

Page
32069

DIRECT EXAMINATION OF BATARSHIN, Gilfan A.
by Colonel Smirnov.

32070 The witness stated his name, and that he was a major, and Hero of the Soviet Union, and was an officer of the Border Guard Corps. He had served in the 59th Border Guard Unit, guarding a sector in the border of the Lake Khasan area. * He received his decoration of Hero of the Soviet Union for participation in military operations in the Lake Khasan area.

32071 When shown exhibit 756, the witness identified it as his signed affidavit and stated that its contents were true and correct. A part of the exhibit not previously read into the transcript stated that from 1936 to 1938, the * witness was Section Commander of the 59th Frontier Detachment, guarding the Manchurian frontier, including the Lake Khasan area.

On July 15, 1938, while on patrol on Zaozernaya Hill, he observed Japanese troops concentrating in the vicinity of the hill. Within ten or twelve days, troops and guns were brought up by truck from the frontier in front of the hill. He estimated about 6-700 Japanese soldiers were concentrated there, and that two batteries were mounted on two hills. To the hills shells were carried daily, being passed hand to hand. At that time there were only thirty frontier guards on Zaozernaya Hill, and no other Soviet troops in the vicinity.

32072 The Japanese forces had the object of attacking Soviet territory. Not only was the concentration of * troops and artillery a proof of this, but also direct declarations of the Japanese command made through their emissaries. Twice during this period local Manchurians were sent to the Russian frontier guard detachment with letters from the Japanese commander, in which immediate withdrawal of Soviet guards from the hill was demanded. In the letters it was pointed out that the hill was to be occupied by the Japanese, and had a threat of military operations in case Soviet troops did not withdraw. No reply was given by the guards.

32073 * On 29 July, 1938, at 16 hours, Japanese troops suddenly attacked a neighboring guard of eleven men. About 100 Japanese with rifles, medium and light machine guns, opened fire after the attack, at about 700 meters from the witness' detachment.

Page

The commander of the witness' outpost sent the witness with four guards to help. The witness approached the scene of battle and saw all Soviet guards lying wounded, unable to resist, whereas the Japanese slashed the wounded and tried to drag some away to their territory. With a light machine gun, the witness opened fire and the Japanese ran toward their territory, leaving the dead and wounded. The witness found five corpses slashed from head to foot, and six badly wounded with slashed wounds.

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* On the night of 31 July, 1938, about midnight, a large Japanese force attacked Zaozernaya Hill. The Soviet guards had given no reasons for an armed conflict in either of these attacks. The witness, in general, did not know of a single case of trespassing the border by Soviet guards during his service with the frontier guard.

According to his observations, the hill was attacked by about one infantry regiment with a simultaneous use of artillery and mortar fire. At the moment of the attack there were about 30 frontier guards and a platoon of field forces of 30 men. Until dawn they held the hill, suffering 15 to 20 killed and the rest wounded, and the witness himself was slightly wounded. They left the hill at six the next morning when the witness saw Japanese * soldiers come to the crest of the hill and wave blades. The following days they built fortifications on Soviet territory.

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From 6 August, 1938, Soviet units launched an offensive, and by August 12 had driven Japanese off Soviet territory and stopped on the former state frontier. Of the frontier guards who defended the hill with the witness, he remembered Major Chernopjatko and Chief of the Guard Outpost Tereshkin.

In the period when the Japanese concentrated their forces toward the hill, he observed that they turned the inhabitants out of the village of Hamoka at the foot of the hill, stationing their troops there. This was approximately between July 20-25, 1938.

CROSS-EXAMINATION BY MR. FURNESS.

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* From 1 to 31 July, he was in command of a section of the Soviet frontier, and the section had seven men. His rank at the time was section commander. He was not under Chernopyatko, but was under platoon commander Dubovoi. He was under the general command of Tereshkin.

Page
32078 * This border guard outpost was a part of the Posiet Border Guard Detachment. The frontier outpost was located near Podgornaya, and headquarters of the detachment was at Posiet, about 20 or 25 kilometers from Zaozernaya Hill. Tereshkin had no headquarters. The
32079 * outpost near Podgornaya was about one kilometer from the town.

32080 The Border Guard Corps was not a part of the police organization, but an independent corps under the Ministry of Home Affairs. It was not a civil organization, but military, and a part of the N.K.V.D., formerly the G.P.U. * The Border Guard Outpost usually had rifles and light machine guns, but the Outpost Podgornaya under Tereshkin also had heavy machine guns, and there was no larger armament.

32081 * He saw the forces on the other side of the border and knew they were Japanese regulars. Prior to
32082 * July, 1938, he did not see the Japanese border guards there. Prior to the fighting in and around Lake Khasan, he was in this sector approximately 17 or 18 days and had served there as a frontier guard prior to this at Posiet
32083 in the reserve groups. * From 1936 through 1938 he repeatedly was in the vicinity of Zaozernaya Hill, carrying out duties there, and as a border guard he was familiar with that sector. There were hills between the first border mark on the Tumen River and south of Lake Khasan.

32084 * When shown exhibit 2175, a map of the vicinity, the witness was asked if it was an accurate representation of the border country around Lake Khasan and Lake Zaozernaya,
32085 * and he replied that approximately, it was the same. The witness marked the border between the Soviet and Manchuria on the map.

Exhibit 3375, a photostatic copy of an original tracing of the map, exhibit 2175, was received into evidence.

32088 * Exhibit 3373-A, an original tracing of a map, (Exhibit 2175), was received in evidence. The witness marked on the map Zaozernaya Hill and Bezjimjannaya Hill,
32089 * and the village of Podgornaya.

32092 * The witness stated he noticed where he had marked the border, and when asked if the border marks were quite far apart, he replied he remembered that the border mark was not far from the border guard outpost on the bank of the Tumen River.

- Page The next border mark was further to the north, about 7 or 8 kilometers. There were a few border marks in rough hilly country, but they showed clearly enough the state border line.
- 32093 * Asked if there were flat places between the hills, he replied that the border line passed along the crest of Zaozernaya Hill, then west of Benzimjannaya Hill, and then to the flat country, and then to the big hills to the north. There was a whole range of unnamed hills along the crest of the border line. Between the two named hills and south or southeast to the border mark there were rivers, but no flat places. The flat places were only near Lake Khasan, northeast of Zaozernaya Hill. * There was no flat top on Zaozernaya Hill. The crest was approximately 200 meters, and there were no peaks. The state border line passed along the crest of the hill.
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- 32095 * For a border guard there was no difficulty at all on which side of the border he was, for studying the country after they arrived at the outpost they could tell on that basis, and he could tell without difficulty where the border line passed.
- 32096 * During July and August in the vicinity of the hill there were no dense fogs. Prior to July 31 there were no Red Army field troops in the area of the hill, and from mid-July there were only 30 border guards armed with rifles, three light machine guns and one heavy machine gun.
- 32097 He did not know if the inhabitants of the region west of Lake Khasan and the Hill were chiefly Korean. He did not speak Korean, nor read nor write it. * He did not know whether Lake Khasan meant "border lake" in Manchurian.
- There was a railway in Korean or Manchurian territory over the Tumen-Tula River. He could not say exactly, but he thought it passed from Manchuria into Korean territory. He did not know whether the territory across the Tumen-Tula River from Zaozernaya Hill was Korean or Manchurian.
- 32098 * "Bezjimjannaya" Hill means "no name" in Russian. Asked if there were many hills in the region with no name called Bezjimjannaya Hill, he replied the hill which had more sharp contour than the others was called that name, and it was not a general term.

Page

32099 Reference was made to his affidavit where he testified that from July 15 on he observed Japanese concentrations in the vicinity of the hill and he estimated there were 600 or 700 there, with Japanese batteries on some of the hills. Asked if he reported this to his superior officers, he replied * that his superior officer saw what was going on, and he supposed this officer had to report that, but he did not know what he reported. The witness saw this concentration with his own eyes.

32100 Asked if there were Soviet spies in Manchurian territory, he replied as a soldier he did not know about such things. He supposed the caliber of the Japanese batteries was 75 or 100 millimeters. * Their caliber was not 37.5 mm. Asked who told him that, he replied he felt it on his own skin on the night of July 31.

32101 Asked what he observed in the ten or twelve days after July 15, 1938, he replied that at that time he saw from the hill, Japanese forces crossing the River Tumen-Tuly, and these were not short-range guns. He saw this on the eastern slopes of the hill. * The crest had western and eastern sides. He was on the eastern side, and saw it from the observation post with a periscope. At different times the distance from the crest varied, but sometimes was two meters away.

32102 Reference was made to the affidavit where it was stated that during this period he observed the Japanese turn the inhabitants of Hamoka village out. He observed this not far from the summit of Zaozernaya Hill. The village was at the foot of the hill, about 300 meters * from the summit. He saw what was going on in the field, and at night heard very clearly what was going on. The next morning he found that the inhabitants had been moved out and Japanese troops moved in.

32103 Reference was made to the affidavit where it appeared that the Soviet Detachment reported that the inhabitants staged a demonstration. The witness stated he had not observed that. * He reported the evacuation of the village to his immediate superior.

When asked if the building of these entrenchments and evacuation of civilians was all within the borders of Manchuria, he replied that they were concentrating in Hamoka village, and to the northwest of the village there was a hill on Manchurian territory where the Japanese mounted guns and artillery batteries, from which they later fired upon them.

NARRATIVE SUMMARY OF THE RECORD
30 October 1947
SOVIET RELATIONS
BATARSHIN - Cross (cont'd)

Page 5135

Page

32105 * This long range artillery was west of the Tumen River. From the western bank of the River during the fighting of July 31, long range batteries of heavy caliber were fired and one battery on an armored train opened fire several times. This was on the night from
32106 July 30 to the morning of the 31st. * Asked if the building of trenches and barbed wire and evacuation of civilians between the river and hill was done because fighting was expected, he replied that the Japanese apparently constructed these fortifications and mounted guns on the hill for the purpose of starting the offensive. His conclusion was that the Japanese would open an offensive and later experience showed he was right for they did start one on the night of July 31.

32107 Asked if there was any Soviet firing on Japanese before 29 July, * he replied that there were no Soviet forces in the area of Zaozernaya Hill, only border guard units.

32108 About July 15 or 16 there was a case when border guards killed or shot one of the local population who violated the border south of the hill. He penetrated 30 meters into the Soviet territory, began to take pictures and make notes. After this took place, Commander Teroshkin sent two border guards to detain him. The witness heard them cry "halt" but he started running toward Manchurian territory. * Because he did not stop, they shot and killed him on Soviet territory. His body was taken to the foot of the hill and the witness saw the corpse and the camera and notebook with notes made by him. In no other case did guards open fire on the local
32109 population. * This took place about 300 meters south of Zaozernaya Hill and he penetrated almost to the bank of Lake Khasan. He did not know whether the man's name was MATSUSHIMA nor whether he was a gendarme.

32110 The witness was reminded that in Exhibit 753, there was a report from the Soviet attachment that early in the morning of the 23rd, Section Leader Zhavgorodnin located four Japanese and Manchurian soldiers and fired on them with a machine gun. The witness stated he knew nothing about this report. At the time the man was shot to which he had testified, the witness was on the hill. The witness stated that he knew Capt. Magalov mentioned in Exhibit 753. * Magalov was a border guard, commander of the reserve unit, and during the fighting of July 29 to 31, he was in Posiet and participated.

Reference was made to the affidavit where it was stated that regarding the delivery of letters from the Commander of the Japanese Detachment demanding withdrawal of frontier guards from

NARRATIVE SUMMARY OF THE RECORD
 30 October 1947
 SOVIET RELATIONS
 BATARSHIN - Cross

Page Zaozernaya, the witness was told that Exhibit 753 stated that Magalov was sent forward as a result of seeing four Japanese-Manchurian soldiers who escaped, but found a letter at the place where they had been seen, which stated * that on July 16, a letter was sent in the district of the long island. It was ordered that this letter be immediately answered and that they immediately withdraw from Japanese territory in the Lake Khasan area, and if not the situation would become grave.

32112 They were always ready to start negotiations and wanted to know the opinion of the others. Asked if this was the same letter to which he referred in his affidavit, he replied that he personally did not see at what place those four from the local population carrying the letter were detained * but he personally heard from the unit commander that some of the local population were held up and that they carried the letter in which the Japanese were threatening. The witness was reminded that it appeared from the report that they were not local population but four Japanese and Manchurian soldiers, but he stated that he heard they were from the local population from Commander Tereshkin. The contents of the letter about which he had heard was on the same line as the contents of the letter read from Exhibit 753, but he couldn't say positively that the gist was the same. Asked what was done with those who carried the letters, he replied that he didn't see the trespassers himself and couldn't state positively who they were. Told that the * report would indicate they carried a white flag and asked if he knew anything about that, he replied he did not personally observe the occasion.

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Asked if the Soviet troops dug entrenchments prior to July 29, he replied they did not make trenches or any constructions in the area of Zaozernaya Hill, nor barbed wire, because there was no necessity for the latter. All the time through July 31, there were only 30 border guards on the hill.

32114 * Asked if it was correct that even after messages had been sent back outlining a concentration of 600 to 800 Japanese troops, building of fortifications, evacuation of civilian population, receipt of threatening messages, there remained only 30 civilian troops without fortifications, barbed wire, and armed only with rifles, light machine guns and one heavy gun, the witness stated that there were no troops in the area except border guards and on the hill only 30. From the standpoint of this border guard duty, 32115 * that was quite a considerable unit which could detain a large number of the enemy.

Reference was made to the affidavit where it was stated that on 29 July 1938 at 4 p.m. a clash involving a hundred Japanese soldiers occurred, and that the witness came up with reinforcements.

30 October 1947
SOVIET RELATIONS
BATARSHIN -- Cross

Page The witness stated that on 29 July he was on Zaozernaya Island *
32116 and more than a hundred Japanese attacked the hill.

32117 * The clash began in Soviet territory on the Bezimiannaya
32118 Hill where only 11 border guards were stationed. * Prior to July
32119 29, there were no clashes in the area * and on July 29 there was
only one clash at about 4:00 p.m., and not two.

The witness was told that Exhibit 753 reported a clash
at 4:00 p.m. on July 29 on a no-name hill on the frontier two
kilometers north of Zaozernaya Hill, and a further clash on a
no-name hill 1,000 meters northwest of Zaozernaya Hill. Asked if
that report was correct, he replied he did not know to what
report the question referred to, but as an eye witness he could
say that on 29 July at 4:00 p.m. there was one clash on Bezimiannaya
which was the same as no-name hill. He thought this was about 700
32120 to 800 meters from the top of Zaozernaya. * When it started the
witness was on the eastern slope of the hill and from there could
see the summit of no-name hill. He saw how the Japanese concen-
trated their forces across the border-line, using the ravines
close to the line. That day there was a slight drizzle, but the
hill was clearly seen. There was no dense fog. He clearly saw
the movements of the soldiers and how they waved the blades of their
32121 sabers and cut Soviet guards. * He could not say there was a fog.
There was a slight drizzle and the Japanese did not move under
cover of fog but used the ravines, allowing them to approach
closer to no-name hill.

Asked who ordered him to come up with reinforcements, he
replied that he and four guards were dispatched by Tereshkin to
Bezimiannaya Hill to rescue the guards there. About 200 meters
from the hill he opened fire. From the site of the Zaozernaya
outpost, another group of guards approached and by joint flank
movement they repulsed the Japanese from their territory and
afterward the witness arrived at the place of the clash and saw
32122 that all 11 of the Soviet guards were stabbed. 5 were dead * and
the others heavily wounded. His unit, in connection with the other
unit, drove out the Japanese.

32123 * Asked if after the clash, the number of border guards on
the hill remained the same, except for the killed, he replied that
the number did not increase.

32124 The next clash occurred on the night of July 31, * involving
one regiment reinforced by artillery, but he did not know the details
nor did he know how many men were in the Japanese Infantry Regiment.

Page Asked if he wanted the Tribunal to believe that 30 guards, of which 15 or 20 were killed at the start of the attack, held the hill for 6 hours, he replied that his group had no casualties on the 29th. After the fighting on the 29th the witness returned to Zaczernaya Hill * and participated in the fighting for the hill on the night of July 31. On the night of July 31, during the fighting, 30 Soviet regular troops approached and by the moment of the clash, this platoon * participated. Thus, about 1:00 or 2:00 o'clock at night, besides the 30 border guards, this regular platoon participated in the fighting.

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32127 * The witness was reminded that in his affidavit he said that at 6:00 o'clock he saw Japanese soldiers on the crest of the hill. Asked if this was the first time he saw them there, he replied in the morning he saw them on the crest, waving their sabers, but during the night he was engaged in fighting on the eastern slopes of the hill.

The Japanese attacked from the southern slopes, penetrating to the rear of their territory and fighting flared up in the immediate rear of the Soviet sector.

32128 In general, the witness had never seen Japanese soldiers on the hill crest before 6:00 o'clock in the morning. Soviet forces were on the eastern slopes. As the border ran along the crest of the hill, they were not allowed to trespass in accordance with instructions.

Reference was made to the affidavit where it was stated that during the whole time of his service in the frontier detachment, there was not a single case of a breach of the frontier by detachment guards.

32129 The witness was informed that the Soviet prosecutor had earlier in the case asked a defense witness if as a military man he understood certainly that during the course of fighting some definite line could have been violated by any of the parties (T. 22731). The witness was asked his own answer to that. * He replied that border guards were categorically forbidden to trespass the border and during the fighting were forbidden to violate it. They were forbidden * not only from trespassing but also when compelled to use arms against trespassers, should fire so that bullets would not fall on the neighboring territory. Since fighting was going on on the eastern slopes of the hill, violation of the border by Soviet guards was out of the question. He thought Tereshkin was in action until 5:00 o'clock in the morning since after that hour he could not command since he had been heavily wounded.

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Page

- 32131 * Asked if he had at any time discussed his testimony with Tereshkin, he said he had not seen Tereshkin for about two years, had never read his testimony, never spoken to him specifically, but simply made a general outline of what was well known to both. Since both participated, the witness presumed Tereshkin knew as much as he did, and neither could get anything from the other. Both affidavits were taken on the same day but not at the same hour. The witness came to Tokyo with Tereshkin. Asked if during
- 32132 the trip they discussed their testimony, he replied * no, that he didn't think it necessary. There was no need to mention it because the witness knew as much about the battles as he did.
- 32133 * REDIRECT EXAMINATION BY COL. SMIRNOV
- The witness stated that he knew approximately where Manchurian territory started and where Korean territory was. He had shown on the map the border mark where the three border lines of Manchuria, Korea and USSR crossed. Therefore, he hadn't been able to answer precisely how the border line passes farther between Manchuria and Korea. If he had been shown a map, he could show exactly where the territory of the different states was, but not from memory. The territory in front of Zaozernaya Hill was Manchurian.
- 32135 * When shown a map, Exhibit 2175, the witness marked the Soviet border outposts in the area which subsequently became the scene of the fighting. He marked two outposts, one on the eastern slopes of Zaozernaya Hill, and another on Bezjimjannaya Hill. He
- 32136 did not remember when these outposts were established. * He knew they were guarded prior to his arrival in the border detachment and during his tenure he was at them several times guarding the border in that area. He arrived at the Soviet Detachment in 1936. So far as he knew, the border in that area was guarded prior to his arrival.
- 32137 * The witness marked on the map the place where he was prior to the outbreak of the fighting in July, and with an arrow the movement of Japanese troops on 29 July and the scene of the fighting. After doing so, he stated that he could clearly distinguish the state border line. The scene of the clash of
- 32138 July 29 marked by him was to the east of the border line * in Soviet territory. Bezjimjannaya Hill was about 200 or 250 meters from the border line.

NARRATIVE SUMMARY OF THE RECORD
30 October 1947
SOVIET RELATIONS
BATARSHIN - Redirect

Page 5140

Page

32139

* The witness was reminded that in response to the question by the President, he had given a brief answer that he could easily determine where the border ran. Asked to give a more detailed explanation, he replied that if he hadn't known exactly how the line passed, he wouldn't have been able to guard the border. He hadn't been in the area for a considerable time and to a certain extent had forgotten some characteristics of the terrain but still remembered that on certain hills there were extremely characteristic terrain features such as rocks, bush, etc. and by them they knew the exact line and the outpost commander showed them where the line passed, and the witness trained his subordinate guards in these features. The guards made a path east of the border * which was about 8 meters away from the border and in certain places about 20 meters away, and others as close as 3. Along this line they performed their guard duties. While passing along this path they studied where the line passed and a veteran guard could easily spot any changes and violations. The line passed exactly along the watershed, and on Zaozernaya Hill there were large and very peculiar rocks and they could easily determine where the line passed.

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The eastern slope of the hill was Soviet territory * and the west slope, Manchurian. They had optical instruments with which to observe neighboring territory and had binoculars and periscopes, and by lifting these sufficiently high could observe what was going on at the foot of the hill without trespassing the border.

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32144 * The witness had marked on the map Japanese gun posi-
32145 tions which he had observed from Zaozernaya Hill, and also
32146 marked the direction of Japanese penetration * to the hill on
July 31, 1938. This offensive began from the flanks. * On
that night Japanese, under cover of night, crossed the border
south of the hill, reached the rear of the Soviet positions
and thereon launched an offensive. In it they used a part of
their reinforced regiment concentrated in and around Hamoki
Village.

The second group crossed the border north of the hill
and also started an offensive. Other small forces attacked
the crest of Zaozernaya Hill from the front. From their
positions, Soviet border guards engaged in battle. At that
time, on the western slopes of the hill, there were only 30
guards. The order of their commander was to hold out to the
last and not to leave the hill until the approach of reserve
units.

32147 After the fighting started on the two * slopes, a
platoon of 30 men of the field troops approached, thus there
were at that time on the hill 30 border guards and 30 regu-
lar army soldiers. Together they fought until 5:00 a.m.
When almost all were killed or wounded, they withdrew from
the hill to the back of Lake Khasan and, as they had no way
to retreat by land as those ways were held by the Japanese,
the witness together with Tereshkin had to swim across Lake
Khasan, and all that could swim did so. The Japanese fired
at the swimmers with artillery and trench mortars.

32148 * Bezjimjannaya Hill was not a part of Podgornaya
32149 Outpost but was included into the sector guarded by the Podchi-
koriya Frontier Outpost. Bezjimjannaya Hill Outpost had no
connection with Zaozernaya Hill. * The Red flag was hoisted
on Zaozernaya Hill after a regular Red army unit drove the
Japanese from the hill on August 6.

RECROSS EXAMINATION BY MR. FURNESS

32150 * Lake Khasan was at some places 50 meters wide and
32151 at some one kilometer, * and about 50 to 60 meters wide the
witness swam across it.

32152 * Exhibit 3374, a photostatic copy of a map marked
by the witness being originally Exhibit 2175 was received in
evidence.