

TOGO

The particulars with regard to the accused TOGO are to be found on page 341 of the Summary, and the additional exhibits which directly affect him are Exhibits 1956, 1957, 1994, 2016-A, 2022, 2025-A and 2249.

Throughout the period covered by the indictment TOGO was one of the accused most instrumental in the realization of Japanese-German and Japanese-Italian collaboration.

At the time of the Manchurian Incident he was with Matsuoka on the delegation of the League of Nations, whose business it was to defend the aggression and to give the assurances which were so often broken. In February 1933 he became head of the European-American Bureau in the Foreign Ministry.

At the time the Anti-Comintern Pact was concluded TOGO was Chief of the European-Asiatic Bureau of the Foreign Ministry. This is one of the so-called four "geographic" bureaus in the Foreign Ministry. As its name indicates, it was charged with all business pertaining to relations with countries in Europe, including all matters concerning the conclusion of treaties with all European countries. (R.P. 602) In his official function TOGO was present as a government representative at the meeting of the Privy Council which considered and approved this pact. Exhibit 485. This shows his close connection with its preparation and conclusion. For his services in connection with the conclusion of the pact he was later duly rewarded. Exhibit 127.

The secret agreement attached to the Anti-Comintern Pact cannot be considered other than as a military alliance directed against Russia. This is clear from negotiations following the conclusion of the pact to extend the agreement to other countries than Russia and in that way to achieve a complete military alliance between Germany and Japan. Exhibit 497. It also follows from the fact that when Germany concluded a Non-aggression Pact with Russia the Japanese Government considered this a serious violation of the secret agreement attached to the Anti-Comintern Pact and filed a solemn protest with Germany. Exhibit 486-L.

On 25 November 1941, while TOGO was Foreign Minister the Anti-Comintern Pact was extended and many new countries, which at that time were under German or Japanese domination, adhered to it, thus continuing a strong link in the alliance between Japan and Germany and the countries which were or shortly would be allied with them in the war. Exhibits 495, 496. In his explanation before the Privy Council Meeting, which had to approve the extension of the pact TOGO stated that there was the closest relation between the Soviet Government and the Third International. Exhibit 1182. In view of this the allegation to the opposite in the motion in his behalf does not seem to be based on facts.

In 1940 when the negotiations were being carried on for the conclusion of the Tripartite Pact TOGO was Ambassador to Russia and was working feverishly for the improvement of Russian-Japanese relations because it was considered that this was in the existing circumstances a prerequisite for the switching over by Japan from reliance upon the Western Powers to an alliance with Germany. TOGO realized that Japan's future lay in the south and that for this reason the enemy in the north should be made a friend. Exhibit 522. This shows clearly TOGO's participation in the new line-up of nations which had started when Germany concluded a Non-aggression Pact with Russia and started war with England and her Allies and found its logical development when Japan allied herself with Germany in September 1940. TOGO's attitude toward this new alliance is also clear from the fact, that when Foreign Minister Matsuoka in the summer of 1940 recalled a great number of Japanese diplomatic representatives, whose attitude was not supposed to be in accordance with Japan's new foreign policy, TOGO remained as Ambassador to the Soviet Union. Exhibits 127, 548. The motion on his behalf alleges that this is not true, but no evidence to the contrary is before the Tribunal.

TOGO carried on all the negotiations for the conclusion of the "No Separate Peace Treaty" with Germany and Italy even before the outbreak of war on 8 December 1941 and was mainly instrumental in its conclusion. Exhibits 604, 605. He also carried out the negotiations in the summer of 1938 for the conclusion of an agreement with Germany regarding collaboration between these countries in China. Exhibits 591, 592, 593, 594.

As regards China, TOGO's attitude is clearly outlined in his statements during the above-mentioned negotiations. TOGO insisted that the economic agreement to be concluded should include the whole of China and not only the parts at that time occupied by Japan as Japan intended to extend its influence over the whole country. Earlier, in January 1938, attempts were being made by Germany to mediate in the conflict between Japan and China. TOGO then stated that Japan would continue the war in China until the bitter end and that there was no other solution than the complete defeat of the Chaing Kai-shek Government, which could not longer be recognized. Exhibit 486-D. For his services in connection with the China war TOGO was later decorated with the Highest Japanese award. Exhibit 127.

It is also clear that TOGO was an active exponent of Japanese expansion in Asia and domination by Japan of all areas under its control. He was a member of the National Policy Research Association, which, although a private organization, received considerable government support and fiercely propagated Japanese expansion and conquest. Exhibit 683. His attitude is also shown from the speech made by him before the Imperial Diet on 21 January 1942 which, as the German Ambassador pointed out, clearly revealed Japan's basic policy for the construction of the Greater East Asia Co-prosperity Sphere under the leadership of Japan. Exhibits 1338-A, 1271. That this policy aimed at the complete subjugation and exploitation of all countries under Japanese control has been conclusively demonstrated on numerous

occasions. TOGO actively participated in this policy, both as Foreign Minister (October 1941-September 1942, April 1945-August 1945) and as Minister for Greater East Asia (April 1945-August 1945).

As regards the Japanese American relations and the general events leading up to the outbreak of war in December 1941, it is considered unnecessary to review in detail all the evidence which has been introduced, but it is pointed out that TOGO in his function as Foreign Minister not only participated in the decisions concerning the Japanese-American negotiations, but in his official position was directly in charge of these negotiations, even after the decision to open hostilities had been taken. By contrasting the private communications passing between him and his ambassadors, the secret decisions of the government to which he was a party with the official communications handed by his orders to the State Department, one can realize the career of deception on which he was embarked, the chronological method adopted in the Summary (pp 255-300) gives special point to this. It is submitted that he must have been a party to the scheme to hold up President Roosevelt's last message, particularly as Exhibit 2249 shows that he had refused to authorize Nomura to ask for it. The interviews with Ambassadors Grew and Craigie on the early morning of 8 December are sheer deception. Afterwards he was responsible for the futile attempt of the Japanese lawyers to evolve an excuse for it. (Exhibit 1270-A). It has been contended that TOGO, although knowing that hostilities would be opened against the United States, Great Britain and the Netherlands, allowed the negotiations to continue, hoping till the very last that a peaceful settlement could be arrived at. This is in direct contradiction to all the known facts. On 22 November 1941 TOGO informed Nomura that the deadline date would not be extended and that Japan would not wait beyond 29 November. Exhibit 1188. On 28 November 1941 TOGO

in a wire to Nomura stated that the negotiations would be broken off, adding that Nomura should avoid giving any impression to this effect until he got further instructions, thus showing a deliberate intention to deceive the United States Government. Exhibit 1193. Two days later, on 1 December 1941, he informed Nomura, that in order not to arouse America's suspicion, the press had been instructed to write that the negotiations would be continued. Exhibit 1208.

However, long before that date the negotiations were serving as a camouflage for war preparations. As early as 22 October 1941, Nomura had informed TOGO that he wished to resign because he did not wish to continue a hypocritical existence deceiving others. Exhibit 1161. The sending of Ambassador Kurusu to the United States, was, according to the accused Muto, who like TOGO attended all Liaison Conferences, nothing more than a deliberate move to deceive (witness Tanaka R.P. 15,871). It is unacceptable that the accused TOGO, who was in charge of Japanese foreign relations, and who attended all the Liaison Conferences from the time he entered the Cabinet as well as the Imperial Conferences of 5 November and 1 December 1941 and participated in and agreed to all the decisions taken, should disclaim full responsibility for Japan's foreign policy during this period. It was TOGO who instructed the Japanese informants in Honolulu to submit their day to day reports concerning the position of the American Fleet in Pearl Harbor. Exhibits 1256, 1258. He also sent out the general instructions to all Consular personnel in the Netherlands Indies to report all movements of ships. Exhibit 1330. It was TOGO who in the last week before the outbreak of war gave instructions to open negotiations for a declaration of war by Germany and Italy on the United States and for the conclusion of a "No Separate Peace Treaty".

Exhibits 604, 605, 606, 607. Finally it was TOGO who was responsible for the text of the final note to be delivered to the United States and for the setting, together with the Chiefs of Staff, of the exact time of its delivery. Exhibit 1202.

As regards the so-called "Conventional War Crimes", it was TOGO who informed the Allies that the provisions of the Geneva Prisoner of War Convention would be applied "*mutatis mutandis*" and that the national and racial manners and customs of the prisoners would be taken into consideration. Exhibits 1956, 1957. During both of his terms as Foreign Minister all protests regarding ill-treatment of prisoners of war and civilians went through his hands and he was therefore well informed of the innumerable flagrant violations of the Convention as well as of the fact that the guarantees given by him were consistently not being fulfilled. He also knew that the many protests which were sent to the War Ministry for investigation were never answered. He at no time took any steps to ensure that the guarantee given by him would be fulfilled or to stimulate the investigation of the many atrocities committed. Exhibits 2016-A, 2022, 2025-A. The mere fact that the actual investigation of complaints was entrusted to another government department can in no way relieve him from his responsibility as a member of the government and Foreign Minister to ensure the observance of treaties and assurances by which the Japanese Government was bound. Especially during his second term of office numerous protests went through his hands and innumerable crimes took place such as the execution of Allied flyers, which had been ordered by the Japanese Government. Exhibit 1994. Through his participation in the government he identified himself with the policy of his government as regards treatment of prisoners and through his position as Foreign Minister he actively participated in the carrying out of this policy.

FILE NO. 1

REPORT BY: R. H. GILLILAND

RE: TOGO, Shigenori

DATE: 27 February 1946

STATUS : Pending

On 9 January 1946 the records of the Personnel Section, Cabinet Secretariat were examined at the Diet Building, Tokyo.

Complete personnel records of the subject were micro-filmed. Photostatic copies, together with translation, are on file as Exhibit No. 110.

Following is a transcript of the translation:

TOGO, Shigenori

BORN : 10 December 1882

RESIDENCE : Kagoshima Prefecture

CLASS : Samurai

1908 Jul 11 Graduated from the Literature Department of the Tokyo Imperial University

1912 Oct 16 Passed the Diplomatic and Consular Service Examination

1912 Nov 15 Received appointment as a consul eleve diplomat and was conferred the 7th Rank of the Higher Civil Service; (Cabinet);
Was granted the 5th class salary and assigned for duty at the Hankow Consulate (Foreign Ministry)

1913 Jan 30 Conferred the 7th Class Court Rank, Junior Grade

1913 Jul 21 Assigned for duty at the Mukden Consulate

1914 Dec 25 Was granted the 4th class salary

1915 Dec 27 Was granted an annual salary of ¥1,700

1916 May 10 Received appointment as a eleve diplomat and was conferred the 7th Rank of the Higher Civil Service (Cabinet);
Was granted the 4th class salary and assigned for duty at the Consulate in Switzerland (Foreign Ministry)

1916 Jul 1 Was granted 3rd class salary (Foreign Ministry)

1916 Apr 1 Was awarded the 6th Order of Merit and the Order of the Sacred Treasures;
Received the Imperial Grant of ¥200 for meritorious services during 1914-1915

1916 Dec 26 Conferred the 6th Rank of the Higher Civil Service and was granted the 3rd class salary (Cabinet)

1917 Jan 31 Conferred the 7th Class Court Rank, Senior Grade

1918 Jun 28 Appointed 3rd Class Secretary of the Legation and was conferred the 6th Rank of the Higher Civil Service (Cabinet);
Granted the 2nd class salary and was assigned for duty at the Switzerland Legation (Cabinet)

1918 Dec 28 Was granted the 1st class salary

1919 Jan 30 Conferred the 5th Rank of the Higher Civil Service and was granted the 2nd class salary (Cabinet, Foreign Ministry)

1919 Aug 11 Conferred the 6th Class Court Rank, Junior Grade

1920 Jan 10 Ordered member of the Peace Treaty Enforcement Committee (Cabinet)

1920 Feb 28 Appointed 3rd Secretary of the Embassy and was conferred the 5th Rank of Higher Civil Service (Cabinet)
Granted the 2nd class salary and assigned to the Embassy in Germany (Cabinet)

1920 May 26 Relieved from post as member of the Peace Treaty Enforcement Committee (Cabinet)

1920 Jul 1 Appointed 2nd Secretary of the Embassy and was conferred the 5th Rank of the Higher Civil Service (Cabinet)

1920 Sept 7 Awarded the 5th Order of Merit and the Sekko Kyokujitsu medal with ¥1300 for meritorious services during 1915-1920

1920 Jul 1 Granted the 2nd class salary and was assigned for duty in Germany (Foreign Ministry)

1920 Dec 28 Was granted the 1st class salary (Foreign Ministry)

1921 May 18 Appointed diplomatic commissioner and was conferred the 5th Rank of the Higher Civil Service (Cabinet);
Received the 4th class salary (Foreign Ministry)

1921 Jun 17 Ordered as provisional member of the Higher Civil Service Examination Board (Cabinet)

1921 Dec 26 Conferred the 4th Rank of the Higher Civil Service (Cabinet)

1921 Dec 28 Granted the 3rd class salary (Foreign Ministry)

1922 Jan 20 Conferred the 6th Class Court Rank, Senior Grade

1922 Jun 5 Ordered as provisional member of the Higher Civil Service Examination Board

1923 Jan 11 Appointed Secretary of the Foreign Office and was conferred the 4th Rank of the Higher Civil Service (Cabinet);
Granted the 3rd class salary and was assigned to Chief of the First Section, European-American Bureau (Foreign Ministry)

1923 Mar 8 Ordered as government representative in the Diet for matters under the jurisdiction of the Foreign Office (Cabinet)

1923 May 31 Ordered provisional member of the Higher Civil Service Examination Board (Cabinet)

1923 Jun 30 Granted the 2nd class salary

1924 May 23 Ordered provisional member of the Higher Civil Service Examination Board (Cabinet)

1924 May 31 Received the Imperial Gift of one set of Silver Cups

1924 Jun 30 Conferred the 3rd Rank of the Higher Civil Service and was granted the 1st class salary (Cabinet and Foreign Ministry)

1924 Sept 15 Conferred the 5th Class Court Rank, Junior Grade

1925 Feb 29 Ordered provisional member of the Higher Civil Service Examination Board

1925 Dec 26 Appointed First Secretary of the Embassy and was conferred the 3rd Rank of the Higher Civil Service (Cabinet); Assigned for duty in the U.S.A. (Foreign Ministry)

1926 Feb 10 Awarded the 4th Order of the Merit and the Small Cordon of the Rising Sun in recognition of Meritorious services in the negotiation of the Russo-Japanese Treaty

1929 Jun 29 Appointed Councillor of the Embassy and was conferred the 2nd Rank of the Higher Civil Service (Cabinet); Assigned for duty in Germany and was awarded the 3rd class salary (Cabinet and Foreign Ministry)

1929 Jul 15 Conferred the 5th Class Court Rank, Senior Grade

1930 Jul 30 Ordered as a member retinue of the Imperial delegates to the 11th General Conference of the League of Nations held at Geneva, Switzerland (Cabinet)

1931 Nov 7 Awarded the 3rd Order of Merit and the Order of the Sacred Treasure

1931 Dec 9 Ordered as a member retinue of the plenipotentiary to the general meeting of the War Disarmament Conference in Geneva (Cabinet)

1933 Feb 1 Appointed Chief of the European-American Bureau of the Foreign Office and was conferred the 2nd Rank of the Higher Civil Service (Cabinet)

1933 Mar 29 Appointed as standing member and commissioner for the Higher Civil Service Examination Board and the second section of the Higher Civil Service Examination Board (Cabinet)

1933 Jun 1 Ordered as reserve member of the Civil Service (Ordinary) Limitation Board

1934 Jun 1 Appointed Chief of the European-Asiatic Bureau and was conferred the 2nd Rank of the Higher Civil Service (Cabinet) and ordered as reserve member of the Committee for the Civil Service (Ordinary) Limitation Board (Foreign Ministry)

1934 Jun 13 Ordered as standing member for the Higher Civil Service Examination Board and also for the Second Section of the Higher Civil Service Examination Board (Cabinet)

1934 Jul 3 Conferred the 1st Rank of the Higher Civil Service (Cabinet)

1934 Jul 16 Conferred the 4th Class Court Rank, Junior Grade

1935 Feb 28 Appointed government representative in the Diet on matters under the jurisdiction of the Foreign Office for the 67th session of the Diet (Cabinet)

1935 Apr 1 Received Imperial grant of an additional annual salary of ¥600

1935 Jun 1 Ordered member of the Overseas Development Committee (Cabinet)

1935 Jun 11 Ordered as a member of Relief Investigation Board (Cabinet)

1934 Apr 29 Awarded the 2nd Order of Merit and the Order of the Sacred Treasure for meritorious services during 1931-1934

1936 May 6 Appointed government representative in the Diet on matters under the jurisdiction of the Foreign Office for the 69th session of the Diet (Cabinet)

1936 Dec 24 Appointed government representative in the Diet on matters under the jurisdiction of the Foreign Office for the 70th session of the Diet (Cabinet)

1937 Jun 11 Appointed member of the Relief Investigation Board (Cabinet)

1937 Jul 15 Ordered as reserve member of the Civil Service (Ordinary) Limitation Board (Foreign Ministry)

1937 Jul 29 Appointed government representative in the Diet on matters under the jurisdiction of the Foreign Office for the 71st session of the Diet (Cabinet)

1937 Jul 30 Relieved from post as member of the Relief Investigation Board (Cabinet)

1937 Oct 27 Appointed as an Envoy Extraordinary and Ambassador Plenipotentiary to Germany (Cabinet)

1937 Nov 15 Conferred the 4th Class Court Rank, Senior Grade

1938 Oct 15 Appointed Ambassador to U.S.S.R. and concurrently relieved from post in Germany (Cabinet)

1938 Nov 2 Awarded the Kyokujitsu Juko medal for meritorious services rendered in the conclusion of the Tripartite Pact

1939 Dec 2 Conferred the 3rd Class Court Rank, Junior Grade

1941 May 9 Awarded the First Order of Merit and the Order of the Sacred Treasure as per instructions No. 898 by the Bureau of Awards of 22nd May 1940

1941 Oct 18 Appointed to the dual posts of the Foreign Minister and the Minister of Overseas Affairs

1941 Dec 2 Relieved from the post as Minister of Overseas Affairs

1942 Feb 12 Appointed as member of the Japanese Committee at the Tripartite Joint Technical Conference held at Tokyo

1942 Sept 1 Relieved from post on request and was appointed as Member of the House of Peers in accordance with No. 4 of the First Article of the Rules and Regulations of the Peers

1940 Apr 29 Awarded the First Order of Merit and the Grand Cordon of the Rising Sun

1942 Sept 29 Conferred the 3rd Class Court Rank, Senior Grade by a special act of grace from the Throne

1945 Apr 9 Appointed Minister of the Foreign Office and the Minister of the Greater East Asia Ministry

1945 Aug 17 Relieved from dual posts on request