

Exhibit 2659

19

Def. Doc. No. 1581

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI Sadao, et al

A F F I D A V I T

ŌTA Saburō

Having sworn an oath as in the attached sheet, and in accordance with the procedure followed in my country, I hereby depose as follows:

I served as Third Secretary to the Japanese Embassy in Moscow from May 1938, serving under Ambassador Tōgō after he assumed his office in Moscow in October 1938. Ambassador Tōgō left Moscow for home in October 1940, and I also left for home in the same month. During that period, the Nomonhan Incident occurred in May 1939 and diplomatic negotiations were conducted for its solution. From about August of the same year, I was in charge of handling the negotiations under Ambassador Tōgō.

The Nomonhan Incident occurred because of the fact that the border between Manchoukuo and the Mongolian People's Republic was not clearly defined by the two countries but was merely a border line of administrative districts in the Ching Empire. The incident began when some Outer-Mongolian forces crossed the Khalkha River, which Manchoukuo believed to be the boundary between Manchoukuo and Mongolia, and entered into the territory of Manchoukuo in May 1939. The Japanese forces as well as the forces of Manchoukuo were obliged to counter-attack in order to secure the border-line, and pressed the Outer-Mongolian forces to the south of the Khalkha River. The forces of the Soviet Union and Mongolia were reinforced and tried to recover the area. Protests were meanwhile lodged mutually by the Governments of Japan and the Soviet Union. Japan and Manchoukuo aimed at maintaining the Khalkha River as the border-line, but the reinforcement of the Soviet-Mongolian forces continued and their military action came to be large-scale, so that it was difficult to seize an opportunity to start negotiations for the solution of the incident, in spite of the desire of Japan to settle it promptly and to restore normal relations between Japan and the Soviet Union. However, on 22 August, when Ambassador Tōgō, at an interview with Deputy Foreign Commissar Lozovsky on the question of the Northern Sakhalin concessions, stressed the necessity of solving various pending questions, Mr. Lozovsky stated that the Soviet Union also desired the normalization of Soviet-Japanese relations. Thereupon Ambassador Tōgō took the opportunity to urge upon him that it was essential to solve, together with other questions, the frontier questions between Manchoukuo and the Soviet Union as well as those between Manchoukuo and Mongolia, in order to improve relations between the two countries. To this, Deputy Commissar Lozovsky replied that the Soviet Union would study any concrete proposal of Japan regarding the boundary problem, indicating that the Soviet Union also desired to solve the incident through diplomatic negotiations.

Accordingly, Ambassador Tōgō exchanged telegrams with Tokyo, and having received the concrete instructions which the Japanese Government sent after consultation with the Manchoukuo Government, met Commissar Molotov on 9 September. He expressed to the Commissar the desire of the Japanese Government to solve various

pending issues between the two countries with mutual good-will in order to improve general relations, and conveyed to the Commissar that (1) it was proposed to determine the Manchoukuo-Soviet and Manchoukuo-Mongolian border; (2) there was no objection to the establishment of a commission for the solution of border disputes; and (3) a commercial treaty would readily be negotiated. In response to Mr. Molotov's query as to the disputes which the commission as proposed in (2) was to consider, Ambassador Tōgō told the Commissar that the Nomonhan Incident should be solved as soon as possible because the adjustment of relations would be difficult if further conflict were to develop in Nomonhan. Replying to the further query as to the Japanese proposal for the solution of the incident, Mr. Tōgō explained in detail the Japanese proposal for demilitarizing the disputed area with a view to avoiding further conflict and contributing to the improvement of relations between the two countries.

At the second meeting of 9 September, Commissar Molotov stated to Ambassador Tōgō (1) that the demarcation of the Manchoukuo-Soviet and Manchoukuo-Mongolian border and the establishment of a commission for the solution of border disputes were considered appropriate, but that such a commission should handle disputes on land which might occur in future as well as invasion of territorial waters in Kamchatka and Sakhalin; (2) that the conclusion of a treaty of commerce was desired; and (3) that as to the Nomonhan Incident, it was the intention of the Soviet Union to restore the status prevailing before the incident and to solve the incident by withdrawing forces of both parties to the line contended for by the Soviet Mongolians, and that it was considered that that line should be established as the legitimate line inasmuch as it had been fixed for years and that therefore the establishment of a demilitarized zone was not deemed reasonable.

Ambassador Tōgō replied to the Commissar that (1) he would reply to the Russian proposal for extending the competence of the above-mentioned commission to Kamchatka and Sakhalin after consultation with his government; that (2) as to the Nomonhan Incident, the Outer-Mongolian forces had started to invade the Nomonhan area, where they had never been stationed before March or April of this year, and the disputes spread after May; that according to the Russian proposal of the restoration of the original status, the Soviet-Mongolian forces were to retreat to the left bank of the Khalkha River and so there was not much discrepancy between the Russian and Japanese proposals; and that the Japanese proposal offered to establish a demilitarized area in spite of the fact that the Japanese-Manchoukuoan forces had been stationed in the Nomonhan area even before the incident.

Commissar Molotov insisted that it had to be clarified that it was not "demarcation" of the border but was "redemarcation" thereof, and repeated that the border-line that had existed prior to the incident should be restored and that upon securing Japan's agreement to it the Russian forces would retreat to the line. Ambassador Tōgō asserted that Japan could not accept the Soviet proposal because Manchoukuo believed the Nomonhan area to be her territory, insisting at the same time upon the necessity of solving the incident and calming down the tense atmosphere prevailing on the spot.

At the third meeting of 14 September, Ambassador Tōgō offered a compromise plan in which it was proposed that the status prevailing prior to 1 May 1939 should be restored and that both forces should cease hostilities for this purpose. Although Mr. Tōgō explained that the Japanese proposal was generally in agreement with the Soviet proposal except that it did not include the problem of the border line, Mr. Molotov insisted that Japan should recognize the Soviet assertion that the line upheld by the Soviet-

Mongolians had existed prior to 1 May. As Commissar Molotov insisted on his stand in a long discussion, Ambassador Tōgō stated that so long as the Soviet Union did not agree to the proposal of restoration of the original status, the only solution should be to cease hostilities at a line held at a certain time, and requested the Soviet Union for reply. The Commissar promised to consider the matter and make reply.

At the fourth meeting of 15 September, Commissar Molotov stated that the Soviet Union could accept the Japanese proposal of cessation of hostilities made the day before, and agreed thereto and at the same time proposed a draft agreement on the establishment of a joint commission for border demarcation composed of two representatives of Japan and Manchoukuo on the one side and two representatives of the Soviet Union and Mongolia on the other. Thereupon the Commissar and the Ambassador consulted about the time of cessation of hostilities and related matters, as well as the joint commission for demarcation, and the agreement for the cessation of hostilities was concluded at about 2 A.M. of the 16th. It was also agreed that the form of the agreement should be oral instead of in writing. It was decided that the contents of the agreement were to be made public at 3 A.M. of the 16th in a joint communiqué, which is Defense Document No. 1570.

As to the establishment of the joint commission for the Manchoukuo-Mongolian border demarcation based on the agreement of cessation of hostilities at Nomonhan, negotiations were subsequently conducted between Ambassador Tōgō and Foreign Commissar Molotov, and as a result, an agreement was reached between them on 19 November 1939. In accordance with the agreement, the representatives of Japan, Manchoukuo, the Soviet Union and Mongolia held eight conferences in Chita between 7 and 25 December, and another eight in Harbin between 5 and 30 January of the following year. The work of the commission for the demarcation of the border in the Nomonhan area and the district south of the Arshan River came to a deadlock because of differences of opinion after the studies in these sixteen conferences based on maps and documents of high authenticity.

Although the discussions in these conferences foreshadowed the future of the negotiations, Ambassador Tōgō resumed the negotiations concerning the matter around March of 1940, and had frequent conferences with Commissar Molotov and other officers. An agreement was finally reached between Mr. Tōgō and Mr. Molotov on 9 June relative to the border demarcation of the disputed area and determining the border-line on the map.

The agreement concerning the demarcation of the border in the Nomonhan area, signed by Ambassador Tōgō and Foreign Commissar Molotov on 9 June 1940, and the map attached thereto, have been submitted to the Tribunal by the prosecution as Exhibit No. 767. In the lower part of this map is the notation, "The border line between the Mongolian People's Republic and Manchoukuo in the Khalkin Gol area prior to the agreement of 9 June 1940", and "The border line between the Mongolian People's Republic and Manchoukuo in the Khalkin Gol area according to the agreement of 9 June 1940". Such markings, however, did not exist on the map attached to the agreement then signed. Before the Tōgō-Molotov agreement there had never been in the disputed area any border line recognized by international agreement. Next to the above-mentioned markings is written "Scale 1:1,000,000". I recall that at the time of the Tōgō-Molotov negotiations and maps of scale 1:1,000,000, prepared by the Kwantung Army, were used, but that at the time of signing the agreement the 1935 edition of scale 1:200,000, prepared by the Soviet Army General Staff, were used for the sake of convenience. The Tōgō-Molotov

agreement actually mentions this. I recall, furthermore, that that part of the disputed area which the Mongolian People's Republic ceded to Manchoukuo in accordance with the Tōgō-Molotov agreement was the triangular area of the Harat Mountains and the narrow area south of the Arshan River, whereas Manchoukuo agreed to cede to the Mongolian People's Republic the area between the Khalkha River and the new boundary.

In order to clarify on the ground the new boundary determined on the map, Ambassador Tōgō and Deputy Commissar for Foreign Affairs Lozovsky made necessary arrangements on 18 July with regard to the constitution and duties of the border-demarkation commission on the spot. In accordance with the arrangement the representatives of Manchoukuo and Mongolia held six conferences in Chita between 3 and 24 August and agreed upon technical matters, and started operations on the spot after the beginning of September. Meanwhile, Ambassador Tōgō was ordered home on 29 August and left Moscow on 20 October for home. I left for home, also, on 18 October.

As the settlement of the Nomonhan Incident marked the beginning of normal relations between Japan and the Soviet Union, Ambassador Tōgō deemed it proper to proceed to the conclusion of a non-aggression pact between the two countries, which had been his cherished desire. Toward the end of 1939 or the beginning of 1940 he strongly recommended the plan to the Tokyo Government. He sent Secretary Saitō home temporarily for the same purpose--to persuade influential quarters. As a result, Ambassador Tōgō obtained instructions from Foreign Minister Arita for the negotiation of a neutrality pact between the two countries, and commenced negotiations with Foreign Commissar Molotov, which made great progress. Agreement had been reached between them as to the gist of the draft pact when Ambassador Tōgō was ordered home by Foreign Minister Matsuoka, and he subsequently left Moscow.

After I returned home, I served as chief of the Third Section, European-Asiatic Bureau. The operations on the spot concerning the border demarcation in the Nomonhan area were practically at a standstill after December 1940, owing to disagreement of views between the Manchoukuoan and Mongolian representatives. However, immediately after the conclusion of the Neutrality Pact in April 1941 an agreement was reached between Ambassador Tatekawa and Commissar Molotov that the operations on the spot should be concluded within the year 1941. Accordingly the representatives of Manchoukuo and Mongolia met in Chita after 28 May, and after reaching agreement on technical matters on 4 June, started operations on the spot on 27 June. The work was carried on in spite of the Soviet-German War, until it was completed on 17 August, when border-markers were established throughout the entire disputed area. The matter had been completely solved two years after hostilities ceased.

The general protocol and documents attached, drawn by the border-demarkation commission on the ground, were signed in Harbin on 15 October. Although it had been agreed that the governments of Manchoukuo and Mongolia would recognize these documents by exchanging notes on 5 December, this failed to materialize because of procedural delays on the part of the Mongolian Government and for the convenience of the Government of the Soviet Union. The notification of the recognition of these documents was completed in Harbin on 15 May 1942.

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Translation Certificate

I, Nishi Haruhiko, of the Defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

H. Nishi

Tokyo  
16 May 1947

On this 10th day of May 1947.

At Tokyo.

DEPONENT OTA, Saburo (seal)

I, NISHI, Haruhiko hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: (signed) NISHI, haruhiko (seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

OTA, Saburo (seal)