

文書ノ出所竝ニ成立ニ關スル證明書

一三號

自分佐藤朝生内閣事務官ノ職ニ在ル處。茲ニ添附セラレタル
日本語ニ依ツテ書カレ拾 参頁ニ成ル陸軍刑法
題スル書類ハ日本政府一内閣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

昭和二十二年六月十三日 於東京

佐藤朝生



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

山名永賢



DD 1735

文書成立ニ關スル證明書

自分ハ復員局文書課長ニ職ニ居ル者ナル處、茲ニ添付セル日本評ニ依リ印刷セラレ六〇頁ヨリ成ル陸軍秘密書類取扱規定ト題シテ印刷スルハ日本政府一陸軍省一ノ編纂ニ係ル文書ノ一ナルコトヲ證明ス

昭和二十一年五月五日

於東京

復員局文書課長 美山要藏

右署名捺印ハ自分ノ面前ニ於テ為サレタルモノナルコトヲ證明ス

同日於同所

立會人

隈 甚 淳 吉



CERTIFICATE OF SOURCE AND AUTHENTICITY

I, SATO, TOMOO, who occupy the post of AN ADMINISTRATIVE OFFICIAL OF THE CABINET, hereby

certify that the document hereto attached, written in Japanese, consisting of 13 pages and entitled "THE MILITARY PENAL CODE (10 APRIL 1908 - LAW NO. 46)
(MEMOIRS - FEBRUARY 1942 - LAW. NO. 35 - REVISED)"

is an exact and authorized excerpt from an official document in the custody of Japanese Government (THE CABINET).

certified at Tokyo,
on this 13th day of JUNE, 1947

/s/ SATO, TOMOO
(seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,
on this same date

Witness:

/s/ IWANAGA, RENICHI
(seal)

CERTIFICATE OF AUTHENTICITY

I, who occupy the post of the Chief of Archives Section
of the First Demobilization Bureau hereby certify that the document
 hereto attached, printed in Japanese consisting of 60
 pages and entitled "THE MATTERS CONCERNING MILITARY SECRET
HANDLING OF MILITARY
SECRET DOCUMENTS" is a document compiled
 and issued by the Japanese Government (THE WAR DEPART-
MENT).

certified at Tokyo,

on this 5th day of MAY, 1947

/s/ MIYAMA, Yo20

(seal)

I hereby certify that the above signature and seal were
affixed hereto in the presence of the witness.

at the same place,

on the same date

Witness:

/s/ BANNO, JUNKICHI

(seal)

Exp No. 110. 1955

I M T F E

The United States of America et al
~~against~~ vs.
ARAKI, Sadao et al.

SWORN DEPOSITION

Deponent : MIYAMA, Yozo

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.
Translated by ^{Defense Language Branch}
~~H. Kuroda~~

1. I am ~~the~~ MIYAMA, Yozo, now occupying the post of the Chief of the Archives Section of the 1st Repatriation Board and ^{live} living at present at TOKYO-TO, CHIYODA-KU, ~~NAKAGAWA~~ NAGATA-CHO, 1-CHOME, NO. 8.

I was ~~the~~ Adjutant of the War Ministry since 6 March 1945 ^{until} ~~the~~ War Ministry was abolished.

2. I was in charge of the ^{handling} ~~management~~ and custody of the secret documents in the War Ministry.

~~The regulations of handling the Army Secret documents~~
~~The handling of secret documents in the Army was~~
~~had the stipulations concerning the management and custody~~
~~in accordance with the rules laid down in Regulations for the~~
~~handling of Army Secret Documents~~

In the second clause of ~~the~~ Article 46 it was stipulated that the container ^{for} of the secret documents to be carried ~~out~~ to the ^{zone of} ~~front~~ of war or incident should be the official trunk and that important ^{documents} ~~ones~~ should be ^{as arranged to} ~~disposed to~~ be burnt up, if need be, in emergency. It was also stipulated in Article 52 of the Military Penal Code that a custodian of ~~the~~ military secret documents and ^{material} things, in case he did not exhaust every possible means to keep them ^{out of} ~~off~~ the enemy's hands in emergency, should be sentenced to not more than five years' imprisonment. (see attached papers 1 and 2)

3. At the time of the ~~war end~~ ^{cessation of hostilities}, under ~~a~~ ^{the} special circumstances of the surrender; ~~extraordinarily~~ ^{especially} the War Minister issued an order of ^{all} burning the secret documents ^{by} of virtue of his responsibility and authority. ~~Its~~ ^{the} approval procedure

~~was~~ was carried out through ~~me~~ after it had been drafted by my adjutant at ~~the~~ ^{on} instructions from the War Minister.

The purport of the order was, if my memory serves me right, as follows: "Burn ~~right away~~ ^{immediately} the secret documents in accordance ^{with} the regulations ^{for} of handling the Army Secret Documents and other similar documents, Burn this dispatch at ^{on} its receipt. By order.

This order was issued on 14 August 1945 ^{by} ~~from~~ the senior adjutant of the War Ministry as a ~~note~~ ^{an} by order, ^{note}. The original text of this order was burnt up and each unit ~~also did~~ ^{acted} upon the order. ~~So none is left now,~~ ^{therefore there is none in existence now.}

~~3. The original text of the order was burnt up and no unit ~~also~~ ~~also~~ each unit acting upon the order~~

The main points of this order ~~has been~~ ^{were} reported to the SCAP. ^a The copy of this report ~~has been~~ ^{was} presented to the Allied Forces and is ~~not left now with us,~~ ^{no longer in our hands.}

This order was communicated to the troops, offices and schools higher than ~~the~~ independent units and in ^{charge} ~~charge~~ of secret documents.

On the War Ministry, I called ~~up~~ ^{together} the officers to receive orders on 14 August and made my adjutant dictate them the order, starting the burning toward ^{the} evening of ~~that~~ ^{the same} day.

The burning was ~~done~~ ^{carried out} at each department and section. ^{this} It was because the chiefs of each department and section were responsible for the custody and management of the secret documents kept at each department and section.

penetrate

At that time as the Army ^{had fallen} fell into an extraordinary excitement and disorder ^{as a result of} caused by the surrender, the above-mentioned order to dispose ^{of} only ~~the~~ secret documents did not ^{penetrate} ~~penetrate~~ perfectly and each department and section burned in so short a while ~~so much more than was usual~~ ^{that they} ~~intuitively from the usual habit~~ ^{burned} that not only the secret documents but also non-secret books were reduced to ashes without ^{referring} ~~referring~~ to the list.

On ^{the} night of the 14th, the flames ^{from} ~~by~~ the burning shot ^{up} ~~upwards~~ so much so that the local fire station mistook it for a conflagration. ~~It lasted~~ ^{this} ~~till the 18th.~~ ^{until} But it was learned toward ^{the} evening of the 17th that every department and section were burning even non-secret documents.

The big diaries such as the Secret Big Diary (MITSUDAI NIKKI) and the Manchurian Secret Big Diary (MANMITSUDAI NIKKI), the precious historical materials, were transported to ^{the} War Ministry Warehouse at TOKYO-TO, MINAMITAMA-GUN, YOSHIKIMURA, YOSHIKI HACHIOJI, and ^{as were preserved} ~~stored~~ there from Dec 1944 to March 1946 to avoid ~~the~~ ^{from} damage by the air raids. Part of them was burned ~~down~~ ^{but} ~~the~~ ^{greater part} ~~majority~~ was handed over to the Washington Document Office then ^{located} ~~stationed~~ ^{at} the site of the former 1st Personal of OJI, having been transported there directly from the HACHIOJI Warehouse by 8 trucks of the 1st Demobilization Department on 8th and 9th January 1946 at the request of Major Duncan MacFarlane, Chief of the W.D. & of the Allied Forces. I ^{assume} ~~guess~~ that troops, schools, ~~started~~ ^{started} offices, schools etc. started ^{at} ~~towards~~ evening of the 10th day and ^{soon} ~~shortly~~ finished ~~burning~~ ^{burning} all documents. ^{their}

Excerpt from the Military Penal Code.

Law No. #6 of 10 Apr. 1908 (MEIJI 41)

Revised Law No. 35 of Feb. 1902 (SHOWA 17)

Article 52.

The custodian of military secret documents and ~~matters~~ ^{material} who does not exhaust all possible means in emergency to keep them out of ~~them~~ ~~of~~ out the enemy's hands shall be imprisoned for ~~the~~ term ⁺ not more than 5 years.

2. Excerpt from ~~the~~ Regulations of Handling ^{for} the Military Secret Documents.

Military ~~Common Law~~ ^{Law} (T.M.?) No. 850 of 1933 (SHOWA 8)

Revised ~~Military Common Law~~ ^{Law} (T.M.?) No. 979 of 1938 (SHOWA 13)

Article 46, II.

The container to be carried out to the ~~seat~~ ^{zone} of war or incident by the mobilized units and such like shall be the official trunk and steps shall be ^{taken} ~~arranged~~ for the important ~~cases~~ ^{documents} to ~~be~~ ^{burnt} ~~burnt up~~, if need be, in case of emergency.

On this 5 day of June, 1947

at TOKYO

DEPONENT MIYAMA, Yozo (seal)

I, MIYAMA, Yozo 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) BANNO, Junkichi (seal)

Oath

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

MIYAMA, Yozo (Real)

Y. G. Ore No 1735

自分誠我國ニ行ハルル方式ニ從ト先ツ別紙ノ通り宣誓ヲ爲シタ
ル上次ノ如ク供述致シマス

供 述 者

美 山 要 藏

宣 誓 供 述 書

極 東 國 際 宣 事 裁 判 所

亞米利加合衆國 其他

對

荒 木 貞 夫 其他

一、私ハ美山要職デアリマス

私ハ現在第一復員局又書誌長デアリマス

私ノ現住所ハ東京都千代田區永田町一丁目八番地デアリマス

私ハ昭和二十年三月六日ヨリ陸軍省ヲ廢止サレル迄陸軍省副官ヲシテ居リマシタ。

二、陸軍省ニ於ケル機秘密書類取扱、保管ノ責任者ハ私デアリマシタ。

陸軍ニ於ケル機秘密書類ノ取扱ニ關シテハ陸軍秘密書類取扱規則ニ依リ規定サレテ居リマシタ。

具ノ第四十六條ノ二ニハ戰地又ハ事變地携行ノ機秘密圖書及容器ハ公用行李ヲ用ヒ具ノ重要ナルモノハ所妥ニ應ジ危急ノ際ハ之ヲ津渡スルノ處置ヲ講ズル様規定サレ又陸軍刑法第五十二條ニハ軍事情秘密書類、物件ヲ保管スル者危急ノ時ニ當リ敵ニ委セザル方法ヲ盡サザルトキハ五年以下ノ禁錮ニ處スト規定サレテ居リマス。

(別紙一、二参照)

三、終戦時ニ於テハ降服トイフ特殊ナ事情テアリマシタノテ陸軍大臣ハ具ノ責任ト職權トニ基キ機秘密書類焼却ノ命令ヲ特ニ發シマシタ、具ノ命令ハ大臣ノ命ニ依リ部下ノ副官ニ於テ起案シ私ヲ經テ決裁手續ヲ致シタモノテアリマス。

具ノ命令ノ要旨ハ次ノ様ニ記憶シテキマス。

一陸軍機秘密書類取扱規則ニ依ル機秘密書類及之ニ類スル書類ハ直ニ焼却ノコト平電ハ受領セバ焼却スベシ依命

本命令ノ發セラレタノハ一九四五年八月十四日テアリマシテ陸軍省高級副官ヨリ依命通牒トシテ發セラレマシタ。コノ命令ノ原文ハ燒却シマシタ又各部隊ニ於テモ命令ニ了ル通り燒却サレマシタノテ現在ハアリマセン。

コノ命令要旨ハ已ニ聯合軍最高司令部ニ報告済ノモノテアリマス。報告ノ程ハ聯合軍ニ提出シ現在アリマセン。コノ命令ハ機秘密書類ヲ保管スル獨立部隊以上ノ軍隊、官衙、学校等

總テニ宛テ下達サレマシタ陸軍省ニ於テハ八月十四日午後命令受領者ヲ集メ私カ部下副官ヲシテ口達下令セシメ同日夕刻カラ焼却ヲ開始シマシタ。

焼却ハ各部、課毎ニ行ハレマシタ。

ソレハ各部、課ニ保管サレテ居タ機密圖書ノ保管、取扱ノ責任者ハ各部、課長テアツタ爲テアリマス。

焼却場所ハ現在法廷トナツテキルコノ建物ノ中庭其他各所デ行ハレマシタ。

コノ當時軍ハ降服トイフ異常ナ興奮ト混亂トニ陥リ上述ノ機秘密書類ノミノ焼却命令ハ徹底セズ又各部、課ニ於テハ平素ヨリノ慣習上直感的ニ至短時間ニ焼却ヲ行ヒマシタノテ張毎ニ照合スルコトナク機秘密書類ノミナラズ普通圖書迄モ焼却スル結果トナリマシタ。

十四日夜ハ焼却ノ火焰天ニ沛シ地方消防署ハ火災ト誤認シタ程デアリマシタ焼却ハ十八日迄概キマシタガ十七日夕刻ニ至リ各部、課ハ普通

圖書迄焼却シテ居ルコトが判明致シマシタ。

密大日記、補密入口記等ノ大日記ハ貴重ナ歴史的资料デアリマスカラ
空襲ニ因ル損害ヲ避ケル爲メ昭和十九年十二月ヨリ昭和二十年三月ニ亘
リ東京都府多摩郡田木村由木八王子陸軍省倉庫ニ運搬シ陳列シテアリ
マシタ具ノ内一部ハ焼却シマシタガ大部ハ聯合軍「ワシントン」文書
部長「ダシカシマツクフアール」少佐ノ要求ニヨリ昭和二十一年一
月八日、九日ノ兩日八王子倉庫ヨリ第一復員省ノ貨物自動車八輛ニヨ
リ王子ノ第一陸軍造兵廠ニ直接搬送シ同所ニ駐屯シテ店タ「ワシン
トン」又書部（W、D、O）ニ引渡シマシタ。

各軍隊、官衙、学校等ニ於テハ丁四口夕頃ヨリ焼却ヲ開始シ間モナク
全書類ノ焼却ヲ完了シタ様ニ推察シテ居マス。

別冊一

陸軍刑法 抜萃

明治四十一年四月十日法律第四十六號
昭和一七年二月法律第三五號改正

第五十二條 軍事機密ノ圖書、物件ヲ保管スル者危急ノ時ニ當リ之ヲ敵ニ委セサル方法ヲ盡ササルトキ八五年以下ノ禁錮ニ處ス

陸軍祕書類取扱規則

校章

昭和八年陸普第八五〇號


昭和十三年陸普第九七九號
改正

第四十六條ノ二

動員部隊等ニ於テ使用スベキ戦地又ハ事變地携行用ノ容器ハ公用
行李ヲ用ヒ其ノ重要ナルモノニハ所要ニ應ジ危急ノ際之ヲ湮滅ス
ルノ處置ヲ講ビ置クモノトス

昭和二十二年（一九四七年）六月五日於東京

供述者

美山要藏 

右ハ當立會人ノ而前ニテ宣誓シ且ツ署名捺印シタルコトヲ證明
シマス

同日於同所

立會人

阪井淳吉 

Sakai Junichi

宣
誓
書

良心ニ從ト眞實ヲ述ベ何事ヲモ黙秘ヤズ又何事ヲモ附加セザル
コトヲ誓フ

署名捺印

美
山
要
藏



文藝成立ニ關スル證明書

自分ハ第一復員局文藝課長ノ職ニ居ル者ナル處、茲ニ添付セル日本語ニ依リ印刷セラレ六〇頁ヨリ成ル陸軍軍事上ノ秘密書類ニ關スル件陸軍秘密書類取扱規定ト題スル印刷物ハ日本政府（陸軍省）ノ編纂ニ係ル文藝ノ一ナルコトヲ證明ス

昭和二十二年五月五日

於東京

第一復員局文藝課長

美山要藏

右署名捺印ハ自分ノ田前ニ於テ爲サレタルモノナルコトヲ證明ス

同日於同所

立會人 阪 埜 淳 吉

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CERTIFICATE OF AUTHENTICITY

I, who occupy the post of the Chief of Archives Section of the First Demobilization Bureau, hereby certify that the document hereto attached, printed in Japanese consisting of 60 pages and entitled "The matters concerning military secret documents. Handling of military secret documents." is a document compiled and issued by the Japanese Government (The War Department.)

certified at Tokyo,

on this 5th day of May 1947

/s/ Miyama, Yozo (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,

on the same date

Witness: /s/ Banno, Junkichi (seal)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition (Translations)

Deponent: MIYAMA, Yozo

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 am MIYAMA, Yozo, now occupy the post of Chief of the Archives Section of the 1st Repatriation Board and live at present at TOKYO-To, CHIYODA-Ku, NAGATA-Cho, 1-Chome, No.8.

I was Adjutant of the War Ministry since 6 March 1945 until the War Ministry was abolished.

2. I was in charge of the handling and custody of the secret documents in the War Ministry.

The handling of secret documents in the Army was in accordance with the rules laid down in Regulations for the Handling of Army Secret Documents.

In the second clause of Article 46 it was stipulated that the container for secret documents to be carried to the

zone of war or of an incident should be the official trunk and that important documents should be so arranged as to be burnt, if need be, in emergency. It was also stipulated in Article 52 of the Military Penal Code that a custodian of military secret documents and material, in case he did not exhaust every possible means to keep them out of the enemy's hands in emergency, should be sentenced to not more than five year's imprisonment. (see attached papers 1 and 2)

3. At the time of the cessation of hostilities, under the special circumstances of the surrender, the War Minister specially issued an order to burn all secret documents by virtue of his responsibility and authority. The approval procedure was carried out through me after it had been drafted by my adjutant on instructions from the War Minister.

The purport of the order was, if my memory serves me right, as follows: "Burn secret documents immediately in accordance with the regulation for handling Army Secret Documents and other similar documents. Burn this dispatch on receipt. By order.

This order was issued on 14 August 1945 by the senior Adjutant of the War Ministry as an order, note. The original text of this order was burnt and each unit acted upon the order. Therefore there is none in assistance now.

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The main points of this order were reported to SCAP. A copy of this report was prepared to the Allied Forces and is no longer in our hands.

This order was communicated to the troops, offices and schools higher than independent units and in charge of secret documents.

On the War Ministry, I called officers together to receive orders on 14 August and made my adjutant dictate them the order, starting the burning toward the evening of the same day.

The burning was carried out at each department and section. This was because the chiefs of each department and section were responsible for the custody and management of the secret documents kept at each department and section.

At that time as the Army had fallen into extraordinary excitement and disorder as a result of the surrender, the above mentioned order to dispose of only secret documents did not penetrate perfectly and each department and section burned in so short a while so much more than was usual that they not only burned secret documents but also non-secret books were reduced to ashes without referring to the list.

On the night of the 14th, the flames from the burning shot up so much so that the local fire station mistook it for a conflagration. This lasted until the 18th. But

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it was learned toward the evening of the 17th that every department and section were burning even non-secret documents. The big diaries such as the Secret Big Diary (MITSUDAI NIKKI) and the Manchurian Secret Big Diary (MANMITSUDAI NIKKI), precious historical materials, were transported to the War Ministry Ware-house at TOKYO-TO, MINAMITAMA-GUN, YOSHIKIMURA, YOSHIKIHACHIOJI, and were preserved there from Dec. 1944 to March 1945 to avoid damage from air raids. Part of them was burnt, but the greater part was handed over to the Washington Document Centre then stationed at the site of the former 1st Arsenal of OJI, having been transported there directly from the HACHIOJI Ware house by 8 trucks of the 1st Demobilization Department on 8th and 9th January 1946 at the request of Major Duncan MacFarlane Chief of the W.D.C. of the allied Forces.

I assume that troops, offices, schools etc. started towards the evening of the 14th day and soon finished burning all their documents.

1. Excerpt from the Military Penal Code.

Law No. 46 of 10 Apr. 1908 (MEIJI 41)

Revised Law No. 35 of Feb. 1942 (SHOWA 17)

Article 52.

The custodian of military secret documents and material who does not exhaust all possible means in emergency to

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keep them out of the enemy's hands shall be imprisoned for term of not more than 5 years.

2. Excerpt from Regulations for Handling Military Secret Documents.

Military Law No. 850 of 1933 (SHOWA 8)

Revised Law No. 919 of 1938 (SHOWA 13)

Article 46, II.

The container to be carried out to the zone of war or incident by mobilized units and such like shall be the official trunk and steps shall be taken for important documents to be burnt, if need be, in case of emergency.

On this 5 day of June, 1947.

At Tokyo.

DEPONENT /s/ MIYAMA, Yozo. (seal)

I, MIYAMA, Yozo 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 who be truth with holding nothing and adding nothing.

/s/ MIYAMA, Yozo (seal)