

No. 3354

Def. Doc. # 2676

Exh. No. 3354

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(translation)

Deponent: ŌYAMA, Ayao

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in our country I hereby depose as follows.

1. I, ŌYAMA, Ayao, served as Director of the Bureau of Legal Affairs of the War Ministry from December 1933 to March 1945. My rank at the time of the surrender was Judicial Lieutenant General on the reserve list.

2. The law pertaining to the Punishment of Prisoners of War was revised by Law No. 41 on 9 March 1943. There were two reasons for the revision. First, as to the crimes committed by the Prisoners of War in the past, the Imperial Ordinance No. 225 of 25 October 1904 and the Law No. 38 of 28 February 1905 existed at the time of the Russo-Japanese war. Later on,

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as the ordinary criminal code was revised in 1908 with the complete reform of the penal system, it was necessary to revise the names of the punishments in the ordinance and the law, pertaining to the punishing of Prisoners of War, so as to conform to those in the criminal code and to make the terms of the criminal code in the former completely in line with those in the latter.

Second, since the outbreak of the Pacific War, the number of POWs taken by the Japanese army gradually increased with the advancement of the war fronts, and it became necessary from the viewpoint of keeping surveillance to take precautionary steps to suppress the possible uprisings of POWs as well as not to cause any hindrance in the proper discharge of duties of those in charge of guarding and superintending the prisoners. And also in view of the up scaling of the penalties for the crimes committed against superiors and the crimes committed by groups in the military in/^{the} criminal code applicable to the Japanese soldiers and civilians in the military service, etc., it was necessary to raise ^{to} the penalty/keep in line with the above mentioned up scaling. These were the two reasons why a revision to the law pertaining to the punishment of POWs became necessary. Whereupon in the fall of, or the winter of 1942, the bill for altering the Prisoner of War law was taken up as one being under the

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jurisdiction of the War Ministry in connection with the preparation and the arrangement of the bills to be presented in the next ordinary session of the Diet as the usual practice of every year. After consultation within the respective departments and the sections of the Ministry of War and further consultations with the Bureau of Legal Affairs, etc., the final draft was drawn up and approved by the Minister, then upon approval by the Cabinet meeting, the bill was presented to the 81st session of the Diet of the Government. After being passed by the Diet, the bill became a law and was promulgated and put in force as Law No. 41 of 1943, The Law Pertaining to the Punishment of POWs (Court Exhibit 1965A).

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OATH

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

/S/ OYAMA, Ayao (seal)

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