

EXHIBIT No. 3098

(20)

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: NISHIURA, Susumu

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, NISHIURA, Susumu, after having been first duly sworn according to the custom of my country make the following statement:

1. I was formerly in service as Colonel and occupied the post of Chief of Army Affairs Section, Military Affairs Bureau, War Ministry, from 20 April 1942 to December 1944. In the Ministry I was in charge of the establishment and institution of the army, I have a thorough knowledge of how the business of treating Prisoners of War was allotted in the army both in principle and in practice. I hereby state as follows:
2. Prepared for the purpose of making my statement understandable are attached to this document.
3. The system of business in the army concerning the treatment of Prisoners of War was regulated and practised as shown in the attached papers.  
After the capture of POW's by the Japanese Army, the following two steps were followed as to the treatment of POW's.

(1) Treatment within the troops in operations.

- (a) When a front force captured POW, after having made necessary investigation and having prepared a POW roll and POW diary, the prisoners were delivered to the nearest office of transportation and communication.
- (b) The commander of an army in operation who wanted to send prisoners to the rear reported to Imperial Headquarters as to the number of the prisoners to be sent and further the War Ministry was informed by the Imperial Headquarters.
- (c) When the War Ministry received a report about sending POW's to the rear, the Ministry advised the Imperial Headquarters as to the ports or other places where POW's should be sent, and the Imperial Headquarters informed the War Ministry of the date of arrival of POW's at the place assigned.
- (d) In accordance with the orders of the Imperial Headquarters, the office of transportation and communication would escort POW's to the designated place and deliver them to the receiver who had been designated by the War Ministry.
- (e) The commander of a force in operation would establish a provisional POW camp to house and supervise POW's until the time of delivery, (Exh. No. 1965, Regulations Concerning the Treatment of POW., Chapt II, Art XII, XIII, XV, XVI, XVII).

After this delivery to the receiver designated by the War Ministry, POW's came under the jurisdiction of the War Minister. Before that time, the treatment of POW's was in the hands of the troops in operations, so that any trouble occurring prior to the time of delivery to the receiver of the War Ministry was out of the jurisdiction of the War Minister.

(2) Treatment within the Army Administrative system after coming under the jurisdiction of War Minister.

After the receiver designated by the War Ministry received POW's, they came under the jurisdiction of the War Minister and were put in a POW camp established by the War Minister.

(Ordinance concerning POW camps, Art II, Exhibit No. 1965).

The POW camp was supervised by the army commander or defense commander designated by the War Minister. (Ibid Art III).

During the Pacific War there were established a lot of POW camps at the front. In that case the field commander in operation and

the like, supervised the POW camps in his area and his supervision was put under the jurisdiction of the War Minister. As to the provisional camps mentioned above, the supervision thereof was beyond the jurisdiction of the War Minister.

The chief supervisor (i.e. army commander or defense commander) in conformity with the relevant regulations, etc., commanded and supervised the POW camp and laid down the POW camp service regulations, thus taking charge of all the supervising business concerning the POW camp. (Ordinance concerning the POW camp, Art V, Regulations concerning the Treatment of POW, Art XXI) The business under the jurisdiction of the War Minister was divided into several parts and assigned to the POW Administration Department and each Bureau in the War Ministry as shown in the attached Table.

As regards each allotted business also shown in the table, that of the POW Department was provided by the Regulations concerning the Treatment of POW and by the Adjutant's Notification (Defense Exhibit No. 1598), and that of each Bureau in the War Ministry indicates the chief business which had connection with the treatment of POW and allotted to the Bureau according to the regulated official system of the War Ministry.

The POW Administration Department as a chief office in charge of the business under the supervision of the War Minister concerning the treatment of POW managed the following business:

- (1) Matters concerning the general plans of treatment of POW and military internees at the front; detention, supervision, exchange, release, employment (labor, propaganda, etc.), punishment, treatment, etc.
- (2) Matters concerning the labor to be imposed upon POW.
- (3) Matters concerning the communication of POW.
- (4) Matters concerning the punishment of POW.
- (5) Matters concerning the labor and communication of military internees at the front.

The following are necessary explanations as to several important matters:

- .. The POW Administration Department was established at the end of March, 1942, in accordance with the Regulations Concerning the Treatment of POW, mentioned above. I have

learned that in the past wars the business concerning the treatment of POW was allotted to the bureaus in the War Ministry. It was generally thought at the beginning of the last war that the above allotment of the business was practicable as in the past wars. The greatness in number of POW and the complicated and extensive business of treating POW made it necessary to have an office exclusively managing the business of the War Ministry concerning the treatment of POW. The POW Administration Department was arranged to be established in the Ministry to meet such demand, but was actually established as late as at the end of March, 1942, under such circumstances. As was already stated above, the business under the jurisdiction of the War Minister concerning the treatment of POW was conducted by the POW Administration Department as the responsible office. The POW Administration Department was on the same level with other bureaus of the War Ministry and was not in a position to be controlled or supervised by the Military Affairs Bureau or any other bureau in the War Ministry. In fact, during my tenure of office as Chief of the Military Affairs Section, I, at no time, gave orders to the said Department, for in my belief the business concerning POW should have been managed by the POW Administration Department.

B. The main business of which the Bureau of Military Affairs took charge concerning the POW, were as shown in the attached tables:

The main business conducted in accordance with the above were as follows:

- (1) To draw up the Ordinance for POW camps and the organization of POW camps.
- (2) To draw up the regulations concerning the establishment and organization of POW Administration Department.
- (3) To draft the reply of vice-minister concerning the application of the Geneva Convention.

C. Besides there was the so-called POW Information Bureau which was managed by War Minister. This was an organization specially established in accordance with the Hague Convention and was entirely separate from the War Ministry. This was altogether different from POW Administration Department established as one of the sections of War Ministry. Furthermore, Chief of the POW Information Bureau was not subject to the control or supervision of Chiefs of the

Bureau of Military Affairs or other bureaus of War Ministry. According to the regulation governing the POW Information Bureau, the same bureau, the same bureau had a right to ask for various information from the operating forces.

(4) Mistreatment of POWS:

The so-called mistreatment of POW's in Malay and Bataan Peninsulas were cases which took place during or immediately after the fighting and the POW's were not yet brought under the jurisdiction of the War Minister--namely, they were still under the supreme command system. Those prisoners engaged in the construction of the Tailand-Burma Railway were, for the most part, under the jurisdiction of the War Minister.

The construction of the Tailand-Burma Railway was carried out by the Commander-General of the Southern Army by order of the Chief of the General Staff.

The War Ministry was consulted by the Chief of the General Staff about this construction order. The various bureaus were consulted according to the division of business stipulated in the Official System of Organization. The Military Affairs Bureau took charge of the budget for construction; the Maintenance Bureau, communication, materials and labor; and the POW Administration Department, labor, etc. Each Bureau and Department was consulted according to the business in its charge, and the ~~Minister and Vice-Minister of War jointly responsible for the consequences.~~\*

The Southern Area Army undertook to carry out the construction work, and the General Staff took the lead in shortening or lengthening the term of construction, alleviating transportation facilities and increasing the forces, etc. The Director of Transportation and Communication Bureau undertook to direct the construction work, as previously testified by Lieutenant-general WAKAMITSU, the then director of that bureau. (Court Record in Japanese, PP 14-15)

As the prisoners engaged in the construction work were under the jurisdiction of the War Minister, he dispatched HAMADA, Director of the POW Information Bureau and Chief of the POW.

On this 10 day of Aug, 1947  
At Tokyo

DEPONENT /s/ NISHIURA, Susumu (seal)

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\*the result is consolidated and the Minister and Vice-Minister are jointly responsible.

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I, KAZUMA, Isaburo, 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/ KAZUMA, Isaburo (seal)

OATH

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

/S/ NISHIURA, Susumu (seal)

Organization Concerning P.O.W. Affairs in  
the War Ministry (Diagram No. 2)

In addition, the personnels of POW Supervision Bureau and Dispensary Bureau were dispatched to inspect the actual circumstances, thereby taking all possible reform measures.

War Minister --- Vice-Minister of War

- Secretariate --- Affairs concerning the handling of documents and other general business.
- Personnel Affairs Bureau --- Affairs concerning appointments and dismissals and other personnel affairs.
- Military Affairs Bureau --- Affairs concerning organization, control of budget, arrangement of units, various wartime regulations, and international covenants.
- Military Service Bureau --- Affairs concerning gendarmerie, military discipline and morals, punishment, air defense, prevention of espionage, and military police.
- Bureau of Equipments --- Affairs concerning munitions production, military labor, communication and transportation.
- Bureau of Accountants --- Affairs concerning budgets, money, clothing, food, building, and various war-time regulations for the accountants' Department.
- Bureau of Medical Affairs --- Affairs concerning sanitation, prevention of epidemics, hospitals, medical supplies, and various war-time regulations for the Medical Department.
- Judicial Affairs Bureau --- Affairs concerning military administration of justice, amnesty, execution, and various war-time regulations for the Judicial Affairs Department.



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P.O.W. Administration Department --- Affairs concerning general plans of handling of P.O.W.s and military internees at the front such as accommodation supervision, exchange, release, utilization, punishment, and treatment; communication and punishment for P.O.W.s and military internees at the front; and P.O.W.s labor.

Note:

1. The War Minister supervises the P.O.W.'s Camp and controls the P.O.W. Information Bureau.
2. The vice-Minister of War assists the War Minister and arranges departmental affairs and takes charge of affairs of Secretariate, each Bureau and the P.O.W. Administration Department.
3. The chief of each Bureau and the P.O.W. Administration Department supervises the business in his own bureau or department according to the order of the War Minister.
4. With regard to the affairs of each Bureau, we quote here only important items which have connection with the treatment of P.O.W.s.
5. The above are based on the Official Organization of the Cabinet (Exhibit #70), the Official Organization of the War Ministry (Exhibit #74), regulations for P.O.W.s and Riku-A-Mitsu (Army Asia Secret) No. 1108, the adjutant of War Minister's note in the War Ministry.