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1	Tuesday, 8 October, 1946
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4	INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
5	Court House of the Tribunal War Ministry Building
6	Tokyo, Japan
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8	The Tribunal met, pursuant to adjournment,
9	at 0930.
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12	Appearances:
13	For the Tribunal, same as before.
14	For the Prosecution Section, same as before.
15	
16	For the Defense Section, same as before.
17	
18	
19	(English to Japanese, Japanese to
20	English, Russian to English and Japanese to
21	Russian interpretation was made by the
22	Language Section, IMTFE.)
23.	HattEngee Decoron, TMILTS.)
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MARSHAL OF THE COURT: The International 1 Military Tribunal for the Far East is now in session. 2 THE PRESIDENT: Minister Golunsky. 3 (Whereupon, Major Moore, Language 4 5 Arbiter, approached the lectern.) 6 THE PRESIDENT: Major Moore. 7 MAJOR MOORE: If the Tribunal please. 8 referring to document No. 1632 dd, exhibit No. 643, 9 record page 7049, line 24 to page 7050, line 4, the 10 suggested correction found on page 7050, lines 17 to 11 21, is a better rendering of the original Japanese text. 12 We recommend that it be adopted. 13 THE PRESIDENT: Adopted. 14 Minister Golunsky. 15 MINISTER GOLUNSKY: 16 MR. PRESIDENT, MEMBERS OF THE MILITARY 17 TRIBUNAL FOR THE FAR EAST: 18 My task consists in substantiating that 19 part of the Indictment which deals with the Japanese 20 aggression . against the Soviet Union, i.e., Counts 21 1, 4, 5, 17, 25, 26, 35, 36, 44, 51, 52, of the 22 Indictment and Chapter 8 of Appendix "A". But 23 the nature of this aggression as well as the nature 24 of the whole World War, a part of which it was, is 25 such that it is quite impossible to consider it

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separately from other phases of the war with which it is closely bound up.

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Thus, for instance, it is guite impossible 3 to understand what importance for the whole world had 4 the stay of a million-strong Japanese Army in Manchuria 5 end Korea in 1941-42, if we do not take into consid-6 eration that that was a culminating point of Hitler-7 ite aggression, though in 1942 a number of circum-8 stances had already caused the weakening of the 9 Cerman rear and consequently of Germany as a whole. 10 11 that at that time the Hitlerite troops were on the 12 approaches to Moscow, Leningrad and Stalingrad, 13 that the German-Italian troops were a few days! 14 marching distance from the Suez Canal while the 15 Japanese troops seized one by one various terri-16 tories in the Pacific Ocean; it is quite impossible 17 to understand, for example, how Japan dared to attack 18 the U.S.A. and Great Britain if we do not bear in 19 mind that the Japanese Imperialism counted on the 20 German victory in Europe, which means a corres-21 ponding prognostication of Japanese politicians as 22 to the outcome of the war between Germany and the 23 U.S.S.R.

Therefore, I am compelled to touch upon a number of such problems which are considered in detail in other phases of the present trial, i.e., the seizure of Manchuria, the agreement between Japan on the one hand and Germany and Italy on the other, a number of episodes from the Japanese aggression in China. But I shall deal with these episodes insofar as they are inseparably connected with the Japanese aggression against the Soviet Union and I shall do my best not to be repetitious.

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We charge the people who are in the dock 9 in this court room with having committed a number 10 of crimes in the period between 1928 and 1945. 11 But we cannot understand the events of this period, 12 in particular Japanese aggression against the 13 14 Soviet Union in the period covered by the Indict-15 ment, if we do not take into consideration the 16 historic background in which this aggression was 17 developing.

Therefore, I feel bound to touch upon a number of generally known historic events proceeding the period covered by the Indictment. This is particularly necessary because it is impossible to correctly understand and qualify the crimes with which the accused have been charged if we do not bear in mind the historic events which predetermined the conditions in which the accused acted.

Later on we shall present to the Tribunal 1 evidence proving that after the seizure of Manchuria 2 the Japanese command manned the units stationed 3 along the Manchurian-Soviet frontier, mostly with 4 officers, who participated in the intervention 5 of 1918-1922. The Tribunal will not be in a posi-6 7 tion to qualify this very important fact properly if they do not take into consideration some character-8 9 istic features of the Japanese intervention in the 10 Soviet Far Fast in 1918-1922.

As soon as the teeth of the young preda-12 tory Japanese imperialism had grown, it attacked 13 our country.

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14 It is a matter of common knowledge that 15 in 1904, over forty years ago, the Japanese treach-16 erously attacked the Russian squadron in the roadstead of Port Arthur. Even in those days that attack 18 made without a declaration of war, was severly con-19 demned by the public opinion of the whole world, 20 and at the Hague World Conference in 1907 caused the conclusion of the convention concerning the 22 opening of hostilities. 23

But only now after the attack on Pearl Harbor this old historic episode may be understood in its true light. The attack on Pearl Harbor is an exact replica of the attack on Port Arthur. The same method was employed: A surprise attack under the cover of negotiations which were then being conducted. This is no chance coincidence, this is a method of Japanese aggressive policy, this is a Japanese military doctrine on which whole generations of Japanese officers were brought up.

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And small wonder that as it has already been proved here, HITLER, in December 1941 through the defendent OSHIMA congratulated Japan on the successful employment of such a treacherous method of warfare saying that he had always done so before and was going to do so in the future.

Having availed herself of the advantage accruing from the treacherous attack, weakness of the tsarist Government and treachery of German generals serving in the tsarist army, Japan attained some military successes in the war against Russia. But Japan paid a high price for these successes: Her manpower and financial resources were so exhausted that she could make use of the fruits of her military successes only to a very small degree. Japanese aggressive appetites were far from satisfied and the Japanese imperialism was awaiting the next opportunity for further aggression against our country.

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2	This opportunity, as is generally known,
3	afforded itself in 1918. The Japanese Government
4	organized at that time intervention in the Soviet
5	Far East and sent Japanese troops. there. But the real
6	aim of Japan was then a crazy plan to cut off the
7	whole Soviet Far East from Russia, and establish
8	the puppet government there, which would be com-
9	pletely dependent on Japan.
10	The well-known ataman SEMENOV one of the
11	leaders of white bands operating at that time in
12	the Far East whose affidavit we shall submit to the
13	Tribunal told that on November 20, 1920 when he
14	and his staff were at the station of Manchuria,
15	Colonel Isome, representative of the Japanese
16	General Staff, came from Vladivostok and informed
17	SEMENOV, that the Japanese Government was planning
18	to create an independent government in the Maritime
19	Province and was ready to support him as a candidate
20	for the post of the head of that government.
21	This proposal, was confirmed to SEMENOV
22	by a number of prominent Japanese politicians and
23 24	military leaders. Among them was Count MATSUDAIRA,
24	later a well-know Imperial Household Minister, who
25	was then Chief of the Japanese diplomatic mission
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in the Far East.

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MATSUDAIRA told SEMENOV that he, SEMENOV, upon becoming the head of the Far Eastern Government, should eliminate all the so-called border formalities between the Maritime Province and the territory under the Governor-General of Korea, in other words -- do away with the border line between the Maritime Province and Korea, and to include the Maritime Province into the frontiers of China.

At the same time, according to SEMENOV's testimony, General TACHIBANA and Colonel UEDA--later on the Commanding General of the Kwantung Army of the period when the Army attacked the Mongolian People's Republic in the Nomongan area, told SEMENOV that in the future the Japanese govern-ment was planning to create an independent government under SEMENOV in the Zabaikalye and to completely annex the Maritime Province.

I shall not dwell in detail on the various episodes relating to that time, about the rule of terror which the Japanese troops established in the Soviet Far East, about the active support of the whiteguard bands by the Japanese troops which was contrary to the solemn assurances of the Japanese Government that it had no intention to interfere with the domestic affairs of Russia.

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We shall submit to the Tribunal the report, taken from the State Record office of the U.S.S.R., about burning down the Ivanovke village which was carried out by the Japanese in March 1919.

From this report the Tribunal will see that even at that time the Japanese military used the same methods which other Japanese officers used in China, the Philippines and in other places, and their spiritual brothers -- the Hitlerite bandits repeated exactly in Czechoslovak village Liditsy. after 20 years have passed since Ivanovka village 12 had been burned down.

During the Washington Conference, the first 14 Japanese delegate Baron SHIDEHARA in his speech at 15 the Conference assured that it was the fixed and 16 settled policy of Japan to respect the territorial 17 integrity of Russia, and to observe the principle 18 of non-intervention in the internal affairs. 19

And at the same time, first in Dairen and 20 then in Chunchin, during the negotiation with the 21 representatives of the Far-Eastern Republic, which 22 existed at that time, the Japanese made the so-called 23 17 demands to the Republic. These demands are pre-24 sented to the Tribunal. (Ex. No. 30). 25

The Tribunal will see from this document that Japan not only demanded for herself and her subjets a number of economic privileges, but stipulated that the Far Eastern Republic be completely disarmed and all the fortifications and warships destroyed. On the other hand the Japanese Government stated that it will evacuate its troops from the Maritime Province area when it finds it convenient and in the period of time that it deems necessary.

Had these demands been accepted, all the military power on the territory of the Far Eastern Republic, the entire management of her economic resources, the whole conduct of her foreign policy -- would have been in the hands of the Japanese.

If we compare the Japanese policy of that time as regards the Far Eastern Republic with what was later done by the Japanese in Manchuria, we shall see a striking similarity. Even as far back as in 1922, Japan was trying to employ for carrying out her aggressive aspirations the same method which she used ten years later in Manchuria. It follows then that that method was not a chance device of this or that Japanese statesmen who was in power in 1931. Just as the method of a treachcrous attack

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without declaring war, the method of creating

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puppet governments to disguise the Japanese aggression is one of the customary means of the Japanese imperialist clique. But the attempt to employ this method on the Soviet territories ended in complete fiasco. Under the pressure of ever growing might of the Soviet State, under the blows of the uninterrupted struggle of the people against the Japanese invaders, and because of the tense internal political situation in Japan herself, the Japanese invaders were forced to clear the Soviet Far Fast.

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The attempt to seize the Soviet Far Eastern territories ended in failure, but the Japanese militarists and imperialistically minded politicians continued to dream of that till the very last moment and that determined a number of their aggressive acts during the period covered by the Indictment,

They could not forget the vastness of the Soviet Far East where they had once been before; they could not forget its natural resources, which at one time they had considered their own; and they regarded their withdrawal from the Soviet territories as a temporary retreat which was forced on them by 1

In August 1941, after Germany had already 2 attacked the Soviet Union, the defendant ARAKI in his 3 talk with ISHIWATA, General Secretary of the "Imperial 4 Rule Assistance Association" recollecting the Japanese 5 intervention in the Soviet Far East in 1918-1922 6 expressed his regret that Japan had not carried out 7 her purpose to the end and had not begun at the same 8 9 time setting the new order in East Asia.

Thus with the firmly established tradition of cherishing aggressive plans directed against our country, the Japanese militarists and politicians entered into the period of World War II.

One of the peculiar features of this war
is that it came stealthily and unexpectedly for the
peace-loving nations.

17 As regards the World War I, it is possible 18 to name the exact day on which it broke out -- the 19 first of August, 1914 -- but it is extremely dif-20 ficult to find such a date -- which would signify 21 the outbreak of World War II -- the first of Sept-22 ember. 1939 cannot be taken as a day on which the 23 Big War broke out in Europe. For a long time before 24 that, guns had been fired and blood had been shed in 25 various parts of the world; in Abyssinia, in Spain,

in Italy, and the rapid development of the Japanese imperialism expressed in all these countries the interests of the most aggressive and reactionary social groups.

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For us it is important that these enemies of mankind which were active in Europe and in the 6 Far East were mutually connected and were persistently 7 and systematically leading an offensive against 8 9 freedom, Jemocracy and peaceful labor of the peoples,

The World War II included in itself all the 10 11 population of the belligerent states which constitutes 12 about two-thirds of the population of the Globe. 13 That is why the German military doctrine invented 14 the term "Total War" for the aggressive war. un-15 leashed by the aggressive countries, total in the 16 sense that for the waging of this war all the re-17 sources of the belligerent state are mobilized; 18 total also in the sense that all the citizens 19 of the country -- victim to the aggression --20 come under the blow; belligerents and civilians, 21 men and women, the old and the young. The waging 22 of this war requires a special weapon, a state 23 mechanism specially designed for this purpose --24 "mechanism" -- the task of which is to suppress 25 by terror any protests in its own country and to

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mobilize all for the purpose of waging aggressive wars
 against foreign countries.

If we compare what was going on in Germany. 3 Italy and Japan in the period between the first and 4 second World Wars we shall see a complete analogy 5 6 in this respect. Everything that there was of 7 democratic nature in those countries was stamped 8 out thoroughly though at different rate and in 9 different ways. In all those three countries the 10 working class movement, which could resist the 11 aggressive aspirations of the leaders of those 12 countries was being suppressed by terrorist methods. 13 The best representatives of the toiling masses 14 were being imprisoned, sent to concentration camps 15 or went to the scaffold, levers of the state machine 16 specially adjusted for this purpose, such as secret 17 police, gendarmery have assumed formidable size and 18 acquired an outstanding importance in the inner policy 19 of those countries.

The terror was not a matter of chance, it was a necessary prerequisite for the preparation of aggressive wars; because without it no protest against aggression within the aggressive countries themselves could be suppressed, no firm rear could be created.

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be created.

There was another feature common to all those three main aggressors of our time -- that was an advocacy of brutal nationalism, an attempt to impress upon their people the idea of their alleged right to rule over other peoples.

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Evidence has already been submitted of systematic measures taken in the course of quite a number of years to poison the minds of the Japanese people with ideas of aggressive nationalism and imperialism. We shall submit to the Tribunal a number of documents which show how they did actually plan to put these ideas into practice with regard to the 12 Soviet territories. 13

14 In Japan, as well as in other aggressive 15 countries, the state machine itself was made a weapon 16 of crime. In the hands of the social groups and polit-17 ical parties, some representatives of which are here in 18 the dock, this state machine was the same weapon that 19 is a knife or a gun in the hands of a common murderer 20 or a bandit; the only difference being that separate 21 individuals perished from the knife in the hands of 22 the bandit, while millions perished from this mon-23 strous weapon of crimes, into which the Japanese 24 state machine was transformed by these people.

We shall try to prove that during the 1 period covered by the Indictment, the development of 2 the Japanese aggression against the Soviet Union pro-3 4 gressed in such a way, that, though only on two occasions it led to the state of an open, though 5 undeclared war, the conduct of Japan in regard to 6 the Soviet Union for the rest of the time was such 7 that the Soviet Japanese relations could by no means 8 be fitted into the notion of "State of peace." 9

During the whole period covered by the 10 Indictment the Japanese military planned and prepared 11 a war of aggression against the Soviet Union with 12 the consent and approval of the Japanese Government. 13 In the course of this time our people, who live in 14 the Soviet Far-Eastern districts felt like a man at whom a bandit pointed his gun and who every minute, 15 16 day and night, had to be ready to repulse the attack 17 which threatened them. The Soviet Far East lived in 18 anxiety expecting the Japanese attack. On the vast territory east of the Baikal lake the Soviet people 19 because of these Japanese imperialists, whose 20 representatives are here in the dock, were bereft 21 22 of the possibility of following peaceful pursuits and had to be ready at any moment to put aside the 23 24 plough and hammer in order to take up the rifle. 25

It is only due to the constant vigilence of the Soviet people and the Soviet Government, only due to the relentless tension of the whole population of the Far East, that the latter succeeded in avoiding the Japanese invasion. Those who have never felt the state of permanent and immediate military menace can hardly imagine the sense of immense relief which the military rout of Japan brought to the Soviet people.

Two hotbeds of world aggression had got into shape before World War II broke out -- i.e. -- Germany in Europe and Japan in Asia.

Their hostile attitude towards the Soviet Union has still greater significance because of the geographical position of our country in between these two hotbeds. No wonder, the Japanese and German aggressors held out their hands to one another and hoped to crush the Soviet Union by their joint efforts.

This enmity of both German and Japanese cliques towards our country served as a good reason why these two biggest aggressors of our time joined their hands for the first time and entered into a criminal conspiracy against all democratic countries.

During the whole period covered by the Indictment, the forms and manifestations of the Japanese aggression against the Soviet Union varied but immutable remained the main aim -- in this or in that way, by hook or by crook -- to seize whatever part of the Soviet Union they could lay their hands on, to

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1	deal our country a blow, whenever possible.
2	For the sake of convenience we may divide
3	the whole period of the Japanese aggression against the
4	U.S.S.R. covered by the Indictment into four parts.
5	Each part is characterized by a specific form of the
6	Japanese aggression against the Soviet Union.
7	(a) The period from 1928 until the seizure of
8	Manchuria;
9	(b) The period from 1931 to 1936;
10	(c) The period from 1936 until the outbreak
11	of the Big War in Europe in 1939;
12	(d) The last period until the surrender of Japan.
13	In 1925 the convention concerning the basic
14	principles of peaceful relations between the U.S.S.R.
15	and Japan was concluded in Peking. This convention has
16	been submitted to the Tribunal (Exhibit No. 31). Accord-
17	ing to the convention Japan took upon herself the
18	obligation to support neither directly nor indirectly
19	any organizations or groupings whose activities would
20	be hostile to the Soviet Government. According to the
21	Portsmouth Treaty of 1905, which was confirmed by the
22	said convention, Japan pledged not to carry on any
23	military preparations either in Korea or in Manchuria,
24	directed against Russia; she also pledged not to use
25	the Manchurian railroad for military purposes.

All these pledges were grossly violated by Japan. We shall prove in evidence before the Tribunal that beginning from 1928 the Japanese warlords, the Japanese General Staff and the Japanese Government were already planning a wor of aggression against the Soviet Union, waiting for a suitable occasion for the initiation of such a war.

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7 However, the military in Japan were aware 8 that without having a sound military base it was difficult to expect to wage war against the Soviet Union 9 successfully. That is why in the period of 1928-1931 10 the Japanese military were so greatly concerned about 11 acquiring such a military base. It is natural that 12 their attention was drawn first of all to Manchuria, 13 that could easily be transformed into a military base 14 for a further expansion of the Japanese aggression 15 both towards China and toward the Soviet Union. 16

While preparing for this first step the 17 Japanese military during the period of 1928-1931 and 18 later on as well, were planning and carrying on an 19 underground war of sabotage against the Soviet Union. 20 It is important that in all their activities the Japanese aggressors were not satisfied with gathering 22 espionage information concerning the Soviet Union but 23 paid great attention to such methods of causing damage to the Soviet Union as smuggling their agents onto the Soviet territory to disorganize the Soviet economy by

staging explosions, derailing trains, etc., to commit terrorist acts against the leaders of the Soviet state, and, in general, to such hostile acts which are fully contradictory to the generally accepted notion of

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We shall submit evidence to the Tribunal testifying that during those years such sabotage and undermining activities of the Japanese agents against the Soviet country were carried out according to plans previously carefully elaborated following direct instructions of the Japanese military.

peaceful relations between countries.

We shall submit evidence to the Tribunal which will prove the existence of a number of such plans. The military-diplomatic personnel of Japan took active part in all these sabotage activities.

For example, in 1929, in Berlin, the 16 defendant MATSUI held a special conference of Japanese military attaches in Europe; at the conference the question of organizing sabotage activities on the Soviet territory was discussed. We shall submit to the Tribunal notes made at the conference.

On November 15, 1929, the defendant HASHIMOTO, 22 who at that time was military attache in Turkey, 23 submitted to the General Staff a detailed report on 24 how to make use of the Caucasus for "Political-Sabotage purposes against the U.S.S.R." In the report he

¹ submits not only a detailed and elaborated plan of
² measures to be taken, but contemplates such steps as
³ would cause controversy between the U.S.S.R. and other
⁴ countries. We shall submit the complete text of this
⁵ report.

The seizure of Manchuria in 1931 was a very 6 7 important stage in the expansion of the Japanese aggression, not only against China, but against the 8 Soviet Union as well. Moreover, the occupation of 9 Manchuria was of major importance, for the preparation 10 of the Japanese aggression as a whole, because it was 11 widely used to strengthen the influence of the militarist 12 clique within Japan herself. It was by no mere chance 13 that in Japan a number of terrorist acts followed 14 the occupation of Manchuria, which were organized by 15 underground societies composed of the most aggressive 86 elements of the Japanese military.

The documentary evidence regarding these terrorist acts has already been submitted at another stage of the present trial. I will not repeat anything of what has already been said on the matter. I would only like to point out that the years 1931 and 1932 constituted an important phase both in foreign and home policies of Japan.

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As to the foreign policy in these years there was committed the first overt act of aggression after the unsuccessful end of the Japanese intervention in the Far East. As to the home policy that was the final accomplishment of terrorist measures that had been carried out in a number of years against Japanese democracy, and in particular, against the working class.

It is true that the underground terrorist 7 organization of the so-called young officers instigated 8 by the defendant ARAKI and others, who organized 0 political assassinations in 1931-1932, failed at that 10 time to bring about a coup d'etat and take the power 11 into their hands at once. However, the results of 12 their activities were clear: The state machine of 13 Japan and the policy followed by it after 1932 was 14 shaped closer to the fascist pattern than it had been 15. prior to that time.

16 In the first half of 1931, when the plan of 17 the occupation of Manchuria was only being drawn up and its present realization being prepared, the Japanese 19 General Staff sent Major-General HARADA on commission 20 There are reasons to believe that one of to Europe. 21 the principal sims of his trip was to study the 22 situation in Europe in connection with the preparation 23 and activization of the Japanese aggressive policy being 24 carried out at that time, on his way back Major-General 25 HARADA stopped in Moscov and had a long talk with the

then Japanese Ambassador in Moscow, the defendant HIROTA,
 and with the military attache Lieutenant-Colonel KASAHARA.
 We shall submit to the Tribunal a detailed record of
 this talk made by KASAHARA.

5 This document will show to the Tribunal that 6 already in summer 1931 the question of an attack against 7 the Soviet Union was put on the agenda not only by the 8 leaders of the Japanese military, but by the Japanese 9 diplomats as well and therefore it is evidence that at 10 the very beginning of the occupation of Manchuria they 11 planned to turn it into a military base against the 12 Soviet Union.

We shall prove by this document that the
 Japanese Government and the Japanese General Staff
 knew from their official representatives in Moscow that
 Japan had nothing to fear on the part of the Soviet
 Union and therefore all talk about defense was only a
 camouflage of the aggression planned by the Japanese.

It is of special interest that the same
HIROTA, who later on signed the anti-Comintern pact,
said that the principal aim of a war against the U.S.S.R.
was not so much defense of Japan against communism as
seizure of the Soviet Far East and the Eastern Siberia.

That this was not only HIROTA's private opinion but also the point of view held by the Japanese Government is clear from the following very important

fact: At the end of 1931 the Soviet Government pro-posed to the Japanese Government that a non-aggression 4 pact be concluded; this proposal was repeated in 1932. 5 The Japanese Government rejected the proposal. We shall submit to the Tribunal documents which will show the complete course of negotiations of this question. The Japanese Government refused to conclude a non-aggression pact with the U.S.S.R. on the ground that disputable questions existed between the U.S.S.R. and Japan and the time had not yet come to corclude the pact.

The Japanese Government paid no attention to the argumentation of the Soviet Government that the conclusion of the pact would have created favorable ground for solving these disputable questions.

5 Such attitude of the Japanese Government has 6 only one meaning: The Japanese Government wanted to 7 use the threat of military attack as an argument while 8 negotiating on these disputable questions and if that 9 threat would not have been effective enough, to carry 10 out such an attack.

11 This refusal to sign the pact, proposed by 12 the Soviet Union proves beyond any doubt that those 13 military preparations which were started by the Japa-14 nese military authorities immediately after the occupa-15 tion of Manchuria did not aim at defense but that the 16 purpose of these preparations was to turn Manchuria 17 and Korea into a military base for waging a war of ag-18 gression against the Soviet Union.

We shall submit to the Tribunal exhaustive documentary evidence which proves that approximately between 1931 and 1936 the strength of the Japanese troops in Manchuria increased from 50,000 up to 270,000 mcn. The number of planes increased three fold, the number of pieces of ordnance four fold, and the number of tanks more than ten fold. Simultaneously,

the Kwantung Army command was feverishly working at the 1 creation of a material base for the future attack 2 against the Soviet Union: Barracks, military dumps 3 were being built uninhabited territories in the North-4 5 ern Manchuria, which had no economic importance; stra-6 tegic railroads and highways leading to the frontiers 7 of the Soviet Union were being constructed, fortified 8 districts were being built on the Soviet frontiers.

9 We shall submit to the Tribunal outline maps 10 which illustrate these activities of the Kwantung Army, 11 which were carried out in accordance with the directives 12 of the Japanese General Staff and the Japanese Govern-13 ment, and in violating of the Portsmouth Treaty in 14 which Japan gave obligations to keep no troops in Man-15 churia and construct no fortifications on the Russian 16 frontier.

Hundreds of millions of yen were spent on
these preparatory measures for a war of aggression
against the Soviet Union and it can be easily understood
that this could not have been done without or approval
of the Government.

It will be enough to throw a single glance on the said outline maps in order to understand clearly that all military preparations in Manchuria were directed against the Soviet Union; they were concentrated

in the north and particularly in the east areas of Manchuria, near the points which, according to the operation plans of the Japanese General Staff (the existence of those plans will be proved by evidence to be submitted to the Tribunal), were to serve as a jumping-board for the invasion of the Japanese troops onto the Soviet territory.

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Japan created on the Manchurian territory 8 the so-called "Kyo-Wa-Kai" society, the membership of 9 which later on reached 4.5 million. The general pur-10 pose of this society, which was headed by the Japanese, 11 was the consolidation of the Japanese influence in 12 Manchuria, but we shall prove that one of the important 13 and specific tasks of this society, to which the Jana-14 nese command paid most serious attention, was the 15 ideological and organization preparation of the Man-16 churian population for a future war against the Soviet 17 Union. 18

In spite of the obligation, which the Japanese Government took upon itself in the Peking Convention of 1925, the Kwantung Army command making use of the funds specially assigned for the purpose, undertook the organization of elements hostile to the Foviet Union, elements that were among the Russian emigrants living in Manchuria. The Japanese created a special organization "Bureau of Russian Emigrants" which was connected in its structure with the "Kyo-Wa-Kai" socicty and worked under the direct leadership of the so-called Japanese military mission in Kharbin.

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This organization pursued the aim of carrying 5 6 out pro-Japanese propaganda hostile towards the Soviet 7 Union, among Russian emigrants, to teach Russian emi-8 grants methods of sabotage, to form them into special 9 sabotage detachments, which were in time of peace se-10 cretly smuggled onto the Soviet territory, and for 11 carrying out all sorts of provocative raids on the 12 Chinese-Eastern Railroad, which passed on the Manchurian 13 territory and was joint property of the Soviet Union 14 and China. In war time it was planned to recruit special detachments out of Russian whiteguards, who 16 had undergone special training under the direction of the Japanese intelligence service. These detachments were to operate in the Red Army rear.

If the principal activities of the Japanese military in Manchuria in 1931-1936 were directed on the preparation for the future military operations, this in no way means that during that time the Japanese gave up hostile acts against the Soviet Union. These hostile acts were rather various as to their scale, and nature.

The Chinese Eastern Railroad became one of 1 the objects of such attacks. During all this period, 2 up to 1935, the Japanese military, both directly and 3 through the so-called Government of Manchoukuo, were 4 permanently organizing and encouraging acts of sabo-5 tage, violence and atrocities on the Chinese Eastern 6 Railroad. Railroad accidents, bandit raids on the 7 stations, murder and kidnapping of Soviet citizens were 8 systematically organized. 9

Constantly carrying out peaceful policy, resisting provocation and wishing to avoid any protext for further conflicts the Soviet Government in 1935 was forced to agree to sell the Chinese Eastern Railroad, at a low price, though this railroad was immensely important for the communication between the Soviet Maritime Province and Central Russia.

17 Another method of aggressive thrusts against 18 the Soviet Union during this period was the instigation 19 of innumerable frontier incidents. We shall present 20 documents containing detailed information on these 21 frontier incidents. Here it will be sufficient to 22 mention that there were hundreds and thousands of inci-23 dents of different scale, beginning with small clashes 24 between separate frontier-guard soldiers, smuggling 25 groups of saboteurs and bandits and propaganda literature hostile to the Soviet Union onto the Soviet territory, and ending with military clashes of such considerable scale as the clash at the Hanka Lake in 1936, in which about a battalion of Japanese infantry took part.

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5 During the same period Japan took all measures 6 to establish her military, political and economic dom-7 ination in the Inner Mongolia with the aim of spread-8 ing it later onto the Outer Mongolia, where in 1922 9 the Mongolian People's Republic had been formed.

The Japanese military planned the occupation
 of the Mongolian People's Republic intending to turn her
 territory into the military base for an attack against
 the vital lines of communication of the Soviet Union.

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In Merch 1936 the defendent ITAGAKI, who at that time was Chief of the Kwantung Army Headquarters in his talk with Ambassador ARITA said that it was enough to throw a single glance at the map of the East Asia continent to see that the geographical situation of the Outer Mengolia had a great significance because she covered the flank of the Siberian Railway, which connected the Soviet Far East and European Russian, from the influence of modern Japan and Manchoukue. ITAGAKI emphasized the fact that should the Outer Mongolia join Japan and Manchuria, the safety of the Soviet Far East would have been upset almost completely and that probably would have given possibility in case of tense international situation to make Soviet forces withdraw from the Far East almost without opening hostilities. ITAGAKI assured ARITA that the army was planning in every way to spread the influence of Japan and Manchoukuo onto the Outer Mangolia.

What these methods were had already been suffi-7 ciently known by that time from the example of activi-8 ties of the Japanese military in Manchuria and North 9 China. As the Tribunal already knows, the Kwantung 10 Army at that time was creating a puppet Government in 11 12 the Inner Mongolia, which was under Japanese influence. 13 The troops of the Kwantung Army were already approach-14 ing the borders of the Mongolian People's Republic. 15 The Soviet Government, naturally, could not remain in-16 different to this new stage of the Japanese aggression 17 immediately directed against the Soviet Union, as it is 18 clearly seen from ITAGAKI's words given above. There-19 fore, in March 1936 the Soviet Union and the Mongolian 20 People's Republic signed a mutual assistance pact. 21 This pact was submitted to the Tribunal (Exhibit No. 22 214).

The Soviet Government through the Japanese Ambassador in Moscow officially warned Japan that incase she attacked the Mongolian People's Republic the

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Soviet Union would help the latter with her armed forces. This made the Japanese aggressors think it 2 out for awhile, but not give up their aggressive plans. 3 They realized that they could not possibly carry cut 4 their aggressive intentions against the Mongolian People's Republic and the Soviet Far East by their own 6 forces. It was necessary to look for allies in Europe. 7

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By that time Germany and Italy were distinctly 8 outlined on the European background as definitely ag-9 gressive powers akin to Japan by their anti-democratic 10 spirit. Germany by that time had already been intensely 11 carrying out her program of armaments having unilater-12 ally renounced the Articles of the Verszilles Treaty 13 which had provided for the limitation of German arma-14 ments. Her troops had already entered the demilitarized 15 Rhine area. 16

Italy by that time had already carried out 17 her aggression in Ethiopia, joint Italo-German inter-18 vention had already been started in Spain. 19

20 The Japanese statesmen as well as the whole 21 world clearly saw who in Europe would willingly agree 22 to any diplomatic combination which could help to ini-23 tiate a world war of aggression. Therefore, it was 24 natural that Japan commenced negotiations precisely 25 with these aggressive countries particularly first of

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all with the Hitlerite Germany, which was the most aggressive country.

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On November 25, 1936 the so-called Anti-Comintern Pact was signed. The contents of the secret agreement attached to the Pact, now submitted to the Tribunal (Exhibit No. 36) was not known at that time. Now we definitely know that it was directed immediately against the Soviet Union. At that time Japan, as well as Germany, tried to convince the world that the Pact signed by them was a weapon of purely ideological struggle against the influence of the Comintern. But even then it was clear to the whole world that all this talk about fighting against the influence of the Conintern was only a screen hiding actual conspiracy of aggressive states to carry out joint aggression against the democratic powers. It was the first stage of the conspiracy between the aggressive powers, the aim of which was joint struggle against democracy and division of the rest of the world among themselves. The events soon showed the true meaning of this Anti-Comintern Pact. In the autumn of 1936 the Pact was signed and in summer of 1937 Japan began a new round of aggression in China and several months later Germany occupied Austria.

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We shall submit to the Tribunal evidence which will prove that the leaders of Germany and Japan (RIBBENTROP, HIRANUMA and others) understood the importance and the true meaning of the Anti-Comintern pact precisely in the same way. All the defendants bear personal res-

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6 ponsibility for the conclusion of this pact, as it 7 was one of the actions resulting from the conspiracy, 8 which had existed between them. But first of all the responsibility for the conclusion of this pact rests with the defendant HIROTA, who was the Prime-Minister and Foreign Minister, at that time, and 12 with the defendant HIRANULA, who was President of 13 the Privy Council which, under HIRANUMA presiding, 14 approved of the conclusion of this pact.

Thus by 1936 Japan had completed the 16 first stage of her military preparations in Man-17 18 churia and North China, had come to an agreement with the Hitlerite Germany on joint aggressive 19 20 actions against democratic powers and was ready to 21 carry out her aggressive designs in a new, more 22 decisive and open manner.

All this found its expression in the Japanese attack against China on July 7, 1937, which has already been dealt with, on the one hand, and on the

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other, in the fact that Japan passed over from methods of underground war of sabotage and small provocative attacks against the Soviet Union to the methods of open military attacks against the U.S.S.R. territory.

After the Anti-Comintern pact had justi-6 fied its purpose in actions, as a link uniting the 7 forces of the aggressors against democratic powers. 8 Japan, governed by the criminal militarist clique, 9 10 for the purpose of giving a large-scale range to her aggressive foreign policy, which was being con-11 12 ducted by means of gross violations of the inter-13 national law, customs and treaties, began to strive 14 for a still closer contact with the Hitlerite Ger-15 many and fascist Italy, which pursued the same aims 16 in Europe.

On this basis, beginning from January 1938 Japan entered into negotiations with Germany and Italy on the conclusion of a complete military and political alliance between them.

The defendant OSHIMA, who at first was the Japanese military attache, and then the Japanese Ambassador in Berlin, was from the Japanese side main moving power in these negotiations. During more than a year and a half negotiations led to no

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results because certain differences sprang up between Japan and Germany, concerning the nearest objectives of their joint aggression. Japan insisted that the Soviet Union should be this objective.

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At the same time, HITLER, who had already gone far in working out and realizing his plans of conquest of world domination had no wish to limit these plans in any way.

In connection with this, these western and eastern aggressors for a long time could not reach understanding. It is known that this question was discussed scores of times at the conferences of leading Japanese ministers.

I repeat that the dispute between Germany and Japan aid not concern the principles of the alliance. The principle was clear enough--to attack democratic countries and enslave peoples of these countries. The differences were whom to begin with, who was to be the first object of the attack.

The Japanese Government, headed at that time by HIRANUMA, thought that the time had already come to carry out the plan of military attack against the Soviet Union.

Here at this trial during the examination

of the witnesses SHIDEHARA, UGAKI, OKADA and others 1 we saw an absolutely ridiculous picture. We were 2 asked to believe that all in Japan--the Government, 3 including the War Minister, the Court circles and 4 Japanese ruling class as a whole, that is all of 5 them with the exception of several colonels and 6 majors from the Kwantung Army were against aggress-7 ion, showed their indignation, did all they could 8 to stop it, and nevertheless the Japanese troops 9 10 during ten years were marching on and on, starting 11 new attacks, seizing new territories. They try to 12 tell us that seeing these events the alleged opposers 13 of the aggression were only helplessly sighing and 14 shrugging their shoulders.

15 They hush up the fact that these people ex-16 ploited the results of the aggression which they 17 allegedly disapproved of. We shall submit to the 18 Tribunal evidence which will prove that the attacks 19 of the Japanese troops against the Soviet territory 20 and the M.P.R. territory were carried out with the 21 knowledge of the Japanese Government with its per-22 mission and full approval as it had been by the way 23 during other stages of the Japanese aggression.

In the diary of the defendant KIDO, submitted to the Tribunal (Exhibit No. 178) there is an

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entry of June 21, 1941 in which KIDO stated that 1 HIRANUMA, being the Prime-Min.ster of Japan many 2 times raised the question of the necessity of an 3 attack against the Soviet Union. But, as the treaty 4 of military alliance with Germany had not yet been 5 signed and the leaders of the Japanese Government 6 could not be sure when exactly Germany planned to 7 attack the Soviet Union, the Japanese Government 8 and the General Staff were in such a position when 9 10 on the one hand they wanted to initiate a war 11 against the Soviet Union, and on the other hand were 12 afraid to take this decision. The experience of a 13 many years' aggression on the Chinese territory had. 14 already taught them that the so-called "Incidents" 15 of all kinds often give better results that actual, 16 so to say, official war.

The Japanese warlords, with full approval of
the Japanese Government, decided to use the same
method against the Soviet Union.

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The first of such "Incidents", which in reality was an actual war in which artillery, tanks and airforces participated, was an "Incident" staged by the Japanese Government and the Japanese Military on the approaches to Vladivostok in the Lake Hassan area. We shall submit to the Tribunal evidence which

will prove beyond any doubt that beginning from 1933. 1 the Japanese military command paid special attention 2 to this area. In July 1938 the command of the Japan-3 ese Korean Army began to concentrate its forces in the said area, on the frontier of the Soviet Union. When 5 the necessary amount of troops had been concentrated, 6 the defendant SHIGEMITSU, the Japanese Ambassador in 7 Moscow, came to the People's Commissariat for For-8 eign Affairs and demanded the "Zaozernaya" Hill, which 9 had serious strategic importance on the approaches to 10 Vladivostok, to be transferred to Manchoukuo, in 11 other words, to Japan. 12

13 SHIGEMITSU claimed that this hill belonged 14 to Manchuria. The Soviet representative submitted 15 the original map attached to the Hunchun Treaty be-16 tween Russia and China in 1886 which established the 17 frontier between these countries in the said area, 18 and clearly showed that the territory which the Japan-19 ese claimed belonged to the Soviet Union.

SHIGLMITSU refused to consider and discuss the map, though according to the established international practice, maps, attached to international treaties, were the generally accepted legal grounds for delimiting frontiers between the states. He said he did not want to busy himself with such

trifles as some maps attached to an international treaty, and if Japan and Manchoukuo considered that the Zaozernaya hill belonged to them, then it had to belong to them no matter what was shown on any map. Besides, SHIGEMITSU openly threatened to use armed forces in case the Zaozernaya hill would not be transferred to Manchuria by the Soviet Union 8 on her own free will.

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9 Naturally, the Soviet Government would not 10 yield to such blackmailing on the part of Japan. 11 Then, on July 29, 1938 the Japanese Korean Army units 12 concentrated in the Lake Hassan area, launched an 13 offensive. They partly destroyed the weak frontier-14 guard outposts of the Soviet frontierguard corps, 15 located on the Zaozernaya hill and occupied this 16 hill. The Soviet Government was forced to throw the 17 Red Army field units into battle. The Kwantung Army 18 was at that time speedily preparing two divisions 19 which were to march out to help the Japanese Korean 20 Army, but was late in this -- the Soviet troops com-21 pletely routed the Japanese units which seized the 22 Soviet territory and drove them beyond the Soviet 23 frontier. 24

The Japanese propaganda tried to draw a false picture that events were started by the Soviet

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frontier guards seizing the Manchurian territory. 1 We shall here submit the evidence, proving two 2 essential facts: First, that the territory which 3 was the objective of the battle actions always be-4 longed to the U.S.S.R., and second, that it was the 5 Japanese troops which made an attack on this section 6 of the frontier, which was held at the time only by 7 small frontier guard outposts of the Soviet frontier-8 guard corps. The Japanese Government knew and appro-9 ved of this attack. It is quite evident that neither 10 11 the local military command nor the Japanese General 12 Staff could give directions to the defendant SHIGE 13 MITSU, the Japanese Ambassador in Moscow, to hand 14 to the Soviet Government a demand to cede the Soviet 15 territory to Manchuria, threatening otherwise to use 16 armed forces. The diplomatic actions of such kind 17 are carried out only under the directives of the 18 Government. SHIGEMITSU himself in his talk with 19 M. M. LITVINOV confirmed that such directives had 20 been given in that case. Therefore, the attempts 21 to take responsibility for this undeclared war 22 against the U.S.S.R. from the Japanese Government 23 and put it on the local military command must be 24 categorically rejected. The responsibility for this 25 particular fact of the Japanese aggression against

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the Soviet Union must be laid on all those who at the time were members of the Japanese Government, and were responsible for its policy, and in particular the defendant HIROTA, who at that time was Foreign Minister, and the defendant SHIGEMITSU.

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A witness, TANAKA, Ryikiti examined before this Tribunal stated that the rout which the Japanese troops had suffered in this battle made him think seriously whether the Japanese Army was ready for a Big War.

11 But the lesson which they had learned at the Hassan Lake did not make the Japanese Government 12 13 and the leaders of the Japanese Army wiser. In the 14 following year, 1939, they renewed their aggression. 15 this time on the territory of the Mongolian People's 16 Republic, in the Nomon-Gan Area. The Japanese Govern-17 ment and Japanese military command knew well of the 18 existing treaty of mutual assistance between the 19 Soviet Union and the Mongolian People's Republic. 20 They knew beforehand that an attack on the territory 21 of this Republic would inevitably lead to a clash of 22 arms with the Soviet Union and consciously were ready 23 to do it.

The purpose of the military operations of the Kwantung Army in the Nomongan Area, was to carry

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out those plans, of which ITAGAKI had spoken in his talk with ARTTA, i.e., to secure a military base for the purpose of breaking through onto the Soviet territory in order to cut the Siberian Railroad trunk line and to cut off the Soviet Far East from Russia. This operation was preceded by a thorough preparation. We shall submit to the Tribunal a map published in 1934 by the administrative department of the Kwantung Region, which was directly subordinated to the Commanding General of the Kwantung Army. The frontier between the M.P.R. and Manchuria is shown quite exactly east of the Khalhin-Gol river.

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It precisely corresponds to the frontiers, shown in the official Chinese publication of 1919. 14 But a year later, in 1935, the same administrative department published a new map on which the frontier between the M.P.R. and Manchuria was already shown along the Khalhin-Gol river. Thus the whole Nomongan oasis was transferred from the M.P.R. territory onto the Manchurian territory. This oasis had not only economic importance for the local population, but it could have easily been turned into a military base for a further advance onto the territory of the Mongolian People's Republic.

Thus, the Japanese military and governmental

authorities first seized the territory they wished
 on the map, and then started the actual seizure of
 this territory.

4 The military preparations were being carried out this time on a considerable larger scale than in the preceding year. This time the undeclared war against the M.P.R. and the Soviet Union initiated by the Japanese continued for four months and ended in a complete rout of the Japanese armed forces engaged in it.

There are no doubts that the Japanese Government and the Japanese General Staff are responsible for this.

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The defendant HIRANUMA admitted that he, being 1 2 at that time the Prime Minister of Japan, knew about 3 this attack and he alleged that he tried to persuade 4 the defendant ITAGAKI, the then War Minister, to stop 5 this attack, but failed. But HIRANUMA answered in the ⁶ negative to the question whether he reported to the 7 Emperor on the necessity to stop this war. Besides, ⁸ a detailed communique on these battles was made in ⁹ July 1939 in the official publication "Tokyo-Gazette". ¹⁰ Thus already in July the Japanese Government not only 11 knew but officially informed of this undeclared war. ¹² In spite of the fact the war continued after this for ¹³ more than two months. Such fact could not have taken 14 place if the Government would not have approved of the 15 war.

16 The Japanese propaganda falsifying all the 17 circumstances under which this attack of Japan on the 18 I.P.R. territory took place, tried to present these 19 events as an unsuccessful attempt of the Mongolian 20 troops to invade the Manchurian territory which was 21 "victoriously repulsed by the glorious Kwantung Army." 22 It is quite evident that this fabrication is absolutely 23 ridiculous, the direct result of the Nomongan area 24 events for the "Glorious Kwantung Army" was that 25 General UEDA, the Commanding General of that army,

and all his principal staff officers were discharged, 1 probably as a reward for "the victory gained by them." 2 This proves, by the way, that the initiators 3 of the Japanese agression working in Tokyo could, when 4 they wanted, discharge the Kwantung Army Command. 5 The point is that they used such a drastic measure 6 not as a punishment for the aggression, but as a 7 punishment for failure to spread this aggression. 8 Not less ridiculous are the statements 9 that the troops of the small M.P.R. attacked the 10 Japanese armed forces. As far as the Soviet troops are 11 concerned, it will be clear from evidence which we 12 shall submit to the Tribunal, that the clash of the 13 Japanese forces with the Red Army units took place 14 on the western bank of the Khalhin-Gol river, i.e., 15 on the territory which even according to the fabri-16 cated Japanese map belonged to Mongolia. The above 17 said maps which we shall submit to the Tribunal will 18 prove beyond any doubt not only the falsity of the 19 statements of the Japanese propaganda, but also the 20 21 fact that aggressive attack of Japan was thoroughly 22 thought over and prepared beforehand and has all 23 features of a premeditated and willful crime. 24

All the defendants must bear responsibility for the initiation of this undeclared war be-

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cause this concrete fact of aggression as well as the one mentioned above, is only one of the manifestations of that general plan or conspiracy in which they all participated, but HIRANUMA, the then Prime-Minister, and ITAGAKI, the War-Minister, are the first to be 6 responsible for this concrete fact.

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The complete rout of the Kwantung Army 7 selected units in the Nomongan area showed to the 8 9 Japanese militarists that Japan alone could not fight the U.S.S.R. down and the leaders of the Jap-10 11 anese aggression began with ever increasing lust to 12 look at the German mailed fist under the stroke of 13 which the democratic countries of Europe--Czecho-14 slovakia, Poland, Norway, Denmark, Netherlands, Bel-15 gium, France were falling in turn.

16 However, in the political situation of 17 summer 1939, Germany considered it advantageous for 18 herself to make a proposal to the Soviet Union to 19 conclude a non-aggression pact. The U.S.S.R. thought 20 it possible to accept this proposal, following her 21 policy of consolidating peaceful relations with all 22 countries, which would maintain the same relations 23 with the Soviet Union.

It is known that this treaty was later on treacherously violated by Germany who, on June 22,

1941 attacked the Soviet Union.

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As the Japanese Government headed by the defendant HIRANUMA was conducting negotiations on concluding a military alliance with Germany mainly for the purpose of an immediate joint attack against the U.S.S.R., they rashly interpreted the conclusion of the pact with the U.S.S.R. as a "betrayal" by Germany of the principles of the anti-Comintern pact and as a rejection of a military alliance with Japan.

In connection with that the defendants 11 OSHIMA and SHIRATORI who were at that time the Jap-12 anese Ambassadors in Berlin and Rome and who as it 13 has already been said above, actively worked for the 14 conclusion of the alliance between Japan, Germany 15 16 and Italy, resigned their posts as a matter of de-17 monstration thus closely connecting their personal 18 fate with the fate of organization of conspiracy 19 against democratic countries and against the U.S.S.R. 20 in particular. The defendant HIRANUMA, guided by the 21 same considerations also resigned the post of Prime-22 Minister. He also thought that the conclusion of 23 alliance with Germany and Italy directed against 24 the U.S.S.R. was the basic political task of the 25 Government headed by him and interpreted the un1941 actacked the Soviet Union.

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As the Japanese Government headed by the diffendant HIRANUMA was conducting negotiations on concluding a military alliance with Germany mainly for the purpose of an immediate joint attack against the U.S.S.R., they rashly interpreted the conclusion of the pact with the U.S.S.R. as a "betrayal" by Germany of the principles of the anti-Comintern pact and as a rejection of a military alliance with Japan.

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However, later on the aggressive clique, 3 which directed the Japanese policy clearly understood 4 that concluding the pact with the U.S.S.R., Germany 5 was guided by considerations of purely temporary 6 political situation, and in no way abandoned her 7 aggressive aims or betrayed the common cause of the 8 aggressors and the "principles" of the anti-Comintern 9 pact. On this basis, in the summer of 1940, the ne-10 gotiations between Germany and Italy on the one side 11 and Japan on the other on the conclusion of a mil-12 itary and political alliance were renewed. On 13 September 27, 1940 these negotiations resulted in 14 a conclusion of the tri-partite pact, which gave 15 final shape to the conspiracy of aggressive powers 16 17 against the democratic world and against the U.S.S.R. 18 in particular. This pact was submitted to the Tri-19 bunal. (Exhibit No. 43). A number of criminal 20 acts of a large international scale were the fruits 21 of this conspiracy. We contend that the Soviet Union 22 from the very beginning was considered to be one of 23 the victims of this conspiracy and that practical 24 realization of this conspiracy caused considerable 25 damage to the interests of the Soviet Union.

It is very significant that at that time the defendant OSHIMA returned to the post of the Japanese Ambassador in Berlin and received a fully deserved decoration from Hitler, the leader of the international gang.

The nature of the tri-partite pact was in conspiracy of aggressors for the purpose of establishing the so-called "new order" throughout the world and in estimation of the share of the booty for each of them. By the moment of the signing of the pact, the action of Germany in Europe and of Japan in China had already shown in practice that both countries understood this "New Order" in the same way, as enslavement of peaceful people, racial and national oppression, mass shooting of civilian population, looting of the seized territories, extraction of the roots of democracy in the conquered states.

Naturally, the pact proclaiming the establishment of the regime of looting and violence throughout the world to be its purpose, was directed against all democratic countries, which could not stand the realization of this most dangerous Japanese German doctrine, the realization of which could have made victims of any democratic country and finally of

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all the democratic world.

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The leaders of the Japanese aggression understood well that creating a bloc of fascist, aggressive states, whose purpose was to forcibly establish the "New Order", they split the world into two camps; the bloc of aggressors on the one side and all other countries on the other.

We shall submit to the Tribunal documentary evidence which will prove that Tojo in particular understood the situation precisely in this same way.

Many of the leaders of the Japanese aggression (KONOYE, MATSUOKA and others) several times attempted to depict the period which followed the end of the Nomongan area events as a period during which Japan, as alleged, used all her force to adjust relations with the U.S.S.R. They tried to represent it in the following way: That if at the first stage of negotiations between Japan and Germany in 1938-1939 the point of their alliance was actually to be directed against the U.S.S.R., at the second stage of these negotiations in 1940 the point of the alliance, as they alleged, was turned only against the USA and Great Britain. Regarding the U.S.S.R. the tripartite pact, on the contrary, was as they said, to be an instrument of "adjusting" that Japano-Russian relations. They quote as proof of the statement, the 5th count of the pact, in which it was said that the pact did not encroach upon the political status which existed at that time between each of its signatories and the U.S.S.R.

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As far as the 5th count of the pact is concerned we have no need to go far to explain the meaning of its contents. Such explanation was given by Foreign Minister MATSUOKA on September 26, 1940 at the meeting of the Privy Council called to study the question of concluding the tri-partite pact. We shall submit to the Tribunal the minutes of this conference.

He explained during that conference that although a non-aggression treaty between the U.S.S.R. and Germany existed, Japan would back Germany in case a war between Germany and the Soviet Union started, while Germany would help Japan in case of a clash between Japan and the U.S.S.R. Concerning Count 5 which said that the pact did not encroach upon the political status existing at that time between each of the three signatories of the agreement on the one hand and the Soviet Union on the other, MATSUCKA explained that this count did not mean that the existing attitude of the Soviet Union could not be changed. It simply meant that the pact under review did not attempt to change it.

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It is true that at the same conference MATSUOKA also said that it would do no harm to improve the Russo-Jananese relations in the future. 6 But again at the same conference MATSUOKA directly emphasized that even if the improvement of the Russo-Japanese relations would take place, it would scarcely last for more than three years and in two 10 years it would be necessary to reconsider the rela-11 tions between Japan, the Soviet Union and Germany.

We contend that Count 5 was included into the tri-partite pact at that moment according to the tactical considerations of the participants of the pact, its purpose was not to arouse suspicion 16 and alarm on the part of the U.S.S.R. In Japan and in Germany certain endeavors were made with this aim in view.

19 Kurusu, the Japanese Ambassador in Berlin. 20 wired to Tokyo to MATSUOKA on September 26, 1940 21 (on the eve of the conclusion of the pact) that 22 Germany intended to instruct her newspapers to em-23 phasize that the pact did not mean a war against 24 the U.S.S.R. But in the same cable Kurusu informed 25 the Japanese Government of the fact that Germany con-

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checking the U.S.S.R.

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At the same time in Japan, Prime-Minister KONOYE, Foreign Minister MATSUOKA and other persons also said in their official speeches that the pact was to lead to "the adjustment of the Japano-Russian relations."

8 The Hitlerite Germany was interested that 9 one more ally-Japan, which was akin to her by spirit 10 and by method of actions should join her company.

Therefore, Germany, taking into consideration the fact that the question of the Soviet-Japanese relations had a special actuality for Japan, did not stop before beguiling Japan by promises to bring pressure on the Soviet Union to adjust the relations between the U.S.S.R. and Japan in the way Japan wished them to be.

We shall submit to the Tribunal evidence which will prove beyond any doubt that the actual meaning of the tri-partite pact in the aspect of the Soviet-Japanese relations was understood by the leaders of the Japanese Aggression in the following way:

1. Should the war between Germany and the Soviet Union break out, the pact would furnish an oppor-

centrated her troops in the East with the purpose of 1 checking the U.S.S.R. 2 3 At the same time in Japan, Prime-Minister 4 KONOYE, Foreign Minister MATSUOKA and other persons 5 also said in their official speeches that the pact 6 was to lead to "the adjustment of the Japano-Russian relations." 7 The Hitlerite Germany was interested that 8 9 one more ally-Japan, which was akin to her by spirit 10 and by method of actions should join her company. 11 Therefore, Germany, taking into consider-12 ation the fact that the question of the Soviet-Jap-13 anese relations had a special actuality for Japan, 14 did not stop before beguiling Japan by promises to 15 bring pressure on the Soviet Union to adjust the 16 relations between the U.S.S.R. and Japan in the way 17 Japan wished them to be. 18 We shall submit to the Tribunal evidence 19 which will prove beyond any doubt that the actual 20 meaning of the tri-partite pact in the aspect of the

leaders of the Japanese Aggression in the following way:

Soviet-Japanese relations was understood by the

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1. Should the war between Germany and the Soviet Union break out, the pact would furnish an oppor-

1	tunity for Japan herself to seize the Soviet terri-
2	torries that provoked the Japanese appetite for a
3	long time;
4	2. In case there was no war between Germany and the
5	Soviet Union, they would have to try and threaten
6	the Soviet Union with the German mailed fist, since
7	their own Japanese fist had proved to be not in the
, 8	least terrifying to the Soviet Union.
9	These calculations did not seem to be in
10	any way erroneous to the Japanese imperialists, and
11	their only mistake was that the German military ma-
12	chine also broke to bits at the impact with the
13	military power of the Soviet Union.
14	MR. GOLUNSKY: Mr. President, I think
15	this is a convenient time to break.
16	THE PRESIDENT: We will recess now for
17	fifteen minutes.
18	(Whereupon, at 1045, a recess was
19	taken until 1100, after which the proceedings
20	were resumed as follows:)
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MARSHAL OF THE COURT: The International 1 M 0 Military Tribunal for the Far East is now resumed. 2 r S THE PRESIDENT: Mr. Golunsky. 3 e 4 (Reading:) MR. GOLUNSKY: 28 As it is known, on April 13 MATSUOKA signed on 5 A b 6 behalf of Japan the neutrality pact with the U.S.S.R. r The evidence which we shall submit to the Tria 7 m 8 bunal will show that concluding this pact the Japanese 9 Government did not intend to follow it and immediately 10 violated it when Germany attacked the Soviet Union. 11 We shall also submit to the Tribunal evidence which 12 will prove that Japan did not attack the U.S.S.R. at 13 that time only because the situation in the summer 14 1941 did not seem to the leaders of the Japanese ag-15 gression to be quite suitable. 16 The Japanese imperialism fell a victim to its 17 own gross greediness. The leaders of the Japanese ag-18 gression, TOJO, MATSUOKA, HIRANUMA, UMEZU and others,

gression, TOJO, MATSUOKA, HIRANUMA, UMEZU and others, who determined the Japanese policy at that critical period, found themselves in the position which is well defined in the proverb, "He that hunts two hares will catch neither".

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We shall present the evidence hereafter that signing the Neutrality Pact with the Soviet Union on April 13, 1941, MATSUOKA was well aware of Germany's

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preparations for an attack on the Soviet Union and that simultaneously with the negotiations on the conclusion of the Neutrality Pact with the U.S.S.R., he raised 4 the question before Ribbentrop of the prolongation of the Anti-Comintern pact for another five years, the 6 term of the said pact expiring on November 26, 1941. The prolongation is known to have been effected, when the Soviet-German war was in full swing, and the existence of the Neutrality Pact with the U.S.S.R. formed no obstacles by any means.

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The evidence which we shall submit to the Tribunal will show that signing the Neutrality Pact with the Soviet Union and being aware of Germany's attack on the Soviet Union in the nearest future, MATSUOKA hoped he would be able to deceive the Soviet Government and reckoned that as soon as the war with Germany broke out, the Soviet Union relying on the Pact, would transfer all her forces from the Far East to the Western front and then the whole of the Eastern Siberia together with Maritime Province would easily fall into the hands of Japan.

But the attempt failed. Though going through extreme hardships on the western front during the first months of the war against Germany, the Soviet Union did not weaken her defense in the Far East, notwithstanding the fact that in July-August 1941 the
Japanese Government repeatedly assured the U.S.S.R.
of her firm desire to observe the Neutrality Pact.

Now we have at our disposal documentary evidence
of the fact that the Japanese Government, giving such
assurances, strove to appease the vigilance of the
Soviet Government and to make it withdraw its troops
from the Far East, and were at the same time feverishly preparing for a military attack against the U.S.
S.R.

The Tribunal already knows that on July 2, 1941 21 at the conference of the main military and political 12 leaders of Japan in the presence and under the chair-13 manship of the Emperor the decision was taken to make 14 everything to settle the Chinese Incident, to speed 15 up the advance to the south and, taking into considera-15 17 tion the circumstances, to settle the Northern problem, 18 and they intended to remove all obstacles for the achieve-19 ment of these aims.

We shall submit to the Tribunal evidence which
 will prove that the following decision was also made
 at the conference:

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 1. Japan would not enter into the war with the U.S.S.R.
 ²⁴ only "for the time being" and would use arms "if the
 ²⁵ German-Soviet war goes on in a way advantageous for

Japan."

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2. Till that time Japan would "secretly carry out
3 military preparations against the U.S.S.R." under the
4 cover of diplomatic negotiations.

5 Following this decision the Japanese General 6 Staff and the Kwantung Army Headquarters worked out 7 a special plan of secret mobilization under the ciphered title of "Kan-Toku-En" which meant -- "special 8 9 maneuvers of the Kwantung Army". According to this 10 plan the strength of the Kwantung Army was to be 11 doubled during two months increasing from 300,000 men 12 to 600,000 men. This plan was carried out in a great 13 hurry. The slogan: "Not to miss the bus" was popu-14 lar among the Japanese military at that time.

15 The Germans promised to rout the Soviet Union 16 no later than in two months, and the Japanese leaders 17 thought in the following way: What is the use of 18 rushing headlong and suffering losses in the fight 19 against the Red Army; besides, there is no oil in the 20 Eastern Siberia which we need. We shall meanwhile 21 capture everything we need in the South, and by the 22 Autumn, when the Germans defeat the Red Army, and dis-23 organization would reign in the Soviet Union, we shall 24 easily take everything we want. And meanwhile we 25 shall carry on diplomatic negotiations, shall swear

to be true to the neutrality pact in order to decieve the Soviet Union and to hide from her military preparations.

That was the reason of the Japanese Government concluding the Neutrality Pact with the Soviet Union, and that was the way in which they were going to carry this into effect.

The Japmese Government was afraid only that 8 the way between the Soviet Union and Germany would 9 10 end in the victory of Germany earlier than Japan would be able to concentrate forces necessary for 11 12 seizure of the Eastern Siberia. This was directly 13 confirmed by the cable sent from Tokyo to Berlin for 14 the information of the Japanese Ambassador. We shall 15 submit this cable to the Tribunal. The cable says 16 that the Russo-German war has given to Japan an ex-17 cellent opportunity to settle the Northern question 18 and that Japan is proceeding with her preparations to 19 take advantage of this occasion. The cable also ex-20 presses apprehension that in case the Russo-German war 21 proceeds too swiftly Japan will not have time to 22 take effective joint action. The Japanese Government 23 was afraid "to miss the bus".

But in this case also the hopes of the Japanese politicians did not come true. Their aggressive ap-

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petite was far more than their actual power.

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The time went on. Two, three months passed but the rout of the Red Army and disorganization of the Soviet State did not come. OSHIMA came to Ribbentrop to make a complaint on this. Ribbentrop called Keitel and the latter ardently was trying to convince OSHIMA that everything was all right, that a certain delay i: the calendar plan of the German-Soviet war was due to simple technical reasons, which would be easily overcome.

The Japanese leaders again believed the German explanations and decided that it was advisable to wait a bit more and not to attack the Soviet Union.

We shall submit evidence that in August 1941 the attack against the Soviet Union was already postponed until summer 1942 and it was planned to include all Eastern Siberia into the area of the so-called "Greater East Asia."

The borders of this "Greater East Asia" which, according to the tri-partite pact was given to Japan, were considered by leaders of the Japanese aggression as something very flexible.

At the second conference of the Privy Council on October 12, 1942 at which the question of creating the Ministry of the East Asia Affairs was discussed, 1 TOJO was asked what were the borders of the Greater 2 East Asia sphere.

Answering this question TOJO named the territories which by that time had already been seized by Japan and added that the regions occupied in the course of the war would be included in this sphere and it would be extended together with the extension of occupied areas.

9 'n other words, all that was possible to swal-10 low was to be included into the Greater East Asia. 11 We shall submit to the Tribunal the documentary evi-12 dence of the fact that the Japanese planned to swallow 13 all the Soviet territories which would not be swallowed 14 by Germany. Thus they planned to divide the trans-15 Siberian trunk line in the following way: Everything 16 west of Omsk-to Germany, everything east of Omsk-to 17 Japan.

In 1941-1942 not only operation plans of an attack against the Soviet Union, but also the plans of military administration on those territories, which they planned to sieze, were being drawn up in Tokyo. We shall submit these plans to the Tribunal. They will show how the Japanese racial theory was supposed to be carried into effect, how the mass

transmigration of the Japanese into the occupied

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territory was being planned, and how special measures were worked out to prevent the Slavs "driven from the West" from concentrating in Siberia. All these plans and calculations were based on the strong belief in the final victory of Germany.

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There are very many intelligent people who are astonished and not without reason, at Japan daring to attack both the U.S.A. and Great Britain having the unfinished war with China on her hands, and preparing for an attack on the Soviet Union. This puzzling problem cannot be solved if we lose sight of this implicit faith of Japanese rulers in general, and military leaders in particular in German power and inevitable German victory. They hoped that Moscow and Leningrad would fall any day, that the collapse of the Soviet Union long ago promised by the Germans would not be long in coming.

On December 8 they repeated in Pearl Harbor, as I have already mentioned, what their predecessors had done in Port Arthur over 35 years ago. Several days after the Japanese attack on Pearl Harbor, the Red Army began its counter-offensive near Moscow and Hitlerite bands rolled back to the West. This was the first big military defeat of Germany, but even this did not put the Japanese would-be strategists

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wise. They continued to believe in the power of the Hitlerite Germany and in "invincibility" of the German Army.

Faith in the untimate victory of Germany and in the defeat of the Red Army was a condition sine qua non which figured in all calculations of Japanese politicians when they elaborated their aggressive plans directed not only against the Soviet Union but also against the U.S.A. and Great Britain.

But their hopes failed!

A t the beginning of the war, to be sure, the aggressor, due to the surprise attack usually attains some temporary success over his peaceful opponent; he is ready to fight while his victims are not; he chooses the time and place of the blow.

But comparatively soon the influence of the surprise factor decreases and the permanent war factors enter into action. It was so in the war of Germany against the Soviet Union and in the war of Japan against the U.S.A. and Great Britain.

The time went on but the victory of Germahy in Europe and of Japan on the Pacific Ocean did not come. On the contrary, the Japanese army forces were more and more entangled in the war, and the Red Army firmly held the Soviet frontiers as before and that

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convenient occasion for an attack against the U.S.S.R., which was expected all the time by the Japanese strategists, did not come.

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Does it mean that Japan, although not voluntarily, still kept within the limits of the nuetrality pact with the Soviet Union?

No, it does not mean that. She purposely and 7 systematically was violating this pact and was ren-8 dering considerable help to Germany; notwithstanding 9 the growing difficulties on the other fronts, Japan 10 more and more increased her armed forces on the Soviet 11 12 frontiers. In 1942, 1,100,000 troops were concentrated in Manchuria, i.e., about 35% of the Japanese 13 14 army on the whole, including the best tank and air 15 units. What was it done for? Were there any reasons 16 for Japan to be afraid of an attack of the Soviet 17 troops?

We could have answered this question in the negative not needing any evidence to do this, but we have direct evidence that no such apprehension troubled the Japanese leaders.

The prosecution will submit to the Tribunal operation order to the Japanese Navy of November 1, 1941, an order in which operation instructions on an immediate attack against the U.S.A. and Great Britain were given. This order, signed by Admiral Yamamoto Isooky, the Commanding Admiral of the Joint Japanese Navy stated among other things that, although the strength of the Soviet armed forces on the borders between the Soviet Union and Manchuria was very great it was believed that the Soviet Union would not commence hostilities if Japan herself would not attack the Soviet Union.

It follows then that the Japanese Government 9 did know that the Soviet Union had no intentions to 10 make an attack on Japan; the Japanese Government kept 11 12 an army million men strong on the Soviet borders not 13 in self-defense, but in order to render help to Ger-14 many, and secondly -- not to miss her chance if, in 15 spite of all, Germany managed to gain victory over 16 the Soviet Union.

Germany acknowledged and appreciated that help rendered to her by Japan; Ribbentrop made it clear 19 in his telegram to the German Ambassador in Tokyo 20 dated May 15, 1942, in which he wrote, that the moment 21 was very convenient for Japan to seize the Soviet 22 Far Eastern area. But it should be done only if Japan 23 was sure of her success and if she had not enough 24 forces to conduct successfully such operations, it was 25 better for her to maintain neutral relations with

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Soviet Russia. Ribbentrop emphasized that that also relieved the "toil" of Germany because Russia in any case had to keep troops in the Eastern Siberia to prevent the conflict with Japan. 4

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Had Japan honestly observed her Neutrality 5 Pact with the Soviet Union, had she not made the Soviet 6 Union keep strong armed forces on the border of Man-7 churia, as the Japanese High Command itself had ad-8 mitted, -- the U.S.S.R. would be also able from the 9 very outset to utilizo those forces in the war against 10 Germany. That would have changed not only the whole 11 12 course of the Russian-German War, but in all probabil-13 ity, the whole course of World War II would have been 14 entirely different. As to the Russian-German war, 15 it would without the slightest doubt have ended much 16 sooner and with lesser sacrifices on the part of the 17 Soviei nion.

18 Hundreds of Soviet cities, that now have to 19 be rebuilt from the ruins, would have remained intact. 20 Hundreds of thousands, perhaps millions of the Soviet 21 people, who had been killed in the war against Hitler-22 ite invaders, would have been living. That is why 23 Ribbentrop declared that "Japan makes our toil lighter," 24 sacrilegiously applying the word "toil" to the mass 25 extermination of Soviet citizens and to the destruction

of Soviet cities and villages.

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It is true on the other hand that had the 2 million army with all its fighting equipment which the 3 Japanese Government and High Command had kept during 4 the whole war in Manchuria, been thrown into battle in 5 the Philippines, the New Guinea and at other fronts, --6 the task of the Allied armies at these fronts certainly 7 would have been much harder. But that could not in 8 any way mitigate the guilt of the accused. We shall 9 also submit to the Tribunal evidence proving that 10 when in Japan they had become conscious of the change 11 12 in the course of the Russian-German war, unfavorable 13 for Germany, the Japanese politicians planned to mediate 14 between the Soviet Union and Germany with the aim of 15 making the Soviet Union conclude separate peace treaty 16 with Germany, on terms favorable to Germany, by threat-17 ening to attack the Soviet Union. These plans, as 18 many other plans of the Japanese Government, came to 19 nothing, but they present certain interest for they 20 are instances of Japan's collaboration with Germany.

Japan violated the Neutrality Pact with the Soviet Union not only be keeping her picked troops on the Soviet borders all the time; but we shall submit to the Tribunal numerous evidences which will prove that in the course of the war Japan transferred

to Germany military information on the Soviet Union 1 which deserved expressions of gratitude from Ribben-2 trop. It is very important to point out that this 3 information was transferred to Germany not by separate 4 individuals (the Japanese Government might not be re-5 sponsible for that) but by the Japanese governmental 6 officers. The Japanese diplomatic representatives in 7 the U.S.S.R. gathered this information and the Japan-8 ese General Staff and the Japanese Embassy in Berlin 9 transferred it to Germany. 10

We shall present evidence proving that Japan sank Soviet ships, the ships belonging to the country neutral, as regards Japan, and did all she could to hamper the Soviet shipping in the Far East. By doing so Japan also considerably helped Germany, for she hampered the transport of the materials the Soviet Union needed.

In view of the aforesaid assistance which Japan systematically had been giving to Germany, and also in view of the fact that Japan had started the war against the Allies of the U.S.S.R., i.e., against the United States of America and Great Britain -- the Neutrality Pact, signed on April 13, 1941, became meaningless.

That is why the Soviet Union had to denounce

the Pact, as soon as the time of denunciation, provided for in Article 3 of this pact, came.

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Japan fought on the side of the axis powers, tooth and nail. The Hitlerite bandits in Germany, the fascist murderers in Italy and the Japanese imperialists who are now in the dock, were worthy brothers in spirit.

8 We shall submit to the Tribunal evidence 9 which proves that up to 1945 the leaders of the Japan-10 ese gang of aggressors were making assurances to their 11 German accomplices that they were true and loyal to 12 their criminal conspiracy and were doing all they 13 could to ensure success of this conspiracy.

Fven in January, 1945, when the German troops were already thrown out of the Soviet territory, when the Red Army was on the Oder and the Allied Anglo-American troops -- on the Rhine, the accused SHIGE-MITSU making a speech at the 86th session of the Diet said that the contact between the Empire and her allies was becoming still stronger and that Japan together with her allies will carry on this war to the end.

Germany was defeated and capitualted unconditionally on May 9, 1945. Even to the Japanese politicians who many times demonstrated their political shortsightedness and to the ill-starred Japanese strategists who not for a single time made true prognostication concerning the course of operations it became clear that it was all over with the "New Order" in Europe once and for all. But even after this they refused to surrender arms, to admit that their aggressive plans had failed and to give up those plans once and for all. They believed that having a fresh selected army in Msnchuria and considerable forces on the Japanese Islands they could bargain and not only save their skins but preserve means for planning and preparing a new war of aggression and again to wait for an opportunity to attack the peaceful country whose vigilance became slack and which would fall an easy victim to the aggressor. They hoped that the democratic countries tired after the protracted war would swallow this bait.

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That is why they rejected the Potsdam declaration which called Japan to surrender unconditionally. They appealed to the Soviet Government to mediate. The mediation meant negotiations and negotiations with such a trump in the hand as a many million army untouched by fight could give them opportunity of gaining much by bargaining and of saving much.

But the democratic countries being taught by bitter experience stoutly defended their decision to make no bargains with the aggressor. They could agree to nothing but unconditional surrender, which the Japanese Government refused. This refusal meant the prolongation of the war for an indefinite time.

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That was why the Soviet Government rejected the request of the Japanese Government for intermediation, as having no ground, and declared a war against Japan, according to the request of the allies the U.S.A. and Great B^ritain, being true to her duty an an ally and wishing to accelerate by all means the end of the war, during which the blood of people was shed for six years.

The Soviet Union doing this also pursued the following aim: To give the opportunity to the Japanese people of avoiding those dangers and devastation, which were suffered by Germany after she had refused the unconditional capitualtion.

It turned out that the devastating blow of 18 19 the Red Army against the selected Japanese troops 20 concentrated in Manchuria, was necessary for the Ja-21 panese imperialist to realize at last that they were 22 defeated in the war. They realized that they were de-23 feated and it was difficult not to realize this in the 24 situation in which Japan routed and surrounded from 25 all sides found herself, but they did not admit till

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now, and do not want to admit, that they had committed a crime. They all as one declared here in the court that they were guilty of no crime. This stresses once more the fact that if they would have been left free. if necessary means would have been in their hands, they would have acted in the same way as they had acted be-fore. Colonel Rosenblit, Chief Assistant of the Judge-Advocate General of the U.S.S.R. Armed Forces is first to have the floor.

MR. LOGAN: If the Tribunal please, yesterday general objections to this opening statement were made by Mr. Cunningham, and those objections were incorporated in the motion made at this time to strike out the following paragraphs of this opening statement; and, in addition, we set forth the following specific objections. I would appreciate the opportunity of setting forth these objections without interruption by the prosecution.

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The first fifteen pages are outside the scope of the Indictment, are argumentative, immaterial and, in the main, constitute a summation.

In its introductory statement on pages 1 and 2, prosecution comments on the effect of the Japanese Army in Manchuria and Korea in 1941-42 and the historical background prior to 1928. All of this constitutes comment which is not the proper subject of an opening statement. It goes beyond the scope of the Indictment by commenting on the commencement of the Japanese-Russian War in 1904. It sets forth conclusions with respect of the Japanese-Russian War in 1904; and, if a portion is not stricken on the ground that it is conclusion, immaterial and not within the issues, the defense requests that it be permitted to prove in its case the facts concerning this

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In the last paragraph on page 3 the prosecution endeavors to argue on the similarity of the commencement of the Japanese-Russian War in 1904 and the attack on Pearl Harbor which, of course, is purely argumentative, and it does not set forth any facts to be proven in regard thereto.

On page 4 the prosecution deals entirely in summation rather than in presentation of any facts to be proven in that it comments on the effect of the Russo-Japanese War of 1904 and the aims of the Japanese in World War No. I.

On the bottom of page 4 and on page 5 the prosecution comments on the Far Eastern Government in 1920, which is beyond the scope of the Indictment, immaterial to any issues in this case, and argumentative.

The first three paragraphs on page 6 deal with argumentation and with matter immaterial in that they refer to certain events which occurred in 1919.

Pages 7 and 8 constitute a summation which is entirely speculative, argumentative, and immaterial to any issue in this case as it refers to what would have happened if certain demands made by the Japanese about the year 1922 had been accepted by the Far

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Eastern Republic.

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All the paragraphs on page 9 are argumentative and speculative as to the start of the war, and the prosecution endeavors to fix a date for the commencement of World War II which is contrary to historical fact.

Paragraph in the bottom of page 10 and the top of page 11 is argumentative and does not state any fact which the prosecution intends to prove, the subject matter being "Total War".

The paragraph on page ll, wherein the prosecution deals with the working class movement and the toiling masses, should be stricken as a conclusion and an argument, and does not relate to any crime charged in the Indictment even if it were true.

The first two paragraphs on the top of page 18 12, and the last paragraph on page 12, should be 19 stricken as they are merely conclusions and argument-20 ative.

Prosecution in the last paragraph on page 12 indulges in argument, summation and inflammatory statements as defined by this Court in commenting upon the opening statement by Colonel Morrow.

From the second paragraph on page 13 through page 14 there is contained a summation, conclusion,

and argument, not subject to proof, dealing with the feelings of the Russian people and the suggestion of the hostile attitude toward the Soviet Union.

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First paragraph on page 19 contains a conclusion and comment as to the effect of the alleged coup d'etat of ARAKI and should be stricken.

Page 21, from the second paragraph there on to the top of page 22 should be stricken on the ground that the statements contained therein are entirely conclusions, not subject to proof, and properly part of the summation dealing with the attitude of the Japanese Government.

Page 25: the second paragraph should be stricken on the ground that it is a conclusion, does not set forth facts intended to be proven, the subject matter being that the Soviet Government was forced to agree to sell the Chinese Eastern Railway.

From the first paragraph on page 26 through the first paragraph on 28 reference is made to a conflict with the Mongolian People's Republic then a part of China in 1922, and shows no aggression against Russia; and, therefore, it is not proper under this phase of the case.

Second and third paragraphs on page 28 con tain unnecessary and inflammatory comment with re-

spect to Germany and Italy and should be stricken.

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On page 29, all after the first sentence in the first paragraph should be stricken on the ground that it contains conclusions and arguments on evidence which has already been introduced.

We call the Court's attention to the fact that on page 31 the prosecution has claimed again that in or about the year 1936 Japan was governed by a criminal, militaristic clique, which is different than set forth in the Indictment.

In the last paragraph on page 32, continuing on page 33, the prosecution indulges in discrediting its own witnesses which, if proper at all, is a matter of summation.

From the last paragraph on page 37 to and including the first paragraph on page 42, the prosecution again refers to and comments on the Mongolian People's Republic which was not a part of Russia and immaterial to the issues in this phase of the case.

First, second and last paragraph on page 45 through page 46 should be stricken on the ground that it constitutes further argument with respect to the Tri-partite Pact and its effect and does not contain facts expected to be proven.

The first two paragraphs on page 52 should

be stricken on the ground that the matter stated therein with respect to the reason why the Japanese Government concluded a neutrality pact with the Soviet Union is pure speculation and does not set forth the facts to be proven in regard thereto.

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The third paragraph on page 55 should be stricken. It is purely argumentative with respect to the commencement of the War by Japan against the United States.

The last paragraph on page 55 should be stricken as it is a summation, something which is not subject to proof as heretofore shown with respect to Port Arthur.

The second, third, and fourth paragraphs on page 57 should be stricken as they constitute a summation with respect to the purpose and effect of the war with Germany and the stationing of troops in Manchuria, purely argumentative and speculative, and no facts are set forth which are subject to proof.

The same is true with respect to the second paragraph on page 58.

First and second paragraphs on page 59 should be stricken as the subject matter is a comment and argument with respect to the armed forces on the Mongolian border. The last paragraph on page 61 is a conclusion with respect to the Neutrality Pact. The last sentence on page 61 through the first paragraph on page 52 should be stricken as it is not subject to proof.

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The last half of the last paragraph on page 62, which is continued on page 63, should be stricken as argumentative with respect to the effect of Germany's surrender.

9 The entire page 64 should be stricken as it 10 refers to Russia's justification for rejecting media-11 tion, is argumentative, and its attack on Japan in 12 1945 in violation of the Newtrality Poct which was 13 then in force.

THE PRESIDENT: Mr. McManus.

MR. McMANUS: I believe that most of the 15 16 requests to strike have been stated by my colleague, 17 Mr. Logan. However, I should like to call to the 18 attention of the Court an additional reason for re-19 questing to strike the first full paragraph on page 20 19. I would like to request that this paragraph be 21 stricken on the grounds of ambiguity. It refers in 22 this paragraph to "terrorist organizations and politi-23 cal assassinations." It is not specifically stated 24 what organizations and what incidents are referred to. 25 However, they definitely mention the name of the de-

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fendant ARAMI. If the prosecution is referring to the 5/15 or the 2/26 incident, I would like to call to the attention of the Court that these incidents have been definitely clarified, and the cases have been tried in Japan. And I'd like to state that, as a result of that trial, the defendant ARAKI was 6 cleared of those charges.

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I would further like to request the Court 8 that, if the defendant ARAKI is not connected up with 9 10 any of these organizations or political assassina-11 tions by the prosecutor, that I be permitted to com-12 ment upon same at the end of the prosecution's case. 13 I would like to request, however, that the paragraph 14 be stricken on the grounds that it is ambiguous.

THE PRESIDENT: Mr. Chief Prosecutor.

IR. KEENAN: Mr. President, might I make a suggestion, respectfully, to the Court? It is obvious that if an attempt is made orally to answer these manifold objections point by point, these proceedings will be delayed materially. Since the defense has fully stated its points, both with reference to the part it desires stricken and the reasons therefor, prosecution suggests that a brief be filed with this Tribunal meeting the same point by point, so that appropriate action can be taken by the

Tribunal, when the matters are more closely related, in careful study, serving all of the purposes requested in this motion to strike. Prosecution will forego propaganda effects.

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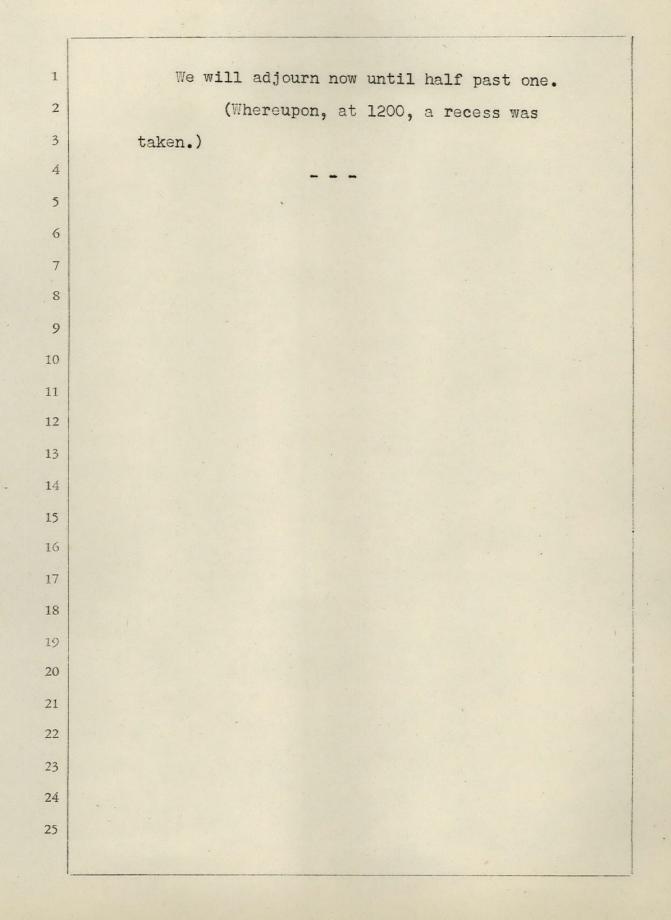
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THE PRESIDENT: The Members of the Tribunal 6 have considered the question of delay in dealing with 7 these objections. They are glad, of course, that the 8 objections are now in the record. It may be that 9 some of the Members of the Tribunal will agree with 10 all the objections, that others will agree with none 11 of them, that some will agree with some objections 12 and not with others. The task of editing the opening 13 statement so as to make it conform to an opening state-14 ment in the true sense, that is, to a statement of 15 evidence about to be introduced, is a tremendous one. 16 To complete it would involve a great waste of time. 17 However, we have a solution. We are all agreed on 18 this, and we hope both the defense and the prosecu-19 tion will accept it also: It is the simple statement 20 that we will take into consideration only such parts 21 of the opening speech as are justified by the evidence 22 to follow. For that purpose, every Member of the Tri-23 bunal will give the fullest consideration to every 24 objection taken. We ask the parties of the prosecu-25 tion and the defense to consider what I have said.

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1	AFTERNOON SESSION
, 2	The Tribunal met, pursuant to recess, at
3	1330.
4	MARSHAL OF THE COURT: The International
5	Military Tribunal for the Far East is now resumed.
6	THE PRESIDENT: Mr. Smith.
7	MR. SMITH: If your Honors please, I would
° 9	like to call attention to a few obvious errors in the
10	opening statement.
10	In the second paragraph of page 30 it de-
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13	scribes Mr. HIROTA's being both Prime Minister and
15	Foreign Minister at the time the Anti-Comintern Pact
	was negotiated. The records in the case show that
15	Mr. HIROTA was Frime Minister at the time and not Foreign
17	Minister. The Foreign Minister at that time was Mr.
18	ARITA.
19	On page 35, near the bottom of the page, it
20	refers to the Lake Hassan Incident which occurred on
21	July 29, 1938. It was a spontaneous border fight.
22	On page 37 it ties Mr. HIROTA in with that
23	Incident and describes him as being at that time Foreign
24	Minister. Mr. HIROTA had not been in the government
. 25	since May, 1938, and the Foreign Minister at that time
	was Mr. UGAKI.

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THE PRESIDENT: Minister Golunsky.

MR. GOLUNSKY: In accordance with it, we will certainly gladly agree to make any corrections in conformity with the personnel records filed with the Tribunal.

THE PRESIDENT: Mr. Logan.

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I suggest you might consider the observations I made just before the adjournment.

9 MR. LOGAN: "'e have considered it, your Honor, 10 and we are not concerned so much with what has been 11 said in this opening statement but what will be attempted 12 to be proven by the prosecution under that opening 13 statement and also by the fact that there has been no 14 ruling to the objections which we advanced.

15 In the first place, it seems to us that the 16 trial would be somewhat slowed without some sort of a 17 ruling if the prosecution in this phase attempts to go 18 beyond the Indictment. "hile the Tribunal, I feel sure, 19 is aware of its duties under Section 4, Article 12-b, 20 that the Tribunal shall take strict measures to pre-21 vent any action which would cause unreasonable delay 22 and rule out irrelevant issues and statements of any 23 kind whatsoever, we feel that this burden has been 24 shifted or would be shifted to the defense in that it 25 would be incumbent upon us to determine after all the

testimony in this phase has been introduced to decide what parts of the opening statement were still in full force and effect and whether or not the testimony adduced applied to any of that, and it may very well be that different Members of the Tribunal have different views on that. It may very well be that if the Tribunal would take upon itself the making of a short and concise statement of what can be proven by the prosecution in this phase, that might be helpful. I might say that we are particularly but not exclusively concerned with the possibility of having this phase of the case go back to 1904, which is way beyond the scope of the Indictment. In lieu of that, if the Court will undertake, after this phase is completed, of advising defense just what part of the opening statement is material and still in the case. that, too, would be a way out and it would be helpful. THE PRESIDENT: Mr. Keenan.

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20 MR. KEENAN: If the Court please, before the 21 recess the Court made a suggestion as to a manner of 22 treating the motion to strike or motions to strike from 23 the opening statement. The prosecution believing that 24 to be sound agrees therewith, and further, with refer-25 ence to the apprehensions of defense counsel as to the 26 relevancy of evidence, we suggest that, of course, in the main it will have to be determined at the time the exact evidence is offered to the Court. "We do expect, if the Court please, to offer some evidence and we would hold it to be relevant even though it were not within the period of the conspiracy if it were sufficiently close thereto to give a proper background in interpreting the acts of the accused within the period described in the Indictment itself. "We would expect, respectfully, the Court to take judicial notice of other matters of which judicial notice could be taken that preceded the time of the Indictment if it were relevant in the sense of aiding in the proper interpretation of the acts of the accused complained of in the Indictment.

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Now, with reference to the suggestion of the Court's in a sense delineating the time or materiality of certain types of evidence in any manner suggested, of course, the prosecution would have no objection whatsoever to such procedure but would think it might be of great value to the defense in properly preparing its defense when that time comes. Already, Mr. President, there have been some fundamental motions offered by the defense which have been overruled by this honorable Tribunal with the statement that at a later period reasons therefor would be given.

It would be very helpful throughout any phase of the trial if both prosecution and defense could learn in 2 any legitimate and proper manner, could obtain light on what the Court itself at any time had concluded 4 were the limitations of any feature of the case, in-5 cluding evidence to be presented or accepted; but 6 prosecution is unable to see how this Court at this time, before any evidence is offered, could make any 8 blanket ruling as to the relevancy thereof in the 9 10 rough.

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The prosecution, of course, has some notion 11 12 of what it considers to be relevant evidence and 13 will make every effort, as it has in the past, to 14 confine those things offered in evidence to matters 15 that are encompassed within proper rules of evidence 16 as we understand them in our own courts, which is the 17 only criterion by which we can judge the same. 18

THE PRESIDENT: It goes without saying that 19 we will be governed by the evidence and by the evidence 20 Suppose we had a jury in this case and that alone. 21 counsel opened more than he eventually proved. "Te 22 would point out to the jury, counsel alleged certain 23 things but he has not proved them; so at the end of 24 the evidence for this section of the prosecution we 25 will compare the opening with the evidence adduced and

we will disregard everything but the evidence.

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The purpose of the opening is to help us. 2 It may fail to do so but there is really no need for 3 us to consider in detail every statement in excess 4 of the evidence made by the prosecutor in the opening. 3 All we need do, I think, is tell the defense that we 6 will discard everything which is not justified by the 7 evidence to be subsequently adduced. I do not see 8 9 how we can do any more than that. We would take no 10 greater precautions if we had a jury here. The 11 defense must trust us to distinguish between evidence 12 and mere statements by the prosecution unsupported by 13 evidence. Beyond stating that we will be careful to 14 discriminate in that way. I think I should add nothing. 15

We will proceed with the case, Mr. Golunsky. COLONEL ROSENBLIT: Mr. President, Members of the International Tribunal, my task is to present to the Court evidence that the Japanese ruling circles harbored large-scale aggressive plans against the

U.S.S.R. during the whole period covered by the Indictment.

THE PRESIDENT: These lights are on too long. They are causing discomfort to some Members of the Court.

COLONEL ROSENBLIT: Before I pass to the

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tendering of evidence relating to my case I respectfully call the attention of the Tribunal to the--

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THE PRESIDENT: Captain Van Meter, did you hear what I said?

5 6 OCLONEL ROSENBLIT: (Continuing) outline map 6 of the Soviet Far East and the northern part of Man-7 churia. This map will be helpful to the Tribunal in 8 the course of my presentation to follow various 9 geographic names of those areas; and this is the sole 10 aim of the map.

THE PRESIDENT: Major Furness.

MR. FURNESS: We object to the presentation of this map in evidence on the grounds that it is a document and the writing on it is not translated into either English or Japanese. The copies which have been furnished of it are so reduced in size, as a matter of fact, that we could not read it in whatever language it is presented.

¹⁹ MR. GOLUNSKY: If the Tribunal please, all ²⁰ the geographical points which are going to be mentioned ²¹ by the prosecution are written on this map in big ²² characters and translated into English and into Japan-²³ ese. All the towns and townships which are not trans-²⁴ lated into English or Japanese, we do not propose to ²⁵ mention them and they have no importance whatsoever

to our case. 1 THE PRESIDENT: I notice that Vladivostok 2 and Harbin are in English. 3 The document is admitted for what it is 4 It is not very satisfactory but we will have worth. 5 to make the best of it. 6 CLERK OF THE COURT: Prosecution's document 7 No. 2366 will receive exhibit No. 666. 3 (Whereupon, the document above 9 referred to was marked prosecution's exhibit 10 No. 666 and was received in evidence.) 11 COLONEL ROSENBLIT: If the Tribunal please, 12 in view of better visuality an enlarged map will be 13 placed on the right screen in the courtroom. 14 15 Now I shall present evidence that the aggres-16 sive designs of the Japanese ruling circles against 17 the U.S.S.R. were deeply rooted before and developed 18 during the whole period covered by the Indictment. 19 I submit to the Tribunal as evidence a 20 cutting from the newspaper KOKUMIN Shimbun of August 14, 1941, No. 17867, containing the record of General ARAKI's talk with ISHI "ATA, Secretary-General of the Imperial Rule Assistance Association. (Prosecution 24 document No. 2367). This document will prove that in 25 1941 ARAKI regretted that during their intervention in

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the East of the Soviet Union in 1922, the Japanese failed to accomplish their plans in Siberia. It will also prove that in ARAKI's opinion in 1941 the situation was again favorable for the Japanese to carry out their inspirations which they failed to fulfill in 1922.

THE PRESIDENT: Captain Brooks.

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8 MR. BROOKS: "Ye believe it would satisfy 9 the defense quite a bit if it was cleared up as to 10 the map offered as document No. 2366 and if that is 11 connected with the map on the wall and has been ad-12 mitted into evidence and, if so, what number has been 13 given to it.

THE PRESIDENT: The wall map should be
 tendered too. Anything we look at and use as evidence
 should be tendered -- any document.

MR. GOLUNSKY: If the Tribunal please, our
wall map is the same map which has been distributed
but with one exception, that the small towns and townships are not mentioned on this big map.

THE PRESIDENT: Mr. McManus.

MR. McMANUS: If your Honor please, I would like to object to the document offered now, 2367; first, on the grounds that it does not appear to be, from the certificate, that it is a captured enemy document or

that it is from the files of the Japanese Government. 1 I would like to further object on the grounds that it deals with a matter which happened quite some time before the date stated in the Indictment as when the 4 conspiracy began.

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They are the grounds of my objections but 6 I should also like to point out to the Court that 7 there is nothing on this document to show that they 8 are excerpts also, which they are. 9

MR. GOLUNSKY: If the Tribunal please, 10 as to the first point of the learned counsel, the 11 certificate attached to our document shows that it is 12 the number of KOKUMIN Shimbun of August 14, 1941, con-13 14 stituting a part of a volume including all the numbers 15 of the state publications for July and August, 1941. 16 The certificate also shows that it has been obtained 17 from the Imperial Library.

18 As to the second point, we ask the Tribunal --19 call the attention of the Tribunal to the fact that 20 this statement was made by ARAKI in August, 1941, on 21 the occasion of the German war -- Germany's attack 22 against the Soviet Union -- and therefore we contend 23 it is within the scope of the Indictment. 24

THE PRESIDENT: Statements attributed to the accused by the public newspapers of their country

may have some probative value, of course. My colleagues who have read this say that there is nothing in the statement to show what was said by ARAKI and what was said by the other man. MR. GOLUNSKY: If the Tribunal please, everything which is translated into the excerpt are the words which allegedly have been said by ARAKI. This can be easily ascertained by the complete Japanese text which is with the Clerk of the Court; but if the Tribunal so directs, we will gladly trans-late an additional part of the Japanese text so as to make it evident on the face of the document that those words were the words of ARAKI.

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MR. McMANUS: If your Honor please, I think that it is up to the prosecution to prove who made these statements, how it was taken down, who reported it, and not up to the prosecution to testify and draw their own conclusion that these statements were made by ARAKI. The document speaks for itself.

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7 THE PRESIDENT: We should know what ARAKI said. 8 MR. GOLUNSKY: If the Tribunal please, we 9 will gladly make a supplementary translation of the 10 part which shows that those words were said by ARAKI; 11 but since we have the complete finished text here, 12 we don't think we are testifying ourselves. We are 13 just telling what the document states on its face.

14 THE PRESIDENT: Do you claim that ARAKI said 15 all this?

COLONEL ROSENBLIT: Yes, Mr. President.

THE PRESIDENT: Well, subject to that being
established later, I think it might be admitted.

¹⁹ CLERK OF THE COURT: Prosecution's document ²⁰ No. 2367, to wit, a copy of the files of the Japanese ²¹ newspaper, "Kokumin Shimbun," will be given exhibit ²² No. 667 for identification only.

(Whereupon, the above-mentioned docu ment was marked prosecution's exhibit No. 667
 for identification only.)

MR. McMANUS: If your Honor please, I anticipated such a situation as this on the motion in Chambers whereby I requested further translation from these documents and these speeches. However, I understand that they will be received conditionally.

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THE PRESIDENT: Nothing that would elucidate this point was refused to you in Chambers. The document is admitted, as I said, conditionally.

MR. McMANUS: Your Honor, I don't want the Court to get the wrong impression. I didn't mean to state that it was refused to me in Chambers. I just wanted to the attention of the Court that this had been promised to me, and I want to ask whether this testimony will be admitted conditionally until such time as I get from the prosecution what they promised me later because of translation difficulties.

THE PRESIDENT: We will be here a half an hour until we get what you said translated, because you ignored the red light.

DR. KIYCSE: When this motion was taken up in Chambers I studied the Japanese text. At the time when excerpts to be taken from this text were shown, in the Japanese text there were still --

(Whereupon, the monitor had the Japanese court reporter read Dr. KIYOSE's

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last statement.)

DR. KIYOSE: The front page was included. THE PRESIDENT: Well, we do not want to know what happened in Chambers. The defense got all they asked for in Chambers. If they did not get enough, it is their own fault. I said the document was admitted conditionally. That is the end of the discussion.

CLERK OF THE COURT: Prosecution's document No. 2367, being an excerpt from the aforementioned newspaper, will be given exhibit No. 667-A.

> (Whereupon, the above-mentioned document was marked prosecution's exhibit No. 667-A and received in evidence.)

DR. KIYOSE: May I just be permitted to say one simple word?

Together with the first page, the prosecution agreed to translate eight lines more. If the prosecution had furnished English text of these extra eight lines, this confusion would not have arisen.

THE PRESIDENT: Well, read what you have. COLONEL ROSENBLIT: I quote the first paragraph on page 1:

"Looking back at the Siberian Expedition, I

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feel that the plans were complete, but it seems there
 had been considerable regret on account of the
 failure to make the expected last stroke. There is
 a proverb, 'History repeats itself', and I believe this
 principle is still the same today.

6 "Next, we shall deal with the Siberian Expedition. Unqualifiedly, we simply call it the Siberian Exped-7 8 ition, but there were many very complicated circum-9 stances lying in its background. Japan's present 10 ambition to dominate the Continent may fully be said 11 to have germinated in the Siberian Expedition. Un-12 fortunately, however, I feel that, in the execution 13 of this expedition, there had been lacking in con-14 temporary internal situations, the courage and the 15 determination to strive for the calculated ends by 16 deciding on a Cabinet resolution under a firm and 17 resolute volicy. With a very complicated and congested 18 environment as its background, it had been very 19 cleverly planned. However, it is exceedingly regret-20 ful that we had met with various obstacles which had 21 arisen at home and abroad and that we had been unable 22 to carry this plan to perfection." 23

In order to make quite clear what ARAKI meant in the above quotation, I shall present to the Court a very brief excerpt from a few documents which will

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show what were the aspirations of the Japanese ruling circles during the Siberian Expedition. I introduce in evidence to the Tribunal the affidavit of Semyonov, Grigori Mikhailovich, former leader of the Russian Whiteguards in Manchuria, of April 11, 1946, prosecution document No. 2363.

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THE PRESIDENT: Captain Brooks.

8 MR. BROOKS: On behalf of General KOISO, I 9 want to object at this time to this affidavit, espec-10 ially as to pages 8 and 9, the question on page 8 11 in the center of the page is given:

"What role were the Russian whiteguard emf grants to play according to the Japanese military plans?"

I call attention to the answer commencing
with paragraph 6 on page 9.

16 I have several grounds of objections to 17 paragraphs 6, paragraph 7, and paragraph 8 as they 18 appear on page 9. First, that the answer as given in 19 those paragraphs is not responsive to the question 20 and is objectionable for that reason; and, second, that 21 in paragraph 6 of the affidavit evidence is not given, 22 but a conclusion or an opinion is given of the affiant 23 which invades the province of the Court; in paragraph 24 7 that the evidence offered is not the best evidence 25 if the allegations were true, and that they are merely

conclusions with no dates mentioned or no tieup of the parties discussing the matter alleged to therein; paragraph 8, that paragraph expresses a conclusion and an opinion of the witness testifying which invades the province of the Court and is not evidence.

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I further object to the introduction of the 6 affidavit as a whole on the reason that it is full 7 of conclusions and opinions that would not ordinarily 8 be allowed on question and answer of a witness in the 9 courtroom; for the further reason that there is no 10 certificate of origin for this affidavit, and it shows 11 12 that it was prepared on 11th of April, 1946, after 13 this trial had commenced. It should, therefore, not 14 be given the consideration as an official document or 15 other type of paper found during the period as set 16 out in the Indictment. I further understand that the 17 affiant in this case is dead, has been executed, and 18 that the matter in which he has testified to here was 19 not used in the course of his trial. Therefore, there 20 was no cross-examination at that time on these points 21 which we might want cleared up, and since the man is 22 dead, there is no possibility of cross-examination of 23 the man now and for that reason I believe that the 24 Court, in the light of all of these matters stated, 25 should entertain this as a proper objection for the

exclusion of this document; or that, in the alternative, that the prosecution should be required to delete those matters which they do not have any manner of proof as appears here; and that in the first instance, an affidavit of this type should have been prepared for this trial concisely and along those lines of evidence that could be brought in and back it up and not be filled with conclusions and opinions which would prevent the Court from determining whether this man is testifying from his own knowledge or from matters of acquaintance or from hearsay or whether they are just general conclusions.

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There is other defense counsel who have other portions of this affidavit which they wish to object to.

THE PRESIDENT: Major Blakeney.

Mr. Blakeney: I should like to add, if the 17 18 Tribunal please, that the affiant in this affidavit, 19 Semyonov, was executed by the Russians within the last 20 three weeks, according to their public broadcast. We 21 feel that the reception of his affidavit in these cir-22 cumstances would be to receive a document which has 23 no probative value for the Tribunal. In addition, 24 I should like to point out the further grounds of 25 objection, that of the sixteen pages of the affidavit

the first six, almost, deal with matters prior to the time covered by the Indictment herein; that is to say. the period of the Allied intervention in Siberia and subsequent times still prior to 1928. It is, of course, the exclusion of this type of testimony over a period prior to 1928 which we were attempting to raise by our objections to the opening statement.

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MR. GOLUNSKY: If the Tribunal please, as to 8 the objection that a part of this affidavit deals with 9 matters previous to 1928. I think we have had already 10 two rulings of this Tribunal stating that facts previous 11 12 to 1928 might be proved in this Tribunal if they could 13 be connected in some way with the conspiracy after 1928. 14 That is the reason. As to the fact that the man was 15 executed about a month ago, which is quite correct, we 16 don't think that the fact itself would be an obstacle 17 to the admissibility of an affidavit by this man. At 18 least, the defense didn't think so when they filed an 19 application with this Court asking to summon as a 20 witness the Japanese General, SAKAI, Takashi, who has already been sentenced to death by a Chinese Tribunal. 22 In what way the fact that the man had been hanged can attack his credibility is for the Tribunal to object, but I don't think that it can be an obstacle to the admission of this affidavit; and if the Tribunal will

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judge about the credibility of this witness, not only 1 by the fact whether he was hanged or not, but also by 2 the fact how much his statements are corroborated by 3 other evidence which we are going to produce. As to 4 the specific objection as to parts of this affidavit 5 on the ground that they were conclusions and opinions 6 of the witness, and that the Tribunal could not judge 7 where he speaks from his own knowledge and where he 8 gives his opinion and conclusion, I respectfully draw 9 the attention of the Tribunal to the fact that the 10 wording of the affidavit is such that in each case 11 the Tribunal can see clearly whether he is testifying 12 from his own knowledge and where he is giving his 13 14 opinions and conclusions. Several times during this 15 trial the Tribunal has directed that conclusions and 16 opinions of witnesses in this trial might be admissible 17 if the witness was in a position to have good knowledge 18 of the things he was making opinions about. This man 19 who collaborated with Japan during twenty-five years 20 very closely, and was the actual head of emigration 21 in Manchuria was certainly in a position to draw con-22 clusions about those facts during this period.

THE PRESIDENT: You have already spoken, Major Blakeney.

MR. BLAKENEY: Yes. Since my subpoena for

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General SAKAI was called into question, I thought I might answer; and I am indeed glad to point out that in the case of General SAKAI we were trying to do precisely that which we insisted should be done here, that is, to place him on the witness stand and turn him over for cross-examination so that the truth of his statements might be tested.

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THE PRESIDENT: Well, this is not a case 8 where a certificate of origin is required, because 9 we are dealing now with an affidavit. That was one 10 of the points taken by Captain Brooks. This affidavit 11 certainly would not be received in the courts of any 12 British court, but the Charter precludes us from apply-13 ing our own procedure and, indeed, from applying any 14 technical procedure or any rules of evidence, that is 15 to say, any strict rules; the sole test is whether 16 the document could have any probative value. Certain 17 examples are given in the Charter of what might be. 18 admitted, but they do not restrict the provisions in 19 20 the earlier part of that particular clause, that any-21 thing of probative value may be admitted. However, 22 the effect you give to it is another matter. We may 23 think that it ought to be rejected because the de-24 ponent is dead. We may be influenced by the fact 25 that the deponent was executed by the government that

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puts forward the affidavit, and so prevents the deponent from being called for cross-examination here, or from being interrogated at all. Throughout this trial we have made quite a feature of the right to interrogate a deponent who is not called here, but that right has been destroyed by the country offering the evidence. Upon the merits of that country's action I express no opinion.

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Now, as to the fact that opinions are expressed in the affidavit, there again that is covered by the heading of probative value. As an Australian Judge, I may not think it has any value, but my views do not prevail here. There are eleven nations, and they may have different views, or some of them may have different views.

Again, as to the dates when these events took place, apparently they preceded 1928 and went back as early as 1918 or 1922, in all events. I cannot say without hearing further evidence whether or not that evidence is relevant to any issue in this case. It may be difficult to establish that it is, but it should be received conditionally upon its being shown to be relevant; that is to say, that if this evidence is received at all. There are other grounds of objection, and I do not propose to admit it

until I have had an opportunity of discussing the matter with my colleagues. We will recess now for fifteen minutes. (Whereupon, at 1448, a recess was taken until 1515, after which the proceed-ings were resumed as follows:)

MANSHAL OF THE COURT: The International 1 Military Tribunal for the Far East is now resumed. 2 3 THE PRESIDENT: The Tribunal has decided to admit the Semyonov affidavit. It may be read. That 4 3 is a majority decision. 6 MR. LOGAN: If the Tribunal please, as a 7 point of information, in view of the fact that the defense have some objections, legal objections, to 8 9 these questions, as to their relevancy, immateriality, 10 assumption of facts not in evidence, and so forth, 11 the question has arisen in our minds whether to make 12 those objections at this time, before the affidavit 13 is admitted, or wait until it is admitted and at the 14 time it is being read. 15 THE PRESIDENT: The decision disposes of all 16 objections raised. 17 CLERK OF THE COURT: Prosecution's document 18 No. 2363 will receive exhibit No. 668. 19 (Whereupon, the document above re-20 ferred to was marked prosecution's exhibit No. 21 668 and received in evidence.) 22 COLONEL ROSENBLIT: If the Tribunal please, I 23 shall quote an excerpt from the said affidavit. See 24 page 2 of the English text: 25 "On November 20, 1920, when I, and my Staff

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were at the Station of Manchuria, Colonel ISOME, re-1 2 presentative of the Japanese General Staff came from Vladivostok and informed me, that the Japanese Govern-3 4 ment was planning to create an independent Govern-5 ment in the Primorye and was ready to support me as 6 a candidate for the post of the head of this Govern-7 ment.

8 "With the view of continuing the negotiations 9 on the subject, I arrived at Vladivostok at the end of 10 November, 1920, where I met Major-General TAKAYANAGI. chief of the Headquarters of the Japanese Expeditionary Forces in Siberia.

"On behalf of the Japanese Government, TAKAYANAGI assured me that ISOME had correctly presented the Japanese view point on the destiny of the Primorye, and I gave my consent to become the head of the future government in the Primorye.

"After that, to define more accurately and 19 fully the conditions offered by Japan, I met with 20 General TACHIBANA, Commanding General of the Kwantung 21 Army, who was soon appointed to the post of the Com-22 manding General of the Japanese Occupational Forces 23 in Siberia. I also met his successor, General 24 KANAI, the future Chief of the General Staff; I was 25 similarly elucidated by them as to the desire of

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Japan to see me at the head of the Primorye Govern ment.

"The final conditions proposed by the
Japanese Government on the Primorye issue was forwarded to me by Count MATSUDAIRA, the Head of the
Japanese Mission in the Soviet Far East, who later on,
prior to the surrender of Japan, was Imperial Household Minister."

I turn to page 3, second paragraph, and quote: "The Japanese conditions were as follows: Japan took upon herself to place at my disposal the necessary loan in cash, weapons, and ammunitions.

"I, on my part, had to do away with all socalled frontier formalities between the Primorye and the territory under the Governor-General of Korea, as soon as I became the head of the Far Eastern Government.

"In other words, according to this condition set forth by MATSUDAIRA, I agreed to the annex of the Primorye by Japan."

Still a few lines further (see the last paragraph but one on page 3) are disclosed new plans of the Japanese Government with regard to the Soviet territory seized by Japan:

"TOCHIBANA and UEDA also informed me that the

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Japanese Government was planning to create an independent Government under me in the Zabaikalye and to completely annex the Primorye."

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Now, if the Tribunal please, I shall interrupt my quoting from this exhibit and return to it later on, in view of further logical development of my presentation of the case, to prove the duplicity of the Japanese policy with regard to the Soviet Far East during the intervention, I shall submit to the Tr bunal two documents. I offer in evidence an excerpt from the book "Conference on the Limitation of Armaments in 1922," which contains a speech by Baron SHIDEHARA, the Japanese representative at the Washington Conference, prosecution document 2457.

THE PRESIDENT: Mr. Logan.

NR. LOGAN: If the Tribunal please, this is apparently the statement of a witness who has previously appeared before the Tribunal. In view of the fact, I believe, your Honors have ruled that all the evidence of a witness should be given at the time he is on the stand, this is further evidence from this same witness and it should be objected to on that ground. In other words, this evidence, this document, should have been submitted to him and it would have been the best evidence if that had been

offered through him. I recall no reservation by the prosecution that further evidence of statements or 2 documents made or offered by this witness could be offered at a later date. And we further object on 4 the ground that it refers to the year 1922, which is beyond the scope of the Indictment. 6

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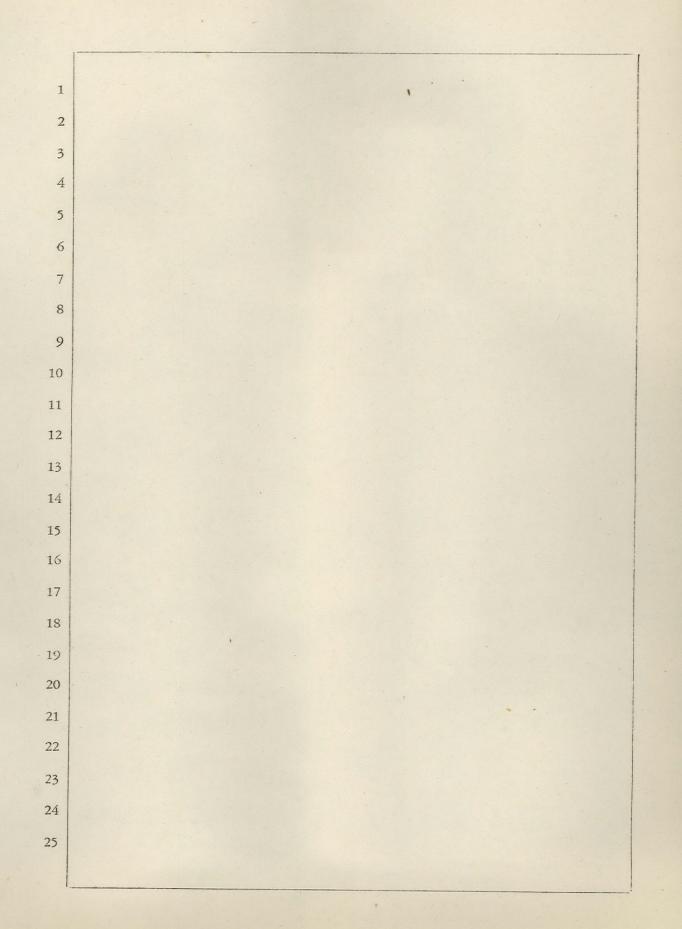
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MR. GOLUNSKY: If the Tribunal please, the 7 document we are now presenting is an excerpt from 8 the official record of the Washington Conference. I 9 contend that for the purpose of proving that the 10 principal delegate of Japan, Baron SHIDEHARA, stated 11 12 certain things at this Conference, these official records are pertinent records. All we want to prove 13 is that he said certain things at this time. 14

15 As to the second point, that it was before 16 the period of the Indictment, the whole of the Wash-17 ington Conference was before the Indictment, the Nine 18 Power Treaty was before the Indictment, and still 19 there is no doubt that they are relevant to the 20 case. Our purpose in introducing this evidence is 21 to show a certain system in the Japanese aggression 22 policy, and this can't be done otherwise than by 23 establishing certain facts which had taken place at 24 this time.

THE PRESIDENT: The only question, the only



1	serious question, that I can see is whether it was
2	fair to the defense to let SHIDEHARA go out of the
2	box without putting this material to him. Although
3	he may have said these things at the Washington Con-
	ference, we cannot say that cross-examination would
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6	not affect the value of what he said there. This may
7	be admitted perhaps I haven't consulted my col-
8	leagues but I think the defense should have the
9	right to have him recalled by the prosecution for
10	cross-examination on it, if they think it is desira-
11	ble.
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MR. GOLUNSKY: If the Tribunal please, at the time when the witness SHIDEHARA was on the stand our phase of the case was not yet prepared. We did not know then we would introduce this part of the record of the Washington Conference. We do not propose to call him now. Of course, the defense will have all the possibilities of putting him on the stand again if they want him in their part of the case; because I think the authenticity of what he said in the Washington Conference after what has been recorded in the official record of this conference can hardly be questioned.

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THE PRESIDENT: The majority of the Court thinks the defense should have the right to have the witness SHIDEHARA recalled by the prosecution for crossexamination on this material if they think fit.

MR. KEENAN: In accordance with the Court's suggestion or direction, we will call Mr. SHIDEHARA to have him testify that that is what he said, which is all we attempt to prove by him and the only point material to this phase of the case. If that is required, we will be glad to comply with the direction of the Court.

THE PRESIDENT: I said the defense would have the right to have him recalled by the prosecution if

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the defense wanted him recalled.

1	the deletable wanted nim recarited.
2	The document is admitted on the usual terms.
3	CLERK OF THE COURT: Prosecution's document
4	No. 2457, to-wit, the book "Conference on the Limita-
5	tions of Armament, Washington, 12 November 1921," is
6	given exhibit No. 669; and prosecution's document
7	No. 2457-A, an excerpt therefrom, is given exhibit
8	No. 669-A.
9	(Whereupon, prosecution's document
10	No, 2457 was marked prosecution's exhibit
11	No. 669 for identification.
12	Prosecution's document No. 2457-A
13	was marked prosecution's exhibit No. 669-A, and
14	was received in evidence.)
15	COLONEL ROSENBLIT: I shall quote from page 4
16	from Baron SHIDEHARA's statement on Japan's policy
17	towards the U.S.S.R.
18	"It is the fixed and settled policy of Japan
19	to respect the territorial integrity of Russia, and
20	to observe the principle of non-intervention in the
21	internal affairs of that country."
22	To prove what this policy of respecting
23	territorial integrity of Russia and observing the prin-
24	ciple of non-intervention in her internal affairs was
25	in reality, I shall quote in evidence an excerpt from

the text of the "Draft of Treaty Proposed by the
Japanese Delegation to the Delegation of the Far
Eastern Republic at the Dairen Conference, April, 1922."
This document has already been presented to the Tribunal (Exhibit No. 30, prosecution document No. 1890).

I shall quote excerpts from page 3 of this document which will prove that Japan demanded that the Japanese Army and Navy were secured their military rule in the Russian Far East.

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I quote: "The Government of the Far Eastern Republic takes upon itself to take down and, when needed, to blow up all its fortresses and fortifications along the coast in the Vladivostok area and on the Korean frontier, and never to rebuild them in future, and also not to take any military measures in the areas adjacent to Korea and Manchuria.

"The government of the Far Eastern Republic should recognize the right of officials staying and traveling on all its territory of Japanese special military missions and individual Japanese army officers.

"The government of the Far Eastern Republic takes upon itself to never keep a navy in the Pacific Ocean and to destroy the existing one."

I shall quote further the last paragraph of the same document on page 3, which is one of the secret articles of the above draft treaty.

"The Japanese government will evacuate its armed forces from the Primorye region at its own will and whenever it considers it necessary."

It is a generally known fact that the aforesaid draft was not accepted.

Now we shall prove that long before Germany's attack on the Soviet Union the idea of a major war of aggression against the Soviet Union had been contemplated by the Japanese military.

I submit to the Tribunal as evidence the affidavit of TAKEBE, Rokuzo, of March 26, 1946. TAKEBE, Rokuzo, was chief of the General Affairs Department of the Manchoukuo Government and actually supervised the entire governmental activity of Manchoukuo. This affidavit contains statements made by the accused ARAKI, Sadao, and SUZUKI, Teiichi. By those statements we can judge of the scale of aggressive trends of the military circles in 1933 through 1934. (Prosecution document No. 2239).

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1	THE PRESIDENT: Major Blakeney.
2	MR. BLAKENEY: In connection with the affi-
3	davit of TAKEBE, I merely wish to point out to the
4	Tribunal that this witness is under subpoena for atten-
5	dance at the Tribunal, the subpoena having been granted
6	by order entered on the 16th of September; and I should
7	submit that here we have an additional reason for
8	requiring the presence of this witness for cross-
9	examination.
10	THE PRESIDENT: The subpoena was issued by
11	the defense, of course.
12	MR. GOLUNSKY: The prosecution did not intend
13	to produce TAKEBE here in person, because to carry
14	him over here now from wherever he is now in Russia
15	is very difficult, and his evidence has a corroborative
16	significance here. The facts which are established
17	by his affidavit are also established by a series of
18	other evidence which is going to be produced here.
19	THE PRESIDENT: You must produce him if the
20	Court directs you, Minister Golunsky, and you must
21	permit his interrogation if the Court so directs. The
22	affidavit can be received on no other terms.
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24	Admitted on those terms, and other usual
25	terms.
	CLERK OF THE COURT: Prosecution's document

1	No. 2239 will receive exhibit No. 670.
2	(Whereupon, the document above referred
3	to was marked prosecution's exhibit No. 670,
4	and was received in evidence.)
5	COLONEL ROSENBLIT: I quote from the last
6	paragraph of page 5.
7	"When I was the governor of AKITA Profecture
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around SHOWA 8 or 9 (1933, 1934), I heard ARAKI's speech at a meeting of prefectural governors. He was at that time the War Minister. ARAKI hung up a map of the U.S.S.R. and Manchuria, and explained the necessity of the Maritime Province of the U.S.S.R., Siberia and Zabaikalye for Japan. SUZUKI, Teiichi, also spoke on the same thing as ARAKI did."

8 I stop quoting from this document, and other 9 portions of this affidavit will be quoted later along 10 with other evidence in view of the logical development 11 of our presentation.

Now, if the Tribunal please, I shall return
to the affidavit of April 11, 1946, of the former
leader of the Russian whiteguard emigrants in Manchuria,
Semyonov, which we have submitted to the Tribunal
(prosecution document No. 2363, exhibit No. 668).

I mean to prove by the excerpts from this
 affidavit that in the years that followed, ARAKI went
 on supporting the imperialistic clique and shared its
 leaders' ideas of expansion to the Soviet territories
 in the East.

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I quote the first full paragraph on page 13: "In the same year, 1936, I met General OKAMURA, Chief of the Kwantung Army Headquarters. I learned from him that according to the Japanese plan of invasion, the Ussuri region was to be incorporated into Manchoukuo, and a buffer state was to be created extending from Lake Baikal to the East, with myself at the head of the Government."

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I skip the question and quote further:
"War Minister General ARAKI most strikingly
expressed the Japanese aggressive aspirations at that
period. We were friendly, General ARAKI and myself,
since the 1918-1922 Japanese intervention. At that
time ARAKI was chief of the Japanese Military Mission in Kharbin.

"When from 1931 ARAKI became War Minister
and then a member of the Supreme Military Council of
Japan I repeatedly went to see him in Tokyo and had
long talks with him.

"In 1936 ARAKI told me that Japan was
striving at the creation of heavy industry in Manchuria, in as short time as possible, with the task
of partial provision of the Kwantung Army needs.

"Ensuing the creation of this industrial
 base Japan would begin war against the Soviet Union."
 And a few lines further we read (see the last
 full paragraph on the same page):

"When enlarging on the question of war against the U.S.S.R. ARAKI told me that the Japanese plan at that time essentially was to effect the annexation of Eastern Siberia and the Primorye from the
U. S. S. R. by the use of force and to create a limitrophe state on that territory.

"Along with that ARAKI stated that only the seizure of the Primorye might be effected by Japan at first, which would in no way mean the cessation of the further advance into the core of the U. S. S. R., the ultimate aim of Japan, ARAKI concluded, for all times being the territory immediately East of Lake Baikal."

I stop quoting from this affidavit in order to return to it at a further phase of our case.

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I shall submit to the Tribunal as evidence a newspaper report from the Japan Advertiser of July 11, 1938, which cites the then Minister of Education ARAKI's speech at a conference of the Political and Economic Research Society in Osaka (Prosecution document No. 2527).

THE PRESIDENT: Mr. McManus.

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MR. McMANUS: I should like to object to this report, on the ground that the gist of this speech was reported by the Domei Press in an abbreviated way, and from that the Japan Advertimer reproduced the document. The document, if your Honor pleases, is a triple reproduction, or a tri-production of the original speech.

I further contend that the defendant should not be responsible for this reproduction; and, further, that the document is not from any official government Japanese files.

To bear out the objection of the fact that this is a triple reproduction, I call your Honor's attention to the first part and the second half of the speech, which seem to be in direct contradiction with each other.

MR. GOLUNSKY: If your Honor please, we made all our efforts to obtain the full record of ARAKI's speech, and we were unable to do it. I have here a
 letter from the Investigation Division stating that they
 were unable to obtain this full record. If the
 Tribunal wishes, I can hand it to the Tribunal right
 now.

6 Therefore, I am introducing this document 7 under paragraph 5, Section c, Article 13 of the Charter, 8 which provides that the copy of the documents, or 9 other secondary evidence of its contents if the origi-10 nal is not immediately available, is admissible.

Besides, I would like to point out the rather special character of the publication in which it was published, the Japan Advertiser.

THE PRESIDENT: The document is admitted for
whatever probative value it has.

16 CLERK OF THE COURT: Prosecution's document
17 No. 2527, to-wit, files of the newspaper Japan Adver18 tiser, is given exhibit No. 671, for identification
19 only; and the excerpt therefrom will be given exhibit
20 No. 671-A.

(Whereupon, document No. 2527 was
marked prosecution's exhibit No. 671 for identification. The excerpt therefrom, also being
numbered 2527, was marked prosecution's exhibit
No. 671-A, and was received in evidence.)

COLONEL ROSENBLIT: I quote the following statement of ARAKI from the middle of page 1 as recorded:

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"Japan's determination to fight to a finish
with China and the Soviet Union is sufficient to carry
it on for more than a decade."

Now I shall produce in evidence a telegram of the accused TOJO, Hideki, Chief of the Kwantung Army Headquarters, who, on June 9, 1937, informed the Army General Staff of his plans for the future. This document is meant to prove that dealing a blow to China, according to TOJO's far-reaching plans, was at the same time a means of preventing the menace from the rear in Japan's attack on the Soviet Union (Prosecution document No. 1841).

THE PRESIDENT: Admitted on the usual terms. CLERK OF THE COURT: Prosecution's document No. 1841 will receive exhibit No. 672.

> (Whereupon, the document above referred to was marked prosecution's exhibit No. 672, and was received in evidence.)

COLONEL ROSENBLIT: I quote the first paragraph of the document:

²⁴ "Judging the present situation in China from
 ²⁵ the point of view of military preparations against
 Soviet Russia, I am convinced that if our military

power permits it, we should deliver a blow first of all upon the Nanking regime to get rid of the menace at our back."

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If the Tribunal please, I shall present a few extracts from books and magazines published in Japan in order to prove that the idea of an aggressive war against the U.S.S.R. was widely propagated in Japan.

9 Under the specific conditions of the Japanese 10 press which have been illustrated by my colleagues in 11 prosecution, Mr. Hammack and Mr. Helm, such propaganda 12 could not be carried on without the government's 13 knowledge or approval.

I submit to the Tribunal as evidence an
excerpt from the book by KONDO, Shigeki, "The JapaneseEnglish-Chinese War," published in Tokyo in 1939 by
the Institute of Chinese Problems.

This excerpt is a specimen of ultra-18 imperialistic propaganda, promoting the idea of the 19 world mission of Japan. This excerpt will prove that 20 there was conducted in Japan aggressive propaganda 21 22 directed not only against the U.S.S.R. but against the 23 entire world (Prosecution document No. 2368). 24 THE PRESIDENT: Major Furness. 25 MR. FURNESS: If the Court please, I wish to

• 1	object to the introduction of this document on two
2	grounds.
3	THE PRESIDENT: We will take your objection
4	tomorrow morning at half past nine.
5	We will adjourn now until half past nine
6	tomorrow morning.
7	(Whereupon, at 1600, an adjournment
8	was taken until Wednesday, 9 October 1946,
9	at 0930.)
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