[illegible]アリマス。是ト関聯シテ辯護側
[illegible]證據ノ大部分ガ同様ニ無視サレテ居ル
[illegible]アリマス。例ヘバ辯護側最終論告ガ満
[illegible]的支配ノ諸計畫ニ關シテノ[illegible]
[illegible]アリマス。而モ中國ノ同方面ニ於テ起ツタ
[illegible]目的ナ最モ明カシ又地球ノヨリ廣汎
[illegible]事件ニ特別ノ意味ヲ有スル[illegible]
[illegible]アリマス。コレガ辯護側ノ根本側
[illegible]全般ヲ象徴シテ居リマス。辯護側ハ
[illegible]部分ヲソレヲ考慮セズシテ孤立セシメタ
[illegible]他ノ全テノ證據カラ完全ニ分離孤
[illegible]ミ考ヘル検察側證據ノ部分ヲ検討
[illegible]アリマス。

[illegible]議論ヲ繰返サセタノハ検察側證據
[illegible]見做サントスルコノ企テデアリマス。例ヘバ
[illegible]満洲段階ニ於テ検察側證據ハ一九三七年ト
[illegible]封度ノ鴉片ノ種ヲ産出シタコトヲ
[illegible]満洲ニ於ケル阿片使用者ノ要求ヲ満

General Reply

[illegible]度ノ喫煙用阿片ガ使用セラレタコトヲ立證スル
[illegible]
[illegible]故ニ於テ客側主張ハ不可能ノ理由デ通ラナイト
[illegible]一九三七年ノ滿洲ノ罌粟種ハ二八〇万封度
[illegible]迄ノ様ニ四一八〇万封度デハナカラウトイフコトハ
[illegible]設側ハ二コデ統計學ニ於テ最モ一般的ナ誤謬ニ
[illegible]ハ明カデアリマス。彼等ハ二ツノ異ナル項目ヲ其等ヲ
[illegible]最モ重要ナル統計上ノ相関要素ヲ考慮セズニ
[illegible]ルノデアリマス。罌粟種ノ一定量カラ幾何ノ
[illegible]抽出シ得ルカヲモ亦我々ガ知ラナケレバソノ比較
[illegible]ノデアリマス。記錄中ニ未製阿片ハ喫煙阿片(b)
[illegible]ノ証據ガアリマシタ。右記錄中ニハ又混ゼ物(c)
[illegible]ハ[illegible]行ハレルトイフ証據ガアリマシタ。辯護側ノ
[illegible]ヲ説明シテ居マセン。若シ辯護側ガ滿洲國
[illegible]他ノ証據ノ増加スル生産及ビ販賣、若年者
[illegible]滿洲ヨリノ阿片ノ大量輸出ヲ考慮シタナラバ、
[illegible]論ニ何カ誇ノアルヘキコトニ氣ガツイタデアリマセウ。
[illegible]ハ十分アリマシタ。ソレデ調査スルナラ
[illegible]罌粟種カラ抽出サレルモノデハナイトイフ良イ標準
[illegible]吾イテアル簡單ナ既知ノ事実ニ彼等ハ氣附イ
[illegible]

21 [illegible]錄 四七三九ノ四〇
[illegible]証 三七四 記錄 四六七五
[illegible]証 三九七 記錄 四七九六

GENERAL REPLY

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GENERAL REPLY

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GENERAL REPLY

[illegible]ニ[illegible]ノ証拠ノ孤立セルモノ[illegible]
合[illegible]ヨリ分離[illegible]
[illegible]議論ノ是等ノ文法ハ日本欧洲
中國[illegible]全體ニ亘ル事件ノ一全ヲ是等ハ文法[illegible]ニ
特[illegible]ナルモノデアルカラ完全ニ孤立シタ[illegible]離シテ[illegible]
[illegible]弁護側最終弁論ノ[illegible]
部分[illegible]ノ特定ノ文書ヲ孤立化スルコトニ[illegible]
[illegible]議歩[illegible]コトヲ[illegible]努力シテ[illegible]
ニ[illegible]ノ文書ノ特種ノ部分ヲ孤立セシメ検討[illegible]
[illegible]検察側ハ用語上ノ種々ノ変更ガ[illegible]
実[illegible]カドウカニハ関係ガナイノデアリマス。
検察[illegible]之等ノ文書ヲ検討シ[illegible]冒頭陳
述[illegible]居リマス。ソレハ一文書ニ表明セラレテ居ル観
念[illegible]個々ノ文章ノ総計ヨリ以上ノモノデアルト云フ
判[illegible]喚起セントシタモノデアリマス。一特定ノ
書[illegible]ノ反応ハソノ個々ノ章句ニ依ツテ決定サレ
[illegible]文書全体ノ趣意及ビソレヲ綜合スル仕方
ニ依[illegible]モノデアリマス。ソレハ文書ソレ自身以外ノコト
[illegible]デアリマス。日本側諸提案ニ対スル右ハ何
等[illegible]合衆國側ノ反応ガ真剣
[illegible]カハ諸文書全体ソレモ[illegible]
[illegible]情勢ニ依ツテノミ決定シ得[illegible]デアリマス。

[illegible]検討乃至ハ特定ノ行為ノ孤立化ニ依ツテ検

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GENERAL REPLY

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GENERAL REPLY

戰時 [illegible]
數百万ニ上ル中國ノ紛[illegible]
[illegible]ト云フ理由ヲ[illegible]法理論ニ[illegible]
ガ論セラレタノデアリマス(a) 而モ尚ニ法廷ニ於テノ全世界國民ノ
強逸ノ両者ハソノイヅレモ宣戰ヲ布告スルコトナシ又唯一發ノ
砲彈ヲ撃ツテヰ[illegible]ヲ拘ラズ法理論上一九四〇年一九
月ニ戰ヘテ状態ニ入ツタノデアルトイフコトガ申シ立テラレテヰルノデア
リマス(b) 殺人ノ訴因ニ対スル弁護トシテ交戰權ガ主張サレ
他方幾多ノ殺人ガ行ハレタ紛爭ニ関聯シテ人俘虜ノ虐待ニ
対スル弁護トシテ粘交戰性ガ主張サレタノデアリマシタ幾多
ノ條約ノ何等拘束力ノナイ紙片ニスギナイモノト云ハレ、其歸
結トシテ日本ハ之ニ違背スル行動ヲ執ツタトシモ何等
粘行ノ処ニシテ[illegible]ハナラナイト論ジラレタノデアリマス而カモ或
ル他ノ一國ガ[illegible]條約ヲ其ノ規定ニ通リノ方法ヲ全ク合
法的ニ廃棄シタ場合、斯ル廃棄ハ事実ト法ノ両面
ニ於テ日本ガ自衛ノ手段トシテ武力ニ依リ右ノ國ヲ[illegible]
攻撃スルコトハ正当化スルニ足ルカ如何ヲ日本ニ対シ構成スルモ
ノデアルトイフコトヲ当法廷ニ認メサセマシタ[illegible]ノデアリマス弁

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a 弁護側最終弁論 C、第十九、二一頁

b 弁護側最終弁論 E 第十五頁

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GENERAL REPLY

護側ガ提起スル主張ハソノイヅレモガ悪クソノ場ソノ場ノ問題ヲ切リ抜ケルノ方便ニスギナイノデアリマス。

27 弁護側ノ主張ハ必然的ニ刹那々々ノ方便タラザルヲ得ナイノデアリマス。此方法ハ彼等ガソノ根拠トシテ選ブ理論ニ依テ左右サレテヰルノデアリマシテ、而モ此理論タルヤガクトモ推論上彼等ガ当法廷ニ之ヲ採択スルヤウ要請シテヰルコトトナルノデアリマス。弁護側ノ浩瀚ナ弁論ノ冒頭ノ数頁ニ於テ、弁護側ハ戦争ガ人類生活上ノ社会的関係、生物的存立ノ関係カラ回避シ難キコトトシテ起ルモノト観察セラレル場合ガアルトスレバ、ソレハ物理的ノ自然力デナクトモ人間力ダケデ左右シ能ハスモノト認メネバナラヌ(a)ト述ベテヰルノデアリマス。更ニ若干進ンガ所デ、我々ハ世界戦争ハユー世界ガ過去カラ将来ヘト辿ル進歩ノ歩ミデアリ、人類ノ運命ノ革命的ナ表現デアルトイフコトヲ力カサレタノデアリマス。(b)

27 a 弁護側最終弁論 A、第五頁

b 弁護側最終弁論 A、第十一頁

GENERAL REPLY

本件ニ於テ被告ガ打ツ樹ト様トシカ眞ノ弁護ハ此ノ数節ノ内ニアリマス。爾余ノ冗長ナ論議ハ、コノ唯一ツノ基礎的ナ主想ノ変化ノ一連ニ過ギマセン。弁護側ハ此様ニ其論據ヲ尋ラ又載然ト戦争ハ避ケ難ク又必要デアルト云フ主張ニ置イテ居マス。

28 検察側モ又彼等ガ代表スル列強モ戦争ハ不可避ノモノデアルトノ唯一ノ案スベキ且無秩序的ナ理念ヲ容認スルコトハ出来マセン。戦争ハ人間ニヨッテ考ヘ出サレ人間ニヨッテ創ノラレルモノデアリ、ソシテ其ハ人間ニヨッテ止メラレ得、且ツ止メラレナケレバナリマセン。モシ諸国家間ノ過去ノ戦争ガ頑乎トシテ避クヘカラザルモノト見ラレテヰルナラバ、其ハ戦争ガ人類ノ宿命ト進歩トノ不可欠ノ部分デアッタ為デハナク、人類ガ何世紀カラ通ジテ小サナ社会ニ於ケル共同ノ生活ニ於テ学ンダ教訓ヲ最大ノ社会タル国際社会ノ問題ニ応用スルコトガ出来ナカッタガ為デアリマス。国際戦争トイフモノハ基本的ニハ国家ト呼ハルル人類ノ集団ノ間ニ其等国家間ノ社会的関係ニ於テ生ジタ摩擦カラ起ッタ実質的ナ或ハ想像的ナ不一致ノ解決ノ為ニスル物理的ナ力ノ使用デアリマス。モシ戦争不可避ノ論ト即チ国際社会ニ於ケル人類間ノ不一致ヲ解決スル手段トシテ物理的方ノ使用ヲ除去スルコトガ不可能デアルトノ論ガ効力ヲ有スルトスルナラバ其ハ単ニ人類ノ争ヲ解決スル手段トシテノ物理的ナ力ヲ除去スルコトヲ不可能ニスル人類ノ性質ニ固有

GENERAL REPLY

ナイモノヲ、[illegible]ニモ、歴史ト又明ノ全過程ノ此議論ガ與実ナイコトヲ教ヘテ居ルス。人類ハ漸進的ニ力ノ使用ヲ放棄シテ絶ユズ、範囲ヲ拡張シツヽ法ト秩序ノ平和的ナ方法ニ代エテ来マシタ。最小ノ社会的集団家族カラ始マリ拡大スル社会的集団体系ト氏族都市国家、封建領土、国家ヲ通ジテ人類ハ法ト秩序平和的ナ手段ニヨリテ人間ノ間ノ不一致、人間ノ集団ノ間ノ不一致ヲ物理的ナ力ヲ無視シテ解決スルコトガ出来マシタ。総テノ事例ニ於テ人間ハ法ト秩序ノ組織ヲ成就シ、物理的ナ力ノ使用ニヨリテ自己ノ吾情ヲ解決シヨウトスルモノ、法ト秩序ノ組織ニヨリ出来タ平和ト秩序ヲ乱スモノヲ罰シテ来マシタ。力ノ使用ヲ不可能ニスル国際社会自体ニ固有ナモノハ何モアリマセン。人種、国語、習慣ノ相違ハ諸国ヲシテ其国内ニ於テ物理的ナ力ノ制度ニ法ト秩序ノ制度ヲ置キ換ヘルコトヲ妨ゲハシナイツタノデアリ、此等ノ要素ノ何レノ中ニモ何等諸国家カノ相互間ノ関係ニ付キ同様ノコトヲスルノヲ妨ゲルモノハナイノデアリマス。

24. 人類ハ過去ニ於テハ避ケ難イ災厄ト考ヘラレテヰタトコロノ自然ノ物理的ナ力ニ打チ勝ツコトニ大キナ進歩ヲシテ来テ居リマス。人類ハ最モ悪性ノ疾患ヲ撲滅シ其再発ヲ防止スルコトヲ知リマシタ。人類ハ最モ劇烈ナ地震ニモ耐ヘル建物ヲ建テルコトヲ知リマシタ。人類ハ火災ニヨル全焼全

GENERAL REPLY

ニ[illegible]ヲ[illegible]見テサナイ、デアリマス。[illegible]中同ニ入ル
戰ヲ元ノ弟ヲ徴ハフシメテイルノデアルト思ヒテイタト言ヒ
クコトニ[illegible]者ニ対シテ深甚ナル哀悼ノ意ヲ的確ニ表明
シタコトハ、ノ哲学ニ賛意ヲ表シタ点ニ照ハシテ見ナケレバナラ
ナイ。コレ等ノ被告達ハ平和的人物デアッタトイウ主張モコノ
弁護[illegible]ニ検討シナケレバナラナイ。何人モ戰争必要論
者ト自ラ称スル限リ平和的人物デアルトイウコトガ出来マセウ
カ。弁護側ノ特足ナ法理論ハコノ哲学ヲ背景トシテ考究
スル必要ガアルマス。

31 裁判確ニ問題ニ関スル弁護側ノ論議ハ彼等ガコノ裁判開
始ノ際ニ動議ヲ提出シ却下スルヨウ主張シタコトニ何
等事ノ所ニテ加フル所モナク又コレ等ノ動議ヲ却下スル本
裁判所ノ決定ガコノ度何故ニ覆ヘサナケレバナラナイカトイ
ウ理由ヲ述ベテイナイノデアリマス。「戰争ニ於テ罪ヲ犯シタ
者ヲ「戰争犯罪人」トイフ(a)ト定義シ又更ニコノ定義ヲ狭ク
シテ[illegible]ヲ戰時中罪ヲ犯シタ者トイウコトニ局限セン
ト(b)スラ企テ居リマス。何故コノ言葉ニ「戰争ニ関係アル」罪ヲ犯
シタ者トイフコトト明瞭デ且ツ一層通念化サレテイル意味ヲ与ヘテ
ナラナイカソノ理由ヲ述ベテアリマセン。「戰争犯罪」ハ戰時中犯シタ
罪ニ[illegible]限定サレテナイバカリデナク、戰争ニ関係シ又ハ戰

30a 法廷証 三四九八　記録 三三八一五

31a 弁護側ノ最終論告 C、四頁
C 五頁

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GENERAL REPLY

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同様ニ侵略戰爭ハ國際法上ノ犯罪ナリヤ否ヤノ問題及ビソノ他同性質ノ問題ヲ扱フニ当ッテモ、弁護側ハ何等新規ノ抗弁ヲ提出シテハヰナイノデアリマス。併シ乍ラ弁護側抗弁ノ立証ニ用ヒラレテヰル諸資料ニ対シ、且ツ之等ガ使用サレテヰル方法ニ対シ裁判所ノ御注意ヲオ願ヒスル必要ガアリマス。此ノ問題ニ及ビ其ノ他ニ関シテノ根據ナキ事実ノ主張及ビ文書ヨリノ引用ガ数多イノデアルガソノ文書ハ或法律ノ妥当ナ資料ト認メルニ足ル程ノ法的性格ヲ持タナイカ或ハヨシ妥当ナ法的文書デアル場合ニモ、ソノ中ニハ事実ナリトノ主張或ハ証據ニヨリ立証モサレズ又ハ歴史的事実ト認メラレテモヰナイ推量スラ含マレテヰルノデアリ、斯カル主張、引用ハ明カニ妥当ヲ欠キ且ツ考慮ヲ拂フニ値ヒシナイノデアリマス。(a)

ケロッグ・ブリアン條約/KELLOGG-BRIAND PACT/ニ就テハソノ意義ヲ明瞭ナラシメルタメト称シテ現在ノ種々ノ論議ニ対シ引用ガ行ハレテ居リ、ソノ或ルモノハ証據トシテ提出セラレタガ(b)妥当ナル資料タル公文書ヲ裁判所ニ提出スルコトトスルトノ検察官弁護人両者間ノ取極ニ基キ取下ゲラレタノデアリマス。ソノ後右取極ニ従ヒ「不戰條約/"TREATY FOR THE RENUNCIATION OF WAR"/ナル題名ノ同條約参加国間ニ取交サレタスベテノ文書及ビスベテノ批准ヲ收タ合衆国

32 a. 弁護側最終弁論 B. 一三、一五、二一、四〇、四三、五一、二七
一二頁参照
b. 記録 二六、三八七—九三

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GENERAL REPLY

政府刊行物ガ裁判所ニ提出サレマシタ。之等文書ハ本條約自体ノ中ノ不分明ノ点ニ我々トシテハ認メナイ所デアルガ一ヲ闡明スルモノト当然考ヘ得ルノデアリマス。然ルニ弁護側最終弁論中ニ合衆国議会同委員会或ハ日本国枢密院會議ニ於ケル論議ヨリ特定ノ抜萃ガ引用サレテヰルガ(c) 同書ニハ之等論議ハ含マレテ居ラズ、カリニ検察官弁護人間ノ合意ノ下ニ計サレタトシテモ、之等抜萃ハ本條約ヲ説明スルノニ正シク用ヒルコトハ出来ナイノデアリマス。之等論議ハ一方的且ツ片ノ務的ナモノデアリ、他ノ條約国荷等影響ヲ及ボシ得ナイノデアッテ、此ノコトハ議事ヲ以テ表シテカッタ日本国枢密院会議ニ関シテハ特ニ然ツデノアリマス。此ノ不当ナ資料ノ多クハ弁護側ノ立場ニ利益ヨリ害ヲ與ヘル方ガ多クイト指摘シ得ルノデアリマス。

日本国枢密院会議ニ対シ引用セラレタノ一節ハ、中国特ニ満洲及ビ蒙古ニ関スル或ル種ノ明示セラレナイ意中留保ヲ明示シテ居ルガ、併シ「此ノ際ハカヽル声明ヲ見合セル方、更ニ時宜ニ適スベシ」(d) ト述ベテ居リマス。本條約批准ノ時ニ於テスラ日本ハカヽル地方ニ対スル侵略的行動ヲ考ヘテ居リ、且ツ自己ノ計画ノ妨ゲトナラヌ様本條約ヲ曲解シヨウトシテヰタノデアリマス。

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c. 弁護側最終弁論 B, 四九—五一、五五—八頁
J. 一一三頁参照

d. 弁護側最終弁論 五五—六頁参照

GENERAL REPLY

又第二五三頁九節ノ項中デ彼ハ次ノ如ク言ッテオリマス

「国家ガ国際法ノ主観ノ主体デアルガ故ニ国家ノミガ而モ国家ノミガ一般的ニ言ッテ国際的非行ノ主体デアル。然シ乍ラ個人ガ国際的義務ニ従ヒ其結果国際法ノ対象ナル場合ハ其ノ程度ニ応ジテソノ個人ハ又国際的非行ノ対象トナル。コレハ掠奪及ビ同様ノ問題ノ限ラレタ範囲ノモノニ就テノミ当テハマルノデハナイ。特ニ戦争ニ関スル全法規ハ、其ノ命ズルトコロハ国家ヲ拘束スルノミナラズ、其ノ国ノ軍人デアルト否トヲ問ハズ其ノ国民ヲモ亦拘束スル。」

又第一五六頁ノ項ニ於テ、彼ハ次ノ如ク言ッテオリマス。

「国家ノ責任ハ賠償セラルベキ性質ノ債務ニノミ限ラレルモノデハナイ。国家ト国家ニ代リ行動スル個人トハ其ノ重要サ、其ノ残忍サ及ビ其ノ人命軽視ノ故ヲ以テ一般ニ文明国ノ法律ガ犯罪行為ナリト解釈スル部類ニ入ルガ如キ国際法違反ニ対シテハ、犯罪上ノ責任ヲ有スル。斯クテ一国ノ政府ガ其ノ領土内ノ外国人ノ全部虐殺ヲ命ジタトスレバ、其ノ国家ト斯カル不法行為ノ命令及実行ニ責任アル個人トノ責任ハ犯罪的性格ノモノデアル。侵略戦争ノ準備及開始ハ国策ノ一手段トシテノ戦争ニ訴ヘルコトガ厳粛ナル国際的誓約中デ既ニ不当トセラレタル今日ニ於テハ、又同部類ニ入レラレナケレバナラナイ。」

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33 c オッペンハイム / OPPENHEIM / 第六版、第一巻 三〇六頁

〃 仝 三十二頁

## GENERAL REPLY

ハ今ニ個人ガ集ッテ国家ヲナシ悪ニ対スル能力ヲ以テ[illegible]
ニ増加シタ場合ニ此等個人ガ単独ニ行動シタ場合ニハ意味
ニ得ナイ犯罪ノ責任及ビ其ノ結果ニ対スル程度ノ免除
ヲ自分ニ賦与スルコトガ出来ルトハ到底認メ[illegible]デアル
更ニ国家ノ犯罪責任ノ最大且ツ劇烈ナル影響ハ新ノ
ニ於ケル法ガ犯罪ヲ犯セルソノ個人ノ国際的犯罪ニ対シ上ニ
[illegible]ルモノデアッテ除外サルベキモノデハナイト[illegible]意味ニ於テ
修正ノ可能性ガアル
此ノ弁護側ノ来シタ引用ハ充分検察側ノ[illegible]
ルモノデアリマス

## R47

此ノ本件ニ関スル法ノ取扱ニ上ノ代案トシテ弁護側ハ侵略
戦争ノ各部面ガ国際法上ノ犯罪デアルトノ事ノ実ヨリ来ル
結果ヲ免ルシコトシテ日本ノ行動ヲ正当化スルタメ数多
ノ法律上ノ命題ヲ出シテ来マシタ。此等命題ヲ分析スレバ
次ノ四大部門ニ分ツコトガ出来マス。即チ(一)宣戦布告ハ戦争
存在ノ一必須條件デアリ、コレナクシテハ戦争ハナク従ッテ戦
争ハ自体ニ対シテモ、又其ノ結果ノ何レニ対シテモ責任ナシ。
(二)戦争ト殆ンド相違ノナイ行動ガアリ得ル。
(三)行ハレタ時ニハ犯罪デアッタ行動モ若シ其ノ後ニ於テ赦サレ
認メラレバ犯罪トシテ罰スルノ要ハナイ。(四)普通犯罪デア
ル行動モ自衛ノタメ行ッタ場合ハ正当化サレル此等弁護側
ノ四大命題中唯第二及第四ノミガ法的根拠ヲ有スルモノデ
アリマス。然シ此等ガ適用サレルモノカ否カハ勿論軍ニ事実

GENERAL REPLY

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GENERAL REPLY.

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GENERAL REPLY

GENERAL REPLY

40. 此ノ場合殺人罪ノ問題ニ付キ、弁護側ノ仮差[illegible]
様ニ見エマス。起訴状ハ二ツノ殺人罪ノ種類ヲ[illegible]
(一)戦争ノ侵略的又ハ不法ナ性質ト[illegible]ノ関係[illegible]殺人罪
ノ訴因及ビ(二)殺人罪ガ侵略ノ結果デアル訴因[illegible]
ノ目的ノタメニ、是等二ツノ種類ニ殺人罪ノ訴因[illegible]際シ我々
ハ訴追セラレタル特定ノ殺人罪ガコレ二ツノ種類[illegible]該当シナイ
トイフ印象ヲ残スコトヲ望ミマセン) 第一ノ種類ハ[illegible]ト非戦斗
員抑留者ニ対シテナサレタル殺人罪即チ裁判所[illegible]例ノ第五
項 b ト c ニ網羅サレテヰルモノカラナリ立ツテ居ル、戦争ノ侵略
的性質ハ此ノ種類デハ全ク無関係デアリマス。[illegible]カヽル殺
人罪ガ例令自衛ノ合法的戦争ニ起ツタ[illegible]人戦ハ
何等ノ弁護トナラズ、是等ノ殺人ハ殺人罪[illegible]処罰サレマ
ス。カヽル犯罪ノ有罪者ハ犯シタ国自身若クハ[illegible]者ノ国軍
事委員会ノ何レニヨツテモ裁判サレルコトガ出来[illegible]該犯罪ハ
国際法ノ侵犯デアルカラ、ソレハ国際的犯罪デア[illegible]ツテカヽルモノ
トシテ国際法廷ニヨツテ裁判サレルコトガ出来マス

41. 第二種ノ殺人ト申シマスノハ、侵略戦争中ニ行ハレタ殺人全部
ヲ包括スルモノデアリマシテ、ソレハ何処デ行ハレタカヲ問ハズ
戦斗ノ際行ハレタモノデアロウト、俘虜

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GENERAL REPLY

收容所又ハ非戰斗員收容所ノ中デ行ハレタモノ[illegible]ハ関係ナイノデアリマス。コノ種ノ殺人ニ関スル検察[illegible]主張ハ少シモ複雑デハアリマセン。ソレハ侵略戦争ハ殺[illegible]ルトイウ問題ナノ事実デアリマス。故意ノ殺人ハ戦争ノ一部ヲ[illegible]成スルモノデアリマス。如何ナル戦争ニ於テモ敵側ノ軍隊ノ何[illegible]ハツキリ[illegible]レナイガ若干名ガ殺サレルコトニナルトイウノハ戦争[illegible]者ノ意図デアリマス。実際ニ殺人ガ行ハレルトヤニハコノ意図[illegible]行サレルワケデアリマス。故ニ故意ノ殺人トイウモノガ存在スルワケデアリマス。法的弁明ガナレレバコノヨウナ殺人行為ハ殺人罪トナリ[illegible]唯一ノ法的弁明ハ自衛又ハ交戦デアリマス。侵略戦争ニ於テハ少クトモ戦争ヲ計画シ、準備シ、開始シ且ツ指導シ[illegible]ニ[illegible]ノ弁明ハ成立ケマセン。ソノ場合ニハ交戦モ法的弁明ニハナリマ[illegible]中行ワレタ凡テノ殺人ニ対シ交戦ハ弁明ニナラナイ[illegible]既ニ明カニサレタ所デアリマス。ソレハ俘虜ヲ殺害シタ[illegible]ル弁明ニハナリマセン。同様ニ戦斗ガ合法的交戦デナイ限[illegible]ニ於ケル殺害ニ対スル弁明ニモナリマセン。戦争ガ合法的[illegible]ハ合法的交戦ガアリ得マセン。侵略戦争ハ合法的デハ[illegible]ソレハソレ自身デ犯罪デアリマス。條約及其ノ他ノ義務ヲ侵ス[illegible]戦争モ亦合法的戦争デハアリマセン。故ニ合法的交戦[illegible]敢ニマセン。侵略戦争ノ進行中行ワレタ凡テノ殺人[illegible]合法的戦争ノ間ニ行ワレタモノデアリマシテ、正当化ノ理由ヲ[illegible]殺人デアリマス。国際法ニ違反シタコレ等ノ殺人ハ国際[illegible]裁判所ニ於テ裁判ヲ受クベキデアリマス。

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GENERAL REPLY

ソレハ全当事者ヲ拘束スル義務ヲ課シテオリマス。(a) 總テノ文明國ノ法廷ハ條約ヲ斯ク見且ツコレヲ適用実施スル必要ノアル事件ガ起キタ場合ニハコレヲ実施スルノデアリマス。米國憲法ニハ條約ハ國ノ最高法ノ一部ヲナストノ明文ガアリマス。條約ハ締結國間ニ於テハダトヘソレガ現存ノ慣習法ト異ルモノガアツテモ之ニ対シ拘束力ヲ有スルモノデアリ、若シ戰争ノ慣習法ガ捕虜ノ人道的取扱ヒヲ要求シテヰルト假定シテモ A、B二國ガ捕虜ヲ人道的ニ取扱フベシトノ條約ヲ結ンダトシレバ、A、B二國ノ義務ハ古イ慣習法ニヨツテデハナク、此ノ條約ニヨツテ決定サルモノデアリマス。勿論此ノ條約ハ調印キナイ國ニハ拘束力ノアル法デハアリマセン。

然シ同時ニ、調印セル当時國ニ対シ拘束力アル法デアル條約ハズベテノ國家ニ拘束力ノアル國際法ノ一般原則ノ存在ニ対スル証左トナリ得ルデアリマセウ。斯クルガ格ニ於テハ一條約ハ法ノ源デアリマス。其護側ハ條約ノカ重要ナル二ツノ性格ヲ全ク看過シテヰルノデアリマス。即チ其護側ハ法ノ源トシテノ性格ニ於テノミ條約ヲ取扱ヒソレガ其ノ調印國ニ対シ拘束力アル法デアルコトヲ忘レシメントシテヰルノデアリマス。色々ナ権威者ヨリセル弁護側ノ引証ハ總テ此ノ源トシテノ條約ニ関スルモノノミデアリ、其ノ中ニハ條約ノ調印当時國ニ対シ拘束力アル法律ノ問題トシテ扱ツテヰルモノハ一ツモナイコトハ興味アルコトデアリマス。

43. a オツペンハイ、Oppenheim、第一巻 一八及七九四頁

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44 [illegible] 國際法論第八版 二頁

# GENERAL REPLY

[illegible]條[illegible]裁判[illegible]ニ於テハ両方ノ資格デ用ヒラレテ来
ニ[illegible]國際法ノ原理ナルモノガ存在スルヤ存在セザ
ルヤ[illegible]スルタメニハ條約ハ法ノ源トシテ用ヒラレテ来
マシタ[illegible]資格デ用ヒラレタ時、検察側ハ條約ガ
法ノ[illegible]コトヲ認メマシタ。然シ検察側ハ條約ハ
法律[illegible]源ナリト固ク主張スルモノデアリマス。
何故[illegible]護側ノ擧ゲタ一権威者モ言ヘル如ク、
[illegible]條[illegible]性格ハ一般ニヨク認識サレ易イ。即チ
條[illegible]具体的ナ事実デアリ、捕捉シ易ク、
理解[illegible]カラデアリマス。(a)
然[illegible]関係事件ガ日本ガ調印当時國デアル特
定ノ條約[illegible]対スル日本ノ特定ノ侵犯デアル場合ニハ、
我々[illegible]條約ヲ國際法ノ源トシテハ、扱ハズ調印
当時[illegible]ニ[illegible]来スル法律及ビ義務トシテ扱フノデアリ

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GENERAL REPLY

如 弁護側ハ條約ハ單ニ契約上ノコトダト主張致シマス。成程條約ノ由来ハ契約ニ基クコトハ認メヨ。然ルニ條約ハ行動及ビ法的義務ノ規則ヲ創リ出スコトカ出来ス、事実創リ出スノデアッテ、コレヲ遵守シテイコトハ犯罪デアリ得ルノデアリマス。コレハ国内法ニ於テモ事実デアリ、若シ或ル子供ニ対シ親ノ地位ニナイ人ガ、契約ニヨリ子供ノ保護ヲ引受ケタ場合ニ、若シ其ノ人ガ其ノ小供ニ充分ナル保護ヲ加ヘズ、斯カル過失ノ結果小供ガ死ンダトスレバ、且ツ人ハ此ノ小供ノ死ニ対シ刑事上ノ責任ガアルノデアリマス。仮ニ此ノ関係ニテハ弁護側ハコレヲ報償ノ約因ノナシニシタモノデアルトシテ、コレニ片附ケテオリマス。検察側ガ当法廷ニ於テ、米法ヲ強制セントシテヰルトノ、弁護側ノ非難ヨリスレバ、弁護側ノ報償ノ約因ノガナイトノ言訳ハ真ニ滑稽ニアリマス。即チコレニソ英米法特有ノ説デアッテ、特ニ英、米法廷ガ近来此ノ報償ノ約因ノ説ニ於テ大キナ進歩ヲシテ来タコトヲ思ヘバ尚更ノコトデアリマス。保証ハ一国ガ他国ニスル四厳粛ナ誓約デアリマス。此ノ誓約ヲ与ヘルカ或ハコレヲ与ヘルコトヲ拒否スルカガ屢々他ノ国ガ或ル一定ノ情勢下ニ行動スルカ、行動シナイカノ基礎トナルノデアリマス。

如 弁護側ハ條約ハ効力ヲ失フコトアリト主張シ、之ヲ支持スル一ノ理由ヲ挙ゲテオリマス。第一ニハ、若シ條約ノ主要目的ニ重大関係アル條項中デ、條約違反ガアッタ場合ニハ、此ノ違反ハ、コレヲ犯シタノデナイ方ノ当事国ヲ、此ノ條約ノ義務ヨリ解放スルモノデアルト。然ルニ注意シナケレバナラ

ナイコトハ、ボクノ意見デモ、ボク統ノ
コトデ アリマス。 先ニ述ベタ様ニ、
新ニ百万、一般ノ軍ヲ動員シ、又ハ、
海軍ノ大増強ヲ行フ事ハ、ソノ為ニ
ハ、国内ノ経済ノ上ニ、又ハ、財政
上ニ、大変ナ影響ヲ及ボスノデ、ソ
ウ云フ事ハ、ドウシテモ、出来ナイ
ノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

ソレカラ、ソノ次ニ、ソノ為ニハ、
ドウシテモ、国内ノ経済ノ上ニ、又
ハ、財政上ニ、大変ナ影響ヲ及ボス
ノデ、ソウ云フ事ハ、ドウシテモ、
出来ナイノデアリマス。

GENERAL REPLY

47 弁護側ハ当時ノ事態 / SIC. STANTIOUS / ノ原則ガ九ケ國條約ニ適用サレルト論シテ居リマス。検察側ハ其事實ヲ否定スルモノデアルガ、假ニ該條約ノ廃棄ヲ許ス程ニ状況ニ変化ヲ来シタトスルモ該條約ガ假ニモ廃棄サレタトノ証拠ハ存シナイノデアリマス。事実ハ米合衆國ガ日本ニワシントン條約ヲ廃棄スル意志ガアルカ如何カヲ問合セタ時ニ、日本ハ條約ノ廃棄ノ意志ハナイト回答シタトイフコトヲ証拠ハ示シテ居リマス。(a) 此様ナ事情ノ下デハ本條約ガ廃棄サレタト主張スル如キハ殆ド不可能ナ所デアリマス。

48 弁護側ハ同様ニヘーグ第三條約 / HAGE CONVENTION / ハ此等両規則ノ為ニ適用スルコトガ出来ナカツタト主張シテ居リマス。コノ事例ニ於テ、当事ノ國ノ違反ハ事情ノ変更ト主張セラレ其結果ニツノ規則ハ効果ニ於テ同様デアリマス。当事國ガ條約ニ違反シタ証拠トハ何デアルカ。第一ニ彼等ハ日本独逸伊太利或ル行動ヲ挙ゲテテリマス。然シ是等ノ國ハ其行動ガ起訴ノ対象タル國家デアリマス。コノ弁論ハ法律違反者ガ反々法律ニ違反スルナラバ彼ハ其事ニ

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a 書証 九三七 記録 九三九五 九四〇一—二

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令、決定的命令トシ従ッテ法律的ナ義務及責任トシタノデアリマス。a 更ニ第三條ハ「第一條ハ條約國ノ二ツ若クハ二ツ以上ノ間ノ戰爭ノ場合ニ効力ヲ発生シ」(Shall)ト規定シテ居リマス。b、モシ第一條ニヨッテ義務ガナイトシタナラバ第三條ハ無意味ナモノトナリマス。第一條ノ語法ニ何カ不明瞭ナモノガアルトスレバ其ハ第三條ノ簡明ナ意味ニヨッテ完全ニ取リ去ラレマス。

49. a. オッペンハイム/OPPENHEIM/
國際法(第五版一九四四)第二巻カ六章第一節
ハーシェー/HERSHEY/
國際公法要綱
(一九三九)五六二

b、書記 一四、三頁

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非戦闘員ノ取扱ハヘーグ第三条約（HAGUE III.）ノ批准ニ依リ影響ヲ受ケ、之ヲ要スルニ『従前ノ法ニ重大ナル影響ヲ与ヘタルモノ』ナルモ『交戦ノ状態』ニ適用セラルルモノトハ考ヘラレテ居リマス。此ノ点ニ関シ非戦闘員ニ付キウエストレーキ（WESTLAKE）ヲ引用シマシタガ、国際法ハ此ハヘーグ第三条約以前ニ於テ [illegible] 当時ノ以前ニ於テハグロチウス（GROTIUS）ノ説ハ [illegible] ウエストレーキ（WESTLAKE）ニ依リ [illegible] 居リマス。然シ [illegible] ヘーグ第三条約ニ [illegible] ハ『公然ナル国際的敵対行為ナル(a)』ト解シテ居リマス。其後ハウエストレーキ（WESTLAKE）ノ説ク如ク [illegible] 当時ノ以前ニ於テハ非戦闘員ノ [illegible] シテ居リマス。非戦闘員ノ国際法ハヘーグ第三条約ニ [illegible] 加ヘ、ヘーグ第三条約ノ目的及作用ハ [illegible] 事態ニハ適用サレナイモノト解シテ居リマス。然シ [illegible] 非戦闘員ニグロチウス（GROTIUS）ニ依リ [illegible] 国際法ガ当時ノ理由ニ依リ『戦争ハ国家ト国家トノ [illegible] 』[illegible](b) [illegible] 適用シテ居リマス。ヘーグ第三条約ノ [illegible] 現代ノ戦争ハ [illegible]『人民ノ戦争』[illegible]

(a) ストウエル（STOWELL）[illegible] 米国国際法雑誌（一九〇八）[illegible]

(b) グロチウス（GROTIUS）[illegible] ウエストレーキ（WESTLAKE）国際法（[illegible]）[illegible]

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50 此ノ原本段階ニ於テ無議例ハ「條約第五号」(Mixed Commission 等)ガ第二條「全般的不参加條件」(General non-participation Calause)ノ為ニ拘束力ガナイト云フ点ト イタリー、ギリシヤ、ブルガリヤ、ユーゴースラビヤ及ビ数個ノ指定サレザルコトニ、アメリカ諸国ガ其ヲ批准シナカツタト云フ事実ハ ヲ持ナホシテヰマス。若シ此ノ議論ニヨッテ無議例ガ日本ハ俘虜及非戦闘員ノ取扱ヒニ関シテ戦争規定ニ従フ義務ハナイト主張シテヰルナラバ其ノ議論ハ多クノ理由ニヨリ全ク主張シ得ザルモノデアリマス。先ヅ第一ニ被告訴者又誰デモ此等ノ事実ヲ知ルアラユル機会ニ於テ居タノ[illegible]戦争ノ進展ヲ日本ノ為ニカヽル主張ヲ持チ出シタコト[illegible]デアンタ。若シ彼等ガ同時[illegible]拘束サレテ居ルト自ラ考ヘテ居ナカツタトスル彼等ハサウ云フ[illegible]デアリマス。第二ニ第四條ハ次ノ如ク規定シマス。

「本條約ハ正当ニ批准セラレタル上、締約国間ニ於テハ陸戦ノ法規及慣習ニ関スル一八九九年七月二十九日ノ條約ニ取ッテ代ルモノトス」

「ハ[illegible]ノ條約ハソレニ調印シテ尚本條約ヲ批准セザル列国ニ於テ尚効力ヲ持ツ」

独乙、[illegible]、ノウンス、英国、オランダ、シヤム、ポルトガル、ロシヤ、[illegible]、日本及他ノ国々ト共ニ イタリー、ギリシヤ、ブルガリヤ、及ビユーゴースラビヤヲ作ッタ国々ハスベテ一八九九

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[illegible]議ニ関スル[illegible]
ト辯護側ハ思想、及ビ共同謀議[illegible]関スル法
律ヲ全ク誤解シテ平タコト及ビ[illegible]ニ関スル
検察側ノ主張ニ就イテナル因[illegible]露呈ス
ルノデアリマス。検察側ハ共同謀議[illegible]目的ニ
関シテ英米法ヲ適用スルコトヲ[illegible]シテ居
ナイノデアリマス。検察側ハ共同[illegible]ニ関スル
犯罪ハ總テノ文明國ノ法律ニ依テ[illegible]
ヰルコトヲ主張シテ[illegible]明シタ[illegible]ヰリマス。
検察側ハ犯罪的共同謀議ノ[illegible]ニナルヤ
ウナ事柄ノ範圍ハ或ル國ニ於ケル[illegible]ノ國ニ
於ケルヨリモ廣範圍ナルコトヲ[illegible]ヰル
デアリマス。然シナガラ本裁判ノ目的ニ対シテ
ハテ範圍ヲ各國ニ依リ認メラレテヰル最
モ統イ範圍即チ國家ノ平和ニ対シ
ニ対スル共同謀議ノ範圍以上ニ擴大スル必
要ガナイノデアリマス。コレハ總テノ文明國ニ
依リ認メラレテヰル一般規則ヲ[illegible]同時ニ
國際法ノ原則デアリマス。世界ノ人民一般
(國際共同社会)ノ平和及ビ安全ニ対スル共
同謀議ハ其レ故ニ國際的ノ犯罪デアリマ
ス。侵略戰爭或ヒハ條約ヲ[illegible]戰
爭ヲ継續セントスル共同謀議ハ國際共同
社会ノ平和ト安全ニ対スル共同謀議デアリ

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マス。裁判所ハコレ以上深ク追求スル必要ガ無イ[illegible]デスガ、然
シ人命ヲ奪フタメノ共同謀議ハ其レ自身分国ノ[illegible]依テ犯罪
トシテ認メラレテ来ル以上斯カル犯罪ハ同様ニ国際[illegible]上犯罪デ
アルコト、及ビ侵略戦争ヲ継続セントスル共[illegible]謀議ソレハ
人命ヲ奪フ共同謀議デアル故ニ之[illegible]張リ犯罪[illegible]ルコトヲ主
張スルコトガ十分正当ヅケラレルト存ジマス。国内[illegible]和及ビ
秩序ニ対スル共同謀議ニ就テノ国内犯罪[illegible]侵略戦
争ヲ継続セントスル共同謀議ニ就テノ国際[illegible]犯罪ト相
互関係ハ単ニ表面上ノミノ類似デハナイ[illegible]等ノ犯
罪ハ夫々其ノ分野ノ範囲内ニ於テ互ニ[illegible]対照
ヲナシテ来ルノデアリマス。之ニ反シ、弁護側ガ[illegible]人々ガ
日本ノ為ニ最モ良イト信ジテ行ツタコトノタメニ[illegible]動シタ故
コレ等ノ人々ノ行為ヲ大逆ト同一視スルノハ[illegible]タト主張
セントスルノハ皮相ノ事デアリマス。動機ト云フ[illegible]ニ関
シテ全然関係ガアリマセン。大逆罪ガ国[illegible]安全ニ対
スル最悪ノ犯罪ヲ犯シタタメノ人々ハ自分[illegible]為ニシテ
来ル事ハ神聖ニシテ国家ノ為ニナルノダト[illegible]信ジテ之
ヲナシタノデアリマス。然シ乍ラ之等ノ人々ハ[illegible]犯シタ
デアリマス。何故ナラバ之等ノ人々ハ国家ノ[illegible]又ハ社
会ヲ撹乱シタ事ニ就テ有罪デアルカラデス[illegible]同様
ニシテ国際的犯罪ニ関シテハ重要デナイ[illegible]マス。実
際問題トシテハ動機ニ関係ナクテ被告[illegible]際的ナ同
社会ノ平和ト安全ヲ撹乱スル事デアリ[illegible]ナカ否
カトイフ事デアリマス。

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32 世界ノ各文明国ガ国家ノ平和ト安全ニ対スル共同謀議ハ犯罪ナリトノ自主的結論ニ到達シタ事ハ理由ノナイ事デハナイデス。通常国家平和ト安全ニ対スル犯罪ハ一個人ノ行動ニアラズ且ツ一個人ノミニヨリテ遂行シ得ルモノデナクシテ連合シテ犯罪目的ヲ達成セントスル数人ノ行動ニヨルモノデス。国家ノ平和ト安全ニ対スル第一ノ危険ハソレ故ニ国家ノ平和ト安全ニ対スル犯罪目的ノ為ニ連合或ハ団結スル事ニアルノデス。同一ノ犯意ヲ有スル人々ガ共ニ連合スル事ハ大逆或ヒハクーデター或ヒハ国家ノ平和ト安全ニ対スル其ノ他ノ行為ノ効果的完成ノ危険ヲ増進スルモノデス。連合スル事自体ヲ一ツノ犯罪タラシムルモノハ危険ノ此増進トイフ事デアリマス。若シ之ガ一国ノ平和ト安全ニ対スル犯罪ニ関シテ眞実デアルトスレバ、ソレハ侵略戦争即チ国際的犯罪ニ関シテ尚更ラ頗ル眞実ナモノトナルノデス。一国家ノ平和ト安全ニ対スル犯罪ハ稀ニハ一個人ニヨツテ遂行サレルカモ知レヌガ侵略戦争ニ関スル国際的犯罪ハ一個人ニヨツテ遂行シ得ナイデアリマス。計画ノ規模ガ一個人軍独デ之ヲ遂行スルニハ餘リニモ大キ過ギルノガ常デアリマス。侵略戦争ヲ遂行スルニハ政府ノ統制、与論ノ形成、警察力ノ利用、戦争ノ為ノ工業及ビ財源、軍需品及ビ戦争資材ノ準備、広イ地理的区域ニ亘リ行動スル為ノ武装軍隊ノ編成装備

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及ビ訓練並ビニ戰爭リーチハ計画ノ準備及ビ遂行ヲ必要トスルノデアリマス。此ノ様ナ事ハ單ニ一個人ニ当ツテハ之ヲ為シ得ナイノデアリマス。大ナル[illegible]力ヲ有セル「ヒツトラー」スラ單独デハ独逸ノ侵略戰爭ヲ遂行シ得ナカツタノデアリマシテ、之ハ二十ル[illegible]人[illegible]BERG/ノ裁判所ガ認メテイルトコロデアリ[illegible]故ニ共同行為者ハ侵略戰爭ノ犯罪ノ將ニ本[illegible]成スモノデアリマス。究極ノ犯罪ノ遂行ヲ可能ナラ[illegible]ハ共ニ連合スル事デアリマス。根本的危險ハ共[illegible]合スル事之ガ根本的危險ナノデアリマシテ共同[illegible]ニ関スル法律ハ之ニ対シテ防護セネバナラスノデアリマス。

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弁護側ハ次ニ攻撃地ヲ共同謀議ノ起訴理由ニ移シ共同謀議着達ハ主要ナル犯罪ニ合併サレタノデアルト主張シテオリマス。英米以外ノ凡テノ犯行ガ完全ニ行ハルレバ共同謀議ガ犯行ノモノニ合併サレテシマウノデ共同謀議ニ対シテハコレト別ノ有罪ノ認定ガアリ得ナイト弁護側ハ主張シテ居リマス。ニュルンベルク/NURNBERG/裁判所ハコノ主張ヲ支持シナカッタコトハ注意シテ置カナケレバナリマセン。上記裁判所ガコノ問題ヲ討議シナカッタノニ、共同謀議並ニ主要許因ニ就テ有罪ト決定致シマシタ。尤モコノ両者ノ間ニハ裁判所ガソレヲ綜ニ討議シテ差支ナイダケニ、十分ナ共通点ガアッタトイウコトハ認メテオリマシタ。然シナガラニュルンベルク/NURNBERG/一流ノ議論ヲ考慮シナイトシテモ前記ノ併合論ハコノ訴訟手續中ノ共同謀議ニハ適用ガ未ダアリマセン。コノ犯罪ヲ他ノ犯罪ニ合併スルコトハ合併サレタ犯罪ノ各要素ガ凡テ最後ノ犯罪ニ於ケル要素ノ全部又ハ一部ト全ク同一ナモノデアルトキニミ、法律ニ適用ガ未ダルノデアリマス。万一或ル一点ニ於テモ共通点ガ存在シナイナラバ合併ガ未ダナイノデアリマス。又一ツノ犯行ヲ行ハウトシタ共同謀議ノ場合ニハ、ソレガ実行サレタトキニソノ共同謀議ガ主要犯行ノ中ニ合併サレテシマウト云ハレテモ、実際上ノ問題ニスル必要ガナイノデアリマス。数個ノ犯行ガ凡テノ点ノ後ニ行ハレタ場合ニ数個ノ犯行ヲ行ハントスル共同謀議ニ関シテモ同ジコトガ云エルノデアリマス。然シ共同謀議ハ数個ノ犯行ヲ行ハウトシテシラガ計画シタ犯行ノ全部ガ行ハレナカッタ場合ハドウナルデセウカ。

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ソノ場合併合ハアリ得ナイ。假リニ、A、B、C及ビD、殺害ヲ目的トスル一ツノ謀議ガアッタトシテ、其後ニA及ビBノミガ殺害サレタトスルト此場合ニハ右ノ謀議ト主犯トノ併合ハアリ得ナイノデアリマス。

同様ニ、併合ガアリ得ルタメニハ之ニ先ダッテ謀議及ビ主犯ノ雙方ニ被告トシテ立ツ当事者等ノ一体無異性ガ存在スルヲ要スルノデアリマス。上例ニ於テ若シ集団謀議者ノ一員XガA及ビBガ殺害サレタ後ニ此謀議カラ離脱シ爾後C及ビDガ自余ノ謀議者等ニ依リ殺害サレタトスレバ此場合併合ハアリ得ナイノデアリマス。故ニ謀議ノ対象トシテ訴追サレタ犯罪ガ悉ク主犯トシテ訴追サレルトイフコトハナイノデアリマス。或ヒハ是等ノ犯罪ガ斯様ニ訴追サレタトシテモ若シ裁判所ガ是等犯罪ノ中ノイヅレカ一ツガ立証サレナカッタ場合或ヒハ謀議ノ廉デ訴追サレタ被告全部ガ若干数ノ主犯訴因ノ一々ニツイテ訴追サレテナイ場合或ヒハ裁判所ガ謀議ノ罪ニ問ハレタ一被告人ガ若干数ノ主犯訴因ノ中ノ一ツニ対シテ罪ヲ犯シテイナイトイフ何等カノ理由ノ発見シタ場合ニハイヅレモ併合ハアリ得ナイノデアリマス。

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一ツ謀議ニ謀議者ガ参加シタ瞬間彼ガ爾後何
事ヲ行ヒ事ニ帰合ハ雖モ謀議参加時ニ於テ
計画セシテ居テ而カモ其後ニ於テ遂行セシタ犯
罪ニ対シ彼ハ犯罪事実ノ事前ニ助力者乃至幇
助者或ハ従犯者ト云ハデアリマス。言ヒ換ヘレバ
謀議者ハ彼ガ謀議ニ参加シタ瞬間直チニ主犯
ニ対スル共犯者トナルノデアリマス。之ヨリ別ノ表現デ云ヘ
バ共犯者ハ必ズシモソノスベテガ謀議者タルモノデハ
ナイ一回謀議者ハソノスベテガ悪ク共犯者トナルモノ
デアル即チ主犯ニ対スル責任ヲ謀スル謀議準則ノ
身代ハリ的責任ヲ追加スルモノデハナイノデアリマス。

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[illegible]ノ至ルノ新因ヲ誤認アリトシテ
[illegible]ノ段階ニ於テ攻撃シテイルノデアリマス。新因ヲ
注意[illegible]ノ論ヲ[illegible]ハ新因ガ制覇ノ共同謀議以外ノ
何物ヲモ新追シテイナイ[illegible]陳述ガ明ニ正シクナイコトガ
直ニ[illegible]ナリマス。李氏裁判所候例ノ正確ナ語句
ニ従ヒ[illegible]ニ[illegible]ルノデ[illegible]事件ニ於ケル如ク、宣言
[illegible]宣言[illegible]ル侵略戦争ハ遂行ノ共同謀
議[illegible]ノ[illegible]ノ新カル戦争目的ノ説明ヲ含ン
[illegible]ノ[illegible]技術的ニ[illegible]、疑モナク侵略戦争ヲ遂
行[illegible]ノ謀議ノ目的ニ関スル追加的説明ハ不必要デ
[illegible]的[illegible]ハ無[illegible]ト[illegible]新追ハ完全ナモノデアリマス。
[illegible]ノ[illegible]ハ[illegible]ノ[illegible]戦争ノ侵略的性質ヲ決定スル要
[illegible]ノ[illegible]目的及在因ヲ陳述スルコトニヨツテ如何ナル
[illegible]ノ[illegible]ノ侵略的テアツタカヲ示サムガ為メデアリマス。
[illegible]ノ[illegible]ノ得策ト考ヘルナラバ、裁判所ガ訴追ニ
[illegible]ノ[illegible]ノ[illegible]語ヲ不必要事項トシテ無視
[illegible]裁判所ノ権限デアリマス。

[illegible]ノ計画ガ同等ニ示サレテイナイト言フ弁護側ノ非
難[illegible]ハ被告側ハ共同計画ノ存在ヲ既ニ D 及至 I
節[illegible]裁程度長ク且詳細ニ示シテオリマス。吾々ハソレヲ
[illegible]訴ショウト試ミマシタ。弁護側ハ此所ノ事件トコ
[illegible]事件ト間ニハ差異ガアルコトヲ指摘シテ居リ

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GENERAL REPLY

マス。[illegible]差異ガアルノコトガ容認サレマス。共同謀議ハ共同謀議ヲ[illegible]共同謀議ソノモノヽ性質ニ従ッテ因リマス。シカシナガラ[illegible]最モ重要ナ意義ハ差異ヲ指摘シテ居リマセ[illegible]共同謀議ハ単純、大膽ニシテ公然宣言[illegible]。茲ニアッテハ共同謀議ハ数多クノ積葉デ極度[illegible]ナリマシテ、論議ノ全期間ヲ通ジテノアニユル事ヲ[illegible]程ニ接キ込マレテオリマス。茲ニアッテハ共同計画ヲ[illegible]共同計画ノ一部デアリマシタ。日本ノ軍隊ガ始メテ[illegible]時行動ニ動キ出シタノ瞬間以降発セシタアニユル事ヲ[illegible]行為ニ意味及ビ意義ヲ与ヘルモノハ此ノ共同計画及ビ仕事デアリマス。一九二八年以降一九四五年迄[illegible]ヲ構成スルコトヲ[illegible]行為及ビ事件ハ此等ハ既ニ証據トシテ提出サレテオリマスガ、此等ヲ年代順ニ[illegible]一纏ニシテ一ノ共同ノ全体ニ[illegible]一本ノ巨大ナ糸トシテ此ノ共同計画ガ[illegible]等全部ヲ[illegible]ノテイルコトガ分ルノデアリマス。陸軍内ノ当初ノ共同謀議者達ハ彼等ガ間断ナク実行ニ移シタトコロノ一ノ全般的ナ計画ヲノモノモノ最初カラ既ニ持ッテイメ[illegible]彼等ハソモソモノ最初カラ既ニ政府ヲ強イテアニユル[illegible]ニ黙従セシメ且彼等ト共ニソレ等ニ参加セシメ[illegible]カナリマシタ。参加シ黙従セザルコトハソ屋従[illegible]ノ瓦解及ビ少クモ計画ノ当時実行サレテイメ部[illegible]程度ニ参加スルトコロノ新内閣ノ樹立ヲモタラシ

## C. 確認的辯論

59. 確認的ニ提出サレタ辯護ノ大部分ハ個人年護デアリマス。シカレナガラ、被告全体ノ爲メニ提出サレマシタ唯一ノ辯護ガアリマスガコレハ犯罪ソノモノノ存在ヲ物語ルモノデアリマス。

是ハ即チ一九三一年カラ一九四五年（大正六年ヨリ昭和二十年）迄ノアラユル日本ノ戰爭ハ侵略戰爭デハナク、事実自衛上ノ戰爭デアッタト謂フデアリマス。コノ提議、多クノ形式及ビ種々ナル流義デ述ベラレテ居リマスガ、其ノ一々ノ例ニ於キマシテノ根本的論点ハ自衛ト謂フコトナノデアリマス。

60. 辯論ガ中國ニ於ケル戰爭ニ関シテ行ハレルノハ始メテデアリマシテ、ソノ論點ハ中國内ノ情勢ハ抵常ニ混乱且ツ不安定デアッタノデ、之ガ満洲トシテ知ラレテ居ル中國ノ一部ニ於ケル日本人ノ権益ヲ脅カスニ到ッテヰタト云フノデアリマス。

此ノ論点ハソレガ始マリデモ終リデモナイニモ拘ハラズ、コノ点デ且ツ始マリ且ツ終ッテヰリマシテ、ソレハ（論点）抗議サルヽト云フ事実ニ、コノ情勢ナルモノガ何等事ニ新シイモノデハナイト云フ事実ヲ全ク看過シテヰルモノデアリマス。中國ノ主権及ビ領土保全ヲ保障スベク日本ガソノ一署名國デアッタ九ヶ國條約ニ到達スル一連ノ條約ニ他ノ列強ヲ導入シタノハ中國ヲ侵略者ノ好餌トスルガ如キ近代國家トシテノ中國ノ出現ニ附随スル此等不安定ナル情勢ノ存在デアッタノデアリマス。此ノ明白ナル事実ヲ廻避セシガ爲メ、辯護側ハ最モ奇妙ナ議論ヲ提示シテ居リマス。即チ、該條約ノ目標デアル中國ハ九ヶ國條約ニヨッテ與ヘラレタ保護ニ対スル権利ヲ喪失シテヰタ

トニ云フノデス。此ノ論題ハ論
化タモノデアリマスガ、コノ論点ハ事新シイモノデハナカツタトコロ
ト注目スベキデアリマス。中國ガ國家ト與ヘラレル保護ヲ
受クベキ資格ノアル國家デハナカツタトヨフ同一論点ハ事実
一九三二年（昭和七年）ノリットン使節団ノ前ニ持チ出サレタモノ
デアリマシタ。其ノ当時、「リットン」使節団ハ之ハ「ワシントン」
會議ニ於テ日本ヲ含ム如何ナル國ニ依ツテモ認メラレタ態度デ
ハナカツタト又一九三二年（昭和七年）迄ニ中國ノ政治的情
勢ハ「ワシントン」會議ノ時ニ於ケル如何ナル情勢ヨリモ相当
ノ進歩ヲ示シテヰタコトヲ指摘シマシタ。(a)ソレ故ニ我々ハ、中
國内ノ情勢ノ変化ト云フ点ヨリ見ルモ、所謂日本ヘノ脅威ハ一九三二年
（昭和六年）九月ニ於ケルヨリモ一九二一年ノワシントン會議ノ時ノ
方ガ一層大デアツタト云フコトヲ認メネバナリマセン。

60 (a) 法廷証五十ノ一七頁

P.87　　　　GENERAL REPLY

61 右主張ハ唯ニ一九三一年九月十八日以前ノ諸事件ノ全意義ヲ判断スルコトヲ避ケテ居ルバカリデナク、ソレハコノ弁護側提議ガ絡ンデ居ル所カラ始マル論議ノ此ノ部分ニ於ケル真ニ重要ナ諸問題ニ答弁セズニ終リマス。ソレハニノ所謂「満洲国」ガ日本ニ依テ軍事行動ヲ採ルコトヲ余儀ナクセシメタカドウカ又ハ右所謂「満洲国」ガ兵力ノ使用ニ依テ其ノ領土ノ一部ヲ中国ヨリ分離スル為メニ日本ガ口実トシテ用ヒタカドウカトイフ真ニ重要ナル問題ニ少シモ答ヘナイノデアリマス。斯ノデアリ乍ラ、証拠ノ示ス通リ、日本側ガ起ルコトヲ述べテ居ル大規模ナ軍事作戦（a）ヲ遂行スル口実トシテ用ヒテ居タ計画ガ在リ、彼等ハ此ノ計画ヲ完全ニ実行シタトコロノ証拠ヲ無視シテ居ルノデアリマス。ソレハ証拠ノ示ス通リ、日本軍ハ事ノ自然ナ成行ヨリ事件ガ起ルコトヲ待タズシテ口実トシテ用ヒル事件ヲ自カラ計画シ創リ出シタノデアリマス。甚ダ故ニ、右ノ主張ノ最終弁論ハ被告等ノ申立ヲ一歩モ進展サセルモノデハナイノデアリマス。

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61 (a) 検察側最終論告D一七一D三六、記録三九、〇四〇一九三頁、D三九一D四八、記録三九、一五一二八頁、D一五一D五三 記録三九一三二一三五、

61 (b) 検察側最終論告D三七一D三八、記録三八、〇九七一三三、

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GENERAL REPLY

62 更ニ此ノ防禦ハ自己防衛法ノ基本原則ノ一ツヲ考慮セズ宇新定サレテ居ラス。同法ハ自衛ノ手段トシテ力ノ使用ヲ許シハシマスガ、然シ無制限ノ又ハ過度ノ力ノ使用ハ許シマセン。同法ハ自衛ニ含マレル危險ニ相応シ且ツ之ヲ防グニ必要ナ丈ノ力ノ使用ノミヲ許シマス。若シ使用サレル力ガ同法ノ許シテヲ超過スレバ自衛ノ辯護ハ成立ケマセン。小サイ子供ノ無縁ニ対シテ銃ヲ使用スルコトハ自衛デハアリマセン。直グ隣ノ人ノ家ヘソノ隣人ノ不在ノ際ニ自分自身ノ財産ヲ保護スル為メニ消火ノ為メニ侵入スル特権ハアルダラウガ、然シ彼ハ彼ガソノ家ノ中ニアル総ベテノモノヲ略奪スルコトヲ又ハ彼ガソノ家ソノモノヲ所有シ続ケルコトヲ正当化スル為メニソノ特権ヲ使用スルコトハ許サレマセン。此ノ原則ハ国際法ノ自衛権ニ就イテ認メラレテ来マシタ。「カヒリ」事件ニ於テ国務長官「ウエブスタ」ハ「自衛ヲ示ス為メニハ即刻ノ圧倒的デハ手段ヲ選ブ暇ナク且考慮ノ暇ナキ自衛ノ必要」ヲ示ス必要ガアルダラウ。又「自衛ノ必要ニ依ツテ正当化サレル行為ハソノ必要ニ依ツテ制限サレ且ツ明瞭ニソノ範囲内ニ止メラルルコトヲ要ス」(a)ト述ベマシタ。日本及ビ此等ノ被告ガ自衛理由ニ依ツテ条護セラレ得ル為メニハ彼等ハ使用サレタ力ガ直面セル危險ニ相応シ且ツ之ニ対シテ防護スルノニ必

32 (a) パーシエー」、「国際公法及組織要論」二三三頁、「オペンハイム」
第一巻、第一三〇節

GENERAL REPLY

P90

GENERAL REPLY

64 自衛ハ一九四一年ノ西欧諸國ニ対スル戦争ニ関シテ再ビ主張セラレニ於ケル今回ハソレハ日本ガ自衛戦ニ挑発セラレタトイフ非常ニ驚ラベキ論決ヲ伴ナツテ居ルノデアリマス。弁護側ハコノ申立ヲ立証スル為メニ若干ノ線ニ沿ツテ証拠ヲ提出シマシタ。右ノ所謂証拠ノ型ハイヅレモ太平洋戦争ガ自衛ノ為メデアツタコトモ日本ハ之ニ挑発セラレテ引キ入レラレタコトモ立証スルコトハ出来マセン。第一ノ場合ニ於テ弁護側ハ日米通商條約ノ破棄ガ対日輸出ノ禁止及ビ日本資産ノ凍結ニヨリ経済的絞殺ニ直面セシメラレタメニ日本ハ戦争ノスルコトヲ強制セラレタノデアルト言ハレテ居リマス。コノ論ハ、若シ尚モ主張シ得ラレルトシテモ一連ノ経済的措置ガ恰モ真空中ニ存在シ、発生シツツアツタ如ク、事件ノイヅレモ無関係デアツタカノ如ク、ソレ等ノヲ別ニ考ヘテノミ、ソレ証セラレ得ルノデアリマス。是等ノ措置ハ合衆國ノミナラズ、ソレ並ニ亜細亜ニ於テ天等ガ行ハレタ背景ニ対シテデナケレバ判断セラレ得ナイノデアリマス。ソレ等ハ当時日本ト中國間ニ行ハレテヰタ戦争ノ並ニ欧洲戦争ノ二ノ両者ニ関聯シテ、ソレガ挙ラレタ二関聯シテ考慮セラレネバナラヌ。我々ハソノ最後論証ノ冒頭ニ於テ是等ノ措置ト二大衝突トノ正確ナル関係ヲ極メテ詳細ニ指摘シマシタ。(a)

64 (a) 検察側最終論告C-一五四　記録三九七〇四-六頁

GENERAL REPLY

我々ハソコデ是等ノ措置ガ眞空中デ潔白無罪疑フベクモナイ日本ニ課セラレタノデハナク、継続スル日本ノ侵畧ニ対スル答ヘトシテソノ侵畧ヲ停止セント努力シ久シキニ亘ル隠忍ノ結果採ラレタモノデアルコトヲ立証致シマシタ。我々ハ亦ソコデノ輸出禁止期間中合衆国ハ一層重大デサヘアル「ヒフトラー」ノ独逸ヨリノ脅威ニ対シ自己ノ自衛ヲ準備シツヽアルコト立証シタノデアリマス。コノ事ハ正ニコノ弁護側ノ主張ヲ予想シテ指摘セラレタモノデアルニモ拘ラズ、弁護側ハ再ビ其合ニ是等ノ基本的事実ヲ無視シ彼等ノ屢々繰返シタ主張ヲ反復シタニ過ギマセン。右問題ニ彼等ノ注意ヲ喚起シタ後ニ於ケル彼等ノ沈黙ハ言葉ニ出シテ言フ應話ヨリモ一層雄弁ニ物語ルモノデアリマス。

65 弁護側ハ此等ノ制限ガ封鎖ヲ構成シタト主張シテ居リマス。此ハ明カニ領キ難キトコロノモノデアリマス。「封鎖」ハ国際法ニ於テ「各国ノ船舶或ハ航空機ノ侵入及ビ脱出ヲ防止スト為メニ軍艦ニヨリ敵国沿岸或ハ其ノ一部ニ接近スルコトヲ遮断スルコト」(a) ト定義サレテ居リマス。主張セラレタル行為ハイヅレモ此ノ定義ニハ當嵌リマセン。若シ此等ノ処置ガ合衆国ノ防禦ノ処置以外ノ処置ト呼ビ得ルトスレバ、ソレ等ハ侵畧者ニ対シテノ課セラレタル

65 (a) オノペンハイム 第二巻 第六二八頁

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GENERAL REPLY

経済的制裁デアリマス。斯クノ如キモノトシテノ此等ノ行動ハ国際法ニヨリ當然課スベキ合法的処置トシテノ認メラレテ居リマス。国際連盟規約第十六條ハ侵略戰争ハ国際共同団体ニ対スル戰争行為ニシテ、各国民ハ侵略者ニ対シ経済的制裁ノミナラズ武力制裁ヲモ加ヘル権利ヲ有ストノ原則ヲ明ニ認メテ居リマス。日本自身ガ右規約ノ署名者トナリ且ツ联盟ノ一員トナッテコノ原則ニ裁可ヲ與ヘマシタノ、ソシテ日本ガ侵略者トナルニ及ンデ始メテ之ニ反対スルニ至ッタノデアリマス。日本ガ侵略者ニ対スル制限ノ合法的行為トシテノ認メラレル処置ニ依ッテ経済的窒息ノ理由ニ依リ戰争ニ狩リ立テラレタノデアルト云フ抗議ハ、懲治所入リノ宣告セラルヽニ及ンデ、不法ニモ行動ノ自由ヲ奪ハレタト申立テル、有罪ト決定セラレタ犯人ヲ強ヲ偲バセルモノデアリマス。

# GENERAL REPLY

65 第二主張ハA.B.C.D諸国ハ日本ニ迫リタル軍事的
性質ノ或ル行動ヲ取ッタトイフノデアリマス。此ノ点ニ関シテ
我々検察側ハ弁護側ノ述ベル様ニ合衆国ノ陸
海軍ノ備ニ関スル弁護側資料ヲ認メナイコトヲ指
摘シタイノデアリマス。検察側ハ弁護側証拠ガ提出セラ
レタ時ニ弁護側ノ太平洋ニ於ケル海軍勢力
ノ比較統計非常ニ誤解ヲ招キ易イモノデアルコトヲ
ヨク述ベル機会ヲ与ヘラレタノデアリマス。反駁ニ於テ
検察側ハ太平洋ニ於ケル米国自身ノ海軍勢力
ニ関スル合衆国海軍ノ正確ナ数字ヲ証拠トシテ
提出シタノデアリマス。一ツダケ例ヲ取ルナラバ、合衆国
海軍ハ元戒艦艤装セラレ作戦服務ニ未ダ空母
唯六隻、総ベテ数一三隻ハ一六二、〇〇〇ベルデハナクツテ
申立テラレテ居ル八隻ノ一六二、〇〇〇ベルヲ持ツテ居ッタノミデ
アス。故ニ合衆国ハ日本ノ空母総ベテ数一五二九七。
ベルヨリモ餘程少カッタノデアリマス。特ニ太平洋ニ
於テハ合衆国ハ日本ノ十隻一五二、九七〇ベルニ対シ
唯ノ三隻、八五、八〇〇ベルヲ持ツテ居ッタノミデアリマス。
検察側ガ弁護側統計ヲ問ヒトシタノハ検察
側証拠ニ依ル外論弁護側自身ノ証拠ニ依ツテ

66(a) 記録三六、六三五―六五頁

(b) 仮定証三八三八―A号、記録三八、〇九八頁

(c) 〃 三八三八号、記録三八、九八一頁

〃 三八三八―E号 〃 三八、一〇八頁

P.95

67 更ニ、自衛ノ弁護ノ証拠トシテ、弁護側ハ合衆国日本ト誠実ニ交渉シナカッタトイフコトヲ主張シテ居ルマス。コノ主張ヲ確立スル為ニ弁護側ノ議論ノ部分ノ執筆者ハコノ問題ヲ全ク孤立シテ取扱ヒ、遅延ニ対シ陳述シタノデアリマス。彼ハ空クソノ誓約ヲ示シタマシタ。彼ハ交渉ノ全題目ヲソレガ分離スベカラズ一部分ガ全体カラ分離シタノデアリマス。彼ハ個々ノ事件ノ分離致シマシタ。彼ハ各文書ヲ夫等ガ述ベラレタ領セラレタ状況カラ又、他ノイヅレノ文書カラモ分離シマシタ。彼ハ一文書ノ特定ノ文章ヲ爾餘ノ部分

(66) 検察側最終論告 G一五五、

記録三九七〇六ー八頁

GENERAL REPLY

弁護側主張ノ誤謬ガ立証サレ得ルガ故デアッタノデアリマスヘ。是等諸種ノ軍事的措置ニ関スル弁護側主張ノ致命的誤謬ハ既ニ我々ノ最終議論ノ冒頭ニ於テ明ラカニセラレマシタ、而モ右誤謬ガ引續ヘ存在セヌコトヲ立証スルタメニ弁護側ハ何モ指摘シテ居リマセン。是等ノ軍事的措置ハ経済的同様ニ当時荒狂ヲ呈ク戦争ノ背景ニ照シ合セテ視ラレネバナリマセン。軍事的措置ハ経済的措置ト同意義ノ制裁ト考ヘルコトサヘ出来ルデアリマス。ソレハ高々一種ノ道徳的制裁トシカ考ヘラレナイノデアリマス、何故ナラバ被害者ノ準備及ビソノ準備ノ知識ガ侵略者ニソノ侵略ヲ始メナイ様ニ加ヘル侵略ニ対スル抑制デアリマスカラ。

# GENERAL REPLY

（次頁ニ續ク）

GENERAL REPLY

日本ハ油ソノ他ノ品物ヲ購入シヨウトシテ居リマシタ。ソノ外
ノ若干ノモノハ、或ル程度ノ平和ノ為メニ必要デアリマシタガソノ
全部ハ更ニ多ク、戦争ニ必要ダッタノデアリマス。若シ日本ガ
少シデモ平和ニ関心ヲ有シテ居タトスルナラバ、日本ハ中國ニ於ケル
戦争ヲソノ戦争ノ結果ヲ出来ルダケ多ク保持シツヽ、中止
スルカ又ハ未等ヲ拡張スベキダッタノデアリマス。日本ノ目
的ハ中國ニ於ケル戦争ノ和平條件ヲ合衆國ト協定スルコ
トデアリ之ハ日本ニ利益ヲ残スコトニナラウ。然ル後ニ合衆國及
英國ヲシテ若シ中國ガ受諾シナイナラバ、ソノ援助ヲ撤廃シ中國ヲ
ソノ運命ノマヽニマカストカ月シテ中國ニ右條件ヲ強要セシムルコト
デアッタノデアリマス。若シ中國ガソノ主權ト保全ヲ侵害スル
右條件ヲ受諾シナイナラバ日本ハ中國ニ対シ以前
ヨリ受ケテ居タ援助ヲ奪ハレ、日本ハ中國ニ対スル侵略ニ対シ以前
前ハ中國援助ニ與ヘラレテ居タ軍需品及物資ヲ受ケ取ル
デアリマス。合衆國ガ交渉ヲ通ジテ日本ノコノ基本的目
的ヲ看破スルハ不誠実デアッタデセウカ。ソレ故ニコノ提案
ヲ計画カラ眞実ニ離レテ居タトセウカヲ検ベルタメニ新ニ
申出ノ度ニ合衆國ガソレヲ吟味スルコトハ不誠実デアッタデセ
ウカ。

68、之ニ反シテ合衆國ハ日本ノ事実的、或ハ脅迫的侵略ノ
中止ノミヲ得ヤウトシテ居タノデアリマス。合衆國ハ唯日本
ガ中國及ビ佛領印度支那ニ於テソノ侵略ヲ中止スルコト並ニ

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GENERAL REPLY

日本ガ其ノ軍隊ヲ駐在スル權利ヲ有セザル地域ノ方撤退スルコトヲ欲シタノミデアリマス。合衆国ハ合衆国ガ欧洲戰ニ出ナク引キ入レラレル場合ニ日本ガ其ノ背後ノ脅威デナクナルコトヲ望ンダノデアリマス。英国ト和蘭ノ何レモ日本トノ平和及ビ日本ガ極東ニ於ケル両国ノ領土ヲ脅カスコトヲ止メ且ツ両国ガ戰爭中ノ獨逸ヲ援助スルコトヲ止メルコトシカ欲シナカツタノデアリマス。トスツノハ、日本ト戰爭ニ至ルカモ知レヌト云フ此ノ脅威ニヨツテ両国ハ他ニ利用シ得ベキソノ兵力ヲ分散セナケレバナラナカツタカラデアリマス。

69

弁護側ハ合衆国ハ其ノ通信ガ途中デ妨害セラレタノ為メニ迷ハサレタノデ、日本ノ誠実ヲ誤解シタノダト主張シテ居リマス。我々ハ事実上少シモ相違ヲ示シテ居ラヌ。其ノ妨害サレタル通牒ト其ノ原文タル訓令トノ間ノ指摘セラレタ相違ノ実例ヲ無数ニ指摘スル為メニ当裁判所ノ時間ヲ割カウトハ思ヒマセヌ。我々ハ其ノ原文ヲ受ケ取リ、其ノ眞ノ暗号ソノモノヲ保持シ、且ツ教育アル日本人ダケガ出来ル程度ニ日本語ニ堪能ナルコトハ勿論デアル野村提督ハ「ハル」国務長官ガ其ノ妨害サレタ通牒カラ得タト全ク同様ノ印象ヲ其ノ原文ヨリ受ケタト云フコトダケヲ指摘シマス。自分自身各他ノ者ヲ欺ク表面ヲ伴装セル情勢ニ捲キ込ミルコトヲ欲シナイトノ理由デ、辞職ヲ希望シタノハ日本大使野村提督デアリマシタ。

# GENERAL REPLY

70. 弁護側ハ合衆国ガ一方ニ於テ日本ヲ不誠実ナモノト信ジ乍ラ交渉ヲ続ケテイタコトニ何ガ恥ズベキモノガアツタト云フコトヲ、我々ニ信ジサセタカツタノデセウガ、ソノ希望ガ極微少デアツタトシテモ日本ガソノ態度ヲ変ヘルカモ知レナイト云フ希望ヲ持ツテ交渉ヲ継続スルコトニ何ガ恥ズベキモノガアリマセウヤ、弁護側ハ合衆国ガ一層充分準備デキ、迄成可ク長ク戦争カラ離レテイルタメニ交渉ヲ続ケテタト申立テヽイマスガ、機能者ハソノ自衛ノ権利ヲ失ヒマセン、何トナレバ彼ハ侵略者ヲ思ヒ止マラセヤウトスルカ、或ハ犠牲者ガ攻撃ニ備ヘテヨリ充分準備スル迄侵略者ノ攻撃ヲ延ハサウトスルカラデアリマス。

71. 最終論告ノ冒頭論述ニ於キマシテ、我々ハ自衛ト云フコトガ有利ニ判定サレ得ルカドウカヲ決定スベキ唯一問題、即チ合衆国、英国、及ビ和蘭ハ日本ト交戦スルコトカラ何ヲ得ルコトガデキタカレト云フ問題ヲ提起シマシタ。彼等ニハ彼等ノ既得ノモノニシテ彼等ガ之ノ保持スル権利ヲ持ツテイタモノヲ保有スル権利ノ外ニ得ルベキモノハ何モナカツタト云フ検察側ノ回答ヲ反駁スルタメ弁護側ハ此ノ問題ニハ何等ノ回答モ行ハナカツタノデアリマス。而カモ之ハ弁護側ノ抗弁ノ効力ヲ決定スル決定的問題ナノデス。戦争ハ

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GENERAL REPLY

GENERAL REPLY

D. 個人辯護

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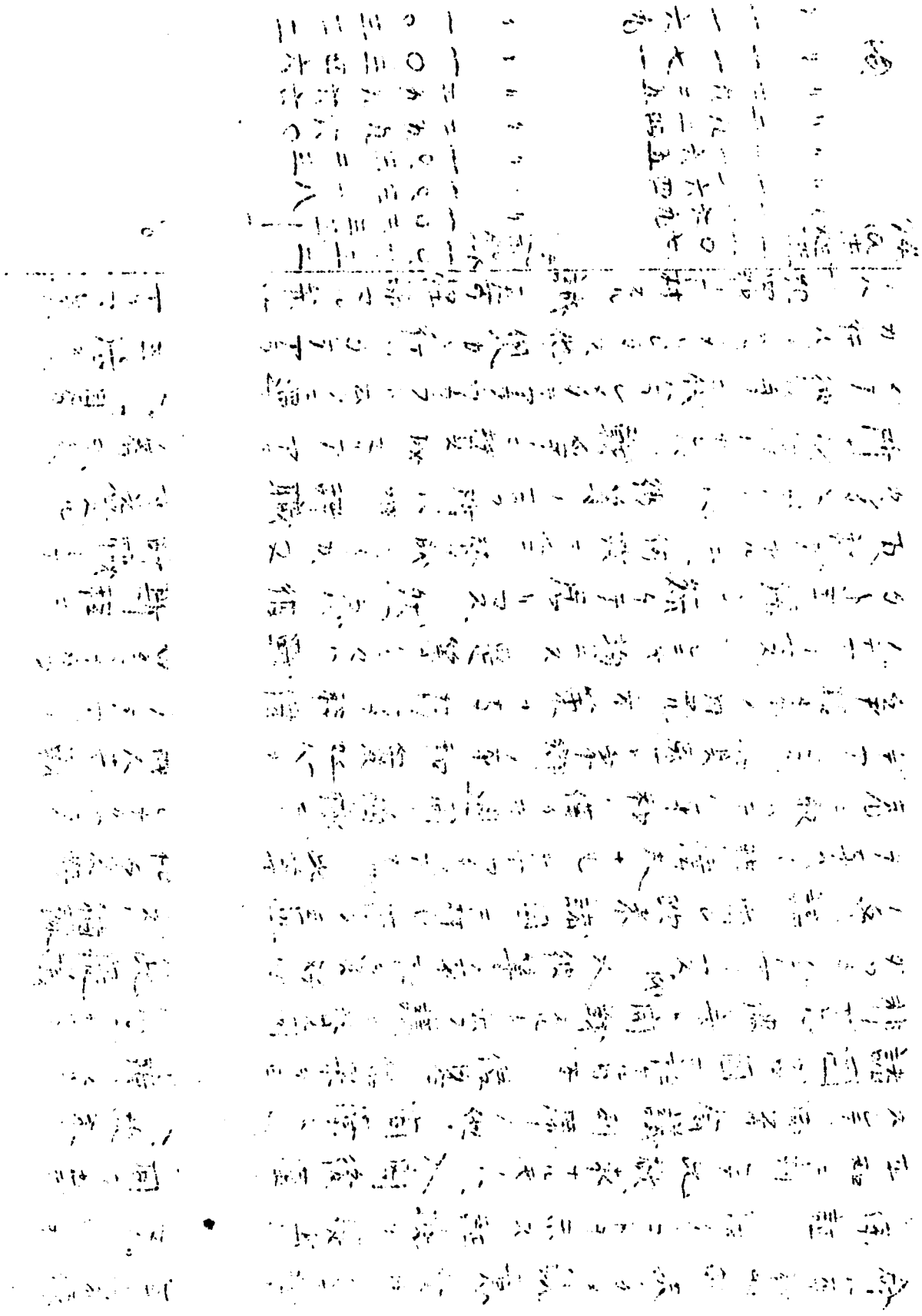
GENERAL Reply

GENERAL REPLY

[illegible]



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之ハ許諾後ガ自分ガヤラナケレバナラヌト云フ他ノ[illegible]
ナラハ[illegible]理由ヲ疑ハナケレバナラヌ[illegible]
其レモ又[illegible]ヲ振リカヘツテ見ルナ[illegible]
辞職ヲ[illegible]シタモ此危機ニ於テ[illegible]
必要ナルニ依リ辞職スルコトガ出来ナカツタ[illegible]
居ル、ソレモ丁度一年ノ後[illegible]
外務大臣トシテ自ラノ威信ニ関係スル[illegible]
ハニ於テ何等ノ困難モナク[illegible]
アリマス。其時ハ閣内統一ノ問題ハ何等[illegible]
タノデアリマス。閣内統一ノ必要ハ確信ト信念[illegible]
場合ニ於ケル政策ニシテ之ヲ無視スルコト[illegible]
デアリマスガ其個人ノ威信ニ関スル[illegible]
タノデアリマス。即チ我々ハ彼等ノ確信ハ[illegible]
強固ナモノデハナカツタト断ズルノ外ナイデハ[illegible]

95. 経営者木戸モ所謂平和愛好者デアリマシタガ
然シ、東條ガ即時開戦ヲ主張シタ時ニ近衛ハ国
家ニ対シテ突入セシメル代リニ平和的ノ努力ヲ
更ニ続ケントセシ故ニ東條ハ第三次近衛内閣
ヲ倒閣セシメタノデアル。木戸ハ熟知シテ居ルニ東條

GENERAL Reply

ヲ首相ニ遷定シ日本ノ政治ヲ明白且ツ完全ニツノ手ニ委ネタハ他ナラヌ彼本戸ノアッタノデアリマス。此本戸ハ彼ガ非常ナル和愛好者デアルコトノ証據トシテ第三次近衛内閣ノトキ彼ガ日本ノ侵略計画放棄ヲ提案シタコトガアルトイフコトヲ述ベテ居リマス。然シ彼自ラノ日記ガ示ストコロニ依レバ彼ハ日本ガ更ニ万全ノ準備ヲ行フ為開戦ヲ十年間延期セヨト提案シタニ過ギナイノデアリマス。(B)

96. 被告二帰ノ被告達ニヨッテ代表サレテヰル海軍側ハ平和愛好者デ戦争ヲ欲シナカッタ旨大イニ主張シテ居リマス。紙等ノ一九四一年十月十二日ノ荻窪会談ニ於テ及川大将ガ今ヤ和戦決定ノ時機ニ到達シタガ決定ハ首相ニ任スルトノ意見デアッタコト、及ビコレヨリ先岡ガ内閣書記官長ニ対シ海軍ハ戦争ヲ欲シナイガ公然トソレヲ言フコトハ出来ナイ。然シ首相ノ決定ニ従フトイフコトヲ言フコトハ出来ルシカノ言フツモリデアルト述ベタ事実ヲ指摘シテ居ルデアリマス。(a) 然シナカラ東條ガ海軍ノ意見表明ヲ求メ且ツ若シ戦争反対ノ意見ナラバ陸軍ノ若ヲ降校ヲ抑ヘ方途モ見出スコトガ出来ヨウト述ベタ時海軍

| | | | |
|---|---|---|---|
| 95(a) | 速記録 | 一〇、二八五 | 一〇、二八七 |
| 〃 | 〃 | 一〇、二八九 | 一〇、二八九 |
| 〃 | 〃 | 一〇、二九二 | 一〇、二九二 |
| 〃 | 〃 | 一〇、一九八 | 一〇、二〇一 |
| 96(a)(B) | 〃 | 二五、八六二 | 二五、八六二 |
| 〃 | 〃 | 二九一三 | 二九一四 |

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(a) [illegible] (b) [illegible] (c) [illegible]

(d) [illegible]

[illegible]

[illegible]

GENERAL REPLY

ク、弁護側ニヨッテ提出サレタ証拠ノ中ノ戦争ヲ嫌悪スル一冊ノ書物デアッタトイウ事実ヲ立証スルモノハナイノデアリマス。併シナガラ、ニュールンベルグ裁判ニ関係デアリマセン、千里尊イ犯罪遂行者ノ動機ハ悪イ犯罪ノ動機ヲ構成スル為ニ有罪ノ宣告ヲ受ケタ犯罪者ガ有罪ノ宣告ヲ受ケタ犯罪者ノ動機ヨリモ悪イノデアリマス。犯罪者ガ有罪ノ宣告ヲ受ケタ犯罪者ノ動機ヨリモ悪イノデアリマス。犯罪者ハ彼ノ嫌悪スル多数ノ者ヲ除イテ彼ノ好ム者ノ為ニ行為スル様ニナルカラデアリマス。犯罪意図ノ唯一ノ判断ハ犯罪ト指定セラレタ行為ニヨッテ犯罪ヲ犯ス意図ヲ有スルカ否カニ関スル事ヲ決定スルニ当リ考慮ニ入レラレナケレバナラナイ唯一ノ事実デアリマス。彼等ノ戦争ニ対スル嫌悪ハ犯罪意図ヲ構成スル事ハ出来マセン。

ソレ故ニ、私ハ貴下ニ対シ、被告ノ中ノ誰カガ戦争ヲ行ウ事ハ犯罪デアルト言ウ事実ヲ立証スル事ハ出来ナイト言ウ事ヲ御注意申上ゲマス。

ソレ故ニ、私ハ貴下ニ対シ、被告ノ中ノ誰カガ戦争ヲ行ウ事ハ犯罪デアルト言ウ事実ヲ立証スル事ハ出来ナイト言ウ事ヲ御注意申上ゲマス。

ソレ故ニ、私ハ貴下ニ対シ、被告ノ中ノ誰カガ戦争ヲ行ウ事ハ犯罪デアルト言ウ事実ヲ立証スル事ハ出来ナイト言ウ事ヲ御注意申上ゲマス。

ソレ故ニ、私ハ貴下ニ対シ、被告ノ中ノ誰カガ戦争ヲ行ウ事ハ犯罪デアルト言ウ事実ヲ立証スル事ハ出来ナイト言ウ事ヲ御注意申上ゲマス。

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ソレ故ニ、私ハ貴下ニ対シ、被告ノ中ノ誰カガ戦争ヲ行ウ事ハ犯罪デアルト言ウ事実ヲ立証スル事ハ出来ナイト言ウ事ヲ御注意申上ゲマス。

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GENERAL REPLY

問題トスベキ唯一ノ点ハ彼等ガ実際ニ戦ヒヲ始メタ時ニ戦争ヲセントスル意図ヲ有セシヤトイフ事デアリマス。此ノ質問ニ対スル回答ハ疑問ノ余地ハナイノデアリマス。

18、但シ責任ニ就イテノ弁護側最終弁論ニ於イテ被告達ハ彼等ノ行為ノ不法ナルコトヲ知ラナカツタガ故ニ犯罪意図ヲ有シテイナイコトニハナラナイト主張サレテイマス。若シコノ主張ガ正当ナ法律トシテモ本件ノ事実ハソノ内ニハ含マレナイノデ、被告達ハ彼等ノ行為ハ数千ノ人間ヲ殺ス結果ナリ、ソレハ不法デアルトイフコトヲ承知シテ居ツタノデアリマス。彼等ハ日本ハ諸条約ヲ結ンデ居リ負ツテ居ル諸種ノ義務ヲ有シテ居タコトヲ知ツテ居リ且ツ彼等ハ右ヲ破リツツアリ、ソレハ不法デアルトイフ事ヲ知ツテ居タノデアリアリマス。恐ラク彼等ガ知ラナカツタ唯一ノ事ハ世界ノ人々ガ彼等ノ度重ナル犯罪ニ堪ヘ難クナリ正当ナル憤激ノ結果裁判ヲ開キ彼等ノ所業ニ対シ彼等ヲ裁判シ放恣ナ我儘ガ罰セラレズシテ行ハレルトイフコトニ終止符ヲ打タントシテ居ルコトデアリ、以上記ノ主張ハ正当ナ法律デハアリマセン。之ヲ支持スルタメニ引用サレタ諸種ノ資料ハ一ツトシテ趣旨ヲ確立シテ居ナイノデアリマス。ソレ等資料ガ示シテ居ルスベテハ或ル裁判ニ於テハ犯罪ヲ犯シテ居ルコトヲ認識シテイナイコトハ事実ハ刑罰軽減ニ於ケル一事実トシテ

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GENERAL REPLY

考慮サレルコトヲ許シテ居ルトイフ事デス。右ノ後
半ハ、一ツハ弁護トシテノ主張ヲ採テ居テ
上ゲテアリマス。更ニ四頁上部ニ見エサセ認識ニ論
ヌ全議論ハ如何ナル目的ノタメニ役ニ居ルカト云
フ事デアリマス。解スルコトハ絶対ニ不可能レマス。一〔illegible〕
ニ於テ弁護側ハ明白ニ左ノ如ク述ベテ居ハ即チ記
罪意図ハ当ノ人間ガ犯罪ヲ構成スル、事実部
チ彼ノ行為及ビ行為ノ自然的蓋結果ヲ認
識シテ居ル場合ニ構成スルガカカル〔illegible〕ガ一度
證明サレ、ル時ハ彼ノ行為ノ不法ナ承知シテ
居ルカ居ラナカッタカトイフコトハソレ、ヘル必要
ハナイトイフコトハ確定ル法律デアル。検察側ハ
被告達ハ彼等ノ行為ガソノ自然無理的結
果ヲ承知シテ居タコトニ〔illegible〕故ニ起訴
ガソノ行為ヲ必要ナラ不法ナリト認リオロカヲ
考ヘル必要ハナイノデアリマス。

外、若シ可能ナル限リ〔illegible〕被告達〔illegible〕皆及ビ
彼等ノ仲間ノ犯シタル犯罪ニ對スル〔illegible〕ヲ免レン
トシテ居ルノデアリマスカラ〔illegible〕回避〔illegible〕シテ彼等
ノ得意トスル方法ノ〔illegible〕ハ検察側ハ〔illegible〕ニ身代リ
責任ヲ取ルベキモノ〔illegible〕ヲ求メルコトデアリ
マス。我々ノ理解スル所デハ身代リ主トシテノハ

外(四) 弁護側、共同、個人責任、四頁

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GENERAL REPLY

召使ガ主人ノ仕事ヲ行ヒツヽアル間ニ[illegible]ル不当ノ行為ニ対シ主人ニ課セラレル民事上ノ[illegible]ト全ク同様ニ何ラノ罪モ犯スコトナク人ニ課[illegible]レル責任ヲ意味スルノデアリマス。検察側ハ他[illegible]者モ他人ノ行為ヲタメニ責任ヲ負ハサルベキ[illegible]ヤウナコトハ決シテ要求シテハイマセン。検察[illegible]メデ単ニ人ハ自己ノ犯シタ行為ニ対シテ責任ヲ負[illegible]ント要求シテ[illegible]ルノデス。

80. コノ中立ハ幷渡側ニヨツテ二ツノ方法[illegible]ヒラレマシタ。彼等ハ第一ニ共謀者ニ対シテ[illegible]ノ進行中ニ犯サレタル実質的犯罪ニ対シテ責[illegible]負ハセルコトハ他人ノ行為ニ対シテ彼ニ身代リ[illegible]任ヲ負ハセルコトニナルト申立テルノデアリマス。[illegible]謀者ガ共謀ニ参加スルコトニヨツテ必然的ニ共謀[illegible]王題デアル犯罪ニ対スル幇助者及ビ教唆者[illegible]ルト云フコトハ既ニ示サレタ通リデアリマス。

（次ニ[illegible]後ク）

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GENERAL Reply

デアリマス。検察側ガ本裁判所ニ適用アラン事ヲ要請スルノハ此様ナ承認セラレタ規則デアリマス。例ヘバ、総テノ閣議ノ決定ハ満場一致デナケレバナラナカツタトイフ事ハ、本件ニ於テ容認サタ事實デアリマス。若シモ閣員ノ一人ガ異議ヲ唱ヘタナラバ如何ナル決定モナサレナカツタデアリマセウ。若シモ一人ノ閣員ガ犯罪デアツタ議案ニ賛成シタナラバ、彼ハ勿論彼ノ作為ノ行為ニ付キ責ガアルノデアリマス。

時折行ハレタコトデアリマセウガ、若シ一閣僚ガソノ職務ヲ他ノ閣僚ニ或ル者ニ委任シ、ソノ者ガ閣議決定トシテノ拘束力アリ且犯罪行為タル決定ヲナシタト致シマスト、委任シタ閣員ハ事後ニ不同意ヲ唱ヘナカツタカ孰レカ故ヲ以テ、ソノ決定ニ対シテ責ヲ負フベキデアリマス。彼ニ刑事責任アリトスルコトニ於テ、彼ハ他人ノ行為ニ対シ責任アリトセラレルノデハナイノデアリマシテ、認容シタトイフ彼自身ノ作為ノ行為及其ハ異議ヲ述ベナカツタトイフ彼自身ノ不作為行為ニ対シ、ソノ彼ノ行為ノ孰レカ乃至ハ両方ガ為サレナカツタナラバ、犯罪行為ハ犯サレ得ナカツタデアラウトノ理由デ責任アリトセラレルノデアリマス。同様ニ、特殊ノ職務ヲ有スル閣僚ハ彼ノ部下ガソノ上官ノ職務ヲ遂行スルニ当ツテ為シタ行為ニ対シ責任アリトセラレ得ルノデアリマス。此處ニ於テモ亦閣僚ノ責任ハ部下ノ行為ニ対スルモノデハナクテ、部下ヲ更迭スル行為ヲナサナカツタトイフ彼自身ノ不作為行為ニ対スルモノデアリマス。ソレ故ニ、此處ニ於テモ亦代理的責任トイフコトハナイノデアリマス。

GENERAL REPLY

行ハレタ犯罪行為ニ対シ統帥部ガ人ノ主ニ責任ヲ分担シ
ナイハ[illegible]コトハ勿論デアリ、且現在死亡シテ本ニ[illegible]等ノ幕
僚長達ガ若シ生存シテ居タナラバ本件ニ於ケル主要被告
人トナラウデアラウトイフコトハ勿論デアリマス。然シ統帥部ノミ
ガ責任ニ[illegible]トイフワケデハアリマセン。假令彼等ガ日本ノ
根本[illegible]ノ首唱者デアリ、最初ノ提案者デアツタトシテ
モ彼等ハ政府援助アレニハソノ政策ヲ日本ノ要綱トスル
コトヘアルカラデアリマス。如何ナル国家ニ於テモ基本
カデ[illegible]ヨノ[illegible]ノ責任ハ政府独リ政府ノミニアツタデ
アリマス。[illegible]ビ犯罪院ノ積極的援助ナ主ハ統帥
部ニ[illegible]デアツタデハナク、統帥部ノ要請ハ政策ヲ指導
[illegible]内閣カラノ要請ニ従ヒ容易ニ受諾シ
ナ[illegible]ハソノ政策ハ採用セラレルニハ[illegible]カラタノデア
リマセン。統帥部ハ戦争タメニ民心ヲ用意シマセンデシタ。
又統帥部ハ欲シナガラ犯罪的同盟條約ヲ締結シマセ
ンデシタ。[illegible]ハ国家ヲ戦争タメニ経済的ニ動員スルコトガ
出来ニ[illegible]ナシタ。先同計画ノコノ部ヲ遂行センガタメニハ内
閣ノ[illegible]ト政府ノ取締ガ必要デアリマシタ。ソレデ計画ノ
コノ部ヲ遂行シタノハ内閣ト他ノ政府機関デアリマシタ。
若シ[illegible]統帥ニ対シ日本ノ侵略罪ノ責任ヲ充分分
担セ[illegible]キモ被告等ノ間ニヨクヽ[illegible]ソノ分担ガ多分ニ残リ
シテ[illegible]デアリマス。

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84 [illegible] 一体 [illegible] 責任ヲ轉嫁シヤウトス
ルコトヲ勢力ヲ為シ [illegible] 単ナル政府機関ノ
内部ニ於テモ部内ノ人々ハ其非難ヲ互ニ轉嫁シヤウト
相手ヲタノデアリマス、度々、平沼、板垣、賀屋等ノ如キ有
力ナル閣議及ビ五相會議ノメンバーニ主張スル所デハ
彼等ノ他ノ閣僚ノ諒承乃至承認ヲ得タルトスレバ何一ツトシテ重要
而カモ他ノ閣僚ノ承認ヲ得ラレナケレバ何一ツトシテ重要
ナ事ハ為シ得ナカツタトイフコトデアリマス。他方荒木及ビ
本庄ハ右會議ノメンバーデナカツタノ閣僚ハ是等ノ事
項ガ実施ニ当リ彼等ニ報告サレナカツタトイフ理由デ
或ハ之ヲ拒リニ報告サレタトシテモ彼等ハ単ニ右會議
ノ席上事内的見解ニ基ヅイテ之ヲ承認シタ迄
ダケノ責任デ自分等ハナ責ヲ向ハルベキデナイト主張
シテイルノデアリマス。勿論シテ、此共同計画ノ実施中ニ
亦ニ於テ彼重要ナ行動或ルモノニ対シテ閣僚中ニ誰
ガ大体ニ責任ヲ有シテヰタカ[illegible]イフコトニナル。斯ノ様ナ議
論ハ去ル事ニトツテ何等利スルトコロガナイノデアリマス。
或ル場合ニ於テハ閣議ニ會議ニ出席者ガ他ノ閣僚
ニ報告シナカツタトスレバ、而カモ此計画ヲ実施シテカツタトシテ
モ會議ニ出席者ハ尚且ツ侵略戦争計画ノ罪ニ対シ
テ罪ニ問ハルベキデアリマス。記録ハ概ネ右會議ニ於
ケル諸事実ヲ実行ニ移サレタコトヲ明ラカニシテ居ルノデアリマシ
テ斯様ナ場合縱レンバ当該事項ガ他閣僚ニ報告サ
レナカツタトシテモ彼等(並ビニ會議ニ出席者)ハ依然右ノ

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下僚ハ其上官ニ責ヲ負ハセヌ。彼等デハ上官ノ命令ヲ実行スル義務ノアルニハ服従スル外道ナイコト、及彼等ノ[illegible]ラバ其責任ハ上官ニ帰スルコトヲ主張シマ[illegible]令ヲ以テ抗弁トシテヰルノデアリマス。然シ[illegible]天上官ノ命令ヲ以テト云フコトハ答弁トシ[illegible]裁判所ノ條例ハ上官ノ命令ナルモノヲ答[illegible]唯罪ノ軽減ノ際ニハ之ニ付考慮ヲ拂ハ[illegible]テ居リマス。オッペンハイム/OPPEN HEIM[illegible]府又ハ交戦国各司令官ノ命令ヲ実[illegible]争法規違反タル事実ニナル場合、其[illegible]犯罪タルノ性質ガ除カレルモノデモナク、[illegible]損害ヲ受ケタ交戦国ノ侵害者ニ対[illegible]レシ[illegible]ルモノデモナイ。(b)ト説イテ居リマス。(a)其[illegible]法デナイカ或ハ其戦争法規ニ疑点ノア[illegible]ルコトヲ指摘シテ、オッペンハイム/OPPEN[illegible]ラ此等ノ條件ニ限定サレテ、問題ハ武[illegible]ハ適法ナ命令ニノミ従フ義務ガアリ、[illegible]ハ命令ニ従ツテモ、疑点ノナイ戦争[illegible]通常ノ人道観念ヲ破ツタ行為ヲ[illegible]任ヲ免レ得ナイトイフ大原則ニ支配[illegible]居リマス。上官ノ命令ト云フコト、戦斗[illegible]

本ノ法律[illegible]官ノ命令[illegible]ガ罪トナ[illegible]上官ノ命[illegible]際法ニ於[illegible]ラレマセン。当[illegible]シテ許サズ[illegible]ヲ規定シ[illegible]交戦国政[illegible]ルコトガ戦[illegible]カラ戦争[illegible]則トシテ之ハ[illegible]罰ヲ免[illegible]ガ明ナ不[illegible]ニハ例外[illegible]隊ノ各員[illegible]又彼等[illegible]ニ違反シ[illegible]場合ニハ責[illegible]ト論ジテ[illegible]ハ下ニ行ル

85 (a) オッペンハイム/OPPEN HEIM/第二巻四[illegible]

(b) 〃 第二巻四[illegible]

GENERAL REPLY

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レタ不平行為ノ飛行トハナラナイ故、上官ノ命令ト云フモノハ又急速緊迫ノ戰爭ノ狀態ノ處レノナイ時及場所ニ於テ侵略戰爭ノ計画準備ニ関連シテ急ヲ要ノ不法ナ行為ニ対シテモ飛行ニハナリマセン。

上級者達ハ下僚連ニ責ヲ帰シテ居リマス。被告達ハ自分等ガソノ作成当時首長ノ位置ヲ占メテ居タ政府内行政部門ノ公文書ヲ目ノ前ニ差シツケラレ、斯カル文書ニツイテハ何モ知ラヌト否定シ且ツ之等ハ下僚達ノヤツタコトダト言フノデアリマス。被告等ソノ文書ノ上ニ自分等ノ印ガ無イト云フコトデ、自分等ガ之ヲ見タコトガナイコトヲ証明スルモノデアルト主張シ又彼等ノ印ガ押シテアル文書ヲ示スト、彼等ハ平気デソノ印ハ自分ノ下僚ガ押シタモノデ自分自身ソノ文書ハ決シテ見ナカツタト述ベルノデアリマス。之等被告ガ自分ノ下僚ガ作成シタノダト自ラ言ツテ居ル之等文書ヲ自分ハ全然見ナカツタト云フコトヲ法廷ニ信ゼシメヨウトスルトハ、全ク考ヘモ及バヌコトデアリマス。之等ハツマラヌ文書デモ、日常事務的ノ案件デモナク日本政府ガ考慮ヲメグラシテヰタ最モ肝要ナ案件ニ関スル最モ重要ナ文書ダツタノデアリマス。ノミナラズ如何ナル部局ノ如何ナル行為ニ対スル責任モ日本国ソノモノノ法律ノ下ニ完全ハソノ部局ノ首長タル者ノ上ニ帰着スルノデアリモシソノ文書ヲ作成シタノ下僚ニ正シイ監督ヲ加ヘナイナラバ、此ノ不作為ノ行為ノ故ニ此ノ犯罪

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GENERAL REPLY

他方ニ於テ畑ハ自分ハ東京カラ命令ニ基ヅイテ行動シタコト及ビ自分ハコノ宣告ヲ検討或ハ訂正スル[illegible]有シテ[illegible]キナカツタコトヲ主張シテヰルノデアリ[illegible]事[illegible]件ヲ裁判シタ才十三軍ノ司令官デアツタ弁護側[illegible]澤田ノ行ツタ所ノ裁判ノ命令ノ被告畑ガ発シタセ[illegible]証言ヲ完全ニ無視スルノデアリマス。(1)コノ事ハ第一九四二[illegible]日十三日ニ畑ガ当ヲ軍令ヲ申ニ特別ノ事由アルト[illegible]四割ノ執行ヲ免除ス(2)ト、傍項ガ記載カレテヰ[illegible]決ヲ無視スルモノデアツタコノ軍令ニヨリトリツトル[illegible]兼行隊員ガ裁判ニ附サシ有罪トサレ死刑ニ処[illegible]ノデアリマス。畑ガ自分ガ為ス権限ヲ有シテヰナカツタ[illegible]何故ス傍項ノ[illegible]ガ訊スノハ全ク無理ノ[illegible]アリマス。

88 各被告ハ責任ヲ転嫁セントシテ五ニ両立セ[illegible]着スル主張ヲ述ベタシテアリマス。一九四一年三月カノ一九四[illegible]十一月ニ亘リ支那派遣軍司令ノ長官デアツタ畑被告[illegible]ガ指揮シテヰタ期間中ハ自分ノ指揮下ニアツタ軍隊ニヨリ[illegible]領カレタ中國ノ各省或ハ自分ノ指揮下ニアツタ軍官内ニ[illegible]ノ残虐行為ヲ決シテ否定シテハ居ナイガ自分ニハ責任[illegible]ノコノ責任ハ自分ノ下ニ係ル方面軍司令官及ビ師團長[illegible]ルト主張

87 (1) 記録 二七四五二―三

(2) 書証 一九九一 〃 一四六六二、一四六六四

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88 (a) 書記 三三一三 記録 三〇二三〇

[illegible]

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GENERAL REPLY

同[illegible]地[illegible]司令官（THEATRE COMMANDER）ハ自分ノ直接[illegible]ニ[illegible]司令官ノ自分ノ命令ヲ各自ノ義務ヲ遂行スルヨリ此意ヲ[illegible]ナイ同様ノ責任ガアルコトヲ云ヒ[illegible]ヲ匡正スル命令ヲ出シ、方面軍司令官ヲ交替セシメル匡正処置ニ出ナカツタトシタラ彼モ亦責任ガ[illegible]デアリマス。弁護側ノ証拠ハ二事ヲ充分明カニシテオリマス。弁護側ハ非常ヲ努力ヲ拂ツテ畑（HATA）ガ麾下ノ軍隊ニ中國民間人ニ残虐行為ヲスルコトヲ禁止スル指令ヲ出シタ証拠ヲ提出シマシタ。(b) 若シ彼ガ麾下ノ軍隊ニ命令ヲ出ス権限ガアツタトスレバ、否、彼ニ此ノ権限ガ[illegible]ヲ疑問ヲ[illegible]デアルガ、サスレバ彼ハ此ノ命令ヲ守ラセル様ニスル権限ガアリ、又彼ハ此ノ命令ノ違反ヲ罰スル権限ガ[illegible]デアリマス。

此ノ事ニ関シ畑（HATA）ニ就キ述ベテ来タコトハ同様ニ[illegible]用サレルノデアリマス。

88(b) 書証 二五八 記録 二一六三二

〃 二五六〇 〃 二一六六一

〃 二五七一乃至二五七三 〃 二一七九三以下

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GENERAL REPLY

[illegible]ガ彼等ノトルベキ責任ヲ感ズルコトノ不可
能ナルコトヲ発見セント彼等ハ自己ノ在リタル官職ノ重要
性ヲ誠意セント非常ナ努力ヲシマス。此ノヤリ口ハ稍々従
属的者ガ動メタ人々ニ限ラズ、最高ノ官職ニ在ッタ
人々ニ於テ用ヒラレマシタ。ソレハ平沼ニヨリ、枢密院議長
ノ職ニ就ケテ主張サレマシタ。彼ハ枢密院ノ職務ハ単ニ助
言ヲ与ヘルコトデアルト主張シテオリマス。形式上ハ此ハ
眞実ニヨリ、枢密院ヲ創設並ビニ規律スル勅令ハ
ソノ職務ノ審議ニ天皇(C)ニ意見ヲ提出スルコトデアル
ト定義シテ居ル。然ニ乍ラ、旧日本憲法制度ノ下デ政
府[illegible]ノ職務ガ助言的デアルト言フ時ニハ、ソノ表現ハ
他ノ[illegible]制度ニ於テ持ツノト同一ノ意味ヲモチマセン
デ[illegible]ハ[illegible]政府ノ权力ハ天皇(B)ニ
与ヘラレテ居ル理論上政府ノ权力ヲ実際ニ行使シタスベ
テノ事ハ「助言者」デアッタト云フコトハ記憶サレネバ
ナリマセン。ソコトハ内閣大臣ニツイテスラ眞実デアリマス。
[illegible]ガ国務大臣ノ職務ヲ助言(C)ヲ与ヘルコトヽ
定義シテ居ル。然シ、内閣大臣ハ彼等ノ助言ガ受入レラレ
タリ[illegible]ガ出来タト言フ意味ニ於テ助言
者デアッタト云フコトハ確カニ本件ニ於テ吾々ガ持ツテ居ル

89 [illegible]証八三
(B) 書証六八、第四條ヨリ第十六條ニ至ル
(C) 書証六八、第五五條

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GENERAL REPLY

証拠ヲ主張シテヲルトハ成本マニアル。殺害遺自身、
カ之助言ハ絶否ヲ得ヲカツタ(化)ト主張シテヲ平ヌ、理論
上デアツテモ実際ニ於テ内閣ハ政治ノ救カヲ行使シテヲ。
同様ニ、内閣ガ助言機関デアツタト云フノト同ジ意味ニ於
テ、ソミテソノ意味ニ於テノミ 枢密院ハ助言機関デアリ
ヲ見

(次頁ニ續ク)

89 14 記録 三一、三二九ー三三
書証 三六五三、 記録 三六、三七九ー八三、

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GENERAL REPLY

弁護側自身ノ理論カラスレバ、ソノ進言ハ拒否サレルコトガ出来ヘセンデシタ。理論上デナク実際ハ職掌ノ範囲内ニ於ケル案件ヲ批准又ハ否決スル權限ヲ有ッテオリマシタ。枢密院ハ純然タル諮問機関デアッタトシテモ明カニ「天皇ノ最高審議者」(イ)ト認メラレテオリマシタ。ソシテ陛下ヘノ進言ニ対シテ責任ガアッタノデアリマス。尚平沼ハ枢密院ガ発言權ヲ有シテイタ案件ハ才六條即チ枢密院ノ創設及ビ運営ニ関スル條令ニノミ限ラレテイタト主張シ、又コレ等ノ案件ハ戦争ヲ計画シ且ツ準備スルノタメニ最モ重要ナ案件ノ中ノ二ツデアル国防及ビ財政ノ案件ヲ含ンデイナカッタト断言シテオリマス。然シ彼ハ慥カニ枢密院ガ国際條約ヲ批准スル役割ヲ有ッテイタコトハ認メテオリマス。又彼ハ枢密院ガ憲法才八條及ビ才七十條ニ依ル勅令ハ発布ニ関与シタコトモ認メテオリマス。憲法ノ條文自身ヲ左程意義アリゲニ見エナイモノト置キ換テ観察スル時ハ枢密院ノ權限トイウモノハ平沼ガ私達ニ信ジサセヨウトシタホド微々タルモノデハナク国防及ビ財政ニ関シテモ内閣ナル權限ヲ有シテイタコトガ判ルノデアリマス。才八條ハ議会ガ閉会ノ場合公安ヲ維持シ又ハ公衆ノ災害ヲ避クルタメニ緊急ヲ要スル結果トシテ法律ノ代リニ勅令ヲ発布スル權限ヲ規定シタモノデアリマス(ウ)。才七十條ハ公安ヲ維持スルタメニ緊急ヲ要スル場合ニ内外情勢ニ依リ

89(イ) 法廷証 才八三号 才八節

(ウ) 〃 才六八号 才八節

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GENERAL R[illegible]

[illegible]年一月十四日中国ニ要[illegible]ヘシ日本[illegible]
[illegible]国政府ヲ相手トセズ決議[illegible]
[illegible]彼ハ一九三八年一月[illegible]六日[illegible]
[illegible]関係デアリマシタ[illegible]彼ハ一[illegible]
[illegible]変処置要綱ヲ決定シタ[illegible]
[illegible]要綱ハ中国ノ経済[illegible]開発[illegible]
[illegible]作[illegible]モノデアリ就中賀屋ガゲッテ[illegible]
[illegible]ニ対中国戦闘ニ消耗サレル[illegible]
日本[illegible]且ツ日本ノ軍備ヲ擴張[illegible]
[illegible]アリマス(1)彼ハ開発政策実[illegible]
[illegible]社及ビ中支振興会社ヲ[illegible]
[illegible]日ノ法律ヲ発布シタ内閣[illegible]

[illegible]側最終論告 E. 第五六一
[illegible] 三九二六五ト七
[illegible]側最終論告 E 第五八節
記録 三九二六七ノ八
[illegible]証 三二六三 記録 二九八二ノ一五
[illegible]側最終論告 E 第八六節 記[illegible]
記録 三八七三
[illegible]証 四六〇ノA 記録 五二六一 [illegible]内最終
論告 E 第八九ノ九一節 記録 三[illegible]

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鈴木 ソレガ重要デナカツタト主張スル傾向ハ星野ノ

其ノ他ノ[illegible]ニ[illegible]ルノミデアリマス。其ノ満洲国政府

ハ組織サレ其ノ中ニハ[illegible]ニ[illegible]今デアル[illegible]ノ總務長

官ガ満洲国ノ眞ノ統治者デアツタト云フ事ハ證據ニヨ

ツテ疑ノ餘地アリ[illegible]ガ[illegible]語リマスケレドモ星野ハ

自分ハ[illegible]十人ノ長官ノ中ノ一人デアツタニ過ギヌト謂ヘ

日本ニ[illegible]居リマス。国ニ法[illegible]サレルコトハ、彼ハ其ノ總

長官トシテ親満的デアルト非難サレタ満洲国官吏ノ大

デアツタ。ソノ詳細ニ就イテ後、彼ガ日本政府ノ無任

所大臣[illegible]企画院總裁ニ任命サレタ時ノ任命ノ昇

進[illegible]満洲ニ於ケル彼ノ地位ノ

実ハ[illegible]デアリマス。疑モナク彼ノ昇進ハ彼ノ満

洲ニ於ケル為ノ功労ニ報イタモノデアリマス。星野ハ企画

院總裁トシテ又閣議ノ一員トシテモ重要デハアリマセンデシタ。

又[illegible]戦研究所ノ役トシテ重要デハアリマセンデシタ。然

此点ニ就テ鈴木ニ就テ云ヘバ彼ハ等シク星野ト同ジ立場デアリ

等ハ前述ノ通リ重要デハナイデアリマセン。彼ハ東條内閣ノ書

記官長トシテ又重要デアリマセンデシタ。彼ハ單ニ東條ノ公式ノ電

話ヲ書キ留メタリ控ヘヲ書イタリシタニ過ギナカツタノデアリマス。廣

大ナ満洲[illegible]國ノ国家ヲ指圖シタノハ重要ナル企画院ノ責任者

デアリ[illegible]人ガ気ノ利イタ一纏メ書記デアル其ノ表ハ言ヘ

ナイ仕事ヲシタ為ニ選バレタト云フ事ガ一体信ジラレルデアリマセウカ。

ソレトモ満洲ニ於テ星野ト一緒ニ仕事ヲシタ東條ガ、[illegible]ルコトヲ主

張シテイタ[illegible]意ヲ起スル為ノ得難キ協力者ヲ彼ノ中ニ発

見シタ[illegible]デアリマセウカ。

GENERAL REPLY

[illegible]武神及黒ハ共ニ、枢密院ニ於テハ説明者デアリ
[illegible]ニ於テハ連絡会議並ニ事前会議ニ於テハ幹
事ヲアツタニ過ギ又ヒ日ヲ主張シテ彼等ノ地位ノ重要
性ヲ取小限度ニスルーデアリマス。枢密院ニ関シテハ、同院
[illegible]ハ(職権一枢密顧問官タリシ)国務大臣
[illegible]若省ノ代表者ハ討論ニ出ニ席シ、演述及説
明ヲ[illegible]得ルモ、表決スルヲ得ザリシ旨ヲ規定シテヨリマス。
演述及説明ヲ為ス権利ハ決シテ重要ナラザル権
利ハ[illegible]ナラシテ其ニハ説得スル権力ノ意ヲ含ムモノデ
アリ、彼等夫々ノ分野ニ於テ説明者又専門家
トシテ之等ノ人物ハ説明ヲ与ヘ、議論シ、決定ヲ左
右ニ権力ヲ有シテ居ルノデアリマス。同様ニ連絡会議
ニ関シテモ、被吉人、東郷ノ言ニ依レバ、皆同会議ニ
於テ活潑ナ役割ヲ勤メ且、討論ニ参与シテ居ルノデアリ
マス。東郷ハ亦草ノ案ハ幹事等ニヨツテ豫メ準
備ヲ[illegible]、諸事項ハ彼等ニヨツテ調整サレタ旨証
言ヲ[illegible]デアリマス(c)其レ故ニ、議題ヲ選択シテ基礎
案ヲ準備シタノハ之等人物デアツタノデアリマス。加
[illegible]ニ彼等ハ、討議ニ参与シタノデアリ、斯クシテ最
後的決定ノ到達ニ助力スルコトニ於テ勢力ヲ有
シテ居ルノデアリマス。

93 a. 法廷法八三、第二節
b. 記録 三六〇七九—八四
c. 法廷法 三六四六、記録 三五六七八—九

GENERAL REPLY

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GENERAL REPLY

[illegible]ノタメニハ 及ユル手段ヲ講ズベシ」ト示シテニハ一節ヲ
引用致シマシタ 彼ラハ再ビ指令第六十号ハ指令第六十号ニ依
[illegible]二年六月二十二日取消サレタト云フコトヲ指摘シテハ
[illegible]ナオソノ上ニ指令第六十一号ハ潜水艦ノ残虐行為ニ
[illegible]任ノアル日本海上部隊ノ何レニモ宛テラレズ 支那海艦
隊ノ日本及ビ朝鮮ニアル海軍鎮守府ニノミ宛テラレタト
云フコトハ注意スベキコトデアリマス。ソレ故、弁護側ハ日本海
軍ハ[illegible]サレタ船舶ノ生存者ヲ救助スルタメ努力シタト云フ彼
等[illegible]ラコトニツノ海軍軍令部指令ニ基イテ、[illegible]テヲリマ
[illegible]指令ノ第一ハソレカラ故意ニ引用サレタ言葉ヲ含ンデ
[illegible]ニ[illegible]第二十一ノ指令ハ短期間ニ大施ノ仮取消サ
[illegible]第三ノ指令ノミガ取消サレマセンデシタ。ソレ理由ハ右ハ
[illegible]船ニ対スル潜水艦戦ニ従事シテヰナカツタ支那
[illegible]及ビ各地ノ海軍鎮守府ニ宛テラレタモノデアッタカ
[illegible]ス。然ルニ実際上潜水艦戦ニ従事シテヰタ連
合[illegible]一九四三年二月二十五日発令セラレタ海軍々令部ノ
指令[illegible]一百[illegible]ハ雷撃サレタ船舶ノ生存者ヲ救助スベキ
[illegible]ニ[illegible]ヲ含ンデヰナカツタト云フコトハ音ハ味深ノ長デアリ
[illegible]

[illegible] 三〇五四一b 収録記録 二七三八三日 二七三一四マデ
[illegible] 三〇五三一A 〃 二七二六九

GENERAL REPLY

コノ確立サレタ法理ニ基キ被告大島及ビ白島ノ彼等ガ独逸ト共ニ共同謀議ヲ指向シタ諸國中何レノ國家ノ国内法ニヨツテモ裁判ナレ得タ筈デアリマス。其レ故國際的犯罪ニツキ國際裁判所ガ彼等ヲ裁判シ得ルコトハ勿論デアリマス。

第三國ニ係ル場合外交官免責ノ認メラレナイ理由ハ被派遣国ノ国内法上外交使節ニ免責權ヲ与ヘル諸理由ガ第三国ニ実シテハ存在シナイカラデアリマス。同様被派遣国ノ法律ニ対スル免責權ヲ与ヘル諸理由ハ國際社会実際ニ於テモ存在シナイノデアリマス。国際社会ヲ不免責規定ニ依ルガ第三国ト見做スカ若クハ事情及ビ理由ヲ同ジクスル[illegible]一規定ガ適用サルベキ別個ノ存在ト見做スカ如何ハ問題ニナラナイノデアリマス。何レノ場合デモ外交官免責ハ存在ニ[illegible]ノ同一結論ニ達スルノデアリマス。

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GENERAL REPLY

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被告等ハ彼等ノ犯罪ニ対スル責任及ビ正当ナル刑罰ヲ免レント死物狂ヒノ努力ヲ以テ凡ユル口実ヲ利用シタノデアリマス。彼等ハ「ニュールンベルグ」裁判ノ判決ヲ引用シ同裁判、或ル被告等ガ証據不充分ヲ理由トシテ或犯罪ニツキ無罪ヲ言渡サレタコトヲテ[illegible]トシタノデアリマス。証拠不充分ニ対シテハ凡ユル裁判所ハ無罪判決ヲ下スノデアリマス。然シナガラ「ニュールンベルグ」ノ特定ノ被告等ニ対シテノ証拠不充分ナルシテハ何等本裁判ニ於テ有罪トスル為ノ証拠ガ不充分デアルコトヲ示スモノデハナイノデアリマス。本裁判所ハ提出サレタ証拠ニ基イテ判決ヲ下スベキデアッテ他ノ裁判所ニ提出サレタ証拠ニ基イテハナラナイコトハ勿論デアリマス。我護側ハ特定ノ証據書類ノ受理ニ関スル裁判長ノ言葉ヲ捉ヘソノ原意ガ認メラレナイ程度ニ迄歪曲シテ居ルノデアリマス。被告等ハ彼等ニ責任ナキコトヲ証明センシテ反対訊問ニ於ケル訊問ヲ含ム検察側ノ言葉ヲ逐語的ニ捉ヘテ居ルノデアリマス。検察側ガ或被告ニ関シ訊問ノ節約ノ問題ヲ限定ショウト申出デソノ申出ガ法廷ニヨッテ認メラレズ且ソ拘束力ナシトセラレタコトガ(a)検察側ニ対スル理由ナキ不條理ナ非難ヲ含ム長文ノ不当ナ申立(b)ノ基礎トナッテ居ルノデアリマス。検察側立証段階ノ終リニ於ケル

97 (a) 法廷記録三五、九五〇ヨリ三五、九五六ヘデ

(b) 弁護側最終弁論N1 23、一項ヨリ八項マデ

次ノ頁ニ續ク

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GENERAL REPLY

（[illegible]註ノ續ニ）

[illegible]論ハ少ク[illegible]回ノ同一ノ最終弁論[illegible]（[illegible]シタ（一、二、三、五、六、七、八、一〇、二、[illegible]、四〇、四三、四八、九四、一〇八、一〇九頁）コノ議論[illegible]間ヲ節約スルタメニ被告ノタメニ提供セラレン[illegible]拠ニ関スル論弁ヲ制限ス可シトスル（法廷記録[illegible]）[illegible]首席弁護人ノ申出ニ基クモノデアル[illegible]ハ全然容認トラレズ、ソンテ首席弁護人ノ[illegible]如ク論弁ヲ制限スル権利ガアルヤ[illegible]題ガ当法廷ニヨッテ起サレマシタ。（法廷記録[illegible]）ソノ後、東郷被告ノ弁護人ハ恰モ此[illegible]如ク証拠ヲ提出致シマシタ。[illegible]ハ[illegible]問題ガ東[illegible]ノ弁護人ニヨッテ起サレマシテ（法廷記録二五九五。）[illegible]ハ決シテ何人ヲモ拘束スルモノデハナイコトガ、[illegible]明白ニサレタノデアリマス。裁判長ハ以下ノ通[illegible]（法廷記録三五九五五）[illegible]ハ法廷ノ何レカヲ拘[illegible]ガ結局弁護側或ハ法廷ノ何レカヲ拘[illegible]ヘマセンデシタ。私ハソレヲ繰[illegible]ヘマセンデ申スダケデス。キーナン サン、貴下ノ[illegible]

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GENERAL Reply

言フニテアロルカラ私ハ弁護人ハ当法廷ヲ問ヒ来スル云々
ト云フノデス。
当法廷ト首席弁護人ノ向ノ談論ヲ通ジテ首
席弁護人ハ検察側ガ決シテ何物ヲモ抛棄シ
ナカツタト云フコトヲ完全ニ明瞭ニ致シマシタ（法廷記
録三五九五五）ソコデ此事態ハ約定ノ申出ガ行
ハレテハソレガ拒否セラレタカラニハ専門的理法ニ従フ
ハテ法廷ニ於ケルト同様論評ノ対象トスルコトガ
出来ナイ問題トシテ之ヲ取扱ハナケレバナラストト云フ普
通事態ニ過ギナイノデアリマス。

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GENERAL REPLY

負的犯罪夫々ニツイテ有罪デアル[illegible]テスポノ実
負的犯罪ハ被告自身ノ犯シタ如[illegible]ル実質的
犯罪ヲ含マルヽデアッテ彼等ハ斯[illegible]ノ負的諸
犯罪ニツキ特定ノ政策ヲ記[illegible]カハ向ハズ
ノデアリマス。彼等ノ行ッタ演説ガ[illegible]証拠ニ提
出サレテ居ルニモ拘ラズ彼等ハ其面[illegible]関スル公式
記録ハ彼等ノ作製サレテ居[illegible]ベテル筈ナ
ノデアリマス。ソノ如キハ斯ル無実ノ處[illegible]セシ人デア
リマス。(6) シカモ記録ノ示ス所ニ依レバ彼ハ[illegible]委員会
ニ於テ数回ニ亘リ演説ヲ行ッテ居[illegible]中デ彼ハ
カヽル国際約ハ日本ノ中国ニ於ケル任[illegible]妨ゲナキ
モノニ非ザルコトヲ述ベ、蒋介石政府[illegible]底的粉砕
ヲ含ム中国事変ノ目的ノ大綱ヲ示[illegible]政権樹立
ノ暁ハ軍ハ新政府ニ対シ出来得ル限[illegible]援助ヲ与
フ可キコトヲ言明シ軍ハ汪政権ニ対[illegible]ル可能ナ援
助特ニ軍事的助力ヲ与ヘ可キコト[illegible]言シ日本
ハ須ラク其ノ全力ヲ集中シテ、東亜[illegible]於ケル新秩
序ニ敵テ容喙セントスル第三国アラバ[illegible]排除ス
可シトノ結論シタノデアリマス(8)

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97(6) 弁護側最終弁論 N-4、四七項
法廷記録 四三、三一五
97(8) 法廷証 三八三三。法廷記録 三八、〇二七
〃 三八三三。 〃 三八、〇一二

GENERAL REPLY

98

此等被告ハ彼等ガ不可避ノ網ニ掛カリ逃ゲラレナイ無力ノ
傀儡ノ一達ノ不幸ニシテ全ク豫測シ難イ事件ノ犠牲デア
ツタ。[illegible]貧ヒ度イノデヤウ。然モ記據ハ本事件全
般ニ[illegible]偶発事件ト考ヘ得ル事件ハ唯一ツモナカツタノコトヲ
示シ[illegible]当法廷ヲ檢討サレタ事件ハ[illegible]モ偶発事件デ
ハアリ[illegible]ヤウ。[illegible]等ハ各々計画サレタノデアリマス。徹頭徹
尾[illegible]ハ計画ノ所産ナリ[illegible]ノ各ハ此ノ人達又ハソノ若
干名ニ[illegible]彼等ノ全部ガ参画シタノ全般的大共同計
画[illegible]一計画ヤラレタモノデアリマス。記録全部ヲ探
[illegible]考慮スルト並ニ冷静ナル考慮ナクシテ
取[illegible]唯一ツモ見ル事ガナイデヤウ。若シ計画ナル
結[illegible]意語ヲ我々ノ語ノ東方ニ除ケバ日本ノ歴史ノ
唯一[illegible]ナイデヤウ。

99

最初事件ソノモノサヘモ偶発事件デハナカツタノデアリマス。
最初[illegible]陸軍將校[illegible]我ル民間人達ハ日本帝
国[illegible]大陸ニ[illegible]擴張ハ同大陸ノ富ヲ日本ノ為メニ
[illegible]共同計画ヲ行ツテ居リマシタ。彼等ハ先
[illegible]国ノ戦略ニ[illegible]経済上最モ重要ナル部
令[illegible]彼等ハ日本政府ニ彼等ノ計画
[illegible]ハウトシマシタ。[illegible]ガ失敗スルト彼等ハ滿洲
[illegible]張作霖ヲ殺シテ[illegible]行ハウト決意シマシタ。
是[illegible]結果ヲ擧ゲルコトニ失敗スルト彼等ハ彼等
ノ計[illegible]民衆ノ支持ヲ算ヲ上ゲルタメニ日本国内ニ宣

GENERAL REPLY

100

軍ガ目的ヲ達成シタル後共同謀議者
利ヲ更ニ確保セルモノニセント計画シタ
動ヲ起シテ満洲ニ[illegible]
アリタ何レモ満洲ニ於ケル政府[illegible]
府ヲ樹立[illegible]
[illegible]令ヲ計画[illegible]
[illegible]
意[illegible]共同謀議者等[illegible]
[illegible]計画ニ依[illegible]
盟ヨリ脱退セシメタ[illegible]政府ハ計画[illegible]
[illegible]政府[illegible]
[illegible]満洲ニ於ケル日本[illegible]
事ヲ実施[illegible]完全ニ[illegible]
計画通リ実施[illegible]
画[illegible]
[illegible]
計画ヲ[illegible]現[illegible]
[illegible]
[illegible]共同[illegible]
[illegible]証拠[illegible]証[illegible]
ヲ具備セル計画ノ中ニ入物[illegible]
事長ノ計画ニ着起[illegible]主要ナル役
且ツ軍事的並ニ政治的活動ニ[illegible]
[illegible]。軍ハ反対[illegible]内部ニ[illegible]

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[illegible]勝
[illegible]
[illegible]
[illegible]
[illegible]満洲[illegible]
[illegible]
國際聯[illegible]
[illegible]
日本人[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]政府
[illegible]
[illegible]

GENERAL REPLY

彼ノ役ヲ忠実ニ演ジ其ノ後ハ関東州租借地ノ長官ト
シ支配及ビ搾取ノ全部ヲ指図シタデアリマス。荒木、廣
田、星野、東條及ビ板垣ハ皆搾取、支配計画ノ全般
ニ亘リ其ノ計画ニ実施ニ重要ナ役割ヲ演ジタデアリマス。其
他者ハ彼等ノ共同目的ヲ達成シタガ為前者ニ比スレバ相重
要性ノ少イ役ヲシテイヽ受ケ持ツタニ至リマス。

101 該共同謀議者達ハ其ノ最初ノ獲物ヲ確保スル為ニ、彼等父
老ノ一連ノ計画ニ取リカカリマシタ。満洲ガ此ノ国ニ統治スル日本軍ノ
司令官デアル南及ビ梅津ハ陸軍大臣林ト共ニ北部中國並
ニ蒙古ノ中國ヨリ分離シヤウト計画シマシタ。ソシテソノ計画
ニ従ヒ自治運動ヲ助長スルタメニ行動ガ執ラレマシタ。此等行
動ニ於テ土肥原ハ再ビ其ノ計画実行ノ為ニ指導者デアリシ
タ。北部中國ニ対スル完備セル計画ハ関東軍ト東京参謀本
部トノ外方ニ於テ作ラレタデアリマス。

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102 共同謀議者ガ最早ノ事ヲ遂行シ、然ル後ニ彼等ノ行
動ニ対シテ別個ニ政府ノ承認ヲ得ルトシタガ此方法ニ頼ル事ガ出来
ナクナリテ来タデアリマス。彼等ハ政府ヲ支配シテケレバナラナカツタデ
アリマス。又モヤ急激ノ政変ガ試ミラレタデアリマス。其ノ「クーデター」ハ
失敗シタデアルデアルガ其ノ失敗ハ単ニ名目上失敗シタニスギナカツタ
デアリマス。何トナレバ広田ハ軍部門ノ共同謀議者等ノ要求ニ応ズル
事ニ依テ始メテ政府ヲ組織スル事ガ出来タデアリ、又政府ハ
共同謀議ノ完全ナル一員トナツタカラデアリマス。

GENERAL REPLY

最后ノ障害ヲ乗リ越ヘ亦政府ニ対スル支配ニ[illegible]獲得ノ共同謀議者達ハ決シテ其ノ支配権ヲ[illegible]ガナイ物ニ確固タルモノニシタノデアリマス。彼等ハ絶対[illegible]彼等ノ文配下ニアル彼等ノ仲間ノ一人ヲ党ニ陸軍[illegible]ニシテ行ノ政府ニモ入閣サセルコトヲ確実ニシタノデ[illegible]以后彼等ハ絶ヘズ政府ヲ統御シ亦後継内閣[illegible]共同計画ノ一々ノ段階ヲ計画シ遂行シタノデ[illegible]ス。[illegible]ガテ彼等ノ文配力ヲ失ハウトシタノ事ハア[illegible]然ノ彼等ハ半面ガ内閣ヲ組織スルノヲ防ブコトニ依[illegible]コク其ノ危機ヲ脱シタノデアリマス。廣田内閣ハ共[illegible]画ヲ[illegible]根本国策トシタノデアルガ同内閣ハ[illegible]計画ト外交政策ト国防ニ依テ亜細亜大陸ニ[illegible]日本ノ地位ヲ確保スル事ノ如キニ日本ガ両洋ニ[illegible]発表スルコトデアルト規定シタノデアリマス。同内閣ハ入北部中華民国ノ完全ニ支配ト権限ノ明細ニ[illegible]画ヲ樹テタノデアリマス。

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共同謀議者等ハ此点ニ於テソノ計画ニ[illegible]約ニ達成スルノ[illegible]ガ必要ヲ[illegible]彼等ハ武力ノ事ヲ[illegible]シタノデアリマス。再ビ彼等ハ事件ヲ計画シ、再[illegible]リヲ創リ出シ計画ニ従テノ作戦ヲ行フタノデアリマス。彼等ハ計画ニ従テノ解決ノ地方官憲トノミニ[illegible]カラテ解決ヲ不可能ナラシメルコトヲ故意ニ決[illegible]デアリマス。彼等ハ大規模ニ戦斗ヲ遂行シ到ル[illegible]既定戦

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GENERAL REPLY

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争法規ヲ破ルノ事アリマス。彼等ハ仮意ニハ国ニ具体的
ナ和平條件ヲ與ヘルコトヲ拒ミ武力ニ依リ鎮命石政権
ヲ除去スルコトニ決シタ事アリマス。滞河ニ於テルト同様
ニ彼等ハ政治組織ガ全然左右ヲ計画シ、ソレヲ細部
ニ至ルヲ遂行シタノデアリマス。彼等ハ中国ニ新民黨政権
ヲ計画シ、當テ南京ニ於テナサントアル同様ニ汪
兆銘政権設立ノ諸指導ヲ計画シタノデアリマス。彼等ハ
ソノ計画ヲ遂行シタノデアリマス。此等被告ハソレバ
一人ノ例外モナク是等計画ノ案及至実行ニ参加シタ
ノデアリマス。最ノ重要ナル主要役割ヲ果シタ者ノミヲ
指摘セントスルナラバ、ソレハ荒木、橋本、順、平沼、廣
、星野、板垣、岡本、木戸、松井、近藤、岡、島田、鈴木
及ビ東條ヲ挙ゲルノデアリマス。ソノ他ノ者モ亦夫々
ノ役割ヲ演ジ、其今ソレヲ果シタノデアリマス。

一人ニ於テ、ソノ基本政策ノ採択ト共ニ、ソレガ如何ナル方法ヲ
以テシテモ即チ若シ必要ナレバ戦争ヲ行フヲサヘモ達成
サレルベキコトガ決定セラレテアリマス。此ノ計画ヲ遂行スル
ニ当リ、彼等ハ中国ノミナラズ、蘇聯邦ガ及ビ西洋諸
国ニ対シテモ戦争ヲ訴ヘナケレバナラナイカモ知レヌト考ヘテ
ヲリ、ソレ故ニ日本ヲ戦争ニ準備スルコトガ必要デアッタ
ガ、此ノ計画ノ慶シテ課議者達ハ戦争ニ対スル日本ノ
経済動員ノ大規模ナ計画ヲ準備シタノデアリ、此等
ノ計画ガ細部ニ亘リ遂行セラレテアリマス。彼等ハ陸

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GENERAL REPLY

若シ我々ガ此等ノ計画ノ主要立案者及実行者ヲ列挙スルトスレバ、再ビ被告全部ノ名ヲ挙ゲネバナラヌデアリマセウ。

106、此等ハ決シテ偶発事件デモナケレバ、不利ナル出来事デモナカッタノデス。此等ノ被告ハ単ナル自働人形デハナカッタノデアリマシテ、彼等ハ機械ニ於ケル取替ヘラレ得ル歯車デハナク、決シテ[illegible]運命ノ「大渦巻」（メイルストローム）（アルフェー論著ノ大渦巻）ニ巻キ込マレタ運命ノ「オモチャ」デハナカッタノデアリマス。此等ノ人達ハ一帝国ノ頭脳デアリ、彼等ハ一国ノ運命ヲ決スル指導者デアッタノデス。彼等ノ国ガ起ルモ亡ブルモ、相互ノ平和ナ合法的ナ方法デ憲法ニ依テ解決セラレタルベキ諸国家トシテノ家族ヲ保全スル生活ヲ選ビ又彼等ノ国ガ他ノ国家ニ対シテ侵略的戦争ノ計画ニ乗リ出スカ、彼ニ全世界ヲ巻キ込ムカ、ト云フ如キ選択ヲスルハ彼等デアッタノデス。此等ハ選択ヲ行ッタノデス。此ノ選択ニ対シ彼等ハ責任ガアルノデアリ、而シテ其ノ罪ハ世界ノ全歴史ヲ通ジテ正義ノ法廷ニ立ッタ如何ナル種類ノ者ノ罪ヨリモ大キイモノデアリマス。此等ノ人達ハ犯罪ノ方法ニ完全ニ熟達シ、其ノ犯罪以外ノ方法ヲ知ラナイ犯罪環境ノ産物デアル「ギャング」裁判ニ立ッタ一部ノ有力ナ者ノ如キ[illegible]デナカッタノデアリマシテ、此等ノ人達ハ国家ノ繁栄ヲ計リ国家ノ運命ガ確信的ニ委任サレテ居ッタ人々ニ信頼サレタ指導者ト考ヘラレテ居

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GENERAL REPLY

タ。云ハバ若干ハ他ノ諸国ノ指導者ニハ若者達ニ依
リテ平和ニシテ善良ナル人トシテ高ク尊敬サレテ居タ人々モ
アリマシタ。此等ノ人々ハ善悪ノ別ヲ知ツテ居タノデス。
彼等ハ彼等ガ厳カニソノ国ニ誓ツタ義務ヲ知ツテ居タノデス。
充分知悉シテ居テ、彼等ハ自ラ悪ヲ選択シ、ソノ義務ヲ無
視シ、彼等ノ自国民及ビ其ノ他ノ者ガ彼等ニ持ツテ居タ
信念ヲ裏切ツタノデス。又充分知リツツ、彼等ハ自ラ数
百万ノ人類ニ死ト傷害ヲ齎シ彼等ノ軍隊ガ行クトコロ
何処ニ於テモ破壊ト憎悪ヲ齎シタ戦争ヘノ途ヲ進ム
ベク選択シタノデアリマス。彼等ハ彼等ノ国民ノ運命ヲ
賭ケテ賭博ヲシタノデアリマシテ、何処ノ一般ノ重罪犯人ト
同様、彼等ノ保護ヲ委任サレテ居タ人々ニ死、傷害ト破
壊、混乱トヲ齎ラシタノデアリマス。此ノ選択ニ対シ
此等ノ人達ハ今当法廷ニ立テ判決ヲ受ケテ居ルノデス。
彼等ハ彼等ノ行動ガ斯クアリ、又彼等ガ企図シテ
居タコトニ対シテ判決サルベキデアツテ、此等ノ行
動ハ彼等自身ノ選択ニ従ツタモノデス。彼等ハソノ
選択ヲ侵略ヘノ戦争ヘト、又彼等ハ之ヲ自由ニ
且ツ自発的ニ行ツタノデアリマシテ、此ノ選択ニ対シ彼等ハ
罪ヲ負ハネバナラナイノデアリマス。

檢察側ハ只今ノ終了シマシタ最終弁論ニ弁護[illegible]ルナシタノ或ル主張ニ對シテ回答ガナサレルナラバソレハ当法廷[illegible]ノ意見デアリマス。右回答ノ準備ニ当ッテハ重要[illegible]事項ノミヲ取扱ヒ且ツ之ニ簡潔ニ答ヘヤウト努力シマシタ。

法廷ノ御許ヲ願ヒマシテ右回答ハ準備シマシタモ[illegible]都合ヲ[illegible]種類ニ分レル様デアリマスカラ三部ニ分ケテ致シマス

ソノ連部ヨリ提出サルベキ第一部ハ弁護側ヨリ提[illegible]我々ノ回答ノ要アリト考ヘル、ソノ連一般最終論告ヨリ起ル[illegible]ヲ取扱ヒマス。

中国部ヨリ提出サルベキ第二部ハ九三一年[illegible]於イテ日本ノ取ッタソシテ後ニ中国ノ他ノ地方ニ広マッタ[illegible]行為ノ煽動者並ニ実際ノ参画者トシテ目立ッタ[illegible]立証サレタ被告土肥原及ビ板垣ノ主張ニ答[illegible]。

第三部ハ弁護側ガ一般最終弁論及ビ[illegible]論要方ニ於イテ述ベタ一般的主張ニ對スル檢察側[illegible]括的回答ヨリ成リマス。此ノ部分ハ亦個人最終[illegible]論ヨリ起ル要点ニ對スル適当ナ言及ヲ含ミマス

檢察側回答全文ノ配布ガマダサレ[illegible]リマセ[illegible]カラ、檢察側ハ右議論ハ大約一日半デ[illegible]入[illegible]コトヲ法廷ニ御知ラセ致シタイト思ヒマス。

# 序論

日本帝國建國ノ公式ニ認メラレタル年ハ西歴前六百六十年デ、其レヨリ西歴六百四十五年ニ至ル迄ハ日本ノ統治形式ハ蕃族的デアツタト云ツテヨイデアラウ。

其レハ勿論原始的政治形態デアツタガ西歴六百四十六年ニハ此ノ蕃族的制度ハ廢棄セラレタ。第七、八ノ兩世記中ニ三人ノ宮中顧問官ヨリ成ル國民參議院ト八省ノ行政府トニヨリ構成セラレタル京都ニ首都ヲ置ク中央政府ガ出來タ。地方ヲ統治スル長官ハ天皇ニ依リ任命サレ、地區ヲ治メル代官ハ地方長官ニ依ツテ任命サレタ。

皇室ハ京都ニ隔離サレ、千八百六十七年ノ明治維新前迄、數世紀ニ亘リ將軍家ヤ其ノ他ノ大名ガ日本ヲ統治シタ。

十五代ニ亘ル將軍ニヨリ統治セラレタル德川幕府ハ千六百三年ヨリ千八百六十七年迄續イタ。其レハ十分中央集權化サレ且ツ帝國ノ全區域ニ其ノ職權ノ及ベル廣汎ナル封建的官吏制ノ基礎ノ上ニ建テラレタル獨裁的武家政府デアツタ。天皇ハ數世紀ニ亘リ爲シ來ツタト同樣ニ政治ニ參與スルコトナク儀式的ニ君臨シ政治ノ中央機關ハ參議院デアツタ。

德川幕府崩潰ノ經濟的原因ハ多々アル。除々デ然モ

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着々タル貨幣経済ノ発展ト商人階級ノ成長トハ封建制度ノ土臺ヲ浸蝕スルニ決定的效果ヲ有シタ。更ニ皇室要ハ大部分土地ヲ以テ文物ハレ、從テ庶大ナル免税地ガ生ズルニ至ツタ。其ノ結果トシテ、中央政府ノ收入ハ甚シク減ジ遂ニ政府機關ハ榮養失調ノ爲崩潰スルニ至ツタ。

第十五代目ニ當ル最後ノ將軍ハ千八百七十六年反抗スル事ナクシテ其ノ權號ヲ放棄シタ。續イテ帝政ガ布告サレ、明治天皇ノ下ニ維新ガ始マツタ。政府ハ千八百六十八年ニ京都ヨリ江戸ニ移サレ、江戸ハ東京又ハ東都ト改稱サレタ。

封建制度ハ千八百七十一年ノ勅語ニ依リ廢棄サレ、國家再建ハ其ノ年カラ始マツタ。同モナク重要ナル行政的改變ガ行ハレタ。今日ノ政府機關ノ多クハ其ノ期間ニ創ラレ、其ノ若干ハ後程論議スルガ、現在ノ憲法機構内デハ活動セズシテ其レトハ關係ナク初立シテ活動シテヰル。

日本ガ西洋諸國トノ貿易ヲ開イタ後多數ノ日本人ニ依ツテ西洋ノ政治的觀念ガ取リ上ゲラレ從ツテ或形式ノ代表的立憲政治ニ對スル要求ガ被シクナリ遂ニ天皇ヲシテ議會制度ノ設立ヲ約スル勅令ヲ發セシメル事ガ可ナリト考ヘラレルニ至ツタ。

千八百八十一年十月十二日ノ勅令ハ次ノ如キ宣言ヲ

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含ンデヰル。即チ

「朕ハ明治二十三年（千八百九十年）議會ヲ設立スベシ―天皇ノ大權ニ對スル制限並ニ議會ノ構成ニ關シテハ朕ハ追テ之ヲ決定發布ス

日本ノ行政活動ヲ十分理解スルニハ帝國憲法ハ政府ノ中心的法律文書デハアルガ、其レハ確カニ全面的支配力ヲ有シナイトノ事實ヲ知ル必要ガアル。

日本ノ政府ハ帝國憲法トハ別個ニ創ラレタル多數政策ヲ作ル諸團体ノ下デ活動スル。政府ノ組織ハ垂直的デ、法律、命令、詔勅ハ臣民ニ下ルノデアル。

法律ト命令トノ主タル相違ハ法律ハ現存ノ如何ナル命令ヲモ變更シ得ルガ命令ハ現存ノ如何ナル法律ヲモ變更シ得ナイ點ニアル（憲法第九條）。

日本人ハ中央集權化シタ君主政府ヲ運營センガ爲西洋諸國ヨリ最善ノモノヲ採ラント斷乎タル努力ヲ爲シタル外、早クヨリ彼等ガ使用シ得ルト考ヘタ全テノ科學的知識ヲ帝國ニ輸入シタ。即チ通信制度、電信、電燈、電話、鐵道及船舶デ、之等ハ全テ該君主政府ガ其ノ再ビ獲得シタ權勢ノ地位ヲ固メルニ必要トサレタ。

右改革者ノ事業ハ一言ニシテ云ヘバ西洋式ニ着物ヲ着タ新君主政府ヲ創ツタノデアル。

其ノ結果トシテ基本的法律即チ憲法ハ本質的ニプロ

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シャ示デ、立法府ノ組織ハ英吉利ノ其レニ習ヒ、地方自治制度ハ佛蘭西第三共和国ノ其レト近以シテキル。

男子選挙権、大臣ノ責任、貴族的上院ヲ有スル二院制議會、秘密投票、知事及市長、帝國法典、憲法、陪審ニ依ル裁判、行政裁判所ノ如キ等ノ全テハ近代日本政府ノ特徴デアルガ右ノ中一ツトシテ日本ニ固有ナルモノハナイ。

コレヨリ先ニ述ベテ置クベキデアツタノデアルガ日本ニ於テハ勅令ノ力ハ法令ノ效力及民與セラレタル權能以上ニ行クガ、英吉利及亜米利加ニ於テハ勅令ノ力ハ右ノ二者ニ對シ全的デハナイガ本質的ニ制限サレルト云フ事デアル。

憲法ノ下デ勅令ハ多クノ西洋諸國ニ於テハ立法部ニ委任セラレテ居ル幾多ノ目的ヲ達成スルノデアル。尙日本ニ於ケル勅令ハ行政部ガ限ラレタ範圍ノ固有ノ立法力ヲ任意ニ行使スルト云フ欧洲大陸國家ノ樣式ニ從フモノデアル。

此ノ日本ニ於ケル勅令ニ依ル固有ノ立法力ハ他ノ如何ナル立憲政治國ヨリモ強力デ且全行政的階級組織ヲ定メル權及陸海軍ノ編成並ニ平時憲勢ヲ決定スル權及戰ヲ宣スル權、和ヲ講ズルノ權、條約ヲ締結スルノ權ヲ抱含スルモノデアル。

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一憲法外ノ國家的團体
帝國憲法ヲ論ズル前ニ「目ニ見エズ」公然活動スル
コトナク憲法ノ外部ニアル行政的權力ヲ有スル團体
及官廳ニ就テ述ベル。此等ノ機關ハ憲法外ノ國家的
機關ト云ツテ良イデアラウ。此レ等ハ憲法ニ依リ創
ラレタ形式的構造ニ生氣ヲ與ヘルモノデアル。何ト
ナレバ此レ等ハ傳統ノ力ニ依リ天皇ニ對シ進言ヲ爲
ス權能ヲ有スルカラデアル。
此レ等憲法外ノ國家的機關ノ機能及構成員ニ就テハ
本問題ノ第二段ニ於テ十分探求且説明ヲ爲スコトニ
スル。差シ當ツテハ其レ等機關ノ機能ハ憲法ノ如キ
自体ニ於テ自動力ヲ持タヌ文書ヲ極メテ具味アル行
政手段ニ變化サセル事ニアルト説明スレバ十分デア
ラウ。
是等ノ機關ハ次ノ如キモノデアル。
一御前會議　之ハ最モ重大ナ時局ニノミ職分ヲ行フ
モノデアル。
二元老　元老ノ輔弼ハ天皇ノ直接ノ要求ニ基イテ行
ハレタ。元老ハ最後ノ生存者デアツタ西園寺公ノ
死ヲ以ツテ終ツタ。
三重臣　重臣ハ元老ヨリ選レテ存在スルニ至リ或ル
見地ヨリ觀レバ元老ノ職分ヲ代行シテキル樣ニ見
エル。重臣ノ意見ハ重大ナ緊急事態ニ際シテ求メ

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ラレル。

四天皇ノ軍事會議

イ元帥府、之ハ一八九八年ニ確立セラレ、皇族及最高ノ陸海軍將校ヲ以テ組織サレタ。

ロ軍事參議院、之ハ諸種ノ勤務ガ西洋ノ方式ニ修復サレツヽアツタ一八八七年ニ於テ創始セラレタ。ソシテ一九〇三年勅令第二九四號ニ依テ明確ニ確立セラレタ。

二憲法外ノ官職

一內大臣　之ハ天皇ニヨツテ直接任命セラレル。

二宮內大臣　之モ亦、天皇ニヨツテ直接任命セラレ、皇室ニ關スル事柄ノ處理ヲ管掌スル。宮內大臣ハ內閣ノ一員デハナイ。

三帝國憲法

一制定ノ由來

イ世界旅行

一八八四年公書伊藤博文ハ二年間ノ研究ト西洋諸國ノ指導的政治家殊ニ「ビスマルク」ト親密ナ交際ノ後獨逸カラ歸國シタ。伊藤ノ外遊ハ夙ニ十年前ヨリ始ツタ幾多ノ旅行ノ最後ノモノデアツタ。其等外遊ノ內岩倉ノ使命ガ

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最モ有名デアツタ。伊藤ガ歸國スルニ當リ彼ト彼ノ助手ハ憲法編成ニ到ラシメル總ベテノ準備的文書ノ起草ニ着手シタ。

ロ行政草新ノ任務

此ノ任務ハ皇室ニ與ヘラレ、他ノ政府機關ニ與ヘラレナカツタ。一八八八年五月、樞密院ハ此ノ任務ノ最後ノ審議ニ當ツタ。樞密院會議ハ宮中ニ於テ屢々開催サレ多クノ場合天皇ハ親臨セラレタ。

ハ獨逸ノ影響

主權在民ノ英國或ハ米國ノ民主主義的思想ヤ概念ハ當時ノ日本人ノ制度ヤ心理ニハ適合スルコトハ出來ナカツタ。從テ伊藤ハ英國或ハアメリカ合衆國カラ殆ンド學ブトコロガナカツタ。他方ニ於テ、「ビスマーク」ノ獨逸統一ハ日本人ノ間ニ訴ヘルモノガアツタ。日本憲法ハ獨逸ノ影響ヲ非常ニ受ケテヰルト言フコトガ出來ル。

二憲法附屬法令ノ發布

イ特色

日本憲法ハ七十六條ト言フ簡單ナ構成ヲ採ツテヰテ多クノ他ノ國民ノ憲法ヨリ簡單デアル。用語ハ簡潔デアル。其レハ一八八九年二月十

第一章 総則（第一条―第八条）
第二章 国会（第九条―第十四条）
第三章 内閣（第十五条―第二十一条）
第四章 司法（第二十二条―第二十四条）
第五章 財政（第二十五条―第二十七条）
第六章 地方自治（第二十八条）
第七章 改正（第二十九条）
第八章 最高法規（第三十条―第三十二条）
第九章 補則（第三十三条―第三十四条）


## 第一章 総則

第一条 天皇ハ日本国ノ象徴デアリ日本国民統合ノ象徴デアツテ、コノ地位ハ主権ノ存スル日本国民ノ総意ニ基ク。

第二条 皇位ハ世襲ノモノデアツテ、コレヲ継承スル。

第三条 天皇ノ国事ニ関スルスベテノ行為ニハ内閣ノ助言ト承認ヲ必要トシ、内閣ガ其ノ責任ヲ負フ。

第四条 天皇ハコノ憲法ノ定メル国事ニ関スル行為ノミヲ行ヒ、国政ニ関スル権能ヲ有シナイ。

2 天皇ハ法律ノ定メルトコロニヨリ、其ノ国事ニ関スル行為ヲ委任スルコトガデキル。

第五条 皇室典範ノ定メルトコロニヨリ摂政ヲ置クトキハ、摂政ハ天皇ノ名デ其ノ国事ニ関スル行為ヲ行フ。コノ場合ニハ前条第一項ノ規定ヲ準用スル。

第六条 天皇ハ国会ノ指名ニ基イテ、内閣総理大臣ヲ任命スル。

2 天皇ハ内閣ノ指名ニ基イテ、最高裁判所ノ長タル裁判官ヲ任命スル。

第七条 天皇ハ内閣ノ助言ト承認ニヨリ、国民ノタメニ、左ノ国事ニ関スル行為ヲ行フ。

一 憲法改正、法律、政令及ビ条約ヲ公布スルコト。

二 国会ヲ召集スルコト。

三 衆議院ヲ解散スルコト。

四 国会議員ノ総選挙ノ施行ヲ公示スルコト。

五 国務大臣及ビ法律ノ定メルソノ他ノ官吏ノ任免ノ認証ヲ行フコト。

六 全権委任状及ビ大使及ビ公使ノ信任状ヲ認証スルコト。

七 大赦、特赦、減刑、刑ノ執行ノ免除及ビ復権ヲ認証スルコト。

八 栄典ヲ授与スルコト。

九 批准書及ビ法律ノ定メルソノ他ノ外交文書ヲ認証スルコト。

十 外国ノ大使及ビ公使ヲ接受スルコト。

十一 儀式ヲ行フコト。

第八条 皇室ニ財産ヲ譲リ渡シ、又ハ皇室ガ財産ヲ譲リ受ケルニハ、国会ノ議決ニ基カナケレバナラナイ。

## 第二章 国会

第九条 国会ハ国権ノ最高機関デアツテ、国ノ唯一ノ立法機関デアル。

2 国会ハ衆議院及ビ参議院トヨリ成ル。

第十条 両議院ノ議員ハ、全国民ヲ代表スル選挙人ノ投票ニヨリ、コレヲ選挙スル。

2 両議院ノ議員ノ選挙ニ関スル事項ハ、法律デコレヲ定メル。

第十一条 両議院ノ議員ハ、法律ノ定メルトコロニヨリ、在任中、国庫カラ相当額ノ歳費ヲ受ケル。

第十二条 両議院ノ議員ハ、院内ニオケル発言ニツイテ、院外デ責任ヲ問ハレナイ。

第十三条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中逮捕サレナイ。

第十四条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中及ビ会期前ニ逮捕サレタ場合ニハ、議院ノ要求ニヨリ、会期中コレヲ釈放スル。

第十五条 両議院ノ議員ハ、法律ノ定メルトコロニヨリ、国庫カラ相当額ノ歳費ヲ受ケル。

第十六条 両議院ノ議員ハ、院内ニオケル発言ニツイテ、院外デ責任ヲ問ハレナイ。

第十七条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中逮捕サレナイ。

第十八条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中及ビ会期前ニ逮捕サレタ場合ニハ、議院ノ要求ニヨリ、会期中コレヲ釈放スル。

第十九条 両議院ノ議員ハ、法律ノ定メルトコロニヨリ、国庫カラ相当額ノ歳費ヲ受ケル。

第二十条 両議院ノ議員ハ、院内ニオケル発言ニツイテ、院外デ責任ヲ問ハレナイ。

第二十一条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中逮捕サレナイ。

第二十二条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中及ビ会期前ニ逮捕サレタ場合ニハ、議院ノ要求ニヨリ、会期中コレヲ釈放スル。

第二十三条 両議院ノ議員ハ、法律ノ定メルトコロニヨリ、国庫カラ相当額ノ歳費ヲ受ケル。

第二十四条 両議院ノ議員ハ、院内ニオケル発言ニツイテ、院外デ責任ヲ問ハレナイ。

第二十五条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中逮捕サレナイ。

第二十六条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中及ビ会期前ニ逮捕サレタ場合ニハ、議院ノ要求ニヨリ、会期中コレヲ釈放スル。

第二十七条 両議院ノ議員ハ、法律ノ定メルトコロニヨリ、国庫カラ相当額ノ歳費ヲ受ケル。

第二十八条 両議院ノ議員ハ、院内ニオケル発言ニツイテ、院外デ責任ヲ問ハレナイ。

第二十九条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中逮捕サレナイ。

第三十条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中及ビ会期前ニ逮捕サレタ場合ニハ、議院ノ要求ニヨリ、会期中コレヲ釈放スル。

第三十一条 両議院ノ議員ハ、法律ノ定メルトコロニヨリ、国庫カラ相当額ノ歳費ヲ受ケル。

第三十二条 両議院ノ議員ハ、院内ニオケル発言ニツイテ、院外デ責任ヲ問ハレナイ。

第三十三条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中逮捕サレナイ。

第三十四条 両議院ノ議員ハ、法律ノ定メル場合ヲ除イテハ、会期中及ビ会期前ニ逮捕サレタ場合ニハ、議院ノ要求ニヨリ、会期中コレヲ釈放スル。

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子孫ニ傳ヘラルベキモノデアル。國家ヲ統治スベキ權力ハ皇位ノウチニ存在スル。主權ニ關スル明確ナ關係ガ憲法ノ條章ニ特ニ示サレテ居ルコトハ、新ニ定メラレタ意見ガ憲法ニヨツテ述ベラレテ居ルコトヲ決シテ意味スルモノデニナイ。反對ニ、本來ノ國是ハ其レニヨツテ決シテ變更セラレズシテ更ニ前ヨリモ更ニ強ク確認セラレテヰルノデアル。」

ソシテ再ビ伊藤ハ言フ。

「天皇ハ親ラ憲法ヲ欽定シ國家ノ根本法トナシ、君主及人民ノ兩者ニヨツテ遵守サレネバナラヌモノトシタ。」

「國家ヲ統治シ人民ヲ支配スル手段デアル總ベテノ立法權並ニ執行權ハ此ノ最モ崇高ナ貴人ニ統一サレル。斯クシテ其ノ貴人ハ例ヘテ言ヘバ、國ノ政治的生活ノ總テノ分岐シタ糸ヲ其ノ手ノ中ニ總攬スルノデアル。其ノ關係ハ丁度人体ニ於ケル腦髓ガ手足並ニ人体ノ各部分ヲ通ジテ表現サレル總テノ精神的活動ノ根源デアルト同ジデアル。」

ロ

第二章ハ臣民ノ權利義務ト題セラレテヰル。臣民ノ權利ノ中ニ信教ノ自由、言論ノ自由、法律ニ依ルニ非ズシテ逮捕サレ又自由、所有

ノ效力ヲ有スル規定ヲ含ム。

## 四　内閣

内閣官制ノ永久ニ亘ニスル勅令ハ千八百八十九年（明治二十二年）九月ニ發セラレ、初期時代ニ於ケル内閣ハ千八百八十五年（明治十八年）ニ設立サレ同時ニ大政官ハ廢セラレタ。憲法中ニハ掲例スルノ外内閣ニ關シテハ何等記述スルトコロナキハ注意スベキ事デアル。

憲法第五十五條ハ左ノ如ク規定ス

一國務大臣ハ天皇ヲ輔弼シ其ノ責ニ任ズ　凡テ法

6901 P10

權ノ保護ガ規定サレテヰル。義務ノ中ニハ陸海軍ノ兵役ノ義務及納稅ノ義務ガ規定サレテヰル。

ハ第三章ハ帝國議會ニ關係シテヰル。

ニ第四章ハ國務大臣及樞密院ニ關係シテヰル。

ホ第五章ハ司法部ノ組織及裁判權ヲ述ベテヰル。

ヘ第六章ハ議會其ノ他ノ政府ノ機關ノ財政上ノ權力ヲ決定シテヰル。

ト第七章補則ハ皇室典範、憲法ノ改正ニ關スル規定及憲法制立以前ニ制定サレタ有ラユル法律、規則、命令ノ憲法ニ矛盾セザル限リ遵由

6901 P11

律、勅令其ノ他國務ニ關スル詔勅ハ國務大臣ノ副署ヲ要ス」ト

各省大臣ハ總理大臣ノ推薦ニヨリ天皇之ヲ任命ス。

內閣ノ創設ニ關シ伊藤公ハ其ノ憲法註釋ニヨク

「內閣ノ組織ヲ改メ諸省大臣ヲシテ天皇ニ奉對シ各々其ノ責ニ當ラシメ統フルニ內閣總理大臣ヲ以テシ一ハ以テ各大臣ノ職權ヲ重クシ擔任スル所ヲ知ラシメ二ハ以テ內閣ノ統一ヲ保チ多岐分裂ノ弊無カラシメタリ」ト

一 閣員

內閣ノ組織

イ 特定ノ權限及任務ヲ有スル內閣總理大臣ハ宮內大臣ノ推薦ニヨリ天皇之ヲ任命ス

ロ 各部大臣十三名ハ總理大臣ノ推薦ニヨリ天皇之ヲ任命ス。即チ

陸軍、海軍、內務、外務、大藏、農林、拓務、商工、逓信、鐵道、文部、司法及ビ厚生

ハ 內閣官制第十條ノ規定ニヨリ此ノ外無任所大臣四名迄ヲ內閣員ニ列セシメラルヽコトアリ。無任所大臣ノ任務ハ後述スルトコロノ國体即チ大政翼賛會及ビ翼賛政治會ノ如キ經濟的又ハ政治的團体トノ連絡又ハ接衝ニ當ル爲メノ手段トシテ用ヒラレタモノデアル。

6901 P12

## 二 職掌

伊藤公ノ註釋ハ新憲法創案者ノ企圖セル所ヲ指摘シテ曰ク、

「第一大臣ハ其ノ固有職務ナル輔弼ノ責ニ任ス而シテ君主ニ代リ責ニ任スルニ非サルナリ第二大臣ハ君主ニ對シ直接ニ責任ヲ負ヒ又人民ニ對シ間接ニ責任ヲ負フ者ナリ　第三大臣ノ責ヲ裁判スル者ハ君主ニシテ人民ニ非サルナリ何トナレバ君主ハ國ノ主權ヲ有スレバナリ　第四大臣ノ責務ハ政務上ノ責ニシテ刑事及民事ノ責ト相關涉スルコトナク又相牴觸シ及乘除スルコトナカルベキナリ」ト、

內閣ハ第一義的ニハ天皇ニ對シ責任ヲ有シ、選擧ニ依ル國家ノ立法部卽チ衆議院ニ對スル責任ハ第二義的ナルヲ以テ衆心ノ制肘ヲ受クルコト比較的僅少ナリ。

勅令ノ第五條ハ內閣職掌事項七項ヲ規定ス

一、法律案及豫算案決案
二、外國條約及重要ナル國際條件
三、官制又ハ規則及法律施行ニ係ル勅令
四、諸省間ノ主管權限ノ爭議
五、天皇ヨリ下付セラレ又ハ帝國議會ヨリ送致スル人民ノ請願

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6901

六、豫算外ノ支出

七、勅任官及地方長官ノ任命及進退

其ノ他各省主任ノ事務ニ就キ高等行政ニ関係シ事務特重キ者ハ総テ閣議ヲ経ベシ

是ノ職掌ハ総テ総理大臣統督ノ許ニ内閣之ヲ執行ス。

三内閣ニ於ケル総理大臣ノ職掌

総理大臣ハ親任官ニシテ其ノ職掌及権限次ノ如シ

イ 直奏天皇ヲ輔弼ス

ロ 行政各部ノ統一ヲ保持ス

ハ 凡コル公務ニ関シ内閣ヲ代表ス

ニ 行政各部ノ処分又ハ命令ヲ中止セシムル命令ヲ裁スルコトヲ得、

ホ 閣令ヲ発スルコトヲ得、

ヘ 警視総監、北海道長官及府県知事ヲ指揮監督ス

ト 奏任級ノ官司及閣官司ノ任命

内閣総理大臣ハ同時ニ内務大臣ヲ兼務スル権限ヲ有シ屢々行ハレタル所ナル。

伊藤公ハ内閣総理大臣及各省大臣トノ関係ニ関シテ曰ク

一内閣総理大臣ハ、機務ヲ奏宣シ旨ヲ受ケテ大

6401 P14

政ノ方向ヲ指示シ各部統督セザル所ナシ職掌既ニ廣ク責任從ツテ重カラザルコトヲ得ス」ト斯ク伊藤公ハ總理大臣ヲシテ冠首トナシ大政ノ方向ヲ指示シ各部統督ノ責任ヲ持タシメタ。

四

内閣ニ於ケル國務大臣ノ職掌

陸軍及海軍大臣ヲ除クノ外各省大臣ハ總テ親任官ニシテ總理大臣ノ推薦ニヨリ天皇之ヲ任命ス。此際日本官吏ノ官等ヲ記述スル事ハ最モ適當ナル事ナラン　左ノ如シ

親任官、天皇親ラ任命シタル者

勅任官、總理大臣ノ推薦ニ基キ直接天皇ニヨリ任命サレタル者

奏任官、天皇ノ承認ノ許ニ總理大臣ニ依リ任命サレタル者

判任官、各省大臣ニヨリ任命サレタル者

各省大臣ハ總括的ニ云ヘバ次ノ三ツノ任務ヲ有ス。

イ主任ノ事務ニ就キ之ヲ閣議ニ附スルコト

ロ必要ナル場合ハ他ノ大臣ニ對シ自己ノ職務ヲ委任スルコト

ハ自省ニ於テ起草シタ全テノ法律命令詔勅ニ署名スルコトニヨリ之ヲ有效ナラシムルコト

伊藤ハ方策ニ對スル大臣ノ責任ハ型式的ニ法律

6901 P15

ニ署名シタルガ故ニ非ズシテ輔弼ノ任ニ在ルト云フ事實ニ基クモノナルコトヲ明カニシタ。

五官制

内閣ノ行政ハ官房、局、院並ニ多數ノ委員會ニ依リ執行セラレル。

イ官房

官房ハ内閣書記官長ニ依リ統轄セラレル。

ロ院

(一)企畫院

企畫院ハ總裁ヲ戴キ内閣ノ最モ重要ナル部門デアル。企畫院ハ千九百三十七年(昭和十二年)五月十四日勅令ニ依リ創設サレ、同勅令ニ依リ同一ノ機能ヲ有セシ調査院ハ廢止セラレタ。

企畫院ハ機構ノ上デハ國策策定ノ爲ノ一部門トシテ内閣ノ一部ヲ爲シテ居ル。

企畫院ノ機能ハ敍上勅令第一條ニ記ハレテ居ル。即チ

(イ)總理大臣ノ命令ニ基キ適切ナル觀察ニヨリ重要國策並ニ其ノ調整ノ兩者ニ關シ進言スルコト。

企畫院通例ノ機能ハ各省間ニ於ケル諸事項ノ衝突ヲ避ケ且調整スルガ如ク總理大臣ヲ援クルニアル。

(ロ)各省大臣ヨリ内閣ニ對シ提出セラレタ重要施策ノ研究シ並ニ適當ナル進言ヲナスコト。各省ヨリ提出セラレタ政策ハ本院ニ附企畫院ハ此ヲ其ノ重要性ニ照シテ研究シ又全國策統一ノ見地ヨリ此ヲ檢討スル。

各大臣ハ自省ノ要求ヲ熟知シテ居ル。シカシ各省間ノ此等要求ノ調整ハ總理大臣單獨ニ非ズシテ、ムシロ本院ニ依リ取扱ハレル。

(ハ)重要正策ノ研討並ニソノ調整方法ノ研究ヲナスコト。

調整方法ノ研究ガ本院ノ「恒常機能」デアル。本院ハカヽル事項ニ關スル其ノ決定ヲ公表セズト雖モ總理大臣ヘハ必必ズ之ヲ提出スル

(ニ)提出セラレタ政策ニ對スル豫算見積額ノ査定ニ關シ進言ヲナス事。

本院ハ其ノ可能遂行上必要アル場合ハ説明資料ノ請求ヲ爲スコトガ出來ル。

企畫院ノ構成ハ左ノ如シ

(イ)(紀)總裁國務使申ヲ現任セラレル。

(ロ)(文)次長

(ハ)(紀)兼任評議議員二十名名

(ニ) 補助　評議院　十五名
(ホ) 正規職員タル本官及屬官
(ヘ) 各省カラノ嘱託顧問
(ト) 必要ナ場合ハ技術顧問。
(チ) 勅令第三條ニ依リ各省ハ一名ノ連絡官ヲ派遣スルコトヲ要スル。

其ノ後ノ機構ノ改正ニ依リ總裁ハ無任所大臣中ヨリ任命セラル、コト、ナツタ。

(二) 法制局

法制局ハ議會ニ提出セラルベキ政府ノ全法律案並ニ命令ヲ起草スル。法律命令ノ改正又ハ廢止ニ就ク全テノ變更ハ本局ニ集マル。長官ハソノ遂行スル職務ノ關係上閣議ニ列席シ發言スルコトヲ得ル。

(三) 賞勳局

賞勳局ハ有功勳章、記章恩給ノ授與ヲ取扱フ

(四) 對滿事務局

對滿事務局ハ滿洲ニ關シ起ル諸事項並ニ關東洲租借地ニ關スル事項ヲ執掌スル。

(五) 情報局

情報局ハ内閣ノ對公衆關係ノ機關デアル。政府ノ對公衆關係業務ヲ中央ニ集メル爲情報委員會ガ千九百三十六年（昭和十一

6101

年）七月ニ創設セラレ千九百三十七年（昭和十二年）九月内閣情報局ト改メラレタ。

総動員法ニ依リ民具セラレタ権力ノ下ニ各官庁ノ情報部ハ一ツニ統合サレタ。外務省情報局、陸軍省情報局、海軍省報導部及内務省警保局ハ全部新情報局ヘ統合セラレタ。其ノ機構ハ総裁（通常無任所大臣）次長、書記官、技術者専門家等五十一名ヨリ成ル。

最初ハ五局アリ各局ノ機能ハ主トシテ国内国外ノ弘報、検閲、放送、映画並ニ音楽、演劇興業ヲ統制スル

(六) 文部事務局

該局ハ一九三八年十二月十六日一般功令ニ依リ設立セラレ占領地域ニ於ケル民間事務ヲ掌ル。外務省並ニ陸軍省ノ文部事務局ノ職掌ハ該新局ニ移サレタ

内閣外ノ弘報、検閲、放送ノ機能ハ主トシテ国如キ事項ニ関スルモノデアツタ。

戦時中情報局ハ内外宣伝ノ取締ヲ為ス様ニ更ニ改組サレタ。

ソレハ三課ニ分レ国策ニ関スル情報ヲ蒐集、普及シ国内ノ思想ラユル刊行出版物ヲ

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全東亜諸政策管理及ビ施行ハ該局ニ集中サレ該局ノ特定政務ハ次ノ如クデアル

(イ)支那問題ニ関スル政治、経済文化問題

(ロ)前記項目ニ含マレル事柄ニ関シ執ラルベキ政府施策ノ研究調査

(ハ)事業関係者ノ支那ニ於ケル事業取引ノ統制ト共ニ、支那ニ於ケル事業経営ノ目的デ取別法ニ基ヅイテ設立セラレタ諸会社経営ノ監督

(ニ)支那ニ関スル種々ノ諸官庁ノ管理事務ニ於ケル統合ノ維持、重要ナ北支開発株式会社、並ニ中支振興株式会社ハ該局ノ管理ヲ受ケテ居リ此等ニ会社ハ、支那ニ於テ大活動ヲ為シテキル。

此ノ局ノ組織ハ、必然的ニ六キクソノ総裁ハ職権ヲ以テ総理大臣デアル。大蔵、外務、陸海軍各大臣ハ副総裁ヲ勤メル理事長ハ局ノ行政官デアル。理事長ハ五十名ノ官吏ト六十名ノ書記ヲ有シ四ツノ局部デ政務、経済、文化、技術ノ四局ノ職員ヲ構成スル。

(七)其ノ他ノ局

ソノ業務ガ一定シ(一人ノ)管理者ニ依ツテ遂行サレル諸局ハ就中統計、恩給並ニ印

6901 P20

刷局デアル。

ハ會議

(一)内閣顧問會議

此ノ組織ハ、千九百三十七年七月文苑那事變勃發緒緒果一千五百三十七年十月十五日勅令ニ依リ創設サレタ。

該會議ノ目的ハ、特ニ文那事變ニ依リ生ジタ我國内外ノ事柄ニ關スル資料ヲ研究シ且之ヲ手近ニ得テ文那事變ニ關シテ内閣ノ、審議企畫ニ參與スルニアツタ。

コヽニ始メテ實業家、工業家ハ高位官職ニ於テ軍部及ビ外交官ト結ビツイタノデアル

全職員ハ顧問ト呼バレ人數ハ十二人デアル。

(二)中央經濟會議

各省ハ其ノ省ノ財政ノ細目ヲ總理大臣ニ提出シ總理大臣ハ提出サレタ細目ヲ順次ニ此ノ會議ニ附託スル

ニ委員會

常常任委員會並臨臨時委員會各局代伏特殊ナ殊務業務ヲ行フレヲ委員委員會務名務ハ通リ各通掌各職掌ヲ示ス。

(イ)高等試驗委員會

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(ロ)教育調査委員会
(ハ)中央統計委員会
(ニ)恩給裁決委員会
(ホ)資源調査委員会
(ヘ)米穀調査委員会
(ト)臨時委員会

此等ノ委員会ハ必要ニ應ジ時々設ケラレ例ヘバ選挙違反ノ矯正ノ様ナ事柄ヲ取扱フ。

六閣議

内閣会議ハ外部ニ公開セズ秘密ナモノデアリ、且、内閣會議ノ正式記録ガ（内部ニ）保持サレテ居ル間公表サレナイ。

議題ヲ採決ニ附スルヿハ稀デアリ、意見ノ相違ハ閣議ニ於テ、ドチラカニ委託サレルカ、サモナケレバ最後決定ハ首相ニ托サレルノデアツテ唯一ツノ決議或ハ意見ガ公表サレルノデアル。

内閣ハ日本デハ種々ノ理由デ倒レル。

内閣崩壊ノ理由ハ

(イ)軍部ノ反對
(ロ)貴族員或ヒハ衆議院ノ反對
(ハ)枢密院ノ反對
(ニ)選挙ニ於ケル敗北
(ホ)閣員並ニ総理大臣死死

然シ乍ラ選挙ニ於ケル敗北ト、閣員トハ決シテ

興閣ノ崩壊ヲ齎ス主要原因トナツタ事ハナイ。

## 七二重内閣

日本國民ノ内閣ハ世界各國ノ内閣ニ於ケル異例デアル總理大臣ハ陸海軍大臣ヲ除ク全大臣ヲ推薦スル。此ノ兩大臣ハ各々ニ夫々ノ職務ニ依リ指名サレル。今日迄、誰モ文官デ此ノ兩大臣職ニ就イタモノハナイ。或一部ノ例外ガ千九百二十二年ノ華府軍備縮少會議及千九百三十年ノ倫敦海軍軍備縮小會議中ニ起ツタガ、ソノ時總理大臣ハ首相、自分ノ職務トシテサウスベキデアツタカラ總理大臣職ニ併セテ海軍大臣職ニ就イタ。伊藤公爵ハ千八百九十一年九月、天皇ニ奉上シテ、軍ノ威信ト共ニ天皇ノ大權ヲ維持シ、統帥ノ大權ヲ議會ノ干渉及ビ政黨勢力ノ及バヌモノトスルタメニ軍人ノミガ陸海軍大臣ニ任命サレルベキデアルト宣言シタ

參謀總長、軍令部長ト共ニ陸海軍大臣ハ統帥權ノ權限内ノ事柄ニ關シテ直接天皇ニ奉上スル事ガ出來ル此ノ兩大臣ハ勅令ニ基ヅイテ夫々、陸海軍ノ高級將校デナケレバナラヌ。ソノ實施ハ最初ノ内閣カラ始マリ、部チ陸海軍大臣ニ關スル一九〇〇年ノ第一九三號及ビ第一九四號ノ三勅令ニ於テ具体化サレ尚、陸軍省ニ對シテハ千九百十三年ノ勅令第一六五號ニヨリ又海軍省ニ

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對シテハ千九百十三年ノ勅令第一六八號ニ依リ修正サレタ。

始メノ勅令ニハ、陸軍大臣ハ少クトモ陸軍中將ノ階級ニアリ、又海軍大臣ハ少クトモ海軍中將ノ階級ニアリ、兩大臣トモニ現役トスト規定シテアル。千九百十三年ノ修正ニ依ツテ退役高級將校モ大臣ニ任命セラレテ可ナリト定メラレタ。千九百三十六年ニハ、ソノ規定ハ再ビ勅令第六三號並ニ第六四號ニ依リ變更セラレ、斯ノ如キ地位ニ任ゼラレル陸海軍高級將校ハ現役ニアラザルベカラズト規定サレタ。

後ニ諒解セラレル樣ニ陸海軍大臣ノ任命ニ關スル此ノ權能ニ依ツテ軍部ハ政府ヲ組織サレナイ樣ニシ、或ハ其ノ組織後、政府ヲ倒シ得ル樣ニナツタ。民政權ニ越エ得レテキル、又內閣機能並ニ行政權ノ一重要部分ガ省カレル場合軍ノ直接近接ノ權利ガ內閣ヲ妨ゲテ議會ノ主體トシテ當時集合的活動ヲサセナイ樣ニスルトイフ事ガ示サレテ居ル。

## 五　樞密院

憲法制定者ガ樞密院ガ常任制度タル事ヲ欲シタル事ハ疑ナイ。憲法制定者ハ常時入替ハル政治家ヲ閣員ニ持チ其機能ヲ果ス政府ノ團体トシテ

内閣ヲ形態ヅケタ。憲法制体者ハ当任政治制度トシテ枢密院ヲ組織シタ。

内閣ト枢密院トハ各々ガ政策ヲ案出シ、且各々ガ顧問トナル。枢密院ハ又立法機能ヲ行使スル。

枢密院ハ天皇ノ至高顧問ノ府デアル。

一人員

枢密員ハ議長一名、副議長一名顧問官二十五名ヨリ成リ総ベテ、天皇ヨリ終身任命サレ親任官デアル。然シ乍ラ、総理大臣ガ枢密院ノ議長或ハ副議長ト合議ノ上其ノ候補者ヲ指名スル慣例ガ生ジタ。顧問官ハ四〇才以上デナケレバナラヌ。顧問官ハソノ取ヲ兼ナ官職ニモ拘ハラズ停職スル。若シ顧問官ニシテ内閣ニ官職ヲ得ルナラバ顧問官ヲ兼メネバナラナイ、顧問官ハ一般ニ貴族院議員デアル。

二機能並ニ権能

千八百九十年十月八日ノ勅令ハ、帝国憲法發布後、問モナク發セラレタ。ソノ勅令ハ、千八百八十八年四月三十日ノ最初ノ勅令ヲ変更シ且明瞭ニシタ。

千八百九十年ノ勅令ノ第六條ニハ六ツノ特殊権能ガ限定シテアル即チ

イ皇室典範ニ於テ其ノ権限ニ属セシメタル事項

ロ憲法ノ條項又ハ憲法ニ附属スル法律、勅令ニ

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關係ル草案及疑義

ハ憲法第十四條戒嚴令ノ布告同第八條及第七十條

條ノ勅令及其他罰則ノ規定アル勅令

ニ國際條約及ビ協定

ホ樞密院官官制及事務規程ノ改正ニ關スル事項

ヘ前諸項ニ掲クルモノヽ外臨時ニ諮詢セラレタ

ル事項

蓋法第五六條ニ樞密院ニ關スル特殊條項ガアル

即チ樞密顧問ハ樞密院官制ノ定ムル所ニ依リ天

皇ノ諮詢ニ應ヘ重要ノ國務ヲ審議ス。

皇室トノ關係ニ於テハ樞密院ハ皇族會議ニ參與

スル、皇室ノ內部事項ニ關シテハ審議シナイ國

國家ト皇族トノ關係ニ關スル事柄例ヘバ皇室世

襲財產攝政權並ビ皇位繼承ニ關スル事項ニ付キ

ノミ審議スル。

樞密院ト國家トノ關係ハ行政及立法ノ事ニ關シ

テデアル樞密院ハ多クノ新法律勅令ニ關スル案

ヲ議會ニ提出サレル前ニ修正スル。法律案ガ議

會ヲ通過スル時ニ樞密院ノ意見ガ聞ハレル。此

ノ場合樞密院ハ全發案ヲ許否修正スルノデハナク、

メレニ意見ヲ述ベルノデアル。諸案ガ樞密院ニ提

出サレルベキカ否カヲ決定スル實權ハ內閣會議ニ

アル。而モ閣議ハ樞密院ノ意見

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ガ望マシイモノデナイ場合ニ他ノ官署ヨリ法律上自由ニ意見ヲ受領スル事ガ出來ル、然シ枢密院ハ其ノ勧告ノ政治上ノ效力ニ依リ内閣合議ガ其上意見ヲ求メルノヲ妨ギ得ル。

枢密院ノ立法權ハ對外關係ニ於ケル條約ノ批准ニ在ル。内閣ハ條項ヲ商議シ枢密院ハ是認スベキカ否認スベキカヲ天皇ニ上奏スル。枢密院ノ權能ハ内閣ニトリ非常ナ障碍ノ種トナリ且内閣ヲ倒スコトスラ出來ル。

千九百二十七年ニ若槻内閣ハ政府保證ノ下ニ日本銀行ノ巨額貸出ヲ裁可シテ台灣銀行ニ救濟セントシタ。政府ハ、議會ニ於テ恐ラク統合ニ台灣銀行ヲ援護シ得ル樣ナ法律制定ヲ達成シタ。ソノ議會ハ最近閉會トナツタノデアルガ當時ハ明ラカニ政府ハ當時台灣銀行ノ窮乏ノ程度ヲ誤畳シナカツタノデアル。枢密院ハ臨時議會ヲ召集スベキデアツタト主張シテ斯ル手段ハ憲法違反ナリトノ理由デ其ノ實ヲ拒否シタ。

此ノ拒否起因シテ若槻内閣ハ崩壊シタ。

緊急勅令ニ依ル主法權ハ國家ノ重大危機ニ際シテ行使サレル。斯ル勅令ハ議會閉會中ト雖ニモ拘ラズ發セラレルノデアル。此ノ非常大權ハ憲法第八條及第七十條ヨリ發スルノデアル。第八條、天皇ハ公共ノ安全ヲ保持シ又ハ其ノ災厄ヲ

シテ傍聽者トシテ出席セラレル。議事ハ多數依依リ之ヲ決スルノデアルガ少數ノ顧問ノ投標ハ說明書ヲ附シテ記錄サレルノデアル。

顧問官以外ノ者ニシテ會議列列席シ且投票シ得ル者ハ親王並ニ閣僚デアル。新聞ニハ或程度詳細ナ情報ガ與ヘラレ、時トシテハ其ノ投票ニ關スル情報迄ガ現ハレル事モアル。

議事錄ガ取ラレ議題ニ就テノ意見ハ天皇ニ上奏セラレ且ツ首相ニ通報セラル。

他ノ團体特ニ內閣ニ對シ樞密院ハ除々ニ蠶食シテイツタ。內閣ガ樞密院ニ抑壓サレタ後デ少數

避クル爲緊急ノ必要ニ由リ帝國議會閉會ノ場合
ニ於テ法律ニ代ルベキ勅令ヲ發ス。
此ノ勅令ハ次ノ會期ニ於テ帝國議會ヲ提出スベ
シ若シ議會ニ於テ承諾セザルトキハ政府ハ將來
ニ向テ其ノ效力ヲ失フコトヲ公布スベシ。第七
十條公共ノ安全ヲ保持スル爲緊急ノ需用アル場
合ニ於テ內外ノ情形ニ依リ政府ハ帝國議會ヲ召
集スルコト能ハサルトキハ勅令ニ依リ財政上必
要ノ處分ヲ爲スコトヲ得
前項ノ場合ニ於テハ次ノ會期ニ於テ帝國議會提
出シ其ノ承諾ヲ求ムルヲ要ス。

三議事手續

會議ハ東京ノ宮城內ニ於テ開カレ、天皇ハ時ト

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派ノ意見ノ採用方ヲ天皇ニ請願シタ例ハナイ天天皇ハ彼ノ最高ノ憲法上ノ進言者團体ヲ抑壓スル事ハ敢ヘテシナカツタ。

## 六帝國議會

千八百八十九年（明治二十二年）憲法ニ依リ設立セラレタ帝國議會ハ二院ヨリ成ツテ居ル――即チ貴族員及衆議院デアル。

二院制ノ採用ヲ辯護シテ伊藤ハ其ノ憲法義解ニ於テ左ノ如ク述ベテ居ル（六十四頁）。

代議制ノ目的ハ國民一般ノ熱慮ノ結果ヨリ利益ヲ引キ出サントスルニアル、扨、全部ノ政治的勢力ガ只一ツノ議院ニ結集セラレ且ツ之ヲ興奮シタ激情ノ影響ヲ受ケルガ儘ニ放任シ一方的偏シタ動ノ儘ニ放置シ而カモ此等激情並ニ一方的ニ偏シタ動キヲ抑制シ場等化スルカナヲ場合ニハ其ノ議院ハ無節度ナル偏依的興奮ノ爲稱當ノ限界ヲ越ヘ其ノ結果大多數ノ專制ヲ齎ラシ其レハ次ニ無政府狀態ニ導クニ至ル可能性ガアル、斯ル狀態ノ下ニ在ツテハ其ノ害惡ハ代議制度ガ全ク無カツタ時代ニ於ケルヨリモ遙カニ大キイノデアラウ。

古谷ハ千八百九十九年次ノ如キ見解ヲ[illegible]イテキ

ル。

「討論制度ガ僅々二十五年足ラズ前廢止サレタ日本ニ於テハ二院制制度ハ絶對ニ不可缺デアル」

帝國議會ハ宣戰講和、條約締結、新國家及ビ政府ノ承認、又ハ外交官及領事官ノ任命ニツキ何等憲法上ノ權力ヲ有サナイ。

然シ乍ラ、議會制度ノ漸進的發展ト共ニ、議會ハ、間接的デアリ且豫期ノ效果ヲ奏シ得ナカツタ場合モ屢々デハアルガ、立法、財政上ノ統御（監督）及議會討議ヲ通ジ、對外政策並ニ國內問題ノ上ニ次第ニ其ノ影響力ヲ增加シ來レルノ傾向ニアツタ。尤モ其ノ力ハ廣汎デハアルガ獨占的デハナク、又第一次的デナク副次的デアル。議會ハ政策ヲ抑止スル機能ハアルガ之ヲ發案スル事ハ出來ナイ。

議院法ハ議會ノ兩院相互ノ關係ヲ規定シ各院ニ於テ從ハルベキ手續ヲ述ベテ居ル。

一 貴族院

イ 議員

貴族院ニ關スル勅命ノ第一條ハ本院ノ議員ノ資格ヲ規定シテ居ル。

(一) 皇族

(二) 公爵及侯爵

(三) 各々其ノ同爵位ノ者ニ依リ選出セラレタル

伯爵、子爵及男爵

(四)國家ニ對スル功勞又ハ學殖ニ依リ特ニ天皇ニヨリ任命サレタ者。

(五)土地、産業又ハ商業ニ付テノ直接國稅ノ最高額支拂者ニ依リ且ツ其ノ中カラ、各都市又ハ縣ニ付一名ノ割デ選擧サレ、次デ天皇ニヨリ任命サレタ者。

右ノ外更ニ資格ニ一定ノ年齢上ノ制限ガアル。上院ハ政黨ニ分レテヰス。寧ロ意見ヲ形成スル集團ニ分レテヰル。義院ハ約四百名デアル

ロ　權能

(一)貴族院ヲ規整スル法タル貴族院令ハ本院ニ依ツテノミ改正サレ得ル。(第十三條)

(二)貴族ノ特權ニ關シテハ天皇ノ諮詢ヲ受ク

(三)其ノ立法的權能ノタメ衆議院ノ組織ニ汗渉シ得ル。

(四)貴族院ハ其ノ議員ノ資格及選擧ニ關スル爭訟ヲ解決シ得ル。(第九條)

議院法ノ第四條章ニ規定セル如ク貴族院ノ任務ヲ執行スルタメ委員制度ガ採用サレテヰル。全院委員會及各種ノ常任並ニ特別委員會ガアル。

伊藤ハ其ノ憲法義解中ニ左ノ如ク述ベテヰル。

若シ貴族院ガ其ノ機能ヲ果スナラバ、政治

的諸勢力ノ均衡ヲ保持シ、政爭ノ不中庸ナル影響力ヲ制限シ、無責任ナル議論ノ悪傾向ヲ抑止シ、憲法ノ安固ヲ確保スル上ニ於テモ治者ト被治者トノ間ノ融和維持ノ具タル上ニ於テモ著シキ貢献ヲ爲スデアラウ。」

二、衆議院

イ、議員

衆議院ハ憲法第三十五條ハ衆議院ハ選擧法ノ規定ニ從ヒ國民ニ依リ選擧サレタ議員ヨリ構成スベキ事ヲ規定シテ居ル。日本ハ百十選擧區ニ分レ各選擧區ヨリ最少限三名最大限五名ノ議員ガ四ケ年ノ期間ヲ以テ選出サレル。

議員ノ總數ハ四百六十六デアル。以前ハ二十五才以上ノ男子臣民ハ投票ノ權利ヲ有シ三十才以上ノ男子臣民ハ議員候補者トナリ得タ。近來資格年齡ガ下ゲラレ且千九百四十六年四月ノ選擧ニ於テハ、選擧權ガ婦人ニモ與ヘラレ又婦人ハ議員候補トナル資格ヲ得タ。

選擧權竝ニ被選擧權ニハ共ニ或ル制限ガアル。例ヘバ、破産者、現役軍人、及或ル官吏デアル。官吏ハ其ノ官職ト衆議院議員トヲ兼

職スル事ハ出來ナイ。團條ハ此ノ規則ノ一ツノ例外デアル。

前記ノ論評ハ衆議院議員タラントスル者ニ左ノ如ク注意シテ居ル。

「衆議院議員ハ全國ノ代表者デアル。依ツテ議員ハ各々良心ノ命ズル所ニ從ヒ、院内ニ於テハ自由ニ辯ズルベキデアル。然シテ又議員ハ自分ヲ其ノ選擧區民ヨリ委託サレタ。

問題ノミニ留意スル如ク委託サレタ各自ノ地方民ノ代表者デアルト看做スベキデハナイ」

ロ 衆議院ノ權力ト其レニ對スル制限

(一)豫算ハ其レガ貴族院デ討論サレル前ニ衆議員ニ提出サレル。

千八百九十二年ニ豫算ノ考察ニ關スル貴衆兩議員ノ間ニ其ノ權利ニ關シ論爭ガ起ツタ。其ノ問題ハ天皇ニ廻附サレ天皇ハ之ヲ樞密院ニ廻附シタ。

右ニ關シ平等ナル優先權ノ決定ガ次ノ如ク爲サレタ。即チ

「貴族院並ニ衆議院ニ各々附託サレタ豫算ニ對スル可決權ニ關シテハ、憲法第六十五條ニ依リ衆議院ガ貴族院ヨリ先ンジテ政府ヨリノ豫算ヲ受取ルトノ一箇條ヲ除キ、兩院ハ互ニ優劣ハナイ。故ニ後デ審議ヲ行フ

貴族院ハ如何ナル點ニ於テモ前案ノ衆議院ノ決定ニ約束セラレナイ。從ツテ前案議院デ削除サレタ事項ヲ復活サセルコトハ後案議院ニ與ヘラレテ居ル　修正權ノ範圍ヲ逸脫シナイ。「此ノ場合」後審議院ハ議院法ニ示サレテ居ル方法ニ依レバヨイノデアツテ、即チ前審議院ノ同意ヲ求メレバヨイノデアル」

(二) 選擧法ガ候補者ノ資格ヲ規定スル故資格問題ニ關シテハ衆議院ハ貴族院ガ享受シテ居ル如キ權能ヲ有シナイ

(三) 衆議院ノ立法權ハ貴族院ノソレト異ル。何トナレバ其ノ團体的行動ヤ所謂黨結成ハ解散ニ依ツテ妨害ヲ受ケ得ルカラデアル。塡言スレバ衆議院ノ性格ハ貴族院ノソレニ比較シテ可變的デアリ議員ノ團結力薄弱ナル爲一時的ノ雰圍氣ヲ有スルニ過ギナイ。後述スル通リ千九百四十年日本ノ全政黨ハ解散シタ。

ハ兩議院ノ有スル權能ノ比較

(一) 貴族院ハ決シテ解散シナイ。停會スルコトガアルダケデアル。衆議院ハ時々貴族院ト同時ニ停會スルノミナラズ解散セシメラレル。

政府ハ衆議院ヲ解散セシメルコトガ出來ル。衆議院ガ解散シテ其ノ議員ガ再選擧ヲ待ツ間貴族院ハ停會シテ居ルニ過ギナイ。衆議院ノ議席ハ多クノ新議員ニ依ツテ占メラレルノデアラウカラ同院ノ政策ハ往々ニシテ變更スルノデアル。

(二) 衆議院ニ於ケル政黨ハ内閣ト關聯ヲ有シ得ル。内閣ハ實際上政黨内閣カラ得ルデアラウ。然シ乍ラ内閣ガ成立スルト直チニソレハ政府トナリ實際上天皇ヘノ責任ガ主デ議會又ハ國民ニ對スル責任ガ次ニナル故ニ内閣議會間ニ政策問題ニ關スル意見ノ相違ガ生ズルコトガ屢々アル。

(三) 政府タル内閣ハ論爭問題ニ關シ國民ノ支持ノ如何ヲ問ハンガ爲衆議院解散ノ勅命ヲ乞ヒ次ノ選擧ニ其ノ問題ノ黑白ヲ問ヒ而シテ勝利ヲ收メル。反對黨ノ議員ガ以前ト同數選出サレルコトハ稀デアルカラ以上ノ政府ノヤリ方ハ成功スルノデアル。多クノ場合單ナル民意ヨリモ再選擧ノ色々ナ負擔ガ反對黨ノ敗此ノ原因デアリ其ノ點ガ政府ノ狙フ所デアル。貴族院ハ斯カル負擔ヲ有シナイ。

(四) 貴族院ハ自院ノ諸規程、諸規範ヲ自ラ決

定スルガ、而モ衆議院ノ組織ニ關シテモ衆議院ト共ニ立法ニ與リ得ル。

(五) 慣習ニ依リ開院式ト兩院參議會ハ貴族院デ行ハレ貴族員議長ガ其ノ場合ノ議長トナリ衆議院ヨリ一段高イ感ジヲ與ヘル。

二 全體トシテノ議會ノ權能

(一) 立法權――憲法上ノ諸制限

(イ) 議會ハ勝手ニ開會スルコトヲ得ナイ。議會ハ天皇ノ召集ニ依リ開會スル

(ロ) 憲法改正ハ天皇大權ニ屬スルガ故ニ議會トシテハ手ヲ着ケ得ナイ

(ハ) 議會ハ皇室ヲ制約スルヲ得ズ

(ニ) 議會ノ行動範圍ハ天皇ノ大權ノ行使ニ依リ制約セラル。

(ホ) 軍部ガ天皇ニ直接隸屬スル爲軍事又ハ戰爭ニ關スル事項ハ假令ソレガ政府及帝國ノ重大事項デアツテモ議會ハ關與スルコトヲ得ナイ

(ヘ) 議會ハ諸條約又ハ重要ナル外交方針ニ殆ンド關與スルコトガナイ。憲法ハ外交上ノ議會ノ職能ニ付非常ニ簡單ニ「天皇ハ戰ヲ宣シ和ヲ繼ジ諸般ノ條約ヲ締結ス」ト規定シテ居ルニ過ギナイ。伊藤公ノ註釋ニ依レバ左ノ如シ

「本條ノ要旨トスルトコロハ天皇ハ外交關係ニ關スル凡ユル事項ヲ諸大臣ノ輔弼ヲ以テ勅裁シ「憲法義解」ヲ引用シタモノナラン、原文ヲ入レタラ如何ニ議會ハ其ニ關與スルヲ許サナイトイフコトデアル」

(ト)帝國議會ハ帝國ノ領土追加ニ何等ノ制御力ヲモ有シテヰナイ。台灣ハ明治二十八年（西歷千八百九十五年）ノ日清戰爭後ノ條約ニ依リ、樺太ハ明治三十七八年（西歷千九百四年乃至千九百五年）ノ日露戰爭後ノ條約ニ依リ、帝國ノ一部トナツタノデアル。朝鮮ハ明治四十三年（西歷千九百十年）ノ條約ニ依ツテ併合セラレタノデアル。此等領土獲得ハ、一トシテ帝國議會ノ法制上ノ協賛ヲ得タモノハナイノデアル。

(チ)議會ヘ法案ヲ提出スル事ハ、政府ガ獨占シテヰル。成程議員ハ法案ノ提出權ヲ有シテ居リ、又事實提出モスルノデアルガ、其ノ樣ナ法案ノ棄却サレル率ト云フモノハ酷イノデアル。政黨ト云フモノガ無クナツテカラハ實際議員個人ニヨツテ提出サレタ法律ト云フノハ

タメシガ無イノデアル。今日デハ議會ハ内閣ガ提出シタアラユル議案ハ之ヲ正當ト認メ、而シテ退クト云フノガ例ニナツテヰルノデアル。常態デハ、法案ハ法律トナル迄ニ、議會ニ於テ三讀會ヲ經ル事ニナツテヰルノデアル。之ニ關スル議事手續ハ、議院法第二十七條ニ依リ左ノ如ク規定シテヰル。

「法律ノ議案ハ三讀會ヲ經テ之ヲ議決スルノデアル但シ政府ノ要求若ハ議員十人以上ノ要求ニ由リ議院ニ於テ出席議員三分ノ二以上ノ多數ヲ以テ可決セラレルトキハ三讀會ノ順序ヲ省略スルコトガ出來ル」

議會ノ立法權、伊藤ノ「（憲法）義解」ニアル言葉ニ要約出來ヨウ。

「立法權ハ究極ノトコロ天皇ノ支配下ニアリ、一方議會ノ任務ハ建言ヲナシ協贊スルニ在ル。」

(ア) 財政上ノ權能

(イ) 豫算

憲法ニ依リ「國家ノ歳出歳入ハ毎年豫

算ヲ以テ帝國議會ノ協賛ヲ經ル必要ガアル」トナツテヰル。

特別會計案ノ形式ヲトル全豫算ハ兩院デ可否ノ決ヲトルノデハアルガ、政府ノ同意ナクシテ、議會ガ之ヲ變更シ得ナイ重要部間ノ款項ガアルノデアル。

之ハトリモナホサズ、斯カル款項ハ、議會ガ內閣ヲ說得シテ、此ヲ修正又ハ削除スル事ガ出來ナケレバ、之ヲ承認セザルヲ得ナイト云フ事ナノデアル。ト云ツテモ、之ハ議會ガ政府ノ同意ナクシテ豫算ノ如何ナル項ヲモ確定シ得ルト推定サセルモノデハナク寧ロ議會ノ同意ナクシテハ政府ニ於テ之ヲ確定シ得ナイ數項ガアルト云フコトナノデアル。

豫算ノ例外款項トハ

(一)毎年國庫ヨリ之ヲ支出セラレル皇室經

(二)「憲法上ノ大權ニ基ツケル」(憲法第六十七條)經費之ニハ左記ノ如キガアル。

(イ)陸海軍將校及ヒ文官ノ俸給及ビ文官ノ恩給。

(ロ)陸軍、海軍、憲兵及ビ植民地警勇兵ノ經費

(ハ)外國トノ條約ニ基因スル經費。

本節ノ制限ニ依リ議會ハ一旦承認セル或ハ事實上議會ガ內閣或ハ其ノ何レノ部ナリノ指導ノ爲ニ成立シナイ前ノ歲出ハ之ヲ取消ス力ガナイノデアル。但、議會ハ新タナル法令ニヨツテ生ズル歲出、例ヘバ新行政官首或ハ他ノ機關ノ新設ノタメノ項目ノ效果的不承認ヲモ抑止セラレルモノデハナイ。

(三)「特別ノ須要ニ因リ政府ハ豫メ年限ヲ定メ繼續費トシテ帝國議會ノ協賛ヲ求ムルコトヲ得」ト云フ憲法第六十八條ニ依リ正當ト認メラレタル經費。此等ノ經費ガ一旦採決セラレルト、變更セラレナイノデアル。全額ハ之ヲ分ツテ、各年度ニ配當セラレル、從ツテ解散ノ爲議會ガ閉會中デナイトカ、豫算ガ通過シテキタトカニ拘ラズ其ノ年度豫算ノ一部トナルノデアル。特別會計ノ例ヘ次ノ如キヲ擧ゲル

コトガ出來ヨウ。

(イ)明治二十七八年（西歴千八百九十四年乃至千八百九十五年）ノ日清戰爭、此ノ時ハ其ノ經費ハ十六ケ月以上續イタノデアル。

(ロ)明治三十七八年（西歴千九百四年乃至千九百五年）ノ日露戰爭、此ノ時ハ其ノ經費ハ三ケ年以上續イタノデアル。

(ハ)第一次、世界戰爭、此ノ時ハ其ノ經費ハ十一年間續イタノデアル。

(四)「法ノ效力發生ニ因ツテ」生シ得ベキ經費、例ヘバ帝國議會兩院ノ經費、議員ノ歳費、恩給年金、法律ノ定ムル官職ノ組織ニヨリ必要トセラレル經費及ビ俸給、其ノ他同樣性質ノ經費。

此ノ類ノ款項ハ、之ヲ認ムル法令ノ修正ニ依ツテノミ變更シ得ルモノデアル。斯カル場合ニハ、議會ハ其ヲ正當ト認ムル可決ニ含マレタル原則ヲ論議スル機會ハ與ヘラレルノデアルガ豫算ニ必要ナ款項ヲ拒否シテ可決ヲ示ケル自由ハナイノデアル。

(二)「政府ノ法律ノ義務」ニ關スル經費。之ハ國債ノ利子、國債ノ償還議會社ヘノ補

助金又ハ保證金政府ノ民事ノ義務ニ因ツテ必要トセラレル
經費及ビ凡ユル種類ノ補償デアリ。社等ノ維持、船舶會社、鐵道、學校ノ補助ノ爲ニ承認セラレタル額ノ支給、損害、利子、使用料等ノ支拂ノ爲ノ資金モ此ノ部類ニ屬スル。

打木（？一本）及ビ坂本ハ「日本ニ於ケル豫算制度」ナル論文中ニ次ノ如ク述ベテヰル。

「敍上資金（本書ニ於テ例外部門ト稱スルモノ）ノ金額ハ通例豫算經費用ノ約三分ノ二デアリ、若シ之ニ繼續歳出ヲ加ヘルナラバ、議會ノ裁量ニ殘サレル額ト云フモノハ誠ニ僅少トナルノデアル。議會ノ同意ヲ必要トスルノハ之等恒久經費ガ增額セラレル場合ノミデアル。サレバ帝國議會ノ議決範圍ハ大イニ限定サレテヰルノデアル、然シソレニモ拘ラズ案ニ就イテハ僅イ討議ガアルノデアル。」

憲法（第六十四條）ハ次ノ如ク規定シテ居ル。

「豫算ノ款項ニ超過シ又ハ豫算ノ外ニ生

シタル支出アルトキハ後日帝國議會ノ承諾ヲ求ムルヲ要ス」

同條ハ別條（第六十九條）ニ依ツテ補足サレテヰル。ソレニハ「避クヘカラサル豫算ノ不足ヲ補フ爲ニ又ハ豫算ノ外ニ生シタル必要ノ費用ニ充ツル爲ニ豫備費ヲ設クヘシ」トアル。

新ク設ケハ政府ガ其ノ裁量デ豫備費ヲ使用スル全權ヲ政府ニ與ヘテ居ルノデアル。但、設ケハ次ノ會期ニ於テ、斯クノ如キ處出ニ關スル報告ヲ受クル權限ヲ與ヘラレテ居ル。其ノ際ニハ之ヲ承認スル事ヲ拒ミ得ルノデアルガ、サリトテ、斯カル拒否ハ政府ノ行爲又ハ其ノ行爲ノ結果トシテ政府ノ負フ義務ヲ無效ニスルモノデハナイノデアル。

設ケハ採決シ得ナイ事ガアリ得ル、事實斯カル事ガ屢々アツタノデアル。斯カル場合ハ無法（第七十一條）ノ認ムル「ビスマーク」案ガ發動サレ、政府ハ前年度豫算ヲ理由上ハ實施スルノデアル、トコロガ豫算增加ノ爲ニ、逐次增加ヲ爲スニ、不足拂出ヲ爲ス故、

單ニ理論上ト云フダケデアル。但シ政府ハ豫算ニ定メタル目的ノ外ニ定額ヲ使用スル事ハ出來ナイノデアリ、又國務大臣ハ各項ノ持定金額ヲ彼此流用スルコトヲ許サレテヰナイノデアル（會計法第十二條）。

議會解散ノ結果、前年度ノ爲ニ準備セラレタ豫算ガ之ニ代ツテ施行セラレル場合ニハ種々ノ不足金支出ノ必要ガ生ズル事ハ明カデアル。

政府ハ以前豫算案ガ議會通過前ニ議會ノ解散スル事ヲ虞レタ。然シ緊急ノ際ニノミ使用サルベキ不足金ノ支出ガ通例ノ手續慣例トナツタ爲、政府ハ豫算案ガ否決サレル見込ノ時モ狼狽シナクナツタ。一度支出ガナサレルト反對者側ハ乘氣ニナラナイ樣デアリ斯クシテ議會ニ依ル制肘ハ更ニ一層減少シテ居ルノデアル。

(ロ) 議會ノ租稅ニ關スル權限ハ憲法第六十二條第六十四條ニ基イテヰル。

特別稅法ハ議會ニ提出サレル。之等ハ豫算案ヤ特別會計案トハ別質ノモノデ

ノデアル。新規ノ課税ガ議會ノ協賛ヲ要スルノニ對シ新カル稅法ハ豫算ノ一部ヲナサナイ、政府ハ年年度ニ於ケル臨新ノ爲ノ審議又ハ討議スニ於ルコトナク、收入ハ規則的ニ組織シテ徵稅セラレル。

(ハ) 國債、發行ニ付テハ憲法第六十二條ニ新ル起債ニ付テハ議會ノ協賛ヲ經ヘルト規定サレテキル。

(ニ) 財政上ノ緊急勅令

合計法第七條及憲法第六十九條ニ規定サレテキル第一及第二豫備金ハ不ノ災害シクハ戰時緊急狀態ノ財政ヲ救フニハ不十分ノ但レガアル。尙ホ臨時議會ヲ召集スル暇モナク、治安モ保タレテ居ラヌ場合ガアルカモシレナイ此ノ二ツノ由々シキ事ガ生シタ際ニハ政府ハ憲法第七十條ニ依リ「勅令ニ依リ財政上必要ナル緊急ノ處置ヲ爲ス」權限ガアル。

新カル方法ニ依リ得ラレタ資金ハ次期通常議會ノ協賛ヲ得ネバナラズ、議會ガ否認シタル場合ニハ勅令ハ徹

同サレネバナラヌ（第八條）不承諾ハ勅令ノ效力ヲ遡及的ニ失效セシメルモノデハナイ。

斯ル緊急勅令ニ關スル樞密院ノ權限ハコノ樣ナ勅令ノ公布ニ當ツテハ常ニ樞密院ノ議ヲ經ネバナラヌ事トナツテツテヰル故ニ重大デアル。樞密院ハ議會ノ既ニ制限サレテヰル財政上ノ權限ヲ更ニ制限スル緊急勅令公布ノ實施ニ常ニ反對シテ來タト云ヘルデアラウ。

七會計檢査院

會計檢査院ハ憲法第六十二條ニ基イテ設立セラレタ單獨行政機關デアル。即チ同條ニハ「國家ノ歳出歳入ノ決算ハ會計檢査院之ヲ檢査確定シ -----」ト規定セラレテヰル

會計檢査院長ハ總理大臣ノ奏請ト考慮ヲ俟ツテ天皇ガ親任スル。彼ハ國務大臣デハナイガ之ト同等ノ地位ニアル。

上記ノ條文ハ更ニ次ノ如ク規定シテヰル。即チ即チ決算ニ付テハ「政府ハ其ノ檢査報告ト俱ニ之ヲ帝國議會ニ提出スヘシ」

議會ハ斯クシテ豫算ニ對スル決算ヲ照合シ兩者ノ相違點ニ付說明ヲ要求シ得ル。此ノ承認ハ法律的效果ヲ伴フモノデハナイガ議會ハ不滿足ノ議決ヲナシ、若シクハ之ニ對スル批判ヲ上奏シ得ル。

八政府ノ各省

政府ノ各省ハ法律及勅令ノ兩者ニ依リ設置セラレタ。

政府ノ各省ノ基礎的ナル法律上ノ形態ハ千八百八十九年ノ憲法發布ノ際決定セラレタ。種々ノ命令ヤ法律ニヨル改正ノ結果政府各省及ソノ各局各課及議員ハ變更追加若シクハ廢止セラレタノデアル。

一各省ノ一般的機構

イ國務大臣（大臣）

(一)國務大臣ノ憲法上ノ權限ハ憲法上論及第五十四條並第五十五條ニ基イテヰル。

上論ニハ「朕カ在延ノ大臣ハ朕カ爲ニ此ノ憲法ヲ施行スルノ責ニ任スベク――」ト論サレテヰル。

第五十五條ハ「國務大臣ハ天皇ヲ輔シ其ノ責ニ任ス」ト規定シテヰル。同條ハ更ニ「凡テ法律、勅令其ノ他國務ニ關ス

ル詔勅ハ國務大臣ノ副署ヲ要ス」ト規定シテヰル。

第五十四條ハ國務大臣及政府委員ハ「何時タリトモ兩院ニ出席シ且ツ發言スルコト」ガ許サレテアル。

伊藤「博文」ハ國務大臣ニ付次ノ如ク述ベテヰル。「彼等ハソノ權限内ノ事項ニ付各自責任ヲ負フ――――斯カル事項ニ付彼等ノ間ニ連帶責任ハナイ」

彼等ハ更ニ次ノ如ク指摘シテヰル。即チ各大臣ハ「天皇ノ意志ニ依リ支配」セラレ連帶責任ヲ以ツテ内閣ヲ組織スルノ危險性ハ「統治ノ大權ヲ究極的ニ覆ヘス個レノアル政黨結成ノ成長ニアル」ト。

然シ乍ラ凡テノ國務大臣ガ關係スル重大ナ事項ノアルコト。

及ビ總理大臣ハ斯ル事項ニ關係スル際ハ當然各大臣ト協議スルデアラウトイフ事及ビ「斯クノ如キ問題ニ於テハ内閣ガ連帶責任ヲトルコトガ勿論適當デアルコト」ヲ彼ハ認メテヰル。

斯クシテ伊藤「博文」ハ各國務大臣ガソノ所轄省ニ關スル事項ニ付キ負フ個人的責任ト一般的事項ニ付テ負フ連帶責任及

ビ兩者ノ決定ニ關スル總理大臣ノ責任ヲ考慮シテト云ハレル、

尾崎「行雄」ハ「日本民主々義ノ聲」六三頁ー六四頁ニ於テ次ノ如ク述ベテヰル」

「各省大臣ハ閣議決定ノ效果トシテヾハナク、彼等自身ノ意志ニ基イテナサレタル行爲ニ對シテハ之ニ關係セル國務大臣ノミガ責任ヲ負フ。之ニ反シ閣議ノ決定トシテ爲サレタル行爲ニ對シテハ凡テノ國務大臣ガ連帶シテ責任ヲ負フ」ト。

(二)各省大臣ノ權限ハ左ノ通リ部分的ニ概說スルコトガ出來ル。

(イ)各省大臣ハ、重要ナラザル例外ハアルモ、帝國全般ニ亘リ、所管事務ヲ統理スル。

(ロ)各省大臣ハ其ノ職掌執行ノ爲命令ヲ發スル。

(ハ)各省大臣ハ其ノ行政部門ノ範圍內ニ於テ縣知事ニ對シ命令ヲ發スル。

(ニ)各省大臣ハ一切ノ公衆關係ヲ統理シ、且公衆ニ對シテハ其ノ省及職員ヲ代表スル。

(ホ)各省大臣ハ次官ヲ以テ奏任級官吏ノ進

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退ヲ司ル。

(ヘ)各省大臣ハ判任官及其レ以下ノ官吏ヲ任命又ハ免スルコト。

(ト)各省大臣ハ閣内ニ於テ国策ヲ制定シ之ヲ実施スル内容政治家デアルノミナラズ其ノ省ノ院外運動者タル二重ノ門作ヲ有スル。

各省大臣ハ総理大臣ノ指揮ニ依リ天皇ガ之ヲ親任スル。

大臣ノ選任ニ当リ政黨ノ合併ヲ生ジ又ハ生ゼザルコトガアル。政黨ハ議会ニ於テ多数ヲ制スルコトハアッテモ、内閣ノ色彩ハ之ト全ク異ルコトガアリ、選挙ニ依ル政黨ノ勝利ハ国務ヲ左右シ、又ハ内閣ヲ支配スルコトヲ意味スルモノデハナイ。之等可能トスル主主義的投票ノ政力ニ若シク制限ヲ加ヘルモノデアル。

大臣ノ大部分ニトッテハ、左程明瞭ハ一内閣ノ在命期間デアル。然シ二、三ノ内閣ニ連続的ニ任シタ者モアリ、又退任後後任シタ者モ居ル。

奏任ハ近年屢々行ハレタ。奏任ノ次官ハ他國ニ於テ行ハレルガ如ク、一時的ノ空席ニ就任シナイ。

ロ 奏任次官

次官ノ職務ハ省務ヲ統轄シ省内各部ノ事務ヲ統理スル大臣ノ行政的助手トシテ通常規定ニ定メラレテ居ル。

次官ハ大臣ヲ通ジ間接的ニ天皇ガ之ヲ任命スル而シテ次官ノ地位ノ保持ハ大臣ノ更迭ニ関係ナク省ノ政策ガ変換的ニ継続セラル、様永続性ノモノトシテ企図セラレテ居ルケレ共或省ニ於テハ実際的ニハ次官ハ新大臣ト共ニ執務スルコトガ困難デアルトノ理由ノモトニ職ヲ去ル事ノ屢々ナルヽ殆ド大臣ト同様デアル。

ハ 政務次官

政務次官ハ説明ヲナシ且ソノ省ノ提供スル事項ヲ提出スル爲両院ノ委員会ニ屢々出席スル。次官ハ大体議員デアル場合ガ多ク且議員トシテ二重ノ地位ヲ持ツ。

政務次官ノ任命ハ大臣ノ指名ニ依リ内閣大臣ガ行フ。

ニ 参与官

参与官ノ職責ハ政務次官ノ夫ト類似シテ居リ地位ノ保有モ同様デアル。

ホ書記官

書記官ハ省全体ノ行政的職員デアル

ヘ局

局ハ各省ノ主ナル行政單位デアル。

ト委員會

委員會ハ永久的又ハ一時的目的ノ爲任命サレル

委員會ハ執行、顧問、調査ニ別レル

チ院

政治機關トシテノ院ハ行政目的ノ爲ノ決定的、

補助代行機關デアル。

二國務大臣

最近迄十三人ノ國務大臣ガアツタ一陸軍ニ海軍(三)内務(四)外務(五)大藏(六)農林(七)商工(八)通信(九)鐵道(〇)文部(一)司法(二)厚生(三)拓務

宮内大臣ハ實際的ニハ附加的ナ大臣デアルガ唯天皇ニノミ奉仕スル爲特ニ創ラレタ機能ヲ有シ千八百八十四年行政大臣トハ法律ヲ以テ分離サレテ居ルノデ國家ノ行政機關ノ一部デハナイ。

千九百四十二年新タニ大東亜省ガ設ケラレタ。實質的ニハ此新機關ハ外務省カラ大東亜共榮圏關係事項ヲ移シタモノデアツタ。

千九百四十三年拓務省ハ廢止セラレ他ノ四省ノ合併ト共ニソノ機能ハ新タニ三省創設ノ結

果ヲ見タ。商工省、通信省、農林省ノ代リニ軍需省、運通省、農商省ガ出來タ。

## 九 陸軍省

前述セル如ク伊藤公ハ千八百九十一年九月天皇ヘノ報告文中天皇ノ大權並ニ軍ノ威信ヲ維持シ併セテ陸海軍最高統制權ヲ議會及政黨政治ノ干渉外ニ置ク爲陸海軍大臣ハ軍人ノミヲ以テ任命スベキ旨ヲ聲明シタ。

又陸海軍大臣ニハ現役先任官ヲ以テ任ズルトイフ諸規定ヲ擧ゲタ。

### 一 特殊任務

陸軍ノ重要政策ハ省内ニ於テ決定セラレズ直接天皇奏上サレル爲大臣ハ他ノ省ニ在ルガ如キ政策會議ノ樣式ヲ行ハナイ。省ハ軍ノ行政機關トモ言ヒ得ル。

陸軍大臣ハ殆ド凡テ帶團陸軍ノ著名ナ人物デアツタ。彼等ハ陸軍士官學校卒業生デアツテ會ツテ陸軍、武官、師團長、軍參謀長及軍事參議官デアツタ者デアル。

### 二 局

省ハ行政執行ノ爲八局ヲ持ツ。各局ハ通常少將又ハ大佐ガ其ノ長デアル。

### イ 人事局

(一)補任課
(イ)任命、昇進、割當、退役等
(ロ)省內職員ー式官文官ノ戰時職務
(ハ)個人記錄

(ヲ)恩賞課
(イ)年金
(ロ)勳章
(ハ)賜暇、結婚

ロ軍務局

(一)軍事課
(イ)基本國防關係事項
(ロ)陸軍々備其他一般陸軍行政關係事項
(ハ)建造物平時組織及陸軍施設關係事項
(ニ)危險防止、防禦及陸軍及人的資源動員關係事項
(ホ)一般陸軍管財關係事項
(ヘ)基本的軍需行政關係事項
(ト)航空其他航空關係任務ノ統制ニ關スル事項
(チ)演習並ニ檢閱ニ關スル事項
(リ)部隊割當ニ關スル事項
(ヌ)戰時非規定ニ關スル事項
(ル)外國在勤將校及外國留學將校ニ關スル事項

(ヲ) 陸軍研究委員會ニ關スル事項

(二) 軍務課

(イ) 國防方策一般事務ニ關スル事項

(ロ) 國際法規ニ關スル事項

(ハ) 陸軍部隊附外國士官ニ關スル事項

(ニ) 國家復員一般事務ニ關スル事項

(ホ) 滿洲支那ノ軍務並此等ニ關係アル命令ニ關スル事項

(ヘ) 滿洲支那ヲ除ク外國軍務ニ關スル事項

(ト) 帝國議會トノ連絡事務ニ關スル事項

(チ) 國防精神普及化並ニ國民思想對策ニ關スル事項

(リ) 軍務ノ爲ノ研究團体ノ方針管理ニ關スル事項

ハ 兵務局

(一) 兵務課

(イ) 兵及航空軍ヲ除ク各種軍隊並ニ各兵科ノ服務

(ロ) 陸軍々樂隊員ノ教練及ビ服務

(ハ) 操典

(ニ) 軍紀及ビ懲罰

(ホ) 內務

(ヘ) 軍式典、禮式、徽章

(ト) 練兵場、射的場等

(二)
(チ)學生及青年ノ軍隊教練
戰爭前ニ於ケル兵備課
(イ)兵役ニ關スル事項
(ロ)士官及兵ノ徴募及ビ補充
(ハ)軍動員
(ニ)召集
(ホ)一般人員動員
(ヘ)徴發
(ト)退役軍人ニ關スル事項

(三)
防衛課
(イ)憲兵ノ使命
(ロ)憲兵(法務局、及ビ軍隊保護ノ任ニアルモノヲ除ク)
(ハ)軍事探偵ノ保護
(ニ)防空
(ホ)警備、及ビ安全警戒
(ヘ)衛戍兵ノ服務
(ト)要塞及ビ國防用地ノ建設竝ニ充實
(チ)要塞地帶ニ適用スベキ法律、軍隊輸送地區ニ適用スベキ軍取締法律
(リ)領地及ビ都市計畫

(四)
馬政課
ニ整備局
ホ兵器局

ヘ　經理局
ト　醫務局
チ　法務局

陸軍新聞班ハ大臣及ビ陸軍ノタメ公衆ニ對スル官署デ此レノ宣傳並ニ公表ハ軍トシテ極メテ重要デアル爲少將ヲ班長トシテアツタ。内閣情報局ガ創設セラレテカラハ重要發表及情報ハ陸軍新聞班カラハ發表セラレナイヤウニナツタ。

三　陸　軍

陸軍ノ機構ヲ完備セシムルニハ陸軍大臣所管ノ一部デモナイ又其監督下デモナイ次ノ諸官衙及ビ機關ヲ注意シナケレバナラナイ

天皇ノ權力中ニ述ベテアルガ如ク、組織、動員、及ビ作戰ニ關スル總テノ事項ハ天皇親ラノ指揮下ニアリ、陸軍大臣ニハ關シテキナイノデアル。

軍ハ戰場ニ於テ獨斷專行ヲシ既遂ノ事實トシテ此ヲ外務省ニ提出スルコトガ出來ル。此結果ハ外交官ニ此既存ノ狀態ヲ承認スル外何ラノ方法ヲ與ヘナイノデアル。既述ノ如ク軍ガ行動シ外務省ガ說明スルノデアル。伊藤氏ハ此權力ニ付次ノ如ク云ツテキル。

交戰ニ於ケル交戰權ノ行使ハーーーー然前ノ

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急迫上必要ガアレバ、該戰場ノ指揮官ニ委任スルコトガ出來ル。該指揮官ハ自己ノ風慮ニ從ツテ實際手段ヲ採ツタ後此ヲ政府ニ報告スルコトヲ許サレル。此レハ本非事件ノ緊迫ニ應ズルタメ軍指揮ノ將軍ニ對シ天皇ノ主權ガ委任セラレタモノト見做スベキモノデアル。中根氏ハ「天皇ノ勅令權」ニ次ノ如ク記述シタ。

「宣戰及講和ノ布告ハ內閣ノ管理下ニアルケレドモ、武裝軍ノ最高指揮權ヲ有スル參謀本部ハ外國ニ對シ攻擊軍ヲ送リ又ハ戰場ヨリ軍ヲ撤去スルコトニヨリ宣戰又ハ講和ノ布告ヲ要スルコトガ出來ル」

イ 參謀本部

(一) 組織

(イ) 參謀總長、總長ハ軍戰略、計畫及ビ動員ノ多方面ニ關係スル。參謀本部官制ハ大將又ハ中將ガ天皇ニヨリ參謀總長ノ職ニ任セラレルコトヲ規程シテアル。總長ハ天皇ノ直接指揮下ニアツテ戰爭會議ニ出席シ、國防及ビ作戰計畫作成ヲ監督シ、且參謀本部ヲ統轄スル。

(ロ) 參謀本部次長

(ハ) 參謀本部員

参謀本部ニ附属シ且ツ此レ監督下ニハ次
ノ機関ガアル
(一)陸軍大学校
(二)陸軍陸地測量部
参謀総長ハ天皇ニヨリ親任セラレル。

(二)局

(イ)総務局
(一)人事
(二)編制、動員課

(ロ)作戦局
(一)作戦、作戦計画課
(二)兵站課
(三)機動演習課

(ハ)情報局
(一)欧米課
(二)亜西亜課
(三)秘密勤務課

(ニ)運輸通信局
(一)通信（有線、無線）課
(二)運輸（海、陸）

(ホ)歴史局
(一)日本ノ関係シタ戦争
(二)日本ノ関係シナカツタ戦争

□教育總監

教育總監ノ職務ハ個々ノ兵器ニ關スル不ユル技術的戰術的訓練ノ責任ヲ持ツモノデアル。簡單ニ言ヘバ陸軍大臣ハ統率シ教育總官ハ訓練シ、參謀總長ハ軍隊ヲ演習又ハ實戰ニ使役スル。日本軍隊內ニテ「精神的動員」ト言フ名デ知ラレテヰル國家的團体精神ノ養成ト言フ重要ナ任務ガ教育總監ニ主トシテカヽルノデアル。

陸軍諸學校ハ幾ツカノ教育体例ヘバ砲術、機關術、輸送、馬術、化學戰ヤ通信等ト共ニソノ管轄ノ下ニアル。

八 航空總監

航空總監ハ飛行訓練ニ關スル事項ニツイテハ直接天皇ニ對シ責任ヲ持ツモノデアルガ其ノ他ノ點ニ於テハ三大權力（參謀總長、陸軍大臣、軍事教練檢閱總監）ニ從屬スルノデアル。

航空總監ハ人事行政及ビ軍政ニ關スル事項ニツイテハ陸軍大臣ニ對シ責任ヲ持チ、實施運用ニ關シテハ參謀總長ニ對シテ責任ヲ持ツノデアル。

ニ 陸軍航空本部

此ノ部ハ陸軍省ニ從屬セル機關デアツテソ

ノ重要ナル權能ハ主トシテ物質ノ獲得及ビ補給ト見ラレル

ホ日本憲兵隊

(一)組織

憲兵隊ハ陸軍大臣ニ對シ責任ヲ持ツトコロノ憲兵司令長官ノモトニアリ軍隊ノ一部門デアル

(二)部門

(イ)一般事務課

コノ課ハ軍隊内ニ於ケル政策、人事、紀律、記錄思想ノ統制ニ關係ヲ持ツノデアル。

(ロ)公務課

此務課ハ三ツノ主要ナ職務ヲ持ツノデアル

一 憲兵隊ノ補給、組織及ビ訓練ニアタル

二 治安維持

三 防諜

三 義務

憲兵隊ハ配置サレテヰル地區ニヨリソレゾレ異ル權威カラ命令ヲ受ケルノデアル

日本ニ於テハ平和時ニハ彼等ハ通常ノ軍事的義務ニ關シテハ陸軍大臣ニ對シテ責任ヲ持チ、民間警察ヲ助ケル範圍ニ於テハ内務大臣ニ對シ、法律施行ニ關係アル義務ニ

對シテハ司法大臣ニ對シテ責任ヲ持ツノデアル

警視、朝鮮、臺灣ニ於テハ彼等ハ本質的ニハ總司令官ニ對シテ責任ヲ持ツノデアルガ同時ニ地方ノ民間當局ヲ助ケル義務ヲモ帶ビテヰルノデアル、

全地區ニ於テ彼等ノ責務ハ

(一) 軍紀ノ監視
(二) 治安ノ維持
(三) 徴兵令ノ施行
(四) 軍内ニ於ケル犯罪ノ檢見

聯合國地區ニ於テハ彼等ハ普通ノ任務ノ他ニ次ノ如キ任務ニ關係ヲ持ツモノデアル

(イ) 第五列ノ發見及ビ逮捕
(ロ) 破壞的活動ノ抑壓

大平洋地區ニ於テ彼等ハ次ノ責任ヲ持ツモノデアル

(イ) 敵對的原住民ノ保護
(ロ) 原住民ト日本軍トノ爭ヒヲ防ギ
(ハ) 原地食糧及ビ物資ノ徵發
(ニ) 原住民勞務者ノ徵集
(ホ) 聯合軍ノ占領後方ニ於テ活動スル原住民團ノ編成

報告ニヨルト「ニューギニヤ」ニ於テハ

1059 [illegible]

[illegible]兵ハ偵察及ビ[illegible]軍ヲ惱マス爲ニ原住民ノ軍隊ヲ委託サイタト言フ事デアル。

（ヘ）統　[illegible]　府

（イ）元　[illegible]　府

（ニ）軍事[illegible]議院

（三）戰時大本營

現在ノ大本營ハ支那事變ガ大戰爭ニ發展シテ行ク事ガ明ラカニナツタ一九三七年ニ設置サレタモノデアル、其ノ目的ハ[illegible]本部ヲ中枢ネシテ統師府ノ任ニ當ルニアルノデアル。換言スレバ統師府ヲ戰時差礎ノ上ニ置クノデアル。其ノ構成人員ハ會員デナイトコロ元帥府ヲ除イテハ本質的ニハ軍事[illegible]議院ト同ジデアル。[illegible]司令官トシテノ天皇ハ大本營ノ長官デアル。

（ト）戰時俘虜ノ管理

（一）管　轄

一九四一年一二月二三日付ノ勅令第一一八二條ニヨリ俘虜收容所ハ[illegible]軍大臣ノ管轄下ニ置カレ軍指令官又ハ[illegible]指令官ニ依ツテ管理サレルベク規定シテアル

(ニ) 俘虜情報局

俘虜情報局ハ一九四一年一二月二七日付勅令第一二四六條ニヨリ組織セラレ、陸軍大臣ノ管理下ニ置カレタ。其ノ勅令ノ第一項ニヨルト次ノ事項ニ關スル責任ヲ委任サレテヰル。

(イ) 俘虜ノ抑留ニ關スル調査、移動、宣誓交換、脱出、入院、死亡及ビ落俘虜ニ對スル記錄ノ保存。

(ロ) 俘虜ノ狀態ニ關スル連絡、通信、報告

(ハ) 宣誓解放ニセラレタル俘虜、又ハ交換サレ或ヒハ病院、診療所、俘虜收容所ニテ死亡セル俘虜ノ物品、遺言等ヲ保留又ハソノ家族或ヒハソレニ關係アル他ノ人ヘノ傳送

(ニ) 俘虜ニ送ラレタル、又ハ俘虜ヨリ送リタル送物、金錢、物品等ノ送達

(ホ) 陸海軍ガ戰鬪ニ於テ戰死セル者ヨリ得タ情報、或ヒハ彼等ノ所有物、戰場ニ於テ發見セラレタル物品、遺書ノ取扱ヒ

(ヘ) 戰鬪ニ於テ俘虜トナツテ居ル者ニ關

スル調査及ビ其等ノ俘虜ト帝國ニ居住スル彼等ノ家族トノ通信ノ助長

（三）俘虜管理部又ハ局

戰爭俘虜取扱ニ關スル規則（一九四二年三月三十一日附陸軍省告知亞細亞秘第一〇三四號）第二條ニ規定セラレタル處ニヨレバ俘虜及戰爭地域ニ於ケル非戰鬪員被收容者ノ取扱ニ關スル各種事項ヲ處理スル爲陸軍省內ニ俘虜管理部ヲ設置セラルベシトアル。

該規則ニハ部長ニ中將又ハ少將級ヲ以テシ、役員ニ佐官又ハ中隊長級ヲ以テスル條文モ亦規定サレテアル、第四條ニハ部長ハ陸軍大臣ノ命令ニ從ヒ該部ノ事項ヲ管理シ、役員ハ部長ノ命令ニ從ヒ部內任務ヲ遂行スルモノト規定サレテアル

該新設俘虜官理部ハ俘虜ノ管理、交換釋放、懲罰、利用、及取扱ニ關スル事項ヲ取扱ツタ。

（四）俘虜ニ關スル苦情

戰爭勃發後約一ケ年間瑞西政府ヨリ俘虜ノ取扱ニ關スル苦情ガ外務省條約局ニテ受理サレ陸軍省ノ俘虜情報局ニ回附サレ

タ

瑞西政府ニ對シ回答ヲシタトスレバ是等解答ハ陸軍省カラ受取ツタ回答ヲ基礎トシタモノデアル。

次デ外務省ニ俘虜情報局ガ設定セレ以前ハ條約局ニ於テ處理サレタル俘虜ニ關スル事務ハ新設俘虜情報局ニ移管サレタ。

十、海軍省

海軍省ハ一八七二年兵部省ガ二省ニ分レタ時創立サレタ。本當ニ正式ニ設立サレタノハ一八八三年及一八八九年デ其後若干ノ改制ヲ經テ現今ノ制度ヲ持續シテ來タ。海軍其ノモノハ英國式ノ組織ニ關ツテヰル

一、海軍大臣

特殊任務　政策上ノ重要問題ハ軍令部總長ガ直接上奏シテ決定サレ細目ノ行政ハ本省ノ主ナル執務事項デアル

海軍大臣ハ城壁ノ人物ニテ海軍兵學校出身者デアツタ。國賊ノ大臣ハ大小ノ艦隊司令官其他高級軍職ヲ占メタ人デ多クノ海軍大臣ハ二、三內閣ニ留任シタコトガアル。

海軍大臣ハ議會ニ餘リ出席シナイ陸軍大臣ヨリ更ニ議會ニ出席スルコトガ少カツタ。

二、局

海軍省ハ其ノ管理上八ツノ局ニ分レテキタ。通例トシテ各局ハ少將又ハ大佐ヲ以テ局長トスル、即チ軍務局、人事局、教育局、兵備局、醫務局、經理局、軍需局、法務局デアル。

軍務局ハ左ノ課ニ分レテ居ル。

第一課

(イ)海軍軍備及一般海軍行政ニ關スル事項
(ロ)外地若クハ遠征艦隊、役所及學校ナドニ關スル編成
(ハ)軍艦及艦隊ノ編成
(ニ)海軍ノ紀律及道義
(ホ)海軍ノ演習
(ヘ)觀艦式
(ト)式典禮式制服及旌旗
(チ)軍艦、兵器及其他一般武器
(リ)警備及防禦

第二課

(イ)國防政策ニ關スル事項
(ロ)國際會議及海外派遣ハ

第三課

(イ)機關ノ使用ニ關スル事項
(ロ)軍艦上ノ築造
(ハ)軍艦ノ維持及保存

第四課

(イ)國防ニ關係スル思想ノ普及ニ關スル事項
(ロ)海軍事項ニ關係スル團体ノ指導ニ關スル事項

海軍思想普及ノ計畫及實施ヲ擔當スル海軍普及部ガアル。他ノ各省ノ渉外官庫ノ如ク此部ハ內閣情報部ニ其ノ主要機能ヲ併合セラレテ居タ。

三、海軍々令部總長

勅令ニヨツテ創設サレタ海軍々令部ハ國防及武力ノ行使ニ關スル事項ヲ擔當スベシト規定シテアル。

勅令ハ更ニ軍令部總長ハ天皇ニ親任セラレ、天皇ニ直屬シ、大本營ノ秘密事項ニ擧リ、軍令部ヲ統轄スベシト規定シテアル。

軍令部次長ハ總長ヲ補佐シ、部內ヲ監督シ、部內ノ連絡事項ヲ統合スベシト規定シテアル。

十一、外務省

外務省ハ通俗ニハ「フオリン・オフイス」

トシテ知ラレ本省ハ一八八五年十二月二十三日迄ハ正式ニ創立サレテ居ナカツタ。

一、外務大臣ー任務

他ノ各省ニ關シ決定セラレル如キ大臣ノ一般任務ノ外ニ外務大臣ハ基本的法令第一條ニ示スガ如ク左記ノ任務ヲ擔當スル。

「諸外國ニ關スル事務ノ施行、通商貿易ノ保護、海外日本國民ニ關スル事項及凡テノ大公使館及領事館ノ監督統御」

基本的法令ニハ更ニ左記ノ決定サレテ居ル。

「外務大臣ハ關東廳ノ諸外事項ニ關スル事務ニ關シ滿洲國ノ日本特命全權大使ニ指ニヲ與ヘ且監督スル」

議會ノ議院ニ當リ外務大臣ハ正規ノ演說ヲ行ヒ、總理大臣ハ議會デ一般政務ニ就テ報告シ而シテ外務大臣ハ國際協約、協定及條約ニ關シテ議員ニ報告スル

其永年ノ經緯ト貴重ナル經驗トニヨリ外務大臣ハ內閣中有力ナル存在デ有ツテ屢々總理大臣ノ地位ヲ踏襲シタ要職デアル。

省ノ行政長官トシテ外務大臣ハ對外政策ヲ展開サセル。

國策樹立ニ必要ナル情報ハソノ部局ニヨリ

之ヲ入手シ、諸會同ノ討議ニカケラレテ纏メ上ゲラレル。右會同ハ外務大臣主席ノモトニ外務次官並ニ各局長ニ依ツテ成立サレルノデアル。

二、局

本省設置ヲ規定セル勅令第四條ニヨリ、ソノ部局ハ地域別並ニ職能別ニ設ケラレテ居ル。

(イ) 地域別部局

(一) 東亞局ハ三部ヨリ成リ、ソノ分掌範圍ハ支那、香港「マカオ」ニシテ、商議及條約改正等ニ當ル。

(二) 歐亞局。本局ハ右以外ノ「アジア」諸地域並ニ「ヨーロッパ」ニ關スル事項ヲ取扱フノ外、ソノ職務ハ上述セルトコロト同一デアル。

(三) 亞米利加局。本局ノ職務ハ「アメリカ」ニ關スル事項ノミヲ取扱ヒ、ソノ他ハ上述セルトコロト同一デアル。

(四) 南洋局。本局ハ泰、比律賓、印度支那、ビルマ、馬來、北ボルネオ、東印度、濠州、新西蘭其他大洋州ノ諸島並ニ南極地域ニ關スル外交問題ヲ管掌ス。

(ロ)職能別部局

(一)通信省。本局ノ職能ハ第七條ノ規定スルトコロニシテ、ソノ管掌範圍ハ航海、入國、移民ヰ限局サレテ居ル。

二條約局。本局ノ職能ハ第八條ノ規定セルトコロニシテ、條約ノ起草並ニ飜譯、治安法權、其他世界會議、國際聯盟ノ如キ一切ノ對外的法律問題ノ處理等ニ當ル。

三部課

イ情報部

本部ハ第九條ニヨリ外務省ノ沙外事務局トシテ設置サル。一九三七年九月内閣情報局ガ一切ノ政府ノ情報機關ヲ統合シテ設置ヲ見ルニ至ルマデ、外交問題ニ關スル情報ハ凡テコヽカラ發セラレ、情報ノ中心ヲナシテヰタ。

情報部長ハ毎日外國新聞通信員並ニ内地新聞記者ト會談シタ。

外務大臣ガ内外ノ新聞記者ト直接會見スルガ如キコトハ日本デハ通常行ハレナイ。外國通信員ハ屢々簡單ニ書イタモノヲ外務大臣ニ提出シ、署名ト同意ヲ得テ之ヲ發表シタノデアル。

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新聞ヲ直接檢閲スルコトハ本部ノ職能デハナカツタガ、同部自体ノ進ツテヰル情報項目ニツキ時折通信員ニ對シ簡單ナ禁止聲明ヲ行フコトハアツタ。

(ロ) 文化事業部

本部ハソノ仕事ヲ專ラ支那ニ於ケル文化活動ニ集中シタ。支那ニ對スル組織的宣傳ハ本部ガ始メテ之ヲ試ミタノデアル。ソノ宣傳ハ漸次質量共ニ厖大化シテ行ツタ。同部ハ大東亜省ニ統合サレタ。

(四) 大臣官房

大臣官房ハ六課ニ分タレ、多數ノ職員ヨリ成ル。

(イ) 人事課
(ロ) 起業課
(ハ) 文書課
(ニ) 會計課
(ホ) 調査課
(ヘ) 電信課

(五) 外交官養成機關

外交官養成機關ハ維新ニ伴ヒ日本ガ採用スルニ至ツタ偉大ナル新制ノ一ツデアル。關係職員ノ數ハ一八七一年三十四人デアツタモノガ一九三

(ロ)職能別部局

(一)通信省。本局ノ職能ハ第七條ノ規定スルトコロニシテ、ソノ管掌範圍ハ航海、入國、移民ヲ限局サレテ居ル。

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前面地ヲ占領スル両国軍隊ハ最先ニ撤退スヘシ
両締約国ハ満洲ニ於ケル各自ノ鉄道線路ヲ保護セムカ為守備兵ヲ置クノ権利ヲ留保ス其ノ守備兵ノ数ハ一「キロメートル」毎ニ十五名ヲ超過スルコトヲ得ス而シテ日本国及露西亜国軍司令官ハ前記最大数以内ニ於テ実際ノ必要ニ顧ミ之ニ使用セラルヘキ守備兵ノ数ヲ双方ノ合意ヲ以テ成ルヘク少数ニ限定スヘシ
満洲ニ於ケル日本国及露西亜国軍司令官ハ前記ノ原則ニ従ヒ撤兵ノ細目ヲ協定シ成ルヘク速ニ且如何ナル場合ニ於テモ十八箇月ヲ超エサル期間内ニ撤兵ヲ完了セムカ為双方ノ合意ヲ以テ必要ナル措置ヲ執ルヘシ

# 追加約款

[illegible]本日附日本國及露西亞國間講和條約第三條及第九條ノ規定ニ從ヒ下名ノ全權委員ハ左ノ追加約款ヲ[illegible]

[illegible]第三條ニ付

[illegible]本帝國政府及露西亞帝國政府ハ同時ニ且講和條約ノ實施後直ニ帝國ノ地域ヨリ各其ノ軍隊ノ撤退ニ[illegible]ヲ開始スヘキコトヲ互ニ約ス而シテ講和條約實施ノ日ヨリ十八箇月ノ期間内ニ兩國ノ軍隊ハ遠東半島[illegible]地域ヲ[illegible]ヨリ全然撤退スヘシ

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本部ハソノ仕事ヲ專ラ支那ニ於ケル文化活動ニ集中シタ。支那ニ對スル組織的宣傳ハ本部ガ始メテ之ヲ試ミタノデアル。ソノ宣傳ハ漸次質量共ニ厖大化シテ行ツタ。同部ハ大東亜省ニ統合サレタ。

(四) 大臣官房

大臣官房ハ六課ニ分タレ、多數ノ職員ヨリ成ル。

(イ) 人事課
(ロ) 起業課
(ハ) 文書課
(ニ) 會計課
(ホ) 調課課
(ヘ) 電信課

(五) 外交官養成機關

外交官養成機關ハ維新ニ伴ヒ日本ガ採用スルニ至ツタ偉大ナル新制ノ一ツデアル。關係職員ノ數ハ一八七一年三十四人デアツタモノガ一九三

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○年代初期ニハ千人以上ニ増加シタ。官吏ノ養成ハ、外交官ノ養成モ領事ノ養成モ法律、国際關係、社會制度、國語ニ就テ綿密ニ行ハレタ。

大使ノ數ニハ何等制限ハナカツタガ、特命全權公使、全權公使、參事官、駐在公使、總領事、領事、副領事、書記官、外交官補ニハ制限ガアツタ。

十二、大藏省

大藏省ハ憲法發布當時創設サレタ省ノ一ツデアル。

同省ハ一八九三年公布ノ勅令（大藏省令）第二〇九條ニヨリ、貸借勘定、現金勘定、租税、國債、通貨、政府預金、金庫、銀行信託業務、都市其他地方行政機關ニ對スル財政監督等國家財政上ノ一切ノ事項ニ就キ管掌スルコトニナツテヰル。

(一) 大藏大臣

通常、豫算ト稱サレテヰル經費ニ關スル調書ガ大藏大臣ノ最大ノ責任ガアル。同大臣ハマタ證券ノ發行償還ニ關スル一切ノ調書ノ作成、並ニ税率及一般利率ノ決定ニモ責任ヲ有スル。

大藏大臣ガ大銀行其他金融機關ト關係スル範圍ハ廣イ。征服地域ノ獲得ニヨリ、金融、銀行業ニ就キ負荷サレタソノ職務ハ非常ニ大トナツ

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タ。滿洲ニ確立サレタ銀行制度運營ノ重大責任ハ大藏大臣ノ負フトコロデアツタ。

大藏大臣ハ殆ンド皆、財政上ノ經驗廣ク且種々デアツタ。少數ノ例外ハアツタニセヨ、大藏大臣ハ皆數年間省內ニ務メテ居タ人デアル。

マタ國立銀行ヤ國大ナ民間會社ニ重要ナ地位ヲ占メテ來タ人デアル。

大藏大臣ハ議會ニ於テ、會計事項ニ就キ正式發表ヲ行フノガ常デアル。

(二)

局

(イ)主計局

(ロ)主稅局

(ハ)理財局

(ニ)銀行局

(一)政府金融機關ー(イ)日本銀行 (ロ)橫濱正金銀行 (ハ)日本勸業銀行 (ニ)日本興業銀行

(二)民間大銀行ー(イ)第一銀行 (ロ)三菱銀行 (ハ)三井銀行 (ニ)住友銀行

(ホ)國民貯蓄獎勵局

(ヘ)專賣局。政府專賣ハ左ノ四部門ニ就キ行ハレテヰル。

(一)煙草 (二)鹽 (三)天然樟腦並ニ原油 (四)酒精

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(ト) 國有財産局
(チ) 造幣局
(リ) 關稅局
(ヌ) 外國爲替管理局
(ル) 資金運用局

## 十三、內務省

內務省ハ內國關係並ニ內地事情ニ就キソノ責任ヲ負フ。同省ハ神道國家統治、警察隊消防隊組織並ニ徵兵制度、戰時物資實施及普選ヲ掌握シテ居ル爲、全日本臣民ノ家庭生活ニマデ及ンデ居ルノデアル。其ノ統監、選擧制度ニ隨伴スル有ユル選擧ト共ニ、縣、町、村以下政治ノ下層部ニ迄到ツテ居ルコトハ、同省ニ莫大ナ政治的有利ナ權能ヲ附

與スルモノデアル。

(一)、局

(イ) 神祇局

(ロ) 地方局

(ハ) 警保局

内務省ハ各方面ニ擴ガツタ警察網ヲ持チ、且ツ種々ノ職務ヲ遂行スルコトニナツテヰルガ故ニ、警察行政ニ就テハ重大責任ヲ有スル。

警察ハ憲兵司令官管轄下ノ軍事警察タル憲兵隊ト混同サレテハナラナイ。

書察官ハ内務大臣ノ命令ノ下ニ行動スルモノデアルガ、日本人ハコレヲ天皇ノ身代リト考ヘテヰル。

コノ事實ニヨツテ書察官ハ凡テ活潑ニソノ職務ヲ遂行シ、ソノ權力ヲ揮フコトガ出來ルノデアル。

陸海軍々人ガ之ニ縋マレルト、彼等ハ自分モ陛下ノ代表者デアルト考ヘテヰル故ニ奇妙ナル態ガ起ル事ガアル。

ナホ書察ガ行動ヲ起ス時ハ位階ヲ持ツテヰヤウト、世間的信望ガアラウト大シテ問題ニサレナイ。

書察官ハ巡回中デアラウト、交通整理中デアラウト、又家庭ニアルトヲ問ハズ、天皇ノ官吏トシテ怖レラレ且尊敬ヲ受ケル。人民ハ書察官ニ話シ掛ケルトキハソノ帽子ヲトリ丁寧ニ頭ヲ下ゲル。話ガ濟ムマデ帽子ハ被ラズ、去ルトキハマタ慇懃ニ挨拶シテ別レル。

書察署ハ地理的地域ト確定サレテヰル管區ニ設置サレル。何代ニモ亘リ人民ハ書察署ニ不平ヲ屆ケニ來タリ地方的苦情ヲ持込ンダリ、何ニヨラズ變ツタ事ガアレバ知ラセニ來タ。日本書察ノ權力ノ大部分ハ此ノ書時代ヨリノ人民カラ巡

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至ヘト言フ習ニ由來スルノデアル。

警察官ハソノ所轄地内ニ於テ嚴重ナ警戒ヲ行フ以外ニ

(一) 人口調査

(二) 重要ナ民間ノ調査

(三) 一般的ナ視察

ヲ擔任スル。

コレラノ民事行務ハ警察官ノ威信ト權力ヲ增ス。

所轄地ノ公民ハ出來タテノ料理ヤ、米、菓子等ヲ警察官ニ贈ルノデアル。

警察官ノ佩劍ハ遠ク武士ノ時代カラノ遺物デ威嚴ノ象徴デアル。大都市ニ於テハ警官ハ近代的ナラヂオ、電話、サイレン等ノ機械的電氣的裝置ヲ持ツ。

誰何ノ方法ニ就テノ特別指示事項トシテ警察ノ任務ト題スル講義ノ中デ關氏ハ次ノ如ク述ベテ居ル。

一、(一) 怪シキ人物ナルヤ否ヤハ容貌、特異ナ特徴、態度等ソノ外見ニヨリ判斷スベシ。

(二) 何處ヨリ來リ何處ヘ行クカ、何用デ行クカヲ尋ヌベシ。

(三) 本籍、現住所、職業、姓名、年齡ヲ確ムベシ。

(四) 疑念晴レザル時又ハ更ニ不審ヲ生ジタル時

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ヘ事件ノ要點ニ關レザル別ノ問題ニ亘リ質疑スベシ。

五　其ノ者ノ許可ヲ待テ其ノ所有物ヲ檢査ス。右ノ手續ヲ履ミタル後始メテ被疑者ヲ警察署ニ連行スヘキヤ否ヤヲ決スヘキモノトス。」

更ニ又次ノ如ク附加ス。

「(イ)證據ノ湮滅ヲ許サザルコト。

(ロ)逃亡ヲ許サザルコト。

(ハ)自衛上ノ護防的手段ヲ拒否セサルコト。」

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## 一、保安課

本課ハ常時ノ任務又ハ治安警察法ニヨリ必要トセラレルガ如キ特別調査ニヨリ國内ノ秩序維持ニ關與スル。公衆ノ集會ガ開カレルトキハ發起人ハ警察ニ右集會ノ目的及辯士ヲ明示スルコトヲ要スル。警察ハ左ノ權限ヲ有スル。

(イ)辯士ガ聽衆ニ左翼ノ學說ヲ敎ヘ込ミツツアルトキハ辯論ヲ停止シ、且

(ロ)集會ヲ閉會スル。

公衆ノ道義及公衆ノ行動ハ詳細ニ取締ラレル。凡テノ娛樂場ハ檢査ヲ受ケル。公娼ハ監督ヲ受ケ藝者制度ニハ保護ガ與ヘラレル。

## 二、防犯課

日本ニ於テハ犯罪ノ率ハ甚ク凡テノ容疑者ニハ充分ナル注意ガ拂ハレル。

## 三、檢閲課

本課ハ凡テノ書籍、雜誌及新聞紙ノ檢閲ノ任務ヲ有スル。然シ檢閲ニヨル發行禁止命令ハ警視廳及地方裁判所ノ判事ニヨツテモ發セラレル。書籍及雜誌ハ發行以前ニ原稿デ檢閲ヲ受ケル。從ツテ日本ニ於テハ發行禁止トナル書籍ハ尠イ。外國ノ

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刊行物ハ或期間流布サレタ後ニ禁止トナツタモノモ多少ハアルガ。一般ニ港ニ於テ制限ヲ受ケル。

新聞ニ對シテハ發表シテ可ナルモノ又ハ不可ナルモノ又ハ如何ナル時期ノ事情若クハ話ヲ何ノ程度印刷シテ良イカニ就イテ當局ノ通告ガ發セラレル。例ヘバ一九四〇年九月三日附「或使命ヲ帶ビテ獨逸大使館ニ到來セムトスル獨逸公使ハインリツヒ・スターマーノ日本到着、當地滯在、行動ニ就テハ一切報道スベカラズ」ト謂フガ如シ。如何ナル違反ニ對シテモソノ結果ハ陳謝、科料、拘留、新聞ノ閉鎖ヲ強制サレルノデアル

四、經濟保安課

此ノ課ノ職務ハ物價統制ノ強行及闇取引ノ取締デアル。

(二) 附屬官署

本省ニハ國家的重要性ヲ有スル他ノ三ノ極メテ重要ナル機關アリ。

(イ) 警視廳

本廳ノ業務ハ米國聯邦調査局ニ相當スル所ノ特別高等警察部ヲ含ム。思想取締ニ就テハ特別訓令ガ發セラレル。

(ロ) 防空總本部

(ハ) 警察講習所

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## 十四、文部省

明治ノ改革者ハ維新初期ニ於テ泰西ノ形式制度ヲ細心ニ計畫研究セル後文部省及教育制度ヲ創設シタ。

本省ハ陸海軍ノ學校及他ノ少數ノ特別ナ學校ヲ除イテハ藝術、科學及宗教ヲ含ム凡テノ教育事項ニ就キ指導監督ノ任ニ當ル。

科學研究所及ビ觀測所、多數ノ學會、圖書館並ビニ諸會議モ又本省ノ管轄下ニアリ、此等ノ勢力ハ帝國ノ全部ニ及ンデヰル。

本省ハ國民學校、或ハ中央政府ノ學校ヲ管理シ又大學、專門學校、工業專門學校及ビ高等學校ノ如キ總テノ高等教育機關ヲ管理スル。

教科書局ニハ總テノ教科書及ビ教本ニ使用セラレル資料並ビニ材料ヲ管理スル教科書委員會ガアル。

本省ハ同委員會ニ對シ全權能ヲ持ツ。同會ノ委員ハ陸海軍、大學及ビ實業界ヨリ採ラレル。此中央政府ノ總テノ重要教育業務ニ對スル完全ナル管理ニヨリ官權ハ其獨斷的教義ヲ青年ニ注入スルコトガ出來タ。是ガ日本人ガ政府政策ヲ斯クモ容易ニ甘ジテ承諾シテ來タ理由デアツタ。

## 十五、厚生省

內閣企畫院ノ調査、報告ニヨリ、一九三八年一

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月十日勅令ヲ以テ厚生省ヲ創設シタ。

本省ハ健康、衛生施設、衛生、勞働及ビ社會保險ニ關スル一般並ビニ特殊方面ヲ包含スル「國民ノ体力並ビニ福利增進」ノ責任ヲ委託サレテヰル。厚生省ノ設立ニ際シ、内務省ノ公衆衛生局及ビ社會福祉局ガ廢止サレ、同省ノ定員五分ノ二ヲ減員サレタ。商工省ハ鑛産局管下ノ勞働衛生課ガ廢止サレタ。遞信省ハ郵便保險及ビ年金ニ關スル管轄權ノ一部ヲ失ヒ、文部省ハ學校系統以外ノ訓練及ビ運動ニ關スル職務ヲ讓渡シタ。住宅課ハ工場地帶ニ於テ增大シタ住宅設備ガ必要トナツタノデ戰時中急激ニ擴大シタ。

## 十六、遞信省

一九四三年ニ本省ハ鐵道省ト合併サレタ。新設省ハ運輸通信省デアル。或ル局課ハ廢止サレタガ重要ナ業務職掌ハ保留サレタ。

舊遞信省ハ一八八五年ニ設立サレ其職掌ハ擴張サレテ其權限ハ郵便局、航空、造船、水運ノ分野ニ及ビ其他電信、電話、ラヂオ、海底電信、燈臺等凡テノ電氣關係ノ任務ヲ含ムニ至ツタ。

大臣ハ前十内閣デハ汽船會社若クハ實業會社ノ經營及實務上ノ經歷ヲ有スルモノモ二、三アツタガ

殆ンド全部政界デ経験ヲ持ツテ居ル。

## 十七、司法省

司法ニ關スル政府ノ部課ハ日本ニ於テハ一千有餘年ノ傳統ヲ有スル。西暦六四九年大化ノ改新ニ依リ我國最初ノ確定セル一省ガ設立サレタ。其後德川時代ニ至リ裁判所制度ハ非常ニ擴張サレタ。一八八九年マデニ出サレタ法令等ニ依リ本省ハ今日ノ機構ヲ作ルニ至ツタ。

司法大臣ハ民法、刑法及行刑制度ヲ管理スル責任ヲ有スル。檢事及判事ニ對シ監督權ヲ行使スル。皇族及國家ニ關スル訴訟事件ノ控訴提起及防禦ハ本省ノ其ノ他ノ重要ナル任務デアル。

本省ノ職員ハ地方裁判所判事及ビ檢事ノ外、控訴院、大審院ノ判事及ビ檢事並各裁判所ノ職員ヲ含ンデ居ル。

大臣ハ殆ンド例外ナク大審院判事又ハ檢事總長ノ閲歴ヲ有シ、省内ニ在テ長年月ノ經驗ヲ積ンダ人デアル。

大臣ハ判檢事ヲ任命シ其累進ハ彼ノ推薦ニ由ル。

## 十八、商工省

一九二六年三月勅令第一三七號ハ商工省ヲ一省トシテ創設シタ。一九四三年廢止セラレ其事務ハ

## 第二章　各種ノ工業組合

### 第一節　通則

#### 第一款　設立

**第一條**　同種ノ工業ヲ營ム者ハ其ノ工業ニ關スル左ノ事項ヲ共同ニ遂行スル爲メ工業組合ヲ設立スルコトヲ得

一　工業ノ改良發達ニ關スル事項

二　工業ノ經營ニ關スル事項

三　工業ニ關スル調査及ビ研究ニ關スル事項

四　工業ニ關スル知識ノ普及ニ關スル事項

五　工業ニ關スル標準ノ設定ニ關スル事項

六　工業ニ關スル紛議ノ調停ニ關スル事項

七　工業ニ關スル官廳ノ諮問ニ對スル答申ニ關スル事項

八　前各號ニ掲ケタルモノノ外工業ニ關スル共同ノ事業ニ關スル事項

**第二條**　工業組合ハ法人トス

**第三條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第四條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

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**第八十條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十一條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十二條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十三條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十四條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十五條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十六條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十七條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十八條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第八十九條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第九十條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

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**第九十八條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第九十九條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

**第百條**　工業組合ハ其ノ地區ヲ定メテ之ヲ設立スルコトヲ得

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二十、農林省

現在本省ハ農商省ノ救局ヲ合併シ、農業、林業及ビ漁業ニ關スル一切ノ事項ニ對シ權限ヲ有セリ。

二十一、拓務省

本省ハ千九百二十九年六月十日附ノ勅令第百五十二號ニヨリ設立サレタリ。

勅令第一條ハ朝鮮總督府、臺灣總督府、關東州廳及ビ南洋廳ニ關スル悉ユル事項ヲ管理スベキコトヲ規定セリ。本條項ハ又本省ガ南滿洲鐵道株式會社及ビ東洋拓殖株式會社ノ二大會社ノ運營ヲ監督スルコトヲ規定セリ。上記ノ方面ニ於テ本省ハ必ズシモ完全ナル權限ヲ有セザリキ、ソレハ若干ノ事項ハ陸軍省、大藏省、遞信省及ビ內務省ノ責任タリシガ故ナリ。

政府ノ重要戰時聯制改革ニ於テ拓務省ハ廢止サレ、其ノ職務ハ分割サレ、內閣及ビ內務省又ソノ若干ハ大東亞省ヘ移管サレタリ。殖民地ヲシテ帝國ノ完全ナル一部分デアルト感ゼシメル事ニ依リ政府ヲ强化セントノ意圖ノ下ニ殖民地行政ニハ不斷ノ政變ガ行ハレタリ。

二十二、政府行政ニ於ル戰時的變化

(一)

大東亞省

千九百四十二年九月及ビ十月、内閣ノ機構改革ニヨリ大東亞共榮圏「建設」ニ關スル悉ユル事項ハ外務省ヨリ除カレ、大東亞省ノ管掌スルトコロトナレリ。

本省設立ノ千九百四十二年ノ勅令七百七號第一條ハ次ノ如ク規定ス。

「大東亞大臣ハ關東局及ビ南洋廳ノ遂行ヲ監督スルモノトス本大臣ハ又大東亞ニ駐在スル外交官並ニ領事ノ職務ヲ指導スルモノトス」

多クノ點ニ於テ千九百四十二年（昭和十七年）十一月一日實施ノ本省設立ハ近年日本ニ於ケル最モ重要ナル單獨ノ行政的變革デアツタ。本省ノ創設ヲ發表スルニ當ツテ政府ハ大東亞省ガ日本本土、朝鮮、臺灣及ビ樺太ヲ除ク大東亞圏内ノ政治、經濟及ビ文化ノ分野ヲ包含スル行政事務ヲ行フ一般的機關ナルヲ聲明シタ。併シ乍ラ純然タル外交的性質ノ一切ノ事項ハ外務省ノ管轄ニ屬サレタ。

大東亞關係ノ業務行政ハ從來外務省、拓務省、興亞院、對滿事務局ノ四省ニヨリ分擔サレテキタ。新設本省ハ日本ノ諸任服ガ恒久的ナモノデアリ、占領領域ノ十分ニシテ完全ナル開

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發ノ時機到來セリトノ政府ノ自信アル希望ヲ反映シタノデアル。本省設立ニ依リ、陸軍ハ、占領領域ニ於ケル軍ノ政策ニ就戰スル爲ニ依然トシテ有シ居ルガ如キ權能ハ全部外務省カラ奪取シタノデアル。

本要點ハ本省設立ニ關スル千九百四十二年（昭和十七年）ノ勅令第七百七號第十九條ニ爾明ニサレテヰル。本條項ハ次ノ如ク規定シテキル。

「陸海軍トノ緊密ナル協力ノ爲メニ、大東亞省ハ大東亞地域內ノ占領地行政ニ關スル諸事項ヲ管掌スベシ」

本省ハ元來ハ四局ニ編成サレタガ千九百四十三年（昭和十八年）十二月ニ第五ノ局ガ追加サレタ。

之等ハ次ノ通リデアル。

(イ) 行政局

本局ハ、省關係事務ノ調整、產業經濟諸政策ノ起案並ニ統計ノ管理等ニ關スル一切ノ事項ヲ管轄セリ

(ロ) 對滿事務局

對滿事務局ハ、對滿諸政策ノ企劃、關東局、滿

南方事務局ハ、南方ニ關スル一般事務ヲ管轄セリ。其ノ活動範圍ニハ、泰國及ビ佛領印度支那ノ保護、南方ニ於ケル邦人ノ敎育、文化事業、財政、貿易、農業、林業、漁業、交通及ビ其他該地域ニ於ケル同種ノ事業等ヲ包含セリ。

(ホ) 商工局

商工局ハ、千九百四十三年（昭和十八年）十二月成立シ、元、廢止セラレタル商工省管轄下ニ在リシ大東亞ニ於ケル通商事務若干ヲ引繼ギタリ。

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洲國ニ關スル財務局、貿易、產業、物資、物價及ビ交通ノ諸局、南滿洲鐵道株式會社、滿洲拓殖株式會社及ビ其他ノ滿洲國開發關係ノ諸機關等ニ關スル事項ヲソノ管轄下ニ有セリ。

(ハ) 對支事務局

對支事務局ハ、支那ニ關スル行政事務ノ遂行ニ就テノ政策企劃、文化事業、財政、貿易、農業、林業、漁業ノ振興、北支開發株式會社、中支開發株式會社及ビ其他同種ノ事業活動等ヲ委任セラレタリ。

(ニ) 南方事務局

（二）

## 内閣顧問會議

内閣顧問制度ハ無任所國務大臣ノ水準ヨリモ幾分低イ水準ニ設置スベク法制ガ制定サレタガ内閣顧問ハ「親任官」ノ待遇ヲ受ケ又勅命ニ依リ任命セラレルノデアル。彼等ハ「總理大臣ノ國務ノ遂行ニ關シ重要事項ニ關與」シタノデアル。法制ハ又、内閣内ニ戰時經濟會議、行政監督會議、及ビ計劃局ヲ設置シタ。始メノ三者ハ總理大臣ノ直接監督下ニ一種ノ相連繫シタ管理者ノ形ヲ成シテ居タ。

昭和十八年三月新設サレタ内閣顧問會議ハ七名ノ指導的ナ實業家及ビ政治家カラ成ツテ居タ。昭和十八年十一月ノ末政府ハ内閣顧問會議ニ三名ノ顧問任命增員ヲ發表シ、新クテ顧問數ハ十名トナツタ。三名ノ新顧問ハ總テ夫々ノ分野ニ於ケル重要ナ實業專門家デアツタ。

戰時經濟會議ハ全内閣顧問並ニ遠海軍大臣及ビ經濟發展ニ關係アル他ノ大臣ヲ含メテ總理大臣ヨリ指名サレタ特定ノ國務大臣ヲ包含シテ居タ。

新計劃局ハ三名ノ顧問、二十名ノ調査官、及ビ三名ノ國會議員ニヨリ滿成サレ、天然資源統創行政ニ從事スルノデアツタ。

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局ノ権限ハ勅令ノ第一條ニ次ノ如ク規定サレテキル。

「一 平時及ビ戰時ニ於ケル全天然資源ノ增産ト使用トニ關スル計畫ノ立案、及ビ理由ヲ具シタル計畫ヲ總理大臣ニ報告スルコト。

「二 所管大臣ヨリ閣議ニ提出サレ、又ハ平時及ビ戰時ニ於ケル全天然資源ノ增産ト使用ニ重要關係アル提案ノ大綱ノ討査、並ニ總理大臣ヲ通ジ之ヲ內閣ニ意見ヲ具シ報告スルコト。

「三 平時及ビ戰時ニ於ケル全天然資源ノ增産ト使用トニ關係アル重要事項ノ豫算統制ニ就キ意見ヲ具シ總理大臣ヲ通ジ內閣ニ報告スルコト。

「四 國家總動員計畫ノ立案遂行ニ關係アル諸官廳ノ所管事項ノ調整及ビ整理。

「五 國土利用計畫立案ニ關スル事項並ニ國土利用計畫ニ必要ナル限リ諸官廳所管事項統制ニ關スル事項」。

(三) 軍需省

イ. 背景

內閣企畫院ハ昭和十二年ニ支那事變ニ於ケル日本ノ國力ノ增大及ビ動員ニ對スル資ニ任ズル爲設置サレタ。其レハ日本ノ動員

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計劃ヲ立案シ、之ヲ參考ニ供スル爲內閣ニ提出シタノデアッタ。

企劃院及ビ政府各省間ノ計劃ヲ調整スル爲、昭和十六年ノ末頃各重要產業別ニ統制會ガ設置サレタ。

是等統制會ハ商工大臣ノ監督ニ屬シ、且ツ大商會ノ指導的「カルテル」ノ前會長等ニヨリ管理サレタ。日本內地、日本本土、各植民地及ビ占領地域ニ於ケル生產計劃表ハ先ヅ企劃院ニ於テ立案サレ、閣議承認後統制會ニ交付サレタ。

然シ乍ラ、增產ニ對スル戰爭ノ需要ハ各統制會ガ原料品及ビ其ノ他ノ物資獲得ノ爲競爭スル結果トナッタ。

其ノ結果一層完全ナ統制方法ガ軍指導者ノ主張ニ基キ政府ニヨリ開始サレタ。

結局昭和十八年秋軍需省ヲ設置シ又政府內ノ廢殺ナル行政改革ヲ斷行スルコトニヨリ最終ノ目的ヲ遂シタ。

(ロ) 廢務機關

企劃院ト商工省トハ廢止サレ、其ノ工業生產及ビ軍需生產ニ關スル廢務機關ハ、新設軍需省ニ移管サレタ。

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新設ハ統制會ニ依リ從來行ハレ來ツタ職務權限ニ就テモ同樣實ヲ擧フコトニナツタ。

約言スレバ軍需省設置ノ目的ハ、政府ノ軍指導者ヲシテ戰爭物資增產ノ爲產業ノ全活動ヲ直接統制セシムルコトニ在ツタノデアル。

(四) 運輸通信省

政府ハ日本、滿洲及ビ支那占領地ノ海上陸上ノ全交通組織ヲ單一權力ノ下ニ整合スル爲新シイ省ヲ設置スルコトヲ企圖シタ。郵便、電話及ビ無線裝置ヲ包含スル有ユル運式ノ交通手段ガ新設省ノ統制下ニ置カレタ。

(五) 農商省

商工省ノ活動分野ガ軍需省ニ引繼ガレテ後遺余ノ全機能ヲ新設ノ農商省ヘ移設スルノガ政府ノ意向デアツタ。之ニ加ヘテ此ノ新設ノ省ハ農業活動ニ就テノ廣汎ナ管轄權ヲ掌握シ、食料ト消費者向物品ノ供給ガ特ニ重要視サレタ。

(六) 最高戰爭指導會議

最高戰爭指導會議ガ一九四四年ノ八月ニ創設サレタ。ソノ目的ハ日本政府ガ發表セル

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如ク戰爭指導ニ關スル根本政策ヲ明確ニスルニアツタ。

元帥府並ニ軍事參議院ニ就イテハ既ニ述ベタガ何レモ天皇ノ諮問機關デアツタ。

之ニ關聯シテ述ベネバナラヌ他ノ機關ハ國防並ニ軍事作戰ニ關スル計畫ヲ推進スルノガソノ任務デアル陸軍參謀本部及ビ海軍々令部デアル。

國防事項ニ關シテハ平時ニ於テハ參謀本部及ビ軍令部ノ決定ガ直接天皇ニ具申サレ戰時ニアツテハ大本營ニ報告サレル。問題ガ非常ニ重要デアル時ハ元帥府若シクハ軍事參議院又ハ兩者ニソレガ持込マレル。

天皇ノ裁可ガ與ヘラレルトソレ等事項ハ實施ノ爲陸軍大臣又ハ海軍大臣ニ送附サレル。

併シ前戰ニ於ケル軍隊ノ實際ノ作戰ニ關スル事項ニ就イテハ總テ參謀本部及ビ軍令部ガソノ全責任ヲ負フ。

支那事變ニ伴ヒ政府ノ軍民兩部門ノ統合ニヨリ戰爭指導基本政策ヲ樹立スル爲軍部ハ連絡委員會ヲ創設セシメタ。同委員會ノ委員ハ陸軍大臣、海軍大臣、陸軍參謀總長、海軍々令部總長ヨリ成リ、委員會トシテ大本營ト政府トノ中間ニ介在シタ。

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連絡委員會ノ委員ハ殆ド七年近ク彼等ノ仕事ヲ相當手際良ク成シ遂ゲタガ、日本陸海軍ガ逆境ニ陷リ始メテヨリ更ニ密接ナル連携ガ必要ナコトガ分ッタ。

一九四四年二月ニ陸海軍大臣並ニ陸海軍參謀長ヲ單一ノ長ノ下ニ統合スルタメノ處置ガ採ラレタ。コノ處置ノ目的ハ連絡委員會ノ現存ノ機能ヲ強化シ統合スルコトデアッタ。此ノ刷新ニ當スル政府及ビ軍上層部内ニ於ケル强烈ナル反對ガアッタ爲ト他ノ理由トニ依リ東條主相ノ政府ハ倒レタ。

後繼小磯首相政府ハ軍ヲ行政ヨリ分離シ最高戰爭指導會議ト帶スル新シイ機關ヲ設置シタ。此ノ再組織ノ結果トシテ連絡委員會ハ主トシテ政府上層部内ノ意見、殊ニ工業生産ノ問題ニ關スル意見ノ相違ヲ調メルニ足ル權力ト能力ガ無イト言フ理由ノモトニ廢止サレタ。

新シイ最高會議ハ基本的行政ト軍政策トヲ樹立シタル後ニ統帥權ト國務ノ吻合ヲ圖ラウト努力スルモノデアッタ。ソノ仕事ハ特ニ軍作戰ト生産トニ關シ兩者ヲ完全ニ行ハセルコトデアッタ。新シイ最高戰爭指導會議ハ、戰爭ノ遂行ト最モ重要ナ航空機生産、其他戰時生産トニ對スル基

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礎的計畫ノ決定ニ責任ガアツタ。同會議ニヨリ決定サレタ基本的政策ハ大本營及ビ政府ガ施行シタ。新シイ同會議ト政府トノ關係ハ法制ニ基ヅイタモノデハナク、政治的考慮ニ基ヅイタモノデアツタ。言葉ヲ換ヘテ云ヘバ內閣ハ同會議ノ決議ニ法律的ニ拘束ヲ受ケナカツタガ、政治的觀點ヨリスレバモトヨリ其レハ會議ノ決議ニ左右セラレタ。

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## 二十三、戰時立法

(一) 國家總動員法

本法ハ最初一九三八年公布セラレ、一九四一年ニ改正セラレタモノデ戰時法規ノ大半ノ基礎ヲナスモノデアル。

(二) 改正治安維持法

一九四一年ニ制定セラレタ本法ハ國策ヲ變革スルコトヲ目的トシテ結社ヲ組織シタル者若ハ騷擾ヲ教唆シタル者ニ重刑ヲ課スコトヲ規定シテヰル。

內務大臣若槻氏ハ法案提出ノ際次ノ如ク述ベテヰル。

「本法ハ國体ノ根本原理ヲ顚覆セシムルガ如キ非合法的結社ノ禁止ヲ目的トスルモノデアル」ト。

(三) 戰時行政職權特例

本法ハ一九四三年一月提出サレタモノデ內閣總理大臣ニ對シ彼ガソノ必要アリト考ヘル場合ハ何時ニテモ重要軍需資材ノ生產擴大ニ關シ指令ヲ發シ且上記資材ノ生產ニ關シテハ各大臣ノ職務ヲ行フ權限ヲ附與セルモノデアル。

## 二十四、日本ノ占領地ニ於ケル行政機關

(一) 大東亞省

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大東亜省ガ一九四二年設立サレタ際、元來委任統治領諸島（即チ、カロリン、マーシャル及マリアナ諸島）ト東洲租借地及支那及南太平洋ノ占領地ノ行政ニ當ツテキタ拓務省ノ各局ハ之ニ併合サレタノデアル。

(二)　滿洲國

滿洲國政府ハ獨立國ノ如キ外見ヲ呈シテキルガ事實上ハ日本占領軍ニ支配セラレテキルノデアル。

其ノ憲法及政府組織ハ治ド凡テノ點デ日本ノソレト酷似シテキル。其ノ立法府ハ其ノ假定的存在期間中一度モ招集セラレタ事ガ無ク、凡テノ立法ハ皇帝ヨリ任命セラレタ總理ヲ長トスル行政府ニヨリ制定セラレタ。滿洲國ノ事實上ノ支配者ハ滿洲國駐在日本大使ヲ兼ネテキル日本ノ關東軍司令官デアツタト言ツテモ過言デハナイ。

(三)　支那ニ於ケル被占領地

支那ノ占領セラレタル部分ハ三ツノ管區ニ分タレテ組織セラレタ。

(イ)南京國民政府
(ロ)蒙疆自治政府
(ハ)南支沿岸特別行政地域

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南京國民政府ハ傀儡國家デアッタ。此ノ政府ハ支那全土ヲ支配シテヰルト稱シテヰタガ、實際ニハ日本占領軍ノ支持ニ依ッテ存在シテヰタノデアル。創設上ハ此ノ政府ハ完璧デアッテ議會、大臣、地方行政區域、長官及ビ官吏ヲ備ヘテヰタ。

南京政府ニ對立シテ、重慶ヲ首都トシ、蔣介石大元帥ノ指導下ニアル支那共和國政府ガ在ッタ。北西部ニハ中國共産黨ガ居テ、日本ノ領土擴張ニハ重慶ト共ニ斷乎トシテ反對シテヰタガ、重慶政府トハ未ダニ協力シテ居ナイ。

蘇聯邦合自治政府ハ事實上ハ日本ノ東軍ノ支配下ニ在ッタノデアル

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## 二十三、大政翼賛會

日本ニ於テハ政黨ハ意味深長ナル主義及政黨綱領ヨリハ寧ロ主トシテ個々ノ指導者達ノ人格及信望ヲ中心ニ組織セラレテ居タ。

最モ著名ナル政黨中ノ二ツハ夫々有力ナル日本ノ同族會社ヨリナル財閥ヲ背景ニシテ居タ爲成功シタノデアラウ。

一九四〇年（昭和十五年）近衛公ハ就任受諾ニ當リソノ條件トシテ凡テノ政黨ノ任意的解消ヲ要求シタ。

國家的政治機關卽チ大政翼賛會ガ組織サレ凡テノ政黨ニ代ハリ又ハ之ヲ併合シテソレ等ノ機能ヲ引受ケタ。

之ハ政府ノ支配下ニアル宣傳機關デアツテ政治問題ハ勿論、經濟問題ニモ、全國的又ハ局地的ニ活躍スルモノデアル。

內閣總理大臣ハ大政翼賛會ノ總裁デアルガ、實際上ノ指導ハ主トシテ副總裁通常無任所大臣――ニ委キラレテヰル。翼賛會ノ幹部ハ凡テ內閣總理大臣ニヨツテ任命セラレルノデアル。

大政翼賛會ハ僅カ部分的ニ成功ヲ贏チ得タノデアル。一九四二年（昭和十七年）四月ノ總選擧ニ

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ハ大政翼賛會ハ衆議院ノ總議席數ノ八個一分ヲ獲得シタ、尚一九四二年（昭和十七年）五月ニハ翼賛政治會ト呼稱スル新タナル團体ガ政治方面ニ活躍シ且選擧ニ對スル文配力ヲヨリ完全ナラシムル爲ニ組織サレタノデアル。

## 結論

日本ノ政治制度ガ平和的施策及政策ノ發達ニ不適當デアツタコトヲ實證センガ爲ソノ缺陷ヲ指摘スルコトハ本論ノ目的デハナイ、併シコノ問題ニ關シテハ次ノ如ク要約出來ルト思フ。即チ日本ニ於テハ政府ノ國民ニ對スル責任ニ關スル有效ナル制度ガ缺ケテヰルコトガ判然ト見受ケラレル。

現在ノ日本憲法ハ、一方代表機關ニ對スル國民ノ種々タル要求ヲ和ゲル爲ト、他方國治ノ指導者ガ日本ガ近代世界ニ於テ存在ヲ繼續シ且發展スル爲ニ必要ト信ジ、彼等ニヨツテ創設セラレタ中央集權的及專政的政治機構ヲ永久化シ且強固ナラシメントスル二重目的ヲ以テ制定セラレタノデアル。此ノ後者ノ目的ニ沿ツテ實權ハ皇位ヲ取卷ク少數ノ個人的輔弼者ノ手ニ保持セラレ、國民ニヨツテ選バレタ彼等ノ代表者ハ立法ニ對シ僅ニ制限セラレタ監督權ヲ與ヘラレタノデアル。

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内閣ガ瓦解シタ場合、新内閣ノ大臣ヲ選ブ新首相ニハ、衆議院ニ於ケル多數黨ノ黨首班ガ自働的ニ任命セラレルノデハナク、諮問ヲ經タル上天皇ニヨリ親任セラレル者ガナルノデアル。從ツテ新政府ノ性格及構成ハ、衆議院ニ於ケル多數意見ヨリハ寧ロ此ノ奉答ニヨリテ決定セラレルノデアル。

政府ノ歳出ニ對スル議會ノ監督權ハ、豫算ガ議會ニヨリ否決セラレタル場合前年度ノ豫算ガ自働的ニ效力ヲ有スルトスル憲法ノ規定ニヨリ、亦豫算自体ニアル特別事項ノ厖大サニヨリ非常ニ制限セラレテヰルコトハ既ニ指摘シタ通リデアル。若シ之ニ繼續費ヲ加ヘルナラバ、議會ノ審議ヲ受クベキ支出ハ小額ニ過ギナイノデアル。

國内問題ニ關スル一般的法律ノ可決ハ議會ノ權限内ニアルケレドモ、實際ニハ法案ノ殆ド全部ハソノ遂行ニ付議會ガ干與セザル内閣大臣ニヨリ提出セラレルノデアル。

宣戰ノ布告、講和及條約ノ締結ハ天皇ノ大權ニ屬スルモノニシテ、是等ノ事項ニ關シ議會ハ僅ニ間接的影響ヲ與ヘ得ルノミデアル。蓋シ議會ハ是等ノ事項ニ關シ天皇ヲソノ側近者ト共ニ輔弼スル内閣及樞密院ヲ監督スル能力ガナイカラデアル。

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議會ハ皇室事項ニ關シテハ何等權限ヲ持タナイノデアル。法ノ改正ヲ發案スルコトモ出來ナイノデアル。又ハ、勝手ニ開會スルコトモ出來ナイノデアル。其ノ會期中ニ總理大臣ノ助言ニ基キ天皇ノ命ニ依ツテ十五日間ヲ限度トシテ幾度モ停會サセラレ得ルノデアル。

貴族院議員ノ約半數ハ華族ニヨリ、四分ノ一ハ多額納稅者ニヨツテ且是等多額納稅者中カラ選出サレタルモノニヨリ、及ビ他ノ四分ノ一ハ親任官ニヨリ構成サレテキルノデアル。故ニ貴族院ガ一般大衆ヨリ選出サレル衆議院ト同等ノ立法權ヲ有スル事ハ、日本ニ於ケル有產階級及保守的階級ニ立法上過大發言權ヲ與ヘルト云フ事ガ明白トナツタノデアル。

樞密院ハ、議長一名、副議長一名、終身顧問官二十四名及職權ニ據ル關係ニ依リ構成サレ、天皇ノ最高諮詢機關デアル。ソノ權限ヲ定ムスル一八九〇年（明治廿三年）公布ノ官制ノ規定スルトコロニ依ルト、一般的ニ言ヘバ、憲法問題、國際條約及協定ニ關シテ並ニ發布前ノ緊急勅令ノミ天皇ヨリ諮詢ヲ受ケルコトニナツテキタ。

而シ樞密院ハ段々ニソノ活動範圍ヲ擴張シ、ソノ

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權限ヲ擴大シテ近來ニ於テハ對外及ビ國內問題ニ關スル行政上ニ莫大ナル監督權ヲ有スル「第三院」ニ相似ルニ至ツタノデアル。

樞密院ハ度々內閣ノ政策問題ニ反對シ又[illegible]間ニ互ツテ議會ノ信任アル內閣ヲ總辭職セシメルニ至ツタノデアル。議會ニ對シ、又ハ國民ニ對シテソノ活動ノ何等政治的責任ヲ有スルモノデハナク、而モ國家ノ全般的事項ニ對シテ重大ナル役割ヲ果スモノデアルカラ樞密院ハ健全ナ議會制度ノ發達ニ偉大ナル障害デアツタ事ガ明カニナル。

軍部ガ彼等ニ與ヘラレタル職責ノ範圍內又ハ範圍外ニ於テモ、國策ヲ左右シ、且彼等本來ノ職責ノ範圍內ニ於テ文官勢力ニ對シ至上ヲ行使シ得ル力ヲ持ツテキタコトガ、日本政府ニ於ケル軍部ト文官トノ間ニ責任ノ分裂ヲ來シタ原因ヲ成シタノデアル。コノ分裂ガ國策決定ニ及ボシタ影響ニ關シテハ後程充分之ヲ說明致スコトニスル。

憲法自体、又ハ基本法令及ソレニ附隨セル規則ノ上ニ立ツ現在ノ政府組織ヲ大キナ筆ヲ以テ描クノガ私ノ目的デアツタノデアル。

日本ノ立憲制度ニ於ケル分裂懸隔及重複スル部分ニ關シ、且秘密ニ蔭デ活動シ、コノ懸隔ヲ補ヒ

且必要ナル連絡ヲ果シ、而モ天皇ニ助言スルソノ資格ハ主トシテ憲法外ノ習慣及傳統ニ基ク是等ノ團体及官職ノ職掌ニ關シ今ヨリモツト具体的ニ裁判所ニ説明致シタイト思フノデアル。

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(F)

JAPANESE CONSTITUTION AND GOVERNMENT

PART II

In the preceding discussion, there has been depicted for the Tribunal, in some detail, the chief organs and the salient features of the Japanese governmental system. To stop the analysis at this point would be to leave the picture half painted and given an incomplete view of the incidence of responsibility for governmental function and action in the Japanese state. Particularly we would be likely to fail to grasp the basic responsibility of the defendants, or of the great majority of them, for the crimes with which they stand charged in the indictment. In order to fix responsibility for governmental function and action in the Japanese state and in order to fully comprehend the responsibility of the defendants for the crimes charged against them, it is not sufficient to outline the structure of the various constitutional organs and to analyze their respective functions.

A most cursory examination of the Japanese Constitution and the documents with respect to the several governmental organs established thereunder, as well as the analysis already made, discloses that there exists in the Japanese governmental setup (1) areas of divided jurisdiction, (2) areas of jurisdiction which have not been assigned to

any constitutional organ whatsoever and (3) areas of conflicting and overlapping jurisdiction. To meet the needs occasioned by these problems, it became necessary for the Japanese government to make us of certain extra-constitutional and extra legal bodies to fill the gaps and to coordinate the activities of the several organs having jurisdiction over the whole or part of the same sphere of governmental activity. It is, therefore, necessary in order to fix governmental responsibility and to obtain some idea of the governmental mechanism in operation, to ascertain the areas of division, gap and conflict, and to examine the extra-constitutional bodies created to meet the problems engendered thereby.

I. <u>The Areas of Divided Responsibility, Conflicts of Jurisdiction, and Gaps in Jurisdiction and Mechanism</u>

For the purpose of properly clarifying the issues involved, this problem will be considered separately with respect to two of the main functions of government, namely the legislative and the executive.

A. The Legislative Conflicts

1. The nature of the Japanese legislative function.

The allocation of legislative powers in the Japanese government is to be found in Articles IV to X inclusive, and Articles LXVII and LXXIV of the Constitution (Kempo) which provide as follows:

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Article IV. The Emperor is the head of the Empire, combining in himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.

Article V. The Emperor exercises the legislative power with the consent of the Imperial Diet.

Article VI. The Emperor gives sanction to laws and orders that to be promulgated and executed.

Article VII. The Emperor convokes the Imperial Diet, opens, closes and prorogues it, and dissolves the House of Representatives.

Article VIII. The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial Ordinances in the place of law.

Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

Article IX. The Emperor issues or causes to be issued, the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

Article X. The Emperor determines the organization of the different branches of the administration, and salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or other laws shall be in accordance with the respective provisions (bearing thereon).

Article XXVII. Every law requires the consent of the Imperial Diet.

Article XXIV. No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Imperial Diet.

From these provisions of the Constitution, the following general principles may be deduced with respect to legislative responsibility and division of function.

(A) The legislative power is vested in the Emperor subject to the assent of the Diet with respect to the enactment of laws.

(B) When the Diet is not in session, the Emperor, or rather his ministers as his advisors, may exercise the legislative power by Imperial Ordinance. If these Ordinances are later disapproved of by the Diet, they are invalid for the future. However, the Ordinances and all actions taken thereunder are completely valid for the period between their promulgation and the date of disapproval by the Diet. Such legislation may and does alter existing law.

(C) The Diet has no relation whatsoever to the Imperial Household Law. By the Constitution, Imperial Household affairs are placed beyond the reach of the Diet, and a separation is drawn between the affairs of the Court and those of the State. However, within the prerogatives over the Imperial Household are included matters which are not strictly internal matters of the Court but of vital concern to the people and to the state as well, such as

those relating to the succession to the throne, the institution of regency and to the Imperial Household Law.

With respect to these matters which belong to the general affairs of state, the Cabinet may be consulted, but the Diet has no means of questioning responsibility for the Cabinet's advice. The Ministers of State have always refused to answer interpellations in the Diet on Imperial Household affairs, maintaining they have no responsibility for such matters.

(D) Even as to matters within the competence of the Diet, the exercise of its functions are limited by the controls set up for its regulation wherein the power to open, close and prorogue both Houses of the Diet, or to dissolve the House of Representatives is vested in the Emperor or in other organs delegated by him.

(E) By reason of the general ordinance powers reserved to the Imperial Throne by Articles IX and X of the Constitution, the Diet is excluded from participation in many matters which are strictly within the legislative sphere in all western countries. Thus the Imperial Ministers as agents for the Emperor alone may establish the entire administrative hierarchy, and it is significant to note that the documents which will be produced in evidence establishing the various organs and departments of government are without exception Imperial Ordinances and Rescripts and not enactments of the Diet. With respect to the Ordinance power reserved to the Emperor under



function of the Diet, we must ----

article IX, with the exception of "ordinances necessary for the carrying out of the laws", which may be termed administrative, the remaining power, namely that of issuing ordinances for the maintenance of the public peace and order and for the promotion of the welfare of the subjects, involves matters which are purely legislative in content and are customarily left to the legislature for enactment into law. However, under the Japanese system they are retained in the hands of the emperor and exercised by the Ministers.

(F) In addition to the limitations mentioned before the Diet is precluded from any participation with respect to certain other matters customarily considered part of the legislative function. The organization of the army and navy is determined by the Emperor (article XII). The Emperor declares war, makes peace and concludes treaties (article XIII). In these functions neither house of the Diet plays any direct role.

While the legislative power in all its ramifications is vested in the Emperor, he, or rather his Ministers, exercises this power not directly but through delegation to other organs of the government. It is therefore necessary to examine the legislative powers of each of these organs with respect to each other and to the Diet.

2. The area of Conflict between the Cabinet and the Diet.

Before we can adequately assess the legislative function of the Diet, we must first understand:

**(A) The position of the Cabinet in the Japanese Constitutional system.**

Although the Cabinet is the chief executive organ of the government, there is no specific reference to the Cabinet in the Constitution. If included at all, it is only by implication. The only Article which may be said to have application to that body is Article LV which provides:

> "The respective Ministers of State shall give their advice to the Emperor, and be responsible for it. All laws, imperial Ordinances and Imperial Rescripts of whatever kind, that relate to the affairs of the State, require the counter-signature of a Minister of State."

Yet notwithstanding these facts, the Cabinet exists as a collective body composed of departmental ministers under the presidency of a minister president for the purpose of initiating, directing and carrying out the general policies of the government and to serve as a channel through which the imperial prerogative over general affairs is placed in operation. This body owes its origin to the Imperial Rescript on Functions of the Cabinet of December 22, 1885 establishing a cabinet system, and its composition powers, duties and functions are set forth in that instrument and in the Imperial Ordinance Relating to General Rules Concerning the Organization of the Ministries of 1893 and not in the Constitution itself. Article I of the Imperial Rescript on the Functions of the Cabinet states: "The Cabinet is composed of the various Ministers of State."

According to Article LV of the Constitution, the Cabinet Ministers, or Ministers of State, are responsible for the advice which they give to the Emperor. The Constitution, however, as Prince Ito in his Commentaries explains, is silent about the person or persons to whom they are responsible and for what they are responsible, and the nature of the responsibility.

(1) Person to whom responsible.

There is unanimity among the constitutional jurists that in legal principle, the ministers of state are primarily directly responsible to the Emperor and that no other organ of the State may question their legal responsibility or remove them from office.

Although the responsibility of the Cabinet is thus agreed to be due primarily to the Emperor, the Diet has certain legal powers of control over the Cabinet. By means of parliamentary interpellations or asking questions, the passage of resolutions, the presentation of resolutions to the Throne (Article XLIX), the voting approval of emergency imperial ordinances (Article VIII) and by its budgetary power (Article LXIV and LXV) the Diet is able to have some measure of control over the Cabinet.

On occasion, the Cabinet has adopted the parliamentary device of resigning or dissolving the House and having the matter decided by the electorate upon a resolution of lack of confidence being voted in the Lower House.

(2) Matters for which the Cabinet is responsible.

Since under the Japanese Constitution, the Emperor is inviolable and has no responsibility for his acts and since he exercises his prerogatives only upon the responsible advice of organs of the State, and since it is only upon the advice of a minister of state that the imperial prerogative over general affairs of state may be exercised, the scope of ministerial responsibility is as broad as the imperial prerogative over state affairs. This primary responsibility to the Emperor is inescapable as to matters of state, even though the Emperor has sought out the advice of other constitutional and extra-constitutional bodies.

(3) The nature of the responsibility.

While there has been some dispute as to whether cabinet responsibility is an individual responsibility or a collective one, and the majority of experts have tended to regard the responsibility as that of the individual minister of state, in practice the Cabinet has usually assumed collective responsibility under the leadership of the Premier.

(B) The Legislative Powers of the Cabinet

The Cabinet as the chief administrative organ with respect to general affairs of State has wide legislative powers, a portion of which is exercised in conjunction with other governmental bodies. Under the provisions of Article LV of the Constitution, the Cabinet

exercises the legislative powers of the Emperor under Articles V, VII, VIII, IX, and X of that instrument.

(1) Legislative Powers exercised by the Cabinet together with the Diet.

Article XXXVIII of the Constitution provides that "Both houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law." The Imperial Rescript on the Functions of the Cabinet of December 22, 1885, contains the following provisions with respect to the legislative function of the Cabinet.

> "Article IV. All laws and all Imperial Ordinances affecting the administration as a whole, shall bear the countersignature of the Minister President as well as that of the Minister from whose Department they directly emanate. All Imperial Ordinances affecting a Special Department only shall be countersigned by the Minister of the Department alone."
>
> "Article V. The following matters shall be submitted for deliberation by the Cabinet.
>
> 1 Draft of laws, financial estimates, and settled accounts.
>
> 2. Treaties with foreign countries and all national questions of importance.
>
> 3. Ordinances relating to Administration, or to the carrying out of regulations and laws."

It is clear from an examination of the foregoing provisions that the Cabinet exercises the legislative power conferred upon the Diet together with the Diet

in one of the following manners:

1. Through initiation of legislation. Since the elimination of political parties, initiation by the Cabinet has been the sole method used for the introduction of legislation.

2. Through the exercise of the power to approve or disapprove legislation introduced by a member of the Diet.

In addition the Cabinet exercises control over the legislative power of the Diet by the provisions of the Constitution wherein the Diet is denied the power to convene of its own accord and wherein the Diet may be prorogued, or in the case of the House of Representatives, dissolved by the Cabinet.

(2) Legislative Power Exercised by the Cabinet by itself or in Conjunction with Governmental Organs other than the Diet.

When the Diet is not in session, the Cabinet exercises the legislative power through the issuance of imperial ordinances as provided in Article VIII of the Constitution. This power is an extensive one and is shared in part with the Privy Council. As the Diet session ordinarily does not exceed three months in length (Const. Article XLII), the Cabinet exercises the legislative power without Diet concurrence for the greater part of the year. Although the Diet has the power of disapproval of Imperial Ordinances, the power has been rarely exercised, and even if exercised can be obviated by the reissuance of the

disapproved ordinance immediately after the adjournment of the Diet.

In addition the Cabinet has legislative powers over and above those of the Diet in the treaty making power, which is in no way shared with the Diet, and through the general ordinance power.

(C) The Respective Financial Powers of the Cabinet and the Diet.

The Constitution contains the following provisions with respect to governmental finances:

"Article LXII. The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law.

However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the Budget, shall require the consent of the Imperial Diet."

"Article LXIV: The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Imperial Diet."

"Article LXV. The Budget shall be first laid before the House of Representatives."

"Article LXVI. The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary."

"Article LXVII. Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the government."

"Article LXVIII. In order to meet special requirements, the Government may asxthe consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund, for a previously fixed number of years."

"Article LXIX. In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided in the Budget."

"Article LXX. When the Imperial Diet cannot be convoked owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the government may take all necessary financial measures by means of an Imperial Ordinance."

"In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next session, and its approbation shall be obtained thereto."

"Article LXXI. When the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year."

"Article LXXII. The final account of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government, to the Imperial Diet, together with the report of verification of the said Board."

An examination of the foregoing provisions will disclose that while generally the Diet has legislative power with respect to finances, that of the Cabinet is much broader. The following important conclusions can be drawn:

(a) The Diet, except in the case of an increase, cannot touch the funds allotted to the Imperial Household.

(b) The Cabinet can prevent the Diet from reducing or rejecting any of the following items:

(i) Expenditures based by the Constitution upon the powers appertaining to the Emperor.

(ii) Expenditures as may have risen by the effect of law such as treaty obligations.

(iii) Expenditures that appertain to the legal obligations of the Government.

(c) The Cabinet has wide financial powers not subject to prohibitory control of the Diet in the following instances.

(i) The use of a Continuing Expenditure Fund which may be set up by a friendly Diet for use in adverse times.

(ii) A reserve fund which the Diet must mandatorily provide.

(iii) The right to make expenditures in excess of the Budget subject to the subsequent approbation of the Diet, which is of little value after an expenditure has been made.

(iv) The right to issue an Imperial Ordinance for all financial measures in the event the Diet is

not in session and cannot be convoked subject only to subsequent approval by the Diet which is of little value in the case of a fait accomplis.

(v) The right to always use the Budget and appropriations of the previous year regardless of the decision of the Diet.

3. The Overlapping Sphere of the Cabinet and the Privy Council.

By Article VI of the Imperial Ordinance Creating and Regulating the Privy Council as amended (Imperial Ordinance No. 22,1888 as amended by Imperial Ordinance No. 216,1890) the Privy Council is granted the following powers:

> "Upon His Majesty's submission for advice, the Privy Council shall hold deliberations and report its opinions upon the following matters:
>
> 1. Matters which are under its jurisdiction according to the provisions of the Constitution and laws and ordinances supplementary thereto.
>
> 2. Drafts of laws and doubtful points relating to the provisions of the Constitution and laws and ordinances supplementary thereto.
>
> 3. Proclamation of martial law under Article XIV and the Imperial Ordinances to be issued under Articles VIII and LXX of the Constitution, as well as all other imperial ordinances having penal provisions.
>
> 4. International treaties and agreements.
>
> 5. Matters relating to the amendment of the organization of the Privy Council and to the rules for the conduct of its business.
>
> 6. Matters specially submitted to its deliberation for advice, in addition to those above mentioned.

Under the foregoing enumeration of powers, the Privy Council shares with the Cabinet a vast part of the legislative power. On the one hand it has in conjunction with the Cabinet the powers exercisable when the Diet is not in session, including the approval of imperial ordinances under Articles VIII and LXX of the Constitution; and on the other hand exercises the legislative powers, exercisable irrespective of the sitting of the Diet, including international treaties and agreements, declarations of martial law, and imperial ordinances having penal provisions. In addition, every project of law (bill) introduced into the Diet by the Cabinet is previously submitted to the Privy Council for its approval.

While the Council has no power to initiate legislation it has a wide veto and amending power. On bills which have been introduced by a Diet member and have passed the Diet it can only recommend approval or disapproval in toto. On the other hand, with respect to projects of law submitted to it by the Cabinet before introduction in the Diet, it may not only veto but freely exercise its amending power.

Since the members of the Cabinet are all ex-officio members of the Privy Council, the realm of disagreement between the two bodies, as a matter of practice in the period covered by the indictment, has been small.

B. The Executive Gaps and Conflicts

Like the legislative branch of the government,

the executive department of the Japanese government is not a single agency. Basically, all executive power is vested in the Emperor. It is exercised, in fact, by the Cabinet and its agencies, the composite of the military and naval agencies known as the "Supreme Command" and the Privy Council. Conflicts of jurisdiction exist within and between these bodies.

1. Area of Conflict Within the Cabinet

While the Cabinet exercises the chief governmental functions of formulating general policy, determining the modes of the exercise of the authority vested in the throne, formulating the legislative program and by leading the Diet, its effectiveness as the chief governing organ of Japan is severely limited by its dual nature. This "duality" of the Cabinet is due to two factors: (1) the peculiar position held by the ministers of war and navy within the Cabinet; and (2) the nature of the personnel holding the ministries of war and navy.

The ministers of war and navy possess the important right of <u>jaku joso</u> or the right of direct access to the Throne. In this respect it should be noted that all Cabinet Ministers have the right of access to the Throne. However, the right of the war and navy ministers to approach the Throne is greater than that of other ministers and is coequal with that of the Prime Minister.

While the other ministers of state are responsible in every way to the cabinet for the carrying out of their duties and for advice given to the Throne, the Cabinet does not have such complete control over the war and navy ministers since they have the right of access to the Throne on matters which are kept secret from the other members of the Cabinet except the premier. This superior right is recognized in Article VII of the Imperial Ordinance on The Functions of the Cabinet which provides:

> "Such matters as concern military secrets and military orders and are reported to the Emperor, unless referred to the Cabinet by the Emperor, shall be reported to the Prime Minister by the Minister of War and the Minister of the Navy."

The importance of the right is further intensified by the fact that the premier is limited by law in the choice of qualified personnel in the filling of these positions. By Imperial Ordinance 193 of May 9, 1900, the war minister must be a general or lieutenant general and the navy minister must be an admiral or vice-admiral in active service. On June 13, 1913, Admiral Yamamoto succeeded in widening the qualification to include those on the reserve lists, but since the administration of Premier Hirota in 1936 the qualifications have been limited to those in active service. Because of the requirement of active service, the army and navy have control of the appointment of the respective persons to the war and navy ministries. This power is exercised for the army by

a triumvirate consisting of the outgoing Secretary of War, the Chief of the General Staff and the Director General of Military Education; and for the navy by a similar group holding the correlative offices in that branch of the service.

The results of this duality of organization have been as follows:

1. By failing to appoint a war minister or a navy minister, either the army or navy may prevent the formation of a cabinet or control the naming of the personnel thereof.

2. By compelling the war or navy ministers, subject to the orders of the high command because of their active service status, to resign, either the army or the navy can bring about the resignation of the Cabinet.

3. Through the use of the right of direct access to the Throne, the war and navy ministers have been able to obtain the establishment of policy which is contrary to the opinions of the premier and the other members of his cabinet or which is kept entirely secret from them.

2. Area of Conflict Between the Cabinet and the High Command.

The conflict between the military members of the cabinet and the other members of that body is but one phase of the divided and overlapping authority between the cabinet and the high command. According to the Constitution the Emperor has the following powers with respect to the

armed services:

> Article XI. The Emperor has the supreme commane of the Army and Navy.
>
> Article XII. The Emperor determines the organization and peace standing of the Army.

Based on these two articles the imperial prerogative over military affairs has in practice been divided into the prerogative over the supreme command and the prerogative over the administration of the armed forces. The former covers the power of using the armed forces for the protection of the state from attack from both without and within, and other powers directly relating to military operations. The latter includes the organization of divisions and of fleets, and all matters relating to military districts and sub-districts, to the storing up and distribution of arms, to education, inspections, discipline, modes of salute, uniforms, guards, fortifications, naval defenses, preparation for expeditions and fixing the annual number of recruits. This division has been constantly maintained since the cabinet system was started in 1885. In the exercise of the former power, that of the supreme command, the Emperor does not exercise it through the cabinet but through the minister of war, the minister of the navy, the chiefs of the general staff and the chief aide-de-camp to the Emperor, all of whom have direct access to the Emperor and who are directly responsible to him. The Emperor is thus assisted in the exercise of the

prerogative of the Supreme Command by organs which are separate from, and independent of, those which advise the Throne over general affairs of state.

In practice, the line of demarkation between matters of general affairs of state and supreme command has not been clear. Entrusted with the defense of the nation, the supreme command has challenged the power of the cabinet over many matters on the ground that they were matters of national defense. They have thus claimed and exercised the right to advise the Emperor and to formulate policy on matters relating to the declaration of war, foreign relations, treaty negotiation and ratification and many internal matters because of their relation, actual or supposed, to the subject of national defense. In fact, in the field of foreign relations the Supreme Command has authority to play an independent role. For example, Article 10 of the Imperial Ordinance relating to the organization of the Naval General Staff Office specificall provides:

> "There shall be instituted, at the Japanese Embassies and Legations abroad, Combatant Officers as Embassy and Legation Naval Attaches and Assistant Naval attaches, and the Chief shall control them."

There exists as a result of this separation of the supreme command from the other organs of government, a sphere of divided responsibility and overlapping function with respect to the major governmental powers in the Japanese Constitutional System.

In addition to the conflicts pointed out, there are gaps in the constitutional executive setup. One is the administration of the Imperial household. Since, as pointed out before, the Diet is precluded from passing on questions relating to the Imperial household and since the Ministers of State, even though they may be and are consulted with respect to matters of the household, have no responsibility for such matters, and since no other constitutional provision is applicable to the governance of the Imperial Household, a gap exists which has been filled by the creation of extra-constitutional offices and bodies. Likewise a similar situation has existed with respect to the organization of which is known as the Supreme Command.

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II. The Extra-Constitutional Organs and Offices.

A. The Military Offices and Boards.

1. The Chiefs of Staff

The "supreme command" function, while resting as all other governmental functions in Japan do, in the Emperor, is in fact exercised by the Chiefs of Staff of the Army and Navy. Their power is grave and extensive. Under the second provision of the Regulation of the General Staff Office, the powers of the Army Chief of Staff are defined:

> "A general or a lieutenant-general is appointed by the Emperor to the post of the Chief of the General Staff, and is placed under the direct command of the Emperor, attends the war council, takes charge of the formation of plans for national defense and strategy and supervises the General Staff Office."

Using somewhat different language, Articles I, 2 and 3 of the Imperial Ordinance relating to the organization of the Naval General Staff Office states the powers of that office as follows:

Article 1.

The Naval General Staff Office shall take charge of matters concerning national defense and the use of armed strength.

Article 2.

There shall be the Chief of the Naval General Staff Office. He shall be personally appointed

by the Emperor. The Chief shall be directly subordinate to the Emperor, take part in the confidential affairs of the Emperor's headquarters and control the Naval General Staff Office.

Article 3.

The Chief shall take charge of plans for national defense and for the use of armed strength, and shall transmit matters concerning the use of armed strength.

The powers outlined for both Chiefs of Staff, while differing in wording, assigns them the duty which has been aptly described in the Ordinance of Daihonei (Imperial General Headquarters) as taking "part in the highest momentous affairs" of the nation.

2. The Boards.

In addition to the primary offices of the Chief of Staff, there are several military boards which play a part in the exercise of the supreme command.

(A) The Board of Field Marshals and Fleet Admirals (Gensuifu).

This Board was originally created in 1898, and its membership is limited to field marshals and fleet admirals. Theoretically this body is supposed to be the highest advisory body to the Throne on army and navy matters but it is in fact purely an honorary body with little or no power.

(B) Supreme War Council (Gunji Sangiin)

This Council was created by Imperial Ordinance No. 294 of 1903. Its membership consists of the members of the Board of Field Marshals and Fleet Admirals, the Minister of War and Navy, the Chiefs of the Army and Navy General Staffs and other generals and admirals nominated by the Emperor.

Its function is to advise on all military and naval policy generally and to coordinate all administrative and tactical organizations. It plays no part with respect to tactics and strategy.

It is organized into two divisions - the Army Councillor's Conference and the Navy Councillor's Conference.

(C) Imperial General Headquarters (Daihonei)

This organization exists only at the time of war or at the time of an incident resembling war. For present purposes it was set up on November 20, 1937, and existed throughout the remainder of the period. It is headed by the Emperor, and its members consisted of the two chiefs of staff, the vice chiefs of staff, and the heads of all staff bureaus, the ministers of war and navy, the vice ministers and certain bureau chiefs from those ministries, the inspector-generals of military training and the Inspector-General of Army Aviation.

This organization was divided into two sections - the army section and the navy section - and met both separately in sections and jointly.

Its function is best described in the Ordinance of Daihonei (Imperial General Headquarters) as follows:

> "....to take part in the highest momentous affairs, to make plan of operations and considering last object, to arrange the cooperation and the united action of Army and Navy."

3. The Chief Aide-de-camp to the Emperor.

While this officer, a full general, has no connection with the Supreme Command, he has full access to it. All military memorials and requests for audiences with the Throne are submitted through him and all Imperial orders for the army and navy are transmitted by him.

B. The Imperial Household Offices.

The offices set up for the administration of the Imperial Court are divided into two categories: the Outer Court and the Inner Court

1. The Outer Court - The Minister of the Imperial Household (Kunai Daijin).

This office was established by the same ordinance under which the Cabinet was created and this official has the duty of administering the household affairs and the properties of the Imperial Household. For the purposes of this trial this office is of no consequence.

2. The Inner Court.

(A) The Grand Chamberlin (Jijucho)

This official is in a sense the Emperor's adjutant. He is a civil official with no visible connection with the civil government or the supreme command. Appointments for audiences with the Emperor are arranged through his office and he is in charge of all ceremonial matters.

(B) Lord Keeper of the Privy Seal (Naidaijin)

Under Article II of the Regulations for the Lord Keeper of the Privy Seal the duty of the Lord Keeper is to assist and advise the Emperor in administering the affairs of state, constantly attending upon him. All bills and petitions go through his office for imperial sanction. He is the custodian of the imperial seals and the great state seals which must be affixed to all documents for purposes of promulgation.

His most important function in late years has been that of recommending to the Emperor a successor premier upon the resignation of a Cabinet. In prior years, his sole function in this regard was to transmit the decision of the Elder Statesmen or Genro to the Emperor. In 1935, as Prince Saionji grew older, upon the resignation of the Hayashi Cabinet, the Lord Keeper himself was asked to and did himself make the recommendation after consultation with Saionji. This

precedent was followed until January, 1940, when the Lord Keeper first determined upon the successor premier after consultation with the individual ex-premiers and thereafter obtained Saionji's views. Upon the establishment of the Third Konoye Cabinet, the Lord Keeper held a conference with the ex-premiers and president of the Privy Council, they acting as advisors to him, and himself made the recommendation. This latter procedure was used at all times thereafter.

There exists one other body with respect to the governance of the Imperial Household.

3. The Imperial Family Council

The members of this group consist of the male members of the Imperial Family who have reached the age of majority, the Lord Keeper of the Privy Seal, the President of the Privy Council, the Minister of the Imperial Household, the Minister of State for Justice and the President of the Court of Cassation. (Article LV of the Imperial House Law).

By Article IX of the Imperial House Law this Council and the Privy Council, when the Imperial heir is suffering from an incurable disease of mind or body, or when any other weighty cause exists, may change the order of succession. It also in the same way participates in the appointment of a regency and may change the order of regency (Articles XIX and XXV) appoint or remove an Imperial Governor for the education and bringing up of

a minor Emperor, if none has been appointed by the preceding Emperor (Article XXVII). The Council likewise acts on matters of disciplinary punishment of members of the Imperial Family and preservation of their property (Articles LII, LIII, LIV).

C. The Extra-legal Bodies.

1. The Genro

The body of elder statesmen called the Genro was an extra-constitutional and extra-legal institution. This body was more or less informally constituted from among the councillors and leaders of the Meiji Restoration and had no status within the constitution, laws or ordinances. However, there gradually developed the custom that those statesmen who played leading roles in the Restoration of 1868 and in the early period of the Constitutional history of Japan were to be consulted on matters of paramount importance in domestic and foreign matters including the naming of a new cabinet, war declarations, conclusion of peace and negotiation of treaties and international agreements of importance. For many years one or another from among the Genro occupied the important governmental positions of Prime Minister, President of Privy Council or Lord Keeper of the Privy Seal. Beginning informally, the group began to be recognized as a governmental institution and finally in December 1926, when Prince Saionji was appointed a Genro, the institution was formally recognized by an

Imperial Rescript making the appointment.

The group met and functioned on direct order from the Emperor that they should meet and advise on the solution of the question submitted. While they advised on grave matters of state such as the declaration of war, conclusion of peace and matters involving international relations, their most important function was in serving as the medium through which a new cabinet was named, thus filling up one of the major gaps in the Japanese Constitutional system occasioned by the fact that as a matter of legal principle the cabinet is responsible only to the Emperor. Upon the death of Prince Saionji in 1940, the Genro disappeared as an institution.

2. Jushin

With the passing of the function of advising the Emperor on the matter of the selection of a new cabinet from the Genro to the Lord Keeper of the Privy Seal, the Lord Keeper instituted the practice of consulting individually with the ex-premiers and the President of the Privy Council. This group of elder statesmen came to be known as the Jushin. In July of 1940, this body was officially formalized by being convoked and meeting as a group to advise the Lord Keeper on the selection of a new premier. While the conference of ex-premiers has the primary function of advising on the selection of a premier, on occasion it has been summoned to advise the Emperor on matters of state of grave importance.

Document #6902

D. The Liaison Bodies

1. Renraku Kaigi - Liaison conference.

With the intensification of the situation following the outbreak of the China War in 1937, the need for a device to coordinate the activities of the ministers of state and the high command in their overlapping spheres of authority became readily apparent. Several devices were set up to meet this need. First the "Four Minister" meeting of the premier, war, navy and foreign ministers was established. Later the finance minister was added to this group making a "Five Minister" Conference. In these meetings the views of the Supreme Command were transmitted through the war and navy ministers. However, the situation developed in such a manner that the Chiefs of Staff came to the conclusion that this method of working through the war and navy ministers was unsatisfactory and the liaison conference plan was adopted to adjust the difference between the civil government and the high command.

This group which met more or less regularly, consisted of the premier, foreign minister, war minister, navy minister, home minister, chiefs of staff, vice chiefs of staff and the directors of the military affairs and naval affairs bureaus. In addition at times, the President of the Cabinet Planning Board and the Chief Cabinet

Secretary attended.

Inasmuch as the personnel of these meetings was, with the exception of the Emperor, practically identical with the personnel of the Conference before the Throne discussed later, and since liaison conferences always preceded Conferences before the Throne, the decisions reached in the liaison conference were of the utmost importance in relation to the decisions of the more formal conference.

2. Saiko Shido Kaigi - Conference for the Supreme Direction of the War.

This body came into existence during the Koiso Cabinet during the war, and was in fact the old liaison conference under a new name.

3. Dai Honei Kaigi - Imperial Headquarters Conference.

When, during the course of the war, the Liaison Conference and the Conference for the Supreme Direction of the War failed to adequately meet the problems involved, the premier began attending meetings of Imperial Headquarters but without participating in strategic or tactical matters. These meetings were known as Imperial Headquarters Conferences.

4. Gozen Kaigi - Conferences before the Throne.

Although no authority can be found in the Constitution laws or ordinances for the Gozen Kaigi

or Conference before the Throne, it has existed as an institution in the Japanese Government for hundreds of years. It has continued to function as the organ for reconciling the conflicts arising from the division of authority in various spheres. As a body it meets only under the gravest of conditions to determine matters of gravest policy.

The membership of the conference in addition to the Emperor has varied both in size and in the nature of the membership. During 1940 and 1941, when five such conferences were held, the membership consisted of the Premier, the President of the Privy Council, the Navy Minister, the War Minister, the Foreign Minister, the Finance Minister, the President of the Cabinet Planning Board, the Chief and Vice-Chief of the Army General Staff, the Chief and Vice-Chief of the Navy General Staff and the Directors of the Military Affairs Section of the Army and the Naval Affairs Section. Occasionally other cabinet ministers attended.

Such conferences did not meet at regular intervals but only at times of grave national importance. Some meetings were publicized and others have been kept secret. During the year preceding the outbreak of war on December 7, 1941, the conference met on petition for such meeting from the liaison conference. The interested parties would agree on a subject and plan which was

presented to the liaison conference, which would in turn request a Conference before the Throne. Ordinarily, in practice, no formal decision was made at the time of the conference but the consensus of the conference is made the formal decision of the cabinet.

This discussion, together with the preceding one and the evidence now to be introduced, has been presented for the purpose of explaining the framework of the Japanese governmental system, to serve as a guide for assaying the actions of the defendants in the light of the evidence which will be presented. The operation of these offices and bodies will be repeatedly demonstrated throughout the course of these proceedings.

Doc. #6701. P1

# 日本憲法ト政府

前論ニ於テ稍々詳シク日本國政府制度ノ主要機關ト其ノ明白ナ特色ヲ裁判所ニ述ベタ。

今此箇處デ分析ヲ中止スレバ是モ繪畫ヲ未完成ノ儘放棄スル樣ナモノデ日本國家ノ政府機能ト活動ニ對スル責任ノ歸屬ニ關シテ不完全ナ見解シカ與ヘナイコトニナルデアリマセウ。殊ニ吾々ハ起訴狀デ訴追サレタ犯罪ニ對スル被告ノ全部又ハ大多數ノ者ノ基本的責任ヲ恐ラクハ把握シ得ナイコトニナルデアロウ日本國家ノ政府機能並ニ活動ニ對スル責任ヲ確定シテ起訴セラレタ犯罪ニ對スル被告ノ責任ヲ充分ニ理解スル爲ニハ各種ノ憲法上機關ノ構造ヲ概觀シテ其ノ各々ノ機能ヲ分析スルダケデハ不充分デアル既ニ爲シタ分析並ニ日本憲法及ビ日本憲法ニ基キ設立セラレタ夫々ノ政府機關ニ關スル文書ヲ一瞥スレバ日本國政府機構ニハ第一、分離セル管轄權ノ領域、第二、如何ナル憲法上ノ機關ニ對シテモ賦與セラレテヰナイ管轄權ノ領域、第三、牴觸重複セル管轄權ノ領域ノ存在スルコトハ明カデアル。之等ノ問題カラ生ズル必要ニ應ズルガタメ、日本政府ハ此等間隙ヲ補充シ、政府ノ同一活動範圍内ノ全部若ハ一部ニ管轄ヲ有スル夫々ノ機關ノ活動ヲ調整スル一定ノ憲法外並ニ法律外ノ團体ヲ利用スルコトガ必要トナツタ。

Doc 6902 A2

ソレデ政府ノ責任ヲ確定シテ、ソシテ現行ノ政府機構ニ關スル概念ヲ把握スルタメ、分離、關聯並ニ抵觸ノ諸領域ヲ探究シ、夫レニ依リ生ズル諸問題ニ應ズル爲メ創設サレタ憲法外ノ兩依ノ研討ヲ行フコトガ必要デアル。

一、分離セル責任ノ領域、管轄權ノ抵觸、管轄權並ニ機構ノ間隙

上述ノ諸點ヲ正當ニ究明スルタメ、本問題ヲ二個ノ政府ノ主要ナル機能、即チ立法的機能及行政的機能ヲ別個ニ考ヘルノガ便利デアロウ。

(イ)立法上ノ抵觸

(一)日本(國)立法機能ノ性質

日本政府ノ立法權上ノ位置ハ憲法第四條乃至第十條並ニ第三十七條及第七十四條デ規定サレテヰル。卽チ、

第四條ニ天皇ハ國ノ元首ニシテ統治權ヲ總攬シ此憲法ノ條規ニ依リ之ヲ行フ

第五條　天皇ハ帝國議會ノ協賛ヲ以テ立法權ヲ行フ

Doc 1902 PS

第六條、天皇ハ法律ヲ裁可シ其ノ公布及執行ヲ命ス

第七條、天皇ハ帝國議會ヲ召集シ其ノ開會、閉會停會及衆議院ノ解散ヲ命ス

第八條、天皇ハ公共ノ安全ヲ保持シ又ハ其ノ災厄ヲ避ケル爲緊急ノ必要ニ由リ帝國議會閉會ノ場合ニ於テ法律ニ代ルヘキ勅令ヲ發ス

此ノ勅令ハ次ノ會期ニ於テ帝國議會ニ提出スヘシ若議會ニ於テ承諾セサルトキハ政府ハ將來ニ向テ其ノ効力ヲ失フコトヲ公布スヘシ

第九條、天皇ハ法律ヲ執行スル爲ニ又ハ公共ノ安寧秩序ヲ保持シ及臣民ノ幸福ヲ增進スル爲ニ必要ナル命令ヲ發シ又ハ發セシム、但命令ヲ以テ法律ヲ變更スルコトヲ得ス

第十條、天皇ハ行政各部ノ官制及文武官ノ俸給ヲ定メ及文武官ヲ任免ス但此ノ憲法又ハ他ノ法律ニ特例ヲ揭ケタルモノハ各々其ノ條項ニ依ル

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第[illegible]七條　凡テ法律ハ帝國議會ノ協贊ヲ經ルコトヲ要ス

第七拾四條　皇室典範ノ改正ハ帝國議會ノ議ヲ經ルヲ要セズ

右ノ憲法ノ條項カラ立法上ノ責任及ビ其能ノ分界ニ關シテ次ノ樣ナ一般原則ヲ帰納スルコトガ出來ルデアラウ。

(イ)立法權ハ天皇ニアルモ法律制定ニ際シテハ議會ノ協贊ヲ得ルヲ要スル。

(ロ)議會閉會中ハ天皇或ハ寧ロ其輔弼者トシテノ國務大臣ハ勅令ヲ發シテ立法權ヲ行使スルコトガ出來ル。若シ其勅令ガ其後ノ議會ニ於テ承諾セラレナイ時ハ事後其勅令ハ効力ヲ失フ。然レドモ勅令並ニ其勅令ニ基イテ爲サレタ一切ノ所置ハ公布ノ日カラ議會不承諾ノ日迄ノ期間ハ完全ナ効力ヲ有スル。斯ル法制ハ現行法律ヲ變更スルコトヲ可能トシ又變更シタノデアル。

(ハ)議會ハ皇室典範ニハ何ノ關係モナイノデアル。憲法ニ依レバ皇室ニ關スル事項ハ議會ノ權限ノ外ニ置カレテ宮務ト國務トハ截然區別サレテヰル。然レドモ宮務ニ關スル大權中ニハ本來ノ宮務ダケデナク、皇位繼承、

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攝政ノ設置、皇室典範ニ於スル先帝人民及ビ國家ニ　シテ重要ナ關係ノアル事項ヲ包ンデヰル。

此等ノ一般ノ國務ニ關スル事項ニ關シテ內閣ハ諮詢ヲ受ケルコトモアルガ議會ハ內閣ノ輔弼ノ責任ヲ糺ス何ノ手段モ持タナイ。從來國務大臣ハ皇室ノ係事項ニ關スル議會ノ質問ニ對シテ折ル事項ニ關シテハ責任ハナイト主張シテ信ニ其返答ヲ拒否シタノデアル。

（ニ）議會ノ職能範圍內ノ事項ニ付テサヘソノ機能行使ハ其規定ノ爲ニ設ケラレタ支配力ノ爲ニ制限サレテ貴族兩院ノ開會、開會、停會、[illegible]及ビ衆議院ノ解散等ハ天皇又ハ天皇ニヨリ委任サレタ機關ニ附與サレテ居ルノデアル。

（ホ）憲法第九條及第十條ノ規定ニ依リ天皇ガ保有スル一般命令權ノ爲ニ總テノ西洋諸國ニ於テハ絶然タル立法權ノ範圍內ノ多クノ事項ニモ議會ハ參與スルコトガ出來ナカツタ。ソレデ天皇ノ代理スタル國務大臣ノミガ全行政制度ヲ設定スルコトガ出來タノデアル。今後議會トシテ提出サレル事項中種々ノ政府機關又ハ省ヲ設立スルモノハ例外ナク勅

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令又ハ命令デアリ勅令ノ法律デナイコトハ法意ヲ畏スルノデアル。自力作ニ依リ天皇ニ屬スル命令權ノ中行政權トモ稱スベキ法律ノ執行ニ必要デアル命令權ヲ除ケバ其他ノ大權、即チ公共ノ安寧秩序ノ保持及ビ臣民ノ義務ヲ對遇スル爲ニ必要ナ命令ヲ稱スル大權ハ其內容ニ於テハ各然々ル立法事項デ憲法上法律制定ノ爲ニ立法權ガ行使スルモノヲモ包ンデヰタ。然レドモ相法ヲ組織ニ於テハ此等ハ天皇ニ屬シ國務大臣ニ依リ執行サレルノデアル。

(ヘ)上記ノ諸權限ノ外ニ勅令ハ憲法上立法權能ノ一部ト解サレテヰル他ノ事項ニモ參與スル事ガ許サレナイ。即チ勅令權ノ範圍ハ天皇之ヲ定ム（第拾條）、天皇ハ勅ヲ宣シ和ヲ講ジ及ビ諸般ノ條約ヲ締結ス（第拾參條）此等ノ權能ニ於テ勅令ノ區別ハ何等直接ノ關係ヲ有シナイノデアル。

立法權ノ各部ハ總テ天皇ノ掌握スル所デアルガ天皇又ハ事ニ國務大臣ハコノ權利ヲ自ラ直接ニ行フコトナク政府ノ他ノ諸機關ニ代行サセルノデアル。之等各機關相互間並ニ諸會トノ關係ニ於ケル之等機關相互ノ立法權能ヲ檢討スル必要ガアルノデアル。

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(二)内閣ト議會トノ衝突ノ範圍

吾々ガ議會ノ立法機能ヲ正常ニ評價スルニハ先ヅ左記ノ事項ヲ知ルコトガ必要デアル。

(イ)日本憲法制度ニ於ケル内閣ノ地位

内閣ハ政府ノ主タル執行機關デアルケレドモ憲法中ニ内閣ニ關シテ特ニ規定シテヰナイ。唯イテヰルトスレバ[illegible]デ内閣ニ適用サレルモノガ構成セラレルコトガ出來ル唯一ノ條規ハ其第五十五條デ

「國務各大臣ハ天皇ヲ輔弼シ其ノ責ニ任ス凡テ法律勅令其ノ他國務ニ關スル詔書ハ國務大臣ノ副署ヲ要ス。」ト規定シテヰル。

内閣ニ關シテ特ニ規定ハナイガ政府ノ一般政策ヲ企畫シ、指令シ、遂行スル爲及ビ一般政務ニ關スル天皇ノ大權發動ノ機關トシテ、内閣ハ總理大臣ヲ首班トスル各省大臣ニヨリ構成セラレル集合的團体トシテ存在スル。此ノ團体ハ内閣制度ヲ制定シタ千八百八十五年（明治十八年）十二月二十二日ノ内閣官制ニ其起原ヲ有スル。

其[illegible]、[illegible]、[illegible]ハ右官制及ビ千八百九十三年（明治二十六年）ノ内閣組織通

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則ニ關スル勅令中ニ規定セラレテヰテ憲法自体ニハ何等ノ規定ハナイ。内閣官制第一條ノ規定ニ曰ク「内閣ハ國務各大臣ヲ以テ組織ス」ト。

憲法第三十五條ニ依レバ内閣々僚即チ國務大臣ハ天皇ヲ輔弼シ其ノ責ニ任ズルモノデアル。ケレドモ憲法ハ伊藤公ガ憲法義解ニ述ベタ如ク國務大臣ハ何人及何事ニ對シ責任ヲ有スルヤ及其責任ノ性質ニ就テハ何等明示シテヰナイ。

(一)責任ノ對象トナル人

法律上ノ主義トシテ國務大臣ハ第一ニ直接天皇ニ對シテ責任ヲ有シテヰテ他ノ如何ナル國家機關モ國務大臣ノ法律上ノ責任ニ對シテ獨立ヲ狹ンダリ國務大臣ヲ被免スルコトガ出來ナイトスルノガ憲法學者間ノ一致セル見解デアル。

斯クノ如ク内閣ノ責任ハ第一次ニ天皇ニ對スルモノデアルコトハ異論ガナイガ議會ハ内閣ヲ支配スル若干ノ法的機能ヲ有スルノデアル。議員法ニ依ル質問、即チ質疑、議決ノ通過、上奏（憲法第四十九條）緊急勅令ノ承認（第八條）ノ方法デ

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又議案議定權（第六十四條、第六十五條）ニ依ツテ議會ハ內閣ヲ支配スル若干ノ手段ヲ有スルノデアル。

時ニ內閣ハ僚職又ハ議會ヲ解散シ又下院ニ於テ評決サレタ不信任決議ヲ基キ對抗民ヲシテ之ヲ決定サセルト云フ樣ナ議會的ナ方法ヲ採用シタ。

(二) 內閣ノ責任ヲ負フベキ事項

日本憲法上天皇ハ不可侵ニシテ、自己ノ行爲ニ付何等責任ヲ有セズ、且國家機關ノ責任アル輔弼ニ依ツテノミ其大權ヲ行使シ又一般國務ニ關スル天皇大權ハ國務大臣ノ輔弼ニ依ツテノミ行使サレ得ルモノデアルガ故ニ大臣責任ノ範圍ハ國務ニ關スル天皇大權ノ全部ニ及ブモノデアル。此天皇ニ對スル第一次的責任ハ、天皇ガ他ノ憲法上ノ或ハ憲法外ノ機關ニ諮詢スルトキト雖モ國務ニ關シ發レ得ルモノデナイ。

(三) 責任ノ性質

內閣ノ責任ガ個人的責任デアルカ共同責任デアルカニ關シテハ議論ガアリ專門家ノ多數ハ國務大臣個人ノ責任ト看做ス傾向ガアルガ實際上ハ內閣ハ通常總理大臣

統率ノ許ニ共同責任ヲ採ツタノデアル。

(ロ)内閣ノ立法的權能

國務ニ關スル主タル行政機關トシテ内閣ハ廣汎ナル立法權能ヲ有スル。其一部ハ議會ト共ニ之ヲ行使シテ殘余ハ單獨ニ或ハ他ノ政府ノ團体ト共ニ行使スル。

憲法第五十五條ノ規定ニ基キ内閣ハ憲法第五條第七條第八條第九條及第十條ノ天皇ノ立法的權能ヲ行使スル。

(一)議會ト共ニ行使スル内閣ノ立法權能

憲法第三十八條ハ「兩議院ハ政府ノ提出スル法律案ヲ議決シ及各々法律案ヲ提出スルコトヲ得」ト規定シテキル。

千八百八十五年（明治十八年）十二月二十二日發布ノ内閣官制ハ内閣ノ立法權能ニ關シテ左ノ如ク規定シテキル。

「第四條　全行政ニ亘ル法律勅命ハ凡テ總理大臣竝ニ各省大臣ノ副署ヲ要スベシ。特定ノ省ニ係ル勅令ハ凡テ主務大臣ノミノ副署ヲ以テ足ル。」ト。

第五條　左ノ各件ハ閣議ヲ經ヘシ

一、法律案　豫算決算案

二、外國條約及重要ナル國際條件

三、官制又ハ規則及法律施行ニ係ル勅令

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内閣ガ左記孰レカノ方式デ議會ニ附與セラレタ立法權能ヲ議會ト共ニ行使スルハ敍上ノ諸規定ノ檢討デ明瞭デアル。

一、自ラ法律ヲ發案スルコトニ依リ、政黨ノ排除以來内閣ノ發議ガ法律案提出ノ唯一ノ方法トナツタ。

二、議員提出ノ法律案ヲ是認シ或ハ否認スル權能ヲ行使スルコトニ依リ。

加フルニ内閣ハ議會ヲ自ラ召集スル權能ヲ附與セラレズ且、内閣ニ依リ停會ヲ、衆議院ノ場合ハ解散ヲ命ゼラルトノ憲法ノ規定ニ依リ議會ノ立法權能ヲ支配スル。

(二)

内閣ガ單獨デ或ハ内閣以外ノ他ノ政府諸機關ト連繫シテ行使スル立法權能

帝國議會閉會ノ場合内閣ハ憲法第八條ニ規定スル勅令ヲ發スルコトニ依リ立法權能ヲ行使スル。本權能ハ廣範圍ノモノデ獨リ樞密院ニ依ツテノミ部分的ニ分轄サルルモノデアル。議會會期ハ通常三ケ月ヲ越エナイ。(憲法第四十二條)ノデ、一年ノ大部分内閣ハ議會ノ贊同ナクシテ立法權能ヲ行使スルモノデアル。

議會ハ緊急勅令不承諾ノ權能ヲ有スルガ右權能ハ殆ド行使サレタルコトナク又行

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使サレテモ該不承諾勅令ヲ兼会閉会後直チニ再發スルコトニ因リ排除スルコトガ出來ル。

貳ニ内閣ハ如何ナル方法ニ於テモ兼会ト分離シナイ條約締結權能並ニ一般勅令權能ニ於テ議会ノ權能以上ノ立法權能ヲ有スル。

(ハ)内閣並ニ議会各自ノ財政權能

憲法ハ政府ノ財政ニ關シ次ノ規定ヲ含ム。

第六十二條　新ニ租稅ヲ課シ及稅率ヲ變更スルハ法律ヲ以テ之ヲ定ムベシ。

但シ報償ニ關スル行政上ノ手數料及其ノ他ノ收納金ハ前項ノ限リニ非ズ。

國債ヲ起シ及豫算ニ定メタルモノヲ除ク外國庫ノ負擔トナルヘキ契約ヲ爲スハ帝國議会ノ協賛ヲ經ヘシ。

第六十四條　國家ノ歲出歲入ハ毎年豫算ヲ以テ帝國議会ノ協賛ヲ經ヘシ

豫算ノ款項ニ超過シ又ハ豫算ノ外ニ生シタル支出アルトキハ後日帝國議会ノ承諾ヲ求ムルヲ要ス。

第六十五條　豫算ハ前ニ衆議院ニ呈出スベシ。

第六十六條　皇室費ハ現在ノ定額ニ依リ毎年國庫ヨリ支出シ將來增額ヲ要スル場合ヲ除ク外帝國議會ノ協賛ヲ要セズ。

第六十七條　憲法上ノ大權ニ基ツケル既定ノ歲出及法律ノ結果ニ由リ又ハ法律上政府ノ義務ニ屬スル歲出ハ政府ノ同意ナクシテ帝國議會之ヲ廢除シ又ハ削減スルコトヲ得ス。

第六十八條　政府ハ特別ノ項要ニ因リ政府ハ豫メ年限ヲ定メ繼續費トシテ帝國議會ノ協賛ヲ求ムルコトヲ得。

第六十九條　避クヘカラザル豫算ノ不足ヲ補フ爲ニ又ハ豫算ノ外ニ生シタル必要ノ費用ニ充ツル爲ニ豫備費ヲ設クヘシ。

第七十條　公共ノ安全ヲ保持スル爲緊急ノ需用アル場合ニ於テ內外ノ

情形ニ因リ政府ハ帝國議會ヲ召集スルコト能ハサルトキハ勅令ニ依リ財政上必要ノ處分ヲ爲スコトヲ得。

前項ノ場合ニ於テハ次ノ會期ニ於テ帝國議會ニ提出シ其ノ承諾ヲ求ムルヲ要ス。

第七十一條　帝國議會ニ於テ豫算ヲ議定セズ又ハ豫算成立ニ至ラザルトキハ政府ハ前年度ノ豫算ヲ施行スヘシ。

第七十二條　國家ノ歲入歲出決算ハ會計檢査院之ヲ檢査確定シ政府ハ其ノ檢査報告ト倶ニ之ヲ帝國議會ニ提出スヘシ。

上記ノ條項ヲ檢討スレバ一般的ニ議會ハ財政上ノ立法的權限ヲ有スルモ、內閣ノ權限ハ一層廣範ナルコトガ明カデアル卽チ次ノ重要ナル結論ヲ爲スコトガ出來ル。

(一)　豫算ハ增額ノ場合ヲ除キ皇室ニ對シ割當タル基金ニ干與スルコト能ハザルコト

(二)内閣ハ議會ガ左記何レノ條項ヲモ減額或
拒否スルコトヲ防止シ得ルコト
(イ)憲法ニ基キ天皇ニ屬スル權限上ノ支出
(ロ)條約義務履行ノ如キ法律實施上當然
ベキ支出
(ハ)政府ノ法律上ノ義務履行ニ屬スル支出
(三)内閣ハ下記ノ例ニ於テ議會ノ禁止的抑制
ヲ受ケザル處置ナル財政上ノ權限ヲ保有
ス
(イ)逆境時ノ支出ニ備ヘ預メ友好的議會ニ
於テ取極メタル組織的支出基金ノ使用
(ロ)議會ガ被命令的ニ作成セル預備基金
(ハ)預算超過金ノ支出ニ對シ、其ノ支出決
算後ニ於テハ殆ド無用ニ等シキ次期議
會ノ承諾ヲ受クルコトヲ條件トスル權
限
(ニ)議會開催中ニアラザル場合或ハ議會召
集不可能ナル場合ニ於ケル財政上ノ處
置ニ對シ事項終了後ノ不價値ニ等シキ
次期議會ノ單ナル承認ヲ得ルコトヲ條

件トシテ勅令ヲ發布スルノ權限

(ホ)諮詢ノ決定如何ニ拘ハラズ常ニ前年度ノ豫算ト其ノ流用トヲ踏襲スルノ權限

三、內閣ト樞密院トノ重複勢力範圍

改正樞密院官制及事務規程（明治二一年勅令第二二號、明治二三年勅令二一六號ニ依リ修正）ニ依リ樞密院ハ次ノ權限ヲ附與サル樞密院ハ左ノ事項ニ付諮詢ヲ待テ今茲ヲ開キ意見ヲ上奏ス

(一)憲法及補足法律命令ニ於テ樞密院ノ權限ニ屬セシメタル事項。

(二)憲法ノ條項及補足法律命令ニ關スル草案及疑義。

(三)憲法第十四條ノ戒嚴ノ宣告及憲法第八條及第七十條ノ勅令、及刑罰條項ヲ有スル總テノ勅令。

(四)國際條約及協定

(五)樞密院ノ官制及事務規程ノ改正。

(六)前各號ニ揭ゲタルモノノ外　特ニ諮詢セラレタル事項。

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上記列擧ノ權限ニ依リ樞密院ハ內閣ト共ニ廣範圍ノ立法權ヲ分擔スルモノヲシテ、一方內閣トノ共同ノモトニ議會閉會ノ場合ニ於テ發動シ得ベキ權限及憲法第八條及第七十條ニ基リ勅令ノ承認ヲ含ム權限ヲ有シ、他方議會開會中ニ關セズ國際條約及協定、戒嚴令ノ發布及刑罰條項ヲ有スル勅令ヲ含ム立法權ヲ有スルノデアル。

加フルニ政府ヨリ議會ニ提案サル、アラユル法律（又ハ議案）ハ其ノ承認ヲ得ル爲メ前以テ樞密院ニ提出サレルノデアル。樞密院ガ法律制定ニ發言權ヲ有セザル場合ニハ廣範ナル拒否權又ハ修正力ヲ有スル。一議員ニヨリ提案サレタル議案ガ議會ヲ通過シタルモノニ對シテハ樞密院ハ單ニ之ニ承認ヲ與フルカ或ハ承認ヲ與ヘザルカデアルガ他方政府ガ法律ノ提案ヲ議會ニ呈出スルニ先チ之ヲ樞密院ニ呈出スル場合ニハ樞密院ハ唯ニ之ヲ拒否シ得ルノミナラズ、自由ニ其ノ修正權ヲ發揮スルコトガ出來ル。

內閣閣員ガ職掌上悉ク樞密院議員タル關係上兩機關間ノ不一致範圍ハ起訴期間中ノ慣例トシテ僅小ナリキ

ロ、行政上ノ缺陷ト葛藤

日本政府行政部ハ其ノ立法部ト同樣單一代

行者ニアラズ、総テ行政権ハ基本的ニ天皇ニ属ス、実際トシテハ行政権ハ内閣又ハ其代行者、統帥府トシテ知ラルヽ陸海軍代行者ノ合意及枢密院ニヨリ発動サル。

管轄問題ヲ巡ル葛藤ハ此ノ三機関ノ間ニ演ゼラレルモノデアル。

一、内閣内務省関係

内閣ハ一般施政方針ノ作成天皇ニ関スル権限行行方法ノ決定、法律制定綱領ノ作成及諮合指揮等ノ重要ナル政府機能ヲ実施スルモヽ日本ノ重要支配機関トシテ其ノ効力ハ其ノ二元的性格ニヨリ非常ニ制限サレルモノデアル。此ノ内閣ノ「二元性」ハ二個ノ要素ニ起因スルモノデアル、即チ(一)内閣内ニ於ケル陸軍及海軍大臣ノ占ムル特殊ナル地位及(二)陸軍及海軍ヲ維持スル職員一同ノ性格。

陸海軍大臣ハ帷幄上奏ノ権、即チ天皇ニ直接面接ヲ為シ得ル重要権能ヲ有スル。此ノ点注意スベキコトハ内閣話大臣ハ総テ天皇ニ直接面接シ得ル権能ヲ有スルノデアル。然ルニ陸海軍大臣ノ天皇面接権能ヨリ大ニシテ内閣総理大臣ノ権能ト同等ノモノデアル。他ノ各大臣ハ其ノ職責遂行

及上奏ニ當リアラユル點ニ於テ内閣ニ對シ責任ヲ負フモノデアルガ陸海軍大臣ハ、内閣總理大臣以外ノ他ノ大臣ニ對シテハ秘密ナル事項ニ付テ上奏スル權能ヲ保有スルガ故ニ内閣ノ此ノ優越權能ハ内閣ノ機能ニモノデハナイ。此ノ優越權能ハ内閣ノ機能ニ關スル勅令第七條ニヨリ承認サレテ居ルノデアル。即チ「事ノ軍機軍令ニ係リ奏上スルモノハ天皇ノ旨ニ依リ之ヲ内閣ニ下付セラル、ノ件ヲ除ク外陸軍大臣海軍大臣ヨリ内閣總理大臣ニ報告スヘシ」ト此ノ權能ノ重要性ハ、總理大臣ガ大臣席ヲ塡スルニ當リ其ノ資格選定ニ於テ法律上制限ヲ受クルト云フ事實ニヨリ、一層强化サレテ居ルノデアル。明治三三年五月九日ノ勅令第一九三號ニヨリ陸軍大臣ハ現役陸軍大將又ハ中將、海軍大臣ハ現役海軍大將又ハ中將デナケレバナラナイ事ガ規定シテアル。大正二年六月十三日ニハ山本海軍大將ハ此ノ資格ヲ擴張シテ預備役ヲモ含ムコトヲ計リ成功シタガ昭和一一年廣田總理大臣ノ政府以來現役デアルコトニ制限サレタ。

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現役デアルコトガ要請セラル、故ヲ以テ、陸海軍ハ各々陸、海軍大臣ヲ指定スル監督力ヲ有スルノデアル。

此ノ監督力ハ陸軍ニ在リテハ更送陸軍大臣、參謀總長及教育總監ノ三長官、海軍ニ在リテハ其ノ筋ニ於テ相當地位ニ在ル連中ニヨリ遂行サレルノデアル。

此ノ二元的組織ノ歸着シタトコロハ次ノ通リデアル。

(一)陸軍大臣又ハ海軍大臣ヲ任命セザルコトニ依リ、陸軍又ハ海軍ハ組閣ヲ妨害シ又ハ大臣ノ指名ヲ左右スルコトガ出來ル。

(二)陸、海軍大臣ガ現役地位ナル關係上統帥府ノ命令ニ從ヒ辭職ヲ强要セラルヽコトニヨリ陸軍又ハ海軍ノ何レカハ其ノ內閣ヲ辭職セシメルコトガ出來ル。

(三)天皇ニ對スル直接上奏ノ權能ヲ利用スルコトニヨリ陸軍大臣及海軍大臣ハ總理大臣及其ノ他ノ內閣員ノ意見トハ反對ナル政策或ハ內閣員ニハ絕對秘密ナル政策ヲ樹立スルコトガ出來タノデアル。

(一)[illegible]大臣ヲ任命セザルコトニ[illegible]シ又ハ大臣ノ[illegible]出來ル。

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二、内閣ト統帥府間ノ葛藤範圍内閣ニ於ケル軍部閣員ト他ノ閣員トノ反目ハ内閣ト統帥府トノ間ニ於ケル權限ノ分害ト重復ノ一狀勢タルニ過ギナイ。憲法ニ依レバ天皇ハ軍務ニ關シ左ノ權力ヲ有ス。

第十一條　天皇ハ陸海軍ヲ統帥ス

第十二條　天皇ハ陸海軍ノ編制及常備兵額ヲ定ム

此ノ二箇條ニ基キ軍事上天皇ノ大權ハ實際上、最高統帥ノ大權及軍政上ノ大權トニ分レテ居タ。

前者ハ内外兩面ヨリノ攻擊ニ對シ國家ヲ防衛スル爲メ軍隊ヲ使用スル權力及軍事行動ニ直接關係アル權力ヲ包含シ、後者ハ師團及艦隊ノ編制及軍管區、準軍管區、兵器ノ保管ト支給、教育、檢閲、軍律敬禮方法、服裝、監視、築城海軍防備、出兵準備及毎年ノ新兵募集數ノ決定等ニ關スルスベテノ事項ヲ網羅スル。

此ノ區分ハ明治十八年内閣官制發足以來繼續保持サレタノデアル。前者卽チ最高統帥ノ權力發動ニ當リテハ天皇ハ内閣ヲヲ通ジルコト無ク、陸軍大臣、海軍大臣、參謀總長及待從武官長等スベテ天皇ニ直接上奏シ得ル且直接責任ヲ有スル者ヲ通ジテ爲サレル

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ノデアル。

斯ノ如ク天皇、最高統師ノ大權ヲ實施セラルヽニ當リテ、國務一般ニ付キ上奏スル機關トハ全ク分離獨立セル他ノ諸機關ニヨリ補佐セラレルノデアル。

實際上、國務一般事項ト最高統師事項トノ限界ハ明確デハナイ。國防ヲ委託サレテ居ルノデ最高統師府ハ國防ニ關係スルモノナリトノ理由ノ許ニ多數ノ事項ニ互リ內閣ノ權限ニ挑戰シタノデアル。斯ク彼等ハ天皇補佐ノ權及宣戰、外交關係、條約協定及追認其他事實上又ハ想像上國防ニ關係アル事項ナリトノ理由ノモトニ多クノ內政上事項ニ對シ策ヲ樹ツルノ權ヲ主張シ且實行シタノデアル。事實、外交關係ノ分野ニ於テハ統師府ハ獨斷的役割ヲ演ズルノ權力ヲ有スルノデアル。例ヘバ軍令部ノ組織ニ關スル勅令第十條ニハ「在外日本大使館及公使館ニハ大使館附海軍武官及公使館附海軍武官又ハ海軍武官補トシテ武官ノ駐在ヲ開始シソシテ之ヲ統御スルニハ長ヲ以テスル」ト云フ規定ガアル。統師府ガ政府ノ他ノ機關ト分離セル結果トシテ日本ノ立憲的制度ニ於ケル主タル政治力ニ分割サレタル責任ト職掌ノ重複ガ存在スルノデアル。茲ニ於テ指摘シタル反目ニ加フルニ立憲實行体制上ニ失隔ガ存在スル。其ノ一ハ皇室

ノ管理デアル。前述ノ如ク、議会ガ皇室ニ関スル問題ヲ通過スルコトヨリ除外サレ、各大臣ガ皇室ニ関シテ諮詢ヲ受クルコトヲ得ルシ又受ケルノデアルガカヽル事項ニ対シテ責任ヲ有セズ　且如何ナル他ノ憲法ノ規定モ皇室管理ニ適要シナイノデ、即チ此レガ伏在ノ存在スルトコロデアツテ憲法外ノ官職及機関ノ創設ニヨリ補ハレモノデアル。

上述同様ニ統帥府トシテ知ラレテ居ル處ノ機構ニモ同一事情ガ存在シテ居ルノデアル。

二　憲法外ノ機關及官廳

イ　軍部ノ職務及權限

(一)參謀、軍令部兩總長

統帥ノ職務ハ日本ニ於ケル其他ノ凡ベテノ政府ノ職務ノ如ク天皇ニ歸屬スルガ實際ハ陸軍參謀總長及海軍々令部總長ニヨツテ行使セラレ其權限ハ重大、且廣汎デアル。

參謀本部ノ規則第二規定ニ依レバ陸軍參謀總長ノ權限ハ左ノ如ク定メラレテ居ル。

「天皇ニヨリ大將又ハ中將ガ參謀總長ノ職ニ親補セラレ天皇ノ直轄ノ下ニ置カレ、軍事ニ關ニ參與シ、國防及戰略ノ計畫ヲ預リ且參謀本部ヲ總轄スル。」

稍別ノ言葉ヲ使用シテ海軍々令部ノ組織ニ關スル勅令第一條、第二條及第三條ニハ該部ノ權限ヲ左ノ如ク述ベテキル。

第一條

海軍々令部ハ國防及武力ノ行使ニ關スル事項ヲ掌ルモノトス

第二條

海軍々令部ニハ總長ヲ置キ天皇ニヨリ親補サレル總長ハ天皇ニ直屬シ天皇ノ帷幄ノ機密事ニ參加

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シ且海軍々令部ヲ掌握スル

第三條

總長ハ國防ノ計畫及武力ノ行使ニ關スル事項ヲ掌リ而シテ武力ノ行使ニ關スル事項ヲ傳達スル

兩總長ニ對シ略述サレタ權限ハ字句ニ於テハ異ツテ居ルガ大本營條令ニ國家ノ一最高重大ナル事項ヲ掌ルト適切ニ說明サレテアル職務ガ兩者ニアテガワレテ居ル

(三)院

幕僚長ノ此ノ主要ナ職務ノ外ニ統帥權ノ行使ニ參畫スル二三ノ院ガアル

(イ)元帥府

元帥府ハ最初一八九八年ニ創設サレ其構成員ハ陸軍及海軍ノ元帥ニ限ラレテ居ル、理論的ニハ此團体ハ陸海軍事項ニ關スル天皇ノ最高諮問機關デアルト思惟サレテ居ルガ然シ實際ハ殆ド或ハ全然權限ノ無イ純粹ノ名譽團体ニ過ギナイ。

(ロ)軍事參議院

軍事參議院ハ一九〇三年勅令第二九四號ニヨリ創設サレタ。其構成員ハ元帥府構成員、陸海軍兩大臣、陸軍參謀總長、海軍々令部總長及天皇ニヨリ

任命サレタ他ノ陸海軍特官ヨリ成立ツテ居ル。
其機能ハ一般ニ凡テノ陸海軍ノ政策ニ助言シ凡テノ行政及ビ戦術上ノ機関ヲ統合スルニアル。用兵及ヒ作戦ニ就テハ関与シナイ。
軍事参議院ハ二ツノ部分即チ陸軍々事参議官会議及海軍々事参議官会議カラ成立ツテ居ル

(ハ)大本営

此機構ハ戦時若クハ戦争ニ類似スル事変ノ時ニ限リ存在スル。本目的ノ為ニ一九三七年十一月二十日ニ開始サレ現リノ期間ヲ通ジテ存在シタ。天皇ヲ長トシ、其構成員ハ参謀総長、軍令部総長、参謀次長、軍令部次長、参謀本部及軍令部局長、陸海軍両大臣、両次官及ビ両省ノ特定ノ局長、軍事教育総監及ビ陸軍航空総監ヨリ成立テ居ル此機構ハ二部門即チ陸軍部及ビ海軍部ニ分レテ居テ双方ハ別々ニ或ハ共同ニ会合シタ。
共機能ハ大本営係令ニ左記ノ如ク最モヨク説明サレテ居ル。

「・・・・最高ノ重大ナル事項ヲ挙ヲ、作戦ノ計画ヲナシ、最後ノ目的ヲ考慮シツヽ、陸海軍ノ国力及共同動作ヲ取計フ。」

(ニ)侍従長

此武官ハ陸軍大將デアリ乍ラ統帥府ニハ關係ハナイガ統帥權ヲ充分ニ活用スル事ガ出來ル、凡テノ軍事上及ビ拜謁ノ請願者ハ彼ヲ通ジテ提出セラレ陸海軍ニ對スル大命ハ彼ニヨツテ下達セラレル、

ロ 皇室ノ官殿

皇室ノ管理ニ供フル官職ハ二種ニ分レテ居ル卽チ宮内省及内大臣府デアル。

一宮内省ー宮内大臣

本省ハ内閣ヲ創設シタ同ジ法令ニヨリ設置セラレ而シテ本大臣ハ皇室ノ業務及ビ皇室ノ財產ヲ管理スル職務ヲ有ネテ、本裁判ノ爲ニハ本省ハ重要デナイ。

二宮廷

(イ)侍從長

此ノ官吏ハ或ル意味デハ天皇ノ副官デアル。彼ハ文官デアルガ政府トモ、統帥府トモ明瞭ナル連繫ヲ有ツテ居ラヌ。天皇ヘノ拜謁ノ指定ハ彼ノ役所ノ手ヲ通ジテ準備セラレ、又彼ハ凡ユル儀式ノ事項ヲ司ツテヰル。

(ロ)内大臣

内大臣府官制第二條ノ内ニ内大臣ノ責任ハ常時天皇ニ附キ隨ツテ、國家ノ行政ニ關シ、天皇ヲ補佐

シ遺言スル事ト定メラレテキル。凡テノ法律案ハ
裁可ヲ受ケル爲ニ彼ノ役所ヲ通リ、天皇ニ奉呈ス
ル請願ハ彼ガ之ヲ處理スル。彼ハ公布セラレル爲
凡テノ法律ニ捺印セラルベキ御璽ト國璽ヲ保管シ
テキル。

近年ニ於ケル彼ノ最モ重要ナ職務ハ内閣總理大臣ヲ奏薦スルコトデアツタ。
ノ際天皇ハ後繼總理大臣ヲ奏薦スルコトデアツタ。
此ヨリ以前ニハ此ノ事項ニ關スル彼ノ凡テノ職務
ハ元老ノ決定ヲ天皇ニ傳達スルコトデアツタ。
一九三五年西園寺公爵ノ老齢ニ達シタ爲林内閣ノ
總辭職ニ際シテハ内大臣自身ガ御下問ニ接シ、西
園寺公ト相談シタ後彼自身奏薦ヲナシタ。此ノ慣
例ハ一九四〇年一月迄續イタ。此ノ時ハ内大臣ガ
先ヅ各前總理大臣ト相談シタ後後繼總理大臣ヲ決
シ其ノ後西園寺公ノ意見ヲ求メタノデアツタ。
第三次近衛内閣ノ成立ノ際ニハ内大臣ハ前總理大
臣及樞密院議長ト合議ヲ開キ、此等ノ人々ハ内大
臣ノ相談役トナリ、内大臣自ラ奏薦ヲナシタ。
此ノ後者ノ慣例ハ其ノ後常ニ踏襲サレタノデアル。
宮廷ノ統治ニ關シテハ更ニ別個ノ一機關ガアル。

三皇族会議

此ノ組織ノ構成者ハ成年ニ達シタ皇族男子、内大
臣、枢密院議長、宮内大臣、司法大臣及大審院長カラ

成ツテヰル。

（皇室典範第五十五條）

皇室典範第九條ニ依リ皇族會議及樞密院ハ皇嗣ニ精神若ハ身体ノ不治ノ重患アリ又ハ重大ナ事故アルトキハ攝政ノ順序ヲ換フルコトヲ得ル。此ノ會議ハ又同樣ナ方法ニテ攝政ノ任命ニ關與シ、攝政ノ順序ヲ變更シ得ルシ、（第十九條及第二十五條）又先帝ガ遺命ヲ以テ太傅ヲ任ジテ居ラナカツタトキハ未ダ成年ニ達シナイ天皇、保育ノ爲ノ太傅ヲ選任シ若ハ退職セシメ得ル。（第二十七條）此ノ會議ハ同樣ニシテ皇族ノ懲戒及其ノ財產ノ保管ニ任ズル（第五十二條、第五十三條、第五十四條）

(ハ)超法的機關

(一)元老

元老ト呼バレル長老政治家ノ機關ハ超憲法的、且超法律的創度デアツタ。此ノ機關ハ大体明治維新ノ元勳ノ内カラ非公式ニ創定サレタ、モノデアツテ、憲法、法律、命令ノ内ニハ如何ナル地位ヲモ有シテヰナイ。然シ乍ラ一八六八年ノ維新及日本ノ憲法史ノ初期ニ於テ指導的役割ヲ演ジタ政治家ハ、新内閣ノ親任、宣戰布告、講和、條約ノ締結

及ビ重要ナル国際協約ヲ含ム内政及外交上ノ最モ
重大ナル事項ニ関シ天皇ノ諮詢ニ應ヘルコトガ出
來ルトイフ慣習ガ漸次生ジテ來タ。長年ニ渉リ元
老達ハ交互ニ總理大臣、樞密院議長、内大臣等ノ重
要ナル政府ノ地位ヲ占メテ來タ。此等ノ元老ノ團
体ハ最初ハ非公式ノモノデアツタガ、次第ニ政府
ノ制度トシテ認メラルヽニ到リ、ソシテ遂ニ一九
二六年十二月、西園寺公ガ元老ニ任ゼラレタ時、
勅命ヲ以テ任命シタコトニヨリ此ノ制度ハ公式ニ
承認セラレタノデアル。

此等ノ元老達ハ提出サレタ問題ノ解決ノ爲ニ合合
ヲ開キ諮詢ニ應ヘヨトイフ天皇ノ直接ノ命令ニヨ
リ、合合シ其ノ任ニ當ツタ。彼等ガ直隷、講和及ビ
國際關係ヲ含ム事項等ノ重大ナル事項ノ諮詢ニ應
ヘルト同時ニソノ最モ重要ナル職務ハ新内閣組閣
ノ際ソノ仲介ヲナス事デアツタ。斯クシテ彼等ハ
内閣ガ法律上ノ原則デハ天皇ニ對シテノミ責任ヲ
ズフトイフ事實カラ生ズル日本ノ立憲制度ニ於ケ
ル重大ナル缺點ノ一ツヲ補ツテ來タノデアル。
一九四〇年西園寺公ノ死去ト共ニ元老ハ制度上消
滅シタ。

(二) 重臣

新内閣ノ詮衡ニ關スル事項ニ就キ天皇ノ諮詢ニ應

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ヘル職掌ガ元老カラ内大臣ヘ移行スルニ伴ヒ内大臣ハ前總理大臣及樞密院議長ト個々ニ打合ハセル事ヲ實行シ始メタ。此等ノ長老政治家達ハ重臣ト稱セラレルニ到ツタ。一九四〇年七月此ノ團体ハ新内閣ノ詮衡ニ關シ内大臣ニ進言スル團体トシテ召集セラレ會合ヲ持ツタ事ニ因ツテ公式ナモノトナツタ。前總理大臣ノ會議ハ總理大臣ノ詮衡ニ就キ進言スル事ガ主要ナ職務デアルガ、時ニハ重大ナ政務ニ關シ天皇ノ諮詢ニ應ヘル爲召集サレル事モアツタ。

## (二)連絡機關

### (一)連絡會議

一九三七年支那事變ノ勃發ニ引續ク情勢ノ緊迫化ニ伴ヒ各部大臣ト統帥部ノ權限範圍ノ重複セル活動分野ヲ統合スル方策ノ必要ガ急速ニ判然トシテ來タ。此ノ必要ニ答ヘ若干ノ方策ガ實施セラレタ。最初首相、陸相、海相竝ニ外相ニヨル四相會議ガ設置セラレ、後ニ之ニ藏相ガ加ハツテ五相會議トナツタ。此等ノ會議ニ於テハ統帥府ノ見解ハ陸海軍大臣ヲ通ジテ表明サレタノデアル。然シ情勢ハ陸海ノ各幕僚長ガ此ノ陸海軍大臣ヲ經由シテ事ヲ圖ル方法ハ不充分ナリトノ結論ニ至ルガ如ク

進展シ、政府ト統帥部間ノ具体ヲ調整スル連絡会議実ガ採擇セラレタ。此ノ日本ハ大体定期的ニ合シ首相、外相、陸相、内相、陸海ノ各軍務局長、次長及ビ陸海ノ各軍務局長ヨリ構成セラレ、時ニハ更ニ企画院総裁、内閣書記官長ガ列席シタ。此等会議ヲ列席者ガ天皇ハ別トシテ事実上後ニ於テ到達シタ決議ハソレヨリ正式ナ御前会議ノ決議ニ最モ重要デアツタ。

(二)最高指導会議

此ノ組織ハ戦時中小磯内閣ノ時ニ出來タノデアルガ官除ハ名称ヲ更ヘタ元ノ連絡会議デアル。

(三)大本営会議

戦争中連絡会議及ビ最高指導会議ガソノ逢着セル諸問題ニ適切ニ應ジ得ナイ場合首相ハ作戦用兵等ニ関與ハシナカツタガ大本営ノ会議ニ出席スルヤウニナツタ。此等ノ会合ガ大本営会議ト言ハレタノデアル。

(四)御前会議

憲法及ビ其ノ他ノ法令ニ御前会議ヲ法制化セルモノハナイガ御前会議ハ日本政府内ニ一制度トシテ

Doc 6902 P33

數百年間存在シテ居リ各分野ニ於ケル權限ノ分立ニヨリ引起サレル相剋ヲ調整スル機關トシテ引續キ機能ヲ果シテ來タ。組織トシテ御前會議ハ眞ニ重大ナル情勢下ニ於テノミ眞ニ重大ナ政策ヲ決定スル爲ニ召集セラレル。

此ノ會議ノ構成員ハ天皇ハ別トシテ量質共ニ變化シテ來タ。一九四〇年ト一九四一年ノ間ニ五回ニ互リ會議ガ開催セラレタガソノ構成員ハ首相、樞密院議長、海相、陸相、外相、藏相、全整院總裁、參謀總長、同次長、軍令部總長、同次長、及ビ陸海各軍務局長デアツタガ時々他ノ關係モ列席シタノデアル。

斯ル會議ハ一定ノ時ヲ置イテ定時ニ行ハレタノデハナク國家ノ超非常時ニ於テノミ召集サレタノデアル。會議ハ公表セラレタコトモアツタガ、今迄秘密ニサレテヰタ會議モアル。一九四一年十二月七日戰爭勃發ノ前ノ年ニハ御前會議ハ連絡會議ノ奏請ニ基キ召集サラレタノデアル。

或ル議題議案ガ關係方面ノ同意ヲ得タ場合ニソレガ連絡會議ニ提議サレ更ニ連絡會議ガ御前會議ノ催ヲ奏請スルノデアル。普通實際ニハ御前會議ノ際ニ正式決議ハ爲サレナク此ノ會議ニ於ケル同意ガ內閣ノ正式決定事項トサレタノデアル。

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Ct. Ex._____

Excerpts requested and furnished for the defendants by order of Court from the testimony of former SECRETARY OF STATE CORDELL HULL given at hearing held before Joint Congressional Committee on the investigation of the Pearl Harbor attack, same being found in Volumes 7 and 9 of Report of Proceedings, IPS Document No. 2007:

RETURN TO ROOM

(Vol. 7, pp. 1088-1089)

In the fall of 1937 our Government was confronted with the decision whether to apply the Neutrality Act to the hostilities between China and Japan. It was clear that the arms embargo authorized by the Act would hurt China and help Japan, since China needed to import arms and Japan manufactured a large supply. The President used the discretion provided by law and refrained from putting the Act into operation.

On July 26, 1939, our Government notified the Japanese Government of its desire to terminate the Treaty of Commerce and Navigation of 1911. It was felt that this treaty was not affording adequate protection to American commerce either in Japan or in Japanese occupied portions of China, while at the same time the operation of the most-favored-nation clause of the treaty was a bar to the adoption of retaliatory measures against Japanese commerce. The treaty therefore terminated on January 26, 1940, and the legal obstacle to our placing restrictions upon trade with Japan was thus removed.

Beginning in 1938 our Government placed in effect so-called "moral embargoes" which were adopted on the basis of humanitarian considerations. Following the passage of the Act of July 2, 1940 restrictions were imposed in the interests of national defense on an ever-increasing list of exports of strategic materials. These measures were intended also as deterrents and expressions of our opposition to Japan's course of aggression.

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(Vol. 7, pp. 1089-1090)

Throughout this period the United States increasingly followed a policy of extending all feasible assistance and encouragement to China. This took several different forms including diplomatic actions in protest of Japan's aggression against China and Japan's violation of American rights. Loans and credits aggregating some two hundred million dollars were extended in order to bolster China's economic structure and to facilitate the acquisition by China of supplies. And later lend-lease and other military supplies were sent to be used in China's resistance against Japan.

(Vol. 7, p. 1091)

During these years we had kept before the Japanese all these doctrines and principles in the most tactful and earnest manner possible, and at all times we had been careful not to make threats. I said that I had always felt that if a government makes a threat it ought to be ready to back it up. We had been forthright but we had been as tactful as possible.

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(Vol. 7, pp. 1101-1102)

We had in mind doing everything we could to bring about a peaceful, fair, and stabilizing settlment of the situation throughout the Pacific area. Such a course was in accordance with the traditional attitudes and beliefs of the American people. Moreover, the President and I constantly had very much in mind the advice of our highest military authorities who kept emphasizing to us the imperative need of having time to build up preparations for defense vital not only to the United States but to many other countries resisting aggression. Our decision to enter into the conversations with the Japanese was, therefore, in line with our need to rearm for self-defense.

The President and I fully realized that the Japanese Government could not, oven if it wished, bring about an abrupt transformation in Japan's course of aggression. We realized that so much was involved in a reconstruction of Japan's position that implementation to any substantial extent by Japan of promises to adopt peaceful courses would require a long time. We were, therefore, prepared to be patient in an endeavor to persuade Japan to turn from her course of aggression: We carried no chip on our shoulder, but we were determined to stand by a basic position, built on fundamental principles which we applied not only to Japan but to all countries.

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(Vol. 7 pp. 1114-1115)

Accordingly, on July 26, 1941, President Roosevelt issued an executive order freezing Chinese and Japanese assets in the United States. That order brought under the control of the Government all financial and import and export trade transactions in which Chinese or Japanese interests were involved. The effect of this was to bring about very soon virtual cessation of trade between the United States and Japan.

On August 6 the Japanese Ambassador presented a proposal which he said was intended to be responsive to the President's proposal regarding neutralization of Indo China.

In essence, the Japanese proposal was that:

1. The Japanese Government should undertake to refrain from stationing troops in regions of the southwest Pacific, to withdraw from French Indochina after "settlement of the China incident," to guarantee Philippine neutrality, and to cooperate in the production and procurement of natural resources in east Asia essential to the United States; and

2. The United States should undertake to "suspend its military measures in the southwestern Pacific areas" and to recommend similar action to the Governments of the Netherlands and Great Britain, to cooperate in the production and procurement of natural resources in the Southwestern Pacific essential to Japan, to take measures to restore normal commerce between the United States and Japan, to extend its good offices toward bringing about direct negotiations between Japan and the Chungking Government, and to recognize Japan's special position in Indochina even after withdrawal of Japanese troops.

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Vol. 7, pp. 1119-1120)

On September 6 Prime Minister Konoe in a conversation with the American Ambassador at Tokyo indicated that the Japanese Government fully and definitely subscribed to the four principles which this government had previously set forth as a basis for the reconstruction of relations with Japan. However, a month later the Japanese Minister for Foreign Affairs indicated to the American Ambassador that while those four points had been accepted "in principle," certain adjustments would be necessary in applying these principles to actual conditions.

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(Vol. 7, p. 1133)

In telegrams of November 3 and November 17, the American Ambassador in Japan cabled warnings of the possibility of sudden Japanese attacks which might make inevitable war with the United States.

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(Vol. 7, pp. 1136-1165)

## VI. JAPANESE ULTIMATUM OF NOVEMBER 20 AND OUR REPLY

On November 20th the Japanese Ambassador and Mr. Kurusu presented to me a proposal which on its face was extreme. I knew, as did other high officers of the Government, from intercepted Japanese messages supplied to me by the War and Navy Departments, that this proposal was the final Japanese proposition -- an ultimatum.

(Vol. 7, pp. [illegible], Cont.)

The proposal read as follows:

"1. Both the Governments of Japan and the United States undertake not to make any armed advancement into any of the regions in the Southeastern Asia and the Southern Pacific area excepting the part of French Indochina where the Japanese troops are stationed at present.

"2. The Japanese Government undertakes to withdraw its troops now stationed in French Indo-China upon either the restoration of peace between Japan and China or the establishment of an equitable peace in the Pacific area.

"In the meantime the Government of Japan declares that it is prepared to remove its troops now stationed in the southern part of French Indo-China to the northern part of the said territory upon the conclusion of the present arrangement which shall later be embodied in the final agreement.

"3. The Government of Japan and the United States shall cooperate with a view to securing the acquisition of those goods and commodities which the two countries need in Netherlands East Indies.

"4. The Governments of Japan and the United States mutually undertake to restore their commercial relations to those prevailing prior to the freezing of the assets.

"The Government of the United States shall supply Japan a required quantity of oil.

"5. The Government of the United States undertakes to refrain from such measures and actions as will be prejudicial to the endeavors for the restoration of general peace between Japan and China."

The Plan thus offered called for the supplying by the United States to Japan of as much oil as Japan might require, for suspension of freezing measures, for discontinuance by the United States of aid to China, and for withdrawal of moral and material support from the unrecognized Chinese Government. It contained a provision that Japan would shift her armed forces from southern Indochina to northern Indochina, but placed no limit on the number of armed forces which Japan might send into Indochina and made no provision for withdrawal of those forces until after either the restoration of peace between

Japan and China or the establishment of an "equitable" peace in the Pacific area. While there were stipulations against further extension of Japan's armed force into southwestern Asia and the southern Pacific (except Indochina), there were no provisions which would have prevented continued or fresh Japanese aggressive activities in any of the regions of Asia lying to the north of Indochina--for example, China and the Soviet Union. The proposal contained no provision pledging Japan to abandon aggression and to revert to peaceful courses.

On November 21, Mr. Kurusu called alone upon me and gave me a draft of a formula relating to Japan's obligations under the Tripartite Pact. That formula did not offer anything new or helpful. I asked Mr. Kurusu whether he had anything more to offer on the subject of a peaceful settlement as a whole. Mr. Kurusu replied that he did not.

On November 21 we received word from the Dutch that they had information that a Japanese force had arrived near Palao, the nearest point in the Japanese Mandated Islands to the heart of the Netherlands Indies. Our Consuls at Hanoi and Saigon had been reporting extensive new landings of Japanese troops and equipment in Indochina. We had information through intercepted Japanese messages that the Japanese Government had decided that the negotiations must be terminated by November 25, later extended to November 29. We know from other intercepted Japanese messages that the Japanese did not intend to make any concessions, and from this fact taken together with Kurusu's statement to me of November 21 making clear that his Government had nothing further to offer, it was plain, as I have mentioned, that the Japanese proposal of November 20 was in fact their "absolutely final proposal."

The whole issue presented was whether Japan would yield in her avowed movement of conquest or whether we would yield the fundamental principles for which we stood in the Pacific and all over the world. By mid-summer of 1941 we were pretty well satisfied that the Japanese were determined to continue with their course of expansion by force. We had made it clear to them that we were standing fast by our principles. It was evident, however, that they were playing for the chance that we might be overawed into yielding by their threats of force. They were armed to the teeth and we knew they would attack whenever and wherever they pleased. If by chance we should have yielded our fundamental principles, Japan would probably not have attacked for the time being--at least not until she had consolidated the gains she would have made without fighting.

There was never any question of this country's forcing Japan to fight. The question was whether this country was ready to sacrifice its principles.

To have accepted the Japanese proposal of November 20 was clearly unthinkable. It would have made the United States an ally of Japan in Japan's program of conquest and aggressions and of collaboration with Hitler.

Br. Ex._____
Ct. Ex._____

(Vol. 7, pp. 1136-1165, Cont.)

Hitler. It would have meant yielding to the Japanese demand that the United States abandon its principles and policies. It would have meant abject surrender of our position under intimidation.

The situation was critical and virtually hopeless. On the one hand our Government desired to exhaust all possibilities of finding a means to a peaceful solution and to avert or delay an armed clash, especially as the heads of this country's armed forces continued to emphasize the need of time to prepare for resistance. On the other hand, Japan was calling for a showdown.

There the situation stood -- the Japanese unyielding and intimidating in their demands and we standing firmly for our principles.

The chances of meeting the crisis by diplomacy had practically vanished. We had reached the point of clutching at straws.

Three possible choices presented themselves.

Our Government might have made no reply. The Japanese warlords could then have told their people that the American Government not only would make no reply but would also not offer any alternative.

Our Government might have rejected flatly the Japanese proposal. In that event the Japanese warlords would be afforded a pretext, although wholly false, for military attack.

Our Government might endeavor to present a reasonable counter-proposal.

The last course was the one chosen.

In considering the content of a counter-proposal consideration was given to the inclusion therein of a possible modus vivendi. Such a project would have the advantages of showing our interest in peace to the last and of exposing the Japanese somewhat in case they should not accept. It would, if it had served to prolong the conversations, have gained time for the Army and Navy to prepare. The project of a modus vivendi was discussed and given intensive consideration from November 22 to November 26 within the Department of State, by the President, and by the highest authorities of the Army and Navy. A first draft was completed on November 22 and revised drafts on November 24 and 25. It was also discussed with the British, Australian, Dutch and Chinese Governments.

The projected modus vivendi provided for mutual pledges by the United States and Japan that their national policies would be directed

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Ct. Ex.____

(Vol. 7, pp. 1136-1165, Cont.)

toward lasting peace; for mutual undertakings against advances by military force or threat of force in the Pacific area; for withdrawal by Japan of its armed forces from southern Indochina; for a modification by the United States of its freezing and export restrictions to permit resumption of certain categories of trade, within certain specified limits, between the United States and Japan; for the corresponding modification by Japan of its freezing and export restrictions; and for an approach by the United States to the Australian, British and Dutch Governments with a view to their taking similar measures. There was also an affirmation by the United States of its fundamental interest that any settlement between the Japanese and Chinese Governments be based upon the principles of peace, law, order, and justice. There was provision that the modus vivendi would remain in force for three months and would be subject to further extension.

It was proposed as a vital part of the modus vivendi at the same time to give to the Japanese for their consideration an outline of a peace settlement which might serve as a basis for working out a comprehensive settlement for the Pacific area along broad and just lines. On November 11 there had been prepared in the Division of Far Eastern Affairs for possible consideration a draft of a proposal along broad lines. This draft like others was drawn up with a view to keeping the conversations going (and thus gaining time) and to leading, if accepted, to an eventual comprehensive settlement of a nature compatible with American principles. This draft proposal contained statements of general principles, including the four principles which I had presented to the Japanese on April 16, and a statement of principles in regard to economic policy. Under this draft the United States would suggest to the Chinese and Japanese Governments that they enter into peace negotiations, and the Japanese Government would offer the Chinese Government an armistice during the period of the peace negotiations. The armistice idea was dropped because it would have operated unfairly in Japan's favor.

A further proposal to which I gave attention was a revision in tentative form made by the Department on November 19 of a draft of a proposed comprehensive settlement received from the Treasury Department on the previous day. This tentative proposal was discussed with the War and Navy Departments. In subsequent revisions points to which objectsions were raised by them were dropped. A third proposal which I had under consideration was that of the modus vivendi.

What I considered presenting to the Japanese from about November 22 to November 26 consisted of our modus vivendi draft and an outline of a peace settlement which might serve as a basis for working out a comprehensive settlement for the Pacific area along broad and just lines. This second and more comprehensive part followed some of the lines set forth in the November 11 draft and in the November 19 draft.

(Vol. 7. pp. 1136-1165, Cont.)

While the modus vivendi proposal was still under consideration, I emphasized the critical nature of this country's relations with Japan at the meeting of the War Council on November 25. The War Council, which consisted of the President, the Secretaries of State, War and Navy, the Chief of Staff and the Chief of Naval Operations, was a sort of clearing house for all the information and views which we were currently discussing with our respective contacts and in our respective circles. The high lights in the developments at a particular juncture were invariably reviewed at those meetings. At that meeting I also gave the estimate which I then had that the Japanese military were already poised for attack. The Japanese leaders were determined and desperate. They were likely to break out anywhere, at any time, at any place, and I emphasized the probable element of surprise in their plans. I felt that virtually the last stage had been reached and that the safeguarding of our national security was in the hands of the Army and Navy.

In a message of November 24 to Mr. Churchill, telegraphed through the Department, President Roosevelt added to an explanation of our proposed modus vivendi the words, "I am not very hopeful and we must all be prepared for real trouble, possibly soon."

On the evening of November 25 and on November 26 I went over again the considerations relating to our proposed plan, especially the modus vivendi aspect.

As I have indicated, all the successive drafts, of November 22, of November 24 and of November 25 contained two things; (1) the possible modus vivendi; and (2) a statement of principles, with a suggested example of how those principles could be applied -- that which has since been commonly described as the 10 point proposal.

I and other high officers of our Government knew that the Japanese military were poised for attack. We knew that the Japanese were demanding -- and had set a time limit, first of November 25 and extended later to November 29, for --acceptance by our Government of their extreme, last-word proposal of November 20.

It was therefore my judgment, as it was that of the President and other high officers, that the chance of the Japanese accepting our proposal was remote.

So far as the modus vivendi aspect would have appeared to the Japanese, it contained only a little chicken feed in the shape of some cotton, oil and a few other commodities in very limited quantities as compared with the unlimited quantities the Japanese were demanding.

(Vol. 7, pp. 1136-1165, Cont.)

It was manifest that there would be widespread opposition from American opinion to the modus vivendi aspect of the proposal especially to the supplying to Japan of even limited quantities of oil. The Chinese Government violently opposed the idea. The other interested governments were sympathetic to the Chinese view and fundamentally were unfavorable or lukewarm. Their cooperation was a part of the plan. It developed that the conclusion with Japan of such an arrangement would have been a major blow to Chinese morale. In view of these considerations it became clear that the slight prospects of Japan's agreeing to the modus vivendi did not warrant assuming the risks involved in proceeding with it, especially the serious risk of collapse of Chinese morale and resistance and even of disintegration of China. It therefore became perfectly evident that the modus vivendi aspect would not be feasible.

The Japanese were spreading propaganda to the effect that they were being encircled. On the one hand we were faced by this charge and on the other by one that we were preparing to pursue a policy of appeasing Japan. In view of the resulting confusion, it seemed important to restate the fundamentals. We could offer Japan once more what we offered all countries, a suggested program of collaboration along peaceful and mutually beneficial and progressive lines. It had always been open to Japan to accept that kind of a program and to move in that direction. It still was possible for Japan to do so. That was a matter for Japan's decision. Our hope that Japan would so decide had been virtually extinguished. Yet it was felt desirable to put forth this further basic effort, in the form of one sample of a broad but simple settlement to be worked out in our future conversations, on the principle that no effort should be spared to test and exhaust every method of peaceful settlement.

In the light of the foregoing considerations, on November 26 I recommended to the President -- and he approved -- my calling in the Japanese representatives and handing them the broad basic proposals while withholding the modus vivendi plan. This was done in the late afternoon of that day.

The document handed the Japanese representatives on November 26 was divided into two parts:

The first part of the document handed the Japanese was marked "Oral." In it was reviewed briefly the objective sought in the exploratory conversations, namely, that of reaching if possible a settlement of questions relating to the entire Pacific area on the basis of the principles of peace, law and order and fair-dealing among nations. It was stated that it was believedthat some progress had been made in reference to general principles. Note was taken of a recent statement by the Japanese Ambassador that the Japanese Government desired to continue the conversations directed toward a comprehensive and peaceful settlement.

(Vol. 7, pp. 1136 to 1165, Cont).

In connection with the Japanese proposals of November 20 for a modus vivendi, it was stated that the American Government most earnestly desired to afford every opportunity for the continuance of discussions with the Japanese Government directed toward working out a broad-gauge program of peace throughout the Pacific area. Our Government stated that in its opinion some features of the Japanese proposals of November 20 conflicted with the fundamental principles which formed a part of the general settlement under consideration and to which each government had declared that it was committed.

Our Government suggested that further effort be made to resolve the divergences of views in regard to the practical application of the fundamental principles already mentioned. Our Government stated that with this object in view it offered "for the consideration of the Japanese Government a plan of a broad but simple settlement covering the entire Pacific area as one practical exemplification of a program which this Government envisages as something to be worked out during our further conversations."

The second part of the document embodied the plan itself which was in two sections.

In Section I there was outlined a mutual declaration of policy containing affirmations that the national policies of the two countries were directed toward peace throughout the Pacific area, that the two countries had no territorial designs or aggressive intentions in that area, and that they would give support to certain fundamental principles of peace upon which their relations with each other and all other nations would be based. Those principles were stated as follows:

"(1) The principle of inviolability of territorial integrity and sovereignty of each and all nations.

"(2) The principle of non-interference in the internal affairs of other countries.

"(3) The principle of equality, including equality of commercial opportunity and treatment.

"(4) The principle of reliance upon international cooperation and conciliation for the prevention and pacific settlement of controversies and for improvement of international conditions by peaceful methods and processes."

This statement of policy and of principle closely followed the line of what had been presented to the Japanese on several previous occasions beginning in April.

(Vol. 7, pp. 1136-1165, Cont.)

In Section I there was also a provision for mutual pledges to support and apply in their economic relations with each other and with other nations and peoples liberal economic principles. These principles were enumerated. They were based upon the general principle of equality of commercial opportunity and treatment.

This suggested provision for mutual pledges with respect to economic relations closely followed the line of what had previously been presented to the Japanese.

In Section II there were outlined proposed steps to be taken by the two Governments. One unilateral commitment was suggested, an undertaking by Japan that she would withdraw all military, naval, air and police forces from China and from Indo China. Mutual commitments were suggested along the following lines:

(a) To endeavor to conclude a multilateral non-aggression pact among the governments principally concerned in the Pacific area;

(b) To endeavor to conclude among the principally interested governments an agreement to respect the territorial integrity of Indo China and not to seek or accept preferential economic treatment therein;

(c) Not to support any government in China other than the National Government of the Republic of China with capital temporarily at Chungking;

(d) To relinquish extraterritorial and related rights in China and to endeavor to obtain the agreement of other governments now possessing such rights to give up those rights;

(e) To negotiate a trade agreement based upon reciprocal most-favored-nation treatment;

(f) To remove freezing restrictions imposed by each country on the funds of the other;

(g) To agree upon a plan for the stabilization of the dollar-yen rate with Japan and the United States each furnishing half of the funds;

(h) To agree that no agreement which either had concluded with any third power or powers shall be interpreted by it in a way to conflict with the fundamental purpose of this agreement; and

(i) To use their influence to cause other governments to adhere to the basic political and economic principles provided for in this suggested agreement.

The document handed the Japanese on November 26 was essentially a restatement of principles which have long been basic in this country's foreign policy. The practical application of these principles to the situation in the Far East, as embodied in the ten points contained in the document, was along lines which had been under discussion with the Japanese representatives in the course of the informal exploratory conversations during the months preceding delivery of the document in question. Our Government's proposal embodied mutually profitable policies of the kind we were prepared to offer to any friendly country and was coupled with the suggestion that the proposal be made the basis for further conversations.

A vital part of our program of standing firm for our principles was to offer other countries worthwhile plans which would be highly profitable to them as well as to ourselves. We stood firmly for these principles in the face of the Japanese demand that we abandon them. For this course there are no apologies.

Our Government's proposal was offered for the consideration of the Japanese Government as one practical example of a program to be worked out. It did not rule out other practical examples which either Government was free to offer.

We well knew that, in view of Japan's refusal throughout the conversations to abandon her policy of conquest and domination, there was scant likelihood of her acceptance of this plan. But it is the task of statesmanship to leave no possibility for peace unexplored, no matter how slight. It was in this spirit that the November 26 document was given to the Japanese Government.

When handing the document of November 26 to the Japanese representatives, I said that the proposed agreement would render possible practical measures of financial cooperation which, however, had not been referred to in the outline for fear that they might give rise to misunderstanding. I added also that I had earlier informed the Ambassador of my ambition of settling the immigration question but that the situation had so far prevented me from realizing that ambition.

It is not surprising that Japanese propaganda, especially after Japan had begun to suffer serious defeats, has tried to distort and give a false meaning to our memorandum of November 26 by referring to it as an "ultimatum". This was in line with a well-known Japanese characteristic of utilizing completely false and flimsy pretexts to delude their people and gain their support for militaristic depredations and aggrandizement.

(Vol. 7, pp. 1136-1165, Cont.)

VII. THE LAST PHASE

After November 26 the Japanese representatives at their request saw the President and me on several occasions. Nothing new developed on the subject of a peaceful agreement.

On November 26 following delivery of our Government's proposal to the Japanese Ambassador, correspondents were informed by an official of the Department of State that the Japanese representatives had been handed a document for their consideration. This document, they were informed, was the culmination of conferences during the recent weeks and rested on certain basic principles with which the correspondents would be entirely familiar in the light of many repetitions.

On November 27 I had a special and lengthy press conference at which I told the correspondents they were free to use the information given them as their own or as having come from authoritative sources.

I said that from the beginning I had been keeping in mind, and I suggested that the correspondents keep in mind, that the groups in Japan led by the military leaders had a plan of conquest by force of about one-half of the earth with one-half of its population. They had a plan to impose on this one-half of the earth a military control of political affairs, economic affairs, social affairs, and moral affairs of each population very much as Hitler was doing in Europe.

I said that this movement in the Far East started in earnest in 1937. It carried with it a policy of non-observance of any standards of conduct in international relations or of any law or of any rule of justice or fair play.

From the beginning, we, as one of the leading free countries, had sought to keep alive the basic philosophy and principles governing the opposing viewpoint in international relations, that is, government by law, government by orderly processes, based on justice and morals and principles that would preserve absolutely the freedom of each country; principles of non-interference in the domestic affairs of other countries; the preservation inviolate of the sovereignty and territorial integrity of other countries; the peaceful settlement of disputes; equality of commercial opportunities and relations. These and other principles that go along with them have been, I pointed out, the touchstone of all of our activities in the conduct of our foreign policy. We had striven to impress them on other countries, to keep them alive as the world was going more and more to a state of international anarchy. We had striven to preserve their integrity. That was no easy undertaking.

I said that in the spring of 1941 there had come up the question of conferences with the Japanese on the subject of peace. The purpose was

(Vol. 7. pp. 1136-1165, Cont.)

to ascertain whether a peaceful settlement relating to the entire Pacific area was possible.

I mentioned that for a considerable time there had been two opposing groups in Japan. One was a military group, sometimes led by military extremists. They had seemed to be in the saddle when the China undertaking in 1937 was decided upon. As the Chinese undertaking went on, there was an opposing group in Japan, representing honest lovers of peace and law and order. Another portion of this group comprised those who personally favored the policy of force and conquest but considered that the time was not propitious, for different reasons, to undertake it. Some of this group were inclined to oppose Japan's policy because of the unsatisfactory experience of Japan in China and of what they regarded as Japan's unsatisfactory relations with Germany under the Tripartite Pact.

I said that our conferences with the Japanese during the preceding several months had been purely exploratory.

During that time I kept other countries who had interest in that area informed in a general way.

I pointed out that for the previous ten days or so we had explored all phases of the basic questions presented and of suggestions or ideas or methods of bringing Japan and the United States as close together as possible, on the theory that that might have been the beginning of some peaceful and cordial relations between Japan and other nations of the Pacific, including our own.

During the conversations, I said we had to keep in mind many angles. We had to keep in mind phases not only of the political situation but of the Army and the Navy situation. As an illustration, I cited the fact that we had known for some days from the facts and circumstances which revealed themselves steadily that the Japanese were pouring men and materials and boats and all other kinds of equipment into Indochina. One qualified observer reported the number of Japanese forces in Southern Indochina as 128,000. That may have been too high as yet. But a large military movement was taking place. There was a further report that the Japanese Navy might make attacks somewhere there around Siam, any time within a few days.

I told the correspondents that we were straining heaven and earth to work out understandings that might mitigate the situation before it got out of hand, in charge, as it was to a substantial degree, of Japanese military extremists.

(Vol. 7, pp. 1136-1165, Cont.)

Referring to Indochina, I said that if the Japanese established themselves there in adequate numbers, which they seemed to be doing, they not only had a base for operations against China but they would be a distinct menace to the whole South Sea area. When we saw that this signified an extra danger, naturally we explored every kind of way to avoid that sort of menace and threat.

I said that we had had the benefit of every kind of view. Some charged us with appeasement, others with having let other countries down. All the time we had been working at just the opposite. All these various views were made in good faith and no fault attached to the proponents thereof. This was just a condition which was not without its benefits.

We had exhausted all of our efforts to work out phases of this matter with the Japanese. Our efforts had been put forth to facilitate the making of a general agreement. We wanted to facilitate the conversations and keep them from breaking down but at all times keeping thoroughly alive the basic principles that we had been proclaiming and practicing during all those years.

On November 26, I continued, I found there had been so much confusion and so many collateral matters brought in along with high Japanese officials in Tokyo proclaiming their old doctrines of force, that I thought it important to bring the situation to a clear perspective. So I had recounted and restated the fundamental principles and undertook to make application of them to a number of specific conditions such as would logically go into a broad basic peaceful settlement in the Pacific area.

There had been every kind of suggestion made as we had gone along in the conversations. I said that I had considered everything in the way of suggestions from the point of view whether it would facilitate, keep alive, and if possible carry forward conversations looking toward a general agreement, all the while naturally preserving the fullest integrity of every principle for which we stood. I had sought to examine everything possible but always to omit consideration of any proposal that would contemplate the stoppage of the conversations and search for a general agreement for peace.

To a correspondent's question whether I expected the Japanese to come back and talk further on the basis of what I gave them on November 26, I said that I did not know but, as I had indicated, the Japanese might not do that. I referred to the military movements which they were making and said I thought the correspondents would want to see whether the Japanese had any idea of renewing the conversations.

(Vol. 7, pp. 1136-1165, Cont.)

In reply to a further question whether in order to conform to the basic principles of our Government's policy it would be necessary for the Japanese to withdraw the troops they were sending to the Southward, I said, "Yes". In reply to another question as to whether it would not mean withdrawal of Japanese troops from China and Indochina, I said that of course our program announced in 1937 covered all that. The question of getting the troops out of China had been a bone of contention.

In reply to a question whether the assumption was correct that there was not much hope that the Japanese would accept our principles and go far enough to afford a basis for continuing the conversations, I said that there was always a possibility but that I would not say how much probability there might be.

In reply to a question whether the Japanese had proved adamant on the question of withdrawing from the Axis, I replied that they were still in it.

In reply to a question whether the situation took action rather than words from the Japanese, I said this was unquestionably so, but it took words first to reach some kind of an understanding that would lead to action.

In reply to a question how the Japanese explained these military movements to the south, I replied that they did not explain.

On November 28, at a meeting of the War Council, I reviewed the November 26 proposal which we had made to the Japanese, and pointed out that there was practically no possibility of an agreement being achieved with Japan. I emphasized that in my opinion the Japanese were likely to break out at any time with new acts of conquest and that the matter of safeguarding our national security was in the hands of the Army and the Navy. With due deference I expressed my judgment that any plans for our military defense should include an assumption that the Japanese might make the element of surprise a central point in their strategy and also might attack at various points simultaneously with a view to demoralizing efforts of defense and of coordination.

On November 29 I expressed substantially the same views to the British Ambassador.

I said the same things all during those days to many of my contacts.

On November 25 the American Consul at Hanoi, Indochina, had communicated to the Department a report that the Japanese intended to launch an

Br. Ex._____
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(Vol. 7, pp. 1136-1165, Cont.)

attack on the Kra Peninsula about December 1, and he reported also further landings of troops and military equipment in Indo China in addition to landings he had previously reported from time to time. On November 26 the American Consul at Saigon had reported the arrival of heavy Japanese reinforcements in Southern Indo China, supplementing arrivals he had reported earlier that month. On November 29 the Department of State instructed its posts in southeast Asia to telegraph information of military or naval movements directly to Manila for the Commander-in-Chief of the United States Asiatic Fleet.

On November 30, I was informed by the British Ambassador that the British Government had important indications that Japan was about to attack Siam and that this attack would include a sea-borne expedition to seize strategic points in the Kra Isthmus.

In a message from Premier Tojo to a public rally on November 30 under the sponsorship of the Imperial Rule Assistance Association and the "Great Japan East Asia League" he stated among other things that:

> "The fact that Chiang Kai-shek is dancing to the tune of Britain, America, and communism at the expense of able-bodied and promising young men in his futile resistance against Japan is only due to the desire of Britain and the United States to fish in the troubled waters of East Asia by pitting the East Asiatic peoples against each other and to grasp the hegemony of East Asia. This is a stock in trade of Britain and the United States.
>
> "For the honor and pride of mankind we must purge this sort of practice from East Asia with a vengeance."

On that day, Sunday, November 30, after conferring with our military regarding the Japanese Prime Minister's bellicose statement and the increasing gravity of the Far Eastern situation, I telephoned the President at Warm Springs and advised him to advance the date of his return to Washington. Accordingly, the President returned to Washington on December 1.

On December 2, the President directed that inquiry be made at once of the Japanese Ambassador and Mr. Kurusu in regard to the reasons for continued Japanese troop movements into Indo China.

On December 3, I reviewed in press conference certain of the points covered by me on November 27. I said that we had not reached any more advanced state of determining questions either in a preliminary or other way than we had in November.

(Vol. 7, pp. 1136-1165, Cont.)

On December 5, the Japanese Ambassador called and presented a reply to the President's inquiry of December 2, containing the specious statement that Japanese reinforcements had been sent to Indochina as a precautionary measure against Chinese troops in bordering Chinese territory.

On December 6, our Government received from a number of sources reports of the movement of a Japanese fleet of 35 transports, 8 cruisers and 20 destroyers from Indochina toward the Kra Peninsula. This was confirmation that the long threatened Japanese movement of expansion by force to the south was under way. The critical character of this development, which placed the United States and its friends in common imminent danger, was very much in all our minds, and was an important subject of my conference with representatives of the Army and Navy on that and the following day.

On December 6, President Roosevelt telegraphed a personal appeal to the Emperor of Japan that the "tragic possiblities" in the situation be averted.

On December 7, the Japanese struck at Pearl Harbor.

Throughout the critical years culminating in Pearl Harbor and especially during the last months, the President, the Secretary of State, the Secretary of War, the Secretary of the Navy and the heads of our armed services kept in constant touch with each other. There was the freest interchange of information and views. It was customary for us to pick up the telephone and for the caller to ask one of the others whether he had anything new of significance to communicate whatever the caller may have had that was new. These exchange of information and views were in addition to those which took place at Cabinet meetings and at meetings during the fall of 1941 of the War Council, and in numerous other conversations.

As illustrative of the contacts which I had with officers of the War and Navy Departments during the especially critical period from November 20 to December 7, 1941, I attach a record of the occasions when I talked with such representatives as compiled from the daily engagement books kept by my office (Annex A). That record may, of course, not be complete.

In addition, I attach a statement of the record of the occasions on which I talked with representatives of the War and Navy Departments from October 1940 to December 7, 1941 (Annex B.)

I attach also a statement in regard to the arrangements for contacts during the years 1940 and 1941 between the State Department and the War and Navy Departments (Annex C).

(Vol. 7, pp. 1136-1165, Cont.)

In the foregoing I have endeavored to give a simple narrative and analysis of what happened in this country's relations with Japan, especially as they bear upon the inquiry of this Joint Committee. If I can throw light on any aspect of our relations not covered in this statement, I shall be glad to do so.

. . . . . .

(Vol. 7, pp. 1189-1190)

Mr. Gesell: Well now, at about this time Secretary Stimson reports that there was a meeting at the White House, on the 25th of November, at which you and Secretary Knox and himself were present, and General Marshall and Admiral Stark.

He says there:

"The President brought up the relations with the Japanese. He brought up the event that we were likely to be attacked, as soon as, perhaps, next Monday, for the Japanese are notorious for making an attack without warning, and the question was what we should do. We conferred on the general problem."

Do you remember any conferences at that time or at about that time with the War Council as to what should be done about the general problem?

Mr. Hull: The main point I was making during these and subsequent days was the very great improbability that Japan would seriously continue to participate in any conversations. We had learned through the interceptions not only that they had determined on their ultimatum but that they had ordered that conversations cease on the 25th, and then finally they worried me almost sick after the 20th about getting a quick reply.

. . . . . .

(Vol. 9, p. 1472)

The Vice Chairman: Then you did regard the Japanese proposal of November 20 as nothing but an ultimatum?

Mr. Hull: Well, they said so both in writing and orally and we could only regard it as that from its very nature.

The Vice Chairman: Now, was your reply of November 26 in any sense an ultimatum?

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Ct. Ex.____
Page #20

Mr. Hull: Well, the truth is we were most anxious, as I have said here at different times, to go forward with the conversations, and we had every motive to desire to go forward with them, and we offered this, as I say, as an ordinary, normal plan for international relations, on these lines, and I think every body in the State Department, the President and others, were in agreement; and, as I say, the Japanese would have found a way at once, all they had to do was to announce that they were through with conquest and aggression and automatically they would have become the beneficiaries of these proposals.

The Vice Chairman: Did you receive any information that the Japanese regarded your message of November 26 as an ultimatum?

Mr. Hull: Not until sometime afterward. They then had their fleet on its way, as I say, to Hawaiian waters. They themselves had ordered the discontinuance of conversations. We were satisfied, of course, that they would attack at any time. We didn't know what time. They had that solely within their own power. But it wasn't until they proceeded to manufacture a falsehood in order to dodge the effect of their own ultimatum, the old fraudulent cry, "stop thief", they thought if they could pretend to their own people, they knew that that wouldn't travel far in this country, except at the hands of people who might be a little prejudiced or a little extreme in their views, but they felt that they could put over the idea in their own country just as Hitler put over one falsehood after another to shield and disguise his own plans and his own course to his armies of invasion.

The Japanese alibi was taken up and adopted by a few people in other parts of the world but not to any great extent.

(Vol. 9, p. 1472, Cont.)

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Excerpt from SHIGEMITSU's Speech 21 Jan. 1945
at the 86th Session of the Imperial Diet

.....The truth is that the Greater East Asia War broke out because the UNITED STATES and BRITAIN tried to remove the Japanese power which will be an obstacle to such enterprises. Depriving East Asians of their countries, they want to make them their eternal colonies and make use of them as a base to control the world.

If we lose the war once, all the nations in East Asia will be exploited and invaded forever.

Our army in South China aims against the U. S. Army and its bases in order to drive out the U. S.'s disturbing forces in China, to return China to the Chinese, and to make them contribute to reconstruction of East Asia in co-operation with Japan.

In brief, Japan's intention lies in constructing the world of non-threat and non-aggression.

The combination between our empire and the other allied countries is becoming firmer and firmer, and we are convinced of carrying out the current war successfully to the last together with our allied countries at any cost. Germany is now continuing an admirably brave struggle, overcoming many difficulties. A general attack, which England and America had decided upon at the Teheran Conference, was made upon Germany from the east, west, and south, together with all sorts of strategic activities. Moreover, our enemies are declaring without any hestitation that they intend to wipe out the existence as great nations of both Japan and Germany by dividing their territory, moving their peoples, and changing their form of government in order to make Germany and the German race powerless forever. Germany was confronted by a most grave crisis at the time of the attempted assassination of Fuehrer Hitler on July 20th of last year. However, the plan ended in failure, and Germany's internal and external position was completely restored. It is indeed a stirring sight to see the German people fighting united under Fuehrer Hitler with an iron will that prevents the enemy from making even the slightest invasion of her territory. As was to be expected, Germany assumed the offensive on the western front and has already smashed important positions of the American Army. We cannot help being filled with admiration seeing that Germany, [illegible] when placed in a woeful predicament, has

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great self-confidence and calmly advances with a firm conviction of ultimate victory. On the other hand, Italy, led by Mussolini, is also steadily repleting her national armaments and fighting bravely with honor and glory in concert with Germany. I am convinced that it is our most sacred mission to exert ourselves to carry out, together with our allied countries both in the East and West, the severe battles destined to exploit the future of mankind in order to accomplish the common war aim of making clear international justice in the war of self-existence and self defense.

Description: Text and/or reason of the decoration awarded to KANAMORI, Tokujiro

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor"----Vol. 144

Decoration Record

KANAMORI, Tokujiro, councillor of the Bureau of Legislation, Junior grade of the 4th Court Rank with the 2nd Order of merit.

Necessary matters mentioned.

Decoration A-2

Period of Service:

Two years and six months from Sept. 18, 1931 to March 31, 1934.

The Official Post at the time of service:

Councillor of the Bureau of Legislation. The Chief of the 1st Division of the Bureau of Legislation.

The Official Rank at the time of service:

The 1st rank of the Higher Civil Service.

The Particulars of Service:

Investigation pertaining to the establishment and abolishment of the laws, the Imperial Ordinance, and Treaties as per attached sheet.

July 22, 1935

/From/ KANAMORI, Tokujirō, Director of the Bureau of Legislation

Seal of the Director of the Bureau of Legislation

/To/ Mr. OKADA Keisuke, Prime Minister.

I beg to privately inform you, as per attached sheet, those rating decoration B and above, among the employees of this Bureau, who have had direct connection with and rendered distinguished services in this Incident. Your consideration is requested on this matter.

Army Manchuria Secret No. 89

Notification regarding sending of a certificate of Merit.

March 15, 1924

/From/ YANAGAWA, Heisuke,
Vice Minister of War

Seal of the Vice-Minister of War

/To/ KUROSAKI, Teizō

Director of the Bureau of Legislation

I forward you herewith a certificate of merit for the below mentioned, in the Manchurian Incident.

Name of Person:

KANAMORI, Tokujirō

Non-regular member of the War Ministry.

Certificate of Merit.

KANAMORI, Tokujirō, non-regular member of the War Ministry.

The above mentioned has been in charge of studying and investigating legislation pertaining to the fundamental structure of a nation like the constitutional system and various structures of organization of the Department of Imperial Household of Manchukuo since its foundation;

and was in charge of supervising and helping Chao hsin Po and his party who had been specially despatched by Manchukuo to study the constitutional system of Japan. Above all, he was assigned a non-regular member of the War Ministry on June 13, 1933, and ordered to go to Manchukuo from June 16 to July 18 and made close connections with the Kwantung Army and authorities of the government of Manchukuo.

After his return, he continued to hold the above post. At the occasion of the enforcement case of the monarchial rule in Manchukuo, he took part in the deliberation of the important laws which were drafted on the part of Manchukuo, contributing greatly to the execution of Japan's national policy towards Manchukuo; and I, therefore, recognize his distinguished merit.

YANAGAWA Heisuke
Vice-War Minister.

Description: Text and/or reason of the decoration awarded to SHIMADA, Toshio.

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor". Vol. 144

Decoration Record

Toshio SHIMADA,

Member of the House of Representatives -- Junior Grade of the Fourth Court Rank with the Third Class Order

Necessary matters mentioned:

Decoration B-1

The Period of Service:

(Director of the Bureau of Legislation
( From December 13, 1931 to May 25, 1932 -- (five months)
(Member of the House of Representatives --
( The 61st, the 62nd, the 64th and the 65th -- four sessions

Official posts at the time of service:

Director of the Bureau of Legislation
Member of the House of Representatives

Official rank at the time of service:

The First rank of the Higher Civil Service

(Treated in the category of officials of the SHINNIN Rank)

Particulars of the undertakings:

Merits as Director of the Bureau of Legislation

Investigations in connection with enactment, alteration and abolition of laws, the Imperial Ordinance, and treaties as per attached; and reporting to the superior departments and other general business matters.

Merits as Member of the House of Representatives:

Distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

1931

| The Imperial Ordinance No. | Items | Date Rec'd. | Date Reported |
|---|---|---|---|
| 298 | Regarding the allowance of soldiers and civilians in military service despatched to the district of Hopei in China in connection with the Manchurian Incident. | Dec. 21 | Dec. 23 |
| 299 | Regarding the allowance of Navy personnel and civilians in the Naval service, serving in the Hopei Province and Pohai coast (except Shantung Coast and Kwantung Province Coast) in Manchuria (except Kwantung Province) in connection with the Manchurian affairs. | Dec. 21 | Dec. 23 |

1932

| Law No.-- | Items | | |
|---|---|---|---|
| 1 | The law in connection with the issue of government bonds for the disbursement of expenditure of the Manchurian Affairs. | Mar. 12 | Mar. 14 |
| 5 | Regarding the amendment of Article No. 1 (on the issue of government bonds for the disbursement of expenditure for the Manchurian Affairs) of the law of 1932. | May 18 | May 20 |
| 6 | Regarding the issue of government bonds to make up the source of revenue for the annual expenditure of general accounts for 1932. | May 18 | May 20 |
| 8 | Regarding the suspension of part of the transfer of redemption funds in Government bonds on and after 1932. | May 9 | May 12 |

| Imperial Ordinance, No. - | | | |
|---|---|---|---|
| 6 | Regarding the issue of government bonds for the disbursement of expenditure on the Manchurian Affairs. | Jan. 22 | Jan. 22 |

| | | | |
|---|---|---|---|
| 7 | Regarding the suspension of part of the transfer of redemption fund in Government bonds in 1931. | Jan. 22 | Jan. 22 |
| 14 | Regarding the issue of government bonds for the disbursement of the expenditure on the Manchurian Affairs. | Feb. 8 | Feb. 9 |
| 16 | Regarding the amendment of Imperial Ordinance No. 299 in 1931 on the allowance of Navy personnel and civilians in naval service, serving in the Hopei Province and Hohai Coast (except Shantung Coast and Kwantung Coast) in Manchuria (except Kwantung Province) in connection with the Manchurian Affairs. | Feb. 15 | Feb. 16 |
| 18 | Regarding the amendment of Imperial Ordinance No. 196 of 1916 concerning policemen with the Foreign Office serving in foreign countries. | Feb. 19 | Feb. 25 |
| 19 | Regarding the issue of government bonds for the disbursement of expenditures on the Manchurian Affairs. | Feb. 26 | Feb. 26 |
| 20 | Regarding the change in the term of study for the Kempei training school /gendarmerie/. | Feb. 26 | Feb. 27 |
| 24 | Regarding the revision in the system of providing temporary personnel in the Kwantung Office. | Mar. 10 | Mar. 10 |
| 54 | The same as above. | Mar. 31 | Apr. 5 |
| 64 | Regarding the replacement of field officers in active service in the Kempei department. | Apr. 20 | Apr. 30 |
| 75 | Regarding the revision of the Army Replacement Law. | Apr. 18 | Apr. 30 |

Description: Text and/or reason of the decoration awarded to TANI, Masayuki.

Source : Japanese Cabinet Record "Conferment of Honours for Service in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

Decoration Record

The councillor of the Embassy:--TANI, Masayuki.

At the time of the Incident, the above-mentioned as head of the Asia Section of the Foreign Office, took part in important diplomatic business in connection with the Incident. Ordered by the Foreign Minister, he put every effort in the study and execution of the policy for disposing of the Incident. Especially, since the outbreak of the Incident, his efforts are most outstanding in the execution of our policy for reconstructing and newly establishing the political and economic structures of Manchuria. Moreover, he not only took part in the consideration of the very difficult diplomatic policy with the outbreak of the TIENTSIN and SHANGHAI incidents along with the progress of the Incident, but he accomplished his important task with alertness and promptness in the deliberation of major problems such as Japan's recognition of Manchukuo and the withdrawal from the League of Nations, etc. At the same time, he always encouraged the members of the Asia Section, and took proper and effective measures for the protection of Japanese residents in Manchuria and China, and the maintenance of public peace, thus contributing to the maintenance of our country's rights and interests.

Then, in August 1933 he was transferred to councillor of the embassy, (he served for two years and five months in this position) and when he was ordered to serve in Manchukuo, he administrated the business of the embassy as its head member. On the other hand, he not only supported the Minister and cooperated with authorities on the spot in the diplomatic negotiations with Manchukuo with Japan's fundamental policy in mind, but he put his efforts in activities to foster the State of Manchukuo and in the realization of coalition between Japan and Manchukuo. Especially at the occasion when top secret official documents were exchanged between Manchukuo and Japan simultaneously with the establishment of a monarchy in Manchukuo on March 1, 1934, he took part in its important business and had much to do from the point of assisting the Minister accomplish his duty.

Also in connection with the purchase agreement of the North Manchurian Railway, he took part in it throughout the negotiation. Especially, as councillor of the embassy, he had much to do toward the amicable progress of the negotiation striving for connection and cooperation with Manchukuo and the Kwantung Army on the various problems regarding this agreement; thus contributing to its materialization.

Decoration Record

April 29, 1934

Position, rank and order of merit: --

Name TANI, Masayuki, councillor of embassy, the senior grade of the 5th Court rank with the 3rd Order of Merit.

| Official Postion at the Time of Service | Rank | Period of Service |
|---|---|---|
| The Head of the Asia Section of the Foreign Office<br><br>Served in Manchukuo | Senior grade of the 2nd Court rank | From Sept. 18, 1931-- to July 31, 1933 1 year 10 months and 13 days |
| Councillor of Embassy | Senior grade of the 2nd Court rank | Served at the Foreign Office, Tokyo from Aug. 21, 1933 to Mar. 31, 1934 -- 7 months and 11 days.<br><br>Served in Manchukuo |
| | | Total: 2 years 5 months and 24 days |

Description: Text and/or reason of the decoration awarded to KAWAHARA, Shunichiro

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

Decoration B-3

| DECORATION REPORT | | |
|---|---|---|
| As of April 29, 1934 Official position, Rank, Merits, Title and Name | | 3rd Class Secretary of the Embassy 6th Class Junior Grade of the Court Rank KAWAHARA, Shunichiro |
| Official position and Rank at the time of Service | | Period of Service |
| Secretary of Foreign Affairs, in service at the 1st section of the Bureau of Asiatic Affairs, the Department of Foreign Affairs. | The 5th Rank of the Higher Civil Service | From Sept. 18, 1931 to Sept. 21, 1933 2 years and 4 months In service at the 1st section of the Bureau of Asiatic Affairs<br>Total Two years and four months. |

DECORATION RECORD

KAWAHARA, Shunichiro
3rd Class Secretary of the Embassy

The above, as Secretary of Foreign Affairs in service at the 1st Section of the Bureau of Asiatic Affairs in the Department of Foreign Affairs, assisted his superior officers when the incident broke out and was engaged in drafting instructions for the various organs abroad and the declarations of the Imperial Japanese Government regarding the Incident. He was in charge of the investigation of important cases, and also of affairs regarding the application and treatment of laws, from the point of International Law, on the various phenomenons resulting from the Incident. in connection with the discussion on the Sino-Japanese Conflict at the League of Nations. He not only managed them conscientiously but, being engaged since the outbreak of the Incident in the collection and arrangement of informations

in regard to hostile actions and bandit activities in Manchukuo and China, anti-Japanese movement among the Chinese and the attitude of the Chinese Government, he endeavoured day and night in supporting his superiors execute their duties.

Description: Text and/or reason of the Decoration awarded to MUSHAKOJI, Kimitomo

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

DECORATION RECORD

| | | |
|---|---|---|
| Name, peerage, court rank and post as of Apr. 29, 1934 | Kimitomo Mushakoji, Viscount Senior 3rd Court Rank with the 2nd Order of Merit. Envoy Extraordinary and Ambassador Plenipotentiary | |
| Decoration B-4<br>Official post at the time of service | Official Rank | Period of Service |
| Imperial representative at the 12th General conference of the League of Nations | | From Sep. 18, 1931 to Sep. 12, 1932 -- 1 year 11 months 25 days Resided in Sweden |
| Acting Imperial representative at the extraordinary conference of the general League of Nations conference | | From Sep. 22, 1932 to Mar. 31, 1933 -- 6 mos. 9 days Resided in Turkey |
| Envoy Extra-ordinary and Minister Plenipotentiary in Sweden | 1st Court Rank of the Higher Civil Service | In all 2 years 6 months 4 days out of this period from Sep. 18, 1931 to Nov. 25, 1932 |
| Envoy Extraordinary and Ambassador Plenipotentiary in Turkey (Appointed on May 25, 1932) | Official of the SHINNIN Rank | During 1 year 2 months 8 days he was Imperial representative at the conference of the League of Nations and acting Imperial representative at the same conference. |

Description: Text and/or reason of the Decoration awarded to MUSHAKOJI, Kimitomo

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

DECORATION RECORD

| | | |
|---|---|---|
| Name, peerage, court rank and post as of Apr. 29, 1934 | Kimitomo Mushakoji, Viscount Senior 3rd Court Rank with the 2nd Order of Merit. Envoy Extraordinary and Ambassador Plenipotentiary | |
| Decoration B-4<br>Official post at the time of service | Official Rank | Period of Service |
| Imperial representative at the 12th General conference of the League of Nations | | From Sep. 18, 1931 to Sep. 12, 1932 -- 1 year 11 months 25 days Resided in Sweden |
| Acting Imperial representative at the extraordinary conference of the general League of Nations conference | | From Sep. 22, 1932 to Mar. 31, 1933 -- 6 mos. 9 days Resided in Turkey |
| Envoy Extra-ordinary and Minister Plenipotentiary in Sweden | 1st Court Rank of the Higher Civil Service | In all 2 years 6 months 4 days out of this period from Sep. 18, 1931 to Nov. 25, 1932 |
| Envoy Extraordinary and Ambassador Plenipotentiary in Turkey (Appointed on May 25, 1932) | Official of the SHINNIN Rank | During 1 year 2 months 8 days he was Imperial representative at the conference of the League of Nations and acting Imperial representative at the same conference. |

DECORATION RECORD

Kwaicmo Mushakoji

Viscount, Envoy Extraordinary
and Ambassador Plenipotentiary

The above mentioned was stationed in Sweden as Envoy Extraordinary and Minister Plenipotentiary on the occasion of the Incident. At the outbreak of the Incident he made efforts in cooperation with Representative YOSHIZAWA to explain the actual facts of the case and reply to representatives of all countries as the Imperial Representative at the 12th general meeting of the League of Nations. Then he was ordered acting Imperial representative at the extraordinary meeting of the general League of Nations Conference and took the leading role among our delegation in the establishment of the policy for the dispersal of the Incident and in the enlightenment within and without the League of Nations endeavouring to accomplish the Imperial Government's demands. Then he was appointed Envoy Extraordinary and Ambassador Plenipotentiary on May 1933, and ordered to be stationed in Turkey. He stayed, nevertheless, in Sweden continuously until September of the same year on orders, and devoted himself to the promotion of friendship between Japan and Sweden. He started for his new post in Turkey in the same month, and paid special attention to the relation between Japan and Turkey since our Empire seceded from the League of Nations, made the country to which he was ordered to be stationed acknowledge again the situation in the Far East and did his best to make for further understanding of the Empire's attitude in the Incident.

Description: Text and/or reason of the Decoration awarded to KIDO, Koichi

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

Decoration Record

KIDO, Koichi

Marquis, with the Junior Grade of the Third Court Rank and the Third Order of Merit. Chief of the Bureau of Peerage and concurrently Chief Secretary to the Lord Keeper of the Privy Seal.

Decoration B-3

1. The term of service.

Two years, six months and fourteen days -- From Sept. 18, 1931 to Mar. 31. 1934. --

Official Post at the Time of Service:

Chief of the Bureau of Peerage and concurrently Chief Secretary to the Lord Keeper of the Privy Seal (Since Aug. 24, 1933)

Official Rank at the time of Service:

The First Rank of the Higher Civil Service

Details of the matters participated in:

Rendered no small services in the task of Recommendation for Imperial Award of Titles and Court Ranks, and in the secret functions of the Lord Keeper of the Privy Seal in regard to the Manchurian Incident.

Description: Text and/or reason of the decoration awarded to SHIGEMITSU, Mamoru

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

Decoration Record

Mamoru SHIGEMITSU
Vice-Minister of Foreign Affairs

The above mentioned, at the time of the Manchurian Incident, was residing in China as Envoy Extraordinary and Minister Plenipotentiary. At a time when the national feelings of that country had become extremely aggravated at that time as a result of which there occurred violent anti-Japanese movements at various places of the country; and moreover, when the public opinion of the world had been in general unfavorable to us, he made every effort to explain the real facts of the incident to the diplomatic representatives of the powers in China and to make them understand the fair position of the Empire; while on the other hand, he urged the Chinese Government to lose no time in taking adequate measures to save the situation, to stop anti-Japanese activities and to prevent the expansion of the incident leaving nothing to be desired in ensuring our rights and interests and the safety of our residents. Also when the investigation committee of the League of Nations visited China, he replied to their questions and supplied them with necessary materials to correctly inform them. Furthermore, when the Shanghai Incident broke out, not only did he negotiate with the Kuomintang Government on various problems in connection with our military operations, but he strived to cooperate with the diplomatic representatives of the powers and worked for its disposal. Especially, as regards the truce negotiations, he strived, since Feb. 8, 1932, to settle the issue in cooperation with our military representatives on the spot. In spite of being seriously wounded by a bomb thrown by a villain on April 29th of the same year, he finally succeeded in officially concluding the agreement on the 8th of May. Meantime, however, there were numerous complicated circumstances besides the fact of the suspension of hostilities which tended to make it difficult to conclude the agreement, such as interventions by the powers' representatives in China, tricks on the part of the Chinese trying to make use of the League of Nations, and so on. And the mere fact that it took as long as three months to come to a conclusion is enough to make one realize how delicate the negotiation was and that it was not an easy task. Nevertheless, he patiently took appropriate measures throughout, and not only accomplished both promotion of

national prestige and success in the negotiations realizing international cooperation and letting powers understand our true intentions without losing our rights and interests, but also brought about the recovery of order in Shanghai, an international city, paving the way for the solution of the dispute between Japan and China. Moreover, that it has become a step toward improving future relations between the two countries is greatly attributable to his endeavours.

Then, being appointed Vice-Minister of Foreign Affairs in May, 1933, he took the leading role in Japan's diplomatic field after the withdrawal from the League of Nations and undertook the disposal of various important problems. Especially at the occasion when top-secret documents were exchanged between Japan and Manchukuo simultaneously with the establishment of a monarchy in Manchukuo on the 1st of March 1934, he well assisted the Foreign Minister and contributed to the execution of Japan's national policy towards Manchoukuo without hindrance. Again, as regards the purchase agreement of the North Manchurian Railway, he earnestly strived for its progress. He eliminated misunderstanding concerning Japan's attitude toward Soviet Russia by properly leading the diplomatic representatives in this country, and our true intention to settle the railway problem peacefully was well understood in foreign countries, which contributed to the formation of the agreement.

Decoration Record

| Name, Official Post, Rank, Order of Merit, Peerage, as of April 29, 1934. | Mamoru SHIGEMITSU, Vice-Minister of Foreign Affairs, Junior Grade of the fourth class Court, Rank, Third Order of Merit. |
|---|---|

| Official Posts at the time of service | Official Rank | Terms of Service |
|---|---|---|
| Envoy Extraordinary and Minister Plenipotentiary to China | 2nd Rank of the Higher Civil Service | From Sept. 18, 1931 to June 17, 1932 Nine months Residing in China |
| Vice-Minister for Foreign Affairs | 1st Rank of the Higher Civil Service | From May 16, 1933 to Mar. 31, 1934.. Ten months and 16 days Service at Foreign Office, Tokyo |
| | | Total: One year, seven months and sixteen days |

Description: Text and/or reason of the decoration awarded to MORIYAMA, Eiichi

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 144

Decoration Record

MORIYAMA, Eiichi, Councillor of the Bureau of Legislation, concurrently Secretary of the Bureau of Decorations, concurrently Judge of the Court of Administrative Litigation, Senior grade of the 5th Court rank with the 5th Order of Merit.

Necessary Matters Mentioned

Decoration B-1

Period of Service: Two years and six months from Sept. 18, 1931 to March 31, 1934.

The Official Post at the Time of Service: Councillor of the Bureau of Legislation, concurrently Secretary of the Bureau of Decorations.

The Official Rank at the Time of Service: The 3rd class higher civil service.

The Particulars of Service: Investigation pertaining to the establishment, alteration and abolition of the law, Imperial ordinance and treaty as per attached sheet.

Note: Services as secretary of the Bureau of Decoration will be reported by the same Bureau.

Addition

Decoration Record

MORIYAMA, Eiichi, Councillor of the Bureau of Legislation, concurrently Secretary of the Bureau of Decorations, concurrently Judge of the Court of Administrative Litigation, Senior grade of the 5th Court rank with the 5th Order of Merit.

Necessary Matters Mentioned

Period of Service: From Apr. 1, 1934 to Dec. 31, 1934

The Official Post at the Time of Service:

From April 1, 1934
To July 9, 1934 - Councillor of the Bureau of Legislation

From July 10, 1934
To Dec. 31, 1934 - Councillor of the Bureau of Legislation

(Chief of the 1st Dept.)

From Apr. 1, 1934
To Aug. 28, 1934 - Concurrently Secretary of the Bureau of Decorations.

The Official Rank at the Time of Service:

Higher civil service (the 3rd class
(the 2nd class (granted on July 10, 1934)

The Particulars of Service:

Investigation pertaining to the establishment, alteration and abolition of the laws, the Imperial ordinance, and treaties as per attached sheet.

0 Acts as chief investigator

Δ Acts as chief of the department

| | 1934 | Drafted or rec'd on: | Submitted on: |
|---|---|---|---|
| Treaty No. | | | |
| 0 3 | Re the promulgation of the agreement on the exchange of postal notes between Japan and Manchukuo. | July 12 | July 12 |
| Δ | Re the conclusion of agreement on the through railway service by way of the Tumenkiang border and the simplification of customs procedure. | Sept. 3 | Sept. 3 |
| 0 | Re the conclusion of the agreement on the exchange of postal notes between Japan and Manchukuo. | June 8 | June 14 |
| Imperial Ordinance No. | | | |
| 105 | Re the amendments to the Imperial Ordinance No. 174 of 1933 (on the increase of the temporary staff of the Bureau of decorations). | Apr. 21 | Apr. 21 |
| 0 122 | Re the amendments to the system to establish the temporary staff in the Departments of the Kwantung government. | Apr. 23 | Apr. 26 |

| | | | | |
|---|---|---|---|---|
| 0 | 209 | Re the amendments to the government organization concerning communications offices of the Kwantung government. | May 14 | June 23 |
| [ | 238 | Re the amendments to the regulation concerning the full strength of a staff of the overseas government offices. | July 16 | July 30 |
| [ | 239 | Re the amendments to the regulation concerning expenses of the overseas government offices. | July 16 | July 30 |
| Δ | 327 | Re the establishment of the temporary pay warrant of the armed forces in Manchuria. | Nov. 9 | Nov. 11 |
| Δ | 347 | Re the establishment of the government organization for the Manchurian Affairs Board. | Dec. 9 | Dec. 9 |
| Δ | 348 | Re the amendments to the government organization of the Kwantung government. | Dec. 9 | Dec. 9 |
| Δ | 349 | Re the amendments to the government organization of the Civil Service Limitation Committee. | Dec. 9 | Dec. 9 |
| Δ | 350 | Re the amendments to the government organization of the Foreign Ministry. | Dec. 9 | Dec. 9 |
| Δ | 351 | Re the amendments to the office regulations of consulates. | Dec. 9 | Dec. 9 |
| Δ | 352 | Re the amendments to the Imperial ordinance No. 5 of 1908 concerning the police attached to the Imperial consulates in southern Manchuria. | Dec. 9 | Dec. 9 |
| Δ | 353 | Re the amendments to the government organization of the Overseas Affairs Dept. | Dec. 9 | Dec. 9 |
| Δ | 354 | Re the amendments to the system to establish the temporary staff in the departments of the Kwantung government. | Dec. 9 | Dec. 9 |
| Δ | 355 | Re the amendments to the government organization of the communications officers of the Kwantung government. | Dec. 9 | Dec. 9 |

| | | | | |
|---|---|---|---|---|
| △ | 356 | Re the amendments to the government organization of the Bureau of Marine Affairs of the Kwantung government. | Dec. 9 | Dec. 9 |
| △ | 357 | Re the amendments to the government organization of the Monopoly Bureau of the Kwantung government. | Dec. 9 | Dec. 9 |
| △ | 358 | Re the amendments to the government organization of observatories of the Kwantung government. | Dec. 9 | Dec. 9 |
| △ | 359 | Re the amendments to the government organization of the Port Arthur Engineering College. | Dec. 9 | Dec. 9 |
| △ | 360 | Re the amendments to the government organization of middle schools of the Kwantung Government. | Dec. 9 | Dec. 9 |
| △ | 361 | Re the amendments to the government organization of girls' high schools of the Kwantung Government. | Dec. 9 | Dec. 9 |
| △ | 362 | Re the amendments to the government organization of the Port Arthur public higher schools. | Dec. 9 | Dec. 9 |
| △ | 363 | Re the amendments to the government organization of the government public schools in Kwantung Province. | Dec. 9 | Dec. 9 |
| △ | 364 | Re the amendments to the government organization of the Prisons of the Kwantung government. | Dec. 9 | Dec. 9 |
| △ | 365 | Re the amendments to the government organization of hospitals of the Kwantung Government. | Dec. 9 | Dec. 9 |
| △ | 366 | Re the amendments to the government organization of medical relief stations of the Kwantung Government. | Dec. 9 | Dec. 9 |
| △ | 367 | Re the amendments to the government organization of agricultural experimental stations of the Kwantung Government. | Dec. 9 | Dec. 9 |

| | | | | |
|---|---|---|---|---|
| Δ | 368 | Re the amendments to the government organization of marine products laboratories of the Kwantung Government. | Dec. 9 | Dec. 9 |
| Δ | 369 | Re the amendments to the government organization of salt experimental stations of the Kwantung Government. | Dec. 9 | Dec. 9 |
| Δ | 370 | Re the amendments to the Imperial ordinance concerning the local functionaries ranking with government officials in Kwantung province. | Dec. 9 | Dec. 9 |
| Δ | 371 | Re the appointments of the functionaries of the government offices at the time of the amendments to the official organization of the Kwantung government. | Dec. 9 | Dec. 9 |
| Δ | 372 | Re the appointments of the suspended staff of the Kwantung Government at the time of the amendments to the official organization of the Kwantung Government. | Dec. 9 | Dec. 9 |
| Δ | 373 | Re the amendments to the regulations of salary schedule and ranks of higher civil officials. | Dec. 9 | Dec. 9 |
| Δ | 374 | Re the payments of salary of the staffs of the Manchurian affairs Board and the Kwantung Bureau. | Dec. 9 | Dec. 9 |
| Δ | 375 | Re the amendments to the civil service appointment Ordinance. | Dec. 9 | Dec. 9 |
| Δ | 376 | Re the amendments to the ordinance for the special appointment of civil officials of 'sonin' rank. | Dec. 9 | Dec. 9 |
| Δ | 377 | Re the amendments to the ordinance for the appointment of the civil officials of 'hannin' rank. | Dec. 9 | Dec. 9 |
| Δ | 378 | Re the special appointment of the staff of the Manchurian affairs Board and the Kwantung Bureau. | Dec. 9 | Dec. 9 |

| | | | | |
|---|---|---|---|---|
| Δ | 379 | Re the amendments to the Imperial ordinance No. 88 of 1917 concerning the special appointment of the staff of the consulates in Manchuria. | Dec. 9 | Dec. 9 |
| Δ | 380 | Re the amendments to the appointment regulations of the army and navy judicial officers. | Dec. 9 | Dec. 9 |
| Δ | 381 | Re the amendments to the Imperial ordinance No. 358 of 1920 concerning the official ranks at the time of promotion of counsels to judges or prosecutors. | Dec. 9 | Dec. 9 |
| Δ | 382 | Re the amendments to the Imperial ordinance No. 358 of 1920 concerning the appointment of post-masters of the 3rd class post offices. | Dec. 9 | Dec. 9 |
| Δ | 383 | Re the amendments to the appointment regulations of court judges and prosecutors of the Government-General of Kwantung. | Dec. 9 | Dec. 9 |
| Δ | 384 | Re the amendments to the special appointment regulations of the government school inspectors of the Kwantung Government. | Dec. 9 | Dec. 9 |
| Δ | 385 | Re the amendments to the Imperial ordinance No. 51 of 1907 concerning the appointment of the faculties of Kwantung Province. | Dec. 9 | Dec. 9 |
| Δ | 386 | Re the amendments to the special appointment regulations of the government school-inspectors of the Sakhalin Government. | Dec. 9 | Dec. 9 |
| Δ | 387 | Re the limitation of those military attaches in active service who have been solely appointed or assigned to the staff of the Manchurian affairs Board or the Kwantung Bureau. | Dec. 9 | Dec. 9 |
| Δ | 388 | Re the amendments to the ordinance pertaining to discipline of civil officials. | Dec. 9 | Dec. 9 |

| | | | | |
|---|---|---|---|---|
| Δ | 389 | Re the amendments to the Opium regulation in Kwantung province. | Dec. 9 | Dec. 9 |
| Δ | 390 | Re the amendments to the Imperial ordinance No. 263 of 1906 concerning the establishment of the regulations connected with Port Arthur and the penal regulations to violators of the said regulations. | Dec. 9 | Dec. 9 |
| Δ | 391 | Re the amendments to the trial regulations in Kwantung province. | Dec. 9 | Dec. 9 |
| Δ | 392 | Re the amendments to the regulations concerning monetary penalty and lashing. | Dec. 9 | Dec. 9 |
| Δ | 393 | Re the amendments to the Imperial amnesty ordinance. | Dec. 9 | Dec. 9 |
| Δ | 394 | Re the amendments to the regulations concerning electric communications in Kwantung province and the South Manchurian zone. | Dec. 9 | Dec. 9 |
| Δ | 395 | Re the amendments to the gendarmerie ordinance and the other Imperial ordinances at the time of amendments to the government organization of the Kwantung Government. | Dec. 9 | Dec. 9 |

Description: Text and/or reason of the decoration awarded to TAKEBE, Rokuzo

Source : Japanese Cabinet Record "Conferment of Honours for Services in the Chinese Incident" Vol. ____

Decoration Record

TAKEBE, Rokuzō, ex-vice-president of the Cabinet Planning Board, Senior grade of the Fourth Court Rank with the Third Order of Merit.

As of Apr. 29, 1940.

Recommendation for Conferment:

Decoration: The Second Order of the Rising Sun

Grant of Money: ¥2,400

Class: Decoration A-2.

Rank at the time of Recommendation:

The First Rank of the Higher Civil Service

Present Decoration:

The Third Order of the Sacred Treasure (June 13, 1936, periodical decoration)

| Period of Service | Official Post at the time of Recommendation | Official Rank at the time of recommendation |
|---|---|---|
| Eight months and twenty two days (From July 7, 1937 to Mar. 28, 1938) | Chief-in-General of the Kwantung Bureau. | The First Rank of the Higher Civil Service (July 7, 1937) |
| One year and three days (from Jan. 23, 1939 to Jan. 25, 1940) | Vice-President of the Cabinet Planning Board | The First Rank of the Higher Civil Service (Jan. 23, 1939) |
| Two days (From Jan. 16, 1940 to Jan. 17, 1940) | Acting President of the Cabinet Planning Board. | |
| One year, eight months and twenty-five days in all. | | |

| Priority | Period of Service | Post at time of Recommendation | Items of Merits |
|---|---|---|---|
| | Eight months and twenty-two days (From July 7, 1937 to Mar. 28, 1938) | Chief-in-General of the Kwantung Bureau | Held the important post of Chief-in-General of the Kwantung Bureau from the very outset of the China Incident till his resignation of Mar. 28, 1938. During that time, he faithfully assisted the ambassador plenipotentiary to Manchukuo, solved serious pending questions by establishing various policies toward Manchukuo, set up a counter-policy for the Incident, and thus co-operated with military operations.<br><br>0 Plan for General Mobilization.<br><br>With the development of the Incident, having connection and co-operation with Army and organizations concerned, and leading the offices concerned under his control to smooth the administration and to fully give actual results of the Mobilization Plan, he established the system of highly-geared national defence state, mobilized both human and material resources, and on the other hand he planned to expand productive capacity and made a fruitful application of control as provided for by the National General Mobilization Law.<br><br>0 Mobilization of Means of Communications necessary for Military Transportation.<br><br>Adopting a prudential policy for remarkably increased transportation services and at the same time establishing a Plan for the Mobilization of Means of Communications, he made the Administration Department urge the SMRC and the Marine Bureau under its control to rapidly and most |

smoothly carry out the transportation of troops and munitions by land and sea and thereby to fully support military operations Further, he led and urged the Marine Bureau to make it arrange repatriation ships for the Japanese refugees in Tsingtao, take charge of the capture of the enemy ships obtained by enforced blockade along the Chinese coasts by the Imperial Navy or have char( of the shipping under detention. Thus he extended great assistance to the military and naval activities.

0 Anti-espionage Steps.

In view of the fact that behind-the-scene manoeuvrings of the enemy intelligence corps were growing more active with the development of the Incident, he considered it an urgent matter to establish strict control over the means of communications, strengthened the censorship staff of the Communications Bureau under his control, which made it possible for them to adopt a prudential policy in order to mee the situation establishing a clos connection with the Army, the Communications Department and the authorities of Manchoukuo. Furthermore, he exercised rigid control over the enemy intelligen corps and rebellious elements which planned to create a disturbance in the rear by spreading alarming rumours, and through united effort of the Army, Police officials and people, caused the Police Department of the Kwantung Province Government to urge Polic stations under its control to completely check the activities of those intelligence corps by

the timely despatches of special agents to the spots and their neighbourhood so as to watch and arrest spies.

0 The Increase of the Number of Policemen.

He carried out resolutely the repeated increase of policemen and strengthened the police staff, aiming at the perfection of measures for the Incident by keeping guerd over the important buildings, the SMRC railroads, military property against plots which were likely to be hatched with the development of the Incident.

0 Dispatch of Necessary Officials to the Spots.

By the request of the Military Authorities, he urged the Communications Bureau, the Marine Affairs Bureau, the Observatories and others under his control and caused them to dispatch necessary officials to North China and other places specified by the Army and Naval Authorities to engage in the establishment of Military Post Offices, in the inspection and quarantine of shipping drafted in war time, in the meteorological observation for aviation and in the restoration works of the railroad works damaged by the Chinese army, and thus facilitated military and naval activities.

| | | |
|---|---|---|
| One year and 3 days from the 23rd of January, 1939 to the 25th of January, 1940. | Vice-President of the Planning Board. | 1. Assisting the President of the Board he took charge of the business of the Board.<br><br>2. Leading the conferences of the Chiefs of all Departments under the direction of the President, he made investigation and decision of important affairs of the Board. |

3. He was ordered to be a member of the Government-Commission in the 74th and 75th sessions of the Diet.

Besides above, he was engaged in the business of the following committee in connection with the management of the Planning Board.

1) The Committee for the investigation of the General Mobilization (as secretary-general from Jan. 23, 1939 to Jan. 25, 194).

2) The Commission for the Investigation of Plans (as member and secretary general from January 26, 1939 to January 25, 1940).

3) The Compensation Committee of the General Mobilization (as President from January 26, 1939 to January 25, 1940).

4) The Committee for the Scientific Investigation (as member from Jan. 26, 1939 to Jan. 25, 1940).

5) The Committee for the Expansion of Productive Capacity (as member from March 11, 1939 to Jan. 25, 1940). (As secretary-general in the sectional meeting of general affairs).

6) The 2nd Committee (as President from Jan.23, 1939 to Sept. 4, 1939)

7) The general mobilization planning committee (as secretary general ).

8) The Legislation Committee of the general mobilization (ditto)

9) The Foreign Trade Committee (ditto)

10) The funds controlling Committee (ditto)

11) The price controlling Committee (ditto)

12) The Science Mobilization Committee (ditto)

13) The Commission for Economical Counter-measures to Meet the Critical Situation (as President).

Document No. 2994-B (10)

Description: Text and/or reason of the decoration awarded to KOYAMA, Matsukichi

Source: Japanese Cabinet Record "Conferment of Honours for Services on the 1931-34 Incident Sanctioned by the Emperor" Vol. 143

## Decoration Record

KOYAMA, Matsukichi --

Minister of Justice, Senior Grade of the First Class Court Rank, The First Order of Merit.

Decoration B-2

Time of Service:

| | | |
|---|---|---|
| From 18 Sept. 1931 To 25 May 1932 | Total 8 months | Prosecutor |
| From 26 May 1932 To 31 March 1934 | Total 1 year 10 months and a half | Minister of Justice |

Total 2 years 6 months and a half

Official Post at the Time of Service:

Prosecutor (Prosecutor General) and Minister of Justice

Official Rank at the Time of Service:

Official of the SHINNIN Rank, (appointed directly by His Majesty)

Details of Services:

When the Manchurian Incident broke out on the 18 Sept. 1931, he was Prosecutor General, and his duty was, by directing and encouraging his subordinates, to arrest the various criminals in connection with military affairs, and apply laws properly upon them to repress them. He was appointed Minister of Justice in May 1932, and as a minister of state, he participated in the imminent and important business of carrying out our national policy regarding the Manchurian Incident, and not only did he do

his best in assisting the Emperor, but as the respective minister, he also did his best in directing and encouraging his subordinate officials and also in administering the various laws properly upon the criminals related to the military affairs, and to arrest the criminals related to the military secrets, and supervise the manufacturing of munitions in the prisons. He has rendered distinguished services in executing his duty in earnest.

DESCRIPTION: Text and/or reason of the Decoration Awarded to UCHIDA, Goro.

SOURCE: Japanese Cabinet Record "Conferment of Honors for Services in the 1931-34 Incident Sanctioned by the Emperor", Vol. 145

Decoration Record

Name, Post, Court Rank, Order and Peerage as of 29 April 1934:

UCHIDA, Goro, Consul, Senior Grade of 6th Class Court Rank, 5th Order of Merit

| Post at the Time of Service | Grade of Civil Service | Periods of Service |
|---|---|---|
| (Service D) Consul in Chihfu and Tsitsihar | 5th Grade of Higher Civil Service. | From 18 Sep 1931 to 13 Sep 1932 -- 11 months and 26 days at Chihfu |
| | 4th Grade of higher Civil Service | |
| | (20 Apr 1932 | From 22 Sep 1932 to 31 March 1934 -- 1 year 6 months and 9 days at Tsitsihar. |
| | | Total: 2 years 6 months and 5 days. |

In August, 1931, there broke out conflicts between Koreans and Chinese in and around Inchon and Pyongyang where there were many Chinese from Chihfu. As a result, the Chinese feeling in Chihfu toward the Japanese was greatly aggravated and there were various anti-Japanese activities. In September of the same year the Manchurian Incident broke out which made the situation more serious; and then the Shanghai Incident made it

even worse and gave rise to threatening rumors -- that the diplomatic relations between Japan and China would be severed, that war would break out between them -- which made the Japanese residents there panic-stricken. At this time UCHIDA was the consul there. He managed matters properly, cooperated with the Navy in defence, urged the Chinese authorities to prevent the anti-Japanese sentiment from becoming acute and concentrated his energies for the protection and guidance of the Japanese residents. The result was that the anti-Japanese sentiment became gradually less acute and fortunately there was no riot or violence, so fortunately the Japanese residents did not have to take refuge or to leave the place on account of the Incident. There were, however, some secret instigation to boycott Japanese goods, the direct sufferers of which were Chinese themselves. This is attributable to the proper management of UCHIDA.

Then in September, 1932, he was transferred to Tsitsihar. At that time it was often rumored that a bandit Li Hai-ching was planning to attack Angangchin within the jurisdiction with about one thousand anti-Manchurian and anti-Japanese bandits. This caused much unrest in Tsitsihar, so he urged the staff of the consulate to make preparations to suppress the bandits in cooperation with the /Japanese/ Division and military police stationed there and the Manchurian Army and police with a view to put the people's mind at rest. On September 23, it became a question of time that the said bandits would attack Angangchin and the life and properties

of over seventy Japanese residents were in danger. He dispatched armed members of the Consulate in cooperation with various organs of our Army to suppress the bandits and he thus succeeded in protecting the Japanese residents there.

At the end of the same month, Su Ping-wen rose in revolt and Tsitsihar became the center of operation for his subjugation and the rescue of Japanese residents in Manchouli and its vicinity. He cooperated with the Army, protected Japanese residents all along the railway line, participated in the plan to rescue the Japanese residents in Manchouli, established connection between agents at Dauriya, the Foreign Ministry and the Embassy in Manchoukuo, and thus contributed much to the settlement of the Su Ping-wen incident. In March, November and December of 1933, trains were frequently attacked by bandits along the North Manchurian Railway, the Western Railway and the Ssu-pingchieh-Taonan Railway, causing many casualties. On each occasion he cooperated with the Army, dispatched his armed police to the spot and thus did much to rescue and protect Japanese and foreign passengers. In June of the same year, when the Public Peace Maintenance Association was organized in Heilunkiang Province, he was appointed a member of the Committee. With the combined efforts of the Army and his police, he endeavored to accomplish the purpose aimed at by the Association.

Description: Text and/or reason of the decoration awarded to HIROTA, Koki

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 143

Decoration Record

HIROTA, Koki --

Foreign Minister, The Junior Grade of 3rd Court Rank, The 1st Order of Merit.

Decoration A-2

Period of Service:

| | | |
|---|---|---|
| From Sept. 18, 1931 To Nov. 19, 1932 | Total one year, two months and a half | Envoy Extraordinary and Ambassador Plenipotentiary |
| From Sept. 14, 1933 To Mar. 31, 1934 | Total seven months | Foreign Minister |

Grand total- One year, nine months and a half

Official Post at the time of service:

Envoy Extraordinary and Ambassador Plenipotentiary; and Foreign Minister.

Official Rank at the time of service:

The Shinnin Rank

Particulars of Service:

While he was stationed in the Soviet Union as Envoy-extraordinary and Ambassador Plenipotentiary at the outbreak of the Manchurian Incident, he not only strived to mitigate the strained atmosphere between Japan and Russia through repeated negotiations with the Soviet authorities according to instructions from the Japanese Government, but also made her to take a neutral attitude by checking her manoeuvres towards Japan and Manchukuo. As a result,

it was very advantageous for our Army to advance to North Manchuria and to cross and utilize the North Manchurian Railway. The influence of the Soviet Union over Manchuria, since then, has been gradually reduced. It has contributed not only toward the development of the Incident but toward checking the public opinion in the world from aggravation.

In September 1933 he was appointed Foreign Minister and participated in the capacity of State Minister in urgent and important affairs related to the Incident and strived to support the Emperor. In connection with the execution of the monarchial system in Manchoukuo, he had, as the respective ministers concerned, confirmed the existing treaties and agreements between Japan and Manchoukuo. Also, by clarifying Japan's diplomatic leadership of Manchoukuo, he facilitated the execution of Japan's future national policy towards Manchoukuo. At the occasion of the visit of the Emperor of Manchoukuo to Japan he made great efforts for the preparation. And, in regard to the North Manchurian Railway purchase agreement, he had, while stationed in the Soviet Union as Envoy extraordinary and Ambassador Plenipotentiary, perceived that the railway was the most important problem which needed fundamental settlement from the point of our national policy; so he persuaded the leaders of the Soviet Government and his words had been influential for the sale of the said railway. After being appointed Foreign Minister he established a peaceful policy towards the Soviet Union by leading the public opinion, and he did much for the mediation. In spite of encountering many difficulties, he finally succeeded in coming to a peaceful settlement, thus excluding one of the roots of evil for the peace in the Far East, and stabilizing the spirit of the Manchurian people. It has proven the peaceful foreign policy of the Imperial Government, and also has enhanced our prestige abroad after the Manchurian Incident. His services have been most distinguished.

Foreign Minister HIROTA, Koki

1. Foreign Minister HIROTA had been a resident in the Soviet Union as envoy extraordinary and ambassador plenipotentiary at the outbreak of the Manchurian Incident. It was feared at that time that the Soviet Union, which had special influence in the North Manchurian region, would obstruct our operation by secretly assisting the army bandits and by their exalted propaganda. Especially, as our military operations had finally developed to North Manchuria, the Soviet Union repeatedly protested us by proposing the problem of violation of rights and interests.

The situation was such that the result would have been unpredictable had we failed in our measures for the dispute. However, Ambassador HIROTA made repeated negotiations with the Soviet authorities according to instructions from the Imperial Government, and not only did he endeavour to mitigate the strained atmosphere between the Soviet Union and Japan, but he was instrumental in making the Soviet Union take a neutral position by checking her manoeuvres against Japan and Manchoukuo.

Consequently, as regards the advance of our troops into North Manchuria and the crossing and utilizing of the North Manchurian Railway, the Soviet Union finally agreed to our demands. Therefore, it was greatly advantageous to the advance of our troops to the districts of TSITSIHAR and Harbin, and to the utilization of the south, east and west lines of the North Manchurian Railway. Since then, the influence of the Soviet Union in Manchuria gradually declined.

As has already been related, the Soviet Union, which is directly adjacent to Manchukuo, was prevented from being entangled in the Incident from the start; and that HIROTA was able to maintain peace comparatively in this aspect has been of great benefit from the point of checking the aggravation of the world's public opinion, to say nothing of the development of the Manchurian Incident.

2. The establishment of a monarchy in Manchuria on 1 March 1934, contributed greatly to the stabilization of the hearts of the Manchurians and to the strengthening of Manchukuo's national foundation.

Simultaneously with this establishment of monarchy, Japan, through the sanction of the Emperor, exchanged top-secret official documents with Manchukuo, and made her definitely recognize the existing treaties and agreements between the two nations. And as regards Manchukuo's diplomacy and other necessary matters from the point of national co-defense, she was compelled to make a definite promise to always consult Japan beforehand, thus clarifying especially Japan's right of leadership of Manchukuo from the point of diplomacy. This not only would exclude the obstacles in the future execution of Japan's policy toward Manchukuo, but would rather make its execution harmonious.

Therefore, the establishment of monarchy in Manchukuo and the exchange of official documents are greatly attributable to the distinguished services of Foreign Minister HIROTA.

The dispatch of H.I.H. Prince CHICHIBU to Manchukuo in June 1934, and the visit of the Emperor of Manchukuo to Japan in April, 1935, both made epoch-making contribution to the promotion of friendly relations between Japan and Manchukuo. In regard to this preparation, the efforts of Foreign Minister HIROTA should not be forgotten.

3. Furthermore, what needs special mention among the merits of Foreign Minister HIROTA is the point concerning the North Manchuria Railway purchase agreement.

That is, the North Manchuria Railway was purchased by the Manchukuo Government through the mediation of the Japanese Government according to the Soviet Government's terms of sale. Many difficulties were encountered since the official negotiations were commenced between Manchukuo and the Soviet Union in June 1933.

Especially since the deadlock of negotiations between the two nations, the issue was left chiefly to negotiations between Japan and the Soviet Union.

After a long period of 21 months since the beginning of negotiations, the purchase agreement was finally signed and sealed on 23 March 1935, by plenipotentiaries of both Manchukuo and the Soviet Union. With a view to contribute to the peaceful execution of the said agreement, the Imperial Government also had Foreign Minister HIROTA sign the documents in question, and they were put into effect on the same day.

Therefore, before the commencement of the official negotiations mentioned above, that is, when Minister HIROTA resided in the Soviet Union as Envoy-extraordinary and Ambassador Plenipotentiary in 1932, he had already perceived that this railway was an important problem which needed fundamental solution from the point of our national policy; and he had, at that time, persuaded leading men of the Soviet Government and returned to Japan after receiving weighty statements of that Goverbment in regard to the sale of the Railway in question.

Thereafter, with the commencement of negotiations, he negotiated with the Soviet representative as mediator appointed by the Imperial Government, and made sincere efforts toward its development. Moreover, after taking his post as Foreign Minister in September 1933, he established a peaceful policy toward Russia by leading the public opinion, and made repeated substantial

negotiations with the Soviet representative as mediator to the last, and finally came to an amicable settlement as has been mentioned above.

In the first place, it was the former Russian Government that obtained the right to construct the North Manchuria Railway from China in 1896. Thereafter, she had carried out a strong aggressive policy into North and South Manchuria centering around this railway, which had also lead to the Russo-Japanese War.

However, after the Russian Revolution this railway was temporarily put under the control of the Allied Powers; then it was transferred to the joint-control of the Soviet Union and China. Then it was put under the joint-control of the Soviet Union and Manchuria; but the international disputes, which had frequently occurred in the past centering around this railway, did not decline even after the establishment of the State of Manchukuo. For this reason the relations between Japan and the Soviet Union or between Manchukuo and the Soviet Union had become extremely strained; and this railway presented a situation as if it were the source of calamity for peace in the Far East.

Therefore, with the above purchase agreement, this railway problem was fundamentally settled and one source of calamity for peace in the Far East was here excluded. The Railway, together with all its subsidiary assets and enterprises, was put under the sole control of Manchukuo.

The Soviet influence in North Manchuria was verbally and virtually completely eradicated. Therefore, the Bolshevik Menace in North Manchukuo declined and Manchukuo was enabled to proceed with the economic development of the same region. This not only had much to do with the stabilization of the hearts of the people; but on the other hand, the settlement of this problem has proven the peaceful diplomatic policy of the Imperial Japanese Government, and has enhanced our foreign prestige after the Manchurian Incident.

This, truly, is greatly attributable to the proper measures taken by Minister HIROTA by leading both Manchuria and the Soviet Union always according to a fair policy with a definite faith and a firm determination to settle this problem from the point of the general situation.

DESCRIPTION: Text and/or reason of the award to KURUSU, Saburo.

SOURCE: Japanese Cabinet Record "Conferment of Honors for Services in the 1931-34 Incident Sanctioned by the Emperor" (Vol. 145)

## DECORATION RECORD

| | |
|---|---|
| As of the 29th of April,1934 Official position, Rank, Order of Merit, Title and Name. | KURUSU, Saburo: Chief of the Bureau of Commercial Affairs, Junior Grade of the 4th Court Rank, the 3rd Order of Merit. |

| Official position at the time of service | Period of Service. |
|---|---|
| Envoy extraordinary and Minister plenipotentiary to PERU. The 1st rank of the Higher Civil Service. | From Sept 18, 1932 to June 1, 1932: 8 months and 13 days in PERU. |
| Chief of the Bureau of Commercial Affairs of the Foreign Office.. The 1st rank of the Higher Civil Service. | From Nov. 22, 1932 to March 31, 1934: 1 year 4 months and 9 days in the Head office. |
| | TOTAL: 2 years and 22 days |

At the time of the Incident, the above-named person was stationed in PERU as the Envoy extraordinary and Minister plenipotentiary. The public opinion in that country at that time was like in other countries, generally unfavorable toward us. But he made utmost effort to explain the true aspect of the Incident as well as the fair attitude of Japan to the government officials and the general public of Peru in order to let them have a precise knowledge of the situation. It was largely through his effort that the attitude of Peru was gradually neutralized.

Then he was appointed Chief of the Bureau of Commercial Affairs of the Foreign Office in November, 1932, and ever since he took part in diplomatic affairs in connection with the Incident. Under the Foreign Minister, he planned various counter-measures to meet

the fierce boycott movement of Japanese goods caused by the Incident at various places in China.

On the other hand, he endeavored to prevent the unfavorable effect in foreign countries which had been caused by the Incident, and to protect and promote our international trade.

During the period he was a member of the Japan-Manchukuo Industrial Control Committee, took part in the decision of the fundamental policy towards the control of Japan-Manchukuo industry, and when the national mobilization emergency plan was established, he participated and made utmost effort in mapping out the plan for the import of staple goods as a Councillor of the National Resource Board.

During the negotiations regarding the purchase of the Chinese Eastern Railway, he took part in the deliberations for drafting the Japan-Manchukuo-Soviet Protocol, concluded for the purpose of facilitating the purchase by the Soviet Commercial Delegation of the Japanese-Manchukuoan commodities to be delivered /to Soviet/ as a payment by barter in compensation for the railway. Further, he took charge of the application of the said Protocol, and attended with diligence to his duty as a Japanese representative in the Arbitration Commission.

Description : Text and reason of the decoration awarded to SHIRATORI, Toshio

Source: Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 145

Decoration Record

Decoration A-2

As of April 29, 1934.
Official position, rank, order of merit, name: SHIRATORI, Toshio: Envoy Extraordinary and minister plenipotentiar Senior grade of the 5th Court rank, the 3rd Order of Merit.

| Official Position at the time of service. | Official Rank. | Period of Service. |
|---|---|---|
| Chief of the Intelligence Department in the Foreign Office | The Second Grade of the Higher Civil Service | From Sep. 18, 1931 to Jun. 1,, 1933 (1 year, 3 months and 14 days) served at the home office. Total: 1 year, 8 months and 14 days. |

Decoration Record

Envoy extraordinary and minister plenipotentiary, SHIRATORI, Toshio

During the Incident, the above named person held the important post of the Chief of the Intelligence Department in the Foreign Office, took part in the important affairs of diplomacy concerning the Incident, especially took charge of the intelligence business regarding the Incident, collecting and propagating informations both home and abroad. He investigated the press policies of foreign countries and took adequate counter-measures. Further, he put the domestic and foreign press of Japan under control in cooperation with government officials concerned. He guided the enlightment movements of Japanese diplomatic agencies and endeavoured to clarify the uprightecus position of Japan. He took prompt and appropriate measures in propaganda campaign in concert with the Japanese delegation at the Council of the League of Nations, and endeavoured to win the support of public opinion both home and abroad. On the other hand, he took part in the deliberations on the fundamental and important problems regarding Manchuria

and Mongolia, as one of the members of the Investigation Committee for Practical measures toward Manchuria and Mongolia, which had been set up in the Cabinet, and contributed much to the execution of Japanese national policy toward Manchuria.

and Mongolia, as one of the members of the Investigation Committee for Practical measures toward Manchuria and Mongolia, which had been set up in the Cabinet, and contributed much to the execution of Japanese national policy toward Manchuria.

DESCRIPTION: Text and/or reason of the award to TOGO, Shigenori

SOURCE: Japanese Cabinet Record "Conferment of Honors for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 145

DECORATION RECORD

Name, Offical Post, Court Rank, Class of Merits and Peerage as of 29 April 1934. TOGO, Shigenori, Director of the Europe and American Bureau, Foreign Office, Senior Grade of the 5th Class Court Rank, 3rd Order of Merit.

Decoration B-1

| Official Post at the time of service. | Rank | Period of Service. |
|---|---|---|
| Director of the Europe and America Bureau of Foreign Office. | 2nd Grade Higher Civil Service | One year and 2 months, from 1 Feb 1933 to 31 March 1934. Employed in the head office. TOTAL: 1 year, 2 months. |

The above mentioned, at the time of the Incident, participated in the important duty of diplomacy concerning the Incident as Chief of the Europe and America Bureau of the Foreign Office since 1st February 1933. He was in charge of studying counter-measures for the disposal of the Incident and its diplomatic negotiations according to orders by the Foreign Minister. Especially, when Japan withdrew from the League of Nations in March of that year, he made great exertions for the plan and contributed to clarifying Japan's position to the Western Powers. Moreover, at the time when the problems concerning the U.S.S.R. was complicated and very delicate and when it was necessary to mitigate the atmosphere between Japan, Manchuria and U.S.S.R. in order to carry out the national policy, he took impromptu measures. Particularly as regards the purchasing of the North Manchuria Railway. He, as chief of the competent bureau for this negotiation, first tried to get the approval of the Cabinet Council on the fundamental policy for this purchase. Then after the decision he managed from beginning to end to establish and draft the policy of the purchase. And everytime any important problem occured, he strived for mutual relation and understanding by exchanging unreserved opinion with the competent staff of the Manchurian Army, etc., and by coming in contact with the representatives of U.S.S.R., he thoroughly

clarified our impartial attitude toward the negotiations. Thus tiding over difficulties within and abroad, he did his utmost to promot the negotiations. Moreover, in the latter half of the negotiation, he himself negotiated with the representative of the U.S.S.R. as to the ways of paying the price and the particulars for the various terms of the purchase. Settling the many difficult problems fairly and advantageously, he contributed greatly to the general settlement of this argument.

DESCRIPTION: Text and/or reason of the award to KUWAJIMA, Kazue

SOURCE: Japanese Cabinet Record "Conferment of Honors for Services in the 1931-34 Incident Sanctioned by the Emperor". Vol. 145

DECORATION RECORD

KUWAJIMA, Kazue, Chief of the Asiatic Bureau, Foreign Ministry

When the Manchurian Incident broke out, the above named stayed at Tientsin as consul general. Influenced by the Incident, the people were agitated in Chinchow and Shanhaikwan districts, and when the Japanese residents in those districts faced danger, he at once took measures to protect them. In view of the situation he made stern protests against the Chinese regime and prevented the fugitive soldiers from entering the Tientsin quarters; and stopped the movements of the movements of the Chinese troops stationed in the neighborhood of Tientsin and also of the North-East troop which was garrisoned in Shanhaikwan. Moreover, he not only requested the Chinese to dissolve all anti-Japanese organizations, and forced the regime to enforce a strict control over rebellious elements, but also adopted a prudential policy in preparation for the refuge and repatriation of Japanese residents in case of some emergency. Then, when the 1st Tientsin Incident broke out, he immediately took emergency precaution in cooperation with our garrison to protect the residents and defend our concession. He requested the Chinese to withdraw their military police and succeeded. Later, unfortunately, when the 2nd Tientsin Incident broke out, he assisted our garrison troops and succeeded in resolutely repulsing the Chinese military police. Furthermore, he negotiated repeatedly with the Chinese regime about the remedical measures regarding the above incidents, and succeeded in speedily restoring order. At the same time, he clarified our position to the foreign consuls there, and endeavored to protect our rights and interests and to enhance our national prestige.

Then, he was appointed Chief of the Asiatic Bureau in the Foreign Ministry in August 1933. Thereafter, he participated in planning our national policy for China and Manchuria. Especially in regard to Japan's decision of the Outline of Policy for Guiding Manchukuo, the establishment of monarchy in Manchukuo, and the exchange of top secret official documents between Japan and Manchukuo simultaneously with the establishment of monarchy, he assisted the Foreign Minister and endeavored in establishing our policies, thereby leaving nothing to be desired in the

execution of Japan's national policy toward Manchukuo.

Furthermore, as regards the North Manchuria Railway purchase agreement, he had participated throughout the negotiations. Excluding the Chinese objection to this negotiation, he contributed to the settlement of the agreement. He was also involved in the problem of entrusting the management of this Railway to the Manchurian Railway Company, and has contributed greatly to its smooth operation.

Decoration Record

| | |
|---|---|
| Name, Official Post, Court Rank, Order of Merits, and Peerage as of 29 April 1934 | KUWAJIMA, Kazue ---<br>Chief of the Asiatic Bureau, Foreign Ministry; Junior Grade of the 4th Class Court Rank; Third Order of Merit |

| Official Post at the Time of Participation | Rank | Period of Service |
|---|---|---|
| Served at Tientsin | | From 18 Sept. 1931 to 15 July 1933 |
| Consul General | Second Grade of the Higher Civil Service | 1 year 9 months 28 days Served at Tientsin |
| Chief of the Asiatic Bureau in the Foreign Ministry | Second Grade of High Official | From 1 Aug. 1933 to 31 March 1934 8 months |
| | | Served at the Foreign Ministry |
| | | Total: 2 years 5 months and 28 days |

Description: Text and/or reason of the decoration awarded to HORIKIRI, Zenjiro.

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor". Vol. 143

Decoration Record

HORIKIRI, Zenjirō

Member of the House of Peers--
Junior 3rd Court Rank with the
2nd Order of Merit.

Necessary Matters Mentioned:

Period of Service:

The 65th Session of the Diet.

The Official Post at the Time of Service:

A member of the House of Peers and the Chief Secretary of the Cabinet.

The Official Rank at the Time of Service:

The Particulars of Service:

During the period of service he administered effectively heavy responsibilities of investigation and approval of the budget, the settlement of accounts, and various laws relating to the Manchurian Incident, and rendered distinguished services to the country.

Decoration Record

HORIKIRI, Zenjirō

Former Vice-Minister of Overseas Affairs
--Senior 4th Court Rank with the 3rd
Order of Merit.

Period of Service: From Sep. 18, 1931 to May 26, 1932.

The Official Post at the Time of Service:

Vice-Minister of Overseas Affairs.

The Official Rank at the Time of Service:

The 1st grade higher civil official.

Holding important posts as vice-minister and concurrently chief of the Korean Section in the Department of Overseas Affairs, he took part in important deliberations such as counter-measures toward the Manchurian and Shanghai Incidents and others; in all occasions, assisting the minister and directing and encouraging his subordinates, he endeavored not only to perform such general matters in his charge as those in the government-generals of Korea and Formosa, the Kwantung Government etc. and superintending business of the South Manchurian Railway Company and the Toyo Colonization Company, but also to collect various kinds of information and exchange views, by establishing close connection with the Foreign Office, the War Ministry, the Korean Army, the Kwantung Army and various other government offices in Manchuria. On the other hand, with a view to carrying out his duties of the Department according to the conditions of the incident, he occasionally dispatched his subordinates to the spots to replete the guard, establish public peace, and investigate various urgent facilities. Then he dealt with them rightly and promptly by investigating and studying the counter-measures toward them, and thus always had his subordinates take proper and uniform measures. Furthermore, he not only endeavoured to draw up the budget estimates for the expenses of the Manchuria Incident for the expenditure needed to investigate suitable places for migration in Manchukuo, and for other general affairs to settle various pending questions, but on the occurrence of the Incident he established an investigating council for Manchukuo and Mongolian affairs in the Department under the political point of view towards Manchukuo and participated in various questions submitted to the so-called "Committee of 5 provinces"; inviting frequently men of learning and experience to the Department and asking their opinions, he studied and investigated the problems deeply with the committees and offered plans. Besides, he studied fundamental means of various industries, economies, etc., which were to be the foundation stones of our national policies toward Manchukuo and China; he took part in the business of consignment management pertaining to railroads in Manchuria, rivers and harbours. Furthermore, he assisted military affairs to support the independence of Manchukuo. Judging from the above mentioned, he might be said to have made a full honest effort during his term of office and rendered them distinguished services.

Description: Text and/or reason of the decoration awarded to SUZUKI, Kantaro

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident" Vol. _____

Decoration Record

Kantaro SUZUKI,
Grand Chamberlain, Junior Grade of the 2nd Court Rank with the 1st Order of Merit and the 3rd Class Order of the Golden Kite.

Period of Service:

From September 18, 1931 to March 31, 1934
(two years, six months and a half)

The Official Post at the Time of Service:

The Grand Chamberlain.

The Official Rank at the Time of Service:

'Shinnin' rank.

The Particulars of Service:

He dealt with H. M. the Emperor's personal affairs connected with the Manchurian Incident and rendered Him distinguished services.

Decoration Record

Kantero SUZUKI
Grand Chamberlain and Privy Councillor, Junior Grade of the 2nd Court Rank with the 1st Crier of Merit and the 3rd Class Order of the Golden Kite.

Period of Service:

From September 18, 1931 to March 31, 1934
(two years, six months and a half)

The Official Post at the Time of Service:

Privy Councillor.

The Official Rank at the Time of Service:

'Shinnin' rank.

The Particulars of Service:

Holding an additional post of Privy Councillor at the time of the outbreak of the Manchurian Incident, he fulfilled his heavy responsibilitie of giving advice to H. M. the Emperor on various important questions relating to the Incident and rendered Him distinguished services.

Description: Text and/or reason of the decoration awarded to TSUGITA, Daizaburo

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 147

Decoration Record.

TSUGITA, Daizaburo:--

Holder of the Intermediate Cordon of the Rising Sun, Member of the House of Peers, Junior Grade of the Fourth Court Rank, the Third Order of Merit.

Necessary matters mentioned.

0 Period of service.

The Sixty-First, Sixty-Second, Sixty-Fourth, and Sixty-Fifth Sessions of the Diet.

0 Official Posts at the time of service.

Member of the House of Peers, Vice-Minister for Home Affairs.

0 Official Rank at the time of service.

The First Rank of the Higher Civil Service.

0 Particulars of service.

During the above-mentioned period of service, he rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

Decoration Record

Copy

TSUGITA, Daizaburo

2. Particulars of service.

Tsugita held the important post of the Vice-Minister for Home Affairs from September 18th, 1931 to December 13th of the same year. During that period, he, on one hand, faithfully assisted the Home Minister in the execution of various national policies regarding the Manchurian Incident, and, on the other hand, directed the chiefs of bureaus and sections under his command in fulfilling their duties concerning military affairs, police control and relief work, in connection with the Incident. He also instructed prefectural governors to place newspapers, publications and films under strict control, and to strictly regulate various subversive activities which had arisen in connection with the Incident, thereby successfully protecting secrecy and facilitating military operations. Thus he rendered distinguished services to the State.

Doc. No. 2994-B (20)



Description: Text and/or reason of the decoration awarded to MITSUCHI, Chuzo

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 148

Decoration Record

MITSUCHI, Chuzō

Minister of Railways,

Senior Grade of the Third Court Rank,

The First Order of Merit

0 Period of service.

From Dec. 13, 1931 to May 25, 1932 --- 4⅓ months as

The Minister of Communications.

From May 26, 1932 to March 1, 1934 --- 1 year 9 months as

The Minister of Railways.

Total: 2 years 3⅓ months.

0 Official Positions at the time of service:

The Minister of Communications.

The Minister of Railways.

0 Official Rank at the time of service.

Official of the 'Shinnin' rank.

Details of service.

During the aforementioned period, he participated in the urgent and important state affairs, and fulfilled his duty as a Minister of State in the execution of the national policy regarding the Manchurian Incident. Also as the Minister of Communications, he always directed the officials concerned well, carried out various appropriate plans and measures regarding mail, parcel post, telegraph and telephone in order to secure the smooth working of communication machinery for urgent messages which had greatly

increased in number since the Incident, and brought the functions of communications organs into full swing at the time of the Incident. Besides the above, he took necessary measures in such matters as special services in postal remittance, postal deposit and postal life insurance for the benefit of the soldiers and civilians in the military service in the front; distribution of electric power to munitions industry; requisition and inspection of ships for military use; maritime transportation of soldiers and civilians in the military service outgoing to the front and of refugees; supervision over and insurance for the crew on board military transports and ordinary seamen; military aerial transportation for the purpose of liaison in the rear of the Kwantung Army; assistance to the transportation of military planes; direction and supervision over the use of planes for the purpose of obtaining speedy informations of the Incident; and so forth.

After he was transferred to the Minister of Railways on May 26, 1932, he rendered distinguished services in the execution of the important duty of planning and carrying out the general military transportation business.

Description: Text and/or reason of the decoration awarded to KAMEI, Kanichiro

Source : Japanese Cabinet Record "Conferment of Honours for Services in the 1931-34 Incident Sanctioned by the Emperor" Vol. 148

Decoration Record

Kanichiro KAMEI
Holder of the Small Cordon of the Rising Sun, Senior Grade of the 7th Court Rank, the 4th Order of Merit.

Necessary Matters Mentioned.

0 Period of service:

The 61st, the 62nd, the 64th and the 65th sessions of the Diet.

0 Official post at the time of service:

Member of the House of Representatives.

0 Official rank at the time of service:

0 Details of service.

He rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

Description: Text and/or reason of the decoration awarded to KITA, Reikichi

Source : Japanese Cabinet Record "Conferment of Honours for Services as member of the House of Representatives."

Doc. #207

Decoration Record

| Recommendation for Conferment | | Class | Official rank at the time of recommendation | Present Decoration |
|---|---|---|---|---|
| Decoration | Grant of Money | | | |
| The Fourth Order of the Secred Treasure | | | | |

As of April 29, 1940

| | |
|---|---|
| Official Post | Member of the House of Representatives |
| Name | KITA, Reikichi |

| Period of service | Official Post at the time of recommendation | Official rank at the time of recommendatio: |
|---|---|---|
| The 71st session of the Diet | Member of the House of Representatives | |
| The 72nd session of the Diet | | |
| The 73rd session of the Diet | | |
| The 74th session of the Diet | | |
| The 75th session of the Diet | | |
| Total five Diet sessions | | |

Description: Text and/or reason of the decoration awarded to KITA, Reikichi

Source : Japanese Cabinet Record "Conferment of Honours for Services as member of the House of Representatives."

Doc. #207

Decoration Record

| Recommendation for Conferment | | Class | Official rank at the time of recommendation | Present Decoration |
|---|---|---|---|---|
| Decoration | Grant of Money | | | |
| The Fourth Order of the Secred Treasure | | | | |

As of April 29, 1940

| Official Post | Member of the House of Representatives |
|---|---|
| Name | KITA, Reikichi |

| Period of service | Official Post at the time of recommendation | Official rank at the time of recommendation |
|---|---|---|
| The 71st session of the Diet | Member of the House of Representatives | |
| The 72nd session of the Diet | | |
| The 73rd session of the Diet | | |
| The 74th session of the Diet | | |
| The 75th session of the Diet | | |
| Total five Diet sessions | | |

| Priority Class | Period of Service | Official Post at the time of Recommendation | Items of Merit |
|---|---|---|---|
| | The 71st session of the Diet<br><br>The 72nd session of the Diet<br><br>The 73rd session of the Diet<br><br>The 74th session of the Diet<br><br>The 75th session of the Diet<br><br>Total five Diet sessions | Member of the House of Representatives | During the above-mentioned period, he rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the China Incident. |

Description: Text and reason of the decoration awarded to FUTARA, Yoshinori

Source: Japanese Cabinet Record "Conferment of Honours as member of the House of Peers"

Decoration Record

FUTARA, Yoshinori:--

Holder of the Minor Cordon of the Order of the Rising Sun, Member of the House of Peers, Junior Grade of the Third Court Rank, the 4th Order of Merit, Count.

Necessary matters mentioned.

o Period of service

The 61st, 62nd, 64th & 65th sessions of the Diet

o Official post at the time of service

Member of the House of Peers

o Official rank at the time of service

o Particulars of the undertakings

During the above-mentioned period of service, he rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

| Document No. 35 | | Decoration Record | | |
|---|---|---|---|---|
| Recommendation for conferment | Class | Official rank at the time of recommendation | Present Decoration | As of April 29, 1940 |
| Decoration | Grant of Money | | | Official post: |
| The Intermediate Cordon of the Order of the Rising Sun | | | The 3rd Order of the Sacred Treasure 8 Feb 35 periodical decoration | Member of the House of Peers Senior Grade of the Third Court Rank. The Third Order of Merit. Count. |
| | Name: FUTARA, Yoshinori | | | |

| Period of Service | Official Post at the time of recommendation | Official rank at the time of recommendation |
|---|---|---|
| 71st Session of Diet<br>72nd " " "<br>73rd " " "<br>74th " " "<br>75th " " " | Member of the House of Peers | |

| Priority Class | Period of Service | Official Post at the time of recommendation | Items of Merits |
|---|---|---|---|
| | 71st session of Diet<br>72nd " " "<br>73rd " " "<br>74th " " "<br>75th " " " | Member of the House of Peers | During the above-mentioned period of service, he rendered distinguished services in execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the China Incident. |

Description: Text and/or reason of the decoration awarded to OTA, Kozo

Source: Japanese Cabinet Record "Conferment of Honours for Services in the Chinese Incident"

Decoration Record

| Recommendation for conferment | | Class | Official rank at the time of recommendation | Present decoration |
|---|---|---|---|---|
| Decoration | Grant of Money | | | |
| The Second Order of the Sacred Treasure | ¥1500 | Decoration B-1 | The 1st rank of the Higher Civil Service | |

As of April 29, 1940

Official post - ex-Chief Secretary of the Cabinet

Name - OTA, Kozo

| Period of Service | Official post at the time of recommendation of merits | Official rank at the time of recommendation |
|---|---|---|
| From Jan 6, 1939 to April 6, 1939 (three months and one day) | Private secretary to the Prime Minister | Jan. 6, 1939 The 3rd Rank of the Higher Civil Service |
| From April 7, 1939 to Aug. 30, 1939 (Four months and 24 days) | Chief Secretary of the Cabinet | April 7, 1939 The 2nd Rank of the Higher Civil Service |
| From Aug. 31, 1939 to April 28, 1940 (Seven months and 28 days) | Member of the House of Peers | May 1, 1939 The 1st Rank of the Higher Civil Service<br>Aug. 31, 1939 The capacity of the 2nd Rank of the Higher Civil Service |
| Total: One year, three months and twenty-three days | | |

| Priority Class | Period of Service | Official Post at the time of recommendation |
|---|---|---|
| | From Jan 6, 1939 to April 6, 1939 Total: three months and one day | The Private secretary to the Prime Minister |
| | From April 7, 1939 to Aug 30, 1939 Total: four months and twenty-four days | The Chief Secretary of the Cabinet |
| | From Aug. 31, 1939 to April 28, 1940 Total: Seven months and twenty-eight days | The member of the House of Peers |

Items of Merits

This person took part in the conduct of the China Affair as private secretary to the Prime Minister, Chief Secretary of the Cabinet, and Member of the House of Peers. Especially he helped the Prime Minister as Chief Secretary of the Cabinet of the HIRANUMA Cabinet and took charge of the urgent and important affairs of state. Above all, in accordance with the prolongation of the Affair, he worked hard to organize the national mobilization system and brought about the close co-operation among the government offices concerned. Besides, he rendered distinguished services in execution of his duty by strengthening the new Central Regime in China under the complicated situation at the time of the Incident.

Decoration Record

| Recommendation for conferment | | Class | Official Rank at the time of recommendation | Present Decoration |
|---|---|---|---|---|
| Decoration | Grant of Money | | | |
| The 4th Order of the Rising Sun | | Decoration B-2 | | The Order of the Sacred Treasure, The Order of the Rising Sun, the Fourth Class. |

As of April 29th, 1940

Official Post: The member of the House of Peers, The Senior Grade of the Fifth Court Rank.

Name: OTA, Kozo

| Period of Service | Official post at the time of recommendation | Official Rank at the time of recommendation |
|---|---|---|
| The 75th Session of the Diet | Member of the House of Peers | |

| Priority Class | Period of Service | Official post at the time of recommendation | Items of Merits |
|---|---|---|---|
| Decoration B-2 | The 75th Session of the Diet | Member of the House of Peers | During the above-mentioned period of service, he rendered distinguished services in execution of the important duty of investigating and approving the budgets, closing accounts and various law drafts in connection with the China Affair. |

Description: Text and/or reason of the decoration awarded to OKADA, Tadahiko

Source: Japanese Cabinet Record "Conferment of Honours as member of the House of Representatives." Vol.---

Decoration Record

OKADA, Tadahiko:-

Holder of the Intermediate Cordon of the Order of the Rising Sun, Junior Grade of the 4th Court Rank, the 3rd Order of Merit.

Necessary matters mentioned.

o Period of Service: 4 Diet sessions - the 61st, 62nd, 64th and 65th.

o Official post at the time of service: Member of the House of Representatives

o Official rank at the time of service:

o Particulars of the undertakings:

He rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

| | | | Decoration Record | |
|---|---|---|---|---|
| Recommendation for Conferment | | Class | Official rank at the time of recommendation | Present Decoration |
| Decoration | Grant of Money | | | |
| 2nd Order of the Rising Sun | | | | 2nd Order of the Sacred Treasure |
| | | | | 11 June 1935 Periodical decoration |

| As of April 29, 1940 | |
|---|---|
| Official Post | Member of the House of Representatives |
| The junior grade of the 4th court rank<br>The 2nd Order of Merit | |
| Name | OKADA, Tadahiko |

| Period of Service | Official Post at the time of recommendation | Official rank at the time of recommendation |
|---|---|---|
| The 71st Session of the Diet<br>The 72nd Session of the Diet<br>The 73rd Session of the Diet<br>The 74th Session of the Diet<br>The 75th Session of the Diet<br>Total: 5 Sessions | Member of the House of Representatives | |

| Priority Class | Period of Service | Official post at the time of recommendation | Items of Merit |
|---|---|---|---|
| | The 71st session of Diet<br>The 72nd session of Diet<br>The 73rd session of Diet<br>The 74th session of Diet<br>The 75th session of Diet<br>Total: 5 sessions | Member of the House of Representatives | During the above-mentioned period of service, he rendered the execution of the important duty of investigating and approving of the budgets, closing accounts, and various law drafts connected with the China Incident. |

Description: Text and/or reason of the decoration awarded to NOMURA, Karoku

Source: Japanese Cabinet Record "Conferment of Honours as member of the House of Representatives."

Decoration Record

NOMURA, Karoku: --

Holder of the Intermediate Cordon of the Order of the Rising Sun, Junior Grade of the Fourth Court Rank, the Third Order of Merit.

Necessary Matters Mentioned.

0 Period of service:

Four Diet Sessions; the 61st, the 62nd, the 64th and the 65th.

0 Official Post at the Time of Service:

Member of the House of Representatives.

0 Official Rank at the Time of Service:

0 Particulars of the undertakings:

He rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

| Decoration Record | | | |
|---|---|---|---|
| Recommendation for conferment<br>Decoration / Grant of money | Class | Official Rank at the time of recommendation | Present Decoration |
| The Second Order of the Rising Sun | | | The 2nd Order of the Sacred Treasure |
| | | | April 14, 1937, periodical decoration. |

Description: Text and/or reason of the decoration awarded to NOMURA, Karoku

Source: Japanese Cabinet Record "Conferment of Honours as member of the House of Representatives."

Decoration Record

NOMURA, Karoku: --

Holder of the Intermediate Cordon of the Order of the Rising Sun, Junior Grade of the Fourth Court Rank, the Third Order of Merit.

Necessary Matters Mentioned.

0 Period of service:

Four Diet Sessions; the 61st, the 62nd, the 64th and the 65th.

0 Official Post at the Time of Service:

Member of the House of Representatives.

0 Official Rank at the Time of Service:

0 Particulars of the undertakings:

He rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

| Decoration Record | | | |
|---|---|---|---|
| Recommendation for conferment<br>Decoration / Grant of money | Class | Official Rank at the time of recommendation | Present Decoration |
| The Second Order of the Rising Sun | | | The 2nd Order of the Sacred Treasure |
| | | | April 14, 1937, periodical decoration. |

| As of April 29, 1940 | |
|---|---|
| Official Post | Member of the House of Representatives |
| Junior Grade of the Fourth Court Rank, the Second Order of Merit. | |
| Name | NOMURA, Karoku |

| Period of service | Official Post at the time of Recommendation | Official Rank at the Time of Recommendation |
|---|---|---|
| The 71st session of the Diet<br>The 72nd session of the Diet<br>The 73rd session of the Diet<br>The 74th session of the Diet<br>The 75th session of the Diet<br>Total: Five Diet sessions | Member of the House of Representatives | |

| Priority Class | Period of service | Official Post at the time of recommendation | Items of merit |
|---|---|---|---|
| | The 71st session of the Diet<br>The 72nd session of the Diet<br>The 73rd session of the Diet<br>The 74th session of the Diet<br>The 75th session of the Diet<br>Total: Five Diet sessions | Member of the House of Representatives | During the above-mentioned period of service, he rendered distinguished services in the execution of the important duty of investigating and approving the budgets, closing accounts and various law drafts in connection with the China Affairs. |

Description: Text and/or reason of the decoration awarded to ŌASA, Tadao

Source : Japanese Cabinet Record "Conferment of Honours as Member of the House of Representatives."

Decoration Record

ŌASA, Tadao: --

Holder of the Intermediate Cordon of the Order of the Rising Sun, Senior Grade of the Fifth Court Rank, the Third Order of Merit.

Necessary matters mentioned.

0 Period of service: Four Diet sessions; the 61st, the 62nd, the 64th and the 65th.

0 Official post at the time of service: Member of the House of Representatives.

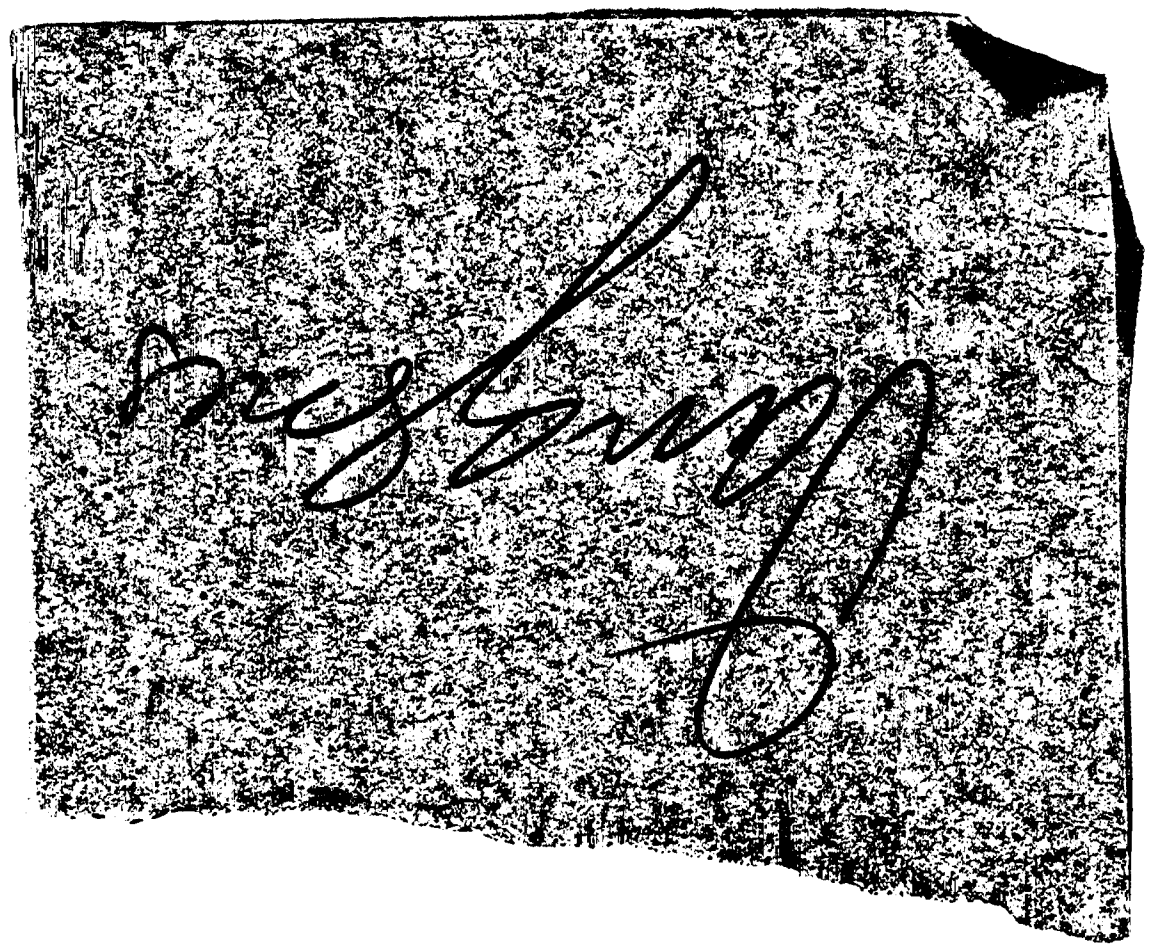
0 Official Rank at the time of service: -

0 Particulars of the undertaking.

He rendered distinguished services in the execution of the important duty of investigating and approving of the budgets, closing accounts and various law drafts in connection with the Manchurian Incident.

| Decoration Record | | | | |
|---|---|---|---|---|
| Recommendation for conferment | | Class | Official rank at the time of recommendation | Present Decoration |
| Decoration | grant of money | | | |
| The 2nd Order of the Sacred Treasure | | | | The 3rd Order of the Rising Sun.<br>Conferred on April 29, 1934, in recognition of services in the War and the Incident. |

| As of April, 1940 | | |
|---|---|---|
| Official post | Member of House of Representatives | |
| Senior grade of the Fifth Court Rank, The 3rd Order of Merit. | | |
| Name | ŌASA | Tadao |



Doc 1570

No.1

極秘

昭和十六年四月

基本国策要綱

企画院

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Doc 1570

基本国策要綱

世界ハ今ヤ歴史的一大轉機ニ際會シ數箇ノ国家群ノ生成發展ヲ基調トスル新ナル政治經濟文化ノ創成ヲ見ントシ、皇国亦有史以来ノ大試練ニ直面スコノ秋ニ當リ眞ニ肇国ノ大精神ニ基リ皇国ノ国是ヲ完遂セントセハ右世界史的發展ノ必然的動向ヲ把握シテ庶政百般ニ亘リ速ニ相応的刷新ヲ加ヘ萬難ヲ排シテ国防国家體制ノ完成ニ邁進スルコトヲ以テ刻下喫緊要務トス、依ツテ基本国策ノ大綱ヲ策定スルコトタルガ如シ

昭和十五、七、二六閣議決定

基本国策要綱

一、根本方針

皇国ノ国是ハ八紘ヲ一宇トスル肇国大精神ニ基キ世界平和ノ確立ヲ招来スルコトヲ以テ根本トシ先ツ皇国ヲ核心トシ日満支ノ強固ナル結合ヲ根幹トスル大東亜ノ新秩序ヲ建設スルニ在リ、之ノ爲皇国自ラ速ニ新事態ニ即應スル不抜ノ国家態勢ヲ確立シ国家ノ總力ヲ擧ケテ右国是ノ具現ニ邁進ス

二、国防及外交

皇国内外ノ新情勢ニ鑑ミ国家總力發揮ノ国防国家體制ヲ基底トシ国是遂行ニ遺憾ナキ軍備ヲ充實ス 皇国現下ノ外交ハ大東亜ノ新秩序ノ建設ヲ根幹トシ先ツ其ノ重心ヲ支那事変ノ完遂ニ置キ国際的大変局ヲ達觀シ建設的ニシテ且ツ彈力性富ム施策ヲ講ジ以テ皇国国運ノ進展ヲ期ス

三、国内態勢ノ刷新

我国内政ノ刷新ハ国体ノ本義ニ基キ庶政ヲ一新シ国防国家体制ノ基礎ヲ確立スルニ在リ之カ爲左記諸件ノ實現ヲ期ス

(1)国体ノ本義ニ透徹スル教學ノ刷新ト相俟チ自我功利ノ思想

NO. 2

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昭和十五、七、二六閣議決定

# 基本国策要綱

世界ハ今ヤ歴史的一大轉機ニ際會シ數箇ノ国家群ノ生成發展ヲ基調トスル新ナル政治経済文化ノ創成ヲ見ントシ、皇国亦有史以来ノ大試練ニ直面ス、コノ秋ニ當リ眞ニ肇国ノ大精神ニ基ク皇国ノ国是ヲ完遂セントセハ右世界史的發展ノ必然的動向ヲ把握シテ庶政百般ニ亘リ速ニ根本的刷新ヲ加ヘ萬難ヲ排シテ国防国家體制ノ完成ニ邁進スルコトヲ以テ刻下喫緊ノ要務トス、依ツテ基本国策ノ大綱ヲ策定スルコト左ノ如シ

No. 2

## 基本国策要綱

一、根本方針

皇国ノ国是ハ八紘ヲ一宇トスル肇国ノ大精神ニ基キ世界平和ノ確立ヲ招来スルコトヲ以テ根本トシ先ツ皇国ヲ核心トシ日満支ノ強固ナル結合ヲ根幹トスル大東亜ノ新秩序ヲ建設スルニ在リ、之カ為皇国自ラ速ニ新事態ニ即應スル不抜ノ国家態勢ヲ確立シ国家ノ總力ヲ挙ケテ右国是ノ具現ニ邁進ス

二、国防及外交

皇国内外ノ新情勢ニ鑑ミ国家總力發揮ノ国防国家體制ヲ基底トシ国是遂行ニ遺憾ナキ軍備ヲ充實ス

皇国現下ノ外交ハ大東亜ノ新秩序建設ヲ根幹トシ先ツ其ノ重心ヲ支那事変ノ完遂ニ置キ国際的大変局ヲ達観シ建設的ニシテ且ツ弾力性ニ富ム施策ヲ講シ以テ皇国国運ノ進展ヲ期ス

三、国内態勢ノ刷新

我国内政ノ急務ハ国体ノ本義ニ基キ庶政ヲ一新シ国防国家體制ノ基礎ヲ確立スルニ在リ之カ為左記諸件ノ實現ヲ期ス

(1)国体ノ本義ニ透徹スル教学ノ刷新ト相俟チ自我功利ノ思想

NO.3

Doc 1570

的精神ノ振興ヲ期ス

二、強力ナル新政治体制ヲ確立シ国政ノ統合的統一ヲ図ル

イ、官民協力一致各ゝ其ノ職域ニ応ジ国家奉公スルコトヲ基調トスル新国民組織ノ確立

ロ、新政治体制ニ即応シ得ル(注議会制度ノ改革

ハ、行政運用ニ根本的刷新ヲ加ヘ其ノ統一敏活ヲ目標トスル官場新態勢ノ確立

三、皇国ヲ中心トスル日満支三国経済自主的建設ヲ基調トシ国防経済ノ確立

イ、日満支ヲ一環トシ大東亜ヲ包容スル皇国自給自足経済政策ノ確立

ロ、官民協力ヨル計画経済ノ遂行特ニ重要物資ノ生産配給消費ヲ要ク一元的統制様相ノ整備

ハ、線合経済力ノ発展ヲ目標トスル財政計画ノ確立並ニ金融統制ノ強化

四、世界新情勢ニ即応スル貿易政策ノ刷新

ホ、国民生活必需物資特ニ重要食糧ノ自給方策ノ確立

ヘ、重要産業特ニ重化学工業及機械工業ノ計画的発展

ト、物資ノ計画的振興ヲ並ニ重要産業ノ合理化

チ、内外ノ新情勢ニ即応スル交通運輸施設ノ整備擴充

リ、日満支ヲ通スル線合国力ノ発展ヲ目標トスル国土開発計画ノ確立

Doc 1570

4. 国是遂行ノ原動力タル国民ノ資質体力ノ向上並ニ人口増加ニ関スル恒久的方策特ニ農業及農家ノ安定発展ニ関スル根本方策ヲ樹立ス

5. 国策ノ遂行ニ伴フ国民犠牲ノ不均衡ノ是正ヲ断行シ厚生的諸施策ノ徹底ヲ期スルト共ニ国民生活ヲ刷新シ眞ニ忍ベ苦ナ芽時難克服ニ適應スル質実剛健ナル国民生活ノ水準ヲ確保ス

基本国策要綱　昭和十五、八、一　新聞発表

世界ハ今ヤ歴史的一大轉様ニ際會シ數箇ノ国家群ノ生成発展ヲ基調トスル新ナル政治経済文化ノ創成ヲ見ントシ皇国亦有史以来ノ大試練ニ直面ス、コノ秋ニ当リ眞ニ肇国ノ大精神ニ基ク皇国ノ国是ヲ完遂セントセバ右世界史的発展ノ必然的動向ヲ把握シテ庶政百般ニ亘リ速ニ根本的刷新ヲ加ヘ萬難ヲ排シテ国防国家体制ノ完成ニ邁進スルコトヲ以テ刻下喫緊ノ要務トス、依ツテ基本国策ノ大綱ヲ策定スルコト左ノ如シ

一、根本方針

皇国ノ国是ハ八紘ヲ一宇トスル肇国ノ大精神ニ基キ世界本和ノ確立ヲ招来スルコトヲ以テ根本トシ先ツ皇国ヲ核心トシ日満支ノ強固ナル結合ヲ根幹トスル大東亜ノ新秩序ヲ建設スルニ在リ

之ガ為皇国自ラ速ニ新事態ニ即應スル不抜ノ国家態勢カヲ確立シ国家ノ總力ヲ挙ゲテ右国是ノ具現ニ邁進ス

二、国防及外交

内外ノ新情勢カニ鑑ミ国家總力発揮ノ国防国家体制ヲ基底

No. 4

No. 5

Doc. 1570

トシ国是遂行ニ置ク極ナキ軍備ヲ充実ス

現下ノ外交ハ大東亜ノ新秩序建設ヲ根幹トシ先ヅ其ノ重心ヲ支那事変ノ完遂ニ置キ国際的大変局ニ達観シ建設的ニシテ且ツ弾力性ニ富ム施策ヲ講ジ以テ国運ノ進展ヲ期ス

三、国内態勢ノ刷新

内政ノ急務ハ国体ノ本義ニ基キ庶政ヲ一新シ国防国家体制ノ基礎ヲ確立スルニ在リ之ガ為左記諸件ノ實現ヲ期ス

一、国体ノ本義ニ透徹スル教学ノ刷新ト相俟チ自我功利ノ思想ヲ排シ国家奉仕ヲ第一義トスル国民道徳ヲ確立ス

二、強力ナル新政治体制ヲ確立シ国政ノ綜合統一ヲ図ル

イ、官民協力一致各々其ノ職域ニ應ジ国家ニ奉公スルコトヲ基調トスル新国民組織ノ確立

ロ、新政治体制ニ即應シ得ベキ議會翼賛体制ノ確立

ハ、行政ノ運用ニ根本的刷新ヲ加ヘ（其ノ統一ト敏活トヲ目標トスル官界新態勢ノ確立

3. 皇国ヲ中心トスル日満支三国経済ノ自主的建設ヲ基調トシ国防経済ノ根基ヲ確立ス

イ、日満支ヲ一環トシ大東亜ヲ包容スル協同経済圏ノ確立

ロ、官民協力ニヨル計画経済ノ遂行特ニ主要物資ノ生産配給消費ヲ貫ク一元的統制様構ノ整備

ハ、綜合経済力ノ発展ヲ目標トスル財政計画並ニ金融統制ノ確立強化

二、世界新情勢ニ対應スル貿易政策ノ刷新

ホ、国民生活必需物資特ニ主要食糧ノ自給方策ノ確立

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ヘ、重要産業特ニ重化学工業及機械工業ノ劃期的発展
ト、科学ノ劃期的振興並ニ生産ノ合理化
チ、内外ノ新情勢ニ対應スル交通運輸施設ノ整備擴充
リ、綜合国力ノ発展ヲ目標トスル国土開発計画ノ確立
4、国是遂行ノ原動力タル国民ノ資質、体力ノ向上並ニ人口増加
ニ関スル恒久的方策特ニ農業及農家ノ安定発展ニ関スル根
本方策ヲ樹立ス
5、国策ノ遂行ニ伴フ国民犠牲ノ不均衡是正ヲ断行シ厚生的
諸施策ノ徹底ヲ期スルト共ニ国民生活ヲ刷新シ眞ニ文化ナ
半時艱克服ニ適應スル偵突剛健ナル国民生活ノ水準ナヲ確保ス

No.7

Doc 1570

# 國土計画設定要綱

昭和一五、九、二四 閣議決定

第一、國土計画設定ノ趣旨

肇國ノ理想ニ基キ、時勢ノ進運ニ對處シテ新東亞建設ノ聖業ヲ完遂スル爲ニハ、東亞諸邦ヲ對象トスル綜合的經營計画ヲ樹立シ、之ヲ基準トシテ國力ノ飛躍的增強ヲ圖ルノ要緊切ナルモノアリ

即チ日滿支ヲ通ズル國防國家態勢ノ強化ヲ圖ルヲ目標トシテ國土計画ノ制ヲ定メ、地域的ニハ滿支ヲモ含メ、時間的ニハ國家百年ノ將來ヲモ稽ヘ、産業交通、文化等ノ設般ノ施設及人口ノ配分計画ヲ土地トノ關聯ニ於テ綜合的ニ合目的的ニ構成シ以テ國土ノ綜合的保全利用開発ノ計画ヲ樹立シ、一貫セル指導方針ノ下ニ時局下諸般ノ政策ノ統制的推進ヲ圖ラントス

第二、計画ノ種別並運用

一、日滿支計画

日滿支三國ヲ通ズル國土ノ綜合的利用開発ノ計画ニシテ其各國ヲ以テ各單位地域トシ、之ニ對スル人ト施設トノ合理的配分方針ヲ策定スルモノトス

日滿支計画ハ關係各國ノ行フ國土計画的事業策定ノ基準タルベキモノニシテ、皇國ニ關シテハ中央計画策定ノ基準タルモノトス

二、中央計画

中央計画ハ内外地全般ヲ對象トスル計画ニシテ、日

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満支計画ヲ基準トシテ策定ヲ圖ルモノトシ、内外地各地方ノ特性ヲ発揮セシメ国家的見地ヨリスル国土ノ綜合的利用開発ノ計画ヲ樹立スルモノトス

中央計画ハ各廳所管行政ノ基準トナリテ運用セラルベク内地ニ於ケル各單位地域別地方計画及外地ニ於ケル開発計画策定ノ基準トナルノ外各廳所管ノ事業トシテ直接実施セラルベキモノトス

第三 策定要領

一、國土計画ニ関スル調査、研究、立案ハ本計画設定ノ趣旨ニ鑑ミ國家ノ綜合國防力ノ増強ヲ圖ルノ見地ヨリ常ニ発展的ニ統一的ニ之ヲ行フモノトス

二、計画立案ハ一定ノ目標時期ヲ定メ、日満支南洋ヲ含ム東亞共榮圏ノ確立ヲ圖ルヲ目標トシテ之ヲ企画スルモノトス

三、計画ニ当リテハ國土ノ愛護保全ヲ旨トシ、綜合的交通計画、綜合的動力計画トノ有機的関聯ニ於テ産業及人口ノ統制的配分ヲ図ルニ重點ヲ置キ、常ニ防空上ノ考慮ヲ重視スルモノトス

四、經済ニ関スル計画ニ付テハ東亞共榮圏内ニ於ケル資源ノ開発、保全、涵養ニ依ル必要物資ノ確保ト其適正ナル交流配分ヲ圖リ、併セテ國際經済ニ於ケル優位ノ獲得ニ努ムルヲ以テ目的トス

五、人口ニ関スル計画ニ付テハ人口ノ量的質的増強ト之ガ地域的職能的ノ適正ナル配分ヲ圖ルヲ以テ目的トス

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六、基礎調査ハ各應ジ調査ヲ統合シ、民間ノ協力ヲ得テ内外
ニ亙ル關係資料ノ整備ヲ圖ルモノトス

第四、主要策定事項

一、日滿支經濟配分計畫

二、工鑛業配分計畫

イ、重化學工業、業種別配分計畫

ロ、輕工業、業種別配分計畫

ハ、工業地帶配分計畫

二、鑛產資源開發計畫

三、農林畜水產業配分計畫

イ、農業計畫

ロ、林野計畫

ハ、水產計畫

四、綜合的交通計畫

イ、內外地交通通信整備計畫

ロ、東亞交通通信整備計畫(燃料ヲ含ム)

五、綜合的動力計畫(燃料ヲ含ム)

六、綜合的治山治水及利水計畫

七、綜合的人口配分計畫

イ、都市配置ニ關スル計畫

ロ、職能別人口配分計畫

ハ、地域別人口配分計畫

二、綜合的移民計畫

八、文化厚生施設配分計畫

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九、單位地域別計画ノ基本方針

第五、事務ノ機構並其運用

一、國土計画ハ内閣總理大臣ノ主管トシ、其事務ハ企畫院ヲ与ヘテ當ラシム

二、内閣ニ官制ニ依ル國土計画委員會ヲ設置シ、國土計画ノ策定並運用ニ関スル諮問機関タラシムルコト

三、各廳ハ國土計画ノ策定ニ参画シ、其所管ニ從ヒ、計画ノ内容タル事項ノ調査、計画實施ヲ掌ル

内閣總理大臣ハ各廳ノ行フ事業ニ付國土計画ノ運用上必要ナル統轄ヲ行フコトヲ得ルモノトスルコト

地方計画ニ付テモ内閣ニ於テ之ヲ統制ス

四、各廳ニ設置セラレアル各種會議、調査會、委員會等ハ必要ニ應ジ國土計画委員會ト密接ナル連絡ヲ保持スベキモノトシ、之ガ連絡ノ方法ニ付テハ別途考慮スルモノトス

五、日満支計画ニ関スル満支両國トノ連絡ハ各関係所管廳ヲ通ジテ之ヲ行フ

六、中央計画ノ外地ニ於ケ實施ハ一般的ニ各外地官廳ノ所管トシ拓務省(関東州ニ付テハ對満事務局)之ヲ統制ス

國土計画ノ設定ニ付テ　昭和十五、九、二四、新聞發表

(星野企畫院總裁談話要旨)

日満支ヲ通ズル綜合國力ノ發展ヲ目標トスル國土開發計画ノ確立ヲ圖ルコトニ付テハ既ニ現内閣ノ基本國策トシテ之ヲ取上

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ゲ、爾来企画院ヲ中心トシテ之ガ計画策定ノ方式ニ関スル研究ヲ重ネ来ツタ次第デアルガ、今回國土計画設定要綱トシテ閣議決定ヲ見ルニ至ツタ。

今ヤ世界ノ歴史的轉換期ニ當リ、皇國ヲ中心トシ日満支三國ノ聯携ヲ樞軸トスル大東亜共栄圏ノ形成ヲ図ルコトハ時勢ノ要務トナツタノデアルガ、之ガ為ニハ産業経済ニ就テモ交通ノ方面ニ於テモ日満支ヲ通ズル綜合的ナ科学的ナ計画ヲ樹立シ之ヲ基準トシテ總テノ施策ヲ進メナケレバナラナイ。ココニ國土計画ヲ必要トスルノ第一ノ理由ガアル。

飜ツテ一面最近ニ於ケル生産力擴充ノ進展ニ伴フ急激ナ工場ノ増設其ノ他ノ原因ニヨル大都市ノ無際限ナ膨脹、新興工業都市ノ簇生ハ國民ノ保健、衛生、防空、交通等種々ノ方面ニ多クノ問題ヲ發生セシメツアリ。農村ニ付テハ農耕地ガ潰サレタリ山林ガ荒廢ニ導カレルトイフ様ナコノ儘ニ放任スルヲ許サレナイ問題ノ發生ヲ見ルニ至ツタ。勿論都市ノ分散配置ノ問題、工業ノ地方化ノ問題、農業生産ノ計画化ノ問題等夫々部分的ニハ研究モサレ亦着々ト實施ニモ移サレテヲルトコロデアルガ、夫々ノ計画ノ間ノ有機的綜合ヲ圖ルベキ適切ナ綜合的計画ノ缺ケテヲルコトガ之等ノ總テノ計画ノ実行力ヲ弱メテヲル実情デアル。コレ等ノ問題ニ答ヘ時局下諸般ノ政策ニ對シテ統一シタ目標ヲ与ヘヨウトスル所ニ國土計画ヲ必要トスル第二ノ理由ガアル。國土計画ハ斯様ナ時勢ノ要求ニ應ジテ策定シヨウトスルモノデアルガ、計画ノ方式ハ一日満支三國ヲ通ズル高度ノ國防國家態勢ノ強化ヲ図ルトイフ點ニ計画ノ最高目標ヲ置キ、之ヲ中心トシテ産業、交通、文化等ノ諸般ノ施設ノ配分計画及人口ノ理想的分布計画ヲ綜合的ニ考

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ヘテ國土ノ綜合的ナ保全利用開發ノ計畫ヲ樹立セントスルモノデアル尤モ國土ノ利用開發トイフテモ之ガ唯一切利的ナ氣持デ國土ヲ利用スルトイフノデハナク飽クマデ國土愛ノ精神ヨリ出發シ國土ヲ完成シテユクトイフ心構ヘヲ以テ總テノ計畫ヲ策定シテユカネバナラナイコトハ勿論デアル。

計畫ノ種類ハ自ラ日滿支三國ヲ通ズル計畫ト皇國領域ニ關スル計畫トノ二ツニ大別サレルコトトナルガ之等ノ計畫ヲ行フニハ內地ニ於ケル人口ノ包容限度トカ、食糧自給ノ限界トカイフ極メテ基本的ナ問題ニマデ入ッテ研究ヲ遂ゲネバナラヌシ、亦、工業地帶ノ配分適成ノ問題トカ、コレト動力給源用水、勞働力、各種交通施設トノ關聯トカイフ具體的ナ問題ニマデ計畫ヲ進メネバナラナイ。

國土計畫ノ仕事ハ今後計畫ヲ進メルニ從ッテ極メテ廣汎多岐ニ亙ルコトヽ思ハレルガ之ニ就イテハ滿支兩國ノ協力ニ依リ又ヲ廣ク民間ノ知識ト經驗トヲ高邁ナ識見トニヨル協力ヲ得テ立派ナ計畫ヲ作リ上ゲル樣ニ努力シタイト考ヘテヰル。

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No. 13

# 日満支經濟建設要綱

昭和五、一〇、三、閣議決定

日満支經濟建設要綱

東亞ノ新秩序ヲ建設シ世界永遠ノ平和ヲ確保スベキ皇國ノ使命ヲ具体的ニ達成スルタメニハ我國内体制革新ノ過程ト生活圏ノ拡大編成ノ過程トヲ綜合一体的ニ前進セシメ以テ國防國家ヲ速カニ完成スルヲ要ス從テ皇國ノ基本的經濟政策ハ次ノ三大過程ノ綜合計画性ノ上ニ確立セラルルコトヲ要ス

一、國民經濟ノ再編成ノ完成

二、自存圏ノ編成強化

三、東亞共榮圏ノ拡大編成

蓋シ生活圏拡大編成ノ為ニハ皇國ノ國防並ニ地政學的地位ニ基キ日、満、北支、蒙疆ノ地域及其ノ前進據点トシテ南支沿岸特定島嶼ヲ有機的一体タル自存圏トシテ政治、文化、經濟ノ綜合的結合ヲ強化編成スルト共ニ國防經濟ノ完成ヲ促進補完スル為中南支、東南アジア及南方諸地域ヲ包含スル東亞共榮圏ヲ確立スルコトヲ要ス

而シテ經濟政策適用ノ方式ハ皇國ト生活圏内ニ於ケル國家又ハ地域及民族トノ結合ニ関スル根本政策トニ調整シツツ夫々民族ノ生活段階ニ適應セシムル様特段ノ工夫創造ヲ要ス

## 第一　基本方針

一、日満支經濟建設ノ目標ハ概ネ皇紀二千六百十年迄ニ日満支ヲ一環トスル自給自足的經濟態勢ヲ確立スルト共ニ東亞共榮圏ノ建設ヲ促進シ以テ世界經濟ニ於ケル地位

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ヲ強化確立スルニ在リ

二、日満支経済建設ノ指導精神ハ八紘一宇ノ大精神ニ基キ皇國ヲ中心トスル日満支三國ノ一体的協同ニ依リ國防経済ヲ確立シ共存共栄、國民全般ノ福利ヲ増進スルニ在リ

三、皇國ハ日満支経済建設ノ起動力タルニ鑑ミ國民ノ氣魄ヲ昂揚シ國内態勢ヲ革新シ國力ノ擴充ニカメ以テ満支ノ経済建設ヲ指導育成ス特ニ科學、技術ノ劃期的振興ヲ図リ又先驅工業ノ開拓ニ任ス

四、満洲國ハ皇國トノ不可分関係ヲ益々堅化シツツ自存圏ノ確立ヲ主眼トシ重要基礎産業ヲ急速ナル整備發展ヲ図ル

五、支那ハ日満ト協力シ資源ノ開發、経済ノ復興ヲ図ル而シテ北支蒙疆ハ自存圏ノ確立ヲ主眼トシ交通及重要産業ヲ開發シ中南支ハ物資交易ノ圓滑、重要資源ノ開發ニ重点ヲ置キ東亜共栄圏ノ確立ニ寄与ス但シ海南島等南支沿岸特定島嶼ハ自存圏ノ前進據点トシテ特ニ其ノ開發ニ努ム

六、自存圏内ニ於ケル國防物資ノ組織的連帯貯蔵ヲ図リ以テ國防力ノ保全ニ努ム

七、日満支経済ノ綜合建設計画ノ遂行ヲ調整促進スル為日満支経済ノ綜合計画機構ヲ整備ス

第二、部門別方針

日満支三國ノ産業分野、労務、金融、貿易、交通等ノ政策ニ関スル基本方針ハ左ノ如ク概定ス

一、産業配分

イ、皇國ハ今後主トシテ精密工業、機械工業、兵器工業ニ重点

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ヲ置キ之ガ劃期的振興ヲ図リ、其ノ他ノ重工業、化学工業及鉱業ハ自存圏内ニ於テ大適地適業ノ主旨ニ依リ之ヲ振興ス

軽工業就中繊維工業、雑工業ハ計画的ニ整理シ逐次之ガ大陸移動ヲ行フト共ニ大陸資本ヘノ参加ヲ奨ス

農業ニ関シテハ土地制度ヲ改革シ経営、科学的刷新ヲ為シ農家ノ安定向上ヲ図リ国民主食ノ確保スルト共ニ農村ノ安定有ヲ策ス

水産業ハ依然世界第一位ヲ保持スル如ク益々其ノ発展ヲ図ル

林政ノ統一刷新ヲ図リ森林資源ノ合理的活用ト其ノ保続ヲ図ル

ロ、満洲国ハ今後特ニ鉱業及電気事業ノ劃期的振興ヲ図リ日満間適地適業ノ主旨ニ依リ重工業及化学工業ノ振興ヲ図ルト共ニ一部重工業原材料ヲ皇国ニ供給スル尚機械工業並兵器工業ハ国防上ノ要求ヲ充足スル限度ニ於テ之ヲ奨ス

軽工業ハ国内ノ需要ニ適応スル之ヲ奨ス

農業ニ付テハ其ノ自満支ノ食料飼料補給基地タルト世界ニ対スル特種農業資源ノ供源タルニ鑑ミ農地開拓、農法改善合理化ヲ行ヒ徹底的ニ農産物増産ヲ期ス

尚農業開発ニ当ッテハ皇国農業開拓民ノ入植ヲ促進シ、其ノ中核タラシムル

製塩業、畜産並林業ニ付テモ右ニ併行シ之ガ劃期的振興ヲ図リ工業原料ノ大量生産ヲ行ヒ日満経済建設ノ基礎確立ニ寄与スルト共ニ適地適業ノ主旨ニ依リ一部重工業及科学工

ハ、支那ハ今後鑛業、製塩業ノ劃期的振興ヲ図リ工

Doc. 15170

No. 16

業ヲ建設シ日満産業ヲ補強ス

輕工業ニ付テハ皇國産業ノ發展楷梯ニ照應シツヽ相互ノ調整ヲ図リ之ガ土着資本ヲ中心トスル發展ヲ図ル

農業ニ付テハ特ニ基礎的施設ノ整備ニ力メ農業経営ノ改善、合理化ヲ図リ國民主食ノ確保ニ力ムト共ニ棉花及特産物ノ増産ヲ図ル

二、労務

國防経済ニ於ケル國民ノ労務及技術生産性ノ地位ノ重要性ニ鑑ミ労務技術ノ體制ニ劃期的革新ヲ加フルト共ニ民族協同ノ基礎ノ上ニ日満支労務計畫ヲ確立シ之地的統制並ニ再配置ヲ為ス

イ、皇國ハ労務技術ノ新體制ヲ確立シ労務者心身ノ練成科學教育ノ振興、労働生産性ノ高度化、技術者及技能者ノ養成ニ力ムルト共ニ満支経済建設ノ指導援助ヲナス

ロ、満洲國ハ産業開発ニ必要ナル技術者及技能者ヲ皇國ニ求ムルト共ニ自國内ニ於テモ之ガ養成制度ヲ確立ス

内鮮人開拓民ノ計畫的入植ヲ圖ル、一般労務者ニ付テハ北支労務者ノ計畫的入満ヲ圖ルト共ニ國内ヨリノ充足方策ヲ確立シ特ニ鑛工業ニ於ケル労務管理ノ刷新確立ニ努ム

ハ、支那ハ産業開発並ニ経済復興ニ必要ナル技術者及技能者ヲ皇國ニ求ムルト共ニ自國内ニ於テモ之ガ養成ニ努ム

一般労務者ニ付テハ其ノ安定向上ノ方策ヲ講ズルト共ニ満洲國産業開発ニ必要ナル供給ヲ為ス

三、金融

國防經濟完遂ノ爲ニハ金融ノ基礎ヲ鞏固ニシ確實性ニノミ囚ハレルコトナク國家トシテ所要ノ物資及量ノ確保ヲ可能ナラシムルコトヲ主眼トスル如ク金融理念ノ轉換ヲ行フ

イ、日滿支ヲ通ズル產業計畫ニ照應シテ之ヲ實施ヲ可能ナラシムル資金計畫ヲ樹立シ且之ヲ實行スベキ金融機構ヲ整備ス

ロ、今後技術ノ進歩產業分野ノ設定等ニ伴ヒ企業施設ノ轉換ヲ要スルモノ多カルベキニ顧ミ又國防物資ノ組織的連帶貯藏ヲ行フ爲ノ金融上ノ仕組ヲ整フル備ス

ハ、資金調達ハ常ニ國ノ蓄積ニ依ルコトトシ之ガ爲各國ニ於ケル蓄積ノ增加及其ノ活用ヲ圖ル但シ今後當分ノ間國防生產力充實ノタメノ資金ハ皇國ヨリノ之ヲ援助ス尙東亞新秩序建設ノ主旨ニ反セザル限リ外國資本ノ利用ヲ圖ル

ニ、外國爲替ニ付テハ之ガ統制ノ目標ヲ海外拂ノ節約ニ置クコトナク外國ヨリスル國防物資ノ獲得ヲ確保スルコトヲ目標トシ外國爲替資金ハ日滿兩國ハ共同ニ之ヲ運用シ支那ニ付テモ能フル限リ日滿ト綜合的ニ運用スル如ク措置ス尙進ンデ皇國ヲ東亞共榮圈ノ金融的決濟ノ中心地タラシムル樣措置ス

ホ、日滿支三國間ニハ國際決濟上所要ノ協力ヲ爲シ三國經濟ノ互助連關性ヲ强化ス

ヘ、支那ニ於ケル幣制ニ付テハ皇國ノ指導性ヲ保持スルコトヲ原則トシテ情勢ノ推移ニ應ジテ善處ス

No.17

四、交易

從來ノ商業的貿易理念ヲ改メ皇國ヲ中心トスル東亞共

帝國ヲ一體トセル生産經濟主義ニ基ク貿易政策ヲ確立シ世界經濟ニ於ケル其ノ地歩ヲ確保ス

イ. 日滿支三國間ニ於ケル相互ニ他ニ缺クヘカラサル物資ノ優先的交流ヲ圓滑確實且敏活ナラシム

ロ. 對第三國又ハ他ノ集團トノ關係ニ於テハ日滿支一體トシテ物資ノ交易ヲ國別又ハ集團別ニ確立シ日滿支ノ生産ニ必要ナル物資ノ獲得ヲ確保シ内部的ニ之カ配分調整ヲ圖ル

ハ. 日滿支以外ノ東亞共榮圏内ノ諸地域トノ關係ハ相互ニ優先的ニ他ニ缺クヘカラサル物資ノ確保ヲ目的トスル貿易協定ヲ爲シ進ンテ日滿支ト一體的關係ニ立ツ如ク指導ス

五. 交通

日滿支經濟ノ一體化ヲ促進スル爲メ三國相互間ノ交通、通信關係ヲ飛躍的發展セシムヘク船舶、港灣、鐵道ノ整備擴充ヲ圖ルト共ニ海陸運輸施設ノ有機的連絡ヲ促進シ、航空ノ一元的統制連絡、電氣通信施設ノ放送施設ノ整備擴充等ニ努ムト尚大陸ニ於ケル交通施設ノ劃期的擴充ヲ期ス

イ. 皇國ハ日滿支間交通上ニ於ケル指導的便命ヲ完全ニスル爲メ東亞ノ海運ニ絶對的優位ヲ占メ更ニ進ンテハ世界的發展ヲナスタメ日本船舶ノ飛躍的增加ヲ圖ル

ロ. 滿洲國ニ於ケル國防上並ニ產業開發計畫ノ促進、見地ヨリ之ニ連ナル交通通信施設ノ擴充ヲ圖ル

ハ. 支那ハ經濟ノ復興並ニ產業開發促進ノタメ交通通信施設ノ擴充ヲ圖ルト共ニ內河水運ノ發達ニカム

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北支蒙疆ニ於ケル交通通信ニ関シテハ國防上ノ見地ヨリ日滿トノ関係ヲ特ニ緊密ナラシムルト共ニ急速ナル其ノ拡充ヲ図ル

三、東亜ニ於ケル交通通信ノ自主的地位ヲ確保スルタメ第三國権益ヲ逐次我勢力下ニ把握スルコトニ努ム

NO.20

（前文）

（新聞発表案）

世界新秩序建設ヲ目指ス大東亜共榮圏ノ確立ト以テ皇國ノ大方針ハ日独伊三國條約ノ締結ニヨリテ新タナル段階ニ入ッタ。政府トシテハ此ノ事態ニ照應スル可ク基本的經濟政策中「日満支經濟建設要綱」ヲ過日ノ閣議ニ於テ決定シ今後コノ方針ニ基キ政策ヲ統一シ実行スルコトトシタ。

而シテ右政策ノ目標トスルトコロハ新經濟秩序觀ニ基キ日満支經濟ノ綜合的發達ヲ基底トスル大東亜共榮圏ノ飛躍的前進ヲ計畫セントスルニアル。

憶フニ各國ガ自由ニ物資ヲ交易シ得ルコトヲ建前トスル自由貿易ノ世界經濟ハ既ニ舊秩序トシテ我々ノ眼前崩壊シツツアル。皇國ノ經濟モ此舊秩序依存ノ舊体制ヲ振リ捨テテ新タナル編成ヲ決行セネバナラヌ。而シテコノ再編成ニヨッテ皇國ノ經濟ヨリ高クヨリ強イモノタラシメ、之ニ依テ東亜諸民族ノ生活向上ヲ齎ラシ各々其ノ所ヲ得シメル如ク指導セネバナラヌ。即チ「ヨリ高ク」トハ國民ノ持ッ生活力ニ一層高度ノ生産性ヲ持タシメルコトデアリ「ヨリ廣ク」トハ經濟相互依存圏ヲ日満支ヨリ更ニ大東亜ニ擴大シテ舉國ナル共榮圏ヲ確立スルコトデアリ「ヨリ強ク」トハ皇國ノ經濟ガ外國ニ依存スル程度ヲ最少限ニシテ如何ナル事態ニ當面シテモ微動ダニセザル底力ヲ保持スルコトデアル

カクノ如ク皇國ノ經濟ヲシテ高クノ廣ク強キモノタラシメムニハ全國民ノ總力ヲ結集シテ強固ナル意志ヲモッテ内ニ於テハ革新

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二伴フ苦悩ヲ克服スルト共ニ外ヨリ来ル如何ナル壓迫脅威ヲモ之ヲ排撃シ今後凡ソ十年ニシテ日本ヲ指導カノ中心トスル新タナル東亜経済ノ秩序ヲ完成シナクテハナラヌ。此ノ秩序ノ中ニ於テコソ満洲支那ハモトヨリ東亜諸國ノ経済ハンノ輝シイ向上発展ヲ所期シ得ルノデアル。

日満支経済建設要綱骨子

東亜ノ新秩序ヲ建設シ世界永遠ノ平和ヲ確保スベキ皇國ノ使命ヲ具体的ニ達成スル爲ニハ國内体制ノ革新ノ過程ト生活圏ノ擴大編成ノ過程トヲ綜合一体的ニ前進セシムルヲ要ス従テ皇國ノ基本的経済政策ハ次ノ三大過程ノ綜合計畫性ノ上ニ確立セラルルヲ要ス

一、國民経済ノ再編成ノ完成
二、日満支経済ノ編成強化
三、東亜共榮圏ノ擴大編成

基本方針

一、日満支経済建設ノ目標ハ概ネ今後十年間ニ三國ヲ一環トスル自給自足的経済態勢ヲ確立スルト共ニ東亜共榮圏ノ建設ヲ促進シ以テ東亜ノ世界経済ニ於ケル地位ヲ強化確立スルニアリ

二、日満支経済建設ニ関スル皇國ノ指導精神ハ八紘一宇ノ大精神ニ基キ日満支三國ノ一体的協同ニ依リ共存共榮、全般ノ福利ヲ増進スルニ在リ

三、皇國ハ日満支経済ノ建設ヲ推進スル爲メ國民ノ叡智ヲ昂揚シ國内態勢ヲ革新シ國力ノ擴充ニ力メ満支

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Doc. 1570

二伴フ苦悩ヲ克服スルト共ニ外ヨリ来ル如何ナル壓迫脅威ヲモ之ヲ排撃シ今後凡ソ十年ニシテ日本ヲ指導カノ中心トスル新タナル東亜経済ノ秩序ヲ完成シナクテハナラヌ。此ノ秩序ノ中ニ於テコソ満洲支那ハモトヨリ東亜諸國ノ経済ハソノ輝ケル向上発展ヲ所期シ得ルノデアル。

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三、皇國ハ日満支経済建設ヲ推進スル爲メ國民ノ衆智ヲ即揚シ國内態勢ヲ革新シ國力ノ擴充ニ力メ満支

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ノ経済建設ニ対シ援助育成ヲ與フルコトガ為メ特ニ科学、技術ノ劃期的振興ヲ圖リ又先駆工業ノ開拓ニ仕ズ

四、皇國トノ不可分関係ニ依ル満洲國ハ重要基礎産業ヲ急速ニ整備発展セシムルコトヲ期待ス

五、支那ハ日満ト協力シ資源ヲ開発シ経済ヲ復興シ特ニ交通ノ発達物資交流ノ圓滑、重要産業及ビ資源ノ開発ヲハカリ東亜共栄圏ノ確立ニ寄與センコトヲ期待ス

六、日満支経済ノ綜合建設計畫ヲ調整促進スル為速カニ日満支三國ハ東亜共栄圏ノ基本的駆幹デアルガ故ニ極メテ緊密ナル結合ノ上ニ経済ノ関係ヲ規制スベキ義務ヲ有スルモノデアル。政府ハカカル観點カラ日満支三國ノ産業分野、労務、金融、貿易、交通ノ基本政策ヲ決定シタ

産業分野

産業分野ノ決定ニ方ッテハ日満支三國ノ立地條件ト夫々ノ経済発展段階ヲ考慮シ真ノ有機的一体トシテ綜合的ニ之ヲ決定スルコトガ肝要デアル

皇國ハ今後高度ノ精密工業、機械工業ノ劃期的振興ヲ圖リ重工業化学工業及鑛業等ノ基礎産業ヲ大イニ発展セシムルコトガ必要デアル

満洲國ニ於テハ鑛業及電気事業ノ劃期的発展ヲ期待スルト共ニ重工業及ビ化学工業ノ発展ニ対シテモ我國ハ必要ナル援助ヲ提供スルモノデアル

支那ニ於テハ今後鑛業及製塩業ヲ発展シ工業原料ノ大量生産ヲ期待スルト共ニ立地的條件カラ見テ重工業及化学工業ノ発展ノ餘地アリ今後ニ期待スルモノデアル

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軽工業ノ大陸ニ於ル発展ハ之ヲ大イニ助長スル必要ヲ認メル又將来皇國ハ軽工業就中纖維工業及雜工業ヲ逐次整理シ之ガ大陸移動ヲ考慮スルノ要ガアル

皇國ノ農業ニ関シテハ土地ニ関スル諸制度ヲ改善シ經營ヲ削減シ農家ノ安定向上ヲ計リ國民主食ヲ確保スルト共ニ農村人口ノ定有ヲ策セント尚水産業ニ関シテハ益々其ノ発展ヲ計リ又森林資源ノ合理的活用ト其ノ保續ヲ圖ラントス 滿洲農業ニ関シテハ日滿支ノ食料飼料ノ補給ノ基地タルニ鑑ミ（亦世界ニ対スル特殊農産物ノ供給源タル鑑ミ）徹底的ナル農産物ノ増産ヲ期待スルモノデアルガ尚農業ノ開発ニ當ツテハ皇國農業開拓民ノ入植ヲ促進スル支那ノ農業ニ就イテハ其ノ國民主食ノ確保ニ努メ棉花及特産物ノ増産ヲ必要ト考ヘル

## 勞務

世界ノ經済ニ對シテ優位ヲ確保スル爲ニハ國民ノ勞務及ビ技術ノ地位ガ劃期的ニ重要性ヲ増シテ來ルノデアルガ爲之皇國ノ勞務技術ノ體制ニ劃期的ナ改訂ヲ加ヘル必要ガアリ、又東亜共榮圏ノ世界經済ニ對スル優位性ヲ維持スル爲ニモ各國及各地域ガ夫々ノ有スル勤勞力ヲ全體ノ向上ノ爲ニ貢獻セシムルコトヲ考ヘナケレバナラナイ

爲之皇國ハ勞務技術ノ新シキ體制ヲ整ヘ、勞務者心身ノ錬成、科學教育ノ徹底勞働生産性ノ高度化、技術者及技能者ノ養成ニ努メ滿支經済建設ニ對シテ所要ノ援助育成ノ目的ヲ達成セントスル。

即チ滿洲及支那ニ對シテハ産業開發又ハ經済復興ニ必要ナル良キ技術者及技能者ヲ提係スルデアラウ。

又兩國ハ勿論技術ノ重要性ニ鑑ミテ自ラモコレガ

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養成ノ爲劃策ガ必要ナノデアル滿洲國ハ北支勞務者ノ計畫的ノ滿並ニ定着ヲ計ルト共ニ國内ヨリノ充足方策ヲ確立シ特ニ鑛工業生産ニ於ケル勞務管理ノ刷新確立ニ努ムベキ要アリト考ヘラル。

金融

國防經濟建設ヲ促進スルタメニハ金融ノ職能モ自ラ國家目的的ニナラナケレバナラヌ。夫レハ國家ノ必要トスル物資ノ質及量ノ確保ヲ可能ナラシメルコトニアルノデアル。日滿支ヲ通ジル産業計畫ノ實施ヲ可能ナラシメル爲ニハ計畫的ニ資金ノ配分ヲ決定シ、且之ヲ實行シ得ル金融機構ヲ有タネバナラヌ。又今後技術ノ進歩産業分野ノ設定等ニ伴ヒ企業施設ノ轉換ニ應ジ又重要物資ノ貯藏ヲナシ得ベキ金融上ノ仕組ヲ整備スルノ要アリト考ヘラル

日滿支ノ資金ハ三國ノ蓄積ニ依ルベキハ勿論デアッテ爲之日滿支三國ハ蓄積ノ增加及ソノ活用ヲ計ラネバナラヌ。

而シテ滿洲支那ニ於ケル重要産業ノ開發ニ所要ノ資金ハ皇國之ヲ援助スルノデアル。

又日滿支三國ノ經濟關係ノ緊密化ニ伴ヒ、國際決濟上ノ三國ノ互助的關係ヲ確立シテ行クベキデアル。

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## 交易

新シキ世界經濟ノ秩序ハ從來ノ如キ商業的貿易主義ニ相當ノ訂正ヲ加ヘル要アル。即チ之ニ代フルニ生産主義的ナル貿易卽チ各國各地域各經濟圈ヨリ自ラノ計畫的生産ニ必要ナル物資ヲ獲得スル爲ニ他ノ必要トスル物資ヲ供給シ且滿支三國ハ勿論共榮圈中ノ各地域ハ相互一體的ノ關係ニ貿易ヲ規制シテ行クコトガ必要ニナルノデアル斯スルトキ日滿支三國及ビ共榮圈內部ニ於ケル物資交流ノ緊密化ヲ助成スル爲相互ノ間ニ特殊ノ支拂協定ガ必要トナウテ來ルノデアル。

## 交通

日滿支三國及共榮圈內ニ於ケル物資交流ノ緊密化ニ伴ヒ之ガ確保スル爲ニ三國ノ交通關係ハ綜合計畫的ニ整備運營セラルルコトヲ必要トシ爲之三國相互間ノ海陸運輸施設ノ連絡ヲ促進シ船舶ノ飛躍的增加航空ノ統制連絡電氣通信施設ノ整備擴充ヲ計ラネバナラヌ。

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# 勤労新體制確立要綱

勤労新體制確立要綱

昭和一五、一二、八、
閣議決定

高度國防國家體制ノ完成、國家生産力ノ増強ハ國民勤労ノ充實發揚ヲ基調トスルモノナルニ鑑ミ全勤労者ヲシテ創意ト能力ヲ最高度ニ發揮セシムルト共ニ勤労ノ育成培養竝ニ適正ナル配置ヲ圖リ以テ勤労動員ノ完遂ヲ期センガ爲勤労新體制ヲ確立セントス。

之ガ爲勤労精神ノ確立竝ニ資本、経営、勤労ノ有機的一體タル企業経営體ニ於ケル勤労組織及其ノ聯合體ノ確立竝ニ行政機構ノ整備ヲ爲スモノトス。

第一 勤労精神ノ確立

勤労ハ皇國民ノ本仕仕勤トシテ其ノ國家性、人格性生活性ヲ一體的ニ高度ニ具現スベキモノトス。

從ツテ勤労ハ皇國ニ對スル皇國民ノ責任タルト共ニ榮譽タルベキコト、各自ノ職分ニ於テ能率ヲ最高度ニ發揮スベキコト、秩序ニ從ヒ服從ヲ重ンジ協同シテ産業ノ全體的効率ヲ發揚スベキコト、全人格ノ發露トシテ創意的自發的タルベキコトヲ基調トシテ勤労精神ヲ確立ス。

第二 單位経営體ニ於ケル勤労組織ノ確立

單位経営體ニ於ケル勤労組織ハ左ノ要領ニ依リ組成スルモノトス

一、企業経営者ヲ以テ指揮者トシ経営體ニ所属スル全勤労者ヲ以テ構成スル特別社團組織タルコト

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二、構成員ガ経営體ニ於テ各其ノ職分ニ基キ協心一體トナリテ生産性ヲ最高度ニ發揚スルコトヲ推進スルト共ニ、勤勞精神ノ確立シ其ノ福祉ヲ増進シ勤勞ノ根基ヲ育成培養スルコトヲ目的トシ之ガ爲必要ナル事業ヲ爲スモノナルコト

三、生産性ノ向上、福祉ノ増進等勤勞ニ關スル一切ノ事項ニ關シ上意下達下意上達ヲ行フ機關並ニ之等ノ事項ニ關シ特別ニ研究及實踐ノ促進ニ當ル機關等必要ナル機關ヲ設クルコト

四、中小経營體ノ場合ノ如キ單位ノ経營體ニ本組織ヲ設クルコト不適當ナル場合ニ於テハ一定地區内又ハ一定地區内同種業ノ態ノ經營者從業員全員ヲ以テ前記ニ準ジ單一ノ勤勞組織體ヲ組織セシムルコト

五、本勤勞組織ハ工業、鑛業、交通業ノミナラズ商業其他」及的全産業ニ亘リ之ヲ組織スルコト

第三、勤勞組織聯合體ノ確立

勤勞組織聯合體ハ左ノ要領ニ依リ組成スルモノトス

一、全國ノ單位勤勞組織體ヲ以テ單一ノ國勤勞組織聯合體ヲ、一定地域内ニ於ケル單位勤勞組織體ヲ以テ地方勤勞組織聯合體ヲ組織スルコト

地方勤勞組織聯合體ハ必要ニ應ジ地區ニ支部組織ヲ設置スルコトヲ得ルコト

海上運輸業ニ付テハ實狀ニ即シ勤勞組織體ヲ組織シ勤勞組織聯合體ニ加入スルコト

二、勤勞組織聯合體ハ公的特別社團組織トシ單位勤勞組織

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體又ハ下部勤労組織聯合體ヲ指導統轄スルモノタルコト

三、國及地方勤労組織聯合體竝ニ地區支部ハ必要ニ應ジ活動組織トシテ産業別部會組織ヲ設クルコト

四、國勤労組織聯合體ニ中央本部ヲ置キ指導者ノ養成、能率增進方策、基本的研究及指導、厚生事業ノ綜合的實施等ノ外政府ノ補助機構トシテ職業轉換、労務需給、調整其他労務統制、事業ヲ行フモノトスルコト

五、地方勤労組織聯合體ハ前號ニ準ジ事業ヲ實施スルノ外紛爭議ノ調停、青少年ノ特別訓練等ヲ行フモノトスルコト

六、産業別部會ハ當該産業部門ノ勤労ニ關スル特殊問題ノ研究、調査、企畫ノ外必要ニ應ジ特別會計ヲ設ケ事業ノ實施ヲ爲シ得ルモノトスルコト

第四、勤労組織聯合體ト他ノ團體トノ關係

一、勤労ニ關スル研究、調査、指導等ヲ目的トスル現存ノ諸團體ハ可及的之ヲ勤労組織聯合體ニ統合スルコト

二、官業ニ於テモ以上ニ準ジ勤労組織體ヲ組織スルモノトシ各勤労組織聯合體ト緊密ナル連絡ノ下ニ一體タル如ク活動スルコト

三、農業ニ關シテハ農業團體ヲ以テ農業勤労組織體ト看做シ勤労組織聯合體トノ關係ハ概ネ左ノ如クスルコト

イ、労務統制ニ付テハ相互連繫シテ綜合計畫ノ下ニ之ヲ實施スルコト

ロ、厚生其ノ他ノ事業ニシテ農業勤労者ヲ包含スルヲ適當ト認ムル事項ニ關シテハ一体トシテ之ヲ實施スルコト

ハ、相互ニ役員ノ交互配置又ハ常設連絡機關ノ設置等ニ付

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通牒ノ措置ヲ講ズルコト

第五、行政機構

勞務行政機構ハ本勤勞新體制ニ即應スル如クノ之ガ改革ヲ圖ルコト

第六、外地ニ於ケル體制

外地ニ於テハ特殊事情ヲ考慮シ差支ナキ限リ本要綱ニ準應セシムルコト

勤勞新體制確立要綱内容

第一、基本方針

國防國家ノ完成ヲ期シ國家生産力ヲ最高度ニ發揮スル爲全勤勞者ヲシテ且經營體ニ於テ其ノ職分ニ基キ協心一體トナリテ其ノ創意ト能力ヲ發揚セシムルト共ニ勤勞ノ地位ノ確立ト其ノ計畫的育成、配置ヲ圖ルベキ勤勞新體制ヲ確立スルヲ要ス

而シテ之ガ爲ニハ(一)國防國家ニ於ケル勤勞精神ノ確立(二)單位經營體ニ於ケル勤勞組織(三)新國民經濟組織ニ照應スル勤勞統制組織ノ確立(四)行政機構ノ整備ヲ要ス

第二、國防國家ニ於ケル勤勞精神ノ確立

國防國家ニ於ケル勤勞ハ國民生活ノ唯物的手段トシテ觀念セラルベキモノニ非ズシテ國民ノ奉仕勤勞トシテ其ノ國家性、人格性、生産性ヲ一體的ニ高度ニ具現スベキモノトス

從ツテ國防國家ニ於ケル勤勞ハ左ノ如キ精神ヲ基調トシテ實踐セラルベシ

一、勤勞ハ皇國ノ對スル皇國民ノ責任タルト共ニ榮譽タルベシ

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二、勤労ハ各自ノ職分ニ於テ其ノ能率ヲ最高度ニ發揮セラルベシ
三、勤労ハ秩序ニ從ヒ協同シテ其ノ全體的效率ヲ發揚セラルベシ
四、勤労ハ全人格ノ發露トシテ創意的自發的タルベシ

第三、勤労新組織ノ確立

一、單位經營體ニ於ケル勤労組織

一、性質

イ、資本ノ優位ニタル企業ニ對シ無質的經營體ノ優位ヲ前提トシ經營體ニ所屬スル全員ヲ以テ構成スル社團組織タルコト

ロ、右組織ハ構成員ガ經營體ニ於テ各々其ノ職分ニ基キ協心一體トナリテ生産性ヲ最高度ニ發揚スルコトヲ推進スルト共ニ其ノ福祉ヲ增進シ勤労ノ報酬ヲ育成培養スルコトヲ目的トスルモノナルコト

ハ、右組織ハ指導者ニ依リ統率セラルル指導者組織タルコト

ニ、右組織ハ公的性質ヲ帶ビタル特別法人タルコト

二、構成

イ、構成員

經營者、技術員、事務職員、一般勞務者等經營體ヲ構成スル全員ヲ以テ本組織ノ構成員トスルコト

ロ、最高指導者

經營者ヲ以テ本組織ノ最高指導者トスルコト

ハ、中核機關

イ、協力會議

A、企業規模ノ大小ニ應ジ段階的ニ協力會議ヲ組織スルコト

B、最高協力會議ノ長ハ最高指導者タルコト

構成員ハ最高指導者ノ指名ニ依ルコト、但シ概ネ半數ハ職

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場ヨリ推薦セラレタル者ノ中ヨリ指名スルコト

C 下部協力會議ノ構成ハ右ニ準ズルコト

D. 最下部協力會議ハ全員ヲ以テ之ヲ構成スルコト

E. 各協力會議ヲ通ジ構成員ノ數ハ十名乃至三十名程度トスルコト

2. 中堅体

A. 中堅体ノ長ハ最高指導者又ハ最高指導者ノ指名シタルモノトスルコト

B. 構成員ハ各職分ヲ通ジ優秀分子ヲ簡拔シテ最高指導者之ヲ指名スルコト

C. 中堅体ニ概ネ左ノ部ヲ置クコト

研究部

訓練部

厚生部

3. 青年体

A. 青年隊ハ十五歳以上二十五歳以下ノ者ヲ以テ組織スルコト

B. 中堅隊訓練部長ヲ以テ青年隊指導者トスルコト。

三. 機能

1. 勤勞組織隊

1. 勤勞報國精神ノ昂揚其ノ他教育訓練ニ関スル事項ヲ實施スルコト

2. 生産性ノ向上ニ関スル事項ヲ研究・企画シ並

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二実践セシムルコト
3、勤労諸條件ノ整備ニ関スル事項ヲ研究、企画及促進スルコト
4、勤労者ノ厚生及文化ニ関スル事項ヲ実施スルコト
5、國策協力ニ関スル事項ヲ実践セシムルコト
6、其ノ他法令ニ依リ命ゼラレタル事項ヲ実施スルコト

ロ、最高指導者
生産性ノ向上並ニ福祉ノ増進ニ関スル凡百ノ事項ニ付全責任ヲ以テ最高ノ指導及決定ヲ為スコト

ハ、協力會議
1、協同体意識ノ集結発揚ヲ基調トシ生産性ノ向上、福祉ノ増進ニ関シ上意ヲ下達シ下意ヲ上達シテ指導者ヲ補佐スルコト
2、會議ハ懇心談協議ニ依ルモノトシ會議ノ長之ヲ統裁スルコト
3、懇談事項ハ勤労報國精神ノ徹底、教育訓練、技能ノ向上、工程管理ノ改善、勤労諸條件ノ整備福利普請、生活刷新等勤労ニ関スル一切ノ事項ニ亘ルモノトスルコト

ニ、中堅体
イ、生産性ノ向上及福祉ノ増進ニ関シ専門的ニ研究、企画並ニ実践ノ促進ヲ為シ以テ指導者ヲ補佐スルト共ニ勤労組織体ノ事務執行ニ

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當ルコト

2、中堅体各部ノ爲スベキ事項概ネ左ノ如シ

A、研究部

技能向上、工程管理、作業環境、不良品防止、給與、勤勞時間等

B、訓練部

勤勞報國精神ノ徹底、紀律訓練、体育養成、青年体、勤勞奉仕等

C、厚生部

保健衛生、福利共濟、生活刷新、銃後活動、人事相談等

ホ、青年隊

1、心身ノ陶冶鍛錬、技能ノ習得、団体紀律等ニ付特別ノ訓練ヲ行フコト

2、職場新体制実現ノ前衛的実践者トシテ活動スルコト

四、單位勤勞組織ノ特例

イ、中小経営体ノ場合ニ於テハ一定地區内(又ハ一定區内)同種業態ノ經營者從業員全員ヲ以テ單一ノ勤勞組織体ヲ組織スルコトヲ得ルコト

ロ、右ノ勤勞組織体ノ構成及機能等ハ概ネ前記ニ準ズルコト。

二、勤勞統制組織

一、性質

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イ、勤労統制団体ハ單位勤労組織体又ハ下部勤労統制団体ノ指導統制団体タルコト

ロ、勤労統制団体ハ單位勤労組織体ヲ横成單位トスル公的法人タルコト

ハ、勤労統制団体ハ指導者ニ依リ統率セラル指導者組織タルコト

二、組織形態

イ、國勤労統制団体ハ單位勤労組織体全体ヲ以テ之ヲ組織スルコト

ロ、地方勤労統制団体ハ一定地域原則トシテ道、府、縣内ノ單位勤労組織体ヲ以テ之ヲ組織スルコト

地方勤労統制団体ハ必要ニ應ジ支部組織シテ地區勤労統制機関ヲ設置スルコトヲ得ルコト

ハ、國及地方勤労統制団体並ニ地區支部ハ必要ニ應ジ活動組織トシテ産業別部會組織ヲ設クルコトヲ得ルコト。

二、海上運輸業ニ付テハ特例トシテ各經營体ニ於ケル單位勤労組織体及ビ單位勤労組織体ヲ組織シ得ザルモノニ付テハ地域勤労組織(若ハ各個人)ヲ以テ組織スルモノトス

三、機関

イ、勤労統制団体ノ構成單位トスル

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1. 國勤勞統制団体
國勤勞統制団体ニ中央本部ヲ置キ団長、理事長、理事、参與、評議員ヲ置キ、理事会、評議員會、事務局及産業別部會ヲ設クルコト
右ノ總裁ヲ推戴シ顧問其ノ他ノ役員ヲ設クルコトヲ得ルコト

1. 団長ハ団務ヲ總理スルモノタルコト
団長ハ國務大臣ノ指名シタルモノトスルコト

2. 理事長ハ中央本部ノ事務ヲ統轄スルコト
理事長ハ政治中核体會員中ヨリ団長ノ指名シタルモノトスルコト

3. 理事ハ中央本部ノ業務執行ニ當ルモノタルコト
理事ハ勤勞組織体幹部、関係官吏又ハ學識經驗者中ヨリ団長ノ指名シタルモノトスルコト

4. 参與ハ団務ニ参與スルモノタルコト
参與ハ関係官吏又ハ學識經驗者中ヨリ団長ノ委屬シタル者トスルコト

5. 評議員會ノ構成員タルコト
評議員ハ勤勞統制団体又ハ單位勤勞組織体ノ幹部中ヨリ団長ノ指名シタルモノトスルコト

6. 理事会ハ団長(議長)、理事長及理事ヲ以テ組織シ重要事項ヲ審議スルコト

7. 評議員會ハ団長(議長)及評議員ヲ以テ組織シ豫算、決算、事業計画其ノ他重要ナ

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ル事項ヲ審議スルコト

8. 事務局ハ左ノ各部ニ分チ理事長之ヲ統轄スルモノトシ各部長ハ理事中ヨリ団長之ヲ指名スルコト

總務部
組織部
勞務統制部
研究部
訓練部
厚生部
青年部

右ノ外研究調査機関ヲ設置シ理事長之ヲ統轄スルコト

9. 産業別部會ハ海運、商業、鑛業、金属工業、機械工業其ノ他必要ニ應ジ之ヲ設置スルコト産業別部會ハ理事長之ヲ統轄シ夫々各産業ニ於ケル重要事項ヲ審議スルモノクルコト

各産業別部会ノ委員ハ夫々各産業ニ於ケル勤勞組織体ノ指導者及ハ之ニ関係アル官公吏、學識經驗者中ヨリ団長之ヲ指名スルコト

10. 地方勤勞統制団体

地方勤勞統制団体ニ會長、参與、理事長、理事、評議員ヲ置キ理事會、評議員會、事務局及産業別部会ヲ設クルコト

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右ノ他必要ナル役員ヲ設クルコトヲ得ルコト
ハ會長ハ地方勤労統制団体ノ団務ヲ總理スルモノトスルコト
會長ハ地方長官(又ハ之ニ準ズル者)又ハ地方長官ノ推薦ニ依リ団長ノ指名シタルモノトスルコト
2、参與ハ団務ニ参與スルモノタルコト
参與ハ関係官公吏又ハ學識經驗者中ヨリ會長ノ委嘱シタルモノトスルコト
3、理事長及理事ハ業務執行ニ當ルモノタルコト
理事長及理事ハ單位勤労組織体幹部、関係官公吏又ハ學識經驗者中ヨリ會長ノ指名シタルモノトスルコト
4、評議員ハ評議會ノ構成員タルコト
評議員ハ單位勤労組織体ノ幹部中ヨリ会長ノ指名シタルモノトスルコト
5、理事会ハ會長(議長)理事長及理事ヲ以テ組織シ重要事務ヲ審議スルコト
6、評議員會ハ會長(議長)及評議員ヲ以テ組織シ豫算、決算、事業計画其ノ他重要ナル事項ヲ審議スルコト
7、事務局ハ左ノ各部ニ分チ理事長之ヲ統轄スルモノトシ各部長ハ理事中ヨリ會長之ヲ指名スルコト

總務部
組織部
労務統制部
研究部

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訓練部
厚生部
青年部

8、産業別部會ハ必要ニ應ジ之ヲ設置スルコト
産業別部会ハ会長之ヲ統轄シ夫々各産業ニ
於ケル重要事項ヲ審議スルモノトスルコト
各産業別部会ノ委員ハ夫々各産業ニ於ケル
單位勤勞組織体ノ幹部又ハ関係官ハ更學
識經驗者中ヨリ会長之ヲ指名スルコト
八、地区支部ノ機関ハ概ネ地方勤勞統制団体ニ
準ズルコト

四、機能及事業
イ、中央本部
主要ナル事項左ノ如シ
1、下部勤勞統制団体及單位勤勞組織ノ
統轄、指導
2、勤勞報國精神徹底ノ指導並ニ指導者ノ
養成
3、技能向上、工程管理、勞務管理ノ基本的
研究及指導、技能者ノ養成
4、厚生事業ノ計画、指導並ニ綜合的実施
5、組織活動職業再編成並ニ轉失業對策ノ
計画、指導、応入施
6、政府ノ代行機関トシテノ勞務統制（需給統
制給與賃金ノ規制等）
7、政府ニ對スル答申建議及資料提出

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8、政府、政治中核体、經済、文化中央本部
等トノ連絡
口、地方勤勞統制団体
主要ナル事項ハ左記ニ掲グルモノノ外概ネ中央
本部ニ準ズルモ特ニ施設ノ設置並ニ事業ノ実
施ニ重点ヲ置クコト
1、紛争議ノ調停

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2、青少年ノ特別訓練

八、地區支部

主要ナル事項ハ概ネ地方勤労統制團体ニ準ズルモ特ニ其ノ地區ノ實情ニ應ジ技能研究會、榮養食配給、寄宿舍、厚生會館、人事相談所等ノ共同事業ヲ行フコト

二、産業別部會

主要ナル事項左ノ如シ

1、當該産業別部會ノ系統的連絡

2、當該産業部門ニ関スル事項ニ付テノ答申、建議及資料提出

3、當該産業部門ノ特殊問題ニ関スル研究調査企畫

産業別部會ハ必要ニ應ジ特別會計ヲ設ケ事業ノ實施ヲ為シ得ルモノトスルコト

五、勤労ニ関スル諸團体ノ統合

勤労ニ関スル現存ノ諸團体ハ概ネ之ヲ國又ハ地方勤労統制團体ニ統合スルコト

六、農業勤労者トノ関係

農業ニ於ケル勤労組織ハ特ニ之ヲ設ケズ農業團体ヲ以テ農業勤労組織体ト看做シ農業團体ニ勤労部會ヲ設クルモノトスルコト兩團体ノ関係ハ概ネ左ノ如クスルコト

1、労務統制ニ付テハ綜合計畫ノ下ニ連繋

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シテ之ヲ實施スルコト

2、厚生其ノ他ノ事業ニシテノ農業勤労者ヲ包含スルヲ適當ト認ムル事項ニ関シテハ一体トシテ之ヲ實施スルコト

3、相互ニ役員ノ交互配置（連絡機関ノ設置等ニ付キ適当ノ措置ヲ講ズルコト）又ハ常設

七、官業勤労組織体トノ関係

官業ニ於テモ各單位経営体ニ於テ前記セル所ニ準ジ勤労組織体ヲ組織スルモノトシ、各勤労統制團体ト緊密ニ連絡シ一体タル如ク活動スルモノトスルコト

之ガ為、勤労統制團体ノ役員ニ関係官ヲ加入セシムルコトトシ、其ノ他ニ付テハ農業團体トノ関係」1、及2ノニ準ズルモノトスルコト

八、新経済組織トノ関係

新経済組織ト勤労統制團体トハ緊密ニ連絡スル為常設連絡機関ヲ設置スルモノトシ必要ニ應ジ役員ノ交互配置ヲ為スコト

## 第四　行政機構

一、勤務行政機構ハ本勤労新体制ニ即應スル如ク之ガ改革ヲ為スコト

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三、労務官制度ヲ創設スルコト
イ行政官廳ノ許可ノ處分等ノ監督權ノ一部ヲ
直時敏速ニ事ヲ行セシムルコト
ロ、紛爭議解決ノ決定權ヲ賦與スルコト
此ノ場合諮問機関ヲ設置スルコト
ハ單位勤労組織体ノ役員ノ指名ニ関シ関與ヲ得ル事
三勤労統制団体ノ役職員中ヨリ補佐官ヲ仕命シテ
労務官ノ補佐機関トシテ指導監督ニ当ラシムルコト

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# 勤労新体制確立要綱

昭和一五、二、八
新聞発表

高度國防國家体制ノ完成、國家生産力ノ増強ハ國民勤労ノ充実発揚ヲ基調トスルモノナルニ鑑ミ全勤労者ヲシテ創意ト能力ヲ最高度ニ発揮セシムルト共ニ勤労ノ育成培養並ニ適正ナル配置ヲ図リ以テ勤労動員ノ完遂ヲ期センガ為勤労新体制ヲ確立セントス之ガ為勤労精神ノ確立並ニ資本、経営、労務ノ有機的一体タル企業経営体ニ於ケル勤労組織及其ノ聯合体ノ確立並ニ行政機構ノ整備ヲ為スモノトス

第一、勤労精神ノ確立

勤労ハ皇國民ノ奉仕活動トシテ其ノ國家性、人格性、生産性ヲ一体的ニ高度ニ具現スベキモノトス

従ツテ勤労ハ皇國ニ對スル皇國民ノ責任タルト共ニ栄誉タルベキコト、各自ノ職分ニ於テ其ノ能率ヲ最高度ニ発揮スベキコト、秩序従ヒ服従ヲ重ジ協同シテ産業ノ全體的效率ヲ発揚スベキコト、全人格ノ發露トシテ創意的自発的タルベキコトヲ基調トシテ勤労精神ヲ確立ス

第二、單位經營體ニ於ケル勤労組織ノ確立

單位経營體ニ於ケル勤労組織ハ左ノ要領ニ依リ組成スルモノトス

一、企業経營者ヲ以テ指揮者トシテ経營體ニ所屬スル全勤労者ヲ以テ構成スル特別社團組織タルコト

二、構成員ガ経營體ニ於テ各其ノ職分ニ基キ協心一體トナリテ生産性ヲ最高度ニ発揚スルコトヲ推進スルト共ニ、勤労精神ヲ確立シ其ノ福祉ヲ増進シ勤労ノ根基ヲ育成培養スルコトヲ目的トシ之ガ為必要ナル事業ヲ為スモノナルコト

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三、生産性ノ向上、福祉ノ増進等勤労ニ関スル一切ノ事項ニ関シ工意ヲ下達上意上達ヲ行フ機関並ニ之等ノ事項ニ関シ特別ニ研究及実踐ノ促進ニ當ル機関等ヲ設クルコト

四、中小経営體ノ場合ノ如キ單位ノ経営體ニ本組織ヲ設クルコト不適當ナル場合ニ於テハ一定地區内又ハ一定地區内同種業態ノ経営者従業員全員ヲ以テ前記ニ準ズル單一ノ勤労組織體ヲ組織セシムルコト

五、本勤労組織ハ工業、鑛業、交通業ノミナラズ商業其ノ他可及的全産業ニ亙リ之ヲ組織スルコト

第三、勤労組織聯合体ノ確立

勤労組織聯合體ハ左ノ要領ニ依リ組成スルモノトス

一、全國ノ單位勤労組織體ヲ以テ單一ノ國勤労組織聯合體ヲ、一定地域内ニ於ケル單位勤労組織體ヲ以テ地方勤労組織聯合體ヲ組織スルコト

地方勤労組織聯合體ハ必要ニ應ジ地區ニ支部組織ヲ設置スルコトヲ得

海上運輸業ニ付テハ実状ニ即シ勤労組織體ヲ以テ國勤労組織聯合體ニ加入スルコト

二、勤労組織聯合體ハ公的特別社團組織トシ單位勤労組織體又ハ下部勤労組織聯合體ヲ指導統轄スルモノタルコト

三、國及地方勤労組織聯合體ハ政治運動組織トシテ産業別部會組織ヲ設クルコト

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四、國勤勞組織聯合體ニ中央本部ヲ置キ指導ヲ行フモノトスルコト

養成、能率增進方策ノ基本的研究及指導、厚生等ノ外政府ノ補助機構トシテ職業轉換、勞務需給ノ調整其ノ他勞務統制ノ事業ヲ行フモノトスルコト

五、地方勤勞組織聯合體ハ前號ニ準ジ事業ヲ實施スルノ外紛爭議ノ調停、青少年ノ特別訓練等ヲ行フモノトスルコト

六、產業別部會ハ當該產業部門ノ勤勞ニ關スル特殊問題ノ研究、調査、企劃ノ外必要ニ應ジ特別會計ヲ設ケ事業ノ實施ヲ爲シ得ルモノトスルコト

第四、勤勞組織聯合體ト他ノ團體トノ關係

一、勤勞ニ關スル研究、調査、指導等ヲ目的トスル現存ノ諸團體ハ可及的之ヲ勤勞組織聯合體ニ統合スルコト

二、官業ニ於テモ以上ニ準ジ勤勞組織體ヲ組織スルモノトシ各勤勞組織聯合體ト緊密ナル連絡ノ下ニ一體タル如ク活動スルコト

三、農業ニ關シテハ農業團體ヲシテ農業勤勞組織體ト看做シ勤勞組織聯合體トノ關係ハ概ネ左ノ如クスルコト

イ、勞務統制ニ付テハ相互連繫シテ綜合計畫ノ下ニ之ヲ實施スルコト

ロ、厚生其ノ他ノ事業ニシテ農業勤勞者ヲ包含スルヲ適當ト認ムル事項ニ關シテハ一體トシテ之ヲ實施スルコト

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八、相互ニ役員ノ交互配置又ハ常設連絡機関ノ設置等ニ付適当ノ措置ヲ講ズルコト

第五、行政機構

労務行政機構ハ本勤労新体制ニ即応スル如ク之ガ改革ヲ図ルコト

第六、外地ニ於ケル体制

外地ニ於テハ特殊事情ヲ考慮シ差支ナキ限リ本要綱ニ順応セシムルコト

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# 經濟新体制確立要綱

## 經濟新體制確立要綱

昭和一五、一二、七
閣議決定

### 第一、基本方針

日滿支ヲ一環トシ大東亜ヲ包容シテ自給自足ノ共榮圏ヲ確立シ其ノ圏内ニ於ケル資源ニ基キテ國防經濟ノ自主性ヲ確保シ官民協力ノ下ニ重要産業ヲ中心トシテ綜合的計畫經濟ヲ遂行シ以テ時局ノ緊急ニ對處シ國防國家體制ノ完成ニ資シ依ツテ軍備ノ充實國民生活ノ安定國民經濟ノ恒久的繁榮ヲ圖ラントス

而シテ之ガ爲ニハ(一)企業體制ヲ確立シ資本、經營勞務ノ有機的一体タル企業ヲシテ國家綜合計畫ノ下ニ國民經濟ノ構成部分トシテ企業擔當者ノ創意ト責任トニ於テ自主的經營ニ任ゼシメ其ノ最高能率ノ發揮ニ依ツテ生産力ヲ增强セシメ(二)公益優先ノ職分奉公ノ趣旨ニ從ツテ國民經濟ヲ指導スルト共ニ經濟團體ノ編成ニ依リ國民經濟ヲシテ有機的一體トシテ國家總力ヲ發揮シ高度國防ノ國家目的ヲ達成セシムルヲ要ス

本要綱ノ實施ニ當リテハ現下ノ時局ニ鑑ミ其ノ緊急ナルモノニ重點ヲ置キ必要ニ應ジ逐次之ヲ實施スルモノトシ生産力ノ低下ノ配給ノ不

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圓滑ヲ生ズルコトナク民心ノ不安ヲ來スコトナキヲ期ス尚本體制ノ整備ニ即應シテ關係行政機構及其ノ事務ノ再編成ヲ行フ

第二　企業體制

企業體制ヲ確立シ各箇ノ企業ヲシテ國家目的ニ從ヒ其ノ創意ト責任トニ於テ之ヲ經營セシメ生産ノ確保增强ヲ期ス

一、企業ハ民營ヲ本位トシ國營及國策會社ニ依ル經營ノ特別ノ必要アル場合ニ限ル

二、企業ハ其ノ性質ニ依リ一定ノ基準ニ從ヒ必要ニ應ジ制限ヲ加フ

三、企業ハ其ノ性質ニ依リ一定ノ基準ニ從ヒ生産計畫並ニ技術的見地ヨリ見テ之ヲ分離結合セシムルコトアリ

四、中小企業ハ之ヲ維持育成ス但シ其ノ維持困難ナル場合ニ於テハ轉廢ヲ助成ス

五、企業ハ國家的生産增强ニ寄與セシメ又其ノ恒久的發展ヲ遂ゲシムル爲適當ナル指導統制ヲ加フ

イ、主要物資ノ價格ヲ公定スルニ當リテハ中庸生産費ヲ基礎トシ適正利潤ヲ計上ス

ロ、國民經濟ノ秩序保持ニ障害アル投機的

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利潤乃獨占的利潤ノ發生ヲ防止スルト共ニ適正ナル企業利潤ヲ認メ特ニ國家生産ノ増強ニ寄與シタル者ニ對シテハ其ノ利潤ノ増加ヲ認ムルモ其ノ超過部分ハ公債、其ノ他ヲ以テ留保シ一定條件ニ從ヒ一定期間後ニ於テ處分スルノ途ヲ拓ク

二、發明發見ニ依リ國家生産ノ増強ニ寄與シタル者ニ對シテハ特別ナル報奬其ノ途ヲ講ズ

ホ、技術ハニヲ公開スルノ途ヲ拓キ其ノ優秀ナルモノニ對シテハ適當ノ報奬ヲ與ヘ以テ其ノ進歩ヲ促進ス

ヘ、企業ノ設備更新ヲ容易ナラシメ其ノ他企業ノ基礎ヲ強固ナラシムル爲償却ヲ強化スト共ニ重點的ニ其ノ擴充發展ヲ助成ス

ト、農業水産業經營ノ企業體制ニ付テハ別途之ヲ考慮ス

第三　經濟團體

一、經濟團體組織

イ、重要産業部門ニ付テハ企業及組合ヲ單位トシ同一業種ニ屬スル業者又ハ同一物資

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二関スル業者ノ網羅ス
済団体ヲ組織ス
其ノ基本綱領左ノ如シ
(1) 経済団体ハ之ヲ特殊法人トス
(2) 経済団体ハ業種ノ如何ヲ問ハス其ノ他ノ産業ノ前項ニ準ジ
イ、一ノスル理事者指導ノ下ニ之ヲ運営ス
ロ、業種別又ハ地域別ヲ統轄団体ニ組織ス
ハ、外地ノ企業ハ外地各地域ニ於テ前各項ニ準ジ夫々経済団体ヲ組織ス但シ内地トノ一元的統制ニ付適当ナル措置ヲ講ズ
二、経済団体ヲ組織スルニ付、特ニ留意スベキ事項左ノ如シ
(1) 経済団体ノ編成ニ当リテハ重要ナルモノヨリ逐次ニ順序ニ依リ之ヲ組織ス
(2) 軍事上特ニ必要アル企業ニ付テハ別途之ヲ考慮ス
(3) 全産業ヲ統轄スル最高経済団体ハ必要アリト認メタルトキニ於テ之ヲ設置ス
二、経済団体ノ職能左ノ如シ
イ、重要産業経済団体ノ職能
(1) 政府ノ協力機関トシテ重要政策ノ立案ニ対シ政府ニ協力スルト共ニ要施計画

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ロ、其ノ他ノ團体ノ職能モ概ネ右ニ準ズ

三、政府ノ監督及大政翼賛會トノ關係

イ、政府ハ經濟團体ヲ指導監督ス

經濟團体ノ整備ニ伴ヒ其ノ運營ハ之ヲ本來得ル限リ自主的ナラシメ指導監督ハ大綱ニ止ム

ロ、政府ノ經濟團体ノ組成發達ヲ圖ルガ爲大政翼賛會ヲシテ協力ス

四、農林水産業ニ関スル經濟團体組織ニ付テハ別途之ヲ考慮ス

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ノ主要ナル及其ノ計画實行ノ責ニ任ジ且必要ア
ル場合ニ於テハ政府ニ意見ヲ具申ス
(2) 前項ノ計画實行ニ付下部経済團体及
所属企業ノ指導ニ任ズ
(3) 必要ニ應ジ生産、配給等経営ノ實績、
調査ヲ爲スト共ニ生産ニ於ケル品質規格ノ検
査ノ衝ニ當リ下部経済團体ヲ監督ス
(4) 共同計算其ノ他ノ方法ニ依リ機性事業
等ニ對シ共助ノ實ヲ擧ゲ産業ノ發展ニ
資ス

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# 人口政策確立要綱

昭和一六、一、二二
閣議決定

## 人口政策確立要綱

### 第一、趣旨

東亜共榮圏ヲ建設シテ其ノ悠久ニシテ健全ナル發展ヲ圖ルハ皇國ノ使命ナリ、之ガ達成ノ爲ニハ人口政策ヲ確立シテ我國人口ノ急激ニシテ且ツ永續的ナル發展増殖ト其ノ資質ノ飛躍的ナル向上トヲ圖ルト共ニ東亜ニ於ケル指導力ヲ確保スル爲其ノ配置ヲ適正ニスルコト特ニ喫緊ノ要務ナリ

### 第二、目標

右ノ趣旨ニ基キ我國ノ人口政策ハ内地人人口ニ就キテハ左ノ目標ヲ達成スルコトヲ旨トシ差當リ昭和三十五年總人口一億ヲ目標トス、外地人人口ニ就キテハ別途之ヲ定ム、

一、人口ノ永遠ノ發展性ヲ確保スルコト

二、増殖力及資質ニ於テ他國ヲ凌駕スルモノトスルコト

三、高度國防國家ニ於ケル兵力及勞力ノ必要ヲ確保スルコト

四、東亜諸民族ニ對スル指導力ヲ確保スル爲其ノ適正ナル配置ヲナスコト

### 第三、右ノ目的ヲ達成スル爲採ルベキ方策ハ左ノ精神ヲ確立スルコトヲ旨トシ之ヲ基本トシテ計畫ス、

一、永遠ニ發展スベキ民族タルコトヲ自覺スルコト

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ヲ強化徹底シテ健全ナル母性ノ育成ニ努ムルコトヲ旨トスルコト、

(ヘ) 女子ノ被傭者トシテノ就業ニ就キテハ二十歳ヲ超ユル者ノ就業ヲ可成抑制スル方針ヲ採ルト共ニ婚姻ヲ阻害スルガ如キ雇傭及就業條件ヲ緩和又ハ改善セシムル如ク措置スルコト

(ト) 扶養家族多キ者ノ負擔ヲ軽減スルト共ニ獨身者ノ負擔ヲ加重スル等租税政策ニ就キ人口政策トノ関係ヲ考慮スルコト

(チ) 家族ノ医療費、教育費其ノ他ノ扶養費ノ負擔軽減ヲ目的トスル家族手當制度ヲ確立スルコト

之ガ為家族負擔調整金庫制度(假稱)ノ創設等ヲ考慮スルコト、

(リ) 多子家族ニ対シ物資ノ優先配給、表彰、其ノ他各種ノ適切ナル優遇ノ方法ヲ講ズルコト

(ヌ) 姙産婦乳幼兒等ノ保護ニ関スル制度ヲ樹立シ産院及乳兒院ノ拡充、出産用衛生資材ノ配給確保、其ノ他之ニ必要ナル諸方策ヲ講スルコト

(ル) 避姙、墮胎等ノ人為的産兒制限ヲ禁止防遏スルト共ニ、花柳病ノ絶滅ヲ期スルコト

二、死亡減少ノ方策

死亡減少ノ方策ハ當面ノ目標ヲ乳幼兒死亡率ノ改善ト結核ノ豫防トニ置キ一般死亡率ヲ現在ニ比シ二十年目ニ概ネ三割三分低下スルコトヲ目標トシテ計畫ス此ノ目的達成ノ為採ルベキ方策概ネ次ノ如シ

(イ) 保健所ヲ中心トスル保健指導網ヲ確立スルコト

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二、個人ヲ基礎トスル世界觀ヲ排シテ家ト民族トヲ基礎トスル世界觀ノ確立徹底ヲ圖ルコト、

三、東亞共榮圏ノ確立、發展ノ指導者タルノ矜恃ト責務トヲ自覺スルコト

四、皇國ノ使命達成ハ内地人口量的及質的ノ飛躍的發展ヲ基本條件トスルノ認識ヲ徹底スルコト

第四 人口増加ノ方策

人口ノ増加ハ永遠ノ發展ヲ確保スル爲出生ノ増加ヲ基調トスルモノトシ併セテ死亡ノ減少ヲ圖ルモノトス、

一、出生増加ノ方策

出生ノ増加ハ今後ノ十年間ニ婚姻年齢ヲ現在ニ比シ概ネ三年早ムルト共ニ一夫婦ノ出生數平均五兒ニ達スルコトヲ目標トシテ計畫ス

之ガ爲採ルベキ方策概ネ左ノ如シ

(イ) 人口増殖ノ基本的前提トシテ不健全ナル思想ノ排除ニ努ムルト共ニ健全ナル家族制度ノ維持強化ヲ圖ルコト

(ロ) 團体又ハ公營ノ機関等ヲシテ積極的ニ結婚ノ紹介、斡旋、指導ヲナサシムルコト

(ハ) 結婚費用ノ徹底的軽減ヲ圖ルト共ニ、婚資、貸付制度ヲ創設スルコト

(ニ) 現行學校制度ノ改革ニ就キテハ特ニ人口政策トノ関係ヲ考慮スルコト

(ホ) 高等女學校及女子青年學校等ニ於テハ母性ノ國家的使命ヲ認識セシメ保育及保健ノ知識、技術ニ関スル教育

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ヲ強化徹底シテ健全ナル母性ノ育成ニ努ムルコトヲ旨トスルコト

(ハ) 女子ノ被傭者ニシテノ就業ニ対シテハ二十歳ヲ超エタル者ノ就業ヲ可成抑制スル方針ヲ採ルト共ニ婚姻ヲ阻害スルガ如キ雇傭及就業條件ヲ緩和又ハ改善セシムル如ク措置スルコト

(ニ) 扶養家族多キ者ノ負擔ヲ軽減スルト共ニ獨身者ノ負擔ヲ加重スル等租税政策ニ就キ人口政策トノ関係ヲ考慮スルコト

(ホ) 家族ノ医療、教育賞其ノ他ノ扶養賞ノ負擔軽減ヲ目的トスル家族手當制度ヲ確立スルコト

(ヘ) 多子家族ニ対シ物資ノ優先配給、表彰、其ノ他各種ノ適切ナル優遇ノ方法ヲ講ズルコト

(ト) 妊産婦乳幼児等ノ保護ニ関スル制度ヲ樹立シ産院及乳児院ノ拡充、出産用衛生資材ノ配給確保、其ノ他之ニ必要ナル諸方策ヲ講スルコト

(チ) 避妊、堕胎等人為的産児制限ヲ禁止防遏スルト共ニ、花柳病ノ絶滅ヲ期スルコト

二、死亡減少ノ方策

死亡減少ノ方策ハ當面ノ目標ヲ乳幼児死亡率ノ改善ト結核ノ防遏トニ置キ一般死亡率ヲ現在ニ比シ二十年後ニ概ネ三割五分以下スルコトヲ目標トシテ計畫スル此ノ目的達成ノ爲採ルベキ方策概ネ次ノ如シ

(イ) 保健所ヲ中心トスル保健指導等網ヲ確立スルコト

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(ロ) 乳幼児死亡率低下ノ中心目標ヲ下痢腸炎、肺炎及先天性弱質ニ依ル死亡ノ減少ニ置キ、之ガ為都市農村ヲ通ジ母性及乳幼児ノ保護指導ヲ目的トスル保健婦ヲ置クト共ニ保育所ノ設置、農村隣保施設ノ拡充、乳幼児必需品ノ確保、育児知識ノ普及ヲ図リ、併セテ乳幼児死亡低下ノ運動ヲ行フコト

(ハ) 結核ノ早期発見ニ努メ産業衛生並ニ学校衛生ノ改善、豫防並ニ早期治療ニ関スル指導保護ノ強化、療養施設ノ拡充等ヲナスト共ニ各廳連絡調整ノ機構ヲ整備シテ結核対策ノ確立徹底ヲ期スルコト

(ニ) 健康保険制度ヲ拡充強化シテ之ヲ全國民ニ及ボスト共ニ医療給付ノ外豫防ニ必要ナル諸般ノ給付ヲナサシムルコト

(ホ) 環境衛生施設ノ改善、特ニ庶民住宅ノ改善ヲ圖ルコト

(ヘ) 過労ノ防止ヲ圖ル為國民生活ヲ刷新シテ充分ナル休養ヲ採リ得ル如クスルコト

(ト) 國民栄養ノ改善ヲ圖ル為栄養知識ノ普及徹底ヲ圖ルト共ニ栄養食ノ普及、團体給食ノ拡充ヲナスコト

(チ) 医育機関並ニ医療及豫防施設ノ拡充ヲナスト共ニ医育ヲ刷新シ豫防医学ノ研究及普及ヲ圖ルコト

第五 資質増強ノ方策

資質増強ハ國防及勤労ニ必要ナル精神的及肉体的ノ素質ノ増強ヲ目標トシテ計畫ス

(イ) 國土計畫ノ遂行ニヨリ人口ノ構成及分布ノ合理化ヲ圖ルコト、特ニ大都市ヲ疎開シ人口ノ分散ヲ圖ルコト

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之ガ為工場、學校等ハ極力之ヲ地方ニ分散セシムル如ク措置スルモノトス

(ロ) 農村ガ最モ優秀ナル兵力ノ供給源タル現状ニ鑑ミ、内地農業人口ノ一定数ノ維持ヲ圖ルト共ニ日満支ヲ通ジ内地人人口ノ四割ハ之ヲ農業ニ確保スル如ク措置スルコト

(ハ) 學校ニ於ケル青少年精神的及肉体的錬成ヲ圖ルコトヲ目的トシテ、教科ノ刷新ヲ行ヒ訓練ヲ強化シ、教育及訓練方法ヲ改革スルト共ニ体育施設ノ拡充ヲナスコト

(ニ) 都市人口激増ノ現状ニ鑑ミ特ニ都市ニ於ケル青少年ノ心身ノ錬成ヲ強化シテ之ヲシテ優秀ナル兵力及勞力ノ供給源タラシムルコト

(ホ) 青年男子ノ心身鍛錬ノ為一定期間義務的ニ特別ノ團体訓練ヲ受ケシムル制度ヲ創設スルコト

(ヘ) 各種厚生体育施設ヲ大量ニ増加スルト共ニ健全管素ナル國民生活様式ヲ確立スルコト

(ト) 優生思想ノ普及ヲ図リ、國民優生法ノ強化徹底ヲ期スルコト

第六、指導力確保ノ方策

指導力確保ノ方策ハ東亜共榮圏内ノ各地域ニ於ケル政治、経済、文化等ノ各社會ノ指導ニ必要ナル内地人人口ノ配置ヲ目標トシテ計畫ス

之ガ為採ルベキ方策概ネ次ノ如シ

(イ) 日満不可分関係強化ノ趣旨ニ則リ人口ノ一定割合ニ相当スル内地人人口ヲ其ノ地域ニ移住セシムルコト

之ガ為一層大規模ノ綜合的移民計畫ヲ樹立スルト共ニ、

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日満ヲ通ジテ之ガ遂行ニ必要ナル措置ヲ講ズルモノトス

(ロ) 其ノ他東亜共榮圏ニ対シテモ世界ノ指導ニ必要ナル内地人口ノ配置ヲナス為之ニ必要ナル移民計畫ヲ樹立スルコト

第七、資料ノ整備

一、人口ノ動態及靜態ニ関スル統計ヲ整備改善スルコト

二、國民体力法ノ適用範圍ヲ拡張シ其内容ヲ充実スルト共ニ其ノ体力及保健ニ関スル資料ヲ整備充実スルコト

第八、機構ノ整備

一、人口問題ニ関スル統計、調査、研究、機構ヲ整備充実スルコト

二、人口政策ノ企畫、促進及実施ノ機構ヲ整備充実スルコト

人口政策確立要綱　昭和二六、一、二二　新聞発表

第一、趣旨

東亜共榮圏ヲ建設シテ其ノ悠久ニシテ健全ナル発展ヲ図ルハ皇國ノ使命ナリ、之ガ達成ノ為ニハ人口政策ヲ確立シテ我國人口ノ急激ニシテ且ツ永續的ナル発展増殖ト共ニ資質ノ飛躍的ナル向上トヲ図ルト共ニ東亜ニ於ケル指導力ヲ確保スル為其ノ配置ヲ適正ニスルコト特ニ帥大ノ要務ナリ

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第二、目標

右ノ趣旨ニ基キ我國ノ人口政策ハ内地人人口ニ就キテハ左ノ目標ヲ達

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成スルコヲ旨トシ差当リ昭和三十五年頃人口一億ヲ目標トス、外地人人口ニ就テハ別ニ定ムル

一、人口ノ永遠ノ発展性ヲ確保スルコト

二、増強力及資質ニ於テ他國ヲ凌駕スルモノトスルコト

三、高度國防國家ニ於ケル兵力及労力ノ必要ヲ確保スル爲其ノ適正ナル配置ヲ

四、東亜諸民族ニ対スル指導力ヲ確保スル爲其ノ適正ナル配置ヲ

ナスコト

第二、右ノ目的ヲ達成スル爲採ルベキ方策ハ左ノ精神ヲ確立スルコト

ヲ旨トシ之ヲ基本トシテ計畫スルコト

一、永遠ニ発展スベキ民族タルコトヲ自覺スルコト

二、個人ヲ基礎トスル世界觀ヲ排シテ家ト民族トヲ基礎トスル世界觀ヲ確立、徹底ヲ図ルコト。

三、東亜共榮圏ノ確立、発展ノ指導者タルノ矜持ト義務トヲ自覺スルコト。

四、皇國ノ使命達成ハ内地人人口ノ量的及質的ノ飛躍的発展ヲ基本條件トスルノ認識ヲ徹底スルコト。

第四、人口増加ノ方策。

人口ノ増加ハ永遠ノ発展ヲ確保スル爲出生ノ増加ヲ基調トスルモノトシ、併シテ死亡ノ減少ヲ図ルモノトス。

一、出生ノ増加ノ方策

出生ノ増加ハ今後十年間ニ婚姻年齢ヲ現在ニ比シ概ネ三年早メルト共ニ一夫婦ノ出生数平均五児ニ達スルコトヲ目標トシテ計畫スル爲採ルベキ方策概ネ左ノ如シ。

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(イ) 人口増殖ノ基本的前提トシテ不健全ナル思想ノ排除ニ努ムルト共ニ健全ナル家族制度ノ維持強化ヲ図ルコト。

(ロ) 團体又ハ公營ノ機関等ヲシテ積極的ニ結婚ノ紹介、斡旋、指導ヲナサシムルコト

(ハ) 結婚費用ノ徹底的軽減ヲ図ルト共ニ婚資貸付制度ヲ創設スルコト。

(ニ) 現行学校制度ノ改革ニ就キテハ特ニ人口政策ト関係ヲ考慮スルコト。

(ホ) 高等女学校及女子青年学校等ニ於テハ母性ノ國家的使命ヲ認識セシメ保育及保健ノ知識、技術ニ関スル教育ヲ強化徹底シテ健全ナル母性ノ育成ニ努ムルコトヲ旨トスルコト。

(ヘ) 女子ノ被傭者トシテノ就業ニ就キテハ二十才ヲ超ユル者ノ就業ヲ可成抑制スル方針ヲ採ルト共ニ婚姻ヲ阻害スルガ如キ雇傭及就業條件ヲ緩和又ハ改善セシムル如ク措置スルコト。

(ト) 扶養家族多キ者ノ負擔ヲ軽減スルト共ニ独身者ノ負擔ヲ加重スル等租税政策ニ就キ人口政策ト関係ヲ考慮スルコト

(チ) 家族ノ医療費、教育費其ノ他ノ扶養費ノ負擔軽減ヲ目的トスル家族手当制度ヲ確立スルコト。之ガ為家族負擔調整金庫制度(假稱)ノ創設等ヲ考慮スルコト。

(リ) 多子家族ニ対シ物資ノ優先配給、表彰、其ノ他各種ノ

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適切ナル優遇ノ方法ヲ講ズルコト

(ヌ) 妊産婦、乳幼児等ノ保護ニ関スル制度ヲ樹立シ産院及乳児院ノ擴充、出産用衛生資材配給確保、其他之ニ必要ナル諸ノ策ヲ講ズルコト。

(ル) 遊女、墮胎等ノ人為的産児制限ヲ禁止防遏スルト共ニ花柳病ノ絶滅ヲ期スルコト

二、死亡減少ノ方策

死亡減少ノ方策ハ當面ノ目標ヲ乳幼児死亡率ノ改善ト結核ノ豫防トニ置キ一般死亡率ヲ現在ニ比シ二十年間ニ概ネ三割五分低下スルコトヲ目標トシテ計畫又此ノ目的達成ノ為採ルベキ策概ネ次ノ如シ。

(イ) 保健所ヲ中心トスル保健指導網ヲ確立スルコト。

(ロ) 乳幼児死亡率低下ノ中心目標ヲ下痢腸炎、肺炎及先天性弱質ニ依ル死亡、減少ニ置キ、之ガ為都市農村ヲ通ジ母性及乳幼児ノ保護、指導ヲ目的トスル保健婦ヲ置クト共ニ保育所ノ設置、農村隣保施設、擴充、乳幼児必需品ノ確保育児知識ノ普及ヲ図リ併セテ乳幼児死亡低下ノ運動ヲ行フコト。

(ハ) 結核ノ早期發見ニ努メ産業衛生並ニ学校衛生ノ改善、豫防並ニ早期治療ニ関スル指導ヲ保護、強化、療養施設、擴充等ヲナスト共ニ各廳連絡調整、機構ヲ整備シテ結核対策ノ確立徹底ヲ期スルコト。

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(二) 健康保険制度ノ擴充ヲ之ヲ全國民ニ及ボスト共ニ医療、給付、外豫防ニ要スル諸般ノ給付ヲナサシムルコト.

(ホ) 環境衛生施設ノ改善、特ニ庶民住宅ノ改善ヲ圖ルコト.

(ヘ) 過勞ノ防止ヲ圖ル爲國民生活ヲ刷新シ充分ナル休養ヲ採リ得ル如クスルコト.

(ト) 國民榮養ノ改善ヲ圖ル爲榮養知識ノ普及徹底ヲ圖ルト共ニ榮養食ノ普及團体給食ノ擴充ヲナスコト.

(4) 医育機関並ニ医療及豫防施設ノ擴充ヲナスト共ニ医育ノ刷新ニ豫防医學ノ研究及普及ヲ圖ルコト.

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第五、資質増強ノ方策

資質ノ増強ハ国防及勤労ニ必要ナル精神的及肉體的ノ素質ノ増強ヲ目標トシテ計畫ス

(イ) 国土計畫ノ遂行ニヨリ人口ノ構成及分布ノ合理化ヲ圖ルコト、特ニ大都市ヲ疎開シ人口ノ分散ヲ圖ルコト

(ロ) 農村ガ最モ優秀ナル兵力及労力ノ供給源タル現状ニ鑑ミ、内地農業人口ノ一定數ノ維持ヲ圖ルト共ニ日滿支ヲ通ジ内地人人口ノ四割ヲ超ユル農業ニ確保スル如ク措置スルコト

(ハ) 学校ニ於ケル青少年ノ精神的及肉體的錬成ヲ圖ルコトヲ目的トシテ教科ノ刷新ヲ行ヒ訓練ノ強化ヲ教育及訓練方法ノ改善スルト共ニ體育施設ノ擴充ヲナスコト

(ニ) 都市人口激増ノ現狀ニ鑑ミ特ニ都市ニ於ケル青少年ノ心身ノ錬成ヲ強化シテ之ヲシテ優秀ナル兵力及労力ノ供給源タラシムルコト

(ホ) 青年男子ノ心身鍛錬ノ爲一定期間義務的ニ特別ノ團體訓練ヲ受ケシムル制度ヲ創設スルコト

(ヘ) 各種厚生體育施設ノ大量ニ増加スルト共ニ健全簡素ナル国民生活様式ヲ確立スルコト

(ト) 優生思想ノ普及ヲ圖リ国民優生法ノ強化徹底ヲ期スルコト

第六、資料ノ整備

一、人口動態及静態ニ関スル統計ノ整備改善スルコト

二、国民體力法ノ適用ノ範圍ヲ擴張シ其ノ答ヲ完實スルト共ニ其ノ他ノ體力及保健ニ関スル資料ヲ整正備充スルコト

第七、機構ノ整備

一、人口問題ニ関スル統計、調査、研究ノ機構ヲ整備充實スルコト

二、人口政策ノ企畫、促進及實施ノ機構ヲ整備充實スルコト

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# 交通政策要綱

## 交通政策要綱（基本國策要綱実施要綱）

昭和一六、二、四 閣議決定

本要綱ニ於テハ運輸及通信ニ關スル氣象ノ要綱ヲ定ム

第一、基本方針

高度國防國家体制ノ完成ヲ目途トシ日満支ノ強固ナル結合ヲ根幹トスル大東亜共榮圏ヲ確立セシヲ為之ガ基本的要素タル交通ノ使命ニ鑑ミ皇國ヲ核心トスル大東亜ノ綜合的有機的交通体制ノ確立ヲ期ス

一、交通施設ノ計画的整備擴充ヲ圖ルト共ニ之ガ運用ノ統制ヲ強化ス

之ガ為交通ニ関スル行政諸機構ノ整備統合ヲ圖ル

二、交通施設ノ整備拡充ニ當リテハ軍事上ノ要請ヲ充足シ之ト経済上ノ要請トノ調和ニ努ム

三、大東亜共榮圏ニ於ケル交通ニ関スル以下三國確益ヲ逐次我ガ勢力下ニ把握スルコトニ努ム

四、皇國ノ國際的地位ノ変化ニ即應シ逐次連絡交通ノ確保ニ努ム

第二、交通施設ノ整備拡充

交通施設ノ整備拡充ハ左ノ方針ニ則リ之ガ実現ヲ期ス

一、大東亜共榮圏ニ於ケル交通ノ跛行的状態ヲ調整シ其ノ有機的連絡ヲ促進スルト共ニ日満支ノ交通施設ニ関シテハ概ネ日満支經済建設要綱ノ定ムル所ニ依ル

商南方諸地域ニ対スル交通施設ノ整備ヲ圖ルト共ニ

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皇國ノ北辺ニ於ケル國防上ノ要請ニ應ゼンガ対策ニ遺憾
ナキヲ期ス

二、部門別整備拡充方針トシテ特ニ方應スベキ事項左ノ如シ

(イ) 陸運

1、鉄道ノ改良ニ関シテハ幹線輸送力ノ拡充及輸送系
路上ノ隘路ノ補強ヲ主トシ新線ノ建設ハ差當リ緊
急ナルモノニ止ム

2、車輛其ノ他鉄道特有資材ヲ整備スルト共ニ之ガ
生産能力ノ増強ヲ図ル

3、倉庫、小運送具及荷役施設整備強化特ニ
荷役ノ機械化ニ努ムルト共ニ小運送等務有ノ確
保ヲ図ル

4、陸運能力ノ強化ヲ図ル為主要道路ノ建設、改良
並ニ之ガ舗装ノ整備ニ努ム

5、自動車生産能力ノ拡充ヲ図ル為自動車保有
量ノ増加並ニ其ノ海外進出ニ努ムルト共ニ保有量ト
ノ増加及確保ニ伴ヒ必要ナル燃料対策其ノ他適切
ナル措置ヲ講ズ

(ロ) 海運及港湾

1、船腹ノ充実ヲ期スル為造船能力ヲ増強スル計
画ヲ造船ヲ行ヒ特ニ貨物船、油槽船其ノ他ノ
特殊用途船並ニ小型船舶ノ整備ヲ図ル

2、日満支間海上輸送力ヲ拡充強化スルト共ニ南
方諸地域ニ対スル航路ノ拡充、不定期配船ノ

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皇國ノ北辺ニ於ケル國防上ノ要請ニ應ジ之ガ対策ニ遺憾ナキヲ期ス

二、部門別整備拡充方針トシテ特ニ考慮スベキ事項左ノ如シ

(イ) 陸運

1、鉄道ノ改良ニ関シテハ幹線輸送力ノ拡充及輸送系ハ路上ノ隘路ノ補強ヲ主トシ新線ノ建設ハ差當リ緊急ナルモノニ止ム

2、車輌其ノ他鉄道特有資材ヲ整備スルト共ニ之ガ生産能力ノ増強ヲ圖ル

3、倉庫小運送具及荷役施設ノ整備強化特ニ荷役ノ機械化ニ努ムルト共ニ小運送勞務者ノ確保ヲ圖ル

4、陸運能力ノ強化ヲ図ル為主要道路ノ建設、改良並ニ之ガ舗装ノ整備ニ努ム

5、自動車生産能力ノ拡充ヲ図ル為自動車保有量ノ増加並ニ其ノ海外進出ニ努ムルト共ニ保有量ノ増加及確保ニ必要ナル燃料対策其ノ他適切ナル措置ヲ講ズ

(ロ) 海運及港湾

1、船腹ノ充実ヲ期スル為造船能力ヲ増強シ計畫的造船ヲ行ヒ特ニ貨物船、油槽船其ノ他ノ特殊用途船並ニ小型船舶ノ整備ヲ図ル

2、日満支間海上輸送力ヲ拡充強化スルト共ニ南方諸地域ニ対スル航路ノ拡充、不定期配船ノ

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増加ヲ図リ併セテ対外航権ノ伸張ニ努ム

3. 各港湾ノ使命ニ応ジ重点的ニ諸施設ノ整備拡充ヲ図ルト共ニ緊ニ日満支諸港ヲ相互照応スル如ク整備ス

4. 港湾能力ノ向上ヲ図ル為臨港鉄道其ノ他水陸連絡設備及倉庫其ノ他保管施設ノ整備ニ努ム

5. 港湾ニ於ケル荷役能力ノ増強ニ関シテハ特ニ艀船ノ増備及荷役、機械化ニ努ムルト共ニ荷役労務者ノ確保ヲ図ル

(ハ) 空運

1. 航空ノ現状並ニ之ガ重要性ノ使命ニ鑑ミ航空ノ飛躍的発展ヲ期シ日満支間連絡航空路ノ整備強化ヲ図ルト共ニ南方諸地域ニ於ケル航空路ノ開設ニ努メ更ニ進ンデ圏外国際航空路ノ拡充ヲ期ス

2. 航空機生産能力ノ拡充ヲ図リ優秀航空機ノ増加並ニ其ノ海外進出ニ努ム

3. 大東亜共栄圏各地域ニ於ケル航空保安施設、綜合的整備ヲ図ル

(ニ) 通信

1. 電気通信施設ノ整備ニ当リテハ主要幹線ノケーブル化、通信方式ノ高度化等基礎的諸施設ノ増強ヲ図リ併セテ各種電気通信施設ノ統合調整ヲ図ル

2. 大東亜ニ於ケル皇国ノ自主的通信網ヲ確立スル為日満支間連絡通信ケーブル幹線ノ完成ニ努ムルト

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共ニ南方諸地域ニ対スル通信施設ノ整備ヲ圖ル
國際電氣通信施設ノ整備拡充ヲ圖リ対外通信連
絡ノ確保ヲ期ス
3. 放送施設ニ関シテハ日満支ノ有機的連繋ノ下ニ之ガ
充実ヲ圖リ特ニ有線放送並ニ対外放送施設ノ拡充強
化ニ努ム
4. 通信機器製作ノ技術的向上ニ努メ其ノ生産能力ノ
拡充ト機器ノ海外進出ニ努ム

(ホ) 氣象

観象事業ノ現状並ニ之ガ軍事的使命ノ重要性ニ
鑑ミ東亜交通ノ安全ヲ期シ且軍事上ノ要求ヲ充足
スル為之ガ飛躍的発達ヲ圖ル
三、交通施設ノ整備拡充ニ當リテハ特ニ防空上遺憾ナキ
ヲ期ス
四、交通関係技術者並ニ技能者ノ養成充足ヲ圖ル
為適切ナル方策ヲ講ズ

第三、交通ノ統制運用

交通各部門ノ運營ノ圓滑ヲ図ルト共ニ交通ノ綜合
能率ノ発揮ヲ期スル為特ニ考慮スベキ事項左ノ如シ
一、日満支交通一体化ノ要請ニ基キ皇國ヲ核心トス
ル日満支交通ニ関スル連絡機構ノ整備ニ努ムルト
共ニ之ガ運營ノ連絡統合、交通資材並ニ機器ノ
規格統一等ヲ圖ル
二、計畫経済ノ要請ニ即應シ且輸送能率ノ向上

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ヲ圖ル為概ネ左ノ措置ヲ講ズ

(イ) 適切ナル運賃政策ノ樹立

(ロ) 海陸輸送分野ノ適正化

(ハ) 運輸機関ト生産配給統制機関トノ緊密ナル連繋ノ保持

(ニ) 陸上運輸諸事業間ノ調整統合

(ホ) 船舶ノ集約的運航体制ノ確立並ニ計畫的配船ノ徹底化

(ヘ) 港湾諸事業ノ綜合的統制

(ト) 現有施設ノ活用特ニ遊休施設ノ利用、轉用

(チ) 荷造包装ノ改善合理化

三、大東亜共榮圏ニ於ケル皇國海運ノ指導的地位ヲ確立スルタメ必要ナル海運企業組織ノ統合ヲ圖ルト共ニ海上保険ノ改善ニ努ム

四、大東亜共榮圏ニ於ケル通信ノ指導的地位ヲ確保スル為概ネ左ノ措置ヲ講ズ

(イ) 各地域ヲ一体トスル通信聯合ノ結成

(ロ) 電波統制ニ依ル無線通信安定ノ確保

(ハ) 適切ナル通信料金政策ノ樹立

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# 交通政策要綱（基本國策要綱実施要綱）

昭和一六、二、四 新聞発表

本要綱ニ於テハ運輸及通信並ニ之ニ関聯スル気象ノ要綱ヲ定ム

第一、基本方針

高度國防國家体制ノ完成ヲ目途トシ日満支ノ強固ナル結合ヲ根幹トスル大東亜共榮圏ヲ確立センガ為之ガ基本的要素タル交通ノ使命ニ鑑ミ皇國ヲ核心トスル大東亜ノ綜合的有機的交通体制ノ確立ヲ期ス

交通施設ノ計畫的整備拡充ヲ図ルト共ニ之ガ運用ノ統制ヲ強化ス

之ガ為交通ニ関スル行政諸機構ノ整備統合ヲ図ル

第二、交通施設ノ整備拡充

交通施設ノ整備拡充ハ左ノ方針ニ則リ之ガ実現ヲ期ス

一、大東亜共榮圏ニ於ケル交通ノ跛行的状態ヲ調整シ其ノ有機的連絡ヲ促進スルト共ニ日満支ノ交通施設ニ関シテハ概ネ日満支経済建設要綱ノ定ムル所ニ依ル尚南方諸地域ニ対スル交通施設ノ整備ヲ図ル

二、部門別整備拡充方針トシテ特ニ考慮スベキ事項左ノ如シ

(イ) 陸運

1、鉄道ノ改良ニ関シテハ幹線輸送力ノ拡充及輸送系路上ノ隘路ノ補強ヲ主トシ新線ノ建設ハ差當リ緊急ナルモノニ止ム

2、車輌其ノ他鉄道特有資材ヲ整備スルト共ニ之ガ生産能力ノ増強ヲ図ル

3、倉庫、小運送具及荷役施設ノ整備強化特

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ニ荷役ノ機械化ニ努ムルト共ニ小運送勞務者ノ確保ヲ図ル

4. 陸運能力ノ強化ヲ図ル為主要道路ノ建設、改良並ニ之ガ舗装ノ整備ニ努ム

5. 自動車生産能力ノ拡充ヲ図ル為自動車保有量ノ増加並ニ其ノ海外進出ニ努ムルト共ニ保有量ノ増加及確保ニ必要ナル燃料対策其ノ他適切ナル措置ヲ講ズ

(ロ) 海運及港湾

1. 船腹ノ充実ヲ期スル為造船能力ヲ増強シ計畫的造船ヲ行ヒ特ニ貨物船、油槽船其ノ他ノ特殊用途船並ニ小型船舶ノ整備ヲ図ル

2. 日満支間海上輸送力ヲ拡充強化スルト共ニ南方諸地域ニ対スル航路ノ拡充、不定期配船ノ増加ヲ図リ併セテ対外航権ノ伸張ニ努ム

3. 各港湾ノ使命ニ應ジ重点的ニ諸施設ノ整備拡充ヲ図ルト共ニ特ニ日満支諸港ヲ相互照應スルヤウ整備ス

4. 港湾能力ノ向上ヲ図ル為臨港鉄道其ノ他水陸運給設備及倉庫其ノ他保管施設ノ整備ニ努ム

5. 港湾ニ於ケル荷役能力ノ増強ニ関シテハ特ニ艀船ノ増備及荷役ノ機械化ニ努ムルト共ニ荷役勞務者ノ確保ヲ図ル

(ハ) 空運

1. 航空ノ現状並ニ之ガ軍事的使命ノ重要性ニ鑑ミ航空ノ飛躍的発展ヲ期シ日満支間連絡航空路ノ整備強化ヲ図ルト共ニ南方諸地域ニ於ケル航空路ノ開

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発ニ即ノメ更ニ進ンデ圏外國際航空路ノ拡充ヲ期ス

2、航空機生産能力ノ拡充ヲ図リ優秀航空機ノ増加並ニ其ノ海外進出ニ即ス

3、大東亜共榮圏各地域ニ於ケル航空保安施設ノ綜合的整備ヲ図ル

(二)

1、通信

電氣通信施設ノ整備ニ當リテハ主要幹線ノケーブル化通信方式ノ高度化等其ノ基礎的諸施設ノ増強ヲ図リ併セテ各種電氣通信施設ノ統合調整ヲ図ル

2、大東亜ニ於ケル自主的通信網ヲ確立スル爲日満支間連絡通信ケーブル幹線ノ完成ニ即スルト共ニ南方諸地域ニ対スル通信施設ノ整備ヲ図ル

3、放送施設ニ関シテハ日満支ノ有機的連繋ノ下ニ之ガ充実ヲ図リ特ニ有線放送並ニ対外放送施設ノ拡充強化ニ即ス

4、通信機器製作ノ技術的向上ニ即メ其ノ生産能力ノ拡充ト機器ノ海外進出ニ即ス

(ホ)

氣象

観象事業ノ現狀並ニ之ガ軍事的使命ノ重要性ニ鑑ミ東亜交通ノ安全ヲ期シ且軍事上ノ要求ヲ充足スル爲之ガ飛躍的發達ヲ図ル

三、交通施設ノ整備拡充ニ当リテハ特ニ防空上遺憾ナキヲ期ス

四、交通関係技術者並ニ技能者ノ養成充足ヲ図

ル為適切ナル方策ヲ講ズ

第三、交通ノ統制運用

交通各部門ノ運営ノ圓滑ヲ図ルト共ニ交通ノ綜合能率ノ発揮ヲ期スル為特ニ左ノ事項ニ留意スベキ事項ニ基キ皇國ヲ核心トスル日満支交通ニ関スル連絡機構ノ整備ニ努ムルト共ニ之ガ運営ノ連絡統合、交通資材並ニ機器ノ規格統一等ヲ図ル

一、計画ニ経済ノ要請ニ即応シ且輸送能率ノ向上ヲ図ル為概ネ左ノ措置ヲ講ズ

(イ)適切ナル運賃政策ノ樹立

(ロ)海陸輸送分野ノ適正化

(ハ)運輸機関ト生産配給統制機関トノ緊密ナル運繋ノ保持

(ニ)陸上運輸諸事業間ノ調整統合

(ホ)船舶ノ集約的運航体制ノ確立並ニ計画的配船ノ徹底化

(ヘ)港湾諸事業ノ綜合的統制

(ト)現有施設ノ活用特ニ遊休施設ノ利用、轉用

(チ)荷造包装ノ改善合理化

二、大東亜共榮圏ニ於ケル皇國海運ノ指導的地位ヲ確立スル為大東亜共榮圏ニ於ケル海運企業組織ノ統合ヲ図ルト共ニ海上保険、改善ニ努ム

三、大東亜共榮圏ニ於ケル通信ノ指導的地位ヲ確保スル為概ネ左ノ措置ヲ講ズ

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(イ) 各地域ヲ一体トスル通信聯合ノ結成
(ロ) 電波統制ニ依ル無線通信安定ノ確保
(ハ) 適切ナル通信料金政策ノ樹立

No. 73

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日満支経済協議會設置ニ関スル件

日満支経済協議會設置ニ関スル件　昭和一六、二、二五　閣議決定

曩政府ハ基本國策要綱ニ於テ日満支ヲ一環トシ大東亜ヲ包容スル皇國ノ自給自足経済ノ確立ヲ國策トシテ定メ之ニ基キ日満支経済建設要綱ヲ決定シタルガ之ガ具体化ヲ促進シ之ニ基ク日満支綜合計畫ヲ行フ為、左記要領ニヨリ暫定的措置トシテ日満支経済協議会ヲ設置ス、

要領

一、本協議會ハ日満支経済建設要綱ニ基キ日満支綜合計畫ヲ審議ス

二、本協議會ハ之ヲ内閣ニ置キ日本ヲ中心トスル事實上ノ協議機関トス

三、會長ハ企畫院總裁ヲ以テ之ニ充テ委員ハ企畫院次長、對満事務局次長、興亜院政務部長、関係各省次官及満洲國関係官ヲ以テ之ニ充ツ

四、幹事ハ関係各廳高等官及満洲國関係官ヲ以テ之ニ充ツ

幹事會ニ部會ヲ設ク

部會ニハ必要ニ應ジ臨時ノ幹事ヲ置クコトヲ得

五、本協議會ニ事務局ヲ設ケ之ヲ企畫院ニ置ク事務局ハ関係官廳（企畫院、對満事務局、興亜院、陸海軍、満洲國等）ヨリ派遣セル職員ヲ以テ之ヲ構成ス

六、本協議會ニ於テ決定シタル事項ハ順序ヲ經テ夫々歸屬スル責任アル関係當局ニ移シ各

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當局ニ於テ之カ具現ヲ圖ル

備考

一、滿洲國關係官ハ日本側ニ協議ノ上滿洲國ニ於テ指命スル如ク措置ス

二、現地軍關係官等ハ協議會、幹事會及部會ニ出席シ意見ヲ開陳スルコトヲ得

參考

協議會事務局所管事項ノ主ナルモノ次ノ如シ

一、日滿支ヲ通ズル經濟開發計畫ノ設定ニ關スル事項

二、日滿支ヲ通ズル交通計畫ノ設定ニ關スル事項

三、日滿支ヲ通ズル每年度物資勞務資金（貿易、交通等ノ計畫設定方針ノ樹立ニ關スル事項

四、日滿支經濟連繫上必要ナル緊急事項ノ連絡調整ニ關スル事項

五、日滿支ニ於ケル經濟建設進捗狀況ノ報告通報ニ關スル事項

日滿支經濟協議會設置ニ關スル件（發表）

最近政府ハ基本國策要綱ニ於テ日滿支ヲ一環トシ大東亞ヲ包容スル皇國ノ自給自足經濟ノ確立ヲ國策トシテ定メ之ニ基キ日滿支經濟建設要綱ヲ決定シタルガ之カ具體化ヲ促進スルニ當リ日滿支ノ經濟建設ニ付其ノ連絡調整ヲ行フ爲左記要領ニ依リ暫定的措置トシテ日滿支經

No. 75

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# 済協議會ヲ設置ス、

## 要領

一、本協議會ハ日滿支經済建設要綱ニ基キ日滿支經済建設ニ付其ノ調整連絡ヲ圖ル

二、本協議會ハ之ヲ内閣ニ置ク事實上ノ協議機関トス、

三、會長ハ企畫院總裁ヲ以テ之ニ充テ委員ハ関係各廳次長及次官等ヲ以テ之ニ充ツ

四、幹事ハ関係各廳高等官等ヲ以テ之ニ充ツ

幹事會部會ヲ設ク

部會ニハ必要ニ應ジ臨時ノ幹事ヲ置クコトヲ得

五、本協議會ニ事務局ヲ設ケ之ヲ企畫院ニ置ク

事務局ハ関係各廳(企畫院、對滿事務局、興亜院、陸海軍等)ヨリ派遣セル職員ヲ以テ之ヲ構成ス、

Doc. 1570 Cert.

# 證明書

「ワシントン」文書局第　号
國際検察部第一五七〇号

典據及ビ公正ニ関スル證明

余、岡田武彦ハ余ガ下記ノ資格ニ於テ、即チ前秘書課長（現在工政課長）トシテ日本政府ト公的関係ニ在ルモノナルコト、並ニ該官吏トシテ余ガ茲ニ添附セラレタル、九丁四頁ヨリ成ル、千九百四十一年／昭和十六年／四月附、下記題名、即チ基本国策要綱　企畫院ノ文書ノ保管ニ任ジ居ルコトヲ茲ニ證明ス

余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文書ナルコト、並ニ右ガ下記名稱ノ者又ハ部局ノ公式書類及ビ綴ノ一部ナルコトヲ證明ス（若シアラバ綴番号又ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ正規所在ノ公式名稱ヲモ特記スベシ）

商工省

千九百四十六年／昭和二十一年／十月十八日

東京ニ於テ署名

当該官吏署名欄　岡田武彦（印）
右ノ者ノ公的資格　工務局工政課長（前秘書課長）
證　夏井義勝（印）

人

公式入手ニ関スル證明

余、HENRY SHIMOJIMA ハ、余ガ聯合國最高指揮官總司令部ニ関係アルモノナルコト、並ニ上記題名ノ文書ハ余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタルモノナルコトヲ茲ニ證明ス

千九百四十六年／昭和二十一年／十月十八日

東京ニ於テ署名

氏名欄　Henry Shimojima（署名）
右ノ者ノ公的資格　國際検察部調査官
證　人　Sgt. J. Joguchi（署名）

Doc. 1570 Cert.

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商工省

千九百四十六年／昭和二十一年／十月十八日

東京ニ於テ署名

当該官吏署名欄　岡田武彦（印）
右ノ者ノ公的資格　工務局工政課長（前秘書課長）
證　人　夏井義勝（印）

公式入手ニ関スル證明

余、HENRY SHIMOJIMAハ、余ガ聯合國最高指揮官總司令部ニ関係アルモノナルコト、並ニ上記題名ノ文書ハ余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタルモノナルコトヲ茲ニ證明ス

千九百四十六年／昭和二十一年／十月十八日

東京ニ於テ署名

氏名欄　Henry Shimojima（署名）
右ノ者ノ公的資格　國際検察部調査官
證　人　Sgt. J. Joguchi（署名）

Doc 2007 (for the Def.)

眞珠湾攻撃調査ニ関スル両院共同委員会ニ於テ
開催セラレタル審理ニ於テ前ノ国務長官「コーデルハル」
ノ為シタル證言中ヨリ法廷ノ命ニヨリ厳各ノタメニ要請サレ
提供サレタル抜萃
同抜萃ハ議事録第七巻及ビ第八巻、国際検察敎
書類第二〇〇七號中ニ在ルモノデアル

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（第七巻、第一〇八八頁乃至第一〇八九頁）
一九三七年（昭和十二年）秋、我ガ政府ハ、中国及ビ日本
間ノ交戦ニ対シ、中立法ニ適用スベキヤ否ヤノ決定ヲナス
羽目ニナッタ。中国ハ武器ノ輸ハヲ必要トシ、日本ハ
大量ノ軍需品ヲ製造シタ以上、中立法ノ正當ト認
メル武器輸出禁止ハ、中国ヲ損シ、日本ヲ利スルモノ
デアルコトハ明ニカデアッタ。大統領ハ法ノ定ムル裁断
ノ自由ヲ用ヒ、同法ノ實施ヲ控ヘタノデアッタ。
一九三九年（昭和十四年）七月二十六日、我ガ政府ハ、日
本政府ニ対シ、一九一一年（明治四十四年）ノ通商航
海條約ヲ廃棄スル意向ナルヨリ通告シタ。此ノ條約ノ
ハ、日本ニ於テモ又中国ノ日本ニ頭出ニ於テモ、合衆
国ノ通商ニ対シテ合ナル保護ヲ与ヘルモノデハナイト感ゼラレ、
一方又同時ニ同條約ノ最恵国條款ノ實施ハ、日本ノ
通商ニ対スル報復ニ段ノ保障ニ対スル障害トナルモノデ

Doc 2007 (For the Defence)

アルト感ゼラレタノデアツタ。
然レバ、同條約ハ、一九四〇年（昭和十五年）一月二十六日
失効トナリ、斯クテ、日本ノ貿易ニ我ガ方ニ於テ加ヘル
制限ニ對スル法律上ノ障害ハ、除去セラレタノデアル。
一九三八年（昭和十三年）ヨリ、我ガ政府ハ、人道主義
的考慮ヲ基礎トシテ採用シタ所謂「道義的禁輸」
ヲ實施トシタ。一九四〇年（昭和十五年）七月二日ノ法律
可決後、國防ノ為、増加ノ一路ヲ辿ル軍需資材輸
出ニ對シ制限ガ加ヘラレタ。
此等ノ對策ハ、又日本ノ侵略的ナ行キ方ニ對スル防
止策トシテ、且又我々ノ反對表示トシテ意図セラレ
タモノデアツタノデアル。

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一、第七巻　第一〇八九頁乃至第一〇九〇頁）

此ノ期間中、合衆国ハ、中国ニ對シ、實行シ得ルアラ
ユル援助ト激勵ノ手ヲ益々ノヘル方針ヲトツタ。此ハ、中国
ニ對スル日本ノ侵略並ニ日本ノ第四權益侵害ニ對スル抗
議ニ於テノ外交的行動ヲ始メ、色々ナ異ツタ形式デ
行ハレタ。大約合計ニ億弗ニ上ル貸附ト「クレテイツト」
ガ、中国ノ經濟機構支持ト中国ノ軍需品獲得ヲ
容易ナラシムル為トニ提供サレタ。而シテ、後ニハ貸ル

Doc 2007 (For the Defence)

武器及ビ其ノ他ノ軍需品ガ、日本ニ對スル中國ノ抵抗ニ使用スル事、送ラレタ。

（第七巻第一百九一頁）

此ノ年月ノ間中、我々ハ、日本政府ノ前ニ此等ノ主義原則ヲ出來得ル限リ如才ナク、且熱心ニ掲ゲテ來、且常ニ脅迫シトイ様ニ注意ヲシテ來タノデアッタ。私ハ若シ一國ノ政府ガ、脅迫ヲスレバ、同政府ハ何時デモ直グ之ヲ支持スル覚悟ガナケレバナラヌト、常ニ感ジテ居タト、私ハ言ッタ。

我々ハ、短刀直入デアッタガ、然シ出來得ル限リ如才ナク振舞ッタ。

「以下次頁」

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（第七巻第一一一四頁乃至第一一五頁）

太平洋全地域ノ情勢ノ平和的ニシテ公平且安定的解決ヲ齎ス為ニ出来ル限リノ努力ヲ言ウト我々ハ思ッテ居タ。斯カル方策ハ、米國民ノ傳統的態度及ビ信念ニ一致シテ居タ。且又、大統領ト私トハ、米國ノミナラズ侵略ニ抵抗スル多クノ他國々ニモ緊要ナ防禦軍備ノ増進ニ時間ヲ得ルコトガ絶体ニ必要デアルト我々ニ強調シ續ケタ我ガ最高軍部当局ノ勧告ヲ、絶エズ甚ダ深ク念頭ニ置イテイタノデアッタ。ソレ故ニ、日本政府ト会談ヲ開始セントスル我々ノ決意ハ、自衛ノ為ノ真武装ノ必要ニ、合致シテ居タノデアル。

大統領ト私ハ、日本政府ハ、ヨシ願ッテモ、日本ノ侵略政策ヲ突然ニ変更スルコトハ出来ナイコトヲ篤ト了解シテヰタ。日本ノ立場ノ建直シニハ多クノコトガ関係シテ居ル故、平和的政策ヲ採ルトノ約束ヲ日本ガ具体的ニ履行スルニハ多大ノ時間ヲ要スルト云フコトヲ我々ハ了解シテヰタ。

ソレ故ニ、我々ハ日本ヲ説イテソノ侵略政策カラ転ジサセル様ノ辛棒強ク努力シヨウト覚悟シテ居タノデアル。我々ハ喧嘩腰デハナカッタガ、然シ日本ノミナラズ全國家ニ我々ガ適用シタ根本原則ニ基ク基礎的立場ヲ守ラウト決意シテ居タノデアル。

（第七巻第一一一四頁乃至第一一五頁）

従ッテ一九四一年／昭和十六年／七月二十六日、コルーズ

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ベルト」又統領ハ、在住ノ支那及ビ日本ノ資産ノ蒸結実施命令ヲ発シ、同命令ハ日本ノ權益ノ関係ニ於テ經濟取引及ビ輸出入貿易ノ取引ヲ政府ノ管理下ニ置イタ。此趣ヒロトスルトコロハ、日本貿易ヲ速カニ事実上停止セシムルニアリタ。

八月六日、日本大使ハ、印度支那ノ中立ニ関スル大統領ノ提議ニ答ヘル為モノト解ス。提議ニ未シタ。実質的ニハ、日本ノ右提議ハ次ノ通リデアリタ。

一、日本政府ハ、西南太平洋地域ニ軍隊ヲ駐屯セシムルコトヲ差控ヘ、「支那事変解決」後ハ、佛領印度支那ヨリ撤兵シ、アイリゴンノ中立性ヲ保障シ、又東亜細亜ニ於テ合衆國ニ必須ノ資源ノ生産及ビ獲得ニ協力スルコトヲ約スベキモノトス。

又

二、合衆國ハ、「西南太平洋地域ニ於テ其ノ軍事上ノ手段ヲ中止シ」同様ノ行為ヲ和蘭及ビ英國ノ両政府ニ勧告シ、西南太平洋ニ於テ日本ノ必須ノ資源ノ生産及ビ獲得ニ協力シ、日米間ノ正常ナル通商回復ノ為ニ各處シ、日米及ビ重慶政府間ノ直接交渉招致ニ斡旋ノ労ヲトリ、且日本軍撤退後ト雖モ印度支那ニ於ケル日本ノ特殊地位ヲ承認スベキコトヲ約スルモノトス。

（第七巻第一一一九頁乃至第一一二〇頁）

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Dec 2007 (For the 10 years)

九月六日、近衛統理大臣ハ、東京駐劄米國大使トノ会談ニ於テ、本政府ガ、日本ト関係更新ノ基礎トシテ先ニ述ベタル四原則ニ全幅ノ決定的賛意ヲ表明シタル事ヲ表明シタ。然シ、一ケ月後ニ、日本外務大臣ハ、米國大使ニ是等四原則ハ、主義トシテハ之ヲ受入レルモ、実際ニ同原則ヲ適用スルニ当リテハ、或ル修正ガ必要デアラウト表明シタノデアル。

（第七巻第一一三三頁）

十一月三日及ビ十一月七日ノ電報ニ於テ、日本駐在米國大使ハ、米國トノ戦争ヲ不可避ナラシムル如キ日本側ノ不意打攻撃ノ可能性ニ就イテ警告ノ電報ヲ発シタ。

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（第七巻第一三六頁乃至第一六五頁）

六、十一月二十日、日本ノ最後通牒及ビ我ガ回答

十一月二十日日本大使及ビ来栖氏ハ明カニ最終的ナル提案ヲ私ニ渡シタ。私ハ政府ノ他ノ高官達同様陸海軍省ヨリ提供サレタ傍受ノ日本通信ヨリシテ提案ハ日本ノ最後的提案即チ最後通牒ナルコトヲ知ツタノデアリマシタ。

同提案ハ以下ノ如ク書カレテアル。

「一日本及ビ合衆國政府ハ共ニ日本軍ガ現在駐屯セル佛領印度支那ノ一部ヲ除ク東南亜細亜及ビ南太平洋地区ノ如何ナル地域ニモ何等武裝進駐ヲ行ハザル旨ヲ約定スルコト。

「二日本政府ハ日華間ノ平和回復若シクハ太平洋地区ニ於ケル公正ナル平和確立ト同時ニ、佛領印度支那駐屯中ノ自己ノ軍隊ヲ撤退セシムル事ヲ約スルモノトス。

「一方日本政府ハ後日最終協定ニ於テ具体サルヘキ目下ノ協定締結ト同時ニ現在佛領印度支那ノ南部ニ駐屯中ノ自己ノ軍隊ヲ同地南部ニ移動セシメル用意アルコトヲ宣言ス。

「三、日本及ビ合衆國政府ハ両國ガ蘭領東印度ニ於テ必要トスル物資ヲ入手ヲ確實ナラシムルタメ協力スルモノトス。

四日本及ビ合衆國政府ハ両國ノ通商関係

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[illegible]

約スルコト。

「合衆國政府ハ日本ニ要求量ノ油ヲ供給スルモノトス。

「五、合衆國政府ハ日華間ノ全面的平和恢復ヲ計ル努力ニ害アルガ如キ手段及ビ行動ヲ差控ヘル旨約スルコト。」

斯ク提案サレタル該計畫ハ、合衆國ガ日本ノ要求スル丈ノ油ニ日本ニ供給スル事、凍結ヲ段ノ中止、合衆國ノ中華民國ニ対スル援助ノ停止及ビ承認サレタル民國政府ニ対スル道義的乃至物質的支援ノ打ち切リヲ要求シタモノデアル。大ハ日本ガ其ノ軍隊ニ南部印度支那ヨリ北部印度支那ニ移駐セシメル一項ハ設ケアルモ、日本ガ印度支那ニ派遣スベキ軍隊ノ數量ニ就テ、如何ナル制限モ置カズ、又、日華間ノ平和恢復若シクハ太平洋地区ニ於ケル「公平ナル平和確立後ニ至ル迄ノ其等ノ軍隊撤退ニ対スル何等ノ規定モシテ等ナカツタノデアル。

東南亞細亞並ニ南部太平洋(印度支那ヲ除ク)ヘノ日本ノ武裝兵力ノソレ以上ノ增大ニ対スル約定ハアツタガ印度支那ノ北方ニ在レ亞細亞ノ如何ナル地方トイヘドモ、例ヘバ中國「ソヴチト聯邦ノ如キニ於ケルモ前カラ、又ノ新タナル日本ノ侵略行動ヲ防止スル何等ノ規定モ存在シナカツタノデアル。該提案ハ、日本ヲシテ侵略ヲ放棄シ、平和的方策ニ復帰スルヲ誓ハシメル何等ノ規定ヲモ含マナカツタノデアル。

十月二十日、来栖氏ハ單身私ヲ訪レ三國條約下ノ日本ノ義務ニ関スル法式ノ草案ヲ私ニ渡シタ。ソノ方式ハ何等新タナルモノ又ハ役ニ立ツモノヲ提供シナカツタ。私ハ、来栖氏ニ全体トシテノ平和的解決ノ主題ニ就テ更ニ何カ

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提案スルコトヲアルカト尋ネタ。末栖氏ノナルト答ヘタ。

十一月二十一日、我々ハ日本軍ガ日本委任統治諸島ノ内、蘭領印度ノ心臓部ニ取モ近イ地點ニ「パラオ」附近ニ到着シタト言フ情報ヲ得タト言フ報告ヲ和蘭カラ受ケタ。我方ノ河内ノ及ビ両貴ノ駐在領事ハ、日本軍及ビ軍需ノ大規模ナル印度支那新上陸ヲ報ジテヰタ。吾々ハ、日本ノ傍受通信ヲ通ジテ、日本政府ハ交渉ハ十一月二十五日ヲ以テ、之ハ後十一月二十九日ニ延長サレタガ、打切ルベキコトニ決セリト言フ情報ヲ得タ。我々ハ又他ノ日本ノ傍受通信カラシテ、日本ハ如何ナル譲歩モナス意志ナキコトヲ知ツタ。此ノ事實ト十一月二十一日ノ日本政府ハコレ以上何等提案スベキコトナシト言フ事ヲ明カニシタ私ニ對スル來栖ノ陳述トヲ考ヘ合セテ見ルニ、既ニ述ベタ通リ十一月二十日ノ日本ノ提案ハ、事實上彼等ノ「絶對的最後提案」デアツタ事ハ明カデアツタ。提案セラレタ全係爭點ハ、日本ガ其ノ公言セル征服行動ヲ譲ルカ、或ハ我方ガ太平洋及ビ全世界ノ於テ主張スル基本原則ヲ譲ルカデアツタ。一九四一年（昭和十六年）盛夏迄ハ、我方ハ日本ガ其ノ武力ニヨル擴張方針ヲ繼續スルニ決シタ事ニナ分滿足シテヰタ。我々ハ彼等ニ我方ガ我々ノ原則ヲ固守シテヰル事ヲ明ニシテ置イタノデアツタ。併シ彼等ハ其ノ武力脅迫ニヨリ我方ガ威壓セラレ譲歩スルカモ知レヌトイフ機會ヲ賭ケテ行動シテ居タコトハ明カデアツタ。彼等ハ充分武裝シテ居タ。ソシテ我々ハ、彼等ガ時ト所ヲ擇バズソノ望ムトコロニ從ツテ攻撃スルデアラウト言フコトヲ知ツテヰタ。若シ、圖ラズ

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モ、我ガ其ノ基本原則ヲ譲歩シタナラバ、日本ハ多分暫時ノ間、少クトモ戰ハズシテ得テレル利益ヲ算國スルソノ時迄ハ攻撃シナカツタコトデアラウ。我ガ國ガ日本ニ戰ヲ強制シタトイフ問題ハ全然ナカツタノデアル。問題ハ我ガ國ガ其ノ原則ヲ犠牲ニスル用意ガアルカドウカデアツタ。十一月二十日ノ日本ノ提案ヲ受諾スルトイフ事ハドウシテモ考ヘラレナイ事デアツタ。夫ハ合衆國ヲシテ日本ノ征服及ビ侵略計畫ニ於ケル其ノ與國タラシメ、且「ヒツトラー」トノ合作ノ樂國トシテシマツタデアラウ。夫ハ合衆國ニ其ノ主義政策ヲ放棄セコト言フ日本ノ要求ニ屈服シタ事トナツタコトデアラウ。夫ハ威嚇下ニ我ノ地位ヲ棄テテ淺ベシクモ降服シタ事トモナツタデアラウ。情勢ハ危期ニ瀕シ事實上絶望的ニモノデアツタ。然シ一面ニ於テ我ガ政府ハ平和的解決方法發見ニ全力ヲ傾注シフケテモ當國軍部ノ長官ガ對抗準備ノ爲時日ヲ要スル旨強調シ續ケテヰタ際デモアリ武力衝突ハ之ヲ避ケ或ハ延引シ度イト意ニシテヰタノデアツタ。處ガ他方日本ハ半ヲ見セヨト要求シテヰタノデアツタ。事態ハ此樣デアツタ。即チ日本ハ其ノ要求ヲ譲ラズ威嚇シテ居リ我ガ國ハ其ノ主張ヲ固守シテ居ツタノデアル。外交ニ於テ此ノ危期ヲ處スル機會ハ事實上ナクナツテ居タ。我ガ政府ハ解答ヲセスト言フ事モ出來タデアラウ。期クスレバ日本軍部ノ臣頭等ハ米國政府ハ解答ヲセスト言フ事モ出來タデアラウ。期クスレバ日本軍部ノ臣頭等ハ米國政府ハ解答ヲセスト言フ事モ出來タデアラウ。我ガ政府ハ日本ヲモ提出シヨウトシナイト國民ニ告グル事ガ出來タデアラウ。ソウナル事迄ヲ一モ二モナク拒絶スルト言フ事モ出來タデアラウ。ソウナルト日本軍部ノ臣頭等ハ全然虚構デハアルニシテモ兵ヲ用ヒテ攻撃スル口實ヲ與ヘラレル事ニナル。

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我ガ政府ハ尤モナク對提案ノ提出ニ賛スルト言フ事モ
出来ヨウ。最後ノ道ガ我々ノ選ンダルトデアツタ。
反對提案ノ内容動ク際シテハ其ノ中ニ於テ可能ナル暫
定協定ノ件ヲ含ム様考慮サレタノデアツタ。斯カル提案
ハ我ガ國ガ何處ニデモ平和ニ関心ヲ有シテヰルト言フ事
ヲ示ス利益トモナラウ。又日本人ガ此ノ提案ヲ受理シナ
イ場合ニハ、幾分カ彼等ヲ衆目ニサラス利益トモナラウ。
若シ之ガ交渉延引ノ役ニ立ツタナラバ陸軍ニモ海軍ニ
モ準備ヲスル時ヲ與ヘテ事ト思フ。此ノ暫定協定案ハ、
大統領及ビ陸海軍ノ首脳者ニヨリ國務省内ニ於テ
十一月二十日ヨリ十一月二十六日迄論議サレ又熟慮サレタノ
ヲ以テ。最初ノ草案ハ十一月二十五日ノ出来、修正案ハ十一
月二十六日ノ完成シタ。此ハ又英國、濠洲、和蘭、中華
民國等ノ政府トモ論議サレタモノデアル。案ニサレタ暫定
協定ハ合衆國及ビ日本ハ其ノ國策ヲ恒久平和ノ方向ニ向ケルト云
フ相互公約、公平洋政策ニ於ケル武力沈黙或ハ脅威ニ對スル
相互保障、南部印度、太平洋ノ日本ニ兵力ノ撤退、日米間ノ
一定額目ノ貿易ヲ或特定ノ部度内ニテ再始ヲ認ムルヤウ凍
結令並ニ輸出制限ヲ米國側ニテ修正スル事、右ニ對應ス
ル米結令並ニ輸出制限ノ日本側ニ於ケル修正及ビ右方
策ト同様ノ方策ヲ濠洲、英國、和蘭ニ於テモ取ラセル
目的ヲ以テ各政府ニ交ヘタ文書ニ規定シテヰタ。尚又日華両
政府間ノ如何ナル取極メモ平和法律、政府正義ノ原則ニ基クベ
キモノナル事ハ合衆國ノ五年間心事デアル事ヲモ断言シタ。

Doc

トノ目的ヲ以テ作成セラレタノデアツタ。

此ノ草稿提案ハ我ガ四月十六日日本政府ニ提出シタ原則ヲ始メ一般原則ノ声明ト経済政策ニ関スル原則ノ聲明トヲ含ンデヰタ。此ノ草稿ニヨレバ合衆國ハ中國及ビ日本國政府ニ対シ平和交渉開始ヲ提案シ、交渉期間中ハ日本政府ハ中國政府ニ休戦ヲ提議スベキモノトシタ。此ノ休戦案ハ日本ニ不公平ナ利益ヲ齎ラスモノト考ヘラレタノデ前除サレタ。

余ガ注意ヲ拂ツタ他ノ提案ハ、前日財務省ヨリ受ケ取ツタ全面的解決提案ノ草稿ニ基キ十二月十九日高者ニ於テ暫定的ノ形ニ作成シタ修正案デアツタ。此ノ暫定的提案ハ陸海軍納者ト審議サレタ。ソノ結果出来タ修正案ニ於テハ彼等ガ異議ヲ説

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同暫定協定ハ三ヶ月間效力ヲ有シ更ニ延長ナシ得ベキモノナリハ言フ規定ガアツタ。

同時ニ此ノ暫定協定ノ非常ニ重要ナ一部トシテ日本人ニ公明正大ナル線ニ沿ヒ太平洋地區ノ了解ニ得ル解決ヲ案出スル基礎トモナリ得ル平和解決ノ大綱ヲ考慮ノ為與ヘル事ヲ提案シタ。十一月十一日極東事務局ニ於テハ公明ナル線ニ沿ツタ提案ノ草稿ガ或ハ參考トナルベキモ中ガアルト考ヘ準備セレタノデアツタ。此ノ草案ハ他ノモノト同樣交渉ヲ續行シ（カクテ時ヲ得）モシ受入諾サレレバ米國ノ主義ニ適合スル性質ノ了解ナレ得ル解決ニ最後ハ導ク樣ニ

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ヘタ點ハ削除サレタ。

私ガ考慮シテヰタ第三ノ提案ハ暫定協定デアツタ。

十一月二十二日カラ同二十六日頃マデノ間ニ私ガ日本側ニ提出シヨウト思ツテヰタモノハ我々ノ暫定協定ト公明正大ナル線ニ沿ツテ太平洋地區ニ於ケル全面的解決ヲ案出スル基礎トモナリ得ベキ平和解決案大綱トデアツタ。

其ノ二番目ノソシテ一層廣汎ナ部分ハ十一月十一日案及ビ十一月十九日案ニ示サレタ所ニ從ツタトコロモアツタ。

暫定協定ガ尚考慮中デアツタ時私ハ十一月二十五日ノ戰爭會議ノ席上デ我ガ國ト日本ノ國交關係ノ危機ヲ強調シタ。

大統領、國務、陸軍、海軍各長官、參謀總長、海軍作戰部長、ヨリ成ル戰爭會議ハ我々ガ夫々ノ交際ニ於テ、夫々ノ社會ニ於テ一般ニ論ジ合ツテヰタ全テノ情報ヤ意見ノ交換所ノ樣ナモノデアツタ。

此等會議デハ特別ナ場合ノ事件ノ進展ノ特ニ興味アル事ハ必ズ論評サレタ。

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ソノ会議ノ席上私ハ日本軍部ハ既ニ攻撃熱心勢ヲ取ツテヰルト言フ自分ノ豫想ヲ表明シタ。日本ノ指導者達ハ決シテ必死デアツタノデアル。彼等ハイツ何時何処ニデモ突出スルカモ知レヌ、ソシテ私ハ彼等ノ計画ノ不意ヲ突キソウナ點ヲ強調シタ。余ハ実際ニ最後ノ段階ニ至ツタ事ヲ感ジタ。ソシテ我ガ國ノ安全ヲ防衛スル任務ハ陸海軍ノ掌中ニアルヲ思ツタ。

十一月二十四日當省ヲ通シテ「ルヤーケル氏ニ打電サレタ通告ニ於テ「ルーズベルト」大統領ハ我々ノ提案シタ暫定協定ノ説明ニ附シテ『余ハ余ノ希望ヲモツテ居ナイ。我々ハ皆恐ラクハ遠カラズ到ル本當ノ困難ニ備ヘネバナラナイ』ト云フ言葉ヲ加ヘタ。

十一月二十五日ト二十六日ノ夜私ハモウ一度我々ノ提出案特ニ暫定協定ノ件ニ就テ考慮シタ。

余ガ既ニ指摘セル如ク十一月二十二日、二十四日、二十五日ノ連續セル草稿ハ皆二ツノ事ヲ含ンデヰタ。(一)の能ナル暫定協定及ビ(二)原則ノ聲明ト此ノ適用法ヲ示ス例ヲ提案シタモノデアリ、之ハ其ノ後一般ニ十ケ條ノ提案ト呼ベレテヰルモノデアル。

余並ビニ我ガ政府ノ他ノ高官達ハ日本軍部ガ攻撃熱心勢ヲトツテヰル事ヲ知ツテ居タ。我々ハ日本政府ハ期限付キデ始メハ十一月二十五日後ニハ十一月二十九日ニ延長シタガ――我ガ政府ガ彼等ノ十一月二十日ノ極端ナル最後的提案ヲ受諾スル事ヲ要求シテヰタコトヲ知ツテヰタ。

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ソレ故ニ大統領並ニ他ノ高官達ト同ジク私モ又日本側ガ我々ノ提案ヲ受諾スル見込ハ非常ニ薄イト判斷シタ。

日本側ノ見タ目デハ暫定協定ノ容貌ハ、日本ノ要求スル無限ノ量ニ比ベレバ非常ニ制限サレタ量ノ棉花、油、ソノ他數種ノ物品ト云フ謂ハバ鶏ノ餌ノ様ナモノシカ含ンデナイト見ラレタデアラウ。

此ノ提案ノ暫定協定ノ件ニ関シテハ、殊ニ日本ニ対シテ、假令制限サレタ量デモ、油ヲ供給スルコトニ対シテハ亜米利加ノ輿論カラ廣ク反対ガアルダロウト云フコトハ、明日デアッタ。中國政府ハ盛烈ニ反對シタ。他ノ関係國政府モ中國ノ見解ニ同情的デアリ、根本的ニ不賛成カ、又ハ不熱心デアッタ。是等諸政府ガ協力シテ呉レルコトガ此ノ計画ノ一部ダッタノデアル。日本ト斯カル取極メヲ締結スルコトハ、中國ノ士気ニトッテ大打撃ニナルダロウト云フコトガ明カトナッタ。是等ノコトヲ考ヘテ見ルト、日本ガ此ノ暫定協定ニ同意シソウナ様子ガ少シデモ見エルト暫定協定ヲ進メテ行ク上ノ危険、就中、中國ノ士気ヤ抵抗ノ崩壊、殊ニ中國ノ分裂スラ起ス様ナ重大ナ危険ヲ冒スコトニナリカネナイト云フコトガ明瞭ニナッタ。ダカラ此ノ暫定協定ハ実行出来ナイダロウト云フコトハ完全ニ明カトナッタ。日本側ハ、彼等ガ包圍サレツヽアルト云フ意味ノ宣傳ヲシテ居ッタ。我々ハ一方ニ於テハ此ノ攻撃ニ当面シ他方ニ於テハ、我々ガ日本ヲ宥和スル政策ヲトル準備ヲシテ居ルト云フ攻撃ニアッタ。其ノ結果生ジル混乱ニ鑑ミテ、根本的事項ヲモウ一度述ベルコトガ大切ダト思ハレタ。

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我々ハ日本ニモツ一度、我々ガ総テノ國家ニ提言シタモノ、即チ平和的、互恵的且進歩的ナ線ニ沿ッテ、協力スルト云フコトヲ提議シタ筋書ヲ提言スルコトガ出来タノデアル。日本ハ何時デモ、此ノ種ノ筋書ヲ受入レテ其ノ方向ニ動クコトガ出来タノデアッタ。ソウスルコトハ、日本ニトッテ未ダニ可能ナノデアッタ。ソレハ日本ガ決メルベキ事柄デアッタ。日本ガソウ決メルベキ願ッタ我々ノ希望ハ、事実上破ラレタ。ケレドモ、平和的解決ノ凡ユル手段ヲ試ミ且盡ス為ニハ、如何ナル努力モ惜ンデハナラナイト云フ原則ノ上ニ、我々ノ將来ノ会談ニ於テ、大キナ然シ単純ナ解決ノ一ツノ標本ヲ作リ出スト云フ形ニ於テ、此ノ非常ニ基礎的ナ努力ヲ進メテ行クコトガ望マシイト考ヘラレタ。

上述ノ様ナ考ナデ、十一月二十六日ニ、私ハ大統領ニ、私ガ日本ノ代表者達ヲ招致シテ、暫定的計畫ハ見合セ置キ、此ノ大綱的基礎的ナ提議ヲ手交スルコトヲ進言シ、大統領ハ之ニ同意シタ。此ノコトハ其ノ日ノ午後晩ク行ハレタ。

十一月二十六日ニ、日本ノ代表者達ニ手交サレタ文書ハ、二ツノ部分ニ分レテヰタ。

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日本側ニ手交サレタ文書ノ最初ノ部分ニハ、「口頭」ト云フ記号ガ附サレテアッタ。其ノ中ニハ、豫備会談デ探求サレタ目標、即チ若シ出来レバ、太平洋全域ニ関係アル問題ヲ、國家間ノ平和、法律、秩序及ビ公正ナ處理ノ原則ニ立脚シテ、解決ニ漕ギ付ケルト云フ目標ガ、簡單ニ再述サレタヰタ。原則ニ関シテハ、若干ノ進捗ヲ示シタト信ゼラレル旨ガ述ベラレテアッタ。日本政府ハ全般的平和解決ヲ目的トシ、会談ノ継續ヲ希望スル旨ノ、日本大使ノ最近ノ言明ニモ言及サレテヰタ。

十一月二十日ノ暫定協定ニ関スル日本ノ提案ニ就イテ、米國政府ハ全太平洋領域ニ亘ル廣範囲ノ平和案作成ニ対シテ、日本政府トノ会談ノ継續ニハ、凡ユル機会ヲ与フルコトヲ希望セル旨ガ述ベラレテアッタ。十一月二十日ノ日本側提案ノ若干ノ特点ハ、我カ國政府ノ見解ニ依レバ、目下考慮中ノ一般的取極メノ一部ヲ形成スル根本原則ニ抵觸スルト我ガ政府ハ述ベタノデアリ、各國政府ハ其ノ原則ニ関係ガアルト宣言シテヰルノデアル。

我カ政府ハ、既ニ述ベラレタ基本原則ノ実際的適用ニ関スル意見ノ相違ヲ解決スル為、尚努力スヘキタト提言シタ。此ノ目的ヲ念頭ニ於テ

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「我々ノ將來ノ會談中ニ解決サルベキモノト我ガ政府ガ觀察スル案ノ一ツノ事實上ノ例トシテ、全太平洋ニ跨ル大綱的デハアルガ簡單ナ解決案ヲ日本政府ノ考慮ニ供シタト我ガ政府ハ述ベタ。

文書ノ第二部ハ、二章ニ分レテ居リ計畫案要綱ヲ具體化シタモノデアル。

第一章ニ於テハ、兩國家ノ國策ハ全太平洋地域ニ亘ル平和ニ向ケラレタルコト、兩國ハ其ノ地域ニ於テ何等ノ領土的意図モ亦侵略的野望モ有セザルコト、及ビ兩國ハ相互ノ關係及ビ他ノ諸國家トノ關係ガ基礎ヲ置ク平和ハ、或ル根本原則ヲ支持スルト云フコトヲ肯定スル政策ハ、相互宣言ガ概述サレテアツタ。是等ノ原則ハ、次ノ様ニ述ベラレテヰタ。

(一)總テノ國家ノ領土保全及ビ主權ノ不可侵原則。
(二)他國家ノ內政問題ニ不干涉ノ原則。
(三)通商上ノ機會均等及ビ待遇ノ平等ヲ含ム平等ノ原則。
(四)紛爭ノ防止並ニ平和的解決及ビ國際狀況ヲ平和的手段ト方法ニ依リ改善スルタメニ國際間ノ協力及ビ宥和ニ依存スル原則。

此ノ政策及ビ原則ノ声明ハ、既ニ四月以来数回ニ亘ッテ日本政府ニ提出サレタ声明ノ線ニ沿フテヰタ。

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第一章ニハ又彼等相互間乃至他國及ビ他民族トノ経済関係ニ於テ、自由経済原則ヲ支持シ、適用スルト云フ相互誓約ノ規定モアツタ。是等諸原則ハ列擧セラレテヰタ。而シテ之等ハ通商ノ機会及ビ待遇ノ平等ノ一般的原則ニ基クモノデアツタ。此ノ経済関係ニ関スル相互誓約ノ提案サレタル規定ハ以前ニ日本側ニ提出サレタソレノ線ニ即シテヰタ。第二章ニハ両國政府ノ採ルベキ提案方策ガ概述サレテアツタ。日本ガ全陸海空軍乃至警察力ヲ中國及ビ印度支那ヨリ撤退スルト云フ日本側ノ保障タルヿノ片務公約ガ暗示セラレテ居リ相互公約トシテハ次ノ諸線ニ即シテイタモノガ暗示セラレテヰタ。

(イ)主トシテ太平洋地域ニ関係アル諸政府間ニ於テ相互的不可侵條約ノ締結ニ努ムベキコト

(ロ)主要関係諸政府間ニ於テ印度支那ノ領土保全ヲ尊重シ而カモ該地ニ於ケル特惠経済待遇ヲ求メ或ハ受ケザル協約ヲ締結スルニ努ムルコト。

(ハ)重慶ニ臨時首都ヲ有スル中華民國國民政府以外ノ在華政權ヲ支持セザルコト。

(ニ)中國ニ在ル治外法權乃至ソレニ類スル權利ヲ撤廢シ斯カル權利ヲ現有スル他ノ諸政府ノ之等權利ノ放棄ニ対スル同意ヲ得ルニ努ムルコト

(ホ)相互的最惠國待遇ニ基ク通商條約ヲ商議スルコト。

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(ヘ) 各々ノ國ニ依リ相互ノ資産ニ課セラレタル凍結制限ヲ撤却スルコト

(ト) 日本及ビ合衆國ガ各々資金ノ半分ヲ供給スル弗円相場ノ安定計畫ニ同意スルコト

(チ) 当事國ノ何レカガ第三國ノ一國又ハ數國ト既ニ締結セル條約ハ何レモ此ノ條約ノ基本目的ト抵觸スルモノト当事國ハ解釋セザルコトニ同意スルコト

而シテ

(リ) 提案サレタ本協定中ニ規定セル基本的政府経済原則ヲ他ノ政府ヲシテ固守セシメル様当事國ノ勢力ヲ利用スルコト

十一月二十六日 日本側ニ手渡サレタル文書ハ本質的ニハ長イ間我ガ国ノ対外政策ノ根本ヲ成シテヰル諸原則ノ再述デアッタ。

本文書ノ含ムナケ條ニ依リ具体化サレテヰル如ク極東ノ情勢ニ対スル是等ノ原則ノ實際的適用ハ上述ノ文書ガ手交サレル以前ノ數ケ月間ニ行ッタ略式豫備会談中ニ日本側代表者ト為シタ論議ノ線ニ沿ッタモノデアッタ。

我ガ政府ノ提案ハ如何ナル友好國家ニモ提出セントスル様ナ相互ニ有利ナ政策ヲ具体化スルモノデアリ同提案ガ爾後ノ会談ノ基礎トナルベシトスフ提議ト結ビ付ケラレタモノデアッタ

我ガ方ノ諸原則ヲ断乎トシテ擁護スルトスフ我

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ク、計畫ノ最モ肝要ナ事ハ他ノ諸國家ニ對シテモ
我々自身ニ對スルト同樣ニ非常ニ有利ナ立派ナ
計畫ヲ提言スル事デアル 我々ハ日本側ガ是等ノ諸
原則ヲ放棄スル筈ハナイト主張シタニ拘ラズ 斷乎トシテ
是ヲ擁護シタノデアル 此ノ成行ニ對シ何等陳辯
スル所ハナイ。我ガ政府ノ提案ハ作成セラレルベキ計
畫ノ一ツノ事實上ノ例トシテ日本政府ガ考慮スル
爲供サレタモノデアル 夫レハ何レノ政府ニ依ッテモ
自由ニ提出サレル他ノ事實上ノ例ヲ排除スルモノデ
ハナカッタノデアル。
今談ヲ通ジテ日本側ガ征服支配政策ヲ廢棄スル
事ヲ拒否セル二鑑ミ我々ハ日本ガ本計畫ヲ受諾
スル見込極メテ薄イト云ッ事ハ良ク承知シテヰタ
ノデアル。併シ乍和ノ可能性ハンシガ如何ナル微小ナ
ルモノニモセヨ探索シ盡サズ二ハ措カナイト云フノガ政
治家ノ任務デアル 此ノ精神ヲ以テ十有三年ノ文
書ガ日本政府ニ手渡サレタノデアル

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十一月二十六日ノ文書ガ日本代表ニ手交サレル際私ハ、提案セル協定ハソノ要綱中ニ誤解ヲ惹起スル恐ガアルノデ言及シテナイケレドモ、財政的協力ニ関スル実際的方策ヲ提供スルカモ知レナイト述ベタノデアル。私ハ更ニ加ヘテ、風ニ私ハ移民問題解決ニ関スル私ノ希望ヲ大使ニ通告シタガ、今日迄情勢ハ私ヲシテソノ希望実現ノ運ビニ至ラシメテヰナイ旨述ベタ。

日本側宣傳ガ、特ニ日本ガ捲敗ヲ喫シ始メテカラハ我ガ方ノ十一月二十六日ノ覺書ヲ「最後通牒」ト称シテ、夫ヲ曲解シ之ニ虚偽ノ意味ヲ与ヘント努メタコトハ驚ノベキコトデハナイ。此ノ事ハ日本國民ヲ欺キ軍國主義的掠奪ト膨脹トニ對シ彼等支持ヲ得ルタメニ虚偽浅薄ナル口實ヲ完全ニ利用スルト云フ周知ノ日本人ノ特性ト一致スルモノデアッタ。

七　最后ノ局面

十一月二十六日以後日本側代表ハ彼等ノ申出ニ依リ、大統領及ビ私ト数回会見シタガ平和的協約ニ関シテハ何等新展開ヲ見ナカッタ。

十一月二十六日、日本大使ニ対スル我ガ政府提案ノ傳達ニ次イデ記者團ハ、日本代表達ガ一文書ヲ検討ノ為手交サレタ旨、國務省ノ一官吏ニ依リ報知サレタ。此文書ハ彼等ガ報知サレタ与ヒニ依レバ最近数週間ニ亘ル会談ノ極點デアッテ再三ノ反復ニ照シ、記者達ガ全ク熟知シオルガ如キ或ル根本原則ニ基ヅキテアルタ。十一月二十七日、私ハ長時間ノ新聞記者團トノ特別会見ヲ行ヒ、ソノ席上、私ハ記者團ニ、彼等ニ与ヘラレタ情報ヲ彼等自身ノモノトシテ或ハ権威筋ヨリ得タモノトシテ彼等ガ利用スルコトハ自由デアルト告ゲタ。

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私ハ軍指導者ニ導カレル日本ノ同志ノ者達ガ世界人口ノ半分ヲ有スル地球ノ約半分ヲ武力ニ依ッテ征服スル計画ヲ持ッテ井ルコトヲ、最初ヨリ念頭ニ置イテ井ルト語リ、又記者團ガ之ヲ念頭ニ置クコトヲ私ハ提言シタ。彼等ハ、此ノ地球ノ半分ニ「ヒットラー」ガ欧洲デ行ッテ井ルノト酷似セル各民族ノ政治、経済、社会及ビ道徳事情ノ軍事支配ヲ強制スル計画ヲ持ッテ井タノデアル。私ハ、極東ニ於ケル此ノ動ガ一九三七年（昭和十二年）ニ本式ニ開始サレタト語ッタ。夫ハ國際関係ニ於ケル行為凡ユル規準或ハ法律、或ハ正義法則或ハ公正ノ不遵守政策ヲ伴ッタ。最初カラ、我々ハ主要自由國家ノトシテ國際関係ニ於ケル対スル見解ヲ支配スル基礎原理乃至原則ヲ存續セシムルコトヲ布告シタ。即チ法ニ由ル統治、各國ノ自由ヲ完全ニ保障スベキ正義、道徳及ビ主義ニ基ク一定ノ規律ニ準據シタ方法ニ依ル統治、他國ノ内事ニ対スル不干渉主義、他國ノ主権及ビ領土保全不侵犯ノ保持、紛争ノ平和的解決、通商機会及ビ関係ノ平等デアル。此等及ビ之ト方向ヲ共ニスル其ノ他ノ主義ハ、我々外交政策行為ニ於ケル凡ユル行動ノ標準デアッタ。私ハ指摘シタ。我々ハ世界ガ益々國際的無政府状態ニ向ヒツツアッタノデ、ソレ等ノ主義ヲ存続セシメンタメ他ノ諸國ニモ之等ヲ銘記セシム様努力シテ来タ。我々ハソノ保全ヲ保障スベク盡力シ来ッタノデアル。而シテソレハ決シテ容易ナコトデハナカッタ。

私ハ一九四一年（昭和十六年）春平和ニ関シテ日本側トノ会談問題ガ起ッテ来タト述ベタ。其ノ目的ハ全太平洋地域ニ関スル平和的解決ガ可能ナ否ヤヲ確カメルコトデアッタ。

永イ間日本ニハ二ツノ相反スル團体ガアッタト私ハ述ベタ。

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ソノ一ツハ軍閥ヂユハ時ニハ軍人ノ極端論者ニ指導サレタ。彼等ハ一九三七年(昭和十二年)ノ支那事変ガ決定セラルル時ニ於カヲ握ツテ居ル様デアツタ。支那事変ノ進行ニツレテ、日本ニハ、平和、法律、及ビ秩序ヲ衷心カラ愛好スル者ヲ、代表トスル一ツノ反対団体ガアツタ。此ノ団体ノ一部ハ個人的ニハ、武カ及ビ征服ノ政策ヲ支持シナガラソレニ着手スルコトハ色々ナ理由デ時ヲ得テ居ナイト考ヘタ人々ヲ包含シテ居タ。此ノ団体ニ属スル或ル人々ハ支那ニ於ケル日本ノ不満足ナル経験及ビ彼等ノ見ル所ノ三国協定下ニ於ケル日独向ノ不満ナル外交関係ニ鑑ミ日本ノ政策ニ反対スル傾向ガアツタ。私ハソレ以来ノ数ケ月間ニ於ケル我々ト日本トノ会議ニ全ク譲歩的ノモノデアツタト言ウタ。其ノ期間中余ハ其地域ニ於テ利害関係ヲ有スル他ノ諸国ト同一ノ平和的親善的関係ヲ享ケテ居タ。

余ハリレス前国務長官ノ提出サレタル根本問題及ビ日本ト米国トノ間ニ何等カノ平和的親善的関係ヲ維持スル為メニハ日本ニ果シテ如何ナル程度ノ譲歩ヲ為シ得ルヤノ点ニ付テ凡ソ一般的ノ情報ヲ得ヘテ置イタ。

余ハ今次ノ会談中我々ハ幾多ノ重要ナル問題ニ付テ意見ノ交換ヲナシテ居ルカラ我々ハ政治的関係ノミナラズ陸海軍関係ニ関スル局面モ考慮ニ入レナケレバナラヌト考ヘタ。其ノ一例トシテ引継キ日本ニ於ケル事実ヤ事情カラシテ日本軍ハ人員資材、船舶及ビ凡ユル種類ノ施設ヲ印度支那ニ注入シテ居ル事ヲ我々ハ数日前カラ知ツテ居ル事ヲ引照ス。事情通ノ一観察者ハ南佛印ニ於ケル日本軍ノ数ヲ、十三万八千ト報告シタル。ソレハ多過ギタカモ知レナイ。然シ軍隊ノ大移動ハ行ハレテ居ル。更ニ数日中ニコレヤ仏印周辺ノ或地点ヨリ日本海軍ガ

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攻撃ヲ加ヘルカモ知レナイトノ報告ガアツタ。余ハ情勢ガ実際ニ多分ニ日本軍人ノ極端論者ニ委ネラレテ居テリレヲ手ニ負ヘナクナラヌ内ニ事態ヲ緩和スル様ナ諒解ヲ得ンガ為ニ我々ハ懸命ノ努力ヲシテ居ルノデアルト記者団ニ語ツタ。

私ハ、印度支那ニ言及シテ、若シ日本ノ軍ノガ、現ニ為シツツアルト思ハレル如ク、十分ナ兵力ヲ以テ同地ニ駐屯スレバ、彼等ハ対華作戦基地ヲ持ツバカリデナク、南洋全地域ニ対スル明瞭ナ脅威トナルダラウト述ベタ。是ハ特別ノ危険ヲ意味スルモノデアルト知ルト、我々ハ勿論此ノ種ノ脅威ヲ避ケル為ノ凡ユル方法ヲ研究シタ。

私ハ、我々ハ凡ユル種類ノ見解ノ恩恵ヲ受ケタト述ベタ。或ル人々ハ我々ノ宥和主義ヲ責メ、又或ル人々ハ他ノ諸国ヲ見捨テタト云ツテ責メタ。此ノ間ニ於テ我々ハ絶ヘズ正反対ノ努力ヲシテ居タノデアル。是等種々ノ見解ハ、總ベテ善意ニナサレタモノデアツテ、リノ提言者達ハ何等提言者側ノ罪ヲモナカツタ。之ハ全ク利益ノ無イコトデハナイ、状態デアツタ。

我々ハ日本側ト此ノ問題ノ諸局面ヲ解ク為、全努力ヲ傾倒シタ。我々ノ努力ハ、一般的協定ノ作成ヲ容易ナラシメル為ニ致サレタ。我々ハ、会談ヲ容易ニシ、会談ヲ中断セシメザルコトヲ欲シタ。然シ、従来多年ニ亘リ声明シ実行シテ来タ基本的原則ヲ、常ニ完全ニ生カシテ来タ。

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私ハ更ニ續ケテ言ッタ。十二月二十六日東京ニ於ケル日本政府高官達ノ古イ武力主義ノ宣言ト共ニ多大ノ混乱ト多クノ附隨事項ガ導入サレテ未タノデ私ハ情勢ニハッキリシタ見透ヲ附ケルコトガ重要デアルト考ヘタ。ソコデ私ハ、基本的原則ヲ再檢討再述シ、且是等ノ原則ヲ太平洋地域ニ於ケル廣汎ナ基礎的平和的解決ニ論理的ニ含マレルベキ多數ノ特殊條件ニ適用シヨウト企テタ。

我々ガ右會談ヲ継續スル間ニ、凡ユル種類ノ提言ガアッタ。私ハ勿論我々ノ主張スル總ベテノ主義ノ完全ナル保持ヲ期シレッ、一般的協定ヲ期待スル會談ヲ容易ニシ、存續セシメ、且若シ未ルナラバ、促進スルモノデアルカドウカノ觀點カラ總テノ提言ヲ考慮シタト述ベタ。私ハ總ベテノ可能ナルモノヲ檢討シヤウト努メタノデアルガ、然シ會談及ビ平和ニ関スル一般的協定ヲ求メントスル努力ノ停止ヲ企図スルカ如キ提案ノ考慮ヲ常ニ省ミヤウニ努メタ。

私ノ十一月二十六日ニ日本側ニ與ヘタ基礎ニ彼等ガ再ビ帰ッテ更ニ會談スルコトヲ私ガ期待スルカドウカトノ一記者ノ質問ニ対シ私ハ知ラナイガ私ガ既ニ述ベタ様ニ、日本側ハソウシナイカモシレナイト述ベタ。私ハ、彼等ガ行ッテ居ル軍事行動ニ言及シテ記者達ハ日本側ガ右會談ヲ再開スル考ヘガアルカドウカヲ知リ度イカラウト考ヘルト述ベタ。

我ガ政府ノ政策ノ根本的原則ニ一致セシメル為ニ、日本ハ南方ニ派遣シッツアル軍隊ヲ撤退セシメル必要ガアル

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カドウカトノ次ノ質問ニ答ヘテ、私ハ「然リ」ト云ッタ。更ニソレハ日本軍隊ノ中国及ビ印度支那カラノ撤兵ヲ意味スルモノデハナイカトノ質問ニ答ヘテ、私ハ一九三七年（昭和十二年）ニ声明シタ我々ノ綱領ハ勿論ソレヲ全部網羅スルモノデアルト述ベタ。中国カラ軍隊ヲ撤退サセル問題ハ、論争ノ骨子デアッタ。

日本ガ我方ノ原則ヲ受諾シ且又會談ヲ續行スル為ノ基礎ヲ與ヘル迄ニ行ク望ミハナイト云フ聴斷ハ正シイカトノ質問ニ答ヘテ、私ハソノ可能性ハ常ニアルガドノ程度ノ公算ガアルカハ云ヘナイト述ベタ。

日本ガ樞軸カラノ離脱ニ頷トシテ應ジナイコトガ立證サレタカトノ質問ニ対シテハ、寧ロ行動ヲ以テ要加盟シテ居ルト答ヘタ。

事態ハ日本側カラ言葉ヨリモ、寧ロ行動ヲ以テ要トスルカトノ質問ニ答ヘテ、私ハ之ハ疑モナクサウデアルガ、実行ニ移スノニ以テ要ナル或ル種ノ了解ニ達スルニハ第一ニ言葉ガ以テ要デアルト述ベタ。

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是等・南方ヘノ軍事行動ヲ、日本側ハ如何ニ説明スルカト
ノ質問ニ対シテ、私ハ彼等ハ説明シナイト答ヘタ。
十一月廿八日ノ戦争會議デ私ハ、我々ガ日本側ニ提示シタ十月
廿六日ノ提案ヲ吟味シ、且又日本トノ了解ガ達成セラルル可
能性ガ殆ンド無イコトヲ指摘シタ。私ハ、私見デハ、日本ハ行動ヲ起スカモ知レナイコト、且又我ガ国ノ安全ノ自
服ノ断行動ヲ起スカモ知レナイコトヲ強調シタ。私ハ、我国ノ軍事
衛ハ陸海軍ノ手ニ存スルコトヲ述ベタ。
的防衛計画ハ、日本側ガ奇襲ヲ其ノ戦略ノ中枢ト為シ、
且又防衛及ビ調整ヲ模索スル目的ヲ以テ各要衝ヲ同時ニ
攻撃スルカモ知レナイト云フ仮定ヲ含ムベキデアルトイフ私ノ判
断ヲ相与ノ敬意ヲ表シテ閣陳シタ。
十一月廿九日ニ、私ハ英大使ニモ大体同様ノ意見ヲ述ベタ。
私ハ當時ハ終始私ガ接シタタメ数ノ人々ニ同様ノコトヲ述ベタ。
十一月三十五日ニ、印度支那ノ河内駐在ノ「米国」領事ハ、日本
ハ十二月一日頃「クラ」半島ヲ攻撃ヲ開始スル豫定デアルト
報告ヲ本省ニ通知シテ来タ。彼ハ又更ニ之マデ時々報告シ
タ上陸ニ加ヘテ新タナル部隊並ビニ軍需品ノ印度支那上
陸ヲ報告シテ来タ。
十一月二十六日ハ「サイゴン」駐在ノ米国領事ハ同月概報ノ到
着前ニ、補充トシテ更ニ南印度支那ニ、日本ノ大増援部
隊ガ到着シタ事ヲ報告シテ来タ。十一月二十九日ニ、国務省ハ
東南亜細亜ニ於ケル諸出先機関ニ対シ、今後陸海軍ノ行
動ニ関スル情報ハ直接「マニラ」ノ合衆国亜細亜艦隊司令長

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官宛打電スル様訓令シタ。

十一月三十日、英国大使ハ、英国ハ日本ガ「シヤム」ヲ攻撃セントシテ居リ、此ノ攻撃ハ「クラ」地峡ノ戦略的重要地点ヲ奪取セムトスル海上遠征ヲモ含ムモノデアルト云フ重要ナル徴候ヲ得テヰルト私ニ告ゲタ。

十一月三十日ノ東條首相ハ大政翼ノ賛會及ビ大日本興亜同盟主催ノ国民大会ニ送ツタ祝辞ノ中デ次ノ如ク述ベタ。

「蔣政権ハ或ハ英米ノ煽動ニ左右セラレ、或ハ共産党ノ宣傳ニ踊リ、ミダリニ抗戦ヲ叫ンデ前途有望ノ青少年ヲ空シク犬死セシメツツアルコトハ大東亜民族ヲシテ相食マシメソノ間隙ニ乗ジ英米両国ガ「アジア」制覇ノ野心ヲ逞シウセントスルモノデアツテカクノ如キハ由来英米両国ノ常套手段トスルトコロデアル。

「我々ハ人類ノ名譽ノ為ニ人類移持ノ為ニ断ジテコレヲ徹底的ニ排撃シナケレバナラヌ」

ソノ日即チ十一月三十日ノ日曜日ニ、日本ノ總理大臣ノ好戦的声明ト極東状勢ノ重大化ニ関シ我ガ軍部ト協議ノ後、私ハ「ウオーム・スプリングス」ニ居タ大統領ニ電話ヲ掛ケ「ワシントン」帰還ノ日ヲ繰リ上ゲル様ニ勧メタ。依ツテ、大統領ハ十二月一日「ワシントン」ニ帰還シタ。

十二月二日、大統領ハ印度支那ニ於ケル日本軍隊ノ継続的移動ノ理由ニ関シ日本大使並ニ来栖氏ニ直チニ問ヒ訊ス様指令シタ。

十二月三日ノ記者團トノ会見ニ於テ私ハ十一月二十七日ニ私ガ言及シタ諸点ノ或部分ニ関シモウ一度吟味シタ。私ハ、十一月カラ豫備的ニモ他ノ方法ニテモ問題ヲ決定スル点ニ付何等ノ進捗ヲモ見テ居ナイト云ツタ。

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十二月五日、日本大使が訪レ、十二月二日ノ大統領ノ質問ニ對スル回答ヲ提出シタリ。ソレハ日本ノ増援部隊ノ中國ト境ヲ接スル地域ニ在ル中國軍ニ對スル警戒的措置トシテ印度支那ニ派遣セラレタト言フ尤モラシイ聲明ヲ含ンデ居リ。

十二月六日、我ガ政府ハ輸送船三十五隻巡洋艦八隻及ビ駆逐艦二十隻ヨリ成ル日本艦隊ノ、印度支那カラ「クラ」海峽ヘ移動ノ報告ヲ數ヲ、筋ヲ受ケタ。コレハ長イ間脅威シタル日本ノ南方ヘノ武力ニ依ル膨張運動ガ進行中デアルコト、確證デアッタ。合衆國及ビ其ノ友邦ヲ共通ノ差迫ッタ危險ニ置クノ此ノ進展ノ危急的性質ハ我々全部ノ念頭ニ深ク置カレ又當日及ビ其ノ翌日、陸海軍代表ト私トノ會談ノ主題デアッタ。

十二月六日、「ルーズヴェルト」大統領ハ日本天皇ニ宛テ、事態ノ「悲劇的可能性」ヲ避ケルベク直接懇請ヲ打電シタ。

十二月七日、日本軍ハ眞珠灣ヲ攻撃シタ。

眞珠灣ニ於テ極メテ危急ノ數年間待ニ最後ノ數ヶ月間ニ於テ、大統領、國務長官、陸海兩長官並ニ軍部首腦者ハ相互ニ絶エズ接觸ヲ保ッテ来タ。情報及ビ意見ノ交換ハ最モ自由ニ行ハレタ。電話ヲ取上ゲテ呼出人ガ相手方ニ狀勢ニ何カ新シ

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ノ重要ナコトハナイカト尋ネタリ、又呼出人ガ持ツテ居ル新シイ情報ヲ得ヘル等、我々ハ之ヲ通例セツテ来タノデアツタ。是等ノ情報及ビ意見ノ交換ハ、閣議及ビ一九四一年（昭和十六年）ノ秋中ニ開カレタ戰爭會議ノ會合並ニ他ノ数多ノ會談ニ於テ論議セラレタモノノ外ニ行ハレタノデアル。

一九四一年／昭和十六年／十一月二十日カラ、十二月七日ニ至ル時ニ危急デアツタ期間中、我ガ陸海軍両省ノ將校ト保ツタ接觸ノ例證トシテ、私ハ私ノ事務室ニ於テ記入シタ月日ノ用務簿カラ作成シタ是等ノ代表者達ト語ツタ時ノ記録ヲ添附スル（附屬書類A）。ソノ記録ハ勿論完全デハナイカモシレナイ。

更ニ私ハ、一九四〇年（昭和十五年）十月カラ一九四一年／昭和十六年／十二月七日迄ニ、私ガ陸海軍両省ノ代表者ト談合セル時ノ記録ノ報告書ヲ添附スル（附屬書類B）

私ハ更ニ、一九四〇年（昭和十五年）乃至一九四一年／昭和十六年／ノ間ニ國務省ト陸海軍両省トノ間ノ接觸ニ関スル取極ノ報告書ヲモ添附スル

（附屬書類C）。（以下次頁へ）

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以上ニ依リテ私ハ、我ガ國ト日本トノ間ニ起ッタ事項、特ニ此ノ共同委員會、質問ニ関係アル事項ヲ簡單ニ述ベ且ツ分析シヨウト努メタノデアリマス。若シ我ガ國、関係、中、此ノ陳述ニ洩レテヰル部分ニ関シ私ガ明ラカニスル事、出来ルモノガアルナラバ私ハ喜ンデ、シヨウ。

No. 32

（第七巻、第二八九乃至二九〇頁）

「ゲゼル」氏ー抜テ丁度其ノ頃「スチムソン」長官ハ十一月二十五日ニ白亜館デ會議ガアッタト報告シテヰル、ソノ會議ニハ、貴殿「ハワス」長官「スチムソン」氏「マーシャル陸軍大将」「スターク」海軍大将ガ出席シタ、彼ハ其處デ次ノ如ク云ッテ居ル。

「大統領ハ、日本側トノ関係ヲ持タダシタ、彼ハオッラク、若シカシクハ攻撃サレルカモ知レヌ場合ヲ持出シタ、何故ナラバ日本人ハ機先ヲ制シテ攻撃スルコトニ有名デアルカラ、ソシテ問題ハ我々ハ何ヲ爲スベキカデアッテ我々ハ一般問題ニ関シ協議シタ。

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貴殿ハ、其ノ時或ハ其ノ頃一般問題ニ關シ如何ニスベキカト云フ事ニツイテ戰爭會議トノ協議ヲ記憶シテ居ラレルカ

「ハル」氏、――其ノ頃又其ノ後私ノ考ヘテ居ク主要点ハ日本カ如何ナル會談ニモ眞劍ニ參加ヲ續ケル見込ハ殆ンド無イト云フ事デアツタ我々ハ彼等カ最後通牒ニ決シタバカリテナク、二十五日ニ會談ヲ打ケ切ル事ヲ命ジタ事ヲ傍受通信ニ依ツテ知ツテヰタノデアル、ソシテ遂ニ彼等ハ二十日以後ハ速答ヲ求メル私ヲ殆ド病氣ニスル程ニ惱マシタ。

――――――――――――――――

（第九卷第一四七二頁）

副議長――ソレデハ貴殿ハ十一月二十日ノ日本ノ提案ヲ最後通牒ソノモノト考ヘラレタカ

「ハル」氏――彼ハ、文書デモ口頭デモサウ言ツタ、ソシテ我々ハソノ性質ソノモノカラシテサウトシカ考ヘラレナカツタ

副議長――ソコデ十一月二十六日ノ貴殿ノ回答ハ何等カノ意味ニ於テ最後通牒デアツタカ。

「ハル」氏――サアー、本當ノ事ヲ云ヘバ我々ガ此ノ席上デ屢々述ベタ通リ我々ハ會談ヲ續行スル事ヲ非常ニ望ンデヰタシ、又我々ハソレヲ進メル事ヲ望ム全ユル動機ヲ持ツテ居タ、ソシテ我々ハ之等ノ線ニ沿ヒ之ヲ國際関係ノ普通通常ノ方策トシテ提案シタ、ソシテ國務省ノ凡テノ人々、大統領其他ノ人々ハ比白意見ガ一致シテ居タト思フ、又私カ云フ通リ日本側モスグニ道ヲ

No. 34

Doc 2007 (For the Defense)

見出スコトガ出来タハズデアル彼等ハ唯征服ト侵略
ヲモウ止メルトサヘ云ヘバヨカツタノデアル、ガウスレバ彼等ハ自動
的ニ此等提案ノ受益者トナルコトガ出来タ筈デアル
副議長ー貴殿ノ十一月二十六日通告ヲ日本側デハ最
後通牒ト見ナシテヰルト云フ情報ヲ受ケラレタカ
「ハル」氏ー暫ラク經ツコデ受ケトラナカツタ彼等ハ其ノ時
彼等ノ艦隊ヲ「ハワイ」水域ニ向ハセテ居タ、彼等自身
會談ノ打ク切リノ命ジタノデアツタ勿論我々ハ彼等ガ何
時我々ヲ攻撃スルヤモワカラヌ事ヲ確信シテヰタ、我々ハ何時
来ルカ知ラナカツタ、ソレハ完全ニ彼等ノ手中ニアツタ
ガ然シソレハ彼等ガ彼等自身ノ最後通牒ノ影
響ヲ避ケル為ニ陳腐ナ「法律待テ」ト云フ詐欺
的叫ビデアル虚偽ノ捏造ニ着手シタノデ始メテ判ツタノ
デアル彼等ノ考ヘデハ若シ自國民ニ偽ル事ガ出来レバ
ー彼等ハ我ガ國ニハ少シ偏見ヲ抱キテヰルカ又ハ少シ
極端ナ考ヘヲ持ツテヰル人々以外ニハ効力ガナイ事ヲ知
ツテヰタガ然シ彼等ハ丁度「ヒツトラー」ガ彼自身
ノ計畫ト進路ヲ守リ、偽装サセル為ニ、彼ノ侵略軍
ヲシテ次カラ次ヘー偽リノ信ゼシメタト同様ニ此ノ考ヘヲ
自國民ニハ認メサセルコトガ出来ルモノト思ツタ
日本ノ言ヒ逃レハ世界ノ他ノ部分デハ少数ノ人々ニ取
リアゲラレ且信ジラレタケレドモソレハ大シタ範囲デハナ
カツタ

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辯護側文書第五〇〇號
一九四一年九月、ワシントンニ於テ
米國商務委員會編
「米國ノ日本ヨリノ輸入品、並ビニ其ノ米國國防計畫及ビ經濟ニ對スル關係」

米國ノ日本ヨリノ輸入品、並ビニ其ノ米國國防計畫及ビ經濟ニ對スル關係

緒論

日米間ノ貿易關係ニ關スル最近ノ進展ノ結果、日本ヨリノ輸入ハ既ニ著シク減少シタ。斯ル情勢ニ依リ、日本ヨリノ輸入ガ何等カノ理由デ完全ニ杜絶スル樣ナ場合ニ、ソレガ我ガ國ノ國防計畫並ビニ一般經濟ニ如何ナル影響ヲ及ボスカトイフ問題ヲ起スニ至ツタ。本報告書ハ此ノ樣ナ見地カラ、日本トノ輸入貿易ニ於ケル主要ナル個々商品ニツイテノ檢討デアル。

本報告書ニ述ベラレテヰル商品ハ五十九ノ輸入品分類カラ成リ立ツテ居ル。ソノ總額ガ一九四〇年（昭和十五年）ニ二十五萬ドル、ソノ前年ニハ五十萬ドル上ツタ日本カラノ輸入商品又ハ商品分類ノ全部

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品ニツイテノ記述、並ビニ主要ナル防衛及ビ民間ノ用途ニ關スル記事ガ書イテアル。此ノ兩者ノ競合的事情ガ簡潔ニ述ベラレテ居リ、日本ヨリノ輸入停止ニヨリ起ルベキ問題ニ問スル主要ナル經濟上ノ資料ガ提供サレテヰル。斯ル停止ニヨツテ影響ヲ受ケル虞ノアル國內業務者ノ各階級（輸入業者、製造者、勞務者、消費者、並ビニ國防産業）ガ示サレテヰル。併シナガラ重點ハ、全体トシテ米國經濟ニ及ボスベキ影響ニ置カレテヰル。シカシ國全体トシテノ見透シニ置イテ何等重大ナ障害ガナクテモ、相當部分ノ國民ノ重大ナル利益ガ影響ヲ受ケル樣ナ場合、例ベバ生糸ノ輸入杜絶ノ如キ場合ニハ關係部門ガドンナ風ニ影響ヲ受ケルカヲ論ズル爲メニ相當ノ紙面ヲ提供シテヰル。

各節ノ終ニアル表ハ日本及其他ノ各供給國カラノ檢討下ニアル消費ノタメノ商品ノ米國輸入額ヲ示シテ居リ、一九三七年乃至一九四〇年ハ各年別ニ一九四〇年一月乃至一九四一年五月ノ期間ハ各月別ニナツテヰル。輸入統計ハ全部米國商務省ノ既刊又ハ未刊ノ統計カラ輯錄シタモノデアル。

摘要

本報告書ノ第二部ニ於テ別ニ分析サレテヰル日本ヨリノ輸入表ハ次ノ表ニ要約サレテヰル。

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| | | | | | | |
|---|---|---|---|---|---|---|
| 貂ノ毛皮 | 898 | 506 | 917 | .6 | .9 | 1.7 |
| 百合根 | 845 | 30 | 35 | .5 | .1 | .1 |
| 眞珠.養殖眞珠及ビ正眞ノ模造品 | 585 | 218 | 418 | .4 | .4 | .8 |
| 滑留具 | 526 | 205 | 196 | .3 | .4 | .4 |
| 剛毛 | 515 | 274 | 256 | .3 | .5 | .5 |
| 竹杖 | 355 | 140 | 168 | .2 | .2 | .3 |
| 種々ノ棉花製品 | 287 | 111 | 50 | .2 | .2 | .1 |
| 紙製品 | 266 | 91 | 83 | .2 | .2 | .2 |
| 眞珠貝 | 171 | 133 | 216 | .1 | .2 | .4 |
| 上記輸入品總計 | 141,979 | 51,528 | 46,628 | 90.5 | 89.7 | 88.9 |
| ソノ他（註２） | 14,954 | 5,912 | 5,833 | 9.5 | 10.3 | 11.1 |
| 總　計 | 156,933 | 57,440 | 52,461 | 100.0 | 100.0 | 100.0 |

Def Doc 500

辯護側文書第五〇〇號
一九四一年九月、ワシントンニ於テ
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「米國ノ日本ヨリノ輸入品、並ビニ其ノ米國國防計畫及ビ經濟ニ對スル關係」

米國ノ日本ヨリノ輸入品、並ビニ其ノ米國國防計畫及ビ經濟ニ對スル關係

緒論

日米間ノ貿易關係ニ關スル最近ノ進展ノ結果、日本ヨリノ輸入ハ既ニ著シク減少シタ。斯ル情勢ニ依リ、日本ヨリノ輸入ガ何等カノ理由デ完全ニ杜絶スル樣ナ場合ニ、ソレガ我ガ國ノ國防計畫並ビニ一般經濟ニ如何ナル影響ヲ及ボスカトイフ問題ヲ起スニ至ツタ。本報告書ハ此ノ樣ナ見地カラ、日本トノ輸入貿易ニ於ケル主要ナル個々商品ニツイテノ檢討デアル。

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ガ包含サレテキル。而シテ更ニ前記商品ニ密接ナ關係ヲモツカ或ハ國防ノ如キ其ノ他ノ理由デ重要ナル若干ノ少數輸入品モ包含サレテキル。本報告書ノ記錄中ノ表ニ示サレテキル最終ノ集計ハ一九四〇年ニ於ケル日本ヨリノ全輸入品ノ九〇、五パーセントニ當ル商品及ビ一九四一年ノ最初ノ五ケ月間ノ八八、九パーセントニ當ル商品ノ說明ヲ與ヘテキル。（此等ノ同一分類ハ一九三九年ニ於ケル輸入ノ九〇、二パーセントノ商品ヲ示シテキル。）此等ノ商品ハ極ク僅カノ例外ヲ除イテ（註1）商務省ガ用ヒテキル輸入品ノ分類ノ順序ニ從ツテ論ゼラレテキル。

（註1）例ヘバ魚片及魚粉ハ飼料並ニ肥料トシテ使用サレテイテ、其ノ時ノ輸入品ハ夫々ノ用途ニ依ツテ異ナツタ分類ノ中ニ入レラレテキル。併シ、本報告書ニ於テハ右ノ二種ノ物ハ同一部類中ニ論ジテアル。

附錄ノ表ニ記載サレテキル各商品又ハ商品ノ種類ハ極ク僅カノ例外ヲ除イテ本報告書ノ第二部ノ別ノ節ニ於テ取扱ハレテキル、ソノ例外トイフノハ用途及ビ原産地ガ密接ニ關聯シテキル一定ノ部類ノ商品デアル、斯カル場合ニ其ノ部類ハ一ツノ別ノ節トシテ取扱ハレテキル。各節ニ於イテハ、檢討中ノ生産

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品ニツイテノ記述、並ビニ主要ナル防衛及ビ民間ノ用途ニ關スル記事ガ書イテアル。此ノ兩者ノ競合的事情ガ簡潔ニ述ベラレテ居リ、日本ヨリノ輸入停止ニヨリ起ルベキ問題ニ問スル主要ナル經濟上ノ資料ガ提供サレテヰル。斯ル停止ニヨツテ影響ヲ受ケル虞ノアル國内業務者ノ各階級（輸入業者、製造者、勞務者、消費者、並ビニ國防産業）ガ示サレテヰル。併シナガラ重點ハ、全体トシテ米國經濟ニ及ボスベキ影響ニ置カレテヰル。シカシ國全体トシテノ見透シニ置イテ何等重大ナ障害ガナクテモ、相當部分ノ國民ノ重大ナル利益ガ影響ヲ受ケル樣ナ場合、例ベバ生糸ノ輸入杜絶ノ如キ場合ニハ關係部門ガドンナ風ニ影響ヲ受ケルカヲ論ズル爲メニ相當ノ紙面ヲ提供シテヰル。

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摘要

本報告書ノ第二部ニ於テ別ニ分析サレテヰル日本ヨリノ輸入表ハ次ノ表ニ要約サレテヰル。

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第一表　日本ヨリノ米國輸入消費品目―一九四〇（昭和十五）年度並ニ一九四〇―一九四一（昭和十五―十六）年度自一月―至五月ノ主要商品別ニ據ル

| 商品類 | 價格（註1）単位 1,000 ドル | | | 日本ヨリノ輸入品總價格ノ比率 パーセント | | |
|---|---|---|---|---|---|---|
| | 1940 | 一月―五月 | | 1940 | 一月―五月 | |
| | | 1940 | 1941 | | 1940 | 1941 |
| 絹及ビ絹製品 | 106,588 | 36,526 | 34,538 | 67.9 | 63.6 | 65.8 |
| 魚類及ビ魚類製品 | 8,776 | 4,990 | 1,533 | 5.6 | 8.7 | 2.9 |
| 綿製品 | 6,452 | 2,498 | 3,206 | 4.1 | 4.3 | 6.1 |
| 化學製品及ビ工業油 | 3,475 | 1,807 | 1,176 | 2.2 | 3.1 | 2.3 |
| 陶磁器及ビ土器 | 3,461 | 1,164 | 985 | 2.2 | 2.0 | 1.9 |
| 茶 | 3,190 | 708 | 718 | 2.0 | 1.2 | 1.4 |
| ベタリーン眞田及ビ未完成紙製帽材 | 1,506 | 872 | 794 | 1.0 | 1.5 | 1.5 |
| 缶詰果物 | 1,185 | 109 | 384 | .8 | .2 | .7 |
| レーヨン・ステープル・ファイバー | 1,033 | 501 | 437 | .7 | .9 | .9 |
| 野菜ソース及ビ他ノ調製食物 | 941 | 387 | 302 | .6 | .7 | .6 |
| 電球 | 924 | 258 | 163 | .6 | .4 | .3 |

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|---|---|---|---|---|---|---|
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| 總　計 | 156,933 | 57,440 | 52,461 | 100.0 | 100.0 | 100.0 |

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（註一）上記ノ價格ハ心ズシモ夫々表示サレタ部門ニ屬スル日本ヨリノ輸入品總額ノ價格ヲ示スモノデハナク、唯附表ニ別々ニ記載サレタ輸入品ノ總計ヲ示スモノデアル。例ヘバ日本ヨリノ全魚類及ビ魚類生産物ノ價格ハ一九四〇（昭和十五）年ニハ八百七十七萬六千弗以上デアツタガ、同數量ハ本報告書中デハ別々ニ扱ハレテキル魚類ト魚類生産物ノ價格ヲ合計シタモノデアル。

（註二）ハ「非常用」又ハ「作戰用」物資ニ指定サレタ部門ニ屬シ、ソノ價格ハ一九四〇（昭和十五）年ニ於テ約八千弗ニ及ブ眼鏡、未製寶母、白金粒、鑛塊、海綿、屑鐵等ノ輸入品ヲ含ム。之以外ニ絹ヲ除キ、臼海軍軍需廳ニヨリ「非常用」又ハ「作戰用」ニ指定セラレタ物資ニシテ一九四〇（昭和十五）年ニ日本ヨリ輸入セラレタモノハナイ。

出所――合衆國商務省公認統計ヨリ編纂シタモノ。

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生糸及絹製品

近年日本カラノ輸入品総額ノ三分ノ二ヲ占メテ來タ生糸及絹製品ノ輸入ノ完全ナ停止ハ同國カラノ輸入ノ全面的停止トイフヨリ大キナ支障ヲ齎タラスデアラウ。

軍用トシテハ生糸ハ主ニ「パラシユート」布地ノ生産ニ使ハレル。コノ目的ノ爲ノ合衆國ノ需要ト製品及未製品ノ在庫量ニ關スル資料ハ公表スルワケニハイカヌ。シカシ、生糸ノ國内在庫品ダケデ（政府ノ認可ヲ得タ場合ニ限リ用ヒラレルデアラウガ）軍用ノ並ノ大キサノパラシユートヲ凡ソ五〇萬個位製作スルニ充分デアル。

又パラシユート製作ノ生糸ノ適當ナ代用品ガアリ殊ニ「ナイロン」ガ類著デアル。

又モウ一ツ軍用トシテ重要ナ絹製品ハ絹ボロデアル。

一九三七年以來中國ガ殆モ重要ナ絹ボロノ供給者デアツタ。

一九四〇年初メ以後日本カラノ輸入ハ取ルニ足ラヌモノトナツタ。

織物工業ノ過程デ再生スル絹ボロノ國内生産モアル。

絹ボロノ缺クベカラザル只一ツノ軍用々途ハ

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推進裝置ノ組立テト彈藥筒發火器布ノ製作及ロ
經ノ大キイ砲ノ火藥袋布製作ニ使ハレル撚リ紐
ト締紐デアル。カヽル用途ニ用ヒラレル布ハ余
リクスブル強靭ヲ要サズニ速カニ完全ニ燃エ切
ラネバナラヌ、ソシテ絹ハサウシタ性質ヲ最ネ
ソナヘル唯一ノ纖維デアルト一般ニ信ジラレテ
キタ。シカシ、合衆國陸軍ガ八月ノ初メニモハ
ヤ火藥袋ヤバラシユートノ多クハ絹ニ賴ル必要
ガナクナツタト發表シタコトハ注目スベキコト
デアル。口經ノ小サイ砲ノ火藥袋ハ木綿、羊毛
モヘーヤ等ニヨリ立派ニ作ラレテキル。

絹ボロノ合衆國軍ノ需要及絹ノ火藥袋製品及
未製品ノ在庫量ニ關スル資料ハ公表出來ナイ。
シカシ、モシコノヨウナモノノ在庫ガ全然ナイ
トシテモ利用シウル生糸及絹ボロ（現在政府ノ
委任優先統制下ニアル）ノ國内供給ハ少クトモ
當面必要ナ凡テノ軍事的目的ヲ滿タスニハ充
分デアラウ。

絹ノ民間使用ニ關シテハ近年日本カラ合衆國ヘ
ノ絹輸入ノ八〇パーセント以上ガ靴下製造ニ向
ケラレテキタ。ソレ故、輸入ノ停止ハ主トシテ
靴下製造業者、絹撚絲工、及ソノ使用人ソシテ
絹ノ靴下、特ニ流行ノ絹靴下ヲハク多クノ婦人

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ヲ困ラセルデアラウ。

極ク薄イ靴下（絹糸、一、二、及三ニ當ル）ヲ作ルタメノ絹代用糸ハ絹ノ如ク多量ニハ使用出來ヌデアラウ。物理的性質ニ關スル限リ現在最モ好マシイ代用品ト思ハレル「ナイロン」ハ一九四〇年ニ作ラレタ絹及ナイロンノ流行靴下ノ量ノ二五パーセントカラ三〇パーセントヲ製造スル絲ノ充分ナ補給ニモ早急ニハ役立タヌデアラウ。シカシナガラコノ割合モ恐ラクバージニヤ州ノ「マーテインスビル」ノ完成近イ新ナイロン工場ガ豫定ノ一九四二年末マデニ充分ノ生産高ヲ擧ゲル樣ニナレバ約二倍ニナルダラウ。

木綿及レイヨン製ノ流行靴下モアル程度マデ絹靴下ノ代リニナリ得ル。シカシ一九四〇年ニハ流行靴下ノ生産ノ一パーセントノミガ木綿、レイヨン、又ハ混合製品デアツタノデアル。

絹靴下及生糸撚リ産業ノ生産高及從業者ハ既ニ八月中旬ニ減少シ多分コノ數ケ月中尙減少スルデアラウ。ソノ削減ノ範圍ト期間ハ不明デアリ主トシテ絹ノ代用トナリ得ル絲ノ利用價値トソノ絲カラ作ラレル適當ナ靴下ノ大量生產ノ進行速度ニカヽツテヰル。レイヨン絲ノ工場ハスデ

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ニ全力ヲ擧ゲテ活動中デアルカラ靴下用ノレイヨン供給ハ増加シ國防ソノ他ノ現在ノ用途カラノ轉向ガ必然的ニ生ズルデアラウ。薄イ靴下製造ノ出來ルヨウナ極ク細イ綿糸ノ生産能力ハ非常ニ限ラレタモノデアル。モシ英國カラノ輸入ガ増セバ細イ綿糸又ハレイヨン糸ノ供給ノ質的ナ早急ノ増加モ見込ミガアル。

只若シモツト多量ノ靴下ガ人絹又ハ綿絲デ製造サレタナラバ、靴下類製造工業ノ生産及ビ屬傭ハ一九四〇年ノ水準ヲ維持出來ルデアラウ。

靴下類製造工業ハ一九四〇年ニ長靴下約五億足ヲ生産シタ。

若シ太イロンガ一九四一年末迄ニ年産僅カ一億五千萬足、一九四二年末迄ニ年産僅カ三億足（本報告書ニ見積ラレテキル如ク）分ノ原料シカ供給シナイトスレバ、靴下類製造工業ノ生産高及ビコレニ伴フ屬傭ガ一九四〇年ノ標準ヲ維持スル爲ニハ他ノ纖維ノ靴下ガ少クトモ年産三億五千萬足ノ不足分ヲ補充セネバナラナイ。一九四〇年ノ人絹及ビ木綿長靴下ノ生産ハ僅カニ五百四十萬足デアル。靴下及ビ絹糸工業ニ於ケル生産及ビ屬傭ノ急激ナ低下ハ少クトモ近イ將來ニハ避ケ難イモノトナルデアラウ。

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靴下類製品削減ハ主ニペンシルヴァニア州及ビ北カロライナ州ニ於テ反應ガアルデアラウ。コノ二州ノ生産ハ一九四〇年ニ於ケル合衆國内生産長靴下ノ約六〇%ニ上ツテヰルカラデアル。」

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輸入生糸ヲ原料トスル絹織物ノ製造業者及ビ使用者ハ、日本ヨリノ生糸ノ輸入杜絶ニモ殆ンド影響ヲ受ケナイデアラウ。何故ナラバ人絹及ビ他ノ繊維ガ十分ナ代用品デシカモ事實已ニ大抵ノ繊物カラ絹糸ヲ驅逐シテシマツタカラデアル。現在絹織物生産ニ從事シテヰル製造工場及ビ勞働者ハ容易ニ他ノ繊維織物生産ニ從事スル事ガ出來ルデアラウ。

屑絹ニ對スル一般的需要ニ關スル限リ人絹紡絲（スフ、繊維及ビ屑人絹ヨリ作ツタモノ）及ビ長繊維人絹ハ大抵ノ場合立派ナ代用品トナル。絹紡工業ノ設備ノ或部分及ビ勞働供給ノ一部ハ人絹紡績及ビ新型混紡絲ノ製造ニ從事スル事ガ出來ルデアラウ。

エ、全國統下製造業者協會刊行統下製造工業季刊統計報告　一九四一年八月、四一頁。

魚類及ビ魚類加工品ー蟹缶詰ハ一九四〇年日本ヨリ輸入ノ魚類及ビ魚類加工品（子牡蠣ヲ含ム）ノ七〇％ニ上ツタ。

近年ニ於ケル、日本ヨリノコノ種ノ製品ノ輸入ハ絹ニツイデ第二位ヲ占メテヰタ。日本ノ蟹缶詰ノ輸入杜絶ニ依ツテ疑ヒナク蟹缶詰ノ國内消費ニハ即刻節減ガ強要セラレル。ソレハ國内生産ノ擴大又ハ他ノ唯一ノ

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輸出國デアルソ聯ヨリノ輸入増加ニ依ツテモ早急ニハ不足ガ補ハレナイカラデアル。シカシ問題ハ主ニ資源ナル水産物ノ消費者ノ上ニアル。メカデキ ニ就イテモ殆ド同ジデアラウ。日本ヨリノ他ノ魚類加工品 例ヘバ筒及ビ缶詰ノ包装ハアマリ重大ナ影響ヲ及ボストハ思ハレナイ。ソレハ之等ノ魚類加工品ソノ他ノ魚類製品ハ國内及ビ西半球ノ他ノ生産國ヨリ多量ニ供給ヲ受ケルコトガ出來ルカラデアル。國内魚獲ガソノ結果増加スレバ個發的ニ魚ノ肝臓ノ増産ト云フ結果ガ現ハレルソノ肝臓ヨリ採レルヴイタミン類不足ヲ感ズルニ至ルデアラウ。

イタミン類不足ヲ感ズルニ至ルデアラウ。

北米合衆國デハヴイタミンA及ビDヲ含ム天産物ニハ既ニ不足ヲシテヰル。ヴイタミンAハ夜盲症ノ豫防ニ用ヒラレヴイタミンDハ佝僂病防止ノ爲メニ使用セラレル、日本カラ輸入セラレタ魚ノ肝臓及ビ肝油ノ價値ハ主トシテソノ包含スルヴイタミンDニアツタ。ヴイタミンAノ含有モ亦重要デハアツタガ、

日本カラ輸入スル魚類肝臓カラ摘出スルヴイタミン油ノ主タル利用者ハ家禽飼養ノ生産者デアツタ然シ又人依用ヴイタミン油製造者モ亦ソノ重要ナル利用者デア

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ツタ。鱈ノ肝油ガ欧洲カラ輸入セラレナクナルヤ家禽飼育者ハ鮪ノ肝油及鮫ノ肝油ヲ以テ強メタ鰯油ヲ代用スルニ至ツタ鮪ノ肝油ハ鰯油ノヴイタミンDノ積分ノ缺陥ヲ補ヒ鮫ノ肝油ハヴイタミンAノ不足ヲ補フワケデアル。

現狀ニ於テハ日本ヨリノ魚類肝臓、鱈肝油其ノ他ノヴイタミン含有物ノ輸入ノ不足ハ合衆國ニ於ケル天然ヴイタミンA及ビDノ供給不足ヲ益々惡化セシメル虞ガアル、然シ國全体カラ考ヘルナラバ其ノ影響ハ心配スルニ及バナイ合成ヴイタミンDノ供給ガ國内ノ資源カラ充分得ラレ又「カロテイーン」ノ形デ天然ヴイタミンA（人蔘其ノ他ノ材料カラ製造セル）モ亦國内資源カラ得ラレル加フルニ日本以外ノ外國カラヴイタミンA及ビDノ含有量ノ多イ肝油ノ輸入ノ増加ヲモ期待スルコトガ出來ル然シ其ノ問一般ノ國心ハ國内ノヴイタミンDノ合成劑（特許手續ノモトニ製造セラレル）ノ製造者ガ國民ノ天然ヴイタミンノ入手難ニ剰ズルガ如キコトノナイ樣要求スルデアラウ。

鮪牡蠣輸入ノ停止ハ一年以内位デ主トシテ「ワシントン」洲所在ノ國内牡蠣産業ノ一部門ニ對シテハ深刻ナ

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打撃トナルデアラウ、太平洋岸ハ値少ノ「オリムピア、オイスター」ガ採レル以外ハ牡蠣ノ天産ハ全然無イ太平洋岸ニ於テハ日本種ヲ使用スル以前太西洋岸カラ種ヲ移殖シテミタガ大ナル効果ハナカツタ、ト云フノハ太西洋産ノ牡蠣ハ太平洋水域デハ市場ヘ出セル程ニ成育スルノニ、三年乃至五年ヲ要スルガ日本種ハ値カ十二ケ月乃至二十八ケ月デ成育スルカラデアル日本牡蠣ノ太平洋水域ニ於ケル繁殖力ハ極メテ微小デアル。

日本カラノ魚類ヤ魚肉ノ輸入杜絶ヘ「カナダ」カラノ類似資材ノ輸入及ビ國内ニ於ケル他ノ食品ヤ肥料原料ノ供給ノ増大ニ待ツコトガ出來ルカラ余リ心配ハナイ一九四一年上半期五ケ月間ノ日本カラノ輸入ハ極メテ僅カデアル。

綿製品、日本綿製品ノ輸入杜絶ハ日本製漁網ヤ綿製品ヲ現ニ使用シテキル者ヲ除イテハ恐ラク殆ド國内ノ注目ヲ惹クニ足ラヌト思フ

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合衆國ノ綿産業ハ世界最大デアル。從テ日本カラ輸入杜絶ニヨル量ノ缺陷ノ大部分ハ補塡スルコトガ出來ル。然シ日本カラノ輸入杜絶ハ余リ高級品デナイ綿布、卓布、ナプキン、綾織卓布或ハ床敷ナドノ供給ヲ減少セシメルカモ知レナイ。代用品ノ大部分ハ滿足ノ行クモノガ少イカ、或ハ高價トナルデアロウ。漁網及ビ網製品ノ輸入ノ停止ハ國内ノ或ル漁獲作業ノ生産費ヲ高メルトイフ點カラ見テ重大デアルカモ知レヌ。網製品ノ最モ大キナ國内製造家ハ又他ノ製造者ガ網製造ニ使用スル引網用撚糸ノ大部分ヲ生産スルコトガ出來ル。而モソノ國内生産能力ハ恐ラク全國内需要ヲ充スニ充分デアロウ。

化學製品並ニ工業用油

日本カラノ化學製品並ニ工業用油ノ輸入ノ重要性ハソノ製品ニヨツテ一樣デハナイ。日本（關東州ヲ含ム）ハ寒天、樟腦、ペリラ油、菜種油及ビ日本蠟ノ主要供給國デアル。此等ノ輸入杜絶ニヨル主ナ影響ハ、今日大概ノ需要ハ充分ニ充タサレテ居ルトコロノ代用品ヘノ一層大ナル依存デアロウ。

唯一ノ國内寒天生産者ハ、原料ヲ「メキシコ」カラ得テ、現在ノ工場設備ヲ以テ恐ラク我國ノ主

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要ナ軍用及ビ民間用ノ需要ヲ充タスコトガ出來ル
ト思フ。工場ノ生産能力ハ極ク僅カノ費用デ急速
ニ擴大スルコトガ出來タ。最大ノ最モ主要ナ用途
ニ代用出來ル內地產ノ原料デ製造サレル點シイ代
用品ガアル。ソノ用途ニ於テ天然樟腦ニ代リ得ベ
キ合成樟腦ノ生產ニ關スル國內生產能力ハ、全國
內需要ヲ充タス爲メニ約二十五%ノ增產ヲ爲サネ
ハ約六ケ月ノ時日ヲ要スルノデアルガ、所カル設備ノ擴張ニ
ベナラナカッタノデアル。
ペリラ油ハ或種ノ特別品ノ製造ニ好ンデ用イラ
レル乾性油デアル。國內消費ハ全ク輸入ニヨリ賄
ハレテ居リ、實際上ソノ全部ハ日本（滿洲ヲ含
ム）ヨリ輸入サレル。然シナガラ臺灣上總テノ用
途ニ對シテ十分ナ代用品（亞麻仁油、脫水ヒマシ
油、魚油及ビ大豆油）ガ國內及ビ日本以外ノ外國
筋カラ得ラレル。桐油ハ一九四一年（昭和十六
年）以前ハ專ラ日本カラ來タガ、現在ハ主トシテ
アルゼンチンカラ輸入サレテ居ル。日本ハ日本
カラノミ來ル。併シ、パラフインノ如キ國產代用
品ガ得ラレル。
ビレスラム、クレオソート油及海荷腦ニ就イテ
ハ米國ハ日本ニ頼ルコトハ一層少イ。ビレスラム
ハ總ラ不足シテモ英領區域カラノ輸入增加ニヨリ

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容易ニ得イ得ル。（英領東アフリカ（ケニヤ）カラノピレスラムノ輸入量ハ、一九四〇年（昭和十五年）日本ヨリノ輸入量ノ五倍以上ニ及ンデイル）國産及カナダ産ノクレオソート油モ容易ニ增加サレ得ルガ、コレマデ日本ノ輸入品ガ入リ消費サレテイタ西部海岸地方ヘノ輸送費ハ高クツクデアロウ。目下主トシテ中國ヨリ來ル海荷腦ノ輸入杜絶ニヨリソノ消費ノ縮少サレルノハ疑ナク、特ニ樂及巻煙草ノ如キ食品ノ縮少ハ避ケラレナイデアロウ。人造海荷腦ノ國内生産モ取ルニ足ラズ、且ツ兩者ノ急遽ナ增産ハ見込ガナイ。

磁器、陶器、土器ー歐洲大陸ヨリノ原料ノ輸入杜絶ノ爲ニ、日本ハ廉價ナ土器及廉價及中等價格ノ磁器、陶器類ノ食器類ノ輸出上唯一ノ國外供給者トナッタ。

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此ノ際ニ於ケル日本ヨリノ輸入ノ杜絶ハ斯カル物品ノ國内消費ノハゲシイ縮少ヲ余儀ナクセシメ、大量ノ代用品ヲ大部分一層高價ナ價格デ使用セシメラレルコトニナルデアラウ。然シ乍ラ國産ノ土器、及或程度迄ハ機械製硝子製品モ大部分安物ノ日本製ノ陶土器ニ取ツテ代ルデアラウ。

茶ー茶ノ國内消費ノ大部分ハセイロン、印度及蘭領印度ヨリノ輸入ニ依テ賄ハレテ居リ、日本モ中國モ本取引ニ於テハ特別ニ重要デハナイ。日本ヨリノ輸入杜絶ニ依リ影響ヲ受ケルノハ主ニ他ノ茶ヲ好マナイ少數ノウーロン茶愛用者デアラウ。

ペダリン眞田及未完成紙製帽材

ペダリン帽子眞田及紙製帽子材（トヨス）ノ輸入杜絶ニ依リ廉價ナ男子用及婦人用「麥藁」帽ニ使用サレテ目下好評ヲ得テヰル材料ノ入手ガ減ズルデアラウ。ソノ爲消費者ハ購買ヲ削減スルカ或ハ代用品ヲ求メルカヲ余儀ナクサセラレルデアラウ雇傭ニ與ヘル影響ハ大部分帽子産業ニ於テ行ハレル整理ノ如何ニ依ルコトヽナラウ。斯カル産業ノ盛衰ハ主トシテスタイルノ嗜好ニ依ルモノデアル

鑵詰果物　日本ヨリノ輸入品ハ鑵結パインアツプル及鑵詰密柑ナアル。輸入品ハ僅少デアリ、本取引ノ杜絶ハサシタル支障トハナラナイデアラウ

Def Doc 500



國産鑵詰パインナツプルノ生産能力（主トシテハワイニ於ケル）ハ全需要ニ應ジテ余リアルモノガアリ、又國内的ニ生産サレナイ一種ノ「高級」サラダ用果物トシテノ鑵詰密柑ニ對シテハ種々ノ代用品ガアル。

レーヨンステープルフアイバー

日本ヨリノ輸入杜絶ハ何ラ目ニ付ク程ノ影響ヲ及ボサナイデアラウ。ステープルフアイバーノ國内生産ハ非常ニ急速ニ増加シツヽアリ、又大規模ノ新工場ガ本年（一九四一年ー昭和十六年）末迄ニ生産ヲ開始スル豫定デアル。種々ノ用途ニ對シテレーヨン屑ノ如キ代用品ノ供給ガ充分アル。

調製食物野菜及ソース

コレラハ主トシテ東洋系ノ人々ガ又ハ東洋式料理ヲ提供スル料理店ヲ贔屓ニスル人々ガ米國内ニ於テ消費スルモノデアル。大部分ハハワイ又ハ大平洋岸デ消費サレル。日本ヨリノ輸入ノ停止ニ依リ米國内ノ消費ハ激減セシメラレルデアラウ。然シ他ノ地域ヨリノ輸入増加ト國内生産ノ増加トハ少クトモ或種類ノモノヽ不足量ノ幾分カヲ補フコトガ出來ルデアラウ。

電球　電球ノ輸入杜絶ハ何ラ重大ナ影響ヲ及ボサヌ様ニ思ハレル。國内工場ノ能力ハ優ニ電球ニ對スル需要ノ見込ニ應ジ得ル。

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国産品ハ之ニ必要スル日本製品ヨリハ高価デハアルガ、一般ニ品質ハ優良デアル。

貂毛皮　日本産ノ貂毛皮ハ他ノ外国産ニ較ベテ品質ガ劣リ価格モ安イガ、「黄澤品」デアリ、ソレニ代ル代用品ハ多々アル、他種ノ毛皮ガ国内カラモ、日本以外ノ外国カラモ入手出来ルシ、若シ必要アラバ一、二年後ニハ合衆国並ニカナダノ養狐場ニ於ケル貂ノ生産ヲ増加スル事モ出来ル。

百合根　合衆国ニ於ケル百合根ノ手持高ハ一九四一年度ノ需要ニ應ズルニハ充分デアルガ、国内生産又ハ他ノ諸国ヨリノ輸入ニヨッテ日本カラノ輸入ヲ急速ニ代置スル事ハ出来ナイ。従ッテ百合ニ代ルベキ生花ノ装飾ヲ用フル要ガアル。

眞珠、養殖眞珠及正眞ノ模造品

日本カラノ輸入ガ杜絶スル結果服飾用寶石トシテハ他ノ品デ間ニ合ハセル外無イヤウニナラウ。服飾用寶石トシテハ廣汎ナ種類ノ材料ガ国内カラモ日本以外ノ諸外国カラモ得ラレル。

ファースナー（滑留具）

ファースナーノ国産品ハ日本品ヨリモ高値デ賣ッテ居ルガ一般ニ品質ハ優レテ居ル。合衆国ハファースナーノ国内全消費高ヲ満ダスニ足ルダケノ供給力ヲモッテヰル。其上日本品ヨリモ高クナイ値段デ国産ノ代用品ガ得ラレル。

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**刷毛**　日本ハホンノ僅カナ刷毛シカ供給シテ居ナイノデ日本カラノ刷毛輸入ガ止ツテモ合衆國ニトツテハ問題ニナル程ノ悪イ影響ハ及ボサナイデアラウ。然シ、支那ニ於ケル日本ノ管理地區カラノ輸入ガ停止スルト合衆國ニ於テハ遠カラズ塗裝用刷毛ノ消費ヲ減ラスヨリ外ナクナルダラウ。塗裝用刷毛ノ材料トシテハ輸入豚毛ニ代ルベキ申分ノナイ立派ナ代用品ハ得ラレナイガ、或種ノ塗裝ニハ噴霧器ガ應用出來ル。現在、豚毛貯藏量ハアラユル種類ノ刷毛ヲ六ケ月間供給スルニ足リ塗裝用刷毛ダケナラ八ケ月乃至九ケ月ヲ支フルニ充分デアル。歯刷毛、化粧刷毛、工業用刷毛及家庭用刷毛等ハ今日デハ相當ノ量迄ナイロン其他ノ材料デ製造セラレテ居ル。又合衆國内ノ製造業者及取扱商人ノ手許ニハ可ナリ大量ノ刷毛製品ノ手持ガアル。

**竹枝**　日本カラノ輸入ガ止ツテモ他ノ外國カラノ輸入ヲ増ス事ガ出來ルノデ殆ンド影響ハナイデアラウ。又多クノ用途ニハ夫々多數ノ代用品ガ得ラレル。

**棉花藥品及紙製品**

之等ノ日本特産品ノ輸入ガ止ルト主ニ合衆國ノ十仙ストアデ賣ツテ居ル安物ノセルロイド製、紙製ノ目新シイ雜貨ノ品數ガ減ルコトニナルデアラウ

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然シ同産又ハ他ノ外国産ヲ同様ナ代用品ガ得ラレル筈テアル。

・貝珠貝　合衆国ノ貝珠貝ハ主ニオーストラリヤ及蘭領印度カラ輸入シテ居ルノデ日本カラノ輸入杜絶ハ格別重要テハナイ。日本以外ノ産地カラノ輸入ハ増加スル筈ガ出来ルシ我国内ニ於テモ多量ノ貝（イガヒ）ノ供給ガアリ、コレカラ淡水貝珠貝ボタン及目新シイ製品ノ製造ガ可能デアラウ

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其他ノ輸入品以上數節ニ亘ツテ述ベタ以外ノ日本カラノ輸入品ハ總計デ一九三〇年度ニ千五百萬ドルニ達セズ同年日本カラ合衆國ヘノ輸入總額ノ九五%デアツタ（註一。）之等ノ輸入品ハ非常ニ種類ガ多イガ其中僅カ三種ダケ即チ白金（種々ノ形ニナツテヰル）光學用硝子及雲母ダケガ陸海軍軍需局ニヨツテ「制限品」又ハ「軍需用」トシテ擧ゲラレタ分類ノ中ニ含マレテヰル。白金ノ輸入ハ六千ドル他ノ二ツハ夫々千ドルニ達シテヰル。雲母ハ何レモ「軍需用」ト言フ程ノ品質ノモノデナク光學用ガラスモ其品質ノ種ハ疑問デアル。（註一）之等ト同ジ種類ノ品ガ一九四一年ノ最初ノ五月ニハ全體ノ一一%ニナツテヰル。

海運日本カラノ輸入ガ無クナツテモ米國船ニヨツテ合衆國ニ搬入セラレル貨物ノ重又ハ價値ノ上ニハ殆ンド影響ハ無カラウ。合衆國海運委員會最近ノ報告書ニヨレバ一九三九年ニ日本カラ合衆國ニ輸入サレタ總トン數ノ八六%ハ日本船ニヨリ一二%ハ他ノ外國船ニヨリ運バレ二%弱合衆國船ニヨツテ運バレテヰル。米國船ノ海運事業ヘノ參加ハ同年以來減退シテ居ル。實際合衆國ニアル全日本資産ノ「凍結」ヲ命ジタ一九四一年七月二十六日ノ大統領令ノ出ル以前デモ同年日本ニ寄港シタ米國籍船舶ノ數ハ極メテ僅カデアル。

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結論

日本ヨリノ輸出停止ニ續クト見ラレル合衆國ニ及ボス主要ナ經濟的影響ハ大要次ノ通リデアル。

一、米國ノ經濟ニ及ボス總體的ナ影響ハ概シテ輕微デアラウ。

二、合衆國々防計畫ハ著ルシク妨害サレサウデアラウ。

三、合衆國人民ノ保健ハ影響ヲ被ラナイデアラウ。

四、從來輸入原料ヲ使用シテヰタ或種ノ國内工業（殊ニ完成靴下類工業）ハ惡影響ヲ被ル。併シ日本カラノ輸入品ニ對抗スル商品ヲ製産スル他ノ國内工業（例ヘバ魚類鑵詰工場、電燈製造業者等）ニハ利益ガアラウ。他ノ工場ガ大量ニ且ツ、益々職工ヲ必要トスルデアラウカラ惡影響ヲ被ムル工場ノ失業ハ大部分恐ラク一時的ナモノデアラウ。

五、聯邦政府ガ最モ重大ナ影響ヲ受ケル少數ノ工場ノ整理ヲ助長シ且ツ又 輸入在庫品ヲ蓄積シ或ハ代用原料品ノ生産、供給ヲ統制スル結果、日本ヨリノ輸入停止ニ依リ利益ヲ得ル位置ニアル國内關係者ガ物價ヲ暴騰セシメザル樣處置ヲ講ズル事ヲ一般ノ關係者ハ要求スルカモ知レナイ。

六、現在絹靴下ヲ使用スル者ガ影響ヲ被ル主要ナル消費者個デアル。少クトモ一定期間完成靴下類ノ全般的

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消費ハ激減サレネバナラナイ。併シ靴下類工場及撚絲供給者ガ必要ナ整理ヲシタ後ニ（ソレハ恐ラク一年位カカルデアラウガ）絹以外ノ纖維ノ靴下類國內生產ハ多分國內需要ノ大部分ヲ充タスニ充分デアル。

七 蟹肉、メカジキ、貂ノ皮等日本產準奢侈品ノ消費者ハソノ收入デ左程ノ困難ナク、他ノ代用品ヲ使用シ得ル僅カナ一部ノ國民及ビ一團ノ人々デアル。

八 廉價ナ日本製品（綿製品、帽子ノボデイ、チヤツク陶磁器、電燈等）ノ消費者ハ一般ニコレ等商品ノ消費ヲ節約スルカ一層高價ナ代用品ヲ買フカ或ハソノ双方ヲシナケレバナラナイ。併シコノ樣ナ日本商品ノ購買ガ非常ニ低額ノ收入ノ枠內ニアル人々ノ總支出ノ主要部分トナツテヰルノデハナイ。ソノ上多クノ場合、一層高價ナ商品ノ代用ハソノ優秀ナ品質ノ爲ニ有利トナルデアラウ。

九 國產代用品ガ或ル種ノ日本輸入品ニ代リ得ル範圍ト速度ハ一部ハ現在優先補給制ノ下ニアル原料ノ國內入手如何ニ依ルノデアラウ。

## DOCUMENTS EXPEDITING PROJECT

The distribution of the surplus copies of the IMTFE records made available to this Project by the Department of the Army is being resumed with this shipment. Plans now call for the distribution of the Exhibits starting with No. 1286. After the Exhibits have been distributed, this special IMTFE project will be terminated, with the exception of any miscellaneous material which might be declared surplus by the Department of the Army.

TREATY SERIES, No. 545

# CONVENTION

BETWEEN

# THE UNITED STATES AND OTHER POWERS

## CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR

SIGNED AT THE HAGUE, OCTOBER 18, 1907
ADHERENCE ADVISED BY THE SENATE, APRIL 17, 1908
ADHERENCE DECLARED BY THE PRESIDENT OF THE UNITED STATES, FEBRUARY 25, 1909
RATIFICATION DEPOSITED WITH THE NETHERLANDS GOVERNMENT, NOVEMBER 27, 1909
PROCLAIMED, FEBRUARY 28, 1910

WASHINGTON
GOVERNMENT PRINTING OFFICE
1910

By the President of the United States of America.

## A PROCLAMATION.

Whereas a Convention concerning the rights and duties of neutral powers in naval war was concluded and signed at The Hague on October 18, 1907, by the respective Plenipotentiaries of Germany, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Denmark, the Dominican Republic, Ecuador, France, Great Britain, Greece, Guatemala, Haiti, Italy, Japan, Luxemburg, Mexico, Montenegro, Norway, Panama, Paraguay, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Salvador, Servia, Siam, Sweden, Switzerland, Turkey, Uruguay, and Venezuela, the original of which Convention, being in the French language, is word for word as follows:

[Translation.]

### XIII.

### CONVENTION

CONCERNANT LES DROITS ET LES DEVOIRS DES PUISSANCES NEUTRES EN CAS DE GUERRE MARITIME.

SA MAJESTÉ L'EMPEREUR D'ALLEMAGNE, ROI DE PRUSSE; LE PRÉSIDENT DE LA RÉPUBLIQUE ARGENTINE; SA MAJESTÉ L'EMPEREUR D'AUTRICHE, ROI DE BOHÊME ETC., ET ROI APOSTOLIQUE DE HONGRIE; SA MAJESTÉ LE ROI DES BELGES; LE PRÉSIDENT DE LA RÉPUBLIQUE DE BOLIVIE; LE PRÉSIDENT DE LA RÉPUBLIQUE DES ÉTATS-UNIS DU BRÉSIL; SON ALTESSE ROYALE LE PRINCE DE BULGARIE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE CHILI; LE PRÉSIDENT DE LA RÉPUBLIQUE DE COLOMBIE; SA MAJESTÉ LE ROI DE DANEMARK; LE PRÉSIDENT DE LA RÉPUBLIQUE DOMINICAINE; LE PRÉSIDENT DE LA RÉPUBLIQUE

### XIII.

### CONVENTION

CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR.

His Majesty the German Emperor, King of Prussia; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the Presi-

DE L'ÉQUATEUR; LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE; SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE BRETAGNE ET D'IRLANDE ET DES TERRITOIRES BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES; SA MAJESTÉ LE ROI DES HELLÈNES; LE PRÉSIDENT DE LA RÉPUBLIQUE DE GUATÉMALA; LE PRÉSIDENT DE LA RÉPUBLIQUE D'HAÏTI; SA MAJESTÉ LE ROI D'ITALIE; SA MAJESTÉ L'EMPEREUR DU JAPON; SON ALTESSE ROYALE LE GRAND-DUC DE LUXEMBOURG, DUC DE NASSAU; LE PRÉSIDENT DES ÉTATS-UNIS MEXICAINS; SON ALTESSE ROYALE LE PRINCE DE MONTENÉGRO; SA MAJESTÉ LE ROI DE NORVÈGE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA; LE PRÉSIDENT DE LA RÉPUBLIQUE DU PARAGUAY; SA MAJESTÉ LA REINE DES PAYS-BAS; LE PRÉSIDENT DE LA RÉPUBLIQUE DU PÉROU; SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE; SA MAJESTÉ LE ROI DE PORTUGAL ET DES ALGARVES, ETC.; SA MAJESTÉ LE ROI DE ROUMANIE; SA MAJESTÉ L'EMPEREUR DE TOUTES LES RUSSIES; LE PRÉSIDENT DE LA RÉPUBLIQUE DU SALVADOR; SA MAJESTÉ LE ROI DE SERBIE; SA MAJESTÉ LE ROI DE SIAM; SA MAJESTÉ LE ROI DE SUÈDE; LE CONSEIL FÉDÉRAL SUISSE; SA MAJESTÉ L'EMPEREUR DES OTTOMANS; LE PRÉSIDENT DE LA RÉPUBLIQUE ORIENTALE DE L'URUGUAY; LE PRÉSIDENT DES ÉTATS-UNIS DE VÉNÉZUÉLA:

dent of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

En vue de diminuer les divergences d'opinion qui, en cas de guerre maritime, existent encore au sujet des rapports entre les Puissances neutres et les Puissances belligérantes, et de prévenir les difficultés auxquelles ces divergences pourraient donner lieu;

Considérant que, si l'on ne peut concerter dès maintenant des stipulations s'étendant à outes les circonstances qui peuvent se présenter dans la pratique, i y a néanmoins une utilité incontestable à établir, dans la mesure du possible, des règles communes pour le cas où malheureusement la guerre viendrait à éclater;

Considérant que, pour les cas non prévus par la présente Convention, il y a lieu de tenir compte des principes généraux du droit des gens;

Considérant qu'il est désirable que les Puissances édictent des prescriptions précises pour régler les conséquences de l'état de neutralité qu'elles auraient adopté;

Considérant que c'est, pour les Puissances neutres, un devoir reconnu d'appliquer impartialement aux divers belligérants les règles adoptées par elles;

Considérant que, dans cet ordre d'idées, ces règles ne devraient pas, en principe, être changées, au cours de la guerre, par une Puissance neutre, sauf dans le cas où l'expérience acquise en démontrerait la nécessité pour la sauvegarde de ses droits;

Sont convenus d'observer les règles communes suivantes qui ne sauraient, d'ailleurs, porter aucune atteinte aux stipulations des traités généraux existants, et ont nommé pour Leurs Plénipotentiaires, savoir:

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral Powers and belligerent Powers, and to anticipating the difficulties to which such divergence of views might give rise;

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present Convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the Powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral Powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral Power, except in a case where experience has shown the necessity for such change for the protection of the rights of that Power;

Have agreed to observe the following common rules, which cannot however modify provisions laid down in existing general Treaties, and have appointed as their Plenipotentiaries, namely:

[Here follow the names of Plenipotentiaries.]

SA MAJESTÉ L'EMPEREUR D'ALLEMAGNE, ROI DE PRUSSE:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

LE PRÉSIDENT DE LA RÉPUBLIQUE ARGENTINE:

Son Excellence M. Roque Saenz Peña, ancien-ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la République, membre de la cour permanente d'arbitrage.

SA MAJESTÉ L'EMPEREUR D'AUTRICHE, ROI DE BOHÊME, ETC., ET ROI APOSTOLIQUE DE HONGRIE:

Son Excellence M. Gaëtan Mérey, de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

SA MAJESTÉ LE ROI DES BELGES:

Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;

Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;

Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE BOLIVIE:

Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;

Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

LE PRÉSIDENT DE LA RÉPUBLIQUE DES ÉTATS-UNIS DU RBÉSIL:

Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;

Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

SON ALTESSE ROYALE LE PRINCE DE BULGARIE:

M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;

M. Ivan Karandjouloff, procureur-général de la cour de cassation.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE CHILI:

Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Aires.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE COLOMBIE:

M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

SA MAJESTÉ LE ROI DE DANEMARK:

Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

LE PRÉSIDENT DE LA RÉPUBLIQUE DOMINICAINE:

M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE L'ÉQUATEUR:

Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;.

M. Enrique Dorn y de Alsúa, chargé d'affaires.

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE:

Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;

M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;

M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire hononaire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;

Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE BRETAGNE ET D'IRLANDE ET DES TERRITOIRES BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES:

Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;

Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil

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privé, membre de la cour permanente d'arbitrage;

Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre de conseil privé, ancien président de l'institut de droit international;

Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

SA MAJESTÉ LE ROI DES HELLÈNES:

Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;

M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

LA PRÉSIDENT DE LA RÉPUBLIQUE DE GUATÉMALA:

M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;

M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

LE PRÉSIDENT DE LA RÉPUBLIQUE D'HAÏTI:

Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;

Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;

M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

SA MAJESTÉ LE ROI D'ITALIE:

Son Excellence le comte Joseph Tornielli Brusati di Vergano,

sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne.

Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royale des affaires étrangères;

M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.

SA MAJESTÉ L'EMPEREUR DU JAPON:

Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et ministre plénipotentiaire;

Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

SON ALTESSE ROYALE LE GRAND DUC DE LUXEMBOURG, DUC DE NASSAU:

Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;

M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.

LE PRÉSIDENT DES ÉTATS-UNIS MEXICAINS:

Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;

Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;

Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.

SON ALTESSE ROYALE LE PRINCE DE MONTÉNÉGRO:

Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;

Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;

Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.

SA MAJESTÉ LE ROI DE NORVÈGE:

Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à la Haye et à Copenhague, membre de la cour d'arbitrage.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA:

M. Belisario Porras.

LE PRÉSIDENT DE LA RÉPUBLIQUE DU PARAGUAY:

Son Excellence M. Eusebio Macham, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;

M. le Comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.

SA MAJESTÉ LA REINE DES PAYS-BAS:

M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;

Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;

Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;

Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;

M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

LE PRÉSIDENT DE LA RÉPUBLIQUE DU PÉROU:

Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.

SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE:

Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;

Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

SA MAJESTÉ LE ROI DE PORTUGAL ET DES ALGARVES, ETC.:

Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;

Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.

SA MAJESTÉ LE ROI DE ROUMANIE:

Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;

Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

SA MAJESTÉ L'EMPEREUR DE TOUTES LES RUSSIES:

Son Excellence M. Nelidow, Son conseiller privé actuel, son ambassadeur à Paris;

Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;

Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

LE PRÉSIDENT DE LA RÉPUBLIQUE DU SALVADOR:

M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;

M. Santiago Perez Triana, chargé d'affaires de la République à Londres.

SA MAJESTÉ LE ROI DE SERBIE:

Son Excellence M. Sava Groutch, général, président du conseil d'état;

Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.

SA MAJESTÉ LE ROI DE SIAM:

Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narūbal, capitaine.

SA MAJESTÉ LE ROI DE SUÈDE, DES GOTHS ET DES VENDES:

Son Excellence M. Knut Hjalmar Leonard Hammarskjöld, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.

LE CONSEIL FÉDÉRAL SUISSE:

Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.

SA MAJESTÉ L'EMPEREUR DES OTTOMANS:

Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;

Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.

LE PRÉSIDENT DE LA RÉPUBLIQUE ORIENTALE DE L'URUGUAY:

Son Excellence M. José Battle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.

LE PRÉSIDENT DES ETATS-UNIS DE VÉNÉZUÉLA:

M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE PREMIER.

Les belligérants sont tenus de respecter les droits souverains des Puissances neutres et de s'abstenir, dans le territoire ou les eaux neutres, de tous actes qui constitueraient de la part des Puissances qui les tolèreraient un manquement à leur neutralité.

ARTICLE 2.

Tous actes d'hostilité, y compris la capture et l'exercice du droit de visite, commis par des vaisseaux de guerre belligérants dans les eaux territoriales d'une Puissance neutre, constituent une violation de la neutralité et sont strictement interdits.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE 1.

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

ARTICLE 2.

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE 3.

Quand un navire a été capturé dans les eaux territoriales d'une Puissance neutre, cette Puissance doit, si la prise est encore dans sa juridiction, user des moyens dont elle dispose pour que la prise soit relâchée avec ses officiers et son équipage, et pour que l'équipage mis à bord par le capteur soit interné.

Si la prise est hors de la juridiction de la Puissance neutre, le Gouvernement capteur, sur la demande de celle-ci, doit relâcher la prise avec ses officiers et son équipage.

ARTICLE 4.

Aucun tribunal des prises ne peut être constitué par un belligérant sur un territoire neutre ou sur un navire dans des eaux neutres.

ARTICLE 5.

Il est interdit aux belligérants de faire des ports et des eaux neutres la base d'opérations navales contre leurs adversaires, notamment d'y installer des stations radio-télégraphiques ou tout appareil destiné à servir comme moyen de communication avec des forces belligérantes sur terre ou sur mer.

ARTICLE 6.

La remise, à quelque titre que ce soit, faite directement ou indirectement par une Puissance neutre à une Puissance belligérante, de vaisseaux de guerre, de munitions, ou d'un matériel de guerre quelconque, est interdite.

ARTICLE 7.

Une Puissance neutre n'est pas tenue d'empêcher l'exportation ou le transit, pour le compte de

ARTICLE 3.

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew

ARTICLE 4.

A Prize Court cannot be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE 5.

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

ARTICLE 6.

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE 7.

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of

l'un ou de l'autre des belligérants, d'armes, de munitions, et, en général, de tout ce qui peut être utile à une armée ou à une flotte.

ARTICLE 8.

Un Gouvernement neutre est tenu d'user des moyens dont il dispose pour empêcher dans sa juridiction l'équipement ou l'armement de tout navire, qu'il a des motifs raisonnables de croire destiné à croiser ou à concourir à des opérations hostiles contre une Puissance avec laquelle il est en paix. Il est aussi tenu d'user de la même surveillance pour empêcher le départ hors de sa juridiction de tout navire destiné à croiser ou à concourir à des opérations hostiles, et qui aurait été, dans ladite juridiction adapté en tout ou en partie à des usages de guerre.

ARTICLE 9.

Une Puissance neutre doit appliquer également aux deux belligérants les conditions, restrictions ou interdictions, édictées par elle pour ce qui concerne l'admission dans ses ports, rades ou eaux territoriales, des navires de guerre belligérants ou de leurs prises.

Toutefois, une Puissance neutre peut interdire l'accès de ses ports et de ses rades au navire belligérant qui aurait négligé de se conformer aux ordres et prescriptions édictés par elle ou qui aurait violé la neutralité.

ARTICLE 10.

La neutralité d'une Puissance n'est pas compromise par le simple passage dans ses eaux territoriales des navires de guerre et des prises des belligérants.

arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

ARTICLE 8.

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a Power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

ARTICLE 9.

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

ARTICLE 10.

The neutrality of a Power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

ARTICLE 11.

Une Puissance neutre peut laisser les navires de guerre des belligérants se servir de ses pilotes brevetés.

ARTICLE 12.

A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, il est interdit aux navires de guerre des belligérants de demeurer dans les ports et rades ou dans les eaux territoriales de ladite Puissance, pendant plus de 24 heures, sauf dans les cas prévus par la présente Convention.

ARTICLE 13.

Si une Puissance avisée de l'ouverture des hostilités apprend qu'un navire de guerre d'un belligérant se trouve dans un de ses ports et rades ou dans ses eaux territoriales, elle doit notifier audit navire qu'il devra partir dans les 24 heures ou dans le délai prescrit par la loi locale.

ARTICLE 14.

Un navire de guerre belligérant ne peut prolonger son séjour dans un port neutre au delà de la durée légale que pour cause d'avaries ou à raison de l'état de la mer. Il devra partir dès que la cause du retard aura cessé.

Les règles sur la limitation du séjour dans les ports, rades et eaux neutres, ne s'appliquent pas aux navires de guerre exclusivement affectés à une mission religieuse, scientifique ou philanthropique.

ARTICLE 15.

A défaut d'autres dispositions spéciales de la législation de la

ARTICLE 11.

A neutral Power may allow belligerent war-ships to employ its licensed pilots.

ARTICLE 12.

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power for more than twenty-four hours, except in the cases covered by the present Convention.

ARTICLE 13.

If a Power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE 14.

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to war-ships devoted exclusively to religious, scientific, or philanthropic purposes.

ARTICLE 15.

In the absence of special provisions to the contrary in the

Puissance neutre, le nombre maximum des navires de guerre d'un belligérant qui pourront se trouver en même temps dans un de ses ports ou rades, sera de trois.

ARTICLE 16.

Lorsque des navires de guerre des deux parties belligérantes se trouvent simultanément dans un port ou une rade neutres, il doit s'écouler au moins 24 heures entre le départ du navire d'un belligérant et le départ du navire de l'autre.

L'ordre des départs est déterminé par l'ordre des arrivées, à moins que le navire arrivé le premier ne soit dans le cas où la prolongation de la durée légale du séjour est admise.

Un navire de guerre belligérant ne peut quitter un port ou une rade neutres moins de 24 heures après le départ d'un navire de commerce portant le pavillon de son adversaire.

ARTICLE 17.

Dans les ports et rades neutres, les navires de guerre belligérants ne peuvent réparer leurs avaries que dans la mesure indispensable à la sécurité de leur navigation et non pas accroître, d'une manière quelconque, leur force militaire. L'autorité neutre constatera la nature des réparations à effectuer qui devront être exécutées le plus rapidement possible.

ARTICLE 18.

Les navires de guerre belligérants ne peuvent pas se servir des ports, rades et eaux territoriales neutres, pour renouveler ou augmenter leurs approvisionnements militaires ou leur armement ainsi que pour compléter leurs équipages.

legislation of a neutral Power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

ARTICLE 16.

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant-ship flying the flag of its adversary.

ARTICLE 17.

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral Power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

ARTICLE 18.

Belligerent war-ships may not make use of neutral ports, roadsteads, on territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

ARTICLE 19.

Les navires de guerre belligérants ne peuvent se ravitailler dans les ports et rades neutres que pour compléter leur approvisionnement normal du temps de paix.

Ces navires ne peuvent, de même, prendre du combustible que pour gagner le port le plus proche de leur propre pays. Ils peuvent, d'ailleurs, prendre le combustible nécessaire pour compléter le plein de leurs soutes proprement dites, quand ils se trouvent dans les pays neutres qui ont adopté ce mode de détermination du combustible à fournir.

Si, d'après la loi de la Puissance neutre, les navires ne reçoivent du charbon que 24 heures après leur arrivée, la durée légale de leur séjour est prolongée de 24 heures.

ARTICLE 19.

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

ARTICLE 20.

Les navires de guerre belligérants, qui ont pris du combustible dans le port d'une Puissance neutre, ne peuvent renouveler leur approvisionnement qu'après trois mois dans un port de la même Puissance.

ARTICLE 20.

Belligerent war-ships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

ARTICLE 21.

Une prise ne peut être amenée dans un port neutre que pour cause d'innavigabilité, de mauvais état de la mer, de manque de combustible ou de provisions.

Elle doit repartir aussitôt que la cause qui en a justifié l'entrée a cessé. Si elle ne le fait pas, la Puissance neutre doit lui notifier l'ordre de partir immédiatement; au cas où elle ne s'y conformerait pas, la Puissance neutre doit user des moyens dont elle dispose pour la relâcher avec ses officiers et son équipage et interner l'équipage mis à bord par le capteur.

ARTICLE 21.

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

ARTICLE 22.

La Puissance neutre doit, de même, relâcher la prise qui aurait été amenée en dehors des conditions prévues par l'article 21.

ARTICLE 22.

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article XXI.

ARTICLE 23.

Une Puissance neutre peut permettre l'accès de ses ports et rades aux prises escortées ou non, lorsqu'elles y sont amenées pour être laissées sous sequestre en attendant la décision du tribunal des prises. Elle peut faire conduire la prise dans un autre de ses ports.

Si la prise est escortée par un navire de guerre, les officiers et les hommes mis à bord par le capteur sont autorisés à passer sur le navire d'escorte.

Si la prise voyage seule, le personnel placé à son bord par le capteur est laissé en liberté.

ARTICLE 23.

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a Prize Court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

ARTICLE 24.

Si, malgré la notification de l'autorité neutre, un navire de guerre belligérant ne quitte pas un port dans lequel il n'a pas le droit de rester, la Puissance neutre a le droit de prendre les mesures qu'elle pourra juger nécessaires pour rendre le navire incapable de prendre la mer pendant la durée de la guerre et le commandant du navire doit faciliter l'exécution de ces mesures.

Lorsqu'un navire belligérant est retenu par une Puissance neutre, les officiers et l'équipage sont également retenus.

Les officiers et l'équipage ainsi retenus peuvent être laissés dans le navire ou logés, soit sur un autre navire, soit à terre, et ils peuvent être assujettis aux mesures restrictives qu'il paraîtrait nécessaire de leur imposer. Toutefois, on devra toujours laisser

ARTICLE 24.

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking

sur le navire les hommes nécessaires à son entretien.

Les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

ARTICLE 25.

Une Puissance neutre est tenue d'exercer la surveillance, que comportent les moyens dont elle dispose, pour empêcher dans ses ports ou rades et dans ses eaux toute violation des dispositions qui précèdent.

ARTICLE 26.

L'exercice par une Puissance neutre des droits définis par la présente Convention ne peut jamais être considéré comme un acte peu amical par l'un ou par l'autre belligérant qui a accepté les articles qui s'y réfèrent.

ARTICLE 27.

Les Puissances contractantes se communiqueront réciproquement, en temps utile, toutes les lois, ordonnances et autres dispositions réglant chez elles le régime des navires de guerre belligérants dans leurs ports et leurs eaux, au moyen d'une notification adressée au Gouvernement des Pays-Bas et transmise immédiatement par celui-ci aux autres Puissances contractantes.

ARTICLE 28.

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 29.

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

ARTICLE 25.

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above Articles occurring in its ports or roadsteads or in its waters.

ARTICLE 26.

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the Article relating thereto.

ARTICLE 27.

The Contracting Powers shall communicate to each other in due course all Laws, Proclamations, and other enactments regulating in their respective countries the status of belligerent warships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other Contracting Powers.

ARTICLE 28.

The provisions of the present Convention do not apply except to the Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 29.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

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Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 30.

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 31.

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 30.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 31.

The present Convention shall come into force in the case of the Powers which were a party to the

des ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhèreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 32.

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 33.

Un registre tenu par le Ministère des Affaires Etrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 29 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 30 alinéa 2) ou de dénonciation (article 32 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce régistre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouverne-

first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

ARTICLE 32.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

ARTICLE 33.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by Article XXIX, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XXX, paragraph 2) or of denunciation (Article XXXII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland

ment des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

1. Pour l'Allemagne. Sous réserve des articles 11, 12, 13 et 20:
   MARSCHALL.
   KRIEGE.
2. Pour les Etats Unis d'Amérique.
3. Pour l'Argentine:
   ROQUE SAENZ PEÑA.
   LÚIS M. DRAGO.
   C. RÚEZ LARRETA.
4. Pour l'Autriche-Hongrie:
   MÉREY.
   Bon MACCHIO.
5. Pour la Belgique:
   A. BEERNAERT.
   V. VAN DEN HEUVEL.
   GUILLAUME.
6. Pour la Bolivie:
   CLAUDIO PINILLA.
7. Pour le Brésil:
   RUY BARBOSA.
   E. LISBÔA.
8. Pour la Bulgarie:
   Général-Major VINAROFF.
   Iv. KARANDJOULOFF.
9. Pour le Chili:
   DOMINGO GANA.
   AUGUSTO MATTE.
   CARLOS CONCHA.
10. Pour la Chine.
11. Pour la Colombie:
    JORGE HOLGUIN.
    S. PEREZ TRIANA.
    M. VARGAS.
12. Pour la République de Cuba.
13. Pour le Danemark:
    A. VEDEL.
14. Pour la République Dominicaine. Avec réserve sur l'article douze:
    dr. HENRIQUEZ Y CARVAJAL.
    APOLINAR TEJERA.

Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

15. Pour l'Equateur:
    VICTOR M. RENDÓN.
    E. DORN Y DE ALSÚA.
16. Pour l'Espagne.
17. Pour la France:
    LÉON BOURGEOIS.
    D'ESTOURNELLES DE CONSTANT.
    L. RENAULT.
    MARCELLIN PELLET.
18. Pour la Grande-Bretagne. Sous réserve des articles 19 et 23:
    EDW. FRY.
    ERNEST SATOW.
    REAY.
    HENRY HOWARD.
19. Pour la Grèce:
    CLÉON RIZO RANGABÉ.
    GEORGES STREIT.
20. Pour le Guatémala:
    JOSÉ TIBLE MACHADO.
21. Pour le Haïti:
    DALBÉMAR JN JOSEPH.
    J. N. LÉGER.
    PIERRE HUDICOURT.
22. Pour l'Italie:
    POMPILJ.
    G. FUSINATO.
23. Pour le Japon. Avec réserve des articles 19 et 23:
    AIMARO SATO.
24. Pour le Luxembourg:
    EYSCHEN.
    Cte DE VILLERS.
25. Pour le Mexique:
    G. A. ESTEVA.
    S. B. DE MIER.
    F. L. DE LA BARRA.
26. Pour le Monténégro:
    NÉLIDOW.
    MARTENS.
    N. TCHARYKOW.
27. Pour le Nicaragua.
28. Pour la Norvège:
    F. HAGERUP.
29. Pour le Panama:
    B. PORRAS.
30. Pour le Paraguay:
    G. DU MONCEAU.

31. Pour les Pays-Bas:
W. H. DE BEAUFORT.
T. M. C. ASSER.
DEN BEER POORTUGAEL.
J. A. RÖELL.
J. A. LOEFF.
32. Pour le Pérou:
C. G. CANDAMO.
33. Pour la Perse. Sour réserve des articles 12, 19 et 21:
MOMTAZOS-SALTANEH M. SAMAD KHAN.
SADIGH UL MULK M. AHMED KHAN.
34. Pour le Portugal:
ALBERTO D'OLIVEIRA.
35. Pour la Roumanie:
EDG. MAVROCORDATO.
36. Pour la Russie:
NÉLIDOW.
MARTENS.
N. TCHARYKOW.
37. Pour le Salvador:
P. J. MATHEU.
S. PEREZ TRIANA.
38. Pour la Serbie:
S. GROUITCH.
M. G. MILOVANOVITCH.
M. G. MILITCHEVITCH.
39. Pour le Siam. Sous réserve des articles 12, 19 et 23:
MOM CHATIDEJ UDOM.
C. CORRAGIONI D'ORELLI.
LUANG BHÜVANARTH NARÜBAL.
40. Pour la Suède:
JOH. HELLNER.
41. Pour la Suisse:
CARLIN.
42. Pour la Turquie. Sous réserve de la déclaration concernant l'article 10 portée au procès-verbal de la 8e séance plénière de la Conférence du 9 octobre 1907:
TURKHAN.
43. Pour l'Uruguay:
JOSE BATLLE Y ORDOÑEZ.
44. Pour le Vénézuela:
J. GIL FORTOUL.

Certifié pour copie conforme:
Le Secrétaire-Général du Ministère des Affaires Etrangères des Pays-Bas,

HANNEMA.

And whereas it is provided by its Article 30, that non-signatory Powers may adhere to the said Convention;

And whereas the Senate of the United States of America by its resolution of April 17, 1908, (two-thirds of the Senators present concurring therein) did advise and consent to the adherence by the United States to the said Convention with the reservation and exclusion of its Article 23 and with the understanding that the last clause of Article 3 of the said Convention implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction;

And whereas the President of the United States of America, in pursuance of and in conformity with the aforesaid advice and consent of the Senate, did, on the 23rd day of February, 1909, declare the adherence of the United States to the said Convention;

And whereas notice of the adherence of the United States to the said Convention has been given to the Government of the Netherlands in conformity with Article 30 of the said Convention;

And whereas, the said Convention has been duly ratified by the Governments of Germany, Austria-Hungary, Denmark, Mexico, the Netherlands, Russia, Sweden, and Salvador, and the ratifications of the said Governments were, under the provisions of Article 29 of the said Convention, deposited by their respective Plenipotentiaries with the Netherlands Government on November 27, 1909;

And whereas, in accordance with the provisions of Article 30 of the said Convention, the Government of China gave notification to the Netherlands Government on January 15, 1910, of its adherence to the said Convention;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof, subject to the reservation and exclusion and the understanding herein above mentioned.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-eighth day of February in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States of America the one hundredth and thirty-fourth.

[SEAL.]

WM H TAFT

By the President:

P C KNOX.

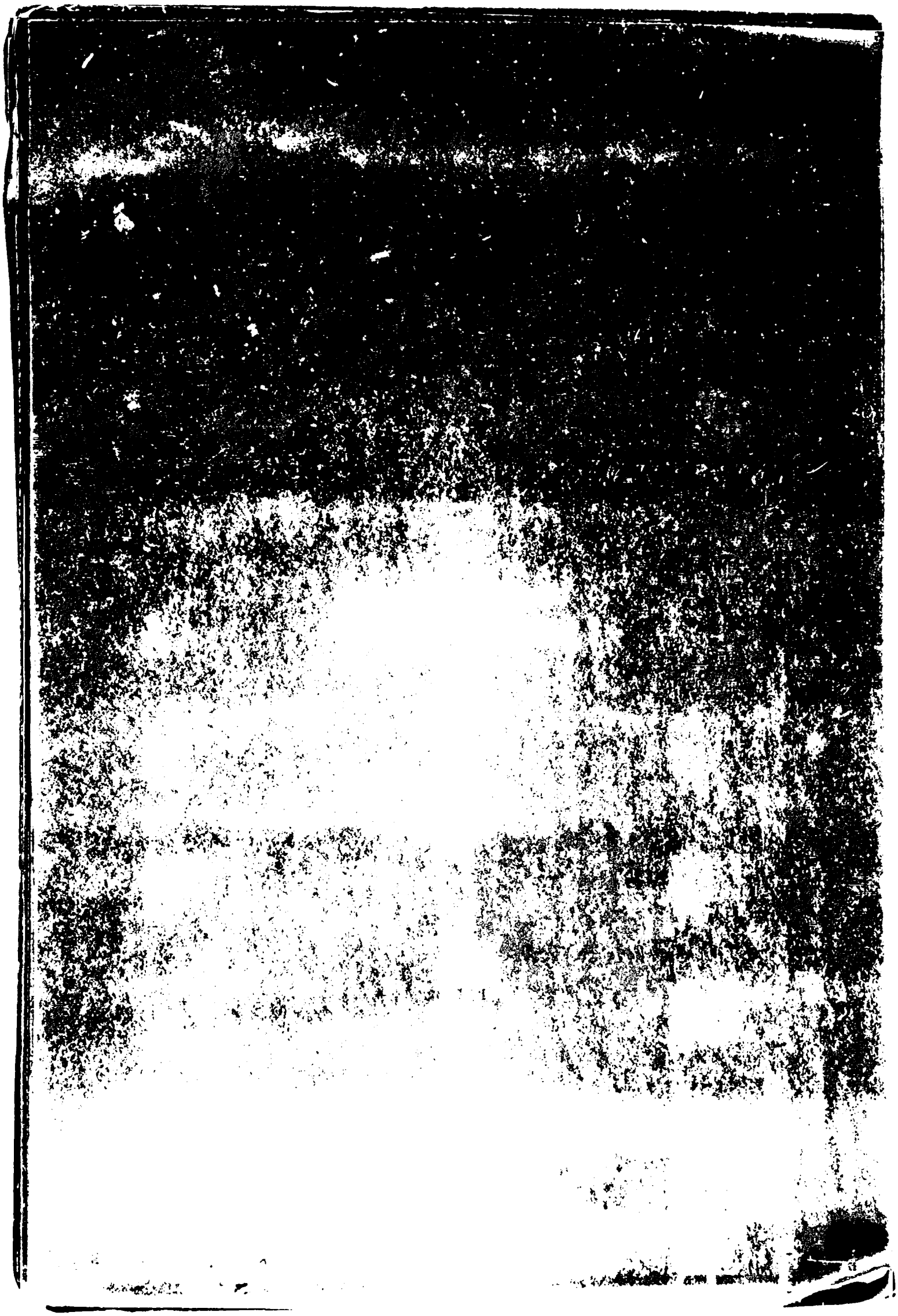
*Secretary of State.*

O

P. 35

Def. Doc. No. 310

[illegible]の[illegible]書によって看[illegible]
と思[illegible]また一法廷記録二六[illegible]は開戦前
適当な外交[illegible]が採られるであらう[illegible]本国は日本
との交戦状態に入って居ることを承知してゐるものと
[illegible]予期してゐた法廷記録二六、七三〇
斯く見来れば日本政府といふ海軍は列強と何処で
異るかを看取することは困難である。演事側及弁護
側から提出された極大な証拠は此等の意味によってな
された海軍の行動は侵略的意図を表明して居た
か否かの全体問題に指向されてゐると共へらるべきで
ある。吾人の提出する記録によって検事側の達成せんと
する目的――即ち侵略戦を成就せんがための共同謀
議の事実を確證せんとすることは完全に失敗したこ
とを示すものである。



DEPARTMENT OF STATE

[illegible]

TC No. 17844

# FRENCH AGREEMENT BETWEEN FRANCE AND THAILAND

The French Chief of State and His Majesty the King of Thailand,

Having accepted the mediation of the Government of Japan with a view to bringing about a final settlement of the armed conflict which has arisen on the border of French Indochina and Thailand,

Recognizing the need for proceeding to the readjustment of the present boundary of French Indochina and Thailand, with a view to preventing the return of conflicts on the said border, and to reaching an understanding on the means of preserving tranquility in the frontier zone,

Wishing fully to re-establish the traditional relations of friendship between France and Thailand,

Have decided, for this purpose, to conclude an Agreement and have appointed as their Plenipotentiaries, to wit:

The Chief of the French State:

Mr. Charles Arsène-Henry, Ambassador Extraordinary and Plenipotentiary of France to Japan;

Mr. René Robin, Honorary Governor-General of the Colonies; and

His Majesty the King of Thailand:

His Highness Prince Varnvaidyakara,

Counselor

Counselor of the Office of the President of the Council and of the Ministry of Foreign Affairs;

Phya Sri Sena, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Thailand to Japan;

Colonel Phya Silpa Sastrakom, Chief of the General Staff of Thailand;

Nai Vanich Panupanda, Director of the Department of Commerce;

Who, after having communicated their full powers, found in good and due form, have agreed on the following articles:

Article 1

Friendly relations shall be re-established between France and Thailand on the fundamental basis of the Treaty of Friendship, Commerce and Navigation of December 7, 1937.

Accordingly, direct diplomatic negotiations shall be entered into as soon as possible at Bangkok for the settlement of all question pending as a result of the conflict.

Article 2

The boundary between French Indochina and Thailand shall be readjusted as follows:

Starting in the north, the boundary shall follow the Mekong River from the point of junction of the boundaries of French Indochina, Thailand and Burma, to the point where the Mekong crosses the 15th degree of latitude. (Map of the Geographic Service of Indochina - Scale of 1:500,000.)

Throughout

Throughout this part, the median line of the principal channel of navigation which constitutes the boundary between the two countries, it is expressly agreed that the Island of Khong shall remain territory of French Indochina, while the Island of Khone shall be assigned to Thailand.

The boundary shall thereafter follow, westwards, the 14th degree of latitude, then, southwards, the meridian which passes through the terminal point at the Tonle Sap of the present boundary line of the Provinces of Siem Reap and Battambang (mouth of the Stung Kambot).

Throughout this part, the Boundary Commission provided for in Article 4 shall, if necessary, endeavor to have the boundary follow natural lines or administrative boundaries near the line defined above, so as to avoid, as far as possible, subsequent practical difficulties.

On the Tonle Sap, an arc of a circle with a radius of twenty kilometers joining the terminal point at the Tonle Sap of the present boundary of the Provinces of Siem Reap and Battambang (mouth of the Stung Kambot) to the terminal point at the Tonle Sap of the present boundary of the provinces of Battambang and Pursat (mouth of the Stung Dauntri), shall constitute the border.

Through the whole extent of the Tonle Sap, navigation and fishing shall be free for the nationals of both High Contracting Parties, subject to respect for fixed fishing installations along the shore. It is understood that, in this spirit, the High Contracting Parties shall draw up, as soon as possible, common police, navigation and fishing regulations for the waters of the Tonle Sap.

From

From the mouth of the [illegible] Donkrl, the new boundary shall follow, southwestwards, the present boundary-line of the Provinces of Battambang and Pursat, to the point at which the said boundary-line meets the present boundary of French Indochina and Thailand (Khao Kaup), which it shall follow thereafter, without change, to the sea.

Article 3

The territories included between the present boundary of French Indochina and Thailand and the new boundary-line defined in Article 2, shall be evacuated and transferred in conformity with the modalities provided for in the Protocol annexed to the present Agreement. (Annex I)

Article 4

The work of delimiting the boundary of French Indochina and Thailand, as defined in Article 2, shall be performed, as regards both the land and the river portions of the said boundary, by a Boundary Commission, which shall be instituted within the week following the putting into force of the present Agreement and which shall complete its work within the period of one year.

The institution and procedure of the said Commission shall form the subject of the Protocol annexed to the present Agreement. (Annex II)

Article 5

The territories transferred shall be incorporated into Thailand under the following conditions:-

1. They shall be demilitarised throughout their extent, with the exception of the territories bordering on the Mekong, which were formerly a part of French Laos.

2. As

2. As regards entry, establishment and enterprises, French nationals (French citizens, subjects and protected persons) shall enjoy, throughout the said territories, absolutely the same treatment as that granted to nationals of Thailand.

It is understood that, as regards French nationals, vested interests resulting from concessions, leases and permits obtained on or before March 11, 1941, shall be respected throughout the territories transferred.

3. The Government of Thailand shall assure full respect to the royal tombs which are on the right bank of the Mekong opposite Luang Prabang and shall give every facility to the Royal Family of Luang Prabang and to the Court Officials, for the preservation and visiting of the said tombs.

Article 6

Under the conditions provided for in the Protocol annexed to the present Agreement (Annex III), the following principles shall be applied to the demilitarized zone established under Number 1 of the preceding Article:

1. In the demilitarized zone, Thailand may not keep armed forces other than the police forces necessary for the maintenance of security and public order.

Thailand, however, reserves the right to reinforce her police forces temporarily to the extent that extraordinary police operations might render it necessary. She reserves likewise the power to effect on her territory, across the demilitarized zone, the transportation of troops and matériel required for police operations in the [illegible] districts or for military operations against third powers.

Lastly,

[illegible] military establishments [illegible] for the exclusive use of the Army, nor [illegible] or war material, with the exception [illegible] currently needed by the [illegible] military [illegible] shall exist in the demilitarized [illegible].

The [illegible] of the police forces may have the [illegible] organization normally necessary for their security.

Article 7

The High Contracting Parties are in agreement to eliminate the demilitarized zones on either bank of the Mekong in the portion of the course of the said River where it forms the boundary between French Laos and Thailand.

Article 8

As soon as the transfer of sovereignty over the territories ceded to Thailand becomes definitive, Thail nationality shall be automatically acquired by French nationals established in the said territories.

Nevertheless, during the year following the definitive transfer of sovereignty, French nationals shall have the right to choose French nationality.

This option shall be exercised as follows:

1. As regards French citizens, by a declaration made before the competent administrative authority;

2. As

[illegible]

[illegible]

No obstacle shall be [illegible], for whatever reason, to any evacuation or return of such French subjects and protected persons. Especially, they may, before their departure, dispose freely of their real and personal property. They shall have the right to carry away with them or to have transported, duty-free, their personal property of any character, cattle, agricultural products, coins or banknotes. In any case, they may retain, in the territories incorporated into Thailand, ownership of their real property.

Article 9

France and Thailand agree to renounce definitively any claim of a financial character, between the two states, resulting from the transfer of territories provided for in Article 2, upon payment to France by Thailand of the amount of six million Indochinese piastres. The payment of this amount shall be distributed, in equal portions, over six years counting from the putting into force of the present Agreement.

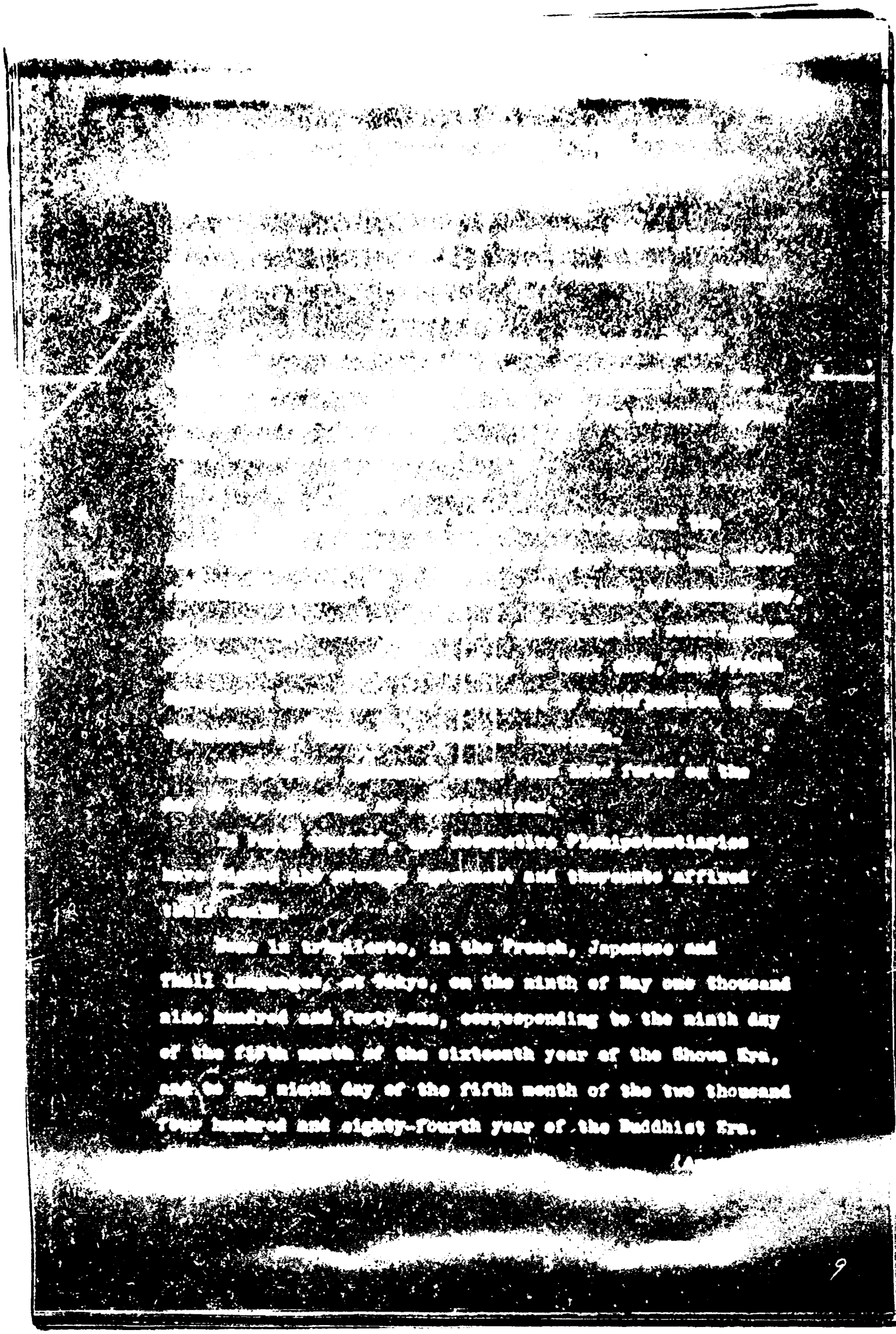
In order to assure the application of the preceding paragraph, as well as to regulate all the monetary questions and questions of the transfer of securities which may arise from the cession of territories that forms the subject of the present Agreement, the competent administrative offices of French Indochina and of Thailand shall enter into negotiations as soon as possible.

Article 10

[illegible]

Contracting Parties with regard to the interpretation

[illegible]



[illegible] forces on the

[illegible] Instrument of Ratification

[illegible] and thereunto affixed

[illegible]

Done in triplicate, in the French, Japanese and Thai languages, at Tokyo, on the ninth of May one thousand nine hundred and forty-one, corresponding to the ninth day of the fifth month of the sixteenth year of the Showa Era, and to the ninth day of the fifth month of the two thousand four hundred and eighty-fourth year of the Buddhist Era.

(Annex I)

[illegible]

Transfer of the [illegible]

The French Government and the Government of [illegible] agree as follows:

I. [illegible]

The French Government [illegible] ment of Thailand, [illegible] of ratifications, [illegible] in the [illegible] Delegates charged with the [illegible]

The Government of Thailand [illegible] French Government, within the same period, [illegible] the persons in charge of [illegible] real property. The Delegates of [illegible] be divided into five [illegible] of Pak Lay, Bassac, [illegible], [illegible] and [illegible].

The Delegates of Thailand shall present themselves on a date which shall be fixed by common accord, at Pak Lay, Bassac, Cheom Ksan, [illegible] and [illegible], where they shall be received by the French Delegates.

II. Transfer of the Archives

The communal and provincial archives, the archives of the courts and other State organs, as well as the cadastral plans deposited in the ceded territories, shall be transferred to the Thailand Authorities. As regards the plans, registers and other cadastral documents deposited outside the said territories, certified copies shall be delivered

(Annex I)

[illegible]

Transfer of the [illegible]

The French Government and the Government of Thailand agree as follows:

I. [illegible]

The French Government [illegible] ment of Thailand, [illegible] of ratifications, [illegible] in the ceded territories, [illegible] Delegates charged with the [illegible]

The Government of Thailand shall deliver to the French Government, within the same period, a [illegible] the persons in charge of taking possession of the [illegible] real property. The Delegates of the two Governments [illegible] be divided into five [illegible] of Pak Lay, Bassac, Kompong Thom, Siem Reap and [illegible]

The Delegates of Thailand shall present themselves on a date which shall be fixed by common accord, at Pak Lay, Bassac, Chom Kean, Samrong and Poipet, where they shall be received by the French Delegates.

II. Transfer of the Archives

The communal and provincial archives, the archives of the courts and other State organs, as well as the cadastral plans deposited in the ceded territories, shall be transferred to the Thailand Authorities. As regards the plans, registers and other cadastral documents deposited outside the said territories, certified copies shall be delivered

The transfer shall be completed within two months after the exchange of ratifications.

III. Evacuation of the Territories

The territories forming the subject of the present Protocol shall be evacuated by French military units and occupied by police forces or military units of Thailand in conformity with the following principles:

a) The French military units stationed between the present boundary and the new boundary-line shall set out on the twentieth day after the exchange of ratifications, and must be on the French side of the new boundary-line seven days thereafter, at the latest. They shall be preceded by the French gendarmes, police and administrative authorities (with the exception of those that will participate in the work of transfer stipulated in Parts I and II above) which are in the aforesaid territories.

b) The police forces and the military units which the Thailand Government might intend to send into the aforesaid territories shall set out on the day after the day on which the French units began evacuation and may arrive at the new boundary line at the earliest, seven days thereafter. They may be followed by the administrative authorities of Thailand appointed to posts in the aforesaid territories.

c) The police forces or military units of Thailand shall regulate their march so as to maintain a uniform distance from the French units.

d) Military units of Thailand in the demilitarized zone mentioned in Article 5 of the Agreement, shall be

[illegible] territories.

[illegible] and transfer [illegible] the present Protocol may be [illegible] without incident; [illegible] leave behind [illegible] forces nor individuals provided [illegible] the carrying police forces or [illegible] neither irregular military forces [illegible] provided with firearms precede them.

[illegible] shall, respectively, give their [illegible] police strict orders to abstain from [illegible] of pillage.

The present Protocol shall be ratified by France and Thailand simultaneously with the Agreement.

The present Protocol shall come into force simultaneously with the agreement.

In faith whereof, the undersigned, duly authorized by their respective Governments, have signed the present Protocol and thereunto affixed their seals.

Done in triplicate, in the French, Japanese and Thai languages, at Tokyo, on the ninth of May one thousand nine hundred and forty-one, corresponding to the ninth day of the fifth month of the sixteenth year of the Showa [illegible], and to the ninth day of the fifth month of the two thousand four hundred and eighty-fourth year of the Buddhist [illegible].

[TRANSLATION]

(Annex II) TC No. [illegible]

Protocol Relative to the Institution and Procedure of the Boundary Commission

The Governments of France, Japan and Thailand agree as follows, with regard to the Boundary Commission provided for in Article 4 of the Peace Agreement between France and Thailand:

I. Commission

The Governments of the three Parties shall appoint, respectively, five Delegates and five Deputy Delegates.

The Delegates of each of the Parties may be accompanied by such experts and secretaries as they shall deem necessary.

In case of inability to attend, Delegates may be replaced in their duties by Deputy Delegates.

The duties of Chairman of the Commission shall be entrusted to one of the Japanese Delegates.

II. Duties

The Commission shall proceed on the spot to the delimitation of the land and river boundary as provided for in Article 4 of the Agreement.

It shall prepare a map of the said boundary and proceed to the placing of boundary-markers at the points deemed necessary.

III. Procedure

The French Government and the Government of Thailand

sary facilities for the fulfil

The salaries and traveling expenses of the members of the Commission shall be paid by their respective Governments.

The cost of the work of the Commission shall be divided equally between the French Government and the Government of Thailand.

It is provided that the Commission may establish its own rules of procedure.

The present Protocol shall be ratified by France and Thailand simultaneously with the Agreement. As regards Japan, it shall be approved by her Government.

The present Protocol shall come into force simultaneously with the Agreement.

In faith whereof, the undersigned, duly authorized by their respective Governments, have signed the present Protocol and thereunto affixed their seals.

Done in triplicate, in the French, Japanese and Thai languages, at Tokyo, on the ninth of May one thousand nine hundred and forty-one, corresponding to the ninth day of the fifth month of the sixteenth year of the Showa Era, and to the ninth day of the fifth month of the two thousand four hundred and eighty-fourth year of the Buddhist Era.

[TRANSLATION]

TC No.17544

(Annex XII)

PROTOCOL RELATING TO THE CARRYING OUT OF THE PROVISIONS CONCERNING THE DEMILITARIZED ZONE.

The Governments of France, Japan and the Thailand agree on the following on the subject of the carrying out of the provisions concerning the demilitarized zone and (as) provided for in articles 5 and 6 of the Peace Agreement between France and Thailand:

I. Through the whole duration of its functionning the Boundary Commission, set up by Article 4 of the Agreement shall be charged with supervising the carrying out of the provisions provided for in Number 1 of Article 5 and in Article 6 of the Agreement.

The same Commission shall submit for the approval of the Thailand Government provisions having as their purpose:

a) The establishment of the nature, number and armament of the Thailand Police in the demilitarized zone;

b) The determination of the conditions under which the Thailand will be able to make use of the facilities conceded to it by virtue of Paragraph 2 of Number 1 of Article 6;

c) Finally, the setting up of special regulations for air navigation in the demilitarized zone.

In addition it may propose to the two Governments [illegible] it may judge necessary in [illegible]

[illegible]plated.

15

II. After the dissolution of the Boundary Commission, the above determined powers shall be exercised, in case of need, by a Mixed Commission, composed of three members for each Party, which shall convene on the request of one of the Governments concerned.

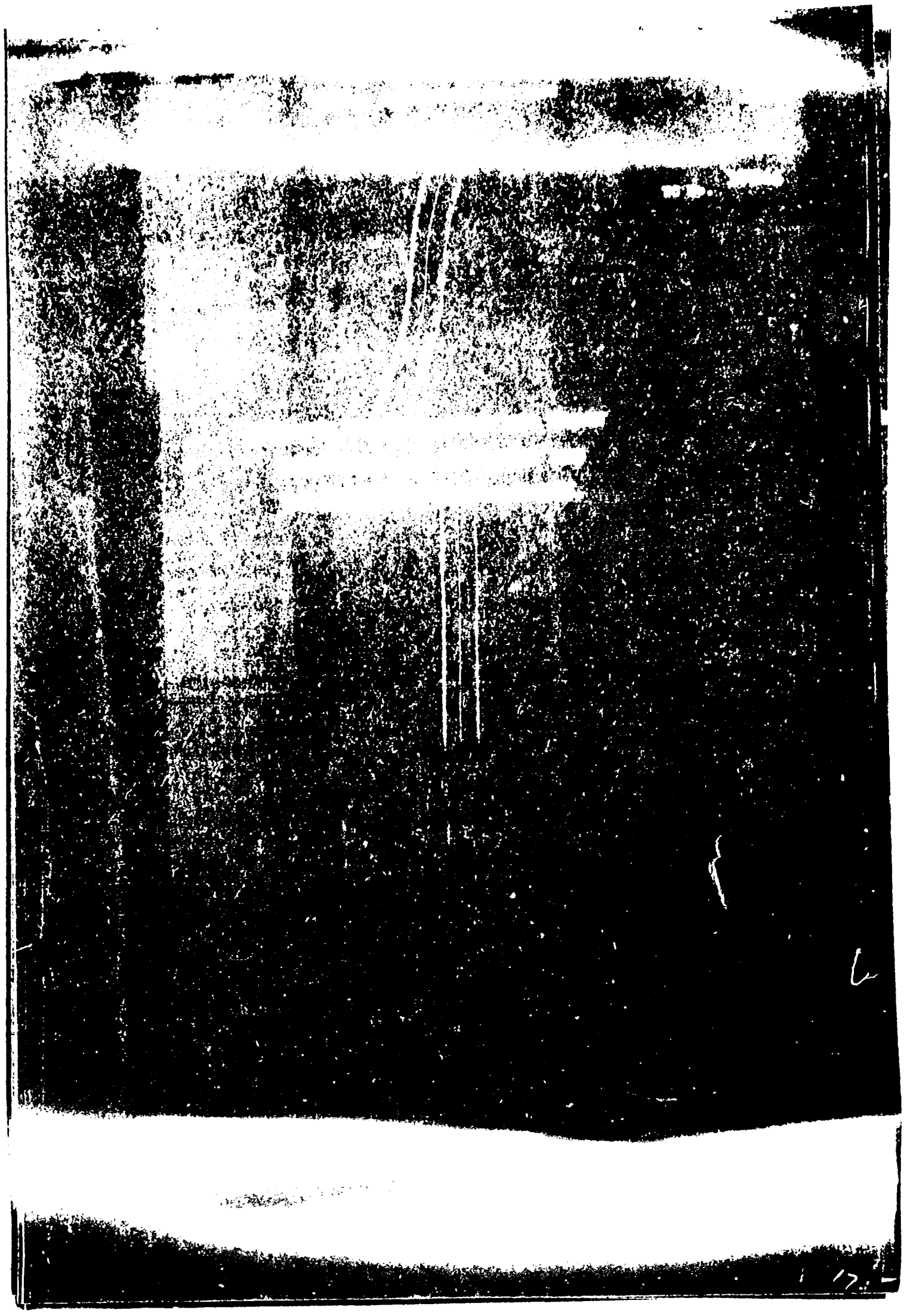
The functions of the Chairman of this Commission shall be entrusted to one of the Japanese Delegates.

The present Protocol shall be ratified by France and Thailand at the same time as the Agreement. So far as concerns Japan it shall be approved by its Government.

The present Protocol shall come into force at the same time as the Agreement.

In faith whereof, the undersigned, having been duly authorised by their respective Governments, have signed the present Protocol and thereunto affixed their seals.

Done in triplicate, in the French, Japanese and Thai languages, at Tokyo on the ninth of May one thousand nine hundred forty-one, corresponding to the ninth day of the fifth month of the sixteenth year of the Showa Era and to the ninth day of the fifth month of the two thousand four hundred eighty-fourth year of the Buddhist era.



CENTRAL TRANSLATING DIVISION

TC No. [illegible]

# PROTOCOL BETWEEN FRANCE AND JAPAN CONCERNING THE GUARANTEE AND THE POLITICAL UNDERSTANDING.

The French Government and the Japanese Government equally desirous of maintaining peace in the Far East,

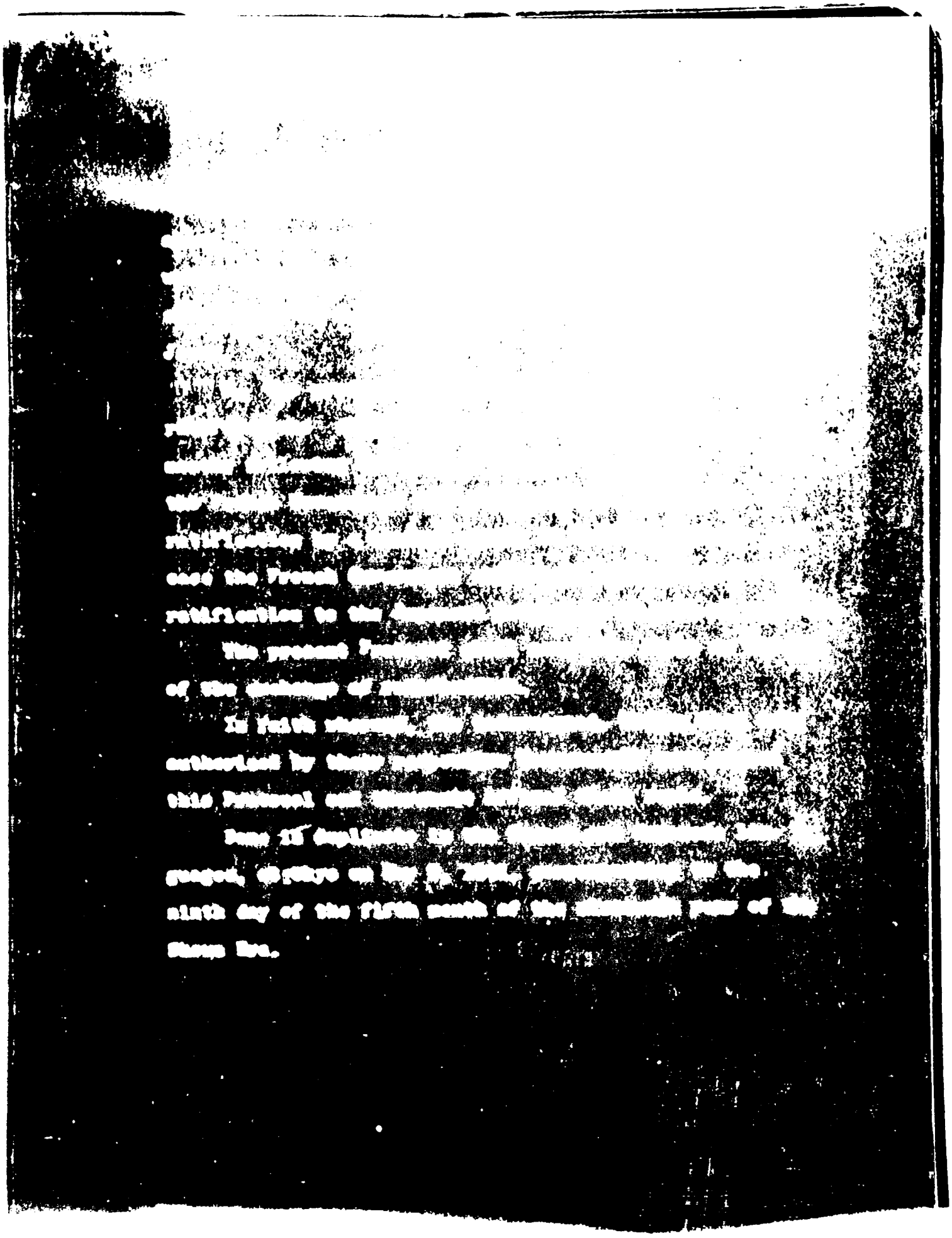
Inspired by the pacific and friendly spirit which prevailed at the drawing up of the agreement brought into being by the notes exchanged on August 30, 1940, and likewise prompted by the sincere desire to adhere to such course,

Anxious to ensure the stabilization of the friendly relations recently established between France and Thailand,

have on the following:

1. The Japanese Government guarantees to the French Government the final and irrevocable character of the settlement of the conflict between France and Thailand, such as it ensued, in consequence of the mediation of the Japanese Government, from the Peace Agreement of May 9, 1941 between France and Thailand and the annexed documents.

2. The French Government accepts the above-mentioned guarantee of the Japanese Government. It will exert itself in the maintenance of peace in the Far East, and in particular in the establishment of friendly good neighbour relations, [illegible] of close economic relations



[redacted]

TC No.17644

Enclosure No. 2a to despatch No. 5615 dated May 23, 1941, from the Embassy at Tokyo

Copy of communication addressed by Prince Varnvaidya, Chief of the Thai Commission for the negotiation of the Thai-French Indochinese agreement, to the French Ambassador at Tokyo, M. Charles Arsène-Henry.

Tokyo, May 9, 1941

Mr. Ambassador,

I have the honor to confirm to Your Excellency the verbal agreement already reached by us, under the terms of which the instruments of ratification of the/non-aggression concluded on June 12, 1940 between Thailand and France must be exchanged at Bangkok within two months following the exchange of ratifications of the Peace Agreement which we have just signed. Part of

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my very high consideration.

(Signed): VARNVAIDYA

His Excellency
Mr. Charles Arsène-Henry,
Ambassador Extraordinary and
Plenipotentiary of France in
Japan.

TOKYO.

from the Embassy at Tokyo.

Copy of communication addressed by Prince Varnvaidya, Chief of the Thai Commission for the negotiation of the Thai-French Indochinese agreement, to the French Ambassador at Tokyo, M. Charles Arsene-Henry.

Tokyo, May 9, 1941.

Mr. Ambassador,

I have the honor to confirm to Your Excellency the verbal agreement already reached by us, under the terms of which the principle of opening Consulates of Thailand at Hanoi, Phnom Penh and Vientiane and of establishing a Consulate of France at Battambang has been mutually accepted.

It is likewise understood that the former Consulates of France in Thailand can be re-established, as has stipulated at the time of the conclusion of the treaty of 1937.

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my very high consideration.

Signed: VARNVAIDYA

His Excellency
Mr. Charles Arsène-Henry
Ambassador Extraordinary
and Plenipotentiary of France
in Japan.

TOKYO.

Copy of communication addressed by Prince Varnvaidya, Chief of the Thai Commission for the negotiation of the Thai-French Indochinese agreement, to the French Ambassador at Tokyo, M. Charles Arsène-Henry.

Tokyo, May 9, 1941.

Mr. Ambassador,

I have the honor to confirm to Your Excellency the verbal agreement already reached by us, under the terms of which it will be recommended to the Commission for the delimitation of the new boundary to take into account, on the basis of the stipulations of Article 2, 6 of the Peace Agreement, the desire of the French Government to retain the temple of BANTEAL SREI, as forming part of the Angkor group.

It is agreed that the Boundary Commission shall, if necessary provide, in tracing the new boundary, a territorial compensation of equal area in favor of Thailand.

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my very high consideration.

Signed: VARNVAIDYA.

His Excellency
Mr. Charles Arsène-Henry,
Ambassador Extraordinary
and Plenipotentiary of France
in Japan.

TOKYO.

No. 3618 dated May 23, 1941,
from the Embassy at Tokyo.

Copy of communication addressed by Prince Varnvaidya, Chief of the Thai Commission for the negotiation of the Thai-French Indochinese agreement, to the French Ambassador at Tokyo, M. Charles Arsene-Henry.

Tokyo, May 9, 1941.

Mr. Ambassador,

I have the honor to confirm to Your Excellency the verbal agreement already reached by us, under the terms of which it is desirable that following the readjustment of the boundaries, direct negotiations between the competent authorities of Thailand and Indochina be initiated as soon as possible, with regard to the carrying out of the provisions of the Commercial and Customs Agreement of December 9, 1937, and for a new definition of the duties of the Mekong High Commission.

It is likewise agreed that the competent authorities of Thailand and Indochina shall come into contact, as soon as possible, in order to work out common regulations for the Border Police.

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my very high consideration.

Signed: VARNVAIDYA

His Excellency
Mr. Charles Arsène-Henry,
Ambassador Extraordinary
and Plenipotentiary of France
to Japan.
TOKYO.

Enclosure No. [illegible] [illegible]
[illegible]
from the Embassy at Tokyo.

Copy of communication [illegible] Varnvaidya, [illegible] of the Thai [illegible] of the Thai-French Indochinese agreement, to the French Ambassador at Tokyo, M. Charles Arsene-Henry.

Tokyo, May 9, 1941

Mr. Ambassador,

I have the honor to confirm to Your Excellency the verbal agreement already reached by us, under the terms of which the equality of treatment, as regards entry, establishment and enterprises, provided for in Article 5, 2 of the Agreement which we have just signed, must be interpreted as equality of treatment in all respects, with the following two exceptions:

1 - French nationals shall not benefit from the equal treatment with respect to the acquisition of real property of the public domain. They shall be subject in this respect to the provisions of the Treaty of Friendship, Commerce and Navigation of December 7, 1937 and its Annexes.

2 - French nationals who were not domiciled in the ceded territories at the time of the transfer of sovereignty and who enter the ceded territories shall be subject to the provisions of the Immigration Law of ..... ....Thailand.

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my very high consideration.

Signed: VARNVAIDYA

Doc. 6902 P34

以上ノ論及ノ目的トスル所ハ前述ノ論議及ビ今提示スル證據ト共ニ日本ノ政治組織ノ骨子ヲ説明シ後ニ提出スル證據ニ被告等ノ行動ヲ照シ合セテ見ル一助トナスコアル。此等官廳及ビ組織ノ活動ハ此ノ訴訟ノ全期間ヲ通ジテ何回トナク指摘セラレル所デアル。

INTERNATIONAL PROSECUTION SECTION
DOCUMENT DIVISION

15 April 1947

RECORDINGS OF SPEECHES BY
JAPANESE GOVERNMENT LEADERS
(1941 - 1944)

1. The following is a list of recordings of speeches made from 1941 to 1944 by six Japanese government leaders, TOJO, Hideki, KOISO, Kuniaki, SHIMADA, Shigetaro, YONAI, Mitsumasa, OKUMURA, Kiwao, and Prince KONOYE, Fumimaro. These recordings are presently available in the Files Unit, Room 361.

2. The recordings are listed by IPS document number, title of speech, in English and ROMAJI, date, and serial number of record. Name of the speaker is only given when said speaker is other than TOJO, since that loquacious general gave all but a few of the eddresses recorded.

3. No analyses of any of these speeches have been prepared because of the formal nature of most of them and the late period which they cover. However, requests for a scanning or translation of any records which might be thought of interest on the strength of their title should be made by memorandum to Mr. Wagner (Scanning Unit), Room 363, giving document number and title of speech desired. It should be noted that newspeper or official records, where available, are perhaps the most expeditious sources for the text of these speeches, tut these records may be helpful as leads, or in case the newspaper account is incomplete.

4. This index is only in general chronological order, due to the nature of the original list and the cataloguing of the shipment itself. Therefore, to aid in the exploitation of these records, an appendix has been prepared listing the recordings in order by date and giving the speaker and IPS document number for cross-reference. This appendix will be found at the end of the index.

5. Additional copies of this list are available in the Files Unit, Room 361.

# RECORDINGS OF SPEECHES BY JAPANESE GOVERNMENT LEADERS (1941-1944)

(All Recordings by TOJO, Hideki, Unless Otherwise Noted).

11,601 ADDRESS AT MILITARY REVIEW
(KANPEISHIKI KINWA)
1940
AK-40 (MV-1178)

11,602 ON RECEIVING THE IMPERIAL COMMAND
(TAIMEI WO HAISHITE)
Oct 18, 1941
AK-195 (1JO-84)

11,603 SPEECH ON ADMINISTRATIVE POLICY
AT the 77th DIET SESSION - 2 -
(DAISHICHIJUSHICHI TEIKOKUGIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU)
Nov 17, 1941
AK-224 (2JO-108)

11,604 GOVERNMENT DECLARATION
(SEIFU SEIMEI)
October 18, 1941
AK-195 (2JO-85)

11,605 ON RECEIVING THE IMPERIAL RESCRIPT - 3 -
(TAISHO WO HAISHI TATEMATSURITE)
Dec 8, 1941
AK-217 (2JO-96)

11,606 ON READING THE IMPERIAL RESCRIPT - 1 -
(TAISHO WO HAISHITATEMATSURITE)
Dec 8, 1941
AK-216 (2JO-94)

11,607 SPEECH ON ADMINISTRATIVE POLICY AT
78th DIET SESSION - 6 -
(DAISHICHIJUHACHIKAI TEIKOKUGIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU)
Dec 16, 1941
AK-232
2JO-129

11,608 SPEECH ON ADMINISTRATIVE POLICY AT
78th DIET SESSION -6-
(Duplicate of 11,607)
Dec 16, 1941
AK-232 (2JO-129)

11,609 SPEECH ON ADMINISTRATIVE POLICY AT
78th DIET SESSION - 5 -
(Cf. 11,607)
Dec 16, 1941
AK-232 (1JO-128)

11,610 SPEECH ON ADMINISTRATIVE POLICY AT 78th DIET SESSION
(Cf. 11,607)
Dec. 16, 1941
AK-231 (2JO-127)

| | | |
|---|---|---|
| | 11,611 | SPEECH ON ADMINISTRATIVE POLICY AT 78th DIET SESSION - 4 - (Duplicate, of 11,610) Dec 16, 1941 AK-231 (2J0-127) |
| | 11,612 | ADDRESS ON ADMINISTRATIVE POLICY AT the 77th DIET SESSION --1--2-- (Cf. 11,603) Nov 17, 1941 AK-224 (1J0-107) |
| | 11,613 | ADDRESS ON ADMINISTRATIVE POLICY AT THE 77th DIET SESSION --3--4-- (Cf. 11603) Nov 17, 1941 AK-225 (1J0-109) |
| | 11,614 | ADDRESS UPON RECEIVING THE IMPERIAL RESCRIPT OF WAR DECLARATION --2--3-- (TAISHO WO HAISHI TATEMATSURI TE) Aug 8, 1941 AK-217 (1J0-95) |
| TOJO - Prime Minister | 11,615 | SPEECH AT THE 78TH DIET SESSION ON "ADMINISTRATIVE POLICY" --2-- (DAI78KAI TEIKOKUGIKAI TOJONAIKAKUSORIDAIJIN SHISEIHŌSHIN ENZETSU) Dec 16, 1941 AK-230 (2J0-125) |
| | 11,616 | ADDRESS UPON RECEIVING THE IMPERIAL RESCRIPT OF WAR DECLARATION --1-- (Duplicate of 11,606) Dec 8, 1941 AK-216 (2J0-94) |
| | 11,617 | ADDRESS TO THE NATIONAL MASSMEETING ON RECEIVING THE EMPERIAL RESCRIPT --A-- (TAISHOHOTAI KOKUMIN TAIKAI NI OKERU ENZETSU) Dec 13, 1941 AK-413 (1J0-435) |
| | 11,618 | SPEECHES DELIVERED AT THE MASS MEETING REGARDING IMPERIAL RESCRIPT --B-- (Cf. 11,617) Dec. 13, 1941 AK-413 (2J0-436) |
| | 11,619 | SPEECH DELIVERED AT THE GRAND LECTURE MEETING FOR STRENGTHENING AIR DEFENCE SPIRIT. (BŌKUSEISHIN KYŌKA DAIKŌENKAI NI OKERU ENZETSU) Dec 16, 1941 AK-414 (2J0-458) |
| | 11,620 | SPEECHES DELIVERED AIR DEFENSE MEETING -- A -- (Cf. 11,619) Dec 16, 1941 AK-414 (1J0-457) |
| | 11,621 | CONGRATULATORY ADDRESS UPON THE MARRIAGE OF PRINCE MIKASA--A-- (MIKASANOMIYA DENKA NO GOKEIKON WO KOTOHOGIITSURI TE) Oct 22, 1941 AK-411 (1J0-437) |

11,622 CONGRATULATORY ADDRESS UPON THE MARRIAGE OF PRINCE MIKASA -B-
(Cf. 11,621)
Oct 22, 1941
AK-412 (JO-439)

11,623 ADDRESS UPON RECEIVING THE IMPERIAL RESCRIPT OF WAR DECLARATION --2--3--
(duplicate of 11,614)
Dec 8, 1941
AK-217 (1JO-95)

11,624 ADDRESS AT NATIONAL CONFERENCE OF HEADS OF YOUNG MEN'S SCHOOLS --3--
(ZENKOKU SEINENGAKKOCHOKAIGI NI OKERU AISATSU)
Dec 18, 1942
AK-706 (JO-708)

11,625 SPEECH ON THE WAR SITUATION REPORTS AT THE 79TH DIET SESSION --7--
ON THE OCCASION OF THE FALL OF SINGAPORE.
(SINGAPORE KANRAKU NI SHISHI TOJO RIKUGUN DAIJIN SENKYO HOKOKU ENZETSU)
Feb 16, 1942
AK-913 (1JO-233)

11,626 ADDRESS OF THANKS TO FARMERS --A--
(NOMIN ENO KANSHA)
Nov 23, 1942
AK-698 (1JO-694)

11,627 ADDRESS OF THANKS TO FARMERS --B--
(Cf. 11,626)
Nov 23, 1942
AK-698 (2JO-695)

11,628 ON THE 70TH ANNIVERSARY OF PROMULGATION OF THE MILITARY SYSTEM ACT.
(HEISEI SHICHIJUNEN WO MUKAETE)
Nov 27, 1942
AK-699 (1Jo-703)

11,629 GREET AT THE 1ST WAR REJOICING --3--
(Cf. 11,630)
Feb 18, 1942
AK-322 (1Jo-204)

11,630 ADDRESS TO NATIONAL MASS MEETING FOR CELEBRATING VICTORY. --1--
(SENSHO DAIICHIJI SHUKUGA KOKUMINTAIKAI AISATSU)
Feb 18, 1942
AK-321 (1JO-202)

11,631 ANNOUNCEMENT OF THE FALL OF SINGAPORE, CONGRATULATORY ADDRESS AND 3 CHEERS.
(SINGAPORE KANRAKU HAPPYO, SENSHO SHUKUGA AISATSU, BANZAI SANSHO)
Feb 19, 1942
AK-317 (JO-265)

11,632 WAR REJOICING & CHEER
(Cf. 11,631)
Feb 19, 1942
AK-317 (JO-265)

11,633 SPEECH ON WAR SITUATION REPORTS OF THE 79TH DIET SESSION --7--
(Duplicate of 625)
Feb 16, 1942
AK - 313 (1JO-253)

11,634 GREETING AT THE FIRST WAR REJOICING --3--
(Duplicate of 11,629)
Feb 18, 1942
AK-322 (1JO-204)

11,635 SPEECH ON ADMINISTRATIVE POLICY AT THE 80TH DIET SESSION --2--
(DAI 80 KAI RINJITEIKOKUGIKAI TOJO NAIKAKU SORIDAIJIN SHISEIHOSHIN ENZETSU)
May 27, 1942
AK-359 (2JO-340)

11,636 SPEECH ON ADMINISTRATIVE POLICY AT THE 80TH DIET SESSION --2--
(Duplicate, of 11,635)
May 27, 1942
AK-359 (2JO-340)

11,637 MEMORIAL ADDRESS OF THE 2nd YEAR - BIG EAST ASIA WAR -- 2 --
(Duplicate, of 11,823)
Dec 8, 1943
AK-951 (2JO-1047)

11,638 GREETING AT THE THIRD CENTRAL COOPERATION CONFERENCE --1--
(Cf. 11,644) Sept. 26, 1942
AK-691 (1JO-786)

11,639 GREETING AT THE THIRD CENTRAL COOPERATION CONFERENCE --2--
(Cf. 11,644)
Sep, 26, 1942
AK - 691 (2JO-787)

11,640 GREETING AT THE THIRD CENTRAL COOPERATION CONFERENCE --4--
(Cf. 11,644)
Sep 26, 1942
AK-692 (2JO-789)

11,641 GREETING AT THE THIRD CENTRAL COOPERATION CONFERENCE --3--
(Cf. 11,644)
Sep 26, 1942
AK-692 (1JO-788)

11,642 ISSUE OF AN IMPERIAL RESCRIPT
(Duplicate, of 11,602)
Oct 18, 1941
AK-195 (1JO-84)

11,643 PLANNING SHIP BUILDING COMPLETED -B-
(Duplicate, of 11,781)
Aug 8, 1942
AK-391

11,644 GREETING AT THE THIRD CENTRAL COOPERATION CONFERENCE -5-
(DAI 3 KAI CHUOKYORYOKUKAI NI OKERU AISATSU)
Sep 26, 1942
AK-693 (1JO-790)

11,645 GREETING AT THE THIRD CENTRAL COOPERATION CONFERENCE -6-
(Cf. 11,644)
Sep 26, 1942
AK-693 (2JO-791)

11,646 SPEECH AT THE GRAND SPEECH MEETING FOR COMBINING WHOLE NATIONAL STRENGTH.
(KOKUMIN SORYOKU KESSHU DAIENZETSUKAI NI OKERU KOEN)
Jul 27, 1942
AK-455 (1JO-461)

11,647 CONGRATULATORY ADDRESS AT THE IMPERIAL UNIVERSITY GRADUATION CEREMONY.
(TOKYO TEIKOKUDAIGAKU SOTSUGYOSHIKI NI OKERU SHUKUZU)
Sep 25, 1942
AK-687 (1JO-648)

11,648 SPEECH REGARDING PRODUCTION INCREASE OF METALS.
(KINZOKU ZOSAN NI TSUITE)
Jul 1, 1942
AK-449 (JO-449)

11,649 ADDRESS OF INSTRUCTIONS TO PHYSICAL TRAINING MASS MEETING OF SECONDARY SCHOOLS IN HOKKAIDO --2--
(HOKKAIDO CHUTOGAKKO TAIIKUTAIKAI NI OKERU KUNJI)
Jul 22, 1942
AK-450 (2JO-406)

11,650 ADDRESS OF INSTRUCTIONS TO ASSOCIATION OF SECONDARY SCHOOLS IN HOKKAIDO --1--
(Cf. 11,649)
Jul 22, 1942
AK-450 (2JO-405)

11,651 SPEECH ON ADMINISTRATIVE POLICY AT 79th DIET SESSION --4--
(DAI 79 KAI TEIKOKUGIKAI TOJO NAIKAKUSOSHIDAIJIN SHISEIHOSHIN ENZETSU) Jan 21, 1942
AK-291 (2JO-209)

11,652 SPEECH ON THE COLLECTING POWER OF PEOPLE AS TO COMPLETE BIG EAST ASIA - 3 -
(Duplicate of 11,646)
Jul 27, 1942
AK-455 (1JO-461)

11,653 SPEECH REGARDING PRODUCTION INCREASE OF METALS -1-
Jul 1, 1942
AK-448 (1JO-447)

11,654 SPEECH REGARDING PRODUCTION OF METAL -2-
(Cf. 11,653)
Jul 1, 1942
AK-448 (2JO-448)

11,655 ADDRESS OF THANKS FOR RESOLUTION OF GRATITUDE TO IMPERIAL ARMY BY 81ST DIET SESSION.
(DAIHACHIJŪIKKAI TEIKOKUGIKAI KŌGUNSHA KETSUGINI TAISURU TOJO RIKUGUNDAIJIN SHUJI)
Dec 27, 1942
AK-664 (1JO-784)

11,656 ADDRESS TO LITERARY PATRIOTIC SOCIETY -3-
(BUNGAKU HŌKOKUKAI HAKKAISHIKI NI OKERU SHUKUJI)
June 18, 1942
AK-447 (JO-430)

11,657 ADDRESS AT OPENNING OF JAPAN YOUNG BOYS CULTURE ASSOCIATION -1-
(NIHON SHŌKŌKUMIN BUNKAKYŌKAI HAKKAISHIKI NI OKERU ENZITSU)
Feb 11, 1942
AK-416 (1922)

11,658 GREETING TO THE FIRST ALL JAPAN COMMERCIAL STATE SERVICE MASS MEETING
(DAIIKKAI ZENKOKU SHOGYO HŌKOKU TAIKAI NI OKERU SHUKUJI)
Jul 30, 1942
AK-462 (JO-427)

11,659 GREETING TO THE FIRST ALL JAPAN COMMERCIAL PATRIOTIC ASSOCIATION -1-
(Cf. 11,658)
Jul 30, 1942
AK-461 (1JO-425)

11,660 ADDRESS OF INSTRUCTIONS TO THE PHYSICAL TRAINING MASS MEETING OF SECONDARY SCHOOLS IN HOKKAIDO -3-
(HOKKAIDO CHŪTŌGAKKŌ TAIIKU TAIKAI NI OKERU KUNJI)
Jul 22, 1942
AK-451 (1JO-407)

11,661 ADDRESS OF INSTRUCTIONS TO THE ATHLETIC ASSOCIATION - 4 - (On Secondary Schools in HOKKAIDO)
(Cf. 11,660)
Jul 22, 1942
AK-451 (2JO-408)

11,662 OPENNING ADDRESS TO THE ALL JAPAN HIGHER SCHOOL ATHLETIC MASS MEETING
(Cf. 11,677)
Jul 24, 1942
AK-453 (JO-475)

11,663 SPTICH AT THE GRAND SPEECH MEETING FOR COMBINING WHOLE NATIONAL STRENGTH.
(KOKONIN SOKYOKUKESSHU DAIENZETSUKAI NI OKERU KOIN)
Jul 27, 1942
AK-454 (1JO-459)

11,664 SPEECH ON THE COLLECTING POWER OF PEOPLE AS TO COMPLETE BIG EAST ASIA WAR - 2 -
(Cf. 11,663)
Jul 27, 1942
AK-454 (2JO-460)

11,665 SPEECH ON ADMINISTRATIVE POLICY AT 79TH DIET SESSION - 4 -
(Cf. 11,666) Jan 21, 1942
AK-291 (2JO-209)

11,666 SPEECH ON ADMINISTRATIVE POLICY AT 79TH DIET SESSION - 5 -
(DAISHICHIJUKUGIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU) Jan 21, 1942
AK-292 (1JO-210)

11,667 ISSUE OF AN IMPERIAL RESCRIPT - 3 -
(Duplicate, of 11,605)
Dec 8, 1941
AK-217 (2JO-96)

11,668 ADDRESSES AT OPENNING OF JAPAN YOUNG BOYS CULTURE ASSOCIATION - A -
(Duplicate of 11,657)
Feb 11, 1942
AK-416 (1JO-22)

11,669 ADDRESS TO THE GENERAL PATRIOTIC ASSOCIATION FOR JAPAN INDUSTRY - A -
(Cf. 11,670)
Feb 11, 1942
AK-417 (1JO-431)

11,670 ADDRESS TO THE MASS MEETING OF THE GREAT NIPPON INDUSTRIAL STATE SERVICE ASSOCIATION (DAINIPPON SANGYO HOKOKUKAI ISSEI TAIKAINI ATARITE) Feb 11, 1942
AK-417 (2JO-432)

11,671 ADDRESS TO THE GENERAL PATRIOTIC ASSOCIATION FOR JAPAN INDUSTRY - C -
(Cf. 11,670)
Feb 11, 1942
AK-418 (JO-433)

11,672 GREETING - 1 - AT THE 6TH TEMPORARY CENTRAL COOPERATION CONFERENCE
(Cf. 11,674)
Feb 25, 1942
AK-419 (1JO-420)

11,673 GREETING - 2 - AT THE 6th TEMPORARY CENTRAL COOPERATION CONFERENCE
(Cf. 11,674)
Feb 25, 1942
AK-419 (2JO-421)

11,674 ADDRESS AT THE 6TH EXTRAORDINARY CENTRAL COOPERATION CONFERENCE
(DAIROKKAI RINJI CHUO KYORYOKUKAIGI AISATSU)
Feb 25, 1942
AK-420 (2JO-423)

11,675 GREETING - 1 - AT THE 6TH TEMPORARY CENTRAL COOPERATION CONFERENCE
(duplicate of 11,672)
Feb 25, 1942
AK-419 (1JO-420)

11,676 SPEECH ON THE ADMINISTRATIVE POLICY AT 80TH DIET SESSION - 9 -
(DAIHACHIJUKKAI RINJI TEIKOKUGIKAI TOJO NAIKAKUSORIDAIJIN SHISEI HOSHIN ENZETSU)
May 27, 1942
AK-360 (1JO-341)

11,677 OPENING ADDRESS TO THE ATHLETIC MEETING OF ALL JAPAN HIGHER SCHOOLS - 2 -
(ZENKOKU KOTO GAKKO TAIIKUTAIKAI KAIKAISHIKI NI OKERU SHUKUJI)
Jul 24, 1942
AK-452 (2JO-474)

11,678 SPEECH AT NATIONAL CONFERENCE FOR SCHOOL MASTERS OF YOUNG MEN.
(Duplicate of 11,624)
Dec 18, 1942
AK-706 (JO-708)

11,679 ADDRESS OF INSTRUCTION AT THE HONOUR AWARDING CEREMONY - A -
Aug 27, 1942
AK-685 (1JO-709)

11,680 INSTRUCTION AT THE CEREMONY OF AWARDING - B -
(Cf. 11,679)
Aug 27, 1942
AK - 685 (2JO-710)

11,681 SPEECH AT THE GRAND SPEECH PARTY FOR COMBINING WHOLE NATIONAL STRENGTH
(KOKUMIN SORYOKU KESSHU DAIENZETSUKAI NI OKERU KOEN)
Jul 27, 1942
AK-458 (2JO-468)

11,682 SPEECH AT THE ADDRESSES PARTY TO COLLECT THE ALL NATION POWER, AS TO COMPLETE THE EAST ASIA WAR - 9 -
(Cf. 11,681)

11,683 SPEECH AT THE ADDRESSES PARTY TO COLLECT THE ALL NATION POWER, AS TO COMPLETE THE EAST ASIA WAR - 10 -
(duplicate of 11,681)
Jul 27, 1942
AK-458 (2JO-468)

11,684 SPEECH OF ENCOURAGEMENT COAL MINERS - 3 -
(TANKO SENSHI GEIREI ENZETSU)
Mar 30, 1942
AK-435 (1JO-499)

11,685 SPEECH OF ENCOURAGEMENT TO COAL MINERS
- 4 -
(Cf. 11,684)
Mar 30, 1942
AK-435 (2JO-500)

11,686 SPEECH OF ENCOURAGEMENT TO COAL MINERS
- 2 -
(Cf. 11,684)
Mar 30, 1942
AK-434 (2JO-498)

11,687 ADDRESS ON THE OCCASION OF JAPAN MANCHUKUO - CHINA EXCHANGE BROADCAST - B -
(NICHIMAN KA KOKANHOSO NI OKERU ENZETSU)
Mar 29, 1942
AK-433 (2JO-477)

11,688 JAPAN MANCHUKUO & CHINA EXCHANGE ANNOUNCEMENTS - A -
(Cf. 11,687)
AK-433 (1JO-476)

11,689 WAR SITUATION REPORTS AT THE 81ST DIET SESSION - 10 -
(TOJO RIKUGUNDAIJIN SENKYO HOKOKU ENZETSU)
Dec 27, 1942
AK-657 (2JO-771)

11,690 WAR SITUATION REPORTS AT THE 81ST DIET SESSION - 7 -
(DAI 81KAI TEIKOKUGIKAI TOJO RIKUGUN DAIJIN SENKYOHOKOKU ENZETSU)
Dec 27, 1942
AK-656 (1JO-768)

11,691 ADDRESS ON THE OCCASION OF JAPAN MANCHUKUO EXCHANGE BROADCAST. - B -
(NICHI MAN KOKAN HOSO NI OKERU AISATSU)
Sep 15, 1942
AK-686 (2JO-712)

11,692 GREETING AT THE JAPAN MANCHUKUO EXCHANGE ANNOUNCEMENT - A -
(Cf. 11,691)
Sep 15, 1942
AK-686 (1JO-711)

11,693 A CONGRATULATORY ADDRESS AT THE TOKYO IMPERIAL UNIVERSITY GRADUATION CEREMONY
- 16 -
(Cf. 11,695)
Sep 25, 1942
AK-689 (2JO-653)

11,694 CONGRATULATORY ADDRESS AT THE TOKYO IMPERIAL UNIVERSITY GRADUATION CEREMONY - 5 -
(Cf. 11,695)
Sep 25, 1942
AK-689 (1JO-652)

11,695 CONGRATULATORY ADDRESS AT THE TOKYO IMPERIAL UNIVERSITY GRADUATION CEREMONY -4-
(TOKYO TEIKOKUDAIGAKU SOTSUGYOSHIKI NI OKERU SHUKUJI)
Sep 25, 1942
AK-688 (2JO-651)

11,696 CONGRATULATORY ADDRESS AT THE TOKYO IMPERIAL UNIVERSITY GRADUATION CEREMONY -3-
(Cf. 11,695)
Sep 25, 1942
AK-688 (1JO-650)

11,697 FUNERAL ADDRESS FOR THE REPUBLICS WHO DIED ON DUTY -B-
(JUNSHOKU HOKOKUSENSHI IREISAI NI OKERU SAIMON) May 11, 1942
AK-442 (2JO-496)

11,698 ADDRESS TO THE NATION ON THE EVE OF THE GENERAL ELECTION -7-
(SOSENKYO WO MAE NI KOKUMIN NI NOZONU)
Apr 27, 1942 AK-441 (JO-456)

11,699 SPEECH ON ADMINISTRATIVE POLICY AT 79TH DIET SESSION - 1 -
(DAISHICHIJUKYU KAI TEIKOKUGIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU)
Jan. 21, 1942 AK-290 (1JO-206)

11,700 SPEECH ON ADMINISTRATIVE POLICY OF 79TH DIET SESSION - 2 -
(Cf. 11,699)
Jan 21, 1942
AK-290 (2JO-207)

11,701 SPEECH ON ADMINISTRATIVE POLICY AT 80TH DIET SESSION - 6 -
(DAI HACHIJUKKAI RINJI TEIKOKUGIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU)
May 27, 1942
AK-361 (2JO-344)

11,702 ADDRESS TO THE JAPAN YOUTH'S AND BOYS' ORGANIZATIONS - 1 - 2 -
(NIHONSEISHONENDAN NI TAISURU KUNJI)
Dec 9, 1942
AK-704 (1JO-696)

11,703 ADDRESS ON THE 2d ANNIVERSARY OF THE SINO JAPANESE TREATY AND JAP-MANCHUKUO-CHINA JOINT DECLATION - 1 - 2 -
(NIKKA JUYAKU NYUBINI NICHIMANKYO DOSENGEN TEIKETSU NISHUNEN NI ATARITTE)
Nov 30, 1942
AK-703 (1JO-713)

11,704 ADDRESS ON THE 70TH ANNIVERSARY OF PROMULGATION OF MILITARY - 3 -
(Cf. 11,708)
Nov 29, 1942
AK-702 (JO-702)

11,705 WAR SITUATION REPORT TO THE 81 DIET SESSION -7-8-
(DAIHACHIJUIKKAI TEIKOKUGIKAI TOJO KOKUGUNDAIJIN SENKYOHOKOKU ENZETSU)
Dec 27, 1942
AK-656 (JO-768)

11,706 ADDRESS GIVEN ON THE OCCASION OF NATIONAL SAVINGS PASSING 50 BILLION M.K.
(KOKUMINCHOCHIKU GOJYUKUOKU TOPPA NI SAISHITE)
Sep 30, 1942
AK-696 (JO-688)

11,707 ADDRESS GIVEN AT THE CLOSING CEREMONY OF THE 6TH EXTRAORDINARY CENTRAL COOPERATION CONFERENCE HELD - 5 -
(DAIROKKAI RINJI CHUO KYORYOKUKAIGI HEIKAISHIKI JOSATSU)
Feb 25, 1942
AK-421 (2JO-434)

11,708 ADDRESS GIVEN ON 70TH ANNIVERSARY OF PROMULGATION OF MILITARY SYSTEM ACT, AT THE "ALL-OUT NATIONAL MARCH".
("KOKUMIN KAIKOGUN" NI OKERU AISATSU)
-1-2-
Nov 29, 1942
AK-701 (JO-700)

11,709 ADDRESS GIVEN AT THE THIRD CENTRAL COOPERATION CONFERENCE - 7 -
(DAISANKAI CHUOKYORYOKUKAI NI OKERU AISATSU)
Sep 25, 1942
AK-694 (JO-792)

11,710 CONGRATULATORY ADDRESS AT THE MASS MEETING FOR THE CELEBRATION OF CONCLUSION OF THE TRIPARTITE PACT -1-2-
(NICHIDOKUI SANGOKU JOYAKU TEIKETSU KINEN TAIKAI NI OKERU SHUNUJI)
Sep 27, 1942
AK-695 (JO-698)

11,711 ADDRESS GIVEN ON THE OCCASION OF NATIONAL SAVINGS PASSING 50 BILLION
(Cf. 11 706)
Sep 30, 1942
AK-696 (2JO-689)

SHIMADA NAVAL MINISTER 11,712 ADDRESS OF THANKS TO THE 80TH DIET SESSION FOR THE RESOLUTION OF GRATITUDE TO THE IMPERIAL FORCES.
(DAI 80KAI GIKAI KOGUNKANSHA KETSUGI NI TAISURU SHIMADA KAIGUNDAIJIN SHAJI)
May 27, 1942
AK-389 (JO-398)

11,713 WAR SITUATION REPORT TO THE 80TH DIET SESSION - 15 -
(DAI 80 KAI RINJI TEIKOKUGIKAI TOJO RIKUGUNKAIJIN SENKYOHOKOKU ENZETSU)
May 27, 1942
AK-372 (1JO-381)

11,714 WAR SITUATION REPORT TO THE 80 DIET SESSION - 15 -
(duplicate, of 11,713)
May 27, 1942
AK - 372 (1JO-381)

11, 715 WAR SITUATION REPORT TO THE 80TH DIET SESSION -13--14-
(Cf. 11,713)
May 27, 1942
AK-371 (2JO-380)

11,716 WAR SITUATION REPORT TO THE 80TH DIET SESSION 11-12-
(Cf. 11,713)
May 27, 1942
AK-370 (1JO-377)

11,717 WAR SITUATION REPORT TO THE 81ST DIET SESSION -1-2-
(Cf. 11,718)
Dec 27, 1942
AK-653 (1JO-762)

11,718 WAR SITUATION REPORT TO THE 81ST DIET SESSION -3-4-
(DAI 81KAI TEIKOKUGIKAI TOJO RIKUGUNKAIJIN SENKYO HOKOKU ENZETSU)
Dec 27, 1942
AK-654 (1JO-764)

11,719 WAR SITUATION REPORT TO THE 81ST DIET SESSION -5-6-
(Cf. 11,718)
Dec 27, 1942
AK-655 (1JO-766)

11,720 ADDRESS GIVEN AT THE INTER-MIDDLE SCHOOL ATHLETIC MEETING IN HOKKAIDO --3--4--
(duplicate, of 11,660)
Jul 22, 1942
AK-451 (1JO-407)

11,721 ADDRESS GIVEN AT THE NATIONAL CONFERENCE OF PRINCIPALS OF YOUNG MEN'S SCHOOLS --1-2-
(ZENKOKU SEINENGAKKOCHO KAIGI NI OKERU AISATSU)
Dec 18, 1942
AK-705 (1JO-706)

11,722 ADDRESS TO THE NATION --3--4-
(KOKUMIN SHOKUN NI TSUGU)
Mar 8, 1942
AK-424 (1JO 444 - 2JO 445)

11,723 ADDRESS TO THE NATION - 5 -
(Cf. 11,722)
Mar 8, 1942
AK-425 (JO-446)

11,724 SPEECH GIVEN AT THE ORATORICAL MEETING FOR NATIONAL UNIFICATION AIMING AT THE COMPLETION OF THE GREAT EAST ASIA WAR
--9--10--
(duplicate of 11,681)
Jul 27, 1942
AK-458 (1JO-467)

11,725 ADDRESS GIVEN AT THE CENTRAL CONFERENCE FOR THE WAR-TIME SAVING MOBILIZATION --3--4--
(Cf. 11,726)
Jun 18, 1942
AK-445 (1JO-413)

11,726 ADDRESS GIVEN AT THE CENTRAL CONFERENCE FOR WARTIME SAVING MOBILIZATION --1--2--
(SENJI CHOCHIKU DOIN CHUO KYOGIKAI AISATSU)
Jun 18, 1942
AK-444 (1JO-411)

11,727 ADDRESS TO THE NATION BEFORE GENERAL ELECTION --7--
(duplicate of 11,739)
Apr 27, 1942
AK-441 (JO-456)

11,728 SPEECH AT THE ORATORIAL MEETING FOR NATIONAL UNIFICATION AIMING AT THE COMPLETION OF THE GREAT EAST ASIA WAR
--11--12--
(Cf. 11,729)
Jul 27, 1942
AK-459 (1JO-469)

11,729 SPEECH AT THE GRAND SPEECH MEETING FOR COMBINING WHOLE NATIONAL STRENGTH
(KOKUMIN SORYOKU KESSHU DAIENZETSUKAI NI OKERU KOEN) --13-14--
Jul 27, 1942
AK-460 (1JO-471)

11,730 WAR SITUATION REPORT TO THE 79TH DIET SESSION --5--6--
(DAISHICHIJUKYUKAI TEIKOKUGIKAI NI OKERU SENKYO HOKOKU ENZETSU)
Mar 12, 1942
AK-432 (1JO-482)

11,731 WAR SITUATION REPORT TO THE 79TH DIET SESSION --3--4--
(Cf. 11,730)
Mar 12, 1942
AK-431 (1JO-480)

11,732 WAR SITUATION REPORT TO THE 80TH EXTRAORDINARY DIET SESSION --9--10--
(DAI 80KAI RINJI TEIKOKUGIKAI TOJO RIKUGUN-DAIJIN SENKYO HOKOKU)
May 27, 1942
AK-369 (1JO-375)

11,733 WAR SITUATION REPORT TO THE 80TH EXTRAORDINARY DIET SESSION --7--8--
(DAI 80KAI RINJI TEIKOKUGIKAI TOJO RIKUN DAIJIN SENKYO HOKOKU ENZETSU)
May 27, 1942
AK-368 (1JO-3737

11,734 ADDRESS GIVEN ON THE 70TH ANNIVERSARY OF THE PROMULGATION OF MILITARY CONSCRIPTION LAW --1--2
(duplicate of 11,708)
Nov 29, 1942
AK-701 (1JO-700)

11,735 ADDRESS GIVEN ON THE 70TH ANNIVERSARY OF FROMULGATION OF MILITARY SYSTEMACT --3--
(HEISEI HAPPU SHICHIJUNEN WO MUKAETE)
Nov 27, 1942
AK-700 (JO-705)

11,736 WAR SITUATION REPORT TO THE 80TH DIET SESSION --7--8--
(duplicate of 11,733)
May 27, 1942
AK-368 (1JO-373)

11,737 FUNERAL ADDRESS TO DIED REPORTERS IN HARNESS -A-
(Back of 11,697)
May 11, 1942
AK-442 (1JO-495)

11,738 ADDRESS AT THE 1ST GENERAL MEETING OF THE COOPERATION COMMITEE -B-
(DAIIKKI KYORYOKUIINKAI SOKAI NI OKIRU AISATSU)
May 25, 1942
AK-443 (2JO-485)

11,739 ADDRESS TO THE NATION ON THE EVE THE GENERAL ELECTION -7-
(SOSENKYO WO MAENI KOKUMIN NI NOZOMU)
Apr 27, 1942
AK-441 (JO-456)

11,740 GREETING ADDRESS AT THE CENTRAL COMMITTEE OF WARTIME SAVING RECOMMENDATION - 1 -
(duplicate of 11,726)
Jun 18, 1942
AK-444 (1JO-411)

| | | |
|---|---|---|
| | 11,741 | MEMORIAL ADDRESS FOR INDIAN PATRIOTS -13-<br>(SONAN INDO SHISHI IREISAI NI OKERU CHOJI)<br>Apr 5, 1942<br>AK-436 (2JO-494) |
| | 11,742 | ADMINISTRATIVE POLICY AT THE 79TH DIET SESSION -1-<br>(Back of 11,746)<br>Mar 12, 1942<br>AK-426 (1JO-486) |
| | 11,743 | ADDRESS AT GRAND LECTURE MEETING FOR COMBINING WHOLE NATIONAL STRENGTH<br>(KOKUMIN SORYOKU KESSHU DAIENZETSUKAI NI OKERU KOEN)<br>Jul 27, 1942<br>AK-457 (1JO-465) |
| | 11,744 | ADDRESS AT GRAND LECTURE MEETING FOR COMBINING WHOLE NATIONAL STRENGTH. -5-<br>(Cf. 11,743)<br>Jul 27, 1942<br>AK-456 (1JO-463) |
| | 11,745 | ADDRESS AT GRAND LECTURE MEETING FOR COMBINING WHOLE NATIONAL STRENGTH<br>(Cf. 11,743)<br>Jul 27, 1942<br>AK-456 (2JO-464) |
| | 11,746 | ADDRESSON ADMINISTRATIVE POLICY AT THE 79TH DIET SESSION -2-<br>(DAI SHICHIJUKYUKAI TEIKOKUGIKAI NI OKERU SHISEIHOSHIN ENZETSU)<br>Mar 12, 1942<br>AK-426 (2JO-487) |
| TOJO<br>Prime Minister | 11,747 | SPEECH DELIVERED ON ADMINISTRATIVE POLICY AT THE 80TH DIET SESSION -10-<br>(TOJO NAIKAKUSOKIDAIJIN SHISEIHOSHIN ENZETSU -10-)<br>May 27, 1942<br>AK-363 (1JO-348) |
| | 11,748 | SPEECH DELIVERED ON ADMINISTRATIVE POLICY AT THE 80TH DIET SESSION -9-<br>(TOJO NAIKAKUSOKIDAIJIN SHISEIHOSHIN ENZETSU -9-)<br>May 27, 1942<br>AK-363 (1JO-347) |
| | 11,749 | SPEECH DECLARED ADMINISTRATIVE POLICY ON THE 80TH DIET SESSION -6-<br>(duplicate of 11,701)<br>May 27, 1942<br>AK-361 (2JO-344) |
| | 11,750 | SPEECH OF ADMINISTRATIVE POLICY ON THE 80TH DIET SESSION -8-<br>(Cf. 11,748)<br>May 27, 1942<br>AK-362 (2JO-346) |

11,751 ADDRESS OF WAR SITUATION REPORTS AT THE FALL OF SINGAPORE ON THE 79TH DIET SESSION -3-
(Cf. 11,753)
Feb 16, 1942
AK-311 (1JO-229)

11,752 ADDRESS OF WAR SITUATION REPORTS AT THE FALL OF SINGAPORE ON THE 79TH DIET SESSION -4-
(Cf. 11,753)
Feb 16, 1942
AK-311 (2JO-230)

11,753 WAR SITUATION REPORTS ON THE OCCASION OF THE FALL OF SINGAPORE AT THE DIET SESSION -6-
(SINGAPORE KANRAKUNISAISHI DAI 79KAI TEIKOKUGIKAI SAIKAI TOJO RIKUGUN DAIJIN SENKYOHOKOKU ENZETSU)
Feb 16, 1942
AK-312 (2JO-232)

11,754 SPEECH DELIVERED ADMINISTRATIVE POLICY ON THE 80TH DIET SESSION -11-
(Cf. 11,748)
May 27, 1942
AK-364 (1JO-349)

11,755 SPEECH DELIVERED ADMINISTRATIVE POLICY ON THE 80TH DIET SESSION -12-
(Cf. 11,748)
May 27, 1942
AK-364 (2JO-350)

11,756 WAR SITUATION REPORTS AT THE 79TH DIET SESSION -1-
(DAI SHICHIJUKYUKAI TEIKOKUGIKAI NI OKERU SENKYO HOKOKU ENZETSU)
Mar 12, 1942
AK-430 (1JO-478)

11,757 SPEECH OF ADMINISTRATIVE POLICY AT THE 80TH DIET SESSION -8-
(duplicate of 11,750)
May 27, 1942
AK-362 (2JO-346)

11,758 SPEECH DELIVERED AS FOR WAR SITUATION REPORTS AT THE 79TH DIET SESSION -2-
(Cf. 11,756)
Mar 12, 1942
AK -430 (2JO-479)

11,759 SPEECH DELIVERED ON ADMINISTRATIVE POLICY AT THE 79TH DIET SESSION -7-
(Cf. 11,760)
Mar 12, 1942
AK-429 (1JO-492)

11,760 SPEECH DELIVERED ON ADMINISTRATIVE POLICY AT THE 79TH DIET SESSION -5-
(DAI SHICHIJUKYUKAI TEIKOKUGIKAI NI OKERU SHISEIHOSHIN ENZETSU)
Mar 12, 1942
AK-428 (1JO-490)

11,761 SPEECH DELIVERED ON ADMINISTRATIVE POLICY AT THE 79TH DIET SESSION - 6 -
(Cf. 11,760)
Mar 12, 1942
AK-428 (2JO-491)

11,762 SPEECH DELIVERED ADMINISTRATIVELY POLICY AT THE 79TH DIET SESSION -4-
(Cf. 11,746)
Mar 12, 1942
AK-427 (2JO-489)

11,763 ADDRESS AT THE 6TH EXTRAORDINARY CENTRAL COOPERATIVE CONFERENCE -5-
(DAIROKKAI RINJI CHUOKYORYOKUKAIGI AISATSU)
Feb 25, 1942
AK-421 (1JO-424)

11,764 SPEECHES ON ADMINISTRATIVE POLICY AT THE 81ST DIET SESSION -14-
(DAI 81KAI TEIKOKUGIKAI SAIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU)
Jan 28, 1943
AK-671 (2JO-728)

11,765 MESSAGE TO THE PEOPLE -2-
(KOKUMIN SHOKUN NI TSUGU)
Mar 8, 1942
AK-423 (2JO-443)

11,766 ADDRESS ON THE 10TH ANNIVERSARY OF THE FOUNDATION OF MANCHUKUO -A-
(MANSHU KENKOKU JUSSHUNEN WO MUKAETE)
Mar 1, 1942
AK-422 (1JO-409)

11,767 HAVING 10 YEARS MANCHUKUO BORN -B-
(Cf. 11,766)
Mar 1, 1942
AK-422 (2JO-410)

11,768 CLOSING ADDRESS AT THE 6TH TEMPORARY CENTRAL COOPERATION CONFERENCE
(duplicate of 11,707)
Feb 25, 1942
AK-421 (2JO-434)

11,769 OPENING ADDRESS AT THE GREAT JAPAN ATHLETIC SOCIETY -A-
(DAINIHON TAIIKUKAI HAKKAISHIKI NI OKERU SHIKIJI)
Apr 8, 1942
AK-437 (1JO-440)

11,770 OPENING ADDRESS AT THE JAPAN ATHLETIC SOCIETY -B-
(Cf. 11,769)
Apr 8, 1942
AK-437 (2JO-441)

11,771 HOPE TO THE PEOPLE ON THE GENERAL ELECTION -2-
(Cf 11,772)
Apr 27, 1942
AK-438 (2JO-451)

11,772 ADDRESS TO THE PEOPLE ON THE EVE OF THE GENERAL ELECTION -3-
(SOSENKYO WO MAE NI KOKUMIN NI NOZOMU)
Apr 27, 1942
AK-439 (1JO-452)

11,773 ADDRESS TO THE PEOPLE ON THE EVE OF THEGENERAL ELECTION -6-
(SOSENKYO WO MAE NI KOKUMIN NI NOZOMU)
APR. 27, 1942
AK-440 (2JO-455)

11,774 WAR SITUATION REPORT AT THE 80TH EXTRAORDINARY DIET SESSION.
(DAI 80 KAI RINJI TEIKOKUGIKAI TOJO RIKUGUN DAIJIN SENKYOHOKOKU ENZETSU)
--5--6--
May 27, 1942
AK-367 (2JO-371)

11,775 WAR SITUATION REPORT AT THE 80TH EXTRAORDINARY DIET SESSION
(DAI 80 KAI RINJI TEIKOKUGIKAI TOJO RIKUGUN DAIJIN SENKYOHOKOKU ENZETSU)
--3--4--
May 27, 1942
AK-366 (1JO-369)

11,776 ADDRESS AFTER THE GENERAL ELECTION -1-2-3-4-5-
(SOSENKYO OWARITE)
May 2, 1942
OTC

11,777 ADDRESS OF WAR SITUATION REPORT AT THE 79th DIET SESSION -3-4-
(duplicate of 11,731)
Mar 12, 1942
AK-431 (1JO-480)

11,778 ADDRESS ON OCCASION OF THE FAIL OF SINGAPORE AT THE 79TH DIET SESSION --3--4--
(Cf. 11,795)
Feb 16, 1942
AK-308 (1JO-262)

11,779 ADDRESS ON OCCASION OF THE FALL OF SINGAPORE AT THE 79TH DIET SESSION --5--
(Cf. 11,795)
AK-309 (1JO-264) (Feb. 16, 1942)

11,780 WAR REPORT TO THE REOPENED 79TH DIET SESSION ON OCCASION OF THE FALL OF SINGAPORE
--1--2--
(SINGAPORE KANRAKU NI SAISHI DAI 79KAI TEIKOKUGIKAI SAIKAI TOJO RIKUGUNDAIJIN SENKYOHOKOKU ENZETSU)
Feb 16, 1942
AK-310 (1JO-227)

11,781 ADDRESS ON THE COMPLETION OF PLANNING SHIP BUILDING --B--
(KEIKAKU ZOSEN KANSUI)
Aug 8, 1942
AK-391 (aJO-401)

11,782 SPEECH DELIVERED AT THE FALL OF SINGAPORE ON 79TH DIET SESSION --2--
(duplicate of 11,795) Feb 16, 1942
AK-307 (2JO-261)

11,783 ON RECEIVING THE IMPERIAL RESCRIPT
(SEISHI WO HAISHI TATEMATSURITE)
AK-392 (JO-402)

11,784 CONGRATULATORY ADDRESS ON A GRADUATION CEREMONY OF IMPERIAL UNIVERSITY --7--
(duplicate of 11,846)
Sep 25, 1942
AK-690 (1JO-654)

11,785 CONGRATULATORY ADDRESS ON A GRADUATION CEREMONY OF IMPERIAL UNIVERSITY --7--
(duplicate of 11,846)
Sep 25, 1942
AK-690 (1JO-654)

11,786 SAYING TO THE GOVERNMENT AND THE PEOPLE -4-
(duplicate of 11,834)
Sep 22, 1943
AK-947 (2JO-996)

11,787 ADDRESS OF INSTRUCTIONS TO THOSE NEWLY REQUISITIONED TO THE DIESEL MOTOR CAR CO. -B-
(DIESEL JIDOSHAKOGYO KABUSHIKIKAISHA SHINKI CHOYOSHA NYUSHASHIKI NI OKERU KUNGI)

Jan 15, 1942
AK-415 (2207973)

11,788 WAR SITUATION REPORT AT THE 79TH DIET SESSION
(DAISHICHIJŪKYUKAI TEIKOKUGIKAI TOJO RIKUGUNDAIJIN SENKYO HOKOKU ENZETSU)
Jan 21, 1942
AK-293 (1JO-241)

11,789 ADDRESS OF WAR SITUATION REPORTS ON 79TH DIET -1-
(duplicate of 11,780)
Feb 16, 1942
AK-310 (1JO-227)

11,790 ADDRESS OF WAR SITUATION REPORTS ON 79TH DIET SESSION -1-
(duplicate of 11,788)
Jan 21, 1942
AK-293 (1JO-241)

| | | |
|---|---|---|
| | 11,791 | SPEECH OF WAR SITUATION REPORT ON 79TH DIET SESSION -4-<br>(Cf. 11,790)<br>Jan 21, 1942<br>AK-294 (2JO-244) |
| | 11,792 | WAR-SITUATION REPORTS AT 79TH DIET SESSION (DAISHICHIJŪKYŪKAI TEIKOKUGIKAI TOJO RIKUGUNDAIJIN SENKYO HOKOKU ENZETSU)<br>Jan 21, 1942<br>AK-295 (1JO-245) |
| | 11,793 | WAR SITUATION REPORTS AT 79TH DIET SESSION -6-<br>(Cf. 11,792)<br>Jan 21, 1942<br>AK-295 (2JO-246) |
| | 11,794 | SPEECHES OF WAR SITUATION REPORTS ON 79TH DIET SESSION -8-<br>(Cf. 11,792)<br>Jan 21, 1942<br>AK-296 (2JO-248) |
| | 11,795 | SPEECH DELIVERED ON THE FALL OF SINGAPORE AT 79TH DIET SESSION -2-<br>(SINGAPORE KANRAKU NI SAISHI DAI 79 GIKAI TOJO NAIKAKU SORIDAIJIN ASATSU)<br>Feb 16, 1942<br>AK-307 (2JO-261) |
| | 11,796 | ADDRESS AT THE FIRST GENERAL MEETING OF THE PATRIOTIC COMMERCIAL ORGANIZATION --1--2--<br>(duplicate of 11,659)<br>Jul 30, 1942<br>AK-461 (1JO-425) |
| SHIMADA | 11,797 | ADDRESS AT THE 80TH DIET SESSION<br>(duplicate of 11,712)<br>May 27, 1942<br>AK-389 (JO-398) |
| | 11,798 | ADDRESS OF WAR SITUATION REPORTS ON 82ND DIET SESSION -2-<br>(Cf. 11,799)<br>Jun 16, 1943<br>AK-717 (21715) |
| | 11,799 | WAR SITUATION REPORTS AT 82nd DIET SESSION -3-<br>(DAIHACHIJUNI TEIKOKUGIKAI TOJO RIKUGUN DAIJIN SENKYOHOKOKU ENZETSU)<br>Jun 16, 1943<br>AK-718 (11716) |
| | 11,800 | ADDRESS OF WAR SITUATION REPORTS ON 82nd DIET SESSION -4-<br>(Cf. 11,799)<br>Jun 16, 1943<br>AK-718 (21717) |

11,801 ADDRESS OF WAR SITUATION REPORTS ON 82nd DIET SESSION -5-
(Cf. 11,799)
Jun 16, 1943
AK-719 (11718)

11,802(A) ADDRESS OF WAR SITUATION REPORTS ON 82nd DIET SESSION -6-
(Cf. 11,799)

11,802(B) ADDRESS OF WAR SITUATION REPORTS ON 82ND DIET SESSION -7-
(Cf. 11,799)
Jun 16, 1943
AK-720 (11720)

11,803 ADDRESS ON ADMINISTRATIVE POLICY AT 82ND DIET SESSION -9-
(TOJONAIKAKU SORIDAIJIN SHISEIHOSHIN ENZETSU, DAIHACHIJUNI TEIKOKUGIKAI)
Jun 16, 1943
AK-716 (1209226)

11,804 SPEECH AT THE 4TH CENTRAL COOPERATION CONFERENCE -3-
(DAISHIKAI CHUOKYORYOKU KUKAIGI NI OKERU TOJO NAIKAKU SORIDAIJIN AISATSU)

AK-944 (1JO-1022)

11,805 ADDRESS DELIVERED BY TOJO, PRIME MINISTER, AT 81ST DIET SESSION.
(DAIHACHIJUIKKAI TEIKOKUGIKAI TOJO NAIKAKU SORIKAIJIN ENZETSU) Mar 25, 1943
AK-737 (JO-878)

11,806 ADDRESS OF WAR SITUATION REPORTS ON 82ND DIET SESSION -10-
(Cf. 11,799)
Jun 16, 1943
AK-721 (21723)

11,807 SPEECH OF ADMINISTRATIVE POLICY ON 81ST DIET SESSION -3-
(Cf 11,809)
Jan 28, 1943
AK-666 (1JO-717)

11,808 SPEECH OF ADMINISTRATIVE POLICY ON 81st IMPERIAL DIET SESSION -4-
(Cf. 11,809)
Jan 28, 1943
AK-666 (2JO-718)

11,809 SPEECH ON ADMINISTRATIVE POLICY AT 81ST DIET SESSION -2-
(DAIHACHIJUIKKAI TEIKOKUGIKAI SAIKAI TOJO NAIKAKU SORIDAIJIN SHISEIHOSHIN ENZETSU)
Jan 28, 1943
AK-665 (2JO-716)

11,810 A MEMORIAL SPEECH OF THE BIG EAST ASIA WAR 2 YEARS PAST -4-
(Cf. 11,823)
Dec 8, 1943
AK-952 (2JO-1049)

11,811 ADDRESS TO THE GOVERNMENT OFFICIALS AND THE PEOPLE -10-
(KANMIN NI TSUGU)
Sep 22, 1943
AK-950 (2JO-1002)

11,812 SPEECH ON ADMINISTRATIVE POLICY AT 81ST DIET SESSION -15-
(DAIHACHIJUIKKAI TEIKOKUGIKAI SAIKAI TOJO NAIKAKUSORIDAIJIN SHISEIHOSHIN ENZETSU)
Jan 28, 1943
AK-672 (1JO-729)

11,813 SPEECH OF ADMINISTRATIVE POLICY ON 83RD DIET SESSION -2-
(Cf. 11,814)
Oct 26, 1943
AK-973 (2JO-1004)

11,814 SPEECH ON ADMINISTRATIVE POLICY AT 83RD EXTRAORDINARY DIET SESSION -1-
(DAIHACHIJUSAN RINJI TEIKOKUGIKAI SHISEI HOSHIN ENZETSU)
Oct 26, 1943
AK-973 (1JO-1003)

11,815 SPEECH OF ADMINISTRATIVE POLICY ON 83RD DIET SESSION -2-
(DUPLICATE OF 11,813)
Oct 26, 1943
AK-973 (2JO-1004)

11,816 SPEECH ON ADMINISTRATIVE POLICY AT 83RD DIET SESSION -4-
(DAIHACHIJUSANKAI TEIKOKUGIKAI SHISEIHOSHIN ENZETSU) Oct 26, 1943
AK-794 (2JO-1006)

11,817 SPEECH OF ADMINISTRATIVE POLICY ON 83RD DIET SESSION -3-
(Cf. 11816)
Oct 26, 1943
AK-974 (1JO-1005)

11,818 ADDRESS TO THE GOVERNMENT OFFICIALS AND THE PEOPLE -1-
(KANMIN NI TSUGU)
Sep 22, 1943
AK-946 (1JO-993)

11,819 A MEMORIAL SPEECH OF THE BIG EAST ASIA WAR 2 YEARS PAST -5-
(Cf. 11,823)
Dec 8, 1943
AK-953 (1JO-1050)

11,820 A MEMORIAL SPEECH OF THE BIG EAST ASIA WAR 2 YEARS PAST -6-
(Cf. 11,823)
Dec 8, 1943
AK-953 (2J0-1051)

11,821 A MEMORIAL SPEECH OF THE BIG EAST ASIA WAR 2 YEARS PAST -6-
(duplicate of 11,820)
Dec 8, 1943
AK-953 (2J0-1051)

11,822 A MEMORIAL SPEECH OF THE BIG EAST ASIA WAR 2 YEARS PAST -7-
(Cf. 11,823)
Dec 8, 1943
AK-954 (1J0-1052)

11,823 SPEECH ON THE 2ND ANNIVERSARY OF THE GREATER EAST ASIA WAR -1-
(DAITOASENSO NISHUNEN KINENKOEN)
Dec 8, 1943
AK-951 (1J0-1046)

11,824 ADDRESS OF POLITICAL PRINCIPLES IN GENERAL ON 82ND DIET SESSION -9-10-
(duplicate of 11,803)
Jun 16, 1943
AK-716 (1209226)

11,825 ADDRESS GIVEN AT THE CENTRAL COOPERATION CONFERENCE -3-4-
(duplicate of 11,804)
Jul 14, 1943
AK-944 (1-J-01022)

11,826 ADDRESS ON ADMINISTRATIVE POLICY AT THE 82ND DIET SESSION -7--8-
(DAIHACHIJUNI, TEIKOKUGIKAI, TOJO, NAIKAKU SORIDAIJIN, SHISEIHOSHIN, ENZETSU)
Jun 16, 1943
AK-715 (1209224)

11,827 ADDRESS ON ADMINISTRATIVE POLICY AT THE 82ND DIET SESSION --5--6--
(Cf. 11,803)
Jun 16, 1943
AK-714 (1209222)

11,828 ADMINISTRATIVE POLICY SPEECH AT THE 81ST DIET SESSION -12-
(DAIHACHIJUICHIGIKAI SAIKAI TOJO NAIKAKU SORIDAIJIN SHISEIHOSHIN ENZETSU)
Jan 28, 1943
AK-670 (2J0-726)

11,829 ADMINISTRATIVE POLICY AT THE 81st DIET SESSION -11-
(Cf. 11,828)
Jan 28, 1943
AK-670 (1JO-725)

11,830 ADMINISTRATIVE POLICY AT THE 81st DIET SESSION -14-
(Cf. 11,828)
Jan 28, 1943
AK-671 (2JO-728)

11,831 GREETING DELIVERED AT THE 4TH CENTRAL COOPERATION CONFERENCE -3-
(duplicate of 11,804)
Jul 14, 1943
AK-944 (1-JO-1022)

11,832 MESSAGE TO THE OFFICEALS & THE PEOPLE -2-
(Cf. 11,834)
Sep 22, 1943
AK-946 (2JO-994)

11,833 ADDRESS OF INSTRUCTIONS TO THE REQUISITIONED DIRECTORS -A-
(SHACHO CHOYO REISHO DENTATSUSHIKI TOJO NAIKAKU SORIDAIJIN KUNJI)
Aug 19, 1943
AK-945 (1JO-1024)

11,834 MESSAGE TO THE OFFICIALS & THE PEOPLE -4-
(KANMIN NI TSUGU)
Sep 22, 1943
AK-947 (2JO-996)

11,835 MESSAGE TO THE OFFICIALS & THE PEOPLE -5-
(Cf. 11,834)
Sep 22, 1943
AK-948 (1-JO-997)

11,836 MESSAGE TO THE OFFICIALS & THE PEOPLE -6-
(Cf. 11,834)
Sep 22, 1943
AK-948 (2JO-998)

11,837 TOJO'S SPEECH AT THE 81ST DIET SESSION -1-
(Cf. 11,838)
Mar 25, 1943
AK-735 (1JO-874)

11,838 TOJO'S SPEECH AT THE 81ST DIET SESSION -3-
(DAIHACHIJUICHI TEIKOKUGIKAI TOJO NAIKAKU SORIKAIJIN ENZETSU) Mar 25, 1943
AK-736 (1JO-876)

11,839 TOJO'S SPEECH AT THE 81ST DIET SESSION -4-
(Cf. 11,838)
Mar 25, 1943
AK-736 (2JO-877)

| | | |
|---|---|---|
| | 11,840 | TOJO'S SPEECH AT THE 81ST DIET SESSION -5-<br>(duplicate of 11,805)<br>Mar 25, 1943<br>AK-737 (JO-878) |
| | 11,841 | ADDRESS AT THE 4TH CENTRAL COOPERATION CONFERENCE -2-<br>(DAISHIKAI CHUOKYORYOKUKAIGI NI OKERU TOJO NAIKAKUSORIDAIJIN AISATSU)<br>Jul 14, 1943<br>AK-943 (2JO-1021) |
| | 11,842 | GREETINGS AT THE 4TH CENTRAL COOPERATION CONFERENCE -1-<br>(Cf. 11,841)<br>Jul 14, 1943<br>AK-943 (1JO-1020) |
| | 11,843 | ADDRESS IN RECEIVING THE IMPERIAL RESCRIPT OF WAR DECLARATION -1-<br>(duplicate of 11,606)<br>Dec 8, 1941<br>AK-216 (2JO-94) |
| | 11,844 | WAR SITUATION REPORT AT THE 83RD EXTRAORDINARY DIET SESSION -7-8-<br>(DAI 83 KAI RINJI TEIKOKUGIKAI SENKYO HOKOKU ENZETSU)<br>Oct 26, 1943<br>AK-981 (1JO-1019) |
| KOISO | 11,845 | ANSWERING TO THE IMPERIAL RESCRIPT OF WAR DECLARATION -1-2-<br>(duplicate of 11,863)<br>Aug 8, 1944<br>AT-9 (1250-64) |
| | 11,846 | CONGRATULATORY ADDRESS AT THE GRADUATION CEREMONY OF TOKYO IMPERIAL UNIVERSITY --7--<br>(TOKYO TEIKOKUDAIGAKU SOTSUGYOSHIKI NI OKERU SHUKUJI)<br>Sep 25, 1942<br>AK-690 (1JO-654) |
| | 11,847 | SAYING TO THE GOVERNMENT AND THE PEOPLE -3-<br>(Back of 11,834)<br>Sep 22, 1943<br>AK - 947 (1JO-995) |
| | 11,848 | ADDRESS TO THE GOVERNMENT OFFICIALS & THE PEOPLE -7-<br>(KANMIN NI TSUGU)<br>Sep 22, 1943<br>AK-949 (2JO-999) |
| | 11,849 | SAYING TO THE GOVERNMENT & THE PEOPLE -8-<br>(Cf. 11,848)<br>Sep 22, 1943<br>AK - 949 (1JO-1000) |

11,850 ADDRESS TO THE GOVERNMENT OFFICIALS AND THE PEOPLE
(KAMMIN NI TSUGU)
(Recorded on the back of 11,811)
Sep 22, 1943
AK-950 (1-J0-10C1)

11,851 ADDRESS ON ADMINISTRATIVE POLICY AT THE 81ST DIET SESSION --7--8-
(DAIHACHIJUIKKAI, TEIKOKUGIKAI SAIKAI TOJO NAIKAKU SORIDAIJIN SHISEIHOSHIN ENZETSU)
Jan 28, 1943
AK-668 (1J0-721)

11,852 ADDRESS OF POLITICAL PRINCIPLE IN GENERAL AT THE 83RD DIET SESSION --7--8--
(Cf. 11,816)
Oct 26, 1943
AK-976 (1J0-1009)

11,853 ADDRESS OF POLITICAL PRINCIPLE IN GENERAL AT THE 81ST DIET --5--6--
(Cf. 11,851)
Jan 28, 1943
AK-667 (1J0-719)

11,854 ADDRESS ON ADMINISTRATIVE POLICY AT THE 83RD DIET SESSION --5--6--
(DAIHACHIJUSANKAI TEIKOKUGIKAI SHISEIHOSHIN ENZETSU)
Oct 26, 1943
AK-975 (110-1007)

11,855 ADDRESS OF POLITICAL PRINCIPLE IN GENERAL AT THE 83RD DIET SESSION --9--10--
(Cf. 11,816)
Oct 26, 1943
AK-977 (1J0-1011)

11,856 ADDRESS OF POLITICAL PRINCIPLE IN GENERAL AT THE 81ST DIET SESSION --9--10--
(Cf. 11,851)
Jan 28, 1943
AK-669 (1J0-723)

11,857 ADDRESS TO THE GOVERNMENT AND PEOPLE
--9-10-
(duplicate of 11,850)
Sep 22, 1943
AK-950 (1J0-1001)

11,858 ADDRESS ON ADMINISTRATIVE POLICY AT THE 82ND DIET SESSION --1--2--
(DAIHACHIJUNI TEIKOKUGIKAI TOJO NAIKAKU SORIDAIJIN SHISEI HOSHIN ENZETSU)
Jun 16, 1943
AK-712 (1209218)

11,859 ADDRESS OF POLITICAL PRINCIPLE IN GENERAL AT THE 82ND DIET SESSION --3--4--
(Cf. 11,858)
Jun 16, 1943
AK-713 (2209220)

| | | |
|---|---|---|
| | 11,860 | ADDRESS OF POLITICAL PRINCIPLE IN GENERAL AT THE 82ND DIET --5--6-- (Cf. 11,858) Jun 16, 1943 AK-714 (1209222) |
| KONOYE | 11,861 | RECEIVING THE IMPERIAL ORDER (TAINEI NO HAISHITE) A-5[illegible] ([illegible]-111) |
| KOISO | 11,862 | READING IMPERIAL RESCRIPT OF WAR DECLARATION -1-2- (SENSEN NO TAISHO HODOKU) Aug 8, 1944 AT - 8 (1248-64) |
| KOISO | 11,863 | ADDRESS ANSWERING TO THE IMPERIAL RESCRIPT --1-2- (TSUTSUSHIMITE TAISHO NI KOTAEMATSURU) Aug 8, 1944 AT-9 (1250-64) |
| KOISO | 11,864 | ADDRESS ANSWERING TO THE IMPERIAL RESCRIPT (Cf. 11,863) Aug 8, 1944 AT-9 (1252-64) |
| | 11,865 | WAR SITUATION REPORT AT THE 80TH EXTRAORDINARY IMPERIAL DIET SESSION -1-2- 27 May, 1942 AK-365 (1JO-367) AK-365 (2JO-368) (DAI 80 KAI RINJI TEIKOKUGIKAI TOJO RIKUGUN DAIJIN SENKYOHOKOKU ENZETSU) |
| | 11,866 | WAR SITUATION REPORT AT THE 83RD EXTRAORDINARY IMPERIAL DIET SESSION -1-2- 26, Oct. 1943 AK-978 (1JO 1013) AK-978, (2JO 1014) (DAI 83 RINJI TEIKOKUGIKAI SENKYO HOKOKU ENZETSU) |
| | 11,867 | ADDRESS TO THE NATION, (A set of 4) 24 Mar. 1942 OTC (KOKUMIN NI TSUGU) |
| | 11,868 | ADDRESS AT THE LECTURE MEETING FOR STRENGTHENING AID TO SERVICEMEN. 3 Oct. 1942 (GUNJIN ENGO KYOKA KOENKAI) |
| YONAI (PRIME MINISTER) | 11,869 | CELEBRATING THE ESTABLISHMENT OF THE NEW CENTRAL GOVERNMENT OF CHINA. 30 Mar. 1940 A 2001 1206616 - 1206617 (SHINA CHUOSEIFU NO SEIRITSU WO SHUKUSHITE) |

OKUMURA, Kiwao (VICE-PRESIDENT OF INFORMATION BUREAU)

11,870 OATH TO LIVE UP TO THE GRAND RESCRIPT
- 1 - 2 -
T3416 (T1695 - T1696)
(TAISHO HOTAI NI CHIKAI)

OKUMURA, Kiwao

11,871 OATH TO LIVE UP TO THE GRAND RESCRIPT
-3-4-
T3417 (T1697 - 1698)

## APPENDIX

### CROSS REFERENCE INDEX TO RECORDINGS IN CHRONOLOGICAL ORDER

| DATE | SPEAKER | DOC. NO. |
|---|---|---|
| 1940 | | |
| 8. Jan | TOJO | 11,601 |
| 1941 | | |
| 18 Oct. | TOJO | 11,602 |
| 18 Oct. | TOJO | 11,604 |
| 22 Oct. | TOJO | 11,621 |
| 17 Nov. | TOJO | 11,603 |
| 17 Nov. | TOJO | 11,612 |
| 8 Dec. | TOJO | 11,605 |
| 13 Dec. | TOJO | 11,617 |
| 16 Dec. | TOJO | 11,615 |
| 16 Dec. | TOJO | 11,619 |
| 16 Dec. | TOJO | 11,607 |
| 1942 | | |
| 15 Jan. | TOJO | 11,787 |
| 21 Jan. | TOJO | 11,651 |
| 21 Jan. | TOJO | 11,666 |
| 21 Jan. | TOJO | 11,699 |
| 21 Jan. | TOJO | 11,788 |
| 21 Jan. | TOJO | 11,792 |
| 11 Feb. | TOJO | 11,657 |
| 11 Feb. | TOJO | 11,670 |
| 16 Feb. | TOJO | 11,625 |
| 16 Feb. | TOJO | 11,753 |
| 16 Feb. | TOJO | 11,780 |
| 16 Feb. | TOJO | 11,795 |
| 18 Feb. | TOJO | 11,630 |
| 19 Feb. | TOJO | 11,631 |
| 25 Feb. | TOJO | 11,674 |
| 25 Feb. | TOJO | 11,707 |
| 25 Feb. | TOJO | 11,763 |
| 1 Mar. | TOJO | 11,766 |
| 8 Mar. | TOJO | 11,722 |
| 8 Mar. | TOJO | 11,765 |
| 12 Mar. | TOJO | 11,730 |
| 12 Mar. | TOJO | 11,746 |
| 12 Mar. | TOJO | 11,756 |
| 12 Mar. | TOJO | 11,760 |

| DATE | SPEAKER | DOC. NO. |
|---|---|---|
| 1942 | | |
| 24 Mar. | TOJO | 11,867 |
| 28 Mar. | TOJO | 11,687 |
| 30 Mar. | TOJO | 11,684 |
| 5 Apr. | TOJO | 11,741 |
| 8 Apr. | TOJO | 11,769 |
| 27 Apr. | TOJO | 11,698 |
| 27 Apr. | TOJO | 11,739 |
| 27 Apr. | TOJO | 11,772 |
| 2 May | TOJO | 11,776 |
| 11 May | TOJO | 11,697 |
| 25 May | TOJO | 11,738 |
| 27 May | TOJO | 11,635 |
| 27 May | TOJO | 11,865 |
| 27 May | TOJO | 11,676 |
| 27 May | TOJO | 11,701 |
| 27 May | SHIMADA (Naval Minister) | 11,712 |
| 27 May | TOJO | 11,713 |
| 27 May | TOJO | 11,732 |
| 27 May | TOJO | 11,747 |
| 27 May | TOJO | 11,748 |
| 27 May | TOJO | 11,774 |
| 18 June | TOJO | 11,656 |
| 18 June | TOJO | 11,726 |
| 1 July | TOJO | 11,648 |
| 1 July | TOJO | 11,653 |
| 22 July | TOJO | 11,649 |
| 22 July | TOJO | 11,660 |
| 24 July | TOJO | 11,677 |
| 27 July | TOJO | 11,646 |
| 27 July | TOJO | 11,663 |
| 27 July | TOJO | 11,681 |
| 27 July | TOJO | 11,729 |
| 27 July | TOJO | 11,743 |
| 30 July | TOJO | 11,658 |
| 8 Aug. | TOJO | 11,781 |
| 27 Aug. | TOJO | 11,679 |
| 15 Sept. | TOJO | 11,691 |
| 25 Sept. | TOJO | 11,647 |
| 25 Sept. | TOJO | 11,695 |
| 25 Sept. | TOJO | 11,846 |
| 26 Sept. | TOJO | 11,644 |
| 26 Sept. | TOJO | 11,709 |
| 27 Sept. | TOJO | 11,710 |
| 30 Sept. | TOJO | 11,706 |
| 3 Oct. | TOJO | 11,868 |
| 23 Nov. | TOJO | 11,626 |
| 27 Nov. | TOJO | 11,628 |
| 27 Nov. | TOJO | 11,735 |

| DATE | SPEAKER | DOC. NO. |
|---|---|---|
| 1942 | | |
| 29 Nov. | TOJO | 11,708 |
| 30 Nov. | TOJO | 11,703 |
| 9 Dec. | TOJO | 11,702 |
| 18 Dec. | TOJO | 11,624 |
| 18 Dec. | TOJO | 11,721 |
| 27 Dec. | TOJO | 11,655 |
| 27 Dec. | TOJO | 11,689 |
| 27 Dec. | TOJO | 11,690 |
| 27 Dec. | TOJO | 11,705 |
| 27 Dec. | TOJO | 11,718 |
| 1943 | | |
| 28 Jan. | TOJO | 11,764 |
| 28 Jan. | TOJO | 11,809 |
| 28 Jan. | TOJO | 11,812 |
| 28 Jan. | TOJO | 11,828 |
| 28 Jan. | TOJO | 11,851 |
| 25 Mar. | TOJO | 11,805 |
| 25 Mar. | TOJO | 11,838 |
| 16 Jun. | TOJO | 11,799 |
| 16 Jun. | TOJO | 11,803 |
| 16 Jun. | TOJO | 11,826 |
| 16 Jun. | TOJO | 11,858 |
| 16 June | TOJO | 11,860 |
| 14 July | TOJO | 11,841 |
| 19 Aug. | TOJO | 11,833 |
| 22 Sept. | TOJO | 11,811 |
| 22 Sept. | TOJO | 11,818 |
| 22 Sept. | TOJO | 11,834 |
| 22 Sept. | TOJO | 11,848 |
| 26 Oct. | TOJO | 11,814 |
| 26 Oct. | TOJO | 11,816 |
| 26 Oct. | TOJO | 11,844 |
| 26 Oct. | TOJO | 11,854 |
| 26 Oct. | TOJO | 11,866 |
| 8 Dec. | TOJO | 11,823 |
| 1944 | | |
| 8 Aug. | KOISO | 11,862 |
| 8 Aug. | KOISO | 11,863 |
| Undated | TOJO | 11,783 |
| Undated | KONOYE | 11,861 |
| Undated | KONOYE | 11,861 |
| Undated | TOJO | 11,804 |
| Undated | OKUMURA | 11,870 |