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16 OCTOBER 1946

I N D E X
Of
WITNESSES
(none)

I N D E X
Of
EXHIBITS

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
759		Extract from the Record of Litvinov's Talk with SHIGEMITSU, Mamoru, dated 31 Aug 1938		7825
760		Article published in 1933 by the Social Education Association in the "Miscellaneous People Literature Minsu Bunko" No. 516 entitled "Japan's Mission in the Showa Era" by the Accused ARAKI, Sadao	7828	
760-A		Excerpt therefrom		7828
761		Record of the Talk of ITAGAKI, Seishiro, dated 28 Mar 1936, who at that time was Chief of the Kwantung Army Headquarters, with Ambassador ARITA	7830	
761-A		Excerpt therefrom		7830

I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
762		Extract from document of the Kwantung Army Commanding General's "Representation of Opinion on the Establishment of a New China		7839
763		Photostatic Copy of a Map published in China Postal album as far back as 1919 by the Directorate General of Posts in Peking		7841
764		Consists of Two Books of Maps	7841	
764-A		Excerpt therefrom		7842
765		Map of Manchuria published on p. 10 of an official magazine, the "Tokyo Gazette" in July 1939	7844	
765-A		Excerpt therefrom		7845
766		Memo of the Red Army General Staff History Department of 12 March 1946 under the heading "On the Provocative Attack of the Japanese in the Nomongan Area in 1939"		7845
767		Text of Negotiations Between Molotov, People's Commissar for Foreign Affairs for the USSR and the Japanese Ambassador to the USSR, TOGO, Shigenori, dated 9 June 1940		7849

I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
768		Minutes of Interrogation of Accused HIRANUMA, Kiichiro, dated 24 Apr 1946	7853	
768-A		Excerpt therefrom		7853
769		Record of the Talk between Ribbentrop with OSHIMA, the Japanese Ambassador in Berlin on 23 Feb 1941		7867
770		Telegram from Chief of Staff of the Kwantung Army to the Vice-Minister of War dated 17 Jan 1938 (No. 1)		7871
771		Ribbentrop's telegram to the German Ambassador in Tokyo dated 10 July 1941		7874
772		Group of Certificates (attached to the above document and document 2608)		7874
773		Message of Foreign Minister SHIGEMITSU, Mamoru, Broadcast on 11 Dec 1943 to Berlin on the occasion of the Second Anniversary of the Japanese-German-Italian Agreement	7876	
773-A		Excerpt therefrom		7877

I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
774		Excerpt from Decision on Japanese Foreign Policy taken at the Four Ministers Conference on 7 Aug 1936, as characterized by the Letter of the Defendant SHIRATORI to ARITA dated 4 Nov 1935	7878	
774-A		Excerpt therefrom		7882
775		Excerpt from KIDO's Diary dated 22 Aug 1939		7889
776		Minutes of Interrogation of Defendant OSHIMA dated 22 Apr 1946	7890	
776-A		Excerpt therefrom		7891
777		Text of the Speech made by Foreign Minister MATSUOKA over the Radio on the day of the Conclusion of the Pact (27 Sept 1940)	7899	
777-A		Excerpt therefrom		7899
778		Record of Ribbentrop's Talk with OSHIMA on 24 June 1942	7903	
778-A		Excerpt therefrom		7903
779		Excerpt from the Minutes of the Imperial Conference on 2 July 1941		7904

I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
780		Telegram sent from Tokyo to Berlin by Ott, German Ambassador to Japan on 23 Mar 1931		7909
781		Excerpt from KIDO's Diary, an entry dated 21 June 1941		7910
782		Letter from the Japanese Embassy to the German Minister for Foreign Affairs dated 26 Aug 1939 re: the Conclusion by Germany of the Non-Aggression Pact with the Soviet Union		7911
783		Excerpt from the Record of Ribbentrop's Talk with MATSUOKA on 27 Mar 1941		7915
784		Excerpt from Ciano's Diary, entry dated 19 Sept 1941		7922
785		Record of Ribbentrop's Talk with Mussolini in the presence of Ciano on 22 Sept 1940	7924	
786		Symposium of Documents of the Japanese Ministry for Foreign Affairs in which there is a Telegram of KURUSU, Japanese Ambassador in Berlin to MATSUOKA on 28 Sept 1941 (no. 1251)	7929	
786-A		Excerpt therefrom		7929
787		Proceedings of the Privy Council held on 18 Dec 1940 (Text of MATSUOKA's Speech at this meeting)	7930	

I N D E X

Of

EXHIBITS

(cont'd)

<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
787-A		Excerpt therefrom		7931
788		Telegram of Ott in Tokyo sent to Berlin on 4 Oct 1941 (no. 1974)	7933	
788-A		Excerpt therefrom		7933

1 Wednesday, 16 October, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before, with
16 the exception of: WILLIAM J. McCORMACK, who has
17 resigned as Counsel for the Accused MINAMI, Jiro;
18 A. W. BROOKS, Counsel for the Accused OKAWA, Shumei and
19 KOISO, Kuniaki, is now also Counsel for the Accused
20 MINAMI, Jiro.

21 - - -

22 (English to Japanese, Japanese to
23 English, Russian to English and Japanese to
24 Russian interpretation was made by the
25 Language Section, IMTFF.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 DR. UZAWA: Mr. President, with the Tribunal's
4 permission I should like to report that American Counsel
5 McCormack for the accused MINAMI, Jiro, has resigned
6 and has been succeeded by Captain Brooks.

7 THE PRESIDENT: Mr. Cunningham.

8 MR. CUNNINGHAM: If the Tribunal please,
9 yesterday afternoon Mr. Logan objected to the evidence
10 of one of the Russian witnesses and the Tribunal then
11 heard Mr. Golunsky on the objection. Response was being
12 made by Mr. Logan while I was waiting to be heard. For
13 some reason the ruling of the Court went far beyond
14 the mere overruling of the objection or motion and made
15 a far-reaching statement concerning a great scope of
16 the law in the case. This came as a surprise. It was
17 on this general question --

18 THE PRESIDENT: I am not here to be lectured
19 by you. You choose your language more carefully when
20 you are addressing this Court. I am not in the least
21 concerned with anything that surprises you.

22 MR. CUNNINGHAM: I am sorry, sir.

23 THE PRESIDENT: You have no right to be at
24 that lectern on such a point.

25 I have to give whatever reasons are necessary

1 for any decision of this Tribunal, and I shall give
2 those reasons without regard to the opinions of indivi-
3 dual counsel for the defense or for the prosecution.

4 MR. CUNNINGHAM: Your Honor, I don't think
5 we are talking about the same thing. I say it was
6 a surprise to me or I would have joined Mr. Logan in
7 his motion if I had anticipated what the Court was
8 going to say, that is all. May I explain a little
9 bit further?

10 THE PRESIDENT: Well, I don't see what there
11 is to explain, really. Your conduct doesn't call for
12 any explanation. You have come with no objection.

13 MR. CUNNINGHAM: I have a specific objection,
14 your Honor.

15 THE PRESIDENT: Well, it is too late. If
16 the point arises again you may have an opportunity,
17 but I can't allow you to reopen a decision of the
18 Tribunal. I am sure if I did every colleague I have
19 would resent it, quite rightly.

20 MR. CUNNINGHAM: Well, due to the extent of
21 the general proposition yesterday, my question to the
22 Court that I had to propose was only that the matter
23 remain open until I would have an opportunity to make
24 an objection to it thoroughly this morning.

25 THE PRESIDENT: If the occasion arises later

1 to make an objection you may do so and you will be fully
2 heard.

3 General Tadevosyan.

4 GENERAL TADEVOSYAN: Now I shall produce to
5 the Tribunal, as evidence, the extract from the record
6 of Litvinov's talk with SHIGEMITSU of August 31, 1938,
7 which will show that the Japanese government had to
8 admit that their demands had no grounds and accepted
9 the Soviet proposal of the re-demarcation of the fron-
10 tier basing on the Khunchun agreement.

11 I tender in evidence prosecution document
12 No. 2230.

13 THE PRESIDENT: Major Furness.

14 MR. FURNESS: If your Honor please, I am not
15 objecting to the admission of this document in evidence
16 except on grounds that I have before, but what I am
17 objecting again is to the comment by the prosecutor,
18 which seems to me unfair comment. The document does
19 not show at all what he says. This has been going on
20 now for two weeks; warnings have been given; it seems
21 to do no good. The defense must make these objections
22 and I confess that I don't like to.

23 THE PRESIDENT: Well, you can trust the
24 Tribunal to ignore any excessive comment, Major
25 Furness. After all, as I have reminded you frequently,

1 we are not a jury, although discharging the functions
2 of one. When we come to consider our verdict, we will
3 pay regard only to the evidence and disregard the
4 comments so far as they are not warranted by the evidence.
5 When the defense feel provoked to rise again because
6 comments have been made excessively, I hope they will
7 keep in mind what I have just said. It will save a lot
8 of time.

9 GENERAL TADEVOSYAN: I quote from Litvinov's
10 talk with SHIGEMITSU of August 31.

11 I tender in evidence prosecution document
12 No. 2230.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 2230 will be given exhibit No. 759.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 759 and
18 received in evidence.)

19 GENERAL TADEVOSYAN: I quote from the said
20 record of the talk:

21 "SHIGEMITSU stated that the Japanese party
22 has no objections to setting the treaties concluded
23 by the representatives of China and Russia as prin-
24 ciple of the work, but the Japanese party understands
25 that additional documents may be submitted to the

1 committee, and they will be considered by the committee,
2 to make its work more successful."

3 I skip three paragraphs and quote further:

4 "Here I added that to make it clearer I
5 would make this point more precise. The Hunchun agree-
6 ment and other documents signed by the representatives
7 of Russia and China should be necessarily considered by
8 the committee. The Japanese and Manchurian party can-
9 not say: 'We cannot accept this or that treaty.' As to
10 the other documents submitted by one of the parties, the
11 opposite party may say that she does not accept this or
12 that document. In this lies the difference between the
13 nature of the agreements signed by the representatives
14 of Russia and China and other documents. I think I made
15 myself clear and the Ambassador probably understood me.

16 SHIGEMITSU answered that he understood it in
17 the following way: The treaties and agreements concluded
18 between Russia and China are set up as principle of the
19 committee work, and other additional documents are taken
20 into consideration -- this is for the committee to
21 decide in what manner to take them into consideration.
22 Considering all that he stated that we had no differ-
23 ences."

24 Thus, as is clear from the report of the
25 Frontier Corps Department of the People's Commissariat

1 for Home Affairs of the U.S.S.R. of March 21, 1946,
2 which document has been presented by us to the Tribunal,
3 exhibit No. 573:

4 "The State border in this sector has been
5 guarded and is being guarded by border troops in
6 accordance with the protocol of 1886."

7 MR. FURNESS: Again we request that we be
8 furnished with the entire document from which excerpts
9 in exhibit 759 have been taken.

10 MR. GOLUNSKY: I understood yesterday that
11 we had an agreement with the defense about all the
12 documents of this type, to furnish them complete
13 copies as soon as mechanically possible.

14 GENERAL TADEVOSYAN: Now, if the Tribunal please,
15 I shall pass to presenting documents which will prove
16 that in 1939, in the Nomongan area, Japan, without
17 declaring war, attacked the territory of the Mongolian
18 People's Republic, bound with the Soviet Union by a
19 treaty of alliance.

20 I shall present to the Tribunal a number of
21 documents which will prove that this attack had been
22 planned and prepared long before it was actually
23 launched.

24 If the Tribunal please, I shall first of all
25 tender for identification document No. 2627A, which

1 is the article, "Japan's Mission in the Showa Era,"
2 by the accused ARAKI, Sadao, former War Minister of
3 Japan. The article was published in 1933 by the
4 Social Education Association in the "Miscellaneous
5 People Literature Minao Bunko" No. 516. I offer in
6 evidence an excerpt from this document.

7 CLERK OF THE COURT: Prosecution document
8 No. 2627 will receive exhibit No. 760 for identification
9 only.

10 (Whereupon, the document above referred
11 to was marked prosecution's exhibit No. 760 for
12 identification only.)

13 THE PRESIDENT: The excerpt is admitted on
14 the usual terms.

15 CLERK OF THE COURT: And the excerpts there-
16 from, marked prosecution document 2627A, will receive
17 exhibit No. 760A.

18 (Whereupon, the document above referred
19 to was marked prosecution's exhibit No. 760A
20 and received in evidence.)

21 GENERAL TADEVOSYAN: On pages 28 and 29 ARAKI
22 wrote as follows:

23 "Japan does not want such an ambiguous area
24 as Mongolia to exist next to her sphere of influence.
25 Mongolia, by all means, should be Mongolia of the East,

1 and she should be given independence, peace and tran-
2 quillity. It would be outrageous to leave her to be
3 preyed upon by other countries. The ambiguousness of
4 Mongolia's position will be the source of troubles of
5 the whole East. The problem of Mongolia may become a
6 far greater obstacle to the proclamation of the Imperial
7 Way than the Manchurian problem. Therefore, it will
8 be necessary to make it clear at this point, that we
9 have a resolute determination to crush any country that
10 turns against the Imperial Way."

11 I shall further present to the International
12 Military Tribunal for identification, a document which
13 was referred to in the opening statement of Minister
14 Golunsky, Associate Prosecutor for the U.S.S.R. This
15 document is the record of the talk of ITAGAKI, Seishiro,
16 who at that time was Chief of the Kwantung Army Head-
17 quarters, with Ambassador ARITA, of March 28, 1936,
18 document No. 1466.

19 I offer in evidence an extract from this docu-
20 ment.

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1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 1466 has been given exhibit No. 761 for identifi-
4 cation; and the excerpt therefrom, bearing the same
5 document No., will be given exhibit No. 761-A.

6 (Whereupon, prosecution's document
7 No. 1466 was marked prosecution's exhibit
8 No. 761 for identification; and the ex-
9 cerpt therefrom was marked prosecution's
10 exhibit No. 761-A and received in evidence.)

11 GENERAL TADEVOSYAN: Three years prior to
12 the events in the Nomongan Area, ITAGAKI expounded
13 the designs of the Japanese Military to seize the
14 Mongolian People's Republic.

15 I quote three excerpts from the aforesaid
16 document:

17 "THE PROBLEM OF OUTER MONGOLIA

18 "Outer Mongolia is a secret zone. The
19 Czarist Regime had already stretched out its evil hand
20 and had made this secret zone a protectorate.

21 "Since the revolution the Government of Soviet
22 Russia has adopted the same policy and succeeded in win-
23 ning over this country. As is quite evident if we look
24 at the map of East Asia, Outer Mongolia is of importance
25 from the point of view of Japanese-Manchukuoan influence

1 today because it is the flank defence of the Siberian
2 Railroad which is a connecting line between Soviet
3 territory in the Far East and in Europe.

4 "If Outer Mongolia be combined with Japan
5 and Manchukuo, Soviet territory in the Far East will
6 fall into a very dangerous condition, and it is pos-
7 sible that the influence of the Soviet Union in the
8 Far East might be removed almost without fighting.
9 Therefore, the Army aims to extend Japanese-Manchurian
10 power into Outer Mongolia by all means at hand and as
11 its first step, to establish normal and complete diplo-
12 matic relations between Manchukuo and Outer Mongolia
13 regarding the latter as an independent country, without
14 considering Soviet Russian will. They are furthering
15 their work against Western Inner Mongolia, to be ex-
16 plained next, to conciliate the Outer Mongolian race."

1 "But if Outer Mongolia should set it at
2 naught our moderate intentions as stated above and
3 should invade Manchukuo with Soviet Russia, the
4 Imperial Army is ready to hold fast to each foot
5 and inch of territory with firm resolution in light
6 of the spirit of the protocol between Japan and
7 Manchukuo.
8

9 "THE PROBLEM OF INNER MONGOLIA

10 "Part 3.

11 "Western Inner Mongolia (Chahar and Suiyuen
12 Province) and the zone to the west of these are of
13 great value for executing the continental policy of
14 Japan.

15 "Should the said zone be placed in the
16 sphere of Japanese and Manchurian influence, it
17 means that will be a base for pacification of their
18 brothers of the same race in Outer Mongolia, more-
19 over that the influence of Soviet Russia which
20 comes from HSING-KIANG, as well as a land link be-
21 tween Soviet Russia and China, will both be blocked,
22 fundamentally frustrating the plan of the Third
23 International movement against China. In a passive
24 sense the said zone will be the shield against
25 Communization of the establishment of peace and

1 order in Manchukuo. If the said zone should not
2 be placed in the sphere of Japanese and Manchurian
3 influence, but left to natural tendencies, it is
4 obvious that Bolshovization will immediately close
5 in on the western frontier of Manchukuo through
6 Outer Mongolia and Sinkiang district.

7 "From the above standpoint the Imperial
8 army has been furthering its work with regard to
9 Western Inner Mongolia for several years. The
10 conditions in the past and at present are described
11 in a separate sheet. The Imperial Army is resolved
12 to further its work overcoming all sorts of obstacles."

1 The contents of this document show that the
2 blow against the Mongolian People's Republic was
3 considered by the Kwantung Army also as a blow against
4 the Soviet Far East.

5 The Japanese had been preparing for this for
6 a long time. The evidence presented by my colleagues,
7 Mr. Hyder and Mr. Parkinson, concerning the Japanese
8 military's aggression in Manchuria and in Mongolia
9 bear witness to the fact that both in Manchuria and
10 in Inner Mongolia, the Japanese extended the sphere
11 of their aggression every year, dreaming of annexing
12 the Mongolian People's Republic to Inner Mongolia.
13 I refer to exhibit No. 212, page 2705 of the record
14 of the Tribunal, of July 30, 1946; exhibit No. 273,
15 page 3676 of the record of August 9; and exhibit No.
16 274, page 3688 of the record of August 12.

17 THE PRESIDENT: Mr. Cunningham.

18 MR. CUNNINGHAM: If the Tribunal please, I
19 wish to object to the prosecution commenting upon
20 the evidence before the case is terminated, and it
21 seems he is going far afield here.

22 MR. GOLUNSKY: If the Tribunal please, we
23 do this for the sake of the record, so the Members
24 of the Tribunal could have in one place a condensed
25 list of all the evidence relating to this question,

1 although it has been submitted to the Tribunal at
2 different times and is scattered all over the record.

3 THE PRESIDENT: The objection is not to the
4 tying in of the material tendered by Messrs. Hyder
5 and Parkinson but to observations that preceded that.

6 The decision on the objection is the same as
7 that hitherto given, and the objection is upheld to
8 that extent. Only such comment as is warranted by
9 the evidence adduced or to be adduced must be in-
10 dulged in. We must have a bare minimum of descrip-
11 tion and explanation of evidence to be adduced. I
12 can only keep on repeating that there is no need for
13 repeated objections.

14 The excessive and unwarranted comment, if
15 any, is made in Russian before we know it is made.
16 We have to wait for the English. And, in the circum-
17 stances, all I can do on behalf of the Tribunal is
18 to assure the defense that we will disregard any
19 excessive and unwarranted comment and will confine
20 ourselves to the evidence; and I trust that will be
21 sufficient for all purposes.

22 Mr. Smith.

23 MR. SMITH: Your Honor, if we abide by a
24 blanket ruling as to all this excessive comment, as
25 we must, of course, if that is the Court's desire,

1 we will have a record running along for hundreds of
2 pages showing no objection on our part. And, if and
3 when the record comes before the Reviewing Authority,
4 they very well might say, "You were satisfied at the
5 time. You made no objection."

6 THE PRESIDENT: There is no need for you to
7 object. The Court itself will take the stand that
8 you are inviting us to take. We need no invitation.
9 I have said that repeatedly. I do ask you to re-
10 member, we are not a jury; we are eleven judges
11 trained in the law, trained to give decisions,
12 trained to weigh evidence.

13 As I said before, and you seem to forget,
14 these comments are made in Russian before we know
15 they are made. We do not know until we hear the
16 English what has been said by the Russian prosecu-
17 tors.

18 MR. SMITH: Your Honor, could I say some-
19 thing additionally and very briefly?

20 THE PRESIDENT: I have not stopped you yet.

21 MR. SMITH: What we are afraid of is the
22 complexion and appearance of this record if it comes
23 before a Reviewing Authority. Now, every trial man
24 in this room knows that in a record as voluminous
25 as this, it is literally impossible for any Review-

1 ing Authority to read every word; and the danger is
2 that the man reading this record for the Supreme
3 Commander and digesting the evidence will seize on
4 a catchy expression such as the Russian prosecutors
5 use in introducing these exhibits.

6 Certainly, your Honor has the power of
7 control of counsel and to strike out these excessive
8 remarks. What the last prosecutor said, about all
9 this evidence that he is trying to tie up shows a
10 long plan dream, I submit is a final summation and
11 has nothing to do with this stage of the case.

12 MR. CUNNINGHAM: If your Honor please, I
13 suggest that the prosecution be directed to give us a
14 copy of what they are going to say, and we will ob-
15 ject to it before they say it, if the objection is
16 warrantable.

17 THE PRESIDENT: I appeal to the prosecution
18 to give no occasion for all these objections that
19 are wasting our time and getting us nowhere.

20 MR. GOLUNSKY: If the Tribunal please, we
21 try to comply with the wishes of the Tribunal and
22 have shortened our comments to the very minimum, and
23 I do not know where the defense counsel have seen
24 the long comments. Today, only one sentence was said
25 by Major General Tadevosyan which might be described

1 as a comment.

2 THE PRESIDENT: General Tadevosyan.

3 GENERAL TADEVOSYAN: Now, if the Tribunal
4 please, I shall refer to witness TANAKA's examina-
5 tion before the Tribunal on July 6, 1946. His testi-
6 mony corroborated the facts stated in the above men-
7 tioned exhibit No. 212. I refer to page 2039 and
8 the pages that follow of the record. My colleague,
9 Colonel Ivanov, has presented prosecution document
10 No. 751, exhibit 719, Manchurian Confidential File,
11 1938.

12 I shall submit to the Tribunal, as evidence,
13 part of this document, the Kwantung Army Commanding
14 General's "Representation of Opinion on the Establish-
15 ment of a New China" (document No. 751-C).

16 This document discloses that on January 24,
17 1938, UEDA, Kenkichi, Commanding General of the Kwan-
18 tung Army, "in accordance to the new situation" sub-
19 mitted to the War Minister SUGIYAMA his opinion "in
20 regard to the establishment of a new China as seen
21 from the standpoint of the Kwantung Army."

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 751-C will be given exhibit No. 762.

25 (Whereupon, the document above

1 mentioned was marked prosecution's exhibit
2 No. 762 and received in evidence.)

3 GENERAL TADEVOSYAN: I shall quote a passage
4 from this top secret recommendation under the heading of
5 "Outline of the Policy for the Establishment of a New
6 China."

7 I quote from page 3 of the English text:

8 "Although the establishment of a new China lies
9 ultimately in organizing a central government in North
10 China, we shall respect the wishes and conventions of the
11 native people exclusively and make them contribute to the
12 preparation for the fast approaching war with Soviet Russia.
13 At the same time we shall make them concentrate on post-
14 war adjustment made necessary by the Incident. Thus, it
15 is our main purpose to build an ideal self-governing body
16 of the united provinces which will be fit for the present
17 state of affairs and suitable for the demands of national
18 defence, peace and order, and the political situation of
19 various provinces."

20 The evidence I shall further present will show
21 that in order to find a pretext for an attack on the
22 Mongolian People's Republic, the Japanese militarists
23 resorted to a groundless and arbitrary alteration of the
24 map regarding the frontier line between Manchuria and the
25 Mongolian People's Republic:

I respectfully call the attention of the Tribunal to the photostatic copy of a map which I now present in evidence. It was published in China Postal album as far back as 1919 by the Directorate General of Posts in Peking. (Document No. 1858)

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 1858 will receive exhibit No. 763.

4 (Whereupon, the document above
5 mentioned was marked prosecution's exhibit
6 No. 763 and received in evidence.)

7 GENERAL TADEVOSYAN: Lake Buir-Nur and the
8 Khalkhin-Gol River are shown in the second and the
9 third sections at the bottom of the map. The fron-
10 tier line (thick black line) is shown running through
11 the middle of the lake and east of the Khalkhin-Gol
12 River, crossing the latter at its effluxion and turn-
13 ing southeast.

14 Now I tender in evidence two maps of Man-
15 churia published in 1934 and 1935 by the Japanese
16 authorities themselves, document No. 1754.

17 CLERK OF THE COURT: Prosecution's document
18 No. 1754, consisting of two books of maps, will be
19 given exhibit No. 764 for identification only.

20 (Whereupon, prosecution's document
21 No. 1754 was marked prosecution's exhibit
22 No. 764 for identification).

23 THE PRESIDENT: The map last tendered is
24 admitted on the usual terms.

25 CLERK OF THE COURT: And the excerpt there-

1 from, bearing the same prosecution number, 1754,
2 will receive exhibit No. 764-A.

3 (Whereupon, the document above
4 mentioned was marked prosecution's exhibit
5 No. 764-A and received in evidence.)

6 GENERAL TADEVOSYAN:

7 If the Tribunal please, I shall demonstrate
8 enlarged sections of these maps. It is expressly
9 clear from the first map published in 1934 by the
10 Kwantung Government-General, that the frontier
11 passes east of the Khalkhin-Gol River, i.e., the
12 frontier line on this map runs in the same place as
13 in the Chinese map which I presented just now. Con-
14 sequently, several years prior to the attack on the
15 MPR the Japanese Authorities themselves recognized
16 that fact. A photostatic copy of the section of
17 the map is being brought to the attention of the Tri-
18 bunal so that the Court may see for themselves that
19 the above statement is true.

20 And here is the second map of Manchuria
21 published in 1935, i.e., in the following year by the
22 Bureau of the Kwantung Province to which the Kwantung
23 Government-General was subordinated. I respectfully
24 call the attention of the Tribunal to the photostatic
25 copy of a section of this map. On this map the border-

1 line is already shown as running along the Khalkhin-
2 Gol River and in some places even west of the river,
3 the whole of Lake Buir-Nur being included into the
4 Manchoukuo territory.

5 Now there is one more map which I submit
6 to the Military Tribunal as evidence. This is a map
7 of Manchuria published on page 10 of an official
8 magazine, "the Tokyo Gazette" in July, 1939 (Docu-
9 ment No. 1505), i.e., when the battle in the Nomongan
10 area was already raging.

1 THE PRESIDENT: Major Blakeney.

2 MR. BLAKENEY: I should like to point out
3 to the Tribunal that on exhibit 764-A the second map
4 purports to have been published in December, 1935,
5 but the certificate describes these as excerpts
6 from a book published in 1934. It, therefore, ap-
7 pears that either a proper certificate should be pro-
8 vided or the second map should be disregarded.

9 MR. GOLUNSKY: If the Tribunal please,
10 this objection is the result of the technical delay
11 of our processing division which processed the first
12 excerpt and did not process in time the second one.
13 The original Japanese certificates are both with the
14 original maps filed with the Tribunal.

15 I am handing now to the defense the copies
16 of the English translation. Of course, if they in-
17 sist on their rights, we can wait until tomorrow in
18 producing these maps.

19 THE PRESIDENT: Well, there is a separate
20 certificate for the December, '35 map, is that so?

21 Document No. 1505, which has been tendered,
22 is admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 1505 will receive exhibit No. 765 for identifi-
25 cation; and the excerpt therefrom, bearing the same

1 document No., will receive exhibit No. 765-A.

2 (Whereupon, the "Tokyo Gazette"
3 for July, 1939 was marked prosecution's
4 exhibit No. 765 for identification; and
5 the excerpt therefrom, prosecution docu-
6 ment No. 1505, was marked prosecution's
7 exhibit No. 765-A and received in evi-
8 dence.)

9 GENERAL TADEVOSYAN: I respectfully call
10 the attention of the Tribunal to the fact that on
11 this map the borderline runs all along the western
12 bank of the Khalkhin-Gol River.

13 Now I shall submit to the Military Tribunal
14 as evidence a memo of the Red Army General Staff
15 History Department of March 12, 1946, under the
16 following heading: "On the Provocative Attack of
17 the Japanese in the Nomongan Area in 1939." (Docu-
18 ment No. 2231)

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2231 will receive exhibit No. 766.

22 (Whereupon, the document above
23 mentioned was marked prosecution's exhibit
24 No. 766 and received in evidence.)

25 GENERAL TADEVOSYAN: I quote a few excerpts

from section two on page 1 of the English text:

"The Japanese carried out all-round and thorough preparation for the attack, using their customary method of provocations. Since January 1939 the Japanese armed detachments began to systematically violate the state frontier of the MPR.

"There were about thirty violations of that kind. Simultaneously a large group of regular troops of the 23 infantry division and Bargut cavalry regiments was concentrated on the sector of the frontier in this area, which from the Mongolian side was guarded only by a small frontier outpost, stationed west of the Khalhin-Gol river (see Appendix N 3 and N 4)."

Now I skip five paragraphs on page 2 and quote further:

"On May 14 at 6 hours the mounted Japanese and Barguts 300 men strong violated the MPR frontier in the district of the 7th outpost, seized Dungur-Obo and came onto the eastern bank of the Khalhin-Gol river. During this day the Japanese constantly appeared over the MPR territory.

"On May 15, at 12 hours 45 minutes five Japanese light bombers made a raid on the 7th outpost. They dropped 52 bombs from the height of 800 metres

1 and fired from machine guns during low flight. As a
2 result 2 tsiriks were killed and 19 wounded. Prior
3 to the raid three planes conducted air reconnaissance.
4 The frontier guards saw that 700 cavalry men and 3
5 trucks with infantry soldiers were concentrated on
6 the eastern bank of the Khalhin-Gol river. Thus
7 beginning from May 11, 1939 the Japanese actually
8 started hostilities using regular Japanese and Bar-
9 gut units to this purpose.

10 "All these provocative actions showed
11 clearly that the Japanese were preparing the large-
12 scale operations and were striving to seize the
13 territory of the MPR."

14 Now I pass to the top of page 4 and read
15 the first full paragraph:

16 "During the battles which took place in May,
17 the Japanese could not attain their aims and, having
18 suffered great losses, strengthened their preparation
19 for a still larger operation, striving to seize terri-
20 tory and wipe out the Soviet and Mongolian forces. By
21 the end of June 1939, the Japanese concentrated all
22 the units of the 23rd Infantry Division, part of the
23 7th Infantry Division, two tank regiments and Bargut
24 cavalry regiments in the battle area. All these
25 units were reinforced by artillery taken from other

1 units of the Kwantung Army. Not fewer than 150 air-
2 planes of the Japanese Air Forces were also concen-
3 trated in this area.

4 "The enemy planned to smash our defense
5 suddenly and quickly and to break with its main
6 forces through to our rear lines of communication."

1 I quote another small excerpt on page 4 of
2 the English text, last paragraph:

3 "Our troops, launching an offensive in
4 August 1939, routed the Japanese invaders, cleared
5 the MPR territory of the enemy and took on the
6 defensive along the frontier line."

7 If the Tribunal please, I stop quoting
8 from this document to return to it later on.

9 Finally, after protracted negotiations be-
10 tween Molotov, People's Commissar for Foreign Af-
11 fairs for the USSR, and the Japanese Ambassador to
12 the USSR, the accused TOGO, Shigenori, the latter
13 signed an agreement on June 9, 1940 which text with
14 a map attached is now submitted to the Military Tri-
15 bunal as evidence, prosecution document No. 2147.

16 THE PRESIDENT: Admitted on the usual
17 terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 2147 will receive exhibit No. 767.

20 (Whereupon, the document above
21 mentioned was marked prosecution's exhibit
22 No. 767 and received in evidence.)

23 THE PRESIDENT: We will recess now for
24 fifteen minutes.

25 (Whereupon, at 1045, a recess was

1 taken until 1100, after which the proceed-
2 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal For the Far East is now resumed.

3 GENERAL TADEVOSYAN: I quote from the text
4 of the agreement between Molotov, People's Commissar
5 for Foreign Affairs of the U.S.S.R. and the Japanese
6 Ambassador TOGO of June 19, 1940.

7 "The frontier line between the Mongolian
8 People's Republic and Manchoukuo in the above mentioned
9 area runs as it is shown on the map published by the
10 Red Army General Staff in 1935, scale 1:200,000,
11 which is attached to the present agreement."

12 The evidence tendered hereinafter corroborates
13 the aggressive aims of the Japanese Military, who
14 initiated undeclared wars against the U.S.S.R. in
15 1938 and 1939.

16 We have submitted in evidence the affidavit
17 of former Ataman Semyonov, G.M., interrogated on
18 April 11, 1946 (Exhibit No. 668). I quote an excerpt
19 from page 14 of the English text:

20 "In 1938 the Japanese General Staff decided
21 to reconnoitre the power of the Red Army in the
22 Far East by battle, and opened hostilities in the
23 Lake Hassan district. Major YAMAOKA, a General
24 Staff Officer, came to Dairen from Tokyo to see me,
25 with a special task to inform and have me prepared

1 for the events which were taking place. YAMAOKA
2 warned me that I with the whiteguard emigrant units
3 had to be ready to participate in the operations as,
4 provided the operations in the Lake Hassan district
5 progressed successfully, large forces of the Japanese
6 Army would be thrown into the Soviet Primorye, and
7 the whiteguard emigrants units would be used for the
8 consolidation of the occupied territory.

9 "When the Red Army liquidated the Japanese
10 break-through into the Soviet territory in no time,
11 and peace negotiations were started, the Japanese
12 Command initiated the preparation for a new diversion
13 in the direction of the M.P.R. and the Soviet
14 Zabaikalye.

15 "I was to take part in this operation, and,
16 in case of a successful break-through, I, with the
17 whiteguard emigrants units, had to begin an advance
18 in Inner Mongolia through the Mongolian People's
19 Republic into the Soviet Union. The Japanese pointed
20 out that the main strategic direction of the Japanese
21 blow was the Zabaikalye which in the opinion of the
22 Japanese was the narrow outlet through which went the
23 supplies for the Soviet Primorye.

24
25 "Major-General ANDO in his talk with me said
that the Japanese reckoned that in case they succeeded

1 in intercepting the Red Army communications at Lake
2 Baikal, the Soviet Far East would be annexed from
3 the Soviet Union."

4 We shall now present in evidence a document
5 which will show that fighting against Mongolian
6 People's Republic, the U.S.S.R., the Kwantung Army
7 and its Commanding General acted not without the
8 knowledge of the Japanese Government.

9 I submit to the Tribunal for identification
10 the minutes of interrogation of accused HIRANUMA,
11 Kiichiro of April 24, 1946(Prosecution document No.
12 4122). I tender in evidence a short excerpt from
13 this document in order to prove that the defendant
14 HIRANUMA, who at that time was Japan's Prime Minister
15 and though aware of the military operations of the
16 Japanese Army against the Mongolian People's Republic
17 and the U.S.S.R., did not take any measures to stop
18 the hostilities."

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 4122 will receive exhibit No. 768 for identification
22 and the excerpt therefrom bearing prosecution No.
23 4122-A will receive exhibit No. 768-A.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 768

1 for identification; the excerpt therefrom
2 being marked prosecution's exhibit No.
3 768-A and was received in evidence.)

4 GENERAL TADEVOSYAN: During the interrogation
5 held on April 24, 1946, HIRANUMA testified as
6 follows:

7 "Q. What aim did the Japanese Government
8 pursue giving its approval of the Attack of the
9 Japanese troops against the Mongolian People's
10 Republic territory in the Nomongan area?

11 "A. The attack took place not during my
12 premiership. Therefore I know nothing about it.

13 "Q. You were Prime-minister from January
14 1939 till August 1939, weren't you?

15 "A. Yes.

16 "Q. When did the Nomongan Area incident take
17 place?

18 "A. I don't remember.

19 "Q. I remind you that the attack of the
20 Japanese troops against Mongolian People's Republic
21 in the Nomongan area took place in May 1939, i.e.,
22 when you were Prime-minister of Japan and UEDA,
23 Kenkiti was Commanding General of the Kwantung Army.

24 "A. It might be so, but, as I have already
25 said, the military acted independently, without

1 reporting their actions to the government and, therefore ,
2 I knew nothing.

3 "Q. Then when was it that you learned about
4 the said attack?

5 "A. After the opening of the hostilities.

6 "Q. Only then?

7 "A. Yes, only after the opening of hostilities.

8 "Q. Tell us, who reported the events to
9 you, what were the contents of the report, and why
10 for 3 months did you not take measures to check the
11 actions of the Japanese troops attacking the Mongolian
12 People's Republic?

13 "A. I received information about the outbreak
14 of the incident from War Minister ITAGAKI, Seishiro.
15 I spoke about the cessation of hostilities many times,
16 but the Military circles were of different opinion.

17 "Q. Did you as Prime-minister of Japan give
18 anybody orders that hostilities be ceased? Whom and
19 when did you give such orders?

20 "A. As the Supreme Command of the army
21 was not controlled by the government I could not
22 give such orders, but I expressed, my views on the
23 necessity of ceasing hostilities to War Minister
24 ITAGAKI orally.
25

"Q. Did you suggest that, because you thought

1 the Japanese attack on Mongolian People's Republic
2 was wrong?

3 "A. My opinion was that all disputes had
4 to be settled by means of negotiations, and not by
5 way of military operations.

6 "Q. In other words you considered those
7 actions wrong?

8 "A. Yes, I considered those actions wrong.

9 "Q. During the Nomongan incident, did you
10 as Prime-minister submit to the Emperor your suggestion
11 that hostilities be ceased?

12 "A. No, I did not submit my suggestion to
13 the Emperor.

14 "Q. What was ITAGAKI's reply to your suggestion
15 of the cessation of hostilities?

16 "A. Since ITAGAKI's view was at variance
17 with mine, he considered that hostilities should
18 continue."

19 MR. USAMI: My name is USAMI. I appear for
20 the accused HIRANUMA.

21 THE PRESIDENT: Counsellor USAMI.

22 MR. USAMI: If your Honor please, I draw your
23 attention to the document just tendered and read by
24 the prosecution. This is a statement of HIRANUMA
25 taken by the Russian interrogator. The actual statement

1 was made in the Japanese language. The record was
2 taken in the Russian language through an interpreter.
3 My client had considerable difficulty in understanding
4 what the interpreter said to him and a greater difficulty
5 in making himself understood by the interpreter. I
6 understand no Japanese shorthand notes were taken.
7 The notes have never been read to him before. Now
8 my client claims that there are numerous misinterpreta-
9 tions existing which make the meaning of his statement
10 quite different from what he wished to convey and
11 there is one rather serious omission. If the Tribunal
12 thinks fit I shall point out these errors and omissions;
13 if not, I shall not.

14 THE PRESIDENT: Counsellor USAMI, you will
15 be able to point out, or the accused whom you repre-
16 sent will be able to point out when he is giving
17 evidence, what you regard as defects in the taking
18 of this interrogation and in the recording of it. We
19 can hardly have that question decided now. I know
20 there are some questions of fact that are determined
21 on these matters but this is not one. No question
22 of admissibility is fairly raised by anything you
23 have said. If you had alleged the confession was
24 not voluntary we would have to determine it as a
25 preliminary question.

1 MR. USAMI: It is not my intention to enter
2 any objection and I do not say there has been any
3 compulsion or coercion. The statement was made quite
4 voluntarily.

5 THE PRESIDENT: I do not understand the
6 counsellor USAMI to have taken any objection. If he
7 has it is overruled.

8 GENERAL TADEVOSYAN: I have submitted to the
9 Tribunal a Memo of Military History Department of
10 the General Staff of the Red Army (Prosecution document
11 No. 2231, exhibit No. 766). Appendix No. 12 to the
12 Memo discloses the aggressive aims which were set
13 forth at that time before the Japanese Military
14 Command in the war against the Mongolian People's
15 Republic and the U.S.S.R.

16 On September 5, 1939, the Commander of the
17 6th Japanese Army issued a proclamation. I shall now
18 quote from page 6 of exhibit No. 766, the "Proclamation
19 of the Commanding General of the 6th Army" of September
20 5, 1939:

21 "Although the order to reform the 6th Army
22 was issued before, I must now state with sorrow that
23 the realization of the glorious task of defense of the
24 northwest area failed because the order was not carried
25 out. The Army was cast into a whirlpool of irregular

war on the frontier between Manchuria and Mongolia.

1 Such control of actions on the front continued for
2 more than ten days into the present. Due to the brave
3 and resolute actions of all the units under Lieutenant-
4 General Kamatsubara chaos in the course of battles
5 was diminished. Now the Army is preparing in the
6 Dzindzin Sume area for a new offensive.
7

8 "The Commanding General of the Kwantung Army
9 decided this autumn to help us by sending the well-
10 trained troops stationed in Manchuria, he transfers
11 them to the place of the future battle, places them under
12 my command and plans urgent measures to be taken to
13 settle the conflict. The circumstances are now such
14 that it is clear that the matter is beyond the limits
15 of a mere frontier conflict. We are now waging a
16 sacred war in China and any changes in the conflict
17 under the circumstances of the complicated inner and
18 outer situation acquire great state importance. The
19 army has only one way to carry out its actions, that is,
20 to make the army unanimous and consolidated and immed-
21 iately strike a crushing blow at the enemy to annihilate
22 its growing insolence. At present the preparation of
23 the army is being successfully carried on. The army
24 will meet the coming autumn by finishing with one blow
25 this mouse-stirring and will proudly show to the world

1 the might of the selected Imperial troops. The
2 officers and soldiers have a deep understanding of
3 the present circumstances. All men of the army from
4 privates to high level are full of brave and decisive
5 spirit and are sure of victory. The army is always
6 ready to crush and destroy the enemy anywhere having
7 a deep faith in its first marshal, the Emperor."

8 It is a well-known fact that the Japanese
9 aggression failed to accomplish that, and their de-
10 signs upon the territory of the Mongolian People's
11 Republic as well as their further plans to invade
12 the U.S.S.R. territory proved a complete failure.

13 I call it to the Tribunal's attention that
14 the Commanding General of the Kwantung Army lost his
15 position and resigned due to the failure of the Nomongan
16 operation as is clear from exhibit No. 723, prosecution
17 document No. 2238, which was tendered by my colleague,
18 Colonel Ivanov.

19 My colleague, Major General Vasiliev, will
20 present further evidence.

21 THE PRESIDENT: General Vasiliev.

22 GENERAL VASILIEV: Mr. President, Members of
23 the Tribunal, Mr. Tavenner and his colleagues have
24 already presented to the Tribunal evidence showing that
25 Japan entered into a criminal conspiracy with Hitlerite

1 Germany and Fascist Italy against democratic states
2 and participated in that conspiracy from 1936 to 1945.

3 I shall present evidence showing that one of
4 the chief aims of the conspiracy was aggression against
5 the Soviet Union and that Japan, in carrying out the
6 obligations imposed on her by her participation in the
7 conspiracy, prepared and as far as was possible for her,
8 carried into effect plans of aggression against the
9 Soviet Union, and in general provoked aggressive
10 hostile acts against the U.S.S.R.

11 I shall begin to present evidence showing
12 that the Anti-Comintern Pact was the first stage of
13 Japan's conspiracy with Hitlerite Germany and Fascist
14 Italy, and was essentially a military-political
15 alliance of these aggressors directed against the
16 democratic countries including the U.S.S.R. The text
17 of the Anti-Comintern Pact with the protocol and the
18 secret agreement appended to it have been presented
19 to the Tribunal, exhibit No. 36.

21 To prove that the Anti-Comintern Pact enabled
22 Germany and Japan to prepare for wars of aggression
23 and then to achieve definite success in German aggres-
24 sion in Europe and Japan's aggression in Asia, and that
25 the Anti-Comintern Pact is directly connected with the
Tripartite Pact as links of one chain of conspiracy

1 against democratic states, I shall present in evidence
2 excerpts from the record of the talk of Ribbentrop,
3 Germany's Foreign Minister, with OSHIMA, Japanese
4 Ambassador in Berlin, on February 23, 1941, prosecution
5 document No. 531. It will be noted that other excerpts
6 from the same document, prosecution document No. 531-A,
7 were presented in the course of the previous phase of
8 the trial and received exhibit No. 632-A.

9 THE PRESIDENT: Mr. Cunningham.

10 MR. CUNNINGHAM: If the Tribunal please--

11 THE PRESIDENT: You will be heard in good
12 time always. I would like him to finish his sentence
13 before I hear objections.

14 Yes.

15 MR. CUNNINGHAM: If the Court please, I have
16 listened here for a long time to the second opening
17 statement by the Russian prosecution as to what they
18 are going to prove in another German-Japanese coalition.
19 It seems as though they are still carrying the matter
20 too far, going back into another phase of the case, and
21 it certainly is time that the defense make more strenuous
22 objection and that the prosecution be admonished.

23 MR. GOLUNSKY: If the Tribunal please, all
24 these days I have been listening patiently to all
25 those repeated objections of the defense on what they

1 call "comments of the prosecution." They have been
2 continued in spite of several remarks by the President
3 of this Court that everything exceeding the evidence
4 presented would be disregarded. The honorable President
5 of this Tribunal has several times pointed out that
6 this is an international Tribunal which cannot be
7 bound by the procedural rules of one of the countries
8 represented at this Tribunal.

9 In the Soviet Union the prosecution as well
10 as the defense is entitled when presenting evidence to
11 tell to the Court how they understand the evidence
12 they are presenting and what they expect will be proved
13 by this evidence. Of course, it is for the Court to
14 judge whether the assertions are well founded. We
15 are not using this rule to the full extent as we would
16 have used it in Russia.

17 As I have already stated before the recess
18 we have gone already a long way to limit our remarks
19 to the very bare minimum. Now I request that the Tribun-
20 al inspect the record of what General Vasiliev said in
21 order to define whether there is anything except the
22 explanation to the Tribunal, what part of our case he
23 is going to present and on what question the evidence
24 which he is going to submit to the Tribunal will bear.
25 It is half a page long and hardly can be described as

1 a second opening statement. In my opinion everything
2 he has said is not only admissible but necessary for
3 the clear understanding of the evidence he is going to
4 present. That is why I request that the Tribunal con-
5 sider the record of this part of the speech of Major
6 General Vasiliev and tell us whether in the opinion
7 of the Tribunal there is anything inadmissible.
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1 THE PRESIDENT: The Tribunal's concern is
2 to observe the Charter. We are not influenced by
3 the procedure in the courts of any of the countries
4 represented here where the procedure of those coun-
5 tries differs from that stated in the Charter. The
6 Charter says there shall be a concise opening state-
7 ment, and we insist that opening statements shall be
8 concise; and, further, that they shall be opening
9 statements, that is to say, a statement of the
10 evidence about to be adduced, and nothing beyond that
11 except a brief explanation of the point of the evi-
12 dence or the purpose of adducing it. We will carry
13 out our duty as indicated by the Charter. I can say
14 nothing more. That observation is made to both sides
15 on this. I ask for the cooperation of the prosecution
16 and of the defense in carrying out our duty. I did
17 propose to make some observations on what has occurred
18 in Germany in this matter, but we are not slavishly
19 bound by what took place there. We are not justified
20 in looking at what happened in Germany when our own
21 Charter is so clear.

22 General Vasiliev.

23 MR. SHIMANOUCHI: Counsel SHIMANOUCHI, for
24 the accused, OSHIMA.

25 I object to the tendering of prosecution

1 document No. 531. I have three reasons for my objec-
2 tion. My first reason, the certificate of source with
3 respect to this document is insufficient. There is a
4 certificate attached issued by the United States
5 prosecution, but this is nothing more than one certi-
6 fying his own document. Even if the United States
7 prosecution may be correct on the matter, it is very
8 doubtful whether the photographic copy, No. 2929, is
9 the same and identical as the document 531. My third
10 reason, it is unclear who and under what status made
11 the record of this conversation. These are my reasons
12 for the objection.

13 THE PRESIDENT: Minister Golunsky.

14 MR. GOLUNSKY: If the Tribunal please, the
15 document has already been admitted by the Tribunal, and
16 excerpts from it have been tendered in evidence by
17 Mr. Tavenner, exhibit 632-A. General Vasiliev was
18 about to quote a part which was not quoted by Mr. Taven-
19 ner.

20 MR. SHIMANOUCI: It has just been said that
21 document 531 has been admitted, but in my understanding
22 this document has not been admitted. I think that some
23 German telegram with respect to German Foreign Minister
24 Von Ribbentrop and OSHIMA was accepted, but not a
25 record of the talk between them.

1 THE PRESIDENT: The document, the excerpt is
2 admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 531 will receive exhibit No. 769.

5 (Whereupon, the above-mentioned
6 document was marked prosecution's exhibit
7 No. 769 and received in evidence.)

8 THE PRESIDENT: Mr. Chief Prosecutor.

9 MR. KEENAN: Mr. President, I respectfully
10 request the Court's permission to make an inquiry as
11 to its ruling because it pertains to another phase of
12 the case, and I might state what we consider to be the
13 culminating and most important phase of this entire
14 prosecution. If I understood the President correctly,
15 he stated that the opening statement should be strictly
16 confined to a recitation of the facts that were in-
17 tended to be tendered in evidence, or the evidence it-
18 self with that strict limitation. I am aware --

19 THE PRESIDENT: Mr. Keenan, before you go
20 further, you misapprehend what I said. I will not
21 repeat it; I will ask the shorthand writer to read what
22 I said.

23 MR. KEENAN: Mr. President, if I might be
24 permitted --

25 THE PRESIDENT: I do not want you to

1 misrepresent me. I want to correct immediately any
2 misrepresentation of what I said.

3 MR. KEENAN: Mr. President --

4 THE PRESIDENT: You go on and address me and
5 the Court on the assumption that I omitted to say
6 something which I said. I ask the shorthand writer
7 to read out what I said.

8 (Whereupon, the official court
9 reporter read the President's statement as
10 follows:)

11 "The Tribunal's concern is to observe the
12 Charter. We are not influenced by the procedure in
13 the courts of any of the countries represented here
14 where the procedure of those countries differs from
15 that stated in the Charter. The Charter says there
16 shall be a concise opening statement, and we insist
17 that opening statements shall be concise; and,
18 further, that they shall be opening statements, that
19 is to say, a statement of the evidence about to be
20 adduced, and nothing beyond that except a brief
21 explanation of the point of the evidence or the
22 purpose of adducing it. We will carry out our duty
23 as indicated by the Charter. I can say nothing more."

24 OFFICIAL COURT REPORTER: Shall I continue?

25 THE PRESIDENT: No, that is all I want read.

1 MR. KEENAN: May I proceed?

2 THE PRESIDENT: You may.

3 MR. KEENAN: I am asking the Court, in the
4 light of the statement which I have heard in toto
5 and thoroughly understand, if we may not in this
6 extensive trial, when we reach what we believe to be
7 the culminating point, refer to what we believe to
8 be the issue raised, briefly to present that to the
9 Court, and explain briefly the relation of the facts
10 which we intend to offer in evidence to the issues
11 as they exist and in accordance with the prosecution's
12 theory?

13 In other words, Mr. President, the prosecu-
14 tion believes that it would be helpful to the Court
15 at a given stage to succinctly bring before the Court
16 its theory of prosecution as it believes the issues
17 to be in existence at that time, and attempt briefly
18 to state how the facts it intends to produce, or the
19 evidence it intends to produce, fits into that
20 theory and to refrain from argument but merely to
21 relate it. We wish to know whether we have that
22 permission, or if that would be in violation of the
23 Court's instruction.

24 THE PRESIDENT: I said you could add an
25 explanation of the purpose of introducing the evidence.

1 I cannot limit the right more accurately than that,
2 and that is what I understand to be the meaning of
3 an opening statement.

4 General Vasiliev.

5 GENERAL VASILIEV: I shall quote in evidence
6 an excerpt from this talk in which the following words
7 of Ribbentrop were recorded, numbered 1 on the English
8 copies of the document distributed to the Court:

9 "Japan's friendship which enabled Germany
10 to arm after the anti-comintern pact was concluded.
11 On the other hand, Japan was able to penetrate deeply
12 into the English sphere of interest in China. Germany's
13 victory on the continent does now, after the conclusion
14 of the three-power pact, bring great advantage for
15 Japan."

16 I shall read another excerpt later on in
17 connection with some other problem in order to pre-
18 serve logical sequence. I respectfully call to the
19 Tribunal's attention that the telegram sent from
20 Tokyo to Berlin on May 4, 1939 and offered in evidence
21 (prosecution document No. 4043, exhibit No. 503) con-
22 tains the following statement of the defendant HIRA-
23 NUMA which he, as the then Prime Minister, addressed
24 to Hitler in connection with the negotiations concern-
25 ing the conclusion of the Tripartite Pact:

1 "....In this splendid hour it is a confirmed
2 joy to me to see how effective the Anti-Comintern
3 agreement between our two countries proves itself in
4 the execution of the tasks placed before them."

5 I present in evidence the telegram from
6 Chief of Staff of the Kwantung Army to the Vice-
7 Minister of War dated January 17, 1938 (No. 1) which
8 proves that after the conclusion of the Anti-Comin-
9 tern Pact a special air route was established between
10 Germany and Japan which was kept strictly secret.

11 The entire document No. 751 along with other
12 materials containing the same telegram has been pre-
13 sented for identification by Colonel Ivanov (exhibit
14 No. 719).

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 751-D will receive exhibit No. 770.

18 (Whereupon, the above-mentioned
19 document was marked prosecution's exhibit
20 No. 770 and received in evidence.)

21 GENERAL VASILIEV: I shall read an excerpt
22 from this telegram:

23 "Regarding air-line connections between
24 Japan and Germany general prohibition cannot be fully
25 expected, because the publication of newspaper accounts

1 is prohibited only as regards the negotiation itself
2 in spite of agreement that the absolute secret should
3 be strictly kept from other countries."

4 Now I shall pass over to showing that the
5 Anti-Comintern Pact was first of all directed against
6 the U. S. S. R.

7 The Anti-Comintern Pact has a secret agree-
8 ment appended to it which is directly aimed against
9 the U. S. S. R. The text of the agreement has been
10 presented to the Tribunal (exhibit No. 480).

11 I call it to the attention of the Tribunal
12 that the secret agreement provides that if one of
13 the parties is the object of an unprovoked attack
14 or an unprovoked threat of attack by the Union of
15 Soviet Socialist Republics the other High Contract-
16 ing State obligates itself.

17 Quote: "...not to carry out any measures
18 which would in their effect, be apt to relieve the
19 position of the Union of Soviet Socialist Republics."
20 (Article 1 of the Secret Agreement).

21 And in that case,

22 Quote: ".....The High Contracting States
23 will immediately consult which measures they will use
24 to preserve their common interests." (Article 1 of
25 the Secret Agreement).

1 The secret agreement provides for an unpro-
2 voked attack and threat of an unprovoked attack on
3 the part of the U. S. S. R. But I shall presently
4 submit to the Tribunal the documents showing how the
5 signatories of the Anti-Comintern Pact interpreted
6 the terms "aggressor" and "aggression."

7 In evidence thereof I present Ribbentrop's
8 telegram to the German Ambassador in Tokyo dated
9 July 10, 1941, prosecution document 707 -- sorry, a
10 mistake -- prosecution document 571. I ask the
11 permission of the Court to present group certifi-
12 cates attached to this document and other document
13 (document No. 2608).

14 THE PRESIDENT: Major Furness.

15 MR. FURNESS: If the Court please, I make the
16 same objection as to source. This comes from the
17 prosecution. We understand that if it is admitted
18 it is admitted conditionally on the production of a
19 proper certificate. In this case the source is the
20 prosecution's office here in this building, and it is,
21 therefore, even more objectionable than in the cases
22 in the prior part of this phase. I am sorry, sir.
23 I did not mean to misrepresent it, sir. It apparently
24 comes from the Chief of Counsel of the prosecution in
25 Germany, Nuernberg.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 571 will receive exhibit No. 771, and the certifi-
4 cate relative to a number of documents will receive
5 exhibit No. 772.

6 (Whereupon, the above-mentioned
7 documents were marked prosecution's exhibits
8 Nos. 771 and 772, respectively, and received
9 in evidence.)

10 THE PRESIDENT: We will adjourn now until
11 half past one.

12 (Whereupon, at 1200, a recess was
13 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at
1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

MR. SHIMANOUCHI: I am Counsel SHIMANOUCHI.
I have a point on which I must apologize to the Court.
With respect to prosecution document 531, exhibit
No. 732, the Russian prosecutor said that it had al-
ready been admitted by this Tribunal. As against this
statement I said that I believed that it had not yet
been admitted. During the noon recess I made a study
of the court record of October 3 and I have found that
my recollections were mistaken. Therefore, I beg to
apologize to this Tribunal.

THE PRESIDENT: General Vasiliev.

GENERAL VASILIEV: I quote an excerpt from a
telegram No. 707 numbered 1 in the copies of the docu-
ment, page 3 of the English text:

"I do not doubt for one moment that in the
case of an outbreak of hostilities between America
and Germany Japan will stand by her obligations result-
ing from the Tri-Partite Pact. Even today it can be
regarded as absolutely certain that America is the sole

1 aggressor."

2 Other excerpts from this telegram bearing
3 upon other issues will be read later on for the sake
4 of preserving logical sequence.

5 I shall present as evidence of a peculiar
6 distorted understanding of the term "aggression" a state-
7 ment made over the radio on December 11, 1943, by the
8 defendant SHIGEMITSU when he was Minister for Foreign
9 Affairs on the occasion of the second anniversary of
10 the Japanese-German-Italian military agreement. This
11 statement was published in a symposium of Official
12 Announcements Concerning Foreign Relations, eighteenth
13 year of Showa, 1943, which I simultaneously present
14 for identification, document No. 1217.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1217 will receive exhibit No. 773.

17 (Whereupon, the document above referred
18 to was marked prosecution's exhibit No. 773 for
19 identification only.)

20 THE PRESIDENT: The excerpt is admitted on the
21 usual terms.

22 CLERK OF THE COURT: And the excerpt therefrom,
23 bearing the same prosecution documentary number, will
24 receive exhibit No. 773A.

25 (Whereupon, the document above referred

1 to was marked prosecution's exhibit No. 773 A and
2 received in evidence.)

3 GENERAL VASILIEV: I quote the following
4 excerpt from this statement on page 5 of the English
5 text:

6 "America and Britain, in their resolve not to
7 permit Japan to exist as a great power, resorted political-
8 ly to their traditional policy of divide and rule and
9 economically straight to economic war by using as weapons
10 their monopoly of resources and their organized strength.
11 This War had been started by them long before Pearl
12 Harbor.

13 "During the past two years of the War, the
14 forces of aggression, thanks to the irresistible might
15 of our army and navy, have beendriven out for the most
16 part from the region of East Asia, although the task
17 still remains of sweeping them off clean from the entire
18 Asia."

19 Not long before the conclusion of the Anti-
20 Comintern Pact, namely, on August 7, 1936, was held a
21 conference of four ministers, Prime Minister, Foreign
22 Minister, War and Navy Ministers.

23 I shall present in evidence an excerpt from
24 the decision on Japanese foreign policy taken at this
25 conference, as evidence of the Anti-Comintern Pact

1 having been directed against the U.S.S.R. which was
2 determined by general attitude of Japan toward the
3 U.S.S.R. at that time. The entire document, No. 1857,
4 has already been presented for identification by
5 Colonel Ivanov, exhibit No. 704. Therefore, if your
6 Honor please, I confine myself to quoting this excerpt
7 which should not receive a separate exhibit number.

8 I quote item 4, last paragraph on page 4:

9 "The developments in the European political
10 situation have a great influence on the East Asia, and
11 so Japan must exert every effort in bringing European
12 powers to its advantage, especially in restraining the
13 Soviet Union."

14 General policy of Japan in that period as
15 regards the Soviet Union may be well characterized
16 by the letter of the defendant SHIRATORI to ARITA
17 dated November 4, 1935. The entire letter, together
18 with another letter dated November 12, 1935, is
19 presented for identification and the excerpts there-
20 from are offered in evidence, document No. 2419A.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2419A will receive exhibit No. 774 for identification.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 774 for
25 identification only.)

1 MR. NARITOMI: I have been standing at this
2 lectern while the Soviet prosecutor was presenting
3 document 2419A to which I wish to raise an objection.
4 I should like to look at the original of this document.

5 THE PRESIDENT: It hasn't been tendered except
6 for identification but an excerpt is tendered but not
7 yet accepted.

8 MR. NARITOMI: I should now like to present
9 my objection, sir. I have three grounds for my objec-
10 tion.

11 The first ground of my objection is that
12 the original document submitted to this Court has no
13 relation whatsoever to the real document and is not
14 in SHIRATORI's own handwriting. The original docu-
15 ment tendered before this Tribunal is written on paper
16 bearing the marks of the National Policy Investigation
17 Association. According to witness YATSUGI, Kazuo,
18 who appeared at this Tribunal on the ninth of October,
19 the National Policy Investigation Association, accord-
20 ing to this witness, was established in 1937. This
21 information is to be found on page 6359 of the English
22 record of the proceedings of this Tribunal. But the
23 year in which it is to be found in this document is
24 November of the tenth year of Showa, 1935. Hence,
25 there is an inconsistency that this letter was written

1 on the letter paper of the National Policy estigation
2 Association two years before the establishment of the
3 association. Therefore, it is clear from the document
4 itself that this is not in SHIRATORI's handwriting.
5 Therefore, there is no certificate certifying to the
6 effect that the handwriting on this document and the
7 handwriting on the docuemtn bearing the inscription or
8 the imprint of the National Policy Association tendered
9 in evidence is consistent. Therefore, the first ground
10 for my objection is that there is no relevancy to the
11 point that the original is written in SHIRATORI's own
12 handwriting.

13 According to the attached certificate, it is
14 said that the document was obtained from the Japanese
15 Government. That is my second ground. If it is the
16 case that the prosecution has misunderstood the National
17 Policy Investigation Association is identical with the
18 Japanese Government, then I would refer to the steno-
19 graphic record of this trial on the date of 9 October
20 giving the testimony of YATSUGI, Kazuo, who declared
21 before this Tribunal that the National Policy Investi-
22 gation Association was a private research organization,
23 and his testimony is to be found on page 7374.

24 My third ground is as follows: that the
25 addressee in the Japanese is written ARITA, Taikēi,

1 which is rendered in English as just Mr. ARITA. In
2 Japanese the term "Taikai" is used only in case of an
3 intimate relationship between the addressor and the
4 addressee of letters and should be considered as mean-
5 ing "brother" or some such friendly term. If exhibit
6 No. 125, Personnel Records, are referred to, it is
7 clear that SHIRATORI was Minister to Sweden in 1935
8 and at that time ARITA was Ambassador to Belgium. The
9 letter in question, having been exchanged between
10 friends, it is difficult to understand how such a
11 letter could be found in the possession of the Japanese
12 Government and, therefore, it is difficult to under-
13 stand why it can be said that this was obtained from
14 the Japanese government.

15 The three grounds which I have already given
16 are my reasons for objecting to the tendering of the
17 document unless the original handwriting or a photo-
18 static copy thereof is tendered as evidence, or, if
19 a copy of the original document, then a certificate
20 authenticating the relevancy of this particular hand-
21 writing.

22 THE PRESIDENT: The learned counsel has not
23 disclosed a single ground for the rejection of the
24 document, although he has discussed it at great length.
25 The matters which he has mentioned may well be given

1 in evidence by the defense and may lead the Court, if
2 they are established, to reject the document. The
3 objection is overruled.

4 Counsel must express their objections in much
5 briefer terms.

6 The document is admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2419A will receive exhibit No. 774A.

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 774A and
11 received in evidence.)
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1 DR. KIYOSE: May I further explain the point
2 raised by counsel NARITOMI just before me?

3 The certificate attached to this document says
4 that it was obtained from the Japanese Government, and
5 the fact that the National Policy Research Association
6 has been identified with the Japanese Government is a
7 gross mistake.

8 THE PRESIDENT: There is no need, I cannot
9 allow you, to attempt to reopen the decision. That
10 would not be a ground for rejection of the document.

11 DR. KIYOSE: This is not an objection,
12 Mr. President.

13 THE PRESIDENT: There is no need to explain
14 anything upon which we have already given a decision.
15 You are out of order; I won't hear you further.

16 General Vasiliev, proceed.

17 GENERAL VASILIEV: Before reading the excerpts
18 I call it to the Tribunal's attention that Mr. Tavenner
19 has presented a number of documents proving that in
20 those days the Japanese army circles were aggressive
21 toward the U.S.S.R. The letter of SHIRATORI to ARITA
22 presented by me proves that aggressive aspirations of
23 the same kind existed among high officials of the
24 Japanese Foreign Ministry as well.

25 I shall quote a few excerpts from this letter

1 on page 6 of the English text.

2 "What is most desirous for Soviet Russia at
3 present, is to have peaceful and amicable relationships
4 with the foreign powers. Therefore, countries which
5 border Soviet Russia and who have any pending affairs
6 that need be settled sooner or later with her, should
7 never idle away this opportune time of today. At
8 present there is no country on this earth except Russia
9 that can become a real menace to Japan."

10 I omit a few lines.

11 "Fate have that the Slavs and the Yamato race
12 must eventually fight each other for supremacy on the
13 Asiatic continent. The question is not of the temporary
14 change to be made in the state of affairs or the form of
15 government in Soviet Russia. Thus taking a far-sighted
16 view, I believe that adoption of a policy for an
17 instantaneous removal of future calamity at this stage
18 when they are comparatively impotent is a fact which
19 should never be neglected by those who bear concern for
20 the welfare of the people and nation. I am not saying
21 that we should unreasonably force a war against Soviet
22 Russia now. I am only saying that we should start
23 negotiations with her with resolutions, not refusing
24 war if it is inevitable, to shut her out completely
25 from advancing into East Asia.

1 "Firstly, Russia should give up entirely her
2 activities of Bolshevization in East Asia; abolish
3 military armaments in VLADIVOSTOCK, etc.; complete
4 withdrawal of her troops from OUTER MONGOLIA and
5 HSINCHIANG, not stationing a single soldier in the
6 area of LAKE BAIKAL; -- these shall be our minimum
7 demands, and others, not to speak of the problems rela-
8 tive to fishing and the rights and interests regarding
9 forestry. Problems regarding transfer of the northern
10 half of SAGHALIEN at moderate prices are also included.
11 In the future, purchase of the MARITIME PROVINCE OF
12 SIBERIA must also be considered. These demands
13 should be made with firm determination. There would be
14 no possibility of success if we negotiate with such a
15 generous attitude as was done at the negotiation on
16 the purchase of the North Manchuria Railway.

17 "Now that we have already made up our determi-
18 nation of not refusing war if inevitable, diplomatic
19 measures relative to this should be treated as early
20 as possible. Since the relationship of Germany and
21 Poland with Russia are in a same position as ours, there
22 is no need for us to try and specifically weave under-
23 standing with them. Once the war breaks out they will
24 surely rise on our side. The only trouble is England."

25 I continue to quote on page 10.

1 "(In short, at this time I keenly feel the
2 necessity of the cabinet decision regarding the great
3 object of the empire's diplomacy. I believe this
4 object to be a drastic liquidation of relations with
5 SOVIET RUSSIA. All diplomatic activities should be
6 concentrated on this object. I believe that the CHINA
7 problem and the disarmament problem are secondary con-
8 siderations compared to this great object. The reforma-
9 tion of various internal affairs should also be limited
10 within this phase and in line with Item 1. With this
11 great problem in mind, internal and foreign relations
12 should be adjusted for the time being and the trend of
13 public opinion can be settled and the uneasiness can
14 be swept away. Moreover, it is necessary that the
15 liquidation of relations with SOVIET RUSSIA be thorough-
16 going in order to sweep away the uneasiness not only
17 for the present but to be rid of the fears and worries
18 from the northwest forever. Therefore, it is natural
19 that war may be unavoidable. It is needless to say
20 that a diplomat should not talk rashly about such
21 matters but I believe that if we miss this opportunity
22 today, we will never have another opportunity to oust
23 the Slav peril forever.) If we execute this today,
24 I firmly believe that we can accomplish it thoroughly
25 with minimum sacrifice and with least fear of

1 interference by third parties.

2 "First, if SOVIET RUSSIA advances at the
3 present pace, it will not take ten years before she
4 will become a very powerful country which we will not be
5 able to touch."

6 I continue to quote on page 11.

7 "(Second, her weakness is said to lie in the
8 manpower requisites, but Russians before the revolution
9 have gradually died out and have been replaced by
10 those) blind (Russians who have been inspired with
11 communism from the kindergartens and do not know the
12 existence of any other civilization. As time goes by,
13 she will become so powerful in manpower also that we
14 will not be able to overtake her.

15 "Third, in order to eliminate the menace of
16 RUSSIA forever, it is necessary to make her a powerless
17 capitalistic republic and to rigidly control her natural
18 resources. However, when the foundation of the Commu-
19 nist Government becomes firm, the anti-revolution move-
20 ment will not easily succeed even if she should be
21 defeated in a war with a foreign country. At present,
22 the chances are good.)"

23 MR. NARITOMI: Among the excerpts just read
24 by the Russian prosecution, there is on page 7 of
25 the English text, page 11 of the Japanese text, a

1 passage saying, "The only trouble is England." I
2 think **it** proper that this should be rendered, "The
3 only issue is England."

4 In addition to that, there are other passages
5 which are similar to the one I referred to, for
6 instance, the use of the word "ARITA Taikei," which
7 is rendered into "Mr. ARITA" instead of "Brother ARITA,"
8 other passages which are improperly translated. I
9 should like to take this matter up with the Language
10 Arbitration Board later.

11 THE PRESIDENT: You are at liberty to do that
12 without approaching the lectern. We will refer the
13 matters to the Language Section.

14 General Vasiliev.

15 GENERAL VASILIEV: For the sake of preserving
16 logical sequence, I must call it to the Tribunal's
17 attention that as is shown in the telegram of Ott,
18 German Ambassador to Japan, dated August 25, 1939,
19 No. 363, prosecution document No. 1381, exhibit
20 No. 486M, which has already been presented by
21 Mr. Tavenner, the Japanese Government headed by the
22 defendant HIRANUMA filed a protest with Germany for her
23 having concluded the Pact of Non-Aggression with the
24 U.S.S.R. and broke off the negotiations that were being
25 conducted concerning the conclusion of a military

1 alliance between Japan and Germany, giving as its
2 reason that the Pact of Non-Aggression between Germany
3 and the U.S.S.R. violated the secret agreement appended
4 to the Anti-Comintern Pact.

5 The evidence presented by me will later on
6 show that Germany's actions of concluding the Non-
7 Aggression Pact with the U.S.S.R. were quite misunder-
8 stood by Japan. At present in order to emphasize that
9 by this protest the Japanese Government admitted that
10 the Anti-Comintern Pact was directed against the
11 U.S.S.R., I shall present an excerpt from the entry
12 of the defendant KIDO's Diary, dated August 22, 1939,
13 document No. 1632-BB(1).

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1632-BB(1) will receive exhibit No. 775.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 775, and was received in evidence.)
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1 GENERAL VASILIEV: I quote an excerpt:

2 "9:00 a.m. - Had interview with the Vice-
3 Minister, the Chief of the Metropolitan Police, and
4 the Director of the Police Bureau. There was a report
5 that a Non-Aggression Pact has been concluded between
6 Germany and Soviet Russia. Was astonished at this
7 extremely treacherous act considering the existence
8 of the Anti-Comintern Pact and Secret Pact."

9 I present for identification the minutes of
10 interrogation of the defendant OSHIMA, dated April 22,
11 1946, document No. 4121.

12 I offer in evidence a few excerpts from the
13 minutes of interrogation.

14 CLERK OF THE COURT: Prosecution's document
15 No. 4121 will receive exhibit No. 776 for identifi-
16 cation.

17 (Whereupon, the document above
18 mentioned was marked prosecution's exhibit
19 No. 776 for identification.)

20 THE PRESIDENT: The excerpts are admitted
21 on the usual terms.

22 CLERK OF THE COURT: And the excerpt there-
23 from, bearing the same prosecution documentary number,
24 will receive exhibit No. 766-A.

25 (Whereupon, the document above

1 mentioned was marked prosecution's exhibit
2 No. 766-A and received in evidence.)

3 GENERAL VASILIEV:

4 I quote one of the excerpts dealing with
5 the purpose of the conclusion of the Anti-Comintern
6 Pact. This excerpt is numbered 1 in the copies sub-
7 mitted to the Tribunal:

8 "Q What was the basic aim of Germany and
9 Japan when they concluded the anti-Comintern Pact?

10 "A The Basic aim of Germany and Japan when
11 they concluded the anti-Comintern Pact was to arrest
12 the growth of communism.

13 "Q Specifically against what countries was this
14 Pact directed?

15 "A When this pact was concluded Russia was
16 meant in the first place. Moreover the Pact provided
17 for the prevention of the spread of communist influ-
18 ence in other countries as well.

19 "Q Usually such Pacts are concluded not against
20 ideas, but against a definite country. Are we correct
21 if we say that the anti-Comintern Pact was directed
22 against the Soviet Union?

23 "A The anti-Comintern Pact as a whole was not
24 directed specifically against Russia. It was directed
25 against communism in general. However it followed

1 from the Pact that in case of Russo-German war
2 Japan should not aid Russia, and also that Germany
3 should not aid Russia in case of a Russo-Japanese
4 war."

5 The other excerpts from the minutes of interrog-
6 ation of OSHIMA, for the sake of preserving logical
7 sequence, will be read later on in connection with
8 other issues.

9 If the Tribunal please, in conclusion to this
10 part of my statement I shall mention some of the
11 most important generally known events which took
12 place when the Anti-Comintern Pact was in action
13 prior to the conclusion of the Tripartite Pact. The
14 mention of these events in my statement is necessary
15 as they characterize the growth of prerequisites for
16 aggression and the first steps of real aggression
17 against the USSR on the part of Germany and Japan as
18 participants of the Anti-Comintern Pact. Following
19 the example of my American colleagues I shall use the
20 book "Events Leading up to World War II," chronologi-
21 cal history, 1937-1944, official publication of the
22 United States Government Printing Office, Washington,
23 1945 (Dec. No. 223):
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1 I call these facts to the attention of the
2 Tribunal. Correction: I ask the Tribunal to take
3 judicial notice of these facts.

4 July 1937: The beginning of the Japanese
5 large-scale aggression in China. (p. 124, entries of
6 7, 8 July and subsequent days of July)

7 December 1937: The Japanese attacks on the
8 British and American ships on the Yangtze River. (p.
9 139, entry of December 12, 1937)

10 February 1938: The recognition of Manchukuo
11 by Hitlerite Germany and Hitler's congratulations to
12 Japan on her victory in Manchuria. (p. 145, entry of
13 February 20)

14 March 1938: The seizure of Austria by Germany.
15 (p. 147, entry of March 13 and subsequent days)

16 October 1938: German occupation of the Sude-
17 tan region in Czechoslovakia. (p. 167, entry of
18 October 10)

19 March 1939: The seizure of Czechoslovakia by
20 Germany. (p. 180, entry of March 16 and subsequent days)

21 September 1939: German attack on Poland.
22 (p. 210, entry of September 1 and subsequent days)

23 Besides these I shall mention two more signi-
24 ficant dates of this period on which evidence has al-
25 ready been presented by my colleague General Tadevasyan:

1 July 1938: The Japanese aggression against
2 the USSR on the Lake Hassan.

3 May-September 1939: The Japanese aggression
4 against the Mongolian People's Republic and the USSR
5 on the Khalkin-Gol river.
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1 MR. FURNESS: May I ask what the prosecutor
2 is quoting from?

3 THE PRESIDENT: He is asking us to take
4 judicial notice of certain events. It is immaterial
5 what he quotes from.

6 MR. FURNESS: He is giving page numbers, and
7 we would like to know what book it is. We would also
8 like to have notice of motions of this type so that
9 we could be prepared for them. I object specifically
10 to any taking of judicial notice of Japanese aggres-
11 sion in the region of Lake Khasan which is one of the
12 issues before this Court.

13 THE PRESIDENT: Is that the only one you
14 object to, Major Furness?

15 MR. FURNESS: No. I object to them all.

16 THE PRESIDENT: Some of them cannot be
17 objected to, such as the seizure of Austria, the war
18 against Poland. Those things cannot be objected to
19 reasonably; but others, of course, are debatable.

20 These matters were, up until now, satisfac-
21 torily arranged in Chambers before me. If my memory
22 serves me rightly, there was an agreement on a large
23 number of these matters in Chambers, and an Order
24 was made.

25 MR. FURNESS: You asked me which we object

1 to. A series goes in. I cannot, offhand, first
2 notice of this, remember exactly which those events
3 are, and which I object to. Also, they are not just
4 events; they are characterized as they are stated.

5 THE PRESIDENT: Mr. Logan.

6 MR. LOGAN: If the Tribunal please, I do
7 not believe this phase of the case asked or made any
8 motion in Chambers with respect to the Court taking
9 judicial notice of any matters. It was the preced-
10 ing phase that did that. But, you see, here the
11 prosecution were afraid to go a little further in
12 asking the Court to take judicial notice of
13 matters -- for example, the first one they quoted
14 here, they said something about a wholesale invasion
15 by Japan of China. Now, that is characterization
16 which does not come under judicial notice.

17 THE PRESIDENT: I said some were debatable,
18 but others were not.

19 MR. LOGAN: The last two that the prosecu-
20 tion mentioned, about the two incidents --

21 (Whereupon, a discussion was had
22 off the record.)

23 MR. GOLUNSKY: I just want to make clear to
24 the Tribunal that the prosecution did not ask the
25 Tribunal to take judicial notice of the events near

1 Lake Khasan and Khalkhin-Gol River.

2 MR. LOGAN: As a practical suggestion, your
3 Honor, maybe we can take the record and agree on it
4 and submit a revised list tomorrow.

5 MR. GOLUNSKY: All right.

6 THE PRESIDENT: Pending your agreement, if
7 you can reach one, we will not take judicial notice
8 of any of those matters. If you fail to agree, we
9 will decide.

10 General Vasiliev.

11 GENERAL VASILIEV: Now I shall present evi-
12 dence showing that the Tripartite Pact which finally
13 embodied the conspiracy of Japan, Germany and Italy
14 as a military-political alliance of these aggressors
15 against democratic countries was also directed against
16 the Soviet Union.

17 I shall offer in evidence a few documents proving
18 that the participants of the Tripartite Pact even in
19 their public speeches made no secret of the fact that
20 the conclusion of that Pact divided the world into
21 two camps between which war would inevitably be waged.

22 To prove this I shall present in evidence
23 the text of the speech made by Foreign Minister
24 MATSUOKA over the radio on the very day of the con-
25 clusion of the Pact (September 27, 1940). Doc. No.823.

1 This speech can be found in the symposium of official
2 announcements of the Ministry for Foreign Affairs,
3 1940, which I simultaneously present for identifi-
4 cation.

1 CLERK OF THE COURT: Prosecution's document
2 No. 823 will receive exhibit No. 777 for identifi-
3 cation.

4 (Whereupon, the document above
5 mentioned was marked prosecution's exhibit
6 No. 777 for identification.)

7 THE PRESIDENT: Document No. 823 is admitted
8 on the usual terms.

9 CLERK OF THE COURT: The excerpt therefrom
10 will receive exhibit No. 777-A.

11 (Whereupon, the document above
12 mentioned was marked prosecution's exhibit
13 No. 777-A and received in evidence.)

14 GENERAL VASILIEV: I quote an excerpt from
15 the speech on page 2 of the English text:

16 "With the conclusion of this treaty, Japan's
17 responsibilities as leader of the new order in Greater
18 East Asia becomes even greater than before. Although
19 it is the intention of the Japanese Government to
20 fulfill these responsibilities always by peaceful
21 means, there is no telling whether there might not
22 arise occasions and circumstances calling for a momen-
23 tous decision on the part of our nation. Our future
24 is beset with countless obstacles and difficulties,
25 which, it must be fully realized, no ordinary effort
will be sufficient to surmount."

1 To further prove, I shall present in evi-
2 dence the text of the statement of the defendant TOJO,
3 the then Prime Minister, on the occasion of the dec-
4 laration of war by Germany and Italy on the U.S.A.
5 and of the conclusion by Japan of the military agree-
6 ment with Germany and Italy. This statement was pub-
7 lished in the newspaper Asahi on December 12, 1941,
8 document No. 2462.

9 (Whereupon, Mr. Blewett approached
10 the lectern and began to speak.)

11 GENERAL VASILIEV: (Continuing) I have pre-
12 sented to the Tribunal in evidence Ribbentrop's tele-
13 gram to the German Ambassador in Tokyo, dated July
14 10, 1941.

15 THE PRESIDENT: Now, wait a minute, Mr.
16 Blewett. I want to hear all that is said. I can-
17 not listen to two people at once. I have to hear
18 every word that is said. I cannot listen to two
19 people at once. I will give you an indication when
20 you may talk. You are always in time. I will see
21 to that.

22 Mr. Blewett.

23 MR. BLEWETT: If your Honor please, I object
24 to the introduction of the last document. It seems
25 to be an excerpt from a newspaper. A search of the

1 record does not reveal that the prosecution has asked
2 the Tribunal in accordance with the rules of proced-
3 ure for the introduction of this document, this
4 apparently being an excerpt from a newspaper or other
5 publication.

6 THE PRESIDENT: Minister Golunsky.

7 MR. GOLUNSKY: I cannot tell now precisely
8 whether this document was included in our application
9 about the rule 6b(1). But I call the attention of
10 the Tribunal to the fact that the whole text of
11 TOJO'S statement has been translated and processed,
12 and the newspaper from which it has been translated
13 is in evidence with the Clerk of the Tribunal.

14 THE PRESIDENT: Well, until we are satisfied
15 that rule 6b(1) has been complied with, we cannot re-
16 ceive the document. The document is not admitted.
17 The excerpt is not admitted.

18 GENERAL VASILIEV: I pass over to the next
19 document.

20 I have presented to the Tribunal in evidence
21 Ribbentrop's telegram to the German Ambassador in
22 Tokyo, dated July 10, 1941, prosecution document No.
23 571,
24
25

1 I shall quote an excerpt from this telegram
2 showing how the participants of the Tri-Partite
3 Pact considered its wide international application
4 as an instrument of aggression. (This excerpt is
5 numbered 2 in the copies of the document on page 3
6 of the English text).

7 I quote: "With the collapse of Russia
8 the position of the Tri-Partite powers in the world
9 will be so gigantic that the question of the collapse
10 of England, that is, the absolute annihilation of
11 the British Isles, will be only a question of time.
12 The occupation of those of the remaining positions
13 of the British Empire important to the Tri-Partite
14 Powers will then be faced by an America completely
15 cut off from all the rest of the world."

16 Concerning the character of the Tri-
17 Partite Pact as an instrument of aggression, I
18 shall present for identification a record of
19 Ribbentrop's talk with OSHIMA on June 24, 1942,
20 document No. 1372-A.

21 I shall present in evidence excerpts from
22 this record.

23 CLERK OF THE COURT: Prosecution's document
24 No. 1372-A will received exhibit No. 778.

25 (Whereupon, the document above

1 mentioned was marked prosecution's exhibit
2 No. 778 for identification.)

3 THE PRESIDENT: This is admitted on the
4 usual terms.

5 CLERK OF THE COURT: And the excerpt there-
6 from will receive exhibit No. 778-A.

7 (Whereupon, the document above
8 mentioned was marked prosecution's exhibit
9 No. 778-A and received in evidence.)

10 GENERAL VASILIEV: I quote Ribbentrop's
11 words. (This excerpt is numbered 1 in the copies
12 of the document.)

13 "It was the strength of the Tri-partite
14 powers that they had proceeded on the offensive from
15 the outset, never waging a defensive war as England
16 has done thus far.

17 "Ambassador OSHIMA stated that he agreed to
18 what the German Foreign Minister had said in every
19 respect and asked him to be convinced that neither
20 he nor his government believed in conducting the war
21 defensively but that victory could only be secured
22 through further attacks."

23 For the sake of preserving logical sequence,
24 the second excerpt will be read later on in connect-
25 ion with some other issue.

1 I present a document showing that the
2 aggressors, to justify their actions if they did not
3 arise out of the contents of the Tri-partite Pact,
4 referred to the "spirit" of the Pact while realizing
5 their plans.

6 This document is an excerpt from the minutes
7 of the Imperial Conference on July 2, 1941 (document
8 No. 1652). It will be noted that the excerpts from
9 the minutes were presented by Mr. Tavenner and re-
10 ceived (exhibit No. 588).

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 1652 will receive exhibit No. 779.

15 (Whereupon, the document above
16 mentioned was marked prosecution's exhibit
17 No. 779 and received in evidence.)

18 GENERAL VASILIEV: I quote an excerpt from
19 the minutes (item "c," Section II on page 2 of the
20 English text):

21 "c. Though the spirit of the Tri-partite Axis
22 will form the keynote of our attitude toward the
23 German-Soviet War, we shall not intervene for a
24 while, but take voluntary measures by secretly pre-
25 paring arms against the Soviet Union."

1 For the sake of preserving logical sequence,
2 another part of this excerpt will be read later on.

3 I shall pass over to presenting evidence
4 proving that the Tri-partite Pact was also directed
5 against the USSR.

6 In order to make it more convenient for the
7 Tribunal to follow the documents presented by me in
8 dealing with that issue, I shall divide the presenta-
9 tion of documents in accordance with two periods of
10 the negotiations concerning the conclusion of the
11 Tri-partite Pact. The first period -- prior to the
12 conclusion of the Non-aggression Pact between the
13 USSR and Germany (August 1939), when, as I am going
14 to show by presenting documentary evidence, the
15 Japanese Government made no secret of the fact that
16 the Tri-partite Pact must first of all be directed
17 against the USSR. The second period, up to the time
18 of the actual conclusion of the Pact (September 1940),
19 when, as I am going to show by presenting documentary
20 evidence, the Pact as a matter of fact, continued in
21 full measure to be directed against the USSR as well
22 as against other democratic countries but that was
23 camouflaged due to the considerations of the moment.

24 THE PRESIDENT: Mr. Cunningham.

25 (To the Russian interpreter) Finish what the

1 prosecutor said before I addressed Mr. Cunningham.

2 (No response).

3 Mr. Cunningham.

4 RUSSIAN INTERPRETER: To show that in the
5 first of these periods, according to the opinion of
6 the Japanese Government, the forthcoming Tri-partite
7 Pact must be directed against the USSR, I shall pre-
8 sent in evidence a telegram sent from Tokyo to Berlin
9 by Ott, German Ambassador to Japan, on March 23, 1939,
10 No. 121 (document No. 4043-E).

11 THE PRESIDENT: You are ahead of him. The
12 Russian prosecutor did not make that last observa-
13 tion, if I recollect.

14 RUSSIAN INTERPRETER: Correction, please:
15 The Russian prosecutor did not make that last state-
16 ment.

17 THE PRESIDENT: Mr. Cunningham.

18 MR. CUNNINGHAM: If the Tribunal please, I
19 would like to object to any further evidence on the
20 part of the Russian phase of the prosecution on the
21 question of the Tri-partite Pact except as it re-
22 lates particularly and peculiarly to the Russian
23 phase of the case, first. Second, many of these
24 documents and much of the comment of the prosecu-
25 tion is cumulative, is repetitious, and is cluttering

1 up the record. Third, the one phase of the case has
2 already been devoted to that particular subject, and
3 that matter is closed, and it seems as though the
4 record on that subject should be closed.

5 MR. GOLUNSKY: If the Tribunal please,
6 there was a special agreement between the Soviet
7 section of the prosecution and Mr. Tavenner's sec-
8 tion that Mr. Tavenner, in his presentation, would
9 avoid presenting the evidence specifically relating
10 to the relations between the Soviet Union and the
11 Axis Powers. And the Soviet Union being one of the
12 principal victims of the conspiracy, we certainly
13 claim our right to present evidence to this Tri-
14 bunal on the subject of this conspiracy.

15 As to the evidence being cumulative, that
16 is for the Tribunal to judge when the evidence be-
17 comes cumulative.

18 THE PRESIDENT: The Court is not bound, of
19 course, by agreements between different sections of
20 the prosecution. In fact, we will ignore such
21 agreements except in so far as they are consistent
22 with the proper presentation of the prosecution's
23 case. We cannot say the agreement is inconsistent
24 with the proper presentation of the prosecution's
25 case.

1 The objections are overruled.

2 We will recess now for fifteen minutes.

3 (Whereupon, at 1445, a recess was
4 taken until 1500, after which the proceed-
5 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: General Vasiliev.

4 GENERAL VASILIEV: To show that in the
5 first of these periods, according to the opinion of
6 the Japanese Government, the forthcoming Tripartite
7 Pact must be directed against the U.S.S.R., I shall
8 present in evidence a telegram sent from Tokyo to
9 Berlin by Ott, German Ambassador to Japan, on March
10 23, 1931, No. 121, document No. 4043-E.

11 THE PRESIDENT: 1939, is it not? Yes, 1939.
12 Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 4043-E will receive exhibit No. 780.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 780 and was received in evidence.)

18 GENERAL VASILIEV: I quote an excerpt from
19 the telegram:
20

21 "I hear from well informed Japanese
22 press source that the Japanese conference of the
23 five ministers under the presidency of the Prime
24 Minister had decided at two o'clock tonight after a
25 discussion lasting several hours, to take up diplo-
matic negotiations with Germany for the purpose of

concluding a military treaty directed against Russia. Parts of the Army advocated a further military treaty also against third powers. The same was demanded by the Italian Government. The Navy had recommended limitation on Russia."

There is the following entry concerning the question that interests us in Ciano's diary dated March 8, 1939, that has already been presented in evidence in another phase of the trial, prosecution document No. 1418, exhibit No. 499. I respectfully remind the Tribunal that this entry runs as follows:

"I see the Japanese Ambassador. He confirms what Attolico wrote concerning the Japanese reply on the Tripartite Alliance. Many reservations and the intention of regarding the Pact as exclusively anti-Russian."

I shall present as evidence characterizing the policy conducted by the then Prime Minister HIRANUMA toward the U.S.S.R. an excerpt from KIDO's Diary, an entry dated June 21, 1941, concerning the circumstances in which HIRANUMA resigned the post of the Prime Minister, document No. 1632-W-54.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 1632-W-54 will receive exhibit No. 781.

(Whereupon, the document above
referred to was marked prosecution's exhibit
No. 781 and was received in evidence.)

GENERAL VASILIEV: I quote an excerpt:

"In the case of the HIRANUMA Cabinet, the
Premier, who had emphasized to the Emperor the neces-
sity of a national policy to look upon the Soviet
Russia as our hypothetical enemy, could not help keenly
feeling the responsibility because this hypothetical
enemy, Soviet Russia, had concluded a treaty with
Germany."

I shall present in evidence a letter from
the Japanese embassy in Berlin to the German Minister
of Foreign Affairs dated August 26, 1939, containing
a protest against the conclusion by Germany of the
Non-aggression Pact with the Soviet Union, document
No. 4050-B.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document
No. 4050-B will receive exhibit No. 782.

(Whereupon, the document above referred
to was marked prosecution's exhibit No. 782 and
was received in evidence.)

GENERAL VASILIEV: I shall read the document:

"The Japanese Embassy has the honor to inform

1 the Foreign Office, by order of the Japanese govern-
2 ment, of the views of the latter in regard to the
3 recently concluded pact of non-aggression and con-
4 sultation between the German government and the
5 government of the Union of Socialist Soviet Republics,
6 as follows:

7 "The Japanese Government regards the pact
8 of non-aggression and consultation recently concluded
9 between the German Government and the Government of
10 the Union of Socialist Soviet Republics as running
11 counter to the secret appended agreement to the
12 Agreement against the Communist International."

13 To show that in that stage of the realization
14 by Germany of her aggressive plans in Europe it was
15 advantageous for her to conclude the Pact of Non-
16 aggression with the U.S.S.R., which she could immed-
17 iately put aside as soon as according to the opinion
18 of the Hitlerite clique the pact would hinder the
19 next stage of aggression, and that Japan was well
20 aware of that, we have two documents. The first
21 document -- Proceedings of the Privy Council, July 3,
22 1941, in which is recorded MATSUOKA's statement con-
23 cerning the ratification of the Franco-Japanese
24 Protocol, document No. 1077. This protocol was pre-
25 sented to the Tribunal in the course of the previous

1 phase and received exhibit No. 637. Therefore, if
2 your Honor please, I confine myself to quoting this
3 excerpt which should not receive its separate exhibit
4 number.

5 I quote MATSUOKA's statement, page 3 of the
6 English text, second paragraph from the end:

7 "Two years ago Germany, facing the imminent
8 crisis of a war with Britain, concluded a treaty with
9 the Soviet Union as a temporary expedient lest the
10 latter should be won over to Britain's side. At that
11 time Germany explicated to Japan that this was an un-
12 avoidable disposition, and explained that her real
13 intention was to detest and suppress, when opportunity
14 presented itself, not only the Soviet Union's aggres-
15 sive principle, but also the ideology embraced by
16 the country. It seemed that the Soviet Union also
17 knew the circumstance very well and planned to strike
18 Germany after waiting for a favorable time. The reasons
19 for starting the war have been published by both govern-
20 ments, but, after all, the Non-Aggression Treaty be-
21 tween Germany and the Soviet Union was but a temporary
22 expedient to both of them."
23

24 The second document dealing with the same
25 issue is an excerpt from the record of Ribbentrop's
talk with MATSUOKA on March 27, 1941, document No. 4005-B.

1 It will be noted that the other excerpts from the
2 same document were presented to the Tribunal in the
3 other phase of the trial and received exhibit No. 578.

4 THE PRESIDENT: Mr. Cunningham.

5 MR. CUNNINGHAM: If the Tribunal please,
6 I do not remember the Court ruling on the last objec-
7 tion I made concerning the repetitious evidence on
8 this Tripartite Pact in German-Japanese relations.

9 THE PRESIDENT: I said the objections were
10 overruled.

11 MR. CUNNINGHAM: I want to further object
12 for the reason that this last document did not have
13 one reference to the relations of Japan and Russia
14 but only those of Japan and Germany and this was all
15 covered in the collaboration between Japan and Ger-
16 many phase of the case. Most of these documents are
17 the same documents that we looked at in that phase of
18 the case and the prosecution is repeating itself here.

19 THE PRESIDENT: This is a necessary result
20 of allowing the case of the prosecution to be presented
21 in phases. To present each phase, and in a manner
22 intelligible to the Tribunal, it is necessary to repeat
23 some of the evidence; rather, I should say, to recall
24 the Court's attention to some of the evidence. The
25 objection is overruled.

1
2 Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's
4 document No. 5005 -- correction, No. 4005-B will
5 receive exhibit No. 783.

6 (Whereupon, the document above
7 referred to was marked prosecution's
8 exhibit No. 783 and was received in
9 evidence.)

10 GENERAL VASILIEV: I quote a passage
11 numbered 1 from the excerpt presented by me in
12 evidence, page 2 of the English text:

13 "Germany has concluded her well-known
14 treaties with Russia. Ambassador OSHIMA knows
15 how these treaties were made. Germany had at
16 that time the desire to conclude a pact with
17 Japan. Due to the situation in Japan it had not
18 been possible to carry out this desire. On the
19 other hand, the storm clouds of the war appeared
20 more and more threatening in Europe and since the pact,
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Italy-Japan-Germany was unfortunately not possible at that time for the signing of which the Reich Foreign Minister had been, as Ambassador OSHIMA knows ready for six months on order of the Fuehrer, Germany had to decide upon the pact with Russia in view of the approaching war."

Another excerpt will be read by me in connection with some other issue.

I shall present in evidence the following excerpt from the minutes of interrogation of the defendant OSHIMA dated April 22, 1946, concerning the Tripartite Pact and its having been directed against the U.S.S.R., prosecution document No. 4121, exhibit No. 776-A. The excerpt is numbered 2 on pages 2-3 of the English text:

"Question: Describe the history of negotiations carried on in 1938-1939 concerning the conclusion of a military alliance between Japan, Germany and Italy.

"Answer: Approximately in June 1938 I received from the Japanese General Staff the documents which set before me a task of probing in Germany the possibility of concluding a military alliance with Japan in virtue of which Germany would be under obligation to enter into the war with the Soviet Union in case the latter attacked Japan and vice versa that Japan would be

1 under obligation to enter into the war with the Soviet
2 Union if the latter attacked Germany. In that time
3 I was a military attache. At the beginning of July
4 1938 I visited Ribbentrop for the purpose of probing
5 in a private manner whether Germany had any such in-
6 tentions. I told Ribbentrop that I had an idea of
7 concluding a consultative Pact between Japan and
8 Germany, i.e., a Pact in virtue of which in case of
9 conflict with Russia, the party which became subject
10 to attack should consult the other party concerning
11 the forms of aid the latter party should render to the
12 party which became subject to attack. Just at that
13 time Ribbentrop was leaving as he had his summer
14 vacation. He told me that if a military alliance was
15 to be concluded it should be a complete but not a
16 halfway alliance. The obligation to hold consultations
17 is a halfway obligation and Hitler was against such
18 halfway Pacts and, therefore, we could talk only about
19 a complete defensive alliance in virtue of which the
20 contracting parties should without reservations enter
21 into the war with the adversary which attacked one of
22 the contracting parties. Secondly, Ribbentrop told me
23 that Germany would like to have a military alliance
24 directed not only against Russia but also against the
25 other countries which might attack Germany and Japan,

1 namely America, France, England, etc. I told him
2 that the extension of that Pact to other countries,
3 besides Russia, would depend on the degree of readi-
4 ness of our army and navy for the war against those
5 states. I told him that such an extension of the
6 Pact would be very difficult for Japan. To this
7 Ribbentrop replied that Germany would not ask us to do
8 the impossible, and that all the particulars of the
9 behavior of the contracting parties in case of such
10 a conflict could be discussed after the conclusion
11 of the Pact. I received a telegram confirming that
12 Major General KASAHARA forwarded my message to the
13 leading military officers. All of them concurred in
14 the idea of concluding such a Pact and reported to the
15 council of five ministers which consisted then of
16 Prime Minister KONOYE, Foreign Minister UGAKI, War
17 Minister ITAGAKI, Minister of the Navy, YONAI and
18 Minister of Finance IKEDA. The council of five min-
19 isters also approved of the idea of concluding such
20 a Pact, and I received a telegram from the General
21 Staff offering me to continue the negotiations concern-
22 ing the conclusion of the Pact, but bearing in mind
23 that, that the military alliance should be mainly
24 directed against Russia and all other countries which
25 Germany had in view should be mentioned in the Pact as

minor objectives.

1 "Through ITO we received an instruction
2 from our government. The basic idea of that instruc-
3 tion was as follows: 'Russia should be the main
4 objective mentioned in the treaty, all other countries
5 should be minor objectives, and the entry of Japan
6 into the war against other countries could take place
7 only if those countries were infected with communism.....'
8 The divergency of views between Japan and Germany led
9 to further negotiations marking time, and practically
10 the Pact was not concluded in 1939. This continued
11 till the conclusion by Germany of a Pact of non-
12 aggression with the Soviet Union on August 23, 1939,
13 as a result of which further negotiations concerning
14 the conclusion of a military alliance between Germany,
15 Japan and Italy were discontinued."

17 I shall present in evidence the following
18 documents connected with the second period of negotia-
19 tions concerning the conclusion of the Tripartite Pact
20 and showing that the forthcoming Pact actually continued
21 to be directed against the U.S.S.R.

23 First of all, I respectfully call it to the
24 Tribunal's attention that Mr. Tavenner presented in
25 evidence document which received exhibit No. 541,
decisions made by the conference of the Prime Minister

1 and the Ministers of War, the Navy and the Foreign
2 Affairs on 4 September 1940 and by the liaison con-
3 ference on 19 September 1940 on the strengthening of
4 Japan-Germany-Italy Axis. In these decisions item 3
5 of conditions of political understanding is formulated
6 in the following way:

7 "Item 3. Japan and the two countries of
8 Germany and Italy will cooperate in maintaining peace
9 with the Soviet Union and inducing the Soviet Union
10 to bring her policy into line with the common ground
11 of the two contracting parties. In addition, an under-
12 standing will also be reached with respect to consulta-
13 tion as to the action to be taken in the event of a
14 danger of either Japan or Germany and Italy entering
15 upon a state of war with the Soviet Union, if, in the
16 course of negotiations with Germany and Italy, it
17 turns out that such desire is entertained by the two
18 countries."

19 I shall offer in evidence an excerpt from
20 Ciano's Diary, entry dated September 19, 1940, document
21 No. 1418-A. The entire Ciano Diary received exhibit
22 No. 499 for identification only.

23 THE PRESIDENT: Mr. Logan.

24 MR. LOGAN: If the Tribunal please, we object
25 to this excerpt on the ground that it is entirely

1 immaterial and irrelevant to any issues in this case
2 and in effect that it purports to set forth the con-
3 versation between Ribbentrop and Count Ciano regarding
4 the effect of the guaranties which Germany made to
5 Rumania which, I submit, are not binding on these
6 accused.

7 THE PRESIDENT: Minister Golunsky.

8 MR. GOLUNSKY: If the Tribunal please, since
9 we are trying to prove a conspiracy between Japan,
10 Germany and Italy, it is our contention that whatever
11 any of the participants of this conspiracy said at
12 the moment when the conspiracy was concluded is
13 relevant to the issue.

14 MR. LOGAN: May I answer that, if your Honor
15 please. As I understand the Indictment, the conspiracy
16 is between these accused, not between any countries.

17 THE PRESIDENT: Yes, the conspiracy charged
18 extends to the accused and other individuals. Ribben-
19 trop, I suppose, will be claimed to be a co-conspirator.
20 This excerpt is a statement attributed to Ribbentrop.
21 It is offered as evidence of the conspiracy. There is
22 a part here relating to Rumania but it has not been
23 read. The document is admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1418-A will receive exhibit No. 784.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 784 and was received in evidence.)

4 GENERAL VASILIEV: I quote an excerpt from
5 the diary: "Arrival of Ribbentrop." I omit three
6 lines.

7 "In the car he immediately speaks of the
8 surprise he has in his portfolio; this is the Japanese
9 military alliance which is to be signed in a few days
10 in Berlin. He believes that this stroke will have a
11 double edge. Against Russia and against America."
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1 MR. LOGAN: If the Tribunal please, I think
2 by omitting that line the prosecution has created a
3 misconception of what the sentence last read means.

4 THE PRESIDENT: Yes, and I think that probably
5 there will be a misconception if that appears in the
6 transcript as it stands now. I think you should
7 read more of this. The whole of the first part might
8 be read, except, of course, the second sentence.

9 MR. GOLUNSKY: If the Tribunal please, the
10 interpreters have not got the full text. If it is
11 agreeable to the Tribunal, we will read the whole
12 paragraph after tomorrow morning.

13 THE PRESIDENT: I could read it actually,
14 and it will go into English and Japanese, and that is
15 all we are concerned with.

16 Omitting the second sentence, the first
17 paragraph of the entry reads:

18 "Arrival of Ribbentrop.

19 "In the car he immediately speaks of the
20 surprise he has in his portfolio; this is the Japanese
21 military alliance which is to be signed in a few days
22 in Berlin."

23 I omit the next sentence. Well, I will read it.
24 I think some of my colleagues want it read.

25 "The Russian dream vanished forever in the

1 halls of the Belvedere at Vienna after the guarantees
2 to Rumania were made. He believes that this stroke
3 will have a double edge. Against Russia and against
4 America. The threat of the Japanese fleet will keep
5 the latter from making any move. I express a dif-
6 ferent opinion: The anti-Russian guarantees are all
7 right; the anti-American note which will induce
8 Washington to increase her commitments to Britain
9 is not so good." The end of the paragraph.

10 General Vasiliev.

11 GENERAL VASILIEV: I present for identifi-
12 cation the record of Ribbentrop's talk with Mussolini
13 in the presence of Ciano on September 22, 1940, docu-
14 ment No. 4011, on the Tri-Partite Pact being directed
15 against the U. S. S. R.

16 I present in evidence an excerpt from this
17 record.

18 CLERK OF THE COURT: Prosecution's document
19 No. 4011 will receive exhibit No. 785 for identification
20 only.

21 (Whereupon, the above-mentioned document
22 was marked prosecution's exhibit No. 785 for
23 identification only.)

24 MR. LOGAN: With respect to 4011, your Honor --

25 THE PRESIDENT: Mr. Logan.

1 MR. LOGAN: With respect to this 4011, we
2 object to it on the grounds it is immaterial and
3 irrelevant to any of the issues in this case as it
4 refers to a report of conversation between Mussolini,
5 Count Ciano, and von Mackensen, with respect to whether
6 or not a Spanish delegate should be invited to be
7 present at the ratification of the treaty.

8 We submit that it is not only immaterial
9 and irrelevant, but it is also cluttering the record
10 with minor details which might very well be omitted.

11 THE PRESIDENT: Minister Golunsky.

12 MR. GOLUNSKY: If the Tribunal please, we
13 are presenting these documents into evidence in order
14 to prove that the participants of the tri-partite pact,
15 notwithstanding what they were stating publicly, at the
16 moment the pact was concluded very well understood that
17 it was directed against the Soviet Union.

18 THE PRESIDENT: The objection is upheld. The
19 document is rejected.

20 General Vasiliev.

21 GENERAL VASILIEV: I pass on to the next docu-
22 ment. Mr. Tavenner has already presented in evidence
23 the outline of MATSUOKA's speech at the meeting of the
24 committee of the Privy Council held on September 26,
25 1940 (Prosecution Document No. 1202, exhibit No. 550).

1 In connection with the question I am dealing
2 with, I call the Tribunal's attention to the following
3 passage in this outline, page 2 of the English text,
4 line 4 from the top.

5 "....But even if Germany and Italy could
6 subjugate British Isles now, the war for the destruction
7 of the whole British empire would be no easy matter,
8 moreover, they will have to cope with two great in-
9 fluences -- what may be called Anglo-Saxon Kingdom or
10 Bloc, consisting of America and surviving parts of
11 the British empire, and Soviet Russia strengthened
12 still further by the present war"

13 Article 5 of the Tripartite Pact (Exhibit
14 No. 43) reads as follows:

15 "Japan, Germany and Italy affirm that the
16 aforesaid terms do not in any way affect the political
17 status which exists between each of the three contract-
18 ing parties and Soviet Russia."

19 As a proof of the understanding of the
20 Japanese Government of this article of the Pact and
21 as a proof of real intentions toward the U. S. S. R.,
22 I shall read an excerpt from the minutes of the confer-
23 ence of the Privy Council Investigation Committee held
24 on September 26, 1940 on the subject of conclusion of
25 the Tripartite Pact between Japan, Germany and Italy.

1 (Document No. 1461) This document was presented to
2 the Tribunal in the other phase of the trial and
3 received exhibit No. 552. Therefore, if your Honor
4 please, I confine myself to quoting this excerpt
5 which should not receive its separate exhibit number.
6 I shall read an excerpt from the speech of MATSUOKA,
7 the then Minister for Foreign Affairs.

8 To the question asked by FUTAGANI, member
9 of the Privy Council, (page 7 of the English text):

10 "(4) There exists a non-aggression treaty
11 between Germany and the Soviet Union. Hence, does
12 Article 5 mean that Germany will not attack the
13 Soviet Union even when the latter assaults Japan?
14 Further, is Japan bound to fight against the Soviet
15 Union if a Soviet-German hostility breaks out? If
16 this were the case, would not such an arrangement be
17 unilateral? Does the word 'existing' mean the date
18 of signing?"

19 MATSUOKA replied: -- I quote from the bottom
20 of page 7.

21 "(4) Although there exists a non-aggression
22 treaty, Japan will aid Germany in the event of a
23 Soviet-German war, and Germany will assist Japan in
24 the event of a Russo-Japanese war.

25 "With regard to the word 'existing', if you

1 mean to ask if the present status of the Soviet Union
2 cannot be modified, I say no; I mean that it will not
3 be modified by the treaty under consideration. It will
4 be well to readjust Japan's relation with the Soviet
5 Union hereafter."

6 I omit seven lines and continue to quote
7 MATSUOKA's words:

8 "(2) We do not anticipate a war with Russia.
9 Even though the Russo-Japanese relation may be read-
10 justed it will hardly last for three years. After two
11 years, it will be necessary to reconsider the relations
12 among Japan, Germany, and Russia."

13 I shall present for identification a symposium
14 of documents of the Japanese Ministry for Foreign
15 Affairs in which there is a telegram of KURUSU,
16 Japanese Ambassador in Berlin to MATSUOKA sent from
17 Berlin to Tokyo on September 26, 1940, No. 1251,
18 (Document No. 1298).

19 I present in evidence an excerpt from this
20 telegram from which the Tribunal will see that at
21 the very moment of signing the Tripartite Pact the
22 Japanese Government was already informed that Germany
23 began military preparations for war against the U. S.
24 S. R.

25 CLERK OF THE COURT: Prosecution's document

1 No. 1298 will receive exhibit No. 786 for identifi-
2 cation only.

3 THE PRESIDENT: The telegram is admitted
4 on the usual terms.

5 CLERK OF THE COURT: And the excerpt
6 therefrom bearing prosecution's document No. 1298
7 will receive exhibit No. 786-A.

8 (Whereupon, the above-mentioned docu-
9 ments were respectively marked prosecution's
10 exhibits Nos. 786 and 786-A, No. 786 being for
11 identification only and No. 786-A being received
12 in evidence.)

13 GENERAL VASILIEV: I quote:

14 "Ambassador Schulenberg is on his way back
15 to Germany to confer on German relations with Soviet
16 Russia in the event of the Japan-Germany-Italy Treaty
17 being concluded.

18 "The German Government plans to guide the
19 German press to lay particular emphasis on the fact
20 that the treaty does not mean anticipation of war
21 with Russia. But on the other hand, Germany is con-
22 centrating troops in the Eastern regions as a check
23 on Russia."

24 I present for identification the proceedings
25 of the Privy Council held on December 18, 1940, (Document

1 No. 1285), to prove how the Japanese Government in-
2 terpreted the common term "adjustment of Soviet-Japanese
3 relations" as well as to substantiate the contention
4 that the Japanese Government based its relations with
5 the Soviet Union on the methods of forcing her to make
6 concessions even up to resorting to threats of mili-
7 tary attack. I shall present in evidence the text of
8 MATSUOKA's speech at this meeting of the Privy Council
9 when the joining of Hungary, Slovakia and Roumania to
10 the Tripartite Pact was discussed.

11 **CLERK OF THE COURT:** Prosecution's document
12 No. 1285 will receive exhibit No. 787 for identifica-
13 tion only.

14 (Whereupon, the above-mentioned
15 document was marked prosecution's exhibit
16 No. 787 for identification only.)

17 **THE PRESIDENT:** Captain Brooks.

18 **MR. BROOKS:** I understand that the excerpt
19 here, 1285, is being offered in evidence, and on that
20 page 1 Councilor MINAMI is mentioned, item No. 27.
21 I want to direct the Court's attention that the MINAMI
22 spoken about on that page is MINAMI, Hiroshi, and not
23 the accused, MINAMI, Jiro, as pointed out and as may
24 be found in exhibit 102, page 19 and page 20: page 19
25 of exhibit 102 showing that MINAMI, Hiroshi, became

1 Councilor on the 24th of December, 1936; on page 20
2 of exhibit 102 showing that MINAMI, Jiro, the accused,
3 did not become Councilor until the 29th of May, 1942.

4 THE PRESIDENT: Mr. Cunningham.

5 MR. CUNNINGHAM: I would like to mention that
6 the Councilor OSHIMA is not the Ambassador OSHIMA.

7 THE PRESIDENT: The excerpt is admitted on
8 the usual terms.

9 CLERK OF THE COURT: The excerpt from prose-
10 cution document No. 1285, bearing the same documentary
11 number, will receive exhibit No. 787-A.

12 (Whereupon, the above-mentioned
13 document was marked prosecution's exhibit
14 No. 787-A and received in evidence.)

15 GENERAL VASILIEV: I quote an excerpt from
16 this page, from this speech, page 8:

17 "I deem it a good policy to aggrandize the
18 German menace to Soviet Russia availing ourselves of
19 the situation to regulate our relations with Soviet
20 Russia, seeing that Soviet Russia does not find any
21 menace in Japan and is inclined to reject the adjust-
22 ment of Russo-Japanese relations. From this point of
23 view the Government has agreed to the proposal in
24 question from a conviction that it will be favorable
25 to our diplomacy."

1 Finally, one more proof of the Tripartite
2 Pact having been directed against the U. S. S. R.
3 may be found in the telegram of Ott, German Ambassa-
4 dor in Japan sent from Tokyo to Berlin on October 4,
5 1941, No. 1974. I present this telegram (document
6 No. 4065-A) for identification.

7 I shall present in evidence two excerpts
8 from this telegram.

9 CLERK OF THE COURT: Prosecution's document --

10 RUSSIAN MONITOR: Correction: "Document is
11 presented in evidence."

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 4065-A will receive exhibit No. 788.

15 RUSSIAN MONITOR: There is a slight correc-
16 tion. So we will repeat General Vasiliev's words
17 again:

18 "I present this telegram, document No. 4065-A,
19 for identification. I shall present in evidence
20 excerpts from this telegram."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 4065-A will receive exhibit No. 788 for identi-
24 fication only, and the excerpts therefrom, bearing the
25 same documentary number, will receive exhibit No. 788-A.

1 (Whereupon, the above-mentioned
2 documents were respectively marked prosecution's
3 exhibits Nos. 788 and 788-A, No. 788 being for
4 identification only, and No. 788-A being re-
5 ceived in evidence.)

6 GENERAL VASILIEV: I shall read one of these
7 excerpts concerning the question under consideration.

8 "As a result of a careful sounding out of
9 the Army leaders (Minister for War, Chief of General
10 Staff, Head of the Political Section and of the Section
11 for Foreign Armies) the following picture of their ways
12 of thinking is arrived at:"

13 I quote again:

14 "The inherent aim of the Tripartite Pact is
15 to bring about a new distribution of power in Europe
16 and the Far East by overpowering the British Empire.
17 Keeping America at bay and eliminating the Soviet
18 Union could only be mere means to this end"

19 The second excerpt from this telegram will
20 be read later on in connection with some other questions.

21 I shall pass over to presenting evidence
22 showing that being in conspiracy with Hitlerite Germany
23 and Fascist Italy the Japanese Government during the
24 aggressive war of Germany and Italy against the USSR
25 was actively carrying into effect the aims of the

1 conspiracy as regards the Soviet Union.

2 I shall present a group of documents proving
3 that when in the Spring of 1941 the then Minister
4 of Foreign Affairs the defendant MATSUOKA was sent
5 by the Japanese Government to Europe, in particular
6 to Italy and Germany, he during his stay in Berlin
7 in March and April, 1941, was informed by Ribbentrop
8 and Hitler about the attack against the U. S. S. R.
9 and took that circumstance into consideration while
10 concluding shortly after that the Neutrality Pact with
11 the Soviet Union --

12 THE PRESIDENT: We will receive no more
13 documents today.

14 We will adjourn until half-past nine tomorrow
15 morning.

16 (Whereupon, at 1600, an adjournment
17 was taken until Thursday, 17 October 1946, at
18 0930.)

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