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GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

INTERNATIONAL PROSECUTION SECTION

5 May 1946

The Honorable C. C. Hsiang
Associate Prosecutor for China
Chinese Division
International Prosecution Section
Tokyo, Japan

My dear Judge:

I wish to thank you for your letter of 3 May, 1946, calling my attention to Counts 26 and 36 in the Indictment which appear to imply that there was a "Mongolian People's Republic" existing as early as 1939. I have been hoping to discuss with you the circumstances leading up to the insertion of these Counts in the Indictment, but due to the unusual, if not irregular, motions presented to the Tribunal upon the filing of the Indictment it has been impossible for me as yet to spare the time.

Let me state at once that I am thoroughly familiar with the position which the Chinese Government takes and which I realize you also take on this question concerning the existence of an independent state of Outer Mongolia in 1939. From information furnished me, I understand that the United States takes the same position. However, in the preparation of an indictment against a group of individuals who are to be charged with various crimes, if a dispute may arise over the facts of the case it is often necessary, in order to assure a conviction, that allegations be made which are inconsistent, and also that the accused be charged with acts of which even the prosecuting attorneys doubt the occurrence. Obviously, a legal document of this nature binds neither the attorneys nor the prosecuting agency. It is only the final decision of the Tribunal which is effective.

Moreover, it has been my policy in the prosecution, where questions of policy arise, to follow the action agreed to by a majority of the Associate Prosecutors. In the present case a majority of the Associate Prosecutors were in favor of including these Counts. Even in this case, however, the decision was not based upon the existence or non-existence of an independent state of Outer Mongolia, but upon technical grounds of pleading, and upon policy.

In view of the fact that some individuals may not appreciate the technicalities of legal pleading, or may attempt to take unfair advantage of assertions made in the Indictment, it is my intention to clarify this in my opening speech before the Tribunal. I still intend to discuss with you at length, when an opportune time arrives, the few problems which were raised by the Associate Prosecutors in your absence.

Sincerely yours,

Joseph B. Keenan
Chief of Counsel and of Section

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(Not official translation)

EXCHANGE OF NOTES

- A. Note from Dr. Wang Shih-Chieh, Minister of Foreign Affairs, National Government of the Republic of China, to Mr. Molotov, People's Foreign Commissar, Union of Soviet Socialist Republics.

August 14, 1945

"Monsieur le Ministre:

In view of the desire for independence expressed more than once by the people of Outer Mongolia, the Chinese Government declares that after the defeat of Japan, if a plebiscite of the people of Outer Mongolia confirms this desire, the Chinese Government will recognize the independence of Outer Mongolia in its present boundaries.

The foregoing declaration will take effect after the ratification of the Treaty of Amity and Alliance signed by the Chinese Republic and the Union of Soviet Socialist Republics on August 14, 1945.

I beg you, Monsieur le Ministre, to accept the assurances of my highest consideration.

(signed) WANG SHIH-CHIEH

To Mr. V. Molotov,
People's Foreign Commissar,
Union of Soviet Socialist Republics

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EXCHANGE OF NOTES

- B. Note from Mr. V. Molotov, People's Foreign Commissar, the Union of Soviet Socialist Republics to Mr. Wang Shih-Chieh, Minister of Foreign Affairs, the National Government of the Republic of China.

Moscow, August 14, 1945

*Monsieur le Ministre:

I have the honour to acknowledge the receipt of your note in which you state:

'In view of the desire for independence expressed more than once by the people of Outer Mongolia, the Chinese Government declares that after the defeat of Japan, if a plebiscite of the people of Outer Mongolia confirms this desire, the Chinese Government will recognize the independence of Outer Mongolia in its present boundaries.

'The foregoing declaration will take effect after the ratification of the Treaty of Amity and Alliance signed by the Republic of China and the Union of Soviet Socialist Republics on August 14, 1945.'

The Soviet Government has noted with satisfaction the foregoing Note of the Government of the Chinese Republic and declares in turn that it will respect the political independence and the territorial integrity of the Mongolian People's Republic (Outer Mongolia).

I beg you, Monsieur le Ministre, to accept the assurances of my highest consideration.

(Signed) V. MOLOTOV

To Mr. Wang Shih-Chieh
Minister of Foreign Affairs
of the Chinese Republic

(Not official translation)

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(Signed) V. MOLOTOV

To Mr. Wang Shih-Chieh
Minister of Foreign Affairs
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