

Nikto ne zabyt, nichto ne zabyto: The Soviet Contribution to
International Justice at Nuremberg

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“Let these butchers know that they will not escape responsibility for their crimes or elude the avenging hand of the tormented nations.”

*Joseph Stalin
November 6, 1942*

The Soviet Union played a major role in the establishment of the International Military Tribunal (IMT) by resolutely promoting the idea of an international trial of Nazi Germany’s leaders for the criminal actions perpetrated by its forces upon both civilians and prisoners of war during its invasion and occupation of the Soviet Union during the Second World War. At the very outset of the conflict the Soviet Union established “flying” military committees which collected evidentiary materials for later use in some kind of international judicial forum. Additionally, only a handful of Western scholars have noted that the Soviets were early proponents of the use of the legal principle of conspiracy (which had been used in the infamous show trials domestically but had no place in continental European jurisprudence) and also played an instrumental role in establishing the principle that aggressive war in and of itself could be legally construed as a criminal act.¹ Of course, this was not an entirely novel concept as the General Treaty for the Renunciation of War (also known as the Kellogg-Briand Pact) which was signed by 15 nations (including Weimar Germany) on August 27th 1928 and registered as part of the League of Nations Treaty Series a week later, explicitly called for the renunciation of war between the contracting parties as a solution to any kind of conflict. Article II of the treaty stated that “the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be...shall never be sought except by pacific means.”²

Eventually, another 40 nations (including the Soviet Union just two days later, on August 29th) indicated their intention to subscribe to the treaty’s provisions. The Soviet

Union also concluded supplemental treaties with Latvia, Estonia, Poland and Romania (the so-called Litvinov Protocols) on February 9th 1929 which reiterated the Pact's provisions and were signed separately since that treaty had not yet been ratified by enough states to come into legal force. The Soviet Union never formally signed the Pact but its entrance into the League of Nations in 1934 legally required the USSR's assent to any and all Treaties that had been adopted by that body. The Soviet Union also signed a series of non-aggression pacts with its neighbors in the 1930s (including, of course, the notorious Molotov-Ribbentrop Pact) which made the Soviet Union a leading advocate for the diplomatic principle of collective security. In addition, as Francine Hirsch has observed, the brilliant Soviet jurist Aron Trainin had in 1937 published his *The Defense of Peace and Criminal Law* in which he castigated the League of Nations for failing to make aggressive war a criminal offense and not providing for any sort of international court to punish aggressors. Most notable in this regard was the fact that Andrei Vyshinskii, Stalin's procurator general, wrote an introduction to the book in which he asserted that "criminal law must be utilized for defending peace, must be mobilized against war and against the instigators of war."³

The conduct of German forces after the invasion of the Soviet Union was recognized as criminal almost from the very start. On October 27th 1941 both United States President Franklin Roosevelt and British Prime Minister Winston Churchill condemned their atrocities, with the latter opining that "the punishment of these crimes must now be included among the major aims of the war."⁴ The Nazis' callous indifference to the peoples of the Soviet Union pointed up the difference between Hitler's war in the West and the brutal racial struggle (*Rassenkampf*) in the East. The racist nature of this conflict can be

seen in the plans for the war of annihilation outlined in the “General Plan for the East” drawn up by Heinrich Himmler. It called for the “removal” of 80 million people from Russia in order to allow for its colonization by Germans. This document, which was to have been presented to Hitler upon the occasion of the final defeat of the Soviet Union, was to be the blueprint by which all of Russia would be turned into a colony to furnish raw materials and slave labor for Germany while also obtaining the *Lebensraum* Hitler had been dreaming of since he dictated *Mein Kampf* to Rudolf Hess in Landsberg Prison in 1924. Stalin, in an address to his generals underground in Moscow on November 6th 1941, asserted this link between the plans of the Nazi leadership and the actions of German forces in the field when he stated that “the German invaders want a war of extermination with the peoples of the USSR,” and “...if the Germans want a war of extermination they will get it.”⁵ Throughout the war the Soviet Union continually pointed out not only the glaring violations by the Nazis of international treaties regarding the conduct of war and treatment of both civilians and prisoners of war but also this direct link to and criminal responsibility of the civilian and military leadership of Nazi Germany for any and all actions committed by their subordinates in the field.

In the first of his four wartime notes on November 25th 1941 People’s Commissar for Foreign Affairs Molotov had described the reprehensible treatment of Soviet prisoners of war and laid “all responsibility for these inhuman actions of the German military and civil authorities on the criminal Hitlerite government.”⁶ For their part the Germans asserted that they were not bound to adhere to such strictures since the Soviet Union had not been a signatory to international agreements such as the Hague Conventions of 1899 and 1907, and especially the Geneva Convention

in 1929. This was immaterial since, unlike the Kellogg-Briand Pact that called for no force to be used *between signatories* in a dispute, the Geneva Convention's stipulations relative to the treatment of POW's were binding upon any state that acceded to the agreement as long as the opposing side accepts and applies the provisions. In point of fact, the Soviets insisted that they had *de facto* agreed to adhere to the rules governing the conduct of military forces *vis-à-vis* prisoners of war. In Molotov's note of April 27th 1942, by which time the scope and enormity of Nazi crimes against Soviet prisoners was all too apparent, with over two million of them dead, he wrote

...being true to the principles of humanity and respect for its international obligations, the Soviet government even in present circumstances does not intend to resort to reprisals against German war prisoners, and continues to abide by the undertakings as regards the regime of war prisoners, which the Soviet Union assumed under the Hague Conventions of 1907, which was signed, but is now treacherously violated in all its provisions, by Germany.⁷

Of course, the Soviet government had completely disregarded these international laws concerning the treatment of POW's during its campaigns against Finland and Poland in 1939 and 1940. And it has been irrefutably established and acknowledged by the Russian government that the Soviets executed over 25,000 Polish officers in the spring of 1940.⁸ But the Soviet government's public pronouncements consistently demanded that the entire Nazi leadership be held accountable for war crimes committed by its forces. The Kremlin insisted that "severe punishment must overtake all who are guilty of these most atrocious crimes against culture and humanity, all the Hitlerite criminals without exception – from the lance-corporal in the army to the lance-corporal on the throne."⁹ The atrocities perpetrated by German forces upon the prisoners of war and the civilian population were

seen as part of a criminal conspiracy to pursue a deliberate war of annihilation. In his note of January 6th 1942 Molotov delineated the “wholesale robbery, despoliation of population and monstrous atrocities” committed by the Germans in the Soviet Union and noted that “the inhuman regime which has been established by the German-Fascist authorities for prisoners of war has become the lot of the civilian population.”¹⁰ Molotov once again took pains to emphasize the criminal conspiracy that was at the heart of Nazi policies in the Soviet Union

Irrefutable facts prove that the regime of plunder and bloody terror against the non-combatant population of occupied towns and villages constitutes not merely the excesses of individual German officers and soldiers, but a definite system previously planned and encouraged by the German Government and the German High Command....¹¹

Interestingly, although the legal principle of a conspiracy to commit a criminal offense had no place in continental European law, the Soviets had also seized upon the concept as a vehicle by which to try the Nazi leadership. Francine Hirsch notes that “the Soviets were keen proponents of this charge from early on, recognizing its great utility.”¹² Most accounts do indeed wholly attribute the use of the conspiracy charge to American ingenuity and their persistence in overcoming the other Allies’ objections but in point of fact it was yet another major contribution made by the Soviets to international justice at Nuremberg.

Molotov continued to put forward the Soviet demand for a war crimes trial using the conspiracy principle. He argued that “in reporting all these atrocities committed by the German invaders to all governments with which the USSR has diplomatic agreements the Soviet government lays all the responsibility for these inhuman and rapacious acts committed by the German troops on the criminal Hitlerite government of Germany.”¹³ Just

one week later representatives of nine occupied states met in London and issued a declaration that demanded that the Allies

place among their principal war aims the punishment, through the channels of organized justice, of those guilty or responsible for these crimes, whether they have ordered them, perpetrated them, or in any way participated in them.¹⁴

The signatories to this document also established a “Commission for the Punishment of War Crimes.” The principle that the entire political and military chain of command was just as guilty as the actual perpetrators in the field for any and all violations of the norms of war was already on its way to being established; the “orders are orders” defense eventually used at Nuremberg would, of course, be inadmissible.

On April 27th 1942, ten months after Hitler’s invasion of the Soviet Union, Molotov sent a single spaced, twenty-six page note to “all embassies and ambassadors with which the USSR has diplomatic relations.” The missive, “Concerning the Monstrous Crimes, Atrocities, and Acts of Violence of the German State in the Occupied Soviet Regions and the Responsibility of the German State for these Crimes” was a virtual indictment of the Nazi regime’s conduct in the Soviet Union. In this extremely detailed explication of the atrocities committed by German forces Molotov noted that these transgressions were not random but instead were calculated and “not manifested as the episodic excesses of undisciplined military units.”¹⁵ The Soviet Government collected countless battle reports, orders and other documents that clearly proved that the Nazi’s “bloody crimes and atrocities had been undertaken in accordance with the carefully compiled and elaborate plans of the German government and German High Command.” This diplomatic note broke down the Nazi’s heinous transgressions in Russia into a half dozen

categories, including the methodical plunder of the country's population, the complete destruction of cities and villages, the enslavement of her people and deportation of several million more to Germany for forced labor, the veritable extermination of the Soviet population and prisoners of war and the liquidation of Russian national culture and the cultures of other peoples of the USSR.

Molotov took pains to point out that the evidence presented “not only supports the assertions of the Soviet government of the planned nature of these evildoings as outlined in the notes of November 25th 1941 and January 6th 1942,” but also “shows that the Hitlerite government and its accomplices have reached the limits of cruelty and moral depravity in its bloody criminal attack on the freedom, welfare, culture and very life of the Soviet peoples.”¹⁶ The document went into explicit details of the myriad atrocities and crimes of German forces in Russia and connected the perpetration of those crimes with the military orders that had been captured, including several from Hitler and Goering. The grisly specifics of some of the many massacres of men, women and children were presented, as well as detailed retellings of the numerous summary executions of citizens and the horrific treatment of Soviet prisoners. The wanton burning and looting of villages and destruction of equipment, buildings and entire cities was chronicled and the looting of property was also carefully catalogued. The idea that all of these acts were not only criminal but committed as part of a plan determined by the highest civil and military authorities would become a key part of the Nuremberg trial. Molotov promised in conclusion that “Hitler's government and its accomplices will not escape severe responsibility and deserved punishment for all their unparalleled crimes perpetrated against the peoples of the USSR and against all freedom loving peoples.”¹⁷

Thus, the idea that the Nazi war effort was in essence a criminal undertaking and Germany's leading political and military figures ought to be brought before the bar of justice was being advanced forcefully by the Soviets by early 1942. Representatives of the European governments in exile had also met on January 13, 1942 in London at St. James' Palace and issued what became known as the Declaration of St. James'. It demanded that the allies

place among their principal war aims the punishment, through the channel of organized justice, of those guilty of or responsible for these crimes, whether they have ordered them, perpetrated them or participated in them.¹⁸

In September of that year, in a speech in the House of Commons, Winston Churchill seemingly supported the Soviet position when he pledged the support of Great Britain in ensuring that "those who are guilty of the Nazi crimes will have to stand up before tribunals in every land where their atrocities have been committed in order that an indelible warning may be given to future ages..." and Franklin Roosevelt declared that it would be United States policy "that the successful close of the war shall include provision for the surrender to the United Nations of war criminals."¹⁹ In October of 1942 Roosevelt and Sir John Simon (the British Lord Chancellor) both proposed that a "United Nations Commission for the Investigation of War Crimes" be established to collect evidence and identify suspects. Two months later a joint declaration by the United States, Britain and the European governments in exile publicly accused the Nazis of "a bestial policy of extermination of the Jewish people in Europe," but the United Nations War Crimes Commission did not meet until over a year had passed and the Soviet Union never became a member of the commission.

The Soviets had seized upon the declaration by the United Nations to call yet again for the establishment of a war crimes tribunal for both civil and military leaders as well as the actual perpetrators. A diplomatic communiqué was sent that noted

The Soviet government approves and shares the just desire expressed in the collective note received, that those guilty of the crimes indicated shall be handed over to judicial courts and prosecuted, and that the sentences passed on them shall be put into execution.

The Soviet government is ready to support all practical measures to this end on the part of the Allied and friendly governments, and counts upon all interested states giving each other mutual assistance in seeking out, handing over, bringing to court and passing sentence on the Hitlerites and their accomplices guilty of the organization, promotion, or perpetration of crimes on unoccupied territory.²⁰

It was the Soviet government, however, that insisted upon an *international tribunal*, considering it

Essential to hand over without delay for trial before a special international tribunal, and to punish according to all severity of criminal law, any of the leaders of Fascist Germany who in the course of the war have fallen into the hands of states fighting against Hitlerite Germany.²¹

Given Churchill's speech in Parliament and Roosevelt's repeated expressions of moral outrage Stalin undoubtedly assumed that the Allies were on the same page insofar as the idea of convening a post-war international war crimes trial was concerned. But that was manifestly *not* the case. As Howard Ball has noted, as late as 1945 the Western Allies were largely agreed on a plan to summarily execute Nazi war criminals and tried to convince the Soviet Union to go along.²² Most scholars are aware of US Secretary of the Treasury Henry Morgenthau's proposal drawn up in late 1944 essentially to turn Germany into a veritable potato farm after the war.²³ Less well known, however, was the provision to distribute a list of 2,500 Nazi war criminals (including political and military leaders, police

officials, industrialists, etc.) to the advancing Allied troops so that they could be summarily executed upon capture.

Winston Churchill, writing just a week before Hitler's suicide and two weeks before Germany's formal unconditional surrender, had in fact agreed with this idea, writing Roosevelt of his unease with the Americans' conversion to the Soviet idea of an international war crimes trial

[His Majesty's Government is] deeply impressed with the dangers and difficulties of this course [judicial proceedings], *and they think that execution without trial is the preferable course* (italics mine). [A trial] would be exceedingly long and elaborate, [many of the Nazis deeds] are not war crimes in the ordinary sense, nor is it at all clear that they can properly be described as crimes under international law.²⁴

Churchill would later claim that Stalin's remark at the Tehran conference that fifty thousand of Hitler's henchmen ought to be "rounded up and shot at the end of the war" was in fact indicative of Stalin's "serious intent." Since the historical record clearly shows otherwise I would submit that Stalin was merely poking fun at the Prime Minister for his reluctance to endorse the idea of an international war crimes trial. Even ruthless dictators can have a sense of humor. Stalin's true intentions can be seen in the agreements ultimately agreed upon at the Moscow Conference in 1943. It was reported that

the Russians...insisted on a declaration concerning the punishment of those individuals responsible for German atrocities...[and] contended that the category of such war criminals embraced everyone from the Nazi higher-ups... down to the meanest *Wehrmacht* private...in the gruesome fulfillment of... directives.²⁵

The joint resolution issued by the Big Three at the behest of the Soviet Government had only agreed that major political and military figures whose crimes had "no particular localization" would be "punished by the joint decision of the Governments of the Allies." Of course, this vague formulation was merely a sop to the Soviets who were

still insisting on an international war crimes trial. It was, however, agreed that “petty associates” would be “brought back to the scene of their crimes and judged on the spot by the peoples they have outraged” and further pledged to “pursue them to the uttermost ends of the earth and...deliver them to their accusers in order that justice be done.”²⁶ The Soviets, however, continued to demonstrate their commitment to justice; just a week after the Moscow Conference Stalin said

“...together with our Allies, we must adopt measures to ensure that all the Fascist criminals responsible for the present war and the sufferings of the people, should bear stern punishment and retribution for all the crimes perpetrated by them no matter in what country they may hide.”²⁷

Stalin had called for the implementation of such a framework for justice a year earlier in his speech of November 6th 1942: “We know who the men are that are guilty of these outrages...their names are known to tens of thousands of tormented people. Let these butchers know that they will not escape responsibility for their crimes or elude the avenging hands of the tormented Nations.” U.S. Secretary of War Henry Stimson had disagreed with Morgenthau’s plan and had also believed all along that an international judicial proceeding was required.²⁸ It was his Department that devised the outlines of the criminal indictment that ultimately would be utilized at Nuremberg. The plan charged the Nazi regime with a criminal conspiracy to wage aggressive war and commit crimes against humanity

The whole movement had been a deliberate, concerted effort to arm for war, forcibly seize the lands of other nations, steal their wealth, enslave and exploit their populations, and exterminate the...Jews of Europe.²⁹

But again, as mentioned previously, this idea had already been put forward by the Soviets in Trainin’s first book published in 1937. His second major work, *Criminal Responsibility*

of the Hitlerites, published in 1944, reiterated the argument that “peace is the greatest social value” and that war itself should be a punishable criminal act. Ginsburgs, in his own seminal work called it “a pioneering attempt to gain recognition for the phenomenon of crimes against peace....”³⁰ Since Soviet jurisprudence embraced the idea of conspiracy Trainin now put forward that legal principle as well by devoting a chapter to the concept of complicity, defining it as “a complex phenomenon” that “embraces various understandings among criminals” and can include “the dangerous form of participation in an organization....” Members of such organizations may not know each other “but should answer for all their criminal activities.”³¹

Francine Hirsch has made a persuasive argument that it was in fact this book, translated immediately into English, French and German, that proved instrumental in preparing the groundwork for the legal justification for the charges leveled at Nazi leaders at the IMT. Using archival materials she showed how the book was discussed in October 1944 at a meeting of the United Nations War Crimes Commission and ultimately was reviewed by officials in both the State and War Departments of the United States. One of those officials was a War Department lawyer named Murray Bernays. It would be he who ultimately drew up the American plan to charge the German leadership with criminal conspiracy. Bernays even cited Trainin’s definition of a “crime against peace” in his memo to the White House. Robert Jackson, who would act as the United States’ chief prosecutor at Nuremberg, also agreed with Trainin’s argument.³² Trainin’s definition would essentially form the basis for the charges of “war crimes” and “crimes against humanity” lodged against the Nazi leadership at Nuremberg. And his definition of “complicity”

noted earlier was replicated by the complicity charge in the Nuremberg Charter that agreed that “leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit” war crimes “are responsible for all acts performed by any persons in execution of such plan.”³³

Most histories credit the United States with the major legal innovations of the Nuremberg Trials; however, Hirsch rightly concludes that the Soviets played a major role in formulating the legal rationales for crimes against peace and complicity. Moreover, they insistently called for an international trial to bring the Nazi criminals to justice. This, despite the fact that Roosevelt and Churchill had met in Quebec in September of 1944 and agreed with a proposal put forward by Lord Simon that called for the execution of Nazi war criminals. They further agreed “to put to Marshal Stalin Lord Simon’s proposal for dealing with the major war criminals, and to concert with him a list of names.”³⁴ Roosevelt had not seriously entertained the idea of a post war trial and extra-judicial executions in keeping with Lord Simon’s and Morgenthau’s plans remained the official policy until early 1945 when, after the massacre of captured American soldiers at Malmedy in Belgium on December 17th 1944, an enraged public demanded justice. The massacre of 70 American soldiers had finally galvanized public and official opinion as to the criminality of the Nazis. Although undoubtedly sympathetic to the reports of the millions upon millions of murdered Jews, Soviet prisoners of war and civilians that had taken place so far away, it was this event that led to the demand for the punishment of those responsible for such atrocities.

Even U.S. Attorney General Francis Biddle, who had opined that there should not

be any prosecution of prewar acts or acts against German nationals and that the War Department's idea of charging Nazi political and military leaders with conspiracy should be dropped, now wrote that Malmedy was just part of a "purposeful and systematic conspiracy to achieve domination of other peoples by deliberate violations of the rules of war as they have been accepted and adhered to by the nations of the world."³⁵ The fact that the massacre was perpetrated by the *Waffen SS* also led Biddle to agree with the plan (finally drawn up by Murray Bernays) to charge the German leadership with criminal conspiracy. He later wrote that it "was the shooting of American officers and soldiers after their surrender at Malmedy by an SS regiment, *acting under orders...*" that convinced him. Stimson and Secretary of State Cordell Hull seized on this opportunity to argue

While [executive action...arrest and execution] has the advantage of a sure and swift disposition, it would be violative of the most fundamental principles of justice, common to all the United Nations. This would encourage the Germans to turn these criminals into martyrs and in any event, only a few individuals could be reached in this way. Consequently, [although there are serious legal difficulties involved in a judicial proceeding], we think that the just and effective solution lies in the use of the judicial method...[which] will, in addition, make available for all mankind to study in future years an authentic record of Nazi crimes and criminality.³⁶

Roosevelt finally agreed and brought up the idea of an international war crimes trial with Churchill and Stalin at the Yalta Conference in February 1945. As we have seen, Stalin, whose nation had of course seen the worst of the Nazi atrocities, had been calling for precisely such a trial for several years now. But Churchill continued to insist on the summary execution of top Nazis through to the beginning of April 1945. It was only after the liberation of the Nazi concentration camps and extermination centers that the British grudgingly assented to the idea. Even then, as late as the summer of 1945 (this after Churchill's departure from office and the London Conference had already convened in

June to determine the procedures for the International Military Tribunal) the British asserted it would be far easier and save everybody time by simply shooting the defendants!

But the Soviet Union had already been preparing for several years for just such a trial. In July of 1942 a draft proposal by G. Aleksandrov, head of the Propaganda and Agitation section of the Central Committee of the Communist Party was circulated that called for the establishment of an “Extraordinary State Commission for the investigation of atrocities, violence and other crimes committed by the German army on the regions of Soviet territory temporarily occupied and an account of the damage inflicted by the German-Fascist forces on the population of the USSR and to the Soviet state.”³⁷ Aleksandrov asserted that the “violence, mass murders, destruction of priceless material and cultural treasures of the Soviet people, and establishment of the forced labor regime...” were the result of “a systematic plan which had earlier been devised and authorized by the German government and the German High Command.”³⁸ Therefore, the “Soviet people demand retribution for the crimes of the German Fascist forces...” and to that end it “was necessary to conduct an exact inventory of all the evil crimes of the Hitlerite army on the territory of the USSR, the violation of the norms of international law, of the rules and customs of the conduct of war....”³⁹

Aleksandrov, however, also noted the *ad hoc* nature of efforts to compile evidence for future use in war crimes trials. He wrote that “a series of organizations had taken it upon themselves to undertake such an inventory as well as the collection of materials concerning the crimes of the German army.” Such activities were “undertaken without a unified plan”

and “organized poorly” therefore it was “necessary to provide for the formation of an Extraordinary State Commission which would be engaged in the investigation and inventory of crimes, atrocities, violence, and thievery of the German Fascist army and an accounting of this army’s material damage to the Soviet state and to Soviet citizens.” The commission would need to be invested with “special authority for the collection of all necessary materials...” and would be responsible to the *Sovnarkom* (Council of People’s Commissars, the Soviet government’s cabinet).⁴⁰ On October 28th Aleksandrov forwarded to Molotov a draft decree from the Presidium of the Supreme Soviet concerning the establishment of an “Extraordinary State Committee (sic) for the inventory of the German-Fascist invaders’ evildoings.”⁴¹ Molotov made extensive corrections on the proposal (including the name of the commission) and added that the principal purpose of the commission would be to oversee “the unification and conformity of the inventory already being conducted by Soviet state organs of the crimes and damage inflicted by the invaders...”⁴²

In addition to a full accounting of the damages inflicted upon the USSR, the commission would also be charged with “establishing, in all cases where circumstances permitted, the identity of the German-Fascist criminals, the guilty in organizations which have committed evildoings on occupied Soviet territory, with the goal of bringing these criminals to justice and to their most severe punishment.”⁴³ Thus, on the basis of the October 1942 declaration the Soviets in November set up an “Extraordinary State Commission for ascertaining and investigating crimes perpetrated by the German-Fascist invaders and their accomplices, and the damage inflicted by them on citizens, collective farms, social organizations, State enterprises and institutions of the USSR.” Announced in

Pravda as a decree of the Presidium of the Supreme Soviet and as a resolution from the Council of People's Commissars, this body was charged with compiling the evidentiary materials for a future war crimes trial. A policy paper submitted to the commission by a Soviet jurist in February 1943 entitled "Organization of criminal prosecution for crimes connected with the war" called for the trial of Hitler and his minions on conspiracy charges before an international court in order to lay bare the evils of Nazism; the commission's charter was formally approved in March 1943.⁴⁴ The Western Allies, of course, were not nearly as far along since as we have seen they had not yet definitively agreed to the idea of a post-war international war crimes tribunal but had merely agreed that the German's conduct of the war had in fact been criminal and that individuals could be tried at the scene of their crimes by the responsible authorities.

On April 3 1943 a staff of 116 people with a budget of 2,669,000 rubles was approved.⁴⁵ Nikolai Shvernik was appointed as head of the commission. Other notables included Andrei Zhdanov (both he and Shvernik were also members of the Politburo), Andrei Vyshinskii, Trofim Lysenko, the writer Aleksei Tolstoi, and Semyen Budennyi. A secretariat was established to coordinate the gathering and collation of the evidentiary materials to be used in future war crimes trials; P.I. Bogoiavlenskii was appointed as its executive secretary. The secretariat included departments charged with recording the evidence of atrocities against Soviet citizens, damage to state and collective farms, damage to industry, transportation and communications, damage to cooperatives, trade unions and other civic organizations, damage to cultural, scientific and medical institutions, churches, etc., and finally a department to collect the evidence of damage to Soviet citizens. Much like the party and state apparatus, sub commissions were established at the republic and

regional levels. Members always included the first secretary of the Central Committee of the Communist Party at each level (Nikita Khrushchev was head of the Ukrainian SSR's, commission), as well as the chair or deputy chair of the Council of People's commissars and representatives from the local political police.⁴⁶

Care was taken to ensure the participation in the commission's work of a representative cross section of Soviet officials and citizens, and in fact more than 7 million people supposedly took part in the process.⁴⁷ Instructions were adopted by the Commission on May 31 1943 which required the staff of the Commission to travel around the recently liberated areas of the Soviet Union and empower local committees to investigate Nazi crimes and atrocities. The statute required that these investigations be completed within one month of the area's liberation. Dossiers were meticulously compiled listing the details of Nazi crimes, the units and persons that had committed them, accomplices, etc. along with forensic reports, statements by local citizens and captured German documents. The Commission ultimately collected more than a quarter million statements and estimated the damage to the regions surveyed at almost 700 billion rubles. Members of the commission reopened graves, exhumed bodies, and interrogated German prisoners of war. These prisoners

went through a screening which divided officers from men, separated party and army SS troops, and Gestapo members from non-party men, and singled out individuals held accountable for specific atrocities, on the basis of evidence compiled by the ubiquitous War Crimes Commission, which had branches in every army division and every local soviet.⁴⁸

In those areas that had seen enormous devastation, and where the local organs of government had not yet been reconstituted, special Red Army military intelligence units composed of officers and medical doctors investigated the crimes and drew up the

protocols (*akty*), or findings of fact, which were then forwarded to the Main Political Administration of the Workers and Peasants Red Army (GLAVPURKKA) and from there sent on to the Extraordinary Commission.⁴⁹ These particular documents have not yet been studied and offer interesting contrasts with the records filed by the civilian local and regional commissions. My research into these documents indicates that the military committees in particular faithfully recorded the eyewitness testimony of the locals and were extremely diligent in revealing the human cost of the war (as compared with the protocols of the Extraordinary Commission which seemingly were more attentive to material damage, perhaps with an eye toward future reparations). Of special interest is the fact that many of these Red Army officers were Jewish, especially the medical staff.

Both the civil and military commissions took down the testimonies of the eyewitnesses at the scene of the crimes and atrocities. In those reports where the victims were Jews, the term was at first written down as these eyewitnesses clearly indicated that Jews had been the principal victims. Yitzhak Arad has shown that these testimonies were often then changed and the word Jews replaced with "Soviet citizens." At the next level in many of the civilian *akty* the word Jew was found less frequently, and finally in the reports from the republic committee's the word was almost never to be found. The fact that some reports were indeed edited can be seen through a simple comparison of the initial reports by Red Army committees with those ultimately forwarded to Moscow by the union republic committees. For example, one of the earliest protocols documenting Nazi atrocities was submitted by a "flying" military committee to GLAVPURKKA in January of 1942 by senior political instructor (*politruk*, or *politicheskii rukovoditel'*) Kriuchkin, political instructor Fadeikin, and medical officer Gurvich which recorded the eyewitness testimony

of several persons from the village of Alfer'evo, Volokolamsk district, Moscow region. In it the villagers recounts how "upon arrival in November 1941, the German soldiers and officers rounded up without exception all the Jews...they held them for hours in the cold after having taken from them all their warm clothing. The majority of these people were women, old men and children. They shot these unfortunates and out of 100 persons 80 were killed and 20 were wounded. The Germans forbade the rendering of any kind of medical assistance to the wounded and the other 20 froze to death."⁵⁰ Other atrocities were also recounted in detail including the rape and "cruel treatment of our women and girls." The corresponding report forwarded by the regional committee to Moscow in 1944 repeated this information verbatim but read simply that "100 peaceful Soviet citizens" had been murdered.⁵¹

Arad has asserted that this concealment of the fate of the USSR's Jewish citizens was a deliberate policy set by Stalin from the very beginning of the war. To be sure, in public pronouncements the massacred Jews would, with very rare exceptions, usually be referred to only as "Soviet citizens" as Stalin used nationalism to rally support for the war effort.⁵² Of course, one could argue that "Soviet" was not necessarily the same as "Russian" but the "fifth row" (*piataia grafa*) of the Soviet internal passport contained one's "national" identification and there is no doubt that most Russians saw themselves as the leading people of the USSR; Stalin's famous wartime toast "to the Russian people" at the conclusion of hostilities well illustrates this conflation of identities. Molotov only mentioned the Nazi effort to annihilate the Jews in just one of his four wartime diplomatic notes, and even then, while discussing the massacres at Babi Yar in September of 1941 in

his January 6th 1942 note, he included “Ukrainians, Russians, and Jews” among the tens of thousands murdered, despite the fact that virtually *all* of the victims were Jewish and were identified as such in their internal passports (and *not* as Ukrainians or Russians) and that two months after the massacre *Izvestiia* had noted that “information has been obtained from the reliable sources that in Kyiv, the Germans executed 52 thousand Jews – men, women, children.”⁵³ While the evidence for Arad’s assertion might seem *prima facie* to be compelling I am not so sure that this was policy and may well have simply been a case of Soviet bureaucrats anticipating Stalin’s wishes in a somewhat similar fashion to Nazi officials “working toward the Fuhrer.”

This due to the fact that in Molotov’s working papers one can often find specific, explicit discussion of the Nazi efforts at extermination of the Jews. To be sure these references were usually deleted or toned down prior to publication but I doubt Molotov (whose own wife was, as is well known, Jewish) would have discussed this so forthrightly and openly in documents that were marked for distribution to Stalin if in fact it might have served to displease his master (and, as is also well known, he eventually divorced his wife at Stalin’s behest and stood by silently when she was arrested and sent to Siberia after the war!). For example, in the first draft of the October 1942 “Declaration of the Soviet Government Concerning the Implementation of the Plan of the Hitlerite Criminals for the General Extermination of Jews on Europe’s Occupied Territory and the Responsibility of the German Government and all of its Accomplices for this Bloody Evildoing” he specifically noted that the victims at Babi Yar, “more than 30,000 people,” were Jews.⁵⁴

And *Pravda* did publish the text of the December 18 1942 joint declaration of 12 nations “On the Hitlerite Regime’s Extermination of Europe’s Jewish Population.”

As mentioned earlier this document noted that German forces have “brought to life Hitler’s oft-expressed desire to eliminate the Jewish people in Europe.” The declaration had concluded with the statement that the signatories “again emphasize their firm resolve to guarantee jointly with all of the United Nations, that the individuals responsible for these crimes will not escape their deserved retribution and they (the signatories) will accelerate their implementation of the necessary practical measures for the achievement of this stated goal.” Two days later, in their own declaration the Soviets again highlighted the sufferings of the Russians, Ukrainians and Byelorussians and claimed that the Slavic peoples had also been marked for extermination.⁵⁵ The ministry of foreign affairs draft indignantly cast aspersions on the foreign perception that “allegedly, the requisitions, robbery and executions were directed “only” (*sic*) against Jews.” This sentence was crossed out by Molotov himself and not included in the final version.

While the refusal to acknowledge fully the fate intended for the Jews might not have been policy, this latent anti-Semitism continued in Soviet Russia (and in Ukraine, down to this very day... as part of concerted efforts to identify the victims of Nazi aggression as Ukrainian patriots engaged in a struggle for national liberation); the memorial erected to the victims of the Babi Yar massacre under the Soviet regime in 1976 (!) read (in Russian) *To Soviet citizens and prisoners of war, soldiers, officers of the Soviet Army shot by German Fascists in Babi Yar, a monument*, and obviously commemorated only the loss of “Soviet” citizens. Finally, in 1991, after decades of protests by the surviving Jewish community three markers in Russian, Ukrainian and Yiddish, were placed at the site but the inscriptions now reads *Here, in 1941-43, more than one hundred thousand citizens of the city of Kyiv and prisoners of war were shot by German Fascist*

*invaders.*⁵⁶ In his painstakingly detailed diplomatic note of April 1942 Molotov spoke only of the “violent erasure of the national culture of Russian, Ukrainian, Byelorussian, Lithuanian, Latvian, Estonian and various other peoples of the USSR” and went into chilling descriptions and enumerations of the massacres of “millions of peaceful inhabitants of the USSR” and “the mass murders of Soviet citizens irrespective of their nationality, social position, gender or age.” He also provided precise figures as to the numbers of horses, chickens, cows and pigs requisitioned, the numbers of schools, libraries, museum and churches destroyed, and even referred to Hitler as a “pogromshchik” but the fate of the million Jews that had already been shot is mentioned only once toward the end of the document when Molotov cites the figure of “hundreds of thousands” of “Ukrainians, Russian, Jews, Moldovians, and peaceful citizens of many nationalities who had perished under the hands of the German executioners in the cities of Ukraine.”

And yet in still another draft version of the declaration (again with marginalia in Molotov’s own hand) he waxed grandiloquent about the tolerance and lack of racism in the Soviet Union and the complete absence of such thoughts in Marxism-Leninism and asserted that “the younger generation of Jews [in the Soviet Union] had had absolutely no experience with anti-Semitism and racial chauvinism was unknown.” He quoted Lenin as saying that “the use of the vile prejudices of the most uncivilized strata of the population against Jews in order to encourage...the monstrous slaughters of peaceful Jews, their wives and children...evokes such disgust from the entire civilized world.” Molotov’s exegesis also included, probably deliberately so, not just one but *two* quotes from Stalin. In the first instance Molotov noted that as a result of Hitler’s racial theories Stalin had correctly pointed out that “the German people were the first, and would also be the final, victims of

Hitlerism and that their anti-Semitism was the highest form of racial chauvinism, which will turn out to be the most dangerous form of cannibalism for them.” In conclusion Molotov then quoted from one of Stalin’s frequent notes to the Red Army that reminded its soldiers that they were “fighting in its great liberation struggle free from feelings of racial hatred...and free from such degrading sentiments because it [the Red Army] has been raised in the spirit of racial equality and respect for the rights of all people.”⁵⁷

In the final analysis then, the Soviets were of course well aware of the Nazi’s ongoing effort to exterminate the Jews. Molotov’s working papers contain numerous documents detailing the extent and scope of the Holocaust in both the Soviet Union and the West. The highly specific information in these reports undoubtedly made it clear to the Soviet regime that the Jews were marked for total annihilation, despite the occasional snide aside about how “it was not only the Jews...but the entire [Soviet] population...” that was targeted for such a fate. Molotov’s papers included the observation that it was Hitler’s “plan to concentrate 4 million Jews in Eastern Europe by the end of 1942 with the aim of their physical annihilation...” and that “ultimately the plan contemplates the complete destruction of the multi-million Jewish population.”⁵⁸ But the regime’s official declarations made statements such as the following

The crimes and atrocities committed by the Hitlerite robbers, rapists, and hangmen against peace-loving Soviet citizens have already been revealed to the entire world. The large majority of the victims of these bloody riots are farmers, laborers, clerks and members of the Russian, Ukrainian, and Belorussian intelligentsia. Many are the victims among the Lithuanians, the Latvians, and the Estonians, among the Moldavians and people of the Karelo-Finnish Republic. *The Jewish minority in the Soviet population, which is not very large in number*, has suffered particularly at the hands of the blood-thirsty Hitlerite animals.⁵⁹ (Italics mine)

And *Pravda* continued to print articles that talked of Hitler's "plans to annihilate the Slavs...to expel and exterminate Russians, Poles, Czechs, Slovaks, Yugoslavs, Ukrainians, Belorussians."⁶⁰

To be sure, the Soviet people suffered grievously at the hands of the Nazi invaders. Soviet military losses have been estimated at between eight and ten million. If we accept Ellman and Maksudov's exhaustive research and adopt the figure of nearly nine million Red Army dead in combat, hospital, and captivity that leaves at least fourteen million (and possibly as many as seventeen million) civilian casualties.⁶¹ Of these, at least two million were Jews, and although this figure may well exceed two and one half million probably one and one half million of these victims were only "Soviet" as a result of the territorial aggrandizement allowed by the secret protocol of the Molotov-Ribbentrop Pact. The sheer enormity of these losses truly staggers the mind, though these figures probably include demographic projections and are, of course, not an actual count. Stalin's "toast to the Russian people" at the conclusion of the war may well indeed show his tendency to conflate Russian losses with the total count of Soviet war dead. After the war Stalin did not want the West to know just how badly the Soviet Union had been mauled or that far more Soviet soldiers had died than German (up to three times as many) and the USSR claimed that only 7 million were lost while the West estimated between 10 and 15 million Soviet dead. It was only under Khrushchev that true scale of the disaster was revealed and the more accurate figure of 20 million was arrived at.⁶² Since not even half were soldiers the final figure shows that more than 10 million civilians (including 2 million that died as slave laborers in Nazi Germany) perished in the conflict.⁶³

In contemporary Russia the total has ranged from 25 to 27 and even 30 million. As

late as April of 2009 President Dmitrii Medvedev appointed yet another commission to give a “final” accounting of Soviet losses, but often the distinction seems to be blurred in the nationalistic fervor that accompanies Victory Day celebrations. Although a figure of 25 million is not unreasonable, and one does not wish to seem churlish, but the total number of *Russian* war dead, given the composition of the Red Army, the regions occupied by the Nazi invaders and the Holocaust in the East cannot be more than ten to twelve million. Nevertheless, the unimaginable scale of these losses simply cannot be explained as being merely the fate of victims of war. David Crowe has pointed out that Hitler believed Marxism was but a Jewish doctrine that “systematically planned to hand the world over to the Jews.” He also points out that Hitler, in his little known *Second Book*, had “married his racial ideas with his foreign policy goals of *Lebensraum* in the East...” and that any “campaign against the Jews was an essential part of the war for Aryan survival and expansion.”⁶⁴ It was no coincidence that the mass killings of Jews began with Operation *Barbarossa*.

After hostilities were concluded the Americans were often able to dictate the particulars of the post war judicial proceedings, such as the trial being held in Nuremberg instead of Berlin as the Soviets wished; in part this was because they had the major Nazi war criminals in their custody. But it should be kept in mind that it was the Red Army that liberated the extermination camps of Auschwitz, Treblinka, Sobibor, Belzec, Chelmno and Majdanek. The photographs and films of the concentration camps in Germany itself were as close as most Americans or Britons came to the industrial murder carried out by the Nazis and, of course, they had not witnessed the wholesale industrial slaughter of millions of human beings in the East. Much of the documentation and evidence needed to convict

the Nazi criminals would necessarily have to come from the Soviet investigations. In point of fact, the GPU “flying” military intelligence committees continued their work as the Red Army crossed into Poland. The first *Vernichtungslager* liberated by the Soviets was Majdanek on July 23rd, 1944. One might think that after suffering through three years of German occupation and documenting the myriad atrocities and inhumane acts of the “fascist invaders” the members of the committee investigating the “death camp” outside of Lublin would have been inured to Nazi barbarism. But this was manifestly not the case as the reports of the second committee of the 1st Belorussian Front, which were immediately sent on to Aleksandrov via the Central Committee of the All-Russian Communist Party (Bolshevik), did not quite manage to conceal the shock the members felt at finally coming face to face with the depths of Nazi depravity.

One of the 1st Belorussian Front military committees present at the liberation of Majdanek submitted a preliminary report the very same day that stated that this camp “was not an ordinary camp...rather, it was a camp designed for the extermination of people.”⁶⁵ The report detailed the discovery “of gas chambers, and two ovens for the cremation of corpses.” The victims “included Russian (*sic*) prisoners of war, Poles that had been captured in 1939, political prisoners from various countries, and a significant number of Jews.”⁶⁶ The members requested that “representatives of the Extraordinary Commission be sent immediately for the investigation of the Nazis’ atrocities in this camp.” The committee further requested that “moviemakers and photographers be sent as well in order adequately to document the unprecedented barbarism of the German Fascists as mere words simply cannot convey the horrors that have taken place here.”⁶⁷

Ultimately, the Soviets would get their international war crimes trial for the major planners and organizers of the myriad atrocities committed by the Nazi regime in the East and the actual perpetrators would indeed be tried at the scene of their crimes. Even before Hitler's suicide the United Nations Conference on International Organization met in San Francisco on April 25th 1945 to establish a successor to the discredited League of Nations. Representatives of the Soviet Union, United States, Great Britain and France discussed a draft of a proposal by the United States that an International Military Tribunal be convened to try Nazi war criminals. The following basic principles were agreed upon:

First, trial of major war criminals rather than political disposition; second, return of criminals whose crimes had fixed geographical localization to the countries where their crimes were committed; third, an international military tribunal to hear the cases of the major war criminals....

The Four Powers then met in London in June of 1945 to hammer out the framework for this process. The representatives agreed that the Nazi political and military leadership were to be charged not only with war crimes, crimes against humanity, and the violation of the rules of warfare, but also for launching a war of aggression.

Interestingly, both the Soviets and Americans argued that the treaties and conventions that had existed prior to the Second World War clearly showed that the world's peoples had recognized aggressive war as being an international crime and that, unlike the new concept of genocide, the sanctions that might be levied against individuals for their participation in this crime would not be "ex post facto." But while the Americans wanted to move forward and define "aggression," the Soviets insisted that this was a task for the United Nations and Great Britain and France agreed with this position. Many general histories credit the United States with being in the forefront of the campaign to

bring Nazi war criminals before the bar of justice, and as Francine Hirsch noted “conventional wisdom about the trials give little attention to the substantive role that the Soviets had in all aspects of the IMT.”⁶⁸ But it was the Soviet Union that immediately recognized the uniquely criminal aspects of the German war of annihilation and insistently called for such a tribunal. Many of the voluminous eyewitness protocols that were compiled by the Extraordinary Commission would be admitted as evidence *without further corroboration* both at the IMT and at other war crimes trials. The countless official military documents, reports and orders, as well as the interrogation records of captured German POW’s and the official court records of war crimes trials held in the USSR prior to the Nuremberg trials were also accepted as evidence.⁶⁹

The nature of Nazi warfare on the Eastern front had been criminal from the outset. The Soviets had been subjected to inhuman and barbaric acts which the regime went to great lengths to chronicle. The murder of millions of prisoners of war in violation of international law, the wholesale slaughter of Jews and the deaths of millions of other civilians from famine and deprivation during the occupation, the plundering of Soviet resources as well as the still untold story of the suffering of millions more Soviet citizens abducted for forced labor in Germany were all monstrous crimes. These were all meticulously documented by the Soviets in an enormous effort which was in marked contrast to the efforts undertaken by the United Nations War Crimes Commission. According to Telford Taylor, the Chief US prosecutor at Nuremberg, the commission “had no investigatory staff or, for that matter, adequate staff for any substantial undertaking.”⁷⁰ The Soviet leadership had also consistently called for an international criminal trial with the Nazi ringleaders in the dock for criminal conspiracy to commit aggressive war.

National histories generally tend to highlight the positive contributions of their subjects and it should come as no surprise that American narratives emphasize the leading role played by the US in bringing the Nazis to account for their heinous crimes. But as Hirsch again correctly asserts “there is compelling evidence that the Soviet Union made significant contributions to the legal framework of the IMT.”⁷¹ Not surprisingly, Russian scholars and school children alike are well aware of the strenuous efforts made by the Soviet Union to see that justice was done for the victims of Nazi aggression. In the final analysis, the Soviet contributions to international justice for the victims of the Nazi tyranny ought to be more widely known and recognized. More important, most accounts of Hitler’s *Rassenkampf* focus primarily on the six million Jews who were murdered in the Holocaust; but this is literally perhaps only half the number who perished through execution by the police battalions and *Einsatzgruppen* or in the camps, let alone the even greater number that were deliberately starved to death in the Soviet Union. These numbers do indeed matter, but each of them had a face and a name and they need be converted back into the individual human beings they once were. The pursuit of justice at Nuremberg by the Allies is well exemplified by the slogan which is emblazoned onto virtually every one of the war memorials in the former Soviet Union “nikto ne zabyt, nichto ne zabyto” (no one will be forgotten, and nothing will be forgotten).

¹ Notable exceptions include Francine Hirsch’s excellent article “The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order,” *American Historical Review* 113, no. 3 (2008): 701-730 and George Ginsburgs’s *Moscow’s Road to Nuremberg: The Soviet Background to the Trial* (The Hague, 1996).

² Michael R. Marrus, *The Nuremberg War Crimes Trial, 1945-46: A Documentary History* (Boston/New York, 1997), 15.

³ Quoted in *Ibid.*, 706.

⁴ Quoted in Ginsburgs, *Moscow’s Road*, 25.

⁵ *Ibid.*, 31.

⁶ *Soviet Government Statements on Nazi Atrocities* (London, 1946), 7-10.

⁷ *Ibid.*, 50 and *Nota Narodnogo Komissara Inostrannykh Del Tov. V. M. Molotova O Chudovishchnykh*

Zlodeianiiakh Zverstvakh i Nasiliakh Germanskikh Vlastei v Okkypirovannykh Sovetskikh Raionakh i ob Otvetstvennosti Germanskikh Vlastei Za Eti Prestupleniia (People's Commissar of Foreign Affairs Comrade V. M. Molotov's Note Concerning the Monstrous Deeds, Atrocities and Acts of Violence of the German State in the Occupied Soviet Regions and About the Responsibility of the German State For These Crimes), RG-22.009.01.06 United States Holocaust Memorial Museum (hereafter USHMM), 13. Records Group (RG) 22.009 contains Soviet Ministry of Foreign Affairs archival records from the Molotov Secretariat which document early Soviet knowledge of the Holocaust and interaction with the Allies about a joint policy declaration, materials relating to the creation of the Extraordinary State Commission to Investigate German-Fascist Crimes Committed on Soviet Territory and miscellaneous reports of the SovInformBuro including articles prepared for the Soviet press. It also holds archival materials from the Central State Archive of the Ministry of Defense (TsGAMO) located in Podolsk which document atrocities perpetrated by the Nazis as does RG.04.050.

⁸ R.G. Pikhoia and V. P. Kozlov, eds., *Katyn'* (Moscow, 1997).

⁹ A.N. Trainin, *Ugolovnaia otvetsvennost' gitlerovtsev*, ed. A. Ia. Vyshinskii (Moscow, 1944), 87.

¹⁰ *Statements*, 16.

¹¹ Quoted in Ginsburgs, *Moscow's Road*, 33.

¹² Hirsch, *Soviets at Nuremberg*, 707.

¹³ Quoted in Ginsburgs, *Moscow's Road*, 33-34.

¹⁴ Quoted in *Ibid.*, 34.

¹⁵ *Nota*, 1.

¹⁶ *Ibid.*, 2.

¹⁷ *Ibid.*, 13.

¹⁸ Quoted in Telford Taylor, *The Anatomy of the Nuremberg War Trials* (Boston, 1992), 25.

¹⁹ Quoted in *Nuremberg War Crimes*, 19. The term "United Nations" was often used by the Allies and refers to the Declaration of the United Nations of January 1, 1942, signed by twenty six nations calling for a united war effort against Germany and Japan.

²⁰ *Vneshnaia politika Sovetskogo Soiua v perio otechestvennoi voiny* (Moscow, 1946), vol. 1, 52-53.

²¹ *Ibid.*, 54.

²² Howard Ball, "The Path to Nuremberg: 1941-1945," in *The Genocide Studies Reader*, ed. Samuel Totten (New York and London, 2009), 427.

²³ Bradley Smith, *The American Road to Nuremberg: The Documentary Record, 1944-1945* (Stanford, 1982), 28-29.

²⁴ Quoted in *Ibid.*

²⁵ Quoted in Ginsburgs, *Moscow's Road*, 48.

²⁶ Quoted in *Ibid.*, 49.

²⁷ J. Stalin, *War Speeches, Orders of the Day and Answers to Foreign Press Correspondents During the Great Patriotic War* (London, n.d.), 82.

²⁸ *Foreign Relations of the United States: The Conference at Quebec, 1944* (Washington, 1972), 123-125.

²⁹ Quoted in Joseph Persico, *Nuremberg: Infamy on Trial* (New York, 1994), 17.

³⁰ Ginsburgs, *Moscow's Road*, 78-79.

³¹ Quoted in Hirsch, *Soviets at Nuremberg*, 707.

³² *Ibid.*, 708.

³³ *Ibid.*, 709

³⁴ Quoted in Taylor, *Nuremberg Trials*, 31.

³⁵ Quoted in Bradley Smith, *The Road to Nuremberg* (New York, 1981), 117.

³⁶ Quoted in Richard Minear, *Victor's Justice: The Tokyo War Crimes Trial* (Princeton, 1971), 9-10.

³⁷ USHMM, RG 22.009.01.07, 12.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*, 14.

⁴¹ *Ibid.*, 17.

⁴² *Ibid.*, 19.

⁴³ *Ibid.*

⁴⁴ N.S. Lebedeva, *Podgotovka Niurnbergskogo protsessa* (Moscow, 1975), 26-30.

⁴⁵ Ginsburgs, *Moscow's Road*, 38.

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- ⁴⁶ Ibid., 38-39, USHMM, RG 22.009.01.07, 25-31.
- ⁴⁷ Ginsburgs, 38.
- ⁴⁸ E. Snow, *The Pattern of Soviet Power* (New York, 1945), note 18, 97.
- ⁴⁹ There were three to five of these committees assigned to each Red Army “front.” There were several dozen of these “fronts” and although they were usually identified with a geographic region (1st Baltic Front, 2nd Ukrainian front, Caucasus Front, etc.) they were in fact military formations unique to the Russian and Soviet military; composed of three to five armies and they should not be confused with the Western usage of the term which denotes a broad geographic area of military operations.
- ⁵⁰ USHMM, RG 22.008M, 72-73.
- ⁵¹ *Soobshchenia Chrezvychainoi Gosudarstvennoi Kommissii po Ustanovleniiu i Rasledovaniuu Zlodeianii Nemetsko-Fashistikh Okkupantov i ikh posobnikov na Vremennno Okkupirovannoi Territorii SSSR*, Moscow, 1944, tom 27, 864.
- ⁵² Yitzhak Arad, *The Holocaust in the Soviet Union* (Lincoln and Jerusalem, 2009), 539-540.
- ⁵³ Quoted in Aleksandr Burakovskiy, “Holocaust remembrance in Ukraine: memorialization of the Jewish tragedy at Babi Yar,” in *Nationalities Papers* Volume 39, No. 3, May 2011, 373.
- ⁵⁴ USHMM, RG 22.009.01.04, 33.
- ⁵⁵ USHMM, RG 22.009.01.04, 24-25.
- ⁵⁶ Seminar on “Teaching about the Holocaust in the Soviet Union,” United States Holocaust Memorial Museum, January 7th, 2007. The noted historian Zvi Gitelman also asseverated that yet another memorial , this time in Hebrew, has been erected near the site through private efforts that does finally specify that the victims at Babi Yar were in fact Jewish.
- ⁵⁷ USHMM, RG 22.009.01.04, 39-40.
- ⁵⁸ Ibid.
- ⁵⁹ Ibid., 32.
- ⁶⁰ *Pravda*, July 26, 1943, 1.
- ⁶¹ Ellman and Maksudov, “Soviet Deaths in the Great Patriotic War: A Note,” in *Europe-Asia Studies* 46, no. 4(1994), 674.
- ⁶² Gerd R. Ueberschar, “*The Military Campaign*,” in *Hitler’s War in the East: A Critical Assessment*, Rolf-Dieter Muller and Gerd R. Ueberschar, eds. (New York and Oxford, 2002), 143.
- ⁶³ *Velikaia otechestvennaia voina, 1941-1945 gg: voenno-istoricheskii ocherki* (Moscow, 1998), vol. 4, 289.
- ⁶⁴ Quoted in David Crowe, *The Holocaust: Roots, History and Aftermath* (Boulder, 2008), 94.
- ⁶⁵ USHMM, RG 22.008.01.05, 459.
- ⁶⁶ Ibid.
- ⁶⁷ Ibid., 460.
- ⁶⁸ Hirsch, *Soviets at Nuremberg*, 702.
- ⁶⁹ For a complete discussion of the Soviet’s impressive effort at the compilation of evidence see Marina Sorokina “People and Procedures: Toward a History of the Investigation of Nazi Crimes in the USSR,” in *Kritika: Explorations in Russian and Eurasian History* 6, no.4 (2005), 797-831.
- ⁷⁰ Taylor, *Nuremberg Trials*, 27.
- ⁷¹ Hirsch, *Soviets at Nuremberg*, 703.