

## After the Khabarovsk Trials of 1949: the USSR, US and the Attempt to Organize a New Tribunal at the Far East during the Cold War

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After the Khabarovsk Trials of 1949 over the Japanese war criminals, who were involved in the bacteriological program and human experimentation, the USSR initiated a new trial. The Soviet leadership was willing to attract public attention and bring to court not only the key figures of Japan's bacteriological program but also emperor Hirohito as a war criminal. That was a direct threat to the US policy in occupied Japan, and thus caused a confrontation between Moscow and Washington. This issue brought the two superpowers to heated debates, but the Soviet attempts to accumulate a wide public support on global arena failed. The discussions were doomed to deadlock in the atmosphere of Cold War, particularly after the outbreak of the Korean War. Nevertheless, this is the problem of significant importance for understanding a complicated character of the USSR-US relations, Soviet policy toward Japan, as well as the general structure of international relations at the Far East during the Cold War.

**Keywords:** *The Khabarovsk Trials, bacteriological weapon, Unit 731, Ishii Shiro, Hirohito, Japanese war criminals, Cold War, Soviet-American relations, international relations*

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**For quotation:** *Romanova V.V., Shulatov Y.A. After the Khabarovsk Trials of 1949: the USSR, US and the Attempt to Organize a New Tribunal at the Far East during the Cold War. History of Medicine. 2017. Vol. 4. No 3. P. 261–273.*

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At the end of December of 1949, a trial was held in Khabarovsk on the case of twelve former Japanese servicemen in Soviet camps. During the Kwantung Army's occupation of Manchuria, they had been employees of its secret units engaged in the development and testing of bacteriological weapons. In the indictment based on the materials of the preliminary investigation, it was noted that in 1935–1936, on the orders of Emperor Hirohito, two secret units designed to prepare and conduct bacteriological warfare had been set up in

Manchuria. One of them was called the Epidemic Prevention and Water Purification Department of the Kwantung Army; the other was the Hippo-Epizootic Unit of the Kwantung Army. In 1941, after Nazi Germany's attack on the USSR, these institutions were encrypted, respectively, as Unit 731 and Unit 100. The first was led by Lieutenant General Shirō Ishii, the second by Major General of the Veterinary Corps Yujiro Wakamatsu.

The indictment included such sections as “Criminal experiments on living people”, “Use of bacteriological weapons in the war against China”, “Activation of preparation of bacteriological warfare against the USSR”, and “Personal responsibility of the accused”. In the course of the

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Received: 18.08.2017

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trial the defendants' and witnesses' testimonies were given, as well as the expert opinion, and the facts of the heinous medical experiments conducted by Japanese servicemen were revealed. All the defendants pleaded guilty (one only to some parts of the indictment) and were sentenced to different terms in labour camps [1, p. 8].

The Khabarovsk War Crime Trials, which in Russian historiography are only presented in a few publications, are viewed solely as a result of the USSR's intention to restore justice and punish Japanese criminals, contrary to the US position [1–6]. This view is partly true, and in that lies its undeniable importance. Thanks to the publication and translation of the trial materials into different languages, many learned about the crimes of Japanese military doctors for the first time. It is worth noting that, due to the position of the US administration, the participants of the International Military Tribunal for the Far East, which tried Japanese war criminals in Tokyo (3rd of May 1946 – 12th of November 1948), were not aware of them, either. Thus, later, one of the judges of the tribunal, Bert V. A. Rolling, noted that he “first learnt of the Japanese atrocities as a result of the trial in Khabarovsk” [7–8]. The crimes committed by the Japanese military during the war, including the activities of Unit 731, were the subject of close attention for foreign historians, including those in Japan [9–14]. At the same time, the trial in Khabarovsk and the related international controversy remained practically beyond the scope of research. In many ways the atmosphere of the Cold War caused a cautious attitude towards this tribunal and suspicions of its conjunctive and propagandistic nature. Thus the Khabarovsk trials, their organisation, and their consequences in the context of international relations have not been studied sufficiently in either domestic or foreign historiography, despite their importance for understanding the Soviet policy towards Japan and Soviet-American relations within the framework of the emerging structure of a new geopolitical confrontation between the two superpowers, the USSR and the USA.

Like any other historical event, the Khabarovsk trials cannot be evaluated outside the historical context, which in this case was full of complications that affected the preparation of the tribunal, the format of their proceedings, and the subsequent use of their results.

The decision to conduct a separate trial of Japanese military bacteriologists in the USSR came as a result of the growing confrontation between former allies in the anti-Hitler coalition. Initially, the question of the Japanese physicians' experiments on people arose in the summer of 1946 during the Tokyo War Crimes Tribunal. At the request of the Chief Prosecutor, US Representative Joseph Keenan, the USSR was preparing to send to Tokyo witnesses identified amongst prisoners of war who were living in Soviet camps.<sup>1</sup> However, the leading developers of Japanese bacteriological weapons, headed by Ishii, were found to be at the disposal of the Americans, who soon, as it turned out, provided them with immunity from prosecution in exchange for valuable information. This determined the decision of the Soviet leadership to independently organise a trial of prisoners of war of the Kwantung Army involved in the development of bacteriological weapons.<sup>2</sup> Undoubtedly, it was a consequence of resentment towards the actions of the American side and a reflection of the intention not only to present the crimes of the Japanese military to the international public and retaliate, but also to expose the position of former allies that had become the main opponent in the global confrontation after the Second World War.

The Khabarovsk trials were prepared in great haste. Initially, they were supposed to begin on the 7th of December and end no later than the 14th of December 1949.<sup>3</sup> Then by the decision of the Council of Ministers of the USSR the beginning was postponed until the 17th of December, and completion until the 25th of December 1949.<sup>4</sup> The trial started on the 25th of December and lasted six days, until the 30th of December 1949. The reason for the hurry was the fact that in January 1950 the death penalty was reintroduced in the USSR and, apparently, a political decision was made to protect the Japanese accused from capital punishment. Meanwhile, the courts of various countries judging Japanese war criminals practiced it quite widely so that, by July 1948, 239

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<sup>1</sup> Foreign Policy Archive of the Russian Federation (AVP RF). F. 0146. Op. 30. P. 282. D. 29. L. 317.

<sup>2</sup> For more information, see: [15].

<sup>3</sup> The Russian State Archive of Socio-Political History (RGASPI). F. 82. Op. 2. D. 1387. L. 12.

<sup>4</sup> The Archive of the President of the Russian Federation (APRF). F. 3. Op. 66. D. 1065. L. 33.

out of 1,013 convicts had been sentenced to death in the USA, 139 in Australia, 144 in China, 77 in England, and more in other countries.<sup>5</sup> The political leadership of the USSR at that time could hardly be suspected of unprecedented humanity. Then what motivated this decision? There is no definite answer, but it is possible that it was the desire to keep the main criminals, as carriers of valuable information, alive.

Despite considerable work in preparation for the trials, an extensive evidence base, and careful compliance with the protocol, its legal vulnerability was evident. Firstly, about 600,000 Japanese prisoners of war and internees who were living in the Soviet camps had been expatriated from Manchuria to the Soviet Union in 1945 in violation of the Potsdam Declaration.<sup>6</sup> Secondly, the final accusation was brought against the defendants under Paragraph 1 of the Decree of the Presidium of the Supreme Soviet of the USSR of the 19th of April 1943: “On penalties to be imposed on German Nazi malefactors found guilty of the killing and torture of Soviet civilians and captive Red Army soldiers, on spies, traitors of the Fatherland from the ranks of Soviet citizens and on their supporters”. Despite the obvious criminal nature of the activities of the Japanese military engaged in the creation of bacteriological weapons in the territory of Manchuria, which was connected with inhuman experiments on people, the validity of the accusation under this paragraph of the decree is puzzling.

It is possible that this was all realised by the Soviet authorities, who determined the format of the Khabarovsk Tribunal. It is curious that on the day of its commencement on the 25th of December 1949, the text of the indictment in the case of twelve former soldiers of the Japanese army “accused of preparing and using bacteriological weapons” was posted on the fourth page of *Pravda* without any explanation. The first three pages were devoted to the grand celebration of the 70th birthday of Joseph Stalin. The TASS report on the start of the trial in Khabarovsk, as well as the report on the first day of its proceedings, was published by the main newspaper of the country only the next day, and once again on the last page. Khabarovsk’s *Pacific Star* was published

only on the 27th of December 1949 (it was a reprint of the official TASS report). One has the impression that the authorities, relying upon the propagandist effect of the tribunal proclaimed as open, tried to avoid excessive publicity in covering its proceedings. Foreign correspondents were not invited. The audience in the hall of the House of Officers where the meetings were held was specially selected.<sup>7</sup>

Subsequent events showed that Soviet leadership attached the greatest importance to the Khabarovsk trials as one of the arguments in the battles of the escalating Cold War. The trump card was the fact that the US, acting in its own interests, had taken the main criminals – the developers of bacteriological weapons, headed by Shirō Ishii – under its protection knowing of the criminal nature of their activities. The US authorities had ignored Soviet accusations and repeatedly referred to the illegal expatriation to the USSR from Manchuria and the placement of hundreds of thousands of Japanese prisoners of war in labour camps. These two circumstances became permanent threads running in diplomatic fights between the two countries for the coming years.

As the documents show, on the 30th of December 1949, when the trials were still in progress in Khabarovsk, the US Secretary of State sent a note to the Soviet ambassador insisting that his government “agree to establish an international humanitarian organisation with the task of making a full investigation of the situation” with the Japanese prisoners of war. According to the US State Department’s press release, “there hasn’t been any response, not even a confirmation of reception of the note”.<sup>8</sup>

Almost immediately after the Khabarovsk Tribunal ended, the Soviet Ministry of Foreign Affairs (MFA) planned a series of events to not only broadly inform the “international public” about its results, but also to further expose the US position on the issue of the persecution of Japanese criminals involved in the development of bacteriological weapons.

On the 3rd of January 1950, the Minister of Foreign Affairs of the USSR, A.Y. Vyshinsky, was given a memorandum. It proposed first to

<sup>5</sup> AVPRF. F. 0146. Op. 044. P. 313. D. 36. L. 114.

<sup>6</sup> For more information, see: [16-20].

<sup>7</sup> RGASPI. F. 82. L. 2. F. 1387. P. 12.

<sup>8</sup> RGASPI. F. 82. L. 2. F. 1387. P. 78.

send a letter signed by N.K. Derevianko, who was a representative of the Soviet High Command in the Far East, to General D. MacArthur: “In which, after a brief summary of the main findings of the trial, state that during the trial was found a significant number of war criminals (attach a list) who are now in Japan and who took part in the manufacturing and employing of bacteriological warfare, thus demanding a thorough investigation of the activities of these individuals with the participation of representatives of the Union Council for Japan”. The document states that, in particular, it would be possible to repeat the demand for the extradition of Lieutenant General Shirō Ishii. A “list of war criminals who are outside of the USSR and mentioned in the materials of the military tribunal in Khabarovsk” was attached to the note. It consisted of 48 names, including Emperor Hirohito; Lieutenant general Shirō Ishii, commander of Unit 731, and also his brother, who worked in Unit 731 as the prison governor; Major general Yujiro Wakamatsu, commander of Unit 100; General Yoshijirō Umezu, former commander-in-chief of the Kwantung Army (he had already died, in January 1949); Kaoru Kasuga, head of the Harbin Gendarmerie Administration; General Rippo Ogisu, commander of the 6th Army at Khalkhin-Gol; General Yukio Kasahara, former Chief of Staff of the Kwantung Army; Tanaka, an engineer and the designer of a special cane with fleas; and others. The authors of the note did not exclude the expectation “that MacArthur will try to turn this investigation into a kind of counter-trial, in order to weaken the significance of the Khabarovsk trial”. Secondly, it was recommended “to send a note to all states with which the Soviet Union has diplomatic relations, with a statement of the main conclusions of the trial in Khabarovsk. In this regard, in a note, once again draw the attention of governments (and peoples) of these states to the need for taking effective measures against the warmongers... It would be expedient to attach the materials of the trial in Khabarovsk to the notes”. Thirdly, it was proposed “to publish through the Ministry of Justice and translate into main foreign languages a collection of materials of the Khabarovsk trial and organise the wide dissemination of these materials abroad”.<sup>9</sup>

<sup>9</sup> AVP RF. F. 0146. Op. 48. P. 320. D. 35. L. 1–4.

Having familiarised himself with the memorandum, A.Y. Vyshinsky gave instructions to prepare a note on the results of the Khabarovsk trial. Soon after, on the 7th of January 1950, he was presented with a project. It contained a demand to extradite Emperor Hirohito, who, as noted, had been exposed “in committing grave crimes against humanity, [and] must be stripped of power and all prerogatives bestowed upon him and be brought to justice as a war criminal” by the USSR. Along with Hirohito, “war criminals, inspirers and organisers of bacteriological warfare” generals Shirō Ishii, Masaji Kitano, Yujiro Wakamatsu and Yukio Kasahara “should be brought to trial”. The demand for the extradition of these individuals to the USSR was supported by the fact that “as was established at the trial in Khabarovsk”, their “crimes were directed primarily against the Soviet Union”. The text expressed confidence that “this just demand, consistent with the interests of all progressive humanity, as well as the interests of the Japanese people themselves”, would be supported by the governments of the member countries of the Far Eastern Commission (FEC).<sup>10</sup>

An explanatory note, signed by the head of the legal department of the Ministry S.A. Golunsky (who acted as USSR accuser at the Tokyo trial) and the head of the Second Far Eastern Department of the Ministry of Foreign Affairs E.G. Zabrodin, was attached to the project. They specified that the note should be addressed to the “governments – members of the Far Eastern Commission, at the non-governmental level – to the members of the Union Council for Japan, since the note raised the question of the trial of Emperor Hirohito of Japan”. As early as the 3rd of April 1946, during the preparation stage of the International Military Tribunal in Tokyo, the FEC (which, as is known, included the USSR as well) had decided on the arrest and punishment of war criminals in the Far East. It had stated: “The directive that the United States Government will send to the Commander-in-Chief must be formulated in such a way as to exclude the Japanese emperor from being accused of being a war criminal without the permission of the Far Eastern Commission”.<sup>11</sup>

In accordance with this decision, Paragraph

<sup>10</sup> AVP RF. F. 054. Op. 36. P. 644. D. 139. L. 27–28.

<sup>11</sup> AVP RF. F. 0146. Op. 48. P. 320. D. 35. L. 5.



17 of the Directive on the Identification and Apprehension of Persons Suspected of War Crimes or Other Offenses and Trial of Certain Offenders sent by the US Government to D. MacArthur after the occupation of Japan contained a direction on the matter of the Japanese emperor. It was suggested “not to take any actions directed against the emperor as against a war criminal until the reception of a special directive concerning the treatment of him”.<sup>12</sup> The original Soviet position on this issue was reflected in the secret directive “to the Soviet representatives in the International Military Tribunal in Tokyo for the trial of the Japanese main war criminals” of the USSR Foreign Ministry, approved on the 20th of March 1946. In the directive, it was stated, in particular: “The question of including Emperor Hirohito into the accused is not to be raised, but if representatives of other countries put this proposal forward, then we support it”.<sup>13</sup>

However, during the preparation of the Khabarovsk trials, the Soviet side was already carefully searching for evidence of the involvement of the Japanese emperor in organising the development of bacteriological weapons. At the disposal of the investigation there were only testimonies of POW generals Ryuji Kajitsuka and Kiyoshi Kawashima, who stated that they were acquainted with the relevant decrees of Hirohito. Despite all its efforts, the Ministry of Internal Affairs did not manage to find the texts of the decrees of the Japanese emperor. Through its channels the Ministry of Foreign Affairs also gave “appropriate instructions in Tokyo to obtain these decrees”, but all efforts were in vain.<sup>14</sup>

In the aforementioned explanatory note S.A. Golunsky and E.G. Zabrodin stated that, in accordance with the protocol, when considering the issue raised by the Soviet Union in the FEC, “they may demand the presentation of evidence relating to the facts mentioned in the note”. In this regard, they recommended conducting “additional investigative actions with respect to crimes committed by persons mentioned in the note”. In addition, the authors considered “confirmation by Chinese sources of facts pertaining to the use of bacteriological agents in

the territory of China in the regions of Ningbo<sup>15</sup> (Ningbo) in 1940 and Changde in 1941, as well as the investigation of the statements of the Viennese doctor Kent, who observed the use of bacteriological agents by the Japanese in China, published in *Pravda* on the 5th of January 1950, and the statements of the former non-commissioned officer of the medical service of the Japanese army, Nakanishi, about the existence in Nanjing of a large factory producing bacteriological weapons, which were tested on Chinese prisoners of war, for the army, to be very important”. This evidence seemed extremely important to them due to the possibility that representatives of the Kuomintang would deny these facts when considering the issue at the FEC.<sup>16</sup>

It should be noted here that of the abovementioned facts, two – the use of bacteriological agents in China in the regions of Ningbo in 1940 and Changde in 1941 – had already been featured in the indictment of the Khabarovsk Tribunal. H. Kent’s testimony was first published by the newspaper of the Communist Party of Austria *Volksstimme* on the 24th of July 1949.<sup>17</sup> Despite the fact that active preparation for the Khabarovsk trial was going on during this period, this publication for some reason remained undetected by the investigation. Later, on the 4th of January 1950, the same material was published by the newspaper *Der Abend*, and the next day, on the 5th of January 1950, a report appeared in *Pravda*, too.

S.A. Golunsky and E.G. Zabrodin proposed to instruct A.S. Zheltov, Deputy High Commissioner of the USSR in Austria, “to find out the possibility of receiving a detailed statement from the Viennese physician Kent about the facts of the use of bacteriological agents by the Japanese in the war with China known to him”.<sup>18</sup>

Having received a memorandum, A.Y. Vyshinsky appealed to the Minister of Internal Affairs S.N. Kruglov: “In connection with the alleged statement of the issue of the extradition as war criminals of the Japanese Emperor

<sup>12</sup> AVP RF. F. 0146. P. 282. Op. 30. D. 28. L. 154.

<sup>13</sup> AVP RF. F. 0146. P. 282. Op. 30. D. 28. L. 11.

<sup>14</sup> AVP RF. F. 0146. P. 313. D. 36. L. 111.

<sup>15</sup> The spelling of the city name is given in accordance with an archival document.

<sup>16</sup> AVP RF. F. 0146. Op. 48. P. 320. D. 35. L. 5–6.

<sup>17</sup> AVP RF. F. 054. Op. 19. P. 173. D. 88. L. 5.

<sup>18</sup> AVP RF. F. 0146. Op. 48. P. 320. D. 35. L. 6.

Hirohito and the generals of the Japanese army Ishii, Kitano, Wakamatsu, and Kasahara to the USSR, there is a need for additional investigative actions so that we can have materials that most fully expose the aforementioned persons in the organisation, preparation and implementation of bacteriological warfare, at our disposal. At the same time, it should be borne in mind that the most important evidence regarding these persons may be required to justify the demand for their extradition". Here A.Y. Vyshinsky asked his colleague to provide the Foreign Ministry with information about the already-mentioned plant in Nanjing.<sup>19</sup> At the same time, the Minister of Foreign Affairs appealed to the Prosecutor General G.N. Safonov with an urgent request to provide copies of the testimony of the defendants and witnesses at the Khabarovsk trial.

Quite promptly, on the 12th of January 1950, a file on the doctor Heinrich Kent was submitted to the Ministry of Foreign Affairs through diplomatic channels. It turned out that Dr. Kent, born in 1910, a native of Vienna, had a very interesting biography. In 1937, he went to Spain, where he was a doctor in an international brigade. The following year he joined the Spanish Communist Party. In 1939, he left for London, and from there he went with a group of communist doctors to Chongqing as a doctor of the Chinese Red Cross and a medical adviser to the Chinese army. At the end of his work in China, he was "responsible for medical activities in the whole of northern China, including the areas occupied by the Communists at that time". In September 1947 he returned to Austria, became a member of the Communist Party, and for the period in question was engaged in private medical practice in the Soviet sector of Vienna.<sup>20</sup> However, the evidence of contacts of Soviet representatives with H. Kent for the purpose of obtaining information on the use of bacteriological weapons by the Japanese in China has not yet been found.

As for the existence in Nanjing of a plant for the production of bacteriological weapons for the Japanese army, we have not yet found any documents that testify to the efforts of the Foreign Ministry to find appropriate evidence.

After the USSR procuracy provided the investigative documents, the employees of the Foreign Policy Department E.G. Zabrodin and Deputy Head of the Treaty and Law Department P.D. Morozov, having familiarised themselves with the documents, reported to A.Y. Vyshinsky on the 16th of January, 1950, that they did not find convincing proof of Hirohito's guilt in the materials of the Khabarovsk trials. "It would be very important", they noted in their memorandum, "to collect evidence to convict Hirohito that, by signing decrees on the formation of Unit 731, he knew about the nature of the activities of the unit or received reports on preparations for a bacteriological war". They again suggested interrogating "persons who were tried in Khabarovsk, ...specifically on the role of Hirohito in the preparation and application of bacteriological warfare".<sup>21</sup>

We do not know if additional investigative actions were carried out concerning this matter, but on the 20th of January 1950, a draft note, signed by A.Y. Vyshinsky, of the Soviet government "regarding the extradition to the Soviet authorities for the trial as war criminals" of the five people mentioned above (including Hirohito) – who, according to the testimony of the defendants convicted by the Military Tribunal in Khabarovsk, were convicted of preparing and using bacteriological weapons – was sent to Stalin. Copies were sent to V.M. Molotov, G.M. Malenkov, L.P. Beria, A.I. Mikoyan, L.M. Kaganovich, and N.A. Bulganin.<sup>22</sup>

This project was not approved, and we do not have documents that clearly indicate the reasons. A week later, on the 27th of January 1950, S.A. Golunsky sent A.Y. Vyshinsky a new draft note with an amended final part. In the draft cover letter addressed to Stalin it was explained: "In addition to the letter of the 20th of January 1950, I inform you that the Ministry of Foreign Affairs of the USSR, having discussed the question of how to bring to justice as war criminals the Japanese Emperor Hirohito and generals Shirō Ishii, Masaji Kitano, Yujiro Wakamatsu and Yukio Kasahara, came to the conclusion not to demand the extradition of these criminals to the Soviet Union, but to ask the US government and

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<sup>19</sup> AVPRF. F. 054. Op. 36. P. 644. D. 139. L. 3–4.

<sup>20</sup> AVPRF. F. 054. Op. 19. P. 173. D. 88. L. 15.

<sup>21</sup> AVPRF. F. 0146. Op. 48. P. 320. D. 35. L. 8–9.

<sup>22</sup> AVPRF. F. 07. Op. 23a. P. 30. D. 407. L. 56.

other states of the FEC the question of appointing a special International Court of Justice and of transferring to the said International Court of Justice the aforementioned persons".<sup>23</sup>

The revised draft of the note was approved on the 30th of January 1950, at a meeting of the Politburo.<sup>24</sup> The next day, on the 31st of January 1950, A.Y. Vyshinsky sent the instructions to the Soviet ambassadors in Washington, London, and Beijing to deliver a note to the leaders of the foreign affairs agencies of the countries concerned or to their deputies.<sup>25</sup> The US Ambassador was also ordered to send "copies of the note to all representatives of the FEC member countries accredited in Washington, with the exception of the Philippines", with which there were no diplomatic relations.<sup>26</sup>

Two days later, on the 3rd of February 1950, the text of the note was published. It contained information about the Khabarovsk trials of Japanese war criminals and their results. Additionally, the note stated: "It would, however, be unfair to leave unpunished other major organisers and inspirers of these heinous crimes". Amongst them were the following: the emperor of Japan, Hirohito, according to whose special secret decree, as stated in the note, "on the territory of Manchuria was created the center of the Japanese army to prepare bacteriological warfare and use bacteriological weapons"; Lieutenant General of the Medical Service Shirō Ishii, whose "active organising role ...in the criminal preparation and practical application of bacteriological weapons" had been fully proved at the Khabarovsk trials; Lieutenant General of the Medical Service Masaji Kitano, who headed Unit 731 from August 1942 to March 1945; Major General of the Veterinary Service Yujiro Wakamatsu, commander of Unit 100 from 1941 to 1945, who had been engaged in the manufacturing of bacteriological weapons, sabotage by infecting water reservoirs, pastures and livestock with dangerous pathogenic bacteria, and inhuman criminal experiments on living people; and Lieutenant General Yukio Kasahara, Chief of Staff of the Kwantung Army from 1942 to 1945, who had "led the preparation of a bacteriological

war against the USSR". Thus, it was concluded that "in the preparation and implementation of the bacteriological war, which is the gravest crime against humanity, the leading role was played not only by the Japanese war criminals previously convicted by the International Military Tribunal for the Far East and the 12 Japanese war criminals convicted by the Military Tribunal in Khabarovsk", but also by the aforementioned 5 persons. On this basis, and also in accordance with the Geneva Protocol of the 17th of June 1925, and the decisions of the FEC of the 3rd of April, 1946, the Soviet government proposed "to appoint in the near future" a special international military tribunal and to hand the indicated "war criminals convicted of committing grave crimes against humanity" over to it. The note contained a promise to transfer all the necessary materials of the Khabarovsk trials to the tribunal immediately after its formation. Copies of the note were also presented to the governments of Australia, Burma, Holland, India, Canada, New Zealand, Pakistan, and France, which were part of the FEC.<sup>27</sup>

Only the government of the People's Republic of China, formed in October 1949, responded to the Soviet note. Chairman of the PRC Mao Zedong was visiting the Soviet Union from December 1949 to February 1950.<sup>28</sup> It seems that the leadership of the USSR and the PRC conducted consultations on issues including Japanese prisoners of war and the Khabarovsk trials, in order to synchronise their positions.

On the part of other states, primarily the US, there was no reaction.<sup>29</sup> However, as indicated in the report of the Ministry of Foreign Affairs to Stalin on the 3rd of February 1950, classified as secret, the US State Department issued a statement for the press, "in which not a single word was said about the results of a public trial in Khabarovsk of a group of Japanese war criminals who participated in the preparation of a bacteriological war".<sup>30</sup> It only reported that the contents of the Soviet note handed to the Secretary

<sup>27</sup> *Pravda*. 1950. February 3.

<sup>28</sup> On the 14th of February, 1950, an agreement was signed in Moscow on friendship, union, and mutual assistance between the USSR and the PRC; a number of bilateral agreements on military cooperation, economic assistance, etc., were signed as well.

<sup>29</sup> AVP RF. F. 07. Op. 23a. D. 407. L. 102.

<sup>30</sup> AVP RF. F. 07. Op. 23a. D. 407. L. 110.

<sup>23</sup> AVP RF. F. 07. Op. 23a. P. 30. D. 407. L. 93.

<sup>24</sup> RGASPI. F. 17. Op. 3. D. 1079. L. 83.

<sup>25</sup> APRF. F. 3. Op. 66. D. 1065. L. 71–89.

<sup>26</sup> APRF. F. 3. Op. 66. D. 1065. L. 90.

of State on the 1st of February 1950, amounted to a proposal to convene the International Military Tribunal in the near future in order to attract the Emperor of Japan and a number of former Japanese generals on charges of crimes against humanity. According to the State Department, “the time of delivery and the contents of the Soviet note submitted four and a half years after the surrender and many months after the trials of war criminals have ended in Japan, strongly indicate that the main purpose of the note is to divert attention from the fact that the Soviet Union did not repatriate and did not explain the fate of more than 370,000 Japanese prisoners of war detained in the territory controlled by the Soviet Union”.<sup>31</sup> At the same time, a reference was made to the fact that the Soviet Union had never responded to an American note of the 30th of December 1949, proposing the establishment of an international humanitarian organisation to investigate the situation of prisoners of war.

As for the fate of Hirohito, the State Department, referring to the minutes of the seventh meeting of the FEC on the 3rd of April, 1946, and the directive to the Supreme Commander-in-Chief, pointed out that MacArthur “cannot take any measures against the Japanese emperor without a new decision of the Far Eastern Commission. These facts are known to the Soviet government, which could have, in accordance with the normal procedure, submitted to the Far Eastern Commission a proposal with the recommendations contained in its note. The fact that the Soviet government did not do so, but put these belated charges forwards in a sensational manner, raises natural doubts about the real goal behind the Soviet note”.<sup>32</sup> There was no official response to this message of the US foreign policy department from the Soviet Union.

The USSR Ministry of Foreign Affairs instructed its representatives in Japan to collect information on the responses to the note “in the Japanese government and public circles”. In a review of the 23rd of February 1950, prepared by the Information Committee for A.Y. Vyshinsky, for example, the following opinions were cited. Director of the trading company Progress Zenzaburo Hara: “The note of the Ministry of

Foreign Affairs of the USSR was very late. The Japanese public is perplexed why the Soviet government did not demand a trial of the emperor immediately after the war, when there were relatively good relations between the USSR and the US, but raised this issue at the time when relations between these countries have become particularly tense”. As reported in the review, “an employee of Mainichi Shimbun Hitoshi Yamamoto, close to the Americans, said that the demand of the Soviet government is directed to ‘prevent the Americans from signing a separate peace with Japan headed by emperor Hirohito, who is accused of military crimes’”.<sup>33</sup>

In order to acquaint the “international community” with the results of the Khabarovsk trials and the facts that had been discovered about the Japanese development of bacteriological weapons and inhuman experiments on people, “along with the fact of patronage extended to the exposed initiators of bacteriological warfare by the United States”, the USSR prosecutor’s office officially initiated the issue of publishing the court materials. In accordance with the established protocol, the Prosecutor General G.N. Safonov sent to the Deputy Chairman of the Council of Ministers of the USSR V.M. Molotov on the 19th of January 1950, a note stating that “the publication and wide dissemination of the materials of the process... undoubtedly has a great propagandist significance”.<sup>34</sup> This initiative was reported to Stalin, and he gave appropriate instruction.

In the summer of 1950, a book titled *Materials on the Trial of Former Servicemen of the Japanese Army Charged With Manufacturing and Employing Bacteriological Weapons*, comprising 538 pages, was published. It fully reflects the essence of the trials held in Khabarovsk. On the signal copy, published in English, there is a note by V.M. Molotov: “It is necessary that our press (+ foreign press) popularise this publication against the militant warmongers – bacteriologists, etc.”<sup>35</sup> The book was translated into English, German, French, Japanese, Korean, and Chinese and, in accordance with the instructions of V.M. Molotov, sent out “to

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<sup>31</sup> AVP RF. F. 0146. Op. 52. P. 327. D. 38. L. 11.

<sup>32</sup> AVP RF. F. 0146. Op. 52. P. 327. D. 38. L. 12.

<sup>33</sup> AVP RF. F. 07. Op. 23a. P. 30. D. 407. L. 97.

<sup>34</sup> AVP RF. F. 3. Op. 66. D. 1065. L.53.

<sup>35</sup> RGASPI. F. 17. Op. 137. D. 422. L. 1.



speakers and lecturers” by the Sovinformburo (Soviet Information Bureau) in 38 countries, and in 53 more by the All-Union Society for Cultural Relations with Foreign Countries (VOKS<sup>36</sup>). A considerable number of copies were sent abroad by the International Book-Publishing Office<sup>37, 38</sup>. The publication was widely distributed in Japan; many libraries (universities, etc.) still keep the materials of the Khabarovsk trials, published in the USSR in 1950 in Japanese, or their later reprints [21–22].

Meanwhile, the tension in the relations between the USSR and the United States was growing; the world entered the era of the Cold War. The situation in the Far East was alarming, especially on the Korean peninsula, where, after the victory of the Communists in the Civil War in China, the main focus of the confrontation of the two systems in the region shifted. Joseph Stalin, previously critical of Kim Il-Sung’s repeated persuasion to give approval to the unification of Korea through military means, changed his position in the first half of 1950. The Kremlin decided that the strategic balance of power in the Far East had changed in favour of the communist camp. Mao Zedong promised, if necessary, to support the North Koreans. In the spring of 1950, preparations by the northerners for an offensive operation against the South entered a crucial phase.<sup>39</sup>

Against that backdrop the confrontation on the “Japanese question” was developing between the USSR and the US. When the Circular No. 5 of the Supreme Commander for the Allied Powers in Japan, General MacArthur, published on the 7th of March 1950, established that war criminals serving sentences in Japan could be released on parole, the leadership of the USSR saw this as a change in the US position regarding the convicted Japanese war criminals. On the 11th of May 1950 the Soviet government sent a note of protest to the US in connection with MacArthur’s actions. It pointed to the illegitimacy of the Circular No. 5 issued by him and demanded that measures be taken to abolish it [28, pp. 165–168]. However, the US State Department remained silent.

Therefore, the Ministry of Foreign Affairs of the USSR considered it “expedient to send a note to the governments of the USA and the UK with a reminder that the Soviet government expects a reply to the note of the 1st of February in the shortest possible time”.<sup>40</sup> On the 25th of May 1950, Stalin received a letter signed by First Deputy Minister of Foreign Affairs A.A. Gromyko, and the draft resolution of the Central Committee of the CPSU (b). On the 29th of May 1950, a “draft of the note to the Governments of the United States and Great Britain on the trial of Hirohito” was approved. It was decided that copies of the note were to be sent to the governments of Australia, Burma, Holland, India, Canada, China, New Zealand, Pakistan, and France, and that the text was to be published.<sup>41</sup> The note of the 30th of May 1950, repeated the main provisos of the Soviet note of the 1st of February, 1950, and at the end contained a reminder to the State Department that more than three months had passed since the delivery of the latter, and no reply had been received.<sup>42</sup>

Again, neither the US nor the UK gave a substantial response. On the 8th of June 1950, the US State Department prepared a note as a response to the Soviet note of the 11th of May 1950. It declared the validity of General MacArthur’s actions for the early release of war criminals convicted by the Tokyo International Military Tribunal.<sup>43</sup> Washington showed reluctance to discuss its steps in this direction. Moscow understood this response but continued diplomatic pressure, despite the fact that the international situation did not leave any illusions about the possibility of reaching an agreement with the Americans. On the 25th of June 1950, North Korean troops crossed the 38th parallel, rapidly expanding the offensive to the south. The Korean War began.

Soon after its beginning, on the 1st of July 1950, A.A. Gromyko informed Stalin that a State Department spokesman had told reporters that they had received a new note from the Soviet government regarding Hirohito. It was stated that the position of the US had not changed since the

<sup>36</sup> Russian name: Vsesoiuznoe Obshchestvo Kulturnoi Sviazi s zagranitse.

<sup>37</sup> RGASPI. F. 82. Op. 2. D. 1387. L. 62.

<sup>38</sup> Russian name: Mezhdunarodnaya Kniga.

<sup>39</sup> For more information, see: [23–27].

<sup>40</sup> AVP RF. F. 07. Op. 23a. P. 30. D. 407. L. 97.

<sup>41</sup> RGASPI. F. 17. Op. 163. ch. 2. D. 1550. L. 16.

<sup>42</sup> RGASPI. F. 17. Op. 163. ch. 2. D. 1550. L. 17.

<sup>43</sup> AVP RF. F. 0146. Op. 48a. P. 323. D. 1. L. 40.

first note of the Soviet Government of the 1st of February and that the US continued to object to the accusations of Emperor Hirohito.<sup>44</sup>

At the same time, it is known that the US was afraid of attempts by the USSR to take up this issue with the FEC and were preparing for such a development of events. This is evidenced by a document of the Foreign Policy Archive of the Russian Federation – a copy of the confidential “Note to the discussion with other delegations of the FEC regarding the Soviet proposal for a trial of the Japanese emperor and four generals for war crimes”. It was prepared for the State Department by Dr. Blakeslee and dated the 9th of August 1950. It contained recommendations on the US strategy in the event of the USSR’s appealing to the FEC. First of all, it explains the inexpediency from the point of view of American interests of bringing Hirohito to trial: “The emperor performs the role of constitutional sovereign and national symbol well. ...Humiliation by arrest and trial as a war criminal would cause deep discontent of the Japanese, jeopardise the internal order in Japan and could turn the Japanese against occupation. To accuse the emperor as suggested would mean to drop one of our most powerful supports in Japan and cause ourselves a great and unjustified harm”.<sup>45</sup> According to Blakeslee, “it would also be unreasonable” to judge the four Japanese generals. At the same time he referred to the recommendations of the FEC of the 31st of March 1949 (passed before the Khabarovsk trial) that all courts for classes B and C war crimes “should be completed, if possible, before the 30th of September 1949”.<sup>46</sup> Naturally, the author of the note was not aware that long before the Commission’s resolution, the US leadership had made a secret decision to grant the main developers of Japanese bacteriological weapons immunity from prosecution in exchange for information. Blakeslee concluded that since the Soviet representatives in the Commission must have understood that the proposal for the establishment of an international tribunal could not be accepted, it had been made “for the purpose of propaganda”. However, according to Blakeslee, “a lengthy discussion of the Soviet

proposal in the Far Eastern Commission, accompanied by frequent statements by the Soviet press containing charges, would have an unpleasant impression on the Japanese. It would therefore be desirable to tear down the Soviet proposal and get rid of it as quickly and decisively as possible, with due respect to the established procedure of the Commission and to the views of other delegations”.<sup>47</sup> Further on, he proposed a mechanism for implementing this strategy. First, it would be necessary “to consult, if possible, with a large number of other delegations and try to obtain in advance a decision on their part that they will oppose the Soviet proposal. Secondly, during the consultations with other delegations, procedural questions should be worked out on how to effectively get rid of the Soviet proposal”. Blakeslee suggested, at the discretion of the State Department, several procedures for considering the Soviet proposal in the FEC which could ensure its non-acceptance.<sup>48</sup>

However, as far as we know, the USSR did not take up the issue of organising an international tribunal with the FEC, as required by the protocol, but continued to send notes. Such tactics once again confirm the propagandist nature of the Soviet demand.

In early December 1950, the USSR Ministry of Foreign Affairs made a proposal to send a third note to the governments of the US and UK regarding the trial of Hirohito, which was reported to Stalin on the 6th of December.<sup>49</sup> On the 15th of December 1950, the USSR ambassador to the United States, A.S. Panyushkin, handed the note to US Secretary of State Dean Acheson on behalf of the Soviet government. It stated that, since the reception of the first note of the 1st of February, 1950, ten months had elapsed, and despite the repeated note of the 30th of May of the same year, no reply had yet been received. This, the document indicated, “causes natural bewilderment in the broader social circles that cannot tolerate any kind of indulgence or patronage for war criminals who have been found guilty of preparing and conducting an inhuman bacteriological war”. The note stated that “the Central People’s Government of the People’s Republic of China

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<sup>44</sup> AVP RF. F. 07. Op. 23a. P. 30. D. 407. L. 110.

<sup>45</sup> AVP RF. F. 0146. Op. 48. P. 317. D. 7. L. 47.

<sup>46</sup> AVP RF. F. 0146. Op. 48. P. 317. D. 7. L. 47.

<sup>47</sup> AVP RF. F. 0146. Op. 48. P. 317. D. 7. L. 48.

<sup>48</sup> AVP RF. F. 0146. Op. 48. P. 317. D. 7. L. 49–50.

<sup>49</sup> AVP RF. F. 07. L. 23a. F. 30. F. 407. P. 110.

has already responded their agreement to the proposal made by the Soviet Government in a note of the 1st of February, 1950”, and pointed out that the Soviet government expected the US government to respond to it “in accordance with the obligations it assumed to bring the war criminals to trial”.<sup>50</sup>

It is difficult to judge what this appeal was designed for in the midst of military operations on the Korean peninsula. Like all previous diplomatic messages on this topic, it was left unanswered. Soviet representatives could not find direct and conclusive evidence of the involvement of the Japanese emperor in war crimes,<sup>51</sup> and international public appeals had had an inconsiderable resonance. At the same time, it is obvious that the thesis that the US authorities were shielding the Japanese war criminals led by Hirohito from justice, used by Moscow as an instrument of pressure on the official Washington, was losing its significance with the expansion of the Korean War. As far as we know, the USSR was no longer attempting to make any more appeals to organise the third trial of Japanese war criminals and bring the emperor to it.

In conclusion, the USSR actively used the subject of organising another trial of persons involved in the development of the Japanese bacteriological program for political purposes. The US, in turn, used the question of Japanese prisoners of war expatriated to the USSR as their main argument against the USSR. In addition to the unquestionable interest in their tragic fate, the attempts to exploit this topic by the US to cover their own unfavorable position are evident. The USSR demurred from the discussion of the prisoners of war in every possible way and tried to appeal to the international community, using the fact that the American leadership had granted immunity from prosecution to the persons involved in the development of Japanese bacteriological weapons. The USSR, as noted, also deemed Emperor Hirohito as being amongst them. As a result, at the turn of the 1940–1950s, in the Soviet-American discussions on the Japanese

issue, there was a situation of “diplomatic ping-pong”, when the parties mirrored each other’s criticisms on the issue of Japanese prisoners of war and war criminals, ignoring their opponents’ counter-arguments because of the obvious vulnerability of their own respective positions.

An important circumstance that largely clarifies the interests of both the USSR and the US in the key figures of the Japanese bacteriological programme should also be borne in mind: both powers actively developed bacteriological weapons. In those years, such development was not prohibited by international treaties (the Geneva Protocol of 1925 forbade only their use during war). However, during the Korean War, discussions on the use of weapons of mass destruction intensified. As we know, General MacArthur proposed using nuclear bombs to destroy communications through which the North Korean army was supplied from the PRC and the USSR.<sup>52</sup> On the 21st of February, 1952, Mao Zedong wrote to Joseph Stalin about the use of bacteriological weapons by the enemy’s air force and not only blamed the US for its use and experiments on Chinese and Korean prisoners of war, but also, citing the Soviet note of the 1st of February, 1950, amongst others, emphasized the continuity of American behaviour towards Japanese war criminals who were under the aegis of the United States.<sup>53</sup> Although there

<sup>52</sup> See: [25] and others.

<sup>53</sup> In particular, the PRC Chairman wrote: “Of the number of prominent Japanese war criminals of the bacteriological war who were mentioned in the note of the Soviet government of the 1st of February, 1950, three people, namely Shirō Ishii, Yujiro Wakamatsu and Masaji Kitano, are currently in Korea. They took all of the equipment necessary for conducting bacteriological warfare with them, including cholera and plague carriers and gases which have a destructive impact on human blood, as well as various equipment for the distribution of bacilli carriers. Japanese war criminals of bacteriological warfare use Chinese and Korean prisoners of war to test bacteriological weapons with the knowledge of the Americans. ...As early as in March of 1951, Brigadier General Sams, chief of the department of sanitary welfare at the UN Headquarters, arrived at the port of Gensan on landing ship No. 1091, and then he visited the island of Kyiosito, where, under his supervision and guidance, were conducted tests of bacteriological weapons on Chinese and Korean prisoners of war. ...*This time, the enemy’s actions aimed at spreading the bacilli carriers are similar to the actions and methods used by the war criminals of the bacteriological war Shirō Ishii and other Japanese war criminals of bacteriological warfare in the period of the Sino-Japanese War*’ [30, pp. 132–134; 31, emphasis added].

<sup>50</sup> AVP RF. F. 0146. Op. 48a. P. 323. D. 1. LL. 56, 60.

<sup>51</sup> At the same time, there are allegations in foreign historiography that Emperor Hirohito was personally responsible for the use by Japanese military of biological and chemical weapons during the war. For more information, see: [29, pp. 361–364].

is no consensus among domestic and foreign researchers about the use of biological weapons by the Americans during the Korean War,<sup>54</sup> it is clear that the use of the materials from the Khabarovsk Tribunal was taken to a new level.

Be that as it may, judging by the documents of the Khabarovsk trial, the actions of the Japanese army during the Second World War became a violation of the norms of international law (Japan also signed, but did not ratify, the Geneva Protocol of 1925). In addition, the facts uncovered by the USSR of the heinous experiments carried out by the Japanese physicians on prisoners, which ultimately led to their death, were unequivocally crimes comparable to those of Nazi doctors convicted by the Nuremberg Tribunal. These crimes should not have gone unpunished. Thus,

<sup>54</sup> See, for example: [32], [33].

the position of the US leadership towards Japanese bacteriologists was cynical, giving the Soviet side justified arguments for accusing Washington of harbouring those involved in criminal activities. But there is no doubt that both the US and the USSR, within the framework of research activities to create and improve this type of weapons, were extremely interested in the Japanese research, and therefore were also interested in the main figures of the Japanese bacteriological program for obtaining relevant information.

Thus, the problems of the Khabarovsk trials and their consequences go far beyond the trial of key developers of Japanese biological weapons. The study of this issue is important for understanding the nature of Soviet-American relations, the policy of the USSR towards Japan, and the general structure of international relations in the Far East in the context of the Cold War.

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