

EXHIBIT No. 3213

(10)

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: MURAKAMI, Kyoichi

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:

Personal History

Birth place: Tottori Prefecture.

Latter educational career: Graduated from the Law College of the Tokyo Imperial University in July, 1907.

Summary of official career: July, 1907, appointed clerk of the Ministry of Communications.
February, 1908, was appointed Secretary of Communications.
July, 1910, was appointed Senior Secretary of Communications.
June, 1911, was appointed Councillor of the Ministry of Communications.
September of the same year was appointed Confidential Secretary of the Minister of Communications.
November, 1916, was appointed Senior Secretary of the Privy Council.
April, 1927, was appointed concurrently Judge of the Court of Administrative Litigation.
June, 1934, was appointed Secretary General of the Privy Council.
August, 1939, resigned from the post at my own request.

1. Those who held the seats in the Privy Council were the President and Vice-President of the Privy Council, Privy Councilors, Prime Minister and State Ministers who were ministers of the respective ministries. Besides the above, the adult Imperial Princes of the Blood resident in Tokyo were also to attend meetings of the Council by Imperial order. The Princes, however, had never been present until I was relieved of office at the Privy Council, although they attended at the beginning when the institution of the Council was set up.

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A State Minister, aside from the Prime Minister or a minister of a department, that is to say, a minister without portfolio, had no seat at the Privy Council.

Assistants of the Prime Minister and ministers of the departments, officials of the Cabinet and the Ministries were allowed to attend the Privy Council in order to assist the ministers in answering questions in the meeting. Ministers without portfolio often attended as "explainers" also. There was no limit to the number of "explainers", so they numbered at times more than ten. The "explainers" were, as occasion demanded, able when called upon and with the approval of the President, to supplement the explanation of the minister in charge. In fact, there were many occasions on which the "explainers" spoke.

2. The Investigation Committee of the Privy Council was composed of several members who were nominated by the President of the Privy Council from among the Vice President of the Council and the Councillors. It was their duty to deliberate over the bills entrusted to them and to report the result of their deliberations to the President. The Committee, at its meeting used to make inquiries of the cabinet and the ministers concerned about the matter under discussion and get their replies. And to the inquiries, the minister concerned, as a general rule, had to make his reply. On behalf of the minister, however, his subordinate officials frequently made replies. These assistant officials were all called "explainers".

No shorthand whatever was used at the Privy Council. The record of proceedings was made in accordance with the provisions in the Privy Council Regulations and Regulations for Privy Council Procedure but it was merely the record of minutes of the proceedings written by the senior secretaries and not the exact record of all utterances of all members who spoke.

As for how to take notes of proceedings of the Investigation Committee meeting, there were no legal regulations in connection therewith, so that the gist of proceedings was recorded by the senior secretary for his keeping for reference. This practice was continued for a fairly long time; simply recording the subject, list of members present, summary of the proceedings, etc. In about 1921, however, there was a particularly diligent senior secretary and through his efforts, comparatively detailed notes of proceedings describing the gist of the utterance of each member came to be taken. But these were not the official records legally called for, so the records were sometimes precise and sometimes not, according to the judgment of the secretary in charge or the circumstances relative to the occasion. Sometimes it occurred that only a part of an utterance had been taken down.

In no notes of the proceedings mentioned above, were there any which were shown to state ministers or "explainers" present for confirmation.

On this 28th day of July, 1947.
At Marunouchi, Chiyoda-ku, Tokyo-to.

Deponent /s/ MURAKAMI, Kyoichi (seal)

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I, URIGITA Masao, 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/ Urigita, Masao (seal)

O A T H

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

/s/ MURAKAMI Kyoichi (seal)