

## CHAPTER VI

JAPAN'S POLICY TOWARDS U.S.S.R.MANCHURIA, THE "LIFELINE" OF JAPAN

Throughout the period covered by the evidence tendered to the Tribunal, the intention to undertake a war against the U.S.S.R. has been shown to have been one of the basic elements of Japan's military policy. The military party was determined to establish Japan in occupation of the Far Eastern territories of the U.S.S.R., as well as in other parts of the Continent of Asia. Although the seizure of Manchuria (the three North-Eastern provinces of China) was attractive for its natural resources and for expansion and colonisation, it was desirable also as a point of approach in the intended war against the U.S.S.R. Manchuria came to be referred to as a "lifeline" of Japan but it is quite clear that by this was meant a line of advance rather than a line of defence.

The purpose of invading and possession itself of the Far Eastern territories of the U.S.S.R. seems to have been a constant goad to the military ambitions of Japan. As early as 1924 Okawa, a vigorous advocate of Japanese expansion abroad, was pointing to the occupation of Siberia as one of Japan's objectives. This same attitude was taken also by the military, with whom Okawa was in close accord. Army officers began to promote the idea that Manchuria was Japan's "lifeline" and should be developed as a "defence" against the U.S.S.R. ITAGAKI in

1930, when a Staff Officer of the Kwantung Army, advocated the use of force in the creation of a new state in Manchuria. Following the lead of Okawa he claimed that this would be a development of the "Kingly Way" and would lead to the liberation of the Asiatic peoples. HIROTA in 1931, while Ambassador in Moscow, suggested for the information of the general staff that there was need to take a strong policy vis-a-vis the Soviet Union, with the resolve to fight the U.S.S.R. at any time when necessary. The objectives, however, were not defence against communism, but, rather, the occupation of Far Eastern Siberia.

On the formation of the Saito Cabinet in May 1932 a degree of compromise was reached upon the conflict which had developed between military and civilian members of the Cabinet in respect of the Manchurian adventure. In consequence the Cabinet acceded to the Army policy in Manchuria and decided upon the development of that region under Japanese domination. The Army, now freed from opposition within the Cabinet, went forward with its advocacy of war with the U.S.S.R. in the North as well as with preparations for such a war. In July of 1932, Kawabe, the Japanese Military Attache in Moscow, urged the importance of preparations for war with the Soviet Union which he said was inevitable. He regarded war with China and the U.S.S.R. as a foregone conclusion. In 1932 the accused MINAMI advocated making the Sea of Japan into a lake, by which he obviously meant

the seizure of the Soviet Far East where it bordered the Sea of Japan. In April 1933 SUZUKI , then in the Military Affairs Bureau, referred to the U.S.S.R. as the absolute enemy because, as he said, she aimed to destroy the national structure of Japan.

"NATIONAL DEFENCE"

It is interesting to notice at this time ARAKI's discussion of the term "national defence". This, he pointed out, was not confined to the physical defence of Japan but included the defence of Kodo, or the Imperial Way. This was another way of saying that the conquest of neighbouring countries by force of arms was justifiable as "national defence". At about this time, 1933, ARAKI , then War Minister, forsook euphemism about "national defence" and told a conference of Prefectural Governors exactly what he meant, at least in respect of the Soviet Union. He said "Japan was to inevitably clash with the "Soviet Union, therefore it was necessary for "Japan to secure for herself through military "methods the territories of the Maritime Province, "Zabaikalye and Siberia". ARAKI's definition of "national defence" was adopted by the Saito Cabinet as a basis of its policy in Manchuria. As has been shown already Japan's leaders always sought to justify their aggressive military adventures by claiming they were defensive. It was in this sense that Manchuria was developed as the "lifeline" of Japan.

DIPLOMATIC EXCHANGES

That Japan's policy towards the U.S.S.R. was offensive or aggressive and not defensive is indicated by diplomatic exchanges in the period 1931-1933. During this period the Soviet Government twice made formal proposals to the Japanese Government to conclude a non-aggression and neutrality pact. In a Soviet statement made in 1931 to the Japanese Minister of Foreign Affairs Yoshizawa and to Ambassador HIROTA it was pointed out that the conclusion of a non-aggression pact would "express the peaceful policy and intentions of the Government, and it will be well-timed especially now when the future of the Japanese-Russian relations is the subject of speculations in Western Europe and America. The conclusion of this pact would put an end to these speculations". The Japanese Government did not give a reply to this proposal for a year. It was only on 13 September 1932 that the Soviet Ambassador to Japan received a reply from Minister of Foreign Affairs Uchida in which he declined the offer on the ground that "...the formal beginning of the negotiations on the subject between the two governments in this case seems to be untimely".

The Soviet Government on 4 January 1933 again repeated its proposal for the conclusion of a pact, emphasising that the previous proposal "was not called forth by the considerations of the moment, but resulted from its peaceful policy, and therefore continues in force for the future." The Japanese Government in May 1933, once more rejected the proposal of the Soviet Union. It should be noted that Japan rejected the proposal in spite of the fact that the Japanese Government had assurance at that time that it was a sincere expression of peaceful policy of the Soviet Union in the Far East. In a secret memorandum written by the accused TOGO, Director of the Bureau of European-American Affairs, in April 1933, he said, "The desire of the Soviet Union for a non-aggression pact with Japan is motivated by its desire to secure the safety of its Far Eastern territory from the increasing threat which it feels since the Japanese advance into Manchuria." By December 1933 the Kwantung Army was making plans and preparations for the day when Japan would use Manchuria as a base for attack upon the U.S.S.R.

CONTINUATION OF DESIGNS UPON U.S.S.R.

In 1935 the Okada Cabinet, which had taken office the previous year, gave its support to the Army's economic planning in Manchukuo although HIROTA denied that Japan's intention was aggressive. In November 1935 SHIRATORI, then Minister in Scandinavian countries, wrote to Arita, the Ambassador to Belgium, pointing out that "Looking at the present-day power of Soviet Russia as from the standpoint of figures, it does seem to be most imposing, but, as the days are still shallow since the revolution and the dissatisfied elements still infest the country-

"side and shortages are still acute in implements  
 "and machineries, resources and materials, and  
 "manpower, it is clear that she will immediately  
 "sustain internal collapse once she fights against  
 "some great power. This is the unanimous opinion  
 "of those who are familiar with the actual situa-  
 "tion. What is most desirous for Soviet Russia  
 "at present is to have peaceful and amicable  
 "relationships with the foreign powers. Therefore,  
 "countries which border Soviet Russia and who  
 "have any pending affairs that need to be settled  
 "sooner or later with her, should never idle away  
 "this opportune time of today". He suggested  
 that there should be demanded from the U.S.S.R.  
 "with resolution" and as "minimum" concessions  
 to "abolish military armements in Vladivostok",  
 etc., "...not stationing a single soldier in the  
 "area of Lake Baikal". SHIRATORI suggested as  
 the fundamental solution of Japan's problems  
 with the U.S.S.R. "...in order to eliminate  
 "the menace of Russia for ever, it is necessary  
 "to make her a powerless capitalistic republic  
 "and to rigidly control her natural resources....  
 "At present the chances are good".

#### THE FEBRUARY INCIDENT

We have already discussed the downfall  
 of the Okada Cabinet caused by an insurrection  
 in the Army in Tokyo on the 26 February 1936.  
 The Army's criticism was the insufficiently  
 aggressive attitude of this Cabinet. On  
 27 February, the day after this incident, the  
 Japanese consulate in Amoy explained that the

purpose of the insurrection was to replace the Cabinet with a military one, and that the young military group intended that Japan should take the whole of China and prepare for an immediate war against the Soviet Union to the end that Japan might be the only power in Asia.

THE 1936 STATEMENT OF NATIONAL POLICY

In August 1936 HIROTA, who was now Prime Minister, in conjunction with his Foreign Minister, War Minister, Navy Minister and Finance Minister, formulated a statement of Japan's national policy. This is an important and significant document directed, inter alia, towards "securing a steady footing of the" (Japanese) "Empire in the Eastern Continent" as well as developing in the South Seas, under "the joint efforts of diplomatic skill and national defence". The invocation of "national defence" is significant. As one of the practical steps Japan "should strive to eradicate the Russian menace on the North, in order to realize a steadfast development of Manchuria, and for the solid defence of both Japan and Manchuria". The statement prescribed that the measure of military strength would be that necessary "to counteract all the military forces that Russia can furnish and employ in the Far East". Especial attention was to be paid to the completion of military strength in Korea and Manchuria so that Japan might "strike a hit at the very outset of the war upon the Russians". In dealing with the extensive preparation for war which this policy decision would involve, it was

decided that military expansion must go to the extent of creating fighting machines strong enough to inflict a crushing blow against the strongest forces which the U.S.S.R. could deploy along her Eastern borders. An examination of this declaration of Japanese national policy in conjunction with the circumstances then prevailing reveals an intention of attacking the Soviet Union with the object of seizing part of its territories. Furthermore, this purpose was to be prepared for and to be carried out under the pretence that it was defensive.

In 1937 plans produced by the Army consequent upon the national policy decision of August 1936 were clearly dictated by an expected war with the U.S.S.R. The plan for important industries issued in May 1937 was to procure a "long stride development ensuring the actual power of leadership in East Asia". The programme issued in June 1937 with the same end in view laid down that self-sufficiency was to be achieved by 1941 "in order to be prepared for the epochal development" of Japan's destiny which was to "be attained in spite of all difficulties". The plan dealing with war materials was to the same end and provided that Japan's economy "would be made to develop rationally by unifying the handling of affairs by military administration". Attention was to be given to preparations for a speedy movement from a peacetime to a wartime basis.

This planning by the Army, although it so shortly preceded the continuance of the war in

China at Lukouchiao, was not directed solely to that war. Okada told this Tribunal that these plans were complementary to the Soviet Five-Year Plan and were for the purpose of maintaining Japan's strength vis-a-vis the U.S.S.R. A consideration of the plans affecting both major industries and those dealing more directly with the production of war materials shows on their face that they were to secure "national defence power". As has been mentioned earlier, "national Defence" meant to Japanese militarists expansion on the Continent of Asia by force of arms. The plans now under discussion revealed the Army's intention to achieve that result.

It is clear that these plans were offensive and not defensive plans and were directed against the U.S.S.R. We have already referred to the comments of the Military Attache in Moscow in 1932 and to those of SUZUKI to the same effect in 1933. The political manoeuvres in North China were based upon the slogan of "anti-Communism". The national policy decision of August 1936 expressly pointed to the military strength of the Soviet Union as the yardstick for the development of military power by Japan and at the very moment of the issue of the Army plans of 1937 came the advice of TOJO that, having regard to the situation in China and the state of military preparedness against the U.S.S.R. it was desirable to attack China to clear the menace to the Kwantung Army's rear before undertaking action against the U.S.S.R. It was at this time also, namely, in July 1937, that

HASHIMOTO, in a newspaper article advocated development of an air force to be used not only as the mainstay of Japan's armaments, but also for use against the U.S.S.R.

EXPECTATION AND ADVOCACY OF  
WAR WITH THE U.S.S.R.

In 1938 at a time when, as we have already seen, the press of Japan was effectively controlled by the Army, ARAKI, then Minister of Education, is reported in the press as having said at a meeting of the Political Economic Society at Osaka that "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".

In 1938, also, General Ueda, Commander of the Kwantung Army, discussing the position of North China, referred to "the fast-approaching war with Soviet Russia". Finally the urgency with which the Army generally, and the General Staff in particular, sought to bring the war in China to an end was no doubt dictated by the imminence of the war it intended against the U.S.S.R.

THE ANTI-COMINTERN FACT

The relations with Germany, which from the middle of the Nineteen-Thirties showed itself as the main aggressive force in Europe, were of particular importance to Japan having regard to its purpose of undertaking a war against the U.S.S.R.

As early as in March 1934 when the Accused OSHIMA, as a military attache, was being sent to Germany, he was instructed by the General Staff to watch the German-Soviet relations and to find out what Germany might do in case of war with the Soviet Union.

In the spring of 1935 OSHIMA and Ribbentrop entered upon discussions for a German-Japanese alliance. From the early part of December 1935, Lieutenant Colonel Wakamatsu, specially sent for that purpose by the Japanese General Staff, took part in the discussions.

Inasmuch as the contemplated agreement had a general political purpose and the signing of it was outside the Army's jurisdiction, the matter was submitted to the Government for consideration and from 1936 Mushakoji, the Japanese Ambassador, took charge of the negotiations.

On 25 November 1936 the so-called "Anti-Comintern Pact" was signed by Japan and Germany. The Pact consisted of the text of the treaty and of a secret agreement. Only the text of the treaty was published to the world. It stated that the contracting parties agreed to inform each other of the activities of the Communist International, to confer on necessary measures for defence and to take such measures in close cooperation and jointly invite third nations to take defensive measures in conformity with the pact or to participate therein.

The secret agreement, as was provided in the agreement itself, was to be kept a secret. In fact, it was never published by the aggressive nations and became known to the Allied Powers only from captured secret files. In a statement,

published in the press, the Japanese Ministry of Foreign Affairs denied the existence of any secret articles attached to the Pact and declared that the Pact was an expression of a special kind of collaboration between the two countries in their struggle against the Communist International as such, that the Japanese Government did not contemplate the creation of an international bloc, that "the present agreement is not directed against the Soviet Union or any other special country".

The purpose of the Pact was the creation of a limited alliance between Japan and Germany. It was pointed out by Cordell Hull, former United States Secretary of State "While the Pact was ostensibly for self-protection against Communism, actually it was a preparatory move for subsequent measures of forceful expansion by the bandit nations". Our opinion, formed independently, is the same.

The Pact was directed primarily against the U.S.S.R. The secret agreement created a limited military and political alliance of Germany and Japan against the U.S.S.R. Both parties engaged not to conclude without mutual consent any political agreements with the U.S.S.R., incompatible with the spirit of the agreement.

A year later, on 6 November 1937, Italy adhered to the Anti-Comintern Pact.

Formally, the arrangement provided for mutual obligation between Germany and Japan only in case of an unprovoked attack by the U.S.S.R. upon one of them, and limited the obligation to not rendering any assistance

in such case to the U.S.S.R. In fact, at this time there is no evidence of aggressive intentions on the part of the U.S.S.R. against either Germany or Japan. Thus the conclusion of the Pact against the eventuality of an unprovoked attack on the part of the U.S.S.R. would appear to have had no justification. That the pact was not really defensive is shown by the broad interpretation of the commitments of the parties under the secret agreement. Such interpretation was given to these commitments by Germany and Japan from the very outset. Thus, Japan's Ambassador to Germany, Mushakoji, in his telegram sent in October 1936 with Ribbentrop's knowledge and consent, advised Foreign Minister Arita that he had "the firm conviction" that only the spirit of the above-mentioned secret agreement will be decisive for Germany's future "policy towards the U.S.S.R.". Foreign Minister Arita spoke to the same effect at the Privy Council meeting on 25 November 1936 which, with HIRANUMA presiding, approved the Anti-Comintern Pact. Arita emphasized the main purport of the Pact to be that "henceforth Soviet Russia has to consider the fact that she has to face both Germany and Japan.... That the nature of the alliance between Germany and Japan against the U.S.S.R. was not defensive is indicated also by the fact that the conclusion by Germany of the non-aggression pact with the U.S.S.R. on 23 August 1939 was regarded by Japan's leaders as a flagrant violation by Germany of her commitments under the Anti-Comintern Pact. In a letter to the Japanese

Ambassador in Berlin dated 26 August 1939, to be conveyed to the German Foreign Minister, it was pointed out that "The Japanese Government regards the pact of non-aggression and consultation recently concluded between the German Government and the Government of the Union of Socialist Soviet Republics as running counter to the secret appended agreement to the "Agreement against the Communist International".

The main purpose of the Anti-Comintern Pact was the encirclement of the Soviet Union. This was partly admitted by Ribbentrop, one of its authors, when he said: "Of course, there was also a political weight against Soviet Russia that was more or less the background of the Pact".

When on 25 November 1941 the Anti-Comintern Pact, which was originally stipulated to remain in force for five years, expired and it was prolonged the secret agreement was not renewed. There was now no necessity for it. The commitments under the secret agreement had been covered by the Tripartite Alliance concluded prior to this extension.

The Anti-Comintern Pact served as a basis of Japan's policy vis-e-vis the U.S.S.R. in subsequent years. This military alliance with Germany played an important part in Japan's policy and preparations against the U.S.S.R. Prime Minister HIRANUMA in his address to Hitler on 4 May 1939 specifically pointed out that "....it is a confirmed joy to me how effective the Anti-Comintern Agreement between our two countries proves itself in the execution of the task placed before them".

### THE TRIPARTITE ALLIANCE

Japan's desire to realize her acquisitive plans on the Continent stimulated her policy of obtaining a closer association with Germany.

The circumstances in which the Tripartite Pact of 27th September 1940 was formed have been discussed fully in an earlier part of this Judgment. We do not propose to make more than a short reference to them here. Although its application was not limited to the U.S.S.R., Japan's especial concern in the earlier negotiations was the U.S.S.R. These negotiations commenced as early as the middle of 1938. They were fruitless for over a year and a half, because Germany, involved in extensive aggressive plans in Europe, sought a military alliance directed against all potential enemies. Japan, on the other hand desired that the Alliance should be a development of the Anti-Comintern Pact directed principally if not solely against the U.S.S.R. Prince Konoye, speaking in his memoirs of this earlier period, said "It was a plan to convert the Tripartite Anti-Comintern Pact which was in force at that time into a military alliance, the principal target being the U.S.S.R."

The accused OSHIMA, one of the most active participants of the negotiations, testified that the instructions received by him from the appropriate division of the Japanese General Staff in June 1938 provided for the furtherance of German-Japanese cooperation against the U.S.S.R.

In April 1939 Ribbentrop stated in a telegram to the German Ambassador in Tokyo that the Japanese

"asked for our express approval to be able to give,  
"after the signing and publication of the pact, a  
"declaration to the English, French and American  
"Ambassadors with roughly the following contents:  
"The Pact had developed from the Anti-Comintern Pact;  
"the partners had looked upon Russia being the  
"enemy; England, France and America had no need to  
"feel that they were meant by it."

Although in the Tripartite Pact itself the fact that it was directed against the U.S.S.R. is not specially mentioned, this was not in doubt in the minds of the Japanese Army in September 1940, when the Alliance was signed. The reservation contained in Article 5 that "the above-stated articles of this alliance have no effect whatsoever to the present existing political relation between each or any one of the signatories with the Soviet Union" was not candid. The Japanese Ambassador to Berlin, Kurusu, in a telegram to Tokyo of 26 September 1940, said: "The German Government plans to guide the German press to lay particular emphasis on the fact that the treaty does not mean anticipation of war with Russia. "But, on the other hand, Germany is concentrating troops in the Eastern regions as a check on Russia." Foreign Minister Matsuoka, too, speaking of Article 5 of the Pact at the meeting of the Privy Council Investigation Committee on 26 September 1940, said: "Although there exists a non-aggression treaty, Japan will aid Germany in the event of a Soviet-German war, and Germany will assist Japan in the event of

"a Russo-Japanese war. With regard to the word 'existing', if you mean to ask, if the present status of the Soviet Union cannot be modified, I say no; I mean that it will not be modified by the treaty under consideration...." The same appraisal of the Alliance was given by its author, Ribbentrop: ".....this stroke will have a double edge. Against Russia and against America."

On 22 June 1941, i.e. less than a year after the conclusion of the Tripartite Alliance, Germany invaded the U.S.S.R. Notwithstanding the neutrality Pact with the U.S.S.R. Japan, as will be discussed later, did render aid to Germany while refraining from open warfare against the U.S.S.R.

#### JAPANESE ATTACKS ON BORDERS OF MANCHURIA

In 1938 and 1939 Japan launched offensive operations across the borders of Manchuria in the vicinity of Lake Khassan, in the East, and at Nomonhan, in the West. These will be discussed more fully later.

#### NEUTRALITY PACT BETWEEN JAPAN AND THE SOVIET UNION

On 13 April 1941 Japan and the U.S.S.R. entered into a Neutrality Pact. This subject can be more conveniently discussed later, but it is mentioned here as having been signed at this time because of the disregard for it displayed by the Japanese in the matters now to be

referred to.

GERMANY ATTACKS THE U.S.S.R.

IN JUNE 1941

After Gerrany's attack on the U.S.S.R.

in June 1941 there was persistent advocacy of the seizure of Soviet territories in the Far East. This attack by Germany certainly stimulated the acquisitive policy by Japan against the Soviet Union. The Japanese ruling circles regarded Gerrany's victory over the U.S.S.R. as inevitable and imminent and thought this a favourable opportunity for Japan to put into operation her aggressive plans against the U.S.S.R.

At first, in consequence of the initial success of the Germans in their attack on the U.S.S.R. there existed a tendency among the Japanese militarists for the speeding up of an attack on the U.S.S.R. The German Ambassador Ott in his telegram of 22 June 1941, the day Gerrany attacked the U.S.S.R., reported his conference with Matsuoka, pointing out that "He" (Matsuoka) "was of the same opinion as before, that in the long run, Japan "could not remain neutral in this conflict....Towards "the end of the interview Matsuoka received another "telegram from OSHIMA wherein the Reich Foreign "Minister called attention to an alleged Russian "withdrawal of troops from the Far East. "Matsuoka explained spontaneously that he would "irradiately propose counter-measures."

The Japanese even had a fear that Japan might be late in her military preparations for

an attack. Such a sentiment found expression in the telegram of 31 July 1941 (No. 433) from Foreign Minister Toyoda to the Japanese Ambassador in Washington:

"Needless to say the Russo-German war has given us an excellent opportunity to settle the northern question, and it is a fact that we are proceeding with our preparations to take advantage of this occasion....If the Russo-German war proceeds too swiftly, our Empire would inevitably not have time to take any effective symmetrical action."

A secret Imperial Conference of military and political leaders of Japan on 2 July 1941 decided: "Though the spirit of the tripartite axis will form the keynote of our attitude toward the German-Soviet war, we shall not intervene for a while, but take voluntary measures by secretly preparing arms against the Soviet Union. Meanwhile, diplomatic negotiations will be continued with detailed precautions; and should the conditions of the German-Soviet war progress favourably to Japan we shall execute arms to solve the northern problems, thereby securing stability in the northern regions."

This decision suggests that Japan, in spite of the Neutrality Pact with the U.S.S.R., either considered herself bound as a participant in a conspiracy against the U.S.S.R. or was seeking an opportune moment to advantage herself. At any rate she intended to time her attack upon the U.S.S.R. with the most favourable moment in the Soviet-German War.

That preparations were intensified after the decision of the conference is revealed by a telegram of the German Ambassador Ott from Tokyo to Berlin of 3 July 1941. Upon the outbreak of the German-Soviet War, Smetanin, the U.S.S.R. Ambassador to Japan, saw Matsuoka and asked him the basic question concerning the attitude of Japan towards the war. Smetanin asked him whether Japan would remain neutral, as was the U.S.S.R., in accordance with the neutrality pact between the U.S.S.R. and Japan of 13 April 1941. Matsuoka evaded a direct answer to this question and said that his attitude to this problem had already been expressed (on 22 April of that year) in his statement made by him upon his return from Europe.

At the same time he emphasized that the Tripartite Pact was the basis of the foreign policy of Japan and if the present war and the neutrality pact happened to be at variance with that basis and with the Tripartite Pact, the neutrality pact "will not continue in force." Ott, referring to this interview, of which he had been informed, in his telegram of 3 July reported: "Matsuoka said the reason for the formulation of the Japanese statement to the Soviet Ambassador was the necessity to deceive the Russians or at least to keep them in a state of uncertainty, owing to the armaments still being incomplete. At present Smetanin was not aware of speedy preparations being made against the Soviet Union as is hinted at in the government resolution transmitted to us."

At this time Germany was urging that Japan should attack the U.S.S.R. as early as possible. In his telegram of 10 July 1941 addressed to the German Ambassador in Tokyo, Ribbentrop stated:

"Besides, I request that you go on working for the soonest possible participation of Japan in the war against Russia, as per my message to Matsuoka, using all the means at your disposal, for earlier this participation in the war materialises, the better it is. The natural goal must be, as before, to bring about the meeting of Germany and Japan on the Trans-Siberian railroad before winter sets in. With the collapse of Russia the position of the Tripartite powers in the world will be so gigantic that the question of the collapse of England, that is, the absolute annihilation of the British Isles, will be only a question of time".

The Japanese Foreign Ministry, at least, considered Japan's plans for war against the U.S.S.R. so close to realisation as to discuss the finding of suitable means to provoke war. In his telegram of 1 August 1941, Ott reported that, when in a conference with the Minister Secretary Yamamoto commissioned with the affairs of the Vice-Foreign Ministry, he "anticipatedly asked whether Japan intended to start her active advance with demands on the Soviet Government, the Vice Minister marked this way as the best method of finding a defensive excuse for a Russo-Japanese attack in face of the neutrality agreement. He is personally thinking of demands of such sharpness that the Soviet Government could not possibly be able to

"accept them, whereby he seemed to have territorial cessions in mind".

The failure of the initial German campaign against the U.S.S.R. made Japan delay her own offensive programme. The situation of the Soviet-German struggle called for caution. At the beginning of August, upon the slowing up of the advance of the German Army, OSHIMA asked Ribbentrop the reason. Ribbentrop referred him to Keitel, who explained that the advance of the German army was delayed by the excessive length of communications so that rear units were lagging behind and that in consequence the advance was approximately three weeks behind plan.

The course of the Soviet-German war continued to influence Japan's immediate but not her long-range policy. Ott in a telegram to Berlin on 4 September 1941 said: "In view of the resistance put up by the Russian Army against an army such as the German, the Japanese General Staff does not believe itself capable of achieving a decisive success against Russia before winter sets in. Moreover, it is probably guided by the thought of Nomonhan still vivid in the memory, notably of the Kwantung Army". In view of that "....the Imperial Headquarters in the last days came to the decision to postpone action against the Soviet Union".

In a telegram of 4 October 1941, Ott informed Ribbentrop that "Japan's waging of a war against the Far Eastern Army, still considered as being in fighting trim, is not feasible before

"next spring,.. The tenacity displayed by the  
 "Soviet Union against Germany indicates that not  
 "even by a Japanese attack in August or September  
 "could the route via Siberia be opened up this  
 "year".

Postponing immediate attack on the  
 U.S.S.R., Japan, however, continued to regard  
 this attack as one of the main objects of her  
 policy and did not slacken either in purpose  
 or in preparation for that attack. In confi-  
 dential talks with the ambassadors of Italy and  
 Germany on 15 August 1941, the Japanese Foreign  
 Minister, referring to the Japan-Soviet Neu-  
 trality Pact and the Russian assumption that  
 Japan would not come into the war, said:  
 "...in view of the military expansion the  
 "Empire is at present effecting, I think under  
 "present existing conditions the above-mentioned  
 "arrangement with the Soviet is the very best  
 "means of taking the first steps toward carrying  
 "out future plans concerning the Soviet which  
 "will be undertaken together with the German  
 "Government" and that "this is merely a temporary  
 "arrangement, in other words that it partakes  
 "of the nature of a restraint upon the Soviet  
 "until preparations can be completed".

In an intercepted telegram from Tokyo  
 to Berlin of 30 November 1941, apparently from  
 the Japanese Foreign Minister to the Japanese  
 Ambassador, the latter was instructed to inter-  
 view Hitler and Ribbentrop. The telegram  
 instructed: "Say that by our present moves  
 "southward we do not mean to relax our pressure

"against the Soviet....however, right now, it  
 "is to our advantage to stress the south end  
 "for the time being we would prefer to refrain  
 "from any direct moves in the north".

Japan's leaders, however, did not forsake their desires and designs. In August 1941 ARAKI is reported in the press as having said to the Secretary-General of the Imperial Rule Assistance Association that "Next, we shall deal with the Siberian Expedition...." Japan's present ambition to dominate the continent may be said to have germinated in "the Siberian Expedition". The same idea was developed by TOJO in 1942 after he had become Prime Minister, when in conversation with the German Ambassador Ott, he stated that Japan was a mortal enemy of the U.S.S.R. that Vladivostok was a permanent threat to Japan on the flank and that in the course of that war (i.e. the war between Germany and the U.S.S.R.) there was an opportunity of removing that danger. He boasted that it would not be difficult as there was an excellent Kwantung Army which included the best troops.

#### JAPAN DELAYS ATTACK ON U.S.S.R.

Ribbentrop in a telegram to Tokyo on 15 May 1942, expressed his desire that Japan "would arrive at a decision to attack Vladivostok at the very earliest". He went on to say "this is all based on the premise that Japan is sufficiently strong for an operation of this nature and will not have to free other

"forces which would weaken her position against  
"England and America, as for example, in Burma.  
"If Japan lacks the necessary strength to  
"successfully undertake such an operation, then  
"it would naturally be better that she maintain  
"neutral relations with Soviet Russia. This  
"also eases our burden since in any event Russia  
"must maintain troops in East Siberia in antici-  
"pation of a Japanese-Russian conflict".

At the end of 1942 because of the situa-  
tion on the Soviet-German front Germany's desire  
that Japan should enter into a war with the  
U.S.S.R. became more insistent. In his confer-  
ence with Ribbentrop on 6 March 1943, OSHIMA  
said that "The suggestion of the German Govern-  
"ment to attack Russia was the subject of a  
"mutual conference between the Japanese Govern-  
"ment and Imperial Headquarters, in which the  
"question was exhaustively discussed and minutely  
"probed. The result was the following:

"The Japanese Government thoroughly  
"recognises the danger which threatens from  
"Russia and has full understanding for the  
"desire of its German ally, that Japan, too,  
"enters into the war against Russia. It is not  
"possible for the Japanese Government, however,  
"in view of her present war situation to enter  
"into the war. It is rather of the conviction  
"that it is in the common interest, not to  
"start the war against Russia now. On the other  
"hand, the Japanese Government will never  
"disregard the Russian question".

Explaining this decision OSHIMA said that he knew "that for a long time Japan had "the intention of turning against Russia. "But for the time being she evidently did not "feel strong enough to do so. If one withdrew "the front in the south and abandoned several "islands to the enemy in order to shift all "forces to the North, this could be possible. "This would, however, mean a heavy defeat in "the South. Both an advance to the South, "and at the same time to the North was impos- "sible for Japan".

THE GREATER EAST ASIA CO-PROSPERITY SPHERE  
INCLUDES PART OF SIBERIA

When the idea of the Greater East Asia Co-Prosperity Sphere was developed as a euphemism for Japanese hegemony over East Asia it was inevitable that the seizure of Siberia and the Soviet Far East should be included. This was the natural consequence of the previous purpose and planning.

In the "Plan for Management of Territories in the Greater East Asia Co-Prosperity "Sphere" worked out by the Japanese War Ministry and the Ministry of Overseas Affairs, at the end of 1941 and beginning of 1942, soon after the outbreak of the war against the United States of America and Great Britain, the seizure of the territories of the Soviet Far East was considered settled, the only question being the portions to be seized. It was pointed out in the part of the plan entitled

"Future of soviet Territories" that "though  
"this problem cannot be easily decided at present  
"inasmuch as it is to be settled in accordance  
"with the Japanese-German Pact" still in any  
event "the Maritime Province shall be annexed  
"to Japan, the district adjacent to the Manchurian  
"Empire shall be put into the Sphere of influence  
"of that country, and the Trans-Siberian Railroad  
"shall be placed under the complete control of  
"Japan and Germany with Omsk as the point of  
"demarcation".

The Accused HASHIMOTO, in his article  
of 5 January 1942, entitled the "Great East Asia  
"Sphere Under Imperial Influence" enumerating  
the countries which were to be included in the  
Greater East Asia Sphere Under Imperial Influence  
mentions the Soviet Far East along with China,  
French Indo-China, Burma, Malaya, the Dutch East  
Indies, India, etc. He went on to say "We  
"cannot yet decide whether all these countries  
"should be incorporated at once into the sphere  
"under Imperial Influence, but it is at least  
"absolutely necessary to include for the sake  
"of national defence these countries in the  
"sphere of our influence".

The "Kokusaku-Kenkyu Kai" Society,  
of which prominent Japanese political and  
military leaders were members (including TOGO,  
KAYA, MUTO and SATO) and presumably playing  
an important role in advancing if not in formu-  
lating official policy contemplated in its  
"Draft of Measures for the Construction of the  
"Greater East Asia Co-Prosperity Sphere" pub-

lished in May 1943 that "....a reasonable scope  
"of the Greater East Asia Co-Prosperity Sphere  
"includes" along with other component parts,  
"all the Eastern region of the Soviet Union  
"including Lake Baikal.....All of Outer Mongolia";  
Similar aspirations of Japan are found in the  
studies made by the Institute of Total Warfare  
which was established by the Imperial Ordinance  
of 1 October 1940 and was directly responsible  
to the Prime Minister. Thus, the original draft  
plan of the establishment of the Greater East  
Asia Co-Prosperity Sphere worked out by the  
Institute in January 1942 contemplated that  
"the central area" of various countries united  
by Japan would include besides Manchuria and  
North China the Soviet Maritime Province, and  
the so-called "Smaller Co-Prosperity Sphere"  
would include, besides the rest of China and  
Indo-China, Eastern Siberia.

The Tribunal is of the opinion that a  
war of aggression against the U.S.S.R. was con-  
templated and planned throughout the period  
under consideration, that it was one of the  
principal elements of Japan's national policy  
and that its object was the seizure of terri-  
tories of the U.S.S.R. in the Far East.

PLANNING AND PREPARING WAR  
AGAINST THE SOVIET UNION  
MANCHURIA AS A BASE AGAINST THE U.S.S.R.

The warlike policy of Japan against the U.S.S.R. was indicated in Japan's war plans. The war plans of the Japanese General Staff from the commencement of the period under review contemplated, as a first step, the occupation of Manchuria. In Japan's war plans the seizure of Manchuria was regarded not only as a stage in the conquest of China, but also as a means of securing a base for offensive military operations against the Soviet Union.

Kawaba Torashiro, then a General Staff Officer, testified that a plan of war against the U.S.S.R. worked out in 1930 when the accused HATA was Chief of the First Department of the General Staff contemplated military operations against the U.S.S.R. on the Soviet-Manchuria border. This was before the Japanese occupation of Manchuria.

The accused MINAMI and MATSUI also confirmed before the Tribunal that Manchuria was considered necessary for Japan as a military base in case of war with the U.S.S.R.

On 16 March 1931 HATA instructed a Colonel Suzuki to make a tour of inspection of the areas of Northern Manchuria and Northern Korea with a view to operations according to the "Otsu" plan against the U.S.S.R. and the "Hei" plan against China. In a secret report presented by this Officer upon the result of his tour detailed information was given relative

to the "Otsu" plan which aimed at the occupation of the Soviet Maritime Province.

The seizure of Manchuria in 1931 provided bases for an attack upon the U.S.S.R. on a wide front for the purpose of seizing the whole of the Soviet Far East. Kasahara Yukio, Japanese Military Attache in the Soviet Union, in a secret report presented to the General Staff in the spring of 1931 advocating war with the U.S.S.R. and determining its objective wrote: "....we must advance at least as far as Lake Baikal....In case we stop on the line of the "Lake Baikal, the Empire will have to be determined and prepared to consider the Far Eastern "Province which she will have occupied as a "proper territory of the Empire...." Under cross examination the witness Kasahara, admitting the authenticity of the document, testified that he proposed to the General Staff a speedy opening of a war against the U.S.S.R. and proposed the increase of armaments for the purpose of being ready for a war at any moment. In the spring of 1932 Kasahara was transferred to the General Staff wherein he held the post of Chief of the Russian Section of the Second Department. On 15 July 1932, shortly after that appointment, Kasahara sent a message through Lieutenant Colonel Kanda to the then Military Attache in Moscow, Kawabe Torashiro, regarding an important decision of the General Staff: "....that the "(army and navy's) preparations have been completed. In order to consolidate Manchuria, the "war against Russia is necessary for Japan".

In cross-examination the witness Kasahara explained that in the General Staff "there was "an agreement among the section chiefs and the "branch chiefs that preparations would be made "for a war by 1934".

When this decision was taken the accused UMEZU was Chief of the General Affairs Department and TOJO and OSHIMA were Section Chiefs of the General Staff, while MUTO was a member of the Second Division of the General Staff.

AGREEMENT BETWEEN WAR OFFICE  
AND GENERAL STAFF

In the summer of 1932 Section Chiefs of the War Office reached an agreement with Section Chiefs of the General Staff upon these preparations. Obviously this could not have been done without authorisation and approval of their seniors in the War Ministry. The accused ARAKI was then War Minister, the accused KOISO Vice-War Minister and the accused SUZUKI was a member of the Military Affairs Bureau of the War Ministry. ARAKI and SUZUKI, as was pointed out earlier, openly declared in 1933 the intention of seizing by force the territories of the Maritime Province, Zabaikalye and Siberia.

MILITARY ATTACHE IN MOSCOW  
ADVOCATES ATTACK

On 14 July 1932, Kawabe, from his position as Military Attache in Moscow, sent a report to the General Staff in which he said

"a Russo-Japanese war in the future is unavoidable" for which reason "emphasis must be laid on the repletion of military armaments against Russia". He also urged "as to the conclusion of a non-aggression pact proposed by the U.S.S.R., we must be non-committal and reserve our freedom of action". This, no doubt, had reference to Russian proposals which had been made for a neutrality pact, as has been discussed already.

PLANS FOR WAR AGAINST THE U.S.S.R.

As with the occupation of Manchuria in 1931, so with the invasion of the rest of China in 1937, the eventual war with the U.S.S.R. was always in mind. The strategy was directed to preparations for an attack on the U.S.S.R. That was pointed out by the accused TOJO, the then Kwantung Army Chief of Staff, in June 1937, i.e. immediately prior to the beginning of an attack on China, in a telegram to Vice-War Minister UMEZU and to the General Staff: "Judging the present situation in China from 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". Similarly, both during the seizure of Manchuria in 1931 and the invasion of the rest of China in 1937 the war plans of Japan against China and the Soviet Union were coordinated by the General Staff, the Japanese War Ministry and the Kwantung Army Headquarters.

The accused MUTO admitted before the Tribunal that when he was Chief of the First Section of the General Staff he made a study of the 1938 plan. The war plans of the Japanese General Staff for 1939 and 1941 were aimed at the seizure of Soviet territories. The war plan for 1939 was based upon a concentration of Japan's main forces in Eastern Manchuria to take the offensive. The Kwantung Army was to occupy the Soviet cities of Voroshilov, Vladivostok, Iman and then Khabarovsk, Blagoveshchensk and Kuibyshevka. The plan for 1941, prior to Germany's attack on the U.S.S.R., had similar aims. At the first stage of the war it was intended to occupy the cities of Voroshilov, Vladivostok, Blagoveshchensk, Iman, Kuibyshevka and at the next stage to occupy North Sakhalin, Petropavlosk of Kamchatka, Nikolaevsk on the Amur, Komsomolsk and Sovgavan.

The offensive character of these plans and measures is indicated by the secret operations order dated 1 November 1941 of the Commander of the Combined Fleet, Admiral Yamamoto, wherein it was pointed out: "...if "the Empire does not attack the Soviet Union, "it is believed that the Soviet Union will not "commence hostilities". The same view was expressed by TOJO at the meeting of the Inquiry Committee of the Privy Council on 8 December 1941: "...Soviet Russia is now "fighting against Germany, so she will not "avail herself of the Japanese southward "advance".

Although it was suggested that these plans were "routine", for a "strategic defensive" and so on, it is clear that they were offensive and not defensive. It may be that in some circumstances a defensive strategy would justify and, perhaps require offensive operations. A consideration of the nature of these plans, and the military policy of Japan in respect of the U.S.S.R., compels the conclusion that these plans were aggressive and not "strategic defensive". They were "defensive" only in the distorted sense, already discussed, that they defended the "Kingly Way", i.e. the expansion of Japan at the expense of its neighbours on the Continent of Asia.

#### ACTIVE PREPARATIONS FOR WAR

##### AGAINST THE U.S.S.R.

Immediately after the seizure of Manchuria, Japan started stationing there her main armed forces. The purpose of their training was mostly a preparation for military operations against the Soviet Union and China. Tanaka, former Chief of the Military Service Section and Chief of the Military Service Bureau of the War Ministry, estimated that 2,500,000 Japanese soldiers were trained in Manchuria.

In 1938, TOJO, as the Kwantung Army Chief of Staff, in plans for the stationing of a meteorological service system in Chahar, stated its object was to "enable more accurate weather forecasting service in Japan and

"Manchuria and especially to strengthen aero-nautical meteorological service system in preparation for a war with Soviet Russia".

The accused MINAMI, former Commanding General of the Kwantung Army, admitted during cross-examination that the construction of railways in Manchuria was directed towards the Soviet border, and admitted that they could have strategic uses, although he did claim that "their principal objective was the opening up of Northern Manchuria".

In January 1938 the Kwantung Army Headquarters, under TOJO, worked out the "Outline of the policy for the establishment of a New China". This document sent to the War Minister refers to the task of persuading the local population "to contribute to the preparation for the fast approaching war with Soviet Russia". TOJO contemplated the use of the Mongolia-Hsingkiang area "as a base for invading Outer Mongolia".

In a secret telegram sent to the War Ministry in May 1938, TOJO, then Chief of Staff of the Kwantung Army, pointed out that the South Manchuria Railway Company "...is receiving the Army's guidance for cooperating in the enforcement of the national policies of Manchukuo and also in the operational preparations, etc. against the Soviet Union".

The Army authorities did not permit the Neutrality Pact signed in April 1941 to abate their preparations for war with the U.S.S.R. Thus, the Chief of Staff of the Kwantung Army,

in an address at a conference of formation commanders in April 1941, discussing the Japanese-Soviet Neutrality Pact said: "In accordance with the present situation of the Empire, it is a diplomatic measure planned to maintain for the time being, peace between Japan and the Soviet Union for the purpose of strengthening the Tripartite Alliance. Whether or not this pact can be made effective depends upon the future attitude of the two countries. It cannot be considered that we can immediately enter into friendly relations with the present attitudes. Consequently, in order to make this pact effective, our Army absolutely cannot permit the slacking down in its preparations for military operations. By steadily strengthening and expanding these preparations the effectiveness of the pact will be promoted. The Army will not make any changes in its past policies".

"There are people in both Japan and Manchukuo who often say that military preparations against Soviet Russia may be reduced since the neutrality pact was concluded. However, as mentioned previously, there must not only be no changes in our past policy of military preparations against Soviet Russia, but since the necessity for us to take a precise and lofty attitude towards ideology, counter-espionage, and other forms of strategem is especially great, it is necessary for us to have our subordinates thoroughly understand this purport promptly." This text was

obtained from a captured "Military top secret" document. The report does not disclose the presence of UMEZU, then the Kwantung Army Commander. He may have been present but a speech of such importance, a record of which was made and retained, must at least have had his approval.

At a similar conference on 5 December 1941 the Chief of Staff of the Kwantung Army instructed formation commanders to complete preparations for operations vis-a-vis the Soviet Union, and to watch all changes in the military situation in the Soviet Far East and Mongolia in connection with the progress of the Soviet-German war in order to take advantage in good time of the turning point in the military situation. This speech was made while UMEZU was still the Commander of the Kwantung Army.

PLANS FOR CONTROL OF  
OCCUPIED SOVIET TERRITORIES

Japan's leaders considered the seizure of Soviet territories so practicable that in the General Staff and the Kwantung Army Headquarters specific plans were worked out for the management of these territories. From July to September 1941 a special group of General Staff Officers made a study of occupation regimes for the Soviet territories to be occupied by Japanese troops.

In September 1941, the Fifth Section of the Kwantung Army Headquarters was formed under Major General Ikeda, a subordinate of

UMEZU, who was likewise engaged in the study of problems pertaining to occupation regimes for Soviet territories. Specialists from the General Affairs Department of Manchukuo were employed in this work.

Officially, at least, the Kokusaku-Kenkyu Kai Society was claimed to be an unofficial organization. However, for the purpose of working out its drafts and studies it received top-secret documents from the War Ministry, the Ministry of Overseas Affairs and other Governmental bodies. One example is the top-secret "Plan for Management of Territories in the Greater East Asia Co-Prosperity Sphere" worked out by the War Ministry and by the Ministry of Overseas Affairs in December 1941. According to this plan the Maritime province of the U.S.S.R. as well as other Soviet territories as far as Lake Baikal were to be incorporated either into Japan or into Manchukuo. The Society in its "Tentative Plan concerning the Scope and the Structure of the Greater "East Asia Co-Prosperity Sphere" dated 18 February 1942, planned in advance measures to prevent "the concentration in Siberia of "the Slavs who are being driven away from "the European part of Russia".

The intensification of war preparations involved the employment of increasing numbers of persons. Special organizations were developed. Among these were the Total War Institute under the Cabinet and the National Policy Research Association (Kokusaku-Kenkyu

Kai), The former Director of the Total War Research Institute, Lieutenant General Murakami Keisaku, testified that the Institute was instructed by Prime Minister TOJO to work out a draft plan of the system of administration for the territories of Greater East Asia to be occupied by Japanese forces. In all the studies made by the Institute the question of the invasion of the U.S.S.R. was regarded as already settled. "The Plans to Govern Siberia, Including Outer Mongolia" published in the summarised research papers of the Institute for the year 1942 contained rules for the Japanese Occupation authorities. Among these were:

"All old laws and ordinances shall be declared void, and simple but powerful military orders shall be enforced instead. Under the powerful leadership of the (Japanese) Empire, the natives shall not be allowed, in principle, to take part in any politics. If necessary, a low grade self-government shall be allowed".

"If found necessary from the national defence and economic point of view, Japanese, Korean and Manchurian colonists shall be sent there".

"If occasion demands, compulsory emigration of the natives shall be effected.

"Permeation of our might shall be our aim, and we shall approach it with stringent power, not inclining into the so-called paternalism".

The work of the "Kokusaku-Kenkyu Kai" Society developed along the same lines as that of the Total War Institute.

By the spring of 1942 the Kwantung Army Headquarters had drafted a plan for the military administration of Soviet areas to be occupied by Japan, and with UMEZU's approval this plan was forwarded to the General Staff. This plan included such sections as "administration, maintenance of peace and order, organization of industries, circulation of currencies, communication and transportation".

In 1942 TOJO and UMEZU despatched Major General Ikeda and other officers to study the occupation regime established for the South Seas Area with a view to using it in the further working out of occupation regimes for the territory of the Soviet Union.

#### ACTIVE PREPARATIONS FOR WAR

##### AFTER GERMANY'S ATTACK UPON THE U.S.S.R.

After the attack of Germany upon the Soviet Union, Japan increased overall preparations for war against the U.S.S.R. Although at that time Japan was already engaged in a protracted war with China, she hoped to take advantage of the war in Europe to achieve her schemes against the U.S.S.R. This involved a secret mobilisation and the increase of the strength of the Kwantung Army. In the summer of 1941, in accordance with the plan, a secret mobilisation was carried out and 300,000 men, two fresh divisions and various special units, were added to the Kwantung Army. By January 1942 the Kwantung Army had been increased to 1,000,000 men. It received a large amount of

new equipment. There were twice as many tanks as in 1937 and three times the number of planes. A large concentration of troops was deployed in Manchuria along the border of the Soviet Union. Besides the Kwantung Army, the Korean Army and the Japanese Army in Inner-Mongolia troops stationed in Japan were to be used in the intended attack upon the U.S.S.R. In addition to men and material large supplies of provisions were prepared for the Kwantung Army.

#### SUBVERSION AND SABOTAGE

As well as direct military preparations, an elaborate programme of subversive activities against the U.S.S.R. designed both for peace and war time was in contemplation or in progress, as is shown by a report submitted to the General Staff and to the Kwantung Army Headquarters as early as 1928 by Kanda Masatane, a Japanese intelligence officer, who later held the post of Chief of the Russian Section, Second Division, General Staff. General principles and measures of subversive activities against the U.S.S.R. were set forth in the report. In particular, subversive and provocative activities were planned and put into execution on the communication lines of Northern Manchuria, mainly on the Chinese-Eastern Railway. The report stated: "The affairs included in our sabotage activities against Russia are many and their activities will extend throughout the whole world". Kanda, a former Lieutenant-General, the author of the report, when examined in Court confirmed

this document.

A conference of Japanese military attaches in a number of countries, which was convened in April 1929 in Berlin by the accused MATSUI, then Chief of the 2nd Division of the General Staff, considered methods of sabotage to be used from European countries during the war which, even then, was projected against the U.S.S.R. This conference contemplated the use of White Russian emigrants to foreign lands. It considered also the question of espionage against the U.S.S.R., conducted by Japanese military attaches outside the Soviet Union. The accused HASHIMOTO, who was Military Attache in Turkey at that time and who attended and spoke at that conference, when examined in Court named other participants of the conference, among whom there were Military Attaches in Great Britain, Germany, France, Poland, Austria, Italy and Russia, and he admitted that subversive activities against the U.S.S.R. were discussed at the conference by MATSUI and others. Following this conference, HASHIMOTO, in November 1929, submitted to the Japanese General Staff a report upon the "Situation in the Caucasus and its strategic use for the purposes of sabotage activities" in which he stressed that "the Caucasus area... is surely important from the standpoint of strategem against Russia". HASHIMOTO advised "make all races in the Caucasus confront each other and consequently to bring confusion in the area".

The accused OSHIMA while in Berlin secretly carried on subversive activities against the U.S.S.R. and its leaders and discussed this with Himmler.

In 1942 the Japanese General Staff and the Kwantung Headquarters worked out new offensive war plans against the U.S.S.R. which remained valid for 1943. Under these plans, the war against the U.S.S.R. was to be commenced unexpectedly following the concentration in Manchuria of about thirty divisions. As with earlier plans, these last plans were not put into execution. At about this time the military prospects of the Axis Powers, Germany-Italy-Japan, began to deteriorate. Thereafter they were placed more and more upon the defensive and such a venture as Japan's contemplated attack upon the U.S.S.R. became less and less possible until the final defeat of the Axis in 1945. Until 1943, at any rate, the Tribunal finds that Japan not only planned to wage a war of aggression against the U.S.S.R. but also that she continued with active preparations for such a war.

#### NEUTRALITY PACT

#### GERMANY'S ATTACK ON THE U.S.S.R.

As has been mentioned previously Japan was invited by the U.S.S.R. in 1931 and 1933 to enter into a neutrality pact, but refused to do so. By 1941 Japan had forfeited her friendly relations with practically all the powers excepting Germany and Italy. The international

situation had so changed that Japan was now willing to do that which she had refused to do ten years previously. This willingness, however, did not indicate any change of the Japanese attitude towards the U.S.S.R., nor any abatement of her acquisitive designs upon that country.

On 13 April 1941, that is, shortly before the attack of Germany upon the U.S.S.R., Japan signed the Neutrality Pact with the Soviet Union. The Pact provided;

"ARTICLE I"

"Both contracting parties engage to  
"maintain peaceful and friendly relations between  
"themselves and mutually respect the territorial  
"integrity and inviolability of the other  
"contracting party."

"ARTICLE II"

"In case one of the contracting parties  
"becomes the object of military action from the  
"part of one or several other powers, the other  
"contracting party will maintain neutrality  
"during the whole period of the conflict."

In signing the Pact the Japanese Government placed itself in an equivocal position, as at this time it had commitments to Germany under the Anti-Comintern Pact and the Tripartite Alliance. Its conduct in signing the Neutrality Pact was still more ambiguous as, when it did so, it had every reason to expect Germany's impending attack upon the U.S.S.R.

As far back as 23 February 1941,

Ribbentrop told OSHIMA that Hitler had created a number of new formations during the winter as a result of which Germany would have 240 divisions, including 186 first-class attack divisions. Ribbentrop also dwelt upon the prospects of a "German-Russian conflict", which he said "would result in a gigantic German victory" and signify the end of the Soviet regime".

The forthcoming attack of Germany upon the Soviet Union was discussed in still more definite terms in the conversations of Germany's leaders--Hitler and Ribbentrop--with Japanese Minister of Foreign Affairs Matsuoka in March 1941.

In his conversation with Matsuoka on 27 March 1941, Ribbentrop told him that "The German armies in the East are available at any time. Should Russia one day take up an attitude which could be interpreted as a threat against Germany, the Fuehrer would dash Russia to pieces. One is positive in Germany that such a campaign against Russia would end in a complete victory for German arms and the absolute destruction of the Russian Army and the Russian State. The Fuehrer is convinced that in case of an advance against the Soviet Union a few months later as a power (Grossmacht) Russia would no longer exist".

On the same day Hitler spoke in the same tenor to Matsuoka when he stated in the presence of OSHIMA, Ott and Ribbentrop, that Germany had concluded certain treaties with the U.S.S.R., but still more important than

this was the fact that Germany had 160 to 200 divisions at her disposal for her protection against the U.S.S.R. In his talk with Matsuoka on 29 March 1941, Ribbentrop said that the largest part of the German Army was concentrated on the Eastern frontiers of the Reich and once more expressed his belief in the complete defeat of the U.S.S.R. within a few months, once the conflict had broken out. In that conversation Ribbentrop also said "....a conflict with Russia was anyhow within the realms of possibility. In any case Matsuoka could not report to the Japanese Emperor upon his return that a conflict between Russia and Germany was impossible. On the contrary, the situation was such that such a conflict, even if it were not probable, would have to be considered possible". In reply Matsuoka assured him that Japan would always be a loyal ally who would devote herself entirely, and not just in a lukewarm way, to the joint effort".

Soon after his return to Japan after signing the Neutrality Pact in Moscow, Matsuoka told Ott, German Ambassador to Tokyo: "No Japanese Premier or Foreign Minister would ever be able to keep Japan neutral in the event of a German-Russian conflict. In this case, Japan would be driven, by the force of necessity, to attack Russia at Germany's side. No neutrality pact could change this".

In his telegram of 20 May 1941 to Matsuoka, OSHIMA advised that Weizsaecker had told him that "the German Government attached

"great importance to Foreign Minister Matsuoka's  
 "statement to Ott to the effect that Japan  
 "would attack the U.S.S.R. in case of a Russo-  
 "German war"

The uncandid policy of the Japanese Government in signing the Neutrality Pact is confirmed by the fact that simultaneously with the negotiations for the signing of the Pact, negotiations with Germany were being conducted for the extension of the Anti-Comintern Pact which was to expire on 26 November 1941. That Pact was prolonged for another five years on 26 November 1941, after the war between Germany and the U.S.S.R. had broken out.

The Japanese policy towards the U.S.S.R. and the Neutrality Pact is revealed by Smetanin's talk with Matsuoka on the 25 June 1941, three days after Germany had attacked Russia. Matsuoka, being asked by Smetanin, the Soviet Ambassador to Japan, whether Japan would remain neutral in accordance with the Neutrality Pact between the U.S.S.R. and Japan of 13 April 1941, evaded a direct answer, but emphasised that the Tripartite Pact was the basis of the foreign policy of Japan and if the present war and the Neutrality Pact happened to be at variance with that basis and with the Tripartite Pact, the Neutrality Pact "will not continue in force". We have already referred to the German Ambassador's report of Matsuoka's sinister comments upon his talk with Smetanin. In June 1941, shortly before Germany's attack upon the

U.S.S.R., UMEZU in his conversation with Prince Urech said "he welcomed the Neutrality Pact Japan-Russia for the moment. Since, however, the Tripartite Pact is the unchangeable basis of Japanese foreign policy, Japan's attitude towards the Neutrality Pact must undergo a change just as soon as the hitherto existing German-Russian relations undergo an alteration".

It would appear that Japan was not sincere in concluding the Neutrality Pact with the U.S.S.R., but considering her agreements with Germany more advantageous, she signed the Neutrality Pact to facilitate her plans for an attack upon the U.S.S.R. This view of the attitude of the Japanese Government towards the U.S.S.R. coincides with that reported by the German Ambassador to Tokyo in his telegram to Berlin of 15 July 1941. Japan's "neutrality" in the war between Germany and the U.S.S.R. in reality served and seems to have been designed to serve as a screen for such aid as she could give Germany pending her own attack upon the U.S.S.R. The evidence presented to this Tribunal indicates that far from being neutral in accordance with the Pact with the U.S.S.R., Japan did render substantial assistance to Germany.

GENERAL MILITARY ASSISTANCE

BY JAPAN TO GERMANY

In Manchuria Japan carried out large-scale military preparations and concentrated there a large army, thereby containing considerable forces of the Soviet Army in the East

which otherwise might have been used against Germany in the West. These military preparations were so regarded by the German and Japanese Governments. In his telegram to Berlin on 3 July 1941, the German Ambassador to Japan advised that "augmentation of military preparations, among other things, with an eye to realising this object, together with the aim of restraining Soviet Russia in the Far East in her struggle with Germany is steadfastly kept in the mind of the Japanese Government".

Ribbentrop in his telegram to Tokyo on 15 May 1942 likewise pointed out the great importance which a successful surprise attack on the U.S.S.R. would have for the further progress of the war in the interests of the Tripartite powers, but he emphasised at the same time, as has been mentioned before, the importance of Japan's "neutrality" as an active aid to Germany in her war against the U.S.S.R. "since in any event Russia must maintain troops in East Siberia in anticipation of a Japanese-Russian conflict."

JAPAN GIVES GERMANY

MILITARY INFORMATION CONCERNING THE U.S.S.R.

Evidence that Japan provided Germany with military intelligence about the U.S.S.R. is contained in a telegram from Ribbentrop to the German Ambassador in Tokyo on 10 July 1941, in which Ribbentrop wrote: "Please thank the Japanese Foreign Minister at this opportunity for having transmitted the telegram from the

"Japanese Ambassador at Moscow. It would be  
"good if we could receive more news from Russia  
"in this way at regular intervals".

Evidence was presented to prove that Japan provided Germany with economic, political and military intelligence about the Soviet Union, derived from Japanese military and diplomatic agencies. Major General Matzumura, who from October 1941 to August 1943 held the post of Chief of the Russian Section of the General Staff, testified that he, in accordance with the order of the General Staff, systematically provided the 16th (German) Section of the General Staff with intelligence for Colonel Kretchmer, the German Military Attache in Tokyo, regarding Soviet armed forces in the Far East, the war potential of the Soviet Union, the movement of Soviet troops from the East to the West, as well as of internal movements of Soviet troops.

Von Petersdorf, former Assistant Military Attache of the German Embassy in Tokyo, testified that he had systematically received from the Japanese General Staff secret information about the Soviet Army, and especially about the Far Eastern Army--the disposition of troops, their strength, detailed information about the reserves, about the transfer of Soviet troops to the European front, about the war industry of the Soviet Union, etc. Von Petersdorf stated that the information which he had received from the Japanese General Staff differed in scope and nature from that normally received by military attaches through the usual channels.

JAPANESE INTERFERENCE WITH SOVIET SHIPPING

The prosecution claimed and tendered evidence to show that, despite Japan's obligation of neutrality, the Soviet war effort was seriously interfered with by Japanese interference with Soviet shipping in the Far East. In particular there was evidence that at Hongkong in 1941 Soviet ships at anchor, clearly marked as such were shelled and one sunk; that in the same month Soviet ships were sunk by bombs from Japanese aircraft; that many Soviet ships were unlawfully arrested by Japanese naval vessels and taken to Japanese ports and detained on occasion for lengthy periods. Finally it was charged that the Japanese closed the Sangar Strait and compelled Soviet ships to use other less suitable and more dangerous approaches to its Far Eastern seaboard. All this it was claimed was done to hamper the U.S.S.R. in its war with Germany, in defiance of Japan's obligations under the Neutrality Pact and by way of indirect preparation for the war Japan intended to undertake against the U.S.S.R.

It has certainly been established that the Neutrality Pact was entered into without candour and as a device to advance Japan's aggressive intentions against the U.S.S.R.

JAPAN'S OFFENSIVE OPERATIONS  
AGAINST THE U.S.S.R.  
IN 1938-39

In the foregoing discussion of the Japanese attitude towards the U.S.S.R. we have refrained from any detailed consideration of the two matters raised by Counts 25, 26, 35 and 36 of the Indictment. These were not without significance in the earlier discussion, but as the Indictment raised them directly we thought it more convenient to reserve our detailed consideration of them until this time.

Following Japan's alliance with Germany under the Anti-Comintern Pact of November 1936 and her military success in North and Central China after Lukuchiaou in 1937, the Japanese Army, in the years 1938 and 1939, resorted to hostilities against the U.S.S.R. first in the East of Manchuria and then in the West. In July 1938 the scene of hostilities was in the Lake Khassan area close to the junction of the boundaries of Manchuria, Korea, and the U.S.S.R. Maritime Province. Then in May 1939 hostilities broke out in the Nomonhan Area which is on the boundary between the territories of Manchukuo and Outer Mongolia or the Mongolian People's Republic and Manchuria. Both of these operations were claimed by the Japanese to be mere border incidents caused by uncertainty as to the boundaries and resulting in clashes of the opposing Frontier guard detachments.

HOSTILITIES IN THE LAKE KHASSAN AREA

In the beginning of July 1938 the Japanese border guards in the area West of Lake Khassan were strengthened by a concentration of field troops on the eastern side of the Tumen-Ula River which is a short distance West of Lake Khassan. Between the river and the lake there is a range of hills overlooking both, along the crest of which, according to the U.S.S.R. contention, the boundary ran; the Japanese, on the other hand, contended that the boundary was more to the Eastward and was along the Western shore of Lake Khassan.

This height of land is of considerable strategic importance overlooking as it does to the West the Tumen-Ula River, the railway running North and South and the roads communicating with the Soviet Maritime Province and the city of Vladivostok. From the Japanese side the importance of the high land was its value in protecting from observation and attack the railway and roads forming the line of communication to the North and East. Its military importance was realised by the Japanese and as early as 1933 the Kwantung Army had made a thorough topographical study of the area with a view, as stated by the Chief of Staff of that Army in his report to the Vice Minister of War in December 1933, to "the time of hostilities against Soviet, Russia".

Contemporary reports of the Soviet border guard outposts as well as other evidence indicate that during the month of July 1938 the concentration of Japanese troops was being

carried out on an increasing scale. Before the end of July approximately one division of the Korean Army was concentrated in a small sector probably not exceeding three kilometers in length. General Tanaka, Ryukichi, in his evidence for the defence says that when he arrived in the area on the 31 July the Japanese were attacking in force. Incidentally, his evidence on earlier preparations is interesting. He had paid a previous visit to the area on 15 July and he stated that at that time the Soviet troops had dug trenches and placed barbed wire on the Western slope, i.e. on the Manchurian side of Changku-Feng Hill, along the crest of which, according to the Soviet version, the boundary ran. These defensive measures are significant of the intention of the U.S.S.R. forces but Soviet witnesses denied that any such measures had been taken. If we accepted Tanaka's evidence to its full extent this might suggest encroachment by the Soviet troops on Manchurian territory. However, no claim was made by the Japanese in respect of these defensive measures. As will be seen later the Japanese complaint was that the Soviet troops should not have been posted anywhere to the Westward of Lake Khassan. Prior to the clash the Soviet border guard was small in number, not exceeding one hundred in the sector under consideration.

In the early part of July while the Japanese troops were being concentrated in the area of Lake Khassan the Japanese Government opened diplomatic negotiations with the Soviet Government with a view to obtaining the withdrawal of the Soviet border guards right back to

the East side of Lake Khassan. On 15 July the Japanese Charge d'Affaires in Moscow, Nishi, pursuant to the instructions of his government declared to the Soviet Commisar for Foreign Affairs that the entire territory West of Lake Khassan belonged to Manchuria and demanded the withdrawal of Soviet forces from the West side of the lake. About the same time SHIGEMITSU, who had been on a mission in Western Europe, was sent to Moscow with instructions to secure the fulfillment of the Japanese demands. Then followed discussions in which the Soviet representative reiterated that the boundary ran along the height of land to the West of and not along the shore of Lake Khassan. He said this was supported by the Hunchun Protocol of 1886 by which the boundary line was fixed. SHIGEMITSU adopted a peremptory attitude and said regarding the Hunchun Protocol: "To my mind "at this critical moment speaking of some map is "unreasonable. This will only complicate matters." On 20 July SHIGEMITSU made a formal demand for the withdrawal of the Soviet troops, adding that "Japan has rights and obligations to Manchukuo to "use force and make the Soviet troops evacuate "from the territory of Manchukuo unlawfully "occupied by them".

On the question of the location of the boundary a map and a number of other evidentiary documents were produced before us and considerable evidence given. The Hunchun Protocol already referred to was signed in 1886 by the representatives of China and Russia and attached to it is a map indicating the boundary. In both the Chinese and Russian texts of the

Protocol there is reference to the map and both contain the following significant passage, "..... the red line on the map marks the boundary "all along the watershed and the water that flows "Westward and pours into the River Tumen belongs "to China and the water that flows eastward and "pours into the sea belongs to Russia." There is a slight discrepancy in the two texts in the detailed description of the boundary. That there may have been some doubts at the time as to the exact location of the boundary cannot be disregarded; however, in the state of existing international law such doubt, if any, as existed would not have justified a resort to arms.

On the 21st of July 1938 War Minister ITAGAKI together with the Chief of the General Staff obtained an audience with the Emperor and requested that the Emperor sanction the use of armed force at Lake Khassan to enforce the Japanese demands. The eagerness with which the War Minister and the Army desired to resort to military operations is illustrated in ITAGAKI's

untruthful statement to the Emperor, that the use of force against the U.S.S.R. had been discussed with the Navy and Foreign Ministers who were in entire agreement with the Army. On the following day, however, at a Five Ministers Conference attended by ITAGAKI the question of the opening of hostilities at Lake Khassan was discussed and in the decision adopted it was stated, "(We) have made preparations for emergencies. The use of prepared military power is to be carried out by the Imperial Order after negotiation with the authorities concerned." Thus was obtained authority for the use of armed force at Lake Khassan; the only question remaining unsettled was the date of commencement of hostilities. This question was settled one week later: namely, on the 29th of July 1938, when the Japanese launched the first attack in the nature of a reconnaissance in the vicinity of Besymyannaya Hill, one of the hills on the height of land. This attack was made by a small number of troops, probably not exceeding one company, which succeeded in overwhelming the small Soviet border guard posted on the hill. Later in the day Soviet border guard reinforcements were brought up and drove the Japanese from the ground they had taken.

On the night of the 30-31 July the Japanese returned to the attack with the main forces of one division this time on another of the hills on the ridge known as Zaczernaya Hill. The witness, Tanaka, Ryukichi, whose evidence for the defense has already been referred to, confirmed the fact that on the 31st of July when

he returned to the area the Japanese troops were attacking in force. It is true that he adds that the Japanese troops were on Manchurian territory; but this statement may be based on the Japanese claim that Manchurian territories extended as far as the West shore of Lake Khassan; in any event the Tribunal can find no evidence that the initiative was taken by the Soviet troops, which alone would have justified the Japanese attack.

The fighting in the area continued from the 31st of July until the 11th of August, 1938, by which time with the aid of Soviet support troops brought up after the opening of hostilities, the Japanese troops employed in the operation had been defeated and practically wiped out. Thereupon the Japanese Government agreed that hostilities should cease and that the boundary be restored to the height of land along the range of hills in conformity with the Soviet contention.

From the evidence as a whole the Tribunal has come to the conclusion that the attack by the Japanese troops at Lake Khassan was deliberately planned by the General Staff and by ITAGAKI as Minister of War and was authorized at least by the Five Ministers who participated in the conference of the 22nd of July, 1938. The purpose may have been either to feel out the Soviet strength in the area or to seize the strategically important territory on the ridge over-looking the line of communication to Vladivostok and the Maritime Province. The attack having been planned and undertaken with substantial forces cannot be regarded as a

mere clash between border patrols. That the Japanese initiated the hostilities is also established to the Tribunal's satisfaction. Though the force employed was not very large the purpose above mentioned and the result if the attack had been successful are sufficient in the opinion of the Tribunal to justify describing the hostilities as a war. Furthermore having regard to the state of international law then existing and the attitude adopted by the Japanese representatives in the preliminary diplomatic negotiations, the operations of the Japanese troops were, in the opinion of the Tribunal, clearly aggressive.

#### OPERATIONS IN NOMONHAN (KHALKHIN GOL)

The hostilities in the Nomonhan district which lasted from May until September in 1939 were on a very much larger scale than those at Lake Khassan. They occurred at the eastern boundary of Outer Mongolia where it adjoins the Province of Heilungkiang. Immediately to the South is the Province of Chahar which in 1939 was under Japanese control.

The importance of Outer Mongolia in its relation to Japanese military plans toward the U.S.S.R. was great. Bordering as it does Soviet territory from Manchuria to a point West of Lake Baikal, its military control by an unfriendly state would be a menace to Soviet territory generally and in particular a menace to the Trans-Siberian Railway which is the connecting link between Soviet territory in the West and in the East and which for many miles runs approxi-

mately parallel with and not very far from the northern limits of Outer Mongolia. Outer Mongolia's strategic importance was recognized by both the U.S.S.R. and Japan.

As early as 1933 ARAKI in an article entitled "Japan's Mission in the Showa Era" advocated the occupation of Outer Mongolia adding that "Japan does not want such an ambiguous area as Mongolia to exist near to her sphere of influence. Mongolia by all means should be Mongolia of the East." A few years later in 1936 ITAGAKI, who was then Chief of Staff of the Kwantung Army, pointed out in a conference with Ambassador Arima that "Outer Mongolia is of importance from the point of view of Japanese-Manchukuoan influence today because it is the flank defense of the Siberian Railroad which is a connecting line between Soviet territories in the Far East and in Europe. If Outer Mongolia be combined with Japan and Manchukuo, Soviet territories in the Far East will fall into a very dangerous condition and it is possible that the influence of the Soviet Union in the Far East might be removed without fighting. Therefore, the army aims to extend Japanese-Manchurian Power into Outer Mongolia by all means at hand....."

The U.S.S.R. in anticipation of a possible move by Japan or by any other country, in 1936 entered into a mutual assistance agreement with the Mongolian People's Republic in virtue of which Soviet troops were stationed in a number of Mongolian towns; some Soviet troops had been sent to the Eastern part of Outer Mongolia a short time

before the hostilities broke out in Nomonhan.

On the 11th of May, 1939, hostilities opened with an attack on the Mongolian border guards by Japanese reconnaissance troops numbering several hundred. Between that date and the 27th of the month further attacks were made by the Japanese in small numbers, each of which was repulsed. In the interval support troops had been brought up by both sides. On the 28th of May fighting was resumed on a large scale supported by aircraft, artillery, and tanks. Thereafter the struggle developed on an increasing scale and was only then terminated in September when the Japanese admitted defeat.

It is difficult to say with accuracy the size of the forces employed but that they were large can be judged from the various estimates of total casualties and the area of the operations. The Japanese casualties in killed, wounded, and prisoners exceeded 50,000, the Mongolian-Soviet losses being more than 9,000. The operations were on a front of 50 to 60 kilometers and to a depth of 20 to 25 kilometers.

The defense in this case is much the same as that in the Lake Khassan Incident: namely, that the affair amounted to nothing more than a border clash over a dispute as to the exact location of the boundary between Outer Mongolia and Manchuria. The Japanese contention was that in the area where the fighting took place the boundary was the Khalkhin Gol River which at that point flows in a North-Westerly direction, whereas the Mongolian contention was

that it was some 20 kilometers to the east of the river. Many maps were produced and much evidence given regarding the location of the boundary. Furthermore, evidence was given by members of the Mongolian border guard who had served for some time before the clash that the boundary line was clearly marked with border marks along the line claimed by them as the boundary. It is not necessary to determine the position of the boundary at this time. It was subsequently agreed upon. The issue before us is concerned with the justification for the fighting which took place.

The most convincing evidence of the character and extent of the operations is found in a captured Japanese document being a Proclamation of the Commanding General of the 6th Army, dated the 5th of September, 1939. It reads as follows:-

"Although the order to reform the 6th  
"Army was issued before, I must now  
"state with sorrow that the realization  
"of the glorious task of defense of the  
"North-west area failed because the  
"order was not carried out. The Army  
"was cast into a whirlpool of irregular  
"war on the frontier between Manchuria  
"and Mongolia. Such control of actions  
"on the front continued for more than  
"ten days into the present. Due to the  
"brave and resolute actions of all the  
"units under Lieutenant-General  
"Kamatsubara chaos in the course of

"battles was diminished. Now the Army  
"is preparing in the Dzindzin Sume area  
"for a new offensive.

"The Commanding General of the  
"Kwantung Army decided this autumn to  
"help us by sending the well trained  
"troops stationed in Manchuria, he  
"transfers them to the place of the  
"future battle, places them under my  
"command and plans urgent measures to  
"be taken to settle the conflict. The  
"circumstances are now such that it is  
"clear that the matter is beyond the  
"limits of a mere frontier conflict.  
"We are now waging a sacred war in  
"China and any changes in the conflict  
"under the circumstances of the compli-  
"cated inner and outer situation acquire  
"great state importance. The army has  
"only one way to carry out its actions,  
"that is to make the army unanimous and  
"consolidated and immediately strike a  
"crushing blow at the enemy to annihilate  
"its growing insolence. At present the  
"preparation of the army is being suc-  
"cessfully carried on. The Army will  
"meet the coming autumn by finishing  
"with one blow this mouse-stirring and  
"will proudly show to the world the  
"might of the selected Imperial troops.  
"The officers and soldiers have a deep  
"understanding of the present circum-  
"stances. All men of the army from

"privates to high level are full of  
"brave and decisive spirit and are sure  
"of victory. The army is always ready  
"to crush and destroy the enemy anywhere  
"having a deep faith in its first  
"marshal the Emperor."

No serious attempt was made by the defense to establish that the Mongolian or Soviet troops initiated the fighting nor was it contended in argument that such was the case. On the other hand the prosecution brought witnesses who had taken part in the operations who say that the hostilities were initiated by the Japanese-Manchurian troops. The Tribunal accepts the prosecution evidence on that point. Preparations for the conflict were undoubtedly made by the Kwantung Army but no evidence was given to enable us to say whether the General Staff or the Government authorized the commencement of the hostilities. The most the Tribunal is prepared to say is that it is improbable for operations to have been conducted on so extensive a scale without the prior knowledge of at least the Japanese General Staff and the War Ministry. Shortly after the outbreak of the affair, HIRANUMA, who was then Prime Minister, was informed of its occurrence by War Minister ITAGAKI. He says in his interrogation before trial that he requested ITAGAKI to stop the hostilities but that he "could give no orders" and that "the military circles were of a different opinion". It is, therefore, clear that in the very early stages of the conflict both HIRANUMA and ITAGAKI had full knowledge of the

situation and there is no evidence that either did anything to prevent continuation of the conflict.

As in the case of the Lake Khassan Incident the Japanese troops were completely defeated; what would have followed if they had been successful is purely speculative. However, the mere fact that they were defeated does not determine the character of the operations. These operations were on a large scale extending over a period of over four months; they were obviously undertaken by the Japanese after careful preparation as appears from the Proclamation of the Commander-in-Chief of the 6th Army and the intention was to exterminate the enemy troops opposing them. The contention that the incident was a mere clash between opposing border guards is therefore untenable. In the circumstances the Tribunal holds that the operations amounted to an aggressive war waged by the Japanese.

#### THE DEFENSE OF CONDONATION

A subsidiary contention of the Defence with respect to both the Lake Khassan and Nomonhan fighting is that each was settled by an agreement between the Japanese and U.S.S.R. Governments. By an agreement signed by SHIGEMITSU and Molotov on the 10th of August, 1938, the fighting at Lake Khassan was brought to an end; each side withdrew to the positions occupied by them prior to the hostilities and thereafter tranquillity was restored.

Under the TOGO-Molotov Agreement of the 9th of June, 1940, signed long after the fighting

had ceased at Nomohan, Japan and the U.S.S.R. agreed on the boundary between Outer Mongolia and Manchuria. Subsequently to these agreements a general settlement was made by the Neutrality Pact between Japan and the U.S.S.R. in April 1941.

Belying on these three agreements Counsel for Defence concludes his argument on the point by saying that after two types of agreements--one specific, one general, these matters cannot now be reopened.

In none of the three agreements on which the Defence argument is based, was any immunity granted nor was the question of liability, criminal or otherwise, dealt with. The Tribunal is therefore of the opinion that these agreements afford no defence to the criminal proceedings being taken before this International Tribunal. In a matter of criminal liability whether domestic or international it would be against the public interest for any tribunal to countenance condonation of crime either expressly or by implication.

DEFENCE THAT MONGOLIA WAS NOT INDEPENDENT

Counsel for the Accused TOGO in his argument generally on Count 26 submitted that the Count was not proven for the reason that the "Soi-disant Mongolian People's Republic" was an integral part of the Republic of China and not a sovereign state until 1945. The Tribunal is not concerned with nor does it consider it necessary to decide the status of Outer Mongolia. We are dealing with criminal matters in which intent is of paramount importance and the Defence will not now be permitted to repudiate the written commitments of the Japanese Government in which it formally acknowledged the status of the Mongolian People's Republic. By agreement of the 9th June, 1940, between the Governments of the U.S.S.R. and Japan, signed on behalf of the latter by the Accused TOGO, provision was made for the fixing of the boundary between Manchuria and Outer Mongolia; the signatories respectively stating on behalf of the Mongolian People's Republic and Manchukuo that they consented to the agreement.

In the face of this clear acknowledgement of the sovereign status of Outer Mongolia and in the absence of evidence to the contrary, the Accused cannot now be heard to say that the point has not been proven, nor can they be heard to say that the Tribunal may take judicial notice of the fact that Outer Mongolia was until 1945 an integral part of the Republic of China.