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"Fascist Criminals to the Gallows!": The Holocaust and Soviet War Crimes Trials, December 1945–February 1946

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While the Nuremberg trials are synonymous with the punishment of war criminals, until recently little was known about the Soviet Union's own concurrent war crimes tribunals. These proceedings have been under-studied for two reasons: lack of access to Soviet archives, and the fact that the tribunals tended to function as political propaganda vehicles. Yet examination of the court documents yields valuable information about not only Soviet legal practice, but also the genocide of Jews in the German-occupied Soviet territories.

On January 16, 1946, the Belorussian Communist Party daily published an article entitled "The time of reckoning has come!" It highlighted the commencement of the military tribunal in the Belorussian capital, Minsk, where eighteen Germans, from generals to low-ranking enlisted men, faced war crimes charges.[1] The Minsk trial was but one in a series of similar proceedings that took place in several cities of the Soviet Union between December 1945 and February 1946. The trials were regularly reported in the press and on the radio, and attended by large numbers of spectators. After the verdicts were pronounced, townspeople and local Red Army garrisons gathered in city squares to witness the public hanging of those sentenced to death.

The high publicity accorded the tribunals and the "unanimous popular support" for the death sentences closely resembled the atmosphere of the notorious show trials of the 1930s and indicated that justice was subordinated to politics and ideology. Most Western public opinion held that such practices completely discredited the Soviet justice system and underscored the moral corruption of the Soviet regime.[2] Moreover, Soviet archival documents have long been inaccessible for research, and consequently, only a few, primarily German authors have attempted to analyze in depth the legal and political contents of Soviet war crimes trials.[3]

This article draws attention to this much-overlooked theme and proposes tentative conclusions about the mechanisms of the trials. I do not deny their political and ideological character, but demonstrate that they were pursued in accordance with Soviet legal norms of the period. For this purpose, I analyze the application of Soviet

criminal laws within the context of the postwar retribution policies, concentrating on the first wave of trials, December 1945–February 1946. I also examine the role and meaning of the Holocaust as reflected in the trials. In light of traditionally ambiguous Soviet attitudes towards the genocide of Jews, this subject seems eminently worthy of research.

A few words about sources are necessary. This article is based largely upon a unique collection of Soviet archival materials at the United States Holocaust Memorial Museum—namely, interrogation records of Soviet counterintelligence and of the Commissariats of Interior (NKVD) and State Security (NKGB), as well as depositions and testimonies of witnesses and defendants.[4] These documents (most of which are in Russian, although some are in German) relate to the investigation of war crimes committed by the Axis powers in the occupied Soviet territories. The documents refer less to the trial proceedings themselves than—as was common Soviet legal practice—to the evidence collected during the pretrial investigation. During the trials the judges and the prosecution reiterated questions recorded during the pretrial interrogation and steered the defendants to respond in accordance with their earlier responses. I have, therefore, also juxtaposed the interrogation records with contemporary Soviet press accounts, published trial transcripts, and secondary literature.

The Soviet Concept of "War Crimes" and Its Application, 1941–1945

After the 1917 Bolshevik Revolution, the idea of "war crimes" did not find reflection in nascent Soviet criminal law. Instead, "military crimes" (*voinskie prestupleniia*) committed by Red Army personnel were listed among the most serious state offenses. They included espionage, high treason, draft evasion, and violence against the civilian population, and were placed within the jurisdiction of military tribunals.[5] The laws concerning military crimes were amended several times in the interwar period. The enactment of a new "Statute on Military Crimes" in 1927 provided military tribunals with the authority to dispense justice in territories under martial law. The statute stipulated harsh punishment, including the death penalty, for both Soviet military personnel and civilians who committed crimes against wounded and sick POWs, and against the population in the theater of military operations.[6]

On the day of the German invasion in June 1941, the Soviet government introduced martial law to several regions of the country. Simultaneously, it extended the jurisdiction of military tribunals and courts martial, which were empowered to prosecute all crimes against the state as well as against public order. Martial law, described as "the avenging sword of Soviet justice," took precedence over civil laws. Defendants in military tribunals were to be tried twenty-four hours after having been indicted. The presence of prosecution and defense attorneys was not necessary, and verdicts passed by military tribunals were final and not subject to appeal.[7] In accordance with Article 4 of the RSFSR (Russian Soviet Federated Socialist Republic) Criminal Code and the corresponding articles of the other republics' criminal codes, military tribunals were also

empowered to try foreigners according to the laws of the union republics and regions where they had committed crimes.[8] The tribunals claimed additional latitude by applying Articles 318–320 of the RSFSR Criminal Process Code, which stipulated that sentences "be based on the evidence presented in a trial and, more important, on the judges' inner conviction."[9] The utilization of Articles 318–320 had a tremendous impact on tribunal proceedings since it made evidence presented by the prosecution sufficient for passing the verdict. The absence of a defense attorney became the norm, and in winter 1941–42 in the liberated Soviet territories military tribunals tried thousands of local residents for collaboration with the enemy. Several open trials reflected the main guiding objective of the tribunals: to deter the Soviet people from colluding with the Germans.[10]

In the international arena, the Soviet government denounced Nazi atrocities committed in the Soviet Union and highlighted the mass murder of Jews. The Soviets appeared to be well informed about the Holocaust, and the Soviet press often reported its most notorious instances, such as the massacre at Babi Yar. In November 1941, Stalin and Soviet Foreign Minister Vyacheslav Molotov accused Germany of brazen violations of international conventions and stressed that accountability for these crimes rested entirely with the German state.[11] The crucial implication of these and similar warnings was that the Soviets charged the *entire* German political establishment—including the government, the military, and the civil administration—with planning, organizing, and implementing criminal acts. The concept of total guilt provided the Soviet penal system with an all-embracing legal instrument to deal with alleged war criminals.[12]

In 1942 official Soviet government declarations requested that the other Allied powers cooperate in punishing war criminals and suggested the formation of an international tribunal empowered to prosecute major German war criminals. In spite of these declarations, Stalin declined participation in the United Nations Commission for the Investigation of War Crimes proposed in October 1942 by the British and U.S. governments. Unwilling to let the Allies intrude into internal Soviet affairs, Stalin proceeded with the creation of a similar domestic institution that would investigate Axis crimes on Soviet territory.[13] On November 2, 1942, the Soviet government announced the creation of the "Extraordinary State Commission for Ascertaining and Investigating Atrocities Perpetrated by the German Fascist Invaders and Their Accomplices" (ESC). Although the original ESC comprised prominent individuals such as trade union chairman Nikolai Shvernik, author Aleksei Tolstoi, Metropolitan Nikolai of Kiev, and Red Army chief surgeon Nikolai Burdenko, only Leningrad party chairman Andrei Zhdanov carried real weight in Soviet politics. The commission had no specified legal powers; its primary task was to collect evidence of Nazi atrocities.[14]

The turning point in Soviet retribution policies came on April 19, 1943. The Presidium of the Supreme Soviet signed a decree stipulating public execution or heavy prison sentences for Axis personnel and their accomplices found guilty of crimes

Thousands of onlookers witness execution of Germans convicted of war crimes, Kiev, 1946. Central State Archive of Documentary Film and Photography, courtesy of USHMM Photo Archives.

against civilians and POWs. The decree provided no legal definition of war crimes—it used the all-encompassing terms "atrocities" or "evil deeds" (*zverstva* or *zlodeianiia*)—but it stated that while the Axis powers and their accomplices had committed horrible crimes against Soviet citizens, "to date the punishment meted out to these criminals and their local hirelings is clearly inadequate to the crimes they have committed."[15] The decree delegated the prosecution of foreign and domestic war criminals to courts martial, and stipulated two measures of punishment: death by hanging and forced-labor terms of fifteen to twenty years. Executions were to be carried out publicly and immediately after the sentence was pronounced. The corpses were "to be left on the gallows for several days so that everyone will be aware that [harsh] punishment will befall anyone who inflicts torture and carnage on the civilian population and betrays his Motherland."[16]

The decree became a binding tool with which to handle all accused war criminals, and its very language signifies its designation as an instrument of deterrence against collaboration with the Germans. By the time the decree was issued, hundreds of thousands of Soviet citizens had served in various capacities in the Axis armed forces and administration. Consequently, the Soviet government maintained that the tribunals had not pursued with adequate zeal the alleged collaborators. While some scholars have suggested that the decree was a direct Soviet response to the German discovery of the mass graves of Polish POWs in the Katyn Forest in April 1943,[17] the

fact that the Soviets never published the decree confirms that it was intended for internal purposes. In addition, the issuance of the decree corresponded with an extensive restructuring of the Soviet security organs as part of a massive effort to seek out and punish real and potential collaborators.[18]

The "preventive" character of the April decree crystallized during a series of open trials of local collaborators during the period July–September 1943 in Krasnodar, Krasnodon, and Mariupol'. Of the three trials, the Krasnodar trial, in which eleven collaborators with Sonderkommando 10A were charged with participating in German crimes in the region, received the most publicity and set a pattern repeated in almost all subsequent public war crimes trials during and after the war. The indictment was based on evidence provided by the ESC, witnesses' testimonies, and defendants' confessions, while the role of the utterly impotent defense was limited to pleading for leniency. The individual defendants' guilt was established by linking them to crimes committed in the region by various German units. Charged with high treason under Article 58–1a (for civilians) and 58–1b (for armed-forces personnel) of the RSFSR Criminal Code, eight of the defendants received death sentences and three were sentenced to hard labor. The death sentences were carried out publicly in a city square.[19]

British journalist and writer Alexander Werth referred to the Krasnodar trial as "first-rate hate propaganda" aimed at highlighting the Soviet people's suffering at the hands of the German occupiers.[20] Indeed, the tribunal emphasized Nazi intentions to annihilate "the Soviet people," and press coverage contributed to Soviet war propaganda. However, the trial had other objectives as well. While the defendants in Krasnodar were Soviet citizens, the prosecution and the media charged local German commanders, as well as the German military and government, with direct responsibility for the atrocities perpetrated in the region. In an attempt to mitigate their guilt, and most likely in collusion with the prosecution, the defendants implicated many German officers and administrators.[21]

Stalin's perception of war crimes trials as political tools was demonstrated in October 1943 during the Moscow Conference. After discussions, the Allies declared their intent to prosecute jointly the major war criminals after the war; culprits of lesser caliber were to be tried by the countries where they had committed their crimes.[22] The emphasis on the war crimes prosecution after the end of hostilities emanated from the British and U.S. governments' fear that Germans would take reprisals against captured Allied men. The Soviets did not have to worry about Nazi countermeasures, since millions of Soviet civilians and POWs had already died during the first two years of the war. One month later, during the Tehran Conference, Stalin suggested to Roosevelt and Churchill that they shoot 50,000 German military without any legal procedures. This suggestion underscored the Soviet approach to the prosecution of Nazi war crimes: swift and merciless retribution for atrocities committed by Germany and its allies in occupied Soviet territories. Trials were merely a political means, since the Axis crimes

were so gruesome and so evident as to obviate extended legal proceedings. Moreover, the Soviet concept of legality (*zakonnost'*) had a vastly different meaning than its Western counterpart. According to the official definition ("until the complete and total victory of socialism, [socialist legality] is one of the fundamental methods of realizing the dictatorship of the proletariat"), the court system was but one of many state branches that served to enforce Soviet law and to strengthen the existing political system.[23]

Only a month after the Tehran Conference, the Soviets set out to demonstrate in practice their determination to punish war criminals. In December 1943, a military tribunal in Khar'kov charged four alleged culprits—three Germans and a Soviet collaborator—with war crimes. Although by the time of the trial a substantial number of German officers and soldiers had fallen into Soviet captivity, only a few were tried in open or closed military tribunals. As a rule, these trials did not receive much publicity beyond the areas where they took place.[24] In contrast, the Khar'kov trial was reported in the principal Soviet newspapers, which referred to it as "the beginning of the great and terrible trial of all Germans who have transgressed human laws."[25] By grouping the defendants together the tribunal sent an unequivocal message to the Allies, the Germans, and the Soviet people: Soviet justice will punish all foreign and domestic war criminals.

The German defendants were selected to represent an assortment of military ranks and branches of the German armed forces: an NCO of the Secret Field Police, a captain of military counterintelligence, and an SS second lieutenant. They appeared in court in full military regalia—a rare practice in Soviet trials. Such a display, however, did not betoken that the tribunal would take into consideration the defendants' low ranks in the German military hierarchy. On the contrary, the prosecution pointed out that the decorations were rewards received for the atrocities committed against the Soviet people. The Soviet defendant, a chauffeur at the Khar'kov SD, was charged with high treason, and his fate was to serve as a grim warning to residents of the German-occupied territories. Closely following the pattern established in Krasnodar, the prosecution stressed the culpability of the entire German army in war crimes. The defense pleaded that the main guilt rested with those who had inspired these crimes—the Nazi regime. While a dozen witnesses appeared in the courtroom, they were not asked to identify the defendants but rather to describe German crimes in the Khar'kov region. As in the Krasnodar case, the defendants fully admitted their guilt. All four were sentenced to death and promptly hanged in public.[26]

Both the Krasnodar and Khar'kov trials omitted mention of the Nazi murder of Jews. Although by 1943 the Holocaust had become common knowledge and the ESC possessed massive evidence of the scope of the genocide, the tribunals referred to the executions of Jews as "massacres of Soviet citizens." The indictment in Khar'kov referred to the ghettoization of Jews as the "forceful resettlement of Soviet citizens" to the outskirts of the city.[27] The omission of mention of the Holocaust from the hearings in Krasnodar and Khar'kov reflected the Allies' ambiguous attitude towards the mur-

der of Jews. The Moscow Declaration, for example, mentioned the Holocaust only in passing as "crimes committed against Poland." For the United States and Britain, as for the Soviet Union, the main task of the war was to defeat Germany, and therefore the notion of the Germans as the aggressors received much more attention from politicians in the West than did war crimes and crimes against humanity.[28] Similarly, the Soviet government considered Jewish-centered publicity to be undesirable. Instead, the Krasnodar and Khar'kov trials were intended to demonstrate Nazi plans to destroy the entire "Soviet people" regardless of ethnic distinction.

* * *

Although the Soviet press maintained that the Khar'kov trial was only the beginning, similar proceedings never materialized. Stalin proved receptive to British and American government requests, and temporarily suspended highly publicized open trials.[29] The trials continued with much less publicity, and in May 1944 a government decree substituted non-public shooting for public hanging.[30] The machinery of military justice worked without stop, however, and during April 1943–July 1944, military tribunals applied the April decree to more than 5,200 alleged culprits. Most of the defendants were sentenced to hard labor for collaborationist activities. In addition to military tribunals, drumhead courts martial and SMERSH (the acronym for "death to spies"—the title of the Soviet military counterintelligence) panels executed many Axis personnel without court proceedings. During January–May 1945 alone, in Soviet-occupied Germany SMERSH, military, and NKVD tribunals also sentenced to death approximately 5,000 Soviet citizens under Article 58.[31]

The Holocaust and Political Expediency in the Postwar Trials

In December 1945, two years after the Khar'kov trial, a public trial began in Smolensk, where ten low-ranking members of the German army faced war crimes charges. The trial was followed by a series of similar proceedings in the cities of Briansk, Leningrad, Velikie Luki, Riga, Minsk, Kiev, and Nikolayev. As in the Krasnodar and Khar'kov cases, the trials were held to pursue political and ideological objectives. The timing of the trials was chosen carefully to correspond with the Nuremberg Military Tribunal. Indeed, the Soviet press and the prosecution in the courtrooms repeatedly stressed that the trials in the Soviet Union were part and parcel of the unified international campaign to punish war criminals. The reports from the trials were published alongside the headlines from Nuremberg.[32] Trial publicity also indicated that the Soviet Union intended to demonstrate it had suffered the utmost devastation and human loss; the Soviet government would use this as leverage when bargaining in Allied decisions over German assets.

Prominent Soviet jurists argued that Soviet criminal laws accorded fully with international war crimes laws. They justified the application of the April decree by quoting Article 29 of the 1929 Geneva Convention, which stipulated that "in the event of their criminal laws being inadequate," governments should put forth all the "necessary

measures to prosecute in wartime any action contravening the decisions of the present Convention."[33] The trials were also meant to demonstrate the impartiality of Soviet justice. Aware that the "Statute on Military Crimes" refers to the "implicit obedience" of military personnel in carrying out a superior order, these jurists circumvented this notion by arguing that the culprit who had carried out a criminal order and was aware of its criminality should be held accountable for the crime.[34]

The Soviet prosecutors proffered charges similar to those in Nuremberg—crimes against civilians and POWs, and the destruction of property. This time, however, the concept of "war crimes" (*prestupleniia voiny* or *voennye prestupleniia*) was used interchangeably with the traditional Soviet terms for "atrocities."[35] In contrast to the Krasnodar and Khar'kov cases, the postwar trials introduced Holocaust-related crimes as one of the principal charges against the defendants. The Soviet government took into account the Nuremberg proceedings, in which a great deal of attention was paid to the genocide of Jews. More important, however, the scope of the Holocaust and the involvement of the SS, the regular armed forces, and the civil administration in its implementation provided the tribunals with an ultimate opportunity to convict the majority of the defendants.

The technique of implicating all of the German armed forces and administration—first introduced in Krasnodar and Khar'kov—was bolstered by a large pool of defendants. In the dock sat eighty-six individuals, including eighteen generals, twenty-eight other officers, and fifty-eight NCOs, soldiers, and administrative officials. The variety of ranks and branches was meant to demonstrate the involvement of all German agencies, and the defendants' collective responsibility took precedence over their individual guilt. The Soviet security services hunted down alleged war criminals either according to lists provided by the ESC or through an extensive web of POW-camp informers, who reported their fellow inmates' confessions. Special screening units in Soviet-occupied Germany also sought out and arrested individuals suspected of war crimes.[36]

The defendants represented the army, the SS, the security police (Sipo), the Order Police, and the administration. Among the most prominent defendants were the Order Police commander (Kommandeur der Ordnungspolizei, or KdO) in Kiev, Paul Albert Scheer; the commander of the 213th Security Division, Hans von Tschammer und Osten; officer of Einsatzkommando 7B, SS-Obersturmführer and Kriminalkommissar Hermann Koch; the KdO Minsk, Eberhard Herf; and the commandant of Riga, Siegfried Ruff. The highest-ranking defendant was Higher SS and Police Commander (Höhere SS-und Polizeiführer, or HSSPF) in the Ukraine and the Baltic region, Friedrich Jeckeln. Defendants were selected and grouped according to their wartime activities in a specific region, each within the jurisdiction of a given tribunal. In addition to individual counts, the prosecution charged high-ranking defendants with the organization and implementation of the mass murder of Soviet citizens, thus including all crimes committed within the jurisdiction of generals and senior officers.

The trials, which received extensive press coverage, were held in major government buildings and attracted large audiences. The proceedings began with the prosecution reciting background material pertaining to Nazi aggression against the Soviet Union and to German atrocities perpetrated against the Soviet people. The recitation provided a basis for both a general charge of violation of the international rules of warfare and a specific charge of brutalities inflicted upon Soviet civilians and POWs. The prosecution linked the two charges to highlight the indiscriminate character of Nazi warfare. This strategy effectively nullified the defendants' status as POWs and helped define them as criminals who had forfeited all the guarantees of international conventions. The defendants were tried not for membership in the various army and administration branches, but specifically for war crimes.[37]

The next step in the chain of accusation was to emphasize that the ultimate responsibility for wartime conduct rests with the individual, who must differentiate between right and wrong. The tribunals ruled that the notion of "implicit obedience" was applicable only to military operations. Soviet legal strategy conformed to the line of argument put forth by Western military tribunals. For example, the International Military Tribunals in Nuremberg and Tokyo also denied the plea of "superior orders"—the most frequent defense argument in all postwar trials. Article 8 of the Nuremberg Tribunal charter specifically stipulated that the plea of superior orders "shall not free [the defendant] from responsibility though [it] may be considered in mitigation of punishment if the Tribunal determines that justice so requires."[38]

The Soviet military tribunals conceded the same notion. They reaffirmed the concept of premeditation and organization of crime (*planirovanie i organizatsiia prestupleniia*) as well as the general participation of the entire German state structure in implementation of these crimes. The tribunals also ruled that the superior-orders plea might be considered a mitigating circumstance, but only if a defendant had carried out his duties without realizing their criminal character. This ruling constituted the tribunals' main distinction between high-ranking and low-ranking defendants. Although the general rejection of the superior-orders plea made all of the defendants vulnerable to war crimes charges, the prosecution insisted that high-ranking defendants were the ultimate organizers and executors of Nazi criminal policies.[39]

* * *

While the cast of the indictment was set within a large framework of crimes perpetrated in the occupied Soviet territories, the tribunals paid particular attention to the Holocaust, especially in areas with substantial prewar Jewish populations. In Kiev, Riga, and Minsk alone, twenty-six out of forty-one defendants were accused of organizing or participating in the murder of Jews. Although the Soviet press still downplayed the Holocaust by pointedly referring to the murdered Jews as "Soviet citizens," the trials became the first instances that revealed to the Soviet public the scope of the Jews' tragedy and made it an inseparable part of the history of the Great Patriotic War.

Since the Soviet legal system did not differentiate between police investigation and judicial investigation, evidence obtained during the pretrial interrogation constituted a prime basis for indictment. Therefore, the bulk of the interrogation records contained defendants' responses to two instructions, which were posed interchangeably: "Inform the investigation what you know about the destruction of Soviet citizens of Jewish nationality [within a given area]," and "Inform the investigation about your participation in the destruction of the Soviet citizens of Jewish nationality." The attributive mode of these statements was a reflection of a well-tested interrogation technique "perfected" during the 1930s show trials. Any answer implicates the defendant, who was not aware whether (and how much) the interrogators knew about his activities or whether they simply were bluffing. Indeed, in some cases the interrogators possessed compromising evidence supplied by informers—such as Gefreiter Willi Meyer, a defendant at the Kiev trial, who implicated several of his fellow POW-camp inmates—or used the testimonies of eyewitnesses who had reported on Nazi atrocities.[40]

The trial proceedings closely followed the pattern of questioning established during the pretrial interrogation. Judges and prosecutors pressed the defendants to reiterate their previous confessions, which, according to the RSFSR Criminal Code, served as crucial evidence in the trials. Although Soviet criminal law did not contend explicitly that "confession is the queen of evidence," its primacy was accentuated by Andrei Vyshinskii, a notorious prosecutor of the 1930s, who declared that in political trials "this kind of evidence has independent significance."[41] Since confession was considered to be of primary importance, the defendants were subjected to long hours of rigorous interrogation.

Jeckeln admitted to the interrogators that, as the HSSPF in the Ukraine and the Baltic lands, he supervised the annihilation of Jews by the Einsatzgruppen, police, and Waffen-SS. In November 1941, he testified, Himmler summoned him to Berlin and ordered the liquidation of all Jews in the Baltic region and Belorussia. The Reichsführer-SS stressed that in case of friction with the civil administration (the Reichskommissar for the Ostland, Hinrich Lohse, apparently objected on economic grounds to the murder of Jews), Jeckeln should specify that this gruesome task was to be carried out on Himmler's orders and per Hitler's wishes. After arriving in Riga, Jeckeln proceeded with liquidating the Riga ghetto, where by late fall 1941 the Einsatzkommandos and the police had murdered between 20,000 and 25,000 Jews, including 8,000 children.[42]

Jeckeln met Himmler again in January 1942 and reported to his superior that the liquidation orders had been carried out. Evidently pleased with Jeckeln's efficiency, Himmler then ordered his subordinate to liquidate the Salaspils camp, which was located near Riga and contained Jews from all over Europe.[43] By his own admission, Jeckeln completed the task by June 1942, when up to 87,000 Jews in Latvia had been murdered. To expedite the process, gas vans were introduced in the late spring of 1942. However, since the gassing process "affected" the executioners, who had to clean the vans afterwards, the killing details reverted to shooting as the more "efficient" method.[44]

By summer 1942, except for Jewish specialists in ghetto and camp work details, the majority of Jews in the Baltic region had been murdered, and road signs at several Baltic cities proudly proclaimed that these localities were "free of Jews." Later, in 1943, special SS details then obliterated all traces of the killing.[45] The Sipo in the Baltic region also sought out and executed the mentally ill. Those who were unable to move were murdered on the spot with an injection of morphine. In mid-1943, after receiving an order from Berlin, Jeckeln set out to liquidate the Roma who had been deported to Salaspils for execution.[46]

While Jeckeln acknowledged his direct involvement in the murder of Jews, he insisted that he had merely carried out his superiors' orders. Jeckeln revealed to the interrogators that in February 1942 he had received a letter from Reinhard Heydrich,[47] who informed him that Göring had "intervened in the Jewish Question" and had given his consent to the transfer of European Jews to the Baltic region for liquidation.[48] In the courtroom, this argument only bolstered the prosecution's claim that all German government structures had directly participated in the genocide. Jeckeln was charged with organizing the "complete extermination" of 300,000 "Soviet citizens of Jewish nationality" in the Baltic area and 200,000 in Belorussia.[49]

Two Order Police generals, Eberhard Herf and Paul Albert Scheer, were also charged with the organization and murder of Jews in the areas within their jurisdictions (Minsk and Kiev, respectively). Both maintained that they had arrived in their jurisdiction areas after the murder had largely been accomplished, and that in the subsequent police actions—whether against partisans or civilians—they had only carried out their superiors' orders. Herf and Scheer conceded, however, that the Order Police had participated in the genocide. Herf stated that in January 1942 he received the Minsk ghetto liquidation order from the Generalkommissar of Belorussia, Wilhelm Kube.[50] The interrogators questioned several witnesses, who incriminated the Order Police in killing the ghetto inmates. Former ghetto inmate Wolf Okun' recounted that the executions had proceeded in waves in August and November 1941, and again in March and July 1942. After the murder was complete, special ghetto details were forced to dig ditches and to cover the corpses with lime chloride.[51]

Scheer admitted that his colleagues talked about "masses of Jews" murdered in the Ukraine from the very beginning of the German occupation. Referring to the Babi Yar massacre, he recalled that the Einsatzkommandos, the Sipo, and the Order Police carried out large-scale executions between the end of September and the beginning of October 1941. Yet the "task was not completed," and the Sipo and the Order Police continued hunting down the remaining Jews.[52] Scheer also described other premeditated aspects of the "Final Solution." He told the court that in July 1942 he and other SS and police commanders were summoned to Himmler's headquarters in Zhytomir. Himmler announced to his subordinates that the liquidation of all remaining Jews had to be carried out immediately. In the courtroom the prosecution had Scheer recount Himmler's order:

Prosecutor: Regarding the destruction of the Soviet citizens of Jewish nationality, what instructions did you receive from Himmler?
Scheer: He told us that any Jews who had remained alive [after the first wave of killing] were to be destroyed. This instruction I passed on to my subordinates during a conference in Kiev.[53]

According to Scheer, Himmler complained to the gathering that although he had "once given an order to liquidate the entire Jewish population in the occupied Soviet territories, this order has not yet been carried out thoroughly." The immediate "total liquidation" of Jews, therefore, was in order. The murder of remaining Jews was then carried out by the local administration, which had at its disposal police and gendarmerie details as well as native auxiliaries. With the departure of the Einsatzkommandos in February 1942, Scheer delegated police details to the Sipo, which was responsible for planning and organizing killings. In fall 1942, he ordered the gendarmerie outposts to carry out the apprehension, arrest, and transfer of remaining Jews to the Sipo.[54]

Detailed testimony was given by Hermann Koch, who was a Sipo referent in Orel during the period October 1942–August 1943, and who served as a temporary Sipo representative in Slonim during January–February 1944.[55] According to Koch, Sonderkommando 7B murdered 30,000 "Soviet activists" and Jews in the cities of Orsha, Borisov, and Orel. After the deactivation of Sonderkommando 7B in spring 1942, its manpower provided cadre for the Sipo stations in Belorussia and central Russia. Given the small staff of the Sipo—in Orel, it comprised Koch, ten police functionaries, four interpreters, and twenty Russian policemen—it could not cope with the task of combating partisans and killing large numbers of Jews. Therefore it often had to rely on army units and the Order Police. Mass shootings were alternated with gassing, which was used to murder Jews and the mentally ill in Orsha, Briansk, Borisov, and Orel.[56]

Koch told the interrogators that in October 1942, SS-Sturmbannführer Walter Blume told him that Berlin had issued a secret oral command for the total extermination of Jews and Gypsies in the occupied areas. By this time much of the Jewish population of Belorussia and central Russia had been killed, and Koch and his subordinates finished off virtually all of the few survivors who had not fled. In September 1943, Koch attended a Sipo officers' conference in Mogilev, where the high Sipo-SD commander (Befehlshaber des Sicherheitspolizei und des SD, or BdS) for Belorussia and central Russia, SS-Standartenführer Erich Ehrlinger, ordered his subordinates to obliterate all traces of Nazi crimes. The gathering then drove to a site near the city, where they witnessed a demonstration of the procedure. Afterwards, Koch headed a unit that exhumed and burned corpses from the mass graves.[57]

Prosecutor: For what purpose was it [the exhumation] carried out?
Koch: Mainly to conceal the mass murder of Soviet people.
Prosecutor: What did you do to the details that had exhumed and burned the corpses?
Koch: They were executed by the squad of my commando that supervised the burning.[58]

Several eyewitnesses testified to the extreme brutality of the killings in Minsk in 1941. A doctor from a city psychiatric hospital, Ol'ga Ol'shevskaia, and a nurse from the same hospital, Aleksandra Grablevskaia, stated that in November 1941 the Germans arrived at the hospital and declared that all patients would be "transferred." The hospital personnel were ordered to escort the patients.

> [Those] who sensed their fate . . . cried and begged for mercy. Some had to be loaded onto the trucks by force. When the trucks arrived at a forest west of Minsk, there were already several ditches. Jews who had been brought there earlier helped the patients out of the trucks. [The Germans] then forced the patients to lie face-down in the ditches. After the Germans ordered us to move away from the ditches, we heard an explosion . . . the ditches were blown up. However, the explosion failed to kill everybody, and many were buried alive.[59]

* * *

The charges of organizing and implementing the murder of Jews were also proffered against the German military and the civil administration. Generalmajor Hans Küpper and Generalleutnant Theodor Ditfurth (in the Riga trial), and Generalmajor Siegfried von Erdmannsdorf (in the Minsk trial) were charged with the murder of Jews within their respective jurisdictions. Although the prosecution did not present any direct evidence implicating the generals, it pointed to the murder of noncombatants as a crime proscribed by international and Soviet laws. A number of eyewitnesses described the persecution and murder of Jews in the Dvinsk, Vitebsk, and Mogilev areas, where these generals were the highest military authorities.[60] The witnesses insisted that the military had ordered the ghettoization and registration of Jews. The army also aided the Einsatzkommandos and police, who in fall 1941 murdered between 7,000 and 10,000 ghetto inmates. In spring 1942, with the consent of the military administration, the execution squads gassed 700 to 800 mentally ill inmates from the local Mogilev asylum.[61]

In response to these charges, the generals maintained that the SS killing units and the police had been beyond army jurisdiction. During pretrial interrogation, however, they had admitted that while the SS and police commanders reported to their own superiors, these branches had to inform rear area supreme military leaders of all punitive and repressive measures. Erdmannsdorf maintained that by the time he arrived in Mogilev in August 1944, all the Jews had already been murdered. He recalled a June 1944 military conference, at which the Reichsführer-SS informed the gathering that the Jewish population of Europe had been all but annihilated. "This had to be done," insisted Himmler, "for otherwise we would have had to do it in the future."[62]

If the generals contested their culpability for the murder of Jews, they had to admit that local German commanders were directly responsible for running POW camps, where large numbers of Soviet soldiers and officers were murdered or had starved to death. According to the evidence presented by the ESC and eyewitnesses, up to 10,000 Soviet POWs had died in a POW camp near Mogilev.[63]

Information supplied by other witnesses added to the picture of the army's involvement in the genocide. In the Kiev trial, witness and Novomoskovsk resident Trofim Panchenko testified against Generalmajor von Tschammer und Osten. Panchenko stated that in November 1941, after the arrival of the 213th Security Division in the city of Novomoskovsk of Dnepropetrovsk Oblast, the divisional command published an order calling for the registration of the Jewish population. Jews were required to wear yellow armbands with stars and were forced to hard labor. In November and December 1941, the division units took part in mass executions of Jews on the outskirts of the city. According to Panchenko, Generalmajor von Tschammer und Osten personally supervised the execution.[64] Other witnesses attested to the criminal activities of the rear army command in Haivoron and Pervomaisk in the Kirovograd Oblast, where in fall 1941 the commandant Georg Heinrich Truckenbrod introduced a curfew and yellow armbands for the Jewish population. The commandant and his subordinates also aided the killing units in the execution of Jews.[65]

The participation of the army in the Holocaust was further underscored by the testimony of Paul Karl Eick, a deputy of the district commandant in Orsha. Subordinated directly to the command of the 286th Security Division, Eick set out to organize a Jewish ghetto in the city. The district command supervised Jewish work details and controlled the Jewish ghetto police who guarded all entrances and exits. Eick admitted that the regime in the ghetto was designed to kill its inmates by starvation, and up to twenty-seven people died every day. The district command also levied upon the ghetto a "contribution" of 150,000 rubles in valuables and cash, which was transferred to the Reichsbank in Berlin. In November 1941, acting under orders of his superiors, Eick prepared for the liquidation of the ghetto by posting German gendarmes and Russian policemen to guard the entrances, while a Sipo detail ordered the ghetto "elders" to announce the "resettlement." The entire ghetto population was divided into small groups, who were taken to a nearby cemetery and executed.[66]

Sonderführer Rolf Oskar Burchard, an interpreter for the district command in the town of Chechersk in the Gomel Oblast, also incriminated the army command in the Holocaust. He testified that it was General der Infanterie Max von Schenkendorf, commander of army group "Center" Rear Area, who had given the order to liquidate the Chechersk ghetto. Army units in collaboration with the SS squads then murdered all Jews and Gypsies in the rear area of that army group.[67]

The tribunals accentuated the fact that the German army consistently and consciously violated international laws regarding the treatment of civilians during wartime and that the rank-and-file were actively involved in the genocide. The depositions of Gefreiter Johann Paul Lauer and SS-Rottenführer Heinz Fischer were cases in point. A member of the separate 73rd Battalion,[68] Lauer testified that, from the beginning of the Soviet-German war, the march of the battalion marked major execution sites in the Ukraine. Alongside the SS killing units, the battalion took part in the executions of Jews in L'vov, Vinnitsa, Khar'kov, Stalino (Donetsk), Mariupol', Poltava, and Kremenchug.

In the last two cities alone, the battalion murdered about 900 Jews.[69] Fischer, a member of the SS-Cavalry Brigade—one of the most notorious killing units on the Eastern Front—took part in the mass murder of Jews in Belorussia and the Ukraine.[70]

According to standard Soviet practice, defense counselors met their clients only in court and were not allowed to cross-examine the eyewitnesses. Their role in the trials was completely marginal and limited to pleading for lenience for younger or more "sincere" defendants. While only a few attorneys cautiously questioned the evidence presented by the prosecution, they unanimously expressed their "trust in the fairness of Soviet justice." Their main line of argument was that the Nazi regime corrupted the German people and turned them into an obedient tool of mass murder. In a fit of indignation, a defense attorney in Smolensk, S. K. Kaznacheyev, who had already participated in the same capacity in the Krasnodar and Khar'kov trials in 1943, thundered that "criminal activities of the defendants clearly demonstrated the beastly and cannibalistic face of the German army, which was not an army in a generally accepted sense, but rather a large criminal gang."[71]

It was customary for the press and the prosecution in the courtroom to refer to the defendants in derogatory terms such as "thugs," "bandits," "degenerates," "cannibals," and "perverts." The media emphasized the involvement of tens of thousands of Germans in atrocities and demanded that all "fascist criminals [be sent] to the gallows" as "just and only punishment" for crimes committed.[72] Given the courtroom atmosphere and the surrounding propaganda campaign, the prosecution had merely to recapitulate the main argument that each defendant had played a specific role in the Nazi machinery of destruction. In turn, the tribunals made short work of the deliberation process. All the defendants were indicted under the April decree, Articles 319–320 of the RSFSR Criminal Code, or corresponding articles of the republics' criminal codes. Sixty-seven defendants, including all the generals, were sentenced to death by hanging, while the rest received lengthy prison terms. The death sentences were carried out in public and were attended by tens of thousands of spectators; the corpses often remained on the gallows until the following day.[73]

The Trials as Legal and Historical Sources

In sharp contrast to their Nuremberg and Tokyo counterparts who, in spite of documentary evidence, professed ignorance of atrocities or blatantly denied their involvement, the defendants in Soviet war crimes trials readily admitted their guilt. Defendant Gefreiter Arno Düre in the Leningrad trial even confessed to participating in the murder of "Polish officers, Russians, and Jews" in the Katyn Forest, where in April 1940 the NKVD had executed thousands of Polish POWs.[74] In Minsk a member of an execution detail, SS-Unterscharführer Franz Karl Hess admitted that he personally had killed more than one hundred people.[75] His codefendant Generalleutnant Johann Richert stated, "horrible and mind-shattering facts were demonstrated in the court. . . . Now I am a determined opponent of the Nazi regime, and ready to do my share in the antifascist struggle."[76]

Hermann Koch confessed to having personally murdered up to five hundred people and emphasized his own initiative in carrying out criminal orders: "I was a fascist and remain a fascist. I did not simply carry out orders, but I was firmly convinced in the rightness of what I was doing. Racial theory made me a criminal. Much blood is on my hands; I ask for the death penalty for I do not know whether I could ever be able to remedy my crimes."[77] Such self-abasing confessions cast grave doubt on Soviet methods of obtaining evidence, and support the thesis that the proceedings were merely show trials. The conduct of the trials, then, begs a crucial question: do the trials have any value as legal and historical evidence? I would argue that if placed within the specific context of the time and juxtaposed with other available materials, such as documents and modern studies, the trials tell us volumes about the Soviet legal system of the 1940s and constitute a considerable source of valuable information on the Holocaust in the Soviet Union.

To grapple with the legal implications of the trials, we should start with the issue of confessions. The bulk of the defendants in the Soviet war crimes trials admitted their guilt; some, such as Arno Düre, even confessed to atrocities they definitely had not committed. After all, they could not have failed to understand the implications of the April decree, the text of which they had received in prison. So, why did they confess? To answer this question, one should look at the interrogation records, which indicate that the defendants were under constant physical and psychological pressure. Sleep deprivation was but one tool used by the interrogators to extract information. As a rule, interrogation lasted for hours and often took place at night. Such methods especially affected the health and psyche of the other generals and senior officers, who were on average in their late fifties. Thus, on December 15, 1945, an interrogation of General Richert lasted from nine o'clock at night until two in the morning.[78] On December 27, 1945, Jeckeln was subjected to questioning from eleven o'clock in the morning until five in the afternoon, while on January 8, 1946, he was interrogated from ten at night until half past six in the morning.[79] In addition, for senior officers and generals the descent from a position of authority to the status of helpless prisoner gravely undermined their moral strength. The dictum "capture represents the beginning of the prisoner's descent into his own personal hell" was nowhere more applicable than on the Eastern Front.[80]

Apparently some defendants were selected for trial because they agreed to cooperate—possibly upon promises of leniency (often unfulfilled), or simply because they were resigned to their fate. For example, there are indications that General Erdsmanndorf was a member of the Soviet-sponsored "Committee for a Free Germany," which carried out anti-Nazi propaganda among German POWs.[81] One of the defendants in the Kiev trial, former Gebietskommissar of Melitopol' Georg Heinisch, had appeared as a witness in the Khar'kov trial in December 1943, where he willingly implicated high-ranking German leaders in the organization of atrocities. In Kiev, Heinisch confessed that in October 1942 he consented to the murder of 3,000 Jewish children of mixed marriages in the Melitopol' district. His confession, however, did not save his life.[82]

From the Western point of view, the Soviet war crimes trials lacked the major

prerequisites of legal process: documentary evidence, independent defense attorneys, and an independent press. However, within the bounds of the Soviet legal system, the trials accorded fully with juridical norms. When individual guilt was difficult to prove, Soviet courts based their sentences on the notion of collective responsibility and the belief that acquittal due to "inadequate evidence . . . compromises the court . . . and is politically harmful."[83] Throughout the existence of the USSR, judges more often than not acted as prosecutors in questioning defendants and witnesses. On the other hand, the defense attorney's role was always quite limited in both political and regular criminal cases, and they were not allowed to cross-examine witnesses.

Confession and eyewitness testimonies were considered of crucial importance. Often they were taken at face value and provided the sole basis for indictment and conviction. Although officially illegal, brutal methods for extracting confession were also a normative component of the Soviet police system before, during, and after the Stalin era. The interrogation practices of the 1930s political trials included threats to the defendant's family, appeals to his "party conscience," sleep deprivation, beatings, and torture. With the exception of appeals to party conscience, all were also used widely against alleged collaborators during and after World War II.[84] In comparison to the 1930s trials, however, the postwar tribunals did not need to include fabricated evidence, since traces of German crimes in the Soviet Union were visible, widely known, and undeniable.

Political trials in the Soviet Union always played an important ideological role in "educating all citizens of the USSR in the spirit of loyalty to the Motherland and to the cause of socialism . . . [and] any judgment has a crucial political meaning."[85] The propaganda campaign that accompanied the postwar trials was a crucial element, since the courtroom served as the ideological podium from which to attack foreign and domestic enemies. The extent of the propaganda depended upon the defendants' caliber and the political situation inside and outside the country. For example, the 1945 and 1946 war crimes trials, which coincided with the Nuremberg Trial, received more attention than the second wave of trials in 1947. Nevertheless, the Soviet press regularly reported on similar proceedings until the demise of the USSR, and later prosecutors' speeches sounded remarkably similar to those during and immediately after the war. In at least one aspect the Soviet tribunals' ruling on the command responsibility and common design to commit crime mirrored the judgment of the Nuremberg and Tokyo tribunals. Similar to their American, British, and French counterparts, Soviet judges insisted that the crimes committed by the defendants were so notorious and widespread that high military and political leaders could not but have known, or "must have known," of their commission.[86] Moreover, the Soviet postwar retribution campaign was not an isolated phenomenon; some other European governments initiated similar practices, which likewise were affected by politics and ideology, and which upon careful scrutiny at times remotely resembled those behind the Iron Curtain.[87]

The trials of German war criminals in the USSR proceeded alongside similar trials in which Soviet citizens were punished for alleged war crimes. The renowned figures

of the anticommunist resistance—generals Andrei Vlasov, Grigorii Semenov, Petr Krasnov, and others—were tried in closed proceedings and hanged for "terrorist activities and sabotage," while thousands of low-ranking collaborators were tried and convicted under Article 58 and on the basis of the April decree.[88]

* * *

The courtroom treatment of the Holocaust reflected the ambivalence of Soviet official attitudes towards the murder of Jews. While the press referred to Jewish victims interchangeably as "Soviet citizens of Jewish nationality" or "Soviet civilians," the testimonies of the defendants, survivors, and eyewitnesses brought to light a horrifying image of the Nazi killing campaign. At the Nikolayev trial, Orthodox priest Father Sviridovskii recalled that on the morning of September 14, 1941,

> [Nikolayev] streets that led to the cemetery were crowded with Jews. In tears the population bade farewell to them. . . . I personally saw this procession of the condemned. . . . The cemetery was packed with 10,000 Jews of all ages. For three days, the Gestapo, the police, and the gendarmerie drove Jews on trucks from the cemetery to the ravine, where they shot them.[89]

In Kiev, survivor Dina Pronicheva described the Babi Yar massacre. On the fatal day of September 29, 1941, she, along with thousands of Kiev Jews, trudged to the Babi Yar ravine for "resettlement." Pronicheva recounted the murder to the court:

> [Victims] took off their clothes, while the Germans mercilessly beat and unleashed dogs on them. Some people begged for mercy . . . others silently undressed and walked down to the ditch. Some went insane. . . . [The Germans] ran them in a single file through an opening in the earthen wall, from where I heard the rattle of a machine gun.

Seconds before shots were fired, she threw herself into the ditch and later at night crawled out of the mass grave.[90]

A defendant in the Kiev trial, Wachtmeister Boris Drachenfels, revealed how his 320th Police Battalion took part in the execution of Jews near Rovno:

> Screams of thousands of people were heard from far away. . . . They stood surrounded by many policemen and awaited their fate. . . . The policemen drove groups of people to the ditches, where they undressed. Special SD details and the policemen of our battalion shot them at the nape of the neck. Adults were forced to lie down in the ditches and were shot, while children were torn away from their mothers and shot. Most of the shooters were drunk . . . People begged for mercy, mothers begged us to spare their children.[91]

While the testimonies of Grablevskaia, Sviridovskii, Pronicheva, Drachenfels, and others do not give exact dates or numbers of victims, they provide relatively accurate descriptions of the Holocaust in various localities. These descriptions are corroborated by archival documents and modern studies.[92] Hence, there is no reason why the interrogation and trial records—if combined with other available materials—should not be used as historical sources relating to the sites and instances of genocide. For example,

Dina Pronicheva, a survivor of the Babi Yar massacre, testifies at war crimes trial, Kiev, 1946. Babi Yar Society, courtesy of USHMM Photo Archives.

the testimony of a former Riga ghetto inmate, Noah Heimanson, who testified about mass executions of Jews at the turn of 1942, is corroborated by other sources, such as the testimonies of Latvian policemen who participated in the murder.[93] Taking into account the time of Jeckeln's transfer from the Ukraine to the Baltic in November 1941 and his position as HSSPF of the region, it is certain that he was directly responsible for the annihilation of the Riga Jews.[94] Archival documents and recent studies also demonstrate his role in the genocide of Jews in the Baltic, Belorussia, and the Ukraine. In summer 1941, SS and police units subordinated to Jeckeln murdered more than 44,000 Ukrainian Jews, and SS members credited Jeckeln for inventing more efficient killing methods.[95] However, because of the specific geographical jurisdiction of the Riga trial, interrogators concentrated mainly on Jeckeln's activities in the Baltic region.

The trials revealed the active participation of the German civil administration, the Order Police, and rear army units in the Holocaust. For example, the Minsk Order Police commander during March–August 1942, Generalmajor der Polizei and SS-Brigadeführer Erik von Heimburg, stated that the Order Police and the native auxiliaries (Ukrainian and Lithuanian Schutzmannschaften) participated in the murder of Jews in Belorussia.[96] Recent studies corroborate the instrumental role played by the army in the murder of Soviet Jews. According to Generalkommissar Kube, in June and July 1942 the army rear area command in the Glubokoe district (Belorussia) executed 10,000 Jews "without consulting [him]."[97]

However, when it comes to other defendants' individual roles in the Holocaust, the trial records are much less useful. Its emotional appeal notwithstanding, Pronicheva's testimony provided no direct evidence against the defendants in Kiev. Some witnesses

supplied information that they had acquired from the previous war crimes trials, while others identified the perpetrators merely as "Germans," or "the Gestapo."[98] Only a few were able to identify the defendants or the units that carried out the murders. Panchenko identified General von Tschammer und Osten as the commanding officer at the executions in Novomoskovsk. Indeed, German records show the presence of 213th Security Division units in the city by the end of October 1941.[99] Von Tschammer und Osten, however, denied to the end his personal involvement in the execution, and it is highly questionable whether so senior an officer would have headed a firing squad.

Defendants' criminal activities often can be deduced only circumstantially. Generals Herf and Scheer maintained that they had assumed their positions as KdOs in Minsk and Kiev after the majority of Jews already had been murdered. Indeed, Herf was the KdO Minsk during December 1941–March 1942, and again during September 1943–January 1944, while mass executions of Jews took place in fall 1941 and spring 1942. Still, the killing in the Minsk area continued well into fall 1943.[100] When Scheer arrived in Kiev in October 1941, the Einsatzkommandos, the Waffen-SS, and the Order Police already had murdered thousands of Jews in the Right-Bank Ukraine. Nevertheless, the shootings had not stopped entirely, and they resumed in spring 1942, when Scheer was the KdO Kiev.[101] Taking into consideration the command structure and the activities of the Order Police, it is most likely that Herf's and Scheer's subordinates participated in the last phase of the Holocaust on occupied Soviet territory.

Truckenbrod's involvement in the killing of Jews in Pervomaisk can be tested only against the itinerary of the Einsatzgruppe C, which operated in the Pervomaisk vicinity in winter 1941–42. Since this killing unit did not report executions in this period, it can be assumed that other units—perhaps the Order Police with the assistance of army rear area command—committed those murders.[102] In the case of Heinisch, the available sources show that in October 1941, Sonderkommando 10A and the Order Police murdered about 2,000 Jews of Melitopol'. However the Melitopol' Jewish population did not exceed 10,000 people (the 1926 census recorded 6,040 Jews). Since the percentage of marriages between Jews and non-Jews in the entire Ukraine constituted on average 0.03 percent for the period 1926–1939, Heinisch's report of 3,000 murdered *Mischlinge* seems certainly exaggerated.[103] Yet both Truckenbrod as the commandant of the area and Heinisch as Gebietskommissar must have been at least informed of the massacres, although such supposition naturally does not confirm their guilt.

* * *

The evidence recounted here demonstrates that despite their visible shortcomings, Soviet war crimes trials offer valuable insight into several aspects of the history of World War II on the Eastern Front. Politics in the Soviet Union always superceded legality, and in formulating and implementing its wartime retribution policies the Soviet government pursued two objectives: in the international arena, to demonstrate its determination to punish war criminals in accordance with Allied declarations, and at

home, to deter the Soviet people from any possible collusion with alien powers. Similarly, the trials of German military personnel in winter 1945–46 were staged as an extension of the Nuremberg Trial in order to emphasize that the Soviet Union had borne the brunt of the fighting. The trials further accentuated the unprecedented scope of Nazi crimes against the Soviet people, including the genocide of Jews.

While the war crimes trials followed the format of the prewar show trials, they were administered in full accordance with contemporary Soviet laws and definitions of legality. The defendants were held responsible for their crimes as a group, and their collective guilt took precedence over their individual criminal activities, which often played a secondary role in the tribunals' decisions.[104] Nevertheless, the evidence presented unequivocally reveals the brutality of the German occupation, and, in combination with other sources, constitutes valuable historical evidence regarding Nazi practices in the occupied Soviet territories.

Despite the ambiguous language of the Soviet press, which often camouflaged the Holocaust as the "sufferings of the Soviet people," the trials exposed the overwhelming tragedy of the Soviet Jews. In the localities where the largest Jewish communities had lived before the war—the Baltic states, Belorussia, and the Ukraine—the population was well aware of the horrors of ghettos, camps, and execution sites. In combination with this knowledge, the trials enhanced and perpetuated Soviet citizens' common understanding of the Holocaust. This is especially important in light of the massive antisemitic campaign that began in 1948. In the aftermath, even veiled references to the Holocaust largely disappeared from official Soviet discourse. However, despite consistent official efforts to suppress the memory of the genocide, the Soviets could not ignore it in subsequent war crimes trials, where defendants and eyewitnesses revealed the horrors of ghettos, concentration camps, and mass executions, and where the charge of perpetrating the Holocaust—without its explicit mention—would frequently constitute the only basis for indictment.[105] Hence Soviet war crimes trials deserve a much more comprehensive evaluation than they have been accorded to date, and, given the availability of Soviet archival materials, it is time to integrate the trials into the mainstream of Holocaust studies.

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Notes

1. *Sovetskaia Belorussiia,* 16 January 1946.

2. Reinhart Maurach, *Die Kriegsverbrecherprozesse gegen deutsche Gefangene in der Sowjetunion* (Hamburg: Rechtsschutzstelle für Kriegsgefangene und Zivilarbeiter in Ausland, 1950);

Manfred Zeidler, *Stalinjustiz contra NS-Verbrechen: Die Kriegsverbrecherprozesse gegen deutsche Kriegsgefangene in der UdSSR in den Jahren 1943–1952: Kenntnisstand und Forschungsprobleme* (Dresden: Hannah-Arendt Institut für Totalitarismusforschung, 1996). I am grateful to Dieter Pohl for the last reference. See also Stefan Karner, "Die Sowjetische Gewahrsamsmacht und ihre Justiz nach 1945 gegenüber Österreichern," in Claudia Kuretsidis-Haider and Winfrid R. Garscha, eds., *Keine "Abrechnung": NS-Verbrechen, Justiz und Gesellschaft in Europa nach 1945* (Leipzig-Wien: Akademische Verlagsanstalt, 1998), pp. 102–29. For prevalent views of Soviet trials as political shows, see for example Andrew Ezergailis, *The Holocaust in Latvia, 1941–1944: The Missing Center* (Riga: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996), pp. 12–15.

3. George Ginsburgs, "Laws of War and War Crimes on the Russian Front during World War II: The Soviet View," *Soviet Studies* XI (1960), pp. 253–85; Manfred Messerschmidt, "Der Minsker Prozess 1946: Gedanken zu einem sowjetischen Kriegsverbrechentribunal," in Hannes Heer and Klaus Naumann, eds., *Vernichtungskrieg: Verbrechen der Wehrmacht, 1941–1944* (Hamburg: HIS, 1995), pp. 551–68; Winfried Meyer, "Stalinistischer Schauprozess gegen KZ-Verbrecher?: Der Berliner Sachsenhausen-Prozess vom October 1947," *Dachauer Hefte: Studien und Dokumente zur Geschichte der nationalsozialistischen Konzentrationslager* 13 (1997), pp. 153–80; Arkadij Krupennikov, "Gerichtsverfahren gegen Kriegsverbrecher Ende der vierziger und Anfang der fünfziger Jahre," in Klaus-Dieter Müller, Konstantin Nikischkin, and Günther Wagenlehner, eds., *Die Tragödie der Gefangenschaft in Deutschland und der Sowjetunion, 1941–1956* (Köln-Weimar: Bühlau Verlag, 1998), pp. 197–214.

4. United States Holocaust Memorial Museum (hereafter USHMM), Record Group 06.25 "War Crimes Investigation and Prosecution," (Central Archives of the Federal Security Services [former KGB] of the Russian Federation records relating to war crime trials in the Soviet Union, 1939–1992 [bulk dates 1945–1947]). Unfortunately, most of the files do not provide page or frame numbers.

5. V. M. Chkhivadze, *Sovetskoe voenno-ugolovnoe pravo* (Moscow: Iuridicheskoe izdatel'stvo Ministerstva Iustitsii SSSR, 1948), pp. 89, 93; N. V. Zhogin, "Nadzor za rassledovaniem prestuplenii," in *Na strazhe sovetskikh zakonov* (Moscow: "Iuridicheskaiia literatura," 1972), pp. 231, 233, 235; A. G. Gornyi, G. M. Dolgopiatov, and A. M. Medvedev, "Organisatsiia i deiatel'nost' sovetskoi voennoi prokuratury," in ibid., p. 361; *Sobranie zakonov i rasporiazhenii rabochekrestyanskogo pravitel'stva Soiuza Sovetskikh Sotsialisticheskikh Respublik* (Moscow: Upravlenie delami Soveta Narodnykh Komissarov SSSR, 1925), 17 September 1924, paragraph 25; 6 December 1924, paragraphs 206–7; 19 August 1929, paragraph 445.

6. *Sobranie zakonov i rasporiazhenii,* 10 September 1927, paragraphs 504–5; 18 June 1928, paragraphs 291–92; 11 March 1934, paragraph 78; A. N. Trainin, *Hitlerite Responsibility under Criminal Law* (London: Hutchinson, 1945), pp. 92, 95–96; Chkhivadze, *Sovetskoe voenno-ugolovnoe pravo,* p. 114.

7. *Velikaia Otechestvennaia,* 15 vols. (Moscow: "Terra"-"Terra," 1993–1999), vol. 2 (2), pp. 12–16; ibid., vol. 13 (2), pp. 17–19. Trainin, *Hitlerite Responsibility,* p. 91; Chkhivadze, *Sovetskoe voenno-ugolovnoe pravo,* pp. 109–10; "Prikaz Narodnogo Komissara Iustitsii SSSR i Prokurora SSSR ot 24 iiunia 1941 g. N. 102/58," *Sotsialisticheskaia zakonnost'* 1–2 (1941), p. 28; "Voennye tribunaly v usloviakh Velikoi Otechestvennoi voiny," *Sotsialisticheskaia zakonnost'* 7 (1942), pp. 1–3; M. Grodzinskii, "Osobennosti ugolovnogo sudoproizvodstva v usloviiakh voennogo vremeni," *Sotsialisticheskaia zakonnost'* 13–14 (1942), pp. 10–11.

8. *Ugolovnyi kodeks: s izmeneniiami na 1 dekabria 1938 g.* (Moscow: Iuridicheskoe izdatel'stvo NKIu SSSR, 1938), p. 4.

9. *Ugolovno-protsessual'nyi kodeks R.S.F.S.R. s izmeneniiami i dopolneniiami do 1 ianvaria 1927 g* (Moscow: Iuridicheskoe izdatel'stvo N.K.Iu. R.S.F.S.R, 1927), pp. 80–81.

10. S. G. Novikov, "Rol' voennoi prokuratury v obespechenii zakonnosti i pravoporiadka v period Velikoi Otechestvennoi voiny," *Sovetskoe gosudarstvo i pravo* 5 (1980), p. 79; V. B. Konasov, *Sud'by nemetskikh voennoplennykh v SSSR: Diplomaticheskie, pravovye i politicheskie aspekty problemy. Ocherki i dokumenty* (Vologda: Izdatel'stvo Vologodskogo instituta povysheniia kvalifikatsii i perepodgotovki pedagogicheskikh kadrov, 1996), pp. 18–25; Grodzinskii, "Osobennosti ugolovnogo sudoproizvodstva v usloviakh voennogo vremeni," pp. 10, 13–14; I. Sadovnikov, "Prokuratura Tul'skoi oblasti v dni voiny," *Sotsialisticheskaia zakonnost'* 10 (1942), p. 25; S. Fainblit, "Bor'ba s prestupnost'iu v raionakh osvobozhdennykh Krasnoi Armiyei ot nemetskikh okkupantov," *Sotsialisticheskaia zakonnost'* 6 (1942), p. 4; Gornyi, Dolgopiatov, and Medvedev, "Organizatsiia," pp. 371, 373.

11. *Vneshniia politika Sovetskogo Soiuza v period Otechestvennoi voiny,* 3 vols. (Moscow: Gosudarstvennoe izdatel'stvo politicheskoi literatury, 1944–1947), vol. 1, pp. 184–90; *Pravda,* 26 November 1941; USHMM, RG-22.001 "Records relating to the Soviet Union under Nazi Occupation, 1941–1945," file "O nemetsko-fashistskikh zlodeianiiakh i zverstvakh: Noty Narodnogo Komissara Inostrannykh Del Soiuza SSR tov. V. M. Molotova, 1943," Note of 27 April 1942, microfiche 1, cadre 3; ibid., RG 22.004, "Soviet War News, 1944," microfiche 1; *Izvestiia,* 18 December 1942; *Punishment for War Crimes* (New York: United Nations Information Offices, 1942), pp. 23–25; Trainin, *Hitlerite Responsibility,* p. 104; Chkhivadze, *Sovetskoe voenno-ugolovnoe pravo,* p. 133.

12. Ginsburgs, "Laws of War and War Crimes," p. 258; National Archives and Records Administration (NARA), RG-153, Entry 143, Box 575, file 21/10, 19–23.

13. See the note of the Soviet government on 14 October 1942, "Of the responsibility of the Hitlerite aggressors and their accomplices for crimes committed in the occupied countries of Europe," in *Vneshniaia politika Sovetskogo Soiuza v period Velikoi Otechestvennoi voiny* 1, p. 418.

14. Marian R. Sanders, "Extraordinary Crimes in Ukraine: An Examination of Evidence Collection by the Extraordinary State Commission of the USSR, 1942–1946," Ph.D. dissertation, Ohio University, 1995, pp. 20–21; NARA, RG-153, Entry 143, Box 575, file 21/10, 31–33.

15. *Velikaia Otechestvennaia,* vol. 2 (3), pp. 130–31.

16. Ibid.

17. See for example Karner, "Die Sowjetische Gewahrsamsmacht," p. 112; Messerschmidt, "Der Minsker Prozess," pp. 567f.

18. In April 1943 the People's Commissariat of the Interior (NKVD) was divided into the NKVD and the People's Commissariat of State Security (NKGB). In addition, military counterintelligence was formed into a separate branch, the Main Department of Counterintelligence (GUK), subordinated directly to the State Defense Committee.

19. *The Trial in the Case of the Atrocities Committed by the German Fascist Invaders and Their Accomplices in Krasnodar and Krasnodar Territory, Heard July 14 to 17, 1943* (Moscow: For-

eign Languages Publishing House, 1943); F. K. Glukh, "Iz istorii prokuratury Ukrainy," in *Na strazhe sovetskikh zakonov,* p. 109.

20. Alexander Werth, *Russia at War, 1941–1945* (New York: E.P. Dutton & Co., 1964), p. 732.

21. *Krasnaia Zvezda,* 13, 15–20 July 1943.

22. Ginsburgs, "Laws of War and War Crimes," pp. 265–66.

23. *Bol'shaia Sovetskaia Entsyklopediia* (Moscow: Izdatel'stvo "Sovetskaia Entsyklopediia," 1970–1978), vol. 9, p. 306; M. S. Strogovich, *Kurs sovetskogo ugolovnogo protsessa* (Moscow: Izdatel'stvo Akademii Nauk SSSR, 1958), p. 12; S. A. Golunskii, *Prigovor voennogo tribunala* (Ashkhabad: Voenno-iuridicheskaia akedemiia RKKA, 1942), p. 9.

24. See a German report on an open Soviet trial of the members of Einsatzgruppe D in Kerch, "Ereignissmeldung der UdSSR, n. 7, 12 June 1942," NARA, RG-242, Microfilm Series T-175, frame 2724472.

25. Zeidler, *Stalinjustiz contra NS-Verbrechen,* p. 27.

26. "The Trial of the Case of the Atrocities Committed by the German Fascist Invaders in Kharkov and the Kharkov Region," in *The People's Verdict: A Full Report of the Proceedings at the Krasnodar and Kharkov German Atrocity Trials* (London; New York: Hutchinson, 1944), pp. 80, 117–24; *Sudebnyi protsess o zverstvakh nemetsko-fashistskikh zakhvatchikov na territorii gor. Khar'kova i Khar'kovskoi oblasti v period ikh vremennoi okkupatsii* (n.p: Ogiz-Gospolitizdat, 1943); NARA, RG-153, Entry 143, Box 575, file 21/10, 39–41; *Krasnaia Zvezda,* 16–21 December 1943.

27. *Sudebnyi protsess o zverstvakh nemetsko-fashistskikh zakhvatchikov na territorii gor: Khar'kova i Khar'kovskoi oblasti,* p. 14.

28. Gary J. Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ; Princeton University Press, 2001), pp. 149, 173–80, 193–94.

29. Gerd R. Ueberschär, "Anmerkungen zur Reaktion der deutschen Führung auf die sowjetischen Kriegsverbrecherprozesse," in *Die Tragödie der Gefangenschaft in Deutschland und der Sowjetunion,* pp. 221–23; Arieh J. Kochavi, *Prelude to Nuremberg: Allied War Crimes Policy and the Question of Punishment* (Chapel Hill: The University of North Carolina, 1998), pp. 65, 70.

30. *Velikaia Otechestvennaia,* vol. 2 (3), p. 283; the decree of martial law in ibid., pp. 11–13; the decree on military tribunals in ibid., pp. 14–16; *Pravda Ukrainy,* 21 August 1944; *Krasnaia Zvezda,* 4 August 1990; Ueberschär, "Anmerkungen zur Reaktion der deutschen Führung," pp. 215–24.

31. NARA, RG-153, Box 575, file 21/10, 41–42; Nikita Petrov, "Aussergerichtliche Repression gegen kriegsgefangene Deutsche, 1941–1956," in *Die Tragödie der Gefangenschaft in Deutschland und der Sowjetunion,* pp. 189–91. For an example of an open military tribunal without defense and prosecution attorneys, see USHMM, "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169 [Tsentral'nyi Derzhavnyi Arkhiv Hromads'kykh Orhanizatsii Ukrainy] (cited as TsDAHOU), Roll 1, M-37/170 (1/23/928). The series does not provide frame numbers.

32. Boris Glebov, "Voennye prestupniki pered sovetskim sudom," *Sovetskoe gosudarstvo i pravo* 2 (1946), p. 54; Zeidler, *Stalinjustiz contra NS-Verbrechen,* p. 30.

33. Trainin, *Hitlerite Responsibility,* p. 88; Glebov, "Voennye prestupniki pered sovetskim sudom," p. 55.

34. M. Shargorodskii, "Kvalifikatsiia voinskikh prestuplenii," *Sotsialisticheskaia zakonnost'* 5–6 (1944), p. 20; M. P. Trainin, V. E. Grabar', M. M. Polianskii, A. I. Trainin, V. I. Durdenevskii, and D. B. Levin, "Ugolovnaia otvetstvennost' prestupnikov voiny," *Sotsialisticheskaia zakonnost'* 6 (1945), p. 9.

35. Trainin, *Hitlerite Responsibility,* pp. 37, 45–46.

36. USHMM, RG-06.25*36, "War Crimes Investigation and Prosecution," microfiche 1, file 2304; RG 06.025*38, microfiche 1, file 2306; RG-06.025*03, microfiche 13, file 514. See the ESC lists of alleged war criminals in NARA, RG-153, Box 575, file 21/10, 66–100; ibid., RG-238, Microfilm Series T-988, Roll 1, frame A080358–080359.

37. *Sovetskaia Belorussiia,* 16 January 1946.

38. Quotation in Howard S. Levie, "Penal Sanctions for Maltreatment of Prisoners of War," *American Journal of International Law* 56 (1962), p. 464.

39. Glebov, "Voennye prestupniki pered sovetskim sudom," pp. 55–56.

40. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 11, file 223.

41. *Bulletin of the International Commission of Jurists* 1, 2 (1958), p. 299. See also Strogovich, *Kurs sovetskogo ugolovnogo protsessa,* p. 252.

42. USHMM, RG-06.025*01, "War Crimes Investigation and Prosecution," microfiche 4, file 22; microfiche 1, files 3, 4.

43. Ibid., microfiche 1, file 4.

44. Ibid., microfiche 1, file 6.

45. Ibid., microfiche 1, file 4.

46. Ibid., microfiche 1, file 7.

47. Until May 1942 the chief of the Reichsicherheitshauptamt (RSHA).

48. USHMM, RG-06.025*01, "War Crimes Investigation and Prosecution," microfiche 1, file 4.

49. *Sudebnyi protsess po delu o zlodeianiiakh nemetsko-fashistskikh zakhvatchikov na territorii Latviiskoi, Litovskoi, i Estonskoi SSR* (Riga: Knigoizdatel'stvo, 1946), pp. 11, 17, 20, 22, 76, 100–101; USHMM, RG-06.025*01, "War Crimes Investigation and Prosecution," microfiche 1, file 4.

50. Ibid., RG-06.025*03, microfiche 3, file 416, microfiche 4, file 417; microfiche 4, file 418; microfiche 5, file 426, 427, 431. Apparently the order Herf received from Kube was a direct consequence of the commissariat administration meeting with SS and SD representatives on 29 January 1942, where a decision was taken to initiate a "second wave" of killings in the spring. See Eric Haberer, "The German Police and Genocide in Belorussia, 1941–1944," *Journal of Genocide Research* 3:1 (2001), pp. 23–24.

51. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 4, files 419, 421, 423; microfiche 5, file 430.

52. Ibid., RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 2, files 131, 133; ibid., (Holocaust related records from European archives collected by Yad Vashem), accession 1996.A.0169, (TsDAHOU) Roll 9, M-37/1187 [M-37/1433] (166–3-148).

53. Ibid.; *Kyivs'kyi protses: dokumenty ta materialy* (Kiev: "Lybid'," 1995), p. 43. Sheer's description of the conference of the SS and police commanders at Himmler's headquarters in Zhytomyr is corroborated by the latter's itinerary for July 1942. See *Der Dienstkalender Heinrich Himmlers, 1941/42,* Peter Witte, et al., eds. (Hamburg: Hans Christians, 1999), pp. 498–500. Apparently the BdS of the Ukraine, SS-Brigadeführer Dr. Max Thomas, issued the order to murder the remaining Jews even before Himmler's visit. See Richard Breitman, *The Architect of Genocide: Himmler and the Final Solution* (New York: Alfred A. Knopf, 1991), pp. 238–39.

54. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 1, file 128; microfiche 2, files 132, 134.

55. Ibid., RG-06.025*03, microfiche 11, files 487, 488, 489. Christian Gerlach identifies Koch as a commander of Sonderkommando 7C. Christian Gerlach, *Kalkulierte Morde: Die deutsche Wirtschafts- und Vernichtungspolitik in Weissrussland, 1941 bis 1944* (Hamburg: Hamburger Edition HIS, 1999), pp. 228f.

56. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 10, files 481, 482, 484, 485, 486; ibid., microfiche 11, files 487, 488, 489; *Sovetskaia Belorussia,* 18–19 January 1946.

57. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 10, file 485; microfiche 11, files 491, 492; *Prestupleniia nemetsko-fashistskikh okkupantov v Belorussii, 1941–1944* (Minsk: "Belarus'," 1965), pp. 337–39. Walter Blume was a commander of Sonderkommando 7A. French L. MacLean, *The Field Men: The SS Officers Who Led the Einsatzkommandos—the Nazi Mobile Killing Units* (Atglen, PA: Schiffer Military History, 1999), pp. 28, 42.

58. *Prestupleniia nemetsko-fashistskikh okkupantov v Belorussii,* pp. 338–39.

59. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 17, files 550, 551, 552. See the testimony of Georgii Garanovich, who was also present at the execution, in ibid., microfiche 17, file 553. See also *Pravda,* 18 January 1946; *Sovetskaia Belorussiia,* 5 January 1946.

60. USHMMA, RG 06.025*038, "War Crimes Investigation and Prosecution," microfiche 10, file 83; microfiche 12, files 105, 107, 108, 110; ibid., RG-06.025*03, microfiche 1, file 396; microfiche 2, files 398, 400, 404–406, microfiche 3, files 409, 410; *Sudebnyi protsess po delu o zlodeianiiakh nemetsko-fashistskikh zakhvatchikov na territorii Latviiskoi, Litovskoi, i Estonskoi SSR,* p. 34; *Pravda,* 18 January 1946; *Sovetskaia Belorussiia,* 5, 7, 16 January 1946.

61. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 2, file 404; ibid., microfiche 3, files 410, 411.

62. *Sovetskaia Belorussia,* 18, 19 January 1946. By the turn of 1942 the majority of Mogilev Jews had been murdered by Einsatzkommando 8 and the Order Police. See Israel Gutman, ed., *Encyclopedia of the Holocaust* (New York: Macmillan, 1990), vol. 3, p. 985.

63. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 3, file 411.

64. Ibid., RG-06.025*02, microfiche 4, file 146; ibid., "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169 (TsDAHOU) Roll 9, M-37/1163 [M-37/1418] (166–2-265); *Kyivs'kyi protses,* pp. 61–62, 87–88; *Radians'ka Ukraina,* 3 January 1946, 4, 16, 18 January 1946.

65. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 7, files 173, 174, 179, 181; ibid., "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, TsDAHOU, Roll 9, M-37/1163 [M-37/1418] (166–2-265); ibid., M-37/1174 [M-37/1426] (166–2-308); ibid., M-37/1213 (166–3-245); *Kyivs'kyi protses,* p. 59.

66. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 13, files 514, 516, 517; *Sovetskaia Belorussiia,* 5, 27 January 1946.

67. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 8, files 455, 456, 457, 458, 459, 460, 461; ibid., "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, Belorussian National Archive, Roll 13, M-41/278 (4–29–113).

68. The battalion was subordinated directly to the command of the 1st Panzer Army in Army Group South. Georg Tessin, *Verbände und Truppen der deutschen Wehrmacht und Waffen-SS im Zweiten Welkrieg, 1939–1945,* 14 vols. (Osnabrück: Biblio Verlag, 1973–1979), vol. 6, p. 73.

69. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 17, files 280, 283, 284; microfiche 18, file 296; *Kyivs'kyi protses,* pp. 55–56.

70. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 24, files 629, 631; ibid., microfiche 25, files 640, 642; ibid., "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, Belorussian National Archive, Roll 13, M-41/278 (4–29–113); *Sovetskaia Belorussiia,* 25, 27 January 1946.

71. *Izvestiia,* 20 December 1945; *Krasnaia Zvezda,* 20 December 1945.

72. *Izvestiia,* 16, 18–20, 27–29 December 1945; *Sovetskaia Estoniia,* 16 January 1946, 1 February 1946; *Sovetskaia Latviia,* 31 January 1946; *Sovetskaia Litva,* 28, 29, 31 January 1946, 5 February 1946; *Sovetskaia Belorussiia,* 18, 19, 29 January 1946; *Radians'ka Ukraina,* 21 January 1946; *Sudebnyi protsess po delu o zlodeianiiakh nemetsko-fashistskikh zakhvatchikov na territorii Latviiskoi, Litovskoi, i Estonskoi SSR,* pp. 5, 94–95; B. S. Utevskii, *Prestupleniia gitlerovtsev protiv mirnogo naseleniia* (Moscow: Iuridicheskoye Izdatel'stvo Ministerstva Iustitsii, 1946), p. 9.

73. *Sovetskaia Belorussiia,* 30 January 1946; *Sovetskaia Estoniia,* 5 February 1946; Glebov, "Voennye prestupniki pered sovetskim sudom," pp. 51–60; USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 27, file 659; ibid., "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, TsDAHOU, Roll 2, M-37/178 (1–23–3957); NARA, RG-238, Microfilm Series T-988, Roll 3, frame A081604–081671, 081627–081631; Mr. Victor Kaznachei, telephone conversation, 22 September 2002. Kaznachei was present at the execution in Kiev.

74. *Izvestia,* 29 December 1945; *Krasnaia Zvezda,* 29 December 1945. Perhaps his confession saved his life—he was sentenced to fifteen years of hard labor. See NARA, RG-238, series T-988, Roll 3, frame A081640.

75. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 15, file 537; *Sovetskaia Belorussia,* 20 January 1946.

76. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 26, file 658; microfiche 27, file 658.

77. Ibid.

78. Ibid., microfiche 1, file 387.

79. Ibid., RG 06.025*038, microfiche 3, files 16, 17; microfiche 4, file 22.

80. Robert C. Doyle, *Voices from Captivity: Interpreting the American POW Narrative* (Lawrence: University Press of Kansas, 1994), p. 115. I am grateful to Geoffrey Megargee of the Center for Advanced Holocaust Studies at the United States Holocaust Memorial Museum for this reference.

81. Zeidler, *Stalinjustiz contra NS-Verbrechen,* p. 33.

82. *Sudebnyi protsess o zverstvakh nemetsko-fashistskikh zakhvatchikov na territorii gor. Khar'kova i Khar'kovskoi oblasti,* pp. 53–59; USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 4, files 155, 156, 159, 161; microfiche 5, file 161; ibid., "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, (TsDAHOU) Roll 9, M-37/1187 [M-37/1996] (166–3-146).

83. S. A. Golunskii, *Prigovor voennogo tribunala* (Ashkhabad: Voenno-iuridicheskaia akademiia RKKA, 1942), pp. 6–7.

84. Martin Dean, *Collaboration in the Holocaust: Crimes of the Local Police in Belorussia and Ukraine* (New York: St. Martin's Press in association with the United States Holocaust Memorial Museum, 1999), p. 158; Dieter Pohl, *Nationalistische Judenverfolgung in Ostgalizien, 1941–1944: Organisation und Durchführung eines staatlichen Massenverbrechens* (Munich: R. Oldenbourg, 1997), p. 391.

85. Golunskii, *Prigovor voennogo tribunala,* p. 4.

86. See, for example, "Race and Crimes: The 1945 War Crimes Trial of General Tomoyuki Yamashita," *Human Rights Quarterly* 14:3 (1992), p. 318.

87. See Klaus-Dietmar Henke and Hans Woller, eds., *Politische Säuberung in Europa: Die Abrechnung mit Faschismus und Kollaboration nach dem Zweiten Weltkrieg* (Munich: Deutscher Taschenbuch, 1991), and István Deák, Jan T. Gross, and Tony Judt, eds., *The Politics of Retribution in Europe: World War II and Its Aftermath* (Princeton, NJ: Princeton University Press, 2000). According to Elisabeth M. Yavnai, who is writing a dissertation entitled "The U.S. Army's Investigation and Prosecution of Nazi War Criminals in Germany," U.S. Army interrogation units at times used illegal methods to extract confessions from alleged war criminals.

88. For the trials of Vlasov, Semenov, Krasnov, and their associates, see *Izvestiia,* 2 August 1946; 17 January 1947; *Pravda,* 2, 27–30 August 1946.

89. USHMM, "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, TsDAHOU, Roll 2, M-37/178 (1–23–3957).

90. *Kyivs'kyi protses*, pp. 69–70.

91. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 12, files 234, 235, 236.

92. For example, see the description of the murder of Jews in Rovno in Dieter Pohl's "Die Einsatgruppe C," in Peter Klein, ed., *Die Einsatzgruppen in der besetzeten Sowjetunion, 1941/42: Die Tätigkeit- und Lageberichte des Chefs der Sicherheitspolizei und des SD* (Berlin: Druckhaus Hentrich, 1997), pp. 76–77. According to the local branch of the ESC, up to 22,000 Jews lost their lives in the Rovno massacre. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 13, file 240. On the murder of Jews in Nikolayev, see Andrej Angrick, "Die Einsatzgruppe D: Structur und Tätigkeiten einer mobilen Einheit der Sicherheitspolizei und des SD in der deutsch besetzten Sowjetunion," Ph.D. dissertation, Technische Universität, Berlin, 1999, pp. 163–67. The author refers to 5,000 Jewish victims.

93. USHMM, RG-06.025*01, "War Crimes Investigation and Prosecution," microfiche 5, files 29, 30, 33; microfiche 6, file 39; ibid., "Latvian State Archives of the Former Latvian KGB (State Security Committee) records from Fond 1986 relating to war crimes investigations and trials in Latvia, 1941–1995 (bulk 1944–1966)," Case #182, Arnold Adamovich Laukers, 1946, microfiche 1, 2. For the participation of the Latvian police units in the murder of the Jews of Riga on November 30 and December 8, 1941, see Andrew Ezergailis, "Sonderkommando Arâjs," paper presented at the Ninth International Conference on Baltic Studies in Scandinavia, Stockholm, June 3–4, 1987, p. 25.

94. See the testimony of the chief SS justice in Riga, Hans Zentgraf in USHMM, RG-06.025*01, "War Crimes Investigation and Prosecution," microfiche 4, file 22.

95. See the testimony of the former commander of Einstazkommando 5, Erwin Schultz, NARA, RG-238, Microfilm Series M-895, Roll 2, 957. Also Yehoshua Büchler, "Kommandostab Reichsführer-SS: Himmler's Personal Murder Brigades in 1941," *Holocaust and Genocide Studies* 1:1 (1986), p. 17; Yehoshua Büchler, "Local Police Force Participation in the Extermination of Jews in Occupied Soviet Territory, 1941–42," *Shevut* 20 (1996), pp. 95–96; Ezergailis, *The Holocaust in Latvia*, pp. 240–41; Richard Breitman, "Friedrich Jeckeln: Specialist für die 'Endlösung im Osten,'" in Ronald Smelser and Enrico Syring, eds., *Die SS: Elite under dem Totenkopf: 30 Lebensläufe* (Paderborn-Münich: Ferdinand Schöningh, 2000), pp. 271–73; Alfred Streim, "Zum Beispiel: Die Verbrechen der Einsatzgruppen in der Sowjeunion," in Adalbert Rückerl, ed., *Nach 25 Jahren Strafverfolgung: Möglichkeiten—Grenzen—Ergebnisse* (Karlsruhe: C.F. Müller, 1971), p. 73.

96. USHMM, RG-06.25*3, "War Crimes Investigation and Prosecution," microfiche 4, file 424.

97. Haberer, "The German Police and Genocide in Belorussia," p. 209. For the role of the native auxiliary police in the genocide, see Dean, *Collaboration in the Holocaust.*

98. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 5, file 158; ibid., RG-06.025*03, microfiche 1, file 391; microfiche 1, files 393, 394, 395; microfiche 5, file 430; microfiche 11, file 494; microfiche 12, files 497, 499, 500; ibid, RG-06.025*02, microfiche 14, files 254, 255; microfiche 15, files 261, 262, 263.

99. *Kyivs'kyi protses,* pp. 87–88; NARA, RG-242, Roll 6, frame 000375, 000458.

100. USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," fiche 3, file 416; fiche 4, files 417, 418; *Encyclopedia of the Holocaust,* vol. 3, pp. 977–78. For a brief period in summer 1943 Herf also served as a deputy to SS-Obergruppenführer Erich von dem Bach-Zelewski, chief of the antipartisan formations—the *Bandenkampfverbände*—known for their brutality against noncombatants.

101. USHMM, "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, (TsDAHOU) Roll 9, M-37/1187 [M-37/1433] (166–3-148). For Sheer's appointment as KdO Kiev, see ibid., RG-11.001M, "Osobyi Archive (Moscow) records, 1932–1945," accession 1993.A.0085, Roll 80 (1323–1-51).

102. A. I. Kruglov, *Entsyklopediia Kholokosta: Evreiskaia entsyklopediia Ukrainy* (Kiev: Evreiskii sovet Ukrainy, Fond "Pamiat' zhertv fashisma," 2000), pp. 37–38, 94–95; Yehoshua Büchler, "Kommandostab Reichsführer-SS," p. 21.

103. USHMM, RG-06.025*02, "War Crimes Investigation and Prosecution," microfiche 14, files 248, 249, 250, 251, 253; ibid.RG-06.025*03, microfiche 4, file 424; microfiche 15, files 538, 539, 541, 542, 543, 544; 546; microfiche 3, file 152; microfiche 4, file 152. On the murder of Melitopol' Jews, see Angrick, "Die Einsatzgruppe D," pp. 206–207; also USHMM, "Holocaust related records from European archives collected by Yad Vashem," accession 1996.A.0169, (TsDAHOU) Roll 1, M-37/30 (1/22/238). For the numbers of Jewish residents in Melitopol', see Shmuel Spector, ed., *The Encyclopedia of Jewish Life Before and During the Holocaust,* vol. 2 (New York: New York University Press, 2001), p. 807.

104. Despite the harshness of the Soviet military tribunals, during the period 1945–1952 they sentenced to death no more than five hundred Axis personnel. In May 1947 the death penalty was abolished, and the majority of defendants in the subsequent trials received lengthy prison terms of up to twenty-five years. By the mid-1950s, those who had survived Soviet prisons and camps were repatriated or extradited to the German Democratic Republic, where some found employment with the state police and other government institutions. For the 1947 trials, see USHMM, RG-06.025*14, [Eberhard von Kurovsky et al., 1947], "War Crimes Investigation and Prosecution," microfiche 1, files 1320, 1321; microfiche 2, file 1321; *Radians'ka Ukraina,* 18, 28 October 1947. On the abolition of the death penalty, see *Ugolovnoe pravo: Obshchaia chast'* (Moscow: Iuridicheskoe izdatel'stvo Ministerstva Iustitsii SSSR, 1948), p. 160; "Ukaz Presidiuma Verkhovnogo Soveta SSSR ob otmene smertnoi kazni," *Sovetskoe gosudarstvo i pravo* 5 (1947), p. 1. For the release of German war criminals sentenced to prison terms in 1945–1946, see USHMM, RG-06.025*03, "War Crimes Investigation and Prosecution," microfiche 27, files 661, 662, 663; ibid., RG-06.025*14, microfiche 2, file 1322; ibid., RG-06.025*14, microfiche 2, file 1322; ibid., RG-06.025*01, microfiche 14, file 124.

105. Amir Weiner, *Making Sense of War: The Second World War and the Fate of the Bolshevik Revolution* (Princeton, NJ: Princeton University Press, 2001), p. 211. For example, see the reports of the trials in Krasnodar in *Pravda,* 25 October 1963, in Mineral'nye Vody, *Pravda,* 1, 14 February 1966, in L'viv in *Vil'na Ukraina,* 27 November 1966, 14, 17, 20, 21, 24, 25 December 1966; in Mirgorod in *Radians'ka Ukraina,* 21 October 1983.