

Tues Oct 15

Soviet

"Lion Power"

I N D E X
Of
WITNESSES

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I N D E X
Of
EXHIBITS

<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>
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(cont'd)

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
755		Affidavit of Hero of the Soviet Union, Chernopyatko, I. D., interrogated in Moscow 26 Feb 1946		7808
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1 Tuesday, 15 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.

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12
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14 Appearances:

15 For the Tribunal, same as before.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

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21 (English to Japanese, Japanese to
22 English, Russian to English and Japanese to
23 Russian interpretation was made by the
24 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Minister Golunsky.

4 MR. GOLUNSKY: If the Tribunal please, we
5 should like to have the Tribunal's direction on the
6 following question:

7 Each of our attorneys presenting evidence
8 presents his evidence on five or six different subject
9 matters, and we thought it would be convenient for the
10 Tribunal to have an explanation of the system in which
11 the evidence is going to be presented; so we prepared
12 the systems of the various attorneys, according to
13 which the attorney says: "Now I am going to present
14 evidence on such and such a matter to prove such and
15 such things." Then he presents five or six or seven,
16 or however much there may be, pieces of evidence
17 relating to this matter. Then when he comes to
18 another matter he says again: "Now, I am going to
19 present evidence on such and such a matter.

20 I should like to know if this system is
21 acceptable and convenient to the Tribunal.

22 THE PRESIDENT: This system, as you describe
23 it, is not only acceptable, but will be insisted upon
24 by the Tribunal.

25 What the Tribunal does object to, though,

1 is the statement of the prosecutor on matters of
2 fact which are not proved or intended to be proved;
3 and also the indulgence in comments which exceed what
4 we regard as a fair limit. Descriptions and explana-
5 tions of evidence to be introduced must be kept at
6 a bare minimum.

7 X MR. FURNESS: If the Court please, I wish
8 to make a more concrete objection to the statement
9 by General Tadevosyan at the end of the day yester-
10 day. On page 7730 of the record, in reference to
11 exhibit 698, he stated: "... in 1927 sabotage
12 activities and destruction of the railroad were
13 planned to be carried out on the Chinese Eastern
14 Railroad, and the Hunghutze were to be used for this
15 purpose."

16 I submit that any statements with regard
17 to that included in exhibit No. 698 were in the last
18 three paragraphs, paragraphs 4 to 6 --

19 THE PRESIDENT: I have not 698.

20 X MR. FURNESS: -- and that such paragraphs
21 were, on my motion, excluded from evidence.

22 THE PRESIDENT: I will have to get 698 first,
23 Major Furness. I did not bring it in.

24 X MR. FURNESS: My statement is a part of the
25 record, and I have no doubt it will be checked when

1 the time comes to review the case.

2 THE PRESIDENT: I think we will leave it at
3 the statement of your position, and we will check it
4 in due course.

5 I find, on looking at the exhibits, that we
6 have not here the original of documents which were
7 proved as being in Washington. We were satisfied
8 with copies. Much of the correspondence between the
9 Department of State in Washington and the Japanese
10 Foreign Office was proved here by copies only; so
11 that the recollection of my colleague who supported
12 me yesterday and my own recollection are correct.

13 Mr. Logan.

14 X MR. LOGAN: If the Tribunal please, with
15 respect to those Washington records, I believe that the
16 prosecution produced certified copies of them.

17 THE PRESIDENT: In some cases photostatic
18 copies, but in no case originals. We were discussing
19 originals yesterday.

20 X MR. LOGAN: That is right. The only in-
21 stances I was able to find, your Honor, where origi-
22 nals were requested, were in rather special circum-
23 stances: one was where an affidavit was torn and
24 destroyed, and at that time your Honors insisted
25 that a search be made for the original. Another

1 instance was with respect to Pu-Yi's notes, where the
2 Tribunal requested his original notes, which was
3 another special instance, too.

4 THE PRESIDENT: Well, if it is in the in-
5 terest of a just trial, the Tribunal will insist upon
6 the production of the original in all cases. So
7 there is no inflexible rule about it, Mr. Logan. You
8 might find that to be of some comfort to you.

9 X MR. LOGAN: But on these copies that are
10 being introduced now, there is not a proper certifica-
11 tion. All we have is a statement by someone, who is
12 not sworn, that the copy is correct, and that is all
13 it says.

14 THE PRESIDENT: Well, I understand that
15 Minister Golunsky is prepared to meet you in provid-
16 ing the fullest certificates.

17 MR. GOLUNSKY: If the Tribunal please, the
18 man whose signature appears on those copies and who
19 certified that they are correct is the head of the
20 State Archives of the Soviet Union, and the seal of
21 the State Archives of the Soviet Union is on the
22 original copy filed with the Tribunal. We thought
23 that it would be sufficient; if not, we should like to
24 have the Tribunal's direction.

25 THE PRESIDENT: At present the Tribunal

1 gives no direction.

2 X MR. LOGAN: When we closed yesterday, your
3 Honor, document 2306 was being offered in evidence.
4 We would like to enter an objection to that document
5 on the ground that there is no evidence in the docu-
6 ment itself that these alleged attacks with respect
7 to the railway were Japanese attacks, or that they
8 had anything whatever to do with them. They are
9 entirely immaterial to any issue in this case.

10 THE PRESIDENT: Well, this document 2306
11 as it stands, of course, is not relevant to any
12 issue, but it may be possible to show that the
13 attacks against the Chinese Railway were really made
14 by the Japanese. Standing alone, the document appears
15 to have no probative value. I would like to know,
16 on behalf of the Tribunal, whether it is intended
17 to produce further evidence associating the Japanese
18 with these attacks on the Chinese Railways.

19 MR. GOLUNSKY: We have filed this document
20 with the Tribunal in order to prove the facts of
21 those attacks. The connection of those attacks with
22 Japanese aggression in Manchuria, we intend to show
23 by means of other evidence.

24 THE PRESIDENT: The majority of the Tribunal
25 think that document No. 2306 should be refused as

1 evidence at this stage.

2 GENERAL TADEVOSYAN: I offer in evidence
3 prosecution document No. 2071, which is the text of
4 the official statement of the superintendent of
5 Consulate-General of the U. S. S. R., at Harbin,
6 addressed to Mr. Shi-Lyui-Wen, the North Manchurian
7 Special Agent of the Japanese Foreign Office, dated
8 October 23, 1934. This document establishes the
9 fact that repeated requests on the part of the
10 Soviet Government and its diplomatic agents to the
11 Japanese Government Officers and its agents demanding
12 to stop all those violations and criminal actions
13 gave no results.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 2071 will be given exhibit No. 748.

17 (Whereupon, the above-mentioned
18 document was marked prosecution's exhibit
19 No. 748 and received in evidence.)

20 GENERAL TADEVOSYAN: The aforesaid statement
21 reads as follows:

22 "In his numerous talks with you Consul-General
23 Mr. Slavutsky repeatedly called your attention on his
24 own behalf as well as officially on behalf of the Soviet
25 Government, to the condition of guarding the Eastern

1 line of the Chinese Eastern Railroad and requested
2 that you should take measures to ensure the guard-
3 ing of the line.

4 "I would like to remind you of Mr. Slavutsky's
5 statement made on behalf of the Soviet Government as
6 far back as December 15 of last year in which he
7 indicated that 'the Functioning of the Chinese Eastern
8 Railroad has lately been carried on in conditions of
9 incessant violations of exploitation rules, attacks
10 on trains, destruction of tracks, murders of railroad
11 agents, committing violences against them, seizure of
12 railroad property and the destruction of it. Un-
13 fortunately, the Manchurian authorities not only have
14 not taken and are not taking sufficient measures to
15 assist the Chinese Eastern Railroad and guard it, but
16 have directly participated and are participating in
17 the activities detrimental to the interests of the
18 Chinese Eastern Railroad as well as detrimental to the
19 USSR rights thereto.'

20 "Unfortunately, parallely with the growth
21 of attacks on the Eastern line of the railroad, the
22 guarding of the line, has not improved, but even has
23 gradually assumed a catastrophic character. It came
24 to that, that the Guard Troops Headquarters considered
25 it possible to officially inform in their letter of

1 May 19 that the guard troops had been removed from
2 freight trains on the Eastern line.

3 "In connection with the foregoing situation
4 and these new measures of the guard troops Headquarters,
5 Mr. Slavutsky made a protest to Mr. Shimomura acting
6 for you, insisting that urgent measures be taken by
7 the high Manchurian authorities.

8 "However, I am obliged to state that neither
9 Mr. Slavutsky's protest, nor repeated and almost daily
10 presentations of Mr. Bendura, deputy assistant Chair-
11 man of the Board, and later on the presentations of
12 Mr. Kushetsov, assistant chairman of the Board, who
13 came from Tokyo, made to Mr. Li-Shao-Gen, chairman of
14 the Board, gave no results."
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1 MR. LOGAN: May I call the Tribunal's atten-
2 tion to the fact that the heading of this document,
3 prosecution's document No. 748, says that it refers
4 to the contents of the note concerning unlawful ar-
5 rests of Soviet employees. I draw your attention to
6 the fact that there is nothing in the letter or note
7 concerning unlawful arrests of Soviet employees.

8 THE PRESIDENT: My colleague draws my at-
9 tention to the last paragraph, which was not quoted.
10 That refers to illegal arrests.

11 General Tadevosyan, will you proceed.

12 GENERAL TADEVOSYAN: I further offer in
13 evidence prosecution document No. 2146, which is a
14 letter sent by Vice President of the Chinese Eastern
15 Railroad to President Li-Shao-Gen, dated December 15,
16 1934.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 2146 will receive exhibit No. 749.

20 (Whereupon, the above-mentioned
21 document was marked prosecution's exhibit
22 No. 749 and received in evidence.)

23 GENERAL TADEVOSYAN: It is clear from this
24 letter that through unlawful requisitions living
25 quarters and buildings belonging to the railroad

1 management, the railroad was placed into unbearable
2 conditions and could not function normally. I quote
3 an excerpt from the said document:

4 "The Director of the railroad in his protest
5 of November 20, 1934 No. 111, 9/1009 states that the
6 seizure of offices and premises belonging to the
7 railroad by various institutions in Harbin as well as
8 along the line, has become widespread, especially of
9 late. It may be seen from the Director's protest
10 that in the period from 1930 to October 7, 1934,
11 101,230 square meters of railroad buildings (29,353
12 square meters in Harbin and 71,927 square meters
13 along the line) were illegally occupied."

14 I omit the list of the institutions and
15 quote further:

16 "Illegal seizures are distributed as
17 follows:

18 "1930 - 1,687,99 square meters

19 "1931 - 95,49 square meters

20 "1932 - 57,187,72 square meters

21 "1933 - 31,236,25 square meters

22 "Before October 1, 1934 11,073, 09 s. m.

23 It may be seen from these figures that almost all
24 seizures took place in the period of 1932-1934."

25 I respectfully call the Tribunal's attention

1 to the fact that in the course of quite a long time,
2 (a period of over ten years) there were violations
3 and illegal actions which disorganized the normal
4 functions of the railroad took place in 1932 through
5 1934., i. e. after the seizure of Manchuria by the
6 Japanese.

7 Now, I submit to the Military Tribunal as
8 evidence the table of the Frontier Corps Department
9 of the People's commissariat of Home Affairs of the
10 U. S. S. R., dated February 20, 1946 of violations of
11 the Soviet-Manchukuo frontier for the period from
12 1932 up to 1945 (prosecution document No. 1953).

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 1953 will receive exhibit No. 750.

16 (Whereupon, the above-mentioned
17 document was marked prosecution's exhibit
18 No. 750 and received in evidence.)

19 GENERAL TADEVOSYAN: The table shows, that
20 according to the data of the said Department, the
21 violations of the Soviet-Manchoukuo frontier by the
22 Japanese for the period from 1932 up to 1945 were as
23 follows (I summarily quote some data from the table):
24

25 "Up to 1937 there were 321 frontier
violations by the Japanese military from 1938 to

1 1945 - 1929 violations, total 1850.

2 "Violation of the U. S. S. R. territorial
3 waters by Japanese vessels, total, 1350.

4 "Violations of the U. S. S. R. frontier
5 by Japanese aircraft, total 789.

6 "Smuggling of spies over to the U. S. S. R.
7 territory, total 3666.

8 "Smuggling of hostile counter-revolutionary
9 literature over to the U. S. S. R. territory up to
10 1940, 431; from 1941 to 1944, 453 - total, 884.

11 "Transfer of bands -- 68 opening fire
12 at Soviet territory, citizens, etc., total 551.

13 "Our losses: killed 83; wounded 120.
14 Total, 203."
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1 THE PRESIDENT: Major Furness.

2 X MR. FURNESS: If the Court please, in studying
3 the number of incidents it would appear that they were
4 bodies of men. It appears from the exhibit before the
5 Court that the prosecutor says 1529 incidents; it is
6 only 1529 men.

7 THE PRESIDENT: 321 cases; 1529 men. There is
8 no need to elaborate this, Major Furness.

9 X MR. FURNESS: I think in all cases they con-
10 sider each man one case because they add them up to
11 make a total.

12 THE PRESIDENT: Mr. McManus.

13 X MR. McMANUS: If your Honor please, I think
14 this matter should be clarified to some extent. After
15 all, we just don't know what this is all about. Who
16 is the arbiter in this situation where there are
17 supposedly violations, of what and by whom? My objec-
18 tion is, your Honor, we would like to know more about
19 this document. It is quite confusing.

20 THE PRESIDENT: It is not confusing but it is
21 bare assertion. So is a lot of the evidence here.
22 I mean there is no attempt to give the details of these
23 things, and if an attempt were made, of course, the
24 time wasted would be out of all proportion to the value
25 of the material. However, the document was not objected

1 to when it was tendered, although the defense had the
2 document long before it was tendered. It will be given
3 whatever probative value it has.

4 GENERAL TADEVOSYAN: I respectfully call to
5 the Tribunal's attention that in the course of quite a
6 long time, a period of over ten years, there were
7 violations of the frontier going on, and while reviewing
8 the data according to the years, it will become evident
9 that these violations reached their highest stage in
10 1937-1939, when the Japanese aggressors expected to
11 provoke a big war against the U.S.S.R. and to attain
12 their aggressive objectives. Thus there were 15 cases
13 of violation of the border of the U.S.S.R. by the Japanese
14 military in 1933, whereas in 1939 there were 387. If
15 we compare the figures pertaining to the violations of
16 the U.S.S.R. frontier by Japanese aircraft in 1933 and
17 in 1939 we find that there were 6 and 83, respectively;
18 smuggling of spies over to the U.S.S.R. territory, in
19 1933, 20; in 1938 1,754, etc.

20 I submit to the Military Tribunal as evidence
21 extracts from the sentence of the Military Collegium
22 of the Supreme Court of the U.S.S.R. of July 19, 1934,
23 in the case of Kim Zaem, same Eiziro and Kozlov, Vasili
24 Vasilyevich; and the minutes of the closed session of
25 the Military Collegium of the Supreme Court of the

1 U.S.S.R. in the same case, prosecution document No. 2244.

2 THE PRESIDENT: Mr. Logan.

3 X MR. LOGAN: If the Tribunal please, in accordance
4 with the statement of the prosecutor and in accordance
5 with the statement contained in this document itself,
6 it appears this is excerpts from the trial. No appli-
7 cation has been made by the prosecution that we can
8 find to serve -- to use excerpts from this document.
9 We ask that the entire document be produced; in lieu
10 of that, that the exhibit be excluded under rule 6b(1).

11 MR. GOLUNSKY: If the Tribunal please, we did
12 not include this document in the application -- perhaps
13 it was our mistake -- because we had no alternative.
14 The excerpts were not made here in Tokyo.

15 THE PRESIDENT: Well, it is a rule, no matter
16 where the document is, if you are going to use part
17 of it you should let the defense see the whole of it
18 seven days before it is to be used so that they may
19 ask for more excerpts than you intend. This is not
20 like an affidavit sent from Moscow which purports to
21 contain the whole of the deponent's statement. These
22 are only parts of a statement. At least, I am told that
23 that appears on the face of the document. I haven't
24 read it. I think that we must insist on the whole of
25 the evidence given by that particular witness being made

1 available to the defense so they may ask me in C hambers
2 for more of the statement, if they see fit.

3 MR. GOLUNSKY: We will certainly do it. I
4 will ask, then, the Tribunal's permission to introduce
5 this document at a later date, perhaps during another
6 stage of the trial.

7 THE PRESIDENT: The document hasn't yet been
8 tendered; not yet admitted, I should say.

9 MR. GOLUNSKY: And I suppose that the judgment
10 of the Court may be right now, because it is complete.

11 THE PRESIDENT: Yes. General, will you
12 proceed, please?

13 GENERAL TADEVOSYAN: I will ask the Tribunal's
14 permission to read the sentence in the case.

15 THE PRESIDENT: Deal with the whole matter
16 later. Don't read the sentence now.

17 MR. GOLUNSKY: If the Tribunal please, that
18 is the situation with some other documents relating
19 to the same matter. With the Tribunal's permission,
20 we will omit all this group of documents with the under-
21 standing that we will have an opportunity to present
22 the whole group later.

23 GENERAL TADEVOSYAN: I offer in evidence
24 document 2324.

25 MR. BLAKENEY: May it please the Tribunal.

1 THE PRESIDENT: Major Blakeney.

2 MR. BLAKENEY: We wish to make the same objec-
3 tion to this document, that it purports to be excerpts
4 from a report without leave having been granted to excerpt
5 and without the complete document having been served
6 on the defense.

7 MR. GOLUNSKY: If the Tribunal please, accord-
8 ing to the rules of procedure, if a document original
9 is not in English or in Japanese only those parts of
10 the document may be translated and processed on which
11 the prosecution is going to rely upon. As a matter of
12 fact, almost all the document, the complete document,
13 has been translated inspite of this rule except a small
14 note at the end of the document, but if the defense
15 insist on having the complete translation of the whole
16 document we are ready to do it at any time.

17 THE PRESIDENT: Well, I suppose the defense
18 will take advantage of that offer. Have you any objec-
19 tion to the document being tendered in the meantime?
20 Mr. Logan says the defense have no objection. The doc-
21 ument is admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution document
23 No. 2324 will receive exhibit No. 751.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 751 and

1 received in evidence.)

2 GENERAL TADEVOSYAN: As may be seen from the
3 aforesaid report, on November 26, 1936, that is, on the
4 next day after the anti-Comintern pact had been signed,
5 matters came to such a state that a whole military unit,
6 several hundred men strong, crossed the Soviet frontier
7 near Lake Khanka. I quote the end of this report:

8 "On November 26, when it grew dark, the
9 Japanese and Manchurian group holding positions in
10 front of the mound 'Pavlova' was increased up to three
11 companies. Nine trucks arrived at the positions of the
12 enemy by the same time. At 23.15 hours on November 26
13 the Japanese and Manchurians almost battalion strong
14 attacked the mound 'Pavlova'.

15 "The group of frontier-guards defending the
16 mound, retreated to the south.

17 "It was ascertained that among the troops
18 composing the detachment which attacked the mound
19 'Pavlova' there were the units of the 52d separate
20 Nanshan machine-gun battalion constituting the garrison
21 of the Nanshan fortified district and of the 15th Man-
22 churian infantry regiment.

23 "On November 27 at 17 hours 35 minutes the
24 group of the frontier guards and the Red Army units of
25 support occupied again the mound 'Pavlova'."

1 THE PRESIDENT: Mr. Smith.

2 MR. SMITH: If your Honor please, in intro-
3 ducing this document the prosecutor called attention
4 to the fact that it occurred the day after the anti-
5 Comintern pact was signed. I submit, your Honor, that
6 that exceeds the bounds of fair description and was
7 wholly unnecessary.

8 THE PRESIDENT: Seeing that it is the action
9 of a frontier battalion, probably they were unaware of
10 the pact having been signed the previous day. Why raise
11 those small trivial matters?

12 General Tadevosyan.

13 GENERAL TADEVOSYAN: Now I shall present evi-
14 dence proving that in 1938 Japan, without any declaration
15 of war, launched an attack against the Soviet territory
16 near Lake Khasan. We shall, first of all, show that
17 the attention of the representatives of the Japanese
18 aggressive military circles had long before been
19 attracted to that part of the Soviet territory, and
20 that as far back as 1933 the Japanese Korean army officers
21 had conducted special reconnaissance in this area with
22 the aim of ascertaining the routes for the invasion of the
23 Japanese forces onto the territory of the Soviet Union.

24 We offer to the Tribunal for identification
25 the report of General OKUSHI, Koinochi, chief of the

1 Japanese Korean Army Headquarters to Vice War Minister
2 General YANAGAWA of December 20, 1933, prosecution
3 document No. 608. I tender in evidence an excerpt
4 from this document.

5 CLERK OF THE COURT: Prosecution document
6 No. 608 will be given exhibit No. 752 for identification
7 only.

8 (Whereupon, the document above referred
9 to was marked prosecution's exhibit No. 752 for
10 identification only.)

11 THE PRESIDENT: The excerpt is admitted on the
12 usual terms.

13 CLERK OF THE COURT: And the excerpt therefrom,
14 bearing the same document number, will receive exhibit
15 No. 752A.

16 (Whereupon, the document above referred
17 to, an excerpt from prosecution's document No. 608,
18 was marked prosecution's exhibit No. 752A and
19 received in evidence.)

20 GENERAL TADEVOSYAN: I quote the letter of
21 General OKUSHI:

22 "Taking advantage of the time from the middle
23 of October to the end of November, when our Hunchun
24 detachment made the autumn subjugation, we had the
25 detachment search for materials for tactics in the

1 Hunchun and South Ussuri areas, especially in the area
2 of the Soviet-Manchukuo frontier, in consideration of
3 the time when we open hostilities against Soviet Russia."

4 In the materials attached to the letter is
5 given the description of the results of the military
6 topographic reconnaissance of autumn of 1933, which
7 was conducted by the Khunchun units of the Korean army.

8 I quote further the same document from page 1,
9 section IV, in the middle of the paragraph:

10 "Although roads leading to Russian territory
11 are now generally in disrepair, units with formations
12 of vehicles could easily penetrate into Russian terri-
13 tory after some repairs are made, for there was once
14 frequent traffic on the road. It should be noticed
15 that a motor road has been constructed along the river
16 valley, extending from the border station of GPU to the
17 direction of the east coast road. Owing to this new
18 road, our action after we have crossed the border is
19 very easy.

20 "In the vicinity of Chang-Ling-Tzu it is flat,
21 and it would be easy for the various troops to pass
22 over the Hunchun-Yuanchow which crosses this area.
23 Mountainous districts on either side of the road are
24 generally in gentle slopes, giving freedom to visibil-
25 ity, firing, and off the road action. We shall easily

1 be able to penetrate into Russian territory with large
2 forces."

3 I present to the Tribunal as evidence
4 prosecution document No. 2242, a report of the Frontier
5 Corps Department of the People's Commissariat for Home
6 Affairs of March 21, 1946, "On Japanese Provocative
7 Actions in the Area of Lake Khasan." This document
8 will show that three years later, that is, in 1936, an
9 attempt was made by the Japanese to seize part of the
10 U.S.S.R. territory in that area.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2242 will receive exhibit No. 753.

14 (Whereupon, the document above referred
15 to was marked prosecution's exhibit No. 753 and
16 received in evidence.)

17 GENERAL TADEVOSYAN: I first of all quote the
18 fifth paragraph of page 1 of the English text:

19 "October 11, 1936, a Japanese detachment,
20 35 men strong with machine guns, crossed the state border
21 in the area which is 2.5 kilometers north of the
22 Zaozernaya Hill, penetrated into our territory 100
23 meters deep, in view of capturing the land sector with
24 the square of 150 desyateens, but it was driven out
25 from our territory."

1 And now I shall produce evidence relating
2 to Japan's attack against the U.S.S.R. at Lake Khasan.

3 MR. FURNESS: If the Court please, there is
4 attached to the copy which has been served on us a map,
5 and as far as I can see from this document it is not
6 identified and should not be admitted in evidence.

7 THE PRESIDENT: The certificate does not pur-
8 port to certify to the map. Yes, it does; it does refer
9 to it, photocopy of a map.

10 MR. FURNESS: If the Court please, the certifi-
11 cate which is attached says that the "original document
12 may be found in the --" and the rest of it is left
13 blank.

14 THE PRESIDENT: The location of the original
15 should be stated. The document is admitted subject
16 to the production of a proper certificate covering
17 both the map and the report.

18 CLERK OF THE COURT: That refers to prosecution
19 document No. 2242 which was given exhibit No. 753.

20 GENERAL TADEVOSYAN: As may be seen from the
21 document tendered by me, the frontier line between
22 Russia and China in this sector was established in 1886
23 by the Hunchun Agreement. A photostatic copy of the
24 map attached to the agreement contains a clearly marked
25 frontier line passing on the Zaozernaya Hill, in

1 Manchuria it bears the name of Chankufeng, which is
2 situated west of Lake Khasan. In the aforesaid report
3 of the Frontier Corps Department the following is said
4 (quote the second paragraph on page 1):

5 "As the passing of the State border line in
6 this area was not quite clearly defined by the Peking
7 Additional Agreement in 1860 and the map in 1861, then
8 bilateral demarcation of territories of the two States
9 was performed in 1886 and the results are fixed in the
10 protocol 'about thorough checking of the first section
11 of the border between two States' from June 26, 1886.

12 "In this protocol the following is written:

13 "' From Letter T the border is running to
14 the North-West, following the line of the mountains,
15 west side of the Lake Hassan and reaches the north end
16 of the sandy ridge where the second rate sign No. 1
17 is set. The distance is eight versts and one hundred
18 sadgens. Further in the same direction it runs for one
19 verst and sixty-five sadgens, then turns and runs for
20 four versts and one hundred and thirty-five sadgens
21 along the sandy ridge to the cape of E - Gana where
22 the sign No. 2 is set.'

23 "This is picturesquely confirmed by the map
24 scale 1 versta in one English Inch, taken with the
25 help of instruments in 1884. (Photostat is attached.)"

1 I respectfully call the attention of the
2 Tribunal to the photostatic copy of the map, attached
3 to the document, wherein the real border line is clearly
4 seen.

5 THE PRESIDENT: Major Furness.

6 MR. FURNESS: If the Court please, am I correct
7 in understanding from the prosecution that this report
8 was prepared in March of this year and not sometime
9 during 1938 or prior thereto?

10 THE PRESIDENT: Minister Golunsky.

11 MR. GOLUNSKY: If the Tribunal please, this
12 report was prepared by the Board of the Frontier Guards
13 of the Soviet Union and is admissible under section g
14 of Article 13 of the Charter. To the original report
15 is attached a list of the documents, which were written
16 in 1938, which served as bases for the drawing up of
17 this document.

18 MR. FURNESS: It is evidently, your Honor,
19 prepared for the purpose of this trial and I understand
20 the Court has overruled our objections on that ground.
21 The defense, however, request that we be furnished with
22 copies of the documents attached, to which Minister
23 Golunsky has just referred.

24 THE PRESIDENT: I understood that Major Furness
25 merely asked for a date. It appears to be March, 1946,

1
2 anyhow.

3 General Tadevosyan.

4 GENERAL TADEVOSYAN: I temporarily stop quot-
5 ing from this document to return to it later on.

6 I further present in evidence the record of
7 the talk of Litvinov, People's Commissar for Foreign
8 Affairs of the U.S.S.R. with SHIGEMITSU, the then
9 Japanese Ambassador to the U.S.S.R., of July 20, 1938.

10 The original record is in the safekeeping
11 of the State Archives of the U.S.S.R. Prosecution
12 document No. 2241.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 2241 will receive exhibit No. 754.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 754 and
18 received in evidence.)

19 THE PRESIDENT: You had better read this after
20 the recess. We will recess now for fifteen minutes.

21 (Whereupon, at 1045, a recess was taken
22 until 1100, after which the proceedings were
23 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 an excerpt from
4 document 2241.

5 "SHIGEMITSU: On July 11, the Soviet troops
6 unexpectedly occupied the Chang-ghu-Feng district west
7 of Lake Ghang-Ghi and began to fortify it."

8 Ghang-Ghi is Manchurian for Lake Khasan.

9 "In view of this Charge d'Affaires Nishi made
10 a protest to Mr. Stomonyakov and demanded that an im-
11 mediate evacuation of the Soviet troops from that
12 district be effected. Stomonyakov declared the pro-
13 test groundless and declined it on the basis of the
14 Khunchun agreement and the maps attached to it.

15 "On having studied the question the Imperial
16 Government wired me and instructed to state the fol-
17 lowing:

18 "According to the data founded on the agree-
19 ments between China and Russia, the border is estab-
20 lished in this region and likewise according to the
21 data of the Zarist regime which are at the disposal
22 of the Manchurian Government this territory belongs
23 to Manchukuo. Besides, in the Khunchun agreement
24 mentioned by Mr. Stomonyakov, it is said, that from
25 letter 'T' the frontier line runs north-west, follows

1 the line of the mountains on the western side of
2 Lake Khassan, and reaches the northern end of the
3 sandy ridge, etc.

4 "Therefore it is clear that the western
5 coast of Lake Chang-Chi forms the border.

6 "The fact that the Manchurian population
7 have their religious rites on this mountain is another
8 proof of this area being Manchukuo possession.

9 "It follows from the above that there is no
10 doubt whatsoever that the territory belongs to Man-
11 chukuo and the Japanese army in virtue of its obli-
12 gations to Manchukuo might take measures ensuing
13 from these obligations.

14 "LITVINOV: During his conversation with
15 NISHI, STOMONYAKOV presented quite official documents,
16 i.e., the Khunchun Agreement and the maps attached
17 to it.

18 "The frontier on those maps is defined
19 quite clearly, and the maps are signed by the Chinese
20 representatives. On this map the frontier runs west
21 of Lake Khassan, which you call Chang-Chi. It seems
22 to me that the presentation of these documents should
23 have put an end to all sorts of talk on the subject,
24 and I was glad to learn from the Ambassador that the
25 Japanese- Manchurian party had studied all the docu-

1 ments and I expected to learn from him that the
2 Japanese-Manchurian party had come to the same, i.e.,
3 the only possible conclusion, that the lake and the
4 adjacent hills belong to the Soviet Union. Unfortunately
5 the Japanese government insists upon its previous in-
6 correct viewpoint. The Ambassador has mentioned cer-
7 tain data, yet he did not say what data were meant
8 by him.

9 "He has mentioned certain religious rites
10 which cannot be checked upon by anybody. We know and
11 have always considered the hill in question to be on
12 the Soviet side of the frontier. Our border guards
13 always discharged their duties there. Therefore we
14 must categorically decline every protest and demand,
15 because we are dealing with the Soviet territory, and
16 no claims on it of another power are acceptable.

17 "The Ambassador has mentioned certain data,
18 that are at the disposal of both parties. We pre-
19 sented our data to the Japanese Embassy represented
20 by NISHI. I am ready to present them also to the Am-
21 bassador. If the Japanese party produce their data,
22 we are willing to study them, but so far we have only
23 heard unfounded statements and groundless demands."

24 To this SHIGEMITSU answered:

25 I quote further: "SHIGEMITSU: My opinion

1 is that the Japanese government will not be satisfied
2 with your reply. Firstly, you are speaking about the
3 map as serving as a legal basis of the argument, but
4 the map, which Mr. Stomonyakov showed to NISHI, had
5 never been published, and, to my mind, at this critical
6 moment speaking of some map is unreasonable. This will
7 only complicate matters."

8 Then SHIGEMITSU decided to frighten the U.S.S.R.
9 and said:

10 "SHIGEMITSU: . . .Japan has the rights and
11 obligations to Manchoukuo to use force and make the
12 Soviet troops evacuate from the territory of Manchoukuo,
13 unlawfully occupied by them."

14 This was followed by a proper and dignified
15 answer by Litvinov:

16 "LITVINOV: The Ambassador has not said any-
17 thing new. The only new thing was that he threatened
18 us with the use of force. The Ambassador evidently
19 considers the tactics of threats a sound diplomatic
20 means. Unfortunately, there is quite a number of
21 countries that are susceptible to being frightened and
22 threatened, but the Ambassador must know that this
23 means cannot be successfully used in Moscow."
24
25

1 THE PRESIDENT: Major Furness.

2 MR. FURNESS: If the Court please, in the
3 first place, I wish to protest against the comment
4 between speeches in this document made by the prose-
5 cutor. In the second place, exhibit 754, the original
6 of which is in Russian and which is filed here and
7 presumably part of the evidence although it is in
8 Russian, is ten pages long. What is before the Members
9 of the Court who cannot read Russian are excerpts from
10 the exhibit.

11 I have had only time during the recess to
12 check this but have found even now significant omissions,
13 such as a statement by Litvinov that this map was never
14 published. What I will find on further check I do
15 not know; but I request the Court to direct the prose-
16 cution to furnish me with a full copy of this exhibit
17 in English and Japanese. It is not a question of
18 excerpts which are in evidence. The entire document,
19 as I understand, is in evidence and can be read by
20 one Member of this Tribunal. We should have it all.

21 THE PRESIDENT: Minister Golunsky.

22 MR. GOLUNSKY: If the Tribunal please, in
23 processing this document we relied on our understanding
24 of the Court's ruling of August 16, paper No. 368.
25 The relevant part of this ruling reads:

1 I am quoting the ruling: "If the document is
2 in a language other than English or Japanese, it shall
3 be sufficient for the purpose of this provision if a
4 translation into both English and Japanese of such docu-
5 ment, or such part or parts is delivered to the prose-
6 cution or the accused concerned or his counsel, and to
7 such officer."

8 The expression "such part or parts" refers to
9 the previous sentence, where we read:

10 "... .the part or parts upon which the prose-
11 cution or the defense, as the case may be, intends to
12 rely. . ."

13 It was our understanding that this ruling
14 enables us without special application, the original
15 of the document being in Russian, to translate and
16 process in English and Japanese only such parts of
17 it on which the prosecution intends to rely.

18 THE PRESIDENT: I **did not** understand Major
19 Furness to assert there had been any breach of the
20 rule. But he did suggest as a matter of fairness to
21 him, defending SHIGEMITSU, he should have the whole of
22 the interview made available.in Japanese or English.

23 MR. GOLUNSKY: Mr. President, we will be very
24 glad to furnish to Mr. Furness, as I told him during the
25 recess, the complete document as soon as it will be

1 mechanically possible.

2 MR. FURNESS: That will be satisfactory. But
3 I understood that the entire document which is now in
4 the Clerk's hands was in evidence, and therefore, we
5 should be furnished with the entire document.

6 THE PRESIDENT: No rule requires the balance
7 of the document, being in Russian, to be translated into
8 Japanese or into English. But our rules, of course,
9 permit us to make orders to insure a just trial and
10 to do justice to the accused, particular accused.

11 One of my brother judges refers me to Rule 9
12 as confirming that.

13 However, Minister Golunsky, you appear to
14 have offered to do what is necessary to meet the con-
15 dition.

16 MR. GOLUNSKY: Yes.

17 THE PRESIDENT: General Tadevosyan.

18 GENERAL TADEVOSYAN: Now, if the Tribunal
19 please, I request that the witness Tereshkin be called
20 for direct examination.
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1 P E T E R F E D O R O V I C H T E R E S H K I N,
2 called as a witness on behalf of the prosecution,
3 being first duly sworn, testified through Russian
4 interpreters as follows:

5 DIRECT EXAMINATION

6 BY GENERAL TADEVOSYAN:

7 Q Mr. Witness, tell the Court your name and
8 your first name.

9 A Tereshkin, Peter Fedorovich.

10 Q You are an officer and have come from the
11 U.S.S.R. What is your rank and official position?

12 A I am a Russian officer. My rank is Lieutenant
13 Colonel. Before departure for Tokyo, I worked in the
14 Frontier Border Guard Department in Moscow.

15 Q Where were you in 1938, and what was your
16 occupation at that time?

17 A From 1936 till August 1938, I was chief of
18 the Frontier Border Guard outpost of the Manchurian-
19 Soviet frontier. I was chief of that outpost in
20 Podgornaya, which guarded that part of the frontier in
21 the vicinity of Lake Khasan and Mount Zaozernaya.

22 Q Consequently, you participated in the fighting
23 between the Soviet and the Japanese troops which took
24 place in that area in July-August 1938, did you not?

25 A Yes, I commanded the operations of the Frontier

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1 Border Guards on the night of the 31st of July.

2 Q Tell to the Court where the frontier line
3 between the U.S.S.R., Manchukuo and the Lake Khasan
4 area ran, and in what places of the Zaozernaya Hill
5 were located the outpost of the Frontier Guards.

6 MR. FURNESS: If the Tribunal please, defense
7 objects to this question until some groundwork is
8 laid for his knowledge.

9 MR. GOLUNSKY: If the Tribunal please, the
10 witness has testified that during the two years he was
11 the commander of the particular unit of the Frontier
12 Guard at this very part of the frontier. We think that
13 is sufficient ground to ask him this question.

14 THE PRESIDENT: Well, if any man should know
15 the position of a frontier, it should be a man in that
16 position. It would be his duty to know in order to
17 avoid trespassing on the domain of the Japanese -- or,
18 China, I suppose it would be, or Manchuria.

19 I think we should treat him as being expert
20 by virtue of the very nature of his office.

21 Proceed.

22 A The frontier line in this portion of the
23 frontier ran from south to north along ~~the~~ Tumen-Ula;
24 then further on from the frontier postmark along the
25 crest of the mountains through the Zaozernaya Mountain,

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1 and then turned to the north.

2 Q How do you know that the frontier line ran
3 precisely the way you have described it?

4 THE PRESIDENT: Do not answer for the time
5 being.

6 MR. FURNESS: This is not an objection, sir,
7 but when Russian names are given we request that they
8 be spelled. We find it very hard to take notes.

9 THE PRESIDENT: That is a reasonable request.
10 The gentleman interpreting from Russian into English
11 will do that, I hope.

12 Q I will repeat the question again. How do you
13 know that the frontier line ran precisely the way you
14 have described it?

15 A First of all, from 1929 to 1930, I served
16 in that place as a private. Then I was sent to an
17 officers' school where I learned the line of the fron-
18 tier well, according to the documents given to us for
19 study. And then, further on, in 1936, 1937 and 1938,
20 I was chief of the outpost of the Frontier Guard detach-
21 ment there, and of course I had to know all these
22 things. When I was a chief of the Border Guard outpost
23 I had to know and I knew every little place in that
24 portion of the frontier according to my duties.

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Q On the whole, how many years did you spend in the Far East?

A On the whole about five years on that particular place of the frontier.

Q Mr. Witness, tell to the Court from your personal observation how the attitude of Japan towards the U.S.S.R. affected the population of the Soviet Far East?

MR. LOGAN: I object to the form of that question, your Honor.

THE PRESIDENT: Repeat it, will you, Shorthand Reporter?

(Whereupon, the objection was read by the official court reporter.)

THE PRESIDENT: What was the form of it? I cannot recollect it.

(Whereupon, the last question was read by the official court reporter.)

THE PRESIDENT: Yes, it is a very difficult question, indeed. He can only give us details from which we might draw conclusions. His expert knowledge would not extend to that. We must draw any inferences of fact of that type. The objection is upheld.

Q Well, Mr. Witness, tell the Court what facts concerning the general situation in the Far East you

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1 know from your personal observation during the time
2 you resided there?

3 THE PRESIDENT: What was said and done?

4 A Well, I can't remember all the facts, I am
5 sure, but I must tell the Court that life there in
6 the Far East and guarding the frontier was really a
7 very troublesome matter. It was very difficult.
8 There were daily provocations on the part of the
9 Japanese-Manchurian troops almost daily; very
10 often frontier guards were killed and those citizens
11 who worked in the fields could not feel safe --
12 worked under the defense of frontier guards. Well,
13 some separate facts that could testify to what I have
14 said -- well, some really big detachments of Japanese
15 and Manchurian troops tried to violate the border,
16 say, around the Mound Pavlova, or in the place which
17 is called Pad-Serebryannaya, near or around the border
18 guard outpost of Pakshikorskaya; same, Podgornaya;
19 same, Khunchun. Well, in these clashes they used
20 artillery and tried to capture the Soviet territory.

21 THE PRESIDENT: Quite a number of names
22 were used there but none were spelled; perhaps they
23 were Chinese and not Russian.

24 MR. FURNESS: If the Tribunal please, we
25 find it just as difficult to follow the Chinese names.

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1 Q Mr. Witness, tell the Court was it not so
2 that in July, 1938, it was the Soviet frontier guards
3 that made an assault at Zaozernaya Hill and captured
4 it from the Japanese frontier guards.

5 THE PRESIDENT: Mr. Logan.

6 MR. LOGAN: I object to that, your Honor,
7 as leading and putting the answer in the witness'
8 mouth.

9 THE PRESIDENT: I understood the phrase as
10 whether it was not; that is leading.

11 Mr. McManus.

12 MR. McMANUS: If your Honor pleases, may I
13 inquire the purpose of this witness on the stand,
14 against whom he is testifying, any individual defend-
15 ant or the general conspiracy or what document, or
16 why he is on the stand. At least we should know that.

17 THE PRESIDENT: The prosecution are under
18 no obligation to guide you to that extent. If you
19 have an objection you should make it and it will be
20 dealt with.

21 Proceed.

22 Q Mr. Witness, tell the Court, were the
23 Japanese frontier guards on the Zaozernaya Hill?
24 Were they ever on the frontier of the Zaozernaya Hill
25 during your work in your outpost?

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1 A Until August, 1938, I had never seen
2 Japanese frontier guards on the Zaozernaya Hill.
3 It was the Soviet border guards that discharged
4 their duties on the Zaozernaya Hill -- permanently
5 discharged their duties -- Soviet border patrol.

6 MR. FURNESS: Perhaps could we have the
7 spelling of that, sir?

8 Q Did you or did you not ever see Manchurians
9 perform their religious rites on the Zaozernaya Hill,
10 considering it a holy place?

11 A As far as the Zaozernaya Hill is concerned,
12 the population of Manchuria had never gathered there
13 for performing their religious rites, but I know that
14 three kilometers west of the frontier line there is
15 another hill which is called in Russian, Bogomolnaya.
16 Well, I saw there many Manchurians from time to time;
17 I don't know what they did there.

18 THE PRESIDENT: Major Blakeney.

19 MR. BLAKENEY: May we ask for the spelling
20 of these localities?

21 RUSSIAN INTERPRETER: B-o-g-o-m-o-l-n-a-y-a.

22 THE PRESIDENT: You could only require them
23 for the purpose of cross-examination today. You will
24 see them in the record tomorrow'but I do hope that
25 Minister Golunsky will arrange to give you the spelling

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1 so as to avoid interruptions like this. We are
2 wasting a lot of time unnecessarily.

3 I understand, Minister Golunsky, that of
4 all the names mentioned only one can be found on the
5 maps before my colleagues and that is Lake Hassan.

6 MR. GOLUNSKY: I have already promised the
7 defense counsel that after the noon recess we will
8 furnish them with a complete list of all the Russian
9 names mentioned in the testimony of this witness.

10 RUSSIAN INTERPRETER: Excuse me, correction
11 of the previous statement: I don't know what they
12 were doing there. Well, they evidently possibly
13 performed their religious rites there.

14 BY GENERAL TADEVASYAN (Continued):

15 Q Tell the Court in your own words what you
16 know of the events that took place in the Lake Hassan
17 area in July-August, 1938.

18 A Well, I will try to expound what I personally
19 know. On the 3d of July, 1938, a patrol on the
20 Zaozernaya Hill consisting of two border guards
21 reported that they saw about two companies of Japanese
22 border guards -- I mean, not border guards but field
23 troops were approaching the hill. I personally went
24 to the Zaozernaya Hill and I saw from there about two
25 hundred Japanese field troops, two hundred men strong,

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1 that appeared around Khomoku (K-h-o-m-o-k-u), some-
2 where about two hundred meters from the frontier -- and
3 deployed two hundred meters from the frontier. I kept
4 close watching on that place, on the place around it,
5 and I established that on the 6th of July of 1938
6 the population -- the Manchurian population that
7 lived in some places around the place where the frontier
8 post was -- was transferred deep into the Manchurian
9 territory. Well, this confirmed my supposition that
10 the transfer of the population was just a preparatory
11 measure for military operations in the area. Well,
12 and by the facts that followed it was confirmed that
13 beginning from July 6 until the end of the month, in
14 the area of villages -- of the villages of Khomoku
15 and Dingasheli -- came or were brought Japanese field
16 troops with artillery -- artillery, heavy machine guns,
17 light machine guns. They dug trenches and prepared
18 positions for the artillery.

19 THE PRESIDENT: Mr. McManus.

20
21 MR. McMANUS: Mr. President, I request at
22 this time that the witness' remark about supposition
23 and offering his own opinion, in so far as he thought
24 they were there for military purposes, be stricken.
25 Furthermore, I object again to this witness' testimony

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1 and the questions asked because of relevancy. We
2 have yet to see it and we ask the Court to ask the
3 prosecutor please to confine himself to relevant
4 questions.

5 THE PRESIDENT: An officer of his rank and
6 in his situation would be entitled to make suppositions
7 as to the purpose of small units of that type. As to
8 the second part of the objection, we have already
9 dealt with that. The objection is disallowed.

10 A (Continuing) By the end of July in that
11 area -- on the Manchurian territory of the area --
12 against the Zaozernaya Hill and generally in that
13 area, there were about already one regiment of the
14 Japanese troops with mortars and artillery and about
15 six batteries of artillery and machine guns. On the
16 29th of July, 1938, Japanese field troops, about two
17 companies strong, violated the border and attacked
18 eleven border guards of the Soviet territory about
19 three hundred meters deep into the Soviet territory.
20 The said eleven border guards were on the Mt.
21 Bezymyannaya. Well, as soon as the hostilities began
22 I sent to help them seven more border guards and then
23 a horsemen detachment -- a small group of cavalrymen --
24 arrived and they helped us to drive out the Japanese.
25 As a result of that attack on the part of the Japanese

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1 troops these eleven border guards were murdered.
2 On the 30th of July the Japanese troops which were
3 deployed west of the Zaozernaya Hill fired at the
4 Soviet troops during the whole day. The Soviet
5 border guards did not open fire on the 30th of July.
6 On the night of July 31, 1938, about two companies
7 of Japanese troops violated the border five hundred --
8 six hundred meters deep, trying to encircle the
9 Zaozernaya Hill, and in this way to capture the border
10 guards that were on the Zaozernaya Hill.

11 THE PRESIDENT: As I am reminded by a
12 colleague, it would be sufficient really to give
13 evidence of the attacks and let the defense get out
14 the details. That may save time. It depends on
15 the attitude of the defense.
16

17 We will adjourn now until half-past one.

18 (Whereupon, at 1200, a recess was 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. GOLUNSKY: If the Tribunal please, before the recess there was an objection on the part of defense counsel to the map attached to document 2242, exhibit 753. The objection was due to the fact that the Processing Division in processing this document did not translate and process the inscription on the back of the map which certifies that this is a photocopy of the original map attached to the protocol of 1884. This certificate has been now processed, and I am handing it over to the Tribunal. The copies for the defense are being served to them simultaneously.

THE PRESIDENT: Major Furness.

MR. FURNESS: I request the Tribunal, in considering this map, to inspect the original exhibit which has been filed with the Clerk. They will find, I think, that the border as drawn on that is not part of the photograph, but is superimposed in yellow paint or ink. This will be evident from inspection and from feeling of the line, I believe.

THE PRESIDENT: That would appear to be so.

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1 MR. FURNESS: I, therefore, request the
2 Tribunal to reject it as any evidence proving that
3 border.

4 THE PRESIDENT: Apart from the yellow line,
5 it is a mere map. That is what your point is.

6 MR. FURNESS: That is it exactly.

7 THE PRESIDENT: You mean it does not disclose
8 the border line?

9 MR. FURNESS: Yes, sir.

10 THE PRESIDENT: Have you anything to say,
11 Minister Golunsky?

12 MR. GOLUNSKY: I should like to see the original
13 map now, if I may?

14 (Whereupon, a document was handed to
15 Mr. Golunsky.)

16 MR. GOLUNSKY: If the Tribunal please, I
17 should like to have some time to investigate and give
18 my explanations a little bit later.

19 THE PRESIDENT: Yes. Let me see the original
20 of the report 753. (to Mr. Mantz, Clerk of the Court)

21 Does the certificate attached to exhibit 753
22 show where the original may be found? I have been
23 trying to get exhibit 753, but it is not available to
24 me for some reason or other.

25 MR. GOLUNSKY: The original map, as all the

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1 maps establishing the State frontier is in the State
2 Archives of the Soviet Union.

3 THE PRESIDENT: There is a blank in the
4 certificate as appears in the copies of the certificate
5 attached to the documents handed to the judges. I
6 thought that it is possible the certificate -- the
7 original certificate attached to exhibit 753 would
8 not have that blank in it.

9 MR. GOLUNSKY: Certainly. That is why I
10 handed right now another certificate signed by the
11 Director of the State Archives of the Soviet Union.

12 THE PRESIDENT: But the certificate also refers
13 to the report of the Chief of Frontier Troops.

14 MR. GOLUNSKY: Yes, the report of the Chief
15 of Frontier Troops has been filed with the Tribunal
16 with the same exhibit No. 753.

17 THE PRESIDENT: I am endeavoring to check
18 that. I accept what you say, Minister Golunsky. I
19 have been looking for it, and have not been able to
20 get it. It is there somewhere in the Court, but I
21 have not been able to lay my hands on it.

22 Proceed with something else.
23
24
25

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DIRECT

1 P E T E R F E D O R O V I C H T E R E S H K I N,
2 called as a witness on behalf of the prosecution,
3 resumed the stand and testified as follows:

4 BY GENERAL TADEVOSYAN (Continued):

5 Q Mr. Witness, tell us, were there any Soviet
6 troops in the Khasan Lake area in the period prior to
7 July 29 - 31, 1938?

8 A Prior to July 29 - 31, 1938, on the frontier
9 there were only ordinary frontier guard troops. There
10 were no field troops in this area.

11 Q Do you know what was the strength of the
12 troops from both sides at the climax of the fighting?

13 A The Japanese started their attack on the
14 night of July 30, two battalions in strength; from
15 the Soviet side only frontier guard troops partici-
16 pated in the battle. No artillery took part in the
17 battle from the Soviet side, while the Japanese used
18 their artillery already on the night of the 30th of
19 July.

20 RUSSIAN MONITOR: Morning of the 31st of July.

21 A (Continuing): The Soviet field units entered
22 into battle only after the Japanese had occupied a
23 part of Soviet territory.

24 Q Were you in this area at the climax of the
25 fighting?

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DIRECT

1 A I conducted the fighting operations of the
2 frontier guard troops on the night of July 29, and
3 on the morning of the same date. On July 31, when
4 the support frontier guard troops came, I received
5 the order to transfer the wounded to the rear. By
6 this time I had been wounded several times; and there-
7 fore went to the rear and did not take part in the
8 further battle operations. Reading the reports on
9 the fighting, reading the reports which came from
10 the battlefield, I knew that during these days, that
11 is on July 31 and in August 1 and 2, the Japanese used
12 nearly an infantry division with artillery.

13 Q Were you in this area after having been
14 released from the hospital and after the cessation
15 of hostilities?

16 A Yes, I was there.

17 Q Where did the frontier between the U. S. S. R.
18 and Manchuria run at that time?

19 A The frontier line ran in the same way as
20 prior to the attack of the Japanese troops.

21 GENERAL TADEVOSYAN: Now, if the Tribunal please,
22 the witness Tereshkin may be placed at the disposal of
23 the defense counsel for cross-examination.

24 THE PRESIDENT: Mr. Logan.

25 MR. LOGAN: If the Tribunal please, at the

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1 conclusion of this direct examination of this witness,
2 we move that the Court strike out and disregard his
3 evidence on the ground that it refers to a minor
4 border incident which was settled amicably by both
5 Japan and Russia on or about August 10, 1938, as
6 shown by exhibit 273 in evidence. Having been formally
7 settled by both countries, this incident, in the sub-
8 mission of the defense, can have no probative value
9 on any of the issues in the case.

10 THE PRESIDENT: It might be like condonation
11 in a divorce case revived on subsequent misconduct.

12 I think I shall have to refer that to my
13 colleagues. If it were, in fact, an aggression, I
14 do not know that it would be excluded from evidence
15 because of any agreement that may have been made later,
16 unless the agreement was not to regard it as aggression.

17 The motion presupposes that Russia alone is
18 concerned with Japanese aggression even against Russia;
19 but it may be the other ten nations are equally con-
20 cerned with aggression by any nation against any
21 other nation, assuming, of course, that aggression is
22 established. I can say nothing about that.

23 Did you wish to be heard?

24 MR. GOLUNSKY: Yes, please. It is our
25 contention that a battle in which participated a

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1 division with artillery cannot be considered as a
2 minor frontier incident, especially when the Amba-
3 sador of the representative country, before the
4 battle occurred, threatened to use armed force;
5 which shows that it was not a spontaneous clash on
6 the frontier, but an action sanctioned by the govern-
7 ment.

8 As to the arrangement between the Soviet
9 Union and Japan to which the defense counsel referred
10 just now, the Tribunal can easily ascertain -- it is
11 in evidence before the Tribunal -- that the arrangement
12 dealt exclusively with the cessation of hostilities
13 and the demarcation of this part of the frontier; and
14 the matter, --

15 THE PRESIDENT (To Mr. McManus): You cannot
16 interrupt an argument. You may interrupt the examin-
17 ation of the witness.

18 MR. GOLUNSKY:-- and the matter of responsi-
19 bility was not dealt with at all.

20 MR. McMANUS: If the Court pleases, I would
21 like to object -- I would like my objection noted on
22 the record to the prosecutor testifying.

23 THE PRESIDENT: A majority of the Tribunal
24 thinks that the evidence is admissible.

25 MR. LOGAN: May I read this part of exhibit 273

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1 which I think might be of assistance to the Court
2 on this particular agreement. "The Japan-Soviet
3 Incident," on page 3, (1).

4 (Reading): "The Information Department of
5 the Foreign Ministry on the 10th August, SHOWA 13
6 (1938) at 10 P. M. published the following statement
7 about the agreement reached between Japan and Soviet
8 Russia on the termination of hostilities.

9 "As the result of a conference between
10 Litvinov, Soviet Chief Commissioner of Foreign Affairs,
11 and Ambassador SHIGEMITSU, on the night of August 10th,
12 an agreement has been reached on the following items:

13 "A. Both sides shall stop military operations
14 at noon (the maritime province hour) on the 11th."

15 THE PRESIDENT: Well, are you trying to reopen
16 the matter, Mr. Logan?

17 MR. LOGAN: If your Honor please, in view
18 of the statement made by the able prosecutor in regard
19 to what that agreement was, I thought it might be of
20 assistance to the Tribunal if the evidence showed what
21 the agreement was; and there are only two more short
22 paragraphs.

23 THE PRESIDENT: Well, we have read that,
24 and this looks like an attempt to reopen the matter,
25 Mr. Logan. Let me put it this way, without amplifying

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1 the decision but in reply to you, that if an aggressive
2 war is an offense against international law, no one
3 nation can pardon that offense. That is the position
4 as I see it.

5 MR. LOGAN: But if, your Honor, the nations
6 involved arrive at a settlement between themselves,
7 wouldn't the other nations in good conscience be
8 obliged to follow the decision of the two nations
9 involved?

10 THE PRESIDENT: It may be used in mitigation
11 of punishment, perhaps, but it could not obliterate
12 the offense. The matter is closed.

13 I said the matter was closed, Mr. Cunningham.
14 I do not know what you are going to say.

15 MR. CUNNINGHAM: I didn't hear you, your Honor.
16 I did want to ask one question.

17 THE PRESIDENT: I am sure you would not have
18 infringed deliberately.

19 I do not know what Dr. KIYOSE was going to
20 bring up at this stage. Are you going to cross-examine?

21 DR. KIYOSE: Yes.

22 CROSS-EXAMINATION

23 BY DR. KIYOSE:

24 Q Mr. Witness, you have been testifying for the
25 last few moments on the hostilities regarding this part

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1 of the Soviet-Manchurian border. Are you aware of
2 the provisions of the protocol concluded between
3 the former Imperial regime of Russia and the former
4 Chinese Empire in June, 1886?

5 A Yes. I knew them, and learned at school
6 on the way the frontier parts according to the treaty
7 of 1886. I studied that at the military college.

8 Q Did you ever have a chance to see the original
9 of the map attached to this protocol, to see the
10 original map attached to this protocol?

11 A Yes, I saw it; but not the original, but
12 the copies from the original.

13 RUSSIAN MONITOR: A photocopy.

14 Q Was it the same map that is attached to
15 exhibit No. 753 which has just been presented to this
16 Tribunal?

17 A I did not see the map which was presented to
18 the Tribunal.

19 DR. KIYOSE: Please show it to him.

20 (Whereupon, a document was handed to
21 the witness.)

22 A (Continuing): It is very difficult to read
23 the names; and I studied the photocopy of this map
24 when the names were made in Russian.
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1 Q Now, concerning the wording of the protocol itself,
2 do you know of the following words which define the
3 border as running from letter T northwestward through
4 the mountains to the west of Lake Khasan and to the
5 north to Sand point.

6 A According to the maps I studied at the military
7 college the following was said there. I repeat. The
8 frontier line runs across the river, the course of the
9 river Tumen Ula to the frontier mark; the frontier
10 line runs from south to north along the course of the
11 River Tume Ula to the frontier Mark letter T, and
12 further along the crest of the hill Saozernaya, and
13 further turned to northeast.

14 Q The border, as you have testified just now,
15 does not coincide with the border line as I quoted
16 from the protocol. Where do you think this difference
17 arises from?

18 A I learned in this military college that the
19 frontier line ran in this way and during several years --
20 during the several years, five years, I guarded it as
21 an enlisted man and then as an officer there were no
22 claims from the side of either Manchuria or Korea.

23 THE MONITOR: Manchuria, Japan or Korea.

24 Q Did you ever pay attention to the words of the
25 protocol which defined the border as running west of

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1 Lake Khasan?

2 A I know that the frontier line runs along the
3 crest of the hills -- along the crest of the hills west
4 of Lake Khasan.

5 Q Then I shall question you concerning the
6 crest of the hills. Is it not true that they ran not
7 only north to south but that also there were two crests
8 east and west -- in the east and in the west?

9 A Yes. There are two crests of hills. One runs
10 west of the Lake Khasan and the other runs east of the
11 same lake, and the frontier line runs along the crest
12 of the hills west of the Lake Khasan.

13 Q Was the fighting carried on to the west of the
14 crest or to the east of the crest?

15 A Special operations were conducted east of the
16 crest of hills between the western bank of the Khasan
17 Lake and the Zaozernaya.

18 Q In what relationship was your outposts of
19 Zaozernaya to the border, as you understand it?

20 A The frontier detachment of which I was command-
21 ing officer was east of the frontier lines.

22 Q How far was that from that outpost?

23 A 150 meters.

24 Q How far was it from this outpost to Vladivostok?

25 A It is very difficult to answer this question.

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1 THE PRESIDENT: What is the point anyhow?

2 DR. KIYOSE: I wished to know whether it was
3 simple or difficult to send soldiers from Vladivostok
4 to that spot.

5 THE WITNESS: The movement of the troops from
6 Vladivostok to the frontier outposts would take twenty-
7 four hours or perhaps more, but it is possible to speed
8 the movement of the troops using the modern technique.

9 Q I shall ask another question. Will you explain
10 the duties of the frontier guard post of which you were
11 commander near Lake Khasan?

12 A My duty was to prevent the seizure of the
13 Soviet territory in anyway, no matter what troops
14 attacked it, whose troops attacked it.

15 Q For that purpose I suppose it is needless to
16 say that you had to continually observe and inspect
17 conditions within Manchuria and Korea. Is that so?

18 A I would like you to repeat this question. I
19 can't catch it.

20 THE MONITOR: I don't understand it.

21 Q Did you carry out observations concerning
22 conditions within the Manchurian and Korean border
23 in the pursuit of your duties?

24 A I conducted only observation of the immediate
25 vicinity of the frontier and what wasn't hidden from me.

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1 Q What kind of steps did you take in order to
2 carry this out?

3 A Exclusively by way of personal observation.

4 Q Do you recollect whether either you or any
5 of your subordinates ever captured, ever arrested, any
6 Manchurians or Koreans?

7 A There was a case when, previously to the
8 battles in the Lake Khasan area, when two Manchurians
9 were caught, and a letter written by a Japanese
10 officer was discovered on them. The Japanese author-
11 ities demanded in that letter to withdraw Soviet troops
12 from the Zaozernaya, and it was said that in case of
13 emergency Japan would use armed force to realize their
14 demands.

15 THE MONITOR: If the Soviet border guards
16 were not withdrawn.

17 Q Your testimony just now was regarding a
18 Manchurian. Did not any such similar incident also
19 arise in regard to Koreans?

20 A I don't remember any cases concerning Koreans.

21 Q Did not frontier guards, with duties similar
22 to yours, at other posts, or your predecessor, who had
23 the same kind of duties, that you did, carry out such
24 arrests?

25 A The Korean population was captured -- had been

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1 arrested in my section of the frontier when his fishing
2 boat was thrown onto our coast. That was in the area
3 of Sivuch Bay. Those Koreans which were seized were
4 handed by me over to the Japanese authorities near
5 the frontier marked letter D.

6 DR. KIYOSE: I conclude my cross-examination.

7 THE PRESIDENT: Major Furness.

8 CROSS-EXAMINATION (Continued)

9 BY MR. FURNESS:

10 Q Colonel, could you tell us in general terms
11 just where this incident took place? You can refer to
12 the map there if you desire to do so.

13 THE PRESIDENT: We will need a record of it.
14 If he points out a place we will want a record of it.

15 Q Was it on the border between Manchuria, Korea
16 and the eastern province of Siberia, the maritime
17 province of Siberia?

18 A I want to repeat, which incident are you
19 referring to precisely?

20 Q I am referring to the incident which you have
21 testified to near Lake Khasan and Hill Chan-Ku-fen.

22 A I can show this area on the map.

23 THE PRESIDENT: He can look at exhibit 753 which
24 hasn't been handed to me yet. I don't know where it is.
25 He can mark it on exhibit 753, the exhibit with the

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1 map. I think it is 753.

2 MR. FURNESS: That, sir, doesn't show the general
3 locality.

4 THE PRESIDENT: Well, show him a map that does
5 and it can be tendered when he marks it.

6 MR. FURNESS: I am not sure that I have such a
7 map. I withdraw the question.

8 Q This incident took place, did it not, near
9 where the border of Korea, borders of Korea, Manchuria,
10 and the maritime province of Siberia come together?

11 A No. The Frontier lines of Korea, Manchuria
12 and the Soviet Union join near the frontier mark
13 letter T.

14 THE MONITOR: Letter D.

15 A (Continuing) This incident took place two or
16 three and a half kilometers north of the frontier mark
17 letter D.

18 Q Did you say "letter T" or "letter D?"

19 A Letter T.

20 Q That border is in mountainous country, is it
21 not?

22 A Yes. This sector consists of small hills.

23 Q And it was patrolled by both Russian troops
24 and Japanese or Manchukuo troops, as it not?

25 A I don't understand. Where precisely were the

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1 Russian and Manchurian troops located?

2 Q Along the border between Manchuria and Siberia.

3 A Yes. There were some Russian frontier guard
4 troops and the Japanese field army units located there.

5 Q And it was very difficult, was it not, to tell
6 exactly when you crossed the border?

7 A The Soviet troops didn't cross the Soviet-
8 Manchurian border. I speak of the battle with the
9 Japanese troops on the Soviet territory after the
10 Japanese troops had violated the frontier.

11 Q When I refer to Soviet troops I mean to include
12 the frontier guards. In their patrols was it not very
13 difficult to tell on which side of the border they
14 were in that rough country?

15 A The Japanese troops occupied the Zaozernaya
16 Hill, east bank of the Khasan Lake and Bazymyannaya
17 Hill and part of the hills south of Zaozernaya.

18 Q I am referring to the border -- to times prior
19 to this incident. Was it not very difficult for troops
20 of either side or frontier guards of either side to tell
21 on which side of the border they were?

22 A I repeat, the Soviet troops did not violate
23 the Frontier Line and prior to the battle and during
24 the battle they were east of the frontier lines.

25 Q When did you attend officers' school?

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1 A I began my studies in 1931 and then graduated
2 from the school in 1932.

3 Q Where was that school?

4 A In Leningrad.

5 Q So that during that time you weren't at the
6 border?

7 A During my studies I was in Leningrad.

8 Q And you, at that time, studied the documents
9 which dealt with the border line between Manchuria
10 and Siberia?

11 A I studied the frontier lines, all frontier
12 lines of the Soviet Union.

13 Q You studied this one in particular?

14 A I paid greater attention to this sector of the
15 frontier because I had served there as an enlisted
16 man.

17 Q Were you informed that the territory between
18 the west bank of Lake Khasan and the summit of Chan-Ku-
19 fen Hill and Zaozernaya Hill was disputed territory
20 claimed by both Manchukuo and Russia?

21 A The question isn't clear to me. Will you
22 kindly repeat it?

23 Q Were you, in your studies, informed that the
24 territory between the west bank of Lake Khasan and the
25 summits of Chan-Ku-fen Hill and Zaozernaya Hill were

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1 claimed by both Manchukuo and Russia?

2 A After July, 1938, there were no claims from
3 the side of Japan, Korea and Manchukuo on this particu-
4 lar section of the frontier lines.

5 Q I am not asking you that. I am asking you
6 whether when you were studying at Leningrad at the
7 officers' school, whether you were informed that that
8 was disputed territory.

9 A No, they didn't.

10 Q Were you, while you were serving as an enlisted
11 man or an officer along that border, informed that
12 that was disputed territory?

13 A No. While being a Red Army man I several times
14 guarded the frontier line personally and have been
15 personally on the Zaozernaya Hill. While an officer
16 on this sector of the frontier line, I three times
17 participated in the negotiations with the Japanese
18 authorities and have heard no claims from the side of
19 the Japanese authorities.

20 THE PRESIDENT: We will recess for fifteen
21 minutes.

22 (Whereupon, at 1445, a recess was taken
23 until 1500, after which the proceedings were
24 resumed as follows:)

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

THE PRESIDENT: Major Furness.

CROSS-EXAMINATION (Continued)

MR. FURNESS: Might I request that the last question and answer be read?

(Whereupon, the last question and answer were read by the official court reporter as follows:

"Q Were you, while you were serving as an enlisted man or an officer along that border, informed that that was disputed territory?

"A No. While being a Red Army man I several times guarded the frontier line personally and have been personally on the Zaozernaya Hill. While an officer on this sector of the frontier line, I three times participated in the negotiations with the Japanese authorities and have heard no claims from the side of the Japanese authorities."

BY MR. FURNESS (Continued):

Q When were those negotiations conducted?

A I don't remember the exact date, but that was in 1937 and 1938.

Q Were any of them after July 1, 1938?

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1 A No, that was earlier.

2 Q Did you conduct any negotiations with Japanese
3 authorities after July 1, 1938?

4 A No.

5 Q You testified when you were being cross-examined
6 by Dr. KIYOSE that certain Manchurians or Koreans were
7 captured and one of them had on their person a letter
8 demanding that the Russian Frontier Guards evacuate
9 Zaozernaya Hill.

10 A As I have already said, two Manchurians were
11 held up and the letter was discovered on them.

12 Q When did that take place?

13 A That was the middle of July 1938.

14 Q About July 15?

15 A Probably, yes.

16 Q Those two men were part of the armed forces
17 of Manchuria, were they not?

18 A They didn't tell me that. They were in civi-
19 lian dress.

20 Q Were they on their way to deliver the letter
21 which you mentioned?

22 A Yes, the letter was discovered on one of them.

23 Q Was one of them a Corporal MATSUSHIMA?

24 A I didn't know that one of them was a military
25 man. They both wore civilian dress.

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1 Q Where were they captured?

2 A On the Soviet territory three hundred meters
3 south of the Zaozernaya Hill.

4 Q Were you at any time, as officer or enlisted
5 man, in the army, informed of a map issued by the Russian
6 General Staff in 1906 showing the borderline to the
7 east of Lake Khasan?

8 A I don't know of what map you speak. I had a
9 map.

10 Q Go ahead, finish your answer.

11 A I don't know. Of what particular map do you
12 speak? The map I had was dated 1930-1931.

13 Q The Russian frontier guards or troops between
14 the first of July and the 29th of July dug entrench-
15 ments, did they not, on the hills which they claimed
16 to be the border?

17 A On July 1938 on this sector of the front there
18 was an ordinary frontier guard patrol.

19 RUSSIAN MONITOR: Up to the 29th of July.

20 A (Continuing) And usually every day there
21 were some frontier guards on this sector of the fron-
22 tier line.

23 Q Did they not dig entrenchments?

24 A There were no military fortifications on
25 the Soviet territory near the frontier line.

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1 Q You had no entrenchments whatever, then,
2 on July 29?

3 A No, there were no trenches.

4 Q Would you say that during your entire
5 experience prior to July 1929, no armed forces of
6 the Soviet Union ever crossed the border as claimed by
7 the Soviet Union?

8 JAPANESE MONITOR: Will the court reporter
9 please read that question, the part about the date?

10 (Whereupon, the question was read
11 by the official court reporter.)

12 Q Prior to July 29, 1938.

13 A The Frontier Guard units and Soviet Army
14 units in general prior to July 29, 1938, never
15 violated the Manchurian frontier line.

16 Q You said "in general." Did they violate it
17 in particular?

18 A There were no particular cases of violation
19 of the frontier. I would have known if there were any
20 in my capacity of commanding officer of the frontier
21 outpost.

22 Q And the Soviet Union had no spies or confi-
23 dential agents on the other side of the border?

24 A I am not concerned with this question..

25 Q Can you answer the question, whether you are

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1 concerned with it or not?

2 A While being on the frontier line, I conducted
3 guard duty on the frontier line. That is, together
4 with frontier of the Soviet Frontier Corps I guarded
5 the frontier line.

6 Q You were in command of the frontier guards,
7 is that correct?

8 A I am commanding officer of the frontier out-
9 post.

10 Q And you had no spies or confidential agents
11 on the other side of the line who reported to you as
12 such officer?

13 A No.

14 Q As far as you know, no other officer of the
15 Soviet Union forces had such spies or confidential
16 agents on the other side of the line?

17 A You speak of confidential agents. As they are
18 confidential agents, I am not in a position to know
19 about them.

20 Q You had no spies, is that correct?

21 A I repeat that my duty was guard duty on the
22 sector of the frontier. I carried out no spy work.

23 Q How many men were under your command?

24 A At different times, from fifty to 150 men.

25 Q What was your rank at that time?

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1 A A lieutenant.

2 Q My notes show that in your direct examination
3 you testified that on July 11 Russian frontier guards
4 occupied and built a trench on Chang-ghu-Feng Hill; is
5 that correct?

6 MR. GOLUNSKY: If the Tribunal please, the
7 witness said nothing of the sort on his direct
8 examination.

9 MR. FURNESS: If my notes are incorrect, the
10 record will speak for itself. I thought he did.

11 Q You have testified that you observed something
12 which might have been religious rites by the Manchu-
13 rians to the west of the border.

14 A Yes, I saw, three kilometers west of Hill
15 Zeozernaya, on Hill Bogomolnaya, as we call it, in the
16 middle of the summer, a group of Manchurians gathered
17 there and did something there, probably performed their
18 religious rites.

19 Q And they were on their side of the border?

20 A They were two kilometers and a half or three
21 kilometers from the frontier line, west of the Zaozer-
22 naya Hill.

23 Q And that is on the Manchurian side of the
24 border?

25 A Yes, that was on the Manchurian territory.

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1 Q Where were you?

2 A I was on the Zaozernaya Hill.

3 Q On which side of the border?

4 A I was on the frontier line.

5 Q Exactly on the line?

6 THE PRESIDENT: This is a useless cross-
7 examination which, I respectfully suggest, misses the
8 whole point.

9 The question whether there was an encroach-
10 ment by the Japanese or the Russians on particular
11 territory could be determined only by the conduct
12 of their armed forces or some other official body
13 connected with one or the other. The mere movement
14 of private individuals across a boundary line, even
15 of religious bodies, would have no bearing on what the
16 boundary line was. The question here is whether there
17 was an encroachment by one nation on the territory of
18 another with a view to retaining that territory; and
19 the movement of spies and others across the boundary
20 line proves nothing. It would not prove anything in
21 any country. That is, as to the exact location of a
22 boundary line between two countries.

23 MR. FURNESS: It has been offered as proof
24 this morning by the prosecution, if your Honor please.
25

THE PRESIDENT: I realize they offered that

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1 religious body's observances on a hill.

2 MR. FURNESS: They also offered as proof the
3 smuggling of spies across the border and the entry of
4 individual troops.

5 Part of my objective here is to attack the
6 credibility of the witness and to show prejudice.

7 Q You testified that on July 29 you observed
8 Japanese field troops gathering for an attack. At
9 that time you had eleven border guards to be reinforced.
10 Did you also testify that they repulsed the Japanese
11 troops?

12 A The Japanese were repulsed from the Soviet
13 territory by seven frontier guards I sent, plus
14 several cavalry frontier guard patrols which were sent
15 from the neighboring outpost.

16 Q How many cavalry frontier guards?

17 A About thirty, forty men.

18 Q Were you present when the fighting ended?

19 A I saw ~~as~~ the Japanese unit retreated back onto
20 the Manchurian territory, on the Soviet territory on
21 the Bezymyannaya Hill I saw eleven Soviet frontier
22 guards, sabered.

23 Q The Japanese troops were withdrawn after
24 August 11, were they not?

25 A 100-150 Japanese soldiers which violated the

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1 frontier line on July 29 retreated in the evening of
2 July 29, after the frontier guard cavalry detachment
3 entered into battle.

4 Q I think you didn't hear my question. I was
5 referring to the end of the fighting, August 10 or 11.

6 A I said in the beginning that on July 31, after
7 a heavy wound, I was evacuated into the rear and didn't
8 participate personally in the further developments.

9 Q But you read the reports, did you not?

10 A Yes, I read the reports.

11 Q And according to those reports, the Japanese
12 troops and the Russian troops withdrew and the
13 fighting ended, after an agreement had been signed?

14 A After the conclusion of the agreement, both
15 the Japanese and the Soviet troops withdrew from the
16 frontier line and there remained only an ordinary
17 frontier guard outpost.

18

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1 Q And after that there were no serious
2 border incidents along that border?

3 A No, I don't know anything of such incidents.

4 Q You know of no such serious incidents after
5 that?

6 A After that I went to the south of Russia
7 to restore my health and I knew nothing of the
8 happenings on the frontier line.

9 MR. FURNESS: No further cross-examination.

10 THE PRESIDENT: Mr. Golunsky.

11 MR. GOLUNSKY: There will be no redirect
12 examination.

13 THE PRESIDENT: The witness is released on
14 the usual terms.

15 (Whereupon, the witness was excused.)

16 THE PRESIDENT: Major General Tadevosyan.

17 GENERAL TADEVOSYAN: I will continue to
18 quote from the already mentioned report of the Red
19 Army General Staff of March 21, 1946, document No.
20 2242, exhibit No. 753.

21 RUSSIAN INTERPRETER: Correction: report
22 of the Frontier Corps Department of the People's
23 Commissar for Home Affairs of March 21, 1946.

24 GENERAL TADEVOSYAN: In the aforesaid report
25

1 is given a precise description of the development
2 of the events. I quote the last part, page 1:

3 "Beginning from July 1938, the Japanese
4 began concentrating large forces in the area of the
5 Lake Hassan. Up to July 29, 1938, these forces
6 systematically violated the U.S.S.R. border in this
7 area, but each time the Japanese were driven out from
8 our territory. On July 15, 1938, on the southern
9 slopes of the Zaozernaya Hill a group of Japanese
10 gendarmes violated the border and penetrated deep
11 into our territory. Our frontier guards opened fire
12 and as a result one gendarme was killed on our ter-
13 ritory and the corpse was taken by us.

14 "On July 16, 1938 the Japanese demonstratively
15 captured the border hill 406.1 (Mt. Shirumi).

16 "On July 25, 1938 in the area of border
17 sign No. 7 our detachment was provocatively fired at
18 with rifles and machine guns by Japanese from the
19 Manchurian territory. The border guards did not open
20 fire.

21 "On July 26, 1938, while we handed two
22 trespassers to Japanese authorities on the border
23 line, a Japanese detachment demonstratively captured
24 the border hill 'Mt. Chortova.'

25 "On July 29, 1938, early in the morning under

1 the cover of dense fog a Japanese company attacked
2 our border patrol on a no-name hill (area of the Lake
3 Hassan).

4 "From July 29 to August 5 Japanese made
5 several intense attacks on our border guards, who
6 were on the Zaozernaya Hill and on a number of no-
7 name hills, which were occupied by the Japanese.

8 "As a result of putting into action of the
9 Red Army troops on August 11, 1938 the Japanese were
10 routed and the U.S.S.R. territory was liberated."

11 I tender in evidence the affidavit of the
12 hero of the Soviet Union, Chernopyatko, I.D., former
13 platoon commander of the 59th Frontier Guard Detach-
14 ment, an eye-witness of the Lake Hassan events.

15 Chernopyatko was interrogated in Moscow on February
16 26, 1946. (Prosecution document No. 1992).

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1992 will receive exhibit No. 755.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 755 and was received in evidence.)

23 GENERAL TADEVOSYAN: I quote from the
24 aforesaid affidavit:
25

"In 1938 I was a platoon commander of the

59th frontier detachment.

1 "From the 29th of July to the 31st July,
2 1938, I took part in the battles against the Japanese
3 troops who attacked the Soviet frontier patrol on the
4 Hill Zaozernaya.

5 "Sometime before the 29th of July 1938 for
6 two weeks the Japanese troops were seen from the
7 Hill Zaozernaya to be concentrating in this area,
8 occupying the commanding hills where the artillery
9 was being mounted and other fire nests were being
10 built.

11 "To my calculation by the 29th of July the
12 Japanese had drawn up about an infantry regiment
13 strengthened by artillery and mortars. There were
14 two artillery divisions.

15 "We, Soviet frontier troops on the Soviet
16 part of the Hill Zaozernaya, were about thirty men."

17 Here I omit the rest of the paragraph and
18 two more paragraphs and continue quoting from page 2,
19 full first paragraph:
20

21 "On the 29th of July 1938 at 16.30 hours
22 the Japanese troops, 100-120 men strong made a surprise
23 attack under the cover of fog on the adjacent Soviet
24 frontier patrol, consisting of eleven frontier guards.
25 We heard rifle and machine-gun fire and watched the

1 development of fighting. Some advance movement of
2 the Japanese on the Soviet territory on the hill
3 Bezymyannaya became noticeable.

4 "The frontier guards retreated into the depth
5 of our territory."

6 Here I omit the rest of the paragraph and
7 one more paragraph.

8 "On the night of the 31st of July 1938 I
9 was sent on a reconnaissance party into the depth of
10 our territory for guarding the flank and rear of our
11 disposition. About twelve o'clock at night I heard
12 noise in the grass and Japanese speech. This was on
13 the Soviet territory 200 meters deep of the State
14 Frontier.

15 "The Japanese also caught sight of us and
16 opened fire. In a few minutes the Japanese batteries
17 from the adjacent hills opened hurricane artillery and
18 mortar fire on the Zaozernaya Hill.

19 "After a short artillery preparation the
20 Japanese troops simultaneously began attacking
21 Zaozernaya Hill from all sides going deep into the
22 Soviet territory everywhere. In the battle, at about
23 six o'clock in the morning I was badly wounded and
24 carried away from the battlefield, and then evacuated
25 to the hospital.

1 "I may testify that during the whole time of
2 my service in the 59th frontier detachment there was
3 not a single case of breach of the State Soviet-
4 Manchurian frontier by the frontier guards of our
5 detachment, in spite of a number of provocations on
6 the part of the Japanese-Manchurian troops."

7 Hero of the Soviet Union G. A. Batarshin,
8 an eye-witness of the military actions, being inter-
9 rogated by us in Moscow on February 26, 1946, corrobor-
10 ated the above facts.

11 I offer to the Tribunal as evidence the
12 affidavit of Batarshin, G.A., prosecution document
13 No. 2149.

14 THE PRESIDENT: Major Blakeney.

15 MR. BLAKENEY: If the Tribunal please, I
16 wish to record the formal request that the witness
17 Chernopyatko be produced for cross-examination.
18

19 THE PRESIDENT: The application will be
20 considered.

21 General Tadevosyan.

22 Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 2149 will receive exhibit No. 756.

25 (Whereupon, the document above referred
to was marked prosecution's exhibit No. 756 and

was received in evidence.)

1 GENERAL TADEVOSYAN: The following is said
2 in this document. I quote only short excerpts:

3 "From July 29 till August 12, 1938, I took
4 part in military operations to defend the Soviet
5 territory against Japanese armed forces, that un-
6 expectedly attacked the Soviet frontier patrol on
7 hills Zaozernaya and Bezymyannaya."

8 Then on page 2, I quote the third full para-
9 graph:

10 "On July 29, 1938, at sixteen hours the
11 Japanese troops suddenly attacked a neighboring
12 frontier guard patrol eleven men strong. There were
13 about one hundred Japanese soldiers armed with rifles,
14 medium and light machine guns. Having attacked the
15 frontier guards, the Japanese opened fire. The battle
16 was taking place at a distance of seven hundred meters
17 from us."

18 Here I omit three paragraphs and quote further:
19

20 "On the night of July 31, 1938, approximately
21 at midnight large Japanese forces attacked hill
22 Zaozernaya that was guarded by our frontier guard
23 patrol."

24 And to close the quotation I shall read the
25 seventh paragraph on page 3:

1 "From August 6, 1938, our units launched an
2 offensive and by August 12, 1938, had driven the
3 Japanese off our territory and stopped on the former
4 state frontier."

5 THE PRESIDENT: Major Blakeney.

6 MR. BLAKENEY: I make the same request regard-
7 ing this witness also. I wish to record the request
8 that he be produced for cross-examination.

9 THE PRESIDENT: The application will be
10 considered.

11 GENERAL TADEVOSYAN: I present to the
12 International Military Tribunal as evidence an extract
13 from the Journal of Battle Actions of the Red Army
14 General Staff on the actions in the Lake Hassan area.
15 The journal was drawn up at the time of the fighting,
16 prosecution document No. 2235.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 2235 will be given exhibit No. 757.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 757 and was received in evidence.)

23 GENERAL TADEVOSYAN: If the Tribunal please,
24 I quote excerpts from the document. I quote page 1:
25

"On July 24, 1938 at 00.25 hours the Military

1 Council of the front reported the situation on the
2 frontier as it was on July 23, 1938 at 19.00 hours.
3 (See entry 482/336 of July 26, 1938). . .'

4 "On July 22 a number of violations of the
5 frontier occurred. At 08.30 hours ten Japanese and
6 Manchurians armed with a light machine-gun violated the
7 frontier one kilometer south of Hozyatwandi; at 12.50
8 hours on July 22 four men in civilian clothes violated
9 the frontier, penetrating fifty meters deep into our
10 territory one-half kilometer northwest of Diasheli
11 Zaozernaya. Besides, the Japanese 270 men strong were
12 digging trenches four kilometers southeast of
13 Tunsinachan, and a group forty men strong deployed
14 six hundred meters west of the Zaozernaya Hill. In
15 some places the population of certain inhabited points
16 was transferred to the points deep in the territory.

17 "According to the report of the Posyet
18 frontier guard detachment the Japanese during July 23
19 and night of July 24 concentrated on the front
20 Zaozernaya, Kenfun, Kemurukuhi more than 3,000 Japan-
21 ese troops with artillery and tanks."

22 Now I quote page 2 of the English text:

23 "At 3.12 hours July 31, the shooting began,
24 grenades are going off on the southern slopes of
25 Zaozernaya Hill; 4.00 hours the battle is going on.

1 A company of the 118th rifle regiment with tanks
2 attached was thrown into an attack from the direction
3 of Podgornaya. The battalions and a tank company of
4 the 119th rifle regiment are concentrated at hill
5 68.8. 4.20. A group stationed between Zaozernaya
6 and Bezymyannaya hills commanded by Ratnic has entered
7 into action.

8 "New Groupings of Concentrating Japanese.

9 "First -- from the district of Ahopuskanry
10 in the direction of frontier mark No. 5 -- a battalion
11 strong and 10-12 tanks for the purpose of occupying
12 hill 80.7.

13 "Second -- just as strong appearing on the
14 frontier between frontier marks No. 7 and No. 8 are
15 constructing defenses on the hills."

16 I quote further a passage from page 3 of the
17 English text:

18 "The enemy more than infantry regiment (with
19 artillery) strong stubbornly defends the Zaozernaya
20 hill, and created strong flanking artillery and
21 machine-gun fire, in this way holding up the offensive
22 of our troops."

23 Now I shall quote two more short excerpts
24 from page 4 of the English text:

25 "August 1 the arrival of 5,000 Japanese

troops is observed in Dunning.

1 "On August 3, at 10.45 hours the movement of
2 forty tanks is observed from 'Verhnya Pad Sannaya' in
3 the direction of the Suifunska hill."
4

5 Now I will read an excerpt from the affidavit
6 of Major General Akikuse, Syun, former chief of the
7 Harbin Military Mission, of February 22, 1946. The
8 said affidavit has already been presented to the
9 Tribunal by my colleague Colonel Ivanov, exhibit No.
10 743, prosecution document No. 1983. It is clear from
11 the said affidavit that the Japanese war lords were
12 ready for greater battles and to bring into action a
13 number of additional formations. I quote an excerpt
14 from the top of page 5:

15 "Q. What do you know about the military op-
16 erations at Changkufeng?

17 "A. I know that there occurred hostilities
18 near Changkufeng in 1938 and its aim was to recon-
19 noitre in force the real might of the Red Army by
20 fighting. In the encounter participated a Japanese
21 division of the Korean Army and it ended in the
22 defeat of Japanese troops. Two more divisions from
23 the Kwantung Army were dispatched to the place of the
24 encounter, but as the battles ended before their
25 arrival, these two divisions of the Kwantung Army

1 couldn't participate in the encounter."

2 But the Japanese military failed to carry
3 out their plans. The Red Army routed the Japanese
4 invaders and drove them from the Soviet territory.
5 Then SHIGEMITSU again came to the People's Commissariat
6 for Foreign Affairs of the U.S.S.R. and requested that
7 the hostilities be ceased.

8 I offer in evidence the record of the talk
9 between Litvinov, People's Commissar for Foreign
10 Affairs, and SHIGEMITSU of August 7, 1938, prosecution
11 document No. 2243.

12 THE PRESIDENT: Major Furness.

13 MR. FURNESS: I again object to the comments
14 by the prosecution. If the entire exhibit was in
15 evidence with regard to the conference on July 20,
16 it would be found that Mr. SHIGEMITSU made that pro-
17 posal at that time, long prior to the conference to
18 which the prosecutor just referred.

19 THE PRESIDENT: I will have to deal with
20 that objection. You refer to the success of the
21 Russian arms and to the attitude of SHIGEMITSU, but
22 do you propose to give that in evidence? That is
23 objected to. You better proceed with the reading for
24 the time being.
25

GENERAL TADEVOSYAN: Prosecution document

No. 2243--

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2243 will be given exhibit No. 758.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 758 and was received in evidence.)

7 GENERAL TADEVOSYAN: In this record made by
8 Litvinov the following is said. I quote from page
9 3 of the English text:

10 "I said to SHIGEMITSU that I wanted to
11 take advantage of his visit in order to express my
12 surprise at the fact that the Japanese troops con-
13 tinued their attacks and artillery fire after he had
14 proposed the cessation of hostilities and I had
15 replied that we would cease hostilities if the
16 Japanese troops ceased their attacks and fire from
17 the Manchurian side of the frontier. I said that we
18 were forced to counteract and even bring our air-
19 craft into operation. Although the Japanese attacks
20 were repulsed, the Japanese Government was responsible
21 for the casualties."
22

23 THE PRESIDENT: Major Furness.

24 MR. FURNESS: I again request that the
25 defense be furnished with a complete copy of this

1 part of Litvinov's so-called diary, which I under-
2 stand is a record of a diplomatic conversation
3 between the Foreign Minister of Russia and the
4 Ambassador from Japan. I also call attention to the
5 fact that the first excerpt which has just been read
6 does not show who said it and therefore is not in any
7 way clear.

8 THE PRESIDENT: The statements of fact from
9 the lectern are not supported by the exhibit subse-
10 quently read or the excerpt therefrom and will be
11 disregarded.

12 The Tribunal will insist on the production
13 of the original document if they find that to be
14 necessary in the interest of a fair trial.

15 Minister Golunsky.

16 MR. GOLUNSKY: If the Tribunal please, as
17 to the first part of the learned counsel's statement
18 I can only repeat what I mentioned on a previous
19 occasion of this same kind. As to the second, that
20 means that I will gladly furnish to the defense the
21 complete text of this record as soon as mechanically
22 possible. As to the second part of his objection
23 that it is not clear who is talking -- who is doing
24 the talking recorded in this record -- I draw the
25 attention of the Tribunal that the document itself

1 shows that it is an excerpt from Litvinov's diary
2 and if somebody said, "I pointed out," it is evident
3 that Litvinov is doing the talking.

4 THE PRESIDENT: Yes, the diary is only a
5 soliloquy actually.

6 We will adjourn now until half-past nine.

7 (Whereupon, at 1600, an adjournment
8 was taken until Wednesday, 16 October 1946, at
9 0930.)

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